



NEW YORK STATE SENATOR

Andrea Stewart-Cousins

## Senate Democrats Fight To Reform New York's Criminal Justice System

ANDREA STEWART-COUSINS February 13, 2018

| ISSUE: **CRIMINAL JUSTICE REFORM, JUSTICE, CRIMINAL JUSTICE**



(Albany, NY) The Senate Democratic Conference today announced a legislative package to reform and modernize New York State's criminal justice system. The Senate Democrats have been outspoken leaders on the issue of criminal justice reform and were instrumental in advancing the issue of raising the age of criminal responsibility until it was finally acted on last year. Additionally, Senate Democrats have been forceful against efforts to water down reforms, which is why the bills advanced by the conference are recognized as the ideal path

to modernize and reform New York's criminal justice system. The Executive Budget proposal included many of the reforms outlined by Senate Democrats, and the conference will resist efforts to water them down.

"Our criminal justice system is broken and we must fix it," **Senate Democratic Leader Andrea Stewart-Cousins** said. "We need real reforms and not half measures. We have people not yet convicted of crimes sitting behind bars for months and years. The American value of 'innocent until proven guilty' has been forced to add 'but only if you can pay.' We must also ensure that the Constitutional right to a speedy trial is enforced and that extended pre-trial periods are no longer tolerated. Now is the time for real criminal justice reforms and any delay will just hurt more and more New Yorkers."

There over 7,000 New Yorkers within Rikers Island Correction Facility simply because they cannot or have not posted bail, meaning they are being denied their liberty because they cannot or will not pay for it. Reports revealed that as an example of extended waits for trials, in 2015 misdemeanor defendants in the Bronx were forced to wait an average of 688 days for a bench trial and 897 days for a jury trial. Additionally, New York has been recognized as standing alongside only three other states, Louisiana, South Carolina, and Wyoming, for having the nation's most restrictive discovery rules. To address these concerns, Senate Democrats have introduced legislation which will end cash bail, speed the pace of when cases are brought to trial, and modernize New York criminal discovery statute

The Senate Democratic Conference also called for the legislation advanced to not be watered down or subjected to half-measure compromises as other criminal justice reforms such as Raise The Age have been in the past. The Senate Republican Majority's inflexibility and outright refusal to advance reforms is the major cause of how New York's criminal justice system has become antiquated and out-of-step with modern society.

The legislation advanced by the Senate Democratic Conference will:

- **End Cash Bail:** This bill, [S.3579-A](#), introduced by Senate Democratic Deputy Leader Michael Gianaris, will ensure that no individual is incarcerated before trial solely due to a lack of financial resources.
- **Comprehensive Speedy Trial Reform:** This bill, [S.7006-B](#), introduced by Senator Jamaal Bailey, will guarantee that criminal cases go to trial in a reasonable timeframe and will ensure that people are not held in jail for a prolonged period while awaiting trial.
- **Require Comprehensive And Automatic Discovery:** This bill, [S.7722](#), introduced by Senator Jamaal Bailey and Senator Brian Benjamin, will ensure automatic, comprehensive discovery before plea deals are made, so defendants have all the information they need to prepare their case.

**Bill Sponsor and Senate Democratic Deputy Leader Michael Gianaris** said, “Our criminal justice system has been responsible for too many injustices, particularly against the poor. Eliminating bail would represent a big step towards greater fairness and would move us closer to the principle of innocence until proven guilty, instead of the other way around.”

**Bill Sponsor Senator Jamaal Bailey** said, “Our criminal justice system is outdated and in its current form, it has allowed rampant injustices to happen, primarily to people of color. The foundation of our justice system is supposed to be fairness, but currently defense attorneys are left ‘blindfolded’ under the archaic discovery statute, Criminal Procedure Law (CPL) 240, that is in desperate need of reform. With providing automatic discovery, criminal cases will go to trial in a reasonable time frame and improve the issues in our criminal justice system, including but not limited to speedy trial and bail reform. Additionally, it is unfair that less fortunate citizens are forced to remain imprisoned solely because of their inability to pay bail. The Senate Democratic Conference’s Criminal Justice Reform bill package is necessary

in order to bring balance to the system and ensure that the basic tenet of our justice system, fairness, is more easily achievable.”

**Bill Sponsor Senator Brian Benjamin** said, “Our criminal justice system is broken. As things stand, punishment is not just for the guilty, it is also for those too poor to pay for their freedom. At Rikers Island, 9 out of 10 detainees are Black or Latino and 85% of the population have yet to be tried for a crime. Many of these New Yorkers are detained because they lack the resources to pay their bail. They are not more of a threat and their crimes are not more serious—the only difference between those detained and those set free is their economic status and the color of their skin. To make matters worse, defendants are often denied important information that is necessary for decision making and trial strategy, and are kept waiting months for a trial date. It is a moral imperative that we correct these injustices and pass this vital package of legislation.”

**Senator Neil Breslin** said, “New York’s criminal justice system is in desperate need of reform. These measures advanced today by the Senate Democratic Conference which includes ending cash bail, speedy trial reforms and requiring comprehensive and automatic discovery and will ensure that people are treated fairly in our criminal justice system.”

