



Executive Summary

Reform in Action

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

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INTRODUCTION

The inequities inherent in this country's criminal legal system have been well-documented. Research and evidence repeatedly show that socioeconomic circumstances affect how people fare at all points, with outcomes disproportionately worse (i.e., higher rates of arrest and incarceration) for those who are economically disadvantaged and Black, Indigenous, and People of Color (BIPOC). The pretrial period—which begins after a person is arrested and charged but before they have been convicted of any crime—is no exception to this trend. In fact, disparities at this stage are particularly prevalent, having been exacerbated by the ever-expanding use of cash bail and pretrial detention across jurisdictions in recent decades. This has long-lasting implications: even one day in jail can lead to exposure to violence while incarcerated, and loss of housing and employment after release.¹ Past efforts to reduce the harm caused by cash bail were often tied to changes to administrative policies under system leader control (e.g., prosecutors not charging individuals with certain low-level offenses), but in recent years, some states have taken up broader legislative reforms aiming to transform the system on a much larger scale.

In 2019, New York became one of these states, with the passage of the Criminal Justice Reform Act (Act) in April of that year (with reforms taking effect on January 1, 2020). The Act, fueled by increasingly abhorrent conditions at the Rikers Island jail complex in New York City (NYC), was hailed as one of the most ambitious bail reform packages in the country. At its core, the Act aimed to create a decision-making foundation for pretrial release that was not dependent on financial resources. This meant shifting a variety of local criminal legal processes beyond just the bail decision; to do this, the legislation aimed to reduce these systemic inequities and harms through a comprehensive approach that incorporated significant changes to policy and practice in four key areas of pretrial decision-making:

- **Law enforcement encounters:** Mandating the issuance of appearance tickets (ATs, also referred to as Desk Appearance Tickets [DATs] in NYC) for most misdemeanors and E felonies, which are written notices to appear in court in response to an arrest, instead of being held in jail prior to the first court appearance;
- **Cash bail:** Restricting the use of cash bail for misdemeanors and most non-violent felonies; and in cases where bail is still set, ensuring that judges consider a person's ability to pay;

- **Pretrial services:** Expanding and increasing the use of pretrial services and supervision to support the legislation’s requirement to subject people to the “least restrictive option” to ensure they return to court; and
- **Evidence-sharing between prosecutors and defenders (discovery):** Overhauling requirements to ensure that all available evidence is shared with defense attorneys according to a strict timeline, in compliance with the state’s speedy trial requirements.

Figure 1 outlines the primary decision points targeted by New York’s reforms and required changes to the criminal legal process.

PROCESS EVALUATION SAMPLE AND DATA SOURCES

To study how the initial and ongoing legislative changes were carried out, the Institute for State & Local Governance at the City University of New York (CUNY ISLG), with support from Arnold Ventures, conducted a multi-year process evaluation of how New York’s reforms were planned, operationalized, and implemented across a diverse group of counties. The evaluation, which covered all four of the key areas of reform, aimed not just to document what the rollout looked like, but also to understand the factors and circumstances that facilitated or hindered success. Importantly, it centered the perspectives of those closest to the process—namely, administrators, practitioners, direct service providers, and people involved with the criminal legal system.

The study involved a series of initial and follow-up interviews with a total of 228 unique participants



from 30 agencies in 13 counties from different regions—including a mix of rural, urban, and suburban^a—as well as NYC-wide and statewide entities. To supplement participant perspectives shared in interviews and contextualize their experiences, CUNY ISLG also collected and analyzed aggregate-level administrative data provided directly from agencies or published on their websites, [case-level data released](#) under a legislative mandate, observed select NYC arraignments, and reviewed a broad range of other material and resources.

A more detailed breakdown of participants by stakeholder group and county as well as additional detail about methodology and analysis approach can be found in Appendix A of the final report.

^a Dutchess, Monroe, and Westchester counties outside of NYC had the most participation in the study. Additionally, all 5 boroughs of NYC were represented in the study sample. There were also some participants from Columbia, Onondaga, Nassau, and Suffolk Counties that were included in this evaluation. See Appendix A for more information about the distribution of individuals included in each county. CUNY ISLG was unable to include perspectives from the judiciary in the current study.

FIGURE 1: THE CRIMINAL LEGAL PROCESS IN NEW YORK AS OF 2020

Step 1 | Police Encounter

Step 2 | Arrest

If an individual is arrested, they may be given an appearance ticket if they qualify, and are then released. If they do not qualify, they are arrested and booked into jail and held until their arraignment.

Step 3 | Arraignment

Arraignment is the first appearance an individual will have before a judge. If an individual fails to appear, a bench warrant can be issued after 48 hours. If an individual still fails to appear, they can be detained in jail.

