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TO: Jail Population Management Project Advisory Committee, and
Staff of the Planning Unit, Office of the Deputy Mayor for Public Safety

FROM: Laura Winterfield, Project Director

SUBJECT: Jail Use Analysis

INTRODUCTION

This is the first in a series of analytic memoranda prepared for the Office of the Deputy Mayor for Public Safety under the Jail Population Management Consultancy project (JPMC). This memorandum presents the pattern of demand for jail resources, coming from various categories of inmates in the custody of the city's Department of Correction (DOC). The second memorandum addresses two questions: How many inmates passing through the custody of the Department of Correction (DOC) each year are eligible for the various city-funded alternative programs? And, given the sizes of these "eligible pools," how much room is there for program expansion? The third memorandum describes the construction and content of models that help predict both pretrial detention and custodial sentences in felony cases. The final memorandum presents information about those admitted to DOC who are *not eligible* for any existing alternative program, and offers some suggestions about steps the city might take to displace from jail at least some of those currently ineligible for any alternative program.

PURPOSE AND STRUCTURE OF THIS MEMORANDUM

The Office of the Deputy Mayor for Public Safety has responsibility for maintaining, reducing and adding to the capacity of alternative programs of various types, without having available to it comprehensive integrated information about which categories of detainees and sentenced offenders use what proportions of the city's jail resources. Because the primary purpose of the city's investment in alternative programs is to relieve jail overcrowding,¹ and because the demand on jail resources differs among

¹ Of course, alternative programs are often appropriately designed to displace offenders from state prison beds, but the city's primary concern is with local jail overcrowding, and this memorandum (and the others in this JPMC series) focuses on the population occupying city jail cells.

It is also worth noting that displacement of demand for jail cells is only one of the objectives of the city's investments in alternative programs. There are justice interests to be served (*e.g.*, punishment through non-custodial means) and there are community safety interests to be served (*e.g.*, through supervision, treatment and rehabilitation). As the overall capacity of alternative programs is increased, it is to be expected (and, presumably, desired) that the city's overall achievement of these objectives is also increased. Some of that benefit should be expected from the application of appropriate non-custodial measures to individuals who otherwise would have been subjected to less effective non-custodial measures (*e.g.*, unconditional discharge or unenforced conditional discharge, simple probation), just as some of that benefit should come from the application of alternative measures to those who would otherwise have consumed jail capacity.

various categories of DOC inmates, it is useful to have a picture of who is occupying the cells and why. For example, some detainees stay only for the pretrial processing of the cases brought against them (or for a part of that period), while others who are at liberty before disposition are admitted to serve sentences (or to await transfer to the state correctional system). Yet another group is admitted pretrial and remains in custody through disposition and into the sentence period. Thus, city investment in an alternative program can have quite different effects, depending on which category of DOC inmates the program targets for displacement from jail.

This memorandum displays the distribution of jail use among those three categories of inmates, and further delineates the pattern of their jail use by the court (Criminal or Supreme) in which the case is finally disposed. These data are intended to guide decisions about the type of program investment (e.g., pretrial or post-sentence) that is most likely to benefit the city, and to help identify the stage of court processing where a program can most effectively intervene.

Categories of Alternative Programs in New York City. In its contracting relationships with the agencies that provide New York City's alternative programs, the Office of the Deputy Mayor usually identifies a program either an Alternative to Detention (ATD), suggesting provision of a non-custodial alternative to pretrial detention, or as an Alternative to Incarceration (ATI), suggesting a focus on displacement of custodial sentences. But several of the city's current alternative programs intervene during the pretrial period (and might be grouped with the ATDs), even though the pretrial intervention is made in order to achieve non-custodial sentencing to those very same programs. In this series of memoranda, programs that begin an intervention during the pretrial period which continues after sentence are separately grouped as ATD/I programs.²

For this analysis, then, the city's alternative programs have been categorized as follows:

ATD: Programs designed principally as alternatives to pretrial detention only.

ATI: Programs designed principally to serve as alternative penal measure in cases that would otherwise draw jail or prison time at disposition.

ATD/I: Programs that intervene when an individual is in pretrial detention, offering an alternative to continued detention *and* an alternative penal measure at disposition.

These definitions have also been used to categorize DOC inmates, by the type of jail days they use. "ATD-only" users of jail capacity are those admitted to DOC at or after arraignment, but who are released before disposition and sentence. "ATI-only" inmates are those who are at liberty when sentenced, but are admitted to begin serving a local or state term. "ATD/I" inmates are those in DOC custody pretrial, who remain in custody through disposition, and stay in custody to begin serving a custodial sentence. The pool of individuals eligible for ATD programs consists of defendants in pretrial detention who meet

² When programs are grouped only under the ATD and ATI categories used in the city's contracting process, these ATD/I programs are considered ATIs — obscuring their potential for reducing overall demand for pretrial detention cells.

program-specific bail and length-of-stay requirements or whose lawyers request advocacy services. Offenders eligible for ATI or ATD/I programs are those who are believed to be jail-bound (*i.e.*, those who, according to some hypothesis animating the particular program's design, have a high probability of being sentenced to jail or prison).

Routinely Available Sources of Information. The Office of the Deputy Mayor for Public Safety has been making investments in alternative programs to reduce jail use by certain categories of inmates. This entails two distinct tasks: the first is to determine which categories of inmates, if successfully targeted for intake by alternative programs, would relieve the pressure on jail resources the most. The second task is to give shape to the ways programs are implemented, in order to realize the maximum jail displacement. This memorandum addresses the first issue. Subsequent memoranda in this series will address the second.

