**Speech on Criminal Justice Reform**

**NYC Council Speaker Corey Johnson**

**John Jay College of Criminal Justice**

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Thank you President Mason for that kind introduction.

Thank you John Jay College for having me here today.

I’m honored to be joined by so many of my colleagues in government.

And I’m honored to be here at John Jay, one of the best colleges at the City University of New York.

Today, we’re going to talk about how our criminal justice system should function in the 21st century.

And I’m going to propose some concrete steps on how to get there.

But to begin this talk about our city’s future, I’d like to start by addressing our past;

Stop and frisk, broken windows, and mass incarceration.

The truth is that because of the color of my skin, I can’t truly know the trauma experienced by people who have endured the consequences of those policies.

But as Speaker of the New York City Council, it is my job to listen and understand how policies affect communities.

I have listened to many New Yorkers, and I have been moved by what I heard.

Today I want you to hear just one of these stories from my good friend.

As I said, I have listened and I have learned.

And as Speaker of the New York City Council it is my duty to acknowledge that these policies were wrong.

Less than a decade ago, we stopped and frisked almost 700,000 people a year.

The overwhelming majority of them were black and brown New Yorkers who had done nothing wrong.

Our jail population was over 20,000 in the 1990s

Most of those people were in for minor crimes and could not afford bail.

And just 8 years ago, we sent more than half a million people to criminal court for quality of life offenses.

Today our stop and frisk rate is reportedly down by 98%.

Our jail population is almost a third of what it was.

And criminal summonses for offenses like drinking in public are down 96% from where they were less than a decade ago.

We have made great strides.

But the profound injustices of those practices continue to haunt us.

Our jail population in New York City right now is 87% percent black and Latinx.

Eighty-seven percent.

81% of people prosecuted for crimes in New York City are black and Latinx.

88% of people stopped and frisked are black and Latinx.

This is the true legacy of stop and frisk, broken windows, and mass incarceration.

Our system has clearly had a profound and long-lasting impact on communities of color.

I’ve seen it myself.

I recently watched criminal court arraignments.

I saw overwhelmingly black and Latino men charged with crimes of poverty and addiction.

Crimes that should be addressed with treatment and services.

The policies of stop and frisk, broken windows, and mass incarceration have turned our criminal justice system into a system of *in*justice for poor people of color.

And for what?

New York City is the safest big city in the country right now – and we did it while moving away from these practices.

Many of you in this room led that fight.

And you know these changes did not come easy.

When the City Council passed laws to send quality of life cases to civil court instead of criminal court –

it was *a direct rebuttal* to broken windows;

Some people said the bad old days would come back.

Murders, muggings, mayhem – they were all coming back.

It didn’t happen.

They said the same thing when we said “no” to the abuse of stop and frisk and “yes” to Neighborhood Policing.

But the facts speak for themselves.

Crime continued to fall.

So now we are at a pivotal moment in our city.

We have shown we can move forward with a holistic approach to justice that can keep crime down and keep *all* communities safe – the beginning of a new era.

**REBUILDING TRUST**

To start, let’s acknowledge that every community —from the Upper West Side to Brownsville—should be able to trust that everyone who wears a badge is there to protect them.

And let’s acknowledge that many people, particularly in communities of color, currently do not feel that way.

To earn some of this trust, we need to repeal 50-a, the state law that allows the NYPD to shield police officers from public scrutiny.

It’s what kept New Yorkers from knowing the disciplinary records of the officers involved in the death of Eric Garner.

There is a trial going on this week, as you all know.

Eric Garner died in 2014, and five years later – the public still has many unanswered questions.

50-a keeps officer misconduct in the shadows.

I fully respect the women and men of the NYPD who risk their lives to keep us safe.

Part of the reason why we are here today is because the NYPD is arresting people at dramatically lower rates than they were just a few years ago.

In the past decade, arrests have gone down 40%.

And it was the NYPD who worked with the City Council to make sure that over 100,000 criminal cases went to civil court.

They were our partners in this work and I thank them for that.

But those with the power to arrest and take away another’s liberty should be held to the highest standards of accountability.

