

Racial and Ethnic Disparities in Jail Stays in Douglas County

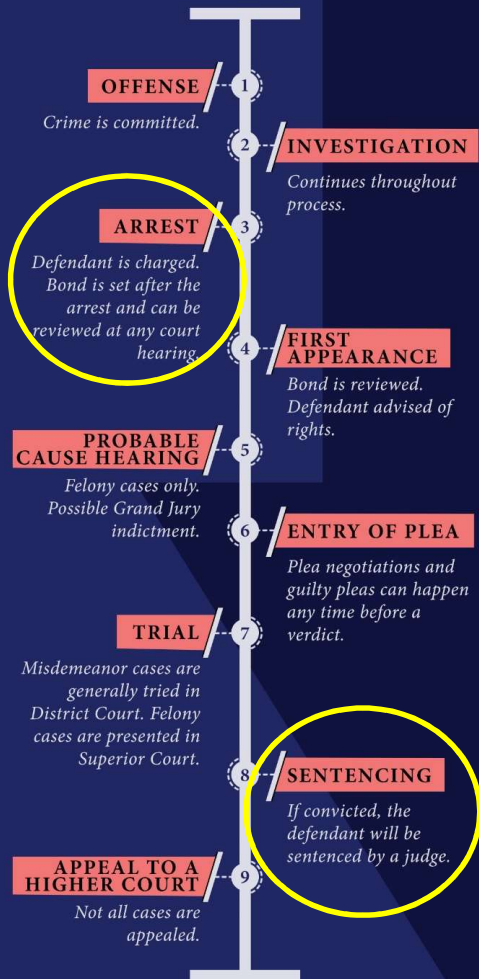
Criminal Justice Coordinating Council Meeting

June 14, 2022

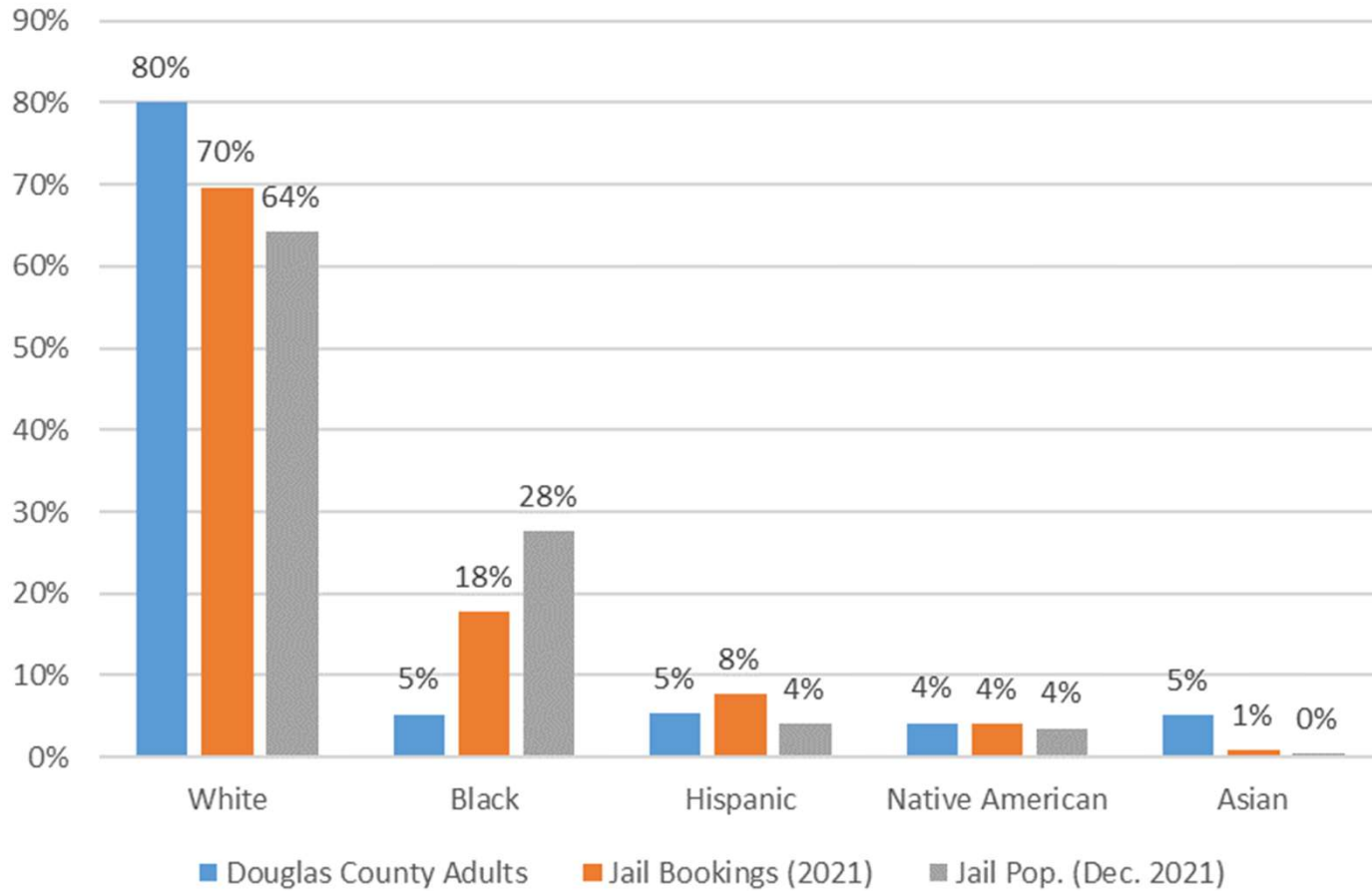
Matt Cravens, Ph.D.



