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Prison and Jail Civil Rights/Conditions Cases: Longitudinal Statistics

Appendix to: Slamming the Courthouse Door: 25 Years of Evidence for Repealing the Prison Litigation Reform Act, Prison Policy Initiative (April 26, 2021), at https://www.prisonpolicy.org/reports/PLRA_25.html

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The Tables show longitudinal statistics about case filings, features, and outcomes, for jail/prison civil rights and conditions cases and for the entire federal civil docket, grouped by case category.

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These tables and data notes accompany the on-line article cited above (though Tables G and H are not referenced there).

All but Table F update Margo Schlanger, "[Trends in Prisoner Litigation, as the PLRA Enters Adulthood](#)," 5 U.C. Irvine L. Rev. 153 (2015).

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

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

Fiscal Year	Incarcerated Population				Prisoner Civil Rights Filings in Fed. District Court			
	Total Incar. Pop.	State Prison Pop.	Federal Prison Pop.	Local Jail Pop.	Total Filings	Non-federal Def'ts	Federal Def'ts	Filings / 1,000 Incar. Pop.
1970	359,419	178,654	20,038	160,727	2,244	2,091	153	6.2
1971	353,740	177,113	20,948	155,679	3,179	2,969	210	9.0
1972	352,326	174,379	21,713	156,234	3,635	3,393	242	10.3
1973	360,999	181,396	22,815	156,788	4,665	4,257	408	12.9
1974	387,063	207,360	22,361	157,342	5,574	5,186	388	14.4
1975	411,712	229,685	24,131	157,896	6,527	6,020	507	15.9
1976	436,451	248,883	29,117	158,451	7,095	6,701	394	16.3
1977	448,568	258,643	30,920	159,005	8,348	7,843	505	18.6
1978	456,877	269,765	26,285	160,827	10,087	9,520	567	22.1
1979	477,154	281,233	23,356	172,565	11,713	11,149	564	24.5
1980	506,082	295,819	23,779	186,484	13,079	12,496	583	25.8
1981	560,431	333,251	26,778	200,402	16,333	15,544	789	29.1
1982	617,235	375,603	27,311	214,321	16,809	16,075	734	27.2
1983	652,725	394,953	28,945	228,827	17,517	16,793	724	26.8
1984	691,538	417,389	30,875	243,274	18,340	17,471	869	26.5
1985	746,870	451,812	35,781	259,277	18,489	17,662	827	24.8
1986	818,383	496,834	39,781	281,768	20,366	19,657	709	24.9
1987	867,040	520,336	42,478	304,226	22,073	21,415	658	25.5
1988	948,971	562,605	44,205	342,161	22,657	21,879	778	23.9
1989	1,070,824	629,995	53,387	387,442	23,736	22,803	933	22.2
1990	1,154,265	684,544	58,838	410,883	24,051	23,028	1,023	20.8
1991	1,220,168	728,605	63,930	427,633	24,355	23,570	785	20.0
1992	1,300,736	778,495	72,071	450,170	28,544	27,723	821	21.9
1993	1,382,523	828,566	80,815	473,142	31,692	30,841	851	22.9
1994	1,478,242	904,647	85,500	488,095	36,596	35,551	1,045	24.8
1995	1,597,044	989,004	89,538	518,502	39,053	38,022	1,031	24.5
1996	1,654,574	1,032,676	95,088	526,810	38,262	37,126	1,136	23.1
1997	1,740,897	1,074,809	101,755	564,333	26,095	25,226	869	15.0
1998	1,816,310	1,111,927	110,793	593,590	24,221	23,313	908	13.3
1999	1,894,857	1,155,878	125,682	613,297	23,512	22,645	867	12.4
2000	1,946,822	1,177,240	140,064	629,518	23,357	22,399	958	12.0

