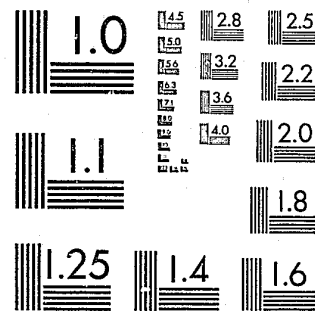


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National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

JAN. 3, 1984

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# FINAL REPORT

## A REPORT ON THE INCREASING POPULATION IN LOCAL CORRECTIONAL FACILITIES IN NEW YORK STATE

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PROGRAM AND POLICY ANALYSIS  
STATE COMMISSION OF CORRECTION

DECEMBER 1980



STATE OF NEW YORK  
STATE COMMISSION OF CORRECTION  
ALBANY, N. Y. 12223

## MEMORANDUM

MARCH 3, 1981

TO: COMMISSION MEMBERS  
FROM: JACK BIRNBAUM, EXECUTIVE DIRECTOR *JB*  
RE: REPORT ON POPULATION TRENDS IN LOCAL CORRECTIONAL FACILITIES

The attached report on local facility populations reflects the continued upward spiral of populations being held in New York State local jails. The surge of this population has created overcrowding in most local operations with all of attendant problems of maintaining a safe, secure and humane environment in the 57 local counties of New York's local penal system.

An agenda for action must include a great many actors in addition to the sheriffs and the county jail administrators throughout the State. To cope with an expanding jail population requires cooperation and coordination with legislators, the judiciary, prosecutors, police and with a number of interested citizens groups involved with the State's correctional system. What is being proposed is a number of actions which should be considered throughout the State to deal with this problem. The following list of options can, in many cases, be intermixed and are not presented in any priority order.

1) Classification

A revised Classification statute, as being submitted by the Governor's Office, can greatly assist local facilities to increase the utilization of existing jail space.

2) Intermittent Jail Sentencing

A moratorium or a greatly reduced use of the intermittent jail sentence. Since many individuals sentenced under this structure would not otherwise be sentenced to jail time and could be handled by other sentence alternatives, such a program by the judiciary would be practical.

3) Probation

The increased use of local probation sentencing, particularly for first offenders and youths.

4) Shock Probation

With the trend of more local sentencing and longer local sentences, the use of "shock probation" sentences would also seem to be a viable judicial and prosecutorial option.

- 2 -

5) Fines and Restitution

The continued recognition that a large percentage of those arrested and sentenced (some 32% in 1979) to local facilities for petit larceny seems to indicate that this charge and other property charges would meet the increased use of fines and restitution sentencing as a viable option.

6) Bail Review

Jail data again indicates that approximately 75% of those remanded to county jails spend 10 days or less under such confinement. This data suggests that ongoing bail review programs can also be a viable approach to population management.

7) Appearance Tickets

The recognition that a high number of those incarcerated do "pass out" of the system within 10 days could also merit the increased use of appearance tickets for judicial processing rather than being remanded to local jails.

8) Maximizing Use of Less Secure Space

As the population trends indicate a high rate of misdemeanor convictions and an increasing number of female inmates, many of these categories of those being held could be confined in lesser security settings. Such settings already available could be more heavily utilized, and space could be designated within local counties at a much lower cost than maximum security construction to house such classes of inmates.

9) Construction

For those localities where there has been and continues to be chronic overcrowding, or those having less than adequate facilities, the construction of additional space should be considered.

10) Diversion

Long-term and planned diversionary programs for those offenders who meet the qualifications for such a program should be developed as part of a total community effort to deal with accused or convicted offenders.

11) Decriminalization

The possible removal of certain deviant acts from the system of criminal sanctions. There have been numerous suggestions for such a change.

These recommendations do, in no way, represent a complete listing of such options. What must be emphasized, however, is the need for activities to be developed with New York State local criminal justice apparatus.

JB/mc  
Attachment

SEP 01 1981

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## EXECUTIVE SUMMARY

The population of local correctional facilities in New York State has risen dramatically in recent months, and overcrowded conditions have become a special concern to the State Commission of Correction.

In April 1980, the Commission released a report which stated that local correctional facilities in the State were operating with population densities of between 75% and 77% of total housing capacity. Since the Commission regards 80% of total housing capacity as the top limit at which a facility can reasonably house prisoners according to classification, the seriousness of the crowding problem was obvious.

In November, a survey was conducted of local correctional facilities which replicated the survey conducted in April. The purpose of the survey was to determine an accurate statewide accounting of the population of local correctional facilities and to analyze the changes in the population which occurred since April. The November survey revealed that the weekday population count for local facilities had increased 8%, rising from the 5403 in April to 5846. The weekend population count grew by 11%, rising from 5536 to 6146 in November. Population increases were most pronounced in the largest facilities in the State.

The density of all local correctional facilities increased from 75% to 81% of capacity for the weekday count and from 77% to 85% of capacity for the weekend count between April and November. Again, the largest facilities reflected the greatest increases in density and reported the most densely populated facilities.

