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## **Racial Disparities Persist in Many U.S. Jails**

Despite narrowed gap in incarceration rates, Black people remain overrepresented in jail populations, admissions—and stay longer on average

## Overview

The large growth of the United States' criminal legal system in the late 20th century brought a widening racial gap in incarceration.<sup>1</sup> By the year 2000, Black people made up almost half of the state prison population but only about 13% of the U.S.<sup>2</sup> population. And although a wave of changes to sentencing and corrections policies over the past two decades has helped lessen disparities in federal and state prisons, Black adults still were imprisoned in 2020 at five times the rate for White adults.<sup>3</sup>

Far less is known, however, about racial and ethnic disparities in the country's approximately 3,000 local jails.<sup>4</sup> Bureau of Justice Statistics (BJS) reports show that the gap in the rate of jail incarceration between Black and White people dropped by 22% between 2011 and 2021.<sup>5</sup> However, these reports contain no race or ethnicity data on critical topics such as admissions or lengths of stay and little or no information about the severity or types of criminal charges for people in jail either in the aggregate or broken down by race, age, or other demographics.

The lack of detailed and timely data on who is in jail, for how long, and why led The Pew Charitable Trusts to partner with the Jail Data Initiative (JDI), an up-to-date source of data from approximately 1,300 of the nation's nearly 3,000 jails created by the New York University Public Safety Lab, and the Data Collaborative for Justice (DCJ) at John Jay College, which conducts research to help local-level criminal justice decision-makers identify areas for reform.<sup>6</sup> Although JDI is not necessarily nationally representative, it is the only publicly available source of near real-time data featuring a substantial sample of jails throughout the country. Additionally, DCJ collected and analyzed in-depth demographic and offense data for different racial and ethnic groups across jails in three counties—Durham, North Carolina; Louisville-Jefferson County, Kentucky; and St. Louis, Missouri—some of which is unavailable in the JDI database.<sup>7</sup>

Using the data from JDI, Pew researchers examined race in recent jail populations, admissions, and lengths of stay. Of the JDI data set, 595 jails had data for 2022, and within those facilities, Black people made up, on average, 12% of the local community populations but more than double that, 26%, of the jail populations. Additionally, although the jail population decreased nationally during the early months of COVID-19 in 2020, the previous 10-year trend of declining racial disparities in jails may have reversed as the pandemic progressed. Between March 2020 and December 2022, the average number of White people in jail increased by less than 1% compared with an increase of 8% for Black people in 349 jails from the JDI database that had complete data for that period.

Two factors, how many people go to jail and how long they stay, determine jail populations.<sup>8</sup> As of 2022, Black people were admitted to jail at more than four times the rate of White people and stayed in jail for 12 more days on average across the 595-jail sample, contributing to the larger increase in population observed for Black individuals.

The findings from the three counties in the DCJ study reflect similar admissions and length of stay disparities broadly and across several metrics:

- In 2019, in all three counties Black people were admitted to jail at a rate at least double—and up to six times—that of White or Hispanic people and spent up to 12 days longer in jail than White people.
- Black people were admitted to jail at a higher rate than other groups for both misdemeanors and felonies in all three counties and typically spent the most time in jail for felonies.
- Racial disparities in admissions to jail and length of stay were largest among younger adults.
- Black men and Black women both had considerably higher admission rates than their White or Hispanic counterparts, but the length-of-stay gap was greater among men than women.

Although the findings in this brief are specific to the jails studied, they nevertheless demonstrate that significant disparities exist in many facilities. However, because jails are local and people are sent to jail for many reasons, identifying and understanding persistent racial and ethnic gaps nationally and at the local level will require further data collection and analysis, as well as collaboration across multiple jurisdictions and data systems. Individual localities may find that the disparities in their jail populations and the factors that influence those gaps are different and will require tailored solutions.

## Black people were overrepresented in most jails with relevant data

In 2022, Black people made up 12% of the local populations but 26% of the jail populations on average across the 595 jails from the JDI sample for which race data was available for the entire year. Of these jails, in almost 71% (421), the share of the jail population that was Black was at least twice that of the locality as a whole. (See Figure 1.) And the disparity was much greater in some jurisdictions: In more than 2 in 5 of those 421 jails (41%), Black people made up at least four times as much of the jail population as of the local general population.

Figure 1

### Black People Were Substantially Overrepresented in 7 in 10 Jails

Share of jails by level of overrepresentation of Black individuals, 2022



Note: Not shown, in 29% of jails the share of Black people is up to twice their share in the community. Categories are mutually exclusive. Of the full data set, 595 jails had data available by race for both the jail and the local jurisdiction for the time period. Generally, in the JDI database, the “Black” category includes Hispanic people but the “White” one does not, although race and ethnicity reporting may vary by jurisdiction. Additional data on ethnicity and other races was too inconsistently reported to be included.

Sources: New York University Public Safety Lab, “Jail Data Initiative” (2020-2022), accessed Jan. 9, 2023, <https://jaildatainitiative.org/>; U.S. Census Bureau, “Annual County Resident Population Estimates by Age, Sex, Race, and Hispanic Origin” (2019), <https://www2.census.gov/programs-surveys/popest/datasets/2010-2019/counties/asrh/cc-est2019-alldata.csv>

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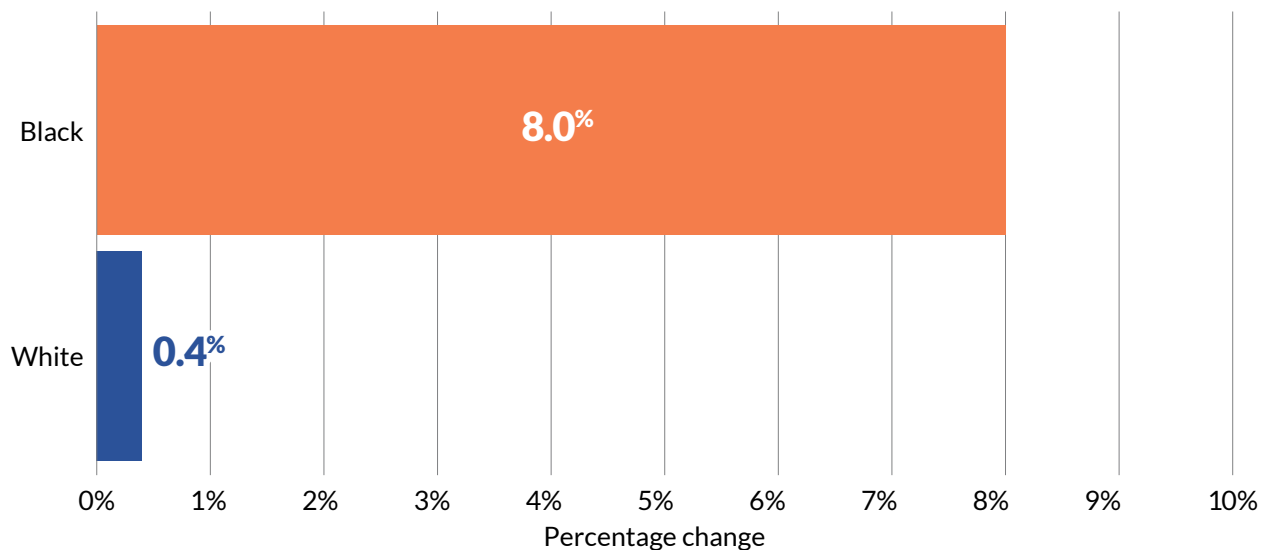
Further, Pew’s analysis found a statistically significant difference between the racial composition of local communities and their jail populations. In jurisdictions where Black people made up smaller shares of the general population, Black people were more likely to be overrepresented in jail.<sup>9</sup>

Overrepresentation of Black individuals in jail is longstanding; for at least the past two decades, Black people have made up more than a third of jail populations nationally, despite constituting only about 14% of the general population.<sup>10</sup> However, recent BJS reporting shows that although the number of Black and White people held in jail fell significantly between 2019 and 2020, the decrease was greater for White people than for Black people.<sup>11</sup> The 349 jails in the JDI database that had relevant demographic data for 2020 to 2022 showed similar trends: The average daily White jail population fell 25% from March to May 2020, compared with a reduction in the Black jail population of just 15% over the same span. As of December 2022, the average daily populations of jails in the JDI database with data going back to March 2020 had increased 4% compared with prepandemic levels. However, the average number of Black individuals in those 349 jails rose 8% compared with an increase of less than 1% for White people.<sup>12</sup> (See Figure 2.)

