

Divided Justice: Trends in Black and White Jail Incarceration, 1990-2013

February 2018
Fact Sheet

Overrepresentation of people of color in the criminal justice system is a well-established subject of scholarly and policy attention. To date, however, the majority of empirical studies and policy reform efforts have focused primarily on understanding and remediating disproportionate racial or ethnic representation at the bookends of the criminal justice process—arrest and sentencing. Few studies have examined racial disparities in local jails: county or municipal detention facilities that primarily hold people arrested but not yet convicted of a crime. Given the vast reach of jails—whose admissions are 18 times that of state and federal prisons, at approximately 11 million jail admissions annually—their omission from scrutiny results in an incomplete picture.

Vera Institute of Justice (Vera) has sought to contribute to this emerging field of inquiry by conducting a comprehensive analysis of jail population trends by race using its Incarceration Trends data tool, which incorporates jail data from the Bureau of Justice Statistics—the most complete national dataset on jails available to date. Using this tool, Vera researchers also examined the degree to which differences in jail incarceration rates between white and black people vary along the urban-rural axis (between large cities, suburbs, small/medium metros, and rural areas), as well as between U.S. regions—the West, Midwest, South, and Northeast. The current analysis largely confines itself to an examination of black and white jail incarceration trends—the two groups that comprise the majority of incarcerated Americans.

While this analysis confirms that black people have historically been, and continue to be, significantly overrepresented in local jails nationally, it also uncovered some unexpected trends:

- > Despite persistently higher rates of incarceration when compared to rates for white people, black jail incarceration

rates have fallen significantly since the nationwide peak in 2005, including declines in nearly all regions and types of geographies along the urban-rural axis.

- > In contrast, white jail incarceration rates have steadily grown across all regions and jurisdiction types since 1990. Also, it appears that small/medium metros and rural areas are experiencing the largest growth in jail incarceration of white people.

The root causes of these diverging jail trends are not yet clear. To prompt discussion and further action, this report proposes a remedy to fill current gaps in knowledge: deliberate collection of race and ethnicity data related to jail incarceration—much of which is presently non-existent. Such information will be crucial in understanding why recent jail population patterns are occurring in an era of widespread criminal justice reform. To begin exploring the reasons behind recent trends, this report suggests a few questions to consider, including whether:

- > criminal justice policies and practices are impacting racial or ethnic groups differently;
- > issues with demographic data collection on Latino people may be skewing analyses of white incarceration rates;
- > lack of jail capacity or constraints on other resources are influencing trends in some jurisdictions;
- > differences in the distribution of various criminal justice resources—from access to courts, to availability of pretrial, treatment, or public defender services—are resulting in different racial outcomes depending on where people live; or
- > the opioid epidemic has contributed to rising incarceration rates for whites living outside urban jurisdictions.

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For more information

To read the full report, visit <http://www.vera.org/divided-justice>. For more information about this report, contact Ram Subramanian, editorial director, at rsubramanian@vera.org. For more information about the Incarceration Trends project or how to use the data tool, contact Christian Henrichson, research director, at chenrichson@vera.org, or Jacob Kang-Brown, senior research associate, at jkangbrown@vera.org. For more

information about Vera's work to reduce the use of jails, contact Nancy Fishman, project director at Vera's Center on Sentencing and Corrections, at nfishman@vera.org.

The Vera Institute of Justice is a justice reform change agent. Vera produces ideas, analysis, and research that inspire change in the systems people rely upon for safety and justice, and works in close partnership with government and civic leaders to implement it. Vera is currently pursuing core priorities of ending the misuse of jails, transforming

