

Platform for Challenging Incarceration in NY

The system of incarceration in New York continues to destroy people, families, and communities. Rooted in the ongoing legacy of slavery, Jim Crow segregation, and ghettoization, New York's policing, jails, and prisons are at their core driven by racism, dehumanization, and otherization. Black people in particular are targeted for criminalization, policing, incarceration, and other state violence and torture. Women, queer, transgender, and gender non-conforming people are also targeted, as are other marginalized people, including Latino, Native American, and Muslim people, as well as poor people of all backgrounds. Because incarceration is a tool and product of the intersectional oppression of our people and communities, a paradigm of punishment infuses the incarceration system. The results are atrocities ranging from police killings and violence, to predatory prosecutions and extreme sentence lengths, to solitary confinement and guard brutality, to repeated denials of parole and opportunities for education, to lack of support and perpetual barriers to reintegration.

It is the aim of our collective movement to push for concrete policies and undertake specific actions to dismantle this racist and patriarchal incarceration system in New York and reconstruct our state through caring and empowered communities with control over the decisions and resources that affect our own lives. To enhance true public safety and build stronger communities, New York must shift focus and resources away from the violence of incarceration and toward the services, programs, support, healing, transformation, and empowerment that help communities thrive. Specifically, we aim to: 1) End mass incarceration; 2) Promote community empowerment, education, reconstruction, and control; 3) End state violence and torture and shift away from the punishment paradigm; and 4) End structural racism, ensure a focus on women, LGBTI people and gender non-confirming people, and protect the human rights of all people. Each of these categories of change is interconnected with one another and all must be enacted in order for any to be meaningful. The following measures within each category are stepping stones toward these broader changes that New York policy-makers can and must enact today. We call on NY legislators and the Governor to enact and effectively implement all aspects of this platform.

1) End mass incarceration

Reduce the number of prisons, jails, youth prisons, and other places of involuntary detention, as well as the number of people incarcerated in any of those facilities in New York State and the length of time they are incarcerated.

- **SAFE Parole Act**, A. 2930 / S. 1728: require the Parole Board to base its decisions on applicants' readiness for reentry, specify what an applicant who has been denied can do to be released, and grant release to those who complete the requirements and demonstrate their readiness.
- **Raise the Age**: meaningfully raise the age of criminal responsibility from 16 to at least 18 for all children and all crimes, and keep all children out of adult jails and prisons.
- **Raise the age of "youthful offender" status** – S.1010/A.5022: Increase the maximum age of a person to be deemed a youth for "youthful offender" (YO) status from nineteen to twenty-two to give judges the option of immediately sealing offenses committed by young people whose behaviors are linked to their evolving impulse control abilities.
- **Bail Reform**, A. 8551 / S. 6061: prohibit setting bail to secure attendance of a defendant at a future court proceeding, establish a preference for release on a defendant's own recognizance or release subject to conditions established by the court.

- **Ensure Speedy Trial Time Limits**, A. 8296A / S. 5988A: allow courts to determine prosecutors' actual readiness for trial as well as whether an adjournment period should be included for purposes of time computations for speedy trial protections.
- **Change the Makeup of the Parole Board**, A. 6396: Mandate that Parole Board membership reflects the prison population in terms of race, ethnicity, age, and geographic area of residence, and additionally mandate that at least one-third of commissioners have at least five years of experience in social work or reentry work.
- **Ensure parole decisions are based on risk and rehabilitation**, A. 9960: Clarify that the Parole Board must base its decisions on risk and needs principles measuring people's rehabilitation.
- **Release aging people from prison** through parole, clemency, medical parole, other mechanisms.
- **Stop jail expansion** throughout New York State and rather than construct new jails to limit overcrowding: implement bail reform, reduce arrests, and expand alternatives to incarceration.
- **End life without parole**, adopt a **reentry-oriented sentencing code**, reduce re-incarceration on technical violations, and overall reduce sentence lengths and promote alternatives to incarceration.
- **Decriminalize drugs** – Marijuana Regulation & Taxation Act, A. 3089A/S. 1747, Fairness and Equity Act, A. 6218 / S. 137 (de-criminalize public possession), A. 10092 / S. 8047 (sealing marijuana convictions) – and overall take a **public health, harm reduction, ATI approach**.
- **Reduce the policing of people who use drugs**. Take all the necessary steps to authorize and **establish Supervised Injection Facilities** as a public health intervention to reduce HIV and viral hepatitis transmission and overdose deaths, to promote access to drug dependency treatment and other supportive care, to increase public safety and to reduce policing and corrections involvement of people who use drugs.
- Expand and improve **mechanisms that are alternatives to criminal court and incarceration**, including restorative and transformative justice, mediation, drug and mental health courts, and alternatives to incarceration programs.
- **End the Criminalization of Condoms Act, A. 7671 / S. 5638**: prohibit the use in evidence the fact of possession or presence of condoms and other sexual and reproductive health devices.

2) Establish community empowerment, reconstruction, and control

Empower the people and communities most directly impacted by the policing, legal justice, and incarceration systems, move funding and resources from incarceration and policing to community enrichment, transform prison-dependent economies, and build on transformative justice strategies.

- **Voting Rights for All People**: provide the right to vote for all people who are incarcerated in prisons and jails in New York.
- **Voting rights for parolees**, A. 7634 / S. 2023A: restore the rights of people to vote upon being released from incarceration, rather than requiring a person on parole to wait to be able to vote until discharge from parole.
- **Tuition Assistance Program (TAP) restoration** for people incarcerated, **A. 2870 / S. 2975**: restore eligibility of people who are incarcerated to receive financial aid to attend college, and also expand and improve other program opportunities for people incarcerated.
- **Fair Access to Education Act**, S. 969 / A. 3363: prohibit colleges from asking about or considering applicants' past arrest or conviction history during the application admissions decision-making process.

