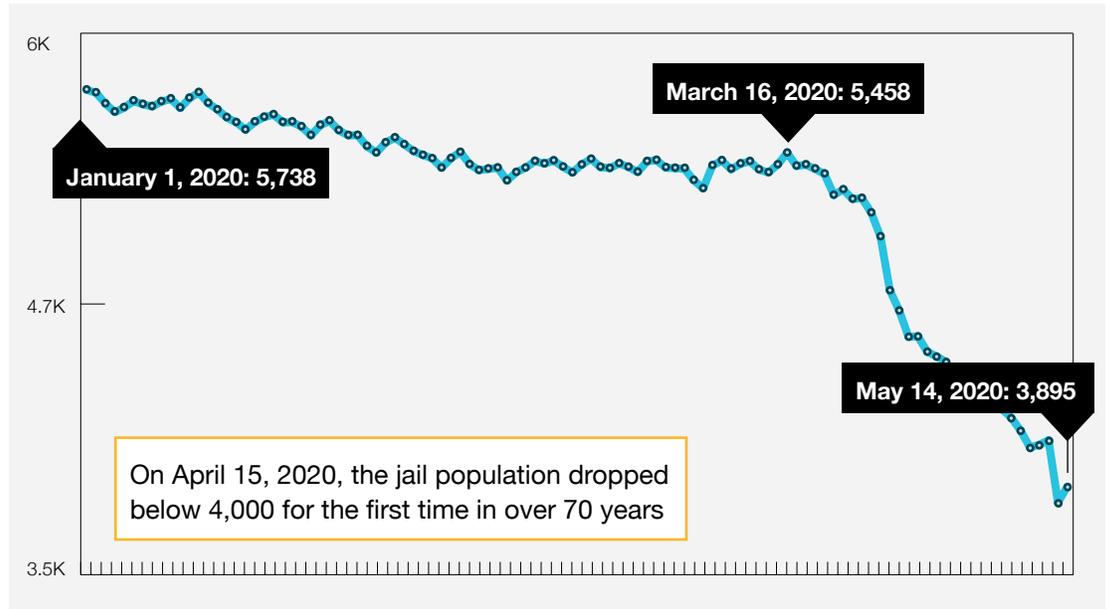


# New York City jail population reduction in the time of COVID-19

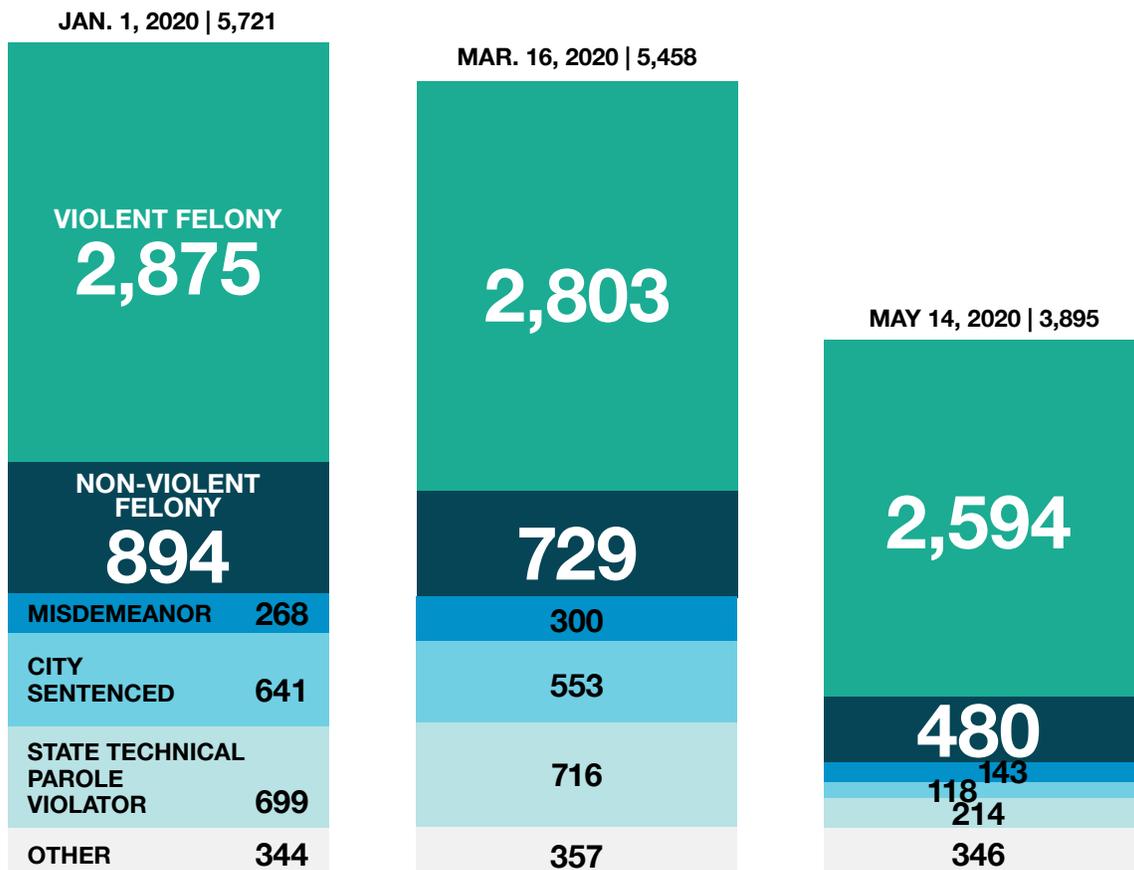
Through May 14, 2020

For the past few years, New York City has had the lowest jail incarceration rate and the lowest crime rate of all large cities in the nation. In the face of the current public health emergency, the number of New Yorkers held in NYC jails has plummeted, shrinking by **29%** in eight weeks, a steeper population decline than in all of last year. The jail population is at a number not seen since **1946**.



## The number of people in city custody has fallen by 1,560 people since 3/16/20

Since March 16, when a number of public health measures designed to reduce the spread of COVID-19 began to be implemented, the number of people entering jails plummeted (**1,475** people entered, compared to **6,000** over the same time last year). At the same time, the number leaving—over **2,850** people—was almost double the number entering. The effect of this was a daily population decline of **1,560** people.



## Who has the authority to release people from city custody?

People in jail are held for different reasons, and their release requires action and approval by different authorities and agencies.

- **People held pretrial charged with violent felony, nonviolent felony, or misdemeanor crimes**
  - Release requires a judge’s order to change pretrial status, often on a motion by a district attorney or a defense attorney.
  - If the person also has a warrant, the agency that issued the warrant must also clear it prior to release
- **People alleged to have violated conditions of their State parole supervision**
  - State technical violations (violated a parole rule but did not commit a new crime)
    - « Release requires the New York State Department of Corrections and Community Supervision (DOCCS) to lift the person’s warrant or requires the state parole board to complete the hearing process on the person’s alleged violation.