Step 4 | Pretrial Release Decision

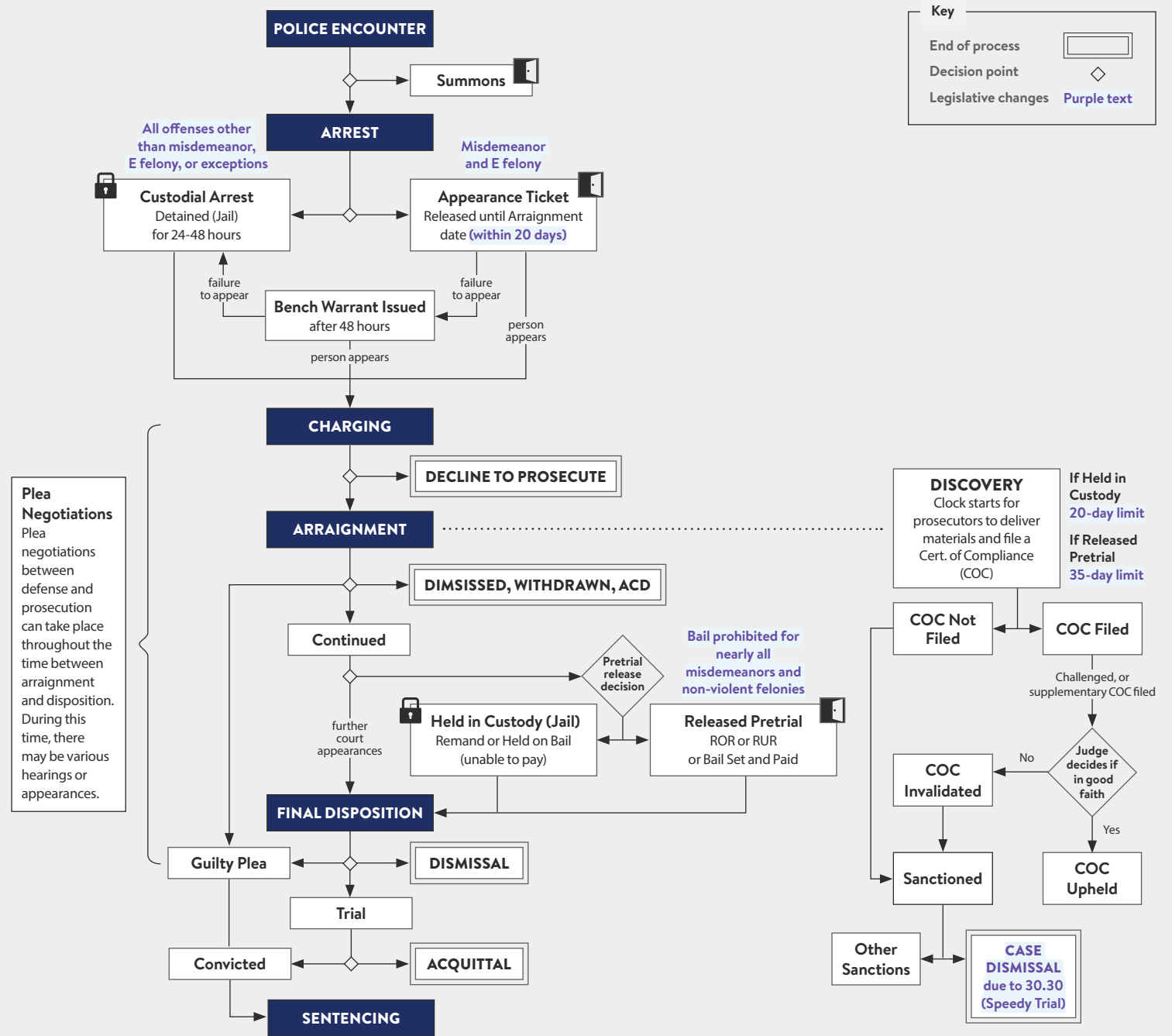
During arraignment, a pretrial release decision is made regarding the conditions necessary to ensure an individual returns to court. For most misdemeanors and non-violent felonies, bail is prohibited, and an individual must be released with the “least restrictive” conditions. If eligible for bail, ability to pay must be considered.

Step 5 | Discovery

The discovery clock begins at arraignment. Prosecutors must hand over all materials related to the case to defense, and file a certificate of compliance (COC) by specified timelines. Defense also must turn over materials to prosecution.

Step 6 | Disposition and Sentencing

After a plea agreement has been reached, or an individual goes to trial, a disposition (or case resolution) is reached. If an individual pleads guilty or is convicted, they will appear for sentencing and receive a sentence.



