

People in Jail and Prison in 2020

The United States saw an unprecedented drop in total incarceration between 2019 and 2020.

Triggered in large part by the onset of the COVID-19 pandemic, the number of people incarcerated in state and federal prisons and local jails in the United States dropped 14 percent, from around 2.1 million in 2019 to 1.8 million by late 2020. This represents a 21 percent decline from a peak of 2.3 million people in prison and jail in 2008.

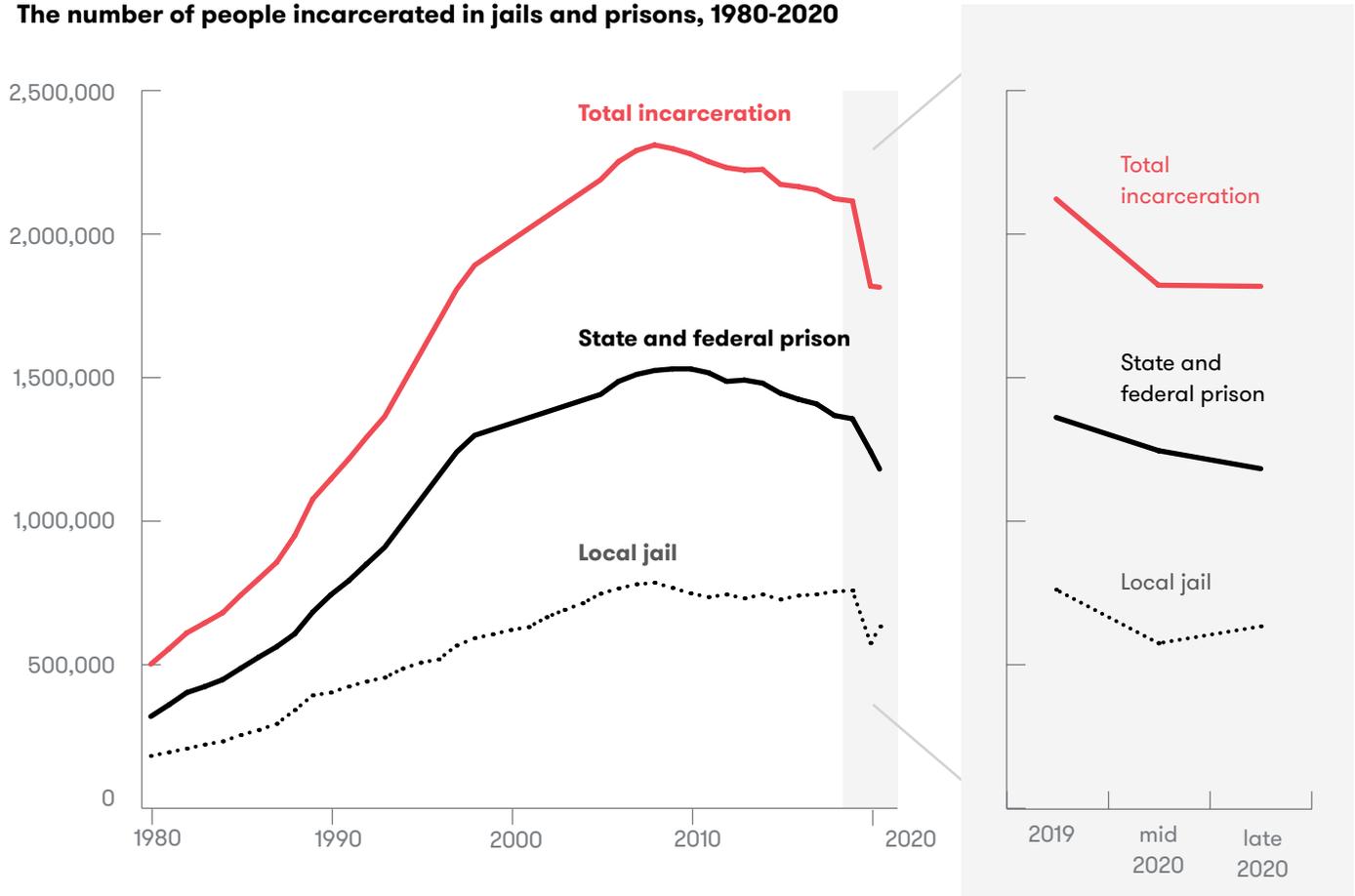
The most substantial drop in incarceration happened during the first half of the year. The total number of

people in prison and jail held steady from mid-2020 through the late fall, but prison and jail trajectories diverged in the second half of the year. From July through October, prison numbers continued to decline while many jails began to refill. Indeed, between the summer and fall of 2020, jail populations increased by 10 percent.

Despite the historic drop, this decrease in the number of people behind bars was neither substantial nor sustained enough to be an adequate response to the COVID-19 pandemic. The scale of incarceration in the United States remains a global aberration. Millions of people are still at risk of premature death.

