

# Racial Disparities in the Use of Jail Across New York City, 2016-2021

February 2023

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**DATA COLLABORATIVE** FOR JUSTICE

AT JOHN JAY COLLEGE

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## ACKNOWLEDGEMENTS

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Data for this report came from the New York City Department of Correction (DOC). We are deeply grateful to DOC for its partnership in facilitating our work on this report and many previous ones. Thank you to David Firstman at DOC for his help preparing the data and answering our questions. This data was provided by and belongs to the New York City Department of Correction. Any further use of this data must be approved by the New York City Department of Correction. Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of the New York City Department of Correction.

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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 justice 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: <https://datacollaborativeforjustice.org/>

## Chapter 1 - Introduction

**For decades, Black and Brown communities have been disproportionately represented in New York City jails.** Despite New York's relatively low incarceration rate compared to other U.S. cities,<sup>1</sup> a [recent study](#) found that 27% of Black and 16% of Hispanic men in New York, compared to 3% of white men, were jailed by the age of 38. The same study found that Black men had disproportionately high rates of *repeated* incarceration and were especially likely to have been jailed if they lived in New York City neighborhoods high in poverty.<sup>2</sup> These yawning disparities both reflect and contribute to the perpetuation of broader structural inequities in New York City and nationwide. For instance, [research by the Brennan Center for Justice](#) found that incarceration results in a 52% lifetime reduction in annual earnings.<sup>3</sup>

**Racial and ethnic disparities not only appear at the front door of the City's criminal justice system; recent research demonstrates that what happens *within* the system is making preexisting disparities worse, not better.** Black New Yorkers accounted for 53% of people charged with a criminal offense in 2020, despite only making up 22% of the general population as of 2021. Because their cases resulted disproportionately in incarceration,<sup>4</sup> Black New Yorkers then made up 60% of the jail population or close to it across a range of dates from 2020 to 2022.<sup>5</sup> Recent research also found that people convicted of crimes in the City who had comparable charges and criminal histories were more likely to be sentenced to jail or prison if they were Black or Hispanic than if they were white.<sup>6</sup>

**Even successful efforts to shrink New York City's jail population have had mixed results in addressing racial disparities.** In early 2020, New York City became the epicenter of the nation's COVID-19 pandemic. Infection rates spread rapidly on Rikers Island, highlighting unsanitary conditions in the jails and the urgency of releasing people to safety.<sup>7</sup> Although short-lived, ensuing humanitarian efforts temporarily contributed to the City's lowest jail population since the 1940s.<sup>8</sup> Overlapping with the pandemic's outbreak was the implementation of the state's reformed bail law in January 2020.<sup>9</sup> Studies have linked this law to significant reductions in bail-setting and new jail admissions. But despite these changes, racial disparities have persisted.<sup>10</sup> In 2019, Black people in New York City were 5.4 times more likely to be jailed than non-Hispanic white people. Spanning different periods of 2020, the difference *grew* to 6.0 or higher.<sup>11</sup> Additional research found that within 2020, the gap between NYC judges' rates of bail-setting for Black versus white people significantly increased when isolating the violent felony charges that have remained eligible for bail.<sup>12</sup> [In 2021](#), New York City's judges set bail or remanded 56% of Black people charged with violent felonies,<sup>13</sup> compared to 51% of Hispanic and 43% of white people, even though [research by the New York City Criminal Justice Agency](#) has found no link between race/ethnicity and court appearance.<sup>14</sup>

## About This Report

The purpose of this report is to conduct a deep dive into racial disparities in New York City's current use of jail. Besides examining overall racial/ethnic disparities, the analysis breaks down cases in several ways, including:

- **Year:** Comparing disparities across the recent five-year period from 2016 to 2021.
- **Borough:** Calculating jail incarceration rates by race/ethnicity in each of the City's five boroughs to determine where decision-makers are more or less likely to send people to jail at disparate rates.
- **Reason for Incarceration:** Examining disparities for people admitted pretrial, on a parole violation, or on a sentence.
- **Length of Stay:** Comparing disparities for people in jail over shorter or longer periods.<sup>15</sup>
- **Incarceration Due to Inability to Pay Bail:** Comparing disparities for people held before trial for an inability to pay bail as opposed to a remand order; and for people who cannot pay low vs. high bail amounts.
- **Mental Health Status:** Examining disparities for those involved in mental competency proceedings or flagged for mental illness during their time in jail.
- **Charge Severity and Type:** Whether disparities are magnified for certain charges (and which ones).
- **Neighborhood:** Mapping the distribution of the City's jail admissions by zip code as well as investigating the extent to which racial disparities are evident within neighborhoods across New York City.

With data provided by the NYC Department of Correction, this report focuses mainly on jail admissions and discharges from 2016 through 2021. See [prior Data Collaborative for Justice \(DCJ\) reports](#) for information on earlier trends since 1995.<sup>16</sup>

A recent [companion report](#) to this one presents data on changes in NYC's use of jail before and after passage of the state's reformed bail law, complementing the current deep dive into racial disparities.<sup>17</sup> Other relevant resources include a Vera Institute of Justice [report](#) on New York State's jail population in 2019 and 2020 and a report by DCJ and several partner agencies focusing on the incarceration of women and gender-expansive people at Rikers Island.<sup>18</sup>

## JAILS, PRETRIAL INCARCERATION, AND RACE

Jails impact the lives of a large proportion of New Yorkers, many of whom are from Black or Hispanic communities. Similar to jails in other places, New York City jails are composed primarily of people who: (1) have been charged, but not convicted, of a crime(s) ("**pretrial**"), (2) have been convicted and sentenced for less than one year ("**city sentenced**"), or (3) have allegedly violated the terms of their parole, either due a newly pending criminal matter in the pretrial stages ("**parole violation due to a new arrest**") or a non-criminal matter such as a missed appointment or positive drug test ("**technical parole violation**"). A small proportion of local jail populations may also include people with open warrants or those held for other authorities or agencies (e.g., immigration holds).

People held before trial because a judge set bail they could not pay or remanded them to jail made up 84% of New York City's November 1, 2022 jail population, compared to 64% in April 2019, a remarkable and unpredicted shift following the reforms to New York's pretrial bail laws. **More than at any other time in three decades, Rikers Island mainly houses people presumed innocent of a crime.**<sup>19</sup>

Jail stays almost always have deleterious consequences for individuals, their families, and communities. Studies have linked pretrial detention to other negative case outcomes, such as a higher likelihood of conviction and longer sentence length,<sup>20</sup> significantly lower lifetime earnings,<sup>21</sup> loss of employment and housing,<sup>22</sup> development of mental health issues or exacerbation of existing ailments,<sup>23</sup> and increased recidivism following release.<sup>24</sup>

The negative effects of jails disproportionately fall on Black and Brown people. In 2021, research found that across the United States, Black people are incarcerated at nearly 5 times the rate of white people, and Hispanic people are incarcerated at 1.3 times the rate of white people.<sup>25</sup> In New York City, the November 1, 2022 jail population was 61% Black (which translated to a rate of 12 Black people for every one white person in the City's jail population). Not only are they overrepresented, but also, the long-term harms of even a short stay in jails are especially acute for Black and Brown communities, which may face additional hardships in the form of socioeconomic, employment, and housing disadvantages.<sup>26</sup>

### **WHO IS RESPONSIBLE FOR JAIL INCARCERATION AND RACIAL DISPARITIES?**

*Incarceration in the City's jails predominantly results from decisions by judges and prosecutors (impacting who is detained before trial or as a result of a sentence) and parole officers (impacting who is detained on a parole violation). Indirect responsibility for jail incarceration and observed racial disparities is inevitably more complicated and diffuse, potentially implicating structural discrimination, arrest practices by law enforcement, or other factors. But study data most directly reflects decisions made within the City's court and parole systems.*

## Why This Study Now?

Recent years have seen heightened interest in understanding and rectifying the nation's many manifestations of racial injustice. In New York City, key events include:

- **Passage of the state's bail reform law in April 2019**, driven in part by known race- and wealth-based disparities in who can afford bail.
- **New York City Council vote to permanently close Rikers Island and shrink the City's jail population in November 2019**, which followed years of advocacy, a report by the Lippman Commission in April 2017 that offered a path to accomplish Rikers' closure,<sup>27</sup> and the support of former Mayor Bill de Blasio. Providing tragic context for these efforts to close Rikers was the death of Kalief Browder, a young Black man who took his own life after being held in pretrial detention on Rikers Island for three years for allegedly stealing a backpack.
- **Protests against police violence towards Black people in the spring of 2020**, directly stemming from the murders of George Floyd and Breonna Taylor.
- **An October 2020 [report](#) documenting rampant institutional racism in the New York State courts**,<sup>28</sup> precipitating ongoing questions regarding whether effective corrective action has been taken by actors within and outside the court system.<sup>29</sup>
- **Research from the Columbia Justice Lab identifying [vast racial disparities](#) in people jailed on parole violations**,<sup>30</sup> ultimately leading to the passage of parole reforms under the Less Is More Act in 2021.<sup>31</sup>
- **Former Mayor Bill de Blasio's appointment of a Racial Justice Commission**, which crafted [three proposals](#) put on the ballot for changing the City Charter, all approved by voters in November 2022.<sup>32</sup>

The City's overall daily jail population stagnated at just under 6,000 people throughout 2022. Yet, plans for closing the Rikers Island jail complex anticipate a daily jail population of less than 3,300. With Rikers serving as a potent symbol of historic racism,<sup>33</sup> failing to shutter it on schedule in 2027 could represent a symbolic step away from the amelioration of racial disparities as a goal of the City's 21st century criminal justice system.

In this context, our goal is to produce empirical research that can inform and guide policy. Given the reality that data presented below will point to *increasing* racial disparities over the past five years, it does not appear that race neutral reforms have been sufficient. **Our findings underscore the urgency of more intentional efforts - and, potentially, a role for the [City's newly approved Racial Equity Commission and Office of Racial Equity](#) - to treat the criminal justice system as a priority area for future racial justice analysis and reform.**<sup>34</sup>

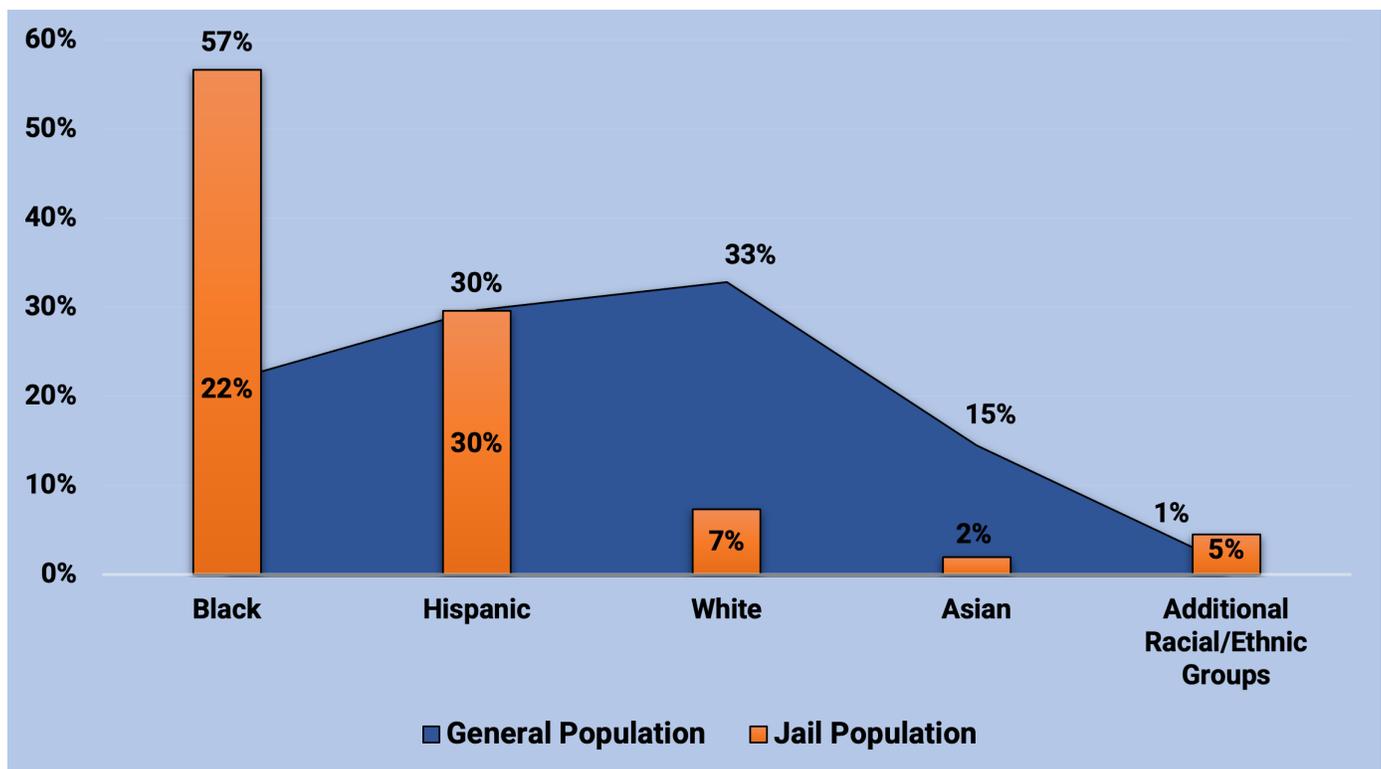
## Chapter 2 - Citywide Racial Disparities

*Who is incarcerated in New York City jails, and to what extent does the jail population mirror the general population?*

In 2021, Black (57%) and Hispanic (30%) people made up almost 90% of New York City's over 16,000 jail admissions. Yet, as of the 2021 census, Black people only made up 22% and Hispanic people 30% of the City's general population. White people made up 33% of the City's population but only 7% of its jail admissions, and Asian people made up 15% of the City's population but 2% of admissions (Exhibit 2.1).<sup>35</sup>

Relative to the general population,<sup>36</sup> the City's jail admission rate per 100,000 people was 11.6 times higher for Black than white people in 2021. Hispanic individuals were 4.7 times more likely to be admitted to jail than white people.<sup>37</sup> Notably, Hispanic people's incarceration in NYC jails is consistent with its overall share of the City's general population; in this sense, the City's Hispanic population lies at the pivot-point between the sizable over-incarceration of Black and sizable under-incarceration of white people.