STUDY FINDINGS

Overall, CUNY ISLG's study underscored just how much work local agencies across the state have done to enact the reforms. Though it did not come without tremendous challenges and adjustments, all agency representatives participating in the study described innovative ways they overcame obstacles. That said, growing pains were to be expected as local system agencies and stakeholders adjusted to what the myriad new provisions meant for their practices, the operational changes they needed to make to align with the goals of the Act, and the specific ways in which the changes would be implemented on the ground, which varied agency to agency and county to county. Participants from across groups identified several areas that require an ongoing focus.

Findings from CUNY ISLG's study are presented in two categories, each corresponding to a key stage of reform implementation:

1. Planning for Success: How Early Planning and Strategizing Proved Critical for Implementation

An overview of the factors local agencies identified as critical to facilitating effective implementation of the reforms during the first rollout; additionally, how stakeholders addressed anticipated and unanticipated challenges throughout the process to ensure alignment with legislative intentions

2. Experience & Results: Has Legislative Implementation Changed Policy and Practice as Intended?

A look three-plus years into the reform period, detailing whether and to what extent the legislation was implemented with fidelity and the ways in which it changed envisioned processes and practices. The section is organized by the key areas of focus for the study, corresponding with key provisions of the Act, and discusses impacts on equitable decision-making and the effects of COVID-19.

The report then draws on lessons from New York's experience to identify key recommendations and action steps for other states that may be interested in implementing similar reforms.

PLANNING FOR SUCCESS: HOW EARLY PLANNING AND STRATEGIZING PROVED CRITICAL FOR IMPLEMENTATION

The reforms covered multiple criminal legal decision points, each of which involved a complex set of structural, logistical, and operational considerations. Study participants discussed challenges they faced throughout the process, which they felt posed significant barriers to implementation success. Despite these challenges, however, participants identified critical elements that facilitated a smoother legislative onboarding and adoption period. Starting planning processes early, for example, was vital in establishing the foundation required to support such multi-dimensional changes to policy and practice. The following factors emerged as the most important for supporting early planning and implementation efforts in discussions with agency practitioners (as well as the challenges that occurred when those factors and circumstances were absent or more limited). It also speaks to some of the strategies stakeholders developed to integrate the reforms into their operations.

Pre-Existing Alignment with Reform Goals Fostered Smoother Transitions

Agency partners who described alignment with the goals and objectives of the reforms seemed to perceive the changes (at least with respect to certain provisions) less dramatically and attested to a higher level of overall buy-in and readiness across their staff. In addition, some agencies were already implementing policies and practices that mirrored components of the legislation before it had even passed in the legislature. This theme was most pronounced across agencies in NYC; NYC

agencies described pre-existing orientations towards many of the reform goals and were able to hit the ground running early in the planning period. In contrast, participants in offices where existing reform culture was not established and where leadership had not fully internalized the legislative changes saw shifts in policies and practices happening more slowly and had to stretch planning capacity across several dimensions, taking time away from areas that may have needed additional support.

Robust Infrastructure Served as a Strong Foundation for Implementation

Participants emphasized the importance of a solid infrastructure for supporting planning and implementation efforts. A solid infrastructure includes many components, primary among them funding that could be directed towards supporting the changes, as well as robust staffing structures, active data capacity, and up-to-date technology. Having sufficient capacity in at least some of these areas meant that a county and/or agency could transition with some sort of foundation already in place, allowing for more manageable, smaller-scale modifications to support implementation efforts as compared to a larger overhaul that required significant time and resources. Not surprisingly, counties across the state varied in their infrastructural capacity, and the differences were particularly notable between NYC-based agencies and other county agencies across the state. NYC tended to have more capacity for implementation generally, given the volume of individuals touching the criminal legal system, resulting in greater resources (though NYC-based agencies also discussed the need for additional support). That said, some county agencies outside the city highlighted strong infrastructural elements and acknowledged the role it played in helping them anticipate needs and challenges and create solutions to address them.

Local Coordination and Collaboration was Essential to the Planning Process

Perhaps not surprisingly given the broad scope of the legislation and its impact across criminal legal decision points, coordination and collaboration was critical to the success of implementation efforts. Given the intertwined nature of the criminal legal process (i.e., what happens at one point directly influences what happens at others), county stakeholders had to work together to interpret the provisions, codify new operational procedures to align with the new requirements, and identify new or revised policies that would be least disruptive to existing practice. The intensity of planning varied across provision areas, though agencies participating in the process evaluation linked higher levels of county-wide collaboration with preexisting criminal legal councils or other regularly meeting bodies. There was a general sentiment across a majority of the local agency practitioners interviewed that State agencies should have played more of a role in coordinating implementation efforts, ensuring that concrete guidance flowed directly from the pertinent State agencies providing oversight to the local level.

