



# Selected Findings: Jails in Indian Country, 2009

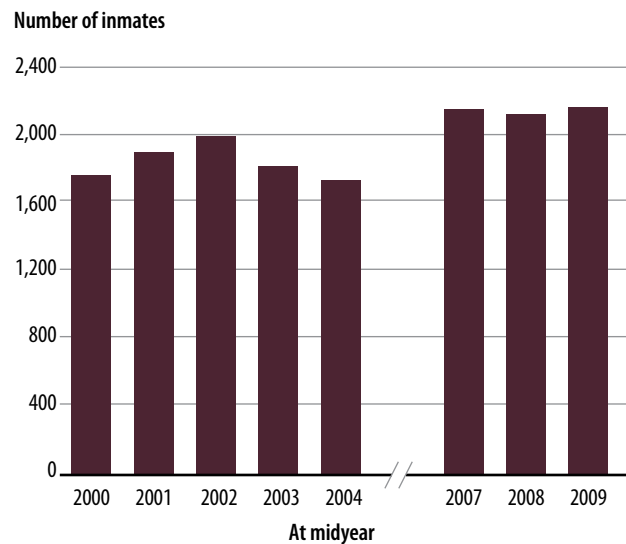
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**A**t midyear 2009, a total of 2,176 inmates were confined in Indian country jails, a 1.9% increase from the 2,135 inmates confined at midyear 2008 (figure 4.1). This count was based on data from 80 facilities, including jails, confinement facilities, detention centers, and other correctional facilities, that were in operation in Indian country at midyear 2009. For 2008, the number of inmates was based on data for 82 facilities in operation at midyear 2008. The number of inmates held in Indian country jails between 2004 and 2009 increased by 25% from 1,745 inmates to 2,176.

## The number of jails in Indian country has increased between 2004 and 2009

The Bureau of Justice Statistics (BJS) collected data from 68 correctional facilities in Indian country in 2004, from 79 in 2007, 82 in 2008, and 80 in 2009. The survey was not conducted in 2005 and 2006. Over the 5-year period, a number of facilities closed and new facilities became operational. Eleven facilities permanently closed between 2004 and 2009, and a total of 21 facilities were newly

**FIGURE 4.1**  
Inmates confined in Indian country jails, midyear 2000-2004 and 2007-2009



Note: The Survey of Jails in Indian Country was not conducted in 2005 and 2006. Midyear count is the number of inmates held on the last weekday in June.

## Highlights

- The number of inmates confined in Indian country jails increased by 1.9% between midyear 2008 and 2009, reaching 2,176 inmates.
- Between June 2008 and June 2009, the average daily jail population in Indian country increased by 12%, and the percentage of occupied bed space increased from 64.2% to 73.5%.
- Eleven jails (14% of all facilities) held 51% of inmates confined at midyear 2009.
- During June 2009, the number of inmates admitted to Indian country jails (11,357) was about 5 times the size of the average daily population (2,124).
- The expected average length of stay increased by a half day from 5.1 days during June 2008 to 5.6 days during June 2009.
- Indian country jail authorities reported no deaths in custody between July 1, 2008, and June 30, 2009, down from 4 reported deaths during the 12-month period ending June 30, 2008.
- Attempted suicides by inmates declined from 78 in 2008 to 56 in 2009.
- Indian country jails held fewer inmates for domestic violence at midyear 2009 (252), continuing the downward trend in the number held for this offense since 2007 (362).
- The percentage of certified correctional officers working in Indian country jails increased steadily, from 63% at midyear 2007 to 79% at midyear 2009.

constructed. BJS estimated inmate population counts for 7 facilities in 2004 and 4 facilities in 2007 that did not respond to the surveys. All known operating facilities responded to the 2008 and 2009 surveys. (See *Methodology* for additional details on facility counts and participation in the surveys.) (See *Methodology in Jails in Indian Country, 2009*, NCJ 232223, BJS Web, February 2010, for additional details on facility counts and participation in the surveys.)

