

#FREEnewyork

GOVERNOR CUOMO'S CRIMINAL JUSTICE REFORM PACKAGE IS A STEP BACKWARDS FOR NEW YORK

On January 16th, Governor Cuomo introduced a criminal justice reform package as part of his Executive Budget Proposal, threatening a step backwards for New Yorkers. [JustLeadershipUSA](#) and the [#FREEnewyork](#) campaign demand a groundbreaking overhaul of our pretrial system of bail, discovery & speedy trial laws that will bring an end to New York's jail crisis. We **cannot support half-measures, nor incremental reforms**. Governor Cuomo has expressed commitment to enacting substantial, statewide criminal justice reform in the areas of bail, discovery and speedy trial, and our communities must hold him to his word.

The Governor's proposals fall far short of the complete systems change that directly impacted communities need; change that would drastically reduce jail incarceration, end wealth & race based detention, and enforce the Constitutional rights to Due Process and a fair and speedy trial. **A bold, strategic, and holistic overhaul of the pretrial pillars of bail, discovery, and speedy trial** can and must be achieved in tandem as all three pillars work together to guarantee just trials and **protect against collateral consequences**. **#FREEnewyork will continue to demand groundbreaking reform that will expand our communities' access to justice and freedom.**

A fairer process while a person awaits trial that will:

1. End money bail; people should not be locked up because they're poor;
2. Ensure thorough and timely access to case evidence; people should not be left in the dark about their own case and
3. Protect speedy trial rights; people should not have their cases needlessly dragged out for months and years.

The Governor's Criminal Justice Reform Package, if enacted, would:

GOVERNOR'S BAIL LAW PROPOSAL

- Allow prosecutors to remand people for five days in certain cases before they have a chance to see a judge and challenge preventive detention, even in cases where the underlying charge is a misdemeanor or violation;
- Broadly allow prosecutors to unilaterally keep people in preventive detention indefinitely in violation of existing current speedy trial laws, even in cases where the underlying charge is a misdemeanor or violation;
- Allow for the privatization of pretrial supervision and increase the threat of mass community surveillance via electronic monitoring, GPS monitoring, and pretrial "probation".
- Leave open the possibility for individuals under pretrial-supervision to have to pay unlimited fees for these interventions if required.
- Fail to put an end to wealth-based detention or the indefinite detention of poor people, especially people of color;
- Fail to abolish a predatory commercial bail bond system that results in massive transfers of wealth from marginalized communities to multinational bail bond companies

GOVERNOR'S DISCOVERY LAW PROPOSAL:

- Provide prosecutors an unprecedented statutory right to redact their discovery and hide it from people accused of crimes:
 - This would give prosecutors broad and unreviewable ability to redact names, address and any other information that serves to identify a witness;
 - Prosecutors would have the additional power to more broadly redact any information that could interfere with an ongoing investigation or case, putting the onus on the defense to challenge such redactions without having access to the underlying information;
- Allow prosecutors to never disclose the names and contact information for key witnesses to the case by not calling the witnesses at trial, perpetuating a cruel cycle of wrongful convictions;
- Allow prosecutors to withhold grand jury transcripts and other key evidence until 15 days before trial even when they could be disclosed far earlier;
- Allow prosecutors to withhold evidence before a guilty plea;
- Unconstitutionally require people accused of crimes to turn over defense witness statements and other evidence before the prosecution is so required, in effect requiring a defendant to prove his or her own case before the prosecutor is required to share the evidence against that person;

GOVERNOR'S SPEEDY TRIAL LAW PROPOSAL

- Would eliminate speedy trial release for people being detained pretrial;
- Would not at all address underlying issues of court congestion and under-resourced courts;
- Does not fix the “speedy trial clock loophole” that allows prosecutors to say they are ready for trial out of court, stopping the clock for release or dismissal;
- Would allow prosecutors to say they are ready for trial even when they have not yet turned over key discovery to the defense;
- Would require that speedy trial motions be filed 20 days in advance of a trial date
 - This ends up reducing the time (by at least 20 days) that could be included in the overall speedy trial time calculation (and hence, fewer cases would qualify for speedy trial motions)

#FREEnewyork demands real reform and a groundbreaking overhaul of bail, discovery & speed trial laws that will bring an end to New York's jail crisis. #FREEnewyork is organizing to ensure that Governor Cuomo goes further than his current half-measures to create complete change of the pretrial justice system, reflect New Yorkers' values and stop the harm caused to individuals, families, and communities.

TO LEARN MORE

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