

# J Justice Roadmap





We are criminal justice and immigration justice advocates, directly impacted people, legal service providers, and faith leaders who stand united in the belief that this is a critical moment in our country's history, one that requires our state's leaders to have moral clarity and take unequivocal action.

New York must decarcerate jails and prisons and ensure the basic human dignity and core constitutional and human rights of all New Yorkers.

The Justice Roadmap is a legislative agenda designed to address the harms caused by the deeply entangled criminal legal and immigration systems. For far too long, our state has failed to provide New Yorkers with affordable housing, quality healthcare and robust educational and economic opportunities. Instead, New York has built and metastasized systems of criminalization and incarceration. False and racist labels of criminality are used to justify dehumanizing conditions and treatment, deny basic rights, permanently exile individuals from their communities through incarceration and deportation, and further target and extract resources from economically-distressed communities. These systems operate through violent policy, structure, and culture to oppress and criminalize Black and brown people, families and communities. Now is the time for change.

In the 2020 elections, New Yorkers have given the Legislature a mandate to make bold and progressive change. Our movements have been showing up all year, taking to the streets to express our outrage at the status quo and demand change. New Yorkers are still confronting the active, existential threat of the COVID-19 pandemic, and will be dealing with its economic and health impacts for years to come. This year has exposed the fragility of the health and safety of Black, brown, immigrant, and poor people in this country, and in this moment, lawmakers must deliver on demands prioritized by these communities.

In 2021, we renew the call for bold action to protect communities of color and immigrants by passing the following legislation:

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## **Choose Community Safety over Police Power**

- End Qualified Immunity
- Transparency in Police Custody
- PASSED** Repeal the Walking While Trans Ban
- Stop Violence in the Sex Trades
- New York For All

## **End the War on Drugs & Criminalization of Mental Illness**

- Marijuana Regulation and Taxation Act
- Treatment, Not Jails
- Decriminalize the Possession and Sale of Syringes and Buprenorphine

## **Decarcerate Jails and Prisons & End Perpetual Punishment**

- Fair and Timely Parole
- Elder Parole
- Sentencing Reform
- Clean Slate
- Post Conviction Relief

## **Protect the Dignity and Opportunity of Incarcerated People**

- HALT Solitary Confinement
- End Forced Labor
- Restore Tuition Assistance Program (TAP) for Incarcerated Students
- Treatment and Placement of Incarcerated People based on Gender Identity

## **Keep Families Connected**

- Connecting Families
- Right to In-Person Visits

## **End Wealth Extraction & Invest in Our Communities**

- End Predatory Court Fees
- Eliminate Parole and Probation Fees
- Fund Excluded Workers
- Access to Representation Act

## **Achieve Youth Justice**

- Young Adult Status
- Second Chance
- Raising the Age of Juvenile Delinquency

## THE ISSUES



# CHOOSE COMMUNITY SAFETY OVER POLICE POWER

**Police presence in our communities introduces more violence under the guise of preventing it.**

New York must **End Qualified Immunity** because communities should be empowered to hold New York law enforcement accountable, and officers who commit harm and take lives should not be insulated from accountability. We must increase transparency in the police detention process by passing the **Transparency in Police Custody Act (S.1184/A.5264A)**, allowing family members and lawyers to locate people in police custody and ensure that their basic rights are upheld.

The legislature must also repeal the **Walking While Trans Ban (S.1351/A.3355)** to protect trans women, femmes and gender-nonconforming people from additional targeting by the police, and **Seal Violations** related to this charge. The legislature must also pass **Stop Violence in the Sex Trades Act (S.3075/A.849)** to decriminalize sex work between consenting adults, which too often results in immigration and housing consequences for New Yorkers.

**PASSED**

New Yorkers also need safeguards to ensure that no state or local resources, including law enforcement resources, are used to fuel mass deportation or separate families. **New York for All (S.3076/A.2328)** will protect immigrants by barring law enforcement officers from sharing information with ICE or Customs and Border Patrol and prohibit law enforcement from entering agreements to double as ICE agents.



## THE ISSUES



# END THE WAR ON DRUGS + THE CRIMINALIZATION OF MENTAL ILLNESS

The criminalization of drug use has not been an effective method of prevention. Instead, it has created more dangerous conditions: enabling police harassment, subjecting more people to the violence of prisons and jails, and putting immigrants at risk of deportation since any arrest is logged in a database accessible by ICE.

