NEW YORK CITY JAIL POPULATION IN 2019

July 2021

Luke Scrivener, M.S., Shannon Tomascak, M.A., Erica Bond, J.D., & Preeti Chauhan, Ph.D.

DATA COLLABORATIVE FOR JUSTICE

AT JOHN JAY COLLEGE

STRENGTH IN NUMBERS

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

Table of Contents

INTRODUCTION

Since 2017, New York City has been implementing a citywide plan to reduce the city's jail population to 3,300 (Goodman, 2017) and replace the Rikers Island jail complex with four borough-based jails by 2027 (New York City Mayor's Office of Criminal Justice [MOCJ], 2020a).[1] This report sheds light on the progress made in reducing the jail population up through 2019, as well as longer term trends, to help the public and policymakers better the New York City jail population. Specifically, this report examines two main drivers of the jail population: the number of people admitted to the jails and the length of time they stay in jail. Between 1995 and 2019, the number of admissions to New York City jails declined substantially (by 72%) from 121,412 to 34,389 admissions. During this same time period, the mean length of stay in jail increased from 47 days to 82 days and the median more than doubled from 7 days to 20 days.

The New York City jail population is comprised primarily of people who: (1) have been charged, but not convicted, of a crime(s) and are detained while their criminal case is processed ("**pretrial**"), (2) have been sentenced, typically for a misdemeanor offenses with sentences of a year or less ("**city sentenced**"), or (3) have allegedly violated the terms of their parole ("**technical parole violation**").[2] For these three groups, this report provides the following key data points (see *Appendix A: Data & Definitions* for details):

- The **number and proportion of admissions, from 1995 to 2019**, by type of charge, race/ethnicity, and age (pretrial, city sentenced, and technical parole violations)

- **Top ten most common charges at admission in 2019** by race/ethnicity and age (pretrial and city sentenced)

- **2019 bail amounts for pretrial admissions** by race/ethnicity, by age, and for top charges (pretrial)

- **Length of stay** (mean and median) and **jail bed days** from **2000-2019**[3]

- **2019 length of stay** (mean and median) by race/ethnicity and age (pretrial, city sentenced, and technical parole violations), and by charge (pretrial and city sentenced admissions)

- **2019 discharge types,** overall, and by race/ethnicity and age (pretrial admissions).

Given the ongoing efforts to reform and shrink the jails, this report focuses mainly on the most recent data, from 2019. For additional information on long-term trends in the jails from 1995 to 2019, please see two related data reports by the Data Collaborative for Justice (DCJ): (1) *Data Report: Trends in Admissions to New York City Jails, 1995–2019,* and (2) *Data Report: Trends in Pretrial the Jail Population in New York City Jails, 2000-2019.* DCJ has also published a report focused on women in DOC custody, "*Women in New York City Jails, 1995-2019*".

---

[1] The 2017 plan identified a projected goal of 2026, however in October 2020 the de Blasio administration extended the timeline by one year (City of New York, 2020).

[2] In New York State, an individual may be released from prison before completing their maximum sentence and put under the supervision of a parole officer in the community. The person on parole will be subject to certain conditions (e.g., meeting regularly with a parole officer, abstaining from drugs). A person who violates the conditions of their parole, even if they have not committed a new crime, may be arrested and admitted to jail for up to 105 days until an administrative judge makes a determination about whether to send them back to prison. (The Independent Commission on New York City Criminal Justice and Incarceration Reform ["Lippman Commission"], 2019)

[3] The analyses on length of stay begins in 2000 to account for long lengths of stay for individuals entering New York City jails in 1995. Length of stay analyses uses discharge year rather than admission year.

Trends in Annual Admissions by Legal Status from 1995 to 2019:

- The number of people admitted to jail **pretrial** declined from 97,150 to 26,563 people − a 73% decline. During this same period, pretrial admissions consistently accounted for 70-80% of annual admissions.

- The number of people admitted to jail as **city sentenced** increased from 12,899 in 1995 to 22,361 in 2007 and then fell to 2,505 in 2019 (a net 80% decrease from 1995 to 2019).

- The number of people admitted for **technical parole violations** declined from 6,252 to 3,885 − a 38% decline.
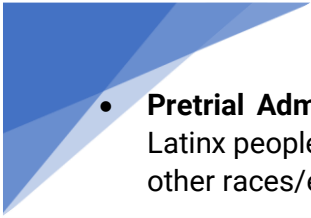
Trends in Length of Stay by Legal Status from 2000 to 2019: Overall, the mean length of stay increased from 47 days to 82 days and the median increased from 7 days to 20 days. From 2017 to 2019, there was a considerable increase in both the mean (63 days to 82 days) and the median (11 days to 20 days**)** length of stay**.**

- For **pretrial admissions**, the mean length of stay doubled from 39 days to 79 days while median more than doubled from 5 to 13 days.

- For **city sentenced admissions**, the mean length of stay more than doubled from 18 days to 38 days while the median doubled from 3 to 6 days.

- For **technical parole violations**, the mean length of stay stayed roughly the same (62 days in 2000 and 63 days in 2019) but the median increased by 10 days (from 40 to 50 days).

Total Jail Admissions in 2019: In 2019, a total of **34,389 people** were admitted to jail − a decline of 72% from 1995 (when there were 121,412 admissions).

Pretrial Admissions in 2019: **77%** of New York City jail admissions (**26,563 people**) were pretrial and people discharged pretrial that year accounted for **2,209,413 bed days.**

- **Most Common Pretrial Admissions Charges:** The three most common charges for pretrial admissions were **assault in the 3rd degree, assault in the 2nd degree, and weapon possession in the 2nd degree**, which together accounted for almost 20% of pretrial admissions (5,109 admissions). In contrast, in 1995, drug charges and robbery charges made up the three most common charges.

- **Bail: The mean bail set at admission was $23,731** − an increase from $9,308 in 1995 (adjusted to 2020 dollars). The **total sum of all bail** amounts set for pretrial admissions in 2019 was **$432,702,066.**

  - *Charges*: Among the top ten charges in 2019, the mean bail amount was lowest for petit larceny ($1,905) and **highest for robbery in the 1st degree ($33,928).**

- **Pretrial Length of Stay:** In 2019, the mean length of stay for pretrial admissions was **79 days** (an increase from 39 days in 2000).

  - *Charges*: The **mean length of stay for the most common charge, assault in the 3rd degree, was 25 days** (up from 11 days in 2000). Among the top ten charges, the mean length of stay was **longest for 1st degree robbery (133 days)** and shortest for 2nd degree criminal contempt (19 days).

- **Pretrial Discharge Categories**: For people admitted pretrial and released in 2019, **38% were discharged after paying bail,** 22% were released on recognizance (ROR), and 24% were transferred to prison, hospitals, or other agencies.

- **Pretrial Admissions by Race/Ethnicity: Black people made up 52% of pretrial admissions (13,771**), Latinx people made up 33% of admissions (8,640), White people made up 9% of admissions (2,453), and other races/ethnicities the remaining 6% (1,615).

City Sentenced Admissions in 2019: **7%** of New York City jail admissions **(2,505 people)** were city sentenced and city sentenced discharges in 2019 accounted for **95,257 bed days.**

- **Most Common City Sentenced Charges: Petit larceny** was the most common city sentenced charge and accounted for **25% of city sentenced admissions (641)**. Petit larceny combined with the three other most common charges, disorderly conduct, possession of a controlled substance in the 7th degree, and driving on a suspended license accounted for approximately 40% of city sentenced admissions. **Drug charges were three of the top ten city sentenced admissions** accounting for **15,304 bed days**.

- **City Sentenced Length of Stay:** In 2019, the mean length of stay for city sentenced admissions was **38 days** (an increase from 18 days in 2000).
  - *Charges*: The **mean length of stay for the most common charge for city sentenced admissions, petit larceny, was 17 days.** The two charges that accounted for the **largest number of bed days** were weapons possession in the 4th degree (12,676 bed days) and petit larceny (10,883 bed days).

- **City Sentenced by Race/Ethnicity: Black people made up 51% of city sentenced admissions (1,271**), Latinx people made up 30% of admissions (776), White people made up 12% of admissions (301), and other races/ethnicities the remaining 6% (154).

Technical Parole Violation Admissions in 2019: **11%** of New York City jail admissions **(3,885 people)** were for technical parole violations, which accounted for **244,889 bed days**.

- **Technical Parole Violations Length of Stay**: The mean length of stay for technical parole violation admissions was **63 days** (nearly equivalent to the mean of 62 days in 2000, but an increase from the mean of 47 days in 2008).

- **Technical Parole Violation Admissions by Race/Ethnicity**: **Black individuals made up 62% of technical parole violation admissions (2,396**), Latinx individuals made up 28% of admissions (1,115), White individuals made up 6% of admissions (232) and all other races made up 3% (130) of admissions.

WHY DO JAILS MATTER?

Jails impact large numbers of people. In 2018, 10.7 million people were admitted to U.S. jails, approximately 17 times more than the 596,400 people admitted to U.S. prisons (Carson, 2020; Zeng, 2020). Compared to prisons, where individuals are admitted because they have been convicted of a crime and are serving a prison sentence, **the vast majority of people in jail have not yet been convicted of a crime and are detained pretrial.**

In 2018, the pretrial population accounted for about two-thirds of U.S. jail admissions (Zeng, 2020). Depending on the jurisdiction, people may also be in jail for a number of other reasons, including because they have been sentenced to jail (typically, for sentences under one year), have violated the terms of their parole or probation, have open warrants (e.g., because they failed to show up to court), or are being held for other authorities/agencies (e.g., immigration holds; James 2002).

People tend to spend shorter periods of time in jail than they do in prison (an average of 25 days in jail as compared to an average of 2.6 years in prisons in 2016) but **even short jail stays can have negative consequences for individuals and communities** (Zeng, 2018; Kaeble, 2018). For example, in Kentucky, people held for 2-3 days had a 40% higher likelihood of recidivism than those held for less than 24 hours; for people held 8-14 days, the likelihood of recidivism was 52% higher (Lowenkamp et al., 2013). Other studies have shown a correlation between pretrial detention and other negative case outcomes, such as a higher likelihood of conviction and longer sentence length (Williams, 2003; Dobbie et al., 2018; Heaton et al., 2017; Leslie & Pope, 2017).

The negative impacts of jails are felt most acutely by communities of color in the United States, with Black and Latinx people held in jail at higher rates than White people. In 2018, the jail imprisonment rate (as a factor of the U.S. population) was approximately three times higher for Black individuals as compared to White and Latinx individuals (Zeng, 2020). In terms of population counts, there were 368,500 White individuals (49.9%), 242,300 Black individuals (32.8%), and 109,300 Latinx individuals (14.8%) in custody in U.S. jails in 2018 (Zeng, 2020).

BACKGROUND

STRUCTURAL FACTORS IMPACTING THE NEW YORK CITY JAIL POPULATION

There are a host of complex, structural forces that influence the number of jail admissions and the length of time that people stay in jail, the two main drivers of the jail population. These forces include crime and enforcement rates as well as policies, practices, and programs related to pretrial detention (e.g., judicial discretion and bail), city sentences (e.g., misdemeanor sentencing and diversion programs), and technical parole violations. Some of the reductions in the jail population may be the result of changing behaviors or practices at the level of the judicial system (e.g., individual judges changing their bail-setting practices), law enforcement (e.g., individual officer or department-wide reductions in arrests), or community (e.g., people committing fewer crimes; Greene & Schiraldi, 2016) rather than policy or legislative changes. This section outlines specific policies, practices, and programs in New York City that likely shaped the number of admissions to jails and how long people remained in jail during the study period.

Crime and Enforcement

From 1995 to 2019, there were substantial changes in both crime rates and enforcement rates in New York City. Beginning in the mid-1990s, with the support of then-Mayor Rudolph Giuliani, the New York City Police Department (NYPD) made concerted efforts to increase enforcement, especially targeting "low-level," "quality of life" offenses, also known as "broken windows" policing (NYPD, 1994; Bratton, 1996). This high-contact approach to policing resulted in a sharp increase in lower-level enforcement. From 1990 to 2010, the misdemeanor arrest rate increased by 93% from 2,250 arrests per 100,000 to 4,351. At the same time, felony arrests decreased by 45%, from 2,892 arrests per 100,000 to 1,578 (Patten et al., 2018).

After 2011, lower-level enforcement including misdemeanor arrests, issuance of criminal summonses, and pedestrian stops began to drop (Scrivener et al., 2020). In 2014, when Mayor Bill de Blasio appointed William Bratton as police commissioner, New York City committed to "lighten the touch" of enforcement (referred to by then-Commissioner Bratton as the "Peace Dividend") (Glazer, 2015; Bratton, 2015). DCJ's 2020 Enforcement Report estimated that by 2018, there were approximately 1.1 million fewer enforcement actions in New York City than there had been in 2011.

Reductions in drug-related enforcement played a large part in reducing the numbers of jail admissions. From 1999 to 2019, felony arrests for drug-related charges decreased by 76% from 40,087 to 9,458 arrests in New York City (New York State Division of Criminal Justice Services [DCJS], 2010; n.d.). From 1995 to 2017, misdemeanor arrests for drugs other than marijuana declined by 63% from 41,297 arrests to 15,157 arrests (Patten et al., 2018). Misdemeanor arrests for marijuana, on the other hand, increased between 1995 and 2017, from 7,000 in 1995 to a peak of 61,000 in 2000, declining back to nearly 20,000 in 2017. As shown in DCJ's accompanying data report on admissions trends, from 1995 to 2019, total jail admissions decreased for felony and misdemeanor drug sale charges from 16,610 to 1,019 (94% decline) and from 1,284 to 30 (98% decline), respectively. Jail admissions also decreased between 1995 to 2019 for felony and misdemeanor drug possession charges, from 13,447 to 1,642 (88% decline), and 6,650 to 973 (85% decline), respectively.

Alongside this dramatic rise and fall of enforcement, there was a steep decline in reported violent and property crime in New York City. From 1989 to 2018, reported property crime declined by 77% and reported violent crime declined by 71% (Scrivener et al., 2020). Reasons for this have been highly contested and criminologists and other scholars have cited economic and social level factors, such as shifting patterns in drug markets (Blumstein, 1995; Curtis & Wendel, 2007), behavioral changes (Johnson et al., 2005), and changes in public sentiment (Karmen, 2000). This decrease in crime rates aligns with the decrease in jail admissions, though other factors discussed below likely played a role in declining jail admissions.
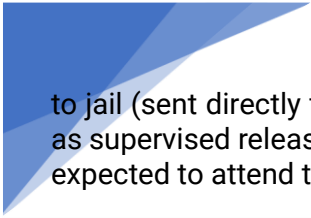
Policies, Practices & Programs Impacting Pretrial Admissions

After a person is arrested, they are often held in police custody for up to 24 hours before they appear for **arraignment** (also known as the "initial appearance").[4] At arraignment, a judge has the ability to make a range of decisions about the case, which determine whether the individual will go to jail or not, making judges key decision-makers in determining the jail population (Phillips, 2012). The judge can dismiss the case immediately, accept a guilty plea, issue an "Adjournment in Contemplation of Dismissal (ACD)",[5] or can continue the case (meaning that the case disposition occurs at a later date). For continued cases, judges may remand the person

---

[4] The exception is when a police officer issues a Desk Appearance Ticket (DAT) for the criminal offense. An individual who receives a DAT will generally be released from police custody within several hours of being arrested and may remain in the community until their arraignment, which must take place within 20 days. For additional information about DATs, see DCJ's recent report: https://datacollaborativeforjustice.org/wp-content/uploads/2021/02/2021_02_24_DAT-brief-2019-FINAL.pdf

[5] An "Adjournment in Contemplation of Dismissal" allows a court to defer the disposition of a case for between six months and a year and, if the defendant does not engage in criminal conduct or violate terms set by the court during that time, the case will be dismissed without a conviction.

to jail (sent directly to jail without bail),[6] set bail (including money bail), release a person with conditions (such as supervised release, see below), or release the person "on recognizance" or "ROR" (the person is released and expected to attend their subsequent court date without any bail, supervision or conditions imposed).

Between 2005 to 2019, the proportion of individuals who were released at arraignment (either because their case was disposed at arraignment, they were ROR, or posted bail) increased from 79% to 84% (Lu et al., 2019). In other words, the proportion of individuals who were not admitted to jail after arraignment decreased during this time period. This likely contributed to the decrease in pretrial admissions.

---

[6] NY CLS CPL § 530.20. Securing order by local criminal court when action is pending therein.

ARRESTS RELATIVE TO JAIL ADMISSIONS

Although the number of jail admissions is heavily influenced by the number of arrests in a given year, the relationship between the two has diminished over time in New York City. In other words, the percentage of people arrested that are then admitted to the jails pretrial has declined over time. Specifically, the ratio of felony and misdemeanor arrests to pretrial admissions has decreased over time, falling from a ratio of 42 admissions for every 100 arrests in 1996 (peak year of jail admissions) to a ratio of 20 admissions for every 100 arrests in 2019. A number of policies and practices, discussed below, likely impacted the likelihood that an arrest would lead to time in jail.

Figure 1: Arrests Relative to Jail Admissions in New York City: 1995-2019
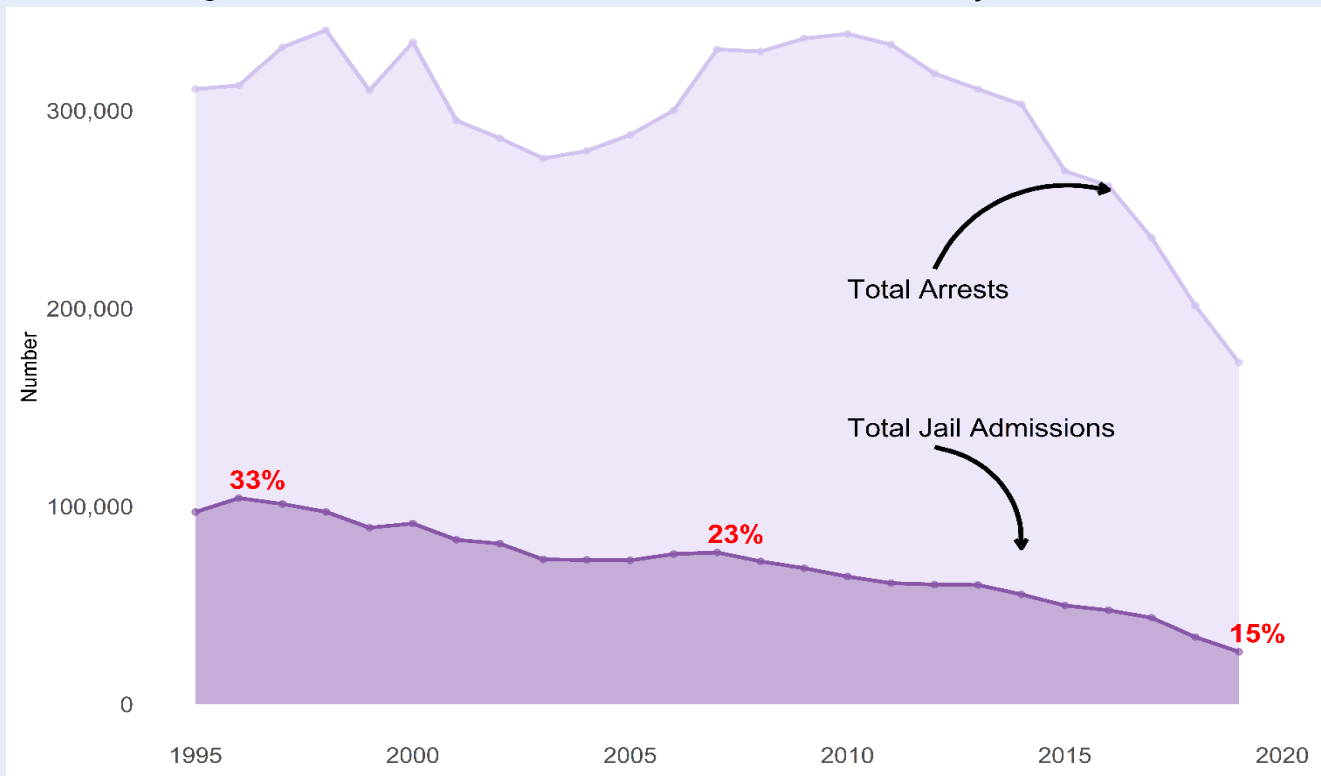
In red: Number of admissions per 100 people in 1996 (peak year of admissions), 2007, and 2019
Source: Division of Criminal Justice Services and Department of Correction data. Includes only ages 16 and over.

Note. Only fingerprintable arrests are included. According to New York State Criminal Procedure Law (§ 160.10), individuals are fingerprinted following arrest or arraignment for all felony or statutorily defined misdemeanors. Additional offenses may also result in criminal fingerprinting under specific situations.

A number of other programs and policies may have influenced the number of people detained pretrial such as:

- *Pretrial Supervised Release*: The Supervised Release program provides community supervision for individuals awaiting trial as a non-monetary condition (MOCJ, n.d.b). This program provides judges an alternative to bail for individuals awaiting disposition, thus reducing the likelihood of a jail admission. The supervised release program began in 2016 and was expanded in 2019 (City of New York, 2015; City

of New York, 2019). The program provides funding to three non-profit agencies, which manage supervised release in the five boroughs of New York City.[7]

- *District Attorney Policies*: In recent years, District Attorneys have changed their approach to making bail recommendations. For example, in 2017, the Brooklyn District Attorney's office changed its bail policy to require prosecutors to justify a request for bail, as opposed to making bail the default approach. This policy led to a 58% decline in individuals held pretrial in Brooklyn from 2017 to 2018 (Brooklyn District Attorney, 2018). In 2018, the Manhattan District Attorney followed with a similar policy, in which the office ceased requesting bail in many misdemeanor and violation cases (Manhattan District Attorney, 2018).

- *Charitable Bail Funds*: Over the last several decades, a number of charitable bail funds were established to post bail on behalf of individuals held in pretrial detention on misdemeanor charges. The bail funds included the Liberty Fund (a citywide bail fund established by New York City Council in 2017), the Brooklyn Community Bail Fund (established in 2015), and the Bronx Freedom Fund (established in 2007). Because New York State recently implemented significant bail reforms (see below: "The Jail Population in 2020 & Beyond") that effectively ended cash bail for the majority of misdemeanor charges that were eligible for charitable bail under the Charitable Bail Organizations Act,[8] many of these organizations have either closed down or changed their focus to other areas related to pretrial detention.[9]

Policies, Practices & Programs Impacting City Sentenced Admissions

Diversion programs, Alternative-to-Incarceration (ATI) programs, and problem-solving courts have been critical to reducing the number of individuals admitted to jails as city sentenced. Starting in the early 1990s, New York City saw an increasing number of ATI programs and the development of community (a.k.a. "problem-solving") courts run by organizations such as the Center for Alternative Sentencing and Employment Services (CASES), Center for Community Alternatives, Center for Court Innovation (CCI). Problem-solving courts allow alternatives to jail incarceration through community service, treatment, training, and/or counseling. The first of these courts was Midtown Community Court, created in 1993. Others include the Brooklyn Treatment Court (opened in 1996), the Brooklyn Mental Health Court (created in 2002), and the Red Hook Community Justice Center (opened in 2000).

In recent years, New York City has invested in an expansion of ATI programs. In 2013, the City supported ATI programming with $11 million in funding. In 2017, New York City launched a program to replace city sentences of less than one month with community-based programs run by CASES and CCI (MOCJ, 2018a) and, in 2018, further expanded ATI investments to $19.5 million. A recent report from MOCJ links the expansion of ATIs to the reduction of jail admissions for city sentences in 2018 and 2019 (MOCJ, 2020b).

Policies, Practices & Programs Impacting Technical Parole Violation Admissions

The New York State process for addressing technical parole violations explains the relatively slow decline in total admissions for technical parole violations in New York City compared to other types of admissions. People accused of technical parole violations are automatically detained in jail until their violation has been adjudicated (Lippman Commission, 2019). Parole officers play a large role in determining whether a technical parole violation

---

[7] Each borough has its own supervised release program with varying levels of available resources and therefore judges have varying abilities to offer supervised release as an option (Redcross et al., 2017). Supervised release services are provided by CASES in Manhattan, the Center for Court Innovation in Staten Island, the Bronx, and Brooklyn, and Criminal Justice Agency in Queens.

[8] S.7752. 2011 Reg. Session (NY, 2011).

[9] The Bronx Freedom Fund has shut down (The Bronx Freedom Fund, 2020). The Brooklyn Bail Fund is now focused on paying bail for those held in ICE detention (Brooklyn Community Bail Fund, 2020). The Liberty Fund is now focused on providing services to those who are released pretrial (The Liberty Fund, 2020).

occurred, as the officer merely needs to establish "reasonable cause."[10] In New York, a person who is apprehended for a parole violation is ineligible for bail or ROR and can remain in jail for up to 105 days until their court hearing. Between 1995 and 2019, technical parole violations have increased as a proportion of total admissions (from 5% to 11%); in 2018 and 2019, they made up the second highest proportion of admissions (~10%), behind those for pretrial detention.

Further, the sheer number of people under parole supervision is likely influencing the number of people in jail for violations. From 1995 to 2018, the population on parole in New York State has fluctuated: there were between approximately 53,000 to 58,000 adults on parole from 1995 to 2006, and 44,572 in 2018 (Hughes et al., 2001; Glaze & Bonczar, 2008; Kaeble & Alper, 2020). In recent years, advocates have been pushing for reforms that would reduce the number of people held in jail for technical parole violations (Less Is More NY, (n.d.).[11]

Policies, Practices & Programs Impacting Length of Stay

In addition to the number of admissions, the length of time individuals stay in jail contributes to the size of the jail population. This report shows that, even as the overall population declined from 1995 to 2019, the mean and median length of stay increased. The increase in length of stay was likely impacted by the fact that the biggest declines in the pretrial population (which consistently accounted for 70-80% of the population) were driven by reductions in people detained on lower-level charges (e.g., misdemeanors), which generally are associated with lower bail amounts and shorter lengths of stay. Thus, as the jail population is increasingly comprised of people detained on more serious charges, with higher bail amounts and more complex legal cases, it is not surprising that lengths of stay increased over time.

