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District Attorney Melinda Katz Addresses the Police Athletic League
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Good afternoon, and thank you for having me in to talk about some of the changes that have happened or are happening in the DA's office, some of our future plans, and how we can all keep working together to make Queens the absolute safest place it can be for all of our residents.

I did want to recognize your President, David Arena, my longtime friend John Catsimatidis- with whom I don't always agree- I know that he is always coming from a true desire to help our city; former NYPD Commissioner Robert Maguire, and -of course- your very able and dedicated Executive Director, Frederick Watts.

I think most of you already know me, so I'm not going to go deeply into my background because I have a lot that I want to share with you, but I did want to preface my comments with two important points.

First, I know what it means to be a part of a family that was victimized by someone else's illegal actions. I lost my mom at a very young age because of a drunk driver, and that shaped me not only with a thirst for justice, but also with a compassion for victims, and a stark understanding of the reality of the fact that many crimes can never be undone.

Second, I am acutely aware of the amazing work that PAL does, and the role you can play in helping young people get and stay on the right course, so they never end up as part of our criminal justice system. And this is a point that I'll come back to, because as I said, many crimes can never be undone, and we are failing our community if we're not working to stop crime before it happens.

You can't unshoot a gun.

JUSTICE

Stopping crime, in all its forms, is going to be a major driver of many of the initiatives we are implementing at the DA's office. That includes keeping kids on the right track, but it also includes making sure that our criminal justice system pays real attention to reducing recidivism. It means treating addiction, and using alternatives to incarceration to address causes of crime, not just outcomes. It means getting guns off our streets in every way possible. It means making sure that witnesses and victims feel safe coming forward to report crimes. It means helping the formerly incarcerated find jobs. It means making sure that we get it right when we decide who to prosecute and that past mistakes- which incarcerated innocent people and left criminals on the street- are corrected.

There is a fundamental morality to what we do, keeping people safe and protecting the rights of all our residents, but there are also very practical underpinnings to these policies.

Incarceration is incredibly expensive. It is sometimes necessary, but it comes at a cost. The cost is not only borne by the taxpayers, it's borne by the families of the defendants and the communities in which they live. When a young person picks up a gun and commits a crime, he or she has no idea of the cascading tragedy they are starting. But we know. And we know that there are better ways to stop it.

So let me talk about what we are doing, and then I am happy to take questions at the end if time allows.

STAFF

First, I am in the process of reorganizing this office to both modernize and reflect the priorities I laid out during my campaign. This is not a simple process or a flip of the switch; Judge Brown was DA for 28 years and beyond shifting priorities, our understanding and knowledge of best practices, as well as the laws which govern our criminal justice system have changed radically.

From our new Conviction Integrity Unit, to Immigrant Affairs, to better protecting workers from dangerous workplaces and wage theft, to implementing discovery reform and bail reform, to expanding Alternative to Incarceration and diversion programs, we need to significantly restructure the office and either hire or reassign staff to align, not only with my policies but with our current needs.

To help me implement this reorganization, my Executive Staff will be led by Chief Executive Assistant District Attorney Jennifer L. Naiburg, and she will be supported by ...

(List of additional appointments to staff taken from QDA 1/6/20 press release).

Camille Chin-Kee-Fatt, Chief of Staff

John M. Castellano, Counsel to the District Attorney

Bryce Benjet, Director of the Conviction Integrity Unit

Angela Albertus, Executive Assistant District Attorney of the Criminal Practice and Policy Division

Pishoy Yacoub, Executive Assistant District Attorney of the Supreme Court Trial Division

Johnnette G. Traill, Executive Assistant District Attorney of the Appeals and Special Litigation Division

Daniel Saunders, Executive Assistant District Attorney of Major Crimes Division

Colleen Babb, Executive Assistant District Attorney for the Community Partnerships Division

So those are the people who are going to help me achieve what we have laid out. But let me tell you exactly what we've already done, and what we'll be doing as we move forward into the new year.

