



Fundamentals of Pretrial Justice & New York City Supervised Release

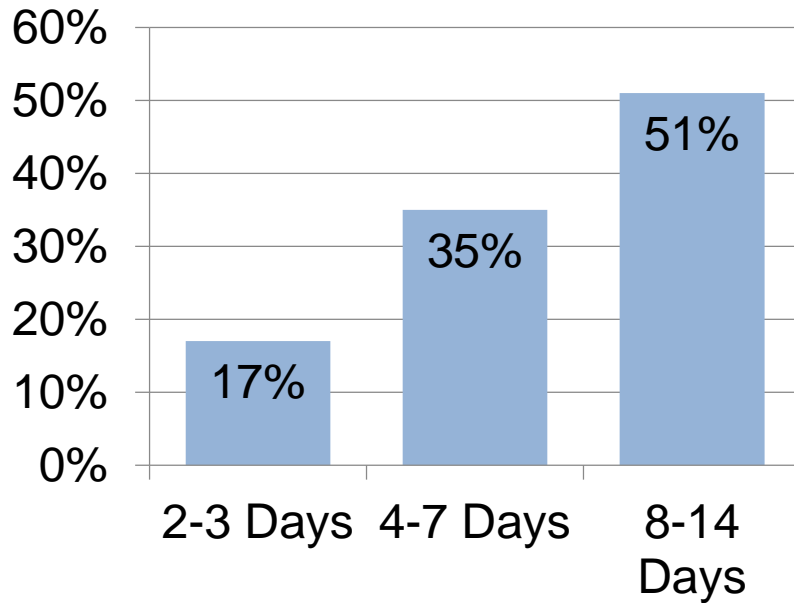
January 14, 2016
Brooklyn Bar Association

Welcome!

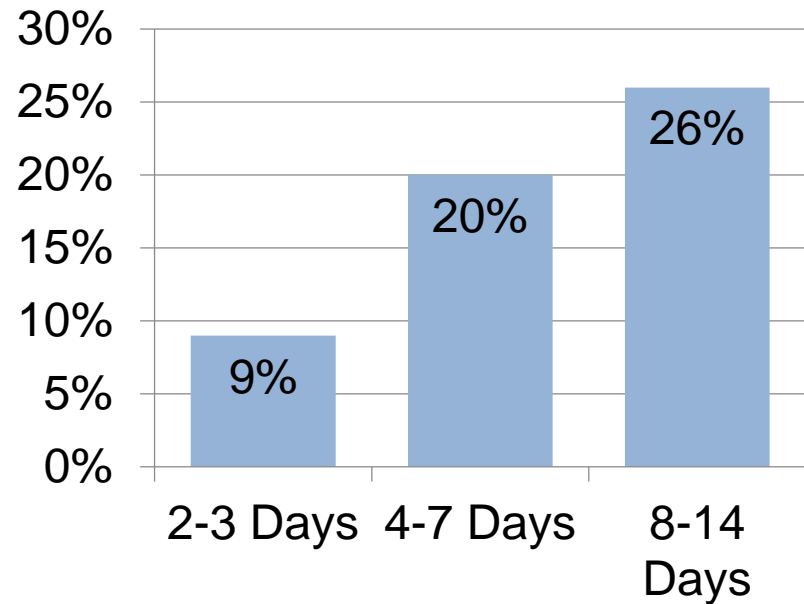
- Objectives:
 - Discuss the public safety impact of unnecessary detention
 - Place NYC in the context of the advancement of pretrial nationally
 - Analyze the research pertaining to risk assessment and risk management

Effects of Detention

**Increase in 2-Year
Recidivism
Low-Risk
Defendants***



**Increase in 2-Year
Recidivism
Moderate-Risk
Defendants***



*Lowenkamp, C.T., VanNostrand, M., & Holsinger, A. (2013). The Hidden Costs of Pretrial Detention. Laura and John Arnold Foundation. New York City, NY.

