



Appendix A

# Reform in Action

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Findings and Recommendations  
from a 3-Year Process Evaluation  
of New York's 2020 Criminal  
Legal Reforms

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CUNY INSTITUTE  
FOR STATE & LOCAL  
GOVERNANCE

# Appendix A: Process Evaluation Approach and Methods

Process evaluations focus on how a program or policy is implemented, documenting the procedures and decision-making required to put it into practice. They can also assess reasons for successful or unsuccessful performance, providing information critical to readily remedy challenges and replicate promising components. CUNY ISLG's process evaluation of New York's 2019 Criminal Justice Reform Act (Act), therefore, aimed to assess and document how criminal legal system agencies in a diverse set of counties across the state implemented the legislative provisions, including the specific policies or directives put in place to ensure compliance with the law and its implications for pretrial outcomes and criminal legal system operations more broadly beginning on January 1, 2020. Assessing implementation in this way sheds light on the varied challenges and successes that stakeholders experienced throughout the process.

More specifically, CUNY ISLG aimed to:

- Explore how criminal legal system agencies from different counties in the state adopted the legislative requirements, documenting the successes and challenges faced during implementation;
- Compare and contrast the expectations perceived by stakeholders with on-the-ground realities experienced during implementation;
- Assess the factors that were critical during implementation to ensure progress toward the legislation's intended goals and objectives, and identify the challenges that may be related to more limited goal-related changes;
- Understand the ways in which stakeholders considered potential legislative impacts on equity in the policies and practices they developed to meet the goals of the reforms;
- Document how the COVID-19 pandemic and amendments to the legislation played a role in implementation experiences across the state; and
- Extract the lessons learned from NY's experience, providing other jurisdictions with recommendations for how they might successfully develop similar reform policies and practices.

# Research Questions and Overarching Hypotheses

To understand and evaluate the implementation of these reforms with respect to criminal legal operations and pretrial outcomes, CUNY ISLG developed five overarching research questions, which evolved over the course of the work as more information was gathered and the underlying context changed due to both COVID-19 and direct changes to the law itself over the past several years. CUNY ISLG framed its work by these key research questions:

1. How did criminal legal system actors define and operationalize key components of the legislation?
2. How did law enforcement, prosecution, defense, court, and pretrial operations change following enactment of the legislation?
  - a. *What were the unanticipated consequences of the reforms?*
  - b. *What additional changes did key stakeholders make because of the reforms?*
3. Where were the biggest challenges and successes in criminal legal system actors' adoption of the legislative provisions?
  - a. *What specific factors and/or circumstances facilitated or hindered implementation of the approach each agency took to comply with the legislation?*
4. How did resources shift to accommodate the changes the provisions required?
5. How did system actors (e.g., defense counsel, court, pretrial services) perceive the legislation?
  - a. *What did system actors see as the strengths and weaknesses of specific components of the reform legislation?*
  - b. *How did stakeholders view the legislative provisions' capacity and role in addressing racial/ethnic and economic disparities and promoting equity across pretrial decision-making?*
  - c. *What did key stakeholders perceive as the results of the legislative reforms on key pretrial outcomes—including overall crime rates, appearance ticket influx, court appearances, rearrests during case pendency, pretrial release decisions, jail admissions, case processing times, equity—as well as recidivism post-disposition?*

## STUDY FRAMEWORK

The legislative provisions served as a guide for what counties and stakeholders needed to consider as they developed specific approaches to support implementation of the reforms. Due to the local nature of criminal justice in New York, CUNY ISLG expected some variation with respect to how each site would operationalize the provisions. Further, we expected stakeholder perceptions about the legislation would differ as the reforms garnered both support and discontent on a sliding scale.

Given the aims of the project and research questions, CUNY ISLG hypothesized variation:

- In how the reform provisions would be operationalized and received across counties and within agencies;
- In operational impacts of the reforms, challenges faced by agencies in planning and implementing operational changes necessary to comply, and perceptions of and openness to the reforms; and
- To be driven mostly by differences in criminal legal system processes and infrastructure in place prior to legislation, interpretation of legislation, extent of planning efforts, coordination across stakeholders, and resources (e.g., staffing, funding, technology, etc.)

