



Research. Development. Justice. Reform.

520 Eighth Avenue, New York, NY 10018

p. 646 386 3100

f. 212 397 0985

courtinnovation.org

Courtney Bryan, Director

Center for Court Innovation Testimony  
New York State Joint Legislative Public Hearing on 2021 Executive Budget Proposal  
Public Protection  
February 10, 2021

For the past 25 years, the Center for Court Innovation has worked to build public safety through sustainable solutions. Our firsthand experience and research uniquely positions us to offer insights that the State can look to as it considers policies and the development of initiatives that respond to the needs of New Yorkers.

Specifically, transforming our justice system and how society perceives public safety will require reducing unnecessary incarceration, shrinking the footprint of police through community investments, proactively pursuing anti-gun violence programming, and elevating housing instability as a justice issue. The Center offers expertise, knowledge, programming, and research in each of these priority areas.

### **Reduction of Unnecessary Incarceration**

In 2017, the Center played a central role in crafting the plan to shutter the notorious jail complex on Rikers Island by coordinating the Independent Commission on New York City Criminal Justice and Incarceration Reform, otherwise known as the Lippman Commission. This achievement was a monumental step forward in the mission to reduce incarceration in New York. In another huge leap forward, in early 2020, New York State passed landmark reforms to the bail statute. The goals of these reforms were to reduce the pretrial jail population based on a recognition of the detrimental long-term impact that even a short jail stay can have on defendants, their families, and communities that are disproportionately people of color. In the year following reforms, there was a 40 percent decline in New York City's pretrial jail population, with slightly greater reductions throughout the rest of the state.<sup>1</sup>

However, beginning July 2, amendments to the initial reforms exposed more people to bail and detention. From July through November 1, the effect of those amendments resulted in a 7 to 11 percent increase in the pretrial jail population relative to the jail reductions brought about by the original law.<sup>2</sup> Over time, as judges set bail in more cases that would have been ineligible for it under the original reforms, this increase will grow, with our research predicting a possible

---

<sup>1</sup> Rempel, M. & Rodriguez, K. (2020). New York's Bail Reform Law: Major Components and Implications. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/bail-reform-NYS>.

<sup>2</sup> Rempel, M. (2020). COVID-19 and the New York City Jail Population. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/nycjails-covid>

16 percent increase in New York City’s pretrial jail numbers.<sup>3</sup> In addition, by the end of 2020, some public officials were linking an alarming spike in violent crime to the state’s bail reforms.

Evidence shows the link between the spike in violent crime and the reforms is likely specious.<sup>4</sup> For instance, one analysis of NYPD data found that while there were 528 shootings through June 30, only one person released due to bail reform was charged with a shooting.<sup>5</sup> Evidence also supports supervised release programs in lieu of bail do not negatively contribute to safety. An evaluation comparing similar defendants who did and did not participate in supervised release in New York City, found supervised release had no effect on the rates of re-arrest.<sup>6</sup>

The Center has proven experience in implementing data-driven programs that meaningfully reduce incarceration without decreasing public safety. Alternatives to incarceration can prevent unnecessary disruption to individual lives, provide linkages to additional trauma-responsive services, and support a decrease in criminogenic factors. Models include:

- pre-arraignment early diversion programs that prevent unnecessary bench warrants;
- pretrial supervised release programs that provide an alternative to confinement based on inability to afford bail;
- and alternative post-conviction sentencing options that serve individuals in their communities, and that include mandates that rehabilitate individuals and track their compliance.

These models are studied to be safe, effective, and cost efficient, and avoid the long-term adverse impacts of unnecessary incarceration on individuals, families, and communities.

## **Shrinking the Footprint of Police Through Alternative Investments**

Spurred by ongoing police violence, there is public support to reallocate certain responses from police into community-based approaches. As municipalities work to submit police reform plans by the April 1st deadline, the Center’s expertise through sustainable community-driven solutions that enhance public safety can serve as a path forward. Based on lessons learned, we believe that this is not the work of a moment, but rather a long-term shift that will require engaging with previously policed communities in new ways, at different points of outside system involvement.

---

<sup>3</sup> Rempel, M. & Rodriguez, K. (2020). Bail Reform Revisited: The Impact of New York’s Amended Law. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/bail-reform-NYS>.

<sup>4</sup> Rempel, M. & Rodriguez, K. & Watkins, M. (2021). The Facts on Bail Reform and Crime in New York City. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/bail-crime-nyc>.

