

NEW YORK STATE COUNCIL OF CHURCHES 2022 LEGISLATIVE ASK

CRIMINAL JUSTICE REFORM AND GUN VIOLENCE PREVENTION

THEOLOGICAL AND ANTI-RACIST RATIONALE FOR OUR WORK:

As people of faith, we emphasize the grace and forgiveness we have been shown and give witness to renewal and restoration. We are called by our Creator to the difficult task of choosing these qualities over mere vengeance and punishment. We believe each person is created in the image of God and should be treated as such. Therefore, we believe that transformation of individuals and transformation of systems are both possible. Since persons of color make up a disproportionate percentage of the prison population in the state of New York, we critique systems of punishment and revenge and systems that impact people of a certain race or class unjustly. Since we believe that the worst act in an individual's life should not continue to forever define that individual, we support the concepts of the concepts of restorative and reparative justice.

Principles

- We know that transformation of individuals and transformation of systems are both possible.
- We support the concepts of restorative and reparative justice. These are implicit in the very definition of “corrections.” However, when society’s emphasis remains solely on retributive justice, the returning citizen is seldom afforded the opportunity to experience redemption and to be able to transition into becoming a positive contributor to their family and community.
- The worst act in an individual’s life should not continue to forever define that individual.
- We oppose the “forever” punishment that leaves people returning to their communities unable to find a job or a home.
- We oppose punishment not in proportion to the crime, such as mandatory sentencing, up-charges by prosecutors, and technical parole violations.
- We critique systems of punishment and revenge and systems that impact people of a certain race or class unjustly.
- Our communities will become safer as we treat each other as children of God by investing in that is needed for all to thrive. We believe that in order to attack the real roots of crime, we need to place the emphasis on greater investment in struggling communities by doing the following:
 - Investing in affordable housing

- Providing living wage jobs
- Addressing partial and inequitable funding for public education
- Making a robust investment in affordable childcare for working parents
- Providing the best medical care and mental health services for underserved communities including mental health services and drug interventions that help those in crisis.

Because of our adherence to the principles outlined above, we oppose punishment not in proportion to the crime, such as mandatory sentencing, up-charges by prosecutors, and technical parole violations. We believe that the “forever” punishment prohibits people returning to their communities in order to be gainfully employed and contribute to the betterment of the community.

STATE LEGISLATIVE REQUESTS

NO FURTHER CHANGES TO BAIL REFORM

VOTE NO on **A6933** (Tannousis) and **S3310** (Gallivan) which restores judicial discretion relating to bail reform;

Rolling back reforms to bail will not make us safer and will only return us to jailing people for being poor. The statistics do NOT link non-cash bail with recent crime increases or public tragedy.

Recent tragedies in the news, such as the killing of two young police officers in Manhattan, are *not* connected with bail reform. While we understand the fear and outrage over killings such as these, only about 2% of people released without bail go on to commit a serious crime before their previous case is adjudicated.

Studies in other states have shown that those released without bail are *less* likely to commit another offense than those held for lack of bail. Criminalizing poverty makes criminal activity more likely. This criminal activity is often this is due to loss of income, housing, employment, by those jailed for lack of cash bail. We do not agree that further changes to bail reform laws is synonymous with releasing dangerous criminals into the community.”

https://www.thedailynewsonline.com/top_story/state-gop-blasts-bail-reform-inaction/article_42c30e05-898d-5c4a-9277-568caf829d4b.html

NO CHANGE TO LESS IS MORE

VOTE NO on any further changes for “Less is More.” Returning parolees to prison for minor or technical offenses, like missing a curfew or coming late for an appointment has been proven to actually increase recidivism as those returned to prison are again going to lose their jobs (or prospects for jobs), lose touch with their families and loved ones, and possibly their homes or apartments. <https://thecrimereport.org/2020/03/05/the-hidden-driver-of-recidivism-technical-violations-of-probation-or-parole/>

SUPPORT RAISE THE AGE

VOTE YES on full funding of support programs for “Raise the Age,” no further rollbacks.

The FY 2022 Executive Budget includes \$250 million in appropriation authority to support estimated State and local costs for comprehensive programs, including diversion, probation, and other programming services for 16- and 17-year old-youth who will be involved in the juvenile justice system

'Raise the Age' falling short on transforming troubled youth (timesunion.com)
<https://nynmedia.com/content/opinion-rolling-back-raise-age-isnt-answer>

VOTE NO on NYC Mayor Eric Adams proposal that certain gun crimes by juveniles be tried in adult court. <https://imprintnews.org/justice/juvenile-justice-2/new-york-city-mayors-gun-violence-plan-rolls-back-reforms/62271>

TREATMENT NOT JAIL

VOTE YES on **S2881**(A Ramos) and **A8524** Forrest Fund “Treatment Not Jail” to divert people with substance abuse and mental illness issues into treatment.

Those who live with mental illness, substance use disorders, and other disabilities can be diverted from jail terms into treatment for any offense. Treatment Not Jail amends the CPL to grant judges the discretion to order diversion for all defendants, regardless of the nature of their impairment. It will ensure that drug and alcohol relapse and mental health crises are not punished with incarceration.

