

# People in Prison in Winter 2021-22

As the United States enters the third year of the COVID-19 pandemic, researchers from the Vera Institute of Justice (Vera) collected data on changes in the number of people incarcerated in state and federal prisons in 2021. This report shows that the total number of people in prisons declined by a mere 1.1 percent between the end of 2020 and the end of 2021. All states and the federal prison system reduced their prison populations in 2020, but 19 states and the federal government increased the number of people incarcerated in prisons in 2021.

Conditions inside prisons—including high populations and inadequate vaccination and hygiene protocols—meant that, in winter 2021-22, both correctional officers and incarcerated people experienced high levels of COVID-19.<sup>1</sup> Research has clearly demonstrated that incarceration also increases the level of COVID-19 infection in communities outside of prisons and jails.<sup>2</sup> All levels of government should take action to further reduce the number of people held in jails and prisons.

## Prison population and rates

The number of people in prison declined from 1,213,100 at the end of 2020 to 1,199,600 at the end of 2021. Although this is 16 percent lower than pre-pandemic numbers, incarceration rates in the United States are still well above incarceration rates in almost all other countries.<sup>3</sup> More people should be released from prison to better protect public health and safety. (See Table 1 for jurisdictions with the highest and lowest incarceration in December 2021.)

Table 1

### Summary of jurisdictions with the highest and lowest incarceration in December 2021

Number of people in prison		Prison incarceration rate per 100,000 residents		Change since December 2019		Change since December 2020	
<b>Five highest</b>							
Federal	157,654	Mississippi	593	Alaska	3.6	N. Dakota	20.6
Texas	133,424	Louisiana	570	Nebraska	-2.0	West Virginia	12.9
California	101,032	Arkansas	563	Arkansas	-4.1	Montana	9.8
Florida	80,417	Oklahoma	560	N. Dakota	-5.9	Iowa	9.1
Georgia	47,020	Alabama	500	Iowa	-6.3	Idaho	8.8
<b>Five lowest</b>							
Vermont	1,284	Massachusetts	90	West Virginia	-36.4	Washington	-14.0
Maine	1,587	Maine	116	New Jersey	-32.9	New York	-10.7
N. Dakota	1,689	Minnesota	132	Washington	-29.8	Arizona	-10.2
New Hamp.	2,065	New Jersey	135	New York	-29.3	New Hamp.	-9.7
Wyoming	2,164	New Hampshire	149	Maine	-27.4	Massachusetts	-9.2

## People in Prison in Winter 2021-22

In 2021, the national prison incarceration rate per 100,000 residents decreased slightly from 366 to 361. At the end of 2021, the five states with the highest prison incarceration rates were Mississippi, Louisiana, Arkansas, Oklahoma, and Alabama; the states with the lowest rates were Massachusetts, Maine, Minnesota, New Jersey, and New Hampshire.

New Jersey has reduced its prison population by 32.9 percent since December 2019, in large part due to a law passed in 2020 allowing most people in state prison to earn public health credits during a declared public health emergency.<sup>4</sup> This law led to more than 5,300 people being granted early release since November 2020.<sup>5</sup> Initial evidence indicates that this did not harm public safety, and recidivism after the first year was lower than usual for New Jersey.<sup>6</sup>