BASIC STEPS IN THE ADULT CRIMINAL JUSTICE PROCESS

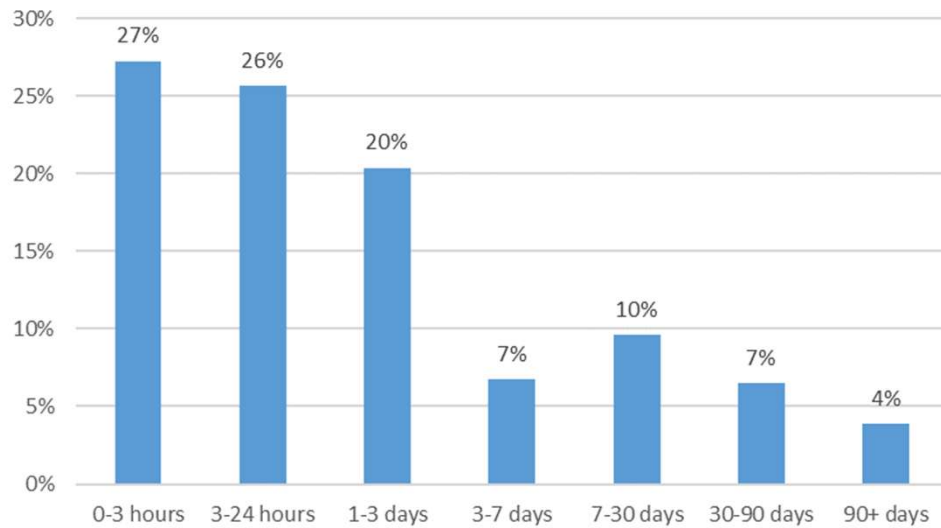


Distribution by Race and Ethnicity

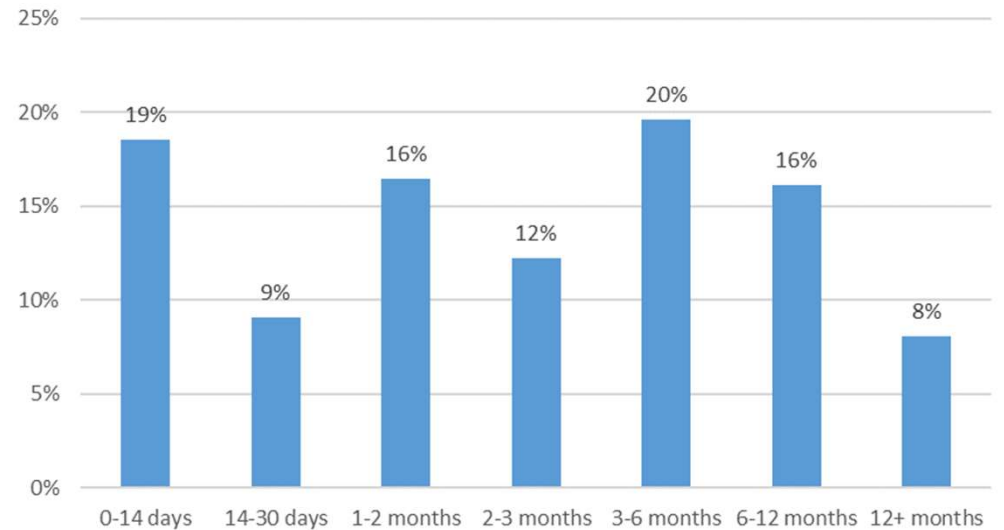


Bookings and releases vs. jail population

Jail Releases (2021), by Time in Jail



Jail Population (1/19/22-1/26/22), by Time in Jail



The racial/ethnic distribution of jail bookings is similar for Douglas County and non-Douglas County residents.