For example, given New York City's resource-rich landscape, judges historically had more pretrial release options from which to draw when compared to more rural jurisdictions with a smaller continuum of release options. CUNY ISLG hypothesized, then, that NYC may not experience the same types of challenges with respect to meeting the new requirements under the bail provision of using the "least restrictive condition" compared to some other jurisdictions across the state.

## DEFINING SUCCESSFUL IMPLEMENTATION

At the start of the study, CUNY ISLG also workshopped key criteria that would define a successful implementation process. However, determining whether a site or specific agency is successful is nuanced. Beyond the concrete requirements specified in the law, there is a broader spirit and purpose of the reforms that should also be considered in definitions of success. It is generally agreed that this broader purpose included goals to reduce pretrial detention, address racial and economic inequities, and acknowledge perceived unfairness in how evidence is handled between prosecutors and defenders. Thus, CUNY ISLG's conception of success considers both the specific, measurable actions sites could achieve, and broader goals, which may be more difficult to measure in quantitative terms. These criteria (below) framed the analysis of interview and administrative data sources to determine how agencies and sites navigated the implementation process:

- Implementing policies and practices aligning with the legislative provisions
  - *Ensuring appearance tickets (AT) were issued based on specified criteria and individuals with ATs were arraigned within 20 days*
  - *Considering bail only for certain pre-defined charges, with consideration of the ability to pay central to the decision*

- *Supporting the least restrictive conditions of release to ensure an individual returns to court, in addition to providing robust pretrial services and supervision*
- Increasing efficiency and fairness within case processing through automatic discovery; supporting the exchange of all discoverable materials within specified timelines
- Developing or enhancing infrastructure and capacity to support implementation and compliance with the legislation
- Communicating between agencies (and with the New York State government [NYS]) to enable knowledge exchange and coordination to facilitate implementation efforts
- Discussing thoughtful planning strategies and training opportunities to support implementation efforts
- Regularly reviewing data and operations to address unintended consequences and assess outcomes

## Study Site Selection

The process evaluation provided an opportunity to contribute to documentation and understanding of what effective comprehensive pretrial reform looked like at the state level. The qualitative nature of the process evaluation enabled researchers to identify the specific steps undertaken and the decisions made to prepare for and implement the reforms.

CUNY ISLG aimed to gain participation from a diverse range of counties in the state by including counties from different regions (i.e., a mix of rural, urban, and suburban) that provided a wide geographical distribution. This meant identifying some of the major metropolitan hubs across the state, including New York City, some suburban perspectives such as Long Island, and smaller, more rural counties upstate. Throughout the county selection process, CUNY ISLG tried to reduce overlap with other participating researchers, also supported by Arnold Ventures to assess legislative results, in order to maximize representation across all funded projects. Based on this approach, the following diverse set of counties were identified for potential outreach: Albany, Monroe, Onondaga, Erie, Suffolk, Nassau, Dutchess, Washington, and all five boroughs of New York City (Bronx, Kings, New York, Queens, and Richmond).

However, the onset of COVID-19 required research staff to pivot and expand recruitment efforts as some of the originally intended counties were more limited in their capacity and willingness to participate. This was often due to the impact of the pandemic or because of other related research efforts with other organizations. Because we could not reach some of our original proposal sites, research staff began purposeful outreach to other counties in similar geographic areas, reaching out to a wide array of criminal legal agencies in each to assess prospects of participation. Simultaneously, researchers worked to secure agencies in most of the original counties of interest, gaining the most traction in NYC, Dutchess, and Monroe through preexisting relationships and connections. The specific outreach efforts are discussed in the following section.

## RECRUITMENT AND OUTREACH

Within each target site, researchers reached out to relevant agencies that operated within the various points in the system most affected by the legislation (i.e., police departments, district attorney's offices, public defender agencies, pretrial service agencies, community-based organizations/direct service providers, and select city- and state-wide governing bodies) by phone and email to assess interest in participating in the study. Potential participants were identified through three main mechanisms: 1) primarily drawing on existing internal contacts that CUNY ISLG has developed through other partnerships and expertise cultivated in the New York criminal legal context; 2) through web-based searches of primary points of contact for specific offices or agencies; and 3) through snowball sampling techniques, (i.e. asking study participants for interviewee recommendations).

