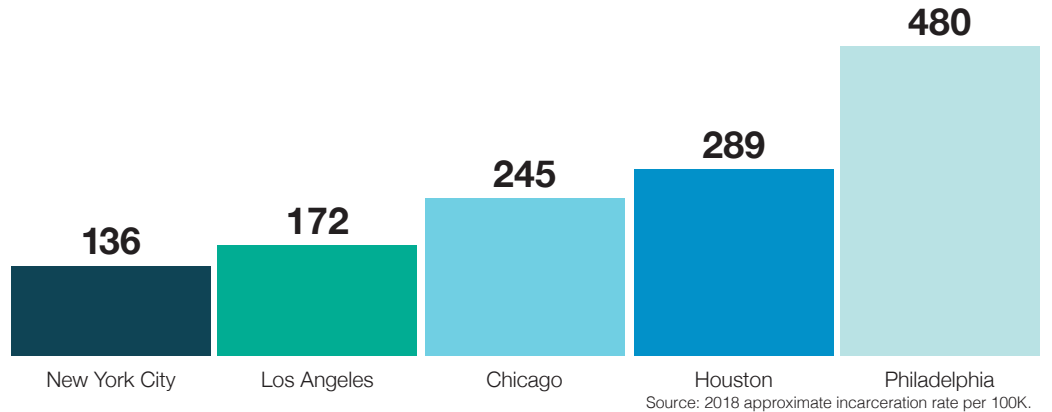


Jail: Who is in on bail?

NEW YORK CITY HAS THE LOWEST RATE OF INCARCERATION OF ANY MAJOR US CITY

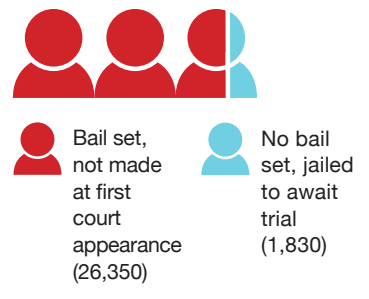


MOST PEOPLE DO NOT GO TO JAIL AFTER ARREST

89% of people are released

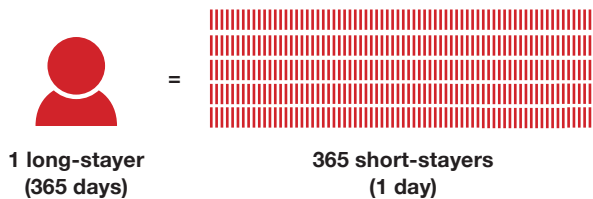


11% of people are jailed

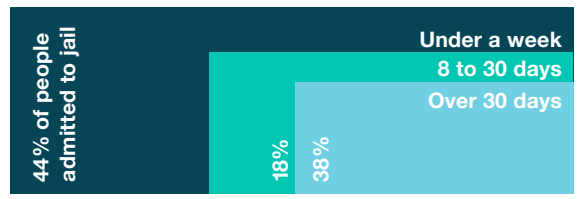


34,100* JAIL ADMISSIONS IN 2018 RESULTED IN 6,510 PEOPLE HELD PRETRIAL ON ANY GIVEN DAY BECAUSE...

One person jailed for a year takes up the same bed space as 365 people who stay for one day each...