**EXHIBIT 2.1: RACIAL MAKEUP OF NYC JAILS VS. NYC GENERAL POPULATION 2021**



## Rising Racial Disparities from 2016 to 2021

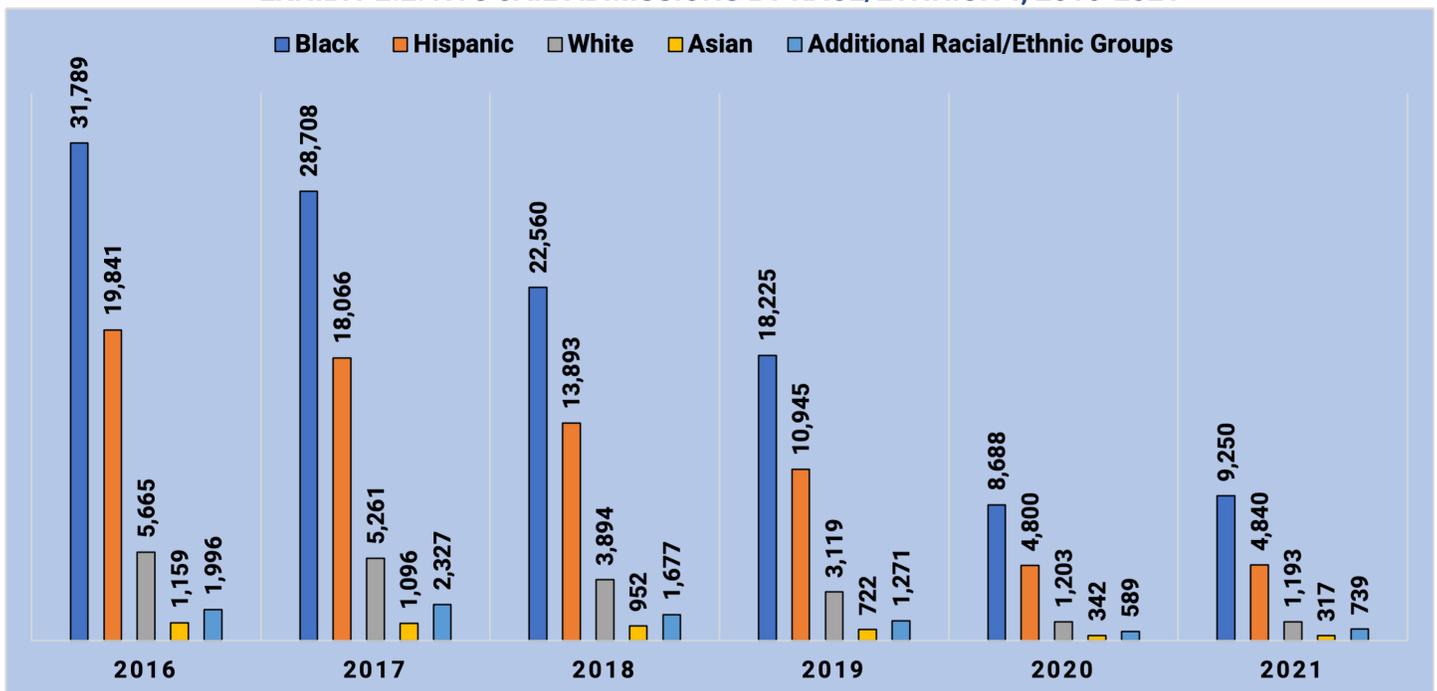
### *How has the composition of people admitted to jail changed in recent years (if at all)?*

From 2016 to 2021, jail admissions dropped for all groups, yet in relative terms, racial disparities widened among those who continued to be incarcerated. Key findings include:

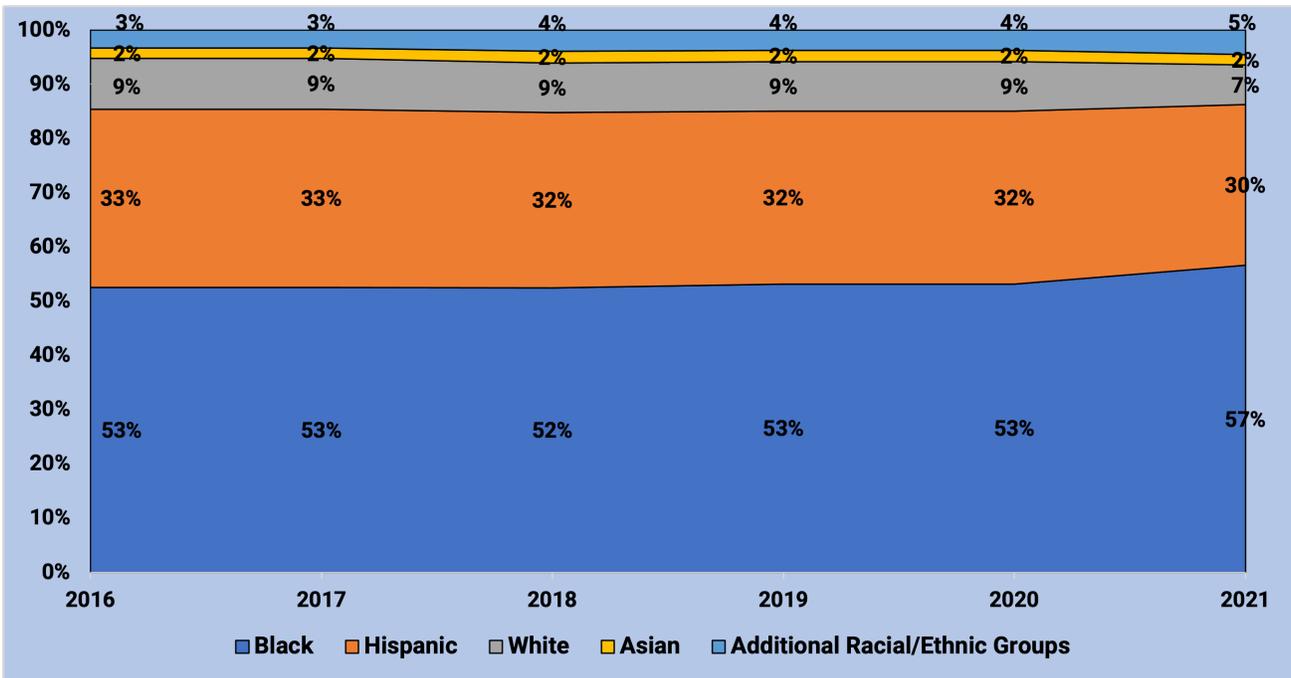
- **Declining Jail Admissions for All Racial/Ethnic Groups:** Over the past five years, the number of people admitted to the City's jails steadily decreased, with every racial/ethnic group experiencing a sizable reduction. On balance, admissions dropped 74% from 60,822 in 2016 to 15,736 in 2020, before an uptick to 16,339 in 2021 (Exhibit 2.2).<sup>38</sup>
- **Rising Racial Disparities Over Five Years:** Even as the absolute number of jail admissions dropped, relative disparities grew. From 2016 to 2021, Black people's share of jail admissions increased by 4 percentage points (53% to 57%), while white people's share declined by 2 points and Hispanic people's share declined by 3 points (Exhibit 2.3).
- **Intensifying Disparities From 2020 to 2021:** Most of the five-year uptick in racial disparities occurred from 2020 to 2021. Between those two recent years, admissions of Black New Yorkers into the City's jails increased by almost 4 percentage points compared to no statistically meaningful change among Hispanic or white people.

**Upshot: A Widening Black-White Gap in the Incarceration Rate.** *The jail incarceration rate was 4.8 times higher for Black than white people in 2016 and grew to 11.6 times higher by 2021 (Exhibit 2.4).<sup>39</sup>*

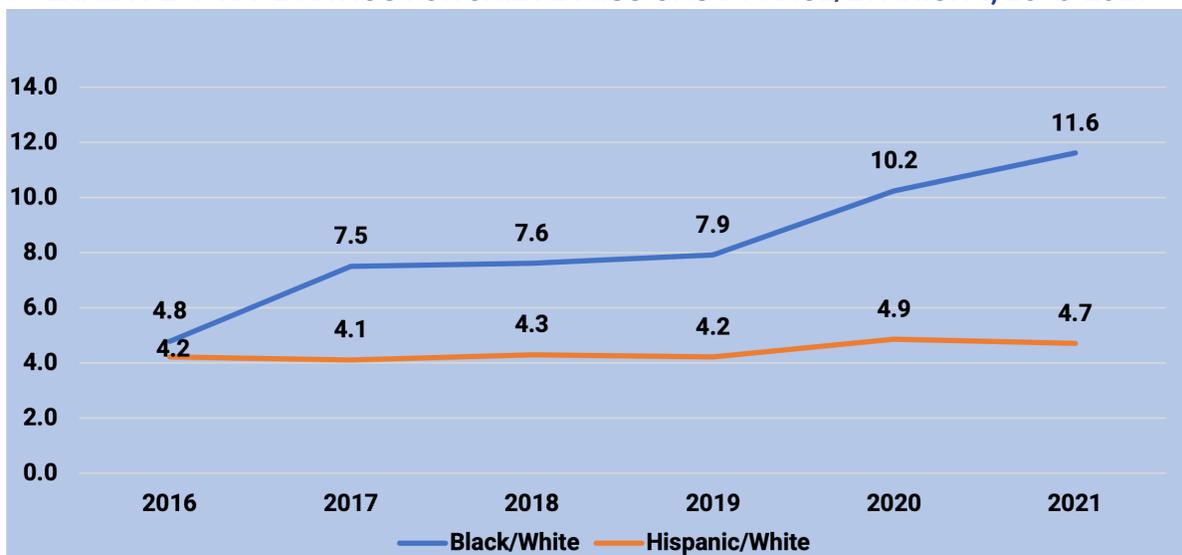
**EXHIBIT 2.2: NYC JAIL ADMISSIONS BY RACE/ETHNICITY, 2016-2021**



**EXHIBIT 2.3: PERCENTAGE OF NYC JAIL ADMISSIONS BY RACE/ETHNICITY ACROSS FIVE YEARS**



**EXHIBIT 2.4: RATE RATIOS FOR JAIL ADMISSIONS BY RACE/ETHNICITY, 2016-2021**



Note: Numbers represent how many times greater are rates of Black versus white jail admissions and Hispanic versus white jail admissions, respectively, per 100,000 people.

## Racially Disproportionate Lengths of Stay

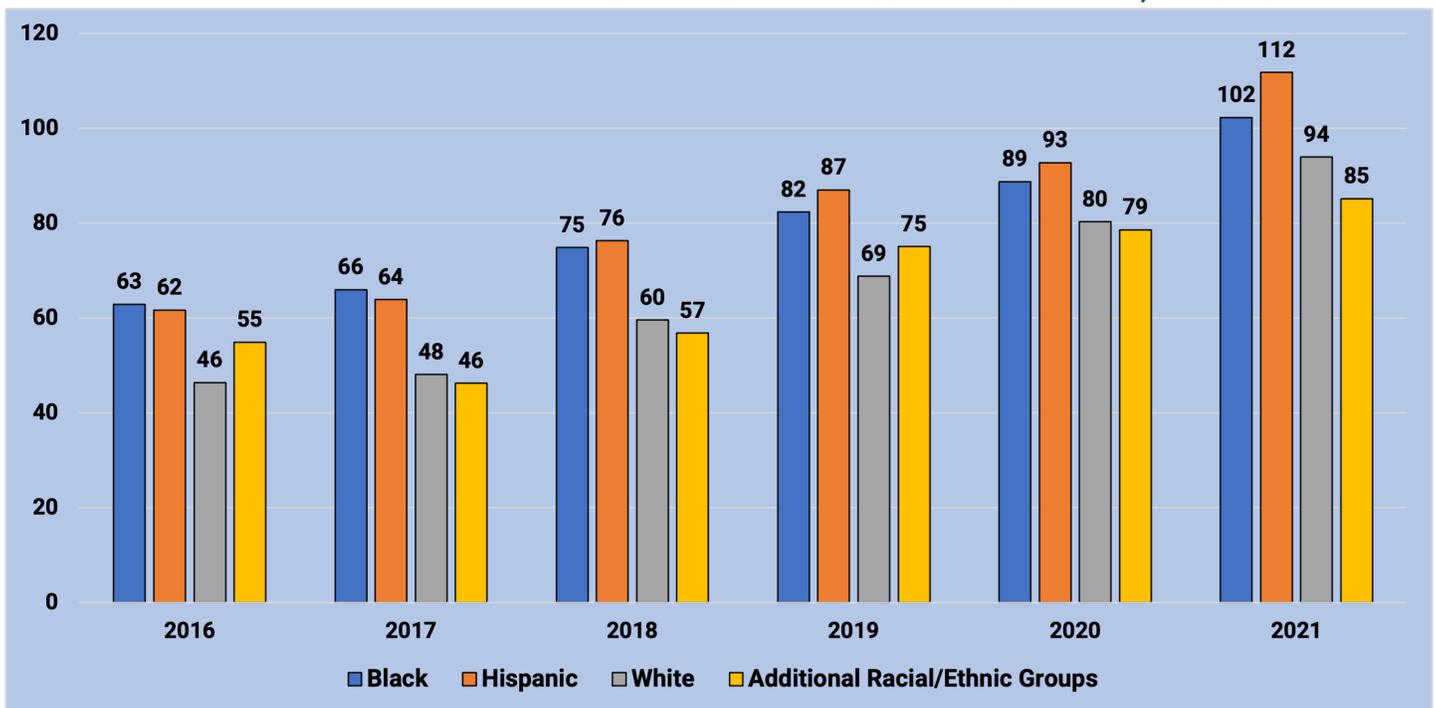
*Are there differences in the amount of time people from certain racial groups spend in jail compared to other groups?*

Adding to racial disparities detected in initial jail admissions, Black and Brown people also averaged more time behind bars once put there. Among people discharged in 2021, Hispanic people averaged 112 days incarcerated, Black people 102 days, and white people 94 days (Exhibit 2.5).