The Deputy Mayor's office already has access to some routinely-reported data that bear on its decisions about investments in ATD, ATI, and ATD/I programs. Information currently available from the Department of Correction (DOC) shows the proportion of the average daily population that is either pretrial or sentenced.³ Because it has long been clear from these reports that the bulk of DOC's population consists of pretrial detainees,⁴ city policy initiatives have emphasized the development of alternative programs that can help mitigate the "pretrial detainee problem."

In reality, the pretrial detainees appearing in DOC's reports are of two distinct types: detainees who are admitted at or after arraignment, but who are released before sentencing, and detainees who continue in custody after sentencing (the ATD/I admits). The circumstances and characteristics of each of these groups suggest different strategies for development of alternative programs. For those who exit DOC custody before disposition or whose dispositions are dismissals or non-custodial sentences, pure ATD programs are perhaps most appropriate (with bail expediting being the archetype). For those detained pretrial who stay to begin serving sentences (even though they appear for a while in the DOC reports in the "pretrial detainee" group), an ATD/I program strategy is more plausible. Again, program types conventionally grouped under the ATI rubric do reduce demand for pretrial detention, to the extent their participants are in pretrial detention at time of first program intervention.

In order to think clearly about which program strategies might be most useful in managing the detention population, it is helpful to know how many jail-days are used by the discrete categories of inmates who might become the target of program intervention. Most of New York City's alternative programs focus primarily on Supreme Court cases (*i.e.*, felony charges, disposed in Supreme Court); some intervene in Criminal Court cases (felony charges disposed in Criminal Court, and cases initially filed as misdemeanors); one or two programs cover both courts. Thus, it helps to know in which court (Criminal

³ These data present a snapshot of the in-custody population on a given day, and present the status of inmates at that moment (*i.e.*, whether they are in a pre-sentence or post-sentence detention status). Pre-sentence inmates can show up on the next snapshot in the post-sentence category.

⁴ In Fiscal Year 1990, the pretrial detainees averaged 78% of the DOC population; this increased to 81% for Fiscal Year 1991.

or Supreme) the cases are disposed, and what the jail use pattern is, within each category, by court. And, for ATD/I admits, it is likely to be helpful to know how the jail days they use are distributed between pretrial (ATD) days and post-sentence (ATT) days.

This memorandum specifies jail use patterns this way, so that city decision-makers can compare current and proposed distribution of alternative program slots with overall jail-day use patterns; this can help identify unmet program needs, in terms of both service type and court location.

Databases Used for This Memorandum. The database used for these analyses was a cohort of all individuals admitted to DOC custody during March, 1987, which was prepared for Vera by the Criminal Justice Agency. This database contained all relevant DOC information (the admit and release dates, why the release occurred (*i.e.*, ROR, bail made, transfer to the state correctional system), the sentence date if the defendant was still in DOC custody at time of sentence, the sentence if it was a custodial sentence, and the docket and indictment numbers for all other court cases pending against the defendant at the time of the sampled admit). The database was then supplemented by information about all court cases pending, at the time of the admit, against the individual admitted. The supplementary data included, for each pending case: (1) charge, bail amount and detention status immediately after arraignment, in both Criminal and Supreme Court; (2) the type of disposition and, if a conviction, the conviction charge; and (3) the sentence, if the case went to conviction.

The CJA database was searched for court information for the dockets, while court information for the indictments was requested from the New York State Office of Court Administration (OCA).⁵ CJA staff then created three electronic files for use by Vera researchers: one contained the DOC information for all of the March, 1987 admits; one contained all of the Criminal Court information about them; and one contained the Supreme Court information.

Target Case Selection and Unit of Analysis. Individuals admitted to DOC often have several cases pending against them while they are held in custody, but alternative programs usually intervene on only one specific court case. Thus, for admits in the cohort who were faced with multiple court cases, it was necessary to specify which case would be the sampled case, with which to characterize the admission for further analysis. To do this, the three files received from CJA were merged, so that the resulting database had all of the court cases, terminating in either Criminal Court or Supreme Court, combined for each DOC admit. Then, computer programs were written to locate those court cases with an arrest date (or arraignment date, if arrest date was unavailable) within seven days or less of the admit date; among those, the court case closest to the admit date was selected. If there were multiples with the same arrest date, the most serious case (based on arraignment charge) was selected. If there were no court cases within seven days of the admit, the court case with the most serious arraignment charge was selected.⁶

⁵ Through a contract with the City, CJA maintains a database that contains complete appearance-based court information on all court cases filed in the five boroughs. CJA's Criminal Court system went into operation in 1979; it was expanded to cover the Supreme Court in the summer of 1987, after the sample date.

⁶ As this selection process was done, indicators were developed to specify whether an admit had other pending cases (and, if so, the court or courts in which they were pending), and whether those cases resulted in a custodial sentence. Indicators were also developed to identify cases as Violations of Probation or of Parole, when the sampled admission or a pending case arose from one of those causes.

The result of this selection process was an analytic file which used a particular court case and its associated detention information to characterize each admit, but linked the admit to all associated court cases. These data were annualized, to provide yearly estimates of the numbers eligible and ineligible for the existing alternative programs, and the jail days used by each group. The unit of analysis was each admit (admission to DOC custody), rather than each court case and all its related admissions, or each individual and all his or her associated court cases. This was seen as appropriate theoretically, because each admit represents a unique opportunity for an alternative program intervention.

THE CATEGORIZATION AND PRESENTATION OF JAIL USE

In order to specify jail use in terms most useful to city decision-makers, the sampled DOC admits were first categorized into ATD-only eligibles, ATI-only eligibles, and ATD/I eligibles. Then, each of these categories was divided into Criminal Court admits, and Supreme Court admits. The admits for each court were then partitioned into three groups: (a) those who received jail sentences; (b) those who received prison sentences; and (c) those who received non-custodial sentences or dispositions (*e.g.*, dismissals).⁷ Finally, for the ATD/I admits, the jail days for each phase (that is, ATD separate from ATI) was calculated, and for the Supreme Court ATD/I admits, the ATD jail days were calculated separately for each court.⁸

Tables presenting these data follow.