In instances of existing contacts, CUNY ISLG emailed the connections, explained the project, and asked for a call to explore the potential for their agency to participate, including formal agency research approval policies (in addition to CUNY-specific IRB processes). If the agency expressed interest, staff followed up with a written one-page summary detailing more information about study expectations and roles, submitted a formal research request, if required, and began working with the point of contact to coordinate participation and schedule interviews. Then, staff identified the stakeholder groups where there were still gaps and either asked an existing contact known to have connections (i.e., other organizations working in the space with Arnold, such as our partners at the Vera Institute of Justice and Data Collaborative for Justice) or did a public search to gather contact information (i.e., email addresses, phone numbers). Targeted emails were the primary form of outreach to these agencies, but if there was no response, staff conducted telephone outreach to explain the project further, gauge interest, and gain agreement to participate.

Finally, once interviews began, CUNY ISLG used snowball sampling, asking participants to suggest other potential participants from within their agencies, or even other agencies in a county, as connections were made. For example, Monroe Pretrial Services connected us to the Monroe Public Defender, who then connected us to the Monroe District Attorney's Office. In total, CUNY ISLG reached out to 125 agencies; two or more agencies across nine counties ultimately participated: Dutchess, Monroe, Nassau, Westchester, and the five boroughs of New York City (Bronx, Kings, New York, Queens, and Richmond). More limited participation from four additional counties included only one agency each from Albany, Columbia, Onondaga, and Suffolk, in addition to five representatives from two statewide entities. See Table 1 for a total breakdown of participants by county.

Table 1. Number of Participants Interviewed by County and Stakeholder Group								
	District Attorney's Office	Public Defender's Office/Orgs	Law Enforcement	Pretrial Services & CBOs	Lived Experience	State Entity	Other <sup>1</sup>	Total
<b>Borough-Specific Agencies</b>								49
Bronx		5						5
Kings	13	8						21
Manhattan	21							22
Queens							1	1
Richmond								0
<b>City-Wide</b>								101
Department of Corrections							2	2
New York City Criminal Justice Agency (CJA)				10	9 <sup>2</sup>			20
Mayor's Office of Criminal Justice (MOCJ)							2	2
Center for Justice Innovation (CJI)				14				14
Center for Alternative Sentencing and Employment Services (CASES)				12	13 <sup>3</sup>			25
New York City Police Department (NYPD)			34					34
Legal Aid Society		4						4
<b>Non-NYC</b>								75
Albany			1					1
Columbia			1					1
Dutchess	14	11	3	5				33
Monroe	5	11		2				18
Onondaga			3					3
Nassau	5			2				7
Suffolk				4				4
Westchester	5		3					8
<b>State-Wide</b>								5
Office of Court Administration (OCA)						2		2
Division of Criminal Justice Services (DCJS)						3		3
<b>Total</b>	<b>64</b>	<b>39</b>	<b>45</b>	<b>50</b>	<b>22</b>	<b>5</b>	<b>5</b>	<b>230</b>

1. Other includes city-level agencies and a retired judge

2. These include individuals engaged in supervised release programming in Queens/Bronx at the time of interviews

3. These include individuals engaged in supervised release programming in Manhattan at the time of interviews

# Data Collection Activities

The process evaluation mainly employed qualitative methods, largely drawing on a grounded theory approach, that looked for emergent patterns and themes in narrative data. The primary method of data collection for documenting implementation were interviews and focus groups across local criminal legal system stakeholders, supplemented with document reviews, a select number of courtroom observations, and administrative data analyses.

