

REPORT TO

WILLIAM CIUROS, JR.  
COMMISSIONER  
New York City Department Of Correction

In Response To  
The National Council On Crime And Delinquency Report On  
"The Cost Of Incarceration In New York City"

As Presented To The Public Safety Committee  
Of The  
City Council Of New York

NCJRS

JUN 30 1978

March 7, 1978

ACQUISITIONS

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### CONCLUSION

THE CRIMINAL JUSTICE SYSTEM IN NEW YORK  
CITY IS INCARCERATING THE ABSOLUTE MINIMUM  
NUMBER OF PEOPLE REQUIRED TO MAINTAIN  
PUBLIC SAFETY AND SECURITY IN THIS, ONE  
OF THE WORLDS LARGEST METROPOLISES

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I INTRODUCTION

A. Department Of Correction Missions And Services

The New York City Department of Correction is charged with the responsibility of executing a complex and often conflicting set of missions. These missions are Custodial, Inmate Program Services, Care Services and Support Services.

The Custodial Mission is the Holding of detainees and sentenced prisoners. To perform this mission effectively requires the prevention of escapes, minimization of institutional disorders and the control of contraband. During the period of time that pretrial and sentenced inmates are under the Department's jurisdiction an extensive array of program services is provided as mandated by the Inmate Service Mission. This mission consists of providing to detainees and sentenced inmates a panoply of social, educational, rehabilitative, recreational and religious programs. The Care Service Mission involves the Department in providing for the basic human needs of all inmates. The scope of this mission is clearly demonstrated by the housing, feeding and clothing of between sixty to seventy thousand individuals,

annually. In addition, all individuals that come under the Department's jurisdiction receive complete medical examinations and, if needed, psychiatric work-ups. Finally, the care service mission includes the provision to all individuals of all necessary toilet articles, linens, laundry service and the use of facility-based commissaries.

The maintenance and operation of the 37 Department of Correction facilities and inmate and supply transportation among the same is the responsibility of the Support Service Mission. The organizational units charged with this responsibility perform such functions as facility construction, steam and electric power plant operation, maintenance of vehicles and roads, fire protection, warehousing and the transporting of inmates to court facilities, upstate correctional facilities, etc.

B. Department Of Correction And The Criminal Justice System

The workload of the Department of Correction is determined by a number of organizational components to the criminal justice system. These components are administratively independent but operationally affiliated. The type and level of activity of the Police Department, Courts and the District Attorneys directly influence the number of defendants entering the court pens and subsequently remanded. The potential activity levels of the entire system grows out of the existing body of state penal law and criminal procedure law and the local resources to effectuate the enforcement levels indicated by these body of laws.

It is important to keep in mind that the Department provides for the humane care and feeding of individuals placed into its custody by other criminal justice agencies. An individual is exposed to the possibility of incarceration through the arrest function of the Police Department. The decision to incarcerate is impacted by the Courts, District Attorneys, Defense Counsel and diversion programs such as the Criminal Justice Agency. The length of incarceration is primarily affected by the management efficiency of the court adjudication process, bail availability, defendant's prior charge history and, of course, the sentence imposed by the Courts.

The work of the Department begins in the city-wide court pen system it operates in the various courts. In 1968 there were 327,229 individuals processed by the court detention pens in all boroughs: 148,695 or 45.4% were new police cases and 178,534 or 54.6% were offenders transferred from correction facilities for court appearances. In 1977 the number of individuals entering the court pens had grown to 426,400, a 30.3% increase: approximately 180,000 or 42.2% were new police cases and 176,400 or 41.4% were detainees and sentenced prisoners. During this period of time there was a 17.4% increase in arrest activity: 148,695 versus 180,000. Significantly, during a similar period of time the average daily inmate population census has been almost halved: between September 16, 1968 and March 2, 1978 the

number of detainees and sentenced prisoners had declined by 5,523 or 45.4%. The court pens are mini-jails: some of the activities that take place in the larger institutions are replicated at these sites.

The transfer of detainees and sentenced prisoners among the court pens, detention facilities, sentenced facilities and hospital prison wards is conducted by a transportation Division. In 1977 approximately 393,549 prisoners were transported. This volume of work makes the Division among the largest of people mover systems.