⁷ This was determined from the actual court information when available. In a few cases, the court information was missing. For those, the DOC "release status" was used. This status indicates whether an admit was released on ROR or because bail was made, of was released to serve a state prison sentence, to serve time on a Violation of Parole or a Probation hold, or because a jail sentence had been served.

⁸ One of the decisions to be made by program developers and operators concerns where the program intervention point should be in the court case process. For example, should the intervention in felony cases occur after Criminal Court arraignment but before transfer to Supreme Court, or after Supreme Court arraignment? While not directly involved in those decisions themselves, city officials would be better able to evaluate program developers' ideas if they know how the different target groups' jail use is distributed between the courts.

Tables 1 through 3 present the data in summary form. The overall summary in Table 1 shows the detention cohort's general distribution. Those defined as "potentially" eligible for alternative programs (admits = 68,796; jail-days = 3,050,988) exclude only those typically not seen as initially eligible for any alternative programs:⁹ those held on probation or parole violations.¹⁰

Table 1
Summary of Jail Days Used
Grand Totals

	ADMITS		JAIL USE	
	Annualized N	% of Total Admit Cohort	Annualized Days Used	% of Total Cohort's Use
"Potentially Eligible"* for an ATD, ATI or ATD/I program	68,796	73	3,050,988	70
Parole Violators/Probation Violators				
Criminal Court	1,560	2	174,372	4
Supreme Court	5,124	5	461,280	11
Valid DOC Information Shows:				
Last status was "warrant ordered"	2,040	2	79,416	2
Supreme Court information missing	5,748	6	302,208	7
All Court information missing	7,704	8	253,932	6
Invalid DOC Information	3,600	4	--	--
TOTALS	94,572	100	4,322,196	100

- * "Potentially Eligible," as used here, encompasses all admits in DOC detention, except those held on technical parole violations or violations of probation, but excludes from the analysis the admits for whom critical data elements were missing. This use of the concept "eligibility" is very broad, and does not take into account any of the personal or case characteristics that would in fact render particular "potentially eligible" admits unacceptable to one or all alternative programs (e.g., serious active drug addiction, too many prior convictions, charges carrying mandatory prison terms upon conviction).

⁹ For the analyses in this memorandum, "potential" eligibility is used very broadly. Not available in these data are some of the important defendant characteristics (e.g., homelessness, debilitating current drug use, serious prior record), or case characteristics such as the point in the court process where the sampled admit occurs (e.g., permitting distinctions between defendants re-admitted because ROR is withdrawn, and defendants who simply did not make arraignment bail). Admits with different configurations of characteristics such as these do not appear equally appropriate for alternative programs, and some of those termed "potentially eligible" for this analysis would not, in fact, be considered appropriate for intake by program screening staff, by judges, by prosecutors, or by the defendants themselves. Nevertheless, the data analyzed here can be used in decision-making about broad resource allocations; the question how best to implement particular programs to target those who are actually appropriate for an alternative from within a general category of "potentially" eligible admits is an additional problem, taken up later in the JPMC series, in the *Eligibility Pool Analysis*, and in the memorandum entitled *Models for Predicting Incarceration — Felony Cases*.

¹⁰ One alternative-to-reincarceration (ATR) program focuses exclusively on technical parole violators; however, the ATR targets are not eligible for any of the ATD, ATI or ATD/I programs.

Table 2, below, summarizes jail use by each of the general admit types (ATD-only, ATI-only, and ATD/I). Both the admits and jail days used are presented for each program area; associated percentages are calculated on the large base of all admits categorized as "potentially eligible." Calculation of jail usage against this largest base can provide general estimates of the overall impact that alternative programs might have on the detention population.

Table 2
Summary of Potentially Eligible Admits' Jail Day Use
By Type of Admit and Court of Final Disposition

	Admits		Jail Day Use					
	Annualized Number (N = 68,796)	Percent of the "Potentially Eligible"	Annualized Number (N = 3,050,988)	Percent of the "Potentially Eligible"	Mean	Median	Percentiles	
							75%	90%
ATD-Only Admits								
Criminal Court Dispositions	31,332	45.5	259,884	8.5	8.3	4	6	17
Sentenced to Jail	6,540	9.5	78,480	2.6	12.0	5	90	31
Supreme Court Dispositions	14,412	20.9	380,640	12.5	26.4	5	30	79
Sentenced to Jail	4,440	6.5	118,320	3.9	26.6	5	30	77
Sentenced to Prison	5,088	7.4	137,460	4.5	27.0	5	31	93
Total, ATD-Only Admits	45,744	66.4	640,524	21.0	14.0	4	8	37
ATI-Only Admits								
Criminal Court Dispositions	1,536	2.2	48,420	1.6	31.5	11	37	77
Sentenced to Jail	1,224	1.8	36,456	1.2	29.8	11	36	73
Supreme Court Dispositions	1,836	2.7	104,748	3.4	57.1	20	75	165
Sentenced to Jail	312	0.5	42,636	1.4	136.7	122	210	251
Sentenced to Prison *	1,212	1.8	40,656	1.3	33.5	12	28	82
Total, ATI-Only Admits	3,372	4.9	153,168	5.0	45.4	16	56	132
ATD/I Admits								
Criminal Court Dispositions	8,700	12.6						
ATD Jail Use			198,276	6.5	22.8	8	31	59
ATI Jail Use			469,728	15.4	54.0	28	73	139
Subtotal, Criminal Court Dispositions	8,700	12.6	668,004	21.9	76.8	55	117	183
Sentenced to Jail in Criminal Court	6,588	9.6						
ATD Jail Use			123,864	4.1	18.8	6	25	49
ATI Jail Use			375,588	12.3	57.0	30	79	167
Subtotal, Criminal Court Jail Sentenced	6,588	9.6	499,452	16.4	75.8	51	117	191
Supreme Court Dispositions	10,980	16.0						
ATD Jail Use			1,057,920	34.7	96.3	71	127	202
ATI Jail Use			531,372	17.4	48.4	18	62	155
Subtotal, Supreme Court Dispositions	10,980	16.0	1,589,292	52.1	144.7	121	208	249
Sentenced to Jail in Supreme Court	3,828	5.6						
ATD Jail Use			253,296	8.3	66.2	52	86	127
ATI Jail Use			385,020	12.6	100.6	85	160	208
Subtotal, Supreme Court Jail Sentenced	3,828	5.6	638,316	20.9	166.7	138	241	251
Sentenced to Prison **	6,660	9.7						
ATD Jail Use			771,576	25.3	115.9	96	163	225
ATI Jail Use			124,872	4.1	18.7	8	20	39
Subtotal, Prison Sentenced	6,660	9.7	896,448	29.4	134.6	115	185	252
Total, ADT/I Admits	19,680	28.6	2,257,296	74.0	114.7	97	165	242