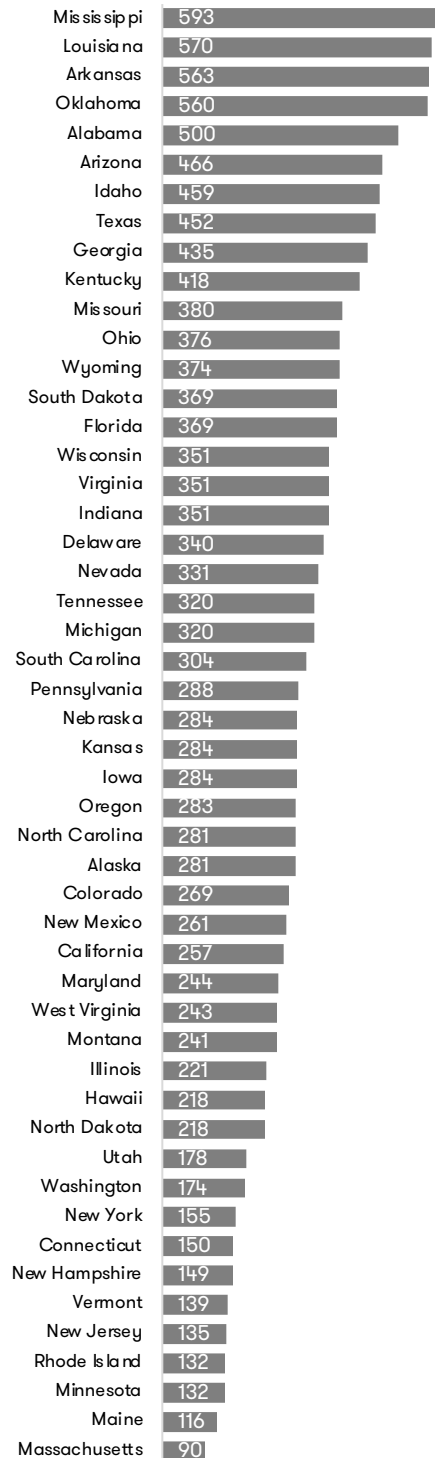
Two states with large declines in their prison populations in 2020 had the largest increases in 2021. North Dakota's prison population declined 21.9 percent in 2020 but increased 20.6 percent in 2021. West Virginia's prison population declined 43.6 percent in 2020, then grew 12.9 percent in 2021.

Other states continued to build on prison population reductions from 2020, with New York declining 20.8 percent in 2020 and then a further 10.8 percent in 2021, and Washington state declining 18.4 percent in 2020 and 14 percent in 2021.

From the end of 2020 to the end of 2021, prison incarceration rates declined the most in the Northeast, (down 5.6 percent) and the least in the Midwest and West (down only 1.1 and 1.4 percent, respectively). The South was down 1.9 percent, with prison incarceration rates remaining highest in the South. By December 2021, Southern states had prison incarceration rates of 411 people in prison per 100,000 residents, compared to 302 in the Midwest, 280 in the West, and 181 in the Northeast.

This is an abbreviated report to track top-line prison populations. The Bureau of Justice Statistics will release a report toward the end of the year providing a more complete picture of people in prison in the United States.

## Prison incarceration rate in Dec. 2021



Note: Figures for Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont are sentenced prison population rates. Because these states have unified jail and prison systems, they are not comparable to others when using the total rate. See methods below for more details.