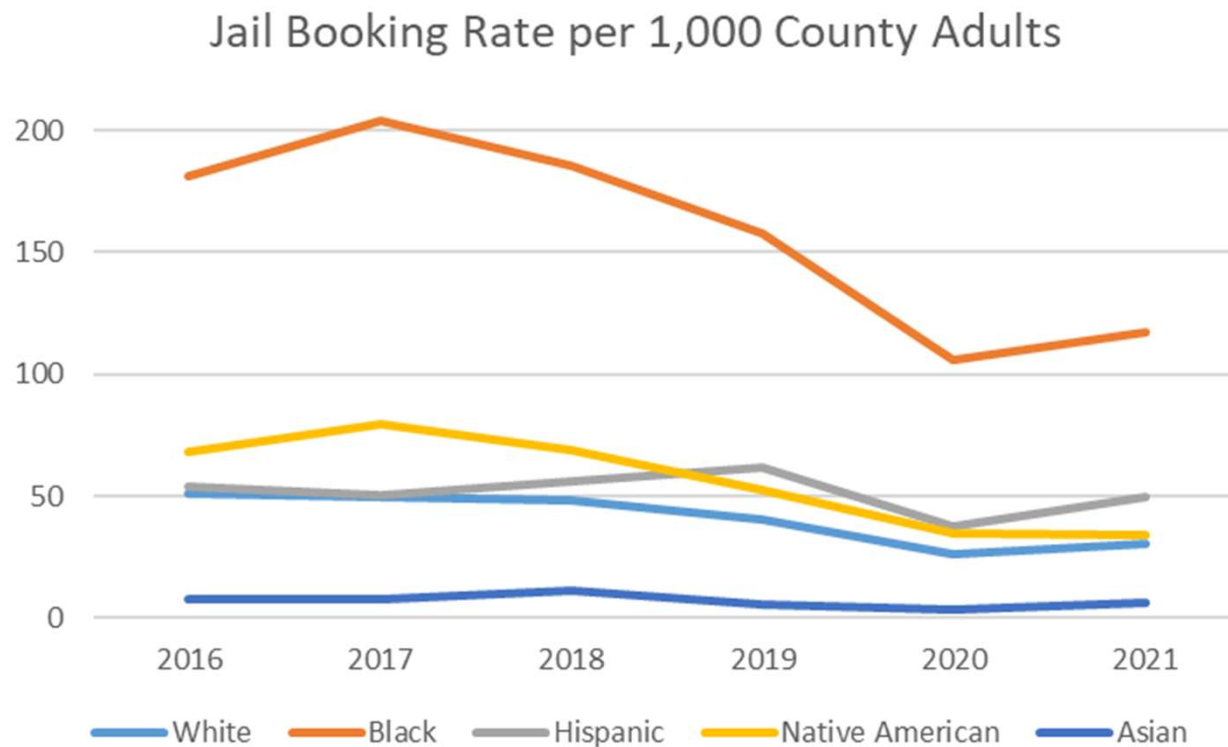


Jail Booking Rate per Population

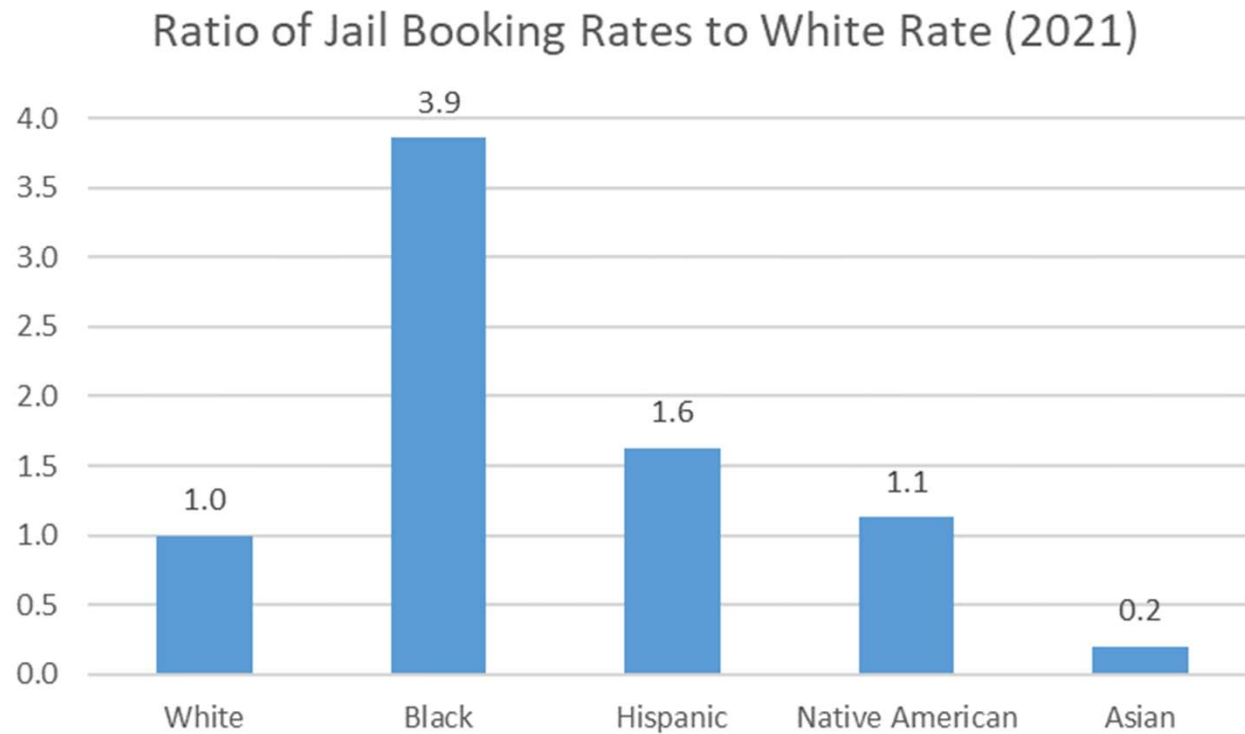
	Bookings in 2021	Douglas County Adults	Rate per 1,000 Adults
White	2,272	75,015	30
Black	577	4,936	117
Hispanic	249	5,040	49
Native Amer.	135	3,931	34
Asian	29	4,740	6

Source: DCCF bookings data are from the Spillman Jail Management System. Population data are the U.S. Census Bureau's adult 2020 counts.

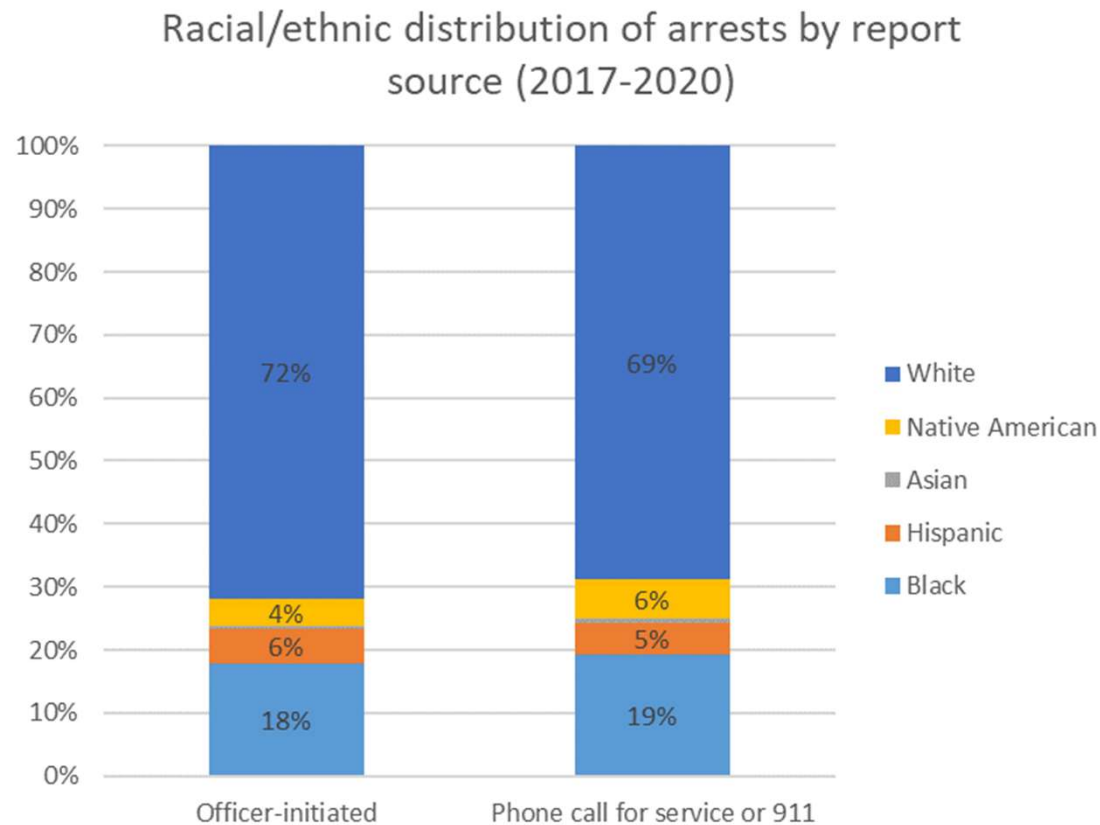
Jail booking rates have declined significantly for all groups, but racial disparities remain.