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II LEVEL OF INCARCERATION ACTIVITY: NEW YORK  
CITY DEPARTMENT OF CORRECTION

A. Institutional Admissions And Inmate Population

The level of incarceration activity is a broad gauged indicator of the type of strategy chosen by society to respond to those individuals who have been accused of breaking the law, by which it, society, has chosen to organize and conduct its business. Varying levels of incarceration demonstrate differential reliance on the punitive mode of extracting restitution from those who have allegedly committed a criminal act or have been convicted of same.

Reliance on an incarceration strategy has been considerably augmented by a diversionary one: extracting defendants from the criminal justice system prior to being remanded. Exhibit I., NEW ADMISSIONS TO DEPARTMENT OF CORRECTION INSTITUTIONS, CY1969- CY1976 Exhibit II., NEW ADMISSIONS TO DEPARTMENT OF CORRECTION SENTENCED INSTITUTIONS, CY1969 - CY1976 and Exhibit III., AVERAGE DAILY INMATE POPULATION CENSUS DEPARTMENT OF CORRECTION INSTITUTIONS, (Detention and Sentenced) CY1969 - CY 1976 reflect the

impact of this strategy on the flow of individuals into correction facilities. The number of new admissions to correction detention facilities has declined by 39.0% or 36,117 fewer individuals.

The trend for sentenced prisoners is not as clean. Fluctuations occur. Nevertheless, the 1976 entry on the eight year trend line is 16.2% or 2,866 fewer individuals entering, for the first time, city sentenced institutions. The 1976 figure of 14,876 new admissions to such facilities is 26.3% less than the peak year of 1971.

A complete explanation of the causes of this varying trend is beyond the scope of this report. However, a partial explanation might be found in the increases in levels of sentences for certain categories of crime, growth of diversionary programs and a general increase in the level of felony class arrests. The individuals remaining in the criminal justice system represent those for whom sentencing is the only alternative. They have not benefitted from alternatives to incarceration offered on prior contact with the criminal justice system. These alternatives use rating systems to determine an individuals suitability for release on their own recognizance ('ROR'). In 1974, 38.0% or 75,359 individuals (of the almost 200,000 arraignments conducted) were released based on an 'ROR' determination. In 1976 this increased to 46.0% of all arraignments in New York City Criminal Courts.

In conjunction with a 39.0% and 16.2% decline in new detainee and sentenced prisoner admissions, the average daily inmate census



by type of institution has dropped dramatically (Exhibit III). The Department's average daily detention population has declined from 7,749 in 1969 to 4,576 as of 1976. Similarly, there has been a 56.6% drop in the Department's average daily sentenced prisoner population; from 5,421 in 1969 to 2,351 in 1976.