Fiscal Year	Incarcerated Population				Prisoner Civil Rights Filings in Fed. District Court			
	Total Incar. Pop.	State Prison Pop.	Federal Prison Pop.	Local Jail Pop.	Total Filings	Non-federal Def'ts	Federal Def'ts	Filings / 1,000 Incar. Pop.
2001	1,971,139	1,179,954	149,852	641,333	22,132	21,225	907	11.2
2002	2,032,723	1,209,145	158,216	665,362	21,989	21,045	944	10.8
2003	2,088,155	1,225,971	168,144	694,040	22,062	20,915	1,147	10.6
2004	2,141,694	1,244,216	177,600	719,878	21,554	20,338	1,216	10.1
2005	2,184,175	1,261,071	186,364	736,740	22,484	21,317	1,167	10.3
2006	2,250,203	1,297,536	190,844	761,823	22,464	21,438	1,026	10.0
2007	2,283,402	1,316,105	197,285	770,012	21,966	20,814	1,152	9.6
2008	2,301,154	1,324,539	198,414	778,201	23,547	22,387	1,160	10.2
2009	2,297,547	1,319,563	205,087	772,897	22,656	21,510	1,146	9.9
2010	2,280,045	1,314,445	206,968	758,632	22,651	21,548	1,103	9.9
2011	2,254,980	1,290,212	214,774	749,994	23,292	22,011	1,281	10.3
2012	2,232,015	1,262,102	216,915	752,998	22,636	21,627	1,009	10.1
2013	2,244,289	1,269,828	214,989	759,472	23,989	22,535	1,454	10.7
2014	2,232,842	1,260,159	209,561	763,122	25,270	24,082	1,188	11.3
2015	2,172,112	1,243,520	195,622	732,970	23,443	22,547	896	10.8
2016	2,150,260	1,228,822	188,311	733,127	24,444	23,604	840	11.4
2017	2,133,606	1,210,947	182,147	740,512	26,550	25,611	939	12.4
2018	2,107,681	1,191,342	179,213	737,126	25,533	24,428	1,105	12.1
2019	N/A	1,164,726	174,391	N/A	26,248	25,250	998	N/A
2020	N/A	N/A	N/A	N/A	26,162	25,025	1,137	N/A

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

Case Category	Prisoner Civil Rights / Conditions	Habeas, Quasi-Criminal	Bankr.	Civil Rights (Non-Emp.)	Immig.	Other	Civil Rights, (Non-Emp.)	Torts (Non-product)	Statutory Actions	Contract	Product Liability	U.S. Plaintiff	Labor & Emp.	Total	Total Without Prisoner or Habeas Cases
1996	83.3%	72.2%	12.8%	29.6%	8.6%	10.2%	16.3%	5.0%	6.7%	2.3%	0.8%	1.6%	2.9%	26.9%	7.8%
1997	91.6%	78.2%	17.6%	32.8%	16.0%	12.4%	19.4%	5.4%	8.0%	2.3%	1.0%	0.9%	3.1%	28.1%	9.1%
1998	Data NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1999	88.6%	79.1%	18.1%	29.3%	13.6%	12.7%	18.5%	5.9%	7.4%	2.6%	0.6%	0.4%	3.4%	23.5%	7.8%
2000	95.6%	84.5%	18.2%	30.1%	29.9%	15.7%	20.3%	5.6%	7.2%	2.3%	1.5%	0.4%	3.8%	26.2%	8.6%
2001	96.1%	84.8%	17.7%	30.3%	47.8%	12.6%	20.3%	6.1%	6.9%	2.4%	3.1%	0.5%	3.6%	27.6%	9.0%
2002	96.3%	86.4%	17.7%	29.9%	51.6%	14.7%	19.9%	6.5%	6.8%	2.3%	1.6%	0.9%	3.2%	26.5%	8.6%
2003	96.7%	85.3%	19.5%	30.4%	35.8%	16.8%	20.8%	8.2%	7.2%	2.8%	0.8%	1.5%	3.3%	26.6%	9.1%
2004	96.9%	83.8%	18.7%	31.2%	28.2%	14.8%	21.2%	7.6%	6.1%	2.9%	0.9%	1.6%	3.1%	26.0%	9.1%
2005	96.3%	83.4%	18.1%	31.7%	19.2%	17.0%	20.8%	4.2%	6.2%	3.8%	1.8%	1.8%	3.0%	26.0%	8.6%
2006	96.5%	85.1%	19.0%	32.6%	18.9%	19.3%	19.2%	8.0%	7.0%	3.6%	1.5%	2.0%	3.0%	25.0%	8.2%
2007	96.4%	85.7%	20.5%	33.9%	20.5%	16.7%	18.7%	6.3%	8.4%	3.5%	2.5%	1.6%	2.7%	27.4%	9.5%
2008	96.2%	86.2%	23.9%	34.7%	32.4%	16.4%	18.9%	7.6%	7.5%	3.8%	2.5%	1.4%	3.0%	28.5%	9.8%
2009	95.2%	87.2%	22.1%	34.0%	32.8%	20.7%	18.8%	10.3%	7.7%	5.1%	1.2%	1.5%	3.0%	25.2%	8.9%
2010	94.8%	88.3%	19.8%	35.1%	28.5%	19.0%	19.2%	11.3%	7.9%	5.7%	3.6%	1.6%	2.9%	22.6%	8.8%
2011	94.9%	88.5%	19.2%	33.4%	34.8%	23.8%	19.9%	7.4%	7.7%	8.5%	2.1%	1.8%	2.9%	23.3%	9.0%
2012	94.9%	88.8%	20.5%	34.5%	35.4%	18.8%	19.8%	11.7%	8.5%	8.6%	1.1%	1.5%	2.9%	26.0%	10.5%
2013	94.1%	89.3%	21.2%	34.3%	36.0%	18.2%	18.6%	11.7%	7.6%	7.9%	1.8%	2.0%	2.8%	28.2%	11.1%
2014	92.1%	89.9%	14.5%	33.0%	36.0%	18.4%	18.3%	10.4%	7.4%	6.7%	2.7%	1.9%	2.9%	28.2%	10.7%
2015	93.2%	89.3%	24.1%	33.0%	31.0%	17.1%	17.9%	8.9%	7.3%	6.4%	1.6%	2.0%	3.2%	25.4%	9.7%
2016	93.0%	84.1%	29.1%	30.6%	29.3%	17.5%	17.5%	10.2%	7.0%	6.5%	1.4%	2.7%	3.0%	26.2%	9.8%
2017	92.9%	80.2%	30.6%	30.6%	31.7%	18.9%	17.4%	10.2%	7.3%	6.8%	1.0%	2.9%	2.8%	26.4%	9.6%
2018	92.7%	85.0%	32.5%	30.3%	33.2%	20.6%	17.5%	10.2%	7.3%	6.9%	1.5%	3.4%	2.7%	25.7%	10.2%
2019	92.3%	85.7%	27.5%	27.1%	24.3%	21.9%	17.9%	7.2%	7.1%	6.3%	1.0%	4.1%	2.9%	22.5%	8.6%
2020	92.4%	87.2%	34.3%	28.7%	20.2%	20.0%	17.3%	8.1%	7.0%	5.6%	5.0%	3.8%	2.8%	25.8%	10.2%