Table 2

**Prison population from 2019 to 2021**

	Year-end count			Percent change		
	2019	2020	2021	2019-21	2019-20	2020-21
<b>US Total</b>	<b>1,435,093</b>	<b>1,213,073</b>	<b>1,199,642</b>	<b>-16.4</b>	<b>-15.5</b>	<b>-1.1</b>
<b>Federal</b>	<b>175,116</b>	<b>152,184</b>	<b>157,654</b>	<b>-10.0</b>	<b>-13.1</b>	<b>3.6</b>
<b>States</b>	<b>1,259,977</b>	<b>1,060,889</b>	<b>1,041,988</b>	<b>-17.3</b>	<b>-15.8</b>	<b>-1.8</b>
<b>Northeast</b>	<b>138,067</b>	<b>110,266</b>	<b>103,429</b>	<b>-25.1</b>	<b>-20.1</b>	<b>-6.2</b>
Connecticut (a)	12,823	9,111	9,418	-26.6	-28.9	3.4
Maine	2,185	1,717	1,587	-27.4	-21.4	-7.6
Massachusetts	8,205	6,886	6,255	-23.8	-16.1	-9.2
New Hampshire	2,691	2,286	2,065	-23.3	-15.1	-9.7
New Jersey	18,613	12,808	12,497	-32.9	-31.2	-2.4
New York	43,500	34,446	30,746	-29.3	-20.8	-10.7
Pennsylvania	45,702	39,493	37,303	-18.4	-13.6	-5.5
Rhode Island (a)	2,740	2,227	2,274	-17.0	-18.7	2.1
Vermont (a)	1,608	1,292	1,284	-20.1	-19.7	-0.6
<b>South</b>	<b>603,562</b>	<b>517,045</b>	<b>510,465</b>	<b>-15.4</b>	<b>-14.3</b>	<b>-1.3</b>
Alabama	28,266	25,344	25,202	-10.8	-10.3	-0.6
Arkansas	17,759	16,094	17,023	-4.1	-9.4	5.8
Delaware (a)	5,692	4,675	4,769	-16.2	-17.9	2.0
Florida	96,009	81,027	80,417	-16.2	-15.6	-0.8
Georgia	55,556	47,709	47,020	-15.4	-14.1	-1.4
Kentucky	23,436	18,806	18,846	-19.6	-19.8	0.2
Louisiana	31,609	26,770	26,340	-16.7	-15.3	-1.6
Maryland	18,686	15,480	15,065	-19.4	-17.2	-2.7
Mississippi	19,469	17,652	17,494	-10.1	-9.3	-0.9
North Carolina	34,510	29,422	29,701	-13.9	-14.7	0.9
Oklahoma	25,712	22,854	22,342	-13.1	-11.1	-2.2
South Carolina	18,608	16,111	15,802	-15.1	-13.4	-1.9
Tennessee	26,539	23,128	22,323	-15.9	-12.9	-3.5
Texas (b)	158,820	136,302	133,424	-16.0	-14.2	-2.1
Virginia	36,091	31,838	30,371	-15.8	-11.8	-4.6
West Virginia	6,800	3,833	4,326	-36.4	-43.6	12.9

(a) Prisons and jails form one unified system operated by the state.

(b) December 2021 estimates based on people in DOC custody and the estimated number of people held in local jails.

People in Prison in Winter 2021-22

Table 2, cont.

**Prison population from 2019 to 2021**

	Year-end count			Percent change		
	2019	2020	2021	2019-21	2019-20	2020-21
<b>Midwest</b>	<b>244,928</b>	<b>210,437</b>	<b>207,907</b>	<b>-15.1</b>	<b>-14.1</b>	<b>-1.2</b>
Illinois	38,259	29,574	27,970	-26.9	-22.7	-5.4
Indiana	27,180	24,734	23,892	-12.1	-9.0	-3.4
Iowa	9,662	8,303	9,057	-6.3	-14.1	9.1
Kansas	10,177	8,660	8,337	-18.1	-14.9	-3.7
Michigan	38,053	33,618	32,186	-15.4	-11.7	-4.3
Minnesota	9,982	7,593	7,511	-24.8	-23.9	-1.1
Missouri	26,044	23,106	23,454	-9.9	-11.3	1.5
Nebraska	5,682	5,257	5,568	-2.0	-7.5	5.9
North Dakota	1,794	1,401	1,689	-5.9	-21.9	20.6
Ohio	50,338	44,246	44,263	-12.1	-12.1	0.0
South Dakota	3,801	3,225	3,303	-13.1	-15.2	2.4
Wisconsin	23,956	20,720	20,677	-13.7	-13.5	-0.2
<b>West</b>	<b>273,420</b>	<b>223,141</b>	<b>220,187</b>	<b>-19.5</b>	<b>-18.4</b>	<b>-1.3</b>
Alaska (a)	4,475	4,303	4,634	3.6	-3.8	7.7
Arizona	42,441	37,731	33,886	-20.2	-11.1	-10.2
California	125,507	97,251	101,032	-19.5	-22.5	3.9
Colorado	19,714	16,090	15,649	-20.6	-18.4	-2.7
Hawaii (a)	5,279	4,171	4,102	-22.3	-21.0	-1.7
Idaho	9,437	8,025	8,732	-7.5	-15.0	8.8
Montana (b)	2,777	2,421	2,658	-4.3	-12.8	9.8
Nevada	12,942	11,134	10,400	-19.6	-14.0	-6.6
New Mexico	6,723	6,046	5,528	-17.8	-10.1	-8.6
Oregon	15,755	12,753	12,002	-23.8	-19.1	-5.9
Utah	6,731	5,485	5,943	-11.7	-18.5	8.4
Washington	19,160	15,644	13,457	-29.8	-18.4	-14.0
Wyoming	2,479	2,087	2,164	-12.7	-15.8	3.7