Figure 2

## Since the Start of the Pandemic, Jail Populations Increased More for Black People Than White People

Change in average daily population, by race, from March 2020 to December 2022



Note: The JDI database includes 349 jails with sufficient data by race for both months. Generally, in the JDI database, the “Black” category includes Hispanic people but the “White” one does not, although race and ethnicity reporting may vary by jurisdiction. Additional data on ethnicity and other races is too inconsistently reported to be included.

Source: New York University Public Safety Lab, “Jail Data Initiative” (2020-2022), accessed Jan. 9, 2023, <https://jaildatainitiative.org/>

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Although JDI data was not evaluated for its representativeness on a national level, these findings and recent BJS reporting suggest that overrepresentation of Black people in jails is widespread.<sup>13</sup> Because jail populations are the result of how many people are admitted to jail and how long they stay, Pew analyzed admissions and length of stay by race and ethnicity to explore how these factors contributed to the disparities.<sup>14</sup>

## Admissions and length of stay disparities

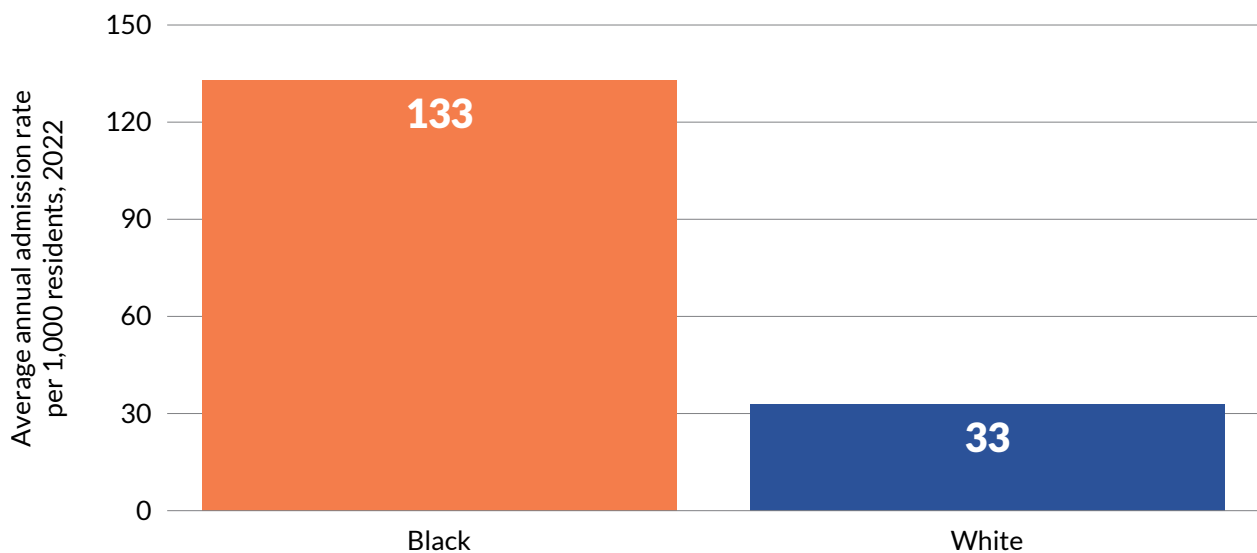
### Admissions

For the 595 jails with racial data in the JDI sample, this analysis found highly disproportionate jail admissions by race. Black people were admitted at four times the rate of White people on average in 2022. (See Figure 3.) This finding is in line with the most recent national BJS data, which shows that Black people were incarcerated in jails at a rate 3.4 times that of White individuals as of June 2021.<sup>15</sup>

Figure 3

### Black People Were Four Times as Likely as Their White Peers to Be Sent to Jail

Average jail admissions per 1,000 residents, by race, 2022



Note: Data is from 595 jails and counties with breakdowns by race available for the studied period. Generally, in the JDI database, the “Black” category includes Hispanic people but the “White” one does not, although race and ethnicity reporting may vary by jurisdiction. Additional data on ethnicity and other races was too inconsistently reported to be included.

Sources: New York University Public Safety Lab, “Jail Data Initiative” (2020-2022), accessed Jan. 9, 2023, <https://jaildatainitiative.org/>; U.S. Census Bureau, “Annual County Resident Population Estimates by Age, Sex, Race, and Hispanic Origin” (2019), <https://www2.census.gov/programs-surveys/popest/datasets/2010-2019/counties/asrh/cc-est2019-alldata.csv>

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The three-county analysis using the DCJ data found similar admissions disparities. In 2019, across all three counties, Black people were admitted to jail at a rate between two and six times that of White or Hispanic people and they made up roughly twice the share of jail admissions as the general population.<sup>16</sup> (Only about 3% of the St. Louis County population is Hispanic, and the county jail does not separately identify people who are Hispanic; in Durham and Louisville, people identified as White or Black were non-Hispanic.)

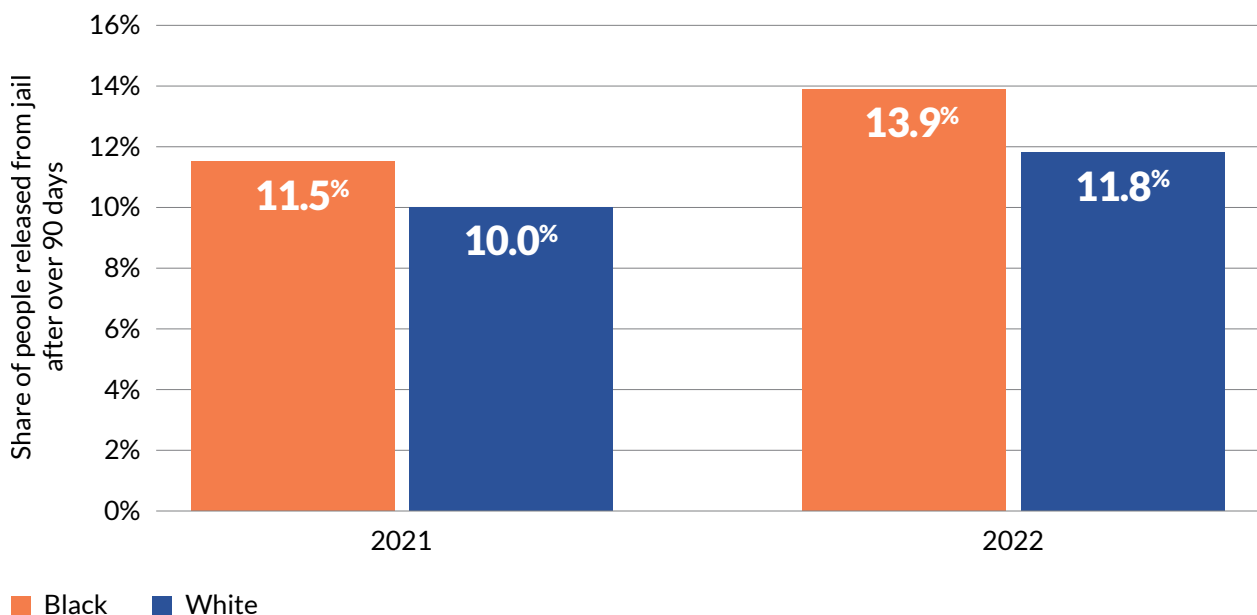
## Length of stay

Among White and Black individuals released from the 498 facilities with relevant data, the same share (54%) spent a week or less in jail in 2022. However, a greater share of Black people had spent more than three months in jail, and this gap widened from 2021 to 2022. (See Figure 4.) As a result, Black people spent about two weeks more in jail than White people on average in both years.<sup>17</sup>

Figure 4

### Black People Most Likely to Be Held in Jail for More Than 3 Months

Share of individuals released in 2021 and 2022 who spent over 90 days in jail, by race



Note: Data is from 498 jails that had breakdowns by race available for both time periods. Generally, in the JDI database, the “Black” category includes Hispanic people but the “White” one does not, although race and ethnicity reporting may vary by jurisdiction. Additional data on ethnicity and other races was too inconsistently reported to be included.

