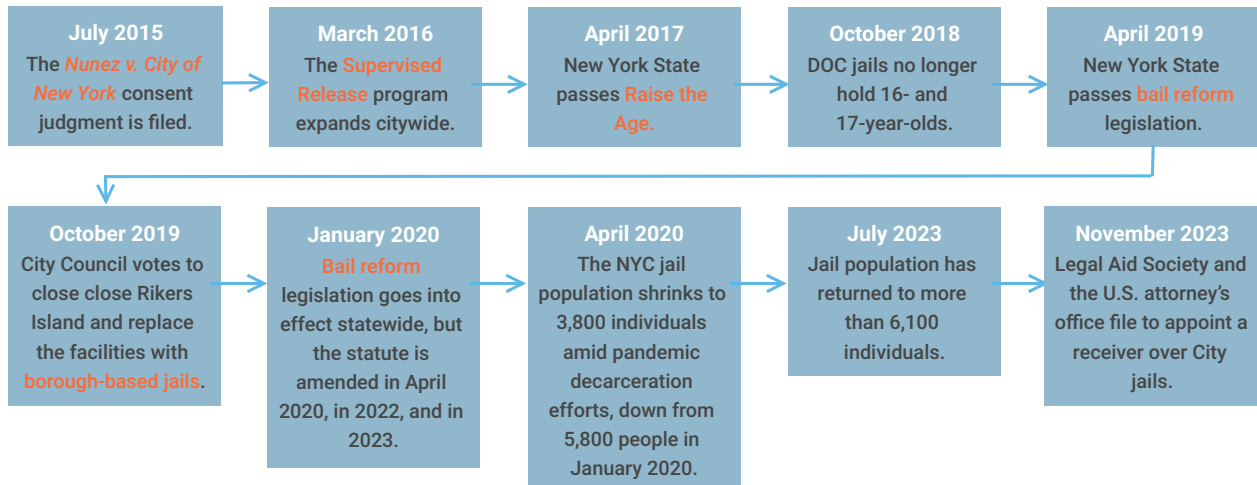


In Custody: Length of Stay & Population Demographics at NYC Jails, 2014–2023

Introduction

New York City’s criminal legal system has seen numerous reforms over the last decade. Many of these changes have created pathways for diversion from incarceration, also known as alternative-to-incarceration (ATI) programs, reducing the number of people who enter City jails. Another change over this period is that while fewer individuals have entered jail, they have stayed in jail almost twice as many days on average. Conditions for those who remain in Department of Correction (DOC) facilities are currently the subject of legal proceedings over **receivership** of the City’s jails.¹ For “In Custody,” IBO analyzed ten years of data on each stay at City jails to identify changes in who has been held in DOC custody and how long they stayed. For this analysis, IBO is comparing data on the first and last years of this 10-year period—2014 and 2023 (all years refer to City fiscal years). This decade was an immensely volatile period, and some notable events are detailed in the timeline below.

IBO has also released data on each of the other years in a [public dataset](#). For more details, please refer to the project [methodology and glossary](#) document. All terminology in **orange** is further explained in the glossary.



IBO found that over the 10-year period covered by these analyses:

- The composition of DOC jails changed dramatically. Two groups in particular make up a much larger proportion of the DOC population than they did before: those accused of the most severe criminal charge, and people identified by DOC as requiring mental health treatment.
- Additionally, these two populations have higher and increasingly longer lengths of stay in jail, especially in the last two years.
- IBO also analyzed the age, gender, race, and housing status of individuals incarcerated at DOC. The average length of stay has increased substantially for nearly all groups across these demographic characteristics, but shifts in jail composition have been more modest.

Summary Statistics

- The total number of unique stays in City jails has decreased by 73% from 2014 through 2023. This total is distinct from the number of individuals who have entered DOC jails, as multiple stays are attributed to a single individual if they were incarcerated more than once.
- The most substantial reductions are among stays shorter than one year. While stays of less than one month still make up the majority of stays, people are generally staying longer on average. The share of stays longer than one month has increased from 31% in 2014 to 42% in 2023.
- Over the same period, DOC jails saw a corresponding increase in the average and median lengths of stay of 91% and 70%, respectively.
- The number of person-days in custody halved from 2014 through 2023, as fewer people are spending more days in custody in City jails in 2023 compared with 2014.

Person-days are a combined metric that accounts for both the number of unique stays and length of stay. This shows the total number of days that individual spent incarcerated at DOC jails in each year (see the [methodology](#) document for more details). Unlike in the “by stay” analyses—in which an individual can appear in the data multiple times depending on the number of times they entered City jails—an individual will contribute a single sum of days per fiscal year to the person-day analysis, representing the total number of days they spent incarcerated across all stays in that year.

