

Notes for 2021 Data Updates Accompanying

Andrea Fenster & Margo Schlanger, Slamming the Courthouse Door: 25 Years of Evidence for Repealing the Prison Litigation Reform Act, Prison Policy Initiative (April 26, 2021)

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Version 2 (April 28, 2021)

Replication code and resulting datasets are posted at <http://incarcerationlaw.com/documents/Data-Update-Data-and-Replication-Code/DataUpdate>.

This version of the data notes updates the prior posted version by adding notes regarding Tables G and H. It is otherwise unchanged.

Tables A-D, G-H:

Federal district court lawsuit counts come from the Federal Judicial Center (FJC) Integrated Database (IDB) (<https://www.fjc.gov/research/idb/civil-cases-filed-and-terminated-sy-1970-through-sy-1987> and <https://www.fjc.gov/research/idb/civil-cases-filed-terminated-and-pending-sy-1988-present>).

- Filing and termination counts for any particular year include cases filed/terminated within the statistical/fiscal year.
- Between 1970 and 1991, FJC statistical years ran from July of the prior calendar year through the end of June of the current calendar year (e.g., statistical year 1980 began on July 1, 1979 and ended on June 30, 1980). Starting in 1991, FJC statistical years matched the federal government's fiscal year (i.e., October of the previous year through September of the listed year); Fiscal Year 1992 began on July 1, 1991 and ended on September 30, 1992. All subsequent years follow the federal government's fiscal year schedule. We refer to all FJC statistical years as "fiscal years" for simplicity.
- Prisoner civil rights/conditions tallies include cases with a Nature of Suit (NOS) code of 550 ("Prisoner - Civil Rights") or 555 ("Prisoner - Prison Condition").
- For other subject matters, We used Nature of Suit codes as follows:
 - Contract: 110 (Insurance), 120 (Marine Contract Actions), 130 (Miller Act), 140 (Negotiable Instruments), 151 (Overpayments under the Medicare Act), 190 (Other Contract Actions), 196 (Contract Franchise), and 220 (Foreclosure).
 - Torts (nonproduct): 160 (Stockholder's Suits), 240 (Torts to Land), 310 (Airplane Personal Injury), 320 (Assault, Libel, and Slander), 330 (Federal Employers' Liability), 340 (Marine Personal Injury), 350 (Motor Vehicle Personal Injury), 360 (Other Personal Injury), 362 (Medical Malpractice), 370 (Other Fraud), 371 (Truth in Lending), and 380 (Other Personal Property Damage).
 - Product Liability: 195 (Contract Product Liability), 245 (Tort Product Liability), 315 (Airplane Product Liability), 345 (Marine - Product Liability), 355 (Motor Vehicle Product Liability), 365 (Personal Injury - Product Liability), 367

