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People of NYC
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1. Introduction (Cover Slide - Sam)

1. Attention Getter:
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“Kalief Browder spent three years in Rikers Island—for a charge that was ultimately dropped—simply because his family couldn’t afford bail. He turned his life around in college, earned a 3.5 GPA, but tragically took his own life at twenty-two. His story isn’t an anomaly, but a symptom of our bail system—and it helped spark New York’s Bail Reform” (“Kalief Browder”).
2. Topic Introduction / Relevance to Audience:
 1. Bail Reform affects all New Yorkers.
 2. Some believe Bail Reform brings social justice and equality.
 3. Others believe it makes the streets less safe for all and encourages more crime.
3. Our Interests:
 1. In our presentation, we were mainly interested in understanding bail reform and the diverse viewpoints in New York.
4. Preview Main Points:
 1. Throughout our presentation, we will...
 2. Introduce you to what bail is...
 3. And what bail reform is...
 4. We will give some background on Bail Reform’s origins and timeline...
 5. Mainly, we will share the diverse viewpoints on bail reform our research uncovered.
 6. And finally, we will end with a Kahoot and discussion to hear the views of our peers.

Transition to Phil:

“Let’s start with the basics—Phil, what exactly is bail?”

1. What is Bail? (Slide 1 - Phil)

- I. **Definition (Phil):**

“According to Cornell Law School, ‘Bail is the amount of money defendants must post to be released from custody until their trial’ (Cornell Law School). In other words, it’s like a security deposit to ensure you show up to court.
- II. **Determining Bail Amount (Pre-Reform):**

“Judges traditionally set bail based on charge severity, criminal history, flight risk, ability to pay, and other factors” (New York Consolidated Laws).
- III. **Key Points:**
 - A. If you can’t pay bail, you stay in jail until your case concludes.

- B. Courts can reduce bail for low-income defendants, or bail bondsmen can step in for a fee.
- C. Sometimes bail isn't even an option—if you have a serious violent history or pending probation violations, judges may deny release outright.

Transition to Tyler:

“Now that we know what bail is, Tyler will explain how bail reform changes that system.”

2. What is Bail Reform (Slide 2 - TYLER)

1. Core Goal:

- a. “The Brennan Center describes bail reform’s mission as ‘promoting fairness and reducing unnecessary pretrial incarceration’ (Brennan Center for Justice).
- b. It addresses a major concern: In New York, clogged courts meant someone who couldn’t post bail, or was denied bail, might wait years for trial.”
- c. This could lead to long case processing times: If someone could not post bail for any reason, they might wait years in prison just for their case to be processed.

2. How it Works

- a. Eliminates cash bail for most misdemeanors and non-violent felonies, including stalking, assault without serious injury, burglary, many drug offenses, and some arson and robbery categories.
- b. It splits criminal charges into qualifying and non-qualifying offenses.
 - i. **Non-qualifying offenses** (most misdemeanors & nonviolent felonies—shoplifting, minor assaults, many drug charges) → **no cash bail**.
 - ii. **Qualifying offenses** (violent crimes like aggravated assault) → judges retain bail authority.
 - iii. **Persistent Felony Offender Exception:** Judges may set bail for *any* felony if the defendant is a “persistent felony offender” (two prior felony convictions), regardless of offense class (Brennan Center for Justice).
 - iv. **Illustrative Example:** Stealing \$1,500 in property normally carries no cash-bail option—but if the arrestee is on parole or a persistent felony offender, bail **can** be set (Brennan Center for Justice).

Transition (to TSam):

“Let’s look at how these reforms came about—Sam, take us through the history.”

3. Historical Background & Origins (Slide 3 - SAM)

- I. **Pre-Reform Context:**
 - A. Bail laws hadn't changed since 1971.
 - B. Growing concern in the 2010s over wealth-based detention—rich defendants out on bail while others languished in jail.
 - C. Kalief Browder's case galvanized public support (“Kalief Browder”).
 - D. ‘No Public Safety Consideration’ was already contested, and is still in effect.
 - 1. This means New York's approach to bail focuses on ensuring court appearance, while deliberately **avoiding the assessment** of a defendant's potential danger to the community, unlike many other jurisdictions
 - 2. This refers to the fact that judges are not explicitly permitted to consider a defendant's potential danger to the community when deciding on pretrial release conditions or bail amounts
- II. **Bail Reform laws took effect on January 1, 2020...**
 - A. 2019 Bail Reform Law took effect: New York ended the use of money bail and jail for most cases involving misdemeanors and lower-level felonies. (Brennan Center)
- III. **Backlash led to three rollbacks in 2020, 2022, and 2023:**
 - A. 2020 Amendment:
 - 1. Expanded qualifying offenses. For example, it added more felonies like burglary and grand larceny.
 - 2. Introduced the “harm to harm” provision for bail eligibility if prior pending cases involved harm; allowed judges more discretion for repeat offenders and harm-causing crimes. (Data Collaborative for Justice).
 - B. 2022 Amendment:
 - 1. Further expanded bail-eligible offenses (e.g., added specific gun offenses);
 - 2. Allowed judges to consider criminal history more broadly;
 - 3. Clarified that petit larceny involves “harm to property” except when negligible; added provisions for electronic monitoring. (Data Collaborative for Justice).
 - C. 2023 Amendment:
 - 1. Removed the "least restrictive" standard for bail setting in qualifying offenses;
 - 2. Required judges to explain decisions on record for transparency;
 - 3. Enhanced data reporting on pretrial outcomes, including monthly jail commitment breakdowns by county. (Data Collaborative for Justice).

