



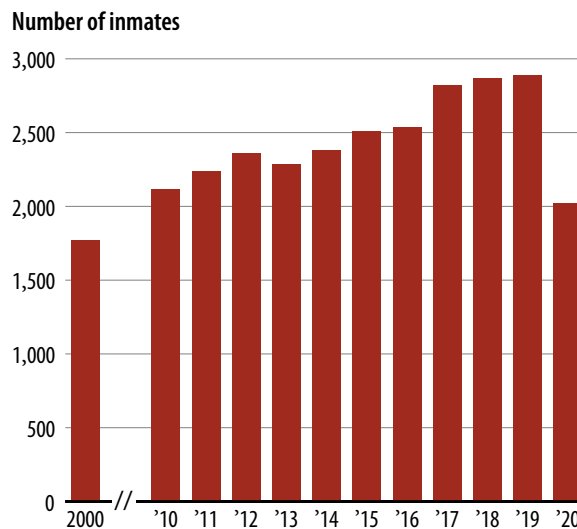
Jails in Indian Country, 2019–2020 and the Impact of COVID-19 on the Tribal Jail Population

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A total of 2,020 inmates were held in 82 jails in Indian country at midyear 2020, a 30% decrease from the 2,890 inmates held in 83 facilities at midyear 2019. The decline can be attributed mainly to the COVID-19 pandemic (figure 1; table 1). The midyear 2020 inmate population was the lowest since 2004, when 1,745 inmates were confined in Indian country jails (not shown in tables). The number of operating jail facilities in Indian country increased from 68 in 2000 to 82 in 2020.

The impact of COVID-19 on Indian country jails began in March 2020, with a drop of 30% in the inmate population between the end of February and the end of March (figure 2). By the last weekday in April 2020, the number of jail inmates dropped to a low of 1,950. The decline in the inmate population since midyear 2019 resulted from both a reduction in admissions to Indian country jails and expedited releases from March to June of 2020.

FIGURE 1
Number of inmates held in Indian country jails, midyears 2000 and 2010–2020



Note: Counts are as of the last weekday in June. For 2013 to 2020, data were imputed for nonresponse and rounded to the nearest 10. See *Methodology*.

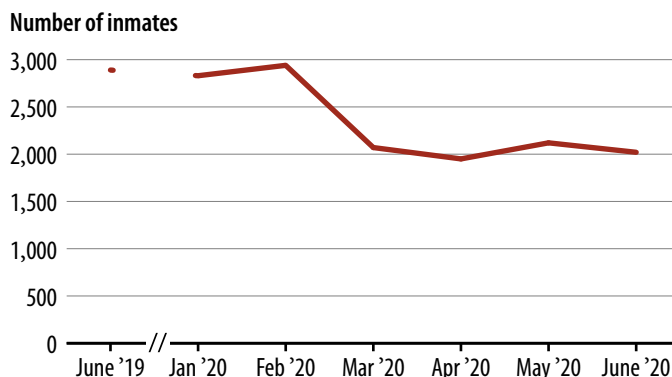
Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2000 and 2010–2020.

HIGHLIGHTS

- Admissions to Indian country jails decreased 45% from June 2019 to June 2020, from 9,620 persons to 5,330.
- The number of inmates held for a violent offense increased 8% and the number held for a nonviolent offense dropped 44% from midyear 2019 to midyear 2020.
- From March to June of 2020, about 2,130 COVID-19 tests were conducted on inmates held in Indian country jails. About 9% of these tests were positive.
- Of the 21,190 persons admitted to Indian country jails from March to June of 2020, about 7% (1,510) received expedited release in response to the COVID-19 pandemic.
- Indian country jails became less crowded between midyear 2019 and midyear 2020, as occupied bed space decreased from 67% to 48%.
- From March to June of 2020, about 5% (85) of the 1,710 staff employed in Indian country jails tested positive for COVID-19.

Findings in this report are based on both the 2019 and 2020 Annual Survey of Jails in Indian Country (SJIC), the latter of which included an addendum on COVID-19. See *Methodology*. This report covers the impact of COVID-19 on the tribal jail population from January to June of 2020. Statistical findings from July to December of 2020 will be reported in a subsequent report. For information covering the impact of COVID-19 on county and city jails, see *Impact of COVID-19 on the Local Jail Population, January-June 2020* (<https://bjs.ojp.gov/content/pub/pdf/icljppj20.pdf>).

FIGURE 2
Number of inmates held in Indian country jails on the last weekday in June 2019 and the last weekday of each month from January to June 2020



Note: Data were imputed for nonresponse and rounded to the nearest 10. See *Methodology*.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2019–2020.

TABLE 1
Inmates held, rated capacity, and percent of rated capacity occupied in Indian country jails in June, 2000, 2010, and 2015–2020

	2000	2010	2015	2016	2017	2018	2019	2020
Number of inmates								
Midyear ^a	1,775	2,119	2,510	2,540	2,820	2,870	2,890	2,020
ADP ^b	...	2,009	2,390	2,480	2,700	2,790	2,820	1,940
Peak ^c	2,441	2,904	3,230	3,400	3,580	3,580	3,630	2,610
Rated capacity^d	2,076	2,951	3,800	4,090	4,200	4,290	4,310	4,230
Percent of rated capacity occupied^e								
Midyear ^a	85.5%	71.8%	66.1%	62.1%	67.1%	66.9%	67.1%	47.8%
ADP ^b	...	68.1	62.9	60.6	64.3	65.0	65.4	45.9
Peak ^c	117.6	98.4	85	83.1	85.2	83.4	84.2	61.7
Number of operating facilities	68	75	76	80	84	84	83	82
Average number of inmates per operating facility^a	26	28	33	32	34	34	35	25

Note: For comparisons over time, data on inmate population and rated capacity were imputed for 7 nonresponding facilities in 2015, 5 in 2016, 8 in 2017, 9 in 2018, 13 in 2019, and 5 in 2020 and rounded to the nearest 10. See *Methodology*.

...Not collected.

^aAs of the last weekday in June.

^bAverage daily population (ADP) is the sum of the number of inmates held each day in June, divided by 30.

^cThe number of inmates held on the day in June when the facility's inmate population was largest. Data were imputed for 1 facility in 2016, 2018, and 2019 and for 2 in 2020 that responded to the survey but did not report peak population.