Concrete, Practice-Oriented Training for Staff Was Fundamental to Success

Ultimately, implementation of the State's reform provisions was the responsibility of local agency staff who were putting reforms into practice in the day-to-day of their jobs. Across agencies, line staff participating in the study discussed their reliance on the support and guidance from agency leadership to do this effectively; specifically, their reliance on leaders to provide interpretations, document expectations and changes to policies and practices, and provide mechanisms to troubleshoot and ask questions. Local agencies with particularly strong training curriculums often stepped in to help those in other counties that did not.

Training was a critical component of early planning efforts, and it was one factor that emerged repeatedly in CUNY ISLG’s interviews across stakeholders. According to study participants, training was essential to learn and internalize the legislation’s provisions, and the concrete and practical implications of those provisions for their day-to-day work and decision-making. Interviewees often highlighted internal agency trainings as the most common source of information they obtained leading up to January 2020, though study participants also described county-wide and state-level training efforts as additional avenues for facilitating consistency and standardization across agency groups and jurisdictions. Internal agency training needs and resources varied in scope across provision areas, which is not surprising considering that some, like discovery, required a much bigger overhaul to existing processes and procedures than others.

EXPERIENCE & RESULTS: HAS LEGISLATIVE IMPLEMENTATION CHANGED POLICY AND PRACTICE AS INTENDED?

The nature and success of implementation itself greatly influenced progress toward overarching goals and objectives of the legislation, including reducing incarceration, increasing equity, and preserving public safety. Though CUNY ISLG’s study aims did not include a legislative outcome evaluation or impact assessment, these results have been examined and shared through other public sources, and when all of this is considered together, it paints a much richer and deeper picture of how, and to what extent, the legislation affected action on the ground since 2020.

Appearance Tickets: Straightforward to Implement, though Results Were Less Clear

Practitioners reported that the changes to AT issuance required fewer operational changes than other provisions, and therefore involved less planning—law enforcement, for example, indicated that the

process by which they issued ATs did not really change; it simply required that ATs were issued for specific charges. Given that there was a significant decline in arrests as a result of the COVID-19 pandemic, the impact of the legislation on trends in AT is mixed and difficult to fully assess with the issuance data that is available. Overall, NYC has the most complete data on DAT trends before and after the legislation went into effect, and the proportion of arrests that were issued a DAT following implementation of the legislation did initially change in the city, increasing from 27 percent in 2019 to 42 percent in 2021.² However, the change was not sustained through 2022, with DATs returning to 29 percent of total arrests. In addition, statewide data from OCA suggests that the proportion of individuals charged with a felony issued an AT increased 4 percentage points from 3 percent in 2019 to 7 percent in 2022. This small increase is likely due to the expanded charge eligibility criteria for ATs to include Class E felonies, in particular. Unfortunately, current data does not allow for in-depth analysis to assess whether the legislation had any impact on AT return timelines, particularly given challenges created by the COVID-19 pandemic.

Bail: Overall Use Declined, but Amounts Remained Out of Reach for Many

Overall, the use of bail declined from 21 percent to 12 percent directly following the reforms, and though the number of cases with bail set increased after a set of early amendments were passed expanding bail eligibility (see Appendix B of the full report for a description of amendments passed since 2020), it had declined back to 15 percent by the end of 2021.³ The decreased use of bail, however, did not translate into the expected corresponding increase in pretrial releases as they remained relatively stable. However, the composition of pretrial releases did change post-implementation—fewer individuals had to pay bail as a condition of release and a greater proportion were released on recognizance (ROR), or nonfinancial conditions, including release under supervision (RUS) (see Figure 2).