Longer average lengths of stay in the jails may also be driven by the slower decline in the population of people held in jail for technical parole violations – a group that historically has had longer lengths of stay in the jail from 1995 to 2019. Between 1995 and 2019, the number of people admitted for technical parole violations declined from 6,252 to 3,885 – a 38% decline. The proportion of those detained due to technical parole violations has increased over time and, as discussed above, may be held in custody for up to 105 days.

The time it takes for criminal cases to be processed is also a significant factor in the average amount of time that people stay in jail pretrial. Case processing times are influenced by a host of factors, including: (1) the laws governing how quickly various steps in a criminal case must be completed ("speedy trial" laws), (2) how quickly prosecutors are able to gather and produce evidence to defense counsel that allows both sides to determine negotiations such as reducing/charges, offering/accepting plea deals, or proceeding to trial; and (3) how efficient the courts are in establishing and enforcing hearing and trial schedules.

In recent years, a number of programs have been implemented in New York City in an effort to reduce case processing times. In April 2015, MOCJ launched "Justice Reboot," which aims to reduce criminal case processing times by convening judges, prosecutors, and defense attorneys to identify and address the sources of case delays, ensuring that individuals held in jail appear in a timely fashion for their court appearances, and making it easier for attorneys to meet with their clients in the jails (which in turn can improve the quality of representation and speed preparation for hearings and trials; MOCJ 2018b). In 2016, Chief Judge Janet DiFiore announced her "Excellence Initiative," with the goal of reducing criminal case delays. In her 2019 "State of Our Judiciary Address," Chief Judge DiFiore announced that the Excellence Initiative had produced significant reductions – ranging from 27% in Queens to 85% in Manhattan – for the oldest misdemeanor cases as well as more modest improvements for felony cases. She also announced the launch of the "Special Term Additional

---

[10] "Regardless of the seriousness (or lack thereof) of the alleged conduct, as long as "reasonable cause" for the violation exists and the parole officer and his or her senior officer believe the violation is "in an important respect," the person accused of a violation can immediately be jailed and held for 15 days pending a preliminary hearing to determine probable cause (if not waived by the accused), and up to 90 additional days while the alleged violation is adjudicated in the final hearing stage" (New York State Bar Association, 2019, p. 2).

[11] New York State Senator Brian Benjamin and New York State Assemblyman Walter Mosley have sponsored the "Less is More: Community Supervision Revocation Reform Act," S.1343C/A.5493B.

Resources Team (START) Program," targeting the speedy resolution of the one hundred oldest felony cases involving individuals who had been incarcerated in jail for at least two years (New York Unified Court System, 2019).

The Jail Population in 2020 and Beyond

The number of people admitted, the types of charges for which they are admitted, and the length of time they stay in jail is likely to look very different in 2020 compared to prior years. *First*, a number of policy and program changes became effective at the end of 2019 and in early 2020. In December 2019, New York City expanded supervised release eligibility to all individuals regardless of charge. Significant criminal legal system reforms went into effect on January 1, 2020 ("original reforms") and were amended in July 2020 ("amended reforms"; NY, 2019),[12] which will likely impact the number of people detained pretrial. These reforms eliminated bail for most misdemeanors and non-violent felonies, required the issuance of desk appearance tickets (rather than taking people into custody) for a large number of charges, and made changes to speedy trial and discovery laws. *Second*, in mid-March 2020, New York City implemented measures to reduce its jail population in response to Covid-19 (MOCJ, 2020c). *Third*, crime patterns in 2020 diverged from 2019. Although total crimes remained stable from 2019 to 2020 (a 0.7% decrease from 96,233 to 95,552 incidents), shootings increased 97%, murders increased 45%, and burglary increased 42% (NYPD, 2021).

These factors likely influenced the 2020 jail population. From January 2nd to March 16th, 2020, the jail population declined slightly from 5,721 to 5,458 (MOCJ, 2020c). After Covid-19 hit the city, the jail population then declined sharply to 3,981 people on May 25, 2020 (MOCJ, 2020c). However, the population rose to 4,905 by mid-December 2020 (New York City Open Data, 2020). Research indicates that some of the increase in the jail population was the result of the amended reforms that went into effect in July 2020, which increased the number of charges eligible for money bail (Rempel, 2020). In addition, MOCJ cited several reasons for the increase in the jail population in late 2020, such as slowdowns in the courts, the courts' reduced use of alternatives to bail and increased use of bail for eligible cases, and an increase in jail admissions for violent felony charges, many weapons-related (MOCJ, 2020d). Due to delays related to Covid-19, the city's projected timeline for closing Rikers Island and reducing the population to 3,300 was extended by one year, to 2027 (City of New York, 2020). It is unclear whether these recent events will have lasting impacts on the New York City jail population.

---

[12] The amended reforms permitted judges to set bail in a broader set of charges and cases where bail had previously been prohibited under the original set of bail reforms, which were effective from January 2020 until July 2020. See S.7506B, 2020 Reg. Session (NY, 2020).

TRENDS IN TOTAL ADMISSIONS

This section focuses on overall admissions and admissions by legal status. It also examines mean and median length of stay by legal status.

From 1995 to 2019, the number of admissions to New York City jails declined by 72% from 121,412 to 34,389 (Figure 2). The decline in admissions from 1995 to 2007 was punctuated by short-term increases from 1995 to 1996 and from 2005 to 2007. From 2007 to 2019, there was a steep and consistent decline in admissions.

Figure 2: Admissions to New York City Department of Correction, 1995-2019
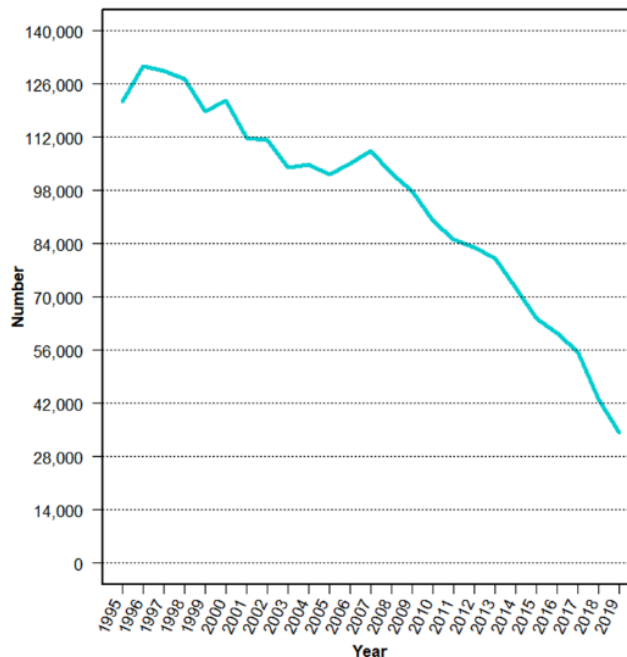
Admissions by Legal Status: Figure 3 shows admissions by legal status including pretrial admissions, city sentenced, technical parole violations, state sentenced,[13] and court orders.[14] From 1995 to 2019, the vast majority of admissions were pretrial admissions, which accounted for 70-80% of the total jail population. At their highest in 1996, there were 104,183 pretrial admissions; this number declined by 72% to 26,563 in 2019. From 1995 to 2019, city sentenced admissions declined by 80% (from 12,899 admissions in 2019 to 2,505 admissions in 2019), and admissions for technical parole violations declined by 38% (from 6,252 admissions in 1995 to 3,885 admissions in 2019).

Between 1995 and 2017, city sentenced admissions made up the second largest proportion of admissions, with a peak of 22,361 admissions in 2007. However, in 2018 and 2019, admissions for technical parole violations made up the second largest proportion of admissions. In 2019, pretrial admissions accounted for 77% of all admissions, followed by admissions for technical parole violation admissions with 11% of admissions (3,885),

---

[13] Individuals who have been "state sentenced" are generally defined as those who have been sentenced to serve time in prison and are awaiting transfer to prison.

[14] Individuals who have been admitted as "court order" are generally defined as state prisoners legally summoned to DOC to appear in court on a particular case (e.g., they are a witness in the case).

city sentenced admissions with 7% of admissions (2,505), court orders with 3% of admissions (878), and state sentenced with 2% of admissions (558).

Figure 3. Number & Proportion of Admissions by Legal Status, 1995-2019
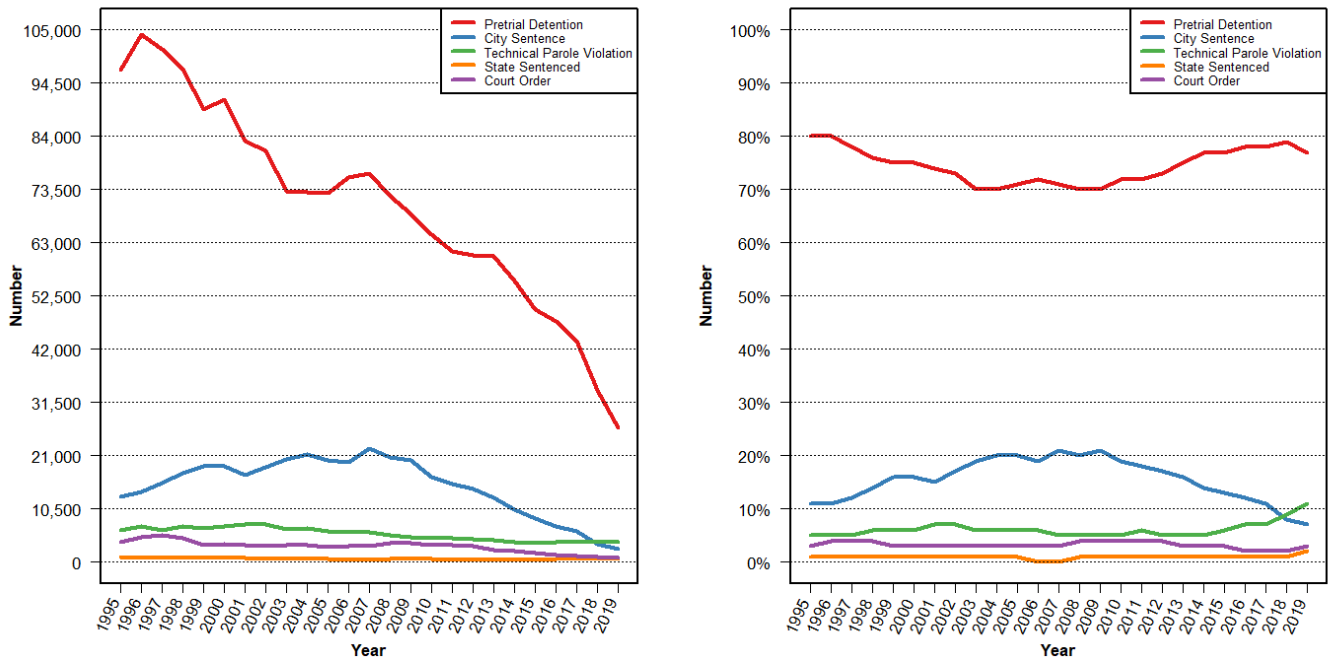
Length of Stay[15]: **As admissions have decreased over time, the mean length of stay increased from 47 days to 82 days and the median increased from 7 days to 20 days.** The mean and median increased substantially from 2017 to 2019 (mean 63 days to 82 days; median 11 days to 20 days). Figure 4 shows that the increases were driven by pretrial admissions and city sentenced admissions. For both of these groups, the mean length of stay nearly doubled from 2000 to 2019, increasing from 39 days to 79 days for pretrial admissions and from 18 days to 38 days for city sentenced admissions. The mean length of stay for technical parole violations was nearly equivalent in 2000 (62 days) and 2019 (63 days), however the mean length of stay for this group dropped as low as 47 days in 2007.

In addition, the median length of stay between 2000 and 2019 increased across all admission types. From 2000 to 2019, the median length of stay for pretrial admissions more than doubled from 5 days to 13 days and for city sentenced admissions, the median doubled from 3 days to 6 days. Finally, the median length of stay for technical parole violations increased by 10 days -- from 40 days to 50 days.

---

[15] To allow for inclusion of very long lengths of stay from 1995 to 1999, we begin these analyses in 2000 and use discharge year rather than admission year.

Figure 4. Mean and Median Length of Stay in Days by Legal Status, 2000-2019
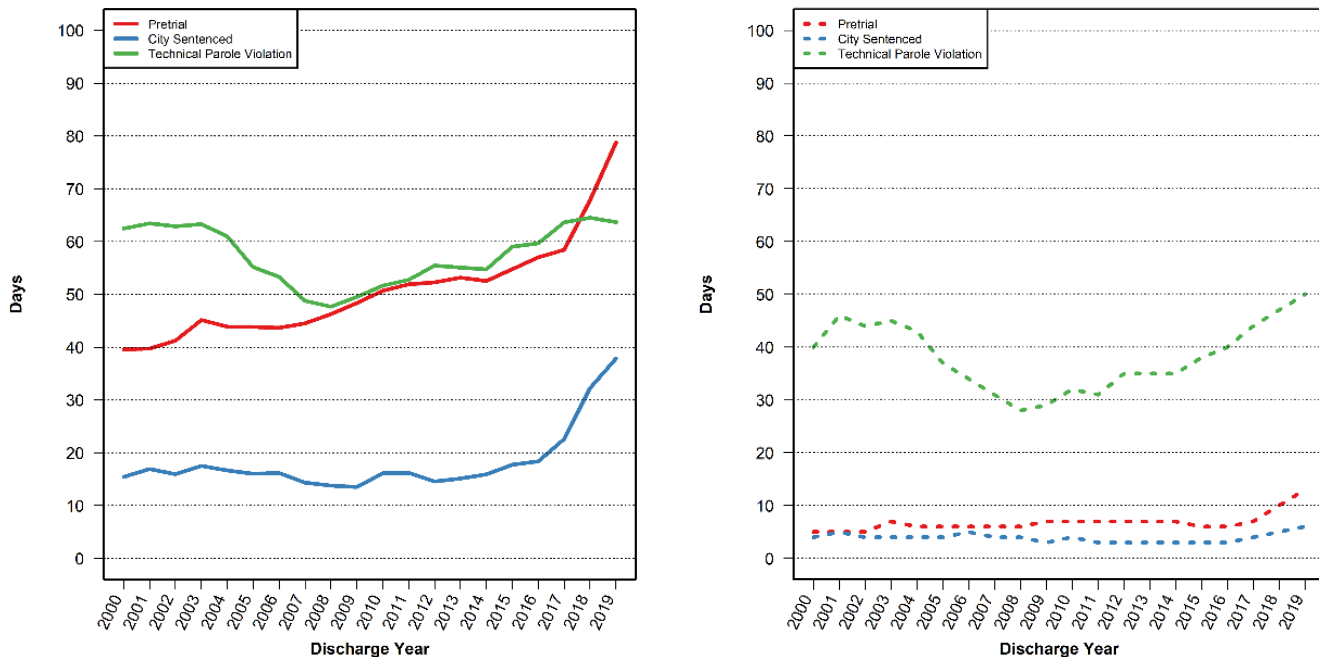
TRENDS IN PRETRIAL ADMISSIONS

This section focuses on trends in pretrial admissions by charge type (violent versus non-violent) and by race/ethnicity, and age. Further, this section focuses on 2019 charges, bail amount, and length of stay overall and by race/ethnicity and age.

It is important to note that analyses involving admissions, charges at admission, and bail amount use the admission year as the unit of analysis. However, analyses involving length of stay uses the discharge year as the unit of analysis (including individuals who were discharged in 2019 and admitted in 2019 or any prior year).

Figure 5 shows the decline in the number of people admitted pretrial for violent and non-violent charges (see *Appendix A* for definitions). From 1995 to 2019, there were substantially more pretrial admissions for non-violent charges than violent charges, but the gap has narrowed over time. In 2019, 14,726 people were admitted pretrial for non-violent charges (58%), while 10,659 were admitted pretrial for violent charges (42%), a difference of approximately 4,000 admissions. By comparison, in 1995, there were 69,168 (74%) pretrial admissions for non-violent charges and 24,379 (26%) for violent charges, a difference of approximately 45,000 admissions.

Figure 5. Number & Proportion of Pretrial Admissions by Violent and Non-Violent Charges, 1995-2019
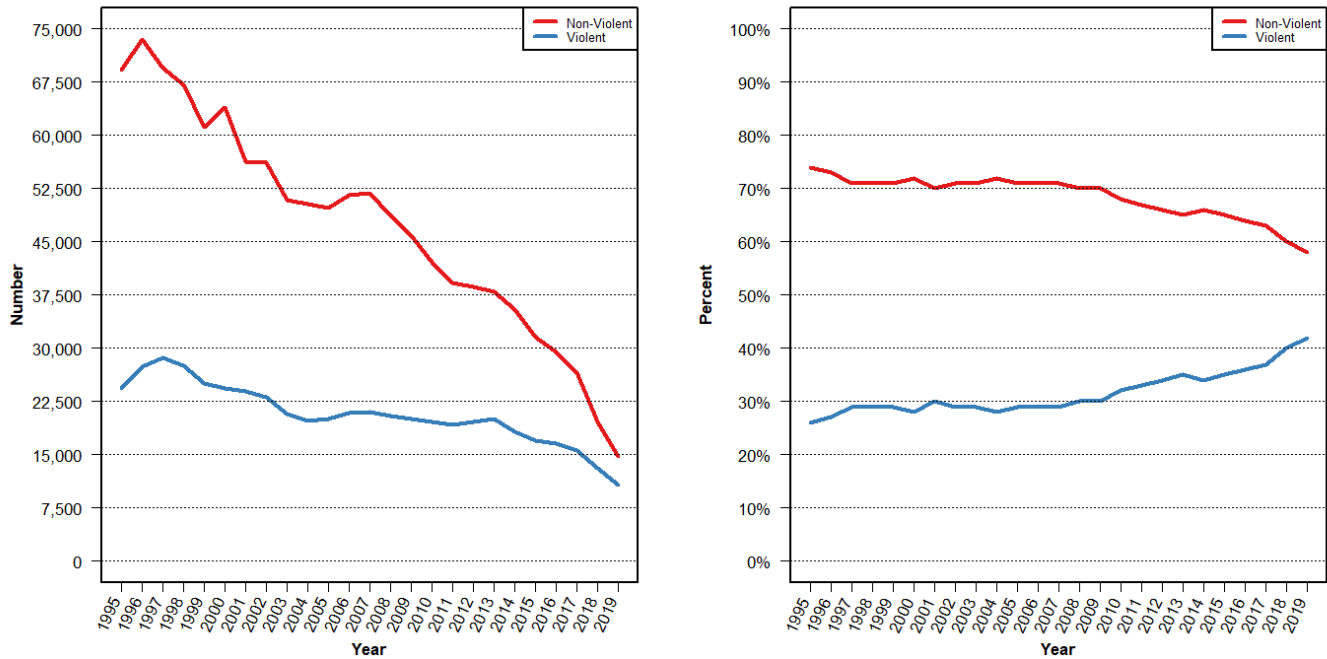
Figure 6 shows that from 1995 to 2019, the number of pretrial admissions for Black, Latinx, and White people all declined by 73-75%. Admissions for Black individuals dropped from 51,925 to 13,771, for Latinx individuals from 34,167 to 8,640, for White individuals from 8,968 to 2,453, and for other races/ethnicities from 2,066 to 1,615. The relative proportions for each of these racial/ethnic groups stayed consistent over time. Black people had the highest proportion of admissions (approximately 55%), followed by Latinx people (approximately 35%), followed by White people (approximately 10%), followed by other races (less than 7%). Given that the "other races/ethnicities" category in the data set is relatively small and details about the composition of people in this category cannot be further defined, the analyses in this report focus on Black, Latinx and White people.

Figure 6. Number & Proportion of Pretrial Admissions by Race/Ethnicity, 1995-2019
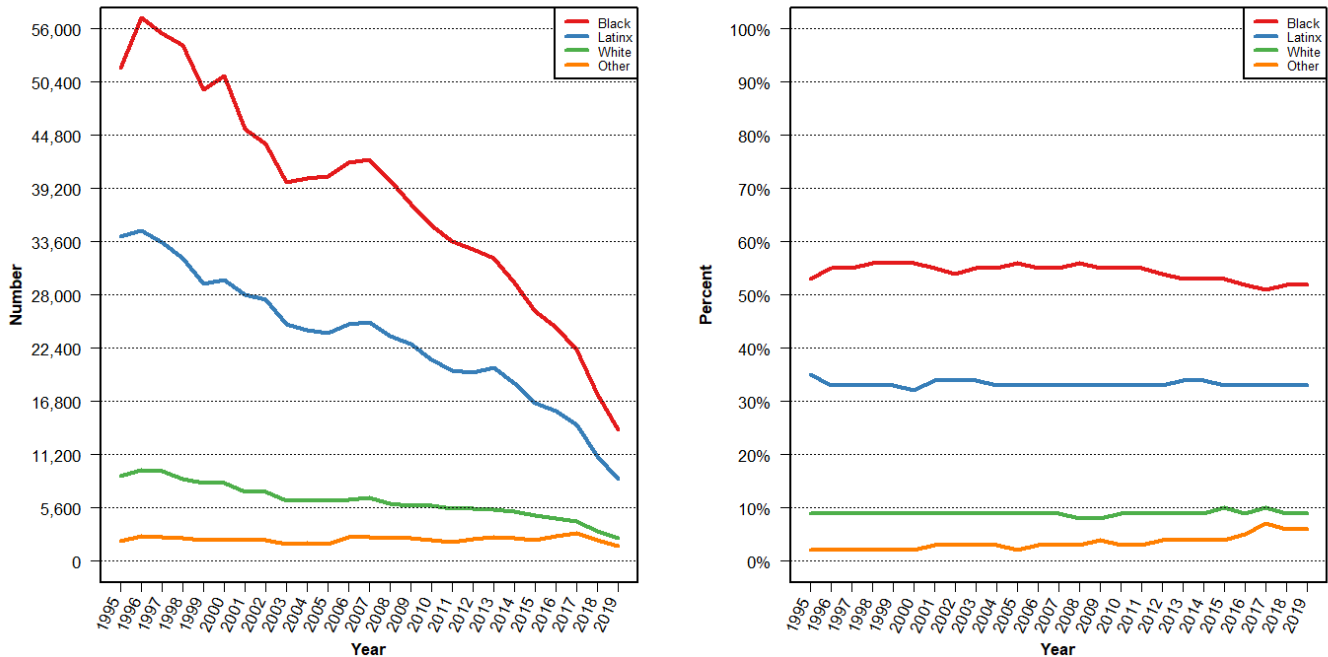
Figure 7 shows that from 1995 to 2019 all age groups had declines in pretrial admissions, except 55-64 year-olds. The most dramatic declines were for the youngest age groups, with a 92% decline for 16-17 year-olds (from 4,409 to 332) and 84% for 18-20 year-olds (from 11,052 to 1,804). From 1995 to 2019, pretrial admissions all declined by 73-75% for 21-24 (from 12,553 to 3,324), 25-34 (37,195 to 9,276), and 35-44 (24,200 to 6,049) year-olds all declined by 73-75%. Lastly, the number of admissions for 55 -64 year-olds increased between 1995 to 2019, from 1,180 to 1,826 (a 55% increase).

Figure 7. Number & Proportion of Pretrial Admissions by Age Group, 1995-2019
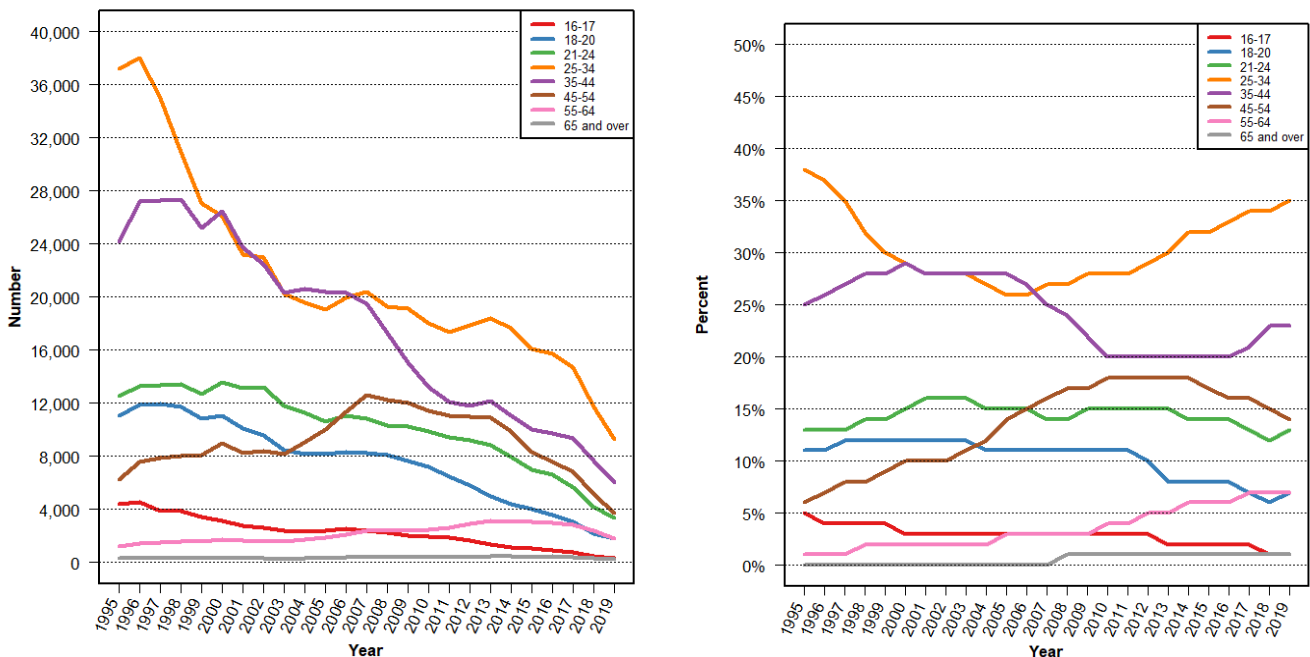
Pretrial Admissions: Top 10 Charges in 2019

Figure 8 shows the ten most common top charges for pretrial admissions in 2019. Out of the 26,563 pretrial admissions in 2019, these ten charges accounted for 46% of all pretrial admissions (12,255 admissions). Seven of these charges are felonies. **The three most common charges were assault in the 2nd degree (1,915 admissions, or 7.2%), assault in the 3rd degree (1,721 admissions, or 6.5%), and weapons possession in the 2nd degree (1,473 admissions, or 5.5%), which together account for approximately 20% of admissions.**

Looking back, in 1995, the three most common charges for pretrial admissions were sale of a controlled substance in the 3rd degree (14,439 admissions, 14.8%), possession of a controlled substance in the 3rd degree (9,969 admissions, 10.2%), and robbery in the 1st degree (5,220 admissions, 5.4%), together accounting for 29,628 admissions, 30.4% of pretrial admissions.