Historical Context of Pretrial in NYC

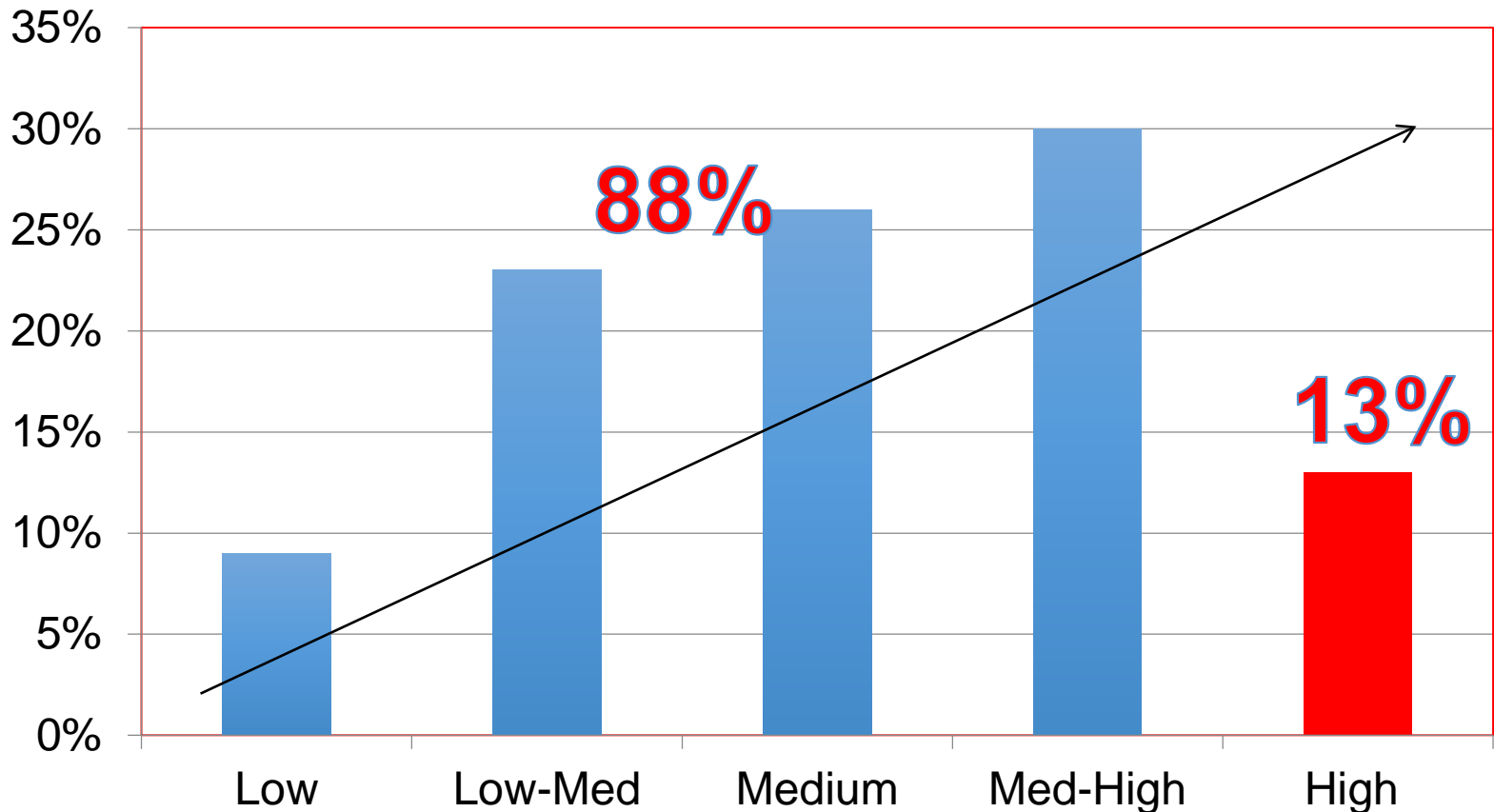
Manhattan Bail Project (1961)

- Interviewers determined community ties and likelihood of returning to court
- Defendants release without financial conditions
- Results were extremely positive; other systems began to emulate

Percent of defendants released O.R.		
	1962	1971
Washington, D.C.	0%	55%
Des Moines	2%	27%
San Diego	4.7%	44.6%

