

# Decarceration in the Bail Reform Era: New York City's Changing Jail Population Since 2019

December 2022

Michael Rempel

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**DATA COLLABORATIVE** FOR JUSTICE

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## Chapter 1 - Introduction: Complex Trends Eluding Simple Answers

**On April 1, 2019, New York State legislators passed a new bail law intended to limit pretrial detention and rectify disparities based on wealth and race in who can pay their way out of jail.** The [reform](#) prohibited money bail and detention for most nonviolent charges. Even in cases remaining eligible for bail, the law required judges to release people unless they pose a credible flight risk. When contemplating bail, judges must consider what people can afford.<sup>1</sup>

**Put into effect statewide on January 1, 2020, bail reform carried the added promise of shrinking New York City's jail population sufficiently to shutter the Rikers Island jail complex.** Current New York City law requires closing Rikers Island by August 31, 2027.<sup>2</sup> Meeting this timeline requires lowering the daily jail population below 3,300, the maximum combined capacity of four planned borough-based jails.<sup>3</sup>

**When bail reform passed, the city's jails held just over 7,800 people per day, nearly 5,000 of whom were incarcerated before trial.** Early projections anticipated that the reform would reduce these pretrial numbers by 40%, or about 2,000 people, single-handedly accounting for almost 45% of the jail reduction required to close Rikers on schedule.<sup>4</sup> Two [recent reports](#) found that it is, indeed, feasible to safely reduce the city's daily jail population to well below 3,300.<sup>5</sup>

**Yet three and a half years later, the city is not on track.**<sup>6</sup> After an initial decline, the city's daily jail population has been increasing, not decreasing, since the spring of 2020. Paradoxically, a steep rise in the pretrial portion of the jail population – the portion bail reform was to have reduced – has largely driven the overall jail increase. *How could this have happened?*

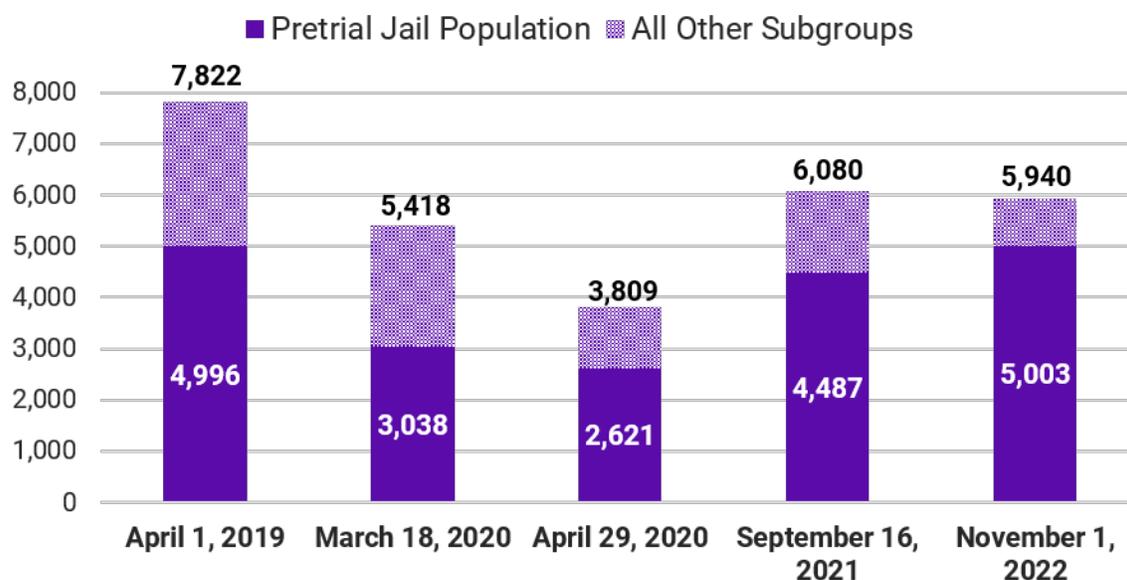
### Overview of Major Trends

**As intended, bail reform contributed to sizable reductions in annual jail admissions.** Admissions declined by over half from almost 35,000 in 2019 to less than 16,000 in 2020. In 2021, new admissions went back up, though they remained under half their pre-reform level. Through the first ten months of 2022, admissions increased again and were on pace to reach nearly 20,000 for the year – yet this would still represent a 42% reduction when compared to 2019.

**At the same time, people who continued to be jailed faced more serious charges than in the past and tended to be held for considerably longer than prior to reform.** When people average more time in jail once sent there, it pushes up the numbers held on any given day.

**Thus, the city's daily jail population declined by only 24% from bail reform's passage to this report's publication – from 7,822 on April 1, 2019 to 5,940 on November 1, 2022.** Unexpectedly, the pretrial population is essentially identical, with 4,996 held before trial on April 1, 2019 and 5,003 on November 1, 2022 (see the dark purple bars in Exhibit 1.1).

## Exhibit 1.1. The NYC Jail Population in the Bail Reform Era



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

But the change since April 2019 has not been linear.

- **Steep Reduction at the Outset of Bail Reform and COVID-19:** The daily jail population dropped by 31% to just over 5,400 in March 2020: coinciding with bail reform implementation. It decreased further to 3,809 on April 29, 2020, coinciding with the onset of the COVID-19 pandemic.
- **Reversion to Incarceration:** The jail population then reversed course starting May 2020, peaking at almost 6,100 people in mid-September 2021, an important juncture that saw the signing into law of landmark parole reforms authorized by the [Less is More Act](#).<sup>7</sup>
- **Leveling-Off:** While there have been continued fluctuations since September 2021, including a continued increase in people held before trial balanced by a steep decline in people held on parole violations, there has not been a sustained trend in the overall jail population in over a year leading up to this report's publication (Exhibit 1.1., comparing the two right-most bars).

### The Bottom Line: A Jail Population of People Presumed Innocent

More than at any other time over the past three decades, Rikers Island predominantly houses people presumed innocent of a crime—under conditions that do not appear [safe](#) or [humane](#), according to recent data and reports.<sup>8</sup> People held before trial because a judge set unaffordable bail or remanded them to jail made up 64% of the April 2019 daily jail population, dropped to 56% of the mid-March 2020 jail population, and then rose to 84% of the November 2022 jail population, a remarkable shift predicted by no one when bail reform became law.

## About This Research Brief

The main purpose of this brief is to explore changes in the city's use of jail since bail reform's passage and implementation. Questions include:

- 1. Long-Term Trends:** How has the city's use of jail changed since the 1990s?
- 2. The Bail Reform Era:** To what extent has bail reform implementation met its supporters' goal of less incarceration? Since the law's passage, when did significant swings occur in the use of jail?
- 3. Changing Reasons for Incarceration:** To what extent have there been distinct trends in the numbers jailed: (a) pretrial; (b) on parole violations due to a new charge; (c) on technical parole violations (not involving a new criminal allegation); and (d) on jail sentences of under a year?
- 4. Charges:** For people jailed before trial, to what extent has bail reform accompanied changes in their charges – given that the law precluded detention on many nonviolent charges?
- 5. Length of Stay:** Once admitted to jail, how have people's average length of stay changed?
- 6. Demographic Composition:** How has the racial, gender, and age composition, borough composition, and mental health status of people held in the city's jails changed?
- 7. Potential Drivers:** Besides bail reform itself, what other factors could have contributed to the observed swings in the city's use of jail, including:
  - Urgent efforts to release people from NYC jails at the onset of COVID-19?
  - Court backlogs increasing people's length of stay as COVID-19 disrupted court operations?
  - Changes in judges' discretionary bail-setting (in cases remaining eligible for bail)?
  - Two rollbacks making more cases eligible for bail, effective July 2, 2020 and May 1, 2022, respectively?
  - Shifting arraignment volume since 2019, including an uptick in firearms cases?
  - The signing and implementation of parole reforms under the Less Is More Act?

**While available data can illuminate these potential drivers, it remains unfeasible to pinpoint or rigorously disentangle their respective effects.** Bail reform implementation overlapped with other events that jolted the city's criminal justice system in complex ways, including COVID-19, protests against acts of police brutality, rising gun violence since the summer of 2020, an escalating humanitarian crisis at Rikers Island, and passage of the Less Is More Act in 2021.

## Data Sources

This brief mainly relies on data from the NYC Department of Correction (DOC).<sup>9</sup> Parts examining arraignment and bail decision-making rely on data from the state Office of Court Administration.

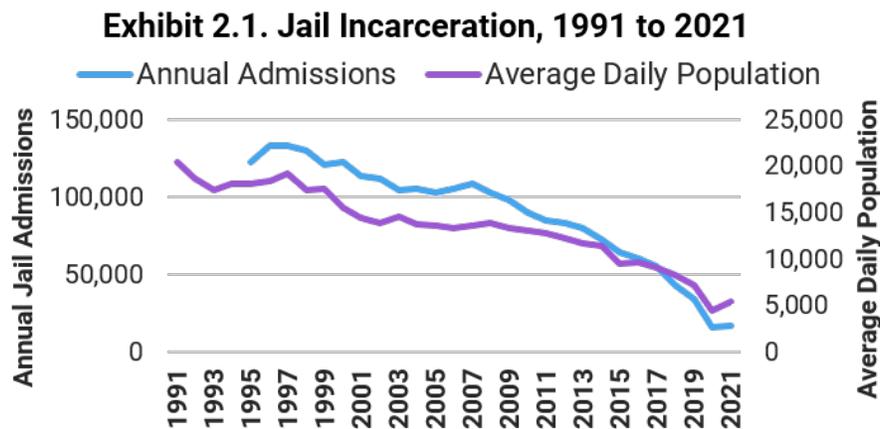
## Chapter 2 - Three Decades of Shrinking Incarceration

Over the long-term, New York City has dramatically reduced its use of jail and prison since the 1990s, alongside historic declines in serious and violent crime.

### Less Jail and Prison Since the 1990s

On an average day in 1991, the city's jails held just over 20,400 people, 2.5 times more than ten years earlier in 1981, when the daily population stood at about 8,100.

From the early 1990s onward, practitioners' use of jail declined, as did sentences to state prison.<sup>10</sup> By 2020, the average daily jail population fell to just under 4,500 (Exhibit 2.1).



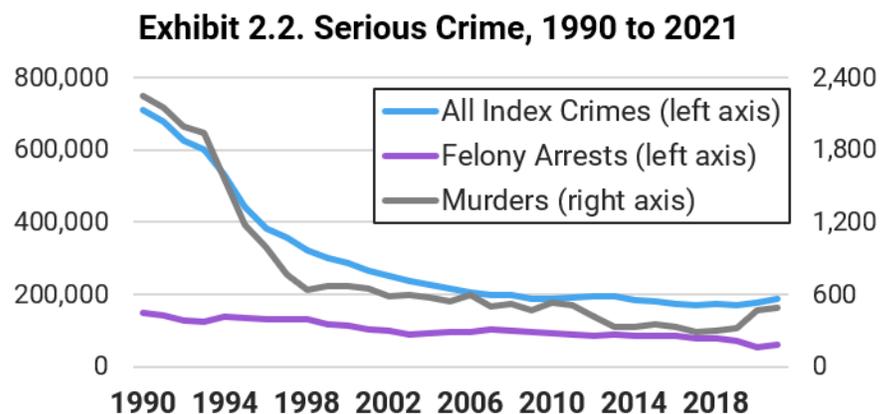
Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

Even as the city's courts handled fewer cases, among those cases that did exist, decision-makers gradually reduced their use of bail and pretrial detention,<sup>11</sup> jail sentences,<sup>12</sup> and prison sentences, alike.<sup>13</sup> **Upshot: There were more than 130,000 separate jail admissions in 1996 compared to less than 16,000 in 2020, an 88% drop.**<sup>14</sup>

However, the decline in admissions was not purely incremental. The largest one-year drop in admissions was an unprecedented 54% decline (of almost 19,000 admissions) from 2019 to 2020, the year bail reform went into effect.

### Coinciding Crime Reductions

Accompanying the city's incarceration reductions was a sustained three-decade drop in murders, index crimes, and felony arrests, among other indicators (Exhibit 2.2).<sup>15</sup>



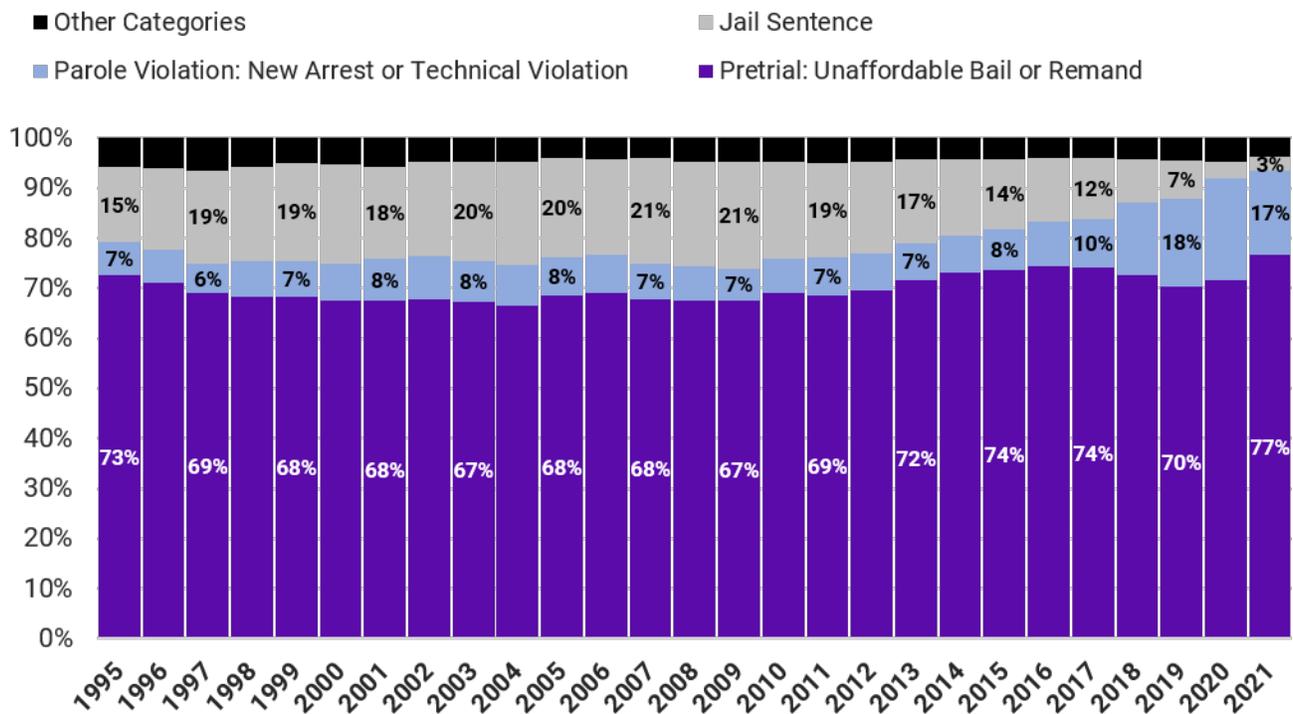
Source for All Data: New York State Division of Criminal Justice Services' (DCJS).

