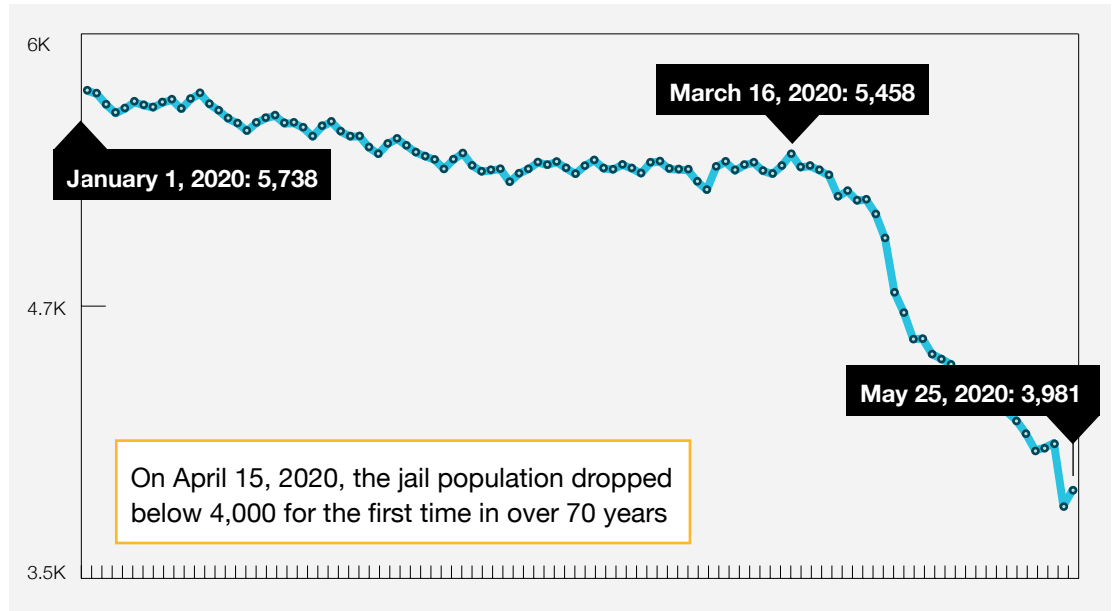


New York City jail population reduction in the time of COVID-19

Through May 25, 2020

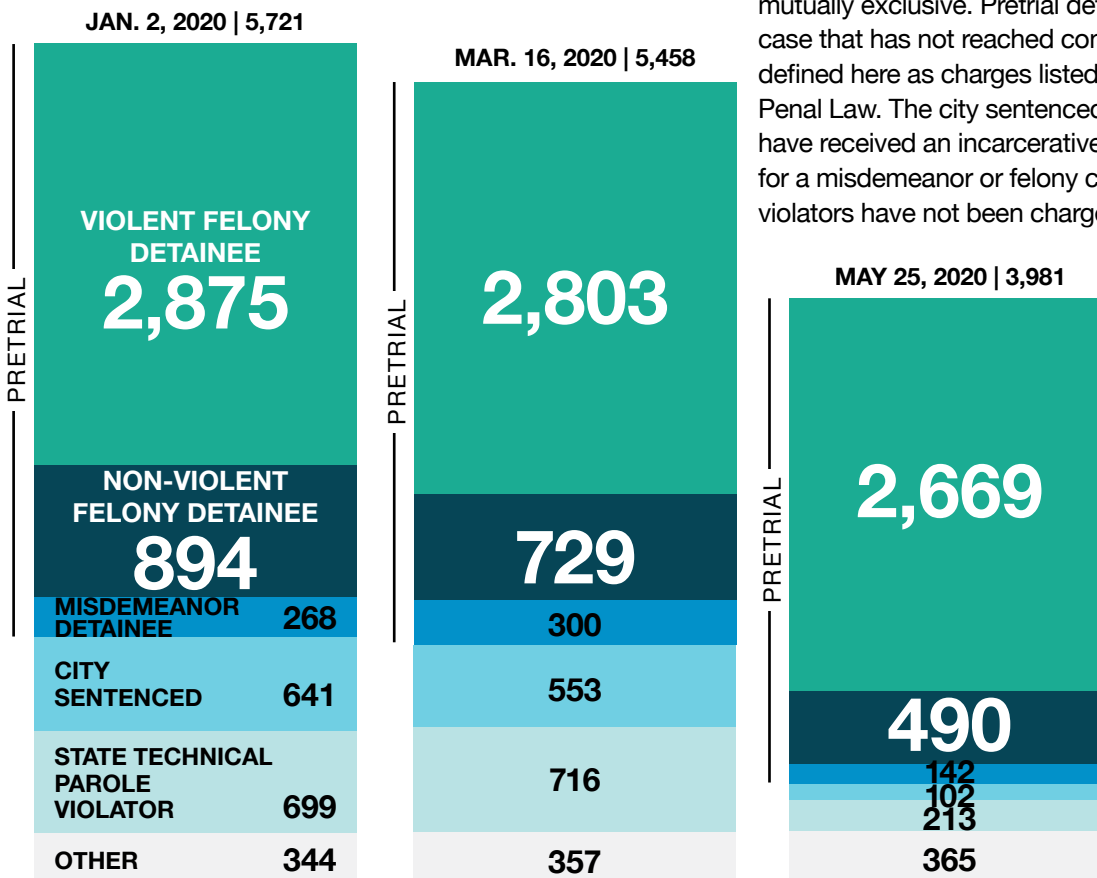
For the past few years, New York City has had the lowest jail incarceration rate and the lowest crime rate of all large cities in the nation. In the face of the current public health emergency, the number of New Yorkers held in NYC jails has plummeted, shrinking by **27%** in ten weeks, a steeper population 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 1,480 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 (almost **2,000** people entered, compared to more than **7,300** over the same time last year). At the same time, almost **3,400** people left custody. The effect of this was a daily population decline of **1,480** people.

