



THE CITY OF NEW YORK  
INDEPENDENT BUDGET OFFICE

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September 30, 2011

Honorable Melissa Mark-Viverito  
New York City Council  
250 Broadway, Room 1882  
New York, NY 10007

Dear Council Member Mark-Viverito:

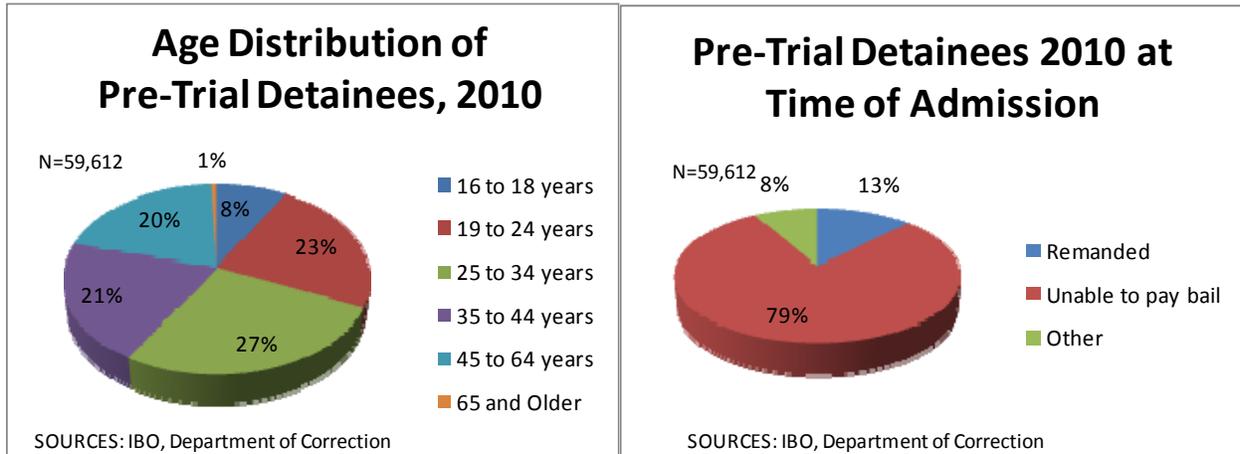
Your office had asked the Independent Budget Office (IBO) to determine how many individuals were held in Department of Correction (DOC) custody after arraignment, either because they had bail set and were unable to post bail immediately at arraignment or because they were remanded to jail without bail. IBO also estimated the budgetary costs of holding these individuals. Our analysis was based on 2010 data obtained from the Department of Correction.

The Department of Correction houses three types of inmates: pre-trial detainees, inmates convicted of lesser offenses and serving sentences of up to one year, and state-sentenced inmates temporarily held in city custody (mainly parole violators and newly sentenced inmates awaiting transfer to a state prison). In 2010 the average daily inmate population in the city's jails was 13,049. Pre-trial detainees accounted for 9,765 or 75 percent of the overall average daily jail population. As requested, our analysis focuses on this group.

In New York City, individuals who are arrested and charged are sent to Criminal Court for arraignment. At arraignment the judge will inform them of the charges against them and decide if they are to be released on their own recognizance (released without bail), have bail set or be remanded to jail without bail. If they are unable to post bail immediately at arraignment or are remanded, they will be sent to Rikers Island as pre-trial detainees until their trial or until they are able to post bail. In 2010, out of about 95,000 inmates admitted into the city's jails, 59,612 were pre-trial detainees.

***Characteristics of Pre-Trial Detainees.*** Based on the information received from DOC, we can provide a profile of the pre-trial detainees admitted in calendar year 2010 by age, foreign birth, previous convictions, current charge, and bail status.

The age distribution of those admitted ranged from 16 to over 65. Adolescents (ages 16 to 18) made up 8 percent of the pre-trial detainees, while only 1 percent were 65 or older. On the whole, pre-trial detainees were relatively young; 58 percent were under 35. Nearly 17 percent self-identified as foreign born. Most had prior contact with the criminal justice system; 60 percent had previous convictions.