## Changing Reasons for Incarceration

In absolute terms, people jailed for all reasons saw large declines since the 1990s. But the relative proportions held before trial by a judge or on parole violations rose since 2010, balanced by a decline in proportions held on a jail sentence (Exhibit 2.3).

**In fact, the most recent 2021 year saw a three-decade high of 93% of all jail admissions involving detention before trial or due to a parole violation (compared to 74% in 2010).** First, parole violations constituted the fastest-expanding driver of jail admissions from 2010 to 2020. Then, from 2020 to 2021, parole violations modestly declined as a proportion of all admissions, while the proportion held before trial increased. The recent one-year decline in parole violations in 2021 represents the beginnings of a larger reduction that continued in 2022 and is largely traceable to the Less is More Act (discussed in later chapters).

**Exhibit 2.3. Reason for NYC Jail Admission, 1995-2021**



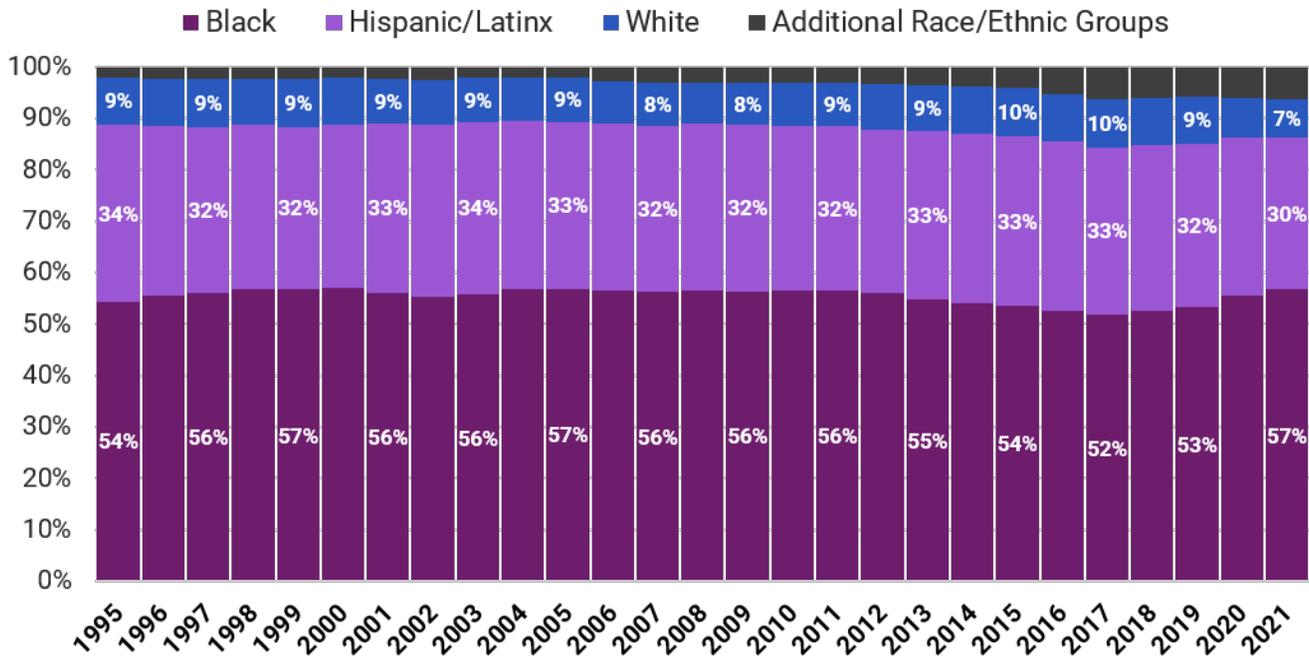
Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

## Changing Demographic Composition

- **Race/Ethnicity:** The 1995-to-2021 period saw fluctuations in the percentages of admissions involving Black people, peaking at 57% in 2000, declining to 52% by 2017 and rising again to 57% in 2021 (Exhibit 2.4). On the other hand, both Hispanic/Latinx and white people saw their lowest percentages across all 27 years measured in 2021 (30% and 7%, respectively).
- **Gender:** Since 1999 when a high of 13% of admissions involved women, women's share of admissions declined, falling under 7% in 2020 and 2021 (Exhibit 2.5).

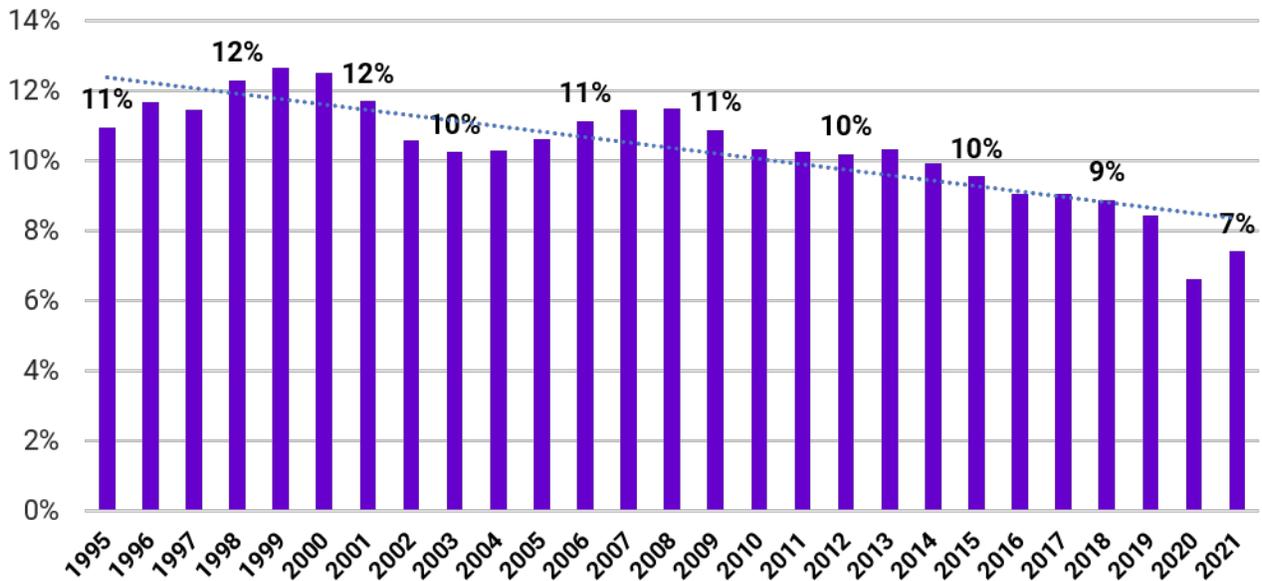
- **Age:** From 1995 to 2021, people ages 24 and under declined (27% to 21%), while people ages 55 and up rose (2% to 8%) as a proportion of the total (Exhibit 2.6).

**Exhibit 2.4. Racial/Ethnic Composition of NYC Jail Admissions, 1995-2021**



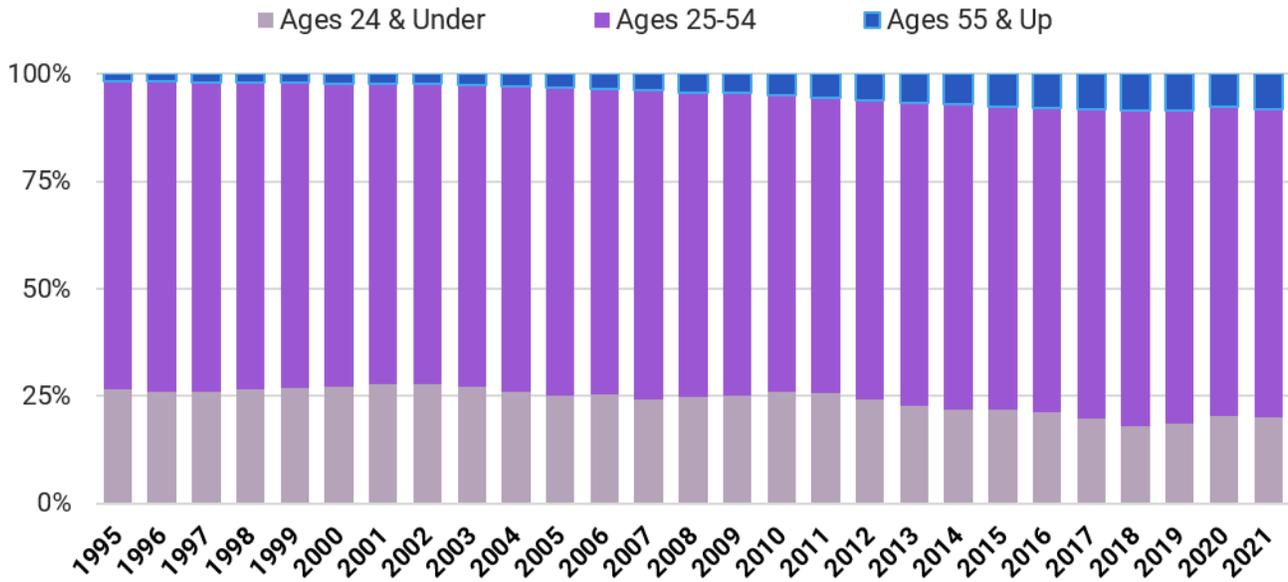
Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

**Exhibit 2.5. Women's Admissions, 1995-2021**



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

## Exhibit 2.5. Age Composition of Admissions, 1995-2021



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

## Chapter 3 - A Sharp Drop in Jail Admissions Under Reform

There are two distinct types of jail trends:

- 1. Jail Admissions:** The admissions trend has to do with people newly sent to jail each day, month, or year. *Reducing admissions leads fewer people to experience jail and the harms it can inflict.*<sup>16</sup>
- 2. Jail Population:** The daily population trend has to do with the number of people held in jail on any given day.

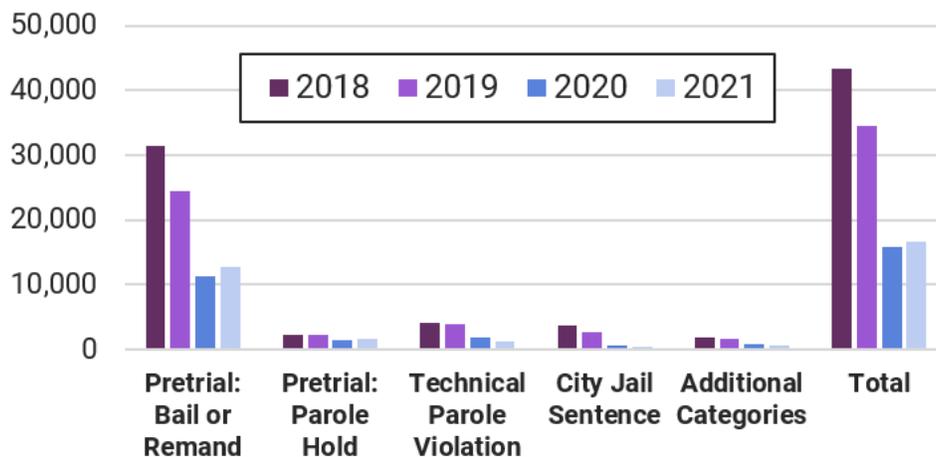
**Changes in admissions and the daily population are inevitably correlated – but imprecisely.** For example, if admissions decline, but people who continue to be put in jail spend longer there, they will consume a jail bed on more days, leading to a change of lesser magnitude in the daily population. In fact, this very example describes what happened during the bail reform era in New York City – significantly greater reductions in bail-setting and pretrial jail admissions than in the daily jail population.<sup>17</sup>

This chapter describes recent admissions trends, while the next focuses on the daily population.

### Declining Annual Admissions

**Total jail admissions plummeted 54% from 34,584 in 2019 to 15,736 in 2020** (Exhibit 3.1). There were also 20% fewer admissions from 2018 to 2019. (Although bail reform technically went into effect in January 2020, past research found that judges began changing their practices in anticipation of the reforms in the latter half of 2019.<sup>18</sup>)

**Exhibit 3.1. New Jail Admissions, 2018-2021**



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

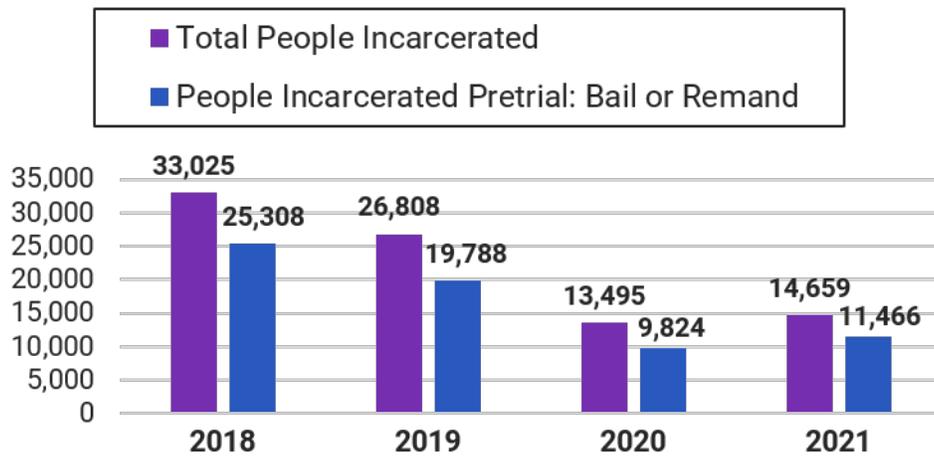
From 2020 to 2021, jail admissions then increased to 16,618, although this number remained 52% lower than in 2019.