50-a keeps communities from being able to wholly trust the police and must be repealed.

That trust will only come from a robust discipline system that is transparent to the public.

**CLOSE RIKERS**

We also have to rebuild trust in our corrections system.

Which is why we are closing Rikers Island, a stain on the soul of our city.

I am so proud to say we are making serious progress on this front.

Thanks in huge part to former Chief Judge Jonathan Lippman, who is here today.

Thank you Jonathan.

The land use process for new jail sites has begun, and Albany has finally passed transformative laws on the issues of discovery, speedy trial, and bail reform.

But there is so much more to do.

Going forward, our default response to most arrests should be diversion, treatment, and rehabilitation – not incarceration.

Thanks to bail reform in Albany, we are about to have at least 2,000 fewer people in our city jails.

Let’s continue that movement towards decarceration.

We need to increase our investment in alternatives to jail and prison.

And importantly, we need to take the money we used to spend on our jails and invest those funds in the communities directly impacted by mass incarceration.

We need to address the fundamental problems that led to justice system involvement in these communities in the first place.

We need substance use treatment programs.

More supportive housing.

Better access to health care.

More job programs.

This is how you fix a system that has been broken for far too long.

This is how you invest in fairness.

It’s something I am completely committed to, and will be working on throughout my term.

**PAROLE REFORM**

Here’s one fairly easy way we can invest in fairness:

Let’s stop sending people on parole back to jail for minor technical violations.

Right now, people accused of these minor violations account for 8% of our jail population.

That’s around 600 people behind bars for things like missing a curfew.

Or not passing a drug test.

Or missing an appointment.

The stories we’ve been hearing are outrageous.

Just recently, the Fortune Society told us about a woman who ended up on Rikers for missing one appointment with her parole officer.

One appointment.

I wish this was an aberration - but it’s not.

People are incarcerated for technical little things like this every single day.

The state is considering the Less is More Act to help fix this problem, and I urge my colleagues in Albany to pass this legislation this session.

But the City Council will also take action.

We can and will provide judges who handle these violations with meaningful programs to get people out, and get them out quickly.

The first program will identify people arrested for parole violations immediately upon their incarceration, and put them on a fast track to release.

They will participate in a two-week intensive program with a robust array of services, from cognitive behavioral therapy to coursework on understanding parole conditions.

They have not committed new crimes, only technical infractions, so two weeks is more than enough time to get them back on track and prepared for reentry.

The second program will work directly with parole judges to identify individuals they don’t think should be sent back to prison.

These individuals will participate in a community-based program that will provide important services like transitional housing and drug treatment.

These types of programs work.

With the help of the Fortune Society, the woman who missed a meeting with her parole officer is in supportive housing and getting a robust array of services.

She’s been out of jail for over a year.

The Fortune Society and The Osborne Association are here today, along with their clients who have been directly impacted by our broken parole system.

Thank you all for coming and thank you for the work you do.

Our new programs will help keep people from getting needlessly locked up, and help drive our jail population down.

They will help us achieve the city we all want and need, and I am so excited about the work ahead of us.

**MENTAL HEALTH AND JAIL**

I’m going to be honest – there’s no easy solutions for this next challenge.

Nearly one in five people in our city jails have been diagnosed with a serious mental illness.

Most come from poor communities of color that have limited access to medical care, and are also subject to higher levels of law enforcement.

The health care system has turned away the chronically ill, and left jails as the public caretaker of last resort.

But incarcerating people with mental health issues is a profound injustice, and something that we should never allow in our city.

**MENTAL HEALTH: HOUSING**

Because I’m serious about addressing the mass incarceration of those with mental illness, I’m prepared to address one of the key drivers in this crisis:

Housing.

Finding a place to house and care for mentally ill people who are charged with crimes will not be easy.

Or cheap.

But we can’t ignore this problem because it’s hard.

We need transitional housing for those who just need a temporary home;

And supportive housing for people who need more supervision.

Here’s the thing:

*We’re ignoring solutions to this problem but we’re still paying for it.*

We spend $2.4 billion**dollars – that’s billion with a “B”** - every year incarcerating people in city jails.

