

COVID-19 amplified racial disparities in the U.S. criminal legal system

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Extended Abstract

The criminal legal system in the United States drives an incarceration rate that is the highest of any nation, with disparities by class and race among its signature features [1–3]. During the first year of the COVID-19 pandemic, the number of incarcerated people in the United States decreased by at least 17% (Figure 1A)—the largest, fastest reduction in prison population in American history [4]. In this study, we ask how this reduction influenced the racial composition of U.S. prisons, and consider possible mechanisms for these dynamics. Using an original dataset curated from public sources on prison demographics across all 50 states and the District of Columbia, we show that incarcerated white people benefited disproportionately from this decrease in the U.S. prison population, and the fraction of incarcerated Black and Latino people sharply increased (Figure 1B). This pattern persists across prison systems in nearly every state and deviates from a decade-long trend before 2020 and the onset of COVID-19, when the proportion of incarcerated white people was increasing amid declining numbers of incarcerated Black people [5]. While a variety of factors underlie these alarming trends, we explore why racial inequities in average sentence length are a likely major contributor. Ultimately, our study (forthcoming, *Nature*) reveals how disruptions caused by COVID-19 exacerbated racial inequalities in the criminal legal system, and highlights key forces that drive mass incarceration.

Data reporting methods on racial demographics in prisons have made it difficult for researchers to disentangle the various mechanisms driving observed disparities in incarcerated populations. We manually assembled and validated a dataset covering all 50 U.S. states, the District of Columbia, and the Federal Bureau of Prisons (FBOP) to both quantify the widening racial disparity observed during the first year of the COVID-19 pandemic and uncover its plausible causes. The result of this newly assembled, public dataset—comprising over 9,000 records across more than 20 years—is an unprecedented view into the dynamics of prison populations before, during, and after the onset of the pandemic.

Overall, the number of incarcerated people decreased dramatically in 2020. But we show that these declines were not distributed equally by race, especially for incarcerated Black people. We estimate that nearly 15,000 fewer Black people would be incarcerated in the United States by January 2021 if the racial disparities we observe were not present. In our work, we discuss this and related observations in light of the ethics of public health interventions, national debates about the future direction of policing and incarceration, and the importance of data infrastructure in responsible public policy. These discussions highlight how policies that were conceived to be “race-blind” can nonetheless lead to outcomes that are skewed by race, which reinforce existing structural inequalities [6]. We speculate that our findings transcend the influence of COVID-19, and say more about how large-scale disruptions can have a clear, quantifiable signature on extant inequalities.

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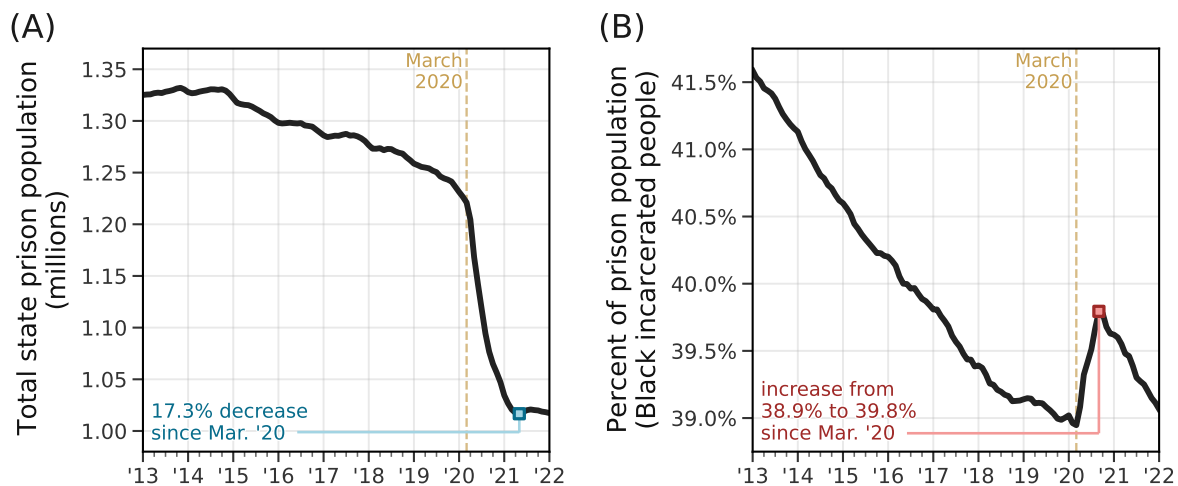


Figure 1: **Dynamics of the U.S. prison population.** (A) Total number of incarcerated people in the United States from January 2013 to January 2022. (B) Total percent of incarcerated Black people, as reported by states’ Departments of Correction. According to data from the United States census, Black people account for 13.4% of the total population [7]. This plot includes data from 49 states and the District of Columbia—data from Michigan are excluded as the state reports only “white” and “nonwhite” as race categories.