In 2022, there were just over 16,600 admissions in the first ten months, putting the city on pace to reach almost 20,000 admissions for the entire year; while this number would be a significant increase from 2021, it would still represent 42% fewer jail admissions than in 2019.<sup>19</sup>

Also shown in Exhibit 3.1, pretrial admissions saw comparable changes to the overall trend through 2020. But from 2020 to 2021, pretrial admissions increased by 13%, a larger increase than people admitted for any other reason. In fact, the numbers admitted on technical parole violations and jail sentences continued to decline from 2020 to 2021.

**Overall, there was a 50% decline from 2019 to 2020 in the number of people sent to jail. Even after an uptick in 2021, 45% fewer people were sent to jail in 2021 than 2019.** (Exhibit 3.2). (Admissions exceed people, since some people are admitted multiple times in any given year.)

**Exhibit 3.2. People Sent to Jail, 2018-2021**



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

Caveat: Given that jail admissions declined throughout the past three decades (see Chapter 2), the city’s long-term trend or other year-specific factors (including a drop in arraignments from 2019 to 2020) may explain part of the post-2019 change.

## Five Specific Swings During the Bail Reform Era

### 1. Steep Admissions Reduction Timed to Bail Reform Implementation

Monthly pretrial admissions declined by exactly 40% (from 1,894 to 1,145) in four months from October 2019 to February 2020, marking the run up to and initial months of bail reform (Exhibit 3.3). Suggesting a likely “bail reform effect,” prior research found significantly fewer people held in NYC jails during this timeframe on the specific charges that the reform law made legally ineligible for bail.<sup>20</sup>

### 2. Further Admissions Reduction at Pandemic’s Onset

Total monthly admissions fell by two-thirds in the two months from February to April 2020 (from 1,881 to 614), with steep declines seen across all jail population categories. In part, this reflected people staying home and avoiding behavior that could lead to an arrest and, in turn, a jail admission. But evidence cited below also makes clear that in March and April of 2020, policymakers engaged in large-scale release efforts in response to the health risks COVID-19 posed to incarcerated people:

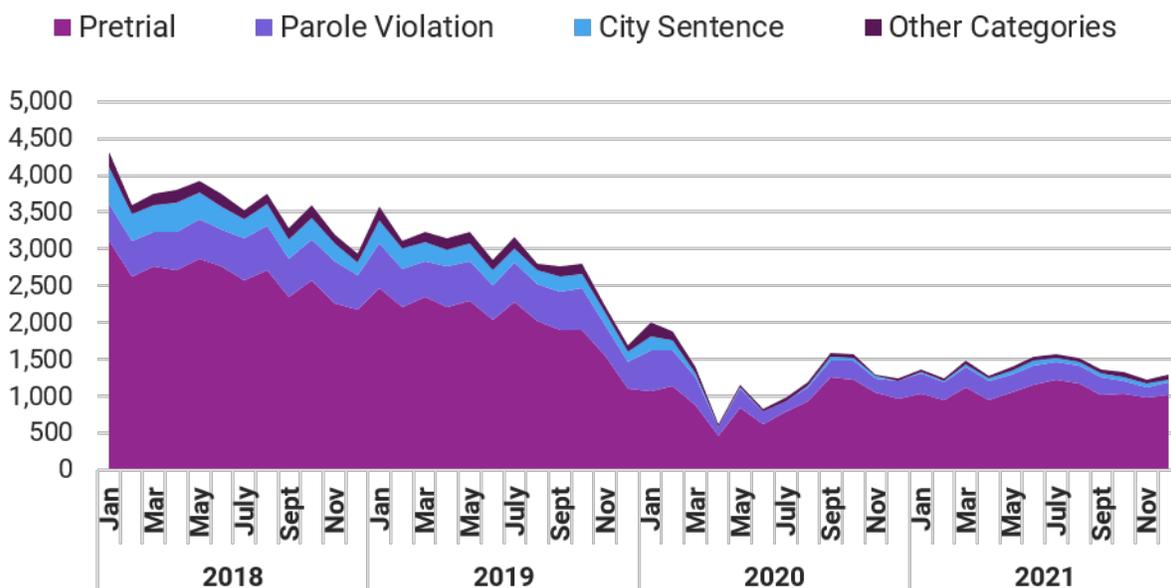
- **The Early Release (6-A) Program:** Launched by the Mayor’s Office of Criminal Justice (MOCJ), the Early Release Program led to the release of 296 people serving jail sentences of under a year in the last week of March 2020. The program involved daily supervision in the community as well as housing and employment supports in lieu of jail for the duration of participants’ original sentence length.<sup>21</sup>
- **Lawsuits by Defense Attorneys:** From late March and April 2020, successful lawsuits filed by defense attorneys gained the release of about 200 or more people held on parole violations.<sup>22</sup>
- **Parole Releases Authorized by the State:** The state Department of Corrections and Community Supervision (DOCCS) released up to 300 people jailed on technical parole violations.<sup>23</sup>
- **Individual Case Reviews and Bail Writs:** Although the exact numbers involved were not reliably tracked, case reviews by prosecutors and city officials, and bail writs filed by defense attorneys, gained the release of untold numbers held before trial on unaffordable bail.<sup>24</sup>

In part reflecting early COVID-19 release policies, there were over twice as many discharges from NYC jails (1,331) as admissions (614) in March and April 2020.

### 3. Pretrial Admissions Increase from May 2020 to September 2020

Monthly pretrial admissions then rose by 275% (from 458 to 1,266) from April to September 2020 and remained relatively constant throughout the rest of 2020 and 2021. Further explored in Chapter 8, one reason for this increase is that arrests and arraignments went back up as people returned outside after the earliest months of the pandemic. Another reason is that compassionate release efforts were short-lived. For example, while initially authorizing the Early Release Program, the city’s former mayor did not put more than a handful of people into it after March of 2020, despite the program’s relatively low re-arrest rate of 9% and a violent felony re-arrest rate of 1%.<sup>25</sup>

**Exhibit 3.3. Monthly Admissions by Reason**



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

#### 4. Escalating Crisis at Rikers in the Summer of 2021

In the summer of 2021, media reports surged regarding dire conditions at Rikers Island, including escalating violence,<sup>26</sup> a lack of staff reporting for duty, the remaining staff's difficulty bringing people to court for their scheduled appearances,<sup>27</sup> and a failure to link people to needed medical care.<sup>28</sup>

**Publicity regarding Rikers' conditions arguably reached its nadir on September 15, 2021, the date of a daylong City Council Hearing that witnessed repeated calls by those testifying for judges, prosecutors, and other decision-makers to send fewer people to jail.<sup>29</sup>** The weeks that followed saw a modest drop in new jail admissions (see Exhibit 3.3 above) and in the daily jail population (see next chapter, Exhibit 4.1).

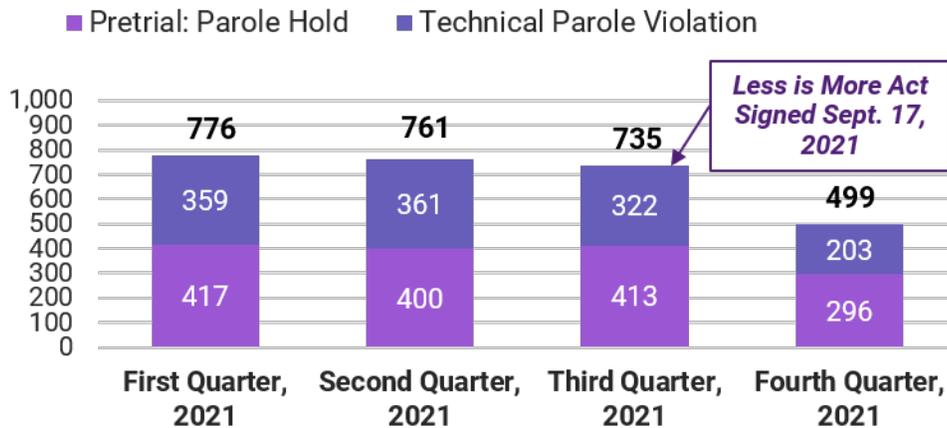
#### 5. Parole Reforms Authorized by the Less is More Act

**In response to the crisis at Rikers, Governor Kathy Hochul signed the Less is More Act on September 17, 2021 and ordered the immediate release of 191 people held on technical parole violations.<sup>30</sup>**

The Less is More Act ended automatic detention for people awaiting the adjudication of alleged parole violations; required speedier timelines from the filing of a parole violation to a revocation hearing; limited the length of incarceration for people found guilty of a technical violation; and shortened time on parole by 30 days for every 30 days of compliance.<sup>31</sup>

**Following the Governor's action, jail admissions on parole violations declined by 32% from the third to fourth quarters of 2021 (Exhibit 3.5).**

**Exhibit 3.5. Declining Parole Admissions After Signing of the Less is More Act**



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

## Chapter 4 - The Fall and Rise of the Daily Jail Population

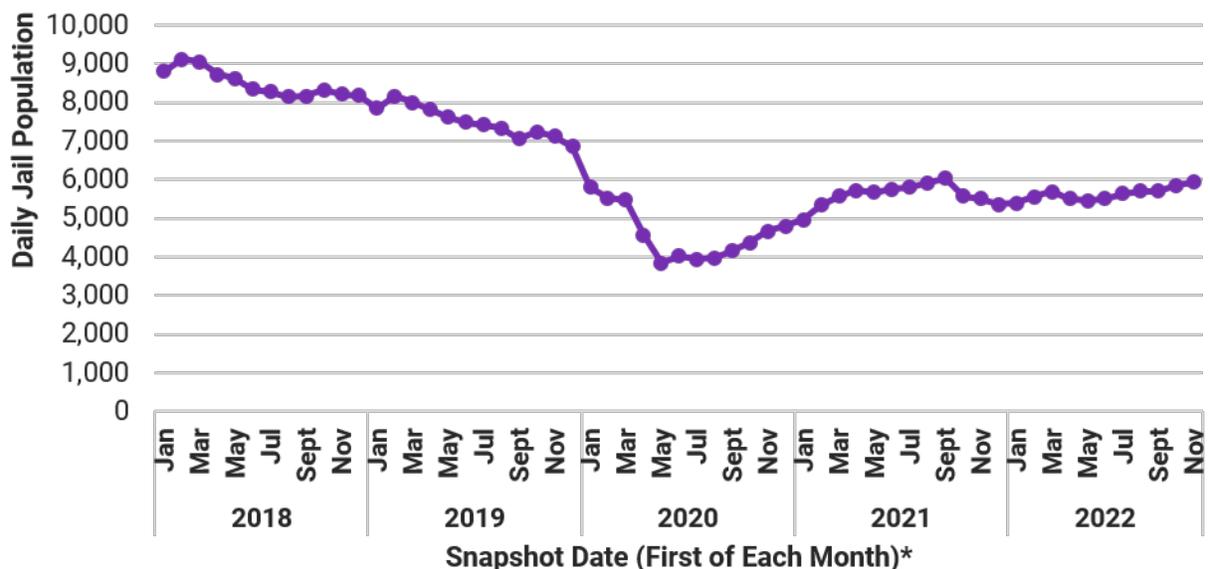
Introduced in Chapter 1, the city's daily jail population stood at over 7,800 in April 2019; reached a low of 3,809 on April 29, 2020; and then increased to 5,940 as of November 1, 2022.

### Daily Population Trends Before and After Bail Reform

Exhibit 4.1 tracks the population on the first of every month from January 2018 to November 2022.

- **Continuation of a Long-Term Decline:** Consistent with its gradual decline since the early 1990s (see Chapter 2), the daily population dropped by 22% from January 2018 to December 2019. Over these two years, the monthly rate of decline was over 80% greater after than before bail reform's passage on April 1, 2019. This finding is consistent with previous research that NYC judges began detaining fewer people shortly after passage, in anticipation of the law's forthcoming effective date.<sup>32</sup>
- **Sharp Drop Timed to Implementation:** In the one-month runup to reform (from December 1, 2019 to January 1, 2020), the population dropped by **over 1,000 people**, representing over half of the previous decline that took almost two years to unfold.
- **Steep Jail Reductions after the COVID-19 Outbreak:** In two months from March 1 to May 1, 2020, the jail population dropped by about another 1,600 people, timed to lower re-arrest numbers and swift release efforts soon after the pandemic's outbreak (see above, Chapter 3).
- **Jail Increase Since May 2020:** From May 1, 2020 to November 1, 2022, the daily population increased 55% (though, in fact, there was only a marginal net change since September 2021).

**Exhibit 4.1. NYC's Daily Jail Population, 2018-2022**



Source: Vera Institute of Justice. *Jail Viz 2.0: People in Jail in New York City* (based on Department of Correction data, NYC Open Data).  
 \* Select months did not have daily population data as of the first of the month. In such cases, data is from the next date available.