State of the City

Risk of Re-arrest for Felony Defendants with Bond Set or Remand

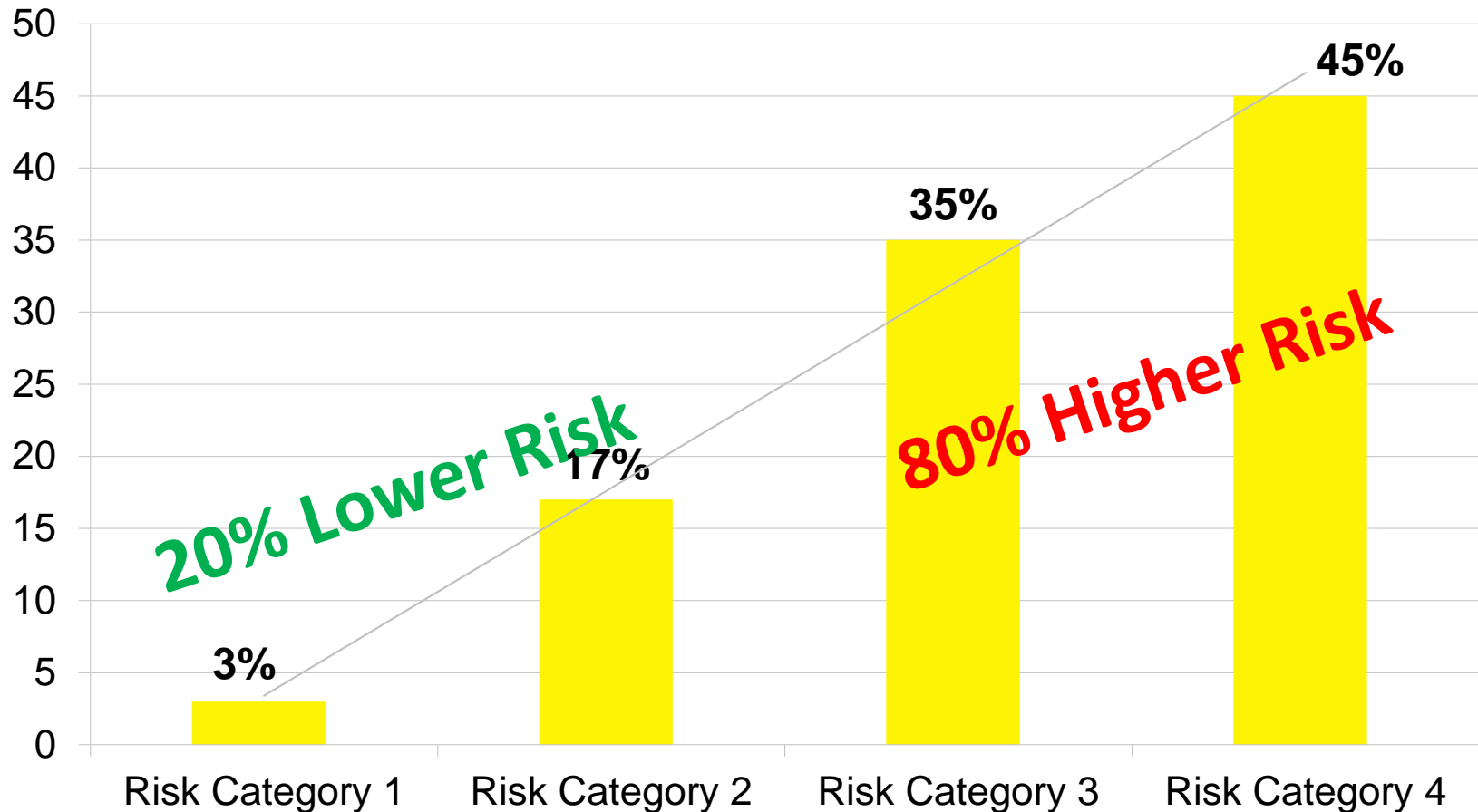


What is pretrial risk assessment?

