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Mayor De Blasio Launches Bail Lab To Safely Reduce Overreliance On Money Bail

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City to Test Bail Alternatives and Payment Strategies, Expand Data on Defendants' Risk

NEW YORK—Mayor Bill de Blasio today announced the Bail Lab, the next step in the City's strategy to reform New York City's bail system by avoiding unnecessary jail time and protecting public safety. In the coming year, the Bail Lab will partner with the courts to solve the larger problems that plague the money bail system in New York City by testing alternatives to money bail, working with judges to use alternatives, testing payment strategies, and expanding data on defendants' risks. The de Blasio administration is already working to eliminate bail for low-risk defendants. There are approximately 47,000 people detained on bail in New York City every year, and the Bail Lab aims to help safely reduce this number for low-risk individuals.

"The Bail Lab will help us understand the best ways to safely reduce unnecessary jail time. Today's announcement represents the next critical step we are taking to reform the bail system and safely ensure New Yorkers are not unnecessarily detained," said **Mayor Bill de Blasio**. "Whether or not someone is in a cell on Rikers Island cannot simply be determined by how much money they have in the bank – and the research and tests we will conduct through the Bail Lab will help us build a fairer and safer criminal justice system."

Through the Mayor's Office of Criminal Justice, the Bail Lab will:

Test alternatives to money bail:

In the next year, the Mayor's Office of Criminal Justice will work with partners in the courts, in prosecutors' offices and in the defense bar to conduct a series of experiments to determine the effectiveness of other ways of encouraging defendants to return to court, such as reminder systems. Bail exists to encourage defendants to return to court, yet there is a lack of evidence that money is effective in encouraging defendants to return and whether alternatives would be equally effective. The bail fund currently operating in the Bronx has experienced a 96 percent success rate of individuals returning to court despite not having paid money bail – suggesting that a factor other than a money deposit is motivating them to return to court.

Work with judges to use alternatives to money bail:

Working with the courts, the Mayor's Office of Criminal Justice will conduct research on the barriers to judges using alternative forms of bail, and partner with the courts to provide training for judges on the effective alternatives to money bail. The Vera Institute will support this research.

Make the bail process faster and easier:

Approximately 17,000 individuals per year are able to make bail after they are booked into Rikers Island jails, with 77 percent making bail within one week of being detained. Research shows that even one night in jail is linked with a higher risk of recidivism and can lead to collateral consequences such as missing work and missing childcare commitments. In the next month, the City will work with partners in the courts and in law enforcement to assess how to eliminate the physical and procedural obstacles – such as not having access to a family member's phone number or inability to pay with a credit card – that can lead some people to be detained in jail for longer than necessary despite their ability to afford the bail amount set in their case. The Center for Court Innovation will support this research.

Give judges stronger risk data:

To provide judges with better data to inform their decisions, the Mayor's Office of Criminal Justice will work with the courts to gather and share data with judges about the outcomes of judges' bail determinations. The Mayor's Office of Criminal Justice will also work with local and national experts to improve the risk assessment tool that the Criminal Justice Administration uses to determine whether an individual defendant will return to court.

Crowdsource innovations:

This effort launches today with an interactive website – www.bail-lab.nyc – that invites the public to “crowdsource” problems associated with bail in New York City and help the City to develop solutions. Throughout the next year, the Mayor's Office of Criminal Justice will review the site for user input, and add to this online hub as experiments are conducted, successful reforms identified, and progress is made. Additionally, the Bail Lab's efforts will be guided by an advisory board of national bail experts, including New York State Chief Judge Jonathan Lippman, founder of the Vera Institute Herb Sturz, Director Emeritus of the Pretrial Justice Institute Tim Murray, and University of Chicago Professor Jens Ludwig.

To further reduce reliance on money bail and improve the City's ability to protect public safety, the City is also currently:

- Supporting Council Speaker Melissa Mark-Viverito's creation of a citywide bail fund, and working with the Council to create eligibility criteria for this valuable program;
- Pursuing a change to state law so that New York is no longer one of only four states that prohibit judges from considering public safety risk when making bail determinations. Current law can mean that some high-risk individuals may have low bail amounts set and be able to return to their neighborhood – and possibly re-offend – while waiting for trial. It can also mean that some low-risk people may be unnecessarily detained;

- Launching a program that will safely supervise 3,000 eligible, low-risk defendants in the community instead of detaining them while they wait for trial. *More information about Supervised Release is available here.*

“Bail is a blunt instrument that can yield inequitable results,” said **Elizabeth Glazer, Director of the Mayor’s Office of Criminal Justice**. “While it is still with us, we must understand whether money bail is the most effective way to ensure that people return to court without re-offending and we need to develop precise tools to provide judges enough data about risk to make informed decisions. The Bail Lab will help us fix these pressing problems and shape a 21st century pre-trial system.”

