People in Jail and Prison in 2022

SUMMARY

In the first years of the coronavirus pandemic, federal, state, and local governments reduced the number of people incarcerated in U.S. prisons and local jails from 2.1 million in 2019 to 1.8 million at midyear 2020. By 2021, however, this decarceration trend appeared to have stalled, as further drops in prison populations were countered by large increases in jail numbers. From mid-2021 to fall 2022, incarceration rose slightly, up by 4 percent. Nonetheless, the number of people incarcerated is still near its 2020 level of 1.8 million.

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The national increase seen during 2022 is the result of a patchwork of different state and local trends. Between mid-2021 and fall 2022, a total of 34 states increased the number of people in prison, and some saw substantial growth: Mississippi and Montana both increased the number of people incarcerated in their prisons by about 9 percent. Colorado, Illinois, Iowa, Kentucky, and North Dakota saw prison population increases of 8 percent.

Nationally, jail populations have not fully rebounded to pre-pandemic levels and are still down 8.3 percent from 2019. (This is not universal: in 2022, Texas jail populations surpassed their 2019 level by more than 6 percent.)

Still, jail populations in many regions increased during the past year. Between mid-2021 and fall 2022, the fastest growth in jail populations was in the suburban counties of large metropolitan areas, followed by small and midsize metro counties. Rural counties—which for some time have jailed people at rates double those of urban areas—had already come close to refilling their jails by mid-2021.



By fall 2022, jail incarceration rates in rural counties were 343 people per 100,000 working-age residents, compared to 159 per 100,000 in urban counties. This growth brought rural jail incarceration rates to just 5 percent below mid-2019 levels in fall 2022, while urban counties' jail incarceration rates were down 12 percent.

Federal policies have sustained high rates of detention, including increased enforcement at the southern border. The number of people in civil custody for U.S. Immigration and Customs Enforcement (ICE) is growing quickly: there was a 20 percent increase during October and November 2022. The number of people held in ICE detention—in jails and prisons, as well as immigration-specific facilities—now exceeds 2015 levels. And the number of people detained for the U.S. Marshals Service facing federal criminal charges remains near an all-time high.

The diverging trajectories of various prison and jail populations speak to sharply diverging policy and spending priorities. The lowest prison incarceration rates remain clustered in the Northeast, and major cities and their suburbs still jail people at the lowest rates. In contrast, a handful of states are engaged in new prison building projects, with others poised to follow. County-level investment in larger jails also continues, facilitating ever-larger jail populations in less populous communities.

TABLE 1.

Overview of incarcerated populations in the United States and changes by region

					Change between mid-2020 & mid-2021			Change since mid-2021	
	Mid-2020	Mid-2021	Change	% change	Fall 2022	Change	% change		
Total	1,816,300	1,763,300	-53,000	-3	1,827,100	63,800	4		
Prisons	1,311,100	1,199,381	-111,719	-9	1,218,554	19,173	2		
Jails	545,200	634,400	89,200	16	677,000	42,600	7		
Urban	131,300	149,900	18,600	14	157,600	7,700	5		
Suburban	102,400	119,400	17,000	17	130,400	11,000	9		
Small/Midsize metro	190,100	220,200	30,100	16	235,300	15,100	7		
Rural	121,300	144,900	23,600	19	153,700	8,800	6		

Note: Total incarceration numbers are adjusted downward slightly to avoid double counting people held in local jails under contract for state prisons. See "Methodology and Source Notes" at https://www.vera.org/publications/people-in-jail-and-prison-in-2022.

Introduction

Between 2019 and 2020, the number and rate of people incarcerated in county jails, state prisons, and federal prisons in the United States declined at an unprecedented rate. Decarceration was the result of decreased enforcement of low-level offenses; advocacy; and actions undertaken by judges, organizers, and public health officials to reduce the number of people in custody to prevent the circulation of COVID-19 behind bars, between institutions, and in surrounding communities. Local jails drove the initial decline, while state departments of correction and the Federal Bureau of Prisons (BOP) also made reductions. Still, this historic drop, which far outpaced decarceration from criminal legal system reforms in the years before the pandemic, was not enough to change the United States' status as a global outlier in its use of incarceration.¹

New data compiled by the Vera Institute of Justice (Vera) shows that most county jails and state and federal prisons have begun refilling. However, some places have managed to maintain reductions in their populations of incarcerated people.

ABOUT THIS REPORT

To provide the public with timely information on how jail and prison populations are changing, including in response to the COVID-19 pandemic, Vera collected jail and prison population data directly from a sample of local jails, state oversight agencies, state prison systems, and the BOP. Vera researchers collected this data for every quarter (spring, midyear, fall, and year-end) from 2020 to 2021 and for the first three quarters of 2022. To compare population numbers against pre-pandemic baselines, Vera collected data on midyear and year-end 2019 from jails and prisons.² Vera also collected data on people civilly detained by ICE who were held in local jails, private prisons, and dedicated immigration detention facilities.³ This report focuses on population changes through September 2022. (Additional data is available in a data file online and from Vera's Incarceration Trends website.⁴)

States and localities rarely publish data on incarceration by race, ethnicity, or gender. Due to this lack of transparency, this report focuses on overall incarceration numbers. However, researchers have long noted the racist criminalization of Black and other nonwhite people—especially Latino people—in the United States, and the available federal government statistics indicate wide racial disparities in jail and prison incarceration.⁵

OVERVIEW OF DATA AND METHODS

Vera's national prison statistics are based on data from 50 states and the BOP. Vera researchers derived the jail statistics for 2022 from a sample of 1,452 jails. These include all county jails in 14 states and a sample of jails in the remaining states. Vera researchers used these counts to estimate the national total. The jails in Vera's sample held three out of every four people incarcerated in jails in 2019, the last time the Bureau of Justice Statistics (BJS) reported information for all jails in the United States.⁶

Jail population counts in this report are estimates of the number of people in the custody of the local jail, not the number of people in the local jail's jurisdiction. They therefore include people held on a contract basis for other jails, state prisons systems, and federal agencies like ICE and the U.S. Marshals. (See the <u>methodology</u> for definitions of these terms and a description of Vera's methods.)