Source: New York University Public Safety Lab, “Jail Data Initiative” (2020-2022), accessed Jan. 9, 2023, <https://jaildatainitiative.org/>

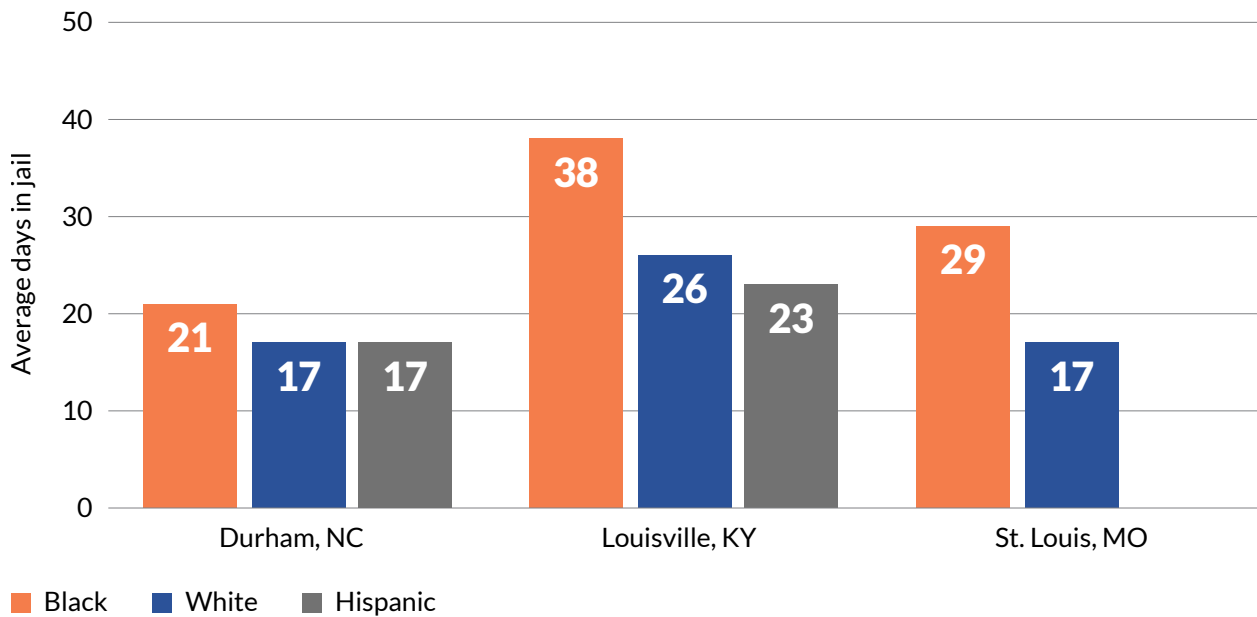
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Again, the data from the three counties was consistent with these national-level findings. As of 2019, Black people spent the most time in jail, on average, at all three counties. (See Figure 5.) Hispanic people had the shortest average lengths of stay in Louisville, three days less than White people and more than two weeks less than Black people. In Durham, White and Hispanic people spent roughly the same time in jail on average, about four days less than Black people.

Figure 5

## Black People Had Longer Average Jail Stays Than White or Hispanic People in Durham, Louisville, and St. Louis County Jails

Average number of days in jail, by county and race, 2019



Note: For Durham and Louisville, the White and Black race categories include only non-Hispanic people. St. Louis did not report Hispanic ethnicity.

Sources: Durham County Office of the Sheriff and the Durham Criminal Justice Resource Center; Louisville Metro Department of Corrections; St. Louis County Department of Justice Services

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An additional analysis showed that between 2014 and 2019, length of stay increased or stayed the same for Black and White people in all three counties. However, it grew more for Black people in Louisville and St. Louis.<sup>18</sup> By contrast, Hispanic people’s average jail stays fell slightly from 2014 to 2019 in Durham and Louisville, declining by one and two days, respectively.

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## What Drives Disparities in Jail Admissions and Length of Stay?

Although research has indicated some variations in offending patterns between people of different races and ethnicities, those inconsistencies do not completely account for the disparities observed in jails and throughout the criminal legal system, including in arrests and incarceration.<sup>19</sup> In fact, many factors influence which individuals end up in jail, for how long, and why. Among these are commission and detection of illegal behavior; behavioral health disorders; law enforcement decisions about whether to arrest someone; people's ability to obtain pretrial release, such as affording bail; and judicial decisions about the severity of sanctions for individual defendants.<sup>20</sup>

Historically, segregation and “redlining” have effectively isolated Black people in underinvested areas and contributed to structural disadvantages, including concentrated poverty and poor outcomes in education, nutrition, mental and physical health, and employment.<sup>21</sup> These conditions, in turn, have been associated with heightened levels of crime, law enforcement surveillance, arrests, and even likelihood of behavioral health disorders, such as substance misuse and mental illness; data shows that people with behavioral health disorders are overrepresented in arrests and jail admissions. And because of persistent discrimination in and inequitable access to health care, Black people are less likely than other racial groups to receive behavioral health care, which may influence the likelihood of diagnosis and treatment, possibly contributing to higher rates of associated arrests and jail admissions.<sup>22</sup>

In addition, self-reported data indicates that some disparities that can lead to unequal jail admissions and stays, such as disproportionate arrest rates, may be related more to differences in enforcement and court responses than to criminal behavior.<sup>23</sup> For example in 2020, the share of people indicating they had used illegal drugs in the past year was about 22.5% for both White and Black people; however, Black people made up a fourth of drug possession arrests, while constituting about 14% of the U.S. population.<sup>24</sup> Comparatively, White people accounted for 72% of drug possession arrests and 71% of the population. The number of admissions tends to mirror the number of people arrested, so these differences in detection and enforcement can drive disparities in jail admissions and overall populations.<sup>25</sup>

Research has shown that Black and Hispanic individuals are more likely than White people with similar criminal histories and charges to be arrested and held in jail before trial and that they tend to have higher bails set and receive lengthier and more punitive sanctions, such as incarceration rather than probation.<sup>26</sup> For instance, one review of several studies found that Black people are assigned higher bail amounts than White individuals, even though Black defendants are more likely to have lower median incomes before incarceration.<sup>27</sup> Higher bail is associated with increased pretrial time in jail, which has been linked, in turn, to a greater likelihood of conviction.<sup>28</sup> Further, risk assessments, which can be used to inform judges' decisions about releasing defendants from jail before trial, have been found to be less accurate in predicting new arrests or failing to appear in court for Black people than for White people, possibly unfairly affecting decisions about bail and release for Black people.<sup>29</sup>

Although all these dynamics—and more—have been shown to play a role, poor and varying data quality make it difficult to identify the primary drivers of racial and ethnic jail disparities in many jurisdictions. The data necessary to explore the relationships among and relative importance of these factors is often inconsistently measured, if tracked at all. For example, detailed information on factors such as criminal history, mental health status, and risk assessment scores was not available for the JDI database or DCJ, so Pew's researchers could not determine the causes of disproportionate jail admissions and lengths of stay for the national or county samples. Better data collection and quality will be essential to developing a clearer picture of the causes of racial disparities in jails and other points in the justice system.

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## Similar disparities persist across additional measures in the 3-county analysis

The greater detail available in the DCJ study, compared with the JDI data set, demonstrated racial and ethnic disparities in admissions and length of stay when examining other demographic and criminal legal variables, such as charge severity, sex, and age.

