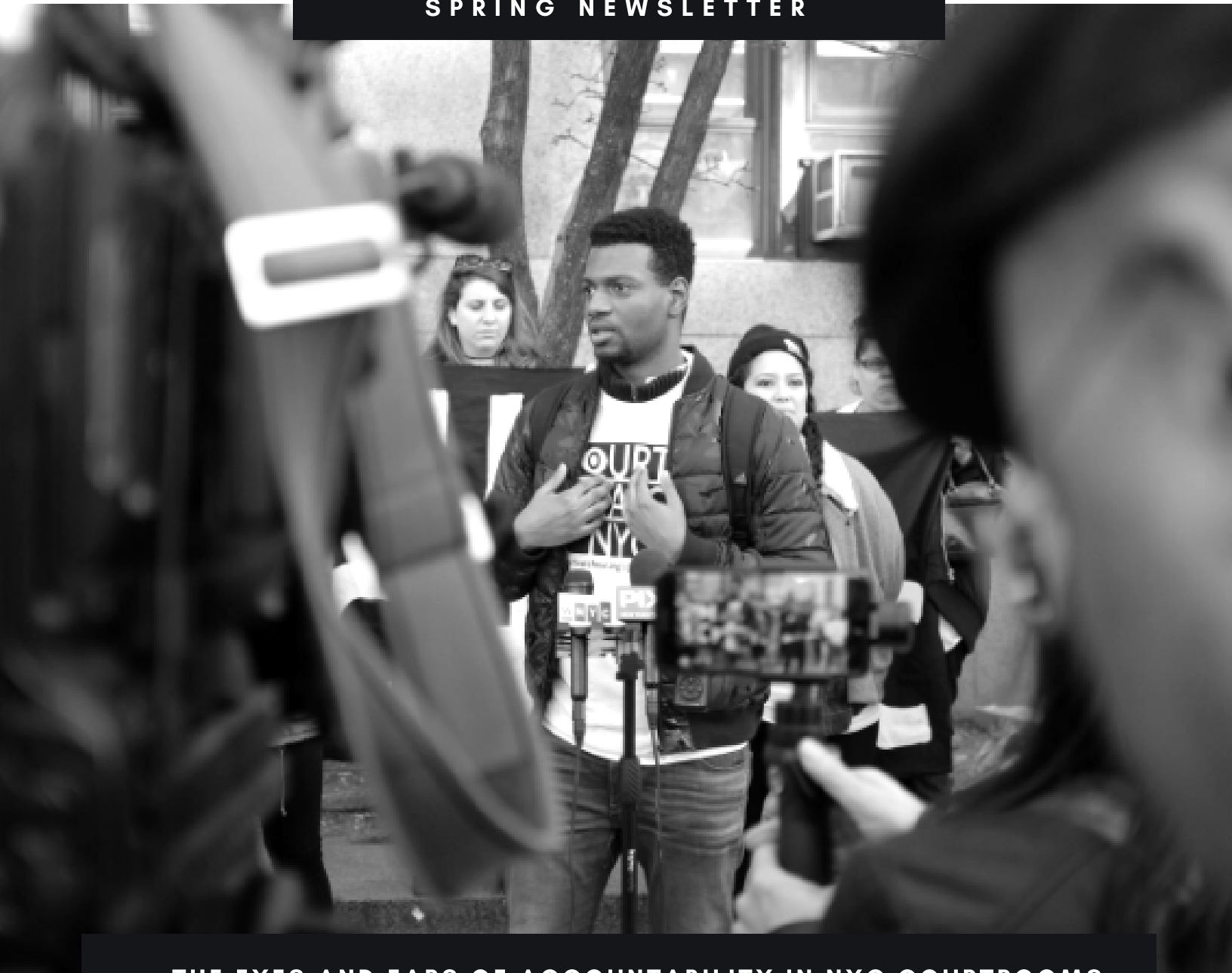


ISSUE NO. 1 // MAY 2018

COURT WATCH NYC

SPRING NEWSLETTER



THE EYES AND EARS OF ACCOUNTABILITY IN NYC COURTROOMS

Across the country, the tide is beginning to shift on criminal justice in the United States. Americans are tired of discriminatory and failed policies that upend communities and do nothing to keep its members safe. In New York City, the general public knows that criminal legal reform is sorely needed.