Some of these charges (e.g., assault in the 3rd degree and petit larceny) are no longer eligible for bail in 2020 due to bail reforms (see above, *The Jail Population in 2020 and Beyond*). Consequently, our expectation is that the top charges driving pretrial detention are likely to change substantially moving forward.

Figure 8: Top 10 Charges for Pretrial Admissions in 2019

Charge	%
Assault, 3rd deg. (PL 120.00)*	7.2%
Assault, 2nd deg. (PL 120.05)+	6.5%
Weapon possession, 2nd deg. (PL 265.03)+	5.5%
Petit larceny (PL 155.25)*	4.8%
Robbery, 2nd deg. (PL 160.10)+	4.0%
Robbery, 1st deg. (PL 160.15)+	4.0%
Criminal contempt, 1st deg. (PL 215.51)+	3.9%
Possession of contr. subst, 3rd deg. (PL 220.16)+	3.5%
Burglary, 2nd deg. (PL 140.25)+	3.4%
Criminal contempt, 2nd deg. (PL 215.50)*	3.3%

*Felony: + , Misdemeanor: *
Admissions for these 10 charges make up 12,255 out of 26,563 total pretrial admissions (46%).*
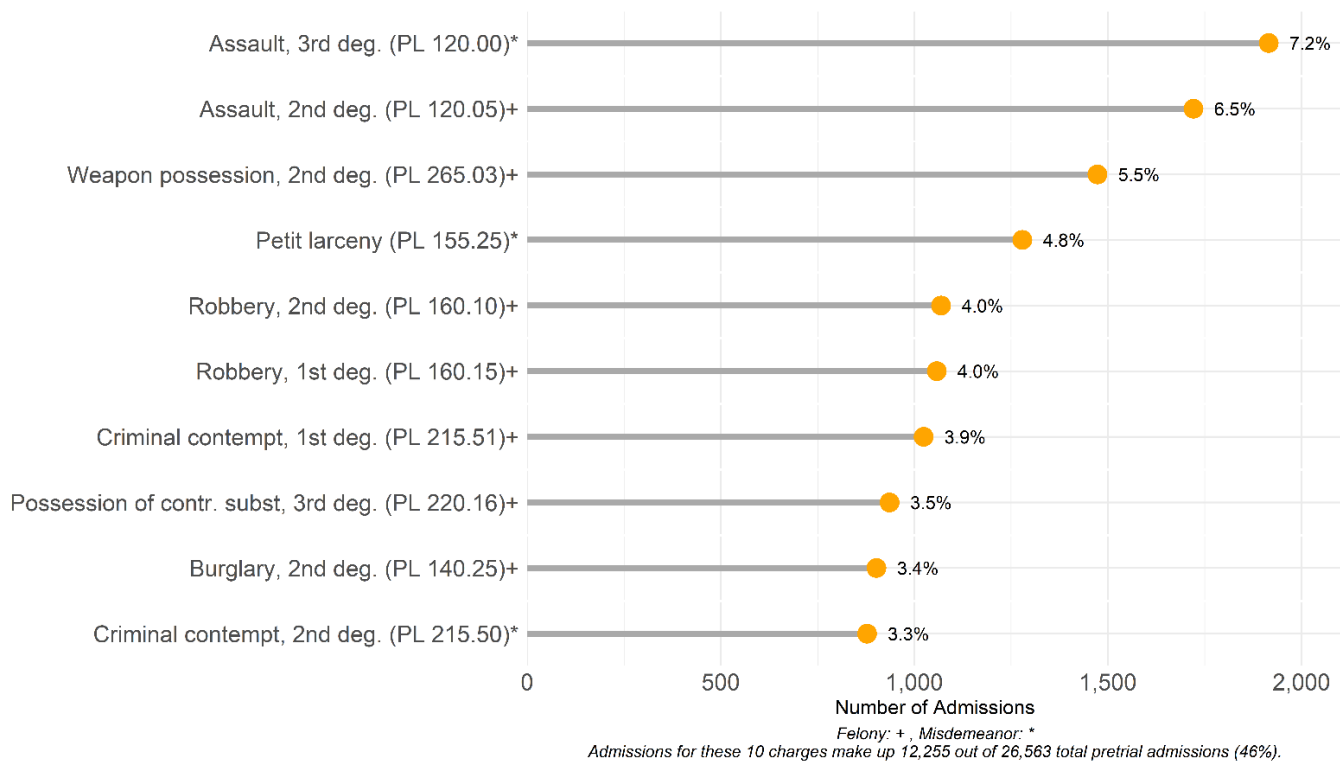
Figure 9 and Table 1 shows the top ten most common pretrial admission charges in 2019 by race/ethnicity. Black individuals represent the majority of admissions (ranging between approximately 43% to 70%), followed by Latinx individuals (ranging between approximately 28% to 38%). White individuals represent the lowest proportions, accounting for less than 16%.

Figure 9: Top 10 Charges for Pretrial Admissions by Race/Ethnicity in 2019
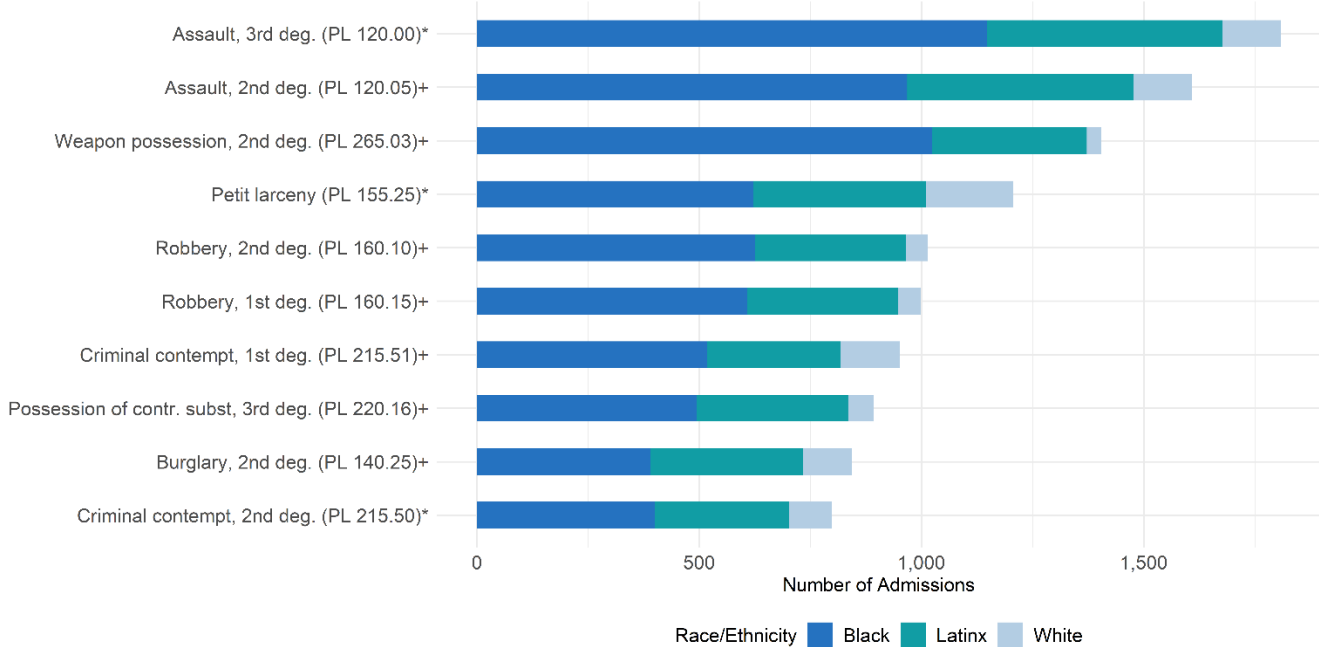
Note: Felony: +, Misdemeanor: *: Excludes cases missing race/ethnicity in 2019.

Table 1: Top 10 Charges at Pretrial Admissions by Race/Ethnicity in 2019

Charge	Total	Black		Latinx		White	
		N	%	N	%	N	%
Assault, 3rd deg. (PL 120.00)*	1809	1147	59.9	530	27.7	132	6.9
Assault, 2nd deg. (PL 120.05)+	1609	968	56.2	509	29.6	132	7.7
Weapon possession, 2nd deg. (PL 265.03)+	1404	1024	69.5	348	23.6	32	2.2
Petit larceny (PL 155.25)*	1207	622	48.6	389	30.4	196	15.3
Robbery, 2nd deg. (PL 160.10)+	1015	626	58.6	340	31.8	49	4.6
Robbery, 1st deg. (PL 160.15)+	999	608	57.5	340	32.1	51	4.8
Criminal contempt, 1st deg. (PL 215.51)+	952	518	50.6	300	29.3	134	13.1
Possession of contr. subst, 3rd deg. (PL 220.16)+	893	494	52.8	341	36.4	58	6.2
Burglary, 2nd deg. (PL 140.25)+	843	390	43.2	344	38.1	109	12.1
Criminal contempt, 2nd deg. (PL 215.50)*	798	401	45.7	302	34.4	95	10.8

Note: Felony: +, Misdemeanor: *. For charge codes VTL 511 and VTL 1192.3, counts include all charge levels: misdemeanors, felonies, warrants/holds, and unknown. Excludes observations missing race/ethnicity in 2019.

Figure 10 and Table 2 shows the same top ten charges admitted pretrial in 2019 by age group. For each of these top ten charges, 25-34 year-olds accounted for the largest proportion of admissions (ranging from approximately 26% to 41%). Further, 16-17 year-olds and individuals 65 and over represent the two lowest proportions of admissions for all ten charges, neither group exceeding 5.5%.

The younger age groups (16-17, 18-20, and 21-24 year-olds) generally had a greater proportion of admissions for robbery in the 1st and 2nd degree. The two oldest age groups (55-64 year-olds and individuals 65 and over) had greater proportions of admissions for possession of a controlled substance in the 3rd degree.

Figure 10: Top 10 Charges for Pretrial Admissions by Age Group in 2019

Note: Excludes admissions missing information for age in 2019
Felony: + , Misdemeanor: *
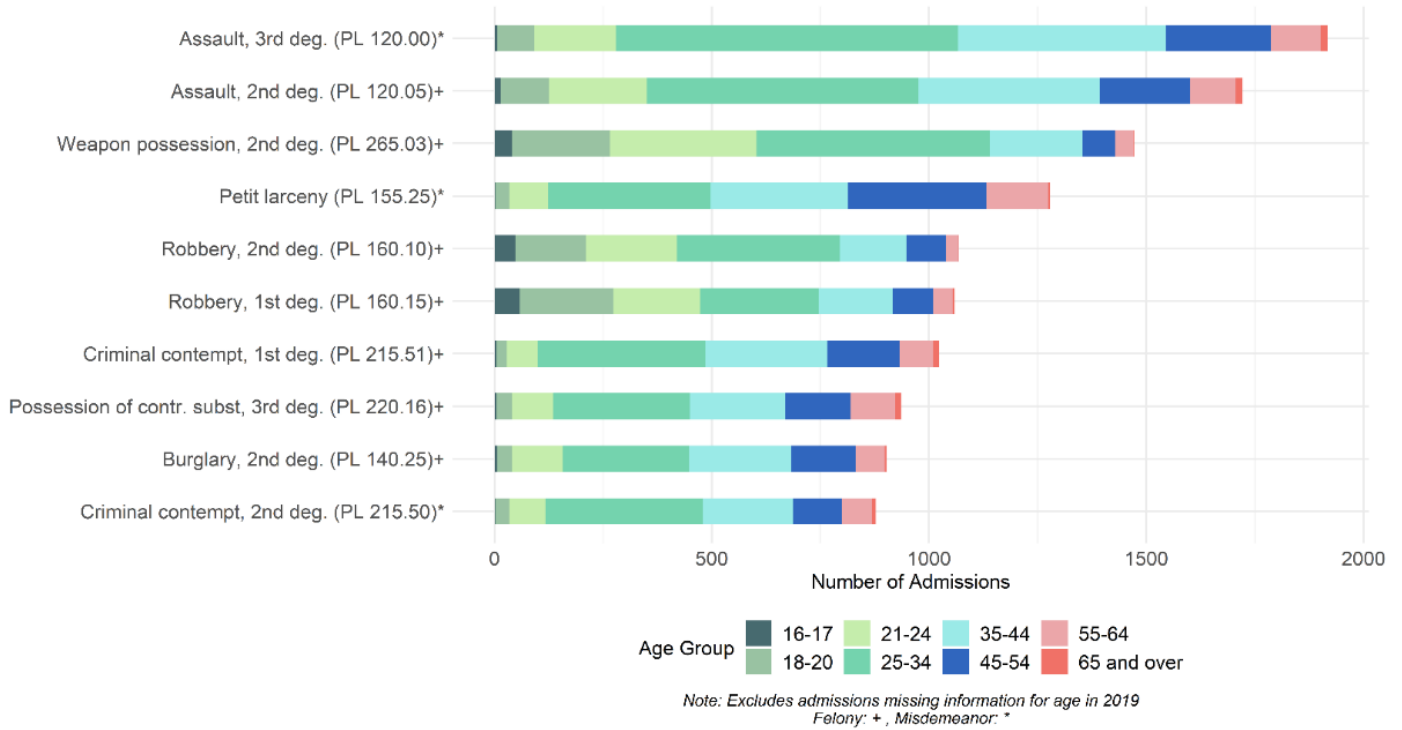
Table 2: Top 10 Charges for Pretrial Admission by Age Group in 2019

Charge	Total	Age 16-17		Age 18-20		Age 21-24		Age 25-34		Age 35-44		Age 45-54		Age 55-64		Age 65+	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Assault, 3rd deg. {PL 120.00}*	1,917	7	0.4	85	4.4	187	9.8	787	41.1	479	25	242	12.6	114	6	16	0.8
Assault, 2nd deg. {PL 120.05}+	1,721	15	0.9	110	6.4	226	13.1	624	36.3	419	24.3	207	12	104	6	16	0.9
Weapon possession, 2nd deg. {PL 265.03}+	1,473	41	2.8	224	15.2	338	22.9	537	36.5	214	14.5	74	5	42	2.9	3	0.2
Petit larceny {PL 155.25}*	1,279	2	0.2	32	2.5	90	7	374	29.2	315	24.6	320	25	141	11	5	0.4
Robbery, 2nd deg. {PL 160.10}+	1,069	49	4.6	161	15.1	210	19.6	375	35.1	154	14.4	90	8.4	29	2.7	1	0.1
Robbery, 1st deg. {PL 160.15}+	1,058	58	5.5	215	20.3	200	18.9	273	25.8	170	16.1	94	8.9	44	4.2	4	0.4
Criminal contempt, 1st deg. {PL 215.51}+	1,024	5	0.5	23	2.2	71	6.9	386	37.7	281	27.4	166	16.2	78	7.6	14	1.4
Possession of contr. subst, 3rd deg. {PL 220.16}+	936	4	0.4	37	4	94	10	314	33.5	220	23.5	150	16	103	11	14	1.5
Burglary, 2nd deg. {PL 140.25}+	902	6	0.7	35	3.9	116	12.9	291	32.3	236	26.2	147	16.3	67	7.4	4	0.4
Criminal contempt, 2nd deg. {PL 215.50}*	878	2	0.2	32	3.6	84	9.6	362	41.2	207	23.6	113	12.9	69	7.9	9	1

+: Felony: *: Misdemeanor. Excludes observations missing age in 2019.

Bail Set for Pretrial Admissions

Figure 11 shows that from 1995 to 2019, as total numbers of admissions fell, both the mean and median bail amounts increased, using 2020 dollars (the last year for which inflation data is available**). From 1995 to 2019, the mean bail amount increased from $9,308 to $23,731 and the median doubled from $2,550 to $5,067**. Overall, in 2019, the total sum of bail amounts set for pretrial admissions was $432,702,066.

Figure 11: Mean & Median Bail Amount Set for Pretrial Admissions, 1995-2019
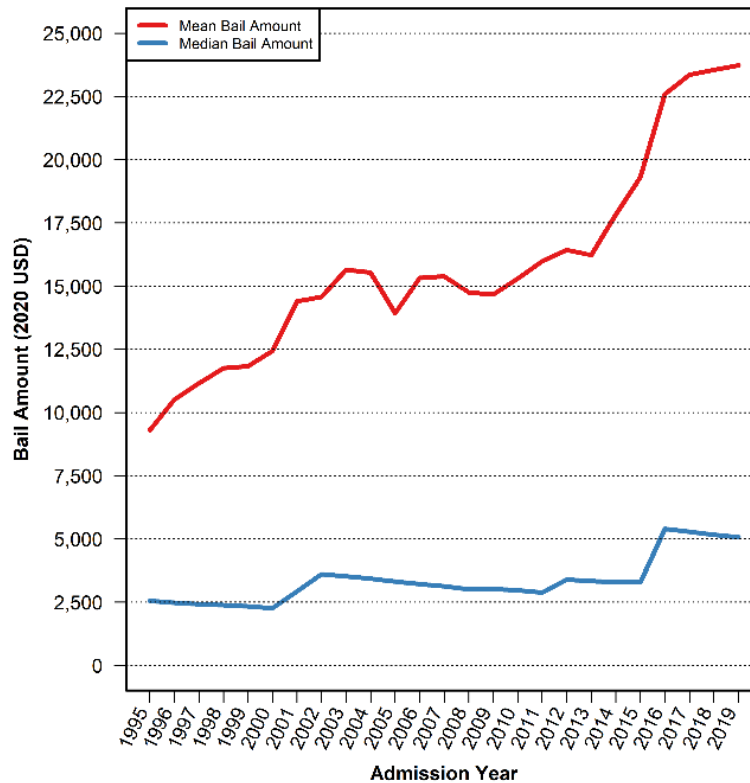
Distribution of Bail Amount Set for Pretrial Admissions in 2019					
Min.	1st Quart. (25%)	Median (50%)	3rd Quart. (75%)	Max.	Mean
$101	$2,534	$5,067	$20,269	$3,550,696	$23,731
Note: All values in 2020 dollars. Excludes observations missing bail amount.					

Table 3 lists the mean, median, and aggregate bail amounts for the top 10 charges that were admitted pretrial in 2019. The highest median and mean bail amounts were for robbery in the 1st degree (median of $15,202 and mean of $33,928), weapons possession in the 2nd degree (median of $15,202 and mean of $32,341), and possession of a controlled substance in the 3rd degree (median of $10,135 and mean of $24,213).

Table 3: Bail Amounts for Top 10 Charges for Pretrial Admissions in 2019

Charge	N	Median	Mean	Total
Assault, 3rd deg. (PL 120.00)	1,409	$1,520	$5,000	$7,045,044
Assault, 2nd deg. (PL 120.05)	1,441	$7,601	$11,987	$17,273,856
Weapon possession, 2nd deg. (PL 265.03)	1,289	$15,202	$32,341	$42,976,245
Petit larceny (PL 155.25)	725	$1,013	$1,905	$1,381,108
Robbery, 2nd deg. (PL 160.10)	902	$7,601	$14,749	$13,303,380
Robbery, 1st deg. (PL 160.15)	918	$15,202	$33,928	$31,145,991
Criminal contempt, 1st deg. (PL 215.51)	936	$7,601	$10,947	$10,246,194
Possession of contr. subst, 3rd deg. (PL 220.16)	779	$10,135	$24,213	$18,861,965
Burglary, 2nd deg. (PL 140.25)	751	$10,135	$20,698	$15,544,165
Criminal contempt, 2nd deg. (PL 215.50)	798	$1,520	$2,632	$2,100,520
Note: All values in 2020 dollars. Excludes observations missing bail amount.				

Figure 12 shows the bail amount set for individuals admitted pretrial in 2019 by race/ethnicity. This figure demonstrates that the mean bail amount at admission was highest for Latinx individuals ($26,681), followed by Black individuals ($23,067), followed by White individuals ($17,595). There is nearly a $2,500 difference between the White median bail amount ($5,067) compared to the Black and Latinx median bail amounts ($7,601).

Figure 12: Bail Amount Set for Pretrial Admissions by Race/Ethnicity in 2019
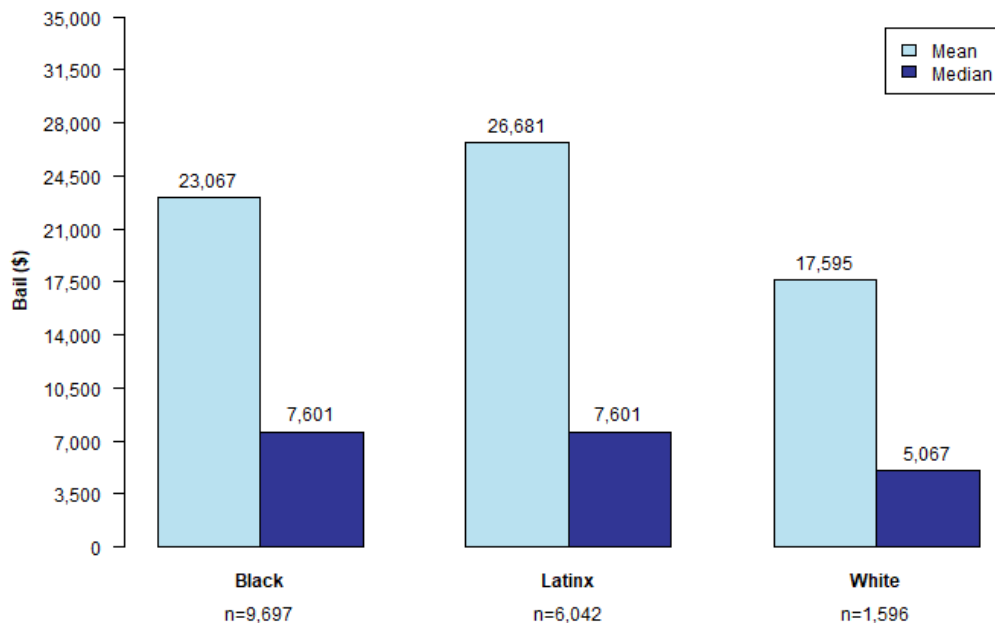
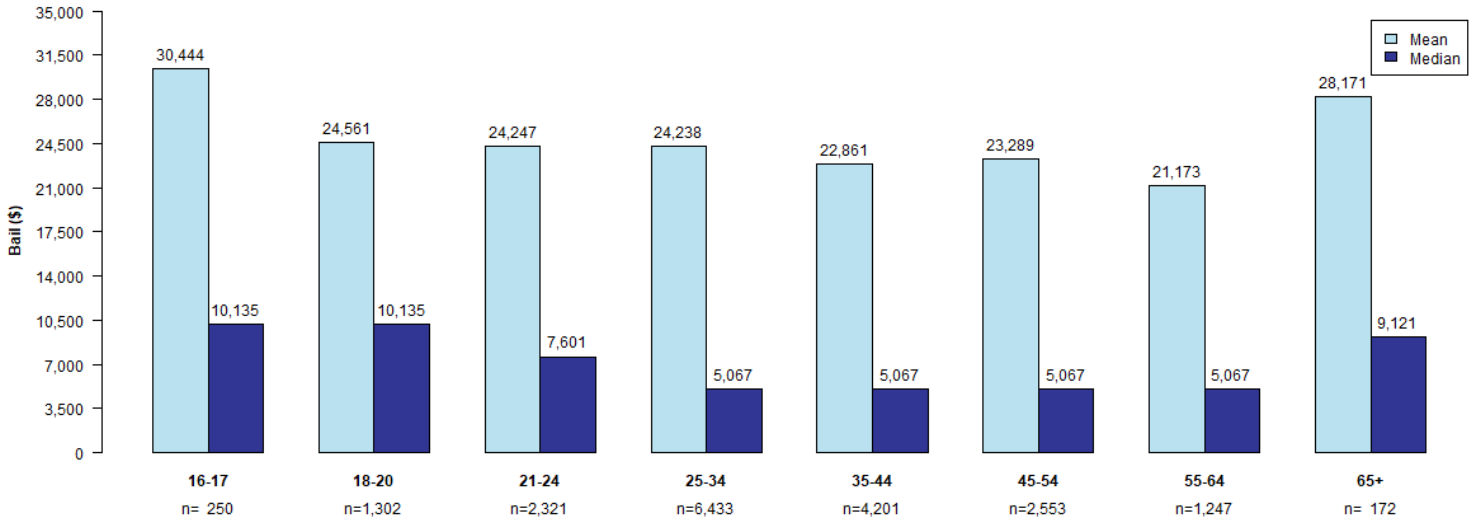| Distribution of Bail Amount Set for Pretrial Admissions by Race/Ethnicity in 2019			
	Black	**Latinx**	**White**
Min	$101	$101	$253
1st Quart (25%)	$2,534	$2,534	$2,027
Median (50%)	$7,601	$7,601	$5,067
3rd Quart. (75%)	$20,269	$20,269	$10,135
Max	$3,550,696	$1,013,471	$1,013,471
Note: All values in 2020 dollars. Excludes observations missing bail amount and race/ethnicity.			

