

# #FREEnewyork

## NEW YORKERS NEED REAL BAIL REFORM S3579A (GIANARIS) / A5033A (O'DONNELL)

New York's current bail system **FUELS** mass incarceration, **VIOLATES** constitutional rights, and **WASTES MILLIONS** in taxpayer dollars being spent on pretrial detention.

New York's money-driven bail law has devastating impacts. It punishes and jails legally innocent people as they await trial. Nearly 70% of the people in New York's county jails are being held pretrial. They are not serving time as a punishment. They've been found guilty of no crime. Instead, they languish in jail because of unjust and discriminatory bail practices that disproportionately criminalize people experiencing poverty and people of color.

- Being detained before trial for only a few hours or days can set off a devastating downward spiral, impacting people already struggling economically: people lose their jobs, homes, custody of children, and their access to essential medical treatments.
- Bail and pretrial detention subject arrestees to unfair treatment, arbitrary incarceration, wealth discrimination, and other violations of their basic human rights.
- New York spends \$42 million per year to jail misdemeanor defendants held on bail amounts of \$1,000 or less.
- Being unable to pay bail forces people to plead guilty just to get out of jail, even when they are innocent, or in cases that are weak or involve unlawful arrests. If they don't, they may spend months behind bars awaiting trial.
- While pleading guilty lets people go home, they (and their families) carry a criminal record for life. Poverty robs people of the presumption of innocence and their right to a fair trial.

## THE SOLUTION: OVERHAUL OF NEW YORK'S BAIL LAW (S3579A GIANARIS / A5033A O'DONNELL)

New York must overhaul its pretrial justice system to protect people's Constitutional rights, set strong limits on when & how any pretrial conditions are set, and protect against excessive community supervision. Legally innocent New Yorkers must have every opportunity to protect their liberty, starting from the outset of their case. Bail reform *must* address the profound structural inequalities of our pretrial system. **S3579A (GIANARIS) / A5033A (O'DONNELL) is the boldest bail law legislation in the country and would:**

- **ELIMINATE** money bail and implement a transparent pretrial process;
- **REDUCE** racial disparities in the criminal justice system;
- **REDUCE** the number of New Yorkers being held in county jails;
- **PROTECT** the presumption of innocence & the right to freedom;
- **PROTECT** against mass community surveillance and criminalization;
- **GUARANTEE** individualized justice and due process;
- **CREATE** a more equitable and fair system;
- **ENSURE** pretrial detention decisions are based solely on clear & *convincing* evidence that the person presents high risk of intentional flight; and
- **REQUIRE** pretrial data to be collected and made public.