



Free markets. Real solutions.

R SHEET ON

REDUCING JAIL POPULATIONS DOES NOT INCREASE HOMICIDE RATES

October 2021

BACKGROUND

In an effort to mitigate the spread of COVID-19, lawmakers and criminal justice agencies used a [variety of reforms](#) to reduce jail admissions and average lengths of stay—[the two key factors](#) that drive jail populations. These reforms led to a [24 percent decrease](#) in jail populations nationwide between 2019 and 2020. Prison populations also declined by [9 percent](#) during this period. Jails typically house offenders who are awaiting trial or who are sentenced to terms of less than one year, while prisons house offenders sentenced to terms longer than one year.

Some reforms included reducing arrests for low-level offenses through [citations](#) and [diversion-to-treatment services](#); [eliminating](#) cash bail for nonviolent offenses; expanding pre-trial release mechanisms such as [home monitoring](#); suspending detention for “technical” parole and probation [violations](#); [reclassifying](#) some nonviolent crimes as non-jailable offenses; and allowing offenders to [earn good conduct](#) credits toward early release.

While COVID-19 continues to [devastate jails](#), a [national decline](#) in COVID-19 cases coupled with a [rise](#) in homicides have heralded a return to “business as usual” detention practices in some jurisdictions, and a repudiation of current [best practices](#) that treat arrest and jail as [tools](#) of last resort. Consequently, jail populations rose [13 percent](#) from June 2020 to March 2021.

Evidence indicates, however, that the rapid [rise](#) in homicides is unrelated to recent criminal justice reforms. Indeed, reducing reliance on arrest and jail for low-level offenses can [enhance public safety](#) and health, while [saving taxpayer dollars](#).

SUMMARY

- The current rise in homicide rates is unrelated to and not caused by reductions in jail population.
- Using alternatives to arrest and jail to address low-level offenses does not increase crime, but can enhance public safety and health by reducing recidivism and curtailing the spread of COVID-19, while limiting unnecessary costs to taxpayers.

CURRENT DEBATE

Between 2019 and 2020, the national murder rate rose by [30 percent](#)—the highest increase in recent history. Between 2019 and mid-2020, the national jail population also declined by [24 percent](#).

The confluence of these two events has caused some to theorize that the rise in homicides is a result of the decline of the use of jails. Even as COVID-19 continues to [spread](#) through jails, there is a push by some to return to aggressive arrest and detention practices for nonviolent offenses—based on the belief that treating all offenses with undifferentiated severity will send a “tough-on-crime” message that effectively deters the most serious crime: homicide.

This conclusion is a fallacy born out of fear, magical thinking and an unfortunate human tendency to see causation between contemporaneous events where none exists.

The decline in jail populations and expansion of alternatives-to-arrest and [detention](#) did not [impact](#), let alone cause, the spike in homicides.

Indeed, while homicide rates rose in 2020, overall crime rate [declined](#) alongside reforms that reduced arrest and detention. This decline is consistent with evidence show-

ing that the use of alternatives-to-arrest and detention can reduce crime, sometimes dramatically. For instance, diversion programs such as Law Enforcement Assisted Diversion (LEAD), which refer low-level drug offenders to treatment in lieu of arrest and jail, can **reduce** recidivism rates by an astonishing 60 percent.

By contrast, evidence shows that time spent in pre-trial detention **increases** the likelihood of recidivism. Compared to low-risk offenders released within 24 hours, those jailed 2-3 days are 17 percent more likely to reoffend within two years; 35 percent more likely to reoffend after 4-7 days in jail; and 51 percent more likely to reoffend after 8-14 days in jail.

Jailing low-level offenders also poses an inordinate risk to public health. Because jails act as incubators of COVID-19, the rapid cycling of low-level offenders back and forth between jails and communities **increases** infection rates in both places.

Meanwhile, the average **annual cost** of jailing a person is about \$34,000. In 2017 alone, taxpayers spent **\$25 billion** dollars on jails—\$1 out of every \$17 county dollars spent. Experience teaches, however, that jail populations can be reduced. Low-risk offenders **released** on their own recognizance or **electronically monitored** do not increase crime, **saving taxpayers millions**.

In sum, despite an emotion-fueled call by some to return to “tough-on-crime policies” in the wake of rising homicides, evidence shows that reducing arrests and detention for low-level offenses has no impact on homicides, but instead correlates with decreases in overall crime and reduced jail costs.

ACTION ITEMS

While the recent rise in homicide rates roughly coincides with a reduction in jail population, there is no causal relationship between the two occurrences. Criminal justice reforms enacted in response to COVID-19 that decreased arrests and detention for low-level offenses have improved public safety and health, while conserving taxpayer dollars—without increasing violence.

Rather than rolling back these reforms, lawmakers and law enforcement agencies should expand the use of alternatives-to-arrest and detention for nonviolent offenses and invest in diversion treatment programs proven to reduce recidivism.

A reactionary return to ineffective “tough-on-crime” policies will merely squander limited law enforcement resources and distract from the crisis at hand. Smart, strategic, data-driven responses are needed to address the spike in homicides and prevent more tragic loss of life. But inflating jail populations through increased arrests and detention for nonviolent offenses is not a solution, and is likely to create more problems by **reversing** the overall reductions in crime already achieved through criminal justice reforms.

CONTACT US

For more information on this subject, contact the R Street Institute, 1212 New York Ave. NW, Washington, D.C. 20005, 202-525-5717.



Maya Szilak
Resident Fellow, Criminal Justice
and Civil Liberties
mszilak@rstreet.org
773-368-2412