The population categories used in this document are mutually exclusive. Pretrial detainees have an open criminal case that has not reached conclusion. Violent felonies are defined here as charges listed under section 70.02 of NYS Penal Law. The city sentenced category is all individuals who have received an incarcerative sentence of one year or less for a misdemeanor or felony charge. State technical parole violators have not been charged with a new crime, rather they have allegedly violated a term of their State parole supervision. The "other" category includes people held on warrants, those awaiting sentencing, and those awaiting transfer to state prison.



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 since March 16th.

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, almost 3,400 people have been released from jail since March 16.

	Released through May 25*
Violent Felony Offense	995
Non-violent Felony Offense	530
Misdemeanor Offense	445
City Sentenced Offense	480
State Technical Parole Violation	560
Others	385

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.

**Excludes 21 discharges that cannot be classified until full May 2020 data is available*

Who remains in jail?

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 25, 2020:**

- 67% of those who remain in jail are charged with violent felonies
 - 43% are remanded, that is, held without any bail
 - 14% have another warrant or hold on them
- 12% are charged with nonviolent felonies
 - 41% are remanded
 - 23% have another warrant or hold on them
- 4% are charged with misdemeanors
 - 13% are remanded
 - 63% 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 orders

For more information

[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 2,669 people detained on violent felonies are charged with one of these 5 offense categories:

1. Murder (961)
2. Robbery (498)
3. Assault (387)
4. Weapons (259)
5. Burglary (250)

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

People held on non-violent felonies

80% of the 490 people detained on nonviolent felonies are charged with one of these 5 offense categories:

1. Drug Charges (164)
2. Criminal Contempt (102)
3. Burglary (49)
4. Larceny/Possession of Stolen Goods (46)
5. Robbery (30)

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

People held on misdemeanors

70% of the 142 people detained on misdemeanors are charged with one of these 5 offense categories:

1. Assault (34)
2. Criminal Contempt (24)
3. Forcible Touching (15)
4. Petit Larceny (14)
5. Drug Possession (not marijuana) (12)

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

92 out of 142 people detained on misdemeanor charges have a warrant.

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

65% of people detained on misdemeanors have a warrant keeping them in custody.

Of the 50 remaining people, 16 are remanded (cannot be released through bail).

The remaining 34 people have bail set from \$500 to \$75,000. The seven people with bail set at \$2,000 or under are in for potential DV or sex offenses.

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

- *239 people charged with violent felonies
- *53 people charged with nonviolent felonies
- *30 people charged with misdemeanors

Note: Offense category counts include attempted offenses.

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

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

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

Active Participants:

157 people are still active in the program

92% are currently in compliance with program requirements (meaning no re-arrests and maintaining sufficient contact with case manager)

Rearrests: 94% of the people have not been re-arrested while in the program

Out of the 313 people, 20 people* (6%) have been rearrested while they were still active in the 6A program

- *Slightly more than half of the re-arrests were for misdemeanor offenses
 - *More than half of these misdemeanor re-arrests received a desk appearance ticket (DAT)**
- Of the 20 people who were re-arrested
 - 10 had their 6A status revoked
 - 6 had their sentence expire after their re-arrest
 - 4 are currently still in the program and in contact with their case manager

*These 20 individuals have been rearrested a total of 30 times.

