Supervised Release in Post-Reform New York: An Exploratory Analysis

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IN 2019, 735,000 people were held in our nation's jails. Two-thirds were held before trial, usually due to an inability to pay bail (Zeng & Minton, 2021). Several states, including New Jersey (Anderson et al., 2019), New York (Rempel & Rodriguez, 2019), and Illinois (Chicago Appleseed Center for Fair Courts, n.d.) recently changed their bail laws, eliminating the option of monetary bail for some or all charges.

Reforming a status quo in which pretrial liberty depends on whether people facing charges, their families, or friends can afford bail offers the obvious equity benefit of mitigating the criminalization of poverty. Yet, a shift away from a bail system raises the inevitable question of what judges can do when they believe the people before them pose too great a flight or public safety risk to be released without conditions.

On the more restrictive end of the spectrum, even in states and jurisdictions eliminating bail, judges retain the option to remand people (sometimes known as "preventive detention") for at least some charges or circumstances. On the less restrictive end of the spectrum, many state and local jurisdictions are investing in a range of non-monetary conditions, generally administered by local nonprofit agencies or probation departments. Such conditions can simply involve assigning people to receive frequent phone or text reminders regarding pending court dates—a strategy shown to be effective in decreasing failure to appear rates (APPR, 2021a). More intensive conditions can involve monitoring through what are known as "supervised release" programs, with or without the addition of further conditions delineating mandatory participation in services or treatment programs, such as for a drug addiction or mental health needs.

About the Current Research

Using data from New York State, a diverse state that encompasses the nation's largest city, its highly populated eastern and northern suburbs, and a varied range of small cities, towns, and semi-rural and rural areas known as "Upstate," our primary research question was:

What are the characteristics of individuals facing charges who tend to be assigned to supervised release—as distinguished on the one hand from assignment to release on recognizance (without conditions) and on the other hand to money bail or straight remand to jail.

Specifically, our data permitted examining factors related to the charge on the current case; whether the individual had another pending case at the time of their current arraignment; their demographic background; and region where the case was heard (New York City, its suburbs, or the more rural upstate region).

Given significant racial disparities in the nation's jail populations (Zeng & Minton, 2021), a second question of particular interest was whether there were disparities in supervised release assignment itself as well as whether the existence of such a program might offer courts an alternative to incarceration that lessened the likelihood of racial disparities in bail and detention:

Do pretrial conditions vary by race/ethnicity, both in simple terms and after controlling for people's other characteristics?

Finally, acknowledging the existence of three quite distinct regions in terms of culture, politics, and supervised release policies and resources (for example, New York City has by far the most well-funded program of anywhere in the state), we paid particular attention to variations in our results among the state's three regions.

We first briefly summarize the supervised release model as it exists nationwide and, in turn, in New York State. We then describe our study data and methods, results, and major takeaways regarding our questions of interest.

About Supervised Release

Since the field is only just emerging, current supervised release programs vary significantly in their policies and services and in how intensively they monitor people. But in general, supervised release programs will usually remind participants of their court dates; assist with transportation to and from court (especially important for indigent people who lack cars or live in rural areas); hold a mix

of in-person or phone check-ins (i.e., "monitoring"); administer a needs assessment and possibly a public safety risk assessment; make voluntary service or treatment referrals, and—often subject to an explicit judicial order—link people to mandatory treatment to address needs that could otherwise lead them to miss court or be rearrested (APPR, 2021b; Rempel & Pooler, 2020).

While currently spreading, supervised release is not a new innovation. For years, Washington, D.C., has operated a well-regarded system in which close to nine in ten people are released pretrial and, in most cases, assigned to a supervision regimen that varies in frequency and in the degree of required services based on people's assessed risk of re-offense (Pretrial Services Agency for the District of Columbia, n.d.). People who pose a higher risk of rearrest or who present with more significant treatment needs will tend to receive more frequent and intensive monitoring and services. Compliance and noncompliance can, respectively, trigger a "step up" or "step down" among different supervision levels. Analogously, New Jersey's statewide supervised release model relies on results of the Public Safety Assessment (APPR, n.d.), which guides assignment to any of three possible supervision levels, the most intensive of which can also include electronic monitoring (American Civil Liberties Union of New Jersey et al., 2016).

