

#FREEnewyork

THE ISSUE

- **25,000** New Yorkers languish in jails across the state on any given day. **67%** sit in jail as they wait for their trials – punished while legally innocent.
- New York spends **\$2.5B** each year to fill county jails statewide - The cost of caging New Yorkers in county jails costs nearly \$2.5 billion per year - \$1.3 billion per year in New York City, and \$1.15 billion per year in county jails across the rest of New York State. This is *in addition* to the \$3.7 billion per year New Yorkers spend annually on state prisons.
- Every year, more than 162,000 New Yorkers are locked up in county jails outside of New York City. 62% of jailed New Yorkers are held in the state's other 57 counties.
- Rural New York has seen the largest growth in pretrial incarceration. In Allegany County, the jail population has nearly tripled in recent years, and in Essex County it has more than doubled.⁵ In St. Lawrence, the average length of stay has doubled in the last decade.
- In its current state, New York's pretrial system causes devastating harm to individuals, families, and communities, disproportionately harming people experiencing poverty, Black people, and people of color, including immigrants. *(See pg. 2 - More About New York's Bail, Discovery & Speedy Trial Problem")*

WHO WE ARE + WHAT WE BELIEVE

- [#FREEnewyork](#) is a grassroots campaign led by JustLeadershipUSA in partnership with directly impacted people and more than 250 statewide organizations and over 130 faith leaders from across the state. We demand bold overhaul of bail and discovery laws so that people's constitutional rights to due process and a fair shot at justice are protected.
- #FREEnewyork is organizing to ensure that Governor Cuomo and the New York State Legislature completely overhaul New York State's pretrial justice system. People directly impacted by mass incarceration know that the REAL solutions to building safe and healthy communities do not come from systems of punishment and criminalization.
- People must have every opportunity for a fair shot at justice and freedom. New York State must prioritize justice-involved people being home with their loved ones and community in order to guarantee a fair trial and due process.

- New York State must protect families and communities from the pretrial punishments that impact legally innocent people, including: incarceration, housing and job loss, education disruption, immigration jail and deportation, loss of child custody, and many other dire consequences.
- Bail, Discovery and Speedy Trial Laws must be reformed to:
 - End money bail and reduce racial disparities in the system.
 - Protect liberty and freedom and ensure our constitutional rights to due process and a fair shot at justice. Prevent uninformed guilty pleas & ensure a fairer, quicker & more transparent system.
 - End profiteering in the pretrial system and protect against the jailing of legally innocent people. We want to end money bail and fight to ensure that neither broad preventive detention nor technology - like RAIs and EM - take its place.

MORE ABOUT NEW YORK'S BAIL, DISCOVERY AND SPEEDY TRIAL PROBLEM

- **BAIL:** New York's money-driven bail law has devastating impacts on REAL people. It punishes and jails people who are legally innocent. They've been arrested by police and charged by prosecutors that operate within a system that prioritizes punishment and is discriminatory. But they have not been convicted. Our bail law forces people to plead guilty to charges that may or may not be true just to get out of jail or to move their case forward. It stigmatizes justice-involved people and leads judges/jurors to assume guilt – high bail amounts and people in jumpsuits and shackles are stigmatized as having actually committed the crimes they've been charged with.
- **DISCOVERY:** New York has one of the worst, most regressive discovery laws in the country. It is one of 4 states with a closed-file model and doesn't require prosecution to share any evidence with a defendant or their attorney until JUST before trial. This means that people charged with crimes have to make huge decisions about their case - therefore their freedom and whether they will suffer from a life-long criminal record - without information about the case against them. This leads to coerced guilty pleas, wrongful convictions, and long & drawn-out cases - which in turn results in mass incarceration, millions of wasted taxpayer dollars each year, and countless lives destroyed.
- **SPEEDY TRIAL:** New York does not protect the right to a speedy trial because it doesn't have a real speedy trial law. New York uses a confusing and "one of a kind" prosecutor readiness-rule model that actually results in people being held in jail pretrial for LONGER amounts of time. The real amount of time that a person is held in jail while they are fighting their case is not tracked and applied to the speedy trial "clock". So someone can be in jail for years, but the court record would only show that they've been in jail for a few months. Prosecutors can say that they are "ready" to go to trial, then show up at court and say that they are no longer "ready" for any number of reasons. The person who is fighting their case is then dragged back to jail to wait for their next court date, assuming prosecution becomes "ready" again, which may be months later.

MORE ABOUT REAL POLICY SOLUTIONS: *New York has a momentous opportunity to lead the nation on fixing the jail crisis and ending race and wealth-based jailing.*

- **New York's bail law must be overhauled** to eliminate wealth and race-based jailing, guarantee individualized justice and due process, and protect against destructive pseudo-reforms like pretrial risk assessment tools, charge based carve-outs, and excessive pretrial oversight (like unnecessary or broad pretrial program plans, electronic and GPS monitoring).
 - **Senators** and **Assemblymembers** should co-sponsor **landmark bail reform:** [S.3579-A](#) (Gianaris) – [A.5033-A](#) (O'Donnell)
- **New York's discovery law must be overhauled** so that it will ensure comprehensive case evidence (discovery) is automatically shared with defendants and their attorneys early on in the case and before plea deals are made, so that defendants have the information they need to prepare their case and make decisions.
 - **Senators** and **Assemblymembers** should co-sponsor **landmark discovery reform:** [S.7722](#) (Bailey/Benjamin) – [A10135](#) (Blake)
- **New York's speedy trial law must be overhauled** so that it truly protects the right to a fair and speedy trial by mandating enforceable concrete timelines by which a person must be brought to trial and closing loopholes in the way that time is counted on the speedy trial clock.

CALL TO ACTION FOR NYS ELECTED OFFICIALS!

#FREEnewyork urges you to co-sponsor the **Bail Elimination Act of 2018 (A5033A-O'Donnell/S3597A-Gianaris)** and the **Open, Early & Automatic Discovery Reform law (A10135-Blake / S7722-Bailey/Benjamin)**