New York State Jail Population Brief, April 2019–June 2022

Vera INSTITUTE OF JUSTICE

JAEOK KIM
CHRISTOPHER GERNON

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Executive Summary

This report is the fourth in the Vera Institute of Justice's (Vera's) New York State jail population brief series, which explores changes in statewide jail admissions and populations by demographics, charge severity, bail eligibility, and region. Taking a baseline of April 2019—the month that New York passed sweeping bail reforms, but before they went into effect in January 2020—this brief extends Vera's analysis of state incarceration trends by a year, to June 2022. The key findings of this report are as follows:

Key Findings

1. As of June 2022, the statewide jail population remained stable at around 15,000 people—similar to June 2021 and also to January 2020, when bail reform went into effect. This represents a 26 percent decrease from April 2019, the month that the state passed the bail reform laws.

2. Due to a large reduction in incarceration for lower-level charges, the share of people held pretrial on violent felonies increased to two-thirds in New York City (NYC) jails and one-fifth in non-NYC jails.

3. Racial disparities in jail incarceration rates worsened after January 2020, particularly in New York City, where Black people were more than seven times more likely to be jailed than white people in June 2022.

4. Suburban counties showed the largest decrease in pretrial population rates while urban counties showed the smallest decrease since the passage of bail reform laws in 2019.

5. The Hudson Valley showed the largest decrease in pretrial population rates while Western region counties showed the smallest decrease since the passage of bail reform laws in 2019.

6. The median length of jail stays increased in both New York City and non-NYC counties since the passage of bail reform laws in 2019. In June 2022, half of the people in NYC jails were incarcerated for more than four months, twice the median length of stays in jails outside of NYC.

7. The proportion of people held on high bail amounts increased after bail reform, particularly for violent felony charges. In non-NYC counties, the median bail amount for people held on violent felony charges has doubled since the passage of bail reform.

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Introduction

More than four years have passed since New York State pretrial reform went into effect. The reforms, often referred to as "bail reform," were intended to curb wealth-based pretrial detention—that is, the practice of holding people in jail pretrial for no other reason than their inability to pay bail. The reforms aimed to do this by restricting judges' discretion to set bail for less serious charges such as misdemeanors or nonviolent felonies. The legislation also codified the basic principle of bail: while it should be used to reasonably assure court appearance, it should also protect the freedom of the accused person until proven guilty. To that end, the law asked judges to both consider the financial circumstances of the accused and set at least three forms of bail, one of which should include partially secured or unsecured bond, to reduce the burden of bail posting.

New York's pretrial reform has gone through a tumultuous adjustment period since the reform passed. Fueled by strong opposition from law enforcement groups, coordinated political campaigns, and public concerns about violent crime (exacerbated by fearmongering in the media), Governor Andrew Cuomo and his successor Governor Kathy Hochul amended the original bill three times—in April 2020, April 2022, and May 2023—expanding the list of charges and circumstances in which judges can set bail and limiting the scope of the reform in other ways. These consecutive amendments to the laws have made it difficult to measure the effect of bail reform on the outcomes of interest, such as the number of people in pretrial detention and racial disparities in incarceration. Further, the COVID-19 pandemic led to court closures that seriously disrupted the normal flow of the criminal legal system. This upheaval took place only three months after bail reform went into effect, making it very challenging to isolate the impacts of the reform. However, the difficulties in disentangling the effects of bail reform, its rollbacks, and the pandemic make a comprehensive analysis of jail population trends more essential than ever.

In this report, Vera researchers analyze jail data from New York City and 50 non-NYC counties. The analysis reveals that, on an average day in June 2022, 15,200 people were incarcerated in jails across New York.[1] This was roughly 5,400 fewer people than in April 2019, the month the original bail reform law was passed.

Focus areas of this report

Vera's previous briefs reported that the pretrial jail population decreased after the implementation of bail reform and the start of the COVID-19 pandemic—but also found that this reduction was largely reversed by June 2021.[2] The jail population increased more than 10 percent in both NYC and non-NYC counties in the first half of 2021. The current report continues to monitor incarceration trends through June 2022 and focuses on the following areas:

- jail population trends by custody status,

- jail population trends by charge severity,

- jail admission trends by charge severity,

- racial disparities in jail population trends,

- regional differences in jail population trends,

- trends in length of incarceration, and

- trends in bail amounts for people held pretrial.

This report examines both overall changes in the jail population and changes specifically in the pretrial population. It includes charge-specific analyses of jail population and admission trends, which is crucial for understanding the influence of bail reform because restrictions on judicial bail decision-making are mainly based on charge severity. The change in racial disparities is another area of focus in the current report. The last three briefs consistently found that racial disparities have increased since the implementation of bail reform.[3] The current brief similarly compares incarceration rates between Black New Yorkers and non-Hispanic white New Yorkers to determine whether the trend has continued.

It is also important to recognize that the influence of bail reform is not universal across different regions. The current brief examines geographic differences in jail populations and pretrial detention to identify the regions where jail populations changed most substantially. Last, the report deepens our understanding of the impacts of bail reform by extending the analysis to length of jail incarceration and bail amount set for people held pretrial.

Data sources and analysis

While county-specific jail population reports are available from the New York State Division of Criminal Justice Services (DCJS) on a monthly basis, details of the population beyond custody status are unavailable in these reports. As such, Vera continued to compile a dataset of jail admission and release records from 50 county sheriff's departments and the New York City Department of Correction obtained through Freedom of Information Law requests and memoranda of understanding. These records include more detailed information on incarcerated people such as gender, race/ethnicity, charge severity, bail amounts, and lengths of stay. The dataset covers 88 percent of the non-NYC jail population. (See Appendix B for the data availability by county.)

Researchers used jail population and jail admission trends throughout the report to analyze changes in New York State jails before and after bail reform.

- *Jail population* refers to the total number of people who are detained in a jail facility at a particular time. Vera calculated daily jail population counts using the individual-level admissions and release records. The researchers then averaged these counts for either each month or each quarter of the study period, depending on outcome of focus.

- *Jail admission* refers to the number of people who enter a jail facility during a specific period. Jail admissions typically fluctuate substantially over time, which can introduce noise into the data analysis and obscure longer-term trends. To account for this, Vera researchers took daily admissions and averaged them over each quarter of the study period.

Recognizing the differences in demographic makeup, as well as social and political environments, this report explores incarceration trends in different regions of the state. The report compares incarceration trends between New York City and 57 non-NYC counties and analyzes jail population trends by urbanicity and geography to examine similarities and differences across regions (see Section 4). Each section uses different time frames to explore both short-term and long-term trends depending on the data availability and sensitivity of outcome measures (for example, the degree to which a measure fluctuates on a day-to-day basis). (See Appendix A for a summary of the study's time frames.)

Findings

1. How did the daily jail population change after implementation of bail reform?

This section analyzes monthly jail populations in New York City and the 57 non-NYC counties through short- and long-term lenses. The short-term time frame examines Vera's most recent year of data—June 2021 to June 2022. The long-term time frame describes how the daily jail population changed after bail reform was first enacted (but before it went into effect), examining data from April 2019 to June 2022, the most recent data collected by Vera researchers.

1.1 New York's daily jail population in June 2022 was similar to the population when bail reform went into effect in January 2020 but remained lower than pre-bail reform levels.

**Time frame: April 2019 to June 2022**

In June 2022, a daily average of 15,211 people were held in jails across New York, 26 percent lower than when bail reform was passed in April 2019. The majority of this drop occurred over just a few months, shortly after the bill was passed, as judges started implementing the law; the jail population in June 2022 was only 2 percent lower than when the bail reform law officially went into effect in January 2020.[4] In June 2022, almost two-thirds of the total state jail population was held in local jails in non-NYC counties, similar to when bail reform was first passed in April 2019.

1.2 New York's daily pretrial jail population in June 2022 remained 20 percent lower than pre-bail reform levels.

The pretrial jail population in non-NYC counties declined after bail reform was passed. It continued to decline several months into the COVID-19 pandemic, but it has increased since then. As a result, the population detained pretrial in non-NYC counties in June 2022 was 20 percent lower than when bail reform passed in April 2019 (from 7,626 people to 6,131 people). However, it was no longer as low as it had been following the end of COVID lockdowns and the first wave of amendments to the bail reforms. As Figure 1a shows, the pretrial jail population increased after that and was 49 percent higher in June 2022 than it was in March 2020 (changing from 4,116 people to 6,131 people), the month the state lockdown started due to the COVID-19 pandemic.[5]

Non-NYC jail population by custody status, April 2019 to June 2022
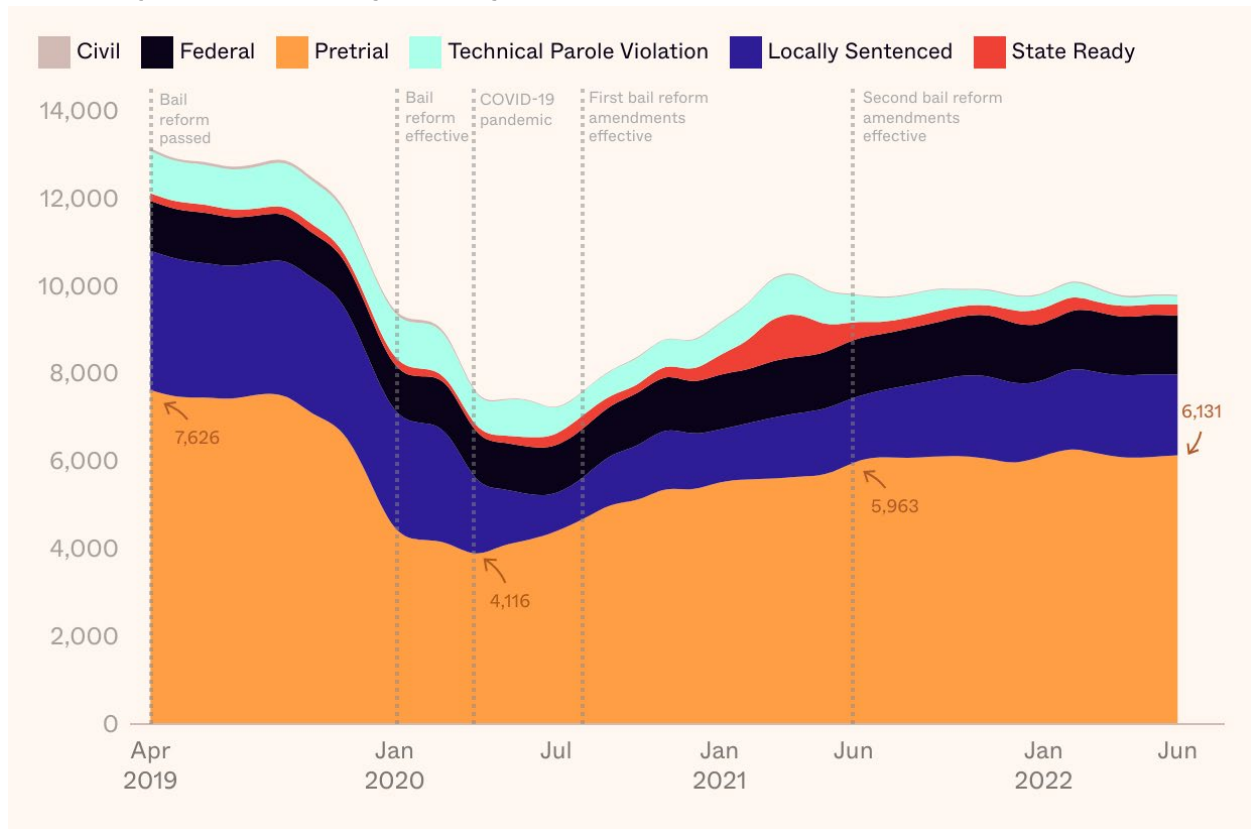
In NYC, the population detained pretrial similarly declined after bail reform passed, and again with the onset of the COVID-19 pandemic. In June 2022, the NYC pretrial population was 17 percent lower than in April 2019 (from 5,826 people to 4,853 people). However, the NYC pretrial population did not rebound after COVID lockdowns as substantially as those in non-NYC counties, increasing by about 25 percent between March 2020 and June 2022 (from 3,873 people to 4,853 people) (see Figure 1b).

