
Alignment with New York City's Pretrial Release Assessment: Results for the Five Boroughs

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Executive Summary

This report examines New York City judges' alignment with the [Pretrial Release Assessment](#), a validated tool that calculates the likelihood people will return to court if they are released before trial. Administered pre-arraignment by the NYC Criminal Justice Agency (CJA), the Release Assessment makes one of three recommendations to the court: (1) *Release on recognizance (ROR)*; (2) *Consider all options (encompassing ROR, supervised release, or bail)*; or (3) *Not recommended for ROR*. An initial [validation study](#) drawing on cases arraigned in 2014 and a recent [revalidation study](#) drawing on cases arraigned in 2022 and 2023 both confirmed that the Release Assessment effectively predicts New Yorkers' likelihood of returning to court. Among people released before trial who were recommended for ROR, the latest revalidation found that 90% attended every court date.

Moreover, the assessment is responsive to longstanding New York State law, which requires judges to base their pretrial decisions on factors credibly linked to court attendance. It is worth caveating that there is some tension in the [pretrial statute](#), given its enumeration of a long list of factors that judges must consider, some of which are not contained in the Release Assessment and may not have an empirical relationship to court attendance. However, insofar as the law states that the court's resulting pretrial decisions should follow from a determination of "the kind and degree of control or restriction necessary to reasonably assure the principal's return to court," the Release Assessment cuts directly to this purpose.

Research Questions

Drawing on 251,917 New York City arraignments in 2021, 2022, and 2023 where the individual facing charges was subject to a pretrial release decision (virtually always ROR, supervised release, bail, or remand), we sought to answer several questions around the Release Assessment's everyday implementation, including:

- **Question 1: Release Recommendations:** How often did the Release Assessment recommend people for ROR, the middle "consider all options" category, or *not* ROR, respectively?
- **Question 2: Judicial Alignment:** How often did judges' arraignment decisions follow the assessment's recommendations? Did judicial alignment vary based on people's charges, criminal histories, race/ethnicity, or other demographics characteristics?
- **Question 3: Cross-Borough Differences and Changes Over Time:** Did the City's five boroughs vary in their judges' rates of alignment with the assessment, and did alignment with change from 2021 to 2023, whether citywide or in specific boroughs?

Question 1: Release Recommendations

- **Given a high likelihood of court attendance, the Release Assessment recommended the vast majority for ROR:** From 2021 to 2023, the assessment recommended ROR for 88% of people subject to pretrial release decisions, including 79% charged with a violent felony, 77% with a nonviolent felony, and 92% with a misdemeanor. *Nonetheless, judges in fact set ROR for merely 25% of violent felonies, 42% of nonviolent felonies, and 78% of misdemeanors.*

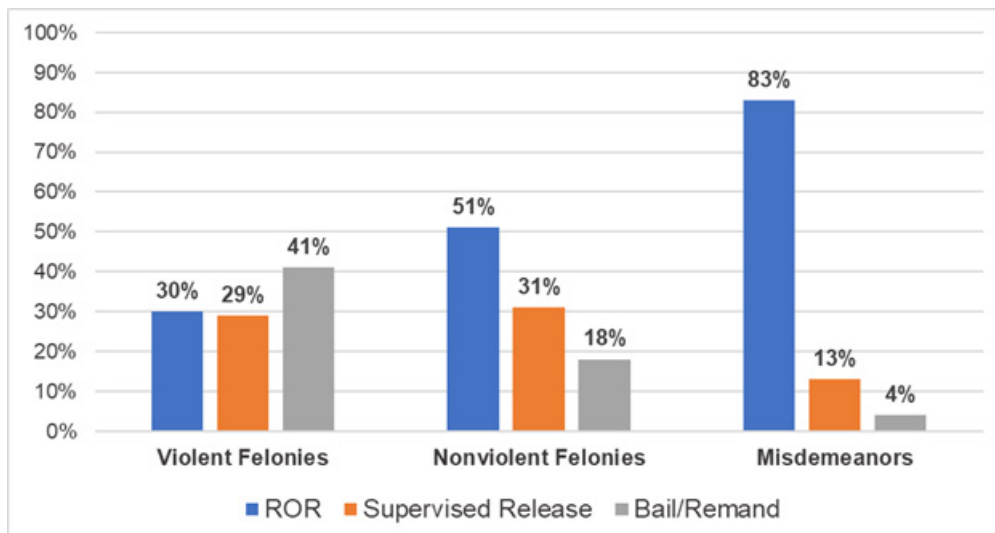
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- **The assessment made similar recommendations for each race/ethnicity:** The assessment recommended 87% of Black, 88% of Hispanic, and 85% of white people for ROR.

Question 2: Judicial Alignment with the Release Assessment

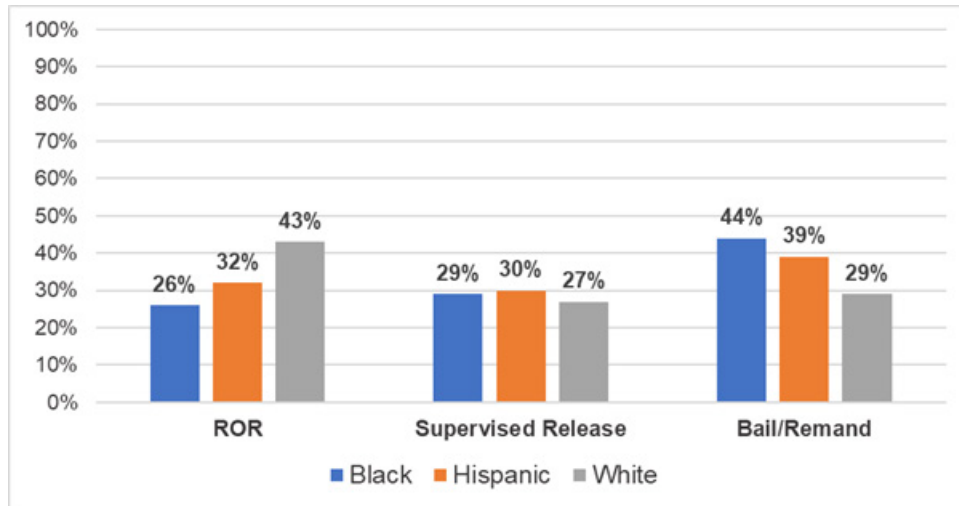
- **Judicial alignment with the Release Assessment was low for felony cases—and especially poor for people charged with a violent felony—but high for misdemeanors:** Across all three years examined, judicial decisions aligned infrequently with a ROR recommendation in violent felony cases (30%), while adhering about half of the time (51%) in nonviolent felony cases and at high rates for misdemeanors (83%). Conversely, in violent felony cases that are virtually all legally eligible for bail under the State’s bail reform law, judges set bail or remand in 41% of cases where the Release Assessment had recommended ROR.
- **Judicial decisions aligned with the assessment’s ROR recommendations at racially disparate rates:** Focusing on violent felony cases with the greatest legal exposure to bail and pretrial detention, when the assessment recommended ROR, judges set it least often for Black people (26%), somewhat more for Hispanic people (32%), and even more for white people (43%). Conversely, in these same cases recommended for ROR, judges were substantially more likely to set bail for Black people (44%) than Hispanic (39%) or white people (29%).

Citywide Release Decisions When the Assessment Recommended ROR (2021-2023)



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Citywide Release Decisions for Violent Felonies Recommended for ROR by Race/Ethnicity (2021-2023)



- **Judges overrated the importance of criminal history and housing instability when making their release decision:** Judges were more likely to follow a ROR recommendation when people had no prior warrants, no prior misdemeanors, and no prior felonies. Additionally, people with no current address were almost half as likely to have their ROR recommendation followed than those who had been living at their last two addresses for three years or more. *However, criminal history and living situation are already factored into the Release Assessment’s recommendations.* In effect, judges overrated the importance of a warrant, a conviction, or housing instability, setting ROR less often and bail more often in these cases, even when the Release Assessment determined the person remained highly likely to return to court and recommended ROR.
- **Racial gaps in judicial alignment with the Release Assessment were driven by overrated risk factors:** The differences described above—with judges adhering to a ROR recommendation at a rate 17 percentage points lower for Black than white people and, conversely, setting bail at a rate 15 percentage points higher for Black than white people in violent felony cases—shrink after controlling for other factors. With controls, Black people were 9 percentage points less likely to receive ROR and 6 points more likely to receive bail in violent felony cases recommended for ROR. *This pattern indicates that while the Release Assessment provides equivalent recommendations across racial groups, judges give outsize—and statistically unjustified—weight to factors including criminal history and housing instability, a tendency that exacerbates racial disparities in release decisions.*

Question 3: Cross-Borough Differences and Changes Over Time

- **Bronx and Brooklyn judges most often followed a recommendation to set ROR:** After statistically controlling for a range of other factors that could vary among the five boroughs (charges, demographics, criminal history, and year), Bronx and Brooklyn judges followed a ROR recommendation at the *highest* and Staten Island judges at the *lowest* rate, with Manhattan and Queens falling in the middle.

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- ***Nonviolent felonies saw especially wide variability by borough:*** For nonviolent felonies, the rate of following a ROR recommendation was lowest in Manhattan, Queens, and Staten Island (ranging from 39-43%), significantly higher in Brooklyn (58%), and highest in the Bronx (72%). *Put differently, people facing a nonviolent felony charge and recommended for ROR were at least 1.7 times more likely to receive it in the Bronx than in Manhattan, Queens, or Staten Island.*
- ***Bronx judges were the least likely to follow a recommendation to not set ROR:*** Compared to judges in other boroughs, Bronx judges were both more likely to follow a recommendation *to set ROR* for nonviolent felonies and misdemeanors and more likely to override a recommendation *against ROR*. In other words, for most charges Bronx judges set ROR at higher rates than other boroughs regardless of whether it was recommended or not. This pattern did not, however, hold true for violent felonies.
- ***From 2021 to 2023, judicial alignment with a ROR recommendation declined sharply in Queens:*** Over the years examined, citywide alignment with a ROR recommendation fell modestly; the largest decline was 4 percentage points for nonviolent felonies (from 54% to 50%). However, Queens judges' alignment declined substantially (from 38% to 27% for violent felonies, 50% to 40% for nonviolent felonies, and 86% to 78% for misdemeanors).

Conclusions

Across all five boroughs, this report examined the alignment between the recommendations of New York City's Release Assessment and pretrial decisions made by the City's arraignment judges from 2021 to 2023.

The Release Assessment is now twice validated—suggesting it makes empirically and legally sound recommendations. Yet judges frequently do not follow the assessment's ROR recommendations, especially when people are charged with a felony, underscoring a need for training and reform. Complete alignment with the assessment is unrealistic and unnecessary, given the importance of judicial discretion for considering case-specific nuances that the assessment may not capture. However, a *frequent* failure to implement the assessment's recommendations risks human error, biased decision-making, and inconsistent decisions from borough to borough and judge to judge. Middling to low alignment with the assessment's ROR recommendations can result in over-supervision (for people put on supervised release) or over-incarceration (for those facing bail or detention), where the City's resources are spent to ensure return to court for people already likely to return on their own.

An especially troubling finding is that judges' decisions had racially disproportionate impacts. *Judges set ROR at a rate 17 percentage points less often for Black than white people, while, conversely, imposing bail or remand 15 percentage points more often on Black than white people (with Hispanic people consistently falling in the middle).* These findings arose despite the Release Assessment making nearly identical recommendations based on race and ethnicity. This means that low rates of judicial alignment, especially when the tool recommends ROR, are producing both excessive and racially inequitable uses of supervision, bail, and detention.

EXECUTIVE SUMMARY

A solid starting point could be to train judges and provide them with regular follow up information and encouragement regarding the science behind the assessment, validation results, and the tool’s specific orientation to the law’s focus on assuring return to court. In this regard, it is the responsibility of City agencies that oversaw the assessment’s creation and that fund its pre-arraignment administration to ensure that judges receive critical information about the value of this tool in promoting credible and fair decision-making, and about the negative impacts of over-supervision and unnecessary incarceration. From there, court administrators could provide additional guidance, while it is ultimately within the discretion of judges how to use information made available to them. Given current decision-making, an especially obvious point of emphasis in engaging judges is that a violent felony charge is *not* empirically associated with a lower likelihood of court attendance—a finding borne out in both the Release Assessment’s [validation research](#) and [related research](#) on factors associated with court attendance throughout New York State.

An important limitation is that this study cannot ascertain whether or how frequently judges explicitly considered the assessment’s recommendations in the first place. It is possible that judges considered and subsequently decided to either follow or disregard the assessment’s recommendations from case to case. It is also possible that judicial alignment or non-alignment with the assessment is largely coincidental, with judges not considering the assessment’s findings at all and, instead, favoring their own discretionary judgments, which happened to align frequently in misdemeanor cases and to diverge in felony cases.