Figure 1

The number of people incarcerated in jails and prisons, 1980-2020



How do these numbers break down?

The sharp decrease in incarceration during the first half of 2020 was not uniform across the country.

Race and gender

Generally, jails and prisons do not make timely race and gender data available. However, one preliminary study from the first part of the COVID-19 pandemic suggests that releases from jail were not equitable for Black men.¹ The study found that, while releases from jail of Black women as well as white, Asian, and Latinx people all increased in 2020 (when compared to the same period in 2019), releases of Black men decreased. This is particularly troubling during a pandemic that has disproportionately claimed Black lives.

Geographic regions

In 2020, the largest and most sustained jail population declines were in rural areas, where the jail population dropped 33 percent between midyear 2019 and midyear 2020, and subsequently grew 9 percent between summer 2020 and fall 2020. Even with these dramatic declines, rural counties still incarcerate people at double the rate of urban and suburban areas. Three out of five people incarcerated in local jails are in smaller cities and rural communities.



Incarcerated people walk around a recreation yard at the Deuel Vocational Institution in Tracy, CA. AP Photo/Rich Pedroncelli.

Table 1

Summary of incarcerated populations, rates, and changes by region

Population	Midyear		Between 2019 & 2020		Late 2020	Since midyear 2020	
	2019	2020	Change	% change		Change	% change
Total	2,115,000	1,818,700	-296,300	-14	1,814,800	-3,900	0
U.S. Prisons	1,435,500	1,311,100	-124,400	-9	1,249,300	-61,800	-5
U.S. Jails	758,419	575,500	-182,919	-24	633,200	57,700	10
Urban	166,979	127,800	-39,179	-23	141,200	13,400	10
Suburban	146,976	117,000	-29,976	-20	125,800	8,800	8
Small/Midsize metro	260,169	206,800	-53,369	-21	231,700	24,900	12
Rural	184,295	123,900	-60,395	-33	134,500	10,600	9

Rates per 100,000 Residents

Total	644	551	-93	-14	549	-2	0
U.S. Prisons	437	397	-40	-9	378	-19	-5
U.S. Jails	237	179	-58	-24	197	18	10
Urban	168	128	-40	-24	141	13	10
Suburban	181	143	-38	-21	154	11	7
Small/Midsize metro	276	218	-58	-21	244	26	12
Rural	410	274	-136	-33	297	23	8



People in detention in a residential pod during a media tour of the U.S. Immigration and Customs Enforcement detention center, December 2019, in Tacoma, WA. AP Photo/Ted S. Warren.

Federal agencies

Jail populations are primarily shaped by state and local policy, but federal agencies like Immigration and Customs Enforcement (ICE) and the U.S. Marshals Service (USMS) also rent jail beds from counties. (ICE detainees housed in local jails are in civil custody rather than criminal custody.) An estimated 9,600 people were held by ICE in local jail facilities on an average day in fiscal year 2020, down from an estimated 22,900 in fiscal year 2017.² In contrast, the total number of people detained pretrial by USMS while facing federal criminal charges (in jails and other detention settings) remained virtually unchanged from 2019 to late 2020.³

More needs to be done

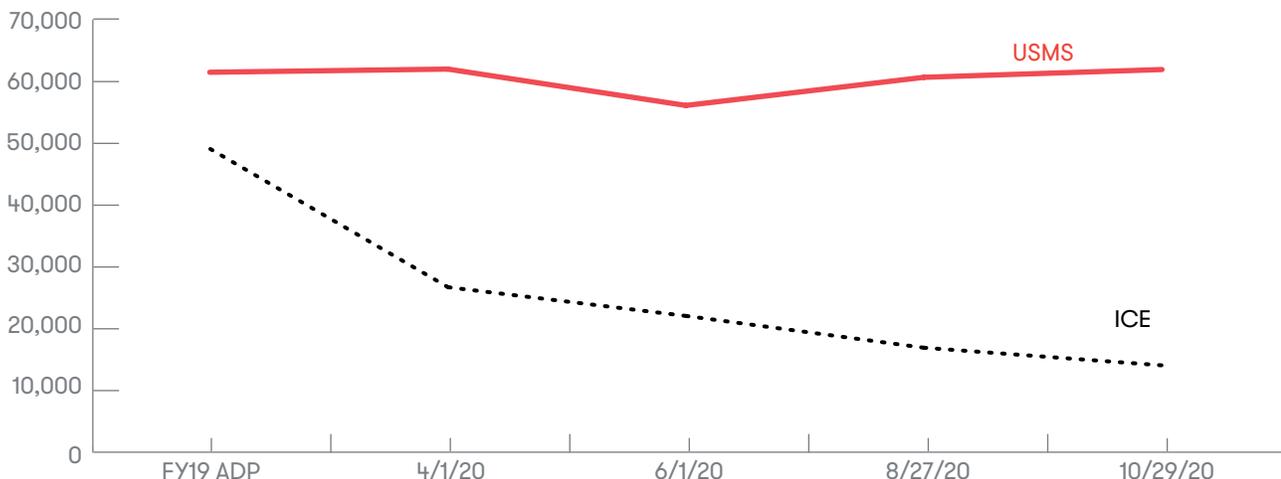
Amidst the COVID-19 pandemic, many officials have been slow to heed recommendations and demands to release people from jails and prisons. Compared to other countries, the United States remains notable in terms of its high rate of incarceration and limited response to COVID-19 outbreaks in custodial settings. This disregard has contributed to the high burden of illness across the country and to at least 2,020 coronavirus-related deaths in state and federal prisons in 2020.⁴ The lack of institutional oversight and detailed record-keeping means there are no current estimates of how many people have died from COVID-19 in jail in most states.