And yet despite this progress, little attention is paid to the role of prosecutors in the criminal legal system. NYC prosecutors are the chief law enforcement officers for their boroughs, and have significant influence and discretion over how crimes are charged and adjudicated. They hold the power to significantly change the way our criminal legal system works, without passing any legislation. Today, if they wanted to, they could direct their attorneys to not prosecute low-level crimes, eliminate requests for money bail, expand

diversion programs, clear old warrants, and hold NYPD officers who abuse their authority accountable to the law. These would be transformational changes to the way our criminal legal system works and could happen without the slog of a legislative battle.

In addition to wielding enormous power, prosecutors are also elected officials - which means they should be responsive to the wants and needs of the electorate. However, prosecutors are not subject to the same accountability mechanisms as other elected officials. They do not need to get approval for their every action, the electorate knows little about what they do and how they behave, and because of this, their behavior largely goes unchecked.

WHAT IS COURT WATCH NYC?

Court Watch NYC builds the power of everyday New Yorkers to demand transparency and accountability from the criminal legal system and an end to mass incarceration. By watching court proceedings, reporting what we see, and organizing around the systemic injustices that we witness, we aim to shift courtroom policies, practices, and culture towards a more equitable NYC.

Court Watch NYC officially launched in February 2018 following a two-week pilot program. We are currently operating in Brooklyn and Manhattan where over 200 court shifts have been observed. More than 300 court watchers

Court Watch NYC has four main goals:

- To collect and publish data about prosecutor behavior and compare - in real time - what's happening in the courtroom with publicly announced DA reform policies.
- To foster a culture of accountability and transparency by bringing hundreds of individuals into the courtroom to observe the behavior of public officials in court.
- To utilize popular education tactics to raise public awareness about the role of District Attorneys in the criminal legal system.
- To inspire a base of volunteers to stay active and get involved in broader criminal legal reform efforts in New York City & State.

have attended our 4-hour training, which includes explanations of the arraignment process, legal jargon, the mechanics of court watching, and space to share our intentions and to build community. Court Watch NYC recorded data on 544 total cases over the first month of the program, keeping track of information such as charges, bail requests, plea bargains, the apparent age and race of defendants, and the factors used to argue for and against bail. We have learned a lot so far, including the fact that although courts are open to the public, they are

not very accessible spaces. We have also learned that court actors are not used to being watched and it appears that our presence and reporting have played a role in the prompting recent changes in policy from the District Attorneys. Since our launch, the Manhattan District Attorney Cy Vance has implemented policies to curtail the use of bail on misdemeanors, and the prosecution of unlicensed driving, and marijuana possession, all of which disproportionately target black and brown New Yorkers. The Brooklyn District Attorney has also unveiled new policies around bail and marijuana prosecutions.

COURT WATCHERS' IMPRESSIONS

“It seems like the whole system is rigged against the defendant who is fighting an army.”

“Here in NYC, people are still being arrested on decades-old open warrants, as well as prosecuted for prostitution, low-level marijuana possession, turnstile jumping, and misdemeanors related to their mental health diagnosis or addiction.”

“ADA’s often refer to alleged violence and the nature of the crime during the bail hearing, but do not provide evidence.”

