

The crisis of mass incarceration demands real and immediate solutions. On any given day, **25,000+** New Yorkers are held in county jails across the state. **Nearly 70% are legally innocent** – they have not been convicted, but remain caged because of our broken bail, speedy trial and discovery laws. Being trapped in jail results in unjust case outcomes. It has devastating, intergenerational impacts on people and their families. **New Yorkers must not languish behind bars while their Constitutional rights to due process and a fair trial are consistently violated.** 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.

The #FREEnewyork campaign is building the power of New Yorkers most harmed by mass criminalization and calling for groundbreaking transformation of our criminal justice system. **#FREEnewyork** demands bold legislative reform that will deliver the clearly defined outcomes that impacted communities both need & demand: a fairer, more-just pretrial system that ends money bail, creates a thorough and expedited discovery process, and protects speedy trial rights. **True reform is comprehensive. It protects against collateral consequences. And it is defined by the measurable outcomes that it achieves.** Legislative reform to New York's bail, speedy trial and discovery laws must achieve these concrete outcomes:

- **INCREASE** transparency;
- **INCREASE** the efficiency of court proceedings;
- **CREATE** opportunities for earlier resolutions in cases;
- **CREATE** a more equitable and fair system; and
- **SAVE** taxpayer dollars currently being spent on pretrial detention;
- **ELIMINATE** uninformed guilty pleas and conviction-less incarceration;
- **ELIMINATE** wrongful convictions;
- **REDUCE** racial and socioeconomic disparities in the criminal justice system;
- **REDUCE** the number of New Yorkers being held in county jails;
- **REDUCE** unproductive court appearances;

JUSTICE requires overhaul of New York's bail, discovery & speedy trial laws.

Bail Reform MUST:

- Eliminate money bail;
- Protect the presumption of innocence & the right to freedom;
- Ensure the presumption of release in all cases;
- Protect against unnecessary and excessive supervised release conditions;
- Avoid the use of risk assessment instruments in the pretrial decision-making process; and
- Exclude dangerousness from the pretrial assessment process.

Discovery Reform MUST:

- Result in an open, early & automatic discovery system
- Create rules that make all admissible evidence discoverable from the start of a criminal case;
- Create procedures for the accused to obtain evidence from the prosecution; and
- Mandate enforceable sanctions for noncompliance with these rules.

Speedy Trial Reform MUST:

- End excessive and lengthy jail stays;
- Cover all crime categories; and
- Truly protect the right to a fair and timely trial.

PRETRIAL INJUSTICE: OUR STORIES, OUR LIVES

Prince was arrested for a crime he did not commit, but his family in Nassau County, still suffered. He was denied bail, causing a serious psychological impact on my family. Some even gave up on him believing he was never going home, because, in their minds, for the court to deny his bail, was another way of saying he was guilty. He was held in the Suffolk County Jail for 24 months without bail, without a speedy trial, and without the evidence that he needed to prepare a defense.

TJ and her then 12-year-old son experienced tremendous pain when she was arrested and briefly locked up in Nassau County jail. She expected that the judge would have given her a low bail considering she was on disability and only received \$695 a month of which \$432 went to her rent. But instead the judge made her bail 2500 over 2500 –she needed \$2500 cash or someone to bond her out. She had to go and borrow from other people and not pay her rent in order to get bonded out of jail. She is now fighting eviction, stemming from the downward spiral of having been arrested and needing to pay a bond she could not afford.

Darryl was arrested for a violent felony crime he did not commit. The judge at his arraignment set a \$70,000 bail he could not afford and he spent the next 14 months at Rikers Island fighting for the opportunity to examine the evidence that would eventually exonerate him. Finally, more than a year into his case, evidence was provided by prosecutors that led the judge to dismiss the charges against Darryl. For months prosecutors knew they did not have a case against him, and yet continued to pressure him into accepting a plea deal before sharing the evidence they had. Darryl lost everything as a result of this case: his housing, his employment and his stability; it has taken him months to get back on his feet.

Vincent from Long Island, was only 16 years old when he was arrested on drug-related charges and sent to Rikers Island. Bail was set at about \$4,000. He and his mother didn't have the bail money so he had to sit inside Rikers Island. Finally, after two months of being subjected to daily violence at Rikers, he was approached with a time served offer and asked to take a felony so he could go home. At 16 years old, he maintained his innocence, but he chose to take the deal to get out of Rikers.

Marvin from Brooklyn was arrested on a misdemeanor drug charge (Criminal Possession of a Controlled Substance (CPCS) in the Seventh Degree) and held on \$135,000 bail which he felt was designed specifically to prevent him from being released. Because he could not afford the bail, he lost his job and his car as a result of being incarcerated pretrial for 11 months in Nassau County Jail before feeling forced to take a plea.

These are the stories of #FREEnewyork Campaign Members and how New York's broken bail, discovery and speedy trial laws have impacted their lives.

We must do better. New York State must boldly overhaul our bail, discovery & speedy trial laws.

TO LEARN MORE

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