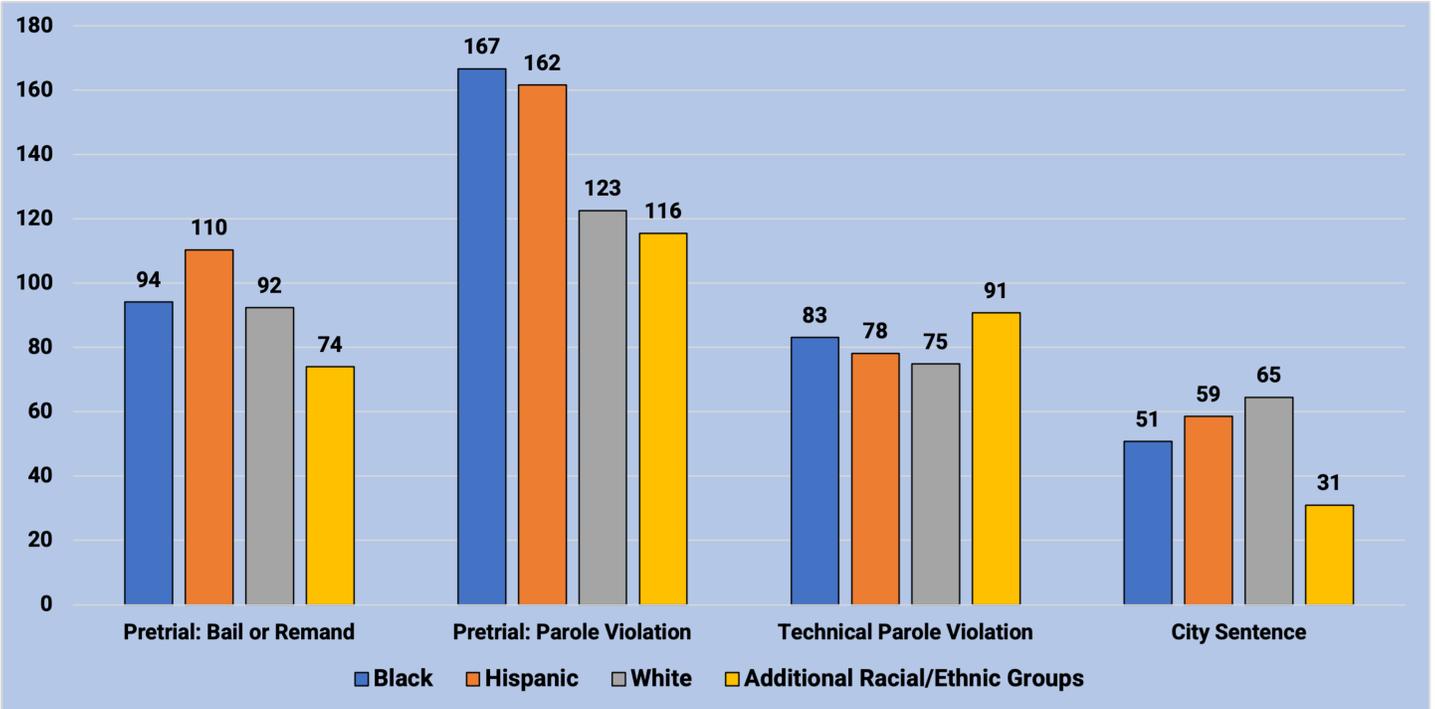
**From 2016 to 2021, lengths of stay increased for all groups, with Black and Brown people continuing to be held for longer periods than others.** However, while Black people averaged the longest lengths of stay in 2016, because Hispanic people saw the greatest five-year increase, their average length of stay became longer than any other group by 2021.

The widest disparities (as well as the longest stays for all groups) involved people held on a parole violation stemming from a new arrest. Such cases saw average lengths of stay exceeding 160 days for Black and Brown people, declining by about a quarter to averages of around 120 days for both white people and those from additional racial/ethnic groups (Exhibit 2.6).

**EXHIBIT 2.5 - AVERAGE LENGTH OF STAY FROM ADMISSION TO DISCHARGE, 2016 - 2021**



**EXHIBIT 2.6 - AVERAGE LENGTH OF STAY BY INITIAL ADMISSION STATUS (FOR DISCHARGES IN 2021)**



## Chapter 3 - Racial Disparities in the Five Boroughs

### *What is the racial composition of people admitted to jails from each of the City's five boroughs, and to what extent are racial disparities evident in each borough?*

In 2021, Brooklyn accounted for the most (3,292), and Staten Island the fewest (906) jail admissions stemming from decisions in the City's criminal courts.

Black people made up a majority of jail admissions in every borough, followed by Hispanic and white people (except in the Bronx, where Black people made up a 43% plurality of 2021 admissions, Hispanic people made up 41%, additional racial/ethnic groups 14%, and white people under 2%; see Exhibit 3.1).

### Five-Year Changes

From 2016 to 2021, the percentage of Black people admitted to jail experienced an 8 percentage-point increase in Queens and Staten Island, a 4 point increase in Brooklyn, and a negligible change in the other two boroughs (details in Appendix B). There was also an 8 point increase (6% to 14%) in the percentage of jail admissions involving people from additional racial/ethnic groups (not Black, Hispanic, white, or Asian).

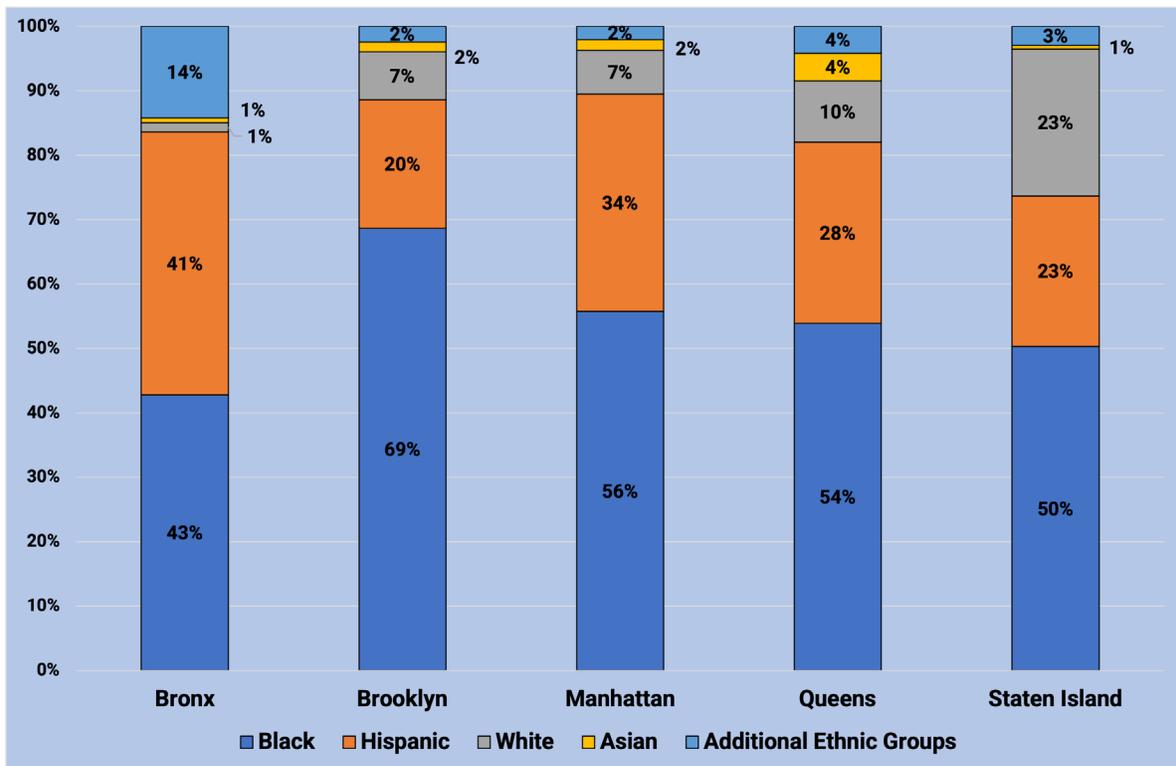
### Incarceration Rates by Borough

Complicating comparisons of racial disparities, the underlying general population of each borough varies. For example, the Bronx is majority Hispanic, Staten Island is majority white, and Manhattan is plurality white. Thus, to determine where racial disparities in jail admissions are greater or lesser relative to each borough's general population composition, we compared borough-based jail incarceration rates (Exhibit 3.2a-e).

**Rising Racial Disparities Across-the-Board.** *Every borough, regardless of its racial demographic makeup, saw a progressive increase from 2016 to 2021 in the extent to which the rate of Black and Hispanic people admitted to NYC jails exceeded white people's incarceration.*

- **Manhattan incarceration rates showed the most startling contrast; in 2016, Black people were jailed at a rate 23 times that of white people, which increased to 29.5 in 2021.**
- In the **Bronx**, the rate at which Black people were admitted to jail increased from 4.8 to 8.9 times that of white people from 2016 to 2021.
- In **Brooklyn**, the rate at which Black people were admitted increased from 7.2 to 11.6 times that of white people from 2016 to 2021.
- In **Queens**, the rate at which Black people were admitted increased from 5.7 to 8.4 times that of white people from 2016 to 2021.
- Finally, in **Staten Island**, the rate at which Black were admitted increased from 8.7 to 14.9 times that of white people from 2016 to 2021.