Prison population counts in this report are estimates of the number of people under the jurisdiction of state and federal prison systems and thus include people held in private prisons or local jails on a contract basis, as well as people held in work-release and medical facilities who are not free to leave and are still serving a prison sentence. Following the BJS definitions, prison jurisdiction counts do not include people held for other authorities.

Generally, Vera obtained data from local jails' and state corrections departments' official websites or from third parties that have been collecting data directly from jails. In instances in which this data was not available online, Vera requested the information from local jails or state corrections agencies by telephone or through public information requests.

Incarcerated Population Counts

Jails: Nationally, between mid-2021 and fall 2022, the number of people held in local jails increased by 42,600, or 7 percent, to 677,000 people. This is a 24 percent increase over the number of people in local jails at midyear 2020. Vera's estimates indicate that some counties' jail populations have exceeded pre-pandemic levels. Jail populations are highest and closest to their previous peak in rural

exceeded pre-pandemic levels. Jail populations are highest and closest to their previous peak in rural counties. Indeed, jails in rural counties and small to midsized metropolitan areas now hold 57 percent of the people in jail nationwide, up from less than half in 2005.7 Nationally, however, the total number of people in jail is still 65,000 (9 percent) below midyear 2019 levels of 742,000 people.8

Nationally, between mid-2021 and fall 2022, the number of people held in local jails increased by 7 percent.

Prisons: Between mid-2021 and fall 2022, the number of people incarcerated in state and federal prisons increased by 19,200, or 2 percent, to 1,218,600 people. Even with recent growth, this is a 15 percent decrease in the number of people in prisons compared to 2019. There are notable regional variations: Between mid-2021 and fall 2022, only states in the West saw decreases in their prison populations, which were down by 1.4 percent across the region. In contrast, the number of people held in state prisons in the Northeast increased by 1.8 percent, while the number of people held in state prisons in the South was up by 2 percent. The BOP population increased by 3.3 percent between mid-2021 and fall 2022. (See Appendix Table 2.)

STATE TOTALS

For every three people incarcerated on a given day, two are held in prisons and one is held in a local jail. But that varies substantially from state to state. In states such as Massachusetts and New Mexico, the ratio is roughly equivalent; but in Kentucky and Louisiana, for example, far more people are held in local jail facilities

than in prisons. This is due, in part, to state policy decisions to pay local jails to hold people serving state prison sentences. (See Table 2.)

Table 2 shows the total number of people incarcerated in local jails and the number of people serving state prison sentences in select states. (The table includes only those states with local jail data that is complete enough to produce state-level estimates.) Because in some states, like Kentucky and Louisiana, a substantial portion of people serving state prison sentences are held in local jails on a contract basis, the totals for jail and prison populations do not equal the state total. (For more details on this, please see the methodology.) For the six states with unified systems in which a single set of facilities holds people detained pretrial and those sentenced to prison terms—Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont—Vera presents the total incarcerated population only. The District of Columbia does not operate a prison system, so all of the people with felony sentences from the District are incarcerated in federal prisons. States are grouped in this table to allow easier comparison within regions.

Since 2019, in most states with available data, jail populations have declined by percentages that are similar to the decreases in the states' prison populations. In the few states where prison and jail trends diverged, prison numbers decreased while jail populations remained steady or increased: From 2019 to 2022, Florida, Georgia, and Texas reduced the number of people incarcerated in their prisons by at least 12 percent. In both Florida and Georgia, however, jail incarceration held near pre-pandemic, 2019 levels. In Texas, jail populations increased by 6 percent during the same period. West Virginia illustrates the most extreme version of this pattern, with the state prison population dropping by 32 percent while jail populations remained near 2019 levels. These trends are indicative of policy and practice choices that drive states to put more people in jail but relatively fewer people in state prisons.

The general decrease in prison populations since the onset of the COVID-19 pandemic allowed some state departments of corrections to consider closing prisons. Simultaneously, the increase in national jail populations since 2020 has prompted local officials to push for new and expanded jail facilities in some counties.

In Texas, for example, the state Department of Criminal Justice has reduced prison capacity to match reductions in prison populations. In 2020, the state permanently closed three state prison facilities that could hold a total of 3,341 people, although the state has not closed additional prisons since then (all other prison capacity reductions have been temporary). In contrast, between 2020 and 2022, Texas counties expanded their local jails more rapidly

TABLE 2. Total incarceration by institution, select states, 2019 to 2022

					20	19-2022
	2019	2020	2021	2022	Difference	% change
NORTHEAST						
Connecticut total	12,823	9,963	9,010	10,088	-2,735	-21.3
Massachusetts total	17,083	12,704	12,546	12,936	-4,147	-24.3
State prisons	8,205	7,332	6,672	6,190	-2,015	-24.6
Local jails	9,155	5,565	6,045	6,917	-2,238	-24.4
New York total	64,306	49,708	47,709	47,003	-17,303	-26.9
State prisons	43,500	38,390	32,136	31,099	-12,401	-28.5
Local jails	20,806	11,318	15,573	15,904	-4,902	-23.6
Rhode Island total	2,740	2,320	2,325	2,315	-425	-15.5
Vermont total	1,608	1,417	1,285	1,360	-248	-15.4
SOUTH						
Delaware total	5,692	4,812	4,580	4,996	-696	-12.2
District of Columbia total	5,919	4,633	4,031	3,874	-2,045	-34.5
State prisons	4,049	3,364	2,548	2,472	-1,577	-38.9
Local jails	1,870	1,269	1,483	1,402	-468	-25
Florida total	152,001	135,955	135,668	139,395	-12,606	-8.3
State prisons	96,009	89,382	81,966	84,121	-11,888	-12.4
Local jails	57,101	47,378	54,591	56,235	-866	-1.5
Georgia total	92,184	78,311	79,662	84,512	-7,672	-8.3
State prisons	54,816	50,891	46,586	47,997	-6,819	-12.4
Local jails	42,235	31,419	37,801	41,046	-1,189	-2.8
Kentucky total	37,532	28,345	30,297	33,162	-4,370	-11.6
State prisons	23,082	20,299	18,331	19,861	-3,221	-14
Local jails	25,312	16,796	20,716	22,913	-2,399	-9.5

