Rensselaer County

The use of jail—how many people are in jail, why, and for how long—changed significantly across New York State in 2020. In April 2019, the State passed watershed bail reform that eliminated cash bail for most misdemeanors and nonviolent felonies. Courts quickly began implementing the new law in anticipation of its January 2020 effective date, and from March 2019 to February 2020, jail populations fell more than 30 percent. Then the COVID-19 pandemic hit New York, and jail populations fell another 24 percent, to just over 11,000 in July 2020. The legislature enacted a partial bail reform rollback, and the initial crisis of the first wave of COVID-19 soon began to wane, causing jail populations to climb again—to almost 13,600 by December 2020. The impact of these momentous events varied widely from county to county.

How bail reform changed the jail population

In March 2019, the month before the New York State legislature passed bail reform, Rensselaer County held 300 people in jail on any given day. Of those, 91 were detained pretrial. In February 2020, the month after bail reform went into effect, the average daily jail population in Rensselaer County was 234—a 22 percent decrease from March 2019, compared to a 31 percent drop statewide. The pretrial population changed from 91 in March 2019 to 51 in February 2020.

How COVID-19 changed the jail population

New York confirmed its first case of COVID-19 on March 1, 2020. Soon after, court appearances became virtual, jury trials were suspended, and counties began to change their policies and practices to prevent further outbreaks in jails and to protect the broader community. By June 2020, the average daily jail population in

Rensselaer County stood at 194—a 17 percent decrease from February 2020, just before the pandemic hit.

Rensselaer County's jail population in December 2020

In April 2020, New York's legislature amended the bail law, expanding the limited circumstances in which judges may set bail. These reform rollbacks went into effect in July 2020. At the same time, the initial crisis of the first wave of COVID-19 began to wane. Thereafter, jail populations climbed across New York. By December 2020, the average daily jail population in Rensselaer County had changed slightly to 196, a 1 percent increase from June and a 16 percent decrease from its pre-pandemic population in February. By comparison, the statewide jail population increased 17 percent from June to December.

Rensselaer County 2020 jail incarceration rate

Overall, in 2020 the jail incarceration rate in Rensselaer County was 195 per 100,000 people, compared with a statewide average of 101 per 100,000 people. Among New York City and the 57 counties outside the city, Rensselaer County had the 14th highest incarceration rate.

Changes in the charges driving jail incarceration

In the past, New York filled its jails with people charged with low-level offenses. Bail reform changed that. In the 43 counties outside of New York City sampled by the Vera Institute, the number of people entering jail who were charged with a violation or misdemeanor fell almost 60 percent from March 2019 to February 2020. In Rensselaer County, the number of people entering jail for a violation or misdemeanor fell from 43 in March 2019 to 5 in February 2020, an 88 percent drop.

In March 2019, before bail reform, low-level theft (PL 155.25) was the most common reason people entered jail in Rensselaer County. By February 2020, only 2 people were admitted for low-level theft, an 88 percent drop.

Length of stay

In March 2019, the median length of stay in jail in Rensselaer County was 73 days. By February 2020, that changed to 46 days, but by June 2020, as the COVID-19 pandemic continued, the median length of stay was 112 days, endangering the health and lives of people in jail. At least two factors drove the change: 1) Median bails increased so it was harder for many people to pay bail to be released, and 2) criminal cases were paused, which meant that people remained in jail longer waiting for trial.

Racial disparities

Bail reform and decarceration in response to COVID-19 unintentionally exacerbated racial disparities in many counties. In the counties Vera sampled outside of New York City, 10.7 percent of residents ages 16-64 are Black; however, on any given day in March 2019, before bail reform, 36.7 percent of people held in jail were Black. The month after bail reform went into effect, 38.0 percent of people in jail were Black, and by June 2020, after counties had changed policies and practices in response to COVID-19, the percent of people in jails who were Black had grown to 41.5 percent.

In Rensselaer County, 7.9 percent of *county residents* are Black, but in contrast, on any given day in March 2019, before bail reform, 40 percent of *people held in jail* in Rensselaer County were Black. In February 2020, the month after bail reform went into effect, 39 percent of people in jail were Black, and by June 2020, after COVID-19 policies and practices had been in effect for several months, 41 percent of people in jail in Rensselaer County were Black.

Quick facts about Rensselaer County

County population
158,714

Racial demographics
Asian/Pacific Islander: 2.9%
Black/African American: 7.9%
Latinx/Hispanic: 5.2%
Native American: 0.3%
White: 86.4%

Percent living below the poverty line
11.1%

Methodology

The Vera Institute analyzed jail population data from the New York State Division of Criminal Justice Services, accessible at https://perma.cc/3AYZ-N4NP. The *total jail population* reflects the people the county is responsible for incarcerating, including those held in the county's own jail(s) and those being held in other facilities. The *pretrial population* reflects the people held pretrial in the county's jail(s), including those being held from other counties. County budget

data is from the New York State Comptroller's Office, accessible at https://perma.cc/BJ58-T8WZ. Information about racial disparities, charges, and average lengths of stay is from data that the Vera Institute received through Freedom of Information Law (FOIL) requests.

This brief is part of a series examining jail incarceration in New York State in 2020. Fact sheets for the other 56 counties and New York City are available at https://www.vera.org/state-of-incarceration.

Rensselaer County jail population

— ● — Total jail population   — ● — Pretrial population