

Research Brief

Understanding Trends in the Jail Population in Durham, North Carolina, 2014 to 2019

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INTRODUCTION

Over 10 million admissions to local jails occur each year and an estimated 734,500 people were held in county and city jails in 2019.ⁱ Local governments across the nation spend billions of dollars each year on jail costs.ⁱⁱ

Examining characteristics of jail populations and length of stay provides perspective on how local jurisdictions may contend with limited jail resources. In this report, jail trends from 2014 to 2019 for the Durham County Jail are described.

In North Carolina, jails are operated at the county-level by the local Sheriff's Office. The Durham County Sheriff's Office has 489 staff members (including 209 detention officers) and an Operating Budget of \$38,785,475 for 2018-2019.ⁱⁱⁱ Like other jurisdictions, Durham contends with limited jail resources, staffing challenges, and public health challenges related to the COVID-19 pandemic.

This brief includes key highlights from the full report, [*Understanding Trends in the Jail Population in Durham, North Carolina, 2014-2019*](#). In this brief, trends in jail admissions, length of stay, and bed days are highlighted and factors that may drive jail populations are identified. It also describes key policy changes during this time and how these data can inform local practices in light of the COVID-19 pandemic.

REPORT HIGHLIGHTS

- 1. Jail Admissions fell 25% from 2014-2019 while the average daily jail population (ADP) fell by 19%.** Admissions to the Durham County Jail decreased from 11,987 admissions to 9,029, largely due to drops in non-violent felonies, misdemeanors, and traffic/violations. Admissions for drug charges were cut in half.
- 2. Despite decreases in jail admissions, length of stay increased from 2014-2019.** The average length of stay increased 24%, from 14.8 days to 18.4 days; both violent felonies, misdemeanors, and traffic/violations saw increases in length of stay.
- 3. Black persons were disproportionately represented in jail admissions and experienced significant increases in jail length of stay between 2014 and 2019.** In 2019, 37% of Durham County residents identified as Black, but Black persons accounted for 69% of jail admissions and 78% of bed days. The average length of stay for Black individuals increased by 28%, from 16.1 days in 2014 to 20.6 days in 2019. Average length of stay also increased for White people but was longer for Black people by about 3.5 days.
- 4. Bail is a key driver of jail populations.** Bail amounts increased by 37% from 2014 to 2019. People with bail set above \$5,000 had average lengths of stay 2 to 4 times higher than those with bail set below \$5,000.
- 5. 2 in 3 people released in 2014 returned to jail at least once.** Of the individuals released from jail in 2014, 67% were readmitted to jail at least once by 2019. 27% of those released in 2014 were readmitted 5 or more times.

BACKGROUND AND POLICY CONTEXT

During the period covered in this report, several changes occurred that could affect the jail population. Durham County officials introduced several policies aimed at reducing jail admissions. At the same time, Durham County's crime rates and certain agency programs may have served as a counterweight to efforts to reduce the jail population.

A number of policies and programs sought to reduce the number of young people in jail as well people held in jail on lower-level charges:

- In March of 2014, Durham County's Criminal Justice Resource Center began its Misdemeanor Diversion Program (MDP).^{iv} Initially designed for 16-17-year-olds,^v the MDP targeted individuals accused of certain nonviolent misdemeanor offenses^{vi} and enrolled them in a support program as an alternative to entering the adult criminal justice system.
- In November 2018, County residents elected Satana Deberry to the office of District Attorney, Durham County's chief prosecutor.^{vii} After taking office in January 2019, Deberry introduced several policy reforms^{viii} including an internal pretrial release policy that disfavors pretrial detention and limits the circumstances under which prosecutors request money bail, within the limits of North Carolina law. This policy establishes a presumption that people charged with non-violent offenses — including infractions, misdemeanors and low-level felonies — should be released pretrial without monetary conditions (with an exception for domestic violence related charges). This pretrial release effort could reduce the jail population.

