

RESEARCH BRIEF

Understanding Trends in the Jail Population in Louisville Metro, Kentucky: 2010 to 2019

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Brian P. Schaefer, Ph.D., Heather M. Ouellette, Ph.D., & Thomas “Tad” Hughes, J.D., Ph.D.¹

¹ Brian P. Schaefer, Ph.D. is an Assistant Professor at Indiana University Southeast. Email: bpschaef@iu.edu. Heather M. Ouellette, Ph.D. is an Assistant Professor at the University of Louisville. Email: heather.ouellette@louisville.edu. Thomas Hughes, J.D., Ph.D., is an Associate Professor at the University of Louisville. Email: thomas.hughes@louisville.edu.

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INTRODUCTION

The latest estimates show over 10 million admissions to local jails each year, and an estimated 734,500 people held in county and city jails in 2019.ⁱ Nationally, local governments spend billions of dollars each year on jail costs.ⁱⁱ At the state level, The Vera Institute of Justice reports Kentucky spent roughly \$402.4 million to house people in local jails across the state in 2019.ⁱⁱⁱ Locally, in Jefferson County, KY, the focus of this report, a total of \$55,617,800 was spent on Louisville Metro Department of Corrections (LMDC), Jefferson County’s local jail.^{iv} Across the country, local jurisdictions are confronting decisions related to limited jail resources, overcrowding, and public health concerns due to COVID-19 cases in jail facilities;^v Louisville Metro is no different.^{vi, vii} It is imperative to examine who is in jail and for how long, when developing strategies to reduce jail populations.

This brief, *Understanding Trends in Jail Population in Louisville Metro, Kentucky: 2010 to 2019*, includes key highlights from the [full report](#) from the Data Collaborative for Justice and Pew Charitable Trusts on trends in jail population. The brief highlights trends in jail admissions, length of stay, bed days, familiar faces, and examines the factors driving jail populations in LMDC. Before describing these trends, the brief provides an overview of key policy changes and explains how this data can inform local practices in the age of COVID-19.

REPORT HIGHLIGHTS

- 1. Fewer low-level arrest = fewer jail admissions.** Driven by fewer arrests for misdemeanors and violations, admissions to the Louisville Metro Department of Corrections (LMDC) declined by 35% between 2010 to 2019 – from a high of 43,724 admissions to 28,255 admissions.
- 2. Increases in length of stay are a key driver of the jail population.** Between 2010 and 2019, the average length of stay increased from 18.9 days to 30.4 days – a 60% increase that had a significant impact on the size of the jail population. The strongest predictors of being in the longer length of stay group (more than 30 days) were individuals booked on new charges, admitted as state sentenced/prison transfer, and people charged with crimes against persons.
- 3. Bail continues to be a key driver of the jail population.** Length of stay decreased for those with bail set below \$5,000; however, those with the highest bail – \$5,000 or more – saw a substantial increase in length of stay from 56 to 92 days (a 64% increase) and accounted for 86% of people with bail set who spent 180+ days in jail.
- 4. Black persons are disproportionately represented in jail admissions and experienced significant increases in lengths of stay between 2010 and 2019.** In 2019, Black persons accounted for 39% of jail admissions but just over 20% of the population of Jefferson County. The average length of stay for Black persons increased 15 days over the study period, compared to a 10 day increase for Whites, and accounted for 49% of the bed days utilized in 2019.
- 5. A significant proportion of people return to jail repeatedly.** Of people jailed in 2010, 69.8% returned to jail at least once between 2010 and 2019 and over a quarter (27.7%) returned 5 or more times.

