

NEW YORK CAN'T CLOSE RIKERS WITHOUT REAL BAIL REFORM

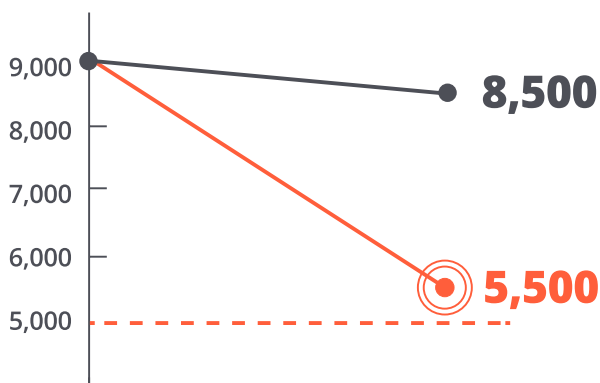
The Problem

Of the 9,000 people in jail in New York City on a given day, **over 75 percent are there because they cannot afford bail.**

In New York, bail can be set on any criminal case, even minor charges. If a person can afford bail, they are released pending trial. If they cannot, they stay in jail. Making freedom dependent on the size of a person's wallet is deeply unfair.

The Solution

To close Rikers, the number of people in jail must drop from 9,000 to 5,000. This legislative session, Albany is considering reforms that will eliminate bail and jail pending trial for people charged with misdemeanors and nonviolent felonies, and dramatically restrict detention in other cases. Here's how we get to 5,000:



If New York only eliminated bail and jail for misdemeanor charges, the number of people in jail in New York City would still remain at approximately 8,500 on a given day. We cannot close Rikers by only reforming bail on misdemeanors.

If New York eliminated bail and jail for misdemeanor and nonviolent felony charges, then the number of people in jail in New York City would drop to 5,500 on a given day. Enacting these changes and placing safeguards against detention for other types of cases will make closing Rikers Island a reality.

Real bail reform in Albany must happen to drop the number of people in jail in New York City to 5,000 and make closing Rikers Island a reality.

WHAT IS THE LIPPMAN COMMISSION?

Building upon a groundswell of advocacy, the New York City Council tasked a blue-ribbon commission led by former Chief Judge Jonathan Lippman with studying the problem of Rikers Island. The Commission released a report finding that there was no other solution for Rikers other than to close it and build smaller, safer jails in each borough. The report provided a roadmap of not only how to close Rikers Island, but to reduce the average daily jail population in New York City to no more than 5,000 people.

METHODOLOGY

This analysis was based on a 2016 dataset from the New York City Department of Correction. During that period, the average daily jail population was approximately 9,800 on a given day, with approximately 40% of the population held pretrial on violent felony charges, 32% held pretrial on nonviolent felony charges, 11% held pretrial on misdemeanor and violation-level charges, and 18% held as sentenced, on technical parole violations, and transfer to state custody (numbers do not add up to 100% because of rounding).

Although New York City's current daily jail population has dropped below 9,000 people over the past year, the overall distribution of charges is approximately the same as in 2016.

If all pretrial nonviolent felonies, misdemeanors, and violations were no longer held in jail, all sentenced misdemeanors were no longer held in jail, and the majority of open warrants for misdemeanor and other low-level charges were resolved without the use of jail, the overall jail population in New York City would decrease by almost one-half.

Sentenced misdemeanors were included in the analysis because many enter into the jail as a result of having bail set or taking a plea to a jail sentence at arraignment because bail was likely to be set otherwise. If bail reform eliminated bail for misdemeanor charges, most individuals currently serving a misdemeanor jail sentence at Rikers Island would no longer face a jail sentence on a low-level charge.

Similarly, cases which currently have another "hold," such as an open warrant for another misdemeanor charge, were included in the analysis as bail reform would eliminate the need for bail or jail as a response to an open warrant or multiple low-level charges.



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