	2019	2020	2021	2022	Difference	% change
SOUTH (Continued)						
Louisiana total	49,093	40,885	42,409	44,279	-4,814	-9.8
State prisons	31,609	28,213	26,714	27,267	-4,342	-13.7
Local jails	34,051	25,733	28,538	30,674	-3,377	-9.9
North Carolina total	54,841	46,486	46,685	48,823	-6,018	-11
State prisons	34,079	31,506	29,492	30,264	-3,815	-11.2
Local jails	20,762	14,980	17,193	18,559	-2,203	-10.6
Tennessee total	51,521	41,909	42,248	43,115	-8,406	-16.3
State prisons	26,349	24,566	22,924	22,370	-3,979	-15.1
Local jails	32,220	22,641	23,421	25,825	-6,395	-19.8
Texas total	217,422	198,961	194,013	204,867	-12,555	-5.8
State prisons	158,429	145,579	134,422	139,319	-19,110	-12.1
Local jails	71,048	64,592	69,645	75,602	4,554	6.4
Virginia total	57,841	47,868	49,441	41,262	-16,579	-28.7
State prisons	36,091	33,451	30,959	27,052	-9,039	-25
Local jails	28,500	21,891	24,127	19,855	-8,645	-30.3
West Virginia total	11,086	7,702	8,452	8,459	-2,627	-23.7
State prisons	6,800	4,818	4,385	4,651	-2,149	-31.6
Local jails	5,176	4,935	5,283	5,024	-152	-2.9
MIDWEST						
Indiana total	47,497	39,129	40,151	39,965	-7,532	-15.9
State prisons	27,180	25,884	24,086	23,257	-3,923	-14.4
Local jails	20,633	14,606	17,645	18,288	-2,345	-11.4
Ohio total	71,453	60,621	60,525	61,990	-9,463	-13.2
State prisons	50,338	46,351	43,687	44,732	-5,606	-11.1
Local jails	21,115	14,270	16,838	17,258	-3,857	-18.3
WEST						
Alaska total	4,475	4,313	4,599	4,587	112	2.5
California total	197,342	167,696	161,598	160,626	-36,716	-18.6
State prisons	122,687	114,966	99,842	98,039	-24,648	-20.1
Local jails	76,254	53,105	61,756	62,587	-13,667	-17.9
Colorado total	32,936	23,844	25,211	27,889	-5,047	-15.3
State prisons	19,785	17,441	15,434	16,743	-3,042	-15.4
Local jails	13,389	7,494	9,902	11,146	-2,243	-16.8
Hawaii total	5,279	4,449	4,104	4,191	-1,088	-20.6
New Mexico total	13,171	10,895	10,874	11,059	-2,112	-16
State prisons	6,723	6,303	5,675	5,414	-1,309	-19.5
Local jails	6,448	4,592	5,199	5,645	-803	-12.5
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Note: Vera measured 2020 and 2021 at midyear. For 2019, Vera used midyear jail and end-of-year prison data. To provide the most recent data, Vera measured 2022 at fall of that year.

than in years prior. According to Vera's analysis of data from the Texas Commission on Jail Standards, between 2013 and 2019, local jail capacity in Texas increased by an average of 478 jail beds a year. However, from 2020 to July 2022, 19 counties added a total of 3,779 beds—more capacity to incarcerate than the state has permanently removed from the prison system.¹⁰ According to a 2023 report from the commission, eight counties are currently planning or constructing jails that will add capacity to incarcerate at least 748 more people.¹¹

Some of the jail projects in Texas are proceeding over voter opposition and are being paid for using federal funding that was intended to help respond to the coronavirus pandemic. For example, in 2023—after voters refused to approve a bond measure to fund jail expansion in 2021—the Coryell County Commissioners moved millions of dollars in American Rescue Plan Act and rural broadband funding to a jail construction fund and approved an expansion project.¹²

Recent jail expansion coincides with a multiyear effort by the Texas legislature to increase both the imposition of money bail and the use of pretrial detention. In 2021, the legislature enacted a bill prohibiting release without money bail for people charged with some felony offenses.¹³ In the 2023 session, the legislature considered a constitutional amendment expanding indefinite detention of legally innocent people without money bail and a bill that would further expand the list of charges for which judges are required to set money bail.¹⁴ Both Indiana and Wisconsin also passed regressive bail measures in early 2023, which are likely to increase jail incarceration.¹⁵

STATE AND FEDERAL PRISONS

The rise of mass incarceration was marked by near-uniform growth across state prison populations, and the early response to the COVID-19 pandemic spurred significant national declines.¹⁶ However, Vera's data shows that by fall 2022, prison populations had started to trend in different directions.

Between 2019 and 2022, the number of people incarcerated in state and federal prisons in the United States declined by nearly 15 percent, from roughly 1,428,226 people to about 1,222,367. State prison declines were more substantial than those for federal prisons: in fall 2022, there were about 14 percent fewer people in state prisons than in 2019, compared with a decline of about 9 percent during the same period in the BOP. This translates to more than 212,000 fewer people incarcerated in state prisons across the country in 2022 than in 2019.