It's time for New York to pass the **Marijuana Regulation and Taxation Act (S.854/A.1248)**, which establishes legal, regulated marijuana access for adults 21 and over, addresses the impacts of prior criminalization, establishes an equitable and diverse industry, and reinvests cannabis tax revenue in communities that have been most impacted by the drug war. It would also help prevent the detention and deportation of New Yorkers for minor marijuana offenses, which are the most common offenses triggering deportation.

New York also needs to provide **Treatment, Not Jails** to ensure off-ramps to incarceration for people with mental illness or mental health needs, and to **Decriminalize the possession and sale of syringes (S.2523/A.868) and buprenorphine (S.2524/A.612)** to promote access to proven public health measures for people who use drugs, rather than punishment, which increases the risk of fatal overdose.

## THE ISSUES



# DECARCERATE JAILS + PRISONS + END PERPETUAL PUNISHMENT

Each day in New York State, tens of thousands of people, disproportionately Black, brown and low-income, languish behind bars. New York must pass legislation that decarcerates jails and prisons, protects due process, and recognizes the potential all people have for growth and change.

The New York State Parole Board annually denies thousands of incarcerated New Yorkers their freedom, punishing them, their families and communities for years and decades beyond their minimum sentence.

New York's Parole Board has broad authority to deny parole based on the nature of the offense alone, no matter how much time has passed, and despite someone's accomplishments in prison and minimal public safety risk. New York must mandate that the Parole Board grant **Fair and Timely Parole (S.1415/A.4231)** to all parole-eligible people in prison unless they pose a clear risk of violating the law in ways that cannot be mitigated by community supervision. In addition, thousands of New Yorkers are serving prison sentences that amount to death-by-incarceration without any opportunity for release, no matter a person's growth and change over time.

**Elder Parole (S.15/A.3475)** addresses these inhumane sentences by allowing people in New York State prison aged 55 and older who have served 15 or more consecutive years to be considered for parole, regardless of their crime or sentence. In addition to addressing the ongoing injustices of the parole system, New Yorkers are also ready to dismantle systems of mass incarceration, and prioritize communities over cages through decarceral **Sentencing Reform** that eliminates mandatory minimums, reduces excessive maximum sentences, eliminates sentencing enhancements, and creates additional opportunities for people to be considered for release.

Even after people complete their sentences, New York's current system continues to punish people who face barriers to housing, jobs, deportation and ICE detention because of a criminal record. New Yorkers need a **Clean Slate (S.1553A)** through automatic criminal records expungement. They also need an opportunity to seek **Post Conviction Relief (S.266/A.98)** for offenses that New York has since decriminalized, for wrongful convictions, and for convictions based on faulty evidence or in violation of their rights.

## THE ISSUES



# PROTECT THE DIGNITY + OPPORTUNITY OF INCARCERATED PEOPLE

**New York must protect the rights, humanity, and access to education of incarcerated people. Right now in New York State, torture and forced labor are standard practices in prisons and jails.**

The United Nations defines solitary confinement beyond 15 days as torture, yet in New York State people routinely spend months, years, and even decades in solitary. This form of torture is disproportionately inflicted on Black and brown people and people with mental illness, drives an epidemic of suicide and self-harm behind bars, and increases rates of recidivism.

In pre-trial detention, solitary confinement also pressure people to accept harsh plea deals that in turn can trigger an ICE arrest, detention, and deportation. The legislature must pass the **HALT Solitary Confinement Act (S.2836/A.2277)** to end this torture.

New York must **End Forced Labor (S.308/A.3142)** by prohibiting compulsory work in prison. In addition, New York must **Restore Tuition Assistance Program (TAP) (S.4464/A.2322)** for incarcerated college students to ensure equitable access to higher education.

Respecting the dignity of all New Yorkers also requires recognizing everyone's right to gender self-determination. That's why New York must pass **Treatment and Placement of Incarcerated People based on Gender Identity (S.2809/A.691)**, which would ensure that people are placed and given access to commissary items based on their self-determined gender.

## THE ISSUES



### KEEP FAMILIES CONNECTED

**Families should be able to maintain connections with their incarcerated loved ones.**

The **Connecting Families (S.3512/A.3402)** bill package would make communication from prisons and jails more accessible and cost-free so that people do not have to choose between paying bills and keeping in touch with their loved ones.

Incarcerated people rely on these critical connections, whether they are fathers telling their children they love them before bedtime or immigrants preparing for deportation when they are released.

