



Division of Criminal  
Justice Services

# Supplemental Pretrial Release Data Summary Analysis: 2019 - 2021

September 21, 2022

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## Timeline of Pretrial Procedure Reforms

**2019 bail law** (eff. Jan 1, 2020) – Release required, except for certain qualifying offenses. Non-monetary conditions added as an option for defendants charged with release required or bail qualifying offenses.

**2020 amendments** (eff. July 2, 2020) - Expanded the list of qualifying offenses/circumstances

- New Qualifying Offenses: Burglary 2nd *in the living area of a dwelling* (PL 140.25 02), several Class A felony PL 220 offenses, Level 3 sex offender failure to register, bail jumping, escaping from custody, strangulation, and unlawful imprisonment
- Felony Arraign while on Probation/Parole: Defendant under probation or parole supervision charged with any felony
- Harm to Identifiable Persons or Property while on ROR or Released Under Conditions: Charged with a felony or Class A misdemeanor involving harm to an identifiable person or property while awaiting trial on a similar pending arrest
- Possible Persistent Felony Offender: Felony defendant who, if convicted of a felony, would be eligible for sentencing as a persistent felony offender per PL 70.10 qualifies for remand under the amendments.

**2022 amendments** (eff. May 9, 2022)

- Considerations for Securing Order: listed specific information to consider (e.g., current charges, firearm history, violation of OP, alleged harm to others)
- New Qualifying Offenses: Crim. Possess. Firearm (PL 265.01-b) while ROR, NMR or DAT pending arraignment for felony or A misdemeanor involving harm; CPW 3 (PL 265.02); Crim. Sale Firearm to Minor (PL 265.16)
- Defining "harm": including non-negligible theft of or damage to property
- New Release Conditions: mental health assessment and evaluation, involuntary assessment pending release

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## Pretrial Release Data Development

- State law requires the Division of Criminal Justice Services (DCJS) and the Office of Court Administration (OCA) to provide detailed information to the public that describes pretrial release decisions made by judges upon arraignment, including release on recognizance, bail, or non-monetary conditions, as well as remand to custody.
- DCJS and OCA coordinated and compiled one comprehensive data file to meet the statutory reporting obligations because neither agency maintains all the data necessary to fulfill the requirements under the bail reform law.
  - Data within the file include the sex, race, and ethnicity of the individual arrested; the most serious arrest charge; the number and type of charges the individual has faced previously; and if the individual failed to appear in court or was re-arrested while the case was pending, among other data. The information provided does not identify the individuals charged.
- DCJS and OCA also coordinated to develop a supplemental data file containing information on pretrial release outcomes in 2019, 2020 and 2021. The supplemental data file will be available today on DCJS's website, providing the public and policymakers with additional information about the impact of bail reform. This presentation provides a preliminary analysis of the supplemental data file.

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## Description of Supplemental Data File

	Supplemental DCJS Pretrial Release Data File (Criminal Arrest Cycle-Based)
<b>Unit of Analysis</b>	<ul style="list-style-type: none"> <li>• Top charge CCH adult criminal arrest cycles</li> <li>• May include multiple arraignments per person per court per day</li> </ul>
<b>Count and Time Period</b>	<ul style="list-style-type: none"> <li>• 560,000 criminal cycles</li> <li>• Arraignments held Jan 1, 2019, through Dec 31, 2021</li> </ul>
<b>Charges</b>	<ul style="list-style-type: none"> <li>• Fingerprintable felonies and misdemeanors</li> <li>• File shows most serious charge at arrest, arraignment and conviction</li> </ul>
<b>Courts</b>	<ul style="list-style-type: none"> <li>• NYC Criminal Courts</li> <li>• Non-NYC City and District Courts</li> <li>• NYC Supreme Criminal Courts (beginning 2021)</li> <li>• Non-NYC County Courts (beginning 2021)</li> </ul>
<b>Dispositions</b>	<ul style="list-style-type: none"> <li>• Final case disposition based on arrest cycles in CCH data</li> </ul>

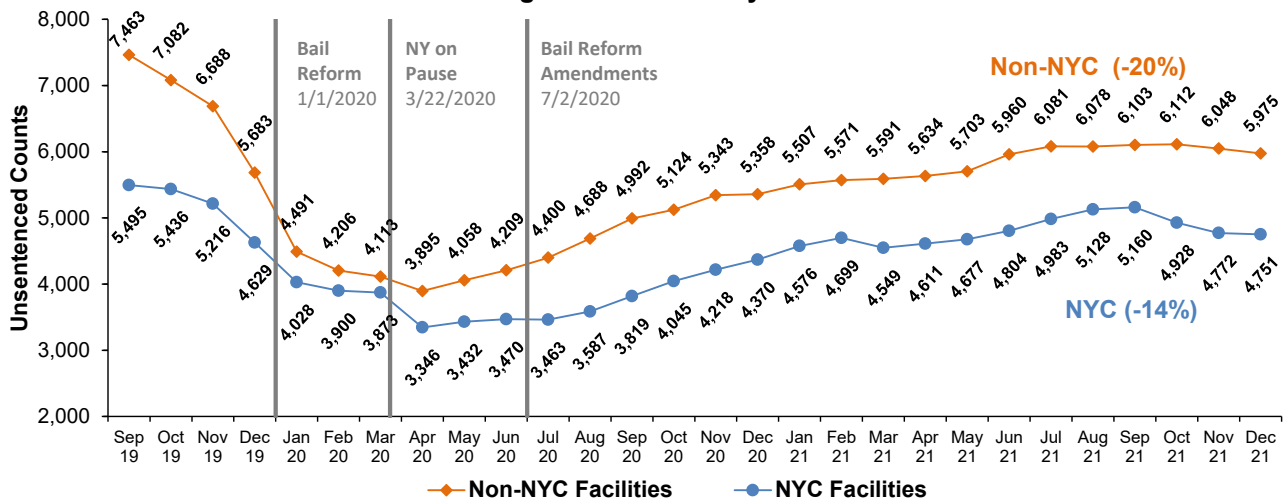
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# Trends in Pretrial Release