That’s over $300,000 A YEAR for one person.

If the moral issue doesn’t move you, then the money issue should.

Today, I’m announcing the creation of a new program to house 100 people with serious mental illness who are caught up in our criminal justice system.

This initiative will focus on men who need transitional housing and not jail.

It will be modeled after the successful effort the city has already implemented with the Women’s Community Justice Project.

The women in this program have a recidivism rate that is five times less than their peers.

This type of programming works, which is why I am committing money to expanding it.

The 100 beds that I’m proposing are a great start.

But the reality is, we could create a *thousand beds* and they would easily be filled.

That’s how much work we need to do as a city.

And we will.

I can promise you all: this is the beginning, not the end, of rethinking how we spend our taxpayer dollars.

**MENTAL HEALTH: INPATIENT TREATMENT**

Here’s another reason mentally ill people end up on Rikers Island when they shouldn’t:

We have options for incarcerated people who need inpatient *drug* treatment.

The same cannot be said for inpatient *mental health* treatment.

The few facilities that do exist don’t have enough capacity for those in need;

Which means people end up stuck on Rikers while they wait for a bed.

To fix this, I am calling for an investment in residential mental health programs.

Let’s take some of the money we spend locking up people with serious mental illness, and invest it in inpatient programs.

So they can get better and learn to transition back into society.

So they can stay well and not recidivate.

So they don’t wind up interacting with the criminal justice system in the first place.

Because the era of locking people up because they are mentally ill must come to an end.

**MENTAL HEALTH: PROVIDING THE RIGHT TOOLS**

We have to think big on these issues.

But there are smaller steps we can take that will make a real difference.

We can do more to provide judges, prosecutors, and defense attorneys with the right tools to handle these cases.

When a judge agrees a person can safely live somewhere other than Rikers, we need to provide real options.

So the City Council will fund a program to connect social workers with defense lawyers and medical staff early in the process, when there is time to find alternatives.

We also need to address the continued incarceration of individuals whose conditions improve after being in custody.

Right now, a judge typically determines whether someone goes to jail within 24 hours of their arrest.

At that time, an individual may be experiencing the height of their mental health symptoms.

Our city’s jails have made real progress in the treatment of those with serious mental health issues.

They get on the right medication and they stabilize.

People get better;

But they don’t get out.

Today, I’m announcing new legislation called the “Get Well & Get Out Act.”

This bill will require correctional health services to communicate critical information about a person’s mental health status to their attorneys.

This information will open doors to a more humane option for people living with mental illness.

**EQUAL JUSTICE**

But as we increase our investment in alternatives to incarceration, we *must* make sure those investments are fairly distributed.

A fairer system means equal access to justice no matter where you live.

One impediment to that is the size of our city.

We have five District Attorneys, a Special Narcotics Prosecutor, hundreds of judges, and thousands of defense attorneys.

Meanwhile, scattered throughout our different neighborhoods and precincts, there are dozens of unique programs designed to divert cases from jail or prison.

The result is that the outcome of a criminal case may hinge on which program was funded in a particular borough.

Or whether or not the people handling your case know about that program.

So the City Council will expand one of our most promising programs, Project Reset.

And we will do it citywide.

Project Reset moves misdemeanor cases outside the criminal justice system entirely.

Right now, our system mechanically churns through misdemeanor cases, treating those charged with crimes as “bodies” and not as people.

Project Reset recognizes their humanity.

This program isn’t just the right thing to do, it actually produces impressive results.

After the completion of just 2 sessions, Project Reset participants were less than half as likely to be arrested as their peers.

I want to thank District Attorney Darcel Clark, who is here today and who has been a great partner in working with us to fund this in the Bronx.

And I can’t wait to see the results when we expand this citywide.

I’m also proud to be announcing that the City Council will fund the operations of a court in Brooklyn dedicated solely to assessing certain felony cases for alternatives to incarceration.

This new courtroom will be created with the help of Chief Judge Matthew D’Emic of Brooklyn Supreme Court and the Center for Court Innovation, who is here with us today.

