

Sen. Rodney Ellis says Harris County has some of highest incarceration rates in the world

By [Fauzeya Rahman](#) on Friday, July 8th, 2016 at 4:15 p.m.

Editor's note, July 8, 2016: We originally published this fact check on June 13 and rated the statement False. After that, experts pointed out we left out a step in our calculation of Harris County's incarceration rate. We have updated our story and the rating has changed. You may read an archived version of the [original article here](#).

[Equal Justice Under Law](#), a Washington, D.C., advocacy group, filed a lawsuit against Harris County's bail system alleging that hundreds of offenders are jailed for minor offenses every day because they cannot afford to make bail. The group says that since 2015, it has filed [10 class action challenges](#) to money bail systems in eight states.

The May 2016 suit led state Sen. Rodney Ellis, D-Houston, to issue a [press release](#) on May 19, 2016, sharing his support of the legal action, saying, "Harris County's overreliance on the inefficient and ineffective use of mass incarceration as a means of dealing with low-level and nonviolent offenses continues to result in some of the highest jailing and incarceration rates in the U.S. and the world."

We're familiar with incarceration rates. In August 2015, PolitiFact Virginia [found Mostly True](#) a claim the U.S. has the world's highest incarceration rate -- meaning the greatest share of the population behind bars. In March 2016, [we rated Mostly True](#) a claim that Texas has a higher incarceration rate than Russia or Iran.

So, does Harris County, the third most populous in the nation, also have one of the highest incarceration rates in the country and world?

The federal Bureau of Justice Statistics defines an [incarceration rate](#) as the number of inmates per 100,000 residents held in state or federal prisons or local jails.

To our request for the senator's factual backup, Ellis aide David Edmonson emailed a [spreadsheet](#) listing incarceration rates for the five most populous counties in the state, based on data from the Texas Department of Criminal Justice. Harris County had a rate of 234 inmates per 100,000, while the four less-populous counties had rates between 152 and 233 people per 100,000.

Edmonson also included a link to a [Washington Post fact-check](#) stating the United States has the highest incarceration rate in the world, and a link to the website of [The Sentencing Project](#) listing Texas as having the seventh highest incarceration rate in the country.

Harris County, he said, has the highest prison and state jail rate of the five largest counties in the state, as determined by the Texas Department of Criminal Justice.

"In other words," Edmonson wrote, "Harris County sends the most people to prison and state jail -- in the state with the seventh-highest incarceration -- in the country with the highest incarceration rate."

Checking with TDCJ

With Edmonson's reply in our pocket, we looked to verify figures on our own.

First, we checked with TDCJ to see how Harris County's incarceration rate compares nationally and with other counties in Texas, focusing on the agency's [2014 annual statistical report](#) tallying newly incarcerated people (receives) and each facility's on-hand population, which provides a closer look at the incarcerated population on Aug. 31, 2014, all by county of conviction. The data reflect populations in state prisons, state jails and substance abuse felony punishment facilities.

By phone, we asked Jason Clark, the director of TDCJ, what the different charts represented in the agency's report, and which would be most accurate for reflecting each county's incarcerated population in state facilities. Clark described the on-hand population as the best overall measure, as "new receives," only show the newly admitted population. He added one caveat — the counties listed show where a person was convicted, not necessarily where that person lived before or where that person is being detained.

So, according to TDCJ, Harris County's incarceration rate in state facilities in 2014, the most recent year published, was 599 inmates per 100,000 residents, or 26,647 inmates.

By rate alone, that ranked Harris County 134th out of Texas' 254 counties.

However, there are many other prisoners held in local jailhouses. So we turned to the Texas Commission on Jail Standards, which regulates county jails and municipal lockups. The commission's monthly [incarceration rate report](#) reflects the average daily population of county jail inmates, based on a 12-month average of one-day snapshots, taken the first day of each month.

According to the commission's September 2014 report, Harris County in 2014 had a rate of 196.6 inmates per 100,000 residents, or 8,731 inmates in county and municipal lockups. Looking strictly at incarceration rates, regardless of the relative population of different counties, Harris County placed 169th in the state.

By adding figures from both sources of data, we get a fuller picture of the number of people behind bars in Harris County, regardless of whether they are in a county jail or state prison.

That gives Harris County a 2014 incarceration rate of 796 inmates per 100,000 residents, or 35,378 people who were in county jail, state jail, prison or substance abuse facilities.

