

Increase in Incarceration

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Key Takeaways

- + Incarceration never returned to pre-COVID levels after the pandemic-related drops in 2020 and 2021. Homicides began to rise shortly after incarceration fell precipitously. Any account of incarceration's role has to start with that decline, not with the partial rebound.
- + The decrease in homicide is too big to be caused by incapacitation. About 93,000 more people were confined on an average day between the 2021 through and 2023–2024. To explain a 6,000-homicide decline through incapacitation, each incarcerated person would have to have been prevented from committing one homicide per 15 person-years of confinement, far above any observed rate. Against observed offending rates, incapacitation can account for 0.1% to 3.1% of the decline.
- + If incarceration mattered, it worked through the certainty of sanction, not incapacitation and not sentence length. Deterrence reaches everyone at risk, so its potential effect is much larger than what a cell delivers by holding one person.
- + The size of that effect cannot be estimated. The National Academy of Sciences concluded in 2014 that the field “cannot arrive at a precise estimate, or even a modest range of estimates” of incarceration’s effect on crime. The measurement problem here is even worse than the problem faced in 2014. There is no comparable national arrest count for 2021, and the probability that an arrest produces detention has not been measured nationally since 2009.
- + The effect of the candidate causes cannot be separated. Sanction certainty is driven by the interaction between police, courts, schools, and community actors, and they were all affected on the same national timeline in the spring of 2020. Better research cannot fix this.

Potential Mechanisms

Confinement can reach homicide through incapacitation and deterrence. Incapacitation estimates are essentially arithmetic: homicides averted equal people confined, times their rate of offending, times time served. Deterrence works on perceptions, namely the certainty that punishment follows, the speed with which it arrives, and its severity. A cell holds one person at a time, and the crime of whoever is removed may be committed by someone still free. The same cell can in principle deter many, with no replacement effect. But the deterrence created by incarceration is driven by perception and works with and through other entities, like police and the courts, to create real deterrence.¹

Established Evidence

The authoritative synthesis remains the National Academy of Sciences 2014 review, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. It reached two conclusions that frame everything below. It concluded that growth in incarceration probably reduced crime, but the effect “remains highly uncertain” because the committee could not “arrive at a precise estimate, or even a modest range of estimates.”² They were more confident about mechanism, concluding that certainty deters and severity largely does not. Nothing since has overturned either finding.

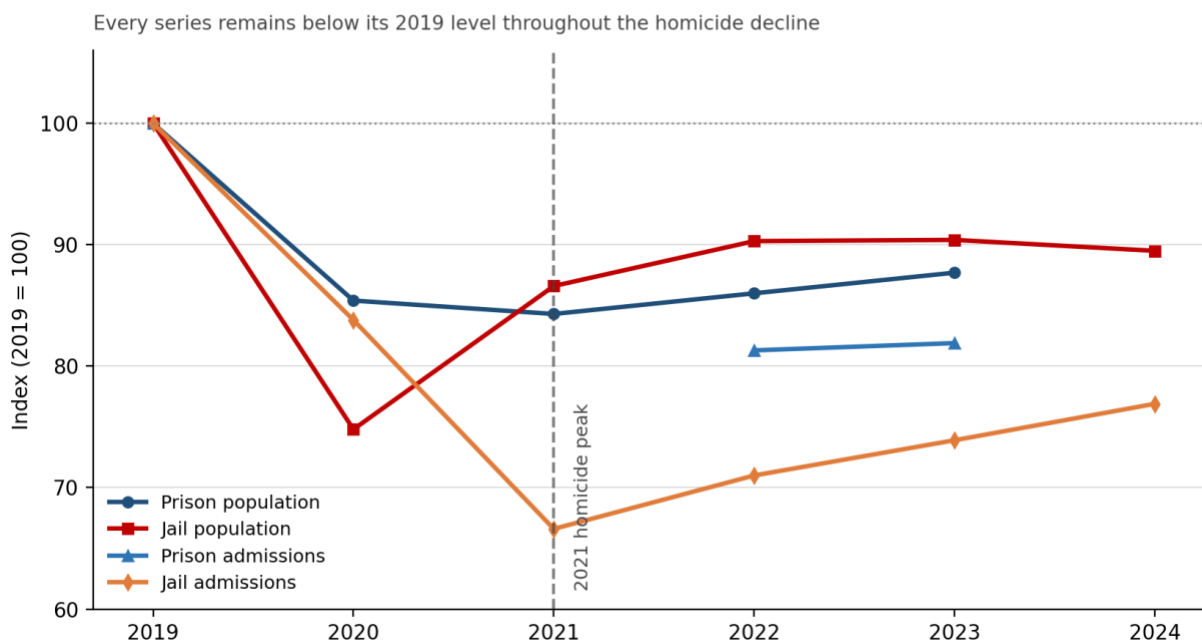
The studies the committee found irreconcilable came from a system that was more or less functioning as designed. That system stalled out in an unprecedented way in 2020, and therefore, the estimates in the literature are even less useful for the present discussion than for the discussion covered by the academy’s 2014 report.

