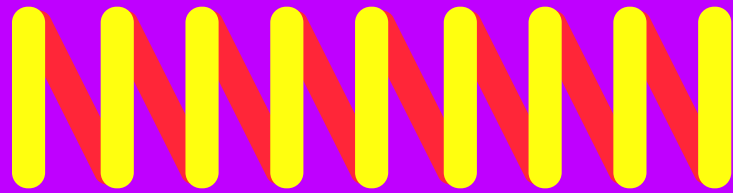


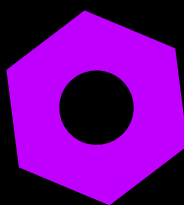
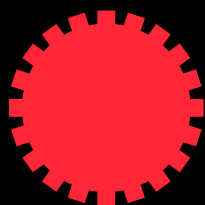
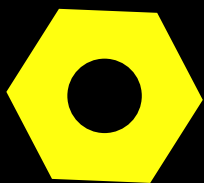
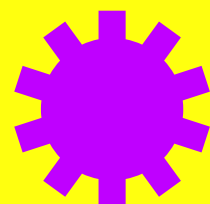
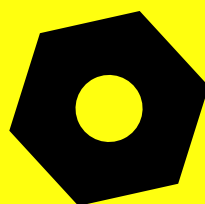
**COURT  
WATCH  
NYC**

**BROOKLYN  
COMMUNITY  
BAIL  
FUND**



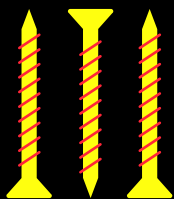
**BREAKING**

**DOWN**



**THE**

**NEW YORK CITY**



**PUNISHMENT**

**MACHINE**



## INTRODUCTION

Since the start of the COVID-19 pandemic, we've compiled arraignment case data available online that reveal the continuation of systemic injustices, arbitrary bail amount requests, and pretrial detention of people unable to pay their way to safety.

Despite knowing the increased risks low-income Black & brown communities face from COVID-19, district attorneys and judges have continued to increase NYC's jail population, forcing people who can't afford bail into crowded jail facilities without testing, contact tracing, or personal protective equipment like masks.

As COVID-19 has certainly exacerbated the injustices of the legal system, court watchers have been observing an inhumane, exploitative, and unjust system for years.

While government officials and business owners urge the public to "get back to normal," COVID-19 is still raging through NYC's local jails and in marginalized communities across the five boroughs. At the same time, there is an increased interest in local prison industrial complex (PIC) abolition, community organizing, and addressing the injustice of the criminal legal system due to massive Black Lives Matter protests throughout 2020.

However, while calls to defund and abolish the police have made headway across the country, local prosecutors—who are among the major drivers of the PIC—have gone largely unnoticed. This zine serves as an introduction to prosecutors for people interested in local organizing in NYC. In giving real life examples of situations we've observed in court as well as providing context for the role of prosecutors and judges in the criminal legal system, we hope to leave people better informed and equipped to get involved in local organizing around NYC's prosecutors.

## ABOUT CWNYC

The Brooklyn Community Bail Fund's Court Watch NYC program harnesses the power of New Yorkers to organize for transformative change toward abolition.

We watch court proceedings, shift power in the courtroom, report what we see, and call out court actors in order to end the injustices of the criminal legal system that target Black, brown, indigenous, immigrant/migrant, queer and TGNC communities.

## WHO RUNS THE SYSTEM

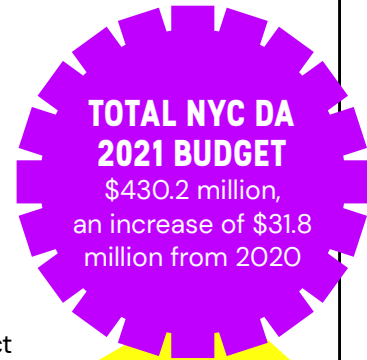
The District Attorney's (DA) office operates as one of the most powerful influences on the criminal punishment machine. DAs are the top law enforcement officer of their local government. Meaning—**DAs are cops.**

New York City has five elected DAs—one for each borough—and thousands of assistant district attorneys (prosecutors).