Chapter 1. Introduction

This report examines New York City judges' alignment with the Pretrial Release Assessment, a validated tool that calculates the likelihood people will attend all of their court dates if they are released before trial.¹ Administered pre-arraignment by staff from the NYC Criminal Justice Agency (CJA), the Release Assessment makes one of three recommendations: (1) *Release on recognizance (ROR)*; (2) *Consider all options (encompassing ROR, supervised release, or bail)*; or (3) *Not recommended for ROR (i.e., select any option other than ROR)*. The judge, prosecution, and defense all receive the assessment's findings in advance of arraignment.

Besides considering the Release Assessment, judges may also entertain pretrial bail or release requests from prosecutors and defense attorneys, which may or may not incorporate the assessment's findings. Older research suggests that prosecutors' recommendations exert significant influence over judges' decisions.² Should arraignment judges' rates of following the Release Assessment's recommendations vary by borough, it may in part reflect different policies and practices of each borough's district attorney's office. However, this study is not designed to rigorously pinpoint the district attorneys' impact.

Given its strong empirical foundation, relying on the Release Assessment as a guide could infuse judges' pretrial decisions with a trustworthy rationale, increase consistency from one borough and one judge to another, and enhance due process for people facing charges.³

Absent formal aids like this assessment, prior research indicates that it is difficult for human decision-makers to credibly determine on their own when bail and pretrial detention are justified. Research in New York City and elsewhere has found that judges' perceptions of pretrial risk and resulting discretionary decisions are frequently inaccurate—leading to detention at unnecessarily high rates, overall, as well as racially disproportionate detention for Black people, especially.⁴ In addition, multiple studies have revealed the existence of disparate decisions on similar cases from one New York City judge to another.⁵

Since no assessment tool can yield perfect predictions of whether people will return to court, it is important for judges to retain discretion to consider nuance that may not be captured by the Release Assessment, departing at times from its recommendations. Nonetheless, defaulting to this validated tool when there are no extenuating circumstances or unique case-specific factors could mitigate bias by guiding all judges toward a more defensible, data-driven decision calculus.

RESEARCH QUESTIONS

This report draws on data from 2021 to 2023 to answer four questions, of which the third and fourth address our core interest in examining the alignment of judges' pretrial decisions with the Release Assessment across New York City's five boroughs:

- 1. Background Characteristics:** What were the background characteristics of people facing charges and experiencing pretrial release decisions at arraignment, including their demographics, charges, criminal history, and living situation?

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2. **Release Assessment Recommendations:** How often did the Release Assessment recommend people for ROR, the middle “consider all options” category, or not ROR? How did recommendations vary based on people’s charges, race, ethnicity, and gender? Did judges generally set ROR at rates similar to those the assessment recommended?
3. **Citywide Judicial Alignment:** Focusing especially on violent felony cases, virtually all of which remain legally exposed to bail under New York State’s bail reform law,⁶ at what rates did arraignment judges’ release decisions align with the assessment’s recommendations, and how did judges’ alignment vary based on charges or other characteristics?
4. **Cross-Borough Differences and Changes Over Time:** Did the City’s five boroughs vary in the alignment of their judges’ decisions with the assessment? Over our study period from 2021 to 2023, did significant changes take place, either citywide or within some but not other boroughs?

NEW YORK STATE LEGAL CONTEXT

According to longstanding New York State law, judges’ pretrial release decisions must be based on factors related to assuring return to court.⁷ Ostensibly, the judge may only set bail based on the nature or severity of the charge (or based on any other factor) insofar as it has a demonstrable relationship to court attendance. The judge may not set bail or detain people based on a perceived risk to public safety.

However, some tension in the [pretrial statute](#) arises from its enumeration of a long list of factors that judges must consider, some of which are not contained in New York City’s Release Assessment and may not have an empirical relationship to court attendance.⁸ In 2022, amendments to the State’s bail reform statute made three particular factors applicable to all cases, respectively concerning a prior history of order of protection violations, history of firearms use or possession, and whether the current allegations involve “serious harm.”⁹ Nonetheless, insofar as standing law indicates that the court’s pretrial decisions should ultimately follow from a determination of “the kind and degree of control or restriction necessary to reasonably assure the principal’s return to court,” making decisions based on factors empirically untethered to return to court would seem to be at odds with this legal prescription. While recognizing that some statutory ambiguity exists, the Release Assessment is a decision-making aid that can clearly advance the goal of reliable decisions capable of assuring court attendance.

ABOUT THE RELEASE ASSESSMENT

CJA has administered an assessment and made pretrial recommendations since the 1970s based on people’s likelihood of appearing at their scheduled court dates. To implement the assessment, CJA staff interview people facing charges in criminal courts while they are held in holding cells before their arraignment. Besides entering data obtained from interviews, CJA also records criminal history and charge information from the official rap sheet. CJA then provides key results from the assessment, and its overall release recommendation, to the judge, prosecution, and defense.

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The Current Release Assessment

In late 2019, CJA and the NYC Mayor’s Office of Criminal Justice (MOCJ) implemented an updated Release Assessment, with a revised statistical algorithm and recommendation system.¹⁰ This revised system scores people’s likelihood of court attendance from 0 to 25 and, as introduced above, makes one of three recommendations to the judge:

1. **Recommended for release on recognizance (ROR).**
2. **Consider all options** (i.e., the individual poses an intermediate risk of failure to appear).
3. **Not recommended for ROR.**

Certain borderline risk scores (from 12 to 18) result in varying recommendations depending on whether the top charge is a violent felony, nonviolent felony, or misdemeanor.¹¹ In effect, the recommendation system “bakes in” an assumption that judges will want people to have an especially high likelihood of court attendance before deciding to release them on an alleged violent felony, less so for a nonviolent felony, and even less so for a misdemeanor.

It is worth noting, however, that as an empirical matter, people facing violent felony charges and released in New York,¹² as well as jurisdictions nationwide,¹³ are statistically *more* likely to return to court than people facing other charges, even after controlling for other factors.

Appendix A lists the current Release Assessment’s **seven individual risk factors** and the points assigned to each of them.

Frequency of Release on Recognizance (ROR) Recommendations

Prior research found that in 2022 and 2023, the Release Assessment recommended 85% of people for ROR.¹⁴ The assessment also recommended nearly 80% of people charged with a violent felony for ROR. As discussed just above, people facing violent felony charges are, in fact, *more* likely than others to return to court,¹⁵ yet they receive a ROR recommendation for a narrower band of risk scores than misdemeanors and nonviolent felonies.

Validation Research

Based on cases arraigned in 2014, a [validation study](#) found that the current Release Assessment has acceptable predictive accuracy.¹⁶ Considering more recent arraignments in 2022 and 2023, a [revalidation study](#) pointed to *better* predictive accuracy.¹⁷ The revalidation study produced an area under the curve (AUC) statistic of .796. The AUC is a standard measure of an assessment tool’s ability to accurately distinguish different people’s outcomes. Values of .800 or higher, effectively reached by the Release Assessment with rounding, signify good to excellent performance.

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Both validation studies also found that the tool produced similar distributions of recommendations based on people’s race and ethnicity.¹⁸ For instance, the revalidation study found that the assessment recommended ROR for 85% of Black, 86% of Hispanic, and 81% of white people. Insofar the tool recommended ROR for white people modestly less often than for other groups, the results differed modestly by race and ethnicity. Yet, in classifying white people as slightly higher risk, these validation findings mitigate a central critique leveled at other assessment tools that they, instead, erroneously and significantly overclassify Black and Hispanic people as higher risk.¹⁹ While the reasons why the Release Assessment’s performance varies from that of other tools are unclear, a potentially relevant distinction may be that it was designed to predict people’s likelihood of *court attendance*, while the other tools shown to disadvantage Black and Hispanic people all predict *re-arrest*.

Based on 2022 arraignments, a recent [Data Collaborative for Justice](#) study suggested the assessment’s accuracy might be somewhat improved by incorporating into its algorithm the greater likelihood that people charged with a violent felony will return to court and incorporating the relationships of various specific types of charges to court attendance.²⁰ For example, after controlling for other factors, this study found that felony weapons charges were associated with a significantly *higher* likelihood of court attendance, while the opposite was true of property charges, including burglary, robbery, and petit larceny.²¹ For its part, CJA has advised us that it is continuing to monitor the performance of its tool to allow for possible improvements when appropriate.

Nonetheless, with or without tweaks, the current assessment is effective at differentiating between those who are and are not likely to attend court. For example, the revalidation study found that people with the highest score of 25 had a 96% likelihood of attending every court date; and people with scores of 23 or 24 had a 93% likelihood. At the other end of the spectrum, people with scores of 11 or lower had under a 50% likelihood of attending every court date.²² *Moreover, among people released before trial who the assessment had recommended for ROR, the revalidation study found that 90% attended every single date, including a slightly higher 92% of those charged with a violent felony.*²³

RATIONALE FOR THE PRESENT STUDY

This is the first published study based on data from later than 2020 to analyze how often New York City judges’ pretrial decisions follow the Release Assessment’s recommendations. That year saw significant disruptions to court operations resulting from the COVID-19 pandemic, besides serving as the first year under bail reform.²⁴ Research from 2020 indicates that decision-making changed significantly within this one year. For example, in violent felony cases, when the Release Assessment recommended ROR, judges set it 44% of the time up until the pandemic’s mid-March onset,²⁵ a figure that then fell considerably to 33% in the fourth quarter of 2020.²⁶

Absent intervening research since 2020, judges’ post-pandemic alignment with the Release Assessment is largely unknown citywide, let alone in each of the five boroughs. There is also no prior research examining alignment with the assessment’s recommendations for specific charges other than the umbrella categories of misdemeanors, nonviolent felonies, and violent felonies. This report fills these gaps.

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DATA AND METHODS

Data Source and Sampling Frame

We received deidentified CJA data for cases assessed and arraigned in New York City from 2021 to 2023. The data included answers to all Release Assessment items, the summary score from 0 to 25, and the recommendation. The data also included the arraignment date, charge type and severity, the judge’s release decision at arraignment, and people’s demographics characteristics.

Case Exclusions

CJA staff interview people while they are held in the courthouse for up to 24 hours between their arrest and arraignment. CJA staff are logistically unable to interview people given a desk appearance ticket (DAT) who, in lieu of courthouse detention, attend arraignment on their own at a later date. DATs are limited to people charged with misdemeanors or Class E felonies. Prior research found that in 2022, 24% of misdemeanors or Class E felonies received a DAT.²⁷ Because the assessment is not administered, DATs are excluded. Additional exclusions are:

- **Disposed at Arraignment:** By definition, judges only make release decisions on cases continued after arraignment.
- **Non-Criminal Charges:** We omitted non-criminal violations or infractions, which are typically disposed at arraignment and, if not, are rarely ordered to pretrial conditions.
- **Ages Under 18:** We excluded the cases of anyone under the age of 18. Under the State’s Raise the Age law,²⁸ 16- and 17-year-olds are only arraigned in adult courts if charged with a felony, after which all except the most serious violent felonies are transferred to the juvenile system.
- **No CJA Recommendation:** We excluded cases where people facing charges declined to be interviewed or where, for any other reason, there was not a release recommendation entered.

After these omissions, our dataset included 251,917 cases. **Appendix B** presents the total number of cases in the analysis by year and borough.

Data Qualifications and Limitations

Charges and Criminal History. *Available data did not include the specific charge.* Instead, we had variables for charge severity (violent felony, nonviolent felony, or misdemeanor), *charge class* (e.g., A, B, C, D, or E felony), and *charge type*, where the latter grouped together charges that were sometimes, but not always, logically related. The charge types shown throughout this report are ones CJA was able to provide when sharing their data (see **Exhibit 2.1**). For example, CJA’s categories included “assault,” “drug,” and “firearm/weapon,” each covering logically distinct types of charges. However, the category “robbery, sex offense, homicide, kidnapping” was more diffuse, patently grouping different types of charges together, an unavoidable feature of the data

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we received. CJA has informed the researchers that the general charge categories they provided were developed by their previous research team as a means of reducing the risk of data re-identification of individuals.

Criminal history measures were limited to those contained in the Release Assessment. They included any conviction in the past year, any misdemeanor conviction in the past 3 years; any felony conviction in the past 10 years; current pending case; and several measures of prior warrants.