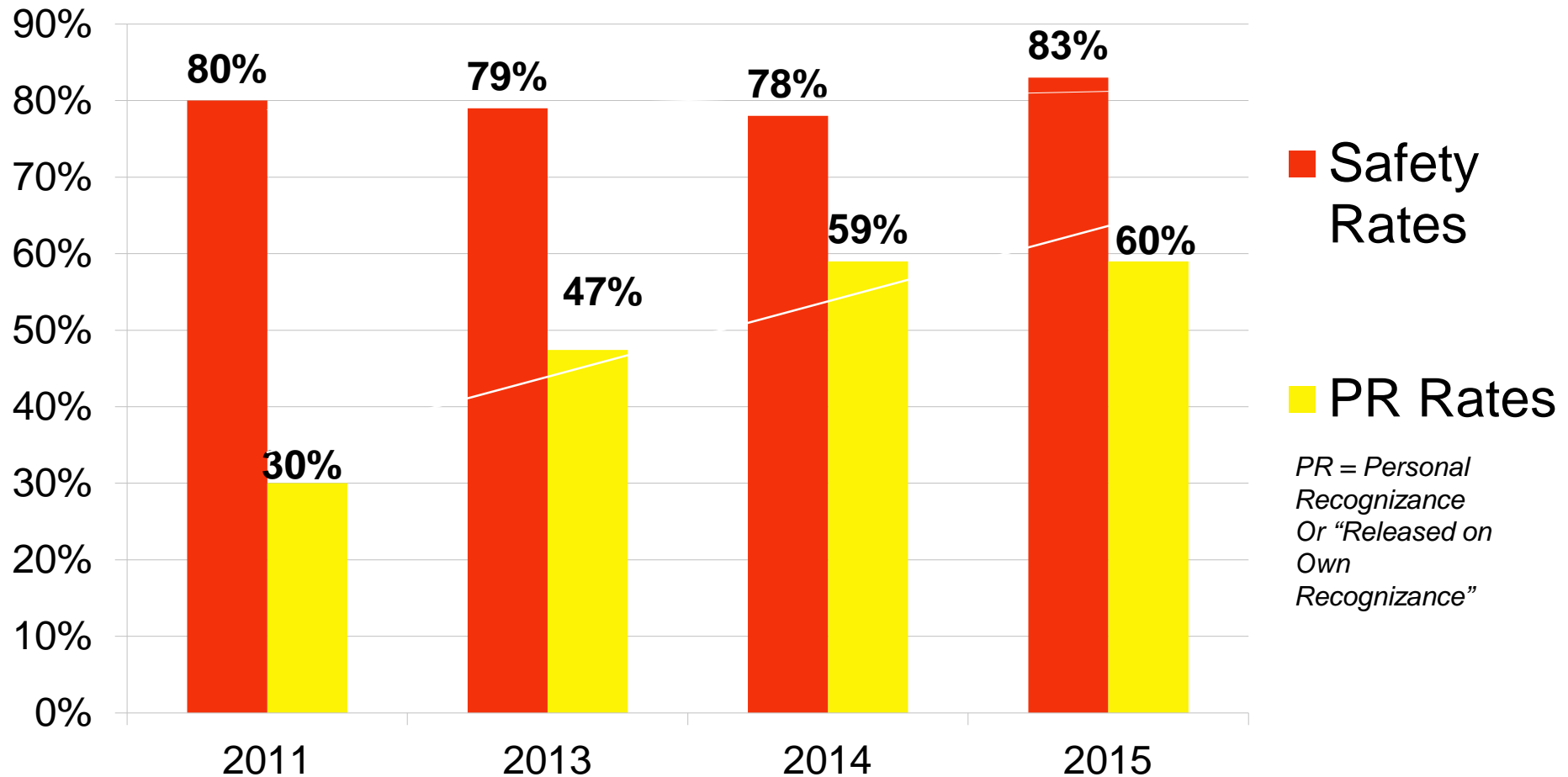
- Tool that gives judges information about a defendant's risk of
 - (1) failing to appear
 - and
 - (2) engaging in new criminal activity during pretrial release



Mesa County, CO Detention Rates by Risk Level



Mesa County, CO PR Releases and Public Safety Outcomes by Risk Level



Example of Supervision Level Scheme

Supervision Level	Possible Risk Management Activities
Basic Level	<ul style="list-style-type: none">• Court date reminders• Periodic (1x or 2x per month) reporting by telephone
Moderate Level	<ul style="list-style-type: none">• Court date reminders• Periodic reporting by telephone• Periodic (1x or 2x per month) in-person reporting to case manager
Intensive Level	<ul style="list-style-type: none">• Court date reminders• Periodic reporting by telephone• Periodic (2x or 3x per month) in-person reporting to case manager

Other Risk Management Strategies

- Reduce system-related issues that result in failure to appear warrants
- Reduce the number of required court appearances
- Reduce time to disposition