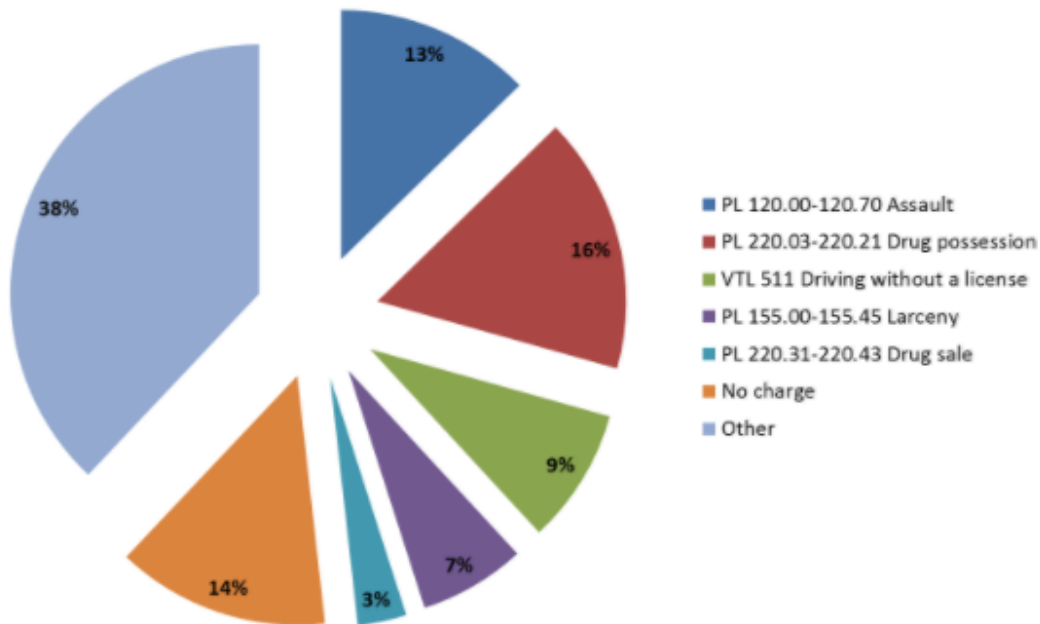
“Orders of protection are issued even when the person supposedly being protected requests that no order be issued.”

“Overly punitive sentences such as one example where an elderly man received 20 days in jail for allegedly stealing yogurt from a Duane Reade.”

“Language access matters. The most intimate relationship in court is between the accused and their interpreter – the only actor who seems to genuinely care that they understand.”