Recommendations

The Vera Institute of Justice proposes the following recommendations to avoid further sickness and death among incarcerated people and curtail the spread of COVID-19 in communities across the country. These recommendations focus on decarceral measures, which should center race equity to ensure they do not reproduce the well-documented anti-Black racism of seemingly race-neutral laws. Local, state, and federal authorities should also do everything in their power to protect the dignity, health and safety of incarcerated people while they remain behind bars. That includes developing polices for mass testing and quarantine regimes that promote social distancing, but do not rely on punishment, isolation, or solitary confinement to control the spread of the virus. All authorities should also prioritize incarcerated people's access to COVID-19 vaccines, and provide incarcerated people with an informed choice with respect to decisions about vaccination.

Figure 2

Changes in USMS and ICE Detention FY2019 to October 2020



State and local authorities should:

- **Use their authority to further reduce the number of people behind bars.** States that do not allow for discretionary releases of sentenced people should adopt these policies on a temporary basis and pursue policy changes to enable future releases during public health emergencies. Authorities should also reduce sentence and community supervision lengths and expand non-custodial sentences.
- **Expand pretrial release of unconvicted people** and identify currently detained people for bond reductions or nonfinancial release.
- **Reduce the use of custodial arrest** and suspend or eliminate incarceration in jail or prison for technical violations or noncompliance with the terms of community supervision. Expand the use of pre-arrest and pre-booking diversion. Where possible, sheriffs should use their powers to release people from jail administratively.
- **Provide money, housing, and healthcare to people released from jails and prisons** and refer people released pretrial to supportive services. Suspend collection of court, jail, supervision, and other user fees indefinitely to accommodate for the economic impact of the pandemic. Pursue policy changes to eliminate all forms of criminal justice debt.
- **Use their authority to limit cooperation** with ICE and terminate agreements to hold people detained by ICE in state prisons and local jails.

Federal authorities should:

- **Implement a comprehensive strategy to re-invest federal funding from local jails** and policing into community needs and resources that improve public health and safety.
- **Identify jails and private detention facilities that have been linked to COVID-19 outbreaks** across the federal system and halt transfers to and from these facilities. Review all Intergovernmental Service Agreements in place with local jails and identify opportunities to terminate contracts, prioritizing facilities where people have died in custody or where jail administrators have endangered the lives of detainees during the pandemic.
- **Decrease ICE detention and increase federal budgetary commitment to legal counsel programs** for immigrants in deportation proceedings. Work toward universal representation for people in immigration court.
- **Decrease USMS detention.** Review the cases of all People currently held in federal pretrial detention to identify opportunities to release people pending trial.
- **Direct federal prosecutors not to seek pretrial detention** unless there is a credible and immediate public safety risk that would justify its use.
- **Further reduce and protect the Bureau of Prisons incarcerated population** by expanding early and pretrial release, issuing more clemencies and commutations, and reducing sentence lengths.

Data

Vera researchers collected data on the number of people in local jails and state and federal prisons at both midyear and fall 2020 to provide timely information on how incarceration is changing in the United States. Vera researchers estimated the national jail population using a sample of 1,558 jail jurisdictions and the national prison population based on a sample of 49 states and the Federal Bureau of Prisons.

An electronic version of this report is posted on Vera's website at vera.org/people-in-jail-and-prison-in-2020. For more information about this report, contact Jacob Kang-Brown, senior research associate, at jkangbrown@vera.org.

Endnotes

1. Daniel Downs and Christian Henrichson, *The Impact of COVID-19 on Jail Populations: A Closer Look At Bookings And Releases* (Louisville, KY: Appriss Insights, 2020), <https://perma.cc/USG5-G44P>.
2. Emily Ryo and Ian Peacock, "Jailing Immigrant Detainees: A National Study of County Participation in Immigration Detention, 1983-2013," *Law & Society Review* 54, no.1 (2020), 66-101, <https://perma.cc/L6SH-KDMG>.
3. Figures reported directly to Vera by USMS.
4. The Marshall Project, *A State-by-State Look at Coronavirus in Prisons* (New York: The Marshall Project, 2020), <https://perma.cc/6R9N-ZNTS>.