NYC jail population by custody status, April 2019 to June 2022
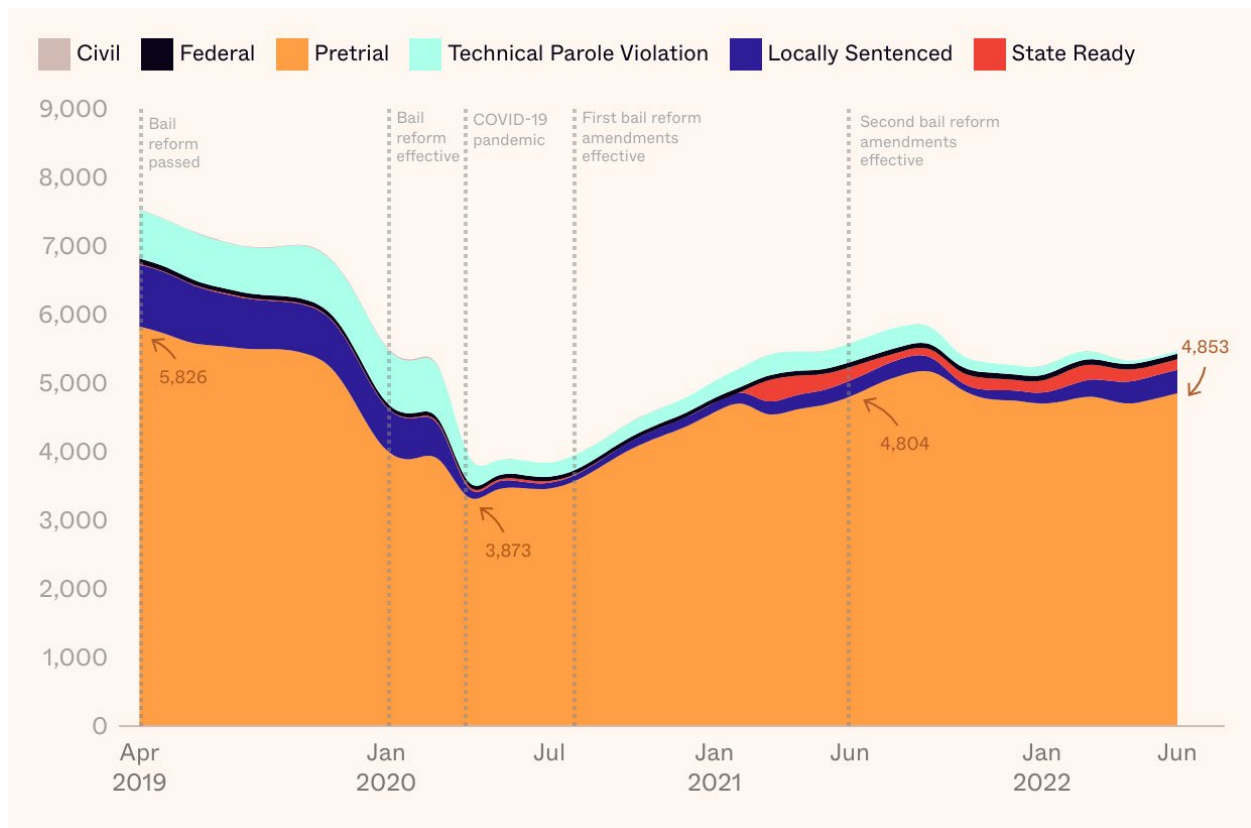
There are several possible explanations for why the pretrial detention population increased after March 2020 in both geographies. First, increases in the volume of arraignments back to pre-pandemic levels as New York recovered from COVID lockdown could have led to an increase in the number of people detained pretrial on bail. The volume of arraignments increased by 11 percent in non-NYC counties and 23 percent in NYC counties between the first quarter of 2020 and the second quarter of 2022.[6] Second, the bail reform rollback implemented in July 2020—which made more charges bail eligible—could have increased the number of cases in which bail was set, which would result in an increase in the number of people detained pretrial on bail. According to a Center for Justice Innovation report, the bail reform rollbacks likely led to a 16 percent increase in NYC's pretrial jail population.[7]

1.3 Statewide pretrial detention populations remained steady between June 2021 and June 2022, while the population for technical parole violations and those awaiting transfer to prison decreased.

Time frame: June 2021 to June 2022

Vera's last report found that the jail population increased more than 10 percent in both NYC and non-NYC counties in the first half of 2021.[8] Since June 2021 (the last month reported in the previous brief), jail populations in non-NYC counties and New York City showed small fluctuations.[9] In June 2022, a total of 15,212 people were incarcerated in jails across New York, a 0.8 percent decrease from June 2021. The jail population in non-NYC counties was 9,737 (a 0.2 percent decrease from June 2021) and the jail population in NYC was 5,475 (a 2 percent decrease from June 2021). Meanwhile, the pretrial populations increased 3 percent (from 5,963 to 6,131 people) in non-NYC counties and only 1 percent (from 4,804 people to 4,853

people) in NYC during this period. This suggests that both the overall jail population and the pretrial detention population have stabilized since June 2021 in both geographies.

While the June 2022 pretrial populations were similar to June 2021 levels, there were substantial changes in the share of people incarcerated in jails in both non-NYC and NYC counties for other custody types, including local sentences (a sentence of less than one year), technical parole violations, and awaiting transfer to a state prison (see Figures 1a and 1b, state ready).

In non-NYC jails, the number of people held on technical parole violations decreased 70 percent (from 628 people to 191 people) and the number of people awaiting transfer to a state prison decreased 37 percent (from 401 people to 254 people) between June 2021 and 2022. Locally sentenced populations, on the other hand, increased 25 percent (from 1,477 people to 1,842 people) in the same period (see Figure 1a).

NYC jails saw similar shifts in the number of people incarcerated for custody types other than pretrial. The number of people incarcerated for technical parole violations decreased 86 percent (from 274 people to 39 people) and 22 percent (from 197 people to 154 people) for people whose custody status was state ready between June 2021 and June 2022 (see Figure 1b). The city-sentenced population increased 47 percent (from 232 people to 341 people) in the same period. While pretrial population numbers have stabilized, the number of people whose custody status was state ready, technical parole violation, and locally sentenced saw more substantial changes.

The shifts in populations of these three custody types (state ready, technical parole violation, and locally sentenced) are likely the result of policy reforms and changes in court practices that are separate from bail reform. For example, the implementation of the Less Is More Act that prohibits incarceration of people for violating minor technical parole rules resulted in a dramatic decrease in the number of people incarcerated for technical parole violations.[10] Additionally, the court system's progress in resolving case backlogs that had accumulated since the outbreak of the pandemic might have contributed to the increase in the locally sentenced population.[11]

Finally, state prisons resumed accepting people from local jails in April 2021 after suspending all transfers due to COVID-19.[12] Although the state-ready population in June 2022 was still higher than the pre-pandemic level, the substantial decrease seen in the state-ready population over the previous year was likely due to progress made in resolving the backlog of cases waiting for sentencing and state prisons' resumed acceptance of sentenced people from local jails in April 2021.

1.4 Following a large reduction in incarceration for lower-level charges, the share of people held on violent felonies increased to two-thirds of the NYC jail population and one-fifth of the non-NYC jail population.

Vera's previous briefs reported that the number of people incarcerated (both pretrial and locally sentenced) for nonviolent felonies or misdemeanors remained below pre-bail reform levels, in line with the reform's intention of reducing pretrial detention for less serious charges.[13] However, those studies found an increase in incarceration for violent felonies, which continued to be eligible for bail post-reform.[14] This trend continued during the current observation period.

Time frame: June 2021 to June 2022

Non-NYC jails showed little change in the number of people incarcerated for misdemeanors and nonviolent felonies between 2021 and 2022, but the population incarcerated for violent felonies showed a 7 percent increase (see Figure 2a).

On the other hand, in NYC jails, incarceration for violent felonies increased by 5 percent between 2021 and 2022. At the same time NYC jails showed a continued decrease in misdemeanor and nonviolent felony

population: the number of people incarcerated in NYC jails charged with misdemeanors decreased 15 percent (from 277 people to 236 people) and the number of people incarcerated for nonviolent felonies decreased 7 percent between June 2021 and June 2022 (see Figure 2b).

These shifts in numbers meant that the share of each charge severity changed a little during this period in both non-NYC and NYC jails. In non-NYC jails, people held on misdemeanors and nonviolent felonies make up the majority of the overall incarcerated population. In NYC jails, however, people held on violent felonies account for the greatest share of the population. In June 2022, about 40 percent of the non-NYC jail population and three-quarters of the NYC jail population were incarcerated for violent felony charges (Figures 2a and 2b).

Figure 2a.

Average daily population of people admitted on local charges in non-NYC counties by charge severity, April 2019, June 2021, and June 2022
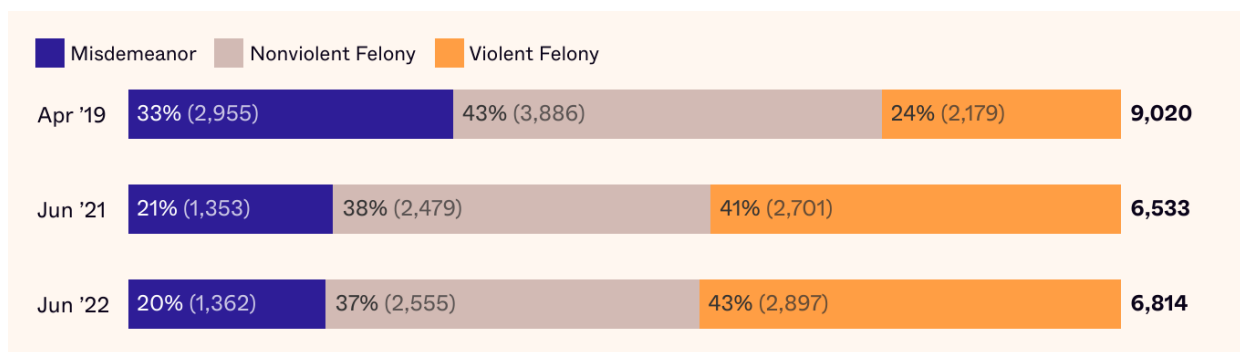
Note: Not all charges are shown. Charges outside of misdemeanors, nonviolent felonies, and violent felonies, such as charges related to immigration, were excluded from analysis.

Figure 2b.

Average daily population of people admitted on local charges in NYC by charge severity, April 2019, June 2021, and June 2022
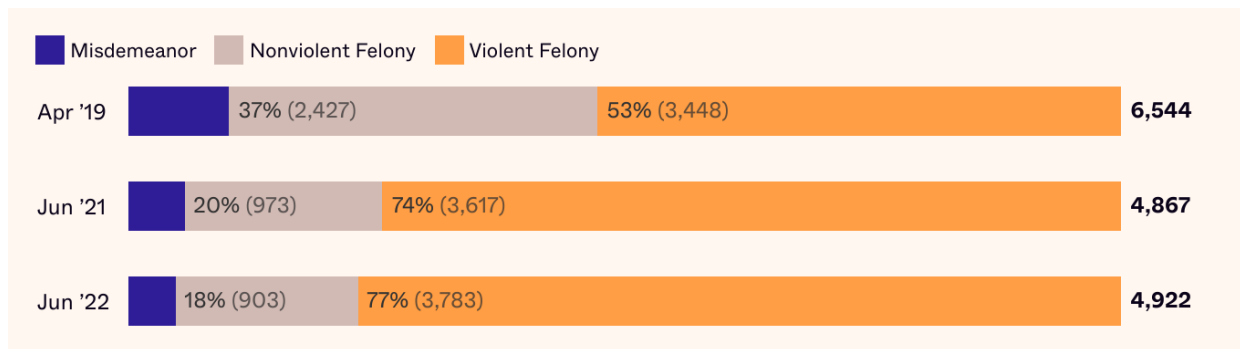
Note: Not all charges are shown. Charges outside of misdemeanors, nonviolent felonies, and violent felonies, such as charges related to immigration, were excluded from analysis.

