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New York State Jail Population Brief, January 2019– December 2020

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Executive Summary

In January 2019, more than two-thirds of the nearly 22,000 people incarcerated in New York jails were there because they could not afford bail. A growing movement to end wealth-based detention in New York pushed the state legislature to act. Instead of eliminating money bail as a whole, the 2019 bail reform legislation eliminated the possibility of pretrial detention for many misdemeanors and nonviolent felonies. To ensure bail is affordable when it is used, the legislation also added a requirement that judges consider a person's ability to pay. The reform's decarceral effect was immediate and large: Three months after the bail reform law took effect, the statewide daily jail population was 30 percent lower than it had been when the law was passed, pushing the population below 15,000 in March 2020 for the first time since 1982.¹ But the original bail reform law was short-lived. In response to pressure from the law enforcement community and tough-on-crime advocates, the state legislature amended parts of the original reform within a few months of its effective date, expanding the circumstances in which bail can be set. At the same time, a global pandemic hit New York, prompting government leaders to respond to the dangers of pretrial detention during a public health crisis.

This report is the second in the Vera Institute of Justice's (Vera's) jail population brief series. It continues the analysis of statewide jail incarceration throughout 2020, including after bail reform amendments and the COVID-19 pandemic began. Although it seemed clear that bail reform and the pandemic both contributed to the decline in the jail population, the effect of each individually, and whether these effects were short-term or if they permanently changed the state of incarceration in New York, remained unclear. Vera's report provides an in-depth analysis of recent incarceration trends in 2019 and 2020 with a charge-specific focus and explores the possible effects of the bail reform amendments and the pandemic. In particular, it sheds light on counties outside of New York City, which hold two-thirds of the statewide jail population. This report explores the effects of the bail reform law, pandemic, and amendments to bail reform by investigating jail population trends immediately following each event. The findings of the report are as follows:

- (1) As found in the previous report, the statewide jail population decreased more than 20 percent in the three months leading up to January 2020 as counties started to implement bail reform. This decrease was driven mainly by reductions in the pretrial population—specifically, fewer people were held for misdemeanors and nonviolent felonies, which became newly ineligible for bail under the bail reform law.
- (2) The likelihood of detention after arrest, either pretrial or serving a local sentence, decreased more than 25 percent after the start of the pandemic in both New York City and the rest of the state, suggesting a change in judicial pretrial practices in light of the pandemic.
- (3) The statewide jail population returned to its pre-pandemic level in the second half of 2020, but the bail reform amendments had a limited role in the increase. People charged with violent felonies (felonies that were bail eligible both before and after bail reform

amendments) represented more than 50 percent of the overall jail population increase in the second half of 2020.²

- (4) The overall number of Black (including Latinx Black) and non-Latinx white people in jail decreased after bail reform, but New York State continued to jail Black people at a rate five to six times higher than non-Latinx white people at the end of 2020.
- (5) Throughout the study period, a person's likelihood of jail admission was much higher in counties outside of New York City. This suggests that judges outside of New York City were more likely to set money bail and remand rather than releasing people on nonmonetary conditions than judges in New York City.

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Introduction

In July 2020, the number of people in jails across New York State hit a two-decade low. That month, a daily average of 11,000 people were incarcerated in local jails across New York, which was about one-third of the jail population in 1997, the earliest year with reliable data.³ This decline was due to the combined effects of bail reform—an intentional decarceration policy effort—and the COVID-19 pandemic.

Despite the large reduction in the jail population after bail reform, decarceration remains an urgent need in New York. In 2021 alone, 16 incarcerated people died—some by suicide—at Rikers Island and other New York City jails.⁴ And in Erie County jail facilities, one of the largest jail systems outside New York City, more than 30 people have died in the last 15 years. On average, one person dies in Erie County jails every six months.⁵ Though particularly egregious at Rikers, the factors contributing to these incarcerated people’s deaths—denial of access to care and basic needs, separation from family and community supports, and unaffordable bail—are far from uncommon. New York’s bail reform law is one mechanism to reduce the number of people subjected to these harms of jail.

The initial bail reform legislation was passed in April 2019 and went into effect in January 2020. The main aspects of the law mandated (1) appearance tickets instead of arrests for many misdemeanors and Class E felony charges; (2) release with nonmonetary conditions for most misdemeanors and nonviolent felonies; and (3) consideration of a person’s ability to pay when setting bail and offering bail payment in at least three forms, one of which must be a partially secured or unsecured bond. In April 2020, barely three months after bail reform went into effect, and during the COVID-19 emergency across the state, the legislature amended certain elements of the initial law.

The amendments went into effect on July 2, 2020. They (1) reclassified some charges that were previously mandated for release without monetary conditions, expanding the number of possible cases eligible for bail; and (2) added categories of cases that were eligible for bail, including a felony or Class A misdemeanor in which “harm to an identifiable person or property” occurred after the person was previously released for another charge in which “harm to an identifiable person or property” occurred.⁶ These amendments to the initial law were passed after a coordinated effort by law enforcement officers and other opponents of bail reform across the state.⁷

In February 2021, Vera released its first research brief examining the early effects these major events had on statewide jail incarceration from January 2018 to June 2020.⁸ The report found that the number of people detained pretrial decreased by 40 percent from January 2019 to January 2020. Then, after the onset of the COVID-19 pandemic, the jail population decreased by another 20 percent between March 2020 and June 2020. Although contributions of both bail reform and the pandemic were evident in declining jail populations, the individual effects of each—and the extent of those effects—remained unclear.

This research brief examines the continuing effects of bail reform and the pandemic through the end of 2020. The jail population rose consistently from July 2020, and in December 2020,

about 13,600 people were incarcerated in local jails across New York, similar to the incarceration count immediately before the pandemic (14,000 in March 2020). This brief explores the main drivers of that increase in incarceration, including jail admissions and population by custody type, charge severity, and region. To compare across periods of different lengths, the numbers shown for each period represent the monthly average. To explore the possible influence of various events on jail incarceration, Vera researchers divided the data into five different time periods:

- (1) all of 2019—before bail reform went into effect;
- (2) January 1, 2020 to March 16, 2020—the portion of 2020 after bail reform took effect and before the COVID-19 pandemic shut down New York;⁹
- (3) March 17, 2020 to July 1, 2020—when the court systems were largely shut down but before the bail reform amendments went into effect;
- (4) July 2, 2020 to September 30, 2020—the first three months of amendment implementation; and
- (5) October 1, 2020 to December 31, 2020—the final three months of 2020.¹⁰

The brief also examines whether longstanding racial disparities in incarceration changed throughout these time periods.¹¹

The obtained data includes jail admissions and releases from all but eight counties in New York, which covers 90.9 percent of the statewide jail population. See Appendix A for details about the sampling strategy and the data collection and cleaning process.

The brief consists of five sections:

Section 1 compares statewide incarceration trends from April 2019 to December 2020 broken down by sex, race/ethnicity, custody type, and charge severity.

Section 2 examines both pre-pandemic incarceration trends and incarceration trends before the implementation of the bail reform amendments—January 1, 2020 to March 16, 2020—to explore the immediate effects of the initial bail reform legislation on jail incarceration.

Section 3 examines incarceration trends from March 17, 2020 to July 1, 2020 to explore the early effects of the pandemic before the amendments to bail reform went into effect.

Section 4 examines the increase in incarcerated populations from July 2, 2020 to December 31, 2020 and explores the amendments of bail reform as a possible explanation.

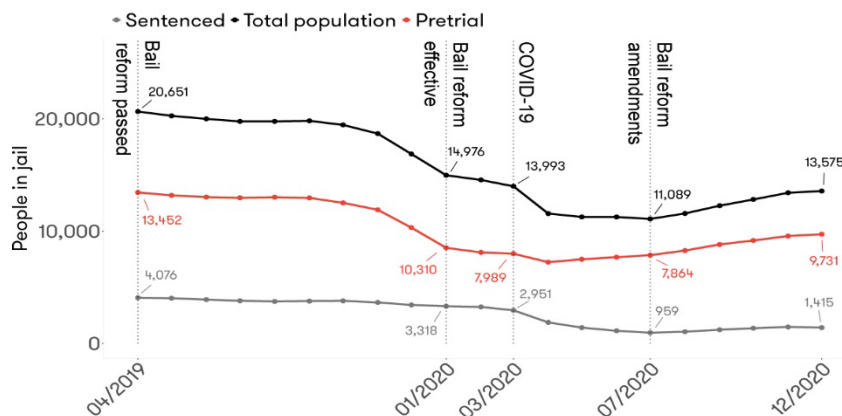
Section 5 examines changes in racial disparities from 2019 to 2020.