**EXHIBIT 3.1: RACIAL DISPARITIES IN JAIL ADMISSIONS BY BOROUGH IN 2021**



**EXHIBIT 3.2a: BRONX RATE RATIOS**

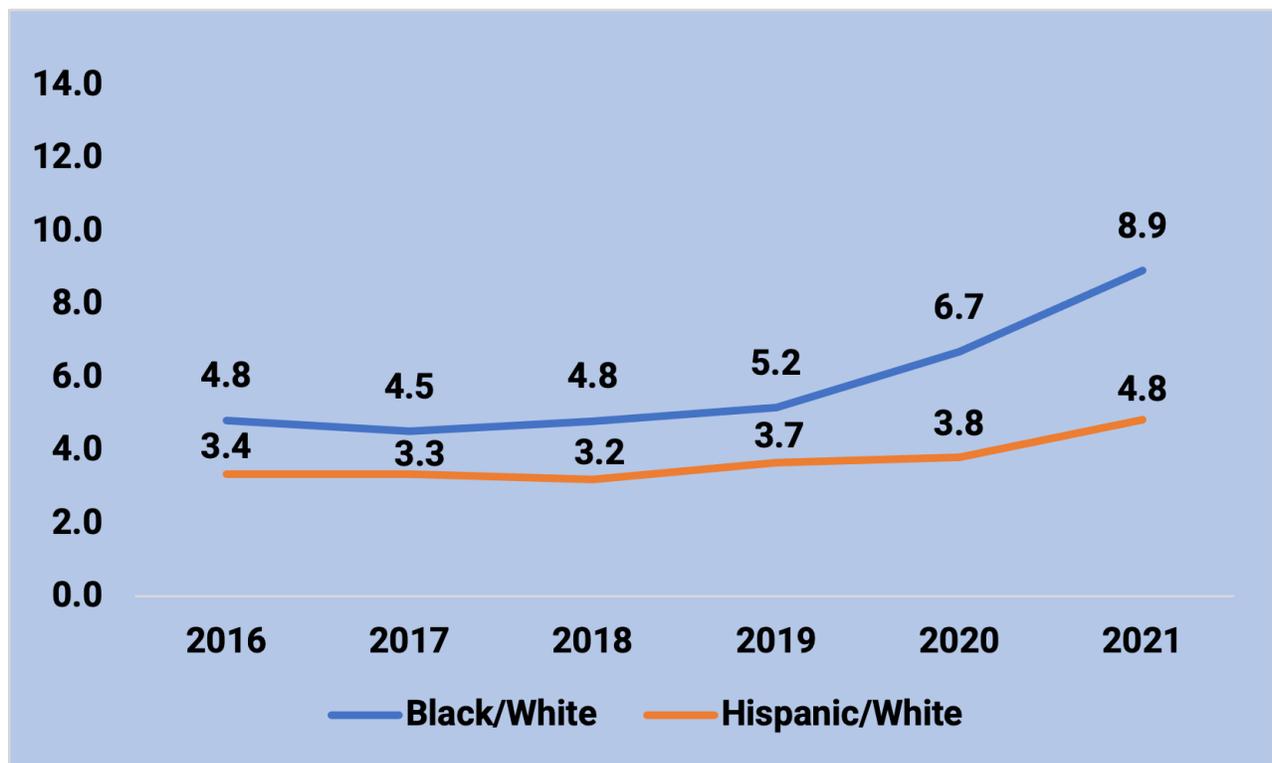


EXHIBIT 3.2b: BROOKLYN RATE RATIOS

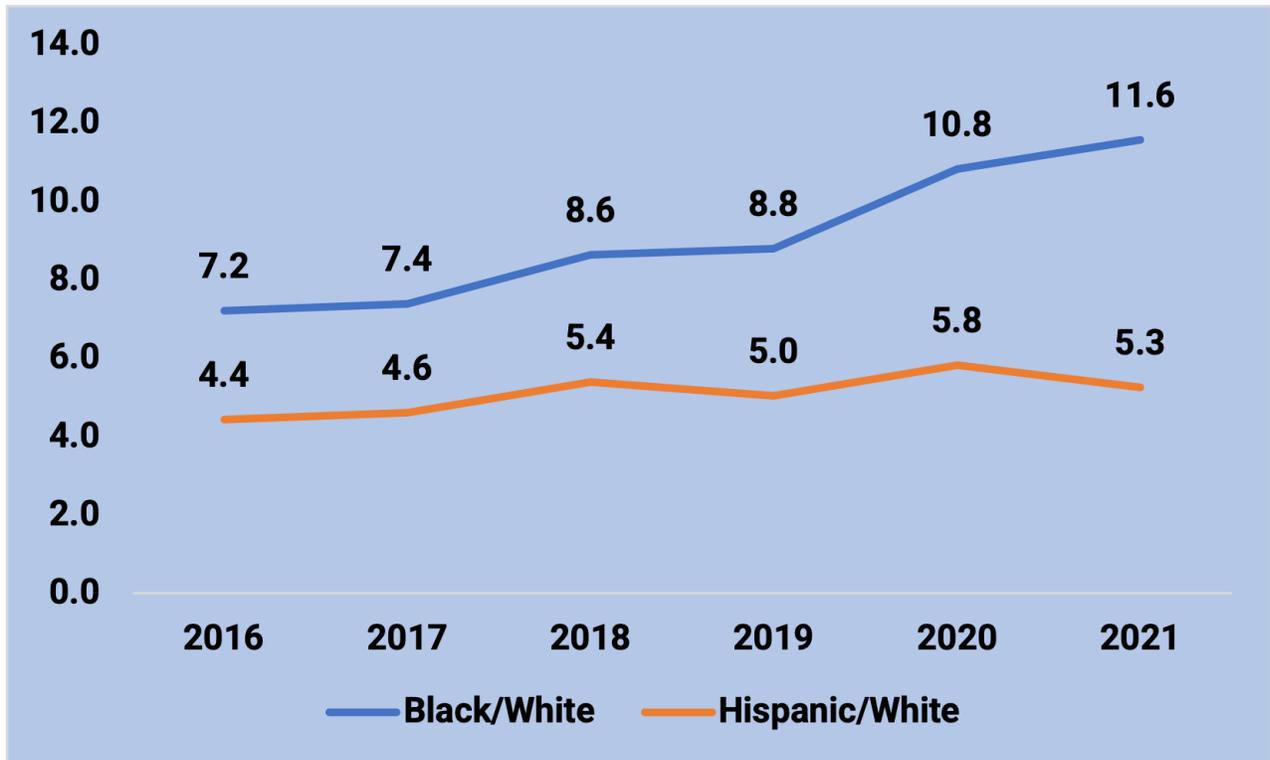


EXHIBIT 3.2c: MANHATTAN RATE RATIOS

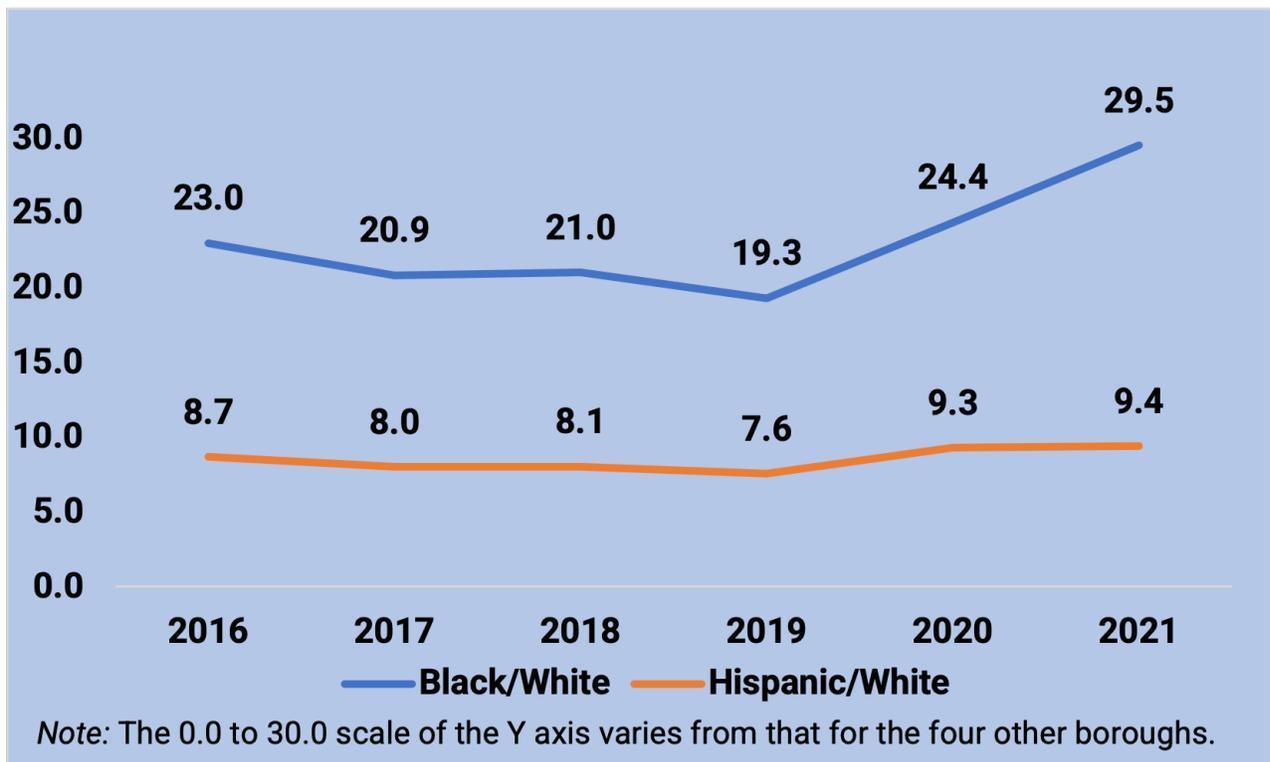


EXHIBIT 3.2d: QUEENS RATE RATIOS

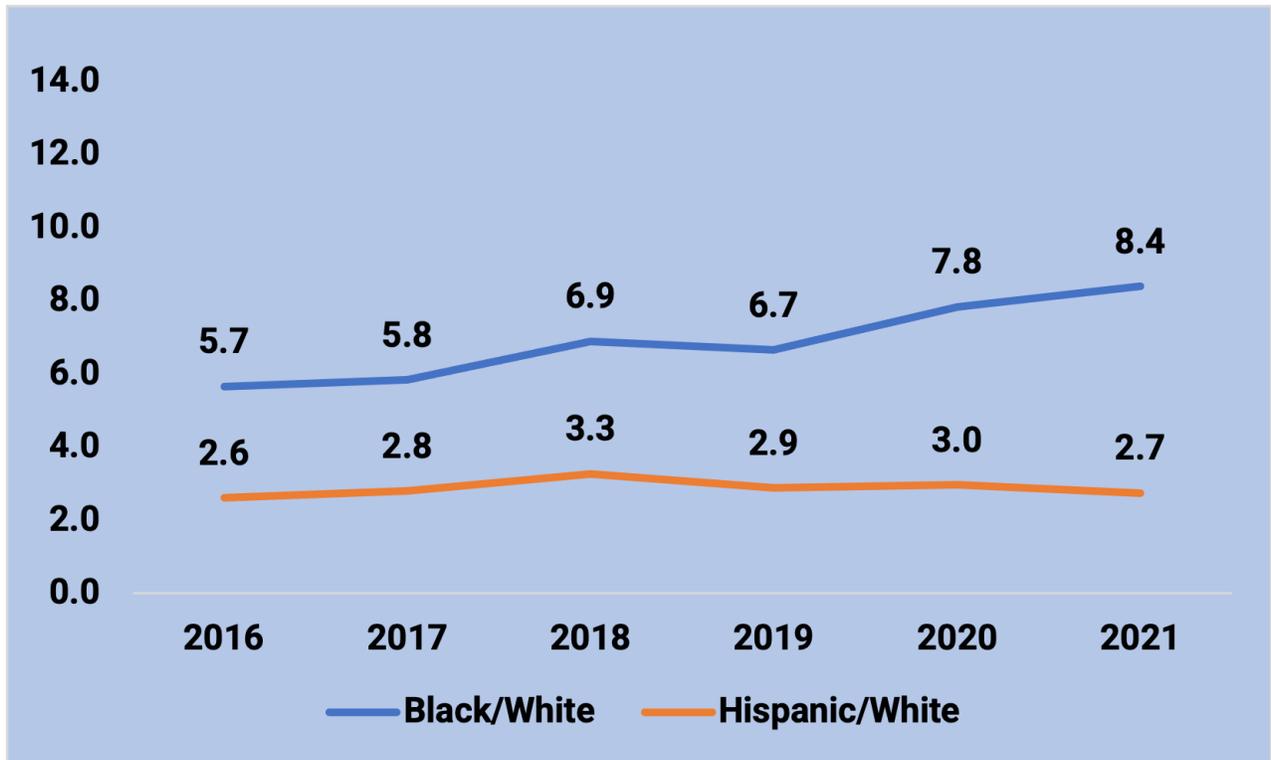
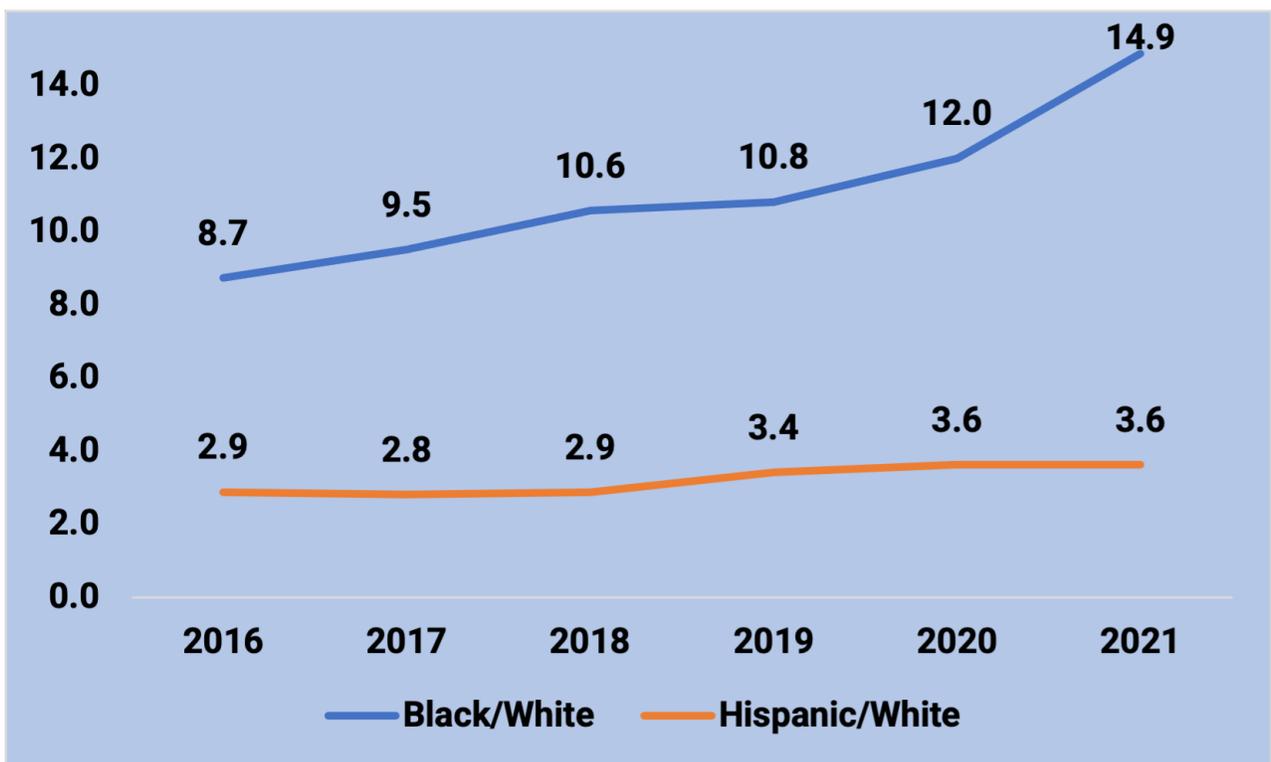


EXHIBIT 3.2e: STATEN ISLAND RATE RATIOS



# Chapter 4- Disparities Among Pretrial, Paroled, & Sentenced People

*Are there disparities in who is admitted to jail pending trial, on parole, or serving a sentence?*

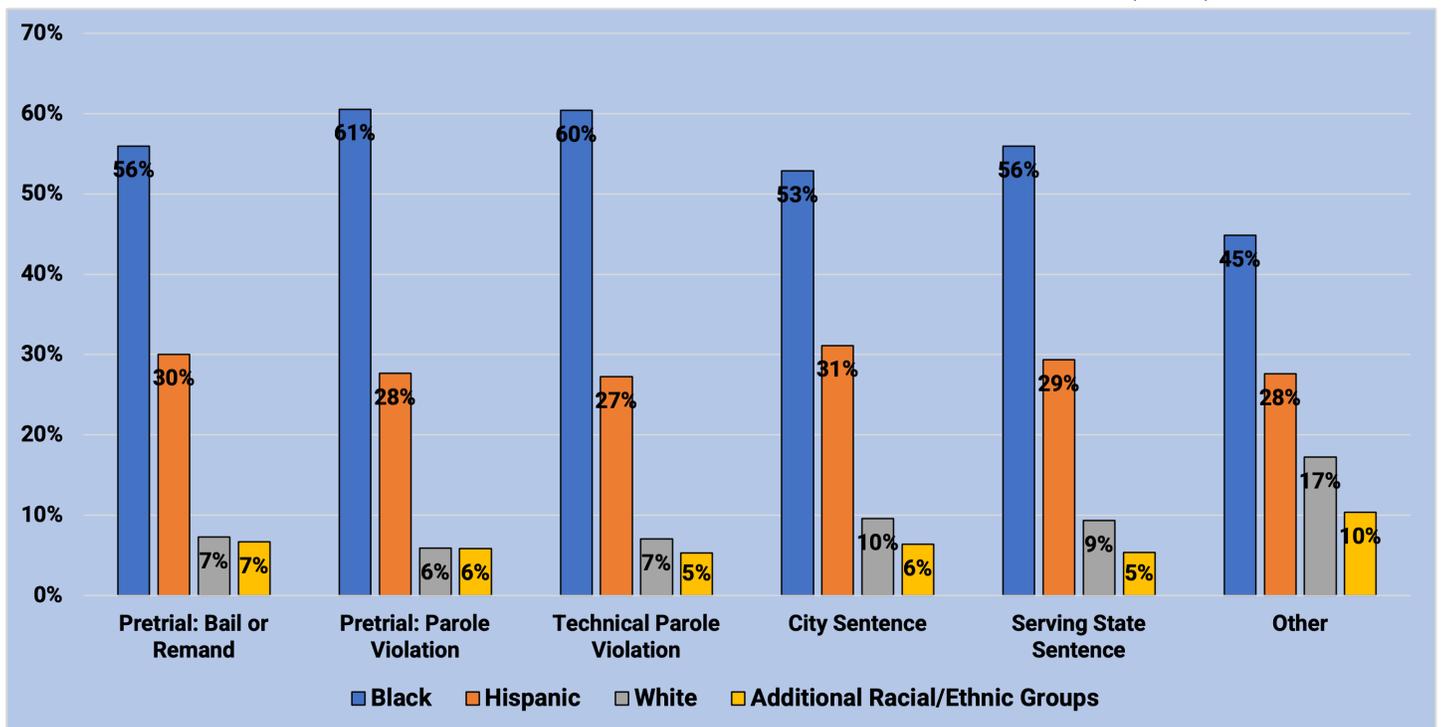
We examined racial disparities separately among people admitted to jail before trial, on parole violations, and for sentences of less than a year. (Longer sentences would be served in state prison.) For those held before trial, we also looked at disparities across different bail amounts and examined whether amendments to the state’s bail law that made more people eligible for bail beginning July 2020 had any effect on disparities.

## Racial Disparities Based on Jail Admission Status

**High Parole Violation Disparities.** Compared to other reasons for admission, **Black people were especially overrepresented among those jailed on parole violations**—both violations stemming from a new arrest and technical parole violations, for which Black people comprised 61% and 60% of 2021 admissions, respectively (Exhibit 4.1). On the other end of the spectrum, Black people comprised 53% of people admitted on jail sentences, while white people comprised 10% (white people’s highest total of any admission status).