  - Parole violations tied to new arrests (the person was arrested for a new crime)
    - « Release requires DOCCS to lift the warrant keeping the person in custody. If the new arrest also results in detention, a judge would have to change that ruling after hearing from the district attorney and defense counsel. Alternatively, district attorneys and judges could consent to pretrial release.
- **People serving a city jail sentence which is less than one year**
  - When there is “some compelling reason consistent with the public interest,” state law authorizes the Commissioner of the NYC Department of Correction to permit people sentenced to less than a year to serve the remainder of their sentence at home. The Commissioner has taken this action, resulting in the release of over 300 people who are completing their sentences at home while still legally in DOC custody.
- **People held for other reasons**
  - Some people have been sentenced to more than a year and are awaiting transfer to state prison.
  - Others are held on warrants or court orders, which a judge or issuing agency/jurisdiction must lift before release is granted.

Note: a writ of habeas corpus may be filed, usually by defense counsel, seeking a ruling from the court to release an individual from custody. Many of these have been filed in the last few weeks.

## How the city has prioritized release

With an increasing urgency, the City is balancing concerns for public health with public safety and has sharpened its focus on health concerns as the emergency has evolved. We have prioritized the release of those over 50 years of age, and those with the underlying health conditions that put people at highest risk from COVID-19, including auto-immune, heart and lung diseases, diabetes, and cancer.

## Who has been released so far and under whose authority?

Largely through efforts from judges, district attorneys, defenders, DOC, and New York State DOCCS, over 2,850 people have been released from jail since March 16.