^dThe maximum number of beds or inmates assigned by a rating official to a facility, excluding separate temporary holding areas. Data were imputed for 1 facility in 2019 and for 2 in 2020 that responded to the survey but did not report rated capacity.

^eThe number of inmates in a facility divided by its rated capacity and multiplied by 100.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2000, 2010, and 2015–2020.

2020 Annual Survey of Jails in Indian Country Special Addendum on Coronavirus (COVID-19)

In response to the COVID-19 pandemic, the Bureau of Justice Statistics (BJS) added a special addendum to the 2020 and 2021 Annual Survey of Jails in Indian Country to measure the impact of this public health emergency on Indian country jails. In designing the addendum, BJS solicited comments and suggestions from a correctional health expert, tribal jail administrators, and the Bureau of Indian Affairs regarding data availability and reporting capabilities, question design and order, and estimated burden.

Key items from the addendum asked about the number of—

- inmates on the last weekday of each month from January to May 2020
- inmates who received expedited release due to COVID-19 from March 1 to June 30, 2020
- COVID-19 tests conducted on inmates from March 1 to June 30, 2020
- inmates who tested positive for COVID-19 from March 1 to June 30, 2020
- staff who tested positive for COVID-19 from March 1 to June 30, 2020
- total, confirmed, and suspected COVID-19 inmate deaths and staff deaths from March 1 to June 30, 2020
- total inmate and staff COVID-19 deaths that were based on a medical examiner or coroner evaluation (such as an autopsy, a postmortem exam, or a review of medical records).

For the full questionnaire, see <https://bjs.ojp.gov/data-collection/survey-jails-indian-country-sjic#Questionnaires>.

Terms and definitions

COVID-19

Confirmed death—Deaths where COVID-19 was the cause of death or a significant contributor of death as determined by a positive test for coronavirus before or after death.

COVID-19 test—A viral test for coronavirus disease. This is not a serology or antibody test.

Expedited releases—All inmates released to limit inmate risk and exposure, or due to coronavirus-related understaffing, court orders, or legislative mandates.

Suspected death—Deaths where coronavirus was the suspected cause of death or a significant contributor to the death, based on the person having symptoms of COVID-19 but no positive test for coronavirus.

General

Average daily population (ADP)—The sum of the number of inmates held each day in June, divided by 30.

Expected average length of stay—The ADP divided by the number of June admissions and multiplied by 30.

Indian country—The legal term used to describe reservations and other lands set aside for Indian use, such as Indian allotments, and lands held in trust for Indians or Indian tribes (18 U.S.C. § 1151).

Jail operations staff—Correctional officers and other staff who spend more than half of their time supervising inmates.

Midyear population—The number of inmates held on the last weekday in June.

Peak population—The number of inmates held on the day in June when the facility's inmate population was the largest.

Percent of capacity occupied—The number of inmates in a facility divided by its rated capacity and multiplied by 100.

P.L. 280—Under P.L. 83-280 (18 U.S.C. § 1162), some states have jurisdiction to prosecute certain crimes committed by or against American Indians and Alaska Natives. State law enforcement and courts may arrest, investigate, prosecute, and punish offenders. With some exceptions, the law affects Indian country in Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin. Pursuant to the Tribal Law and Order Act of 2010, tribes are authorized to request that federal authorities reassume concurrent federal jurisdiction.

Rated capacity—The maximum number of beds or inmates assigned by a rating official to a facility, excluding separate temporary holding areas.

Tribal Law and Order Act (TLOA)—Signed into law in 2010, the act enhanced tribes' authority to prosecute and sentence criminals. It expanded law enforcement resources and tools, increasing staffing, training, and access to databases of shared criminal information. It authorized new guidelines for handling sexual assaults and domestic violence, and it encouraged development of more effective programs to prevent alcohol and drug abuse.

By midyear 2020, Indian country jails cut the size of the midyear 2019 population by 30%

The inmate population decreased 30% (down 870) from midyear 2019 to midyear 2020 (table 2). Large declines were reported for facilities regardless of size. Since midyear 2019, the 25 facilities rated to hold 50 or more inmates saw the largest decline (down 32%, or 620 inmates) in their inmate population. The 25 facilities rated to hold fewer than 25 inmates saw the smallest decline in their inmate population (down 26%, or 44 inmates).

Admissions to Indian country jails decreased 45% from June 2019 to June 2020

About 5,330 persons were admitted to Indian country jails in June 2020, down 45% from the 9,620 admissions in June 2019 (table 3). Two-thirds (2,850) of the decline of 4,290 admissions occurred in facilities rated to hold 50 or more inmates. Jails rated to hold 25 or more inmates accounted for the vast majority of admissions in June 2019 (89%) and June 2020 (88%). Facilities rated to hold 9 or fewer inmates accounted for less than 1% of June admissions in 2019 and 2020.

TABLE 2
Number of inmates held in Indian country jails, by facility size, midyear 2019 to midyear 2020

Facility size ^a	Number of facilities		Inmates ^b		Change in inmate population	
	2019	2020	2019	2020	Number	Percent
Total	83	82	2,890	2,020	-870	-30.1%
9 or fewer	4	4	9	5	-4	-44.4
10–24	20	21	160	120	-40	-25.0
25–49	34	32	790	580	-210	-26.6
50 or more	25	25	1,940	1,320	-620	-32.0

Note: Data were imputed for nonresponse. Data were rounded to the nearest 10, except for facilities with a rated capacity of nine or fewer beds or inmates.

^aBased on the rated capacity, which is the maximum number of beds or inmates assigned by a rating official to a facility, excluding separate temporary holding areas.

^bAs of the last weekday in June.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2019–2020.

TABLE 3
Average daily population, admissions, and expected average length of stay in Indian country jails, by facility size, June 2019–June 2020

Facility size ^a	ADP ^b		June admissions		Expected average length of stay ^c	
	2019	2020	2019 ^d	2020 ^e	2019	2020
Total	2,820	1,940	9,620	5,330	8.8 days	10.9 days
9 or fewer	7	2	57	14	3.7	4.3
10–24	160	120	960	610	5.0	5.9
25–49	770	550	3,680	2,630	6.3	6.3
50 or more	1,880	1,270	4,920	2,070	11.5	18.4

Note: Data were imputed for nonresponse. Data were rounded to the nearest 10, except for facilities with a rated capacity of nine or fewer beds or inmates.