If we include [federal prison inmates](#), the overall rate increases to 816 per 100,000 residents, or 36,234 people.

U.S., world incarceration rates

For the same year, the total United States' incarceration rate was 716 per 100,000, according to the [Prison Policy Initiative](#), a Massachusetts-based nonprofit that advocates against what it calls mass criminalization policies. Worldwide, the [Institute for Criminal Policy Research](#), a London-based nonprofit that conducts research on crime and criminal justice issues, calculated an incarceration rate of [144 per 100,000](#), based on United Nations data.

That is, Harris County had a total incarceration rate exceeding both the world and U.S. rates.

There are some Texas-centric wrinkles, however.

Out of the five most populous Texas counties, Harris County's rate came in second place for 2014. Dallas County had an overall incarceration rate of 913 inmates per 100,000, or 23,006 inmates.

And far less populous counties had even higher rates. Notably, Kenedy County in South Texas ranked first in the state with an overall rate of 5,000 people per 100,000 residents, though the county accounted for a grand total of 20 inmates. [At the time, Kenedy County was home to 400 residents; Harris County's population was 4.4 million.](#)

Experts comment

For guidance, we checked with two independent criminal justice experts.

Peter Wagner directs the Prison Policy Initiative, which studies incarceration rates closely and often is called upon to explain such figures. Michele Dietch, a senior lecturer in the Lyndon B. Johnson School of Public Affairs, has worked on criminal justice issues since the late 1980s.

Wagner said the initiative's [global report](#), which folds in U.S. states with other countries to make state-to-country incarceration rate comparisons, leaves out countries with populations of less than 500,000. Smaller countries could prove distracting in discussing how the United States differs from its peers, he said. According to the report, Texas had a 2014 incarceration rate of 1,063 per 100,000, which was [the fifth highest](#) in the world. Louisiana ranked No. 1 internationally; its rate was 1,341 inmates per 100,000 residents. Louisiana's population of 4.6 million, according to 2015 Census figures, is comparable to Harris County's population of 4.5 million for the same time period. The report includes federal prison populations in state incarceration rate calculations, since "state politics certainly influence whether and where federal prisons are built."

Mississippi, Oklahoma and Georgia also topped Texas, with rates ranging from 1,074 to 1,155 inmates per 100,000 residents. Among countries, the U.S. had the highest rate, 716 prisoners per 100,000 residents.

Since we began our research, the PPI came out with a new [2016 global incarceration rate](#) report. While rates have changed (Texas went from a rate of 1,063 inmates per 100,000 to 890), rankings have more or less remained the same. Texas ranks eighth in the world, Louisiana is now second after Washington, D.C. and the United States is still the first country to appear on the list with a rate of 693 per 100,000.

Dietch told us by phone that she sees value in both per capita rates and raw counts.

Per capita rates, she said, are the best way to make comparisons because they adjust for what can be vast differences in population. "Per capita rates equalize comparisons across jurisdictions of different sizes," she wrote in a follow-up email. "Otherwise, big jurisdictions will always look worse in terms of absolute numbers."

But, she said, there's value in looking at absolute numbers, since jurisdictions contributing the largest numbers of inmates will have "by far the biggest impact on the system."

That is, rural Kenedy County may have the state's highest incarceration rate and may be sending a higher share of its residents into the criminal justice system, Dietch said, yet its share of all state prisoners remains negligible. "Those absolute numbers — not the rates — are one of the key drivers of the size of the incarcerated population," she said via email. "And none of this even begins to take into account issues such as the length of sentences, another key driver of incarceration trends in Texas."

"You need to look at both to understand," she said.

She explained one of the main reasons a smaller county may have a higher incarceration rate lies in the lack of local sentencing alternatives including support programs, substance abuse treatment or electronic monitoring. People end up in prison or jail, Dietch said, because there isn't much else as an alternative. In contrast, she said, urban communities like Harris County have more options to keep people out of jail and prison, she said.

Our ruling

Ellis said Harris County has some of the highest jailing and incarceration rates in the U.S. and the world.

Harris County's rate -- calculated as the number of inmates per 100,000 residents -- exceeds the rates for the United States and world though we found jurisdictions including Dallas County with higher rates.

To be fair, though, Ellis didn't say Harris County's rate is the highest, only that it's among the highest.

We rate this claim Mostly True.