Time frame: April 2019 to June 2022

The number of people incarcerated by charge severity (counting both pretrial and locally sentenced people) showed relatively little change between 2021 and 2022—Vera's most recent year of data. However, looking back to the time when bail reform was passed in April 2019, bigger shifts are apparent. Between April 2019

and June 2022, the number of people held for misdemeanors in counties outside of NYC fell by 54 percent and the number of people held for nonviolent felonies fell by 34 percent (see Figure 2a). Similarly, in NYC, the number of people held for misdemeanors fell by 65 percent and the number of people held for nonviolent felonies dropped by 63 percent (see Figure 2b). In contrast, the number of people detained for violent felony offenses increased by 33 percent outside of NYC and by 10 percent in NYC.

2. How did jail admissions change after the implementation of bail reform?

While jail population is one important measure for understanding the overall influence of bail reform, jail admission is also useful because it reflects the immediate influence of pretrial policy and practice.[15] This section analyzes quarterly jail admissions in NYC and non-NYC counties using two different time frames. The first time frame examines the most recent year available to researchers, looking at jail admissions from the second quarter of 2021 to the second quarter of 2022. The second time frame looks back further and analyzes jail admissions between the date when bail reform was passed (quarter two of 2019) and quarter two of 2022. The analysis includes people admitted to jail for any reason and, therefore, includes people admitted pretrial and those serving local sentences.

2.1 In June 2022, jail admissions remained below the pre-reform level for misdemeanors and nonviolent felonies, but higher than the pre-reform level for violent felonies.

Vera's analysis found that jail admissions for all offense types decreased markedly following the passing of bail reform and the onset of COVID—reaching record lows in the first quarter of 2020. Since then, admissions for misdemeanors have remained close to that level. However, violent and nonviolent felony admissions were trending upward by the second quarter of 2022. In particular, admissions for violent felonies surpassed pre-pandemic levels, meriting further exploration.

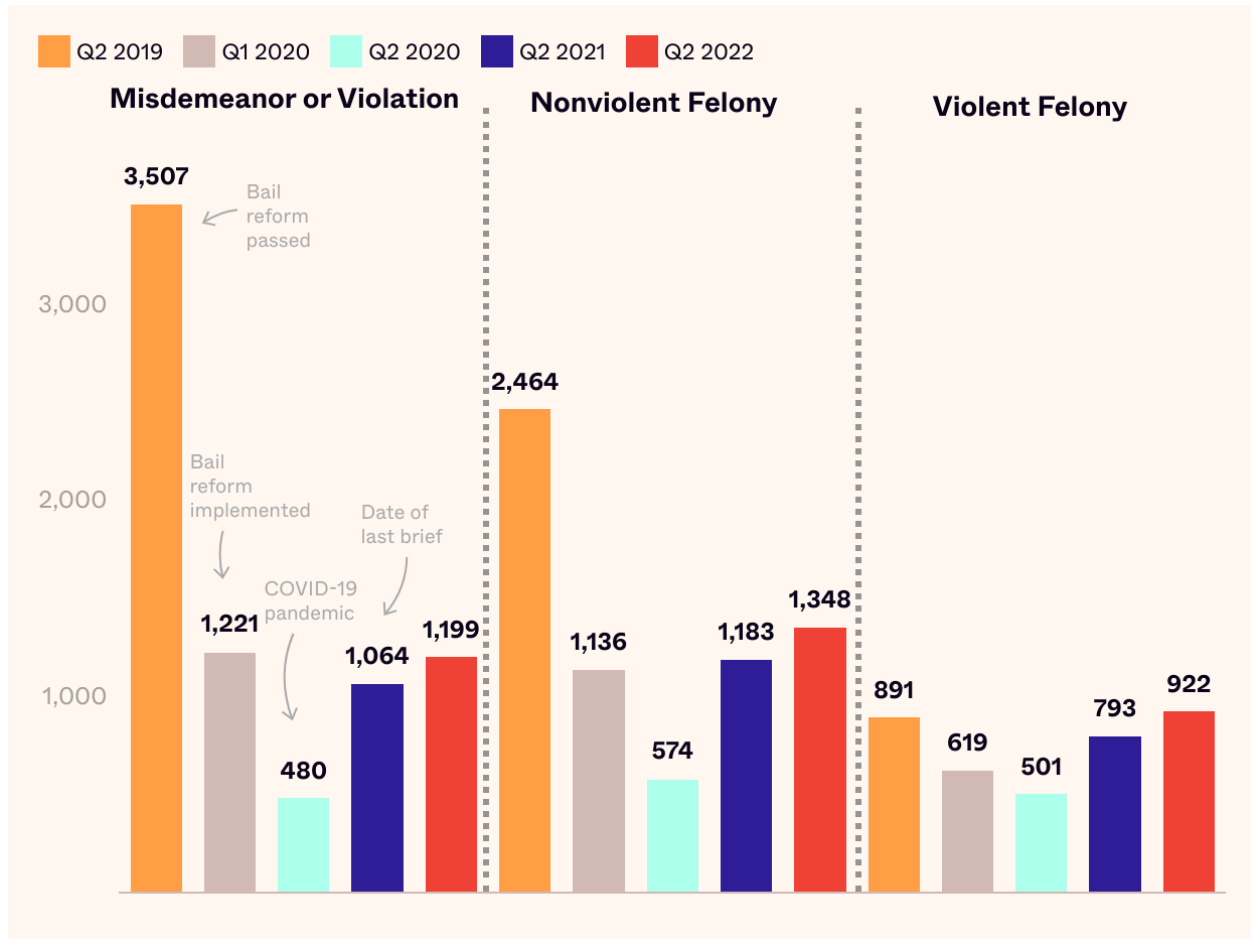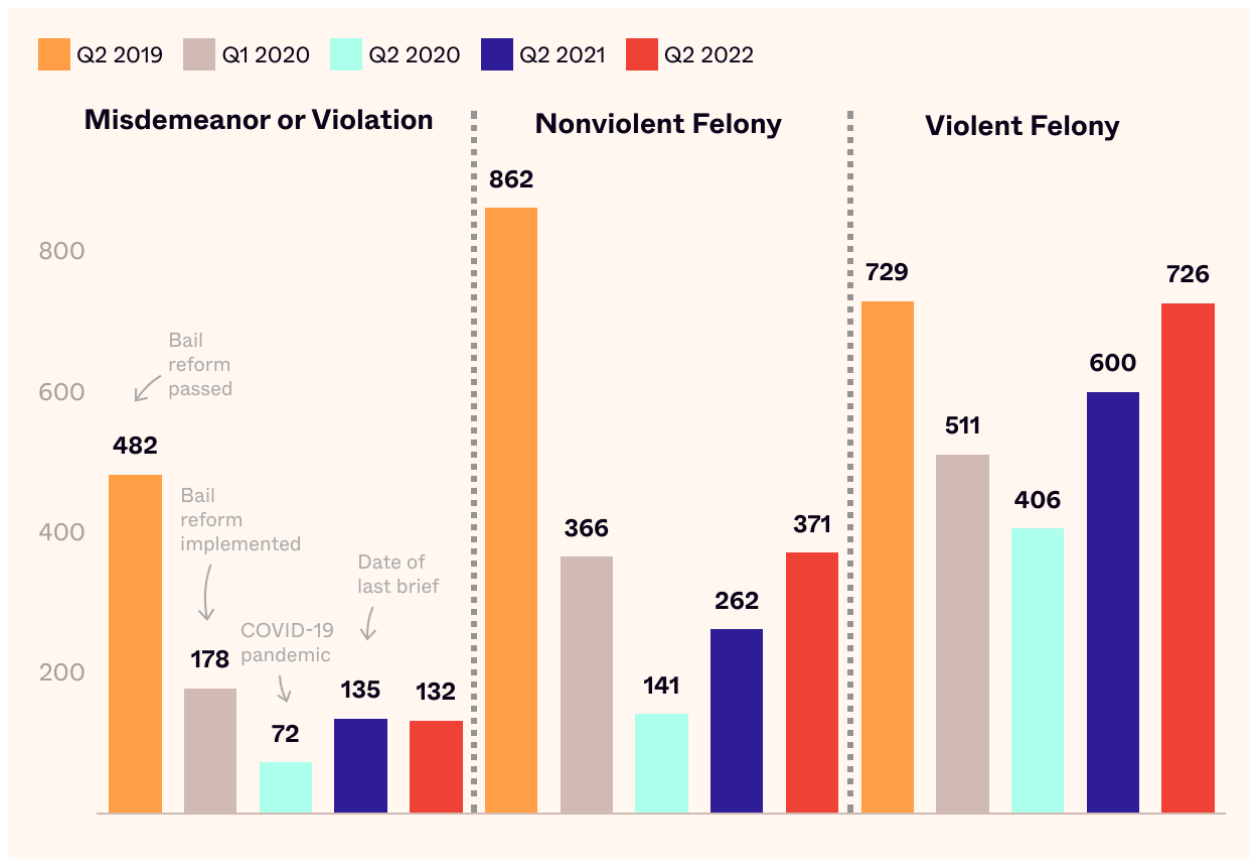## Monthly admissions averaged quarterly for local charges by charge severity in non-NYC counties, April 2019 to June 2022

Monthly admissions averaged quarterly for local charges by charge severity in NYC, April 2019 to June 2022

Time frame: Q2 2021 to Q2 2022

Jail admissions in non-NYC counties and NYC increased between the second quarter of 2021 and the second quarter of 2022, but these increases were much smaller than the increases seen between the second quarter of 2020 and the second quarter of 2021. During the year-long period between the second quarters of 2021 and 2022, non-NYC counties experienced increases in admissions of more than 12 percent for all charge types (see Figure 3a). NYC counties, on the other hand, experienced a decrease in misdemeanor admissions (-2 percent) but large increases in nonviolent felony (+42 percent) and violent felony admissions (+21 percent) (see Figure 3b).

Time frame: Q2 2019 to Q2 2022

Analyzing admissions pre- and post-bail reform reveals notable shifts in the number of people admitted to jail by severity of charge in both non-NYC and NYC jails. This is particularly true for misdemeanors and nonviolent felonies. In the second quarter of 2022, jail admissions for misdemeanors and nonviolent felonies remained well below the pre-bail reform levels seen in the second quarter of 2019. In non-NYC jails, misdemeanor admissions were 66 percent lower, nonviolent felony admissions were 45 percent lower, and violent felony admissions were 3 percent higher (see Figure 3a). In NYC jails, misdemeanor admissions were 73 percent lower, nonviolent felony admissions were 57 percent lower, and violent felony admissions remained unchanged (see Figure 3b).

Although jail admissions in the second quarter of 2022 remained lower than the pre-bail reform level, the continued increase in jail admissions after the first quarter of 2020—particularly for felony charges—raises questions regarding the long-term effectiveness of bail reform on reducing jail incarceration; an increase in jail admissions typically leads to an increase in jail population. With continued tracking of jail admission trends, the main drivers of increased admissions merit further exploration.

2.2 Geographic differences in jail admission rates increased, particularly for misdemeanors, after the implementation of bail reform.

A trend analysis using raw numbers and their corresponding percentage change provides one perspective of how the jail population has changed after bail reform. However, given that NYC and non-NYC counties differ in population size and racial and ethnic diversity, an analysis of admission rates that accounts for the population of both geographies is also useful. This allows us to compare admission trends between the two regions, providing a more nuanced understanding of regional differences.

Time frame: Q2 2019 to Q2 2022

Jail admission rates for non-NYC counties were much higher than NYC for lower-level charges (i.e., misdemeanors and nonviolent felonies). In the second quarter of 2022, 21 non-NYC residents per 100,000 were admitted to jail for a misdemeanor. In NYC, on the other hand, two NYC residents per 100,000 were admitted to jail for a misdemeanor. This means that people in non-NYC counties were 8.6 times more likely to be admitted for a misdemeanor than those in NYC. This is an increase from the 6.9 times greater rate of admission seen when bail reform was passed in the second quarter of 2019. People in non-NYC counties (23 per 100,000 residents) were also 3.4 times more likely to be admitted for a nonviolent felony than people in NYC (seven per 100,000 residents), an increase from 2.7 times when bail reform was passed. Contrary to the public perception that NYC experiences more serious crime than non-NYC counties, quarterly admission rates for violent felony charges were similar between non-NYC counties (16 per 100,000 residents) and NYC (13 per 100,000 residents) in the second quarter of 2022 and increased at a similar rate compared to when bail reform was passed in the second quarter of 2019.[16] The substantial disparities in admission rates between non-NYC and NYC counties for misdemeanors and nonviolent felonies underscore the need for separate analysis of the main drivers of admissions in the two regions.