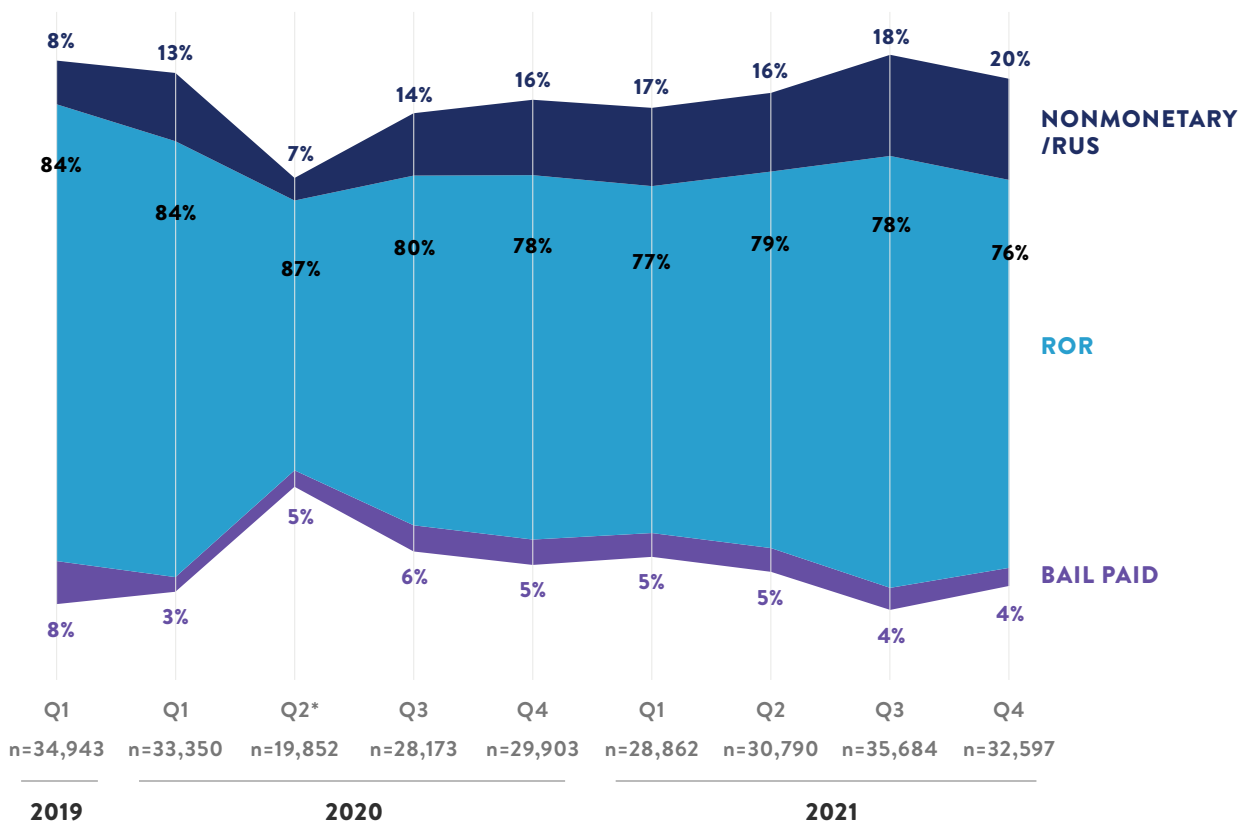
Though consideration of ability to pay based on an individuals' personal financial circumstances was a requirement of the legislation, bail continues to be unaffordable for many people. For charges that remained bail eligible, judges were more likely to set higher amounts of bail post-reform—the percentage of cases with a bail set of \$10,001 or more increased from 17 percent in 2019 to 32 percent in 2021 in NYC and 14 percent in 2019 to 22 percent in 2021 outside of NYC.⁴ According to a recent report, when observing arraignments across the state, only 30 percent of cases in which bail was set had any mention of ability to pay at arraignment.⁵ In our study, public defender participants suggested this component of

the legislation had been neglected. The legislation also required judges to set three forms of bail, one of which had to be a partially secured or unsecured bond, which would be less onerous for individuals, but some defense stakeholders suggested that judges were finding ways around this. As one defender in Monroe County stated:

"They aren't setting bail any differently than before. Just adding a third option. Calculating how to still make it hard."

Bail Used Less Often, Nonfinancial Conditions of Release Used More Often

Figure 2: Pretrial Releases in New York State by Quarter



*Represents the quarter directly following the emergence of the COVID-19 pandemic when emergency measures were implemented,