Research to date offers some support for supervised release, indicating that it does not increase rearrest rates, but does increase court attendance—and is especially effective among people otherwise least likely to attend court (APPR, 2021b; Skemer et al., 2020). Jurisdictions newer to supervised release often start with misdemeanors, expand to nonviolent felonies, and eventually serve people charged with violent felonies, the latter of whom tend to face greater requirements, on average.

Supervised Release in New York State

Effective January 1, 2020, New York State's reformed bail law required each of its 62 counties to certify a pretrial services provider and make supervised release available to every individual, regardless of current charge or criminal history (Rempel & Rodriguez, 2019). Judges could decide when to order supervised release, but county governments had to make it available to judges in any case.

Pre-bail reform, New York City had a well-funded program available to most people facing misdemeanor or nonviolent felony charges, but open to few charged with violent felonies. To accommodate a more seriously charged population under bail reform, the city overhauled its model just prior to January 2020. The result was a system of five supervision levels, where people would be assigned to a higher level based on two factors: (1) the results of a formal assessment of their likelihood of attending court and (2) the severity of the charge (NYC Criminal Justice, 2021). People assigned to Level 1 only have a single phone check-in each month; at the other end of the spectrum, people assigned to Level 5 have an in-person check-in each week. In addition, those assigned to Levels 4 and 5 participate in at least three mandatory cognitive-behavioral therapy-informed group sessions. Beyond these supervision levels, the law also granted judges the option of ordering more intensive "mandatory programming" (e.g., for drug or mental health treatment needs) that the supervised release provider would be charged with monitoring (Rempel & Rodriguez, 2020).

Outside New York City, the size and scope of available programs before 2020 remains unclear. A fair summary is that Monroe County, which encompasses the city of Rochester, New York, had a longstanding program broadly analogous to New York City's, while options in the vast majority of the state's remaining counties varied from none to small programs that could serve only limited numbers. Bearing this context in mind—and the ramification that not all counties may have had truly robust offerings by the time of the 2020 and 2021 data used for this report—the law nonetheless required an option to exist everywhere in the state. Interestingly, despite the arguably greater preparation for universal eligibility in New York City, data described below show that judges ordered supervised release in a higher percentage of cases in the suburbs.

Data and Methods

This study uses data from the New York State Office of Court Administration (OCA) on criminal court arraignments in 62 New York State counties from 2020-2021. The data are at the docket-level and include individual-level (e.g., race, gender, age) and case-level (e.g., borough of arraignment, charge at arraignment) information. The analysis includes only felony and misdemeanor cases arraigned between January 1, 2020, and December 31, 2021, that were not disposed at arraignment (i.e., continued cases).

Outcome Variable

The dependent variable examined in this study is the likelihood of receiving one of three release decisions at arraignment: 1) release on recognizance (ROR), 2) release to supervision (or supervised release), or 3) having bail set or receiving a direct remand to jail. For our analysis, we selected supervised release as the reference category. We exclude from the data any case that is released to electronic monitoring, as these are substantively different from cases released to a pretrial supervision program or to treatment services. (This exclusion accounts for barely any cases in New York City where electronic monitoring is rare, 25 percent of cases assigned to non-monetary conditions in the suburban region, and 10 percent upstate.)

Predictor Variables

In this exploratory analysis, we examine a number of case- and individual-level characteristics that are relevant to judges' decision-making around bail and release. We look at differences in release decisions across three geographic regions: New York City, Suburban NYC (counties of Nassau and Suffolk on Long Island as well as Westchester), and the rest of Upstate courts.