- **Ban the Box for employment**, A. 2990 / S. 2029: prohibit any prospective employer from asking about a criminal conviction unless the employer makes a conditional offer of employment.
- **NY Dream Act**, A. 4311A / S. 1251B: allow undocumented students who meet in-state tuition requirements to access state financial aid and scholarships for higher education (as part of a vision of reconstructing a new New York providing support and resources to our communities).
- Expand **reentry/reintegration** support, including housing, employment, services.
- Institute local **community control over policing**.
- Expand **restorative and transformative justice**.
- Promote **family ties** to people incarcerated, including by incarcerating people closer to home, protecting parental rights, restoring the free bus program, and increasing family reunion program and general visits.
- Promote **economies and job opportunities alternative to prisons/jails**, including agriculture, alternative energy, public schools, SUNY/CUNY, and other socially positive development.
- Reinvest resources away from incarceration and policing to **education, housing, health, and human services** that strengthen communities.

3) End state violence and torture and shift away from punishment paradigm

End all state inflicted violence and torture, including police brutality and killings, correction officer brutality and killings, sexual violence, the torture of solitary confinement, and the violence of imprisonment itself, and fundamentally shift away from the punishment paradigm in the justice system and throughout our societal institutions, and toward empowerment, growth, healing, and transformation.

- **HALT Solitary Confinement Act**, A. 4401 / S. 2659: end the torture of solitary confinement and create more humane and effective alternatives.
- **Close Attica**, and other state prisons, and stop brutality and abuses in all prisons.
- **Close Rikers** and other jails, and stop brutality and abuses in all jails.
- **Correctional Ombudsman** to expand oversight and accountability, **A. 9939 / S. 8059**: create an independent public oversight agency to monitor New York prisons, investigate complaints, and bring transparency, fairness, impartiality, and accountability.
- **Stop sexual assaults** and abuse in prisons and jails.
- Provide greater access to **comprehensive quality medical care** – including reproductive health care – in the outside community, in prisons and jails, and through continuity of care upon return from incarceration to the outside community.
- **Stop police shootings and brutality, and enact police accountability** and reforms (such as **A. 7698A / S. 6001A** – Police STAT Act for uniform collection of info on police activity, and Community Safety Act in NYC).
- **Seal records** for charges related to marijuana possession, **A. 10092 / S. 8047**, and allow for applications for sealing of record of conviction after crime-free period of time, **S. 2344**.
- **End school to prison pipeline**, including through peer mediation, conflict resolution, restorative and transformative justice, guidance counseling, mentoring, and parental & community support.

4) End structural racism, ensure a focus on women and LGBTI people, and protect the human rights of all people – including groups disproportionately harmed by the punishment system

In addition to other elements of the platform that will help dismantle structural racism, there must be further efforts to create racial justice, including through healing, community empowerment, and the provision of reparations to people and communities devastated by the incarceration system. Ensure that the impact of all of the above on women and LGBTI people, as well as the additional unique needs of and impacts of incarceration on women and LGBTI people, are at the forefront of all policy changes. Ensure all people – particularly those most targeted by the punishment system – are treated humanely, with dignity and respect, including queer, transgender, and gender non-conforming people, as well as people with mental health needs.

- Require **racial and ethnic impact statements** for justice legislation in NY and prohibit any policy that would exacerbate racial disparities.
- **Truth, Justice, and Reconciliation Commission** in NY, and/or other mechanisms for truth, reconciliation, and **reparations** related to the harms of mass incarceration and policing (in addition to slavery, segregation, etc.).
- **Reduce the incarceration of women and ensure the particular needs of women** who are incarcerated are addressed and protected.
- **Domestic Violence Survivors Justice Act (DVSJA)**, A. 4409B / S. 2036B: grant judges discretion to sentence domestic violence survivors convicted of offenses caused by that violence to shorter sentences or to alternative-to-incarceration programs instead of prison.
- **Protect people with mental health needs, and physical and cognitive limitations, in the community**, including through increased resources for community-based mental health care, crisis intervention teams and greater training of police officers, ATIs, and insanity plea reform.
- **Protect people with mental illness and physical and cognitive limitations, so long as they remain incarcerated**, including greater mental health care, better communication with families, expanded residential programs, making alternative mental health units more therapeutic and rehabilitative, and greater suicide prevention.
- **Support members of the LGBTI community**, including by ending over-criminalization and policing, keeping LGBTI people out of youth and adult prisons, ensuring LGBTI people's safety in the community and if incarcerated, and providing culturally sensitive interventions and support.
- **Discovery Reform**, S. 11 / S. 5996: improve greater access to information, reduce wrongful convictions, and facilitate more prompt disposition of criminal cases.
- **Release People On Time**: Ensure that no people are held in prison beyond their sentence's maximum expiration date, regardless of their crime of conviction, ease housing restrictions on people convicted of sex offenses, create more suitable housing options for people coming home from prison, and generate a separate waiting list for women awaiting shelter placement.
- **One Day to Protect NYers** (not yet introduced): reduce maximum penalty for A misdemeanors by one day to 364 days to protect immigrant New Yorkers from triggers to deportation.
- **End surveillance, infiltration, entrapment, and predatory prosecutions and incarceration** of Black, Latino, Muslim, Arab, and South Asian people and communities.
- Increase resources for, decrease caseload sizes of, and improve quality of **public defense**, including the Governor signing **A. 10706 / S. 8114** to commit NY State to fund public defense.