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An Analysis of New York State's Bail Reform: Identifying
and Addressing Gun Violence with the GIVE Executive
Team

By

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Requirements for the Degree of Master of Science in

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the GIVE Executive Team

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Part 1: GIVE: Evidence-Based Strategies

What is GIVE

Gun Involved Violence Elimination (GIVE) is a gun violence reduction initiative funded by New York State in specific counties in New York. The funding covers law enforcement equipment, overtime, personnel, training, shooting reduction strategies, and technical assistance (DCJS). GIVE is implemented in the 17 counties that make up 80 percent of part 1 crimes in New York State outside of New York City (DCJS). These counties needed a strategy to help prevent and reduce gun violence. Hence, GIVE was created to target local issues causing gun violence. There are 4 main strategies in which the GIVE model uses to combat gun violence: focused deterrence, hotspot policing, street outreach, and crime prevention through environmental design (CPTED). However, strategies can not be just thrown into place immediately. The GIVE team needs to identify a problem, find out what could be causing that problem, and then develop a combination of the 4 strategies to prevent and reduce gun violence. The GIVE team in Monroe county uses research to determine if other factors could be affecting the increase in gun violence. If research concludes that gun violence is being impacted by a new factor the first step is to examine if the four evidence-based strategies could intervene with the new factor to prevent and reduce gun violence.

The four evidence-based strategies have 4 important components within them that give the foundation of where to begin: people, places, alignment, and engagement. GIVE targets people that have been identified as someone who has contributed to gun violence. Therefore, GIVE does not work to target everyone, just those who are at high risk. Places are targeted because shootings are not happening randomly, but instead are happening at specific identifiable locations. Hence, these locations need attention to address the issue at hand. Alignment involves GIVE partners collaborating with other agencies and organizations to provide resources to make

the best plan possible to reduce shootings. Agencies range from governmental agencies like parole and probation to community organizations like Pathstone which help offenders get an education or employment. Lastly, engagement with the community is a key element. The community needs to be involved in the reduction of gun violence to give the community a voice and the opportunity to work with GIVE to bring about a change. Law enforcement can only do so much on its own, which makes community engagement so vital (DCJS).

Consequently, GIVE is a problem-oriented policing initiative that leads the direction of the strategies made to combat gun violence. GIVE strategies works to identify the underlying problems and address them through a 4-step process called the SARA model: scanning, analysis, response, and assessment. The scanning stage involves sifting through information and identifying problems including where the problem is, what is the problem, and who is the problem. The analysis involves why it is a problem and identifying the root issues of why there is an issue presenting. The response is how to respond to develop and implement an intervention. Lastly, is the assessment to determine if the response was successful. The assessment also helps GIVE partners determine what is needed to maintain success. GIVE starts with the SARA model because it offers an overview of what needs to be addressed by who is the target, what is going on, what can be done, and whether it is going to work (DCJS).

At-Risk

GIVE focuses on at-risk places and people, but not just anyone who has a criminal record or walks down the wrong street is at risk. At-risk individuals are “perpetrators and/or victims of gun violence through group affiliations and activities” (Robin et al., 2013, p. 413). Targeting those who are at risk and need help instead of generalizing intervention to the whole population has a higher chance of success. There are strategies used to determine who and what areas are at

risk. However, there are issues with the definition of at-risk individuals. Almost anyone can be considered at risk if they are at the right location at the right time. Common at-risk individuals are gang members who are responsible for the majority of the conflict and are flagged by law enforcement (Dougherty, 2017, p. 33). However, common does not mean all so there is a range of who is considered at risk. At-risk individuals can be those who have been identified by the legal authorities as having a criminal history and need a life readjustment or they will end up in prison. However, it could also be a youth at school who skipped a day or used profane language. It could be homeless individuals who are seeking an opportunity to get a bite to eat, even if that is joining a gang. Likewise, it could be an individual who hangs out with the wrong people but hasn't done a single criminal activity. At-risk individuals could also be a victim of a gun violence incident, in addition, it could be the victims' family members. Overall, at risk is vague, and if you spin it the right way everyone could be considered an at-risk individual. Therefore, it relies on the program to develop a stricter definition, because without one the target group can become larger than intended and have results that were not expected.

GIVE has an executive meeting monthly where agencies come together to discuss what the current issues are and how they should address them. GIVE will identify areas, where gun violence is out of control and those areas, can become target locations. GIVE will also discuss those who are at risk. Common at-risk individuals are gang members who are responsible for the majority of the conflict and are flagged by law enforcement (Dougherty, 2017, p. 33). This is not an exhaustive list of who can be considered at risk, however, at risk are those who are responsible for a significant amount of violence. Identifying at-risk individuals and places is critical for all 4 GIVE strategies.

Hotspot policing

Hotspot policing is a policing strategy used to focus on a small area that has a high crime concentration. Hotspot policing is also called “place-based policing”, as it focuses on the “micro-unit of geography” (Weisburd & Telep, 2014, p. 201) as in a block, street, addresses, or other small specific locations. Hot-spot policing’s focus is to increase police presence in areas that are concentrated with crime. Hot spot policing is rooted in deterrence theory and crime opportunity theory which have helped create successful interventions in many different cities to find positive results in crime reduction.

Strategy Elements

Hotspots are not chosen at random; they instead are strategically chosen. Crimes are mapped to visually show where crimes are concentrated. When mapping the crimes, it is obvious that crimes do not happen randomly across an area. Instead, crime clusters in specific sections of cities. Once crime clusters are identified then they are determined as hotspots or not. Once an area is determined as a hotspot then resources and attention are increased in that area. In hotspots, police are to do directed patrols, proactive arrests, clean up the area, and engage more with the community (Braga et al., 2019, p.3), (Weisburd & Telep, 2014, p. 201). However, hotspot policing is not a universal implementation. As all areas are distinct and may need different strategies of implementation to be successful.

There is not one perfect hotspot policing strategy. Instead, many are used in combination with others to produce the best results (CEBCP, 2022) Increased police presence is used as a deterrent to criminals as it will be made known the police are watching over the neighborhood and criminals will be caught. Increased police presence could also be police walking the area and making connections with the people to improve the relationship between the people and the

police. Once people begin to trust the police, they are more willing to be cooperative and will report crimes more often (Uchida et al, 2014). Furthermore, police can be proactive in their arrests, so people know the police are going to arrest them as they do not tolerate crime, especially not violent crimes. Hotspots are known to have crime concentrated therefore, hotspot policing is to reduce that concentration by removing opportunities to commit crimes and increasing the deterrent of committing crimes (CEBCP, 2022). Hot spots are to increase resources and attention to the target area, however, if not done properly it can further alienate the community members as it can be seen as a suppression strategy instead of building a partnership with the community.

Theoretical Underpinnings

Hotspot policing is supported by two theoretical underpinnings: deterrence and crime opportunity reduction (Braga et al., 2019, p. 4). Deterrence theory claims that crime is prevented when the costs outweigh the benefits of committing the crime. Deterrence theory relies on the certainty, swiftness, and severity of punishment (Braga et al., 2019, p. 4). Certainty is the guarantee of being caught and punished for committing the crime. Swiftness is the consequence of committing a crime that comes quickly after the offense to correlate the crime with punishment. Lastly, severity is the consequence of a crime that is too costly for an offender. Therefore, they will not risk committing the crime, because they have too much to lose if they were to receive that consequence. Overall, hotspot policing will increase police visibility in an area which will increase the perceived risk of being caught.

Likewise, crime opportunity reduction has three theories influencing hotspot policing's theoretical underpinnings: rational choice theory, routine activity theory, and environmental criminology (Braga et al., 2019, p. 4). Rational choice assumes that offenders are rational human

beings who make decisions that will benefit them not hurt them. Therefore, hotspot policing will make rational offenders realize that if they were to commit a crime, they would be hurting themselves and would not be receiving benefits. In addition, routine activity theory claims that crime occurs when there is a convergence of a motivated offender, a suitable target, and a lack of guardianship (Braga et al., 2019, p. 4). Hotspot policing will remove this convergence as it will supply guardianship and remove suitable targets. Lastly, environmental criminology explores crime and how it relates to places and the way offenders shape their offending around time (Braga et al., 2019, p. 4). Hotspot policing will have patrols during the “hot times” in the hotspots to deter and prevent crime. The integration of these allows for the understanding that rational criminals will not commit crimes where hotspot policing is occurring because hotspot policing has removed the opportunity to commit a crime without being noticed.

Evidenced-Based Support for Hotspot Policing

Hotspot policing has had a positive impact on crime. Weisburd and Telep 2014 have found that hotspot policing is effective at reducing and preventing crime (Weisburd & Telep, 2014, p. 20urpos). Hot spot policing is conducted on small geographical units however, it has positive results within the area but also outside the area. Low-intensity hotspot policing reduced robberies by “2.4 percent at the borough level, 2.2 percent at the police-beat level, and 18.8 percent at the hotspot level” (Weisburd et al., 2017, p. 157). While high-intensity hotspot policing reduced robberies by “11.7 percent at the borough level, 11.5 percent at the police beat level, and 77.3 percent at the hotspot level” (Weisburd et al., 2017, p. 157). Diffusion effects have created positive results outside of the hotspot locations which supports hotspot policing to be conducted at the small level because it will produce greater results for the area that needs it and provides positive results for surrounding areas.

In addition, hotspot policing through soft policing also produces positive results so it does not always need to be done through hard policing. Hard policing is the threat of immediate arrest, and soft policing is uniformed and unarmed police officers with few arrest powers. Soft policing has highly comparable results to hard policing in its effectiveness for crime prevention (Ariel et al., 2016, p. 297). The presence of police officers without uniforms and weapons is enough deterrence to prevent offenders from committing a crime. This is because the officer is still removing the lack of guardianship and suitable targets. Soft policing reduced calls of service by 20 percent, and reduced victim-generated crimes by 39 percent compared to the control group that did not have hotspot policing (Ariel et al., 2016, p. 297). Soft policing can achieve comparable results in a reduction in crime without the threat of the immediate use of force or arrest.

Conclusion

Hotspot policing strategy builds the foundation for all other GIVE strategies, as it identifies at-risk locations. Hotspot policing is utilized when a target local is identified as being concentrated with crime to then concentrate the area with resources. From there, it can be determined what other strategies are needed and which are going to work. Although past research has found success with hotspot policing, it does not solve all crime, therefore multiple strategies are used to combat GIVE problems.

Crime Prevention Through Environmental Design (CPTED)

Crime prevention through environmental design (CPTED) is another evidenced-based strategy that GIVE jurisdictions are required to implement. CPTED involves modifying the environment to provide a space that reduces crime, fear, and improves the quality of life (Cozens

et al., 2005, p. 329). CPTED is conducted in small geographical areas or hotspots as these are the areas that have been identified at risk and need improvement to prevent crime.

First-generation CPTED focuses on the physical aspects of an area. First-generation CPTED involves optimizing the opportunities for visibility so offenders think they will be seen everywhere and won't commit crimes in fear of being caught (Cozens et al., 2005, p. 330). Consequently, six strategy elements have come from the first generation CPTED: territoriality, surveillance, access control, image/maintenance, activity program support, and target hardening. These concepts by themselves can reduce crime, however, it is more common to find the concepts being applied together to bring about the best results.

Strategy Elements

Territoriality has its foundation in creating a sense of ownership among the people in the area to decrease the opportunities for offending. Territoriality is about building community members' desire to want to call something their own and protect it. Ownership creates a motivation to take care of and monitor the area, which will decrease the opportunity for crime (Cozen et al., 2005, p. 331). Additionally, once individuals have a sense of territoriality, they set up physical boundaries like fences and borders around the yard. Overall, when a community has territoriality, community members start to build it to look like their own and begin to look out for the entire neighborhood, which is how territoriality links with surveillance.

Surveillance is the ability to provide an opportunity for guardianship. Surveillance can come in many different forms. The first form is informal and natural surveillance. This comes about from neighbors' and passersby's observations. A well-designed area wouldn't have infrastructure blocking the view of the area so individuals can surveil their communities (Conzen et al, 2005, p. 331). Therefore, large bushes or signs blocking the view would be removed and

lights and corner mirrors would be added through a CPTED project. Creating an area that is open to many onlookers without places to hide will deter crime. Additionally, there is formal and organized surveillance that is provided by an entity. This could include security guards or other personnel hired to keep watch. It doesn't always have to be a uniformed security officer, instead just a person with a set of eyes to keep watch can do the same deterrence (Conzen et al, 2005, p. 332). Lastly, is mechanical surveillance that comes from the growing technology of cameras. Cameras provide surveillance without the need for individuals to be stationed in the area (Conzen et al, 2005, p. 331-333). Crime is less likely to occur in areas where individuals know they will be caught with video evidence.

Another element of CPTED is access control which denies access and increases the risk of being caught. Security guards are one way to restrict access. However, access control can also come from locks, passcodes, badges, and lobbies with a concierge. Access control can also include removing areas that provide access to crime like overhead walkways, multiple entrances, or basically, places that experience a low volume of bystanders at a time or are just not monitored (Conzen et al., 2005, p. 334). This forces the individuals to use an entrance that is watched to deter criminals compared to entering from the overhead walkway where no one is watching. Access control can also include metal detectors, an increase in police presence, road closures, and alley gating (Conzen et al., 2005, p. 334-336). Controlling where people can go and with what controls them to go to areas that have surveillance and other crime prevention strategies to help block opportunities for crime.

Activity support is another strategy that blocks criminal opportunities as its mission is to create a space that encourages safe activities to occur there to bring out law-abiding individuals and reduce the opportunity for the area to be used for unsafe activities (Cozen et al., 2005, p.

337). This can range from a park to just the street. A park will encourage families to come out, sports to be played, and more, therefore, creating lots of eyes to observe what's happening around them. In addition, creating a street that is safe and clean where people want to sit outside on their porches puts more eyes on the streets. Once community members are out of their homes they talk to one another and create relationships that help reduce crime as social cohesion increases.