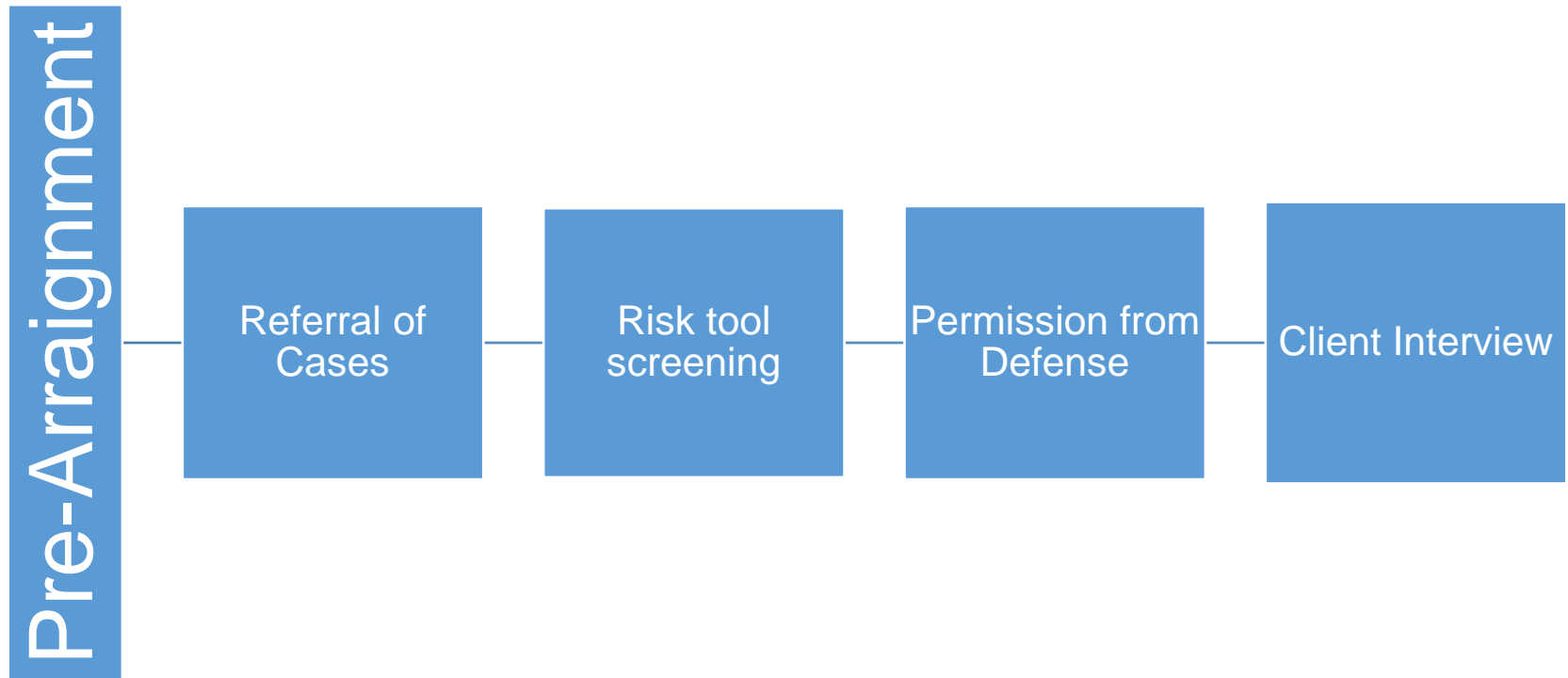
NYC Supervised Release Providers

- CASES – NY County
- CJA – Queens
- Center for Court Innovation – Bronx, Richmond and Kings (Brooklyn Justice Initiatives)