3. How did racial disparities in jail population change after the implementation of the law?

Section 3 analyzes quarterly racial disparities in NYC's and non-NYC's jail populations, before and after bail reform, using three different time frames. The first time frame examines the short-term changes in racial disparities for Vera's most recent data—that is, between the second quarter of 2021 and the second quarter of 2022. The second time frame examines the changes in racial disparities between the first quarter of full implementation of bail reform (quarter one of 2020) and quarter two of 2022. The last time frame examines the long-term changes in racial disparities from when bail reform was passed (quarter two of 2019) and quarter two of 2022.

3.1 Racial disparities in jail incarceration rates increased after the implementation of bail reform, particularly in New York City.

Vera's previous jail briefs found that racial disparities in jail populations were exacerbated after the implementation of the bail reform laws in both non-NYC counties and NYC.[17] Researchers continued to observe racial disparities during the most recent period analyzed in this brief, although the trends and magnitude of racial disparities varied between NYC and non-NYC counties.

Time frame: Q2 2021 to Q2 2022

In non-NYC counties, the jail population decreased 5 percent for Black people (from 3,712 people to 3,519 people) and 1 percent for white people (from 4,028 people to 3,979 people) between the first quarter of 2021 and the second quarter of 2022. In NYC, the Black jail population decreased 3 percent (from 3,418 people to 3,314 people), and the white jail population decreased 20 percent (from 624 people to 499 people) during the same time frame.

Between 2021 and 2022, racial disparity in incarceration rates, therefore, diverged between non-NYC and NYC counties. In non-NYC counties, incarceration rates for Black people decreased more than incarceration rates for white people, which led to a decrease in racial disparity. Still, incarceration rates for Black people were 5.8 times greater than white incarceration rates (see Figure 4). In NYC, racial disparities continued to increase as incarceration rates for white people decreased more than incarceration rates for Black people. Black incarceration rates were 7.4 times greater than white incarceration rates, an increase from 2021 when they were 6.1 times greater.

Time frame: Q2 2019 to Q2 2022

While rates of incarceration for both Black and white New York City residents have decreased since bail reform was passed, racial *disparities* in incarceration rates have worsened. In the second quarter of 2022, Black people in NYC were incarcerated at a rate of 214 per 100,000 Black residents while white people were incarcerated at a rate of 29 per 100,000 white residents. This indicates that Black people in NYC were 7.4 times more likely to be jailed than white people in NYC, an increase from 5.2 times when bail reform passed in the second quarter of 2019 (see Figure 4). In non-NYC counties, meanwhile, Black people were incarcerated at a rate of 547 per 100,000 Black residents in the second quarter of 2022 while white people were incarcerated at a rate of 94 per 100,000 white residents. This shows that Black people in non-NYC counties were incarcerated at a rate 5.8 times higher than white people in non-NYC counties, a slight increase from 5.5 times when bail reform passed.

Comparisons of incarceration rates in different combinations of regions (non-NYC vs. NYC) and racial groups (Black people vs. white people) emphasize the importance of the geographic context in understanding racial disparities. In 2022, Black people in non-NYC counties had incarceration rates two-and-a-half times higher than Black people in NYC. Racial disparities were greatest between Black people in non-NYC counties and white people in NYC: Black people in non-NYC counties were incarcerated at a rate 19 times higher than white people in NYC, a large increase from the 13 times higher rate in the second quarter of 2019 when bail reform passed (see Figure 4).

Figure 4.

Incarceration rate by race and geography, Q2 2019 to Q2 2022

4. How do changes in jail population differ by urbanicity and between regions in New York State?

This section analyzes jail incarceration trends by partitioning the state into four urbanicity groups (urban, suburban, small/midsized metro areas, rural) and New York's 10 geographic regions across two time frames. The first time frame considers Vera's most recent year of data, comparing the percentage change in jail incarceration between the second quarter of 2021 and the second quarter of 2022. The second time frame analyzes the percentage change in jail incarceration over three years, stretching from the time bail reform was passed (quarter two of 2019) to quarter two of 2022. Vera calculated quarterly numbers using the monthly jail population numbers reported to DCJS.

4.1 Suburban counties showed the largest decrease in pretrial population rates between Q2 2019 and Q2 2022 while urban counties showed the smallest decrease.

Similar to the previous brief, Vera categorized the counties into four groups: rural, small/midsized metros, suburban, and urban based on the rural-urban classification from the National Center for Health Statistics (see Appendix B for classification list).[18] Vera's previous brief found that the total jail population decreased in all four urbanicities after bail reform—suggesting a sustained long-term influence of bail reform—with the largest decrease in suburban regions and the smallest decrease in small/midsized metro regions. The current brief also found that pretrial populations have also decreased by over 12 percent across all urbanicity categories since the implementation of bail reform. However, there has been a gradual resurgence in the pretrial population in rural, suburban, and urban counties in the last year.

Time frame: Q2 2021 to Q2 2022

The total jail populations changed little between quarter two of 2021 (the last reporting period) and quarter two of 2022 in rural and suburban counties, but they decreased in small/midsized metro and urban counties. Small/midsized metropolitan counties experienced the largest total population decrease (-9 percent) followed by urban counties (-2 percent). (See Figure 5.)

While there were minimal changes in total jail populations for all urbanicities except small/midsized metro counties, the pretrial population increased in three of the four regions (see Figure 5). Rural counties, which experienced a small increase (+1 percent) in total jail population, showed the largest increase (+11 percent) in pretrial population of any urbanicity. The pretrial population also increased by 7 percent in suburban counties and 3 percent in urban counties. Small/midsized metro counties were the only urbanicity to see a decrease in pretrial population during this time frame (-1 percent).

Time frame: Q2 2019 to Q2 2022

Looking back further, each of the four urbanicity groups experienced decreases in the total jail population of more than 22 percent between the second quarter of 2019 and the second quarter of 2022 (see Figure 5). Suburban counties (-28 percent) showed the largest decrease in total population followed by urban counties (-26 percent), small/midsized metropolitan counties (-25 percent), and rural counties (-22 percent).

Although all four urbanicity groups showed a decrease in *total* jail populations of at least 22 percent, the extent of the decrease in pretrial populations differed across regions. Suburban and rural regions showed decreases in pretrial populations that were similar to the magnitude of decrease in the total population (see Figure 5). However, urban counties—the regions that detain the largest share of the pretrial population— showed the smallest decrease in pretrial population (14 percent), which indicates that factors outside of bail reform likely contributed to the large decrease in total jail population in these counties.

From the second quarter of 2019 to the second quarter of 2022, the share of the total jail population held pretrial increased more than 10 percentage points in urban counties (from 74 percent to 85 percent). The share in small/midsized metro regions increased 7 percentage points (from 57 percent to 64 percent). Conversely, the pretrial detention share remained unchanged in rural and suburban counties. The variations in the share of pretrial populations across different urbanicities underscore the need for further research to understand the underlying factors driving these changes.

Figure 5.

Change in total and pretrial jail population by urbanicity, Q2 2019 to Q2 2022 vs. Q2 2021 to Q2 2022
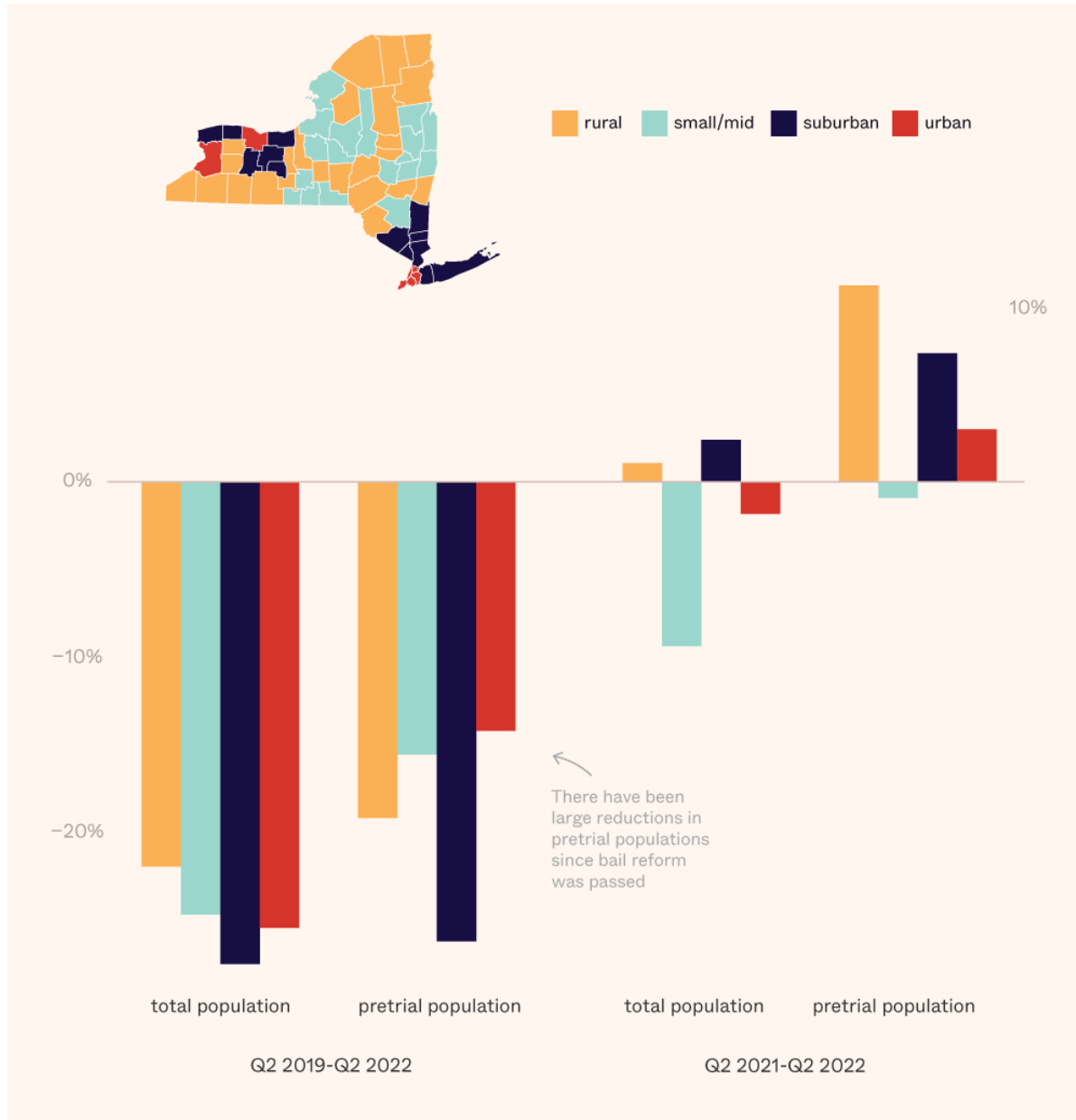
4.2 The Hudson Valley showed the largest decrease in pretrial population rates while Western New York showed the smallest decrease between Q2 2019 and Q2 2022.

Similar to Vera's previous brief, researchers grouped counties into 10 regions—Capital, Central New York, Finger Lakes, Hudson Valley, Long Island, Mohawk Valley, New York City, North Country, Southern Tier, and Western New York—based on the Empire State Development's classification.[19] The previous jail brief found that total jail populations decreased in all geographies between the second quarters of 2019 and 2021, with the largest decrease in Long Island (-33 percent) and the smallest decrease in the Southern Tier (-13

percent). The current brief continued to find substantial regional variation in both the pattern and magnitude of jail population change across New York.

Time frame: Q2 2021 to Q2 2022

The statewide total jail population fell 2 percent between the second quarters of 2021 and 2022, whereas the pretrial population increased by 4 percent. Central New York and the Southern Tier regions experienced the largest decreases in total jail population of all regions (-15 percent and -9 percent, respectively) while the Hudson Valley and North Country regions experienced the largest increases (+3 percent and +5 percent, respectively). Central New York and the North Country experienced the largest decrease in pretrial jail population (-8 percent and -3 percent, respectively) while the Capital and Finger Lakes regions experienced the largest increases (+27 percent and +18 percent). (See Figure 6.)