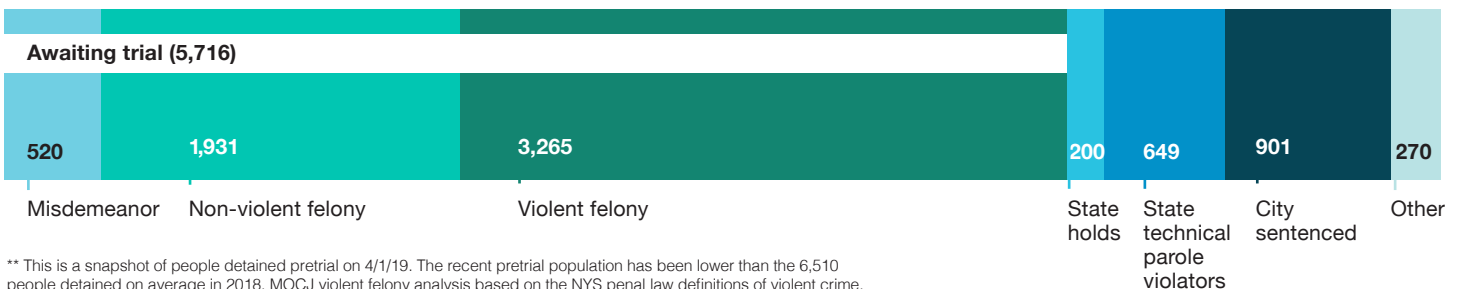


...and most people do not stay very long



*The 34,100 pretrial admissions include 5,920 people who were admitted to jail after their first court appearance but before their case concluded. Such admissions could be due to a number of reasons, including bail being set due to changing circumstances during the case such as failure to appear, increased severity of the case, or violation of conditions of release.

ADULT JAIL POPULATION ON 4.1.19 (7,736)**



** This is a snapshot of people detained pretrial on 4/1/19. The recent pretrial population has been lower than the 6,510 people detained on average in 2018. MOCJ violent felony analysis based on the NYS penal law definitions of violent crime.

These numbers do not include the 16-17 year-olds housed in Horizon and Crossroads, juvenile detention facilities, as part of the new Raise the Age law.


Sources from the top down: Per 100K: NYC DOC, Cook County, LA County, Harris County, Philadelphia County, 2018; CJA, 2018; MOCJ analysis of DOC data 2018; 4/1/2019. Any Department of Correction numbers which end in zero are estimates and rounded.


Jail: Who is in on bail?

OF THOSE WHO HAVE BAIL SET

13% make bail at their first court appearance

87% do not make bail at their first court appearance, resulting in at least some time in jail

 Bail set, made at first court appearance (3,940)

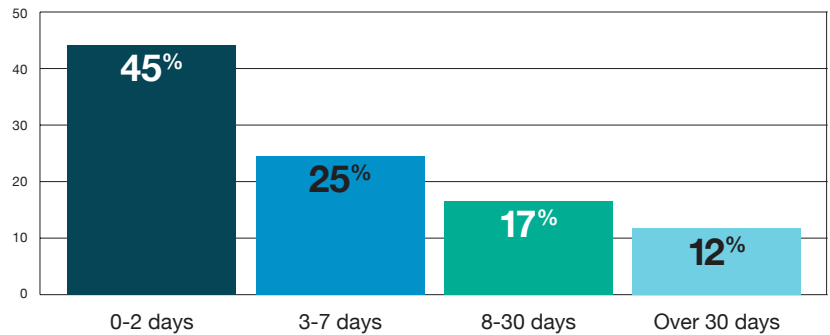
 Bail set, not made at first court appearance (26,350)

KEY
 = 10,000 people

45% OF THE PEOPLE WHO PAY BAIL AFTER ENTERING JAIL DO SO WITHIN 2 DAYS AND 70% WITHIN A WEEK

If every person who left jail within a week in 2018 never entered, it would have prevented 40%* of the admissions to jail, but would only have reduced the average daily jail population by 130 people because their jail stays are so short.

*all discharges leaving for any reason

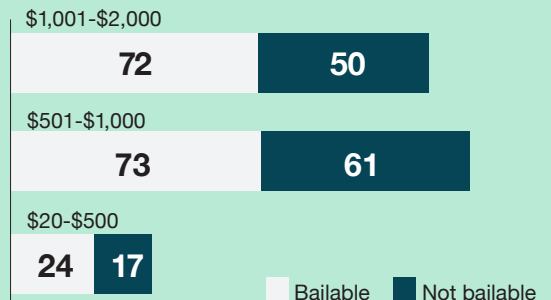


54% OF PEOPLE AWAITING TRIAL CANNOT LEAVE BY PAYING BAIL BECAUSE OF WARRANTS, HOLDS, AND REMANDS

Misdemeanor	Pretrial Jail Population (5,716) Snapshot 4.1.19		Felony
57%	\$20-\$2,000	3% (169)	43%
13%	\$2,001-\$5,000	7% (400)	87%
3%	\$5,001-\$10,000	6% (348)	97%
2%	\$10,001-\$50,000	15% (871)	98%
1%	\$50,001+	15% (830)	99%
11%	REMAND/WARRANT/ BAIL INELIGIBLE 54% (3,098) (includes people with and without bail set)		89%