The City of Durham instituted the Durham Expunction and Restoration Program (DEAR) in 2018.^{ix} Designed to remove barriers to employment and housing for Durham residents, this program provides free legal services to Durham residents who cannot afford attorneys to expunge charges and convictions from their criminal records and/or to restore suspended or revoked drivers' licenses.^x

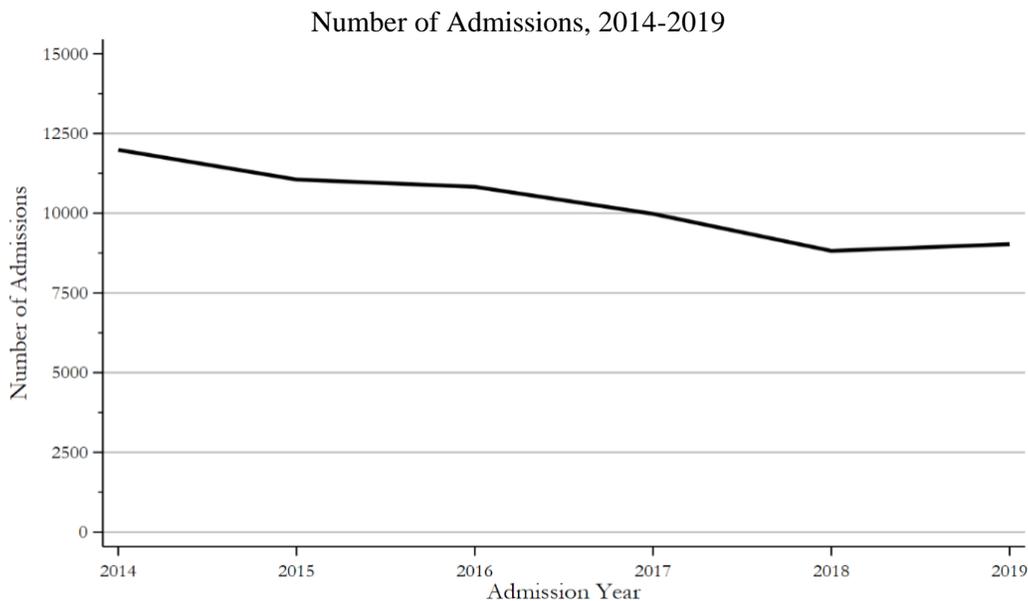
While efforts were made by various Durham County criminal justice entities to safely reduce the jail population, other factors may have contributed to admissions during this period, including crime trends and certain enforcement activities. Reducing violent crime is a major concern for local leaders and community stakeholders because data show that Durham's crime rate is higher than state and national averages^{xi} and the City of Durham has recently experienced increased rates of violent crimes. The 2019 homicide rate increased by 16% and aggravated assaults increased by 19% over the previous year.^{xii} This increase in violent crimes and related enforcement likely contributed to the Durham County jail population. However, it should be noted that admissions for violent felonies was the least frequent admission type and remained below 8% across all years in this study. Proactive efforts by the Durham County Sheriff, Clarence Birkhead, may have also played a role in jail admissions.^{xiii} Launched in August 2019, the Sheriff's Targeted Enforcement Program (STEP) uses a dragnet approach to arrest people with outstanding warrants.^{xiv} This study identified warrants as a significant factor in jail admission (see below).

Finally, in 2020, the COVID-19 pandemic hit the Durham County Jail and the rest of the nation, bringing attention to the public health and humanitarian concerns for incarcerated individuals.^{xv} Many jails sought to mitigate the impact of COVID-19, including through early release for medically vulnerable individuals, enhanced pretrial services, and reduced arrests.^{xvi} Durham’s response to the Covid-19 pandemic took place after the period covered by this report and this report established a baseline for measuring changes in the jail population as a result of COVID-19. See the box at the end of this report for more information on COVID-19 impacts on the Durham County Jail.

KEY FINDINGS

Who is admitted to jail and why are they being admitted?

Admissions to the Durham County Jail declined by 25% over the project period, from 11,987 in 2014 to 9,029 in 2019.



Data Source: Durham County Office of the Sheriff & The Durham Criminal Justice Resource Center.

