

Effective January 2020, New York State implemented extensive legislative reforms aimed at transforming the criminal legal system and its impact on New Yorkers. Besides overhauling the State's [bail laws](#), legislators imposed new requirements related to [discovery](#), and directed police to issue more [desk appearance tickets](#) (DATs) in lieu of custodial arrests.

Although changes to bail and pretrial release decisions have received more public attention and scrutiny, DAT reforms have implications that are perhaps more visible and commonly experienced by New Yorkers daily – direct contact with the criminal legal system. A DAT essentially allows people to return to court on their own for arraignment, in lieu of experiencing pre-arraignment detention lasting about 24 hours.

Pre-reform, police predominantly issued DATs for violations and misdemeanor offenses at the discretion of the arresting officer, inviting variability between different police departments, commands, and officers. **Under reform, legislators sought to reduce pre-arraignment detention and shrink potential inequities resulting from discretionary decision-making by requiring police to issue DATs for most misdemeanors and Class E felonies.**

Evaluating the Impact of DAT Reform

This report addresses the extent to which reform led more people charged with low-level offenses to return home swiftly after an arrest, avoid overnight detention, and limit unnecessary system contact. We focused solely on misdemeanors and Class E felonies where the specific charge is subject to a mandatory DAT (excluding domestic violence, sex offenses, and select other charges) and the individual has not failed to appear in court in the past two years. Thus, we excluded most cases where police officers retained discretion; however, the data could not isolate all carve-outs, such as people who cannot prove their identity, appear to need immediate medical or mental health care, or where police believe the court will issue an order of protection.

The analysis relied on data provided by the Office of Court Administration for criminal arraignments in all 69 city and district courts across New York State from 2019 to 2022.

Key Findings

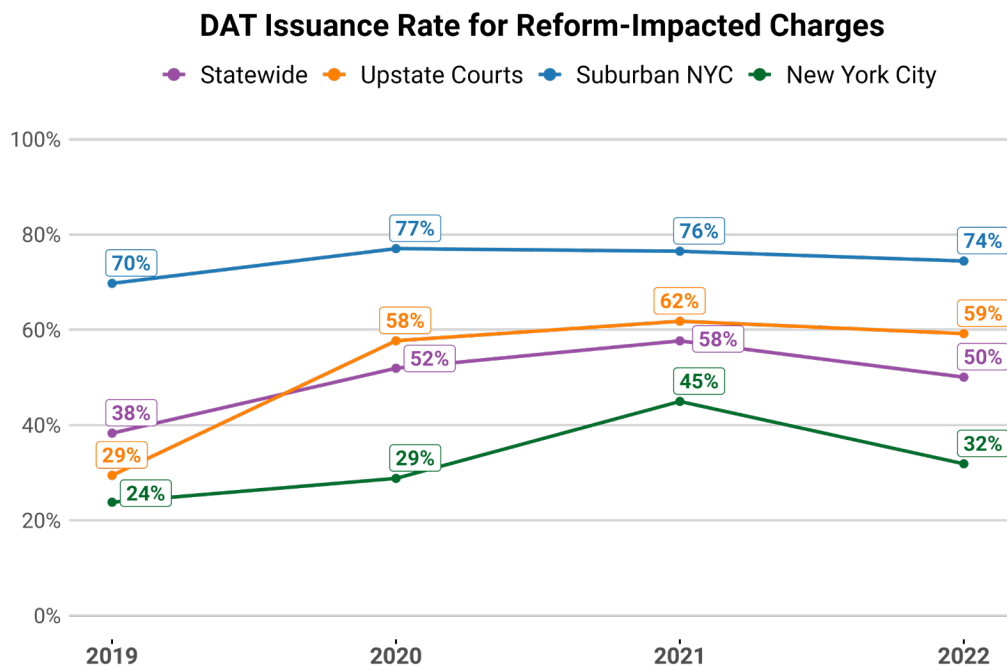
Rising DAT Issuance in Early Post-Reform Years but Continued Inconsistent Practices

Among charges made ineligible for custodial arrest, statewide DAT issuance increased from 38% in 2019 to 58% in 2021, followed by a decline to 50% in 2022. While Upstate courts saw the largest increase in DAT issuance from 2019 to 2021 (from 29% to 59%), Suburban NYC had the highest DAT issuance rate throughout the study period (above 70%) and saw the least change. In New York City, on the other hand, DAT issuance post-reform was unexpectedly low among reform-impacted charges, with 45% receiving a DAT even in the peak 2021 year, before dropping back to 32% in 2022.

Regional differences in police officers' issuance of DATs are not reducible to charge variations. Extending to each of eight charge categories (including petit larceny, drug possession, criminal mischief, and criminal trespass, among others), DAT rates also varied widely by region. In addition, DAT issuance varied widely *within* regions. In 2022, DAT issuance ranged from 26% (Rochester) to 83% (Norwich) in Upstate; and from 36% (Long Beach) to 82% (Suffolk District Court) in Suburban NYC.

Declining DAT Issuance in 2022

Our findings show that the use of DATs dropped from 2021 to 2022 for all regions and charge categories – though particularly in New York City. Further analysis determined that this decline was traceable in part to legislative amendments put into effect May 2022, which made cases ineligible for a mandatory DAT if police considered both the current allegation and a pending criminal charge to involve harm to a person or property. However, our analysis found that even independent of these amendments, there was still a notable 2022 decline.



Relative Stability in Warrant Issuance

Statewide, the warrant issuance rate for failing to appear at the scheduled DAT arraignment date increased from 10% in 2019 to 17% in 2022, with large fluctuations in 2020 due to pandemic-related impediments. However, New York City alone explained nearly all of the statewide increase, whereas warrant rates in Suburban NYC and Upstate remained stable over the study period, at 7% and 18%, respectively.