The number of local correctional facilities operating at or above their Maximum Prisoner Capacity for males, females or both, remained the same between April and November holding at 26 facilities. The data collected suggests that those facilities which reported heavy crowding in April experienced the bulk of the population growth between April and November and reported even heavier crowding in November.

Another important finding in the November survey was that 42% of the weekday population and 44% of the weekend population were sentenced persons. Previous analyses of local facility population, both in this State and elsewhere, have found that the proportion of sentenced persons housed in local facilities usually fell in the area of 30-40%. The increase in the number of sentenced persons in local facilities may account in part for the crowded conditions in many local facilities since sentenced persons remain longer in such facilities.

The data also indicated that the sentenced population consisted predominately of persons serving definite sentences and that the overall increase noted did not reflect any specific increase in the number of persons serving intermittent sentences.

Although the population of local facilities rose between April and November, the number of persons serving intermittent sentences on the respective weekends dropped both in absolute numbers and in relative proportion. The number of intermittent sentenced persons decreased from 297 to 201. This resulted in a decline in the proportion of intermittent sentenced persons from 5% to 3% of the total local population. The number of persons boarded out in other facilities, however, more than doubled during this time period, rising from 94 to 225 persons. In particular, the number of facilities which found it necessary to board persons out to other local correctional facilities due to overcrowding jumped from 12 to 22; and the number of persons boarded in such facilities grew from 81 to 165.

Population growth in local correctional facilities is expected to increase in the next several years which will strain the capacity of the network of local facilities to house incarcerated persons. Although some expansion can be anticipated in the local system over the next five years, it may not be sufficient to meet the demands of population growth.

The Commission will maintain close oversight of changes in the population of local correctional facilities. Commission staff will continue to analyze the different dimensions of the population changes in order to furnish the Commission with the kind of information necessary to formulate a meaningful response. However, only a concerted effort by every level of government and private sector agencies will be sufficient if the emerging problems' growth are to be effectively addressed.

## I. INTRODUCTION

The daily population of local correctional facilities in New York State began to rise sharply in 1979, and overcrowded conditions in local correctional facilities have increased, according to information received by the State Commission of Correction.

Local county correctional facilities in the State admitted over 100,000 persons in 1979, nearly 14,000 more than were admitted in 1969. The number of persons sentenced to local facilities also grew; but more importantly, the average length incarceration began to rise. Recently, the average daily population in local facilities began to climb markedly and showed a 12% increase between 1978 and 1979.

In April 1980, the Commission released a report which stated that local correctional facilities were operating at between 75% and 77% of the total housing capacity in the State. The seriousness of the housing problem is best understood when one considers the 12 classification requirements which local facility administrators must observe in the housing assignments of incarcerated persons. Such persons must be separated and grouped according to sex, age, adjudicatory status or special needs which may exist. It has been the Commission's experience that when a facility's population rises above 80% of its total housing capacity, the facility finds it difficult to house prisoners according to classification requirements.

In April 1980, 26 of the 64 local facilities reported population counts which matched or exceeded their general housing capacity--exclusive of Special Housing space, and 12 counties found it necessary to send prisoners to other local correctional facilities to ensure adequate housing and appropriate classification. Two counties which sent prisoners to other facilities did so because their respective facilities were closed.

This report will identify the statewide population and operating capacity of local correctional facilities for a November weekday and weekend and provide analysis of the changes in population which occurred between April and November 1980. It is intended that this report will serve as a planning tool for addressing crowded conditions in local correctional facilities on a statewide basis.

II. POPULATION CAPACITIES OF LOCAL CORRECTIONAL FACILITIES

The November survey included the participation of 61 local correctional facilities.

Table A (Population Capacities of Local Correctional Facilities) was prepared from information developed by the Local Facilities Bureau, State Commission of Correction in 1979. It excludes the Putnam and Fulton County Jails, which are closed, and the Erie County Annex. Inmates from Putnam and Fulton Counties (Category IV facilities) are housed in other counties. Inmates housed at the Erie County Annex (Category II facility) are counted as part of the population of the Erie County Holding Center in this report. A slight discrepancy also exists between the Total Housing Space and the sum of male, female and Special Housing Space. It results from an overlap in the use of certain space in some facilities.

Category I facilities are those which have a total housing capacity of 201 and over. Category II facilities have a capacity of 101-200; Category III facilities have a capacity of 51-100 and Category IV facilities have a capacity of 50 and under.

Total housing space is a cumulative figure which includes all available facility housing for males and females, together with Special Housing. Maximum Prisoner Capacity (MPC) refers to the greatest number of persons who may be confined at one time in a local correctional facility as determined by the Commission. It includes the housing space for males and females but excludes any space designated as Special Housing.

As the following table indicates, 3966 cells or 55% of the total housing space in the State are located in the ten Category I facilities. The 17 Category I and II facilities account for 5005 cells or nearly 70% of the total housing space in the State. The 19 Category III facilities represent 19% of the space, and the 25 Category IV facilities represent 11% of the total housing space.