**Police issue desk appearance tickets for misdemeanors, violations, and some E felonies. Instead of being taken into police custody, the person is given a future arraignment date and released.

Appendix: COVID-19's Impact on NYC Jail Admissions through April 2020*

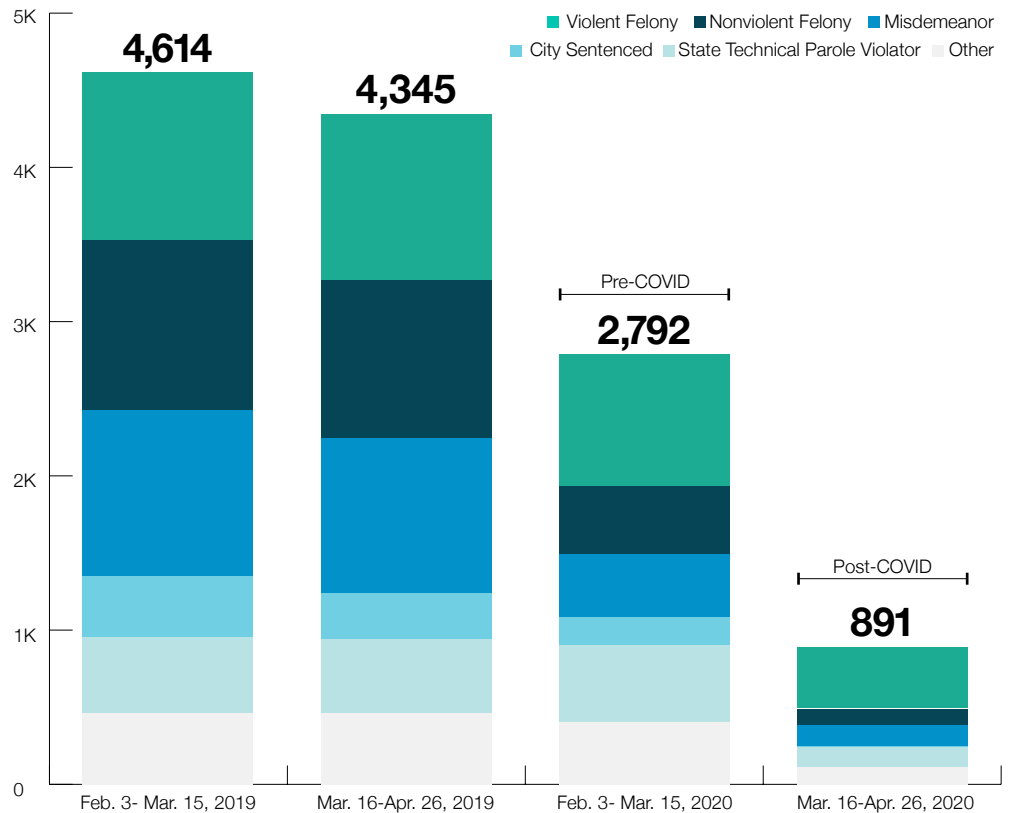
Starting March 16th, 2020, New Yorkers began staying at home and observing social distancing to help reduce the spread of COVID-19. Although the number of people entering jail in the pre-COVID period was already down substantially from 2019, the number of people who have entered in the post-COVID period has plummeted even more sharply.

*This report covers the six weeks pre- and post-COVID. The “pre-COVID” period is February 3-March 15; the “Post-COVID” period covers March 16-April 26. Admissions have increased in the month of May and will be covered in a future report.