## No Net Change in the Pretrial Jail Population; Declines for Other Subgroups

### The Fall and Rise of Pretrial Detention

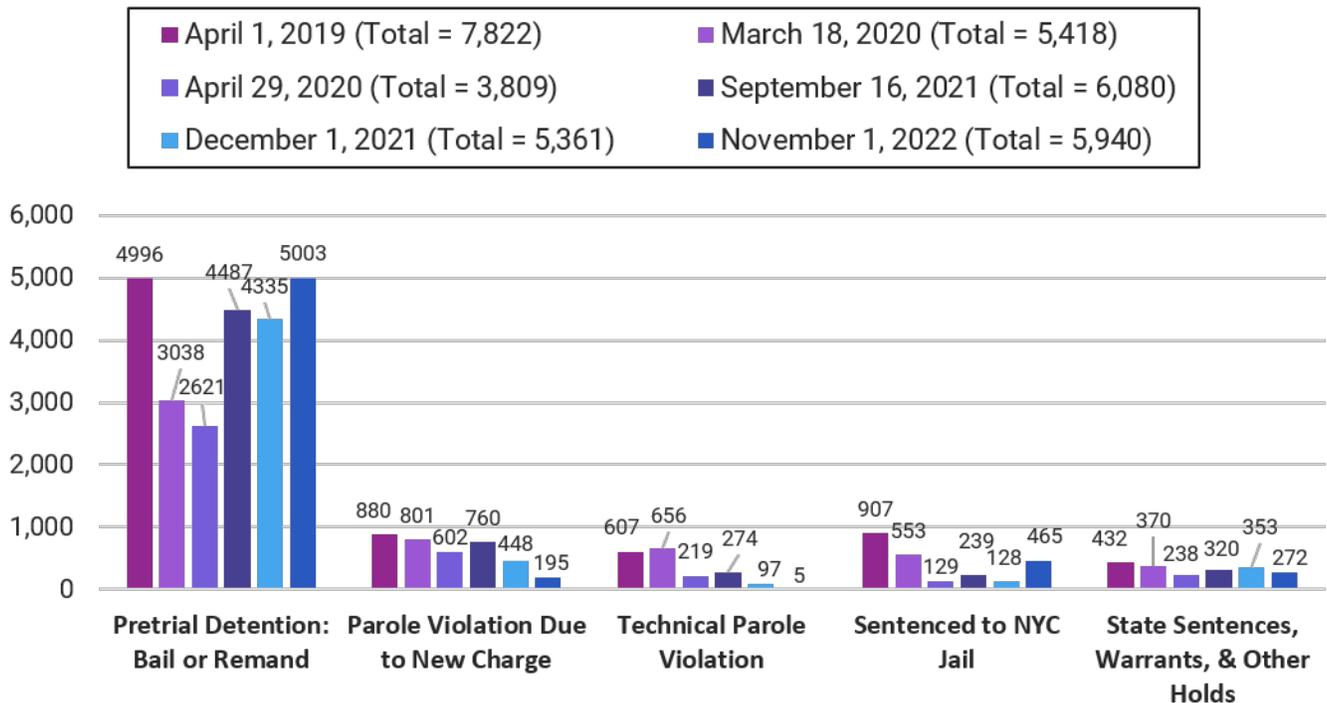
People held before trial on a judge’s bail or remand order declined by almost 40% from about 5,000 in April 2019 to just over 3,000 in mid-March 2020 (Exhibit 4.2). After further modest declines at the pandemic’s outset, these pretrial jail reductions were entirely wiped away. In relative terms, people held before trial made up 64% of the pre-reform April 1, 2019 jail population, fell to 56% on March 18, 2020, and then spiked to 84% in November 2022.

### Evaporation of Incarceration on Parole Violations

- **Parole Violations Stemming from a New Arrest:** After a period of relative stability, people held on parole violations stemming from new criminal allegations plummeted by 74% (760 to 195) from September 16, 2021 – marking the day before the signing into law of the Less is More Act – to November 1, 2022. (Some Less is More provisions went into effect immediately upon signing.<sup>33</sup>)
- **Technical Parole Violations:** Over a six-week stretch from March 18, 2020 to April 29, 2020, there was a two-thirds drop (from 656 to 219) in the numbers held on technical parole violations, such as a missed appointment or failed drug test. Another steep drop followed the signing of the Less is More Act. **There were just 5 people held on technical violations on November 1, 2022.**

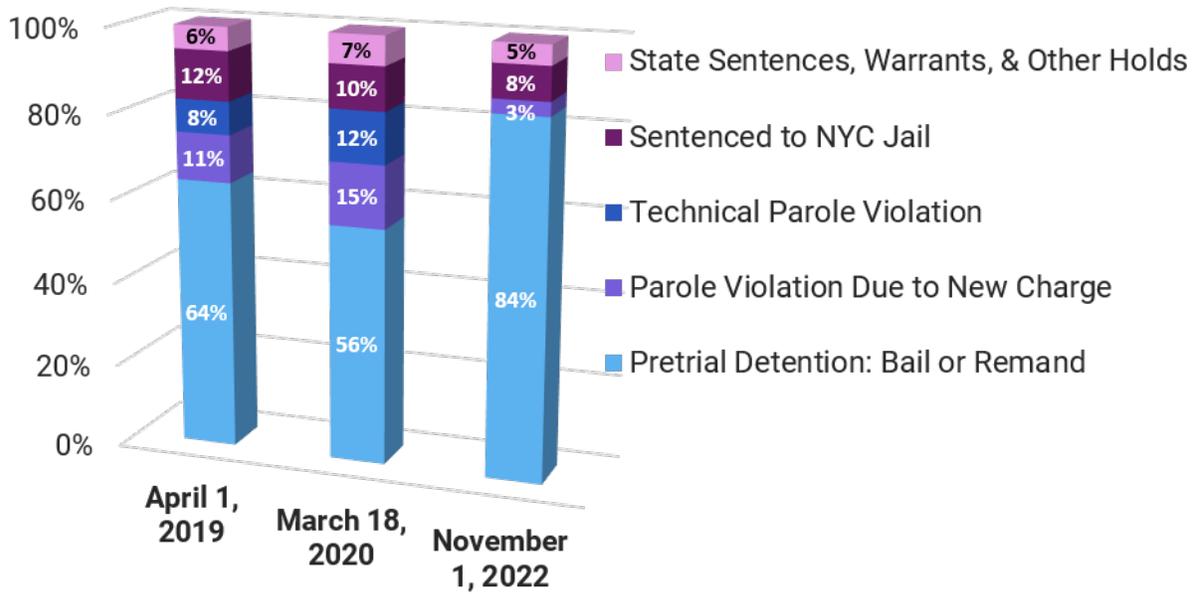
People held on all types of parole violations represented 19% of the jail population on April 1, 2019, rose to 27% on March 18, 2020, and nearly disappeared to 3% in November 2022.

Exhibit 4.2. Key Jail Population Dates Since Bail Reform Passed



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

### Exhibit 4.3. Change in the Composition of NYC's Jail Population



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice. Percents may not total 100% due to rounding.

### Reduction in City Jail Sentences

The numbers sentenced to jail dropped by 77% over the six-week span from March 18 to April 29, 2020, coinciding with the launch of the Early Release (6-A) Program.<sup>34</sup> More recently, the sentenced numbers grew over 3.5 times higher in just eleven months since December of 2021 (see Exhibit 4.2 above).

### The Bottom Line

*As of this report's late 2022 publication, the pretrial and sentenced portions of the daily jail population were both rising at the same time that steep reductions were taking place in the number of people held on parole violations, with the latter seen especially since the signing of the Less is More Act in September 2021.*

## Chapter 5 - A Changing Pretrial Charge Composition

By eliminating bail and pretrial detention for most misdemeanors and nonviolent felonies, bail reform inevitably shifted the jails' charge composition towards violent felonies. Exhibit 5.1 displays this general pattern in two ways.

- **Charge Composition of Pretrial Jail Admissions:** Columns 1 and 2 of Exhibit 5.1 compare pretrial admissions between the pre-reform years of 2018 and 2019 and the post-reform years of 2020 and 2021.
- **Charge Composition at Bail Reform's Passage versus Present:** Columns 3 and 4 of Exhibit 5.1 compare people in jail as of two *snapshot dates*: April 1, 2019, when bail reform passed, and November 1, 2022, when analyses for this report were conducted. The numbers reported for these two dates do not refer to the number of people admitted to jail on those specific points in time but, rather, to people still held as of those dates.

From the years before to after reform, people charged with violent felonies grew from 34% to 59% of pretrial admissions. Additionally, 59% of people held pretrial on April 1, 2019 were charged with a violent felony, a figure that climbed to 78% on November 1, 2022. (In general, violent felonies consistently comprise a larger percentage of people still in jail on any given date than of new admissions, because people charged with violent felonies have especially long jail stays on average; see Chapter 6.)

In absolute terms, there were 966 more violent felonies held pretrial on November 1, 2022 than on April 1, 2019, compared to 959 fewer misdemeanors and nonviolent felonies.

**Exhibit 5.1. Charge Composition of NYC's Pretrial Jail Population, Pre- and Post-Reform**

		Pretrial Admissions		Pretrial Daily Snapshot	
		1 Pre-Reform (2018-2019)	2 Post-Reform (2020-2021)	3 April 1, 2019	4 November 1, 2022
Number of Cases		55,814	24,014	4,996	5,003
<b>Charge Severity</b>					
Failure to Appear or Other Warrant <sup>1</sup>	#	1,823	964		
	%	3.3%	4.0%		
Misdemeanor or Lesser	#	18,188	4,503	380	204
	%	32.6%	18.8%	7.6%	4.1%
Nonviolent Felony	#	17,051	4,465	1,665	882
	%	30.5%	18.6%	33.3%	17.6%
Violent Felony	#	18,752	14,082	2,961	3,917
	%	33.6%	58.6%	59.3%	78.3%
<b>Charge Type</b>					
<b>Misdemeanors</b>					
Failure to Appear or Other Warrant <sup>1</sup>	#	1,823	964		
	%	3.3%	4.0%		

Source: NYC Department of Correction (analyzed by the Data Collaborative for Justice).

Note: Percentages may not equal 100% due to rounding.

<sup>1</sup> Cases held on a warrant cannot be determined from public jail population data.

**Exhibit 5.1. Charge Composition of NYC's Pretrial Jail Population, Pre- and Post-Reform (Continued)**

		Pretrial Admissions		Pretrial Daily Snapshot	
		1	2	3	4
		Pre-Reform (2018-2019)	Post-Reform (2020-2021)	April 1, 2019	November 1, 2022
<b><u>Misdemeanors (continued)</u></b>					
Misdemeanor Assault/Menacing	#	55,814	24,014	4,996	5,003
	%	4,880	843	76	52
		8.7%	3.5%	1.5%	1.0%
Petit Larceny	#	2,275	405	43	24
	%	4.1%	1.7%	0.9%	0.5%
Other Misdemeanor or Lesser Charge	#	11,033	3,255	234	128
	%	19.8%	13.6%	5.2%	2.6%
<b><u>Non-Violent Felonies</u></b>					
Drug Charges	#	5,637	1,090	722	311
	%	10.1%	4.5%	14.5%	6.2%
Grand Larceny	#	2,510	428	250	94
	%	4.5%	1.8%	5.0%	1.9%
Criminal Contempt	#	2,515	1,442	136	76
	%	4.8%	6.3%	2.7%	1.5%
Robbery 3° or Burglary 3°	#	2,038	742	235	213
	%	3.8%	3.3%	4.7%	4.3%
Other Nonviolent Felony	#	2,639	627	322	188
	%	4.7%	2.6%	6.4%	3.7%
<b><u>Violent Felonies</u></b>					
Murder	#	1,444	1,707	845	1,515
	%	2.6%	7.1%	16.9%	30.2%
Firearms/Weapons Violent Felony	#	3,496	3,896	302	471
	%	6.3%	16.2%	6.0%	9.4%
Sex Offense Violent Felony	#	4,967	1,670	258	272
	%	8.9%	7.0%	5.2%	5.4%
Assault 1° or 2°	#	4,625	2,824	454	515
	%	8.3%	11.8%	9.1%	10.3%
Robbery 1° or 2°	#	4,525	2,769	558	668
	%	8.1%	11.5%	11.2%	13.4%
Burglary 1° or 2°	#	2,210	1,330	382	286
	%	4.0%	5.5%	7.6%	5.7%
Other Violent Felony	#	1,236	764	162	190
	%	2.2%	3.2%	3.2%	3.8%

Source: NYC Department of Correction (analyzed by the Data Collaborative for Justice).

Note: Percentages may not equal 100% due to rounding.

## Chapter 6 - Rising Length of Stay

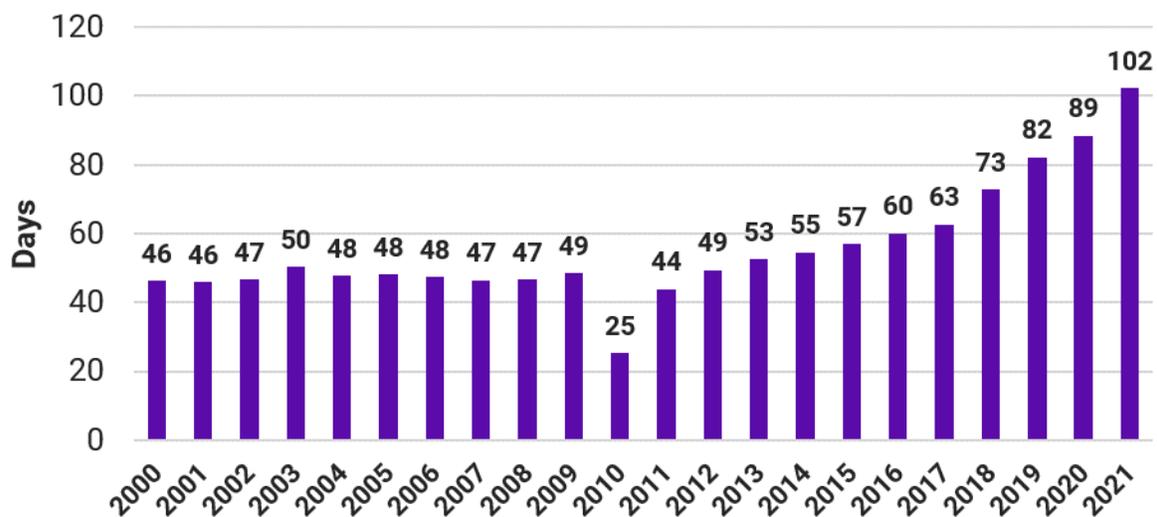
Although the average amount of time spent in NYC jails once sent there has been rising for almost a decade, recent years have witnessed an especially sharp increase in length of stay. The reasons relate both to the jails' changing charge composition (see Chapter 5) and to growing court backlogs leading people to languish in jail for longer periods, especially during the pandemic.