Pretrial population with bail \$2,000 and under

• 43% of people in jail with bail of \$2,000 or less cannot be released even if they pay bail because of warrants or holds.

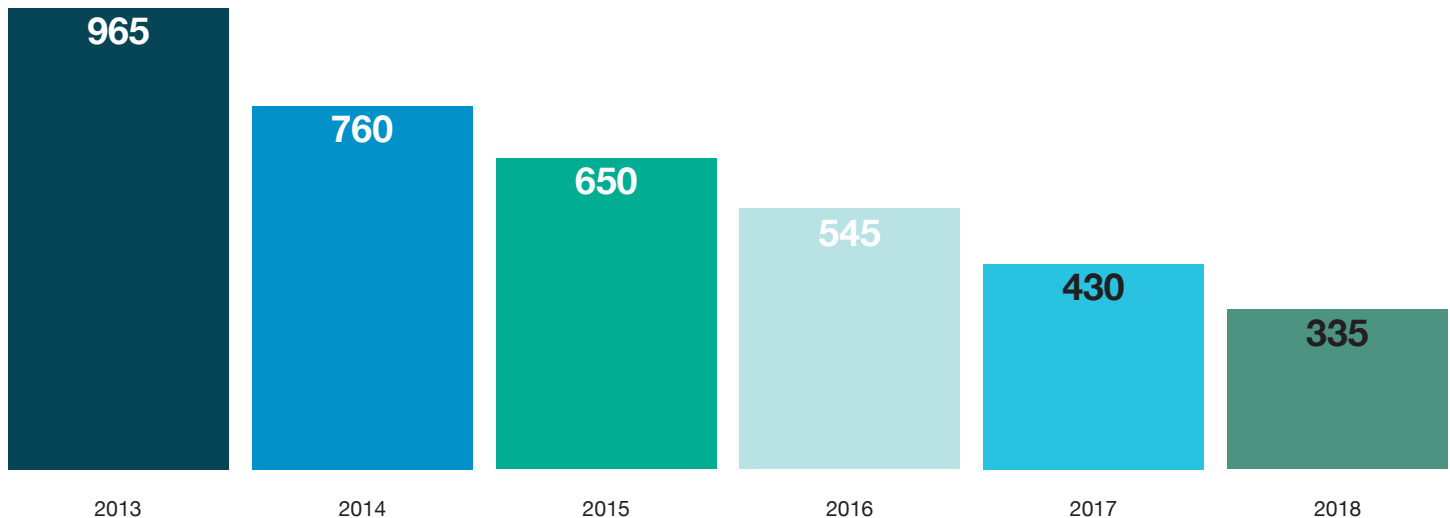


• This leaves 3% of the pretrial population who can secure release by paying bail set at \$2,000 or less.

See City strategies for low bail on the next page.

Jail: Who is in on bail?

THE NUMBER OF PEOPLE DETAINED ON BAIL OF \$2,000 OR LESS IS DOWN 65% SINCE 2013



City strategies are reducing the number of people entering jail with bail set, including those held on low bail and those who stay for a short period of time.

1) Supervised Release: Supervised Release, expanded citywide in March 2016, is a diversion program that serves as an alternative to bail to prevent jail admissions. In 2018, Supervised Release prevented over 4,000 jail admissions, reducing the jail population by approximately 400 beds. Since its expansion, Supervised Release has served over 12,300 defendants.

