

Submission
only

County-Level Estimates of New York State Bail Reform

Commissioned by
New York State Bail Bondsman Association

Regional Economic Studies Institute:
Dr. Daraius Irani, Chief Economist
Michael Siers, Interim Director of Research
Catherine Menking, Economist

January 25, 2019

Regional Economic Studies Institute


TOWSON UNIVERSITY™

Towson, Maryland 21252 | 410-704-3326 | www.towson.edu/resi

Table of Contents

Table of Figures.....	2
1.0 Introduction	3
2.0 Results.....	5
3.0 Conclusion.....	7
4.0 References	8

Table of Figures

Figure 1: Estimated Costs of CJR in New York, Based on New Jersey Estimates.....	4
Figure 2: Estimated Total and Recurring Annual Costs—New York State.....	4
Figure 3: County-Level Cost Estimates.....	5

1.0 Introduction

The Regional Economic Studies Institute (RESI) of Towson University was tasked by the New York State Bail Bondsman Association (NYSBBA) to estimate the county-level costs to New York State of implementing and operating a pretrial release program, based on cost estimates previously obtained in a 2018 analysis. New York State is in the process of implementing bail reform policies that would eliminate monetary bail for individuals charged with misdemeanor and non-violent felony offenses.¹ New Jersey recently implemented a bail reform policy, enacted January 1, 2017, that virtually eliminated the use of monetary bail to instead utilize non-monetary conditions and defendants' risk factors to determine pretrial release decisions. RESI's previous analysis of New Jersey's criminal justice reform (CJR), which was completed using data from calendar year 2017, investigated the costs and benefits associated with initiating a mandatory pretrial release program in the state.² In addition to evaluating the costs and benefits of the program in New Jersey, RESI estimated the impacts to New York for a similar pretrial release program at the state level. In the current report, RESI assessed the distribution of these previously obtained New York cost estimates at the county level if the costs are borne by County governments instead of by New York State.

To estimate the costs to the State of New York from implementing a similar CJR program as New Jersey, RESI scaled cost figures based on the number of arrests in each state.³ RESI enumerated the costs based on three separate categories, as described below.

- **Start-up costs** consist of the spending necessary to launch the pretrial release program. These costs include the hiring and training of staff, the purchasing of equipment, renovations of infrastructure to accommodate new staff, and workspace furnishings.
- **Operating costs** are those incurred through the year-to-year functioning of the program. These costs included employee expenses, software licenses, and programming provisions such as electronic monitoring.
- **Indirect costs** represent the potential expenses that would be incurred by the State as a result of increased pretrial release. Specifically, these costs were comprised of estimated expenses from potential increased rates of failure to appear (FTA) and recidivism of released defendants prior to adjudication.

Wherever possible, RESI used actual cost breakdowns from publicly available data from New Jersey. For some calculations where actual figures were unavailable or data granularity was low, RESI made conservative estimates.

¹ "Governor Cuomo Unveils 22nd Proposal of 2018 State of the State: Restoring Fairness in New York's Criminal Justice System," New York State, January 2, 2018, accessed January 24, 2019, <https://www.governor.ny.gov/news/governor-cuomo-unveils-22nd-proposal-2018-state-state-restoring-fairness-new-yorks-criminal>.

² Daraius Irani, et al., "Review of New Jersey Pretrial Services Program Costs in 2017 and Analysis of Program Implementation in New York State," Regional Economic Studies Institute of Towson University (March 1, 2018).

³ Number of arrests in New Jersey were based on the most-recently available 2017 data; number of arrests in New York were based on the most-recently available 2016 data available at the time of publication.

County-Level Estimates of New York State Bail Reform
RESI of Towson University

Although not all those arrested will be charged, and not all those charged will be eligible for pretrial release due to CJR, RESI assumed similar proportions between the two states for cost-scaling purposes.

RESI scaled cost estimates for New York based on aggregate start-up costs, operating costs, and indirect costs in New Jersey. Figure 1 below provides a summary of these estimates.