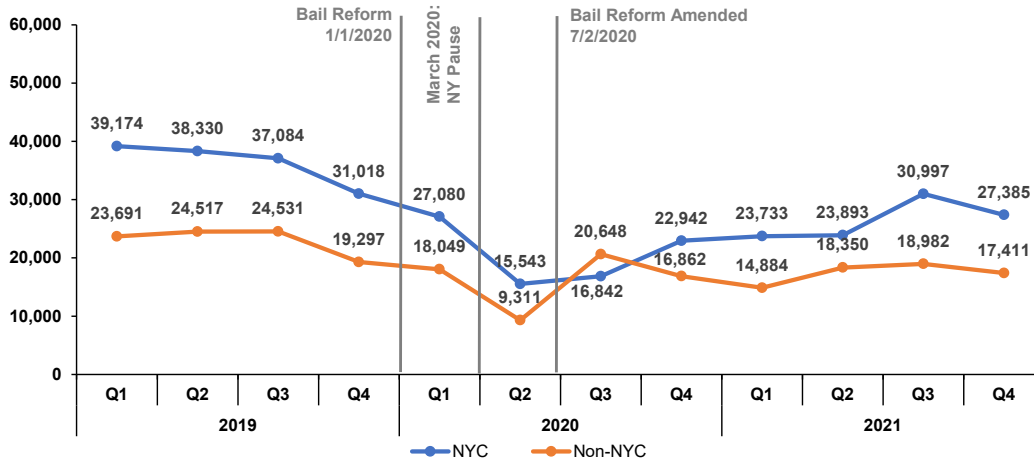
## Jail populations back to pre-pandemic levels

NYC and Non-New York City Jail Population Census  
Average Unsented by Month



# Arrest volume back to pre-pandemic levels

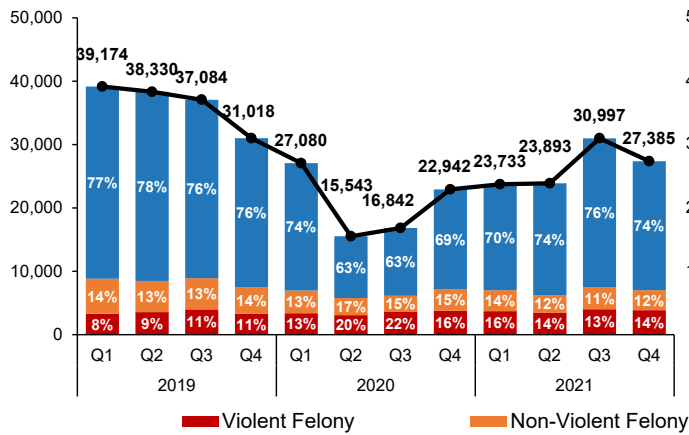
Lower Court Arraignments in NYS  
NYC vs Non-NYC



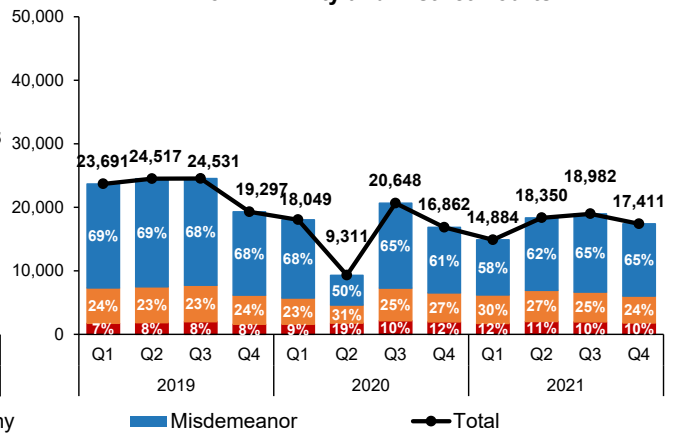
Notes:  
 Arraignments in DCJS CCH that were not matched to OCA pretrial release information are not included.  
 Non-NYC lower court arraignments limited to City and District Courts.  
 DCJS, Computerized Criminal History system (as of May 20, 2022)

