

**Mayor's Office of Criminal Justice
Testimony to the New York City Council
Committee on Public Safety
Preliminary Budget Hearing
March 16, 2021**

Good afternoon Chair Adams and members of the Committee on Public Safety. My name is Marcos Soler, and I'm the Chief of Staff and Acting Director of the Mayor's Office of Criminal Justice (MOCJ). I'm joined today by Deanna Logan, Deputy Director, Crime Strategies, Dana Kaplan, Deputy Director, Justice Initiatives, Eric Cumberbatch, Deputy Director, Office of Neighborhood Safety, and Osvaldo Cruz, Chief Financial Officer. Thank you for the opportunity to testify about MOCJ's budget and priorities for this year.

MOCJ advises the Mayor on criminal justice policy and is the Mayor's representative to the courts, district attorneys, defenders, and state criminal justice agencies, among others. MOCJ designs, deploys, and evaluates citywide strategies to promote safety, reduce unnecessary arrests and incarceration, and improve fairness. MOCJ works with law enforcement, city agencies, not-for-profits, foundations, and the public to implement effective strategies that makes the City safer by improving system coordination. Together with our partners, the fight to end gun violence in all city neighborhoods is our top priority.

This year has been particularly challenging for our City. With our partners and stakeholders, we sought to continue to a lot in the midst of a uniquely difficult year. We're incredibly grateful for the essential work that our providers and criminal justice stakeholders have performed during the public health emergency. In conjunction with these partners, MOCJ helped mobilize a historic effort to ensure that the criminal justice system continued to function during this crisis. MOCJ worked with our partners across the justice system and used the broad resources and expertise of City government to navigate the challenge of maintaining safety during the pandemic. As the administration's primary representative to the courts, district attorneys, defenders, and state criminal justice agencies, MOCJ communicated feedback and ideas from these stakeholders to the mayor and governor's offices regarding court procedures, vaccine priority, and health protocols, providing a crucial communication bridge which helped to facilitate the effective implementation of COVID-19 health and safety protocols. As some in-person operations resumed, MOCJ has worked with stakeholders to plan for multiple grand juries to deliberate on felony indictments and some criminal jury trials. The MOCJ team also coordinated with City health agencies to clarify screening guidelines and processes for minimizing COVID exposure in in-person operations. Nearly a year into the pandemic, our working groups continue to meet on a weekly basis, serving as a critical touch point for updates, problem-solving, and relationship-building at a time when many of the usual pathways of communication within the criminal justice system remain unavailable.

In addition to our work to ensure continuity within the criminal justice system, our teams also conducted important education and community-based work during the pandemic.

The Office to Prevent Gun Violence launched the media campaign, StayStrongNYC, to encourage a culture of community well-being during the public health emergency. The campaign emphasized that New Yorkers are fighting the pandemic together, and included social media and digital media components. The campaign finished with a total reach of nearly 5 million, with more than 2.5 million video views, and nearly 18 million total impressions.

The Mayor's Action Plan for Neighborhood Safety (MAP) quickly mobilized within its 15 NYCHA developments to meet community needs during the public health crisis. MAP's Resident Volunteer Corps conducted more than 11,000 remote needs assessments and completed more than 7,000 food deliveries in MAP developments plus Jefferson and Johnson Houses in East Harlem during the course of the pandemic .

Additionally, the Office for the Prevention of Hate Crimes worked to combat the deeply worrying uptick in anti-Asian bias incidents and hate crimes by creating a comprehensive interagency plan to ensure that city agencies are effectively supporting the Asian community.

Over the last 7 years, the Mayor has made historic investments to promote safety, reduce unnecessary arrests and incarceration, and improve fairness in the criminal justice system. These investments continue to improve our criminal justice system, as we have been able to leverage these investments to respond to the COVID-19 pandemic.

Reducing Unnecessary Incarceration

In the recent years, we have seen significant changes in the criminal justice system. It all starts with the fact that New Yorkers are committing fewer crimes. For example, to use data prior to 2020, from 2013 to 2019, the number of defendants was down 40% (from 218,709 to 139,354) and the number of re-arrests was down 52% (from 66,925 to 37,208).

To provide further context around arrests and re-arrests in the City, it's important to note that historically, around 20% (between 19-24%) of docketed arrests (where charges are filed with the court) had defendants with an open criminal case. Approximately 50,000 New Yorkers have an open criminal case during any given month. Over 97% of these individuals are not re-arrested, and over 99% are not re-arrested on a violent felony charge while in the community each month. These rates are similar across all programs and release types—ROR, bail paid, and Supervised Release.

Reducing New York City's jail population is a key commitment of this administration, and we have seen significant reductions in the City's jail population since the start of the

administration. New York City currently has the lowest incarceration rate of all large cities in the United States and we have seen historic declines over the course of this administration. Alternatives to Incarceration, Supervised Release, and effective re-entry services are vital to the reduction of the city's jail population. Our commitment to close Rikers Island is also dependent upon continuing to reduce the jail population. Allow me to share a bit more about these programs and initiatives and how they continue to further MOCJ's goal to reduce unnecessary incarceration.

Alternatives to Incarceration

Alternative to Incarceration programs are court-mandated diversion programs that provide participants with supportive services in their communities instead of a jail or prison sentence. ATI programs are key components of the city's investment in reducing the court's reliance on incarceration. MOCJ currently has \$35 million in contracts in FY 21 with 15 non-profit organizations to run 24 ATI programs throughout New York City. In 2017, the City increased its investment in ATI programs to serve approximately 5,500 people, as well as to provide additional behavioral health services to ATI participants and housing resources for women enrolled in ATI programs. In 2020, with the passage of bail reform legislation, the City expanded its ATI programs even further to divert more people, as well as to provide additional supportive services to more fully address participants' needs. Overall, the number of people served by ATI programs is expected to increase from 4,000 at the beginning of the administration to about 20,000 over the next two years. During the COVID-19 pandemic, these programs were able to redirect many of their services to remote models, furnishing ATI clients with cell phones and other means to engage in services safely during our public health emergency.

Supervised Release

In 2016, New York City launched Supervised Release citywide, offering judges the option of releasing appropriate and eligible defendants under specific supervisory conditions in lieu of setting bail. Supervised Release is designed to address likelihood to return to court. Defendants in Supervised Release are required to report to program case managers regularly and are offered reminders of their court dates, case management support services, and voluntary connections to social services as needed. MOCJ contracts with three organizations to provide supervised release citywide. The current overall value of these contracts is more than \$72 million, and we will release an RFP for these services in FY 22.

Re-entry

Changes in practices of police and judges have meant that 43% fewer people left jails in 2019 than at the start of this administration and we anticipate that number to fall to ~14,000 by 2026. During this administration, we have seen some promising reductions in the return to jail, with re-offending falling to 36%. While this reduction is encouraging, the numbers of those who return are still too high. We are currently making significant investments in services, and reshaping of the way we deliver those services to ensure

they are effective. These investments and their effective deployment will be key in reducing the return rate further.

MOCJ has expanded its re-entry programming to improve transition and release planning and services. The City has invested \$20 million into this new programming, which builds upon the success of the Jails to Jobs re-entry services program that was launched in 2018. Upon release, interested individuals work with reentry mentors who help facilitate all aspects of reentry on an individualized basis. The reentry mentors develop relationships with released individuals to encourage participation in relevant services and programs. The supports provided by this team of service providers include assistance locating temporary or permanent stable housing, as well as other wraparound resources determined by the specific needs of each returning individual. We anticipate that the case planning and coordination, combined with expanded service offerings and stronger relationships will help to ease the path to a stable life outside of custody and reduce the likelihood of return. Our providers are currently implementing these supports along with DOC and our non-profit partners. Awards have recently been made to 10 non-profit providers. In response to the pandemic, MOCJ's re-entry teams and providers were able to mobilize to quickly re-structure their programming to provide remote services. Additionally, in order to maximize safety, MOCJ worked with agency and non-profit partners to stand up an entirely new set of services in under-enrolled hotels in NYC. Beginning in late March, MOCJ worked with the New York City Office of Emergency Management and non-profit partner Exodus to provide transitional housing to clients leaving jails. These hotels have been vital to maintaining safety during the pandemic, and we are incredibly proud of the work done by MOCJ and its providers to ensure that those leaving custody had a safe, secure place to go. .

Close Rikers

MOCJ continues to work with DOC, DDC, and other city partners to close Rikers Island, and to implement a fairer smaller jails plan across four boroughs. The updated completion date on full implementation is August 2027. MOCJ has been working with agency partners and stakeholders to provide updates and design workshops in communities where the new jails will be located. MOCJ and city agency partners have met regularly with Council Members and local communities to help develop the designs for the borough jails, and to maintain communication channels among all stakeholders.

Building Strong Neighborhoods and Improving Public Safety

Research has shown that strong neighborhoods are an essential component of sustained improved public safety. Through the Office of Neighborhood Safety, which is comprised of the Mayor's Action Plan for Neighborhood Safety (MAP) and the Office to Prevent Gun Violence, the administration has made important investments in supporting communities to help residents co-produce lasting public safety. The MAP program was launched in 2014, and currently operates in 15 NYCHA developments citywide that had historically experienced high crime rates. While the past year was challenging, and

unfortunately saw crime rise across the city and nation, over 7 years, the MAP program has proven to be an effective driver of change in communities. I'll share a bit more about the program and how it altered to address the unique needs of residents during the pandemic.

Mayor's Action Plan for Neighborhood Safety (MAP)

Housed within MOCJ's Office of Neighborhood Safety, The Mayor's Action Plan for Neighborhood Safety enlists residents, City agencies and community-based partners to help move beyond enforcement and address the factors underlying safety. Through NeighborhoodStat, MAP harnesses the collective expertise of residents, government and community partners to drive change at both the neighborhood and administrative levels. MAP's work helped to develop the strong community infrastructure that allowed NeighborhoodStat remote model to successfully respond to the challenges of the pandemic.

In addition to the investments in building strong neighborhoods, lasting public safety also requires investing in non-enforcement methods of interrupting cycles of violence. The Office to Prevent Gun Violence employs a multi-pronged approach to improve public safety by interrupting the cycles that lead to gun violence.

Office to Prevent Gun Violence (OPGV)

OPGV launched in 2017 and works to address gun violence through a shift in social norms and the work of community members in mediating disputes to prevent shootings. The core component of OPGV's work is through the Crisis Management System (CMS), which deploys teams of credible messengers — community members whose backgrounds allow them to connect with and motivate at-risk individuals — to 22 sites where they mediate conflicts on the street and New Yorkers to services that can create peace and support healing. These include a year round employment program, mental health services, trauma counseling, and other opportunity-centered resources.

The COVID-19 crisis presented unique challenges, which the CMS workforce mobilized to meet. CMS providers serve some of the first wave's hardest-hit communities, and were able to leverage relationships in these communities to help encourage public health mandates at the height of the crisis. As a part of this work, CMS has successfully distributed PPE throughout catchment areas, as well as provided guidance and encouragement around social distancing and COVID-19 testing. This essential work was a core component of the City's eventual success at flattening the curve, and was performed while continuing to conduct core Cure Violence work, and responding to other crises brought on by the pandemic, including food distribution and delivery to vulnerable members of our communities. As mentioned previously, in order to address the unique challenges this year has presented to public safety in our communities, the CMS workforce will double this year.

Atlas

Atlas is an new voluntary program that strives to connect court-involved individuals to employment, social, and therapeutic services. The program ensures that credible trusted outreach staff from affected communities are responsible for program recruitment and provision. Atlas matches programs to individuals with the highest risk and need uses trauma-informed Cognitive Behavioral Therapy and intensive mentorship. The program is intensely local and leverages place-based relationships to provide culturally competent services to the highest-need communities. Service providers are local community-based organizations who have the relationships and specific knowledge to effectively recruit and engage program participants.

In addition to these investments and our COVID-19 interventions, MOCJ has continued to meet strategic goals, with the introduction of innovative programs, including evidence-based Abusive Partner Intervention Programs. These key investments and programs are just a few of many that have improved the impact of our city's criminal justice system. The investments demonstrate the Mayor's commitment to reducing unnecessary arrests and incarceration, improving public safety, and building strong neighborhoods.

As I conclude, I'd like to re-iterate what I hope has been clear from my testimony- which is that public safety is fundamentally a co-production with citizens. New Yorkers are the most important factor in maintaining and improving our City's public safety. While we are still striving towards a more fair and just criminal justice system, we believe that the advancements that we've made over the past 7 years have fundamentally transformed the way that justice works in New York City. New Yorkers are the key component of that transformation, and we are looking forward to continuing this progress over the next year. Thank you for the opportunity to present this testimony on MOCJ's work, and I'm happy to answer any questions.



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FREDERICK DAVIE
CHAIR

**Full Testimony of Rev. Frederick Davie, Chair of the Civilian Complaint Review Board
before the Public Safety Committee of the New York City Council
March 16, 2021**

Chairperson Adams, members of the Public Safety Committee, thank you for the opportunity to appear before you today. I am Rev. Frederick Davie, Chair of the Civilian Complaint Review Board (CCRB). I am joined by Jonathan Darche, our Executive Director.

The last year has been one of significant change for the world, the city, and for the conversations about what policing and public safety can look like. Oversight has always been integral to public safety, and the last year has highlighted the need for strong, independent oversight yet again.

During my tenure as Chair, the Civilian Complaint Review Board made significant strides in service to all New Yorkers and remained central to the conversation of how we achieve a fairer, more equitable, and more accountable public safety system in New York City. During my three years, the CCRB grew to over 200 staff, released a database of officers CCRB disciplinary history, and expanded its authority to hold officers accountable for sexual misconduct and false official statements. We published one of the first ever comprehensive reports on the use of body worn camera footage by an oversight agency, issued a report on NYPD's interactions with the youth accompanied by the first ever public service announcement with our Youth Advisory Council, and hired our first ever Director of our new Civilian Assistance Unit.

Caused primarily by the pandemic, the Agency saw a 22% decrease in complaints received dropping from 4,962 complaints received in 2019 to 3,875 complaints received in 2020. However, the Agency saw a tremendous influx of complaints due to the violent clashes between the NYPD and peaceful protestors following the killing of George Floyd.

Our Agency received over 750 complaints of police misconduct at the Black Lives Matter protests resulting in 297 individual cases. We have worked diligently throughout the year to investigate these cases despite a number of challenges particularly around access to information from the Police Department, the inability to identify officers as a result of the Police Department not keeping track of where officers were deployed and officers wearing helmets with improper shield numbers, and new challenges stemming from remote work. To date, we have closed 112 of those complaints including 37 full investigations, 50 truncations, and 24 which are closed pending litigation. Of the fully investigated cases, CCRB substantiated misconduct in 38% of the

cases. As we continue to bring the remaining 185 cases to a close in the coming months, we will share our findings with the public and prosecute officers where the Board recommends Charges.

At the beginning of 2021 we adopted the Police Department's Disciplinary Matrix, and signed an MOU that will enable us to recommend discipline in a more transparent and independent manner for all cases, including the majority of the cases stemming from the peaceful summer protests. I am particularly proud that after the repeal of Civil Service Law 50a, on March 4, our Agency published an online database containing the CCRB disciplinary histories of NYPD officers, marking a true change in the community's ability to have transparent public safety. As we continue to advocate for final authority over discipline in CCRB cases, the Agency is encouraged by the direction in which it is headed, and hopes to see that direction supported with funding from the Administration.

In 2020 as a result of the Charter changes New Yorkers voted to implement, we now have one member appointed by the Public Advocate and I was jointly appointed by the Mayor and the Speaker of the City Council. The Police Commissioner is now required to provide written explanations for deviations from the Board's disciplinary recommendations in all cases and our jurisdiction has been expanded to include false official statements made to the CCRB. Finally CCRB's headcount has been linked to 0.65% of the NYPD's uniformed officer headcount.

After an initial estimated budget increase, the Agency's budget was revised by the Administration, due to the pandemic, as the Charter allows. Just like the rest of the City, the Agency has had to make some tough decisions, including fundraising from private donors to fund the production of the Agency's first ever public service announcement with our youth, working creatively to ensure staff were able to successfully transition to work from home, and restructuring the Agency by consolidating senior roles in order to hire much-needed additional classes of investigators.

As the Agency works to incorporate the new Disciplinary Matrix, and take on the prosecution of highly sensitive sexual misconduct cases, we will need to make sure our one of a kind Administrative Prosecution Unit is no longer operating with a staffing deficit to take on the increase in cases and workload, while making sure we don't retraumatize victims. Similarly, now that 50-a has been repealed, we will need additional FOIL officers to ensure timely responses to New Yorker's requests for information.

Recently, the Administration announced the David Dinkins Plan, which is the largest expansion of the Board's authority since its creation in 1993. This includes consolidating all oversight under one entity, which will ensure that oversight is more effective and efficient. This plan presents an opportunity to significantly enhance oversight in the City. CCRB supports this plan, and looks forward to working with the Administration and other stakeholders to successfully implement it. We note that the mere consolidation of the agencies will not be a step forward without several key changes that also require funding. We are working with City Hall and OMB to ensure that the Agency has adequate levels of funding.

In order to implement the Dinkins' Plan, the CCRB will need increased access to NYPD records. To increase our access to evidence, the Administration proposed changing State law to exempt the CCRB from sealing statutes. This would allow the CCRB to obtain documents so that Agency investigators can properly investigate all cases.

Recently, the Council has introduced a bill that would allow the CCRB to investigate any officers who have engaged in severe acts of bias including acts exhibiting prejudice, intolerance or bigotry, or of unlawful discrimination against any person or group of persons, on or after January 1, 2016. This would be a drastic change in responsibility for the CCRB. OMB is working with us to get the tens of millions of dollars we would need to implement this change.

Furthermore, after year-long litigation, the Agency will resume its investigation of allegations of sexual misconduct. Taking on sexual misconduct allegations is one of the reasons the Agency worked to create a Civilian Assistance Unit. This innovative unit which will support complainants by assisting them in understanding and navigating the investigatory and disciplinary processes and provide complainants with connections to critical city resources like housing assistance and mental health services. We are currently in the process of hiring advocates to staff this program.

These are significant increases in responsibilities for the CCRB, which currently has fewer than 150 investigators investigating the Police Department that has over 36,000 sworn officers. As an already underfunded agency, our overall budget would have to be increased to ensure effective, independent, and thorough investigation of our current and expanded mission.

As the Agency continues to become stronger and more transparent, we look forward to the support of the Administration and the Council, to be better able to accomplish its mission, to provide strong, effective, and independent civilian oversight of the New York City Police Department. As a result, we will need adequate resources to continue to provide effective oversight of the NYPD, including staffing, training, and public education. I am confident that with your help, the CCRB will continue to flourish, improve, and lead the way in civilian oversight nationally. Thank you for your time and continued support.

**Testimony to be delivered to the New York City Council
Committee on Public Safety**

RE: Oversight - New York City Police Reform and Reinvention Collaborative Draft Plan

**New York City Council Budget and Oversight Hearings on The Preliminary Budget for
Fiscal Year 2022, The Preliminary Capital Commitment Plan for Fiscal Years 2021-2025
and The Fiscal 2021 Preliminary Mayor's Management Report**

March 16, 2021

My name is Dawn Yuster, and I am the Director of Advocates for Children of New York's ("AFC's") School Justice Project. For nearly 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. We speak out for students whose needs are often overlooked, such as students with disabilities, students with mental health needs, students involved in the juvenile or criminal justice system, students from immigrant families, and students who are homeless or in foster care. AFC is a member of Dignity in Schools Campaign-New York ("DSC-NY"), a coalition of youth, parents, educators, and advocates dedicated to shifting the culture of New York City schools away from punishment and exclusion and towards positive approaches to discipline and safety.

We are here today to comment on the Mayor's New York City Police Reform and Reinvention Collaborative Draft Plan and the Fiscal Year 2022 Preliminary Budget as it pertains to the students we serve in NYC public schools.

Through our work with students in NYC schools, we have seen the significant and disproportionate impact school policing has on Black and Brown students. While the number of students arrested has decreased, Black and Latinx students continue to comprise the vast majority of them.¹ For example, in the 2019-2020 school year before schools closed due to COVID-19, Black and Latinx students represented 65% of all students and about 92% of students arrested in school. Black students, in particular, have had to bear the brunt of school policing, representing about 25% of all students and about 56.5% of students arrested and issued summonses in school. Over the past four school years, NYPD officers, including school safety agents and precinct officers, intervened in 12,050 incidents of students in emotional crisis who were removed from class and transported to the hospital when medically unnecessary. Nearly half of these incidents involved children between the ages of 4 and 12. Before schools closed last year due to COVID-19, the NYPD – and not clinically trained mental health professionals – had already intervened in more than 2,250 incidents involving students in emotional crisis, handcuffing some as young as 5 years old. Of the students handcuffed, 58% were Black.

¹ The data in this paragraph was publicly reported by the NYPD pursuant to the Student Safety Act and analyzed by Advocates for Children. See NYPD Reports, School Safety Data, <https://www1.nyc.gov/site/nypd/stats/reports-analysis/school-safety>.

In addition, AFC works in coalition with youth, parents and school staff members who have repeatedly called for the removal of police in schools. The experiences these school community members have shared are compelling and cannot be ignored: policing deeply impacts our Black and Brown youth and has no place in our schools. As articulated in a 2018 report on the historical roots of school policing, “safety does not exist when Black and Brown young people are forced to interact with a system of policing that views them as a threat and not as students.”² Schools must be nurturing, inclusive learning environments for all students. We support removing NYPD officers, including school safety agents, from schools, and shifting NYPD funding from school policing to education and social services that will support a new vision of safety in schools. We must ensure all students – especially Black and Latinx students, who are disproportionately harmed by police – are truly safe and supported in school. Our students are facing incalculable hardship and need significant support to learn in nurturing environments free from the threat of law enforcement intervention.

We support elements of the Mayor’s plan to break the school-to-prison pipeline, and some of the language in the plan about investing in school staff to support students’ social-emotional and behavioral needs mirrors language in our recommendations for the Fiscal Year 2022 budget.³ However, we are deeply concerned that the recommendations in the Mayor’s Police Reform Plan related to school safety are mere words, as the blueprint fails to contain an action plan to truly invest in our students and school communities and keep our children safe from harmful policing practices and in school supported and learning.

For example, despite asserting that the City may invest in staff trained and coached in providing direct services to students, such as social workers, behavior specialists, trauma-informed de-escalation staff, conflict resolution specialists, peacemakers, and school climate and restorative justice staff, the Mayor’s Police Reform Plan does not include any steps to reach this goal. Furthermore, the Fiscal Year 2022 Preliminary Budget only contains an additional \$35 million to address the mental health and social-emotional needs of students, while the school policing budget is over \$450 million. Meanwhile, NYPD school safety agents outnumber school social workers 5,400 to 1,500. For the Mayor to truly fulfill his promise, the City must invest sufficient resources in our schools to address the social-emotional needs of our students.

In addition, we do not support the transition of school safety agents to the Department of Education (“DOE”) without first working with the community to identify a new vision of school safety that will keep all students safe and free from law enforcement intervention. While the Mayor’s plan claims the City will redesign the role of school safety agents, it also states that the City and DOE will not critically review all policies related to school safety officers’ use of physical interventions on students, including handcuffing, until *after* the school safety agents transition to the DOE. We stand with Dignity in Schools Campaign – New York and other allies in calling for school safety to be transformed and not merely transferred to the DOE. The City must instead not only redesign the role of school safety agents prior to any transfer to the DOE,

² Advancement Project, We Came To Learn, 2018, <https://advancementproject.org/wp-content/uploads/WCTLweb/docs/We-Came-to-Learn-9-13-18.pdf>.

³ Advocates for Children of New York, Vision for NYC Schools: Recommendations for the Next Administration, https://www.advocatesforchildren.org/sites/default/files/library/mayoral_education_recommendations_2021.pdf.

but also reallocate NYPD funding to resources and positions that support students directly. We do not need over 5,400 school safety agents to keep our students safe. Furthermore, the City should pass Int. No. 2188-2020 and immediately adopt and implement a policy emphasizing that trained clinical school staff must be the first responders to students in emotional crises; requiring documentation of steps used to de-escalate an incident before law enforcement is involved; and significantly limiting police response to students in emotional crisis, including the use of handcuffs, unless necessary to prevent imminent serious physical injury. Students need schools where they face social workers, behavioral specialists, and restorative justice practitioners, instead of school safety agents, and where they receive mental health supports and services instead of handcuffs.

Finally, we are deeply troubled by the news that the City may spend \$20 million to hire 475 new school safety agents to start working in the School Safety Division within the next few months. These \$20 million dollars should be used to hire hundreds of school support staff for our students and school communities. This news undermines the recommendations in the Mayor's Police Reform Plan to prioritize the health and wellbeing of youth and minimize the potential exposure to trauma in City schools.

Thank you for the opportunity to speak with you. I would be happy to answer any questions you may have.

Testimony
New York City Council Public Safety Committee
Tuesday, March 16, 2021

By
Ralph Palladino, 2nd VP Local 1549 Clerical Administrative Employees

Local 1549 represents 14,000 clerical and administrative taxpaying employees working in all city agencies and the NYC Health and Hospitals. We represent 3574 employees working in the New York City Police Department (NYPD). Our membership is primarily women of color living throughout the city but primarily in the poorer neighborhoods.

What Should be included in the City's Reform Plan?

The city and NYPD should make Civilianization an important part of the reform package they will send to Albany. Former Mayor

John Lindsay created the Police Administrative Aide (PAA) title expressly for the purpose of civilianizing the NYPD. This good policy idea has never become a reality. New York City continues to be the worst city in the nation in the ratio of uniformed to civilian employees. New York City is at the bottom of the ladder in efforts to civilianize the tasks that should be performed by PAA's, Clerical Associates, Secretaries and other civilian titles but are being performed by higher paid uniformed employees. Local 1549 won three arbitrations ordering the NYPD to civilianize the clerical positions. But this administration and the one before refused to do so. This despite promises and assurances by various city leaders to follow through on civilianizing.

The NYPD downsized the clerical titles while continuing to have uniformed employees perform our work. This was not the intent or demands of the social justice movements led by Black Lives Matter. But the city and NYPD use it as a compliance to transfer some funding from policing to social services. They eliminate jobs that could go to community residents.

The city talks about gaining support of neighborhoods and everyday people in its reform plan. A good way to accomplish this is to hire people from the neighborhood and people from the community. These decent paying jobs are disappearing from the NYPD and more of the work is being performed by uniformed employees, most of whom do not even live in the city. If more community residents were hired off a civil service list the NYPD could use them as liaisons of goodwill. It could help reduce unemployment and increase the economic activity of local neighborhoods.

Numbers do not lie. The numbers provided in this testimony back up what we say. The city is wasting tax money at the cost of keeping us less safe by not civilianizing.

Numbers do not lie about the reductions in staffing in the 911 centers while calls numbers go up and new tasks are assigned to our PCTs and SPCTS. Meanwhile uniformed cadets are used regularly for short periods to serve as "backup" rather than hiring more PCTs.

Hiring civil service Interpreters would help make the NYPD more "neighbor friendly" by showing they care about the diversity and language needs of our citizens. It would enhance servicing and trust.

Below is section by section more detailed analysis and numbers for you to view.

We hope you listen to our requests. We view it as part of the reform needed to bring the NYPD and community together.

1. NYPD Civilianization

Serious categories of crime have risen in the city during the COVID-19 Pandemic. Attacks on people from various Asian backgrounds and nationalities has increased. Crime is rising on subways. Yet the city continues to use higher paid uniformed personnel including much higher paid captains to perform routine clerical duties. We have documented roughly 500 able bodied uniform personnel performing clerical task in the past. That number has grown since this early count.

