

A Message From ASSEMBLYMEMBER HARVEY EPSTEIN



ASSEMBLY MEMBER HARVEY EPSTEIN COMMUNITY BOARD 6 REPORT, MARCH 2022

Dear neighbor,

Next week, both houses of the legislature will release their responses to the Governor's budget. In the remaining weeks of March, the three budget proposals will be reconciled and a final budget will be adopted in early April (hopefully by April 1). Below you'll find updates about legislation I am advancing in the Assembly, and other news about my advocacy efforts.

I also wanted to take a moment to address how bail reform has become a scapegoat in the conversation about public safety. It's a very serious problem, whether purposefully or not, to misconstrue bail reform as driving an increase in crime. As I point out below, using the Mayor's own statistics, the claim that bail reform is driving an increase in crime is demonstrably false. To make this claim and to pursue changes to the bail law under false pretenses distracts from the work of actually keeping our communities safe.

Harvey

Bail Reform

What is bail? When a person is arrested, the first step in a criminal prosecution is the arraignment. At this point, the judge will read the charges to the defendant and the prosecutor has an opportunity to ask for bail, which is a sum of money determined by the judge that the defendant puts up as a promise to return for future court dates. If a defendant has the money to post bail set by the judge, they are released from custody.

In 2019, the Governor signed a bill that made changes to the bail system in New York. The bill made changes to the offenses a judge could legally set bail for. Now, judges cannot set bail for most misdemeanor and non-violent felony charges.

Many, including the Mayor and some media outlets, have made the claim that the bail reform laws are responsible for an uptick in crime in New York City. For this claim to be proven true, the data would need to show that the population of those arrested for a formerly bail eligible offense, released pre-trial, and then rearrested made up a larger share of arrests than the population of those arrested who do not have a pending case against them.

The opposite is true according to the Mayor's Office of Criminal Justice: "Most docketed arrests citywide are of people who do NOT already have another pending case... Pretrial rearrests make up a smaller proportion of total docketed arrests...Pretrial rearrests have remained consistent over time and have not changed with bail reform (emphasis in original, <https://criminaljustice.cityofnewyork.us/wp-content/uploads/2021/12/Pretrial-Docketed-Rearrest-Contextual-Overview-December-2021-Update.pdf>)

The enactment of the bail reform law coincided with a nationwide uptick in homicides and gun violence. This unfortunately has led many to draw the incorrect conclusion that the bail reform law is somehow responsible for the disturbing rise in homicides and gun violence. This is an extremely dangerous misunderstanding for many reasons, not least of which is the fact that, if policymakers acted on the belief that the 2019 bail reform law was to blame for an increase in homicide and gun violence, we would be failing to address the actual causes of such an increase.

To address serious issues, serious fact-based solutions are required. Blaming bail reform is not a serious approach to public safety. It is an irresponsible waste of time that could be spent focusing on addressing actual threats to public safety.

According to fwd.us, "research has long shown that the overuse of jails can actually lead to more criminal activity and risks undermining the health of individuals, families, and entire neighborhoods. Those who go into jail with challenges — substance use, mental health concerns, joblessness, or unstable housing — tend to come out with those challenges worsened. Studies in [New York City](#) and [other jurisdictions](#) across the country consistently show that people who are sent to jail are more likely to be re-arrested in the future as compared to similarly situated people who were not."

Why were changes needed to the bail laws in the first place? fwd.us has some helpful information to answer this question as well: In addition to bail and pretrial jailing being ineffective public safety tools that can drive up recidivism rates, they are also extremely expensive, racially biased, and dangerous for those that end up behind bars.

Money bail criminalizes poverty. It means that people who are rich can afford to await their trials at home and poor people cannot. While money bail was not entirely eradicated by New York's bail reforms, it was dramatically scaled back.

New York's old pretrial system drove deep racial disparities. [Before bail reform passed](#), Black New Yorkers charged with a crime were twice as likely as white New Yorkers to spend at least one night in jail pretrial because they were unable to pay bail.

