

Bail Reform & Recidivism Series

Does New York's Bail Reform Law Impact Recidivism? A Quasi-Experimental Test in the State's Suburban and Upstate Regions

February 2024

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DATA COLLABORATIVE FOR JUSTICE

AT JOHN JAY COLLEGE

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ACKNOWLEDGMENTS

This report was supported by Arnold Ventures as part of a larger initiative to study New York State’s 2020 Criminal Justice Reforms. Thank you to Tyrell Connor and Kristin Bechtel for their guidance.

At the Data Collaborative for Justice, a special thank you to Olive Lu for guiding our use of court data. We are grateful to Olive as well as Krystal Rodriguez and Stephen Koppel for their insightful comments on an earlier draft.

The report would not have been possible without data provided by the New York State Office of Court Administration, with the gracious assistance of its Division of Technology & Court Research staff, Karen Kane, Carolyn Cadoret, and Annette Parisi. OCA data provided herein does not constitute an official record of the New York State Unified Court System, which does not represent or warrant the accuracy thereof. The opinions, findings, and conclusions expressed in this publication are those of the authors and not those of the New York State Unified Court System, which assumes no liability for its contents or use thereof.

Chapter 1.

Introduction: Purpose of the Current Study

This report examines the impact of New York’s bail reform law on recidivism in the State’s suburban and upstate regions, encompassing all counties *except* New York City’s five boroughs. (We published a [similar analysis for New York City in March 2023](#).¹) The evaluation compares re-arrest on any charge, a felony, a violent felony, and a firearm charge between people released under the reforms and statistically similar people who faced bail or a remand order.

We tracked recidivism over a minimum of two years for everyone studied. This timeframe encompassed not only the pretrial period but, also, a post-disposition period during which the vast majority of people who initially faced bail and pretrial detention were ultimately released.

While addressing “bottom-line” questions such as whether eliminating bail for select charges was associated with recidivism, we also examined for whom bail reform has had more or less beneficial effects. Additional analyses yielded results for people facing different charges (misdemeanor, nonviolent felony, and violent felony) and people with or without prior justice involvement.

Key Components of New York’s Bail Reform Law

Passed April 1, 2019, bail reform went into effect statewide on January 1, 2020. These [changes to the bail law](#) made the vast majority of misdemeanors and nonviolent felonies subject to mandatory release. Arraignment judges could release people with these charges on their own recognizance, order non-monetary conditions such as pretrial supervision, or in limited circumstances order electronic monitoring.² But judges could no longer set bail or detain people.

Key exceptions to mandatory release included virtually all violent felonies; sex offenses; domestic violence cases in which the individual was accused of violating an order of protection; select offenses against children; and witness tampering and intimidation. These charges remained eligible for money bail as a pretrial condition, and thereby, detention.

Bail reform also included provisions limiting bail and detention even in bail-eligible cases: making all cases eligible for pretrial supervision regardless of the charge; requiring people to be released even in cases legally eligible for bail unless the individual poses a “risk of flight”; and directing judges to consider people’s financial resources before setting bail.³

The 2020 and 2022 Bail Amendments

Three months into implementation, legislators amended bail reform on April 3, 2020. Put into effect on July 2, 2020, the [2020 amendments](#) included returning discretion to judges to set bail or detain people in certain circumstances previously made bail ineligible.⁴ We examined the impact of these amendments in the prior analysis for New York City, but we are unable to do so in the current report due to limitations in the data for other counties across the State.⁵

Legislators modified the reforms again in 2022 and 2023.⁶ Their recency and [limited scope](#) precluded examining these amendments in the current report.⁷

Research Questions

This study aims to answer three questions:

1. **Impact of Eliminating Bail and Detention in Select Cases:** To what extent was eliminating the possibility of bail and pretrial detention for most misdemeanors and nonviolent felonies associated with recidivism over a timeframe encompassing both the pretrial and post-disposition period?
2. **Impact of Reducing the Use of Bail in Cases Still Eligible for It:** In cases remaining legally eligible for bail, to what extent was reducing its frequency through provisions such as the universal option of pretrial supervision associated with recidivism?
3. **Subgroup Analyses:** How is pretrial release under bail reform associated with recidivism for people with different charge levels (misdemeanor, nonviolent felony, or violent felony) or prior criminal history (prior arrest or not, and prior violent felony arrest or not)?⁸

To maximize the validity of our findings, we employed statistical strategies designed to yield samples with comparable charges, criminal histories, and demographic characteristics.

The Goals of New York’s Bail Reform and Research To-Date

Legislators passing recent bail reforms in New York (and elsewhere) sought to advance pretrial justice without jeopardizing public safety. Key goals included: (1) reducing pretrial detention while people are presumed innocent of a crime and entitled to due process; (2) curtailing the inequity of bail for people lacking access to money; (3) shrinking attendant racial disparities; and (4) prioritizing public safety.

Prior studies have found that New York’s reform led to reductions in bail-setting and pretrial detention,⁹ while also pointed to several ways in which practical implementation of the reform has dampened the magnitude of resulting changes.¹⁰ For instance, when opting for bail, judges have set higher amounts, corresponding with lower bail payment rates than in 2019.¹¹ Racial disparities in bail-setting have persisted or, according to some studies, widened.¹² Among bail-eligible cases, the likelihood that judges will set bail has continued to vary considerably both by county,¹³ and by judge.¹⁴

Prior Research on Public Safety Impacts

There has been a growing body of rigorous studies showing the effects of New York’s bail reform on public safety. **The overarching takeaways from this research are that the bail law had no overall detrimental impact on safety, though it led to recidivism increases among a subset of certain “high-risk” individuals** (e.g., people with an open criminal case or people with recent prior violent felony arrests).

The previous study evaluating recidivism in New York City reviewed relevant literature from jurisdictions outside New York.¹⁵ Below, we summarize findings from four evaluations of effects on recidivism or crime specifically of New York’s bail reform—all published in 2023.

- Evaluation of Recidivism Impacts in New York City:** In the first study from the Data Collaborative for Justice’s *Bail Reform & Recidivism Series*, inverse probability of treatment weighting (IPTW) was used to estimate the effect of bail reform on two-year recidivism rates in New York City. The analysis isolated people who were likely to have been impacted by reform and estimated the effect of pretrial release among: (1) cases made ineligible for money bail and pretrial detention; and (2) cases that remained eligible for bail but were released more often due to provisions such as the universal option of pretrial supervision. *Results showed a decrease in recidivism for bail-ineligible cases released under reform but no effects in either direction for bail-eligible cases. Subgroup analyses found that recidivism tended to increase for individuals with a recent violent felony arrest and, in some analyses, a current open case. In contrast, recidivism decreased for people with no prior criminal history.*¹⁶ The study also estimated the impact of the 2020 amendments that made certain cases bail-eligible once again. The results suggested that this policy adjustment was successful in reducing recidivism.
- Evaluation of the System-Wide Effect of Eliminating Money Bail in New York City:** The second study of DCJ’s *Bail Reform & Recidivism Series* used a controlled-interrupted time series analysis (CITS) to estimate the effect of New York’s initial reform on recidivism in New York City by comparing re-arrest rates before reform and after reform as well as between bail-eligible and bail-ineligible cases. *Eliminating the option to set bail was not associated with a change in overall re-arrest, felony re-arrest, or violent felony re-arrest rates within either 2 years or during the pretrial period. However, for “high risk” individuals with a separate pending case at the time of arraignment, there was a statistically significant increase in violent felony re-arrest within the pretrial period.*
- Evaluation of Select Crime Impacts in New York City:** Researchers at the University of Southern California, Cornell University, and the NYC Criminal Justice Agency used synthetic control methods (SCM) to estimate the effect of reform in New York City on multiple incident-level crime types, including assault, theft, robbery, burglary, and drug crime. *Findings showed no significant increases in New York City compared to the synthetically matched cities for all crime types except robbery.*¹⁷
- Evaluation of Index Crime Impacts in New York State:** Researchers at the University of Albany used a synthetic control design to estimate the effect of reform throughout New York State on index crime. *Findings showed that while murder, larceny and motor vehicle theft increased post-reform, the increases were not significantly different from those in the synthetically matched states.*¹⁸

Chapter 2.

Research Design and Methodology

This study estimates the impact of New York’s bail reform on recidivism across counties outside New York City.

Data Source and Key Measures

We used New York State Office of Court Administration (OCA) data for Criminal Court cases arraigned from January 2018 to June 2022.

- **Defining the Analytic Samples:** Most analyses compared re-arrest rates for people who faced bail or remand at arraignment in the first half of 2019 (i.e., before the implementation of bail reform) with similar people who were released without bail in the first half of 2020 (i.e., after bail reform went into effect).
- **Recidivism Measures:** The study included four outcomes: (1) any re-arrest (i.e., all misdemeanor and felony arrests); (2) felony re-arrest; (3) violent felony re-arrest; and (4) firearm re-arrest.¹⁹
- **Follow-Up Timeframes:** For each set of analyses, we compared **two-year re-arrest rates** and conducted **survival analyses tracking days to re-arrest (if one occurred) for up to 30 months** with a method that adjusts for how long each individual could be tracked.²⁰

The data and design allowed us to construct criminal history variables for up to one year prior to each individual’s initial arraignment date; i.e., for cases arraigned January 1, 2019, we can consider prior cases with arraignment dates as early as January 1, 2018. We could then consider re-arrest rates for at least two years after arraignment: i.e., the latest arraignment date in the analytic sample is June 30, 2020, and we can track re-arrest cases as late as June 30, 2022. Unlike in the [parallel NYC study](#), we could not perform a secondary analysis adjusting for the time individuals spent in jail or prison during the tracking period due to missing sentencing data, rendering us unable to generate results after excluding time incarcerated.

It is worth noting that OCA has released a public dataset for 2020 through the end of 2022 (to be updated every six months moving forward).²¹ However, we instead relied on a larger non-public dataset going back to 2018, subject to a longstanding Data Use Agreement between OCA and the Data Collaborative for Justice. (Other research agencies have similar agreements.)

Among other reasons for not relying on the public dataset, it exclusively tracks re-arrest during the often-brief pretrial period. Yet the goal of this study is to assess the full effects of pretrial release as distinguished from bail or detention by including a longer span extending to the post-disposition period during which most people who had initially been detained are eventually released. Towards this same end of seeking an analysis moving beyond the immediate effects of detaining some people and releasing others before trial, DCJ plans in 2024 to release an update to the current analysis (as well as to the previous New York City study) with a longer follow-up timeframe exceeding three years.

More Information About the Sampling Frame

For people to be included in the analysis, they had to have had a misdemeanor or felony case that was continued at arraignment during the first half of 2019 or first half of 2020. When there were multiple

cases for the same individual in either the pre-reform period or post-reform period, we used the case with the earliest arraignment date in each period.²² The choice to pick the earliest date possibly inflates re-arrest rates since this means that everyone who had multiple arraignments during either period was coded as re-arrested. However, as this applies to the bail reform period and the comparison period alike, it does not bias the estimated recidivism impacts of bail reform.²³

Analysis Plan

Separate Analyses for Mandatory Release and Bail-Eligible Cases

First, we estimated the impact of bail reform’s mandatory release (i.e., bail elimination) provisions. Second, we estimated the impact of provisions designed to reduce the use of bail for cases still legally eligible for it. We defined mandatory release vs. bail eligible status based on the original reforms in effect from January 1 to July 1, 2020, since our bail reform samples came from this timespan.²⁴

Design for Analysis #1: Mandatory Release (MR) Cases. We conducted a *pre-post quasi-experiment*, comparing cases that had bail set or were remanded in the first half of 2019 (comparison group) with comparable cases that were mandatorily released without bail in the first half of 2020 (bail reform group).

Design for Analysis #2: Bail-Eligible (BE) Cases. To study the recidivism impact for cases that remained bail eligible but were released by judges, we used **two analytical approaches**.

- a) **Pre-Post Design:** The first approach (“Analysis #2a”) is a *pre-post quasi-experiment* comparing cases that had bail set or were remanded in the first half of 2019 (comparison group) with comparable cases that were released without bail in the first half of 2020 (bail reform group).
- b) **Contemporaneous Design:** The second approach (“Analysis #2b”) is a *contemporaneous quasi-experiment*, comparing cases arraigned in the first half of 2020 that had bail set or were remanded (comparison group) to comparable bail-eligible cases arraigned in the same period that were released without bail (bail reform group). This secondary analysis takes advantage of the randomness inherent in release decisions made by different judges in 2020—when some judges may have been more or less likely to interpret bail reform provisions for bail-eligible cases (such as expanded availability of pretrial supervision) in ways leading to more pretrial release.