Admissions by Charge Type, Charge Severity, and Charge Category: Most people admitted to jail are admitted pretrial, meaning they have not yet been convicted of a crime and are awaiting adjudication. **Of the 9,029 admissions in 2019, pretrial admissions for a new charge, warrant, or combination of new charge and warrant were the majority, accounting for 54% of admissions.** In 2019, 40% of admissions were for misdemeanors, while 31% were for non-violent felonies. Warrants and traffic/other violations made up 11% and 10% of admissions, respectively. Admissions for violent felonies was the least frequent admission type and remained below 8% across all years in this study.

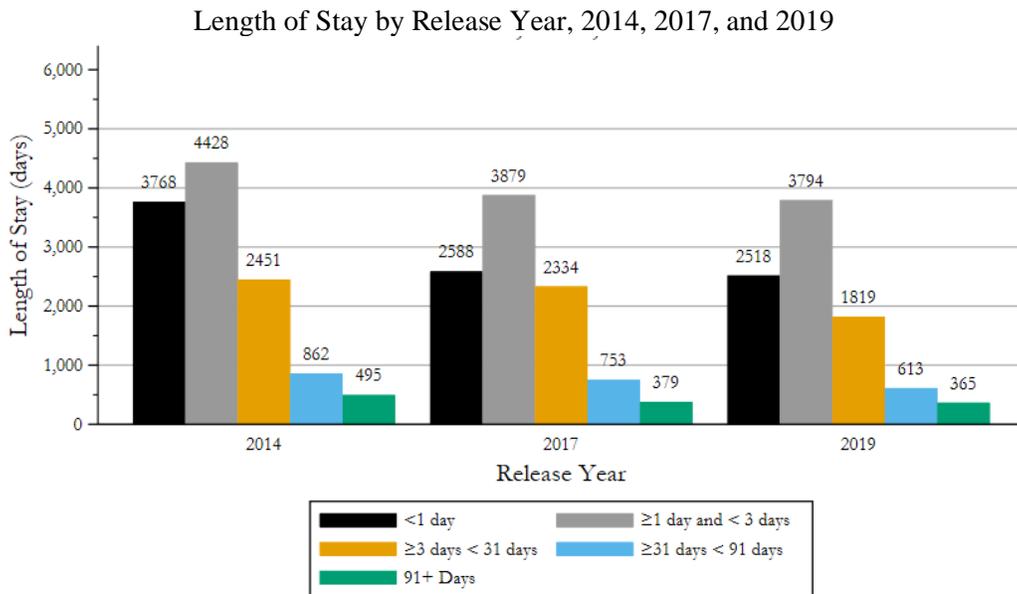
The top charge categories in 2019 were crimes against society (31%), property offenses (21%), person offenses (19%), and traffic offenses (12%).¹ All other charge categories accounted for less than 10% of admissions. Across the study period, the most prevalent crimes against society were misdemeanor probation violations (21%), while the most prevalent property offenses were misdemeanor larceny (13%) and obtaining property under false pretenses (12%). The most prevalent person offenses were assault on a female (26%) and over half of traffic offenses were driving while impaired (53%).

Fewer admissions for misdemeanors, non-violent felonies, and other offenses are driving jail population decrease.

The jail population decrease is driven by a decline in the number of admissions for three categories. Misdemeanor offenses declined by 25% over the project period, non-violent felony admissions declined by 23%, and admissions for the traffic/violation offense category declined by 40%. Further, admissions for drug charges were cut in half between 2014 and 2019.

How long are people staying in jail?

From 2014 to 2019 the mean length of stay in jail (measured in days) increased 24% from 14.8 days to 18.4 days. The median length of stay throughout the project period was 1 day, except for in 2017 and 2018, when the median length of stay was 2 days.



Data Source: Durham County Office of the Sheriff & The Durham Criminal Justice Resource Center.

Note: Totals are based on release year, not admission year.