Race/Ethnicity. The racial and ethnic categories used in the present analyses vary slightly from those used in the validation research conducted by CJA. Specifically, CJA groups Black-Hispanic people with Black Non-Hispanic people in its recent revalidation study; however, consistent with prior Data Collaborative for Justice practice, the current study considers anyone with a Hispanic ethnicity as Hispanic, including Black-Hispanic people.²⁹

Chapter 2. Case Characteristics and Release Assessment Recommendations

For cases involving pretrial release decisions from 2021 to 2023 (i.e., ROR, supervised release, bail, or remand), this chapter presents people's personal background and case characteristics, Release Assessment recommendations, and recommendation breakdowns by race, ethnicity, and gender.

BACKGROUND CHARACTERISTICS

- **Demographics:** People facing charges were predominantly men (82%); Black (52%) or Hispanic (34%); and ages 25 to 44 (61%). Black and Hispanic people were overrepresented relative to their 23% and 28% respective shares of the City's general population (**Exhibit 2.1**).
- **Charge Type, Severity, and Class:** Two-thirds of people faced misdemeanor charges. Drug offenses were the most common type of nonviolent felony, and assault was the most common misdemeanor and violent felony. Class A felonies accounted for 0.6% of all charges.
- **Criminal History:** Nearly a third (32%) of people had a pending case at the time of their current arraignment, and 21% had at least one prior warrant (usually for failure to appear in court). People charged in **Manhattan** were significantly more likely to have prior convictions, pending cases, and warrants than those arraigned in other boroughs.
- **Living Situation:** People charged in **Manhattan** were more likely to report no current address (11%) than people in other boroughs (4-6%); and those in Manhattan were less reachable by phone (72% in Manhattan compared to 77% in the Bronx, and 83-87% in the other boroughs).

RELEASE ASSESSMENT RECOMMENDATIONS

- **People are Highly Likely to Attend Court:** Citywide, the Release Assessment recommended ROR for 88% of people facing charges from 2021 to 2023, including 79% of violent felonies, 77% of nonviolent felonies, and 92% of misdemeanors (**Exhibit 2.2**). *Despite these recommendations, judges set ROR at lower rates for each charge severity: merely 25% of violent felonies, 42% of nonviolent felonies, and 78% of misdemeanors.* (See **Appendix C** for a breakdown of pretrial release decisions at arraignment by borough and charge severity.) For felonies especially, judges' significantly lower use of ROR than the Release Assessment recommended presages that judges' decisions often do not align with the assessment. This topic is directly explored in the next chapter.
- **Manhattan Saw Lower Release Assessment Scores than Elsewhere:** On average, people charged in Manhattan had the *lowest* Release Assessment scores of any borough and were the *least* likely to be recommended for ROR (68% of Manhattan's violent and nonviolent felonies and 86% of misdemeanors). Results in the other four boroughs were comparable to each other.
- **The Assessment Made Similar Recommendations for Each Race/Ethnicity:** Roughly mirroring the validation results cited in Chapter 1, the Release Assessment recommended

CHAPTER 2. CASE CHARACTERISTICS AND RELEASE ASSESSMENT RECOMMENDATIONS

87% of Black, 88% of Hispanic, and a modestly lower 85% of white people for ROR (**Exhibit 2.3**). For people charged with a violent felony, the assessment recommended a statistically identical 78% of Black and Hispanic and 77% of white people for ROR (**Exhibit 2.4**). As for gender, the assessment recommended 86% of men compared to 91% of women for ROR.

Exhibit 2.1.

Background Characteristics by Borough (2021-2023)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	Citywide
	N = 42,700	N = 81,323	N = 54,252	N = 61,216	N = 12,426	N = 251,917
DEMOGRAPHICS						
Gender: Men	81%	82%	82%	82%	80%	82%
Race/Ethnicity						
Black	49%	63%	52%	40%	42%	52%
Hispanic	46%	24%	36%	38%	26%	34%
White	3%	10%	10%	10%	29%	10%
Asian	1%	2%	2%	12%	2%	4%
Additional groups	0.2%	0.2%	0.2%	0.4%	0.3%	0.2%
Age						
Ages 18-24	20%	19%	17%	18%	18%	18%
Ages 25-44	60%	61%	61%	62%	61%	61%
Ages 45 and over	20%	20%	23%	21%	22%	21%
CHARGE SEVERITY						
Violent felony	20%	20%	17%	16%	18%	18%
Nonviolent felony	12%	15%	18%	15%	18%	15%
Misdemeanor	69%	65%	65%	69%	65%	67%
CHARGE TYPE						
Violent Felony						
Assault	6%	8%	7%	7%	10%	7%
Firearm/weapon	6%	4%	2%	3%	2%	4%
Larceny, theft, burglary, fraud	1%	3%	2%	1%	2%	2%
Robbery, sex offense, homicide, kidnapping	7%	6%	6%	5%	4%	5%
Nonviolent Felony						
Drug	5%	3%	6%	3%	4%	4%
Larceny, theft, burglary, fraud	4%	6%	7%	6%	4%	6%
Other nonviolent felony	2%	5%	3%	5%	8%	4%
Misdemeanor						
Assault	39%	32%	32%	36%	25%	34%
Contempt, resist, obstruct	5%	5%	4%	6%	9%	5%
Criminal mischief	3%	4%	3%	4%	5%	4%
Drug	2%	2%	3%	2%	5%	2%
Larceny, theft, burglary, fraud	9%	11%	14%	9%	8%	11%
Other misdemeanor	10%	11%	9%	12%	13%	11%
CHARGE CLASS						
Class A felony	0.6%	0.2%	1.6%	0.5%	0.2%	0.6%
CRIMINAL HISTORY						
Prior Convictions						
Any conviction in last year	7%	6%	12%	6%	9%	8%
Misd. conv. in last 3 years	12%	11%	18%	11%	15%	13%
Felony conv. in last 10 years	16%	16%	22%	13%	18%	17%
Pending Cases						
Yes (pending case)	31%	32%	37%	28%	31%	32%
Warrants in Last 5 Years						
One (1)	9%	9%	11%	8%	11%	9%
Two (2) or more	12%	11%	18%	9%	11%	12%
LIVING SITUATION AND ACCESSIBILITY						
No current address	6%	5%	11%	4%	5%	6%
Reachable by phone	77%	83%	72%	87%	84%	81%

CHAPTER 2. CASE CHARACTERISTICS AND RELEASE ASSESSMENT RECOMMENDATIONS

Exhibit 2.2.

Release Assessment Scores and Recommendations (2021-2023)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	Citywide
ALL CASES	N = 42,700	N = 81,323	N = 54,252	N = 61,216	N = 12,426	N = 251,917
Assessment score (average)	20.9	21.3	19.4	21.7	21.2	20.9
ROR recommended	88%	89%	80%	91%	89%	88%
Consider all options	4%	4%	5%	3%	5%	4%
ROR not recommended	8%	7%	16%	6%	7%	9%
VIOLENT FELONIES	N = 8,410	N = 16,216	N = 9,268	N = 9,796	N = 2,207	N = 45,897
Assessment score (average)	21.1	21.5	19.5	21.8	21.6	21.1
ROR recommended	79%	81%	68%	83%	81%	79%
Consider all options	15%	13%	18%	13%	15%	15%
ROR not recommended	6%	6%	14%	4%	4%	7%
NONVIOLENT FELONIES	N = 5,013	N = 12,098	N = 9,573	N = 9,078	N = 2,187	N = 37,949
Assessment score (average)	19.5	19.9	17.9	20.1	19.9	19.4
ROR recommended	76%	80%	68%	81%	80%	77%
Consider all options	11%	10%	11%	10%	10%	10%
ROR not recommended	13%	10%	21%	10%	9%	13%
MISDEMEANORS	N = 29,277	N = 53,009	N = 35,411	N = 42,342	N = 8,032	N = 168,071
Assessment score (average)	21.1	21.6	19.8	22.1	21.4	21.2
ROR recommended	92%	94%	86%	95%	94%	92%
Consider all options	N/A (not a possible recommendation for misdemeanors)					
ROR not recommended	8%	6%	15%	5%	7%	8%

Exhibit 2.3.

Assessment Recommendations by Race/Ethnicity and Gender (2021-2023)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	Citywide
RACE/ETHNICITY						
ROR Recommended						
Black	88%	90%	78%	89%	88%	87%
Hispanic	88%	88%	82%	92%	89%	88%
White	82%	85%	79%	87%	90%	85%
Consider All Options						
Black	4%	4%	6%	4%	6%	5%
Hispanic	4%	4%	5%	3%	4%	4%
White	3%	4%	4%	3%	3%	4%
ROR Not Recommended						
Black	8%	6%	17%	7%	6%	9%
Hispanic	8%	8%	14%	5%	7%	8%
White	14%	10%	18%	9%	7%	12%
GENDER						
ROR Recommended						
Men	87%	88%	78%	90%	88%	86%
Women	91%	93%	86%	94%	92%	91%
Consider All Options						
Men	4%	5%	6%	4%	5%	5%
Women	2%	2%	3%	2%	3%	2%
ROR Not Recommended						
Men	9%	7%	16%	6%	7%	9%
Women	7%	5%	11%	4%	5%	6%

CHAPTER 2. CASE CHARACTERISTICS AND RELEASE ASSESSMENT RECOMMENDATIONS

Exhibit 2.4.

Assessment Recommendations by Race/Ethnicity and Gender for Violent Felonies (2021-2023)

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	Citywide
RACE/ETHNICITY						
ROR Recommended						
Black	80%	82%	66%	81%	76%	78%
Hispanic	79%	79%	69%	83%	84%	78%
White	71%	77%	68%	81%	84%	77%
Consider All Options						
Black	15%	13%	20%	14%	19%	15%
Hispanic	14%	14%	17%	12%	12%	14%
White	16%	16%	16%	13%	11%	15%
ROR Not Recommended						
Black	6%	5%	14%	5%	5%	7%
Hispanic	7%	7%	13%	5%	4%	8%
White	12%	7%	16%	6%	5%	9%
GENDER						
ROR Recommended						
Men	79%	80%	67%	83%	79%	78%
Women	80%	86%	74%	86%	89%	83%
Consider All Options						
Men	15%	14%	19%	13%	17%	15%
Women	13%	9%	15%	11%	9%	11%
ROR Not Recommended						
Men	6%	6%	14%	5%	5%	7%
Women	7%	5%	11%	3%	3%	6%

Chapter 3. Judicial Alignment with the Release Assessment

This chapter documents the rates at which judges’ pretrial decisions aligned with the Release Assessment’s recommendations from 2021 to 2023. The chapter’s final set of results focuses specifically on violent felony cases. *On average, people charged with violent felonies have the most at stake, given that virtually all such charges are legally eligible for bail and pretrial detention under the State’s bail reform law.*³⁰

MEASURING ALIGNMENT WITH THE ASSESSMENT

We operationalized judicial alignment with the assessment’s recommendations as follows:

1. **Recommended for ROR:** *Alignment means the judge in fact set ROR.*
2. **Consider All Options:** Given the non-prescriptive nature of this recommendation to consider “all options,” we cannot measure judicial alignment based on official data.
3. **Not Recommended for ROR:** *Alignment means the judge set any condition(s) other than ROR.* To compute the rate at which judges align with the assessment for cases *not recommended for ROR*, it is necessary to add the supervised release and bail/remand percentages together.

As a visual aid, this chapter’s tables use green shading for results signifying Release Assessment alignment.

As for defining what constitutes “high,” “medium,” and “low” rates of judicial alignment, there is no official or scientific standard in the literature to use as a reference. Clearly, judicial alignment can be high without reaching 100%, as judges retain due discretion to incorporate case-specific factors when appropriate. As rough rules of thumb on either end of the spectrum, the text below generally presupposes that implementing what the Release Assessment recommends less than half the time is patently “low,” while reaching anywhere above 80% is patently “high.”

The pullout box below complexifies the concept of aligning with the assessment’s recommendations by flagging a key study limitation regarding our lack of information about *why* judges do or do not align.

Study Limitation: Interpreting “Alignment” with the Release Assessment

The data in this chapter examines the alignment of New York City judges’ pretrial decisions with what the Release Assessment recommended from 2021 to 2023. ***However, this study’s methods cannot ascertain whether or how often judges explicitly considered the assessment’s recommendations.*** It is possible that if judges’ decisions followed the assessment’s recommendations at a high rate, it would be coincidental; judges might simply have weighed overlapping factors in their own discretionary decision making without relying on the assessment’s recommendations per se. Conversely, if judges’ decisions were aligned at a low rate, it would not necessarily mean judges explicitly overrode what the assessment had recommended; judges may have applied their own discretionary judgments without taking time to reference the assessment’s recommendations in the first place. Accordingly, the terms “alignment” or “adherence” in this chapter do not connote intentionality.

