

POLICY ANALYSIS

Estimating the Effects of Governor Kathy Hochul's Proposed Criminal Justice Legislation

Overview

On March 17, 2022, New York's local media publicized a set of [criminal justice proposals](#) advanced by Governor Kathy Hochul.¹ To inform policy deliberations, we sought to quantify the likely effects of proposals related to the state's bail, Desk Appearance Ticket, and "Raise the Age" reforms. Available data permitted doing so for New York City.

Summary of Key Findings

Bail Reform. Described in the pages that follow, we separately estimated the effects of each one of the Governor's bail-related proposals. Key cumulative results include:

- **Increase in Bail Eligibility:** The Governor's legislation would produce an estimated 17% relative increase in NYC cases eligible for bail (from 28% to 33% of the city's criminal cases, impacting just over 5,000 cases based on 2021 numbers).
- **Resulting Increase in Bail and Remand Decisions:** Judges do not actually opt to set bail in all cases that are legally eligible for it. Analyzing NYC judges' release decisions in 2019, before bail reform went into effect, we project a smaller 5% relative increase in the number for which judges would proceed to set bail or remand the individual to jail (increasing the use of bail or remands by almost 600 cases).
- **Racial/Ethnic Disparities and Charge Composition:** Based on 2021 numbers, the impacted individuals newly exposed to bail would be about 55% Black and 31% Hispanic/Latinx, though these groups respectively comprise 24% and 29% of the city's population. Additionally, an estimated 76% of the cases would involve misdemeanor charges, 24% nonviolent felonies, and 0% violent felonies. (Virtually all violent felonies are already eligible for bail under the current reform law.)

Desk Appearance Ticket Reform. Duplicating the effect on bail-eligibility, the Governor's proposals would also produce an estimated 17% relative increase in NYC cases facing a custodial arrest and overnight detention in lieu of receiving a ticket and a future court date (about 4,900 cases based on 2021 numbers). The impacted individuals would be about 51% Black and 33% Hispanic/Latinx.

Data and Methods

We used non-public data provided by the Office of Court Administration.² Estimates are based on NYC cases arraigned in 2021. In assessing bail reform impacts, we separately projected the increase in: (1) cases *legally eligible* for bail; and (2) cases likely to face bail *in practice*.³ For the latter purpose, we assumed judges would return to their pre-reform bail-setting tendencies and, thus, drew upon release decision data from 2019 (when judges could set bail in any case).

Limitations. We caution that our estimates are necessarily imprecise.⁴ Should the future volume or composition of cases change over time, resulting effects could be higher or lower. For this reason, we generally do not use decimals when reporting percentages and, when presenting results for large numbers of cases, we round to a nearest hundred or thousand.

Furthermore, the ramifications of any new policy hinge on how it is implemented on-the-ground. Policymakers should rely on this analysis to gain a data-driven perspective regarding likely effects, while mindful of the limits inherent in any effort to make predictions.

It is worth noting that the Governor’s proposals would inevitably have a *larger effect towards increased bail-setting outside NYC*, though available data precludes quantifying it. The Governor mostly targets misdemeanors; and in 2019 (pre-reform), NYC judges set bail in just 8% of misdemeanors, compared to 21% in the suburbs and 29% in upstate areas.⁵

A. Bail Reform Changes

Governor Hochul submitted three new proposals expanding [current bail eligibility](#).⁶

1. Extend Bail-Eligibility to All Charges When There is A Pending Case

Judges may now set bail if finding that both a current and pending (unresolved) case involves “harm to an identifiable person or property.” Governor Hochul proposes to make *all* cases universally bail-eligible whenever there is also a pending case, regardless of whether either case involves physical harm, threats, or property damage or loss.

New York City Projections.

- **Significant Expansion of Bail Eligibility:** We estimate this provision would make 16% more NYC cases eligible for bail (or almost 4,800 cases based on 2021 numbers).⁷
- **Less Sweeping Expansion of Actual Bail-Setting:** In 2019, judges set bail or remanded 17% of the NYC cases that met the criteria. Assuming judges would return to this pre-reform rate of bail-setting, there would be a 5% increase in actual bail or remand decisions (impacting about 509 cases).
- **Mainly Low-Level Cases:** Based on 2021 numbers, we found that 76% of the impacted cases would be misdemeanors, 24% nonviolent felonies, and 0% violent felonies. Additionally, 21% would involve misdemeanor assault (3rd degree), 19% nonviolent drug offenses, 11% petit larceny, 9% burglary in the third degree (a nonviolent felony) 4% forgery, and 5% driving with a suspended or revoked license.