	2014	2023	Percent Change, 2014-2023
Number of Stays*	77,096	20,876	(73%)
Duration of Less than 1 Month	52,865	12,012	(77%)
Duration of 1-6 Months	17,487	5,405	(69%)
Duration of 6-12 Months	4,596	1,920	(58%)
Duration of More than 1 Year	2,148	1,539	(28%)
Average Stay Duration (in Days*)	55	105	91%
Median Stay Duration (in Days*)	10	17	70%
Person-days by Fiscal Year	4,243,148	2,156,980	(49%)

SOURCE: IBO analysis of data provided by the Department of Correction

NOTE: *Unless otherwise specified, analyses are by stay, not by person.

Stays by Charge and Mental Health Status

These charts present the number of stays, proportion of stays, and average length of stay (in days) by charge type and by mental health status.

For these analyses, IBO found that:

- People charged with violent felonies and those living with mental illness—groups with the longest average lengths of stay—made up a much larger proportion of the jail population in 2023 than they did in 2014.
- The share of stays associated with a violent felony charge, which is the charge type with the longest average length of stay, increased from 17% of stays in 2014 to 46% of stays in 2023.
- Stays associated with an individual living with a mental illness are typically more than twice as long as stays by individuals who are not living with a mental illness, and the proportion of stays among this group increased from 37% to 51% of stays.
- Notably, IBO found that individuals living with mental illness were less likely to have been charged with a violent felony than individuals not living with a mental illness, so trends across these two groups are not being driven by the same stays.²

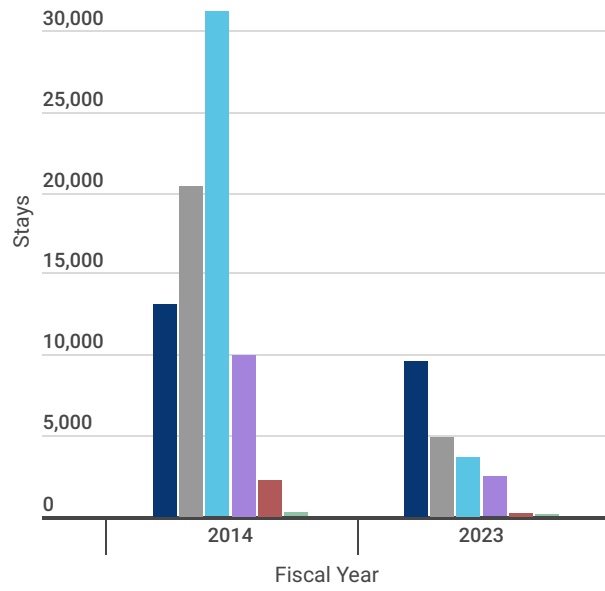
The most severe charge, or “**top charge**,” is the charge associated with the stay upon a person’s admission to jail. For more detailed charge definitions, see the project [glossary](#).

IBO determined mental health status using the Brad H marker in the data, which stems from the 2003 *Brad H v. City of New York* settlement mandating discharge planning for individuals who stay at least 24 hours in DOC custody and who have received, will receive, or are receiving treatment for mental illness while incarcerated. More about this variable is available in the project [glossary](#).

Number of Stays

Charge

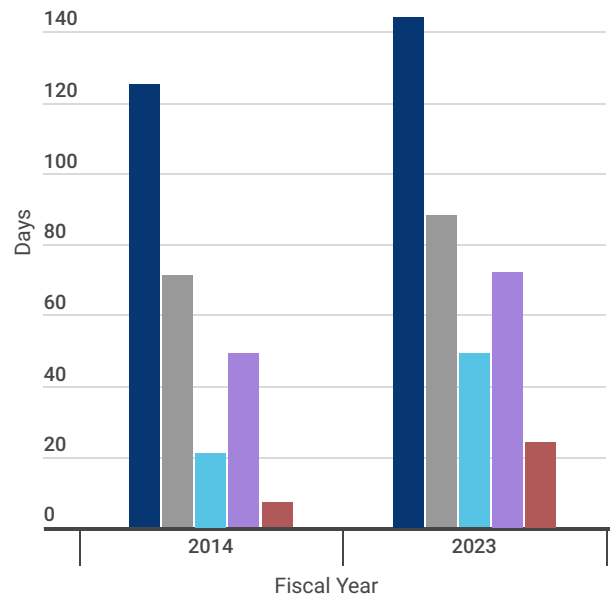
- Violent Felony
- Nonviolent Felony
- Misdemeanor
- Warrant
- Other
- Undetermined