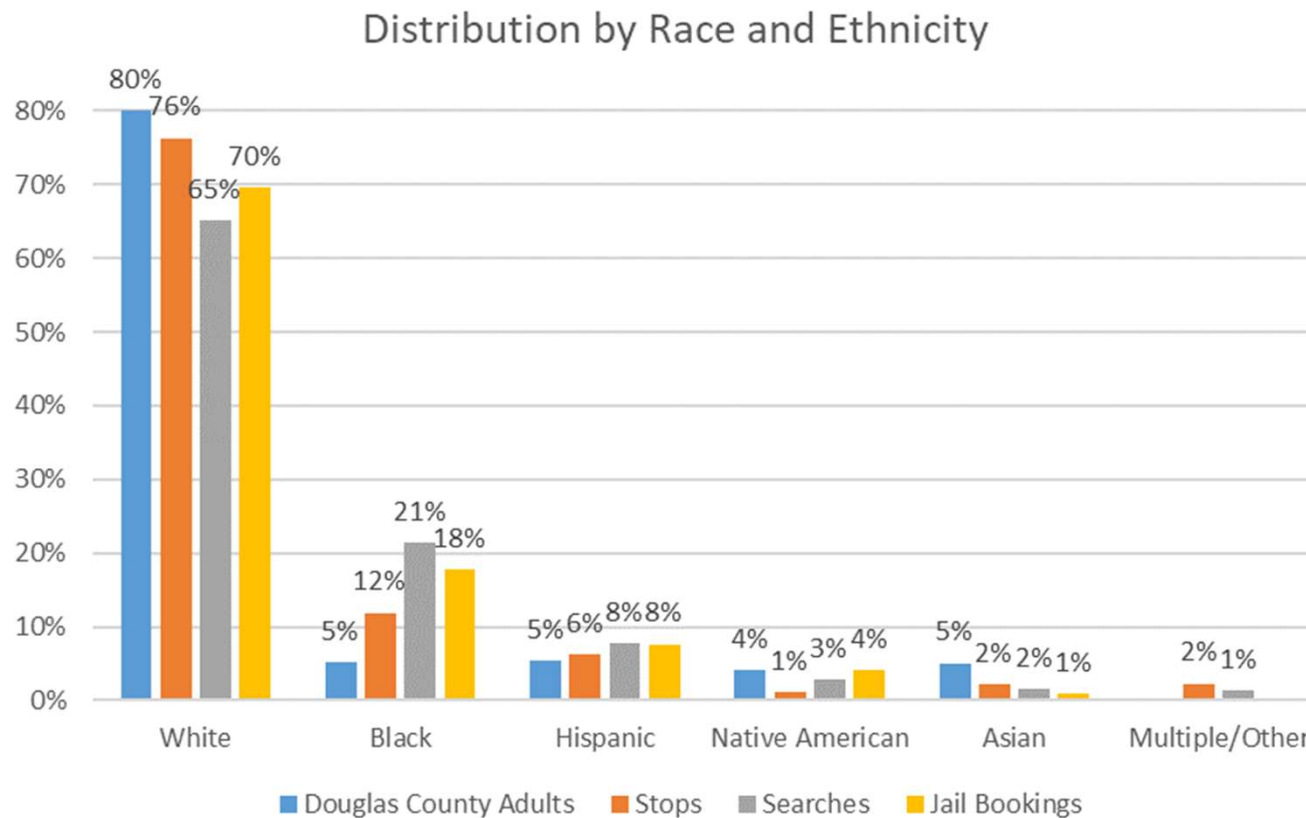
The disparity between the Black and white jail booking rates is large but has remained relatively stable over the last two years.



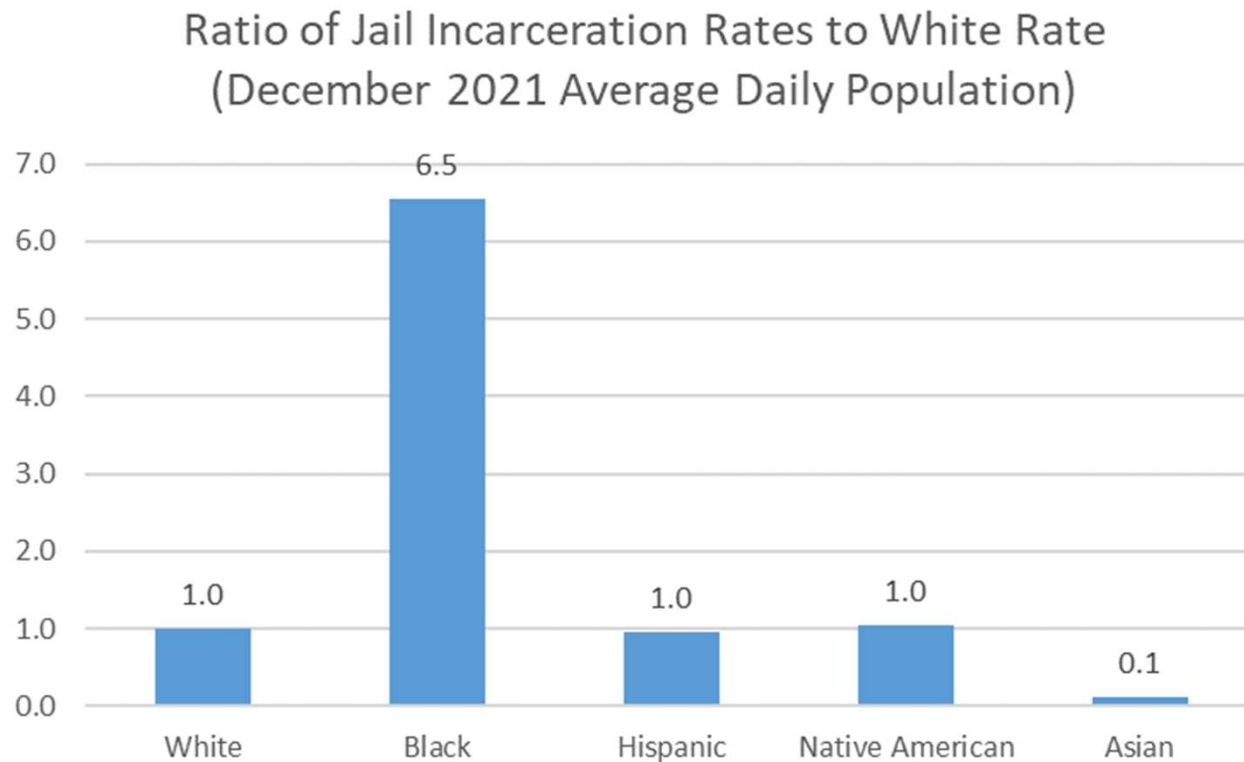
The racial/ethnic distribution is similar for arrests resulting from officer-initiated reports and phone calls for service.



People stopped and searched by law enforcement are disproportionately Black.



The disparity between the Black and white jail incarceration rates is high and growing.



Nationally, the Black jail incarceration rate is about
3.5 times higher than the white rate (2020).

Source: Bureau of Justice Statistics, December 2021, *Jail Inmates in 2020* (based on the Annual Survey of Jails).

Compared to the national average, Douglas County's overall jail incarceration rate is lower.