Why Estimate Recidivism Effects for Bail-Eligible Cases? For cases remaining bail eligible, reasons why judges may have set bail less frequently include the expansion of pretrial supervision; the “risk of flight” provision limiting circumstances when judges may set any pretrial condition; and a provision that limits bail (even in bail-eligible cases) to circumstances when it is the “least restrictive condition” necessary to assure court attendance. Prior DCJ research already [confirms](#) that bail reform reduced bail and pretrial detention for both bail-ineligible and bail-eligible cases. From 2019 to 2020, bail or remand decisions declined in violent felony cases (nearly all of which are bail-eligible) from 83% to 68% in suburban counties outside New York City, and from 85% to 72% in the rest of the State.²⁵

Quasi-Experimental Methodology: Propensity Scores and Weighting

We repeated the same statistical strategy for each analysis. It involved conducting propensity-score adjusted and inverse-probability weighted logistic regression models and Cox proportional hazards regression models

to estimate the effects of release without bail. These methods correct for differences in observable baseline characteristics across groups, thereby reducing the effects of confounding variables and increasing the likelihood of more valid estimates of the causal connection between release status and recidivism.²⁶

In the interest of brevity, readers are referred to the overview of this study's methods previously published in DCJ's parallel evaluation of recidivism in New York City (see page 8) or the more detailed technical supplement accompanying that evaluation.²⁷

Final Sample Characteristics

This report's Appendix includes a series of exhibits displaying the baseline characteristics of the bail reform and comparison samples for each of the analyses described above, including charge characteristics, criminal history variables, and demographic factors. In their first two columns, these tables show the sizable baseline differences that existed between the raw samples—before implementing statistical adjustments. In their final two columns, data in the technical supplement demonstrate the sizable positive effects of our propensity score and weighting methods in achieving comparability across a large number of observable characteristics. **For example, in Analysis #1 involving cases that became ineligible for bail post-reform, of 51 baseline characteristics, there were 43 statistically significant differences in the pre-adjusted samples but none in the post-adjusted samples used in the actual analysis. This example demonstrates the biases that would have resulted had we not engaged in extensive statistical adjustments and the positive effects of those adjustments in limiting such bias.**

Impact Estimation

Based on the final statistically adjusted samples designed to maximize comparability in people's background characteristics, the analysis estimates the impact of release without bail on two-year re-arrest rates. In addition, the Cox survival models are used to analyze impacts over a longer period of up to 30 months for some cases. Cox procedures do not require a hard cut-off for the tracking period, which allows us to track recidivism beyond two years for people for whom we have more than two years of data available. For example, if a person's initial case began on January 1, 2020, we were able to track recidivism for that individual for two and a half years (i.e., until June 30, 2022).

Study Limitations

This study has a few limitations to keep in mind.

- 1. Unobserved Baseline Differences.** Propensity score and weighting methods can only correct for differences in observable baseline characteristics, so the results may be biased due to unobserved confounders. For example, the criminal history measures used in this analysis are limited to cases that started no more than one year prior to people’s arraignment, but judges have access to people’s entire criminal history when they make pretrial decisions. In general, previous research indicates that recent priors are more predictive of recidivism than older priors.²⁸ Nonetheless, there could be added risk created by older arrests for which we cannot statistically control.
- 2. Possible Pre-Post Design Bias.** The results based on pre vs. post reform designs may be biased due to variations in policing and prosecutorial practices between 2019 and 2022. The impact of COVID-19 likely suppressed re-arrests during parts of the tracking periods (though it is unclear for exactly how long) for both the “pre” comparison groups (i.e., people who faced bail or remand in 2019) as well as the “post” bail reform groups (i.e., people released in 2020); however, it is difficult to ascertain the exact impact this has on our results. Importantly, the minimum two-year timeframe used in all impact analyses minimizes the likelihood of a bias stemming from COVID-19, because cases in both the “pre” and “post” samples were being tracked for nearly all of the 2020 period seeing the greatest pandemic dislocations.
- 3. Conceptual Limitations of the Contemporaneous Design.** While the contemporaneous design cannot be biased due to COVID-19, it may be less able to isolate the impact of bail reform than the pre-post design.

That is, *in the pre-post design* (Analysis #2a), judges who made release decisions in 2019 were doing so in a different legal context than judges who made release decisions in 2020. Specifically, before bail reform judges were more incentivized to set bail or remand people than after bail reform, as there were fewer non-monetary release options, no least restrictive release condition provision, and no “risk of flight” language. Thus, it is reasonable to expect that the same judge may make a more restrictive release decision for a case with the exact same (observed and unobserved) characteristics pre-reform vs. post-reform.

In the contemporaneous design (Analysis #2b), on the other hand, judges had available the same release options for all bail-eligible individuals. Thus, it may be more likely that different release decisions for people with similar observable characteristics were made based on factors that are not captured in our data. *Viewed from this perspective, the results based on the pre-post design may be more able to isolate the impact of the change of legal regime under bail reform than the results based on the contemporaneous design.*

- 4. Changes in Pretrial Supervision Early in the Pandemic.** From March 17 to about mid-July 2020, the state court system made pretrial supervision unavailable during a transition to video arraignments.²⁹ People already in the program continued to be served. Prior to March 17, 14% of the bail reform samples in fact received pretrial supervision (or another non-monetary condition). Ostensibly, the lack of pretrial supervision for some people who would have received it after March 17, 2020 may have impacted recidivism, though we lack rigorous research confirming or disconfirming as much.
- 5. Top Arraignment Charges.** Our dataset only includes top charges, i.e., the most severe offense in the criminal complaint against someone. Since some cases may be eligible for bail due to additional charges not captured in our data, we cannot perfectly determine bail eligibility. For the same reason, we may slightly undercount violent felony or firearm re-arrests.

Chapter 3.

Estimated Impact of Eliminating Bail for Most Misdemeanors & Nonviolent Felonies

This chapter examines the impact of bail reform on recidivism for cases where bail and pretrial detention were eliminated as options (virtually all misdemeanors and non-violent felonies). We compared re-arrest outcomes between:

- **Bail Reform Group:** Cases mandatorily released under bail reform in the first half of 2020.
- **Comparison Group:** Cases with comparable charges, criminal histories, and demographic characteristics that had bail set or were remanded in the first half of 2019 (pre-reform).

As described in Chapter 2, all results reported below were statistically adjusted using propensity scores and inverse probability weighting to minimize baseline differences between the groups.

Sample Characteristics

The final bail reform group had the following characteristics:

- **Charges:** The charges were 61% misdemeanors, 39% nonviolent felonies, and no violent felonies. (The reform made few violent felonies subject to mandatory release.) The most common charges were drug offenses (25%), criminal mischief (11%), assault in the third degree (10%), and petit larceny (9%).
- **Criminal History:** The sample included 31% with a recent prior arrest and 4% with a recent violent felony arrest.³⁰
- **Demographics:** The sample was 43% Black, 36% white, 16% Hispanic, and 5% Asian or from additional racial/ethnic groups. Women were 19%, and the sample's average age was 35. People charged in the suburban region (Nassau, Suffolk, and Westchester) made up 37% of the sample; the rest were charged in upstate.

The characteristics of the final comparison group were highly similar. The Appendix provides full sample characteristics for both the final bail reform and comparison samples after implementing statistical adjustments.

What is the Overall Recidivism Impact of Eliminating Bail for Select Charges?

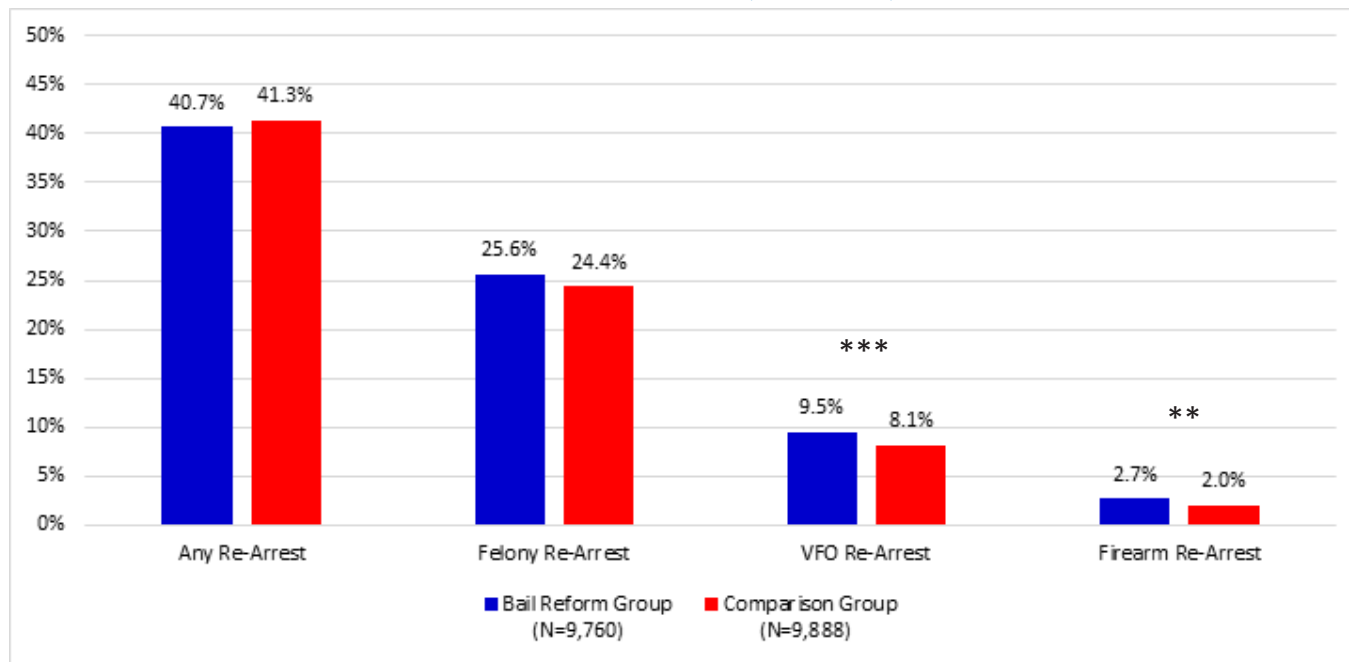
Two-Year Re-Arrest Rates

The results indicate that bail reform's mandatory release provisions slightly increased two-year re-arrest rates for a violent felony (9.5% vs. 8.1%) and a firearm offense (2.7% vs. 2.0%) while overall and felony re-arrest rates were unaffected (see Exhibit 3.1).

Survival Analysis

We also examined the timing of re-arrests (if they occurred) over a longer 30-month period. Exhibit 3.2 displays hazard ratios—essentially indicating the relative odds that people in the bail reform group were re-arrested more quickly than people in the comparison group. A value greater than 1.000 means people in the bail reform group were re-arrested more quickly over 30 months (a negative finding), and a value less than 1.000 means people in that group were re-arrested less quickly (a positive finding). The magnitudes of any association are greater as the hazard ratios are farther below or above 1.000.³¹

Exhibit 3.1. Two-Year Re-Arrest Outcomes by Group (N=19,648)



*** p < .001 ** p < .01 * p < .05

Note: In the bail reform group, 85.3% were released on recognizance and 14.7% were released on non-monetary conditions; in the comparison group, 16.6% were remanded and 83.5% had bail set.

The results indicate that people in the bail reform group were *more quickly* re-arrested for a firearm charge than people in the comparison group. There were no differences regarding any re-arrest, felony re-arrest, and VFO re-arrest.

Exhibit 3.2. Cox Proportional Hazards Regression Models of Time to Each Re-Arrest Outcome

Group	Any Re-Arrest		Felony Re-Arrest		VFO Re-Arrest		Firearm Re-Arrest	
	HR	p-value	HR	p-value	HR	p-value	HR	p-value
Comparison Group	1.000		1.000		1.000		1.000	
Bail Reform Group	0.969	0.171	1.038	0.206	1.093	0.063	1.259*	0.011

*** p < .001 ** p < .01 * p < .05

Exhibits 3.3-3.6 illustrate the survival curves for both samples.³² Everyone starts at 100% survival (meaning not yet re-arrested). The graphs show significant overlaps of the confidence intervals (i.e., the shaded areas surrounding the curves) of the curves for any, felony, and VFO re-arrest, signifying a lack of association between release outcome and those three outcome categories. In contrast, the confidence intervals in Exhibit 3.6 overlap only slightly and the gap grows wider over time, with bail and detention producing statistically significantly greater benefits regarding firearm re-arrest.³³