Similarly to the park, all areas need to maintain a well-kept image and management to allow functionality. A well-kept area is seen as cared for so it is less likely to become a target because people will care if it does become a target (Cozen et al., 2005, p. 338). This is why criminals target areas that are not well kept as there will be less attention drawn to them. Criminals want to stay under the radar therefore, areas that are unkempt and uncared for will be easier to be unnoticed.

Lastly, target hardening is increasing the effort needed to commit the crime. Target hardening, however, has the fortress mentality by building an environment that has layers of barriers (Cozen et al., 2005, p. 338). Target hardening needs to be implemented to cut off access to crimes. However, too much can defeat the purpose of CPTED as it undermines surveillance and image (Cozen et al., 2005, p. 338). Too many fences at high heights will decrease surveillance and make it impossible for the community to look over that area. That is just one example of target hardening being overdone but more often or not target hardening can be successful if it is not overdone like with locks, reinforcements on doors, double pane glass, and more.

CPTED works best when one element is not used alone, but many are used in conjunction. When people have ownership, they want to survey the area and control access to the

area as it is “theirs’ . Territoriality will also create the motivation to keep the area well-kept and cared for to call it their own. Moreover, they will want their area to come with the benefits of encouraging prosocial behaviors and events to make it feel like a community and not just a place they reside.

Theoretical underpinning

CPTED is grounded in a combination of criminal justice theories that have developed the strategy: defensible space, situational crime prevention theory, rational choice theory, and routine activity theory. CPTED is about creating an environment that is not welcoming of crime but of positive social activity that will prevent crime. Therefore, the CPTED environment is made with the assumption of the rational choice theory that criminals are rational human beings and will associate the CPTED environment with exponential risk so they won't commit the crime as they are likely to get caught. Furthermore, CPTED applies elements of routine activity theory to identify how an environment encourages crime and how a rational offender will react to different environments. Situational crime prevention helps identify what can prevent crime and defensive space theory helps build the CPTED design that creates a safe space. Therefore all 4 theories are integrated to help understand the problem at hand and how to address it.

The rational choice theory assumes that human beings are rational and weigh the benefits and consequences of their actions. Therefore, a rational human being would be less likely to commit a crime in a CPTED area because the cost would outweigh the benefits (Loughran et al., 2016, p.88). A rational criminal wants to commit crimes to obtain a benefit, however, benefits are reduced in an area that has been improved by the CPTED strategy.

Routine Activities theory looks at all the elements that must align to lead to criminal activity. Three main elements must collide, a motivated offender, a suitable target, and an

absence of capable guardians (Bryant, 2011, p. 94). A motivated offender is someone who wants to commit a crime and has a reason for doing so. A suitable target is something vulnerable and not easily detected. Lack of capable guardianship is the lack of supervision of areas therefore, no one is around to catch the criminal. Moreover, a suitable target is an unlocked home where no one is home, in a community where the neighbors don't know each other to say something. Therefore, there is little risk of being caught.

CPTED will use the knowledge of routine activities theory and rational choice theory to inform how to design a defensible space. Defensible space means that design elements can be built to function to provide security (Cozens & Love, 2015, p. 394) meaning that an environment can influence crime. The goal of defensible space is that an environment can be built to be controlled by the community not by the police because it is intended to be informed by the people who live in the area (Cozen & Love, 2015, p. 395). Defensible space has been formulated from ownership, community, productive, and well-maintained neighborhood which translates into CPTED elements of territorial, surveillance, and image.

Lastly, the Situational Crime Prevention theory is based on blocking criminal opportunities beyond the defensible space of physical attributes. Situational crime prevention influences how to block crime by influencing the environment to affect how the rational criminal perceives it (Bryant, 2011, 143). Environments can also motivate offenders therefore situational crime prevention should block opportunity, increase efforts to commit the crime, increase risk, reduce provocations and remove excuses (Bryant, 2011, p. 147).

Evidenced-Based Support for CPTED

CPTED has been adopted by GIVE because past research has found it to be successful. In 1971-1973 Gardiner conducted one of the first evaluations of CPTED. In Hartford Connecticut,

the evaluation concluded that there was an inverse relationship between CPTED intervention and crime which found that crime decreased. The results from Connecticut encouraged Ohio to replicate the strategy. Ohio reported that there was a 26 percent reduction in crimes reported which was interpreted as a decrease in crime (Cozen & Love, p. 400). Likewise, California was another city that saw CPTED success in other cities and decided to implement it in their cities. California not only found a decrease in crime but a decrease in the fear of crime in the target area. The positive results in California resulted in an increase in occupancy in industrial parks by 23% (Cozen & Love, p. 400). CPTED has been replicated in different cities which have all experienced positive results.

Moreover, a meta-analysis was conducted with a review of 45 environmental design crime prevention programs. 24 of the studies found strong evidence there was crime reduction due to the program (Cozen & Love, p. 400). In addition, 12 of the non-strong evidence programs found limited evidence that crime was reduced as a result of CPTED (Cozen & Love, p. 400). Therefore, the majority of cases resulted in a reduction in crime as a result of CPTED.

CPTED also received credibility from the United States Department of Justice as a successful crime reduction strategy. The US department of justice reviewed more than a hundred police problem-solving projects and found that more than 50% of the successful projects they conducted implemented CPTED (Cozen & Love, p. 400). CPTED carries support within academic and governmental research as a crime prevention strategy to target areas.

Conclusion

CPTED does stop at positive results for the target area but also has positive results of reduction of crime beyond the target area which is called the halo effect. The argument against CPTED is that it will just displace crime to a new area that still encourages crime. However, the

opposite was found as research has suggested that there has been a diffusion of benefits. In addition, this diffusion of benefits has outweighed any cost of displacement of crime. (Conzen & Love, 2015, p. 402). Overall, CPTED has seen positive results within and beyond its geographic boundaries making it a strong strategy for GIVE to implement.

Focused Deterrence

Focused deterrence is an evidence-based strategy for crime prevention that focuses on deterring gun violence. Focused deterrence is exactly what it sounds like. It focuses on a specific problem and a specific high-risk group to deter them from committing a crime. This strategy is not made to target a general group, but rather a small group to work directly with them to change their perspectives and behaviors. The nature of focused deterrence relies on understanding the crime-producing elements in these individuals' lives and interrupting them. Likewise, focused deterrence is a community effort, the police do not implement it alone. Instead, the police and community organizations work together (CEBCP, 22, p. 4).

Strategy Elements

Focused deterrence will determine a focus group and how to formulate a strategy to help them get out of the criminal lifestyle. The target population is going to be individually addressed; however, the strategy also relies on collective responsibility amongst the target groups. The theory is that if one person in a group commits a crime the whole group can be held responsible. This creates a need for a group to care about one another because their actions will affect not only their lives but their associates too. This theory is supported by evidence that gangs involve children less in gun offenses (NIJ, 2022, p. 2-3) because it is a serious crime and can get everyone in a lot of trouble.

Another element of focused deterrence is direct engagement with the target population. Direct engagement makes it more impactful when the police and community services are engaging with them, as it gives the impression that those who directly have contact with them care about them (CEBCP, 2022, p.3). Direct engagement popular form is hard and soft messaging. The police and prosecutor or community organization will all sit down with an offender and tell them the realities if they continue offending. The hard message is given by the police as they state they have a zero-tolerance for violence and are cracking down on any violent offense (CEBCP, 2022, p.3). The soft message will come from the prosecutor or the community organization to explain that they care about them and they can turn their lives around (CEBCP, 2022, p.3). The soft message is to offer help to stay out of trouble with many kinds of services. Services can come in different forms and will be narrowed to what the offender needs if that is job training, housing, drug treatment, or something else (CEBCP, 2022, p.3). The goal is to scare the offenders away from their current lifestyle and offer them help to get out and stay out.

Theoretical Underpinnings

Focused deterrence is rooted in deterrence theory, which intends to discourage people from committing crimes. Deterrence is hypothesized to work by substantially reducing incentives and increasing punishments by enhancing penalties, arrests, and prosecution (Braga, Weisburd, & Turchan, 2018, p. 210). The goal is to have the perpetrator's perspective to think the cost outweighs the benefits of committing a crime, therefore, they no longer think committing the crime is worth it. In addition, it works by sending a guaranteed message that there will be certainty, severity, and swiftness of punishment if a crime is committed (Braga, Weisburd, & Turchan, 2018, p. 210). Overall, deterrence theory increases the risk of offending and decreases the opportunities to commit a crime (Braga, Weisburd, & Turchan, 2018, p. 210).

Evidenced-Based Support for Focused Deterrence

Boston's Operation Ceasefire started the discussion and literature on focused deterrence. Operation Ceasefire claimed to have a 63% reduction in monthly youth homicide after implementing the strategy. Boston's operation was a "pulling levers" strategy for reducing violence in street gangs. This means that it was going to use every means possible to reduce gun violence. The research design was a non-equivalent quasi-experiment that compared Boston youth homicide trends to 39 other US cities and 29 New England Cities (Braga & Weisburd, 2012, p. 45). The study found a 25% reduction in gun assaults, a 32% reduction in shots fired calls for services, and a 44% reduction in youth assaults in one high-risk district (Braga & Weisburd, 2012, p. 45). These results were leading the discussion to a new successful way to reduce violence.

In 2018, Braga, Weisburd, and Turchan conducted an updated meta-analysis on focused deterrence to determine whether or not the strategy was indeed as good as Boston claimed to be. Braga and his team found that focused deterrence is an effective evidence-based crime reduction strategy. In 12 out of the 24 studies, they found that focused deterrence strategies significantly impacted the program's implementation of social control (Braga, Weisburd, & Turchan 2018, p. 230). Moreover, 19 out of 24 found implementation has significant effects on the targeted crime problem (Braga, Weisburd, & Turchan, 2018, p. 232). Likewise, 22 out of 24 studies in the analysis had effect sizes that favored the treatment groups (Braga, Weisburd, & Turchan 2018, p. 232). Within all the studies, 5 of them conducted displacement and diffusion tests. Two found that there are diffusion effects, and none reported displacement effects (Braga, Weisburd, & Turchan 2018, p. 237). In addition, two studies looked at the displacement and diffusion effects of those connected to the target group and found that there was a spillover deterrence effect

amongst those connected (Braga, Weisburd, & Turchan 2018, p. 238). Therefore, not only was focused deterrence effective for the target population but beyond them.

Conclusion

Focused deterrent has had a research history of producing positive results. Focused deterrence shows it can also have diffusion effects that discount the opposition that it causes displacement. This has encouraged GIVE jurisdictions to implement focused deterrence into its strategies as it aligns with GIVE's ideas of targeting specific individuals and it produces positive results beyond the target group.

Street Outreach

Last, street outreach is the fourth evidence-based strategy utilized by GIVE. Street outreach identifies and targets individuals at risk for gun violence (Connolly & Jolly, 2012, p. 525). Outreach is “the practice of contacting socially marginalized populations in their physical and social environments” (Gibson, 2011, p. 80), to withdraw them from their criminal path and direct them toward services (Connolly & Jolly, 2012, p. 525). Street outreach is essential in identifying the root causes of an individual's criminal behaviors and directing them toward services that are out in their community to help them address their root issues.

Strategy Elements

Street outreach workers are a significant part of street outreach as they are conducting street outreach operations because they have the connections to be able to do so. They are not randomly chosen to be a part of street outreach interventions. The target location will be identified then a search for credible messengers will be made for individuals who have a stake in that area. The law enforcement data will help identify and vet potential credible messengers (Dougherty, 2017, p. 5). Street outreach workers are individuals that have a history of criminal

activity and some have been incarcerated for a period of time. Credible messengers are used because they are comfortable on the streets as they were at-risk individuals who did not escape the criminal justice system and did get convicted of a crime. They are essential to become role models as they offer an example of someone leaving the criminal career path and finding conventional ways of living (Dymnicki et al., 2013, p. 202).

Street outreach can be hard at first as the people will be wary of the street outreach workers. The public will have a suspicion of the outreach workers working for or with the police (Dymnicki et al., 2013, p. 202). These credible messengers are going to be able to gain trust and reduce suspicion for a quicker and easier implementation of the intervention (Dymnicki et al., 2013, p. 202). Credible messengers have been in the criminal lifestyle, so they know the code of the streets to help gain trust and avoid suspicion of police being involved allowing for help to be provided and then denied due to mistrust.

Theoretical Underpinnings Of Street Outreach

Street outreach is not a new intervention and became an idea after studying two theories. The first is the subculture of violence. The criminal subculture has to be understood to combat it. The second theory is the social bond theory to identify what types of bonds can influence behavior. Therefore, together these two theories create street outreach workers who understand the criminal culture and can cultivate social bonds that can prevent crime.

Theory of Subculture of Violence

Violence continues due to the criminal subculture that justifies and encourages it to happen. The “code of the street” is one of the main justifications used when people commit gun crimes. The “code of the street” is the informal rules that govern interpersonal behaviors and violence (Anderson, 2008, p.74). The rules include proper ways to respond to a challenge or

violence. Therefore the rules provide a rationale for participating in violence. Everyone knows the rules and consequences if they break the rules. Therefore it is essential to public living. Therefore those who do not participate in criminal behavior and disagree with the code encourage their children to familiarize themselves with it to stay out of trouble (Anderson, 2008, p.74). Therefore, the code of the streets becomes a subculture in an individual's life where all accept it and others embrace it. Credible messengers are those who have been immersed in the code of the streets and they become valuable team members in street outreach due to their experienced knowledge (Brezina, 2004, p. 305-307). Credible messengers understand the culture so they are able to reach the target audience through channels the organization would not have access through. The credible messengers also know how to navigate their interactions with at-risk individuals without coming off as suspicious or rude which will allow the at-risk individuals to get trusted help.