Section 1: What happened to jail incarceration nearly two years after bail reform was passed?

In December 2020, 20 months after the historic passage of bail reform, New York's statewide jail population had declined by 34.3 percent (see Figure 1). On any given day in December 2020, about 13,600 people were incarcerated in jails across the state on federal holds, parole or probation holds, awaiting transfers to prison, serving local sentences, or in pretrial detention. Two-thirds were held in local jails outside of New York City. The major drop in the jail population was driven by decreases in the pretrial and locally sentenced populations. The pretrial population decreased more than 25 percent, from 13,452 in April 2019 to 9,731 in December 2020, and the locally sentenced population decreased more than 65 percent, from 4,076 to 1,415, during the same time period. All but nine counties saw reductions in their pretrial jail populations; 33 saw a reduction of more than 25 percent.¹²

Figure 1

Average daily population and pretrial population, April 2019–December 2020



Source: NYS Division of Criminal Justice Services Monthly Jail Report. Data for 62 of 62 counties included.

In December 2020, New York incarcerated far fewer people for misdemeanors and nonviolent felonies than at any other point in Vera's data, which dates back to 2015.¹³ Due to data limitations, the researchers combined the number of people admitted pretrial with the number of people serving a local sentence and refer to this total number as "people admitted on local charges."¹⁴

Outside of New York City, the number of people held for misdemeanors or violations fell by 61.4 percent and the number of people held for nonviolent felonies fell by 44.7 percent between

April 2019 and December 2020 (see Figure 2).¹⁵ A similar story played out in New York City, where incarceration for misdemeanors or violations was rare even before bail reform. From April 2019 to December 2020, the number of people held for misdemeanors or violations dropped by 64.4 percent and the number of people held for nonviolent felonies dropped by 66.9 percent. In contrast, the number of people detained for violent felony offenses (VFOs)—a distinct classification of charges defined in the New York Criminal Procedure Law, including assault in the second degree (PL 120.05), criminal possession of a weapon in the second degree (PL 265.03), and burglary in the second degree (PL 140.25), among others—decreased by only 7 percent in New York City and increased by 12 percent outside of New York City.¹⁶

Figure 2

Average daily population of people admitted on local charges by charge severity, April 2019 versus December 2020

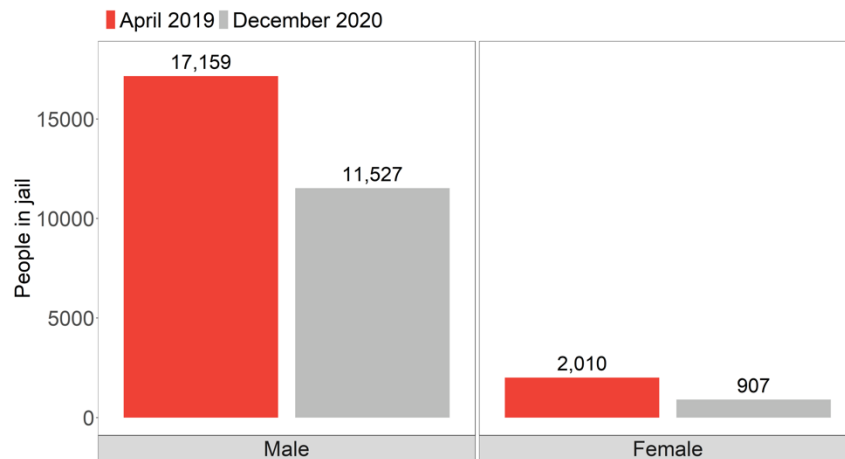
	49 non-New York City counties			New York City		
	Misdemeanor or violation	Nonviolent felony	Violent felony	Misdemeanor or violation	Nonviolent felony	Violent felony
April 2019	2,997	3,750	2,059	669	2,374	3,308
December 2020	1,157	2,074	2,306	238	786	3,077
Percentage change	-61.4%	-44.7%	+12.0%	-64.4%	-66.9%	-7.0%

Source: County-level jail data collected and analyzed by Vera.

The population drop was much greater for women than men.¹⁷ From April 2019 to December 2020, the number of men in jail statewide declined by 32.8 percent compared to 54.9 percent for women. In December 2020, men made up 92.7 percent of the jail population (see Figure 3). This is an increase from 89.5 percent in April 2019.

Figure 3

Average number of people in jail by sex, April 2019 versus December 2020



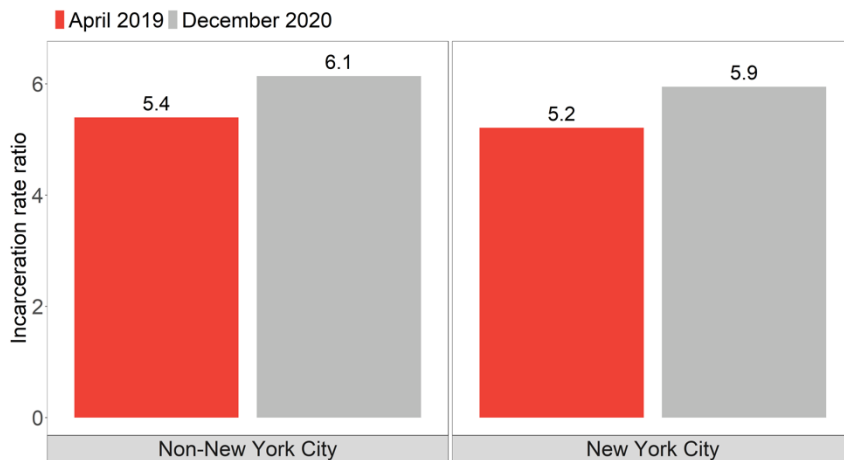
Source: County-level jail data collected and analyzed by Vera.
Data for 54 of 62 counties (90.9 percent of total jail population) was included.

For this brief, race and ethnicity were categorized 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, the two largest racial and ethnic groups in the data.¹⁸

The decrease in incarceration was universal across racial groups, but to varying degrees. In counties outside of New York City, from April 2019 to December 2020, the number of Black people incarcerated in jail decreased by 29 percent and the number of non-Latinx white people in jail decreased by 37.6 percent. A similar pattern occurred in New York City. In New York City, during the same period, the number of Black people incarcerated in jail decreased by 32.7 percent and the number of non-Latinx white people in jail decreased by 41.2 percent. These trends widened the gap between the incarceration rate of Black people and that of non-Latinx white people, aggravating existing racial disparities both in and outside of New York City. In December 2020, Black people outside of New York City were 6.1 times more likely to be incarcerated in jail than non-Latinx white people (481 per 100,000 versus 78 per 100,000)—an increase from 5.4 in April 2019 (see Figure 4).¹⁹ Similarly, Black people in New York City were 5.9 times more likely to be incarcerated in jail than non-Latinx white people (181 per 100,000 versus 30 per 100,000)—an increase from 5.2.

Figure 4

Ratio of Black incarceration rate to non-Latinx white incarceration rate, April 2019 versus December 2020



Source: County-level jail data collected and analyzed by Vera.

For non-New York City: Data for 49 of 57 counties (85.9 percent of total jail population) was included.

Although the overall jail population decreased between April 2019 and December 2020, the population decrease was not consistent throughout this period. In this short time period, criminal justice policies—the passage of initial bail reform law and its amendments—shifted substantially. The COVID-19 pandemic also influenced criminal legal practices, particularly in court proceedings.

To better understand the drivers of the change in incarceration over these 20 months, researchers divided the observation period into five periods based on the major events in New York State that might have influenced the incarceration trends through the end of 2020—the passage of bail reform, bail reform law taking effect, the onset of the COVID-19 pandemic, and bail reform amendments taking effect—which were separated into two time periods in order to understand the immediate and prolonged effects of the bail reform amendments. Each of the following sections compares two adjacent time periods to explore the immediate impacts of the major events on incarceration trends.

