

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/the-mayors-office-joins-vera-in-a-conversation-on-bold-ideas-for-bail-reform>

Public Facing Advocacy Writing

Chances are, if you are a New Yorker charged with a misdemeanor and have little-to-no criminal history, you will be headed home after arraignment with no money bail. In fact, 80 percent of people charged with misdemeanors are released pretrial on their own recognizance.

New York City's bail system works the way its supposed to for the vast majority of defendants.

But for the 27 percent of New Yorkers who have bail set and are unable to post it at the courthouse, the bail systems shortcomings are very real. Even one night in jail can lead to loss of employment, housing, and potentially custody of children. Longer stays of days or months can mean extended time away from families, derailing lives. And our system can make it difficult for families trying to post bail for loved ones. Judges are also unable to consider the risk a defendant poses to the community when making release or bail decisions.

Criminal justice advocates, policymakers, and everyday New Yorkers all have a vested interest in solving the problems associated with money bail. Despite our successes the majority of defendants wait for trial in the community and successfully return to court more work remains to ensure our system is fair and just towards every detained New Yorker. **The Mayors Office of Criminal Justice and the Vera Institute of Justice are hosting an evening discussion, [Resetting Bail: The Price of Justice in NYC](#), at the Schomburg Center for Research in Black Culture on May 11, featuring presentations by judges, research scientists, behavioral economists, and comedians.** Sparking an insightful dialogue about bail in New York City will, we hope, celebrate recent reforms; gather ideas to address persistent flaws; and, most importantly, allow us to hear from the community about what is working and what needs to be improved.

New York City is a national leader in the number of defendants released on their own recognizance. Nearly 70 percent of defendants await trial in their communities without any conditions like money bail or supervision, and almost 90 percent of these defendants will return for their court appearances. Of those with bail set, most (70 percent) are at high risk of failing to appear for their trial or have been charged with a serious violent crime. In these instances, there is a public safety interest in keeping those charged with the worst offenses off the streets. Recently, the Mayors Office [announced](#) citywide expansion of a pre-trial program to safely supervise over 3,000 defendants in the community who would have otherwise gone to Rikers Island.

Too often though, defendants outcomes are shaped by the gray area that determines whether justice is served or not. Some release decisions are driven more by guesswork than science, with bail amounts mismatched to the defendants financial ability to pay and the risk they pose of not returning for trial. Courts do not always have the tools to make sure that bail does not lead to unnecessary detention, and judges cannot, by statute, consider the risk someone poses to public safety.

Moreover, in a city the size of New York, small percentages can add up to major injustices. With over 340,000 arraignments per year and approximately 47,000 people detained on bail each year in New York City, any ambiguity in the bail decision process can have major effects on defendants and their families.

Our communities and our City cannot afford to get bail wrong. We need to look at small solutions as well as seismic systemic shifts. Fundamental questions remain unanswered: What actually brings defendants back to court? Could detaining some defendants pre-trial actually make us less safe in the long-term? The Resetting Bail event is an opportunity to ask those big questions and hear answers from both experts and affected individuals themselves.

We are looking for the next bold, big idea on bail. Come and help us find it.

Transformative change, sent to your inbox.

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