

ENDING MASS INCARCERATION IN NEW YORK STATE

On any given day, **25,000** New Yorkers are caged in county jails across our state. Human rights violations, racial disparity, violence, and medical neglect are commonplace. **Jail are unjust, unsafe and inhumane.** In spite of these harms, and a moment where stakeholders are finally acknowledging that incarceration actually threatens public safety, numerous county jails have grown – some even doubling in size.

Shockingly, **67%** of the people held in New York’s jails **have not been convicted.** They are **legally innocent** but denied their freedom because of New York’s broken bail, speedy trial and discovery laws. Although the U.S. Constitution guarantees the right to a fair and speedy trial, these rights are consistently violated in New York State. Thousands are trapped in jail for months or years, and even short jail stays can have devastating impacts for individuals, families, and communities. **Mass incarceration affects every county and every corner of New York State. 63%** of jailed New Yorkers are incarcerated outside of New York City. The failure of our criminal justice system is a statewide problem that requires **bold, state-level action.** #FREEnewyork is building the power of New Yorkers most harmed by incarceration and demanding a deep and fundamental transformation of New York’s criminal justice system.

OUR POLICY DEMANDS

The crisis of mass incarceration is too urgent to accept limited, or partial reforms that don’t address this crisis. #FREEnewyork demands bold speedy trial, bail and discovery law reform and expanded funding for legal representation in order to end mass incarceration in New York State, close the Rikers Island jails, and get to #halfby2030.

BAIL REFORM: The U.S. Constitution prohibits “excessive” bail, guarantees the presumption of innocence and protects against cruel and unusual punishment. Yet tens of **thousands of people sit in New York’s jails because they cannot afford bail** – they are legally innocent but caged for simply not being able to afford to pay bail. Our bail system creates a two-tiered system of justice that **criminalizes all but the most affluent New Yorkers** and deprives people of their freedom.

- **New York must pass comprehensive bail reform that:**
 - Eliminates money bail
 - Protects the assumption of innocence & the right to freedom
 - Ensures the presumption of release in all cases.
 - Sets strong limits on when & how any pretrial conditions are set
 - Ensures that assessments are based ONLY upon an individual’s risk of failure to appear in court – this risk must be evidenced.
 - Protects against the overuse of pretrial supervised release conditions
 - Forbids the use of biased risk assessment tools.

SPEEDY TRIAL REFORM: In New York, the Constitutional right to a speedy trial is routinely violated because **New York has no actual speedy trial law – instead we have a ‘Ready Rule’**. We are the **only state** in the nation that uses this model. New York’s ‘Ready Rule’ does not set concrete limits on when a defendant must actually be brought to trial. As a result, people are being detained pre-trial for months and even years as they await their day in court

- **New York needs a TRUE Speedy Trial Law that:**
 - Dictates specific timelines by when a defendant must be brought to trial
 - Covers all crime categories
 - Ensures that defendants who are being held in jail pretrial have their cases prioritized
 - Truly protects the right to a fair and timely trial.

DISCOVERY LAW REFORM: The right to a fair trial is a foundation of our justice system. A truly fair trial is impossible under New York’s current Discovery Law, which denies defendants the right to critical evidence about their case until just before trial. New York’s discovery law, known as “The Blindfold Law”, is one of the most limited in the country.

- **New York must pass a Discovery law that is:** Open; Early; Automatic; Mandatory & Enforced.
 - **Open:** Open-file discovery gives the defense access to evidence known to prosecution, law enforcement agencies, or any other agencies working on behalf of the prosecution.
 - **Early:** Discovery material must be turned over at the first court appearance & then continue to be turned over as it’s obtained
 - **Automatic and Mandatory:** Requires mandatory and automatic disclosure of specific information including: tangible objects; information related to witnesses; expert witness information; and materials related to sentencing.
 - **Enforced:** There must be mechanisms for enforcement and remedies should violations of the law occur.

HELP US #FREEnewyork

New York has an opportunity to repair the devastation of mass incarceration and become a national leader in transformative criminal justice reform. It’s time to take action.

- **Demand** that Governor Cuomo's 2018 budget commits to ending mass incarceration in New York and includes gold standard bail, speedy trial and discovery law reform proposals.
- **Demand** the New York State legislature pass real criminal justice reform legislation.
- **Join the movement to #FREEnewyork:**
 - Organizations and individuals ready to join this bold, statewide campaign, please contact **Katie**, JustLeadershipUSA NYS Campaign Coordinator at katie@justleadershipusa.org.

TO LEARN MORE

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<https://www.justleadershipusa.org/freenewyork>

The **#FREEnewyork** campaign was formed in 2017 to achieve real solutions to the crisis of mass incarceration in New York State. Led by **JustLeadershipUSA**, in partnership with organizations and directly impacted communities, **#FREEnewyork** is building the power and leadership of New Yorkers most harmed by incarceration and demanding fundamental change to our failed criminal justice system. By boldly challenging the status quo, we can achieve the justice that New Yorkers deserve.