RELEASE ASSESSMENT ALIGNMENT RATES ACROSS ALL YEARS

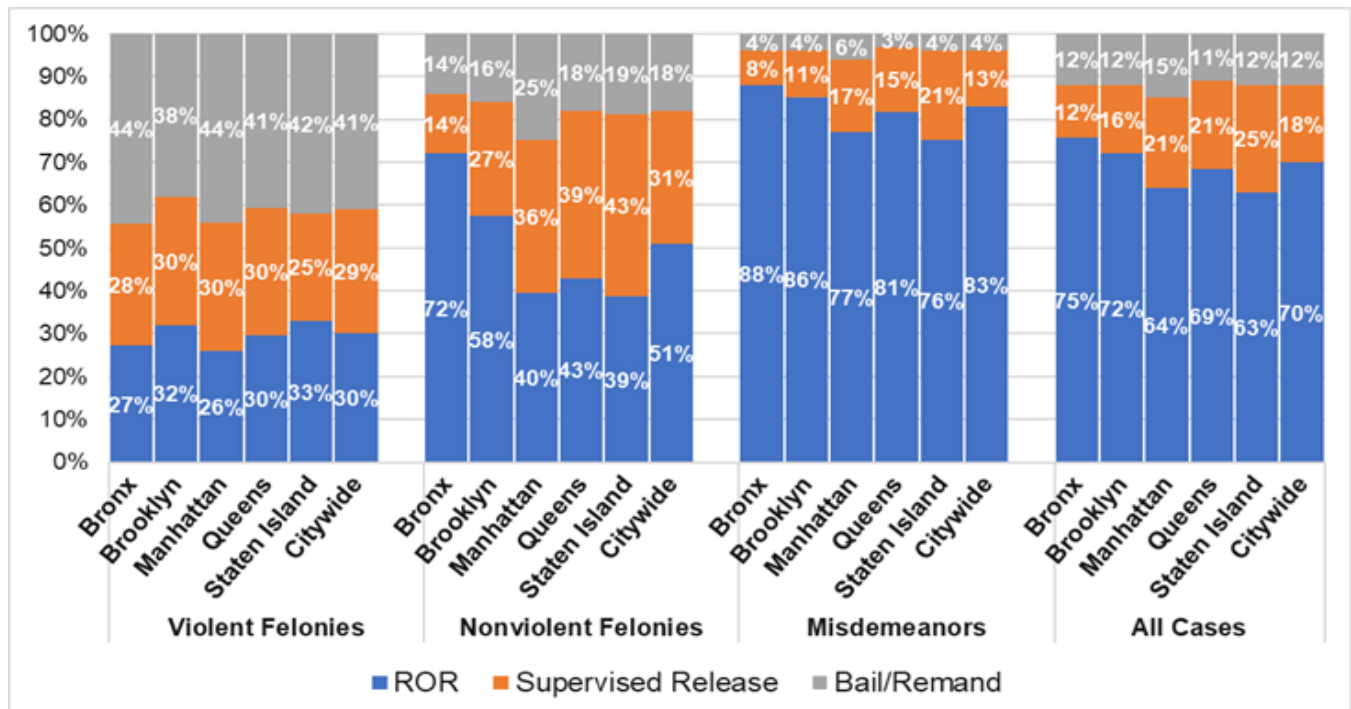
Judicial Alignment with a ROR Recommendation

- **Alignment Varied Widely by Charge Severity:** Judges usually did *not* follow a ROR recommendation in violent felony cases (30%), while becoming progressively more likely to follow a ROR recommendation for nonviolent felonies (51%) and misdemeanors (83%) (**Exhibit 3.1**).
- **Alignment Was Low Across-the-Board in Violent Felony Cases:** Judges mostly disregarded ROR recommendations for violent felonies—with adherence ranging narrowly by borough from 27% in the Bronx and Manhattan up to only 33% in Brooklyn and Staten Island.
- **Disparate Borough-Based Alignment for Nonviolent Felonies:** Among nonviolent felonies recommended for ROR, judges in Manhattan, Queens, and Staten Island had low especially low adherence rates (ranging from 39% to 43%). Then adherence grew significantly to 58% in Brooklyn and 72% in the Bronx. *To illustrate the disparity, people facing a nonviolent felony charge and recommended for ROR were 1.8 times more likely to receive it in the Bronx than in Manhattan or Staten Island and 1.7 times more likely to receive ROR than in Queens.*
- **Manhattan's Judges Followed the Assessment Less Than Judges in Other Boroughs:** Of the five boroughs, Manhattan judges had the lowest or second lowest rates of alignment with the assessment across all three charge severities. *However, results presented in the next chapter demonstrate that after rigorously controlling for all factors potentially associated with following the assessment, judges in Staten Island followed it the least, Manhattan judges were in a middle category with Queens, and Bronx and Brooklyn judges followed the assessment most often (though still with low overall rates of following the tool's recommendations in felony cases).*

CHAPTER 3. JUDICIAL ALIGNMENT WITH THE RELEASE ASSESSMENT

Exhibit 3.1.

Release Decision When the Assessment Recommended ROR (2021-2023)



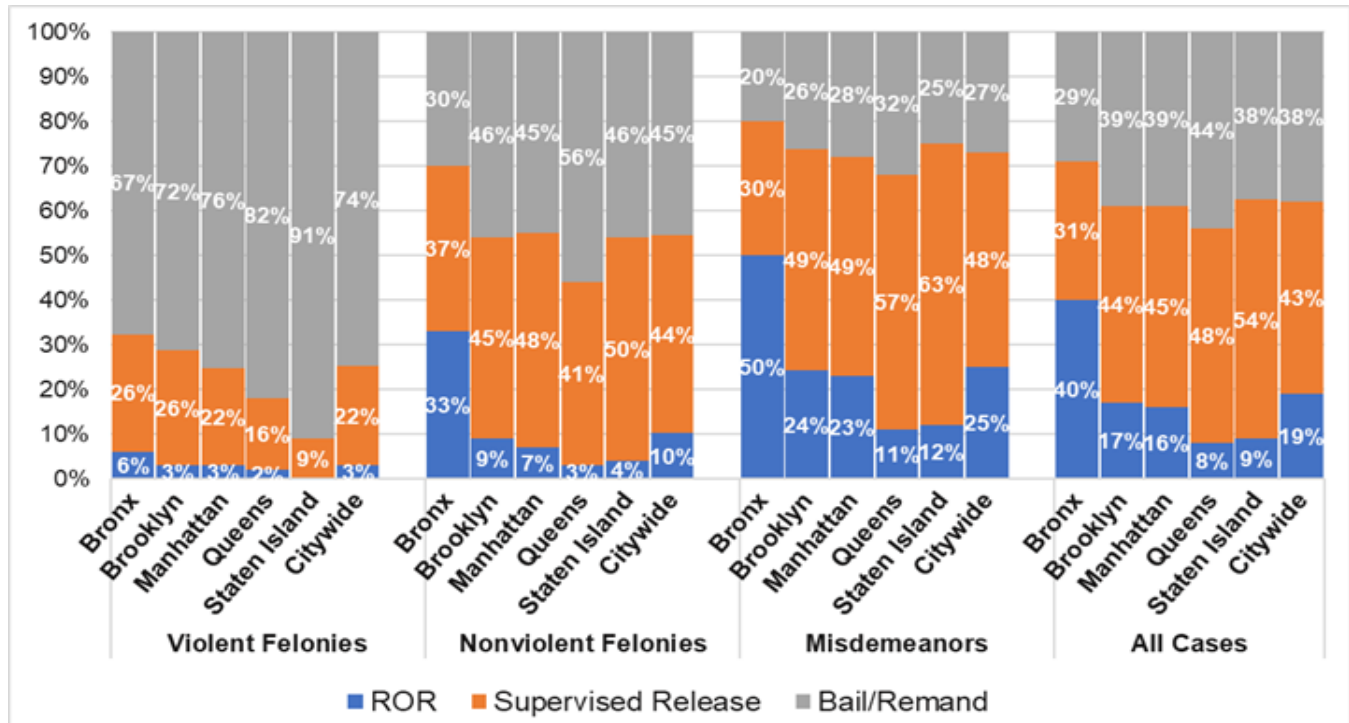
Alignment with a Recommendation *Not* to Set ROR

- Felonies Saw Higher Judicial Alignment:** In felony cases, judges were far more likely to follow a recommendation not to set ROR than a recommendation to set it. For cases where ROR was *not* recommended, judges followed suit by setting supervised release or bail for 96% of violent felonies, 89% of nonviolent felonies, and 75% of misdemeanors (**Exhibit 3.2**).
- “Not Recommended for ROR” Least Followed in the Bronx:** Judges in the Bronx were less likely than in the other boroughs to follow a “Not Recommended for ROR” recommendation. Bronx judges followed such a recommendation for 94% of violent felonies (compared to an even higher 97-100% in the other boroughs), 67% of nonviolent felonies (compared to 91-97% in other boroughs), and only half of misdemeanors (compared to 75-89% in other boroughs). In other words, Bronx judges were especially likely to set ROR even when the assessment recommended otherwise.

CHAPTER 3. JUDICIAL ALIGNMENT WITH THE RELEASE ASSESSMENT

Exhibit 3.2.

Release Decision When ROR *Not* Recommended (2021-2023)



CHANGES IN JUDICIAL ALIGNMENT WITH THE ASSESSMENT FROM 2021 TO 2023

For cases recommended for ROR, **Exhibit 3.3** indicates how the rate at which judges aligned with the assessment's recommendations changed from 2021 to 2023.

- **Modestly Declining Judicial Alignment:** From 2021 to 2023, judges followed a ROR recommendation slightly less often. Citywide adherence fell by one percentage point for violent felonies (31% to 30%), 4 points for nonviolent felonies (54% to 50%), and 2 points for misdemeanors (84% to 82%).
- **Sharply Declining Alignment in Queens:** From 2021 to 2023, Queens judges' rate of following a ROR recommendation dropped substantially (from 38% to 27% for violent felonies, 50% to 40% for nonviolent felonies, and 86% to 78% for misdemeanors). No other borough saw a declining adherence rate for all three charge severities.
- **Increasing Alignment for Violent Felonies in Staten Island:** Staten Island judges' alignment with a ROR recommendation significantly increased for violent felonies (from 26% to 35%).

RELEASE ASSESSMENT ALIGNMENT FOR SPECIFIC VIOLENT FELONY CHARGES

For different types of violent felony charges, **Exhibit 3.4** presents release decisions in response to all three recommendation categories, while **Exhibit 3.5** shows changes from 2021 to 2023 in the rate at which judges specifically followed a ROR recommendation.

CHAPTER 3. JUDICIAL ALIGNMENT WITH THE RELEASE ASSESSMENT

- **Modestly Declining ROR Recommendation Alignment Across All Charges:** From 2021 to 2023, the rate of following a ROR recommendation declined modestly for assault (from 49% to 47%), burglary (from 31% to 27%), and firearm/weapons charges (from 14% to 10%), alike.
- **Especially Low ROR Recommendation Alignment for Firearms Charges:** Of the violent felony charge types represented, judges citywide were *most* likely to adhere to a ROR recommendation for **assault** charges (48%) and *least* likely for **firearm/weapons** charges (11%).

RELEASE ASSESSMENT ALIGNMENT BY RACE/ETHNICITY

Focusing on violent felony cases, results point to significant racial and ethnic disparities in the extent to which judges' decisions align with the assessment's recommendations. While alignment with ROR recommendations for people charged with a violent felony remained *low* (under half) for all groups, judges were significantly more likely to follow a ROR recommendation with white people (43%) than Black (26%) or Hispanic (32%) people. Conversely, in these same cases recommended for ROR, judges were substantially more likely to set bail for Black people (44%) than Hispanic (39%) or white people (29%). These results represent a 15 percentage-point Black-white gap in rates of bail-setting (**Exhibit 3.6**).

Appendix D provides rates of judicial alignment with the Release Assessment by race/ethnicity for all boroughs and charge severities. We also examined whether racial disparities in following ROR recommendations varied across specific classes of charges within each charge severity category (e.g., Class A, B, C, D, and E violent felonies) but did not detect notable patterns.³¹

Note: Study findings indicate that NYC judges' decisions are producing racially inequitable outcomes among people with comparable empirical likelihoods of returning to court. However, the findings do not necessarily indicate overt racial bias, insofar as judges may base their decisions on factors correlated with race/ethnicity that judges may believe predict a low likelihood of court attendance, despite a lack of support for this belief in research underlying the Release Assessment.