Almost every state had fewer people in prison in fall 2022 than before the pandemic. (Only Alaska and Iowa surpassed their 2019 prison populations, by about 2.5 percent and 0.7 percent, respectively.) While every region saw state prison populations decline since 2019, there was some regional divergence in magnitude. (See

Appendix Table 2.) The South, for example, recorded the smallest decline: in the fall of 2022, there were about 12.9 percent fewer people locked up in state prisons than in 2019. The Northeast saw the largest decline, at about 22.5 percent, followed by the West, at about 19 percent. The number of people in state prisons in the Midwest declined by about 13.8 percent between 2019 and fall 2022. Despite these nearuniversal declines, prison population trajectories in fall 2022 differed dramatically between states, with some maintaining or furthering their decreases while others were refilling their prisons. Several high-incarceration states have planned or recently implemented policies to increase prison capacity, slash good-time credits, limit parole, expand truth-in-sentencing provisions, and otherwise lengthen sentences.¹⁷ It is clear that

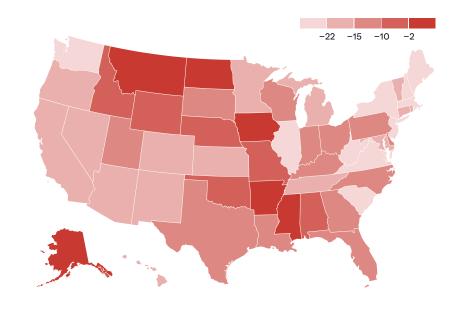
Prison population trajectories in fall 2022 differed dramatically between states, with some maintaining or furthering their decreases while others were refilling their prisons.

not every state is using pandemic-related prison population declines to move toward ending mass incarceration. Instead, some states are embracing increasingly punitive policy.

Some places that made relatively swift moves to reduce prison populations in 2020 have since seen large increases. For example, North Dakota's prison population increased by 49 percent, from a low of 1,185 people in September 2020 to a high of 1,767 in September 2022. The lowa prison population increased by 22 percent, from a low of 7,782 people in September 2020 to a high of 9,466 in summer 2022.

A substantial portion of state prison increases happened over the past year. Between mid-2021 and fall 2022, a total of 34 states increased the number of people in prison, and 17 of those states saw increases of greater than 5 percent. (See Appendix Table 2.) Prison incarceration increased by 9 percent in Mississippi and Montana, and Colorado, Illinois, Iowa, Kentucky, and North Dakota saw 8 percent growth in state prison populations. Two states with unified prison and

State prison population percent change between 2019 and fall 2022



jail systems, Connecticut and Delaware, also had especially rapid incarceration increases—12 percent and 9 percent, respectively.

Some state prison populations continued to decrease through fall 2022. (See Appendix Table 2.) In particular, South Carolina and Virginia reduced their prison populations by more than 10 percent each between mid-2021 and fall 2022. Over the same period, the number of people incarcerated in Arizona's state prisons declined by 2,400—a 6.6 percent decrease. Massachusetts reduced its state prison population by 7.5 percent between mid-2021 and fall 2022.

Comparing prison populations against their peaks

Another way to understand recent changes is to look at how prison populations have changed since their highest points. Doing so shows that states have reduced the number of people held in their prisons by an average of 25.5 percent since their peaks. (See Appendix Table 1.) No state prison system had returned to its peak population by fall 2022, although a few were close: lowa and North Dakota's recent prison population increases have brought them to less than 2 percent below prior peaks (in 2010 for lowa and 2015

for North Dakota). Arkansas, Idaho, and Nebraska are all within 5 percent of their peak prison populations.

In contrast, states in the Northeast have reduced their prison populations by an average of 43 percent since their peak. (See Appendix Table 1.) Connecticut, New Jersey, and New York have all reduced their prison populations by more than 50 percent from the respective peaks in 2007 (Connecticut) and 1999 (New Jersey and New York). For comparability, it is important

States have reduced the number of people held in their prisons by an average of 25.5 percent since their peaks.

to note that Connecticut has a unified prison and jail system, so its numbers include people who would, in other states, typically be in jail—those held in pretrial detention and serving sentences of less than a year. Massachusetts's prison population is now almost half the size it was at its peak in 1997.

PRISON CLOSURES AND NEW PRISON CONSTRUCTION

Following decreases in state prison populations, a handful of states have closed or downsized prisons. In 2020, California announced a series of highly publicized closures, including Deuel Vocational Institution, California Correctional Center, and Chuckawalla State Prison. It also downsized several prisons.²⁰ In 2021, New York Governor Kathy Hochul announced plans to close six prisons, following former Governor Andrew Cuomo's closure of 18 prisons.²¹ In 2021, the Connecticut Department of Corrections closed the super-maximum-security Northern Correctional Institution.²² And in November 2022, the New Jersey Department of Corrections transferred people out of Jones Farm, a 270-cell minimum-security prison in Ewing, the population of which had fallen to just 19 people.²³

However, several states are expanding their prison systems. Since 2020, at least eight states have opened new or renovated prisons or finalized plans to expand their prison systems. **Alabama:** In 2021, legislators approved construction of two new 4,000-bed prisons, despite the fact that the state's prison population has fallen by more than 18 percent since its peak in 2012.²⁴

Alaska: The Department of Corrections in 2021 renovated and reopened the 300-bed minimum- and medium-security Palmer Correctional Center, which it had closed in 2016.²⁵

Arkansas: In March 2023, the governor announced plans to build a 3,000-bed prison by January 2025.²⁶ If it were filled, Arkansas would have the highest rate of prison incarceration in the country.

