

[Office of Court Administration \(OCA\) data](#) includes records of people arraigned between January 2020 and June 2021 in city and district courts across New York State. Vera’s analysis focuses on the 18-month period between January 2020 and June 2021. During these 18 months, a total of 284,553 arraignments were held in city and district courts across New York State.

### ***Arraignment outcomes***

- Out of 284,553 arraignments:
  - 190,944 people (67 percent) were released, either on their own recognizance (164,498, 58 percent) or under pretrial supervision (26,446, 9 percent);
  - 37,822 had bail set (13 percent);
  - 6,840 were remanded (2.4 percent); and
  - 45,798 had their cases resolved at arraignment (16%).

### ***Geographic and regional variation in pretrial decision-making***

- Upstate county courts arraigned slightly more cases than courts in New York City:
  - Approximately 52 percent (148,368) of all arraignments were in upstate courts and 48 percent were in New York City (136,185).
- Upstate courts arraigned significantly more low-level cases than New York City:
  - Despite the similar volume of cases arraigned, upstate courts processed significantly more low-level, non-bail eligible cases than New York City’s courts.
  - In upstate New York, fully 76 percent (112,339) of all cases arraigned were low-level enough that bail could not be set. In contrast, in New York City courts only 52 percent of cases (70,800) were non-bail eligible.
- Overall, judges upstate were more punitive than judges in New York City:
  - Judges in upstate courts set bail in 31 percent of eligible cases compared to 22 percent of eligible cases in New York City.
  - Judges in upstate courts were slightly more likely to order release under supervision on bail eligible case (14 percent) than in New York City (12 percent).
  - Judges in upstate courts were less likely to release people on their own recognizance (40 percent) than in New York City (63 percent) in bail-eligible cases.
  - In both bail-eligible and mandatory release cases, judges outside of New York City were less likely to order release under supervision (8 percent vs. 10 percent, respectively), and less likely to release people on their own recognizance (55 percent vs. 61 percent, respectively).
- Rearrest rates overall were slightly lower in the rest of the state than New York City:
  - Rearrest rates overall were slightly lower in the rest of the state than in New York City (19 percent vs. 23 percent, respectively).
  - Rearrest rates on violent felony charges were lower in the rest of the state than in New York City (2 percent vs. 4 percent, respectively).

***Use of bail and pretrial detention***

- In more than eight out of 10 arraignments, people were released without facing money bail:
  - In the 284,553 arraignments statewide, 183,139 people faced non-bail eligible charges and 101,414 faced the possibility of bail being set. Overall, bail was set on 37,822 people statewide (13 percent of 284,553).
- Judicial discretion resulted in bail being set in over one-third of bail eligible cases:
  - In cases where judges had discretion to release or detain, bail was set 37 percent of the time (37,822 out of 101,414).
- When bail was set, the amounts were unaffordable for seven out of 10 people:
  - Overall, 26,379 people (70 percent) did not make bail, suggesting that most bail amounts were unaffordable despite the legal requirement to consider a person's ability to pay.

***Pretrial decisions and race/gender***

- Men were three times as likely to have bail set as women in bail-eligible cases (31 percent vs. 11 percent, respectively).
- Black or Latinx people were more likely to have bail set than their white counterparts (27 percent vs. 22 percent, respectively).

***Pretrial release and court appearance***

- Nine in 10 people attended their scheduled court dates:
  - Of the 202,856 people who posted bail, were released on their own recognizance, or were released under supervision, 10 percent overall had bench warrants issued, which is commonly used as a proxy for failure to appear.
  - 11 percent of people who posted bail failed to return to court, compared to 9 percent of people released on their own recognizance and 16 percent of people released under pretrial supervision.
- New York City's pretrial court appearance rates were significantly higher:
  - People in New York City were nearly three times more likely to attend court appearances (6 percent warrants issued) than New Yorkers in the rest of the state (15 percent).

***Supervised release and release under supervision***

- 9 percent of everyone arraigned was released under supervision (24,446 people).
- Of those released under supervision:
  - 36 percent were rearrested on any charge,
  - 14 percent on nonviolent felony charges, and
  - 4.7 percent on violent felony charges.

- Pretrial court appearance and rearrest rates were likely significantly impacted by the pandemic:
  - New York City’s [Supervised Release Program](#) halted operations in March 2020 as a result of COVID-19 and provided services remotely for several months after. As a result, many people released under supervision did not receive the services or supervision typically provided.
  - Prior to the pandemic, the New York City [Supervised Release Program’s 2019 results](#) found that 87 percent of participants released pretrial made all court appearances, and 10 percent were arrested on felony charges during the pretrial period.
  - Despite the pandemic, in 2020 court appearance rates remained stable for New York City Supervised Release participants but felony arrest increased slightly from the prior year ([87 percent court appearance rate, 13 percent pretrial felony arrest rate](#)).

### ***Pretrial rearrest and public safety***

- Overall, close to four out of five people released remained arrest free during the pretrial period:
  - Of the 202,856 people released pretrial, 43,020 (21.2 percent) were rearrested; 159,836 (78.8 percent) were not.
  - Rearrest rates did not differ by bail-eligibility of charges (21.0 percent for eligible charges and 21.1 percent for non-eligible charges released pretrial).
- Violent felony rearrest rates remained very low:
  - Overall, 2.8 percent of people released were arrested for a violent felony offense during the pretrial period.
- Rearrest for firearm-related charges are very rare:
  - Across all genders and races/ethnicities, only 1 percent of released people were rearrested for a firearm-related charge during the pretrial period.
- People released under supervision were slightly less likely to be rearrested on a violent felony than people who posted bail; the violent felony rearrest rate was 4.7 percent for people released under supervision compared to 5.0 percent for people who posted bail.
- Rearrest rates in New York City were slightly higher than the rest of the state:
  - Overall, in New York City, 23,791 people (23 percent) were rearrested out of the 102,674 people released pretrial; 78,883 people (77 percent) remained arrest-free pretrial.
  - 4 percent of people were rearrested on violent felony charges.
  - 1 percent were rearrested on charges involving a firearm.