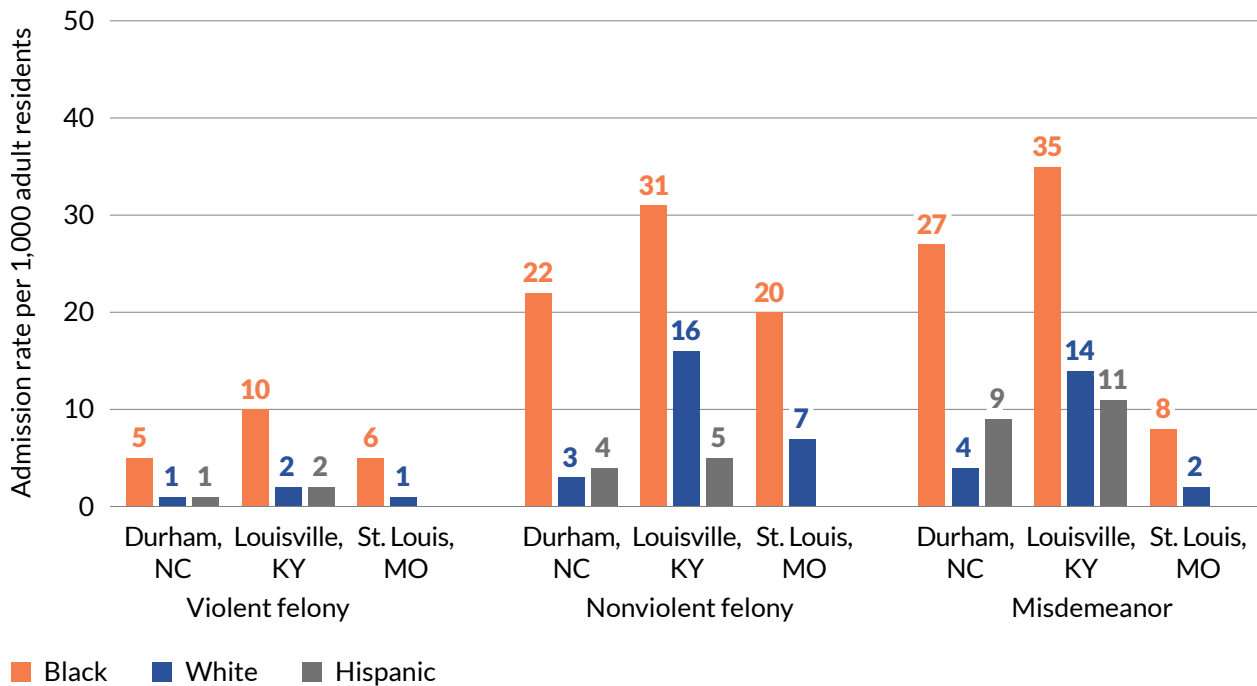
### Charge severity

The rate of jail admissions was larger for Black than White or Hispanic individuals in all three counties for both misdemeanors and felonies, with the largest disparity in admissions found between Black and White people in Durham admitted for misdemeanors. (See Figure 6.) Because fewer than 1 in 10 admissions in each county was for a violent felony, focusing on how low-level and nonviolent offenses are handled could help reduce the racial gap in jail admissions.<sup>30</sup>

Figure 6

## Black People Went to Jail More Often in All 3 Counties, Regardless of Charge Severity

Admissions per 1,000 adult residents by county, race, and most serious charge, 2019



Note: For Durham and Louisville, the White and Black race categories include only non-Hispanic people. St. Louis did not report Hispanic ethnicity.

Sources: Durham County Office of the Sheriff and the Durham Criminal Justice Resource Center; Louisville Metro Department of Corrections; St. Louis County Department of Justice Services; Centers for Disease Control and Prevention, “CDC Wonder, Bridged-Race Population Estimates” (1990-2020), March 4, 2022, <https://wonder.cdc.gov/Bridged-Race-v2020.HTML>

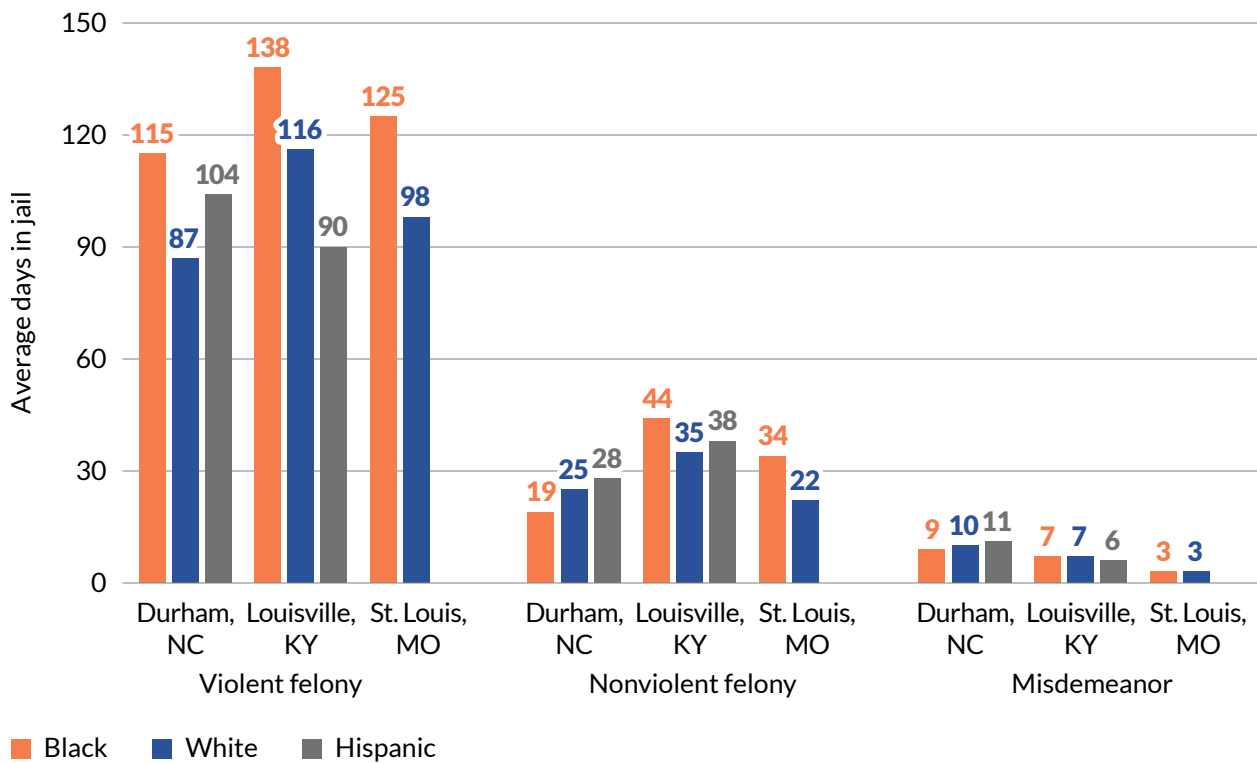
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White and Hispanic individuals in the three counties also spent less time in jail for the most serious charges than did Black people in 2019. Black people stayed the longest for violent felonies across the sites: about a month longer on average than White individuals. (See Figure 7.) Black people also had the longest lengths of stay for nonviolent felonies in St. Louis and Louisville.

Figure 7

## Black People Spent More Time in Jail for Violent Felonies Than Did White or Hispanic people

Average days in jail by county, charge type, and race, 2019



Note: For Durham and Louisville, the White and Black race categories include only non-Hispanic people. St. Louis County did not report Hispanic ethnicity.

Sources: Durham County Office of the Sheriff and the Durham Criminal Justice Resource Center; Louisville Metro Department of Corrections; St. Louis County Department of Justice Services