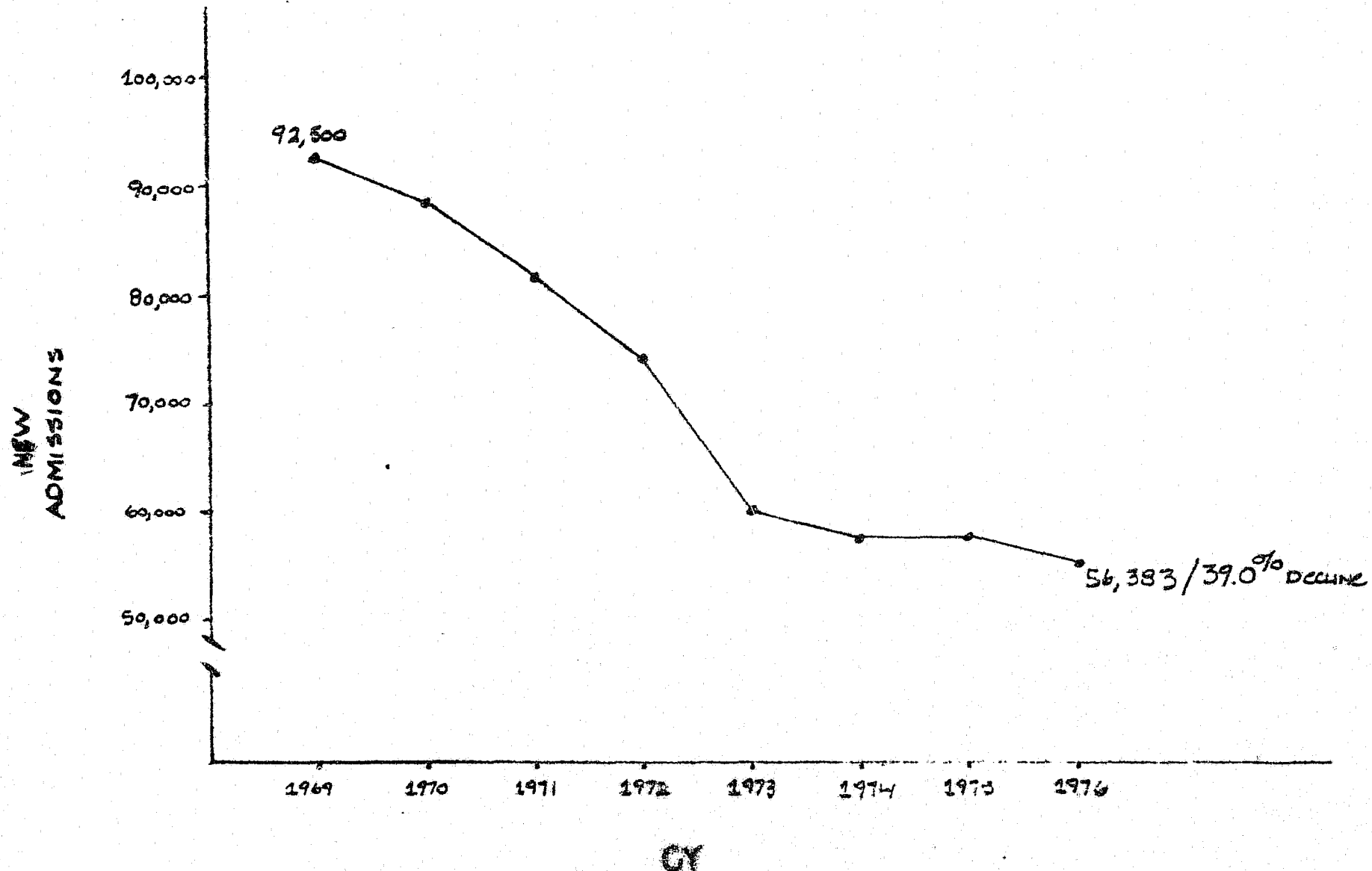
New admissions have declined by 39.0%/detainees and 16.2%/sentenced prisoners and average daily inmate census has declined by 47.4%. This is of significance as the level of police arrests escalated from 148,695 in 1968 to 174,322 in September of 1976. See Exhibit IV., NEW POLICE ARRESTS, CY1968 - CY1976.

B. Length Of Incarceration Of Inmate Population

A complete portrayal of the level of incarceration activity engaged in by the New York City Department of Correction would be incomplete without an examination of how long detainees and sentenced prisoners have been and are spending in correction facilities. Exhibit V. presents the average length of stay for calendar year's 1974 through the 1st Quarter of 1977. As can be seen there has been a decrease in the average amount of time detainees and sentenced prisoners spend inside a correction facility. The decline for male and female detainees has been 6.4% and 11.4%, respectively; male and female sentenced prisoners 28.3% and 5.6%, respectively.

