

Jails in New York State are severely overstaffed

In 2019, a typical New York county spent more than \$225 to keep someone behind bars for a single night.¹ These high costs are driven largely by overstaffing. Understanding staffing levels, therefore, is key to understanding counties' jail spending.

In late 2021, the Vera Institute of Justice (Vera) received jail staffing records from the New York State Commission on Correction (SCOC) containing quarterly jail staffing records for every county in the state from 2014 through the end of 2020.² Researchers compared staffing levels with average quarterly jail populations, as reported by the New York State Division of Criminal Justice Services (DCJS), to calculate the ratio of people in detention per corrections officer (CO).³ Researchers then compared actual uniformed headcount to the staffing levels allocated in the counties' budgets.

The majority of New York's jails are staffed at double the national average

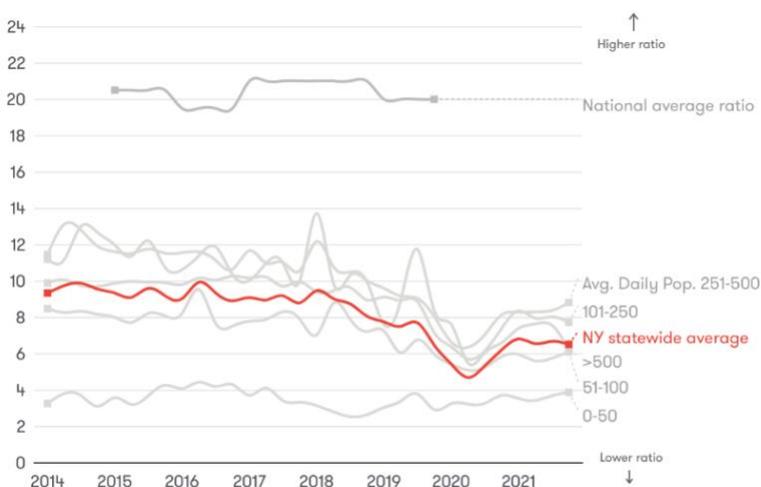
A jail staffing ratio compares a jail's average population to the number of COs on staff. A lower ratio means that there are fewer people in detention per CO, potentially translating into higher spending on personnel to the exclusion of other services and programming.

Vera's analysis found that, statewide, the ratio of people in detention to COs was significantly lower than the national average. From 2014 to 2020, 44 jails (71 percent) in New York State had an average of two or fewer people in detention for every CO. In contrast, nationally from 2015 to 2019, there were an average of about four people in detention for every CO.⁴ This means that most jails in New York State were staffed at double the national average.

A key reason for this overstaffing is New York State's shrinking jail population. According to DCJS, the statewide jail population dropped by 49 percent from 2016 to 2020, from 25,059 to 12,694.⁵ In contrast, over those five years, SCOC data show that CO headcount decreased by an average of only 5 percent across all facilities.⁶

Figure 1

Average ratio of people in detention per five corrections officers by average daily population, 2014–2021⁷



Source: Source: Source: Vera Institute of Justice, New York State Commission on Correction, New York State Division of Criminal Justice Services

Over the last eight years, there were between five and 10 people in detention for every five COs. (See Figure 1.) Staffing numbers relative to jail population, however, differ substantially based on jail size. In general, larger jails used their staff more efficiently, employing fewer COs per person in detention. In contrast, facilities with populations lower than 50 had, on average, significantly more COs than people in detention.

Current state regulations stipulate minimum jail staffing levels without specifying any maximum. Those minimum staffing levels are tethered to maximum jail capacities rather than actual jail populations.⁸ Given the rate of decarceration in New York State, a facility's maximum capacity is no longer an accurate measure of its population.⁹ In practice, this means that even the lowest possible jail staffing level is far larger than necessary to safely serve the jail population.