### The Long View: Length of Stay Over Two Decades

Across all people discharged from NYC jails (regardless of the original reason for admission), average length of stay began rising well before bail reform and the pandemic. Researchers previously studying this trend attributed it in part to declining jail incarceration on low-level misdemeanors, which tend to have especially short jail stays.<sup>35</sup>

Shown in Exhibit 6.1, the length of stay numbers were relatively flat from 2000 to about 2012. Then the numbers rose gradually until 2017 and more sharply thereafter.

**Exhibit 6.1. Average Length of Stay (in Days): NYC Jail Discharges, 2000-2021**



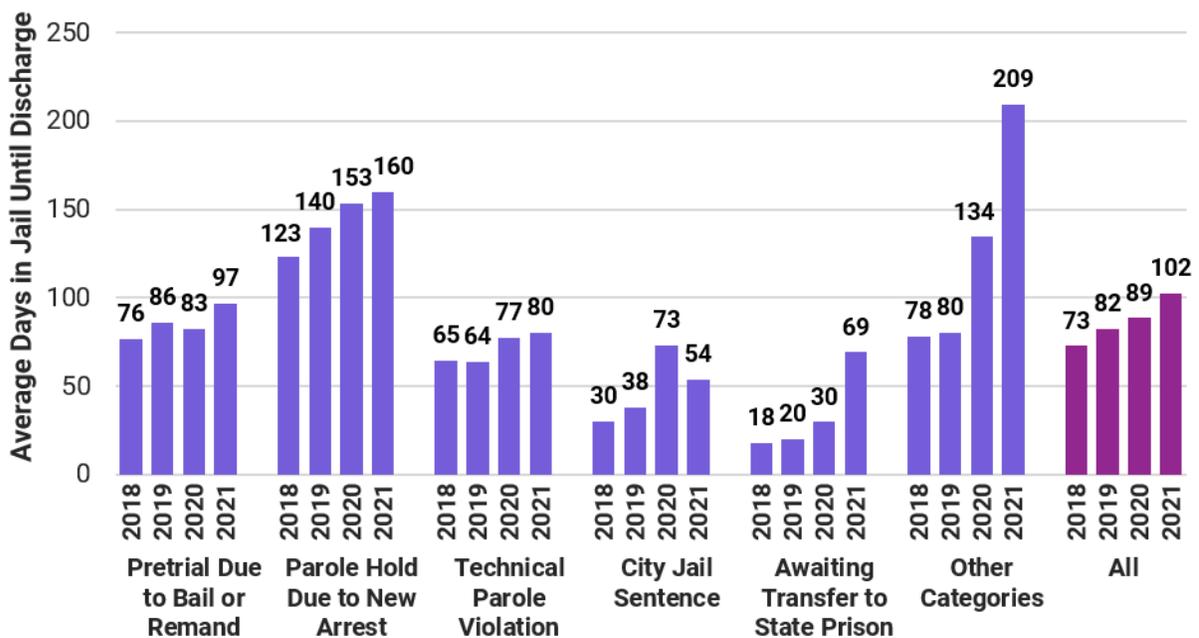
Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

## The Short View: A Steep Length of Stay Increase in Recent Years

Since 2018, people’s length of stay climbed sharply across every major jail population category: pretrial, parole violations, and jail sentences, alike (Exhibit 6.2). **In the three years from 2018 to 2021, average jail stays grew by 40% (73 to 102 days).**

*Why is length of stay increasing?* Such a pattern can reflect two types of changes: (1) more serious charges among those sent to jail (since such charges generally take longer to resolve); and (2) increased stays across-the-board due to greater court delays or other factors. After controlling for people’s charges and year of discharge simultaneously (from 2018 to 2021), *both* factors were associated with length of stay increases (see the Appendix).

**Exhibit 6.2. Average Length of Stay by Year of Discharge**



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

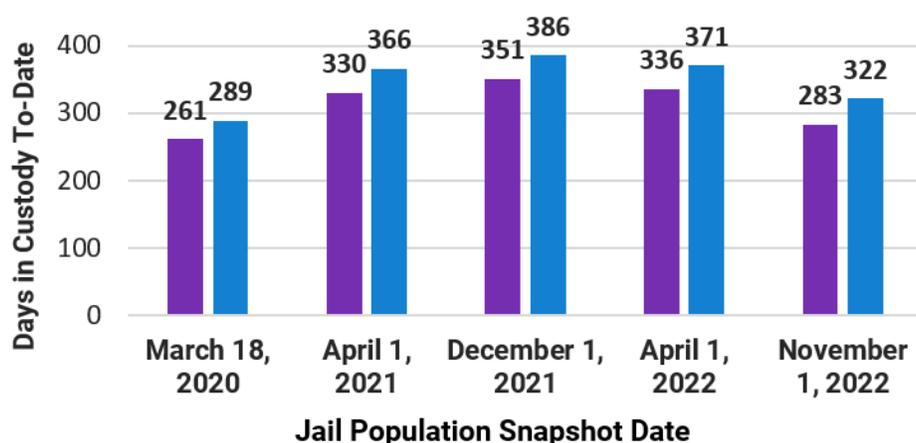
## The Role of COVID-19 Backlog

**Prior research has identified significant length of stay increases tied specifically to pandemic-related court backlogs.**<sup>36</sup> However, it is not yet possible to capture these increases through a standard length of stay analysis, because pandemic backlogs led many impacted people *still not to have been discharged as of the end of 2021*, the last full year for which discharge data were available.

A better method for assessing the ramifications of COVID-19 backlog is to show how long people who continue to languish in the jail population as of different snapshot dates have been held there.

Shown in Exhibit 6.3, the average time people were held in the pretrial jail population increased by almost 70 days (from 261 to 330) from about the pandemic’s onset (March 18, 2020) to just over one year later (April 1, 2021).<sup>37</sup> By December 1, 2021, time in custody rose to 351 days (90 days above baseline), before falling over the last two dates examined.

### Exhibit 6.3. COVID-19 Backlog: Average Time in Custody for People Held Pretrial



Source: NYC Department of Correction, analyzed by the Data Collaborative for Justice.

When separately isolating people charged with violent felonies, their average time in pretrial custody increased by 97 days from mid-March 2020 to December 2021 and then fell to just 33 days above “baseline” as of November 1, 2022.

**The lower numbers for the last date reflected in Exhibit 6.3 indicate that pandemic-related court delays have been subsiding over the year prior to this report's publication.**

## Chapter 7 - Demographic Makeup of New Yorkers in Jail

This chapter briefly explores the current demographic makeup of people sent to NYC jails. (See Chapter 2 for a longer look back in time.) A companion report offers a deep-dive into both racial and neighborhood-based disparities in current jail admissions.<sup>38</sup>

### Borough of the Originating Court Case

**The criminal courts in Manhattan and Brooklyn accounted for 58% of jail admissions in 2020 and 2021 (29% apiece); the three other boroughs combined for 42%.** Brooklyn's share rose by 4 percentage points from 2018-2019 to 2020-2021 (25% to 29%), while Manhattan's declined by 2 points (31% to 29%).<sup>39</sup>

**Once admitted to jail, further analysis indicated that pretrial cases in Manhattan averaged the longest length of stay of any borough** (94 days among 2021 discharges). Brooklyn's cases, by contrast, averaged the shortest stays (56 days). Falling in the middle, average stays among 2021 discharges were 74 days in the Bronx, 70 in Queens, and 69 in Staten Island.

Among possible reasons why Manhattan's cases average longer stays, research from prior years of data indicated that Manhattan's judges set higher bail amounts and elicit the lowest bail payment rates of the five boroughs.<sup>40</sup> Manhattan's prosecutors also indict a significantly higher percentage of felonies than boroughs other than the Bronx; in turn, indicted felonies average much longer pretrial case processing times than cases resolved pre-indictment.<sup>41</sup>

**Reflecting longer stays once people are admitted, Manhattan cases made up almost one-third (32%) of those in the daily jail population, significantly more than any other borough.**

### Individual Demographic Characteristics

- **Race/Ethnicity:** *Recent years have seen an increase in the disproportionate incarceration of Black New Yorkers* – from 56% of the jail population in April 2019 to 61% in November 2022. Other studies have also detected rising racial disparities since bail reform went into effect.<sup>42</sup>
- **Gender:** Women represented 7% of new admissions in 2020-2021 and 6% of those in the daily jail population on November 1, 2022, slight declines from just prior to reform.
- **Age:** The data point to a slight (2 percentage-point) increase in people held ages 24 and under.

### Mental Illness

While not indicative of a formal diagnosis, a nearly constant 30% of people discharged from jail from 2018 to 2021 received in-jail mental health services. Of those held on November 1, 2022, 51% had received such services, up from 46% on April 1, 2019.

NYC Comptroller data indicates that 18% of people in the daily population in September 2022 were diagnosed with a serious mental illness, such as schizophrenia, post-traumatic stress disorder, or a range of mood disorders, barely changed from 17% in July 2020.<sup>43</sup>

**Mental Illness and Length of Stay:** Of 2021 discharges, people’s average length of stay was 200 days for those needing mental health services, compared to 60 days for all others. Cause and effect are complicated, however. People who enter NYC jails with significant mental health needs may inherently be held for longer. But those held for prolonged periods also have more time during which they may experience mental health symptoms, leading them to request services.

**Exhibit 7.1. Demographic Composition of NYC's Jail Population**

	Jail Admissions		Daily Jail Population	
	Pre-Reform (2018-2019)	Post-Reform (2020-2021)	April 1, 2019	November 1, 2022
Number of Cases	77,980	32,354	7,822	4,940
<b>BOROUGH OF COURT CASE<sup>1</sup></b>				
Bronx	16.5%	17.5%		21.5%
Brooklyn	24.8%	28.8%		24.9%
Manhattan	31.3%	28.6%		32.1%
Queens	21.7%	19.4%		17.7%
Staten Island	5.6%	5.6%		3.8%
<b>DEMOGRAPHICS</b>				
<b>Race/Ethnicity</b>				
Black	52.8%	56.1%	55.5%	60.8%
Hispanic/Latinx	32.1%	30.2%	30.7%	29.3%
White	9.1%	7.5%	11.8%	8.2%
Asian	2.2%	2.1%	1.9%	1.5%
Additional Race/Ethnic Group	3.8%	4.2%	0.1%	0.3%
<b>Gender: Female</b>	8.7%	7.0%	6.3%	5.9%
<b>Age</b>				
Ages 24 and Under	18.2%	20.3%	18.0%	19.0%
Ages 25-54	73.2%	71.8%	74.3%	73.1%
Ages 55 and Over	8.6%	7.9%	7.7%	7.9%
<b>FLAGGED FOR MENTAL HEALTH<sup>2</sup></b>	29.0%	30.3%	45.5%	51.0%

Source: NYC Department of Correction (analyzed by the Data Collaborative for Justice).

<sup>1</sup> Borough is only available for 70,060 admissions in 2018-2019 and 22,893 in 2020-2021, because cases admitted on technical parole violations and select warrants and other matters do not have a pending case in any borough. Additionally, because borough is not included in public jail data, it is unavailable for a time close to April 1, 2019. Borough data in the right-most column is for August 29, 2022, available from NYC Criminal Justice at: <https://criminaljustice.cityofnewyork.us/system-data/>.

<sup>2</sup> People may be flagged for mental health and provided services at any time during their jail stay. Thus, this variable is measured at discharge, comparing 2018-2019 (N = 80,798) to 2020-2021 (N = 32,720).

## Chapter 8 - Conclusion: Drivers of Jail Trends in the Bail Reform Era

Especially given the intervening role of the COVID-19 pandemic in complicating any effort to disentangle cause and effect, it is easier to *describe* than to *explain* the trends identified in this report. Nonetheless, hard evidence confirms a contributing impact of at least **seven drivers**. The first three have led to jail reductions and the remaining four to jail increases.

### Jail Reduction Drivers Since 2019

#### 1. Bail Reform: The Original Reform Law

When bail reform went into effect in 2020, there was an unprecedented 54% drop in annual jail admissions – and a 50% drop in the number of *people* experiencing NYC jails (representing 13,313 fewer people). Even after successive upticks in both 2021 and 2022, jail admissions remained over 40% lower in 2022 than in 2019.

The considerable reductions in new jail admissions presented in this report mean that despite bail reform [implementation deficits](#) documented elsewhere,<sup>44</sup> New York’s ambitious pretrial reform has yielded demonstrable effects, as legislators intended. The city’s daily jail population experienced a significant drop of over 1,000 people in the very month overlapping with reform implementation in January 2020. Other research has found that judges engaged in significantly less bail-setting citywide – including a drop from 35% in 2019 to 20% in 2020 and 23% in 2021 on nonviolent felony cases that the reform law made mostly bail-ineligible.<sup>45</sup>

Although beyond the scope of the current study, prior research leads to a credible expectation that bail reform also contributed to lower numbers of people serving jail sentences, given a consistent finding that detaining people leverages them more often than otherwise to accept plea deals involving a conviction and a jail or prison sentence.<sup>46</sup>

#### 2. Humanitarian Releases Amid Successive Crises at Rikers Island

Publicity concerning conditions at Rikers Island surged at two distinct moments, both leading to documented – though short-lived – efforts to release people (see Chapter 3).

- **COVID-19 Outbreak:** Purposeful release efforts contributed to a drop of over 1,600 people in the city’s jail population in just six weeks following March 18, 2020 – the date when reports first surfaced of a budding health crisis at Rikers.<sup>47</sup> Two studies, one in New York City,<sup>48</sup> and one national,<sup>49</sup> reported that policymakers’ compassion for those exposed to COVID-19 in carceral settings and a resulting “will to decarcerate” motivated concrete action.
- **Intensifying Crisis in Mid-2021:** After surging publicity in the summer of 2021, New York Governor Kathy Hochul signed the Less is More Act and authorized a range of emergency releases in September of that year. The jail numbers for people held pretrial, on parole violations, and sentences all dipped from September to December 2021 (albeit only to increase again, thereafter).