**On an average day in June, the percentage of occupied bed space increased from 64.2% to 73.5%**

At midyear 2009, the 80 jail facilities in Indian country were rated to hold 2,891 inmates, down from 2,963 in 82 facilities during the same period in 2008

(table 4.1). The average daily population (ADP) in June—the population measure used to calculate percent of capacity occupied—increased by nearly 12%, from 1,903 inmates (June 2008) to 2,124 (June 2009), while the capacity to hold inmates decreased by 2%. Consequently, the percentage of rated capacity occupied in Indian country jails increased from 64% to 73% during the period.

On June 30, 2009, the 80 facilities held a total of 2,176 inmates and were operating at 75% of rated capacity, remaining relatively stable since 2007. From June 2004 to June 2009, the overall number of beds (or rated capacity) grew at a faster rate (34%) than the the inmate population (25%).

**Small number of jails held more than half of the inmate population**

Eleven jails held more than half (51%) of the total inmate population at midyear 2009 (table 4.2). Between midyear 2008 and midyear 2009, the population in these jails increased by 247 inmates (29%). In 2008, 9 of the 11 facilities held the majority of jail inmates in Indian country.

Over the 365-day period, 6 jails that held the majority of inmates in Indian country in 2008 experienced large declines in their jail populations. The combined decrease in the size of the jail population in these facilities was 33% (90 inmates) from midyear 2008 to midyear 2009.

Among the 11 facilities holding the majority of inmates in 2009, the Gila River Department of Rehabilitation and Supervision - Adult facility reported the largest decline (30 inmates or 17%) in the number of jail inmates. The jail population in this facility has decreased by 92 inmates (38%) from its peak of 241 inmates reported at midyear 2007.

**TABLE 4.1**  
**Inmates, rated capacity, and percent of capacity occupied in Indian country jails, 2004 and 2007–2009**

	2004	2007	2008	2009
<b>Number of inmates</b>				
Midyear <sup>a</sup>	1,745	2,163	2,135	2,176
ADP <sup>b</sup>	1,622	2,046	1,903	2,124
<b>Rated capacity</b>	2,162	2,900	2,963	2,891
<b>Percent of capacity occupied<sup>c</sup></b>				
Midyear	80.7%	74.6%	72.1%	75.3%
ADP	75.0	70.6	64.2	73.5
<b>Number of operating facilities</b>	68	79	82	80

<sup>a</sup>Midyear count is the number of inmates held on the last weekday in June.

<sup>b</sup>Average daily population (ADP) is the sum of the number of inmates held on each day in June, divided by 30.

<sup>c</sup>Population as a percent of capacity occupied is calculated by dividing the population count of a facility by its rated capacity and multiplying by 100.

**TABLE 4.2**  
**Jails in Indian country that held the majority of inmates in 2009 compared to 2008, by facility**

Facility	Custody population at midyear*		Change in population	
	2008	2009	Number	Percent
Total, 11 facilities	859	1,106	247	29%
Tohono O'odham Adult Detention Center (AZ)	137	192	55	40%
Gila River Department of Rehabilitation and Supervision - Adult (AZ)	179	149	-30	-17
San Carlos Department of Corrections and Rehabilitation - Adult and Juvenile Detention (AZ)	88	147	59	67
Truxton Canyon Adult Detention Center (AZ)	39	105	66	169
White Mountain Apache Detention Center (AZ)	101	95	-6	-6
Oglala Sioux Tribal Offenders Facility (SD)	52	95	43	83
Standing Rock Law Enforcement and Adult Detention Center (ND)	71	93	22	31
Nisqually Adult Corrections (WA)	59	73	14	24
Menominee Tribal Detention Facility (WI)	54	53	-1	-2
Navajo Department of Corrections - Shiprock Police Department and Adult Detention (NM)	46	52	6	13
Laguna Tribal Police and Detention Center (NM)	33	52	19	58

Note: Based on facilities that held the most inmates on June 30, 2009.

\*Midyear count is the number of inmates held on the last weekday in June.

Two facilities, the Truxton Canyon Adult Detention Center and the Laguna Tribal Police and Detention Center, were among the 11 facilities holding the majority of jail inmates in 2009. These 2 facilities were not among the 11 facilities holding the majority of inmates in 2008. (See *Jails in Indian Country, 2008*, BJS Web, December 2008.)

The Truxton Canyon Adult Detention Center reported the largest increase in the inmate population (66 inmates or 169%) between midyear 2008 and midyear 2009. The Laguna Tribal Police and Detention Center increased by 58% (19 inmates) between 2008 and 2009.

