January 30, 2019

Governor Andrew Cuomo
The Honorable Andrea Stewart-Cousins, Senate Majority Leader Elect
The Honorable Carl Heastie, Speaker of the Assembly

Dear Governor Cuomo, Senator Stewart-Cousins, and Speaker Heastie:

As we look ahead to the coming 2019 legislative session, we as faith leaders in New York wanted to take this opportunity to encourage passage of good bills in the coming session which will aide in decarcerating many of our residents who needlessly languish in our state’s jails.

In the Governor’s speech “A Moment of National Crisis: What Would FDR Do Today” we were encouraged by his observation that, in our criminal justice system, there is a different kind of justice for people with money than those who don’t have money. In light of this inequity, the Governor in his state of the state address proposed the elimination of cash bail while giving more deference to judges to determine whether a person, on their merits, would remain incarcerated pre-trial or be released. We are also heartened that, under the banner of eliminating cash bail, he is also advocating for a speedy trial so that we minimize pretrial detention. We also appreciate his call for discovery reform where defendants will fully have the right to see the evidence the prosecution has against them well in advance of a trial so that an adequate defense can be mounted. These are ideas we firmly embrace and they must be held together as we work towards the goal of decarceration. We look forward to studying the Governor’s more detailed proposals to seeing how they will actually end up translating into law. We are also eager to see what is proposed by both the Senate and the Assembly.

As these laws are shaped, we urge you to hold one goal in mind: keep people out of jail, who have no business being there, until they are convicted of an actual crime. It is well for all of us to remember that people held pre-trial can, within a short period of time, experience a more severe punishment that far exceeds the severity of the charges against them. People in jail, because they can’t afford bail, risk losing their car, their home, their job, and schooling. Losing custody of children and breaking up of marriages is also a by-product of this sort of needless incarceration. The compounding effect of this sort of incarceration is that the safety nets of our citizens become
severely frayed and we keep people in needless poverty. As they get caught up in the criminal justice merry go round, they become more vulnerable to risky behaviors which may get them in even more trouble and increase the likelihood of more time in prison.

As the three of you prepare your specific recommendations on elimination of cash bail and speedy trial and discovery reform, and shepherd these bills through the legislature, we caution you to pay very close attention to the specifics of these laws. Legislation, if crafted poorly, could make the problems they are trying to solve even worse. We must be careful not to use the word “cash bail”, “discovery reform” or “speedy trial” in such ways which mislead New Yorkers into thinking these proposals are more progressive than they are in actuality. In California, for instance, they passed a cashless bail system which sounded progressive. But the system was replaced with another system which make uses of e-incarceration algorithms which supposedly measure risk but are wildly discriminatory tools which are biased against people of color. The use of e-monitoring, where people must pay for expensive equipment monitoring equipment, becomes, in its own way, another vehicle to impose financial hardship on people who already can’t afford it. You have all received a very thoughtful letter from #FREEnewyork campaign by JustLeadership USA with very specific requests to craft legislation that do not repeat mistakes made in other locales and inflict them on New Yorkers. Katal Center for Health, Equity and Justice has also published a set of principles in its publication “It’s Time for Real Bail Reform”, that must guide the shape of any legislation. Many of us have signed on to the #FREEnewyork letter and also ascribed to the Katal principles. We ask that you study these documents very carefully and incorporate their proposals as best you can into your own proposals. The #FREEnewyork and Katal proposals are attached. We are pleased that Katal and #FREEnewyork have announced a joint cooperative relationship which we believe should be a foretaste of the cooperative work that needs to happen between the Executive and Legislative Branches.

As we make our way through this legislative session, we urge public hearings where legislators and the public can openly discuss and debate the different bills. You should make a particular effort to hear testimony from those who are struggling with the current system. It will also be important to openly and humbly delineate for the public the strengths and limitations of each proposal. It’s possible that the three of you, representing different branches of government, may come up with different versions of legislation for cash bail, discovery, and speedy trial. As these different bills are debated and reconciled, we ask that the needs of those who are most vulnerable in this system are kept in the forefront of your minds and that you not resort to political brinkmanship and recriminations resulting in no good legislation getting passed. This familiar political behavior in Albany, if allowed to happen when it comes to these issues, would be a particular tragedy and will effectively sentence too many New Yorkers to abject poverty.

We thank you for your efforts. We will hold you in prayer and we promise you both our support and our faithful critique through out the political process as we work together to come up with laws which are becoming of the progressive ideals of our state and lifts up and empowers the most vulnerable among us.
Growing List of Signers..

In faith,

Individuals

The Reverend Mark Chaffin, Albany, New York
Ms. Claire DeRoche, The Unitarian-Universalist Church of Shelter Rock
The Reverend Kate Dunn, Associate Pastor, Fifth Avenue Presbyterian Church
Sister Doreen Glynn, Province Justice Coordinator, Sisters of St. Joseph
The Reverend Alonzo Jordan, NAACP
The Reverend William Koenig, Advocate for Justice Ministries, Presbytery of New York
Mrs. Tinna Kopelow, Lynnbrook, New York
The Reverend Cheri Kroon, Minister, Plainview Reformed Church
The Very Reverend Don McCoid, Interim Bishop, Metropolitan New York Synod, Evangelical Church of America
Jacqueline Menagh, Town of Greenville, New York
The Reverend Andrew McPherson, Retired Elder, Presbyterian Church USA
Ms. Patricia Spencer, Port Washington, New York

Organizations

Ms. Maria Ceraulo, Social Justice Committee, Unitarian Universalist Church, Greenvale, New York
The Reverend Peter Cook, Executive Director, New York State Council of Churches
Rabbi Michael Feinberg, Executive Director, Greater New York Labor-Religion
The Reverend Renee Hollinshed, Executive Director, FOCUS Churches
Robb Smith, Executive Director, Interfaith Impact
The Reverend Lewis Stewart, President, United Christian Leadership Ministry of Western NY, Inc.