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

Fiscal Year	Outcomes, as % of Judgment Dispositions											
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	Timing of Settlements, as % of Settlements, per Vol. Dismissals		(l)
	Filings	Terminations	Judgments, as % of Terminations	Pretrial Decisions for Deft.	Pretrial Decisions for Plaintiff.	Settled	Vol. Dismissals	Trial s	Plaint. Trial Vict., as % of Trials	Before Issue Joined	After Issue Joined	All Plaintiff. Successes, as % of Judgments
1988	22,657	24,077	96.1%	83.6%	1.1%	7.1%	4.0%	3.5%	13.8%	58.5%	41.5%	12.7%
1989	23,736	24,714	96.2%	82.4%	1.0%	7.3%	5.1%	3.7%	13.8%	52.3%	47.7%	13.9%
1990	24,051	24,864	95.9%	82.8%	1.1%	7.6%	5.0%	3.4%	15.3%	48.8%	51.2%	14.3%
1991	24,355	24,877	94.9%	82.1%	0.9%	7.7%	6.1%	3.1%	14.5%	52.1%	47.9%	15.2%
1992	28,544	28,357	94.7%	80.3%	1.2%	7.6%	7.5%	3.3%	11.7%	60.2%	39.8%	16.8%
1993	31,692	31,893	94.8%	81.4%	1.0%	6.8%	8.0%	2.8%	14.8%	60.0%	40.0%	16.2%
1994	36,596	36,098	94.1%	81.7%	0.8%	7.3%	7.2%	3.0%	12.3%	53.8%	46.2%	15.7%
1995	39,053	41,201	94.4%	83.9%	0.7%	6.3%	6.6%	2.5%	10.4%	61.3%	38.7%	13.8%
1996	38,262	42,522	94.6%	84.9%	0.6%	5.6%	6.4%	2.6%	8.9%	61.8%	38.2%	12.8%
1997	26,095	34,981	95.6%	84.2%	0.7%	5.4%	6.9%	2.8%	10.4%	61.2%	38.8%	13.3%
1998	24,221	29,938	95.4%	85.7%	0.5%	5.2%	6.1%	2.5%	8.5%	60.7%	39.3%	12.0%
1999	23,512	26,561	94.0%	87.1%	0.5%	4.7%	5.3%	2.4%	11.4%	56.7%	43.3%	10.8%
2000	23,357	25,177	92.8%	87.1%	0.4%	4.2%	5.8%	2.4%	13.3%	54.0%	46.0%	10.8%
2001	22,132	24,572	93.1%	87.8%	0.4%	3.9%	5.8%	2.1%	13.7%	53.9%	46.1%	10.4%
2002	21,989	24,245	93.3%	88.5%	0.4%	3.7%	5.6%	1.8%	8.4%	55.2%	44.8%	9.9%
2003	22,062	23,653	92.6%	89.0%	0.6%	3.9%	5.2%	1.4%	13.9%	53.2%	46.8%	9.8%
2004	21,554	23,181	89.4%	89.4%	0.4%	3.9%	5.0%	1.3%	14.0%	55.4%	44.6%	9.5%
2005	22,484	23,712	87.4%	89.9%	0.4%	4.0%	4.7%	1.1%	11.0%	53.4%	46.6%	9.1%
2006	22,464	24,846	86.4%	90.1%	0.3%	4.3%	4.4%	1.0%	16.9%	54.3%	45.7%	9.1%
2007	21,966	23,630	84.8%	89.4%	0.3%	4.2%	5.2%	1.0%	13.5%	56.7%	43.3%	9.7%