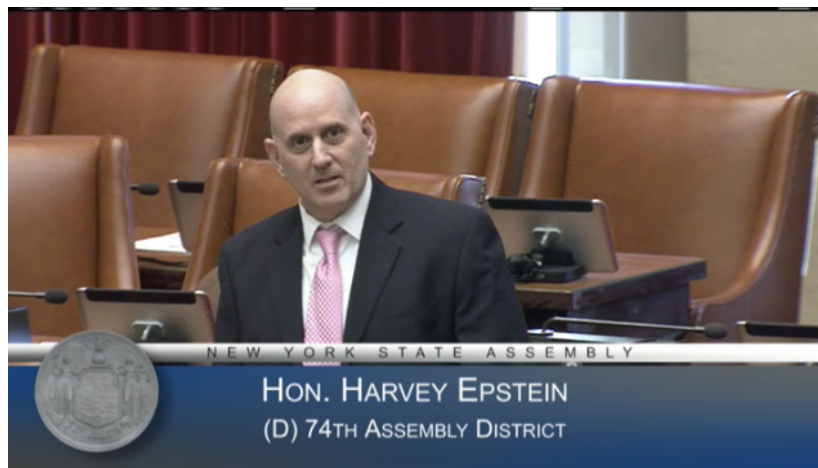
Pretrial jailing is deadly. The current conditions on Rikers Island amount to a humanitarian catastrophe. The conditions have [already led to the deaths of 14 people in custody this year alone](#) and will no doubt lead to more deaths, serious injuries, sustained declines in health, and long-term trauma. These losses are in addition to the tragic deaths of Layleen Polanco, Kalief Browder, and many others over the years.

My Bill to End Predatory Fees in Prisons Passes Committee on Correction

My bill to end predatory phone call fees charged to incarcerated people & their families was voted out of the Assembly's Committee on Correction. The cost of a 15 minute phone call can be as much as \$10 when all fees and taxes are accounted for. We ask incarcerated people to pay for this with the cents per hour they earn in the prison industries. That is unacceptable.

We can't make communities safer if we create barriers to incarcerated people connecting with their families. The reality is that the overwhelming majority of people who are incarcerated are eventually going to be returning to their communities. Society has to have a plan for these New Yorkers. Their success is dependent on having a support system—you can't maintain one without communication and connection. Many cities and states understand this already, including here in New York City. It's time we adopt the policy statewide. Learn more here: <https://nyconnect.org/>.

Protecting Students from Mandatory Arbitration Agreements



Last week I was proud to pass a chapter amendment to my legislation to prohibit colleges that force students to sign mandatory arbitration agreements from participating in state aid programs. The

amendment enhances the enforcement of the law and I look forward to the governor signing it into law and protecting students.

Shining a Light on Immigrant Detention Centers



I was proud to partner with my colleagues and advocates to bring light to detention centers and the treatment of our constituents at Orange County Jail. We must pass the Dignity Not Detention Act, which would end contracts between our state and Immigration and Customs Enforcement (ICE) that allow for the jailing of immigrants facing deportation. This is an inhumane practice that separates families.

I was also happy to have the opportunity to discuss my legislation with Senator Bailey, the Stop Immigration Bond Abuse Act (SIMBAA). The purpose of this bill is to create a framework to oversee the largely unregulated immigration bond industry. You can read more here: <https://breaktheshackles.org>.

It's an honor to fight alongside immigrant New Yorkers for their rights and dignity.

Fighting for Coverage for All

Thousands of New Yorkers are excluded from healthcare coverage because of their immigration status. Healthcare is a basic human right and It's our duty to ensure that all New Yorkers are covered. I look forward to fighting to pass the Coverage for All bill, which would end the unjust

prohibition on some immigrant New Yorkers receiving healthcare. You can learn more here: <https://www.coverage4all.info>.

Ending 421-a and Passing Good Cause Eviction

I'm fighting to pass good cause eviction to protect millions of tenants from eviction. Simply put, good cause eviction requires a landlord to establish a "good cause" for eviction which can be things like nonpayment of rent, a tenant causing harm to other tenants, or other nuisance related issues. It's a basic protection that many localities around New York have adopted. I am proud to be a sponsor of the bill to make the policy statewide and I look forward to working with my colleagues to pass it.

I am also working to end the 421-a tax break, which has been a major giveaway to developers over the years. The program was created while New York was in dire financial straits and incentives were needed to foster investment in the City. Fifty years later, New York City is the world's financial capital and the real estate industry is booming. Let's stop foregoing tax revenue we can use to support badly needed social services in exchange for nominal affordable housing that doesn't meet our needs.

Strauss Mobile Office Hours



My team and I held mobile office at Strauss Houses last week. Glad to connect with Kips Bay residents. Thanks to State Committeewoman Michelle Winfield who helped to coordinate the visit.

Feel free to contact Assembly Member Harvey Epstein's office with any questions or concerns.

*Our office is located at
107 Avenue B (store front)*

You can email us at help.district74@gmail.com or call us at 212-979-9696

