

Erie County Shows We Can Cut Incarceration and Keep the Community Safe

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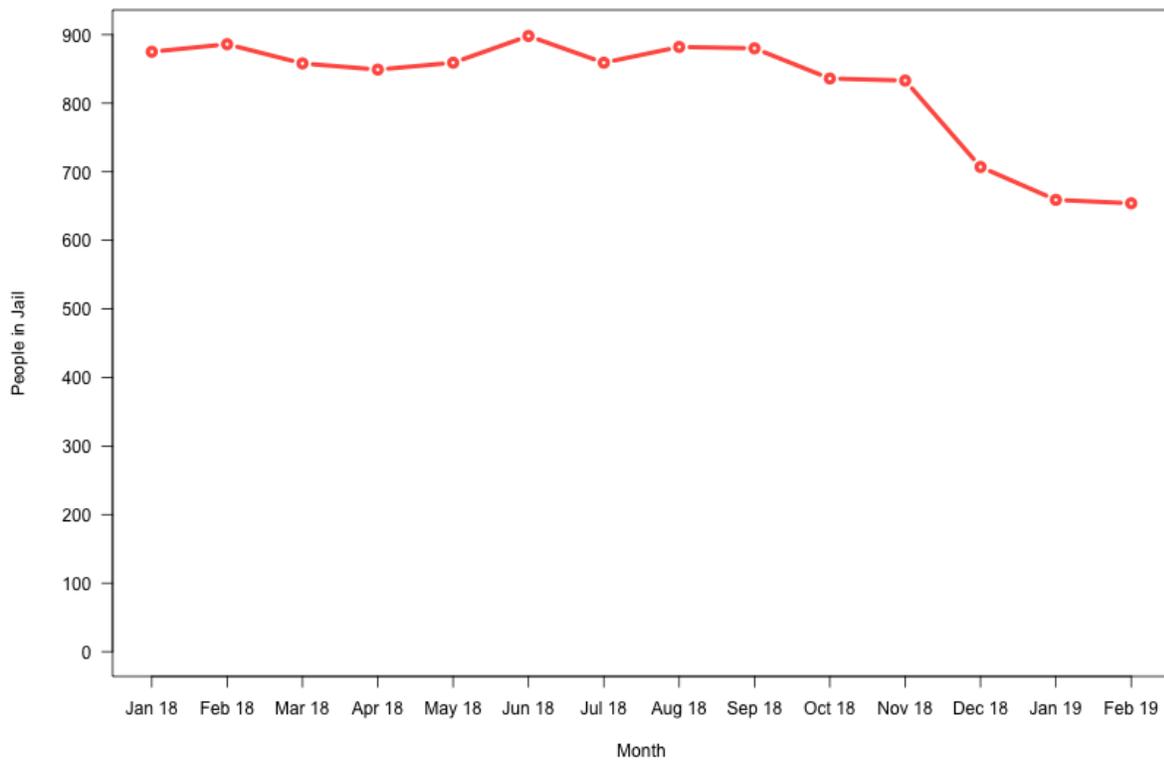
Opponents of bail reform claim that the new law, which went into effect on January 1, 2020, is compromising community safety. Data from Erie County, home to New York’s second largest city, however, refutes that claim. Arrests in Buffalo are down from 2019. Data from the Buffalo Police Department show that in January 2020, there were 640 arrests in the city, compared with 672 in January 2019—a 5 percent drop. Moreover, Erie County provides proof, from long before bail reform went into effect, that it is possible to reduce incarceration and increase public safety at the same time.

In 2017, 62 percent of the 1,070 people held in Erie County jails on any given day were there pretrial—mostly because they could not afford to pay bail and many on low-level cases like possession of small amounts of drugs or shoplifting.¹ Data from Partnership for the Public Good’s court watching, which observed almost 250 arraignments at the end of 2017 and the beginning of 2018, show that judges set bail on 62 percent of low-level cases that would not be eligible for bail today.