- (Personal Injury - Health Care/Pharmaceutical), 368 (Asbestos Personal Injury - Prod. Liab.), and 385 (Property Damage -Product Liability).
- Civil Rights: 400 (State Re-Appportionment), 440 (Other Civil Rights), 441 (Civil Rights Voting), 443 (Civil Rights Accommodations), 444 (Civil Rights Welfare), 446 (Civil Rights, ADA Other), 448 (Civil Rights, Education), and 950 (Constitutionality of State Statutes).
 - Civil Rights, Employment: 442 (Civil Rights Jobs) and 445 (Civil Rights, ADA Employment).
 - Labor and Employment: 191 (Employee Relations), 361 (Workman's Compensation (Industrial Accident Board)), 710 (Fair Labor Standards Act), 720 (Labor/Management Relations Act), 730 (Labor/Management Report & Disclosure), 740 (Railway Labor Act), 750 (Welfare Pension Plan Disclosure), 751 (Family and Medical Leave Act), 790 (Other Labor Litigation), and 791 (Employee Retirement Income Security Act).
 - Statutory Actions: 192 (State Fair Trade Act), 375 (False Claims Act), 376 (Unknown), 410 (Antitrust), 430 (Banks And Banking), 450 (Interstate Commerce), 470 (Civil (RICO)), 480 (Consumer Credit), 485 (Telephone Consumer Protection Act (TCPA), 490 (Cable/Satellite TV), 610 (Agricultural Acts), 810 (Selective Service), 820 (Copyright), 830 (Patent), 835 (Patent - Abbreviated New Drug Application (ANDA)), 840 (Trademark), 850 (Securities, Commodities, Exchange), 860 (Social Security), 861 (Medicare), 862 (Black Lung), 863 (D.I.W.C./D.I.W.W.), 864 (S.S.I.D.), 865 (R.S.I.), 870 (Tax Suits), 871 (IRS 3rd Party Suits 26 USC 7609), 875 (Customer Challenge 12 USC 3410), 890 (Other Statutory Actions, 891 (Agricultural Acts), 892 (Economic Stabilization Act), 893 (Environmental Matters), 894 (Energy Allocation Act), 895 (Freedom of Information Act of 1974), and 900 (Appeal of Fee - Equal Access to Justice).
 - U.S. Plaintiff: 150 (Overpayments & Enforcement of Judgments), 152 (Recovery of Defaulted Student Loans), 153 (Recovery of Overpayments of Vet Benefits), 193 (Hospital Care Act), 210 (Land Condemnation), 620 (Food and Drug Acts), 625 (Drug Related Seizure of Property), 630 (Liquor Laws), 640 (Railroad and Trucks), 650 (Airline Regulations), 660 (Occupational Safety/Health), 690 (Other Forfeiture and Penalty Suits), and 970 (NARA, Title III).
 - Habeas, Quasi-Criminal: 510 (Prisoner Petitions -Vacate Sentence), 520 (Parole Board Review), 530 (Prisoner Petitions -Habeas Corpus), 535 (Habeas Corpus: Death Penalty), 540 (Prisoner Petitions -Mandamus and Other), and 560 (Civil Detainee).
 - Bankruptcy: 422 (Bankruptcy Appeals Rule 28 USC 158), 423 (Bankruptcy Withdrawal 28 USC 157), and 940 (Substitute Trustee).
 - Immigration: 460 (Deportation), 461 (Deportation - Review), 462 (Naturalization, Petition for Hearing of Denial), 463 (Habeas Corpus - Alien Detainee), and 465 (Other Immigration Actions).

- Other: 100 (Indemnity of Admiralty Cases), 112 (Unknown), 114 (Unknown), 122 (Unknown), 125 (Unknown), 141 (Unknown), 170 (Unknown), 230 (Rent, Lease, Ejectment), 241 (Unknown), 290 (Other Real Property Actions), 341 (Unknown), 351 (Unknown), 390 (Unknown), 416 (Unknown), 420 (Trustee), 421 (Transfer), 451 (Unknown), 511 (Unknown), 531 (Unknown), 711 (Unknown), 876 (Unknown), 880 (Review of Enforcement), 896 (Arbitration), 899 (APA/Review or Appeal of Agency Decision), 910 (Domestic Relations), 920 (Insanity), 930 (Probate), 971 (Unknown), 990 (Other), 991 (Unknown), 992 (Local Jurisdictional Appeal), and 999 (Miscellaneous).
- Cases with federal defendants are those with U.S. district court jurisdiction code equal to 2; all others are considered non-federal defendants.
- For all tables, *filings* means original filings, rather than remands or reopenings. The counts use only origin codes of 1 (original proceeding), 2 (removed from state court), or 7 (appeal of magistrate judgment to a district judge).
- All terminations are counted, not merely those that come from original filings.
- Because they distort the trends and because courts entered abusive litigant orders that minimized their impact, We omit any cases filed by a plaintiff named “Maisano” (often only plaintiff surnames are stored in the IDB) in or after the calendar year 2009. These amount to:

Fiscal Year	Cases Filed	Cases Terminated
2009	33	19
2010	73	84
2011	49	49
2012	65	68
2013	692	624
2014	3955	3984
2015	252	286
2016	1670	1541
2017	789	922
2018	129	79
2019	240	290
2020	1	1
Pending		1
Total	7948	7948

Table A: Incarcerated Population and Prison/Jail Civil Rights Filings, FY1970–FY2020

The total incarcerated population is the sum of total U.S. populations in state prisons, federal prisons, and local jails.

State prison populations are single-day counts on December 31 of each respective calendar year.