These uniformed personnel should be on the street protecting the public. Besides impacting public safety, the city and NYPD wastes over \$30 million of tax dollars per year by assigning them clerical duties. This measured by salaries and officers against what clericals pay and benefits are.

The city should end this wasteful policy and use savings to shift funds to social services as social justice advocates have demanded. The NYPD can hire Police Administrative Aides (PAA), Senior PAA (SR PAA) and Clerical Associates (CA) and put those able-bodied officers on patrol where they belong to do community policing and so then maintain uniformed personnel staffing numbers yet increase officers on patrol. Morale of the clerical workforce in the NYPD would increase making it more likely they will view the NYPD more favorably. Think of their morale knowing that abled bodied officers are just assigned clerical duties.

But what has the city done? Is this what the Social Justice Movement wanted?

The city and NYPD have designated that the Police Administrative Aide (PAA) and Clerical Associate (CA) positions are to be downsized. The budget last June did not allow for backfilling of retired PAA's or CA's. They called for reducing the clerical workforce by 100 positions. They have reduced the numbers for the last seven years.

The city administration has failed to civilianize clerical positions despite acknowledgement of the problem and promises to do so. A city audit of the NYPD on savings from Civilianization was promised by the City Comptroller but never performed. The Mayor promised to civilianize the entire NYPD eight years ago and again four years ago. Both have not done what they said they would do.

The results are a police force favoring uniformed officers, most of whom live outside the city over city residents in the poorest communities in the city in need of jobs.

REDUCTIONS AND CURRENT STAFFING NUMBERS- PAA, SR.PAA, CA Titles

The NYPD plans to further reduce civilian positions by 100 a year through 2024!

The PAA title has been reduced by 284 positions in less than eight years. The current number of PAA's is 1253, down 51 positions the past six months.

The Sr. PAA has been reduced 115 positions in less than eight years. The current number of SR. PAA's is 739, down 32 positions the past six months.

The Clerical Associate titles have been reduced by well over 47 positions the past 10 years. The current number is 47, down by 3 the past six months.

Despite the reduction of staff additional duties have been added to PAA's. The Court Assistant Processing job function has been given to them on top of their other duties. The PAA's gather all the information on record of cases and incidents that the ADA's need for court appearances.

Two years ago, the NY City Council had requested a civilianization project over a few years beginning with 100 positions a year for three years. This was taken off the table at negotiations. The reason I was told was that it was is that the NYPD said that there was a "clerical employee job freeze" for budgetary reasons.

How absurd is it that the city and NYPD claims to "save" tax dollars by freezing hiring of PAA's and Clerical Associate and fill those jobs with higher paid uniformed personnel.

New York City is the worse city in the country in civilian to uniformed numbers

Note that these numbers below are from 2015. The ratio is much worse now given the reductions of clericals in the NYPD. Note that New York also is one of the very last cities in the country NOT to Civilianize.

Local 1549 Research Note:

Ratio Comparison of Clerical-Administrative Civilian Positions to the Number of Sworn Police Officers and/or Uniformed Personnel in the FBI, United States Department of Defense, NYPD and Selected Police Departments in Major Cities in the United States

Police Department/Agency	Total Uniform Personnel	Clerical-Administrative Personnel	Ratio Clerical Administrative to Uniform Personnel
FBI ^a	12,156	16,420	1 to .74
US Dept.of Defense ^b	1,426,836	644,251	1 to 2.20
Houston, TX ^c	5,438	1,882	1 to 2.89
San Antonio, TX ^c	1,978	418	1 to 4.73
Dallas, TX ^c	2,928	566	1 to 5.17
Los Angeles, CA ^c	9,862	1,866	1 to 5.27
Phoenix, AZ ^c	2,376	446	1 to 5.33
San Diego. CA ^c	2,120	314	1 to 6.75
Detroit, MI ^c	4,382	598	1 to 7.33
Philadelphia, PA ^c	6,896	921	1 to 7.49
Chicago, IL ^c	13,494	1,345	1 to 10.03
New York City ^d	40,857	2,667	1 to 15.30

Prepared by Local 1549, DC 37, AFSCME, AFL-CIO, April 2005

Source: American Federation State County and Municipal Employees, Research and Collective Bargaining Services Department, Washington D.C.

Federal Bureau of Investigations Employees, includes support professionals www.fbi.gov: The FBI Workforce8/25/04.

NYC Civilianization Savings

It is estimated by various sources including former City Comptrollers, Public Advocates, Citizens Budget Commission, and the Independent Budget Office that **NYPD Civilianization of 500 positions would save the taxpayers anywhere between \$17 and \$127 million dollars. Local 1549 latest figures factoring in our collective bargaining raises but NOT those of uniformed personnel show a conservative saving of: Roughly \$30 million recurring yearly. If this were done seven years ago the saving accrued would have been \$210 million.**

2. Additional Staffing for 911-

ALL emergency calls including those to the FDNY, and EMS go through our 911 members first. The centers receive just over 9 million calls. The NYPD reduced Police Communications Technicians (PCT) and Supervisor PCT personnel by 44 and 2 respectively the last six months. These frontline workers are First Responders and essential workers. The psychological stress they suffered during and after the 9/11 attacks at the World Trade Center document this. The same is true during the COVID Pandemic. They are working in crowded conditions and were not always safely separated at workstations six feet apart.

They should be included in any bonus payments allocated from the federal Stimulus Package.

To illustrate the need for additional staffing note:

- 1-** The NYPD had to move less senior officers into the PSAC's to satisfy the demand of calls during the COVID-19. This was done as crime increased in the city! Texting work will begin last Summer. Some are still used monthly.
- 2-** Overtime increased in 2017 and 2018 to over and above from the last increase in staffing. The levels remain roughly the same according to our members. This has been an increase in cost for taxpayers. This adds additional stress to these first responders. Now, texting has been added to their job requirements. Stress and burn-out, we believe is, partially responsible for absenteeism and the high turnover rate.
- 3-** The texting function began last summer. The texting usage has not risen much because there has been little or no notification to the public about it. Once the public is aware, we expect a large jump in usage. When 311 DOITT advertised texting to the public there has been a 68% jump in use. This includes texting in various languages especially Spanish. This means there will be a longer wait for interpreter servicing.
- 4-** There are empty cubicles that exist where more PCTs can be used. Currently the empty ones are being used for COVID safe spacing. But this will not likely be the case as COVID gets under control.

250 additional Police Communication Technicians (PCT) for the two Public Safety Answering Centers will enhance public safety, reduce the rising cost of overtime (\$1 million annually for the past five years), and increase the morale of 911 personnel. It will help to satisfy the increasing workload that will become more intense with the new requirements. Logically, if there are empty cubicles and they get filled then wait times for servicing should decrease.

3. Hiring Civil Service Interpreters

The New York Daily News articles about the low wage, worker exploiting contracts by the city for interpreter services. These services are being done on phonelines, often by people not living in this country. Currently interpreter services except in a very few areas is done by private for-profit phone lines. These employees are mostly super exploited low wage workers

We know the needs for utilizing the civil service Interpreter Title is growing. Our members tell of growing problems in NYPD in wait times, misunderstandings and at times arguments since the contract labor is not well versed in the rules of the various benefits and services provided by different agencies.

The growing needs for services among immigrants are another reason that interpreter services need expansion.

In 911 this important since calls are delayed at times because of misunderstandings of interpretation, wording, and policies. There will also need to be interpreters to handle non-English phone calls.

The Interpreter job title tasks includes to help clients fill out forms such as complaints, evidence, and legal documents in precincts. They can go out to the community to work.

What a PCT says about the need for Interpreters

From CB, a Police Communication Technician (PCT):” The majority of the interpreter calls are for Spanish language. We use all languages. The problem with the other languages is the length of time the caller must wait to get someone who speaks the language. The problem with Spanish speaking interpreters tends to have difficulty understanding the Spanish callers’ various dialects, delaying help.

The wait for interpreters is extremely long when you have a medical fire or police emergency.

When we are connected to the interpreter, they asked for our client ID which is the police Identifying number”902011”. After that they ask for our police operator number and then they search for the caller’s language.

When the interpreters come on, they give us their operator number and then ask for ours before they even ask the caller what the emergency is. The process is extremely long. those questions should be done at the end of the call after the caller gets his emergency response from police fire or EMS.

I feel the public would be better served when calling 911 in a dire emergency if there was someone that spoke their language immediately when they call for 911. If there were on site Interpreters, they would be more familiar with police and 911 procedure. They would respond quicker and be better able to understand and translate the issues that are an emergency. We would spend less time deciphering the issues.

NYPD should hire bilingual interpreters. It would lead to less errors and less time handling emergency calls.

It is critical that the various agencies such as the NYPD have their own interpreters to draw from given the different rules and laws governing servicing and to cut down on wait times.

Summary asks

We are asking that all clerical position that are being filled by uniformed personnel be Civilianize to save tax dollars and enhance safety

We ask for increased staffing of 911 to meet demand and cut Overtime while reducing stress and to lower use of sick leave.

We ask that the 911 personnel be included in any bonus paid to first responders and essential workers outlined in the federal stimulus package.

We ask the use of the Civil Service Interpreter Title to hire employees to translate in person, on phone line and for documents and stop the exploitative private Contracting Out of this civil service position.

THANK YOU.

Addendum to Testimony

Public Safety Committee Hearing

March 16, 2021

From Clerical-Administrative Local 1549

By Ralph Palladino, 2nd Vice President

NYPD Overtime

City Council members continually questioned the NYPD about the use of Overtime. Please note that it is Uniformed Overtime and not Civilian Overtime that uses up the majority of the NYPD OT budget.

The Civilian Police Administrative Aides (PAA) and Clerical Associates (CA) are not allowed overtime in pay. They are strictly limited in the overtime they can accrue.

In relation a to the need for Civilianization note that often uniformed employees sit in clerical desks, replacing clericals and perform the overtime instead. They also replace the clericals during holidays. Note that the pay for uniformed employees is twice the cost of that of clericals. So the city tax payers are paying double the amount for the overtime when the uniformed employees perform the duties of the clericals they replace.

Add to this the overtime that the 500 uniformed employees use and are paid for performing clerical duties regularly. Again double what they city should be paying.

Nice work if you can get it! One wonders how the uniformed employees not assigned regular clerical duties and who risk their lives everyday feel about that??



Asian American Federation

Testimony to the New York City Council Committee on Public Safety

March 16, 2021

Written Testimony

I want to thank this Committee for holding this hearing and giving the Asian American Federation (AAF) the opportunity to testify on the public safety needs of our community. I'm Ravi Reddi, the Associate Director of Advocacy and Policy at the Asian American Federation.

These City Budget conversations are coming at a critical time for our community and for our entire city. As we look to the pandemic recovery, we are staring down an unprecedented rise in anti-Asian hate crimes rooted in racist rhetoric since the beginning of the pandemic. Since early 2020, nearly 500 reports of bias incidents and hate crimes have been collected by AAF's reporting tool, the Stop AAPI Hate platform, NYPD, and the City's Commission on Human Rights. In the first half of 2020, the City's Commission on Human Rights collected 145 bias incident reports against Asian Americans, while AAF tracked 371 such complaints through its own reporting portal, member network, and the Stop AAPI Hate platform.

The rise in anti-Asian xenophobia and violence in our city has been palpable since the first news of COVID-19 hit our airwaves and has compounded the practical challenges our community members are facing alongside our fellow New Yorkers. From an 81-year-old Asian woman who was lit on fire by two assailants last year in Brooklyn to the violent assault of Filipino American Noel Quintana on his way to work earlier this month, vivid, violent assaults on Asian New Yorkers are impacting how our community members relate to their City.

And the impact of anti-Asian xenophobia has citywide implications. Since 2000, the Asian population in New York City increased by 51%, growing from just under 873,000 in 2000 to over 1.3 million in 2019, making up 16% of our city's total population. Overwhelmingly, Asian New Yorkers are immigrants, with two out of three in the city being foreign-born. Of those Asian immigrants, 27.3% arrived in 2010 or after. Additionally, language barriers remain high among Asian New Yorkers. Overall, 44.2% of Asians have limited English proficiency in New York City, compared to a citywide rate of 22.2%.

Reporting

Rising anti-Asian hate requires a robust response from City Council. Bias incidents are significantly underreported, as 70% of Asian New Yorkers are immigrants and systemic factors like high poverty, high limited English proficiency (LEP), and lack of immigration status deter reporting and reinforce continued systemic inadequacies. As such, City Council must use this

budget to address the dire need to expand the capacity to track anti-Asian bias incidents, including supporting efforts by Asian organizations to collect reports in-language and through channels most accessible to the community.

Community Safety Resources

But that's only one facet of the challenge. A recent survey conducted by AAF of Asian small business owners showed that over 60% of respondents said they were worried about anti-Asian bias and hate crimes for the safety of themselves, their staff, and their business establishment. And our most vulnerable - our seniors - continue to be further isolated within their own city, not just due to the pandemic but also because they are afraid of getting attacked if they go out. The City needs to invest in community-based safety measures run by Asian organizations to provide an immediate response to street violence and support the coordination and roll-out of a safety ambassador program to escort vulnerable Asian immigrants in public spaces like public transportation, training volunteers in de-escalation strategies so they can serve as a safe, deterring presence in certain neighborhoods. From the creation of safety pamphlets and e-resources to continued robust community engagement on self-defense with community members who trust them first, our CBOs are doing the work and our City needs to support them as they lead by example.

Recovery Services

The City's approach to public safety must also consider how to help victims heal from traumatic events. We are asking the City to fund recovery services in Asian languages to help victims heal from their attacks, including providing access to a victim compensation fund and supporting a network of Asian community-based organizations that can provide mental health support, legal services, and other supportive services. Furthermore, we must support programs that increase access to mental health services for all communities since perpetrators themselves may have mental illness and need services so as not to further harm others and themselves.

Our advocacy efforts and budget ask is that our nonprofits be provided enough resources to protect essential services to support the public safety and mental health needs of our diverse community. We understand that the City is in dire financial straits. But CBOs have led by example in how to spend City dollars effectively, and this moment presents an opportunity for this City Council to show that New York City can still lead by example in protecting its most vulnerable. We at the Asian American Federation thank you for allowing us to testify and look forward to working with all of you to make sure our communities get the support they deserve and feel safe in their everyday lives.

**Testimony of
The Legal Aid Society**

on

The Preliminary Budget for Fiscal Year 2022

Presented before

The New York City Council

Committee on Public Safety

March 16, 2021

Presented by

Janet Sabel, CEO and Attorney in Chief

Adriene Holder, Attorney in Charge, Civil Practice

Tina Luongo, Attorney in Charge, Criminal Defense Practice

The Legal Aid Society welcomes this opportunity to testify before the New York City Council Committee on Public Safety concerning the Executive Budget for Fiscal Year (FY) 2022 and its impact on the services we provide clients and communities. We thank Chairperson Adams and the respective Committee Members for this opportunity.

COVID HIGHLIGHTS CRITICAL WORK OF LAS AS FIRST RESPONDERS

The New Yorkers we serve at The Legal Aid Society faced serious problems before the COVID-19 pandemic: unstable employment, unaffordable housing, over-policed communities, aggressive immigration enforcement. This crisis has exacerbated these existing conditions. And while many individuals and organizations can and have spoken about the disproportionate impact of the pandemic on communities of color and low-income communities, we at The Legal Aid Society actually represent the individuals and communities hardest hit and, given our three major practice areas and citywide model, have a unique perspective into these challenges. We are on the front lines as the first responders in our criminal defense, civil, and juvenile rights practices – fighting to ensure that our clients and communities have access to health care, can maintain their homes and their jobs, can obtain services and emergency relief – and we never stop fighting to protect our clients' lives and liberty.

The stakes could not be higher for our clients. They are unable to pay rent and are struggling to feed their families. Our homeless clients are risking their health in congregate shelters. Frontline workers, coming from the Black and Brown and low-income communities we serve, risk their lives in unsafe workplaces. Our detained and incarcerated clients put their lives at risk each day they are in a congregate setting, with no recourse.

Throughout this very difficult year, we at The Legal Aid Society advocated with our community partners for a comprehensive eviction moratorium, we ensured the safety of domestic violence survivors through extending protection orders, we advocated for improved educational access for shelter residents, we made the case for electronic access to court and we pushed for the adoption of safety measures in the courts. We also engaged in a massive campaign to file writs in every court to obtain the release of several hundred vulnerable clients who are currently incarcerated in jails, prisons and ICE detention centers.

A year ago we needed to pivot our entire organization of 2,200 people to remote operations and make enormous adjustments to service methods to ensure we remain connected to our clients and able to engage in the critical advocacy and litigation they needed. Our staff is working around the clock in all five boroughs to meet the growing needs of the clients and communities we serve, and we are doing this from our crowded apartments while caring for our children and vulnerable family members.

At the very same time, resources and contract funding began to shrink and slow down causing enormous cashflow challenges that threatened payroll and operational support:

- State funding from the Office of Court Administration that supports our Civil and Juvenile Rights Practice was cut by 10%.
- NYC Indirect Cost Rate funding supporting our Civil Housing and NYFUP projects, as well as our Criminal Defense Practice, were reduced by 40%.
- NYC Cost of Living Adjustments that were promised by the Administration for FYs 20-23 were eliminated.
- Promised expansion of Pay Parity for attorneys was halted.
- Federal aid under the PPP program, used by many to cover the FY21 shortfall, were not applicable to our organization given our size and budget.

With an annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients who cannot afford to pay for private counsel than any other legal services organization in the United States. Our work is amplified by volunteer help from law firms, corporate law departments and expert consultants, all coordinated by Legal Aid's robust Pro Bono program. Together, we bring a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is our ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to our annual caseload, LAS's law reform representation for clients benefits some millions of low-income families and individuals in New York City. The landmark rulings in many of these cases have a statewide and national impact.

The Legal Aid Society relies on City funding to maintain and develop our Civil and Criminal Defense Practices.

For the Criminal Defense Practice, funding from the Executive budget supports the constitutionally mandated trial-level and appellate-level legal services we provide as the City's primary public defender. In addition, special annual allocations from the City Council support:

- our Community Justice Unit, which provides invaluable legal services to the Cure Violence/Crisis Management System community-based organizations;
- the Prisoners' Right Project, which services detained and sentenced persons in local jails and those New York City residents serving a prison sentence upstate; and

- our Pre-Arrest Diversion Project that provides critical early intervention to those arrested and awaiting arraignment to increase the likelihood someone can be released on their own recognizance or to a program or services in the community.

For our Civil Practice, the Executive and City Council budget provides crucial funding for Legal Aid's comprehensive immigration, low-wage worker, and general civil legal services assistance for low-income New Yorkers who have nowhere else to turn for legal help.

We are mindful of the financial challenges the City and State faced this past year with the reductions in federal funding imposed by the Trump administration and in the wake of this unprecedented pandemic. However, in light of the renewed support coming from the new administration and the fact that the demand for legal services has not waned, restored support from the City for our programs and services is more critical than ever.

We ask the City to maintain the current funding for The Legal Aid Society so that we can continue to meet the needs of New York's most vulnerable and impacted communities, however they experience this pandemic and wherever they need to access our services. We need your continued support to ensure that we can continue to provide comprehensive legal services to Black and Brown and low-income communities across this City.

MAINTENANCE OF PAY PARITY FUNDING AND RESTORATION OF DISCUSSIONS AROUND PARITY EXPANSION

In addition to our request for maintenance of the status quo in our programmatic funding, we ask the City to follow through on its commitment to Pay Parity, including restarting discussions about the promised expansion of Pay Parity for attorneys beyond five years of service. The City exhibited important leadership in 2019 when it recognized the need to ensure parity of salaries between the City's lawyers and the City's defenders and legal services lawyers. The City made an extraordinary contribution to the economic stability of Legal Aid's hardworking attorney staff when the City supplemented our existing program revenue with a "parity" supplement for our most junior attorneys. Although we have not yet received the parity dollars for either FY20 or FY21, we at Legal Aid immediately turned over the parity dollars to our staff and negotiated a new living wage salary scale for our staff on the expectation that the parity dollars would be baselined in FY21 and beyond. It would be an extraordinary hardship if, after taking this critically important step, the City were to decline to meet its parity commitment going forward. We ask, too, that the City Council supplement our NYIFUP program with a comparable parity supplement for junior attorneys. While COVID-19 interfered with our ability to resolve the second phase of our parity discussion, with increased federal dollars expected to flow into the City and State, it is now time to renew our discussion about the expansion of the parity dollars for our more senior attorneys and supervisors, as these critical dollars were promised by the City and our staff deserve wages on par with the City's lawyers.

RESTORATION OF PROMISED INDIRECT COST RATE DOLLARS

The City introduced an important Indirect Cost Rate Funding initiative in 2019 that promised to compensate not-for-profit organizations for verified administrative and indirect expenses that had never been fully credited through City funded contracts. This new source of baselined revenue was a welcome recognition by the City of the incredible value of the work of the not-for-profit community to the vibrancy and well-being of our City, and the fact that the City funding streams fell short of compensating not-for-profit organizations for the full cost of the work they were doing. For The Legal Aid Society, the expected infusion of revenue from the Indirect Cost Program allowed us to begin to address the severely depressed and stagnant salaries of our 1199 support staff and administrative staff. It was therefore a massive blow to be advised shortly after our ICR was approved that our funding was being cut by 40% for FY21, including the retroactive funding that had been promised for FY20. We learned just this week that the City is planning to cut the ICR funding to just 30% of the approved ICR for the coming Fiscal Year, a total of a 70% cut to our approved ICR. The cruelty of these cuts is not lost on the organizations, like Legal Aid, that have been carrying the cost of City programs without full compensation for years and years. As with Parity, we relied upon the City to follow through with its commitments and ask now for the full restoration of the Indirect Cost Rate Funding Initiative.

NO FEDERAL PPP ASSISTANCE IN A YEAR OF PAINFUL BELT-TIGHTENING

During this past year, The Legal Aid Society has had to absorb each of the City and State budget cuts without any federal relief. Unlike most of our sibling defender and legal services agencies which are smaller in scope and budget, The Legal Aid Society was ineligible to participate in the federal PayCheck Protection Program (PPP). This meant that we did not receive even one dollar of federal financial assistance to address unforeseen COVID-related expenses and shortfalls. We did not receive payroll assistance or forgivable loans; since we are not recipients of federal Legal Services Corporation funding, we also did not receive any pandemic-related supplements from LSC. In order to manage through this very challenging year, we imposed hiring freezes, cut all discretionary spending, and encouraged staff to resign and take voluntary leaves.

At the same time as we are facing deep budget shortfalls we, along with all of the defender organizations, have been stymied in obtaining the monies owed to us for the last few years as a result of major bottlenecks in contracting and processing of amendments by our major funders, NYS Office of Indigent Legal Services and Mayor's Office of Criminal Justice. We are deeply concerned about the financial challenges of FY22, and implore you to consider our requests today.

THE CIVIL PRACTICE: AN ESSENTIAL PART OF THE ECONOMIC RECOVERY FOR OUR CITY'S MOST VULNERABLE COMMUNITIES

During a year like no other, The Legal Aid Society has been steadfast in its efforts to defend New York's marginalized communities. Our response to the pandemic – guided by our 145-year history of serving our city's most vulnerable and our experience as first responders in the aftermath of recent crises such as 9/11 and Superstorm Sandy – has leveraged our unique ability to secure systemic changes combined with the front line provision of direct services in response to emerging client needs.

Our work in this moment has built on the racial and social equity lens inherent in our work as we advocate for the needs of New York's marginalized communities: whether this is ensuring that vulnerable tenants do not face being made homeless during a public health emergency or advocating to ensure that students living in City shelters are able to access remote learning. More than 90% of our clients identify as people of color, 70% identify as women, and our clients communicate in nearly 90 languages. We represent low-wage and service workers, survivors of domestic violence, noncitizen communities, small-business owners, and 64% of our clients have annual incomes below \$20,000: these are the populations that have been disproportionately impacted by COVID-19 in New York City and will continue to be over the coming months. Simultaneously, these are the very communities that will be central to New York's ability to grow and build a long-term recovery in a post-pandemic world.

Immigrants

We have continued to be at the forefront of efforts to advocate for immigrant New Yorkers and noncitizen communities across our city over the last year. As one of the three New York Immigrant Family Unity Project (NYIFUP) providers, we led groundbreaking efforts to litigate and advocate for New Yorkers held in dangerous and life-threatening conditions following the widespread transmission of COVID-19 at New York area jails. As a result of our interventions, we jointly secured the release of hundreds of detained New Yorkers whose medical history and circumstances made them particularly vulnerable during the pandemic. This work has exemplified the strength of our universal representation model in ensuring we can respond quickly and nimbly to clients' emerging needs and secure significant protections for New York's immigrant communities at scale. This includes victories in two federal suits, which were the first two COVID-related federal court victories in the nation secured against ICE on behalf of detained noncitizens. We continued our efforts to defend against damaging changes to public charge regulations – including joining with the New York State Attorney General Letitia James and co-plaintiffs to launch a suit to halt the Public Charge Rule for the duration of the COVID-19 pandemic – and gained multiple successful court decisions enjoining the rule. Earlier this month, as a result of actions taken by the Biden administration, the government's Supreme Court appeal against these decisions was dismissed, finally vacating the Trump public charge rule nationwide. Our interventions and continued advocacy ensure that New York's noncitizen

communities are able to access vital public assistance and benefit programs at a time of unparalleled need and their rights to pursue lawful permanent resident (LPR) status and eventual citizenship remain unobstructed. While we welcome the transition to the Biden administration, it is clear that the need for high-quality immigration legal representation services will continue unabated. Many features of the immigration legal landscape pre-date the Trump administration and continue under the current one – it is worth noting that there were more deportations under President Obama than any other president, until Trump. This year we respectfully request that the Administration baseline NYIFUP funding in the FY22 budget.

Low-Wage Workers

The pandemic, its economic fall-out, and the mass closures of businesses in New York have led to an explosive rise in demand for assistance with employment-related legal issues in New York City. Low-wage workers in the city have been disproportionately impacted – whether New Yorkers employed in personal service occupations, food services, retail, or gig worker jobs – and this dynamic is set to only intensify over the medium to long term. Our Employment Law Unit has seen between a three- and four-fold increase in cases related to accessing Unemployment Insurance (UI) – with difficulties navigating the antiquated and overwhelmed UI system meaning our assistance is often the central element in ensuring that New Yorkers are able to access these vital benefits. In addition to providing assistance remotely via our expanded A2B helpline and fielding referrals from various sources, we led a virtual outreach program with our community partners that reached nearly 52,000 New Yorkers between March and July 2020 alone. Demand for assistance with general employment matters is similarly robust and we have experienced a doubling in non-UI employment cases. As the city navigates a return to more normal business operations, this demand is only set to increase. Many low-wage workers have been forced back to an unsafe work environment and require assistance resolving occupation health and safety issues. Others require assistance in securing reasonable accommodations to ensure their continued safety and wellbeing, such as telework or leave.

Housing, the Homelessness Crisis, and Foreclosure Prevention

We have continued our efforts to respond to the growing housing and homelessness crisis – an area of critical need for our clients during the pandemic as the economic recession exacerbates the already severe affordable housing crisis in the city. Building on the eviction moratoria we advocated for in the initial periods of the pandemic, we helped secure passage of the Tenant Safe Harbor Act in June 2020 and the COVID-19 Emergency Eviction and Foreclosure Prevention Act in December 2020. Both of these acts significantly strengthen tenant protections for New Yorkers who have experienced COVID-related income losses – including immigrant families – and halt foreclosure proceedings for homeowners and small landlords. Additionally, we have advocated at the city and state levels to ensure that noncitizen and undocumented New Yorkers are able to access vital rent arrears assistance contained in recent federal pandemic relief programs – drastically expanding eligibility for

all noncitizens and not just a narrow group of “Qualified Aliens.” We continue to operate our joint housing helpline to provide support to clients with housing issues remotely and screen and advise callers on their eligibility for a range of emergency and ongoing benefits.