(a) Prisons and jails form one unified system operated by the state.

(b) Due to changes in how Montana counts people on work release, the 2019 count is from March 1, 2020..

## Federal prisons and federal detention

The federal government has three agencies with large numbers of people held behind bars in federal prisons, local jails, and private facilities:

- **The Federal Bureau of Prisons (BOP)** runs federal prisons, detention centers, and halfway houses, primarily for people who have been sentenced to incarceration on federal charges.
- **The U.S. Marshals Service (USMS)** does not operate facilities directly. The USMS incarcerates some people in federal facilities but primarily contracts with state and local governments and private prison companies to hold unconvicted people who are detained pretrial or convicted people awaiting transfer to a federal prison. Forty-seven percent of people booked into U.S. Marshals' custody in fiscal year 2019 were there on criminal charges related to immigration.<sup>7</sup>
- **Immigration and Customs Enforcement (ICE)** is one of the two agencies in the Department of Homeland Security, along with Customs and Border Protection, which handle immigration detention. People incarcerated under ICE jurisdiction are facing civil charges.

Because the USMS and ICE numbers are not included in the total people in prison counts in Tables 1 and 2, Vera includes the total number of people incarcerated by federal agencies below, in Table 3.

In January 2021, the Biden administration announced it would seek to “eliminate the use of privately operated criminal detention facilities” by not renewing direct contracts with private prison companies for BOP and the USMS, the two agencies under the Department of Justice.<sup>8</sup> The order did not address ICE detention and has substantial loopholes, including doing nothing to address public-private partnerships, wherein federal agencies contract with local governments who, in turn, contract with private providers.<sup>9</sup> More action is needed to actually reduce the number of people incarcerated and detained by federal agencies.

Five percent more people were incarcerated by federal agencies at the end of 2021 than when President Biden took office in January 2021.

Table 3

### Incarceration and Detention by Federal Agencies Increased in 2021

	December 31 count			Percent change		
	2019	2020	2021	2019-21	2019-20	2020-21
<b>Federal Total</b>	281,509	231,305	242,847	-13.7	-17.8	5.0
BOP	175,116	152,184	157,654	-10.0	-13.1	3.6
USMS	63,642	62,994	63,624	0.0	-1.0	1.0
ICE	42,751	16,127	21,569	-49.5	-62.3	33.7

## Why prison populations have not returned to pre-pandemic normal

In most states, there have been few intentional or sustained policy efforts to reduce the number of people in prison. In fact, in the last year, some political leaders have responded to public anxiety about crime with calls for increased incarceration, whether through changes to bail laws and increased pretrial detention, more police enforcement, longer sentences, or the expansion of jails and prisons.<sup>10</sup> Still, prison populations have not returned to pre-pandemic levels in any state except Alaska.

## *People in Prison in Winter 2021-22*

One possible explanation is the pandemic-related closures and changes to court operations in 2020 and 2021. These have likely lengthened felony case processing time, thus reducing the number of people sent to prison.<sup>11</sup> The mere fact of court delays appears to have resulted in fewer prison admissions.