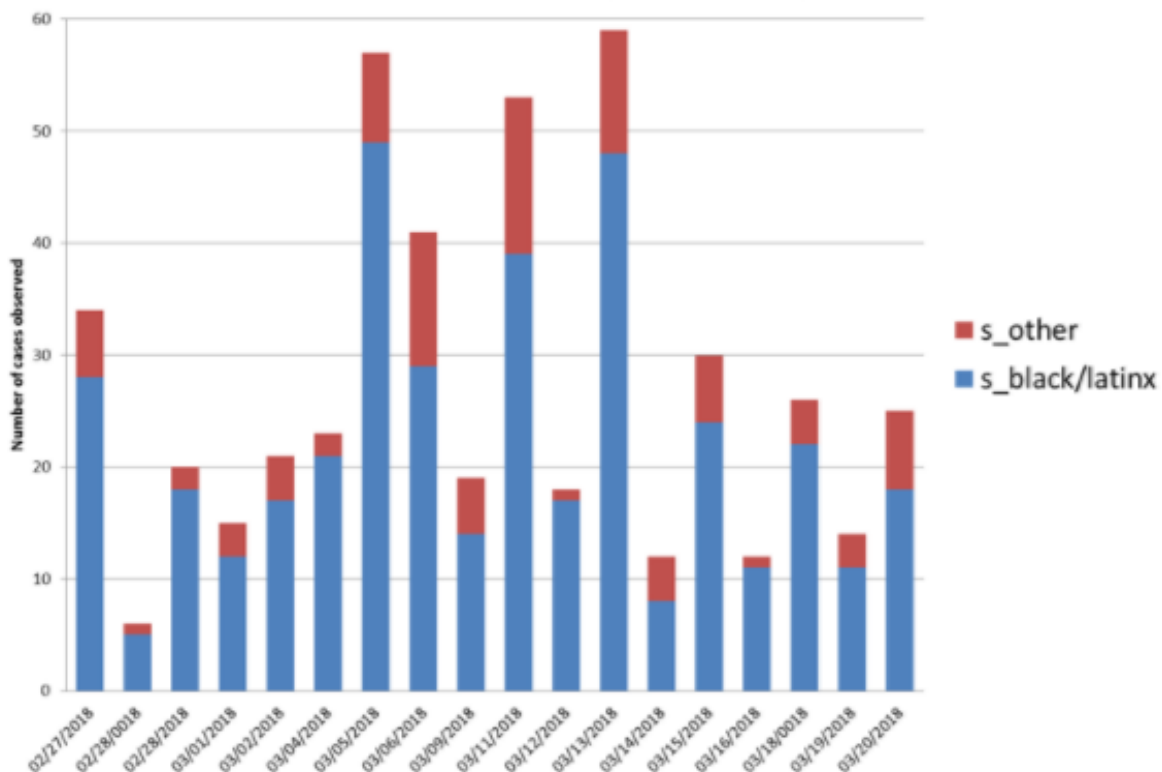
WHAT WE HAVE FOUND

Breakdown of charges mentioned



Only 13% of cases observed involved allegations of physical harm. the rest were property crimes, drug cases and broken windows offenses.

Number of cases observed by race/ethnicity of the defendant



A vast majority of cases involved people of color – specifically Black and Latinx people. This is also reflected in other state data sources.

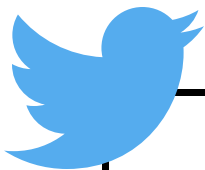
About half of the cases observed were resolved on the same day through pleas offered by the District Attorney.

Prosecutor-Judge alignment (ROR)


| | | Judge | | |
|------------|-----------|----------|-----------|-------|
| | | ROR (No) | ROR (Yes) | TOTAL |
| Prosecutor | ROR (No) | 75 | 55 | 130 |
| | ROR (Yes) | 0 | 120 | 120 |
| | TOTAL | 75 | 175 | 250 |

Of cases that were not resolved, typically because the District Attorney did not make an offer, judges in every case sought a recommendation from the District Attorney as to bail.


District Attorneys were often overruled on bail requests, with judges offering lower or no bail. Importantly, in every case where the District Attorney consented to release on recognizance, it was granted.



FROM THE COURT WATCH NYC TWITTER:

 **CourtWatchNYC** @CourtWatchNYC · Mar 21
ADA in Manhattan today just asked for \$25,000 bail on a misdemeanor drug possession because they MIGHT see if they can eventually charge a felony drug sale. The person charged recently completed 5yrs of probation with no violations.

2 10 3

 **CourtWatchNYC** @CourtWatchNYC · May 18
Manhattan today: Man who is homeless. Charged with burglary. A felony. For going into Duane Reade (for which he had a stay away notice) and Eating A Sandwich. ADA asks for \$15,000 bail. No, that is not a mistype. \$15,000 bail request for eating a sandwich. Judge sets \$1000/500.

102 814 1.4K

“ We all wonder what we can do to make a difference, especially now. Showing up to the protests is good, making signs for the Women's March is good, but at the end you go home, and you wonder if anything will actually change. And then of course, you get protest fatigue. Doing Court Watch is something tangible you can do and actually see the results of your work. Because the actions of the people in power (district attorney, judges) get exposed immediately, and they have to respond and answer for themselves. So it actually changes the behavior of the elected officials, because you have the data and stats to show everyone what they're doing! It's very real, and your effect is very direct. I feel very proud to do it. ”

- Court Watcher Amanda Farrell from Bensonhurst, Brooklyn

WHAT'S NEXT FOR COURT WATCH NYC?