# Most arraignments are for misdemeanors

Lower Court Arraignments by Severity  
NYC Criminal Courts

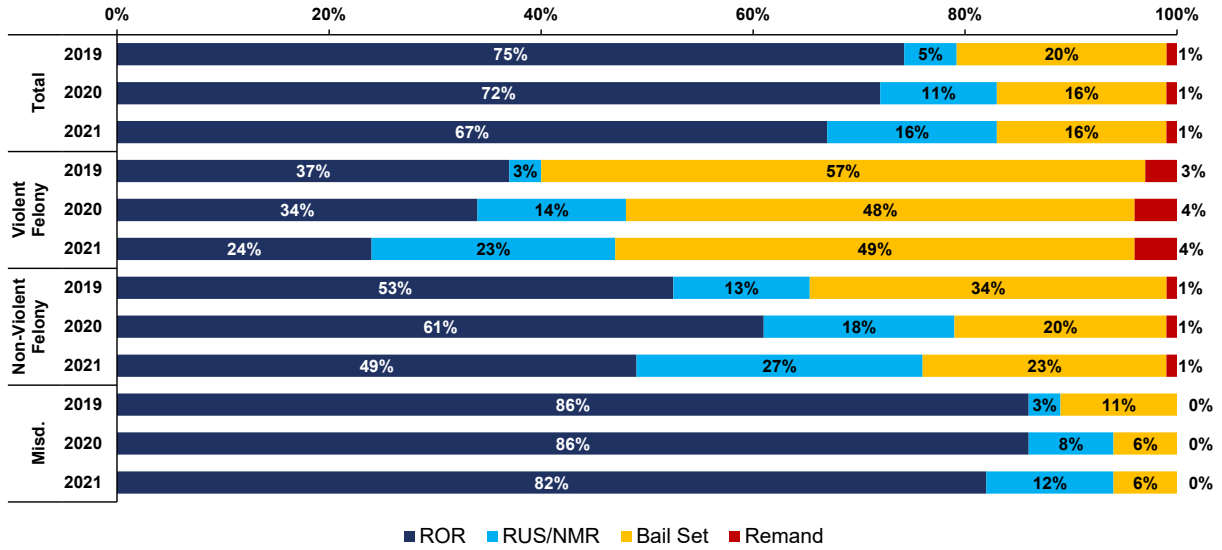


Lower Court Arraignments by Severity  
Non-NYC City and District Courts



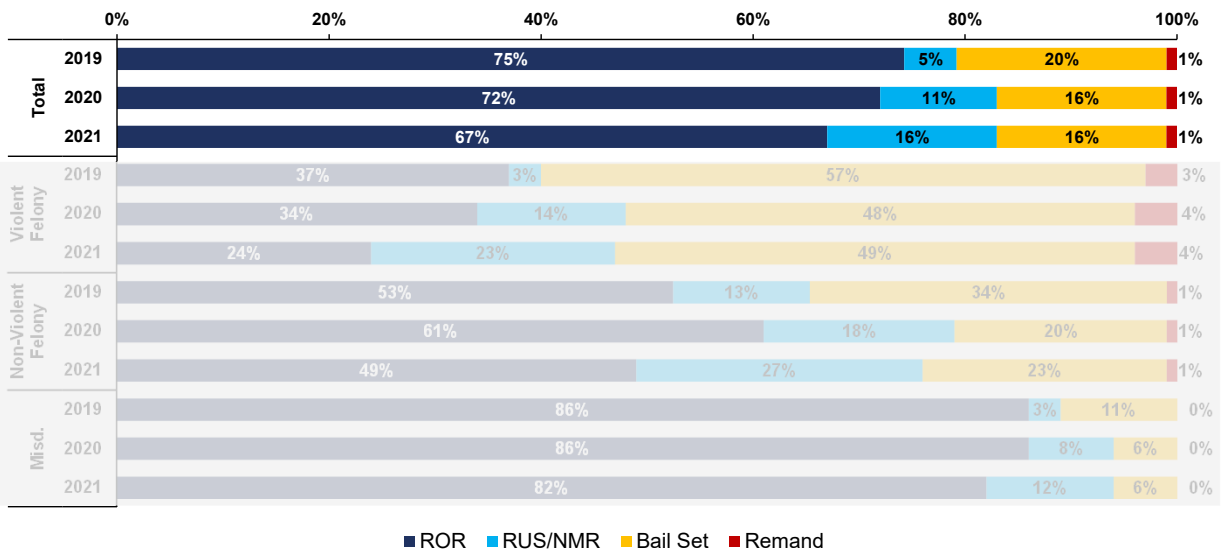
Notes:  
 Percentages are based on Total Arraignments.  
 DCJS, Computerized Criminal History system (as of May 20, 2022)

# NYC: More ROR pre-reform than post, even VFOs



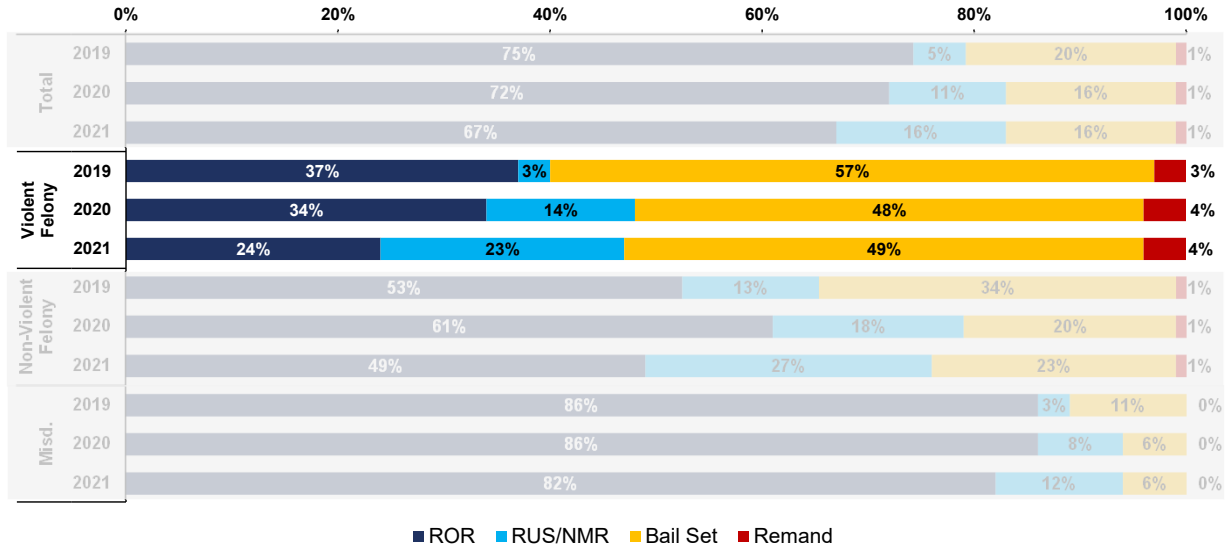
Notes:  
 Percentages are based on Total Arraignments with Pretrial Release Decisions.  
 Cases disposed at arraignment or with unknown pretrial release decisions are not included.  
 DCJS, Computerized Criminal History system (as of May 20, 2022)

# NYC: More ROR pre-reform than post



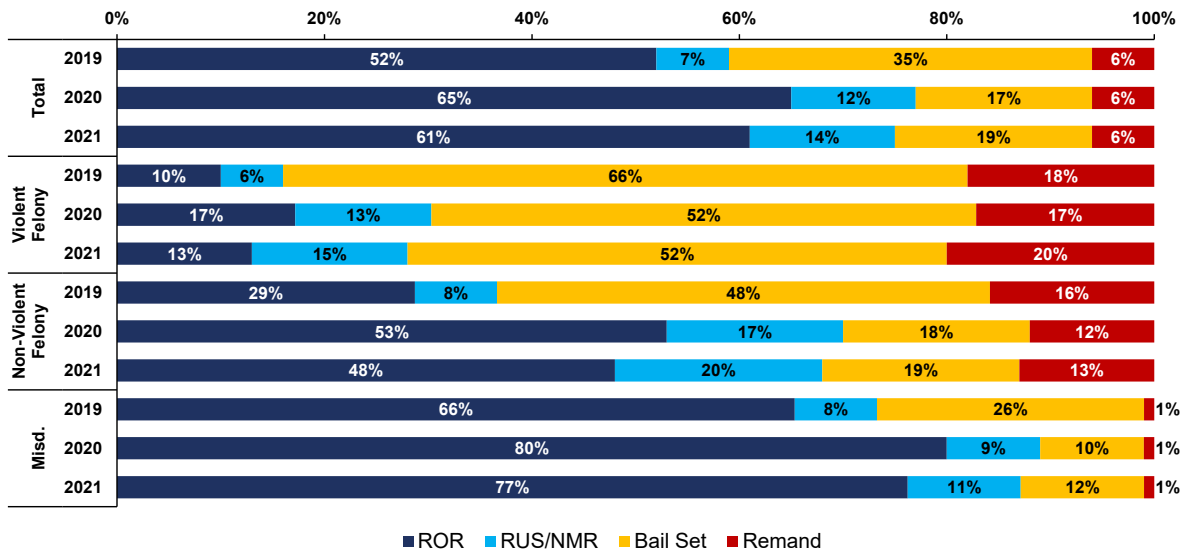
Notes:  
 Percentages are based on Total Arraignments with Pretrial Release Decisions.  
 Cases disposed at arraignment or with unknown pretrial release decisions are not included.  
 DCJS, Computerized Criminal History system (as of May 20, 2022)