Source: DCJS Supplemental Pretrial Release Data

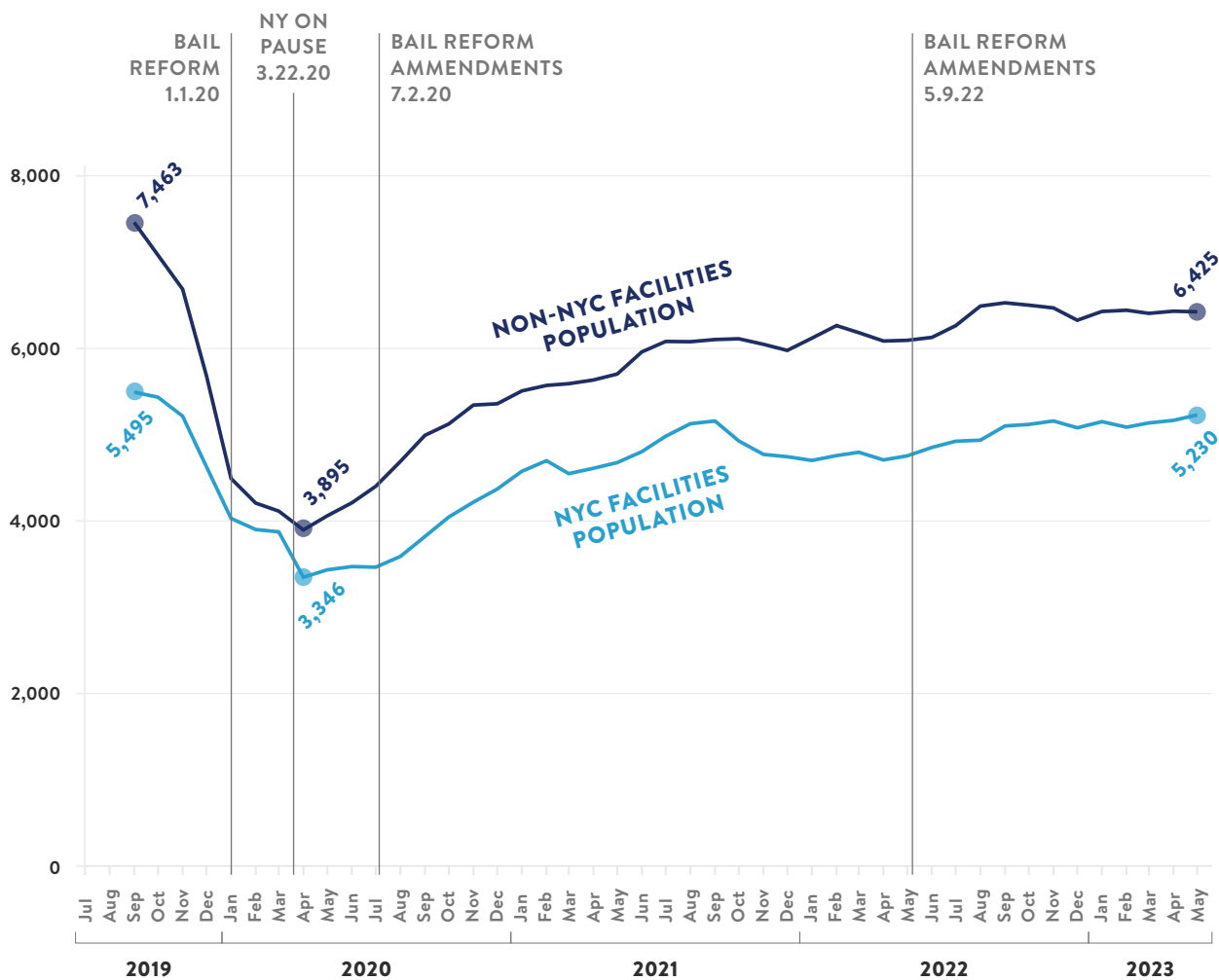
Pretrial Detention: Jail Populations Declined without Increasing Rearrests or Non-Appeareances in Court

New York did decrease the overall use of pretrial detention as a result of reform—by 10 percent from September 2019 to May 2023. Some of this reduction happened before the January 1, 2020 launch date; in fact, between September 2019 and January 1, 2020 the state’s jail population had already

declined 20 percent overall—with areas outside of NYC accounting for the majority of this initial decline. These early declines were likely a result of preparations that counties were putting into place in the lead up to January, including beginning to release people from jail who would no longer be bail eligible once the legislation took effect. Jail populations further declined upon implementation and accelerated downward once COVID-19 took

Jail Population Census Has Bounced Back Since Lockdowns, but Remains Lower than Pre-Reform

Figure 3: NYC and Non-NYC Jail Population Census—Average Unsented by Month



Source: DCJS Monthly Jail Population Data

hold, reaching a total reduction of 44 percent by April 2020. That said, more recent data indicate upward trends; indeed, the state's jail population increased back to pre-pandemic and pre-reform levels (though remained lower than levels prior to October 2019). Despite this increase, however, there were still 1,303 less people in jail awaiting trial statewide in May 2023 compared to September 2019 (see *Figure 3*).

Recent data suggests that jail populations have declined without negatively impacting crime or court appearances. A recent study found that individuals released pretrial post-reform were less likely to be rearrested for a felony offense within two years of release, as well as less likely to be rearrested for any offense within the same amount of time, than people with similar charges, criminal histories, and demographic characteristics released pre-reform.⁶ Additional data provided by DCJS shows similar trends for New York City, though rearrest rates for individuals released pretrial outside of NYC had increased slightly from 2019 to 2021.⁷ The limited data that is available to assess court appearance rates suggests that individuals released pretrial continue to show up for court at similar rates as before the reform—failure to appear (FTA) rates in both NYC and outside of NYC remained relatively the same from 2019 to 2022.⁸

Pretrial Release: Expanded Supervision was Critical for Supporting Release Post-Reform

Pretrial supervision was a viable option for judges in considering the “least restrictive” means of ensuring court appearance per the legislation. Based on DCJS data, there was an increase in the use of pretrial supervision overall from 5 percent of cases in 2019 to 16 percent of cases in 2021 in NYC and 7 percent to 14 percent of cases outside of NYC in that same time period.⁹ To provide a comprehensive picture for how the legislation impacted the use of pretrial services, specifically, CUNY ISLG’s study used NYC’s pretrial services program, Supervised Release (SR), as a case study.