New York must also codify the **Right to In-Person Visits (S.2841/A.4250)** at all jails and prisons, so that families can spend time with their incarcerated loved ones in person, and not just through a screen.



## THE ISSUES



# END WEALTH EXTRACTION + INVEST IN OUR COMMUNITIES

Every day, New Yorkers are arrested and imprisoned because they cannot afford to pay fines and fees. The result is a racist system of taxation-by-citation that encourages policing-for-profit, criminalizes poverty, and endangers Black and brown communities.

This system of racialized taxation turns police and courts into debt collectors and imposes additional financial burdens on re-integrating New Yorkers. This is why New York must **End Predatory Court Fees (S.3979/A.2348)** and **Eliminate Parole and Probation Fees**.

Addressing systemic harms of the criminal and immigration systems means investing in and supporting the people who have been harmed by these systems. **Fund Excluded Workers (S.4482/A.5092)** accomplishes this by making emergency resources available for workers who have been left out of unemployment benefits, including undocumented New Yorkers and people recently released from prison and immigration detention.

In addition, New York must also invest in a right to counsel for all immigrants facing deportation through the **Access to Representation Act (S.81/A.1961)**, which would enact the first right to counsel for immigrants and help stabilize immigrants' lives.

## THE ISSUES



# ACHIEVE YOUTH JUSTICE

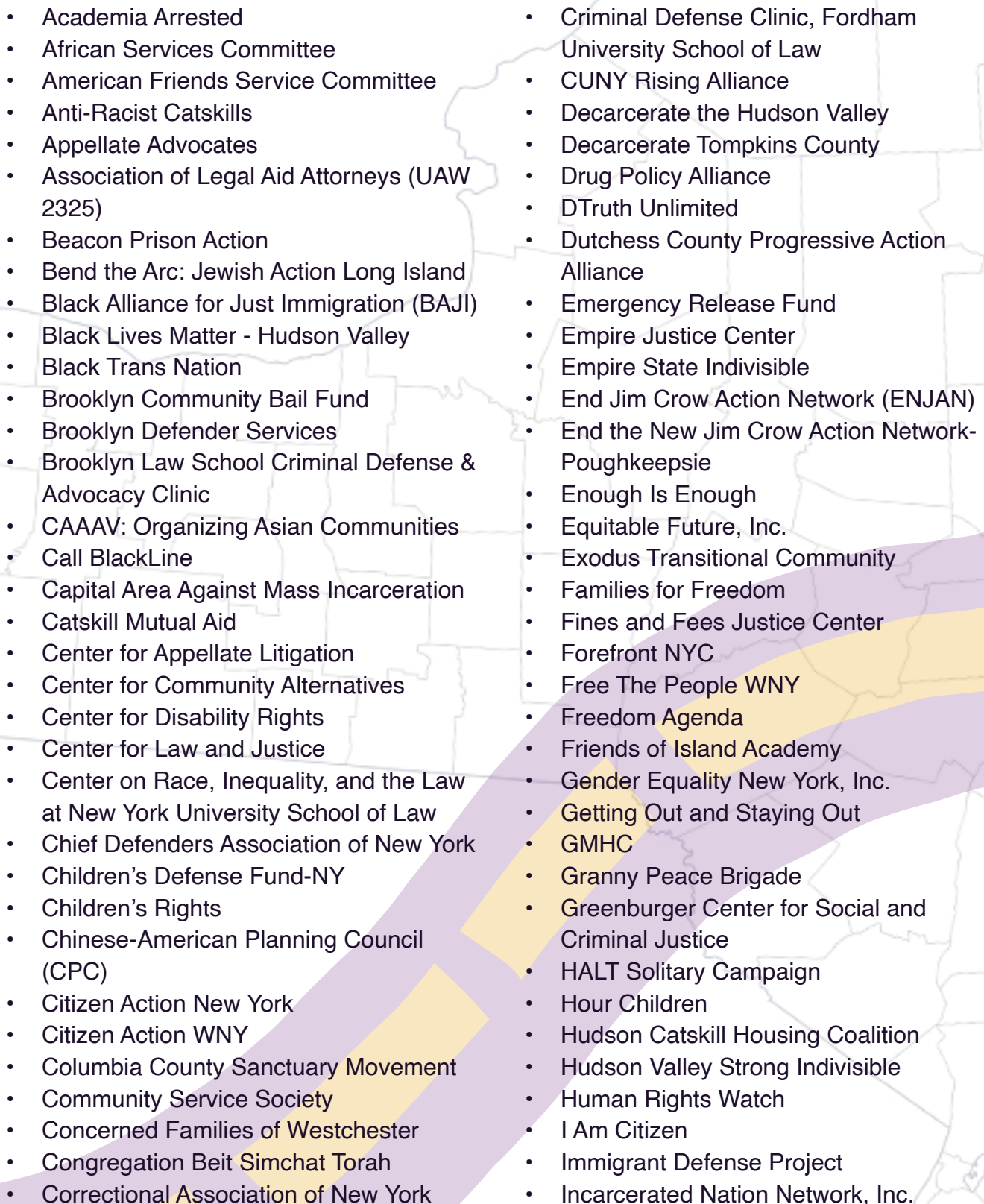
**New York must pass a Youth Justice Agenda in line with the latest neuroscience research on brain development.**