Exhibit 3.3. Probability of Survival without Any Re-Arrest by Group

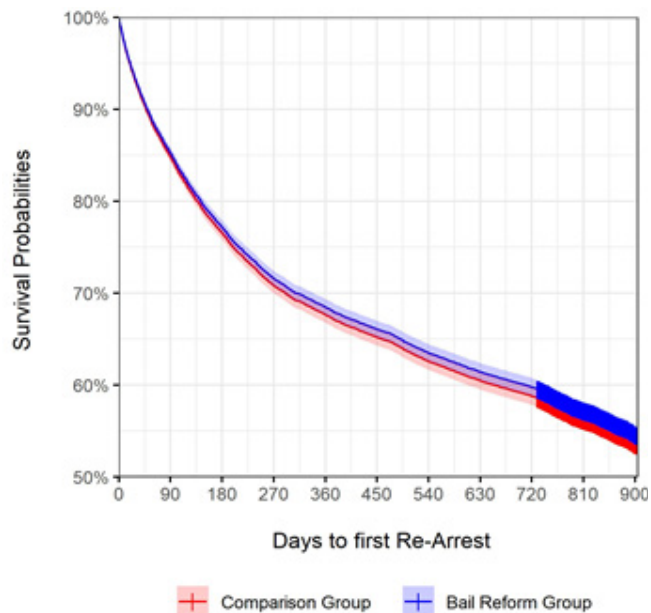


Exhibit 3.4. Probability of Survival without Felony Re-Arrest by Group

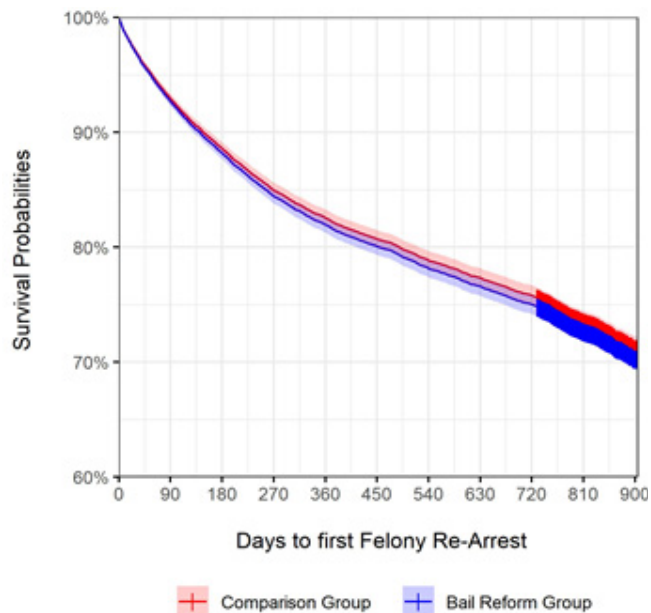


Exhibit 3.5. Probability of Survival without VFO Re-Arrest by Group

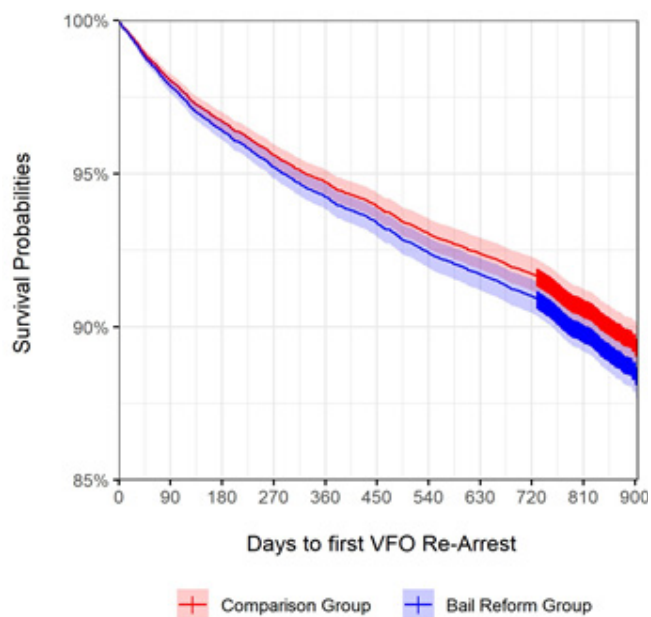
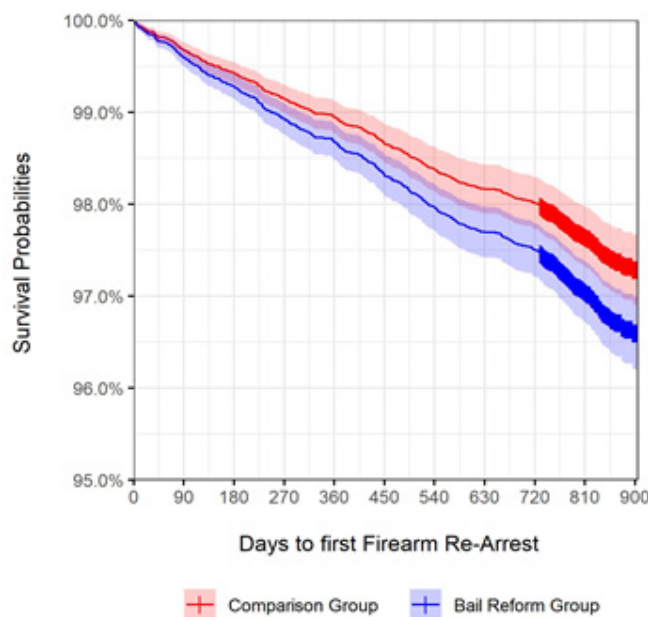


Exhibit 3.6. Probability of Survival without Firearm Re-Arrest by Group



Does Eliminating Bail Have Varying Impacts for Different Subgroups?

To gain more insight into the effects of bail reform for people with different characteristics, we split the sample by: (1) current charge severity (misdemeanor vs. felony); (2) whether people had a recent prior arrest; and (3) whether people had a recent prior violent felony (VFO) arrest. Once again, all subgroup results incorporate statistical adjustments to assure sample comparability. Exhibits 3.8 and 3.9 (see below at the end of this section) respectively illustrate the two-year re-arrest rates and the results from the survival analyses for each of these subgroups.

Recidivism Results by Charge Severity

Misdemeanors. For people charged with misdemeanors, eliminating bail was associated with a modest reduction in two-year re-arrest rates for any charge (42% vs. 45%). The differences in felony, VFO, and firearm re-arrest rates were not statistically significant. Survival analyses extending the tracking period for up to 30 months also showed that release was only associated with a reduced risk of any re-arrest whereas there were no differences for the other three re-arrest outcomes.

Nonviolent Felonies. For people charged with nonviolent felonies, eliminating bail was associated with increases in any re-arrest (39% vs. 35%), felony re-arrest (28% vs. 24%), VFO re-arrest (9.6% vs. 7.5%), and firearm re-arrest (3.5% vs. 2.3%). Likewise, survival analyses showed that release was associated with an increased re-arrest risk across all four outcomes.

Recidivism Results by Criminal History

Prior Arrest or Not. Eliminating bail was associated with reductions in any re-arrest and felony re-arrest for people without a recent prior, while the analysis showed increases in re-arrest across all four outcomes for people with a recent prior.

- **No Prior Arrest:** Release was associated with lower rates of overall re-arrest (29% vs. 33%) and felony re-arrest (17% vs. 18%). The survival analyses confirmed the benefits of release for any re-arrest and felony re-arrest, as well as showed a lower risk of VFO re-arrest—with relative risk reductions ranging between 12% (felony re-arrest) and 14% (any re-arrest).
- **Recent Prior Arrest:** Release was associated with higher rates of overall re-arrest (66% vs. 60%), felony re-arrest (45% vs. 38%), VFO re-arrest (17% vs. 13%), and firearm re-arrest (4.5% vs. 2.8%). (These findings were all mirrored in the survival analyses.)

Prior VFO Arrest or Not. The elimination of bail for people without a recent prior VFO arrest was associated with a slight reduction in overall re-arrest, no changes in felony and VFO re-arrest, and a small increase in firearm re-arrest. For people with a recent prior VFO arrest, release without bail was associated with significantly higher re-arrest rates across all four outcomes.

- **No Prior VFO Arrest:** Releasing people with no prior VFOs was associated with slightly higher rates of VFO re-arrest (8.8% vs. 7.6%) and marginally higher rates of firearm re-arrest (2.5% vs. 2.0%), whereas there were no differences in any re-arrest and felony re-arrest. The survival analyses showed a relative risk increase for firearm re-arrest, but no differences for the other three outcomes.
- **Prior VFO Arrest:** The release of people with a recent VFO arrest was associated with significantly higher rates of felony re-arrest (49% vs. 42%) and firearm re-arrest (7.6% vs. 3.8%). We also detected notably higher rates of overall re-arrest and VFO re-arrest, but those differences were not statistically significant due to the small sample size for that subgroup. The survival analyses indicated a relative risk increase for overall, felony, and firearm re-arrest, but not for VFO re-arrest.

Exhibit 3.8. Two-Year Re-Arrest Outcomes with Different Charge Levels and Criminal History Characteristics by Group

	Re-Arrest Rates by Charge Level					
	Misdemeanor Charge (N=11,929)			Nonviolent Felony Charge (N=7,719)		
	Bail Reform Group (N=6,617)	Comparison Group (N=5,312)	sig. level	Bail Reform Group (N=3,143)	Comparison Group (N=4,576)	sig. level
Any Re-Arrest	41.7%	45.3%	***	39.3%	35.3%	***
Felony Re-Arrest	24.1%	25.0%		28.1%	23.5%	***
VFO Re-Arrest	9.4%	8.5%		9.6%	7.5%	**
Firearm Re-Arrest	2.2%	1.8%		3.5%	2.3%	**
	Re-Arrest Rates by Whether Individuals had Any Recent Criminal History					
	No Criminal History (N=13,472)			Criminal History (N=6,176)		
	Bail Reform Group (N=7,083)	Comparison Group (N=6,389)	sig. level	Bail Reform Group (N=2,677)	Comparison Group (N=3,499)	sig. level
Any Re-Arrest	29.1%	32.8%	***	66.0%	60.0%	***
Felony Re-Arrest	16.7%	18.1%	**	45.1%	38.1%	***
VFO Re-Arrest	6.3%	5.9%		16.5%	13.0%	***
Firearm Re-Arrest	1.9%	1.7%		4.5%	2.8%	***
	Re-Arrest Rates by Whether Individuals had Recent VFO Arrests					
	No Prior VFO Arrests (N=18,918)			Prior VFO Arrest (N=730)		
	Bail Reform Group (N=9,434)	Comparison Group (N=9,484)	sig. level	Bail Reform Group (N=326)	Comparison Group (N=404)	sig. level
Any Re-Arrest	39.7%	40.6%		66.6%	59.8%	
Felony Re-Arrest	24.7%	23.7%		49.3%	41.9%	*
VFO Re-Arrest	8.8%	7.6%	**	26.2%	20.5%	
Firearm Re-Arrest	2.5%	2.0%	**	7.6%	3.8%	*

* p < .05; ** p < .01; *** p < .001

Exhibit 3.9. Cox Proportional Hazards Regression Models of Time to Each Re-Arrest Outcome for People with Different Charge Levels and Criminal History Characteristics by Group

	Re-Arrest Rates by Charge Level			
	Misdemeanor Charge		Nonviolent Felony Charge	
	HR	p-value	HR	p-value
Any Re-Arrest	0.896***	0.000	1.120**	0.003
Felony Re-Arrest	0.959	0.273	1.174***	0.000
VFO Re-Arrest	1.043	0.493	1.192*	0.022
Firearm Re-Arrest	1.180	0.191	1.352*	0.019
	Re-Arrest Rates by Whether Individuals had Any Recent Criminal History			
	No Criminal History		Criminal History	
	HR	p-value	HR	p-value
Any Re-Arrest	0.856***	0.000	1.157***	0.000
Felony Re-Arrest	0.883**	0.003	1.257***	0.000
VFO Re-Arrest	1.001	0.992	1.201*	0.005
Firearm Re-Arrest	1.129	0.334	1.424**	0.007
	Re-Arrest Rates by Whether Individuals had Recent VFO Arrests			
	No Prior VFO Arrests		Prior VFO Arrest	
	HR	p-value	HR	p-value
Any Re-Arrest	0.957	0.063	1.233*	0.028
Felony Re-Arrest	1.021	0.491	1.341**	0.008
VFO Re-Arrest	1.074	0.154	1.328	0.068
Firearm Re-Arrest	1.206*	0.047	2.100*	0.021

* p < .05; ** p < .01; *** p < .001

Note: All hazard ratios for the comparison groups are 1.000.

We conducted additional subgroup analyses to get a clearer picture of the predictive power of specific risk factors. That is, we estimated the recidivism impact of eliminating bail in two key “middle” scenarios: (1) people charged with misdemeanors who had a recent criminal history and (2) people charged with nonviolent felonies and no recent criminal history (see Exhibits 3.10 and 3.11 below).

- Misdemeanor Charge and Recent Criminal History:** While we found a decrease in overall re-arrest rates and no changes in either direction for the other three re-arrest outcomes among *all* individuals charged with misdemeanors (see Exhibits 3.8 and 3.9), we found increased rates of overall re-arrest (67% vs. 63%), felony re-arrest (42% vs. 38%), VFO re-arrest (16% vs. 13%), and firearm re-arrest (4.0% vs. 2.4%) for people charged with misdemeanors and a recent prior arrest. The corresponding survival analyses show elevated risks of felony re-arrest and firearm re-arrest, but no associations for the other two outcomes. **This indicates that the mandatory release of people with recent justice involvement, even if relatively minor, can be detrimental to recidivism.**
- Nonviolent Felony Charge and No Recent Criminal History:** We found increases in all four re-arrest outcomes among *all* people charged with nonviolent felonies regardless of criminal history (see Exhibits 3.8 and 3.9), but for the subgroup of people charged with a nonviolent felony who had no recent criminal history, we only found modest increases in rates of VFO re-arrest (6.5% vs. 5.0%) and firearm re-arrest

(2.8% vs. 1.8%) over two-years. The results for survival analyses are not statistically significant across the board. **Hence, release under reform may have increased recidivism for people charged with nonviolent felonies, even if they had no recent prior arrests.**

Exhibit 3.10. Two-Year Re-Arrest Outcomes for Different Combinations of Charge Levels and Criminal History Characteristics

Re-Arrest Rates by Charge Level & Criminal History Characteristics						
	Misdemeanor Charge & Criminal History (N=3,751)			Nonviolent Felony Charge & No Criminal History (N=5,294)		
	Bail Reform Group (N=1,761)	Comparison Group (N=1,990)	sig. level	Bail Reform Group (N=1,761)	Comparison Group (N=1,990)	sig. level
Any Re-Arrest	66.5%	63.2%	*	27.6%	26.5%	
Felony Re-Arrest	41.6%	37.6%	*	17.9%	16.5%	
VFO Re-Arrest	16.4%	13.2%	**	6.5%	5.0%	*
Firearm Re-Arrest	4.0%	2.4%	**	2.8%	1.8%	*

* p < .05; ** p < .01; *** p < .001

Exhibit 3.11. Cox Proportional Hazards Regression Models of Time to Each Re-Arrest Outcome for People with Different Combinations of Charge Levels and Criminal History Characteristics

Re-Arrest Rates by Charge Level & Criminal History Characteristics				
	Misdemeanor Charge & Criminal History		Nonviolent Felony Charge & No Criminal History	
	HR	p-value	HR	p-value
Any Re-Arrest	1.059	0.163	1.021	0.694
Felony Re-Arrest	1.141*	0.012	1.007	0.918
VFO Re-Arrest	1.170	0.061	1.157	0.189
Firearm Re-Arrest	1.518*	0.021	1.388	0.063

* p < .05; ** p < .01; *** p < .001

Note: All hazard ratios for the comparison groups are 1.000.

What's the Upshot?

