

March 2024

Glossary & Methodology

In Custody: Length of Stay and Population Demographics at NYC Jails, 2014–2023

Glossary

Alternatives to Incarceration (ATIs): People facing pre-trial detention may be eligible to avoid incarceration by participating in an ATI program. Services provided through these programs range widely; they can include case management, court advocacy, mental health services, workforce training, mentorship, and more.

Bail Reform: When used in this publication, “bail reform” refers to [significant reforms to bail enacted in New York State](#), which first took effect in January 2020, with subsequent revisions. The law prohibits judges from setting cash bail for most misdemeanors and non-violent felonies. The reforms further imposed certain requirements on judges considering bail where legally permissible, while retaining the option of bail for violent felonies. Under the law, judges also retain discretion to set other conditions in lieu of bail, such as participation in supervised release or travel restrictions.

Borough-based Jails: In October 2019, the New York City Council voted to close Rikers Island and replace it with four new “borough-based” jails—one jail in each of the City’s boroughs except Staten Island. The four jails were initially planned to house a total of 3,300 individuals. One goal of the borough-based jails is to house individuals detained in City jails closer to their communities and to the courts, which a previous IBO [report](#) found is likely to be achieved.

Brad H. v. City of New York: Based on the 2003 settlement in [Brad H. v. City of New York](#), New York City jails are required to provide discharge planning services to people who have received, will receive, or are receiving treatment for mental illness while in custody of the Department of Correction (DOC). These individuals receive an indicator in DOC data to denote they are part of the group required to receive discharge planning services.

Charge Type/Top Charge: [Criminal charges range in severity](#). Misdemeanors carry a maximum sentence upon conviction of one year in jail. Felonies are more serious, with sentences ranging from one year to life in prison. Individuals may also be held in jail for a warrant or non-criminal conduct such as traffic infractions and violations (e.g., disorderly conduct). When a person is charged with multiple offenses, the most serious charge—that is, the one with the longest possible sentence upon conviction—is considered the “top charge.”

New York City Jails: Jails hold a variety of individuals, including people in custody pre-trial and people convicted of crimes and serving sentences of less than one year of incarceration. The number of facilities has varied over the past decade as DOC has opened and closed jails. As of March 2024, seven facilities

are open on Rikers Island and two hospital wards are in operation at Elmhurst and Bellevue Hospitals, according to DOC.

Nunez v. City of New York: This class-action lawsuit was brought against the City of New York in August 2011 on behalf of individuals held at City jails who alleged a pattern and practice of excessive and unnecessary uses of force by DOC staff against people in custody. The City settled the case by agreeing to a [consent judgment](#) (also known as a consent decree), which requires DOC to make substantial changes to its policies and operations.

Raise the Age: New York State was among the last states to end the prosecution of 16- and 17-year-olds as adults, following the 2017 “[Raise the Age](#)” legislation. The law increased the age of criminal responsibility to 18, moved most misdemeanor trials for 16- and 17-year-olds to Family Court, and created new divisions in the Supreme and County Courts to hear the cases of youths charged with violent felonies. The law also required that people younger than 18 cannot be detained with adults; accordingly, [DOC jails no longer hold people under the age of 18](#).

Receiver/Receivership: A receiver is an individual appointed by a judge to oversee the management of an entity where existing management has been shown unable to comply with court directives, including consent judgments. Receiverships are more common in the private sector, particularly in bankruptcy proceedings, but they have been ordered by courts to oversee public entities such as jails and schools when other efforts to prevent civil rights violations have failed.

Supervised Release: Supervised Release is a community-based monitoring program designed as a non-monetary substitute for bail. Like bail, it is intended to encourage participants to appear in court during their trial. Supervised Release expanded citywide in 2016, with services provided by the nonprofits Center for Alternative Sentences and Employment (CASES), Center for Justice Innovation, The Fortune Society, and the Criminal Justice Agency [as of March 2024](#).

Methodology

Except for the person-days analysis, all analyses presented in “In Custody” are by jail stay rather than by person incarcerated. Data includes city-sentenced individuals. Demographic information presented in the report refers to the demographics of the person associated with the stay, not the stay itself. The same person would appear multiple times in the same analysis if they had multiple stays in jail during this period because the analyses count by stay, not by individual. For example, someone who was jailed on a misdemeanor charge and released in January 2014, then jailed and released again on another misdemeanor charge before the end of the fiscal year on June 30, will contribute two misdemeanor stays to the 2014 (all years refer to City fiscal years) data.

Analyses are conducted based on the year of discharge. For example, the 55-day average length of stay for 2014 is the average length of stays for stays that were discharged in 2014. Individuals in custody as of June 30, 2023 are excluded from analyses other than the person-days analysis because they lack discharge dates.

The majority of analyses are simple sums or averages. No data were dropped from the dataset; all missing data are accounted for in the “Undetermined” categories created by IBO. IBO acknowledges that averages can obscure the wide range of lengths of stay at DOC jails. The number of stays by length of stay analysis—the first analysis presented in the report—is intended to offer some insight into this variation. IBO otherwise presents averages to be consistent with other widely reported length of stay data, such as in the [Mayor’s Management Report](#).

