

We need to fundamentally transform the justice system and repair the harm done to our communities by mass incarceration.

CITIZEN ACTION!
OF NEW YORK



#DEMANDJUSTICE
TOOLKIT

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If we look to history, we see that slavery has arisen--time and time again--under new names: the Black Codes, Jim Crow, and now mass incarceration. The mass incarceration system is not broken. It's working exactly the way it was intended: to punish Black, Brown and low-income people and drive racial and socioeconomic inequity.

Each stage of the system has been designed to inflict the maximum punishment on the most vulnerable members of our society. Instead of repairing harm and creating accountability, the system multiplies harm, breaks apart families and creates lasting trauma.

It's time to end mass incarceration, fundamentally transform the system and repair the harm done to our families and communities. Partial reforms won't fix the problem. **We must have the courage to reimagine what justice looks like in New York State.**

The [#DemandJustice Campaign](#) is committed to building the power of impacted communities to achieve true transformative change.

THE POWER OF PROSECUTORS

The mass incarceration system is rigged to keep power in the hands of the few. The unchecked power of prosecutors, judges and law enforcement has allowed for racism, classism and punishment to shape the legal process.

As the top prosecutors, District Attorneys wield enormous influence over the legal process and the way a case moves forward. They are elected officials who hold the fates of everyday people in their hands by deciding whether to prosecute a case, divert it, or dismiss it altogether. They make charging decisions, sentencing recommendations, and oversee plea negotiations—where they hold all of the cards. District Attorneys are tasked with holding bad system-actors, police and public officials accountable—though far too often—this doesn't happen. In many cases, bail is ordered when and in the amount requested by prosecution.

For decades, District Attorneys and their professional organizations have stood in the way of critical changes that would balance the scales of power and ensure that all people—regardless of race or class—have a fair shot at justice. In 2019, the District Attorneys Association of New York (DAASNY), of which all current District Attorneys are a member, lobbied aggressively to block the important reforms to bail, discovery and speedy trial laws.

Prosecutors and police across the state have continued this coordinated fear campaign in an attempt to undermine the new laws before they even go into effect—using the same cynical playbook that created the crisis of mass incarceration. That's why we are fighting back to [#DemandJustice](#).

District Attorneys answer to almost no one--except to you--the voters.

HUMAN-FIRST LANGUAGE

“We believe we have the right to be called by a name we choose, rather than one someone else decides to use. We think that by insisting on being called “people” we reaffirm our right to be recognized as human beings, not animals, inmates, prisoners or offenders.”

– Eddie Ellis, Founder of the Center for NuLeadership on Urban Solutions

The use of language is deeply impactful, and society’s current way of discussing the justice system and justice-involved people is one that promotes mass incarceration and is rooted in racism.

Part of transforming justice is changing the way we speak about the system and the people who are trapped inside of it. Dehumanizing language upholds a culture and value system that perpetuates mass incarceration and criminalization in our communities. Those of us committed to fighting for justice must forcefully denounce the usage of dehumanizing language in all of its forms.

Acceptable Language: incarcerated person, formerly incarcerated person, person on parole, accused person

Not Acceptable Language: convict, criminal, felon, inmate, offender, parolee, perp, prisoner

LANDMARK PRETRIAL WINS

In 2019, New York passed a landmark overhaul of the pretrial system. Currently, 16,000 people are being caged in jails across the state, even though they have not been convicted. They are coerced into plea deals by prosecutors who withhold evidence about the case against them unless they go to trial.

Right now, 95% of cases end in a plea deal. Cases drag on for months and years while people sit in cells. But on January 1, 2020, when the laws go into effect, that will all change. [Read our explainer on the pretrial package!](#)

Bail, discovery and speedy trial reforms will dramatically reduce mass jailing, reign in the unchecked power of prosecutors and roll back discriminatory and unjust practices that decimate Black, Brown and low-income communities.

Decades of data and experience show us that more incarceration does not lead to greater public safety. Recent studies show that pretrial incarceration actually increases the likelihood that a person will be rearrested, because it worsens the root drivers of harm: poverty, trauma, housing instability, mental health and substance use issues.

Together, the three bills in the pretrial package:

- End money bail and guarantee pretrial release for a majority of charges
- Lessen the power of money to incarcerate in bail-eligible cases.
- Guarantee New Yorkers open, early and automatic access to the evidence in their case, so they are not left in the dark or coerced into plea deals
- Ensure that a “fair and speedy trial” actually means something in New York State by addressing loopholes that violate people’s constitutional right to a speedy trial.

If the laws are implemented effectively, estimates from the Vera Institute are that New York can expect a more than 40% reduction in the state’s pretrial jail population. People will be able to meaningfully engage in their defense, and fight their cases from home, instead of trapped in a cage. However, many District Attorneys and law enforcement officials are trying to undermine these reforms or find ways around them. We can’t allow those in power to chip away at the reforms our communities have spent decades fighting for.