Overall, the results show that eliminating bail for select misdemeanor and nonviolent felony charges under New York's original bail reform law led to little change in recidivism. We found no changes for the rate of any re-arrest and felony re-arrest over two years and only marginal increases in rates of VFO and firearm re-arrest. After extending the tracking period to 30 months, the survival analyses only show an elevated risk of firearm re-arrest, but no differences for the other three outcomes.

The results also reveal that the estimated impact of eliminating bail varied across key subgroups defined by their charge severity or criminal history. The reform's mandatory release provisions *reduced* re-arrest for people charged with misdemeanors and/or without a recent prior arrest. In contrast, eliminating bail *increased* recidivism for people charged with nonviolent felonies; with recent criminal history; and with a recent VFO arrest. With respect to the findings for people charged with misdemeanors, it is also worth noting that while releasing them generally lowered rates of overall re-arrest, this was not the case if they had a prior arrest over the preceding year; when such a prior arrest was present, the results pointed to a modest recidivism increase.

Chapter 4.

Estimated Impact of Reforms Reducing the Use of Bail in Legally Eligible Cases

This chapter examines recidivism impacts for cases that remained eligible for bail post-reform; i.e., bail or detention were still available release options, but bail reform made pretrial supervision universally available and instructed judges to set bail only when people pose a risk of flight and bail represents the least restrictive release condition necessary to mitigate flight risk. Cited above, prior research confirms that these provisions led to a significant reduction in bail-setting across New York, even if the relationship was smaller than eliminating bail outright, as with the types of cases addressed previously in Chapter 3.³⁴

As described in Chapter 2, we used two research designs with competing advantages and limitations.

- **Pre vs. Post Design:** This analysis compared bail-eligible people released under reform in the first half of 2020 (bail reform group) to people with comparable charges, criminal histories, and demographic characteristics that had bail set or were remanded in the first half of 2019 (pre-reform).
- **Contemporaneous Design:** This analysis compared bail-eligible people with similar characteristics who were, respectively, released (bail reform group) versus had bail set or were remanded (comparison group), *all within the first half of 2020*. This design effectively compares decisions made by different judges on similar cases during the bail reform legal context.

This chapter is organized similar to the previous one, except each section provides results for both designs. (Exhibits whose labels start with “4a” show the results based on the pre vs. post analyses and exhibits whose labels start with “4b” present the results based on the contemporaneous analyses.)

Like the analysis in Chapter 3, all results are statistically adjusted using propensity scores and inverse probability weighting to balance observed baseline individual and case characteristics between the bail reform and comparison groups.

Sample Characteristics

- **Charges:** The charges were 27% misdemeanors, 21% nonviolent felonies, and 52% violent felonies for the pre-post sample; and 27% misdemeanors, 20% nonviolent felonies, and 53% violent felonies for the contemporaneous sample. Across both designs, the most common charge types were criminal contempt, assault, firearms offenses, and burglary (making up more than 80% of charges combined).
- **Criminal History:** The samples included 43% (pre-post design) and 44% (contemporaneous) with a recent prior arrest and 7% (pre-post design) and 8% (contemporaneous) with a recent violent felony arrest.
- **Demographics:** The samples were 47% Black, 34% white, 16% (pre-post design) and 15% (contemporaneous) Hispanic, and 3% Asian or from additional racial/ethnic groups. Women made up 17% (pre-post design) and 15% (contemporaneous), and the average age in both samples was 34. People charged in the suburban region (Nassau, Suffolk, and Westchester) made up 38% of the sample; the rest were charged in upstate.

The Appendix includes comprehensive comparisons of the final bail reform and comparison samples, demonstrating that both designs successfully minimized observable sample differences.

What is the Overall Recidivism Impact of Reduced Bail-Setting?

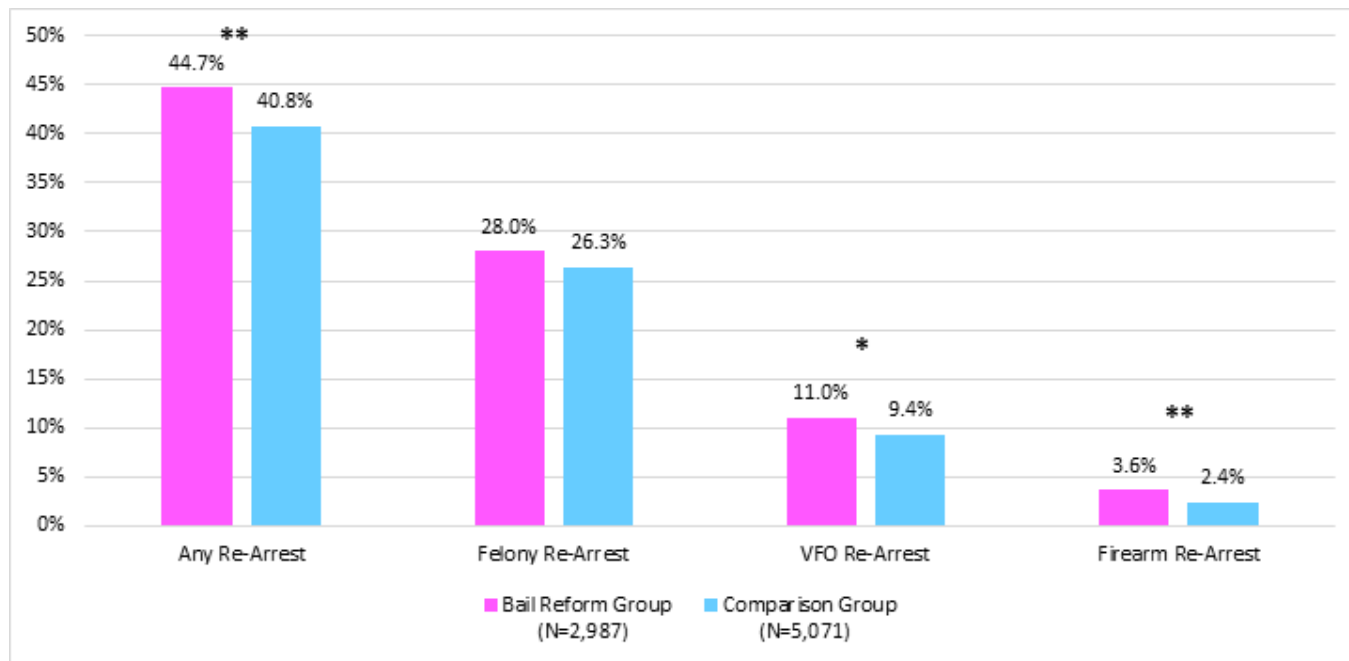
Two-Year Re-Arrest Rates

The pre-post design indicated an increase in overall re-arrest, modest increases in violent felony (VFO) and firearm re-arrest, but no impact on felony re-arrest over two years (Exhibit 4a). The contemporaneous design yielded no differences in overall, felony, and VFO re-arrest, but showed a modest increase in firearm re-arrest (Exhibit 4b). Taken together, the results suggest that the reduced use of bail in legally eligible cases led to a modest increase in recidivism.

Pre-Post Design. The results show that release in lieu of bail or detention was associated with an increase in re-arrest for any offense (45% vs. 41%), a violent felony (11% vs. 9%), and a firearm offense (3.6% vs. 2.4%).

Contemporaneous Design. The results indicate that release without bail was associated with a modest increase in firearm re-arrest (4.0% vs. 2.8%) while it did not impact rates of overall, felony, or violent felony re-arrest.

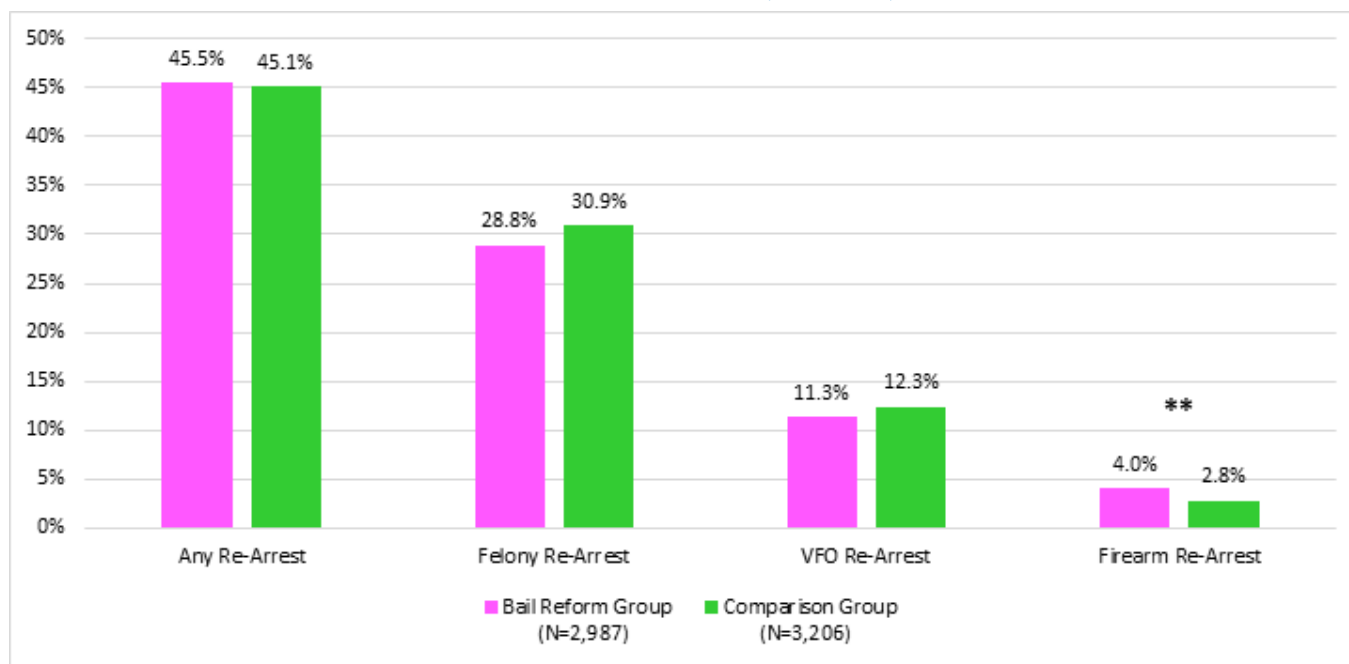
Exhibit 4a.1. Two-Year Re-Arrest Outcomes by Groups - Pre-Post Analysis (N=8,508)



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

Note: In the bail reform group, 70.0% were released on recognizance and 30.1% were released on non-monetary conditions; in the comparison group, 23.3% were remanded and 76.7% had bail set.

Exhibit 4b.1. Two-Year Re-Arrest Outcomes by Group (N=6,193)



*** p < .001 ** p < .01 * p < .05

Note: In the bail reform group, 70.0% were released on recognizance and 30.1% were released on non-monetary conditions; in the comparison group, 25.9% were remanded and 74.1% had bail set.

Survival Analysis

We also examined how quickly people were re-arrested over 30 months following arraignment. **By and large, these analyses did not indicate any statistically significant differences across either design for most re-arrest outcomes** (see Exhibits 4a.2 and 4b.2). **The only exception is that in the pre-post design, people in the bail reform group were re-arrested more quickly for any offense than comparable people in the comparison group** (Exhibit 4a).

A view at the survival graph for any re-arrest based on the pre-post design shows a steeper curve for the bail reform group than for the comparison group, indicating that release without bail was associated with being re-arrested more quickly compared to having bail set or being detained. The gap between the two curves widens as time passes, with bail and detention producing greater benefits regarding overall re-arrest. In contrast, the lack of white space separating the curves in all other survival graphs illustrate a lack of association between release status and re-arrest.

Exhibit 4a.2. Cox Proportional Hazards Regression Models of Time to Each Re-Arrest Outcome

Group	Any Re-Arrest		Felony Re-Arrest		VFO Re-Arrest		Firearm Re-Arrest	
	HR	p-value	HR	p-value	HR	p-value	HR	p-value
Comparison Group	1.000		1.000		1.000		1.000	
Bail Reform Group	1.125**	0.002	1.060	0.220	1.134	0.111	1.312	0.062

*** p < .001 ** p < .01 * p < .05

Exhibit 4a.3. Probability of Survival without Any Re-Arrest by Group (Pre-Post Analysis)

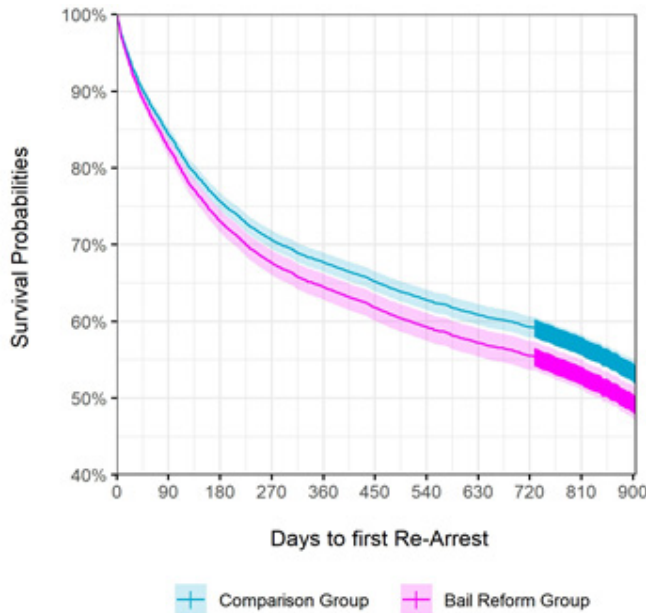


Exhibit 4a.4. Probability of Survival without Felony Re-Arrest by Group (Pre-Post Analysis)