TABLE A

POPULATION CAPACITIES OF LOCAL CORRECTIONAL FACILITIES

LOCAL CORR'L FACILITY SIZE	TOTAL HOUSING SPACE	MAXIMUM PRISONER CAPACITY	M.P.C. MALES	M.P.C. FEMALES	SPECIAL HOUSING
Category I Capacity 201 and over N=10	3966	3502	3213	289	573
Category II Capacity 101-200 N=7	1039	967	876	91	92
Category III Capacity 51-100 N=19	1377	1284	1096	188	76
Category IV Capacity 50 and under N=25	826	761	691	70	54
GRAND TOTAL N=61	7208	6514*	5876	638	795

The table above groups the 61 local correctional facilities which participated in the survey according to capacity.

\*Excludes Space in Special Housing

### III. METHODOLOGY

In order to identify the population of local correctional facilities and the relative population densities, Commission staff conducted a telephone survey in November of 61 local facilities and requested specific population information for one weekday and one day of a weekend. This approach replicated the method employed in carrying out a similar survey in April but sought additional information. Staff selected Wednesday, November 12 and Sunday, November 16 as dates for which population information would be collected. To acquire consistent and standard information, local facility officials were asked to provide their inmate population count taken at 12:01 a.m. Thursday, November 13 and Monday, November 17, respectively.

The following information was requested from each facility in the telephone survey:

1. Number of persons awaiting Grand Jury Examination or Trial according to age and sex.
2. Number of persons serving a sentence according to age and sex.
3. Number of civil prisoners and witnesses according to age and sex.
4. Number of persons serving intermittent sentences according to age and sex.
5. Number of persons boarded out to other correctional facilities, psychiatric centers, hospitals, etc., according to age, sex and receiving facility.
6. Number of persons boarded in from other correctional facilities according to age, sex and sending facility.

### IV. CAVEAT

Some qualifications on the accuracy and consistency of the data collected should be noted. The first count on Monday, November 17 was specifically requested in order that we obtain an accurate accounting of all intermittent sentenced persons held in local facilities. Such persons are customarily released on Monday morning. However, the survey disclosed that there were at least 5 facilities which permitted intermittent sentenced persons to leave the facility on Sunday. In all such cases, the persons were released according to the order of the court. Consequently, the Monday population count does not include some persons who were serving intermittent sentences.

In another example, the Erie County Holding Center included in its population count those persons detained in the Erie County<sup>1</sup> Annex, which is located in a wing of the Erie County Penitentiary. In providing population figures, it did not include a breakdown of the Annex population according to sex and age. Similarly, Nassau County inmates assigned to the Work Release Center, a facility separate and distinct from the County Correctional Facility, are included in the population count for the County Facility. (Cell space in the Work Release Center is also included in the Maximum Prisoner Capacity total for Nassau County). In scattered other cases, minor data elements pertaining to age, sex or adjudicatory status were not provided.

All problems with the data collected are duly noted in the report and are not so considerable as to substantially detract from the reliability or validity of the report.

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<sup>1</sup> A portion of the Erie County Penitentiary is designated as an Annex to the Erie County Holding Center and is used to house non-sentenced persons. This area is referred to as the Erie County Annex.

## V. SUMMARY OF FINDINGS

### A. POPULATION OF LOCAL CORRECTIONAL FACILITIES IN APRIL AND NOVEMBER

The November survey revealed that the weekday population count had increased by 8% and the weekend population count by 11% over the respective counts reported in the April survey. The weekday population count grew from 5403 to 5846, and the weekend population count from 5536 to 6146.

The population increases were most pronounced in Category I facilities where population jumps of 10% to 3449 and 11% to 3551 were recorded for the weekday and weekend counts respectively. Category II facilities also recorded marked increases rising 5% to 850 for the weekday count and 14% to 921 for the weekend count.

Generally less observable increases were reported for Category III and IV facilities.

### B. POPULATION AND DENSITY OF LOCAL CORRECTIONAL FACILITIES IN APRIL AND NOVEMBER

The density of all local correctional facilities increased from 75% to 81% of capacity for the weekday count and from 77% to 85% of capacity for the weekend count between April and November.

Category I facilities reflected the largest increases and reported the most densely populated facilities. Their weekday density rose from 79% to 87% of capacity and their weekend density rose from 80% to 90% of capacity.

Major increases in density were also reported in Category II facilities which grew from 77% to 82% of capacity for the weekday and from 78% to 89% for the weekend.

More modest density increases were reported in Categories III and IV which reported weekday densities of 71% and 76% of capacity and weekend densities of 69% and 76% of capacity respectively.

Commission experience has demonstrated that when a facility's population exceeds 80% of total housing capacity, the facility is usually unable to comply with the Commission's classification requirements. As is evident, the state-wide density figures for the November dates and the density figures for Category I and II facilities for the November dates all exceeded the 80% figure. Category III and IV facilities also moved closer to the 80% figure in the November survey. The effect of this overcrowding is reflected in Section C which reported 26 facilities operating at

or above their Maximum Prisoner Capacity and Section F which reported an increase in the number of local correctional facilities boarding prisoners out to other local facilities and in the increase in number of such persons boarded over the April survey.

