

JOINT LEGISLATIVE PUBLIC HEARING
ON 2025-2026 EXECUTIVE BUDGET PROPOSAL PUBLIC PROTECTION TESTIMONY TO THE
JOINT FISCAL COMMITTEES OF THE NEW YORK STATE SENATE AND
NEW YORK STATE ASSEMBLY

February 13, 2025

Dear Chairpersons Krueger and Pretlow, members of the Senate Finance and Assembly Ways and Means committees, and members of the New York State Legislature:

Thank you for the opportunity to submit testimony. I am Rigodis Appling, Criminal Justice Reform Specialist for the League of Women Voters of New York State. The League is a nonpartisan, grassroots organization with a mission to educate the public to become engaged and informed voters, particularly on issues that further fairness in institutional policies and full enfranchisement in democratic processes. To that end, the League urges the Legislature and Governor Hochul to include the proposed legislation.

Discovery

The Governor has proposed sweeping changes to repeal our landmark discovery laws. If enacted, her proposal would gut Kalief's Law while decreasing efficiency and increasing the potential for wrongful convictions and prolonged pretrial detention. The Governor's proposal will bring New York back to the days when prosecutors decided which pieces of evidence are relevant and which allowed them to withhold evidence from the defense. If adopted, this proposal would mark the end of open-file discovery, while also giving police the power to decide which evidence to turn over. These changes to the discovery law are unacceptable and unwarranted, and New Yorkers accused of crimes deserve a court system that is fair and efficient.

We also ask that the legislature reject the unfounded claims that evidence sharing laws create recidivism. Robust discovery laws ensure due process and help uphold the prosecutors' constitutional and ethical obligations to share information and evidence with a person accused of a crime. Recidivism, on the other hand, is the tendency of individuals who have committed a crime to reoffend—a complex issue influenced by factors such as housing availability and re-entry support. There is no evidence-based recidivism reduction strategy that involves withholding evidence from the accused. The legislature should reject this proposal that would take us backwards and intentionally omit Part B from the One House budgets.

Parole Justice

The League of Women Voters strongly supports the passage of **Fair & Timely Parole (S159-Salazar/A127-Weprin)** and **Elder Parole (S454-Hoylman/A514-Davila)**, bills that will ensure fairness in parole board decisions and make communities safer, reunite families, and save \$522 million dollars annually.

Fair & Timely Parole (S159-Salazar/A127-Weprin) restores the Parole Board to its original purpose of evaluating people's readiness for release, rather than denying people based solely on their conviction, while also preserving the Board's discretion to make individualized

determinations. **Elder Parole (S454-Hoylman/A514-Davila)** provides for parole release consideration, on a case-by-case basis, for people classified by DOCCS as older adults (age 55+) who have served at least 15 years.

The original purpose of the parole release system was to promote growth and rehabilitation in prison and allow people who have transformed themselves to return to their families and communities. Yet under current law, many incarcerated New Yorkers are denied this opportunity, because the Parole Board perpetually denies them based on the one thing they can never change—their crime of conviction—or their extreme sentence does not allow for any possibility of redemption. People who have taken accountability for their crimes are committed to giving back to their communities by mentoring young people, interrupting gun violence, serving as peer drug counselors, supporting their families, and generally repairing harm.

Endless punishment does nothing to keep our communities safe and costs a fortune. New York spends \$240,000/year to lock up each older adult, money that could be spent on improving community safety: good jobs, vibrant schools, quality health care (including mental health care), stable housing, support for crime survivors and more. Parole justice will make communities safer, reunite families, and save \$522 million dollars annually. These bills are backed by leading crime survivor advocates like the New York State Coalition Against Sexual Assault, civil rights organizations like the NAACP of New York State, former New York State Parole Commissioners, organized labor, the Bronx, Brooklyn and Manhattan District Attorneys and all public defense firms, aging services providers like JASA, faith leaders and congregations, and a majority of state legislators. We strongly encourage the legislature to pass these critical bills this session.

Jail Voting and Polling Sites

Fifty years ago, the United States Supreme Court recognized the right to vote for those citizens detained in New York State county jails awaiting trial, serving misdemeanor sentences, or waiting to testify before a Grand Jury.¹ As a consequence of this ruling, the New York State legislature rewrote the requirements to qualify for an absentee ballot to include: *In jail or prison for any reason other than a felony conviction. This includes anyone who is awaiting grand jury action, awaiting trial, or serving a sentence for a misdemeanor.*²

However, access to the ballot while in county jail remains elusive throughout New York State. In 2023, the League of Women Voters of New York State conducted a survey of New York State county jails to determine the status of voting. Access to the ballot is especially important because the majority of people held in county jails are African American and Latino;³ failure to provide access to voting is yet another form of systemic racial discrimination.

There are sixty-two counties in New York State. We surveyed all of the counties, except for the five that comprise New York City because the League of Women Voters works closely with the Vote in New York Jails Coalition whose members visit Rikers Island monthly to register voters. Through this Coalition, we were familiar with the successes and continued challenges facing access to the ballot at Rikers Island.

¹ O'Brien v. Skinner, 414 U.S. 524 (1974).

² <https://www.elections.ny.gov/RequestBallot.html>

³ Vera, *Incarceration Trends: New York*, (Feb. 2023) <https://trends.vera.org/state/NY>.

We had an exceptionally high response rate to the survey: 78.9%. Therefore, we are confident that we uncovered the true state of access to voting in county jails.

What we learned from the survey is that the availability of voting depends on the authority of the sheriff, not on the current law. Statewide only twelve offices had even a bare bones program; this includes Rikers Island. However, these programs remain inconsistent, may not cover all elections, and are often ineffective because of high ballot rejection rates from the Boards of Election.

Most sheriffs do not prioritize voting and devote few resources to identifying which detained citizens might be eligible to vote and then facilitating registration, application for an absentee ballot, and voting in all elections, not just in presidential ones. Although current law requires that upon release from jail, each individual be given information about voter registration and voting, there is no law requiring that this information be provided to those actually detained in jail during elections.⁴

Legislation must be passed to provide the following and ensure that thousands are not disenfranchised:

- For the local Board of Elections and jail administration to develop a facility voter access plan for each county jail to ensure access to at least one form of secure voting—absentee, early vote by mail, or poll site
- Secure hand delivery of absentee ballots and their timely delivery back to the Board of Elections
- Develop a modern voter-centric policy with enhanced accountability, education, and improved access to civil rights
- Acknowledgement of the right to vote and facilitating exercise of that right for all eligible detained persons
- Mandatory placement of early voting sites in the larger county jails, with populations of 400 or more residents, including Albany, Erie, Monroe, Nassau, Niagara, Onondaga, Suffolk, Westchester, and Rikers Island. Boards of election in smaller counties with smaller jail populations would still have the authority to place early voting sites in the county jails, if approved by the majority of the county board of election members.

We understand that additional funding will be needed by local boards of election to bring early voting into the jails, and urge the Governor and legislature to authorize these necessary additional funds.

Conclusion

The League greatly appreciates the discovery reforms and other justice related reforms implemented by the Legislature and Governor in recent years and implores that we must not go backward. We should forge forward and join the many states that codified jail voting, , parole justice and those that have outlawed slavery. We therefore respectfully urge the State legislature to consider and adopt the requests made in today’s testimony to ensure that New York State continues to progress toward full faith in our justice system. Thank you for your consideration.

⁴ To read the full report issued by the LWV-NYS, Voting in New York State Jails: A Qualitative Analysis of Access, <https://lwvny.org/wp-content/uploads/2023/09/LWVNYS-Voting-in-Jails-Report-1.pdf>. (June 2023).