Table 4 shows bail amounts of the top ten most common pretrial admission charges in 2019 for Black, Latinx, and White individuals. Mean and median bail amounts were not consistently higher or lower for one racial/ethnic group compared to others.

Table 4: Bail Amounts for Top 10 Charges for Pretrial Admissions by Race/Ethnicity in 2019

	Black				Latinx				White			
Charge	**N**	**Median**	**Mean**	**Total**	**N**	**Median**	**Mean**	**Total**	**N**	**Median**	**Mean**	**Total**
Assault, 3rd deg. (PL 120.00)	844	$1,520	$6,772	$5,715,167	385	$1,520	$2,422	$932,546	97	$1,520	$2,011	$195,043
Assault, 2nd deg. (PL 120.05)	801	$7,601	$12,537	$10,042,486	430	$5,067	$11,392	$4,898,360	115	$5,067	$11,294	$1,298,763
Weapon possession, 2nd deg. (PL 265.03)	902	$15,202	$34,693	$31,292,456	303	$15,202	$31,426	$9,522,068	28	$10,135	$19,889	$556,902
Petit larceny (PL 155.25)	335	$1,013	$1,759	$589,384	225	$1,013	$1,579	$355,171	116	$1,013	$3,193	$370,424
Robbery, 2nd deg. (PL 160.10)	526	$8,868	$14,894	$7,834,436	289	$7,601	$13,610	$3,933,282	43	$8,615	$19,486	$837,887
Robbery, 1st deg. (PL 160.15)	529	$15,202	$37,224	$19,691,635	297	$12,162	$30,766	$9,137,560	42	$10,135	$16,010	$672,438
Criminal contempt, 1st deg. (PL 215.51)	480	$7,601	$10,281	$4,934,845	279	$7,094	$10,526	$2,936,786	114	$7,601	$13,993	$1,595,204
Possession of contr. subst. 3rd deg. (PL 220.16)	420	$10,135	$24,665	$10,359,449	280	$10,135	$25,813	$7,227,570	44	$7,601	$16,676	$733,753
Burglary, 2nd deg. (PL 140.25)	331	$10,135	$20,577	$6,811,033	285	$10,135	$19,667	$5,605,104	89	$10,135	$27,480	$2,445,709
Criminal contempt, 2nd deg. (PL 215.50)	362	$1,520	$2,597	$940,096	280	$2,027	$2,598	$727,419	87	$1,520	$2,930	$254,888
Note: All values in 2020 dollars. Excludes observations missing bail amount or race/ethnicity.												

Figure 13 shows the mean and median bail set for pretrial admissions in 2019 by age group. The mean bail amounts were higher for 16-17 year-olds and individuals 65 and older. The other age groups had similar mean bail amounts. The median bail amounts were highest for 16-17 and 18-20 year-olds, followed by individuals 65 and older.

Figure 13: Bail Amount Set for Pretrial Admissions by Age Group in 2019

Distribution of Bail Amount Set for Pretrial Admissions by Age Group in 2019								
	Age 16-17	Age 18-20	Age 21-24	Age 25-34	Age 35-44	Age 45-54	Age 55-64	Age 65+
Min	$507	$253	$101	$101	$101	$101	$203	$507
1st Quart (25%)	$5,067	$3,547	$3,040	$2,534	$2,534	$2,027	$2,534	$2,534
Median (50%)	$10,135	$10,135	$7,601	$5,067	$5,067	$5,067	$5,067	$9,121
3rd Quart. (75%)	$25,337	$24,561	$20,269	$20,269	$20,269	$15,202	$21,173	$21,536
Max	$760,103	$506,736	$760,103	$2,026,942	$1,013,471	$3,550,696	$2,026,942	$506,736
Note: All values in 2020 dollars. Excludes observations missing bail amount.								

Table 5 lists the bail amounts for the top ten charges for pretrial admissions in 2019 by age. For four of the ten charges, 45-54 year-olds had the highest or second highest mean bail amount (assault in the 3rd degree, weapons possession in the 3rd degree, robbery in the 1st degree, and criminal contempt in the 1st degree). For three of the ten charges, 16-17 year-olds had the highest or second highest mean bail amount (assault in the 2nd degree, criminal contempt in the 1st degree, and possession of controlled substances in the 3rd degree). Petit larceny, assault in the 3rd degree, and criminal contempt in the 2nd degree had the lowest mean bail amounts for each age group, with the exception of assault in the 3rd degree for 45-54 year-olds.

Table 5: Bail Amounts for Top 10 Charges for Pretrial Admissions by Age Group in 2019

Charge	Age 16-17				Age 18-20				Age 21-24				Age 25-34			
	N	Median	Mean	Total	N	Median	Mean	Total	N	Median	Mean	Total	N	Median	Mean	Total
Assault, 3rd deg. (PL 120.00)	6	$887	$1,562	$9,375	63	$1,520	$3,986	$251,087	132	$1,520	$2,752	$363,329	568	$1,520	$2,549	$1,447,642
Assault, 2nd deg. (PL 120.05)	15	$10,135	$16,283	$244,247	90	$8,868	$13,288	$1,195,896	194	$5,067	$10,050	$1,949,665	520	$7,601	$13,300	$6,915,927
Weapon possession, 2nd deg. (PL 265.03)	34	$12,668	$18,004	$612,137	187	$10,135	$24,529	$4,586,971	296	$15,202	$26,705	$7,904,568	479	$15,202	$38,261	$18,327,106
Petit larceny (PL 155.25)	19	$1,013	$1,680	$31,924	59	$1,013	$1,658	$97,800	198	$1,013	$1,828	$362,012	191	$1,013	$1,715	$327,605
Robbery, 2nd deg. (PL 160.10)	38	$7,601	$10,735	$407,922	120	$6,841	$12,978	$1,557,401	168	$7,601	$12,671	$2,128,695	333	$7,601	$15,212	$5,065,582
Robbery, 1st deg. (PL 160.15)	48	$15,202	$25,970	$1,246,570	179	$15,202	$24,148	$4,322,455	166	$15,202	$32,293	$5,360,659	238	$15,202	$42,347	$10,078,555
Criminal contempt, 1st deg. (PL 215.51)	5	$7,601	$14,898	$74,490	23	$7,601	$8,945	$205,735	66	$5,067	$9,720	$641,527	354	$5,067	$10,571	$3,741,989
Possession of contr. subst, 3rd deg. (PL 220.16)	4	$20,269	$31,038	$124,150	33	$10,135	$28,684	$946,582	74	$10,135	$23,584	$1,745,197	259	$10,135	$24,828	$6,430,475
Burglary, 2nd deg. (PL 140.25)	5	$10,135	$11,858	$59,288	28	$12,668	$26,079	$730,206	95	$10,135	$17,544	$1,666,653	242	$10,135	$18,650	$4,513,190
Criminal contempt, 2nd deg. (PL 215.50)	2	$1,013	$1,013	$2,027	30	$1,013	$1,765	$52,954	77	$2,027	$2,711	$208,775	323	$2,027	$2,946	$951,649

Charge	Age 35-44				Age 45-54				Age 55-64				Age 65+			
	N	Median	Mean	Total	N	Median	Mean	Total	N	Median	Mean	Total	N	Median	Mean	Total
Assault, 3rd deg. (PL 120.00)	363	$1,520	$2,265	$822,128	184	$1,520	$21,458	$3,948,332	85	$1,520	$2,175	$184,908	8	$1,774	$2,280	$18,242
Assault, 2nd deg. (PL 120.05)	349	$6,588	$12,263	$4,279,889	178	$6,334	$10,249	$1,824,248	84	$5,067	$9,314	$782,400	11	$10,135	$7,417	$81,584
Weapon possession, 2nd deg. (PL 265.03)	192	$20,269	$40,317	$7,740,893	63	$15,202	$41,142	$2,591,953	35	$15,202	$33,705	$1,179,680	3	$5,067	$10,979	$32,938
Petit larceny (PL 155.25)	165	$1,013	$2,196	$362,367	90	$1,013	$2,187	$196,867	3	$1,013	$845	$2,534	0	--	--	--
Robbery, 2nd deg. (PL 160.10)	138	$10,135	$15,369	$2,120,891	80	$7,601	$17,875	$1,430,008	24	$6,334	$24,534	$588,827	1	$4,054	$4,054	$4,054
Robbery, 1st deg. (PL 160.15)	157	$15,202	$36,111	$5,669,358	87	$10,135	$39,787	$3,461,511	40	$15,202	$24,602	$984,081	3	$10,135	$7,601	$22,803
Criminal contempt, 1st deg. (PL 215.51)	256	$7,601	$11,214	$2,870,910	150	$7,601	$12,087	$1,813,100	69	$8,108	$11,883	$819,898	13	$5,067	$6,042	$78,544
Possession of contr. subst, 3rd deg. (PL 220.16)	190	$10,135	$21,955	$4,171,447	124	$10,135	$25,909	$3,212,704	83	$10,135	$22,135	$1,837,170	12	$17,736	$32,853	$394,240
Burglary, 2nd deg. (PL 140.25)	192	$10,135	$18,008	$3,457,457	128	$10,135	$19,542	$2,501,348	57	$10,135	$35,627	$2,030,743	4	$35,471	$146,320	$585,280
Criminal contempt, 2nd deg. (PL 215.50)	185	$1,520	$2,490	$460,623	105	$1,520	$2,445	$256,763	67	$1,520	$2,103	$140,872	9	$1,013	$2,984	$26,857

Note: All values in 2020 dollars.

Length of Stay for Pretrial Admissions

Figure 15 shows that the length of stay for pretrial admissions varied widely in 2019. The mean pretrial length of stay in 2019 was 79 days, while the median was 13 days (an increase from 39 days in 2000). Approximately 42% of individuals had a length of stay less than a week, while 13% stayed for 181 days or more. For individuals discharged in 2019, aggregating all pretrial admission lengths of stay translates to a **total of 2,209,413 bed days**.

Figure 14: Pretrial Length of Stay in Days for Individuals Discharged in 2019
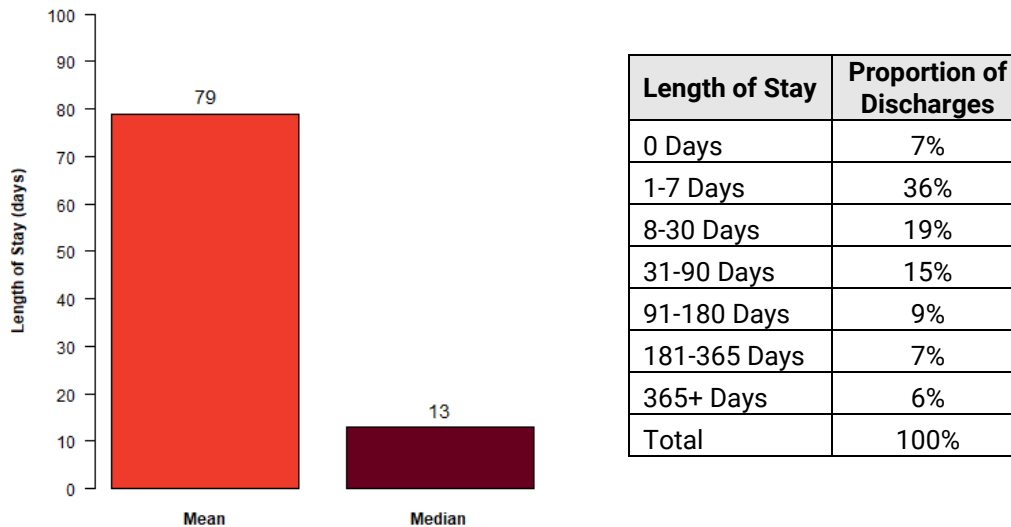
Length of Stay	Proportion of Discharges
0 Days	7%
1-7 Days	36%
8-30 Days	19%
31-90 Days	15%
91-180 Days	9%
181-365 Days	7%
365+ Days	6%
Total	100%

Note: Excludes observation missing discharge information to calculate length of stay.

Figure 15 tracks how the mean length of stay for the top ten pretrial charges in 2019 has evolved over time from 2000. The mean length of stay has increased by at least 5 days and up to 44 days for each of these charges over the 20-year period. For the most common pretrial admission charge (assault in the 3rd degree), the mean length of stay increased from 11 days in 2000 to 25 days in 2019. For the second most common pretrial admission charge (assault in the 2nd degree), the mean length of stay increased from 32 days in 2000 to 64 days in 2019. Other charges for which the mean length of stay increased by more than 15 days include: burglary in the 2nd degree, possession of controlled substance in the 3rd degree, robbery in the 1st and 2nd degree, and weapon possession in the 2nd degree.

Figure 15: Mean Pretrial Length of Stay in Days from 2000-2019 for the Top 10 Charges in 2019
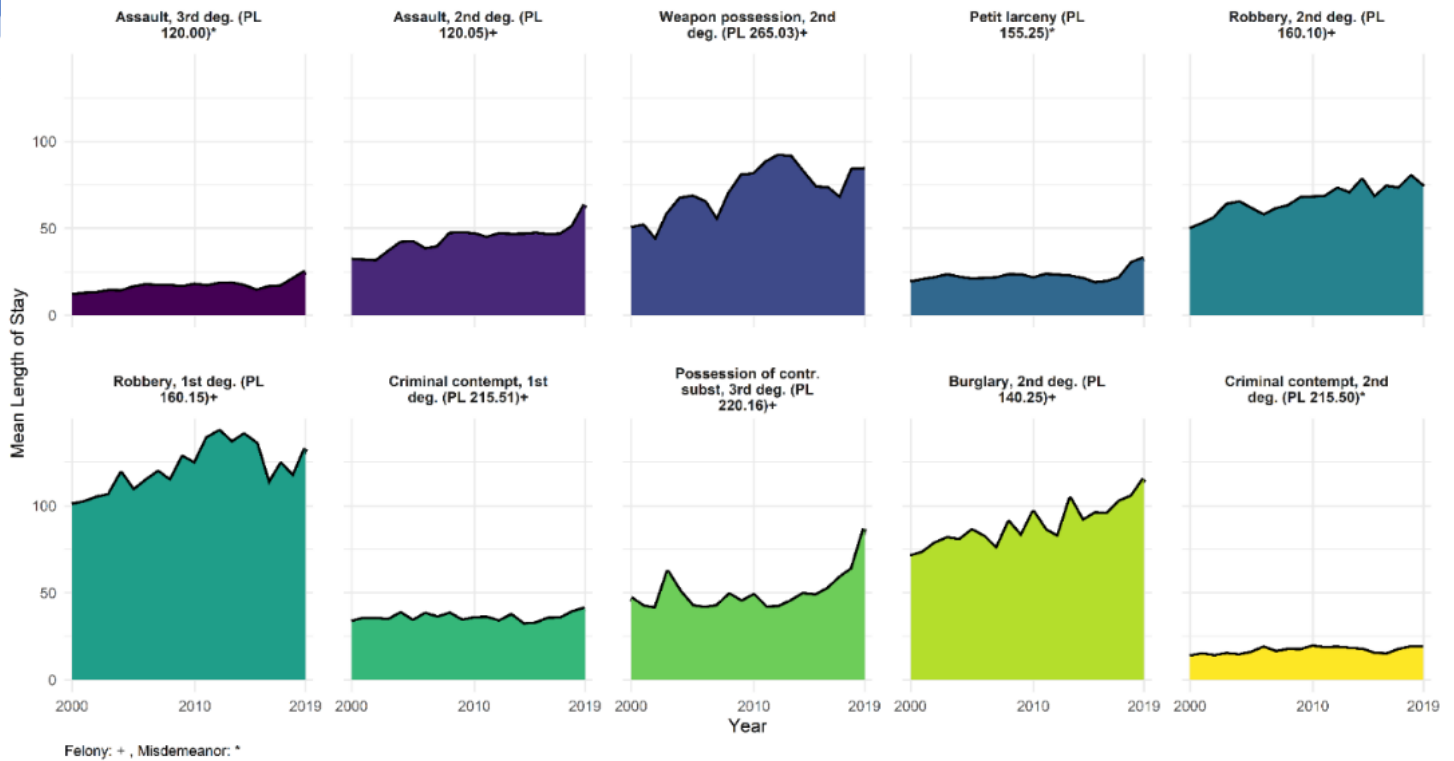

Felony: + , Misdemeanor: *

Table 6 shows that the charges with the longest mean and median length of stay in 2019 were robbery in the 1st degree (133 and 32 days, respectively), followed by burglary in the 2nd degree (115 and 48 days, respectively). The charges with the shortest mean and median length of stay were criminal contempt in the 2nd degree (19 and 4 days, respectively), assault in the 3rd degree (25 and 5 days, respectively) and petit larceny (33 and 11 days, respectively).

Table 6: Pretrial Length of Stay in Days for Top 10 Charges for Individuals Discharged in 2019

Charge	N	Median	Mean	Total Bed Days
Assault, 3rd deg. (PL 120.00)	1,913	5	25	48,182
Assault, 2nd deg. (PL 120.05)	1,766	10	64	112,286
Weapon possession, 2nd deg. (PL 265.03)	1,517	6	84	127,168
Petit larceny (PL 155.25)	1,284	11	33	42,074
Robbery, 2nd deg. (PL 160.10)	1,102	13	74	81,151
Robbery, 1st deg. (PL 160.15)	1,147	32	133	152,472
Criminal contempt, 1st deg. (PL 215.51)	1,033	8	41	42,155
Possession of contr. subst, 3rd deg. (PL 220.16)	1,081	16	87	93,995
Burglary, 2nd deg. (PL 140.25)	1,028	48	115	118,644
Criminal contempt, 2nd deg. (PL 215.50)	887	4	19	16,434
Note: Excludes observation missing discharge information to calculate length of stay.				

Figure 16 shows the length of stay for pretrial admissions by race/ethnicity. Black and Latinx individuals have nearly the same mean length of stay (81 and 83 days, respectively), which is approximately 20 days higher than the mean length of stay for White individuals (62 days). The median, however, is approximately two weeks (13-14 days) for all three groups. For all three groups, approximately 40% had a length of stay less than 7 days.

Figure 16: Pretrial Length of Stay in Days by Race/Ethnicity for Individuals Discharged in 2019
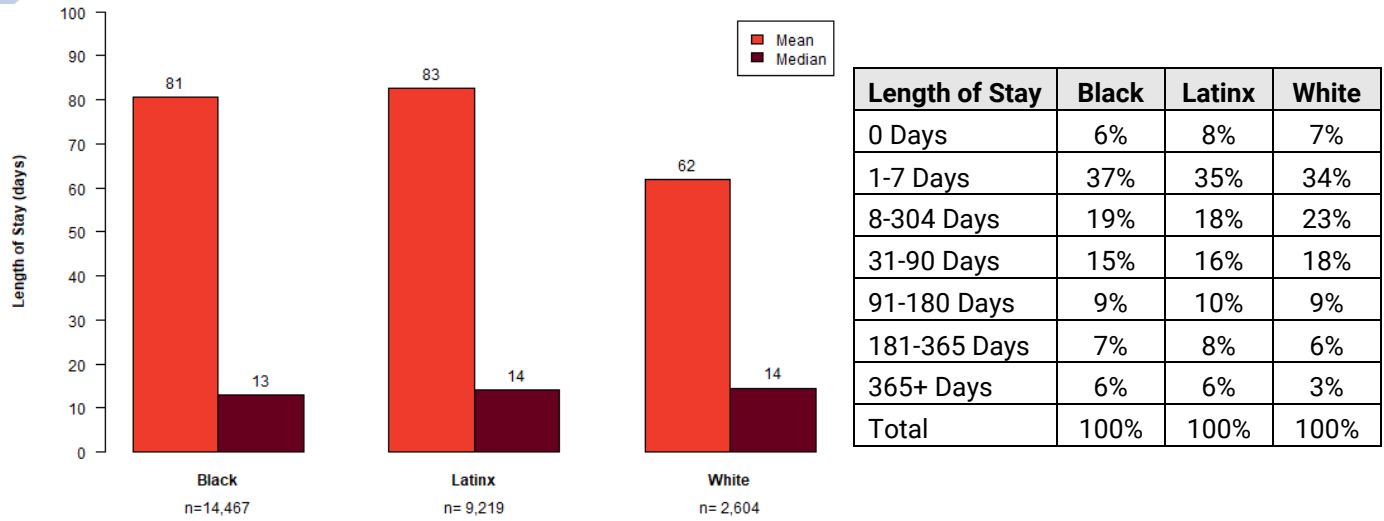
Length of Stay	Black	Latinx	White
0 Days	6%	8%	7%
1-7 Days	37%	35%	34%
8-304 Days	19%	18%	23%
31-90 Days	15%	16%	18%
91-180 Days	9%	10%	9%
181-365 Days	7%	8%	6%
365+ Days	6%	6%	3%
Total	100%	100%	100%

Note: Excludes observation missing discharge information to calculate length of stay and race/ethnicity.

Table 7 compares the lengths of stay for the top ten charges for Black, Latinx, and White individuals. Mean and median lengths of stay were not consistently higher or lower for one racial/ethnic group compared to others.

Table 7: Pretrial Length of Stay in Days for Top 10 Charges by Race/Ethnicity for Individuals Discharged in 2019

	Black				Latinx				White			
	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days
Assault, 3rd deg. (PL 120.00)	1,141	5 days	26 days	29,372 days	533	4 days	26 days	14,096 days	134	5 days	23 days	3,091 days
Assault, 2nd deg. (PL 120.05)	975	11 days	66 days	64,595 days	530	9 days	60 days	31,720 days	139	13 days	70 days	9,761 days
Weapon possession, 2nd deg. (PL 265.03)	1058	6 days	85 days	89,918 days	352	5 days	82 days	29,036 days	38	4 days	99 days	3,779 days
Petit larceny (PL 155.25)	605	10 days	34 days	20,669 days	412	11 days	33 days	13,731 days	197	11 days	32 days	6,291 days
Robbery, 2nd deg. (PL 160.10)	654	14 days	79 days	51,647 days	341	15 days	68 days	23,290 days	54	17 days	65 days	3,491 days
Robbery, 1st deg. (PL 160.15)	652	39 days	138 days	90,075 days	368	25 days	138 days	50,772 days	59	26 days	93 days	5,498 days
Criminal contempt, 1st deg. (PL 215.51)	538	8 days	42 days	22,487 days	302	6 days	44 days	13,271 days	126	15 days	35 days	4,399 days
Possession of contr. subst, 3rd deg. (PL 220.16)	575	16 days	92 days	53,144 days	390	15 days	84 days	32,690 days	69	29 days	84 days	5,815 days
Burglary, 2nd deg. (PL 140.25)	438	40 days	105 days	45,861 days	404	53 days	126 days	50,778 days	126	67 days	125 days	15,721 days
Criminal contempt, 2nd deg. (PL 215.50)	399	4 days	17 days	6,647 days	311	4 days	19 days	6,007 days	99	5 days	21 days	2,114 days

Figure 17 shows that the mean and median length of stay was longest for individuals 65 and older (94 and 24 days, respectively). The average length of stay for the other age groups ranged from 75 days (25-34 year-olds) to 88 (16-17 year-olds), while the median ranged from 10 days (18-20 and 2-124 year-olds) to 20 days (55-64 year-olds). Approximately one-third of each age group had a length of stay in jail between 1-7 days. In addition, between 6-8% of each age group stayed in custody for less than one full day, and between 5-7% of each age group stayed in custody for longer than 365 days.

Figure 17: Pretrial Length of Stay in Days by Age Group for Individuals Discharged in 2019
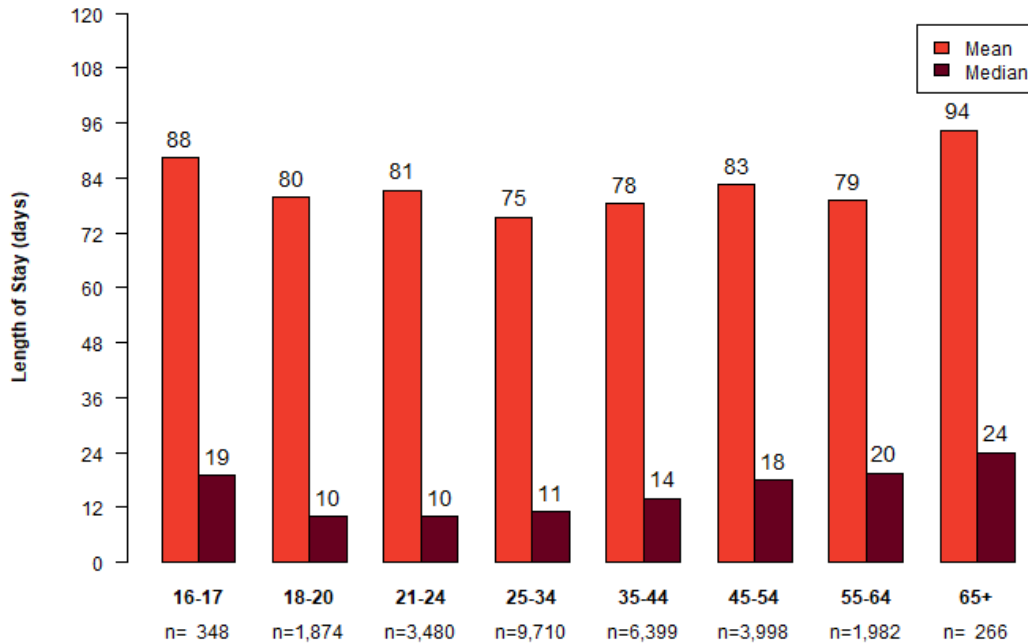
Note: Excludes observation missing discharge information to calculate length of stay.