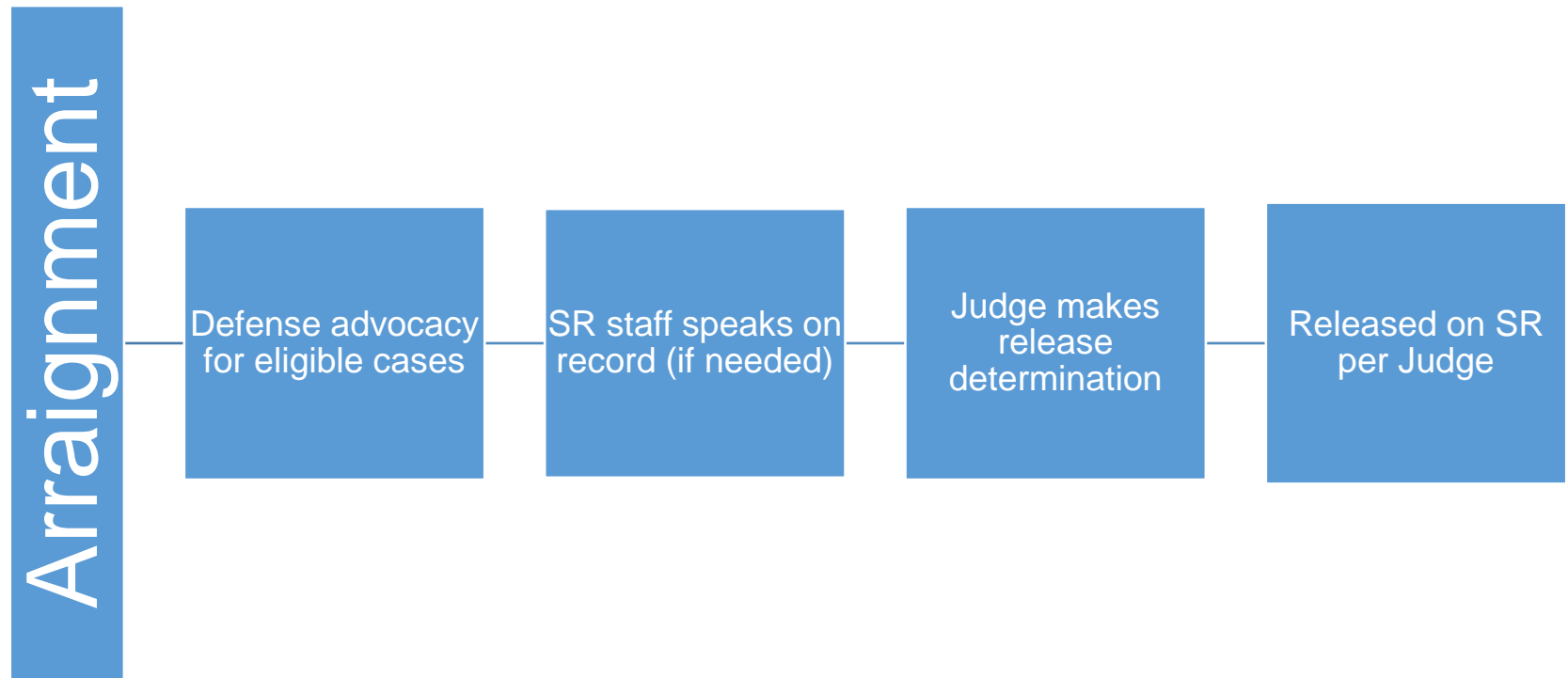
Supervised Release Eligibility

- Misdemeanants and non-violent felons
 - DV defendants phased in when additional protocols are established
- Defendants at high risk of felony pretrial re-arrest will not be considered