Based on the 80 facilities responding to the survey in both 2008 and 2009, the overall change in the inmate population (up 45 inmates) was relatively small. Thirty-three facilities, which were mostly the larger facilities, accounted for this increase (not shown in table).

Change in the size of the jail population in Indian country was varied. More than half of the 80 jails experienced either a decline (40 jails) or no change (7 jails) in the size of their inmate population over the 12-month period ending midyear 2009. Overall, the 50% increase (415 inmates) in the jail population in 33 jails was offset by a 30% decline (370 inmates) in 40 jails.

#### The use of jail space varied by facility size

Indian country jails rated to hold 25 to 49 inmates were operating at 89% of their rated capacity on June 30, 2009, and at 79% on an average day in June. An average day in June was based on the ADP, or the sum of the numbers held on each day in June divided by 30. In contrast, the lowest percentage of capacity occupied during June 2009 was among the 11 small jails rated

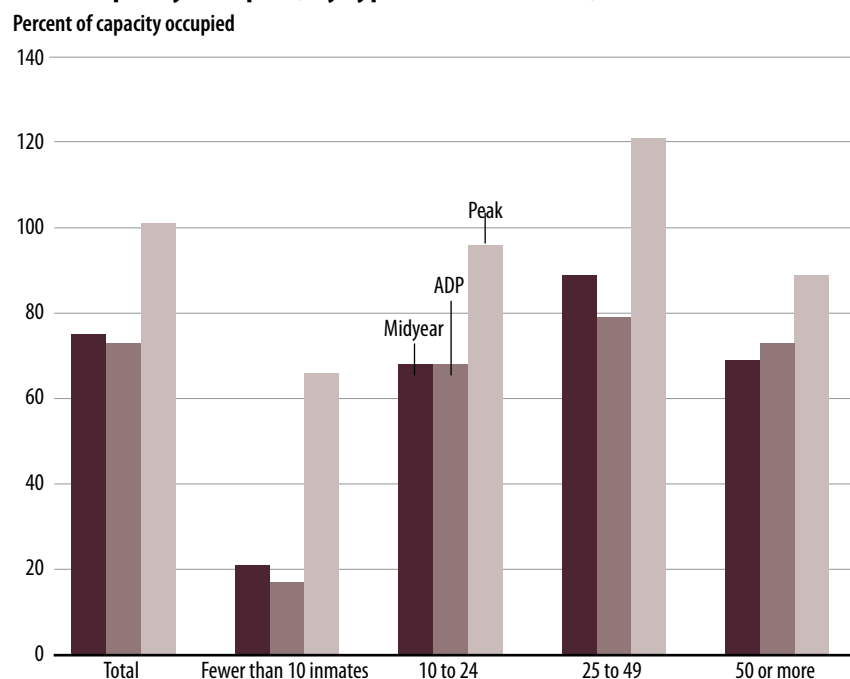
to hold fewer than 10 inmates. These facilities were operating at 21% of rated capacity at midyear and at 17% of capacity on an average day in June 2009 (figure 4.2).

Compared to facilities in all other size categories, the large jails with a rated capacity of 50 or more inmates reported the only increase in occupied bed space between 2008 and 2009. The percentage of capacity occupied in these jails

increased from 51% to 69% during the 12 months ending at midyear 2009, and from 49% to 73% on an average day in June 2008 and 2009.

The amount of bed space occupied was also measured based on a facility's most crowded day in June. Nearly half (38 facilities) of the 80 facilities in Indian country were operating above rated capacity on the most crowded day in June (table 4.3). Of those

**FIGURE 4.2**  
Rated capacity occupied, by type of inmate count, June 2009



Note: Rated capacity is the maximum number of beds or inmates assigned by a rating official. Midyear count is the number of inmates held on the last weekday in June. Average daily population (ADP) is the sum of the number of inmates held on each day in June divided by 30. Peak population is the population held on the day in June in which the custody population of a facility was the largest.