Then in 2018, Erie County’s district attorney announced that he would stop requesting bail on most misdemeanors and nonviolent felonies, similar to what bail reform would later mandate.² Largely as a result of the district attorney’s policy, between 2017 and 2018, the number of people incarcerated on any given day in Erie County fell by 15 percent—to 915 people.³ The numbers continued to fall. By 2019, the average daily jail population in Erie County was 852. After statewide bail reform went into effect, jail incarceration numbers hit a new low: 654 people incarcerated on any given day.⁴ That’s a 39 percent drop from 2017 to today.

Crime rates have fallen at the same time. From 2016 to 2018 (the last year for which there is publicly available county-wide crime data) the crime rate in Erie County dropped 11 percent.⁵ In addition to the county-wide data, arrests have fallen in the city of Buffalo. Between 2018 and 2019, the number of arrests in Buffalo fell 9 percent.⁶ The trend seems to be continuing in 2020 since the implementation of bail reform. Data obtained through a FOIL request shows that in January 2020 the Buffalo Police Department made 640 arrests, down 5 percent from the 672 arrests it made in January 2019. Erie County has shown—and continues to show—that it is possible to drop incarceration numbers while also reducing crime.

Average Daily Population in Erie County Jails



Erie County Has an Opportunity to Divest from Jails and Invest in Building Healthy, Safe Communities

Bail reform presents a unique opportunity for the county to maximize cost savings, reduce funding for jail, and invest that money in services and treatment. According to an analysis by the Vera Institute of Justice, Erie County could save \$6.8 million annually in jail spending. Erie County, like counties across New York State, has invested heavily in its jails. In 2019, Erie County spent \$91,022,462 operating its two jails, which is more than 5 percent of the county’s total budget.⁷ Broken down, that translates to a cost of \$277.70 per person per night. Of course, as the county reduces its jail population, that does not mean that it will automatically save money.

More than one-third of the jail budget—\$32.2 million—went to corrections officers’ salaries in 2019.⁸ There were 345 full-time deputy sheriff officers and 41 part-time officers assigned to the holding center, as well as 202 corrections officers who staffed the correctional facility.⁹ Even if the county were to keep both jail facilities open, change nothing else about spending on jail operations, and just reduce the number of corrections officers so as to keep the same officer to incarcerated person ratio as it had in 2019, the county could still save more than \$6.8 million annually.¹⁰

The county could use the savings to invest in programs and services that build healthy, safe communities. For example, there are more than 5,700 people experiencing homelessness in Erie County.¹¹ Families in New York State who are on public assistance receive a shelter allowance. Because the state allowance, which was created in 1975, has not been adjusted for inflation or rising rents, it no longer covers the cost of rent. In Erie County in 2020, for example, the shelter allowance for a family with two children is \$336,¹² but the fair market rent for a two-bedroom apartment in Erie County (as designated by the U.S. Department of Housing and Urban Development) is \$843.¹³ Counties can create their own funds to supplement the housing allowance, but Erie County has not done so.¹⁴ At that rate, Erie County could spend \$2.9 million to subsidize housing for every person experiencing homelessness—and still have \$3.9 million to invest elsewhere.

Erie County could also invest more in ending the overdose crisis. In 2016, 301 people in Erie County died as a result of an opioid overdose. To address the crisis, Erie County created the Opiate Epidemic Task Force and implemented a number of new strategies, including expanding the availability of medication-assisted treatment—the gold standard for treating opioid use disorders, which combines medication and supportive services—and access to Naloxone, which can reverse the effects of an overdose.¹⁵ The investment has been successful in saving lives. Between July 2018 and June 2019, the last date for which there is publicly available data, 116 people in Erie County died of an opioid overdose.¹⁶ But now one key element of the plan, a Health Hub, which provides access to a range of medical and supportive services for people who use drugs or who are early in their recovery processes, is facing the loss of \$90,000 in state funding.¹⁷ The county could use some of the money to reinvest in the Health Hub and expand its reach. It costs approximately \$6,552 to provide medication-assisted treatment to one person for a year. At that price, Erie County could use the money saved from lowering its jail population to provide potentially life-saving services to more than 1,000 people annually.