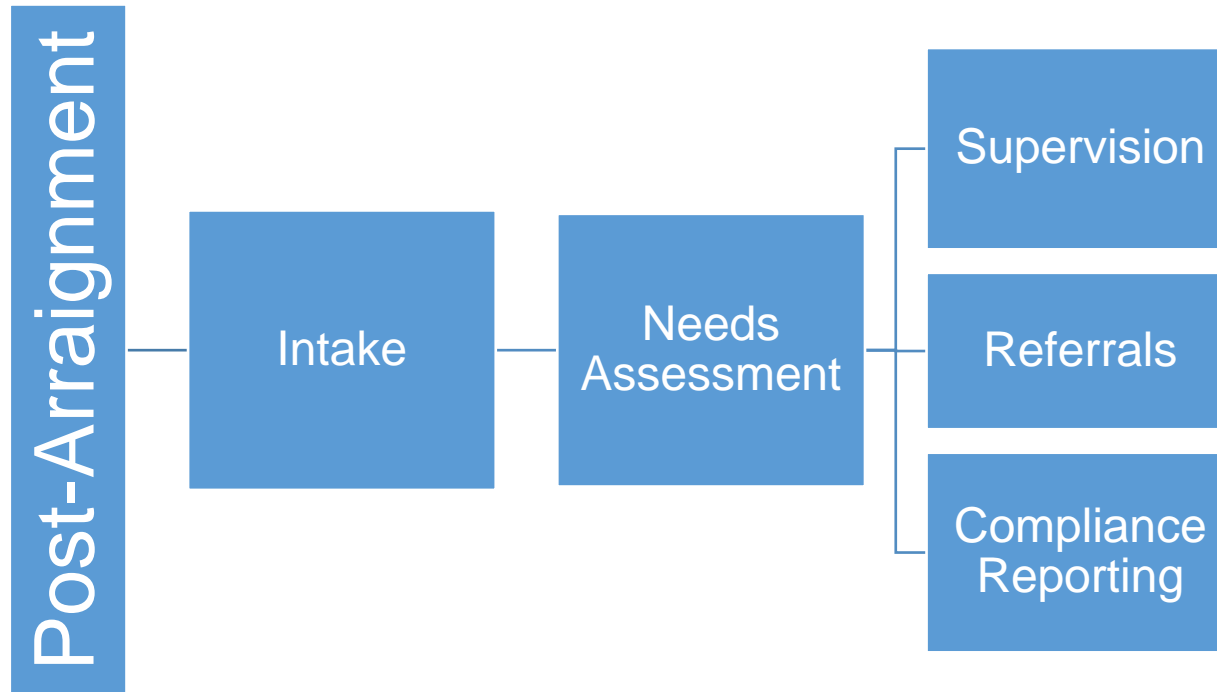
NYC Supervised Release Process Flow



NYC Supervised Release Process Flow



NYC Supervised Release Process Flow



Risk Management/ Community Supervision

All levels	phone call/text message court reminders			
	monthly criminal history check			
Level 1	One face to face contact per month - planning phone call before court date			
Level 2	One face to face contact and two phone calls per month			
Level 3	Two face to face contacts per month and two phone calls			
Level 3+	One face to face contact and one phone call per week			

Risk Management/ Community Supervision

	Misdemeanor	Misdemeanor with aggravating factors	Non-violent felony	Non-violent felony with aggravating factors
low	1	2	1	2
low-med	1	2	1	2
medium	2	3	2	3
med-high	2	3+	3	3+
high	ineligible			

Communication for Implementation

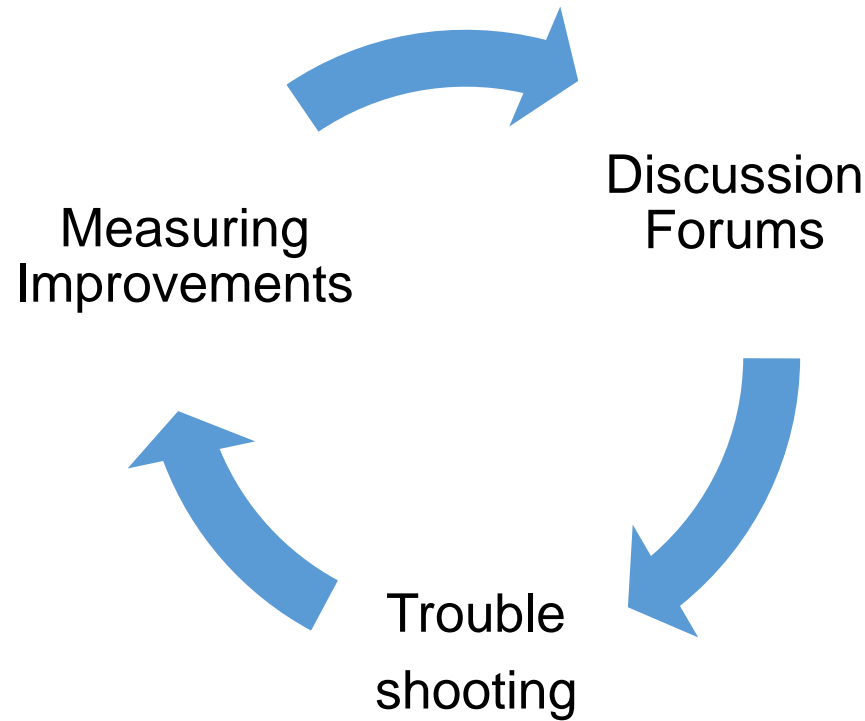
1. Introductory Training

2. Implementation Leaders

3. Monthly Data

4. Quarterly Meetings

Continuous Feedback & Improvement





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