Section 2: What was the change in jail incarceration immediately after bail reform before the pandemic?

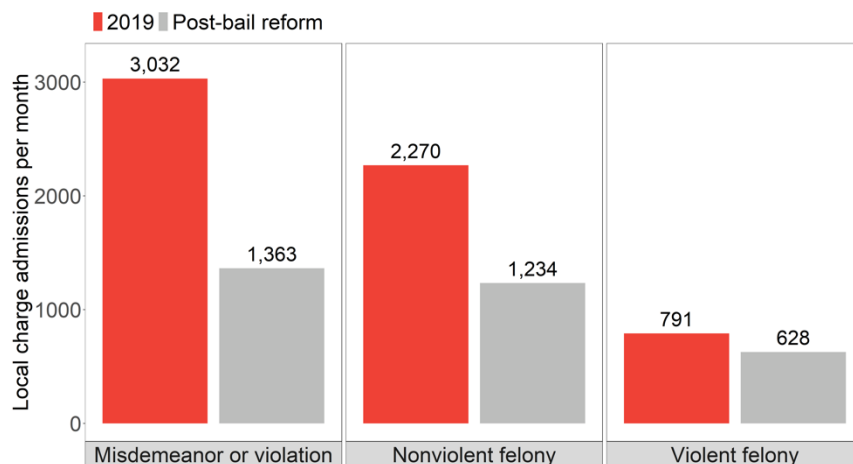
From 2019 to early 2020, the number of people incarcerated in New York jails decreased by more than a quarter (20,651 in April 2019 and 14,976 in January 2020). This large decrease in jail population was driven mainly by reductions in the pretrial population, which made up about two-thirds of the jail population before bail reform and plummeted during this period.

Compared to 2019, average monthly admissions for local charges post-bail reform declined by 43.5 percent outside of New York City and 35.2 percent in New York City.

The analysis of admissions by charge severity suggests that bail reform contributed to this decline. Both outside of New York City and in New York City, the largest declines in admissions were for charges for which bail reform mandated release without monetary conditions, namely misdemeanors or violations and nonviolent felonies. Misdemeanor or violation admissions and nonviolent felony admissions decreased at more than double the rate of VFO admissions (see Figures 5a and 5b).

Figure 5a

Average monthly admissions for local charges outside of New York City by charge severity, 2019 versus January 1, 2020–March 16, 2020

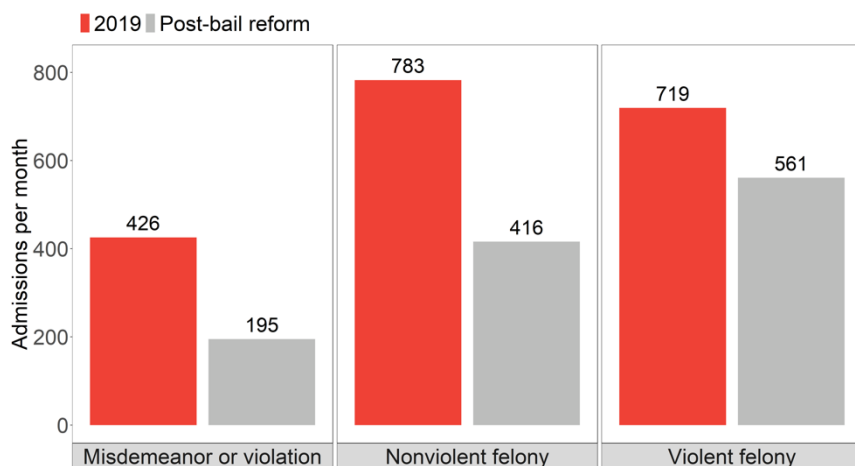


Source: County-level jail data collected and analyzed by Vera.

For non-New York City, data for 49 of 57 counties (85.9 percent of total jail population) was included.

Figure 5b

Average monthly admissions for local charges in New York City by charge severity, 2019 versus January 1, 2020–March 16, 2020



Source: County-level jail data collected and analyzed by Vera.

Comparing jail admissions alone may be misleading; if the total number of arrests goes down, so may admissions—even if bail-setting practices have not changed. Therefore, the influence of bail reform on jail decarceration becomes clearer when exploring admissions as a percentage of total arrests (i.e., the likelihood of detention after arrest), which controls for the overall volume of arrest. Compared to 2019, in early 2020, the likelihood of detention after arrest outside of New York City nearly halved for misdemeanors or violations (33.4 percent versus 18 percent) and fell by more than a third for nonviolent felonies (73.8 percent versus 48.4 percent; see Figure 6). By contrast, the likelihood of detention for VFOs, most of which were eligible for bail both pre- and post-bail reform, did not decrease proportionately. This suggests that bail-setting practices for VFOs did not change post-bail reform, indicating a lack of consideration of a person's ability to pay, another key provision of the new bail laws. A similar pattern emerged in New York City, although the likelihood of jail admission after arrest was much lower in New York City than outside throughout the study period, particularly for misdemeanor or violation charges. In early 2020, 2.6 percent of misdemeanor or violation arrests, and 11.9 percent of nonviolent felony arrests, resulted in jail admissions in New York City.

Figure 6

Average monthly jail admissions for local charges as a percentage of arrests by charge severity, 2019 versus January 1, 2020–March 16, 2020

	49 non-New York City counties			New York City		
	Misdemeanor or violation	Nonviolent felony	VFO	Misdemeanor or violation	Nonviolent felony	VFO
Period 1: 2019						
- Monthly arrests	9,074	3,077	897	8,593	3,771	2,130
- Monthly admissions for local charges	3,032	2,270	791	426	783	719
- Arrests resulting in local charge admission (%)	33.4%	73.8%	88.1%	5.0%	20.8%	33.8%
Period 2: Post-bail reform						
- Monthly arrests	7,560	2,546	799	7,421	3,488	2,128
- Monthly admissions for local charges	1,363	1,234	628	195	416	561
- Arrests resulting in local charge admission (%)	18.0%	48.4%	78.5%	2.6%	11.9%	26.4%
Period 2-Period 1	-15.4	-25.0	-9.8	-2.4	-8.8	-7.4

Source: County-level jail data collected and analyzed by Vera.

Note: People admitted on “local charges” include those admitted pretrial or to serve a sentence of one year or less. Monthly arrests for misdemeanor or violation do not include violation charges.

Section 3: What happened to jail populations three months into the pandemic?

Jail populations declined even further after the onset of the COVID-19 pandemic. From March 2020 to April 2020 alone, the statewide jail population dropped by 17.3 percent. The decrease was greater in New York City (23.5 percent) than outside of New York City (13.7 percent). After the pandemic began, admissions for local charges—which include people held pretrial and those serving a local sentence of one year or less—plummeted both outside of New York City and in New York City, particularly for misdemeanors and nonviolent felonies. Jail admissions declined by at least 56.3 percent for nonviolent felonies and 62.1 percent for misdemeanors or violations in both regions (see Figure 7). Similar to the post-bail reform trend, jail admissions for VFOs did not decrease as much, with a larger decrease in New York City (30.7 percent) than outside of New York City (26 percent).

Figure 7

Average monthly admissions for local charges by charge severity, January 1, 2020–March 16, 2020 versus March 17, 2020–July 1, 2020

	49 non-New York City counties			New York City		
	Misdemeanor or violation	Nonviolent felony	VFO	Misdemeanor or violation	Nonviolent felony	VFO
Period 2: Pre-pandemic (after bail reform)	1,363	1,234	628	195	416	561
Period 3: During pandemic (before amendments)	465	539	465	74	137	389
Percentage change	-65.9%	-56.3%	-26.0%	-62.1%	-67.1%	-30.7%

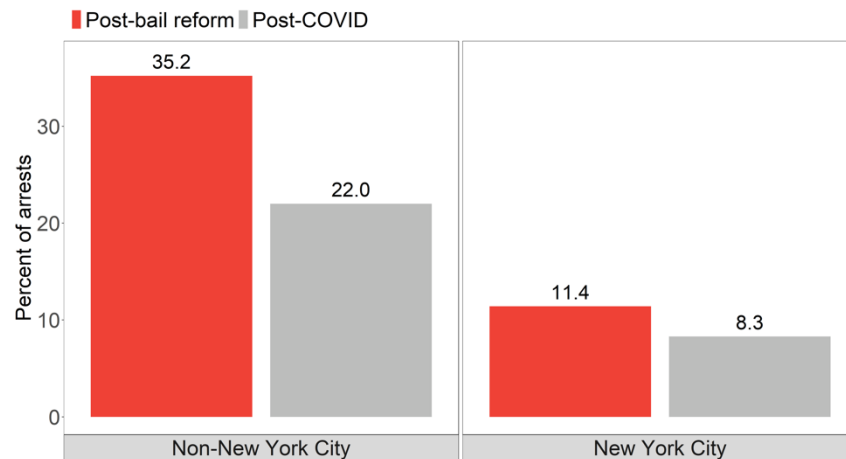
Source: County-level jail data collected and analyzed by Vera.