ALIGNMENT WITH ROR RECOMMENDATIONS BY RELEASE ASSESSMENT SCORES

Within the category of people recommended for ROR, the lower a person's point score on the Release Assessment, the less likely judges were to follow a ROR recommendation. Regardless of charge severity, the Release Assessment recommends all people for ROR if their raw point score ranges from 19 to 25. Yet, CJA's recent revalidation study indicated there are differences in the empirical likelihood of attending all court dates depending on the exact score.³²

Appendix E provides Release Assessment adherence rates by point score range within the ROR recommended category for all boroughs and charge severities. We divided scores into a perfect 25 (representing 52% of all people recommended for ROR), 23 to 24 (16% of ROR recommended), 21 to 22 (21% of ROR recommended), and 19 to 20 (11% of ROR recommended).

CHAPTER 3. JUDICIAL ALIGNMENT WITH THE RELEASE ASSESSMENT

Focusing on violent felony cases, whereas judges' decisions exhibited low alignment with the Release Assessment's recommendations for *all scores* in the "ROR recommended" category, their alignment nonetheless dipped considerably for people with relatively lower scores. Specifically, judges set ROR for 39% of people charged with violent felonies who had the highest possible score of 25 points, set ROR for only 29% whose score was 23 or 24 points, and set ROR for 17% with scores ranging from 19 to 22 points.

For nonviolent felony cases recommended for ROR, the same pattern appeared. Judges set ROR in 71%, 54%, 42%, and 37% of cases with point scores respectively at 25, 23 to 24, 21 to 22, and 19 to 20—indicating significantly lower rates of following a ROR recommendation as the scores fell.

For misdemeanors, alignment with ROR recommendations similarly dropped after the top point score range, yet in this case, alignment remained comparatively high across the board. It exceeded 70% for all four "ROR recommended" point score ranges and reaching 95% for the maximum point score of 25.

EXHIBIT 3.3

Judicial Alignment with ROR Recommendations by Year

	2021						2022						2023					
	BX	BK	M	Q	SI	All	BX	BK	M	Q	SI	All	BX	BK	M	Q	SI	All
VIOLENT FELONIES																		
ROR	28%	32%	25%	38%	26%	31%	27%	30%	27%	29%	38%	29%	26%	36%	28%	27%	35%	30%
Supervised release	22%	24%	26%	24%	18%	24%	28%	32%	30%	30%	21%	30%	33%	33%	32%	33%	34%	33%
Bail/Remand	49%	44%	49%	38%	56%	45%	45%	39%	43%	41%	42%	42%	41%	32%	41%	41%	31%	37%
NONVIOLENT FELONIES																		
ROR	76%	62%	40%	50%	39%	54%	73%	54%	39%	43%	42%	50%	69%	59%	41%	40%	37%	50%
Supervised release	9%	21%	31%	33%	41%	26%	14%	29%	37%	41%	40%	33%	19%	28%	37%	42%	46%	33%
Bail/Remand	15%	18%	29%	17%	21%	20%	13%	16%	24%	17%	19%	18%	13%	14%	22%	19%	16%	17%
MISDEMEANORS																		
ROR	85%	89%	77%	86%	77%	84%	89%	84%	77%	82%	77%	83%	89%	85%	78%	78%	75%	82%
Supervised release	9%	8%	16%	11%	19%	11%	7%	12%	17%	15%	20%	13%	8%	11%	17%	18%	23%	14%
Bail/Remand	7%	4%	8%	3%	5%	5%	4%	4%	6%	3%	4%	4%	3%	4%	6%	4%	3%	4%

EXHIBIT 3.4

Judicial Alignment with Assessment Recommendations for Violent Felony Charge Types (2021-2023)

	ROR Recommended						Consider All Options						ROR Not Recommended					
	BX	BK	M	Q	SI	All	BX	BK	M	Q	SI	All	BX	BK	M	Q	SI	All
ASSAULT																		
ROR	49%	51%	42%	48%	47%	48%	19%	12%	8%	7%	10%	11%	6%	4%	3%	1%	0%	3%
Supervised release	31%	30%	31%	31%	27%	30%	35%	36%	32%	37%	25%	34%	36%	28%	26%	19%	14%	27%
Bail/Remand	20%	19%	28%	21%	26%	22%	46%	52%	60%	56%	65%	55%	59%	68%	71%	79%	86%	70%
BURGLARIES																		
ROR	34%	34%	21%	20%	16%	28%	13%	7%	7%	2%	1%	7%	3%	2%	4%	1%	0%	3%
Supervised release	33%	36%	33%	33%	31%	34%	35%	37%	31%	29%	21%	33%	32%	29%	22%	22%	10%	25%
Bail/Remand	33%	30%	46%	47%	53%	38%	53%	56%	63%	69%	78%	60%	65%	69%	74%	77%	90%	72%
FIREARMS/WEAPONS																		
ROR	12%	10%	10%	12%	3%	11%	4%	1%	2%	4%	0%	3%	6%	3%	7%	5%	0%	5%
Supervised release	26%	24%	22%	18%	11%	23%	13%	12%	12%	8%	3%	11%	8%	15%	0%	0%	0%	7%
Bail/Remand	63%	66%	68%	70%	86%	67%	83%	87%	87%	88%	97%	86%	86%	82%	93%	95%	100%	89%

CHAPTER 3. JUDICIAL ALIGNMENT WITH THE RELEASE ASSESSMENT

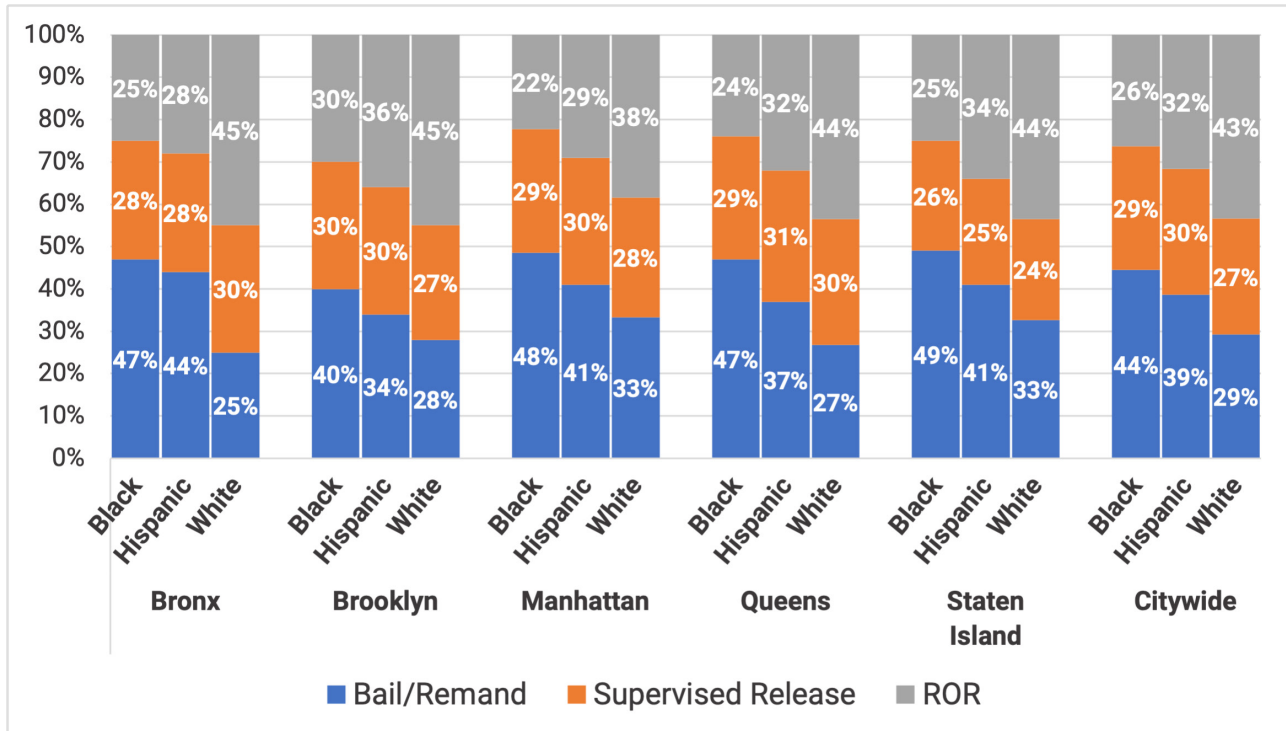
EXHIBIT 3.5

Judicial Alignment with ROR Recommendations for Violent Felony Charge Types by Year

	2021						2022						2023					
	BX	BK	M	Q	SI	All	BX	BK	M	Q	SI	All	BX	BK	M	Q	SI	All
ASSAULT																		
ROR	52%	52%	38%	59%	40%	49%	49%	46%	43%	48%	54%	47%	46%	53%	43%	41%	47%	47%
Supervised release	26%	22%	30%	22%	19%	24%	31%	33%	30%	32%	24%	31%	34%	32%	33%	37%	35%	34%
Bail/Remand	22%	26%	32%	19%	42%	27%	20%	21%	26%	20%	23%	22%	20%	14%	24%	22%	19%	19%
BURGLARIES																		
ROR	43%	35%	25%	26%	13%	31%	31%	36%	23%	21%	15%	29%	33%	33%	16%	17%	20%	27%
Supervised release	25%	28%	32%	31%	19%	28%	39%	39%	37%	33%	26%	37%	33%	39%	30%	33%	46%	36%
Bail/Remand	32%	37%	43%	42%	69%	41%	31%	25%	41%	46%	59%	35%	35%	28%	54%	51%	34%	38%
FIREARMS/WEAPONS																		
ROR	16%	14%	10%	16%	1%	14%	10%	6%	9%	10%	5%	8%	11%	9%	10%	11%	3%	10%
Supervised release	19%	18%	13%	16%	10%	17%	25%	27%	25%	18%	8%	24%	33%	29%	28%	18%	14%	27%
Bail/Remand	66%	68%	77%	68%	88%	69%	65%	67%	66%	72%	86%	68%	57%	63%	62%	71%	83%	63%

EXHIBIT 3.6

Judicial Alignment with ROR Recommendations for Violent Felonies by Race/Ethnicity



Chapter 4. Factors Associated with Greater or Lesser Judicial Alignment with ROR Recommendations

For cases when the Release Assessment recommended ROR, this chapter explores for which types of cases judges were relatively more or less likely to set ROR as well as for which cases judges tended to set bail instead. **Exhibit 4.1** presents logistic regression results estimating the relationship of borough, year, demographics, charges, and criminal history to the likelihood that judges' decisions will, in fact, follow a Release Assessment recommendation of ROR.

- **Model 1** considered all cases ($N = 212,352$) where the assessment recommended ROR, predicting judges' likelihood of following the recommendation.
- **Model 2** considered only violent felonies where the assessment recommended ROR ($N = 34,726$), predicting judges' likelihood of following the recommendation. (Violent felony charges continue to be a point of focus, both given that virtually all such charges are legally exposed to bail and pretrial detention in New York.)
- **Model 3** also considered only violent felonies where the assessment recommended ROR ($N = 34,726$) —but this last model predicted judges' likelihood of setting *bail or remand*, the pretrial conditions that diverge most from the Release Assessment's recommendation.

For the equivalent three models, **Exhibit 4.2** adds interaction terms for borough and year, permitting a test of whether judges changed their Release Assessment alignment from 2021 to 2023 in some boroughs more than in other boroughs. For visual simplicity, **Exhibit 4.2** solely presents the borough-year interaction effects; however, the underlying regression models included the same independent variables as those shown previously in **Exhibit 4.1**.

Interpreting the Statistics in this Chapter's Results

Exhibits 4.1 and 4.2 present three statistics: (1) odds ratios ("OR"), (2) predicted probabilities ("PP"); and (3) average marginal effects ("ME"). They are all produced *after controlling for the relationships of all characteristics shown with the alignment of judges' decisions to the assessment*.

Odds ratios show the magnitude of the increase (if over 1.00) or decrease (if less than 1.00) in the "odds" that judges aligned with the Release Assessment. Commonly misunderstood, "odds" does *not* mean "probability." The "odds" of an event is the probability it happens divided by the probability it doesn't. (If the probability is 80%, odds = 4.00: i.e., 4 to 1 (80%/20%). The *odds ratio* is the change in odds for people with one characteristic (e.g., Black) as opposed to another (e.g., white). **Asterisks** indicate whether each effect is statistically significant (i.e., falls outside the margin of error).

Predicted probabilities are more intuitive. They show the straightforward probability that the judge followed the ROR recommendation (after controlling for all other factors).

Marginal effects show the change in the predicted probability compared to a "reference category." For example, Staten Island is the reference category for borough, meaning the ME statistics show how each of the other boroughs' judges vary in their alignment with the assessment compared to Staten Island. (Odds ratios analogously reflect the change in odds relative to the reference category.)