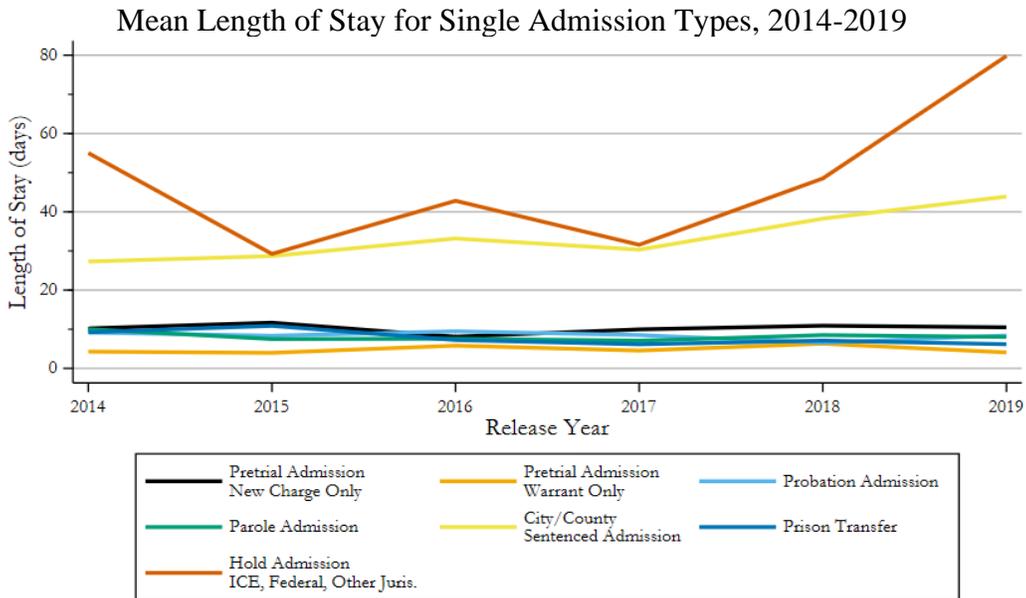
In all years, more individuals in the Durham County Jail stayed for 1-2 days than any other length of stay. For example, in 2019, 3,794 (42%) individuals were booked and stayed in jail 1-2 days.

¹ Charge category classifications were obtained from the North Carolina State Bureau of Investigation (SBI) Uniform Crime Reporting Codes (UCR Codes).

The next most frequent length of stay across the project period was less than 1 day. In 2019, 2,518 (28%) individuals were booked and released within 24 hours. The number of individuals staying in jail for more than 31 but less than 90 days was small, 613 (7%), as was the number of individuals staying in jail for 90 days or longer, 365 (4%). Although a relatively small group, the number of individuals staying in jail for 1 year or longer increased from 45 in 2014 to 85 in 2019.

Length of Stay by Admission Type:

Those who were booked into jail as hold admissions (ICE, federal hold, other jurisdiction) had the longest average length of stay from 2014 to 2019. The average length of stay for this group increased by 45%, from 55 days in 2014 to 79.8 days in 2019. Individuals serving a city/county sentence had the second longest average length of stay across the study period. This group saw an increase of 61% from 27.3 days in 2014 to 43.9 days in 2019. Pretrial admissions for new charges had the next longest average length of stay, increasing slightly from 10.2 days in 2014 to 10.5 days in 2019.