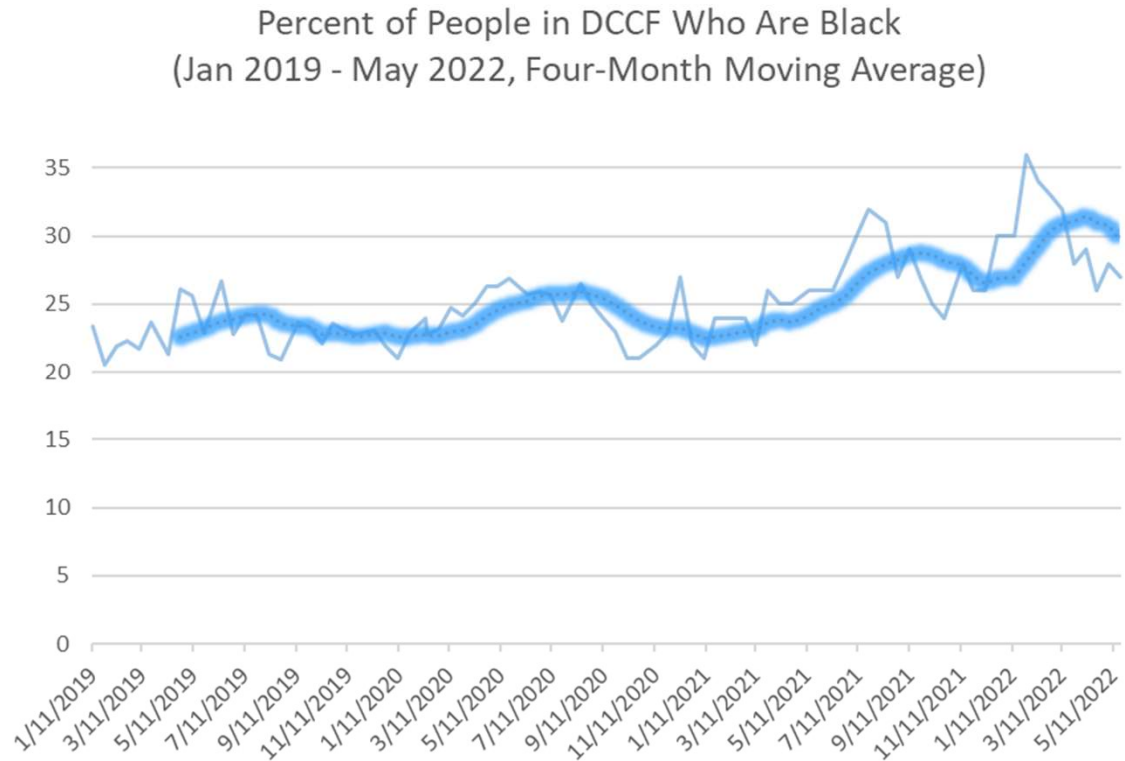
- Douglas County: 122 per 100,000 people (2020)
- Jails nationwide: 167 per 100,000 people (2020)

Source: Bureau of Justice Statistics, December 2021, *Jail Inmates in 2020* (based on Annual Survey of Jails).

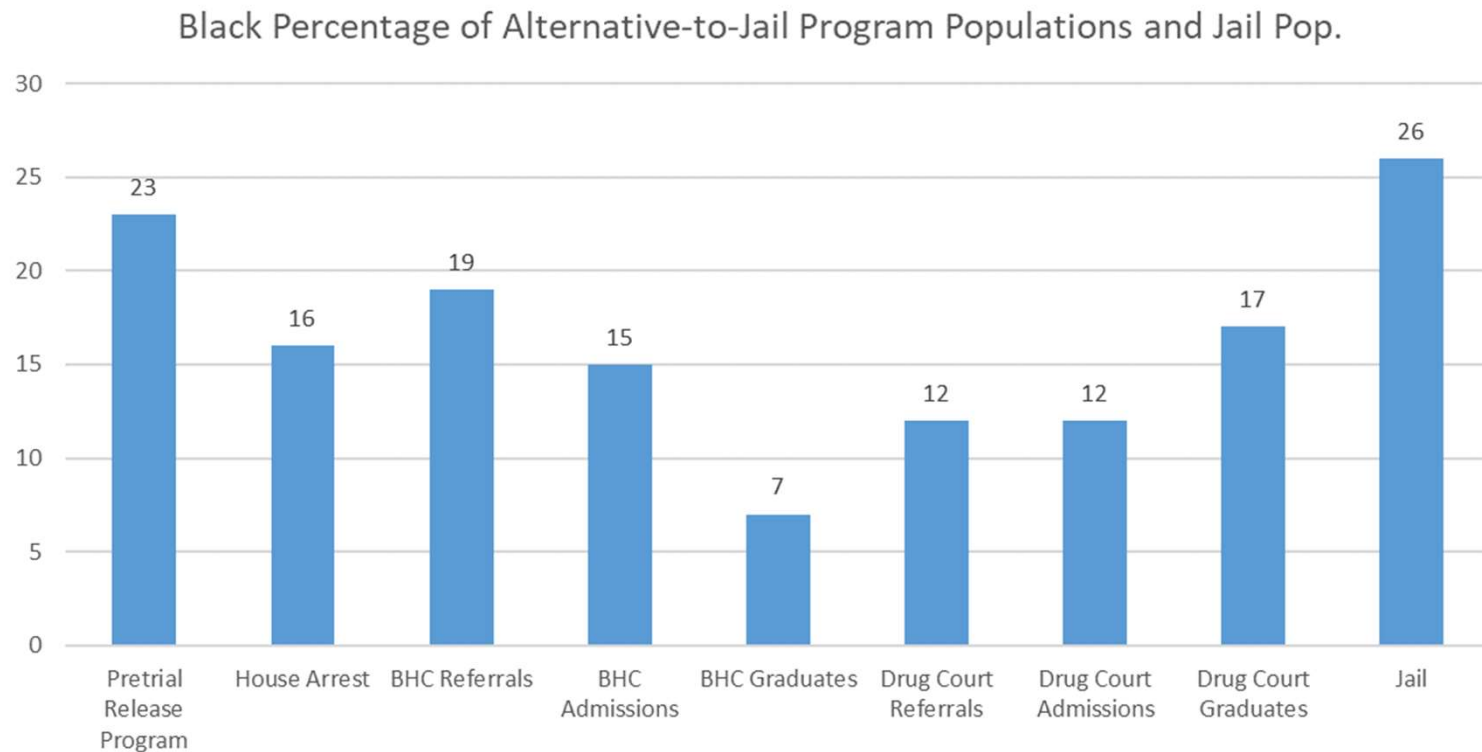
The Black rate in Douglas County is higher than the Black rate for all U.S. jails. Other racial/ethnic groups' rates in Douglas County are lower than their rates for all U.S. jails.