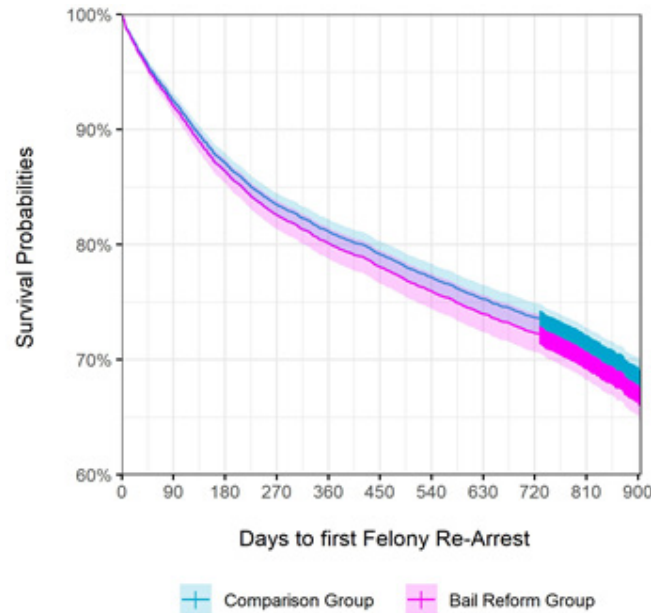


Exhibit 4a.5. Probability of Survival without VFO Re-Arrest by Group (Pre-Post Analysis)

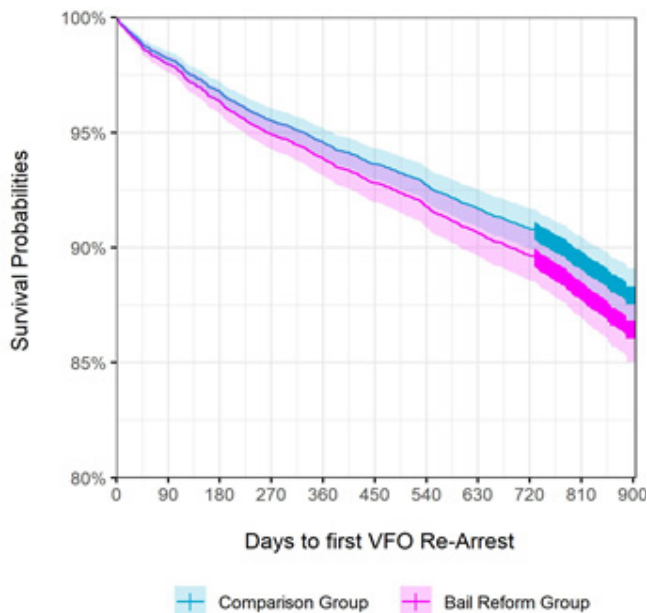


Exhibit 4a.6. Probability of Survival without Firearm Re-Arrest by Group (Pre-Post Analysis)

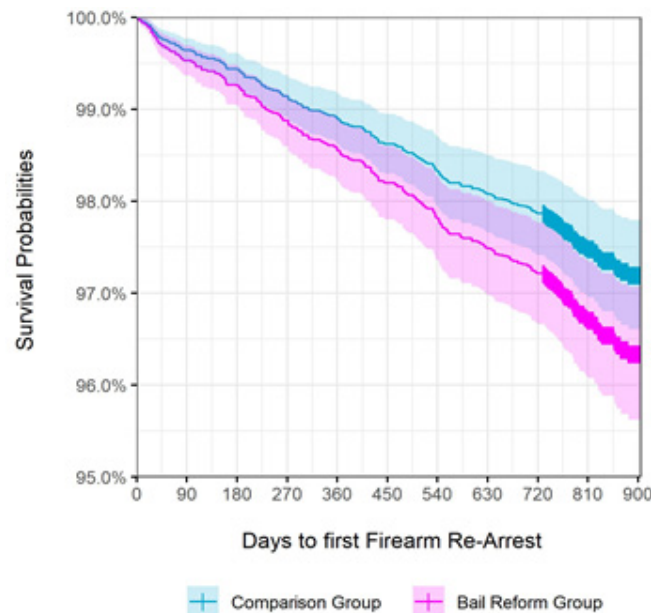


Exhibit 4b.2. Cox Proportional Hazards Regression Models of Time to Each Re-Arrest Outcome

Group	Any Re-Arrest		Felony Re-Arrest		VFO Re-Arrest		Firearm Re-Arrest	
	HR	p-value	HR	p-value	HR	p-value	HR	p-value
Comparison Group	1.000		1.000		1.000		1.000	
Bail Reform Group	1.026	0.550	0.926	0.146	0.898	0.209	1.308	0.084

*** p < .001 ** p < .01 * p < .05

Exhibit 4b.3. Probability of Survival without Any Re-Arrest by Group (Contemporaneous Design)

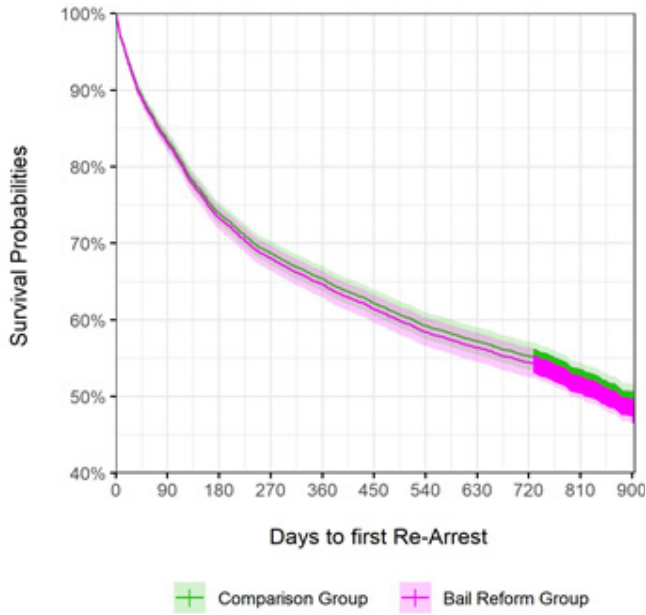


Exhibit 4b.4. Probability of Survival without Felony Re-Arrest by Group (Contemporaneous Design)

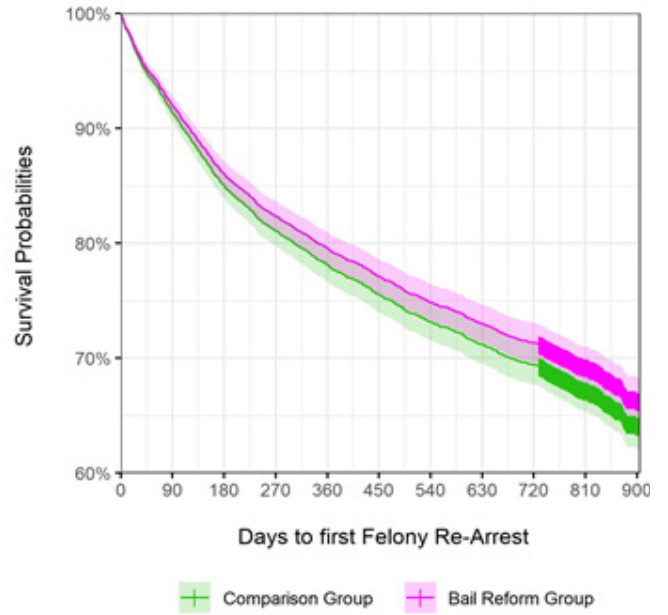


Exhibit 4b.5. Probability of Survival without VFO Re-Arrest by Group (Contemporaneous Design)

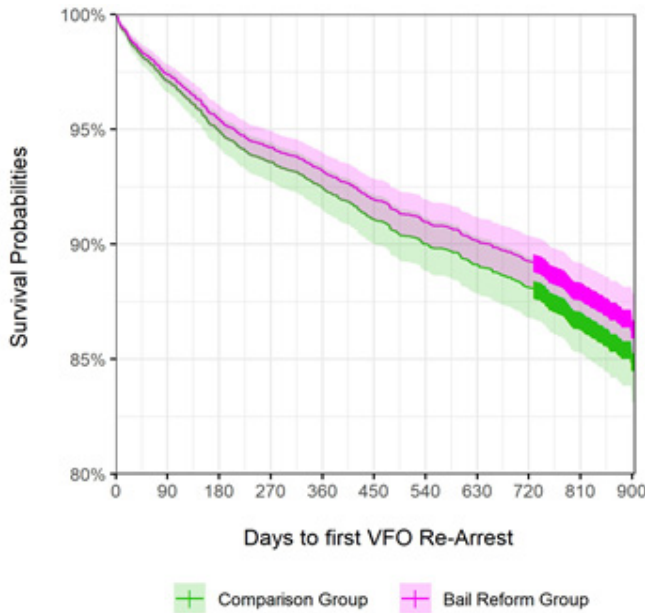
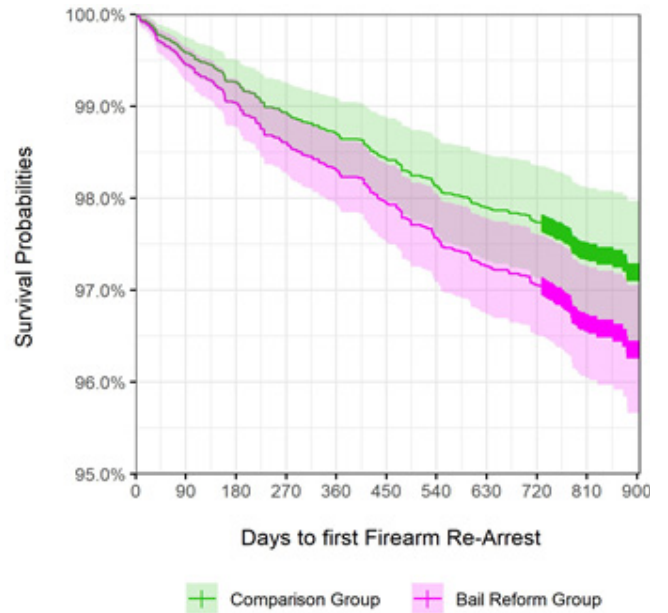


Exhibit 4b.6. Probability of Survival without Firearm Re-Arrest by Group (Contemporaneous Design)



Does Reducing the Use of Bail in Bail-Eligible Cases Have Varying Impacts for Different Subgroups?

To examine the effects of releasing more people with bail-eligible charges among particular subgroups of interest, we stratified the sample by: (1) charge severity (misdemeanor or nonviolent felony vs. VFO); (2) whether people had a recent prior arrest; and (3) whether people had any recent prior VFO arrest.

All subgroup-specific models are statistically adjusted to ensure sample comparability. The exhibits at the end of this section show the subgroup results based on the two research designs. Specifically, Exhibit 4a.8 and 4a.9 respectively show the two-year re-arrest rates and hazard ratios based on the pre-post design, and Exhibits 4b.8 and 4b.9 respectively display the re-arrest rates and hazard ratios based on the contemporaneous design.

Recidivism Results by Charge Severity

Misdemeanors/Nonviolent Felonies. *The pre-post analysis shows that for people charged with misdemeanors or nonviolent felonies, release was not associated with any two-year re-arrest outcomes.*³⁵ The results for the survival analysis also reveal non-effects for all four re-arrest outcomes.

*The contemporaneous analysis shows that for people charged with misdemeanors or nonviolent felonies, release was associated with lower rates of VFO re-arrest (8.7% vs. 11.5%), while the other three re-arrest outcomes did not differ by release status.*³⁶ The survival analyses show the same pattern, i.e., the only statistically significant result indicates a reduced risk of VFO re-arrest.

Violent Felonies. *The pre-post analysis reveals that for people charged with VFOs, release was associated with higher overall re-arrest rates (38% vs. 32%), felony re-arrest rates (24% vs. 20%), VFO re-arrest rates (13% vs. 10%), and firearm re-arrest rates (5.5% vs. 3.1%) (Exhibit 4a.8).* The survival analyses indicate that released people were re-arrested more quickly for any offense, a felony, and a VFO, but there were no differences across the two groups for firearm re-arrest (Exhibit 4a.9).

In the contemporaneous analysis, pretrial release of people charged with VFOs was associated with an increase in firearm re-arrest (6.0% vs. 3.9%), while it did not impact the other three outcomes (Exhibit 4b.8). The survival models show that recidivism risk was not associated with release status regardless of re-arrest outcome (Exhibit 4b.9).

Recidivism Impact by Criminal History

When stratifying the analyses by criminal history characteristics, the results are largely consistent across the two designs. Release without bail was not associated with recidivism among people with no recent criminal history, but recidivism was higher among people with any recent criminal history as well as among people with a recent VFO arrest. However, the two designs yielded different results for people with no recent VFO arrests—the pre-post design indicates a slight increase in firearm re-arrest whereas the contemporaneous design shows *reductions* in felony and VFO re-arrest rates.

Prior Arrest or Not. The pre-post analysis shows an increase in firearm re-arrest (3.0% vs. 1.8%) for people without a recent prior arrest, and an increase in overall re-arrest (63% vs. 58%), VFO re-arrest (16% vs. 14%), and firearm re-arrest (4.5% vs. 3.1%) for people with a recent arrest. The results for the survival analyses show no associations for people without a recent arrest, and an elevated risk for overall re-arrest among people with recent prior arrests.

The contemporaneous analysis indicates lower felony re-arrest rates (18% vs. 21%) for people without a prior arrest and increases in overall re-arrest (64% vs. 61%) and firearm re-arrest (5.3% vs. 3.0%) for people with a recent prior arrest. (These findings were all mirrored in the survival analyses.)