Transition to Phil:

Transition: As you can see, Bail Reform is a recent but long-awaited development in New York. The reforms were introduced in 2019, and we are adapting along the way. Here is what we learned about views on bail reform:

4. Supportive Views (Slide 4 - PHIL)

- I. The Brennan Center highlights potential benefits of Bail Reform:
 - A. Bail reforms aim to prevent detention solely due to inability to afford bail.
 - B. This may allow individuals to maintain employment, housing, and familial ties, potentially reducing reoffending.
 - C. It seeks to promote long-term public safety by shifting resources towards addressing crime roots and rehabilitation, rather than perpetuating poverty cycles.
- II. Evidence on Crime Rates:
 - A. Research from the Brennan Center suggests no direct connection between bail reform and rising crime rates.
 - B. Studies indicate that eliminating bail for most misdemeanors and nonviolent felonies has been associated with reduced recidivism rates.
- III. Financial Implications:
 1. New York spends approximately \$315 per day per incarcerated person, according to the Vera Institute of Justice.
 2. Over the first two years, bail reform reportedly saved residents \$104 million in bail fees, as per the Brennan Center for Justice.

Transition to Tyler:

Transition: While supportive views emphasize equity and data, opposing perspectives highlight safety concerns. Let's explore those next. – Tyler

5. Opposing Views on Bail Reform (Slide 5 - TYLER)

- I. There is critique of high profile cases, including Kalief Browders...
 - A. Prior to his 2010 arrest, Kalief Browder was on probation for stealing and crashing a bakery truck;
 - B. He was held not for inability to post bail, but due to probation violation, which denied release after bail was posted.
- II. Impact on Daily Life and Crime:
 - A. Larceny has changed life in New York, with retailers locking up basics like ice cream and toothpaste due to theft spikes.
 - B. New York is one of the few states to abolish bail for many crimes without giving judges discretion to consider public safety threats.
- III. While supporters claim recidivism decreased, opposition claims the data is faulty.
 - A. Critics caution that unsolved violent crimes—nearly **38%** overall—may hide repeat offenders (Ostadan and Lane).:
 1. Only **39%** of major (index) crimes are solved—**61%** go unsolved (Ostadan and Lane).
 2. **Murder: 80%** clearance (20% unsolved).

3. **Rape: 44%** clearance (56% unsolved).
 4. **Car theft: 16%** clearance (84% unsolved)
- IV. Additionally, there is doubt to increase public security, as thefts skyrocketed:
- A. Retail chains lost \$4.4 billion to organized shoplifting in 2023 and now lock up even ice cream—“People have no shame,” said a BJ’s employee (New York Post)

Transition to Sam:

Transition: Beyond polarized views, nuanced perspectives seek balance. Here's what they suggest.

6. Nuanced Views (Slide 6 - SAM)

- I. **Balanced views include the desire to eliminate bail for offenders who do not risk public safety.**
 - To balance reform with safety and always prioritizing public protection.
 - To increase rehabilitation efforts and opportunities.
 - To Improve court systems for faster case reviews and completions, reducing risks to public safety from delays.
 - Though, it is acknowledged that his accuser failed to produce evidence, and the case was ultimately dropped. Faster court systems could have resolved this.
[Maybe this belongs in nuanced views]
- **Nuance view on key cases:**
 - K
- **Targeted Bail Eliminations:**
 - Keep no-cash-bail for low-risk cases but allow judicial discretion for serious threats.
- **Invest in Court Efficiency:**
 - Faster trials and more judges would reduce harmful pretrial delays.
- **Boost Rehabilitation:**
 - Pair reform with addiction, mental-health, and job-training programs.

Transition to Phil:

Transition: In wrapping up, let's summarize what we've covered.

7. Conclusion: (Slide 6 - PHIL)

- **Recap:**
 - Bail is a deposit to guarantee court appearance.
 - Bail reform (2019) removed cash bail for most nonviolent offenses.
 - Amendments (2020, '22, '23) have tweaked the law to balance fairness and safety.

- **Final Thought:**
“Do you feel New York’s system is fairer, safer, or both compared to 5 years ago? Let’s find out—Kahoot time!”

8. KAHOTS AND CONVO (TYLER)

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