180.80 WAIVER/PLEA BARGAINS

Before we even took office, I ended two longstanding practices of this office regarding plea bargaining, specifically the requirements that a defendant sign a 180.80 Waiver Policy, waiving their right to a timely grand jury trial if they want to initiate plea bargain negotiations. And we ended the practice of refusing to consider plea bargains on anything less than the top count after an indictment. The reality of these policies was that they would pressure a defendant to accept a plea bargain early, which meant more and faster convictions, but did not, in and of themselves, promote the cause of justice. The fact is, plea bargains are a critical tool to use in improving the efficiency of the criminal justice system, but our ADA's should at all times be able to discuss resolving cases through plea negotiations.

CONVICTION INTEGRITY UNIT

I also announced, before Day 1, the creation of our Conviction Integrity Unit to be headed by Bryce Benjet, formerly of the Innocence Project. Increasingly in recent years, we have become aware of the disturbing number of wrongful convictions, in cities and states across the country, caused by coerced confessions, withheld evidence and a host of other problems. Each wrongful conviction not only ruins the life of an innocent person and their family, it leaves a dangerous criminal on the street, ready to commit more crimes. Most of our neighboring counties have had such units for a number of years, it is long past time for Queens to catch up.

My office has begun the process of implementing the new discovery reform and bail reform laws, and I want to talk about both but especially about bail as there is a lot of misunderstanding of what's going on that we need to address.

DISCOVERY

On discovery reform, discovery is the process whereby we, as the prosecutors, share the evidence we have with the defendant and his or her attorneys, so that we are all approaching a case with the same understanding of the facts at hand. Many people do not know this, but New York had some of the most restrictive discovery laws in the nation until this month, meaning that defendants, those who are accused of a crime, would often not have a chance to see or review the evidence against them until just before the trial. That's not fair, and it's not right, and it's not justice. As prosecutors we are making decisions for defendants and victims alike, and our goal isn't just to get a conviction, it's to get it right. It's not a game of "gotcha." If we're so unsure of our evidence that we feel like we need to hide it from the defense in order to win a conviction, we shouldn't be bringing the case. So now, the law has changed and we have a much shorter time frame in which we need to turn over whatever evidence we have to the defense. But that's not always a simple process. Sometimes witnesses need to have their identities protected, which requires a judge's approval; sometimes we need to go through voluminous amounts of paper or hours of video to identify the germane information. That all takes time, and the state has made it clear that there's no additional money to hire more people. So we are, as we reorganize the office, setting up the systems to achieve this.

BAIL REFORM

On bail reform, I have a number of things to say.

First of all, we are not and should not go back to the old bail system. Not only was it designed in a way that was horribly out of date, it was misused and abused, often with tragic results. While many view bail as a policy that keeps people in jail, it can equally be viewed as a means for letting people out of jail, if they have money. Bail is what lets Harvey Weinstein sleep on luxurious; thousand thread count sheets in his own home every night after being arrested on five felony counts of rape and criminal sexual abuse, while Kalief Browder spent three years in a cold cell on Rikers, including two years in solitary, after being arrested for allegedly stealing a backpack. And when a low income person is held on bail, they're probably going to lose their home, their job, and all the things that allow them to be a functioning and productive member of society. It's a terrible and counterproductive policy.

Now, don't think I'm a Pollyanna here. I am well aware that there are bad people in this world, some who will need to be incarcerated. And I know that there are times when we need to hold someone until they can face trial. But of all the factors and conditions that go into deciding if someone should be incarcerated pre-trial, the least important thing about them is whether or not they have money.

So we are in the process of not only complying with the new bail reform law, but of eliminating cash bail completely. For every defendant, we will decide and convey to the judge our opinion of whether someone should be released on recognizance, released under supervision, or held pre-trial. Those are the options, and in those cases where we feel that someone needs to be held, it won't matter if they're a millionaire, they will be held.

As I said, this is a process. When I took office three weeks ago, we did not have systems or technology in place for monitoring people we would have liked to recommend for supervised release, extremely limited pre-trial services. Both our office and the judges we appear before are still learning exactly how this new law will function. But we are moving forward in what I believe is the right direction for our borough.

Now, let's talk about ways we can make our borough safer.