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## Age

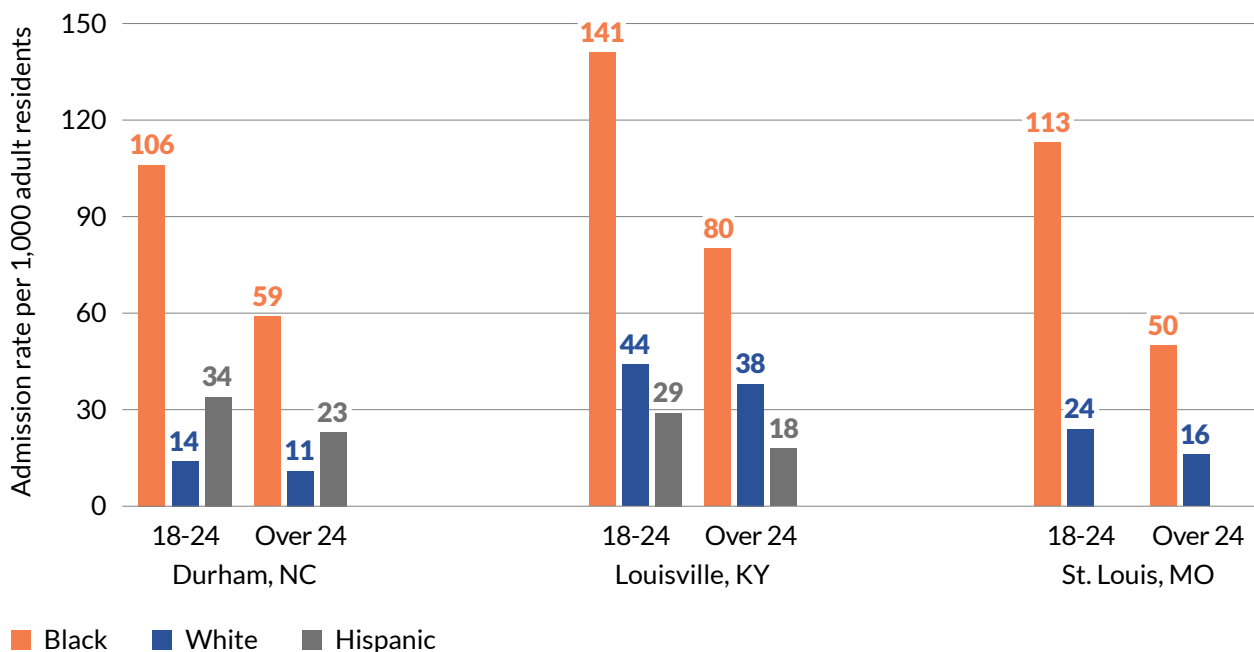
Research shows that adults ages 18 to 24 are psychologically less mature than older adults, which makes them more likely to engage in risk-taking behavior and more susceptible to peer influence.<sup>31</sup> This, in turn, can sometimes lead to criminal charges and sanctions, which can have lifelong repercussions, negatively affecting young adults' educational attainment, lifetime earnings, and ability to be involved in their children's lives. Generally, incarceration can lead to labor market disadvantages for all people, even though research has demonstrated that most young people "age out" of criminal behavior as the propensity to engage in criminal activity naturally decreases as a person gets older.<sup>32</sup> However, these labor disadvantages have been shown to affect Black and Hispanic individuals disproportionately, in the form of lower post-incarceration employment rates and earnings than White people.<sup>33</sup> For the three counties in this analysis, these concerns are particularly acute because young adults had higher jail admissions rates and longer lengths of stay than adults over age 24.

Racial disparities in admission rates were greatest for young adults. In each county, young Black adults were admitted to jail at rates three to eight times those for White and Hispanic people in the same age group. (See Figure 8.) For example, in St. Louis, the admission rate for Black young adults was almost five times that of their White counterparts; the rate for Black adults older than 24 was about three times that of White people over 24.

Figure 8

### Racial Disparities in Jail Admission Rates Were Largest Among Young Adults

Rate of admissions per 1,000 adult residents, by race, age, and county, 2019



Note: For Durham and Louisville, the White and Black race categories include only non-Hispanic people. St. Louis County did not report Hispanic ethnicity.

Sources: Durham County Office of the Sheriff and the Durham Criminal Justice Resource Center; Louisville Metro Department of Corrections; St. Louis County Department of Justice Services; Centers for Disease Control and Prevention, "CDC Wonder, Bridged-Race Population Estimates" (1990-2020), March 4, 2022, <https://wonder.cdc.gov/Bridged-Race-v2020.HTML>

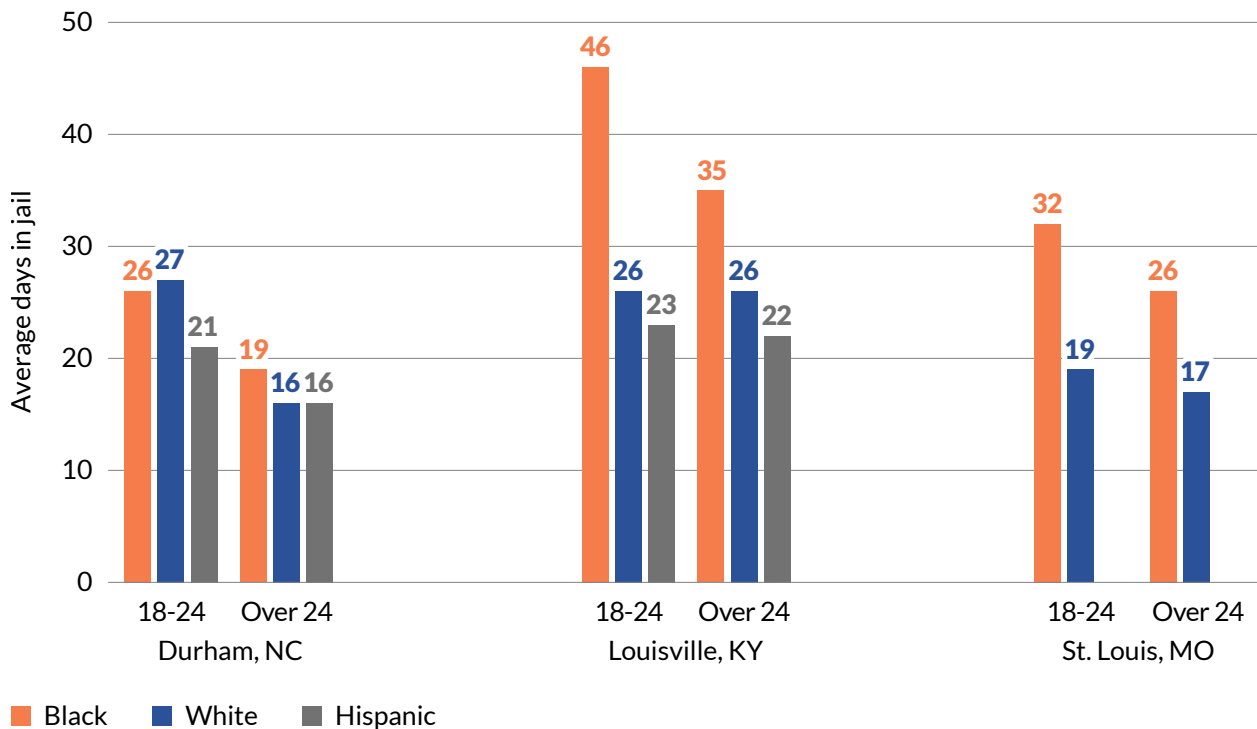
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Young adults in each county had longer average lengths of stay than those over 24 years old across racial and ethnic groups, about one week longer on average.<sup>34</sup> When broken down by race and ethnicity, length-of-stay patterns varied: In Louisville and St. Louis, Black young adults spent more time in jail on average than White or Hispanic people in the same age group, with more pronounced differences in Louisville. In Durham, White 18- to 24-year-olds spent about a day longer in jail than their Black peers. (See Figure 9.)

Figure 9

## Black Young Adults Stayed Longer Than Their White and Hispanic Peers in 2 of 3 Jails

Rate of admissions per 1,000 adult residents, by race, age, and county, 2019



Note: Data was provided in predetermined age groups only (under 18; 18 to 20; 21 to 24; 25 to 34; 35 to 49; 50 to 64; and 65+), so this analysis uses weighted average days in jail. See the methodology for details. For Durham and Louisville, the White and Black race categories include only non-Hispanic people. St. Louis County did not report Hispanic ethnicity.

Sources: Durham County Office of the Sheriff and the Durham Criminal Justice Resource Center; Louisville Metro Department of Corrections; St. Louis County Department of Justice Services