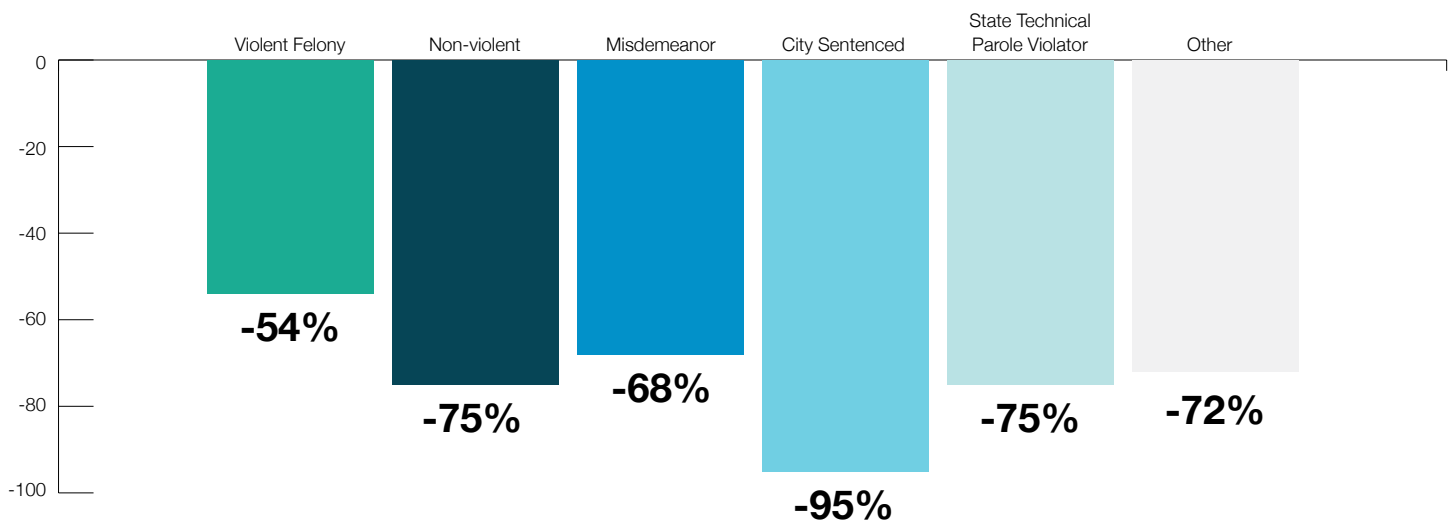
NYC Jail Admissions 2019 and 2020 (Feb. 3 to Mar. 15 vs. Mar. 16 to Apr. 26)

Pre-COVID admissions (Feb. 3- Mar. 15) were down 39% from the same time last year (4614 in 2019 vs. 2792 in 2020).

Post-COVID admissions (Mar. 16-Apr. 26) are down 68% from the 2020 pre-COVID period (2792 pre vs. 891 post) and 79% from the same period last year (4345 in 2019 vs. 891 in 2020).



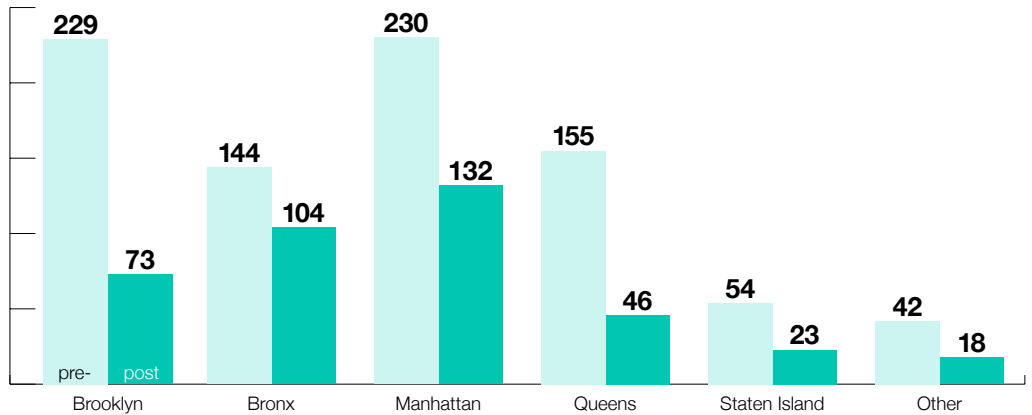
Percent Change in 2020 Admissions, Pre- and Post-COVID-19



2020 Pretrial Admissions by Borough of Prosecution*

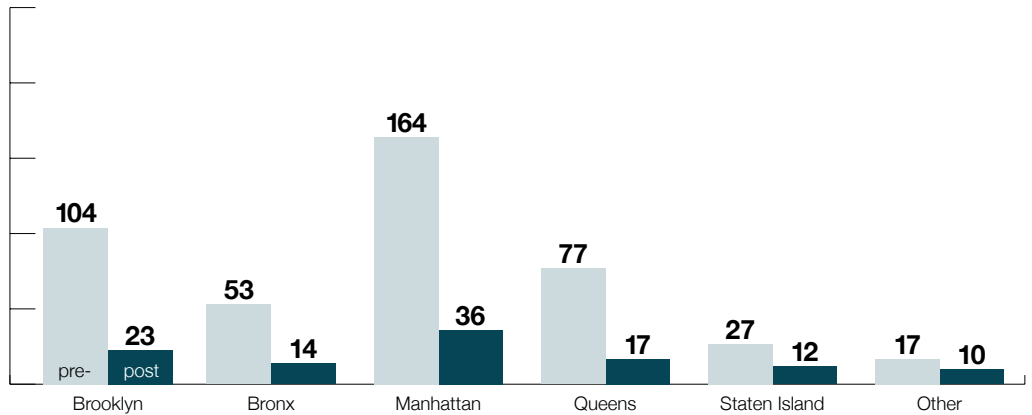
Pretrial Admissions for Violent Felony Charges