TAKE ACTION TO #DEMANDJUSTICE!

It's critical that elected officials hear from you about your support for the new pretrial laws and ending mass incarceration! Call or schedule a meeting with your District Attorney and each of your Local and State Elected Officials. Invite representatives from allied organizations and defense attorneys to join the meeting.

Remember to let us know about what happens in your meetings! Email Clyanna at clightbourn@citizenactionny.org.

#DemandJustice from Your District Attorney

Call or schedule a meeting with your District Attorney, or District Attorney candidate, and demand that these urgent reforms are implemented properly. Invite representatives from allied organizations and defense attorneys to join the meeting. [Find Your District Attorney.](#)

- Ask them their position on the new laws, and what their plan is for implementation.
- Call on them to state their support of the new laws in an op-ed or public statement.
- Ask them to commit to ending the practice of overcharging or upcharging to secure the upper hand in plea negotiations.
- Don't manipulate plea deals by making them dependent on waiving speedy trial rights.
- Demand that they make comprehensive pretrial data available to the public.

#DemandJustice from Your County Elected Officials

Call or schedule a meeting with your County Executive, Legislator, or County Legislator candidate, and call for a commitment to pretrial decarceration, strong implementation of the pretrial package and greater budget investment in community-based social services and pretrial supports. [Find Your County Legislator!](#)

- Ask them to state their support for the new laws in an op-ed or public statement, and to share their plan for implementation with you and the public.
- Ask how they plan to hold prosecutors accountable to implementing the pretrial laws as intended and to publicly release their implementation plans.
- Commit to investing in community-based services and resources, not jails, prisons, parole and probation. That includes education, housing, health care, mental health and substance use support.
- Ensure the police have the proper training to carry out the field appearance ticket guidelines in the new bail law, and put accountability mechanisms into place.
- Ask your county legislature to set up a pretrial implementation committee (including community groups, public defenders, and impacted people) that will ensure proper support services, training and an effective reminder system, as well as law enforcement accountability.
- Introduce and advance comprehensive pretrial data transparency legislation at the local level.

#DemandJustice from Your State Legislators

Call or schedule a meeting with your State Assemblymember, Senator, or candidates, and call for a commitment to pretrial decarceration, strong implementation of the pretrial package, and greater budget investment in community-based social services and pretrial supports. [Find your Senator!](#) [Find your Assemblymember!](#)

- Tell them you are a strong supporter of the new pretrial laws. If they are a Democrat, they voted in support of these laws. Thank them for supporting these important changes that will improve the lives of countless New Yorkers!
- Ask them for information on the state's implementation plan for the new pretrial laws - and to get and share updates on the plan from the Governor, OCA and DCJS.
- Ask how they plan to hold the District Attorney and local law enforcement accountable to implementing the pretrial laws as intended by the Legislature.
- Commit to investing in community-based services and resources, not jails, prisons, parole and probation. That includes education, housing, health care, mental health and substance use support.
- Support comprehensive pretrial data with public reporting, and \$75m for pretrial supports in the 57 counties outside of NYC.
- Ask them to help generate media in support of the new pretrial laws by writing op-eds, public statements, etc.

#DemandJustice from Governor Cuomo

Call or schedule a meeting with Governor Cuomo, and call for a commitment to pretrial decarceration, strong implementation of the pretrial package, and greater budget investment in community-based social services and pretrial supports. [Contact Governor Cuomo!](#)

- Tell the Governor you are a strong supporter of the new pretrial laws.
- Ask for information on the state's implementation plan for the new bail, discovery and speedy trial laws - and for updates from his pretrial implementation taskforce.
- Ask about how his office will hold District Attorneys and law enforcement accountable to implementing the pretrial laws as intended by he and the Legislature.
- Commit to investing in community-based services and resources, not jails, prisons, parole and probation. That includes education, housing, health care, mental health and substance use support.
- Support comprehensive pretrial data with public reporting, and \$75m for pretrial supports in the 57 counties outside of NYC.
- Ensure the police have the proper training to carry out the field appearance ticket guidelines in the new bail law, and put accountability mechanisms into place.
- Ask Governor Cuomo to generate media in support of the new pretrial laws by writing op-eds, public statements, etc.

Create a Community Network & Spread the Word!

Talk about the importance of the new laws in your community, share this toolkit and other information - ask folks to get involved! Create a list of local service providers, faith communities and community based services - including healthcare, housing, mental health, substance use, support groups, etc. - get them engaged and see if they are interested in creating a network of pretrial service providers.