- 1970 counts originate from the Bureau of Justice Statistics (BJS) report named “Historical Statistics on Prisoners in State and Federal Institutions, Yearend 1925–86” (May 1988) (<https://www.ojp.gov/pdffiles1/Digitization/111098NCJRS.pdf>). The exact counts are of sentenced prisoners in state institutions and are listed in Table 1, on p. 11.
- 1971–74 counts originate from the U.S. Dept. of Justice National Criminal Justice Reference Service (NCJRS) report named “Prisoners in State and Federal Institutions on December 31, 1974” (June 1976) (<https://www.ojp.gov/pdffiles1/Digitization/34707NCJRS.pdf>). 1971–73 counts are of sentenced prisoners in state institutions at yearend and are listed in Table 1 of Appendix I on p. 14. 1974 counts are of the total number of persons held in state institutions on December 31, 1974 and are listed in Table 1 of Appendix II on p. 36.
- 1975 counts originate from the NCJRS report named “Prisoners in State and Federal Institutions on December 31, 1975” (February 1977) (<https://www.ojp.gov/pdffiles1/Digitization/39194NCJRS.pdf>). The exact counts are of the total number of persons held in state institutions on December 31, 1975 and are listed in Table 1 of Appendix II on p. 36.
- 1976 counts originate from the NCJRS report named “Prisoners in State and Federal Institutions on December 31, 1976” (February 1978) (<https://www.ojp.gov/pdffiles1/Digitization/43310NCJRS.pdf>). The exact counts are of the total number of persons held in state institutions on December 31, 1976 and are listed in Table 1 of Appendix II on p. 32.
- 1977 counts originate from the BJS report named “Prisoners in State and Federal Institutions on December 31, 1978” (May 1980) (<https://www.bjs.gov/content/pub/pdf/psfi78.pdf>). The exact counts are of all prisoners in custody of state authorities on December 31, 1977 and are listed in the Special Table of Appendix III on p. 42.
- 1978–2019 counts originate from the BJS National Prisoner Statistics (NPS) Program. BJS compiles NPS state prison counts by state in their Corrections Statistical Analysis Tool (CSAT) Quick Tables, which are the specific files used for this project.
- We use year-end custody population tables—specifically, 1978–1998 state prison counts come from the Quick Table named “Inmates in custody of state or federal correctional facilities, excluding private prison facilities, December 31, 1978-2019” (https://www.bjs.gov/nps/resources/documents/QT_custody%20population%20without%20private%20prisons_total.xlsx). 1999–2019 state prison counts come from the Quick Table named “Inmates in custody of state or federal correctional facilities, including private prison facilities, December 31, 1999–2019” (https://www.bjs.gov/nps/resources/documents/QT_custody%20population%20including%20private%20prisons_total.xlsx).
- 1978–1998 counts are of all prisoners in custody of state facilities, excluding privately managed facilities. 1999–2019 counts are of all prisoners in custody of state facilities, including privately managed facilities.

U.S. total federal prison populations are single-day counts on December 31 of each respective calendar year.