Fiscal Year				Outcomes, as % of Judgment Dispositions					Timing of Settlements, as % of Settlements, per Vol. Dismissals		(l) All Plaintiff Successes, as % of Judgments	
	(a) Filings	(b) Terminations	(c) Judgments, as % of Terminations	(d) Pretrial Decisions for Deft.	(e) Pretrial Decisions for Plaintiff.	(f) Settled	(g) Vol. Dismissals	(h) Trials	(i) Plaintiff Trial Vict., as % of Trials	(j) Before Issue Joined		(k) After Issue Joined
2008	23,547	25,125	88.0%	89.3%	0.5%	3.9%	4.8%	1.2%	16.4%	53.2%	46.8%	9.4%
2009	22,656	24,437	91.8%	87.1%	0.5%	4.2%	5.3%	1.3%	13.1%	51.2%	48.8%	10.2%
2010	22,651	24,702	91.1%	86.0%	0.5%	4.9%	5.3%	1.3%	14.4%	47.6%	52.4%	10.8%
2011	23,292	24,712	90.4%	85.8%	0.4%	5.0%	5.4%	1.2%	11.6%	49.5%	50.5%	11.0%
2012	22,636	24,605	90.8%	84.9%	0.6%	5.0%	5.4%	1.4%	11.9%	50.6%	49.4%	11.1%
2013	23,989	26,294	90.9%	83.3%	0.4%	7.1%	5.3%	1.3%	12.8%	50.6%	49.4%	13.0%
2014	25,270	27,167	90.8%	81.6%	0.8%	8.2%	5.6%	1.2%	12.7%	50.1%	49.9%	14.7%
2015	23,443	26,365	90.6%	83.4%	0.4%	6.5%	5.5%	1.4%	12.2%	45.5%	54.5%	12.6%
2016	24,444	26,042	90.8%	82.5%	0.5%	6.4%	6.1%	1.2%	15.8%	44.8%	55.2%	13.2%
2017	26,550	29,194	89.9%	81.1%	0.5%	7.5%	5.8%	1.0%	16.3%	41.1%	58.9%	14.0%
2018	25,533	27,499	90.8%	79.5%	0.5%	7.5%	6.3%	1.1%	18.5%	45.6%	54.4%	14.6%
2019	26,248	28,148	91.6%	80.6%	0.5%	7.0%	6.3%	1.0%	16.7%	43.9%	56.1%	14.0%
2020	26,162	27,686	91.6%	81.6%	0.5%	5.9%	6.3%	0.6%	12.1%	42.1%	57.9%	12.8%