Distribution of Pretrial Length of Stay in Days for Pretrial Admissions by Age Group in 2019								
Length of Stay	**Age 16-17**	**Age 18-20**	**Age 21-24**	**Age 25-34**	**Age 35-44**	**Age 45-54**	**Age 55-64**	**Age 65+**
0 Days	7%	7%	8%	7%	7%	6%	6%	6%
1-7 Days	32%	39%	38%	38%	36%	32%	32%	29%
8-30 Days	19%	19%	20%	19%	19%	20%	19%	19%
31-90 Days	17%	12%	13%	15%	16%	17%	18%	17%
91-180 Days	10%	9%	8%	9%	9%	11%	12%	13%
181-365 Days	7%	7%	6%	7%	8%	9%	8%	8%
Over 365 Days	6%	6%	7%	6%	6%	6%	5%	7%
Total	100%	100%	100%	100%	100%	100%	100%	100%

Table 8 shows that 45-54 year-olds had the longest or second longest mean length of stay for the majority of charges. The charge with the longest length of stay for all age groups was robbery in the 1st degree, with a mean length of stay of 98 days or greater for each age group.

Table 8: Pretrial Length of Stay in Days for Top 10 Charges for Pretrial Admissions by Age Group for Individuals Discharged in 2019

Charge	16-17				18-20				21-24				25-34			
	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days
Assault, 3rd deg. (PL 120.00)	7	5 days	17 days	122 days	83	5 days	16 days	1,368 days	197	4 days	27 days	5,352 days	772	5 days	25 days	18,928 days
Assault, 2nd deg. (PL 120.05)	17	5 days	108 days	1,836 days	111	9 days	44 days	4,882 days	237	6 days	45 days	10,768 days	641	9 days	60 days	38,619 days
Weapon possession, 2nd deg. (PL 265.03)	45	13 days	88 days	3,938 days	218	4 days	62 days	13,598 days	356	5 days	80 days	28,377 days	541	6 days	85 days	45,736 days
Petit larceny (PL 155.25)	4	45 days	59 days	235 days	35	16 days	34 days	1,178 days	94	14 days	36 days	3,365 days	379	6 days	27 days	10,386 days
Robbery, 2nd deg. (PL 160.10)	58	26 days	64 days	3,686 days	180	14 days	66 days	11,932 days	216	8 days	61 days	13,260 days	372	9 days	71 days	26,384 days
Robbery, 1st deg. (PL 160.15)	64	36 days	133 days	8,487 days	235	14 days	98 days	23,020 days	212	32 days	135 days	28,605 days	309	42 days	146 days	45,240 days
Criminal contempt, 1st deg. (PL 215.51)	5	30 days	25 days	125 days	21	6 days	23 days	491 days	76	9 days	40 days	3,032 days	394	7 days	40 days	15,819 days
Possession of contr. subst, 3rd deg. (PL 220.16)	5	4 days	40 days	202 days	41	11 days	60 days	2,476 days	101	15 days	80 days	8,104 days	379	16 days	94 days	35,708 days
Burglary, 2nd deg. (PL 140.25)	5	10 days	42 days	208 days	39	45 days	135 days	5,249 days	126	17 days	72 days	9,033 days	319	39 days	101 days	32,342 days
Criminal contempt, 2nd deg. (PL 215.50)	2	5 days	5 days	10 days	32	2 days	23 days	750 days	85	3 days	13 days	1,143 days	359	4 days	16 days	5,859 days

Charge	35-44				45-54				55-64				65+			
	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days
Assault, 3rd deg. (PL 120.00)	488	5 days	24 days	11,947 days	235	5 days	28 days	6,679 days	118	5 days	30 days	3,514 days	13	11 days	21 days	272 days
Assault, 2nd deg. (PL 120.05)	413	13 days	72 days	29,684 days	227	15 days	84 days	19,016 days	107	12 days	61 days	6,569 days	13	16 days	70 days	912 days
Weapon possession, 2nd deg. (PL 265.03)	229	6 days	95 days	21,865 days	78	11 days	122 days	9,485 days	45	13 days	86 days	3,891 days	5	23 days	56 days	278 days
Petit larceny (PL 155.25)	313	7 days	31 days	9,841 days	311	17 days	37 days	11,527 days	142	14 days	38 days	5,401 days	6	6 days	24 days	141 days
Robbery, 2nd deg. (PL 160.10)	160	16 days	88 days	14,049 days	87	29 days	108 days	9,369 days	27	22 days	73 days	1,978 days	2	246 days	246 days	493 days
Robbery, 1st deg. (PL 160.15)	166	30 days	131 days	21,666 days	106	87 days	178 days	18,855 days	50	21 days	117 days	5,840 days	5	139 days	152 days	759 days
Criminal contempt, 1st deg. (PL 215.51)	288	8 days	44 days	12,693 days	161	12 days	42 days	6,784 days	76	12 days	38 days	2,854 days	12	9 days	30 days	357 days
Possession of contr. subst, 3rd deg. (PL 220.16)	254	10 days	74 days	18,889 days	180	46 days	112 days	20,082 days	106	17 days	71 days	7,505 days	15	28 days	69 days	1,029 days
Burglary, 2nd deg. (PL 140.25)	273	49 days	120 days	32,649 days	176	80 days	135 days	23,727 days	85	114 days	162 days	13,731 days	5	455 days	341 days	1,705 days
Criminal contempt, 2nd deg. (PL 215.50)	208	4 days	21 days	4,341 days	119	4 days	23 days	2,782 days	73	5 days	19 days	1,401 days	9	3 days	16 days	148 days

Pretrial Admissions by Discharge Type

In this section, we examine how individuals who are admitted pretrial are discharged from jail custody.[16] Figure 18 shows that between 2000 to 2019, bail paid and ROR were the two most common methods by which an individual is charged, while adjournment in contemplation of dismissal/conditional discharge (ACD/CD) and acquittal/dismissed were the two least common methods. In 2019, the most common discharge categories were bail paid (38%), followed by ROR (22%), followed by prison transfer (15%).

Figure 18: Proportion of Pretrial Admissions by Discharge Category, 2000-2019
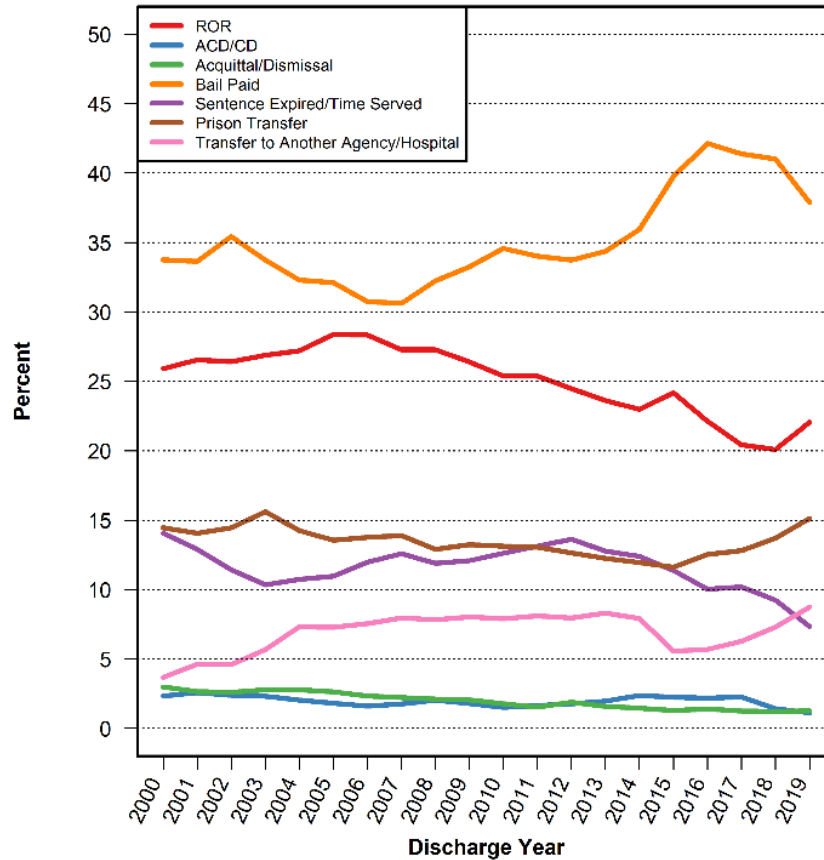
Table 9 lists the same discharge types from Figure 18, and includes the mean and median length of stay for each. Being transferred to prison had the longest mean and median length of stay (307 and 235 days, respectively), followed by transferred to a hospital (114 and 68 days, respectively). The shortest mean lengths of stay were for those who were discharged as bail paid (3 days) and discharged as acquittal/dismissal or ROR (9 days).

---

[16] These analyses start in 2000 to correspond with our length of stay analyses and use discharge year rather than admission year.

Table 9: Pretrial Length of Stay in Days by Discharge Category for Individuals Discharged in 2019

Discharge Category	Mean	Median
ROR (n=5,862)	56	9
ACD/CD (n=300)	27	11
Acquittal/Dismissal (n=338)	58	9
Bail Paid (n=10,078)	19	3
Sentence Expired/Time Served (n=1,953)	50	24
Prison Transfer (n=4,022)	307	235
Transfer to Another Agency/Hospital (n=2,323)	70	27
Transfer to Hospital (n=641)	114	68
Other (n=1,696)	82	61

Figure 19 shows the proportions of discharge categories by race/ethnicity in 2019. Similar to the aggregate, the most common discharge category was for bail paid, and the second most common was ROR. A slightly higher proportion of White people were discharged as ROR (27%) and transferred to another agency or hospital (13%), compared to Black and Latinx people (22% and 7-9%, respectively). A smaller proportion of White people were discharged as a prison transfer (9% compared to 15%) or discharged as having paid bail (32% to 39%).

Figure 19: Proportion of Pretrial Admissions by Discharge Category and Race/Ethnicity
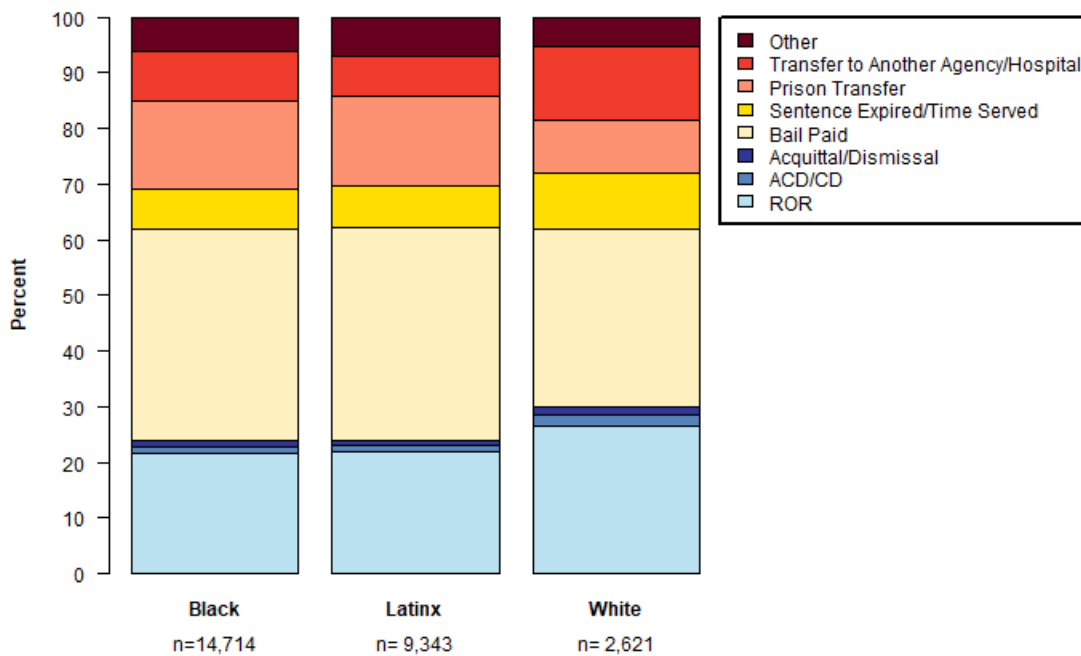

Note: Excludes observation missing discharge category and race/ethnicity.

Figure 20 shows the proportions of discharge categories by age group for pretrial admissions. The youngest age group (16-17 year-olds) were most likely to be discharged as ROR (32%), while 21-24 year-olds were the least likely to be discharged this way (20%). The highest proportion of individuals transferred to another agency or

hospital was for ages 65 and older (13%). Further, 16-17, 18-20, 21-24, and 25-34 year-olds had similar proportions discharged as bail paid, ranging between 41% to 47%. In contrast, 45-54 and 55-64 year-olds accounted for smaller proportions of bail paid (29% and 31%).

Figure 20: Proportion of Pretrial Admissions by Discharge Category and Age Group
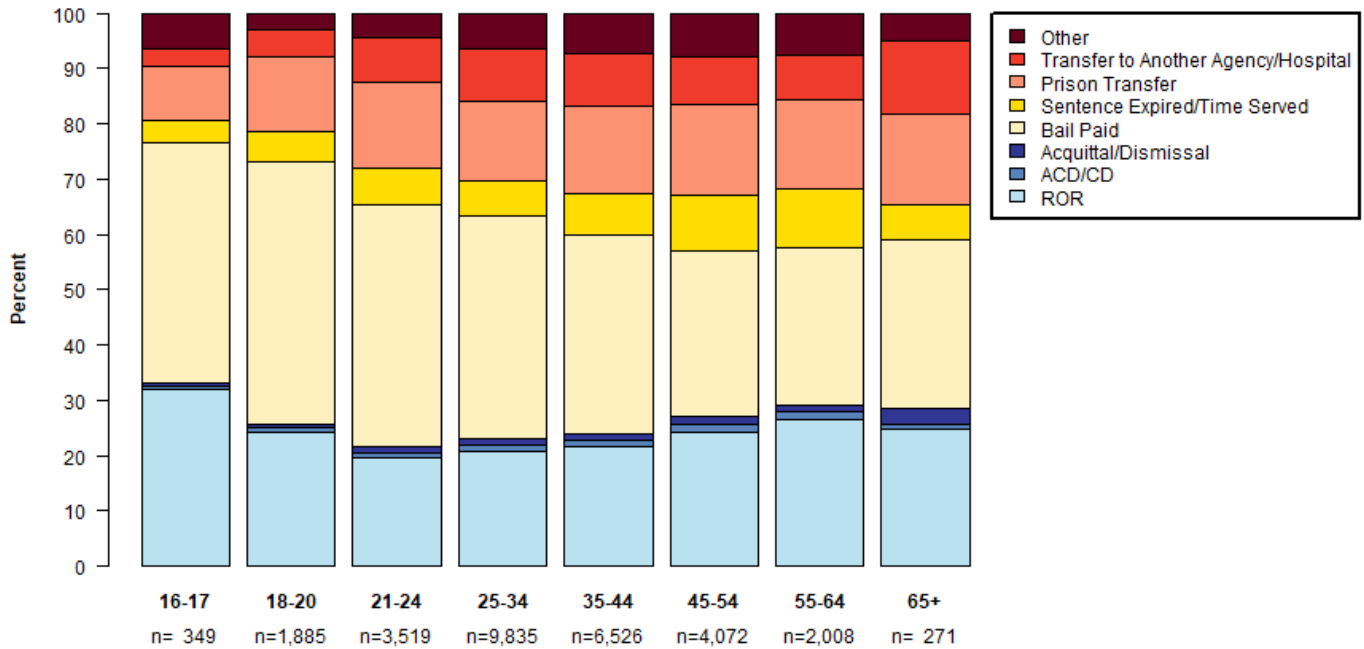
Note: Not counted are pretrial discharges missing discharge type in 2019 (N=1,877, 6.6%).

TRENDS IN CITY SENTENCED ADMISSIONS

In this section, we investigate trends in city sentenced admissions. We first compare the number and proportion of city sentenced admissions from 1995 to 2019, for violent and non-violent charges, by race/ethnicity, and age group. We then examine the top ten charges for city sentenced admissions in 2019 – overall, by race/ethnicity and age group. We also examine lengths of stay by charge and by race/ethnicity and age group.

As in the pretrial admissions analyses, it is important to note that analyses involving admissions and charges at admission use the admission year as the unit of analysis. However, analyses involving length of stay use the discharge year as the unit of analysis (including individuals who were discharged in 2019 after having been admitted on a city sentence in 2019 or any prior year).

Figure 21 shows the decline in the number of people admitted city sentenced for violent and non-violent charges by 63% and 82%, respectively (see *Appendix A* for definitions). From 1995 to 2019, the number of admissions for city sentences was higher for non-violent charges than violent charges, but the gap has narrowed over time. In 2019, 2,138 people were admitted to jail on a city sentence for non-violent charges (87%), while 329 were admitted for violent charges (13%), a difference of 1,809. By comparison, in 1995, there were 11,920 (93%) city sentenced admissions for non-violent charges and 901 (7%) for violent charges, a difference of 11,019.

Figure 21. Number & Proportion of City Sentenced Admissions: Violent and Non-Violent Charges, 1995-2019
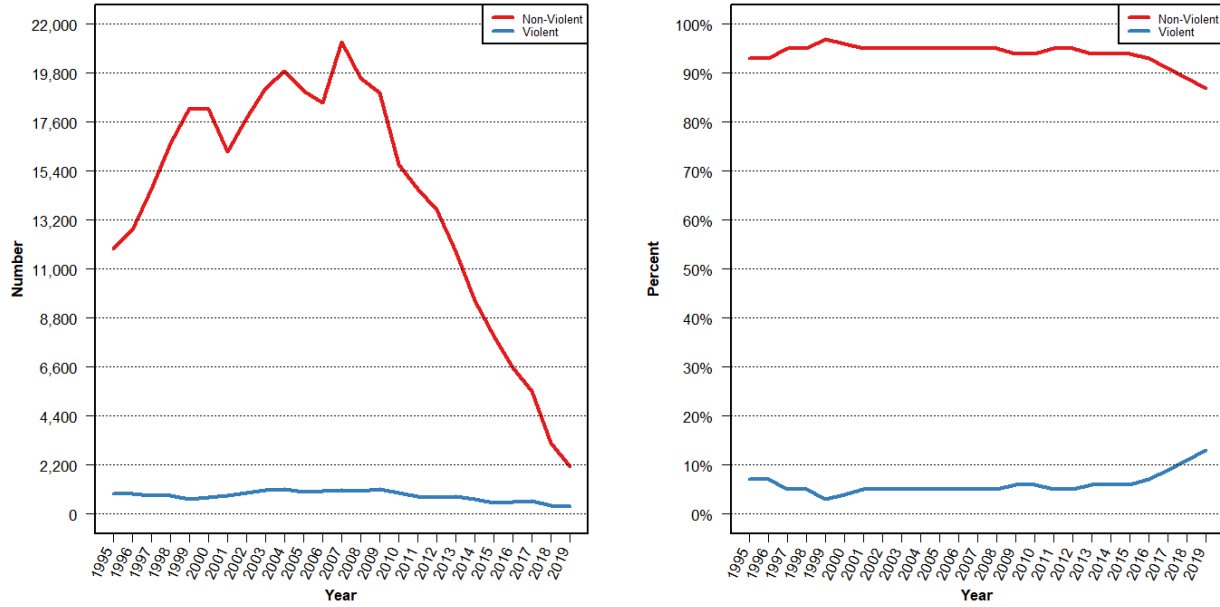

Figure 22 shows that the number of city sentenced admissions for Black, Latinx, and White people all declined by between 78-83% from 1995 to 2019. Admissions for Black individuals dropped from 7,695 to 1,271 (an 84% decline), for Latinx individuals from 3,561 to 776 (a 78% decline), for White individuals from 1,462 to 301 (a 79% decline), and admissions for other races/ethnicities from 178 to 154 (a 13% decline). The relative proportions of admissions for each of these racial/ethnic groups stayed fairly consistent, Black people had the highest proportion of admissions (51% in 2019), followed by Latinx people (30% in 2019) then White people (12% in 2019), followed by other races (6% in 2019). Given that the "other races/ethnicities" category in the data set is relatively small and details about the composition of people in this category cannot be further defined, the analyses in following sections focuses on Black, Latinx, and White people.

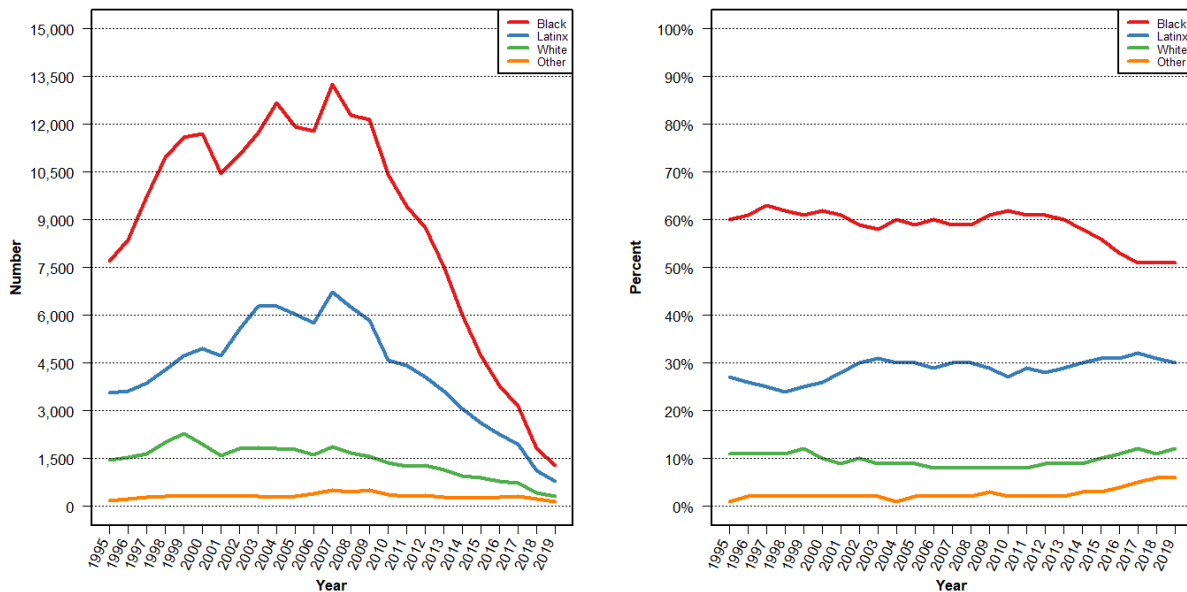**Figure 22. Number & Proportion of City Sentenced Admissions by Race/Ethnicity, 1995-2019**

Figure 23 shows that from 1995 to 2019 admissions for city sentences fluctuated by age groups, though all age groups had a decline, with the exception of 55-64 year-olds. The most dramatic declines were for the youngest age groups, with a 97% decline for 16-17 year-olds (from 158 to 5) and 90% for 18-20 year-olds (742 to 77). From 1995 to 2019, admissions declined by 80-85% for 21-24 (from 1,124 to 228), for 25-34 (from 3,906 to 766) and for 35-44 (from 4,354 to 640) year-olds, while admissions for individuals 65 and older declined the least by 37% (43 to 27). Lastly, the number of admissions for 55-64 year-olds increased between 1995 and 2019, from 212 to 229 (an 8% increase).

Figure 23. Number & Proportion of City Sentenced Admissions by Age, 1995-2019
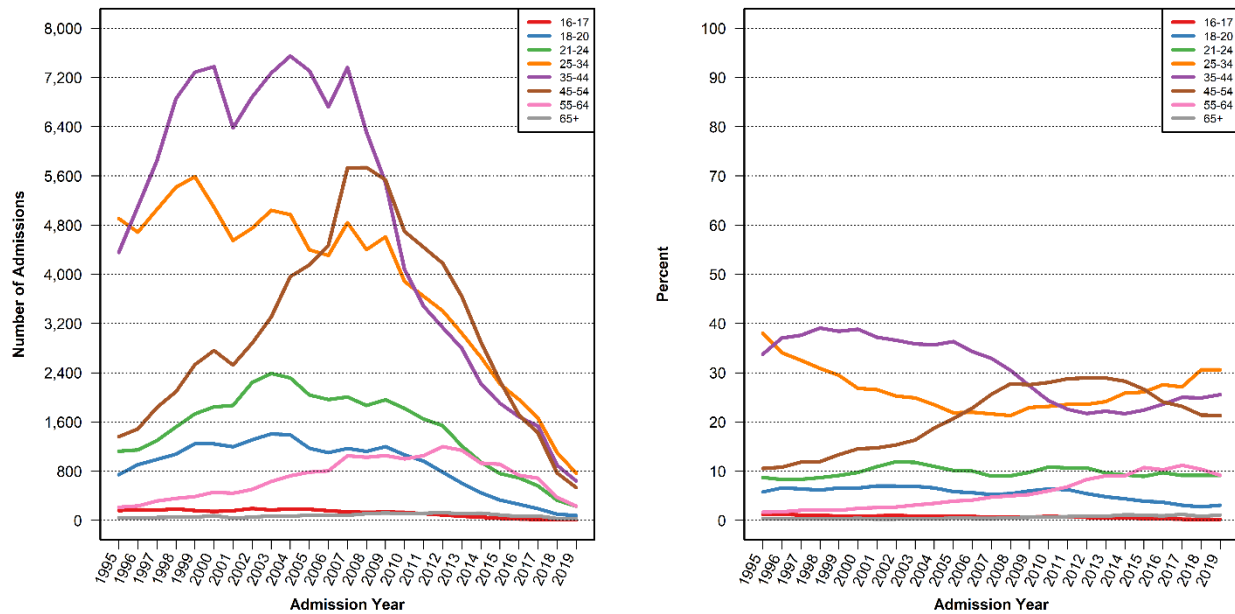
City Sentenced Admissions: Top 10 Charges in 2019

Figure 24 shows the ten most common charges for a city sentence admission in 2019. Petit larceny accounted for 25% of all city sentenced admissions (629 admissions). The next most common charges were disorderly conduct and possession of controlled substance in the 7th degree (196 and 189 admissions, respectively). Four of the top ten most frequent charges entering jail on a city sentence were also among the top ten most frequent charges entering pretrial: assault in 2nd and 3rd degree, petit larceny, and possession of a controlled substance in the 3rd degree.