BACKGROUND & POLICY CONTEXT

During the period covered by this report, many changes occurred that could affect the jail population. For example, crime in Louisville Metro generally declined from 2010 to 2019, with combined property and violent crime reports dropping from 33,285 to 31,082.^{viii} Similarly, concerns over growing state prison populations sparked a substantial legislative change in the state with the passing of House Bill 463 (HB 463) in 2011.^{ix} The bill revised drug laws and allowed peace officers to issue citations in lieu of arrest for misdemeanor offenses.^x

House Bill 463 also made the use of pretrial risk assessment mandatory in Kentucky with the goal of increasing non-monetary release for all low and moderate-risk defendants.^{xi} In 2013, Kentucky adopted Arnold Ventures' Public Safety Assessment (PSA) risk tool.^{xii} The PSA evaluates risk along three dimensions: failure to appear, new arrest, and new arrest for a violent crime. Despite this mandate and its goal research indicates a slight increase in the use of non-financial bonds and little effect on releases.^{xiii}

In addition to mandating risk assessment tools, other changes were made to pretrial operations. On January 1, 2017, the Kentucky Supreme Court issued Order 2015-24 which authorized the Non-Financial Uniform Schedule of Bail Administrative Release Program, commonly referred to as administrative release.^{xiv} Through this program, individuals charged with non-violent, non-sexual misdemeanor(s) crime have their risk level assessed by a Pretrial Services Officer using the Public Safety Assessment to determine their flight risk and potential for new criminal activity. Individuals who score low to moderate risk on flight risk and low risk or moderate risk on new criminal activity will be eligible under the protocol and shall be released on recognizance.

A number of local efforts have been undertaken to reduce the number of individuals admitted to and housed in Louisville Metro Department of Corrections. The first initiative includes the establishment of two bail projects. The Louisville Community Bail Fund was created in 2017^{xv} and, in May 2018, the national Bail Project began work in Louisville to post bail for those being held on a bail of \$5,000 or less who could not afford their cash bail.^{xvi} This effort reduced the number of incarcerated individuals awaiting trial.^{xvii}

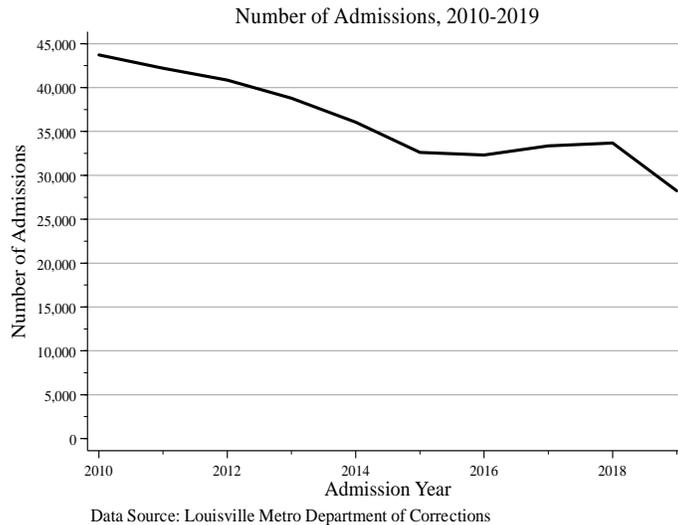
The Louisville Metro Criminal Justice Commission's Jail Policy Committee (JPC) has also sought to manage the jail population. This group, comprised of several criminal legal experts across multiple disciplines and agencies, takes a systems approach – examining the entire criminal legal system – to address issues related to jail populations.^{xviii} In 2018, LMDC faced considerable jail overcrowding and as a result the JPC identified five priorities for reducing populations: (1) Transfer of State Inmates; (2) Bail Reform; (3) Arraignment Court Initiatives; (4) Bench Warrants; and (5) Home Incarceration Program Pilot.^{xix} These priorities resulted in a warrant purge for traffic offenses^{xx} and creating an arraignment court program.^{xxi}

In 2020, the COVID pandemic hit and highlighted the importance of decarceration. Jails across the nation are facing COVID challenges^{xxii} that continue despite local criminal legal systems opening and resuming pre-COVID operations.^{xxiii} For more information on COVID-19 and jails, please see the box at the end of this report discussing the importance of this research post-COVID-19.