Moreover, we have advocated strongly to safeguard the health and safety of New Yorkers experiencing homelessness and residing in city shelters during the pandemic – a uniquely vulnerable population. In addition to early advocacy that secured accommodation in private rooms for many New Yorkers, we filed a lawsuit to ensure that the City is required to offer everyone in singles shelter their own private room and bathroom for the duration of the pandemic due to the risk of airborne transmission in congregate and double-occupancy rooms. At the same time, we have successfully advocated against NIMBYism (Not In My Backyard), ensuring that plans to dismantle the Harmonia and Flatlands shelters housing disabled adult families and families with children were shelved, and fought to ensure that adult men at the Lucerne Hotel were able to continue receiving appropriate services in the face of campaigns by local pressure groups.

Support to Non-Profit Community Organizations, Small Businesses and Consumer Law Assistance

As the city continues to wrestle with the economic devastation brought by the pandemic, our Community Development Project has continued to support small-business owners and non-profits in navigating business operations in the new COVID normal. Our team has continued its membership of New York City’s Crisis Management Response Team, through which it is mobilized as part of a multi-agency, cross-sector response to emergencies and disasters and receives significant numbers of referrals from Small Business Services on an ongoing basis. This work involves providing expert advice on a wide range of issues, including commercial leasing, rent obligations, lease provisions that may excuse non-performance, conditions under which leases may be terminated, employment and payroll, intellectual property, tax, filing insurance claims for business interruption losses, and guidance in applying for grants and loans from the City, State, and federal governments. In addition, our team led a comprehensive virtual outreach program of 40 trainings and webinars that reached approximately 5,500 businesses between mid-March and December 2020.

Further, The Legal Aid Society’s Consumer Law Project has been at the forefront of efforts to advocate for the financial rights of New Yorkers as the pandemic continues to exacerbate the significant, pre-existent consumer legal issues experienced by marginalized communities in New York City. We have dramatically expanded our efforts to provide individuals facing collection with practical assistance with debt collections and wage garnishments. As courts have reopened, debt collection proceedings have returned to pre-pandemic levels, and small claims court is increasingly being used by landlords to pursue tenancy-related claims. At the same time, the COVID-related closures of legal assistance programs such as Civil Legal Advice and Resource Office (CLARO) that previously provided free legal advice to low-income pro se litigants have further compounded the

sizeable access-to-justice gap in this area of law. In response, our Consumer team has rapidly developed a new limited-scope assistance program to support pro se defendants and has created new *Know Your Rights* and other resources for litigants in small claims court.

Government Benefits, Public Assistance and Access to Health Care

Government benefit and public assistance programs are a vital source of income for many New Yorkers and there have been significant increases in the numbers of those accessing benefits during the pandemic – many of these are individuals who are now eligible for benefits for the first time. Our Government Benefits and Disability Advocacy Project has led efforts to expand access to benefits programs: leading weekly advocacy calls with Human Resources Administration (HRA) to ensure the agency remains responsive to the needs of benefits recipients and conducting training and outreach regarding the public assistance available to low-income New Yorkers during the crisis. As HRA has transitioned to an online application process for public assistance benefits, we have worked closely with them to help resolve systemic issues and advocate for changes that remove barriers preventing recipients from accessing the vital benefits they need.

Additionally, our Health Law Unit has continued to assist New Yorkers in accessing health care services during the current crisis. Our team has led a Medicaid HRA working group since the beginning of the pandemic to advocate directly for changes to Medicaid practices and policies during the pandemic, addressing issues such as extensions of Medicaid eligibility during the emergency, the pausing of Medicaid overpayment investigations, and the implementation of complex new processes for applying for home care. We have further responded to increased client demand resulting from the pandemic, including assisting clients in advocating with Medicaid Managed Long Term providers to maintain services while the pandemic continues to have a heavy impact on the essential home attendant workforce.

Education Law

Our Education Law Project has worked to ensure that low-income students continue to be able to access remote learning and the special educational supports they need to continue to engage effectively with their education. In addition to conducting virtual outreach efforts, as schools reopened, the team provided guidance to families and parents navigating the reopening process, shared regular updates regarding school reopening, and provided guidance related to the NYC Department of Education's testing regimen. Following our earlier advocacy to ensure equitable distribution of remote learning devices, we also filed a lawsuit in federal district court to ensure that students in temporary housing and City shelters have reliable, high-speed internet access to allow them to attend school remotely. On an individual basis, we continue to assist clients in obtaining access to devices, filing technical assistance tickets, and communicate with school officials to address each child's needs.

Support of Survivors of Domestic Violence and Vulnerable Immigrant Youth

Our specialized Domestic Violence team has advocated for survivors of domestic violence during the current crisis – both pushing for systemic changes to ensure their safety and simultaneously continuing to provide support to clients remotely. Survivors, already typically a marginalized population, are uniquely vulnerable during the current crisis. In the early stages of the crisis, we advocated together with our community partners for blanket expansions of temporary orders of protection until the courts resume full operations – ensuring that survivors of domestic violence continue to be protected from their abusers. As Family Court has remained open for essential functions and transitioned to virtual operations, our staff continue to assist clients remotely and provide support and referrals to wider services provided by our community partners. With the New York State Family Courts initially closed for all but emergency hearings during earlier periods of the pandemic, we have successfully obtained Special Immigrant Juvenile Status (SIJS) special findings orders on an emergency basis for young immigrant clients who were about to age out of eligibility and who were facing other emergency circumstances.

Our work across our Civil Practice touches practically all of the civil legal difficulties experienced by vulnerable New Yorkers, issues that without intervention can quickly escalate into situations that leave our clients trapped in cycles of poverty. Only The Legal Aid Society has the depth of expertise, breadth of scope of services, and capacity to defend and advocate for New York's marginalized communities in this way during the current crisis. Our work directly supports vulnerable New Yorkers in transitioning out of poverty, mitigates the effects of systemic racism and inequities so evident this year, and enhances the legal rights of low-income people overall. Across the Civil practice, our work contributes to the ground-up, community-based recovery that will be integral to New York's long-term recovery post-pandemic.

New York City's marginalized communities, populations that have been overtly attacked and purposefully left behind by the previous federal administration, continue to be disproportionately impacted by the pandemic and its associated economic collapse. It is vital that the City centers these communities in its responses to COVID. As the pandemic continues to progress beyond its initial stages, investment in legal services must be a central component of these efforts to invest in our communities. We therefore respectfully request New York City Council maintain its longstanding support for the following citywide initiatives:

Critical Civil Legal Services Initiatives Supported by the City Council

The Legal Services for Low-Income New Yorkers program provides funding to support the entirety of the work of Legal Aid's Civil Practice which has been essential during this unparalleled time of the COVID-19 pandemic. This includes providing legal services to,

survivors of domestic violence, senior citizens, persons with disabilities, persons with HIV, and other vulnerable children and adults. This program also funds community legal education, hotlines and other outreach activities. The sustained and increasing demand for our services by the City's most vulnerable residents underlines Legal Aid's need for increased funding. **In Fiscal Year 2022, we respectfully request a restoration to Fiscal Year 2020 funding of \$6.3 million for all the designated providers, of which The Legal Aid Society would receive \$2.1 million, so that we can continue providing essential services to thousands of families and individuals in New York City.** The Legal Services for Low-Income New Yorkers program also provides legal representation in appeals of denials of federal disability, and Unemployment Insurance benefits previously funded under The Unemployment Insurance/Supplemental Security Income (UI/SSI) Advocacy Program. Securing these State and federal benefits saves City public assistance dollars which is critically important as we face the worst recession since the Great Depression.

The New York Immigrant Family Unity Project (NYIFUP) has represented detained immigrants facing deportation since 2014, helping to ensure New York families are not separated simply because they cannot afford an attorney. The nation's first universal legal representation program for detained immigrants, NYIFUP provides high-quality, holistic representation to New Yorkers detained and facing deportation who cannot afford an attorney. NYIFUP attorneys carry a full caseload of deportation defense cases, and provide services including master calendar, bond and individual merits hearings, appeals, and social work services. Many of our NYIFUP clients are long-term permanent residents or other non-citizens with strong family ties and long work histories. Since March 16, 2020, the three NYIFUP providers together have secured the COVID-19-related release of over 242 clients incarcerated by ICE, through a combination of individual and group habeas petitions, bond redetermination hearings, and successful requests for humanitarian parole by ICE. For our detained clients, it is not hyperbole to state that being able to access our services during the COVID-19 pandemic has sometimes been a matter of life or death. **The Legal Aid Society is respectfully requesting a continuation of \$16,600,000 for NYIFUP in Fiscal Year 2022, split evenly by the three NYIFUP providers in the amount of \$5,533,334 each, and this year we respectfully request that the Administration baseline NYIFUP funding in the FY22 budget.**

The Unaccompanied Minor Children and Families Initiative (UMFI) has been providing free legal assistance to Unaccompanied Children and Adults with Children fleeing endemic gang violence and domestic abuse since 2014, with the support of the New York City Council. With the NYC Bar Association's resolution supporting universal access to legal services for children in removal proceedings, The Legal Aid Society, along with our partners in the citywide Immigrant Children Advocates' Relief Effort (ICARE), is evaluating this initiative closely to

determine how best to scale the program and realize the Bar Association's vision of universal representation. This traumatized and vulnerable population is especially in need of highly competent legal representation to advance their asylum claims, Special Immigrant Juvenile Status (SIJS) cases, and other avenues of relief. From 7/1/19 – 6/30/20, Legal Aid worked on 244 ongoing representation matters that had not concluded by the end of Fiscal Year 2019. During this period, we achieved successful outcomes for 89 removal defense cases, with six individuals granted asylum, 10 individuals granted Special Findings Orders; 46 children granted Special Immigrant Juvenile Status (SIJS), 1 individual who was granted Motion to Terminate, and 26 individuals who were granted adjustment of status. We have successfully terminated proceedings for 168 minors before the Immigration Court since the start of ICARE, and anticipate additional successful outcomes in FY22. **The Legal Aid Society is respectfully requesting an enhancement to \$1,075,000 for UMFI in Fiscal Year 2022, out of \$5,157,300 being sought by ICARE as a whole.**

The PACT Initiative is a new Speaker's initiative to educate New York City Housing Authority (NYCHA) residents of units undergoing conversion to Section 8 housing. NYCHA is using Rental Assistance Demonstration (RAD), together with other methods provided for under federal law to convert properties to Section 8. In total, nearly a third of the City's public housing stock, approximately 62,000 apartments, will be converted to Section 8 in the next 10 years. Following conversion, housing developments are managed by a new private management company rather than NYCHA, and many rules and procedures, including resident leases, differ significantly. Funding will support Legal Aid's work educating NYCHA residents about their legal rights under the conversion process and ensuring that these rights continue to be protected. **The Legal Aid Society respectfully requests \$125,000 to support this new initiative.**

The DoVE Initiative supports the Family Law and Domestic Violence Practice (Family/DV) serving all five boroughs. Through our citywide network of community-based domestic violence (DV) organizations, neighborhood law offices, and centralized special units, the Family/DV Practice is able to provide comprehensive legal and social services to survivors of domestic violence throughout the City. **We request \$20,000 per Councilmember to continue providing these essential services.**

THE CRIMINAL DEFENSE PRACTICE: FIRST RESPONDERS IN THE COURT, JAILS AND THE COMMUNITY DURING COVID-19

The expansive reach of the Criminal Defense Practice runs from its dynamic advocacy of clients in court to its presence and partnership in communities. As the primary public defender in New York City, staff zealously and tirelessly work to protect the rights of the most marginalized and

disenfranchised in society, and our scope as the country's largest public defender goes beyond any single case or client. Our community engagement, impact litigation, and broader advocacy consistently strive for increased fairness and humanity in the criminal justice system and seeks to reduce the devastating and permanent consequences of system involvement for our clients. **Today, we are asking for maintenance of our funding for pay parity and for our key initiatives: a \$1 million restoration for the Prisoners' Rights Project (PRP), an enhancement to \$ 3.0 million for our Cure Violence/ Community Justice Unit (CJU) and a restoration of the 940,000 for our Pre-Arrestment Project (PAP).**

The Criminal Defense Practice includes experienced Trial offices in every borough, an Appeals Bureau, a Parole Revocation Defense Unit, Special Litigation Unit, and the aforementioned Prisoners' Rights Project and Community Justice Unit. In each area, the Practice has developed innovative model projects that garner expertise and push both the practice and discourse of criminal justice forward. These innovations and services were never more needed than this year.

As COVID-19 began to spread at Rikers Island and State prisons, the staff of the Criminal Defense Practice moved into action, filing hundreds of writs and motions to press the District Attorneys and Courts to release people safely back to community. This resulted in hundreds of people being released, saving lives and increasing the health of safety of New Yorkers. To help stabilize people returning home, we launched a ReEntry Task Force within Legal Aid that help clients navigate the labyrinth of housing and health and human resource systems they need.

Prisoners' Rights Project: Ensuring Incarcerated People Are Not Forgotten

The COVID-19 pandemic has caused fear and isolation to all those incarcerated in our jails and prisons, many of whom are vulnerable to the virus on account of age and/or medical conditions.

Since 1971, the Prisoners' Rights Project has provided legal representation to low-income incarcerated individuals and their families. The Project aims to redress abuse, promote safety, improve conditions and protect the basic human rights of incarcerated individuals held in New York City jails.

During this crisis, PRP has received a huge influx of calls to the PRP hotline from incarcerated individuals or relatives. While the bulk of these requests are medical concerns about the impact of COVID-19, PRP has also worked on both individual and mass writs to release as many incarcerated individuals as possible as the infection rate puts our clients at high risk of contracting the virus. The PRP team has also been in conversations with the DOC over various issues, including fielding concerns over the miscommunication of mail delivery policy changes and working on a labor law dispute that would require all corrections officers to wear masks and protective gear while in DOC facilities. Despite the historic reduction in the New York City jail population at the onset of the

pandemic, the jail population increased by the end of the year. This increase, along with the continued health risk posed by COVID-19, demonstrates the necessity to continue addressing rights violations and safety concerns to minimize the long-term harm experienced by incarcerated individuals and their families. PRP has collaborated with Legal Aid's Decarceration Project and Special Litigation Unit to help address this population increase by advocating for alternatives to pretrial incarceration and ensuring the release of our most vulnerable clients. More recently, PRP staff members have advocated for incarcerated individuals to receive the COVID-19 vaccine. While some of the incarcerated population has received the vaccine, PRP is working endlessly to ensure all those who request the vaccine have access to one, as well as ensuring that Correctional Health Services (CHS), the City jail medical health providers, supply each client with the medical information necessary to make an informed decision about whether they want to be vaccinated. Amid this crisis, PRP remains committed to providing high-quality legal representation and advocating for individuals incarcerated in New York City correctional facilities.

The impact of COVID-19 exists not only within New York City correctional facilities but also in New York State facilities. Working collectively with Legal Aid's Special Litigation Unit, PRP has extended their advocacy to incarcerated clients in New York State correctional facilities. Together, these teams have filed mass writs to release as many clients as possible. More specifically, PRP has engaged in litigation against New York State, demanding the Department of Corrections and Community Supervision (DOCCS) offer the COVID-19 vaccine to one of our elderly incarcerated clients. If successful, PRP and the Special Litigation Unit hope to leverage and expand vaccine access statewide and in the City.

Since 2019, the Prisoners' Rights Project has:

Served over 3,000 clients – Including community members from every City Council District.

Responded to 4,461 complaints from incarcerated individuals and their families – The top areas of complaints include, but are not limited to, medical concerns, transfer requests, mental health treatment, escort services, and failure to protect

Community Justice Unit: Elevating The Demand For Reinvestment and Reimagining of Public Safety

Legal Aid's Community Justice Unit (CJU), our unit working within the Crisis Management/Cure Violence Citywide network, is the legal lynchpin of the City's most successful anti-violence initiative. Community-led partnerships like Cure Violence rely on service referrals for people at risk of gun violence. Those referrals are filled by Legal Aid's Community Justice Unit. These programs also rely on community-based organizations who work directly with program participants. Legal Aid provides

institutional support and legal advice to ensure those organizations have the strong foundations needed to fulfill their missions and deliver on program goals.

The Mayor's recently announced police reform has been rightly criticized as a deeply disappointing product of a fundamentally flawed process. But the one thing it gets right is a call for greater investment in the Crisis Management System/Cure Violence as a non-police, community-led solution to violence. We are excited to see this program grow. As it grows, however, so do the demands on Legal Aid's Community Justice Unit. At current resource levels, we will not be able to meet the needs of our Cure Violence partners as the number of sites and the volume of work on violence interruption continues to grow. Greater investment in Legal Aid's provision of wrap-around legal services for Crisis Management System (CMS) participants as well as organizational infrastructure support for the small community-based organizations that are the heart of the program is critical to the success of this model for addressing and reconceptualizing notions of public safety in New York City.

With greater resources, Legal Aid's CJU will be able to adapt quickly to meet the growing needs of our CMS partners. The COVID-19 pandemic provides an illustration of the program's ability to pivot and scale up new programs efficiently. Shortly after the pandemic began spreading across the city, the CJU created resource directories covering emergency services such as shelter, food, and access to youth programming and created a holistic self-care guide for incarcerated people and distributed them through our network of CMS partners. As panic rose in communities about the dangers to loved ones incarcerated in the City's jails, CJU shared the Prisoners' Rights Project hotline with CMS partners so community members could access information and find out whether they were eligible for release based on their vulnerability to COVID-19. CJU immediately began using virtual technology to keep in contact with CMS sites, participants, and community members and to carry on critical work such as virtual Know Your Rights workshops, community forums, and legal intakes for community members that have specific legal issues.

Since January 2019, the Community Justice Unit has:

Provided over 10,000 total services – Including 5,067 services to Cure Violence partner organizations and 5,719 to community members within the five boroughs of New York City.

Hosted 187 community events – Including but not limited to Know Your Rights trainings, legal clinics, Gun Awareness Campaigns, and Gang Database workshops.

Helped 9,973 individuals – Provided trainings and individual services to 530 staff members, 7,332 community members, 1,752 participants, and 369 other individuals.

Cop Accountability Project: Standing with Black Lives Matter, Taking on Police Brutality, and Demanding Transparency and Accountability

The Legal Aid Society responded to the brutal crackdown on protests that erupted following the murder of George Floyd. Our team launched a hotline and clinic to support protesters with legal advice and assistance on criminal charges relating to protest activity and on how to hold police officers accountable for wrongful arrests and excessive force.

In October, The Legal Aid Society and the New York Civil Liberties Union filed a lawsuit seeking to hold City and police leadership accountable for the NYPD's repeated pattern of indiscriminately brutalizing peaceful protesters, highlighting eleven extraordinary instances of violence, including indiscriminate baton strikes, pepper spraying and "kettling" protesters.

After years of law firm advocacy and systemic litigation, our Cop Accountability Project celebrated Albany's repeal of section 50-a of the State's Civil Rights Law that kept records of police officer misconduct hidden from public view. Since the laws repeal, CAP has advocated for full and proactive transparency and continues to build Legal Aid's comprehensive database of police misconduct, which ensures that public defenders and civil rights litigators have a complete set of information available to them in their efforts to ensure accountability for both longstanding patterns and individual acts of police misconduct.

Making Sure Client Matters Center On Fairness, Humanity and Full Due Process

The pandemic has caused the delay of due process from thousands of our clients and all but trapped people incarcerated behind bars with little or no movement. While the pivot to remote proceedings were critical to protecting lives during the height of the spread, there is no denying that remote proceedings and the State's suspension of much of the Criminal Procedure Law that provides due process to those accused, has had devastating effects to our clients. Currently, our staff's pending caseloads are at critical mass. The need for District Attorneys to analyze cases and dismiss all matters they know they cannot and should not pursue is vital. Additionally, the Courts must continue to plan for a safe and measured return to in-person appearance where essential matters are prioritized over those that are not. We continue to request that OCA convene a citywide task force of all stakeholders to discuss how best to return, placing incarcerated clients first and foremost.

CONCLUSION

We thank the Council for your long-standing support for The Legal Aid Society's essential criminal defense and civil legal services programs and we thank you for the value you place on our role as first responders during this pandemic. We implore you to preserve our programmatic and parity funding so that we can continue to be on the front lines for all low-income communities and

Justice in Every Borough.

communities of color throughout New York City. We urge you to restore Indirect Cost Rate funding to its full levels and to reopen discussions about the expansion of parity funding. We will continue to update you during the FY22 budget process concerning our funding needs so that we can serve clients who depend on The Legal Aid Society to provide access to justice.

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Testimony of
Jimmy Meagher, Policy Director
Safe Horizon

On the Fiscal Year 2022 Preliminary Budget

Committee on Public Safety
Hon. Adrienne E. Adams, Chair

New York City Council

3.16.2021

Good evening, and thank you for the opportunity to testify before you today regarding the public safety and criminal justice portions of the Fiscal Year 2022 Preliminary Budget. My name is Jimmy Meagher, and I am Policy Director at Safe Horizon, the nation's largest non-profit victims services organization. Safe Horizon offers a client-centered, trauma-informed response to 250,000 New Yorkers each year who have experienced violence or abuse. And we are using an antiracist lens to guide our work with clients, with each other, and in developing the public positions we hold.

Whether we are called on to provide expert testimony at an oversight hearing or to assist a constituent in crisis and in need of emergency services, we are proud to partner with the City Council in a collective effort to make our city safer for all. We look forward to helping you and your staff learn how best to support survivors and connect them to the resources available in your borough and community.

For many years, the City Council has been a key supporter of our programs helping adult, adolescent, and child victims of violence and abuse. City Council funding fills in gaps where no other financial support exists and allows us to draw down critical dollars from other sources. Moreover, this funding demonstrates the value that you and your colleagues place in helping survivors of all ages access desperately-needed shelter, support services, legal assistance, and counseling.

My testimony today will provide an update to the Public Safety Committee on several key Initiatives that are funded by the City Council and contracted through the Mayor's Office of Criminal Justice (MOCJ). These Initiatives, the **Initiative to Combat Sexual Assault**, the **Domestic Violence and Empowerment (DoVE) Initiative**, and **Initiative for Immigrant Survivors of Domestic Violence** provide critical funding to Safe Horizon and to our community partners across the antiviolence field to provide trauma-informed, coordinated responses to survivors of violence and abuse, their families, and their communities. I will also discuss two new funding asks: new Speaker's Initiative funding for Safe Horizon's SafeChat program, as well as funding support for the Sexual Assault Forensic Examiner (SAFE) Program at our community partner the Richmond University Medical Center Staten Island (RUMCSI).

Initiative to Combat Sexual Assault

Child abuse cases grab at the heartstrings of every New Yorker. We recoil at the very thought of someone knowingly harming a child, and we entrust a number of different agencies - the police, prosecutors, child welfare specialists, doctors - to investigate and respond to these cases and help ensure the safety of children placed in harm's way. For many years, these agencies worked almost entirely in silos, focusing on their specific roles in uncovering what took place, or responding to the child, or holding the offender accountable. Such a disconnected approach required that children disclose repeatedly the painful details of the harm they endured in a variety of settings not commonly thought of as "child-friendly" – police precincts, district attorneys' office, and hospital emergency rooms. Over and over, children would be asked to talk about the violence they suffered, only to have to repeat their story yet again every time a new investigator stepped into the picture. Each time, the child wondered how many more times they would have to relive this pain so that another adult could write down some notes and ask yet another round of

probing, deeply personal questions. Many child victims were left feeling as if no one believed them and felt to blame for causing disruption to their families. This method of investigating incidents of abuse was traumatizing, stigmatizing, and unjust.

For many years now, child victims under the age of 12 in New York City who experience severe physical or sexual abuse are brought to Safe Horizon's Child Advocacy Centers (CACs), which are at the forefront of the city's response to child abuse. At our CACs, child victims of sexual and/or severe physical abuse receive the help they need quickly and in one location. The police, prosecutors, medical professionals, victim advocates, clinicians, and child protective caseworkers are all under one roof in a child-friendly environment that minimizes trauma and facilitates healing. This allows us to facilitate a swift, comprehensive, coordinated investigation and multi-disciplinary team response that significantly reduces the number of times children must disclose details of their abuse. This coordinated, trauma-informed response to abuse helps to prevent the re-traumatization of the child during each re-telling of the violence that took place.

During the COVID-19 pandemic, our CACs remained open as essential programming and continued to provide critical supports to survivors of child abuse and their families. Child abuse did not end during the pandemic, and our doors remained open because our services remained necessary. We anticipate a dramatic increase in child abuse reports once the pandemic is over. However, we are also expecting New York State to cut CAC funding. **We are requesting a restoration and an enhancement to \$1,000,000 in FY22 to sustain general operations in our CACs across the five boroughs so we can continue to provide healing and support to child victims. Additionally, we are seeking for this core funding to be baselined to ensure the City's continued investment in the CAC model.**

We are especially grateful to the City Council for its long-standing support for our Child Advocacy Centers for so many years. Our staff could not do the work we perform each day on behalf of our city's youngest victims of crime and their families without that support, and we are hopeful that the Council will recognize that in this budget.

Domestic Violence and Empowerment (DoVE) Initiative

Since 2006, the New York City Council's DOVE Initiative has provided critical resources to communities impacted by domestic violence. Recognizing that survivors of domestic and intimate partner violence have varied needs and may not always access the criminal justice system, the City Council partnered with Safe Horizon to create the DOVE Initiative to provide a neighborhood-based response to survivors and their families. The DOVE Initiative was funded at \$9,805,000 in FY2021, with Council Members then allocating funding to local providers in their district.

Currently, over 100 organizations across NYC use DOVE funding to address domestic violence in the community by providing legal services, crisis intervention, case management, counseling, support groups, outreach, education, and training. Safe Horizon oversees this entire project and ensures program compliance. We provide in-depth training on program development and evaluation to help organizations stay competitive in future funding environments, as well as networking opportunities to help DOVE-funded organizations learn from each other and

coordinate services. DOVE has always been important, but in this environment, at this moment in our history, it is literally a lifesaver for New Yorkers in every neighborhood and every community who are navigating a pandemic and violence in the home. As we advocate for options for victims and survivors both inside and outside traditional criminal justice responses, DOVE is pivotal. DOVE directs funds to the organizations rooted in community that have been able to pivot to provide necessary and life-saving supports to survivors during a pandemic.

We are very grateful to the City Council for supporting the DOVE Initiative for over a decade. **We are seeking a restoration of \$9,805,000 so our network of CBOs can continue to reach survivors in every neighborhood and every district across New York City.**

Young Women's Initiative - Initiative for Immigrant Survivors of Domestic Violence

Safe Horizon's Immigration Law Project (ILP) provides expert legal advice and representation to undocumented victims of crime, violence, abuse, trafficking, and torture. ILP staff help guide their clients through complex immigration proceedings and assist them with applications for U-Visas, T-Visas, VAWA self-petitions, asylum, adjustment of status and citizenship, as well as in removal defense. Over the last four years, as a result of the prior administration's immigration policies, Safe Horizon's ILP has seen an increase of survivors seeking our immediate assistance. In addition, the current global pandemic caused by the coronavirus and its variants have exacerbated already tenuous circumstances for survivors, making them even more desperate and in need of legal support and services.