^aBased on the rated capacity, which is the maximum number of beds or inmates assigned by a rating official to a facility, excluding separate temporary holding areas.

^bAverage daily population (ADP) is the sum of the number of inmates held each day in June, divided by 30.

^cThe ADP divided by the number of June admissions and multiplied by 30. See *Methodology*.

^dData were imputed for 13 nonresponding facilities in 2019 (3,003 admissions combined) and for 3 facilities that responded to the survey but did not report admissions (721 admissions combined).

^eData were imputed for 5 nonresponding facilities in 2020 (130 admissions combined).

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2019–2020.

Inmates' expected average length of stay (the time in custody from admission to release) increased from 9 to 11 days between June 2019 and June 2020. The average length of stay was longer in larger facilities. In June 2020, inmates in facilities rated to hold 49 or fewer inmates spent an average of 6 days in jail from admission to release, similar to June 2019. Inmates in facilities rated to hold 50 or more inmates spent about 18 days on average in June 2020, up from about 11 days in June 2019.

About 9% of COVID-19 tests conducted on inmates were positive

From June 2019 to February 2020, admissions to Indian country jails remained relatively stable, then declined substantially by the end of March 2020 (not shown in tables). During the 4-month period from March to June

of 2020, about 21,190 persons were admitted to Indian country jails (**table 4**). A small fraction (10%, as a percent of admissions) were tested for COVID-19.¹

During the 4-month period, about 2,130 COVID-19 tests were conducted on inmates held in Indian country jails. About 9% (190) of these tests were positive for COVID-19. Of the 1,340 tests conducted in the largest facilities rated to hold 50 or more inmates, nearly 10% were positive. Among facilities rated to hold 25 to 49 inmates, about 9% of tests were positive. No COVID-19 tests conducted on inmates were reported positive in the smaller facilities during this time period.

¹Admissions from March to June 2020 was used to estimate the number of jail inmates who could have been tested for COVID-19 over the same period.

TABLE 4
COVID-19 testing and positive cases among inmates in Indian country jails, by facility size, March 1–June 30, 2020

Facility size ^a	Admissions ^b	COVID-19 tests conducted on inmates			
		Number of tests conducted ^c	Tests as a percent of admissions	Number of positive tests ^c	Percent of positive tests
Total	21,190	2,130	10.1%	190	8.9%
9 or fewer	28	11	39.3%	0	0.0%
10–24	3,040	100	3.3	0	0.0
25–49	10,080	670	6.6	60	9.0
50 or more	8,040	1,340	16.7	130	9.7

Note: Data were imputed for non-response and rounded to the nearest 10, except for the facilities with a rated capacity of nine or fewer beds or inmates.

^aBased on the rated capacity, which is the maximum number of beds or inmates assigned by a rating official to a facility, excluding separate temporary holding-areas.

^bAdmissions from March 2020 to June 2020 were estimated based on admissions in June 2020 and on the confined population on the last weekday in March 2020 to June 2020. See *Methodology*.

^cInmates may be tested more than once and may account for multiple positive tests. See *Methodology*.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2020.

About 7% of inmates received expedited release in response to the COVID-19 pandemic

From March to June of 2020, about 7% of the 21,190 persons admitted to Indian country jails received expedited release in response to COVID-19 (table 5).² Expedited releases were granted to limit inmate risk and exposure to COVID-19 or due to coronavirus-related understaffing, court orders, or legislative mandates. Nearly 8% of persons admitted to facilities rated to hold 50 or more inmates received expedited release.

Less than half of jail beds in Indian country were occupied at midyear 2020

The overall decline of inmates in Indian country jails from midyear 2019 to midyear 2020—attributed to pandemic-related reductions in jail admissions and expedited releases—was reflected in the decreases to occupied bed space.

While the inmate population declined about 30% from midyear 2019 to midyear 2020, the rated capacity remained relatively stable (table 6). As a result, the jail occupancy rate declined from 67% at midyear 2019 to

²The number of admissions from March to June of 2020 was used to estimate the number of jail inmates who could have received expedited release.

48% at midyear 2020. About 3 in 10 beds were occupied in facilities rated to hold fewer than 25 inmates at midyear 2020, down from 5 in 10 at midyear 2019.

TABLE 5
Admissions to and expedited releases from Indian country jails, by facility size, March 1–June 30, 2020

Facility size ^a	Admissions ^b	Expedited releases ^c	
		Number	As a percent of admissions
Total	21,190	1,510	7.1%
9 or fewer	28	6	21.4
10–24	3,040	210	6.9
25–49	10,080	680	6.7
50 or more	8,040	610	7.6

Note: Data were imputed for nonresponse. Data were rounded to the nearest 10, except for facilities with a rated capacity of nine or fewer beds or inmates.

^aBased on the rated capacity, which is the maximum number of beds or inmates assigned by a rating official to a facility, excluding separate temporary holding areas.

^bEstimated based on admissions in June 2020 and on the confined population on the last weekday of each month from March to May 2020. See *Methodology*.

^cExpedited releases were granted to limit inmate risk and exposure or due to coronavirus-related understaffing, court orders, or legislative mandates. See *Methodology*.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2020.

TABLE 6
Capacity of Indian country jails, by facility size, midyear 2019 to midyear 2020

Facility size ^a	Rated capacity ^b		Percent of capacity occupied at midyear ^c		Percentage point change ^d
	2019	2020	2019	2020	
Total	4,310	4,230	67.1%	47.8%	-19.3
9 or fewer	28	28	32.1	17.9	-14.3
10–24	320	350	50.0	34.3	-15.7
25–49	1,230	1,190	64.2	48.7	-15.5
50 or more	2,730	2,670	71.1	49.4	-21.6

Note: Data were imputed for nonresponse. Data were rounded to the nearest 10, except for facilities with a rated capacity of nine or fewer beds or inmates.

^aBased on the rated capacity (see note b).

^bThe maximum number of beds or inmates assigned by a rating official to a facility, excluding separate temporary holding areas.

^cThe number of inmates in a facility on the last weekday in June, divided by its rated capacity and multiplied by 100.

^dThe numerical difference between two percentages.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2019–2020.

In comparison, about 5 in 10 beds in facilities rated to hold 25 or more inmates were occupied at midyear 2020, down from 7 in 10 at midyear 2019.