## NYC: Significant increases in RUS/NMR post-reform



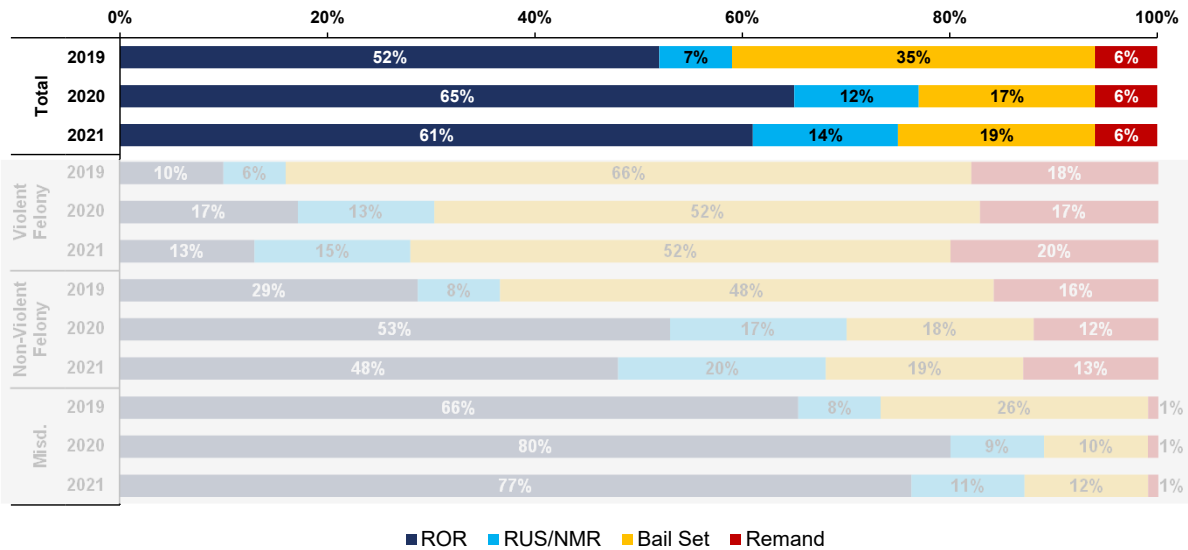
Notes:  
 Percentages are based on Total Arraignments with Pretrial Release Decisions.  
 Cases disposed at arraignment or with unknown pretrial release decisions are not included.  
 DCJS, Computerized Criminal History system (as of May 20, 2022)

## Non-NYC: More ROR post-reform, including VFOs



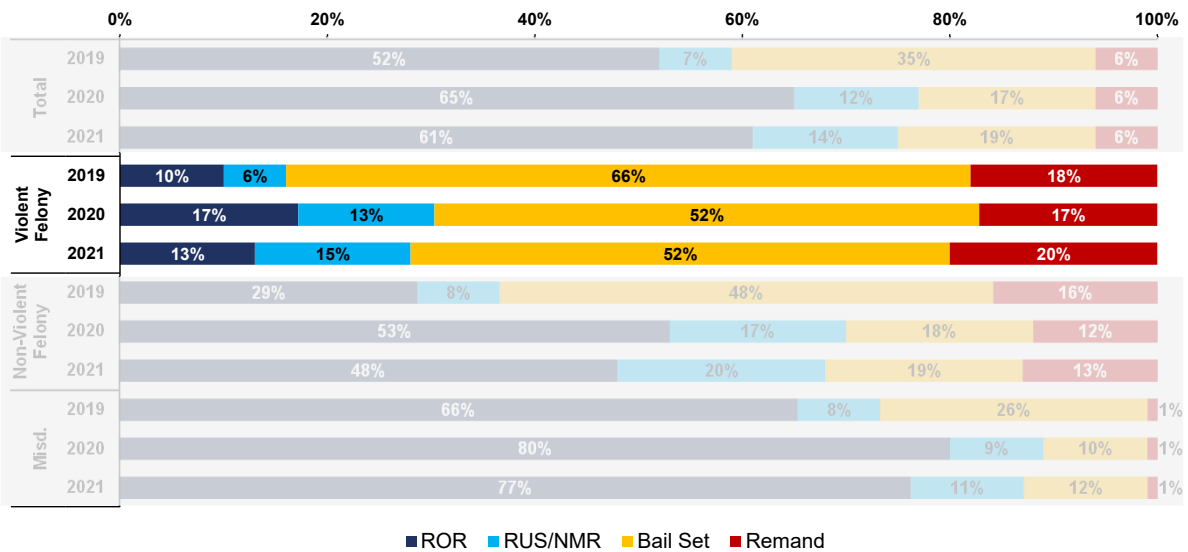
Notes:  
 Percentages are based on Total Arraignments with Pretrial Release Decisions.  
 Cases disposed at arraignment or with unknown pretrial release decisions are not included in the table.  
 DCJS, Computerized Criminal History system (as of May 20, 2022)

## Non-NYC: More ROR post-reform than pre; less bail set



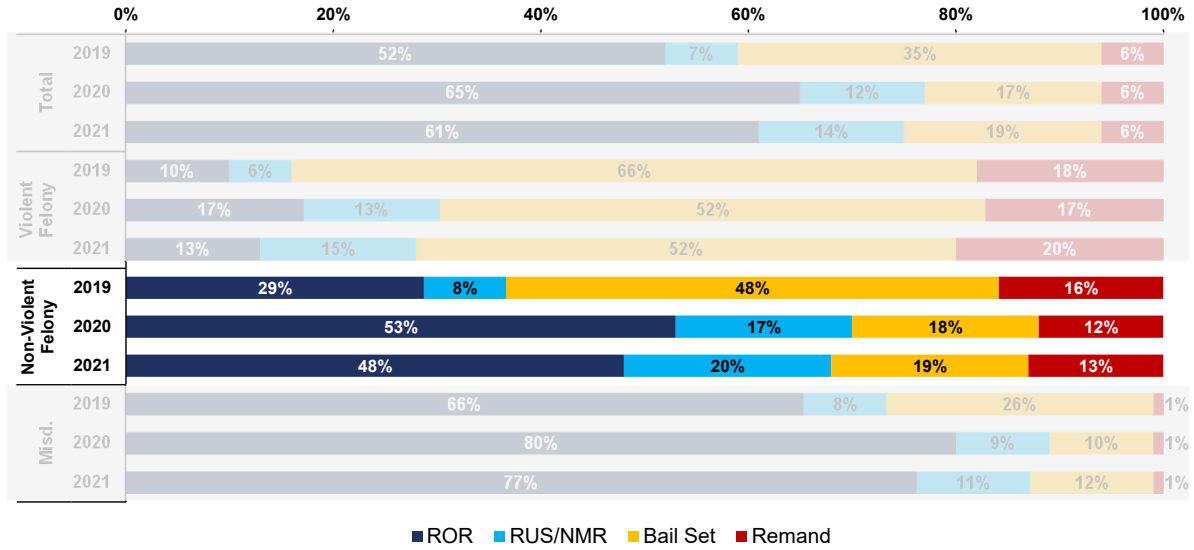
Notes:  
 Percentages are based on Total Arraignments with Pretrial Release Decisions.  
 Cases disposed at arraignment or with unknown pretrial release decisions are not included in the table.  
 DCJS, Computerized Criminal History system (as of May 20, 2022)