* 300 (25%) of the ATI-Only Admits sentenced to prison were NOT facing mandatory prison if convicted on the indictment charges.

** 1,452 (22%) of the ATD/I Admits sentenced to prison were NOT facing mandatory prison if convicted on the indictment charges.

Finally, Table 3, which follows, displays the same data as Table 2, but displays those data by court of final disposition (Criminal or Supreme).¹¹

Table 3
Summary of the Types of "Potentially Eligible" Admits and Their Jail Use,
by Court of Final Disposition

	ADMITS			JAIL DAY USE		
	Annualized N	% by Court	% of Total	Annualized N	% by Court	% of Total
Criminal Court						
ATD-Only Admits	31,332	75.4	45.5	259,884	26.6	8.5
ATI-Only Admits	1,536	3.7	2.2	48,420	5.0	1.6
ATD/I Admits	8,700	20.9	12.6	ATD time 198,276	20.3	6.5
				ATI time 469,728	48.1	15.4
Subtotal	41,568	100.0	60.4	976,308	100.0	32.0
Supreme Court						
ATD-Only Admits	14,412	52.9	20.9	380,640	18.3	12.5
ATI-Only Admits	1,836	6.7	2.7	104,748	5.0	3.4
ATD/I Admits	10,980	40.3	16.0	ATD time 1,057,920	51.0	34.7
				ATI time 531,372	25.6	17.4
Subtotal	27,228	100.0	39.6	2,074,680	100.0	68.0
Grand Total	68,796		100.0	3,050,988		100.0

Attached at the end of the memorandum are Charts IV through VI, which present in schematic form the full categorization of jail use for each of the three types of admits, with mean and median jail days used, as well as the day at which either 75% or 90% of the group was released.¹²

¹¹ Table 2 does not exhaust the useful ways to calculate percentages of admits and their associated jail days. For example, even though some alternative programs may target defendants and offenders bound for state prison, the only jail days that can be included in this analysis are those spent in local custody. Thus, it could be useful to use, as a base for calculation, just those ATD-only, ATI-only and ATD/I admits who receive a local sentence. Calculation of percentages against this smaller base (admits = 22,932; jail days = 1,413,660) would permit an understanding of which type of admit (ATD-only, ATI-only, or ATD/I) accounted for most of the jail days spent by those receiving local sentences. Another possible calculation base would be the specific admit type (ATD-only admits = 45,744 and their jail days = 640,524; ATI-only admits = 3,372 and their jail days = 153,168; ATD/I admits = 19,680 and their jail days = 2,257,296). Here, the percentages could be calculated by court. This would permit an understanding of which court accounted for most of the jail use, within a general type of admission.

¹² The detail in Charts V and VI include, in the prison sentenced groups, the number of defendants not facing mandatory incarceration upon conviction, either because they were not convicted for charges that carry mandatory sentences, or because they were not predicate felons, and the associated number of jail days they use before transfer upstate. This is important information because these offenders are "potentially" eligible for alternative programs.

GENERAL OBSERVATIONS

It is clear from Table 3 that, while most current alternative programs aim toward Supreme Court ATI-only and ATD/I cases, the "potentially" eligible whose cases are disposed in Criminal Court use a substantial proportion of the jail days used (976,308 days, or 32% of the days used). As indicated in Table 2, 8.5% of all the jail-days are used by Criminal Court ATD-only admits, and about one-fifth (21.9%) are used by Criminal Court ATD/I admits. (The ATD time of Criminal Court ATD/I admits accounted for almost 7% of all the jail-days used).¹³ There appears to be a substantial pool of Criminal Court cases that are appropriate for program intervention.

Although there may be some missed opportunities for alternative programs, in Criminal Court cases, the current emphasis on siting alternatives programs in the Supreme Court does seem appropriate: Table 3 demonstrates that the Supreme Court cases accounted for 2,074,680 (or 68%) of all the jail-days used by the "potentially" eligible. And as was seen in Table 2, most of those days (52% of all of the jail-days used by "potentially" eligible admits) were used by the ATD/I group — and the majority of use (close to 35% of all jail days used) was ATD time.