GUN VIOLENCE

First of all, as a mom, nothing terrifies me more than the epidemic of gun violence in our country. The fact that we all know the words "active shooter drill" is a tragic reflection on the reality of the times in which we live. Yet there are a number of things we can, and will do, to reduce gun violence in our borough.

To get guns off our streets, we are implementing a 24/7 gun buy-back program, so rather than having occasional events, anyone looking to turn in a gun can go to any police station, anywhere in Queens, and have it out of circulation, permanently. We know buybacks work, there's no reason not to have them work all the time.

Using the new Red Flag law, we will advise all victims of domestic violence of their right to petition the courts to take possession of any firearms owned by their abuser, and support them through this process.

I will support anti-gun violence groups like Life Camp, who treat gun violence like a public health issue and use a Cure Violence model to reduce and eliminate it. Again, we know, based on real data and evidence that these programs work. There's no reason to limit their reach when gun violence affects every corner of our borough.

GUN TRAFFICKING

And finally the best way to reduce gun violence is to stop dangerous people from getting guns, and getting guns out of their hands and off the streets as quickly as we can, and we have a number of tools at our disposal which we will be using.

First off, we need to understand that most guns used in crimes don't start out in New York. Between 2010 and 2015, 87% of the recovered guns in New York City were from out-of-state. With some of the strictest gun laws in the country, these guns flowing into New York from other states with weaker gun laws greatly influence the likelihood of shootings in our borough. We will collaborate with other jurisdictions throughout the state and in neighboring states to share data to enhance the tracking of firearms, while also ensuring law enforcement has as much access to data and intelligence as possible in order to better target gun traffickers.

Come into my borough, sell guns on our streets, we will prosecute you to break this industry and send a clear message that gun trafficking will not be tolerated in our borough.

OFFICE STRUCTURE

Now, to shift focus a little bit, I want to talk about some specific teams within my office who will be protecting some of the most marginalized and vulnerable residents of our borough. Because everyone deserves safety, and some groups face unique threats to their safety that must be addressed.

Among these are victims of human trafficking, which is an epidemic in our state and nation. These victims do not always report the fact that they are trafficked, and very often come into our office for other reasons. We will train our ADA's to look for indications that someone may be a victim of trafficking and when they are, ensure that they have the support to move away from this lifestyle while we aggressively pursue and prosecute the traffickers.

We will have an Office of Immigrant Affairs, which will work across other bureaus to protect immigrants who may be victims of fraud, wage theft, hate crimes, trafficking or even ICE's overreach into our courtrooms. With hate crimes on the rise, we will be diverting more resources into prevention, prosecution and community education. Hate crimes don't exist in a bubble, they grow out of unchecked words and actions of others who could directly inspire or legitimize them.

ALTERNATIVES TO INCARCERATION

And finally, I want to talk about our plans for much more aggressively using alternatives to incarceration for defendants who will be better served and rehabilitated through non-incarceration services. Clearly, with the opioid crisis still ravaging communities across our country, this is one area where we will focus, getting victims of addiction treatment instead of dumping them in jail to suffer withdrawal, only to be released later still afflicted by addiction to opioids or other substances, and no closer to recovery.

We will work with our defendants to get them into job training and community service, giving them options to a life of crime and the ability to act on those options. We will work with faith leaders and houses of worship to address outstanding warrants for low level offenses. Ending the cycle of crime demands that we address the conditions under which someone entered a life of crime. It's not a get out of jail free card; it is a program that people must complete that gives them the option to never come back to jail.

SO those are some of the things we have implemented and will be implementing as we move forward. As I said, some of these are a work in progress and will take time to fully implement. I know that is frustrating for many who want to see change happen more rapidly, and I share that frustration.

But it is vital that as we make these reforms, we do them right. The criminal justice reform movement has made incredible strides in building a more just and fair criminal justice system in many jurisdictions, but there are still those who want to go back to the age of mass incarceration, and if we allow ourselves to fail, their arguments will gain credibility. I will not let that happen. We can not.

I am deeply, deeply honored by the trust that you all and the people of Queens have placed in me in electing me to this critical office. I will honor that trust every day by looking for every opportunity to make this the safest, strongest and most fair borough in our city.