- The 1970 U.S. count originates from the Bureau of Justice Statistics (BJS) report named “Historical Statistics on Prisoners in State and Federal Institutions, Yearend 1925–86” (May 1988) (<https://www.ojp.gov/pdffiles1/Digitization/111098NCJRS.pdf>). The exact count is of sentenced prisoners in federal institutions and is listed in Table 1, on p. 11, in the row labeled “U.S. total, Federal.”
- 1971–74 U.S. counts originate from the U.S. Dept. of Justice National Criminal Justice Reference Service (NCJRS) report named “Prisoners in State and Federal Institutions on December 31, 1974” (June 1976) (<https://www.ojp.gov/pdffiles1/Digitization/34707NCJRS.pdf>). 1971–73 counts are of sentenced prisoners in federal institutions at yearend and are listed in Table 1 of Appendix I on p. 14, in the row labeled “Federal institutions, Total.” The 1974 count is of the total number of persons held in federal institutions on December 31, 1974 and is listed in Table 1 of Appendix II on p. 36, in the row labeled “Federal institutions, Total.”
- The 1975 U.S. count originates from the NCJRS report named “Prisoners in State and Federal Institutions on December 31, 1975” (February 1977) (<https://www.ojp.gov/pdffiles1/Digitization/39194NCJRS.pdf>). The exact count is of the total number of persons held in federal institutions on December 31, 1975 and is listed in Table 1 of Appendix II on p. 36, in the row labeled “Federal institutions, Total.”
- The 1976 U.S. count originates from the NCJRS report named “Prisoners in State and Federal Institutions on December 31, 1976” (February 1978) (<https://www.ojp.gov/pdffiles1/Digitization/43310NCJRS.pdf>). The exact count is of the total number of persons held in federal institutions on December 31, 1976 and is listed in Table 1 of Appendix II on p. 32, in the row labeled “Federal institutions, Total.”
- The 1977 U.S. count originates from the BJS report named “Prisoners in State and Federal Institutions on December 31, 1978” (May 1980) (<https://www.bjs.gov/content/pub/pdf/psfi78.pdf>). The exact count is of all prisoners in custody of federal authorities on December 31, 1977 and is listed in the Special Table of Appendix III on p. 42, in the row labeled “Federal institutions, Total.”
- 1978–2019 U.S. counts originate from the BJS National Prisoner Statistics (NPS) Program. BJS compiles BOP federal prisoner counts by facility in their Corrections Statistical Analysis Tool (CSAT) Quick Tables, which are the specific files used for this project.
- We use year-end custody population tables—specifically, 1978–1998 U.S. total federal prisoner counts come from the Quick Table named “Inmates in custody of state or federal correctional facilities, excluding private prison facilities, December 31, 1978-2019” (https://www.bjs.gov/nps/resources/documents/QT_custody%20population%20without%20private%20prisons_total.xlsx). 1999–2019 U.S. total federal prisoner counts come from the Quick Table named “Inmates in custody of state or federal correctional facilities, including private prison facilities, December 31, 1999–2019” (https://www.bjs.gov/nps/resources/documents/QT_custody%20population%20including%20private%20prisons_total.xlsx). In both Quick Tables, the U.S. total federal prison populations are the counts in the row labeled “Federal.”

- 1978–1998 counts are of all prisoners in custody of federal facilities, excluding privately managed facilities. 1999–2019 federal prisoner counts are of all prisoners in custody of federal facilities, including privately managed facilities and community housing—with the exception of home confinement (Source: email correspondence with E. Ann Carson, Ph.D., BJS Statistician; on file with author).
- Note that the U.S. total count of federal prisoners in our final dataset is not equivalent to the simple sum of federal prisoner counts across all states (and D.C.) in any given year (see Table G notes below for state-level federal prison sources). U.S. total counts include populations in community-based corrections facilities (e.g., contract juvenile facilities and Residential Reentry Centers/RRCs); BOP does not report these counts on a facility basis, so it is not possible to divide these populations by state; they are accounted for only in the nationwide tallies.

Local jail populations are based on average daily populations (ADPs) for each jail jurisdiction in each respective calendar year.

- 1970–2018 local jail ADPs for all local jail jurisdictions in the U.S. come from the Incarceration Trends dataset, compiled and published by the Vera Institute of Justice (project description: <https://www.vera.org/projects/incarceration-trends/overview>; data location: <https://github.com/vera-institute/incarceration-trends>) using various jail datasets, including the Annual Survey of Jails (ASJ) and the Census of Jails (COJ)—both surveys from BJS.
- U.S. annual totals are calculated by summing ADPs of all local jail jurisdictions nationwide. These ADPs include all individuals housed in local jails.

Table B. Pro Se Litigation in U.S. District Courts by Case Type, Cases Terminated Fiscal Years 1996–2020

Pro se litigation data are missing for more than 99% of cases terminated in Fiscal Year 1998.

Table C. Outcomes in Prisoner Civil Rights Cases in Federal District Court, Fiscal Years 1988–2020

and

Table D. Outcomes in Federal District Court Cases by Case Type, Fiscal Year 2020

- Column (a) lists each total original filings (excluding remands or reopenings).
- Column (b) describes each fiscal year’s total terminations, regardless of filing dates.
- Percentages under Column (c) present the proportion of terminations that ended as a result of either a pretrial resolution, voluntary dismissal, settlement, arbitration appeal, or trial (including jury verdicts, directed verdicts, and bench verdicts).
- Percentages under Columns (d), (e), (f), (g), and (h) present the proportion of terminations that ended with a judgment disposition (i.e., those cases described by Column (c)) that terminated specifically as a result of a pretrial resolution in favor of the

defendant, a pretrial resolution in favor of the plaintiff, a settlement, a voluntary dismissal, or a trial, respectively.