**TABLE 4.3**  
Number of Indian country jails, by percent of rated capacity occupied, June 2009

Percent of capacity occupied <sup>a</sup>	Number of jails		
	Midyear <sup>b</sup>	ADP <sup>c</sup>	Peak <sup>d</sup>
Less than 25%	17	20	7
25-49%	15	11	8
50-74%	19	21	15
75-100%	11	15	12
More than 100%	18	13	38

<sup>a</sup>Population as a percent of capacity occupied is calculated by dividing the population count of a facility by its rated capacity and multiplying by 100.

<sup>b</sup>Midyear count is the number of inmates held on the last weekday in June.

<sup>c</sup>Average daily population (ADP) is the sum of the number of inmates held on each day in June, divided by 30.

<sup>d</sup>Peak population is the population held on the day in June in which the custody population of a facility was the largest.

facilities, 18 were operating above rated capacity on June 30, and 13 were operating above rated capacity on an average day during June 2009.

#### High volumes of admissions of inmates were processed through Indian country jails

Eighty Indian country jails admitted 11,357 persons during June 2009, up slightly from 11,149 admissions in 81 facilities during June 2008 (table 4.4). The number of admissions grew by 1.6% in the 79 facilities that reported data on admissions in both June 2009 (11,323) and June 2008 (11,147) (not shown in table).

Admissions to facilities rated to hold between 25 to 49 inmates accounted for about 48% (5,503) of all admissions in June 2009, down from 59% of all admissions in June 2008. The largest Indian country jails accounted for less than 20% of all facilities and reported a total increase of nearly 75% in the number of jail

admissions during the 12-month period. Admissions to the largest Indian country jails increased from 1,915 inmates to 3,342 from June 2008 to June 2009. The 15 jails rated to hold 50 or more inmates had the highest average number of admissions per month (233), compared to jails in all other size categories (not shown in table).

#### Inmate deaths and attempted suicides in Indian country jails declined

Indian country jail authorities reported no deaths in custody between July 1, 2008, and June 30,

2009, down from 4 reported deaths during the 12-month period ending June 30, 2008. Attempted suicides by inmates declined from 78 in 2008 to 56 in 2009.

#### Expected length of stay was 5.6 days for Indian country jail inmates in June 2009

During June 2009, the expected average length of stay for inmates confined in Indian country jails was 5.6 days, up from 5.1 days during June 2008. Length of stay is the time held in custody from admission to release. The expected length of stay for inmates was the highest (9.1 days)

**TABLE 4.4**  
**Admissions and expected length of stay in Indian country jails during June, by facility size, June 2009**

Facility size <sup>a</sup>	Number of facilities	ADP <sup>b</sup>	Estimated June admissions	Expected average length of stay <sup>c</sup>
Total	80	2,124	11,357	5.6 days
Fewer than 10 inmates	11	9	133	2.1
10 to 24	24	276	2,379	3.5
25 to 49	30	820	5,503	4.5
50 or more	15	1,018	3,342	9.1

Note: Detail may not sum to total due to rounding.

<sup>a</sup>Based on the rated capacity, the maximum number of beds or inmates assigned by a rating official.

<sup>b</sup>Average daily population (ADP) is the sum of the number of inmates held on each day in June, divided by 30.

<sup>c</sup>Expected length of stay was calculated by dividing the average daily population (ADP) by the number of June admissions, and multiplying by 30. See *Methodology in Jails in Indian Country, 2009* for details on estimating expected length of stay.

in facilities that were rated to hold 50 or more inmates, down from 10.3 days in June 2008. Inmates held in jails rated to hold less than 10 inmates experienced the shortest expected length of stay (2.1 days).

**Inmate characteristics remain relatively unchanged; the number held for domestic violence declined**

Inmate characteristics by sex, age, and offense have changed in absolute numbers since 2000 (table 4.5). However, the distribution within most categories remained stable between 2000 and 2008, with a change in the distribution of inmates by sex, conviction status, and offense type at midyear 2009.

Adult males accounted for the largest portion of the inmate population in Indian country jails during the decade. The female jail population had small but steady increases from midyear 2000 to 2008, with a nearly 8% decrease in the size of this population between midyear 2008 and midyear 2009. Except for one juvenile female inmate, the decline was entirely among the adult female jail population.