Less Elapsed Time Until the Scheduled DAT Arraignment

The reform law required people issued a DAT to receive an arraignment date within 20 days. Indeed, those who did appear in court averaged less time until receiving their scheduled arraignment, especially in New York City and its suburbs. By 2022, 93% of people issued a DAT in New York City had their arraignment within 20 days, up from just 9% in 2019.

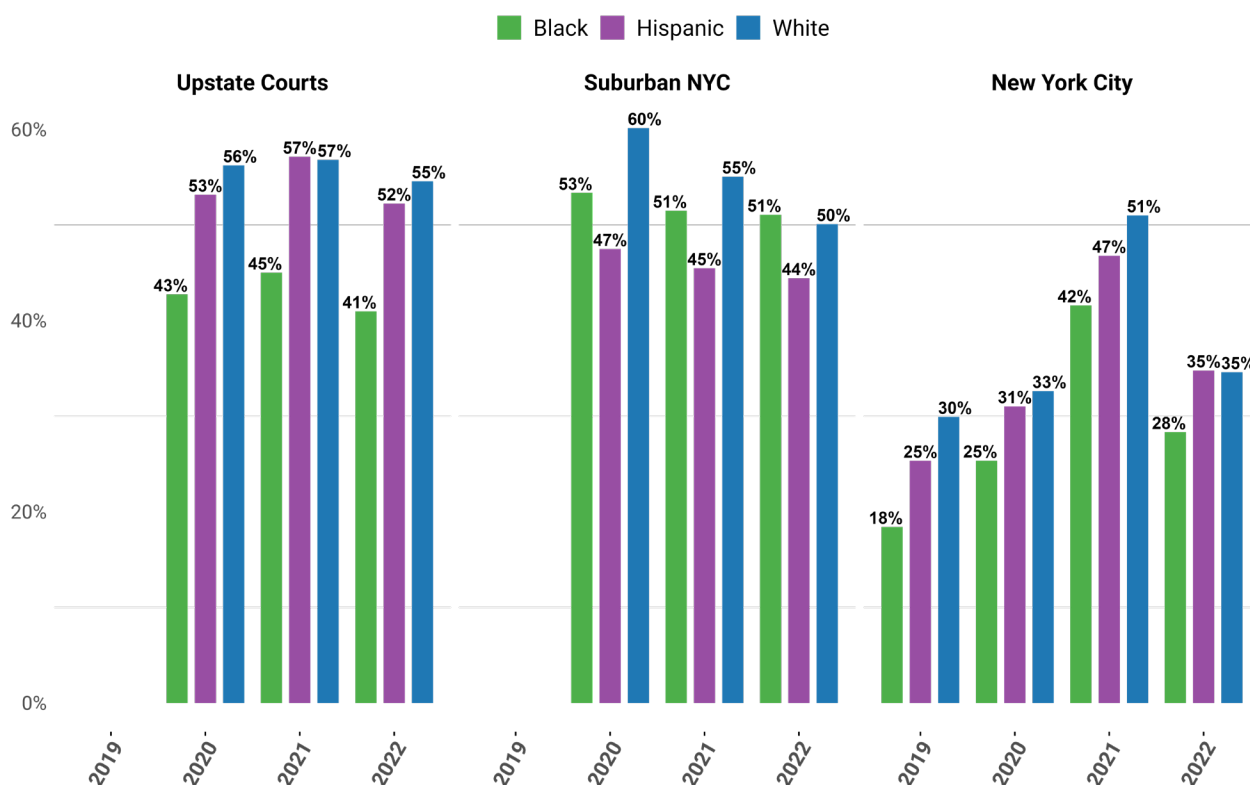
Higher Rate of DATs Disposed at Arraignment

Compared to 2019, an increasing percentage of DATs issued post-reform were disposed at arraignment and a far larger percentage of DATs were disposed at arraignment compared to custodial arrests. In 2022, 53% of DATs were disposed at arraignment compared to 20% of custodial arrests, with wider differences in New York City and its suburbs.

Racial Disparities Persist but Shrinking in Some Places

Statewide, Black people were consistently less likely than white people to be issued a DAT on similar charges. The Black-white disparity in DAT issuance decreased over the study period in New York City (from a 12 to 7 percentage-point difference) and disappeared in Suburban NYC by 2022. However, the gap remained significant in the City and Upstate. The Hispanic-white disparity decreased in Suburban NYC and disappeared in New York City. (Demographic data was unavailable for Suburban NYC and Upstate in 2019, making 2020 the first year where racial and ethnic disparities could be evaluated in those regions.)

DAT Issuance Rate for Reform-Impacted Charges by Race



Conclusion

Together, the study findings suggest that DAT reform advanced the fundamental goal of reducing pre-arraignment detention on low-level charges. DAT issuance significantly increased in the first three years post-reform. Yet implementation has varied widely across the State, nor has the change been as large as expected based on explicit mandatory issuance provisions built into the new statute. New York City especially underperformed expectations, with a DAT rate that never exceeded 45% in any year. Lastly, implementation may have slipped in the most recent year examined (2022), when DAT issuance rates fell (especially in New York City) for reasons partly – but not fully – explained by rollback amendments.

Nevertheless, findings point to progress toward other goals of DAT reform. People are scheduled for their arraignment on a DAT after less time. Outside New York City, warrant issuance rates remained relatively stable, demonstrating that the introduction of a larger pool of DAT recipients has not necessarily encompassed people who miss court at higher rates. And in New York City and its suburbs, racial disparities in DAT issuance significantly declined in recent years.

For more information: Please see the full report [here](#).