*Insofar as the Less is More Act, signed into law in September 2021, is resulting in a dwindling population of people jailed on parole violations,<sup>40</sup> it is possible this Act will drive future reductions in racial disparities.*

**EXHIBIT 4.1: RACIAL DISPARITIES BY REASON FOR JAIL ADMISSION (2021)**



**Rising Racial Disparities Among Pretrial Admissions.** *Concerning how disparities changed relative to five years earlier, pretrial admissions due to an inability to pay bail or a remand order largely drove the City's relative increase in racial disparities from 2016 to 2021 (details in Appendix B).* Over this span, Black people's share of pretrial admissions rose 4 percentage points (52% to 56%), while pretrial admissions involving both Hispanic and white individuals decreased by about 2 points each. Among people admitted on parole violations or jail sentences, five-year racial composition changes tended to be negligible.

**Upshot:** While disparities were greatest for people admitted on parole violations across all years examined, there was not a recent shift towards this reality; instead, rising *pretrial* disparities largely explain the overall increase in racially disproportionate jail incarceration since 2016.

## **Distinguishing Admissions Due to an Inability to Pay Bail from Remand Orders**

***Regarding bail setting, what is the racial/ethnic composition of people required to pay bail to avoid pretrial incarceration?***

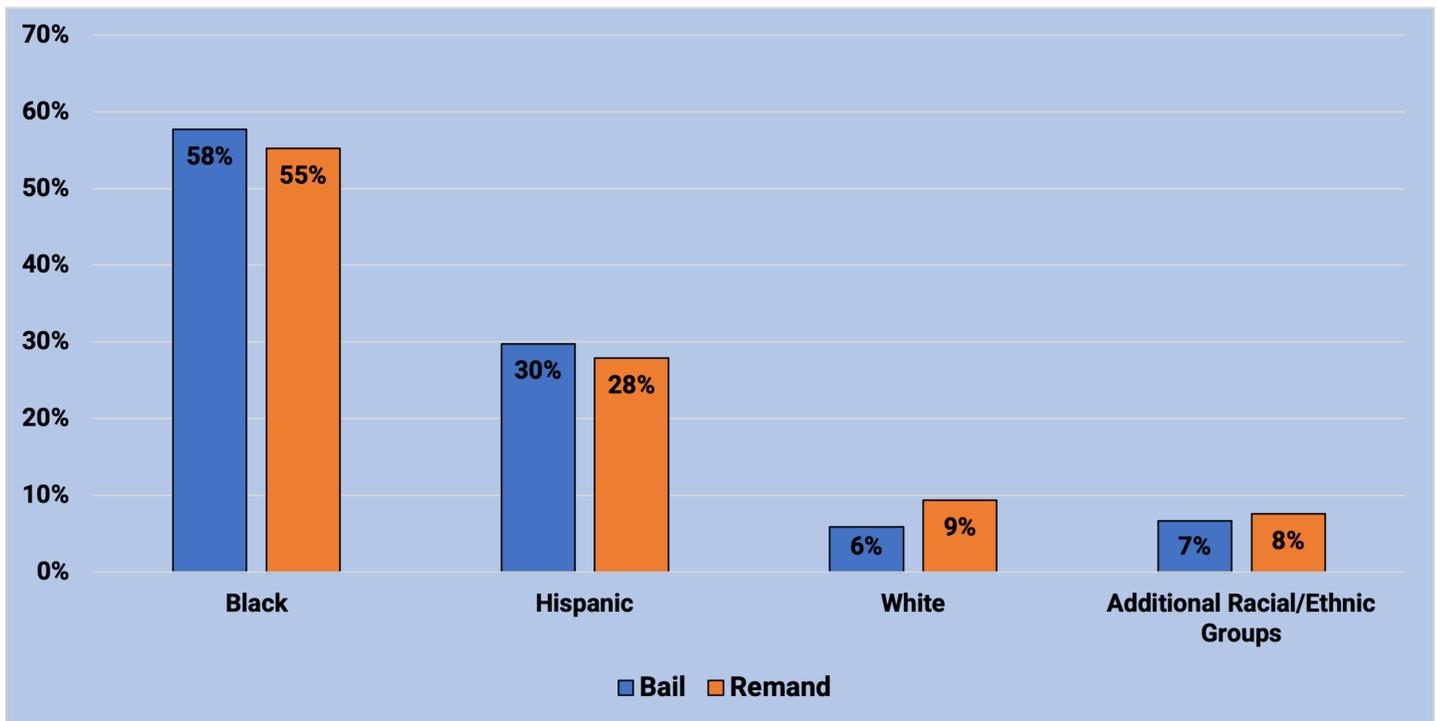
**The Black-white gap in incarceration was somewhat greater for those jailed before trial due to an inability to pay bail than for those remanded (where bail was not involved).** Among 2021 pretrial admissions, 9,147 were admitted due to an inability to pay bail, and 2,736 on a direct remand order. Black people made up 58% of those admitted on bail compared to 55% on a remand order, while at the other end of the spectrum, white people made up 6% of the bail subgroup and 9% of those remanded (Exhibit 4.2). This indicates a relationship between socioeconomic status and race; when pretrial detention hinged on access to money—i.e., in cases involving bail—the share of detained Black people was higher while the share of detained white people was lower than in cases where judges remanded people directly to jail.

## **Distinguishing Admissions by the Bail Amount**

Within the subgroup held for an inability to pay bail, there was not a clear pattern of greater or lesser disparities based on different bail amounts (results not shown). Mean and median bail amounts for those held on bail in 2021 varied. Median bail was also somewhat higher among Black and Hispanic people (\$25,000) than white people (\$20,000), counter-intuitive to our hypothesis that people unable to pay "low bail" would be disproportionately Black and Brown, given a potential intersection of racial and socioeconomic disparities.

Additionally, a close inspection does not yield a conclusory pattern of either escalating or declining disparities from 2016 to 2021 among those held on higher versus lower bail amounts.<sup>41</sup>

EXHIBIT 4.2: RACIAL DISPARITIES BY BAIL STATUS (2021 JAIL ADMISSIONS)



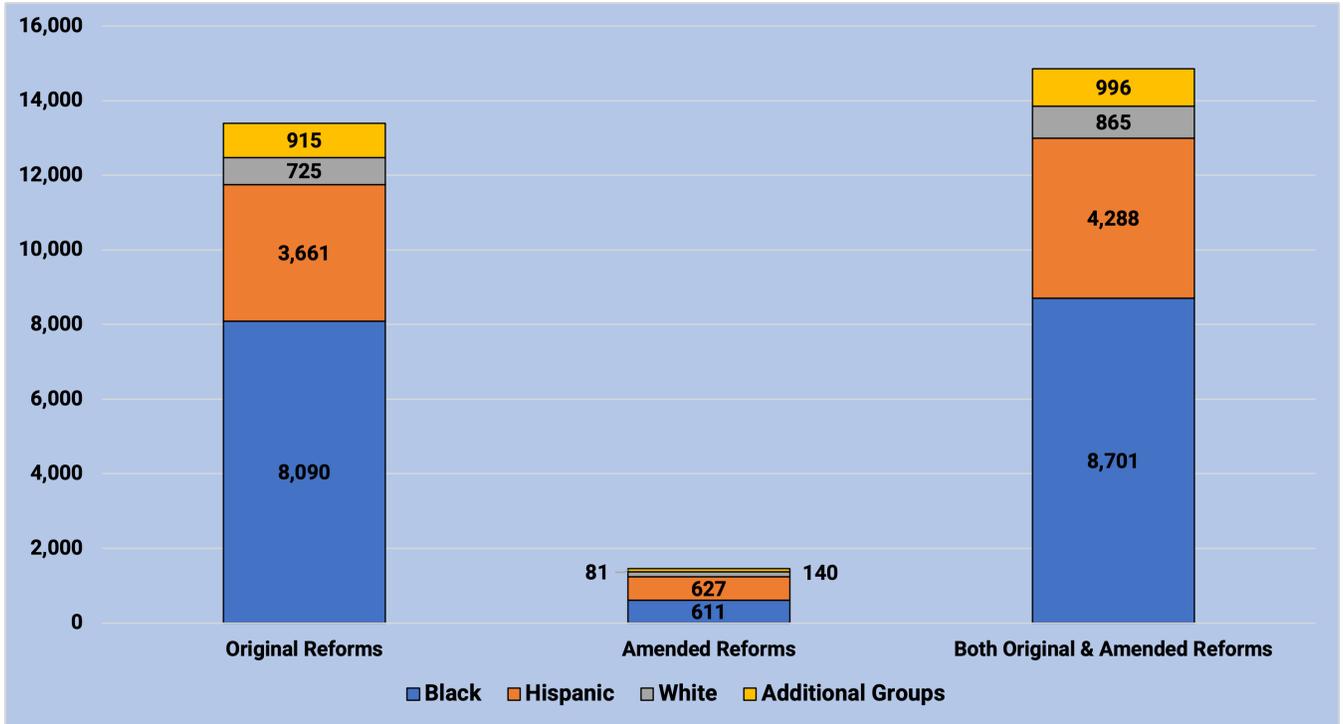
## Role of the 2020 Bail Amendments

### *Which racial groups were most impacted by the 2020 bail amendments?*

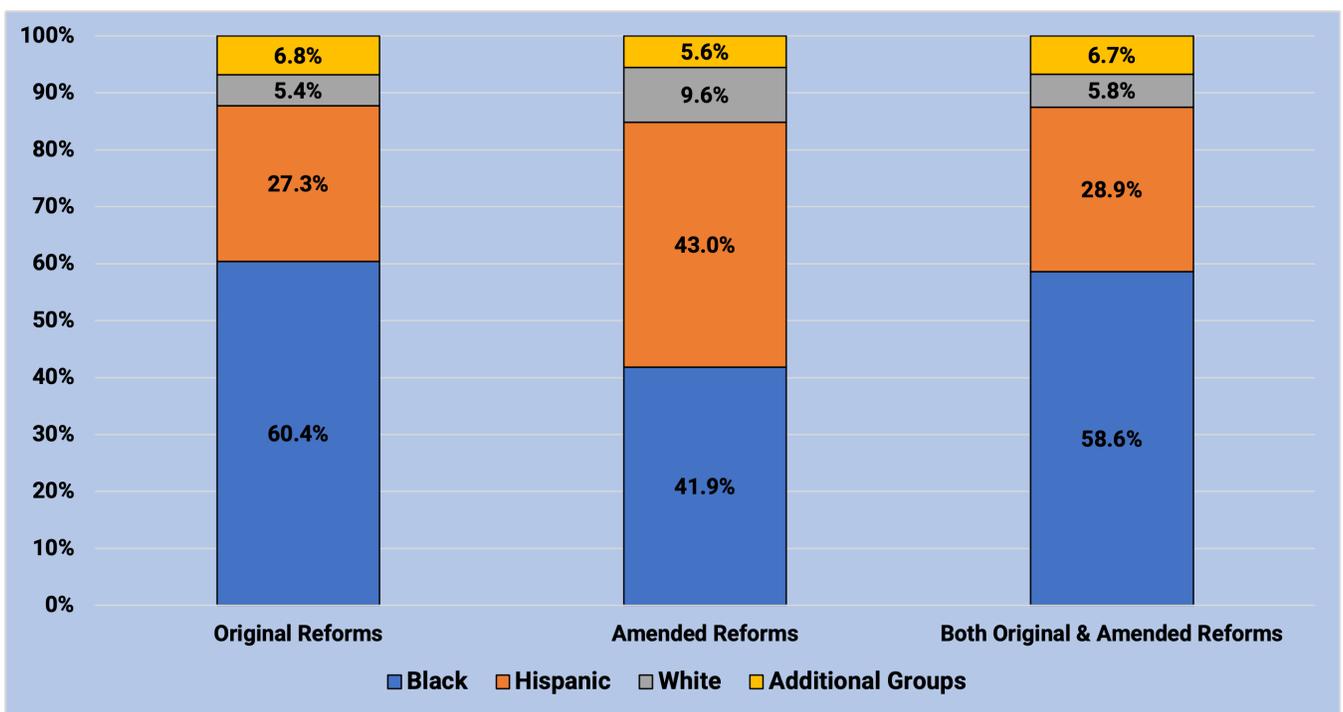
The original bail reform law went into effect January 1, 2020. Amendments subsequently went into effect July 2, 2020, making some cases eligible for bail that had been made ineligible in January.<sup>42</sup> We analyzed the racial breakdown of those admitted to jail before trial from July 2, 2020 to December 31, 2021 - isolating cases where admission could be traced to laws in place under the respective original and amended statutes (Exhibits 4.3 & 4.4).

- **Expanded Bail Eligibility:** Between July 2, 2020, and December 31, 2021, people ineligible for bail and therefore not sent to jail in the first place benefitted from the reform laws: Prior DCJ research confirms that new jail admissions declined significantly after the reforms went into effect.<sup>43</sup> On the other hand, the data in Exhibit 4.3 shows that 13,391 pretrial jail admissions remained eligible for bail under the original reforms and an additional 1,459 (representing 10% of the total) over the given 18-month period were made newly eligible under the amended reforms, leading to their incarceration as well.
- **Racial Disparities Among Bail Eligible Cases:** The results indicate that people admitted to jail before trial due to bail eligibility under the 2020 amendments were disproportionately Black and Hispanic relative to each group's proportions in the City's general population. However, people admitted due to bail eligibility under the original bail reform law were especially likely to be Black, whereas racial disparities under the 2020 amendments far more adversely impacted Hispanic people, as a visual inspection of the first two bars in Exhibit 4.4 make clear.

**EXHIBIT 4.3: BAIL ELIGIBILITY AMONG JAIL ADMISSIONS FROM JULY 2, 2020 TO DECEMBER 31, 2021**



**EXHIBIT 4.4: BAIL ELIGIBILITY AMONG JAIL ADMISSIONS FROM JULY 1, 2020 TO DECEMBER 31, 2021**



# Chapter 5 - Pretrial Disparities by Charge Severity and Type

## Are racial disparities wider for people facing some charges than others?

We divided NYC pretrial jail admissions based on charge severity and charge type. In distinguishing charges, we selected ones that were broadly prevalent among all admissions: violent felony assault, robbery, and burglary; nonviolent felony robbery and burglary; felony-level sex offenses, weapons charges, and drug charges; and petit larceny (of which this last charge was the most common misdemeanor among jail admissions).

- Charge Severity:** Black people’s share of pretrial admissions on a misdemeanor saw nearly no change from 2016 (52%) to 2021 (51%). The proportion of Black people admitted on a nonviolent felony or violent felony charge both saw a 3 percentage point increase (respectively from 48% to 51% and from 56% to 59%, see Exhibit 5.1).
- Charge Type:** Black people’s share of pretrial jail admissions on a weapons/firearms felony was over 60% across all years and reached a high of 68% in 2021 (see Exhibit 5.2). Hispanic people’s highest proportion of admissions across all years was for nonviolent felony drug sale and possession (growing from 44% in 2016 to 54% in 2021). White people’s largest share of admissions involved petit larceny and nonviolent felony burglary or robbery charges, although white people were still about half as likely to face these charges compared to their proportion of the general population (15% and 14% of 2021 admissions involving these respective charges).