Idaho: In November 2022, the Idaho Department of Corrections announced plans to build a new 848-bed women's prison and remodel and expand several other prisons.²⁷ Idaho in 2021 had the highest rate of women's prison incarceration in the country, 2.7 times higher than the national rate.²⁸

Illinois: In 2022, the Illinois Department of Corrections opened a new 200-bed medical prison facility.²⁹

Kansas: Between 2018 and 2022, the Kansas Department of Corrections renovated and expanded the nearly 2,500-bed Lansing Correctional Facility.³⁰

Nebraska: The Nebraska Department of Correctional Services (NDCS) in 2022 added a new maximum-security wing at the Reception and Treatment Center in Lincoln, nearly doubling the prison's capacity from 468 to 884 beds.³¹ NDCS also opened a new, 160-bed women's prison at the Community Corrections Center in Lincoln in 2019.³² Nebraska legislators are also considering a new 1,500-plus bed prison to replace the Nebraska State Penitentiary in Lincoln, in addition to 1,500 new beds that NDCS projects it will need before the end of the decade.³³

Utah: The state opened a new 3,700-bed prison in 2022.34

Research shows that new prison construction does not ease crowded conditions in older prisons and often contributes to growing prison populations and incarceration rates.³⁵

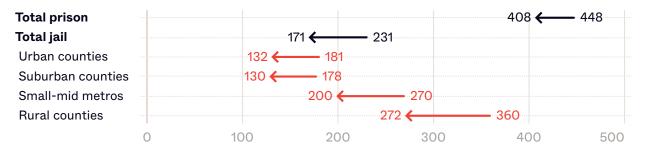
Incarceration Rates

Between 2019 and midyear 2020, total incarceration rates in the United States (counting local jails and state and federal prisons) decreased by 14 percent—from 661 to 566 incarcerated people per 100,000 residents. From midyear 2020 to midyear 2021, total incarceration rates reached a low of 544 per 100,000 residents. The incarceration rate subsequently increased to 570 per 100,000 in fall 2022, up 4 percent from 15 months prior.

The overall increase in incarceration rates is mostly explained by more people being held in jails. Between the low of midyear 2020 and fall 2022, jail incarceration rates increased by 24 percent, or by a rate of 41 per 100,000. During that time, prison incarceration

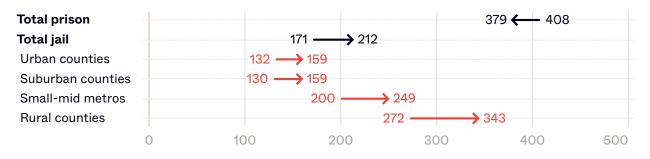
Incarceration rates, midyear 2019 to midyear 2020

Jail and prison rates decreased substantially



Incarceration rates, midyear 2020 to fall 2022

Jails came close to being refilled but were offset by prison decreases

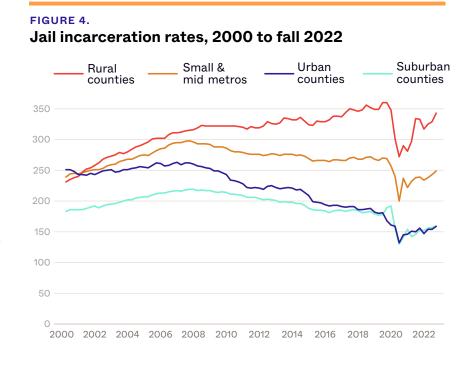


Note: Incarceration rates are per 100,000 residents. Prison includes both state and federal prisons. Vera derived the urban-rural classification from the National Center for Health Statistics. For more information see the methodology.

rates declined by 7 percent, or by a rate of 29 per 100,000. Thus, declines in prison populations have offset increases in jail populations.

LOCAL JAIL INCARCERATION RATES

Jail incarceration trends by geography show the increasing gap between rural counties and large metropolitan areas.36 Jail incarceration rates in the suburban and urban counties of large metropolitan areas (areas with more than 1 million residents) have converged since 2018 and stayed close during the pandemic. In those areas, rates were 159 per 100,000 working-age residents in fall 2022. Rural counties' jail incarceration rates, at 343 per 100,000



working-age residents, were 2.15 times the rates in large metro areas. Jail incarceration rates in smaller metro areas, at 249 per 100,000, were 56 percent higher than in large metro areas.

STATE PRISON INCARCERATION RATES

In fall 2022, the states with the highest prison incarceration rates were Louisiana and Mississippi.³⁷ The only state that ranked in the top 10 outside the South was Idaho. The lowest state prison incarceration rates were clustered in the Northeast.

TABLE 3.

State prison incarceration rates, 2019 to 2022

Incarceration rate difference

				ilicar	ceration rate di	ilei elice
State	2019	2020	2022	2019 to 2020	2020 to 2022	2019 to 2022
NORTHWEST						
Connecticut ^a	356	252	278	-104	26	-78
Maine	160	125	119	-35	-6	-41
Massachusetts	117	98	89	-19	-9	-28
New Hampshire	195	165	147	-30	-18	-48
New Jersey	200	138	140	-62	2	-60
New York	215	172	158	-43	-14	-57
Pennsylvania	351	304	303	-47	-1	-48
Rhode Island ^a	250	203	212	-47	9	-38
Vermont ^a	250	200	210	-50	10	-40
SOUTH Alabama	563	503	518	-60	15	-45
Arkansas	590	533	572	-57	39	-45
Delaware a				-107		-84
	575	468	491		23	-68
Florida	446	373	378	-73	5	
Georgia	512	443	440	-69	-3	-72
Kentucky	512	417	440	-95	23	-72
Louisiana	679	577	594	-102	17	-85
Maryland	301	251	248	-50	-3	-53
Mississippi	656	598	660	-58	62	4
North Carolina	326	280	283	-46	3	-43
Oklahoma	632	574	569	-58	-5	-63
South Carolina	364	312	267	-52	-45	-97
Tennessee	381	333	317	-48	-16	-64
Texas	544	464	464	-80	0	-80
Virginia	418	368	312	-50	-56	-106
West Virginia	379	214	262	-165	48	-117
MIDWEST						
Illinois	299	232	235	-67	3	-64
Indiana	401	364	340	-37	-24	-61
Iowa	291	260	292	-31	32	1
Kansas	346	295	287	-51	-8	-59
Michigan	378	334	321	-44	-13	-57
Minnesota	175	133	137	-42	4	-38
Missouri	423	375	382	-48	7	-41
Nebraska	290	268	282	-22	14	-8
North Dakota	230	180	227	-50	47	-3