Four facilities (5% of all facilities) were operating above their rated capacity at midyear 2020 (table 7). This was a decline from 10 facilities (12% of all facilities) operating above their rated capacity at midyear 2019 (not shown in tables).

About 62% of bed space was occupied on the most crowded day in June 2020, the lowest peak occupancy since the SJIC began collecting data in 1998. Thirteen facilities (or 16% of all facilities) were operating above their rated capacity on the most crowded day in June 2020. This is a sharp decline from the 28 facilities (or 34% of all facilities) which were operating above their rated capacity on the most crowded day in June 2019 (not shown in tables).

TABLE 7
Number of Indian country jails, by population measures and percent of rated capacity occupied, June 2020

Percent of rated capacity occupied ^a	Midyear ^b	ADP ^c	Peak ^d
24% or less	23	28	11
25%–49%	24	27	25
50%–74%	20	12	20
75%–100%	11	12	13
101% or more	4	3	13

^aThe number of inmates in a facility divided by its rated capacity and multiplied by 100. Rated capacity is the maximum number of beds or inmates assigned by a rating official to a facility, excluding separate temporary holding areas.

^bAs of the last weekday in June.

^cAverage daily population (ADP) is the sum of the number of inmates held each day in June, divided by 30.

^dThe number of inmates held on the day in June when the facility's inmate population was largest.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2020.

From midyear 2019 to midyear 2020, the number of inmates held for a violent offense rose 8% and the number of nonviolent inmates fell 44%

While the overall inmate population in Indian country jails declined between midyear 2019 and midyear 2020, the number of inmates held for violent offenses increased 8%, from 790 to 850 inmates. At midyear 2020, the number of inmates held for violent offenses accounted for 42% of all inmates held in Indian country jails, well above the 2010-2019 midyear average of about 30% of all

inmates held for these offenses (table 8).³ The number of inmates held for a nonviolent offense dropped 44% from midyear 2019 to midyear 2020. As a result, the percentage of inmates held for a nonviolent offense decreased from about 70% each midyear from 2010 to 2019 to 58% at midyear 2020.

³For midyears 2002, 2004, and 2007 through 2009, see *Jails in Indian Country, 2012* (NCJ 242187, BJS, June 2013). For midyears 2011 through 2014, see *Jails in Indian Country, 2016* (NCJ 250981, BJS, December 2019). For midyears 2016 through 2018, see *Jails in Indian Country, 2017-2018* (NCJ 252155, BJS, October 2020).

TABLE 8
Inmates held in Indian country jails, by demographic and criminal justice characteristics, midyears 2000, 2010, 2015, and 2019–2020

Characteristic	Number					Percent				
	2000	2010	2015	2019	2020	2000	2010	2015	2019	2020
Total^a	1,775	2,119	2,510	2,890	2,020	100%	100%	100%	100%	100%
Sex										
Male	1,420	1,640	1,870	2,190	1,540	80%	77%	75%	76%	76%
Female	350	480	640	710	480	20	23	25	24	24
Age group										
Adult	1,500	1,870	2,300	2,740	1,880	84%	88%	92%	94%	93%
Male	1,210	1,480	1,730	2,090	1,450	68	70	69	72	72
Female	280	390	570	650	430	16	18	23	22	21
Juvenile ^b	280	250	210	160	140	16	12	8	6	7
Male	210	160	140	100	90	12	8	6	3	4
Female	70	90	70	60	50	4	4	3	2	2
Conviction status										
Convicted	1,080	1,240	1,380	1,490	1,070	61%	59%	55%	52%	53%
Unconvicted	690	880	1,130	1,400	950	39	41	45	48	47
Most serious offense										
Violent	...	660	760	790	850	...	31%	30%	27%	42%
Domestic violence	...	280	330	360	340	...	13	13	13	17
Aggravated/simple assault	...	230	240	280	360	...	11	10	10	18
Rape/sexual assault	...	40	40	40	40	...	2	2	1	2
Other violent	...	110	150	110	110	...	5	6	4	5
Nonviolent	...	1,470	1,760	2,090	1,160	...	69	70	73	58
Burglary	...	...	50	40	30	...	...	2	1	1
Larceny-theft ^c	...	...	30	60	20	...	...	1	2	1
Public intoxication ^d	...	...	440	510	230	...	...	17	18	11
DWI/DUI ^e	280	220	180	160	100	16%	10	7	6	5
Drug	140	100	140	280	220	8	4	6	10	11
Other unspecified ^f	...	1,150	920	1,040	560	...	54	37	36	28

Note: Data are as of the last weekday in June. Some counts were imputed for nonresponse or rounded to the nearest 10. Details may not sum to totals due to rounding. Data may differ from previously published statistics in the Jails in Indian Country series due to imputation and rounding. See appendix table 1 for reported counts of inmate characteristics. See appendix table 2 for details on imputations.

...Not collected.

^aTotal midyear populations for 2015, 2019, and 2020 were imputed for nonresponse and rounded to the nearest 10.

^bPersons age 17 or younger.

^cExcludes motor vehicle theft.

^dIncludes drunk and disorderly conduct.

^eDriving while intoxicated or driving under the influence of alcohol or drugs.

^fBJS began collecting data on burglary, larceny or theft, and public intoxication in 2013. As a result, other unspecified offenses in prior years are not comparable to 2013 through 2020. Other unspecified may include motor vehicle theft and other property crimes, public orders offenses, civil infractions, and other unspecified offenses.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2000, 2010, 2015, and 2019–2020.

From midyear 2019 to midyear 2020, the number of inmates held for aggravated assault increased 29%, the number held for domestic violence declined 6%, and the number held for rape or sexual assault and other violent offenses did not change. The percentage of all inmates held for aggravated assault increased from 10% at midyear 2019 to 18% at midyear 2020. The percentage of all inmates held for domestic violence increased from 13% at midyear 2019 to 17% at midyear 2020.

The number of inmates held for a nonviolent offense declined across all categories from midyear 2019 to midyear 2020. The largest decreases were in the number of inmates held for public intoxication and other unspecified nonviolent offenses. Although declines were reported in the number of inmates held for burglary, larceny or theft, DWI/DUI, and drug offenses, the percentage of all inmates held for these offenses in Indian country jails remained relatively stable since midyear 2019.

The number of convicted (down 28%) and unconvicted (down 32%) inmates declined at similar rates from midyear 2019 to midyear 2020. As a result, the distribution by conviction status remained relatively stable.

