



Jail Population Reduction Working Group Meeting #5

March 9, 2018

Justice Implementation Task Force

Agenda

1. **Working group updates**
 - a) **Updates from MOCJ**
 - b) **Parole violations subcommittee**
2. Risk assessment instrument recommendations and next steps
3. Focus on City sentenced population
4. Closing and next steps

Updates from MOCJ

- ***Borough-based jail facility locations***
 - The Mayor and City Council reached an agreement to replace Rikers Island with community-based facilities.
 - The agreement ensures a single public review of identified jail sites in four boroughs, which will provide off-Island space for 5,000 detained people.
 - The four sites include:
 - Manhattan Detention Center, 125 White Street, Manhattan, 10013
 - Brooklyn Detention Center, 275 Atlantic Avenue, Brooklyn, 11201
 - Queens Detention Center, 126-01 82nd Avenue, Kew Gardens, 11415
 - NYPD Tow Pound, 320 Concord Avenue, Bronx, 10454
- ***State budget advocacy on Close to Home***
- ***Challenge to partial shutdown of RNDC***

Parole violations subcommittee

Goals for the subcommittee

1. The group's primary focus will be on administrative and operational strategies to reduce the number of technical parole violators detained on Rikers.
2. The group will stay informed about strategies at the state level to address parole violations, and, as appropriate, recommend policy or legislative changes.

Preliminary areas of focus

- Strategies to reduce movement between jail facilities and hearing spaces;
- Strategies to reduce delays in paperwork and scheduling;
- Opportunities for reform at the preliminary hearing;
- Opportunities to reduce length of stay or accelerate release for people with a new arrest whose primary obstacle to release is a technical violation of parole; and
- Consider programmatic approaches, including what alternatives to reincarceration program would look like and how this would support jail population reduction.

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2. **Risk assessment instrument recommendations and next steps**
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Risk assessment instrument recommendations and next steps: survey results

Following the last meeting, the group completed a survey on the City's new Release Recommendation System. The survey gathered insights on the following topics:

1. Reframing the Release Recommendation System;
2. Tracking the instrument's impact and effectiveness; and
3. Successfully implementing the risk assessment instrument.

Risk assessment instrument recommendations and next steps: survey results

Reframing the Release Recommendation System

Ideas for reframing the instrument in a more positive light included:

- “Likelihood of Appearance”
- “LTA” (Likelihood-to-appear) instead of “FTA” (Failure-to-appear)
- “Likelihood to Return”
- “Court Appearance Indicator”
- “Court Appearance Probability Instrument”

Risk assessment instrument recommendations and next steps: survey results

Tracking the instrument's impact and effectiveness

The group expressed interest in gathering the following data fields:

Distribution of release recommendations by:

- Race
- Age
- Borough
- Criminal history
- Living arrangement
- Charge type/severity

Distribution of release decisions by:

- Release recommendation
- Race
- Defendants' appearance history
- Borough
- Judge
- Time of day
- Volume of arraignment cases
- Age
- Charge type and severity

Risk assessment instrument recommendations and next steps: survey results

Tracking the instrument's impact and effectiveness (continued)

The group also expressed interest in gathering the following information:

- Appearance rates for each recommendation;
- Impact of the instrument on certain populations based on race, poverty indicators, gender, and age;
- When bench warrants are ordered, how many cases get vacated within 24, 48, and 72 hours;
- Overall rates of incarceration before and after implementation of the tool;
- Rates of rearrest by severity of rearrest charge; and
- Correlates between the impact of pretrial detention and final sentencing.

Risk assessment instrument recommendations and next steps: survey results

Successfully implementing the risk assessment instrument

The group recommended looking into the following issues to ensure the instrument's successful implementation:

- Anonymous surveys of the judiciary, particularly regular arraignment judges, to determine how often they relied on the instrument in formulating their decision;
- Surveys for defenders and prosecutors to gain perspectives on the instrument's use;
- Integration of CJA representatives into the courtroom; and
- Educating the judges on the methodology behind the new instrument.