We include several case-level characteristics that are crucial to determining bail and release outcomes. Charge severity consists of misdemeanor, non-violent felony, and violent felony, which aligns with bail-eligibility criteria. We also include whether a case involved a domestic violence (DV) charge, whether the case involved a drug charge, whether the case involved a felony weapon/firearm charge, whether there was one or more other pending case, and whether the case was a desk appearance ticket arraignment (DAT), which signifies the arresting officer released the individual from the precinct to return on their own for a later arraignment, as opposed to taking the individual into custody until arraignment within 24 hours. Additional individual-level characteristics include gender (male or female), race/ethnicity (Black, Latino, and White), age at arrest (excluding 16–17-year-olds, most of whom are handled in the state's juvenile system), and whether the individual was a young adult (aged 18 to 24).

Analysis

We first sought to present descriptive results

showing, whether due to correlated characteristics or other reasons, differences by race/ethnicity in supervised release assignment. We then estimated a series of multinomial logistic regression models, both between-region and within-region. Multinomial logistic regression model is most appropriate for our exploratory analysis of an unordered, categorical outcome variable. Further, estimating a multinomial model rather than multiple binary logistic models allows us to estimate the relative probability of group membership.

Results

Descriptive Statistics

Table 1 shows that about two-thirds of felony and misdemeanor cases continued at arraignment in New York State in 2020 and 2021 were released on recognizance, while 12 percent were released to supervision and 22 percent had bail set or were remanded to jail. New York City, in particular, had the largest proportion of ROR (70 percent), followed by Suburban NYC (64 percent) and Upstate courts (59 percent), while Suburban NYC had the largest proportion of supervised release (14 percent), followed by NYC (12 percent) and Upstate (9 percent).

Statewide, the vast majority of misdemeanor cases were released on recognizance (80 percent), compared to around half of non-violent felony cases and just a quarter of violent felonies. In contrast, the majority of violent felony cases had bail or remand (60 percent), while non-violent felony cases had the largest proportion of supervised release (18 percent) followed by violent felonies (15 percent) and misdemeanors (9 percent).

Similarly, 78 percent of misdemeanor domestic violence (DV) cases were released on recognizance, while only 11 percent were released to supervision. The vast majority of DAT arraignments also resulted in ROR (85 percent), while only 6 percent were released to supervision. (The high ROR rate of these cases by a judge at arraignment is a logical extension of the initial arresting officer having previously released the individual at the point of arrest with an expectation to return on their own for an initial arraignment.) Among felonies, 17 percent of DV cases were released on supervision compared to 12 percent of felony weapon cases. In cases involving both felony and misdemeanor drug charges, 64 percent resulted in ROR while 13 percent were released to supervision and 22 percent had bail or remand.

Of all case and charge characteristics, supervised release was most prevalent when individuals had at least one other pending case (27 percent).

In each region individually, racial differences in release decision diverged slightly. In Upstate courts (Table 2, next page), White people had the largest proportion of ROR (49 percent) in non-violent felony cases, while Black people had the largest proportion of bail or remand (47 percent). White people also had the largest proportion of ROR (18 percent) in violent felony cases as well as the largest proportion of supervised release (12 percent). Suburban NYC (Table 3, next page) had similar patterns for violent felonies, but among misdemeanors, White people had the largest proportion of ROR (80 percent), and the Black-White gap was far larger than in other regions (10 percentage points compared to 3 in Upstate and NYC). Finally, in NYC (Table 4, next page), supervised release was more prevalent among White people (24 percent) in non-violent felony cases but more prevalent among Latino people (18 percent) in violent felony cases.