### 3. Parole Reform: The Less is More Act

**Data indicates that the Less is More Act has yielded more sustainable jail reductions than bail reform to date.** Less is More flatly ended the automatic detention of people facing unadjudicated parole violations and strictly curtailed the length of any detention that continues to be imposed.<sup>50</sup>

Shown in Chapter 3, the day before September 17, 2021, when Governor Hochul signed the Less is More Act, there were 1,034 people in jail on parole violations. **A little over 14 months later, parole detention dropped by 81% to exactly 200 people as of November 1, 2022 — of whom just 5 were held on a technical parole violation.**

### Jail Increase Drivers Since 2019

#### 4. Reform Rollbacks: The 2020 and 2022 Amendments

As of July 2, 2020, and May 1, 2022, respectively, judges gained a greater ability to detain people through amendments moving certain types of cases from the bail-*ineligible* to bail-eligible category.<sup>51</sup>

**Of people who could be properly classified, 9% of the November 1, 2022 pretrial jail population (nearly 400 people) were detained due to provisions in these amendments.** Unfortunately, limitations in available NYC jail data preclude accurately mapping specific bail reform provisions to every person held pretrial.<sup>52</sup> Recognizing this limitation, 9% is likely an underestimate. (Prior research using richer court data found that cases impacted by the amendments are especially likely to be bail-eligible according to criminal history-based provisions that jail data cannot capture.<sup>53</sup>)

#### 5. Judicial Discretion: Judges' Mid-2020 Reversion to Bail-Setting

**Dovetailing with this report's finding of jail increases from May to September 2020, previous research found that NYC judges significantly increased their bail-setting these same months.**<sup>54</sup> To be clear, this change arose *independently* of the bail amendments. [One study](#) found that judges' bail-setting on a wide range of bail-eligible charges (e.g., violent felony assault, robbery, burglary, firearms, sex offenses, and murder) was significantly higher in the latter months of 2020 and all of 2021 than it had been in the earliest months of reform, from January to April 2020.<sup>55</sup>

**Why did judges increase their bail-setting?** Reasons are necessarily speculative, but at least the first of these three candidates is especially credible: (1) On average, judges adjusted their decision-making in response to empirically unsupported claims linking pretrial release to rising shootings and homicides;<sup>56</sup> (2) Judges reverted to bail-setting as more time elapsed since they were trained in the city's expanded [supervised release model](#) at the end of 2019;<sup>57</sup> and (3) COVID-19 and resulting disruptions to court operations led to other unknown effects precipitating an increased use of bail.

A previous analysis relying on court data through 2020 projected that about 760 fewer people would be in NYC's jail population if judges returned to bail-setting rates seen in the first ten weeks of that year (before both the pandemic and the uptick in bail-setting that began in May of 2020).<sup>58</sup>

#### 6. A Changing Charge Composition: More Violent Felonies Detained

By precluding bail and detention for most nonviolent felonies and misdemeanors, bail reform inescapably shifted the charge composition of the jails towards violent felonies (see Chapter 5).

**Adding to this same shift, the raw numbers of violent felony arraignments in New York City rose by 6% from 2019 to 2020, creating a larger pool of bail-eligible cases on which judges could detain people.**<sup>59</sup> Digging deeper, arraignments rose by much more for firearms (49% increase) and murder charges (35% increase). Research indicates that these were two of three violent felony categories (along with sex offenses) in which judges set bail or remand over 80% of the time in 2021.<sup>60</sup> Thus, judges were arraigning a greater volume of cases on the specific types of charges in which they were especially inclined to detain people in the first place.

***An important ramification of this shift is that future pretrial jail reductions will have to come in large part from policy, practice, or culture changes impacting people charged with violence, for whom judges have retained the discretion to set unaffordable bail or remand people.***

## 7. Increased Length of Stay

Illustrated in Exhibits 8.1 and 8.2 below, the city's monthly jail admissions stabilized from the fall of 2020 to the end of 2021, while the daily jail population continued rising. *The primary driver of these seemingly contradictory trends is increased length of stay among those detained.*

First, because violent felonies average longer jail stays than other cases, the jails' shifting charge composition necessarily meant that admission reductions would outpace daily jail population reductions. Second, pandemic-related court backlogs produced added length of stay increases, independent of people's charges. *Encouragingly, this report found that pandemic backlogs have been declining since around December 2021* (see Chapter 6). On the other hand, well-documented felony case processing delays that preceded the pandemic pose a stubborn challenge.<sup>61</sup>

## Multiple Correlated Factors

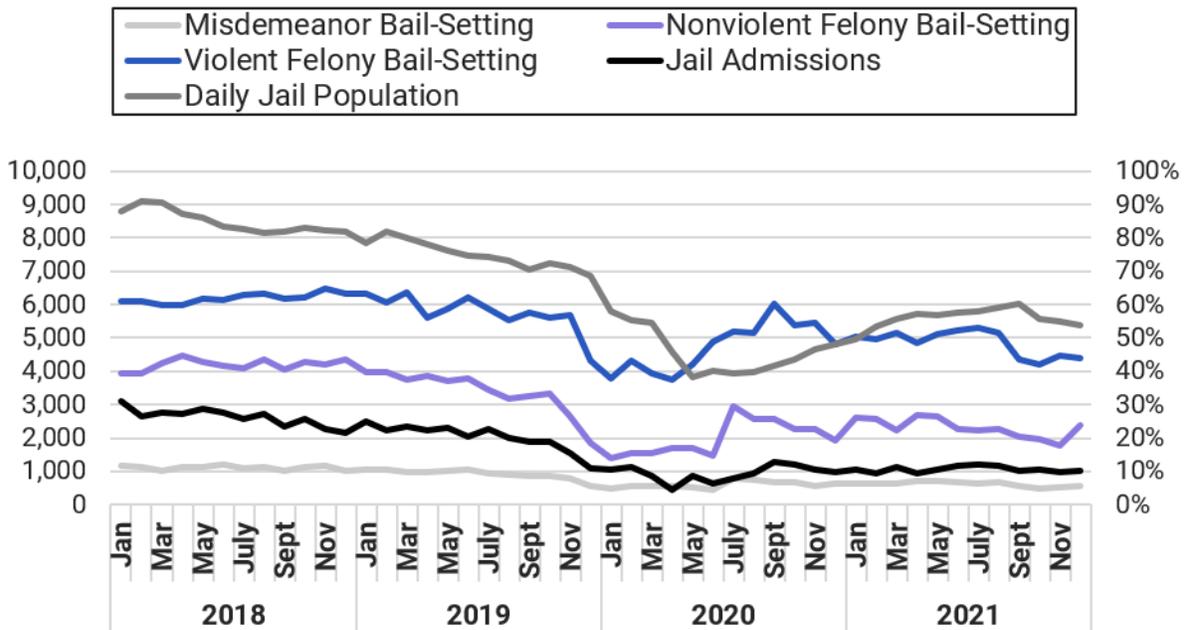
The two graphs shown below draw attention to several complicated, though intriguing, monthly trends spanning 2018 through 2021.

- **Insignificance of Misdemeanor Bail-Setting:** Shown in Exhibit 8.1, misdemeanor bail-setting was consistently low and changed little over the course of an otherwise volatile period based on all of the other indicators shown across both graphs.
- **Association of Felony Bail-Setting with Key Jail Trends:** Rates of both violent and nonviolent felony bail-setting largely tracked the jail trends (also shown in Exhibit 8.1). Exceptions: (1) Although bail-setting did not change during March and April 2020, there were sizable jail reductions during these two remarkable months, a finding consistent with this report's prior attribution of steep jail reductions at the pandemic's onset to declining arrests and purposeful efforts to release people who had already been admitted to jail; (2) After September 2020, the daily population rose significantly, while bail-setting leveled off and, in fact, fell modestly.
- **Association of Felony Arraignment Volume with Key Jail Trends:** Monthly felony arraignment volume also largely tracked the jail trends, though less so with the daily population trend after September 2020 (shown in Exhibit 8.2). Another exception is the runup to bail reform (October 2019-January 2020), when pretrial admissions declined steeply in obvious response to the new law, while arraignments saw only modest fluctuations.
- **Disjunction Between the Admissions and Daily Population Trends After Fall 2021:** Pretrial jail admissions modestly declined from September 2020 through the end of 2021, while the daily jail

population continued to climb (shown in both graphics). *This timeframe overlaps with the ballooning of pandemic-related court delays as a primary driver of ongoing jail increases.*

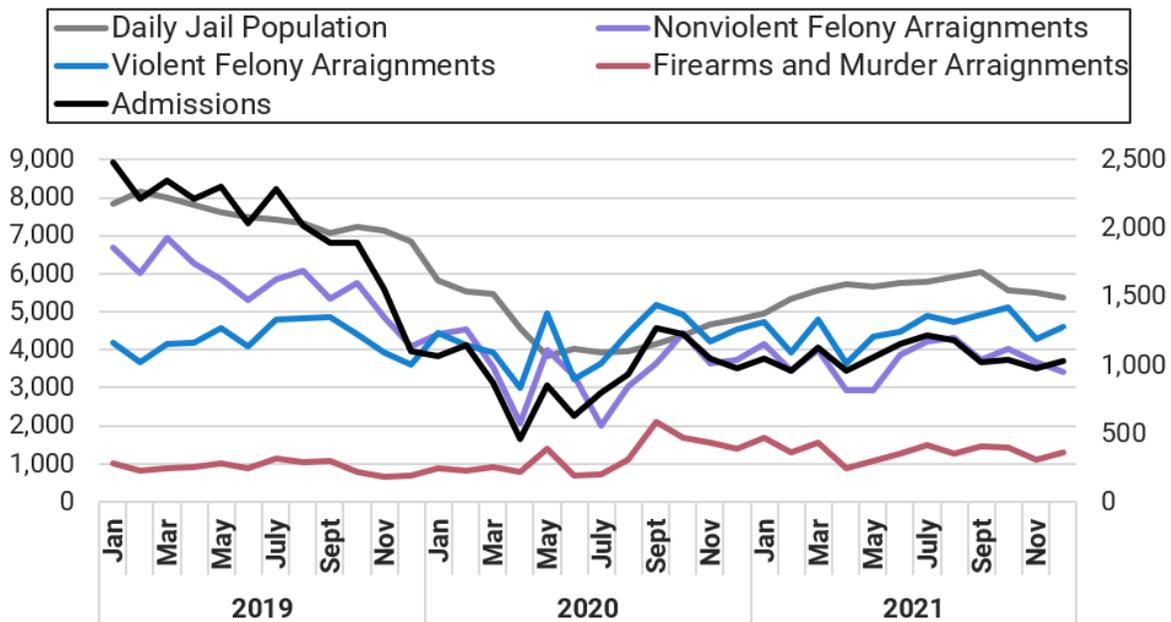
An additional regression analysis whose results are shown in the Appendix reconfirmed the existence of a significant independent effect of bail reform in reducing pretrial detention. The analysis also reconfirmed the above-noted effects on the monthly jail trends in, respectively, rates of violent felony bail-setting and numbers of violent felony arraignments.

**Exhibit 8.1. NYC Jail Numbers and Bail-Setting, 2019-2021**



Source: Jail Data: NYC Department of Correction; Bail-Setting Data: Office of Court Administration; both analyzed by DCJ.

**Exhibit 8.2. NYC Jail Numbers and Felony Arraignments, 2019-2021**



Source: Jail Data: NYC Department of Correction; Arraignment Data: NYS Office of Court Administration; analyzed by DCJ. Note: Only the daily jail population trendline (shown in gray) align with left axis. All other indicators align with the right axis.

## Conclusion

**Legislation matters.** Pretrial jail admissions dropped by over half in 2020, the first year of **bail reform**. Parole violation admissions began to drop immediately after the signing of the **Less is More Act**. Just over 14 months after signing, people held on parole violations had nosedived by 81%.

**And, yet, for a range of unexpected reasons, the pretrial jail population was virtually identical on the December 2022 date of this report's release as on the April 2019 date when bail reform passed.** Overall, NYC jails held 24% fewer people, a modest net reduction relative to far more ambitious early projections.

Moreover, amidst persistent [violence](#) at Rikers Island,<sup>62</sup> the daily jail population has mostly stagnated in the range of 5,700 to 6,000 people since late summer 2021. This range is 2,400 to 2,700 higher than the 3,300 daily capacity of smaller jails due to replace Rikers in 2027.

While no policymaker would support releasing more people simply to reach a predestined target, two reports released in the summer of 2021 both estimated that safe and achievable jail reduction strategies could shrink the jail population to well below 3,300.<sup>63</sup> One projected a range of 2,700 to 3,100 under a conservative assumption that policymakers would only partially implement proposed strategies. The other report set a lower benchmark of 2,200 if policymakers did better.

Building on three decades of gradual culture change since the 1990s, these more ambitious, yet feasible, jail reduction aspirations await leadership from New York State's incoming chief judge — due to take office in early 2023 — and from city and state public officials.

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 justice 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/>

## Appendix - Supplemental Analyses

**Exhibit A.1. Effect of Year and Charge on Length of Stay, 2018-2021  
Discharges Initially Admitted Before Trial**

Dependent Variable (OLS Specification)	Length of Stay	
<b>N</b>	75,063	
<b>F</b>	132.491***	
Parameter	<i>B</i>	Beta
Discharge Year (reference = 2018)		
Discharged in 2019	5.852***	.016
Discharged in 2020	-8.087***	-.016
Discharged in 2021	5.288**	.011
Charge (Reference = Misdemeanor)		
Nonviolent Felony	59.115***	.161
Violent Felony	74.481***	.218
Murder	230.751***	.254
Firearms/Weapons (Violent Felony)	-37.546***	-.066
<i>Constant</i>	28.281***	

\*\*\*  $p < .001$  \*\*  $p < .01$  \*  $p < .05$

Source: Department of Correction (analyzed by the Data Collaborative for Justice).

**Additional Notes:** Among 2018-2021 discharges for people initially admitted before trial, the above results confirm that charge severity was a powerful predictor of length of stay. For example, after controlling for the year of discharge and charge severity, violent felony cases involving a murder charge averaged 231 days more in jail than other cases (see *B* coefficient). Caveat: The results for discharge year are potentially confounded by COVID-19 backlogs. Those results indicate that 2020 discharges averaged a *lower* length of stay than in other years; yet prior research makes clear that backlogs grew during 2020. The confounding dynamic is that people held in jail in 2020 on complex cases tended not to have their cases resolved at any point during the year due to court disruptions, leading the cases that were resolved in 2020 to skew shorter.

