

# J Justice Roadmap



2022



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We are human rights and social 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.

The Justice Roadmap is a legislative agenda designed to address the deeply interconnected harms caused by the criminal legal and immigration systems. It is a path to decarcerating jails, prisons, and immigration detention centers and ensuring the basic human dignity and core constitutional and human rights of all New Yorkers.

True community safety comes from affordable housing, quality healthcare and robust educational and economic opportunities. But instead of these investments, New York has built and expanded systems of criminalization and incarceration. Harmful and racist notions of criminality are weaponized to fearmonger and justify dehumanizing conditions and treatment, deny basic rights, permanently exile individuals from their communities through incarceration and deportation, and extract resources from economically-distressed communities. These systems are defined by violent policies, structural oppression, and a culture of punishment that criminalizes Black and brown people, families, and communities.

In 2022, 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 (S.1991/A.4331)
- Stop Police Misconduct during Interrogations (S.324A/A.6570), (S.2800B/A.5891B)
- Transparency in Police Custody (S.1184/A.5264A)
- Ban Use of Invasive Surveillance Technologies by Police (S.1347/A.6124)
- New York For All (S.3076/A.2328)

## **Stop Criminalizing Mental Illness, People Who Use Drugs, and Workers**

- All Drug Decriminalization (S.1284/A.7109)
- Treatment Not Jail (S.2881A)
- Daniel's Law (S.4814/A.4697)
- Street Vendor Legalization Act (S.1175A/A.5081A)
- Stop Violence in the Sex Trades (S.3075/A.849)

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

- The PromPT Stability Act (S.2832/A.4558)
- Ban Coercive Appeal Waivers (S.1280/A.5687), (S.1281/A.5688)
- Eliminate Mandatory Minimums Act, Second Look Act and Earned Time Act
- Youth Justice & Opportunity Act (A.3536/S.5749)
- Fair and Timely Parole (S.7514/A.4231) and Elder Parole (S.15/A.3475)
- Clean Slate Act (S.1553B/A.6399A)
- Post Conviction Relief (S.266/A.98)
- Dignity Not Detention (S.7373/A.7099A)

## **Protect the Dignity and Opportunity of Incarcerated New Yorkers**

- Gender Identity Respect, Dignity and Safety Act (S.6677/A.7001A)
- Restore Tuition Assistance Program (TAP) for Incarcerated Students (S.4464/A.2322)
- Voting Rights for Incarcerated People (S.3073/A.6646)
- Connecting Families (S.3512A/A.3096A)
- Right to In-Person Visits (S.2841/A.4250)

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

- End Predatory Court Fees (S.3979C/A.2348B)
- Access to Representation Act (S.81/A.1961)
- Stop Immigration Bond Abuse Act (S.3509/A.7770)

## 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 (S.1991/A.4331)** because communities should be empowered to hold New York law enforcement accountable. We must also create **Transparency in Police Custody (S.1184/A.5264A)** to help family members and lawyers locate people after they are arrested and jailed by police, to ensure that their basic rights are upheld.

New York's police officers have a well-documented history of extracting false convictions, often by lying to the accused. To address police misconduct during interrogations, the police must be prohibited from **Lying in Interrogations (S.324/A.6570)**, and New York must require a consultation with an attorney before **Police Interrogations of Young People (S.2800B/A.5891B)**.

The legislature must also ban the use of invasive surveillance technologies by police, such as the **Rogue DNA Database (S.1347/A.6124)**, which includes DNA samples secretly collected from people without their knowledge, and **Biometric Surveillance and Facial Recognition**, with its well-documented misidentification of Black and other people of color by law enforcement agencies, including Immigration and Customs Enforcement (ICE).

ICE continues to lean on local law enforcement and local government agencies to search for, arrest, and deport people, and to separate families in our state. **New York for All (S.3076A/A.2328A)** will protect immigrants from being funneled to ICE or Customs and Border Patrol by ensuring that no state or local resources are used to fuel deportations and separate families, and ending local law enforcement agreements to double as ICE agents.



## THE ISSUES



# STOP CRIMINALIZING MENTAL ILLNESS, DRUG USE + WORKERS

The criminalization of drug use and mental illness has not been an effective method of prevention and treatment. Instead, it has created more dangerous conditions: enabling police harassment and subjecting more people to the violence of prisons and jails. And for immigrants, a single substance-related arrest can result in detention and deportation by ICE.

Treating drug use as a public health issue, not a criminal legal system one, has proven a more successful model for expanding access to treatment and reducing fatalities, while also working to address extreme racial disparities in enforcement. **All Drug Decriminalization (S.1284/A.7109)** would eliminate criminal penalties for low-level drug possession and the possession of personal use drug paraphernalia, and also allow for the expungement of arrest and conviction records for drug possession. And by passing **Treatment Not Jail (S.2881A)**, New York can provide an off-ramp from the criminal legal system that allows New Yorkers with mental health needs to obtain robust treatment and support in their communities, rather than languish in jail.

New York designates police as the default responders to individuals in crisis, with devastating results, like when Daniel Prude, a Rochester resident who was experiencing an acute mental health crisis, died after police held him face down on the pavement until he stopped breathing. **Daniel's Law (S.4814/A.4697)** would remove police as the default solution to address mental health and substance use needs, and assign mental health professionals as first responders to mental health crises.

