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A Pathway Out of Mass Incarceration and Toward a New Criminal Justice System – City Bar Report

New York, May 14, 2021 – The New York City Bar Association, through its Mass Incarceration Task Force, Corrections and Community Reentry Committee, and Criminal Justice Operations Committee, has issued a [report](#) making recommendations for comprehensive legislative changes whose “goal is to create a criminal justice system focused on public safety, fairness, proportionality and equality...so that its central purpose is to address the root causes of crime, and more effectively and compassionately prevent further crime.”

In the belief that comprehensive, thoughtful reform will make communities safer, the report recommends:

- **Arresting fewer people:** the legislature should carefully reconsider which actions should be punished through the criminal system and decriminalize several minor crimes.
- **Arraigning fewer people:** the legislature should increase availability and funding for pre-arraignment diversion programming and mandate that it be offered for certain individuals.
- **Convicting fewer people:** the legislature should increase the availability of post-arraignment diversion by adjusting the requirements of the current drug diversion statute to make it more accessible and less punitive; and create new diversion programs, including programs to address mental health concerns and for individuals facing their first felony conviction.
- **Sending fewer people to prison:** the legislature must create mechanisms to decrease the number of individuals sent to prison by creating a presumption of a non-incarceratory sentence for misdemeanors, low level felonies and drug felonies, repealing restrictions on plea bargaining, and creating and funding alternative to incarceration programming.
- **Reducing prison sentences:** the legislature should overhaul the sentencing structure in New York to decrease high mandatory minimum sentences, reduce reliance on overbroad and overly punitive categorization, increase availability of youthful offender eligibility and create mechanisms to reduce long prison sentences.
- **Reforming prisons:** the legislature should act to completely reform prisons and transform them into institutions that provide rehabilitative services rather than traumatize and degrade incarcerated individuals.
- **Reforming parole:** the legislature should transform parole into a system that provides re-entry services rather than a punitive program that unnecessarily and unjustly increases incarceration.

The report highlights the importance of funding. “We are confident that these reforms will result in long term cost savings to the state by reducing reliance on prison and increasing public safety. In the short term, however, these reforms will require start up capital and will only be successful if meaningfully funded,” the report states.

While the call to end mass incarceration has been sounded for years, “It is past time for New York to answer this call through comprehensive legislative changes to the penal law, criminal procedure law and corrections law. The goal is to create a criminal justice system focused on public safety, fairness, proportionality and equality,” states the report.

The report concludes, “Few of the ideas contained in this report are novel. Many have been suggested by other activists and organizations for years, and it is their tireless work that made this report possible. However, we hope that, by bringing these ideas together in one place, we can showcase how the legislature can transform the criminal justice system into a system that holds out a helping hand rather than solely brings down a hammer.”

Read the report here: <https://bit.ly/3ogrjXq>

On Monday, May 17, the City Bar will host a forum for the Manhattan District Attorney candidates, and it’s anticipated that this report will provide a framework for discussion. Register [here](#).

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

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