Time frame: Q2 2019 to Q2 2022

During the three-year period between the second quarters of 2019 and 2022, all 10 geographic regions in New York experienced large decreases in their jail populations (see Figure 6). The statewide total population decreased by 26 percent, with pretrial populations comprising the majority of the decrease (-18 percent). The Long Island and Hudson Valley regions experienced the largest decreases in both total jail population and pretrial population, with both regions experiencing more than 20 percent reductions in pretrial populations and more than 30 percent decreases in total populations. The North Country and Western New York regions experienced the smallest decreases in total jail populations (-12 percent and -17 percent, respectively). The Finger Lakes and Western New York experienced the smallest decreases in pretrial populations (-9 percent and -5 percent, respectively).

These findings provide valuable insights into the potential long-term influence of New York's bail reform across different regions. The findings highlight successes in maintaining jail populations that are more than 15 percent lower than pre-bail reform levels in most regions except the North Country. However, some regions (e.g., Capital and Finger Lakes) saw notable increases in their pretrial populations in the most recent time period. Policymakers and advocates need to keep monitoring this trend to see if the success of bail reform in reducing the pretrial population holds. Further, other policy reforms, such as the Less Is More Act, were enacted during this time frame, and further research is needed to understand the contribution of policy changes other than bail reform on reductions in the total jail population.

Figure 6.

Changes in total and pretrial jail populations by region, Q2 2019 to Q2 2022, Q2 2021 to Q2 2022
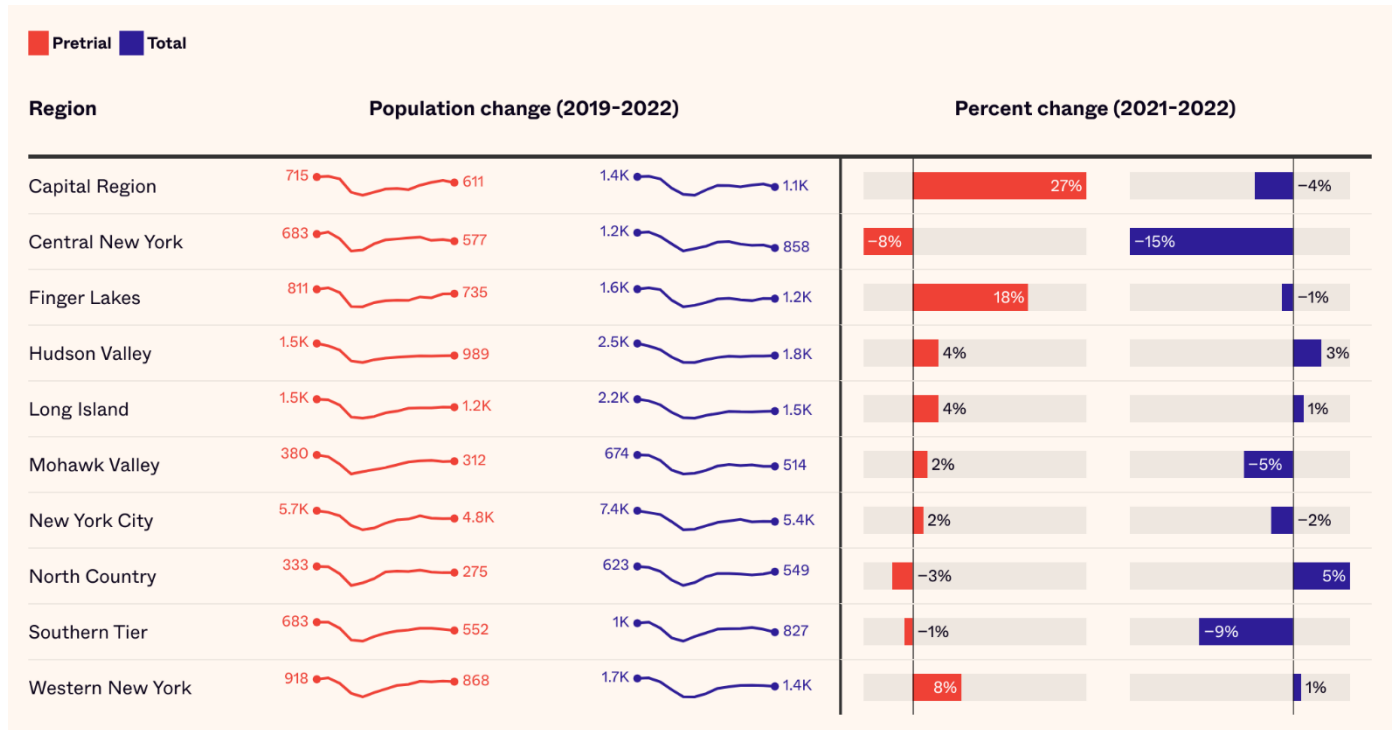
5. How has length of jail incarceration changed since the implementation of bail reform?

This section examines median length of incarceration in NYC and non-NYC jails between April 2019 and June 2022 for people held on any status (including people held pretrial and those serving local sentences). Vera calculated median lengths of incarceration by counting the number of days spent in jail for each incarcerated person on a given day. Counting the number of days spent in jail as of the snapshot date, as Vera did, provides a different value than measuring the total number of days spent in jail for each person per jail stay, which can only be measured once that person has been released.

5.1 The median length of stay for people in non-NYC jails has increased for all charge severities since bail reform, with large disparities across racial groups. In June 2022, half of all people in non-NYC jails had been incarcerated for almost two months.

Non-NYC counties have experienced large increases in the median length of stay for people incarcerated in jail since bail reform was passed, likely because people who would have been serving short periods of time in custody are no longer being sent to jail.[20] In July 2020, the median length of stay in non-NYC jails peaked at 120 days, a 69-day increase from April 2019 (51 days). The increase was likely due in part to court closures from the COVID-19 pandemic, leading to people spending longer periods of time in jail waiting for court hearings. While the median length of stay had decreased to 84 days by June 2022, it was still 27 days longer than when bail reform passed in April 2019 (see Figure 7a).

On average, Black people are held in jail much longer than white people. In June 2022, half of Black people incarcerated in non-NYC jails had already been there for at least 100 days, 29 days longer than the median length of stay for white people (Figure 7a). The median length of stay has increased for both racial groups since April 2019, but the increase was more pronounced for Black people (a 58 percent increase from 64 days to 100 days) than for white people (a 39 percent increase from 51 days to 71 days).

Median length of stay in non-NYC jails by race, April 2019 to June 2022
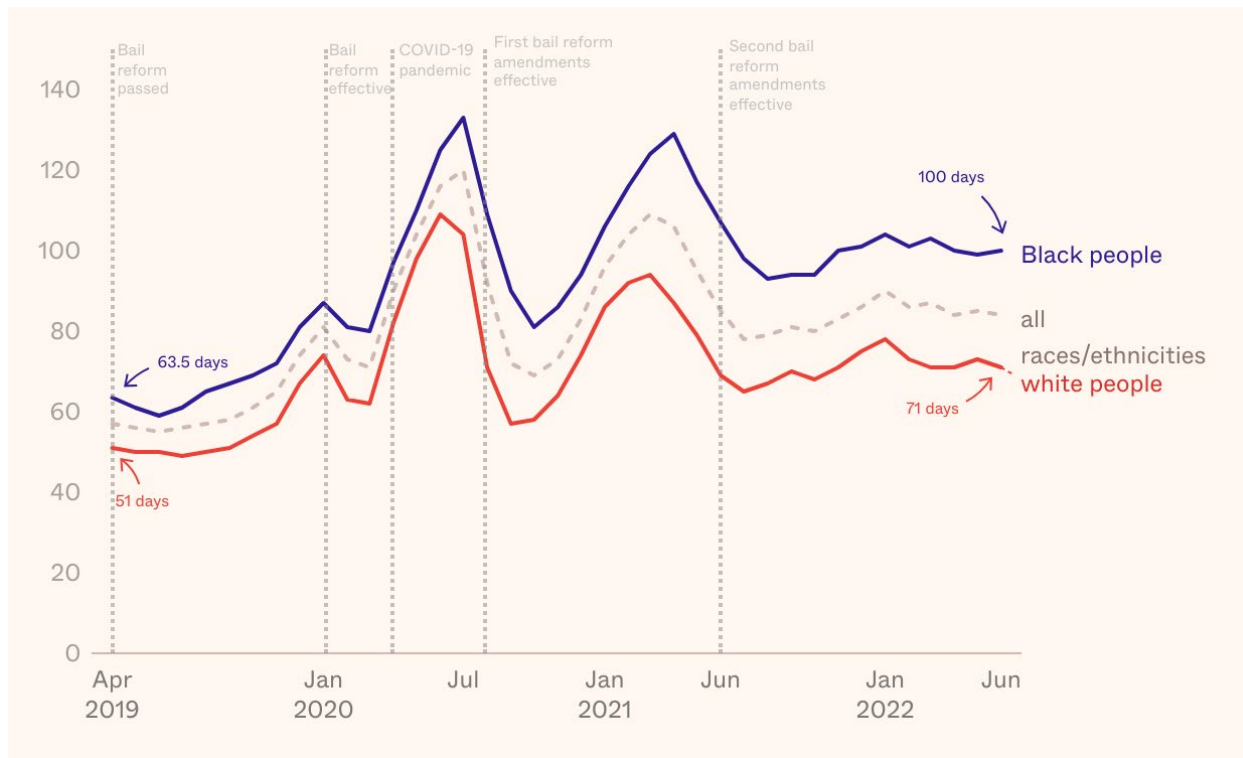
There was a substantial difference in median lengths of stay based on charge severity across non-NYC counties. Between April 2019 and June 2022, median lengths of stay increased for misdemeanors (a 44 percent increase from 36 days to 52 days), nonviolent felonies (a 25 percent increase from 59 days to 74 days), and violent felonies (a 29 percent increase from 97 days to 125 days). While NYC also saw an increase in length of stay for violent felonies the increase in non-NYC counties was five times greater.

5.2 Since bail reform passed, people incarcerated in NYC jails stay longer and the racial disparity in length of stay has worsened. In June 2022, half of those in NYC jails had been incarcerated for more than four months.

The median length of stay in NYC jails has increased since bail reform was passed, but to a lesser extent than in non-NYC counties. The median length of stay peaked at 204 days in July 2020, likely due in part to court closures from COVID-19. By June 2022, the median length of stay had decreased to 148 days—19 days higher than when bail reform was passed in April 2019.

In June 2022, the median length of stay in NYC jails was much higher for Black people (166 days) than white people (119 days). Since April 2019, the median length of stay increased 22 percent for Black people and 31 percent for white people (Figure 7b).

