



NEW YORK STATE SENATOR

Velmanette Montgomery

Senator Montgomery and the Senate Democratic Conference Fight to Reform New York's Criminal Justice System

SENATOR VELMANETTE MONTGOMERY February 13, 2018

| ISSUE: **CRIMINAL JUSTICE REFORM, END MASS INCARCERATION, SPEEDY TRIALS, BAIL REFORM, DISCOVERY REFORM**



The Senate Democratic Conference 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 weaken

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.

My Senate Democratic Conference colleagues and I are once again calling for **equal treatment and respect for all New Yorker's Constitutional rights**. 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, the Conference has introduced legislation, which will:

- **End Cash Bail:** This bill, [S.3579-A](#), 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](#), 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](#), will ensure automatic, comprehensive discovery before plea deals are made, so defendants have all the information they need to prepare their case.

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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."

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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."

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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.”

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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.”

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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.”

For more information on this comprehensive package of bills to reform New York’s criminal justice system, visit <https://www.nysenate.gov/senators/velmanette-montgomery>

For more information about Senator Montgomery's work on re-entry and criminal justice, visit:

<https://www.nysenate.gov/newsroom/articles/velmanette-montgomery/senator-montgomery-convenes-connecting-dots-networking-event>

<https://www.nysenate.gov/newsroom/articles/velmanette-montgomery/senator-montgomery-discusses-parole-and-re-entry-issues>

<https://www.nysenate.gov/newsroom/articles/velmanette-montgomery/senator-montgomery-and-senator-roxanne-j-persaud-discuss>

<https://www.nysenate.gov/newsroom/articles/velmanette-montgomery/senator-montgomery-and-senator-roxanne-j-persaud-continue>

<https://www.nysenate.gov/newsroom/articles/velmanette-montgomery/senator-montgomery-discusses-raise-age-and-school-prison>