The City Council's Immigrant Survivors of Domestic Violence Initiative – part of the Young Women's Initiative (YWI) – allows Safe Horizon's Immigration Law Project to provide full representation to 60 additional immigrant victims of domestic violence, including direct representation to 45 survivors and 15 additional consultations. The majority of these cases include clients or families where there is a survivor of domestic or sexual violence and where the victim is between the ages of 16 and 24.

We are grateful to the City Council for its continued support for immigrant survivors of domestic violence, particularly younger women. **To help ensure that we have the capacity to respond to pressing legal cases for immigrants, we are asking the City Council to restore \$75,000 to Safe Horizon through the YWI - Immigrant Survivors of Domestic Violence Initiative in FY22.**

Speaker's Initiative - \$250,000 in new funding for SafeChat

Safe Horizon's SafeChat is a live chat platform that allows victims of all forms of crime and abuse to access Safe Horizon services digitally. Crime victims utilize their computer, phone, or tablet to safely and confidentially engage in a one-on-one chat with trained Safe Horizon Live Chat Specialists by visiting safehorizon.org. Live Chat Specialists utilize a best practice, client-centered approach to engage with victims by providing information and referrals across NYC, supporting victims in fully assessing their safety, and collaborating with victims to develop comprehensive safety plans. This platform has been especially helpful to survivors during this pandemic. Because so many victims and survivors were locked in their homes with people

causing them harm, SafeChat served as an accessible, safe option for those survivors unable to speak on the phone or leave their home. We launched SafeChat in October 2019 and last year conducted 954 live chat interactions, providing safety planning, counseling, information, and referrals to survivors of violence and abuse.

One of our goals in the months and years ahead is to increase accessibility to needed services for young men of color. Research shows that young men of color are more likely to experience harm, yet Safe Horizon recognizes that boys and young men of color are not accessing our services, in part because we have not always made ourselves accessible and welcoming. **Safe Horizon is seeking \$250,000 in new funding so we can increase our targeted outreach to young men of color and launch a microsite that will provide materials related to trauma and connect young men of color to the live chat.**

SAFE Center Funding - \$85,000 in new funding for Richmond University Medical Center Staten Island's (RUMCSI) Sexual Assault Forensic Examiner (SAFE) Program

Earlier this year, the New York State Division of Criminal Justice cut \$85,000 for Richmond University Medical Center Staten Island's (RUMCSI) Sexual Assault Forensic Examiner (SAFE) Program. RUMC is the only SAFE Certified Center on Staten Island, so this cut severely limits sexual assault survivors' ability to seek and receive trauma-informed care, which can be the difference between healing or further psychological and emotional damage.

Safe Horizon is advocating with our partners in Staten Island, including the Richmond County District Attorney's Office, and our colleagues in the antiviolence field, including the New York City Alliance Against Sexual Assault, to demand that the State restore this \$85,000 in critical funding, and we ask that our allies in the City Council join our advocacy efforts. Barring restoration of this funding by the state, however, we are hopeful that the City Council can fill this funding gap. Sensitive and knowledgeable care, particularly in the documentation and forensic examination of sexual assault survivors, is critical for survivors of rape and sexual assault. Studies show that SAFE programs improve outcomes for patients in psychological recovery from trauma, the provision of acute medical care, enhanced evidence collection, increased participation in the justice process by the survivor, and improved prosecution of sexual assault cases.

As the only SAFE Certified Center on Staten Island serving a population of 475,000, RUMC provides critical care for survivors and victims of sexual assault/abuse. Without this \$85,000 in funding, RUMC's ability to provide 24/7 forensic, trauma-informed care for sexual assault survivors will suffer and impact the health and well-being of survivors on Staten Island who seek these services.

As the City Council and the Administration sets the budget for the next fiscal year, it's imperative that our City expands, perfects, creates, and invests in programming that provides healing and support to people who have experienced harm, violence, and trauma. When we invest in the safety, healing, and well-being of individual New Yorkers, we invest in the safety, healing, and well-being of New York City as a whole.

Thank you again for the opportunity to testify today. I'm happy to answer any questions you may have.

CITY COUNCIL BUDGET HEARING FOR PARKS, MARCH, 2021**Testimony of Anne Saxon-Hersh, Director of Development, Friends of Dag Hammarskjold Plaza, a nonprofit 501c3 community organization.**

My name is Anne Saxon-Hersh and I serve as Director of Development for Friends of Dag Hammarskjold Plaza, a 1.5 acre park historically known as the Gateway to the United Nations, an emblem of democracy as the site of marches and protests. In a community underserved by parkland, Hammarskjold Plaza anchors the Turtle Bay neighborhood. The park's Katharine Hepburn Garden is the largest public garden on midtown Manhattan's east side.

Since the park's reconstruction was completed in 1999, our organization has managed to keep this park clean and green. But as service costs escalate and park infrastructure fails, we face challenges beyond the scope of our nonprofit 501c3 community organization. When we entered into the Partnerships for Parks program, we expected the Parks Department to do its fair share. Only by Playing Fair and adequately funding ALL parks, can the inequities which exist across the Boroughs be just and balanced. Only when NYC Parks are adequately funded can public space thrive and with it, the health of our communities. Parks are a lifeline, providing access to nature, fresh air and recreation in an urban environment.

Parks are key to the city's recovery and as such, must receive adequate funding.

Hammarskjold Plaza's six fountains were inoperative in 2020 due to plumbing and electrical problems. Even so, leaky valves and clogged waste lines caused flooding of the plaza. Although the park is slated for a capital improvement project, it has been in Procurement for two years.

All NYC parks grapple with cleanliness. For 20 years, we contracted the Doe Fund to sweep the block-long park and bag the garbage twice daily. Now we're told they can no longer service the park at a 70% discount and must charge \$40,000 to perform the same work. Other service providers quoted annual fees from \$80K to \$130K, way beyond our budget. Our Street Fair income and city council grants once covered the cost of sanitation AND weekly fountain cleaning, but with the consolidation of street fairs, our share of proceeds continues to shrink, providing 0 income during Covid shutdowns.

The 30% restriction on subcontracted labor for city council grants presents yet another obstacle since labor, not supplies, is the essential component.

We don't have the staff and neither does the parks department, so who will provide this essential maintenance? Parks mobile crew has no set schedule and one busy lunch hour will fill the trash bins to overflowing. Leftover food littering the seating wall and flower beds attract vermin.

Now let's consider the GREEN component. Private funding has enabled us to completely rejuvenate the park's Katharine Hepburn Garden, and it is a jewel, featured in hotel guides and tour books. Grants and donations support the garden but donors expect the City to provide litter control, sanitation and security. What about a realistic baseline budget for gardeners and tree pruning?

Every year, I read about the city's acquisition of more parkland and new construction, yet DPR's budget for M&O remains inadequate. Every park needs boots on the ground.

The concentration of homeless shelters in midtown make Dag Hammarskjold Plaza an open space to congregate. We need security cameras in the garden and PEP officers to enforce rules and regulations. Most of all, we need a full-time park custodian in the high season. Then Friends could focus on providing public programs and the volunteer work that we are best equipped to do.

We love our park's cafe, but concessions should help support the parks where they are located.

Parks require gardeners, plumbers, engineers, electricians, playground attendants, PEP officers, and administrative staff essential to operations. It's time to stop starving the park system. Give dedicated park workers the job security they deserve and do it now!

New York City parks offer extraordinary environmental assets, from wetlands and beaches to waterfront esplanades and charming community gardens. Public space is the great leveler, bringing communities together. Vote to fund Maintenance and Operations so all city parks can thrive.

END: Submitted by Anne Saxon-Hersh, Friends of Dag Hammarskjold Plaza,
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Testimony for March 16th

Good Morning, my name is Ashley Prather, and my pronouns are she or they. I am compelled to speak today as someone who works in Child Welfare. My views do not reflect that of my employer, but my experience working at an organization that specializes in caring and supporting NYC's traumatized and vulnerable children and families has deeply impacted my beliefs about the police. I am here to call for the NYPD to be defunded. I believe defunding the police is necessary not only because they are a uniquely violent and systemically racist organization, but because the vast resources the NYPD is allocated could be, and should be, diverted to programs that actually help NYers.

We have families that are struggling to eat, struggling to stay in their homes, and struggling to access health care that they desperately need. Many are newly saddled with the added burden of funeral costs for loved ones who died due to COVID-19. Programs that support vulnerable NYers are fighting RIGHT NOW to secure funding and stay afloat, such as Fair Futures, which provides mentorship and guidance to young people involved in the child welfare system. While programs like this struggle, the NYPD's budget has continued to grow every year.

This funding disparity reveals a truly disgusting disregard for the actual health and safety of NYers. If we really want safe and healthy communities, we must defund the NYPD and invest in programs that improve the lives of NYers, lift them out of poverty, and provide REAL safety. We must invest in the people of this city. We must defund the NYPD.



TESTIMONY OF:

Lisa Schreibersdorf – Executive Director

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council

Committee on Public Safety

Preliminary Budget Hearing

March 16, 2021

I. Introduction

My name is Lisa Schreibersdorf. I am the Executive Director of Brooklyn Defender Services (BDS). I thank the City Council Committees on Public Safety, and in particular Chair Adrienne Adams, for this opportunity to testify about the important work that we do and the importance of funding for indigent defense providers in New York City.

BDS provides multi-disciplinary and people-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy to nearly 30,000 people and their families in Brooklyn every year. In addition to zealous legal defense, we provide a wide range of additional services to meet our clients' unique needs, including help with housing, benefits, education and employment. In many cases these services are of a preventive nature, helping people avoid loss of housing or immigration status, assuring benefits are available when needed to avoid hunger and other concerns, as addressing education issues before a student ends up dropping out of school.

BDS' diverse staff of approximately 450 includes over 280 attorneys, 50 social workers, and 120 support staff including investigators, paralegals, re-entry specialists, jail services advocates, community liaisons, policy specialists and administrative professionals. Our specialized approach allows us to provide targeted services for clients in each of our practices who have unique needs,

such as veterans, people with mental illness or developmental disabilities, young people and victims of trafficking. We thank the City Council for your consistent support of indigent legal service providers.

II. Pandemic Response

This month, New York City marks the one-year anniversary of the COVID-19 pandemic and the closure of courts to in-person appearances. Thursday of this week marks the first confirmed COVID-19 case in a New York City jail. The communities that are most impacted by the criminal legal, family court and immigration systems are the same communities now most severely impacted by the coronavirus. It is essential that our funding remain intact as we proceed into the next year and as the City begins to recognize the impact of the quarantine on these communities. As a legal organization, BDS is well-situated to rise to the level of need that is likely to emerge, with widespread evictions and other devastating outcomes for families looming, enormous educational challenges likely to emerge in September and thousands of people unemployed in the poorest communities needing support.

While the past year will be remembered for the devastating losses and unprecedented challenges, I want to highlight the extraordinary and impactful work BDS has continued to do to benefit all New Yorkers.

- **Fought to release people for unsafe City jails and immigration detention facilities**

As the pandemic raged in our City, hundreds of people we represent were being held in unsafe conditions in City jails and immigration detention. We filed unique legal proceedings in criminal courts and immigration courts, ultimately succeeding in the release of dozens of people. We launched a Healthcare Letters Project (HELP) in the Spring of 2020, garnering the support of over 50 medical doctors from across the country who have helped write more than 90 letters on behalf of incarcerated or detained people BDS represents.

In an around-the-clock team effort to free at-risk clients from dangerous ICE detention conditions, BDS filed federal litigation challenging detention in the COVID era in nearly 60 cases for 85 separate clients. In March 2020, BDS staff won the groundbreaking *Basank v. Decker* decision freeing 10 people with serious health risks from life-threatening detention—the first decision in the nation finding ICE deliberately indifferent to the safety of detained people. BDS shared resources with other attorneys and worked with The Legal Aid Society and The Bronx Defenders to file case after case throughout 2020 fighting for the liberty of the people we represent. In total, the 3 NYIFUP offices have won the freedom of over 240 NYIFUP clients from March 2020 until now.

- **Provided material support to low-income Brooklynites**

In May 2020, BDS' social work team launched a client needs assessment to help identify new challenges Brooklyn residents are facing during the pandemic. Findings highlighted the need for tablets for remote learning, video visits with children in foster care, or participation in telehealth services, as well as increased requests from clients in need of food, clothing, baby supplies, or other essential items. BDS sought and obtained funding for our Client Essential Program, which

has allowed us to provide cell phones, tablets, groceries, clothing and other tangible foods to over 4,000 clients and families. In August, we launched our *Todos Together*¹ campaign, raising funds for immigrant New Yorkers excluded from COVID stimulus benefits. This campaign enabled us to provide gift cards for groceries, household, hygiene and toiletry needs as well as essential baby supplies to immigrant New Yorkers facing extreme hardship during the COVID-19 pandemic.

- **Provided free legal education and Know-Your-Rights via remote platforms**

Over the past year we have recognized an increased need for accurate, free legal education. Constantly evolving City and State guidelines, executive orders, and policies have been challenging for the general public to follow. BDS rose to the challenge of disseminating legal education as new challenges arose, including expiring eviction moratoriums, conflicting guidance on unemployment and benefits, and Citywide curfews in response to Black Lives Matter Protests. Staff from across the agency have hosted over a dozen Know Your Rights workshops—hosted on Zoom, Facebook Live and Instagram Live—on topics including parents’ rights with ACS; housing, unemployment and benefits; rights when protesting; what to do with a DAT; and Documenting ICE arrests. Our Family Defense Practice worked with the Center for Urban Pedagogy to release a Know Your Rights guide on Parents’ Rights With ACS During COVID-19.² Additionally, in response to mass arrests of protesters and flagrant police brutality, the Criminal Defense Practice launched a 24/7 hotline to respond to the need for attorneys and legal advice.

The work of rebuilding will be long and hard. It is essential that BDS be able to represent clients in the many courts and administrative proceedings they are summoned to, while also continuing to be a resource for communities in Brooklyn that need our advice, assistance and representation as we begin to reopen and emerge from this difficult time.

III. Our Work

BDS is proud to say as we move into Fiscal Year 2022, we will be celebrating 25 years since we opened our doors and began representing clients in Brooklyn. We have worked to protect the rights of the people in our communities every day since, but the need for our services is more acute than ever.

- **Criminal Defense Practice**

BDS provides criminal defense representation to approximately 30,000 people arrested each year in Brooklyn. BDS has over 140 criminal defense attorneys, each extremely dedicated and skilled in all aspects of criminal law. Our attorneys are availed of extensive training and supervision throughout the stages of their legal practice. They provide wrap-around services in

• ¹ Visit <https://todosttogether.com/> to learn more.

² <http://welcometocup.org/NewsAndEvents/ParentsRightsDuringCOVID19>

collaboration with interdisciplinary teams of *Padilla* immigration attorney specialists, social workers, client advocates, paralegals, investigators and administrative staff. In order to address the unique needs of our clients, BDS' criminal defense practice has a number of dedicated and specialized units which provide targeted services to adolescents, clients with mental illness, victims of trafficking, veterans and clients with overlapping criminal, family court, and immigration issues.

Although most courts remain closed, the criminal courts are hearing essential applications and are conducting arraignments day and night by video. BDS staff has adapted to handle these arraignments throughout this challenging and constantly evolving process. Regrettably, there is no way to resolve certain cases, so most of the pending cases and new cases are currently ongoing.

While non-essential businesses have been forced to close, our social work staff must work diligently to find available programs, housing, treatment, and other resources for our clients, including those released from jail. Our investigators are assisting attorneys across practice areas to obtain and maintain contact with clients, as well as to investigate new cases where there is an immediate need to obtain or preserve evidence.

Despite the changes and uncertainty, our staff has stepped up and remains flexible and ready to see our clients through this pandemic. While still representing thousands of existing clients, BDS is also getting new clients daily. We have made sure everyone knows they are not alone during this extremely difficult time and we will do anything we can to keep the people we represent safe and healthy during the pandemic as well as to continue to fight for a good outcome on their case.

While we continue to fight for our clients to get vaccines and be treated humanely while incarcerated, the Mayor's office has failed us in deep ways that make it difficult to continue our work. Specifically, the interrelationship of various state and city funding has been handled in a manner that can only be described as chaotic and neglectful. Because of this, the City owes BDS in excess of \$12,000,000, mostly because of delays in contracts that go back years at this point.

We call on the City Council to ensure that BDS does not receive funding cuts in the FY22 budget and implore the City Council to hold the Mayor's office accountable to moving our contracts through the process in an expeditious manner.

- **Family Defense Practice**

BDS is the primary provider of representation to parents and caretakers in Brooklyn who are facing ACS investigations or child neglect and abuse cases in Family Court. Our Family Defense Practice represents about 4,000 parents each year. We have represented over 13,000 parents and caretakers in Brooklyn Family Court and have helped more than 20,000 children remain safely at home or leave foster care and reunite with their families.

The family defense practice includes over 50 attorneys, 10 social workers, plus paralegals, parent advocates, and administrative staff. Most of the people we represent are people of color living in poverty, raising their children in homeless shelters or public housing, and in highly policed neighborhoods, making them vulnerable to government surveillance, including ACS. For parents

struggling with mental health conditions, cognitive delays or addiction, the system is often perceived as a punitive one rather than a restorative and supportive one. While our clients usually have many needs that impact their ability to keep their families together, in our experience many of these families suffer more trauma from being separated than from staying together with supports in place. Our family defense clients live primarily in the low-income neighborhoods of East New York, Brownsville, and Bedford Stuyvesant.

In addition to representing parents who have cases filed against them, crucial funding from the New York City Council allows BDS to advocate for parents facing child welfare investigations by ACS before a case is filed in court. BDS' Right to Family Advocacy project—part of the City Council Family Advocacy and Guardianship Support Initiative—provides parents and caretakers information and legal advice to navigate the child welfare system, advocacy at Child Safety Conferences, referrals for services to help address any underlying issues, and support in developing safety plans to prevent cases from being filed in court or having children removed.

The attorneys, social workers and parent advocates in our office's Family Defense practice zealously defend parents against the painful and often unnecessary removal of their children and the potential dissolution of their families. Despite the myriad studies showing that children are better off staying with their own parents, parents are often targeted in child neglect and abuse investigations and lose custody of their children because they have marginal resources, are unemployed, have unstable housing, suffer from mental illness or addiction, or are victims of abuse themselves. Each year, these issues drive thousands of children into the foster care system. In addition to zealous legal advocacy that often results in keeping families together, BDS is able to provide social work support to parents and caretakers. Combined, these services dramatically increase the likelihood that families will be able to stay together or eventually reunify.³ The time frame that our clients' children stay in foster care is shorter when these additional resources are available, resulting in monetary savings and very tangible benefits to children and families in New York City.⁴

It is important to note that the Mayor's Office of Criminal Justice has cut funding for Family Defense every year even as the pending caseload has continued to grow. As a result, at our current level of funding, BDS is unable to represent all eligible clients in Family Court, thus denying Brooklyn residents the array of services that BDS has available and better outcomes on their cases. Furthermore, the current level of funding is insufficient to sustain our representation model at current intake targets, and further cuts would be extremely harmful as we work to keep families together.

While Family Courts across New York City remain physically closed, BDS' Family Defense Practice is still representing clients on new cases every day via remote court appearances. This includes emergency 1027 hearings for new cases and cases where children were home and ACS

³ Preliminary results from the Action Research Study (2019) that have been shared with MOCJ found that institutional providers save each child an average of 118 days in foster care as compared to families that were represented by lawyers from the 18-b panel.

⁴ Commission on Parental Legal Representation. Interim Report to Chief Judge DiFiore, February 2019. pp34.

is asking for a removal. During this challenging time, we have successfully kept children from being removed from their homes and placed into foster care. The new virtual courts have not made this process easy as our attorneys often have only minutes to try to reach a parent by telephone before their case is heard by a judge for the first time. For parents who may not know they are entitled to legal representation, our investigators are working to identify and contact these parents so that families have representation.

As a result of the pandemic, we also have had to renegotiate visitation plans for almost every one of our clients whose children are either in foster care or with the other parent. This has required an enormous amount of negotiation with social workers, ACS and agency workers and lawyers. In order to enable family visits, we competed for and obtained funding to provide tablets to parents to allow remote video visits with their children, as in person visiting has been suspended due to social distancing requirements.

BDS requests that the City Council insist that the Mayor restore our FY22 funding to match our FY21 allocation.

- **Immigration Practice**

BDS' multi-unit immigration practice that works to minimize the negative immigration consequences of criminal charges for noncitizens, represent our clients in applications for immigration benefits and defend our clients against ICE detention and deportation. Since 2009, we have counseled, advised, or represented more than 15,000 clients in immigration matters including deportation defense, affirmative applications, advisals, and immigration consequence consultations in Brooklyn's criminal court system.

BDS is one of three New York Immigrant Family Unity Project (NYIFUP) providers and has represented more than 1,500 people in detained deportation proceedings since the inception of the program in 2013. Our NYIFUP team represents people in detained and non-detained removal proceedings in bond, merits hearings, release advocacy with ICE, administrative and federal court appeals, and federal district court challenges to unlawful detention.

Our Immigration Community Action Program (ICAP), which receives Immigrant Opportunity Initiative (IOI) funding, represents people in non-detained removal proceedings as well as applications for immigration benefits, including family-based applications for lawful permanent status, fear-based applications, U & T visas, Special Juvenile Immigrant Status (SIJS), DACA renewal and related applications. BDS' ICAP team specializes in providing affirmative immigration legal services in complicated cases and prioritizes people that are current or former clients of BDS and their families, formerly justice-system involved non-citizens, community residents referred from partner organizations, and individuals referred by constituent affairs offices.

Additionally, about a quarter of BDS's criminal defense clients are foreign-born, roughly half of whom are not naturalized citizens and therefore at risk of losing the opportunity to obtain lawful immigration status as a result of criminal or family defense cases. Our *Padilla* criminal-immigration specialists provide support and expertise on thousands of cases, including advocacy

regarding enforcement of New York City’s detainer law, individualized immigration screenings, and know-your-rights advisals.

During the COVID-19 pandemic, BDS’ immigration team sprang into action to fight for the release and safety of our detained clients and the due process rights of our non-detained clients. While some deportation cases have been postponed, filing deadlines are still in effect in some immigration court cases in New York. Meanwhile, hearings for detained individuals are still taking place at Varick Street Immigration Court.

BDS’ immigration team and Civil Rights Counsel have litigated habeas cases in federal court and won the unprecedented release of dozens of clients from ICE custody because of the coronavirus pandemic. When the NY on Pause order went into effect in mid-March, BDS NYIFUP had over 100 detained clients and hundreds of non-detained clients with active deportation cases. Intake was at very high levels due to ICE’s community raids at New Yorkers’ homes and court appointments. The BDS team immediately began filing federal litigation to free our at-risk clients from life-threatening, dirty, crowded conditions in ICE detention, and quickly won precedent-setting decisions, including an order in *Basank v. Decker*, cited by judges across the nation, freeing 10 people at high medical risk. Through court orders, consent releases after persuading ICE through litigation and advocacy, and winning bond and merits cases through brilliantly argued due process challenges in the immigration courts, BDS NYIFUP has won the release of 80 clients (and counting), nearly three-quarters of all the detained clients we had when the pandemic began.

None of the work that the New York Immigrant Family Unity Project providers—Brooklyn Defender Services, the Legal Aid Society and The Bronx Defenders—do would be possible without the support and funding of the New York City Council.

As we move into a new era where we hope the cruel immigration policies of the prior presidential administration are put to an end, the need is actually greater for this important program. While it seems that deportations will be less common, there are still hundreds of people whose cases have already been filed and whom we currently represent. In addition, there is the hope that many people previously unable to obtain status will have a new opportunity to stay with their families in the United States. One example is DACA, which has already been reinstated. Many of these programs require complicated documents and a thorough risk analysis before filing, particularly if someone has been arrested in the past. In order to meet that need, and possibly stave off deportation and allow Brooklynites to achieve status, we need the continued support of the City Council for the NYIFUP program.

BDS requests that the City Council continue to fund the NYIFUP program at its current level with the addition of the same pay parity increase received by our other programs in FY20.

- **Civil Justice Practice**

BDS’ Civil Justice Practice assists clients on matters that affect them, including housing, education, employment and access to benefits. In the past year the Civil Justice team represented or connected BDS clients with services in approximately 1,000 cases.

The Civil Justice Practice seeks to reduce the civil collateral consequences for low-income clients who have had interaction with the criminal, family or immigration justice systems. Through legal advocacy in court and at various agencies, we assist people in remaining in their homes, maintaining their public benefits, staying in school, keeping their jobs, and protecting their consumer rights. In order to achieve these ends, we practice in almost all of New York City's courts at every level from trial to appeals.

BDS' Civil Justice Practice is working with clients across all practice areas to help them access benefits, remain in housing, and assure their children obtain the education they deserve and to which they are entitled. Our attorneys and social workers are working with most of our clients in very direct ways to assure they have access to food and healthcare, are aware of and have assistance applying for benefits, are aware of their children's educational rights, and are getting the paid sick or family leave they require.

IV. FY22 Priority City Council Budget Requests

1. NYIFUP Funding: BDS' New York Immigrant Family Unity Project

The New York Immigrant Family Unity Project (NYIFIUP) is the national's first-ever universal representation program for detained immigrants facing deportation. The partnership of Brooklyn Defender Services along with The Bronx Defenders and The Legal Aid Society is requesting \$16.6 million (\$5,533,333 per organization) to continue serving as NYIFUP's three legal service providers. This request represents an increase in funding to allow the program to expand capacity to handle the large volume of direct representation to low-income detained New Yorkers facing deportation and to build our capacity to challenge unlawful or unconstitutional government action in federal court. With increases in immigration enforcement and detention, this project is more important than ever to prevent New York families from the devastating consequences of detention and deportation. With the potential of meaningful legal remedies for the clients we already represent under the Biden administration, NYIFUP stands ready to help each of our clients apply for status, as well as fight the pending deportations that are left over from the prior administrations harsh and unfair policies.

The NYIFUP Coalition submitted a joint request for \$16,600,000, split evenly among the three providers, to fully fund the New York Immigrant Family Unity Project in FY21. BDS is requesting \$5,533,333 as our proportionate share.

2. Family Advocacy and Guardian Support: Right to Family Advocacy Initiative

The Right to Family Advocacy Initiative is a two- year-old initiative that provides desperately needed due process, representation and advocacy services to individuals and families involved in the child welfare system. Brooklyn Defender Services, with the Bronx Defenders, Center for Family Representation and Neighborhood Defender Service of Harlem, is requesting funding of \$3,000,000 (\$750,000 for BDS) from the City Council. With this funding, the four offices that represent parents involved in the child welfare system will continue to advocate for parents during

ACS investigations before a case is filed and represent parents with the State Central Register to clear their child abuse and neglect records for employment purposes.

BDS submitted a joint request for \$3,000,000, divided equally among the four providers, to fully fund the Right to Family Advocacy Initiative. BDS is requesting \$750,000 as our share.

3. Immigrant Opportunities Initiative: BDS' Immigration Community Action Program

BDS' Immigration Community Action Project (ICAP) team serves a large number of individuals in naturalization, adjustment of status, DACA, SIJS, and other affirmative asylum applications with USCIS. Working in collaboration with our NYIFUP team, once a person is released from detention through BDS's NYIFUP representation, if there is a benefit that requires an affirmative application, our ICAP team assumes their immigration case through a seamless internal referral process (e.g., if they can apply to USCIS for a benefit that the judge does not have jurisdiction over, such as a U visa, SIJS, or a spouse's visa petition on their behalf). ICAP also assists people after a removal case is complete such as when relief is granted and there are next steps like green card renewals, citizenship, petitions for other family members, citizenship, orders of supervision, applications for employment authorization, etc. These critical immigration services comprise BDS's non-detained immigration legal and social services and are a necessary component of supportive immigration assistance for people in New York.