**District Attorneys decide:**

- who to prosecute
- whether to bring charges
- whether to request bail
- what sentences to recommend

The DA's office doesn't run the system alone. Judges' decisions have long-lasting effects on our community as they sign warrants, set bail, and determine sentences. Like the DA, their choices influence the criminal punishment machine.



## WHO THE SYSTEM PUNISHES

**84,802**  
arraignments total in 2020

**12,451**  
people were ordered to jail pretrial on bail or remand

**85%**  
couldn't pay bail at arraignment

**89%**  
of people incarcerated in NYC jails are Black or Latinx

Because the DA's office controls who to prosecute and whether to bring charges and judges make the final ruling, they are all directly responsible for these outcomes.

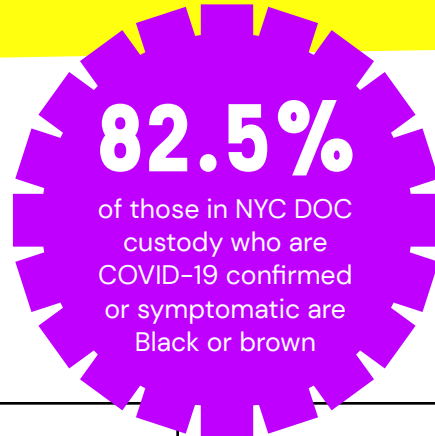
# HOW THE SYSTEM PUNISHES

## PRETRIAL DETENTION

Pretrial detention occurs when someone is incarcerated prior to being tried or convicted of a crime, typically due to an inability to afford bail. Court watchers have observed prosecutors continuously seek pretrial detention despite its inherent discriminatory nature, resulting in individuals:

- Being made homeless or losing their place in a shelter
- Being separated from their children or relatives for whom they are the primary caretaker
- Experiencing physical or mental health conditions and trauma made worse by detention, and then exacerbated by COVID-19
- Losing their jobs

*In February 2020, a homeless man in Brooklyn was arraigned for allegedly stealing his father's cell phone and violating an order of protection. The prosecutor asked for \$20,000 bail and the judge set a \$2,000 bond, even though the public defender made clear that the man could not afford any bail and would lose his spot at the shelter and all of his winter clothes.*

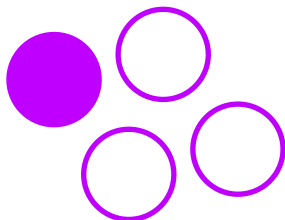


## SUPERVISION AND SURVEILLANCE

Court Watch NYC's July 2020 report "[Same Game, Different Rules](#)" found that although the courts were setting bail less often after bail reform was passed in New York, they instead replaced bail with supervision programs, choosing to attach strings to release rather than letting people back in the community.

What does this look like?

- New Yorkers facing travel restrictions, curfews, mandatory check-ins, and restrictions on who they can live with
- Minor and technical violations leading to electronic monitoring or reincarceration
- Private companies making a profit from electronic monitoring
- Mass supervision of loved ones and communities



**1 in 4**

people arraigned in Manhattan are released with one or more of the above conditions

## EXTRACTION

Though prosecutors know most defendants are low-income, they continuously request soaring bail amounts.

The system then extracts more and more money from people through:

- Mandatory surcharges or fees
- Re-incarcerating those who can't afford their debt
- Siphoning money from those in jail to private companies through fees on phone calls, electronic transfers, and other services

*What does it mean to extract fees from the exact same populations who are most vulnerable to the COVID-19 economic recession?*

*In 2019, the Staten Island DA quietly purchased facial recognition technology, increasing surveillance of Black and brown communities.*

# WHY THE PUNISHMENT SYSTEM EXISTS

When multinational corporations left the U.S. in droves in the mid 20th century, millions of people were left jobless and destitute.

As a response, the prison industrial complex exploded as a lucrative solution to the problem.