Figure 1: Estimated Costs of CJR in New York, Based on New Jersey Estimates

	Total Arrests⁴	Start-up Costs	Operating Costs	Indirect Costs	Total Cost
NJ	208,971	\$37,271,724	\$80,991,166	\$7,320,836	\$125,583,725
NY	478,977	\$85,429,550	\$185,637,747	\$16,779,898	\$287,847,193

Sources: New York State Division of Criminal Justice Services,⁵ RESI, State of New Jersey Department of Law and Public Safety, Various

As detailed above, RESI estimated that the costs of implementing CJR in New York would total \$287.8 million. Start-up costs were estimated at \$85.4 million, while operating and indirect costs were estimated at \$185.6 million and \$16.8 million, respectively. It is emphasized that these are rough estimates assuming an eventual program in New York is structured the same as in New Jersey. Depending on the specific program attributes in New York (e.g., differences in technology, supervision requirements, etc.), New York's actual costs may vary significantly.

Figure 2 below summarizes annual costs to New York State following the first year of implementation (operating and indirect costs only), which were estimated at \$202.4 million.

Figure 2: Estimated Total and Recurring Annual Costs—New York State

Reference Period	Estimated Cost
First Year Costs (Includes Start-up Costs)	\$287,847,195
Annual Costs (Operating and Indirect Costs Only)	\$202,417,645

Source: RESI

It should again be emphasized that the cost estimates for New York's CJR were based on comparable program attributes in New Jersey. Program differences such as use of technology and programming requirements (e.g., substance abuse treatment, monitoring, etc.) have the potential to significantly alter the expenses and benefits estimated above. For example, rather than using a quantitative, computerized processes such as the ones employed in New Jersey, previously proposed reforms in New York would have required pretrial service agents to conduct in-person interviews with defendants, and relied upon data that was more qualitative than quantitative.⁶ The level of personal interaction required between pretrial service agents

⁴ Number of arrests in New Jersey were based on the most-recently available 2017 data; number of arrests in New York were based on the most-recently available 2016 data available at the time of publication.

⁵ New York State Division of Criminal Justice Services, "Adult Arrests: 2007 – 2016," last updated February 17, 2017, accessed February 7, 2018, <http://www.criminaljustice.ny.gov/crimnet/ojsa/arrests/index.htm>.

⁶ Senate No. 3579, General Session 2017-2018 (New York 2017), 1-2, accessed January 24, 2019, <http://legislation.nysenate.gov/pdf/bills/2017/53579>.

and defendants in public safety assessment process would likely impact the number of assessment employees compared to New Jersey. Similarly, the face-to-face evaluations previously proposed in New York would likely not have required the same level of computer software development, and therefore technology costs of implementing New York's pretrial release program would have been expected to be lower than those in New Jersey.

2.0 Results

The current analysis used the cost estimates obtained in the 2018 report and the most-recently available arrest data to scale New York State costs at a county level.⁷ Arrest data were averaged between 2016 and 2017 to allow for annual fluctuations and to obtain a more accurate representation of each county's burden of total arrests in the state. Arrests due to violent felony charges were removed due to ineligibility for participation in New York's pretrial release program.⁸

Figure 3 below outlines the proportion of arrests for each New York county, and the estimated costs associated with the pretrial release program at the county level. These cost estimates include both the first year (start-up, operating, and indirect costs) and subsequent years (operating and indirect only). Please note that figures do not sum exactly due to variation in source data between total non-violent felony arrests in the state and county totals.⁹

Figure 3: County-Level Cost Estimates

Arrest County/Region	Average Arrests 2016 & 2017 ¹⁰	Percent of Arrests	Estimated Cost, First Year	Estimated Cost, Annual
Albany	7,486	1.8%	\$5,064,170	\$3,561,186
Allegany	825	0.2%	\$557,799	\$392,251
Bronx	51,705	12.2%	\$34,979,676	\$24,598,133
Broome	5,143	1.2%	\$3,479,397	\$2,446,754
Cattaraugus	1,566	0.4%	\$1,059,447	\$745,016
Cayuga	1,240	0.3%	\$838,898	\$589,923
Chautauqua	3,328	0.8%	\$2,251,156	\$1,583,040
Chemung	1,957	0.5%	\$1,323,632	\$930,794
Chenango	765	0.2%	\$517,546	\$363,945
Clinton	1,858	0.4%	\$1,256,994	\$883,933
Columbia	1,109	0.3%	\$749,934	\$527,363
Cortland	1,300	0.3%	\$879,490	\$618,468

⁷ "Adult Arrests: 2007-2017," New York State Division of Criminal Justice Services, last updated February 16, 2018, accessed January 24, 2019, <https://www.criminaljustice.ny.gov/crimnet/ojsa/arrests/index.htm>.