Another possible factor is that there were far fewer people arrested in 2020 than during pre-pandemic years. According to the FBI in 2020, arrests were down 41 percent compared to 2019, from 10.1 million to 6.0 million.<sup>12</sup> According to the National Crime Victimization Survey, criminal victimization also declined in 2020.<sup>13</sup> (Reliable national estimates for 2021 arrest and crime victimization data are not yet available.)

Mitigation policies meant to reduce transfers from jails to prison in order to limit the transmission of COVID-19 are unlikely to have substantially impacted prison population numbers. In many states, people awaiting transfers are reported as part of the prison jurisdiction population, under local jail back-logs or through contract-bed arrangements.

### **Conclusion: Need for further decarceration**

While the overall number of people in prison at the end of 2021 was still below pre-pandemic levels, the data shows a troubling slowdown and even reversal in many states. In 2021, 19 states and the federal government increased the number of people incarcerated in prisons. The single-year increase in North Dakota is higher than any state's single-year increase since 1997. The number of states with increases of more than 5 percent is the largest since 1999. Rather than increasing incarceration, states and the federal government need to further reduce prison populations to protect public health.

The COVID-19 pandemic is ongoing, and incarcerated people and prison staff remain particularly vulnerable. The vaccination rates for prison staff, collected and reported by the UCLA Law COVID Data Project, has lagged behind overall vaccination rates in nearly every state.<sup>14</sup> In December 2020, scientific experts recommended that prisoners be treated like others living in congregate facilities and be given priority access to vaccines.<sup>15</sup> Yet governments did not initially prioritize incarcerated people for COVID-19 vaccines, even when incarcerated people qualified for vaccine priority due to age or other medical conditions.<sup>16</sup> There are also reports of difficulty accessing booster shots and appropriate medical care in prisons and jails across the country.<sup>17</sup> Federal distribution of basic personal protective equipment, like high-quality masks that are more effective against new variants of the virus, should include all people in jails and prisons, and resources should be devoted to improved vaccination campaigns. Most importantly, releasing more people from prison can help protect public health without jeopardizing public safety.

The best evidence shows increased incarceration and lengthened sentences do not make people safer—instead, increased incarceration can raise crime rates, in part by destabilizing communities and families.<sup>18</sup> Evidence also suggests that, when compared to noncustodial responses to crime, people who go to prison are more likely to be arrested in the future.<sup>19</sup>

As an immediate step, governors and the president all have the ability to use clemency and pardons to release people from prison. President Biden has not used clemency or the pardon power once during his term.<sup>20</sup> Similarly, the Department of Justice can direct U.S. Attorneys to use their discretion to reduce the number of people detained by the U.S. Marshals Service. More state legislatures can also take action, looking to successful examples like New Jersey's public health emergency good time credits law. Prior to the pandemic, there were good reasons to decrease the number of people in prison. Widespread infection, premature death, and poor conditions have only strengthened the case.

## Appendix: Methodology and Data Sources

Vera derived U.S. prison population estimates from information for all states and the Federal Bureau of Prisons (BOP). The researchers calculated incarceration rates per 100,000 residents in each state, including people of all ages. The resident population data is from the U.S. Census Bureau's annual estimates for the United States for July 1, 2021.

National prison estimates presented in this report are of the jurisdictional population, rather than the custodial population. Jurisdictional prison populations and custodial prison populations measure different sets of people. People under the jurisdiction of a prison system are those whom the correctional authority has the legal responsibility to confine, no matter where they are held. The jurisdiction population is, therefore, the most accurate representation of the scope of incarceration because it includes people held on behalf of the correctional authority in private prisons or facilities other than prisons (jails, hospitals, halfway houses, etc.). The number of people in the custody of a prison system is the number of people actually confined in a facility directly operated by the jurisdiction's correctional authority. This does not include people held on a contract basis in county jail facilities—a substantial part of the prison population in states like Utah and Louisiana. In some states, the number of people in the custody of a prison system includes people held for other jurisdictions (mainly other state prison systems). To avoid problems of over- or underinclusiveness that come with using custody counts, this report presents jurisdictional counts.

