

# The Evidence Is Clear: Bail Reform Benefits New Yorkers

In 2019, New York State reformed its bail laws with two goals: eliminate money bail in most misdemeanor and nonviolent felony cases and reduce the practice of jailing people pretrial simply because they cannot afford to buy their freedom. The reform succeeded on both counts, yet it continues to be misunderstood and maligned—fueled by media misinformation, “tough-on-crime” politicians, and opportunists in the Trump administration.<sup>1</sup>

**Since bail reform,  
at least 93,000  
fewer New Yorkers  
have had bail set.<sup>i</sup>**

This primer provides an overview of bail reform’s systemic and human impacts, drawing on established evidence alongside new research and interviews Vera conducted with system-involved New Yorkers.

## A Safer New York: How Bail Reform Impacted Crime and Arrests

In 2020, violent crime and some property crimes rose nationwide, including in states that did not implement bail reform.<sup>2</sup> Studies consistently find that New York’s bail reform had no effect on overall crime rates or the rate of rearrests among people awaiting trial.<sup>3</sup> In fact, by reducing unnecessary detention, bail reform likely improved public safety.<sup>4</sup> Researchers draw three key conclusions:

- Bail reform had no effect on crime in either New York City or New York State.<sup>5</sup>
- Bail reform reduced or had no effect on overall rearrest rates in New York City or the rest of the state. Only a small subset of people—those with a recent violent felony arrest—were rearrested at slightly higher rates.<sup>6</sup>
- Among people with multiple rearrests, bail reform reduced or had no effect on rearrest frequency.<sup>7</sup>

These findings mirror national evidence: bail reform has *not* harmed public safety. For example, in Cook County, Illinois, bail reform had no effect on crime or rearrests, and New Jersey saw misdemeanor arrests decline after implementing bail reform in 2017.<sup>8</sup>

## A More Just New York: How Bail Reform Reduced Harmful Pretrial Detention and Improved Procedural Justice

A fair justice system depends on the presumption of innocence, yet pretrial detention undermines this fundamental right. Compared with similarly charged people released pretrial, people detained pretrial are more likely to accept coercive plea deals, receive jail or prison sentences, and serve longer terms.<sup>9</sup> Separately, money bail punishes poverty: even when people can post bail, it can mean missed rent, unmet basic needs, and endless cycles of debt.<sup>10</sup> Bail reform reduces these harms by keeping more New Yorkers out of jail while they await trial and preventing families from having to trade financial security for freedom.

### Bail reform has delivered measurable results:

- From January 2020 to June 2024, at least 93,000 New Yorkers were spared bail.<sup>11</sup>
- In 2020 and 2021 alone, courts imposed \$104 million less in bail—wealth that instead stayed in Black, Latinx, and working-class communities.<sup>12</sup>
- In 2021 alone, 28,000 more New Yorkers received desk appearance tickets at arrest instead of being detained, reducing unnecessary and destabilizing jail stays.<sup>13</sup>

## In Their Own Words: How Bail Reform Helps New Yorkers Await Trial in Their Communities

To understand the human impact behind the data, Vera interviewed 32 New Yorkers across the state who were arrested, arraigned, and either detained or released pretrial from 2018 to 2023.<sup>14</sup> While it was not possible to determine if each person’s case was (or would have been) directly affected by bail reform, their stories illustrate what pretrial freedom makes possible: the support of staying at home with loved ones, the stability of maintaining employment, and the dignity of taking part in one’s own defense.

### Pretrial freedom helps people participate in their defense and reject coercive plea deals.

Studies consistently find that people held in jail are more likely to accept plea deals than those in similar situations who are released pretrial—even for people who otherwise would have likely been acquitted, diverted, or had their cases dropped—simply to escape harmful jail conditions.<sup>15</sup> Interview participants emphasized that pretrial freedom both reduced the pressure to forgo their day in court and made it easier to communicate with their lawyer, gather evidence, and fully participate in their defense.