KEY FINDINGS

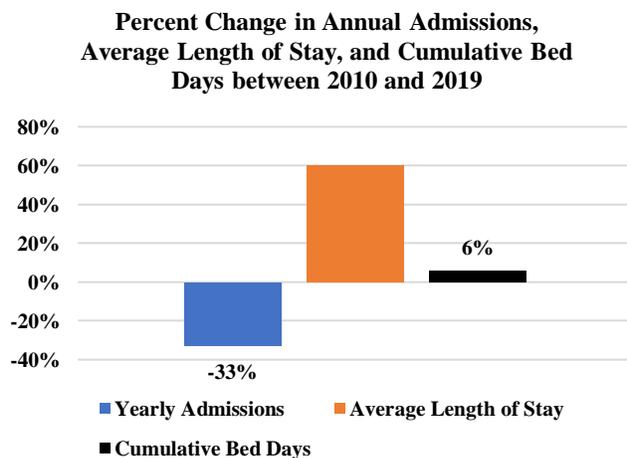
Who is in jail and why are they being admitted?

Admissions to Louisville Metro Department of Corrections declined by 35% over the study period, from 43,724 in 2010 to a low of 28,255 in 2019.



Admissions by Type: The majority of people admitted to jail are pretrial, meaning they have not been convicted of a crime. Over 70% of admissions are for people booked on new charges, a warrant, or a combination thereof. In 2019, the most common top charge severity categories were non-violent felonies (38%), misdemeanors (38%), and violent felonies which accounted for 8% of admissions, a much lower percentage than non-violent felony and misdemeanor admissions. Turning to the top charge categories, property crimes (26%), crimes against society (24%), crimes against persons (18%), and drug crimes (17%) were the four most common charges.

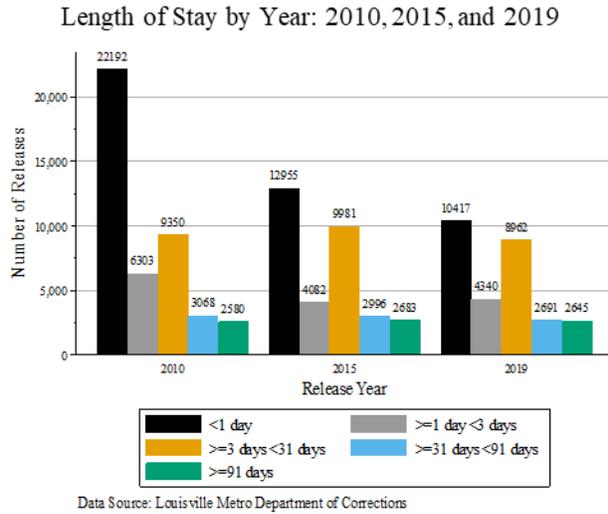
Fewer Arrests for Misdemeanors and Violations are Driving Admission Decreases



The data indicate there are two major drivers of the decrease in admissions during the study period. First, individuals admitted pretrial on new charges decreased from 21,036 in 2010 to 12,131 in 2019, a 55% decrease. Second, admissions for low-level offenses also decreased. Misdemeanor admissions decreased from 23,403 to 10,590 and violations decreased from 4,014 to 1,478. The decline corresponds to changes in state law allowing peace officer's discretion in misdemeanor arrests.^{xxiv}

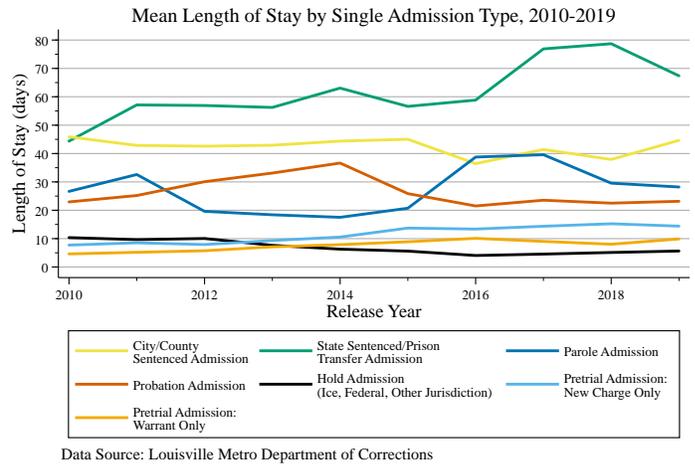
How long are people staying in jail?