A final point, clearly evident from these data, is that those at liberty who receive a custodial sentence (this includes both the ATD-only admits who later receive a custodial sentence, after a period of pretrial liberty, and the ATI-only group who by definition are *not* in detention at the time of disposition) account for an insignificant proportion of jail days (less than 15%, regardless of court). **Thus, if there is a desire to maximize the potential impact of ATI programs on displacing jail use, those programs should be designed to avoid intake of offenders who are not in detention at the point of program intake.**

HOW THESE DATA MIGHT BE USED FOR POLICY DECISIONS

Data and analyses of the kind presented here might best be used by city policy-makers as a general guide to investment in the development of alternative programs, rather than as a recipe for design of any particular program. Taken together, the data and the analytic framework should help to assess the potential need for and impact of various program proposals, and where in the dispositional process and in the court system they might best be located.

Tables 1 through 3 can be used to answer specific questions. First, the patterns of jail day use can be used to determine, globally, where best to position alternative program resources. Second, the number of admits in various categories provide a rough guide to estimating the maximum number of slots that might usefully be funded,

¹³ These ATD/I admits are the primary targets for the programs categorized as "ATI" in the contracting process of the Deputy Mayor's Office.

assuming that the programs intervened only in the cases of individuals admitted to DOC custody. Finally, examination of means, medians, and percentiles (75%; 90%), can help inform decisions about whether to implement a program for a given subset of admits, and how best to target a program on admits with longer lengths of stay.¹⁴

Although the detention cohort data are over four years old, the basic patterns of jail use and the points presented above are still relevant. These distributions do change over time, but the number of "potentially" eligible admits is so large that decisions to fund alternative programs are unlikely to exhaust any of the promising categories in the near future, or to reach a point where marginal changes in the distributions shown in this memoranda make much difference. The only danger in using relatively old data is "at the margin" — where a subset of admits targeted is almost equivalent to the total number of slots designed to displace them from jail.

UPDATING THESE DATA

On the one hand, analyses of these data yield a useful way to think about how best to maximize the allocation of alternative program resources; on the other hand, the patterns revealed here have changed to some degree over time. It should be possible for DOC, using a more recent admissions or discharge sample, to provide similar breakdowns. Available to DOC are the same data used here to categorize admits and jail days: admission date, release date, and sentence (or disposition) date. Also available to DOC — for admits categorized here either as ATI-only or as ATD/I — is the type of custodial sentence imposed (either jail or prison).

Unfortunately, a routine DOC data set would have to be supplemented somewhat, if it were to include complete data about the court in which an admit's disposition was reached.¹⁵ But it should be adequate merely to use, as a proxy for "court of final disposition" a datum that could be constructed from the DOC database — the

¹⁴ Not appended, because of its bulk, but available on request is a full cumulative frequency distribution of admits and the cumulative number of jail days used for each of the categories, as they are displayed in Charts IV through VI. (*Jail Use Analysis Addendum: Admits, and the Jail Days They Use — Cumulative Distributions by Type of Admit, Court of Final Disposition and Type of Disposition*) An examination of the means, medians, and percentiles of the cumulative distributions in the *Addendum* is also helpful in making these decisions. As an example, when the Criminal Court ATD-only admits are isolated (N=31,332), the overall mean length of stay is 8 days — and 50% stay 4 days or less. A first reaction might be that development of a program to target that group would be inefficient, as so many stay such a short time. However, when the cumulative proportion of jail days used by different groups of admits is studied, it can be seen that 80% of the ATD-only admits who stay six days or less accounted for less than a third of all of the jail days used by this group. If an ATD program were to intervene in the ATD-only cases after, say, two weeks in detention had elapsed, a substantial number of jail days are still to be avoided (151,692 — close to 60% of the jail days used by the Criminal Court ATD admits), even though only 11% of these admits would still be available to that program (N=3,516). Thus, an ATD program targeting admits who stay more than two weeks could be worthwhile; an even shorter cut-off might still be efficient. Thus, these data can be mined by city policy-makers, to gauge the potential value of various alternative program strategies.

¹⁵ Because the cohort analyzed in this memorandum was admitted far enough back in time, actual court records were almost always complete, and were available to use in supplementing the DOC/CJA database, making it possible to determine the court of final disposition.

"court at time of release or transfer."¹⁶ Further, for the ATI-only, and the ATD/I groups, the type of court number associated with the sentence is already available on the DOC system. It should thus be relatively simple for DOC to create a core set of programs, using much the same structure here, to provide these data in an ongoing fashion.

UNANSWERED QUESTIONS

Two issues of importance to policy-makers are not addressed at all by these data: The first is the extent to which "potentially" eligible admits within any target pool would actually be seen as appropriate candidates for existing alternative programs. For reasons not apparent in the data available for this analysis, many of the admits with the longer lengths of stay would not be viewed by program screeners, judges, prosecutors and defense attorneys as appropriate for existing types of alternative programs. Nevertheless, the data used in this Jail Use Analysis are adequate to define subgroups of admits whose displacement would be desirable, and upon whom additional analyses should be done.