## Non-NYC VFO: Increase in NMR, decrease in bail set



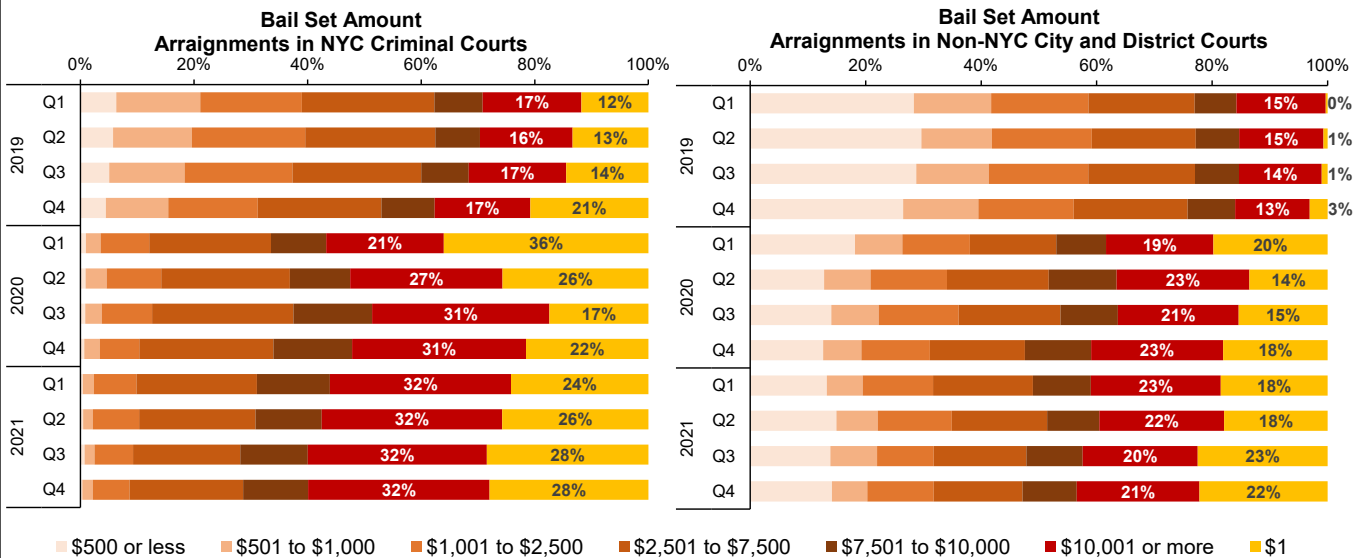
Notes:  
 Percentages are based on Total Arraignments with Pretrial Release Decisions.  
 Cases disposed at arraignment or with unknown pretrial release decisions are not included in the table.  
 DCJS, Computerized Criminal History system (as of May 20, 2022)

# Non-NYC: Most change among non-violent felonies



Notes:  
 Percentages are based on Total Arraignments with Pretrial Release Decisions.  
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 DCJS, Computerized Criminal History system (as of May 20, 2022)

# Cash bail set increased over time



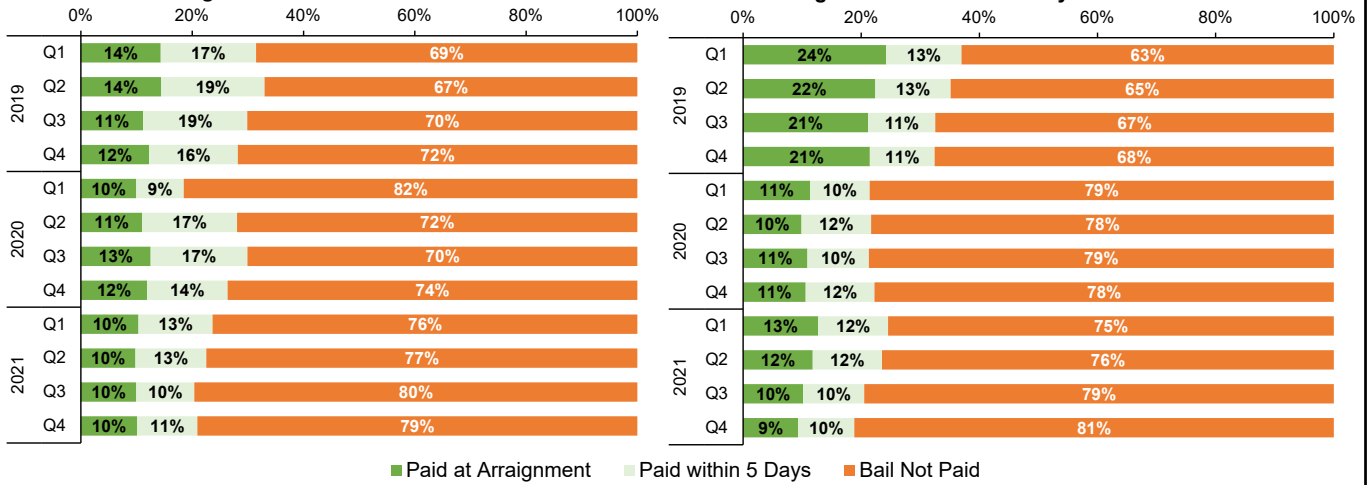
Notes:  
 Percentages are based on Total Arraignments with Bail-Set at Arraignment.  
 DCJS, Computerized Criminal History system (as of May 20, 2022)