Increased funding is needed for BDS to more comprehensively serve New York City's immigrant youth, families, and communities with desperately needed high-quality immigration legal services. This funding would help BDS continue serving New York City's immigrant families by providing legal screening, advice, and direct representation to low-income immigrants in their pursuit of affirmative immigration benefits such as citizenship, lawful permanent residence, asylum, Special Immigrant Juvenile Status, special trafficking and victims' visas, VAWA relief, TPS and DACA, and in their defense against deportation in non-detained deportation proceedings and orders of supervision.

We ask that the Council support our IOI ask of \$200,000 to expand our ability to provide direct immigration legal services and Know Your Rights trainings to Brooklyn residents.

V. Conclusion

BDS' requested funding will ensure we can continue to provide quality legal services to indigent New Yorkers. We thank the City Council for the opportunity to testify today and for your continued support of the people, families and communities we represent in Brooklyn.

If you have any questions or concerns, please do not hesitate to contact me at (917) 593-0078 or Lschreib@bds.org.

Thank you Chair Adams, and Council Members and Council staff. I am Andrea Bowen, and I am the Government Affairs Consultant at Sex Workers Project at the Urban Justice Center.

The Sex Workers Project at the Urban Justice Center (SWP) provides client-centered legal services to individuals who engage in sex work, regardless of whether they do so by choice, circumstance, or coercion. We seek a restoration of our \$100,000 in Speaker's Initiative funds, cut in FY21, and a continuation of \$50,000 of our FY21 funding from Support for Persons Involved in the Sex Trade Initiative—we seek this to fill a gap in city legal services, workers' rights legal services to those in the legal sex trades. These workers are at great risk of wage theft, sexual harassment, sexual assault, and federal and state labor laws are rarely enforced in these trades.¹

As regards the Mayor's Police Reform and Reinvention Collaborative Draft Plan, SWP has noted its positive aspects. Furthermore, the NYPD and Mayor must actually be held accountable for ending the policing of sex work, and organizations like SWP intend to be a part of that accountability process. Specifically related to the "Draft Plan," major players were not actually consulted in a way that made clear to them that they were providing feedback on this NYPD reform plan. The process is far from complete. The Task Force coming from this should be a body that creates a real plan on changing the NYPD. It should be led by the Unity Project on the government side, and entities that have connection to the sex work community, to create a space that's public, formal, and places emphasis on community feedback, and feeding into a final product whose process is clearly articulated from the get-go.

¹ For info about shady wage practices in the COVID era, see <https://decriminalizesex.work/onlyfans-policy-endangers-swiers/>; pre-COVID, but still quite relevant, see: <https://www.nytimes.com/2019/07/24/style/strip-clubs.html>

And none of this should hold Council and the Mayor back from eliminating the Vice Division in the FY22 budget. SWP advocates for elimination of funding for NYPD's Vice Enforcement Division, approximately \$18.2 million, with reinvestment in human services that protect sex workers' human rights while supporting them and their surrounding communities. A recent ProPublica article explains in depth how NYPD Vice clearly targets BIPOC communities, and we should waste no time in eliminating Vice in this budget.²

Thank you so much for your time and attention, and I look forward to talking with you further. You may contact me at andy@bowenpublicaffairs.com.

² <https://www.propublica.org/article/nypd-cops-cash-in-on-sex-trade-arrests-with-little-evidence-while-black-and-brown-new-yorkers-pay-the-price>

My name is Brandon West, and I am a candidate for City Council in district 39. I am an organizer, and I was one of many that were behind the Occupy City Hall action last year as well as an organizer with New York City Workers for Justice. I am here today to give testimony to the Committee of Public Safety on the Preliminary Budget for Fiscal Year 2022, not solely from the background of a racial justice organizer, but as a former budget analyst at both the Mayor's Office of Management and Budget, and the New York City Council Finance Division, where I worked for 4 years, understanding and deciphering the City budget.

From 2013 to 2017, I saw the tail end of the Bloomberg administration and the beginning of the De Blasio administration, of which we saw a decrease in crime and an increase in the capital and expense budget of the NYPD.

There is a resounding chorus throughout this City in response to not just last year, but from *decades* of over policing, to reduce the size and scope of the NYPD, in the effort to fund social services and alternative programs to policing that are restorative rather than punitive.

The record high \$6.09 billion Fiscal 2020 total expenditures don't represent a flash-moment-in-time response. It reflects a clear commitment to a model of over policing that has existed in perpetuity. It is not something we can make small incremental changes and move away from, which this council attempted and failed at doing in the previous exec budget.

The savings from the 3 previous plans do not reflect a commitment to anything that our Mayor has outlined in his many speeches, which have only served as a response to a tale of two cities. The overtime reductions are clearly a joke, and OMB should not give the agency the authority to hire above its budgeted headcount.

There is no present attempt in this budget, or any previous one, to truly fund programs that would actually bring down the root causes of violence in people's lives. If we have decided that the NYPD is *not* best equipped to respond to conflicts as a social worker would, why are we budgeting a headcount that implies they would?

Policing doesn't make people safe; Harm reduction, mitigation and social services do. I believe this budget does not truly reflect the mood and belief of the people in this City, which is that we can fund alternatives to policing that have proven to work - for this county and for our city.

**New York City Council
Committee on Public Safety**

**Oversight Hearing on the New York City Police
Reform and Reinvention Collaborative Draft Plan
March 16, 2021**

**Written Testimony of The Bronx Defenders
By Justine Olderman**

Chairperson Adams and Committee Members, my name is Justine Olderman and I am the Executive Director of The Bronx Defenders (“BxD”).¹ Thank you for the opportunity to testify today.

BxD urges the City Council to reject the New York City Police Reform and Reinvention Collaborative’s Draft Plan (“Draft Plan”). The haphazard patchwork of reforms in the Draft Plan will not address the NYPD’s endemic racism, nor will it significantly reduce the footprint of policing in communities of color. More fundamentally, the City’s decision to ignore the voices of communities—in favor of a process controlled by the NYPD and defined by a lack of transparency—falls far short of complying with the directives of the Governor’s Executive Order. Indeed, the Collaborative was dominated by law enforcement.² Instead of taking a first

¹ The Bronx Defenders is a public defender non-profit that is radically transforming how low-income people in the Bronx are represented in the legal system, and, in doing so, is transforming the system itself. Our staff of over 350 includes interdisciplinary teams made up of criminal, civil, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates, parent advocates, investigators, and team administrators, who collaborate to provide holistic advocacy to address the causes and consequences of legal system involvement. Through this integrated team-based structure, we have pioneered a groundbreaking, nationally-recognized model of representation called holistic defense that achieves better outcomes for our clients. Each year, we defend more than 20,000 low-income Bronx residents in criminal, civil, child welfare, and immigration cases, and reach thousands more through our community intake, youth mentoring, and outreach programs. Through impact litigation, policy advocacy, and community organizing, we push for systemic reform at the local, state, and national level. We take what we learn from the clients and communities that we serve and launch innovative initiatives designed to bring about real and lasting change.

² According to the Draft Plan, “The City’s Reform and Reinvention Collaborative was convened by the Mayor, and led by the First Deputy Mayor working in partnership with the Police Commissioner, leaders across City Hall, the Mayor’s Office of Criminal Justice, Community Affairs Unit, Legislative Affairs Unit, and the Law Department.” NYC Police Reform and Reinvention Collaborative Draft Plan (May 5, 2021) p. 7 <https://www1.nyc.gov/assets/home/downloads/pdf/reports/2021/Final-Policing-Report.pdf>

step towards reimagining a model for community safety that respects and empowers communities, this plan serves only to reinforce the status quo, avoiding the changes necessary to end police violence and improve the conditions of communities of color in the City. The Draft Plan lacks a comprehensive vision for the future, a clear roadmap, and meaningful benchmarks, and appears to be little more than a rehashed collection of empty promises.

The Draft Plan has a number of fatal flaws:

- 1) The City failed to create a viable operations plan and stymied efforts to develop an inclusive process with necessary stakeholders to conduct a comprehensive review, guide the process, or make recommendations;
- 2) The City largely kept the process hidden from the public and did not give meaningful opportunities for public input;
- 3) The City's delay and staggered release of the Draft Plan does not allow for vigorous public vetting and review;
- 4) The Draft Plan does not provide sufficient details regarding the makeup of the Collaborative's leadership and fails to offer critical information about its procedures and decision making process;
- 5) The Draft Plan does not offer meaningful redress for New Yorkers who have been victims of police violence;
- 6) The Draft Plan does not present clear timeline for implementation for many recommendations and does not include any analysis as to how their efficacy can be evaluated;
- 7) The Draft Plan offers restatements of existing policies as recommendations and does not address the perspectives and recommendations of relevant stakeholders; and
- 8) Most critically, the Draft Plan does not contemplate the type of deep structural changes that are truly needed to achieve transformative change in our City, beginning with a dramatic reduction in the NYPD's footprint.

The Draft Plan does not represent a "first step" toward change; rather, it is an exercise in avoidance and obfuscation. We urge the Council to commit to bold action and institute a new framework that shifts funding away from the NYPD and its failed policing strategies, and immediately begin the work of negotiating the terms of a new justice partnership with communities of color. By redirecting funding from our policing system, the City has an opportunity to center the needs of communities that have been historically overpoliced, under-resourced and recently devastated by the COVID-19 pandemic.

The City's Process: Flawed from the Start

In June 2020, Governor Cuomo issued an Executive Order directing local governments to create a Police Reform and Reinvention Collaborative to perform a comprehensive review of police force deployments, strategies, policies, procedures, and practices; develop a plan to improve them, address the needs of the communities they serve, and promote community engagement; and address any racial bias and disproportionate policing of communities of color. Central to the “Reform and Reinvent” process set out by the Executive Order was the inclusion of “members of the community, with an emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials.”³ The accompanying guidance released by the Governor in August (the “Guidance”) provided detailed information to help localities run the process, including key organizing principles and a suggested timeline.⁴

According to the Guidance, the City should have prepared an operations plan, convened key stakeholders, conducted a self-assessment, and shared information about “data, policies, procedures, complaint history, budget, contracts, equipment” with the public by September 2020.⁵

The City did none of these things during that period and did not formally begin the process until October of 2020, underscoring a troubling lack of urgency in addressing the issues raised by the Executive Order. Moreover, the City ceded control of the process almost entirely to the NYPD, which announced a series of “listening sessions” on policing that were dominated by NYPD officials and served as an echo chamber rather a venue for critical feedback. Although the Mayor’s Office reached out to various community and advocacy groups to form a stakeholder committee around the same time, it was abandoned once the groups voiced collective concern that the committee would have no meaningful role in the creation of the plan.

In December 2020, New York City’s public defenders publicly raised the alarm about the City’s lack of transparency and urged the City to engage in a process that centered directly-impacted communities.⁶ On January 11, this Committee heard similar concerns from the public at an oversight hearing. Statements from the Mayor’s Office that a report would be released in February did not pan out.⁷ Frustrated by the City’s lack of transparency and exclusionary

³ Governor Andrew Cuomo, Exec. Order No. 203 (June 12, 2020)

https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_203.pdf

⁴ New York State Police Reform and Reinvention Collaborative, Resources & Guide for Public Officials and Citizens (August 2020)

https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf

⁵ *Id.*

⁶ Alice Fontier, Stan Germán, Tina Luongo, Justine Olderman and Lisa Schriebersdorf, “This is sham NYPD reform: But as usual, the mayor and commissioner are dodging” (December 15, 2020) *NY Daily News*.

<https://www.nydailynews.com/opinion/ny-oped-this-time-we-need-fundamental-nypd-reform-20201215-kg4hyd3jdn57ntyq6smq27o2e-story.html>

⁷ Ethan Geringer-Sameth, “City Council Jumps Into Police Reform Action Amid De Blasio Delay in Meeting Cuomo Mandate” (February 22, 2021) *Gotham Gazette*.

<https://www.gothamgazette.com/city/10100-nypd-police-reform-de-blasio-cuomo-mandate>

process, a number of community organizations engaged their own visioning process about community safety with a series of town halls and forums.⁸

On March 5, with less than a month until the April 1 deadline for ratifying a plan, the Mayor's Office released the first part of the Draft Plan. Part Two was released a week later. The City has not explained the reason behind the staggered approach, nor is it clear whether there is more to come. The piecemeal approach has deprived the public of a reasonable period to consider and provide feedback to the Collaborative and to the Council regarding the Draft Plan.

The Draft Plan: Lacking Details

Beyond the general lack of transparency surrounding the process, the Draft Plan suffers from a lack of specifics about many aspects of the Collaborative's operations and processes; is devoid of details about the Collaborative's make-up and responsibilities; and does not provide insight into the process for the "collaborative" decision-making process or policy recommendations. There is no information in the report about how the Collaborative's leadership was selected, nor any information about their qualifications for guiding such an undertaking. Without basic transparency, the City Council simply cannot properly evaluate whether the recommendations in the draft plan were borne out of an informed collaborative process based on community engagement and feedback.

Similarly, the report states that the Collaborative held more than 85 meetings and town halls to solicit testimony and feedback, but fails to provide any information regarding the analysis of qualitative data or specifics as to the benefits and drawbacks of the methods deployed to garner critical feedback from a broad array of communities. For months the NYPD heavily promoted a Reform and Reinvention Collaborative Survey on social media and during its listening sessions with the stated purpose of hearing from New Yorkers.⁹ The Draft Plan, however, fails to even *mention* the survey much less provide information about the data and analysis.

The City's troubling decision to exclude communities that have been directly impacted by policing (and the advocates who work on their behalf every day) from the Collaborative, fatally undermines the legitimacy of the plan. There does not appear to have been a formalized process to inform participating "external stakeholders" about the processes or mechanisms to provide additional input. The City failed to take advantage of the knowledge, expertise and resources of many stakeholders in developing the proposed recommendations. Rather, the Draft Plan acknowledges that the Collaborative did not engage the vast majority of stakeholders beyond a single meeting. This process was not collaborative; it was extractive. It was a sham.

⁸ Communities United for Police Reform, Redefining Community Safety and Town Halls & Forums, <https://www.changethenypd.org/redefining-community-safety>.

⁹ See NYPD NEWS Twitter account (December 30, 2020) <https://twitter.com/NYPDnews/status/1344353826615275520>.

The Draft Plan: Maintaining the Status Quo

The Governor's Guidance warned New York's municipalities against merely restating and repackaging current police functions and policies "without deep and probing consideration of the perspectives for those who seek reform."¹⁰ The Guidance proved prescient. Much of the Draft Plan does exactly what the Governor's Guidance warned against. Many of the recommendations in the Draft Plan—presented as new and bold ideas—are merely restatements of existing policies, many of which have already faced criticism. For example, the report touts the recently adopted disciplinary matrix and a memorandum of understanding committing the NYPD to follow recommendations issued by the Civilian Complaint Review Board more closely. That agreement, however, is not legally binding and does little to address the NYPD's pattern of ignoring CCRB's recommendations. The report does not address alternative approaches such as a zero tolerance for police officers who commit certain misconduct.

More pointedly, the resolution that was recently introduced by the City Council to support removing the NYPD Commissioner's final authority over disciplinary decisions has already been publicly rejected by the Mayor.¹¹ The Draft Plan does not indicate whether this issue was even discussed with stakeholders or meaningfully considered. While the City Council was able to debate the efficacy and potential consequences of the proposed policy change at a hearing, stakeholders and New Yorkers who have been victims of police misconduct have not been able to engage and provide input.

Another example of the Collaborative's failure to consider the perspectives and suggestions of communities and stakeholders involves a recommendation characterized as a plan to "[d]evelop a health-centered response to mental crises." The recommendation outlines the City's plan announced last November to expand a pilot program of non-police teams under the B-HEARD.¹² At the January hearing before this Committee, members from Correct Crisis Intervention Today – NYC (CCIT-NYC) outlined their concerns regarding the pilot program and offered an alternative proposal based on successful models operating in other states.¹³ The Draft Plan, however, fails to mention this proposal or whether the Collaborative fully considered an alternative option for responses to mental health crises. It does not appear that the Collaborative conducted a meeting with CCIT-NYC following the hearing.

Many of the proposals in the Draft Plan expand the NYPD's scope and power under the guise of neighborhood policing and repairing trust with the community. The plan for the "immersion of new officers in the communities they serve," for example, is a plan to *increase* police

¹⁰ Resources & Guide for Public Officials and Citizens, *supra* n.3.

¹¹ Jake Offenhartz, "De Blasio Administration Rejects Proposal To Strip NYPD Commissioner Of Final Discipline Authority"(February 16, 2020) Gothamist.
<https://gothamist.com/news/de-blasio-administration-rejects-proposal-strip-nypd-commissioner-final-discipline-authority>

¹² NYC Police Reform and Reinvention Collaborative Draft Plan: Part One (March 5, 2021) p.27.
<https://www1.nyc.gov/assets/home/downloads/pdf/reports/2021/Final-Policing-Report.pdf>

¹³ Testimony of Marinda van Dalen, Senior Attorney, Disability and Health Justice Programs on behalf of New York Lawyers for the Public Interest before the Council of the City of New York Committee on Public Safety regarding New York City's Response to Individuals Experiencing Mental Health Crises (Submitted January 11, 2021).

interactions, not reduce the City's overreliance on policing as the primary tool of public policy.¹⁴ The Draft Plan proposes expanding responsibilities of the very institution that has relied time and again on racial profiling and criminalization, perpetuating the City's failed strategy of overinvesting in policing at the expense of Black and brown communities.

According to the Draft Plan, the City intends to engage in a restorative and reconciliation process to address "the legacy and harm of racialized policing," but has not provided a clear plan or timeline.¹⁵ Deep and meaningful reconciliation requires a genuine effort to redress the wrongs perpetrated by the NYPD against people who have been victims of police abuse. This includes a plan to remove officers who have been involved in misconduct as well as financial compensation for the harms caused, none of which is addressed in the Draft Plan. Imposing a process that would potentially include officers who have committed egregious misconduct without consulting victims of police violence and their families is incompatible with the very idea of a restorative justice process. The plan's lack of substance makes clear that the Draft Plan is not a serious attempt at reinvention.

Additionally, the Draft Plan espouses a commitment to respecting the right to protest and to improving policing of protest activity, but provides no specifics as to when new policies would be implemented or how New Yorkers would be able to evaluate their implementation. In January of this year, 24 New Yorkers who had been caught in the NYPD's violent crackdown of protestors in the Mott Haven neighborhood of the Bronx in June 2020 sent a letter to the Mayor proposing a community reparations fund to compensate protestors harmed and provide needed resources to the broader community. The Mayor has so far failed to respond to the demand, despite claiming to be committed to reconciliation.

The Need for a Bold Approach

The countless New Yorkers who mobilized in the streets last summer demanded that New York City adopt a radically different approach to public safety, one that is humane, equitable, and just. Instead the Mayor's Draft Plan continues to ignore that demand, and focus on tepid, incremental reforms and hollow rhetoric. This is not aligned with community demands for justice and will not end the long-standing culture of racism and state violence against Black and brown people.

The City Council has an historic opportunity to respond to the deep desire for meaningful change. The crisis of racist policing of communities of color cannot be solved if we continue to dedicate vast and disproportionate resources to policing alone.¹⁶ The overarching aim of any such effort must be a radical transformation of the NYPD, a dramatic reduction in its footprint and budget, and similarly massive investments in the city's communities of color. Sustaining the NYPD's bloated budget and tinkering with proposals that continue to rely on police intervention

¹⁴ NYC Police Reform and Reinvention Collaborative Draft Plan p. 18

¹⁵ NYC Police Reform and Reinvention Collaborative Draft Plan: Part Two (March 12, 2021) p.14. https://www1.nyc.gov/assets/police/reform/downloads/Police_Reform_Part_2_Final.pdf

¹⁶ The NYPD's budget for FY 2021 is larger than the budgets of the Department of Health and Mental Hygiene, Department of Environmental Protection, Department of Housing Preservation and Development and City University of New York combined.

or involvement may be “reforms” but are certainly not reinvention. The City Council should use its authority to engage in a more authentic, substantive and community-led process towards this goal. The Council should begin by demanding the removal of the NYPD from routine traffic enforcement, from the city’s schools, and from front line responses to people in mental health crises. New York City can divest from policing and shift the substantial savings to address food and economic security, youth development, health, climate justice—services which New Yorkers make clear they value more than police departments—but it will take courage and vision. The Draft Plan has neither.



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Center for Court Innovation

- Written Testimony for submission to 3/16/21 New York City Council Preliminary Budget Hearing of the Committee on Public Safety
- Summary of FY22 Major Proposals
- Letter to Council from Courtney Bryan, Executive Director, Center for Court Innovation



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**Center for Court Innovation
New York City Council
Committee on Public Safety Preliminary Budget Hearing
March 16, 2021**

Good afternoon Chair Adams and esteemed Councilmembers. Since its inception, the Center for Court Innovation has supported the vision embraced by New York City Council to reduce unnecessary and harmful involvement in the justice system wherever possible and to build public safety through sustainable solutions. With the populations we serve facing ongoing police violence and a public health crisis that disproportionately impacts Black and brown communities, realizing this vision is now more important than ever.¹ The Center's longstanding partnership with Council has helped bring this vision to life through evidence-based and racially just programming that helps to **shrink the footprint of police**: this includes innovative community-centered programs; anti-gun violence interventions; and recognizing housing instability as a contributing factor to intersection with the justice system.

Our firsthand experience in each of these priority areas uniquely positions us to serve as a model that City Council can look to as it considers the development and support of initiatives that responsibly respond to the needs of New Yorkers. In each instance, our aim is to provide a meaningful and proportionate response, to treat all people under our care with dignity and respect, to prioritize public safety, and to produce much-needed cost savings for the City. And, as an anti-racist organization, to ensure the needs of marginalized New Yorkers are addressed.

We also ask Council to continue to support the **Points of the Agreement (POA) to responsibly close Rikers** so we can provide New Yorkers with the needed investments to lower the jail population and end the scourge that is the Rikers jail complex. The POA works in concert with reducing reliance on policing, limiting the use of traditional systems and lifting up community-based alternatives. To that end, we request renewed support for four key initiatives that help to limit policing and reduce incarceration. We ask that Council restore them to pre-pandemic levels as the city sets to reopen.

1. **Innovative Criminal Justice Programs:** Core funding for a range of community-based justice initiatives across New York City that reduce reliance on policing.
2. **Driver Accountability Program:** A proportionate response achieving accountability in Vehicle and Traffic Law cases.
3. **Brooklyn Felony Alternatives to Incarceration Court (ATI):** An evidence-based pilot program for people otherwise facing jail or prison time. Since Brooklyn Felony ATI's inception, 73 participants entered programming, with nearly 90% of closed cases closing successfully.

4. **Project Reset:** New York City's first foray into early diversion prior to the criminal court process, with Council funding the program in the Bronx, but with funding discontinued for other parts of New York City by the City.

Shrinking the Footprint of Police Through Alternative Investments

Spurred by ongoing police violence, there is public support to reallocate certain responses from police into community-based approaches. As municipalities work to submit police reform plans by the April 1st deadline, the Center's expertise through sustainable community-driven solutions that enhance public safety can serve as a path forward. Based on lessons learned, we believe that this is not the work of a moment, but rather a long-term shift that will require engaging with previously policed communities in new ways. The Center's blueprint for transformational change requires funding for community-based programs: from restorative justice approaches to addressing harm by focusing on healing relationships across families, communities, and neighborhoods; to mentoring and supporting young people at risk of system involvement through credible messenger models that prioritize the lived experiences of youth; to supporting families through trauma and systemic-racism informed programming that creates security in the home.² This also includes reimagining responses to driving violations, gun violence, and housing safety. These programs also support the vision of the POA, shifting the work of incarceration and traditional systems to community-centered and restorative justice alternatives.

Innovative Criminal Justice Programs

The Center's core Council-funded innovative criminal justice programs are built upon community partnerships and serve thousands of youth and adults across the City. Renewed funding by the Council provides flexibility in the Center's approach to this work, allowing the continuation of the Center's alternative-to-incarceration, youth-diversion, and access to justice programs across all five boroughs. Specifically, Council's support provides mental health services, family development, youth empowerment, workforce development, housing, legal, immigration, and employment resource services. **Ultimately, these programs reduce reliance on policing.** The Center's funding under this initiative was cut in FY21. We ask the Council to return the Center's funding to its pre-pandemic level so that it can provide programming to vulnerable New Yorkers.

Through these programs, the Center is making a deep investment in engaging individuals as far upstream as possible, to limit, and ideally prevent justice system involvement. For example, thanks to general Council funding, our Harlem Community Justice Center works to increase housing stability and reduce evictions by empowering tenants with the resources they need to navigate housing court. Similarly, our Legal Hand program, with locations in Brooklyn, the Bronx, and Queens, trains local residents to empower their neighbors with legal information. We also developed a particular expertise in providing trauma-informed social services, which continue to be crucial given the increasing number of justice system-involved individuals facing mental health and/or substance use challenges. Through our Staten Island Justice Center, we provide clinical support and restorative programming for court-involved youth who have mental health needs. Our Midtown Community Court's Client Navigator works with some of

Manhattan’s most vulnerable individuals—those who are homeless, battling mental illness and/or substance use disorders—following an arrest and throughout their court involvement. And, in Queens, New Yorkers are receiving community- based services and supports to improve their lives through the Center’s Queens Community Justice Center.

In both Brooklyn and the Bronx, the Center works to prevent gun violence by actively engaging those at risk of being involved in violence, building community movements against violence, and providing supports and opportunities to community members in need. Gun violence surged over 200% in 2020, and this reality motivated policymakers and community member alike to call for solutions to effectively end it. Research shows that community-led efforts can create community safety without involving the police. In groundbreaking research on the drivers of gun violence, Center staff interviewed over 300 young people. Our researchers found widespread experiences of violence and the fear of police are primary motivations for carrying a gun.³ Community violence can be effectively addressed through prevention programs. These programs, run by the Center across the City, “interrupt violence” without the use of police and are staffed by credible messengers. The resulting trust, respect, and empowerment of residents are especially crucial to the success of these programs. The Center has also launched the RISE Project to address the intersection of intimate partner violence and gun violence citywide.

Through collaborating and partnering with communities and stakeholders, we seek funding to continue meaningful interventions that are geared toward keeping youth and communities safe, reducing their contact with police, and keeping them out of jail or prison. This funding is critical to ensure we realize a safer, better, and fairer New York City.

Housing as a Justice Issue - Neighborhood Safety Initiatives

This summer laid bare the long-standing inequities in access to safe and affordable housing. The threat of eviction looms large for many households, with renters in communities of color at the greatest risk of facing housing insecurity.⁴ Access to quality, sustainable, and safe housing is a crucial element to the conversation around social justice and equity. Our research shows that 18%-25% of our Felony ATI program participants are experiencing homelessness.⁵ And, much of the gun violence experienced over the past year took place in the City’s public housing developments. The Center works to build resident power and address issues of safety in public housing developments, **ultimately shrinking the footprint of law enforcement** and resident contact with the justice system in some of New York’s historically under resourced neighborhoods. Funding for the Neighborhood Safety Initiative (NSI) is due to sunset in June 2022, and we hope for Council to support the continuation of these services to the communities we serve in public housing.

