

Overhauling Pretrial Injustice in New York State Our Wins, Our Stories, Our Fight to #FREEnewyork

OUR WINS

Because of the unwavering advocacy of directly impacted people and organizations across the state, a historic package of bail, discovery and speedy trial legislation passed in the New York State budget on April 1, 2019. Together, these three bills will:

- **BAIL:** Eliminate money bail and guarantee pretrial liberty for nearly all misdemeanor and non-violent felony charges.
- **DISCOVERY:** Lift the blindfold and require that prosecutors turn over all evidence 15 days after arraignment and prior to any plea deal.
- **SPEEDY TRIAL:** Address some of the loopholes that violate our constitutional right to a speedy trial.

By eliminating money bail and guaranteeing pretrial liberty for nearly all misdemeanor and non-violent felony charges, the new bail legislation will vastly reduce the number of New Yorkers who are subject to the trauma of pretrial jailing. **Under the new law, over 9,000 people who are incarcerated right now because they cannot afford bail would instead be home with their families.** This means a reduction by nearly half (43%) of the total number of people in jail each day, bringing the daily jail population of New York State from nearly 22,000 people to approximately 12,500. This is a powerful step towards addressing mass incarceration in our state.

However, the fight to #FREEnewyork is far from over.

While the newly passed legislation will protect many people from pretrial jailing, it leaves behind those accused of violent felony charges - allowing judges to set money bail and failing to provide meaningful due process or guarantee the constitutional right to a speedy trial. Even when charges are serious, no one should be incarcerated because they cannot afford bail. **All of us deserve the presumption of innocence and protection against pretrial jailing.**

OUR STORIES



Marilyn Diaz (Rochester, NY) “I spent 11 months in the Monroe County jail because I could not afford a \$1,500 bail. In those 11 months, not one shred of evidence was turned over. But I was scared, and my mom was scared, so when they offered a plea deal, I took it and spent two years in prison. **Under this new legislation, I would not have been incarcerated pretrial and prosecutors would not have been able to hide the lack of evidence in my case.** I am proud of what we have accomplished, but we cannot forget those left behind. New York must protect all people by guaranteeing due process and ending money regardless of charge.



Mary Crosson (Long Island, NY): “My granddaughter was arrested on a misdemeanor and the judge set bail at \$2,500 dollars. **If the new bail law had been in effect, it would have made a huge difference - financially and emotionally.** Money bail would not have been set, and I would not have fallen behind on my mortgage trying to come up with the money. I get so upset when I think of all these people in jail because they don’t have money for bail, just sitting in jail causing their families distress, losing homes and jobs. The only way we get something done is to believe in it and come hell or high water, keep pushing it.”



Kaesean Hall (Buffalo, NY): “I sat in jail for 377 days charged with a felony I didn’t commit on a \$50,000 bail I couldn’t afford. Two days before trial, I was offered “time served.” Worn down after more than a year in jail, I took the plea deal. **Because of my charge, the new bail legislation would not have made a difference in my case. The judge could still have set unaffordable bail and I would still have languished in jail because I was poor.** No one else should have to go through this. Let’s keep up the fight to protect our communities from the trauma of jail and the coercion of plea deals.”

WHAT COMES NEXT IN THE FIGHT TO #FREEnewyork?

Legislative Advocacy

Our work in Albany must continue. Additional bail and speedy trial legislation is needed to truly protect the constitutional and human rights of all New Yorkers. Join us in the continued fight for:

- **Bail Legislation** that ends money bail and protects pretrial liberty and due process for all New Yorkers regardless of charge, protects against mass community surveillance and electronic monitoring, ensures speedy trial release protections, and requires that pretrial data be collected and made public.
- **Speedy Trial Legislation** that protects our right to a speedy trial by guaranteeing specific timeframes by which we are entitled to our day in court.

Organizing & Implementation

Alongside advocating for new legislation, we must build local power to hold judges, prosecutors, and county governments accountable. Together, we can:

- Demand that **judges and prosecutors** implement the new legislation immediately, rather than waiting until January 1, 2020. Under current law, it is fully within the discretion of prosecutors to turn over evidence 15 days after arraignment and judges can stop setting bail on cases that will no longer be bail eligible immediately.
- Call on **county legislatures** to ensure that pretrial services are supportive, not punitive by prohibiting probation departments from acting as pretrial services agencies and limiting the use of electronic monitoring and other invasive conditions.
- Organize and build systems for monitoring and public accountability so that when the legislation goes into effect we can assess its impact and ensure that judges and prosecutors are not violating or abusing their discretion under the new laws.

We fight for ourselves, our families, and our communities. Join us.

Learn more: justleadershipusa.org/freenewyork

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