Six states—Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont—operate unified jail and prison systems. This makes them less comparable to states that operate only a state prison system (generally for people convicted of felonies), where local jurisdictions operate jails for pretrial detention and shorter sentences. For these states with unified systems, we collected both the larger jurisdictional count that includes people on pretrial detention, as well as the sentenced prison count.

Source notes for each state and agency are on file with the authors and available upon request. For more information, see “Prison jurisdiction source notes” in *People in Jail and Prison in Spring 2021: Methodology and Source Notes*, page 4, which used the same data sources with some small variations:  
<https://www.vera.org/downloads/publications/people-in-jail-and-prison-in-spring-2021-methodology.pdf>

A forthcoming report from Vera will include an update to the total number of people incarcerated in jails and prisons. It is important to include both jail and prison data together when analyzing incarceration trends. For more information, please see Vera's Incarceration Trends website: <https://trends.vera.org>

A copy of the data in this report is available for download at Vera's Incarceration Trends github page:  
<https://github.com/vera-institute/incarceration-trends>

States and localities rarely publish data on incarceration by race, ethnicity, or gender. As a result, this report focuses on overall incarceration numbers. The Bureau of Justice Statistics (BJS) publishes annual reports that provide national and state estimates of the number of people in prison using data collected through the National Prisoner Statistics data series. These reports provide detailed breakdowns by race and gender. The most recent BJS report for prisons, which provides 2020 data, was released in December 2021.<sup>21</sup>

## *People in Prison in Winter 2021-22*

### About

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The Vera Institute of Justice is powered by hundreds of advocates, researchers, and community organizers working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit [vera.org](http://vera.org).



Endnotes

<sup>1</sup> In January 2022, an estimated 72 percent of prisons were experiencing COVID-19 outbreaks. See Amanda Klonsky and Hope Johnson, "As Omicron Surges in State and Federal Prisons, Incarcerated People Remain Vulnerable," UCLA Law COVID Behind Bars Data Project, February 3, 2022, <https://perma.cc/W4BZ-T8K7>. There are no comprehensive, public estimates available of the number of cases or deaths in U.S. prisons and jails, and the Department of Justice has made no plans to collect or publish such data. Large media organizations filled the gap in the first part of the pandemic and tracked COVID-19 cases and deaths related to jails and prisons in 2020 and early 2021. However, both the *Associated Press* and *The New York Times* stopped tracking and publishing this information before the Delta wave in summer 2021. The UCLA Law COVID Behind Bars Data Project continues to track this information, although there are limitations in how this data is reported by many of the specific agencies. See <https://uclacovidbehindbars.org/>.

<sup>2</sup> See e.g. Gregory Hooks and Wendy Sawyer, *Mass Incarceration, COVID-19, and Community Spread* (Northampton, MA: Prison Policy Initiative, 2020) <https://perma.cc/2MFE-YJ83>; Eric Reinhart and Daniel L. Chen, "Carceral-community epidemiology, structural racism, and COVID-19 disparities," *Proceedings of the National Academy of Sciences* 118, no. 21 (2021), <https://www.pnas.org/content/118/21/e2026577118>; Eric Reinhart and Daniel L. Chen, "Association of Jail Decarceration and Anticontagion Policies With COVID-19 Case Growth Rates in US Counties," *JAMA Network Open* 4, no. 9 (2021), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2783680>.

<sup>3</sup> See discussion in Jacob Kang-Brown, Chase Montagnet, and Jasmine Heiss, *People in Jail and Prison in 2020* (New York: Vera Institute of Justice, 2021), 9, <https://www.vera.org/publications/people-in-jail-and-prison-in-2020>. See also Helen Fair and Roy Walmsley, *World Prison Population List* (London: Institute for Crime & Justice Policy Research, 2021), <https://perma.cc/FVR6-M22M>.