To respond to the public safety needs of public housing residents, the Center is working across the City through its NeighborhoodStat (NStat) program to proactively address these issues. NStat, of which the Center’s Neighborhood Safety Initiatives (NSI) is a part, uses deep and lasting engagement to build strong resident networks, utilizes the knowledge and the relationships embedded within these networks to ascertain resident perspectives, goals, and safety concerns; and then supports resident-led efforts to design and implement the solutions

with the help of local agencies, organizations, and neighbors. NStat staff help guide this process—gathering data to inform decisions, identifying partners, and coordinating the intervention. In short, NStat and NSI create opportunities for residents to think through new approaches to safety and then works with them to make these ideas happen. Our NSI program was also actively engaged in COVID-19 relief. Through mobilizing of residents and creating mutual aid networks, approximately 10,000 COVID relief packages including food, drinking water, PPE, personal hygiene products, cleaning supplies, and other essential goods were delivered to 7,000 households or 45,000 NYCHA residents. The Center asks that Council urge the Administration to fully fund and baseline the NStat program within the Mayor’s Action Plan (MAP) to ensure this important program continues.

Driver Accountability Program

The Driver Accountability Program (DAP) provides a constructive and restorative response to dangerous driving and works to change the risky driving behavior of people charged with driving-related offenses in criminal court. Preliminary research suggests that the program changes participant behavior and encourages safer driving. Piloted at the Red Hook Community Justice Center in 2015, the program has since expanded throughout Brooklyn, Bronx, Manhattan and Staten Island with funding from City Council. The Center seeks funding to sustain those operations and expand into the borough of Queens. Funding will also be used to support a second tier of the program that offers a more intensive restorative response for the most serious cases involving serious injury or death.

The need for more meaningful, effective, and equitable interventions on traffic-related cases has never been more urgent. Last year, at least 243 people were killed in crashes on New York City streets, more than any other year since our Mayor pledged to eliminate traffic deaths through the Vision Zero initiative.⁶ For FY22, the Center proposes to build upon its current operations and further expand the program in two significant ways: (1) a geographical expansion to the borough of Queens so that defendants in every borough have access to DAP; and (2) to implement a new, more intensive version of the program that will be available citywide in cases of serious injury or death. As a result of the pandemic, the volume of cases coming through New York City’s criminal courts—particularly for low-level nonviolent offenses—has dramatically decreased over the past year. In addition, there has been a backlog of thousands of cases across the City that were administratively adjourned, or unable to be handled, due to court closures. Despite these challenges, DAP served 138 program participants between July and December of 2020. Over the course of the coming 12 months, the program anticipates serving a total of 2,000 participants in all five boroughs, including the existing program for lower-level offenses and its expansion to the “2.0” model that will handle more serious cases.

Reduction of Unnecessary Incarceration

Responsibly reducing incarceration can enhance public safety and requires a long-term commitment to innovative responses. The Center urges Council to honor the community investment and proposals laid out in the POA. Only with adequate funding for programming set forth in the POA, which includes community investments in vulnerable neighborhoods, can we reduce the jail population enough to close Rikers and realize the vision laid out for a safer, fairer

New York. Additionally, alternatives to incarceration can prevent unnecessary disruption to individual lives, while providing linkages to additional services to decrease criminogenic factors that would otherwise grow in confinement. Specifically, included in the POA are three items the Center is prepared to bring to scale or support:

- Community Justice Center in Far Rockaways;
- Expansion of pre-arraignment diversion programming; and
- Community Based Restorative Justice diversions for misdemeanors and felonies

The Center has a proven track record for implementing data-driven programs like these that reduce incarceration without decreasing public safety. Council renewal of the Center's Project Reset funding for Fiscal Year 2022 would honor the spirit of the POA's inclusion of an expansion of pre-arraignment diversion programming. This program is cost-efficient and helps avoid unnecessary incarceration and the long-term adverse impacts it has on individuals, families, and communities. In addition, by renewing Council funding for Brooklyn's Felony ATI program, Council would advance the goals to close the Rikers jail complex.

Project Reset

Pre-arraignment diversion is a component of the Points of Agreement. One such program, Project Reset, helps reduce the jail population by decreasing the likelihood of failure to appear bench warrants at arraignment for low level Desk Appearance Tickets (DATs). The Administration did not renew citywide Project Reset funding in FY21, with City Council continuing to fund the program in the Bronx. We ask Council to reaffirm its commitment to Project Reset, by renewing its longstanding funding in the Bronx, and funding Project Reset citywide in Brooklyn, Queens, and Staten Island (Manhattan is funded by the District Attorney's Office). If Council does not fund the program citywide, we ask Council to urge the Administration to provide citywide funding in FY22.

Project Reset diverts New Yorkers with misdemeanor arrests away from the court system through community-based programming and access to opportunities. As a result of sweeping criminal justice reform legislation that went into effect in January 2020 and due to the significant DAT case backlog resulting from pandemic-related court delays, a large number of misdemeanants are eligible for diversion. Looking ahead, if Project Reset were only to continue in one or two boroughs, the resulting patchwork of programming would lead to an inequitable delivery of crucial services for City residents. To ensure that Project Reset can serve all eligible individuals, citywide funding for the program is imperative.

Further, renewal of Bronx Reset is key. Bronx Reset pivoted quickly at the onset of COVID-19, leveraging technology and video meetings, to continue facilitating restorative justice circles for participants, both providing connection to community during the isolating period of the pandemic's peak, and a diversion from in-person arraignments during the public health crisis. The citywide low arrest levels resulted in fewer cases being referred to the program. The program's contact rate for eligible referrals was also affected, as the pandemic impacted the accuracy and efficacy of contact information due to disconnected phone numbers, changed addresses, or other factors. Nevertheless, in 2020, Bronx Reset had 142 participants successfully

complete the program and avoid going to court or receiving a criminal record for their arrest. Additionally, many improvements were made to the process so that the Bronx can continue to divert as many participants as qualify for the program going forward.

In 2021, as the justice system grapples anew with its enduring inequities, Project Reset offers relief from the collateral consequences participants might otherwise experience if arraigned for a low-level crime, such as legal discrimination in housing, immigration, and employment matters, or even a bench warrant for failing to appear.

Brooklyn Felony Alternatives to Incarceration

Individuals convicted of felonies have an alternative to Rikers Island in Brooklyn. The Brooklyn Felony Alternatives to Incarceration Court (FATI) offers community-based interventions and rigorous judicial monitoring for felony cases which can decrease the use of jail and prison sentences and potentially lead to reduced criminal dispositions. Nearly 90% of FATI participants flagged for mental health needs.⁷ To address these needs, the program is staffed by a team of resource coordinators, social workers, and mental health counselors who conduct independent assessments, prepare recommendations for programming and supervision, provide referrals to community-based providers, offer ongoing case management, supervision and compliance monitoring, and pilot new services, such as restorative justice interventions. The program and court part seek to significantly increase the use of ATIs, support, and supervision offered to individuals charged with felonies and provide a model for jurisdictions across the country interested in enhancing public safety and reducing incarceration.

The Brooklyn Felony ATI team has offered services since launching in January 2020 and is prepared to continue providing case management and counseling services to felony cases in the coming year. Although the trajectory of the program was interrupted by the COVID-19 pandemic—which caused the closure of the court and grand juries, delayed adjournment dates, and backlogs in the courts—it is connected to a robust offering of services through community partners and in-house programs. The program fulfills the need in Brooklyn to provide alternative responses to felony cases that are tailored to the needs the participants present, addressing immediate concerns as well as longer-term treatments. Brooklyn Felony ATI has established the team, the infrastructure, and the capacity to act on the momentum and serve more participants in the next fiscal year.

Conclusion

Effectively shrinking the footprint of police require investments in community-based programming. It also requires holistic approaches to improving public safety, which includes responsibly reducing incarceration. We are committed to partnering with Council to limit the use of police and reducing incarceration while building public safety for all New Yorkers. We thank Council for its continued partnership and are available to answer any questions you may have.

Notes

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⁴Mironova, Oksana. (June 22, 2020). Race and Evictions in New York City. Community Service Society. <https://www.cssny.org/news/entry/race-evictions-new-york-city>.

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⁶Goldbaum, C. (2021) Why Empty Streets Meant an Especially Deadly Year for Traffic Deaths. New York, NY: New York Times. Available at <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>.

⁷Center for Court Innovation. (2020). Felony ATI Mental Health. [Data file]. Retrieved from the Justice Center Application case management system.



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Center for Court Innovation Major Proposal Summaries

- **Felony ATI Brooklyn: #108895 (Renewal)** The Brooklyn Felony Alternatives to Incarceration Court offers community-based interventions and rigorous judicial monitoring for felony cases (that are otherwise ineligible for drug, mental health, and domestic violence courts), which can decrease the use of jail and prison sentences and potentially lead to reduced criminal dispositions. The court is staffed by a team of resource coordinators, social workers, and mental health counselors who conduct independent assessments, prepare recommendations for programming and supervision, provide referrals to community-based providers, offer ongoing case management, supervision and compliance monitoring, and pilot new services, such as restorative justice interventions. The program and court part seek to significantly increase the use of ATIs, support and supervision offered to individuals charged with felonies and provide a model for jurisdictions across the country interested in enhancing public safety and reducing incarceration.
- **Project Reset: #108753 (Renewal)** This application will support Project Reset's mission to divert New Yorkers with misdemeanor arrests away from the court system through community-based programming and access to opportunities. This application is for continuation funding for Bronx Reset and for additional funding to operate in the outer boroughs. In collaboration with the District Attorneys' Offices of the Bronx, Brooklyn, Staten Island and Queens, and NYPD, Project Reset would serve more New Yorkers than ever. As a result of the sweeping criminal justice reform legislation that went into effect in January 2020 and due to the significant DAT case backlog resulting from pandemic-related court delays, a large number of misdemeanants are eligible for diversion. To ensure that Project Reset can serve all eligible individuals, this application includes an appeal for funding that would allow Project Reset to operate city-wide, meaning a relaunch of the program that was started in 2020 in Brooklyn, Staten Island, and Queens and continued support for the Bronx.
- **Driver Accountability Program: #108766 (Renewal)** The Driver Accountability Program provides a constructive and restorative response to dangerous driving and works to change the risky driving behavior of people charged with driving-related offenses in criminal court. Preliminary research suggests that the program changes participant behavior and encourages safer driving. Piloted at the Red Hook Community Justice Center in 2015, the program has since expanded throughout Brooklyn, Bronx, Manhattan and Staten Island with funding from City Council. This application seeks funding to sustain those operations and expand into the borough of



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Courtney Bryan. Director

Queens. Funding will also be used to support a second tier of the program that offers a more intensive restorative response for the most serious cases involving serious injury or death.

- **Innovative Criminal Justice Programs: #109250 (Renewal)** This is an application for core funding to support the continuation of our alternative-to-incarceration, youth-diversion, and access to justice programs across all five boroughs in New York City. The Council's support allows us to serve tens of thousands of New Yorkers with flexibility, through mental health services, family development, youth empowerment, workforce development, and housing, legal, immigration and employment resource programs. Our goal continues to be improving safety, reducing incarceration, expanding access to community resources and enhancing public trust in government to make New York City stronger, fairer, and safer for all. The Center hopes Council will restore its funding under this initiative to its pre-pandemic level so that it can best meet the needs of the City's most vulnerable communities.



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courtinnovation.org

Research. Development. Justice. Reform.

Courtney Bryan, Director

March 5, 2021

Dear Esteemed Councilmembers,

From a global pandemic to the continued violence against Black and Brown people, 2020 was a hard year for many. And, as the City still grapples with COVID, this time continues to be one of unthinkable loss and uncertainty. Despite these challenges, the Center continues to serve tens of thousands of New Yorkers in all five boroughs, providing critical programs and services to those most in need. Much of this work has been and continues to be funded by Council. To that end, I want to take this moment to thank Council for its steadfast support of our work, and request renewed support as we look ahead to FY22.

With Council's support through the innovative criminal justice programs initiative, the Center for Court Innovation has continued to operate community-based programs to serve the most vulnerable New Yorkers, while also reducing reliance on police. The vast majority of those served are youth, immigrants, low-income, LGBTQ, and people of color. Last year, funding through this initiative was reduced. We hope Council will restore this core funding to its pre-pandemic level. By doing so, we can make a greater impact in meeting the many needs your constituents.

Through Council-funded programs like the Brooklyn Felony Alternatives to Incarceration Court, Driver Accountability Program, and Bronx Project Reset, we continue to keep hundreds of people out of jail and provide them with off-ramps through meaningful supports and services. We also ask that Council renews funding for these programs in FY22 so that this important work continues unabated.

I cannot close without thanking you again for Council's enduring partnership. We have done an enormous amount with you over the years, including creating a credible plan for closing Rikers Island, implementing the Cure Violence model in multiple neighborhoods, and creating new mechanisms to divert low-level cases out of the criminal justice system. In this time of great uncertainty, renewing funding for our programs will ensure our efforts to make New York City stronger, fairer, and safer for all, are realized.

If you have questions, you can reach me at 718.496.9363 or bryanc@courtinnovation.org. I look forward to speaking with you in the near future.

Sincerely,

A handwritten signature in black ink that reads "Courtney Bryan". The signature is fluid and cursive, with a large, stylized "B" at the end.

Courtney Bryan
Executive Director

New York City Council
FY 2022 Preliminary Budget Hearing
Health Committee
Monday, March 15th, 2021

Submitted on behalf of:
New York Junior Tennis & Learning (NYJTL)
36-36 33rd Street, Suite 504
Long Island City, NY 11106

George Guimaraes
President and CEO

Presented by
Scott Daly
Senior Director of Community Tennis

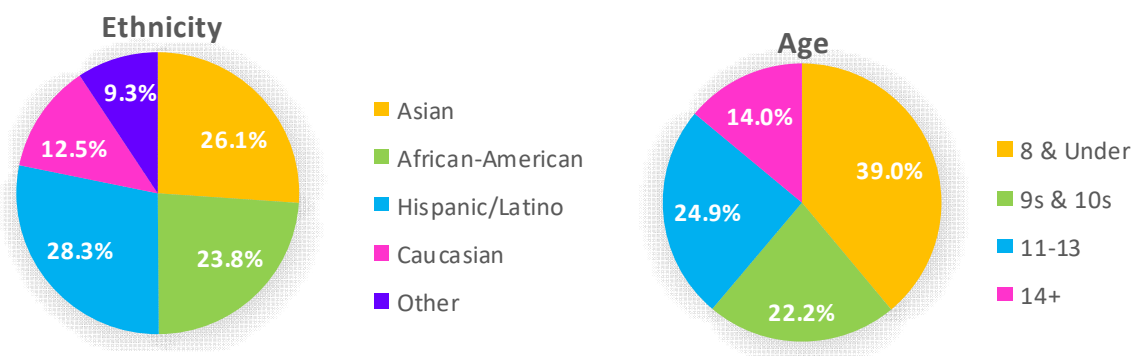
Thank you for the New York City Council's longstanding support of ***New York Junior Tennis & Learning*** (NYJTL), legally incorporated and funded as the **New York Junior Tennis League, Inc.** We are the largest and most successful scholastic tennis program in the country, serving as a model for other states. For nearly 50 years, NYJTL has been a driving force for New York City's youth and tennis communities, traditionally reaching over **85,000** youngsters throughout the five boroughs on an annual basis.

With the NYC Council as our partner, NYJTL is offering the youth of our city much more than the chance just to learn tennis. The overwhelming majority of the young people we serve are Black, Latino, Asian, and new immigrant populations. Virtually all come from low-income families and neighborhoods where young people lack access to the opportunities typically available only to youth in affluent neighborhoods, suburbs, and private schools.

With COVID-19 still present in our lives, many kids are getting less exercise and social interaction with school being done virtually. NYJTL has been able to provide an escape to the loneliness and the uncertainty experienced by NYC youth, as well as an outlet for their stress and anxiety. NYJTL provides an opportunity for socialization and physical activity done safely, which can positively influence children's physical and mental health.

When COVID started, NYJTL had to suspend our Winter season and cancel our Spring season. In Summer 2020, when NYC Parks allowed for group instruction on the tennis courts, NYJTL was out there the next day. **All NYJTL locations were made aware of NYC Parks COVID rules and protocols were also created by NYJTL to ensure safety of all kids and staff.**

CTP CITYWIDE DEMOGRAPHICS¹



CTP CITYWIDE DEMOGRAPHICS continued¹

Ethnicity	%	Age	%	Gender	%	N/R	%
Asian	26.1%	8 & Under	39.0%	Male	55.4%	New	55.2%
African-American	23.8%	9s & 10s	22.2%	Female	44.6%	Returning	44.8%
Hispanic/Latino	28.3%	11-13	24.9%				
Caucasian	12.5%	14 +	14.0%				
Other	9.3%						

¹- Graph & Pie Charts represents CTP demographics, not the traditional 85,000 youth reached by NYJTL annually

NYJTL addresses issues of economic and educational inequities by giving **ALL children**, including children with special needs, the opportunity to learn the sport of tennis—and just as importantly - the opportunity to become physically fit; the opportunity to reach new educational heights; and the opportunity to expand their horizons beyond their immediate world. Studies have proven that the sport of tennis offers young people numerous physical and psychological developmental benefits.

Regular tennis play has been demonstrated to improve physical fitness in the following areas (including but not limited to):

- Aerobic & Cardiovascular Fitness
- Anaerobic Fitness
- General Body Coordination
- Bone Strength & Density
- Hand-eye Coordination

The psychological benefits from regular tennis play may help children to learn and develop positive personality characteristics which are useful on and off the tennis court. Tennis has been demonstrated to improve:

- Work Ethic
- Discipline
- Sportsmanship
- Teamwork
- Social Skills
- Resiliency skills

NYJTL brings tennis to thousands of children of all economic, social, and cultural backgrounds. **Funded under the Council's *Physical Education and Fitness Initiative*, NYJTL provides quality tennis, educational programming, and character development in EVERY borough throughout the city:**

- **Community Tennis Programs (CTP)** – CTP reaches children throughout the five boroughs by supplying trained coaches, tennis instruction, match play, educational services, and special events to youth ages 5-18 during Spring, Summer and Fall. In our educational component, we provide a Reading Club, USTA ACEs curriculum for our 4th and 5th graders, and free SAT Prep classes for our 11th graders. CTP holds over 15 tennis tournaments for all ages throughout the year. We provide trips to Arthur Ashe Kids Day, US Open Qualifiers, multiple Mets/Yankees games and various pro tennis tournaments in the vicinity of NYC (New Haven to Long Island). **In addition, last year alone, CTP provided tennis to over 1,000 Special Population/ District 75 children.** Finally, CTP develops not only tennis skills but also the character of youth through positive life experiences. *Due to COVID-19, all tournaments and special events have been suspended.*
- **Winter Weekend Indoor Program** – This program enables players to continue their progress during the 20-week indoor season and includes NYJTL sponsored events: Hartman Cup Championships, Holiday Tournament, and Presidents' Week Tournament. This program runs from mid-November to early April. *Due to COVID-19, all tournaments and special events have been suspended.*
- **School-Time Tennis Program (STP)** – STP supplies free tennis equipment, teacher training, and ongoing support to approximately **250** schools annually throughout the city to include tennis as a regular part of their physical educational curriculum. **NYJTL is a NYSED Approved Provider of Continuing Teacher & Leader Education (CTLE) credit.** Any participant that attends one of NYJTL's STP trainings will receive 6.5 CTLE credit hours. *Due to COVID-19, STP is currently suspended.*

- **Intensive Training Program (ITP)** – ITP provides tennis training for high-performing/high-potential players who currently participate in NYJTL’s Community Tennis Program. With smaller coach-to-student ratios and increased access to tennis, ITP bridges the gap between recreational community-based programs and elite training. ITP is **FREE** to the under resourced population that NYJTL’s Community Tennis Program serves.

Council funding also enables us to employ many of our NYJTL alumni, high school seniors and college students, as coaches and assistant coaches at various time throughout the four seasons (spring, summer, fall and winter). In effect, we run our own Student Youth Employment Program (SYEP).

NYJTL is seeking 1.2 million in FY 22. Funding at this level will enable us to:

- Keep up with rising costs, including the new minimum wage of \$15 per hour, and costs associated with implementing COVID -19 protocols –
 - Additional Equipment – no sharing of any items between participants and staff;
 - Equipment to assist in social distancing (lines, cones, spots);
 - PPE Supplies – cleaning products, point and shoot thermometers, masks and hand sanitizers (for players and staff);
- Enable us to continue serving youth in **EVERY** borough;
- Allow us to bring **additional hours** of free tennis instruction throughout the city;
- Increase staffing at each site to ensure safety as per newly implemented protocols
- Increase enrollment throughout the city as a result of additional program hours.

Continued funding of NYJTL in the FY 22 budget is crucial to our vision and that of NYJTL’s founder, Arthur Ashe who believed tennis could transform the lives of poor children of color just as it had his own life. With your support, we can continue to change the lives of thousands of New York City youth and their families.

We could not do what we do without the strong funding support of the New York City Council. On behalf of the youngsters and parents annually served by NYJTL, I thank you for the New York City Council’s commitment to the youth of our city and for your sustained support of NYJTL.



NEW YORK CITY COUNCIL

COMMITTEE ON PUBLIC SAFETY

**OVERSIGHT HEARING ON THE NEW YORK CITY POLICE
REFORM AND REINVENTION COLLABORATIVE PLAN**

TESTIMONY OF DAVID NOCENTI

**EXECUTIVE DIRECTOR
UNION SETTLEMENT**

March 16, 2021

Chair Adams and members of the Committee on Public Safety, my name is David Nocenti, and I am the Executive Director of Union Settlement in East Harlem. Thank you for providing the opportunity to testify today regarding the New York City Police Reform and Reinvention Collaborative Draft Plan (“Police Reform Draft Plan”).

Union Settlement, which was established in 1895, is the oldest and largest social service and social justice organization in East Harlem. Our programs include early childhood education, youth afterschool and summer programs, college prep, job readiness, adult education, mental health counseling, senior centers, Meals on Wheels, small business development and more – but just as importantly, we are strong advocates for the residents of East Harlem and other low-income communities of color throughout New York City.

Union Settlement is deeply involved in efforts to improve both public safety and police-community relations here in East Harlem. We oversee the East Harlem Youth Opportunity Hub, which is funded by the Manhattan DA’s Office and coordinates the efforts of multiple organizations in East Harlem working together to provide positive youth development programs and services to at-risk and justice-involved youth in this community. In addition, we have an Advocate Intervene Mentor (AIM) contract and a Works Progress Program (WPP) contract with the NYC Department of Probation, as well as a privately-funded Career Academy, which seeks to help youth prepare for, find, and maintain gainful employment.

Of particular relevance to today’s hearing, Union Settlement is one of the leaders of the REFORM NYPD NOW Coalition,¹ which is a consortium of over 60 organizations from throughout New York City, including social justice and advocacy organizations, religious congregations, and nonprofits providing vital education, health, housing, youth development, and other social services in low-income communities of color.

For the reasons noted below, the testimony I am presenting today is being given on behalf of Union Settlement, and not the REFORM NYPD NOW Coalition.

¹ A full list of the current members of the REFORM NYPD NOW Coalition is available at <https://unionsettlement.org/reformnypdnow/>

A. This Hearing Is Premature And Should Be Postponed

Before turning to the merits of the Police Reform Draft Plan, I would like to raise an important threshold issue – the timing of this hearing.

This hearing is premature because Mayor Bill de Blasio still has not released all the components of the police reform plan. The first part was issued on Friday, March 5, and the second part was issued on Friday, March 12. The Mayor has made clear that a third component is still to be released, but has not specified the date when that will happen.

While I applaud the City Council for wanting to get public feedback on the draft plan, holding this hearing now is directly contrary to the mandatory process set forth Governor's Executive Order No. 203, which was issued on June 12, 2020. In particular, that order states that each municipality's draft police reform plan "**shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body, which shall ratify or adopt such plan.**" (Emphasis added)

In other words, there are four distinct steps to the process:

1. Release the draft plan
2. Receive public comments
3. Consider the public comments and finalize the plan
4. Present the final plan to the legislative body for its consideration and approval

Here is where we are on each of those steps:

- **Step 1 – Release the draft plan.** At this point we have two-thirds of a draft plan, and the Mayor has not specified the date for the release of the final component of the plan. No action can or should be taken until the full plan has been released.

- **Step 2 – Receive public comments.** Once the full plan has been released, the Mayor must receive public comments on the plan – but at this point the Mayor has not scheduled any community meetings, informational sessions, or other public forums to present his plan and get feedback, as required by Executive Order 203.
- **Step 3 – Consider the public comments and finalize the plan.** Executive Order 203 requires that, after public comments have been received, the Mayor must consider those comments and finalize the plan.
- **Step 4 – Present the final plan to the City Council for action.** The City Council does not get involved until after the Mayor presents his final plan for consideration.

Again, the Council should be commended for wanting to get feedback on this issue, but at this point there is no final plan to consider. In other words, the City Council has jumped to Step 4, before Step 1 has even been completed.

As a result, this hearing should be cancelled and not further action taken until the Mayor releases his full draft plan, the public has an opportunity to review and comment on the draft, and the Mayor considers those comments and finalizes the plan.

I fully recognize that this hearing is being held today because the Governor’s Executive Order contains an April 1 deadline for the City Council to “ratify or approve” New York City’s final police reform plan. But this hearing will not help meet that deadline, because there is still no final plan to be considered or voted upon.

At this point, it is clear that the April 1 deadline will be missed, but the fault for that failure lies not with the City Council, but rather with the Mayor’s inexcusable decision to delay the release of the draft plan until the last minute, and his failure to schedule any public meetings to present and get feedback on the plan.

Two alternative paths are available: (1) try to meet the April 1 deadline by holding this hearing on two-thirds of a draft plan that does not incorporate any public input; or (2) hold off on any hearings until after the Mayor has issued a complete draft plan, obtained public feedback and presented the Council with a final plan to consider.

Of those two options, it is much better to require the Mayor to receive and incorporate public feedback on his draft plan, and present the Council with a complete and final plan for the Council to consider.

B. The Partial Draft Plan Is Fatally Flawed

Turning now to the merits of the partial draft plan, while there are some laudable components, there are also major gaps that the City Council must take steps to fill.

As noted above, Union Settlement is part of the REFORM NYPD NOW Coalition, which is a consortium of over 60 social justice and advocacy organizations, religious congregations, and nonprofits providing vital social services in low-income communities of color.

The Coalition has been working together since the last spring, and has put together a broad agenda of reforms that seek to reduce incidents of police officer misconduct, improve the training of police officers, and enhance accountability for officers involved in misconduct. Moreover, these reforms can be implemented immediately, and therefore should be included in any final police reform plan approved by the City Council.²

For example, the REFORM NYPD NOW agenda includes:

- **Adopting the “8 Can’t Wait” reforms** – which include requiring officers to de-escalate situations before using force, report all uses of force, give verbal warnings where possible before using deadly force, and intervene when they see other officers engaging in misconduct. These reforms are

² The proposed reform agenda and the accompanying letter that was sent to Mayor de Blasio, NYPD Commissioner Shea and all members of the City Council is attached to this testimony.

being advocated for nationally and have already been adopted by the police departments in Boston, San Francisco, Tucson, and elsewhere.

- **Strengthening the Civilian Complaint Review Board (CCRB)**, including providing the CCRB with the authority to impose discipline on officers when its investigations have resulted in findings of misconduct.
- **Making footage from body-worn cameras immediately available to the public**
- **Requiring annual training** for all officers in Diversity, Equity and Inclusion (DEI), community relations, de-escalation strategies, and preventing discriminatory profiling.

Unfortunately, the Mayor's partial draft plan contains virtually none of the REFORM NYPD NOW proposals. Most notably, the partial draft plan:

- contains no recommendations specifically designed to change the way that police officers interact with the public, such as codification of the "8 Can't Wait" reforms;
- continues to allow the Police Commissioner to overturn sanctions imposed by the Civilian Complaint Review Board (CCRB);
- does not mandate annual training in DEI, effective youth engagement strategies or prevention of racial, ethnic, religious and discriminatory profiling; and
- makes no changes to expand or expedite the release of body-worn camera footage to the general public and the media.