**Senator Brad Hoylman** said, “It is disturbing that many New Yorkers do not have access to a fair and impartial justice system because of their race, gender and income level. We know that far too often people of color, low-income individuals and transgender New Yorkers are treated unfairly and at times even targeted by our criminal justice system. Whether its unaffordable bail for low-level crimes or opaque discovery rules, we need to do better as a State and as a community. The commonsense reforms being introduced today by the Senate Democrats will move us closer to balancing the scales and creating a fair justice system.”

**Senator Liz Krueger** said, “The goal of our criminal justice system should be to prevent crime while ensuring justice. That means creating a system that is swift and fair, where who is behind bars is determined by guilt or innocence, not the size of your bank account or the color of your skin. Reforming bail and delivering on our Constitutional right to a speedy trial are important steps in creating a justice system that works for everyone, one that New Yorkers from every community can trust.”

**Senator Roxanne Persaud** said, “Our criminal justice system is based on the ideals of fairness and equality before the law, though we have seen the ways in which process prevents us from attaining those standards. When things feel unbalanced or ineffective they are in urgent need of reform. The Senate Democrats are committed to ensuring public resources protect our friends and neighbors, and prevent and solve crime. This Criminal Justice Reform bill package will improve the quality of life of our citizens, especially the young, the mentally ill and the disadvantaged.”

**Senator Gustavo Rivera** said, “I strongly support the efforts of my Senate Democratic Conference in pushing this critical legislative package to reform New York's criminal justice system. I am very proud to have sponsored and passed the bill that authorized Charitable Bail Organizations in our state and I hope we continue to make progress on reforming our outdated bail system.”

**Tina Luongo, Attorney-In-Charge of the Criminal Defense Practice at The Legal Aid Society**, said, “New York desperately needs real criminal justice reform and it’s due time for Albany to act boldly. Our broken system feeds mass incarceration, contributes to wrongful convictions, and perpetuates gross inequities that oppress communities of color and low-income New Yorkers. The Legal Aid Society is proud to stand here with the Senate Democratic Conference to raise awareness around these critical issues and we look forward to working towards final legislation that truly serves our clients and the rest of New York.”

**Sean Hill, Senior Legal Fellow at the Katal Center**, said, “We applaud the Senate Democratic Conference for introducing a bold criminal justice reform package. For too long, wealth and race have played an outsized role in pretrial detention practices across New York State. This package represents an affirmative step towards eliminating the disparities that plague our criminal justice system. With the elimination of cash bail and smart limitations on pretrial detention, New Yorkers can defend their cases while contributing to their families and communities. The Senate Democrats, the Assembly Majority, Governor Cuomo and communities across New York are all in agreement that comprehensive reform is urgently needed. We stand ready to work with all parties to make it happen.”

**Erin Leigh George, M.S.W., the New York State Campaign Coordinator for JustLeadershipUSA**, said, “JustLeadershipUSA and #FREEnewyork - a statewide campaign led by directly impacted New Yorkers and more than 250 organizations and faith leaders - applaud the New York State Senate Democrats for responding to the urgent need for bold pretrial reform by including Gold Standard bail reform [Senator Gianaris – S.3579-A] and discovery reform [Senators Bailey & Benjamin – S.7722] in their criminal justice reform package. People must not be locked up because they are too poor to afford bail. They must not be kept in the dark about the evidence being used in their cases. These groundbreaking reforms are vital to ensuring due process and a fairer system. Our State must commit to preserving the health, family and community ties, and social safety net of all New Yorkers so they can have a fair shot at justice.”

**Justine Olderman, Executive Director of The Bronx Defenders**, said, “We applaud the Senate Democratic Conference's strong commitment to meaningful, comprehensive criminal justice reform. We can no longer accept a bail system that creates and entrenches wealth- and race-based disparities and feeds mass incarceration; a speedy trial law that allows cases to languish without a realistic opportunity to have one's day in court; or a discovery law that

deprives the accused of access to the most basic information about the case against them. The time is now for New York to be a true leader in the national movement to shrink jails and bring fundamental fairness to our pretrial justice system.”

**Lisa Schreibersdorf, Executive Director of Brooklyn Defender Services**, said, “Brooklyn Defender Services is grateful to the Senate Democratic Conference for standing up for real criminal justice reform in New York. I truly believe that, together, impacted New Yorkers, advocates, defenders and allied legislators can win meaningful and lasting change for the people we represent and their families and communities.”

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#### RELATED LEGISLATION

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### 2017-S3579A

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- - Passed Assembly
  - Passed Senate

- Delivered to Governor
- Signed By Governor
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Enacts the "bail elimination act of 2018"; repealer

January 24, 2017

In Senate Committee [Codes](#)

Sponsored by [Michael Gianaris](#)

Do you support this bill?

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## 2017-S7006B

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor



- Signed By Governor

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Relates to time limits for a speedy trial

December 07, 2017

In Senate Committee [Codes](#)

Sponsored by [Jamaal T. Bailey](#)

Do you support this bill?

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## 2017-S7722

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor

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Relates to implementing automatic discovery; repealer

February 13, 2018

In Senate Committee [Codes](#)

Sponsored by [Jamaal T. Bailey](#)

Do you support this bill?