Why has the disparity between the Black and white jail incarceration rates grown in the last two years?

The percentage of people in DCCF who are Black rose.



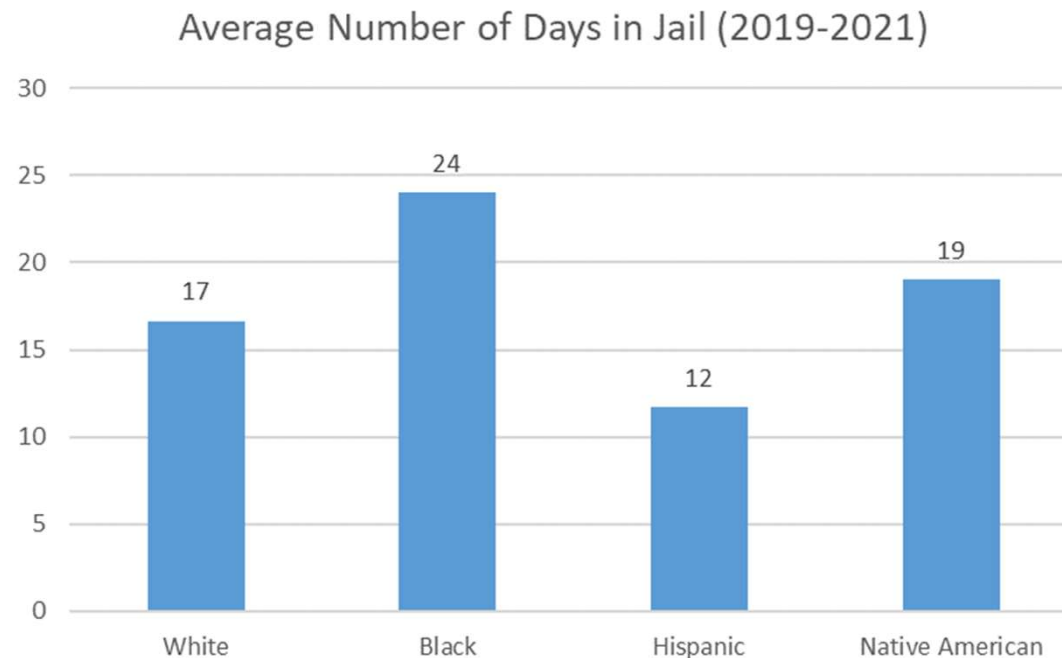
The Pretrial Release Program is offered to Black individuals at a similar rate as their share of the jail population. Other alternative-to-jail programs would be more equitable if they were offered to more Black individuals.



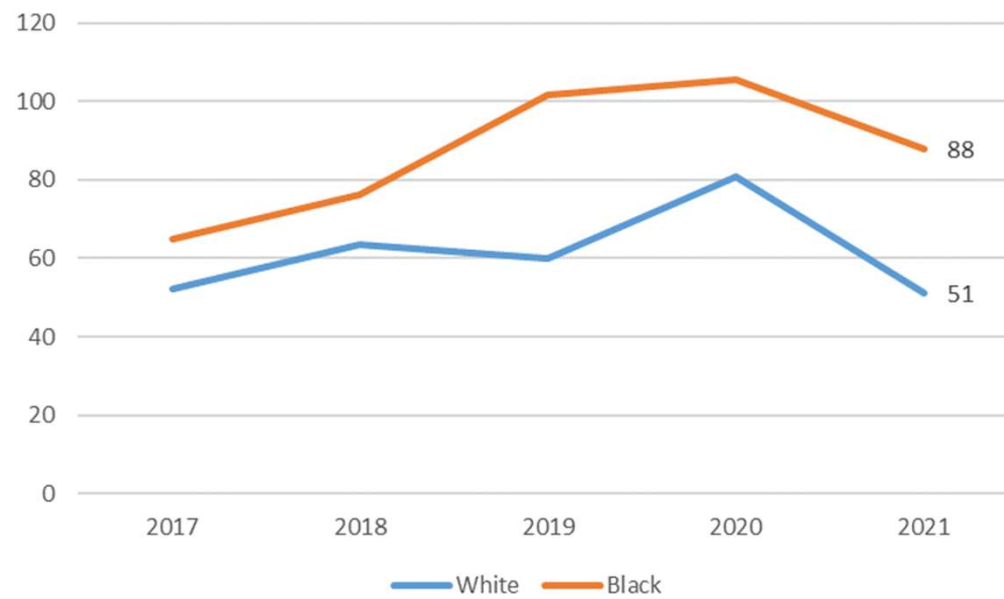
Notes: The Pretrial Release Program and House Arrest populations are for 2021, Behavioral Health Court (BHC) data are from 2020 to May 2022, Drug Court data are from 2020 to May 2022, and the jail population is for 2021.

Why is the disparity between Black and white jail incarceration rates so much greater than for booking rates, especially in the last two years?

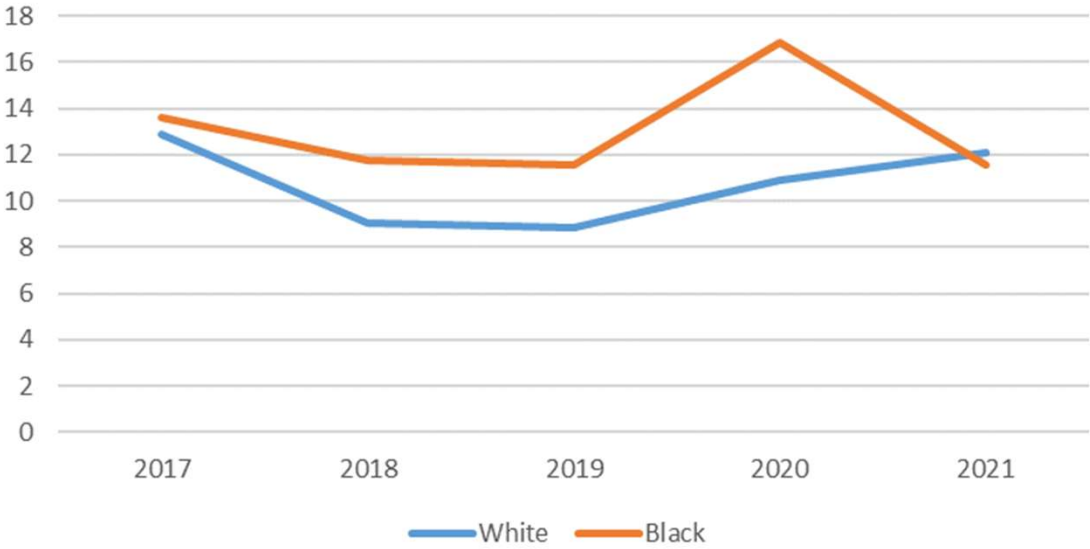
Black people stay longer than white people in DCCF.