Sen. Rodney Ellis says Harris County has some of highest incarceration rates in the world

By [Fauzeya Rahman](#) on Friday, July 8th, 2016 at 4:15 p.m.

Editor's note, July 8, 2016: We originally published this fact check on June 13 and rated the statement False. After that, experts pointed out we left out a step in our calculation of Harris County's incarceration rate. We have updated our story and the rating has changed. You may read an archived version of the [original article here](#).

[Equal Justice Under Law](#), a Washington, D.C., advocacy group, filed a lawsuit against Harris County's bail system alleging that hundreds of offenders are jailed for minor offenses every day because they cannot afford to make bail. The group says that since 2015, it has filed [10 class action challenges](#) to money bail systems in eight states.

The May 2016 suit led state Sen. Rodney Ellis, D-Houston, to issue a [press release](#) on May 19, 2016, sharing his support of the legal action, saying, "Harris County's overreliance on the inefficient and ineffective use of mass incarceration as a means of dealing with low-level and nonviolent offenses continues to result in some of the highest jailing and incarceration rates in the U.S. and the world."

We're familiar with incarceration rates. In August 2015, PolitiFact Virginia [found Mostly True](#) a claim the U.S. has the world's highest incarceration rate -- meaning the greatest share of the population behind bars. In March 2016, [we rated Mostly True](#) a claim that Texas has a higher incarceration rate than Russia or Iran.

So, does Harris County, the third most populous in the nation, also have one of the highest incarceration rates in the country and world?

The federal Bureau of Justice Statistics defines an [incarceration rate](#) as the number of inmates per 100,000 residents held in state or federal prisons or local jails.

To our request for the senator's factual backup, Ellis aide David Edmonson emailed a [spreadsheet](#) listing incarceration rates for the five most populous counties in the state, based on data from the Texas Department of Criminal Justice. Harris County had a rate of 234 inmates per 100,000, while the four less-populous counties had rates between 152 and 233 people per 100,000.

Edmonson also included a link to a [Washington Post fact-check](#) stating the United States has the highest incarceration rate in the world, and a link to the website of [The Sentencing Project](#) listing Texas as having the seventh highest incarceration rate in the country.

Harris County, he said, has the highest prison and state jail rate of the five largest counties in the state, as determined by the Texas Department of Criminal Justice.

"In other words," Edmonson wrote, "Harris County sends the most people to prison and state jail -- in the state with the seventh-highest incarceration -- in the country with the highest incarceration rate."

Checking with TDCJ

With Edmonson's reply in our pocket, we looked to verify figures on our own.

First, we checked with TDCJ to see how Harris County's incarceration rate compares nationally and with other counties in Texas, focusing on the agency's [2014 annual statistical report](#) tallying newly incarcerated people (receives) and each facility's on-hand population, which provides a closer look at the incarcerated population on Aug. 31, 2014, all by county of conviction. The data reflect populations in state prisons, state jails and substance abuse felony punishment facilities.

By phone, we asked Jason Clark, the director of TDCJ, what the different charts represented in the agency's report, and which would be most accurate for reflecting each county's incarcerated population in state facilities. Clark described the on-hand population as the best overall measure, as "new receives," only show the newly admitted population. He added one caveat — the counties listed show where a person was convicted, not necessarily where that person lived before or where that person is being detained.

So, according to TDCJ, Harris County's incarceration rate in state facilities in 2014, the most recent year published, was 599 inmates per 100,000 residents, or 26,647 inmates.

By rate alone, that ranked Harris County 134th out of Texas' 254 counties.

However, there are many other prisoners held in local jailhouses. So we turned to the Texas Commission on Jail Standards, which regulates county jails and municipal lockups. The commission's monthly [incarceration rate report](#) reflects the average daily population of county jail inmates, based on a 12-month average of one-day snapshots, taken the first day of each month.

According to the commission's September 2014 report, Harris County in 2014 had a rate of 196.6 inmates per 100,000 residents, or 8,731 inmates in county and municipal lockups. Looking strictly at incarceration rates, regardless of the relative population of different counties, Harris County placed 169th in the state.

By adding figures from both sources of data, we get a fuller picture of the number of people behind bars in Harris County, regardless of whether they are in a county jail or state prison.

That gives Harris County a 2014 incarceration rate of 796 inmates per 100,000 residents, or 35,378 people who were in county jail, state jail, prison or substance abuse facilities.