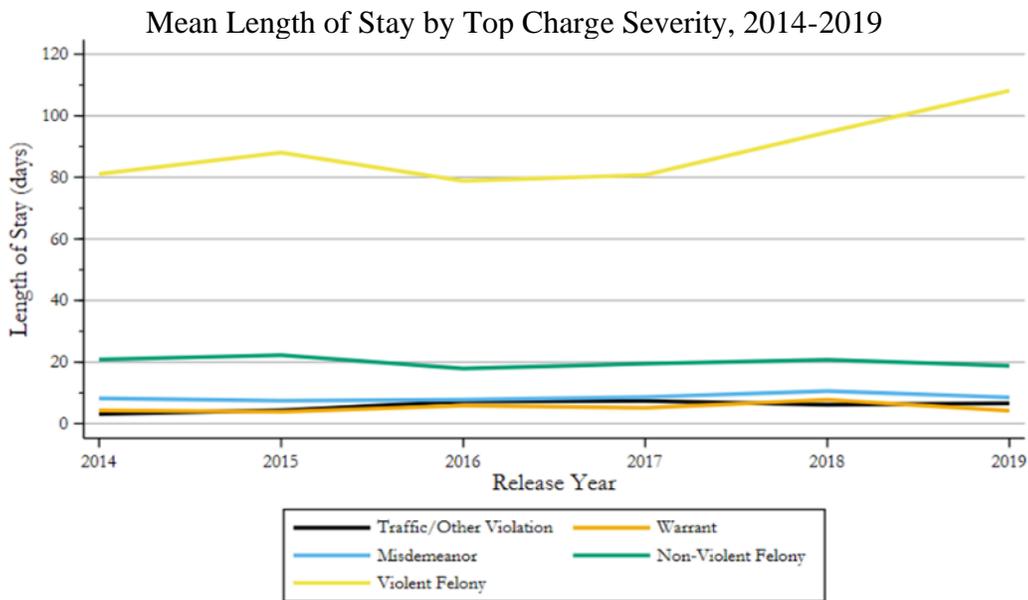
Data Source: Durham County Office of the Sheriff & The Durham Criminal Justice Resource Center.

Predictors of Longer Length of Stay: When predicting whether someone is more or less likely to spend over 90 days in jail, there were statistically significant differences in length of stay across categories of admission types, charge severity, charge category, demographics, prior admission history, and neighborhood poverty. Overall, the strongest predictors of lengths of stay of more than 90 days was being admitted for a city/county sentence, hold, and probation admission. Those admitted with multiple admission types (e.g., for a new charge and a warrant) with multiple charges were 20 times more likely to spend 90 or more days in jail, compared to individuals admitted on a single admission type with a single charge. Individuals charged with violent felonies were also more likely to spend 90 or more days in jail. Further, 18-24 and 35–64-year-olds had increased odds of spending 90 or more days in jail compared to 25-34-year-olds, as did men, compared to women. Race/ethnicity categories were not statistically significant predictors of length of stay of 90 days or more in the Durham County Jail. Lastly, those who were admitted to jail in the past three years were more likely to spend more than 90 days in jail.

Even though jail admissions decreased dramatically because length of stay increased, the cumulative number of bed days used declined only slightly.

From 2014 to 2019, there was a 25% decline in admissions. During this same period, the average daily population (ADP) decreased by 19%, from 521 in 2014 to 423 in 2019. If length of stay similarly declined over the study period, both admission and ADP may have experienced greater decreases. Instead, the average length of stay increased by 24% over the study period, from 14.8 days in 2014 to 18.4 days in 2019, thereby offsetting potential reductions in the jail population.

The average length of stay varied based on the nature of the charge and admission type. Average length of stay increased slightly over the project period. **Individuals booked for violent felonies had the longest length of stay.** The average length of stay for this group increased from 81.2 days in 2014 to 108.2 days in 2019, an increase of 33%. Although this group is relatively small in number, it utilizes a disproportionate share of jail resources. The next longest average length of stay was found for those admitted to jail for non-violent felonies. Average length of stay for this group was 20.8 days in 2014 and decreased slightly (10%) to 18.8 days in 2019. Length of stay for those admitted on misdemeanors increased 5% from 8.2 days in 2014 to 8.6 days in 2019.



Pretrial admissions for a warrant demonstrates the interplay between admissions, length of stay, and bed days. While average length of stay for pretrial admissions for a warrant declined by 5%, from 4.3 days in 2014 to 4.1 days in 2019, cumulative bed days for this group increased by 87% during the same time, from 2,211 bed days in 2014 to 4,130 bed days in 2019.