<sup>4</sup> New Jersey's "public health emergency" credits apply to all but those convicted of murder and select sex offenses and includes further rules that allow early termination of parole supervision. N.J. S2519 (2020), signed Monday, October 19, 2020, <https://perma.cc/9L4D-7EKV>.

<sup>5</sup> Karen Yi, "A Year After NJ Released Thousands Early From Prison, Only 9% Are Back in Custody," WNYC, January 7, 2022, <https://perma.cc/NQF4-VY3J>.

<sup>6</sup> *Ibid.*

<sup>7</sup> See the table "USMS FPD Average Daily Population and Prisoners Received, by Primary Offense FY 2013 – 2022," in United States Marshals Service, *FY 2022 Performance Budget, President's Budget Submission, Federal Prisoner Detention Appropriation* (Washington, DC: U.S. Department of Justice, May 2021), 2, <https://perma.cc/BQ7V-7HRX>.

<sup>8</sup> See Joseph R. Biden Jr., "Executive Order on Reforming our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities" (Washington, DC: The White House, January 26, 2021), <https://perma.cc/9HYX-MU2B>.

<sup>9</sup> See Chris Geidner, "A year after Biden's executive order on private prisons, business is still booming," Grid, January 26, 2022, <https://perma.cc/B9TA-BYRB>.

<sup>10</sup> See e.g. John P. Gross and Lanny Glinberg, "A move in the Wisconsin Legislature to make cash bail a bigger part of the criminal justice system is unnecessary and unwise," *Milwaukee Journal Sentinel*, February 11, 2022, <https://perma.cc/YQF4-CNBT>; Matt Grubs, "New Mexico lawmakers rework proposed crime legislation," KOB-TV 4, February 8, 2022, <https://perma.cc/4SAX-EMC6>; Steven Hale, "On the Hill: Criminal Justice," *Nashville Scene*, January 27, 2022, <https://perma.cc/4KMW-EEY6>; See also Indiana General Assembly, Senate Bill 10, <http://iga.in.gov/legislative/2022/bills/senate/10>.

<sup>11</sup> See e.g. Melissa Chan, "'I Want This Over.' For Victims and the Accused, Justice Is Delayed as COVID-19 Snarls Courts," *Time*, Feb 23, 2021, <https://perma.cc/NHS5-JRTS>. In the most recent national data on case processing from 2009, which only covers large urban counties, the median time for felony cases from arrest to adjudication was 111 days. See Brian Reaves, *Felony Defendants in Large Urban Counties, 2009 - Statistical Tables* (Washington, DC: Bureau of Justice Statistics, 2013), Table 20: "Time from arrest to adjudication for felony defendants in the 75 largest counties, by most serious arrest charge, 2009," <https://perma.cc/4HJT-6SUG>.

<sup>12</sup> FBI arrest data is based on reports from law enforcement agencies, and not all agencies submit data to the FBI. In 2020, the FBI arrest statistics were based on data from 11,253 agencies and in 2019 they were based on

data from 12,564 agencies. See detailed data at the FBI's Crime Data Explorer, <https://crime-data-explorer.fr.cloud.gov/pages/explorer/crime/arrest>. The large decline is also seen in jail data, where the number of times people were booked into jail declined from 10.3 million in 2019 to 8.7 million in 2020. See Todd Minton and Zhen Zeng, *Jail Inmates in 2020 - Statistical Tables* (Washington, DC: Bureau of Justice Statistics, 2021), <https://bjs.ojp.gov/library/publications/jail-inmates-2020-statistical-tables>.