Figure 24: Top 10 Charges at City Sentenced Admissions in 2019
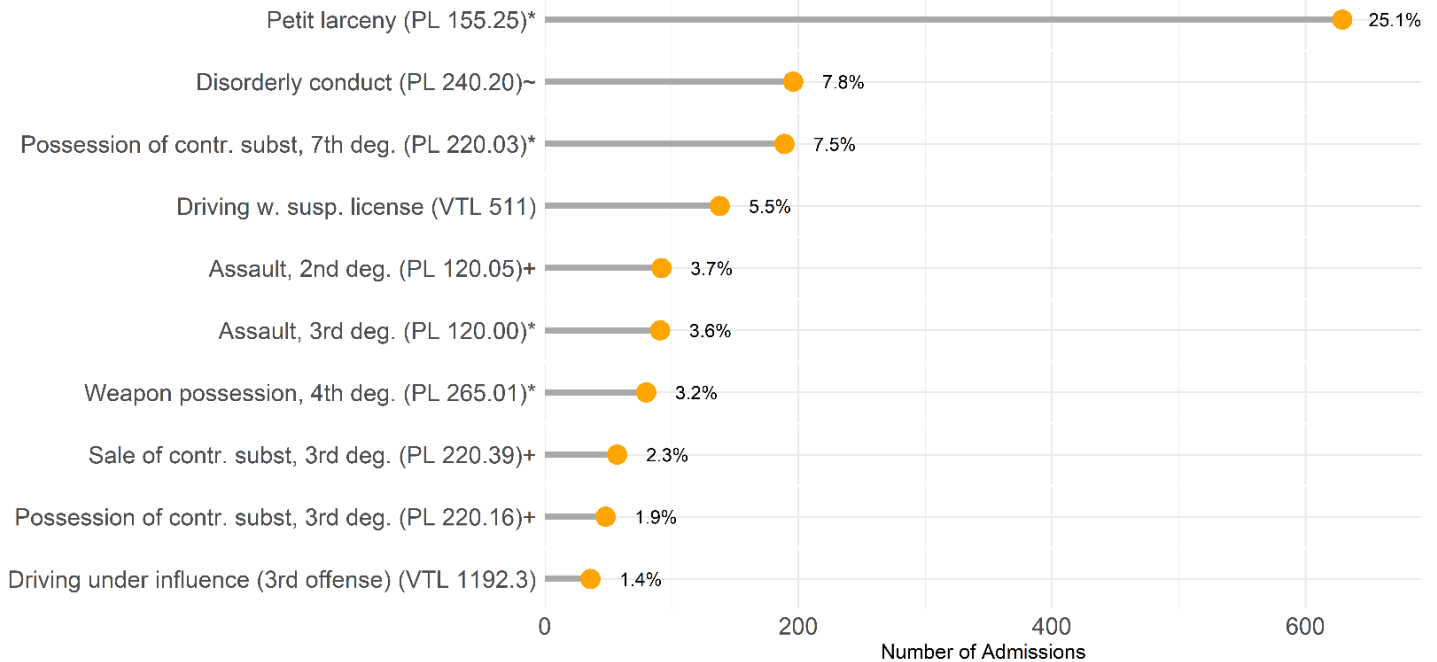
Note: +: Felony, *: Misdemeanor, ~: Violation. Admissions for these 10 charges make up 1,556 out of 2,505 total city sentenced admissions (62%). For charge codes VTL 511 and VTL 1192.3, counts include all charge levels: misdemeanors, felonies, warrants/holds, and unknown.

Figure 25 and Table 10 show the top ten charges for city sentence admissions in 2019 by race/ethnicity. For the top seven charges, Black individuals made up the largest proportion of admissions (ranging from 47% to 66%), followed by Latinx individuals (ranging between 28 to 35%), followed by White individuals (ranging between 3 to 19%).

Figure 25: Top 10 Charges for City Sentence Admissions by Race/Ethnicity in 2019
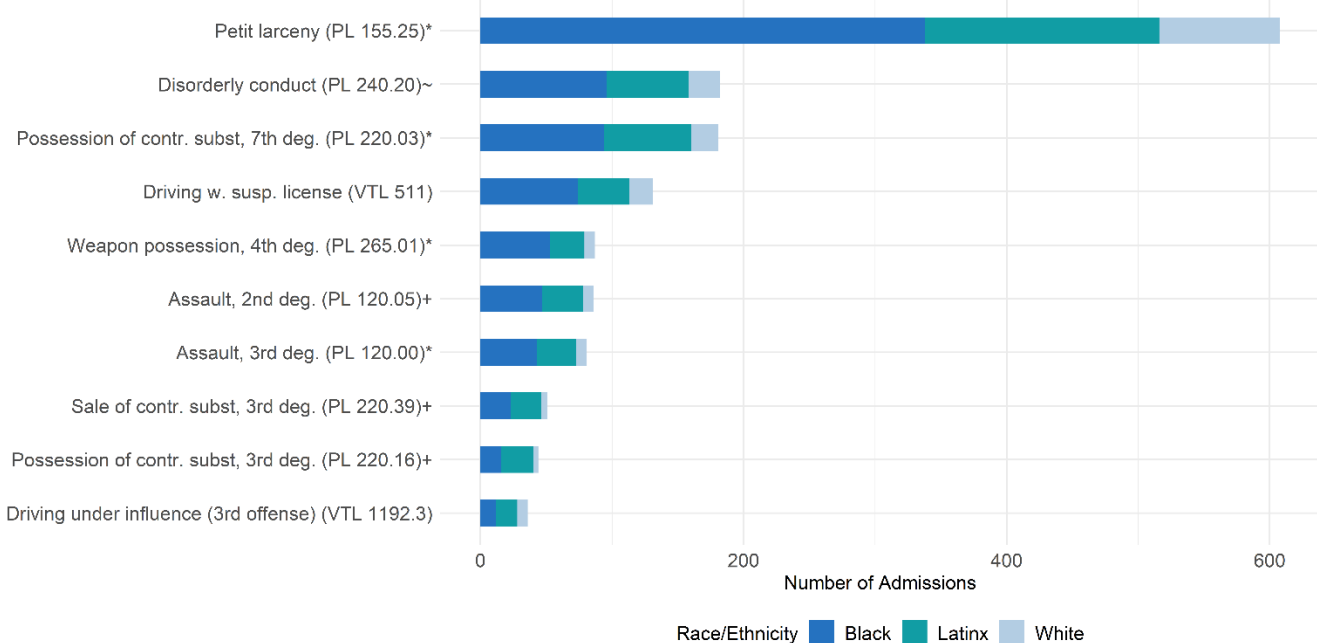
Note: Felony: +, Misdemeanor: *, Violation: ~. For charge codes VTL 511 and VTL 1192.3, counts include all charge levels: misdemeanors, felonies, warrants/holds, and unknown. Excludes observation missing race/ethnicity information.
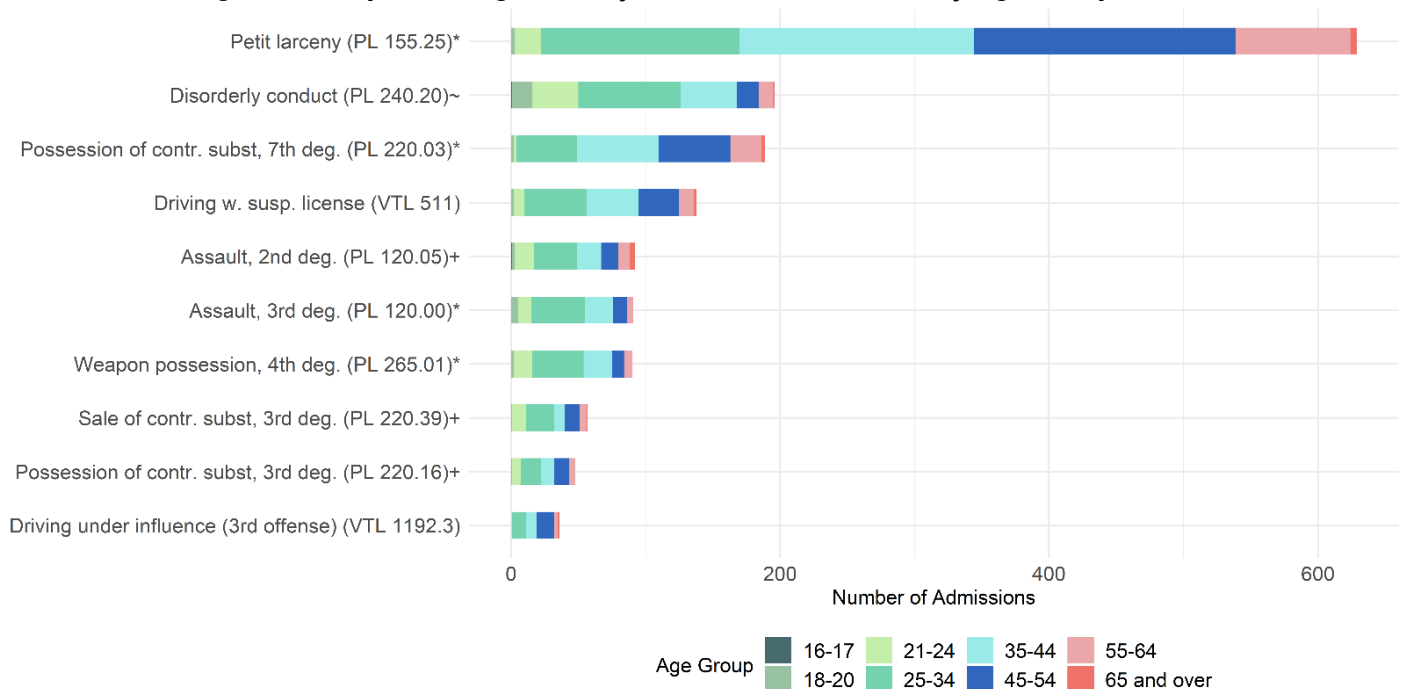
Table 10: Top 10 Charges for City Sentence Admissions by Race/Ethnicity in 2019

Charge	Total	Black		Latinx		White	
		N	%	N	%	N	%
Petit larceny (PL 155.25)*	608	92	14.6	338	53.7	178	28.3
Disorderly conduct (PL 240.20)~	182	24	12.2	96	49.0	62	31.6
Possession of contr. subst, 7th deg. (PL 220.03)*	181	21	11.1	94	49.7	66	34.9
Driving w. susp. license (VTL 511)	131	18	13.0	74	53.6	39	28.3
Assault, 2nd deg. (PL 120.05)+	86	8	8.7	47	51.1	31	33.7
Assault, 3rd deg. (PL 120.00)*	81	8	8.8	43	47.3	30	33.0
Weapon possession, 4th deg. (PL 265.01)*	87	8	10.0	53	66.2	26	32.5
Sale of contr. subst, 3rd deg. (PL 220.39)+	51	5	8.8	23	40.4	23	40.4
Possession of contr. subst, 3rd deg. (PL 220.16)+	44	4	8.3	16	33.3	24	50.0
Driving under influence (3rd offense) (VTL 1192.3)	36	8	22.2	12	33.3	16	44.4

*Note: +: Felony; *: Misdemeanor, ~: Violation. For charge codes VTL 511 and VTL 1192.3, counts include all charge levels: misdemeanors, felonies, warrants/holds, and unknown. Excludes observations missing race/ethnicity information.*

Figure 26 and Table 11 below show the top ten charges for city sentence admissions in 2019 by age group. 25-34 year-olds make up the largest proportion of city sentenced admissions (ranging from approximately 28% to 48%) for each of these top ten charges, with the exception of petit larceny and possession of a controlled substance in the 7th degree, which was higher for 35-44 year-olds. The youngest age group (16-17 year-olds) represent the lowest proportions of admissions for all ten charges, as there were only 2 individuals admitted city sentenced in 2019.

Figure 26: Top 10 Charges at City Sentenced Admission by Age Group in 2019

*Note: +: Felony; *: Misdemeanor, ~: Violation. For charge codes VTL 511 and VTL 1192.3, counts include all charge levels: misdemeanors, felonies, warrants/holds, and unknown.*

Table 11: Top 10 Charges at City Sentenced Admission by Age Group in 2019

Charge	Total	Age 16-17		Age 18-20		Age 21-24		Age 25-34		Age 35-44		Age 45-54		Age 55-64		Age 65+	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Petit larceny (PL 155.25)*	629	0	0	3	0.5	19	3	148	23.5	174	27.7	195	31	85	13.5	5	0.8
Disorderly conduct (PL 240.20)~	196	1	0.5	15	7.7	34	17.3	76	38.8	42	21.4	16	8.2	11	5.6	1	0.5
Possession of contr. subst, 7th deg. (PL 220.03)*	189	0	0	2	1.1	2	1.1	45	23.8	61	32.3	53	28	23	12.2	3	1.6
Driving w. susp. license (VTL 511)	138	0	0	2	1.4	8	5.8	46	33.3	39	28.3	30	21.7	11	8	2	1.4
Assault, 2nd deg. (PL 120.05)+	92	1	1.1	2	2.2	14	15.2	32	34.8	18	19.6	13	14.1	8	8.7	4	4.3
Assault, 3rd deg. (PL 120.00)*	91	0	0	5	5.5	10	11	40	44	21	23.1	10	11	5	5.5	0	0
Weapon possession, 4th deg. (PL 265.01)*	90	0	0	2	2.5	14	17.5	38	47.5	21	26.2	9	11.2	6	7.5	0	0
Sale of contr. subst, 3rd deg. (PL 220.39)+	57	0	0	1	1.8	10	17.5	21	36.8	8	14	11	19.3	5	8.8	1	1.8
Possession of contr. subst, 3rd deg. (PL 220.16)+	48	0	0	1	2.1	6	12.5	15	31.2	10	20.8	11	22.9	5	10.4	0	0
Driving under influence (3rd offense) (VTL 1192.3)	36	0	0	0	0	1	2.8	10	27.8	8	22.2	13	36.1	3	8.3	1	2.8

*Note: +: Felony; *: Misdemeanor, ~: Violation. For charge codes VTL 511 and VTL 1192.3, counts include all charge levels: misdemeanors, felonies, warrants/holds, and unknown.*

Length of Stay for City Sentenced Admissions

Figure 28 below shows that the mean length of stay for city sentenced admissions in 2019 was 38 days (18 days in 2000), while the median was 6 days (4 days in 2000). About 54% of individuals with a city sentence had a length of stay less than a week. Aggregating all city sentence admissions' length of stay discharged in 2019 translates to **a total of 95,257 bed days**.

Figure 28: Length of Stay in Days for City Sentenced Admissions for Individuals Discharged in 2019

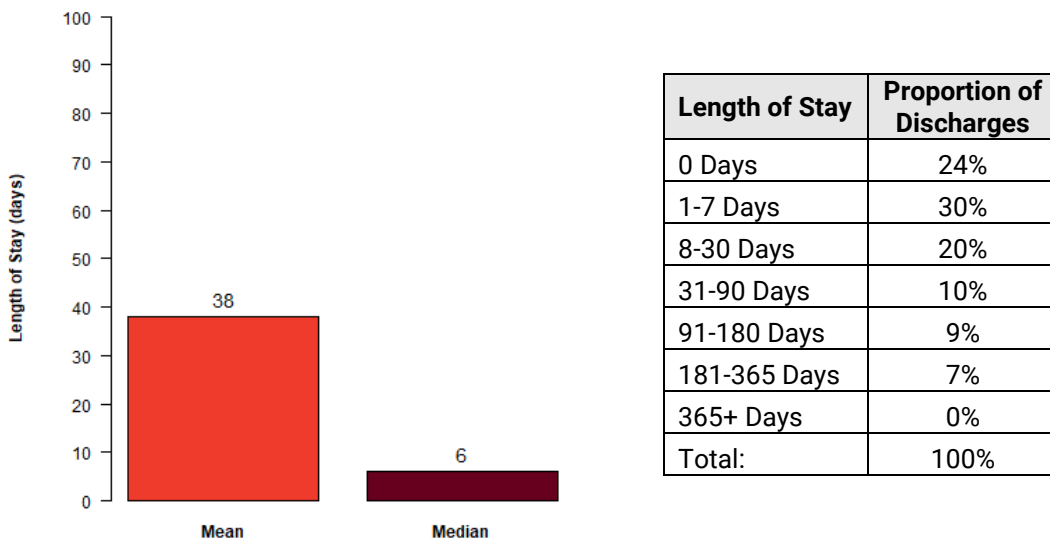| Length of Stay	Proportion of Discharges
0 Days	24%
1-7 Days	30%
8-30 Days	20%
31-90 Days	10%
91-180 Days	9%
181-365 Days	7%
365+ Days	0%
Total:	100%

Figure 29 shows the length of stay for the top ten charges for city sentence admissions in 2019 over time. In 2019, the mean length of stay for the most common charge (petit larceny) was 17 days, compared to 22 days in 2000. Three charges had a mean length of stay that was relatively stable from 2000 to 2019 (either increasing or decreasing between 4 to 5 days): disorderly conduct, petit larceny, and driving with a suspended license. For three of the top charges, the mean length of stay decreased by more than 10 days: assault in the 2nd degree, sale of a controlled substance in the 3rd degree, and possession of a controlled substance in the 3rd degree. The starkest increase in length of stay was for weapons possession in the 4th degree, which increased from 27 days in 2000 to 122 days in 2019.

Figure 29: Mean Length of Stay in Days for City Sentenced Admissions from 2000-2019 for the Top 10 Charges in 2019
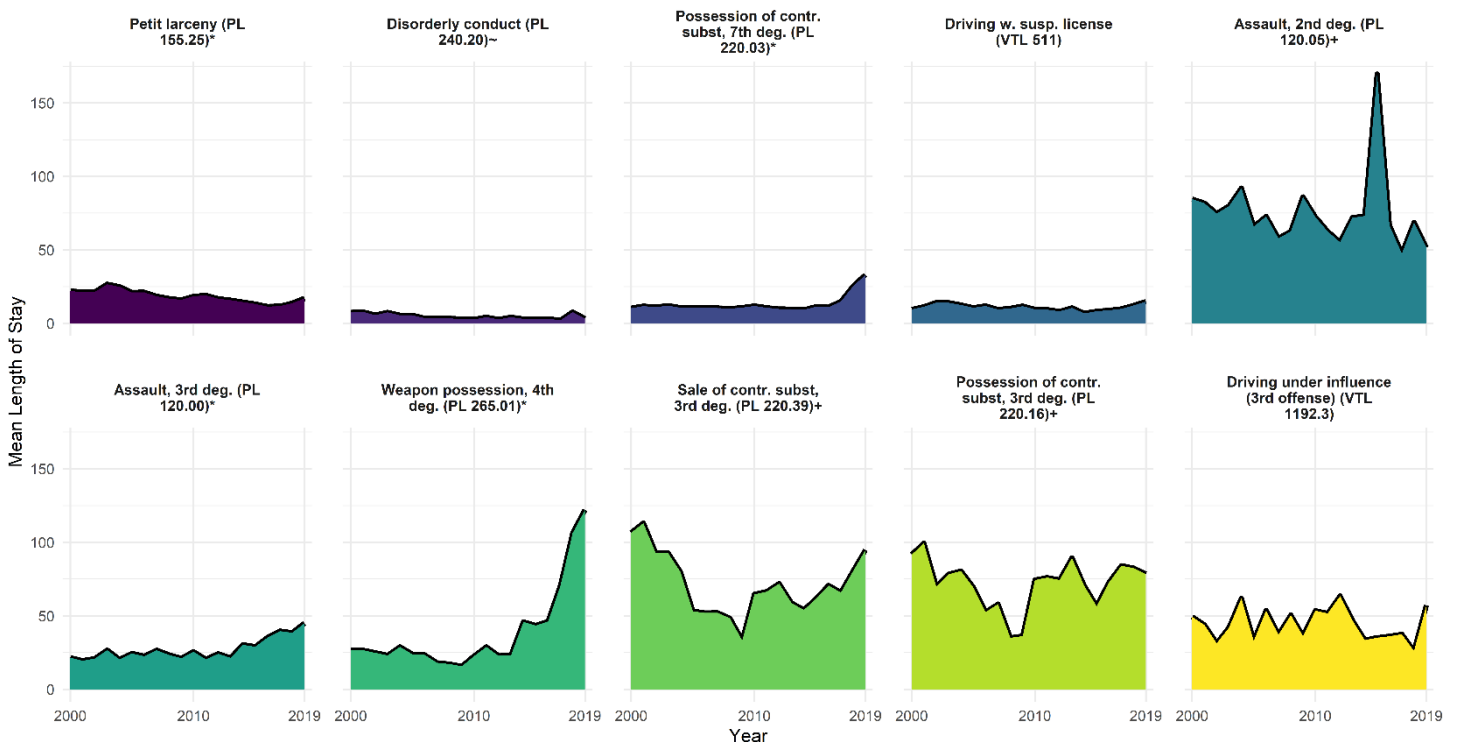
Note: +: Felony; *: Misdemeanor, ~: Violation. For charge codes VTL 511 and VTL 1192.3, counts include all charge levels: misdemeanors, felonies, warrants/holds, and unknown.
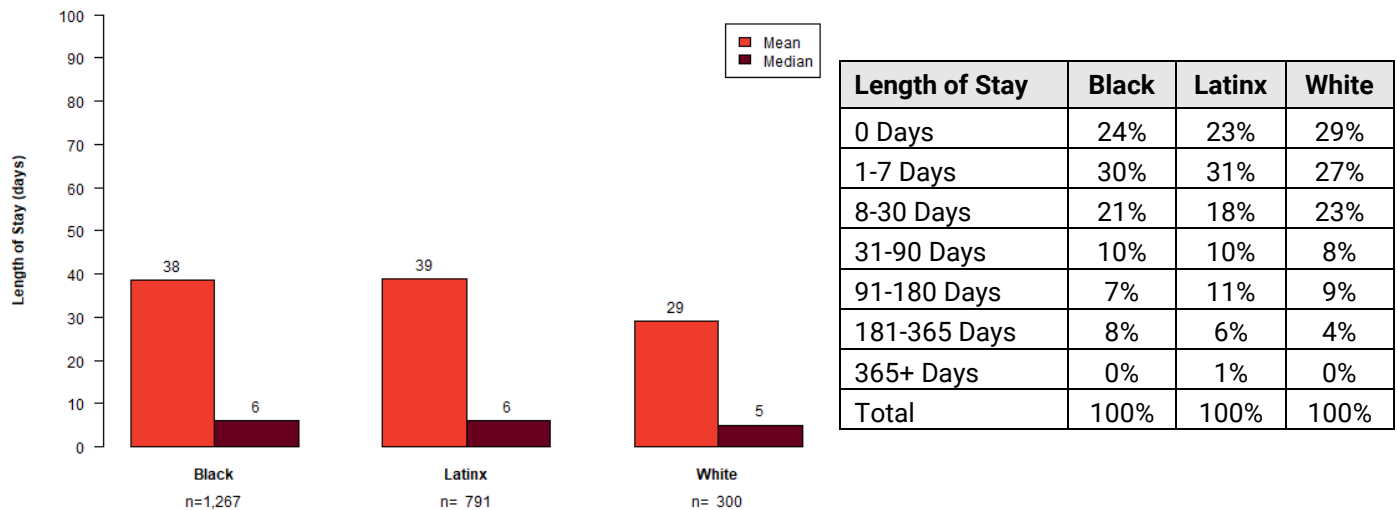
Table 12 shows how length of stay varies by charge for individuals discharged in 2019 for a city sentence. The charges with the longest mean and median length of stay were weapon possession in the 4th degree (124 days and 118 days, respectively), followed by sale of a controlled substance in the 3rd degree (95 days and 53 days, respectively). The charges with the shortest mean and median length of stay were disorderly conduct (3 days and 1 day, respectively), driving with a suspended license (15 days and 1 day, respectively), and petit larceny (17 days and 5 days, respectively).

Table 12: Length of Stay in Days for Top 10 City Sentenced Charges for Individuals Discharged in 2019

Charge	N	Median	Mean	Total Bed Days
Petit larceny (PL 155.25)	639	5	17	10,883
Disorderly conduct (PL 240.20)	194	1	3	634
Possession of contr. subst, 7th deg. (PL 220.03)	198	5	33	6,558
Driving w. susp. license (VTL 511)	139	1	15	2,067
Assault, 2nd deg. (PL 120.05)	89	1	52	4,588
Assault, 3rd deg. (PL 120.00)	91	9	45	4,097
Weapon possession, 4th deg. (PL 265.01)	102	118	124	12,676
Sale of contr. susbt, 3rd deg. (PL 220.39)	55	53	95	5,217
Possession of contr. subst, 3rd deg. (PL 220.16)	45	52	78	3,529
Driving under influence (3rd offense) (VTL 1192.3)	34	18	57	1,946

Figure 30 shows lengths of stay for city sentenced admissions that were discharged in 2019, by race/ethnicity. The mean length of stay was approximately 10 days longer for both Black and Latinx individuals (38 and 39 days, respectively), compared to White individuals (29 days). In contrast, the median was nearly identical for all three groups (5 to 6 days). Over 50% of each group were released in 7 days or less. Further, 18% of Latinx individuals, 15% of Black individuals, and 13% of White individuals had lengths of stay in jail longer than 91 days.