Note: People admitted on “local charges” include those admitted pretrial or to serve a sentence of one year or less.

The likelihood of detention after arrest also continued to decrease after the pandemic began. The percentage of arrests that resulted in a jail admission declined from 35.2 percent to 22 percent outside of New York City and from 11.4 percent to 8.3 percent in New York City (see Figure 8).

Figure 8

Monthly admissions for local charges as a percentage of arrests, January 1, 2020–March 16, 2020 versus March 17, 2020–July 1, 2020



Source: County-level jail data collected and analyzed by Vera.

For non–New York City, data for 49 of 57 counties (85.9 percent of total jail population) was included.

Note: People admitted on “local charges” include those admitted pretrial or to serve a sentence of one year or less.

Whereas jail admissions for local charges plummeted after the start of the pandemic, the daily jail population did not decrease in the same magnitude, particularly in counties outside of New York City. The delays in case processing appear to have catalyzed this trend; fewer people may have been admitted, but those who were admitted to jail stayed longer, awaiting their case resolution. Between March 2020 and July 2020, the median length of stay almost doubled: In New York City, it increased from 109 to 182 days (67 percent) and outside of New York City, it increased from 63 to 123 days (95.2 percent). The substantial drop in the sentenced population during this period also points to delays in case processing. As cases were taking longer to be resolved, the number of sentenced people plummeted. Meanwhile, the number of people detained for parole violations, which made up about 10 to 14 percent of the jail population in March 2020, declined considerably statewide, although the drop was much larger in New York City (72.2 percent) compared to outside of New York City (36.8 percent; see Figure 9).

Figure 9

Average daily population by custody type, March 2020 versus July 2020

	57 non–New York City counties				New York City			
	Pretrial	Sentenced	Parole violation	Other	Pretrial	Sentenced	Parole violation	Other
March 2020	4,116	2,465	946	1,271	3,873	486	738	98
July 2020	4,401	876	598	1,371	3,463	83	205	92
Percentage change	+6.9%	-64.5%	-36.8%	+7.9%	-10.6%	-82.9%	-72.2%	-6.1%

Note: “Other” includes people held for other jurisdictions, such as federal, civil, and state prisons.

Source: NYS Division of Criminal Justice Services Monthly Jail Report.

Section 4: What factors led to the increase in jail populations in the second half of 2020?

The decarceration of New York jails did not last long. After incarceration population trends held steady for four months, the population began increasing in July 2020, the month when the amendments to bail reform took effect (see Figure 1). Between July 2020 and December 2020, the statewide jail population increased by 22.4 percent—rising from 11,089 people to 13,575 people—and almost reached pre-pandemic levels. The percentage increase was similar in both New York City (24.9 percent) and the rest of the state (21.1 percent).

Although the increase in jail populations coincided with the rollout of bail reform amendments, jail admission and population trends suggest that other factors—such as the change in the charge profiles of people arrested—contributed to the population increase. The increase in admissions for local charges preceded the rollout of the bail reform amendments. After reaching their lowest level in April 2020, admissions gradually went back up to pre-pandemic levels by the end of the year, even though bail reform amendments did not take effect until July (see Figure 10). The increase in admissions for VFO charges is particularly noticeable when compared to other charges, such as misdemeanors and nonviolent felonies (see Figures 11a and 11b). In the second half of 2020, misdemeanor and nonviolent felony admissions remained lower than their pre-pandemic levels. However, VFO admissions, which were least influenced by the amendments, surpassed the pre-bail reform level both in counties outside of New York City and in New York City.

Figure 10

Monthly jail admissions, January 2019–December 2020

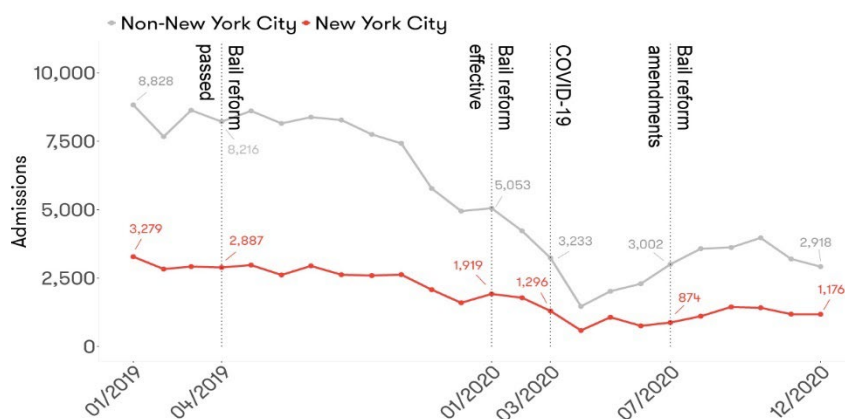
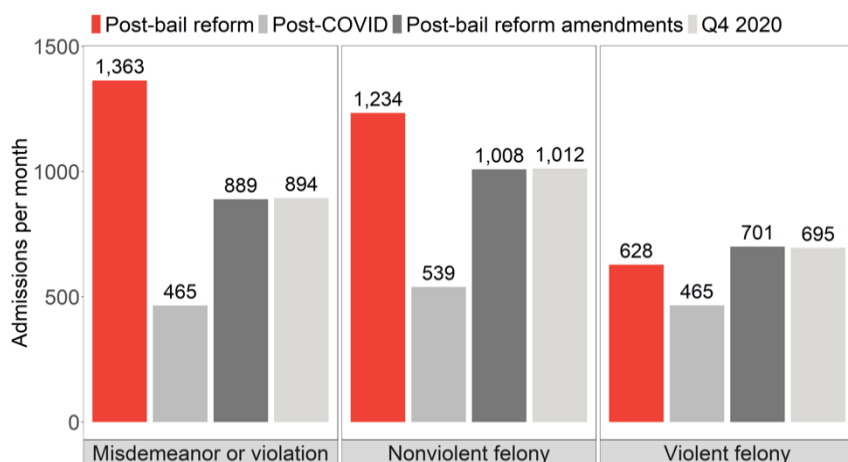


Figure 11a

Average monthly admissions for local charges outside of New York City by charge severity, 2020

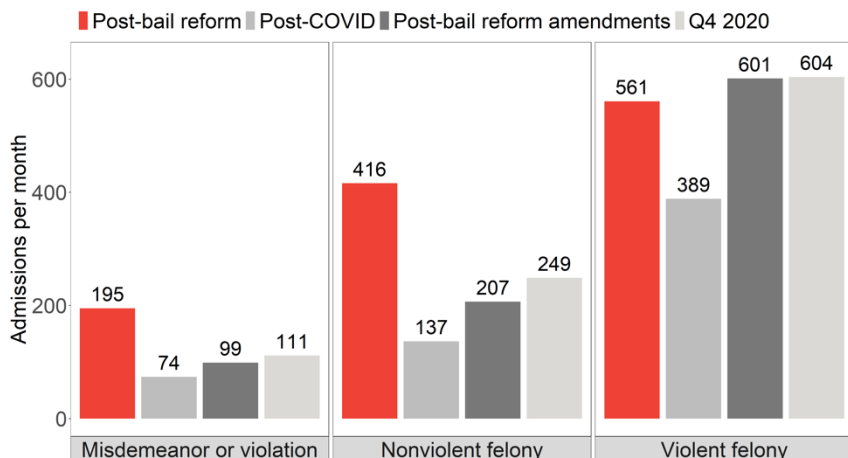


Source: County-level jail data collected and analyzed by Vera.