<https://www.etcny.org/treatment-not-jails>

TUITION ASSISTANCE PLAN (TAP)

VOTE YES on **S4464** (Jackson) and on **A2322** (Aubrey) which supports Tuition Assistance Plan (TAP) funding for incarcerated students in New York State.

Up until the “get tough on crime” mid-90’s New York allowed incarcerated persons in need to receive tuition aid for college programs taken while in prison. Restoring need-based college financial aid to help people in prison prepare to re-enter society is a moral imperative. These programs are associated with benefits such as improved public safety, increased cost-savings for the State, greater likelihood that upon release, formerly incarcerated people have a better chance at finding employment.

PAROLE, CLEMENCY AND PARDON REFORM

Principles

- Shortening the time before an incarcerated person can appear before the parole board;
- Reducing of the time that must be served so incarcerated persons can be released sooner;

- Allowing the governor to adjust sentence;
- Making clemency and pardons more gender balanced, racially balanced and available to unauthorized immigrant workers

REFORM OF CLEMENCY AND PARDON PROCESS

VOTE YES on **A9145** (Solages/Quart) and **S07667** (Myrie/Salazar) to fund the Governor Hochul's proposed reforms to the clemency process. The reform of governor's clemency process is embodied in the Clemency Justice Act of 2022. The governor's executive order establishes a new clemency review board drawn from members of law enforcement, public defense, the judiciary, and clergy, and former convicts. The governor proposes to report to the legislature every six months on clemency applications and their disposition and to issue clemencies at least four times a year, rather than just at the end of the year. <https://www.msn.com/en-us/news/crime/final-reprieve-hochul-grants-clemency-to-10-individuals-before-the-new-year/ar-AASfJNw>

ELDER PAROLE

VOTE YES on **S15A** (Hoylman) and **A8855** (sponsored by Davila) which addresses elder parole. This Elder Parole bill would ensure that people classified by NYSDOCCS as older adults who have already served 15 years can appear before the Parole Board for case-by-case consideration.

<https://www.nydailynews.com/opinion/ny-oped-let-more-aging-new-yorkers-out-of-prison-20220125-pxuhfzkw4rcmlhsgfikj3mstim-story.html>

FAIR AND TIMELY PAROLE

VOTE YES on **S7514** (Salazar) and on **A4231A** (Weprin) which address fair and timely parole. This Fair & Timely Parole bill would restore the board to its original purpose, requiring that people are evaluated based on who they are today, and not solely their original conviction from however many years and decades ago.

CLEAN SLATE

VOTE YES on **S1553C** (Myrie) **A6399B** (Cruz) which provides for a *clean slate* for those convicted once they become eligible.

These bills will automatically clear a New Yorker's conviction record once they become eligible. The civil damage a conviction record can inflict is often wide-ranging and enduring—permanently barring many individuals from basic opportunities like stable jobs, licenses to practice trades, and safe, secure housing. New Yorkers should not be punished beyond their sentences and should be full and fair participants in economic and civic life.

<https://www.cleanslateny.org/>

JAILS TO JOBS PROPOSAL

VOTE YES to fund Governor Hochul’s “Jail to Jobs” proposals.

There are many details to be worked out, but all the proposals under “Jail to Jobs” would assist the incarcerated and formerly incarcerated to define goals, practice skills useful in the outside world, receive educational credits and real pay, and return to the community prepared to be productive members of society.

<https://www.adirondackdailyenterpriser.com/news/local-news/2022/01/campaign-launched-to-raise-pay-secure-labor-rights-for-prisoners/>

<https://www.governor.ny.gov/news/governor-hochul-announces-jails-jobs-new-initiative-improve-re-entry-workforce-and-reduce>

ADDITIONAL PROPOSED LEGISLATION

We request that you **VOTE YES** on each of the following:

Wrongful Conviction Act

S266, Myrie, cosponsored by 20, in Codes Committee
A98 Quart, Kim, Taylor, De La Rosa. 37 Cosponsors. Referred to Codes C

We request that you **VOTE YES** on each of the following:

Eliminate mandatory minimums

S7871 Myrie, 7 cosponsors. Referred to Codes Committee
A9166 Meeks, 12 cosponsors. Referred to Codes Committee

Second Look Act

S7872 – Salazar, 8 cosponsors, referred to Codes
A8894 – Walker, 10 Sponsors, referred to Codes

Earned Time Act

S7873A, Cooney Referred to Senate Crime Victims, Crime and Correction
A8462B, Kelles and 15 cosponsors. Referred to Correction

Minimum Wages for Prisoners

S3138 Myrie and 14 cosponsors. Referred to Senate Crime Victims, Crime and Correction
A1275 Perry and 25 cosponsors. Referred to Correction

End Predatory Court Fees Act

S3979C Salazar, 21 Cosponsors. Referred to Codes
A2348B, Niou, 26 cosponsors Referred to Codes

Common sense measures to reduce gun violence, including full background checks on all purchasers and working with neighboring states to shut down the "Iron Pipeline" that moves guns from states with less strict laws into New York.

<https://www.governor.ny.gov/news/governor-hochul-announces-three-part-agenda-prevent-and-reduce-gun-violence-and-violent-crime>

<https://ovs.ny.gov/snug-counseling-and-support>