### C. NUMBER OF LOCAL CORRECTIONAL FACILITIES OPERATING AT OR ABOVE MAXIMUM PRISONER CAPACITY IN APRIL AND NOVEMBER

The number of local correctional facilities operating at or above their Maximum Prisoner Capacity for males, females or both, remained the same between April and November holding at 26 facilities. That represents 43% of all local correctional facilities. No category of local correctional facilities reflected any major change.

The constancy in the number of local correctional facilities operating at or above their Maximum Prisoner Capacity in the midst of a marked population increase presents a question which this report was not able to fully address. Some information would seem to suggest that those facilities which reported heavy crowding in April experienced the bulk of the growth in population between April and November and reported even heavier crowding in November. This interpretation would appear consistent with the finding in Section B that the most densely populated facilities in April grew even more crowded in November.

### D. POPULATION OF LOCAL CORRECTIONAL FACILITIES ACCORDING TO JAIL STATUS AND AGE STATUS IN APRIL AND NOVEMBER

The November survey identified 57% of the weekday population and 55% of the weekend population as persons detained for preliminary examination, Grand Jury, trial, or other pre-adjudicatory purpose. Sentenced persons accounted for 42% and 44% of the populations, for the respective weekday and weekend. Since no data was collected in April as to the adjudicatory status of incarcerated persons, no comparison can be made.

A review of the local facility annual reports submitted to the Commission for 1977, 1978, 1979, in conjunction with relevant correctional research, supports the proposition that the proportion of sentenced persons housed in local facilities usually falls in the area of 30-40%. The lower figures cited for November would seem to suggest a departure from past experience and findings. The increase in the sentenced population might well indicate changes in the sentencing practices of judges and local magistrates in New York State.

Since sentenced persons generally remain longer in local correctional facilities than detained persons, the increase in their population likely accounts, in part, for the rise in population and density in local facilities.

E. NUMBER OF INTERMITTENT SENTENCED PERSONS IN LOCAL CORRECTIONAL FACILITIES IN APRIL AND NOVEMBER

Despite the significant rise in the local facility population between April and November, the number of persons serving intermittent sentences on the respective weekends dropped from 297-201. Where approximately 5% of the April weekend population were serving intermittent sentences, only 3% served such sentences on the November weekend. This decline was particularly noted in Category II, III and IV facilities. The number of persons serving intermittent sentences in Category I facilities remained virtually the same, 114 to 115, although their proportion declined because of the overall increase in population.

This finding would seem to suggest that the increase in the sentenced population is related more to a rise in the number of persons serving conventional sentences than to any increase in the number of intermittent sentenced persons.

F. PERSONS BOARDED IN OTHER FACILITIES ON APRIL AND NOVEMBER WEEKENDS

The number of persons boarded in other facilities -- local correctional facilities, hospitals, psychiatric centers, etc., more than doubled between April and November rising from 94 to 225 persons.

The number of facilities which found it necessary to board persons out to other local correctional facilities -- only -- jumped from 12 to 22; and, the number of persons boarded in such facilities grew from 81 to 165. This increase was particularly evident in Category I facilities where the number of persons boarded out to other correctional facilities jumped from 15 to 52. Lesser increases were noted in other facility categories except in those cases in which apparent increases require some qualification. For example, the Broome County boarded out population was reported by the Broome County Barracks, a Category IV facility in April and by the Broome County Jail, a Category III facility in November.

It should be observed that approximately 40 to 50 persons boarded out in both April and November were moved because of closed facilities in Fulton and Putnam Counties, as well as a major renovation in Broome County.

The marked increase in the number of facilities which found it necessary to board persons out in other local correctional facilities, and the rise in the size of this population provided an additional dimension to the impact that population growth is having on local correctional facilities in the state. Such increases are consistent with the report's findings with respect to population growth and density growth in local correctional facilities.

The jump in the number of persons boarded out to hospitals, psychiatric centers, etc., is believed to be the result of an omission to fully collect this information in April. Only 13 such persons were reported in April while 60 were reported in November.



## VI. CONCLUSION

Crowded conditions in local correctional facilities noted by the Commission in recent years and documented in an April 1980 report prevailed in increasing proportion in the November 1980 survey. The number of persons housed in local correctional facilities increased by 8% and 11% on the two November survey dates over the April 1980 survey dates and the statewide density of local facilities surpassed the 80% index figure regarded by the Commission as the top limit at which a local facility can reasonably comply with the state classification requirements.

The growth in population and density were reported in all size facilities. The most significant growth and most crowded conditions were found in the largest correctional facilities which serve the most populous areas of the state. Population growth extended to all regions in the state and an increasing number of facilities found it necessary to board more prisoners in other local facilities. Although the cost of boarding prisoners in other correctional facilities was not ascertained in either the April or November surveys, that cost is known to be considerable and to be a major cost in several local facility budgets.