From 2010 to 2019, the mean length of stay (measured in days) increased 60% from 18.9 days to 30.4 days. During this period, the median length of stay increased 228% from 0.71 days to 2.3 days. Because the average length of stay increased, the average daily population only decreased by 5% despite the decrease in admissions.



Across the study period, the majority of individuals in LMDC stayed less than one day. In 2019, 36% of people were booked and released within 24 hours, 51% were released in less than 3 days, and 31% were released between 3 and 31 days. Less than 5% of people released from jail stayed over 6 months, and less than 2% of people had lengths of stay over 1 year. However, the number of people who spent more than a year in jail increased from 214 to 379 during the study period. Although the number may seem small to some, the relative amount of jail resources used by individuals whose length of stay is greater than a year is substantial.

Length of Stay by Admission Type: Those individuals admitted as state sentenced/prison transfer had the longest average length of stay from 2010 to 2019, and the length of stay increased by 23 days, from 44.37 to 67.39 days, a 23% increase. Individuals serving a city/county sentence had the second longest average length of stay, this despite a 1.25 day decrease from 45.89 days in 2010 to 44.64 days in 2019. The average length of stay for pretrial admissions for new charge and pretrial admission for warrant saw increases in the average length of stay of 7 and 5 days, respectively. Individuals booked pretrial with a new charge and warrant saw a 15 day increase in the average length of stay.



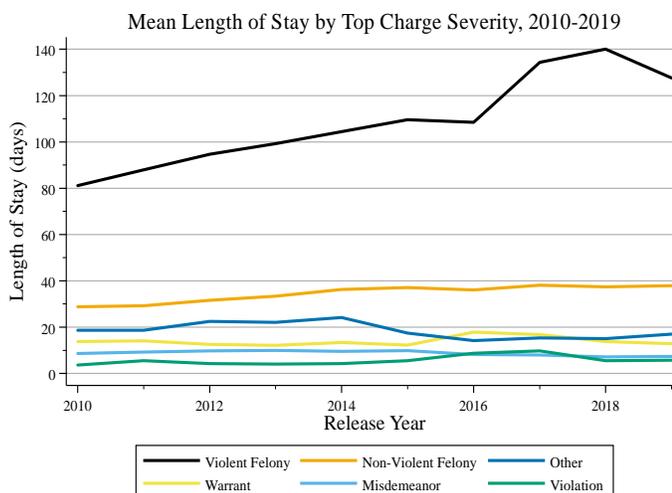
Predictors of Longer Lengths of Stay: When predicting whether someone is more or less likely to spend over 30 days in jail, there were statistically significant differences in the length of stay across categories of age, race/ethnicity, sex, admission types, release types, charge severity, and charge category. Overall, the strongest relationships with longer lengths of stay (more than 30 days) involved individuals booked on new charges, individuals admitted as state sentenced/prison transfer, and people charged with crimes against persons. Further, Black individuals were 7% more likely to spend over 30 days in jail compared to White individuals.

Length of Stay Increases are Key Driver of Jail Populations

Although there was a decline in admissions over the study period, the reduction in the average daily population (ADP) was smaller, just 5% from 2010 to 2019. The ADP increased from 2015 to 2017 peaking at an average daily population of 2,221 before declining to 1,991 in 2019. During the study period the average daily population was above the jails rated capacity of 1,793 every year except 2015 (1,787).

The potential reductions in jail population driven by lower admissions were largely negated by a large increase in the average length of stay across the study. The average length of stay gradually increased from 18.9 days in 2010 to 30.4 days in 2019, a 60% increase. Although the average length of stay did decline between 2018 and 2019, this result suggests that length of stay is the strongest driver in jail population. The increase in average length of stay also corresponded to a 6% increase in bed days consumed from 2010 to 2019, despite the drop in admissions.