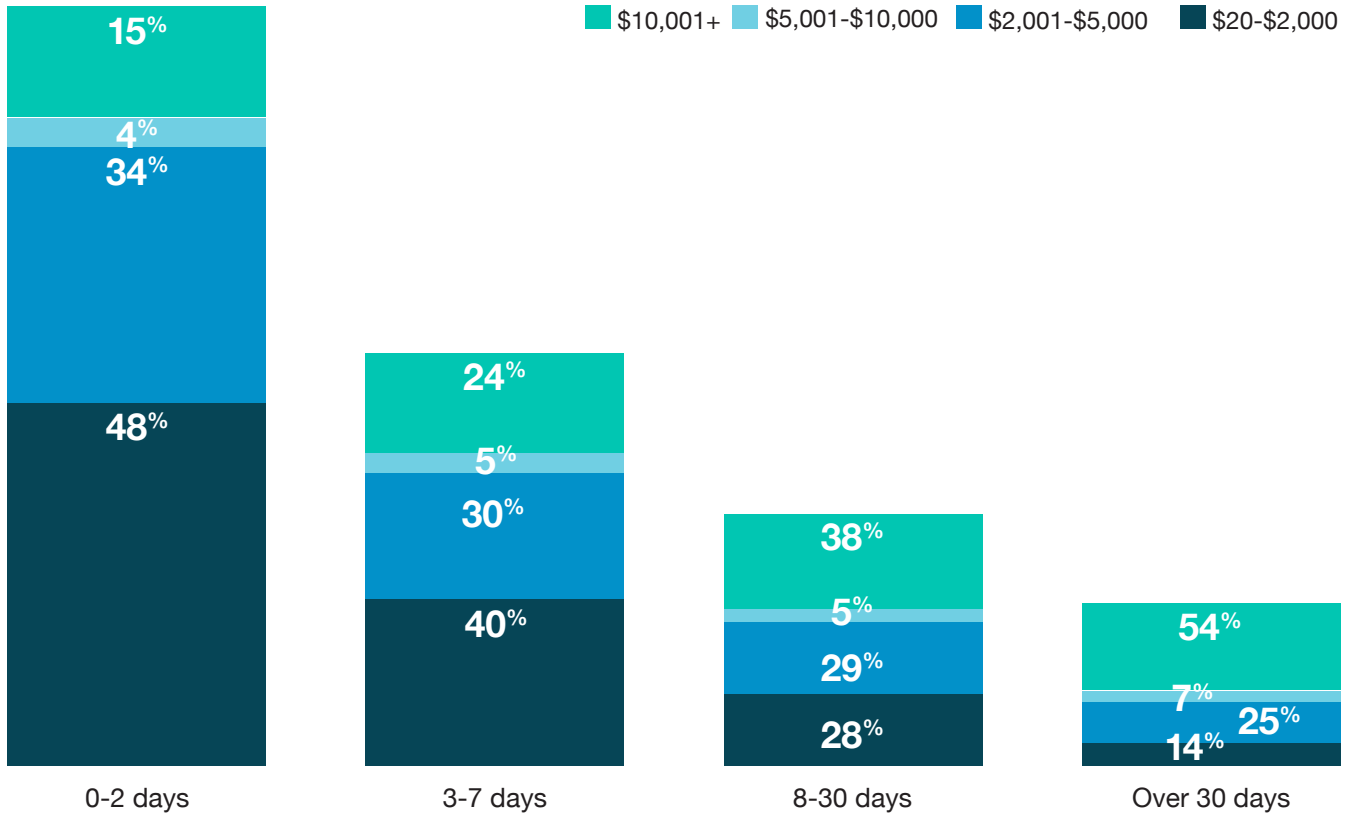
2) Bail Expeditors: Bail expeditors interview defendants in court to find out whether a defendant has someone who can post bail on their behalf (called a “surety”). If the surety needs time to get to court, bail expeditors can request a “bail hold” to allow time for the surety to post bail. The City expanded funding for the program, which serves 87% of all defendants with bail set at \$5,000 and below.

3) Bail Funds: Bail funds operate throughout the City to post bail for misdemeanor defendants with bail set at \$2,000 and below. The Liberty Bail Fund receives funding from the City and operates in all boroughs at night, while other bail funds operate in every borough during the day. The goal of the Liberty Bail Fund is to post bail at arraignment so that defendants never go to jail on low bail.