Average Length of Stay

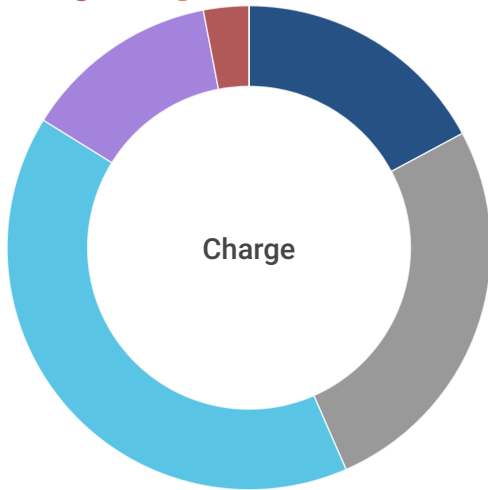
Charge

- Violent Felony
- Nonviolent Felony
- Misdemeanor
- Warrant
- Other



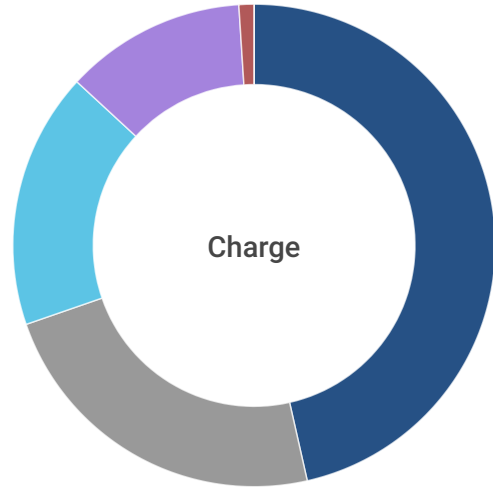
Percent of Stays: 2014

- Violent Felony
- Nonviolent Felony
- Misdemeanor
- Warrant
- Other
- Undetermined

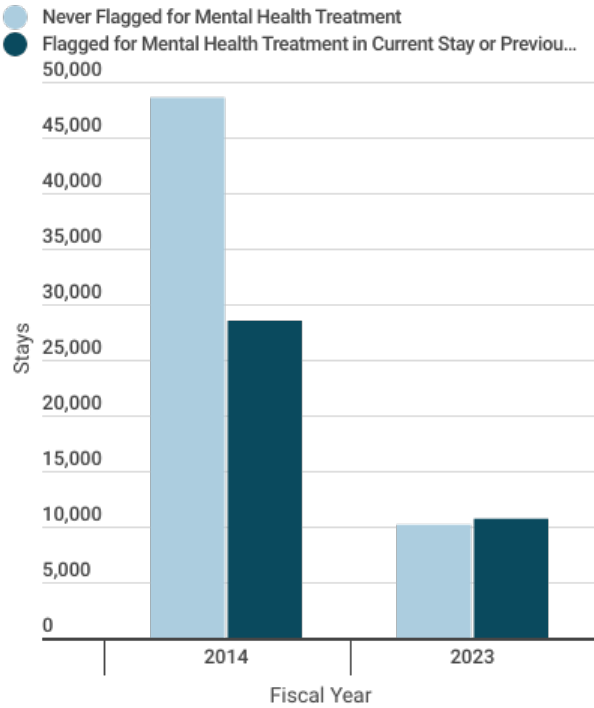


Percent of Stays: 2023

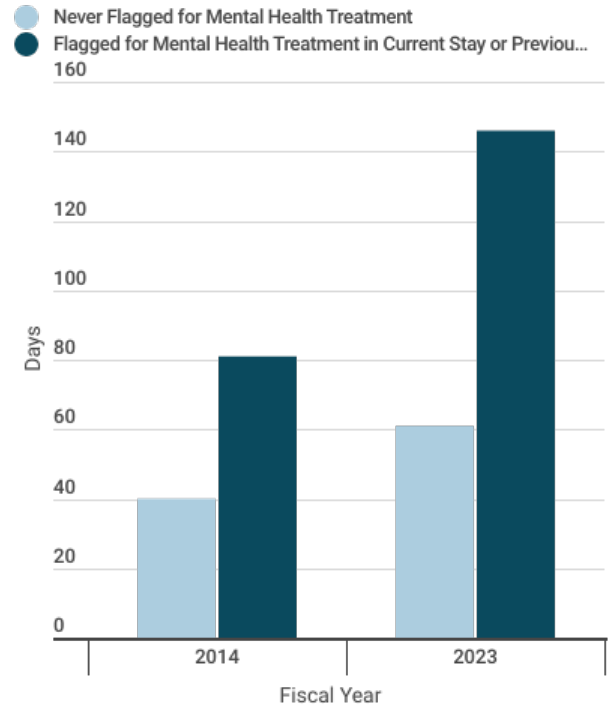
- Violent Felony
- Nonviolent Felony
- Misdemeanor
- Warrant
- Other
- Undetermined