- **Significant Racial Disparities:** We found that 52% of the impacted cases would involve Black and 30% would involve Hispanic/Latinx people, significantly more than their respective 24% and 29% shares of the city’s general population.

Additional Considerations.

- **Pretrial Detention for People Not Convicted or Incarcerated at Sentencing:** Given that most of the impacted cases are misdemeanors, the vast majority would be legally ineligible for a state prison sentence if later convicted. In practice, most would not face incarceration of any length at sentencing. A recent [analysis](#) found that just 12% of NYC misdemeanors in fact ended in a misdemeanor conviction, and 9% of those convicted of any offense were then sentenced to jail. Even among misdemeanors involving a prior arrest and convicted on the current case, only 14% received a jail sentence.⁸ The Governor’s proposal could, therefore, result in pretrial incarceration for a sizable number of people in low-level cases, who would not otherwise face jail or prison time *even after a finding of guilt*.
- **Adverse Public Safety Impact:** Prior research has generally found that pretrial detention modestly increases recidivism after people’s eventual release.⁹ A past [NYC study](#) found that misdemeanor detention led to an 11.8 percentage-point increase in the re-arrest rate over two years post-disposition.¹⁰ Given that the vast majority of cases impacted by the Governor’s proposal would not face lengthy incarceration (noted above), their release—and likely recidivism increase—would not take long to materialize.

Estimating Effects of Making Cases Bail-Eligible If There is a Pending Case (Based on 2021 NYC Cases)

	2021 Cases	Percent Increase	Race/Ethnic Composition of Impacted People			
	N	%	Black	Hispanic/Latinx	White	Asian
Estimated Increase in Bail-Eligibility ¹	4,793	16	52%	30%	6%	2%
Estimated Increase in Bail/Remand Decisions	509	5				

Note: In 2019, 17% of cases meeting the criteria actually faced bail or remand.

¹ Besides bail-eligible charges, when a judge deems both a current and pending case to involve "harm to an identifiable person or property," the current case is also already bail-eligible, meaning the Governor's new provision did *not* impact the status of the case.

2. Allow Bail or Detention in Homicide or Firearms Cases, Absent Flight Risk

Predating bail reform, New York State law has long directed judges to base their pretrial decisions solely on an interest in securing court attendance. For eight homicide and six firearms charges (listed below), Governor Hochul proposes to allow judges also to base their decisions on an interest in securing the safety of people in the community. Towards that purpose, the Governor would allow judges to consider the following criteria for the 14 enumerated charges:

- **Order of Protection History:** Any prior violation of an order of protection.
- **Firearms History:** A prior history of firearms use or possession.
- **Prior Violent Felony Conviction in Past Five Years** (excluding time spent incarcerated).
- **Other Criminal History:** “Significant” criminal history demonstrating a “high probability” of pretrial re-offense if released.

- **Risk of Violence:** Credible threat of “serious” harm to one or more identified individuals.
- **Risk of Flight Related to Safety:** An imminent flight risk based on prior failures to appear and the nature of the charge (considered in their perceived ramifications for community safety, whereas the existing law authorizes considering risk of flight in itself and, when appropriate, setting the “least restrictive” conditions necessary to assure court attendance).

New York City Projections. Shown below, virtually all implicated charges are already eligible for bail, and 85% in fact had bail or remand ordered in 2021. These results suggest that judges are usually finding bail or remand justified under existing decision-making criteria.

Shown below, our primary projection focuses solely on the few impacted NYC cases now legally ineligible for bail (about 27 in 2021). Based on 2019 patterns, we assume judges would have set bail or remand in 63% of these cases. We also offer a hypothetical “supplemental” projection, showing what bail increases could look like if the Governor’s proposed criteria were to produce a 5% relative rise in bail/remand-setting for those charges where there is room for bail-setting to move any higher than it already is. Under this supplemental projection, 154 more 2021 cases would have faced bail or remand. Among the 27 most indisputably impacted people, 19 (70%) were Black and 7 (26%) were Hispanic/Latinx.