Rooted in white supremacy, the U.S. prison system expands to sweep in more and more non-white people as Black, indigenous, people of color (BIPOC) continue to be scapegoated for capitalism's failures.

While schools, hospitals, and community programming remains underfunded, U.S. taxpayers spend about **\$800 billion** on prisons every year. However, governments treat this dollar amount as an investment rather than a cost.

And the returns are **high!** Below are multinational corporations that run and/or contract with jails and prisons across the U.S.:

- Geo Group reported revenue in 2019 was **\$2.477 billion**
- CoreCivic reported almost **\$2 billion** in revenue in 2019
- Corizon Health reports almost **\$1 billion** in annual revenue
- Securus Technologies reports **\$700 million** in annual revenue
- Aramark reported over **\$14 billion** in revenue in 2018 from correctional facilities
- It is estimated that over **\$14 billion** worth of wages are stolen from incarcerated workers every year
- In 2019, NYC approved over **\$8 billion** to build borough based jails from which the construction and real estate industries stand to benefit greatly

# SO WHAT CAN WE DO?

Given the inherent power imbalance, there is no shared power relationship between elected prosecutors and community organizations. Instead, community organizations are constituency organizations that can and should demand change from elected officials within that relationship.

- **Reduce resources:** Recall the five NYC DAs' annual budget—a total of \$430.2 million and nearly 4,300 person staff. Why does our local government have so many resources to cage our neighbors while our communities remain destitute?
- **End punishment:** Push judges and prosecutors to release people in pretrial detention, applying extensive pressure in light of conditions on Rikers Island throughout the COVID-19 pandemic. Demand the end of predatory plea and upcharging practices, and an end to the exploitative bail system.
- **Reject supervision and surveillance:** With prosecutors and judges punishing more people with punitive conditions, reject judges and prosecutors turning our communities into virtual prisons!
- **Increase transparency:** Prosecutors must regularly publish data on their office policies and practices that communities can regularly use to hold the system accountable. Demand this be done without increasing resources for the office.

**Our demands should ultimately point toward abolition.** The legal system cannot be reformed. We understand that it is no coincidence that the same populations continue to be targeted by this system no matter how much it is reformed and changed. Only its total abolition can keep our communities safe.

# SO WHAT CAN YOU DO?

Visit CWNYC online:  
[www.courtwatchnyc.org](http://www.courtwatchnyc.org)

Register for an upcoming [CWNYC training](#)

Ask DAs hard questions about their policies:  
[brooklynbailfund.org/voter-guide](http://brooklynbailfund.org/voter-guide)

Learn more about PIC abolition with [A People's Guide to Abolition](#)

Follow us on social media:

  @CourtWatchNYC

  @BrooklynBailFund

 @BKBailFund

# SOURCES

- [CoreCivic Reports Fourth Quarter and Full Year 2019 Financial Results](#)
- [Flacks Group Acquires Corizon Health Inc., The Premier Correctional Healthcare Company In The U.S.](#)
- [New York City Board of Correction Weekly COVID-19 Update Week of May 15 – May 21, 2021](#)
- [NY Courts Division of Technology & Court Research Pretrial Release Data](#)
- [Prisoners, Guards, Students Protest Aramark](#)
- [Report of the Finance Division on the Fiscal 2022 Preliminary Plan for the District Attorneys and Special Narcotics Prosecutor March 22, 2021](#)
- [Report to the Committee on Finance and the Committee on the Justice System on the Fiscal 2021 Executive Budget for the District Attorneys and Special Narcotics Prosecutor](#)
- [Same Game, Different Rules: Eyes on 2020: Lessons From the First 100 Days of New York's Bail Reform](#)
- [Staten Island DA Quietly Purchased Controversial Facial Recognition Software](#)
- [The GEO Group Reports Fourth Quarter and Full-Year 2019 Results](#)
- [Troubled companies made him billions. A prison phone investment made him enemies](#)
- [Worth Rises: The Prison Industry: How it started. How it works. How it harms.](#)



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