The number of female (down 32%) and male (down 30%) inmates declined at similar rates from midyear 2019 to midyear 2020. The number of juveniles held in Indian country jails declined by 13% (down 20 inmates) from midyear 2019 to midyear 2020, but the percentage of juveniles held at midyear has remained relatively stable since 2015 (between 6% and 8% of all inmates).

Three inmate deaths were reported in Indian country jails during the 12-month period ending June 30, 2019

Three deaths were reported in the 12 months ending June 30, 2019.⁴ Two of the deaths were by suicide. A total of 67 of the 83 facilities reported valid data on the number of deaths during this period, and 68 facilities reported on the number of attempted suicides (14). These 68 facilities represented 66% of the inmate population at midyear 2019.

⁴BJS did not estimate the number of inmate deaths for jails that did not respond to the survey or to the question on inmate deaths.

One death was reported in Indian country jails during the 12-month period ending June 30, 2020

One death was reported in the 12 months ending June 30, 2020.⁵ A total of 76 of the 82 Indian country jails reported valid data on the number of deaths in the 12 months ending June 30, 2020. Seventy-five facilities reported valid data on the number of attempted suicides (23) in their facilities during this period. These 75 facilities accounted for 92% of the inmate population at midyear 2020.

Over the past 10 years, jails in Indian country have reported 20 deaths in custody from midyear 2010 to midyear 2020 (not shown in tables).

About 5% of staff tested positive for COVID-19 from March to June 2020

Jails in Indian country employed an estimated 1,710 persons at midyear 2020, down 9% from 1,880 at midyear 2019 (table 9). From midyear 2010 to midyear 2020, jail operations staff (correctional officers, guards, and other staff who spend more than half of their time supervising inmates) accounted for about 7 in 10 jail employees in Indian country. The number of jail operations staff increased 25% from midyear 2010 (1,010) to midyear 2020 (1,260) but was down 6% from midyear 2019 (1,340). Due to the substantial decline in the jail population, fewer than two inmates were in jail for each jail operations employee. An estimated 450 employees (26% of all staff) in Indian country jails held positions in administrative, educational, technical or professional, clerical, maintenance, food service, or other areas.

⁵No COVID-19-related inmate deaths were reported. The one death reported in the 12 months ending June 30, 2020 was not reported as a suicide, but further details are unavailable from the jail facility.

During the 4-month period from March to June 2020, about 5% (85) of the 1,710 staff employed in Indian country jails tested positive for COVID-19 (table 10).⁶ Over 90% of the positive staff tests were in facilities rated to hold 50 or more inmates (56%) and 25 to 49 inmates (36%).

One COVID-19 staff death was reported in Indian country jails from March to June 2020

One employee in Indian country jails died from COVID-19 during the 4-month period from March to June 2020 (not shown in tables).⁷ This death was reported as a confirmed death from COVID-19 or a death where COVID-19 was a significant contributor as determined by a positive test before or after death. The COVID-19 death was confirmed based on a medical examiner or coroner evaluation. During the 4-month period, 75 of the 82 (91%) Indian country jails reported

⁶The survey did not capture the number of staff who were tested for COVID-19 due to potential difficulties in measuring employee testing practices (i.e., tests conducted in jail versus employees who tested during their personal time).

⁷BJS did not estimate the number of staff deaths for jails that did not respond to the survey or the question on COVID-19-related staff deaths.

data on the number of COVID-19-related deaths among staff. These 75 facilities accounted for about 90% (1,540) of all staff (1,710) in Indian country jails at midyear 2020.

TABLE 10
COVID-19 positive cases among staff in Indian country jails, by facility size, March 1–June 30, 2020

Facility size ^a	Facilities at midyear	Staff at midyear ^b	Number of positive tests ^c	Percent of staff who tested positive
Total	82	1,710	85	5.0%
9 or fewer	4	11	0	0.0
10–24	21	240	6	2.5
25–49	32	604	31	5.1
50 or more	25	855	48	5.6

Note: Data were imputed for nonresponse and unrounded.

^aBased on the rated capacity, which is the maximum number of beds or inmates assigned by a rating official to a facility, excluding separate temporary holding areas.

^bIncludes correctional officers, guards, and other staff who spend more than half of their time supervising inmates and jail administrators, assistants, and other personnel who work in an administrative capacity more than half of the time.

^cMultiple positive tests for the same employee were counted only once. The survey did not capture the number of staff who were tested for COVID-19 due to potential difficulties in measuring employee testing practices (i.e., tests conducted in jail versus employees who tested during their personal time). See *Methodology*.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2020.

TABLE 9
Persons employed in Indian country jails, by job function, midyears 2010, 2015, and 2019–2020

Job function	Number				Percent			
	2010 ^a	2015 ^b	2019 ^b	2020 ^b	2010	2015	2019	2020
Total	1,469	1,690	1,880	1,710	100%	100%	100%	100%
Administrative ^c	157	150	190	170	10.7	8.9	10.1	9.9
Jail operations ^d	1,010	1,200	1,340	1,260	68.8	71.0	71.3	73.7
Educational	27	30	40	30	1.8	1.8	2.1	1.8
Technical/professional	56	70	80	40	3.8	4.1	4.3	2.3
Clerical/maintenance/food service	186	210	220	200	12.7	12.4	11.7	11.7
Other unspecified	33	40	10	10	2.2	2.4	0.5	0.6
Number of inmates per jail operations employee	2.1	2.1	2.2	1.6				

Note: Details may not sum to totals due to rounding.

^aData were not rounded because the response rate was 100%.

^bData were imputed for nonresponse and rounded to the nearest 10, except for job functions with five or fewer employees. See appendix table 3 for reported staff counts. See appendix table 4 for details on imputations.

^cIncludes jail administrators, assistants, and other personnel who work in an administrative capacity more than half of the time.

^dIncludes correctional officers, guards, and other staff who spend more than half of their time supervising inmates.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2010, 2015, and 2019–2020.

Methodology

The Annual Survey of Jails in Indian Country (SJIC) includes all correctional facilities in Indian country that are operated by tribal authorities or the U.S. Department of the Interior's Bureau of Indian Affairs. The Bureau of Justice Statistics (BJS) has conducted the SJIC annually since 1998, excluding 2005 and 2006. Through a cooperative agreement with BJS, Westat conducted the 2019 and 2020 SJIC, which is designed to cover all adult and juvenile jail facilities and detention centers in Indian country. The reference dates are the last weekday in June for the 2019 and 2020 SJIC and January to June 2020 for the 2020 SJIC COVID-19 Addendum.