Social Bond Theory

The social bond theory is the formation of relationships that help human development. Social bonds are what connect people to help them formulate a relationship to help direct their path in life. Street outreach has been successful in the past when positive social bonds have been created between the at-risk individual and the street outreach worker. The worker must engage with the at-risk individuals frequently to build these connections (Connolly & Jolly 2012, p. 530). Once a relationship is formed the street outreach worker can start redirecting them toward services and the individual will be more willing to accept services because they believe the street outreach worker is just trying to support them (Connolly & Jolly, 2012, p. 525). The credible messenger forms a judgment-free relationship that helps at-risk individuals talk about deeper

issues they are facing so the street outreach worker can help them with those issues (Connolly & Jolly 2012, p. 529).

In addition, social bonds integrate with social learning theory as the street outreach worker can start teaching the at-risk individual prosocial behaviors. Akers defined social learning theory as the probability an individual will engage in criminal behavior is increased when they frequently associate with others who commit criminal behavior and encourage a positive definition to commit criminal behaviors and are rewarded when they commit criminal behaviors (Akers & Jennings, 2015, p. 254). Therefore, credible messengers can provide a negative definition of criminal behavior. Likewise, the credible messenger would frequently make contact with the at-risk individual to the point where their behaviors are learned by the at-risk individual. Lastly, the credible messengers can provide rewards for the at risk individuals for staying out of the criminal lifestyle like employment, education, and more. The bond could be great enough that the outreach worker is able to teach them skills or even a culture of conforming to society's social controls by exemplifying how they have conformed and been successful. It will work to create perspectives that they have a purpose in life beyond crime and they just have to step outside the criminal hold they have to explore the more opportunities awaiting them (Akers & Jennings, 2015, p. 254).

Evidenced-Based Support for Street Outreach

Street Outreach has been used in a few cities and has been evaluated with evidence of a positive impact. Chicago had an Intervention known as CeaseFire that had positive results on its intervention that utilized street outreach and encouraged other cities like Baltimore to use this strategy. Chicago's evaluation found that there were significant reductions in shootings in the intervention areas. Englewood had a 34.5% reduction, Southwest Chicago had a 26.6%

reduction, West Garfield Park had a 23.4% reduction, and West Humboldt Park had a 15.7% reduction (Whitehill, 2011, p. 17). In Baltimore, Safe Streets intervention was implemented that used street outreach workers to make a difference in individuals involved in violent lives. Before the intervention 16.8% of the individuals said they would shoot a guy for beating up their brother, now after a year, only 7.3 said they would shoot a guy for the same reason (Milam et al., 2016, p. 615). This exemplifies that these individuals have embedded the subculture of violence into their lives. They have accepted the norms and have actively agreed to engage in them when need be. However, the intervention has decreased those embedded in the criminal culture. Overall, the evaluation showed that the intervention groups found a bigger difference in attitude changes toward guns and shooting as now they determined them as wrong and unnecessary (Milam et al., 2016, p. 624). Likewise, those beliefs had validity as there was a reduction of shootings by 56% in homicide incidents and 34% in non-fatal incidents (Whitehill, 2011, p. 18). These reductions can be claimed by street outreach workers as the areas with reduction had three times as many mediation sessions per month as sites without reduction (Whitehill, 2011, p. 18).

Conclusion

Street outreach is about listening and showing compassion to gain the trust of individuals so they are open to trying services that could land them in a position where conventional ways of living are possible. Post-convicts are the foundation of the success of street outreach workers as they are the ones who know how to talk to today's criminals. Street outreach is a program that benefits the community, today's criminals, and post-convicts. Street outreach is an attractive program because its impact goes beyond preventing crime to bettering the community.

Conclusion

The goal of GIVE is to reduce and prevent gun violence. These four strategies were found to be the best combination to have successful results as they are backed up by theory and each have evidence of studies with successful past research. However, gun violence still exists today therefore, these strategies have not been able to eliminate gun violence entirely. Different combinations of these strategies are being developed to adapt to the increases in violent crime in Rochester in hopes to reduce and prevent gun violence. Possibly, more theories need to be discussed to determine all the causes of gun violence and to determine if there is another strategy to add or replace to help prevent and reduce gun violence.

Before these strategies are put to use a problem has to be identified. GIVE relies on data and evidence to drive its efforts to establish proof there really is an issue. A recent problem GIVE has identified is the increase in gun violence in the past 3 years in Rochester. The GIVE team began asking questions as to what could be the cause of the increase in gun violence. One issue that has been in the media and throughout the public is bail reform is causing an increase in crime. Therefore the GIVE executive team agreed that a bail reform needs to be looked into to determine if it really is the cause of the increase in violence because if it is GIVE needs to develop a strategy to combat the increase in crime due to bail reform.

Part 2: Uncovering the Truth of Bail Reform

History of Bail

Bail has been a consistent part of the United States criminal justice system even before it was written into legislation. From early bail principles, bail was meant to assure that the defendant appeared at their court date (Schancke, Jones, & Brooker, 2010, p. 4). Bail began at the state level, and almost every state adopted a model similar to Pennsylvania by 1776. Pennsylvania's bail legislation contained a principle that stated: "all prisoners shall beailable by Sufficient Sureties, unless for capital Offenses, where proof is evident or the presumption great" (Schancke, Jones, & Brooker, 2010, p. 4). Soon thereafter, bail was written into the federal legislation with the Judiciary Act of 1789 which granted the right to set bail for all offenses that were non-capital offenses (Schancke, Jones, & Brooker, 2010, p. 4). However, bail began to be set at tremendously high rates resulting in many being unable to afford bail. Consequently, creating a system full of inequalities.

Negative Impacts of Bail

Bail has continuously caused injustices over decades resulting in the critical need for bail reform. Inequalities caused by bail overly represent low-income minorities (Rahman, 2019, p. 848). Blacks make up 16% of the New York State's population however they make up 53% of the incarcerated population. Latinos make up 18% of the state's population and account for 22% of the incarcerated population. Whites make up 58% of the state's population, but only represent 26% of the incarcerated population (Arnaud & Sims-Agbabiaka, 2020-2021, p. 19). Therefore, minorities are more likely to face unjust outcomes due to the combination of minorities being arrested at higher rates and bail being set at unattainable values resulting in them having to remain in pretrial detention.

The number of individuals held in pretrial detention without a conviction because they can't afford bail is remarkable. Between 2010 and 2014 in just eight New York State counties, 177,390 individuals were held in pretrial detention due to the inability to afford bail (Arnaud & Sims-Agbabiaka, 2020-2021, p. 8). Sixty percent of those in pretrial detention only had a misdemeanor or violation charge. Furthermore, 46,651 individuals were in pretrial detention for one week or more, and 20% of them had bail set to \$500 or less (Arnaud & Sims-Agbabiaka, 2020-2021, p. 8). Therefore, showing that bail is impacting low-income individuals at disproportionate rates.

Bail has caused many to remain in pretrial detention which could negatively impact their outcomes in the courtroom. In 2016, pre-trial detention increased the likelihood of conviction by 7% to 13% in New York City (Arnaud & Sims-Agbabiaka, 2020-2021, p. 20). Furthermore, those who can pay their bail and be released have a greater likelihood of a just outcome (Arnaud & Sims-Agbabiaka, 2020-2021, p. 20). Therefore, low-income individuals have less of a chance to get a just outcome because they can't afford to be released. Therefore, the intent of bail reform is to create a criminal justice system that does not favor the wealthy.

Introduction to New Bail York Bail

New York State introduced bail reform in 2020 to correct injustices that bail has caused. Before New York's recent bail reform the bail legislation had remained mostly unedited from the 19th - mid-20th century. New York has been consistent with the definition of bail over time. The definition of bail still remains, "the money or other security is given to the court in exchange for releasing a defendant from jail and the defendant's promise to come back for the next court date" (NY Courts, 2016). New York's purpose of bail is to secure the defendant's return to court and not to be used as preventive detention. In 1947, The Court of Appeals of New York clarified how

bail should be used. The Court explained that when setting bail it must be no more than a necessary amount to guarantee the appearance of the defendant at their court date (Arnaud & Sims-Agbabiaka, 2020-2021, p. 5). However, New York was similar to the federal government, as bail in New York has also caused inequalities due to bail being set at unaffordable rates resulting in defendants having to remain in pretrial detention. In 1970, New York enacted a bail statute allowing nine different ways someone could pay their bail in hopes to solve this issue (Arnaud & Sims-Agbabiaka, 2020-2021, p. 7). However, the statute did not achieve its goal of making it easier for defendants to pay their bail. In 2020, New York passed its most recent bail reform to address the ongoing injustices.

New York Bail Reform

New York bail¹ reform took effect in January 2020. Bail reform eliminated cash bail and pretrial detention for non-violent crimes and gave more guidance to judges setting bail (Rodriguez, 2022). New York considered previous research, in addition to knowledge about other states that have already reformed bail, and saw positive results. Consequently, this combination of research prompted the decision to reform bail. Prior research included knowledge that releasing individuals pre-trial was not going to cause public unsafety. Monaghan et al., found that being granted release on recognizance did not increase rearrest rates, and when other factors were considered, it reduced the odds of being rearrested (Monaghan et al., 2020). In addition, New York began to modify the bail laws due to reflection on the impacts bail has caused.

¹ NY has defined bail as “the money or other security given to the court in exchange for releasing a defendant from jail and the defendant’s promise to come back for the next court date” (NY Courts, 2016).

Three months later, on April 3, 2020, bail reform was amended to reassess eligible bailable offenses and provide judges more discretion for nonmonetary releases (Rodriguez, 2022). The April amendment has been the final modification to the bill at this moment as the legislators have settled on the guidelines for bail reform to be utilized going forward.

Bailable vs Non-bailable Offenses

In general, New York bail reform eliminates cash bail for nonviolent offenses while keeping it in place for major violent offenses. Bail reform has used the classification of crimes to define them as bailable offenses or non-bailable offenses, with a few exceptions for each category: misdemeanors, non-violent felonies, class A felonies, and violent felonies. Misdemeanors, characteristically low-level and nonviolent, have been declared non-bailable (Rempel & Rodriguez, 2019, p. 2). The exceptions are sex offenses, criminal contempt misdemeanors, (Rempel & Rodriguez, 2019, p. 2) bail jumping, escape from custody, domestic violence criminal obstruction of breathing or blood circulation (Rempel & Rodriguez, 2020, p. 3) which all qualify for bail. In addition, nonviolent felonies no longer qualify for bail or pretrial detention as they are characteristically crimes that are of a serious level but committed without threat or use of force. The exceptions for nonviolent offenses that are eligible for bail include, witness intimidation or tampering, conspiracy to commit murder, felony criminal contempt charges involving domestic violence, a limited number of offenses against children, sex offenses, and terrorism-related charges (Rempel & Rodriguez, 2019, p. 2-4), vehicular and aggravated assault any crime resulting in death, financial crimes, weapon possession, bail jumping and escape, and select hate crimes (Rempel & Rodriguez, 2020, p. 3). On the other hand Class A felonies, the most serious of crimes, are eligible for monetary bail and pretrial detention (Rempel & Rodriguez, 2019, p. 3). Class A felonies only have the exception of a few drug charges

(220.21 & 220.18: criminal possession of a controlled substance 2nd degree, and 220.43 & 220.41: the criminal sale of a controlled substance 2nd degree), which do not qualify for bail (Rempel & Rodriguez, 2020, p. 4). Lastly, violent felonies are crimes against people that result in harm and are eligible for cash bail and pretrial detention, with the exception of certain subsections of robbery 2nd and burglary 2nd where cash bail has been eliminated (Rempel & Rodriguez, 2019, p.3).

Defendants can also be eligible for bail based on their status in the criminal justice system. An individual who is on probation or parole release supervision and is charged with a felony is eligible for bail and remand. In addition, a persistent felony offender which means having two prior felony convictions and sentences of more than a year for each charge is eligible for bail and remand on their third offense. Furthermore, any individual charged with a felony or class A misdemeanor that caused harm to a person or property while on bail for a previous felony or class A misdemeanor is eligible for bail even if the crime is not an eligible offense. The last category for defendants being eligible for bail is when an individual pled guilty or is convicted at trial and is awaiting sentencing a judge can enact bail between the two dates even if the crime they are found guilty for is not a qualifying offense (Rempel & Rodriguez, 2020, p. 4-5)

Discretion for Judges

Bail reform has also provided guidelines for judges beyond which offense qualify for bail or not. Bail reform requires that the judge takes into consideration an individual's financial situation to ensure that bail is affordable and does not entrap them in incarceration (Rempel & Rodriguez, 2019, p. 4). Overall, bail must be set in such a way to ensure that the individual will not suffer any undue hardship. The offender also must have the ability to obtain a secured,

unsecured, or partially secured bond as another way of being able to pay their bail without having all the money upfront (Rempel & Rodriguez, 2019, p. 4). Moreover, judges are also encouraged to release defendants while their case is pending. Judges are encouraged to release on their own recognizance with no restrictions as long as the individual shows up to their court date (Rempel & Rodriguez, 2019, p. 4). The court has the duty to release the individual if they do not pose a risk of flight. The court can not deny release or bail if the individual is believed to pose a public safety risk because bail is just the exchange of money for the promise an individual will show up to their court date (Rempel & Rodriguez, 2019, p. 5). Furthermore, there are conditions for individuals who are not receiving bail to be restricted if there is suspicion that an offender will not show back up to court. These conditions could include supervised release, travel restrictions, enhanced court reminders, limitation of weapon possession, and electronic monitoring to be utilized (Rempel & Rodriguez, 2019, p. 5). Finally, if an individual is not cooperating with the pretrial processes or commits another crime their release conditions can be revoked and bail and detention can be enacted even on non-bailable offenses (Rempel & Rodriguez, 2019, p. 6).

Furthermore, there are conditions beyond custody status and bail that were added in the 2020 amendment of the bail reform law. Judges can restrict individuals from being associated with people involved in their cases like victims, witnesses, and co-defendants. This can also include getting an order of protection. Judges can enact mandatory programming for individuals which can include counseling, treatment, and domestic violence programming as long as these programs are linked to ensuring the individual will show up to court. However, there is also an option for mandatory hospitalization for 72 hours but it has to be deemed that it is necessary by a medical expert. In addition, judges can require that the individual keeps up with their

employment, schooling, and maintaining housing or show they are trying to get it (Rempel & Rodriguez, 2020, p. 6).