Some of the data collected suggests that the size of the population growth and crowding problem may be tied to the increasing proportion of sentenced persons found in local facilities. While customarily sentenced persons account for about 30-40% of a local facility's population, the November survey disclosed that 42-44% of the statewide population were persons serving sentences. Sentenced persons generally remain in local facilities for longer periods of time than do unsentenced persons among whom a greater turnover is experienced. An analysis of this change indicates that the increase is tied to a rise in the proportion of persons serving definite sentences rather than those serving intermittent sentences. There is speculation that the jump is caused by an increase in the number of persons sentenced to local correctional facilities who are convicted of Class D and E felonies. Such persons tend to serve longer sentences than do persons convicted of misdemeanors and violations.

The growth in the local correctional facility population runs parallel to increases experienced in the state for the New York City Department of Correction and New York State Department of Correctional Services.<sup>2</sup>

<sup>2</sup>Jails for the 80's: New York City Department of Correction October, 1980; New York State Department of Correctional Services, Strategy Plan, 1980-1985, October, 1980.

In each of these systems population growth is straining capacity and continued growth is projected over the next 5 years. Both the City and the State have formulated plans to expand capacity to accommodate additional population over the next several years.

Little exists to suggest that local correctional facility populations will level off or decline. The increase in the volume of reported crime and the hardening of the public's attitude on punishment would seem to presage a hardline public policy toward alleged and convicted offenders, and a consequent increase in the number of persons incarcerated in local facilities.

If the population of local correctional facilities continues to increase, the statewide network of local facilities -- not just a portion of them -- will find themselves in a crisis where the demands upon them exceed their capacity.

Currently, there are ten proposals by counties in the state to expand the capacity of their local facilities which would result in a statewide increase of 440 beds. Conversely, one county proposal to construct a new facility would eliminate 150 beds leaving a statewide gain of only 290 beds over the next five years. If this increase materializes in the next five years, the total housing capacity in the state would increase to 7500 beds. Notwithstanding, if the population of local facilities were to increase at an annual rate of 5% between November 1980 and November 1985, the population of local facilities would rise above 7800. Local correctional facilities, in fact, would reach their total housing capacity of 7500 in mid-1984.

The nature and scope of the emerging problem of population growth in local correctional facilities warrants the close attention of the Commission of Correction. Commission staff will continue to collect information on the population of local facilities and will seek to present an analysis of changes in the population which can form the basis of a meaningful response to the problem of population growth. It should be recognized, however, that an effective response to the population growth problem will require the resources of each level of government, as well as private sector agencies. Only a concerted, coordinated undertaking by all relevant parties will be sufficient to effectively address the problems of growth.

## VII. DATA ANALYSIS

The results of the November survey and a comparison of those results with the April survey follow in sections A through F. Where comparative data was not available, it is duly noted.

### A. POPULATION OF LOCAL CORRECTIONAL FACILITIES ON APRIL AND NOVEMBER SURVEY DATES ACCORDING TO SEX

The following tables depict the population counts reported by local facilities for the April and November surveys according to facility size and sex of the population. The November table includes a column entitled Unknown because of the presence of insufficient data on a number of persons housed in Category I, II, and III facilities.<sup>3</sup>

The total population counts reported on the November weekday and weekend exceeded the April counts by 8% and 11% respectively. The total weekday count rose from 5403 to 5846 and the total weekend count jumped from 5536 to 6146.

Population increases were reported in each facility category for the weekday count, with the exception of Category IV facilities. Their count dropped from 568 to 566. The largest increase was reported by Category I, which rose from 3133 to 3449, a change of 10%.

Category II and Category III also reported increases in their weekday populations of between 5 and 10%.

Weekend counts rose in all facilities with the greatest increase reported by Category I facilities, 11%. Their population grew from 3174 to 3551.

The rate of growth in the total weekend count, however, also increased significantly between April and November. The April weekend count of 5536 was 2% greater than the weekday count of 5403. The November weekend count of 6146 was 5% greater than the weekday count of 5846.

There was no significant change reported in the percentage of males and females incarcerated in local facilities. On all days surveyed in both months, approximately 94% of the population were males and 6% were females. This ratio held in November despite the presence of those persons listed in the Unknown column.

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<sup>3</sup>Insufficient data as to sex for between 133 and 136 persons prevailed in the November survey. Sixty of these persons were housed in the Erie County Annex; several others were state and federal prisoners.