Data for 49 of 57 counties outside of New York City (85.9 percent of total jail population) was included.

Figure 11b

Average monthly admissions for local charges in New York City by charge severity, 2020



Source: County-level jail data collected and analyzed by Vera.

Additionally, the population increase stood out the most for VFOs, which were least influenced by the bail reform amendments. In New York City, most of the population increase

(65.2 percent) was from those detained for VFOs (see Figure 11). However, outside of New York City, people held on charges for nonviolent felonies (38.4 percent) along with people detained on VFOs (38 percent) made up most of the population increase (see Figure 12). Different patterns of increase between New York City and counties outside of New York City suggest that any effect of the bail-reform amendments might vary across region.

Figure 12

Average daily population of people admitted for local charges by charge severity, June 2020 versus December 2020

Charge Severity	49 non-New York City counties				New York City			
	June	Dec.	Difference Dec.–Jun.	Share in total difference	June	Dec.	Difference Dec.–Jun.	Share in total difference
Misdemeanor or violation	964	1,157	193	15.0%	191	238	47	5.3%
Nonviolent felony	1,580	2,074	494	38.4%	598	786	188	21.2%
Violent felony	1,816	2,306	490	38.0%	2,499	3,077	578	65.2%
Other/ unknown	575	686	111	8.6%	438	512	74	8.3%
Total	4,935	6,223	1,288	100%	3,726	4,613	887	100%

Source: County-level jail data collected and analyzed by Vera.

The comparison of jail population by charge-based bail eligibility pre- and post-bail reform amendments also suggests the limited effect of the amendments. In both New York City and non-New York City counties, more than 80 percent of the population increase in the second half of 2020 was from charges that were not affected by the bail amendments, remaining either eligible or ineligible for bail under both the original reforms and the amendments (see Figures 13a and 13b).²⁰ By contrast, charges that became newly eligible after the amendments made up only 2 to 3 percent of the increase across New York.

Beyond making more charges eligible for bail, the amendments also added new eligibility criteria. For example, a second arrest for “identifiable harm to person or property,” an arrest while on post-release supervision, or an arrest for a new felony with two prior felony convictions allow judges to set bail even if the charge itself is not eligible for bail.²¹ The number of people held in jail on charges that alone would not qualify for bail increased between June and December 2020. A future study needs to explore whether the increase in this group is due to changes in judicial behavior that resulted from the new eligibility criteria or to changes in arrests. Furthermore, never-eligible cases accounted for a greater share of the jail population increase outside of New York City than in the city, meaning that any influence of the reforms may vary by region.

Figure 13a

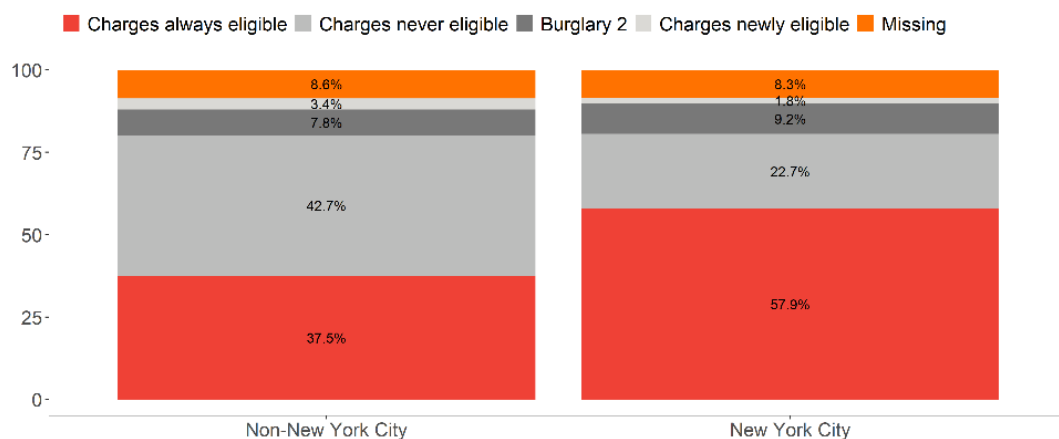
Change in average daily population of people admitted on local charges by bail eligibility status, June 2020 versus December 2020

49 non-New York City counties					New York City			
Charge based bail eligibility	June	December	Difference Dec-Jun	Share in total difference	June	December	Difference Dec-Jun	Share in total difference
Charges always eligible	2,312	2,794	482	37.5%	2,550	3,064	514	57.9%
Charges never eligible	1,802	2,352	550	42.7%	549	750	201	22.7%
Charges newly eligible ²²	90	134	44	3.4%	54	70	16	1.8%
Burglary 2	156	256	120	7.8%	136	218	82	9.2%
Other/Unknown	575	686	80	8.6%	438	512	74	8.3%
Total	4,935	6,222	1,287	100%	3,727	4,614	887	100%

Source: County-level jail data collected and analyzed by Vera.

Figure 13b

Share of total increase in average daily population of people admitted on local charges by bail eligibility status, June 2020 versus December 2020



Changes in judicial decision-making not related to bail reform amendments might also have contributed to increases in jail populations and the likelihood of detention. Jail admissions started to increase in April 2020 outside of New York City and in July 2020 in New York City, as arrests began to increase again. Notably, the likelihood of detention after arrest also increased, particularly for VFO charges, the charges least influenced by the amendments. The likelihood of jail admission for VFO charges increased back to a pre-pandemic level in the second half of the year, although the likelihood of jail admission for misdemeanors and nonviolent felonies remained below pre-pandemic levels. This result is consistent with the Center for Court Innovation's finding that, even though judges in New York City set bail less often at the beginning of 2020 and after the onset of the pandemic, they started setting bail more often for VFO charges in the summer of 2020.²³

Section 5: Did bail reform widen racial disparities from 2019 to 2020?

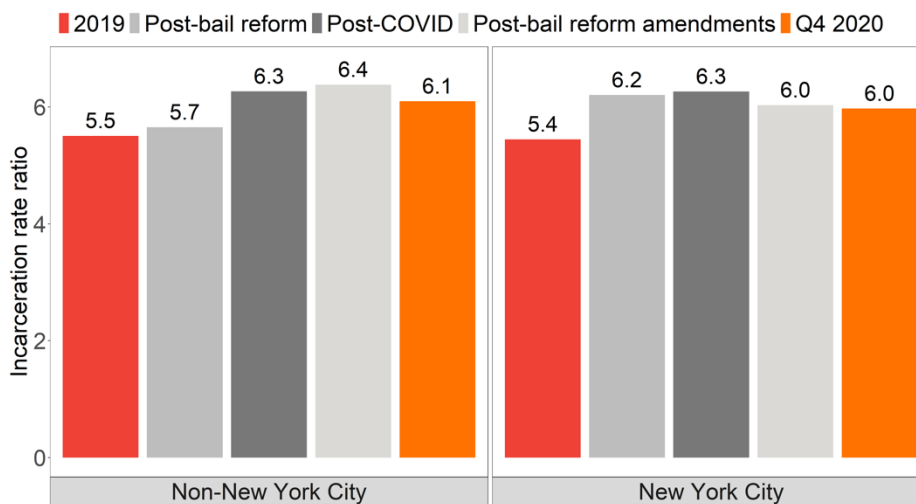
Longstanding racial disparities persisted even as the jail population decreased substantially throughout 2020. In other words, bail reform reduced the overall number of both Black and non-Latinx white people in jail, but New York State continued to jail Black people at a much higher rate than non-Latinx white people.

In the fourth quarter of 2020, Black people outside of New York City were incarcerated at a rate of 478 per 100,000 Black county residents. This rate was 6.1 times higher than the incarceration rate of non-Latinx white people (78 per 100,000 white county residents) outside of New York City. This disparity represents an increase from 2019 when, in those same counties, Black people were 5.5 times more likely to be incarcerated than non-Latinx white people (see Figure 14). In New York City, Black people were 6 times more likely to be incarcerated than non-Latinx white people in the last three months of 2020—an increase from 5.4 times in 2019 (see Figure 14).