The percentage of convicted inmates increased from 57% in 2002 to 69% in 2009. Inmates confined for a violent offense made up about 37% of the jail population at midyear 2009, down from 41% at midyear 2008. Most

(75%) of this decline was among the population held for domestic violence. Domestic violence (12%) and simple or aggravated assault (15%) accounted for the largest percentage of violent offenders held in 2009, followed by unspecified violent offenses (8%) and rape or sexual assault (2%).

Since peaking at midyear 2007, the percentage of inmates held for domestic violence has steadily declined, from 20% in 2007 to 12% in 2009. The Gila River Department of Rehabilitation and Supervision - Adult accounted for a large portion of the decline in domestic violence offenders between 2007 and 2009.

**TABLE 4.5**  
**Number of inmates confined in Indian country jails, by demographic characteristic, conviction status, and offense, midyear 2002, 2004, and 2007–2009**

Characteristic	Number of inmates held at midyear <sup>a</sup>						Percent of inmates held at midyear					
	2000	2002	2004	2007	2008	2009	2000	2002	2004	2007	2008	2009
<b>Total</b>	1,775	2,006	1,745	1,996	2,135	2,176	100%	100%	100%	100%	100%	100%
<b>Sex</b>												
Male	1,421	1,618	1,346	1,582	1,678	1,754	80%	81%	77%	79%	79%	81%
Female	354	388	398	414	457	422	20	19	23	21	21	19
<b>Age group/sex</b>												
Adults	1,498	1,699	1,546	1,743	1,882	1,919	84%	85%	89%	87%	88%	88%
Male	1,214	1,399	1,222	1,415	1,498	1,571	68	70	70	71	70	72
Female	284	300	324	328	384	348	16	15	19	16	18	16
Juveniles	277	307	198	253	253	257	16	15	11	13	12	12
Male	207	219	124	167	180	183	12	11	7	8	8	8
Female	70	88	74	86	73	74	4	4	4	4	3	3
<b>Conviction status</b>												
Convicted	1,072	1,120	966	1,116	1,340	1,496	61%	57%	58%	59%	63%	69%
Unconvicted	689	857	697	763	776	680	39	43	42	41	37	31
<b>Type of offense</b>												
Domestic violence	...	291	257	362	307	252	...%	15%	18%	20%	15%	12%
Assault	...	...	190	233	308	299	...	...	13	13	15	15
Rape or sexual assault	...	...	34	45	42	42	...	...	2	2	2	2
Other violence	...	...	79	108	177	168	...	...	6	6	9	8
DWI/DUI <sup>b</sup>	274	226	195	137	184	229	17	11	14	8	9	11
Drug law violation	133	126	104	132	104	107	8	6	7	7	5	5
Other	...	...	569	804	954	955	...	...	40	44	46	47
Offense not reported	...	...	317	175	59	124	/	/	/	/	/	/

Note: Detailed characteristics may not be equal to the total number of confined inmates because of incomplete data. See appendix tables 1-3 in *Jails in Indian Country, 2009*, NCJ 232223, BJS Web, February 2011, for a list of all facilities and inmate characteristics.

<sup>a</sup>Midyear count is the number of inmates held on the last weekday in June.

<sup>b</sup>Includes driving while intoxicated and driving while under the influence of drugs or alcohol.

...Not collected.

/Not reported.

It reported a 38% decrease in the confined inmate population between midyear 2007 (241) and midyear 2009 (149), and a 74% decline in the number of inmates held for a domestic violence (from 180 inmates in 2007 to 46 in 2009).

**The number of certified correctional officers and in-service training steadily increased**

Seventy-nine Indian country jails employed 1,332 persons at midyear 2009 (table 4.6). About 69% (916) of

all personnel were jail operations staff, including correctional officers and other staff who spent more than 50% of their time supervising inmates. The remaining 416 jail personnel included administrative employees, educational staff, technical or professional staff, clerical, maintenance, or food service staff, and other job functions. Overall, the ratio of inmates to jail operations employees was 2.4 inmates to 1 employee at midyear 2009, remaining relatively stable since 2008 (2.3 to 1) and 2004 (2.5 to 1).

Seventy-six facilities reported that 710 (79%) correctional officers received basic detention officer certification, up from 69% in 2008 and 63% in 2007 (not shown). Seventy-four facilities reported that 750 (84%) correctional officers received 40 hours of in-service training, up from 74% in 2008 and 70% in 2007.