The average length of stay varied based on the nature of the charge and admission type. Individuals booked on violent felonies had the longest length of stay. The average length of stay increased 46 days between 2010 and 2019, as did the number of bed days spent in jail. In 2019, an average person admitted for a violent felony stayed in jail 127 days. While violent felony length of stay increased, individuals booked on misdemeanors average length of stay decreased from 8.6 to 7.3 days between 2010 and 2019. The combined decrease in misdemeanor admissions and shorter length of stay resulted in a 61% decrease in bed days used between 2010 and 2019, suggesting efforts to reduce the impact of low-level offenses on jail population are working.



Two single admission types highlight the interplay among admissions, length of stay, and bed days. From 2010 to 2019, pretrial admissions for new charges and/or a warrant, experienced a reduction in admissions ranging from 21% to 49%. At the same time, pretrial admissions had the lowest average length of stay, despite experiencing an increase in the average length of stay during the study period. Although pretrial admissions decreased and had the lowest average length of stay, this admission type accounted for the largest proportion of bed days consumed for most of the study period. For instance, pretrial admission new charge only consumed 185,523 bed days in 2019, the largest amount of bed days used by any admission type.

Conversely, state sentenced/prison transfer admission, as a single admission type, had the fifth highest admission count during the study period but experienced a 44 day increase in the average length of stay from 2010 and 2019, resulting in the second highest bed day consumption for any admission type. State sentence/prison transfer admissions also present challenges in combination with probation and/or warrants.

The report also examined six multiple admission type combinations with the highest length of stay, in addition to new charges and warrant admission combination which was the most frequent multiple admission type. Four of the six multiple admission types with the longest length of stay involved a state sentence/prison transfer suggesting that the inability to move state sentenced individuals out of jail in a timely manner is a primary driver of jail populations.

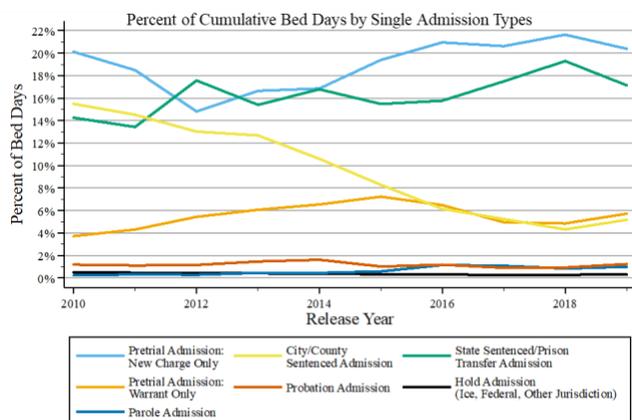
Who is utilizing jail resources?

One way to capture the amount of jail resources used by various groups is to compute the number of cumulative bed days used. Bed day calculations are based on the date of admission and release and any contact with the jail of one day counts as a bed day. We exclude people who spend less than 12 hours because typically they are not transferred to the main jail facility and are not assigned a bed.

Overall, between 2010 and 2019 the cumulative bed days increased by 6%, which resulted from a 25% increase from 2010 to 2018, followed by a 15% decrease between 2018 and 2019. In 2010, there were 856,554 bed days used by released individuals. Bed days increased from 2010 until 2014 reaching 959,824 bed days. In 2015 and 2016 there was a decrease in cumulative bed days, followed by a gradual increase which peaked in 2018 with 1,066,852 bed days. After the peak, bed days used began to decrease until falling to 909,763 bed days in 2019.