Surprisingly, bail or remand was ordered in a quarter of cases involving women, compared to just 10 percent for men; women also had a

TABLE 1.
Descriptive Statistics

	Release on Recognizance	Supervised Release	Bail/Remand
Total	66%	12%	22%
Geography			
New York City	70%	12%	17%
Suburban NYC	64%	14%	22%
Upstate Courts	59%	9%	32%
Charge Level			
Misdemeanor	80%	9%	11%
Non-Violent Felony	51%	18%	31%
Violent Felony	25%	15%	60%
Charge Type			
Misdemeanor DV	78%	11%	11%
Felony DV	36%	17%	47%
Drug Charge	64%	13%	22%
Felony Weapon	19%	12%	69%
Desk Appearance Ticket[1]	85%	6%	10%
Pending Case	51%	27%	22%
Race			
Black	62%	13%	25%
Latino	71%	11%	18%
White	68%	11%	21%
Gender			
Male	80%	10%	10%
Female	63%	12%	25%
Age Group			
18-24	67%	11%	23%
25-34	66%	11%	23%
35-54	65%	12%	23%
55+	70%	13%	17%
Median Age	33	34	33

[1] In New York State, a Desk Appearance Ticket is an arrest in which the individual is released from the police precinct to return to court on their own at a later date in lieu of being taken into custody and held in pre-arraignment detention.

slightly larger proportion of supervised release (12 percent compared to 10 percent for men).

There were minimal age-group differences in supervised release and bail or remand, except that the proportion assigned to supervised release increased slightly with age. Additionally, the proportion of ROR decreases as age increased but only until 54.

Predictors of Supervised Release

A multinomial logistic regression model was used to estimate the likelihood of receiving three categories of release decisions: release on recognizance (ROR), supervised release, and bail set or remand to jail. The reference category is supervised release, and relative risk ratios are presented in Table 5 (next page). The model also includes interaction terms of race with charge level, and DV charge with charge level.

First, we find that people outside NYC are significantly more likely to have bail set or to be remanded than to be released to supervision compared to people in NYC. In Upstate especially, people are more than three times as likely to face bail or remand. In contrast, people in NYC are more likely to be released on recognizance than to supervision compared to those Upstate and in Suburban NYC. In Suburban NYC especially, people are about 40 percent less likely to be released on recognizance than in NYC.

In terms of charge characteristics, we find

that violent felonies are almost three times as likely as misdemeanors to face bail or remand rather than supervised release and 81 percent less likely to result in ROR than in supervised release. Meanwhile, non-violent felony cases in general are 4 percent less likely than misdemeanors to have bail or remand than supervised release but are *more* likely

to receive supervised release in DV cases. In contrast, non-violent felony cases are less likely to result in ROR than supervised release compared to misdemeanors, with the odds further decreasing in DV cases.

Drug charges are about 13 percent more likely to have bail or remand than supervised release but are 13 percent less likely to have

TABLE 2.
Release Decisions by Race and Charge Level, Upstate Courts

	Release on Recognizance	Supervised Release	Bail/Remand	Total
All Charges				
Black	53%	10%	36%	34,211
Latino	61%	8%	32%	7,411
White	64%	9%	28%	36,706
Misdemeanor				
Black	72%	9%	19%	19,043
Latino	77%	6%	17%	4,453
White	75%	6%	19%	24,492
Non-Violent Felony				
Black	42%	12%	47%	9,480
Latino	48%	9%	43%	2,013
White	49%	11%	39%	9,384
Violent Felony				
Black	10%	11%	79%	5,688
Latino	11%	10%	78%	945
White	18%	12%	70%	2,830

TABLE 3.
Release Decisions by Race and Charge Level, Suburban NYC

	Release on Recognizance	Supervised Release	Bail/ Remand	Total
All Charges				
Black	57%	15%	29%	16,772
Latino	66%	13%	21%	11,956
White	70%	15%	16%	15,143
Misdemeanor				
Black	70%	12%	19%	9,365
Latino	78%	10%	12%	7,618
White	80%	10%	10%	10,687
Non-Violent Felony				
Black	48%	22%	30%	5,487
Latino	55%	22%	23%	3,158
White	50%	27%	23%	3,644
Violent Felony				
Black	18%	10%	72%	1,920
Latino	17%	11%	72%	1,180
White	27%	16%	58%	812

