



OFFICE OF THE BRONX BOROUGH PRESIDENT
THE BRONX COUNTY BUILDING
851 GRAND CONCOURSE
BRONX, NEW YORK 10451

RUBEN DIAZ JR.
BOROUGH PRESIDENT

TEL. 718-590-3500
FAX. 718-590-3537
E-MAIL: rdiazjr@bronxbp.nyc.gov

March 27, 2019

Honorable Andrew Cuomo
Office of the Governor of the
State of New York
633 3rd Avenue, 38th Floor
New York, NY 10017

Honorable Carl Heastie
Speaker
Legislative Office Building
Room 932
Albany, NY 12248

Honorable Majority Leader Andrea Stewart-Cousins
188 State Street Room 907
Legislative Office Building
Albany, New York 12247

Dear Governor Cuomo, Speaker Heastie and Majority Leader Stewart-Cousins :

I am writing to put my support behind three key criminal justice system reform matters that are under statewide consideration: bail reform, discovery reforms, and speedy trial reforms. Now is the time for action, for the people of The Bronx, New York City and New York State.

I have been an advocate and outspoken leader in calling for the elimination of cash bail. Reform is necessary to ensure that neither finances nor race determine an individual's chances of liberty while awaiting trial on an alleged offense. Illustrative of the issue, a recent New York City Bar report found that "On any given day, approximately 400 individuals are detained on bail of less than \$2,500" [in New York City]. Recent data demonstrates that three quarters of New York City's jail population has not been convicted, and 89 percent of people who had to make bail were not able to do so at arraignment. Recent data further indicates that out of nearly 52,000 Bronx

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arraignments, over 7,500 defendants were detained at arraignment and nearly 4,000 were detained for the duration of time it took for their cases to reach trial. Injustice is evident in these metrics. The bail reform movement is gaining ground nationally, and New York must lead on this issue now.

Notably, incremental progress could be made today. There are multiple under-utilized forms of bail currently available under New York law. Pending this reform, *unsecured* bonds, already a legal option for New York judges, should be utilized in criminal cases. We already have the existing legal framework to utilize this option, which does not require a defendant to pay anything if he or she appears in court.

Additionally, we must have a public conversation about why New York State is one of only four states left that has not yet enacted discovery reform. Advocates underscore that even evidence of a defendant's innocence, along with witness evidence, can be withheld until the eve of trial, making it impossible for defendants to get a fair defense. Not only is this unfair, it violates the very tenets of our constitutional rights. We must make forward motion in this area towards a fair and full defense in all criminal cases.

Finally, speedy trial reforms are necessary to reduce the term of pre-trial detention. We must not forget the plight of Kalief Browder, a Bronx resident, who languished on Rikers' Island unnecessarily and subsequently took his own life as a result of that experience. We must act. In 2017, only 52 percent of indicted cases resolved in The Bronx were resolved within one year, with only 30 percent resolved within 180 days. Consequently, I have previously gone on the record to demand more judges in The Bronx, where case durations have long been egregiously protracted.

My rationale in calling for urgent action on these matters is this: I represent a borough with bright hope for its future, but one which is nevertheless still plagued by some of its residents' negative interactions with the criminal justice system and their resulting traumas. I cannot be silent in the face of injustice which could be rectified by New York State action.

Talk to survivors of our prisons and jails, and you will find they have undergone trauma, often within those walls. We must take all the evidence-based measures possible to maintain our residents' liberty while maintaining our communities' security.

I have great respect for the work of the NYPD, the ADAs that enforce our laws and the judges that work every day to administer justice. **However, I also know that sometimes the laws that govern our system have many times hamstrung justice and prevented our communities from achieving equity in a number of collateral areas, such as economic security and mental health following incarceration.**

During my 23 years in public office, I have worked relentlessly to lead my borough into an age of what we refer to as a Bronx renaissance, and The Bronx is on the rise. In order to continue that ascendancy, it is crucial that we protect the rights of those residents who find themselves involved in the justice system as we move The Bronx and New York City forward.

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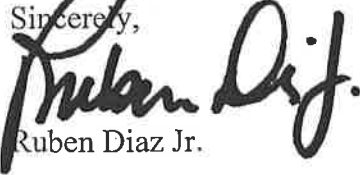
Simply put, common-sense criminal justice reform protects all of our residents and communities.

With criminal justice reforms, we will ensure that our community members benefit from a fair system where residents are more likely to engage positively and productively with law enforcement when their cooperation is in the interest of justice.

This is an urgent issue for the residents of the Bronx, New York City, and the entire State of New York, all of whom are impacted by the workings of the criminal justice system. Albany must therefore act as soon as possible.

Thank you for your careful consideration in this pressing matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruben Diaz Jr.", written over the word "Sincerely,".

Ruben Diaz Jr.

cc: Chair Jamaal T. Bailey
Chair Joseph R. Lentol