Prior VFO Arrest or Not. In the pre-post analysis, for people with no prior VFO arrests release without bail was associated with increased overall re-arrest rates (43% vs. 40%) and marginally higher firearm re-arrest rates (3.1% vs. 2.3%). Among people with a recent VFO arrest, release was associated with substantial increases in rates of overall re-arrest (64% vs. 55%), felony re-arrest (47% vs. 34%), VFO re-arrest (26% vs. 13%), and firearm re-arrest (10.7% vs. 3.4%). Similarly, the survival analyses show an increased risk of overall re-arrest but no effects across the other three re-arrest outcomes for people with no prior VFO arrests, and elevated risks of overall, felony, VFO, and firearm re-arrest for people with recent prior VFO arrests.

The contemporaneous analysis shows decreases in rates of felony re-arrest (27% vs. 30%) and VFO re-arrest (10% vs. 12%) for people with no prior VFO arrests and significantly elevated rates of overall re-arrest (66% vs. 56%), VFO re-arrest (29% vs. 21%), and firearm re-arrest (13.8% vs. 5.0%) for people with a recent prior VFO arrest. (These findings were all mirrored in the survival analyses except for a lack of association for VFO re-arrest among people with recent prior VFO arrests.)

Exhibit 4a.8. Two-Year Re-Arrest Outcomes with Different Charge Levels and Criminal History Characteristics by Group

	Re-Arrest Rates by Charge Level					
	Misdemeanor/Nonviolent Felony Charge (N=3,845)			VFO Charge (N=4,213)		
	Bail Reform Group (N=1,819)	Comparison Group (N=2,026)	sig. level	Bail Reform Group (N=1,168)	Comparison Group (N=3,045)	sig. level
Any Re-Arrest	52.7%	50.6%		37.5%	31.8%	***
Felony Re-Arrest	33.0%	33.4%		23.5%	19.9%	**
VFO Re-Arrest	8.8%	9.2%		13.3%	9.5%	***
Firearm Re-Arrest	1.7%	1.6%		5.5%	3.1%	***
	Re-Arrest Rates by Whether Individuals had Any Recent Criminal History					
	No Criminal History (N=4,575)			Criminal History (N=3,483)		
	Bail Reform Group (N=7,083)	Comparison Group (N=6,389)	sig. level	Bail Reform Group (N=2,677)	Comparison Group (N=3,499)	sig. level
Any Re-Arrest	28.0%	30.5%		63.4%	57.6%	***
Felony Re-Arrest	17.5%	16.6%		40.8%	39.0%	
VFO Re-Arrest	7.2%	6.1%		16.0%	13.8%	*
Firearm Re-Arrest	3.0%	1.8%	*	4.5%	3.1%	*

Re-Arrest Rates by Whether Individuals had Recent VFO Arrests						
	No Prior VFO Arrests (N=7,521)			Prior VFO Arrest (N=537)		
	Bail Reform Group (N=2,807)	Comparison Group (N=4,714)	sig. level	Bail Reform Group (N=180)	Comparison Group (N=357)	sig. level
Any Re-Arrest	43.4%	39.8%	**	64.0%	54.9%	*
Felony Re-Arrest	26.7%	25.8%		47.0%	34.4%	**
VFO Re-Arrest	10.0%	9.1%		26.4%	13.2%	***
Firearm Re-Arrest	3.1%	2.3%	*	10.7%	3.4%	**

* p < .05; ** p < .01; *** p < .001

Exhibit 4a.9. Cox Proportional Hazards Regression Models of Time to Each Re-Arrest Outcome for People with Different Charge Levels and Criminal History Characteristics by Group

Re-Arrest Rates by Charge Level				
	Misdemeanor/Nonviolent Felony Charge		VFO Charge	
	HR	p-value	HR	p-value
Any Re-Arrest	1.058	0.241	1.231**	0.001
Felony Re-Arrest	0.957	0.458	1.223*	0.010
VFO Re-Arrest	0.909	0.386	1.371**	0.004
Firearm Re-Arrest	0.921	0.745	1.523*	0.015
Re-Arrest Rates by Whether Individuals had Any Recent Criminal History				
	No Criminal History		Criminal History	
	HR	p-value	HR	p-value
Any Re-Arrest	1.107	0.086	1.173**	0.001
Felony Re-Arrest	1.048	0.557	1.082	0.189
VFO Re-Arrest	1.111	0.411	1.154	0.154
Firearm Re-Arrest	1.484	0.056	1.187	0.400
Re-Arrest Rates by Whether Individuals had Recent VFO Arrests				
	No Prior VFO Arrests		Prior VFO Arrest	
	HR	p-value	HR	p-value
Any Re-Arrest	1.109**	0.009	1.361*	0.013
Felony Re-Arrest	1.025	0.623	1.550*	0.004
VFO Re-Arrest	1.069	0.428	1.875**	0.004
Firearm Re-Arrest	1.194	0.268	2.462*	0.013

* p < .05; ** p < .01; *** p < .001

Note: All hazard ratios for the comparison groups are 1.000.

Exhibit 4b.8. Two-Year Re-Arrest Outcomes with Different Charge Levels and Criminal History Characteristics by Group

	Re-Arrest Rates by Charge Level					
	Misdemeanor/Nonviolent Felony Charge (N=2,918)			VFO Charge (N=3,275)		
	Bail Reform Group (N=1,819)	Comparison Group (N=1,099)	sig. level	Bail Reform Group (N=1,168)	Comparison Group (N=2,107)	sig. level
Any Re-Arrest	53.9%	54.2%		38.1%	36.9%	
Felony Re-Arrest	33.8%	36.5%		24.4%	25.9%	
VFO Re-Arrest	8.7%	11.5%	*	13.8%	13.1%	
Firearm Re-Arrest	1.9%	1.5%		6.0%	3.9%	**
	Re-Arrest Rates by Whether Individuals had Any Recent Criminal History					
	No Criminal History (N=3,479)			Criminal History (N=2,714)		
	Bail Reform Group (N=1,698)	Comparison Group (N=1,781)	sig. level	Bail Reform Group (N=1,289)	Comparison Group (N=1,425)	sig. level
Any Re-Arrest	31.0%	32.2%		64.1%	61.0%	*
Felony Re-Arrest	17.9%	20.8%	*	42.8%	43.5%	
VFO Re-Arrest	7.5%	8.5%		16.2%	17.2%	
Firearm Re-Arrest	3.1%	2.6%		5.3%	3.0%	**
	Re-Arrest Rates by Whether Individuals had Recent VFO Arrests					
	No Prior VFO Arrests (N=5,699)			Prior VFO Arrest (N=494)		
	Bail Reform Group (N=2,807)	Comparison Group (N=2,892)	sig. level	Bail Reform Group (N=180)	Comparison Group (N=314)	sig. level
Any Re-Arrest	43.8%	44.2%		66.2%	55.5%	*
Felony Re-Arrest	27.0%	29.9%	*	51.1%	42.3%	
VFO Re-Arrest	9.9%	11.6%	*	29.0%	20.8%	*
Firearm Re-Arrest	3.2%	2.46%		13.8%	5.0%	**

* p < .05; ** p < .01; *** p < .001

Exhibit 4b.9. Cox Proportional Hazards Regression Models of Time to Each Re-Arrest Outcome for People with Different Charge Levels and Criminal History Characteristics by Group

	Re-Arrest Rates by Charge Level			
	Misdemeanor/Nonviolent Felony Charge		VFO Charge	
	HR	p-value	HR	p-value
Any Re-Arrest	1.019	0.747	1.057	0.396
Felony Re-Arrest	0.917	0.216	0.951	0.539
VFO Re-Arrest	0.772*	0.042	1.007	0.948
Firearm Re-Arrest	1.197	0.546	1.347	0.100
	Re-Arrest Rates by Whether Individuals had Any Recent Criminal History			
	No Criminal History		Criminal History	
	HR	p-value	HR	p-value
Any Re-Arrest	0.955	0.503	1.129*	0.031
Felony Re-Arrest	0.842*	0.049	1.000	0.993
VFO Re-Arrest	0.825	0.153	0.959	0.704
Firearm Re-Arrest	1.043	0.845	1.660*	0.024
	Re-Arrest Rates by Whether Individuals had Recent VFO Arrests			
	No Prior VFO Arrests		Prior VFO Arrest	
	HR	p-value	HR	p-value
Any Re-Arrest	0.993	0.874	1.452**	0.006
Felony Re-Arrest	0.888*	0.036	1.327	0.072
VFO Re-Arrest	0.827*	0.039	1.517	0.059
Firearm Re-Arrest	1.128	0.483	2.577*	0.012

* p < .05; ** p < .01; *** p < .001

Note: All hazard ratios for the comparison groups are 1.000.

We estimated the effects of release without bail for more granular subgroups defined by certain combinations of instant charges and criminal histories. Specifically, we looked at (1) people charged with misdemeanors or nonviolent felonies and a recent prior arrest, (2) people charged with violent felonies and no recent criminal history, and (3) people charged with violent felonies and a recent prior arrest (see Exhibits 4a.10 and 4a.11 for these subgroup results based on the pre vs. post design and Exhibits 4b.10 and 4b.11 for these subgroup results based on the contemporaneous design).

- Misdemeanor/Nonviolent Felony Charge and Recent Criminal History:** We found mostly null effects for *all* people charged with misdemeanors or nonviolent felonies across the pre vs. post and contemporaneous design (see Exhibits 4a.8 through 4b.9). Similarly, for people charged with a misdemeanor or nonviolent felony with a recent criminal history, we found no recidivism impacts in either direction across both designs. **This indicates that releasing bail-eligible people charged with relatively minor offenses does not increase recidivism even if they have a recent prior arrest.**
- VFO Charge and No Recent Criminal History:** Among *all* people charged with a violent felony, we found recidivism increases across all four re-arrest categories in the pre vs. post design (see Exhibits 4a.8 and 4a.9) whereas there is only tentative evidence for an increase in firearm re-arrest in the contemporaneous

design (see Exhibits 4b.8 and 4b.9). Likewise, when we isolate individuals charged with a VFO and no recent criminal history, we find statistically significant recidivism increases in rates for any re-arrest (29% vs. 25%), felony re-arrest (18% vs. 15%), VFO re-arrest (9.1% vs. 6.8%), and firearm re-arrest (4.0% vs. 2.4%) over two years in the pre vs. post design, but no differences in either direction in the contemporaneous design. The survival analyses largely mirror those results. We found statistically significantly higher risks of any re-arrest and felony re-arrest as well as elevated rates of VFO re-arrest and firearm re-arrest that approached statistical significance ($p=.07$ and $p=.06$, respectively) in the pre vs. post design, but no differences across all four outcomes in the contemporaneous design. **These results indicate that releasing people charged with a VFO may have led to recidivism increases, even among the subset of people with no recent criminal history.**

- VFO Charge and Recent Criminal History:** For *all* people charged with a violent felony, the pre vs. post design shows recidivism increases while the contemporaneous design indicates no changes in recidivism. In contrast, *both* designs show elevated re-arrest rates among people charged with a VFO and recent criminal histories. The pre vs. post design indicates increases in rates of any re-arrest (62% vs. 64%), VFO re-arrest (25% vs. 17%), and firearm re-arrest (9.6% vs. 4.8%) over two years. The contemporaneous design indicates increases in firearm re-arrest rates (11.1% vs. 5.2%), higher rates of overall re-arrest and VFO re-arrest (though these differences are not statistically significant), and no changes in felony re-arrest. The results for the survival analyses are almost entirely consistent. **Hence, the results show that recidivism increased among people charged with violent felonies who had recent criminal histories.**

Exhibit 4a.10. Two-Year Re-Arrest Outcomes with Different Charge Levels and Criminal History Characteristics by Group

Re-Arrest Rates by Charge Level & Criminal History Characteristics						
Misdemeanor Charge/Nonviolent Felony Charge & Criminal History (N=2,344)						
	Bail Reform Group (N=1,042)		Comparison Group (N=1,302)		sig. level	
Any Re-Arrest	64.0%		61.3%			
Felony Re-Arrest	42.3%		51.5%			
VFO Re-Arrest	12.1%		12.1%			
Firearm Re-Arrest	2.3%		2.2%			
	VFO Charge & No Criminal History (N=3,074)			VFO Charge & Criminal History (N=1,139)		
	Bail Reform Group (N=921)	Comparison Group (N=2,153)	sig. level	Bail Reform Group (N=247)	Comparison Group (N=892)	sig. level
Any Re-Arrest	28.8%	25.1%	*	61.7%	50.0%	***
Felony Re-Arrest	17.5%	14.7%	*	39.9%	34.0%	
VFO Re-Arrest	9.1%	6.8%	*	25.0%	16.5%	***
Firearm Re-Arrest	4.0%	2.4%	*	9.6%	4.8%	**

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

Exhibit 4a.11. Cox Proportional Hazards Regression Models of Time to Each Re-Arrest Outcome for People with Different Combinations of Charge Levels and Criminal History Characteristics

Re-Arrest Rates by Charge Level & Criminal History Characteristics				
Misdemeanor Charge/Nonviolent Felony Charge & Criminal History				
	HR		p-value	
Any Re-Arrest	1.095		0.101	
Felony Re-Arrest	1.011		0.868	
VFO Re-Arrest	0.972		0.817	
Firearm Re-Arrest	0.869		0.623	
	VFO Charge & No Criminal History		VFO Charge & Criminal History	
	HR	p-value	HR	p-value
Any Re-Arrest	1.202*	0.016	1.348**	0.003
Felony Re-Arrest	1.255*	0.023	1.213	0.117
VFO Re-Arrest	1.294	0.070	1.495*	0.014
Firearm Re-Arrest	1.517	0.060	1.529	0.121

* p < .05; ** p < .01; *** p < .001

Note: All hazard ratios for the comparison groups are 1.000.

