

Supreme Court
of the
State of New York



CHAMBERS
320 JAY STREET
BROOKLYN, N.Y. 11201

April 5, 2019

BETTY J. WILLIAMS
JUSTICE
Personal & Unofficial

Dear Governor Cuomo:

I am writing to urge you to sign the Domestic Violence Survivors Justice Act (S.1077/A.3974), passed by the Assembly and Senate in March, 2019. This important Act was sponsored by Senator Roxanne Persaud and Assemblymember Jeffrion Aubry. I am a retired New York State Supreme Court Justice, having served in Kings County Criminal Terms. Before my election to the Supreme Court, I presided for 7 years in Kings County Criminal Drug Treatment Court. I was a Judge for 17 years and Co-Chaired The National Association of Women Judges , Women in Prison Committee (NAWJWIPC). The NAWJWIPC has consistently supported this legislation. Before admission to the Bar, I was a New York State Certified Social Worker and a member of the Academy of Certified Social Workers.

From my courtroom and social work experience, I am acutely aware of how domestic violence continues to affect the lives of so many women. The Domestic Violence Survivors Justice Act (S.1077/A.3974) presents an important step in facilitating the safe reentry into the community of a class of incarcerated women, subjects of this legislation. The Act would: (1) allow judges to sentence survivors to shorter prison terms and, in some cases, a community based alternative-to-incarceration program instead of prison, and (2) provide survivors currently in prison the opportunity to apply for resentencing, thereby granting much-deserved relief for incarcerated survivors who often pose no threat to public safety. Economically, the women would become tax paying citizens and reduce the incarcerated population.

At the same time, the Act contains several safeguards to ensure the appropriate use of judicial discretion. A judge would be permitted to grant an alternative sentence *only* if she or he finds that: (1) the defendant was, at the time of the offense, subjected to substantial physical, sexual or psychological abuse by a spouse, intimate partner or relative; (2) the abuse was a "significant contributing factor" to the defendant's participation in the crime; and (3) a sentence under the current law would be unduly harsh.

For additional information, please contact either Jaya Vasandani (202) 321-9687 or Tamar Kraft-Stolar (917) 816-4184, Women & Justice Project Co-Directors. I can be reached at (347) 693-8530. Thank you in advance for your support.

Peace,


Justice Betty J. Williams, Retired

c: Senator Roxanne Persaud
Assemblymember Jeffrion Aubry
Alphonso David, Counsel to Governor Cuomo
NAWJ President Tamila Ipema
NYNAWJ President Marguerite Graves