**EXHIBIT 5.1: RACIAL DISPARITIES IN PRETRIAL CHARGE SEVERITY, 2016-2021**

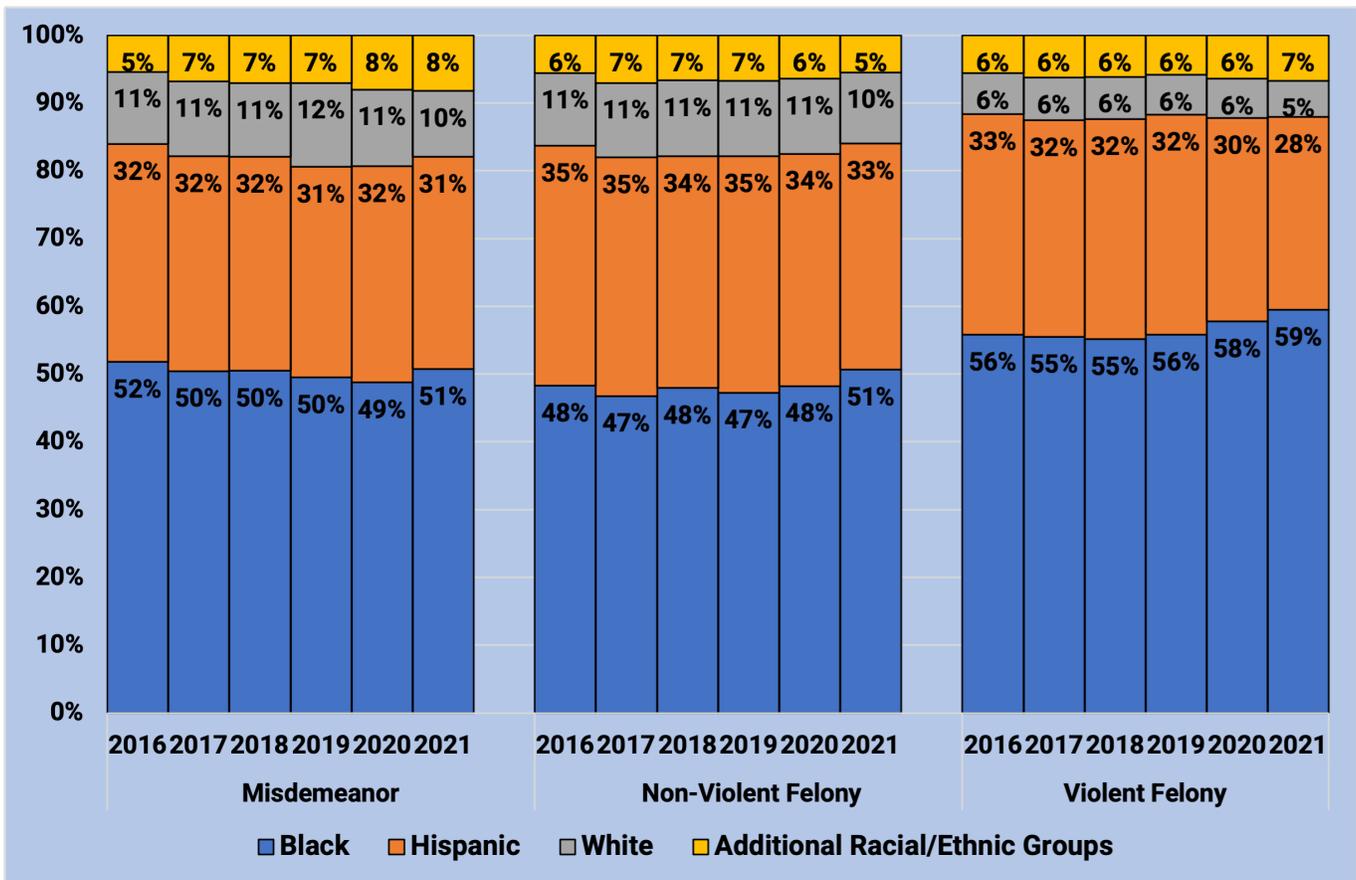
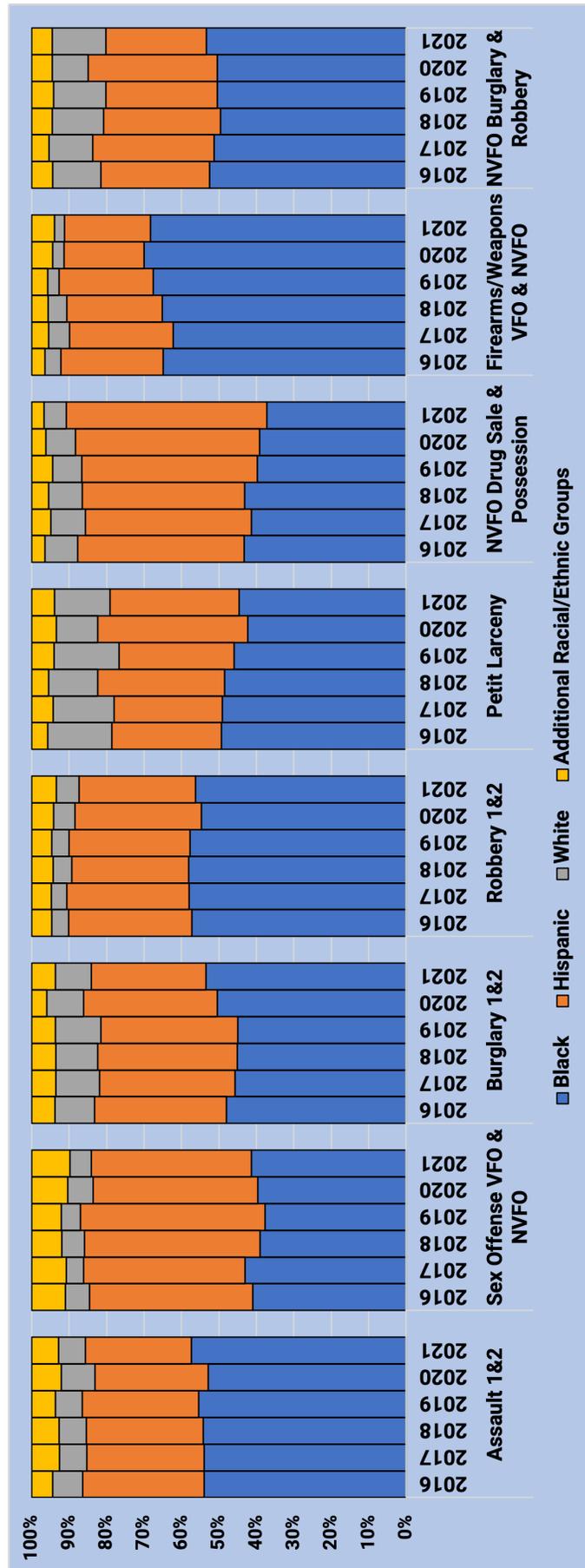


EXHIBIT 5.2: RACIAL DISPARITIES IN CHARGE TYPE OVER TIME<sup>44</sup>



## Chapter 6 - Mental Health & Racial Disparities Since 2016

### *What does the data reveal about individuals experiencing mental health issues while incarcerated in New York City jails, and how are different racial groups impacted?*

Prior research suggests that the predominantly Black and Brown people who fill New York City's jails are also disproportionately likely to come from communities impacted by poverty, homelessness, unemployment, and a lack of social service resources, including mental health services.<sup>45</sup>

### **Mental Illness and Jail Incarceration**

A pattern not unique to New York, Department of Justice data indicates that 63% of people held in the nation's jails have experienced drug dependence or an overdose,<sup>46</sup> and 44% reported suffering from mental health problems.<sup>47</sup> Studies have shown that people with mental illness are arrested and incarcerated both in disproportionate numbers and on repeated occasions,<sup>48</sup> often due to law enforcement historically relying on jail as a primary response, in lieu of linking people experiencing mental health episodes to treatment. Caught in a cycle of "arrest, release, repeat,"<sup>49</sup> jails oftentimes serve as "de facto mental hospitals."<sup>50</sup> There are presently ten times as many people with mental illnesses in jails and prisons nationwide than in state psychiatric hospitals.<sup>51</sup>

Once in jail, research indicates that people with a mental illness are more likely to engage in institutional violence and rule infractions,<sup>52</sup> leading to longer sentences and a lower likelihood of sentences involving community release. Additionally, people of color are more likely to be held in solitary confinement and remain in jail for longer, on average.<sup>53</sup>

Across all racial/ethnic categories, people's risk of taking their own life increases in jail and prison settings. In 2019, the suicide rate in jails across the U.S. was twice that of the general population.<sup>54</sup> An estimated 77% of suicides carried out in the nation's jails were by people held pretrial—and therefore legally presumed innocent.<sup>55</sup>

### **New York City's "Brad H" Flag**

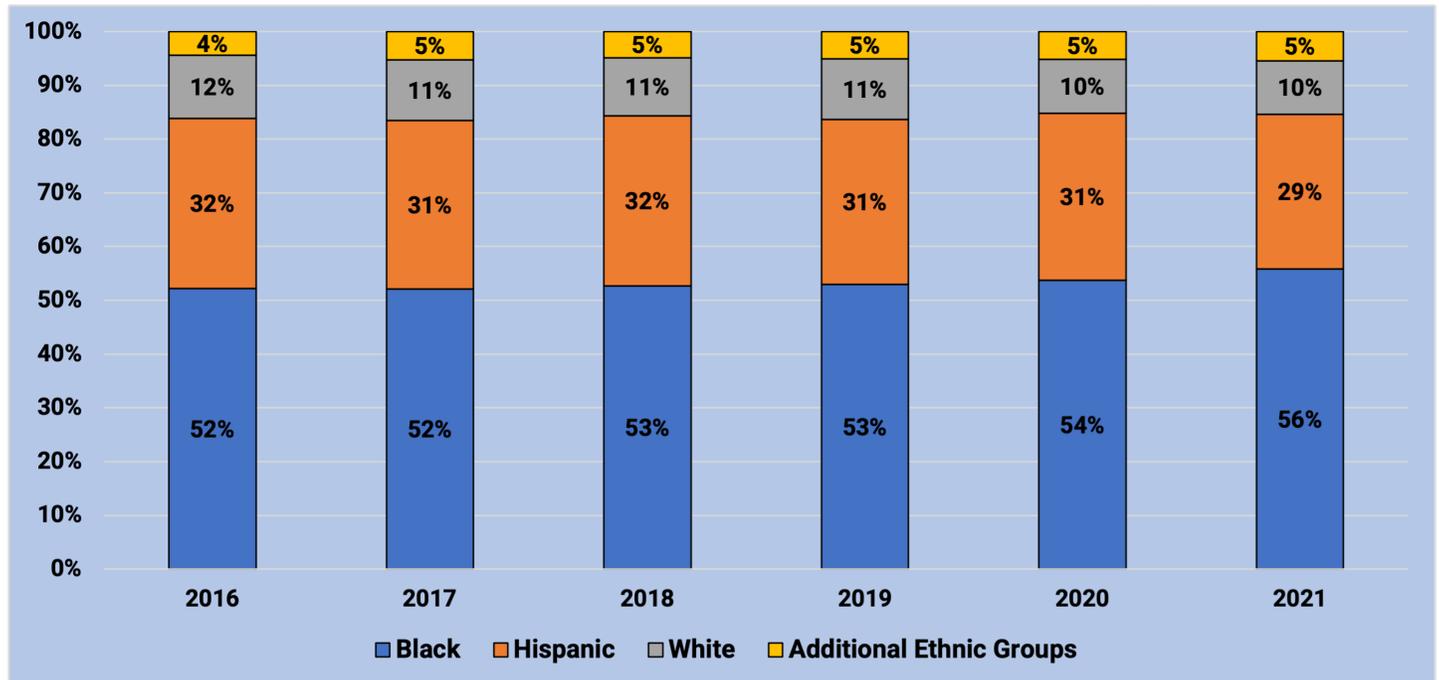
The "Brad H" flag, while not signifying a confirmed mental health diagnosis, is attached to people diagnosed, screened for, or receiving or requesting mental health services while they are incarcerated in New York City jails. The flag developed following a class-action lawsuit in 1999.<sup>56</sup> It resulted in a settlement in 2003 in which the City agreed to provide people confined in its jails for at least 24 hours and receiving treatment for mental illness during their time incarcerated with a plan for accessing ongoing services upon release. Since this settlement, reports have continued to raise concerns about the adequacy of mental health services for people held in the jails as well as plans for aiding them after their release.<sup>57</sup>

## Racial Disparities in Mental Illness from 2016 to 2021

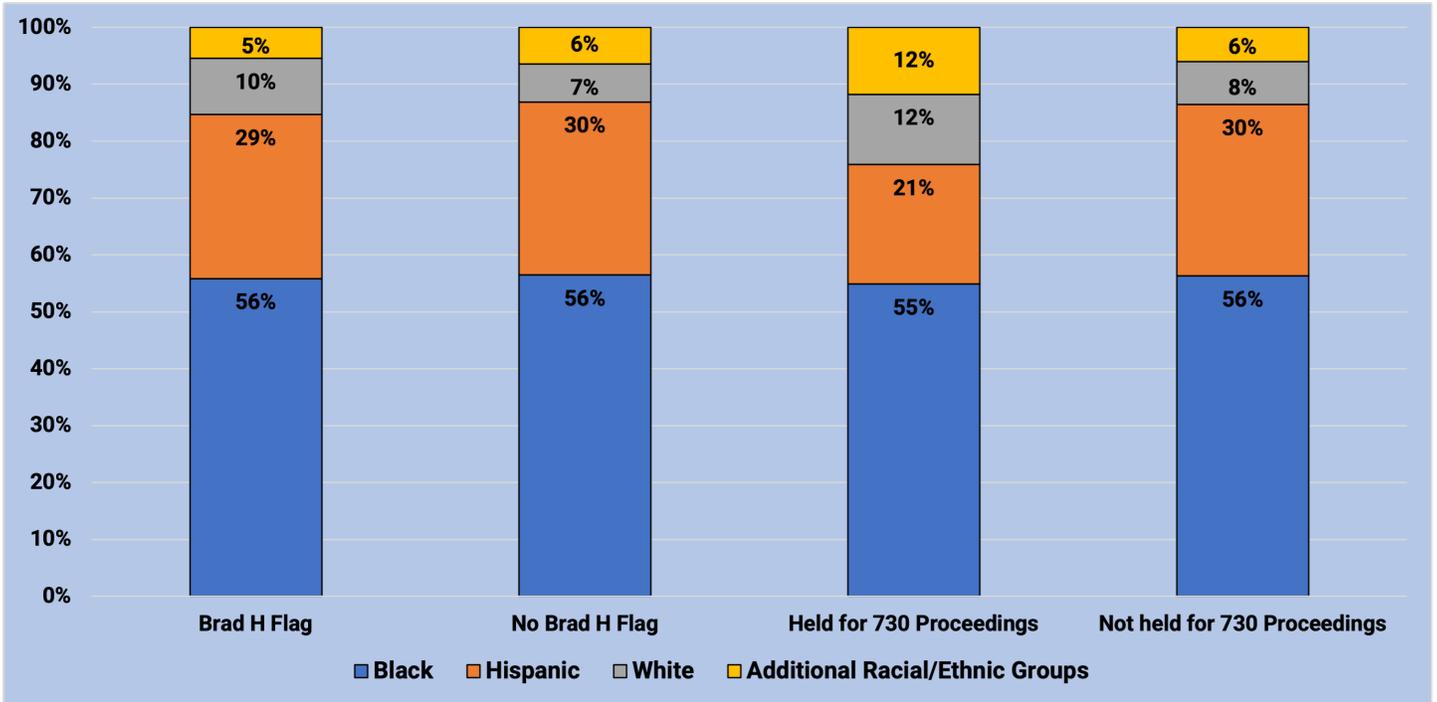
Findings concerning people with an indication of mental illness in NYC jails include:

- Prevalence of Mental Illness:** Among people discharged from jail in 2021, 30% (4,860) had been designated with the “Brad H” flag, and 2% (365) were held during mental competency proceedings for determining fitness to stand trial (pursuant to Criminal Procedure Law, Section 730).
- Changes from 2016 to 2021:** Reflecting declining jail admissions, overall, people discharged from NYC jails who received a Brad H flag declined from 14,894 in 2016 to 4,860 in 2021. However, of those discharged, the relative percentage flagged during their jail stay increased from 24% to 30%. While this signifies that people with mental illness make up a rising proportion of people held in NYC jails overall, it was not the case that racial disparities among them significantly changed. Black and Brown people represented the largest proportions of people in NYC jails who received a Brad H flag from 2016 to 2021—but the specific proportions barely changed over this timespan (Exhibit 6.1).
- Racial Disparities Among People Flagged versus Not Flagged:** In 2021, Black people made up 56% and Hispanic people 29% of discharges designated with the “Brad H” flag - nearly identical percentages to people not designated with this flag. People held pending mental competency proceedings were 55% Black and 21% Hispanic. When comparing these results to the breakdown of people *not* held pending competency proceedings, the percentage Black was nearly identical (56%), though the percentage Hispanic was significantly higher (30%) for those *not* in competency proceedings, while the percentages white (8%) and from additional groups (6%) were lower (Exhibit 6.2).

**EXHIBIT 6.1 - RACIAL DISPARITIES IN NEEDING MENTAL HEALTH SERVICES, 2016-2021**



### EXHIBIT 6.2 - RACIAL DISPARITIES IN MENTAL ILLNESS AMONG 2021 JAIL DISCHARGES



## Chapter 7 - The Intersection of Racial & Neighborhood Disparities

### Mapping Racial and Neighborhood Disparities

Accompanying this report is a set of maps (available [here](#)) offering visual illustrations of racial and neighborhood disparities in NYC jail admissions. The maps respectively present the racial/ethnic composition of each zip code's general population, the number of people admitted to NYC jails in 2021 from each zip code, and the extent to which (shown across four maps) Black, Hispanic, white, and Asian people are overrepresented or underrepresented in each zip code's 2021 jail admissions.

### *To what extent do racial disparities exist in jail admissions across different New York City zip codes?*

Overall, New York City contains 178 zip codes, each varying in their racial/ethnic composition: 61 in Queens, 43 in Manhattan, 37 in Brooklyn, 25 in the Bronx, and 12 in Staten Island.<sup>58</sup>

Of the 178 NYC zip codes, 40 (23%) accounted for a vastly disproportionate share (60%) of 2021 jail admissions. In turn, 60% of these 40 zip codes are in Central or South Brooklyn (10) or the Bronx (14).

**Furthermore, 36 (90%) of the 40 zip codes whose residents are most overrepresented in NYC jails are majority or plurality Black (16) or Hispanic (20), only 3 are majority or plurality white, and 1 is plurality Asian in their general population.** (We define a zip code with a "majority" as having a racial/ethnic group exceeding 50% of the total; all other zip codes have a "plurality," defined as the racial/ethnic group with the highest percentage even if it is under 50%.)

Exhibit 7.1 provides information on the 40 key zip codes whose residents comprised the most 2021 jail admissions.<sup>59</sup> The exhibit includes the common name of the impacted neighborhood,<sup>60</sup> the neighborhood's most common racial/ethnic group (whether it makes up a majority or plurality),<sup>61</sup> the racial/ethnic composition of its 2021 jail admissions, and the racial/ethnic composition of the zip code's 2021 general population (in parentheses).<sup>62</sup>

In 32 out of these 40 zip codes, Black people made up the highest percentage of jail admissions out of any racial/ethnic group. In the other 8 zip codes, Hispanic people made up the highest percentage. In 9 out of the 10 zip codes containing the very highest numbers of 2021 jail admissions, Black and Hispanic people combined for at least 90% of those admissions.

**Some of the most staggering disparities were in Manhattan neighborhoods.** For example, in zip code 10025 on the Upper West Side (the only majority white neighborhood among those in the top 40 zip codes for jail admissions), Black people made up 69% of 2021 jail admissions, despite only comprising 9% of the population, whereas white people made up just 2% of admissions, despite comprising 51% of the population.

Illustrating a citywide pattern pointing to the overrepresentation of Black people among jail admissions at the zip code level, in 163 (92%) of all 178 NYC zip codes, Black people made up a higher percentage of 2021 jail admissions than people who live in the given zip code. **Of the subset of 40 zip codes with the most overall jail admissions, Black people were overrepresented in 39 relative their share of the general population.**

**EXHIBIT 7.1 - DISTRIBUTION OF 2021 NYC JAIL ADMISSIONS BY NEIGHBORHOOD (ZIP CODE)<sup>63</sup>**

Zip Code	Borough	Neighborhood	Majority/Plurality	All Admissions	% Black (Jail/Gen)	% Hispanic (Jail/Gen)	% White (Jail/Gen)	% Asian (Jail/Gen)	% Additional Groups (Jail/Gen)
11212	Brooklyn	Brownsville	Majority Black	419 (3.6%)	87% (71%)	9% (17%)	1% (3%)	1% (1%)	2% (1%)
10456	Bronx	Morrisania	Majority Hispanic	372 (3.2%)	55% (35%)	36% (54%)	2% (2%)	1% (2%)	6% (1%)
11207	Brooklyn	East New York	Majority Black	314 (2.7%)	78% (53%)	18% (33%)	1% (5%)	1% (1%)	2% (1%)
11208	Brooklyn	East New York	Plurality Black	247 (2.1%)	70% (45%)	24% (40%)	2% (3%)	2% (7%)	3% (1%)
10457	Bronx	Tremont	Majority Hispanic	236 (2%)	50% (27%)	40% (58%)	0% (2%)	1% (1%)	9% (1%)
10029	Manhattan	East Harlem	Plurality Hispanic	219 (1.9%)	63% (24%)	32% (44%)	1% (14%)	1% (10%)	3% (2%)
10467	Bronx	Olinville	Plurality Hispanic	213 (1.8%)	47% (27%)	41% (49%)	1% (9%)	2% (6%)	8% (1%)
11233	Brooklyn	Ocean Hill	Majority Black	209 (1.8%)	86% (67%)	10% (16%)	2% (11%)	0% (1%)	2% (1%)
10453	Bronx	University Heights	Majority Hispanic	204 (1.7%)	48% (22%)	42% (63%)	1% (2%)	0% (2%)	9% (1%)
11226	Brooklyn	Flatbush	Majority Black	191 (1.6%)	89% (63%)	7% (15%)	1% (13%)	1% (3%)	2% (1%)
11206	Brooklyn	Bushwick	Plurality Hispanic/White	189 (1.6%)	66% (18%)	32% (35%)	2% (35%)	0% (6%)	0% (0%)
11213	Brooklyn	Crown Heights	Majority Black	184 (1.6%)	85% (61%)	9% (12%)	3% (21%)	1% (2%)	2% (1%)
11691	Queens	Far Rockaway	Plurality Black	184 (1.6%)	75% (40%)	21% (23%)	3% (24%)	0% (4%)	1% (1%)
10301	Queens	Sunnyside	Plurality White	183 (1.6%)	58% (17%)	21% (25%)	19% (43%)	1% (7%)	1% (0%)
11221	Brooklyn	Bushwick	Plurality Hispanic	183 (1.6%)	70% (37%)	26% (31%)	1% (19%)	0% (4%)	3% (1%)
11236	Brooklyn	Canarsie	Majority Black	177 (1.5%)	91% (80%)	5% (8%)	4% (4%)	0% (2%)	1% (1%)
10304	Staten Island	Clifton	Plurality White	176 (1.5%)	65% (24%)	22% (22%)	10% (38%)	1% (11%)	2% (0%)
11434	Queens	Springfield Gardens	Majority Black	166 (1.4%)	86% (77%)	8% (10%)	4% (2%)	0% (3%)	3% (2%)
10460	Bronx	West Farms	Majority Hispanic	165 (1.4%)	52% (23%)	36% (59%)	2% (3%)	1% (1%)	9% (1%)
10458	Bronx	Belmont	Majority Hispanic	160 (1.4%)	41% (15%)	49% (69%)	3% (7%)	0% (3%)	8% (1%)
10452	Bronx	Mount Eden	Majority Hispanic	156 (1.3%)	40% (25%)	49% (63%)	2% (2%)	0% (1%)	10% (1%)
11433	Queens	Bricktown	Majority Black	156 (1.3%)	69% (56%)	17% (14%)	5% (3%)	4% (16%)	5% (7%)
10035	Manhattan	East Harlem	Plurality Hispanic	155 (1.3%)	69% (34%)	24% (41%)	3% (12%)	2% (3%)	3% (1%)
10451	Bronx	Melrose	Majority Hispanic	152 (1.3%)	53% (35%)	38% (53%)	3% (4%)	0% (1%)	7% (1%)
11216	Brooklyn	Bedford Stuyvesant	Plurality Black	148 (1.3%)	88% (45%)	7% (12%)	1% (29%)	1% (4%)	3% (1%)
11203	Brooklyn	East Flatbush	Majority Black	146 (1.2%)	90% (82%)	5% (7%)	2% (4%)	1% (2%)	2% (1%)
10027	Manhattan	Morningside Heights/Harlem	Plurality Black	143 (1.2%)	77% (34%)	17% (25%)	1% (25%)	1% (8%)	3% (1%)
10459	Bronx	Longwood	Majority Hispanic	140 (1.2%)	51% (27%)	41% (61%)	0% (1%)	0% (0%)	9% (0%)
10454	Bronx	Port Morris	Majority Hispanic	136 (1.2%)	49% (24%)	45% (65%)	1% (3%)	1% (0%)	5% (1%)
10468	Bronx	Jerome Park	Majority Hispanic	132 (1.1%)	33% (13%)	56% (73%)	1% (2%)	1% (2%)	10% (1%)
11413	Queens	Laurelton	Majority Black	126 (1.1%)	75% (86%)	18% (7%)	5% (1%)	2% (2%)	1% (2%)
10473	Bronx	Clason Point	Majority Hispanic	124 (1.1%)	58% (28%)	31% (58%)	0% (2%)	1% (1%)	10% (1%)
10472	Bronx	Soundview	Majority Hispanic	115 (1%)	31% (23%)	63% (58%)	1% (2%)	1% (8%)	4% (2%)
10002	Manhattan	Union Square & Lower East Side	Plurality Asian	112 (1%)	41% (7%)	50% (24%)	6% (23%)	3% (37%)	0% (1%)
10031	Manhattan	Hamilton Heights/West Harlem	Plurality Hispanic	112 (1%)	48% (21%)	49% (45%)	1% (15%)	1% (4%)	1% (1%)
10025	Manhattan	Upper West Side	Majority White	111 (0.9%)	64% (9%)	29% (21%)	2% (51%)	4% (10%)	2% (1%)
10466	Bronx	North Baychester	Majority Black	106 (0.9%)	66% (62%)	25% (26%)	0% (2%)	0% (2%)	9% (3%)
10026	Manhattan	Central Harlem	Plurality Black	103 (0.9%)	76% (47%)	19% (19%)	1% (21%)	3% (6%)	1% (0%)
10455	Bronx	Mott Haven	Majority Hispanic	103 (0.9%)	41% (20%)	46% (65%)	2% (2%)	0% (1%)	12% (0%)
10462	Bronx	Parkchester	Plurality Hispanic	97 (0.8%)	31% (21%)	53% (45%)	4% (10%)	4% (14%)	8% (1%)

## Chapter 8: Conclusion

**Analysis in this report makes clear that Black people are disproportionately represented in New York City jails compared to their share of the general population and that racial disparities widened from 2016 to 2021.**

Regarding distinct subgroups of NYC jail admissions, racial disparities were especially large for people held: (1) on **parole violations**; (2) before trial due to an **inability to pay bail**; and (3) on cases originating in **Manhattan**.

Once incarcerated, both Black and Hispanic people averaged longer lengths of stay than others; and by 2021, the longest stays were among Hispanic New Yorkers.

**Racial and neighborhood-based disparities intersect in ways that only magnify the disproportionate incarceration of Black and Brown people** (shown in this report and accompanying zip code maps available [here](#)). In 36 of the 40 zip codes whose residents were most often admitted to NYC jails in 2021, Black or Hispanic people made up a higher share of the zip code's general population than any other racial/ethnic group. In 9 out of the 10 zip codes containing the very highest numbers of 2021 jail admissions, Black and Hispanic people combined for at least 90% of those admissions.

Demonstrating the dual dynamics that neighborhoods most impacted by incarceration are disproportionately Black and Brown, and further racial disparities exist *within* those neighborhoods, in 92% of all NYC zip codes, Black people made up a higher percentage of 2021 jail admissions than people who live in the given zip code. **This data points to dual pernicious patterns of disparate incarceration in certain neighborhoods and disparate incarceration of Black people wherever they live.**

Manhattan neighborhoods showed particularly extreme disparities, with Black people accounting for more jail admissions than any other racial/ethnic group even in predominantly white areas. Reasons for this pronounced disparity are likely manifold, and could involve interacting factors such as the high percentage of white people residing in Manhattan, alongside stark socioeconomic disparities -- which tend to be correlated with racial disparities -- within this borough as well as within its individual neighborhoods.

