Vera INSTITUTE OF JUSTICE

November 2023

Jail Incarceration Trends County Factsheets: Methodology

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This paper describes the methods and data sources researchers from the Vera Institute of Justice (Vera) used to produce the New York State county jail incarceration trends factsheets, available at https://www.vera.org/exploring-jail-incarceration-trends-in-new-york-counties .

Data Collection

Vera researchers used two different sources of jail incarceration data in the factsheets. The primary jail data used in the factsheets is individual-level records of jail admissions and releases, which Vera collected from 40 counties across New York State through Freedom of Information Law (FOIL) requests. (See Appendix A for the complete list of counties by data availability.) Vera researchers originally collected and cleaned the FOIL data for Vera's third New York State jail brief.[1] The methodology section of that brief will contain details on Vera's data standardization and cleaning process. In the factsheets, Vera used the records of individual people incarcerated between January 1, 2019, and June 22, 2022, to produce aggregated statistics on jail incarceration. Information about pretrial status of incarcerated people was not consistently available across the 40 counties included in the analysis. As a result, the researchers used data they collected from the Monthly Jail Population Trends report published by New York State Division of Criminal Justice Services (DCJS) to calculate the breakdown of pretrial populations in each county jail.[2]

Each county that provided jail admission data in response to a FOIL request included information on bail amounts; however, consistency of bail amount information varied across counties. Of the 40 counties that provided data, Vera identified seven that provided bail amount information for only a fraction of cases. To avoid reporting inaccurate trends in median bail amounts as a data artifact, for those seven counties' factsheets researchers chose to reference county-level trends in bail amounts reported by DCJS. Vera calculated the median bail amounts for those counties using the pretrial release data published by DCJS, which records bail amounts set at arraignment.[3] As a result, median bail amounts referenced in the seven county factsheets that rely on DCJS bail information provide a different perspective on bail setting practices than the other factsheets. (See Appendix A for the complete list of counties by data availability.) Because DCJS pretrial release data did not include records of people arraigned after December 2021, researchers compared median bail amounts from 2021.

Researchers calculated jail incarceration and admission rates per 100,000 residents using yearly county-level estimates of the 16- to 64-year-old population from the Centers for Disease Control and Prevention's Bridged-Race Population Estimates.[4] Vera used the 2020 population data—the most recent population data available at the time of analysis—in lieu of 2022 population estimates.

Vera presents New York City's five boroughs (New York County, Kings County, Bronx County, Richmond County, and Queens County) as one geographical area in the factsheets.

Key Metric Definitions

Pretrial population. Vera researchers calculated pretrial population estimates using the DCJS monthly jail population report, except for Greene and Schoharie counties, which did not have pretrial incarceration data provided for May of 2019 or 2022.

Race and ethnicity. The researchers categorized the race and ethnicity of people incarcerated in jails into five groups, using the category names that are noted in individual counties jail data and DCJS pretrial release data: Black people (including Hispanic Black people), non-Black Hispanic people, non-Hispanic white people, people of another race, and people of unknown race. Vera excluded people with unknown races from Figure 3. Thirty-seven of the 40 counties in this report provided both race and ethnicity information, and three provided only race information (including one that recorded Hispanic as a race). For those three counties, Vera assumed all "white" admissions to be non-Hispanic white admissions. (See appendix A for details on which counties reported complete race and ethnicity data.) It should be noted that jails' methods of documenting race and ethnicity data are not clear and may not accurately reflect self-identified race and ethnic groupings.

Length of stay. Vera researchers calculated median lengths of stay in Figure 2 by counting days in custody of each person on each day and then calculating the median of those values by month. In Figure 6, researchers calculated median length of stay by quarter, rather than month, to account for the large variance in lengths of stay observed in the smaller jail populations.

Top charge. When a person's jail record included more than one criminal charge, researchers selected the most serious charge, or the "top charge." The researchers counted only charges from penal law and vehicle and traffic law codes as criminal charges in Figures 4, 5, and 6. They excluded charges from all other codes—such as criminal procedure law—as well as admissions missing any charge information from jail admission counts in Figure 4. Admissions might be missing charge codes when the person is being placed in custody for another jurisdiction, federal holds for immigration cases, or violations of probation or parole. Vera identified the charge severity of each top charge based on the DCJS Code Manual.[5]

Crime categories. Vera created the crime categories detailed in the section "Changes in the charge profiles of jail incarceration" based on charge codes and charge severities. The researchers excluded admissions that did not include charge severity information from the calculation. (See Appendix B for details on which charge codes Vera included in each crime category.)