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

				Outcomes, as % of Judgment Dispositions					(i)	Timing of Settlements, as % of Settlements, per Vol. Dismissals		(l)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)		(j)	(k)	
	Filing s	Termin ations	Judg ment s, as % of Term inatio ns	Pretrial Decisio ns for Deft.	Pretrial Decisio ns for Plaint.	Settled	Vol. Dismi ssals	Trial s	Plain. Trial Vict., as % of Trials	Before Issue Joined	After Issue Joined	All Plaint. Successes, as % of Judgments
All	222,411	271,255	85.1%	41.1%	4.2%	33.5%	19.2%	0.6%	40.7%	34.3%	65.7%	57.1%
Habeas, Quasi-Criminal	22,573	25,379	87.5%	88.3%	2.6%	0.7%	3.3%	0.7%	8.1%	70.9%	29.1%	6.7%
Prisoner Civ. Rghts	26,162	27,686	91.6%	81.6%	0.5%	5.9%	6.3%	0.6%	12.1%	42.1%	57.9%	12.8%
Bankr.	1,777	1,826	68.8%	76.9%	2.2%	8.0%	11.5%	0.2%	33.3%	55.5%	44.5%	21.8%
Immig.	4,611	4,103	92.3%	45.7%	5.3%	8.1%	39.5%	0.1%	75.0%	75.9%	24.1%	53.0%
Civil Rights	26,762	26,772	93.9%	42.4%	2.4%	32.6%	21.0%	0.7%	33.9%	47.8%	52.2%	56.2%
Stat. Actions	52,996	52,855	71.0%	29.0%	8.4%	31.8%	29.8%	0.6%	48.5%	48.1%	51.9%	70.3%
Other	3,423	3,809	74.6%	42.2%	16.3%	17.2%	20.9%	0.3%	66.7%	45.3%	54.7%	54.7%
Civil Rights, Emp.	12,794	13,693	92.9%	34.9%	0.9%	47.3%	15.6%	0.8%	36.4%	16.1%	83.9%	64.1%
Torts (Nonproduct)	20,837	24,321	83.8%	30.2%	1.7%	42.3%	24.2%	1.0%	54.8%	20.0%	80.0%	68.7%
U.S. Plaintiff	1,693	1,949	93.0%	21.7%	36.0%	22.9%	17.0%	0.6%	72.7%	49.1%	50.9%	76.3%
Contract	25,426	25,508	87.9%	25.1%	9.2%	41.8%	22.5%	0.8%	65.5%	29.4%	70.6%	74.0%
Product Liability	8,945	48,349	85.5%	24.5%	0.2%	55.1%	20.1%	0.1%	32.0%	27.6%	72.4%	75.3%
Labor & Emp.	14,412	15,005	93.5%	16.4%	9.4%	53.4%	19.5%	0.5%	56.9%	29.6%	70.4%	82.5%

Table E: Prisoner Civil Rights Litigated Victories, FY 2012

	Trials	Non-trials	All
Plaintiffs Wins	36	21	57
Injunctive Matters	4	3	7
<= \$1,000	15	3	18
\$1,001–13,000	8	12	20
25,000–80,000	7	2	9
\$100,000 +	2	1	3
Total Damages Awarded	\$700,908	\$339,862	\$1,040,770
Cases with Damages	32	18	50
Average Damages per Case	\$21,903	\$18,881	\$20,815
Median Damages per Case	\$ 1,525	\$7,000	\$4,185

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

	Year	(a) Total Facilities	(b) Facilities with Orders	(c) Total Population	(d) Population Housed in Facilities with Orders
Local Jails	1983	3,338	18%	227,541	51%
	1988	3,316	18%	336,017	50%
	1993	3,268	18%	466,155	46%
	1999	3,365	17%	607,978	32%
	2006	3,282	11%	756,839	20%
State Prisons	1984	694	27%	377,036	43%
	1990	957	28%	617,859	36%
	1995	1,084	32%	879,766	40%
	2000	1,042	28%	1,042,637	40%
	2005	1,067	18%	1,096,755	22%

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

	1995				2012				2018			
	Incar. Pop.	Pris. Civ. Rights/ Cond. Filings	Filings/ 1,000 Incar. Pop.	State Ranking by Filing Rate	Incar. Pop.	Pris. Civ. Rights/ Cond. Filings	Filings/ 1,000 Incar. Pop.	State Ranking by Filing Rate	Incar. Pop.	Pris. Civ. Rights/ Cond. Filings	Filings/ 1,000 Incar. Pop.	State Ranking by Filing Rate
All U.S.	1,597,044	39,053	24.5		2,232,015	22,636	10.1		2,111,198	25,533	12.1	
Iowa	8,001	815	101.9	1	13,025	161	12.4	14	13,822	121	8.8	30
Arkansas	11,947	967	80.9	2	25,577	650	25.4	1	26,944	998	37	2
Mississippi	16,156	1,035	64.1	3	34,922	432	12.4	13	32,419	304	9.4	29
Nebraska	5,046	297	58.9	4	8,050	84	10.4	20	9,034	94	10.4	22
Missouri	25,953	1,523	58.7	5	44,077	392	8.9	29	43,557	595	13.7	15
Virginia	41,267	2,166	52.5	6	64,989	673	10.4	21	64,186	757	11.8	17
Alabama	31,402	1,403	44.7	7	45,626	684	15	7	39,846	629	15.8	13
Delaware	4,799	205	42.7	8	6,730	153	22.7	2	5,582	104	18.6	5
Louisiana	37,600	1,548	41.2	9	54,243	659	12.1	15	49,079	514	10.5	21
Nevada	11,970	475	39.7	10	19,338	288	14.9	8	21,044	377	17.9	8
Arizona	32,811	1,247	38	11	58,542	533	9.1	27	59,202	952	16.1	12
Maine	2,328	87	37.4	12	3,757	34	9	28	4,150	17	4.1	45
Tennessee	29,260	1,076	36.8	13	50,448	576	11.4	16	50,264	485	9.6	28
Indiana	27,044	967	35.8	14	48,739	376	7.7	35	47,846	862	18	6
Pennsylvania	62,657	2,114	33.7	15	103,438	1,284	12.4	12	94,831	983	10.4	23
Kentucky	24,435	824	33.7	16	41,265	230	5.6	42	41,767	348	8.3	33
Montana	2,464	76	30.8	17	5,241	93	17.7	5	6,808	127	18.7	4
Colorado	20,895	634	30.3	18	36,388	351	9.6	24	36,542	524	14.3	14
Wyoming	1,955	57	29.2	19	3,689	18	4.9	44	3,984	10	2.5	50
Vermont	1,245	35	28.1	20	2,034	19	9.3	26	1,713	9	5.3	42
Hawaii	2,812	76	27	21	5,993	83	13.8	9	5,416	43	7.9	35
Kansas	12,508	333	26.6	22	18,724	136	7.3	38	18,768	210	11.2	18
Wisconsin	21,306	559	26.2	23	36,898	298	8.1	33	37,900	751	19.8	3
Utah	6,623	169	25.5	24	12,699	93	7.3	37	13,119	47	3.6	48