## INTERVIEWS AND FOCUS GROUPS

Interviews and focus groups allowed CUNY ISLG to document on-the-ground perspectives from those individuals responsible for putting the reforms into action, offering detailed insights and important context about the legislation, requirements, expectations, and direct experiences preparing for and implementing the changes. CUNY ISLG interviewed high-level decision-makers, including those in executive and leadership positions, who have a big-picture sense of how the reforms were planned and played out in their respective jurisdictions, and on-the-ground stakeholders, including line staff, who were involved in day-to-day implementation and decision-making. For example, pretrial service agency participants included high-level administrators and/or supervisors involved in planning and implementing the changes to pretrial supervision along with staff responsible for carrying out these functions, like case managers. In addition to these system-level stakeholders, individuals with experience in the criminal legal system were also included to provide critical insight regarding the implications of these types of policy changes on the communities most affected.

Interviews were conducted on a rolling basis, including an initial round of interviews and follow-up interviews. Initial interviews (beginning summer 2020) asked participants for perspectives on a number of key issues including:

- How the legislation had changed agency policy and day-to-day practice and operations;
- Impacts of the legislation on important outcomes (e.g., crime, court appearances);
- Components of the reform that were the most and least challenging to implement (as well as possible solutions for overcoming these challenges);
- Components that have been working well and why;
- External factors that have interacted with implementation of the reform process, including COVID-19 and the legislative amendments; and
- How legislative changes may promote equity and racial justice.

For individuals with lived experience, questions were tailored to focus more specifically on the ways in which their experiences in the criminal legal system may have changed as a result of the policy changes mandated by the legislation.



Follow-up interviews (beginning spring 2022) intended to assess longer-term experiences and progress, and were conducted with a small subset of participants at least one year after their initial interview took place. Questions focused less on planning and preparation and more on ongoing implementation and what stakeholders had done, if anything, to combat some of the challenges mentioned in their initial interviews. One-on-one interviews lasted approximately one hour and were typically scheduled with higher-level administrators including executives, managers, and supervisors. Focus groups lasted approximately 90 minutes and were typically scheduled with approximately two-to-five line staff within agencies. Both interviews and focus groups were semi-structured and recorded if the participant(s) consented. As a result of the ongoing pandemic, most interviews and focus groups were conducted remotely through a virtual platform. After restrictions were lifted, a couple of focus groups with lived experience participants were conducted in person.

In total, 228 individuals from 30 agencies across 13 counties have participated in interviews and focus groups. CUNY ISLG successfully followed up with 35 participants. While the names of individuals are kept confidential as required by CUNY IRB regulations, as Table 1 noted earlier, provides a total breakdown of the number of participants by stakeholder group and county. Please note that judicial representation is limited. CUNY ISLG discussed initial participation with the New York State Office of Court Administration (OCA) and submitted a research application for their review. Despite initial interest, the pandemic hindered the court's ability to participate, leaving the perspectives of judges absent. CUNY ISLG recognizes this as a limitation, which will be discussed in the last section of the appendix.

## **DOCUMENTS, REPORTS, AND OTHER MATERIALS**

To provide further context and understanding behind interview responses, several agencies from Dutchess, Monroe, and across NYC provided CUNY ISLG with documents they developed to plan for implementation and train their staff. These documents primarily included training materials for internal staff and stakeholders in other agencies, and outlines of operational changes the agency would make to comply with the legislation. Most agencies that provided materials asked that they be kept confidential; therefore, CUNY ISLG did not share any of the documents in publications nor quote them directly.

## **OBSERVATIONS**

CUNY ISLG originally planned to observe, to the extent possible, key activities and events related to the new practices in court operations, specifically arraignment hearings for those issued an Appearance Ticket (AT). However, COVID-19, coupled with general logistical challenges, severely limited these in-person activities. For instance, due to court closures as a result of the pandemic, arraignments had been remote in much of the State during the evaluation period. CUNY ISLG explored the different possibilities to access these virtual arraignments, but were unsuccessful in our efforts. Once restrictions lifted, staff attended court arraignments when possible in Brooklyn and Manhattan on three separate occasions, observing 36 total AT arraignments. While a less formal activity than intended, these observations helped provide context to interviews and quantitative data on how the legislative provisions played out in practice.