Trends in Incarceration, 2019 to 2024

Incarceration fell between 2019 and 2024 and has not recovered. Every relevant series remains below its 2019 level (Figure 1). The prison population fell to a 2021 trough of 1,205,087 and came back only to 1,254,224 by year-end 2023. Jail average daily population stood at 662,100 at midyear 2024.³

Figure 1. Prison and jail population and admissions, indexed to 2019 = 100

Incarceration stock and flow, 2019–2024



Source: BJS, Prisoners in 2023 and Jails Report Series 2024 Preliminary Data Release.³ Prison admissions are not available for 2020 and 2021.

The 11% drop in the jail population decomposes cleanly. Arrests fell about 26%. Pushing the other way, both the share of arrests that produce a booking and the average length of stay rose. The arrests that did not come back were disproportionately low-level, so the people held in jail after 2021 were charged with more serious offenses on average than those held in 2019.⁴

Recent Evidence and Relevance to Current Trends

Between the 2021 trough and 2023–2024, roughly 93,000 more people were confined on an average day, 49,137 in prison and 43,500 in jail. These are stock measures, so the rebound supplies about 93,000 additional person-years of confinement a year.⁵

Homicides over the same period fell by about 6,000 a year, from roughly 22,900 in 2021 to 16,935 in 2024. For the rebound to explain that decline through incapacitation, each of those 93,000 people would have to have been on pace to commit a homicide every 15 years. No group offends at anything close to that rate. People released pretrial rather than held, the closest match to those the system took back in when it restarted, are rebooked for serious violence at about one thirtieth of that rate. Across three relevant

reference rates, incapacitation can account for 0.1% to 3.1% of the decline.⁶ Whatever incarceration contributed to the decline, it did not come from holding more people.

Timing and geography point the same way. Jail populations finished rebounding in 2022, during the homicide peak, then sat flat through the steepest part of the decline. California cut its prison population every year from 2023 through 2025 while its homicide rate returned to its pre-pandemic level of 4.3 per 100,000.⁷

Aggregate incarceration is a poor proxy for the homicide-relevant part of the system. Admissions for homicide are the better series, and two states publish them. Texas admitted 53% more people for homicide in fiscal 2025 than in fiscal 2019, and New York 30% more than in 2019.⁸ About two thirds of the Texas increase is the result of more homicides from the peak years working through the courts, and the remaining third is a real rise in admissions per homicide. The conversion component is the interesting one, because a rising probability of admission creates a change in certainty. Fiscal 2025 admissions also reflect the 2020–2021 court backlog clearing, which raises certainty with no change in charging or sentencing practice.

Data from two states proves little, but it does at least establish that the return of the criminal justice machinery could have increased the certainty of punishment and reduced homicide rates. More generally, deterrence has more room to matter because it operates on everyone at risk, not only on the 93,000 confined.