The surveys collected data about the number of inmates and the percentage of capacity occupied in Indian country jails. Capacity occupied is based on the June 2019 and June 2020 average daily population (ADP), midyear population, and peak population in facilities in June 2019 and June 2020. The ADP is the sum of the number of inmates held each day in June, divided by 30. The midyear count is the number of inmates held on the last weekday in June, and the peak population is the number of inmates held on the day in June when the facility's custody population was largest.

During 2020, numerous jurisdictions released inmates from Indian country jails to limit inmate risk and exposure to COVID-19. BJS added a special addendum to the 2020 and 2021 SJIC to gather data on these pandemic-related releases. (See *2020 Annual Survey of Jails in Indian Country Special Addendum on Coronavirus (COVID-19)* for details.) BJS met with the Office of Management and Budget (OMB) in June 2020 to finalize the addendum questionnaire and received OMB approval on June 19, 2020.

Survey universe

BJS updates its roster of jails in Indian country each year by faxing or emailing questionnaires to jail administrators and making follow-up phone calls. The survey universe and response rates have changed over time. From 2004 to 2020, some facilities closed or merged, new facilities were constructed, and existing facilities became operational and newly eligible for the survey (**table 11**). One respondent in 2010 that included one adult and one juvenile facility was treated as two facilities in 2011. Two facilities in 2011 merged into one facility in 2012. Two facilities in 2018 merged into

one facility in 2019. A total of 70 of 83 eligible facilities responded to the 2019 survey, and 77 of 82 responded in 2020.

For facilities which did not respond to the survey or reported incomplete data, BJS used the most recent prior years data to impute the midyear and peak populations, ADP, and admissions. BJS imputed data on inmate populations for 7 nonresponding facilities in 2004 (which accounted for 12% of all inmates held at midyear), 4 in 2007 (8%), 2 in 2013 (2%), 5 in 2014 (9%), 7 in 2015 (15%), 5 in 2016 (9%), 8 in 2017 (14%), 9 in 2018 (15%), 13 in 2019 (16%), and 5 in 2020 (6%). All operating facilities responded to the 2008 to 2012 surveys.⁸

For this report, Indian country includes reservations, pueblos, rancherias, and other appropriate areas (18 U.S.C. § 1151). Indian country is a statutory term that includes all lands within an Indian reservation, dependent Indian communities, and Indian trust allotments (18 U.S.C. § 1151). Courts interpret Section 1151 to include all lands held in trust for tribes or their members. (See *United States v. Roberts*, 185 F.3d 1125 (10th Cir. 1999).)

Prior to July 29, 2010, tribal authority to imprison American Indian or Alaska Native offenders had been limited by statute (25 U.S.C. § 1302) to 1 year, a \$5,000 fine, or both per offense. On July 29, 2010, the Tribal Law and Order Act of 2010 was signed into law, expanding the sentencing authority of tribal courts. As a result, offenders may serve potentially longer sentences (up to 3 years per offense and up to 9 years per multioffense case) in correctional facilities in Indian country (P.L. 111-211, H.R. 725, 124 Stat. 2258).

Tribal law enforcement agencies respond to both felony and misdemeanor crimes. For most of Indian country, the federal government provides felony law enforcement concerning crimes by or against American Indians and Alaska Natives. Certain areas of Indian country are under P.L. 83-280, as amended (commonly referred to as P.L. 280). P.L. 280 conferred jurisdiction over Indian country to certain states and suspended enforcement of the General Crimes Act (18 U.S.C. § 1152) and Major Crimes Act (18 U.S.C. § 1153) in these areas. Tribes retain concurrent jurisdiction to enforce laws in Indian country where P.L. 280 applies.

⁸For more information on the SJIC universe and survey participation in earlier years, see the *Jails in Indian Country* series on the BJS website, bjs.ojp.gov/taxonomy/term/16086.

TABLE 11
Survey universe and response rates of Indian country jails, 2004 and 2007–2020

	2004	2007 ^a	2008	2009 ^b	2010	2011 ^c	2012 ^d	2013	2014	2015	2016	2017	2018	2019 ^e	2020
Original roster of facilities^f															
Number of facilities	70	86	86	86	86	86	89	89	90	90	90	91	96	96	97
Nonoperational/out of scope^g															
Pre-survey fielding	2	3	4	6	7	6	7	11	7	7	8	7	12	13	10
Post-survey fielding	0	0	0	1	4	3	3	0	4	7	3	5	0	0	5
Added facilities^h	:	:	0	0	0	3	0	1	0	0	1	5	0	1	0
Active survey universeⁱ	68	83	82	79	75	80	79	79	79	76	80	84	84	83	82
Number of respondents	61	79	82	79	75	80	79	77	74	69	75	76	75	70	77
Number of nonrespondents	7	4	0	0	0	0	0	2	5	7	5	8	9	13	5
Response rate	90%	95%	100%	100%	100%	100%	100%	97%	94%	91%	94%	90%	89%	84%	94%

Note: The survey was not conducted in 2005 and 2006. See the *Jails in Indian Country* series on the BJS website for the survey universes in 1998 to 2003.
:Not calculated.

- ^aThe active survey universe reflects 7 facilities that closed, 1 that reopened, and 21 that were newly constructed or new to the survey after 2004.
- ^bPrior to the 2010 data collection, one facility in the 2009 universe was determined to be closed, resulting in a revised count of 79 active facilities for 2009.
- ^cTwo facilities in 2011 (one adult and one juvenile) were treated as one respondent in 2010.
- ^dTwo facilities merged into one facility, resulting in a final universe of 79 facilities.
- ^eTwo facilities merged into one facility, resulting in a final universe of 83 facilities.
- ^fIncludes the number of facilities expected to be surveyed.
- ^gIncludes the number of facilities determined to be closed or out of the survey’s scope, either prior to the fielding of the survey or during data collection.
- ^hIncludes the number of facilities that were newly constructed, new to the data collection, or reopened after being temporarily closed.
- ⁱIncludes the final number of facilities in the survey universe after removing nonoperational and out-of-scope facilities.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2004 and 2007–2020.