FACTORS ASSOCIATED WITH GREATER ROR RECOMMENDATION ALIGNMENT

When controlling for the effects of multiple factors in **Exhibits 4.1 & 4.2**, key findings include:

- **Borough:** *Across all three models, Bronx and Brooklyn judges' decisions followed a Release Assessment recommendation of ROR at significantly higher rates (and, conversely, were the least likely to set bail) compared to judges in other boroughs. Across all charges, judges in the Bronx and Brooklyn were 11 and nine percentage points more likely to follow a ROR recommendation than in Staten Island. In all models, Manhattan and Queens fell into a middle category.*
- **Year:** *Overall, the rate of judicial alignment with ROR recommendations declined after 2021. By 2023, people were 4 percentage points less likely to receive ROR when the assessment recommended it than in 2021. Notably, when focusing on violent felony cases, judges were 5 percentage points less likely to set ROR in 2023 compared to 2021, and they were also 4 percentage points less likely to set bail, a dynamic that, in turn, points to greater use of supervised release.*
- **Borough-Specific Changes Over Time:** *When modeling borough-specific changes from 2021 to 2023, overall alignment with the Release Assessment's recommendations declined by nine percentage points in Queens, while changing little anywhere else. When isolating violent felony cases, however, there were notable shifts in all five boroughs from 2021 to 2023 (Exhibit 4.2):*
 - *Bronx, Brooklyn, and Queens judges became significantly less likely to set ROR and more likely to set bail or remand when the assessment recommended ROR.*
 - *Staten Island judges became significantly more likely to set ROR and less likely to set bail or remand when the assessment recommended ROR. In other words, the decisions of Staten Island judges shifted toward greater alignment.*
 - *Manhattan judges saw no change in the use of ROR but, like the first three boroughs, became significantly more likely to set bail or remand when the assessment recommended ROR.*
- **Race/Ethnicity:** *Across all three models, Black people were the least likely racial/ethnic group to receive ROR when the assessment recommended it (and the most likely group to face bail, instead). Compared to white people, Black people were three percentage points less likely to receive ROR for charges of all severities and nine percentage points less likely to receive ROR for violent felony charges, after controlling for other factors. Similar to the previous chapter, adherence to a ROR recommendation for Hispanic people fell in between the results for Black and white people.*
- **Gender and Age:** *Across all three models, women were significantly more likely than men to receive ROR when the assessment recommended it (and women were, conversely, less likely than men to face bail). The effect of gender was large in all models; for example, in violent felony cases, women were 17 percentage points more likely than men to face ROR and 22 points less likely to face bail. Age effects were mixed (and small in magnitude) across all models.*

CHAPTER 4. FACTORS RELATED TO GREATER OR LESSER ALIGNMENT

- **Charge:** *Unsurprisingly given results in previous chapters, judges followed ROR recommendations at exceptionally disparate rates based on charge severity. When the assessment recommended ROR, judges set it less often for violent felonies by a magnitude of 52 percentage points compared to misdemeanors and 23 points compared to nonviolent felonies. Alignment was also significantly less likely for Class A felonies than non-Class A felonies.*
- **Criminal History:** Whether an individual had two or more warrants in the last five years, a conviction in the last year (misdemeanor or felony), or a pending case all affected judges' likelihood of following a ROR recommendation—with judges especially likely to align with the assessment when people had no prior warrants, no prior misdemeanors, and no prior felonies. *In effect, judges tended to overrate the importance of a warrant or conviction, setting ROR less often and bail more often in these cases, even when the Release Assessment determined the person remained highly likely to return to court and recommended ROR.*
- **Living Situation:** People with no current address were almost half as likely to see a ROR recommendation followed than those who had been living at their last two addresses for three years or more; *these findings point to a tendency of judges to overrate housing instability as a risk factor, when the Release Assessment nonetheless recommended ROR.*

CHAPTER 4. FACTORS RELATED TO GREATER OR LESSER ALIGNMENT

Exhibit 4.1

Logistic Regression Models Estimating the Likelihood of Alignment with the Release Assessment

	Model 1 All Cases Recommended for ROR Decision = ROR			Model 2 Violent Felony Cases Recommended for ROR Decision = ROR			Model 3 Violent Felony Cases Recommended for ROR Decision = Bail/Remand		
	N (Total / Valid)			N (Total / Valid)			N (Total / Valid)		
	OR	PP	ME	OR	PP	ME	OR	PP	ME
Overall		70%			30%			41%	
Borough									
Bronx	2.29***	75%	11%	1.60***	32%	7%	0.52***	39%	-12%
Brooklyn	1.96***	73%	9%	1.64***	32%	8%	0.49***	38%	-13%
Manhattan	1.08***	66%	1%	1.09	26%	1%	0.69***	44%	-7%
Queens	1.08**	66%	1%	1.25***	28%	3%	0.63***	43%	-9%
Staten Island (ref)		64%			24%			51%	
Year									
2021 (ref)		72%			33%			43%	
2022	0.84***	70%	-2%	0.78***	29%	-4%	0.90***	41%	-2%
2023	0.77***	68%	-4%	0.76***	28%	-5%	0.80***	39%	-4%
Gender									
Men		68%			26%			44%	
Women	2.03***	77%	9%	2.59***	43%	17%	0.28***	22%	-22%
Race/ethnicity									
Black	0.81***	68%	-3%	0.59	28%	-9%	1.40***	42%	6%
Hispanic	1.00	71%	0%	0.69	30%	-6%	1.31***	41%	5%
Another Race	1.18	73%	2%	0.86	34%	-3%	0.73	30%	-5%
Asian	1.18***	73%	2%	0.85	34%	-3%	1.26**	40%	4%
White (ref)		71%			37%			36%	
Age									
18-24 (ref)		71%			29%			39%	
25-44	0.90***	70%	-1%	1.01	30%	0.2%	1.17***	42%	3%
45+	0.74***	67%	-4%	1.02	30%	0.3%	1.06	40%	1%
Charge Severity									
Violent felony	0.05***	31%	-52%	-	-	-	-	-	-
Nonviolent felony	0.22***	59%	-23%	-	-	-	-	-	-
Misdemeanor (ref)		82%		-	-	-	-	-	-
Charge Description									
Assault (ref)		73%			44%			25%	
Contempt, Resist, Obstruct	0.43***	61%	-12%	0.85	40%	-3%	1.70	35%	10%
Criminal mischief	0.98	73%	-0.3%	-	-	-	-	-	-
Drugs	1.14***	75%	2%	-	-	-	-	-	-
Firearm/Weapon	0.29***	55%	-18%	0.13***	11%	-33%	7.59***	65%	41%
Larceny, Theft, Burglary, Fraud	0.90***	72%	-1%	0.59***	33%	-11%	1.57***	32%	8%
Other	0.61***	67%	-7%	0.31***	22%	-22%	3.00***	46%	21%
Class A Felony									
Yes	0.08***	31%	-33%	0.14***	7%	-32%	14.9***	85%	50%
No (ref)		70%			30%			40%	

CHAPTER 4. FACTORS RELATED TO GREATER OR LESSER ALIGNMENT

Exhibit 4.1. Cntd.

Logistic Regression Models Estimating the Likelihood of Alignment with the Release Assessment

	Model 1 All Cases Recommended for ROR Decision = ROR			Model 2 Violent Felony Cases Recommended for ROR Decision = ROR			Model 3 Violent Felony Cases Recommended for ROR Decision = Bail/Remand		
N (Total / Valid)	219,584 / 212,352			36,027 / 34,726			36,027 / 34,726		
	OR	PP	ME	OR	PP	ME	OR	PP	ME
Years since last warrant									
Less than 1 year (ref)		70%			14%			50%	
1-2 years	1.48***	61%	6%	1.77	20%	7%	1.08	52%	2%
2-5 years	1.51***	62%	6%	1.49	18%	5%	0.90	48%	-2%
Never or over 5 years	3.10***	72%	17%	3.38	30%	16%	0.60	41%	-10%
Two or more warrants in last 5 years									
Yes	0.53***	61%	-9%	0.53*	20%	-9%	1.69**	51%	10%
No (ref)		70%			30%			41%	
Conviction in the last year									
Yes	0.73***	66%	-4%	0.73*	25%	-5%	1.41***	47%	6%
No (ref)		70%			30%			41%	
Misdemeanor convictions in last 3 years									
0 (ref)		71%			30%			41%	
1	0.59***	63%	-7%	0.45***	18%	-12%	1.70***	51%	10%
2	0.46***	60%	-11%	0.38***	16%	-14%	1.80**	52%	11%
3 or more	0.33***	54%	-16%	0.25*	12%	-18%	1.28	44%	5%
Felony conviction in last 10 years									
Yes	0.36***	57%	-15%	0.25***	13%	-19%	3.13***	60%	22%
No (ref)		72%			31%			38%	
Pending case									
Yes	0.29***	57%	-18%	0.30***	15%	-17%	2.53***	56%	18%
No (ref)		75%			32%			38%	
Years at last 2 addresses									
3 years or more (ref)		71%			30%			41%	
Fewer than 3 years	0.83***	68%	-3%	0.84***	27%	-3%	1.19***	44%	3%
No current address	0.53***	62%	-9%	0.60***	22%	-8%	1.41**	47%	7%
Reachable by phone									
Yes	1.64***	71%	7%	1.48***	30%	6%	0.80***	41%	-4%
No (ref)		64%			24%			45%	
McFadden's pseudo-R ²	0.33			0.19			0.19		

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

CHAPTER 4. FACTORS RELATED TO GREATER OR LESSER ALIGNMENT

Exhibit 4.2.

Logistic Regression Models Estimating the Likelihood of Alignment with the Release Assessment, Including Year-Borough Interaction Term

	Model 1 All Cases Recommended for ROR Decision = ROR			Model 2 Violent Felony Cases Recommended for ROR Decision = ROR			Model 3 Violent Felony Cases Recommended for ROR Decision = Bail/Remand		
N (Total / Valid)	219,584 / 212,352			36,027 / 34,726			36,027 / 34,726		
	OR	PP	ME	OR	PP	ME	OR	PP	ME
Overall		70%			30%			41%	
Borough									
Bronx	2.29***	73%	11%	2.70*	33%	15%	0.29***	39%	-23%
Brooklyn	2.62***	74%	13%	2.64***	32%	14%	0.29***	39%	-23%
Manhattan	1.11*	63%	2%	1.35***	22%	4%	0.45***	47%	-15%
Queens	1.71***	69%	8%	2.65*	32%	14%	0.27***	37%	-24%
Staten Island (ref)		61%			18%			62%	
Year									
2021 (ref)		69%			25%			25%	
2022	1.15*	71%	2%	1.73***	34%	9%	0.47***	34%	-14%
2023	0.98	69%	-0.2%	1.25***	29%	4%	0.32***	29%	-21%
Year-Borough									
Bronx 2022	1.02	73%	0.3%	0.46***	25%	-13%	1.91***	42%	11%
Brooklyn 2022	0.58***	65%	-7%	0.39***	23%	-15%	1.99***	43%	12%
Manhattan 2022	0.89	71%	-1%	0.62**	30%	-8%	1.58**	39%	8%
Queens 2022	0.58***	66%	-7%	0.34***	21%	-17%	2.56***	48%	16%
Bronx 2023	0.99	72%	-0.1%	0.52***	27%	-11%	2.58***	48%	17%
Brooklyn 2023	0.76***	69%	-4%	0.65***	31%	-7%	2.31***	46%	15%
Manhattan 2023	1.02	73%	0.3%	0.90	36%	-2%	2.11***	44%	13%
Queens 2023	0.50***	63%	-9%	0.38***	22%	-16%	4.00***	56%	24%
McFadden's pseudo-R ²	0.33			0.19			0.19		

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Note on Omitted Variables: The regression models in this exhibit included every one of the same independent variables shown in Exhibit 4.1, as well as added year-borough interaction terms. To avoid presenting duplicative statistical results, the regression parameters for gender, race/ethnicity, age, charge measures, criminal history measures, housing, and phone access are not shown.

Note on the Interpretation of Changes Over Time: In effect, the results for “Year” (middle section of Exhibit 4.2) apply solely to Staten Island. Changes over time for the other boroughs appear in the “Year-Borough” section. The substantive upshot is that from 2021 to 2023, Staten Island judges became *more* likely to set ROR and less likely to set bail or remand when the Release Assessment recommended ROR, though only the effects involving violent felony cases were consistently significant. Judges in all four other boroughs became less likely to set ROR and more likely to set bail or remand when the Release Assessment recommended ROR, though the effects for violent felony cases were both greater in magnitude and more often statistically significant (and there does not appear to be any effect in Manhattan for several results).