TABLE 4.
Release Decisions by Race and Charge Level, NYC

	Release on Recognizance	Supervised Release	Bail/ Remand	Total
All Charges				
Black	67%	13%	29%	81,248
Latino	73%	11%	15%	53,306
White	75%	13%	12%	18,145
Misdemeanor				
Black	82%	10%	7%	52,919
Latino	86%	8%	6%	36,714
White	85%	10%	6%	13,318
Non-Violent Felony				
Black	55%	22%	23%	11,703
Latino	60%	18%	22%	7,820
White	54%	24%	22%	2,677
Violent Felony				
Black	27%	16%	56%	16,626
Latino	32%	18%	50%	8,772
White	40%	17%	43%	2,150

ROR. Felony weapon charges are 71 percent more likely to have bail or remand but are 17 percent less likely to have ROR. DAT-eligible charges are 30 percent more likely to have bail or remand than supervised release and are more than twice as likely to result in ROR. Conversely, the existence of a pending case lowers the likelihood of bail or remand and of ROR compared to supervised release.

Overall, Black and Latino people are slightly more likely to have bail or remand than supervised release compared to White people (4 percent and 2 percent, respectively). Further, these differences increase in non-violent and violent felony cases, by 19 percent and 32 percent for Black people and by 21 percent and 25 percent for Latino people. In contrast, while Black people in general are less likely to have ROR than supervised release compared to White people, the gap narrows in non-violent felony cases but increases in violent felony cases. Meanwhile, Latino people are generally more likely than White people to have ROR rather than supervised release, but the difference is smaller in violent felony cases.

As descriptive statistics indicate, women are more than twice as likely as men to have bail or remand rather than supervised release and are 35 percent less likely to have ROR.

Finally, although older individuals are more likely to be released to supervision, the magnitude of difference is small (less than 1 percent). However, findings are reversed when we compare young adults (18-24) to people over 25. Young adults are 21 percent less likely to have bail or remand and 20 percent more likely to have ROR than supervised release.

Discussion

Overall, findings on the likelihood of supervised release compared to ROR and bail or remand are in expected directions. First, the finding that people outside NYC are less likely to be released to supervision than to have bail or remand aligns with the fact that NYC has had more established and robust supervised release programs since before bail reforms were implemented, which may have increased judges' confidence in the program even in more serious cases (see, e.g., Skemer et al., 2020). Subsequently, the lack of services may compel judges outside NYC to order bail or remand even in cases where supervised release is a viable option. At the same time, NYC cases were the least likely of the three regions to be released to supervision when the comparison was to ROR.

Considering all the regional differences in totality, NYC judges were more willing to use supervision in serious cases where they might have otherwise set bail, while outside the city, judges resorted to supervision even in cases where NYC judges deemed the individual to pose a sufficiently low flight risk not to require any conditions at all.

As expected, violent felony cases are much more likely to result in bail or remand than misdemeanors and conversely much less likely to result in ROR than misdemeanors. Non-violent felony cases, on the other hand, are less likely to result in bail or remand than supervised release compared to misdemeanors, except in domestic violence cases. One hypothesis is that when there is the option of supervised release in non-violent felony cases, charge severity is not the sole determining factor. Judges in these cases may give more weight to factors such as treatment needs, criminal history, and ability to pay bail than they would in violent felony cases, where they are quicker to resort to bail regardless of other factors.

Among specific charge types, judges are more likely to order supervised release than ROR for drug charges, likely because individuals in these cases have substance use or

TABLE 5.