The person-days analysis reflects the total number of days spent in jail by individuals in DOC custody each year. This analysis includes individuals in custody at the end of 2023. To understand how person-days are calculated and how they relate to fiscal years, consider the following two examples. Two individuals were in DOC custody for 200 days each over the course of the same year. The average length of stay for those two individuals would be 200 days, but the number of person-days credited to that year would be 400 days. Person-days can be divided across fiscal years like so: an individual had a 61-day stay beginning June 1, 2022. June 1 through 30 will be attributed to the 2022 data. The next 31 days will be attributed to the 2023 data because July 1 through 31 are part of the next fiscal year. Person-days allow the comparison of a year in which there were more, shorter stays in DOC jails (as in 2014) to a year in which there were fewer, longer stays (as in 2023).

Data

IBO obtained data from the NYC Department of Correction (DOC) on stays in City jails from 2008 through 2023 (all years refer to City fiscal years). The analyses presented in “In Custody: Length of Stay and Population Demographics at DOC Jails, 2014–2023” span 2014 through 2023, although IBO used data going back to 2008 in the creation of some variables. See the “Variables” section below for more information. Notably, the data IBO obtained is organized by stay, not by individual. Individuals appear more than once in the dataset if they were detained multiple times from 2008 through 2023.

Variables

IBO first needed to recode variables in DOC’s dataset or, in some instances, create new variables. Each set of IBO analyses was based on one of the following variables:

Top Charge: This variable was created from two variables in DOC’s original dataset, both of which describe the top charge associated with the stay at the time of jail admission. The first is the severity of the charge, which distinguishes between categories such as felony, misdemeanor, etc. The second notes the type of crime of the charge, which is a standard variable created by DOC based on penal codes. The combined variable allows IBO to make a distinction between violent and nonviolent felonies, which is not otherwise

possible using the DOC dataset as-is. In a small number of instances, a felony top charge did not have a corresponding type; these stays are included in the “Undetermined” category to avoid mischaracterizing the top charge. Also included in the “Undetermined” category are a very small number of stays with missing top charge information. The “Other” category includes stays for violations and traffic infractions.

Mental Health Status: To adhere to the requirements of the Brad H. vs. City of New York settlement, DOC identifies individuals who receive, have received, or will receive mental health treatment in City jails with a Brad H “flag,” or indicator. Using this flag, IBO created a new variable that indicates whether a stay is associated with an individual who had received a flag in that stay or in previous stays, going back as far as 2008. This variable is used as a proxy for whether a stay was associated with an individual living with mental illness. The actual number of stays associated with an individual living with mental illness is likely higher than reported in “In Custody” because the settlement does not apply to stays less than 24 hours.

Age: The data provided by DOC include age as calculated at either admission or discharge, based on an individual’s self-reported birth date. IBO recoded this variable as a categorical variable to conduct the age analyses in the report. The “Undetermined” category includes stay information for stays associated with missing age information.

Gender: The gender variable used in the report is a combination of two DOC variables, allowing IBO to distinguish from sex assigned at birth and individuals’ gender identities. The gender variable uses sex assigned at birth as the gender unless there is information in DOC’s transgender, gender non-confirming, non-binary, or intersex (TGNCNBI) variable. In those instances, the gender variable uses the TGNCNBI indicator as the gender of the person associated with that stay. The TGNCNBI categories in “In Custody” are the same as those in the DOC dataset and are reflective of changes in the language DOC has used to describe this population from 2014 through 2023. That no individuals who are TGNCNBI are counted in some years does not necessarily mean people identifying as such were not in DOC custody; rather, it simply means that they were not captured in DOC data. Similarly, if individuals do not disclose to DOC that their gender does not align with their sex assigned at birth, they are not included in the TGNCNBI count. IBO did not disaggregate number of stays associated with individuals who are TGNCNBI because the small number of stays in some years could be considered personal identifying information. Stays associated with missing gender information are included in the “Undetermined” gender category.

Race/Ethnicity: DOC’s “race” variable does not distinguish between race and ethnicity, but instead treats “Hispanic” as a race rather than an ethnicity. Therefore, the racial and ethnic categories included in IBO’s report are reflective of the data received from DOC, with the exception that IBO added the “Undetermined” category for stays associated with missing race/ethnicity data.

Housing Status: There is no indicator in the DOC dataset of whether a stay was associated with an individual who was unhoused; however, the dataset does include address information. IBO created a housing status flag using the available address data, which indicates whether the individual associated with a stay was unhoused at the time of the stay. Stays were flagged as unhoused if the address information included variations on “homeless,” “undomiciled,” “shelter,” “Wards Island,” and “Bellevue.” Stays were also flagged if the address information matched the address of a Department of Homeless Services (DHS) shelter, based on a list obtained by IBO from DHS of all shelters in operation at any point from 2017 through 2021. After creating this “current” housing status flag, IBO then created the variable used in the analysis: a flag for whether the person associated with a given stay was unhoused in that stay or in previous stays, looking back through 2008. IBO expects that this variable is an undercount given that it cannot capture individuals who do not self-report being unhoused or living in a shelter, but who still may be so. For example, this count excludes stays with addresses of psychiatric or carceral institutions (such as state prisons), halfway or three-quarter houses, shelters closed before 2017 or new shelters opened after 2021, as well as missing address information.