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1. Working group updates
2. Risk assessment tool recommendations and next steps
3. **Focus on City sentenced population**
 - a) **Data overview**
 - b) **Strategies underway**
 - c) **Group discussion**
4. Closing and next steps

Focus on City sentenced population

A person can leave DOC custody with a City sentence completed in three ways:

1. Admitted at the time of sentencing, discharged when their sentence is fulfilled.
2. Admitted as a detainee and either remanded or unable to make bail. Pleads guilty (conviction at trial is unusual for lower-level offenses), sentenced while in custody, and discharged when this sentence is fulfilled.
3. Admitted as a detainee and either remanded or unable to make bail. Pleads guilty at a court appearance and sentenced to an amount of time which the time they've already served fulfills (or over-fulfills), and therefore released directly from court.

Focus on City sentenced population: data overview

While about 6,700 people were admitted to DOC custody to serve a City sentence, more than 13,000 people left DOC custody after completing a city sentence of more than one day.

| 2017 City Sentence Breakdown | | |
|--|---------------|-------------|
| Misdemeanor | 8,724 | 65% |
| Nonviolent Felony | 2,508 | 19% |
| Violent Felony | 1,106 | 8% |
| Other (Violations, Admin Codes, Vehicular) | 1,061 | 8% |
| Total | 13,399 | 100% |

Source: MOCJ analysis of DOC discharge data.

Focus on City sentenced population: data overview

In 2017, over half of all City sentenced individuals spent less than one month in custody.

| Population (by LOS) | Count of NYSID | Average Admit to Sentence (days) | Average Sentence to Discharge (days) | Average LOS Total (days) |
|--------------------------------|-----------------------|---|---|-------------------------------------|
| 0 DAYS | 1,525 | --- | --- | --- |
| 1-7 DAYS | 3,749 | 1.4 | 2.3 | 3.7 |
| 8-30 DAYS | 3,209 | 7.7 | 8.8 | 16.4 |
| 31-60 DAYS | 1,418 | 21.7 | 24.0 | 45.5 |
| 61-120 DAYS | 1,272 | 38.9 | 58.8 | 97.3 |
| 121-180 DAYS | 686 | 63.3 | 87.4 | 150.6 |
| 181-365 DAYS | 1,410 | 94.0 | 144.5 | 238.5 |
| 366+ DAYS | 130 | 366.1 | 132.9 | 572.1 |

Source: MOCJ analysis of DOC discharge data.

Focus on City sentenced population: strategies underway

Alternatives to short-term jail sentences

- CASES newSTART program in Manhattan
- Brooklyn Community Justice Center (CCI)
- Bronx Community Solutions (CCI)

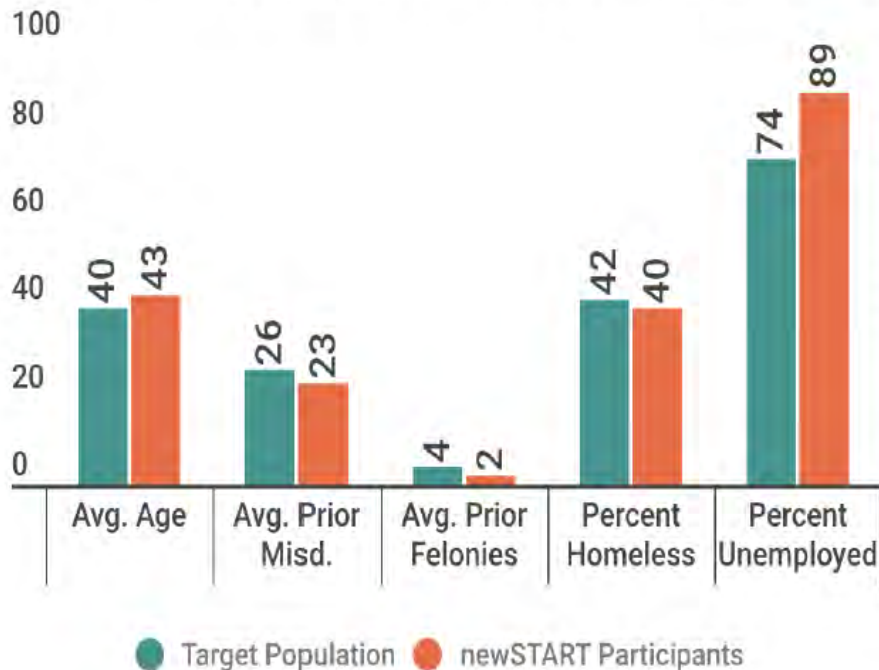
Jails to Jobs

Offers people serving a City sentence transitional employment for up to two months after they leave jail.