Number of Stays Mental Health Status



Average Length of Stay Mental Health Status



Percent of Stays: 2014



Percent of Stays: 2023



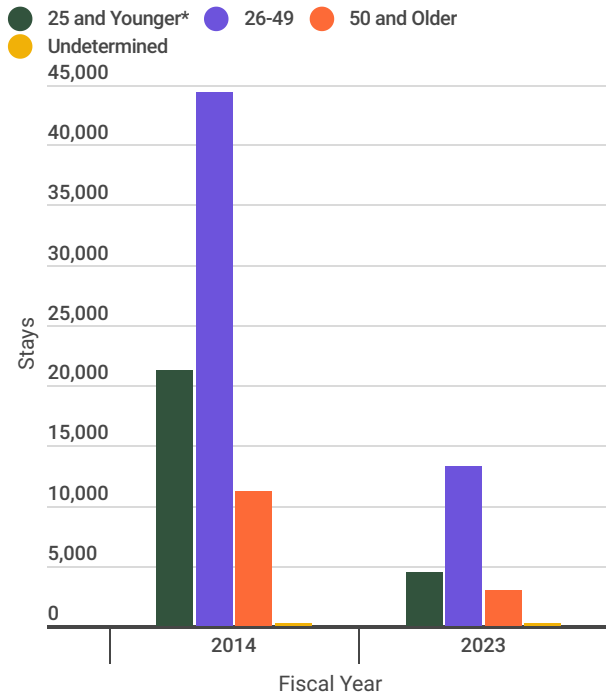
Stays by Age, Gender, Race/Ethnicity, and Housing Status

- Across the age, gender, and race/ethnicity analyses, IBO did not find substantial changes in relative composition of the jail population from 2014 through 2023. However, there is variation in average length of stay within these groups.
- The opposite is true for the share of stays associated with people who were unstably housed—defined as being unhoused at the time of admission or in a previous DOC stay dating back to 2008. A larger share of stays are associated with individuals who are unhoused in 2023 compared with 2014, but they do not appear to stay materially longer.

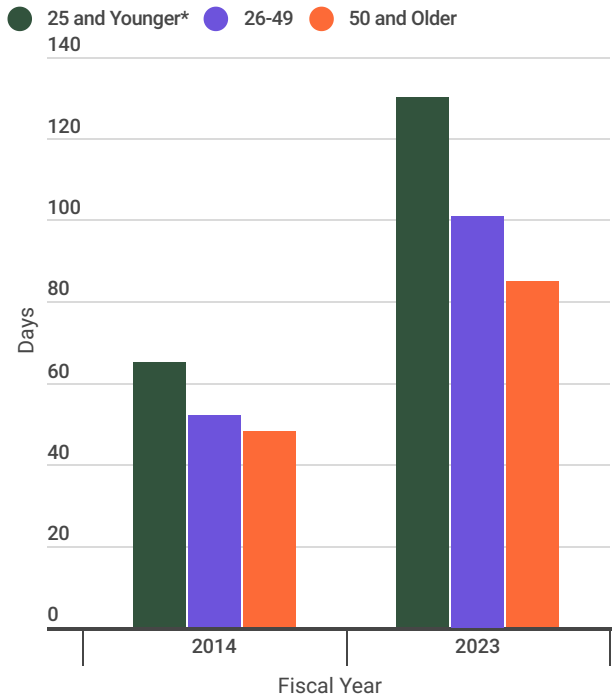


Therefore, changes among these groups do not appear to be major contributors to the increase in the average length of stay in DOC jails, relative to the **top charge** and mental health status analyses above.