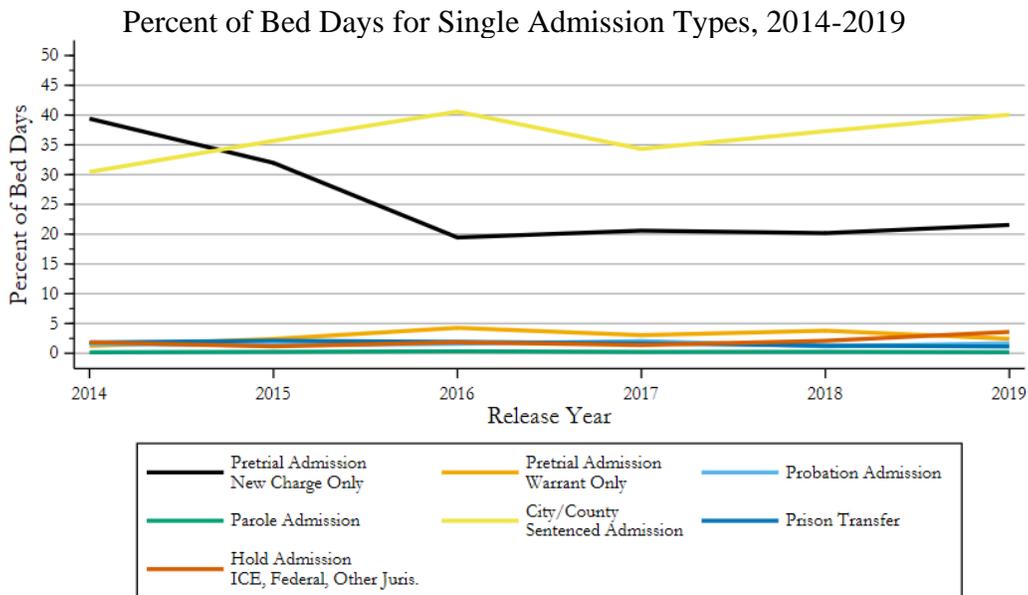
Average length of stay for those admitted as holds increased by 45%, from 55 days in 2014 to 79.8 days in 2019. The number of cumulative bed days for this group also increased by 83% in this same period, from 3,323 in 2014 to 6,090 in 2019, underscoring the increased amount of jail resources utilized by those being detained on holds.

Reducing Length of Stay Could Lead to Resource Savings

The increase in average length of stay (LOS) despite decreases in admission presents a lost opportunity for reducing jail populations. To understand the implications of these diverging trends, we computed what the jail population would look like in 2019 if the average length of stay in this year was at 2014 levels. The National Institute of Corrections (NIC) measures the average daily jail population by multiplying the number of admissions and average length of stay and dividing by 365 days.^{xvii} Using this formula for 2019 admissions and average length of stay, the average daily population was 455.2 (9,029 admissions x 18.4 LOS/365). Using 2019 admissions and the average LOS in 2014 (9,029 x 14.8/365), the average daily population drops to 366.1, which would have been a 56.9-person reduction from actual 2019 ADP (423). Given estimates that the average daily cost per person in jail in Durham County in 2019 was \$199,^{xviii} reducing the average length of stay can potentially lead to significant resource savings.

Who is Utilizing Jail Resources?

One way to capture the amount of jail resources used by various groups is to compute the number of cumulative bed days used.² Overall, between 2014 and 2019, there was a 6% decrease in the number of cumulative bed days utilized. In 2014, 180,437 bed days were used and this declined to 169,781 bed days in 2019.



Data Source: Durham County Office of the Sheriff & The Durham Criminal Justice Resource Center.

Bed Days by Offense and Admission Type: Individuals with a pretrial admission for a new charge only and individuals admitted for city/county sentences utilized the highest percent of bed days