We need a new **Young Adult Status (A.3536)** that provides protections for court-involved people who are 25 or younger, as well as expanded eligibility for Youthful Offender (YO) status. Because YO adjudications do not trigger many of the harshest detention and deportation consequences, they are also a critical protection for immigrant youth.

For young people who were eligible for YO status but did not receive it, they should be given a **Second Chance (S.282)** for a redetermination after five years.

Finally, by **Raising the Age of Juvenile Delinquency (S.4051/A.4982)** from 7 to 12 years old, New York can end the criminal punishment of elementary school-aged children.

## ENDORISING ORGANIZATIONS

- 
- Academia Arrested
  - African Services Committee
  - American Friends Service Committee
  - Anti-Racist Catskills
  - Appellate Advocates
  - Association of Legal Aid Attorneys (UAW 2325)
  - Beacon Prison Action
  - Bend the Arc: Jewish Action Long Island
  - Black Alliance for Just Immigration (BAJI)
  - Black Lives Matter - Hudson Valley
  - Black Trans Nation
  - Brooklyn Community Bail Fund
  - Brooklyn Defender Services
  - Brooklyn Law School Criminal Defense & Advocacy Clinic
  - CAAAV: Organizing Asian Communities
  - Call BlackLine
  - Capital Area Against Mass Incarceration
  - Catskill Mutual Aid
  - Center for Appellate Litigation
  - Center for Community Alternatives
  - Center for Disability Rights
  - Center for Law and Justice
  - Center on Race, Inequality, and the Law at New York University School of Law
  - Chief Defenders Association of New York
  - Children's Defense Fund-NY
  - Children's Rights
  - Chinese-American Planning Council (CPC)
  - Citizen Action New York
  - Citizen Action WNY
  - Columbia County Sanctuary Movement
  - Community Service Society
  - Concerned Families of Westchester
  - Congregation Beit Simchat Torah
  - Correctional Association of New York
  - Criminal Defense Clinic, Fordham University School of Law
  - CUNY Rising Alliance
  - Decarcerate the Hudson Valley
  - Decarcerate Tompkins County
  - Drug Policy Alliance
  - DTruth Unlimited
  - Dutchess County Progressive Action Alliance
  - Emergency Release Fund
  - Empire Justice Center
  - Empire State Indivisible
  - End Jim Crow Action Network (ENJAN)
  - End the New Jim Crow Action Network-Poughkeepsie
  - Enough Is Enough
  - Equitable Future, Inc.
  - Exodus Transitional Community
  - Families for Freedom
  - Fines and Fees Justice Center
  - Forefront NYC
  - Free The People WNY
  - Freedom Agenda
  - Friends of Island Academy
  - Gender Equality New York, Inc.
  - Getting Out and Staying Out
  - GMHC
  - Granny Peace Brigade
  - Greenburger Center for Social and Criminal Justice
  - HALT Solitary Campaign
  - Hour Children
  - Hudson Catskill Housing Coalition
  - Hudson Valley Strong Indivisible
  - Human Rights Watch
  - I Am Citizen
  - Immigrant Defense Project
  - Incarcerated Nation Network, Inc.