Without these types of fundamental reforms, it is difficult to see how the plan, if adopted, will fully repair and rebuild the level of trust that is needed between the NYPD and the public.

For all of the above reasons, Union Settlement strongly urges that the Council: (1) postpone this hearing until after the Mayor has released his entire draft plan, received public

comments, and presented a final plan to the Council; and (2) ensure that the final plan incorporates the recommendations of the REFORM NYPD NOW Coalition, and any changes proposed through the public comment process

* * * * *

Thank you again for the opportunity to provide Union Settlement's views on this important issue.

ATTACHMENT

REFORM NYPD NOW Coalition Letter and Agenda of Proposed Reforms

August 25, 2020

August 25, 2020

Hon. Bill de Blasio
Mayor
City of New York
City Hall
New York, NY 10007

Hon. Corey Johnson
Speaker
New York City Council
City Hall
New York, NY 10007

Dermot Shea
Commissioner
New York City Police Department
One Police Plaza
New York, NY 10038

All NYC Council Members
City Hall
New York, NY 10007

Dear Mayor de Blasio, Speaker Johnson, Commissioner Shea and NYC Council Members:

The undersigned non-profit social service and social justice organizations represent and serve low-income communities of color throughout New York City. For years, we have both personally witnessed, and advocated against, the disparities in treatment of residents of communities of color by members of the New York City Police Department.

Over the past several months, the outrage that we have always felt has now spread throughout New York City, as amply shown by the many peaceful street demonstrations that have occurred. While we are saddened that it has taken the murders of George Floyd, Breonna Taylor, Ahmaud Arbery, Rayshard Brooks and others to bring the issue of racist and unjust policing to the forefront, we are also inspired by having so many New Yorkers joining us in calling for an end to these practices.

We acknowledge that a few small steps have been taken on this issue – such as opening up police disciplinary records, banning chokeholds and affirming the public’s right to record police activity – but these minimal changes were long overdue, and will do little to change what is occurring every day in our communities.

Here is the reality: Substantial systemic changes are needed, and they are needed now.

Attached is the REFORM NYPD NOW agenda, which is a list of reforms that must be taken right away. **We are asking each of you to publicly state your position on these reforms, as well as the steps you intend to take to implement the reforms that you support.**

The REFORM NYPD NOW agenda starts with an acknowledgement of the NYPD’s history of mistreatment of communities of color, and a pledge to institute the changes needed to end that practice. There can be no reform if that past history of discriminatory treatment continues to be denied.

The agenda also proposes changes along a broad spectrum of areas – from police officer hiring and training practices, to how officers interact with the public, to the process for disciplining officers who engage in misconduct, and much more.

The listed reforms are not new, and they are not hard. Together, they will set the stage for fundamentally improving the relationship between the NYPD and the communities it serves. All that is needed is the will of our government leaders to adopt these reforms.

Two important points:

First, the REFORM NYPD NOW agenda does not purport to be a solution to the problem of the disparate treatment of communities of color. Instead, it focuses solely on the most urgently needed changes to NYPD policing structures, tactics and policies, and is just one component within a broader array of systemic reforms required to eliminate racial and ethnic inequities in housing, education, health care, employment, law enforcement and other areas. Nor does the package take a position on the appropriate amount of funding for the NYPD budget.

Second, while we strongly condemn racist policing, past and present, we do not condemn all police officers, individually or collectively. To the contrary, because our organizations are embedded in communities of color, we understand well the important role that police officers play in helping to keep our neighborhoods safe, and we often work side by side with dedicated officers of all races, ethnicities, religions and genders to achieve that goal.

But the hard work and good intentions of these dedicated officers has been completely undermined by the actions of officers who mistreat people of color, resulting in the deep chasm of distrust that now exists.

Bridging that chasm is the most important and urgent task that we face, and it starts with implementing the proposed reforms.

We are asking each of you, by Wednesday, September 9, 2020, to: (1) publicly state whether you support or oppose each of the items in the REFORM NYPD NOW agenda; and (2) set forth the specific steps that you will take to implement those reforms, including your timetable for doing so. Please provide your response by emailing David Nocenti, Executive Director of Union Settlement, at dnocenti@unionsettlement.org.

We hope that you will join us in this cause, and look forward to hearing from you.

Sincerely,

Rev. Dr. Cheryl F. Dudley
Regional Executive Minister
American Baptist Churches of Metropolitan
New York

Stephen Tosh
Executive Director
Boys' Club of New York

Therese R. Rodriguez
Chief Executive Officer
Apicha Community Health Center

Muzzy Rosenblatt
CEO and President
BRC

Gretchen Buchenholz
Founder and Executive Director
Association to Benefit Children

Ellen Baxter
Executive Director
Broadway Housing Communities

Bishop Carlton T. Brown
Senior Pastor & Chairman
Bethel Gospel Assembly, Inc.

Christopher Watler
Chief External Affairs Officer
Center for Employment Opportunities

Annetta Seecharan
Executive Director
Chhaya Community Development Corporation

Phoebe C. Boyer
President and CEO
Children's Aid Society

Sharon Content
Founder and President
Children of Promise, NYC

Abraham Jones
Executive Director
Claremont Neighborhood Centers, Inc.

Janice Bloom & Lori Chajet
Co-Directors
College Access: Research & Action (CARA)

Rubén Austria
Executive Director
Community Connections for Youth

Rose Duhan
President and CEO
Community Health Care Association of NYS

Robert Hayes
President and CEO
Community Healthcare Network

Maria Contreras Collier
Executive Director
Cypress Hills Child Care Corporation

Charles D. Chenet
Founder and Executive Director
Dare2Draw

Elisa Istueta
Executive Director
Directions For Our Youth

Dorothy Calvani and Mali Trilla
Co-Chairs
East Harlem Community Health Committee

Jeff Ginsburg
Chief Executive Officer
EHTP & East Harlem Scholars Academies

Celia Ramirez
President
East River North Renewal HDFC

Alan van Capelle
President and CEO
Educational Alliance

Julio Medina
President and CEO
Exodus Transitional Community

William Weisberg
Executive Director
Forestdale

JoAnne Page
President and CEO
The Fortune Society

Dr. Jocelynn Rainey
President and CEO
Getting Out and Staying Out/
Stand Against Violence East Harlem

Roderick Jones
Executive Director
Goddard Riverside

Michelle Yanche
Executive Director
Good Shepherd Services

Robert Cordero
Executive Director
Grand Street Settlement

Natalie Martinez
Director of Youth Employment Programs
HANAC Inc.

Chris Norwood
Executive Director
Health People

Walter Roberts
Executive Director
Hope Community

Ken Jockers
Executive Director
Hudson Guild

Christopher Hanway
Executive Director
Jacob A. Riis Neighborhood Settlement

Rachel Williams
Director of Marketing, Outreach & Advocacy
Joseph P. Addabbo Family Health Center

Margaret Della
Executive Director
Kingsbridge Heights Community Center

Reada Edelstein
Chief Executive Officer
LSA Family Health Service

Damyn Kelly, J.D.; PhD
President and CEO
Lutheran Social Services of NY

Fred Riccardi
President
Medicare Rights Center

Rev. Dr. Alfreda Griffin-Johnson
Outreach Minister
Mount Zion African Methodist Episcopal Church

Jack Doyle
Executive Director
New Settlement Apartments

Maria Lizardo
Executive Director
NMIC

AiLun Ku
President and CEO
The Opportunity Network

Ben Thomases
Executive Director
Queens Community House

Rachel Cytron
Executive Director
Row New York

Lucy Herz
Chief Operating Officer
Student Success Network

Judith Zangwill
Executive Director
Sunnyside Community Services

Gregory J. Morris
President and Executive Director
Stanley M. Isaacs Neighborhood Center

Lakythia Ferby
Executive Director
STRIVE New York

David Nocenti
Executive Director
Union Settlement

Kimberly Williams
President and CEO
Vibrant Emotional Health

Christine Quinn
President and CEO
Women In Need (Win)

Sharon Greenberger
President & CEO
YMCA of Greater New York

Diana Breen
Interim President and CEO
Young Audiences New York

Robert T. Taylor
Executive Director
Youth Action Programs and Homes

cc: Attorney General Letitia James
NYC Comptroller Scott Stringer
NYC Public Advocate Jumaane Williams
Bronx District Attorney Darcel D. Clark
Brooklyn District Attorney Eric Gonzalez
Manhattan District Attorney Cy Vance, Jr.
Queens District Attorney Melinda Katz
Staten Island District Attorney Michael E. McMahon

August 25, 2020

REFORM NYPD NOW AGENDA

Set forth below is a list of recommended actions that must be taken immediately to help address current deficiencies in the way that the NYPD treats communities of color.

A. Pledge to Reform

1. The Mayor and Police Commissioner should: (1) publicly acknowledge and apologize for NYPD's history of disparate treatment of persons of color; and (2) pledge to institute systemic reforms, including those noted below.

B. Reduce Police Officer Misconduct and Excessive Use of Force

1. Update all use-of-force policies to clearly set forth the maximum use of force allowable in response to specific types of conduct (*)
2. Require officers to de-escalate situations to the greatest extent possible before using force (*) (†)
3. Require police officers to exhaust all other reasonable alternatives before resorting to deadly force (*) (†)
4. Require officers to give a clear verbal warning, when possible, and give people a reasonable amount of time to comply with the warning before using deadly force (*)
5. Prohibit shooting at a moving vehicle, unless threatened with deadly force other than the vehicle (*)
6. Require officers to provide comprehensive reporting of all uses of force and threats of use of force (*)
7. Establish a "duty to intervene" for all police officers witnessing misconduct by another police officer, including but not limited to excessive use of force (*) (†)
8. Provide whistleblower protections for officers who report misconduct by another officer (†)

C. Strengthen the Civilian Complaint Review Board (CCRB)

1. Eliminate Police Commissioner review of CCRB recommended sanctions, thereby providing the CCRB with final disciplinary authority in the cases it investigates (†)
2. Expand the CCRB's jurisdiction to include: (1) allegations of biased policing and racial profiling; and (2) allegations against non-uniformed NYPD employees (†)
3. Codify the CCRB Administrative Prosecution Unit (APU), which now exists only pursuant to an MOU among the CCRB, NYPD and City Hall.
4. Fully fund CCRB's current operations, and any expanded duties granted to the CCRB

D. Enhance Police Officer Qualifications and Training

1. Create a statewide board with authority to certify all police officers, and to revoke an officer's certification for misconduct, which would prevent the officer from simply being hired by another jurisdiction (†)
2. Prohibit the hiring of officers with a history of excessive force or serious substantiated misconduct complaints
3. Implement mandatory annual training for all officers in the following areas:
 - a. Diversity, Equity and Inclusion (DEI)
 - b. Community relations, including effective youth engagement strategies
 - c. De-escalation and violence reduction strategies
 - d. Preventing racial, ethnic, religious and discriminatory profiling
4. Prohibit deployment of officers to any precinct prior to their completion of community relations training
5. Require officers deployed to any precinct to participate in an introductory two-week period focused on engagement with the community being served, including meetings with tenant associations, community groups, nonprofits, schools, business associations, youth and others

Note: CBOs must be involved in the design and implementation of the above trainings

E. Other Reforms

1. Make footage from body-worn cameras immediately publicly available (†)
2. Require that any NYPD rules governing interactions with the public, including those impacting arrests and use of force, follow the NYC Administrative Procedures Act process of public notice and comment (†)

Items marked with an asterisk () are part of the “8 Can’t Wait” agenda, which has been adopted by multiple police departments throughout the country, including those in San Francisco, Boston and Tucson. The “8 Can’t Wait” agenda also includes a ban on chokeholds, which has already been enacted into law by New York City.*

Items marked with an obelisk (†) are part of the reform agenda recommended by New York State Attorney General Letitia James

Note: The above NYPD reform agenda does not purport to be a comprehensive list of all actions that are needed, and instead intentionally focuses solely on essential immediate reforms to NYPD policing structures, tactics and policies. These improvements are just one component within a broader array of systemic reforms required to eliminate racial and ethnic inequities in housing, education, health care, employment, law enforcement and other areas. Finally, these reform proposals do not take a position on what amount of funding is appropriate for the NYPD.

Elliot Colbert (she/her)

610-306-9268

elliottcolbert@gmail.com

Thanks Matt & Chair Adams, the committee, and to Daniel and all the council staff who kept this hearing running today. My name is Elliot Colbert, I'm a student at CUNY's School of Labor and Urban Studies, and a proud member of the Queens Branch of New York City DSA.

Last month, I watched a video of a \$100,000 robotic surveillance dog marching down 227th Street in the Bronx, and shook my head in anger. There are four public schools on that street alone. I want to know: when was the last time that one of them received \$100,000 in new technology? But here we are, deploying shiny robots from MIT to keep an eye on those students and their families in the name of public safety.

I got caught in a four-car pileup on top of the Verrazano Bridge last summer. It was a bit dicey – we were blocking traffic with limited visibility. And yet I had to think twice about calling 911 in that moment, because I didn't know who was in those other vehicles, and how their interactions with the police might play out. As a trans woman, I was hardly eager to engage with an armed officer myself, given the painful history of police harassment that my community has experienced. And later on, when I went to retrieve a copy of the accident report, I was met by a swarm of unmasked cops at the 104th Precinct in Ridgewood.

Police simply don't make us safer. Rather, they siphon resources away from the essential services our city must provide in order to guarantee the well-being of all our residents. For this reason, the 2022 budget **must defund NYPD by at least \$3 billion**, as a pathway to abolition.

It's important to note that when we speak of police and prison abolition, we don't just mean the City Council, with the stroke of a pen, simply disbanding the NYPD and closing the jails. What we mean is **abolishing the desperate conditions under which policing and**

prisons became the solution to problems in the first place, as explained so eloquently by Ruth Wilson Gilmore.

That means abolishing hunger in our city. Abolishing homelessness. Abolishing unemployment. **Abolishing poverty**. And redirecting the resources we now put toward beating and locking people up, instead toward making sure that everyone can lead a healthy and dignified life. That they can give their best to a community they love, that they call home, and **that loves them back**.

So we need **officers out of schools** – spend that money on textbooks, teachers, counselors, and college prep. Don't send transit police into the subway to "protect the homeless" – **ensure that everyone in our city has stable housing. Let DOT respond to traffic accidents** – I didn't need someone with a Glock to help me off the road. And **eliminate the Strategic Response Group** that brutalizes everyone they meet.

When I see a budget with \$200,000,000 in cuts at DOE, and a \$200,000,000 increase for the NYPD, I see that something is horribly wrong in our city. And alongside my community, I'll give everything I've got to make sure that **you're the council that sets things right**. Thank you.

Defund the racist NYPD.

Refund our communities.

Testimony from Darien LaBeach of Brooklyn, NY

>>>>>

Police in the U.S. was created to control Black people and uphold White supremacy.

“In the U.S. slave patrols and night watches were the beginning of a racially directed system of law enforcement designed to secure capital for White settlers.” The historical context of this institution as a protector of property—first enslaved people—and now most recently the response to protecting physical structures more intently than human life is a tragedy. Defund to refund.

Police respond to crime, they do not prevent it.

“Despite the billions of dollars spent every year on policing, more than 15,000 people were killed by gun violence in 2019 alone—disproportionately young people of color. If policing and imprisonment stopped violence, the U.S. would be the most peaceful country in the world. But decades of evidence show us this is not the case.” Defund to refund.

Individual reform efforts do not work on a system that is working as designed.

Body cameras, trainings, and other so-called reform measures are not decreasing cycles of police violence. Even when police are not turning off their own cameras, the use of footage by police is being used to affirm police use of force rather than show accountability. Police training is the problem. More of it, is not making communities of color safer. Defund to refund.

Communities have ways to use these funds in ways that actually benefit the people and keep us safe.

“Policing diverts billions of dollars from schools, health care, and other vital programs that need more funding to strengthen our communities and support shared well-being.” There is a bevy of evidence that community programs actually lead to less crime. Providing people with basic human needs leads to less crime. Funding services that improve standards of living is something we see in affluent communities across the country. Refunding these programs is exactly what’s needed. Defund to refund.

Black organizers are demanding it.

“Black organizers are calling for divestment from policing and investment in human needs across the country.” Black people continue to be disproportionately impacted by the violence of police and should be listened to. As the most marginalized communities by police brutality, our perspectives must be centered in the solutions being developed—not lobbyists, not politicians, the people. Defund to refund.

We are tired of our tax dollars paying for a system upholding our brutality.

We will no longer allow our tax dollars to fund inhumane treatment of fellow citizens.

Settlements of police disciplinary investigations, pensions for “bad apples”, and “protecting & serving” property over humanity is not what we want our tax dollars to go to. We will not longer pay for the police to brutalize us. We will not pay for police to be comfortable killing us with no accountability. Defund to refund.

Robert Mark Katz

Ridgewood, NY • rob.m.katz@gmail.com • (310) 500-5857

To Chair Adams and the City Council,

Crime is at an all-time low in New York City, and though arrests have decreased over the last decade, the NYPD budget has ballooned by almost 30%. Why? I fear that many politicians who are bankrolled by the NYPD and those who profit off policing practices have insisted on pushing a narrative that "public safety" and "the police" are inextricably linked. It is horrific that the NYPD's taxpayer-funded [\\$150 million communications division](#) and successful lobbying of elected representatives has reinforced that imagined relationship and ensuing paranoia in the minds of many constituents who are rightfully concerned about the instability and insecurity that our capitalist society has produced.

Yet, in late May 2020, I was several feet away when 21 year-old woman Dounya Zayer was called a "b*tch" and slammed to the ground by Officer Vincent D'Andraia, [leaving her with numerous injuries](#). Days later, a 22 year-old woman and friend of mine was arrested during the same kettling I was also trapped in near Cadman Plaza. We spent hours looking for her and concerned for her safety, only to find her brought safely home by a jail support volunteer at 4am. It turned out that a male officer had leaned into her body and he held her down along with two other officers. When she yelled in his face, he said "I should just kill you" and handcuffed her. At the precinct she was taken to, she was leered at and asked on a date by another officer. Fortunately, jail support volunteers were there waiting for her and others as they passed through corrections, and they provided her with a beverage and nutritious snacks. [Commissioner Dermot Shea said that my friend's arrest was "strategic,"](#) which, paired with the [Strategic Response Group](#), gives me the sense that the NYPD has a definition of "strategy" divorced from public safety.

Meanwhile, [\\$11 billion goes to the NYPD](#), which is more than the budgets of the Departments of Health, Homeless Services, HPD, and Youth and Community Development combined. If we have the "finest" police department in the world, as

Robert Mark Katz

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Commissioner Shea boasts, that has nothing to do with the safety and happiness of our communities.

To echo what the Public Advocate said at this hearing, what makes a community safe? [Study after study says jobs, health services, education, housing. Advocate after advocate says jobs, health services, education, housing.](#) We must reflect on and pursue justice for Black lives, and by doing so pursue justice for all of us. No more platitudes, no more reform, no more equivocating about “transformative change.” **Money is power, and we must defund the NYPD by at least \$3 billion dollars and reinvest in the social services that promote dignity and safety for all.** Yes, I do believe these reallocations should be morally in service of the path of true abolition -- and utterances of “abolition” have been met with rage and fear throughout American history, though they were no less just for that. This ongoing project is going to take political bravery on the part of the City Council this summer -- it is going to take pushing back on the [money](#) and [threats](#) that the NYPD routinely produce to bend this city and our democracy to their will. It will also take an unprecedented effort to rebuild ties and trust among our communities. I promise you, however, that standing on the side of the most hurt and vulnerable among us, not Commissioner Shea and Ed Mullins of the Sergeants Benevolent Association, will be rewarded with the open arms and benevolence of all free people and of history.

UNDERSTANDING THE MEANING BEHIND

#DEFUNDTHEPOLICE



Shutting the police down completely, resulting in anarchy.



It is not about shutting the police down, but about **changing** the current system that was founded on maintaining slavery.



Eliminating all funding for the police.



Police will still be funded but **NOT** overfunded. Focus on redistributing City budgets so everyone gets a fairer share.



Encouraging hatred towards all cops and the police force.



Reevaluating the current unhealthy police unions fueled by the Grossman-style warrior training that authorizes a license to murder and brutalize without recourse.

Data from the Federal Reserve and the U.S. Department of Justice shows that an increase in police funding does not correlate with a decrease in crime. **#DefundThePolice** is about the reassessment of values and to invest more into improving our communities, rather than overfunding the police sector.

RATHER THAN ONLY SPENDING MONEY ON...



...criminalizing homelessness.



...criminalizing drug use.



...having police patrol public schools and funnel kids into juvie.



...policing the poor with legal traps.



...giving the police military weaponry.

INSTEAD, INVEST SPENDING MONEY ON...



...providing more affordable housing.



...providing access to treatment and recovery support.



...reducing class sizes and paying school teachers more fairly.



...addressing the growing wealth inequalities like healthcare, etc.



...providing police with psychiatric counseling because they're more likely to commit suicide than be shot in the line of duty.

SOURCES:

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Learn and join in on the discussion by following [#DefundThePolice](#)

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Hello. My name is Hal Schrieve, and I am a resident of New York City and a librarian at New York Public Library.

I am here to testify that the preliminary budget does not meet the needs of New Yorkers. The budget shows that our city's politicians value police power over every other public service and public good. Every single city agency faces budget cuts this year, except for NYPD, whose budget has for some reason increased. This serves no public good and only makes our children, our families, and our communities less safe. I base my assertion on the enormous quantity of police brutality New Yorkers witnessed used against Black and Brown communities and peaceful protesters this year, along with the NYPD's cruel disregard for pandemic safety and lack of transparency about police misconduct.

I am white, and housed, and I am not subject to as much police scrutiny as many of my Black, Latinx, and Indigenous friends and neighbors. However, I can say confidently that the police have never helped me. All my interactions with police have been ones characterized by either inconvenience or horror-- they block off streets if they anticipate a peaceful protest, they harass people going about their lives on trains, they arrest the poor for turnstile-jumping and other misdemeanors motivated by poverty, even when the DA does not recommend it, and they offer no assistance to ordinary New Yorkers.

As a librarian, I am conscious of the ways that libraries are one of the few remaining public spaces for New Yorkers to rest, use the bathroom, or sit without being harassed by police or business owners; our provision of educational resources, media for entertainment, and access to computers, printers, play-driven learning for children, and more often comes second to these basic space-related facilities because these facilities exist nowhere else. The housing crisis, and the crisis of poverty, unequal access to education, environmental racism, and a city that has long favored corporate real estate and profits over people, are issues that threaten public health and safety; increasing the NYPD budget while ignoring services that help working people provide for themselves and their families and help the most marginalized people access housing will destroy our city for good.

A common cause of conflict in libraries involves clashes between houseless people looking to store their bags, wash themselves in our bathrooms, or sleep. Our library's policies don't allow this, but the lack of resources for houseless New Yorkers mean that people often try to get what they need at the library even if it is against the rules. Sometimes, patrons or staff of libraries call police when this happens. I have witnessed police threaten or use violence against homeless New Yorkers three times in my two years at the library; in one case, a mentally ill trans woman, who lived at a shelter a few blocks from the library, was arrested rather than offered medical help as she shouted at invisible people outside our doors. This person posed no physical threat, though she may have needed psychiatric care; officers handled her by her shoulders roughly as they put her into a squad car. Her arrest probably jeopardized her housing and limited safety. A colleague of mine once watched police arrive at a library to confront a patron who was shouting at staff; rather than escorting the patron out or de-escalating the situation in any way, the police used pepper spray on her indoors, which rendered the entire indoor computer lab unusable for

hours and could have caused health problems for everyone else in the space. Police officers do not know how to use the extensive array of weapons at their disposal. Giving them these weapons and offering them the go-ahead to use them with impunity makes us all less safe.

Two of my friends sustained bruises and scrapes after being dragged along the ground by NYPD officers during peaceful protests this year; others suffered tear gas and pepper spray-related injuries. Many peaceful protesters who were arrested this past June, ironically to protest police brutality, had their masks removed and were held in cells with twenty or more people and no ventilation or water in brutal summer heat. These conditions mirror those in Rikers, where New Yorkers arrested for minor charges can be held for months in unsanitary conditions that have made a deadly pandemic even more dangerous.

This year, as libraries closed and then reopened only for holds pickup services, I have wondered about the wellbeing and safety of homeless people who usually rely on us for warmth, rest, and access to humane restroom facilities. I know that there are more people on the street this year, because people lost their jobs and then their homes during COVID. I know that because the trains now close each night, those people cannot lay down on a subway bench.

I ask the city council for a budget that removes NYPD from mental health crisis response and homeless outreach. That takes cops out of schools and keeps them out of libraries. That stops NYPD from policing protests and sex work by disbanding SRG and the Vice Squad. I ask that the City Council do everything in its power to defund the NYPD and redirect the money to fund services and infrastructure that provide food, housing, health care, and real safety to the people of New York.

Thank you, councilmembers and Corey Johnson. I yield my time.

Good afternoon, Committee, chairs. My name is Jasmine Bowden and I am a community member of the New York City Anti- Violence project (AVP)

AVP empowers Lesbian, Gays, Bisexual, Transgender, Queer, and HIV- affected communities and allies to end all forms of violence through-education, Counseling, advocacy and Organizing.

Today, I am advocating for more resources to go to address violence against our communities, the communities AVP serves

Many forms of violence have increased during the COVID pandemic, including Hate Violence.

Violence against LGBTQ New Yorkers, Asians, and many others has not stopped during the pandemic, especially against BLACK Trans Women of Color.

On January 4th I was pepper sprayed with derogatory remarks on a NYC street and when I went to the police, they did not make me feel like a Victim and would not support me in what I needed or tell me the information I needed to respond to this violence.

Many in my community do not feel safe going to the police when they face violence: one example; My recent experience on January 4th

That's why it's important to have alternative safety approaches, like the Hate Crime Prevention Initiative, that fund's organizations like AVP, to continue to build safe ways to report and mobilize Members to combat hate violence in their communities.

We request the city council to divert some of the NYPD astronomical budget, to fund community based solutions.

We know the city is in a challenging financial position, but we urge the city council to restore this funding at fiscal year 2020 levels!

We appreciate past support and look forward to working with you. Thank you.

Testimony

New York City Council Public Safety Hearing

Committee on Public Safety

March 16, 2021

By Jim Hamlin-McLeod

Grievance Representative for Local 1549/DC37 Clerical Administrative Division

I am one of the Grievance Representatives for all Police Administrative Aides, Senior Police Administrative Aides, Clerical Associates, Police Communication Technicians and Supervising Police Communication Technicians. These are city employees who have and still are working tirelessly through the Covid-19 Pandemic. They are the eyes and ears for NYPD. They administratively and physically support the Department. Their jobs were created for the purpose of keeping Police on streets to better serve the public by community policing.

Why is it today we have lost so many of these jobs to Uniform Officers? We haven't lost Precincts, Police radio runs, or Officers.

In the last 6 years the Police department lost 400 of its PAA/SPAA's staff and 200 PCT/SPCT's staff due to attrition. They are hiring Police Communication Technicians personnel, but can't keep up with the high turnover rate due to high demands and the intense stress levels. The PAA's and SPAA's titles have just

been ignored because of so called budgetary issues. The New York City and NYPD can't afford wasteful spending. If these Clerical positions were filled by the proper titles this would save the city millions. They have able bodied Police Officers performing clerical work throughout the Department and also have Police Officers and Cadets performing the 911 Operator functions from time to time. They are also getting overtime in these functions.