- Percentages under Column (i) present the proportion of terminations that received judgment dispositions after a trial (i.e., those cases described by Column (h)) in which the disposition favored the plaintiff.
- Percentages under Columns (j) and (k) present the proportion of terminations resulting from settlements or voluntary dismissals (i.e., those cases described by Columns (f) and (g)) terminated before and after the issue was joined, respectively.
- Percentages under Column (l) present the proportion of terminations that ended with a judgment disposition (i.e., those cases described by Column (c)) in which the disposition favored the plaintiff.
- For precise details on the IDB codes included and excluded for each column, see the replication code.

Table E: Prisoner Civil Rights Litigated Victories, FY 2012

This Table appears as Table 7 in Margo Schlanger, Trends in Prisoner Litigation, as the PLRA Enters Adulthood, 5 U.C. Irvine L. Rev. 153 (2015), <https://www.law.uci.edu/lawreview/vol15/no1/Schlanger.pdf>.

Schlanger began with the FJC IDB, <https://www.fjc.gov/research/idb>, listing of each prisoner civil rights/conditions case (that is, each case with a nature of suit == 550 or 555) that was coded as ending with a trial or other litigated judgment in Fiscal Year 2012, then the latest data available.

Using docket research, Schlanger then examined each case individually. Of those cases that met these initial selection criteria, most turned out to be defendants' victories, and others turned out to be settlements: both were excluded. The table presents what's left.

Table F: Incidence of Court Orders, Local Jails and State Prisons, 1983–2006

The data for this table are compiled from the BJS jail censuses for 1983, 1988, 1993, 1999, and 2006, and the BJS prison censuses for 1984, 1990, 1995, 2000, and 2005. The jail censuses are described at <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=254>; the prison censuses are described at <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=255>. The questions whose data are presented were not asked in the 2012/2013 iteration of the censuses. They *were* asked in 2019, but those data have not yet been released.

Data from all the BJS censuses are available for download at the Inter-university Consortium for Political and Social Research:

- Jail iterations are at <https://www.icpsr.umich.edu/web/ICPSR/series/68>
- Prison iterations are at <https://www.icpsr.umich.edu/web/ICPSR/series/67>

More particularly:

- 1983 National Jail Census (Version Date: Nov. 4, 2005): <https://www.icpsr.umich.edu/web/NACJD/studies/8203>
- 1988 National Jail Census (Version Date: Nov. 4, 2005): <https://www.icpsr.umich.edu/web/NACJD/studies/9256>
- 1993 National Jail Census (Version Date: Jul. 13, 1996): <https://www.icpsr.umich.edu/web/NACJD/studies/6648>
- 1999 National Jail Census (Version Date: Jul. 9, 2009): <https://www.icpsr.umich.edu/web/NACJD/studies/3318>
- 2006 Census of Jail Facilities (Version Date: Jan. 26, 2010): <https://www.icpsr.umich.edu/web/NACJD/studies/26602>
- 1984 Census of State Adult Correctional Facilities (Version Date: Nov. 4, 2005): <https://www.icpsr.umich.edu/web/NACJD/studies/8444>
- 1990 Census of State and Federal Adult Correctional Facilities (CSFACF) (Version Date: Dec. 21, 2001): <https://www.icpsr.umich.edu/web/NACJD/studies/9908>
- 1995 CSFACF (Version Date: Mar. 21, 2003): <https://www.icpsr.umich.edu/web/NACJD/studies/6953>
- 2000 CSFACF (Version Date: Nov. 4, 2005): <https://www.icpsr.umich.edu/web/NACJD/studies/4021>
- 2005 CSFACF (Version Date: May 12, 2017): <https://www.icpsr.umich.edu/web/NACJD/studies/24642>

We appended all ten datasets and gave variables more intuitive, standardized names. We kept only a few of the available variables—namely, any identifying variables, including facility/jurisdiction ID numbers, facility/jurisdiction names, states, addresses, etc.; population variables, including single-day population counts and average daily populations; and any variables describing active court orders filed against the facility/jurisdiction.

