

Dear Neighbor,

For far too long, outdated laws and a broken justice system have splintered our communities and have done nothing to build a brighter future for our State.

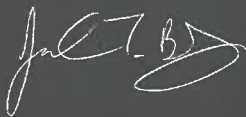
As your Senator, I am committed to ensuring that our justice system provides equal justice to all, not just a select privileged few.

That's why I'm proud to have passed laws, which took effect January 1, 2020, that will scale back our State's pretrial jailing crisis, bring greater fairness and transparency to the system, allow for millions of dollars to be reallocated toward supporting vulnerable people and community needs, and enhance public safety.

Inside, you will find information detailing how New York's new criminal justice reforms will protect New Yorkers from unfair treatment and ensure that you know your rights.

If you have any questions about these new laws or any other issue in the community, please do not hesitate to call my office.

-Senator Jamaal T. Bailey





Senator  
**JAMAAL T. BAILEY**


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## **UNDERSTANDING NEW YORK'S HISTORIC CRIMINAL JUSTICE REFORMS**

How changes in the law are promoting fairness and safety



Senator  
**JAMAAL T. BAILEY**  
36th District

## Ending Cash Bail for Non-Violent Offenders:

- The new law eliminates cash bail as a pre-trial option for people accused of misdemeanors and non-violent felonies.
- For individuals charged with crimes no longer eligible for bail, courts have new tools to supervise the accused while they await trial – including regular mandatory check-ins and electronic monitoring.
- Bail is still an option for people charged with violent felonies.

### Bail Facts

- Cash bail unfairly targets poor people.
  - While defendants are released into the community within 5 days of arraignment in 82% of New York City cases and 68% of cases outside of NYC [DCJS, 2018], **the majority of defendants not released were held because they could not afford bail** – sometimes in amounts less than \$500.
- Cash bail does not make people more likely to return to court
  - The Brooklyn Community Bail Fund paid bail for nearly 5,000 people who would otherwise have been jailed. 95% returned for all of their court dates. Other bail funds across the State have had similar success, including in Columbia, Suffolk, Tompkins, and Onondaga counties.
- Cash bail does not make communities safer
  - There has been no increase in overall crime since the creation of New York City's supervised release program – where 92% of individuals did not commit new crimes before their trial – and New Jersey's decision to end cash bail.

In 2019, New York passed historic reforms that restore fairness to our criminal justice system, make our communities safer, and save taxpayers millions of dollars.

These new laws improved a system that unfairly targeted poor people who cannot afford to post bail, allowed people accused of minor crimes to languish in jail for months or years before even getting a trial, and imprisoned innocent people while the real criminals walked free.

### Reforming NY's Discovery Laws:

- Evidence will not be withheld from the accused, allowing them to properly defend themselves if they are innocent.
- New discovery law takes strong steps to ensure witness safety.

### Discovery Facts

- **The withholding of evidence has led to innocent New Yorkers being jailed.**
  - 38% of the State's first 234 exonerations analyzed were the result of prosecutors hiding exculpatory evidence from the defense.
- Pre-plea discovery makes it more likely that guilty defendants will take quick plea deals, saving taxpayer dollars.
  - Earlier pleas means great cost savings for the State. Court backlogs clear up, appeals become less likely and there is less costly pre-trial incarceration.
- Information is often turned over so late that it is impossible for defense counsel to intelligently investigate, secure, or use any potentially exculpatory evidence.
  - The vast majority of people accused of crimes may never see the evidence against them when making critical decisions about whether or not to accept a plea.

### Ensuring the Right to a Speedy Trial:

- The new law ensures New Yorkers can exercise their constitutionally provided right to a speedy trial.
- Before this law, there were loopholes that prosecutors exploited to hold individuals not convicted of a crime for lengthy periods without a trial.
- The new law will help ensure that trials are resolved within their time limits - 90 days for misdemeanors and 180 days for felonies.
- Speedy trial reform promotes fairness and saves taxpayer dollars.

### Speedy Trial Facts

- According to the New York State Division of Criminal Justice Services (DCJS), **66% of inmates in New York State jails are un-sentenced inmates.**
  - In New York City, 77% of the jail population remains un-sentenced, while in the rest of the State, 59% of the jail population remains un-sentenced.
- Kalief Browder spent **three years on Rikers Island** awaiting trial for charges of stealing a backpack, **including over 400 days in solitary confinement, despite never being convicted.**
  - Because he and his family were unable to afford the \$3,000 bail, he languished, waiting for trial to start. Eventually, the Bronx D.A. dropped the charges, but Browder was so traumatized that he tragically took his own life.