NEW ADMISSIONS  
DEPARTMENT OF CORRECTION DETENTION  
INSTITUTIONS  
CY 1969-76

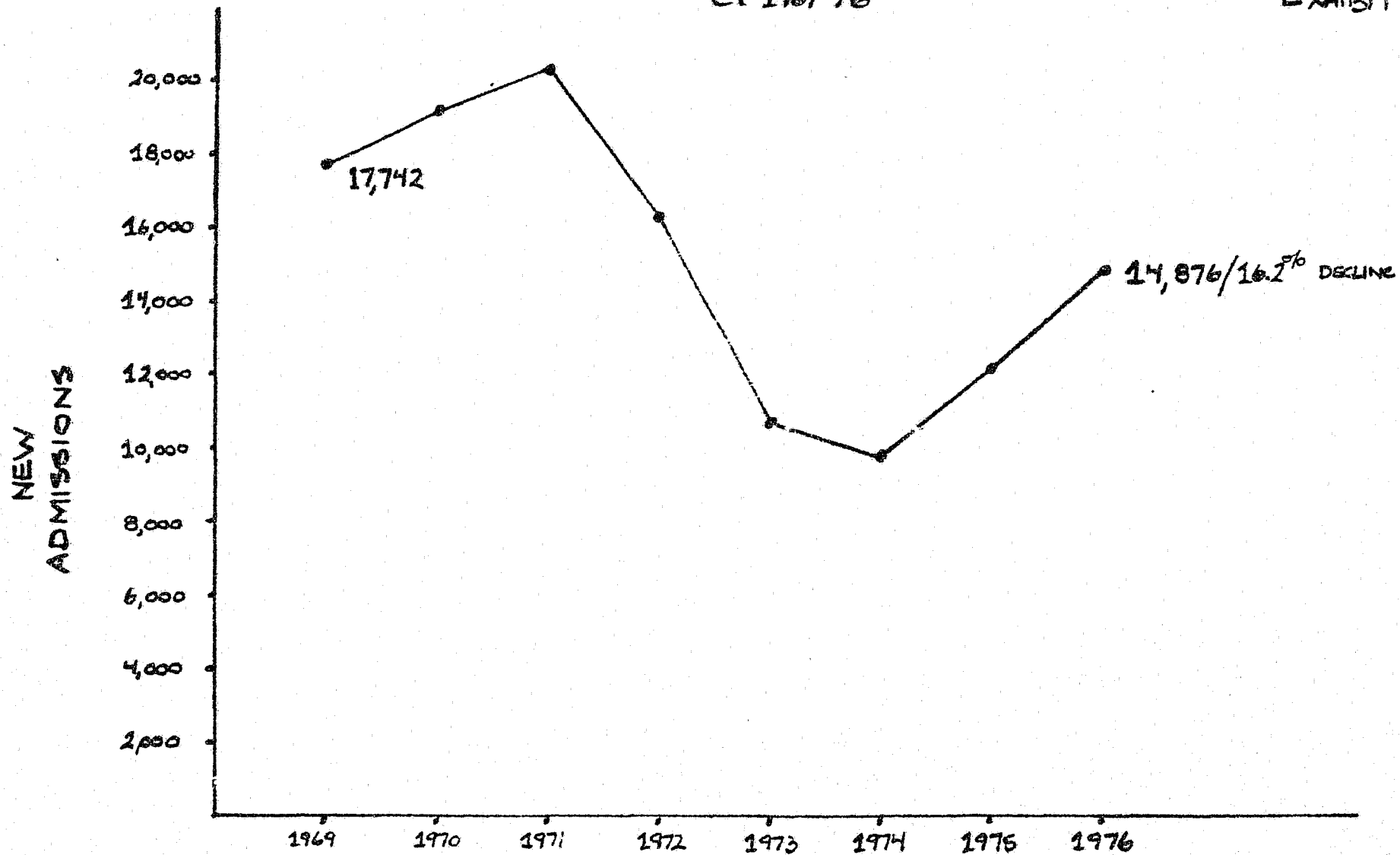
EXHIBIT I.