## **CRIMINAL LEGAL SYSTEM DATA**

To build on efforts to further contextualize what researchers were hearing in interviews, and better understand impacts of the reforms and how specific challenges or successes experienced by participants may have contributed to these impacts, CUNY ISLG compiled administrative criminal legal system data in New York that spanned pre-implementation baseline periods through mid-2023 in some instances. Review and analyses were conducted drawing on information across several sources, such as: publicly available case-level administrative datasets; publicly available aggregated data and statistics; aggregated data and statistics shared by request; and research reports and presentations.

## **PUBLICLY AVAILABLE CASE LEVEL ADMINISTRATIVE DATASETS**

OCA and DCJS compiled a comprehensive case level dataset to meet legislative requirements aimed to enhance transparency around the reforms. The datasets allow the public to explore and assess selected outcomes, with some limitations, to understand changes to case processes post-legislative implementation. The data used for the current project included case-level information for fingerprintable felonies and misdemeanors arraigned between January 1, 2020 and December 31, 2022,. In addition to this main dataset, a supplemental case-level data file containing cases arraigned between January 1, 2019, and December 31, 2021 was also made available to assess select outcomes pre- and post-implementation. CUNY ISLG reviewed both datasets for information on arraignment dispositions, dismissal reasons, and case dispositions by race and top charge severity.

## **AGGREGATED DATA AND STATISTICS—PUBLICLY AVAILABLE AND SHARED BY REQUEST**

In addition to the case-level, legislation-specific datasets published by OCA and DCJS, CUNY ISLG also pulled information from agency websites as it was available and relevant to the project. For example, for up-to-date NYC data on pretrial services and supervision, CUNY ISLG reviewed dashboards compiled and published by the NYC Criminal Justice Agency (CJA) and issue briefs on the topic published by the NYC Mayors Office of Criminal Justice (MOCJ). CUNY ISLG targeted specific websites on which we have drawn on for past projects, looking, for example, to the District Attorney of New York's (DANY's) prosecution dashboards, the New York City Police Department (NYPD) data on Desk Appearance Tickets (DATs), and DCJS for statewide information on disposition, sentencing, jail populations, and rearrest trends over time. This data helped to inform and expand our understanding of criminal legal system process in New York and how things may have changed after the legislation went into effect.

In addition to web-based searches, CUNY ISLG discussed with agencies the potential to request aggregate level statistics from them directly. Several agencies in the study (e.g., Dutchess County Probation and Community Corrections, Dutchess County Public Defender's office, Monroe Public Defender's office, and NYPD) were able to share some additional data about their operations and outcomes early on in the implementation period, which was drawn upon to varying degrees to inform the project and supplement interview perspectives. Table 2 provides an overview of the type of data collected and analyzed from across the agencies that were able to provide it.

Table 2. Data Received from Direct Data Requests	
Agency	Data Received
Dutchess County District Attorney's Office	Case Intake from January 2019 through December 2020 <ul style="list-style-type: none"> <li>• #/% Custodial Arrests by race/ethnicity and charge type</li> <li>• #/% Appearance Tickets by race/ethnicity and charge type</li> </ul>
Dutchess County Office of Probation and Community Corrections	Cases Released Under Supervision (RUS) from January 2019 through December 2020 <ul style="list-style-type: none"> <li>• # of Custodial Arrests by race/ethnicity and charge type</li> <li>• # of total Appearance Tickets</li> <li>• # of total RUS cases closed successfully</li> </ul>
Monroe County Public Defender's Office	Case Intake From January 2019 through December 2020 <ul style="list-style-type: none"> <li>• # of Custodial Arrests by race/ethnicity and charge type</li> <li>• #/% Appearance Tickets by race/ethnicity and charge type</li> </ul>
New York City Police Department	Arrests from January 2020 through March 2020 (also by borough) <ul style="list-style-type: none"> <li>• # of Custodial Arrests by race/ethnicity and charge type</li> <li>• # of Appearance Tickets by race/ethnicity and charge type</li> <li>• # of Summons by race/ethnicity</li> </ul>
New York Criminal Justice Agency	Court Notification Number for first quarter of 2020 City-wide arraignment outcome by release recommendation by severity for 2019 Q4 and 2020 Q1

## RESEARCH REPORTS AND PRESENTATIONS

In addition to these sources of data, CUNY ISLG also gathered information from several published reports and presentations, including many from our colleagues and research partners doing research on the topic. Where robust research had already been undertaken, we turned to published reports from our partners at the Data Collaborative for Justice, Vera Institute for Justice, and the NYC Criminal Justice Agency. Drawing on this information, CUNY ISLG compiled key takeaways across provisions and linked them to implementation experiences, which provided important context that may be underlying some of the data trends shared to date. For other provision-specific data, researchers tuned into public testimony, webinars, and presentations to ensure a holistic sense of what may be happening on the ground.