“I’ve done this from the inside and it’s two totally different sides of a coin. . . . Inside you can’t talk to your attorney. Now I got my lawyer on speed dial and we talk to each other every other day. . . . Because I’m on the outside, as long as I do everything I have to do . . . I’m going to succeed. That right there means the world.” —*Archie, released under supervision in the Bronx*

“The difference is being able to prepare a formidable defense. It’s hard for me to prepare a defense if I’m incarcerated.” —*Donald, released without conditions (ROR) in Rochester*

“I would have fought [my case] all the way because I’d [be] on the outside. I’d have more resources, and I could get the truth to the one that needs to hear it. When you’re incarcerated, your hands are tied behind your back.” —*Iván, held on Rikers Island on unaffordable bail and accepted a plea deal*

### Pretrial release helps people stay housed, continue working, receive public benefits, access services, and remain connected to loved ones.

Even one day in jail can upend a person’s life. People detained pretrial are more likely to lose their jobs, housing, and public benefits—and struggle to care for children.<sup>16</sup> By contrast, interview participants who were released pretrial were able to hold onto their livelihoods, keep their housing, and take care of their loved ones—stability that supports public safety.

“I have housing now. . . . I struggled in those family shelters. . . . Now I got my own ‘kingdom come.’ It says Carla on the lease. It’s mine and my kids.’ That’s how I recuperate from the world and the stress and all.” —*Carla, released under supervision in Manhattan*

“I was working. I was an essential worker [during the COVID-19 lockdown]. . . . I was taking care of my grandmother. . . . I was going to outpatient [substance use treatment.]” —*Vina, released without conditions in Manhattan*

“[My family] was grateful that I was out and that we could be there for each other without a long drive, going through security, seeing me in an orange jumpsuit.” —*Bhaskar, released after posting bail in New York City*

#### Compared to people released pretrial, detained New Yorkers are...

**420%** more likely to become homeless

**271%** more likely to lose government benefits

**74%** more likely to become unemployed

**41%** more likely to experience negative impacts on their ability to care for their children<sup>ii</sup>

## Keeping people stable in their communities helps them meet court obligations.

Opponents of reform claim money bail is necessary to ensure court appearance or avoid rearrest, but a recent study found that pretrial detention increases people’s risk of missing court or being rearrested by roughly 50 percent.<sup>17</sup> Moreover, in 2024, 77 percent of New Yorkers released pretrial had no rearrest, 87 percent had no felony rearrest, and 84 percent never missed court.<sup>18</sup> While interview participants cited barriers to meeting their court obligations—inflexible work schedules, lack of childcare, and lack of transportation, in particular—remaining in their communities also kept them motivated to make their appointments, avoid further criminal justice system contact, and resolve their cases.

In 2024, **84%** of people released pretrial never missed court.<sup>iii</sup>

“The main thing that’s helping me not miss court? My freedom—because I love my freedom. It’s nothing to walk up the block or sit in the park. You can’t do that once you’re locked up. Back in the day, I wasn’t taking shit serious. . . . Now, once they released me, I went straight [to pretrial services].” —*Bodie, released under supervision in Brooklyn*

“I haven’t missed a court date—I haven’t missed a beat.” [Interviewer: What’s helping you get to court?] “My kids. I have a purpose. I have people that rely on me, that still need me.” —*Carla, released under supervision in Manhattan*

“Now I can fight my case and show the judge I’m a different person by coming to court and representing myself. When you’re coming to court from jail, your attitude is way different. . . . When you’re coming from the streets, your mind is different—you say, ‘I’m going to do the right thing. I’m going to stay out today until the next court date.’” —*Emilio, released after posting bail in New York City*

## Unnecessary pretrial detention and unaffordable bail continue to harm New Yorkers.

As of March 2026, 12,820 people remained in jail pretrial across New York State—the vast majority because they could not afford bail.<sup>19</sup> Interview participants who were detained pretrial described how their employment, housing, relationships, and health all suffered as a direct result of their detention.