<sup>13</sup> See Rachel Morgan and Alexandra Thompson, *Criminal Victimization, 2020* (Washington, DC: Bureau of Justice Statistics, 2020), <https://bjs.ojp.gov/library/publications/criminal-victimization-2020>.

<sup>14</sup> See analysis in Erika Tyagi and Joshua Manson, "Prison Staff Are Refusing Vaccines. Incarcerated People Are Paying the Price," UCLA LAW COVID Behind Bars Data Project, August 12, 2021, <https://perma.cc/J3NK-GHP8>.

<sup>15</sup> See, e.g. Emily Wang, Lauren Brinkley-Rubinstein, Lisa Puglisi, and Bruce Western, "Recommendations for Prioritization and Distribution of COVID-19 Vaccine in Prisons and Jails," White Paper (New York: Columbia University Justice Lab, December 16, 2020), <https://perma.cc/GJN3-4BFW>.

<sup>16</sup> See e.g. Rachel Strodel, Lauren Dayton, Henri M. Garrison-Desany, Gabriel Eber, Chris Beyrer, Joyell Arcsott, Leonard Rubenstein, and Carolyn Sufrin, "COVID-19 vaccine prioritization of incarcerated people relative to other vulnerable groups: An analysis of state plans," *PLOS One* 16, no. 6 (2021), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0253208>. See also National Academies of Sciences, Engineering, and Medicine, *Decarcerating Correctional Facilities during COVID-19: Advancing Health, Equity, and Safety* (Washington, DC: The National Academies Press, 2021), <http://nap.edu/25945>.

<sup>17</sup> See, e.g. Josh Shaffer, "No COVID-19 boosters for Raleigh women's prison, inmates say. 'People are getting sick,'" *The News & Observer*, January 16, 2022, <https://www.newsobserver.com/news/local/article257283392.html>; Glenn Howatt, "Advocates Call for COVID-19 Protections for Minnesota Prisoners," *Star Tribune*, February 2, 2022, <https://perma.cc/UUV7-B5CJ>. See also the first-person accounts from people in California's prisons collected by researchers through the University of California's Prison Pandemic project, <https://prisonpandemic.uci.edu/>.

<sup>18</sup> See e.g. Todd R. Clear, Natasha A. Frost, Michael Carr, et al., *Predicting Crime through Incarceration: The Impact of Rates of Prison Cycling on Rates of Crime in Communities* (Washington, DC: National Institute of Justice, 2014) <https://perma.cc/O2KH-8A3C>; Todd R. Clear, "The Effects of High Imprisonment Rates on Communities," *Crime and Justice* 37 (2008), 97-132.

<sup>19</sup> See Damon M. Petrich, Travis C. Pratt, Cheryl Lero Jonson, and Francis T. Cullen, "Custodial Sanctions and Reoffending: A Meta-Analytic Review," *Crime and Justice* 50, no. 1 (2021), 402-403, concluding, "compared with noncustodial sanctions, custodial sanctions, including imprisonment, have no appreciable effect on reducing reoffending. The studies tend to show that placing offenders in custody has a slight criminogenic effect, although this association is not sufficiently robust to argue for its certainty. . . . Advocates of custodial sanctions are in the uncomfortable position of defending something that the existing evidence concludes is ineffective."

<sup>20</sup> See U.S. Department of Justice, Office of the Pardon Attorney, "Clemency Statistics," <https://www.justice.gov/pardon/clemency-statistics#JosephRBiden>. See also discussion in Ames Grawert, Lauren-Brooke Eisen, Jackie Fielding, and Noah Kim, *Criminal Legal Reform One Year into the Biden Administration* (New York: Brennan Center for Justice, 2022), <https://perma.cc/2FEN-A2LR>.

<sup>21</sup> See E. Ann Carson, *Prisoners in 2020 - Statistical Tables* (Washington, DC: US Department of Justice, Bureau of Justice Statistics, 2021), <https://bjs.ojp.gov/library/publications/prisoners-2020-statistical-tables>.