## Exhibit A.2. Effect of Bail Reform, Violent Felony Arraignments, and Discretionary Bail-Setting on Monthly Jail Trends

Dependent Variable (OLS Specification)	Monthly Pretrial Admissions, January 2018-December 2021		Daily Jail Population, First of the Month, January 1, 2018-November 1, 2022	
<b>N</b>	48		57	
<b>F</b>	167.398***		56.009***	
Parameter	<i>B</i>	Beta	<i>B</i>	Beta
Month (Ref. = January 2018) <sup>1</sup>	-22.469***	-0.337	-17.174	-0.149
Bail Reform in Effect (January 2020 or Later)	-491.976***	-0.246	-2460.570***	0.771
Number of Violent Felony Arraignments	1.165***	0.214	1.003~	0.090
Rate of Violent Felonies Assigned Bail/Remand	23.600***	0.021	1.241	0.006
<i>Constant</i>	-236.114		6906.533***	

\*\*\*  $p < .001$  \*\*  $p < .01$  \*  $p < .05$  +  $p < .10$  ~  $p < .20$

Source: Office of Court Administration (analyzed and coded by month by the Data Collaborative for Justice).

<sup>1</sup> Month is coded 1-48 for Monthly Admissions (through December 2021) and 1-59 for the daily population (through November 2022).

**Additional Notes:** For the regression results presented above, the unit of analysis is month, with pretrial admissions included for each of 48 months (spanning January 2018 to December 2021) and the daily jail population included as of the first day of each of 59 months (January 2018 to November 2022).

These limited sample sizes require minimal covariates and involve relatively weak statistical power. Caveats aside, the analysis generally: (1) confirms a strong bail reform effect towards reducing jail; (2) confirms that even independent of bail reform, the monthly use of jail gradually declined net of other factors (and consistent with a longer-term historic trend towards less jail); and (3) indicates that more violent felony arraignments and a higher rate of bail-setting in a given month increased pretrial admissions. Only the effect of bail reform was statistically significant in both models. On average, there were 492 fewer pretrial admissions and 2,461 fewer people in the daily jail population after bail reform went into effect – net of the other factors in the model. In addition, though not all effects are significant, both factors involving violent felony case processing (arraignments and bail-setting rates) led to more use of jail after May of 2020 (see *B* coefficients).

The model predicting the daily jail population is weaker than that predicting pretrial admissions, a finding that is consistent with the sizable role of length of stay and COVID-19 backlogs, factors not statistically modeled below, in explaining jail population variations. Another notable caveat is that the model did not independently isolate the period after the Less is More Act went into effect in mid-September 2021, necessarily leading to an overestimate of unknown magnitude of the effect of bail reform.

In general, while this analysis is meant to amplify that provided in Exhibits 8.1 and 8.2, it cannot serve as a comprehensive test of the statistical predictors of jail trends over the period measured, given the limited numbers of months analyzed and, consequently, the limited number of measures that could be included.

## Endnotes

- 1 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/sites/default/files/media/document/2019/Bail\\_Reform\\_NY\\_full\\_0.pdf](https://www.courtinnovation.org/sites/default/files/media/document/2019/Bail_Reform_NY_full_0.pdf).
- 2 Local Laws of the City of New York for the Year 2021. (2021). Available at: <https://climate.law.columbia.edu/sites/default/files/content/Local%20Law%2016.pdf>.
- 3 For further information, see A More Just NYC. (2022). *Halfway to History: Five-Year Status Report on the Path to Closing Rikers*. New York, NY: Independent Commission on New York City Criminal Justice and Incarceration Reform. Available at: <https://datacollaborativeforjustice.org/wp-content/uploads/2022/10/Halfway-to-History-Five-Year-Status-Report-Closing-Rikers.pdf>. As this report documents, the plan to close Rikers Island includes 3,544 jail beds, which allows for excess capacity above 3,300 on days when the population somewhat exceeds the maximum daily average. The plan also includes 380 secure hospital beds that, if made available, could enable housing people with medical conditions outside new borough-based jail facilities.
- 4 Rahman, I. (2019). *New York, New York: Highlights of the 2019 Bail Reform Law*. New York, NY: Vera Institute of Justice. Available at: <https://www.vera.org/downloads/publications/new-york-new-york-2019-bail-reform-law-highlights.pdf>; Rempel, M. & Rodriguez, K. (2019), Op Cit.
- 5 Rempel, M., Rodriguez, K., Nims, T., Weill, J., Katznelson, Z., & Volpe, M. (2021). *Closing Rikers Island: A Roadmap for Reducing Jail in New York City*. New York, NY: Independent Commission on New York City Criminal Justice and Incarceration Reform and the Center for Court Innovation. [https://www.courtinnovation.org/publications/reducing\\_jail\\_rikers](https://www.courtinnovation.org/publications/reducing_jail_rikers); Glazer, E. & Jacobson, M. (2021). *What to Do About Closing Rikers*. New York, NY: Vital City. Available at: [https://www.vitalcitynyc.org/special\\_reports/special-report-on-rikers](https://www.vitalcitynyc.org/special_reports/special-report-on-rikers).
- 6 For a different analysis and perspective that, nonetheless, converges on the same data-driven conclusion that the city is not presently on track to reduce New York City's daily jail population to 3,300, see Lehman, C.F. (2022). *Is 3,300 Enough? Why the Borough-Based Jails Are Too Small to Keep NYC Safe*. New York, NY: Manhattan Institute. Available at: <https://www.manhattan-institute.org/why-borough-based-jails-are-too-small-to-keep-nyc-safe>.
- 7 Singletary, E.N. & sayegh, g. (2021). *New York's Less Is More Act: A Status Report on Implementation*. Less is More NY. Available at: <https://lessismoreny.org/wp-content/uploads/2022/03/New-Yorks-Less-Is-More-Act-A-Status-Report-on-Implementation-March-1-2022.pdf>.
- 8 See, e.g., Katz, M. (2022, September 28). "Never-Before-Seen Images Show Rikers Inmates Locked in Caged Showers, Left in Soiled Pants, More Poor Conditions". *Gothamist*. Available at: <https://gothamist.com/news/rikers-images-shower-cages-poor-conditions>; Martin, S.J., et al. (March, 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>; Martin, S.J., et al. (December, 2021). *Twelfth Report of the Nunez Independent Monitor*. The Nunez Monitoring Team. Available at: <http://tillidgroup.com/wp-content/uploads/2021/12/12th-Monitors-Report-12-06-21-As-Filed.pdf>; Martin, S.J., et al. (October, 2022). *Second Status Report on DOC's Action Plan*. Available at: <http://tillidgroup.com/wp-content/uploads/2022/10/2022-10-28-Second-Status-Report-of-Action-Plan.pdf>; Nicholas, J.B. (2022, May 3). Former Rikers Watchdog: 'This Whole Fucking Thing Is A Racket.' *Hell Gate*. Available at: <https://hellgatenyc.com/nycs-former-jails-investigator-identifies-top-problem-on-rikers-corruption>. See, also, NYC Comptroller. (2022). *Department of Correction (DOC) – Dashboard*. Available at: <https://comptroller.nyc.gov/services/for-the-public/department-of-correction-doc/dashboard/>; and see the Data Hub housed by Vital City at [https://www.vitalcitynyc.org/data\\_hub](https://www.vitalcitynyc.org/data_hub).
- 9 The Department of Correction (DOC) provided the Data Collaborative for Justice (DCJ) with non-public admission and discharge data from 1995 to 2021. This dataset includes the status of people's cases (held pretrial, sentenced to jail, detained due to technical parole violations, etc.), bail amounts, individual demographic characteristics, and dates necessary to compute people's time in custody, among other measures. DOC data provides gender as a binary indicator (female or male), precluding an accurate classification of gender-expansive individuals who do not consistently identify as one or the other of those two genders. An additional limitation is that DCJ researchers have found DOC's raw data modestly overclassifies people as held before trial, who are in fact incarcerated due to post-sentence probation violations, warrants, or other miscellaneous detention holds suggestive of post-sentence status. To improve accuracy, DCJ uses its own coding to adjust some people's status from the raw DOC data before any analysis.  
Additionally, for the sole purpose of examining the overall number of jail admissions through the first ten months of 2022 (i.e., through October 31, 2022), this report used public admissions data available at [this web page](#). Such public data includes an extremely limited number of fields, making it unfeasible to provide accurate breakdowns of 2022 jail admissions beyond the total number for the entire year-to-date. In addition, even total numbers of admissions slightly vary between the non-public data provided to the Data Collaborative for Justice and public data. For instance, in 2021, the non-public data indicates a total of 16,618 admissions, compared to 16,484 in the public dataset. It is for all these reasons that nearly all analyses of jail admissions rely solely on the more extensive non-public dataset described above.

Finally, DOC posts to [this additional web page](#) a different public dataset, containing people held in New York City jails as of specific dates. The most recent date examined was November 1, 2022. Demographic data in this public dataset includes race, but not ethnicity. Prior research indicates that this data typically classifies Hispanic/Latinx individuals as “other” on the race field, enabling a credible estimation of their prevalence. Yet the lack of an explicit ethnicity field reduces precision.

10 Prison Policy Initiative. New York Profile. Available at: <https://www.prisonpolicy.org/profiles/NY.html>; Vera Institute of Justice. Incarceration Trends in New York. Available at: <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-new-york.pdf>.

11 Fox, A. & Koppel, S. (2021). *Pretrial Release Without Money: New York City, 1987-2020*. New York, NY: New York City Criminal Justice Agency. Available at: <https://www.nycja.org/publications/pretrial-release-without-money-new-york-city-1987-2020>.

12 Rempel, M., Rodriguez, K., & Nims, T., et al. (2021), Op Cit.

13 The trend in prison sentencing relies on aggregate numbers provided to the author by the New York State Division of Criminal Justice Services. Available on request.

14 Prior research by the Data Collaborative for Justice indicates that felony admissions began their decline in the mid-1990s, while misdemeanor admissions hovered at just over 40,000 throughout most of the 1990s and early 2000s before experiencing a nearly continuous decline from 2009 to 2020. See Scrivener, L. & Tomascak, S. (2021). *Trends in Admissions to New York City Jails, 1995-2019*. New York, NY: Data Collaborative for Justice. Available at: <https://datacollaborativeforjustice.org/work/jail/data-report-trends-in-admissions-to-new-york-city-jails-1995-2019/>.

15 Glazer, E. & Sharkey, P. (2021). *Social Fabric: A New Model for Public Safety and Vital Neighborhoods*. The Square One Project. Available at: <https://squareonejustice.org/wp-content/uploads/2021/04/CJLJ8743-Social-Fabric-Square-One-WEB-report-210406.pdf>.

16 For a recent study examining the many harms to incarcerated people’s and their families’ wellbeing, see Bergin, T., Ropac, R., Randolph, I. & Joseph, H. (2022). *The Initial Collateral Consequences of Pretrial Detention: Employment, Residential Stability, and Family Relationships*. New York, NY: NYC Criminal Justice Agency. Available at: <https://www.nycja.org/publications/the-initial-collateral-consequences-of-pretrial-detention>.

17 For separate research on reduced bail-setting and remand decisions by New York City judges at arraignment, see Lu, O. & Rempel, M. (2022). *Two Years In: 2020 Bail Reforms in Action in New York State*. New York, NY: Data Collaborative for Justice. Available at: <https://datacollaborativeforjustice.org/work/bail-reform/two-years-in-2020-bail-reforms-in-action-in-new-york-state/>.

18 Kim, J., Hood, Q., & Connors, E. (2022). *New York State Jail Population Brief, January 2019–December 2020*. New York, NY: Vera Institute of Justice. Available at: <https://www.vera.org/downloads/publications/new-york-state-jail-population-brief-2019-2020.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/sites/default/files/media/document/2021/One\\_Year\\_Bail\\_Reform\\_NYS.pdf](https://www.courtinnovation.org/sites/default/files/media/document/2021/One_Year_Bail_Reform_NYS.pdf).

19 Reported admissions for 2022 are based on the public dataset at NYC Open Data.

20 Rempel, M. & Rodriguez, K. (2020). *Bail Reform Revisited: The Impact of New York’s Amended Bail Law on Pretrial Detention*. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/bail-revisited-NYS>.

21 Martinez, A., Weill, J., Villegas, L., Wada, C., Rempel, M., & Pooler, T. (2022). *The Will to Decarcerate: COVID-19 and New York City’s Early Release Program*. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/early-release-2022>; Pooler, T. & Wada, C. (2020). *The Early Release 6A Program Documented Results: Six Month Update (September 22, 2020)*. New York, NY: Center for Court Innovation, New York City Criminal Justice Agency, and CASES. Available at: [https://www.courtinnovation.org/sites/default/files/media/documents/2020-11/Early\\_Release\\_Outcomes\\_20201112.pdf](https://www.courtinnovation.org/sites/default/files/media/documents/2020-11/Early_Release_Outcomes_20201112.pdf).

22 Rempel, M. (2020). *COVID-19 and the New York City Jail Population*. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/nycjails-covid>.

23 Schiraldi, V. (2020). *Two Months Later: Outcomes of the March 27th Order to Release People Jailed for Technical Violations During the Pandemic*. New York, NY: Columbia Justice Lab. Available at: <https://justicelab.columbia.edu/sites/default/files/content/NY%20Two%20Months%20Later%205.27.20%20final.pdf>.

24 NYC Criminal Justice. (2020). *New York City Jail Population Reduction in the Time of COVID-19*. New York, NY. Available at: [https://criminaljustice.cityofnewyork.us/wp-content/uploads/2020/05/COVID-factsheet\\_MAY-7-2020.pdf](https://criminaljustice.cityofnewyork.us/wp-content/uploads/2020/05/COVID-factsheet_MAY-7-2020.pdf); Rempel, M. (2020), Op Cit.