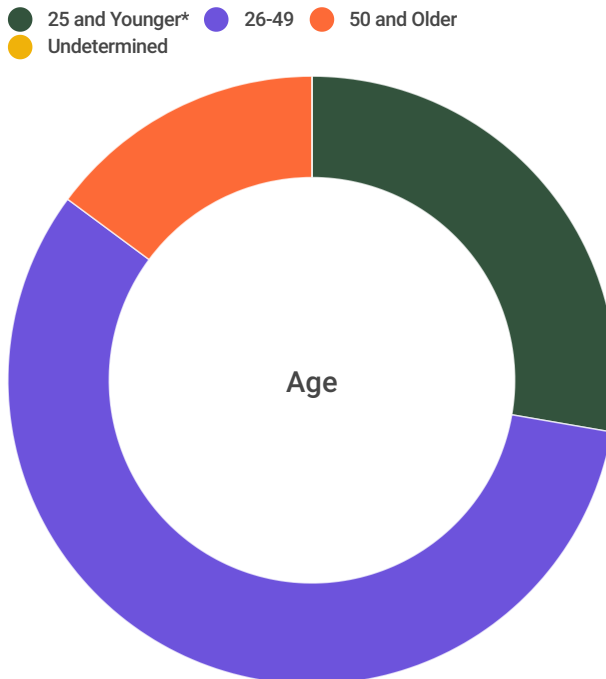
Number of Stays Age



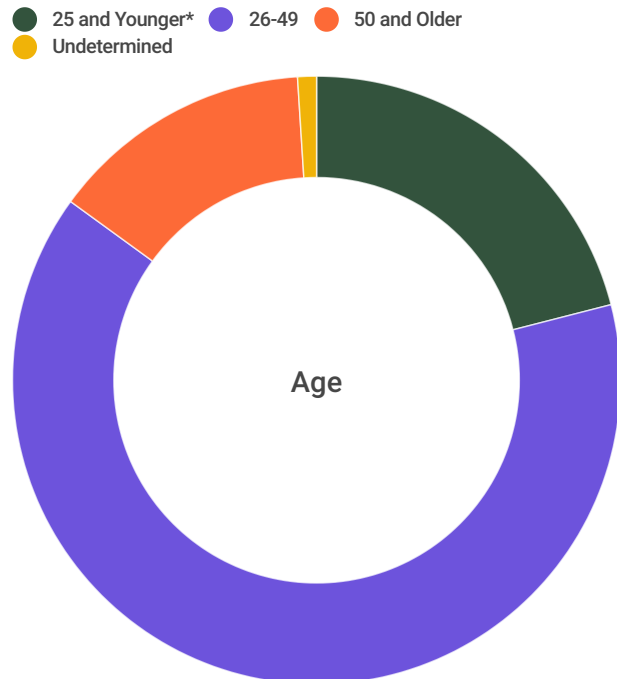
Average Length of Stay Age



Percent of Stays: 2014

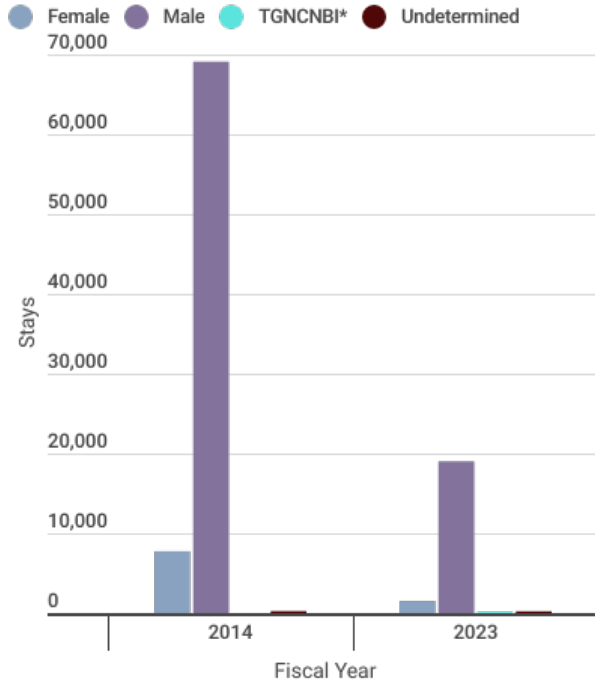


Percent of Stays: 2023

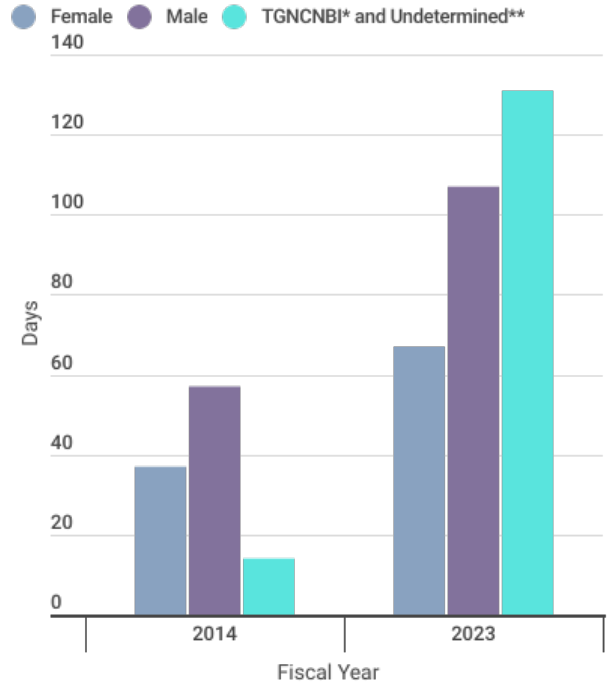


NOTE: The small decrease in the proportion of stays by young people may be attributable to New York's **Raise the Age** law, which went into effect during this period.