Admissions for violent felony offenses are down by -54% in the six weeks post-COVID (Mar. 16- Apr. 26).



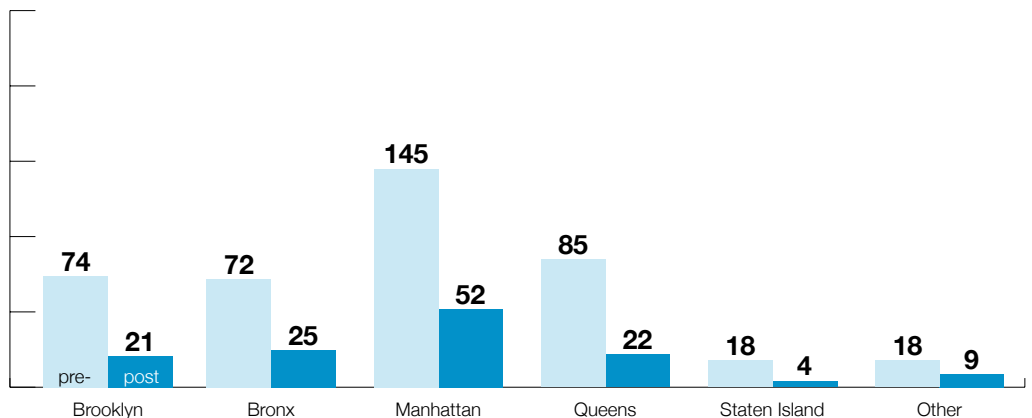
Pretrial Admissions for Nonviolent Felony Charges

Admissions for nonviolent felony offenses are down by -75% in the six weeks post-COVID.



Pretrial Admissions for Misdemeanor Charges

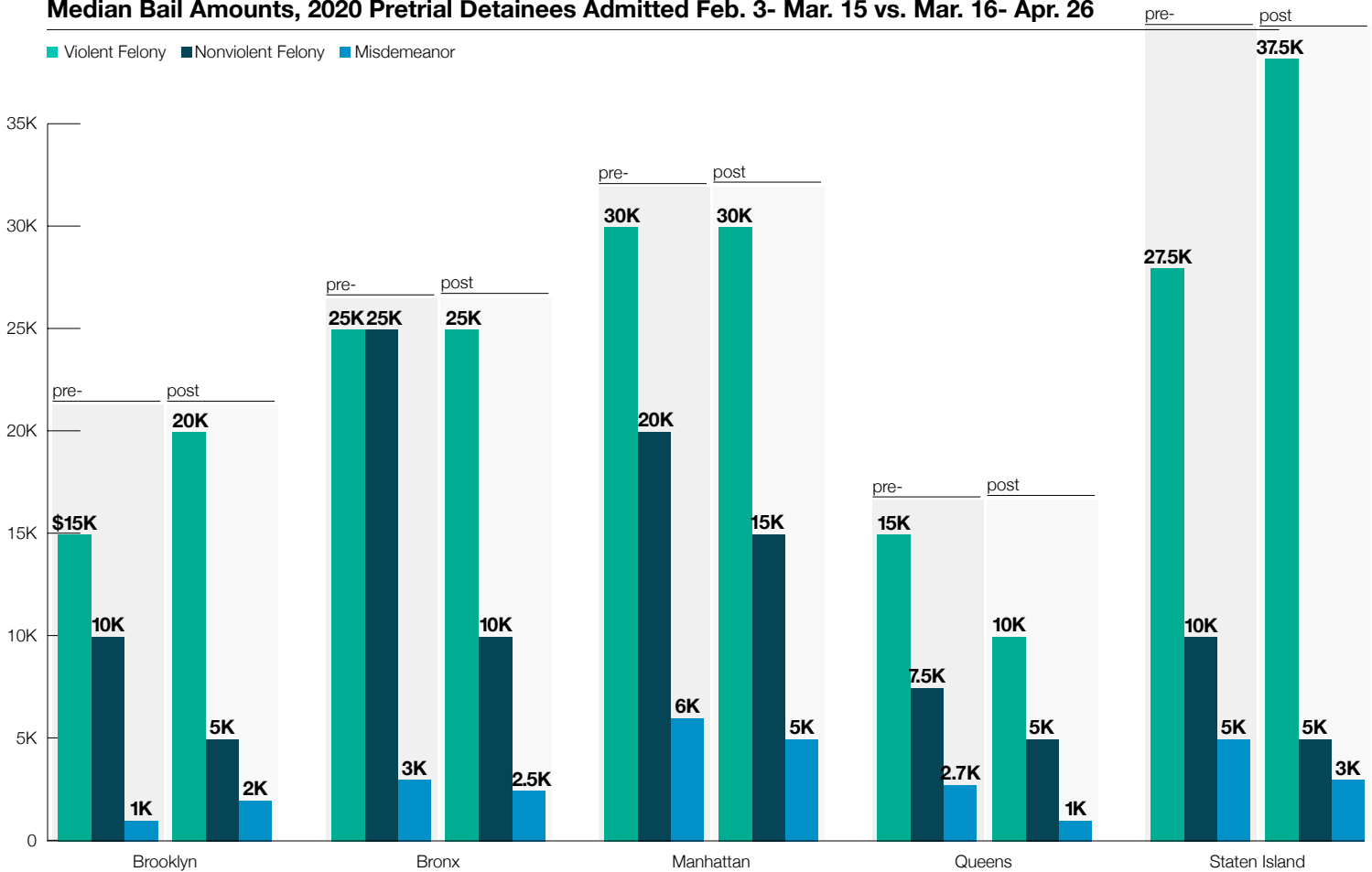
Admissions for misdemeanor offenses are down by -68% in the six weeks post-COVID.



