

What's the justice system's role in driving the jail population up?

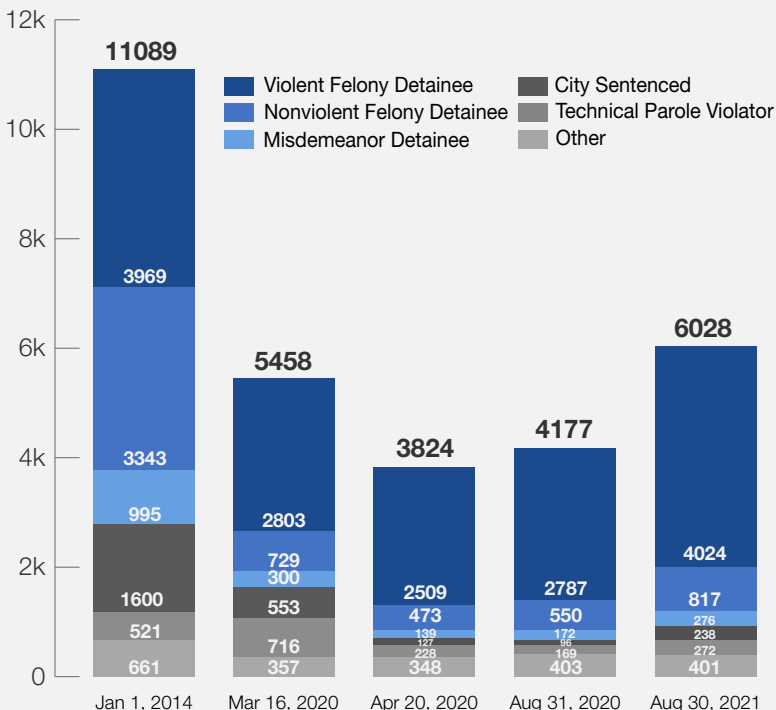
October 2021

How we got here

By the time COVID-19 hit New York City in March 2020, the City's jail population was less than half what it was more than six years prior— 11,089 on January 1, 2014 to 5,458 on March 16, 2020. In response to the pandemic, the City engaged its criminal justice partners to safely and quickly reduce the jail population to levels not seen since World War II.

By August 31, 2021, the population had increased to over 6,000, driven largely by violent felony detainees. Among this population, those who have been detained for a year or more while awaiting to resolve their case was the primary driver.

In August 2021, the population was still 46% down from January 2014. Since then the population has trended downward.

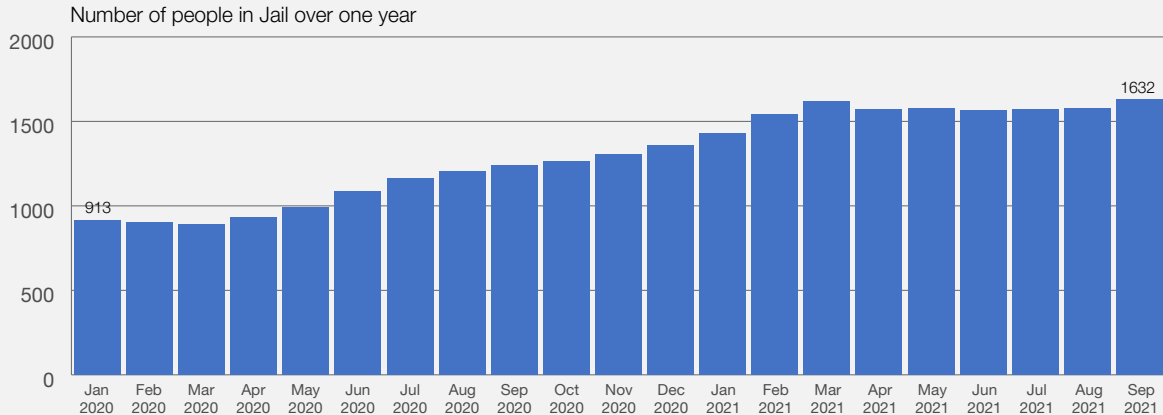


City jails are functioning like a prison because of systemic delays, with 30% of people incarcerated being held over 12 months

In January 2020, 16% of the jail population was there for over one year. By September 2021, 29% of the population was there for more than one year.

From January 2020 to September 2021, the jail population under one year has decreased by 11% while the population over one year has increased by 79%.