SOURCE: N.Y.C. DOC  
STATISTICAL REPORT HIGHLIGHTS  
RESEARCH & STATISTICS UNIT

NEW ADMISSIONS  
DEPARTMENT OF CORRECTION SENTENCED  
INSTITUTIONS  
CY 1969-76

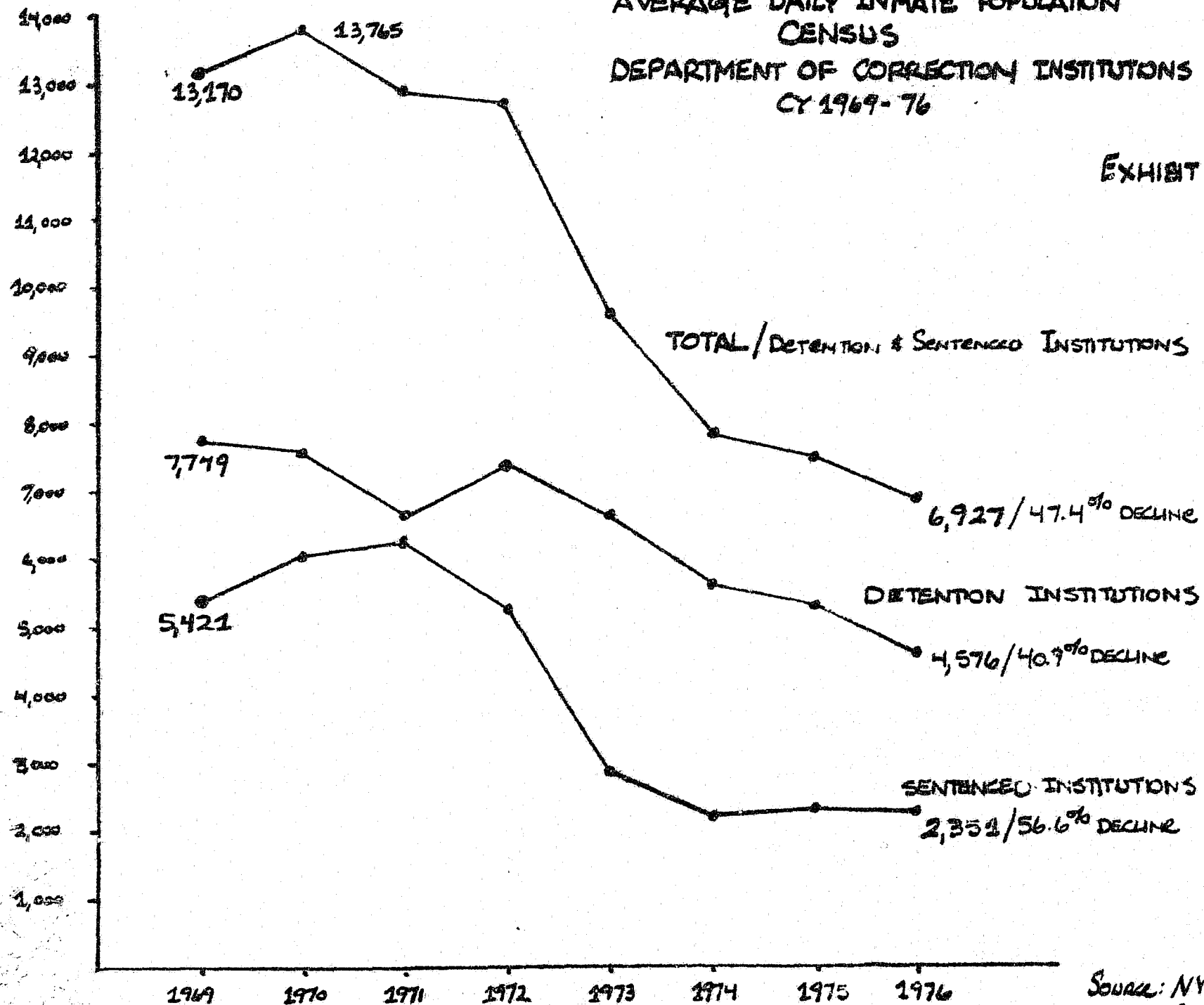
EXHIBIT II.