Exhibit 4b.10. Two-Year Re-Arrest Outcomes with Different Charge Levels and Criminal History Characteristics by Group

Re-Arrest Rates by Charge Level & Criminal History Characteristics						
Misdemeanor Charge/Nonviolent Felony Charge & Criminal History (N=1,782)						
	Bail Reform Group (N=1,042)		Comparison Group (N=740)		sig. level	
Any Re-Arrest	65.1%		64.1%			
Felony Re-Arrest	43.2%		44.5%			
VFO Re-Arrest	11.8%		14.5%			
Firearm Re-Arrest	2.5%		1.9%			
	VFO Charge & No Criminal History (N=2,343)			VFO Charge & Criminal History (N=932)		
	Bail Reform Group (N=921)	Comparison Group (N=1,422)	sig. level	Bail Reform Group (N=247)	Comparison Group (N=685)	sig. level
Any Re-Arrest	29.2%	29.3%		61.2%	55.5%	
Felony Re-Arrest	18.1%	19.4%		40.9%	41.9%	
VFO Re-Arrest	9.4%	9.5%		25.4%	22.1%	
Firearm Re-Arrest	4.0%	3.4%		11.1%	5.2%	**

* p < .05; ** p < .01; *** p < .001

Exhibit 4b.11. Cox Proportional Hazards Regression Models of Time to Each Re-Arrest Outcome for People with Different Combinations of Charge Levels and Criminal History Characteristics

Re-Arrest Rates by Charge Level & Criminal History Characteristics				
Misdemeanor Charge/Nonviolent Felony Charge & Criminal History				
	HR		p-value	
Any Re-Arrest	1.082		0.221	
Felony Re-Arrest	0.974		0.736	
VFO Re-Arrest	0.820		0.150	
Firearm Re-Arrest	1.270		0.475	
	VFO Charge & No Criminal History		VFO Charge & Criminal History	
	HR	p-value	HR	p-value
Any Re-Arrest	1.006	0.946	1.208	0.075
Felony Re-Arrest	0.915	0.399	1.025	0.844
VFO Re-Arrest	0.881	0.390	1.212	0.247
Firearm Re-Arrest	1.037	0.871	1.996*	0.016

* p < .05; ** p < .01; *** p < .001

Note: All hazard ratios for the comparison groups are 1.000.

What's the Upshot?

For cases remaining legally eligible for bail and detention, this study suggests that, on balance, release may have led to a modest increase in recidivism (notwithstanding that results vary at the margins across the two designs). The pre vs. post analysis indicates a detrimental impact of bail reform on overall re-arrest over both two-year and 30-month follow-up periods, whereas the contemporaneous design shows largely no effect on recidivism, except for a modest increase in firearm re-arrest over two years.

The findings show clearer impacts of pretrial release on recidivism when isolating key subgroups defined by their charge severity and/or criminal history. The subgroup results are also not *fully* consistent across the two research designs, but they point to the following patterns: Recidivism rates for people charged with misdemeanors/nonviolent felonies and for people with no recent criminal history tended to be *unaffected* by release status, while they tended to *increase* for people charged with violent felonies and for people with a recent arrest. **The starkest and most consistent recidivism increases across both designs were among people with a recent prior violent felony arrest and among people currently charged with VFOs who had a recent criminal history.**

Chapter 5.

Summary and Conclusions

Emergent Themes and Findings

1. What Was the Impact of Eliminating the Options of Bail and Detention in Select Cases?

Our analysis found that eliminating bail for most misdemeanor and nonviolent felony cases caused little change in recidivism in New York State’s suburban and upstate regions. Over a two-year tracking period, release without bail did not impact overall or felony re-arrest, but we did find small but statistically significant increases in violent felony re-arrest (9.5% vs. 8.1%) and firearm re-arrest (2.7% vs. 2.0%). Additional analyses showed that over 30 months, people who were mandatorily released were re-arrested more quickly for a firearm offense; there were no 30-month differences across the other three outcome measures.

2. What Was the Impact of Reducing the Use of Bail in Cases Remaining Eligible for It?

We employed two alternative research designs to properly address the question of whether bail reform affected re-arrest rates for cases still eligible for bail. The two designs yielded small differences in estimated impacts; yet these differences were often sufficient to lead one design to produce modest, statistically significant effects not reached in the other. Reporting results under both designs represents a conservative strategy for producing more defensible, if in some places less definitive, conclusions.

Our “pre vs. post” design showed increases in rates of any re-arrest (45% vs. 41%), VFO re-arrest (11% vs. 9%), and firearm re-arrest (3.6% vs. 2.4%) over two years. Our “contemporaneous” design also indicated increased firearm re-arrest rates (4.0% vs. 2.8%), but showed no differences for the other re-arrest outcomes. Survival analyses with an extended 30-month tracking period revealed no statistically significant effects, except for an increased risk of overall re-arrest in the pre vs. post design.

On balance, our findings suggest that reducing the use of bail for cases remaining legally eligible for it may have *increased* two-year recidivism, while having no effect over a 30-month period, in regions outside New York City.

3. For Which Additional Subgroups Was Pretrial Release More or Less Beneficial?

Further results suggest that bail reform had differential effects depending on people’s charges and criminal histories. **Both the mandatory release provisions and the provisions leading to the reduced use of bail in cases still eligible for it *increased* recidivism for people facing more serious charges and with recent criminal histories.**

Conversely, mandatory release *decreased* recidivism for people charged with misdemeanors and people with no recent criminal history. (The reduced use of bail in legally eligible cases was not associated with recidivism among people charged with relatively minor offenses or with limited or no criminal history.)

Study Results in Context

Earlier in 2023, the Data Collaborative for Justice released a similar analysis focused on estimating the recidivism impacts of bail reform in New York City. In contrast to the results from the current study, the findings for New York City were generally favorable to bail reform, i.e., we found an overall recidivism *reduction* for cases subject to mandatory release and *no effect in either direction* for bail eligible cases.

It is difficult to fairly interpret this study's "bottom line" findings, as they variously point either to no effect of pretrial release in either direction or to a modest recidivism increase depending on which research design, tracking period (two years or 30 months), or specific recidivism outcomes are examined. However, the subgroup results from the two studies (both of bail-ineligible and bail-eligible cases), though not identical, draw a consistent picture: **Across all of New York State, bail reform tended to *reduce* recidivism for people facing less serious charges and with limited or no recent criminal history, but tended to *increase* recidivism for people facing more serious charges and with recent criminal histories, operationalized as a recent prior arrest or recent prior violent felony.**

Forthcoming Research

- **Time Series Analysis:** In addition to our recently published Controlled Interrupted Time Series (CITS) analysis estimating the system-wide impact on recidivism of bail reform in New York City, we will conduct a similar analysis for the rest of the State. Based on the criminal charge at arraignment, all cases arraigned between 2019 and the onset of the COVID-19 lockdowns in mid-March 2020 will be divided into either a mandatory release group (treatment) or a bail-eligible group (comparison).
- **Longer-Term Follow-Up:** The final report of our *Bail Reform & Recidivism Series* will be published in 2024, estimating the impact of bail reform in New York City and the rest of the State over longer-term tracking periods. This will enable us to determine whether the recidivism trajectories of those who were respectively released and who had bail set or were remanded move closer together or farther apart over time. Future reports will have the added benefit of more time to recuperate from the societal disruptions caused by the COVID-19 pandemic. It is also possible that the longer timeframe of this pending study will resolve a number of interpretation challenges in the current one (and in DCJ's earlier New York City evaluation), where for example the existence of significant recidivism differences on select outcomes varied between two-year and 30-month tracking periods; however, the prospect of a definitive resolution to all questions cannot be guaranteed prior to actually conducting the research.

Appendix

Exhibit A1: Baseline Characteristics of Bail Reform Group and Comparison Group Samples for the Mandatory Release Analysis, Before and After Inverse Probability of Treatment Weighting (IPTW)

	Original Sample (N=21,245)		Final Sample (N=19,648)	
	Bail Reform Group (N=10,608)	Comparison Group (N=10,637)	Bail Reform Group (N=9,760)	Comparison Group (N=9,888)
Demographics				
Age (<i>mean</i>)	34.8*	34.4	34.6	34.6
White	48.9%***	46.6%	47.5%	47.7%
Black	42.4%***	47.6%	45.2%	45.2%
Hispanic	15.7%	15.1%	15.8%	15.6%
Additional Race/Unknown	8.6%***	5.8%	7.2%	7.1%
Female	23.1%***	17.5%	18.6%	18.6%
Region				
NYC Suburbs (<i>versus Upstate</i>)	37.9%*	36.5%	37.1%	37.0%
Current Charge Types				
Felony	30.1%***	47.2%	39.5%	39.3%
Domestic Violence	11.9%***	5.8%	7.4%	7.5%
Harm to Property	21.6%*	20.5%	22.0%	22.0%
Harm to Person	22.8%***	14.3%	19.3%	19.2%
Drug (<i>excl. marijuana</i>)	18.1%***	33.6%	24.6%	24.6%
Weapon	0.7%	0.8%	0.8%	0.8%
Penal Law Articles				
Assault (PL 120)	18.6%***	11.7%	15.8%	15.7%
Strangulation (PL 121)	5.2%***	2.1%	3.4%	3.5%
Burglary (PL 140)	4.4%	4.0%	4.4%	4.4%
Criminal Mischief (PL 145)	16.2%***	8.3%	11.3%	11.4%
Larceny (PL 155)	14.2%	13.4%	14.3%	14.2%
Other Offenses Related to Theft (PL 165)	3.7%	3.9%	4.1%	4.1%
Forgery (PL 170)	2.4%*	2.9%	2.8%	2.8%
Controlled Substances Offenses (PL 220)	17.3%***	32.1%	23.3%	23.4%
Offenses Against Public Order (PL 240)	4.1%	3.7%	3.8%	3.8%
Offenses Relating to Children, Disabled Persons and Vulnerable Elderly Persons (PL 260)	4.3%***	2.0%	3.2%	3.2%

Prior Arrests (1 year)				
Any Arrest	26.4%***	37.2%	31.3%	31.5%
Misdemeanor	21.1%***	29.3%	24.7%	24.9%
Felony	11.2%***	16.5%	13.8%	13.9%
Violent Felony	3.3%***	4.3%	3.8%	3.8%
Drug (<i>excl. marijuana</i>)	8.0%***	15.0%	10.7%	10.8%
Harm to Property	10.3%***	13.7%	12.1%	12.2%
Harm to Person	5.9%**	6.9%	6.3%	6.3%
Weapon	1.2%	1.4%	1.3%	1.3%
Domestic Violence	2.8%*	3.3%	3.0%	3.0%
Sex Charge	0.1%	0.2%	0.2%	0.2%
Number of Prior Arrests (1 year)				
# Any Prior Arrests (mean)	0.49***	0.66	0.57	0.56
# Prior Misdemeanor Arrests (mean)	0.36***	0.47	0.42	0.40
# Prior Felony Arrests (mean)	0.15***	0.21	0.18	0.18
# Prior Drug Arrests (<i>excl. marijuana</i>) (mean)	0.11***	0.20	0.14	0.14
# Prior Harm to Property Arrests (mean)	0.17**	0.20	0.20	0.19
# Prior Harm to Person Arrests (mean)	0.07*	0.08	0.07	0.07
# Prior DV Arrests (mean)	0.04%**	0.05	0.04	0.04
Prior Arrests (6 months)				
Any Arrest	17.1%***	24.4%	20.1%	20.4%
Misdemeanor	13.1%***	18.8%	15.5%	15.6%
Felony	6.8%***	9.6%	8.0%	8.2%
Violent Felony	1.9%*	2.4%	2.1%	2.1%
Month of Arraignment				
January	24.2%***	17.8%	21.5%	21.6%
February	22.4%***	15.4%	19.3%	19.2%
March	17.1%*	18.4%	18.5%	18.3%
April	8.0%***	14.8%	9.3%	9.5%
May	13.6%***	17.4%	16.0%	16.0%
June	14.7%**	16.4%	15.4%	15.4%

*** p < .001 ** p < .01 * p < .05

Exhibit A2: Baseline Characteristics of Bail Reform Group and Comparison Group Samples for the Bail Eligible Pre-Post Analysis, Before and After Inverse Probability of Treatment Weighting (IPTW)

	Original Sample (N=8,058)		Final Sample (N=8,058)	
	Bail Reform Group (N=2,987)	Comparison Group (N=5,071)	Bail Reform Group (N=2,987)	Comparison Group (N=5,071)
Demographics				
Age (<i>mean</i>)	35.2***	33.8	34.3	34.2
White	50.7%***	41.7%	45.5%	45.0%
Black	43.3%***	52.9%	48.8%	49.4%
Hispanic	16.0%	16.5%	16.2%	16.2%
Additional Race/Unknown	6.0%	5.4%	5.7%	5.6%
Female	22.1%***	13.8%	17.3%	16.9%
Region				
NYC Suburbs (<i>versus Upstate</i>)	44.1%***	34.1%	38.3%	37.7%
Current Charges				
Felony	56.8%***	82.9%	72.7%	73.4%
Violent Felony	39.1%***	60.0%	51.3%	52.3%
Domestic Violence	19.8%***	13.1%	15.8%	15.5%
Harm to Property	9.3%	8.3%	8.9%	8.7%
Harm to Person	20.6%***	32.5%	27.2%	28.1%
Drug (<i>excl. marijuana</i>)	1.2%***	2.7%	2.0%	2.2%
Weapon	8.7%***	16.1%	13.3%	13.4%
Prior Arrests (1 year)				
Any Arrest	43.2%	43.3%	43.2%	43.4%
Misdemeanor	35.0%	33.4%	34.4%	34.1%
Felony	18.1%**	21.1%	19.6%	20.1%
Violent Felony	6.0%	7.0%	6.3%	6.7%
Drug (<i>excl. marijuana</i>)	5.3%***	8.3%	7.1%	7.2%
Harm to Property	9.1%	9.7%	9.6%	9.5%
Harm to Person	13.0%	13.2%	13.1%	13.1%
Weapon	1.6%	1.9%	1.9%	1.8%
Domestic Violence	10.8%*	9.3%	10.1%	9.9%
Sex Charge	0.5%	0.6%	0.6%	0.5%