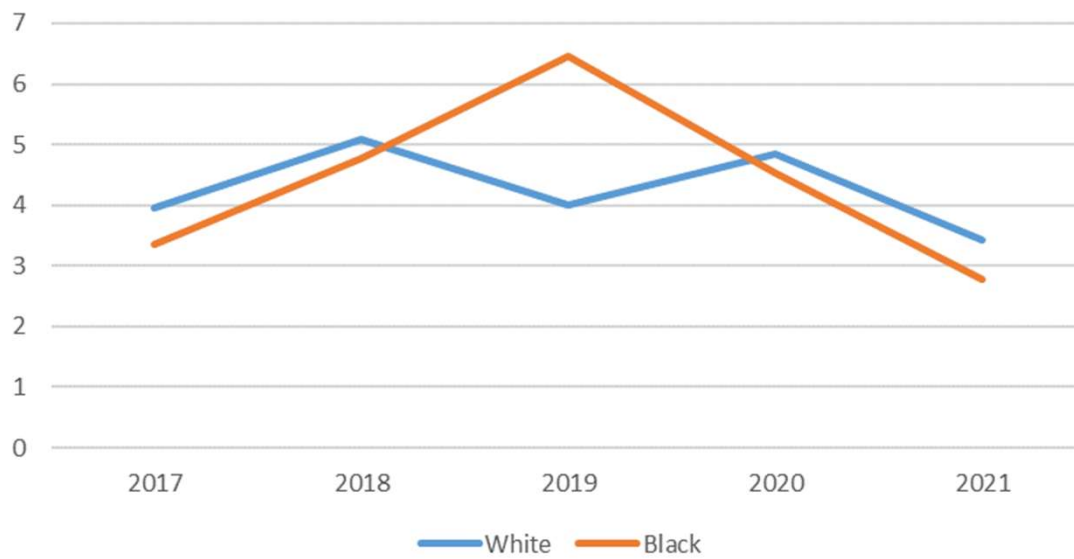
Average Days in Jail Among Sentenced Inmates with District Court Cases



Average Days in Jail Among Pretrial Inmates with District Court Cases



Average Days in Jail for Inmates with
Municipal Court Cases Only



Need to control for many variables

- Number and types of charges
- Case type
- Judicial status
- Number of prior bookings into jail
- Age
- Gender

Method

- Multivariate linear regression
 - Used to determine the effect of a variable while holding other variables constant
- Outcome is the natural log of jail days
- Data on all 2019 to 2021 releases from Douglas County Correctional Facility
- Three outliers with 1,000+ days in jail are removed
- Regression models are run separately for people with District Court cases and only Municipal Court cases

Variables included in model

- Race/ethnicity
- Gender
- Age
- Number of charges
- Number of bookings over the years
- Most serious offense classification—felony, misdemeanor, FTA, or other
- Specific offense at booking
 - Probation violation, technical probation violation, FTA, aggravated assault, domestic battery, other battery/assault, burglary, theft, disorderly conduct, criminal trespass, drug, DUI, criminal damage, driving while suspended, violate protection order, no insurance, interference with law enforcement officer, open container, flee, criminal threat, weapons violation, remand, other offense
- Case type—traffic, criminal, other, out-of-county
- Judicial status—sentenced, pretrial, other

Black people booked with District Court cases stay 26% longer than white people, on average, controlling for other variables.

Native American people booked with District Court cases stay 37% longer than white people.

Predicted Jail Days with District Court Cases, Statistically Controlling for Other Variables

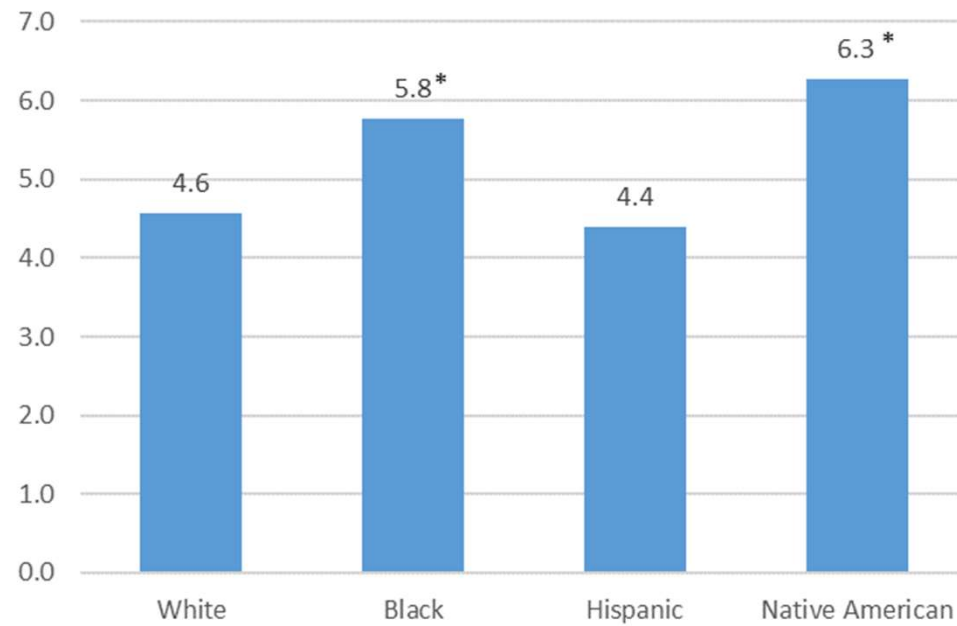
	Typical Booking	Hypothetical Pretrial Domestic Battery [#]	Hypothetical Sentenced Burglary [^]
White	1.3	4.6	92
Black	1.6 *	5.8 *	116 *
Hispanic	1.2	4.4	88
Native American	1.7 *	6.3 *	126 *

Notes: Predictions are generated from a linear regression model of the log of jail days using data on 2019-2021 bookings. * Difference between Black (or Native American) and white is statistically significant.

[#] Person booked into jail with three pretrial District Court charges including a domestic battery charge.