People charged with felonies make up 99.9% of pretrial detainees. In New York, a felony is any crime that carries a potential prison sentence of more than a year. When these detainees' right to a speedy resolution of their cases isn't realized, Rikers functions as a de facto prison.

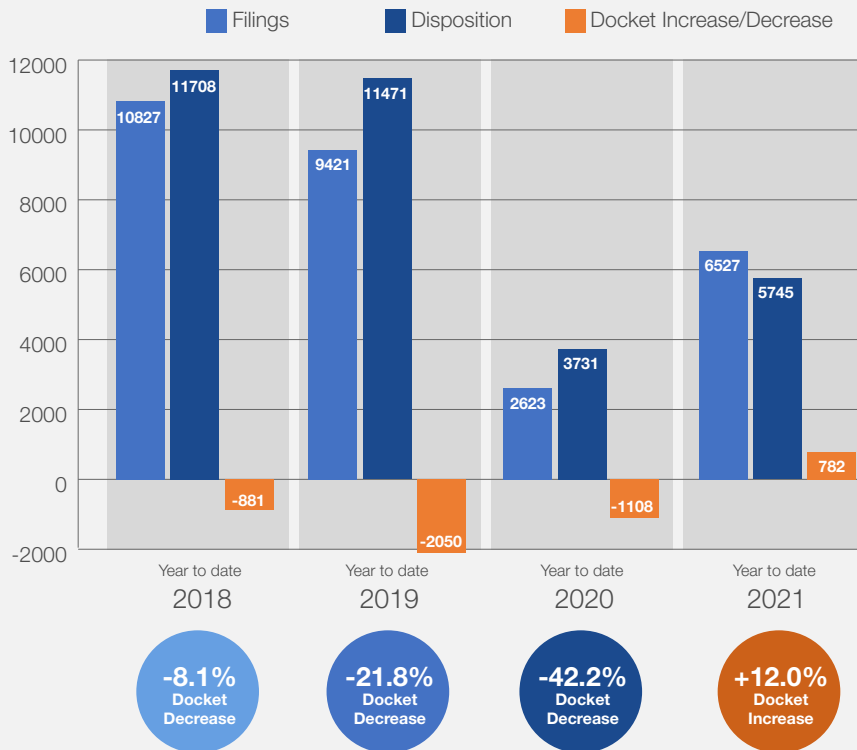


Delays in the justice system are driven by fewer felony cases being closed than it indicted

In previous years the justice system cleared more cases than were filed, leading to a decrease in the docket in 2018 (8.1%), 2019 (21.8%) and 2020 (42.2%) through the end of September of each year.

The trend has reversed so far this year, with the felony filing outpacing dispositions by 12%.

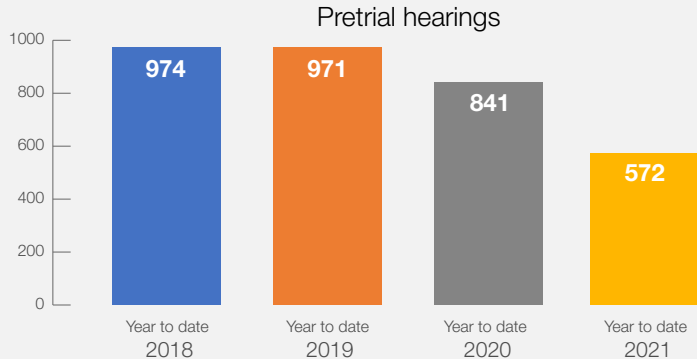
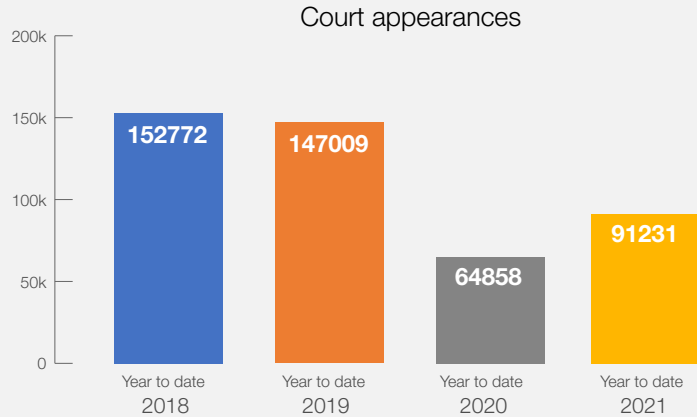
Change in Docket by Year



Fewer court appearances and fewer trial hearings in felony cases are creating fewer dispositions

While court appearances have rebounded from the COVID-19 near-shutdown of the justice system in 2020, they remain substantially lower than pre-pandemic levels in 2018 (40.3%) and 2019 (37.9%).