	1995				2012				2018			
	Incar. Pop.	Pris. Civ. Rights/Cond. Filings	Filings/1,000 Incar. Pop.	State Ranking by Filing Rate	Incar. Pop.	Pris. Civ. Rights/Cond. Filings	Filings/1,000 Incar. Pop.	State Ranking by Filing Rate	Incar. Pop.	Pris. Civ. Rights/Cond. Filings	Filings/1,000 Incar. Pop.	State Ranking by Filing Rate
West Virginia	6,989	169	24.2	25	20,713	135	6.5	40	20,824	215	10.3	25
South Carolina	27,173	648	23.8	26	41,268	649	15.7	6	36,094	589	16.3	11
Connecticut	15,740	370	23.5	27	18,497	154	8.3	32	14,307	257	18	7
Washington	20,471	481	23.5	28	29,925	373	12.5	11	30,869	319	10.3	24
Georgia	66,131	1,496	22.6	29	103,464	1,000	9.7	23	98,900	1,064	10.8	19
Illinois	58,398	1,270	21.7	30	76,126	1,445	19	4	61,472	2,366	38.5	1
Michigan	56,452	1,217	21.6	31	62,144	801	12.9	10	56,748	469	8.3	34
Maryland	33,703	708	21	32	35,469	392	11.1	19	30,076	506	16.8	10
Oklahoma	21,767	437	20.1	33	38,515	180	4.7	46	43,393	174	4	46
North Carolina	39,000	760	19.5	34	62,488	529	8.5	31	60,294	604	10	26
Rhode Island	2,854	54	18.9	35	3,042	30	9.9	22	2,580	20	7.8	36
Texas	192,977	3,597	18.6	36	257,431	1,486	5.8	41	244,034	1,879	7.7	37
New York	104,509	1,860	17.8	37	88,851	1,722	19.4	3	75,183	1,282	17.1	9
Florida	111,113	1,968	17.7	38	170,850	1,234	7.2	39	162,304	1,596	9.8	27
South Dakota	3,263	57	17.5	39	6,271	48	7.7	36	6,316	35	5.5	41
Alaska	2,864	50	17.5	40	6,388	7	1.1	50	4,317	29	6.7	40
Oregon	13,988	227	16.2	41	21,856	189	8.6	30	21,874	234	10.7	20
New Hampshire	3,122	47	15.1	42	4,612	36	7.8	34	5,381	21	3.9	47
Idaho	5,097	75	14.7	43	11,321	106	9.4	25	12,189	93	7.6	38
New Jersey	43,435	639	14.7	44	45,301	503	11.1	18	36,290	308	8.5	32
New Mexico	8,984	124	13.8	45	17,131	93	5.4	43	14,238	124	8.7	31
Ohio	57,630	746	12.9	46	73,454	249	3.4	49	72,655	358	4.9	44
California	216,289	2,575	11.9	47	229,253	2,586	11.3	17	219,433	2,720	12.4	16
Minnesota	11,449	124	10.8	48	20,267	93	4.6	47	19,396	64	3.3	49
Massachusetts	20,009	153	7.6	49	24,425	109	4.5	48	19,707	100	5.1	43
North Dakota	1,135	8	7	50	2,695	13	4.8	45	3,179	24	7.5	39

