

Passed April 1, 2019, bail reform went into effect statewide on January 1, 2020, eliminating cash bail for the vast majority of misdemeanors and nonviolent felonies. Bail reform also included provisions limiting bail and detention even in bail-eligible cases: (1) The law made all cases eligible for pretrial supervision regardless of the charge; (2) The law required people to be released unless they pose a demonstrable “risk of flight”; (3) Even when finding a risk of flight, judges had to set the “least restrictive” condition(s) necessary to assure court attendance; and (4) Judges had to consider people’s financial resources before setting bail.

In July 2020, a series of amendments went into effect returning discretion to judges to set cash bail or detain people for certain charges or circumstances originally made bail ineligible. Amendments later put into effect May 2022 and June 2023 involved further modest changes not relevant to this study.

**With support from Arnold Ventures, we estimated the impact of New York’s bail reform on recidivism in the State’s suburban and upstate regions.** We published a [similar analysis](#) for New York City in March 2023, which found that bail reform reduced overall and felony re-arrest rates for people seeing the elimination of bail, while having no clear effect for cases remaining bail-eligible.

## Data Source, Key Measures, and Methods

This report uses non-public court data that enabled tracking recidivism beyond the immediate pretrial period and ensuring comparability of our bail reform and comparison samples across a wide range of criminal history, charge, and demographic measures. (Additional methods details are available [here](#).)

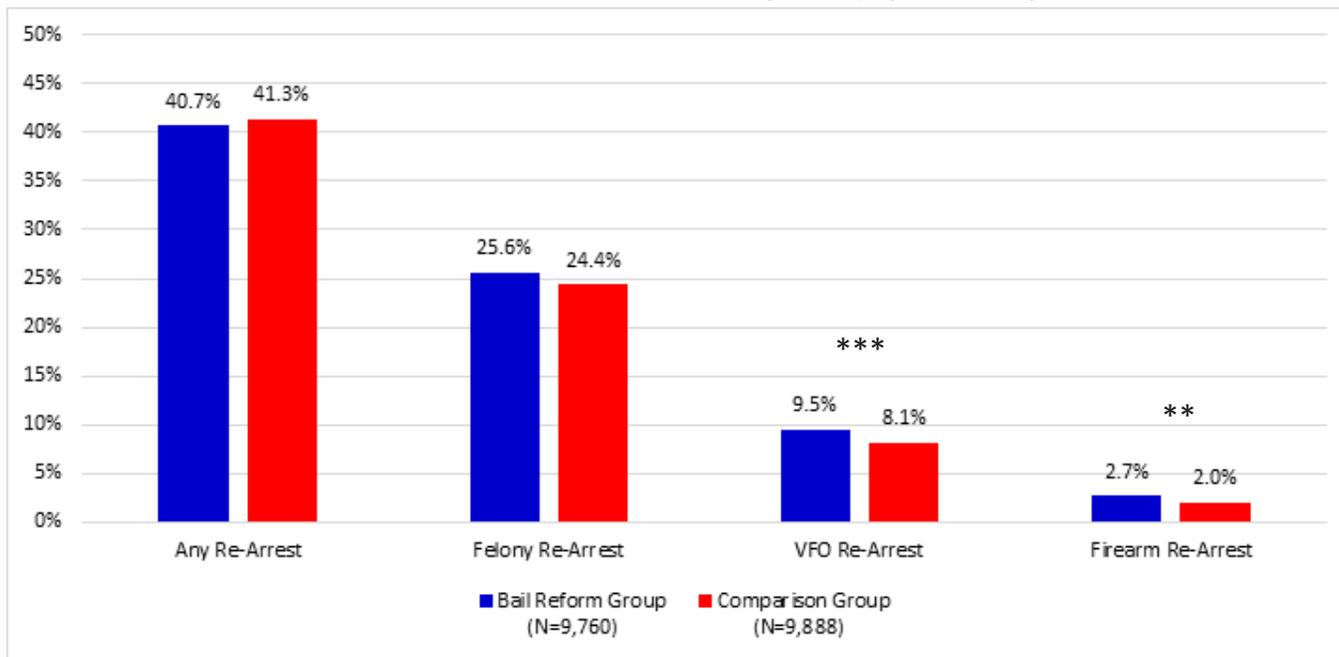
- **Defining the Sample:** We compared re-arrest rates for people who had bail set or were remanded at arraignment in the first half of 2019 (before the implementation of bail reform) with similar people who were released without bail in the first half of 2020 (after bail reform went into effect).
- **Recidivism Measures:** We examined four outcomes: whether there was (1) any re-arrest; (2) a felony re-arrest; (3) a violent felony re-arrest; or (4) a firearm re-arrest.
- **Re-arrest 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. These timeframes afforded examining recidivism over both pretrial and post-disposition periods.

