



Statement before the
New York City Council

Committee on Criminal Justice Services
Keith Powers, Chairperson

and

Committee on the Justice System
Rory Lancman, Chairperson

By Hazel Jennings, Chief of Department
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on Bail Processes and Reforms

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Good Morning, Chair Powers, Chair Lancman, members of the Committee on Criminal Justice, and members of the Committee on the Justice System. I am Hazel Jennings, the Chief of Department of the New York City Department of Correction (DOC). My colleagues and I are here today to discuss the city's bail processes, reforms that we have implemented over the last few years, and improvements that we are enacting now. As the Council is aware, the City has implemented several important bail reform initiatives over the last few years. DOC has been a partner in several of these initiatives and has implemented a number of improvements to the bail process. These include several changes that were guided by local law.

To begin, I will briefly walk through the bail process and discuss how DOC process bails. From there, I will discuss our recent reforms and our plans for future improvements, and then comment on Intro. 944, which is the second bill being considered today.

Bail Procedures

If a defendant receives bail and is not able to pay it immediately in the court, he or she is turned over to DOC custody. The DOC officers in the courthouse accept custody of the individual and book him/her into the system. From there, the detainee is transferred to a housing facility, where new admission processing is completed and the individual is housed. As soon as the person is entered into DOC's system, DOC may accept bail for the individual.

When a bail is paid, there are several steps required to accept the bail and release the detainee. When the surety requests to pay bail, the facility where the individual is housed must confirm his/her bail and case information, to ensure that the correct bail is being paid. At this point, staff also check to see whether there are any warrants in the system and determine whether or not the person could be released upon bail payment.

With that information, the cashier can accept the surety's bail payment. Once the bail is collected and the surety is given a bail receipt, the housing facility is notified and the discharge process begins.

To release someone, facility staff must check the system and the court paperwork to reconfirm all of the case details and confirm whether any warrants or holds have been received for the individual. The required paperwork review confirms that the bailed out individual can be released.

The next step is to confirm that the correct individual is released, so staff must interview the individual and take his/her fingerprints to confirm identification. These processes are repeated by supervisors, who must sign off on the discharge. Once the discharge has been approved, the individual is provided with a MetroCard and his/her valuable property. This time of year, the person is also given a coat. The discharge process is similar for everyone, regardless of what is triggering the discharge (bail payment, warrant lifted, sentence completed, etc.).

Process Reforms and Future Improvements

As mentioned, we have implemented reforms within this system over the past few years and we continue to identify areas to improve.

Several of these were guided by local laws. For example:

- With CJA, we have expanded the Bail Expedition – or “BEX” – program, so that more people can be held in the court facilities for longer periods after arraignment, giving loved ones time to pay bail before the defendant is transferred to a jail facility. In compliance with the law, we now hold individuals for at least four hours when a hold is requested. CJA, which operates the BEX program, has expanded eligibility in all boroughs, so that everyone whose bail is less than \$5,000 and all adolescents now qualify.
- We eliminated the “blackout” period that used to prevent bail from being paid while a detainee was being transported from the courts to a jail. Now, loved ones can pay a bail while the defendant is on the bus, so that he or she can be processed for release immediately upon arriving at the facility.
- We have also reduced the length of time that is permissible to release someone after bail is paid. Outside of specific circumstances, everyone must be released within three hours of the bail payment process being completed.

In addition to complying with these local law requirements, DOC has been working on our own and with MOCJ to implement significant reforms. For example:

- Earlier this year, DOC implemented a formal system to notify individuals when they are in custody on just \$1 bail. Our IT department generates daily reports of all individuals who are in custody on just \$1 bail, with no other cases or holds. This list is sent to the Bureau Chief of Facility Operations and to each facility that has someone in custody on just \$1. Staff are required to notify the individuals of the bails, ask them whether they want to pay the \$1 from their commissary accounts. If they do not have \$1 in their commissary, they are able to call possible sureties to pay the bail. So far, this policy has been effective to ensure that no one remains in custody just because of \$1.

- Perhaps most notably, in April of this year, we launched the online bail payment system. The online system allows sureties to pay eligible bails from any computer, tablet, or smartphone, so that the surety does not have to travel to a DOC facility and wait for checks to be conducted in person. Instead, the surety simply requests to pay bail and then receives email notifications informing him/her whether the detainee will be released. This does not just make paying bail easier for local sureties. The system allows bail to be paid by people who live far away and allows payments to be split among several individuals.

We continue to look for ways to improve the bail payment process. Starting last month, I have begun having weekly meetings with key staff to oversee the implementation of several improvements. These initiatives include improvements on existing policies and development of new policies. For example:

- We have reimaged the bail facilitator role, which was created by local law last year. At the time the bill was implemented, we decided that the best way to fulfill the bail facilitator's obligations was to incorporate them into several positions that were already doing similar work. This plan was discussed in the hearing about the bill. Over the last several weeks, we have reassessed this and determined that compliance would be better achieved by designating specific posts as bail facilitators, in both the courts and the jails.
- We have increased the number of ways bail information is shared with detainees. Previously, information had been provided in the Inmate Handbook. Now, all new detainees receive a bail information pamphlet, receive the printout of their bail amounts and court case information, and are shown an informational video. We have created this bail information video, in both English and Spanish, and installed televisions to show the video all new admission court areas and facility intakes. Posters about bails and bonds have been created to hang in new admission areas and in visit areas, to provide information to friends and family, not just those in custody. The bail facilitator in the courts ensures that everyone receives all of these things and that all newly admitted individuals are afforded access to the phone to contact sureties. We have updated our intake processing paperwork to require that the officer confirm in writing that the required information has been provided to the detainee.
- Our next step is to go live with online bail kiosks in the new admission court areas, so those who qualify for online bail payment can pay their own bails at the courthouse and never have to be transferred to a jail. The kiosks have been installed already and we hope to have them up and running by the end of the year.

We have already shared several of these policy implementations with Council, but today we have two new innovations to announce.

- 1) Money orders and checks for bail payments may be made out to the "NYC Department of Correction." They no longer have to be made out to the individual facility where the bail is being paid. We hope that this makes the process easier for sureties, because the previous requirement had caused some confusion about how to make out the checks.

- 2) Bond payment cut slips may be delivered to any DOC facility, regardless of where the detainee is being housed. Previously, a cut slip for someone on Rikers Island had to be brought to Rikers Island. Now, that slip may be delivered to any of the borough facilities. Again, we hope that this makes the process easier for sureties, who do not have to choose between traveling to Rikers or paying a bail bondsman to do so.

Each of these new policies has come out of our bail working group.

DOC is constantly looking for ways to make the bail payment process simpler. We are not waiting for state bail reform; we are identifying and implementing what changes we can.

Introduction 944

DOC certainly supports the spirit of Intro. 944. As mentioned earlier, we are already in compliance a large portion of the bill, notifying individuals of their \$1 bail status. We notify incarcerated individuals of their bail amounts and will certainly continue to do so. We would like to request that the attorney and court notifications requirements be removed from the bill. The success of our existing program indicates that notifications to people other than the detainee are not necessary to ensure that people are bailed out efficiently. We are happy to continue to discuss this with the Council moving forward, to ensure that the best policy is enacted.

Thank you again for the opportunity to testify today. We are happy to answer any questions that you may have.