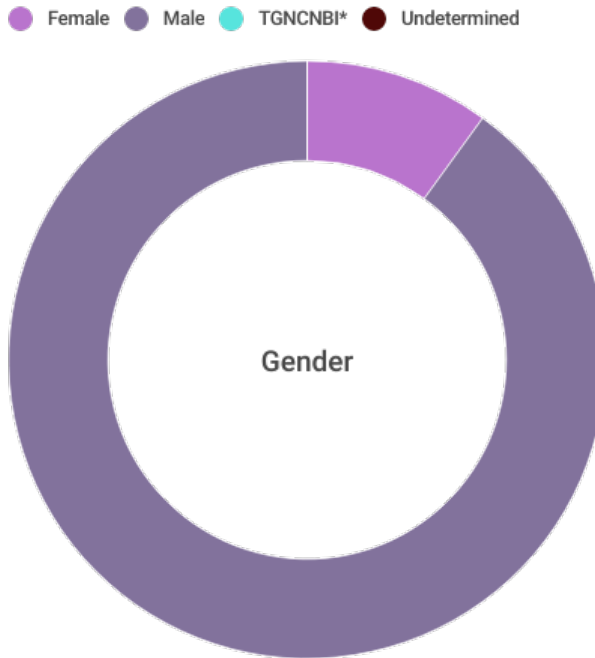
Number of Stays Gender



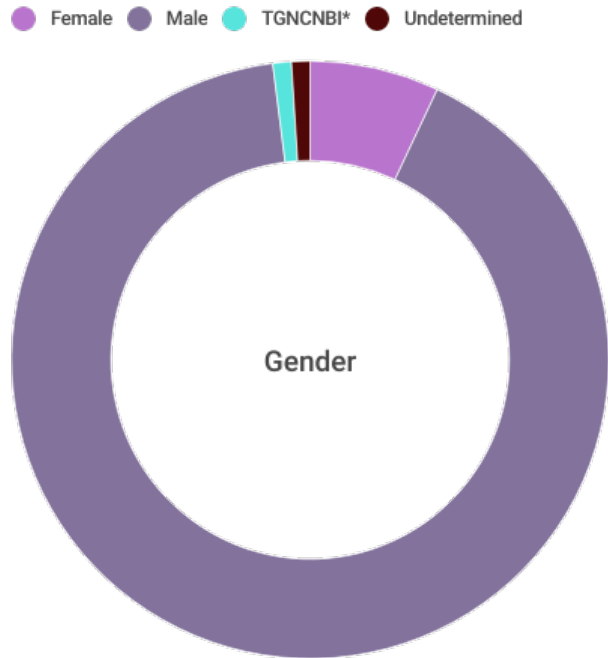
Average Length of Stay Gender



Percent of Stays: 2014

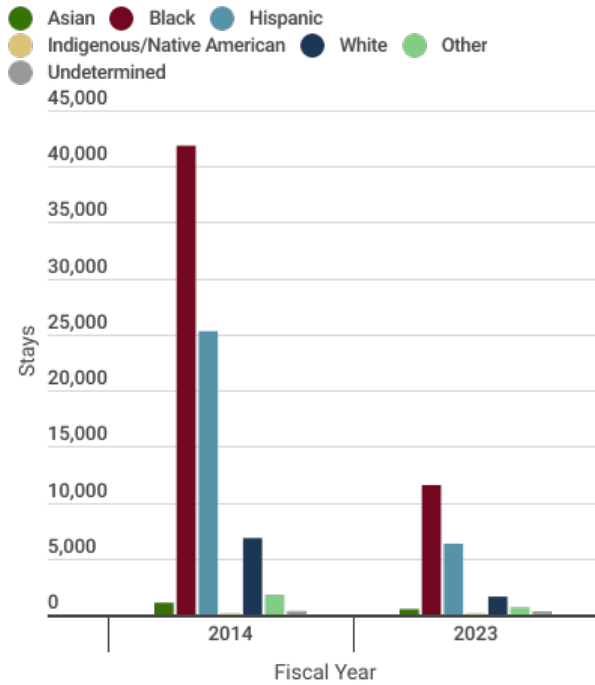


Percent of Stays: 2023

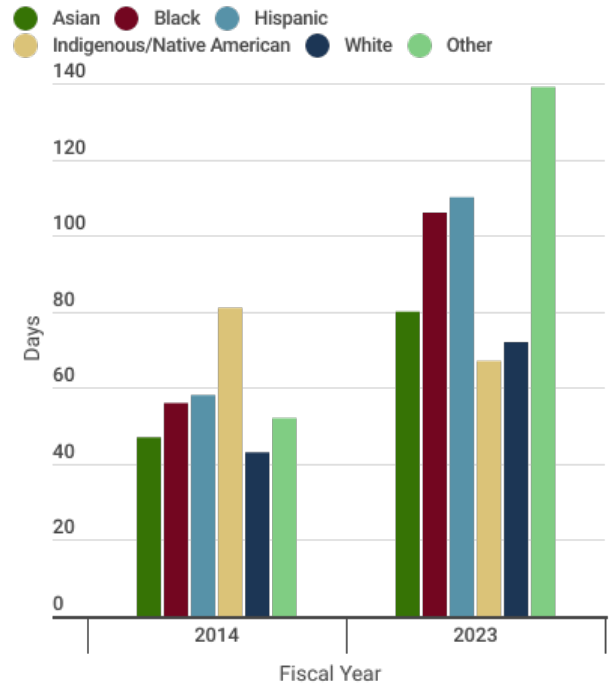


*The DOC data provided to IBO does not track gender other than male and female until 2018; therefore, individuals who identify as transgender, gender non-conforming, non-binary, or intersex (TGNCNBI) do not appear in the 2014 data below. Additionally, because this category contains a small number of individuals (157 in 2023), the average length of stay is prone to skewing due to outliers.
 ** For further breakdowns of this category, please see the public dataset.

