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**The City of New York
Community Board 8 Manhattan
Social Justice Committee
Monday, January 24, 2022 – 6:30PM
*This meeting was conducted via Zoom***

MINUTES

CB8 Members Present: Lori Bores, Sarah Chu, Saundra I. Coleman, Billy Freeland, May Malik, Wendy Machaver*, Rita Popper, Barbara Rudder, Russell Squire, Yma Rodriguez Thoma

*Public Member

1. Presenter: NYC Public Defender Eliza Orlins

- Orlins described her experience representing indigent defendants in NYC for over 13 years as a public defender. During the course of her presentation and in the course of the meeting, Orlins describes the problem of money bail, how NYS bail reform laws were rolled back, how the media coverage has not represented
- Money Bail:
 - Clients who can't afford to pay bail stay in jail. People with wealth can remain free and exercise their presumption of innocence.
 - Media coverage of bail law and DA Bragg's bail policy is intellectually dishonest.
- Participation in DA Bragg's Transition Committee revealed how entrenched some policies are and how hard change is to make.

Questions & Answers (paraphrased and summarized)

Q: Can you walk people through the process a defendant goes through from arrest to arraignment?

A: The person is brought to a local precinct and transported to booking where they are fingerprinted and interviewed by Criminal Justice Agency which uses a risk assessment to determine bail (based on a number of factors, like having a phone number, NYC address). Then the person is transferred to Early Case Assessment where they can be charged, or the prosecutor can decline to prosecute (DP). Their information is put into a file and given to the public defender. Arraignment typically occurs within 24 hours, so courts run 9a-5p, 5p-1a, 365 days a year to accommodate this. Watch arraignments to see what is happening even if you are not part of Court Watch. The public defender then receives the case, meets the client for the first time in the courtroom, and the arraignment process proceeds. Plea bargains are incentivized because people can't afford even small amounts of bail (\$250) and are held in jail if they cannot pay. DP has been shown to be successful and should be expanded.

Q: Most people on Rikers are pre-trial - they are innocent and have not been found guilty or innocent and are in prison because they are unable to afford bail.

Q: I thought there was bail reform and then it was changed. Why do we confuse bail with the crime rate going up?

A: Harvey Weinstein was able to get a prearranged set bail and did not spend one night in jail until he was found guilty despite having been charged with a violent sexual assault. This is why we need to end money bail. Even the original bail reform didn't go far enough - money bail should be ended because all it does is lock people up who cannot buy their freedom. The media coverage does a disservice to people who are trying to understand these issues in a nuanced way.

Q: Why does it take so long to go from jail to trial? Why does it take years? Why can't we make Rikers better?

A: It's a matter of changing the law. The law provides for 90 days for misdemeanor cases and 6 months for felonies under CPL 30.30. Some of my cases, one week into picking them up seem a lot worse than a year later. We should incarcerate no one before trial. Standard under the law in NY is whether someone will return for their court date. It shouldn't be based on the nature of the crime. People who are charged with the most serious crimes are the ones who show up because they have the most to lose.

Q: The homeless problem on the UES seems out of control - what can we do?

A: I think about this in terms of representing clients experiencing homelessness, targeted by police, and dehumanized by the criminal legal system. There are so many reasons why homelessness has become such a big problem, congregate shelters have been COVID spreaders, and many clients won't go there. This is a public health crisis. Housing is a human right, and we are failing thousands of New Yorkers every single day. The answer is not involving the police and locking people up. It costs \$1500/night to send someone to Rikers and how that money can be used to support housing. We need to stand up for New Yorkers who don't have homes.

A: There is a safe haven opening on the UES for unhoused people, about 80 beds. There has been a lot of resistance. People would rather be on the streets than in shelters. It used to cost \$3000/month to keep a family in a shelter. That's wasting money that could go to housing people.

Q: Can you share the data on the connection between pre-trial incarceration and recidivism?

A: When people are not incarcerated pretrial, they are less likely to recidivate, and have better outcomes in their cases, able to remain in their jobs and homes, and being a member of our. This makes our city is safer by not incarcerating people who are merely accused of crimes. Upwards of 96% of people return to court and remain in their lives. Innocent people's lives are destroyed because they can't afford to pay money bail. People who have convictions cannot reside in NYCHA. If they remain, they can be evicted and their families can be evicted too.

Q: I visited a community courthouse, and it had its own judge, someone familiar with the people in the community. This feels like a good model to keep people out of pre-trial incarceration. Why do we still have the current system?

A: Community Courts like the one in Redhook and Midtown are amazing. It's not just an alternative to detention, but it's an alternative to incarceration and offers services to put people on a better path. [Eliza recounts a moving story regarding a young woman who was given a second chance. Because a judge took a chance on her, she avoided incarceration and flourished.]

Q: What is happening in criminal courts in terms of alternative sentencing? What can we do to educate judges?

A: The previous Manhattan DA's office was extremely resistant to alternatives to incarceration (ATI). They forced clients to go to multiple proffers and force admission to crimes, forced them to turn over personal health records, discuss every trauma of their lives, and comb through them before deeming them worthy of ATI. The things that keep me up at night are people who go to prison who are innocent or who didn't have a chance. We are 3.5 weeks into the new administration and Bragg's 's pathways to success bring us a lot of hope.

2. Old Business - None

3. New Business - None

Saundrea I. Coleman and Sarah Chu, Co-Chairs