Provisions to the Courts

The court procedures principles were also provided in the new bail reform law. Starting with the courts may consider the formal risk assessment tool for release that will determine if the defendant is a flight risk or not. The tool is to be free of bias and must be available to the defense when requested. Another provision includes prohibiting the courts from issuing a warrant 48 hours from when the defendant did not appear. Instead of those 48 hours, the defense attorney is to contact the defendant to get them to return to court. The only reason a warrant can be issued is if there was a new crime or if there is proof that the defendant will not reappear in court. Furthermore, the courts have new rules on pre-arraignment detention. Pre-bail reform defendants were taken into custody for about a day between arrest and arraignment to then be released. However, now with reform if the defendant is charged with a misdemeanor or Class E felony the police officer has to issue a Desk Appearance Ticket and will release the defendant (Rempel & Rodriguez, 2019, p. 8). Lastly, the court must produce a public annual report that includes all pretrial services reports. The report should include the demographic of the offenders and tier charges. In addition, the report must include time in court and all modifications to release conditions. Finally, the report must include the cases dispositions and sentences in cases that were supervised (Rempel & Rodriguez, 2019, p. 7).

What has Bail Reform Accomplished?

The New York criminal justice system has seen differences between pre-bail reform and post-bail reform. Looking back at the 2019 New York City pretrial detention population, bail reform was estimated to have a potential impact on 43% of the cases (Rempel & Rodriguez, 2019, p. 9). This estimate was confirmed by comparing the difference between April 1, 2019,

and March 5, 2020, pretrial detention population. On April 1, 2019, NYC had 4,996 individuals in detention pretrial, and on March 5, 2020, there were 3,014 individuals in pretrial detention, resulting in a 40% reduction (Rempel & Rodriguez, 2020, p.12). Since the 2020 amendment of bail reform, there has been an increase of more than 1,600 cases in just New York City that have become eligible for bail. Therefore, resulting in the jail population decreasing (Rempel & Rodriguez, 2020, p.11). However, it is projected that the reduction in pretrial detention will decrease as the amendment has reversed some crimes to again be eligible for bail. However, the jail reduction will not be lost in total and the reduction in pretrial detention will become normal as there was a need to decrease the jail population due to the covid-19 pandemic.

In addition, a reduction in pretrial detention will become the new normal due to bail reform guidelines that encourage the use of release over pretrial detention for non bailable offenses. Bail reform encourages the least restrictive release conditions for an individual to show up to court. Likewise, if bail is going to be set it must be affordable. Bail reform has set a new culture for courts' pretrial release which will result in the New York criminal justice system reducing the jail population and ridding the system of unintended injustices bail has caused.

Fearing Bail Reform

Bail reform has contributed to the decrease of jail populations, however, bail reform's benefits have been tainted by fear. A woman who was released on bail was rearrested and the media published the incident saying that bail reform is a failure because it releases criminals (Chasin, 2021, p. 291). Unfortunately, bail reform has been criticized due to a few exceptional cases that showcase the policy's shortcomings (Chasin, 2021, p.293). The public fears the new bail legislation will release criminals onto the streets. Furthermore, the public blames the increase in violent crimes on the release of violent offenders. However, the bail law only impacts

nonviolent offenses, therefore, the law did not change for violent offenders. Hence prior to bail reform, violent offenders were eligible for bail, so they could pay bail and be released. Likewise, more individuals being granted release is not a predictor of the likelihood of an increase in criminal activity (Rahman, 2019, p. 865). In addition, there has been no evidence that the release of offenders due to bail reform has caused more crime (Arnaud & Sims-Agbabiaka, 2020-2021, p. 23). Moreover, there has been no meaningful correlation between monetary bail guaranteeing public safety (Rahman, 2019, p. 865). Individuals who can afford bail are released and are no less able to commit a new crime than an individual released on recognizance. The public contention with bail reform comes from fear and not facts.

Although the media makes it seem that those released due to bail reform are committing new crimes frequently, it is actually infrequent. The vast majority of people who are released do not commit new crimes (Arnaud & Sims-Agbabiaka, 2020-2021, p. 22). Misdemeanor cases are found to pose a minimal risk of rearrest. In addition, the likelihood of a violent offender being released and committing a crime is lower risk than in a misdemeanor case. Moreover, a study done in 2001 found that of those who were released pretrial 17% committed a new crime, and out of those only 2% of offenders were charged with a violent felony (Arnaud & Sims-Agbabiaka, 2020-2021, p. 22). Therefore, the individuals that are being released due to bail reform are at low risk of reoffending as they are nonviolent offenders.

Consequently, the use of monetary bail and pretrial detention can be harmful to society as it can increase the chance of reoffending. Those who were detained before pretrial release were more likely to re-offend than those who were released at arraignment (Arnaud & Sims-Agbabiaka, 2020-2021, p. 22). In addition, monetary bail causes an increase of 6-9% in recidivism (Arnaud & Sims-Agbabiaka, 2020-2021, p. 23). Therefore, the New York bail reform

legislation is not only to help remove the injustices that have been caused by bail but also to help improve the system by reducing recidivism.

Conclusion

Bail reform is needed and should not be reversed especially because there is no evidence showing bail reform is causing more crime. Instead, monetary bail has caused inequalities for decades for low income minorities which created the need for reform bail. Bail has been misused, as bail should only be used to guarantee an individual's return to court, it is not supposed to consider the dangerousness of the offender. Therefore, bail reform was created to strengthen this definition and reduce past injustices the system has caused. Bail reform requires the release of nonviolent offenders without monetary bail or pretrial detention, while still allowing bail for violent felonies. Therefore, bail reform is not releasing all offenders immediately back into the communities. Likewise, those released due to bail reform have low risk of reoffending. Overall, bail reform is providing improvement to the system without putting the communities at risk.

Despite the research showing that bail reform is not causing more crime, there is still a belief that bail reform is the issue. This debate is amongst all of New York including Rochester, NY. The media has broadcasted fear amongst communities that violent offenders are getting out due to bail reform and committing more crimes. Therefore, a study has been taken upon the Center for Public Safety Initiatives to uncover if bail reform has caused more violent crimes. The study uses homicide arrestees in Rochester, NY data to identify if homicide offenders are getting out on bail and committing a new crime, or if individuals were out on bail for a previous crime when they committed the homicide.

**Part 3: An Examination of Bail Reforms' Impact Through
Homicide Arrestees**

Executive Summary

In 2020, the New York legislature passed the bail reform law. The law included amendments to the Criminal Procedure Law (L 2019, ch 59, Part JJJ), eliminating cash bail and pretrial detention for non-violent crimes, and giving more guidance to judges setting bail (Rodriguez, 2022). Since the enactment of bail reform, there has been considerable debate concerning its impact on crime and violence. In spite of the ongoing debate about bail reform, few evaluations to date have ascertained bail reform's impact on violence. The Monroe County Gun Involved Violence Elimination (GIVE) Executive Committee has commissioned the RIT Center for Public Safety Initiatives (CPSI) to examine the impact of bail reform on homicide. The analysis performed in this report examined pre- and post-bail reform differences in homicide offender bail amount, custody status, crimes committed while out on bail for homicide, and homicides committed while out on bail for a previous crime. The following research questions were examined:

1. Did bail reform increase the likelihood that a homicide arrestee will commit a crime while on bail?
2. Did bail reform increase the likelihood that individuals released on bail for a previous crime will commit a homicide?
3. Were homicide arrestees more likely to be released on bail after the passage of bail reform?
4. Did bail amounts set for homicide arrestees decrease after bail reform was passed?

These questions were examined using data from the Monroe County District Attorney's Office's homicide arrestees² case files. A detailed discussion of the research methodology is included with the key outcomes. Here are our major findings from this report:

1. Results from a chi-square test showed that homicide arrestees released on bail were not more likely to be rearrested for a crime after bail reform was passed.
2. Results from a chi-square reveal that homicide arrestees that received bail for a previous crime were not more likely to commit a homicide after the passage of bail reform.
3. Results from a chi-square test revealed that homicide arrestees were not more likely to be released on bail after the passage of bail reform.
4. Bail amounts set for homicide arrestees were lower post bail reform, but results from an independent sample t-test reveal that mean difference in bail amounts set for homicide arrestees were not statistically significant.
5. The time between the incident and arrest increased from pre-bail reform to post-bail reform.
6. The time between custody status decision and disposition increased from pre-bail reform to post-bail reform.

Interpretation of these findings is complicated by the fact that bail reform was passed during the Covid-19 pandemic, which also impacted the judicial process. Importantly, homicide arrestees represent an offender population that is least likely to be impacted by bail reform, as homicide is a serious offense that remainedailable after the passage of the bail reform law. Thus, it is plausible that bail reform could have impacted arrestees of other crimes differently.

² The data used was arrestee data. Importantly, arrestee data only represent a proportion of all homicide offenders, as some homicide offenses do not lead to arrest.

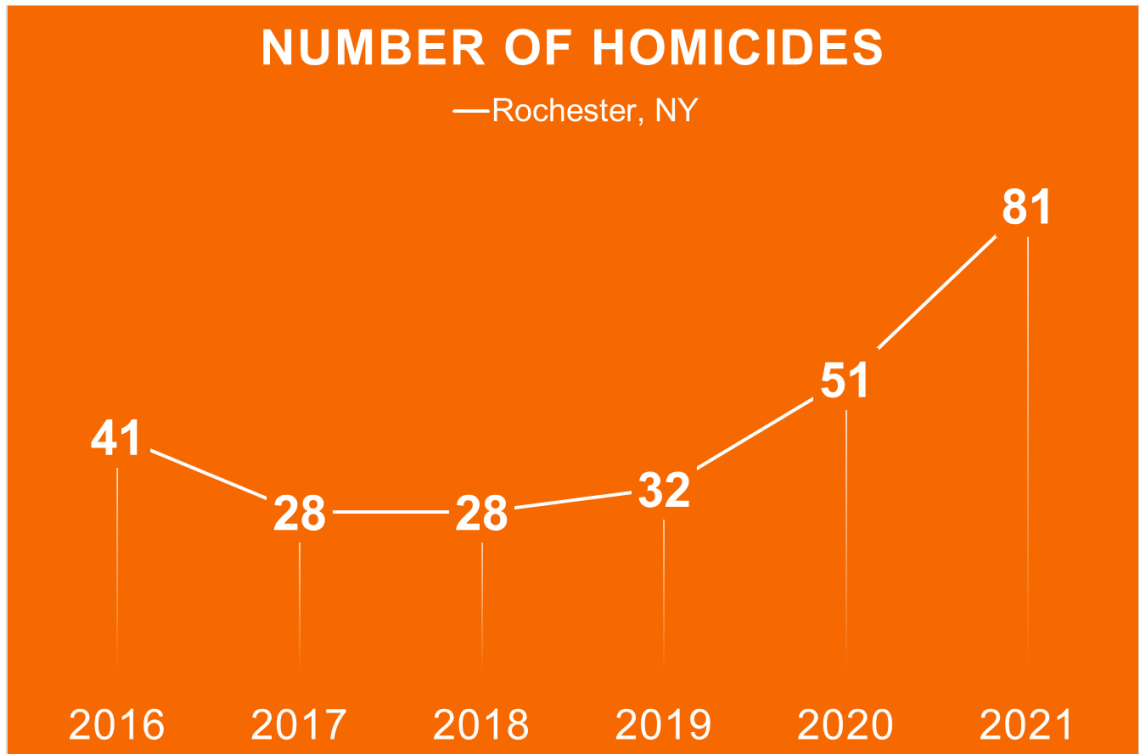
Purpose

The purpose of this evaluation is to examine the impact of the New York Bail reform on outcomes for homicide arrestees in Monroe County. This report will examine all Monroe County homicide arrestees from 2016-2021 to determine pre- and post-bail reform differences in homicide offender bail amount, custody status, crimes committed while out on bail for homicide, and homicides committed while out on bail for a previous crime.

Bail Reform Research

To date, there has not been an evaluation of the impact of bail reform in Monroe County, New York. In spite of this fact, bail reform has been at the center of intense debates concerning violence and crime. Some have argued that New York State bail reform is directly responsible for increases in crime. The argument is that violent offenders are getting released on bail and committing more violence during their release, which has caused a local increase in violent crime. This argument is based on the correlation seen in Figure 1, where homicides began to increase the year that bail reform was implemented (2020). However, that argument does not take into consideration that there has been a national and local increase in violent crime. States that have not implemented bail reform have also experienced an increase in violent crime (Rosenfeld & Lopez, 2022). Furthermore, the development of an understanding of the impacts of the Covid-19 pandemic and subsequent restrictions on crime rates are still being examined. Therefore, a conclusion on bail reform can not be based on the correlation in Figure 1 alone. Instead, a more rigorous evaluation is needed to identify bail reform's effects on crime increases.

Figure 1: The number of homicides occurring in Rochester, NY from 2016-2021. Bail reform was implemented in 2020. (RPD, 2022)



The Current Study

The RIT Center for Public Safety Initiatives (CPSI) partnered with the Monroe County District Attorney’s Office to collect and analyze bail outcome data among homicide arrestees from 2016 to 2021. Examining data from this time period allows for an assessment of the outcomes both before and after bail reform legislation was passed.

The pre-bail reform data include all homicide arrests from 2016 to 2019, and the post-bail reform data include all homicide arrests from 2020 to 2021. The following research questions were examined for this analysis:

1. Did bail reform increase the likelihood that a homicide arrestee will commit a crime while on bail?
2. Did bail reform increase the likelihood that individuals released on bail for a previous crime will commit a homicide?

3. Were homicide arrestees more likely to be released on bail after the passage of bail reform?
4. Did bail amounts set for homicide arrestees decrease after bail reform was passed?