As an illustration of scale and not as an estimate, applying certainty elasticities of -0.10 to -0.30 to the collapse and partial restoration of expected immediate sanction gives figures on the order of 240 to 715 homicides a year.⁹ Those are not findings because there is no consensus on the elasticities. They nonetheless illustrate that deterrence could plausibly account for a sizeable part of the homicide reduction.

Three measurement gaps block any move from that illustration to an estimate. The probability that an arrest produces detention has not been measured nationally since the 2009 State Court Processing Statistics. There is no comparable national arrest estimate for 2021, the year the quantity moved, because the transition to incident-based reporting left participation too low to support one. And jail data are collected July to June while arrest data run on the calendar year, a misalignment that manufactures misleading artifacts: A naive ratio says bookings per arrest rose 10.8% in 2020, which is decidedly false.¹⁰

So, if confinement contributed to the rise and fall in homicide, it did so through the change in the certainty and speed of sanction, not incapacitation. The effect could be sizeable, but the existing data does not facilitate a valid estimate. The specific impact of confinement also cannot be separated from everything else that altered formal and

informal social control in the neighborhoods carrying the highest rates of violence, because all of it moved on the same national timeline inside the same 12 weeks.¹¹

Emerging Questions and Future Directions

The binding constraint is measurement, not method. No design recovers variation the period did not generate, so the attribution question for 2020 will not be settled by a better estimator. The U.S. need not find itself in this situation in the future. The relaunched National Pretrial Reporting Program, whose fieldwork closed in late 2024, would give the first national measurement of the arrest-to-detention margin since 2009. As incident-based reporting coverage recovers, the 2021 arrest hole becomes partly reconstructible. Aligning the jail and arrest series on a common reporting year is nearly free.¹²

The infrastructure to observe the next shock now at least partially exists. Daily individual-level jail rosters from more than 1,300 counties begin in September 2019, five months before the collapse, enough to see it, not enough to build a seasonal baseline. Linked administrative records covering arrest through sanction in 30 states, tied to Census and tax data, make narrower causal questions tractable even if the aggregate one is not.¹²

Meanwhile the answerable question goes unasked. All of the growth in state prison populations from 2003 to 2013 came from people over the age of 30.¹³ Admission rates have been declining ever since. Today's young people have less justice involvement than any cohort at their age since the 1970s, and the Black-White disparity in prison admissions has fallen from 7.2:1 to 3.2:1.¹⁴ Where does incarceration settle when the cohorts caught up in the late twentieth century crime wave finally age out? That question has data behind it, and the answer tells us whether the scale of incarceration can be set by anything other than the latest crime spike.¹⁵ Understanding the mechanisms driving the ongoing declines in incarceration levels provide policy relevant information that ranking causes for the homicide decline does not.

Prepared for CCJ Homicide Decline Research Summit

The United States has experienced a sharp decline in homicide since the middle of 2022. This dramatic and largely unexpected shift has sparked a high-stakes debate about what is driving it. To examine the plausibility of dozens of potential factors, CCJ convened a two-day summit in September 2026 with about 50 researchers from criminology, economics, public health, psychology, sociology, and related disciplines. This brief was prepared to inform discussions during the convening.