Although racial disparities increased over time both outside of New York City and in New York City, the pattern of increase differed across regions. In counties outside of New York City, racial disparities increased after the beginning of the pandemic, whereas in New York City, they increased immediately after bail reform implementation and remained high.

Figure 14

Ratio of Black incarceration rate to non-Latinx white incarceration rate, 2019 versus 2020



Source: County-level jail data collected and analyzed by Vera.

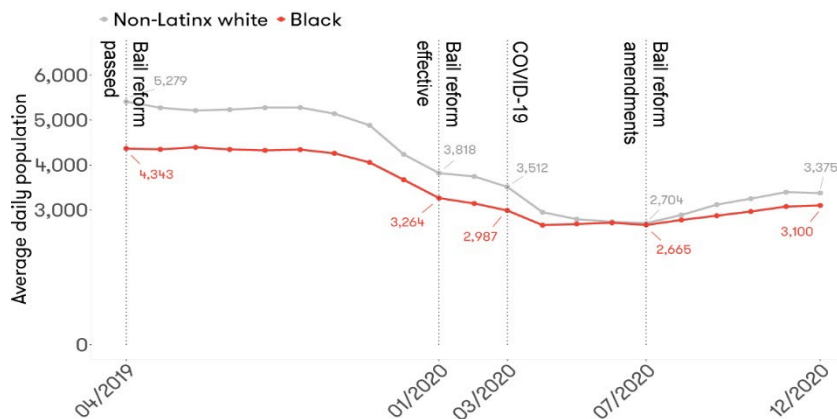
For non-New York City: Data for 49 of 57 counties (85.9 percent of total jail population) was included.

Outside of New York City, racial disparities in incarceration worsened after the start of the COVID-19 pandemic. Incarceration of non-Latinx white people fell slightly more than the incarceration of Black people from April 2019 to January 2020 (29.4 percent versus 25.3 percent; see Figure 15a). Then, from January to July of 2020, incarceration of non-Latinx white people dropped by 29.2 percent, whereas the incarceration of Black people declined by only 18.4 percent. From July to December of 2020, the jail population began increasing again, and the increase was greater for non-Latinx white people (24.8 percent) than for Black people (16.3 percent).

In New York City, incarceration for both non-Latinx white people and Black people decreased after bail reform implementation (see Figure 15b). However, the rate of decrease was much higher for non-Latinx white people (36.3 percent) than Black people (22.8 percent), which increased racial disparities in 2020. Similar to counties outside of New York City, the declines after COVID-19 were very similar for non-Latinx white and Black people in New York City. From July to December, the number of incarcerated non-Latinx white people increased (28.5 percent) similarly to the number of incarcerated Black people (26.2 percent).

Figure 15a

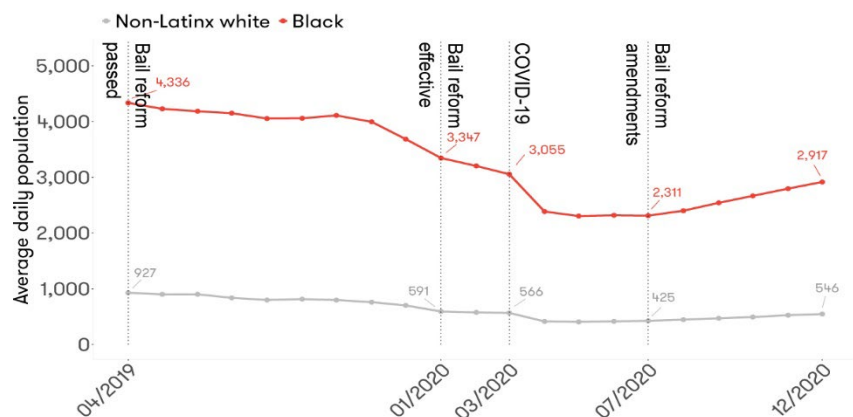
Average daily population in non-New York City counties by race/ethnicity, April 2019–December 2020



Source: County-level jail data collected and analyzed by Vera.
For non-New York City, data for 49 of 57 counties (85.9 percent of total jail population) was included.

Figure 15b

Average daily population in New York City by race/ethnicity, April 2019–December 2020



Source: County-level jail data collected and analyzed by Vera.

The analysis found regional variation in racial disparities by charge severity. In counties outside of New York City, racial disparities marginally increased across all charge severities over the last two years. In the final three months of 2020, Black people outside of New York City were 5 times more likely to be admitted for local charges than non-Latinx white people—an increase from 4.5 times in the early part of 2020 and 4.4 times in 2019 (see Figures 16a and 16b). In New York City, racial disparities in admissions for local charges increased considerably in the second half of 2020 when compared to early 2020 and 2019. For example, in the final three months of 2020, Black people were 7.5 times more likely to be admitted for violent felony charges than non-Latinx white people in New York City, a large increase when compared to 4.5 times during the early pandemic period.

However, jail admissions alone do not account for the entirety of racial disparities in the New York jail population. Historically, Black communities have been the targets of discriminatory criminal legal policies and practices and harsher treatment at every stage of the system—including policing and charging—and these cumulative disadvantages compound over time.²⁴ The history of overpolicing and systematic divestment in predominantly Black communities has resulted in concentrated poverty and increased involvement in the criminal legal system, particularly for violent offenses.²⁵ As jail populations shrank, a greater proportion of incarcerated people were being held for VFOs—the charge for which the biggest racial disparity occurs. An increase in the proportion of people held for VFOs contributed to the overall increase in racial disparities because Black people are charged with VFOs even more disproportionately than non-Latinx white people. The length of stay is also much longer for Black people than non-Latinx white people, widening the disparity in the average daily population.

Figure 16a

Ratio of Black local charge admission rate to non-Latinx white local charge admission rate by charge severity, 2019 versus 2020, outside of New York

	49 non-New York City counties			
	Misdemeanor or violation	Nonviolent felony	Violent felony	All charges
Period 1: 2019	3.8	4.8	8.4	4.4
Period 2: Post-bail reform	3.7	4.5	9.3	4.5
Period 3: During pandemic (before amendments)	3.8	4.9	8.1	5.1
Period 4: First 3 months of amendments	3.7	3.9	8.4	4.6
Period 5: Final three months of 2020	3.9	4.6	8.8	5.0

Figure 16b

Ratio of Black local charge admission rate to non-Latinx white local charge admission rate by charge severity, 2019 versus 2020, New York City

	New York City			
	Misdemeanor or violation	Nonviolent felony	Violent felony	All charges
Period 1: 2019	4.6	3.6	6.6	4.6
Period 2: Post-bail reform	5.0	3.7	6.8	4.8
Period 3: During pandemic (before amendments)	4.2	4.9	4.5	4.6
Period 4: First 3 months of amendments	5.0	3.5	6.7	5.5

Conclusion

This research brief provides a comprehensive view of incarceration trends across New York a full year into the implementation of bail reform. Undoubtedly, the reforms led to a substantial decline in the number of people in jail across New York. Between the original legislation's passage in April 2019 and March 2020, the average number of people in jail declined by nearly 35 percent and the number held pretrial dropped more than 25 percent. Admissions for local charges dropped even more substantially, meaning that far fewer people were subject to pretrial detention for even one day.

The arrival of the COVID-19 pandemic led to a further decline in jail populations, and jail admissions, across the state. The drop in the statewide jail population post-pandemic was driven mainly by a reduction in the number of people serving local sentences and the number of people detained for technical parole violations. The effect of the pandemic on jail populations seemed much greater for New York City compared to counties outside of New York City.

Although the statewide jail population in December 2020 remained considerably lower than the population pre-bail reform, the population increased from July 2020, when it was at its lowest. This increase was largely driven by the pretrial population, particularly for people held on VFO charges, and especially outside of New York City. The bail reform amendments that took effect in July 2020 seem to have played a limited role in the increase in the pretrial detention population.

Vera's findings highlight substantial drops in the use of jail but also point to the limited reach of the enacted pretrial reforms. Although both Black people and non-Latinx white people were less likely to be held in jail pretrial after bail reform, existing racial disparities remained high and even increased in 2020, both in New York City and outside of New York City. It is yet to be seen how these trends will continue to unfold as New York State begins to recover from the worst of the COVID-19 pandemic.

