

To: New York State Senate and Assembly Joint Budget Hearing Committee
From: New Yorkers United for Justice
Date: January 29, 2019
Re: Testimony by Khalil A. Cumberbatch, Chief Strategist

Thank you, Senators and Assembly Members, for the honor of speaking before you today. My name is Khalil A. Cumberbatch. I am here today on behalf of my organization, New Yorkers United for Justice (NYUJ) —a broad, diverse coalition that I am heading up with another New Yorker, Topeka K. Sam, with one mission: ensuring a fairer and more just criminal justice system for all New Yorkers. There are urgent, long-overdue reforms that we hope to achieve during this legislative session.

Criminal justice reform has experienced many fits and starts, to little avail, in Albany in past years, and reforms are long overdue. Today, thousands of New York families statewide in rural and urban neighborhoods alike, and every legislative district across the geographical and partisan divide are trapped in an ineffective, outdated system. And as two formerly incarcerated New Yorkers, we know all too well the toll that this system inflicts on families and communities.

Since we were released from prison, me in 2014 and Topeka in 2015, we have dedicated our lives to sharing our experiences and channeling them to change the status quo. We stand shoulder to shoulder with activists across the state and country in firmly believing that the time is now and that we must work together. We hope, working with each of you and with the governor, we can address flaws in our criminal justice system and ensure that, when you leave at the end of session in late June, that you are not also leaving thousands of lives on hold — and continuing a trend of lost opportunities.

With that said, I wanted to briefly share my story. Like so many other young men and women in my community and countless other communities in New York and across the country, I found my way into the legal system. I was 21. I faced an 11-year sentence for a first-time offense for robbery — now marked a 'felon.'

I spent six years at Greenhaven Correctional Facility where programs that were developed, implemented, and facilitated by men incarcerated there helped me change who I was as an individual. I studied hard and left prison as a college graduate. I knew I did not want to go back to prison, but also knew that my criminal history could very well impede my future. I worked as a case-manager at a clinic for those living with HIV and AIDS, enrolled in grad school, got married, and became a father.

One week before receiving my master's degree, I was picked up and detained by immigration for another five and a half months. Through the advocacy by many I will never meet and those I love the most, Governor Cuomo intervened via executive clemency in December 2014 to relieve the immigration consequences I was facing at the time.

No one's life path should be stopped because of a past conviction. However, all too often, they are.

The reality is that 1-in-3 Americans have been touched by the criminal justice system. But the implications and consequences ripple out in countless other ways. The costs of incarceration are paid in more than time and borne by more than those who are incarcerated. It's paid by families, by communities, and by millions of our fellow taxpayers across New York.

For far too long, the Legislative Session begins with bipartisan organizations joining together to demand change. And for years, these important reforms have stalled. But not this time. We have new Senate leadership with a mandate and appetite for change, longtime support from the New York State Assembly—the People's House—and a Governor who publicly supports dramatically reforming the state's legal system.

New Yorkers United for Justice is here to hold all parties accountable—and to remind you every day of the lives that your legislative power holds on the line.

Every day too many of our neighbors are put behind bars as the system continues to punish communities of color, the poor, and the young. We're calling on New York State to make real changes that will actually, finally, make a difference in these communities. Working with civil rights, social justice organizations and long-time advocates, New Yorkers United for Justice believes the state must address the following priorities:

- Reform of our bail system to ensure no one is denied their freedom simply because they cannot afford to pay an arbitrary amount . Currently, 70% of New Yorkers who are in jail are there simply because they cannot pay bail amounts.
- The right to a speedy trial. We all know the saying. "justice delayed is justice denied." We need a realistic time frame for cases to be brought to court that delivers on this bedrock constitutional guarantee.
- Discovery reform.
- Reforming civil asset forfeiture.
- Prompt access to counsel.
- Expungement of marijuana sentences.
- Reforms to our parole system.
- Further action on clemency. I was afforded the opportunity of a pardon, a clean slate. I know what a difference it has made in my life and my ongoing pursuits. More formerly-incarcerated New Yorkers, including those with non-citizen status, should also be allowed the privilege of moving forward without the baggage of incarceration on their records.

We understand these will not all be addressed overnight. After all, it took 30 years to overturn the cruel, racist Rockefeller drug laws.

We are fiercely hopeful that some of these wrongs will be righted this session – the situation is urgent and dire. And we call on you to include these reforms in your 2019-2020 budget, to help create a more just New York. People in prison and jails across this state are reliant on us to get this done.