	1995-2012			2012-2018			1995-2018		
	<u>Rate Change</u>		Rank Change	<u>Rate Change</u>		Rank Change	<u>Rate Change</u>		Rank Change
	N	%		N	%		N	%	
All U.S.	-14.3	-58.5%		2	19.7%		-12.4	-50.7%	
Iowa	-89.5	-87.9	13	-3.6	-29.1	16	-93.1	-91.4	29
Arkansas	-55.5	-68.6	-1	11.6	45.6	1	-43.9	-54.2	0
Mississippi	-51.7	-80.7	10	-3	-24.3	16	-54.7	-85.4	26
Nebraska	-48.4	-82.2	16	0	0	2	-48.5	-82.4	18
Missouri	-49.8	-84.9	24	4.8	54	-14	-45	-76.7	10
Virginia	-42.1	-80.2	15	1.4	13.5	-4	-40.7	-77.5	11
Alabama	-29.7	-66.5	0	0.8	5.3	6	-28.9	-64.7	6
Delaware	-20	-46.8	-6	-4.1	-18	3	-24.1	-56.4	-3
Louisiana	-29	-70.4	6	-1.7	-14	6	-30.7	-74.6	12
Nevada	-24.8	-62.5	-2	3	20.1	0	-21.8	-54.9	-2
Arizona	-28.9	-76	16	7	76.9	-15	-21.9	-57.6	1
Maine	-28.3	-75.7	16	-5	-55.2	17	-33.3	-89.1	33
Tennessee	-25.4	-69.1	3	-1.8	-15.8	12	-27.1	-73.7	15
Indiana	-28	-78.3	21	10.3	133.5	-29	-17.7	-49.5	-8
Pennsylvania	-21.3	-63.1	-3	-2	-16.1	11	-23.4	-69.4	8
Kentucky	-28.1	-83.3	26	2.8	50.2	-9	-25.4	-75.3	17
Montana	-13.1	-42.5	-12	0.9	5.1	-1	-12.2	-39.6	-13
Colorado	-20.7	-68.2	6	4.7	48.7	-10	-16	-52.7	-4
Wyoming	-24.3	-83.3	25	-2.4	-49.2	6	-26.6	-91.2	31
Vermont	-18.8	-66.9	6	-4.1	-43.9	16	-22.9	-81.5	22
Hawaii	-13.2	-48.8	-12	-5.9	-42.6	26	-19.1	-70.7	14
Kansas	-19.4	-72.9	16	3.9	53.7	-20	-15.4	-57.8	-4
Wisconsin	-18.2	-69.4	10	11.7	144.9	-30	-6.4	-24.4	-20
Utah	-18.2	-71.3	13	-3.7	-50.5	11	-21.9	-85.8	24
West Virginia	-17.7	-73.2	15	3.8	58.3	-15	-13.9	-57.5	0
South Carolina	-8.1	-34	-20	0.6	3.8	5	-7.5	-31.5	-15
Connecticut	-15.2	-64.7	5	9.6	115.3	-25	-5.5	-23.4	-20

	1995-2012			2012-2018			1995-2018		
	<u>Rate Change</u>		Rank Change	<u>Rate Change</u>		Rank Change	<u>Rate Change</u>		Rank Change
	N	%		N	%		N	%	
All U.S.	-14.3	-58.5%		2	19.7%		-12.4	-50.7%	
Washington	-11	-46.8	-17	-2.1	-16.8	13	-13.2	-56.2	-4
Georgia	-13	-57.5	-6	1.1	11.4	-4	-11.9	-52.6	-10
Illinois	-2.8	-12.9	-26	19.5	102.7	-3	16.7	76.8	-29
Michigan	-8.7	-40.4	-21	-4.6	-35.7	24	-13.3	-61.7	3
Maryland	-10	-47.6	-13	5.8	52.5	-9	-4.2	-20	-22
Oklahoma	-15.4	-76.7	13	-0.7	-15	0	-16.1	-80.2	13
North Carolina	-11	-56.4	-3	1.6	18.9	-5	-9.5	-48.8	-8
Rhode Island	-9.1	-48.1	-13	-2.1	-21.3	14	-11.2	-59.2	1
Texas	-12.9	-69.2	5	1.9	32.9	-4	-10.9	-58.5	1
New York	1.6	9	-34	-2.3	-11.9	6	-0.7	-3.9	-28
Florida	-10.5	-59.3	1	2.6	36	-12	-7.9	-44.6	-11
South Dakota	-9.8	-56.1	-3	-2.1	-27.4	5	-11.9	-68.1	2
Alaska	-16.4	-93.9	10	5.6	511	-10	-10.7	-61.3	0
Oregon	-7.6	-46.8	-11	2.1	24.3	-10	-5.5	-33.9	-21
New Hampshire	-7.2	-47.8	-8	-3.9	-50	13	-11.2	-74.4	5
Idaho	-5.4	-36.7	-18	-1.7	-18.2	13	-7.1	-48.3	-5
New Jersey	-3.6	-24.5	-26	-2.6	-23.4	14	-6.2	-42.1	-12
New Mexico	-8.4	-60.9	-2	3.3	60.8	-12	-5.1	-37	-14
Ohio	-9.6	-74.2	3	1.5	44.2	-5	-8	-61.8	-2
California	-0.6	-5	-30	1.1	9.8	-1	0.5	4.2	-31
Minnesota	-6.2	-57.2	-1	-1.3	-28.3	2	-7.5	-69.2	1
Massachusetts	-3.2	-41.8	-1	0.6	13.4	-5	-2.6	-34	-6
North Dakota	-2.2	-31.2	-5	2.7	56	-6	0.5	7.1	-11

