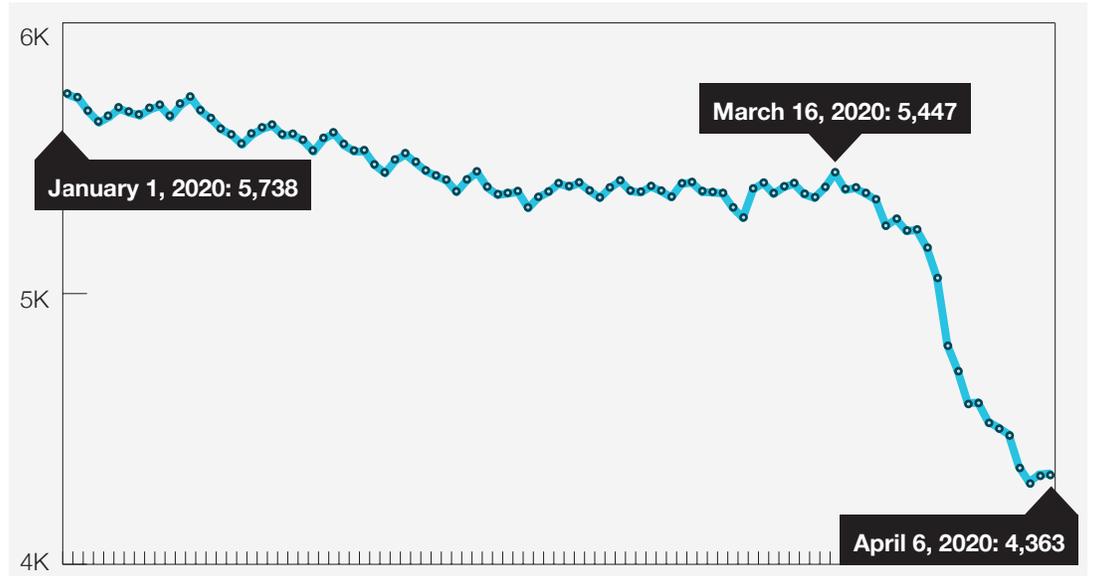


New York City jail population reduction in the time of COVID-19

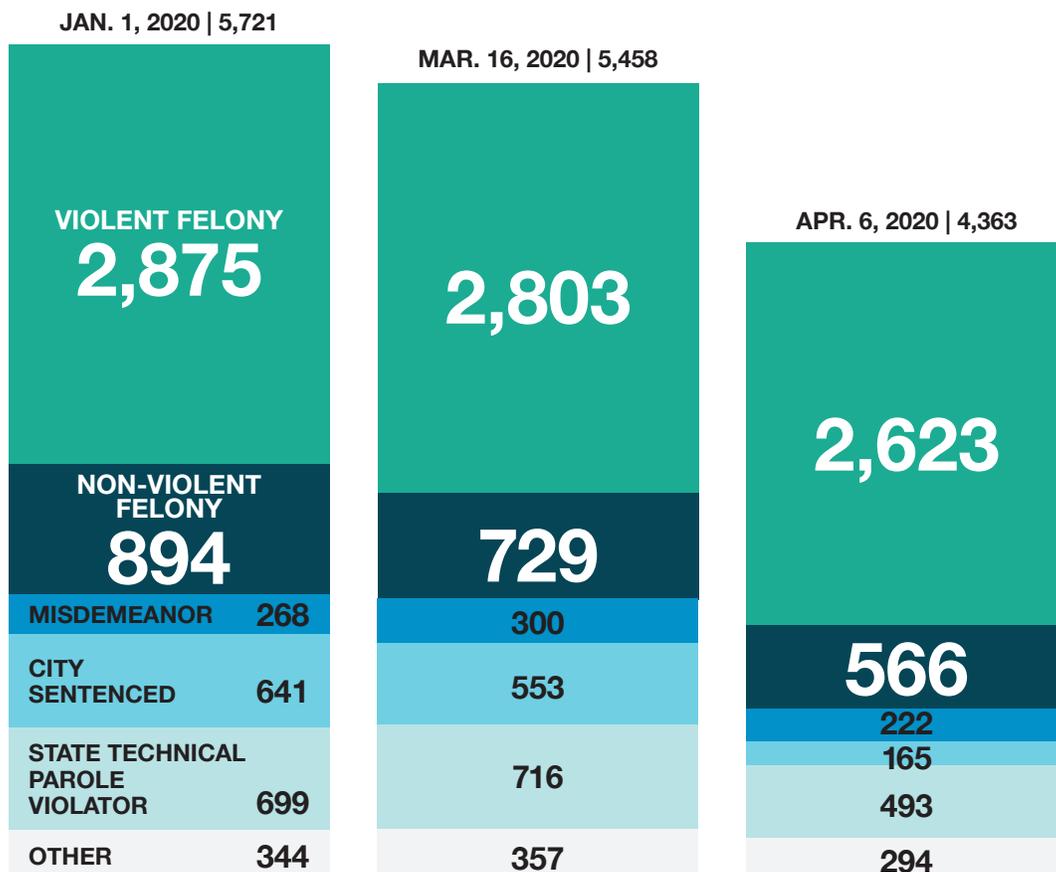
April 2020

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 20% in just 21 days, a steeper population decline than in all of last year. Today the jail population is at a number last seen in 1949.



The number of people in city custody has fallen by more than 1,100 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 (500 people entered, compared to 2,100 over the same time last year). At the same time, the number leaving—1,500 people—was triple the number entering. The effect of this was a daily population decline of 1,100 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 309 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 1,500 people have been released from jail since March 16.

	Released through April 6
Violent Felony detainees	329
Non-violent Felony detainees	207
Misdemeanor detainees	130
City Sentenced detainees	401
State Technical Parole Violators	354
Others	163

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.

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 April 6, 2020:

- 60% of those who remain in jail are charged with violent felonies
 - 44% are remanded, that is, held without any bail
 - 15% have another warrant or hold on them
- 13% are charged with nonviolent felonies
 - 42% are remanded
 - 30% have another warrant or hold on them
- 5% are charged with misdemeanors
 - 15% are remanded
 - 73% have another warrant or hold on them
- 4% are serving city sentences
 - 19% have another warrant or hold on them
- 11% are held on state technical parole violations
- 7% are held for other reasons

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](#)