Estimating Effects of Bail-Eligibility and New Decision Criteria in Select Homicide and Firearms Cases

Top Charge	Penal Law Section	2021 Cases	2021 Rate of Bail or Remand Decisions (2019 if *)	Estimated Increase in Bail/Remand Decisions			
				Projected Only If Bail-Ineligible Now		5% Increase Due to New Criteria ²	
		#	%	#	%	#	%
Manslaughter 2 nd	125.15	16	94%	0	0	1	0
Manslaughter 1 st	125.20	17	88%	0	0	1	0
Murder 2 nd	125.25	839	97%	0	0	26	0.2%
Murder 1 st	125.27	24	100%	0	0	0	0
Criminal possession of weapon, school grounds	265.01-A	2	100%*	2	0	0	0
<i>Criminal poss. weapon 3rd (now bail-ineligible)¹</i>	265.02(2-3)	25	62%*	16	0.1	17	0.2%
<i>Criminal poss. weapon 3rd (now bail-eligible)¹</i>	265.02(7-8)	37	38%	0	0	1	0
Criminal possession of a weapon 2 nd	265.03	3,043	71%	0	0	108	1%
Criminal possession of a dangerous weapon 1 st	265.04	3	100%	0	0	0	0
Criminal use of a firearm 2 nd	265.08	3	100%	0	0	0	0
Criminal use of a firearm 1 st	265.09	7	100%	0	0	0	0
Total		4,016	85%	18	0.1	154	1%

Note: Any charge meeting the Governor's criteria but not listed in the table had zero cases in 2021 (PL 125.11, 125.21, 125.26, 125.22, and the first subdivision of PL 120.10).

¹ We assume judges would deem all subdivisions of PL 265.02 to meet the Governor's criteria except subdivision 1, which is based on criminal history and not on an element of the current firearm or weapons-related charge. Currently, subdivisions 2-4 are bail-ineligible, and subdivisions 5-10 are bail-eligible.

² We made no further projection if bail-setting already reached 100% for a given charge.

Additional Considerations. Prior research indicates that judges generally *overestimate* people’s risk. As human beings, they are prone to [inaccurately assess](#) factors that could signal someone’s risk to community safety or other types of risk, leading them often to detain people unnecessarily.¹¹ Adding to the profound challenge of making credible predictions, a Times Union [analysis](#) found that just 2% of New Yorkers statewide were re-arrested for a violent felony while released pretrial under the bail reforms;¹² and the NYC Mayor’s Office of Criminal Justice [found](#) that even among released people whose initial charge was a violent felony, most months saw just slightly over 1% re-arrested pretrial for a new violent felony.¹³ No set of factors can lead any person—or algorithm—to accurately predict who will commit a violent felony given how rarely a re-arrest for one occurs. Should this provision have greater effects than we anticipate, prior research makes clear that we can expect to see over-detention relative to what would have been people’s real threat to community safety.

3. Extend Bail-Eligibility to More Firearms Offenses

Governor Hochul proposes to make bail-eligible three firearms possession or sales charges (listed below) that are classified as nonviolent felonies and not yet bail-eligible.

New York City Projections. We estimate the provision would have made 0.8% more 2021 cases eligible for bail in the city (or about 219 cases). In 2019, judges in fact set bail or remanded the individual with 38% of these charges. Assuming this same pre-reform frequency, there would be a 0.5% increase in actual bail or remand decisions (impacting about 83 cases). Shown below, people impacted would be predominantly Black (67%) or Hispanic/Latinx (22%).

Estimating Effects of Bail-Eligibility for Additional Firearms Cases

Top Charge	Penal Law Section	Estimated Increase in Bail Eligibility		2019 Bail or Remand Rate	Estimated Increase in Bail/Remand Decisions	
		#	%		#	%
Criminal possession of a firearm	265.01-B	199	0.7%	36%	72	0.6%
Criminal possession of a weapon 3rd (sub. 3)	265.02(3)	20	<0.1%	65%	13	<0.1%
Total		219	0.8%	38%	83	0.7
Racial/Ethnic Composition for All Charges in 2021		Black: 67%		Hispanic/Latinx: 22%	White: 11%	

Note: The Governor's proposal also makes people charged with Criminal Sale of a Firearm to a Minor (PL 265.16) eligible for bail, though there were no such charges in 2021.

B. Desk Appearance Ticket Changes

The bail reform law also expanded eligibility for a Desk Appearance Ticket (DAT), which allows people to avert pretrial detention for a roughly 24-hour window between arrest and arraignment. The law required police officers to issue a DAT to people arrested on a misdemeanor or Class E felony, while also spelling out a list of exceptions (such as for domestic violence, sex offenses, and cases police deem likely to result in the issuance of an order of protection).¹⁴ Governor Hochul proposed adding a new criminal history-based exception and a set of charge exceptions.