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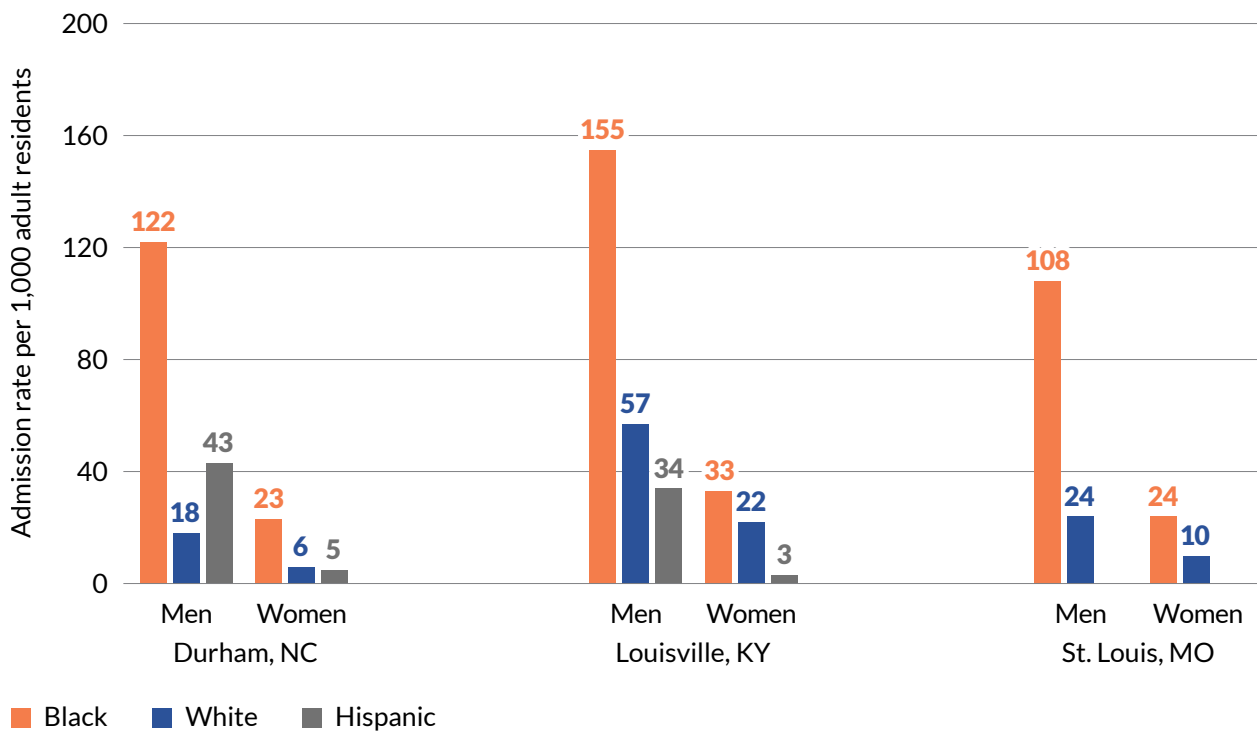
## Sex

Because men made up about 3 in 4 admissions at all three sites in 2019, the differences between race and ethnicities seen throughout this analysis are largely driven by men. However, Black men and Black women both had higher admission rates than their White or Hispanic counterparts. Black men had the highest rate of jail admissions in 2019 in all three counties, up to six times higher than any other group. Black women were jailed at rates that were higher than those for White women and were similar to White or Hispanic men; Hispanic women had the lowest rate of entry to jail in the two counties that reported ethnicity. (See Figure 10.)

Figure 10

### Black Men and Women Were Sent to Jail at Rates Up to 6 Times Higher Than Their White and Hispanic Peers

Admission rate per 1,000 adult residents by sex, county, and race, 2019



Note: For Durham and Louisville, the White and Black race categories include only non-Hispanic people. St. Louis County did not report Hispanic ethnicity.

Sources: Durham County Office of the Sheriff and the Durham Criminal Justice Resource Center; Louisville Metro Department of Corrections; St. Louis County Department of Justice Services; Centers for Disease Control and Prevention, “CDC Wonder, Bridged-Race Population Estimates” (1990-2020), March 4, 2022, <https://wonder.cdc.gov/Bridged-Race-v2020.HTML>

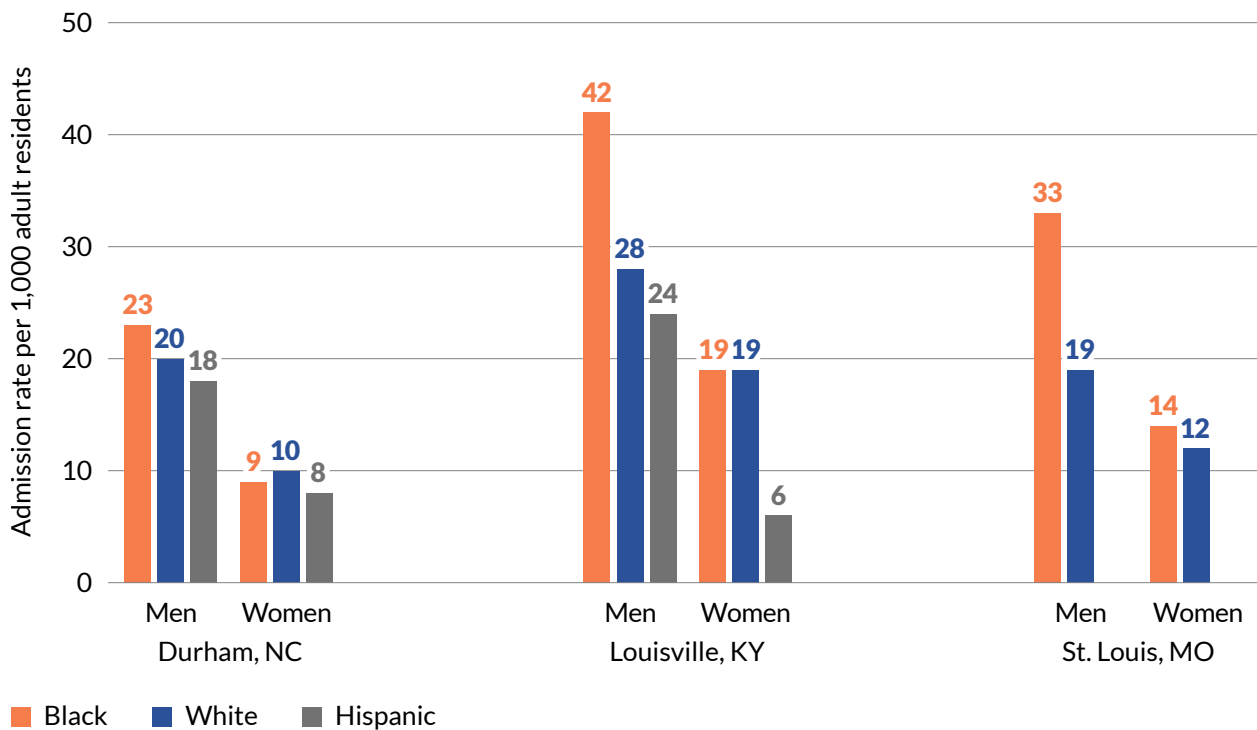
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Black men had the longest lengths of stay across all counties—at least three days longer than any other group. (See Figure 11.) By contrast, Black women were held in jail for similar periods as White women, despite being admitted to jail at a higher rate. Hispanic women stayed the shortest time in jail in Durham and Louisville, roughly a week on average. These patterns held even though the three jails had different average lengths of stay overall. Notably, although it is beyond the scope of this analysis, gender differences in charge types and severity may play a role both in the shorter lengths of stay for women, as well as the larger racial and ethnic differences for men.<sup>35</sup>

Figure 11

## Black Men Spent Longer in Jail Than White Men, While Women Generally Had Similar Lengths of Stay

Average days in jail, by sex, race, and county, 2019



Note: For Durham and Louisville, the White and Black race categories include only non-Hispanic people. St. Louis County did not report Hispanic ethnicity.

Sources: Durham County Office of the Sheriff and the Durham Criminal Justice Resource Center; Louisville Metro Department of Corrections; St. Louis County Department of Justice Services

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## **Conclusion**

Overrepresentation of Black people in jails is a reflection of disproportionately higher admission rates and longer average lengths of stay for Black individuals than for their White or Hispanic counterparts. And these disparities persist across charge severity, age group, and sex, as well as other metrics. Additional data is needed to identify the causes of these patterns in the jails included in the two data sets and to illuminate disparities in jails not yet studied. Improved race and ethnicity data from throughout the criminal legal system will be vital to understanding jurisdictional trends and to informing discussions on addressing the factors leading to racial and ethnic differences in admissions, length of stay, and overall jail populations.

