

A Guide to **NYC Criminal Justice** Supervised Release After Bail Reform

SUPERVISED RELEASE is a court-ordered program that provides community-based supervision and support for individuals with pending cases in the New York City Criminal or Supreme Court. It is an expanded, non-monetary release option for judges under the new bail reform law. The exclusive purpose of Supervised Release remains helping to ensure a person's return to court.

Enrollment

Who Is Eligible? As of December 1st, 2019, all people with cases in the NYC Criminal or Supreme Court are eligible, regardless of charge.

How Are People Enrolled? At any court hearing during the pretrial period, a judge may order **Supervised Release** when finding that the person poses a risk of flight and no less restrictive non-monetary condition(s) can reasonably assure the person's return to court.

Supervised Release staff should be present in the courtroom at arraignment in order to answer questions and provide program information. Once Supervised Release is ordered, the provider should promptly orient the individual to the program, and will complete the initial orientation immediately. If a SR representative is not in the court part, court staff, prosecutors, or defenders should notify the provider*.

Tier & Supervision Level

Assignment Guideline: If a judge does not mandate a tier, the provider will follow the guidelines below, except when an individual has: 1) out-of-state warrants and convictions; 2) a history of unsuccessful discharge from Supervised Release; or 3) prior parole or probation revocation in the past five years. In those cases, after a full assessment, the case manager may opt to upgrade supervision by one level.

CJA Release Assessment Recommendation	Statutory Mandated Release (not bail eligible)	Eligible for Bail or Remand Under Statute
ROR	Level 1	Level 3
Consider all options	Level 2	Level 4
ROR not recommended	Level 4	Level 5

*In other court parts where Supervised Release does not routinely have staff, the judge or attorneys may contact the Supervised Release provider in that borough and request that staff come to the courtroom.

All Supervision Levels

Intake & needs assessment, voluntary service referrals, phone/text court date reminders, & criminal history check before court dates

TIER 1

Level 1 One Phone Check-In per month

Level 2 One Phone Check-In & One In-Person Check-In per month

Level 3 One Phone Check-In & Two In-Person Check-Ins per month

TIER 2 (Enhanced)

All Tier 2 At least 5 required contacts in first month; smaller caseloads (averaging 10-15); & assignment to group-based and/or individual programming using structured cognitive behavioral therapy (CBT)-informed curriculum or other suitable inventions

Level 4 Two Phone Check-Ins & Two In-Person Check-Ins per month

Level 5 One In-Person Check-In per week

Specialized Supports—available for both tiers

Intimate Partner Violence (IPV) Cases: staff trained in power and control dynamics; staff report alleged violations of orders of protection to all court parties; three hour class called “Tactics and Choices” available, and attendance will be encouraged

Youth (16-24): specialized staff, peer mentoring and neighborhood engagement, age-appropriate CBT-informed programming

Mental Health: specialized staff trained in accessing emergency response services and de-escalation techniques, including mental health first aid; referrals to community-, and clinic-based services, NYC Well, and other Department of Health and Mental Hygiene (DOHMH) services, all with staff trained in working with justice-involved individuals

Housing: coordination with homeless outreach organizations, housing specialists on staff, dedicated supportive housing and transitional beds

Noncompliance

Noncompliance: The matrix below indicates when the Supervised Release Provider will report noncompliance to the court and all court parties.

Type of Noncompliance	Provider Response
Minor Violations	Low Response
<ul style="list-style-type: none">• Missing a telephone contact or office visit	<ul style="list-style-type: none">• Contact defense attorney within 24 hours• Court notification:<ul style="list-style-type: none">◦ Non-IPV and non-sex offense misdemeanors: Within 21 days, unless court requests 48-hour notification◦ IPV and sex offense misdemeanors and all felonies: Within 5 days, unless court requests 48-hour notification
Major Violations	High Response
<ul style="list-style-type: none">• Failure to complete orientation• Knowledge of potential violation of order of protection	<ul style="list-style-type: none">• Court notification: Immediately/as soon as practicable, within 24 hours
<ul style="list-style-type: none">• Failure to report to program for intake and comprehensive assessment• New docketed re-arrest	<ul style="list-style-type: none">• Contact defense attorney within 24 hours• Court notification: Within 48 hours

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