# Fewer cases pay bail post-reform

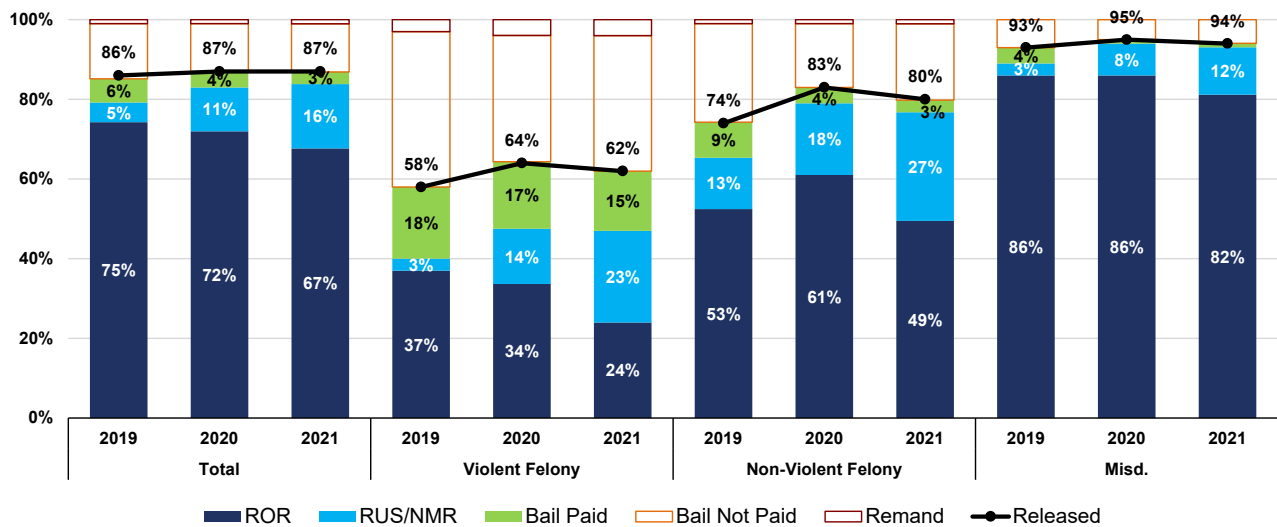
Percent of Bail Not Paid Among Bail-Set Cases  
Arraignments in NYC Criminal Courts

Percent of Bail Not Paid Among Bail-Set Cases  
Arraignments in Non-NYC City and District Courts



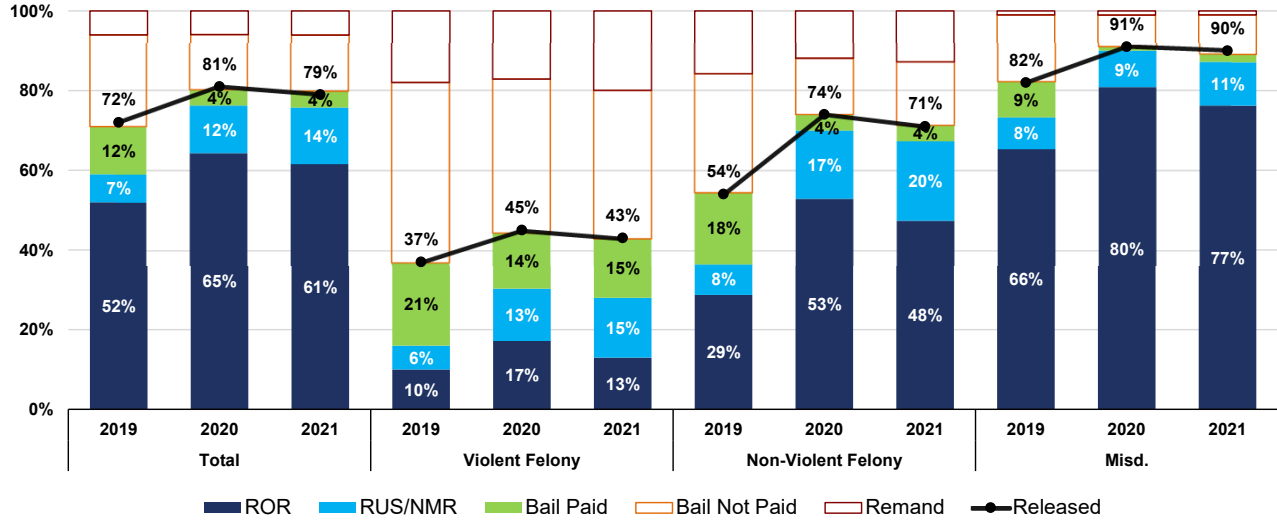
Notes:  
Percentages are based on Total Arraignments with Bail Set at Arraignment.  
DCJS, Computerized Criminal History system (as of May 20, 2022)

# NYC: Marginal increases in release; bigger changes in release type



Notes:  
Released and Not Released percentages are based on Total Arraignments with Pretrial Release Decisions.  
Cases disposed at arraignment or with unknown pretrial release decisions are not included.  
DCJS, Computerized Criminal History system (as of May 20, 2022)

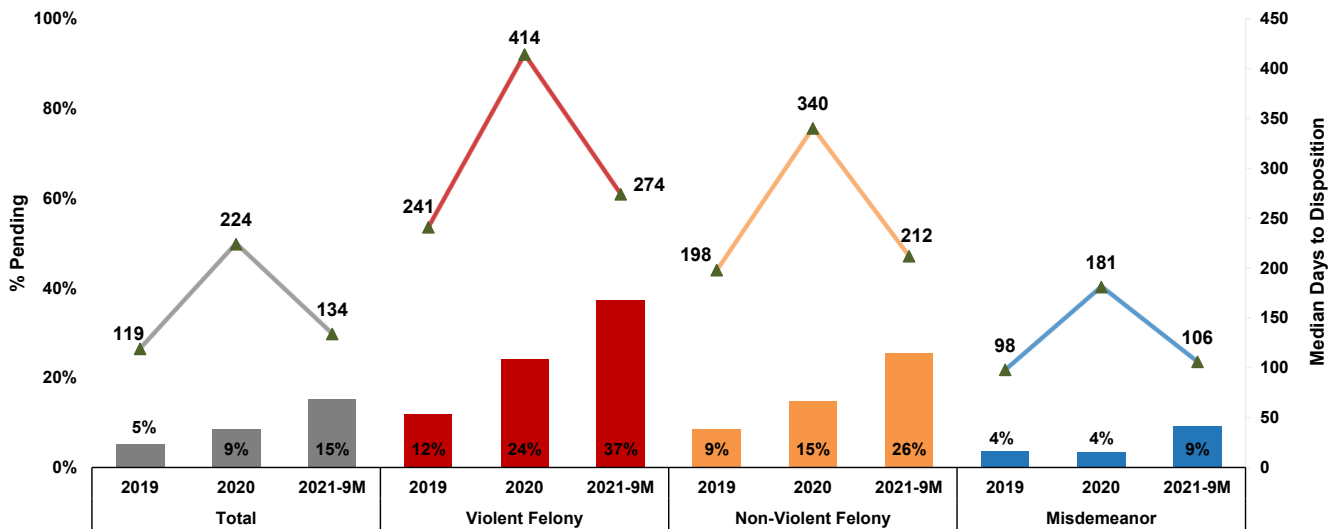
## Non-NYC: Increases in release, esp. non-violent felony



Notes:  
 Released and Not Released percentages are based on Total Arraignments with Pretrial Release Decisions.  
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 DCJS, Computerized Criminal History system (as of May 20, 2022)