If we include [federal prison inmates](#), the overall rate increases to 816 per 100,000 residents, or 36,234 people.

U.S., world incarceration rates

For the same year, the total United States' incarceration rate was 716 per 100,000, according to the [Prison Policy Initiative](#), a Massachusetts-based nonprofit that advocates against what it calls mass criminalization policies. Worldwide, the [Institute for Criminal Policy Research](#), a London-based nonprofit that conducts research on crime and criminal justice issues, calculated an incarceration rate of [144 per 100,000](#), based on United Nations data.

That is, Harris County had a total incarceration rate exceeding both the world and U.S. rates.

There are some Texas-centric wrinkles, however.

Out of the five most populous Texas counties, Harris County's rate came in second place for 2014. Dallas County had an overall incarceration rate of 913 inmates per 100,000, or 23,006 inmates.

And far less populous counties had even higher rates. Notably, Kenedy County in South Texas ranked first in the state with an overall rate of 5,000 people per 100,000 residents, though the county accounted for a grand total of 20 inmates. [At the time, Kenedy County was home to 400 residents; Harris County's population was 4.4 million.](#)

Experts comment

For guidance, we checked with two independent criminal justice experts.

Peter Wagner directs the Prison Policy Initiative, which studies incarceration rates closely and often is called upon to explain such figures. Michele Dietch, a senior lecturer in the Lyndon B. Johnson School of Public Affairs, has worked on criminal justice issues since the late 1980s.

Wagner said the initiative's [global report](#), which folds in U.S. states with other countries to make state-to-country incarceration rate comparisons, leaves out countries with populations of less than 500,000. Smaller countries could prove distracting in discussing how the United States differs from its peers, he said. According to the report, Texas had a 2014 incarceration rate of 1,063 per 100,000, which was [the fifth highest](#) in the world. Louisiana ranked No. 1 internationally; its rate was 1,341 inmates per 100,000 residents. Louisiana's population of 4.6 million, according to 2015 Census figures, is comparable to Harris County's population of 4.5 million for the same time period. The report includes federal prison populations in state incarceration rate calculations, since "state politics certainly influence whether and where federal prisons are built."

Mississippi, Oklahoma and Georgia also topped Texas, with rates ranging from 1,074 to 1,155 inmates per 100,000 residents. Among countries, the U.S. had the highest rate, 716 prisoners per 100,000 residents.

Since we began our research, the PPI came out with a new [2016 global incarceration rate](#) report. While rates have changed (Texas went from a rate of 1,063 inmates per 100,000 to 890), rankings have more or less remained the same. Texas ranks eighth in the world, Louisiana is now second after Washington, D.C. and the United States is still the first country to appear on the list with a rate of 693 per 100,000.

Dietch told us by phone that she sees value in both per capita rates and raw counts.

Per capita rates, she said, are the best way to make comparisons because they adjust for what can be vast differences in population. "Per capita rates equalize comparisons across jurisdictions of different sizes," she wrote in a follow-up email. "Otherwise, big jurisdictions will always look worse in terms of absolute numbers."

But, she said, there's value in looking at absolute numbers, since jurisdictions contributing the largest numbers of inmates will have "by far the biggest impact on the system."

That is, rural Kenedy County may have the state's highest incarceration rate and may be sending a higher share of its residents into the criminal justice system, Dietch said, yet its share of all state prisoners remains negligible. "Those absolute numbers — not the rates — are one of the key drivers of the size of the incarcerated population," she said via email. "And none of this even begins to take into account issues such as the length of sentences, another key driver of incarceration trends in Texas."

"You need to look at both to understand," she said.

She explained one of the main reasons a smaller county may have a higher incarceration rate lies in the lack of local sentencing alternatives including support programs, substance abuse treatment or electronic monitoring. People end up in prison or jail, Dietch said, because there isn't much else as an alternative. In contrast, she said, urban communities like Harris County have more options to keep people out of jail and prison, she said.

Our ruling

Ellis said Harris County has some of the highest jailing and incarceration rates in the U.S. and the world.

Harris County's rate -- calculated as the number of inmates per 100,000 residents -- exceeds the rates for the United States and world though we found jurisdictions including Dallas County with higher rates.

To be fair, though, Ellis didn't say Harris County's rate is the highest, only that it's among the highest.

We rate this claim Mostly True.