

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/publications/against-the-odds-bail-reform-new-york-city-criminal-courts>

Policy Issue Resources

Publication

Statistics show that money bail is unaffordable and out of reach for many New Yorkers. On any given day, 7,000 people are detained pretrial at Rikers Island and other New York City jails because they cannot make bail. While judges in New York can choose up to nine different forms of bail at arraignment including alternative forms that require little to no upfront payment most judges choose to impose the two most onerous forms: cash bail and insurance bail bond.

This report documents the outcomes of 99 cases in which two of these alternatives partially secured and unsecured bonds were set. The results suggest that expanding the use of alternative forms of bail will offer more New Yorkers the opportunity to await trial without the harm to employment, housing, family, and overall stability that comes from pretrial detention.

Vera's analysis of a small cohort of cases tells a fascinating story of how a change in practice can potentially have a significant impact on reducing the use of pretrial detention without compromising public safety or rates of court appearance.

Vera analyzed 99 cases in which two different forms of alternative bail were set: unsecured and partially secured bond, which require little to no upfront payment to secure release.

The analysis tracked all 99 cases over a nine- to 12-month period, documenting bail-making, court appearance, pretrial re-arrest, and final case disposition. Vera also conducted interviews with judges, defenders, and court staff.

While 99 cases out of the thousands where bail is set is a miniscule number in the larger scheme of New York City's bail system, this experiment illustrates the possibility of meaningful culture change.

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PUBLICATION

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