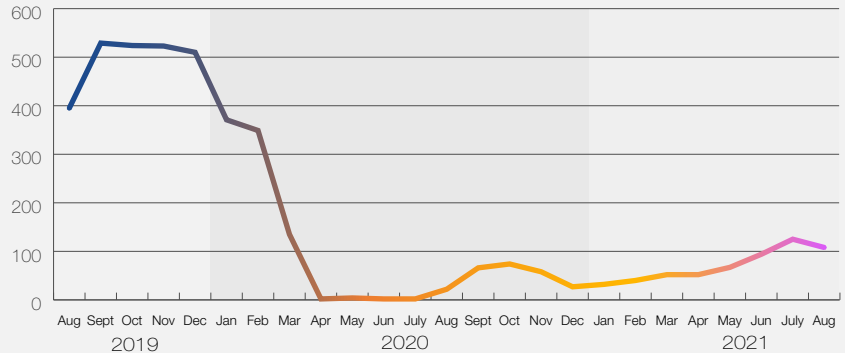
Pretrial hearings in 2021, meanwhile, are still far below even the lower levels brought about by COVID-19 in 2020 (32%), and significantly below pre-pandemic levels in 2018 (about 41%).



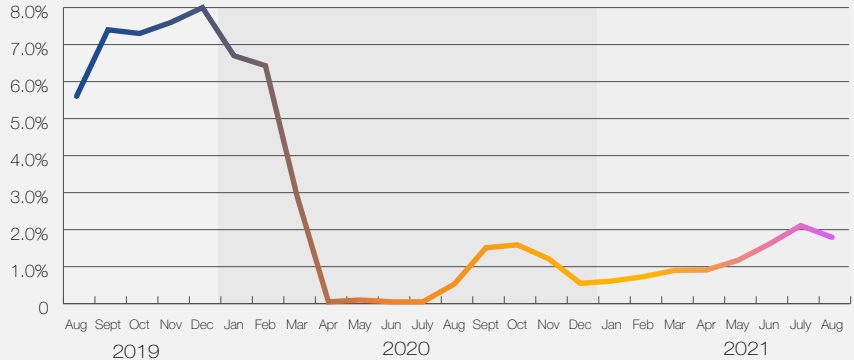
Court appearances by people in DOC custody have decreased drastically

The impact of COVID-19 led to the near shutdown of court proceedings for months. Yet the number and proportion of defendants held in custody by the City's Department of Correction that are making their scheduled court appearances remains a fraction of the levels seen pre-pandemic.

People in DOC custody produced to Court (Daily)



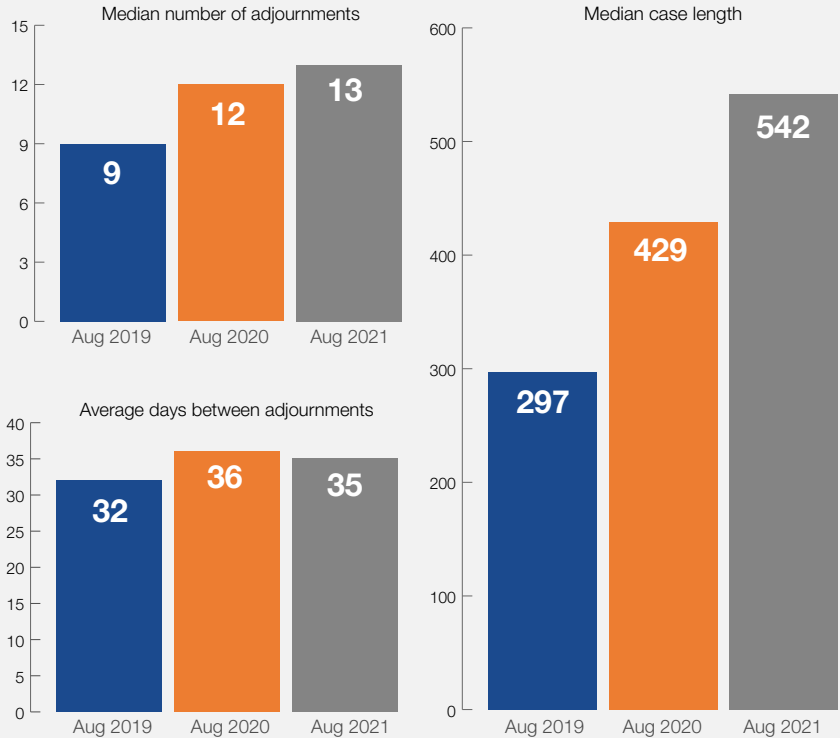
Percent of People in DOC Custody produced to Court (Daily)