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

Fiscal Year	Prisoner Civil Rights/Conditions Cases			"Other" Civil Rights Cases			All Cases Except Prisoner Civil Rights/ Conditions		
	25th Percentile of Docket	50th Percentile of Docket	75th Percentile of Docket	25th Percentile of Docket	50th Percentile of Docket	75th Percentile of Docket	25th Percentile of Docket	50th Percentile of Docket	75th Percentile of Docket
1988	49 days	171 days	421 days	125 days	301 days	575 days	104 days	233 days	483 days
1989	42 days	162 days	424 days	119 days	294 days	566 days	106 days	241 days	501 days
1990	48 days	174 days	437 days	116 days	277 days	546 days	112 days	253 days	473 days
1991	57 days	191 days	448 days	121 days	294 days	553.5 days	108 days	236 days	448 days
1992	51 days	182 days	426 days	119 days	282 days	531 days	98 days	216 days	428 days
1993	49 days	176 days	408 days	95 days	261 days	501 days	95 days	224 days	434 days
1994	44 days	173 days	395 days	86 days	253 days	492 days	102 days	230 days	440 days
1995	37 days	146 days	364 days	110 days	280 days	504 days	105 days	226 days	433 days
1996	36 days	126 days	327 days	113 days	280 days	501 days	103 days	238 days	463 days
1997	42 days	125 days	316 days	115 days	280 days	518 days	99 days	235 days	437 days
1998	40 days	115 days	304 days	119 days	286 days	510 days	97 days	222 days	423 days
1999	40 days	114 days	330 days	118 days	282 days	510 days	98 days	219 days	421 days
2000	42 days	118 days	344 days	118 days	279 days	498 days	95 days	218 days	424 days
2001	42 days	115 days	334 days	117 days	276 days	497 days	100 days	234 days	442 days
2002	42 days	115 days	347 days	113 days	272 days	504 days	100 days	243 days	426 days
2003	43 days	126 days	371 days	115 days	270 days	504 days	109 days	245 days	449 days
2004	43 days	126 days	364 days	114 days	264 days	487 days	112 days	259 days	407 days
2005	43 days	130 days	352.5 days	113 days	273 days	512 days	94 days	222 days	432 days
2006	43 days	128 days	344 days	113 days	278.5 days	518 days	99 days	234 days	449 days
2007	42 days	115 days	368 days	104 days	272 days	517 days	104 days	250 days	489 days
2008	35 days	105 days	352 days	104 days	270 days	523 days	97 days	232 days	458 days
2009	39 days	120 days	372 days	105 days	275 days	537 days	96 days	228 days	441 days
2010	39 days	119 days	382 days	99 days	266 days	516 days	97 days	234 days	452 days
2011	41 days	130 days	406 days	101 days	267 days	510 days	98 days	236 days	456 days
2012	43 days	126 days	388 days	87 days	253 days	498 days	100 days	249 days	493 days
2013	42 days	123 days	384 days	91 days	250 days	496 days	120 days	303 days	691 days
2014	42 days	126 days	393 days	85 days	245 days	494 days	124 days	323 days	730 days
2015	49 days	140 days	421 days	77 days	238 days	503 days	105 days	264 days	543 days
2016	48 days	142 days	419 days	86 days	259 days	529 days	109 days	272 days	545 days
2017	52 days	137 days	422 days	76 days	241 days	520 days	93 days	225 days	435 days
2018	51 days	148 days	449 days	71 days	226 days	511 days	91 days	223 days	434 days
2019	56 days	161 days	478 days	79 days	245 days	605 days	88 days	218 days	447 days
2020	57 days	172 days	Pending	81 days	Pending	Pending	94 days	331 days	Pending

Data notes, by Margo Schlanger & German Marquez Alcalá
Version 2: May 5, 2021

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/vol5/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

Facility ID	Facility Name
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

- Only initial filings are counted 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.)