Median length of stay in NYC jail by race, April 2019 to June 2022
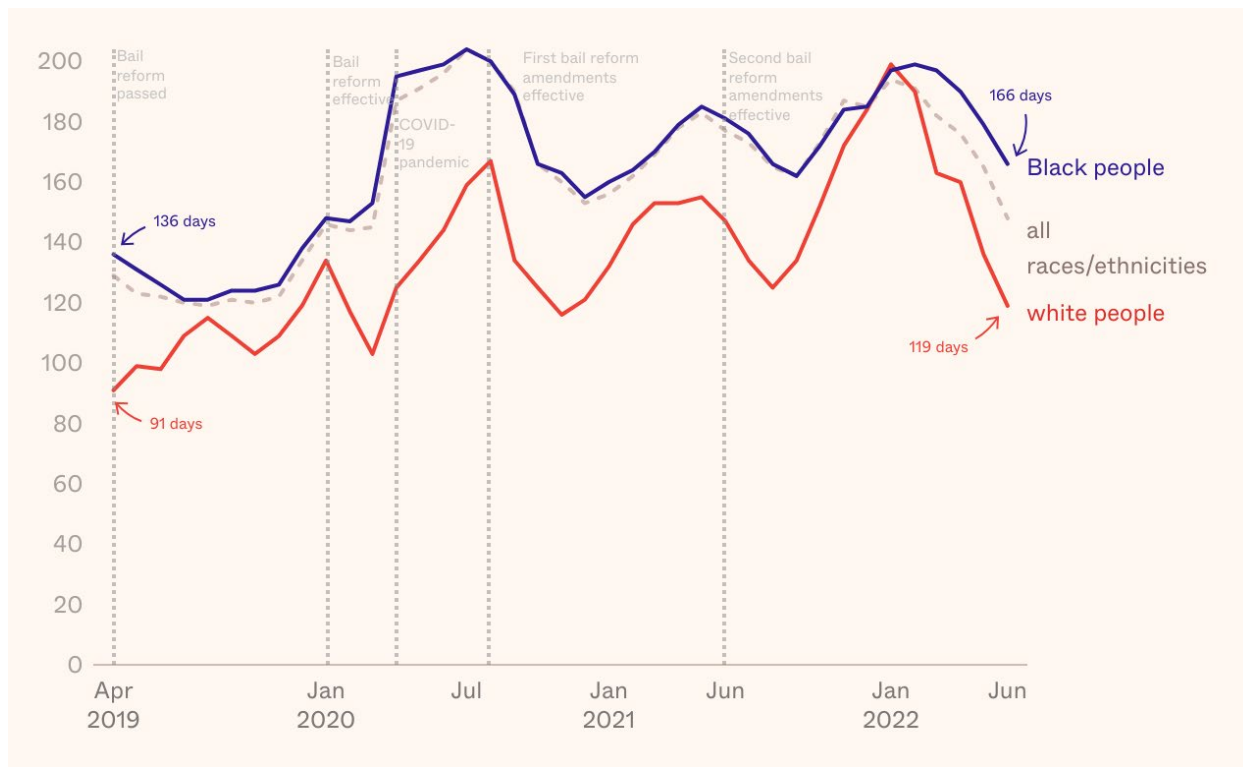
The median length of stay in NYC jails has decreased for misdemeanors and nonviolent felonies since bail reform passed in April 2019 (from 45 days to 40 days for misdemeanors, an 11 percent decrease, and from 96 days to 75 days for nonviolent felonies, a 22 percent decrease). The median length of stay increased for violent felonies (from 188 days to 198 days, a 5 percent increase) during the same period. However, because people charged with violent felonies now make up the majority of the total pretrial population, as described in Section 1.3 on page 8, the median length of stay for the whole population has increased.

6. How did the amount of bail set change for people who are detained on local charges?

Across New York State, people are rarely able to post bail at the time it is set: in 2022, fewer than 10 percent of people who had bail set could post bail at arraignment.[21] This section examines bail amounts for people who were detained after arraignment in non-NYC jails between January 2019 and June 2022 and in NYC jail between the first half of 2019 and the first half of 2022.[22] (Information on bail amounts for people held in NYC jails was not available from individual-level jail data. Instead, Vera used bail information from summary reports issued by the NYC Mayor's Office of Criminal Justice, which present the data in half-year increments).

6.1 People are detained on higher bail amounts since bail reform passed. In 2022, more than two-thirds of people incarcerated in NYC jails were held on bail of more than $10,000.

As discussed in Section 1, the number of people held pretrial has gradually increased since the state pretrial population reached its lowest point in March 2020, following the outbreak of the COVID-19 pandemic. This rise is mainly due to an increase in the number of people held on bail. In non-NYC counties, the number of

people admitted with bail increased 48 percent from the first half of 2020 to the first half of 2022 (from 5,162 people to 7,650 people). NYC showed a similar trend, but the increase was even greater (a 63 percent increase, from 3,096 people to 4,998 people).[23] Further research is needed to examine reasons for the population increase.

The average bail amount set for people held in jail also increased, although non-NYC counties and NYC saw different patterns of increase. In non-NYC jails, median cash bail amounts increased 150 percent between the passing of bail reform in April 2019 and June 2022, a trend that has continued since Vera published the first brief in this series.[24] In NYC jails, median cash bail amounts also continued to increase through June 2022. The increase in the median in NYC was largely due to the increase in the share of people with higher bail amounts. Of the people who were detained on bail, the share who were held on amounts of $10,001 or higher more than doubled from the first half of 2019 (29 percent) to the first half of 2022 (69 percent) (see Figure 8b). In contrast, non-NYC jails experienced a more modest increase (from 20 percent to 34 percent) in the share of people held on bail amounts of $10,001 or higher (see Figure 8a).

The increase in the amount of bail set among those incarcerated in jail can be partially explained by the shift in the charge severity makeup of the population. As addressed in the previous section, both the volume and the share of people held on more serious charges (e.g., violent felonies) increased between 2020 and 2022. Given the culture of judges setting bail amounts that are proportionate to the severity of the charge, the increase in the share of people held on more serious charges partially explains the increase in bail amounts. Also, the increase in bail amounts for those detained pretrial might indicate that judges' bail-setting practices changed post-bail reform: in non-NYC jails, median cash bail amounts for violent felonies doubled from $5,000 to S10,000, while median cash bail amounts increased 33.5 percent (from $750 to $1,001) for misdemeanors and remained unchanged at $5,000 for nonviolent felonies. A report by Data Collaborative for Justice found that judges set higher bail in 2021 than 2020 for all charge severities, but also noted that there was no systemic change in bail amounts in either direction from 2019 to 2020.[25] Further research should explore whether bail reform led judges to set higher bail for those charges for which they still have discretion.

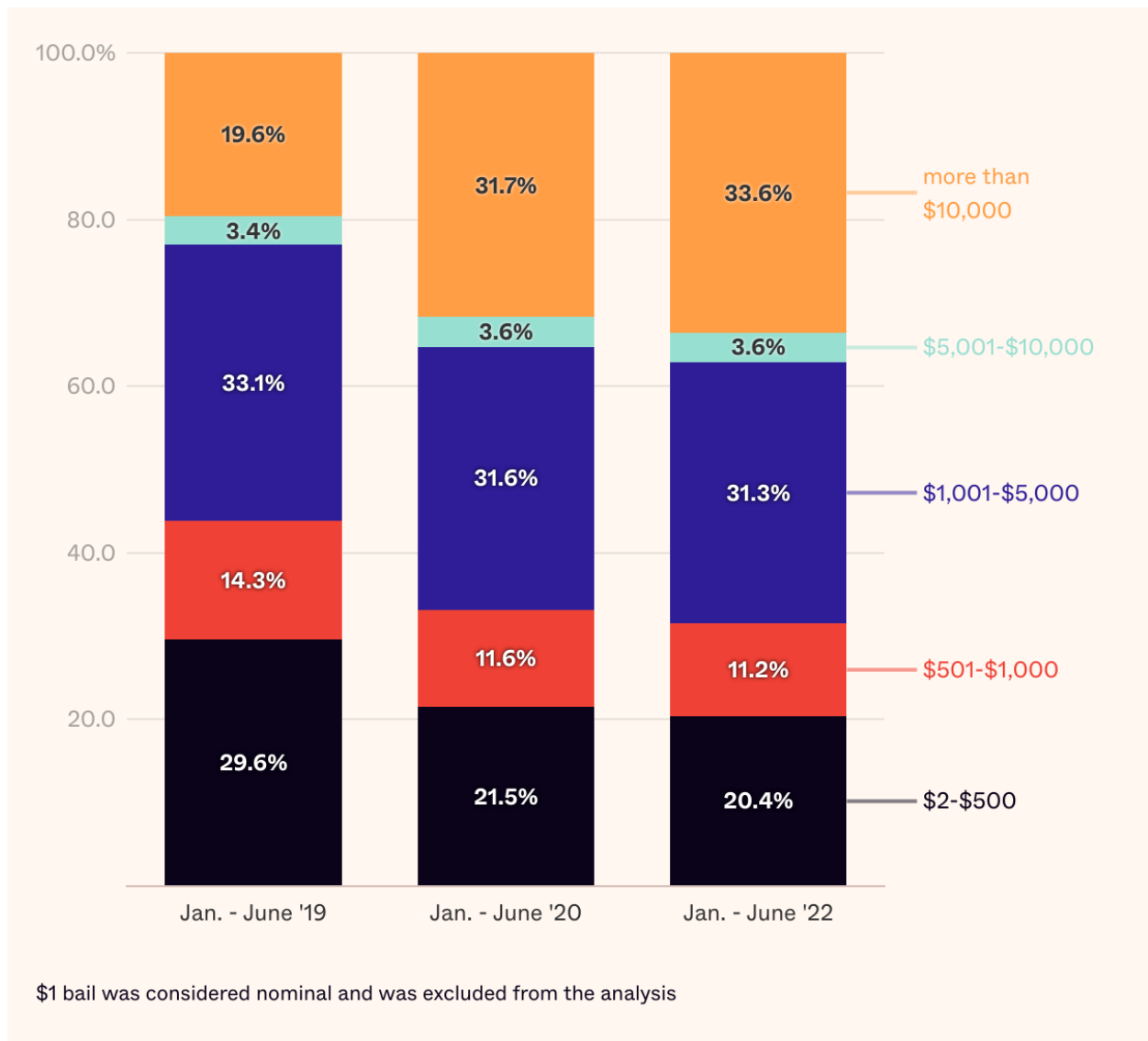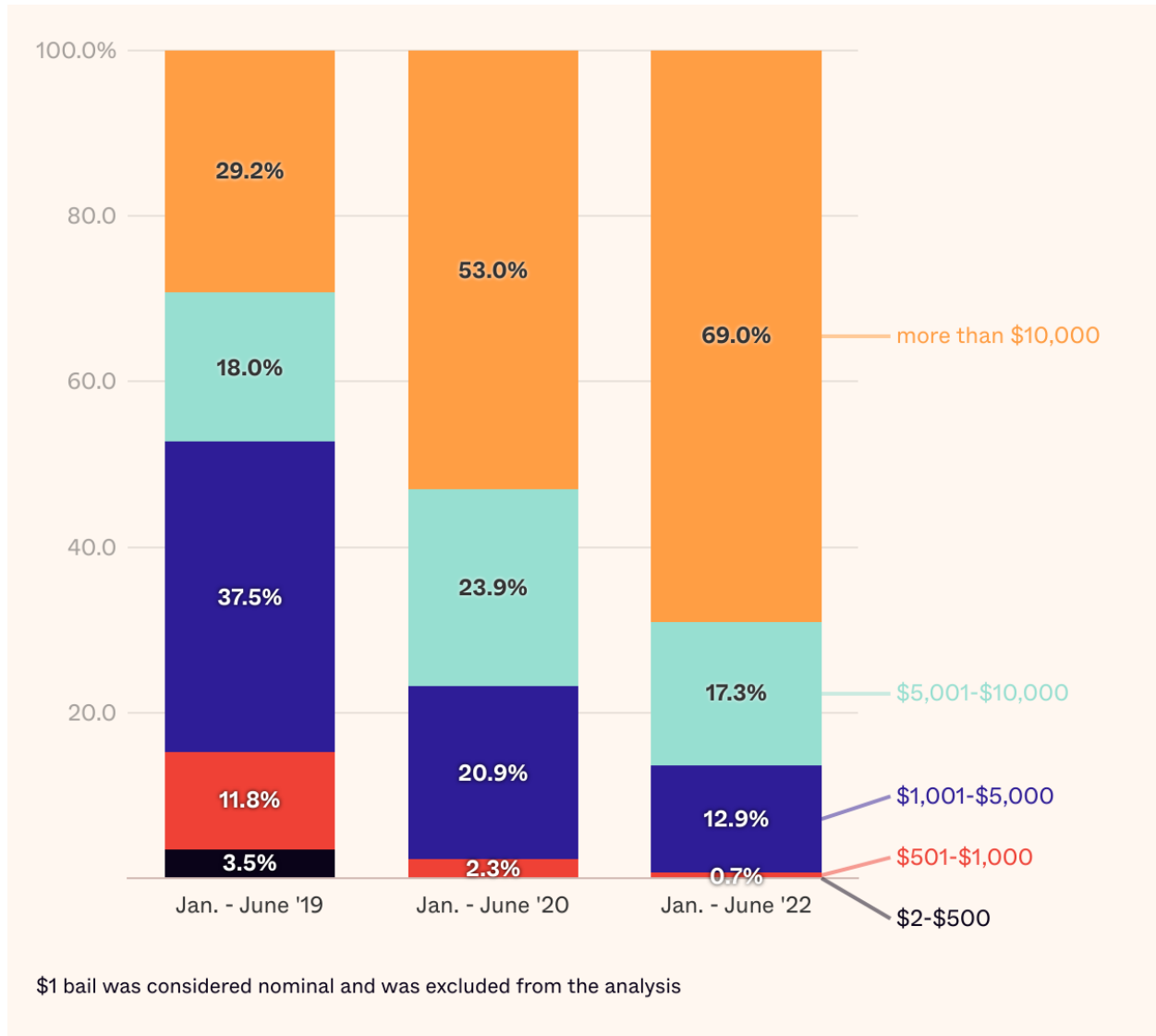**Proportion of bail amounts for people detained in non-NYC jails, January–June in 2019, 2020, 2022**

$1 bail was considered nominal and was excluded from the analysis

Proportion of bail amounts for people detained in NYC jails, January–June in 2019, 2020, 2022

$1 bail was considered nominal and was excluded from the analysis

Conclusion

New York State's 2019 pretrial reform was an attempt to overhaul the cash bail system that had been unchanged for almost four decades.[26] One of the most noteworthy changes was that judges—who previously had unlimited discretion on bail decisions—were no longer allowed to detain people on bail for most misdemeanors and nonviolent felonies. However, the original bail reform laws were not in place long enough to be fully implemented and evaluated for their impact on New York's criminal legal system. The COVID-19 pandemic, an external shock to the system, changed many aspects of criminal legal proceedings: courts switched to conducting virtual arraignment hearings, court proceedings such as grand jury and trials were suspended, and some jails released incarcerated people as an emergency procedure to reduce the spread of the virus within the facility.[27] Furthermore, the legislature has made a series of amendments to the laws since 2020,

brought about by coordinated fearmongering and misinformation campaigns that preceded and followed the 2019 bail reform law.[28]

While it is challenging to isolate the effects of bail reform and the COVID-19 pandemic on jail populations, a short-term observation window between April 2019 and March 2020 shows immediate changes to bail-setting practices and jail populations before the state shut down due to the pandemic.