It will analyze every eligible case in the borough to ensure that individuals have the opportunity to access alternatives to incarceration where appropriate.

The court will begin in Brooklyn, and when successful we can expand it city wide.

Because the default outcome for most cases should not be incarceration.

District Attorney Eric Gonzalez has already committed to this progressive concept.

He is here today, and I thank him for his support and for all the work he has done to reform our system.

**ECONOMIC JUSTICE: SURCHARGES**

Fairness means more than getting an equal shot at helpful programs.

Fairness also means economic equity.

Here’s a perfect example of economic *in*-equity.

In 1982, our state added mandatory court “surcharges” to all convictions as part of a misguided effort to be “tough on crime.”

These surcharges run from $120 for a non-criminal offense to $250 for a misdemeanor. And almost $400 for a felony.

For those with means, $120 is a nuisance.

But for those living in poverty, it is a severe hardship.

So I am calling on the state to end mandatory surcharges.

The poor are already overly burdened by our criminal justice system.

Forcing them into a system that has discriminated against them for decades – and then *charging*them for it – is an injustice.

**ECONOMIC FAIRNESS: CIVIL FINES**

We also need to address how the city sets fines on civil offenses.

Much like court fees, these fines have a disproportionate impact on the poor.

So we will pass legislation supporting “Day Fines”.

This pilot will establish a new fine structure for certain civil offenses - one that is tied to a person’s means.

The “day fine” concept is simple: fines are based on a percentage a person’s daily income.

It will not over-punish the poor, and it will not under-punish the rich.

It will be fair.

The day fine system is widely used in Europe, and it has even been used here in this City, in a successful pilot on Staten Island in the 1990s.

It worked.

The time is ripe to bring this progressive idea back to our City.

**JUSTICE FOR DRIVING OFFENSES**

Now, economic fairness isn’t just limited to fines and fees.

It’s also at the core of one of the most commonly charged crimes in our system.

Here’s a fact that may surprise many of you.

The fourth most charged crime in our city is driving with a suspended license.

Over 15,000 people every year are fingerprinted, booked, and charged with this quote-unquote crime.

The crime in most of these cases is the failure to pay a moving violation.

Hasn’t everyone forgotten to pay a bill once or twice?

For some people, a fine represents a difficult economic burden.

Should people be arrested for this?

Of course not.

People can lose their jobs.

Or end up deported by ICE.

How is this fair?

Even worse, enforcement is often targeted at people of color.

76% of the drivers in our City are white.

87% of the people arrested for driving with a suspended license are non-white.

This is outrageous!

This practice must come to an end.

Now, let’s be clear.

Everyone*should* pay their fines for a moving violation – but does the punishment for not paying really need to be criminal charges?

Or Jail?

Let’s send some of these cases to DMV court, where they belong.

Not every case – just those with 1 or 2 unpaid tickets.

It also wouldn’t apply to those with too many moving violations;

are charged with reckless driving, or involved in a crash.

They should be off the road.

I am fully committed to eradicating the culture of dangerous driving that continues to permeate this city.

What I’m proposing has nothing to do with bad driving.

It has to do with bad policy that criminalizes poverty.

Where reckless driving is occurring, we need to impose real accountability.

Too often I read about serious cases of dangerous driving where the result is little to no consequences.

We have already called for the expansion of the NYPD’s Collision Investigation Squad and evidence collection teams.

But we need to do more.

That is why the City Council will work with advocates like Transportation Alternatives and Families for Safe Streets to create a working group on Justice and Accountability for Dangerous Driving.

I want to thank representatives from these organizations for all of your advocacy, and for being here today.

This is the kind of justice reform we need.

Let’s end needless prosecutions for minor cases of driving with a suspended license, and shift those resources towards more serious cases of reckless driving.

**JUSTICE FOR PERSONS INVOLVED IN THE SEX TRADE**

We also need to take a closer look at another difficult issue that results in needless prosecution: the criminalization of people involved in the sex trade.

I think we can all agree: what you choose to wear should never be an indicator of criminality.

Yet that’s exactly what the state does with its archaic and wrongheaded law that penalizes what is allegedly loitering for the purposes of prostitution.