> **"Drug crimes"** included all charges that fell under sections 220, 221, and 222 of New York State Penal Law (PL) code, which includes all controlled substance offenses as well as cannabis and marijuana offenses.[6]
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> **"Property crimes"** included all charges that fell under New York State PL code sections 140, 145, 155, 156, 158, 160, and 165. These sections include all charges related to burglary, criminal mischief, larceny, offenses involving computers, welfare fraud, robbery, and offenses related to theft. However, Vera categorized property-related felonies that resulted in physical harm to a person, such as certain cases of burglary in the first degree (PL 140.30), as "violent crimes." (See Appendix B for further detail on what charges were included.)
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> **"Vehicular crimes"** included all charges that fell under New York State Vehicle and Traffic (VAT) law.[7] Few VAT offenses remain eligible for bail after the 2020 bail reform.
>
> **"Violent crimes"** included all class A-I felonies as well as violent felony offenses that included physical harm to another person.[8] Within the designation of "physical harm," researchers included charges involving assault, injury, criminal sexual acts, kidnapping, manslaughter, and murder. (A complete list of section codes can be found in Appendix B.) Vera determined violent felony crimes that could potentially include or not include physical harm to another person to be violent crimes if their charge descriptions include any mention of injury or assault. For example, a burglary in the second degree (PL 140.25, a violent felony) with the description "Burglary: Illegal Entry-Dwelling" would be categorized as a property crime. A case with the same charge code with the description "Burglary: Causes Physical Injury" would be categorized as a violent crime. One example of a VFO charge not included in this category because it does not include physical harm to another person is criminal possession of a firearm (PL 265.01).
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> **"Other felony"** included all felony charges that did not fall into one of the above crime categories. Examples include menacing a police officer (PL 120.18) or intimidating a witness (PL 215.15).
>
> **"Other non-felony"** included all non-felony charges that did not fall into one of the above crime categories. For example, stalking in the fourth degree (PL 120.45), which is a misdemeanor offense, is included in this category.

Median bail. Thirty-three of the 40 county factsheets report bail data provided through FOIL request. Seven counties either did not provide any bail information to

Vera (Onondaga and New York City) or had inconsistent information on bail amounts. The process of comparing median bail amounts differed slightly between these two groups of counties.

For the 33 counties with complete, county-provided bail information, Vera calculated median bail amounts in section 4 of the factsheets ("Changes in the use of bail") for all people who were admitted to jail during quarter 2 of 2019 and 2022. Vera considered bail amounts below $500 a nominal bail—a placeholder for the accused to receive credit for time served—and excluded them from the calculation. Because counties did not provide details about the form of bail set through the FOIL request, Vera assumed bail amounts to be cash bail.

For the seven counties whose factsheets utilized DCJS pretrial data, Vera calculated median bail for the entire years of 2019 and 2021, due to the lack of DCJS pretrial data for 2022. The researchers did this by calculating the median cash bail amount for all people who were arraigned in 2019 and 2022. The researchers excluded bail amounts of $500 or less from the calculation.

Endnotes

[i] Jaeok Kim and Christopher Gernon, *New York State Jail Population Brief, January 2019-June 2021* (New York: Vera Institute of Justice, 2023), https://www.vera.org/publications/the-impact-of-new-york-bail-reform-on-statewide-jail-populations.
[ii] New York Division of Criminal Justice Services, "Monthly Jail Population Trends," October 10, 2023, https://perma.cc/V48F-VQE9.
[iii] New York Division of Criminal Justice Services, "Pretrial Release Data", October 10, 2023, https://ww2.nycourts.gov/pretrial-release-data-33136.
[iv] Centers for Disease Control and Prevention, "U.S. Census Populations With Bridged Race Categories," database (Atlanta, GA: CDC), https://www.cdc.gov/nchs/nvss/bridged_race.htm.
[v] Division of Criminal Justice Services, "DCJS Charge Code Manual," https://www.criminaljustice.ny.gov/crimnet/ccman/ccman.htm.
[vi] New York State Senate, "Consolidated Laws of New York," https://www.nysenate.gov/legislation/laws/PEN/-CH40.
[vii] New York State Senate, "Vehicle and Traffic Law," https://www.nysenate.gov/legislation/laws/VAT.
[viii] YPD Crime, "New York Penal Law – Class A-1 Felonies," .

The Vera Institute of Justice is powered by hundreds of advocates, researchers, and policy experts working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit vera.org.

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[1] Jaeok Kim and Christopher, *New York State Jail Population Brief, January 2019-June 2021* (New York: Vera Institute of Justice, 2023), https://www.vera.org/publications/the-impact-of-new-york-bail-reform-on-statewide-jail-populations.
[2] New York Division of Criminal Justice Services, "Monthly Jail Population Trends," October 10, 2023, https://perma.cc/V48F-VQE9.

