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New Analysis Examines New York Bail Reforms

Research from the Data Collaborative for Justice at John Jay College assesses how reforms would have increased the number of people released pretrial without bail in New York City 2019; Indicates increases in release without bail for Black and Latinx people and those charged with drug crimes

New York -- As New York nears the one-year mark since the 2020 Criminal Justice Reforms went into effect, the Data Collaborative for Justice at John Jay College (DCJ) today released a new analysis, "Assessing the Potential Impact of 2020 Bail Reforms on 2019 New York City Criminal Court Cases" examining how 2020 bail reforms would have impacted cases arraigned in 2019 in New York City.

The report finds that, had the 2020 bail reforms been enacted at the start of 2019, they would have resulted in significant increases in the number of cases released without a bail amount being set ("non-monetary release"). The data analysis shows this outcome for the bail reforms as originally implemented in January 2020 as well as for the amendments to the reform passed in April. These increases would be most pronounced for cases involving criminal possession of a controlled substance, third degree assault, and petit larceny.

Specifically, when applied to 2019 data, the analysis finds that bail reforms, as amended, would have resulted in:

- **12,609 total additional cases where bail would not be permitted and people would receive non-monetary release – avoiding almost \$67 million in bail that was set in 2019**
- **4,415 additional cases where non-monetary release would have been ordered in Manhattan – the borough in which cases would be most impacted by bail reform.**
- **2,247 additional non-marijuana related drug cases being eligible for non-monetary release – thereby increasing the percentage of cases involving drugs (other than marijuana) released without bail from 76% to 97%.**
- **6,606 additional cases involving Black individuals that would have resulted in release without bail, and nearly 4,000 cases involving Latinx individuals.**

"What we found is that the 2020 bail reforms, both before and after amendments, would have resulted in a significant reduction in people having to pay bail in order to secure their release pretrial in 2019." **said Preeti Chauhan, Director of the Data Collaborative for Justice.** "A global pandemic and nationwide racial justice protests, combined with bail reforms, have undoubtedly influenced criminal cases in 2020 and we are looking forward to assessing these impacts once we have 2020 data."

The 2019 reforms, amended in April 2020 by state legislators, aimed to reduce the number of people awaiting a trial in jail, particularly those detained simply on account of being unable to afford bail. These reforms prohibit judges from imposing bail from a broad list of offenses, including most misdemeanors and non-violent felonies. The new law also mandates that judges release individuals on their own recognizance (promise to return to court) unless there is evidence that an individual will not return to court and requires more significant oversight pending the outcome of their criminal case. The 2020 legislative changes to the reforms maintained the basic framework of the original law, but narrowed the scope of crimes excluded from bail.

“This latest analysis indicates that at least some of the goals of bail reform will be met – with fewer Black and Brown people forced to bear the burden of coming up with bail, and potentially losing their freedom pretrial, on lower-level charges” said **Erica Bond, Policy Director at the Data Collaborative for Justice**. Bond added that “DCJ is committed to ensuring that the important conversations about bail reform in New York State are driven by data and research and not conjecture.”

The full report is available on the Data Collaborative for Justice’s website [here](#).

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The Data Collaborative for Justice (DCJ) at John Jay College of Criminal Justice houses a group of research initiatives that raise important questions and share critical research about the criminal legal system and its role in creating safe, just, and equitable communities. DCJ conducts data analysis and research on enforcement in the community, the adjudication of cases in the courts, and the use of confinement in jails and prisons. DCJ’s work has informed policy reforms, facilitated partnerships between researchers and government agencies across the country, spurred new scholarly research on lower-level enforcement, and has been cited extensively in the press. For more information about the Data Collaborative for Justice please visit: <https://datacollaborativeforjustice.org/>