Methodology

To examine bail reform's impact on outcomes for homicide arrestees, our study capitalizes on three data sources. The bulk of the data was extracted from the Monroe County District Attorney's Office Eprosecutor database to examine the homicide arrestee judicial processes. Data were also taken from the public sources Inmate Lookup and Parole Lookup to identify probation and parole status. Homicide data was chosen for two reasons. First, homicides are among society's most serious violent crimes and receive a considerable amount of societal attention. Second, although rare, homicides have considerable societal costs.

Importantly, an examination of homicide data alone does not provide a comprehensive picture of the impact of bail reform on violent crime. Homicide is a rare event and drawing connections between policy and rare incidents can be difficult. Further, homicide is amongst the crimes least likely to be affected by the bail reform law. Thus, this paper provides an important, but somewhat limited, examination of the impact of bail reform on violent crime.

District Attorney's Office Data

The cases used for this study were extracted by the District Attorney's data practitioner, by using a filtering command in Eprosecutor to collect a list of all homicide cases between 2016 and 2021³. To clarify, the crime did not have to occur within those six years in order to be on the

³ The populated homicide list included pending appeals which were removed from the list as these arrestees had been sentenced and imprisoned, so they are not being considered for bail. Therefore, they were not a part of the relevant arrestees to evaluate for this specific research project.

list, it just had to be filed within those years⁴. Furthermore, after the list was populated it was filtered to remove cases that did not apply to the following conditions: the top charge was a homicide charge, the case was arraigned, and given a custody status⁵.

Variables Examined

This analysis examines changes in key outcomes for homicide arrestees pre and post-bail reform. Therefore, variables were selected in consideration of the key factors that were likely to be influenced by bail reform as outlined in previous research. Pre and post-comparisons were made for the following variables: a record of custody status, bail amount, and crimes committed while out on bail. In addition, a comparison of pre and post-bail reform was made for the top charges, the time between incident and arrest, the time between arraignment and disposition, and dispositions. We also examined pre and post-outcomes for numerous control variables to provide a full picture of the homicide cases. Control variables included demographic indicators of the arrestee: race, gender, age, and residential zip code⁶.

Inter-Rater Reliability

An inter-rater reliability (IRR) test was conducted to determine if the data were coded in a reliable manner. Twenty random cases from 2021 were selected and both coders individually coded those to reach an overall IRR test of a Kappa of .97⁷. According to Cohen, an acceptable

⁴ A crime that occurred in 2010 may appear on the list if the homicide was not identified in 2010 but in 2016. Therefore, the homicide was not filed until 2016, so the judicial proceedings could not occur until then.

⁵ The cases had to be arraigned and given a custody status to answer the research questions. Therefore, cases without arraignment data and custody status data were not relevant to the study.

⁶ The data was collected from February 2022-April 2022. Therefore, cases could have evolved and changed after that time frame because not all cases were closed. The results in the analysis are from the homicide cases at the point they were at between February 2022-April 2022. Therefore the results are made to the best of our knowledge.

⁷ The 20 cases were imputed into JMP's analyze agreement statement tool to output an IRR result. The agreement statement outputs a Kappa Statistic that accounts for guessing and error. Each variable was tested separately for IRR. Then all variables were tested together to get an overall IRR. Initially, each variable is tested separately to identify if a single variable's IRR comes back as unacceptable (<.75) so the coders can identify why that variable is being coded differently and correct that for when the official coding starts.

IRR is above .75, hence, the .97 kappa is near perfect (Cohen, 1960). Thereby lending confidence to the data analyzed in this study.

Developing Pre and Post-Test of Bail Reform

The analysis plan for this study proceeded in three steps. First, we performed a descriptive analysis of project data, utilizing pivot tables and frequency distributions to understand the characteristics of key indicators. Second, we utilized independent t-tests of pre/post-bail reform bail amounts to determine statically significance in mean differences. Third, we utilized chi-squares to determine if there were significant differences between custody statuses pre/post bail reform. Lastly, chi-squares were once again used to determine statically significant mean differences between crimes committed on bail, and homicides committed on bail for previous crimes pre/post-bail reform.

Examining homicide data over a 6-year period provided some unique challenges. One challenge with this analysis is the short timeline for the post-test data. Bail reform was implemented in 2020, which results in the post-test time frame only consisting of two years (2020 & 2021). This limits our ability to track bail reform over an extended period of time in this analysis. Another challenge concerned the size of the pre/post-comparison groups. Due to the substantial increase in the number of homicides committed in 2020 and 2021, the post-bail reform number of observations was larger than any other two-year comparison pre-bail reform. However, the impact of the Covid-19 pandemic impacted the ability of the criminal justice system to process these cases. Pre-bail reform analysis period was extended to four years to even the size of the comparison groups.⁸

⁸ Taking four years of pre-bail reform (2016-2019) data allowed for a thorough examination of the pre-bail reform judicial process for homicide offenders in Monroe County and helped provide a closer comparison of the number of cases examined to post-bail reform (2020-2021). In the pre-bail reform 4-year span there were a total of 129 homicides in Rochester, and in the post-bail reform 2-year span there was a total of 132 homicides in Rochester.

Results

Arrestee demographics

The demographics of individuals who have been charged with homicide experienced differences pre and post-bail reform. As seen in Figure 2 gender of homicide arrestees did not have large differences between pre and post-bail reform. Pre-bail reform 16.67% of arrestees were female, and 82.41% were male. In post-bail reform, 13.48% of arrestees were female while 85.39% were male. On the other hand, a more noticeable difference was seen between homicide arrestees' race pre and post-bail reform (Figure 3). Pre-bail reform 67.59% of the arrestees were black and 27.78% were white, while post-bail reform 75.28% were black and 20.22% were white⁹. The proportion of white arrestees was smaller post-bail reform, and the proportion of black arrestees was larger post-bail reform. The age of homicide arrestees saw its largest differences in ages 22-26 years old and 47-61 years old. Despite having some age categories experiencing differences pre and post-bail reform the overall means did not differ greatly. Figure 4 depicts the breakdown of arrestees' ages as pre-bail reform arrestees' ages ranged from 15-62 years old with an average of 30, and post-bail reform ages ranged from 16-64 years old with an average of 29 (Figure 4).

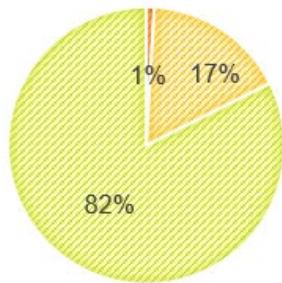
Figure 2: Gender of Homicide Arrestees from 2016-2021

Pre-bail Reform (N=108), Post-bail reform(N=89)

⁹ Ethnicity data was not available for data collection or analysis

PRE-BAIL REFORM GENDER

Unknown Female Male



POST-BAIL REFORM GENDER

Unknown Female Male

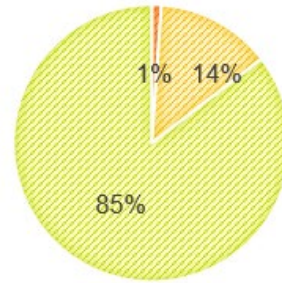
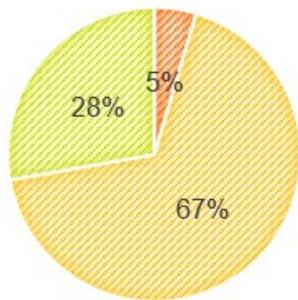


Figure 3: Race of Homicide Arrestees from 2016-2021

Pre-bail Reform (N=108), Post-bail reform(N=89)

PRE-BAIL REFORM RACE

Unknown Black White



POST-BAIL REFORM RACE

Unknow Black White

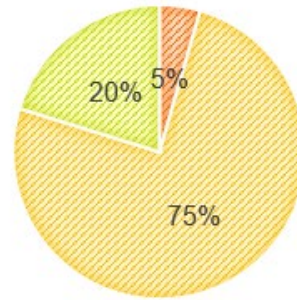
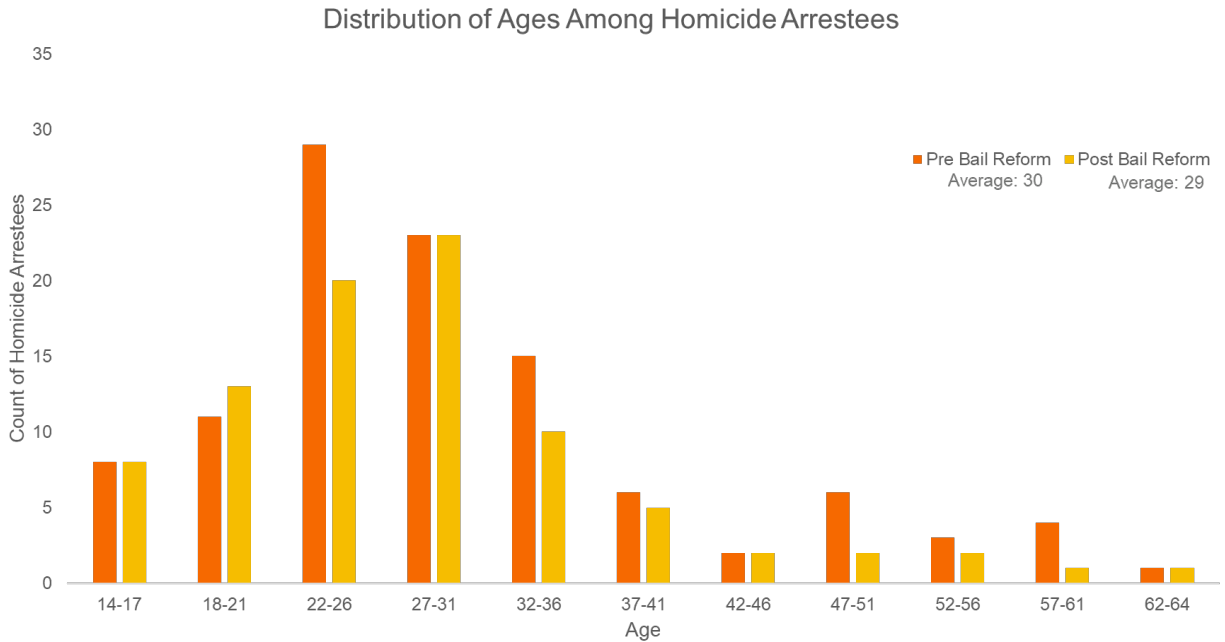


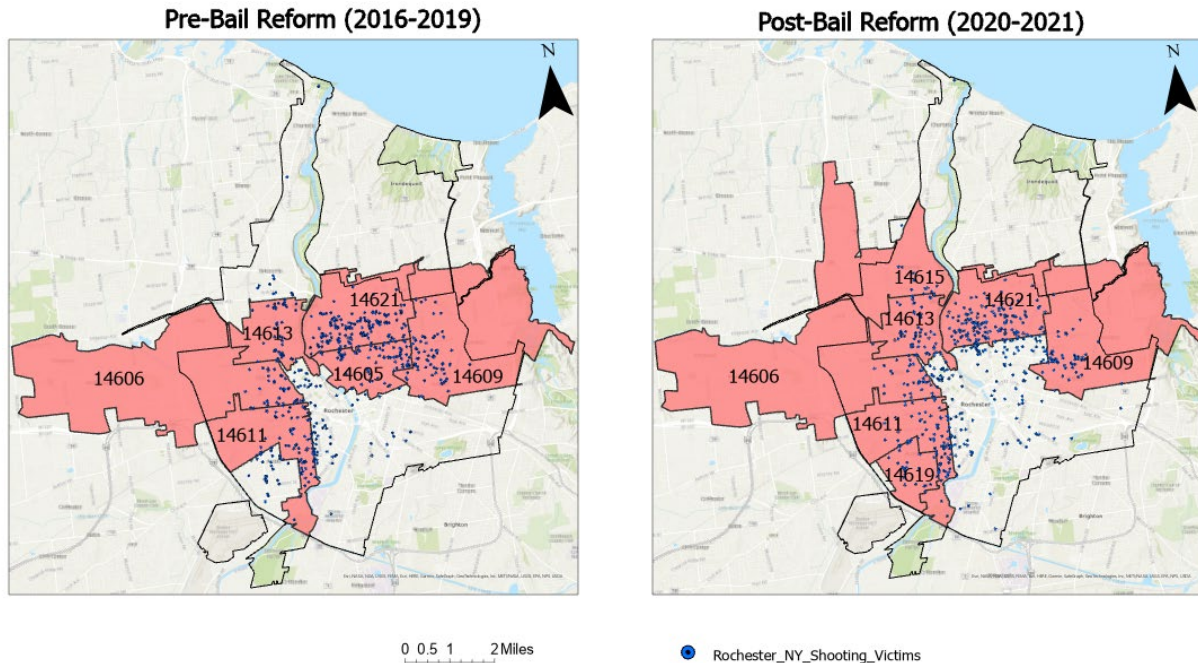
Figure 4: Age of homicide arrestees pre and post-bail reform



Another unique demographic to look at is the residential address of the homicide arrestees to determine if bail reform has encouraged a widespread of homicides across Rochester. The zip codes in which homicide arrestees resided did show differences between pre-bail reform and post-bail reform demonstrated in Figure 5. The zip codes that make up the majority (>50%) of the sample pre-bail reform lived in zip codes 14605, 14606, 14609, 14611, 14613, and 14621. Likewise, post-bail reform experienced the most common zip codes of 14606, 14609, 14611, 14613, 14615, 14619, and 14621. The zip codes that homicides arrestees lived in did expand post-bail reform, however, the expansion occurred in the crime crescent that Rochester has continuously seen.

Figure 5: Rochester’s homicide incidents location in relation to the Zip Codes where >50% of homicide arrestees reside.