# Data Analysis

Based on the type of data collected, CUNY ISLG incorporated both qualitative and quantitative analysis. The sections below outline the process for which the different type of data (i.e., interviews and focus groups, administrative data) were analyzed, the software used, and what research staff aimed to learn from these analyses.

## QUALITATIVE CODING & ANALYSIS

After enough interviews had been conducted for patterns to emerge, CUNY ISLG began workshopping a list of themes. After several group discussions, staff developed a coding scheme to systematically categorize the data into themes and sub-themes (see Table 3) using QSR NVivo software. Overarching themes were framed initially by

the interview topic areas, with further refinements made via an iterative team process as interview notes were coded and re-coded to ensure inter-rater reliability. New codes were added as new themes emerged from additional interviews as they were included in the process. CUNY ISLG expanded the coding scheme for follow-up interviews, adding new codes to document solutions or recommendations to challenges persisting well into implementation. Analysis of coded interviews and focus groups utilized assigned attributes, which allowed research staff to examine themes by county, agency group (e.g., public defender, law enforcement), agency type (e.g., Dutchess Public Defender, Camillus Police Department), and role (e.g., leadership, line staff). This analysis helped identify which perspectives of the legislation and implementation were shared by certain groups of participants.

Table 3. Coding Scheme	
Overarching Theme	Codes
Criminal Legal Process	<ul style="list-style-type: none"> <li>• Interactions between individuals involved with the legal system by stakeholder and arrest type</li> <li>• Discovery process between police and prosecutors, prosecutors and defense, prosecutors and the court, other agencies and prosecutors</li> <li>• Case processing including arrest to arraignment, arraignment, arraignment to disposition, and sentencing and after</li> </ul>
Legislative Goals/Objectives	<ul style="list-style-type: none"> <li>• Reducing reliance on pretrial detention (i.e., bail restrictions, AT increases, pretrial service expansion)</li> <li>• Fairness in case processing (i.e., discoverable materials, discovery timeline, speedy trial, case outcomes)</li> <li>• Equity (i.e., racial, economic)</li> </ul>
Early Expectations	<ul style="list-style-type: none"> <li>• Anticipated benefits (AT, discovery, bail, pretrial services, other)</li> <li>• Anticipated challenges (AT, discovery, bail, pretrial services, other)</li> <li>• Outcomes (AT, discovery, bail, pretrial services)</li> </ul>
Planning	<ul style="list-style-type: none"> <li>• Internal (i.e., changes to policies, changes to operations, planning processes)</li> <li>• External (i.e., county, state; focus, structure, stakeholders involved, assessment)</li> </ul>
Training	<ul style="list-style-type: none"> <li>• Provided (provided to, focus, assessment, structure, other)</li> <li>• Attended (provided by, focus, assessment, structure, other)</li> </ul>
Implementation	<ul style="list-style-type: none"> <li>• Successes (AT, discovery, bail, pretrial services, other) within agency, for individuals involved with the legal system, the county</li> <li>• Deficiencies/Challenges (AT, discovery, bail, pretrial services, other) within agency, for individuals involved with the legal system, the county</li> <li>• Unintended consequences</li> <li>• COVID-19 (timeline suspension, court closures, arraignment hearings, remote working, arrest volume, lack of in person face time with clients)</li> <li>• Assessment (by own office/agency, county-level)</li> <li>• Internal Review/Monitoring (review committee, data, frequency)</li> <li>• Impacts (caseload, case processing, appearance rates, case dispositions, recidivism, public safety, release conditions, jail populations, non-compliance rates, equity, role changes within agencies, other)</li> <li>• Solutions and Recommendations (AT, discovery, bail, pretrial services, other)</li> </ul>
Overall Perspectives	<ul style="list-style-type: none"> <li>• Initial Legislation (AT, discovery, bail, pretrial, voices unheard, no additional resources, not allowing enough time to implement, creating a confusing/unclear law, other)</li> <li>• Legislative Revisions (changes made to AT, bail, discovery, pretrial); (whether changes were improvements, deteriorations, not significant); and suggested changes</li> </ul>