Vera acknowledges that the influence of the COVID-19 pandemic might have started at some point during March 2020 but included the whole month of March as part of the "pre-pandemic" analysis for the following reasons. First, responses to COVID-19 varied by locality: although policy changes to jail admissions and releases were in place by late March in New York City, jail decarceration efforts in the rest of the state have not been clearly documented and may have differed. Second, although New York State courts were shut down on March 16, 2020, for nonessential matters, arraignments continued through video conference. Still, it is possible that law enforcement officers' behavior might have changed with the state lockdown on March 16, 2020.

The bail-setting rates for felonies decreased more than 50 percent in both non-NYC counties and NYC between the first quarters of 2019 and 2020.[29] Because pretrial detention is the main driver of jail incarceration in New York State, the overall jail population also decreased as judges started abiding by the laws and setting bail on fewer cases. The statewide jail population decreased more than 32 percent, from 20,678 to 14,013, between April 2019 and March 2020.[30] The decrease in the jail population was most pronounced in the several months leading up to January 2020, indicating that counties started implementing the new law before it went effect.

The long-term trends in bail-setting rates and jail population suggest that there have been prolonged effects of bail reform. Annual bail-setting rates in non-NYC counties remained 50 percent lower in 2022 compared to 2019, while NYC reported a more than 20 percent decrease in bail-setting rates.[31] The current report found that the pretrial population also decreased almost 20 percent in non-NYC jails and 17 percent in NYC jails from April 2019 to June 2022.

Vera's jail brief series is a living documentation of how New York's jail population changed over time as New York implemented bail reform and as the state was recovering from the pandemic. The data collected from 58 county sheriff's departments provides a unique opportunity to explore incarceration trends in many different aspects—including charge severity, racial disparity, length of stay, and bail amounts—that are not accessible from publicly available data. This report found that the jail population remained stable beginning in June 2021, the last month covered in the previous brief, but was 8.5 percent higher than in March 2020, the month when the pretrial detention population was the lowest over a three-year period.[32] It is crucial to continue tracking up-to-date incarceration trends along with trends in enforcement and other criminal-legal processing markers, such as bail setting. Sustained long-term reduction of the jail population can open discussions about whether and how to reallocate state and county budgets for jails to other sectors—such as education, housing, and health care—to keep communities safe. Also, the NYC jail population trends can inform conversations about how to further reduce the Rikers population to keep the city's original plan for closing Rikers and creating smaller, borough-based jails.

Further research on how other parts of the criminal legal system have changed after bail reform is necessary for a holistic evaluation of New York's bail reform and to explore avenues for other reforms. How courtroom actors interpreted the bail reform laws and incorporated them into their practices is one of the areas that merit further research. Also, empirical evidence on the relationship between bail reform and public safety is imperative before discussing any additional amendments to the bail reform law. Recent publications found that bail reform did not increase crime.[33] Other states such as California and Illinois recently passed different versions of pretrial

reform.[34] Research that compares the decarcerative impacts of different types of pretrial reform would be beneficial to other states that are considering pretrial reform.

New York bail reform achieved its goal of reducing pretrial detention, which is a crucial step toward a more just and equitable criminal legal system. Moving forward, it is vital to ensure that these gains are equally experienced by all New Yorkers. Persistent racial disparities in jail incarceration and differential impact of bail reform on Black New Yorkers revealed in this report suggest that reducing racial disparities should be a key goal of criminal legal reform. Data-driven policy discussions will be essential to sustain the gains of bail reform and explore ways to further improve the pretrial system.

Appendix A: Methodology

Data collection

Vera researchers collected data from multiple sources.

Overall statewide jail population: Vera researchers analyzed monthly jail population data published by the New York Division of Criminal Justice Services (DCJS) between January 2019 and June 2022.[35]

Demographic and charge analysis of people in jail: Researchers analyzed 55 county-level jail admission and release datasets obtained from (1) Freedom of Information Law requests (48 for non–New York City [NYC] counties and one for the five counties of New York City); and (2) data-sharing agreements with sheriff's departments (two counties). Seven counties (Hamilton, Genesee, Nassau, Ontario, Putnam, Rockland, and Ulster) were excluded from the demographic and charge analysis because they did not provide complete data or because there was a large discrepancy between the monthly jail population estimated from the data and the monthly jail population reported by DCJS. The counties for New York City's five boroughs (Bronx County, Kings County, New York County, Queens County, and Richmond County) were considered one geographical area for the purpose of analysis. (See Appendix B for the complete list of counties by data availability.)

Incarceration and admission rates: Researchers used yearly county-level estimates of the 16- to 64-year-old population from the Centers for Disease Control and Prevention's bridged race population estimates to calculate incarceration and admission rates.[36] Vera used 2020 population data—the most recent population data available at the time of analysis—in lieu of 2022 population estimates. All rates are calculated per 100,000 residents.

Data standardization

Researchers reconciled disparate county-level datasets that had incompatible variables into one file with the following standardized variables.

Admission status: Vera researchers standardized admission status into six groups: pretrial, sentenced, parole, federal, probation, and unknown. Researchers defined New York City pretrial admissions as entries with a "DE" status code on the first date they appeared in daily custody files published on NYC Open Data. Similarly, they considered entries with a "CS" status code to be sentenced admissions. The researchers identified non–New York City pretrial and sentenced admissions using admission status and bail variables for each county. Vera counted people admitted on a parole violation with a new arrest or on a probation violation as people admitted pretrial. The researchers assumed that people awaiting transfer to state prison had been admitted pretrial.

For 18 counties with a centralized arraignment part (CAP), researchers could identify and remove CAP arraignments recorded as jail admissions. However, for three counties with a CAP (Onondaga, Orleans, and Yates), researchers could not identify and remove CAP admissions.

The research team identified federal and parole admissions using admission status variables as well as long-form charge descriptions and county-specific variables, such as "parole violator" flags. The researchers removed admission entries for people "housed in" from other counties to

avoid double counting admissions, except for counties in which keeping the housed-in populations minimized the discrepancy between each county's monthly jail population as calculated from the sample data (excluding same-day admission-releases) and the monthly jail population reported by DCJS. The researchers counted admissions in their originating county, not the county where people were held. For example, people whose cases were under the jurisdiction of Greene County but who were boarded in Albany County during the construction of Greene County Jail were counted in the Greene County Jail population.

Admission and release date: The research team assumed that the release date for each person in custody in New York City was the day after they stopped appearing in daily custody files published on NYC Open Data. For all other county datasets, release date data was available. Researchers considered people who had admission entries with no release date recorded to be in custody as of June 30, 2022, the last date of the sample period. They removed admission entries with no release date recorded and an inordinately long length of stay on June 30, 2020 (90th to 100th percentile, varied by county) to minimize the discrepancy between each county's monthly jail population as calculated from the sample data (excluding same-day admission-releases) and the monthly jail population reported by DCJS. In this report, researchers combined two groups—people admitted pretrial and people serving a sentence of less than one year—and refer to the combined group as "people admitted on local charges."

Race and ethnicity: Researchers categorized race and ethnicity into five groups: Black people (including Latinx Black people), non-Black Latinx people, non-Latinx white people, people of another race, and people of unknown race. Vera's analysis focuses on comparisons between the Black and non-Latinx white groups. Forty-three counties provided both race and ethnicity information, and seven provided only race information (including two that recorded Latinx as a race). For those seven counties, all "white" admissions were assumed to be non-Latinx white admissions.

Length of stay: Vera determined monthly median lengths of stay by calculating the length of stay of each person in custody on each day of a given month and then calculating the median of those values.

Top charge: When a pretrial admission included more than one charge, researchers selected the most serious charge as the top charge. Charge severity was based on the Division of Criminal Justice Services Charge Code Manual.[37] Only penal law (PL) and vehicle and traffic law charges were considered; the researchers categorized all other charges as unknown. Only PL charges were recorded in NYC Open Data, resulting in a higher percentage of unknown charges than outside New York City.

Bail eligibility: Vera researchers determined charge bail eligibility from the January 2020 and July 2020 lists of reform qualifying offenses in CPL § 510.10.[38] They determined bail eligibility for a given admission based on all charges associated with that admission. The researchers ignored charge subsections across the sample for the sake of consistency. As a result, all burglary in the second degree (PL § 140.25), robbery in the second degree (PL § 160.10), and criminal contempt in the second degree (PL § 215.50) charges were considered bail eligible regardless of subsection. In addition, none of the counties provided a "domestic violence" flag, which was another criterion for cases to be bail eligible. The researchers considered criminal contempt in the first degree (PL § 215.51) and aggravated criminal contempt (PL § 215.52) charges (which are often associated with

domestic violence charges) to be bail eligible regardless of whether they were associated with a domestic violence charge.

Analytic time frames

The analyses in this research brief explore both short-term and long-term trends. However, variations in data availability and the sensitivity of different outcome measures made it necessary to employ different time frames and units of analysis (months versus quarters). Appendix figure 1 summarizes the measures and time frames used in each section.

Appendix figure 1.