⁸ "Governor Cuomo Unveils 22nd Proposal of 2018 State of the State: Restoring Fairness in New York's Criminal Justice System," New York State.

⁹ In data obtained from the New York State Division of Criminal Justice Services, non-violent arrests in New York State during 2016 totaled 439,864, while county totals summed to 439,784. In 2017, non-violent arrests in New York State totaled 411,087, while county totals summed to 411,011,

¹⁰ Note that arrests do not include violent felonies.

County-Level Estimates of New York State Bail Reform
RESI of Towson University

Arrest County/Region	Average Arrests 2016 & 2017¹⁰	Percent of Arrests	Estimated Cost, First Year	Estimated Cost, Annual
Delaware	908	0.2%	\$613,952	\$431,738
Dutchess	4,906	1.2%	\$3,318,721	\$2,333,765
Erie	19,812	4.7%	\$13,403,424	\$9,425,451
Essex	671	0.2%	\$453,614	\$318,987
Franklin	1,173	0.3%	\$793,232	\$557,810
Fulton	1,045	0.2%	\$706,974	\$497,153
Genesee	1,193	0.3%	\$807,101	\$567,563
Greene	1,273	0.3%	\$861,223	\$605,623
Hamilton	53	0.0%	\$35,856	\$25,214
Herkimer	1,055	0.2%	\$713,740	\$501,910
Jefferson	2,342	0.6%	\$1,584,096	\$1,113,956
Kings	60,310	14.2%	\$40,801,560	\$28,692,153
Lewis	366	0.1%	\$247,610	\$174,123
Livingston	1,275	0.3%	\$862,577	\$606,574
Madison	1,126	0.3%	\$761,773	\$535,688
Monroe	13,792	3.2%	\$9,330,372	\$6,561,231
Montgomery	1,151	0.3%	\$778,687	\$547,582
Nassau	16,497	3.9%	\$11,160,387	\$7,848,120
New York	64,600	15.2%	\$43,703,876	\$30,733,097
Niagara	4,782	1.1%	\$3,235,169	\$2,275,010
Oneida	5,249	1.2%	\$3,550,771	\$2,496,945
Onondaga	9,881	2.3%	\$6,684,799	\$4,700,832
Ontario	1,832	0.4%	\$1,239,066	\$871,326
Orange	8,831	2.1%	\$5,974,442	\$4,201,300
Orleans	869	0.2%	\$587,567	\$413,184
Oswego	2,516	0.6%	\$1,702,151	\$1,196,973
Otsego	1,042	0.2%	\$704,607	\$495,488
Putnam	1,371	0.3%	\$927,523	\$652,246
Queens	42,595	10.0%	\$28,816,482	\$20,264,101
Rensselaer	3,198	0.8%	\$2,163,207	\$1,521,193
Richmond	9,172	2.2%	\$6,204,800	\$4,363,291
Rockland	3,336	0.8%	\$2,256,568	\$1,586,846
St. Lawrence	2,160	0.5%	\$1,461,306	\$1,027,608
Saratoga	3,831	0.9%	\$2,591,789	\$1,822,577
Schenectady	3,775	0.9%	\$2,553,565	\$1,795,698
Schoharie	485	0.1%	\$327,779	\$230,498
Schuyler	293	0.1%	\$197,885	\$139,155
Seneca	762	0.2%	\$515,178	\$362,279
Steuben	1,855	0.4%	\$1,254,964	\$882,506
Suffolk	19,867	4.7%	\$13,440,633	\$9,451,617
Sullivan	1,792	0.4%	\$1,212,005	\$852,296