	Released through May 13
<b>Violent Felony Offense</b>	<b>746</b>
<b>Non-violent Felony Offense</b>	<b>379</b>
<b>Misdemeanor Offense</b>	<b>259</b>
<b>City Sentenced Offense</b>	<b>457</b>
<b>State Technical Parole Violation</b>	<b>647</b>
<b>Others</b>	<b>367</b>

**Note:** The numbers on the chart to the left represent everyone who has left jail since 3/16. This includes additional ways that people can leave—some paid bail and others left after their sentence was over, and others left after judges ordered release based on writs.

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## Who remains in jail?

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The release of more people from jail depends on how city and state partner agencies continue to weigh public health and public safety concerns. Release also depends on the reason for detention and the willingness of the relevant authorities to exercise their discretion. For example, a person may be released when warrants are lifted or when bail or remand conditions are changed. **As of May 14, 2020:**

- 67% of those who remain in jail are charged with violent felonies
  - 44% are remanded, that is, held without any bail
  - 14% have another warrant or hold on them
- 12% are charged with nonviolent felonies
  - 42% are remanded
  - 25% have another warrant or hold on them
- 4% are charged with misdemeanors
  - 16% are remanded
  - 65% have another warrant or hold on them
- 3% are serving city sentences
  - 10% have another warrant or hold on them
- 5% are held on state technical parole violations
- 9% are held for other reasons
  - these reasons include: people awaiting transfer to state prison, people in state custody temporarily held in DOC facilities, and people held on court

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## For more information

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[COVID-19 Citywide Information Portal](#)  
[COVID-19 Daily Data](#)  
[NYC Board of Correction Daily COVID-19 Update](#)  
[NYC DOC: Population Report](#)  
[NYC Open Data: Daily Jail Population](#)  
[Historical Jail Population Numbers](#)

## Appendix: Additional Charge Information on People Held in Jail Pretrial

### People held on violent felonies

**88% of the 2,594 people detained on violent felonies are charged with one of these 5 offenses:**

1. Murder (941)
2. Robbery (487)
3. Assault (365)
4. Weapons (251)
5. Sex Offense (241)

The remaining 12% include charges of strangulation, kidnapping and arson.

### People held on non-violent felonies

**80% of the 480 people detained on nonviolent felonies are charged with one of these 5 offenses:**

1. Drug Charges (158)
2. Criminal Contempt (97)
3. Larceny/Possession of Stolen Goods (49)
4. Burglary (49)
5. Robbery (32)

The remaining 20% include charges of bail jumping, attempted assault and reckless endangerment.

### People held on misdemeanors

**70% of the 143 people detained on misdemeanors are charged with one of these 5 offenses:**

1. Assault (37)
2. Criminal Contempt (19)
3. Drug Possession (not marijuana) (13)
4. Petit Larceny (15)
5. Forcible Touching (16)

The remaining 30% include charges of weapon possession, menacing and harassment.

**96 out of 143 people detained on misdemeanor charges have a warrant.**

(Most warrants are parole, other warrants include supreme court, federal court, and other jurisdictions)

**67% of people detained on misdemeanors have a warrant keeping them in custody.**

Of the 47 remaining people, 22 are remanded (cannot be released through bail).

The remaining 25 people have bail set from \$250 to \$75,000. The nine people with bail set at \$2,000 or under are in for potential DV or sex offenses.

**290 people held pretrial have bail of \$10,000 or less and no warrants:**

\*220 people charged with violent felonies  
 \*47 people charged with nonviolent felonies  
 \*23 people charged with misdemeanors

## **Appendix: 6A Program for those serving a city jail sentence**

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When there is “some compelling reason consistent with the public interest,” Article 6-A of the State Correction Law authorizes the Commissioner of the NYC Department of Correction to exercise discretion to permit people sentenced to less than one year to serve the remainder of their sentence at home. This program is referred to as the ‘6A program’ after the article of the law that authorizes it. Beginning March 22, 2020, the Commissioner has exercised this authority, which has resulted in the release of 313 people. The City’s Supervised Release providers, a group of non-profits contracted to supervise people pretrial in a court ordered program are now also supervising city sentenced individuals in this 6A program by providing daily virtual case management and reporting to DOC on compliance.

### **Overview:**

**313** people released to 6A program

**138** people are no longer in the program, primarily because their sentence ended

### **Active Participants:**

**175** people are still active in the program

### **Rearrests:**

**95%** of the people have not been re-arrested while in the program