The Bail Lab builds upon New York City’s history of leading the nation in pre-trial justice reform. Currently, New York City is a national leader in the percentage of defendants – 68 percent – who wait for trial at home, without conditions like supervision or money bail. And the de Blasio administration’s Justice Reboot initiative has made significant progress in cutting case delay and reducing the number of felony criminal cases with a detained defendant that have been pending for longer than a year. The strategy announced today advances the administration’s work to ensure that all components of the City’s pre-trial system effectively protect public safety and increase fairness.

“The need to overhaul New York’s bail system has never been more urgent. I commend Mayor de Blasio on the launch of this highly innovative, research-driven program, as well as for his ongoing support of other efforts – including a series of reforms I recently announced – toward an efficient, just bail system that carefully balances the public safety and the due process rights of all New Yorkers, regardless of their socioeconomic status,” said **New York Chief Judge Jonathan Lippman**.

“The Council supports any effort to reform our broken bail system, from the Council’s creation of a citywide bail fund to the Mayor’s effort to expand supervised release programs,” said **Speaker Melisa Mark Viverito**. “The Administration’s efforts to continue pressing for continued reform in this field should be applauded.”

“I applaud the City’s sustained commitment to reforming our outdated bail system. We must continue investing in initiatives to rehabilitate low-risk and first-time offenders, such as alternatives to incarceration and re-entry programs,” said **Public Advocate Letitia James**.

“If we pursue bold reforms, we can transform policing and criminal justice in our city to better fit our communities’ needs and eliminate practices that perpetuate inequality,” said **Manhattan Borough President Gale A. Brewer**. “A fairer, more equitable alternative to the current bail system will produce better results for everyone.”

“I commend Mayor Bill de Blasio and his Office of Criminal Justice for their efforts to address the impact of New York City’s bail policies. The financial burden of simply being arrested often has a devastating impact on the individuals involved and their families. Hopefully, as a result of experimenting with alternatives to bail money and alternative release conditions, as well as

taking more than a defendant's ability to pay bail into consideration, the City's Bail Lab program will develop policies that improve the administration of justice in our city," said Congressman Gregory W. Meeks.

"The Bail Lab builds on the Council's focus on bail reform, including the Speaker's establishment of a citywide bail fund and my committee's June bail reform hearing, and will lay the foundation for badly needed, broad-based changes to a bail system that too often punishes people for their poverty rather than protecting the public and promoting the fair and efficient administration of justice," said **Council Member Rory I. Lancman, Chair of the Courts & Legal Services Committee**. "This is a forward thinking and innovative approach to attacking a deeply entrenched problem, exploring all the tools at the city's disposal and dovetailing perfectly with Chief Judge Jonathan Lippman's recent announcement of the court system's own unilateral bail reform efforts. The Bail Lab brings us closer to ending the plague of unnecessary, expensive and counterproductive pre-trial incarceration."

Assembly Member Michael Blake said, "The key word is 'justice' when we discuss criminal justice. The Bail Lab is a critical element in that continual journey for greater justice. I commend Mayor de Blasio for seeing what is working in The Bronx as it relates to bail reform and seeking to replicate this fair opportunity to all New Yorkers. As the Assembly Member who represents the Browder family where Khalief should not have been held for the length of time that he was and as one whose own family has experienced the pains of injustice, this much needed step will have us make evidence based decisions rather than judgmental instincts that will only keep more of our own incarcerated. We want to make sure an individual returns for a fair hearing and to ensure that justice not jail meets them there."

Bail reform is an important part of the equation in fixing our criminal justice system," said **State Senator Daniel Squadron**. "There's a lot of work to be done around bail, speedy trials, and overall reform. The City deserves credit for this step and I look forward to continuing to work with the City and colleagues on reform."