Adjournments and case lengths

With fewer court appearances, more court proceedings are postponed, more days occur between adjournments, and case lengths are longer

Court adjournment in which a proceeding is postponed to a future date has increased from a median of 9 adjournments per case to 13. The days in between these adjournments has also increased. The result has helped increase the median case length in August 2021 by 82% compared to August 2019.

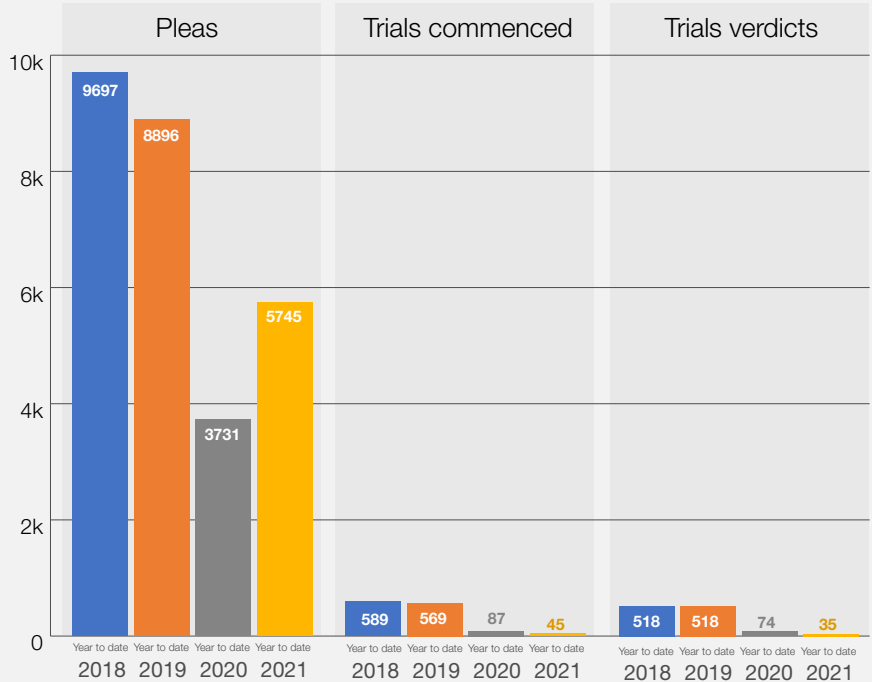


Felony pleas and trials

With fewer court appearances and trial hearings, we have fewer pleas and trials

Trials starting and ending, either through a plea agreement or a verdict, remain far behind pre-pandemic levels.