Number of Prior Arrests (1 year)				
# Any Prior Arrests (mean)	0.77	0.78	0.77	0.78
# Prior Misdemeanor Arrests (mean)	0.56	0.52	0.55	0.55
# Prior Felony Arrests (mean)	0.24**	0.28	0.27	0.26
# Prior Drug Arrests (<i>excl. marijuana</i>) (mean)	.07***	0.10	0.01	0.01
# Prior Harm to Property Arrests (mean)	0.11	0.12	0.12	0.12
# Prior Harm to Person Arrests (mean)	0.14	0.15	0.14	0.14
# Prior DV Arrests (mean)	0.14	0.13	0.13	0.13
Penal Law Articles				
Assault (PL 120)	14.8%***	18.6%	17.1%	17.2%
Sex Offenses (PL 130)	3.2***	6.0	4.7%	5.0%
Burglary (PL 140)	9.7%	10.1%	9.8%	10.0%
Robbery (PL 160)	2.7%***	7.0%	5.4%	5.4%
Criminal Contempt (PL 215)	56.8%***	34.8%	43.9%	42.8%
Prior Arrests (6 months)				
Any Arrest	33.1%	31.6%	32.3%	32.3%
Misdemeanor	26.1%***	23.2%	24.8%	24.4%
Felony	12.3%*	14.0%	13.1%	13.4%
Violent Felony	4.0%	4.5%	4.2%	4.3%
Month of Arraignment				
January	18.2%	16.5%	16.6%	17.1%
February	16.9%	15.3%	15.8%	15.9%
March	14.8%**	17.2%	16.4%	16.5%
April	11.7%***	14.7%	13.9%	13.7%
May	17.8%	18.6%	18.7%	18.5%
June	20.5%**	17.6%	18.5%	18.4%

*** p < .001 ** p < .01 * p < .05

Exhibit A3: Baseline Characteristics of Bail Reform Group and Comparison Group Samples for the Bail Eligible Contemporaneous Analysis, Before and After Inverse Probability of Treatment Weighting (IPTW)

	Original Sample (N=6,193)		Final Sample (N=6,193)	
	Bail Reform Group (N=2,987)	Comparison Group (N=3,206)	Bail Reform Group (N=2,987)	Comparison Group (N=3,206)
Demographics				
Age (<i>mean</i>)	35.2***	34.0	34.5	34.5
White	50.7%***	38.4%	45.2%	44.5%
Black	43.3%***	56.3%	49.3%	50.0%
Hispanic	16.0%	14.8%	15.1%	15.1%
Additional Race/Unknown	6.0%	5.3%	5.5%	5.5%
Female	22.1%***	9.2%	15.6%	14.4%
Region				
NYC Suburbs (<i>versus Upstate</i>)	44.1%	31.5%	37.8%	37.2%
Current Charges				
Felony	56.8%***	87.0%	71.9%	73.2%
Violent Felony	39.1%***	65.7%	51.9%	53.4%
Domestic Violence	19.8%***	11.6%	15.7%	15.5%
Harm to Property	9.3%	8.2%	8.7%	8.7%
Harm to Person	20.6%***	35.6%	27.8%	28.8%
Drug (<i>excl. marijuana</i>)	1.2%*	2.1%	1.6%	1.7%
Weapon	8.7%***	17.5%	12.9%	13.3%
Prior Arrests (1 year)				
Any Arrest	43.2%	44.4%	43.8%	44.7%
Misdemeanor	35.0%*	31.9%	33.6%	34.1%
Felony	18.1%***	25.7%	21.7%	22.6%
Violent Felony	6.0%***	9.8%	7.5%	8.0%
Drug (<i>excl. marijuana</i>)	5.3%***	7.4%	6.4%	6.5%
Harm to Property	9.1%*	11.0%	10.0%	10.5%
Harm to Person	13.0%*	14.9%	13.7%	14.3%
Weapon	1.6%**	2.7%	2.3%	2.3%
Domestic Violence	10.8%*	8.9%	9.8%	10.3%
Sex Charge	0.5%	0.4%	0.4%	0.5%

Number of Prior Arrests (1 year)				
# Any Prior Arrests (mean)	0.77**	0.88	0.80*	0.87
# Prior Misdemeanor Arrests (mean)	0.56	0.54	0.54	0.58
# Prior Felony Arrests (mean)	0.24***	0.38	0.29	0.33
# Prior Drug Arrests (<i>excl. marijuana</i>) (mean)	0.07**	0.09	0.08	0.09
# Prior Harm to Property Arrests (mean)	0.11***	0.16	0.12	0.14
# Prior Harm to Person Arrests (mean)	0.14*	0.17	0.15	0.16
# Prior DV Arrests (mean)	0.14	0.13	0.13	0.15
Penal Law Articles				
Assault (PL 120)	14.8%***	20.0%	17.4%	17.6%
Sex Offenses (PL 130)	3.2%***	5.4%	4.6%	4.4%
Burglary (PL 140)	9.7%	10.1%	9.4%	9.4%
Robbery (PL 160)	2.7%***	8.3%	5.9%	5.7%
Criminal Contempt (PL 215)	43.2%***	69.5%	44.1%	42.6%
Prior Arrests (6 months)				
Any Arrest	33.2%	32.8%	32.9%	33.9%
Misdemeanor	26.1%***	22.0%	24.1%	24.8%
Felony	12.3%***	17.7%	14.7%	15.2%
Violent Felony	4.0%***	6.4%	4.9%	5.2%
Month of Arraignment				
January	18.2%	16.7%	16.9%	17.0%
February	16.9%	15.7%	16.4%	16.1%
March	14.8%	15.8%	15.5%	15.3%
April	11.7%**	14.2%	12.7%	13.0%
May	17.8%	18.8%	18.6%	18.5%
June	20.5%	18.8%	19.9%	20.0%

*** p < .001 ** p < .01 * p < .05

Endnotes

- 1 Ropac, R. & Rempel, M. (2023). *Does New York's Bail Reform Law Impact Recidivism? A Quasi-Experimental Test in New York City*. New York, NY: Data Collaborative for Justice. Available at: <https://datacollaborativeforjustice.org/wp-content/uploads/2023/03/RecidivismReport-4.pdf>.
- 2 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.
- 3 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/publications/new-york-new-york-2019-bail-reform-law-highlights>; Rempel, M. & Rodriguez, K. (2019), Op Cit.
- 4 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>.
- 5 The previous report for New York City also included an analysis regarding the recidivism impact of the 2020 bail amendments as well as supplemental analyses that controlled for the time individuals were incarcerated during the two-year tracking period. However, we were unable to run these analyses for the current report due limitations in the data for New York State. Specifically, our dataset is missing disposition dates and sentencing data. The lack of disposition dates prevented us from identifying people with pending cases. Since a large percentage of cases impacted by the 2020 bail amendments were so-called “harm-harm” cases—i.e., cases that involve “harm to identifiable person or property” if there is a pending case meeting the same criterion—we refrained from conducting this analysis. Likewise, due to the missing sentencing data we could not calculate the time individuals spent in jail or prison, rendering us unable to generate results after excluding time incarcerated.
- 6 Rodriguez, K. & Rempel, M. (2023). *Explaining New York's 2023 Bail Reform Amendments*. New York, NY: Data Collaborative for Justice. Available at: <https://datacollaborativeforjustice.org/wp-content/uploads/2023/05/BailExplainer-2.pdf>.
- 7 Gelardi, C. (April 9, 2022). 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/>.
- 8 The analysis for New York City also included subgroup analyses for people with and without pending cases at the time of their arraignment, but this analysis could not be replicated for New York State due to missing disposition data (see endnote 5 above).
- 9 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/>; 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/>; 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.
- 10 Lu, O. & Rempel, M. (2022), Op Cit.; New York City Comptroller Brad Lander. (2021). *NYC Bail Trends in 2019*. New York, NY. Available at: https://comptroller.nyc.gov/wp-content/uploads/documents/NYC_Bail_Trends_Since_2019.pdf; Rempel, M. & Weill, J. (2021), Op Cit.
- 11 Lu, O. & Rempel, M. (2022), Op Cit.; New York City Comptroller Brad Lander. (2021), Op Cit.; Rempel, M. & Weill, J. (2021), Op Cit.
- 12 Lu, O. & Rempel, M. (2022), Op Cit.; Rempel, M. & Weill, J. (2021), Op Cit.
- 13 Envision Freedom Fund. (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), Op Cit.

- 14 Rempel, M. & Weill, J. (2021), Op Cit.
- 15 Ropac, R. & Rempel, M. (2023). Op Cit.
- 16 Ropac, R. & Rempel, M. (2023). Op Cit.
- 17 Zhou, A., Koo, A., Kallus, N., Ropac, R., Peterson, R., Koppel, S., & Bergin, T. (2023). Synthetic Control Analysis of the Short-Term Impact of New York State’s Bail Elimination Act on Aggregate Crime. *Statistics and Public Policy*, 1-26.
- 18 Wu, S., & McDowall, D. (2023). Does Bail Reform Increase Crime in New York State: Evidence from Interrupted Time-Series Analyses and Synthetic Control Methods. *Justice Quarterly*, 1-29.
- 19 Firearm charges include felony offenses whose top charge involved the use, display, possession, or sale of a firearm and displaying what appears to be a firearm.
- 20 It is critical to track recidivism beyond the pretrial period to test the overall effect of bail reform on public safety. That is, for the public safety question it is of primary relevance whether two individuals with comparable characteristics had different likelihoods of reoffending within the same time period when one person was released without bail and the other person had bail set or was remanded.
- 21 New York State Unified Court System, Division of Technology & Court Research. *Pretrial Release Data*. Available at: <https://ww2.nycourts.gov/pretrial-release-data-33136>.
- 22 When there were multiple arraignments on the same day for the same person (a highly infrequent occurrence), we used the case with the most restrictive release decision (e.g., if a person was released without bail at one arraignment but had bail set or was remanded at another arraignment on the same day, we used the latter case). For people who still had multiple arraignments on the same day after applying these exclusion criteria, we used the case with the most severe arraignment charge (i.e., keeping violent felony over nonviolent felony cases and nonviolent felony over misdemeanor cases).
- 23 In general, both due to this sampling nuance and reflecting our use of a standard two-year follow-up period, the aggregate re-arrest rates in this report may vary from other published statistics that, for example, report re-arrests solely for the much shorter pretrial period (or for some other timeframe).
- 24 See Rempel, M. & Rodriguez, K. (2019), Op Cit. for a list of bail-eligible and ineligible charges under the original reforms.
- 25 Lu, O. & Rempel, M. (2022), Op Cit.; Lu., O., et al. (2022), Op Cit.
- 26 Luellen, J. K., Shadish, W. R., & Clark, M. H. (2005). Propensity Scores: An Introduction and Experimental Test. *Evaluation Review*, 29(6), 530-558; Halpern, E. F. (2014). Behind the Numbers: Inverse Probability Weighting. *Radiology*, 271(3), 625-628.
- 27 Ropac, R. & Rempel, M. (2023). Op Cit; and Ropac, R. & Rempel, M. (2023). *Technical Supplement: Quasi-Experimental Methods for Estimating the Impact of Bail Reform on Recidivism in New York City*. New York, NY: Data Collaborative for Justice. Both publications are available from the same landing page at: <https://datacollaborativeforjustice.org/work/bail-reform/does-new-yorks-bail-reform-law-impact-recidivism-a-quasi-experimental-test-in-new-york-city/>.
- 28 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 and Vera Institute of Justice. Available at: <https://www.innovatingjustice.org/publications/jail-new-york-city-evidence-based-opportunities-reform>.
- 29 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.
- 30 We refer to “recent” criminal history since we only tallied prior cases that started up to one year prior to individuals’ initial arraignment.
- 31 The hazard ratio of 1.259, for example, indicates that the hazard of a firearm re-arrest is 25.9% higher for people in the bail reform group compared to individuals in the comparison group. By comparison, the hazard ratio of 0.969 of any re-arrest indicates that the hazard of any re-arrest is 3.1% lower for people in the bail reform group, based on this formula: $1 - (1 \times 0.969) = 0.031$ (though this effect is not statistically significant).

32 To enhance the readability of the information presented in the survival plots, we do not show the full scale of the y-axis (0%-100%). Instead, the lowest values on the y-axis are a round percentage number slightly below the smallest value represented by the lower edge of the confidence interval for the group with the steepest survival curve (e.g., 50% in Exhibit 3.3; 60% in Exhibit 3.4); see: Pocock, S.J., Clayton, T.C., & Altman, D.G. (2002). Survival Plots of Time-to-event Outcomes in Clinical Trials: Good Practice and Pitfalls. *The Lancet*, 359(9318), 1686-1689.

33 Note that overlapping confidence intervals on the survival plots (e.g., as shown in Exhibit 3.5) are not inconsistent with statistically significant results. See Cornell Statistical Consulting Unit. (2020). Overlapping Confidence Intervals and Statistical Significance. *Statnews* #73.

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

35 We also conducted separate analyses for individuals charged with misdemeanors versus individuals charged with nonviolent felonies. The results are exactly the same as for both groups combined, i.e., the re-arrest rates between the bail reform and the comparison groups were not significantly different (data not shown).

36 The results based on the separate analyses for individuals charged with misdemeanors or nonviolent felonies (data not shown) are largely consistent with the results based on the two subgroups combined. The only exception is a lack of a statistically significant association between release without bail and VFO re-arrest for people charged with nonviolent felonies.

About Us

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/>.