## NYC: Time to dispo. coming back down; many cases still pending

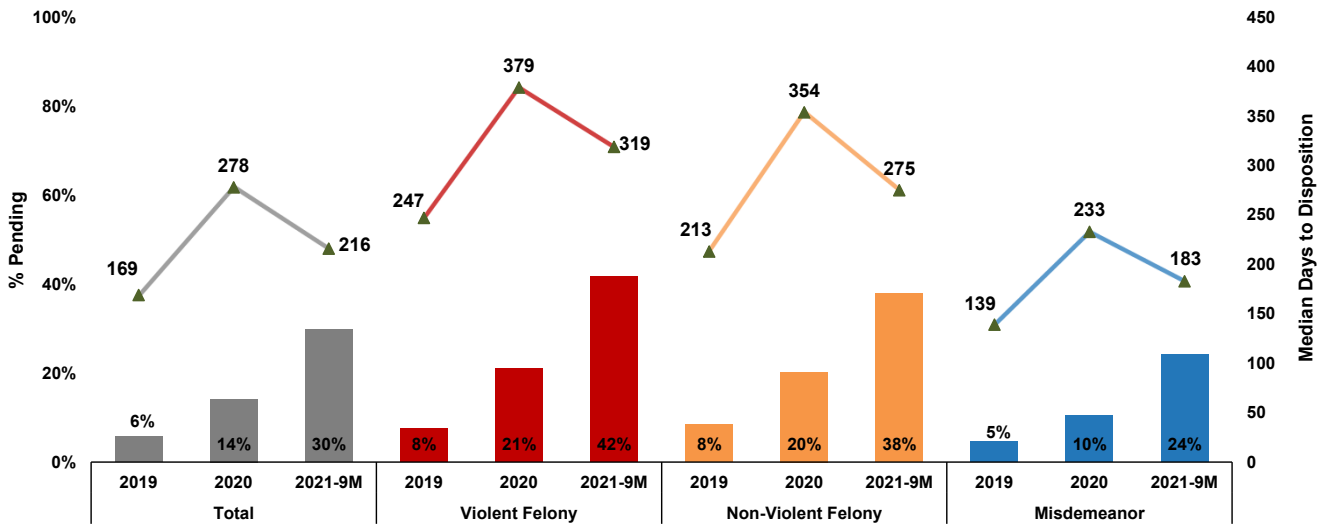
Percentage of Pending Cases and Median Days to Disposition:  
 NYC Criminal Courts



Notes:  
 Pending final disposition as of May 20, 2022.  
 2021 arraignments limited to January through September.

## Non-NYC: time to dispo. coming back down; many cases still pending

Percentage of Pending Cases and Median Days to Disposition:  
Non-NYC City and District Courts



Notes:  
Pending final disposition as of May 20, 2022.  
2021 arraignments limited to January through September.

## Failures to Appear and Rearrests

## FTA declined in NYC; remained stable in Non-NYC

### Failure to Appear (FTA) Before Final Case Disposition

	Release Type	NYC Criminal Courts			Non-NYC City and District Courts		
		Total Releases	Failure to Appear		Total Releases	Failure to Appear	
		#	#	%	#	#	%
2019	<b>Any Release Type</b>	<b>97,286</b>	<b>14,750</b>	<b>15%</b>	<b>61,587</b>	<b>10,202</b>	<b>17%</b>
	ROR	85,242	12,177	14%	44,865	7,323	16%
	RUS	5,133	1,754	34%	6,386	1,545	24%
	Bail Paid	6,911	819	12%	10,336	1,334	13%
2020	<b>Any Release Type</b>	<b>63,574</b>	<b>4,770</b>	<b>8%</b>	<b>47,886</b>	<b>9,004</b>	<b>19%</b>
	ROR	52,608	3,125	6%	38,662	7,082	18%
	NMR	7,879	1,472	19%	6,999	1,673	24%
	Bail Paid	3,087	173	6%	2,225	249	11%
2021-9M	<b>Any Release Type</b>	<b>57,160</b>	<b>5,132</b>	<b>9%</b>	<b>38,176</b>	<b>6,811</b>	<b>18%</b>
	ROR	44,701	3,067	7%	29,567	5,025	17%
	NMR	10,062	1,972	20%	6,531	1,584	24%
	Bail Paid	2,397	93	4%	2,078	202	10%

## Notes:

Percentages based on arraignments releasing through ROR, RUS/NMR, or Bail Paid.  
2021 Total Releases limited to January through September.  
DCJS, Computerized Criminal History system (as of May 20, 2022)



Division of Criminal  
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## FTA highest among RUS/NMR

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2021 Total Releases limited to January through September.  
DCJS, Computerized Criminal History system (as of May 20, 2022)



Division of Criminal  
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## NYC: Rearrests decreased for ROR and bail paid

	NYC Criminal Courts								
	Total Releases	Any Rearrest		Rearrest Severity					
		#	#	%	Violent Felony		Non-Violent Felony		Misdemeanor
	#	#	%	#	%	#	%	#	%
<b>Total Releases</b>									
2019	97,286	18,913	19%	3,048	3%	7,884	8%	7,981	8%
2020	63,574	13,972	22%	3,411	5%	6,325	10%	4,236	7%
2021-9M	57,160	11,684	20%	2,568	4%	5,368	9%	3,748	7%
<b>ROR</b>									
2019	85,242	15,239	<b>18%</b>	2,384	3%	6,252	7%	6,603	8%
2020	52,608	10,163	<b>19%</b>	2,432	5%	4,572	9%	3,159	6%
2021-9M	44,701	7,215	<b>16%</b>	1,517	3%	3,286	7%	2,412	5%
<b>RUS/NMR</b>									
2019	5,133	1,994	39%	329	6%	844	16%	821	16%
2020	7,879	3,162	40%	781	10%	1,469	19%	912	12%
2021-9M	10,062	4,004	40%	904	9%	1,878	19%	1,222	12%
<b>Bail Paid</b>									
2019	6,911	1,680	<b>24%</b>	335	5%	788	11%	557	8%
2020	3,087	647	<b>21%</b>	198	6%	284	9%	165	5%
2021-9M	2,397	465	<b>19%</b>	147	6%	204	9%	114	5%

## Notes:

Counts rearrests within 180 days of arraignment or final case disposition, whichever came first.