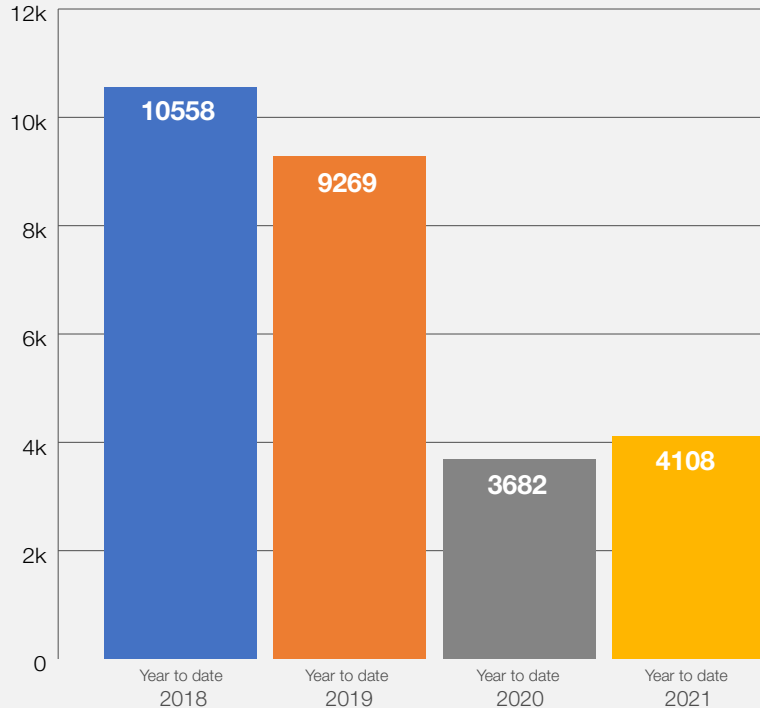
While pleas have rebounded from their lows during the worst of the pandemic in 2020, trials beginning or ending following a verdict in 2021 have fallen even further behind the significant dropoff experienced in 2020.



With fewer pleas and trials, more people in Rikers are awaiting sentencing

Even when a case is concluded, defendants that took pleas or were convicted continue to too often remain on Rikers Island awaiting sentencing by a judge. The rate in 2021 remains at less than half the pace of sentencing prior to the pandemic.

Sentences for felony cases

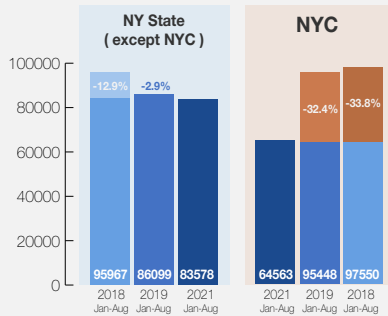


Appendix

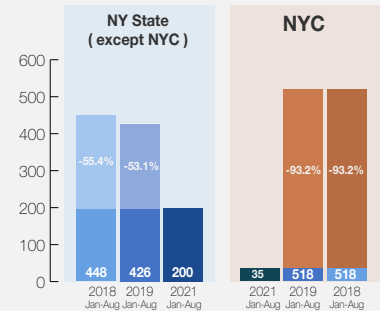
The court system in New York City has continued to not only lag behind pre-COVID levels, but has struggled to rebound as quickly as courts across the rest of New York State so far in 2021.

Through mid-August, City courts remain far behind both comparison points in pleas, verdicts, trials started, pretrial hearings, and total appearances through the end of a case.

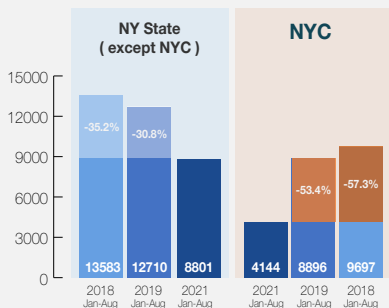
Appearances through Dispositions



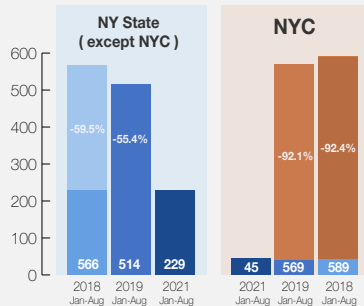
Verdicts



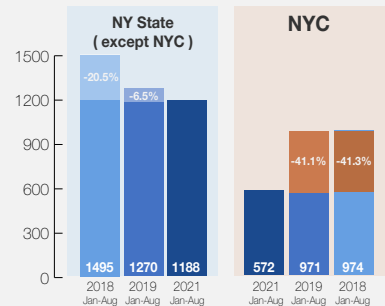
Pleas



Trials Commenced



Pretrial Hearings



COVID-19 slowdowns are resulting in more people being held for longer periods of time

Despite the rise in bail for violent felony cases, more people are making bail or being ROR'd than they were pre-pandemic. In August 2021, 52% of people left jail after paying bail or being released by the court on their current case, and 70% left jail and returned to their community. Over half of people who left jail spent 30 days or fewer in custody.

However, those who do not make bail are finding themselves spending longer periods of time in custody than before COVID-19. Since January 2020, the average time people in jail have been detained has risen by nearly 90 days, from 198 days to 287 days.

Average time in custody (days) for people in DOC facilities