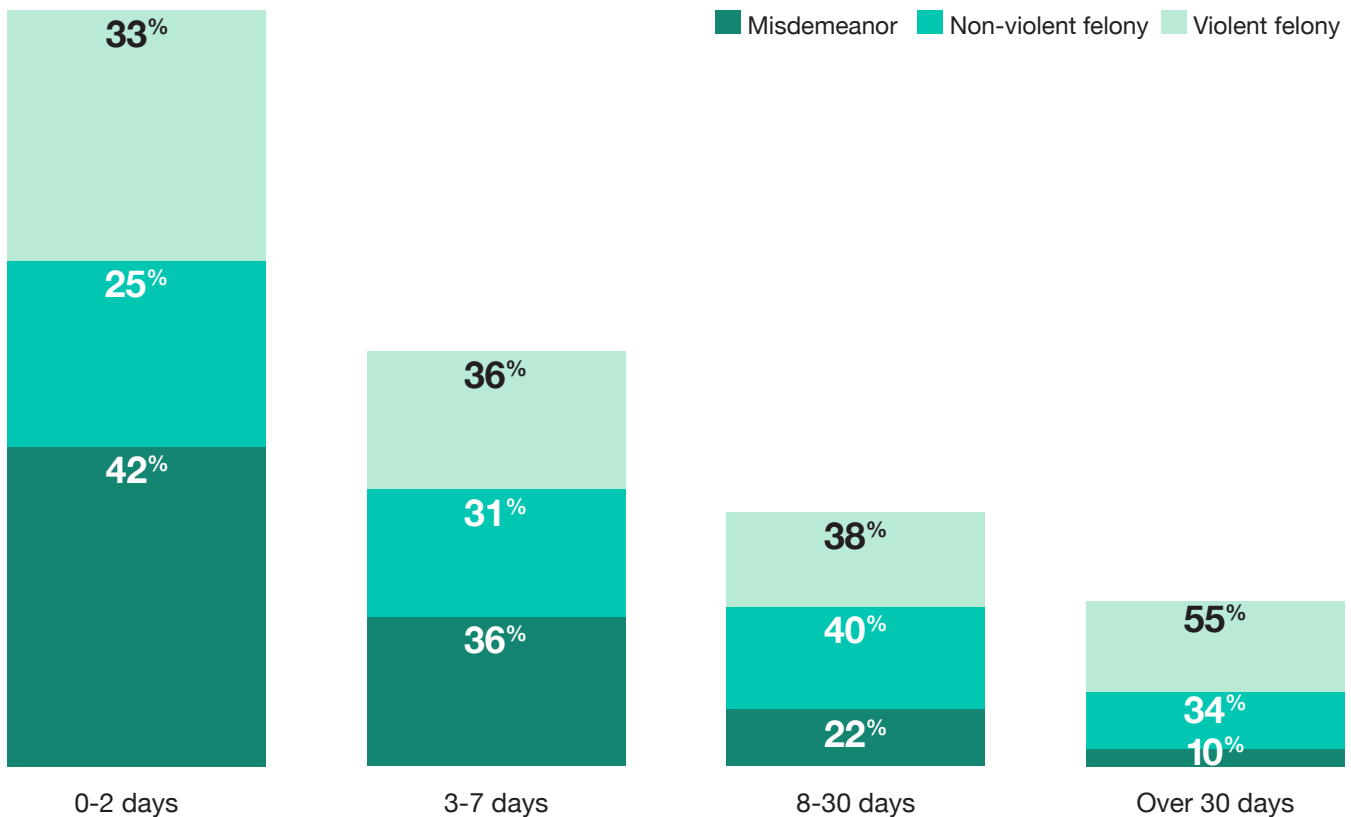
4) Second Look: The Second Look program of the Legal Aid Society’s Decarceration Project expedites the release of individuals in jail who have bail set. Attorneys contest bail decisions, refer eligible cases to bail funds that can post bail, and connect clients to diversion programs and supportive services. This program was piloted in Manhattan in 2017, securing release for 44% of its cases, and is now citywide.