Pre-bail Reform (N=56), Post-bail reform(N=49)



The Homicide Charge

The distribution of homicide charges has not been affected by bail reform. Table 1 shows the breakdown of the pre and post-bail reform homicide charges. The charges for post-bail reform seem to be following a similar pattern. Similar charges are being utilized in both pre and post-bail reform. The top charges for homicide offenses pre-bail reform included: aggravated murder - police officer, criminally negligent homicide, manslaughter 1st, manslaughter 2nd, murder 1st, and murder 2nd. Likewise, the top charges post-bail reform include aggravated murder- police officer, manslaughter 1st, manslaughter 2nd, murder 1st, murder 2nd, murder: intention and operator leave the scene of an incident resulting in death.

Furthermore, the most frequently occurring charges are murder 2nd and manslaughter 1st for both pre and post-bail reform. Pre-bail reform Murder 2nd made up 60.19% of the cases and manslaughter 1st made up 25% of the cases pre-bail reform. However, post-bail reform experienced a contrast from pre-bail reform as murder 2nd consisted of 77.53% of the cases and

11.24% of the cases were of manslaughter 1st charges. Despite murder 2nd and manslaughter the first being the top two homicide cases pre and post-bail reform there is more than a 10% difference in both charges from pre to post-bail reform. The proportion of murder 2 charges is larger post-bail reform, and the proportion of manslaughter 1st is smaller post-bail reform. Another noticeable difference is the third most commonly occurring charge pre-bail reform criminally negligent homicide. Criminally negligent homicide however is not the third most occurring charge post-bail reform. The proportion of criminally negligent homicide charges was larger pre-bail reform (5.56%), than it was post-bail reform (0%). The rest of the homicide charges seem to be happening quite similarly to pre-bail reform numbers.

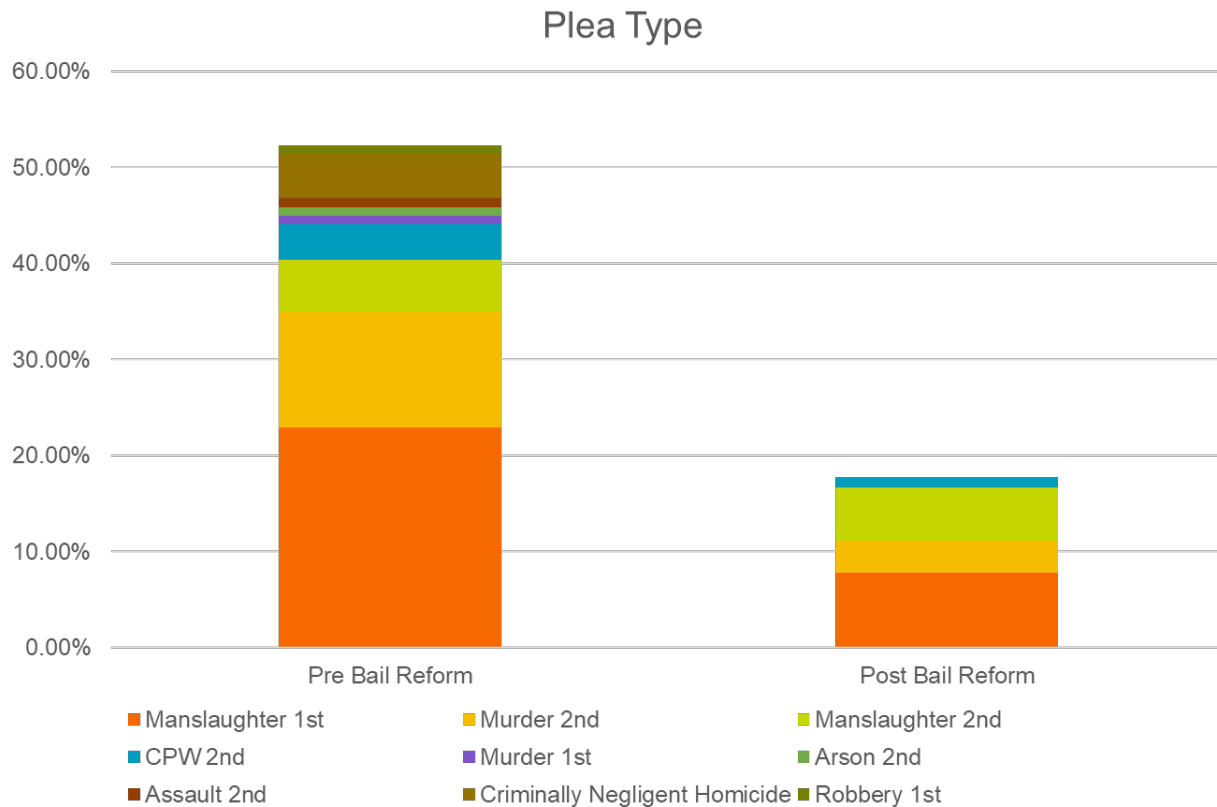
Table 1: Distribution of Charges

Charge	Pre-bail Reform		Post-bail reform	
	n	%	n	%
Total Charges	108	100%	89	100%
Aggravated Murder - Police Officer	2	1.85%	1	1.12%
Criminally Negligent Homicide	6	5.56%	0	0%
Manslaughter 1st	27	25.00%	10	11.24%
Manslaughter 2nd	5	4.63%	5	5.62%
Murder 1st	3	2.78%	2	2.25%
Murder 2nd	65	60.19%	69	77.53%
Murder: Intention	0	0%	1	1.12%
Operator Leave Scene of Incident Resulting in Death	0	0%	1	1.12%

The noticeable differences in charges could be related to the differences in the numbers of pleas pre and post-bail reform (Figure 6). Pre-bail reform 51.85% of the arrestees took a plea and out of those who did 23.15% pleaded to Manslaughter 1st. While post-bail reform only 15.73% of arrestees have taken a plea so far, and the largest percentage of those pleas have been manslaughter 1st at 7.87%. The difference in the number of pleas could be due to COVID-19

causing a delay in the courts leaving many cases open. Therefore, once post-bail reform has had the time to complete the majority of its cases through judicial processes it could be predicted that the percent differences will decrease as plea deals are taken.

Figure 6: Plea Type
Pre-bail Reform (N=56), Post-bail reform(N=14)

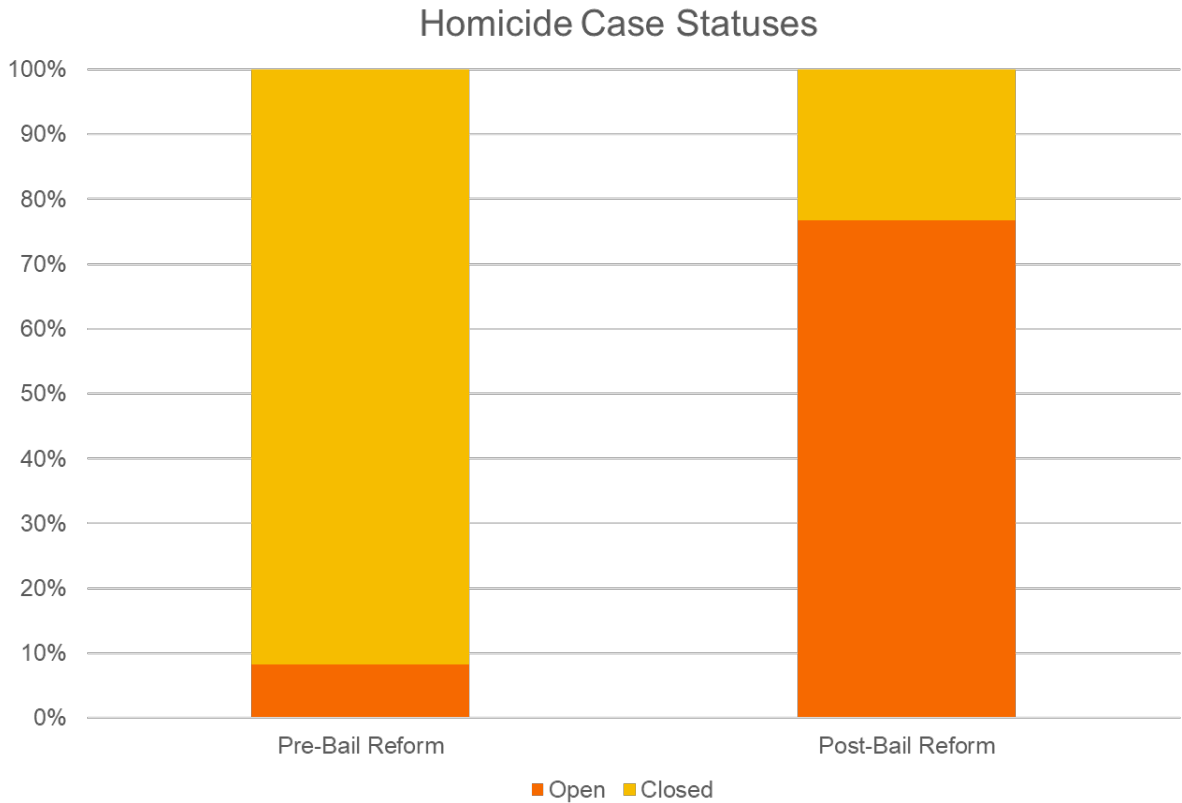


Case Status

When looking at the case status, the differences between the pre and post-bail reform statuses became apparent (Figure 7). The database prosecutor labels cases as either closed or open. Cases are closed when a case has reached its final stage in the court system. For some that is a disposition of dismissed, for others, it is a disposition of convicted at trial and then sentenced. Therefore, if the individual takes a guilty plea their case is not closed until sentencing has been completed. Pre-bail reform 91.67% of the cases were closed while 8.33% were open and post-bail reform was reversed with 76.40% open, and 23.60% closed.

Figure 7: Cases Status difference between pre-bail reform and post-bail reform makes for post-bail reform data to be less complete as over half of the cases are still open

Pre-bail reform (N=108), Post-bail reform (N=89)



The Difference in Case Status

A few factors could have impacted the difference between closed and open cases pre and post-bail reform. This report is being produced in 2022, therefore the post-test of bail reform from 2020 to 2021 is only at most 2 years old. Due to recent data being collected, many cases will be unfinished due to having an inadequate amount of time to complete the court process as of the date it is collected in early 2022. As a result, many of the post-test cases have not made it through the entire court process. Pre-bail reform cases have had an ample amount of time to conduct investigations, trials, and sentence individuals which resulted in the pre-bail reform test having the bulk of its cases closed. In addition, the COVID-19 pandemic occurred in 2020 which required a national quarantine and delayed judicial proceedings (National Conference for State Legislatures, 2020). Delays were caused by variables such as insufficient on-site staff, online

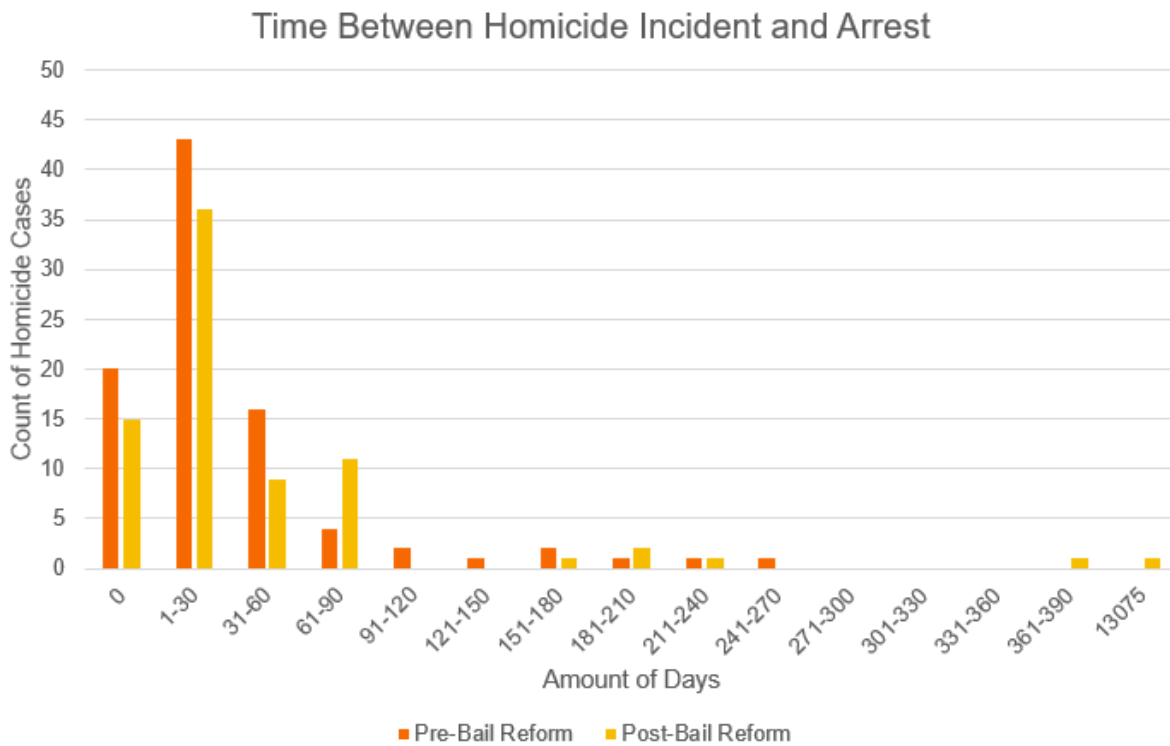
court sessions being new to everyone, and the necessity of physical barriers, all of which took time to determine. Overall, the courts were unable to fully function as they were pre-pandemic leaving many cases open for longer than anticipated. These delays, along with crime increases, have left the court with many cases to attend to. After all the covid-related delays, Monroe County has recently been able to schedule cases for trial in order to work through the steadily growing docket (Doorley, 2022). Despite the fact that trials have once again begun, not all cases have reached their resolution. Although cases have started going to trial again not all are at that stage yet or finished¹⁰.

Police

Figure 8: Time in days of how long it took to arrest since the homicide incident

Pre-bail reform (N=108), Post-bail reform (N=89)

¹⁰ The majority of the homicide cases occur in Rochester City Court both pre and post bail reform (79.82% pre-bail reform, and 86.67% post-bail reform).