This means the police monitor the way people dress under the guise that certain clothes make you “look” like you’re selling sex.

Arrests for this offense disproportionately target transgender women and women of color.

The number of these arrests more than doubled between 2017 and 2018.

This is blatant misogyny. This law must be repealed immediately.

But there is much more we should do to address this issue.

Many people caught up in the criminal justice system are poor women of color who are engaged in “survival sex.”

A significant number identify as survivors of sex trafficking and have suffered severe trauma.

They should not be arrested and they should not be prosecuted for selling sex.

This doesn’t mean I support legalizing the sex trade.

But persons involved in the sex trade should be given the services they say they need.

I will fund the creation of a comprehensive, wrap around support center for those who are engaging in survival sex or who have been trafficked.

This center will provide daily necessities, such as meals and showers, medical care, legal assistance, mental health services, and job training.

I will also support community-based organizations to hire and train outreach workers.

The workers will help those engaged in the sex trade access counseling, medical services, and housing assistance.

We must provide services and assistance to persons engaged in the sex trade, and end needless criminalization and prosecution.

**TAKING A HARD LOOK AT OUR POLICIES**

Because no matter what you are charged with, it is now a well-established fact that a summons, arrest, or criminal conviction has consequences that could follow a person for life.

The City Council has already addressed this issue in numerous ways, including passing our “Ban the Box” legislation to reduce the impact of a criminal conviction on employment.

But we still need to take a hard look at our own policies that affect those with criminal convictions, particularly those with drug convictions.

Some of these policies certainly make sense - nobody wants the City to hire a bus driver who has DUI convictions.

However, some policies may be overly punitive.

NYCHA, for example, can evict someone or deny them housing if they have even a misdemeanor drug conviction.

NYCHA has every right to ensure that drugs are not sold in public housing.

But what is a person recovering from substance use supposed to do?

We must make absolutely sure that our policies do not stop people from getting the services or housing they need.

I support the full legalization of marijuana and have been advocating for the State to end this criminalization once and for all.

The reality is that the use of marijuana is already legal in this city

If you’re white.

Over 90% of those arrested for marijuana are black or Latinx.

It’s time to legalize it for everyone.

But the City Council is not sitting around waiting for the state to act.

Last month, we passed legislation banning pre-employment drug testing for marijuana, ending a significant barrier to employment.

We will continue this work by requiring an audit of all city agencies to examine their practices.

The audit will identify points where drug convictions result in the denial of services or any other negative consequences.

We will examine which of these policies make sense, and which prevent people from moving on with their lives.

Recovering from addiction is hard enough as it is. We need to do everything we can to make sure we’re not making it even harder.

**CONCLUSION**

I’d like to end on a personal note.

I’m always very open about my prior struggles with addiction.

When I was abusing alcohol and cocaine, my life very easily could have taken a different turn.

Two weeks ago, I saw two men of color sent to jail for having the same amount of drugs I used to have on a regular basis.

But I was never caught with drugs.

Nobody ever looked.

If they had, I honestly don’t know where I’d be today.

I might not have a job.

I might not be sober.

But that’s not how it works for someone who looks like me.

I don’t have a criminal record.

I was allowed to learn from my mistakes.

I was allowed the opportunity to get sober.

I was allowed to grow into the man that I am today.

I feel very lucky to be standing here after all the mistakes I made.

But my story isn’t about luck.

It’s about privilege.

I wasn’t treated as a criminal because I was an addict.

I wasn’t targeted by law enforcement.

I wasn’t subjected to brutal violence on Rikers Island

Many, many Black and Latinx New Yorkers do not have that privilege.

I want a criminal justice system governed by compassion and common sense.

We know that this approach works because we’ve started it.

You – so many of the people in this room – you all started it.

Crime has continued to fall.

Now let’s go further.

We can change this system.

All of us here.

The formerly incarcerated.

The faith leaders.

The defenders.

The prosecutors.

The judges.

The grassroots advocates.

The police.

The service providers.

The moms and dads.

The young people.

All of us.

Together, we can create a justice system that is worthy of our great city.

Thank you.