1. Eliminate a Mandatory DAT if Charged in the Prior 18 Months

Police do not currently have to issue a DAT if the individual has a prior warrant, but otherwise, elements of criminal history do not preclude mandatory issuance. The Governor would add an exception for any individual with a prior DAT or prior charge in the past 18 months.

New York City Projections.

- **Reduced DAT Eligibility:** In 2021, about 7,800 (27%) of 29,000 DAT arraignments involved an individual meeting the 18-month prior case criterion and not already falling under a preexisting charge-based exception to mandatory issuance. (Police can and do exercise discretion at times to issue a DAT to those for whom it is not required by law.)
- **Projected Reduction in Actual DAT Issuance:** We estimate that 37% of impacted DAT cases would still receive a DAT based on continuing police discretion. To generate this 37% estimate, we presupposed that police would apply discretion to opt for a DAT at the same rate at which they currently do in cases falling under preexisting charge-based exceptions. We thus conservatively assumed that only the converse—63%—of impacted cases would truly no longer receive a DAT as a consequence of the Governor’s proposal. *We, therefore, project a net 17% reduction in NYC DAT issuance—and converse increase in custodial arrests and overnight detention before arraignment—impacting about 4,900 NYC misdemeanors or Class E felonies based on 2021 numbers.*
- **Racial Disparities:** In 2021, New Yorkers who would have met the new 18-month prior case exception were 51% Black and 33% Hispanic/Latinx.

2. Eliminate Mandatory DAT for Select Charges

The Governor proposes to exempt from the mandatory DAT requirement three categories of charges: (1) four specific Class E firearms offenses;¹ (2) any hate crime; and (3) alleged crimes against persons in a train, bus, or MTA or Port Authority facility. Data used for this analysis allowed identifying the four charges and hate crimes but did not permit isolating mass transit-based offenses.

New York City Projections. Using 2021 numbers, this provision would impact 0.1% of the city’s current DATs (or 31 total cases), resulting in at most a 0.1% relative increase in custodial arrests.² Impacted people would be 58% Black and 23% Hispanic/Latinx.

C. Raise the Age Changes

Fully in effect October 1, 2019, the state’s “Raise the Age” law requires routing 16- and 17-year-olds charged with misdemeanors directly to the juvenile justice system. While felonies are to begin in specialized Youth Parts within the adult criminal courts, nonviolent felonies must be

¹ The four Class E felony firearms charges exempted from a mandatory DAT are criminal possession of a weapon on school grounds (PL 265.01-A), criminal possession of a firearm (PL 265.01-B), criminal possession of a weapon in the third degree, third subdivision (PL 265.02[3]), and criminal sale of a firearm to a minor (PL 265.16), although in 2021, there were not any cases charged with this last one of the four charges.

² While there were 368 charges or hate crimes in 2021 that fell under the Governor’s criteria, only 31 actually received a DAT after police officers applied the existing law and its current list of exceptions.

transferred to the juvenile system within 30 days unless the prosecutor can show extraordinarily circumstances; and violent felonies must be similarly transferred unless the case involves: (1) significant physical injury; (2) displaying a firearm/deadly weapon; or (3) is a sex offense.

The Governor proposes changing the second criterion for keeping violent felonies in the adult courts from “displaying” to “possessing” a weapon, potentially impacting a number of charges (contingent on judges’ current and future interpretations): criminal possession of a weapon on school grounds (PL 265.01-A), criminal possession of a firearm (PL 265.01-B), criminal possession of a weapon in the first, second, and third degrees, respectively (PL 265.02, 265.03, and 265.04), and aggravated criminal possession of a weapon (PL 265.19).

New York City Projections: UPDATE: A previous version of this analysis projected this proposal would impact as few as a dozen cases. But related to unique features of how 16-17-year-old cases are arraigned, we now consider it likely this is an undercount and that we cannot, in fact, identify a great many impacted cases in our 2021 data. We are correcting the previous version to stipulate that at present, it is unfeasible to provide a quantitative estimate of this specific provision.¹⁵

Conclusion

While achieving full, robust implementation remains a work-in-progress, research indicates that bail reform is already yielding significant reductions in the use of bail and detention before trial.¹⁶

At the same time, there is no credible evidence to date that New York’s pretrial reforms have adversely impacted public safety, a point that has been amply reinforced in recent reviews of the literature.¹⁷ To the contrary, prior studies generally indicate that the use of pretrial detention modestly increases recidivism once people are inevitably released.¹⁸ While New Yorkers are justifiably alarmed by rising gun violence, this serious and oftentimes tragic problem cannot be legislated away by targeting reforms without a demonstrated relationship to it.