As a result of changes to eligibility for pretrial supervision, in NYC, there were roughly three times as many people in SR programming at the end of 2022 (8,082) compared to the end of 2019 (2,515).¹⁰ Providers in the city noted a shift in their populations as a result of the expanded eligibility and increased caseload volume, which indicated a need for additional resources and more tailored approaches to services—participants were presenting with more violent charges, including intimate partner violence (IPV) cases not previously eligible for pretrial services, and higher rates of mental health, substance abuse, and housing issues. Despite these challenges, however, a large majority of cases assigned to SR are successful in meeting their court dates and remaining arrest-free during that time. For example, cumulatively between 2016-2020, 87 percent of individuals did not miss their court dates and the same percentage were not arrested on a new felony charge while enrolled in the program, trends that held in early 2020 once reforms took effect.¹¹ Participating in CUNY ISLG interviews, people who were under SR supervision in Queens shared that remaining in the community made it easier to speak with their attorney and maintain employment as well as resulted in less pressure to take a plea as their cases were winding through a very complex system towards resolution. As one participant shared,

“Instead of looking forward to getting out of jail, I was looking forward to talking to someone about what we should we do next.”

While it must be acknowledged that NYC is grounded in a very different operational and resource infrastructure than other jurisdictions in the state, the story emerging during our study period provides a more fleshed out look at the full cycle—from development to pilot to full-scale implementation—of practical considerations made to guide additional reform efforts and the impact of the legislation on providers.

Discovery: Reform Increased Transparency, but Complicated Prosecutorial Practice

Reform advocates believed the changes to discovery reduced case processing times, which in turn shortened stays in pretrial detention, reduced the likelihood of wrongful convictions, and ultimately led to fairer case outcomes (e.g., better plea offers, more community-based sentencing options, and more case dismissals). As a result of the earlier sharing of information, defenders reported that cases were being resolved more quickly—meaning people spent less time in jail and missed less work, family events, or other prosocial engagements to attend court cases. They were able to discuss the facts of the case earlier and more thoroughly with their clients, giving them more leverage during the plea negotiation process. One public defender from Dutchess County stated:

“[We are] able to almost trial prep cases from the beginning as opposed to discovery dump two weeks before trial. Really beneficial to us as lawyers, more importantly for clients to get best results.”

While discovery reforms improved a number of aspects of the plea process for defense attorneys, they created difficult circumstances for police departments and District Attorney’s (DA’s) offices. Law enforcement shared concerns that officers were spending too much time drafting arrest reports and providing discovery and not enough time in the communities they are meant to protect. Prosecutors in counties across the state supported the goals of discovery reform, but questioned whether the amount of discovery and the short timelines on which they were required to share it were necessary to achieve fairer outcomes. Leadership in DA’s offices described high staff turnover and difficulties hiring new staff due to a sentiment that they were less focused on assisting victims of crime and more focused on “chasing

paper,” which sometimes did not provide any additional information as to the strength of the case. Prosecutors worried that case dismissals would increase as a result of missing discovery and data suggests that dismissals due to speedy trial violations, nearly doubled between 2021 and 2022, going from 12 percent to 23 percent^b (speedy trial timelines were suspended in 2020 due to COVID-19 so those numbers are less informative).

Racial and Economic Disparities: Inequities Persisted Despite Clearly Articulated Equity Goals

A recent analysis found that in the two years since bail reform, \$104 million less had been spent by economically disadvantaged and working-class families on bail and 1.9 million fewer nights had been spent in jail for those who avoided having bail set at arraignment.¹² While it is cause for celebration that reliance on detention has declined for all racial and ethnic groups and that these reforms have reduced the harm of incarceration generally, disparities and those continuing to suffer its consequences remain predominantly low-income BIPOC, particularly Black people. There was a somewhat misplaced assumption across many stakeholders that simply implementing the legislation, as written, would produce the intended results and automatically result in a reduction in racial and ethnic disparities.