We then excluded a number of categories of facilities from the table:

- One local jail in Puerto Rico from the 2006 jail census (the only facility outside the 50 U.S. states and D.C. in this dataset).
- Community-based facilities.
 - There are no such facilities in the jail censuses.
 - In the prison censuses, these types of facilities are most often classified with a categorical variable denoting them as community-based facilities. However, the 1995 and 2005 prison censuses defined community-based facilities as those in which 50%, or more, of the inmate population is allowed to regularly leave the facility without the supervision of facility staff. The 2000 prison census includes both types of variables, which do not line up perfectly; we chose the categorical variable (namely, variable V4A8), which denotes whether a facility includes community corrections as part of their duties.
- All federal facilities, jail or prison, and private facilities that house federal prisoners.
 - Note: In the 2000 census data, federal prisons are denoted by a supervising authority variable. However, differences between resulting population numbers and published population figures prompted closer examination of private and DC facilities; extra-census information revealed that 22 facilities in the 2000 prison

census not so denoted were actually federal. These are marked and excluded from the table.

Facility ID	Facility Name
448000000079997300000	VOLUNTEERS OF AMERICA
098001001071800000000	CORRECTIONAL TREATMENT FAC - CCA
038011666072200000000	ELOY DETENTION CENTER - CCA
118060666072000000000	COMPREHENSIVE SANCTION CENTER
058015666072000000000	CALIFORNIA CITY CORR FAC.
058015666070200000000	TAFT CORRECTIONAL INSTITUTION - WACKENHUT
448048666070100000000	EDEN DETENTION CENTER CCA
092001001070700000000	MAXIMUM SECURITY FACILITY
038000000073100000000	CENTRAL AZ DETENTION CENTER - CCA
060000000076900000000	THE HAVEN
338031666070400000000	BRONX COMMUNITY CORR CTR.- CSC
058019666071700000000	EL MONTE CENTER - CORNELL CORRECTIONS
338031666070200000000	BROOKLYN COMMUNITY CENTER
458018666070100000000	SALT LAKE CITY CENTER-CORNELL CORRS
448101666071600000000	LEIDEL COMPREHENSIVE SANCTION CENTER-CORNELL
338031666070300000000	LE MARQUIS COMMUNITY CORR. CENTER CSC
058019666071450000000	VINELAND CCC
018051666072400000000	BANNUM PL OF MONTGOMERY CCC
448223666071500000000	REALITY HOUSE - CSI
448108666071600000000	MIDVALLEY HOUSE - CSI
058001666071600000000	OAKLAND CENTER
058037666071800000000	SAN DIEGO CENTER

Table F tallies facilities and population.

- It counts as 1 facility all the jails in a particular jurisdiction (that is, a city or county). In addition, if any jail facility reports a court order, we count that court order as applicable to the jail jurisdiction’s entire population. This approach was necessitated by the fact that some jail jurisdictions reported only jurisdiction-level information, while others reported facility-by-facility.
- The types of court orders tallied in Table F encompass whatever categories the relevant year’s census asked about. This includes: population, crowding, administrative segregation, classification, counseling, disability, discipline, education, fire safety, food and hygiene, grievance, library, medical, mental health, recreation, religion, staffing, totality, visiting, or any other kind of conditions court order.
- Population counts use Average Daily Population (ADP) data. A few facilities in the 1988 and 2006 jail censuses did not report ADP; we used single-day counts for those facilities.

Table G: Change in Prisoner Civil Rights Filings in U.S. District Court and Filing Rates, by State, Fiscal Years 1995 vs. 2012, 2012 vs. 2018, and 1995 vs. 2018

This Table compares state-level incarcerated populations and prisoner civil rights/conditions lawsuit filings in federal court—as counts and rates per 1,000 incarcerated people. We use three benchmark years: 1995, the year prior to the enactment of PLRA; 2012, the last year for which full incarceration and civil filings data were available when an earlier version of this table was published in Margo Schlanger, Trends in Prisoner Litigation, as the PLRA Enters Adulthood, 5 U.C. Irvine L. Rev. 153 (2015), <https://www.law.uci.edu/lawreview/vol5/no1/Schlanger.pdf>, and 2018, the most recent year for which full data are currently available.