Expected average length of stay for 2019 and 2020

The stock-to-flow ratio method was used to measure the expected average length of stay for inmates held in June 2019 and June 2020.

2019

Stock—ADP in June 2019 = 2,820

Flow—inmate admissions in June 2019 = 9,620

Stock-to-flow ratio in June 2019 = 0.293 (2,820 ÷ 9,620)

Expected average length of stay (average number of days held in custody from admission to release) = 8.8 days (0.293 × 30 days).

2020

Stock—ADP in June 2020 = 1,940

Flow—inmate admissions in June 2020 = 5,330

Stock-to-flow ratio in June 2020 = 0.364 (1,940 ÷ 5,330)

Expected average length of stay (average number of days held in custody from admission to release) = 10.9 days (0.364 × 30 days).

COVID-19-related item estimation and imputation

Number of inmates held on the last weekday of each month from January to May 2020 (figure 2)

The number of inmates held on the last weekday of January and February 2020 were imputed for five nonresponding facilities and for three facilities that responded to the survey but did not report on inmate population. The number of inmates held on the last weekday of each month from March to May 2020 were imputed for five nonresponding facilities and for two facilities that responded to the survey but did not report on the inmate population. Nonresponse estimates were calculated by multiplying the estimated confined population on the last weekday in June 2020, by the known percentage change in population between the comparison month and the last weekday in June 2020 (calculated based on facility size category).

Admissions from March to May 2020 (tables 4 and 5)

The SJIC did not collect data on the number of jail admissions from March to May 2020. Estimated admissions during this period were calculated by multiplying the number of estimated inmates held on the last weekday of each month from March to May 2020,

by the ratio of estimated admissions in June 2020 to the number of estimated inmates held on the last weekday in June 2020.

COVID-19 testing and positive cases among inmates from March 1 to June 30, 2020 (table 4)

The number of COVID-19 tests conducted on inmates from March 1 to June 30, 2020 were imputed for five nonresponding facilities and for three facilities that responded to the survey but did not report on inmate tests. Nonresponse estimates for inmate tests were calculated by multiplying the total number of admissions from March 1 to June 30, 2020 by the known ratio of COVID-19 tests conducted on inmates to inmate admissions.

COVID-19 tests conducted on inmates (example based on facilities rated to hold 50 or more inmates)

Total number of admissions from March 1 to June 30, 2020 = 8,039

Reported number of COVID-19 tests conducted on inmates from March 1 to June 30, 2020 = 1,240

Admissions in facilities reporting on the number of COVID-19 tests conducted on inmates = 7,422

Known ratio of COVID-19 tests conducted on inmates to inmate admissions in facilities reporting on the number of COVID-19 tests conducted on inmates = 0.167 (1,240 ÷ 7,422)

Estimated number of COVID-19 tests conducted on inmates = 1,343 (8,039 X 0.167)

The number of positive COVID-19 cases among inmates were imputed for five nonresponding facilities and for three facilities that responded to the survey but did not report on positive cases. Nonresponse estimates for positive cases among inmates were calculated by multiplying the total number of COVID-19 tests conducted on inmates from March 1 to June 30, 2020 by the known ratio of positive COVID-19 cases among inmates to COVID-19 tests conducted on inmates. Because ratios varied across facilities, the testing and positive case estimates were calculated based on the total ratio for the facility size category.

Positive COVID-19 cases among inmates (example based on facilities rated to hold 50 or more inmates)

Reported number of COVID-19 tests conducted on inmates = 1,240

Estimated number of COVID-19 tests conducted on inmates = 1,343

Reported number of positive COVID-19 cases among inmates from March 1 to June 30, 2020 = 122

Known ratio of positive COVID-19 cases among inmates to COVID-19 tests conducted on inmates = 0.098 (122 ÷ 1,240)

Estimated number of positive COVID-19 cases among inmates = 132 (1,343 X 0.098)

Expedited releases from Indian country jails from March 1 to June 30, 2020 (table 5)

The number of expedited releases of inmates from March 1 to June 30, 2020 were imputed for five nonresponding facilities and for three facilities that responded to the survey but did not report on expedited releases. Nonresponse estimates for expedited releases were based on the reported average expedited releases by facility size category.

Positive COVID-19 cases among staff from March 1 to June 30, 2020 (table 10)

The number of positive COVID-19 cases among jail staff were imputed for five nonresponding facilities and for two facilities that responded to the survey but did not report on positive cases. Nonresponse estimates for positive cases among staff were calculated by multiplying the total number of staff on the last weekday in June 2020, by the known ratio of positive COVID-19 cases among staff to the total number of staff on the last weekday in June. Because ratios varied across facilities, the estimates were calculated based on the total ratio for the facility size category.

APPENDIX TABLE 1**Reported inmate characteristics for table 8: Inmates held in Indian country jails, by demographic and criminal justice characteristics, midyears 2000, 2010, 2015, and 2019–2020**

Characteristic	2000	2010	2015	2019	2020
Total	1,775	2,119	2,124	2,212	1,895
Sex					
Male	1,421	1,639	1,590	1,616	1,446
Female	354	480	534	523	449
Not reported	0	0	386	754	129
Age group					
Adult	1,498	1,866	1,943	2,016	1,773
Male	1,214	1,479	1,471	1,540	1,366
Female	284	387	472	476	407
Juvenile	277	253	181	47	122
Male	207	160	119	76	80
Female	70	93	62	47	42
Not reported	0	0	386	754	129
Conviction status					
Convicted	1,072	1,240	1,156	986	960
Unconvicted	689	879	968	922	880
Not reported	14	0	386	985	184
Most serious offense					
Violent	...	651	678	417	781
Domestic violence	...	276	285	168	308
Aggravated/simple assault	...	226	214	147	340
Rape/sexual assault	...	39	36	25	32
Other violence	...	110	143	77	101
Nonviolent	...	1,457	1,437	1,146	968
Burglary	...	...	44	26	30
Larceny-theft	...	...	28	26	17
Public intoxication	...	...	259	201	205
DWI/DUI	274	218	162	108	89
Drug	133	95	134	183	200
Other unspecified	...	1,144	810	602	427
Not reported	154	11	395	1,330	275

Note: Details are based on reported data and may not sum to totals due to incomplete reporting.

...Not collected.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2000, 2010, 2015, and 2019–2020.

