NYC Criminal Justice

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New York City Council
Testimony regarding the Criminal Justice Reform Act
Committee on Public Safety

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Good morning, Speaker Mark-Viverito, Chair Gibson and members of the Committee on Public Safety. My name is Elizabeth Glazer and I am the Director of the Mayor's Office of Criminal Justice ("MOCJ"). Thank you for the opportunity to testify today. Alex Crohn, General Counsel, and Allie Meizlish, Associate Counsel, are here with me to answer questions. I am also joined by Deputy Inspector, Tom Taffe, and Director of Legislative Affairs, Oleg Chernyavsky, from the Police Department as well as General Counsel Alessandro Olivieri, Assistant Commissioner Mike Dockett and Director of Government Relations Matt Drury from the Parks Department.

The Mayor's Office of Criminal Justice advises the Mayor on public safety strategy and, together with partners inside and outside of government, develops and implements policies aimed at reducing crime, reducing unnecessary arrests and incarceration, promoting fairness, and building strong and safe neighborhoods.

Over the last twenty years, New York City has experienced the sharpest drop in crime anywhere in the nation. Every type of major crime has plummeted, with the number of murders dropping by 83% and grand larceny dropping by 93%. The trend toward greater public safety has continued, with 2015 showing the lowest yearly crime numbers ever in the modern Compstat era. Since January of 2014, index crime citywide has fallen 1.7% and overall crime has fallen 5.8%. Burglary and grand larceny auto were at their lowest levels in more than 50 years in 2015.

Declines in crime have been matched by similar declines in both low-level enforcement and the use of jail. Marijuana arrests have fallen 48% since 2011. Criminal summonses have declined 34% since reaching an all-time high in 2009. And although in the rest of the country, jail and prison populations increased 11% between 1996 and 2013, New York City's jail population fell by over half.

These numbers are not cited for bravado; they are evidence of a crime context in New York City that is just different from the experience of the rest of the country. New York City is proof that we can have both more safety and a lighter criminal justice touch. The package of bills the Council and City have worked to develop over the last year continues this approach to public safety that calibrates response to

the seriousness of the incident. Thanks to the Speaker for her leadership, which has made this process possible.

The key to driving down crime, arrests, and the unnecessary use of jail even further is matching the appropriate enforcement response to the situation. That is the principle that undergirds the reforms being discussed today: enhancing the spectrum of options available to police to match their response to the unique facts of each case, reserving the most serious enforcement responses for the cases that present the greatest danger.

Currently, for many low-level offenses such as excessive noise or littering, police officers issue a criminal summons or make an arrest. The vast majority of these offenses result in a police officer issuing a criminal summons, a ticket that requires an individual to appear in a summons court six to eight weeks later. Only a small percentage of these low-level offenses currently result in arrest, mostly because the individual has an open warrant or is not carrying ID.

In 2014, approximately 310,000 summonses were handled by the Criminal Court system. Only 27 percent of these summonses resulted in a conviction. For those convicted, the penalty is almost always a fine – the largest single category, alcohol in public, constitutes 25% of summons fines, which are set at a standardized $25.

The pressing problem with the current summons court process is the 38% warrant rate for failure to appear in court. This high warrant rate is troubling: it signals that something is not working, if people do not even show up for court. And it has consequences, both individual consequences for the individuals issued warrants and for the criminal justice system's use of resources. Warrants can only be vacated if an individual physically appears before a criminal court judge. In practice, this often means being arrested by an officer and brought to court – an expensive experience that can mean missed work or childcare commitments for the individual and time diverted from policing public safety threats for the officer involved. It can also mean a police encounter for an low level offense escalating to arrest, leaving an individual with a dampened perspective of the fairness and effectiveness of the criminal justice system.

To address this problem, the City is already implementing various changes to the summons process to ensure that when criminal summonses are issued, individuals easily understand when and where they need to appear in court. We are also preparing to pilot reminder systems such as text messages and flexible court appearance dates, all changes we believe (and will test to ensure) will decrease the warrant rate for failure to appear in summons court.

The bills we are discussing today will make further important improvements to the enforcement of low-level offenses. The administration supports creating the option for officers to issue a civil ticket in response to low-level offenses, such as littering. In appropriate low-risk cases, this will bypass criminal court altogether, avoiding the possibility of a warrant for failure to appear or a criminal conviction that could affect public housing eligibility. The City also supports removing the possibility of jail time for

many low-level offenses and reclassifying many low-level offenses as violations instead of misdemeanors. Taken together, these two changes will affect hundreds of thousands of New Yorkers every year, avoiding undue collateral consequences and improving fairness.

As you know, many of these bills are the product of extensive discussion between the Council and the City. This partnership has been productive, and although some issues remain, we are confident we can reach consensus.

It is important that the plan we ultimately adopt retains criminal sanctions for all of these offenses, giving the police the ability to make an arrest according to clear guidelines when necessary to protect the public. Police discretion, wisely exercised, is the foundation of a fair criminal justice system. Creating a spectrum of available enforcement options, which can be calibrated to the specific risks and needs of a given individual, balances protecting safety and promoting fairness. This is the essence of good law enforcement.

Effective implementation of the changes we are discussing today will advance the City's larger goals of promoting fairness and concentrating law enforcement resources on the narrow category of individuals driving the City's violent crime.

The City Council, under the leadership of Speaker Mark-Viverito, has proposed smart, sweeping changes to how the City responds to low-level offenses and improves the quality of justice system-wide. We appreciate your partnership in developing these reforms and look forward to our continuing work together in creating a city in which every New Yorker is safe and treated with respect.

Thank you for the opportunity to testify here today. I would be happy to answer any questions.