

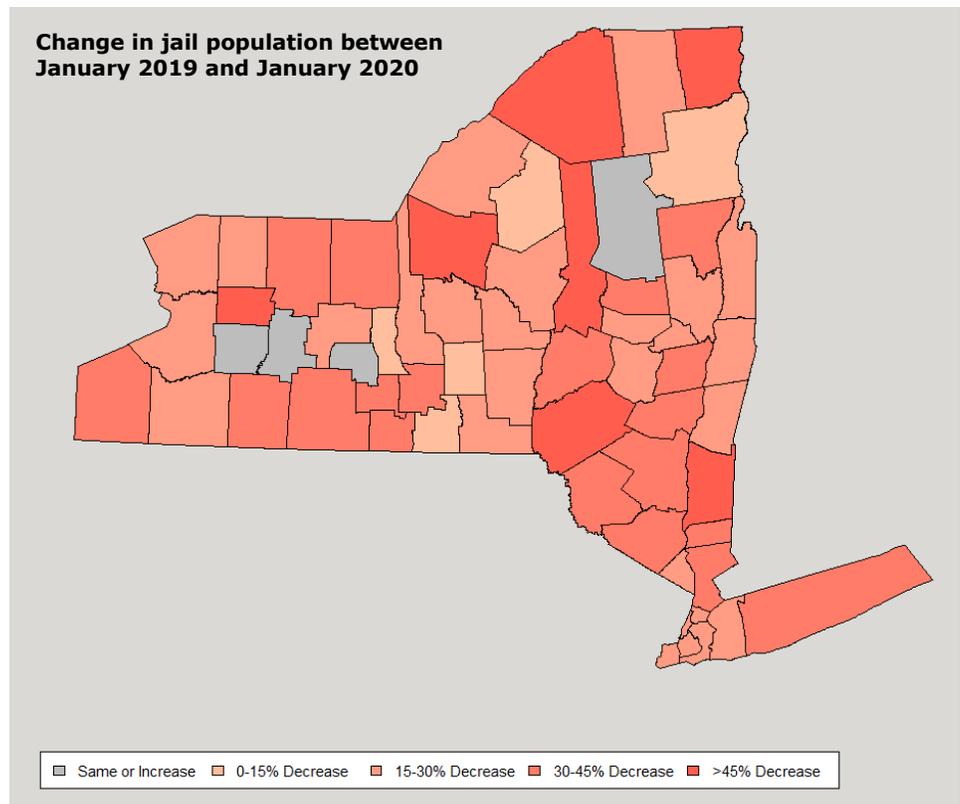
Yes, We Can Lower Jail Populations and See a Simultaneous Drop in Crime: What We Know So Far

February 2020

One metric of bail reform's success is its impact on the statewide jail population. Data from the New York State Division of Criminal Justice Services (DCJS) shows that from January 2019 to January 2020, the average daily jail census statewide dropped by 30 percent—from 21,406 a year ago to 14,983.¹

That translates into thousands of New Yorkers going home to their families, keeping their jobs, and staying connected to their communities instead of facing trial from inside a jail cell or having to scrape together money to pay bail.

The impact of bail reform is statewide, with comparable results in New York City and the rest of the state. From January 2019 to January 2020, the jail census fell in all but four of New York's 62 counties. In four other



counties, the jail population dropped by more than 50 percent. In Clinton County, for example, the daily jail population dropped from 222 people on any given day to 98 people—a 56 percent drop. The number of people being held pretrial there dropped a remarkable 71 percent.²

Counties Have Already Decreased Their Jail Populations While Simultaneously Seeing a Drop in Crime

Unlike daily jail census reports, there is no timely data publicly available for many of the metrics necessary—including arrest and crime statistics—to conduct a statewide assessment of bail reform implementation. Even if that data were available, it would be too soon to draw conclusions about trends over time. But lessons from New York counties that implemented many elements of bail reform before 2020 show that crime numbers often fall as jail incarceration numbers drop.

Counties across New York State that have committed to meaningful criminal justice reform—including reducing the number of people held in jail pretrial—have successfully decreased their incarceration numbers while simultaneously seeing their crime rates drop.