The police are experiencing a longer time between the incident and arrest post-bail reform which can be seen in figure 8. The police are experiencing delays to arrest as the time between the incident and arrest has grown post-bail reform. The average time between the incident date and arrest pre-bail reform was 29 days with a median of 3 days. The average time between incidents and arrests post-bail reform was 205 days with a median of 13.5 days. The mean is skewed by an outlier of 13075. Even though the mean is skewed, post-bail reform is facing longer time periods between incidents and arrests seen by the median. The increase of time between incident and arrest could be due to bail reform. Therefore, the police might be waiting to arrest until they have gathered enough evidence to make a homicide charge instead of a lower charge to guarantee the offender will not be released without monetary bail.

However, bail reform might not be the only factor that could influence the time to arrest. The pandemic caused delays in the courtrooms and could have also caused an increase in time

between the incident and arrest. The pandemic was a very difficult situation for the police. Staffing was reduced as a result of mandatory quarantines due to contact or contracting the coronavirus (Cleveland, 2020). With the combination of Rochester Police Department staffing shortages and the added consequences of COVID-19, there was an increased need for healthy officers to work overtime which created burnout. Consequently, social distancing reduced interaction with the community and prevented police from collecting valuable information. (Jennings & Perez, 2020).

Custody Status Process

When an individual is arraigned they are assigned a custody status. Custody status can range in decisions from being held without bail to being released on recognizance. Furthermore, custody statuses granted at arraignment frequently are reevaluated and changed. The cases that were reevaluated pre-bail reform consisted of 43.52% (n=47), and then there were 67.41% (n=60) of cases post-bail reform that were reevaluated. Custody status can be reevaluated due to new evidence, an individual not cooperating with the court's conditions, an individual committing another crime, or an attorney's request to reevaluate the client's custody status is granted. A breakdown of those reevaluated for bail is demonstrated in Table 2.

Table 2: Reevaluations of Custody

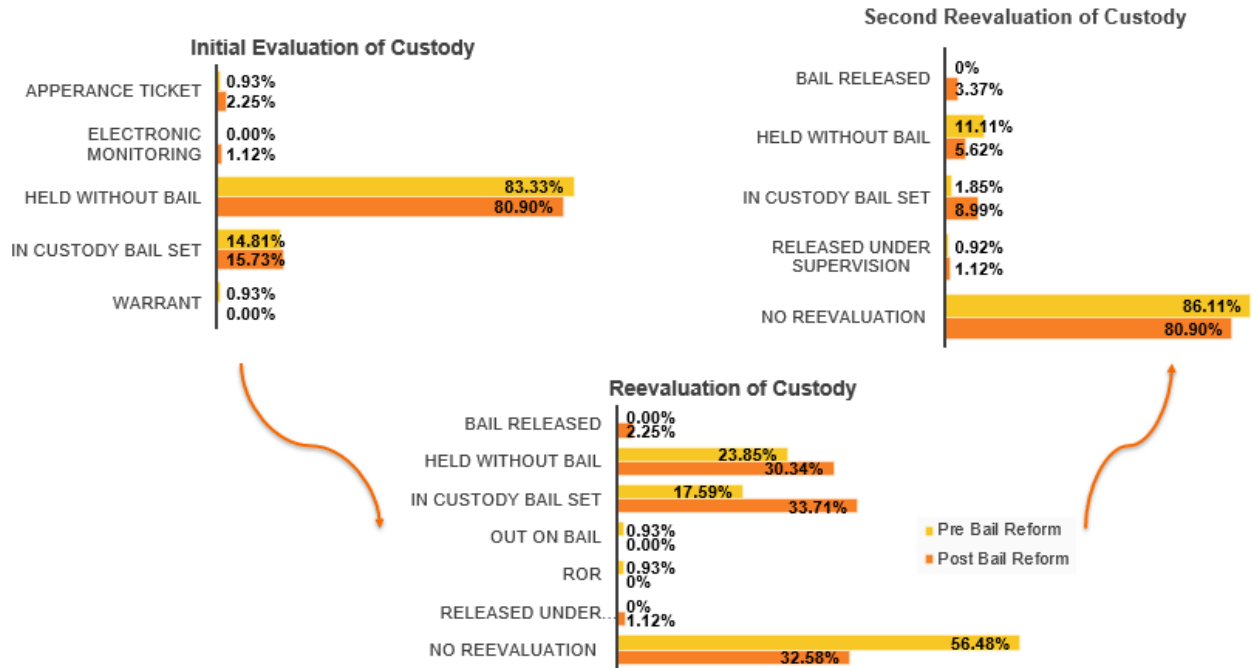
	Pre-bail Reform		Post-bail reform	
	n	%	n	%
Total Cases	108	100%	89	100%
Initial Evaluation of Custody				
Evaluated for bail	108	100%	89	100%
Reevaluation of Custody				
Reevaluated for bail	47	43.52%	60	67.42%
No Reevaluation	61	56.48%	29	32.58%
Second Reevaluation of Custody				
Reevaluated for bail	15	13.89%	17	19.1%

No Reevaluation

93 86.11%

72 80.90%

Figure 9: Evaluation of Custody Process



Initial Evaluation of Custody

The initial evaluation of custody happens at arraignment to decide if the arrestee qualifies for bail or not. During the initial evaluation of custody pre-bail reform, 83.33% (n=90) received held without bail, 14.81% (n=16) received in custody bail set, .93% (n=1) received a warrant, and .93% (n=1) received an appearance ticket (Figure 9). Overall, a homicide charge is a bailable offense in addition to an offense that qualifies for pre-trial detention (Rempel & Rodriguez, 2019). Homicide being an eligible offense for bail and pre-trial detention has resulted in a substantial amount of cases receiving held without bail as their custody status. A similar pattern was seen in post-bail reform seen in Figure 8, 80.90% (n=72) received held without bail, 15.73% (n=14) received in custody bail set, 2.25% (n=2) received an appearance ticket, and 1.12% (1) received electronic monitoring (Figure 9). In both the pre and post-test less than 4% of arrestees

were released without monetary bail. Overall, a chi-square test shown in table 3 found that 98.1% of arrestees received a custody status that required they be in custody compared to 96.6% of arrestees post-bail reform. Furthermore, 1.9 percent pre bail reform arrestees were released compared to 3.4% post bail reform arrestees were released. Despite the difference in percentages of arrestees released there is no significant difference in custody status at arraignment $p=.500$.

Table 3. Initial Evaluation of Custody at Arraignment

		Pre/Post Bail Reform		
		Pre-Bail Reform	Post-Bail Reform	Total
In Custody	In Custody	106(98.1%)	86 (96.6%)	192(97.5%)
	Released	2 (1.9%)	3 (3.4%)	5 (2.5%)
	Total	108 (100%)	89 (100%)	197 (100%)
Chi-square =.455 (p =.500)				

Reevaluation of Custody

Reevaluation of custody gives the arrestee another chance to get bail or have bail revoked. Reevaluation has always been around however, judges might be more willing to reevaluate due to the new guidelines that bail reform gives judges. This could be due to judges following the guidelines in bail reform to release arrestees that are not a flight risk. In addition,

the courts are to utilize the other options for release with conditions to place restrictions on individuals like release under supervision. This could explain why more individuals were reevaluated post-bail reform than pre-bail reform. Consequently, for those who were reevaluated pre-bail reform, 24.07% (n=26) received held without bail, 17.59% (n=19) received in custody bail set, .93% (n=1) received out on bail, and .93% (n=1) received released on their own recognizance (Figure 9). On the other hand, post-bail reform, 30.34% (n=27) received held without bail, 33.71% (n=30) received in custody bail set, 2.25% (n=2) received bail released, and 1.12% (n=1) received released under supervision (Figure 9). Overall, during the reevaluation of custody 4.3% of arrestees pre-bail reform were released compared to 6.7% of arrestees post-bail reform (Table 4). Despite the small difference between pre and post, there is not a significant difference ($p=.591$) between pre and post-bail reform custody statuses at reevaluation.

Table 4. Custody Status at Reevaluation

		Pre/Post Bail Reform		
		Pre-Bail Reform	Post-Bail Reform	Total
In Custody	In Custody	45(95.7%)	56 (93.3%)	101 (94.4%)
	Released	2 (4.3%)	4 (6.7%)	6 (5.6%)
	Total	47 (100%)	60 (100%)	107 (100%)

Chi-square = .290 (p =.591)

Second Reevaluation of Custody

There are some rare cases where bail was reevaluated for a second time. Out of those evaluated for a second time, there were 13.89% (n=15) of cases pre-bail reform and 19.10% (n=17) of cases post-bail reform (Figure 9). Pre-bail reform there were more cases granted the custody status of held without bail. There were 11.11% (n=12) of cases pre-bail reform and 5.62% (n=5) of cases post-bail reform with custody status of held without bail. On the other hand, post-bail reform experienced more cases with a custody status of in custody bail set as there were 8.99% (n=8) post-bail reform and 1.85% (n=2) pre-bail reform. Moreover, pre-bail reform and post-bail reform granted alike proportions for custody status release under supervision for the second reevaluation. There were .93% (n=1) cases pre-bail reform and 1.12% (n=1) post-bail reform granted release under supervision. Lastly, post-bail reform only granted the custody status bail released and granted it to 3.37% (n=3) of the cases on the second reevaluation. Overall, more individuals were reevaluated post-bail reform which results in more individuals receiving custody statuses in each category. Furthermore, pre-bail reform there were 6.3% of arrestees compared to 23.5% of arrestees post-bail reform released at the second revolution of custody (Table 5). Although there is a difference in the percent that were released, a chi-square test determined that there was no significant difference between pre and post-bail reform custody statuses at the second reevaluation $p=.166$. Overall, it can be concluded that homicide arrestees were not more likely to be released on bail after the passage of bail reform.

Table 5. Custody Status at Second Revaluation

		Pre/Post Bail Reform		
		Pre-Bail Reform	Post-Bail Reform	Total
In Custody	In Custody	15 (93.8%)	13 (76.5%)	28 (84.8%)
	Released	1 (6.3%)	4 (23.5%)	5 (15.2%)
	Total	16 (100%)	17 (100%)	33 (100%)
Chi-square = .1.914 (p =.166)				

Monetary Bail Amounts

Bail is determined once the custody status is decided and only if the custody status permits bail. Therefore, those held without bail are not going to get a bail set as the custody status does not permit it. On the other hand, in custody bail set permits bail to be enacted so a monetary amount will be set. For those that got a custody status that permitted bail in any of the

evaluations, pre-bail reform bail was set between \$15,000- \$1,000,000, and post-bail reform bail was set between \$1,000-\$1,000,000¹¹. Bail was set in each custody status decision evaluation.

Table 6: Bail Amount at Arraignment

Group	No.	Mean	Standard deviation	<i>p</i> value
Pre-Bail Reform	16	\$115,937.50	132,730.54	0.163
Post-Bail Reform	13	\$58,273.08	63,269.58	

During the initial evaluation of custody 17 individuals received monetary bail with a median of \$50,000 pre-bail reform, while post-bail reform had 14 individuals receive bail with a median of \$25,000. Despite the difference in the median for pre and post-bail reform, an independent sample t-test (Table 6) showed there is no significant association between pre (M=\$115,937.50, SD=132,730.54) and post (M=\$58,273.08, SD=63,269.58) bail reform arraignment bail amounts $p = .163$.

Table 7: Bail Amount at Reevaluation of Custody

Group	No.	Mean	Standard deviation	<i>p</i> value
Pre-Bail Reform	18	\$226,388.90	249,038.183	.713
Post-Bail Reform	31	\$197,048.39	277,783.620	

¹¹ Post-bail reform did have an individual who got bail set at \$50, however, this is because that individual was on a parole hold. They are excluded from the analysis on bail amounts because they have more circumstances that relate to their case that does not accurately represent how a homicide case receives bail.

Bail was reevaluated and set for 18 arrestees pre-bail reform and 31 post-bail reform. The median bail set for the 18 individuals whose custody status was reevaluated pre-bail reform was \$112,500. On the other hand, the median bail set was 100,000 for the 31 individuals whose custody status was reevaluated post-reform. Although there is a mean difference between pre/post bail reform, an independent sample t-test was utilized to determine that there was not a significant difference between pre (M=\$226,388.90, SD= 249,038.183) and post (M=\$197,048.39, SD=277,783.620) bail reform $p=.713$ (Table 7). Therefore, bail amounts set for homicide arrestees did not significantly decrease after bail reform was passed.