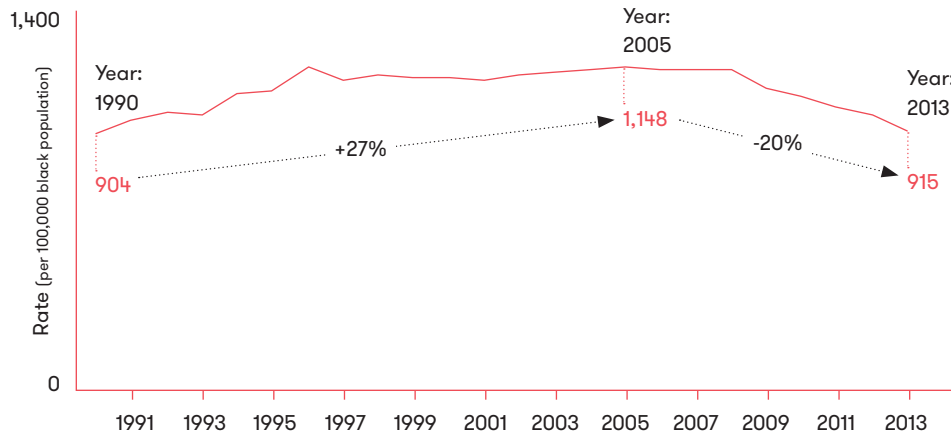
conditions of confinement, and ensuring that justice systems more effectively serve America's increasingly diverse communities. For more information, visit www.vera.org.

This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails. More information is available at www.SafetyandJusticeChallenge.org.

Complete and accurate data provides a starting point for more fine-grained analyses that will clarify the reasons behind recent jail trends by race. But data is not a panacea for racial disproportionality—it is only a tool for tracing

each group's pathway to the jailhouse door. Once those drivers of jail incarceration are better understood, potential ways to close that door will likely become more apparent.

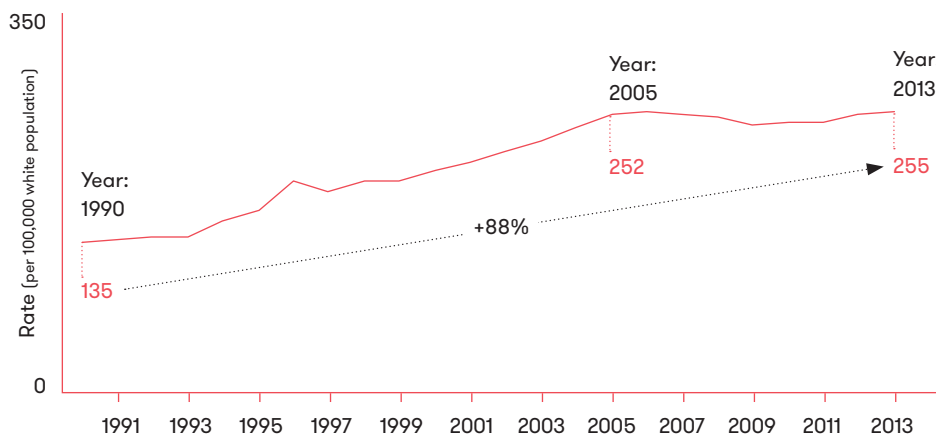
Black incarceration rate



Total black jail population

1990: 168,933
2005: 281,128
2013: 246,821

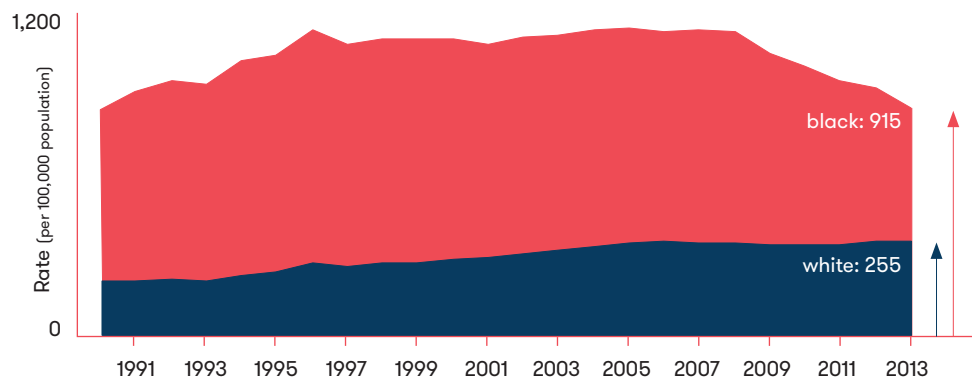
White incarceration rate



Total white jail population

1990: 163,486
2005: 326,821
2013: 330,289

Black and white incarceration rates



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Black people are 3.6 times more likely than white people to be incarcerated.