Incarceration rate difference

State	2019	2020	2022	2019 to 2020	2020 to 2022	2019 to 2022
MIDWEST (Continued)						
Ohio	427	376	381	-51	5	-46
South Dakota	429	362	374	-67	12	-55
Wisconsin	406	352	359	-54	7	-47
WEST						
Alaska a	610	587	625	-23	38	15
Arizona	593	522	456	-71	-66	-137
California	310	247	251	-63	4	-59
Colorado	343	278	287	-65	9	-56
Hawaii ^a	363	288	291	-75	3	-72
Idaho	513	428	471	-85	43	-42
Montana	436	358	389	-78	31	-47
Nevada	414	356	325	-58	-31	-89
New Mexico	317	286	256	-31	-30	-61
Oregon	353	300	290	-53	-10	-63
Utah	204	166	176	-38	10	-28
Washington	250	202	172	-48	-30	-78
Wyoming	430	361	389	-69	28	-41

^a State operates a unified jail and prison system; thus the rate is not directly comparable to states that have separate, locally operated systems.

Note: 2019 and 2020 are measured at year-end; 2022 is measured in fall.

COMBINED STATE PRISON AND LOCAL JAIL INCARCERATION RATES

Twenty-two states and the District of Columbia have comprehensive enough jail and prison data to calculate total incarceration rates. It appears that almost all of these states are still substantially below prepandemic incarceration levels. (See Table 4.) Of the 22 states, Alaska is the lone state with an increase in incarceration rates between 2019 and 2022. The District of Columbia has reduced total incarceration rates the most, by 281 per 100,000 residents, or nearly 33 percent. This appears to be due primarily to reductions in the number of DC residents held in federal prisons. Looking at the percentage changes, Connecticut, Massachusetts, New York, Virginia, and West Virginia all reduced their total incarceration rates by more than 20 percent between 2019 and fall 2022.

However, even comparatively modest efforts to reduce incarceration can have an impact in states with high incarceration rates. (See Table 4.) For example, New York decreased its incarceration rate by 25 percent between 2019 and fall 2022, while Florida decreased its incarceration rate by only 11 percent. However, because Florida was already incarcerating people in much higher numbers, the impact was the same: rates in both states decreased by 79 people per 100,000.

TABLE 4.

Total incarceration rates, select states, 2019 to 2022

					20	19-2022
State	2019	2020	2021	2022	Difference	Percent change
Alaska	610	588	626	625	15	2.5
California	499	425	413	412	-87	-17.4
Colorado	570	412	434	478	-92	-16.1
Connecticut	356	277	249	278	-78	-21.9
Delaware	575	485	456	491	-84	-14.6
District of Columbia	858	691	603	577	-281	-32.8
Florida	706	630	622	627	-79	-11.2
Georgia	861	730	738	774	-87	-10.1
Hawaii	363	307	284	291	-72	-19.8
Indiana	700	576	589	585	-115	-16.4
Kentucky	833	629	672	735	-98	-11.8
Louisiana	1054	879	917	965	-89	-8.4
Massachusetts	243	182	179	185	-58	-23.9
New Mexico	622	514	514	523	-99	-15.9
New York	318	247	240	239	-79	-24.8
North Carolina	525	445	442	456	-69	-13.1
Ohio	606	514	514	527	-79	-13
Rhode Island	250	212	212	212	-38	-15.2
Tennessee	746	605	606	611	-135	-18.1
Texas	746	681	656	682	-64	-8.6
Vermont	250	220	199	210	-40	-16
Virginia	670	554	571	475	-195	-29.1
West Virginia	618	430	473	477	-141	-22.8

Federal Prisons and Federal Detention

Several federal agencies hold large numbers of people 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. It incarcerates some people in federal facilities, but contracts primarily 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. In fiscal year 2019, 47 percent of people booked into USMS custody were there on criminal charges related to immigration.³⁸
- U.S. Immigration and Customs Enforcement (ICE) is one
 of the two agencies in the U.S. Department of Homeland
 Security, along with Customs and Border Protection, that
 handle immigration detention. People incarcerated under
 ICE jurisdiction are facing civil charges.

Because Vera did not include the USMS and ICE numbers in the total people in prison counts in the other tables in this report, and has only partial coverage of people held for ICE and USMS in local jails, the total number of people incarcerated by federal agencies is presented in Table 5.

Federal agencies' ability to use flexible jail capacity to rapidly increase the number of people incarcerated is demonstrated by the recent trends in ICE detention.³⁹ From October to November 2022, ICE increased detention by 4,943 people, or 19.4 percent. Meanwhile, from beginning to end of 2022,

From October to November 2022, ICE increased detention by 4,943 people, or 19.4 percent. ICE increased the number of people on various forms of electronic monitoring from 158,000 to almost 380,000.⁴⁰

In January 2021, the Biden administration issued Executive Order 14006 to begin phasing out the use of private prisons, noting that "to decrease incarceration levels, we must reduce profit-based incentives to incarcerate." The directive ordered U.S. Department of Justice agencies such as the USMS and the BOP to refrain from entering into new "Direct Private" contracts—arrangements in which private prison operators directly operate facilities used by the agencies—and to allow existing contracts to expire without renewal. EO 14006 did not address ICE detention and has substantial loopholes—most notably, a lack of oversight over "Indirect Private" arrangements, in which federal agencies contract with local governments which, in turn, contract with private providers.

Prior to the order, the majority of the private facilities used by the USMS were operated through this type of arrangement, with 29 classified as Indirect Private and 14 as Direct Private.⁴² Although the agency had stopped using five of its Direct Private facilities as of April 2022, all its Indirect Private facilities have remained in operation, with many detaining greater numbers of people.⁴³ From 2020 to 2022, the end-of-year detention population for the USMS remained relatively unchanged, from 62,994 people to 62,365. These statistics illustrate how the implementation of EO 14006 thus far has not reduced the number of people incarcerated and detained by federal agencies.