SOURCE: N.Y.C. DOC  
STATISTICAL REPORT HIGHLIGHTS  
RESEARCH & STATISTICS UNIT

AVERAGE DAILY INMATE POPULATION  
CENSUS  
DEPARTMENT OF CORRECTION INSTITUTIONS  
CY 1969-76

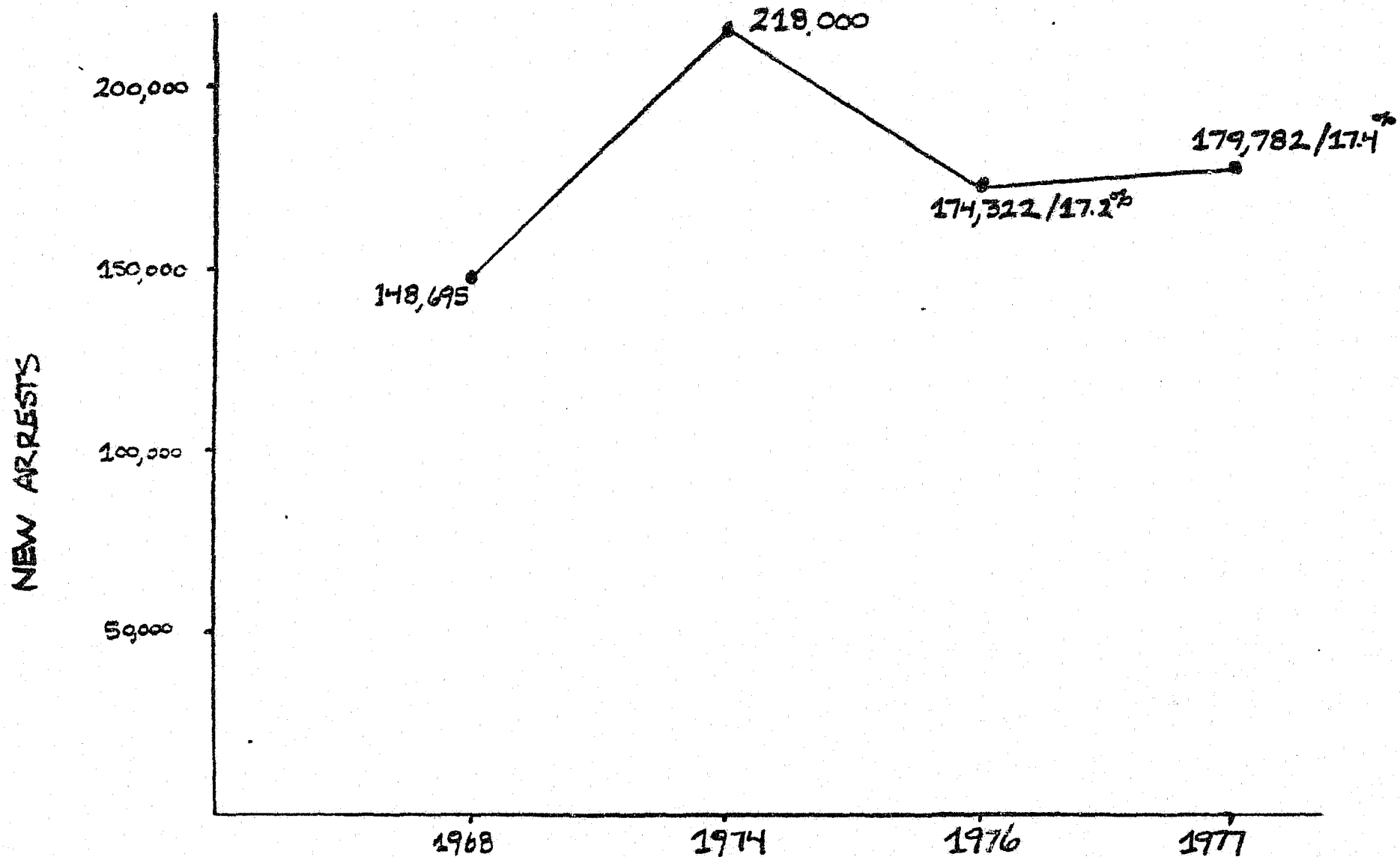
EXHIBIT III.



SOURCE: N.Y.C. DOC  
STATISTICAL REPORT  
HIGHLIGHTS

# NEW POLICE ARRESTS CY 1968-76

EXHIBIT IV.



SOURCE: 1971-72 RAND REPORT,  
COURTIS & DAVIS ARCHITECTURAL  
FIRM  
STATISTICAL REPORT/NYPD  
1977

# EXHIBIT V.

## AVERAGE LENGTH OF STAY IN DAYS MALES AND FEMALES DISCHARGED FROM DEPARTMENT OF CORRECTION INSTITUTIONS CY 1974- CY 1977 (1<sup>ST</sup> QTR.)