Recent data indicates that the number of people held in New York City's daily jail population was just under 6,000 as of this report's February 2023 publication. The number of overall jail admissions (as well as the daily population) has been rising since the spring of 2020,<sup>64</sup> despite the City's current plan to close the Rikers Island jail complex by 2027, which requires the daily population to fall below 3,300. Simultaneously, slashings, stabbings, and deaths in custody appeared to have been spiking throughout 2021 and 2022, highlighting the deteriorating and deadly conditions that predominantly Black and Brown people face within the Rikers Island jail complex.<sup>65</sup>

Jail incarceration largely reflects everyday decisions made by courts and prosecutors and, to a lesser extent, by parole officers. Accordingly, criminal justice leaders from the state court system, District Attorney's Offices, and state parole, alongside leaders from other city and state criminal justice agencies, have the ability to reduce unnecessary jail incarceration overall as well as to address the racial and ethnic disparities detected in this report.

At the same time, there are also inescapable connections between jail incarceration and justice involvement at other stages of the criminal justice continuum (including the point of arrest, disposition, and reentry for those returning from state prisons). There are also connections between jail incarceration and the residential segregation, concentrated poverty, and underlying underinvestment that describes many of the predominantly Black and Brown communities this report shows are more impacted by incarceration. If the full array of implicated institutions can own responsibility, a step that is expressly mandated through recent voter-approved changes put forth by the City's [Racial Justice Commission](#),<sup>66</sup> policy reforms may be possible that advance racial equity while serving all New Yorkers' aspirations for a just City.

## APPENDIX A: DATA & DEFINITIONS

This report uses non-public admission and discharge data provided by the NYC Department of Correction (DOC) to the Data Collaborative for Justice (DCJ). The DOC dataset includes the status of people's cases (held pretrial, sentenced to jail, detained due to technical parole violations, etc.), bail amounts, individual demographic characteristics, and dates necessary to compute people's time in custody, among other measures.

DOC data has several limitations noted below.

**Race/Ethnicity.** DOC provides only one race indicator, distinguishing "Black," "white," "Asian," "Native American," and "other," and another indicator for "Hispanic/non-Hispanic." We combined these variables into one for the purposes of this report. Unless otherwise indicated, Asian, Native American, and "other" were combined into one category representing "additional racial/ethnic groups." (We did further break out Asian people in select analyses.)

DCJ recognizes that some individuals may not identify with the race groupings captured in available data and that, therefore, the data may not accurately capture the full spectrum of races and ethnicities represented in NYC jails. For example, prior research in New York City has found that the category of "American Indian" is applied least consistently. Analyses of the names, interview languages, and other ethno-racial designations associated with individuals who were classified as "American Indian" suggests that this category is often assigned erroneously. Prior research also found inconsistency in classification within the Hispanic category, in that there was mismatch within and between criminal justice agencies in assigning either "Hispanic White" or "Hispanic Black."<sup>67</sup>

In our own effort to describe ethnicity, this report used the term "Hispanic," which is also consistent with terminology in the underlying data. We considered (and in prior reports have used) "Latinx," which 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. However, this is an emerging term, and many individuals of Latin American origin do not appear to self-identify as Latinx, especially in older age groups.<sup>68</sup>

**Gender.** The data provides gender as a binary indicator (female or male), precluding an accurate classification of gender-expansive or nonbinary individuals who do not consistently identify as one or the other of those two genders.

**Pretrial Sub-Population.** DCJ researchers have found that DOC's raw data modestly overclassifies people as held before trial, who are in fact incarcerated due to post-sentence parole violations, warrants, or other miscellaneous detention holds suggestive of post-sentence status. To improve accuracy, DCJ uses its own coding to adjust some people's status from the raw DOC data before conducting any analysis.

**Bail Amounts.** Data provided by DOC contains a bail amount variable, which includes a number of bail amount numbers that are placeholders/flags (e.g., \$1 or \$999,999) for judges, prosecutors and defense attorneys, as well as other erroneous or duplicate number bail amounts. 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 (e.g., \$333; \$666; \$777; \$111,111; \$1,111,111; \$2,222,222; \$5,555,555; \$7,777,777; \$8,888,888), and all bail amounts that included an excess of 9s (e.g., \$99; \$999; \$9,999; \$98,999; \$99,999; \$990,999; \$999,988; \$999,990; \$999,991; \$999,993; \$999,998; \$999,999; \$8,999,999; \$9,099,999; \$9,899,999; \$9,989,999; \$9,998,888; \$9,998,999; \$9,999,898; \$9,999,989; \$9,999,990; \$9,999,991; \$9,999,997; \$9,999,998).

## APPENDIX B: ADDITIONAL TABLES AND GRAPHS

### RATES AND RATE RATIOS 2016-2021 FOR BLACK, HISPANIC AND WHITE RACIAL GROUPS

<b>2021</b>			
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>
<b>2021 Jail Admissions</b>	9,245	4,836	1,193
<b>General Population (18 or over)</b>	1,441,580	1,862,605	2,160,870
<b>Admission Rate</b>	641	260	55
<b>2020</b>			
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>
<b>2020 Jail Admissions</b>	8,685	4,799	1,202
<b>General Population (18 or over)</b>	1,565,848	1,825,072	2,219,837
<b>Admission Rate</b>	555	263	54
<b>2019</b>			
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>
<b>2019 Jail Admissions</b>	18,013	10,828	3,110
<b>General Population (18 or over)</b>	1,612,757	1,820,994	2,202,915
<b>Admission Rate</b>	1,117	595	141
<b>2018</b>			
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>
<b>2018 Jail Admissions</b>	22,252	13,756	3,884
<b>General Population (18 or over)</b>	1,674,402	1,831,244	2,225,022
<b>Admission Rate</b>	1,329	751	175
<b>2017</b>			
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>
<b>2017 Jail Admissions</b>	28,242	17,811	5,236
<b>General Population (18 or over)</b>	1,633,608	1,881,988	2,275,545
<b>Admission Rate</b>	1,729	946	230
<b>2016</b>			
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>
<b>2016 Jail Admissions</b>	19,276	19,541	5,639
<b>General Population (18 or over)</b>	1,610,655	1,851,056	2,257,922
<b>Admission Rate</b>	1,197	1,056	250

### RATES AND RATE RATIOS 2016-2021 FOR BLACK, HISPANIC AND WHITE RACIAL GROUPS

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Black/White</b>	4.8	7.5	7.6	7.9	10.2	11.6
<b>Hispanic/White</b>	4.2	4.1	4.3	4.2	4.9	4.7

## RACIAL DISPARITIES BY BOROUGH

<b>Bronx</b>						
	2016	2017	2018	2019	2020	2021
Black	43.60%	40.60%	45.30%	44.70%	47.10%	42.80%
Hispanic	46.50%	46.00%	45.40%	41.80%	40.80%	46.50%
White	2.70%	2.60%	2.60%	2.20%	2.00%	1.50%
Asian	0.20%	0.40%	0.30%	0.30%	0.60%	0.70%
Additional Racial/Ethnic Groups	5.70%	9.90%	5.80%	7.40%	8.40%	14.20%
<b>Brooklyn</b>						
	2016	2017	2018	2019	2020	2021
Black	64.60%	64.20%	65.10%	66.70%	67.40%	68.70%
Hispanic	22.60%	22.90%	21.40%	20.60%	19.90%	22.60%
White	9.80%	9.70%	8.50%	8.50%	7.10%	7.50%
Asian	1.00%	1.00%	1.20%	1.00%	2.50%	1.50%
Additional Racial/Ethnic Groups	2.30%	2.50%	2.30%	2.50%	2.40%	2.40%
<b>Manhattan</b>						
	2016	2017	2018	2019	2020	2021
Black	54.20%	52.80%	51.90%	51.40%	52.70%	55.70%
Hispanic	34.60%	34.50%	35.10%	35.50%	33.80%	34.60%
White	8.00%	8.60%	8.60%	9.40%	7.70%	6.80%
Asian	1.30%	1.40%	2.10%	1.60%	1.30%	1.70%
Additional Racial/Ethnic Groups	2.00%	2.60%	2.90%	2.50%	2.90%	2.10%
<b>Queens</b>						
	2016	2017	2018	2019	2020	2021
Black	46.30%	45.90%	47.10%	48.60%	51.50%	53.90%
Hispanic	32.20%	31.90%	30.20%	28.50%	28.10%	32.20%
White	12.00%	11.40%	9.70%	10.20%	9.50%	9.50%
Asian	6.50%	5.90%	5.70%	6.30%	5.50%	4.30%
Additional Racial/Ethnic Groups	3.80%	4.70%	5.60%	4.70%	5.00%	4.20%
<b>Staten Island</b>						
	2016	2017	2018	2019	2020	2021
Black	42.20%	45.40%	46.80%	53.10%	46.90%	50.30%
Hispanic	22.20%	21.60%	31.80%	24.30%	23.40%	22.20%
White	31.70%	30.30%	28.40%	9.10%	25.30%	22.80%
Asian	0.50%	0.50%	0.90%	2.20%	0.90%	0.60%
Additional Racial/Ethnic Groups	2.40%	1.60%	2.40%	3.70%	2.60%	3.00%

**RACIAL DISPARITIES BY ADMISSION STATUS<sup>69</sup>**

	<b>Pretrial: Bail or Remand</b>					
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
<b>Black</b>	51.60%	50.60%	51.20%	51.30%	54.30%	56.00%
<b>Hispanic</b>	33.00%	32.80%	32.90%	31.20%	30.00%	33.00%
<b>White</b>	9.50%	9.60%	9.40%	9.50%	7.90%	7.30%
<b>Additional Racial/Ethnic Groups</b>	5.60%	6.70%	6.60%	6.40%	6.60%	6.70%
	<b>Pretrial: Parole Violation</b>					
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
<b>Black</b>	62.50%	62.10%	61.80%	61.00%	63.40%	60.50%
<b>Hispanic</b>	27.30%	30.20%	30.10%	27.70%	27.70%	27.30%
<b>White</b>	6.70%	6.50%	4.70%	5.90%	5.50%	5.90%
<b>Additional Racial/Ethnic Groups</b>	2.70%	4.10%	3.30%	2.90%	3.30%	5.90%
	<b>Technical Parole Violation</b>					
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
<b>Black</b>	58.60%	59.90%	59.60%	61.90%	60.40%	60.40%
<b>Hispanic</b>	30.90%	31.10%	28.80%	29.40%	27.30%	30.90%
<b>White</b>	6.40%	5.80%	5.80%	6.00%	6.60%	7.00%
<b>Additional Racial/Ethnic Groups</b>	4.40%	3.50%	3.50%	3.40%	3.70%	5.30%
	<b>City Sentence</b>					
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
<b>Black</b>	53.40%	51.40%	50.90%	51.00%	46.50%	52.90%
<b>Hispanic</b>	32.40%	31.30%	30.90%	37.10%	31.10%	32.40%
<b>White</b>	10.80%	11.40%	11.50%	12.00%	10.60%	9.60%
<b>Additional Racial/Ethnic Groups</b>	3.90%	4.80%	6.40%	6.10%	5.80%	6.40%
	<b>Serving State Prison Sentence</b>					
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
<b>Black</b>	55.00%	54.50%	51.90%	55.10%	56.20%	56.00%
<b>Hispanic</b>	30.70%	31.50%	29.00%	27.70%	29.40%	30.70%
<b>White</b>	8.50%	8.70%	9.90%	9.40%	9.90%	9.30%
<b>Additional Racial/Ethnic Groups</b>	4.40%	6.00%	6.70%	6.60%	6.20%	5.40%
	<b>Other</b>					
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
<b>Black</b>	45.20%	45.60%	50.50%	38.10%	36.70%	44.80%
<b>Hispanic</b>	36.10%	30.70%	34.50%	40.00%	27.60%	36.10%
<b>White</b>	11.30%	11.50%	13.00%	20.40%	16.70%	17.20%
<b>Additional Racial/Ethnic Groups</b>	9.60%	6.90%	5.70%	7.10%	6.70%	10.30%

## Endnotes

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36 The general population was calculated using data from the American Community Survey census, which is publicly available on [www.census.gov](http://www.census.gov). The population for the rates was calculated by including all individuals 18 and over in the general population for each racial group. The census provides the following categories for race, which were used as a match for categories within the jail data: “Black or African American alone,” “Hispanic or Latino,” “White alone, not Hispanic or Latino,” “Asian alone,” “American Indian and Alaska Native alone,” “Native Hawaiian and Other Pacific Islander alone,” and “Some other race alone.” For the purposes of this report, “American Indian and Alaska Native alone,” “Native Hawaiian and Other Pacific Islander alone,” and “Some other race alone” were combined to match with “Additional Racial/Ethnic Groups.” Of note, there is no “Black alone, not Hispanic or Latino by Age” category available in the census data (meaning we could not calculate those who identify as Black alone, not Hispanic or Latino over the age of 18). Thus, all individuals who identify as Black or Black Hispanic are encompassed in the “Black alone” category when calculating these rates and rate ratios. This indicates a significant caveat to using census data when drawing comparisons, and we recognize there is likely a margin of error (in that the “Black alone” category is likely inflated with the inclusion of both Black and Black Hispanic individuals).

37 A jail admissions rate is a way to standardize the number of jail admissions in a given jurisdiction, relative to its population size. A jail admission rate per 100,000 people is calculated by dividing the number of jail admissions that occurred by the population over the age of responsibility (age 18) in that jurisdiction, and then multiplying the result by 100,000. A jail admission rate ratio is one way to compare two groups using a single number (the rate for one group is divided by the rate for another group). A rate ratio of 11.6 means that a Black person is 11.6 times more likely to be admitted to jail than a white person, even when considering differences in the size of the general population for each group.

38 Analysis of jail admissions excluded those with missing race values: 2016 (372 or 0.6%), 2017 (444 or 0.8%), 2018 (420 or 0.9%), 2019 (302 or 0.8%), 2020 (114 or 0.7%), and 2021 (279 or 1.7%).

39 See Appendix B for rates for all racial and ethnic groups from 2016-2021, and rate ratios for each group.

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61 This table shows only the top 20 of 197 zip codes. See Appendix B for a more detailed table.

62 Census data for 2021 at the zip code level was not available at the time of this report’s release.

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69 Numbers represent the percentage of total jail admissions. For example, in 2016, Black people made up 51.59% of people held pretrial due to an inability to pay bail or a remand order, whereas white people made up 9.5% of people held pretrial.

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**STRENGTH IN NUMBERS**