TABLE I

POPULATION AT ALL LOCAL CORRECTIONAL FACILITIES  
 FOR APRIL 10, 1980 AND APRIL 12, 1980 SURVEY; AND  
 NOVEMBER 12, 1980 AND NOVEMBER 16, 1980, SURVEY BY SEX

LOCAL CORRECTIONAL FACILITY SIZE	APRIL 10, 1980 WEEKDAY			APRIL 12, 1980 WEEKEND			NOV. 12, 1980 WEEKDAY				NOV. 16, 1980 WEEKEND			
	M	F	T	M	F	T	M	F	UNK.	T	M	F	UNK.	T
Category I N = 10	2963	170	3133	3014	160	3174	3158	191	100	3449	3261	194	96	3551
Category II N = 7	768	37	805	773	36	809	793	55	2	850	850	67	4	921
Category III N = 19	802	95	897	847	99	974	859	91	31	981	920	91	36	1047
Category IV N = 25	549	19	568	592	15	607	550	16	--	566	610	17	--	627
GRAND TOTAL N = 61	5082	321	5403	5226	310	5536	5360	133	133	5846	5641	369	136	6146

B. POPULATION AND DENSITY OF LOCAL CORRECTIONAL FACILITIES IN APRIL AND NOVEMBER

The table below depicts the population and density of local facilities for April 10 and 12, 1980 and November 12 and 16, 1980. It relies on the Total Housing Space figures compiled by the Commission and the total population figures reported in both surveys. The population density is calculated by taking a ratio of the population of the facilities to the Total Housing Space and converting it to a percentage figure.

The population density for all local correctional facilities increased from 75% to 81% of capacity for the weekday count and from 77% to 85% of capacity for the weekend count. The increase in density was most pronounced for Category I and II facilities, especially for the weekend count. The weekend density for I and II facilities grew from 80% to 90% of capacity and from 78% to 89% of capacity, respectively. The weekday density grew from 79% to 87% of capacity and from 77% to 82% of capacity, respectively.

Category III facilities also recorded increases in their density. Their weekday populations increased from 65% to 71% of capacity, and their weekend populations rose from 69% to 76% of capacity.

Category IV facilities reflected the least change. Their weekday density remain unchanged at 69% of capacity, and their weekend density increased from 73% to 76% of capacity.

TABLE 2

LOCAL CORRECTIONAL FACILITY SIZE	TOTAL HOUSING SPACE	APRIL 10, 1980 WEEKDAY	APRIL 12, 1980 WEEKEND	NOV. 12, 1980 WEEKDAY	NOV. 16, 1980 WEEKEND
Category I N = 10	3966	3133 79%	3174 80%	3449 87%	3551 90%
Category II N = 7	1039	805 77%	809 78%	850 82%	921 89%
Category III N = 19	1377	897 65%	947 69%	981 71%	1047 76%
Category IV N = 25	826	568 69%	607 73%	566 69%	627 76%
GRAND TOTAL N = 61	7208	5403 75%	5536 77%	5846 81%	6146 85%

C. NUMBER AND PERCENT OF LOCAL CORRECTIONAL FACILITIES OPERATING AT OR ABOVE MAXIMUM PRISONER CAPACITY FOR APRIL AND NOVEMBER WEEKENDS

The table below depicts the number and percent of facilities who reported weekend populations at or above the Maximum Prisoner Capacity for males or females or both in April and November. The Maximum Prisoner Capacity (MPC) includes all general housing space for males and females but does not include any space designated as Special Housing. When a facility's population equals or exceeds its MPC, it usually finds it necessary to assign some persons to Special Housing or to send them to other local correctional facilities to ensure proper classification and housing.

The number of facilities operating at or above their Maximum Prisoner Capacity for males, females or both held constant at 26 between April and November. Category I facilities rose from 4 to 5; Category II facilities increased from 4 to 5; Category III facilities dropped from 5 to 4; and Category IV facilities dropped from 13 to 12.

The 26 facilities operating at or above their Maximum Prisoner Capacity represented 43% of all local correctional facilities in the state.

TABLE 3

LOCAL CORRECTIONAL FACILITY SIZE	APRIL 12, 1980 SURVEY WEEKEND	NOVEMBER 16, 1980 SURVEY WEEKEND
Category I N = 10	4	5
Category II N = 7	4	5
Category III N = 19	5	4
Category IV N = 25	13	12
GRAND TOTAL N = 61	26 43%	26 43%

D. POPULATION OF LOCAL CORRECTIONAL FACILITIES ACCORDING TO JAIL STATUS AND AGE STATUS FOR NOVEMBER 1980 SURVEY DATES

The following table represents the population of local correctional facilities broken down according to their jail status and age status for the November dates. Similar information was not collected in the April survey, and no comparisons are offered. The following definitions apply to the table.

1. Detained Persons - All persons held in a pre-adjudicatory status awaiting grand jury, examination, trial, etc.
2. Sentenced Persons - All persons serving a definite term of imprisonment in a local correctional facility.
3. Civil Prisoners - All persons detained or sentenced for a civil offense not included in the Penal Law.
4. Other Local Offenders and Other State and Federal Offenders - All those persons for whom sufficient information was not available or who do not meet the previous definitions.
5. Minors - All persons between the ages of 16 and 21.
6. Adults - All persons age 21 and over.
7. Unknown - All persons for whom sufficient information was not available.

On November 12, 3305 or 57% of the persons incarcerated were reported in a detained or pre-adjudicatory status. On November 16, 3551 or 55% of such persons were reported to be in a detained or non-sentenced status.