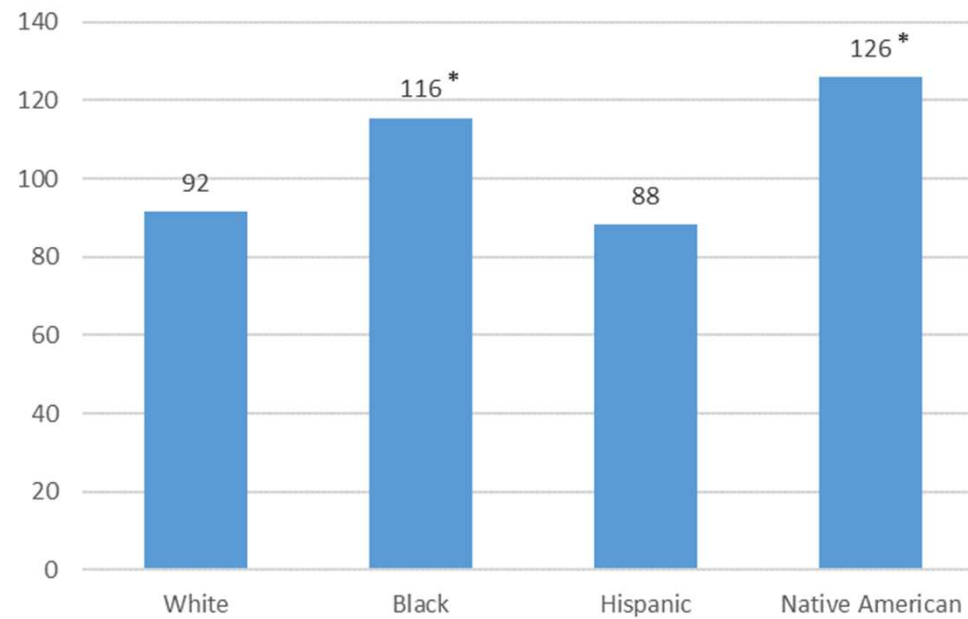
[^] Person sentenced to jail for felony burglary in District Court with four total offenses.

Predicted Jail Days, Hypothetical Pretrial Domestic Battery in District Court



* Difference from white predicted jail days is statistically significant.

Predicted Jail Days, Hypothetical Sentenced Burglary in District Court



* Difference from white predicted jail days is statistically significant.

Black people booked with only Municipal Court cases do not stay longer than white people, controlling for other variables.

Native American people booked with only Municipal Court cases stay 52% longer than white people, on average, controlling for other variables.

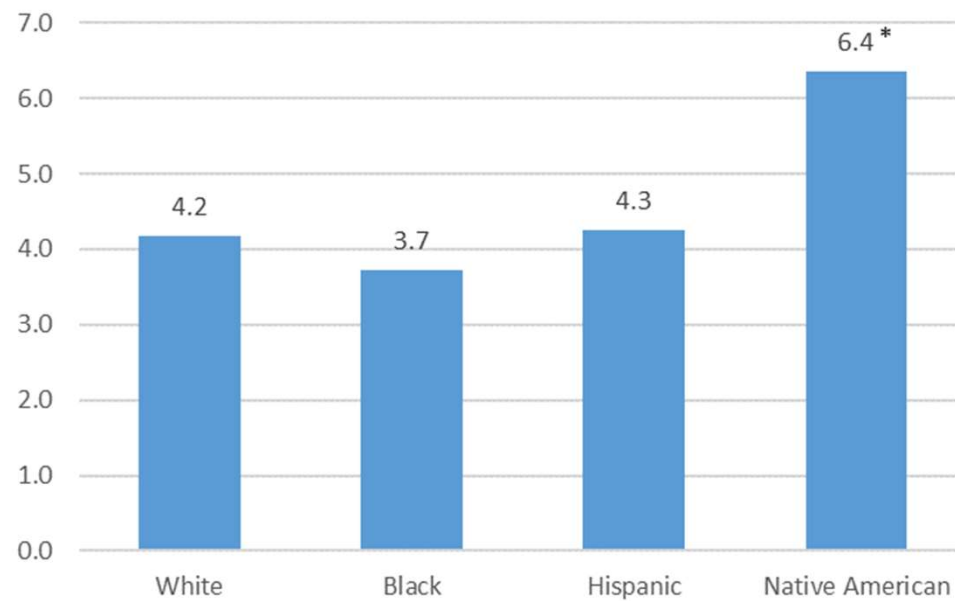
**Predicted Jail Days with Only Municipal Court Cases,
Statistically Controlling for Other Variables**

	Typical Booking	Hypothetical FTA Booking [#]
White	0.41	4.2
Black	0.36	3.7
Hispanic	0.41	4.3
Native American	0.62 *	6.4 *

Notes: Predictions are generated from a linear regression model of the log of jail days using data on 2019-2021 bookings. * Difference between Native American and white is statistically significant.

[#] Person booked into jail with four failure to appear warrants for misdemeanor cases in Municipal Court.

Predicted Jail Days, Hypothetical FTA Booking in Municipal Court



* Difference from white predicted jail days is statistically significant.

What have we learned?

- Racial disparities exist.
- Since the start of COVID, the Black-white disparity in the jail booking rate has remained relatively stable, but the disparity in the jail incarceration rate has risen.
 - Black people now make up a larger share of the jail population, rising from 23% in 2019 to 30% in 2022 so far.
- Why do the racial disparities exist? No single decision point is responsible for the disparities in jail incarceration rates. The results suggest some decision points are more influential.
 - The data suggest at least some disproportionate stopping and arresting of Black people by law enforcement.
 - The Black-white disparity in jail length of stay is greater among sentenced inmates than pretrial inmates.
- Socioeconomic status and bond may be keeping some Native American people in jail longer pretrial.

Limitations and extensions

- The model does not control for all possible variables, such as detailed criminal history.
- The regression approach does not definitively *prove* that race causes longer jail stays.
- Other Kansas counties could provide useful comparison points.
- Future analysis can look at the overlap between socioeconomic and racial disparities.

Brennan Center recommendations for reducing racial disparities in jail

- Limit the use of pretrial detention to individuals who pose a threat to public safety
- Increase diversion programs for low-level offenses at the arrest, pre-charge, and pretrial phases to reduce the number of people entering jails
- Encourage prosecutors to prioritize serious and violent offenses
- Set specific goals to reduce racial disparities, including incentives to steer decisions and success measures to track progress
- Create cross-departmental task forces to identify drivers of racial disparities and devise strategies to address them
- Require training to reduce implicit racial bias for all justice system actors
- Increase public defense representation for misdemeanor offenses
- Reduce probation lengths