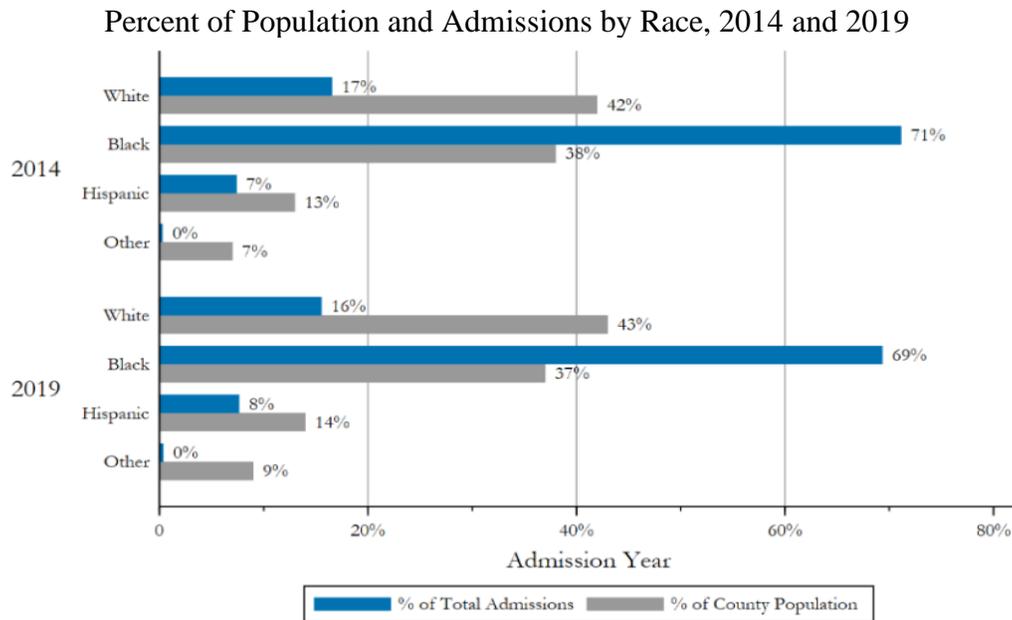
² Bed day calculations are based on the date of admission and release, and any contact with the jail on a day counts as a bed day. We excluded people who were detained less than 12 hours because typically they are not transferred to the main jail facility or assigned a bed.

over the study period. In 2014, nearly 40% of bed days were used by individuals admitted on a pretrial new charge only, and 30% of bed days were used by those admitted for a city/county sentence. In 2019, 22% of bed days were used by the new charge only group and 40% were used by the city/county sentence group. In contrast, the new charge only group made up 57% of admissions in 2014 and 38% in 2019, while the city/county sentenced group made up around 17% of admissions in both years.

Individuals booked for violent felonies had the highest number of bed days in 2019 (70,888), an increase of 39% from 2014. The next highest bed days were for non-violent felonies, at 53,209 in 2019, a decrease of 30% from 2014. Cumulative bed days were highest for crimes against persons and crimes against society across the study. Individuals booked for crimes against persons used over 15,000 more bed days in 2019 compared to 2014, and crimes against society used roughly 1,500 fewer bed days over the same period.

Are there racial disparities in key metrics related to the jail population?

There are racial disparities in admissions, the average length of stay, and bed days consumed. Black individuals are disproportionately represented in the jail population, jail admissions, and experienced a significant increase in average length of stay between 2014 and 2019.



Data Source: Durham County Office of the Sheriff, The Durham Criminal Justice Resource Center & The United States Census Bureau.

Black individuals accounted for about 69% of jail admissions from 2014 to 2019 in the Durham County Jail, despite being only about 37% of the population in Durham. In comparison, White individuals comprised about 43% of the Durham population and accounted for about 16% of jail admissions. This trend remained stable over the course of the project.

The average length of stay for Black people increased by nearly 28% across the project period, from an average of 16.1 days in 2014 to an average of 20.6 days in 2019. The average length of stay for White individuals increased by 50%, from 11.5 days in 2014 to 17.2 days in 2019. In

2019, Black people spent an average of almost 3.5 more days in jail compared to White people. Black people also consumed the largest percentage of bed days over the study period, 77% in 2014, declining to 73% in 2017, and then increasing to 78% in 2019. In 2019, Black individuals were 69% of jail admissions and accounted for 78% of bed days used.

Other Notable Findings

Bail is a key driver of jail populations.

Modifications to bail policy would impact length of stay for most individuals who are booked into jail pretrial, reducing the use of scarce resources. After adjusting for inflation, average bail amounts from 2014 to 2019 increased over the project period from \$7,051 in 2014, peaking at \$10,038 in 2016, and declining to \$9,581 in 2019. For all bail amount categories, length of stay increased, from 36% to 56% higher from 2014 to 2019. The median length of stay increased the most for people with the lowest bail amounts (\$500 or less, +150%; \$501-\$1,000, +100%). Higher bail amounts were associated with longer lengths of stay in jail. Bail amounts over \$5,000 had an average length of stay 2 to 4 times higher than those with bail amounts less than \$5,000. Bail amounts over \$5,000 were also associated with the highest number of cumulative bed days, at 46,894 in 2014 (26%) and 50,018 (29%) in 2019. Bail is associated with jail length of stay, with more lengthy stays tied to higher bail amounts.