Conversely, the sentenced population increased from 2461 or 42% to 2703 or 44%.

The rise in the sentenced population from 2461 to 2703 actually represents an increase of 242, or 10% rise over the November 12 population. The number of civil prisoners held increased from seven to sixteen.

The total percent of adults and minors remained essentially the same on both dates. On November 12, 3933 or 67% of the population were adults and on November 16, 4066 or the same 67% were adult persons.

The Unknown column includes 133 and 136 persons respectively on November 12, November 16 for whom only partial data was available or for whom previous definitions were not appropriate. Those figures

represent approximately 2% of the total population for each date. However, since the adjudicatory status was known for 60 of those persons on both dates, the number who could not be appropriately recorded as to adjudicatory status was cut to 73. The number of persons falling into the Other Offender Categories, 73 is slightly more than 1% greater.

TABLE 4

POPULATION OF LOCAL CORRECTIONAL FACILITIES ACCORDING TO JAIL STATUS AND AGE STATUS FOR NOVEMBER 12, 1980 AND NOVEMBER 16, 1980

JAIL STATUS	NOV. 12, 1980 - Weekday				NOV. 12, 1980 - Weekend			
	ADULTS	MINORS	UNK.	TOTALS	ADULTS	MINORS	UNK.	TOTALS
DETAINED PERSONS	2292	953	60	3305	2279	1012	60	3351
SENTENCED PERSONS	1634	827	--	2461	1773	930	--	2703
CIVIL PRISONERS	7	--	--	--	14	2	--	16
OTHER LOCAL OFFENDERS	--	--	20	20	--	--	24	24
OTHER STATE & FED. OFF.	--	--	53	53	--	--	52	52
TOTAL	3933	1780	133	5846	4066	1944	136	6146

E. NUMBER OF INTERMITTENT SENTENCED PERSONS ACCORDING TO SEX AND PERCENT OF INTERMITTENT SENTENCED PERSONS IN LOCAL CORRECTIONAL FACILITIES FOR APRIL AND NOVEMBER WEEKEND DATES

The following table shows the number of persons according to sex and the percent of persons who were serving intermittent sentences in local correctional facilities on the April and November weekends. The November figures do not include intermittent sentenced persons in the five counties who were released by court order prior to the weekend count. The April weekend count, taken at an earlier time, included similarly held persons.

The November weekend survey disclosed a substantial drop in the number of persons, exclusively males, held on intermittent sentences in contrast to the April survey. The November population was reported at 201 persons, a decrease from the 297 persons reported in April. Ninety-six (96) or 32% fewer persons, all males, were serving intermittent sentences in November. The actual percent of persons serving intermittent sentences declined from 5% to 3% of the total weekend population between April and November.

The decline in persons serving intermittent sentences is especially apparent in Category II, III and IV facilities. In each case, the number of persons serving intermittent sentences declined by no less than 50%. The absence of reliable data from 5 small facilities who released intermittent persons earlier than is customary can account for a portion of the decline. Despite the missing data, however, there remains a major decline of approximately 35-40% in the intermittent population report in November.

In marked contrast, the number of intermittent sentenced persons remained virtually the same in Category I facilities between April and November. The total for Category I inched up only from 114 in April to 115 in November. However, the percent of intermittent sentenced persons dropped from 4% to 3% of the total population because of the overall growth in the inmate population between April and November.

TABLE 5  
 APR. 12, 1980-Weekend Intermittent Pop.      Nov. 16, 1980-Weekend Intermittent Pop.

LOCAL CORRECTIONAL FACILITY SIZE	APR. 12, 1980-Weekend Intermittent Pop.				Nov. 16, 1980-Weekend Intermittent Pop.			
	M	F	S/T	% OF TOT. POP.	M	F	S/T	% OF TOT. POP.
Category I N = 10	105	9	114	4%	104	11	115	3%
Category II N = 7	28	1	29	4%	14	3	17	2%
Category III N = 19	65	11	76	8%	27	5	32	3%
Category IV N = 25	78	0	78	13%	35	2	37	6%
GRAND TOTAL N = 61	276	21	297	5%	180	21	201	3%

F. NUMBER OF PERSONS BOARDED IN ALL OTHER FACILITIES BY RECEIVING FACILITY TYPE FOR APRIL WEEKEND DATE AND NOVEMBER WEEKEND DATE

The tables below show the number of persons boarded in all other facilities in April and November, according to the number of sending facilities and type of receiving facility. Of special importance is the number of facilities which found it necessary to board prisoners in other local correctional facilities. Such movement of persons is usually caused by overcrowded conditions and the need to house persons according to classification.<sup>4</sup> The number of facilities who found it necessary to board persons in other local correctional facilities is designated by the number under each category heading. These facilities who boarded persons in state and federal correctional facilities but did not board persons in local correctional facilities are not included in this number.

The column entitled Other Local Correctional Facilities includes facilities operated by the New York City Department of Correction, as well as local jails and local penitentiaries in the State.