5) ATMs/Online Bail: The City has installed ATMs in all courthouses to improve the bail-paying process and prevent unnecessary detention. The City implemented an online bail payment system to reduce the logistical challenges of paying bail in person.

DEFENDANTS WHO MAKE BAIL AFTER ENTERING JAIL: BY LENGTH OF STAY AND BAIL AMOUNT



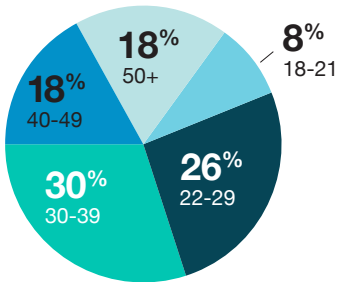
DEFENDANTS WHO MAKE BAIL AFTER ENTERING JAIL: BY LENGTH OF STAY AND CHARGE TYPE



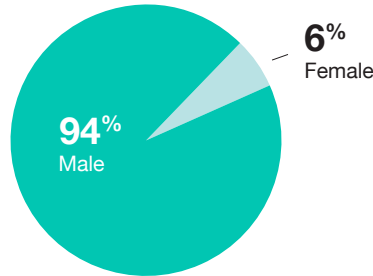
Appendix

WHO IS IN JAIL ON BAIL

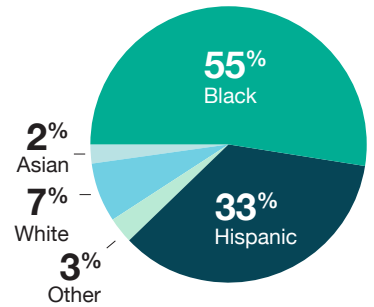
AGE



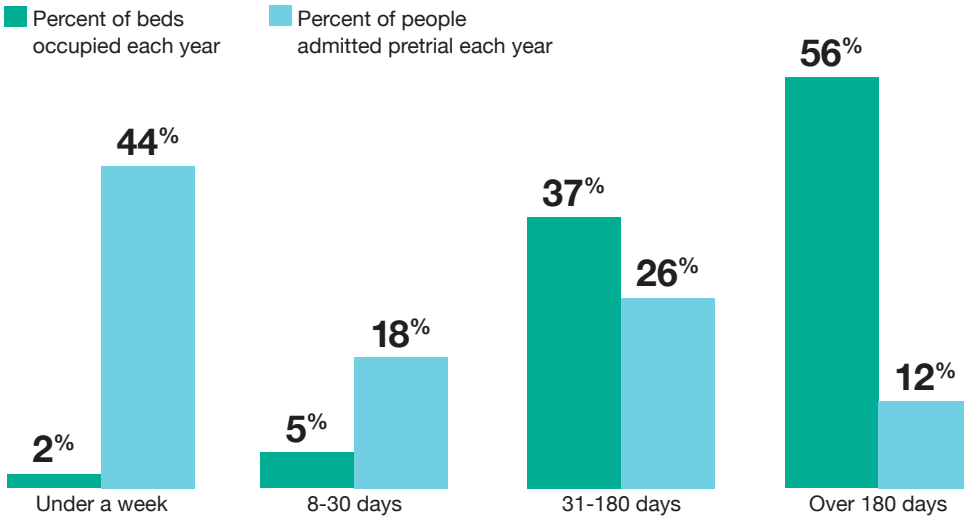
SEX



RACE



HOW ADMISSIONS AND LENGTH OF STAY RELATE TO THE DAILY JAIL POPULATION OF THOSE HELD PRETRIAL



A lot of people account for a small number of beds because of short stays.

A few people account for a lot of beds because of long stays.