- We exclude D.C. and all U.S. territories.
- The total incarcerated population for each state is the sum of each state’s total populations in state prisons, federal prisons, and local jails. Sources for state prison populations by state and local jail populations by state are equivalent to those described in the notes for Table A, above. State prison populations by state are published as state-level, single-day counts; local jail populations by state are published as facility-level average daily counts, which we aggregate by state. While U.S. total counts of federal prison populations are published by BJS, state-level populations of federal prisoners are not. These state-level federal prison population data originate from Federal Bureau of Prisons (BOP) annual population reports by facility, which we aggregated by state. These are single-day counts of all persons housed in public BOP facilities and privately managed facilities at fiscal yearend (i.e., on September 31 of each respective year).
- 1970–1993 federal prisoner counts by facility come from annual statistical reports published by BOP. 1970–1986 counts are listed in Table A-2 of each respective year’s report. 1987 counts are listed in Table 10 of the 1987 annual report. 1988–1989 counts are listed in Table 12 of each respective year’s report. 1990–1993 counts are listed in Table A13 of each respective year’s report.
- 1994–2013 federal prisoner counts by facility, which include public and privately managed facilities but not community-based facilities, come from Jennifer Batchelder, Supervisory Research Analyst in the Office of Research and Evaluation at BOP, via a June 13, 2014 email, on file with author.
- 2014–2020 federal prison counts by facility come directly from the BOP website where weekly population updates are posted (https://www.bop.gov/about/statistics/population_statistics.jsp). These counts were downloaded in 2020 using an archived version of the BOP website via the Wayback Machine (<https://archive.org/web/>). Because the BOP website was not archived weekly during these years, only a few counts exist on the archived website. We selected the archived population reports that are as close to the end of September as possible.
- 2014 federal prison facility population tallies were published on June 12, 2014 (https://web.archive.org/web/20140612200552/https://www.bop.gov/about/statistics/population_statistics.jsp).

- 2015 federal prison facility population tallies were published on January 28, 2016 (https://web.archive.org/web/20160128175011/https://www.bop.gov/about/statistics/population_statistics.jsp).
- 2016 federal prison facility population tallies were published on December 15, 2016 (https://web.archive.org/web/20161221193320/https://www.bop.gov/about/statistics/population_statistics.jsp).
- 2017 federal prison facility population tallies were published on September 28, 2017 (https://web.archive.org/web/20171005164536/https://www.bop.gov/about/statistics/population_statistics.jsp).
- 2018 federal prison facility population tallies were published on October 11, 2018 (https://web.archive.org/web/20181003135256/https://www.bop.gov/about/statistics/population_statistics.jsp).
- 2019 federal prison facility population tallies were published on October 17, 2019 (https://web.archive.org/web/20191011135116/https://www.bop.gov/mobile/about/population_statistics.jsp).
- 2020 federal prison facility population tallies were published on October 8, 2020 (https://web.archive.org/web/20201008171343/https://www.bop.gov/about/statistics/population_statistics.jsp).
- Filing rates by state are calculated by dividing the state-level counts of prisoner civil rights/conditions filings by the state-level counts of incarcerated people, and multiplying the resulting fraction by 1,000.
- States are ordered in ascending order of 1995 state filing rate rankings.
- Prisoner civil rights/conditions filing rate changes between 1995 and 2012, 2012 and 2018, and 1995 and 2018 are reported in terms of net change per 1,000 incarcerated people, percent change, and net changes in filing rate rank.

Table H: Days to Disposition, District Court Cases by Fiscal Year of Filing, 1988–2020

- Days to disposition for any particular case in the FJC IDB are the total number of calendar days between that case’s filing and termination dates.
- By fiscal year of filing, we then calculate the 25th, 50th, and 75th percentiles of the distribution of days-to-disposition for three samples: all prisoner civil rights/conditions cases, “other civil rights cases” (i.e., Nature of Suit code 440), and all cases other than prisoner civil rights/conditions cases. (Pending cases are included in the count.)