Chapter 5. Conclusions

In Chapter 1, we set out four research questions pertaining to the Release Assessment and judges' alignment with its recommendations, drawing on data from New York City arraignments from 2021 to 2023. Here, we present summarized answers to each of the questions:

- 1. *Background Characteristics:*** *What were the background characteristics of people facing charges and experiencing pretrial release decisions at arraignment?*
 - Most people facing charges were Black (52%) or Hispanic (34%). Over four out of five (82%) were men. Two-thirds were charged with a misdemeanor, nearly a third (32%) had a pending case, and 21% had at least one prior warrant.
- 2. *Release Assessment Recommendations:*** *How often did the Release Assessment recommend people for ROR, the middle “consider all options” category, or not ROR?*
 - **Overall, the Release Assessment recommended ROR for 88% of people facing charges.** The Release Assessment recommended against ROR 9% of the time and recommended the middle “consider all options” category 4% of the time.
 - **The assessment made essentially race-neutral recommendations.** Varying slightly by race and ethnicity, the assessment recommended 87% of Black, 88% of Hispanic, and a modestly lower 85% of white people for ROR. For a violent felony charge, the assessment recommended a statistically identical 78% of Black and Hispanic and 77% of white people for ROR.
- 3. *Citywide Judicial Alignment:*** *At what rate do arraignment judges' release decisions follow the assessment's recommendations?*
 - **In general, judges underused ROR, especially in violent felony cases that have the greatest legal exposure to bail and pretrial detention under New York's bail reform law.** As a simple means of illustrating this conclusion, judges set ROR in 63% of cases, overall, substantially less often than the 88% recommended for ROR by the Release Assessment. Compared to a Release Assessment recommendation of 79% of violent felonies for ROR, judges set it in just 25% of such cases. This means these individuals received more supervision (if ordered to supervised release) or more incarceration (if facing bail or remand) than necessary to ensure that they return for their court dates. *However, our study went beyond the above high-level statistics to examine the rates at which judges set ROR in those specific cases when the Release Assessment recommended it and, conversely, the rates at which judges set conditions other than ROR (supervised release, bail, or remand) in those specific cases receiving a “not ROR” recommendation. (Key findings are summed up below.)*

CHAPTER 5. CONCLUSIONS

- **Judges followed ROR recommendations at widely varying rates based on charge severity—with especially low ROR recommendation adherence in felony cases.** Judges followed a ROR recommendation just 30% of the time for violent felonies and 51% for nonviolent felonies, before rising to 83% for misdemeanors. In violent felony cases that have the greatest legal exposure to bail and pretrial detention in New York, when the assessment recommended ROR, besides only setting it 30% of the time, judges set bail or remand in 41% of the cases, while setting supervised release in the remaining 29%.
 - **Judicial alignment with the assessment further declined as specific point scores declined among cases recommended for ROR:** Within the category of cases recommended for ROR, judges' adherence to this recommendation declined as point scores on the Release Assessment declined. Yet even among cases with a perfect score of 25 or only a slightly lower score of 23 or 24, judges set ROR in only 39% and 29% of violent felony cases, respectively. *For context, CJA's revalidation study found that 96% of people with a perfect score of 25 attended all of their court dates, and 93% with a 23 or 24 attended all of their court dates.*³³
 - **Judges were significantly more likely to follow a ROR recommendation for white people than Black or Hispanic people.** For instance, in violent felony cases, judges set ROR when it was recommended for just 26% for Black people and 32% for Hispanic people, compared to 43% for white people. Conversely, in these same cases, judges were considerably more likely to set bail for Black people (44%) than Hispanic (39%) or white people (29%).
 - **Criminal history had a significant impact on judicial alignment with the assessment.** Whether or not an individual had two or more warrants in the last five years, a conviction in the last year (misdemeanor or felony), or a pending case all significantly affected judges' likelihood of following a ROR recommendation—*despite the Release Assessment already taking these factors into account.*
 - **Living situation also affected judicial alignment with the assessment.** People with no current address were almost half as likely to have their ROR recommendation adhered to than those who had been living at their last two addresses for three years or more—pointing to a tendency of judges to overrate housing instability as a risk factor, when the Release Assessment nonetheless recommended ROR.
4. **Cross-Borough Differences and Changes Over Time:** *Did the City's five boroughs vary in their judges' rates of following the Release Assessment's recommendations? Over our study period from 2021 to 2023, did significant changes take place, either citywide or in some but not other boroughs?*
- **Judicial Alignment with ROR recommendations differed significantly across boroughs.** Bronx and Brooklyn judges were, respectively, 11 and 9 percentage points more likely to follow a ROR recommendation than Staten Island judges, even after controlling for other possible differences between boroughs. Manhattan and Queens judges generally fell in the middle of the judicial alignment spectrum.

CHAPTER 5. CONCLUSIONS

- ***Judicial Alignment with ROR recommendations declined following 2021, especially in Queens.*** When the assessment recommended ROR, people arraigned in 2023 were 4 percentage points less likely to receive ROR than people arraigned in 2021. Queens judges' adherence to a ROR recommendation declined more substantially (from 38% to 27% for violent felonies, 50% to 40% for nonviolent felonies, and 86% to 78% for misdemeanors).

QUALIFICATIONS

This study's conclusions are tempered by several qualifications worth repeating. First, while we reported the *alignment* of judges' decisions with the Release Assessment, we do not know whether judges take assessment results into consideration, even when their decisions do align. Alternative research methods like court observations or surveying judges could be used to further delve into the question of how often judges explicitly reference the assessment.

Second, within the category of people recommended for ROR, there are a range of specific point scores. As highlighted just above, we found that judges tended to follow the assessment less often for people with lower point scores (i.e., with scores falling below the very highest likelihood of attending court) even when they were recommended for ROR; yet for felony cases (and violent felonies especially), there were significant rates of deviating from the assessment even the highest point scores of 23, 24, and a perfect 25.

Third, it is worth reemphasizing the caveat that that no assessment tool can yield perfect predictions of return to court; accordingly, it is expected that judges will at times exercise their due discretion to depart from the assessment, based on case-specific circumstances. In this connection, CJA continually analyzes data on its tool's performance, leading to occasional revisions.

CONCLUSION

The Pretrial Release Assessment has now been validated twice, confirming it is effective at predicting New Yorkers' likelihood of returning to court. However, judges frequently deviate from its ROR recommendations. While perfect adherence is neither realistic nor desirable—since nuanced decisions are necessary in some cases—adherence remains strikingly low, especially in felony cases. These results underscore a need for earnest efforts at reform by all implicated parties. Non-alignment with the assessment's ROR recommendations results in over-supervision (for those people put on supervised release) or over-incarceration (for those people facing bail or detention), where City resources are spent to ensure return to court for people already very likely to return on their own.

An especially troubling finding is that judges' decisions had racially disproportionate impacts—imposing ROR significantly less often and bail more often on Black and Hispanic than white people. For people charged with a violent felony, nearly all of whom are legally exposed to bail and pretrial detention, the Black-white gap was 17 percentage points for adhering to a

CHAPTER 5. CONCLUSIONS

ROR recommendation and, conversely, judges set bail at a rate 15 percentage points higher for Black than white people. This is a stark disparity when the Release Assessment provides nearly identical ROR recommendations for all racial/ethnic groups, and other recent research found, similarly, that race/ethnicity was not statistically associated with court attendance in New York City (or any other region of New York State).³⁴

Moving forward, a solid starting point could be to train judges and provide them with regular follow up information regarding the science behind the assessment, validation results, and the tool's specific orientation to the law's focus on assuring return to court. To this end, it is the responsibility of New York City agencies that fund the assessment's pre-arraignment administration, in coordination with the administrators of the state court system, to ensure that judges receive critical information about the value of this tool in promoting credible and fair decision-making, and about the negative impacts of over-supervision and over-incarceration that ensue when the assessment is disregarded.

Appendices

Appendix A. New York City Release Assessment Items

Risk Factor	Category	Point Deduction from 25
1. Years since last bench warrant	Never or over 5 years	0
	2-5 years	-3
	1-2 years	-4
	Less than 1 year	-6
2. Two or more bench warrants in last 5 years	Yes	-2
	No	0
3. Misdemeanor or felony convictions in last year	Yes	-2
	No	0
4. Number of misdemeanor convictions in last 3 years	None	0
	One	-1
	Two	-2
	Three or more	-3
5. Felony convictions in last 10 years	Yes	-1
	No	0
6. Pending case	Yes	-3
	No	0
7. Years living at last 2 addresses	No current address	-5
	Fewer than 3 years	-2
	3 years or more	0
8. Reachable by phone	No	-3
	Yes	0

Source: New York City Criminal Justice Agency, [Release Assessment](#).

Note: People begin with a score of 25. Minus points shown in the table above reflect points deducted if a particular risk factor for failure to appear is identified. The final point-score is calculated as the cumulative subtraction from 25 across all seven factors.

APPENDICES

Appendix B. Number of Pretrial Release Decisions by Borough and Year

	2021					
	BX	BK	M	Q	SI	All
All cases	11,383	21,689	15,148	16,898	3,378	68,496
Violent felonies	2,245	4,579	3,054	2,646	628	13,152
Nonviolent felonies	1,397	3,016	2,565	2,245	664	9,887
Misdemeanors	7,741	14,094	9,529	12,007	2086	45,457

	2022					
	BX	BK	M	Q	SI	All
All cases	14,470	27,277	18,761	20,351	4,144	85,003
Violent felonies	2,885	5,280	3,145	3,296	702	15,308
Nonviolent felonies	1,774	3,690	3,295	2,880	679	12,318
Misdemeanors	9,811	18,307	12,321	14,175	2,763	57,377

	2023					
	BX	BK	M	Q	SI	All
All cases	16,847	32,357	20,343	23,967	4,904	98,418
Violent felonies	3,280	6,357	3,069	3,854	877	17,437
Nonviolent felonies	1,842	5,392	3,713	3,953	844	15,744
Misdemeanors	11,725	20,608	13,561	16,160	3,183	65,237

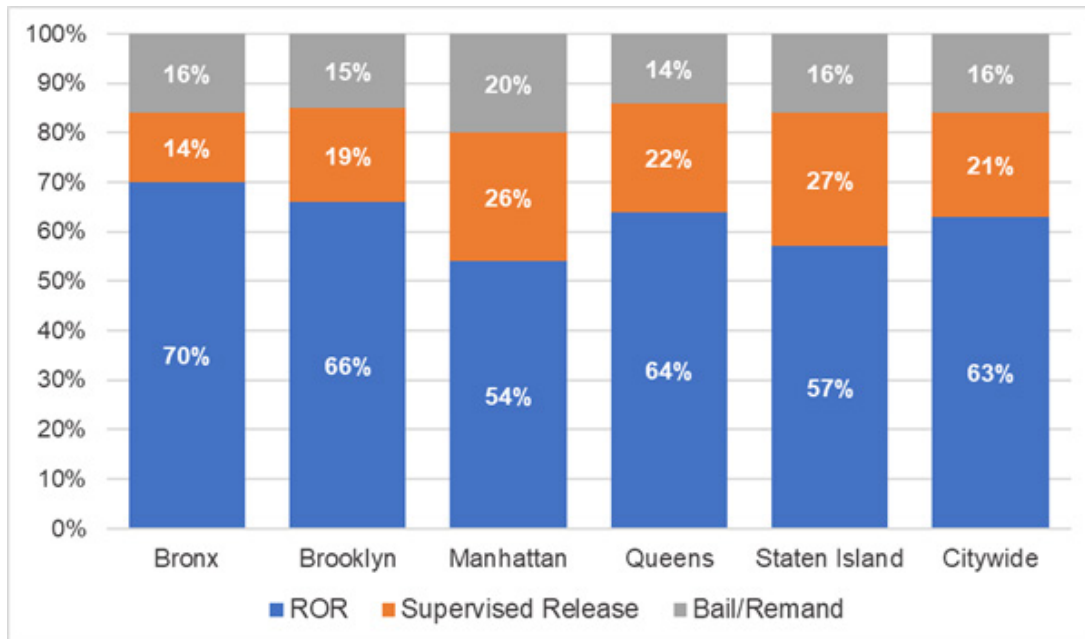
Note: Totals reflect pretrial release decisions included in this report's analysis after omitting desk appearance tickets, people facing charges under the age of 18, and cases where Release Assessment results are unavailable (see Chapter 1). Cases disposed at arraignment and, therefore, with no release decision are also excluded.