HOW LOW-LEVEL CRIMES AFFECT THE JAIL POPULATION

- On April 1, 2019 the number of people in jail on bail without another hold or warrant:
 - For theft of services, including turnstile jumping (PL 165.15): 2
 - For low-level possession of marijuana (PL 221.10): 0
 - For prostitution (PL 230.00): 0

TOTAL ADMISSIONS TO JAIL JAN-MAR 2019

Theft of services (includes turnstile jumping)	32
Possession of marijuana	5
Prostitution	5

Bail Reform: Key Highlights

The new state law¹, which takes effect on January 1, 2020, will significantly change our criminal justice system. It eliminates bail for most people who are charged with misdemeanors or non-violent felonies and for two violent felonies. It still allows judges to detain or order bail for most violent and a few non-violent felonies, but it requires that judges consider release on non-monetary conditions first. Judges still must consider a person’s risk of flight when deciding whether to release someone or attach any conditions to ensure return to court. Some other highlights of the law include:

Judges must release a person with no conditions (on their own recognizance “ROR”):

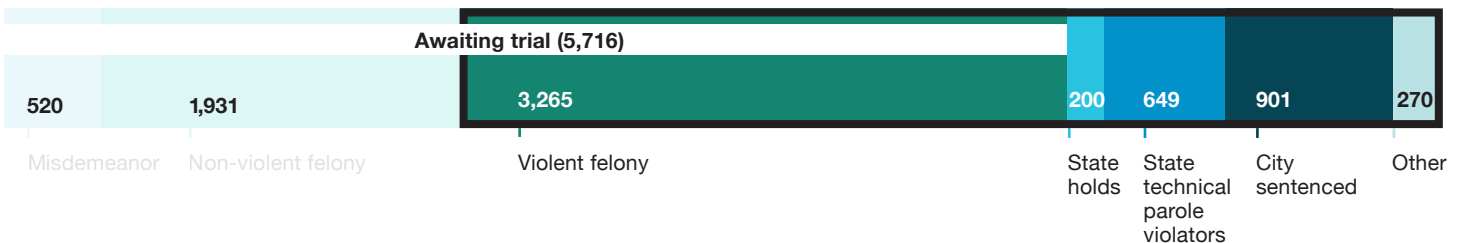
- For all misdemeanors, except sex offenses and criminal contempt in the 2nd degree, and most non-violent felonies.
 - Exceptions: If the court finds the person poses a risk of flight, the judge can impose non-monetary conditions to the release including: restrictions on travel or firearm possession, remaining in contact with pre-trial services agency, and, only when the charge is a felony or misdemeanor domestic violence or sex crime, electronic monitoring.

Judges can detain or set bail when:

- A person is charged with a Class A felony or violent felony offense (as that term is defined in the Penal Law).²
 - Exceptions: robbery in the 2nd degree (when aided by another) and burglary in the 2nd degree (when in a dwelling). The case of Kalief Browder involved a robbery in the 2nd degree (aided by another) charge which will no longer be eligible for bail or detention. Also excepted are certain Class A drug felony cases. Only major trafficker felony offense³ remains eligible for bail or detention.
- A person is charged with numerous specified other felony offenses, including terrorism, witness intimidation, violations of orders of protection, and sex offenses.
- The only misdemeanors that remain eligible for bail are sex offenses⁴ and criminal contempt in the 2nd degree for violating a court order, including an order of protection.⁵ These are not eligible for detention, only bail.

A person who is out on pre-trial release can have that release revoked⁶ if the person is found to have: persistently and willfully failed to appear in court, violated an order of protection through violence or a threat of violence, intimidated or tampered with a witness, and/or committed another felony when on pretrial release for a separate felony.

ADULT JAIL POPULATION ON 4.1.19 (7,736)



On April 1st, 2019, 43% of individuals in jail pre-trial were facing misdemeanor or non-violent felony charges. Under the new law, with some exceptions, judges may neither detain or set bail on people charged with these offenses. Note: currently, many of these people cannot secure their release by paying bail because of warrants or other holds.

¹Criminal Procedure Law § 510.10 ²Penal Law § 70.02 ³Penal Law § 220.77 ⁴Offenses defined in Article 130 of the Penal Law ⁵Penal Law § 215.50(3) ⁶Criminal Procedure Law § 510.60