Endnotes

1. Miles, T. & Ludwig, J. (2007), "The Silence of the Lambdas: Deterring Incapacitation Research," *Journal of Quantitative Criminology* 23(4): 287–301. On replacement, see Cook, P. (1986), "The Demand and Supply of Criminal Opportunities," *Crime and Justice* 7: 1–27.
2. National Research Council (2014), *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, Washington, DC: The National Academies Press, <https://nap.nationalacademies.org/catalog/18613>. Quotations at pp. 140–141 ("cannot arrive at a precise estimate, or even a modest range of estimates, of the magnitude of the effect of incarceration on crime rates") and p. 155 ("the magnitude of the crime reduction remains highly uncertain"). On certainty versus severity, see pp. 136 and 155.
3. Prison and jail population and admissions series, 2019–2024: Bureau of Justice Statistics, Prisoners in 2023 – Statistical Tables, <https://bjs.ojp.gov/library/publications/prisoners-2023-statistical-tables>; BJS, Jails Report Series: 2024 Preliminary Data Release, <https://bjs.ojp.gov/library/publications/jails-report-series-2024-preliminary-data-release>; BJS, Jail Inmates in 2023 – Statistical Tables, NCJ 309965, Table 15 (average days in jail), <https://bjs.ojp.gov/document/ji23stt15.csv>. Urban-jail, felony-share and rebooking figures: Harvey, A. & Taylor, O. (2023), *The Current State of Jail Incarceration*, NYU Public Safety Lab, <https://psl-jdi-public.s3.amazonaws.com/The+Current+State+of+Jail+Incarceration.pdf>.
4. Jail decomposition: average daily population $\equiv$ arrests $\times$ (admissions per arrest) $\times$ (length of stay) $\div$ 365, an identity that is exact in log points. Over 2019–2024: arrests –26.1%, admissions per arrest +4.0%, length of stay +16.1%, net population –10.8%. Arrest series: FBI, Crime in the United States, Table 29 (estimated arrests): 2019 = 10,085,207; 2020 = 7,632,473; 2022 = 7,364,553; 2023 = 7,555,863; 2024 = 7,522,824. Arrests are phase-aligned to the BJS July–June jail year. Expected jail days per arrest rose from 26.55 in 2019 to 32.05 in 2024, an increase of 21%. A meaningful but unquantified share of that increase is composition: The Part I share of arrests rose from 15.6% to 17.7% because low-level discretionary arrests did not return, and arrests for serious offenses are booked at higher rates and produce longer stays.
5. Homicide counts: FBI, Reported Crimes in the Nation, 2024 (estimated 16,935 murders in 2024), <https://cde.ucr.cjis.gov/LATEST/resources/reports/Reported%20Crimes%20in%20the%20Nation%20Quick%20Stats.pdf>; FBI, Crime in the Nation, 2021 (estimated 22,900). The 93,000 figure sums the prison increase measured at year-end 2023 and the jail increase measured at midyear 2024; the two series are not published on a common date, which is why the figure is rounded. It is if anything too high, since people held in local jails on state authority can appear in both series. The required rate is one homicide per 15.4 person-years of confinement. Dating the decline from the 2022 homicide peak instead gives a 3,100-homicide denominator and a required rate of one homicide per 29 person-years.
6. Reference offending rates: U.S. population average and Black male 25–44 firearm homicide victimization rates, CDC MMWR, Kegler, S.R. et al. (2022), Table 1, used as offending-rate proxies; six-month rebooking-for-serious-violence rates from Jail Data Initiative records, Harvey & Taylor (2023), see endnote 3. Against the pretrial rebooking benchmark the gap is a factor of 32; against the Black male 25–44 firearm homicide rate it is a factor of 71.
7. California prison population: California Department of Corrections and Rehabilitation, population reports, <https://www.cdcr.ca.gov/research/>. California homicide rate: Public Policy Institute of California.