2021 Total Releases limited to January through September.

DCJS, Computerized Criminal History system (as of May 20, 2022)

## NYC: Rearrests highest and stable for RUS/NMR

	NYC Criminal Courts								
	Total Releases	Any Rearrest		Rearrest Severity					
		#	#	%	Violent Felony		Non-Violent Felony		Misdemeanor
	#	#	%	#	%	#	%	#	%
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2019	97,286	18,913	19%	3,048	3%	7,884	8%	7,981	8%
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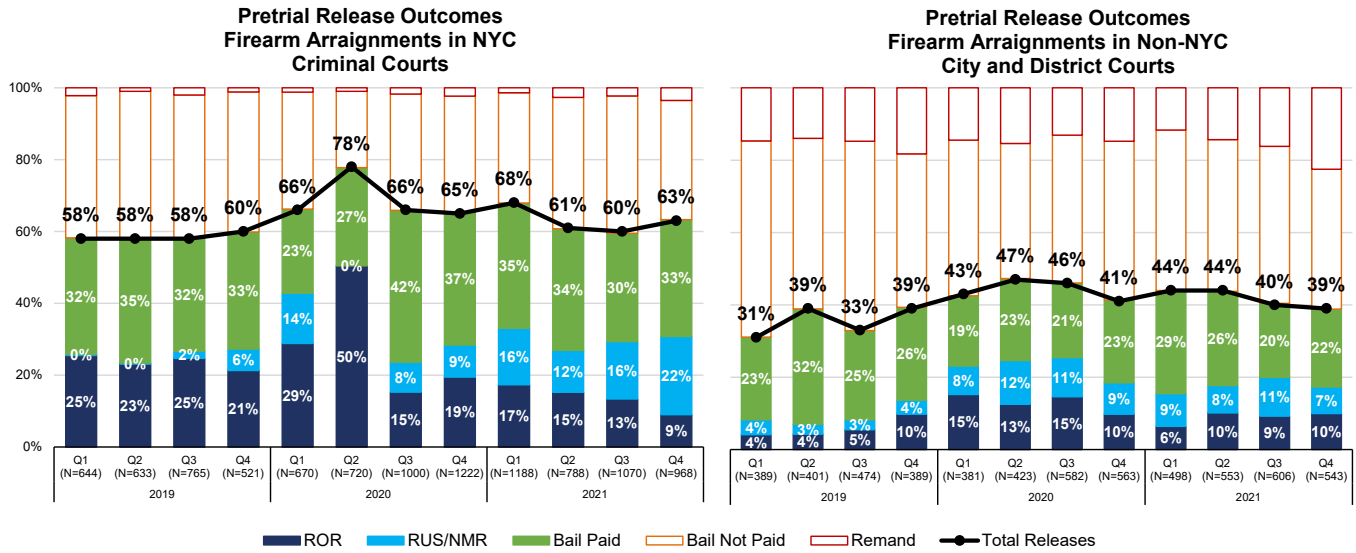
## Non-NYC: Rearrests highest for RUS/NMR and bail paid

	Non-NYC City and District Courts								
	Total Releases			Any Rearrest			Rearrest Severity		
	#	#	%	Violent Felony		Non-Violent Felony		Misdemeanor	
	#	#	%	#	%	#	%	#	%
<b>Total Releases</b>									
2019	61,587	9,601	<b>16%</b>	907	1%	3,062	5%	5,632	9%
2020	47,886	11,128	<b>23%</b>	1,546	3%	4,081	9%	5,501	11%
2021-9M	38,176	8,201	<b>21%</b>	1,182	3%	2,994	8%	4,025	11%
<b>ROR</b>									
2019	44,865	6,326	<b>14%</b>	548	1%	1,824	4%	3,954	9%
2020	38,662	8,314	<b>22%</b>	1,109	3%	2,933	8%	4,272	11%
2021-9M	29,567	5,719	<b>19%</b>	785	3%	2,009	7%	2,925	10%
<b>RUS/NMR</b>									
2019	6,386	1,414	<b>22%</b>	165	3%	520	8%	729	11%
2020	6,999	2,257	<b>32%</b>	342	5%	914	13%	1,001	14%
2021-9M	6,531	1,950	<b>30%</b>	304	5%	774	12%	872	13%
<b>Bail Paid</b>									
2019	10,336	1,861	<b>18%</b>	194	2%	718	7%	949	9%
2020	2,225	557	<b>25%</b>	95	4%	234	11%	228	10%
2021-9M	2,078	532	<b>26%</b>	93	4%	211	10%	228	11%

Notes:  
 Counts rearrests within 180 days of arraignment or final case disposition, whichever came first.  
 2021 Total Releases limited to January through September.  
 DCJS, Computerized Criminal History system (as of May 20, 2022)

# Firearm Arraignments

## Firearm arraignments: More likely released, esp. RUS/NMR



Notes:  
Cases disposed at arraignment or with unknown pretrial release decisions are not included.  
DCJS, Computerized Criminal History system (as of May 20, 2022)

## Rearrests lower among firearm than other arraignments; marginally more likely to be rearrested for firearm offense

	NYC Criminal Courts						Non-NYC City and District Courts					
	Total Arraignments			Top Charge Firearm Arraignments			Total Arraignments			Top Charge Firearm Arraignments		
	2019	2020	2021-9M	2019	2020	2021-9M	2019	2020	2021-9M	2019	2020	2021-9M
<b>Rearrest</b>												
Total Releases	97,286	63,574	57,160	1,500	2,461	1,923	61,587	47,886	38,176	586	863	706
Any Rearrest	19%	22%	20%	15%	16%	14%	16%	23%	21%	15%	16%	15%
Rearrest Severity												
Violent Felony	3%	5%	4%	5%	5%	5%	1%	3%	3%	3%	5%	5%
Non-Violent Felony	8%	10%	9%	6%	6%	5%	5%	9%	8%	6%	4%	4%
Misdemeanor	8%	7%	7%	5%	5%	4%	9%	11%	11%	6%	7%	6%
<b>Top Charge Firearm Rearrest</b>	<b>0%</b>	<b>1%</b>	<b>1%</b>	<b>2%</b>	<b>3%</b>	<b>3%</b>	<b>0%</b>	<b>0%</b>	<b>1%</b>	<b>2%</b>	<b>3%</b>	<b>3%</b>

Notes:  
Counts rearrests within 180 days of arraignment or final case disposition, whichever came first.  
Rearrest percentages based on arraignments released through ROR, RUS/NMR, or Bail Paid.  
2021 Total Releases limited to January through September.  
Top charge firearm arraignments/rearrests include offenses involving the use, display, possession, or sale of a firearm, as well as displaying what appears to be a firearm. Most arraignments and rearrests for firearm offenses are violent felonies.  
DCJS, Computerized Criminal History system (as of May 20, 2022)

## Supplemental Pretrial Release Data File

Data will be available at: [www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm](http://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm)

- [Supplemental Pretrial Release Data File](#)
- [Supplemental Pretrial Release Data File Source Notes](#)
- [Supplemental Pretrial Release Data Dictionary](#)
- [Supplemental Pretrial Release Summary Tables](#)