CALENDAR YEAR	MALES		FEMALES	
	DETENTION (DAYS)	SENTENCED (DAYS)	DETENTION (DAYS)	SENTENCED (DAYS)
1974	47	109.5	22	36
1975	47	98	25.5	36.5
1976	42	90.5	20.5	38
1977 (1 <sup>ST</sup> QTR.)	44	78.5	19.5	34
1977 (4 <sup>TH</sup> QTR.)	38	80.25	35	49.00
PERCENTAGE DECLINE	6.4%	28.3%	11.4%	5.6%

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III DEFENDANT PROFILE: CHARGE, BAIL, WELFARE AND EMPLOYMENT  
STATUS

A. Charge Status

Two purposive samples were taken, one of the city-wide detention population on August 15, 1975 and a second, on January 3, 1978 in the New York City House Of Detention For Men. The purpose was to obtain a picture of the charge profile of the detention population. The first sample revealed of 4,822 detainees in the custodial care of the Department of Correction, 56.7% or 2,732 were charged with crimes against person and property (e.g., rape, burglary). (See Exhibit VI.) The second and most recent sample resulted in the finding that 64.0% or 762 detainees, out of a population of 1,184 were in custody on A and B felonies: most serious of the felony charges. (See Exhibit VII.)

B. Bail Status

Bail reform has come of age. Beginning in the 1960's scores of cities began to experiment with alternatives to the existing system of bail as a form of pretrial release. The goal of these

projects was to expand the criteria upon which a pretrial release decision was made by the courts. For the first time community ties of defendants and pretrial supervision of the accused was factored into the release decision. The impetus for this reform was the realization that bail as a form of economic disincentive to absconding was not working: forfeiture rates were high. The bail reform projects of the 1960's have emerged as the bail systems of the 1970's.

The basic achievement of bail reform has been to remove from pretrial detention many defendants who should not be incarcerated. This achievement, which is laudable, has generated a serious problem for managers of correction facilities. The remaining population represents those who could not, because of several reasons not the least of which is level of current and past criminal activity, be released on their own recognizance. This situation is reflected in Exhibit VIII., DETENTION POPULATION BAIL PROFILE, NEW YORK CITY DEPARTMENT OF CORRECTION, February 6, 1978. 47.8% or 2,101 detainees in the custody of the Department were remanded on no bail. This reflects a decision made by the Courts, after being appraised of the defendants likely performance if released in ROR, that such individuals - 47 out of every 100 - represent an unacceptable level of danger to society.

#### C. Employment Status

A vast body of research exists on why people commit crimes. The causes identified vary: social, cultural, economic, psychological, etc. At the very least, there is no one cause of crime but a



constellation of factors leading to behavior that society has deemed criminal. The purpose of this report is not to present a definitive explanation as to the why's of criminal behavior but to some sobering facts about the people making contact with the criminal justice system. Exhibit IX., EMPLOYMENT STATUS OF DEFENDANTS AND DETAINEES, presents outcomes of three studies concerned with this question. These studies, conducted in 1975 and 1976, strongly suggested that a large number of individuals who became involved in the criminal justice process are not employed and do not earn an average annual salary of \$11,000, as indicated in the NCCD report. The two studies that sampled the arraigned defendant population showed a 58% unemployment rate; for detainees on low bail it was 57%. Furthermore, 30.8% of the subjects of the 1976 study, conducted in Bronx County, earned less than \$10,400 per annum.

#### D. Welfare Status

The NCCD report indicates increased welfare costs of \$9.5 million or \$1,440 per prisoner is incurred as the result of incarceration. This conclusion grows out of an incorrect assessment of the employment status of defendants, which was addressed in the previous section of this report. Given the high levels of unemployment and considerable underemployment exhibited by the defendant and detained population, it is reasonable to pose a contrary hypothesis: defendant and family, if any, are receiving some form of public assistance prior to incarceration. In addition, the report implies that the families of incarcerated heads of

households are placed on public assistance because of loss of employment earnings. An examination of Department of Correction statistics, regarding the marital status of those inmates released in 1977, brought to light that 68% of all male inmates released from correction facilities were single. There were no families to be made dependent on welfare.