8. Texas homicide offenses, clearances and receives: FBI Crime Data Explorer, <https://api.usa.gov/crime/fbi/cde/summarized/state/TX/HOM>; Texas Department of Criminal Justice, Statistical Report FY2019 and FY2025, https://www.tdcj.texas.gov/documents/Statistical_Report_FY2019.pdf, https://tdcj.texas.gov/documents/Statistical_Report_FY2025.pdf. New York homicide offenses and clearances: FBI Crime Data Explorer, <https://api.usa.gov/crime/fbi/cde/summarized/state/NY/HOM>; New York homicide admissions: NYS DOCCS, Prison Admissions: Beginning 2008, <https://data.ny.gov/d/m2rg-xjan>. Florida shows a similar rise but is not reported here: FBI coverage ran 46% in 2021 and 78–87% after, so the series is not comparable across years. Scaling two states to the nation is illustrative at best.
9. Certainty channel: elasticities of -0.10 to -0.30 applied to the estimated collapse and partial restoration of expected immediate sanction, defined as the probability of arrest times the probability that arrest produces confinement, yield figures on the order of 240 to 715 homicides per year. These are presented solely to show that the certainty channel is arithmetically larger than the incapacitation channel, not as estimates. They depend on an allocation of the sanction shock between the arrest margin and the pretrial detention margin that the available data cannot supply; see endnote 10.
10. Pretrial detention measurement: Cohen, T. H. & Reaves, B. A. (2007), Pretrial Release of Felony Defendants in State Courts, NCJ 214994, Bureau of Justice Statistics, <https://bjs.ojp.gov/content/pub/pdf/prfdsc.pdf>; the State Court Processing Statistics series was last fielded in 2009. On 2021 arrests, see Council on Criminal Justice, Methodology and Data Sources: Arrest Trends in America, 1980–2024, <https://counciloncj.org/methodology-and-data-sources-arrest-trends-in-america-1980-2024/>, which excludes 2021 because the transition from the Summary Reporting System to NIBRS produced “unusually low agency participation, including non-reporting by several major jurisdictions.”
11. Zimring, F. (2007), *The Great American Crime Decline*, Oxford University Press, p. 132, describes the 1990s decline as a compound mystery with many candidate causes and no decisive one. The claim made here is stronger: the effects are not separately identified by the variation this period supplies. The relevance is that Zimring reached the weaker conclusion about a period offering far more usable variation than 2020 does.
12. Bureau of Justice Statistics, State Court Processing Statistics (SCPS) and National Pretrial Reporting Program (NPRP), <https://bjs.ojp.gov/data-collection/state-court-processing-statistics-scps-and-national-pretrial-reporting-program-nprp>; the relaunched NPRP was in the field with completion expected in late 2024, and no results have been published as of this writing. BJS, NIBRS Estimation Program, <https://bjs.ojp.gov/nibrs-estimation-program>; 2021 is the first estimation year, covering 67.9% of reporting agencies and 65.7% of the U.S. population, on a basis not comparable to the pre-2021 Summary Reporting System series. Jail Data Initiative, NYU Public Safety Lab, <https://publicsafetylab.org/jail-data-initiative>; daily individual-level rosters from more than 1,300 counties beginning September 2019. Criminal Justice Administrative Records System, <https://cjars.org/>; over 3 billion records from 30 states covering arrest through final sanction, linked to Census and tax data. For an example of the narrower questions these data can answer, see Brinkman, L., Jordan, A. & Neal, D. (2026), “The Impacts of Parole Supervision,” NBER Working Paper 34663, <https://www.nber.org/papers/w34663>.
13. Carson, E. A. & Sabol, W. J. (2016), *Aging of the State Prison Population, 1993–2013*, NCJ 248766, Bureau of Justice Statistics, <https://bjs.ojp.gov/library/publications/aging-state-prison-population-1993-2013>.
14. Robey, J. & Light, M., “The New Reality of Incarceration: Why Imprisonment Rates and Racial Disparities Are Declining,” *Nature Human Behaviour* (2026); summarized in Bushway, S., Robey, J. &

Humphreys, K. (in press), "Running Out of Inmates? Cohort Nonreplacement and the Approaching End of Mass Incarceration," *Annual Review of Criminology*, DOI 10.1146/annurev-criminol-022222-034050.

15. Blumstein, A. & Moitra, S. (1979), "An Analysis of the Time Series of the Imprisonment Rate in the States of the United States: A Further Test of the Stability of Punishment Hypothesis," *Journal of Criminal Law and Criminology* 70(3): 376–390. Across 1926–1974 the aggregate state imprisonment rate averaged 96.5 per 100,000 with a coefficient of variation of 0.11 and no statistically significant time trend. The series covers state prison average daily population only, excluding federal prisoners and jail populations, and is not directly comparable to the combined figures used elsewhere in this brief. The underlying homeostatic theory is Blumstein, A. & Cohen, J. (1973), "A Theory of the Stability of Punishment," *Journal of Criminal Law and Criminology* 64(2): 198–207. The stability hypothesis did not survive the period that began almost immediately after that series ends; what is invoked here is the documented stability of the prior half-century, not the mechanism proposed to explain it.