**We sought to produce a credible “apples to apples” analysis of the association between pretrial release status and recidivism.** In technical terms, we generated propensity-score and inverse-probability weighted regression models to estimate the recidivism impact of release without bail. These methods corrected for differences in baseline characteristics, including charge, criminal history, and demographic background, between bail reform and comparison samples.

## Estimated Impact of Eliminating Bail and Detention in Select Cases

**Overall, the results indicate that eliminating bail for select misdemeanor and nonviolent felony charges led to little change in recidivism.** We found no statistically significant changes in rates of any re-arrest and felony re-arrest over two years, and only slight increases in violent felony (9.5% vs. 8.1%) and firearm re-arrest (2.7% vs. 2.0%). Survival analyses examining how quickly people were re-arrested over a longer 30-month follow-up period found an increase in firearm recidivism, but there were no differences regarding any re-arrest, felony re-arrest, and violent felony re-arrest.

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



Note: Asterisks indicate statistical significance. \*\*\*  $p < .001$  \*\*  $p < .01$  \*  $p < .05$

## Estimated Impact of Reducing the Use of Bail in Cases Remaining Legally Eligible

Even in bail eligible cases, judges set bail [less often](#), reflecting provisions such as the universal option of pretrial supervision. We used two different research designs to estimate the recidivism impact of reduced bail setting in these cases. Besides a [pre vs. post](#) comparison of cases released in the first half of 2020 versus similar cases facing bail or remand in the first half of 2019, we also used a [contemporaneous](#) design comparing similar cases within the first half of 2020 that judges respectively released versus set bail on or remanded. (See the full report for details on each approach.)

**On balance, the results suggest that releasing more bail eligible people in legally eligible cases may be associated with a slight increase in recidivism.** The [pre vs. post](#) analysis shows an increase in overall re-arrest (45% vs. 41%), modest increases in violent felony (11.0% vs. 9.4%) and firearm re-arrest (3.6% vs. 2.4%), but no impact on felony re-arrest over two years. The [contemporaneous](#) analysis yielded no differences in two-year re-arrest rates except for a modest increase in firearm re-arrest (4.0% vs. 2.8%). Survival analyses involving a longer 30-month tracking period showed no differences across either design, except that in the [pre vs. post](#) design, people in the bail reform group were re-arrested more quickly for any offense than comparable people in the comparison group.

## How did Pretrial Release Impact Different Subgroups?

Further results suggest that bail reform had different 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.

## What's the Upshot?

**There are three main takeaways.** First, eliminating bail for most misdemeanor and nonviolent felony cases caused little change in recidivism in New York State's suburban and upstate regions. Second, 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. Third, bail reform tended to increase recidivism for people facing more serious charges and with recent criminal histories; on the other hand, mandatory release decreased recidivism for people charged with misdemeanors and people with no recent criminal history. (For bail eligible cases, release did not lead to any changes in recidivism among people accused of less serious crimes or with limited or no recent criminal history.)

## Study Results in Context

In contrast to the results from the current study, the findings published in March 2023 for New York City were generally more favorable to bail reform, finding an overall recidivism *reduction* for cases subject to mandatory release and *no effect in either direction* for bail eligible cases.

**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.

## What's Next?

This is the third in the Data Collaborative for Justice's **Bail Reform and Recidivism Series**. A forthcoming study will use "controlled interrupted time series" methods to estimate the system-wide impact on recidivism of bail reform in New York State's suburban and upstate regions. The final report of the series will test the impact of bail reform in New York City and the rest of the State over longer-term tracking periods.