APPENDICES

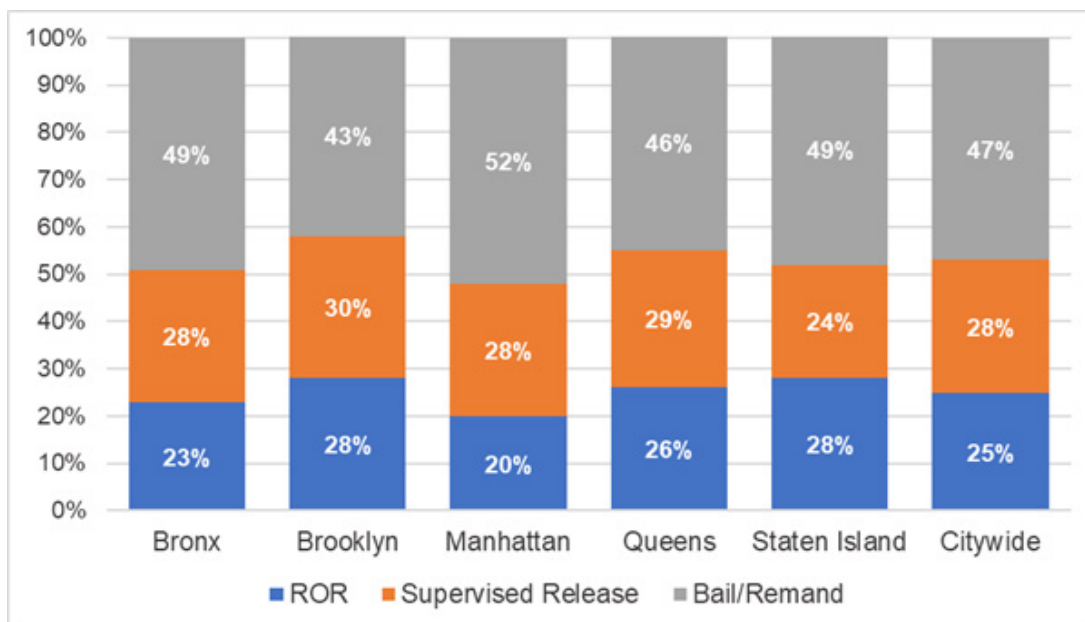
Appendix C. Pretrial Release Decisions at Arraignment by Borough and Charge Severity

Combining data from 2021 to 2023, the graphs below display New York City judges' pretrial release decisions at arraignment, respectively for all cases and each charge severity, without regard to the Release Assessment recommendation.

All Cases



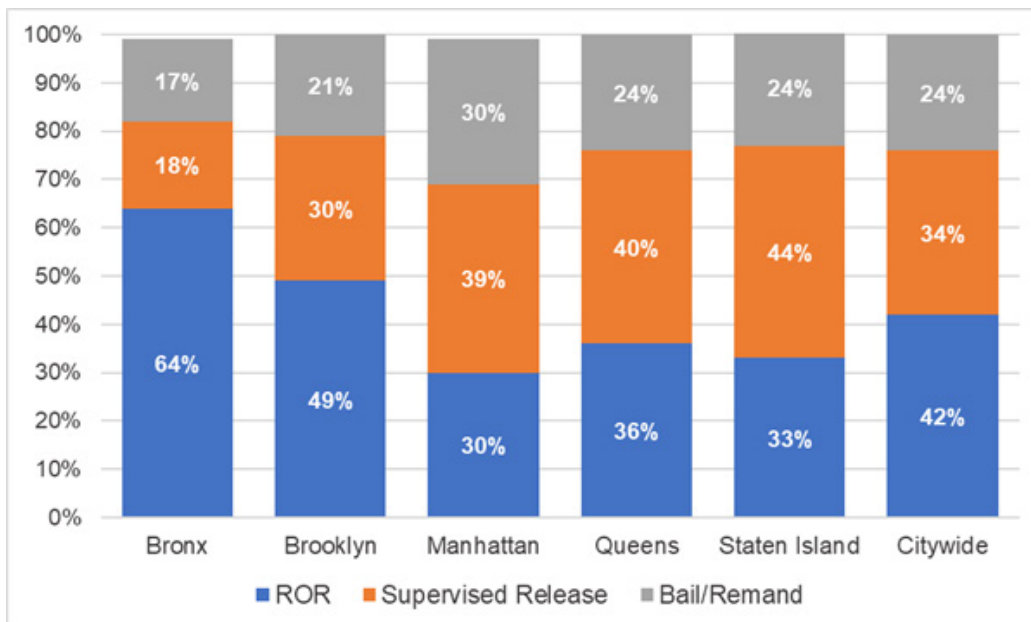
Violent Felony Cases



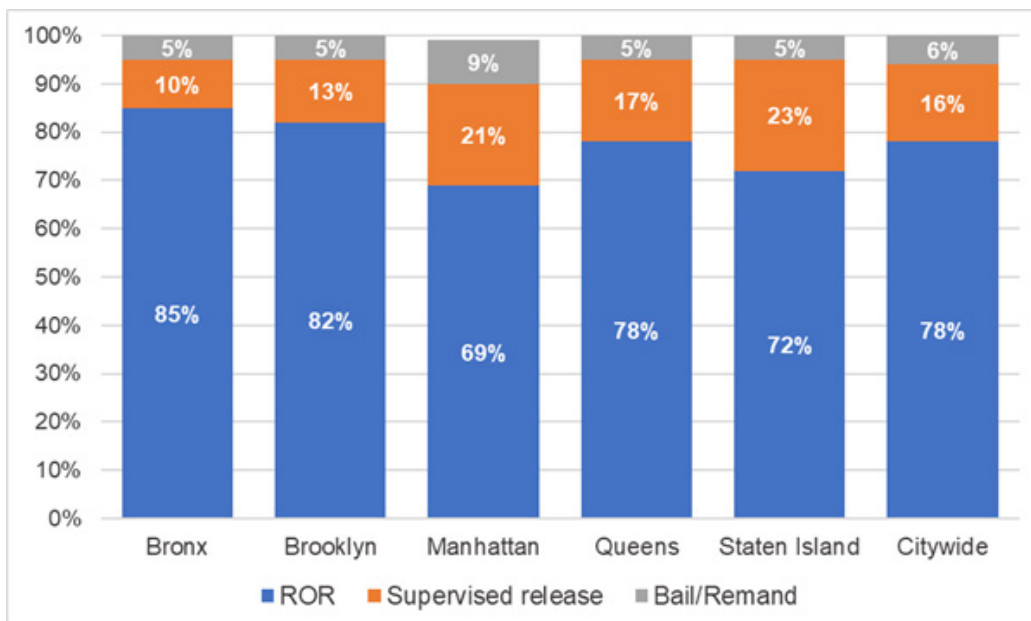
APPENDICES

Appendix C. Pretrial Release Decisions at Arraignment by Borough and Charge Severity

Nonviolent Felony Cases



Misdemeanor Cases



APPENDICES

Appendix D. Alignment with ROR Recommendations by Borough and Race/Ethnicity (2021-2023)

	Violent Felonies			Nonviolent Felonies			Misdemeanors		
	Black	Hisp.	White	Black	Hisp.	White	Black	Hisp.	White
Bronx									
ROR	25%	28%	45%	70%	73%	77%	86%	89%	90%
Supervised release	28%	27%	30%	14%	14%	16%	9%	7%	7%
Bail/Remand	47%	43%	25%	15%	13%	7%	5%	4%	3%
Brooklyn									
ROR	29%	36%	45%	57%	62%	54%	85%	88%	82%
Supervised release	30%	30%	27%	27%	24%	29%	11%	9%	13%
Bail/Remand	40%	33%	28%	16%	14%	17%	4%	3%	5%
Manhattan									
ROR	22%	29%	38%	39%	38%	47%	73%	81%	83%
Supervised release	30%	30%	28%	39%	32%	34%	20%	14%	13%
Bail/Remand	48%	41%	33%	22%	29%	19%	7%	5%	4%
Queens									
ROR	24%	32%	44%	37%	47%	45%	77%	85%	80%
Supervised release	29%	31%	30%	42%	37%	40%	19%	12%	17%
Bail/Remand	47%	37%	27%	20%	17%	15%	4%	3%	3%
Staten Island									
ROR	25%	35%	44%	35%	38%	45%	71%	78%	78%
Supervised release	26%	25%	23%	45%	42%	38%	25%	18%	18%
Bail/Remand	49%	41%	33%	20%	19%	17%	4%	4%	4%
Citywide									
ROR	26%	31%	43%	49%	53%	50%	81%	85%	82%
Supervised release	29%	30%	27%	32%	28%	34%	14%	11%	14%
Bail/Remand	44%	39%	29%	19%	19%	16%	5%	4%	4%

APPENDICES

Appendix E. Alignment with ROR Recommendations by Borough and Release Assessment Point Score (2021-2023)

	25 Points (97,197 cases, 52% of total)						23-24 Points (29,609 cases, 16% of total)						21-22 Points (40,421 cases, 21% of total)						19-20 Points (21,105 cases, 11% of total)					
	BX	BK	M	Q	SI	All	BX	BK	M	Q	SI	All	BX	BK	M	Q	SI	All	BX	BK	M	Q	SI	All
VIOLENT FELONIES																								
ROR	34%	41%	36%	38%	46%	39%	26%	32%	23%	31%	23%	29%	18%	19%	15%	14%	19%	17%	17%	19%	15%	14%	11%	17%
Supervised release	30%	29%	30%	31%	24%	29%	28%	28%	30%	29%	29%	28%	27%	31%	29%	28%	26%	29%	27%	33%	29%	30%	27%	30%
Bail/Remand	36%	30%	34%	31%	31%	32%	47%	41%	47%	40%	49%	43%	55%	50%	56%	58%	55%	54%	55%	47%	56%	56%	62%	53%
NONVIOLENT FELONIES																								
ROR	82%	80%	57%	64%	66%	71%	76%	63%	43%	49%	35%	54%	66%	49%	35%	30%	30%	42%	64%	44%	29%	27%	24%	37%
Supervised release	10%	13%	22%	27%	27%	19%	10%	23%	33%	35%	45%	28%	17%	34%	41%	47%	48%	37%	20%	34%	45%	49%	52%	40%
Bail/Remand	9%	7%	22%	8%	7%	11%	13%	15%	25%	16%	20%	17%	16%	18%	24%	23%	22%	21%	16%	22%	26%	25%	24%	23%
MISDEMEANORS																								
ROR	96%	96%	93%	94%	94%	95%	93%	92%	84%	88%	83%	89%	83%	81%	72%	70%	67%	76%	80%	76%	69%	68%	60%	73%
Supervised release	3%	3%	6%	6%	6%	4%	4%	6%	12%	10%	14%	8%	12%	14%	21%	25%	29%	18%	14%	18%	22%	26%	35%	21%
Bail/Remand	0.9%	0.9%	1%	0.6%	0.8%	0.9%	3%	2%	4%	2%	3%	3%	5%	5%	7%	5%	4%	5%	6%	6%	9%	6%	6%	7%

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²⁹ CJA data provided to the Data Collaborative for Justice included two separate fields indicating race and ethnicity. The race field included the categories "Black," "White," "Asian," "Another Race," and "Unknown." The ethnicity field included the categories "Hispanic," "non-Hispanic," and "Unknown." We

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operationalized these data by merging the two fields into one race/ethnicity variable with the following categories: “Black,” “Hispanic,” “White,” “Asian,” and “Additional groups.” Individuals who were indicated as Hispanic under the original ethnicity field were considered Hispanic in the recoded race/ethnicity variable. Therefore, individuals designated Hispanic under the recoded race/ethnicity variable were of other racial backgrounds, while individuals designated other racial/ethnic categories were not of Hispanic ethnicity. The designation “Additional groups” comprised non-Hispanic individuals who were originally designated “Another Race” or “Unknown.” In CJA’s own validation study, the researchers similarly merged the race and ethnicity variables into one but opted to classify Black-Hispanic people as Black instead of Hispanic.

³⁰ Rempel, M. & Rodriguez, K. (2020), Op Cit. For an updated and complete rundown of the legal bail eligibility status of every possible criminal case, see, also, Rodriguez, K. (2019; Updated in 2023). [Bench Card: New York’s Bail Statute: Pretrial Options](#). New York, NY: Data Collaborative for Justice.

³¹ Within each charge severity (violent felony, nonviolent felony, misdemeanor), there were no major swings in racial/ethnic disparities among specific classes of charges (e.g., Class A, B, C, D, or E). At the margins, when focusing on violent felony cases that had the largest decision-making disparities, overall, those disparities were lower for Class A violent felonies and higher for Class E violent felonies relative to Classes B, C, and D. However, Class A and E violent felonies had extremely small numbers of cases (with some borough-specific racial/ethnic groups reporting N=0), making it unfeasible to draw clear conclusions.

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