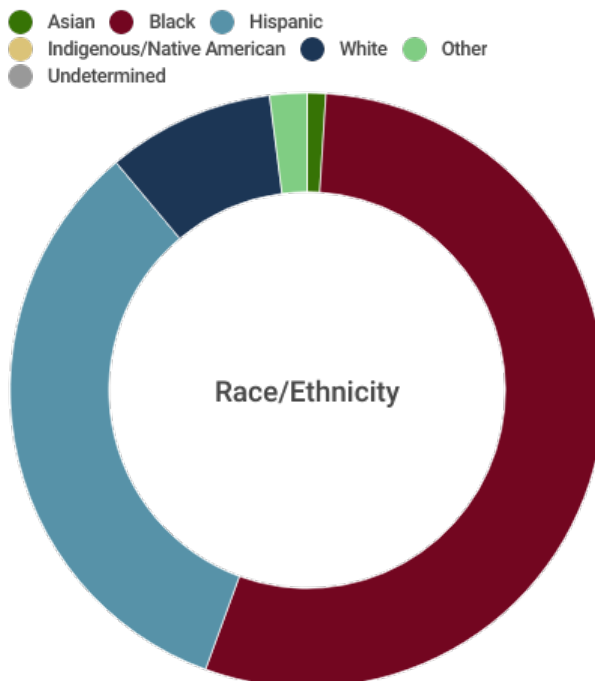
Number of Stays Race/Ethnicity



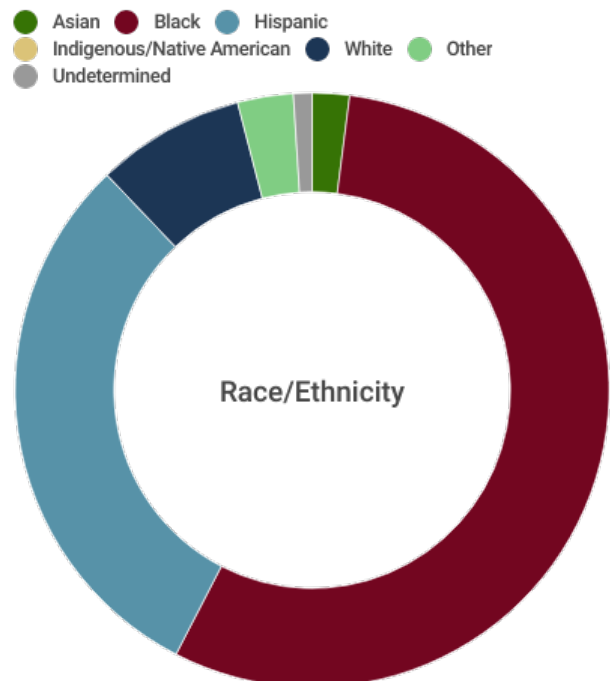
Average Length of Stay Race/Ethnicity



Percent of Stays: 2014

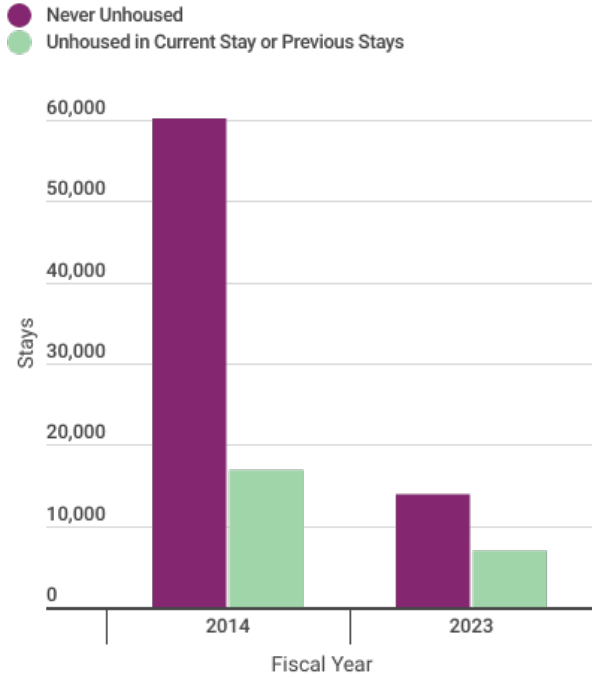


Percent of Stays: 2023

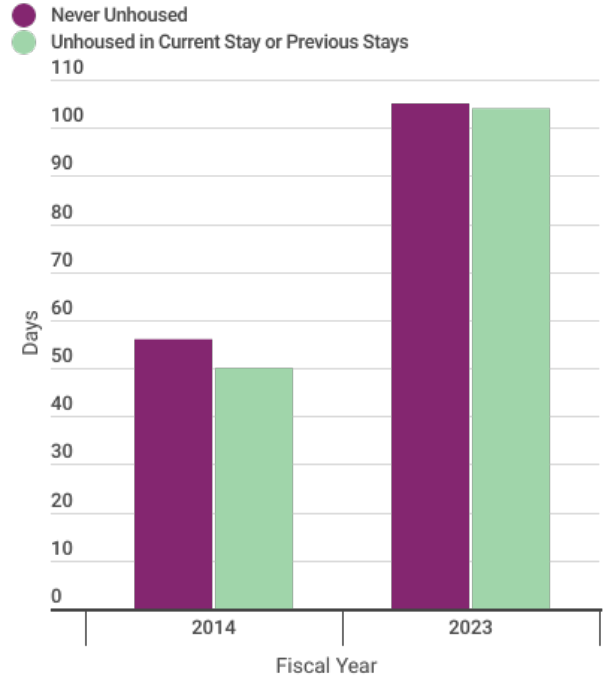


The race and ethnicity categories presented here are reflective of the data IBO received from DOC. IBO recognizes that people of Hispanic ethnicity can be of any race, but due to these data limitations is not able to differentiate between race and ethnicity.

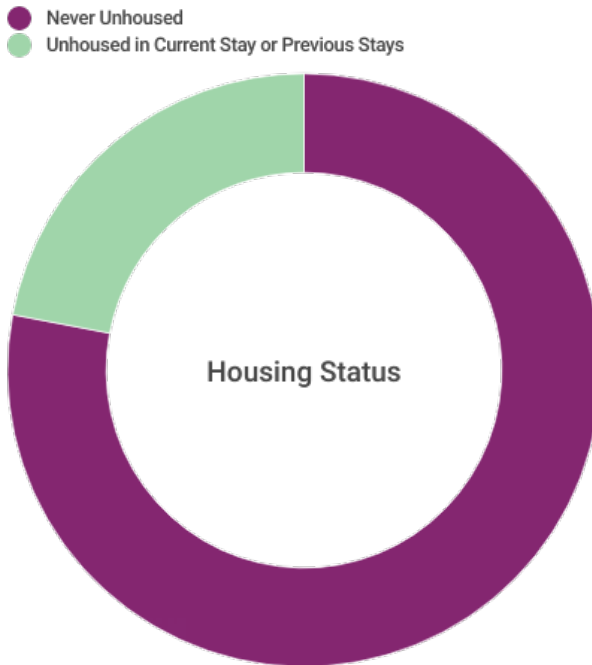
Number of Stays Housing Status



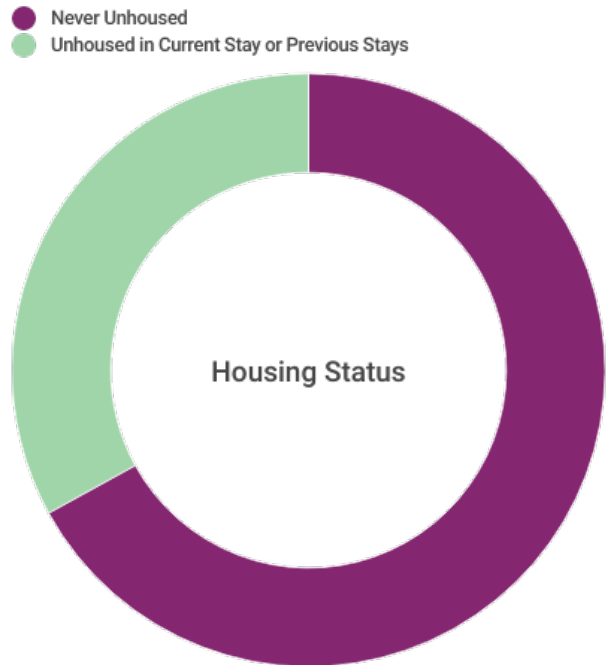
Average Length of Stay Housing Status



Percent of Stays: 2014



Percent of Stays: 2023



In the data provided by DOC, housing status is not directly tracked. IBO flagged stays as by unstably housed individuals if key words appeared in the provided address information or if the address provided matched a known shelter address. For more information about how IBO identified individuals who were unstably housed, see the project [methodology](#).

Endnotes

¹For more information about the current legal issues facing the Department of Correction, including the *Nunez v. City of New York* consent judgment, please see the project [glossary](#).

²See the public [dataset](#) for a comparison of charges associated with stays by individuals living with a mental illness and those not living with a mental illness.



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