The number of facilities who found it necessary to board persons out to other local correctional facilities grew from 12 to 22. Increases were noted in all size facilities.

The number of persons boarded out in other facilities grew from 94 to 225 between April and November. This increase of 131 persons represents a rise of 140% in this period.

Category I facilities showed the most significant increase in persons boarded out, rising from 15 persons in April to 98 persons in November. In particular, the increase from 15 to 52 in persons boarded out in local correctional facilities is noteworthy since virtually all such persons were boarded out because of overcrowding conditions. Five Category I facilities boarded out such persons compared to two in April.

Category III facilities also reflected a dramatic increase rising from 7 persons to 55 persons. The greatest portion of this increase, however, can be attributed to the Broome County Jail, which boarded out 44 persons in November after reporting no such persons in April. Five Category III facilities boarded out such persons compared to two in April.

<sup>4</sup> Approximately 40 to 50 persons boarded out in April and November were boarded out because of two closed facilities and extensive renovation of a third. Fulton and Putnam County Jails were closed and the Broome County Barracks was undergoing major renovation.

Categories II and IV facilities reported only modest changes in the number of persons boarded out to both local correctional facilities and other kinds of facilities. Category II facilities reported an increase from 30 to 34 persons and Category IV facilities reported a decline from 42 to 38 persons between April and November. The number of Category II and IV facilities which boarded out such persons increased from 8 to 12, between April and November.

The number of persons boarded out to the Marcy Psychiatric Center, as well as other psychiatric centers in the State more than doubled between April and November, jumping from 11 to 24.

The rise in the number of persons boarded in medical hospitals from 2 to 23 is substantial but may be due in part to an omission to include all such persons in the April survey. This same condition may also hold for the 11 persons reported housed in state or federal correctional facilities, in November, none of whom appeared in the April survey.

TABLE 6

NUMBER OF PERSONS BOARDED OUT TO OTHER FACILITIES BY  
RECEIVING FACILITY TYPE FOR APRIL 12, 1980 WEEKEND DATE  
AND NOVEMBER 16, 1980 WEEKEND DATE

LOCAL CORR. FAC. SIZE	OTHER LOCAL CORR. FACS.		PSYCH. CENTERS		MED. HOSP.		STATE FED. FACILITIES		ESCAPEES		TOTAL	
	Apr. 12.	Nov. 16.	Apr. 12.	Nov. 16.	Apr. 12.	Nov. 16.	Apr. 12.	Nov. 16.	Apr. 12.	Nov. 16.	Apr. 12.	Nov. 16.
Category I N = 2	15	52	0	14	0	21	0	9	0	2	15	98
Category II N = 3	24	24	6	8	0	1	0	1	0	0	30	34
Category III N = 2	2	52	4	2	1	1	0	0	0	0	7	55
Category IV N = 5	40	37	1	0	1	0	0	1	0	0	42	38
GRAND TOTAL N = 12	81	165	11	24	2	23	0	11	0	2	94	225



APPENDIX

LOCAL CORRECTIONAL FACILITIES IN NEW YORK STATE

A. The following are the local correctional facilities in the state grouped according to total housing capacity:

Category I - Capacity 201 & Over (N=10)

Albany Co. Jail and Penitentiary	Onondaga County Jail
Erie County Holding Center	Onondaga County Penitentiary
Erie County Correctional Facility	Suffolk County Jail
Monroe County Jail	Westchester Co, Jail (Men)
Nassau County Jail	Westchester Co. Penitentiary

Category II - Capacity 101-200 (N=8)

Erie County Annex	Orange County Jail
Dutchess County Jail	Rockland County Jail
Niagara County Jail	Sullivan County Jail
Oneida County Jail	Ulster County Jail

Category III - Capacity 51-100 (N=19)

Broome County Jail	Ontario County Jail
Cattaraugus County Jail	Orleans County Jail
Cayuga County Jail	Oswego County Jail
Chautauqua County Jail	Rensselaer County Jail
Chemung County Jail	Saratoga County Jail
Clinton County Jail	Schenectady County Jail
Columbia County Jail	Steuben County Jail
Franklin County Jail	Warren County Jail
Jefferson County Jail	Westchester Co. Jail (Women)
Montgomery County Jail	

Category IV - Capacity 50 & Under (N=27)

Allegany County Jail	Delaware County Jail
Broome County Jail Barracks	Essex County Jail
Chenango County Jail	Fulton County Jail (Closed)
Cortland County Jail	Genessee County Jail
Greene County Jail	Seneca County Jail
Hamilton County Jail	St. Lawrence County Jail
Herkimer County Jail	Suffolk Co. Honor Farm
Lewis County Jail	Tioga County Jail
Livingston County Jail	Tompkins County Jail
Madison County Jail	Washington County Jail
Otsego County Jail	Wayne County Jail
Putnam County Jail (Closed)	Wyoming County Jail
Schoharie County Jail	Yates County Jail
Schuyler County Jail	

Total N=64

**END**