

Supervised Release reduces money bail and pretrial detention, maintains court appearance rate and public safety

MDRC's implementation and impact evaluation of New York City's Pretrial Supervised Release (SR) program finds that SR is a promising strategy for reducing the City's use of pretrial detention. In 2016, the Mayor's Office of Criminal Justice (MOCJ) and Mayor's Office for Economic Opportunity engaged with MDRC to assess program implementation citywide, and measure program impact on appearance rates, arrest rates, and overall case outcomes for its clients. MDRC used a mixed-method approach that included interviews with stakeholders including program and court staff and SR clients, courtroom observations, judge surveys, as well as review of program documents. In addition, researchers conducted rigorous analysis of administrative and programmatic data from city and state agencies and from SR providers.

At the time of the study, SR was presented to judges as a release option at arraignment for only a small proportion of defendants in the system. Thus, the effects described below apply to the relatively small proportion of citywide defendants considered for SR during the study time frame.

Key Findings

SR achieved its primary goals of reducing the use of money bail and pretrial detention.

- In the absence of SR, about 45 percent of enrollees would have received money bail.
- SR enrollees spent 8 fewer days in jail (pretrial detention) than they would have in the absence of the program, making them less likely to suffer negative consequences such as loss of employment or housing.

What is Supervised Release?

In 2016, New York City launched the Pretrial Supervised Release (SR) program citywide, offering judges the option of releasing appropriate and eligible defendants under specific supervisory conditions instead of setting bail. SR aims to reduce the number of defendants detained in jail because they cannot afford to pay bail. When setting release conditions, New York state law requires that judges consider defendants' likelihood of returning to court only; they may not consider public safety risk. Defendants in SR are required to report to program case managers regularly and are offered reminders of their court dates, case management support services, and voluntary connections to social services as needed.

SR services are provided by three non-profit organizations citywide that specialize in pretrial services and alternatives to incarceration.

*"I could be **sitting in jail** waiting for my court date or **working** and doing positive and **spending time with my family** and doing everything that I should have been doing since day one."*
– SR client

SR was able to meet its goals while ensuring high court appearance rates and low re-arrest rates for defendants.

- SR enrollees were no more likely to have bench warrants issued for failing to appear in court even though they spent nearly twice as long in their communities with pending cases.
- SR did not increase arrests for new crimes during the nine months after arraignment.
- Defendants enrolled in SR experienced lower rates of conviction and higher rates of case dismissals. As SR reduced pretrial detention, it reduced the incentive for defendants to plead guilty quickly.

While SR produced a large reduction in release without conditions (ROR), net-widening* only applied to the small fraction of criminal cases considered for SR.

** Some defendants who may have otherwise been released without conditions had additional conditions imposed*

- SR was largely successful at enrolling its target population – defendants with felony charges at a higher risk of pretrial re-arrest who were more likely to have received bail.

SR's effects on money bail, pretrial detention, bench warrants, and new felony arrests did not differ meaningfully among defendants of different races/ethnicities or ages.

Judges approved of SR's focus on clients' social service needs, which SR emphasized relative to other pretrial supervision programs across the country.

The evaluation also identified some important challenges around program implementation.

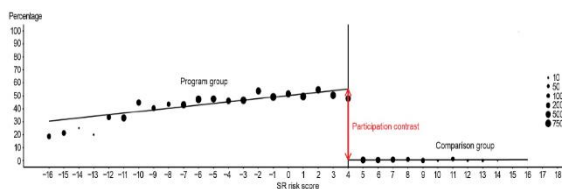
- These included case managers with heavy caseloads, issues balancing their social work and case monitoring responsibilities, and issues dealing with difficult client cases.
- Since initial findings, MOCJ has added staff to lower caseloads and hired specialized staff for harder-to-reach populations.

Impact Analysis Methodology

The impact evaluation uses a rigorous regression discontinuity design to evaluate the program's effects. This method compares the outcomes of defendants just above and just below the SR eligibility cutoff, based on their scores on a risk assessment (figure below). Because these groups were comparable at the outset but differed in their potential access to SR, any differences in their outcomes can be attributed to the SR program with a high degree of confidence.

The impact sample included 10,347 defendants - with custodial arrests between May 1, 2017 and April 30, 2018 who had misdemeanor or felony charges that made them eligible for SR, who were screened for SR, and who had not previously been enrolled.

Percentage of Defendants Enrolled in SR, by SR Risk Score (Impact Sample)



Source: MDRC Figure 5.1 (pg. 49 of report)

Looking Ahead

The bail reform legislation implemented by New York State in January 2020 removes bail as an option for a majority of defendants. As a result, there has been a significant expansion of the New York City pretrial Supervised Release program, which began serving both a larger number of defendants and defendants with different characteristics and types of cases than in the past (until the pandemic temporarily halted new enrollees in March).

Findings from the study demonstrate the success of a part of the City's strategy to improve public safety and promote fairness while reducing unnecessary arrests and incarceration. In addition to the importance of achieving these goals as a matter of fundamental fairness and decency, the City has also committed to replacing the dilapidated jails on Rikers Island with smaller, safer, and modern borough-based facilities. This plan anticipates that programs like Supervised Release and other approaches to reducing both crime and incarceration, in coordination with bail reform, will ensure that the City continues to shrink the footprint of the criminal justice system in the lives of New Yorkers.

Further Reading:

- **2020 Findings from an Evaluation of New York City's Supervised Release Program**
- **2017 Brief: Early Implementation Findings of New York City's Pretrial Supervised Release Program**