Figure 30: Length of Stay in Days for City Sentenced Admissions by Race/Ethnicity for Individuals Discharged in 2019

Length of Stay	Black	Latinx	White
0 Days	24%	23%	29%
1-7 Days	30%	31%	27%
8-30 Days	21%	18%	23%
31-90 Days	10%	10%	8%
91-180 Days	7%	11%	9%
181-365 Days	8%	6%	4%
365+ Days	0%	1%	0%
Total	100%	100%	100%

Note: City sentenced admissions discharged in 2019 missing race/ethnicity (n=158, 6.3%)

Table 13 compares the lengths of stay for the top ten charges for Black, Latinx, and White individuals who were city sentenced and discharged in 2019. There were no clear patterns for any one racial/ethnic group having longer or shorter lengths of stay for these ten charges. Notably, the highest amount of bed days occupied was for Black individuals with the charge of petit larceny; for this charge, there was a total amount of bed days of 6,133 days for 340 city sentenced individuals.

**Table 13: Length of Stay in Days for Top 10 City Sentenced Charges
by Race/Ethnicity for Individuals Discharged in 2019**

Charge	Black				Latinx				White			
	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days
Petit larceny (PL 155.25)	340	5	18	6,133	183	5	14	2,643	93	6	14	1,319
Disorderly conduct (PL 240.20)	93	1	3	284	63	1	3	185	24	1	3	65
Possession of contr. subst, 7th deg. (PL 220.03)	96	5	28	2,734	73	4	48	3,499	22	1	8	182
Driving w. susp. license (VTL 511)	77	1	17	1,278	38	0	10	361	18	12	22	393
Assault, 2nd deg. (PL 120.05)	40	1	36	1,458	32	9	69	2,194	9	0	38	339
Assault, 3rd deg. (PL 120.00)	41	6	32	1,329	34	12	65	2,213	6	8	25	152
Weapon possession, 4th deg. (PL 265.01)	63	162	145	9,124	28	51	89	2,495	8	7	91	726
Sale of contr. susbt, 3rd deg. (PL 220.39)	25	59	114	2,842	17	8	51	875	5	53	106	529
Possession of contr. subst, 3rd deg. (PL 220.16)	11	11	43	474	27	57	97	2,630	4	95	84	335
Driving under influence (3rd offense) (VTL 1192.3)	11	28	42	465	14	12	41	569	7	7	46	324

Figure 31 shows that the mean length of stay for city sentenced admissions generally declines as age increases, with the exception of a slightly higher mean for 21-24 year-olds (51 days) compared to 18-20 year-olds (50 days). The median length of stay was much more consistent across age groups; all age groups had a median length of stay between 4 days to 7 days, with the exception of 16-17 year-olds (2 days). More than half of all individuals within each age group stayed in custody for less than seven days.

Figure 31: Length of Stay in Days for City Sentenced Admissions by Age Group for Individuals Discharged in 2019
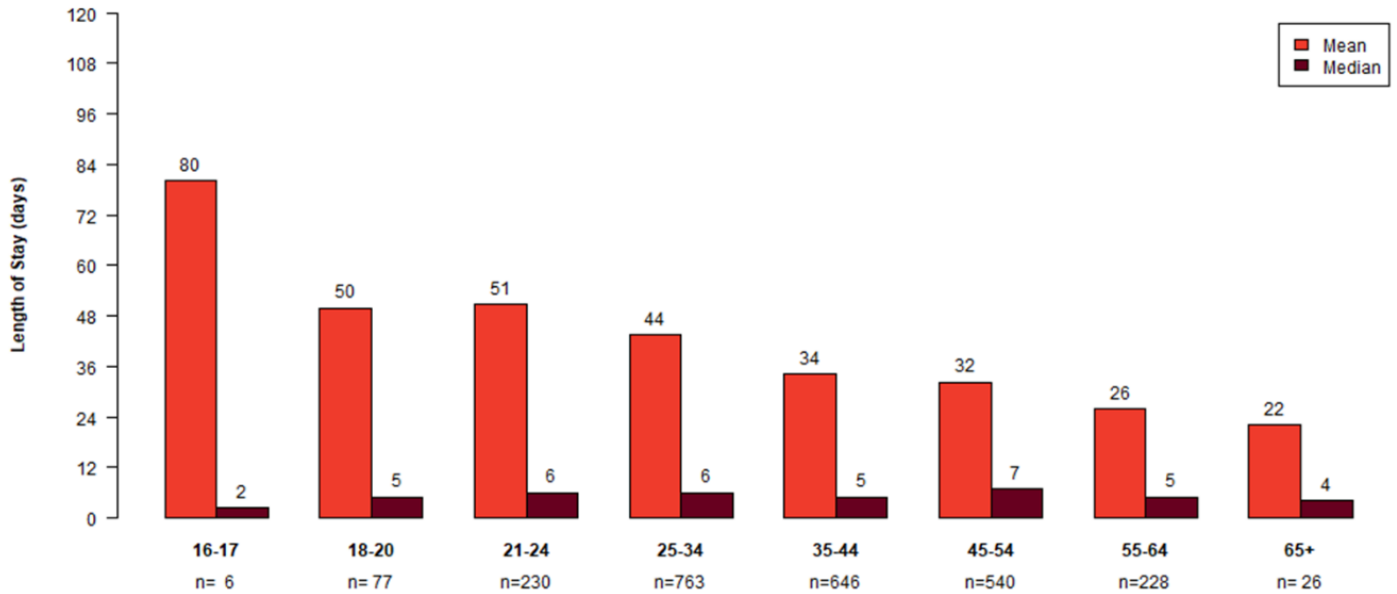
Length of Stay	Age 16-17	Age 18-20	Age 21-24	Age 25-34	Age 35-44	Age 45-54	Age 55-64	Age 65+
0 Days	50%	36%	28%	25%	24%	21%	22%	35%
1-7 Days	17%	21%	26%	28%	32%	30%	36%	27%
8-30 Days	0%	13%	13%	18%	21%	26%	21%	19%
31-90 Days	0%	8%	10%	11%	9%	10%	10%	8%
91-180 Days	17%	12%	13%	9%	8%	8%	6%	12%
181-365 Days	17%	9%	9%	10%	5%	5%	4%	0%
365+ Days	0%	1%	1%	0%	1%	0%	0%	0%
Total	100%	100%	100%	100%	100%	100%	100%	100%

Table 14 below shows the length of stay for each of the top ten charges for city sentences discharged in 2019, by age group. No age group had mean lengths of stay that were consistently longer than the others for every charge. However, there were several charges where one or two age groups had considerably higher mean lengths of stay than the other groups. For possession of a controlled substance in the 7th degree, the mean length of stay was substantially higher for 21-24 year-olds (191 days) compared to all other age groups (3 days to 43 days). For weapon possession in the 4th degree, the mean length of stay was also substantially higher for 21-24 year-olds and 25-34 year-olds (145 days to 146 days) compared to all other age groups (75 days to 92 days). For petit larceny, the mean length of stay was also substantially higher for 18-20 year-olds (57 days) relative to all other age groups (8 days to 20 days). Disorderly conduct was the charge with the lowest mean length of stay across all age groups, ranging from 1 days to 4 days for age groups between 18-64.

Table 14: Length of Stay in Days for Top 10 City Sentenced Admitted Charges by Age for Individuals Discharged in 2019

Charge	Age 16-17				Age 18-20				Age 21-24				Age 25-34			
	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days
Petit larceny (PL 155.25)	1	359 days	359 days	359 days	4	26 days	57 days	228 days	21	2 days	8 days	158 days	148	5 days	20 days	3,018 days
Disorderly conduct (PL 240.20)	1	5 days	5 days	5 days	15	2 days	3 days	44 days	33	1 days	3 days	86 days	75	1 days	5 days	342 days
Possession of contr. subst, 7th deg. (PL 220.03)	0	--	--	--	2	3 days	3 days	6 days	4	171 days	191 days	765 days	46	7 days	43 days	1,985 days
Driving w. susp. license (VTL 511)	0	--	--	--	2	12 days	12 days	25 days	8	0 days	13 days	102 days	45	1 days	12 days	555 days
Assault, 2nd deg. (PL 120.05)	1	0 days	0 days	0 days	2	0 days	0 days	1 days	16	1 days	65 days	1045 days	27	2 days	50 days	1,361 days
Assault, 3rd deg. (PL 120.00)	0	--	--	--	6	0 days	32 days	194 days	11	9 days	21 days	230 days	37	8 days	44 days	1,611 days
Weapon possession, 4th deg. (PL 265.01)	0	--	--	--	2	92 days	92 days	185 days	14	173 days	145 days	2,024 days	52	191 days	146 days	7,589 days
Sale of contr. susbt, 3rd deg. (PL 220.39)	0	--	--	--	0	0 days	0 days	0 days	8	13 days	78 days	620 days	20	12 days	68 days	1,354 days
Possession of contr. subst, 3rd deg. (PL 220.16)	0	--	--	--	1	24 days	24 days	24 days	4	95 days	93 days	373 days	16	56 days	90 days	1,443 days
Driving under influence (3rd offense) (VTL 1192.3)	0	--	--	--	0	0 days	0 days	0 days	1	0 days	0 days	0 days	9	18 days	49 days	443 days

Charge	Age 35-44				Age 45-54				Age 55-64				Age 65+			
	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days	N	Median	Mean	Bed Days
Petit larceny (PL 155.25)	178	6 days	15 days	2,591 days	193	6 days	15 days	2,885 days	89	5 days	18 days	1,582 days	5	15 days	12 days	62 days
Disorderly conduct (PL 240.20)	42	0 days	1 days	56 days	16	2 days	4 days	61 days	11	5 days	4 days	40 days	1	0 days	0 days	0 days
Possession of contr. subst, 7th deg. (PL 220.03)	63	3 days	33 days	2,065 days	57	5 days	22 days	1,268 days	23	4 days	15 days	350 days	3	5 days	40 days	119 days
Driving w. susp. license (VTL 511)	39	0 days	17 days	661 days	32	2 days	21 days	680 days	11	3 days	3 days	38 days	2	3 days	3 days	6 days
Assault, 2nd deg. (PL 120.05)	17	0 days	44 days	745 days	13	15 days	62 days	803 days	9	5 days	58 days	518 days	4	0 days	29 days	115 days
Assault, 3rd deg. (PL 120.00)	20	24 days	56 days	1,125 days	12	16 days	76 days	918 days	5	1 days	4 days	19 days	0	--	--	--
Weapon possession, 4th deg. (PL 265.01)	19	15 days	75 days	1,425 days	9	74 days	99 days	895 days	6	67 days	93 days	558 days	0	--	--	--
Sale of contr. susbt, 3rd deg. (PL 220.39)	15	177 days	144 days	2,153 days	8	33 days	89 days	715 days	4	72 days	94 days	375 days	0	--	--	--
Possession of contr. subst, 3rd deg. (PL 220.16)	11	56 days	79 days	866 days	9	8 days	47 days	421 days	4	88 days	100 days	402 days	0	--	--	--
Driving under influence (3rd offense) (VTL 1192.3)	10	47 days	87 days	872 days	11	28 days	50 days	552 days	2	0 days	0 days	0 days	1	79 days	79 days	79 days

TRENDS IN TECHNICAL PAROLE VIOLATION ADMISSIONS

In the following section, we investigate trends in technical parole violation admissions. We first investigate how the number and proportion of technical parole violation admissions by racial/ethnic groups and by age groups has changed from 1995 to 2019. We subsequently investigate the distribution of length of stay in 2019 for technical parole violations, first for the overall group, then by race/ethnicity, and then by age group. It should be noted that the DOC data used in this report does not include information on the underlying charge for technical parole violation admissions. As such, we are unable to perform the charge-based analyses for this group, as displayed above for pretrial and city sentenced admissions.

As shown in Figure 5, admissions for technical parole violations made up the second-largest proportion of jail admissions in 2019, at 11% (3,885). Figure 32 shows the number and proportion of these admissions by race/ethnicity. From 1995 to 2019, admissions for Black individuals declined from 3,617 to 2,396 (a 34% decline), admissions for Latinx individuals dropped from 2,134 to 1,115 (a 48% decline), admissions for White individuals decreased from 413 to 232 (a 44% decline), and admissions for other races/ethnicities increased from 88 to 142 (a 61% increase). In 2019, Black individuals made up 62% of technical parole violation admissions, Latinx individuals made up 28% of admissions, White individuals made up 6% of admissions, and all other races/ethnicities made up 3% of admissions. From 1995 to 2019, the proportions of admissions for each racial/ethnic group were stable. Similar to the other sections, given that the "other races/ethnicities" category in the data set is relatively small and details about the composition of people in this category cannot be further defined, the analyses in this report focus on Black, Latinx and White people.

Figure 32. Number & Proportion of Technical Parole Violation Admissions by Race/Ethnicity, 1995-2019
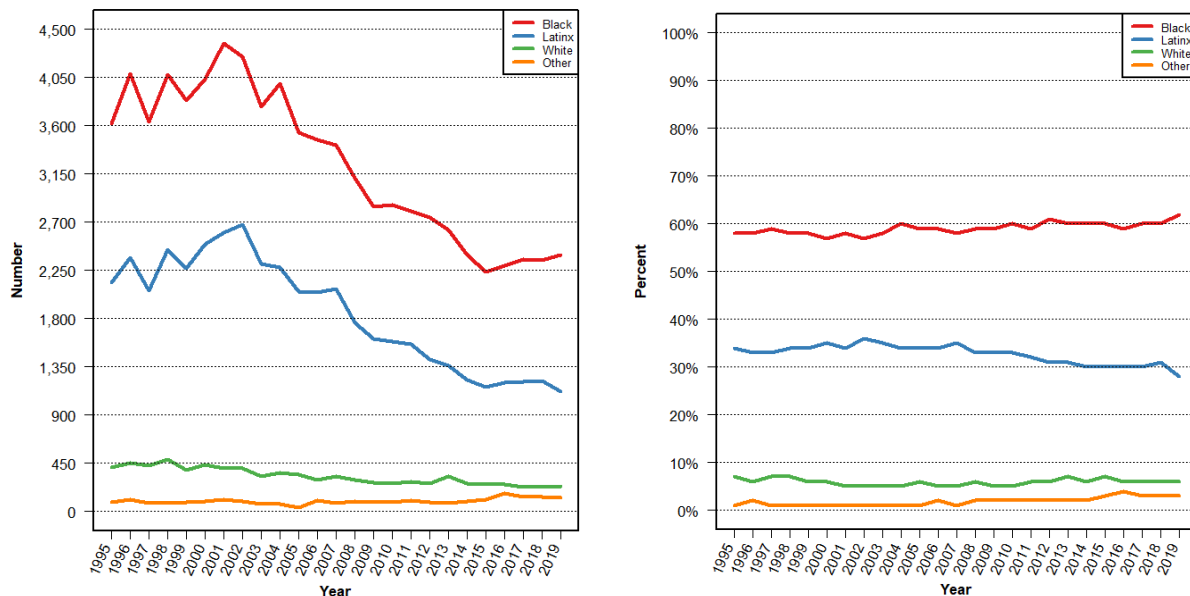

Figure 33 examines admissions for technical parole violations by age group from 1995 to 2019. While the number of admissions declined for 16-17, 18-20, 21-24, 25-34, and 35-44 year-olds, the number of admissions for individuals 45-54, 55-64 and for individuals 65 and over increased. Admissions for technical parole violations for 16-17 and 18-20 year-olds declined by 75% (from 16 to 4 and 244 to 59, respectively) while admissions for 21-24 year-olds and 35-44 year-olds declined by 45-50% (from 669 to 335 and 1,706 to 937, respectively).

Admissions for 45-54 year-olds increased by 108% (from 359 to 749), for 55-64 year-olds increased by 618% (from 62 to 445) and ages 65 and over increased by 292% (from 13 to 51).

Figure 33. Number & Proportion of Technical Parole Violation Admissions by Age Group, 1995-2019
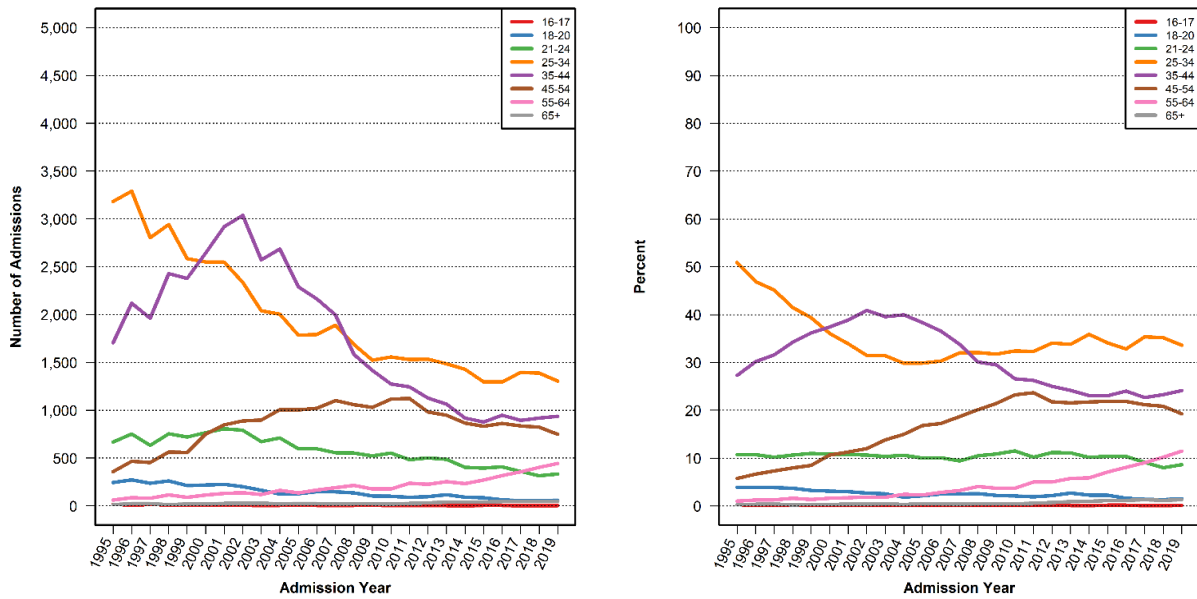
Length of Stay for Technical Parole Violation Admissions

In 2000, the mean length of stay for technical parole violations was 62 days. The length of stay then decreased to 47 days in 2008 and increased again to 63 days by 2019 (Figure 4). The median length of stay rose from 40 days in 2000 to 50 days in 2019. The distribution of length of stay for all technical parole violation admissions released in 2019 is shown in more detail in Figure 34. Approximately 50% of individuals admitted on a technical parole violation had a length of stay between 31 days and 90 days. Aggregating lengths of stays for all technical parole violation translates to **a total of 244,889 bed days** for individuals discharged in 2019.

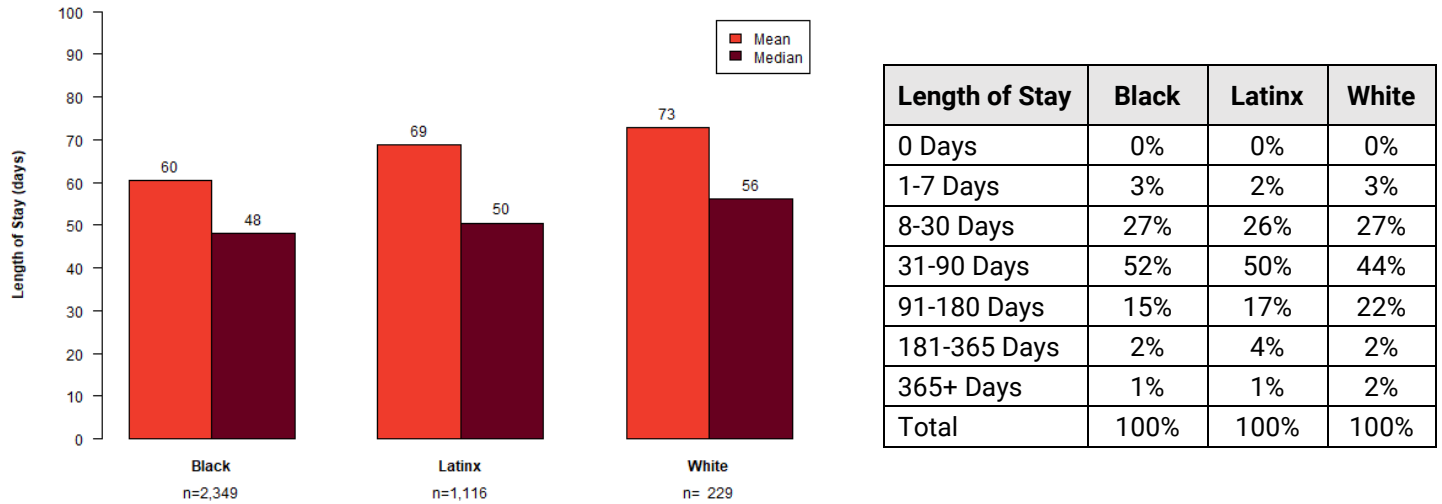**Figure 34: Length of Stay in Days for Technical Parole Violation Admissions for Individuals Discharged in 2019**

Length of Stay	Proportion of Discharges
0 Days	0%
1-7 Days	3%
8-30 Days	27%
31-90 Days	51%
91-180 Days	17%
181-365 Days	3%
365+ Days	1%
Total:	100%
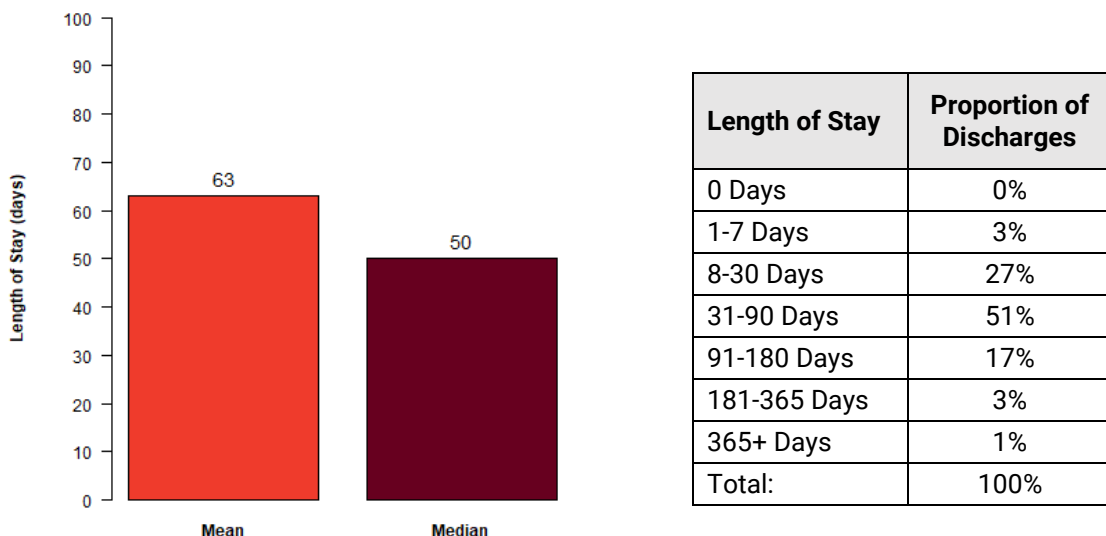
Figure 35 shows the lengths of stay for technical parole violations discharged in 2019, by race/ethnicity. The mean and median length of stay was longest for White individuals (73 and 56 days, respectively), followed by Latinx individuals (69 and 50 days, respectively), followed by Black individuals (60 and 48 days, respectively). Approximately one quarter of all groups had a length of stay in custody of 8 days to 30 days and around another half stayed between 31 days and 90 days.

Figure 35: Length of Stay in Days for Technical Parole Violation Admissions by Race/Ethnicity for Individuals Discharged in 2019

Length of Stay	Black	Latinx	White
0 Days	0%	0%	0%
1-7 Days	3%	2%	3%
8-30 Days	27%	26%	27%
31-90 Days	52%	50%	44%
91-180 Days	15%	17%	22%
181-365 Days	2%	4%	2%
365+ Days	1%	1%	2%
Total	100%	100%	100%

Figure 36 displays the mean and median lengths of stay by age group. Individuals ages 65 and older had the highest mean and median lengths of stay (88 and 59 days, respectively), while 16-17 year-olds had the lowest mean and median lengths of stay (38 and 36 days, respectively). It should be noted that 16-17 year-olds accounted for a comparatively low number of admissions in 2019 (3 admissions). The other age groups, between ages 18 and 64, each had notably similar mean and median lengths of stay, all hovering close to the overall mean of 63 days and the overall median of 50 days (Figure 5).