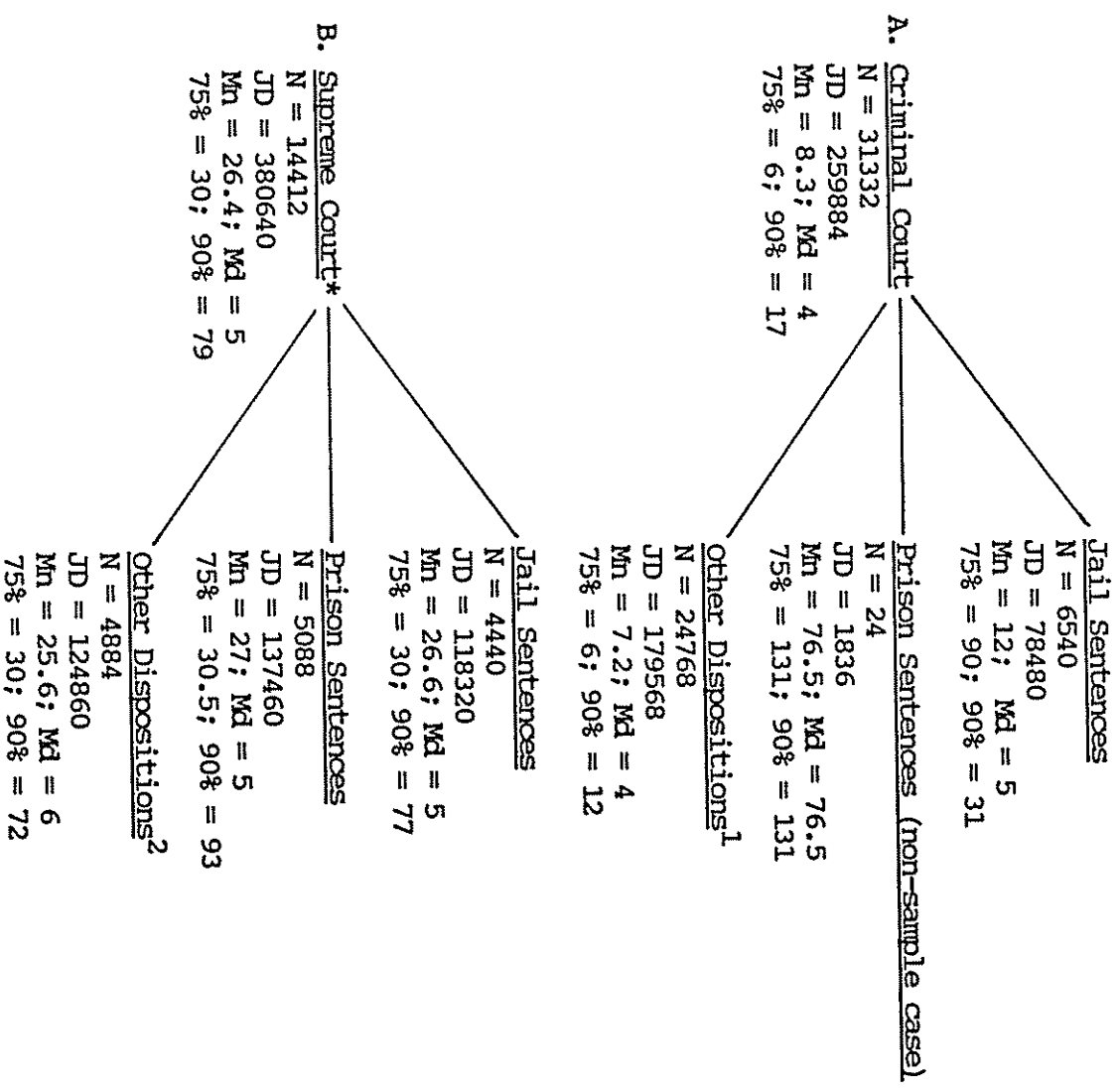
The second issue not addressed here concerns the rate at which any given alternative program actually achieves its jail displacement effects, either through accurate targeting of jail-bound offenders or through selection of those with long stays and efficient screening and intake processes. These issues are of central importance in program design, but Jail Use Analysis data can provide only a way of determining, in a general sense, the types of alternative programs that the city would be likely to find useful. Once the strategic issues are settled, more focused research can be pursued to assess the effects that various screening criteria may have on the jail displacement rate a program can be expected to achieve.

Both these issues are taken up in greater detail, later in this JPMC series, in the *Eligibility Pool Analysis*, and in the memorandum entitled *Models for Predicting Incarceration — Felony Cases*.

¹⁶ At discharge, the court could be identified by the DOC system, because individuals can be categorized as having dockets, indictments or both: if only dockets are shown, a Criminal Court disposition is indicated; and if indictments only, it is a Supreme Court disposition. In the event an admit at discharge has both docket numbers and indictment numbers in the DOC database, the admit should be categorized as Supreme Court.

IV. Full Categorization of Jail Use Analysis: Potential Eligibles for ATD Only
 (Admits = 45744; Jail Days = 640524; Mean = 14; Median = 4)
 [Notes to the table are appended after Chart VI]

Key:
 N = # of admits
 JD = # of jail days
 Mn = arithmetic mean of days
 Md = median (50%) # of days
 75%; 90% = # of days at which
 certain % of population
 is released



*Specification of where pretrial time was spent — Criminal Court only, Supreme Court only, or both.
 ATD in Criminal Court only: N = 5808; JD = 20796; Mean = 3.6 days.
 ATD in Supreme Court only: N = 3300; JD = 63336; Mean = 18.5 days.
 ATD in both courts: N = 5196; JD = 292032 of which 27324 (mean of 5.3 days) were in

V. Full Categorization of Jail Use Analysis: Potential Eligibles for ATI Only

(Admits = 3372; Jail Days = 153168; Mean = 45.4; Median = 16)

[Notes to the table are appended after Chart VI]

Key: N = # of admits

JD = # of jail days

Mn = arithmetic mean of days

Md = median (50%) # of days

75%; 90% = # of days at which

certain % of population

is released

A. Criminal Court

N = 1536

JD = 48420

Mn = 31.5; Md = 11

75% = 36.5; 90% = 77

Jail Sentences

N = 1224

JD = 36456

Mn = 29.8; Md = 11

75% = 36; 90% = 73

Prison Sentences (non-sample case)