<sup>5</sup> McCarthy, C. & Campanile, C. & Feis, A. (2020) NYPD’s own stats debunk claims of bail reform leading to spike in gun violence. New York Post. Available at: [https://nypost.com/2020/07/08/nypds-own-stats-debunk-claims-about-bail-reform-link-to-shootings/?mc\\_cid=0d99b0d788&mc\\_eid=231dba37c6](https://nypost.com/2020/07/08/nypds-own-stats-debunk-claims-about-bail-reform-link-to-shootings/?mc_cid=0d99b0d788&mc_eid=231dba37c6)

<sup>6</sup> Skemer, M. & Redcross, C. & Bloom, Howard. (2020). Pursuing Pretrial Justice Through an Alternative to Bail: Findings from an Evaluation of New York City’s Supervised Release Program. New York, NY: MDRC. Available at: [https://www.mdrc.org/sites/default/files/Supervised\\_Release\\_Final\\_Report.pdf](https://www.mdrc.org/sites/default/files/Supervised_Release_Final_Report.pdf)

Restorative justice offers an entirely different approach to addressing harm by focusing on healing relationships across families, communities, and neighborhoods. Restorative justice programs focus on the needs of those who have been harmed, without rejecting the humanity of the person who has caused harm. To build robust restorative justice programs, the State should look outside of traditional systems and to paid community members and volunteers for support. In schools, restorative programs can help end the school-to-prison pipeline; this approach can also reduce the deployment of school safety agents as a way to support safer schools. While shifting school safety agents out of policing in the near term is a path to shrinking the footprint of police, merely creating a new means of oversight for these agents is insufficient. In the short term, school safety agents should be retrained in restorative practices, and over the long term, schools would divest from security personnel in order to onboard a counseling staff that reflects the school's needs and demographic makeup.

Young people need positive programming to help them build skills and develop their leadership abilities. Such programs should rely on people from the community, including artists, computer programmers, and business owners. These mentors teach concrete skills, from photography to entrepreneurship to youth organizing, and offer young people, particularly people of color, an opportunity to realize their full potential. Credible messenger models, staffed by people from the community who reflect the demographic of the community and the lived experiences of residents, can be especially effective with youth. These programs bring services and positive role models where youth are, instead of expecting vulnerable youth to show up at programs operating out of fixed locations.

Supporting families, where an individual's notions of safety begin, encourages a sense of security. Structural racism and oppression have created obstacles to this for many in Black and brown communities. Parent support programs can be seen as opportunities to build familial supports and create security in the home. Localities should look beyond entities like child protective services. Instead, they should consider programs that are informed by an understanding of underlying systemic and individual trauma, and that are trauma-responsive. This programming can reduce child maltreatment with the result of less system-involvement for the children involved. These programs are opportunities to avoid police involvement in the first instance.<sup>7</sup>

The Center's work in each of the aforementioned categories have had undeniable effects on New Yorkers and can serve as a blueprint for transformational change.

## **Housing as a Justice Issue**

This summer laid bare the long-standing inequities in access to safe and affordable housing. The threat of eviction looms large for many households, with renters in communities of color at the greatest risk of facing housing insecurity. Access to quality, sustainable, and safe housing is a crucial element to the conversation around social justice and equity. Our research shows that 18%-25% of our Felony Alternatives to Incarceration program participants are

---

<sup>7</sup> Center for Court Innovation. (2020). Shrinking the Footprint of Police: Six Ideas for Enhancing Safety. New York, NY. Available at: <https://www.courtinnovation.org/publications/alternatives-to-police>.

experiencing homelessness.<sup>8</sup> By proactively addressing factors like access to housing and housing resources, we hope to reduce the likelihood of individuals intersecting with the justice system.

Housing also plays a critical role in re-entry. Most people returning from prison stay with family members upon their release. However, this often does not last long. Although living with family is relatively stable compared to shelters and other temporary housing, around 20% of respondents who were staying with family at one week after release reported a new address two months later.<sup>9</sup> This issue is also linked with incarceration as technical parole violations, exacerbated by housing or social instability, continue to rise in jail demographics. Focusing on aftercare support for the previously incarcerated, and their families, through emotional and logistical support for all involved parties allows for community reintegration, decreased recidivism rates, and significantly reduced clinical levels of PTSD.

Further, the housing help centers, which the Center has developed with much success, empower tenants to advocate for their right to affordable and safe housing. Located within housing courts and leveraging the deep ties to the communities where we work, staff help residents navigate the legal process, get critical repairs, and most importantly, prevent evictions and homelessness.

## **Anti-Gun Violence**

Gun violence surged over 200% in 2020, and this reality motivated policymakers and community members alike to call for solutions to effectively end it. Research shows that community-led efforts can create community safety without involving the police. Community violence can be effectively addressed through prevention programs. These programs, which are run by the Center in New York City, “interrupt violence” without the use of police and are staffed by credible messengers. The resulting trust, respect, and empowerment of residents are especially crucial to the success of these programs.<sup>10</sup>

By focusing the State’s efforts on these four major policy areas, we can go beyond transforming the justice system to cultivating vibrant and prosperous communities that center public safety and security for all its members. We thank the joint State Legislature for its continued partnership and will be available to answer any questions you may have.

---

<sup>8</sup> Center for Court Innovation. (2020). Felony ATI Homelessness. [Data file]. Retrieved from the Justice Center Application case management system.

<sup>9</sup> Western, B., & Smith, N. (2018). Formerly Incarcerated Parents and Their Children. *Demography*, 823-847. <https://doi.org/10.1007/s13524-018-0677-4>

<sup>10</sup> Swaner, R. & White, E. & Martinez, A. & Camacho, A. & Spate, B. & Alexander, J. & Webb, L. & Evans, K. (2020). Guns, Safety, and the Edge of Adulthood in New York City. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/gun-violence-NYC>