Figure 36: Length of Stay in Days for Technical Parole Violation Admissions by Age Group for Individuals Discharged in 2019
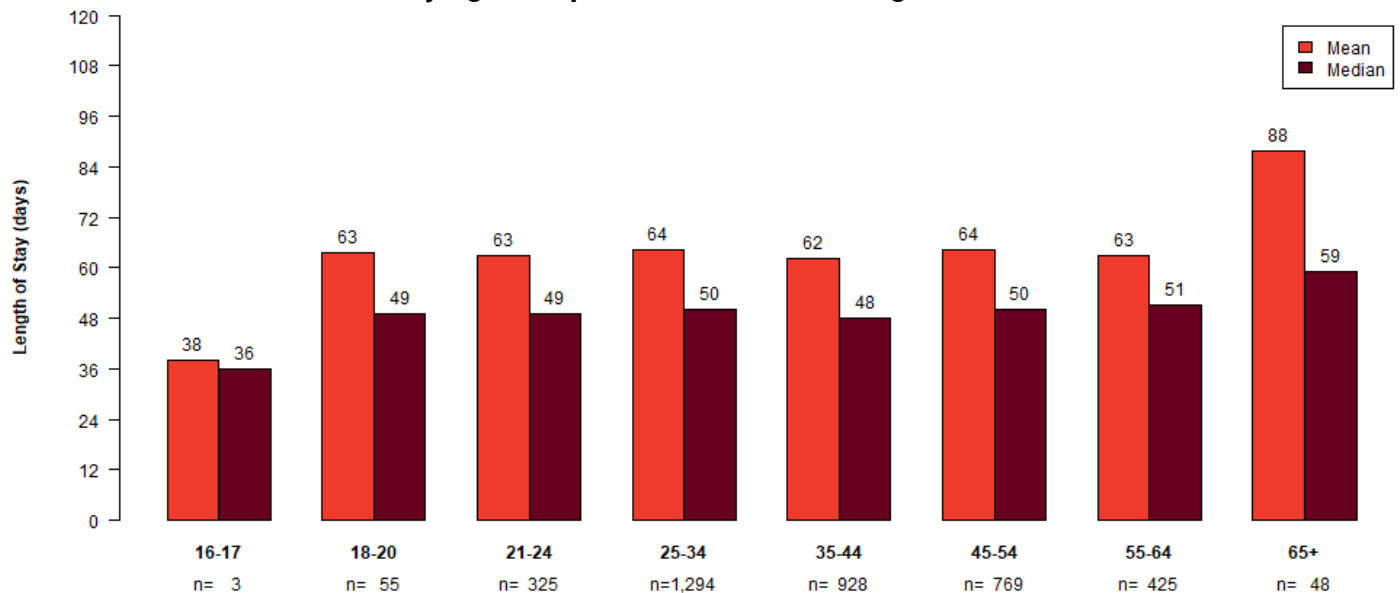
Length of Stay	Age 16-17	Age 18-20	Age 21-24	Age 25-34	Age 35-44	Age 45-54	Age 55-64	Age 65+
0 Days	0%	0%	0%	0%	0%	0%	0%	0%
1-7 Days	0%	2%	3%	2%	2%	3%	2%	0%
8-30 Days	0%	25%	27%	27%	27%	27%	27%	29%
31-90 Days	100%	56%	49%	51%	52%	49%	50%	50%
91-180 Days	0%	11%	18%	16%	15%	18%	19%	15%
181-365 Days	0%	4%	1%	3%	3%	3%	1%	4%
365+ Days	0%	2%	1%	1%	1%	1%	1%	2%
Total:	100%	100%	100%	100%	100%	100%	100%	100%

CONCLUSION

Since 2017, there has been a city-wide effort to reduce the city's jail population to 3,300 (Goodman, 2017) and close down the Rikers Island jail complex (New York City Mayor's Office of Criminal Justice [MOCJ], 2020a). This report shows that from 1995 to 2019, there were dramatic reductions (over 70%) in admissions for pretrial detention and city sentences and moderate reductions (38%) in admissions for technical parole violations. At the same time, lengths of stay and bail amounts are increasing. In 2020, the average daily population was 4,473, 1,173 above the City's goal of a population of 3,300 in 2027 (Vera Institute of Justice, 2021). The data in this report can be used to guide strategies that will enable the city to meet its commitment to reducing the jail population further and closing Rikers Island.

FUTURE RESEARCH

1. How will Covid-19 and the 2020 bail reforms impact jail admissions and lengths of stay?
2. What is causing the observed increase in length of stay over time for the same charges found in this brief?
3. What explains disparities seen across racial/ethnic and age groups in lengths of stay and bail amounts set at admission?
4. How much is supervised release being used, following the expansion of supervised release eligibility to all individuals regardless of charge?

ACKNOWLEDGMENTS

The Data Collaborative for Justice (DCJ) at John Jay College of Criminal Justice houses a group of research initiatives that raise important questions and share critical research about the criminal legal system and its role in creating safe, just, and equitable communities. DCJ conducts data analysis and research on enforcement in the community, the adjudication of cases in the courts, and the use of confinement in jails and prisons. DCJ's work has informed policy reforms, facilitated partnerships between researchers and government agencies across the country, spurred new scholarly research on lower-level enforcement, and has been cited extensively in the press. For more information about the Data Collaborative for Justice please visit: www.datacollaborativeforjustice.

REFERENCES

Blumstein, A. (1995). Youth violence, guns, and the illicit-drug industry. *Journal of Criminal Law & Criminology, 86*(1), 10-36.

Bratton, W. (1996). *Cutting crime and restoring order: What America can learn from New York's finest.* The Heritage Foundation. https://www.heritage.org/crime-and-justice/report/cutting-crime-and-restoring-order-what-america-can-learn-new-yorks-finest

Bratton, W. (2015, May 4). "Letter to New York City Council." Received by Speaker Melissa Mark-Viverito. https://assets.documentcloud.org/documents/2073238/bratton-letter-to-mark-viverito.pdf

Brooklyn Community Bail Fund. (2020). *The Brooklyn Community Bail Fund.* https://brooklynbailfund.org/.

The Brooklyn District Attorney's Office. (2018). *Justice 2020: An action plan for Brooklyn.* http://brooklynda.org/wp-content/uploads/2019/03/Justice2020-Report.pdf

The Bronx Freedom Fund. (2020). *The Bronx Freedom Fund.* http://www.thebronxfreedomfund.org

Carson, E. A. (2020, April). *Prisoners in 2018*. U.S. Department of Justice, Bureau of Justice Statistics. https://www.bjs.gov/content/pub/pdf/p18.pdf

Center for Court Innovation. (n.d.) *Midtown Community Court*. https://www.courtinnovation.org/programs/midtown-community-court

The City of New York. (2015, July 8). Mayor de Blasio announces $17.8 million to reduce unnecessary jail time for people waiting for trial. [Press release]. https://www1.nyc.gov/office-of-the-mayor/news/471-15/mayor-de-blasio-17-8-million-reduce-unnecessary-jail-time-people-waiting-trial

The City of New York. (2019, Nov 8). City expands award-winning, nationally recognized supervised release program in response to state bail reform. [Press release]. https://www1.nyc.gov/office-of-the-mayor/news/530-19/city-expands-award-winning-nationally-recognized-supervised-release-program-response-state

The City of New York. (2020, Oct 21). Major milestone reached in City's commitment to close Rikers Island jails [Press Release]. https://www1.nyc.gov/office-of-the-mayor/news/729-20/major-milestone-reached-city-s-commitment-close-rikers-island-jails

Chauhan, P., Balazon, E., Tomascak, S., Cuevas, C., Lu, O., Hood, Q., Warner, T. & Fera, A. (2016). *Trends in admissions to the New York City Department of Correction, 1995-2015*. Data Collaborative for Justice. https://datacollaborativeforjustice.org/wp-content/uploads/2020/04/DOC_Admissions.pdf

Chauhan, P., Hood, Q.O., Balazon, E.M., Cuevas, C., Lu, O., Tomascak, S., & Fera, A.G. (2017*). Trends in custody: New York City Department of Correction, 2000-2015*. Data Collaborative for Justice. https://datacollaborativeforjustice.org/wp-content/uploads/2020/04/DOC_Custody_Trends.pdf

Curtis, R., & Wendel, T. (2007). "You're always training the dog": Strategic interventions to reconfigure drug markets. *Journal of Drug Issues, 37*(4), 867−891.

Dobbie, W., Goldin, J., & Yang, C. (2018). The effects of pre-trial detention on conviction, future crime, and employment: Evidence from randomly assigned judges. *American Economic Review, 108*(2): 201−240 https://doi.org/10.1257/aer.20161503

Glaze, L. E. & Bonczar, T. P. (2008). *Probation and parole in the United States, 2006*. U.S. Department of Justice, Bureau of Justice Statistics. https://www.bjs.gov/content/pub/pdf/ppus08.pdf

Glazer, E. (2015, May 7). Testimony delivered to the New York State Assembly Standing Committees. https://criminaljustice.cityofnewyork.us/category/testimony/

Goodman, J.D. (2017, March 31). Mayor backs plan to close Rikers and open jails elsewhere. *The New York Times.* https://www.nytimes.com/2017/03/31/nyregion/mayor-de-blasio-is-said-to-back-plan-to-close-jails-on-rikers-island.html

Greene, J.A. & Mauer, M. (2010). *Downscaling prisons: Lessons from four states*. The Sentencing Project. https://www.sentencingproject.org/wp-content/uploads/2016/01/Downscaling-Prisons-Lessons-from-Four-States.pdf

Greene, J. A. & Schiraldi, V. (2016). Better by Half: The New York City Story of Winning Large-Scale Decarceration while Increasing Public Safety. *Federal Sentencing Reporter, 29*(1), 22–38.

Hakuta, J., Soroushian, V., & Kralstein, D. (2008). *Do community courts transform the justice response to misdemeanor crime?* Center for Court Innovation. https://www.courtinnovation.org/sites/default/files/Midtown_Downtown.pdf

Heaton, P., Mayson, S., & Stevenson, M. (2017). The downstream consequences of misdemeanor pretrial detention. *Stanford Law Review, 69*(3). https://link.gale.com/apps/doc/A491843133/AONE?u=cuny_johnjay&sid=AONE&xid=af54c98c

Hughes, T., Wilson, D.J., & Beck, A.J. (2001). *Trends in state parole, 1990-2000*. U.S. Department of Justice, Bureau of Justice Statistics. https://www.bjs.gov/content/pub/pdf/tsp00.pdf

Hong, N, & Ransom, J. (2020, Dec 2). Only 9 trials in 9 months: Virus wreaks havoc on N.Y.C. courts. *The New York Times*. https://www.nytimes.com/2020/12/02/nyregion/courts-covid.html

The Independent Commission on New York City Criminal Justice and Incarceration Reform. (2019, June). Stopping parole's revolving door: Opportunities for reforming community supervision in New York. https://www.morejustnyc.org/reports

James, D. J. (2002). *Profile of Jail Inmates, 2002*. U.S. Department of Justice, Bureau of Justice Statistics. https://www.bjs.gov/content/pub/pdf/pji02.pdf

Johnson, B. D., Golub, A., & Dunlap, E. (2005). The Rise and Decline of Hard Drugs, Drug Markets, and Violence in Inner-City New York. In A. Blumstein & J. Wallman (Eds.), The Crime Drop in America. (2nd ed., pp. 164-206). Cambridge University Press.

Kaeble, D. (2018). *Time served in state prison, 2016*. U.S. Department of Justice, Bureau of Justice Statistics. https://www.bjs.gov/content/pub/pdf/tssp16.pdf

Kaeble, D., & Alper, M. (2020). *Probation and parole in the United States, 2017-2018*. U.S. Department of Justice, Bureau of Justice Statistics. https://www.bjs.gov/content/pub/pdf/ppus1718.pdf

Karmen, A. (2000). *New York murder mystery: The true story behind the crime crash of the 1990s*. New York: New York University Press.

Lee, C.G., F. Cheesman, D. Rottman, R. Swaner, S. Lambson, M. Rempel & R. Curtis. (2013). A community court grows in Brooklyn: A comprehensive evaluation of the Red Hook Community Justice Center. Williamsburg VA: National Center for State Courts. https://www.courtinnovation.org/sites/default/files/documents/RH%20Evaluation%20Final%20Report.pdf

Leslie, E., & Pope, N. G. (2017). The unintended impact of pretrial detention on case outcomes: Evidence from New York City arraignments. *Journal of Law & Economics, 60*(3), 529–557. https://doi.org/10.1086/695285

Less Is More NY. (n.d.). *Less is more*. https://www.lessismoreny.org/

The Liberty Fund. (2020, Jan 9). The Liberty Fund to introduce new ROR services. [Press Release]. https://www.libertyfund.nyc/wp-content/uploads/2020/01/The-Liberty-Fund-ROR-Press-Release-1.9.2020.pdf

Lowenkamp, C. T, VanNostrand, M., & Holsinger, A. M. (2013). *The hidden costs of pretrial detention*. The Laura and John Arnold Foundation. https://nicic.gov/hidden-costs-pretrial-detention

Lu, O., Hood, Q., Bond, E., Tellman, M., & Chauhan, P. (2019). *Assessing potential impacts of 2020 bail reforms in New York City*. Data Collaborative for Justice. https://datacollaborativeforjustice.org/wp-content/uploads/2020/04/DCJ_Bail_Brief.pdf

Lu, O., Bond, E., Chauhan, P. (2021). *Assessing the potential impact of 2020 bail reforms on 2019 New York City criminal court cases*. Data Collaborative for Justice. https://datacollaborativeforjustice.org/wp-content/uploads/2021/01/2021_01_08_DCJ-2019-Bail-Report.pdf

Manhattan District Attorney's Office. (2018, Jan 9). Manhattan and Brooklyn district attorney's offices end requests for bail in most misdemeanor cases [Press Release]. https://www.manhattanda.org/manhattan-and-brooklyn-district-attorneys-offices-end-requests-bail-most-misdemeanor/

Morales, E. (2018). *Latinx: The new force in American politics and culture.*

New York City Department of Correction. (n.d.). *Facilities overview.* https://www1.nyc.gov/site/doc/about/facilities.page

New York City Mayor's Office of Criminal Justice. (n.d.a). *A guide to supervised release in 2020.* https://criminaljustice.cityofnewyork.us/wp-content/uploads/2020/11/SR-2020_Benchcard_Citywide_Non_COVID.pdf

New York City Major's Office of Criminal Justice. (n.d.b). *Supervised release.* https://criminaljustice.cityofnewyork.us/programs/supervised-release/

New York City Mayor's Office of Criminal Justice. (2018a). *Justice brief - jail: City sentences 2017.* https://criminaljustice.cityofnewyork.us/wp-content/uploads/2018/05/sentenced-factsheet-v13.pdf

New York City Mayor's Office of Criminal Justice. (2018b). *Reducing case delay: Swifter cases and better justice.* https://criminaljustice.cityofnewyork.us/programs/shorten-length-of-stay/

New York City Mayor's Office of Criminal Justice. (2020a). *Beyond Rikers commitment tracker.* https://morr.maps.arcgis.com/apps/MapSeries/index.html?appid=ddbcde148a9a4cc792872ff28ee8dacd

New York City Mayor's Office of Criminal Justice. (2020b). *City alternative to incarceration program expands* [Press Release]. https://criminaljustice.cityofnewyork.us/press-release/city-alternative-to-incarceration-program-expands/#:~:text=NEW%20YORK%E2%80%94The%20Mayor's%20Office,through%20millions%20in%20new%20investments.

New York City Mayor's Office of Criminal Justice. (2020c). *New York City jail population reduction in the time of COVID-19.* https://criminaljustice.cityofnewyork.us/wp-content/uploads/2020/05/COVID-factsheet-MAY-25-2020.pdf

New York City Mayor's Office of Criminal Justice. (2020d). What's behind the jail population increase? http://criminaljustice.cityofnewyork.us/wp-content/uploads/2020/12/Whats-behind-the-jail-population-increase-December-2020.pdf

New York City Open Data. (2020). *Daily Inmates in Custody*. Retrieved November 10, 2020 and December 17, 2020 from https://data.cityofnewyork.us/Public-Safety/Daily-Inmates-In-Custody/7479-ugqb

New York Police Department (1994). *Police strategy no. 5: Reclaiming the public spaces of New York*. New York: City of New York Police Department.

New York Police Department. (2021, January 6). *Overall crime in New York City reaches record low in 2020.* https://www1.nyc.gov/site/nypd/news/p0106a/overall-crime-new-york-city-reaches-record-low-2020

New York State Bar Association. (2019). *Report of the New York State Bar Association Task Force on the parole system.* https://nysba.org/app/uploads/2019/12/NYSBA-Task-Force-on-the-Parole-System-Final-Report.pdf

New York State Division of Criminal Justice Services. (2010). *New York state felony drug arrest, indictment and commitment trends 1973-2008*. https://www.criminaljustice.ny.gov/pio/annualreport/baseline_trends_report.pdf

New York State Division of Criminal Justice Services. (n.d.). *Adult Arrests 18 and older, 2010-2019*. Retrieved on April 15, 2021 from: https://www.criminaljustice.ny.gov/crimnet/ojsa/arrests/nyc.pdf

New York State Division of Criminal Justice Services. (2017). *2009 drug law changes 2016 annual report*. https://www.criminaljustice.ny.gov/crimnet/ojsa/FINAL-2016-DLR-Update.pdf

New York Unified Court System. (2019, Feb 26). Chief Judge Janet DiFiore presents her State of Our Judiciary Address, highlighting further progress to eliminate case delays, announcing additional reforms to enhance the delivery and quality of justice in NY [Press release]. https://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PR19_06.pdf

Noe-Bustamante, L., Morris, L., & Lopez, M. H. (2020). About one-in-four U.S. Hispanics have heard of Latinx but just 3% use it. Pew Research Center. https://www.pewresearch.org/hispanic/wp-content/uploads/sites/5/2020/08/PHGMD_2020.08.11_Latinx_FINAL.pdf

Patten, M., Hood, Q. O., Low-Weiner, C., Lu, O., Bond, E., Hatten, D., & Chauhan, P. (2018). *Trends in misdemeanor arrests in New York, 1980 to 2017*. Data Collaborative for Justice. https://datacollaborativeforjustice.org/wp-content/uploads/2018/12/FINAL.pdf

Phillips, M. (2012)*. A decade of bail research in New York City*. New York City Criminal Justice Agency. https://www.prisonpolicy.org/scans/DecadeBailResearch12.pdf

Redcross, C., Skemer, M., Guzman, D., Rahman, I., & Lachance, J. (2017). *New York City's pretrial supervised release program: An alternative to bail.* MDRC & Vera Institute of Justice. https://www.vera.org/downloads/publications/Supervised-Release-Brief-2017.pdf

Rempel, M. (2020). *COVID-19 and the New York City jail population*. Center for Court Innovation. https://www.courtinnovation.org/sites/default/files/media/documents/2020-11/COVID_jail_NYC.pdf

Scrivener, L., Meizlish, A., Bond, E., Chauhan, P. (2020). *Tracking enforcement trends in New York City: 2003-2018.* New York: Data Collaborative for Justice. https://datacollaborativeforjustice.org/wp-content/uploads/2020/09/2020_08_31_Enforcement.pdf

U.S. Bureau of Labor Statistics. (2020). *CPI for all urban consumers*. 1995-2020. https://data.bls.gov/timeseries/CUUR0000SA0

Vera Institute of Justice. (2021, Feb). Empire state of incarceration. https://www.vera.org/downloads/nys-jails-fact-sheets-2021/new-york-city_2021-02-10-205711.pdf

Williams, M. R. (2003). The effect of pretrial detention on imprisonment decisions. *Criminal Justice Review 28*:299–316.

Zeng, Z. (2018, Feb). *Jail inmates in 2016*. U.S. Department of Justice, Bureau of Justice Statistics. https://www.bjs.gov/content/pub/pdf/ji16.pdf

Zeng, Z. (2020, March). *Jail inmates in 2018*. U.S. Department of Justice, Bureau of Justice Statistics. https://www.bjs.gov/content/pub/pdf/ji18.pdf

APPENDIX A: DATA & DEFINITIONS

All analyses in this report use operational data provided by the New York City Department of Correction (DOC), the agency responsible for housing all jailed individuals in New York City. The New York City Department of Correction manages all the jail facilities on Rikers Island, four borough-based jails, and two secure hospital facilities.

Corrections Data: This data contains the following de-identified information for all individuals 16 years of age and older admitted to DOC between 1995 and 2019: admission date, sentencing date, release date, admission and release status, bail amount at admission, information on the top charge at admission (charge type, charge severity, charge's UCR code), disposition and sentence information, age, race/ethnicity, sex, and borough of the individual admitted. In the dataset that we used for these analyses, we removed cases that were below 16 years of age and those that were missing age. Therefore, our numbers are slightly lower than that actual number of individuals admitted to DOC. It is also important to note that all of the data that we received only includes one charge with each admission – the top charge – which is a value determined by the DOC. As such, we are unable to analyze the full number or combination of charges attached to each admission. In addition, in the DOC data, it is not possible to tell with certainty whether an outlier is due to an administrative error or whether it is reflecting a real case. Given this, we have purposefully kept all non-missing values in our analyses so as to not erroneously remove any individuals' records.

A Note on Counts: The total counts for each category investigated include all admissions except those that are missing for that specific category of focus. For example, when reporting the proportions of pretrial admissions by race, the denominator is the number of pretrial admissions which did not have missing information for race/ethnicity (however, admissions that <u>were</u> missing information, for age, borough, charge type, or bail amount, for example, would be included in this count). As such, the total N for each category may change across the categories analyzed. We made this decision in order to retain the maximum data possible for each separate investigation.

Demographics Data: For our analysis of women, we do not have non-binary information and therefore, use the labels that were provided to us (i.e., male, female).

This report used the term "Latinx" in lieu of the term "Hispanic" that is used in the underlying data. Latinx is intended to be inclusive of all people of Latin American origin or descent, including indigenous peoples and those whose native language is not Spanish. The usage of the letter "x" is intended to acknowledge gender inclusivity beyond a binary male/female designation (Morales, 2018). We acknowledge that this is an emerging term and many individuals of Latin American origin may not self-identify as Latinx, especially in older age groups (Noe-Bustamante, et al., 2020).

Charges: An individual may enter DOC with many charges, however the analyses focus on top (i.e. most severe) charge at admission. Therefore, when referring to an individual's charge at admission, we are referring to their top charge at admission.

Population Data: All the rates in this report are calculated as admissions per 100,000 people. For instance, the annual admissions rate for males is calculated as the total number male admissions for every 100,000 males in New York City in that given year. For this analysis, we use U.S. Census population estimates for New York City for race/ethnicity (non-Hispanic Black, non-Hispanic White, Hispanic), sex (male and female), age groups (16 and older), and borough. This population data was downloaded from the National Historic Geographic Information System (NHGIS) at the census tract level. Intercensal years (between the 1990, 2000, and 2010 censuses) and 2019 total population counts (which have not been released as of this report's publication) were calculated using linear interpolation.

The U.S. Census population data used in the original 2016 report were downloaded using the Census Bureau's DataFerrett tool (decommissioned as of June 30, 2020). Population counts were downloaded for New York City for total population, age, race, and sex, for years 1990, 2000, 2010, 2011, 2012, and 2013. Linear interpolation was used to calculate values for intercensal years between 1995-2009, and 2013 values were used as estimates for 2014 and 2015. Any slight discrepancies in admission rates between the two reports can be explained by the different sources for population counts, and the use of census tract-level data in the current report to calculate population estimates, as opposed to county- or city-level data in the previous report.

Bail Amount Set: Data provided by DOC contains a bail amount variable that is the bail amount set at arraignment. In some cases, judges will give a cash amount and a bond amount. The bail amount variable provides the lower of these two, which is almost always the cash amount. This amount can change and does not always represent the amount an individual paid in bail. There are a number of bail amount numbers that are placeholder/flags (e.g., $1 or $999,999) for judges, prosecutors and defense attorneys. Using information given by DOC about such placeholder values, we eliminated all bail amounts under $50, all bail amounts that consisted of multiples of the same number (i.e. $111,111 $2,222,222, $8,888,888), and all bail amounts that included an excess of 9s (i.e. $999,999, $9,099,999, and $9,999,998). Further, we present all bail amount in 2020 dollars after calculating bail inflation via the Consumer Price Index (Bureau of Labor Statistics, 2020). Lastly, for all calculations involving bail amounts set, we used admission year as the unit of analysis.

Length of Stay: The DOC data provides an admission date, sentence date and discharge date for most admissions. For calculations involving length of stay and discharge category, we limited all analyses to years 2000 to 2019, and used discharge year as the unit of analysis. For all longitudinal analyses using length of stay, we begin at year 2000, in order to leave enough lag time to account for individuals with the longest stays in custody. From this data we calculated three different lengths of stay:

- Pretrial length of stay: For any pretrial admission that is discharged as a pretrial, the pretrial length of stay is calculated from the admission date to the discharge date. For any pretrial admission that is discharged as anything other than pretrial (i.e., city sentenced, prison transfer, time served, etc.), the pretrial length of stay is calculated from the admission date to the sentence date. The majority of our analyses focus on pretrial length of stay.
- City sentenced/parole violation length of stay: For any city sentenced or parole violation admissions, we calculated the length of stay from admission date to discharge date, the entire length of stay in DOC custody.

For bail amounts and lengths of stay, we provide mean, median and percent distributions. The mean (i.e., average) includes outliers of individuals who may have long lengths of stay or large bail amounts. The median indicates that half the individuals are above and half are below the length of stay or bail amount.

Discharge Category: In order to present the discharge data in a digestible format, we consolidated the 28 discharge statuses into the following categories: bail paid, released on own recognizance (ROR), adjournment in contemplation of dismissal/conditional discharge (ACD/CD), acquittal/dismissal, sentence expired/time served, prison transfer, transfer to another agency/hospital, fine/probation, and other. All of the discharge figures show discharges for those who were initially admitted as pretrial and do not include those admitted for other reasons.

Violent Charges: The definitions for "violent" or "non-violent" charges used in this report are based on the UCR codes of the top charge at admission. The inclusion criteria for "violent" charges are the UCR codes for Murder, Non-Negligent Manslaughter, Negligent Manslaughter, Rape (Pre-2013), Rape (2013 Expanded), Robbery, Aggravated Assault, Arson, Kidnapping, Simple Assault, and Offenses Against the Family. The inclusion criteria for "non-violent" charges are all other non-missing UCR codes.