This summer Court Watch NYC is launching its first issue campaign for the season focusing on drug policy in NYC. Starting in June, our watchers will closely monitor how our courts treat community members accused of drug possession, other related charges, and people with a substance use disorder. Last year was the deadliest year for overdoses in NYC history and more people are dying from overdoses in the city than homicides, suicides, and traffic accidents combined. In early May, the Mayor made the historical announcement to pilot supervised injection facilities (SIFs) as a strategy in combating the overdose crisis. In the over 100 SIFs across the world, there has been a reduction in HIV/hepatitis C infections, an increase linkage to care and treatment, and there has never been one fatal overdose. As part of the Mayor's plan for the pilot's implementation, there

must be DA approval, and both Manhattan and Brooklyn DAs have endorsed this life-saving intervention. But, more can be done to ensure that our City's drug policy addresses addiction as an issue for public health rather than law enforcement. To that end, Court Watch NYC will be closely monitoring the following actions by our elected DAs, which shape their respective drug policies:

- Prosecutions for possession of controlled substances & drug paraphernalia;
- Prosecutions of drug sales after police "buy and busts"--police operations conducted by undercover police officers who exploit people's addiction to score arrests, which are largely prosecuted as felony drug sales;
- Instances in which the prosecutor consents to giving the accused the chance of treatment, through diversion, an alternative to incarceration based drug treatment court, which currently is underutilized.

Over the summer, Court Watchers will keep a close eye on how the prosecutors charge individuals accused of drug possession, to begin to document instances of overcharging, unnecessary bail requests, and whether individuals are given any diversion options such as care, housing, or treatment.

UPCOMING EVENTS FOR COURT WATCH NYC SUMMER SEASON: DRUG POLICY IN NYC

TUESDAY, JUNE 12 6-8 PM

Beyond the Basics: Court Watching Drug Policy

Come learn about DA policies and practices around drug crimes and get trained for our summer-season project. Basic Court Watch NYC Training completion is highly recommended.

THURSDAY, JUNE 28 6-8 PM

Debrief Happy Hour with special guest

**"VANCE'S DAS WON'T STOP THROWING THE BOOK AT PETTY CRIME" //
VILLAGE VOICE // FEB. 8, 2018**

As the momentum of the city's criminal justice reform movement collides with deep-rooted courtroom norms, some advocates are seeking other means of holding progressive leaders accountable. A new project, Court Watch NYC — a collaboration among VOCAL-NY, the Brooklyn Community Bail Fund, and 5 Boro Defenders — recently started placing volunteer observers in Manhattan and Brooklyn courtrooms to ensure that Vance and Gonzalez are following through on their campaign promises.

"👁️👁️👁️👁️ THE PROSECUTORS" // MARSHALL PROJECT // FEB. 26, 2018

[W]hat district attorneys say in public and what they and their staffers do in the courtroom could be worlds apart, and few might ever know. Legislators can be held accountable to a voting record, but much of what prosecutors do goes unrecorded...

Enter local court watchers, groups that ask ordinary people to watch the daily machinery of the justice system and report back what they see. The latest offshoot, Court Watch NYC, launches Tuesday.

"THE PEOPLE VS. CY VANCE" // MARSHALL PROJECT // APRIL 29, 2018

Earlier this year, a group of activists held a small rally outside of Manhattan's criminal courts on Centre Street to announce a new initiative they called "Court Watch." The group said it would use volunteers to observe criminal arraignments to monitor the kind of justice practiced by Cy Vance's prosecutors. Asked about the effort, Vance said he welcomed it. "You know, keep us on our toes," he said. "If you think there is some case where a mistake has been made, we should be alerted to it." The D.A. acknowledged that he's had a sharp learning curve since taking office in 2010. "This whole idea of right-sizing the justice system -- I wasn't there when I started this job," he said.