

7 Tips for TALKING ABOUT



New York State enacted bail reform in 2019 to address the harms inflicted upon thousands of people detained in jail due to money bail. Though the 2019 reforms didn't eliminate money bail and pretrial detention, then-Governor Cuomo and the legislature decided months after the reforms took effect to curtail progress by further expanding the footprint of money bail. Due to these rollbacks, widespread misinformation, and the misuse of judicial discretion, pretrial detention populations continue to rise and disproportionately impact Black, Latinx, and low-income communities. And this has only been exacerbated by the pandemic. The fight for freedom continues.

Bail reform has become a highly fraught and politicized issue in New York that can be difficult to discuss with friends and family, especially with misinformation dominating the discourse. While these conversations can be challenging, they are worth having and we've created these seven tips to help. Bringing our friends and family along with us is critical to moving the needle closer to ending the deadly harms caused by money bail and pretrial detention.

1.

ASK QUESTIONS AND GET CURIOUS

2.

CONNECT ON SHARED VALUES OF SAFETY AND FAIRNESS

3.

USE CLEAR, SIMPLE LANGUAGE

4.

CHALLENGE ASSUMPTIONS AND MISINFORMATION

5.

SHOW, DON'T TELL

6.

REMIND PEOPLE THAT OTHER SOLUTIONS ARE POSSIBLE & ARE WORKING

7.

REMEMBER, THIS TAKES TIME!



For more information, please visit www.envisionfreedomfund.org

BAIL REFORM

7 TIPS FOR TALKING ABOUT BAIL REFORM

1

ASK QUESTIONS AND GET CURIOUS!

TRY THIS

What have you been hearing about bail and bail reform in New York? What's making you feel this way? Can you say more about that?

Come to the conversation with curiosity and a willingness to listen. Asking questions reduces room for assumptions, allows you to get to the root of beliefs, and creates a space that nurtures open dialogue.

2

CONNECT ON SHARED VALUES OF SAFETY AND FAIRNESS

Even when our beliefs about pretrial justice and bail reform feel worlds apart from family and friends, we often have more values in common than we think. Connecting on the shared values of safety and fairness creates a starting point of mutual understanding to build from. Acknowledge the importance of public safety and everyone's desire to feel safe in their community and then connect with the desire for fairness by highlighting the injustices and horrific deaths the system has caused.

TRY THIS

I want to feel safe in my neighborhood—but the use of bail and pretrial jailing doesn't make me feel safer and it's not making the community safe or stable. When people are jailed for days, weeks, months or even years awaiting trial because they can't afford bail, the punishment and isolation causes people to lose their jobs, leaves them unable to care for their children or parents, and experience serious physical and mental health issues. Jailing people does nothing to address poverty and other unmet material, physical, mental and emotional needs—the conditions that create violence in communities—and puts the lives of people behind bars at risk. At least 25 people have died in NYC jails since 2021, many by suicide.

3

USE CLEAR, SIMPLE LANGUAGE

Use clear language to highlight the harms of cash bail and pretrial detention. Avoid using jargon or buzzwords, as this will likely alienate or confuse your listener. Back up your claims with clear examples to illustrate your point.

AVOID THIS

We know that the carceral system disproportionately impacts BIPOC communities.

TRY THIS

There is evidence that policing, jails and prisons target Black communities and other communities of color. For example, Black and brown people are more likely to have bail set and be incarcerated pretrial than white New Yorkers accused of similar offenses.

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4

CHALLENGE PEOPLE'S FALSE ASSUMPTIONS AND MISINFORMATION ABOUT THE CRIMINAL LEGAL SYSTEM

For many people without direct personal experience with the system, understanding about the criminal legal system comes from television shows, movies, books, and mainstream news. Yet, these depictions of the system are often wildly inaccurate. We have an opportunity now to set the story straight.

COMMON ASSUMPTION

If someone is arrested and goes to jail before trial, they must be guilty.

TRY THIS

Faced with the inhumane conditions in jail like rotten food and floors covered in urine and feces, many incarcerated people plead guilty to the charges they're facing, even if they're innocent, just to move the process along faster so they can get back to their jobs and families. Kalief Browder is one rare example of someone who refused to take a plea, and due to the trauma he suffered while jailed pretrial for three years, Kalief died by suicide at the age of 22. Learn more about Kalief's story [here](#). Allowing people to be free pretrial can change the trajectory of a person's life.

COMMON ASSUMPTION

Locking people up ensures they come back to court and keeps communities safe.

TRY THIS

The truth is, nearly everyone (98%—really!) released without bail goes on to live their lives without arrest for a violent crime. A teenager who was arrested for stealing from a store was released because of bail reform, and instead of being thrown in jail for months before trial, he was able to graduate from community college and is currently pursuing his bachelor's degree. That would not have been possible under the old system. And contrary to popular belief, over 90% of the people who are released without bail also show up for every court date (the rate increases for people accused of violent felonies).

COMMON ASSUMPTION

Judges are always fair and impartial.

TRY THIS

The majority of people in jail are incarcerated because they cannot afford their bail. This is because judges haven't been following a law that requires them to consider a person's ability to pay. In 2021, bail amounts averaged over \$38,000 in New York! That's a lot of money for anyone to pay and most families can't afford it.

COMMON ASSUMPTION

Victims and survivors of crime want the person that harmed them to go to jail.

TRY THIS

A national [survey](#) of crime survivors found that most prefer holding people accountable through options that don't involve prison, such as rehabilitation, mental health treatment, or community supervision. And [most women](#) who previously contacted the police for partner abuse or sexual assault either would not or are unsure if they would call the police again in the future. We need to find solutions that reflect the self-determination of survivors.

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5 SHOW, DON'T TELL.

TRY THIS

We all start somewhere! Share your story about your beliefs. For example, you can say “I used to think _____ but then I learned/experienced _____ so now I think _____.”

Stories are vehicles for empathy. When possible, use real stories or narratives to explain the importance of pretrial freedom. This can humanize the issue, add context to compelling statistics, and combat harmful rhetoric. Examples of the human price of pretrial jailing and bail will help make this politicized and sometimes abstract issue real for your friend or family member.

TRY THIS

If you have first-hand experience, have a family or friend impacted by pretrial jailing or bail, or have witnessed the harms of the system (e.g. through court watching) and are comfortable sharing your story, please do!

When sharing the details of someone else's experience, center that person's dignity and treat their story with the respect and protection of privacy that you would want for yourself.



6 REMIND PEOPLE THAT OTHER SOLUTIONS ARE POSSIBLE AND ARE ALREADY WORKING

Share information on solutions that support public safety and address the root causes of crime, including community investments in housing, healthcare, employment, education, mental healthcare, and drug programs.

TRY THIS

I want to feel safe in my community. But if relying on the police and prisons worked, then we would have eliminated violence a long time ago. The U.S. spends more money than ever on policing and prisons, yet we still experience violence in our communities. We should be reducing our reliance on things that don't work, like traditional policing, and investing in proven solutions that put the safety of communities and families first, like housing, education, mental health care, and conflict resolution programs. In New York City's Crown Heights neighborhood, the Save Our Streets program, which deploys outreach workers trained in conflict resolution, led to a larger drop in gun violence compared to nearby areas that relied on the local police department.

7 REMEMBER, THIS TAKES TIME!

“The arc of the moral universe is long, but it bends toward justice.” It takes more than one conversation to change hearts and minds, but change is possible. Share resources that you have found helpful and news sources that are trustworthy. Ask for another opportunity to continue the discussion. You may move them only an inch in understanding, but that's an inch closer to joining our movement for transformative change.