N = 12

JD = 408

Mn = 34; Md = 34

75% = 34; 90% = 34

Other Dispositions³

N = 300

JD = 11556

Mn = 38.5; Md = 17

75% = 52; 90% = 118

Jail Sentences

N = 312

JD = 42636

Mn = 136.7; Md = 122

75% = 210; 90% = 251

Prison Sentences⁴

N = 1212

JD = 40656

Mn = 33.5; Md = 12

75% = 28; 90% = 82

Other Dispositions⁵

N = 312

JD = 21456

Mn = 68.8; Md = 34

B. Supreme Court

N = 1836

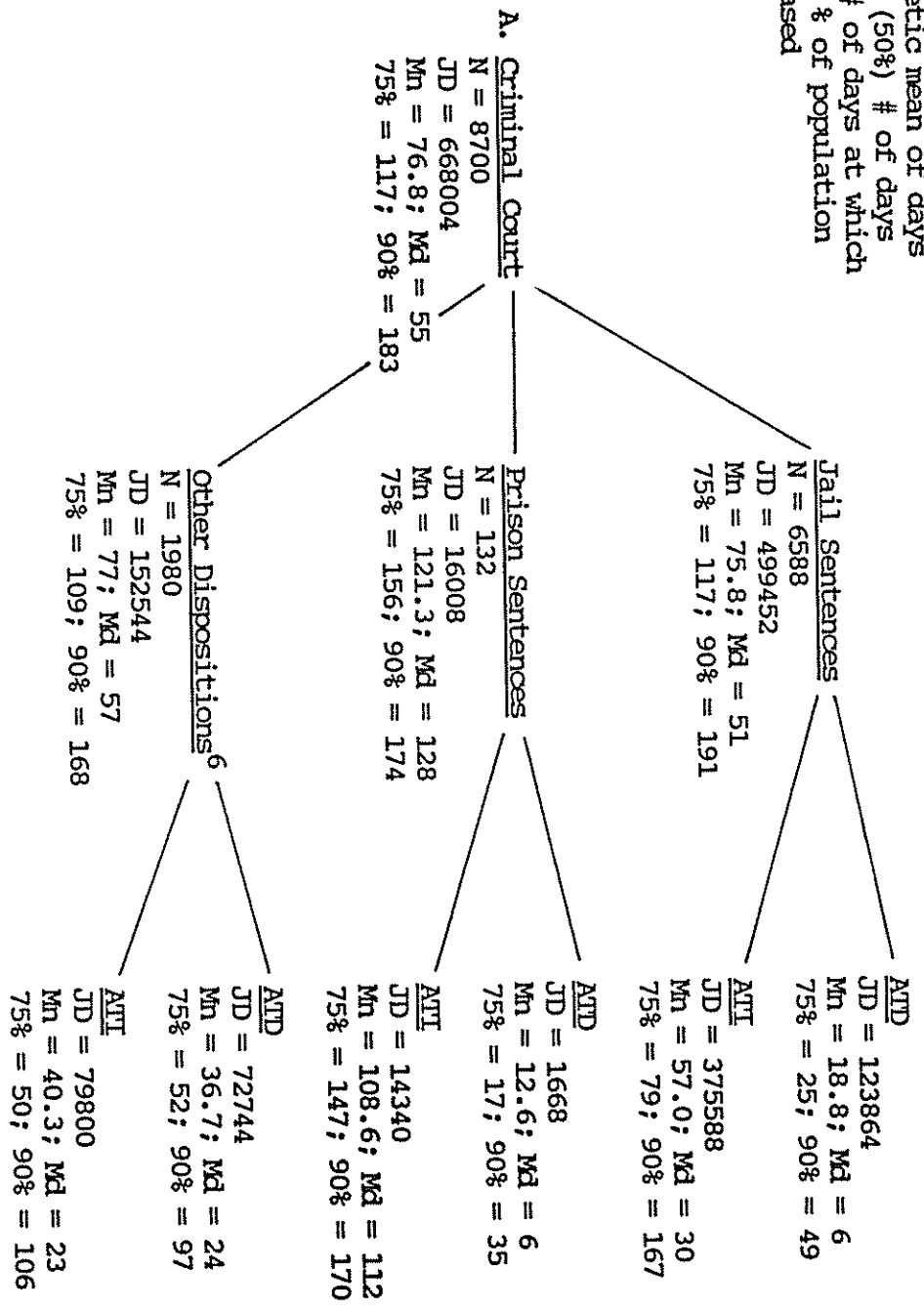
JD = 104748

Mn = 57.1; Md = 20

75% = 75; 90% = 165

VI. Full Categorization of Jail Use Analysis: Potential Eligibles for APTD/I
 (Admits = 19680; Jail Days = 2257296; Mean = 114.7; Median = 97)
 [Notes to the table are appended after Chart VI]

Key: N = # of admits
 JD = # of jail days
 Mn = arithmetic mean of days
 Md = median (50%) # of days
 75%; 90% = # of days at which
 certain % of population
 is released