“I had a job, and that was over when I got arrested. I had to get a new one. I couldn’t get myself a fulltime job. I’m working gigs now.” —*Calista, held without bail on Rikers Island*

“I lost out on my [Section 8] apartment voucher, I lost out on time with my son, I’ve been out of work going on five months [since] I was released. I wake up with anxiety every day just trying to get out of living [with my mother]. I want to get my license. I want to get an apartment, I want to find work. This is the storm over my head.” —*Valdez, held on Rikers Island on bail he could not afford*

“Why send me back [to jail]? That does nothing for me. This is where I had my mental breakdown in the first place. You’re sending me back to—in my opinion—a dungeon. It doesn’t help me. I need an alternative to incarceration, because it helps me better adjust to society after all of the time I did in prison. Now you’re sending me back.” —*Donald, released ROR in Rochester, describing his prior experience being held on bail*

## Next Steps: How New York Can Expand Pretrial Freedom, Strengthen Justice, and Protect Public Safety

Bail reform has reduced the likelihood of New Yorkers being jailed for weeks, months, or even years—while presumed innocent—simply because they cannot afford bail. More New Yorkers can now fight their cases in the community without compromising public safety or due process. Opponents of reform want to use fear to reverse that progress. Instead, New York should embrace the evidence and build on what works.

As policymakers consider the future of pretrial justice, two questions must be answered: First, how can New York further reduce excessive pretrial detention? Second, how can the state ensure people released pretrial are set up for success?

### 1. Make bail a last resort—and affordable to all.

- **The Office of Court Administration (OCA) should strengthen judicial pretrial decision-making.** Judges impose bail at rates that conflict with the evidence. In New York City, judges follow validated release recommendations in only about half of nonviolent felony cases and 30 percent of violent felony cases.<sup>20</sup> Judges are even less likely to follow release recommendations for Black and Latinx New Yorkers.<sup>21</sup> Overdetention is also a statewide problem: in 2024, judges set bail or remanded 53 percent of people charged with a violent felony, even though this group is the least likely to miss court.<sup>22</sup> OCA should provide judges with rigorous training on the latest evidence, including the harms of detention and the low risk of nonappearance, even in cases where violence is alleged.<sup>23</sup>
- **OCA should implement ability-to-pay assessments and mandatory bail reviews.** Although judges are legally required to consider each person’s ability to pay, bail is often set at unaffordable levels. In one Vera study of upstate courts, affordability was discussed in only about half of observed bail cases.<sup>24</sup> The result is that bail is rarely affordable. In 2024, only 14 percent of New Yorkers were able to post bail.<sup>25</sup> This means that for most, bail has effectively become *de facto* detention. OCA should ensure courts perform evidence-based ability-to-pay assessments (before arraignment or at a retroactive “second call”) and automatic bail reviews when someone has been held on bail for more than five to seven days.

### 2. Ensure people released pretrial have the resources to succeed.

- **New York lawmakers should create a statewide Office of Pretrial Services (OPS) to ensure all New Yorkers released under supervision receive supportive services.** Since 2019, the number of people released under supervision has nearly quadrupled, but statewide oversight and coordination remain limited.<sup>26</sup> An OPS could set standards, share best practices, and ensure providers offer supportive services that keep people stable in the community. The biggest obstacles to court appearance are rarely willful avoidance, but basic unmet needs.<sup>27</sup> Services should prioritize removing barriers—transportation, childcare, housing instability—over surveillance.
- **New York should invest in services for people released ROR or who post bail.** While people released under supervision may benefit from case management, most people released pretrial simply need services to meet their basic needs—supportive housing, mental health care, substance use treatment, harm reduction, job placement, family care, and food assistance. New York should expand funding for the state agencies and community-based organizations that deliver these services. To increase access, some jurisdictions use court navigators to connect people released without conditions to these services.<sup>28</sup> New York should expand and adapt this model statewide to increase safety and stability while reducing reliance on detention.

## Endnotes

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