Write a Letter to the Editor or Op-Ed

We need to be the people shaping the public narrative about these new laws, and talking about their importance. Your voice matters! Submit a letter to the editor or opinion piece to your local newspaper. Shorter pieces have a higher chance of being published. Consider hosting a letter writing party. **Talking points and facts to use:**

- All people deserve the presumption of innocence and protections against being incarcerated pretrial.
- Jailing people pretrial hurts our communities and weakens our economy by pushing families to the margins of society and keeping them stuck in perpetual poverty.
- If New York were a country, it would have the sixth highest incarceration rate in the world. Visit Vera's [Empire State of Incarceration website](#) for facts on pretrial jailing in your county.
- Anyone who encounters the mass incarceration system should know that they will be treated with fairness and dignity, no matter the color of their skin or the size of their wallet.

- Jails and prisons are not social safety nets. We need to invest in actual solutions that help our communities.
- The current system fails to address the root causes of harm in our society: growing poverty and a lack of access to services, treatment, education, employment, healthcare and affordable housing.
- Thanks to these new laws, thousands of families will remain together and people won't risk losing their housing or job as a result of being jailed pretrial.
- We need to build on these successes and move toward a justice system that is fair and equitable for all.

You can find instructions for submitting your op-ed or LTE directly to your local news outlet by visiting their website, or you can email it to egeorge@citizenactionny.org and we can help you get it placed.

Tag Your Elected Officials on Social Media

Social media is a powerful tool for connecting with your elected officials and advocating for the issues you care about. Post and tweet your support for the new bail and discovery laws on social media and tag your elected officials! Show your support for elected officials who have been strong supporters of our justice work. Use the hashtag #DemandJustice in all posts. Take a selfie with a #DemandJustice sign. You can find social media handles for your electeds by searching on Twitter or on the internet.

Sample posts

For State Legislative Democrats, who all voted in support of these laws as part of the FY20 budget package:

- Thank you to @[NAME] for [HIS/HER/THEIR] fierce advocacy for justice. As a result of the new bail and discovery laws, families will be reunited and communities will be kept whole. #DemandJustice

For any of your elected representatives:

- @[NAME] - I am a constituent who believes in fairness, transparency and an end to mass incarceration. The new bail and discovery laws bring us closer to real justice and true safety for communities. #DemandJustice

SHARE YOUR STORY!

We're humanizing and bringing the voice of real people who have been impacted by mass incarceration – either directly or through the experience of a loved one – to the **#DemandJustice** campaign. These are voices that have been drowned out by the statistics, charts, videos, and presentations of “experts” – and experiences that deserve to be heard.

We are welcoming and making space for those with lived experience to guide us and share their stories with us. These stories will not be an exploitation of people's trauma, or an attempt to validate ourselves and the work we do, but will instead bring light to the importance of real people's experiences in this system and why we have so much more work to do.

We ask individuals who have been impacted first-hand or have had family or friends impacted by mass incarceration and criminalization to share their experiences, how the unchecked power of prosecutors has affected their lives, and how they feel about our wins and the new bail, discovery and speedy trial laws . While we would like to have all these questions answered, we want the conversation to flow organically. *For additional resources, see: [The Ethics of Storytelling](#)*

Submit Your Story

[Use our online form](#) or email your story to clightbourn@citizenactionny.org

Story Collection Questions

Full Name: _____ Year of Birth: _____

Address, including zip: _____

County: _____ Phone: _____

Email: _____

What was your first reaction to hearing about the new bail, discovery and speedy trial laws that were passed in New York State? Would the new laws have had any affect on your experience with the mass incarceration system? How did the old bail, discovery and speedy trial laws impact your life?

Bail Questions

Were you released or held in jail pretrial? Was bail set in your case / for how much?

Were you incarcerated pretrial because you couldn't make bail in the amount that was set? _____

Discovery Questions

Did you have access to the evidence against you (discovery materials)? _____

What was the final resolution/result of your case? Did you make a plea deal, or choose to go to trial? _____

[If they pled] What was your experience in the plea bargaining process like? What did the prosecutor and/or your attorney tell you about the benefits or costs of taking a plea? Did you feel like the process was fair and that you had options and enough information to make a good decision? _____

Speedy Trial Questions

How long was the process from the start of your case to conclusion - do you feel like your right to a speedy process was respected? _____

[If they went to trial] How long did it take you to get to trial? Did you feel like you had the information you needed and deserved to make good decisions for yourself? _____

Is there anything that you would like to share about your experiences with the prosecutor in your/your loved ones' case? Did you feel like you were treated fairly and justly? _____

District Attorney Questions

Do you know who your district attorney is? Do you know what they do? How do you feel about them? _____

LEARN MORE ABOUT #DEMANDJUSTICE AND JOIN OUR GROWING MOVEMENT

A membership with Citizen Action of New York is an investment in local leadership development at the grassroots level, and that's a promise. Our leaders are constantly pushing the edge of the possible.

Organizing at the grassroots amplifies the voices of communities so they can't be ignored - we wouldn't be able to do that without you. When you become a member you're making a direct impact on #DemandJustice and our other issues.

Join [#DemandJustice](#) and [Become a Citizen Action Member!](#)



QUESTIONS? WE CAN HELP!

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