## **ADMINISTRATIVE DATA ANALYSIS**

In addition to coding and analysis of the study's qualitative data, researchers also undertook a descriptive analysis of the publicly available administrative data discussed above to better inform our understanding of the implementation and impact of the reforms, including key measures of court appearance, pretrial release, and disposition. The descriptive information produced from these analyses, through statistical software, are used throughout the report to shed additional light to challenges, successes, and impacts shared by participants, and used to fill in any gaps or missing time periods in publicly released reports (which are also referenced throughout). Specifically, CUNY ISLG sought to compare baseline data with post-legislation data to examine trends over time and by certain variables such as arrest types at arraignment, arraignment dispositions and appearance rates, further comparing these trends between the city and rest of the state.

## **LIMITATIONS**

As with any process evaluation, CUNY ISLG's study is not without limitations. The COVID-19 pandemic required the adjustment of many research activities. These included expanding recruitment and outreach as some of the originally identified counties were overburdened, conducting interviews and focus groups through a web platform to reduce in-person contact, and including questions on the COVID-19 pandemic within data protocols to gauge its impact on implementation. These adjustments ultimately resulted in a more limited sample size than initially intended for the project despite CUNY ISLG broadening outreach to more than the originally proposed counties and remaining flexible with timelines by working with participants' availability during scheduling. The pandemic and its logistical complications also compounded the limitations typically associated with this type of research, described below.

## **SELF-SELECTION BIAS**

Outreach methods for this study were purposive, meaning potential participants were identified based on their experiences and knowledge related to their location, agency, and role within the criminal legal system. This sampling method captures individuals who are generally more willing to participate, resulting in the representation of the perspectives of only those representatives who self-selected to participate in the project and leaving out the perspectives of individuals who were not willing to participate. In an effort to overcome this limitation and be as representative as possible, CUNY ISLG reached out to different agencies (e.g., law enforcement, prosecutors, defense, CBOs, lived experience) and people within those agencies across different levels (e.g., line staff, leadership, executives).

In order to ensure that individuals felt comfortable sharing their experiences without management included, the research staff conducted separate interviews with leadership and line staff. Other ways CUNY ISLG created a safe space for participants to speak candidly included building a rapport and strongly emphasizing protection, privacy, and confidentiality. Interviews and focus groups were only audio recorded with the consent of the participants and stored on a secure drive only accessible to the team working on the project, and used only for the purposes of filling in any gaps in note-taking. In addition, all names were removed from interview notes and recordings, and any quotes from participants were adjusted to be as generic as possible.

## **RECALL BIAS**

The interview and focus group questions asked participants to recall their initial reactions to the passage of the legislation and challenges that arose shortly after implementation began. These experiences shared by participants were based solely on their memory and some follow-up interviews and focus groups occurred over one year

or more from the passage and implementation dates. To overcome this limitation, CUNY ISLG interviewed multiple individuals across and within different agencies to build out a fuller picture of events as different staff members recalled different perspectives.

### **LIMITED DATA AVAILABILITY**

The onset of COVID-19 three months into the enactment of the legislation created difficulty in assessing pre- and post-implementation trends. The amount of data available also varies, with more accessible data often focused on NYC because of their centralized systems and long histories of collaboration and information sharing. Less, however, is known about statewide trends given varying data collection methods across counties. Relatedly, there was little to not quantitative data related to the discovery process (e.g., early case assessment, prosecutor release recommendations, turning over discovery within designated timeframe and reason for dismissal). To overcome this limitation, CUNY ISLG triangulated as much data as possible and drew on other research reports, webinars discussing reform-specific data, state and city information, and direct requests of specific data points from agencies on occasion.