

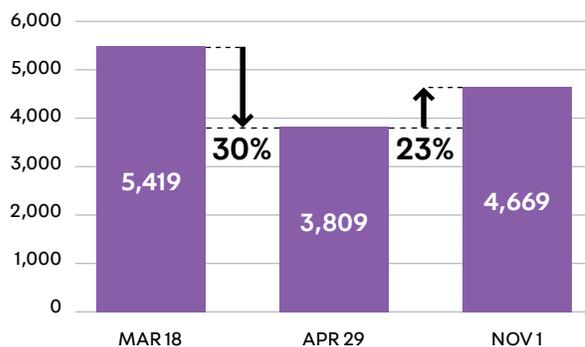
COVID-19 and the New York City Jail Population: Summary of Major Trends

The first COVID-19 infection was confirmed at the Rikers Island jail complex on March 18, 2020. A dangerous outbreak quickly ensued. One month later, there were more than 1,200 confirmed infections: 363 among people detained and 848 staff. City and state officials took emergency actions to reduce the number of people in jail in the early weeks of the pandemic. But since that time, the population has been rising again, even as the spread of the virus behind bars remains an urgent concern.

Amid a flurry of media reports and sustained pressure from advocates, the number of people detained in New York City jails dropped precipitously from mid-March through the end of April. However, as the impact of the initial measures has faded, the subsequent re-increase in the jail population has already reversed more than half of those reductions. To make sense of the multiple population trends, this research brief answers three questions:

- Drivers of Jail Population Change:** Are there significant variations in the trends among the following groups: people detained awaiting trial; on a jail sentence; on a parole violation resulting from a new charge; and on a technical parole violation (due to missed appointments or positive drug tests)?
- Bail Reform:** How have New York's new bail laws impacted the trends, both in the months prior to COVID-19 and since the onset of the pandemic?
- Racial Disparities and Other Demographics:** Have the net jail reductions achieved since March reduced racial and ethnic disparities or led to other demographic changes?

THE NYC JAIL POPULATION BEFORE AND AFTER THE INITIAL COVID-19 OUTBREAK



Source: New York City Department of Correction data via New York City Open Data (analysis by the Center for Court Innovation)

Overall Jail Trends

- **Historic Reduction in March and April:** Over the course of six weeks, the city's daily jail population plummeted by 30%—from 5,419 on March 18, to 3,809 on April 29, a low not seen since the 1940s.
- **Five Momentous Days:** From March 24 to March 29 alone, the jail population declined

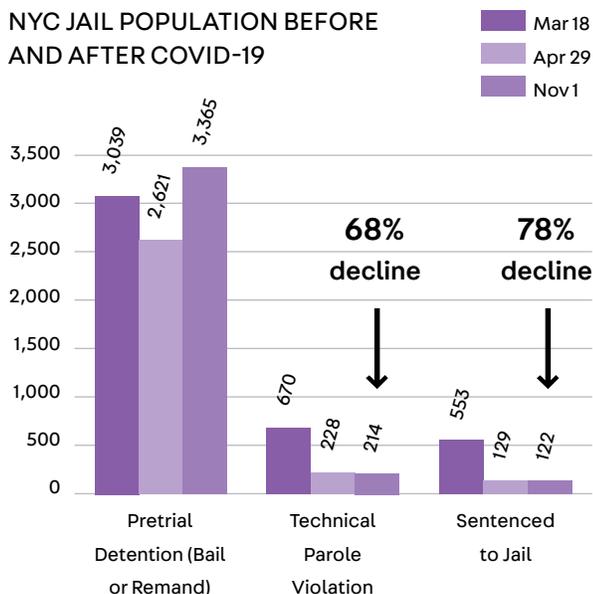
by 630 people. These five days coincided with the bulk of the city’s almost 300 releases into community supervision of people serving jail sentences of one year or less; with a successful lawsuit by the Legal Aid Society—one of several initiated by the organization—that led to the release of more than 100 people held on parole violations; and with the start of additional state reviews of people detained on technical parole violations.

- **Subsequent Jail Increase:** Since April, the jail population has climbed by 23%, reaching 4,669 people held on November 1. If the current rate of increase continues, by February, the jail population will return to what it was just prior to the start of the pandemic. It bears noting that even April’s low population mark of just over 3,800 people in jail is still 500 higher than the target of 3,300 the city must attain to close the Rikers Island jails on schedule in 2026.

How the Jail Population is Changing

- **Pretrial Detention:** People held awaiting trial are the overwhelming driver of the re-increase in the city’s jail population that followed the initial decline in March and April. As of November 1, the number of people held pretrial was a net 11% *higher* than it was even prior to the detection of COVID-19. As incarceration among all other groups has declined, the share of people held pretrial in New York City jails has also increased: close to three of four New Yorkers currently incarcerated in jail are awaiting trial, with no finding of innocence or guilt. Most of these individuals are held due to an inability to afford bail.
- **Jail Sentences and Technical Violations:** From mid-March to the beginning of November, the number of people jailed on sentences of one year or less dropped a staggering 78%, and people held on technical parole violations declined 68%. For now, these numbers are not significantly increasing, suggesting a sustained decline in jail admissions for both of these groups that has outlasted the initial response to COVID-19.
- **Parole Violations Stemming from a New Arrest:** People held on parole violations resulting from a new arrest declined by 26% from mid-March to the end of April—though, after that dip, data from August to the beginning of November shows the size of this group is increasing again. People re-arrested while on parole are automatically incarcerated if a violation is filed. But if, as some have advocated, the state’s bail reform law was extended to these individuals, only 59% held on November 1 would have faced a bail-eligible charge—meaning the other 41% would have had to be released.

SELECTED SUBGROUPS OF THE NYC JAIL POPULATION BEFORE AND AFTER COVID-19



Source: New York City Department of Correction data via New York City Open Data (analysis by the Center for Court Innovation)

- **Background Characteristics of the Population:** Jail reductions since mid-March have exclusively involved people not flagged for mental health services. As a result, from March 18 to November 1, the share of the total jail population requiring such services grew significantly (from 45% to 52%). In addition, the global pandemic has had little effect on the stark racial disparities structuring New York City jails; since mid-March, the Black share of the city's jail population grew modestly from 57% to 59%. As of November, Black New Yorkers were overrepresented in jail by a factor of 2.5 relative to the city's general population.

The Impact of Bail Reform

In the months prior to the COVID-19 crisis, the state's sweeping restrictions to the use of bail that went into effect in January contributed to a 40% reduction in New York City's pretrial jail population (impacting almost 2,000 people). Beginning July 2, amendments to the initial law exposed more people to bail and detention. From July through November 1, **the effect of those amendments alone has resulted in a 7 to 11 percent increase in the pretrial jail population.** Over time, as judges set bail in more cases that would have been ineligible for it under the original reforms, this increase will grow, absent new counteractive measures.

Moving Forward

The health risks posed by COVID-19 have brought the urgency of reducing our reliance on jail into stark relief. But there was already ample justification for reform. The long-term harms of even a short stay in jail for defendants, their families, and communities—especially communities of color—have been widely documented. While the period of emergency actions at Rikers Island appears to have passed, the pandemic persists, as does the underlying rationale for action.

For More Information

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