**TABLE 4.6**  
**Persons employed in Indian country jails, by job function, midyear 2009**

Job function	Number	Percent
Total <sup>a</sup>	1,332	100%
Administrative <sup>b</sup>	136	10.2%
Jail operations	916	68.8
Educational staff	29	2.2
Technical/professional	51	3.8
Clerical/maintenance/food service	173	13.0
Number of inmates per jail operations staff	2.4	

<sup>a</sup>Includes 27 other persons with unspecified functions not shown in table.

<sup>b</sup>Includes jail administrators, assistants, and other personnel who work in an administrative capacity more than 50% of the time.

## Methodology

The Annual Survey of Jails in Indian Country (SJIC) includes all known Indian country correctional facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA), U.S. Department of the Interior. The survey was conducted in June 2009, and included the number of inmates and percent of capacity occupied based on the ADP, midyear population, and peak population in facilities in June 2009. (See table 10 in *Jails in Indian Country, 2009*, BJS Web, February 2011.)

Through a cooperative agreement with the Bureau of Justice Statistics (BJS), Westat, Inc. conducted the SJIC to describe all adult and juvenile jail facilities and detention centers in Indian country. For this report, Indian country includes reservations, pueblos, rancherias, and other appropriate areas (18 U.S.C. § 1151). The reference date for the survey is June 30, 2009.

Annually, BIA provides BJS a list of Indian country jail facilities, including detention centers, jails, and other correctional facilities operated by tribal authorities or BIA. BJS uses this list to update its existing roster of jails in Indian country. BJS obtains data from administrators of Indian country jails by mailed questionnaires and through follow-up phone calls and facsimiles.

In 2004, BJS contacted administrators in 70 facilities to participate in the survey. BJS received responses from 61 facilities; 7 did not respond, and 2 facilities were non-operational. In 2007, the BJS roster consisted of 86 facilities. Seventy-nine of the facility administrators responded to the survey; 4 did not respond, and BJS found that 3 facilities were non-operational. In 2008, BJS's roster of Indian country jails consisted of 85 facilities. BJS received responses from 82 facility administrators; there were no nonrespondents, and 3 facilities were non-operational. For 2009, the BJS roster consisted of 86 facilities. BJS received responses from 80 facility administrators; there were no nonrespondents, and 6 facilities were non-operational.

For comparison over time, BJS estimated data on inmate populations for the 7 facilities in 2004 and 4 facilities in 2008 that did not respond to the surveys.

### **Expected length of stay**

The stock-flow ratio method was used to measure the expected average length of stay for inmates held during June 2009 in the 80 Indian country jails that responded to stock and flow items in the survey:

Stock—average daily population

Flow—inmate admissions during June 2009

Stock-flow ratio in June 2009  
(2,124/11,357=0.187)

Expected length of stay in days (0.187 × 30)—is the average number of days held in custody from admission to release.

*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).) Tribal authority to imprison American Indian offenders is limited to one year per offense by statute (25 U.S.C. § 1302), a \$5,000 fine, or both.

Tribal law enforcement agencies act as first responders to both felony and misdemeanor crimes. For most of Indian country, the federal government provides felony law enforcement concerning crimes by or against Indians. Certain areas of Indian country are under Public Law 83-280, as amended. P.L. 280 conferred jurisdiction on certain states over Indian country and suspended enforcement of the Major Crimes Act (18 U.S.C. § 1153) and the General Crimes Act (18 U.S.C. § 1152) in those areas. Indian tribes retain concurrent jurisdiction to enforce laws in Indian country where P.L. 280 applies.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. James P. Lynch is the director.

These selected findings are from the annual bulletin *Jails in Indian Country, 2009*. The bulletin was written by Todd D. Minton. Paul Guerino and Tracy Snell provided statistical review and verification.

Morgan Young and Jill Thomas edited the report, Barbara Quinn produced the report, and Jayne Robinson prepared the report for final printing under the supervision of Doris J. James.

June 2011, NCJ 232223

This report in PDF and in ASCII and its related statistical data and tables are available at the website: <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=1599>. The complete bulletin (February 2011, NCJ 232223) in PDF and in ASCII and its related statistical data and tables are available on the BJS website at: <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2223>.