Summary of outcome measures and time frames

	Key outcome measure	Time frame
Section 1	Average daily population by month by custody status	April 2019–June 2022 June 2021–June 2022
Section 2	Average monthly admissions by quarter Average monthly admission rates by quarter	Q1 2021–Q2 2022 Q2 2019–Q2 2022
Section 3	Average daily incarceration (population) rate by quarter by race	Q1 2021–Q2 2022 Q2 2019–Q2 2022
Section 4	Average daily incarceration (population) rate by quarter by region	Q1 2021–Q2 2022 Q2 2019–Q2 2022
Section 5	Monthly median length of jail stay	April 2019–June 2022
Section 6	Median cash bail amounts held by six months	January–June in 2019, 2020, and 2022

Appendix B: List of counties by data availability

County	Average daily population (June 2022)	Included in demographic and charge analysis	Race and ethnicity	Rural-urban classification	Region
Albany	422	Yes	Complete	Small	Capital
Allegany	53	Yes	Complete	Rural	Western
Broome	331	Yes	Complete	Small	Southern Tier
Cattaraugus	99	Yes	Complete	Rural	Western
Cayuga	114	Yes	Complete	Rural	Central
Chautauqua	161	Yes	Complete	Rural	Western
Chemung	118	Yes	Complete	Small	Southern Tier
Chenango	102	Yes	Complete	Rural	Southern Tier
Clinton	142	Yes	Complete	Rural	North Country
Columbia	32	Yes	Complete	Rural	Capital
Cortland	51	Yes	Complete	Rural	Central
Delaware	42	Yes	Complete	Rural	Southern Tier
Dutchess	188	Yes	Complete	Suburban	Hudson Valley
Erie	699	Yes	Complete	Urban	Western
Essex	64	Yes	Complete	Rural	North Country
Franklin	63	Yes	Complete	Rural	North Country
Fulton	77	Yes	Complete	Rural	Mohawk Valley
Genesee	68	No	N/A	Rural	Finger Lakes
Greene	39	Yes	Complete	Rural	Capital
Hamilton	1	No	N/A	Rural	North Country
Herkimer	37	Yes	Complete	Small	Mohawk Valley

Jefferson	142	No	Complete	Small	North Country
Lewis	33	Yes	Complete	Rural	North Country
Livingston	113	Yes	Complete	Suburban	Finger Lakes
Madison	65	Yes	Complete	Small	Central
Monroe	756	Yes	Complete	Urban	Finger Lakes
Montgomery	75	Yes	Complete	Rural	Mohawk Valley
Nassau	744	No	N/A	Suburban	Long Island
New York City[39]	5,475	Yes	No ethnicity	Urban	New York City
Niagara	372	Yes	Complete	Urban	Western
Oneida	278	Yes	Complete	Small	Mohawk Valley
Onondaga	503	No	No ethnicity	Small	Central
Ontario	89	Yes	Complete	Suburban	Finger Lakes
Orange	371	Yes	Complete	Suburban	Hudson Valley
Orleans	47	Yes	Complete	Suburban	Finger Lakes
Oswego	143	Yes	Complete	Small	Central
Otsego	28	Yes	Complete	Rural	Mohawk Valley
Putnam	51	Yes	Complete	Suburban	Hudson Valley
Rensselaer	161	Yes	Complete	Small	Capital
Rockland	85	No	N/A	Suburban	Hudson Valley
Saratoga	136	Yes	Complete	Small	Capital
Schenectady	148	Yes	Complete	Small	Capital

Acknowledgments

Credits

An electronic version of this report is posted on Vera's website at vera.org/publications/the-impact-of-new-york-bail-reform-on-statewide-jail-populations.

The Vera Institute of Justice is powered by hundreds of advocates, researchers, and policy experts working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit vera.org.

For more information about this report, contact Jaeok Kim, associate director for research in Vera's Greater Justice New York initiative, at jkim@vera.org.

Endnotes

[1] New York State Division of Criminal Justice Services (DCJS), *Monthly Jail Population Trends* (Albany, NY: DCJS, 2024), https://perma.cc/49EN-VKF9.

[2] Jaeok Kim and Christopher Gernon, *New York State Jail Population Brief, January 2019–June 2021* (New York: Vera Institute of Justice, 2023), 6, https://www.vera.org/downloads/publications/New-York-State-Jail-Population-Brief-3-January-2023_2023-06-08-163001_nkfh.pdf.

[3] Jaeok Kim, Quinn Hood, and Elliot Connors, *New York State Jail Population Brief, January 2019–December 2020* (New York: Vera Institute of Justice, 2022), 22, https://www.vera.org/downloads/publications/new-york-state-jail-population-brief-2019-2020.pdf; Kim and Gernon, *New York State Jail Population Brief*, 2023, 18.

[4] Counties started implementing bail reform laws before they were mandated. See, Kim, Hood, and Connors, *New York State Jail Population Brief*, 2022, 22. The small overall increase in jail population since bail reform's implementation is the result of large increases in the pretrial (+29 percent), state ready (+115 percent), and federal (+30 percent) populations, combined with large decreases in locally sentenced populations—that is, people serving sentences less than one year in the local jail, which decreased by 34 percent—and decreases in the technical parole violator populations (-87 percent).

[5] Office of the New York Governor, "Governor Cuomo Signs the 'New York State on PAUSE' Executive Order," press release (Albany, NY: Office of the New York Governor, March 20, 2020), https://perma.cc/WQ3X-HNEV.

[6] DCJS, *Supplemental Pretrial Release Summary Tables 2019–2022* (Albany, NY: DCJS, 2023), Table 1, page 9, https://perma.cc/7CS8-UZGG.

[7] Michael Rempel and Krystal Rodriguez, *Bail Reform Revisited: The Impact of New York's Amended Bail Law on Pretrial Detention* (New York: Center for Court Innovation, 2020), 18, https://perma.cc/AQ48-LBY7.

[8] Kim and Gernon, *New York State Jail Population Brief,* 2023, 11.

[9] Ibid.

[10] On September 17, 2021, Governor Kathy Hochul signed the Less Is More: Community Supervision Revocation Reform Act into law. Under the new law, which went into effect on March 1, 2022, people doing well on parole are rewarded with time reduced from their terms of supervision. For more information, see Emily NaPier Singletary and gabriel sayegh, *New York's Less Is More Act: A Status Report on Implementation* (Syracuse, NY: #LessIsMoreNY Campaign, 2022), https://perma.cc/9ZCG-KKCA.

[11] Chief Judge Anthony Cannataro, *State of Our Judiciary* (Albany, NY: New York Unified Court System, 2023), 2, https://perma.cc/4947-JDPN.

[12] Jillian Forstadt, "NY Resumes State Prison Transfers, Relocating People Stuck in Local Jails for Months," WBFO NPR, April 2, 2021, https://perma.cc/9VHL-Q35N.

[13] Jaeok Kim, Quinn Hood, and Elliot Connors, *The Impact of New York Bail Reform on Statewide Jail Populations: A First Look: New York State Jail Population Brief, January 2018–June 2020* (New York: Vera Institute of Justice, 2021), 21, https://www.vera.org/downloads/publications/the-impact-of-new-york-bail-reform-on-statewide-jail-populations.pdf; Kim, Hood,

and Connors, *New York State Jail Population Brief, January 2019–December 2020,* 2022, 7; Kim and Gernon, *New York State Jail Population Brief, January 2019–June 2021,* 2023, 13.

[14] Kim and Gernon, *New York State Jail Population Brief, January 2019–June 2021,* 2023.

[15] The majority of NYC jail admissions in 2019 were for people being held pretrial. See Luke Scrivener, Shannon Tomascak, Erica Bond, and Preeti Chauhan*, New York City Jail Population in 2019* (New York: John Jay College of Criminal Justice, Data Collaborative for Justice, 2021), 11, 24, https://perma.cc/8X26-5CWL.

[16] Siena College Research Institute, "61% Worry about Being Crime Victim; Half Worry about Their Safety in Public Places," July 12, 2023, https://perma.cc/3BCT-LXYD.

[17] Kim, Hood, and Connors, *The Impact of New York Bail Reform on Statewide Jail Populations* Institute of Justice, 2021, 21; Kim, Hood, and Connors, *New York State Jail Population Brief, January 2019–December 2020,* 2022, 7; Kim and Gernon, *New York State Jail Population Brief, January 2019–June 2021,* 2023, 13.

[18] Researchers categorized New York counties using the same methodology as Vera's Incarceration Trends project. The researchers collapsed six categories of urban-rural classification defined by the National Center for Health Statistics (NCHS) into four: three "urban" counties with 1 million or more people that contain at least 250,000 inhabitants of any principal city; 13 "suburban" counties that include 1 million or more people but do not qualify as urban counties; 18 "small/midtown" counties that have a metropolitan statistical area population of less than 250,000; and 24 "rural" counties that do not include metropolitan areas. For more information on the methodology of Vera's Incarceration Trends project, see Vera Institute of Justice, "Incarceration Trends: About," archived October 19, 2022, https://perma.cc/NM7Y-ZZDP. For more information on the NCHS county codes, see Centers for Disease Control and Prevention, "2013 NCHS Urban-Rural Classification Scheme for Counties," Vital and Health Statistics series 2, no. 166 (2014), https://perma.cc/5JGR-A444.

[19] Empire State Development, 'Regions," accessed October 7, 2022, https://esd.ny.gov/regions.

[20] Vera calculated lengths of stay for every person booked and released by subtracting admission date from release date.

[21] DCJS, *Supplemental Pretrial Release Summary Tables 2019–2022,* 2023, Table 6 on pages 24–25.

[22] Accurate bail information for New York City was only available in semiannual increments vis-à-vis Local Law 86, passed in 2015, which required data reporting on people detained in NYC jails. For more information on the law, see Office of the City Clerk, *Local Laws of the City of New York for the Year 2015* (New York: City of New York, 2015), https://perma.cc/P7KB-KWFW. For reports, see Mayor's Office of Criminal Justice (MOCJ), Data Reports, https://criminaljustice.cityofnewyork.us/data_reports/. Vera researchers obtained bail data for quarter two of 2019—which was missing from the MOCJ data reports resource—by contacting MOCJ directly.

[23] Vera considered people with $1 bail and with a status of "amount pending" to not have bail set.

[24] Kim, Hood, and Connors, *The Impact of New York Bail Reform on Statewide Jail Populations*, 2021, 23.

[25] Olive Lu and Michael Rempel, *Two Years In: 2020 Bail Reforms in Action in New York State* (New York: Data Collaborative for Justice, 2022), 16, https://datacollaborativeforjustice.org/wp-content/uploads/2022/12/2022_12_01-bail-report-summary.pdf.

[26] Insha Rahman, *New York, New York: Highlights of the 2019 Bail Reform Law* (New York: Vera Institute of Justice, 2019), https://www.vera.org/publications/new-york-new-york-2019-bail-reform-law-highlights.

[27] Hon. Lawrence K. Marks, "Virtual Court Operations to Commence in NYC Mid-week," press release (New York: New York Unified Court System, March 22, 2020), https://perma.cc/98SD-DVCY; Memorandum from Chief Administrative Judge Lawrence K. Marks, Unified Court System to Unified Court System, re: "Administrative Order of the Chief Administrative Judge of the Courts," https://perma.cc/J59K-EK7V; Kathy Reakes, "COVID-19: 65 Prisoners Released from Westchester County Jail," *Lewisboro Daily Voice*, April 14, 2020, https://perma.cc/2K98-PNJ9/; and Sarah Taddeo, "NY to Release Up to 1,100 Low-Level Parole Violators from Jails to Stop Coronavirus Spread," *Democrat and Chronicle*, March 28, 2020, https://perma.cc/Q8AUDBMG.

[28] Laura Bennett and Jamil Hamilton, *Freedom, Then the Press: New York Media and Bail Reform,* (New York: fwd.us, 2021), 5, https://perma.cc/LMX8-YLN3.

[29] Olive Lu, Erica Bond, Preeti Chauhan, and Michael Rempel, *Bail Reform in Action: Pretrial Release Outcomes in New York State, 2019–2020* (New York: Data Collaborative for Justice, 2022), 11, https://perma.cc/2TST-TS48.

[30] Kim, Hood, and Connors, *The Impact of New York Bail Reform on Statewide Jail Populations*, 2021, Figure 4 on page 5.

[31] DCJS, *Supplemental Pretrial Release Summary Tables 2019–2022,* 2023, Table 3 and Table 4 on pages 15–16.

[32] Kim and Gernon, *New York State Jail Population Brief, January 2019–June 2021,* 2023), 2.

[33] Sishi Wu and David McDowall, "Does Bail Reform Increase Crime in New York State: Evidence from Interrupted Time-Series Analyses and Synthetic Control Methods," *Justice Quarterly* (2023), 1–22, 1, https://www.tandfonline.com/doi/full/10.1080/07418825.2023.2209145?needAccess=true.

[34] Jamiles Lartey, "Should Money Decide Who Is Kept in Jail? More Locations Are Saying No," The Marshall Project, September 30, 2023, https://perma.cc/4RGD-9Y99.

[35] DCJS, "Monthly Jail Population Trends," on file with the authors.

[36] Centers for Disease Control and Prevention, "U.S. Census Populations with Bridged Race Categories" database, https://www.cdc.gov/nchs/nvss/bridged_race.htm.

[37] DCJS, *Division of Criminal Justice Services Charge Code Manual*, September 2023, https://www.criminaljustice.ny.gov/crimnet/ccman/ccman.htm.

[38] New York Consolidated Laws, Criminal Procedure Law - CPL § 510.10 Securing order, when required, https://codes.findlaw.com/ny/criminal-procedure-law/cpl-sect-510-10/.

[39] A single entity collects data for all five New York City counties as a whole and does not provide individual county-level information.