It is also important to note the substantial differences between New York City and other New York counties. Although the likelihood of pretrial admission after arrest outside of New York City dropped substantially after bail reform, it still remained much higher than in New York City. The large disparity between the probabilities of pretrial detention in these two regions highlights the uneven nature of judicial decision-making. Future research should examine how counties across New York differ in incarceration trends and their possible drivers, including judicial discretion.

Stopping short of eliminating wealth-based pretrial detention, legislators in New York State reduced the use of money bail in most misdemeanor and nonviolent felony cases. These findings suggest that the initial bail reform changes drastically reduced the likelihood of pretrial detention in these cases but did not eliminate it completely. The continued increase in incarceration for bail eligible charges, particularly VFOs, raises questions about counties' compliance with other key provisions of bail reform, such as considering a person's ability to pay and setting bail without posing undue hardship. Vera's upcoming report, which conducted court observations and system actor interviews in two counties, demonstrates that judges infrequently

inquire about a person's financial circumstances at arraignment.²⁶ Further efforts to understand how judges, prosecutors, and defense attorneys are putting these new laws into practice will be critical to identifying areas of improvement and solutions to ensure full compliance with the laws.

The use of pretrial detention continues to evolve in ways that merit ongoing study. The current crisis in New York City jails—16 deaths of incarcerated people in just one year while jail populations continue to rise—shows that jail decarceration is still urgently needed.²⁷ Continued monitoring of the incarceration trends and research on the lasting effects of COVID-19 and bail reform is crucial.

Appendix A: Methodology

Data collection

Vera researchers collected data from multiple sources. For the overall statewide jail population, Vera researchers analyzed monthly jail population data published by the New York Division of Criminal Justice Services (DCJS) between January 2018 and December 2020.²⁸ For the demographic and charge analysis of people in jail, researchers analyzed 54 county-level jail admission and release datasets obtained from (a) Freedom of Information Law requests (47 counties); (b) data-sharing agreements with sheriff's departments (two counties); and (c) the NYC Open Data site (five counties).²⁹ Eight counties (Chemung, Genesee, Hamilton, Jefferson, Nassau, 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. See Appendix B for the complete list of counties by data availability. Researchers used yearly county-level estimates of the 16- to 64-year-old population from the Centers for Disease Control's Bridged-Race Population Estimates to calculate incarceration rates. The 2019 population data was used in lieu of 2020 population estimates. All rates are calculated per 100,000 residents.

Researchers also analyzed data for all fingerprintable arrests between January 2018 and June 2020. Arrest data was obtained from DCJS.

Data standardization

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

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

Federal and parole admissions were identified using admission status variables as well as long-form charge descriptions and county-specific variables such as "parole violator" flags.

Admission entries for people “housed in” from other counties were removed to avoid double-counting admissions. Admissions were counted in their originating county, not the county where they 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 release date for each person in custody in New York City was assumed as 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. Admission entries with no release date recorded were considered in custody as of December 31, 2020, the last date of the sample period. Admission entries with no release date recorded and an inordinately long length of stay on December 31, 2020 (90th to 100th percentile, varied by county) were removed 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.

Race and ethnicity. Race and ethnicity were categorized 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. Monthly median length of stay was determined 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 Code Manual.³⁰ Only penal law (PL) and vehicle and traffic law charges were considered; all other charges were categorized 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. Charge bail eligibility was determined from the January 2020 and July 2020 lists of reform qualifying offenses in PL 510.10.³¹ Bail eligibility for a given admission was determined based on all charges associated with that admission. Charge subsections were ignored 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. 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) were considered bail eligible regardless of whether they were associated with a domestic violence charge.

Appendix B: List of counties by data availability

County	Average daily population (December 2020)	Included in demographic and charge analysis	Race and ethnicity
Albany	310	Yes	Hispanic as race
Allegany	63	Yes	Complete
Broome	382	Yes	Complete
Cattaraugus	93	Yes	Complete
Cayuga	146	Yes	Complete
Chautauqua	192	Yes	Complete
Chemung	111	No	N/A
Chenango	85	Yes	Complete
Clinton	121	Yes	Complete
Columbia	27	Yes	Complete
Cortland	48	Yes	Complete
Delaware	33	Yes	Complete
Dutchess	162	Yes	Complete
Erie	564	Yes	Complete
Essex	51	Yes	Complete
Franklin	50	Yes	Complete
Fulton	65	Yes	Complete
Genesee	47	No	N/A
Greene	34	Yes	Complete
Hamilton	1	No	N/A
Herkimer	39	Yes	Complete
Jefferson	140	No	N/A
Lewis	21	Yes	Complete
Livingston	115	Yes	Complete
Madison	69	Yes	Complete
Monroe	708	Yes	No ethnicity
Montgomery	78	Yes	Complete
Nassau	664	No	N/A
Niagara	279	Yes	Complete
New York City	4,800	Yes	No ethnicity
Oneida	223	Yes	Complete
Onondaga	537	Yes	No ethnicity
Ontario	84	Yes	Complete
Orange	347	Yes	Complete

Orleans	22	Yes	No ethnicity
Oswego	116	Yes	Complete
Otsego	35	Yes	Complete
Putnam	47	No	N/A
Rensselaer	196	Yes	Complete
Rockland	91	No	N/A
Saratoga	154	Yes	Complete
Schenectady	131	Yes	Complete
Schoharie	18	Yes	Complete
Schuyler	6	Yes	Complete
Seneca	35	Yes	Complete
St. Lawrence	97	Yes	Complete
Steuben	136	Yes	Complete
Suffolk	620	Yes	Complete
Sullivan	93	Yes	Complete
Tioga	31	Yes	Complete
Tompkins	32	Yes	Complete
Ulster	136	No	N/A
Warren	97	Yes	Complete
Washington	58	Yes	Complete
Wayne	57	Yes	Complete
Westchester	607	Yes	Hispanic as race
Wyoming	35	Yes	Complete
Yates	36	Yes	No ethnicity

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Endnotes

- 1 The historical jail population trend from 1970 to 2015 can be found on Vera's Incarceration Trends website. See Vera Institute of Justice, "Incarceration Trends," <https://trends.vera.org/state/NY>.
- 2 The overall jail population held for violent felony charges was similar in both December 2020 and April 2019, the month bail reform was introduced by the governor (5,287 in April 2019 vs. 5,304 in December 2020).
- 3 Office of Justice Research and Performance, "Jail Population by County: Beginning 1997" (dataset), New York State Division of Criminal Justice Services, <https://data.ny.gov/Public-Safety/Jail-Population-By-County-Beginning-1997/nymx-kqkn>.

New York City Mayor's Office of Criminal Justice, "Average Daily Jail Population in NYC" (dataset), https://criminaljustice.cityofnewyork.us/individual_charts/average-daily-jail-population-in-nyc/.
- 4 Jake Offenhartz, "Rikers-Bound Man Dies After Hanging Attempt, 14th Death of the Year," *The Gothamist*, October 19, 2021, <https://perma.cc/ES6D-JC9D>; and Michael Wilson and Chelsia Rose Marcus, "16 Men Died in New York City Jails Last Year. Who Were They?," *The New York Times*, January 28, 2022, <https://perma.cc/7R2D-M6JC>.
- 5 Matthew Spina, "A List of 31 Erie County Inmates Who Have Died Since Howard Became Sheriff," *The Buffalo News*, August 26, 2021, https://buffalonews.com/news/local/a-list-of-31-erie-county-inmates-who-have-died-since-howard-became-sheriff/article_2162650b-9207-5321-9c5e-93a52d433458.html<https://perma.cc/2NLP-EC27>.
- 6 NY CPL §530.40 (t), <https://perma.cc/J2SU-TK7M>.

7 *The Leader-Herald* Staff, “Local Sheriffs Attend State Rally to Repeal Bail Reform Measures,” *The Leader-Herald*, February 5, 2020, <https://perma.cc/S5Y3-SXHL>; and Todd Maisel, “New York Budget Bill Includes Criminal Justice Reform Roll-backs, Hate Crimes Become ‘Domestic Terrorism,’” AMNY, April 3, 2020, <https://perma.cc/6UUZ-DQ2Q>.