Indeed, prior to bail reform, Black people were 5.3 times more likely in NYC and 5.2 more likely outside of NYC to be detained in jail compared to their non-Hispanic white counterparts.¹³ The emergence of the COVID-19 pandemic only further exacerbated disparities for Black people in jail—by June 2020 they were 6.4 times more likely to be detained across the state. On the ground, interview participants observed that post-reform the majority of clients on their caseloads remained BIPOC.

^b No pre-reform data on dismissals is available.

LEARNING FROM NEW YORK: RECOMMENDATIONS TO SUPPORT SUCCESSFUL REFORM EFFORTS

Grounded in the key lessons learned from the New York experience, the findings emerging from CUNY ISLG's process evaluation revealed several recommendations for planning and implementing a major statewide criminal legal reform effort. These recommendations are primarily intended for jurisdictions that are considering or may consider launching a similar type of effort in the future, and address what can and should happen at the state level to support cities and counties in their implementation process. They focus on the early stages of planning, a critical period in laying the foundation for success and fostering preparedness among stakeholders.

1. Facilitate Greater Coordination Between State and Localities to Ensure Stakeholder Voices are Represented

A recurring theme across local stakeholders was the perception that the legislation was developed without enough input from the practitioners who would be responsible for putting it into action and who, because of their critical operational and practical insights, could have anticipated some of the gaps and challenges that emerged during the implementation process. Local stakeholders felt that they were in the best position to understand the potential implications of the legislation on their work and the communities they serve, and that their perspectives early on could have made a valuable difference in how things played out on the ground further into the process. Coordination between states and counties is critical for addressing these types of gaps which can include the following steps:

- 1.1 Ensure Practitioner Champions are Among Those Driving Reform
- 1.2 Establish a Statewide Task Force That Includes On-the-Ground Stakeholders to Facilitate the Development and Implementation of a Reform Strategy
- 1.3 Hold Public Hearings and Listening Sessions to Gain a Deeper Understanding of Reform Implications for Different Groups
- 1.4 Provide Concrete Guidance and Standards to Local Jurisdictions
- 1.5 Require Counties to Set Up Their Own Feedback Loops with Key Stakeholder Groups During Implementation Planning

2. Establish Mechanisms to Assess Ongoing Reform Efforts and Promote Transparency

Building ways to monitor implementation and impacts at the state level is necessary to promote data-driven decision-making and increase transparency and collaboration among all criminal legal system stakeholders involved in the implementation effort. To monitor and truly assess progress over time, the state should prioritize projection activities to estimate expected impacts of various provisions and establish an accurate baseline to make comparisons. Instituting a broader data-informed structure will allow the state to draw on a variety of sources to assess implementation in multiple ways and share that information back to its localities and the broader public. More specifically, the state can draw on this information to: 1) document the areas that have been operating as intended; 2) examine specific points in the process where challenges are emerging; 3) link potential solutions to address challenges; and 4) enhance transparency by sharing information back to

counties and agencies that are responsible for implementation for informed adjustments. Two action steps toward these objectives include:

2.1 Assess State and Local Data Capacity as it Relates to Legislative Objectives

2.2 Establish a Process and Feedback Structure to Regularly Review Data for Internal and External Monitoring

3. Provide Localities with the Funding and Time Necessary to Support Implementation Planning

One of the biggest challenges to successful implementation for counties was inadequate funding and time to support the volume of work that was required of them. Counties reported needing additional money to develop new processes and/or systems, hire additional staff, and provide meaningful training. This was compounded with the tight timeline of approximately nine months to comply with the reforms, which many agencies reported was insufficient for changes of this size. Beyond the sheer necessity for these components for success, the parameters around funding and associated timelines to effectively plan for the reforms must take into account the varying needs of agencies tasked with implementing them, including differences in size, scope, and capacity across jurisdictions. Any funding provided at the state level should consider county or agency

capacity with respect to allocation method, taking into account differences in infrastructure and projecting the magnitude of expenses that might be incurred to make the necessary changes at the local level. If it is not possible to provide funds directly, the state should provide support and guidance to local county executives and their agencies with respect to identifying sustainable and alternative funding approaches and provide flexible timelines with which to carry them out.

4. Implement Concrete and Specific Strategies for Advancing Equity

Ensuring equity in pretrial decision-making was a central goal of the legislative changes given that bail decisions often resulted in the racial, ethnic, and wealth-based disparities that are common across various stages of the criminal legal system. While most stakeholders participating in the study agreed that the legislation was a major step in the right direction to address these gaps, results from the process evaluation underscored a need for intentionality at both the design and implementation phases to achieve equitable outcomes. This work can be particularly challenging and as a result, deserves an intentional focus at the state level.

CUNY ISLG will issue an equity-focused supplemental to this report providing more detail on this topic and specific recommendations for addressing racial and ethnic disparities; forthcoming fall 2023.



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Endnotes

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