25 Martinez, A., et al. (2022), Op Cit.

26 Bromwich, J.E. & Ransom, J. (2021, August 24). An ‘Absolute Emergency’ at Rikers Island as Violence Increases. *New York Times*. Available at: <https://www.nytimes.com/2021/08/24/nyregion/rikers-island-emergency-chaos.html>;

- Martin, S.J., et al. (May, 2021). *Eleventh Report of the Nunez Independent Monitor*. The Nunez Monitoring Team. Available at: [https://www1.nyc.gov/assets/doc/downloads/pdf/11th\\_Monitor\\_Report.pdf](https://www1.nyc.gov/assets/doc/downloads/pdf/11th_Monitor_Report.pdf); Martin, S.J. & Friedberg, A.E. (August, 2021). *Letter to the Honorable Laura T. Swain*. Office of the Monitor. Available at: <http://tillidgroup.com/wp-content/uploads/2021/08/2021-08-24-Letter-to-Court-re-Conditions-FINAL.pdf>.
- 27 Blau, R. (2021, September 14). Justice Delayed: City Jail Staff Shortage Keeps Detainees from Getting to Court. *The City*. Available at: <https://www.thecity.nyc/2021/9/14/22674823/nyc-rikers-jail-staff-shortage-keeps-detainees-from-court>.
- 28 Sherman, R. (2021, August 26). Rikers Staffing Crisis Limits Access to Medical Care. *New York Focus*. Available at: <https://www.nysfocus.com/2021/08/26/rikers-staffing-medical-care/>.
- 29 For the City Council's Committee Report, all submitted written testimony, and a hearing transcript, see New York City Council. (September, 2021). *Oversight: The Condition in Our City's Jails*. Available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=890543&GUID=71B97366-3019-425E-813B-DA5DD20A68F1&Options=info&Search=Oversight>.
- 30 O'Brien, R.D. & Marcius, C.R. (2021, September 27). Hochul Orders Release of 191 Detainees as Rikers Crisis Deepens. *New York Times*. Available at: <https://www.nytimes.com/2021/09/17/nyregion/rikers-island-crisis.html>.
- 31 Less is More NY. (2022). *Explaining the Less is More Act*. Available at: <https://lessismoreny.org/wp-content/uploads/2022/07/Explaining-Less-is-More-6.28.2022.docx.pdf>.
- 32 See, e.g., Kim, J., et al. (2022), Op Cit.; Lu, O., Bond, E., Chauhan, P., & Rempel, M. (2022). *Bail Reform in Action: Pretrial Release Outcomes in New York State, 2019-2020*. New York, NY: Data Collaborative for Justice. Available at: <https://datacollaborativeforjustice.org/work/bail-reform/bail-reform-in-action-pretrial-release-outcomes-in-new-york-state-2019-2020/>; New York State Division of Criminal Justice Services (DCJS). (2022). *Supplemental Pretrial Release Data Summary Analysis: 2019-2021*. Presented at a webinar, Before and After: Data on the Impact of Bail Reform, September 21, 2022. DCJS PowerPoint available at: <https://datacollaborativeforjustice.org/event/webinar-before-and-after-data-on-the-impact-of-bail-reform/>.
- 33 See Singletary, E.N. & sayegh, g. (2021), Op Cit.
- 34 Martinez, A., et al. (2022), Op Cit.
- 35 Scrivener, L., Tomascak, S., Bond, E., & Chauhan, P. (2021). *New York City Jail Population in 2019*. New York, NY: Data Collaborative for Justice. Available at: <https://datacollaborativeforjustice.org/work/jail/new-york-city-jail-population-in-2019/>.
- 36 Rempel, et al. (2021), Op Cit.; Travis, J. & Rempel, M. (2022, May 17). To Close Rikers, Unstick the Justice System. *Daily News*. Available at: <https://www.nydailynews.com/opinion/ny-oped-rikers-justice-20220517-ywnhe6ze3jgwjb6fce7now2hqi-story.html>.
- 37 March 18, 2020 was the date that news reports identified the first death from COVID-19 of someone at held at the Rikers Island jail complex. One day earlier on March 17, 2020, the New York City Criminal Court transitioned to video arraignments, and courts across the city began initiating policies involving less frequent court dates on pending cases and social distancing measures that precluded timely trials. See pandemic-related court updates at: <https://www.nycourts.gov/covid-archive.shtml>.
- 38 Monaghan, S. & Rempel, M. (2023, forthcoming). *Racial Disparities in the Use of Jail Across New York City 2016-2021*. New York, NY: Data Collaborative for Justice.
- 39 Based on results not displayed, changes were comparatively modest from 2018 to 2019 and from 2020 to 2021; the largest changes took place between 2019 and 2020, meaning that the grouping of two sets of two years apiece does not obscure meaningful findings.
- 40 Rempel, M. & Weill, J. (2021), Op Cit.
- 41 Rempel, M., Fisler, C., Kerodal, A., Spadafore, J., Lambson, S.H., & Berg, R. (2017). *Felony Case Processing in New York City: Findings and Recommendations*. New York, NY: Center for Court Innovation. Available at: [https://www.courtinnovation.org/sites/default/files/media/document/2021/Felony\\_Case\\_Processing\\_NYC\\_2016.pdf](https://www.courtinnovation.org/sites/default/files/media/document/2021/Felony_Case_Processing_NYC_2016.pdf).
- 42 Monaghan, S. & Rempel, M. (2023, forthcoming), Op Cit.; see, also, Kim, J., et al. (2022), Op Cit.; Rempel, M. & Weill, J. (2021), Op Cit.
- 43 NYC Comptroller. (2022), Op Cit.
- 44 See, e.g., Envision Freedom. (2022). *Pretrial Detention in New York*. New York, NY. Available at: <https://envisionfreedom.org/wp-content/uploads/2022/04/Envision-Freedom-Pretrial-Detention-in-New-York-April-2022.pdf>; Lu, O. & Rempel, M. (2022, June 28). In the Current Debate on New York's Bail Laws, Data and Justice Lose. *City Limits*. Available at: <https://citylimits.org/2022/06/28/opinion-in-the-current-debate-on-new-yorks-bail-laws-data-and-justice-lose/>; Lu, O. & Rempel, M. (2022), Op Cit.; Rempel, M. & Weill, J. (2021), Op Cit. Kim, J., Greene, C., Boldin, A., Hood, Q., & Purkayastha, S. (2022). *A Year of Unprecedented Change: How Bail Reform and COVID-19 Reshaped Court Practices in Five New York Counties*. New York, NY: Vera Institute of Justice. Available at: <https://www.vera.org/downloads/publications/a-year-of-unprecedented-change-bail-reform-covid-19-five-new-york-counties.pdf>.
- 45 Lu, O. & Rempel, M. (2022), Op Cit.; and see, also, e.g., Lu, O., et al. (2022), Op Cit.; and see New York State Division

of Criminal Justice Services. (2022), Op Cit.

46 See, e.g., Bergin, T., Koppel, S., Ropac, R., Randolph, I. & Joseph, H. (2021). The Pretrial Detention Penalty: How Detention Impacts Case Outcomes. Available at SSRN: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3710879](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3710879); 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>; 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: [https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF\\_Report\\_state-sentencing\\_FNL.pdf](https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_state-sentencing_FNL.pdf); Phillips, M.T. (2012). *A Decade of Bail Research in New York City*. New York, NY: Criminal Justice Agency. Available at: <https://www.prisonpolicy.org/scans/DecadeBailResearch12.pdf>; Rempel, M., Kerodal, A., Spadafore, J., & Mai, C. (2017). *Jail in New York City: Evidence-Based Opportunities for Reform*. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/jail-new-york-city-evidence-based-opportunities-reform>.

47 See discussion in this report, Chapter 3. See, also, Pinto, N. (2020, March 18). Coronavirus Has Arrived at Rikers Island: Inside New York City Jails, Where the Pandemic is Set to Explode. *The Intercept*. Available at: <https://theintercept.com/2020/03/18/coronavirus-rikers-island-jail/>. And for additional discussion and citations from late March 2020, see, also, Rempel, M. (2020), Op Cit.

48 Martinez, A., et al. (2022), Op Cit.

49 Mitchell, K.L., Laskorunsky, J., Bielenberg, N., Chin, L., & Wadsworth, M. (2022). *Examining Prison Releases in Response to COVID: Lessons Learned for Reducing the Effects of Mass Incarceration*. Minneapolis, MN: Robina Institute of Criminal Law and Criminal Justice. Available at: <https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2022-07/Examining%20Prison%20Releases%20in%20Response%20to%20COVID%20-%20July%202022.pdf>.

50 Less is More NY. (2022), Op Cit.; Singletary, E.N. & sayegh, g. (2021), Op Cit.

51 For a description of the 2020 amendments, see Rempel, M. & Rodriguez, K. (2020), Op Cit. For a description of the 2022 amendments, see Gelardi, C. (2022, April 9). How New York State Just Rolled Back Criminal Justice Reforms. *New York Focus*. Available at: <https://www.nysfocus.com/2022/04/09/hochul-criminal-justice-budget-roundup/>.

In addition, for a cumulative update on which types of cases are eligible for bail and which are not after the latest round of bail reform rollbacks implemented in 2022, see Rodriguez, K. (2022). *New York's Bail Statute: Pretrial Options (Updated May 2022)*. New York, NY: Data Collaborative for Justice. Available at: <https://datacollaborativeforjustice.org/work/practitioner-resources/new-yorks-bail-statute-pretrial-options/>.

52 This report applies the same methodology for classifying cases as in Rempel, M. & Rodriguez, K. (2020), Op Cit. For a detailed discussion of methods details and several insurmountable limitations in working with public jail population data for New York City, see, also, Rempel, M. & Rodriguez, K. (2020b). *Projecting the Impact of New York's Amended Bail Reform on the Pretrial Jail Population: A Technical Supplement*. New York, NY: Center for Court Innovation. Available at: [https://www.courtinnovation.org/sites/default/files/media/documents/2020-05/bail\\_reform\\_projections\\_technical\\_supplement\\_5.4.2020.pdf](https://www.courtinnovation.org/sites/default/files/media/documents/2020-05/bail_reform_projections_technical_supplement_5.4.2020.pdf). Notably, there were zero cases in the November 1, 2022 pretrial jail population that were clearly made eligible for bail in the 2022 amendments, though data limitations mean that it is impossible to rule out that any such cases exist. On balance, available jail data precluded estimating whether 15% of the pretrial jail population held on November 1, 2022 was bail-eligible due to the original bail reform law or either of the amended reforms.

53 Both the 2020 and 2022 amendments to the reformed bail law included a disproportionate number of provisions based on people's criminal history, as discussed in Rempel, M. & Rodriguez, K. (2020), Op Cit. An empirical analysis using court data found that the single provision accounting for 63% of cases detained due to the 2020 amendments allowed judges to set bail or detain people if both the current and a pending charge involved "harm to an identifiable person or property" (Rempel, M. & Weill, J. [2021], Op Cit.). Yet jail data precludes mapping cases to this criminal history-based criterion. Accordingly, it is likely, though it cannot be empirically determined, that more than the estimated 9% of people in the November 1, 2022 pretrial jail population were, in fact, made bail-eligible by the amendments.

54 Lu, O. & Rempel, M. (2022), Op Cit.; Rempel, M. & Weill, J. (2021), Op Cit.

55 For an analysis of month-by-month bail-setting changes in 2020 and 2021, both for cases impacted by the 2020 amendments and for select violent felony charges bail-eligible throughout the reform era, see especially the final sections of Chapter 2 in Lu, O. & Rempel, M. (2022), Op Cit.

56 For a summary of evidence rejecting the link between bail reform and serious crime, see Grawert, A. & Kim, N. (2022). *The Facts on Bail Reform and Crime Rates in New York State*. New York, NY: Brennan Center. Available at: <https://www.brennancenter.org/our-work/research-reports/facts-bail-reform-and-crime-rates-new-york-state>. For a senior court administrator's confirmatory speculation that judges began setting bail more often in response to the public narrative around bail reform, pretrial release, and crime, see Fertig, B. (2020, December 21). City's Jail Population Rises After Bail Reform Gets a Rewrite. *Gothamist*. Available at: <https://gothamist.com/news/citys-jail-population-rises-after-bail-reform-gets-a-rewrite>. This latter article states, "Tamiko Amaker, chief administrative judge for the New York City criminal courts, agreed jail wasn't considered as dangerous in the summer as in March and April. But she said the main reason judges

began setting bail more often had to do with the crime wave. 'They're seeing one murder after another, or seeing one shooting after another, coming into their courtrooms,' she explained. These arraignments were conducted remotely but Amaker said prosecutors and defense attorneys still got to make their best case."

57 NYC Criminal Justice. (2020). *A Guide to Supervised Release After Bail Reform*. New York, NY: Available at: <https://criminaljustice.cityofnewyork.us/wp-content/uploads/2022/03/A-Guide-to-Supervised-Release-After-Bail-Reform-1.pdf>.

58 Rempel, M., Rodriguez, K., & Nims, T., et al. (2021), Op Cit.

59 Except where otherwise noted, data in this chapter on criminal arraignments is based on original analysis of criminal court data provided to the Data Collaborative for Justice by the state Office of Court Administration.

60 Lu, O. & Rempel, M. (2022), Op Cit.

61 Rempel, M., Rodriguez, K., & Nims, T., et al. (2021), Op Cit.

62 Cited above, see, e.g., Rikers data dashboards respectively maintained by the NYC Comptroller (<https://comptroller.nyc.gov/services/for-the-public/department-of-correction-doc/dashboard/>) and Vital City ([https://www.vitalcitynyc.org/data\\_hub?tag=Incarceration](https://www.vitalcitynyc.org/data_hub?tag=Incarceration)). See, also, the latest report from the federal monitor overseeing the jails on Rikers Island: Martin, S.J., et al. (October, 2022), Op Cit.

63 Glazer, E. & Jacobson, M. (2021), Op Cit.; Rempel, M., Rodriguez, K., & Nims, T., et al. (2021), Op Cit. The first report cited strategies that make achievable a target daily jail population of 2,200 people. The second report projected a jail population range of 2,700 to 3,100 people, where even the lower 2,700 number in this range incorporated conservative assumptions involving only partial implementation of its recommended strategies. In disclosure, the current author also served as a coauthor of the latter of these two reports.

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**DATA COLLABORATIVE** FOR JUSTICE

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AT JOHN JAY COLLEGE

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STRENGTH IN NUMBERS