Table 8: Bail Amount at Second Reevaluation of Custody

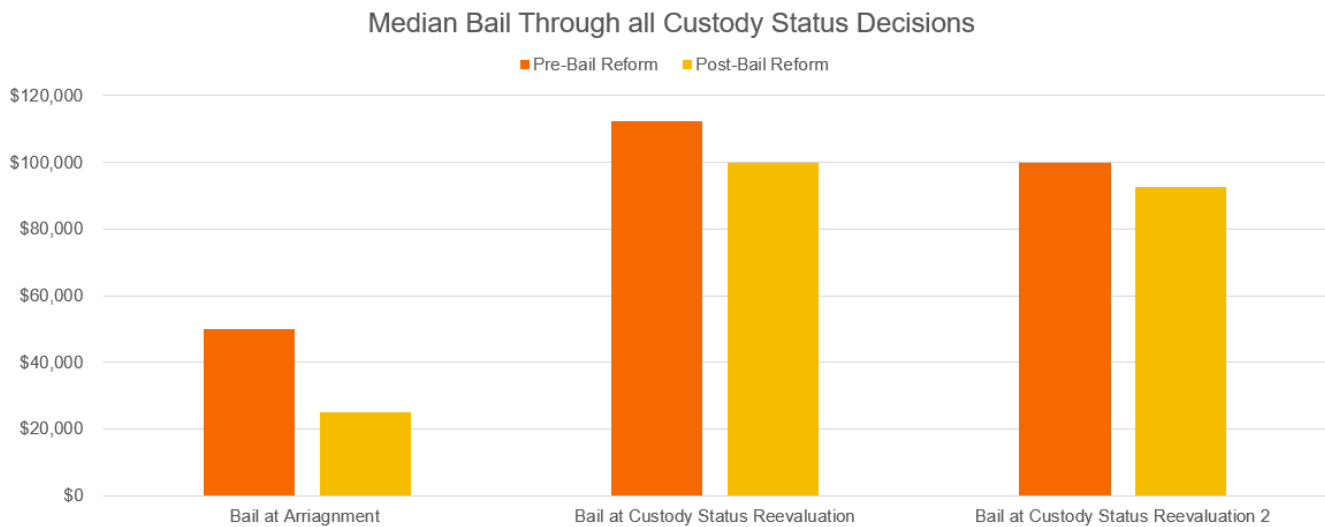
Group	No.	Mean	Standard deviation	<i>p</i> value
Pre-Bail Reform	3	\$136,666.70	148,436.294	.658
Post-Bail Reform	8	\$234,375.00	348,675.427	

Lastly, the second reevaluation of custody also had high medians and a mean difference for the granted bail amount. Pre-bail reform, individuals received bail with a median of \$100,000. Post-bail reform, 8 individuals received bail with a median of \$92,500. Determined by an independent sample t-test (Table 8), the second reevaluation of custody also resulted in no significant difference between pre (M=\$136,666.70 SD=148,436.294) and post (M=\$234,375.00, SD=348,675.427) bail reform $p=.658$.

Bail amount medians were lower post-bail reform, and this could be due to bail reform. Overall pre-bail reform there were 38 decisions that granted monetary bail and the median was \$100,000, while post-bail reform there were 53 decisions with a median of \$100,000. Despite

both the pre and post-test having the same overall bail median, the bail medians were lower for each custody status evaluation post-bail reform seen in Figure 10. Bail being set lower could be due to bail reform legislation principles that require judges to set bail at affordable amounts.

Figure 10: Median Bail amounts Awarded in all Custody Status Decisions from 2016-2021



Disposition

The disposition of the case, identifies the case outcome. Dispositions that were active for homicide charges between 2016-2021 included: acquitted, convicted at a trial for a lesser charge, convicted at trial for a top charge, dismissed, indicted, no case for action grand jury, no billed, no prosecution planned after ADA review, no responsibility mental disease, pled guilty lower count, pled guilty top count and retained (Table 9). The most common dispositions for homicide charges are pled guilty to the top charge, pled guilty to a lesser charge, and convicted at a trial for the top charge (Table 9). However, due to many cases still being open in post-bail reform

there are fewer cases that have made it to the disposition stage. In the pre-bail reform sample, only 5.56% of cases have not yet reached a disposition., For the post-bail reform sample, on the other hand, 64.04% had not yet reached a disposition. Post-bail reform looks to be following the same proportional trend as pre-bail reform, however, with 64.04% without a disposition, it is too early to make a conclusion that disposition outcomes were different from pre to post-bail reform. Therefore, a conclusion on bail reform having an effect on dispositions can not be established at this stage. However, dispositions happen after custody status and bail are decided. Therefore, not having a conclusion for dispositions does not impact our ability to compare pre and post-bail reform differences in crimes committed by individuals out on bail.

Table 9: Distribution of Dispositions

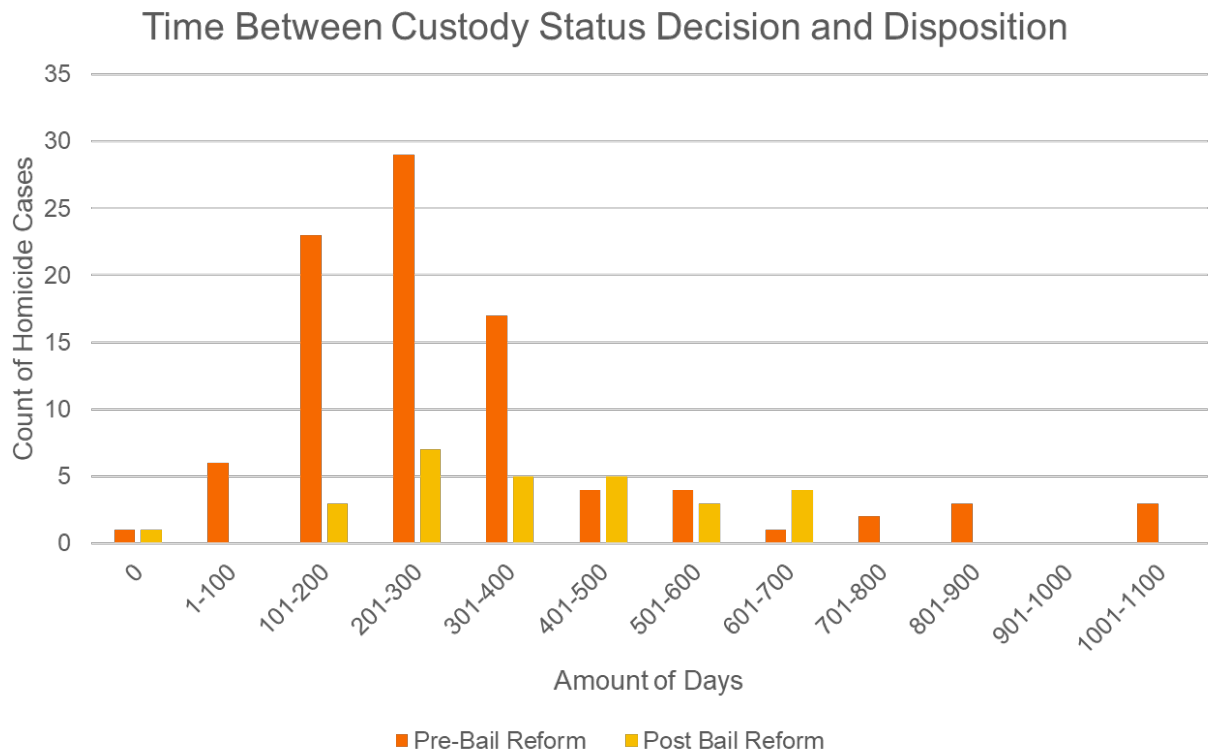
Disposition	Pre-bail Reform		Post-bail reform	
	n	%	n	%
Total	108	100%	89	100%
Acquitted	4	3.70%	1	1.12%
Convicted at Trial Lower Count	5	4.63%	2	2.25%
Convicted at Trial Top Count	33	30.56%	6	6.74%
Dismissed	1	0.93%	1	1.12%
Indicted	0	0.00%	4	4.49%
No-Billed	1	0.93%	3	3.37%
No Responsibility Mental Disease	1	0.93%	0	0.00%
Pled Guilty Lower Charge	37	34.26%	8	8.99%
Pled Guilty Top Charge	19	17.59%	7	7.78%
Retained	1	0.93%	0	0.00%
Haven't Reached a Disposition	6	5.50%	57	63.33

The Time it Takes to Get to a Disposition

The time between custody status decision and final disposition increased from pre-bail reform to post-bail reform (Figure 11). The mean time between arraignment and final disposition for pre-bail reform was 300 days (median = 224.5), and the mean time post-bail

reform was 333 days (median = 355). Longer judicial processing times post-bail reform could be attributed to the pandemic causing delays in the court system. Therefore, it can not be concluded that bail reform is the only reason why judicial processing times increased. However, it is important to note that both pre and post-bail reform have average times between arraignment and final disposition of over half a year. Furthermore, the majority of homicide cases are granted held without bail, it is probable that most of these cases involve individuals that are waiting in jails.

Figure 11: Time Between Arraignment to Disposition



Released on Bail

Those who were released are the main subject of the research question: do the released individuals commit a crime while released on bail? The data present's that zero percent of arrestees charged with homicide who were released on bail committed another crime pre-bail

reform (Figure 11). However, 2% (n=1) of all post-bail reform homicide arrestees (n=89) who received a custody status that permits release (n=51) committed a crime while out on bail (Table 10). That one crime was menacing 2nd. A chi-square test determined there was not a statistically significant difference in homicide arrestees who committed a crime while out on bail for the homicide between pre/post -bail reform $p=.392$. Therefore the test showed that homicide arrestees released on bail were not more likely to be rearrested for a crime after bail reform was passed.

Table 10. Offense Committed While on Bail for Homicide

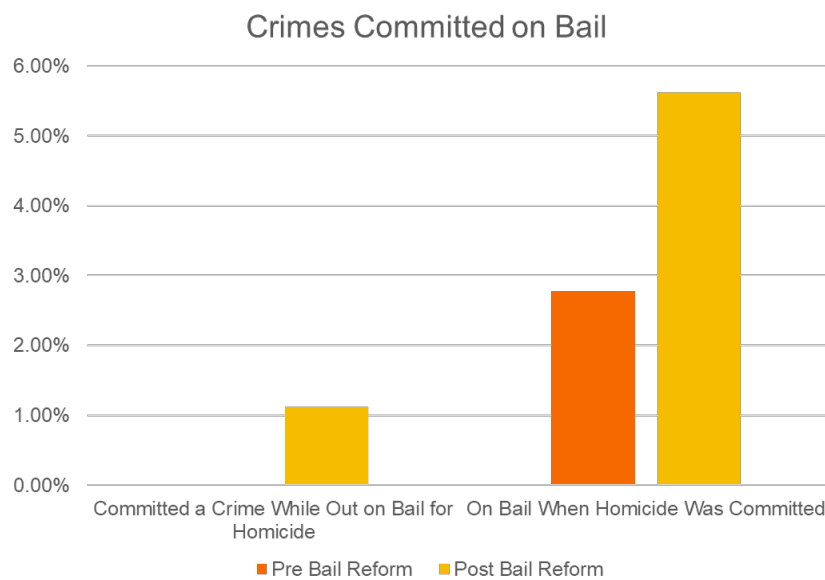
		Pre/Post Bail Reform		
		Pre-Bail Reform	Post-Bail Reform	Total
Offense Committed on Bail	No	37 (100%)	50 (98.0%)	87 (98.9%)
	Yes	0 (0%)	1 (2.0%)	1 (1.1%)
	Total	37 (100%)	51 (100%)	88 (100%)
Chi-square = .734 (p =.392)				

In addition, a second research question was: did the homicide offender commit the homicide while out on bail for a previous crime? There were 2.8% (n=3) of all pre-bail reform homicide arrestees (n=108) and 5.6% (n=5) of all post-bail reform homicide arrestees (n=89) out on bail for a previous crime when they committed the homicide (Figure 11). Although there was a higher percentage of offenders who committed a homicide while on bail during the post-bail reform period, a chi-square test determined that the difference is not statistically significant $p=.315$ (Table 11). Through the analysis of homicides, it can be concluded that homicide arrestees that received bail for a previous crime were not more likely to commit a homicide after the passage of bail reform.

Table 11. Homicide Committed While on Bail for Previous Crime

		Pre/Post Bail Reform		
		Pre-Bail Reform	Post-Bail Reform	Total
No		105 (97.2%)	84 (94.4%)	189 (95.9%)
Homicide Committed on Bail	Yes	3 (2.8%)	5 (5.6%)	8 (4.1%)
Total		108 (100%)	89 (100%)	197 (100%)
Chi-square = 1.010		(p =.315)		

Figure 12: Percent of homicide arrestees that committed a crime while on bail from 2016-2021



Bail amounts for those who were out on bail at the time they committed the homicide. There were 3 individuals pre-bail reform who committed homicide while on bail. One out of the four was released without monetary bail, and the other two had to pay bail amounts of \$2,500 and \$15,000. Post-bail reform there were five individuals who committed a homicide while on bail. One was released without monetary bail and the other four were released with bail amounts of \$300, \$3,000, \$5,000, and \$7,500. Those who received bail pre and post-bail reform received smaller than average amounts than most homicide arrestees were receiving. However, these bails were set for crimes other than homicide as it was a previous crime to their homicide charge. Therefore, the ranges are due to the difference in crimes they were charged for.

Limitations

This research is not without limitations. The use of homicide arrestee data is the first constraint. Homicide data only represent bail reform impacts on homicides, which are serious and rare events. Thus, the outcomes reported here may not be generalizable to other crimes.

Further, homicide is a bailable offense that is less likely to be impacted by bail reform than other crimes. A more holistic review of bail reform could come from an examination of other violent crimes. The second limitation of this study is missing data. The database used for this study that identifies if an individual gets bail does not indicate if an individual posts bail or not. Therefore, it is unclear if individuals were released by posting bail or if they remained in custody. A third limitation is the Additionally, probation and parole data is very limited as Inmate Lookup and Parole Lookup often contradict one other or are missing data the other database has. This is why parole and probation analysis is not included as there was a considerable amount of missing data that adding an analysis would be insufficient. Lastly, and the most impacting limitation is how new bail reform is in New York in combination with the delays in the court has resulted in many cases remaining open at the time. As a result, it is difficult to determine if bail reform has affected some of the closing proceedings as many cases haven't reached the closing proceedings. Therefore, a sentencing analysis has been omitted, because, once again, not many individuals have been sentenced so there is a considerable amount of missing data at this time. This provides an ample amount of opportunities for further research to be conducted once post-bail reform court processes have progressed and offer a similar amount of closed cases to pre-bail reform.

Conclusion

Based on the findings above there are a few conclusions that can be made. The argument that bail reform is causing an increase in crime comes from the observation that violent crime increased at the same time as bail reform was implemented. However, the analyses performed here does not provide evidence that bail reform is causing the crime increase. Findings from this research showed that homicide arrestees released on bail were not more likely to be rearrested for a crime after bail reform was passed. Therefore, it can not be concluded from homicide

arrests that bail reform has increased crime in Rochester, NY. Overall, this study has left room for more research to find other explanations for the causes of the increase in violence (i.e. COVID-19). In addition, more research could be conducted to examine bail reforms' impact on other crime types, especially the crime types that cash bail was eliminated for.

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