Who is returning to jail?

Readmission to jail was examined using a cohort of 8,000 individuals who were released from the Durham County Jail in 2014. From 2014 through 2019, 16% of this cohort was readmitted to jail once, 24% were readmitted 2-4 times, 12% were readmitted 5-7 times, and 15% were readmitted 8 or more times. Overall, 67% of the individuals in the 2014 cohort were readmitted to jail at least one time. Among the strongest factors that predicted jail readmission, Black individuals, and men were more likely to return to jail than White individuals and women. In contrast, Latinx individuals are less likely to return to jail compared to White individuals while 35-64-year-olds are less likely to return to jail compared to 25-34-year-olds. Individuals charged with crimes against property, society, or weapons charges were also more likely to return to jail, compared to those with crimes against persons. Those with more than one prior jail admission were around 8 times more likely to return to jail than those without any prior admissions.

DATA LIMITATIONS AND QUESTIONS FOR FUTURE RESEARCH

This report was produced in an effort to understand trends in the jail population in the Durham County Jail from 2014 to 2019. These results provide important insights into trends in the jail population, but there are limitations to the data. First, the description of the top charge category is limited in that it is based only on the highest charge associated with each jail admission and does not capture the complexities that most criminal arrests involve. For instance, a given arrest may involve a weapons charge, a property offense, and a warrant. The top charge categorization does not consider the additional and important related charges. Second, the individual criminal histories of the people admitted to jail are not taken into consideration in this study. Research shows that criminal history is a key factor in release decisions and in the risk for reoffending.^{xix} Relatedly, no

information on pending charges in other jurisdictions is included. Finally, there are limitations with the bail data, which reflects the amount set as a condition for release. Bail amount set may have been different from the amount that was paid.

Much has changed in Durham and in the world since 2019 and comparing these results to jail data post-2019 is an important future undertaking. As the jail data examined for this report are from just one facility, it is also important to consider these trends as they compare to trends from other in-state and out-of-state jails. Jail populations are driven by a number of factors, including enforcement activity by the police and sheriff, the processing of cases by the courts, and crime patterns – along with broader societal and historical factors such as the economy, government investments in policies and programs that may promote or detract from public safety, and the role of racism and bias that have negatively impacted crime and safety in Black and brown communities. The findings of this report provide contextual information on factors that impact Durham’s jail population that may be useful in a variety of discussions on jail reform, criminal justice reform, and related policies.

Questions for Future Research:

What factors are driving the over-representation of Black individuals in admissions and their increasing length of stay in jail?

What is the impact of community bail funds on jail populations and length of stay in jail?

Do system factors such as case processing impact longer jail stays?

Is the large percent of people returning to jail the result of new offenses or technical violations?

IMPORTANCE OF THIS RESEARCH POST COVID-19

Major concerns about the impact of the COVID-19 pandemic on jails have arisen in recent months.^{xx} Media coverage of outbreaks in jails, impacting inmates and jail staff alike, have brought to the forefront the public health crisis that COVID-19 caused for jail facilities around the country. While the study period does not include specific policy changes associated with the COVID-19 pandemic, the impact of the pandemic on the Durham County Jail has been significant. The nature of jail facilities makes them especially problematic in terms of the implications of the COVID-19 pandemic. Jails are congregate living facilities, often with few resources dedicated to inmate healthcare. In addition, the mitigation strategy of social distancing and improved hand hygiene are also difficult to implement in jail settings. In Durham, District Attorney Satana Deberry shared her COVID-19 related plans for reducing the jail sentences of select inmates convicted of nonviolent crimes.^{xxi}

ACKNOWLEDGMENT

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Endnotes

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