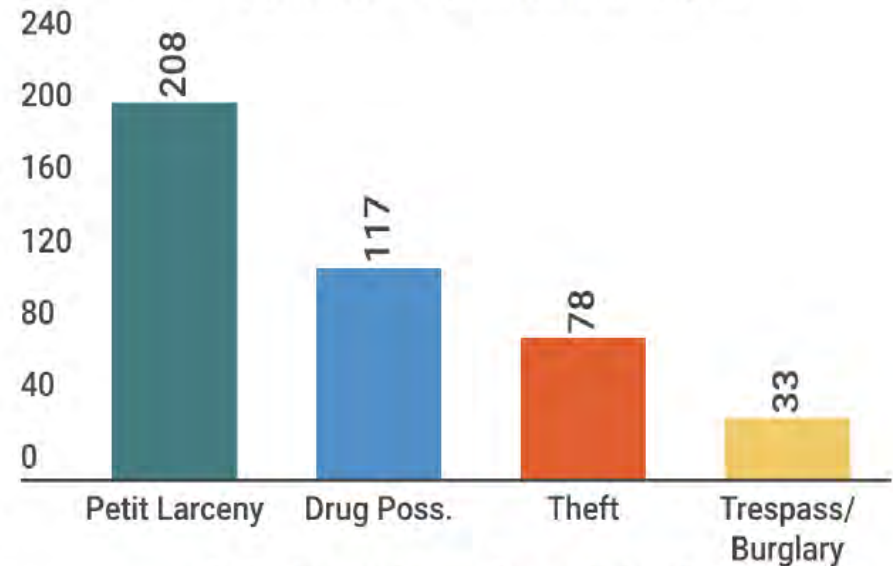
Focus on City sentenced population: strategies underway

newSTART Participant Characteristics

As stakeholders envisioned, newSTART serves individuals with complex social needs and long-term repeated involvement in the criminal justice system for misdemeanor arrests.

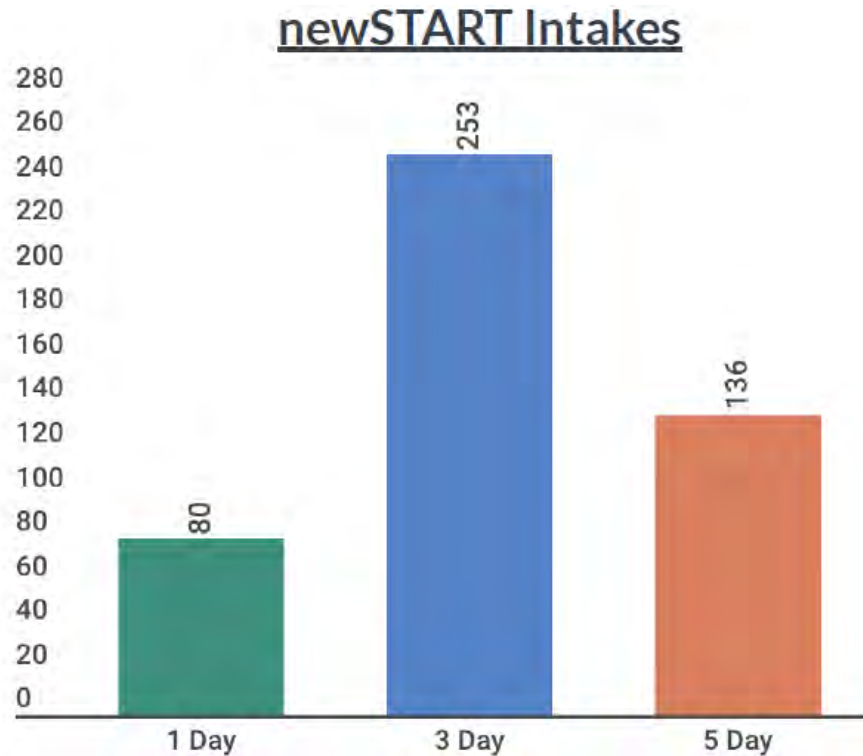


Common Top Intake Charges



Reflects top charges for participants admitted Oct-Dec 2017.

Focus on City sentenced population: strategies underway



469 individuals were admitted to newSTART from October through December.

Focus on City sentenced population: group discussion

What else can we do to reduce the lengths of stay and the number of people serving a City sentence on Rikers Island?

Are there opportunities for reducing the population on Rikers as the city prepares for new ATI program procurement?

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