8 Jaeok Kim, Quinn Hood, and Elliot Connors, *The Impact of New York Bail Reform on Statewide Jail Populations: A First Look* (New York: Vera Institute of Justice, 2020), <https://perma.cc/KGV7-DQST>.

9 Researchers divided the pre- and post-pandemic periods into before and after March 17, 2020, the date when New York State courts started virtual arraignments. Even though the COVID-19 pandemic’s seriousness was recognized earlier than March 17, court closures and the transition to virtual arraignments are key changes that might influence the behaviors of courtroom actors. For the New York State governor’s disaster emergency announcement, see Governor Andrew Cuomo, *Executive Order No. 202: Declaring a Disaster Emergency in the State of New York*, March 7, 2020, <https://perma.cc/3UG4-2XKY>; for the World Health Organization’s (WHO) declaration of the COVID-19 pandemic, see WHO, “WHO Director-General’s Opening Remarks at the Media Briefing on COVID-19—11 March 2020,” March 11, 2020, <https://perma.cc/NLK9-J2EN>.

10 Periods 4 and 5 are divided into two—from July 2, 2020 to September 30, 2020 and from October 1, 2020 to December 31, 2020—to explore immediate and delayed changes in incarceration after bail reform amendments went into effect.

11 Bureau of Justice Statistics, “Prevalence of Imprisonment in the U.S. Population, 1974–2001,” <https://bjs.ojp.gov/library/publications/prevalence-imprisonment-us-population-1974-2001>; Zhen Zeng, *Jail Inmates in 2016* (Washington, DC: Bureau of Justice Statistics, 2018), <https://bjs.ojp.gov/library/publications/jail-inmates-2016>.

12 Pretrial populations in Hamilton, Schoharie, Cortland, Herkimer, Jefferson, Chemung, Allegany, Yates, and Livingston Counties stayed the same or increased. Note that each of these counties has a small jail with an average daily population below 180 people in 2018. Among counties with more than 100 people detained pretrial in December 2020, Jefferson County saw the greatest increase in its pretrial population (+27.8 percent) between April 2019 and December 2020, and Westchester County saw the greatest decrease (-47.6 percent).

13 Outside of New York City, the average daily population decreased from 3,481 people in December 2015 to 1,157 people in December 2020 for misdemeanors or violations and from 3,707 people to 2,074 people for nonviolent felonies during the same period. People held for violent felony charges decreased from 2,132 in December 2015 to 2,306 in December 2020. Vera does not have similar data for New York City prior to 2018. According to the NYC Mayor's Office of Criminal Justice, the average daily population of individuals in Q1 2016 was 786 people held for misdemeanors or violations and 2,949 people held for nonviolent felonies. This decreased to 238 people held for misdemeanors or violations and 823 people held for nonviolent felonies. For the average daily population in 2016, see the NYC Mayor's Office of Criminal Justice, "Local Law 86: Individuals in DOC Custody, Second Quarter 2016," https://criminaljustice.cityofnewyork.us/data_reports/page/2/.

14 Seven out of the total 49 counties in the sample provided the jail data with inconsistent pretrial information. In the 42 counties with accurate pretrial information, pretrial admissions make up nearly 95 percent of admissions for local charges. The percentage is nearly 100 in New York City and around 91 percent outside of New York City.

15 Figure 2 is based on data collected from 49 of 57 counties outside of New York City. Overall, these counties contributed 85.9 percent of the total jail population outside of New York City in December 2020. This number is based on people admitted for local charges.

16 NY PEN §70.02, <https://perma.cc/EUL4-UUWQ>. In addition to charges New York State defines as VFOs, Vera researchers included Class A felony charges that are considered violent, like murder in the second degree, in the VFO category.

17 For the purpose of population comparisons by sex, researchers rely on the gender categorization in the administrative data analyzed. Because New York State facilities house incarcerated people on the basis of binary male and female statuses, DCJS and the county-level jail data sources do not routinely document self-reported sex and gender identities for all people admitted to jail. This means that the calculations presented here might include trans, nonbinary, and/or gender-nonconforming people in a sex category that conflicts with their gender identity.

18 Vera researchers rely on race and ethnicity data as reported by jail staff, which may not be an accurate categorization. Latinx people are particularly likely to be miscategorized, as ethnicity is not reliably recorded if at all included in criminal legal system data. Ram

Subramanian, Kristine Riley, and Chris Mai, *Divided Justice: Trends in Black and White Jail Incarceration, 1990–2003* (New York: Vera Institute of Justice, 2018), 26, <https://perma.cc/CE52-6LJ2>.

19 The ratio was calculated by determining the rate of incarceration per 100,000 for non-Latinx white people and Black people and then dividing the Black incarceration rate by the non-Latinx white incarceration rate.

20 Vera researchers separated charges into four groups: (1) always eligible for bail pre- and post-reform amendments, (2) never eligible for bail pre- and post-reform amendments, (3) newly eligible for bail post-reform amendment, and (4) burglary in the second degree. The bail reform amendments introduced new bail eligibility conditions that are not associated with charge severity. For example, people accused of a non-eligible felony or a Class A misdemeanor that involved harm to an identifiable person or property could have bail set if they had previously been released on a similar charge. Without detailed court data, Vera researchers were unable to identify which cases fit this and other categories. Therefore, one can assume that some, if not most, of the “never eligible” charges fit this category. Similarly, researchers separated out burglary in the second degree because the reform amendments made subsection 2 an eligible charge if the “defendant is charged with entering the living area of the dwelling”; NY CPL 530.40 (a), <https://perma.cc/LCZ4-NWFY>. Research from the Center for Court Innovation (CCI) suggests that these two new stipulations made up 85 percent of bail set cases attributable to the rollbacks. See Michael Rempel and Joanna Weill, *One Year Later: Bail Reform and Judicial Decision-Making in New York City* (New York: CCI, 2020), 13, <https://perma.cc/ZPM8-6G6C>.

21 NY CPL 530.40 (t).

22 Charges made newly eligible for bail include vehicular assault in the first degree (PL 120.04), aggravated vehicular assault (PL 120.04-a), and aggravated assault on a person less than 11 years old (PL 120.12), among others. Full a full list of charges and descriptions of the amendments, see Michael Rempel and Krystal Rodriguez, *Bail Reform Revisited: The Impact of New York’s Amended Bail Law on Pretrial Detention* (New York: CCI, 2020), <https://perma.cc/MSR7-9FCY>.

23 Rempel and Weill, *One Year Later*, 2020, 7.

- 24 Samuel R. Sommers and Satia A. Marotta, "Racial Disparities in Legal Outcomes: On Policing, Charging Decisions, and Criminal Trial Proceedings," *Policy Insights from the Behavioral and Brain Sciences* 1, no. 1 (2014), 103-111, <https://journals.sagepub.com/doi/pdf/10.1177/2372732214548431>.
- 25 Elizabeth Hinton, LeShae Henderson, and Cindy Reed, *An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System* (New York: Vera Institute of Justice, 2018), <https://perma.cc/9VV3-L36G>, 10.
- 26 Jaeok Kim, Cherrell Green, Alex Boldin, Quinn Hood, and Shirin Purkayastha, *A Year of Unprecedented Change: How Bail Reform and COVID-19 Reshaped Court Practices in Five New York Counties* (New York: Vera Institute of Justice, forthcoming); Office of the New York City Comptroller, "NYC Bail Trends Since 2019," March 22, 2022, <https://perma.cc/4L3W-EZFP>.
- 27 NY DCJS, "Monthly Jail Population Trends," October 1, 2021, <https://perma.cc/V48F-VQE9>; and Wilson and Marcius, "16 Men Died," 2022.
- 28 New York Division of Criminal Justice Services (DCJS), "Monthly Jail Population Trend."
- 29 NYC Open Data, "Daily Inmates in Custody" (dataset), <https://data.cityofnewyork.us/Public-Safety/Daily-Inmates-In-Custody/7479-ugqb>.
- 30 DCJS, DCJS Coded Law File as of 05/12/2021 (New York: DCJS, 2021), <https://perma.cc/U7EM-ZBPK>.
- 31 NY CLS CPL §510.10, <https://perma.cc/KPR6-EGEQ>.

Credits

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