What we do know is that sending more people to jails such as those on Rikers Island—recently cited for a “culture of dysfunction” and spiraling violence¹⁹—would contribute to the well documented socioeconomic and psychological harms detention routinely inflicts on incarcerated people and their families.²⁰

We encourage public officials to make data-driven decisions that can *both* address the causes of violence and minimize the known deleterious effects of incarceration before trial.

For More Information

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Endnotes

¹ Governor Kathy Hochul. (2022). *Confidential: Public Safety Package*. Available at: <https://www.scribd.com/document/565309809/Hochul-Public-Safety-Plan>.

² We are indebted to Karen Kane, Carolyn Cadoret, Annette Parisi, and Marina Swartz for graciously providing OCA data, and we especially thank Marina for her assistance on short notice. Any OCA data provided herein does not constitute an official record of the New York State Unified Court System, which does not represent or warrant the accuracy thereof. The opinions, findings, and conclusions expressed in this publication are those of the authors and not those of the New York State Unified Court System, which assumes no liability for its contents or use thereof.

³ We separately computed estimates for each individual bail- and Desk Appearance Ticket (DAT)-related provision, though it is possible that a few provisions both impacted the same cases. Effects of such overlap would be marginal, if any, given the reality (as our results make clear) that just one bail and one DAT provision accounted for the overwhelming majority of impacted cases; projected effects of other provisions, let alone any overlap, are small.

⁴ For example, estimates of actual effects on bail and remand decisions are somewhat biased high, because they did not consider the fact that some ostensibly bail-ineligible cases in 2021 nonetheless faced bail or remand for reasons including a parole violation or, potentially, a bail-eligible attached charge not contained in available data. (Our data only contained the top charge for any given case.)

⁵ These results will appear in a forthcoming Data Collaborative for Justice publication (expected April 2022).

⁶ Rodriguez, K. (2020). *New York's Amended Bail Statute: Pretrial Options*. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/bail-revisited-bench-card>.

⁷ By using 2021 numbers, we gain the benefit of more recent data on the composition of people's charges, but we may have modestly overestimated the number of impacted cases. Well-documented court backlogs during the pandemic mean that pending cases are taking longer than before to resolve, on average, somewhat increasing the likelihood that people will still not have had a prior case disposed by the time of picking up a new case.

⁸ Butcher, F. & Rempel, M. (2022). *Racial Disparities in Misdemeanor Justice: Data for New York City, 2019-2020*. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/misdemeanor-race-NYC>.

⁹ See, e.g., Dobbie, W., Goldin, J., & Yang, C. (2016). *The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges*. NBER Working Paper Number 22511. Available at: <https://www.nber.org/papers/w22511.pdf>; Gupta, A., Hansman, C., & Frenchman, E. (2016). *The Heavy Costs of High Bail: Evidence from Judge Randomization*. New York, NY: Columbia University. Available at: <http://www.columbia.edu/~cjh2182/GuptaHansmanFrenchman.pdf>; Heaton, P. S., Mayson, S. G., & Stevenson, M. (2017). "The Downstream Consequences of Misdemeanor Pretrial Detention." *Stanford Law Review* 69: 711-794. Available at: <https://review.law.stanford.edu/wp-content/uploads/sites/3/2017/02/69-Stan-L-Rev-711.pdf>; Lowenkamp, C., VanNostrand, M., & Holsinger, A. (2013). *Investigating the Impact of Pretrial Detention on Sentencing Outcomes*. Houston, TX: The Laura and John Arnold Foundation. Available at: http://www.arnoldfoundation.org/wpcontent/uploads/2014/02/LJAF_Report_state-sentencing_FNL.pdf; Lowenkamp, C. (2022). *Hidden Costs Revisited*. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4063164.

¹⁰ Leslie, E. & Pope, N. G. (2017). "The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from New York City Arraignments." *Journal of Law and Economics* 60: 3 (August): 529-557. Available at: http://www.econweb.umd.edu/~pope/pretrial_paper.pdf.

¹¹ See, e.g., Baradaran, S. & McIntyre, F. L. (2011). "Predicting Violence." *Texas Law Review* 90: 497-570. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1756506; see, also, Kleinberg, J., Lakkaraju, H., Leskovec, J., Ludwig, J., & Mullainathan, S. (2017). *Human Decisions and Machine Predictions*. NBER, Working Paper 23180. Available at: https://www.nber.org/system/files/working_papers/w23180/w23180.pdf.