TABLE 5. Incarceration and detention by federal agencies increased in 2022

					Percent chang	ge
	2019	2020	2022	2019-2020	2019-2022	2020-2022
Federal total	281,509	231,305	252,285	-17.8	-10.4	9.1
Bureau of Prisons	175,116	152,184	159,474	-13.1	-8.9	4.8
U.S. Marshalls Service	63,642	62,994	62,365	-1.0	-2.0	-1.0
U.S. Immigration and Customs Enforcement	42,751	16,127	30,446	-62.3	-28.8	88.8

Note: 2022 measured in late November or early December, all others late December.

The number of people held in the federal prison system increased by 5 percent between the end of 2020 and the end of 2022, from 152,184 to 159,474 people.

The federal prison system's peak was in 2012 at 217,815 incarcerated people.⁴⁴ If the downward trend from 2012 to 2019 had continued unabated, the number of people incarcerated in federal prisons would have decreased by 6,765 people each year. Instead, the number of people held in BOP prisons has increased under the Biden administration.

Conclusion

In 2023, the decarceration trends seen over the last few years are increasingly fragile. A handful of states have closed prisons, but others are building new ones. New local jails are under construction across the country, and many jail populations are reaching or surpassing prepandemic levels, particularly in smaller cities and rural counties. Many states and counties are pairing increasingly punitive policies with expanded investments in carceral infrastructure.

Everywhere, more ambitious change is needed. The initial spread of COVID-19 spurred temporary decarceration at a much larger scale than criminal legal system reforms of the previous decade, proving that significant change is possible. Before the pandemic, efforts to reduce incarceration and reinvest state and local funds in community safety priorities too often only forestalled further growth, and sometimes fell short in terms of projected change. By expanding correctional supervision, many reforms made it more likely that people charged with or convicted of crimes would be locked up in jail or returned to prison after release. Ending mass incarceration and investing in people's needs can secure broad health and safety benefits for all of our communities.

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Appendix

APPENDIX TABLE 1

People in state and federal prison in fall 2022 and changes since peak, by region

	Peak year	Peak prison population	Fall 2022	Difference since peak	Percent change since peak
Bureau of Prisons	2012	217,815	158,758	-59,057	-27.1
NORTHEAST					
Connecticut	2007	20,924	10,088	-10,836	-52
Maine	2018	2,425	1,652	-773	-32
Massachusetts	1997	11,947	6,190	-5,757	-48
New Hampshire	2013	3,018	2,051	-967	-32
New Jersey	1999	31,493	12,932	-18,561	-59
New York	1999	72,899	31,099	-41,800	-57
Pennsylvania	2011	51,578	39,286	-12,292	-24
Rhode Island	2008	4,045	2,315	-1,730	-43
Vermont	2009	2,220	1,360	-860	-39
SOUTH					
Alabama	2012	32,431	26,290	-6,141	-19
Arkansas	2017	18,070	17,432	-638	-4
Delaware	2007	7,257	4,996	-2,261	-31
Florida	2010	104,306	84,121	-20,185	-19
Georgia	2009	56,986	47,997	-8,989	-16
Kentucky	2017	23,543	19,861	-3,682	-16
Louisiana	2012	40,172	27,267	-12,905	-32
Maryland	2002	24,162	15,317	-8,845	-37
Mississippi	2008	22,754	19,399	-3,355	-15
North Carolina	2010	40,382	30,264	-10,118	-25
Oklahoma	2016	29,916	22,871	-7,045	-24
South Carolina	2008	24,326	14,100	-10,226	-42
Tennessee	2017	28,980	22,370	-6,610	-23
rennessee	2017	20,980	22,31U	-0,010	-23

	Peak year	Peak prison population	Fall 2022	Difference since peak	Percent change since peak
SOUTH (Continued)		population			Cinco pour
Texas	2010	173,649	139,319	-34,330	-20
Virginia	2015	38,403	27,052	-11,351	-30
West Virginia	2016	7,162	4,651	-2,511	-35
MIDWEST					
Illinois	2012	49,348	29,577	-19,771	-40
Indiana	2013	29,913	23,257	-6,656	-22
lowa	2010	9,455	9,345	-110	-1
Kansas	2018	10,218	8,430	-1,788	-18
Michigan	2006	51,577	32,227	-19,350	-38
Minnesota	2015	10,798	7,848	-2,950	-27
Missouri	2017	32,601	23,608	-8,993	-28
Nebraska	2019	5,682	5,557	-125	-2
North Dakota	2015	1,795	1,767	-28	-2
Ohio	2015	52,233	44,732	-7,501	-14
South Dakota	2017	3,970	3,401	-569	-14
Wisconsin	2018	24,064	21,152	-2,912	-12
WEST					
Alaska	2014	5,794	4,587	-1,207	-21
Arizona	2015	42,719	33,584	-9,135	-21
California	2006	175,512	98,039	-77,473	-44
Colorado	2008	23,274	16,743	-6,531	-28
Hawaii	2005	6,146	4,191	-1,955	-32
Idaho	2019	9,437	9,138	-299	-3
Montana	2019	4,723	4,370	-353	-7
Nevada	2016	13,757	10,314	-3,443	-25
New Mexico	2017	7,276	5,414	-1,862	-26
Oregon	2013	15,517	12,276	-3,241	-21
Utah	2013	7,077	5,934	-1,143	-16
Washington	2017	19,656	13,373	-6,283	-32
Wyoming	2018	2,543	2,262	-281	-11

Source: Vera Institute of Justice, Incarceration Trends, https://trends.vera.org.