[3] New York Division of Criminal Justice Services, "Pretrial Release Data", October 10, 2023, https://ww2.nycourts.gov/pretrial-release-data-33136.

[4] Centers for Disease Control and Prevention, "U.S. Census Populations With Bridged Race Categories," database (Atlanta, GA: CDC), https://www.cdc.gov/nchs/nvss/bridged_race.htm.

[5] Division of Criminal Justice Services, "DCJS Charge Code Manual," https://www.criminaljustice.ny.gov/crimnet/ccman/ccman.htm.

[6] New York State Senate, "Consolidated Laws of New York," https://www.nysenate.gov/legislation/laws/PEN/-CH40.

[7] New York State Senate, "Vehicle and Traffic Law," https://www.nysenate.gov/legislation/laws/VAT.

[8] YPD Crime, "New York Penal Law – Class A-1 Felonies," https://ypdcrime.com/penal.law/a1felonies.php.

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For more information about this paper, contact [NAME], [TITLE], at [EMAIL].

Appendix A: Counties by data availability

County	Bail Data Source (Section 4, Figure 7)	Race and Ethnicity	Data Notes
Albany	County Jail FOIL data	Complete	
Allegany	County Jail FOIL data	Complete	
Broome	County jail FOIL data	Complete	
Cattaraugus	County Jail FOIL data	Complete	
Cayuga	County Jail FOIL data	Complete	
Chautauqua	County Jail FOIL data	Complete	
Chenango	County Jail FOIL data	Complete	
Clinton	County Jail FOIL data	Complete	
Cortland	County Jail FOIL data	Complete	
Delaware	County Jail FOIL data	Complete	
Erie	County Jail FOIL data	Complete	
Essex	County Jail FOIL data	Complete	
Franklin	County Jail FOIL data	Complete	
Fulton	County Jail FOIL data	Complete	
Greene	County Jail FOIL data	Complete	Pretrial population data unavailable for figure 2
Herkimer	County Jail FOIL data	Complete	
Madison	County Jail FOIL data	Complete	
Monroe	County Jail FOIL data	Complete	
Montgomery	County Jail FOIL data	Complete	
Niagara	County Jail FOIL data	Complete	
Oneida	County Jail FOIL data	Complete	
Ontario	County Jail FOIL data	Complete	
Oswego	County Jail FOIL data	Complete	
Rensselaer	County Jail FOIL data	Complete	
Saratoga	County Jail FOIL data	Complete	
Schenectady	County Jail FOIL data	Complete	
Schoharie	County Jail FOIL data	Complete	Pretrial population data unavailable for figure 2
St. Lawrence	County Jail FOIL data	Complete	
Steuben	County Jail FOIL data	Complete	
Suffolk	County Jail FOIL data	Complete	
Sullivan	County Jail FOIL data	Hispanic as race	
Tompkins	County Jail FOIL data	No ethnicity data	
Wayne	County Jail FOIL data	Complete	
Columbia	DCJS pretrial data	Complete	
Dutchess	DCJS pretrial data	Complete	
New York City	DCJS pretrial data	Complete	

Onondaga	DCJS pretrial data	Complete	
Orange	DCJS pretrial data	Complete	
Otsego	DCJS pretrial data	Complete	
Warren	DCJS pretrial data	No ethnicity data	

Appendix B: Crime type categories

Crime type category	Charge codes included	Notes
Drug	“220”, “221”, “222”	Includes all charges coded as controlled substance offenses, as well as charges for marijuana or cannabis.
Property	“140”, “145”, “155”, “156”, “158”, “160”, “165”	Vera excluded violent felony charges that involved direct harm to an individual from the property category. These charges can be found in the charge codes under 'violent felonies".
Violent	"121.12" "125.25" "130.96" "120.05" "120.08" "120.10" "120.11" "125.20" "130.30" "130.35" "130.45" "130.50" "130.65" "130.75" "135.20" "140.30" "150.15" "160.10" "160.15" "265.02" "105.17" "125.26" "125.27" "130.95" "120.02" "120.06" "120.07" "120.60" "121.13" "130.66" "130.67" "130.70" "130.80" "130.90" "135.25" "140.30", "140.25" "150.20" "215.16" "215.17" "230.34" "265.04" "265.09" "265.13"	Violent crimes are defined as class A felonies and other Violent Felony Offense charges involving harm to another person.
Vehicular	All “VTL” codes	Includes all charges under New York State Vehicle and Traffic Law (VTL).