

# ***Strategies for Reducing Pretrial Detention: Models of Reform***

## **Kings County Supreme Court Pilot**

---

Valerie Raine & Krystal Rodriguez

Center for Court Innovation

[vyoungblood64@gmail.com](mailto:vyoungblood64@gmail.com) & [krodriguez@nycourts.gov](mailto:krodriguez@nycourts.gov))

Presented at *NADCP All Rise 19*. July 15, 2019. National Harbor, MD.

# THE MODEL

---

# Overarching Goal

---

Reduce pre-trial detention through 3 strategies

1. Divert eligible detained individuals to “Supervised Release”
2. Expand use of alternative forms of bail payment (statutory)
3. Implement case processing guidelines to mitigate unnecessary delay

# Supervised Release

---

## Primary Goal: Ensures Court Appearance

- ▶ *Eligibility:*
  - Non-violent felonies
  - Designated risk assessment score
  - 16-19-year-olds with certain designated felonies
  - Likely to be detained

# Supervised Release

---

## Admission Process

1. Scored risk assessment tool determines eligibility and supervision level
2. Collateral contact information
3. If Court approves, defendant signs participation contract

# Supervised Release

---

## Intake

1. Report to SRP office next business day
2. Needs assessment
3. Voluntary referrals

# Supervised Release

---

## Compliance Criteria

1. Attend all court dates
2. Attend all in-person meetings
3. Maintain regular phone contact
4. Follow all other conditions of release
5. Avoid re-arrest

# Supervised Release

---

## Non-compliant

1. Missed phone or in-person contact (48 hour window to re-establish contact before reporting non-compliance to Court)
2. Re-arrest = non-compliance; report to Court
3. Violent re-arrest renders defendant ineligible for SRP



# Alternative Forms of Bail

---

## Making bail more affordable and accessible

1. Historically, Court set bail as insurance company bond or cash
2. New York bail statute included other forms of bail – rarely used
  - Unsecured bond
  - Partially secured bond
  - Secured bond

# Alternative Forms of Bail

## Credit Card Bail (2010)

- ▶ 3% administrative fee at courthouse
- ▶ 2% fee if paid online
- ▶ 8% fee if paid at DOC facilities (effectively discouraging payment at DOC)
- ▶ *Number of Credit Cards and Bail Payers:*
  - ▶ At courthouse, up to 3 credit cards; up to 3 individuals
  - ▶ Online, no limit on credit cards or individuals

# Case Processing Guidelines

---

## Mitigating unnecessary delay to reduce pre-trial detention

1. Prescribing goals and milestones for each court appearance and between court appearances
2. Bail applications at Supreme Court arraignment
3. Instituting early, formal case conferences

# IMPLEMENTATION

---

# Pilot Preparation

---

1. Meetings with Judiciary, Defense bar, District Attorney's Office, Supervised Release Program staff, Court Administration
2. Trainings/Orientation with Court clerks and Pilot Part Judge
3. Production of Operational Plan, Directives, Bail Forms, Bench Cards

# Pilot Model

---

1. Designated court room and judge
2. Limited period of intake of all Supreme Court arraignments except specialty parts (homicides, guns, treatment cases)
3. SRP staff member present in courtroom during intake

# OPIOID INTERVENTION COURTS

---

# Buffalo Model

---

1. Screening for risk of overdose prior to arraignment
2. Diverted to opioid court at arraignment
3. Onsite clinical team conducts brief psychosocial screening
4. Defendant is immediately transported to a treatment provider to begin MAT
5. Clinical assessment and individualized treatment plan



# Buffalo Model

---

6. Links with ancillary services
7. Daily case management
8. Prosecution is suspended
9. Defendant must report to Court every business day for at least 90 days for progress check-in with judge
10. Random drug testing

# Buffalo Model

---

- ▶ *Risk/Need is not an eligibility factor*
- ▶ No sobriety requirements/no sanctions; but aggressive wellness checks
- ▶ After 90 days, prosecution resumes as usual
  - Drug court
  - Dismissal
  - Proceed to trial

# Contact Info:

---

Valerie Raine, Esq.

[vraine@nycourts.gov](mailto:vraine@nycourts.gov)