APPENDIX TABLE 2

Prison incarceration in the United States, by state and region, 2019 to 2022

				I	Percent change		
	2019	2020	2021	2022	2019 to 2020	2019 to 2021	2019 to 2022
Overall	1,428,226	1,308,093	1,199,381	1,218,538	-8.4	-16	-14.7
State	1,253,110	1,146,453	1,045,698	1,059,780	-8.5	-16.6	-15.4
Bureau of Prisons	175,116	161,640	153,683	158,758	-7.7	-12.2	-9.3
Midwest	244,548	221,232	205,924	210,901	-9.5	-15.8	-13.8
Northeast	138,067	122,915	105,061	106,957	-11	-23.9	-22.5
South	600,672	553,380	513,026	523,307	-7.9	-14.6	-12.9
West	269,823	248,926	221,687	218,615	-7.7	-17.8	-19
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NORTHEAST	138,067	122,915	105,061	106,957	-11	-23.9	-22.5
Connecticut	12,823	9,963	9,010	10,088	-22.3	-29.7	-21.3
Maine	2,185	1,834	1,612	1,652	-16.1	-26.2	-24.4
Massachusetts	8,205	7,332	6,672	6,174	-10.6	-18.7	-24.8
New Hampshire	2,691	2,426	2,137	2,051	-9.8	-20.6	-23.8
New Jersey	18,613	17,132	12,136	12,932	-8	-34.8	-30.5
New York	43,500	38,390	32,136	31,099	-11.7	-26.1	-28.5
Pennsylvania	45,702	42,101	37,748	39,286	-7.9	-17.4	-14
Rhode Island	2,740	2,320	2,325	2,315	-15.3	-15.1	-15.5
Vermont	1,608	1,417	1,285	1,360	-11.9	-20.1	-15.4
SOUTH	600,672	553,380	513,026	523,307	-7.9	-14.6	-12.9
Alabama	28,304	26,890	25,377	26,290	-5	-10.3	-7.1
Arkansas	17,759	16,552	16,560	17,432	-6.8	-6.8	-1.8
Delaware	5,692	4,812	4,580	4,996	-15.5	-19.5	-12.2
Florida	96,009	89,382	81,966	84,121	-6.9	-14.6	-12.4
Georgia	54,816	50,891	46,586	47,997	-7.2	-15	-12.4
Kentucky	23,082	20,299	18,331	19,861	-12.1	-20.6	-14
Louisiana	31,609	28,213	26,714	27,267	-10.7	-15.5	-13.7
Maryland	18,595	17,038	14,510	15,317	-8.4	-22	-17.6
Mississippi	19,417	18,026	17,814	19,399	-7.2	-8.3	-0.1
North Carolina	34,079	31,506	29,492	30,264	-7.6	-13.5	-11.2
Oklahoma	25,033	24,039	22,452	22,871	-4	-10.3	-8.6
South Carolina	18,608	17,318	15,954	14,100	-6.9	-14.3	-24.2

						Percent change	
	2019	2020	2021	2022	2019 to 2020	2019 to 2021	2019 to 2022
SOUTH (Continued)							
Tennessee	26,349	24,566	22,924	22,370	-6.8	-13	-15.1
Texas	158,429	145,579	134,422	139,319	-8.1	-15.2	-12.1
Virginia	36,091	33,451	30,959	27,052	-7.3	-14.2	-25
West Virginia	6,800	4,818	4,385	4,651	-29.1	-35.5	-31.6
MIDWEST	244,548	221,232	205,924	210,901	-9.5	-15.8	-13.8
Illinois	38,259	32,167	27,412	29,577	-15.9	-28.4	-22.7
Indiana	27,180	25,884	24,086	23,257	-4.8	-11.4	-14.4
Iowa	9,282	7,931	8,671	9,345	-14.6	-6.6	0.7
Kansas	10,177	9,189	8,556	8,430	-9.7	-15.9	-17.2
Michigan	38,053	35,425	32,571	32,227	-6.9	-14.4	-15.3
Minnesota	9,982	8,330	7,369	7,848	-16.5	-26.2	-21.4
Missouri	26,044	24,027	23,108	23,608	-7.7	-11.3	-9.4
Nebraska	5,682	5,402	5,402	5,557	-4.9	-4.9	-2.2
North Dakota	1,794	1,247	1,633	1,767	-30.5	-9	-1.5
Ohio	50,338	46,351	43,687	44,732	-7.9	-13.2	-11.1
South Dakota	3,801	3,478	3,338	3,401	-8.5	-12.2	-10.5
Wisconsin	23,956	21,801	20,091	21,152	-9	-16.1	-11.7
WEST	269,823	248,926	221,687	218,615	-7.7	-17.8	-19
Alaska	4,475	4,313	4,599	4,587	-3.6	2.8	2.5
Arizona	42,441	40,151	35,954	33,584	-5.4	-15.3	-20.9
California	122,687	114,966	99,842	98,039	-6.3	-18.6	-20.1
Colorado	19,785	17,441	15,434	16,743	-11.8	-22	-15.4
Hawaii	5,279	4,449	4,104	4,191	-15.7	-22.3	-20.6
Idaho	9,437	8,775	8,518	9,138	-7	-9.7	-3.2
Montana	2,784	2,545	2,526	2,760	-8.6	-9.3	-0.9
Nevada	12,840	11,231	10,895	10,314	-12.5	-15.1	-19.7
New Mexico	6,723	6,303	5,675	5,414	-6.2	-15.6	-19.5
Oregon	14,961	14,055	12,068	12,276	-6.1	-19.3	-17.9
Utah	6,671	5,993	5,832	5,934	-10.2	-12.6	-11
Washington	19,261	16,703	14,048	13,373	-13.3	-27.1	-30.6
Wyoming	2,479	2,001	2,192	2,262	-19.3	-11.6	-8.8

Note: Vera measured 2020 and 2021 at midyear. For 2019, Vera used end-of-year prison data. To provide the most recent data, Vera measured 2022 at fall of that year.

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