Police harassment and violence stems in part from the criminalization of survival economies. By passing the **Street Vendor Legalization Act (S.1175A/A.5081A)**, New York can end the criminalization and intimidation of street vendors by the police and allow vendors—primarily immigrants, women, and people of color—to continue feeding New Yorkers and enriching the culture of our city. Stop Violence in the **Sex Trades (S.3075/A.849)** would decriminalize sex work between consenting adults. Major international NGO's, Amnesty International, UN AIDS, scientist and researchers, and sex workers themselves support comprehensive decriminalization, which has been shown to be the best way to reduce police exploitation and violence, reduce STI transmission, reduce violence sex workers encounter, improve services for sex workers, and empower sex workers to use harm reduction tools.



# DECARCERATE JAILS + PRISONS + END PERPETUAL PUNISHMENT

The perpetual punishment inflicted by the criminal legal system begins long before someone is even convicted of a crime, and some of the most destabilizing judicial decisions are currently imposed on people without process of any kind. **The PromPT Stability Act (S.2832/A.4558)** grants the right to a hearing shortly after a temporary order of protection is issued in criminal court, seeking to reduce the harms of these orders when they are not warranted. For New Yorkers pursuing appeals after being sentenced, New York should also **Ban Coercive Appeal Waivers (S.1280/A.5687) (S.1281/A.5688)**, which are often extracted by prosecutors pressuring people to take bad plea deals, and allow courts to review sentences and orders denying motions to suppress evidence.

Each day in New York State, tens of thousands of people, disproportionately Black, brown and low-income, languish behind bars. Nearly 75% are Black and brown. After a half-century of racist and draconian sentencing laws, New York must pass the **Eliminate Mandatory Minimums Act, Second Look Act, and Earned Time Act**, which would eliminate mandatory minimums and two- and three-strike laws, address excessive sentences, and create additional opportunities for people to be considered for release. Given the clear brain science research on emerging adulthood, the legislature must also pass **The Youth Justice & Opportunity Act (A.3536A/S.5749)**, which would expand alternatives-to-incarceration and sealing for offenses committed by young people up to age 25.

New York must also pass key parole justice legislation. No matter how much time has passed, New York's Parole Board often denies parole based on the nature of the offense alone, despite someone's accomplishments in prison and minimal public safety risk. **Fair and Timely Parole (S.S7514/A.4231)** would ensure that the Parole Board evaluates already parole-eligible people based on who they are today, including their rehabilitation, personal transformation and their current risk of violating the law. To address very long and life sentences that amount to de facto death penalty sentences, **Elder Parole (S.2144/A.9040)** allows people in New York State prison aged 55 and older who have served 15 or more consecutive years an opportunity to be considered for parole.

Even after people complete their sentences, punishment continues in the form of barriers to housing and jobs, and in the endless threat of deportation and ICE detention based on past convictions. New Yorkers need a **Clean Slate (S.1553B/A.6399A)** through automatic criminal records sealing, and 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 rights.

Immigration detention continues the cycle of perpetual punishment. **Dignity Not Detention (S.7373/A.7099A)** would end ICE's contracts with our local jails, reuniting people with their families and communities while also enabling them to more capably fight deportation.

## THE ISSUES



# SECURE THE DIGNITY AND OPPORTUNITY OF NEW YORKERS BEHIND BARS

When faced with the dehumanizing effects of prison, incarcerated people—and their families and friends—can lose hope and purpose. New York can secure dignity and opportunity for New Yorkers by **Restoring the Tuition Assistance Program (TAP) (S.4464/A.2322)** for incarcerated college students, which not only expands access to education, but also benefits the overall health and well-being of the communities that formerly incarcerated people return to.

Respecting the dignity of all New Yorkers also requires recognizing everyone's right to gender self-determination. That's why New York must pass the **Gender Identity Respect, Dignity and Safety Act (S.4702A/A.5257A)**, which would ensure that people are placed and given access to commissary items based on their self-identified gender.

The disenfranchisement of people in prison is rooted in New York's past racist policies designed in the 1800s to deny Black people the right to vote. New York can undo the ongoing legacy of this policy and the systematic disenfranchisement of Black and Latinx New Yorkers by **Restoring Voting Rights for People in Prison (S.3073/A.6646)**.

Penalizing families for supporting their loved ones behind bars is cruel. The **Connecting Families** bill package would make phone calls in prison free so that people do not have to choose between paying the bills and being there for the people they love. New York must also codify the **Right to In-Person Visits (S.2698/A.2483)** in 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. New York must **End Predatory Court Fees (S.3979C/A.2348B)**, which are part of a racist system of taxation-by-citation that encourages policing-for-profit, criminalizes poverty, and endangers Black and brown communities. This legislation would eliminate court, parole and probation fees, as well as mandatory minimum fines, and would end the practice of arresting and incarcerating people solely for an inability to pay fines and fees.

Addressing systemic harms of the criminal and immigration systems means investing in and supporting the people who have been harmed by these systems. New York must 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 **Stop Immigration Bond Abuse Act (S.3509/A.7770)** would restrict private immigration bond companies from requiring electronic monitoring devices and establish licensing requirements for private bond companies.