Reducing Average Length of Stay Could Lead to Resource Savings

The substantial increase in the average length of stay (LOS) in conjunction with a decrease in admission presents a lost opportunity for reducing jail populations. The National Institute of Corrections (NIC) measures the number of people in jail by multiplying the number of admissions and average length divided by 365, which indicates the average daily jail population.^{xxv} Using the NIC formula for 2019 admissions and average LOS, the average daily population was 2,353.3 (28,255 admissions x 30.4 average LOS/365). Using 2019 admissions and the average LOS in 2010, the average population drops to 1,463.1, an 890-person reduction in the average daily population. Reducing the average length of stay could lead to significant resource savings.^{xxvi} Decreasing length of stay may also improve community health^{xxvii} and reduce crime.^{xxviii}



Data Source: Louisville Metro Department of Corrections

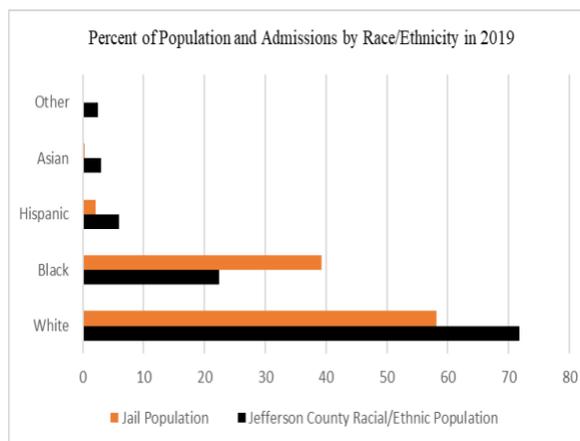
Bed Days by Admission Type: In 2019, individuals admitted for pretrial new charge only accounted for the highest number of bed days (185,523) followed by those admitted as state sentenced/prison transfer (155,956). When examining cumulative bed days by release type, individuals released as other agency permanent release order (333,365) used the most bed days followed by individuals released for a court order (290,897).

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

There are racial disparities in admissions, average length of stay, and bed days consumed.

Black persons are disproportionately represented in jail admissions and experienced a significant increase in average length of stay between 2010 and 2019.

Black persons accounted for 39% of jail admissions but just over 20% of the population of Jefferson County in 2019. In comparison, White residents were roughly 70% of Jefferson County's population and made up only 58% of jail admissions. The average length of stay for Black persons increased 15 days over the study period growing from 23 days in 2010 to 38 days in 2019, a 65% increase during the study period. This compared to the average length of stay increasing 10 days for Whites, from 16 days in 2010 to 26 days in 2019. Similar to admissions and lengths of stay, there are racial disparities in cumulative bed days. Despite accounting for roughly 39% of jail admissions in 2019, Black individuals accounted for 49% of bed days used, compared to White individuals accounting for 58% of admissions and 49% of bed days used.



Other Notable Findings

Bail Is a Key Driver of Jail Populations

Research shows that most individuals booked into jail are awaiting trial.^{xxix} From 2010 to 2019, pretrial admissions for new charges, either with or without a warrant, were the most frequent admission types representing approximately 70% of admissions. While pretrial admissions had lower average length of stay, they accounted for the most bed days beginning in 2014.

The average length of stay for bail over \$5,000 steadily increased over the study period from 56 days in 2010 to 92 days in 2019. Individuals admitted pretrial and required to post a bail amount of more than \$5,000 had mean lengths of stay of at least 3-5 times longer than those with bail amounts of \$5,000 or less, a trend that remained stable across the study period. Among individuals with bail set, those required to post more than \$5,000 accounted for 86% of people who spent 180 days or more in jail.

Research notes there is considerable variation in one's ability to pay bail.^{xxx} In 2019, the average length of stay for pretrial release bail paid was 7.77 days longer compared to pretrial release on one's own recognizance. In 2010, the average length of stay difference between pretrial ROR and pretrial bail was less than 1 day. The increase in length of stay may be related to the reversal of nonfinancial prelease conditions for financial conditions, and the increase in the amount of bail defendants are ordered to pay.^{xxxi,xxxii}

A Significant Proportion of People Return to Jail Repeatedly

Using a cohort of individuals released from jail in 2010, we examined readmissions between 2010 and 2019. Roughly 70% of individuals returned to jail at least one time and 27% returned 5 or more times. The strongest predictor of returning to jail was whether the individual had been admitted to jail in the three years prior to their 2010 incarceration. Other strong relationships include being 18-20 years old and the type of admission. Pretrial admissions for a warrant and admission for a probation violation were significant predictors suggesting technical violations may be playing an influential role in individuals returning to LMDC.^{xxxiii}