In the majority of counties, CO headcounts exceeded budgetary allocations

From 2014 to 2020, many counties' CO workforces exceeded the number of positions allocated in their annual budgets. In at least one quarter, 49 jails (72 percent) employed more COs than stipulated in their budgets.¹⁰ In 2020 alone, 21 county jails (34 percent) had CO workforces exceeding their budgeted maximums.

Recommendations

To reduce unnecessary expenditure on jails, Vera recommends the following:

- Via legislation or changes to rulemaking, either the state legislature or SCOC should change the rules that currently tether minimum jail staffing requirements to maximum jail capacities. Instead, counties should be free to set their own minimum staffing levels based on facilities' average daily populations over the previous two years, which is a more accurate reflection of staffing needs than maximum facility capacity. Using a two-year average will account for short-term fluctuations in the jail population to avoid any significant overstaffing or understaffing.
- Counties should invest funds that would have been spent on COs in community-based services—like mental health support, substance use treatment services, and other programming—that address community safety more proactively and effectively than jail. In addition, counties should spend funds training and supporting COs to find new employment in other industries, helping to move local economies away from their reliance on incarceration as a job creator. Vera's analysis shows that if counties reduced their jail staffing commensurate with the jail population as of June 2020, they could save a total of \$638 million annually.¹¹
- SCOC should increase transparency about jail staffing levels by proactively releasing county-level corrections staffing information in a quarterly or annual report. Such a report will allow for greater public accountability.

By reining in jail overstaffing and reallocating funds elsewhere, counties across the state can maximize the positive impact of taxpayer dollars, maintaining community safety through evidence-based supportive programming, not incarceration.

About

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The Vera Institute of Justice is powered by hundreds of advocates, researchers, and community organizers working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit [vera.org](https://www.vera.org).

Endnotes

¹ Vera Institute of Justice, *The Cost of Incarceration in New York State* (New York: Vera Institute of Justice, 2021), <https://www.vera.org/the-cost-of-incarceration-in-new-york-state#:~:text=New%20York%20invests%20billions%20of,more%20than%20%2482%2C000%20per%20year>.

² In response to Vera's request for information, SCOC provided data for 62 facilities overall; however, SCOC did not provide staffing data from each facility for all 28 quarters from 2014 to 2020. Of the 1,736 quarters possible, Vera received data for 1,457 (84 percent). Researchers excluded these instances of missing data from subsequent analysis.

³ New York State Division of Criminal Justice Statistics, "Jail Population," <https://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>.

⁴ Zhen Zeng and Todd D. Minton, *Jail Inmates in 2019* (Washington, DC: U.S. Department of Justice, 2021), 10, <https://perma.cc/RA75-8DR3>.

⁵ New York State Division of Criminal Justice Statistics, *Annual Jail Population Trends* (New York: New York State Division of Criminal Justice Statistics, 2022), https://www.criminaljustice.ny.gov/crimnet/ojsa/jail_pop_y.pdf.

⁶ When staffing data for either Q1 2014 or Q4 2020 were missing, researchers used the first and last quarters for which SCOC provided staffing records.

⁷ To estimate jail staffing ratios for 2021, researchers used the New York State Department of Criminal Justice Statistics' average daily population numbers from 2021 alongside the jail staffing levels from the last quarter of 2020. Although staffing levels may have changed slightly in 2021, Vera's estimated ratios nevertheless demonstrate that although the jail population rose modestly in 2021, staffing levels remained mismatched to the size of counties' jail populations.

⁸ N.Y.C.R.R., Title 9 § 7041.2(b)(2).

⁹ Vera Institute of Justice, *People in Jail in New York State*, database (New York: Vera Institute of Justice, 2022), <https://www.vera.org/people-in-jail-in-new-york-state>.

¹⁰ This number includes part-time workers. Vera converted part-time hours to full-time equivalents using the Internal Revenue Service's definition of full-time as 30 hours of work per week. For more information, see Internal Revenue Service, "Identifying Full-Time Employees," last updated November 23, 2021, <https://perma.cc/4A58-K4UZ>.

¹¹ Vera Institute of Justice, *The Cost of Incarceration in New York State*, 2021.