APPENDIX TABLE 2**Imputation for inmate characteristics in table 8: Inmates held in Indian country jails, by demographic and criminal justice characteristics, midyears 2000, 2010, 2015, and 2019–2020**

Characteristic and year	Procedure
Sex/age group	
2000	No imputed data.
2010	No imputed data.
2015	Imputation for 2 facilities was based on their 2014 data. Imputation for 4 facilities was based on their 2013 data.
2019	Imputation for 1 facility was based on its 2012 data. Imputation for 6 facilities was based on their 2018 data. Imputation for 3 facilities was based on their 2017 data. Imputation for 2 facilities was based on their 2013 data. Imputation for 1 facility was based on its 2012 data. Imputation for 1 facility was based on the ratio of the total number of its inmates at midyear 2019 to the reported number of inmates by sex in 2019. Imputation for 1 newly eligible facility was based on the average ratio of the total number of inmates by sex in two other facilities under the same tribal authority, to the reported number of inmates at midyear 2019.
2020	Imputation for 3 facilities was based on their 2019 data. Imputation for 1 facility was based on its 2017 data. Imputation for 1 facility was based on its 2012 data.
Conviction status	
2000	No imputed data.
2010	Imputation for 14 facilities was based on the ratio of the total number of their inmates at midyear 2010 to the reported number of inmates by conviction status in 2010.
2015	Imputation for 2 facilities was based on their 2014 data. Imputation for 4 facilities was based on their 2013 data. Imputation for 1 facility was based on its 2012 data.
2019	Imputation for 7 facilities was based on their 2018 data. Imputation for 3 facilities was based on their 2017 data. Imputation for 2 facilities was based on their 2013 data. Imputation for 1 facility was based on its 2012 data. Imputation for 1 facility was based on the ratio of the total number of its inmates at midyear 2019 to the reported number of inmates by conviction status in 2019. Imputation for 1 newly eligible facility was based on the average ratio of the total number of inmates by convictions in two other facilities under the same tribal authority, to the reported number of inmates at midyear 2019.
2020	Imputation for 3 facilities was based on their 2019 data. Imputation for 1 facility was based on its 2017 data. Imputation for 1 facility was based on its 2012 data. Imputation for 1 facility was based on the ratio of the total number of its inmates at midyear 2020 to the reported number of inmates by conviction status in 2020.
Most serious offense	
2000	Imputation for 1 facility was based on the ratio of the total number of its inmates at midyear 2000 to the reported number of inmates by offense type in 2002. Imputation for 1 facility was based on the ratio of the total number of its inmates at midyear 2000 to the reported number of inmates by offense type in 1999.
2010	Imputation for 3 facilities was based on the ratio of the total number of their inmates at midyear 2010 to the reported number of inmates by offense type in 2010.
2015	Imputation for 2 facilities was based on their 2014 data. Imputation for 4 facilities was based on their 2013 data. Imputation for 1 facility was based on its 2011 data. Imputation for 1 facility was based on the ratio of the total number of its inmates at midyear 2015 to the reported number of inmates by offense type in 2015.

Continued on next page

APPENDIX TABLE 2 (continued)**Imputation for inmate characteristics in table 8: Inmates held in Indian country jails, by demographic and criminal justice characteristics, midyears 2000, 2010, 2015, and 2019–2020**

Characteristic and year	Procedure
2019	Imputation for 11 facilities was based on their 2018 data. Imputation for 3 facilities was based on their 2017 data. Imputation for 2 facilities was based on their 2013 data. Imputation for 1 facility was based on its 2011 data. Imputation for 7 facilities was based on the ratio of the total number of their inmates at midyear 2019 to the reported number of inmates by offense type in 2019. Imputation for 1 newly eligible facility was based on the average ratio of the total number of inmates by most serious offense in two other facilities under the same tribal authority, to the reported number of inmates at midyear 2019.
2020	Imputation for 3 facilities was based on their 2019 data. Imputation for 1 facility was based on its 2017 data. Imputation for 1 facility was based on its 2011 data. Imputation for 2 facilities was based on the ratio of the total number of their inmates at midyear 2020 to the reported number of inmates by offense type in 2019. Imputation for 2 facilities was based on the ratio of the total number of their inmates at midyear 2020 to the reported number of inmates by offense type in 2018. Imputation for 2 facilities was based on the ratio of the total number of their inmates at midyear 2020 to the reported number of inmates by offense in 2020.

Note: Imputations were based on the latest data available.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2000, 2010, 2015, and 2019–2020.

APPENDIX TABLE 3**Reported number of staff for table 9: Persons employed in Indian country jails, by job function, midyears 2010, 2015, and 2019–2020**

Job function	2010	2015	2019	2020
Total	1,469	1,539	1,614	1,696
Administrative	157	154	176	202
Jail operations	1,010	1,069	1,124	1,228
Educational	27	29	34	29
Technical/professional	56	60	60	44
Clerical/maintenance/ food service	186	189	206	187
Other unspecified	33	38	14	6

Note: Counts are based on complete data reported by all 75 facilities in 2010, 68 of 76 in 2015, 68 of 83 in 2019, and 77 of 82 in 2020.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2010, 2015, and 2019–2020.

APPENDIX TABLE 4**Imputation for staff in table 9: Persons employed in Indian country jails, by job function, midyears 2010, 2015, and 2019–2020**

Year	Procedure
2015	Imputation for 2 facilities was based on their 2014 data. Imputation for 5 facilities was based on their 2012 data. Imputation for 1 facility was based on the ratio of the total number of its staff at midyear 2015 to the reported job function in 2014.
2019	Imputation for 7 facilities was based on their 2018 data. Imputation for 3 facilities was based on their 2017 data. Imputation for 1 facility was based on its 2016 data. Imputation for 3 facilities was based on their 2012 data. Imputation for 2 facilities (one adult and one juvenile) was calculated by adjusting the reported 2019 staff to the 2016 adult-to-juvenile staffing ratio.
2020	Imputation for 1 newly eligible facility was based on its 2020 data. Imputation for 3 facilities was based on their 2019 data. Imputation for 1 facility was based on its 2017 data. Imputation for 1 facility was based on its 2012 data. Imputation for 2 facilities (one adult and one juvenile) was calculated by adjusting the reported 2020 staff to the 2016 adult-to-juvenile staffing ratio.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2010, 2015, and 2019–2020.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Doris J. James is the acting director.

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