"No one should be forced to sit in jail awaiting trial or plea to a crime they did not commit because they cannot afford bail," said State Senator Gustavo Rivera. "I commend Mayor de Blasio for creating the Bail Lab in an effort to explore other avenues that can be implemented in our justice system to reduce the unnecessary incarceration of poor New Yorkers. I look forward to continuing to work with Mayor de Blasio's administration in making our bail system more effective and just for all New Yorkers."

"I commend Mayor de Blasio for his implementation of the Bail Lab. We have already seen the negative effects of unnecessary jail time in several high profile cases, this new initiative will help to rid the city of those instances. I look forward to continuing to work with Mayor de Blasio and my colleagues to continue to create a fairer criminal justice system and improve public safety," said **Assembly Member Luis R. Sepúlveda**.

"Bail reform is a critical piece of our efforts to end the inequalities that persist in our criminal justice system," said **New York City Council Member Vanessa Gibson**. "I applaud the work of Mayor Bill de Blasio and the Mayor's Office of Criminal Justice for recognizing the need to

explore alternatives to monetary bail and create a system that allows judges to make a well informed decision on a defendant's flight risk. Overcrowded prisons put undue stress on our correctional system, on our correctional officers, and on the detainees themselves. I'm proud that we as a City are taking steps to reform the bail system and I am confident Bail Lab will be a significant tool in these efforts."

"The tens of thousands of young men of color and others detained at Rikers Island prior to sentencing should not have to be separated from their loved ones for months simply for being poor," said **Council Member Daniel Dromm**. "I want to thank Mayor de Blasio for addressing this injustice by launching Bail Lab, thereby taking a much-needed step toward reforming the money bail system which has failed our city for far too long."

"I strongly support the efforts of the Bail Lab to use creative, data-driven solutions that will protect public safety while reducing the number of people who are detained on bail," said **Council Member Daniel Garodnick**.

"Being poor shouldn't mean being locked up while awaiting trial. I applaud Mayor de Blasio's proposals to reform our City's bail system and ensure that low-risk individuals are not unfairly penalized for their inability to pay bail," said **Council Member Brad Lander**.

"In order to reduce unnecessary pre-trial incarceration at Rikers Island, it is imperative both to avoid the use of bail with low-risk individuals and to expedite bail payment for those who legitimately have the means to pay but are facing difficulties navigating the process," said **Greg Berman, Executive Director of the Center for Court Innovation**. "We are pleased to support the efforts of the city's groundbreaking Bail Lab initiative."

"The Vera Institute of Justice applauds the Mayor's efforts to change the use of bail across New York City," said **Nicholas Turner, President of the Vera Institute of Justice**. "Research shows that in many cases bail is unnecessary to secure a defendant's return to court. Too often, setting bail results in unintended and unjust outcomes. When a person takes a plea at arraignment to avoid bail being set, or pleads guilty to get out of jail because he or she cannot afford bail, there can be lifelong implications for factors ranging from employment to housing to immigration status. We look forward to working with the judiciary, prosecutors, and defenders to expand the number of people released pre-trial and promoting due process while maintaining public safety."

"New York is poised to enact historic reforms that will result in a pretrial justice system that is not only transparent but also safe, effective and fair for victims, the community and the accused," said **Tim Murray, Director Emeritus of the Pretrial Justice Institute**.

"Faith leaders from across New York City have been calling for reform to our criminal justice system because we recognize the inequity that causes too many low-income people and people of color to be taken out of their communities and caught in the mass incarceration system. The 'Bail Lab' is an important step in reforming our criminal justice system so that it is equal for all. Faith in New York works with people of faith across the nation in the PICO Live Free Campaign to reform the mass incarceration system and we commend the Mayor for this

important step that will get us closer to this goal in New York City,” said **Onleilove Alston, Executive Director for Faith in NY**

"Bail is based on principles of fairness, decency and equity. If we simply apply those principles, we can restore faith, confidence and trust in our bail system. We applaud Mayor de Blasio and Director Liz Glazer for taking this bold step in the formation of Bail Lab to assure these principles are our realities," said **Reverend Que English, Chair the New York City Clergy Roundtable**

“As a New Yorker long concerned with criminal justice fairness and with a particular concern about persons at Rikers, I applaud the Mayor and his staff for advancing these innovative steps to ensure bail and other options for those awaiting trial. The system should always be about justice,” said **Fred Davie, Executive Vice President and Secretary to the Board of Trustees at Union Theological Seminary**
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