



November 13, 2018

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: 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 you after the recent consequential election as the five primary defender organizations representing low-income people in New York City's criminal courts on the immediate need for Albany to prioritize and pass key criminal justice reforms when the Legislature convenes next year.

We were profoundly disappointed that the current Senate Majority derailed efforts to enact many urgent criminal justice reforms this past session. That said, we are very hopeful that come January with the change in leadership, New York will enact these critical reforms – which are detailed below – and finally claim its rightful place as a national progressive leader.

As you are well aware, New York State's antiquated and outmoded laws for decades have undermined the presumption of innocence, fueled mass incarceration, allowed intolerable court delays, and caused countless wrongful convictions – all with massively disproportionate impacts on Black and Latinx New Yorkers, immigrants, and other marginalized people. Young people with otherwise bright futures have had their lives needlessly upended by involvement in the criminal legal system. Our prisons and jails have destroyed people and families.

Criminal justice reform is not a marginal issue anymore. Recent polling made clear that overwhelming numbers of New Yorkers support an overhaul.

In March 2018, a FWD.us poll.<sup>[1]</sup> found that:

- More than 70 percent of those surveyed supported the elimination of pretrial detention in most cases.

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<sup>[1]</sup> FWD.us, *Broad, Bipartisan Support for Bold Pre-Trial Reforms in New York State*, March 8, 2018  
<https://www.fwd.us/wp-content/uploads/2018/03/NYCJR-poll-memo-Final.pdf>.

- On speedy trial, 90 percent support setting a firm speedy trial requirement to prevent people from being held in jail for months or years awaiting trial.
- More than three quarters of those polled supported open discovery to allow defendants the opportunity to see all available evidence before taking a plea.

In addition to enacting real bail, discovery, and speedy trial reform, we urge you to take action on other key reforms like ending the torture of prolonged solitary confinement, as the State Assembly did last year; ensuring that every person in prison has a fair and meaningful opportunity for parole release; legalizing marijuana and repairing the harms of prohibition; raising the age of Youthful Offender status in line with the most current research on adolescent brain development; passing legislation to protect immigrants from deportation for misdemeanors; repealing 50-A to increase police transparency and accountability; ending warrantless ICE arrests in and around courthouses; expanding visiting opportunities in state prisons and restoring the free visiting buses; and more.

With the landscape changing in Albany next year, the time for meaningful reform has finally come. Impacted communities and the greater public – your constituents – recognize the profound injustices that Albany has permitted to exist for decades, while other states have taken action to help fix the problems.

There are proposals in each chamber that would bring about the overhauls needed for fair and efficient bail, speedy trial, early discovery laws, and others. We urge your immediate attention to these issue, and we will continue to zealously advocate for their passage in all forums. If you have any questions, please do not hesitate to contact the undersigned at their respective organizations.

Thank you,



Tina Luongo  
Attorney-In-Charge  
The Legal Aid Society



Lisa Schreibersdorf  
Founder & Executive Director  
Brooklyn Defender Services



Justine Olderman  
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The Bronx Defenders



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Managing Director  
The Neighborhood Defender Service of Harlem



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