County-Level Estimates of New York State Bail Reform
RESI of Towson University

Arrest County/Region	Average Arrests 2016 & 2017¹⁰	Percent of Arrests	Estimated Cost, First Year	Estimated Cost, Annual
Tioga	696	0.2%	\$470,527	\$330,880
Tompkins	1,369	0.3%	\$925,832	\$651,056
Ulster	4,180	1.0%	\$2,827,560	\$1,988,374
Warren	1,742	0.4%	\$1,178,516	\$828,747
Washington	1,171	0.3%	\$791,879	\$556,859
Wayne	1,500	0.4%	\$1,014,796	\$713,617
Westchester	12,444	2.9%	\$8,418,408	\$5,919,927
Wyoming	680	0.2%	\$460,041	\$323,506
Yates	307	0.1%	\$207,695	\$146,054
New York State	425,476	100.0%	\$287,847,193	\$202,417,645

Sources: New York State Division of Criminal Justice Services, RESI, Various

As detailed above, the most-significant costs for New York were estimated in New York County (15.2 percent of arrests), Kings County (14.2 percent of arrests), Bronx County (12.2 percent of arrests), and Queens County (10.0 percent of arrests). The first-year costs of the program in these four counties, which include start-up costs, range between an estimated \$28.8 million and \$43.7 million. Ongoing annual costs in these four counties, including operating and indirect costs, are estimated to range between \$20.3 million and \$30.7 million.

The counties with the lowest anticipated financial burden, based on arrests in 2016 and 2017, include Hamilton County (0.0 percent of arrests), Schuyler County (0.1 percent of arrests), Yates County (0.1 percent of arrests), Lewis County (0.1 percent of arrests), and Schoharie County (0.1 percent of arrests). Costs of the first year of the program in these five counties range between an estimated \$35,856 and \$0.3 million. Ongoing annual costs are estimated to range between \$25,214 and \$0.2 million.

3.0 Conclusion

This report has provided a rough estimate of the impact of bail reform in New York if costs are borne by each County instead of by the State. The figures used in the current report are based on those obtained in RESI's previous analysis, which was conducted in 2018 and used the most recently available data at the time of publication, and assumes New York enacts a similar CJR program to the program which was recently implemented in New Jersey. Arrest data from 2016 and 2017 were used to provide estimates of costs at the county level, based on the proportion of arrests relative to the state as a whole (excluding violent felonies). Due to limited availability of specific program attributes that may be used in New York, the cost figures reflect the characteristics of New Jersey's pretrial release program. These figures should be interpreted cautiously, as differences in the specific New York State legislation and within the pretrial release program could significantly alter these cost estimates.

4.0 References

- Cohen, Thomas and Brian Reaves. "Pretrial Release of Felony Defendants in State Courts." Bureau of Justice Statistics (November 2007). Accessed February 14, 2018. <https://www.bjs.gov/content/pub/pdf/prfdsc.pdf>.
- Grant, Glenn A. "Criminal Justice Reform: 2016 Report to the Governor and Legislature." New Jersey Judiciary and the New Jersey Courts (December 2016). Accessed February 8, 2018. <https://www.judiciary.state.nj.us/courts/assets/criminal/2016cjannual.pdf>.
- Grant, Glenn A. "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature." New Jersey Judiciary and the New Jersey Courts (February 2018). Accessed February 13, 2018. <https://www.njcourts.gov/courts/assets/criminal/2017cjannual.pdf>.
- Irani, Daraius, Michael Siers, Catherine Menking, Nick Wetzler, Jacob Leh, and Mackenzie Rice. "Review of New Jersey Pretrial Services Program Costs in 2017 and Analysis of Program Implementation in New York State." Regional Economic Studies Institute of Towson University (March 1, 2018).
- Morris, Robert G. "Pretrial Release Mechanisms in Dallas County, Texas: Differences in Failure to Appear (FTA), Recidivism/Pretrial Misconduct, and Associated Costs of FTA." University of Texas at Dallas (January 2013). Accessed February 15, 2018. <http://www.utdallas.edu/epps/ccjs/dl/Dallas%20Pretrial%20Release%20Report%20FINAL%20Jan%202013c.pdf>.
- New Jersey Association of Counties v. Council of Local Mandates. Complaint. December 6, 2016. Accessed February 8, 2018. <http://www.state.nj.us/localmandates/pending/documents/12-6-16%20NJAC%20Complaint%20on%20Bail%20Reform.pdf>.
- New Jersey Association of Counties v. Council of Local Mandates. Re: Complaint. January 20, 2017. Accessed February 8, 2018. <http://www.state.nj.us/localmandates/pending/documents/ltr%20brief%20to%20Judge%20Sweeney%20on%20State%20MTD%201%2020%2017.pdf>.
- New Jersey Judiciary and New Jersey State Legislature. "JUD Response to OLS Questions." April 2017. Accessed February 7, 2018. http://www.njleg.state.nj.us/legislativepub/budget_2018/JUD_response.pdf.
- New Jersey Judiciary. "Initial Release Decisions for Criminal Justice Reform Eligible Defendants, January 1 – December 31, 2017." Accessed February 9, 2018. <https://www.judiciary.state.nj.us/courts/assets/criminal/cjrreport.pdf>.