¹² Solomon, J. (January 11, 2022). "GOP questions state's bail data; updated data show 2% of bail offenses led to rearrests on violent felonies." *Times Union*. Available at: <https://www.timesunion.com/state/article/GOP-calls-into-question-state-s-actions-on-bail-16768206.php>.

¹³ NYC Criminal Justice. (2021). “How Many People with Open Criminal Cases are Re-Arrested?” Available at: <http://criminaljustice.cityofnewyork.us/wp-content/uploads/2021/12/Pretrial-Docketed-Rearrest-Contextual-Overview-December-2021-Update.pdf>.

¹⁴ For a summary of the DAT provision and list of key exceptions, see Rempel, M. & Rodriguez, K. (2019). *Bail Reform in New York: Legislative Provisions and Implications for New York City*. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/bail-reform-NYS>.

¹⁵ We are deeply grateful to Nancy Ginsburg at the Legal Aid Society for helping us figure out why a previously published estimate was, in all likelihood, unduly low. We believe we may have omitted potentially impacted 2021 cases whose first court appearance was before a “magistrate” rather than a designated Youth Part judge. Technically, because the Raise the Age law provides for 16-17-year-old cases to be formally arraigned before Supreme Court judges assigned to Youth Parts, it is these Youth Part arraignments that our data captures. However, especially outside weekday hours, magistrates commonly preside at first appearances. Upon the consent of the prosecutor, magistrates may also transfer the 16- or 17-year-old youth to the juvenile system without further delay. When this happens, the youth receives the benefit of not having to attend a second court appearance in a Youth Part; but this also means the case never appears in such a courtroom for its “formal” arraignment. The case’s initial existence in an adult criminal court may, therefore, remain unknown in our data. We are working to clarify the process and the possible data implications, but at the present time, we cannot offer a reliable estimate.

¹⁶ NYC Comptroller Brad Lander. (2022). *NYC Bail Trends Since 2019*. Available at: https://comptroller.nyc.gov/wp-content/uploads/documents/NYC_Bail_Trends_Since_2019.pdf; Rempel, M. & Weill, J. (2021). *One Year Later: Bail Reform and Judicial Decision-Making in New York City*. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/bail-NYS-one-year>. A Data Collaborative for Justice publication forthcoming in April 2022 will point to bail and remand reductions statewide in 2020, for example from 17% to 8% among misdemeanors and 59% to 40% among felonies. Please contact Olive Lu for details (olu@jjay.cuny.edu).

¹⁷ See, e.g., Grawert, A. & Kim, N. (2022). *The Facts on Bail Reform and Crime Rates in New York State*. New York, NY: Brennan Center for Justice. Available at: <https://www.brennancenter.org/our-work/research-reports/facts-bail-reform-and-crime-rates-new-york-state>; Rodriguez, K., Rempel, M., & Watkins, M. (2021). *The Facts on Bail Reform and Crime in New York City*. Available at: <https://www.courtinnovation.org/publications/bail-crime-nyc>.

¹⁸ See endnote 9.

¹⁹ The Nunez Monitoring Team. (March 16, 2022). *Special Report of the Nunez Independent Monitor*. Available at: <http://tillidgroup.com/wp-content/uploads/2022/03/Special-Report-03-16-22-As-Filed.pdf>.

²⁰ See, e.g., Del Toro, J., Fine, A., Wang, M-T., Thomas, A., Schneper, L. M., Mitchell, C., Mincy, R. B., McLanahan, S., & Notterman, D. A. (2022). “The Longitudinal Associations between Paternal Incarceration and Family Well-Being: Implications for Ethnic/Racial Disparities in Health.” *Journal of the American Academy of Child & Adolescent Psychiatry*. 61(3): 423-433. Available at: [https://www.jaacap.org/article/S0890-8567\(21\)01300-9/fulltext](https://www.jaacap.org/article/S0890-8567(21)01300-9/fulltext); Digard, L. & Swavola, E. (2019). *Justice denied: The Harmful and Lasting Effects of Pretrial Detention*. New York, NY: Vera Institute of Justice. Available at: <https://www.vera.org/publications/for-the-record-justicedenied-pretrial-detention>; Dobbie, W. & Yang, C. (March 25, 2021). *The Economic Costs of Pretrial Detention*. Brookings Papers on Economic Activity, BPEA Conference Drafts. Available at: https://www.brookings.edu/wp-content/uploads/2021/03/BPEASP21_Dobbie-Yang_conf-draft.pdf.