

CAJE – Community Alternatives to Jail Expansion

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Rising Detention and Growth of Local Jails

As the number of people incarcerated in the United States has risen exponentially in the last twenty-five years, growing to 2.2 million by 2004, both the causes of this growth and its social and economic impacts have been increasingly well-documented. Fiscally, the spiraling cost of corrections - \$40 billion in 2000ⁱ - has placed mounting pressure on state budgets, forcing trade-offs in other aspects of state spending and pushing elected officials and policymakers to seek out more cost-effective reforms to corrections. Socially, increased recognition of the consequences of mass incarceration for the communities in which prisoners disproportionately come from, as well as the environmental consequences for the communities in which prisons are housed, has also produced a relative slowdown in the state prison population. While the population incarcerated continues to grow, some reforms in sentencing policies, as well as increased interest in re-entry, has at least begun to slow the level of growth.

However, while the increase in the population of people incarcerated in state prisons grew at the level of 1.3% between mid-year 2003 and 2004, the number of people held in the federal prison system has increased exponentially, by 6.3%, as has the number of people housed in local jails. The large increase in the population of people in local facilities has placed a particularly heavy burden on county budgets, with the number rising from 256,615 people held in local jails in mid-year 1985 to close to three times that, or 713,990, in mid-year 2004.ⁱⁱ There are a number of factors that have led to such a startling increase in the local jail population, including:

- ∞ Changing arrest policies at the front end that have driven up the arrest rate for low-level, “public disorder” crimes – meaning that frequently, people are getting arrested and detained for offenses that in the past would have received only a citation or desk appearance ticket, and filling up jail beds as they are booked through the system
- ∞ Changing sentencing policies, including truth in sentencing laws, “three strikes you’re out” laws and mandatory minimum sentencing laws that all have increased the number of people in jail pre-trial
- ∞ The deinstitutionalization of the mentally ill in the last decades, which has resulted in a spiraling increase in the number of people in prison and jail suffering from mental illness, causing many to comment that “jails have become the new mental institutions of the United States”. 16% of people housed in local jails are diagnosed as being mentally ill, with many in for low-level, public disorder offensesⁱⁱⁱ
- ∞ Inefficiencies in the criminal justice system, which cause people to move more slowly through the system and stay in far longer than necessary. The large number of poor people who sit in jail because they are unable to make bail, as well as inadequate public defender systems that make fast access to counsel and trial difficult, are both examples of how system inefficiencies lead to large numbers of pre-trial populations in local jail systems
- ∞ The rising number of immigrants who are held in detention; there are currently 22,000 immigrant detainees in the United States, with 60% of them housed in local jails.^{iv}

While there is no single explanation for why local jail populations are increasing, an analysis of local jail populations throughout the country tends to reveal that these are some common factors. However, what might be most important to note, is that the increasing number of

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people in jail in the United States is *not* caused by increased levels of crime in the community. Were this to be the case, the demands for jail space would have *decreased* during the 1990s, as crime throughout the country was going down. When trying to understand what has caused an increase in the local jail populations, communities should focus their attention first on these factors.

ⁱ Kenneth E. Kerle. “Exploring Jail Operations.” Maryland: American Jail Association (2000), p. 109.

ⁱⁱ Allen J. Beck. “Prison and Jail Inmates at Mid-Year 2004.” *Bureau of Justice Statistics Bulletin*. US Department of Justice, Bureau of Justice Statistics. April 2005, NCJ 208801.

ⁱⁱⁱ Paula M. Ditton, *Mental Health Treatment of Inmates and Probationers*, Washington DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, July 1999.

^{iv} Lutheran Immigration and Refugee Service, http://www.firrp.org/documents/DWN_FACTS.pdf.