## ENDORISING ORGANIZATIONS

- Innocence Project
- Interfaith Peace Network of WNY
- It Could Happen To You
- Jews for Racial & Economic Justice
- Jim Owles Liberal Democratic Club
- John Jay College Institute for Justice and Opportunity
- Judson Memorial Church
- Justice 4 Women Task Force
- Justice and Unity for the Southern Tier
- Justice For Families
- Laloon
- LatinoJustice PRLDEF
- Legal Action Center
- Legal Aid Bureau of Buffalo
- Legal Aid Society
- Legal Aid Society of Nassau County
- Legal Services Staff Association, NOLSW/ UAW 2320
- LIFE Progressive Services Group Inc.
- Long Island Activists
- Long Island Black Alliance
- Long Island Network for Change (LINC)
- Long Island Progressive Coalition
- Long Island Social Justice Action Network
- Make the Road NY
- Marsha P. Johnson Institute
- Memorial United Methodist Church
- Met Council Action
- Met Council on Housing
- Mid Hudson Valley Democratic Socialists of America
- Monroe County Public Defender's Office
- Nassau County Jail Advocates
- National Action Network NYC Chapter Second Chance Committee
- National Alliance on Mental Illness (NAMI) - Huntington
- National Alliance on Mental Illness (NAMI) - NYS Criminal Justice
- National Alliance on Mental Illness (NAMI) - Queens
- National Lawyers Guild Rochester
- Neighborhood Defender Service of Harlem
- Neighbors Together
- New Hour
- New Hour for Women & Children - Long Island
- NEW Pride Agenda
- New Sanctuary Coalition
- New York City Jericho Movement
- New York Civil Liberties Union
- New York Civil Liberties Union - Nassau Chapter
- New York Communities for Change
- New York County Defender Services
- New York Immigration Coalition
- New York Social Action
- New York State Association of Criminal Defense Lawyers (NYSACDL)
- New York State Coalition Against Sexual Assault
- New York State Prisoner Justice Network
- New York State Youth Leadership Council
- >NNLB
- Nobody Leaves Mid-Hudson
- Nonprofit Finance Fund
- NY02 Indivisible
- NYC Metro Raging Grannies
- Office of the Appellate Defender
- Onondaga County Bar Assoc. Assigned Counsel Program
- Open Arms
- Parole Preparation Project
- Partnership for the Public Good

## ENDORISING ORGANIZATIONS

- 
- Peaceprints of WNY
  - PEER: Progressive East End Reformers
  - Prison Families Anonymous
  - Prison Writes
  - Prisoners Are People Too
  - Public Interest Resource Center, Fordham Law School
  - Quakers-Religious Society of Friends, NY Yearly Meeting
  - Release Aging People in Prison Campaign
  - Resource Generation NYC
  - Rise And Resist NYC
  - Rise Up Kingston
  - Robert F. Kennedy Human Rights
  - Rockland Citizens Action Network
  - Rockland Coalition to End the New Jim Crow
  - S.T.O.P. - The Surveillance Technology Oversight Project, Inc.
  - S.T.R.O.N.G. Youth, Inc.
  - Shape Consulting Inc
  - Showing Up for Racial Justice (SURJ) - NYC
  - Showing Up for Racial Justice (SURJ) - ROC
  - Showing Up for Racial Justice (SURJ) - Westchester
  - Silent Cry Inc.
  - Sister of St. Joseph, Brentwood NY Office of Justice, Peace, Integrity of Creation
  - Spoke and Feather
  - TakeRoot Justice
  - Tenants Political Action Committee
  - The Bronx Defenders
  - The Fortune Society
  - The Gathering for Justice
  - The Lesbian, Gay, Bisexual & Transgender Community Center
  - The Newburgh LGBTQIA+ Center
  - The Osborne Association
  - The Safe Center LI
  - The Women's Community Justice Association
  - Trellis
  - Turning Points Resource Center
  - United Auto Workers Region 9A
  - United Christian Leadership Ministry
  - United Voices of Cortland
  - UnLocal
  - Upstate Downstate Housing Alliance
  - Uptown Progressive Action
  - Village Independent Democrats
  - Violence Intervention Program
  - Visionary V
  - VOCAL-NY
  - Wayne County Public Defender
  - WESPAC Foundation, Inc.
  - Westchester Coalition for Police Reform
  - Westchester for Change
  - Witness to Mass Incarceration Inc.
  - WNY Peace Center
  - Women & Justice Project
  - Women's Diversity Network
  - Worker Justice Center of New York
  - Worth Rises
  - Yonkers Sanctuary Movement
  - Young Adult Perspective Project
  - Young Invincibles
  - Young Long Island for Justice
  - Youth Represent

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