Multinomial Logistic Regression Model Estimating Likelihood of Supervised Release Compared to ROR and Bail/Remand with Interaction Terms, Statewide

	Release Decision (Ref=Supervised Release)					
	Bail/remand			Release on Recognizance		
	RRR	95% CI		RRR	95% CI	
Geography (Ref=NYC)						
Suburban NYC	1.401***	1.360	1.441	0.602***	0.567	0.636
Upstate Courts	3.345***	3.307	3.382	0.940***	0.907	0.974
Charge Level (Ref=Misdemeanor)						
Non-Violent Felony	0.958***	0.892	1.023	0.351***	0.293	0.409
Violent Felony	2.979***	2.888	3.071	0.186***	0.091	0.280
DV Charge	0.803***	0.756	0.850	0.849***	0.814	0.885
Drug Charge	1.127***	1.078	1.176	0.871***	0.828	0.913
Felony Weapon Charge	1.706***	1.638	1.773	0.837***	0.761	0.914
Desk Appearance Ticket	1.298***	1.242	1.353	2.343***	2.297	2.389
Pending Case	0.683***	0.626	0.741	0.269***	0.220	0.317
Race (Ref=White)						
Black	1.037***	0.985	1.088	0.863***	0.821	0.904
Latino	1.018***	0.956	1.081	1.153***	1.104	1.201
Female	2.264***	2.222	2.306	0.653***	0.620	0.686
Age at Arrest	0.995***	0.993	0.996	0.998***	0.996	0.999
Young Adult (Under Age 25)	0.796***	0.751	0.841	1.201***	1.161	1.241
Interactions						
Black *non-violent felony	1.192***	1.114	1.270	1.152***	1.083	1.221
Black *violent felony	1.317***	1.217	1.417	0.967***	0.864	1.070
Latino *non-violent felony	1.209***	1.114	1.303	1.060***	0.980	1.141
Latino *violent felony	1.254***	1.217	1.417	0.829***	0.716	0.941
DV *non-violent felony	1.962***	1.883	2.041	0.786***	0.713	0.859
DV *violent felony	0.908***	0.821	0.995	1.648***	1.563	1.734
Constant	0.472***	0.386	0.558	15.072***	15.001	15.143
N	274,898					
McFadden's R²	0.173					
AIC	391,007.400					

Note: *p<0.05, **p<0.01, ***p<0.001

other mental health treatment needs that supervised release programs can provide (Rossman et al., 2011). In contrast, cases involving DAT-eligible charges are much less likely to result in supervised release than either bail/remand or ROR. The finding that these cases more often receive ROR than supervised release makes sense in the context of the laws governing DAT issuance, which allows law enforcement to make custodial arrests on otherwise DAT-eligible charges if the individual has open warrants, a history of failure to appear, or medical or mental health needs (CPL § 150.20). Therefore, if a DAT has been issued without making an exception, it already signifies lower flight risk, on average; and since law enforcement left the individuals to return for arraignment on their own, it follows that judges would similarly believe no release conditions are required. More difficult to explain, however, is why judges resort to bail more than supervised release in DAT cases; it may be that their tendency to default to ROR is overcome if they deem that aggravating factors are clearly present, such as that the individual failed to appear at their original arraignment date under the DAT; in such cases, having identified significant aggravating factors, judges may then bypass supervision and skip directly to bail. However, such an explanation of greater use of bail in these cases remains necessarily speculative.

Unexpectedly, our findings on criminal history suggest that individuals with one or more pending cases are more likely to be released to supervision than to ROR or having bail set or being remanded. One hypothesis is that charge severity or the nature of the charge/charges is influencing judges' decisions in these cases. To that end, we ran a post hoc analysis interacting pending case with charge level and found that in fact, in non-violent felony cases with a pending case, the odds of being released to recognizance increase significantly compared to being released to supervision, while the odds of having bail set or being remanded conversely decline. On the other hand, violent felony cases with a pending case are much less likely to be released to supervision compared to either of the other options.

Interestingly, we found that women had higher odds of having bail or remand and lower odds of being released on recognizance, suggesting that contrary to expectations about gender differences in court outcomes, women in our sample receive more restrictive release outcomes than men. One hypothesis is that

although there are fewer women arraigned in general, a larger proportion are arraigned on more serious, bail-eligible charges; or they are more likely to be arraigned if aggravating circumstances are present for which we are unable to control.