The percentage of pretrial violent felony admissions where the person also had a warrant was unchanged during this time period. For nonviolent felony admissions, those with a warrant increased by 5 percentage points post-COVID (from 30% to 35% of admissions), while misdemeanor admissions with warrants increased by 19 percentage points post-COVID (from 42% to 61%).

* Manhattan admission numbers include those with cases being prosecuted by the Special Narcotics Prosecutor. This office has citywide jurisdiction and prosecutes serious felony narcotics cases, such as drug trafficking.

Median Bail Amounts, 2020 Pretrial Detainees Admitted Feb. 3- Mar. 15 vs. Mar. 16- Apr. 26



For pretrial admissions where bail was set, median bail amounts, for the most part, remained unchanged for people charged with violent felonies and decreased for people charged with nonviolent felonies and misdemeanors.

- For violent felony offenses:
 - Median bail unchanged in Bronx and Manhattan; decreased in Queens; increased in Brooklyn and Staten Island
- For nonviolent felony offenses:
 - Decreased in all boroughs
- For misdemeanor offenses:
 - Increased in Brooklyn; decreased in all other boroughs

Most Frequent Pretrial Admission Charges

Year	Charge	Category	Count
2019	Assault 3	Misdemeanor	516
	Assault 2	Violent Felony	405
	Petit Larceny	Misdemeanor	336
	Poss Weapon 2	Violent Felony	300
	Poss Contempt 2	Nonviolent Felony	288
	Crim. Contempt 2	Misdemeanor	249
	Crim. Contempt 1	Nonviolent Felony	246
	Grand Larceny 4	Nonviolent Felony	218
	Burglary 2	Violent Felony	217
	Robbery 1	Violent Felony	216
2020	Poss. Weapon 2 ^	Violent Felony	213
	Assault 2 ^	Violent Felony	182
	Robbery 1 ^	Violent Felony	163
	Crim. Contempt 1	Nonviolent Felony	126
	Petit Larceny	Misdemeanor	115
	Robbery 2	Violent Felony	110
	Attempted Murder ^	Violent Felony	109
	Crim. Contempt 2	Misdemeanor	100
	Assault 3 ^	Misdemeanor	97
	Burglary 2	Violent Felony	82

Over the same period (February 3-April 26), the most frequent pretrial admission charges have shifted, with violent felony offenses now comprising six of the top 10 most common charges. The most frequent misdemeanors have remained unchanged, while grand larceny and drug possession have fallen out of the top 10 in 2020. Charges with a “^” next to them represent the five most common admission charges through April 26, 2020.