## **External reviewers**

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## Endnotes

- 1 B. Drake, "Incarceration Gap Widens Between Whites and Blacks," Pew Research Center (2013), <https://www.pewresearch.org/fact-tank/2013/09/06/incarceration-gap-between-whites-and-blacks-widens/>.
- 2 P. Guerio, P.M. Harrison, and W.J. Sabol, "Prisoners in 2010," Bureau of Justice Statistics (2012), <https://bjs.ojp.gov/content/pub/pdf/p10.pdf>; J. McKinnon, "Census 2000 Brief: The Black Population: 2000," U.S. Census Bureau (2001), <https://www.census.gov/library/publications/2001/dec/c2kbr01-05.html#:~:text=Census%202000%20Brief%3A%20The%20Black%20Population%3A%202000,-August%202001&text=Of%20the%20total%2C%2036.4%20million,one%20or%20more%20other%20races.>
- 3 A. Nellis, "The Color of Justice: Racial and Ethnic Disparity in State Prisons," The Sentencing Project (2021), <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>; W.J. Sabol and T.L. Johnson, "Justice System Disparities: Black-White National Imprisonment Trends, 2000 to 2020," Council on Criminal Justice (2022), <https://secure.counciloncj.org/np/viewDocument?orgId=counciloncj&id=2c918083835fc0e8018361f02fe6001a>; R. Subramanian et al., "A Federal Agenda for Criminal Justice Reform," Brennan Center for Justice (2020), <https://www.brennancenter.org/media/7083/download>; M. Mauer and N. Ghandnoosh, "Incorporating Racial Equity Into Criminal Justice Reform," The Sentencing Project (2014), <https://www.safetyandjusticechallenge.org/wp-content/uploads/2015/05/incorporating-racial-equity-into-criminal-justice-reform.pdf>.
- 4 Z. Zeng, "Jail Inmates in 2021: Statistical Tables," Bureau of Justice Statistics (2022), <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/ji21st.pdf>.
- 5 Ibid.
- 6 Data Collaborative for Justice, "What We Do," accessed Dec. 16, 2022, <https://datacollaborativeforjustice.org/what-we-do/>; New York University Public Safety Lab, "Jail Data Initiative: About the Project" (2022), <https://jaildatainitiative.org/documentation/about>.
- 7 M. Close et al., "Understanding Trends in Jail Populations, 2014 to 2019: A Multi-Site Analysis," Data Collaborative for Justice (2021), [https://datacollaborativeforjustice.org/wp-content/uploads/2021/12/2021\\_12\\_12\\_DCJ-Cross-site-FINAL.pdf](https://datacollaborativeforjustice.org/wp-content/uploads/2021/12/2021_12_12_DCJ-Cross-site-FINAL.pdf).
- 8 M.A. Cunniff, "Jail Crowding: Understanding Jail Population Dynamics," National Institute of Corrections (2002), <https://static.prisonpolicy.org/scans/nic/017209.pdf>.
- 9 Correlation was tested using a Pearson statistic;  $r = -0.14$  and  $p\text{-value} = <0.001$ .
- 10 N. Jones et al., "2020 Census Illuminates Racial and Ethnic Composition of the Country," U.S. Census Bureau (2021), <https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html>; McKinnon, "Census 2000 Brief: The Black Population: 2000"; T. Minton, "Jail Inmates at Midyear 2010—Statistical Tables," Bureau of Justice Statistics (2011), <https://www.bjs.gov/content/pub/pdf/jim10st.pdf>; Zeng, "Jail Inmates in 2021: Statistical Tables."
- 11 T. Minton and Z. Zeng, "Jail Inmates in 2020: Statistical Tables," Bureau of Justice Statistics (2021), <https://bjs.ojp.gov/content/pub/pdf/ji20st.pdf>.
- 12 J. Wertheimer and T. Velázquez, "Many Jails Are as Full as They Were Before COVID-19 Pandemic," The Pew Charitable Trusts (2022), <https://www.pewtrusts.org/en/research-and-analysis/articles/2022/11/17/many-jails-are-as-full-as-they-were-before-covid-19-pandemic>.
- 13 Zeng, "Jail Inmates in 2021: Statistical Tables."
- 14 Cunniff, "Jail Crowding."
- 15 Zeng, "Jail Inmates in 2021: Statistical Tables."
- 16 B.M. Huebner, A. Giuffre, and L.A. Slocum, "Understanding Trends in Jail Population in St. Louis County, Missouri: 2010-2019," Data Collaborative for Justice (2021), [https://datacollaborativeforjustice.org/wp-content/uploads/2021/08/PEW\\_JAIL\\_REPORT\\_Final\\_St.LouisCounty1.pdf](https://datacollaborativeforjustice.org/wp-content/uploads/2021/08/PEW_JAIL_REPORT_Final_St.LouisCounty1.pdf); B.P. Schaefer, H.M. Ouellette, and T.T. Hughes, "Understanding Trends in Jail Population in Louisville Metro, Kentucky: 2010 to 2019," Data Collaborative for Justice (2021), [https://datacollaborativeforjustice.org/wp-content/uploads/2021/07/Louisville-Final-Jail-Report-FULL\\_July-2021.pdf](https://datacollaborativeforjustice.org/wp-content/uploads/2021/07/Louisville-Final-Jail-Report-FULL_July-2021.pdf); L.C. Taylor et al., "Understanding Trends in the Jail Population in Durham, North Carolina, 2014 to 2019," Data Collaborative for Justice (2021), [https://datacollaborativeforjustice.org/wp-content/uploads/2021/10/2021\\_10\\_26\\_Durham\\_Report\\_Final.pdf](https://datacollaborativeforjustice.org/wp-content/uploads/2021/10/2021_10_26_Durham_Report_Final.pdf).
- 17 This finding is consistent with data from the larger sample of 595 facilities that had full data for 2022 only; in those jails, Black people spent 12 more days in jail on average than White people.
- 18 Close et al., "Understanding Trends in Jail Populations."
- 19 D.J. Lytle, "The Effects of Suspect Characteristics on Arrest: A Meta-Analysis," *Journal of Criminal Justice* 42, no. 6 (2014): 589-97, <https://doi.org/10.1016/j.jcrimjus.2014.10.001>; W. Sawyer, "How Race Impacts Who Is Detained Pretrial," *Prison Policy Initiative* (2019), [https://www.prisonpolicy.org/blog/2019/10/09/pretrial\\_race/](https://www.prisonpolicy.org/blog/2019/10/09/pretrial_race/); T.W.P. Sohoni et al., "Understanding the Gap in Self-Reported Offending by Race: A Meta-Analysis," *American Journal of Criminal Justice* 46, no. 5 (2021): 770-92, <https://doi.org/10.1007/s12103-020-09571-z>.