Tompkins County

In Tompkins County, where the county faced a decision about whether to build a multimillion dollar jail or take steps to reduce the number of people incarcerated, two primary changes led to a significant drop in the jail population: The district attorney agreed to presumptive release for most misdemeanors and nonviolent felonies; and the county instituted counsel at first appearance. The county also invested in expanding pretrial services.³

After those changes went into effect, the average daily jail population in Tompkins County fell by approximately one third—from a high of 92 people incarcerated on any given day in 2015 to 61 people incarcerated in 2019.⁴ During that time, the number of people held pretrial in the Tompkins County jail decreased by more than 40 percent—from a high of 51 people on any given day in 2015 to 30 people in 2019.⁵

As the jail population dropped, the number of crimes reported to police dropped significantly as well. From 2015 to 2018 (the last year for which there is publicly available crime data), the total number of index crimes in Tompkins County fell from 2,296 to 1,896—a 17 percent decrease.⁶

Erie County

Farther west, in Erie County, at the beginning of 2018 the district attorney started a practice of not requesting bail on misdemeanor and nonviolent felony charges unless there were extenuating circumstances.⁷ As a result, the number of people incarcerated

in the Erie County Holding Center Jail, which had an average daily jail census of 644 in 2017, dropped by 99 people in 2018, and another 109 in 2019.⁸ While the jail population dropped 33 percent, the crime rate also decreased. From 2016 to 2018 (the last year for which there is publicly available crime data), the crime rate in Erie County dropped 11 percent.⁹

Oneida County

In Central New York, the average daily jail population in Oneida County dropped by 29 percent from 2017 to 2018, largely as a result of the county holding fewer people pretrial.¹⁰ The number of people held pretrial during that time decreased by more than 40 percent, from 308 in 2017 to 184 in 2019. The county's centralized arraignment part was the main driver of this change. In October 2017, the county was one of the first to pilot a centralized arraignment part to streamline arraignments and ensure that people had representation, which in turn led to more people being released without bail.¹¹ As with Tompkins and Erie Counties, as the pretrial population in Oneida County dropped, the crime rate also dropped, by approximately 10 percent from 2016 to 2018 (the last year for which there is publicly available crime data).¹²

For more information

© 2020 Vera Institute of Justice. All rights reserved.

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 Services (DCJS), "Jail Population in New York State: Average Daily Census by Month," February 1, 2020, www.criminaljustice.ny.gov/crimnet/ojsa/jail_population.pdf.

² DCJS, "Jail Population in New York State," 2020.

³ See, for example, Don Pryor, "Bail Reform's Likely Impact? Evidence from an Upstate County," Rochester Beacon, January 28, 2020, <https://rochesterbeacon.com/2020/01/28/bail-reforms-likely-impact-evidence-from-an-upstate-county>.

⁴ New York State Division of Criminal Justice Services (DCJS), *New York State Jail Population 10 Year Trends: 2010–2019*, (Albany, NY: DCJS, January 21, 2020), 21, www.criminaljustice.ny.gov/crimnet/ojsa/jail_pop_y.pdf.

⁵ DCJS, *New York State Jail Population*, 2020, 21.

⁶ New York State Division of Criminal Justice Services (DCJS), "Index Crimes Reported to Police: 2014–2018," September 2, 2019, www.criminaljustice.ny.gov/crimnet/ojsa/indexcrimes/Tompkins.pdf.

⁷ Fadia Patterson, "Judge, Erie County DA Weigh Pros and Cons of Cashless Bail Reform," Spectrum News, October 10, 2019, <https://spectrumlocalnews.com/nys/buffalo/news/2019/10/11/pros---cons-of-cashless-bail-reform>.

⁸ DCJS, *New York State Jail Population*, 2020, 7. The average daily jail population in the county's second jail, the Erie County Jail, also fell during that time, from 426 people on any given day in 2017 to 418 people in 2019.

⁹ DCJS, "Index Crimes," 2019. www.criminaljustice.ny.gov/crimnet/ojsa/countycrimestats.htm.

¹⁰ DCJS, *New York State Jail Population*, 2020, 13.

¹¹ Jolene Cleaver, "Oneida County Jail Launches Centralized Arraignment Program," *Observer-Dispatch*, October 10, 2017, www.uticaod.com/news/20171010/oneida-county-jail-launches-centralized-arraignment-program.

¹² New York Division of Criminal Justice Services (DCJS), "2018 County Index Crime Counts and Rates Per 100,000 Population," September 2, 2019, www.criminaljustice.ny.gov/crimnet/ojsa/indexcrimes/2018-county-index-rates.pdf; and DCJS, "2016 County Index Crime Counts and Rates Per 100,000 Population," September 3, 2019, www.criminaljustice.ny.gov/crimnet/ojsa/indexcrimes/2016-county-index-rates.pdf.