Finally, age-related findings suggest that, in general, judges order less restrictive release options for young people, while the likelihood of being released to supervision increases with age. It is possible that older people are more likely to have medical or mental health treatment needs, and/or are more likely to experience homelessness (Peterson, 2016).

Racial Disparities

An important research question pertained to the role of racial disparities, if any, in supervised release assignment. Overall, we find that racial differences in likelihood of supervised release align with prior research on racial disparities in pretrial decision-making (Lu et al., 2022; upcoming DCJ bail report).

Reviewing the descriptive data on differential outcomes received by people from each racial/ethnic group, we should note up front the caveat that specific findings do vary by region. But in general, the data indicate that (1) Significant racial disparities exist across New York State, (2) Disparities are especially present in violent felony cases (and least so in misdemeanors), and (3) Disparities essentially entail Black people facing the most and White people the least restrictive conditions, as one goes up the ladder from ROR to supervised release to bail or remand. To illustrate the pattern with violent felony cases, which generally show the largest differences, Black people were 9 percentage-points more likely than White people to face bail or remand Upstate, 14 points more likely in the suburbs, and 13 points more likely in New York City.

However, regarding supervised release, specifically, the descriptive data alone point to barely any disparities. Instead, racial disparities mainly existed at the extremes, with Black people more likely to face bail or remand, White people more likely to receive ROR, and Latino people falling close to either one or the other two groups, varying by region and charge. Across all of our descriptive analyses, there was only one instance in which there was a substantively meaningful racial/ethnic disparity (more than 2 percentage points) in the middle supervised release category: In Suburban NYC, Black and Latino people both received supervised release 22 percent of the time compared to 27 percent for White

people in nonviolent felony cases; and Black and Latino people received supervised release 10 percent and 11 percent of the time, respectively, compared to 16 percent for White people in violent felony cases. For all other regions and charge severities, disparities in supervised release assignment (at least in the descriptive results) were non-significant and/or substantively negligible.

Turning to the multivariate findings, judges are more likely to order bail or remand than supervised release for both Black and Latino people compared to White people and are less likely to release Black people on recognizance, independent of charge severity. And while charge severity does significantly impact the magnitude of disparities, our findings suggest that ultimately, Black and Latino people receive more restrictive release options than White people. The finding regarding Latino people is especially notable, because before controlling for other characteristics, Latino people showed somewhat inconsistent results in the descriptive analysis. The multivariate findings make clear that, like Black people in New York State, Latino people are also significantly more likely than White people to face the most restrictive condition of bail or remand.

These findings mean that while, perhaps, the spread of supervised release programs could potentially offer judges a new option they would use in cases for which they previously set bail, thereby mitigating racial disparities in bail-setting, that was not the outcome obtained in the present analysis. Supervised release offered an intermediate option potentially reducing bail/remand for all people, but we did not detect evidence that it mitigated disparities by race/ethnicity.

Conclusion

Supervised release is an important tool available to judges and courts in New York State as an alternative to the more restrictive options of bail setting and/or remand to jail while individuals await trial. It is particularly important for those individuals who require more intensive programming or treatment services and would otherwise not receive it either in custody or in the community and for whom such services would advance the interests of both justice and public safety. Reforms to New York State's bail laws, which went into effect in 2020, mandated the expansion of supervised release, but while supervised release programs have been well-funded and used in New York City even prior to reforms, this has not been

consistently true in other parts of the state.

The current study provides insight into New York State's judges' propensity to order supervised release in lieu of setting bail or remanding individuals to jail, and compared to releasing individuals on recognizance, and how this varies by case characteristics and demographic background. While our overall findings on the odds of individuals being released to supervision as compared to ROR and having bail set or being remanded were in the expected direction, we found interesting divergent results after controlling for charge, criminal history, and gender.

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