- 20 For examples, see: T.L. Freiburger and A.M. Sheeran, "The Joint Effects of Race, Ethnicity, Gender, and Age on the Incarceration and Sentence Length Decisions," *Race and Justice* 10, no. 2 (2020): 203-22, <https://doi.org/10.1177/2153368717739676>; C. Glasheen et al., "Past Year Arrest Among Adults in the United States: Characteristics of and Association With Mental Illness and Substance Use," *Center for Behavioral Health Statistics and Quality* (2012), <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=c61e5d84db682f5ccaeb5098ce9af45519097199>; K.L. Jordan and T.L. Freiburger, "The Effect of Race/Ethnicity on Sentencing: Examining Sentence Type, Jail Length, and Prison Length," *Journal of Ethnicity in Criminal Justice* 13, no. 3 (2015): 179-96, <https://doi.org/10.1080/15377938.2014.984045>; D.S. Kirk, "The Neighborhood Context of Racial and Ethnic Disparities in Arrest," *Demography* 45, no. 1 (2008): 55-77, <https://doi.org/10.1353/dem.2008.0011>; E. Leslie and N.G. Pope, "The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence From New York City Arraignments," *The Journal of Law and Economics* 60, no. 3 (2017): 529-57, <https://www.journals.uchicago.edu/doi/10.1086/695285>; Lytle, "The Effects of Suspect Characteristics on Arrest: A Meta-Analysis"; L.A. Magee et al., "Two-Year Prevalence Rates of Mental Health and Substance Use Disorder Diagnoses Among Repeat Arrestees," *Health & Justice* 9, no. 2 (2021): 1-10, <https://doi.org/10.1186/s40352-020-00126-2>; R.J. Sampson, W.J. Wilson, and H. Katz, "Reassessing 'Toward a Theory of Race, Crime, and Urban Inequality': Enduring and New Challenges in 21st Century America," *Du Bois Review: Social Science Research on Race* 15, no. 1 (2018): 13-34, <https://doi.org/10.1017/S1742058X18000140>; Sawyer, "How Race Impacts Who Is Detained Pretrial"; C. Schleiden et al., "Racial Disparities in Arrests: A Race Specific Model Explaining Arrest Rates Across Black and White Young Adults," *Child and Adolescent Social Work Journal* 37, no. 1 (2020): 1-14, <https://doi.org/10.1007/s10560-019-00618-7>; M.T. Stevenson, "Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes," *The Journal of Law, Economics, and Organization* 34, no. 4 (2018): 511-42, <https://doi.org/10.1093/jleo/ewy019>.
- 21 Glasheen et al., "Past Year Arrest Among Adults in the United States: Characteristics of and Association With Mental Illness and Substance Use"; E. Goldmann et al., "Pervasive Exposure to Violence and Posttraumatic Stress Disorder in a Predominantly African American Urban Community: The Detroit Neighborhood Health Study," *J Trauma Stress* 24, no. 6 (2011): 747-51, <https://psycnet.apa.org/doi/10.1002/jts.20705>; C. Jackson, "What Is Redlining?" *The New York Times*, Aug. 17, 2021, <https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html>; Kirk, "The Neighborhood Context of Racial and Ethnic Disparities in Arrest"; A.M. Kopak et al., "A Prospective Study of Behavioral Health Indicators and Repeat Jail Admissions Among Rural Inmates," *Health & Justice* 7, no. 5 (2019): 1-10, <https://doi.org/10.1186/s40352-019-0087-8>; M.C. Kurlychek and B.D. Johnson, "Cumulative Disadvantage in the American Criminal Justice System," *Annual Review of Criminology* 2, no. 1 (2019): 291-319, <https://doi.org/10.1146/annurev-criminol-011518-024815>; S.L. Linton et al., "Social Causation and Neighborhood Selection Underlie Associations of Neighborhood Factors With Illicit Drug-Using Social Networks and Illicit Drug Use Among Adults Relocated From Public Housing," *Social Science & Medicine* 185 (2017): 81-90, <https://doi.org/10.1016/j.socscimed.2017.04.055>; S.R. Lowe et al., "Childhood Trauma and Neighborhood-Level Crime Interact in Predicting Adult Posttraumatic Stress and Major Depression Symptoms," *Child Abuse & Neglect* 51 (2016): 212-22, <https://www.sciencedirect.com/science/article/pii/S0145213415003658>; Magee et al., "Two-Year Prevalence Rates of Mental Health and Substance Use Disorder Diagnoses Among Repeat Arrestees"; R. Manduca and R.J. Sampson, "Punishing and Toxic Neighborhood Environments Independently Predict the Intergenerational Social Mobility of Black and White Children," *Proceedings of the National Academy of Sciences* 116, no. 16 (2019): 7772-77, <https://www.pnas.org/doi/abs/10.1073/pnas.1820464116>; R.D. Peterson and L.J. Krivo, "Race, Residence, and Violent Crime: A Structure of Inequality," *Kansas Law Review* 57 (2009): 903, [https://kuscholarworks.ku.edu/bitstream/1808/20100/1/7.0-Peterson\\_Final.pdf](https://kuscholarworks.ku.edu/bitstream/1808/20100/1/7.0-Peterson_Final.pdf); J.M. Rucker and J.A. Richeson, "Toward an Understanding of Structural Racism: Implications for Criminal Justice," *Science* 374, no. 6565 (2021): 286-90, <https://www.science.org/doi/10.1126/science.abj7779>; Sampson, Wilson, and Katz, "Reassessing 'Toward a Theory of Race, Crime, and Urban Inequality'"; Schleiden et al., "Racial Disparities in Arrests."
- 22 S. Atdjian and W.A. Vega, "Disparities in Mental Health Treatment in U.S. Racial and Ethnic Minority Groups: Implications for Psychiatrists," *Psychiatric Services* 56, no. 12 (2005): 1600-02, <https://doi.org/10.1176/appi.ps.56.12.1600>; J. Jaiswal and P.N. Halkitis, "Towards a More Inclusive and Dynamic Understanding of Medical Mistrust Informed by Science," *Behavioral Medicine* 45, no. 2 (2019): 79-85, <https://doi.org/10.1080/08964289.2019.1619511>.
- 23 Lytle, "The Effects of Suspect Characteristics on Arrest: A Meta-Analysis"; Sohoni et al., "Understanding the Gap in Self-Reported Offending by Race."
- 24 Federal Bureau of Investigation, "Crime Data Explorer: Arrests, 2020," accessed Jan. 9, 2023, <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/arrest>; Jones et al., "2020 Census Illuminates Racial and Ethnic Composition of the Country"; *Substance Abuse and Mental Health Data Archive, National Survey of Drug Use and Health Crosstab Creator* (2020), [https://pdas.samhsa.gov/#/survey/NSDUH-2020-DS0001?column=NEWRACE2&results\\_received=true&row=ILLYR&run\\_chisq=false&weight=ANALWTQ1Q4\\_C](https://pdas.samhsa.gov/#/survey/NSDUH-2020-DS0001?column=NEWRACE2&results_received=true&row=ILLYR&run_chisq=false&weight=ANALWTQ1Q4_C).
- 25 J. Horowitz and T. Velázquez, "Why Hasn't the Number of People in U.S. Jails Dropped?" The Pew Charitable Trusts (2020), <https://www.pewtrusts.org/en/research-and-analysis/articles/2020/03/27/why-hasnt-the-number-of-people-in-us-jails-dropped>.
- 26 Freiburger and Sheeran, "The Joint Effects of Race, Ethnicity, Gender, and Age on the Incarceration and Sentence Length Decisions"; Jordan and Freiburger, "The Effect of Race/Ethnicity on Sentencing: Examining Sentence Type, Jail Length, and Prison Length"; Kirk, "The Neighborhood Context of Racial and Ethnic Disparities in Arrest"; Leslie and Pope, "The Unintended Impact"; Lytle, "The Effects of Suspect Characteristics on Arrest: A Meta-Analysis"; Sawyer, "How Race Impacts Who Is Detained Pretrial"; Schleiden et al., "Racial Disparities in Arrests."

- 27 B. Rabuy and D. Kopf, "Detaining the Poor," *Prison Policy Initiative* (2016), <https://www.prisonpolicy.org/reports/DetainingThePoor.pdf>; Sawyer, "How Race Impacts Who Is Detained Pretrial."
- 28 W. Dobbie, J. Goldin, and C.S. Yang, "The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence From Randomly Assigned Judges," *American Economic Review* 108, no. 2 (2018): 201-40, <https://www.aeaweb.org/articles?id=10.1257/aer.20161503>; Leslie and Pope, "The Unintended Impact"; Stevenson, "Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes."
- 29 R. Berk et al., "Fairness in Criminal Justice Risk Assessments: The State of the Art," *Sociological Methods & Research* 50, no. 1 (2021): 3-44, <https://doi.org/10.1177/0049124118782533>; A. Chohlas-Wood, "Understanding Risk Assessment Instruments in Criminal Justice," The Brookings Institution (2020), <https://www.brookings.edu/research/understanding-risk-assessment-instruments-in-criminal-justice/>; K. Roberts Freeman, C. Hu, and J. Jannetta, "Racial Equity and Criminal Justice Risk Assessment," Urban Institute Justice Policy Center (2021), <https://www.urban.org/sites/default/files/publication/103864/racial-equity-and-criminal-justice-risk-assessment.pdf>.
- 30 Close et al., "Understanding Trends in Jail Populations."
- 31 A. Fettig and S. Zeidman, "People Age Out of Crime. Prison Sentences Should Reflect That," *Time Magazine*, Sept. 9, 2022, <https://time.com/6211619/long-prison-sentences-youthful-offenders/>; K.U. Lindell and K.L. Goodjoint, "Rethinking Justice for Emerging Adults: Spotlight on the Great Lakes Region," Juvenile Law Center (2020), <https://jlc.org/sites/default/files/attachments/2020-09/JLC-Emerging-Adults-9-2.pdf>; B. Western and C. Sirois, "Racialized Re-Entry: Labor Market Inequality After Incarceration," *Social Forces* 97, no. 4 (2019): 1517-42, <https://doi.org/10.1093/sf/soy096>.
- 32 Fettig and Zeidman, "People Age Out of Crime. Prison Sentences Should Reflect That"; B. Western, J.R. Kling, and D.F. Weiman, "The Labor Market Consequences of Incarceration," *Crime & Delinquency* 47, no. 3 (2001): 410-27, <https://journals.sagepub.com/doi/abs/10.1177/0011128701047003007>.
- 33 Western and Sirois, "Racialized Re-Entry: Labor Market Inequality After Incarceration."
- 34 Close et al., "Understanding Trends in Jail Populations."
- 35 K. Clark, "Trends in Female Offending," in *The Encyclopedia of Women and Crime*, eds. F.P. Bernat and K. Frailing (New York, NY: John Wiley & Sons, Inc., 2019), <https://doi.org/10.1002/9781118929803.ewac0498>.

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