Pre-trial detainees faced a variety of different charges. The most common type of charge, faced by 16 percent of detainees, was Other Misdemeanors, which includes various types of misdemeanor charges such as resisting arrest, criminal trespassing, criminal mischief, and possession of stolen property. Nearly 27 percent were charged with some type of drug-related offense (drug felony sale, drug misdemeanor, or drug felony possession), and 14 percent were charged with some type of assault (assault or misdemeanor assault).

| <b>Pre-Trial Detainees Admitted to Rikers Island in Calendar Year 2010</b> |               |               |
|--|---------------|---------------|
| Types of Charge  | Number        | Percent       |
| OTHER MISDEMEANOR  | 9,263         | 15.5%         |
| DRUG FELONY SALE   | 5,681         | 9.5%          |
| ROBBERY  | 5,465         | 9.2%          |
| DRUG MISDEMEANOR   | 5,371         | 9.0%          |
| OTHER FELONIES   | 5,160         | 8.7%          |
| DRUG FELONY POSSESSION   | 4,975         | 8.3%          |
| MISDEMEANOR ASSAULT  | 4,796         | 8.0%          |
| ASSAULT  | 3,485         | 5.8%          |
| MISDEMEANOR LARCENY  | 2,905         | 4.9%          |
| BURGLARY   | 2,620         | 4.4%          |
| WEAPONS  | 2,421         | 4.1%          |
| GRAND LARCENY  | 2,041         | 3.4%          |
| VEHICULAR  | 1,477         | 2.5%          |
| MURDER/ATTEMPTED   |               |               |
| MURDER/MANSLAUGHTER  | 1,016         | 1.7%          |
| RAPE/ATTEMPTED RAPE  | 653           | 1.1%          |
| MISDEMEANOR WEAPONS  | 575           | 1.0%          |
| OTHER SEXUAL OFFENSES  | 489           | 0.8%          |
| LOITERING/PROSTITUTION   | 351           | 0.6%          |
| MISSING  | 347           | 0.6%          |
| WARRANTS/HOLDS   | 313           | 0.5%          |
| VIOLATIONS   | 208           | 0.3%          |
| <b>TOTAL</b>   | <b>59,612</b> | <b>100.0%</b> |
| <b>SOURCES: IBO, Department of Correction</b>                              |               |               |

Finally, the pre-trial detainees can be divided into three categories based on bail status. About 13 percent were remanded without bail, while another 8 percent consisted of individuals with other either holds or warrants that would have sent them to jail even if they had paid the bail on their current charges. The remaining 79 percent were sent to jail because they were unable to post bail immediately at arraignment. The Department of Correction reports that the mean bail set for this group in 2010 was \$59,081 and the median bail was \$10,000; half of the detainees have bail of \$10,000 or less. The large difference between the mean and median suggests that there are a relatively small number of cases with very high bail. While 79 percent of pre-trial detainees admitted in 2010 were unable to pay bail at the time of admission, many of them were able to pay at a later date. On an average day 4,772 or 49 percent of pre-trial detainees were being held because they were unable to post bail.

**Cost of Incarcerating Pre-trial Detainees.** We have estimated the cost to the city of incarcerating those pre-trial detainees who are in jail only because they are unable to pay their bail. Total spending at the Department of Correction in 2010, excluding employee fringe benefits and debt service payments, was \$1.011 billion. Based on an average daily population of 13,049, the overall cost per inmate was \$77,507 per year or \$212 per day. This figure, however, includes fixed costs such as staff salaries and facility maintenance. Therefore, in order to estimate the costs of detaining the sub-populations of detainees who were unable to post bail or who were remanded, we have relied on marginal cost figures provided by DOC.

According to DOC, a reduction of one inmate would result in a savings of \$4,617 per year, or \$12.65 per day. In such a case the only savings would be in OTPS costs such as food and medication. If the average daily population is reduced by an increment of 100, however, the marginal saving per inmate is \$26,101 per year or \$71.51 per day. For every reduction of 100 inmates, DOC can close a housing area and generate staff savings. Because of the large number of inmates in the sub-populations in question, we used this higher marginal cost figure in our estimates.

Using DOC's estimate of the marginal savings resulting from significant reductions in inmate populations, IBO estimates that the annual cost of incarcerating pre-trial detainees who were unable to pay their bail is approximately \$125 million. Similarly, we can estimate the cost to the city of incarcerating those pre-trial detainees who were remanded (no bail set). On an average day 3,794 or 39 percent of pre-trial detainees were being held because they were remanded. The annual cost of detaining this population is approximately \$100 million.

If you have any further questions regarding this request, please do not hesitate to contact me at 212-442-8642 or Nashla Salas, an IBO senior budget and policy analyst, at 212-442-8619.

Sincerely,

George V. Sweeting  
Deputy Director