County-Level Estimates of New York State Bail Reform
RESI of Towson University

New York State Division of Criminal Justice Services. "Adult Arrests: 2007 – 2016." Last updated February 17, 2017. Accessed February 7, 2018.
<http://www.criminaljustice.ny.gov/crimnet/ojsa/arrests/index.htm>.

New York State Division of Criminal Justice Services. "Adult Arrests: 2007-2017." Last updated February 16, 2018. Accessed January 24, 2019.
<https://www.criminaljustice.ny.gov/crimnet/ojsa/arrests/index.htm>.

New York State. "Governor Cuomo Unveils 22nd Proposal of 2018 State of the State: Restoring Fairness in New York's Criminal Justice System." January 2, 2018. Accessed January 24, 2019. <https://www.governor.ny.gov/news/governor-cuomo-unveils-22nd-proposal-2018-state-state-restoring-fairness-new-yorks-criminal>.

Office of Legislative Services and New Jersey State Legislature. "Analysis of the New Jersey Budget: The Treasury, Fiscal Year 2016-2017." May 2016. Accessed February 7, 2018.
http://www.njleg.state.nj.us/legislativepub/budget_2017/TRE_analysis_2017.pdf.

Office of Legislative Services and New Jersey State Legislature. "Analysis of the New Jersey Budget: The Treasury, Fiscal Year 2017-2018." May 2017. Accessed February 7, 2018.
http://www.njleg.state.nj.us/legislativepub/budget_2018/TRE_analysis_2018.pdf.

Office of Legislative Services and New Jersey State Legislature. "Fiscal Note: Senate, No. 2850." December 21, 2016. Accessed February 7, 2018.
http://www.njleg.state.nj.us/2016/Bills/S3000/2850_F1.HTM.

Office of Legislative Services and New Jersey State Legislature. "Legislative Fiscal Estimate [Second Reprint]: Senate, No. 946." June 24, 2014. Accessed February 7, 2018.
http://www.njleg.state.nj.us/2014/Bills/S1000/946_E1.HTM.

Office of the Attorney General. "Attorney General Issues Directive to Guide Prosecutors and Police in Implementing Historic Bail Reform that Will Keep Dangerous Criminals in Jail and Eliminate Unfair Monetary-Based Bail System." State of New Jersey Department of Law and Public Safety, October 13, 2016. Accessed February 14, 2018.
<http://www.nj.gov/oag/newsreleases16/pr20161013b.html>.

Roman, John K. and Aaron Chalfin. "Does It Pay To Invest In Reentry Programs For Jail Inmates?" The Urban Institute (2006). Accessed February 12, 2018.
https://www.researchgate.net/publication/237519358_Does_it_Pay_to_Invest_in_Reentry_Programs_for_Jail_Inmates.

Senate No. 3579, General Session 2017-2018 (New York 2017). Accessed January 24, 2019.
<http://legislation.nysenate.gov/pdf/bills/2017/S3579>.

County-Level Estimates of New York State Bail Reform
RESI of Towson University

State of New Jersey Office of Management and Budget. "The Governor's FY 2017 Budget: Detailed Budget." February 2016. Accessed February 7, 2018.
<http://www.nj.gov/treasury/omb/publications/17budget/pdf/FY17BudgetBook.pdf>.

State of New Jersey Office of Management and Budget. "The Governor's FY 2018 Budget: Detailed Budget." February 2017. Accessed February 7, 2018.
<http://www.nj.gov/treasury/omb/publications/18budget/pdf/FY18BudgetBook.pdf>.

END OF DOCUMENT