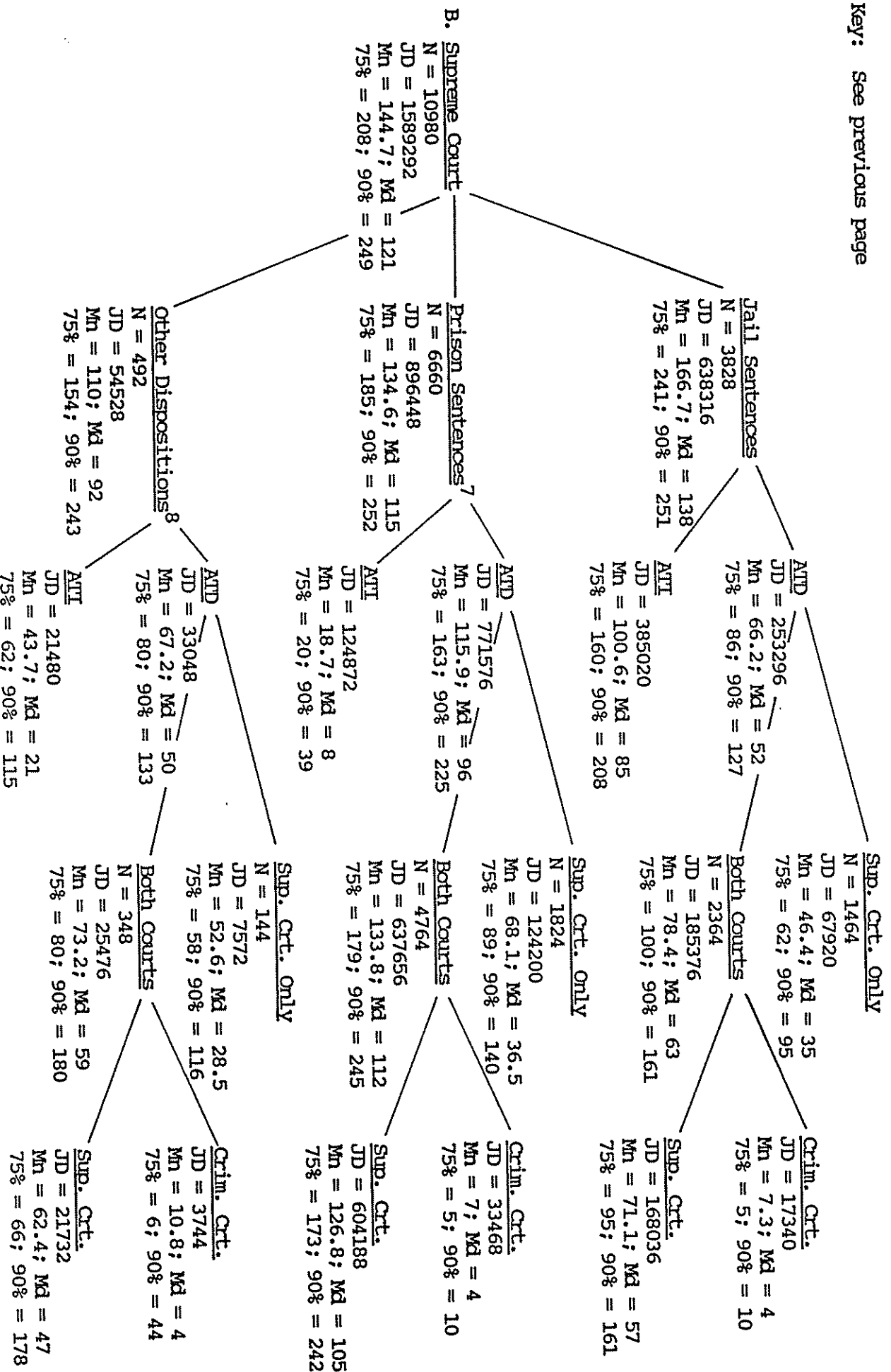


VI. continued.../

continued...

VI. Full Categorization of Jail Use Analysis: Potential Eligibles for AFD/I
 (Admits = 19680; Jail Days = 2257296; Mean = 114.7; Median = 97)
 [Notes to the table are appended after Chart VI]

Key: See previous page



Notes to Jail Use: Full Categorization

1. Of the 24768 Criminal Court ATD only eligible admits who did not receive an incarcerative sentence (the Other Disposition category), 13464 (54.4%) received dismissals on the sample case. 3516 (14.2% of the Other Disposition Group; 11.2% of the 31332 total Criminal Court ATD only eligibles) had no final disposition/sentence.
2. Of the 4884 Supreme Court ATD only eligible admits who did not receive an incarcerative sentence (the Other Disposition category), 576 (11.8%) received dismissals on the sample case. 1032 (21.1% of the Other Disposition group; 7.2% of the total Supreme Court ATD only eligibles) had no final disposition/sentence.
3. Of the 300 Criminal Court ATI only eligible admits who did not receive an incarcerative sentence (the Other Disposition category), 96 (32%) received a dismissal on the sample case. 12 (4% of the Other Disposition group; .8% of the total Criminal Court ATI only eligibles) had no final disposition/sentence.
4. Of the 1212 Supreme Court ATI only eligible admits who received a prison sentence, 300 (24.8%) were not facing mandatory incarceration at arraignment, either because of the seriousness of the charge or predicacy status, and might have received a lesser sentence with alternative program staff advocacy. These offenders spent 9084 jail days (mean = 30.3 days) in jail post-sentence.
5. Of the 312 Supreme Court ATI only eligible admits who did not receive an incarcerative sentence (the Other Disposition category), 132 (42.3%) received a dismissal on the sample case. 132 (42.3% of the Other Disposition group; 7.2% of the total Supreme Court ATI only eligibles) had no final disposition/sentence.
6. Of the 1980 Criminal Court ATD/I eligible admits who did not receive an incarcerative sentence (the Other Disposition category), 1428 (72.1%) received a dismissal on the sample case. 156 (7.9% of the Other Disposition group; 1.8% of the total Criminal Court ATD/I eligibles) had no disposition/sentence.
7. Of the 6660 Supreme Court ATD/I eligible admits who received a prison sentence, 1452 (21.8%) were not facing mandatory incarceration at arraignment, either because of the seriousness of the charge or predicacy status, and might have received a lesser sentence with alternative program staff advocacy. These offenders spent 178,476 jail days (mean = 122.9 days) in jail both pre- and post-sentence.
8. Of the 492 Supreme Court ATD/I eligible admits who did not receive an incarcerative sentence (the Other Disposition category), 168 (34.1%) received a dismissal on the sample case. 156 (31.7% of the Other Disposition group; 1.4% of the total Criminal Court ATD/I eligibles) had no disposition/sentence.