



BROOKLYN
DEFENDER
SERVICES



April 25, 2019

Hon. Andrew Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Hon. Andrea Stewart-Cousins
Democratic Leader, New York State Senate
188 State Street LOB - Room 907
Albany, NY 12247

Hon. Carl Heastie
Speaker, New York State Assembly
New York State Capitol Room 349
Albany, NY 12247

Re: Ongoing and urgent need for New York to pass critical criminal justice reforms

Dear Governor Cuomo, Democratic Leader Stewart-Cousins, and Assembly Speaker Heastie:

We write to follow up on our November 13, 2018 letter urging passage of a slate of criminal justice reforms this session. As we have stated before, we applaud the historic pre-trial justice reforms that were included in the state budget and we recognize the immense amount of work that you, members of the Senate and Assembly, and staff put into considering the many different perspectives on these complex issues. We also deeply appreciate the enactment of One Day to Protect New Yorkers, protections against employment and housing discrimination based on open ACDs, and the expedited closure of state prisons. Now, we are respectfully calling for New York State to prioritize and pass reforms to other aspects of the system before the end of this session, including policing, due process, prison and jail conditions, and parole.

As you are well aware, New York State's criminal legal system has destroyed countless lives and wreaked havoc on families and communities – all with massively disproportionate impacts on Black and Latinx New Yorkers, immigrants, transgender/gender non-conforming people, and other marginalized people. The harm caused by this system exacerbates inequality in our society and robs young people of what otherwise would be bright futures.

We urge prompt action to enact the following legislation:

The Marihuana Regulation and Taxation Act (MRTA) – S.1527 (Krueger) / A.1617 (Peoples-Stokes)

This legislation ends broad-based marijuana prohibition and begin to meaningfully repair its harm, including by automatically expunging criminal records and targeting investments in communities most impacted by the War on Drugs. We further urge that any marijuana legalization bill eliminate or minimize the use of criminal penalties and fines to address consumption by- or sale to- young people, which will disproportionately impact racially and economically marginalized people, and instead focus resources on more effective public health approaches. More information is available at www.smart-ny.com.

The Safer NY Act – The STAT Act A.05472 (Lentol) / S.1830 (Hoylman), Codifying Special Prosecutor A.1601 (Perry) / S.2574 (Bailey), and End Police Secrecy - Repeal 50-a A.2513 (O’Donnell) / S.3695 (Bailey)

The crisis of police misconduct and systemic lack of consequences and accountability has gained national and even international attention in recent years, largely due to the Black Lives Matter movement. This package of legislation increases transparency and accountability for police departments across the state. More information is available at <https://www.changethenypd.org/safer-ny>.

The H.A.L.T. Solitary Confinement Act – S.1623 (Sepúlveda) / A.2500 (Aubry)

The Humane Alternatives to Long-Term (HALT) Solitary Confinement Act ends the torture of prolonged solitary confinement and creates more humane and effective alternatives, including by limiting solitary to 15 days for all people, prohibiting it altogether for people with mental illness and other special populations, and restricting the criteria that can lead to this extreme punishment. More information is available at www.nycaic.org.

Elder Parole - S.2144 (Hoylman) / A.4319 (Weprin) and Fair and Timely Parole – S.497 (Rivera) / A.4346 (Weprin)

Elder Parole ensures that all people aged 55 or older who have served at least 15 years of their sentence are granted parole consideration, regardless of their original sentence. Fair and Timely Parole would amend and clarify the standards used by the Board of Parole to make release determinations based on a person’s rehabilitation and current public safety risk. We also support a fully-staffed parole board that includes Commissioners of diverse backgrounds who believe in rehabilitation and commit to evaluating people based on who they are in the present day, rather than the nature of the underlying conviction for which they have already been sentenced. More information is available at www.rappcampaign.com.

Green Light New York – S.1747 (Sepúlveda) / A3675 (Crespo)

This bill makes standard driver’s licenses available to New Yorkers regardless of their immigration status and helps prevent people from being arrested, indefinitely detained, and deported for driving without a license. More information is available at <https://greenlightnewyork.org/>.

Protect Our Courts Act – S.425 (Hoylman) / A.2176 (Solages)

Following an alarming and unprecedented 1700% increase in ICE arrests and attempted arrests in and around courthouses across the state, and concerted advocacy by the Immigrant Defense Project, our organizations, and others, New York’s courts have banned ICE arrests inside courthouses without judicial warrants. We are grateful for this decisive action. However, immigrants New Yorkers are still vulnerable to being abducted by ICE on their way into or out of courthouses. The Protect Our Courts Act would protect against this miscarriage of justice, as well. More information can be found at <https://www.immigrantdefenseproject.org/ice-courts/>.

Restoring Voting Rights to People on Parole - S.1931 (Comrie) / A.4987 (O’Donnell)

Last year, Governor Cuomo issued an important conditional pardon restoring voting rights to most people on parole, but confusion by local Boards of Election has limited its impact. This bill to codify that restoration for all people on parole represents an important step toward ending New York’s racist and wholly unjustifiable felony disenfranchisement laws. We further urge the Legislature and the Governor to ensure that no New Yorker loses the right to vote by virtue of a conviction, including while incarcerated.

Repealing Loitering for the Purposes of Prostitution - S.2253 (Hoylman) / A.654 (Paulin)

This legislation repeals section 240.37 of the penal law, relating to loitering for the purpose of engaging in a prostitution offense. In practice, this statute has been used to profile predominately women of color, including transgender women, for simply existing in public.

Expanding Vacatur for Survivors of Trafficking - S4981 (Ramos) / A6983 (Gottfried)

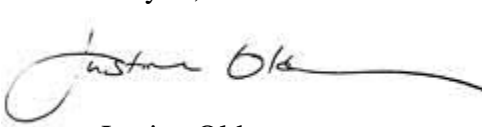
Current law allows for survivors of sex trafficking to vacate convictions for prostitution and loitering for the purposes of prostitution. This legislation expands the current trafficking vacatur law to allow judges the discretion to vacate all types of criminal convictions that stem from a person’s experience as a victim of either sex trafficking or labor trafficking upon consideration of the defendant’s individual circumstances, in addition to other provisions making this relief more accessible.

Ensuring the Right to a Jury Trial for All - S.33 (Hoylman) / A.3462 (Lentol)

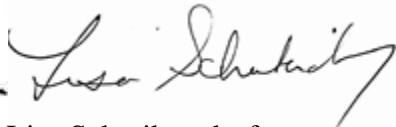
New York State grants a right to a jury trial for all, except those charged with a B misdemeanor and certain unclassified misdemeanors in New York City. This legislation would clarify that anyone charged with any level of misdemeanor in New York City is entitled to a trial in front of a jury of their peers, as they would be if they were charged in any other part of New York State.

New York State is at a critical juncture. Following last year’s election, there is a historic opportunity to bring about an end to mass incarceration and we believe there is broad interest among policymakers to do so. Enacting the above legislation will help end several of the worst injustices in our state and we urge the state to act of them immediately upon resuming the legislative session. If you have any questions about any of these bills, please do not hesitate to contact the undersigned at their respective organizations.

Thank you,



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