#### IV. Cost Of Incarceration

The NCCD report suggests a \$13.1 million annual loss in real estate tax revenue arising from the tax exempt status of correction property. Such an assessment can only be made if there exists some private alternative use. It is unlikely that existing facilities could be put to some alternative use that would generate tax revenues: jails were built to serve as jails. Further, it is unclear whether or not the level of lost tax revenue, indicated in the report, is based on the total debt service of those facilities the Department shares with other tax exempt users or only on an allocated portion. At the very least, the \$13.1 million figure used in the NCCD report is inflated and was derived using questionable methodology.

As defined in the NCCD report debt service represents the payment of principal and interest made on obligations incurred for capital construction projects undertaken by the Department. This amounts to \$16.3 million per year. Full debt service should not be charged for facilities which the Department is prevented from using due to lack of staff, court orders preventing use and state standards restricting use.

Finally, it is a matter of large debate whether or not it makes sense to charge debt service as a cost to a governmental organization, whose primary function it is to provide custodial services and not generate revenue.

# EXHIBIT VI.

ONE DAY SAMPLE OF INDIVIDUALS IN  
DETENTION BY CHARGE  
NEW YORK CITY DEPARTMENT OF CORRECTION

AUGUST 15, 1975

OFFENSE CATEGORY	DETENTION POPULATION	
	NUMBER	PERCENT
MURDER, RAPE, ROBBERY, ASSAULT, BURGLARY	2,732	56.7
GRAND LARCENY	317	6.6
NARCOTICS OFFENSES	397	8.2
WEAPONS POSSESSION	241	5.0
OTHER [e.g. FORGERY, FRAUD GAMBLING, ETC.]	1,135	23.5

SOURCE: CURTIS & DAVIS  
ARCHITECTURAL FIRM

# EXHIBIT VII.

ONE DAY SAMPLE OF INDIVIDUALS IN  
DETENTION BY CHARGE

NEW YORK CITY HOUSE OF DETENTION FOR MEN

NYC/DOC  
JANUARY 3, 1978

FELONY CLASS (DESCENDING ORDER OF SEVERITY)	DETENTION POPULATION	
	NUMBER	PERCENT
A-B FELONY	762	64
C FELONY	105	9
D FELONY	188	16
E FELONY	59	5
REMAINDER [A & B MISC & VIOLATIONS]	70	6
TOTAL	1,184	100

# EXHIBIT VII.

## DETENTION POPULATION/ BAIL PROFILE NEW YORK CITY DEPARTMENT OF CORRECTIONS FEBRUARY 6, 1978

BAIL LEVEL (DOLLARS)	DETENTION POPULATION	
	NUMBER	PERCENT
NO BAIL	2,101	47.8
25,001 - 100,000	158	3.6
5,001 - 25,000	614	14.0
1,001 - 5,000	916	20.8
1,000 OR LESS	607	13.8
TOTAL	4,396	100.0

SOURCE: NYC. DOC / INFORMATION SYSTEMS  
BAIL ANALYSIS REVIEW 2-6-78

# EXHIBIT IX.

## EMPLOYMENT STATUS OF DEFENDANTS AND DETAINEES

### STUDY

### SAMPLE

### RESULTS

1976 NYC OFFICE OF MANAGEMENT  
& BUDGET AND PRE-TRIAL  
SERVICES AGENCY STUDY

7000 ARRAIGNED  
DEFENDANTS  
BRONX COUNTY

- UNEMPLOYED: 58% or 4,060
- UNDEREMPLOYED: 7% or 490
- EARNING LESS THAN \$10,400: 30.8%
- EARNING MORE THAN \$10,400/YR.: 4.2%

1976  
CRIMINAL JUSTICE AGENCY  
STUDY

300 ARRAIGNED  
DEFENDANTS

- UNEMPLOYED: 58% or 174

1975  
PRE-TRIAL SERVICES AGENCY  
STUDY

100 DETAINEES  
ON  
LOW BAIL

- UNEMPLOYED: 57% or 57





**END**