IMPORTANCE OF THIS RESEARCH POST COVID-19

The study period for this report does not factor in the numerous challenges COVID-19 has created for jails and broader criminal justice operations across the country. The COVID-19 pandemic further heightened concerns about crowding in both jails and prisons. Such facilities keep people in close proximity to one another and are an ideal environment for spreading the virus. Additionally, jail populations are dynamic as most detainees enter and exit in a matter of hours and days. A situation that may place those already in the facility, those entering the facility, those living with individuals who recently left the jail, as well as the entire community at risk.^{xxxix}

Many in state and local government have recognized these risks and have created a variety of COVID-19 related protocols to reduce population of incarcerated people.^{xxxv} As a result of these efforts, jail populations declined significantly for much of 2020^{xxxvi} and admission and length of stay patterns are fundamentally different than they were in 2019. For instance, in February 2020 before COVID-19 took hold, Louisville Metro Department of Corrections (LMDC) had a jail population of 1,851 individuals and four months later, in June 2020, this population was reduced to 1,252 individuals with the jail population remaining relatively stabilized in the subsequent months.^{xxxvii} Who is being admitted into jail and how long they are staying has also changed. Enforcement has declined resulting in fewer people entering with new charges^{xxxviii}, but the people who are in jail are staying longer.

Although jail populations have declined as a result of COVID-19, trends in jail admissions and length of stay prior to the pandemic remain relevant as jurisdictions re-open, jail populations begin to climb again^{xxxix} and many urban areas are facing increases in some types of violent crime.^{xl} As criminal justice operations return to normal, this report provides an understanding of which charges, admission types, and release decisions were

driving jail populations pre-pandemic and the degree to which Covid-19 shifted these trends. This data will ultimately enable policymakers to assess whether further decarceration efforts may be possible, including by retaining some of the practices that aided population reductions during the height of the pandemic.

DATA LIMITATIONS & QUESTIONS FOR FUTURE RESEARCH

These results provide important insights into jail population trends, but there are limitations that need consideration. First, the analyses do not fully capture the criminal history of individuals booked into jail which is a key determinant of the release decision.^{xli} Second, the description of top charge only captures the highest charge associated with each admission and therefore does not consider any complexities associated with multiple charges. Relatedly, LMDC data does not include information on pending charges from other jurisdictions, which may complicate the resolution of cases. Finally, there are limitations with bail data and release types noted in the larger report.

Many of these data limitations can be addressed by establishing data sharing agreements between agencies to fill gaps in any singular system. By combining data, stakeholders can gain a more complete understanding of who is in jail and for how long. In addition to improving data quality, expanding research capacity within and across agencies can help stakeholders monitor changes in lengths of stay and evaluate policy decisions by employing researchers in house or establishing research partnerships.

Questions for Future Research:

Did the mandatory use of risk assessment tools lead to an increase in the average length of stay for high-risk offenders?

What is the impact of community bail funds on average length of stay?

What is the relationship between case processing and length of stay?

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

What drove the increasing differences in average length of stay for Blacks compared to Whites between 2010 and 2019?

ACKNOWLEDGMENT

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Endnotes

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- ^{xviii} For further information on the Jail Policy Committee please visit <https://louisvilleky.gov/government/criminal-justice-commission/jail-policy-committee>
- ^{xix} See Jail Policy Committee meeting minutes where the JPC priorities is discussed. <https://louisvilleky.gov/criminal-justice-commission/document/jail-policy-meeting-summary-2018-december>
- ^{xx} See Jail Policy Committee meeting minutes where the warrant purge is discussed. <https://louisvilleky.gov/criminal-justice-commission/document/jail-policy-meeting-summary-2018-december>
- ^{xxi} See Jail Policy Committee meeting minutes where the weekend arraignment court is discussed. <https://louisvilleky.gov/criminal-justice-commission/document/jail-policy-meeting-summary-2018-december>

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