There are many other ways that Erie County could invest the savings from decreasing its jail population to create healthy, safe communities. As bail reform continues to work, the county has an opportunity to reinvest in programs and services that help Erie County residents thrive.

For more information

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The Vera Institute of Justice is a justice reform change agent. Vera produces ideas, analysis, and research that inspire change in the systems people rely on for safety and justice and works in close partnership with government and civic leaders to implement it. Vera is currently pursuing core priorities of ending the misuse of jails, transforming conditions of confinement, and ensuring that justice systems more effectively serve America's increasingly diverse communities. For more information, visit www.vera.org.

¹ New York State Division of Criminal Justice Statistics, *New York State Jail Population 10 Year Trends: 2010-2019* (Albany, NY: New York State Division of Criminal Justice Statistics), <https://perma.cc/5QF3-LRHL>.

² Fadia Patterson, "Judge, Erie County DA Weigh Pros and Cons of Cashless Bail Reform," Spectrum News, October 10, 2019, <https://perma.cc/62X7-U9CB>.

³ NYS Division of Criminal Justice Statistics, *NYS Jail Population 10 Year Trends: 2010-2019*.

⁴ New York State Division of Criminal Justice Services, *Jail Population in New York State: Average Daily Jail Population By Month* (Albany, NY: New York State Division of Criminal Justice Services), <https://perma.cc/5F2Z-4QX2>.

⁵ New York State Division of Criminal Justice Services, "County Index Crime Rates," accessed March 13, 2020, www.criminaljustice.ny.gov/crimnet/ojsa/countycrimestats.htm.

⁶ New York State Division of Criminal Justice Services, *New York State Gun Involved Violence Elimination (GIVE) Initiative Crime, Arrest, and Firearm Activity Report* (Albany, NY: New York State Division of Criminal Justice Services, 2020), 504, <https://perma.cc/GH23-EZ35>.

⁷ County of Erie, *Budget 2019* (Buffalo, New York: County of Erie, 2018), 244, <https://perma.cc/64UQ-5L9C>.

⁸ Ibid.

⁹ Ibid.

¹⁰ According to the New York Department of Labor, the average starting salary for a corrections officer in New York State is \$48,900. See New York State Department of Labor, "Occupational Wages," database, last visited March 3, 2020, <https://labor.ny.gov/stats/lswage2.asp>. Assuming that pay rate, if Erie County were to decrease the number of corrections officers from 567 to 427, which would keep the same ratio of incarcerated people to corrections officers as the county had in 2019, the county would save \$6,846,000.

¹¹ Homeless Alliance of Western New York, *2018 Homelessness Summary Brief Erie County* (Buffalo, NY: Homeless Alliance of Western New York, 2018), <https://perma.cc/FY65-52MC>.

¹² Empire Justice Center, "Standard of Need by County," January 30, 2020 <https://perma.cc/77UR-9FQB>.

¹³ U.S. Department of Housing and Urban Development, "FY 2020 Fair Market Rent Documentation System" HUD User, database, accessed March 13, 2020, https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2020_code/2020summary.odn.

¹⁴ Ibid.

¹⁵ New York State Governor's Office, *Erie County Opioid Overdose Response Project*, <https://perma.cc/6LBV-DVPJ>.

¹⁶ New York State Department of Health, *New York State – County Opioid Quarterly Report* (Albany, NY: New York State Department of Health, 2020), 34, <https://perma.cc/FN99-D6EA>.

¹⁷ Emma Fabian, "Cuts to Harm Reduction Services Will Put Lives at Risk," Buffalo News, February 24, 2020, <https://perma.cc/NP2M-NJVU>.