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Pretrial Detainee Transparency Bill Heard Today

*Bill would require the City to post a quarterly report online
on the length of stay and bail amount of all people held in City jails*

Nearly 40% of the NYC jail population are in jail because they cannot afford bail

On **Wednesday, May 6 at 1pm** the Member Helen Rosenthal's Pretrial Detainee Transparency Bill ([Int. 753-2015](#)) was heard in the Committee on Fire and Criminal Justice Services. The bill would require the City to post a quarterly report online on the length of stay and bail amount of all people held in New York City jails.

39% of the City's jail population at any given time are in jail because they cannot afford bail. Most are accused of nonviolent crimes, such as possession of marijuana or jumping a subway turnstyle. 20% of nonfelony defendants will ultimately not be convicted, and 80% of people arrested for misdemeanors receive sentences that do not include jail time.

Due to backlogs in court hearings, **New Yorkers who cannot afford bail may sit in jail for months or even years.** According to a recent article in the New York Times, "As of late March [2015], over 400 people had been locked up for more than two years without being convicted of a crime ... And there are currently a half-dozen people at Rikers who have been waiting on pending cases for more than six years." ("New Plan to Shrink Rikers Island Population: Tackle Court Delays," Apr. 13, 2015).

Even relatively short stays in jail can wreak havoc on the lives of detained men and women, who may lose income from missing work, cannot care for their children or other family members, miss school, and can lose their place in a homeless shelter.

Furthermore, **the City spends an average of \$42 million annually incarcerating nonfelony defendants.**

The Pretrial Detainee Transparency Bill would require the NYC Department of Information Technology and Telecommunications (DOITT) to issue a quarterly report online on the following, disaggregated by borough:

- **Population of pretrial detainees:** the number of inmates, the charges they face, the seriousness of those charges, their bail amount, their criminal record if any, and the length of time spent in jail.
- **The court system's impact on detainees**, including: the number of cases in which bail is set, the number of cases in which bail is paid at the amount set by the judge, and the category of cases (felonies and misdemeanors).
- The number of cases where the defendant **failed to appear for a court date**, in an effort to determine if monetary bail is an effective deterrent to prevent defendants from missing their court date and if nonmonetary bail might be as effective.

"Every day there are thousands of New Yorkers detained in jail for nonviolent misdemeanors because they cannot afford bail. Economically, this is a lose-lose situation for everyone: pretrial detainees who cannot afford bail lose income from missed days at work (possibly losing their job), miss school, struggle to secure childcare, or potentially lose their place in a homeless shelter. At the same time, the City spends millions incarcerating non-felony pretrial defendants-- many of whom will never receive a jail sentence, or even be convicted of a crime. My bill, Int. 753-2015, will shed light on this issue by requiring the City to post a quarterly report online detailing bail amounts and length of stay of all pretrial detainees held in City jails. Transparency is the first step to securing fair treatment for these individuals. I am grateful to Council Member Elizabeth Crowley, Chair of the Committee on Fire and Criminal Justice Services, for her leadership on this issue," said **Council Member Helen Rosenthal.**

"A quarterly report would ensure that we know the population in our jails, what crimes they were charged with and if they were remanded with or without bail. In understanding the population better then the City can better serve them. I thank Councilmember Rosenthal for her attention and dedication to this issue and look forward to fighting for this legislation," said **Council Member Elizabeth Crowley, Chair of the Fire and Criminal Justice Services Committee.**

"This bill will enable New Yorkers to begin to understand who is being held in jail

because they could not afford bail. It will help put pressure on prosecutors and judges to justify the bail amounts they request and set. And over time, this may help both reduce bail amounts and reduce the number of people who plead guilty because they cannot afford bail and do not want to go to jail awaiting trial," said **Jamie Fellner, Senior Advisor of the US Program, Human Rights Watch.**

"It is unacceptable that New Yorkers who can't afford bail for low-level offenses are held for months, or sometimes years, in city jails without being formally charged. It is a drain on public resources and an affront to the civil rights of those warehoused in jail for such unnecessary amounts of time. Council Member Rosenthal's bail accountability bill will bring much needed transparency and accountability to this process - we hope to see it passed soon," said **Alyssa Aguilera, Political Director, VOCAL-NY.**

"By bringing some long overdue transparency and accountability to this corner of the criminal justice system, the bill represents an important first step toward alleviating the plight of thousands of New Yorkers incarcerated on minor offenses simply because they are too poor to afford bail," said **Robin Steinberg, Executive Director, The Bronx Defenders.**

"Too many New Yorkers charged with low-level offenses face the devastating consequences of jail time because they can't afford small amounts of bail. Transparency surrounding the bail status of all people held in New York City jails is an important step towards ending inequities in the bail system," said **Alyssa Work, Project Director, The Bronx Freedom Fund.**

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