I know in recent months they have hired and promoted Uniform members. I understand the Police Officers title face attrition as well. However, they have 500 or more able bodies behind a desk. There is a need for SPAA's. Since 2018 they have lost 140 SPAA's. DCAS has a certified promotional list for the SPAA title and NYPD has yet to pull from the list. For every year they hired PAA's due to attrition, the NYPD has lost the same amount or more. (Yr. 2017 hired 134 lost 100, Yr. 2018 hired 89 lost 94, Yr. 2019 hired 102 and lost 102, Yr. 2020 unknown lost, Yr. 2021 hiring freeze according to the Department)

In the last couple of years PAA's have been forced to use their comp time if a holiday fell on their regularly scheduled work day so Police Officers can get the paid overtime. When there is a need for overtime, the PAA's are forced to take it in comp time, never in cash. The NYPD budget has no room for civilians. When we know civilizations saves the NYPD and New York City millions.

Dylan Larson-Harsch
dlarsonharsch@gmail.com

Dear Public Safety Committee Members,

My name is Dylan Larson-Harsch and I'm a resident of New York City. I'm here to ask you to create a budget that prioritizes community safety by reducing NYPD's budget and reinvesting in community service-oriented agencies and transformative justice practices.

Time and time again, we have seen that police officers do not keep people safe, be it the murder of unarmed Black people, the violence directed towards people experiencing mental health crises, the displacement of houseless people, and the aggression towards protestors. I myself have seen firsthand cops shoving protestors violently aside, using kettling and mass arrests as intimidation tactics, and holding arrested protestors in jail for more time than their light charges warrant. The NYPD are consistently the ones who introduce violence into a situation, like in a march I was at on MLK Day of 2021 when police swarmed peaceful protestors who were just about to disperse and were standing on the sidewalk, and arrested people en masse. Or, the other night, I saw police who had been called to check on a woman experiencing a mental health crisis and standing outside in the cold. Four police cars were there, but the best they could do for this woman was call an ambulance, which raises the question: if the best police can do for people in mental distress is to call someone else, why send the cops in the first place?

Policing is about control, but safety can be prioritized through taking cops out of schools, not having police respond to mental health crises and homeless outreach, and decriminalizing sex work. At the same time, this means reversing the decades of austerity inflicted on New York City by moving money away from the police and towards healthcare, housing, jobs, childcare, elder care, transit, and food security. More broadly, we must stop relying on prisons to administer punishment, and instead use transformative justice models to help build a healthier society.

Thank you for your time,
Dylan Larson-Harsch

Joel Myers
6059 54th Street
Queens, NY 11378

joeldmyers@gmail.com

My name is Joel Myers; I am a resident of Queens, and a member of NYC-DSA. I am writing to express my deep concern with the proposed city budget, and excessive police funding, as it stands.

Last June, I was walking home one night, when a pregnant Black woman approached me asking for change. She told me that she was homeless because she had fled an abusive relationship, and she was now out on the street. We spoke for a few minutes. I asked if she had tried any of the shelters in the city, and she said that they all were full and because of Covid she had no hope of getting in.

I gave her \$5 and went on my way home. It broke my heart that it seemed the city had no resources to reliably support women such as her, during a housing crisis, during a pandemic. Who could I call to help her?

I want to share this story, because it saddens me that the budget being proposed does not address this aspect of public safety. Was that woman, with her unborn child, safe that night? Is taking care of her, and other people in similar situations, not public safety?

It saddens me that it seems thousands more city workers will lose their jobs and other departments being defunded – that you are proposing cutting the Dept. of Youth & Community Development significantly, for example. That the budget pain is being felt *across all departments and agencies in the city, ones that provide actual value in public safety – except* the police department, which is (bizarrely) getting an increase.

I urge you to cut the police budget by \$1-3 billion and invest that money in other programs that actually keep people safe. A hiring freeze and getting police out of schools is one possible avenue, and there are certainly others.

A budget is a moral document. Can you really stand today, in 2021, after mass uprisings around supporting Black lives, after a pandemic that has devastated millions of New Yorkers, and say that the most important thing to fund, to keep the citizens of New York City safe, is the police?

Thank you, councilmembers and members of the Public Safety Committee, for your thoughtful attention.

Best,

A handwritten signature in blue ink, appearing to read "Joel D. Myers". The signature is fluid and cursive, with the first name "Joel" being the most prominent.

Joel D. Myers

TESTIMONY FOR CITY COUNCIL HEARING ON PUBLIC SAFETY

March 16, 2021

Submitted by Pat Keeton

pat.keeton@gmail.com

I'm a resident of New York City, who has lived here for 44 years, whose children attended New York City public schools, and who now has a grandson in first grade in public school. I'm a retired college professor, who was active in my union and in professional organizations. I'm a member of the NYC-DSA with a special interest in education, mental health and public safety.

My testimony addresses the question: HOW do we keep our students and schools safe?

For the past 30 years, the idea has been pounded into our heads that schools are dangerous places for our children, and that to keep them safe, we need police officers and metal detectors in our schools. I'm here to argue the opposite: **the main effect of cops and metal detectors in our schools has been to criminalize youth, and especially black and brown youth.**

What keeps students safe in their schools is not cops, metal detectors and surveillance, but rather having teachers, counselors, staff, and parents surrounding them and building trust with them. What we need to keep our children and communities safe is to build a mass anti-racist, multi-racial movement that has the power to demand that the removal of police and metal detectors from our schools.

Such pressure has already led school districts in Minneapolis, Seattle and Portland, Ore., promise to remove officers, with the Seattle superintendent saying the presence of armed police officers "prohibits many students and staff from feeling fully safe." In Oakland, Calif., leaders have expressed support for eliminating the district's internal police force, while the Denver Board of Education voted unanimously to end its police contract (*NY Times* 6/2/20). This needs to happen in New York City as well.

COVID has laid things bare – it has given us all a collective global city-wide course in inequities. Funds need to go to schools and not go to metal detectors, to schools and not to \$21 million for testing for students to get in 7 schools. Funds need to go to schools and not resource officers. When we look at that data, there is no other side. Today we have 700,000 students doing remote learning. Some don't have iPads a year into the pandemic. What has happened during COVID couldn't make it any clearer the disproportionate impact of this and the inequality that exists in our school system.

The New York City school system and budget reflects the inequality that has always existed in the United States since its founding. When young people know they are surrounded by people who have them as their key interest, they will be able to learn and flourish. That action and uniting with parents is necessary and essential for school safety, community safety, and national safety. And we can't continue to criminalize kids – which is what our school safety offices and metal detectors do.

This is a hearing on public safety. The first step is to take the hundreds of millions of dollars spent on so-called school safety in the form of police, including ICE officers, and spend it on the needs of people. ICE should not be allowed to enter our public schools by any means whatsoever. The City needs to end policy of handcuffing and restraining in emotional stress. De-escalation techniques used instead of EMS and police. School safety means the removal of metal detectors, invasive security and forms of surveillance. Safety means redirecting funds to truly trained competent trauma trained mentally health support staff, health educators, social workers, psychiatrists, community outreach coordinators -- Invested to get at root cause of harm.

To City Council members who are tasked with creating and implementing a City Budget, I am appalled that New York City spends \$11 billion on policing, more than any other city in the country. All funds allocated toward funding cops, or "School Safety Officers," and metal detectors should be cut from the budget and allocated instead toward what will really keep our students safe: counselors, restorative justice systems, and other systems of care. We should not settle for restructuring, reorganizing, or retraining of the current punishment system. **The current system is not a justice system but an injustice system.**

Thank you for this opportunity to share my arguments.



Redefining
public
defense



**BROOKLYN
DEFENDER
SERVICES**



Adequately Funding Family Defense Providers Reduces Court Filings and the Time Children Spend in the Foster System

The family defense practices of the Bronx Defenders (BxD), Brooklyn Defender Services (BDS), Center for Family Representation (CFR) and the Neighborhood Defender Service of Harlem (NDS) are the primary providers of mandated legal representation^[1] to parents faced with losing their children to the foster system (collectively the “family defense providers”). Together, we have created a model of interdisciplinary representation for parents who face these proceedings under Article 10 of the Family Court Act and represent over 12,000 parents each year. Our model, which links attorneys, social workers and parent advocates to provide low and no-income parents with comprehensive representation is recognized as the most effective model of representation of its kind in the nation.^[2] Together, we have prevented thousands of children from needlessly entering the foster system and reduced the foster system census in New York City by almost 50%.^[3] This translates to nearly \$40 million in annual savings in foster system expenditures for NY City,^[4] and the preservation of family bonds that are priceless to our clients and their children as well as society-at-large.

The Covid-19 crisis brought the Family Court to a screeching halt in March of 2020 and the cascade of physical and mental health consequences, economic devastation, and social disruption have fallen disproportionately on the families we serve: low-income communities and Black and Brown people from the lowest income communities in New York City. The delay caused by the shutdown and continued reduced capacity of the family court have exacerbated the harm of family separation for parents and children, slowed progress on existing cases, caused pending caseloads to remain stagnant, and increased the likelihood that supplemental cases, including critical resource-intensive termination of parental rights and custody cases, will be filed, further prolonging the proceedings for our clients.

Our staff’s workload has increased over the past few months as they assist clients fighting to keep their families together or regain custody of their children, as well as deal with the additional obstacles to reunification exacerbated by the pandemic, including difficulties with in-person visits with their children and access to needed services. In addition, many families whose children are at home with them are facing ongoing and unnecessary surveillance by ACS, which often leads to further family disruption, because the courts have not been able to hear and resolve their cases.

Our clients face enormous need. They are the most economically disadvantaged people in the City who face extreme obstacles during the best of times. During the pandemic, which is affecting these same client communities at a much higher rate than others in the City, we are often the only resource they have to help meet their basic necessities like food and a safe place to sleep.

We are asking the City Council to restore our FY 22 funding to equal the FY 21 level.

For reasons that have never been made clear to us, the Mayor has reduced our funding at the beginning of each fiscal year since FY17, pushing it back to the level it was in FY16. Instead of increasing funding to reflect the additional cases we have worked on year after year, we have had to begin the year in a deficit and hope for restoration either in November or April each year. The base revenue in our FY 22 contracts is again set at FY 16 levels. Even though the number of new Article 10 cases is temporarily down due to the Covid pandemic, this is a misleading number because the courts are not accepting certain types of cases during the court closure. Even so, case filings and family separations are still higher than FY 16 levels and our pending caseload is far higher than they were in FY16 and remain steady as compared to FY20. And, the cases we are doing have greater challenges during the pandemic, making the workload greater. The longer the cases stay open, the more complex they become and the more likely supplemental cases get filed. Cases are currently stalled and a backlog is building with little hope that the family courts will open sufficiently to allow for litigation of these cases. We believe our pending caseload will grow in FY 22, making the reduction in funding a crisis for our offices.

The City Council should hold the Mayor accountable for providing legally mandated representation and related services to the parents and children facing family separation. Even at the FY 21 level, we are concerned about rising caseloads and a surge of cases and trials when the courts re-open. But certainly without it, we will not be able to hire attorneys and social workers to provide the support our clients need and to which they are legally entitled.

We are asking the City Council to fund the Right to Family Advocacy Initiative at the same level requested in FY 21: \$3M (\$750,000 per organization).

This year's funding request is at the same level of our FY 21 request, as the critical need for the advocacy funded by this initiative not only continues but we expect the demand to increase as the people we serve are among those most impacted by the pandemic and as word spreads about the availability of these services. In FY 21, the City allocated \$866,664 (\$216,666 per organization) for the family defense providers to provide desperately needed representation to low-income parents during child protection investigations, as well as in hearings before the State Central Register (SCR). Even with this reduced funding, family defense providers have successfully helped families avoid unnecessary and traumatic family separations and often kept family court cases from ever being filed against hundred of families through our early advocacy and identification of appropriate services and resources. This has not only resulted in tremendous

fiscal savings for the City, but also greatly reduced trauma to children and parents. Our representation in SCR hearings has enabled parents to access employment and support their families. This work is more urgent than ever in light of the high unemployment rate and economic devastation caused by the Covid 19 epidemic. Therefore, we are asking for 3 million (\$750,000 per provider) so that we can continue to provide these vital services in FY 22.

[1] In 1972, the New York Court of Appeals recognized the equal protection and due process right to indigent parents to assigned counsel in child neglect and abuse cases. Three years later, the Family Court Act codified a broad parental right to counsel.

[2] See Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore (February 2019), pps. 27-28. See also Martin Guggenheim & Susan Jacobs, *A New National Movement in Parent Representation*, 47 CLEARINGHOUSE REV. 44, 45 (2013), available at <http://www.cfrny.org/wp-content/uploads/2013/07/A-New-National-Movement-in-Parent-Representation-Clearinghouse-Review.pdf>.

[3] Center for New York City Affairs, The New School, Watching the Numbers: A Six-Year Statistical Survey Monitoring New York City's Child Welfare System (November 2016), available at https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5849a22f725e254385d753eb/1481220657883/FINAL_Watching+the+Numbers_2016.pdf.

[4] See study at <https://www.sciencedirect.com/science/article/pii/S019074091930088X>; see also *Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children's Time in Foster Care*, by Martin Guggenheim & Susan Jacobs, June 4, 2019.

Jacqueline Braslow
Jacqueline.braslow@gmail.com

My name is Jacqueline Braslow and I am currently a law student at Georgetown University. I lived and worked in New York City for the past five years in capacities related to the criminal legal system. Through that work I witnessed the devastating effect policing has on New Yorkers. The City's preliminary budget does recognize the basic truth that police do not increase public safety. Continuing to pour more precious public resources into the NYPD will only increase their capacity to unleash violence on New Yorkers, which was plainly on display during the uprisings last summer. The City must drastically reduce the NYPD budget and divert those funds to critically needed city services.

As an immigration paralegal for NYIFUP, I saw how low-level criminal offenses such as jumping a turnstile or small amounts of drug possession can lead New Yorkers into the inhumane deportation machine. Police contact with immigrant New Yorkers poses a grave risk to our communities, by separating and destabilizing families through collateral immigration enforcement. The only true way for New York to be a "sanctuary city" is to reduce NYPD contact with immigrant New Yorkers.

As a victim services advocate at the Red Hook Community Justice Center, I saw how our current criminal responses to domestic violence are inadequate and often harmful to victims. Many victims do not trust NYPD or prosecutors to address their needs or ensure their safety. Police contact can often escalate abuse to even more dangerous levels. The city should instead turn to other community-based approaches to domestic violence—focusing on education, safety planning, as well as stabilizing the housing and economic conditions of victims lives so they have the ability to safely leave abusers without the interference of the police.

As a court-facing staff member of Brooklyn Justice Initiatives, I saw how even after modest state reforms the NYPD continued to use their discretionary power to arrest New Yorkers for incidents as trivial as "spreading on the subway." The process of going through booking and arraignments is traumatizing and dehumanizing; it often takes so long that it can put New Yorkers' employment or childcare at risk. Any state or city reforms will accomplish little if

NYPD officers are still empowered to over-police and harass New Yorkers. My time at CCI also made me aware that there are *already* other models for the City to invest in, such as Violence Interrupters. If the City is serious about community safety, funds should be redirected from the NYPD into models like the Violence Interrupters—without any compromising police involvement.

As a New Yorker, I have also personally witnessed the violence and intimidation wielded by NYPD. I attended a large peaceful march in Flatbush on May 30th of last summer, in which hundreds (if not thousands) of New Yorkers took a stand against police violence. The NYPD began to divert the crowd and attempted to kettle people. An NYPD helicopter flew so low that leaves were blown off nearby tree branches. It was making erratic swerving motions and I was terrified that this helicopter would crash into the crowd of people below. This was a blatant intimidation tactic used on a peaceful crowd. In this moment, the NYPD made it clear that they are not on the side of the people. How many of our taxpayer dollars went toward that helicopter? How many high school counselors could have been hired instead?

I ask the City Council to pass a budget that *reduces* the chances of harmful police interfere into New Yorkers lives. I ask that the budget remove NYPD from mental health responses, take all officers out of schools (regardless of what agency they are under), end the policing of protestors (by disbanding SRG), and end the policing of sex work (by disbanding the Vice Squad). I ask that the City take the bold and necessary step to divest funds from the NYPD and re-invest those funds into city programs that actually improve people's lives: housing, health care, mental health services, education, and jobs. The City is at a crossroads, and you must choose the humane and just path forward. It is time to cut the NYPD budget.

My name is Ramdat Singh . I'm a Teacher at the Riverdale Kingsbridge Academy in the Bronx and I'm a member of Organizing for Equity New York (OFENY) working with Teachers Unite, an organization of NYC public school educators working to dismantle the school to prison pipeline. I'm here today to urge councilmembers to reject Intro 2211--a bill that would codify the transfer of the NYPD's School Division to the DOE.

As a student and now a teacher in the Bronx, I see first hand the negative impact over policing of our black and brown students. As a student, there were more school safety agents then social-emotional support and it felt like I was going to school in prison. Now as a teacher, I hear the same views from my students and they think there is not enough personnel to help them with their social, emotional or mental state of mind. OFENY demands an immediate hiring freeze on School Safety Agents and firmly opposes the Mayor's plan to hire an additional 475 SSAs. In order to create a school environment that is conducive to learning, stop the over-policing of Black and brown student populations, and focus on restorative practices, we propose that the DOE remove all School Safety Agents and replace them with restore justice practices. This pandemic has demonstrated that students need access to affirming social services through investments in Social Workers and Counselors, to support young people's social, emotional and mental health.

The City is pushing a false narrative that dismantling the school policing division would mean mass layoffs. This narrative is simply not true. The City has the power to ensure that the people who are currently employed as SSAs have the opportunity to transfer to other municipal jobs. Dismantling the school policing division does not have to result in layoffs. Students have demanded investments that will help them learn, grow, and thrive – not more policing that will push them out of schools. That's why we're saying No on Intro 2211, no to the hiring of 475 new school police, and yes to a budget that meaningfully funds school positions that support students.

My name is Sharon Peters, from Park Slope Brooklyn, you can contact me at peters.sh@gmail.com

I'm a vulnerable senior with health problems, a parent of 4 and someone with relatives I cherish in law enforcement. I have worked as a teacher or counselor for over 50 years and have played leadership roles in many community organizations.

As a parent and educator I know that punishment, fear and brute intimidation do little to bring about positive change, in fact they have the opposite effect. Strengthening relationships and talking through issues almost always brings permanent and powerful improvements.

Because of my concern for our city and after a lifetime of experience I am writing to support the transfer of 1/2 of the police budget to community resources.

As I listened to seemingly endless hours of helicopters fly over my apartment last summer as young people I knew shared their heartfelt hopes for their futures I came to understand that the helicopters and military hardware used by police to "watch" these young people cost a lot of money. Money that could be spent to give other neighborhoods what I am lucky to have.

I am surrounded by many health care facilities, unlimited grocery stores,, a beautiful park, extensive indoor recreation areas, well financed schools and more.

If we took the 3 Billion dollars from the police budget that finances the military equipment I mentioned and put it into safe and secure housing maybe long overdue repairs for NYCHA housing a few blocks from my home, could be made, and the homeless people who stand outside of every grocery store might find the dignity and care they deserve.

If significant money was invested in community mediation efforts and youth programming it's obvious that such efforts would have an important impact on community safety that militarized police patrols fail to accomplish.

Then there would be the possibility for real peace and justice in our wonderful city, not just in a few neighborhoods like mine.

I appreciate police officers, if I could I would like to walk into a precinct sit everyone down and ask who there would like to put down their guns, take off their shields, make the same amount of money they are making now with the same benefits and work in a community organization that is helping people have better lives. I think I'd have some takers.

Thank you for your attention.

City Council Committee on Public Safety Preliminary Budget Hearing
March 16, 2021

Zoom name: Sarah Sitzler she/her

Subject: Divest from NYPD; invest in BIPOC-led, community-led programs and initiatives to reduce harm and keep us safe.

My name is Sarah Sitzler, I'm a resident of district 40 and a member of Riders for Black Lives, although the views I express are my own. I am testifying today to ask the Council to divest from the NYPD budget and reallocate funds to community-led programs and resources that serve BIPOC and low income communities. Public safety is rooted in community care and accountability. Public safety is not reliant upon policing. As this pandemic continues to rage on, the state and federal governments continue to fail the people. Many who qualify for benefits are still struggling, and large numbers of excluded workers have not received anything based on their immigration status or occupation such as cab drivers, food workers, and sex workers. Where the state fails, mutual aid steps in. That is community care and public safety. Mutual aid is not charity. It is community pooling resources for our mutual benefit and self preservation. It is hot meals, fresh produce in food deserts, community fridges, clothing drives, feminine hygiene drives, and more. What keeps us safe and reduces crime is all of us not only having our basic needs met, but having the resources to thrive and to reduce further trauma and harm. I often imagine the possibilities if our local government provided funding to mutual aid groups. The structures already exist, and I've witnessed first hand the amazing work that has been achieved with zero government funding; they could just use more support to expand further.

Black communities have been strategically excluded from necessary funding for schools, fair housing opportunities¹, business and mortgage loans, and then criminalized through heavy policing, racial profiling, and state violence. I keep hearing calls for reform and training; yet, more policing does not lessen crime. More policing inflicts unnecessary trauma and harm. Neither reform nor training can be effective when born within an inherently racist institution. Commissioner Shea recently went on record to apologize for systemic racism in the NYPD, but we don't want his apologies or empty platitudes. The people want his resignation. Commissioner Shea says he wants to work with the people, yet he couldn't even show up to the last council hearing on public safety. He only shows up when the budget is up for discussion to spread lies and fear monger.

According to a DOI report on the NYPD's response to the "Floyd Protests", as they're called, the Strategic Response Group is the most well trained², yet they were the most militant, violent aggressors out of anyone. Additionally, the DOI report disclosed that the NYPD had no intentions of de-escalating situations or attempting effective communication techniques at any BLM Protests. Quote: "the new training largely focuses on instruction regarding disorder control

¹ Systemic Inequality: Displacement, Exclusion, and Segregation:
<https://www.americanprogress.org/issues/race/reports/2019/08/07/472617/systemic-inequality-displacement-exclusion-segregation/>

² Pg. 62 of DOI Report:
<https://www1.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>

methods. Much of the training examines crowd control tactics and physical formations, with limited emphasis on de-escalation and effective communication with protest participants in an attempt to maintain peace and order.”³ Communication is a key word here. Our city has seen its share of protests in the past, and the Community Affairs Bureau has usually been consulted and utilized on the ground to communicate with protestors directly. But not this time. For the BLM protests there was not a singular attempt to involve CAB at all, but to utilize the brute force of the SRG instead. The choice to exclude a branch of the NYPD that traditionally deals with community affairs and replace it with a militant band of armored bike cops illustrates its reluctance to foster any type of safe environment for protestors exercising their first amendment rights.

“NYPD deviated from CAB’s historical role during the Floyd protests insofar as the Department did not deploy CAB officers to engage with protesters... NYPD did not utilize CAB officers to assist with response to the protests. According to the former CAB executive, who led the bureau at the time, no one in NYPD leadership responsible for planning policing of the Floyd protests contacted the CAB executive about utilizing CAB officers as part of the protest response. As a result, contrary to standard policy and historical practice, CAB did not perform its traditional role of community engagement during the Floyd protests.⁸² Further, CAB leadership was not included or consulted in the overall planning for response to the protests, whether the initial planning or high-level discussions about how to respond as events unfolded over the subsequent days.”⁴

The SRG was created to handle counter terrorism and active shooters. Why are they being sent to peaceful protests instead of Community Affairs? Why are NYPD helicopters flying over peaceful marches for hours at a time, or being utilized as a mode of oppression and intimidation flying over activists homes? Why did Artem Prusayev of the 84th precinct point a gun at unarmed protesters with no recourse? Why did police vans show up to community clean ups last summer to surveille activists while we were cleaning our streets because budget cuts in sanitation left trash piling up? Why are peaceful protestors arrested on the Brooklyn Bridge or in Williamsburg being taken all the way out to the 75th precinct in East New York? Cut the choppers, the unnecessary surveillance and harassment; cut down the budget.

I’d also like to add that despite the heavy police presence at the protests, we have still been in serious danger on several occasions when cars have driven through crowds, both civilian cars and a police car have driven through crowds. Not one of these individuals has been appropriately held accountable for their attempted vehicular manslaughter. All the body cams and the best technology mean nothing when police are not held accountable for their actions. Providing public access to the misconduct of the NYPD (such as the disciplinary matrix) does nothing to remedy that misconduct and corruption itself. If Commissioner Shea really cared about transparency and trust, he would remove himself as the sole overseer of NYPD discipline.

³ Pg. 62 of DOI Report:

⁴ Pg. 65 of DOI Report:

<https://www1.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>

I urge you, members of the Council, to divest from the NYPD and invest in our communities through BIPOC-led, community-led initiatives. The NYPD response to BLM protests and harassment of activists is clear evidence of their inability to listen or to deviate from their racist ways. The NYPD used an exorbitant amount of funds to inflict violence on peaceful protestors this past year. They must be stopped from doing it again. Meanwhile, our neighbors are dying and starving; they need those funds. Eradicate the school to prison pipeline. Invest in social workers, counselors, after school programs, and community centers. Invest in resources for Black trans, queer, and nonbinary community members so that instead of being targeted by police they are safe, protected, and able to live their lives to the fullest potential. Build a mental health and substance abuse response team that excludes the NYPD, based off the CAHOOTS program in Oregon. Public safety is contingent upon not only having basic needs met, but potential to prosper and build generational wealth. Quality housing, education, and healthcare are rights. Real crime prevention starts with community care and harm reduction resources, not more policing.

I thank the council for allowing me to testify. I must also express my deep gratitude to Chair Adams, who sat for 10.5 hours, listening to everyone who wanted to speak, and for continuing to ask the vital and pointed questions of our Mayor's Office and the NYPD. Thank you.

**STATEMENT OF CHRIS M. KWOK
BOARD DIRECTOR
ISSUES COMMITTEE CHAIR
ASIAN AMERICAN BAR ASSOCIATION OF NEW YORK**

TO THE

**NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY**

T2021-7260

Oversight - New York City Police Reform and Reinvention Collaborative Draft Plan

March 16, 2021

REMOTE HEARING (VIRTUAL ROOM 2)

1. Introduction

Good afternoon, my name is Chris Kwok and I am a Board Director of the Asian American Bar Association of New York (“AABANY”). I also serve as Chair of the Issues Committee, which advises AABANY’s Board on issues that affect the Asian American & Pacific Islander community in New York. AABANY is a professional membership organization that is comprised of Asian American attorneys, judges, law professors, legal professionals, and law students serving New York. Since its incorporation in 1989, AABANY has advanced issues involving the Asian American & Pacific Islander community, improved the study and practice of law, and ensured the meaningful participation of Asian Americans in our legal system. AABANY currently has nearly 1,600 members in the city and state of New York and is the largest affiliate of the National Asian Pacific American Bar Association. We are among the largest affinity bar associations in the country. We are grateful to the Public Safety Committee for holding this hearing and including AABANY.

AABANY is participating in today’s hearing to express our firm commitment to championing two changes to the New York Police Department’s Asian Hate Crimes Task Force (Task Force). First, the Task Force needs sufficient funding so that it can execute its stated objectives and intended functions effectively. Second, NYPD should assign full-time officers to the Task Force, as opposed to relying on the efforts of volunteer officers. AABANY was the first to offer publicly these two recommendations in its Report titled, *A Rising Tide of Hate and Violence against Asian Americans in New York During COVID-19: Impact, Causes, Solutions*.¹

¹ See generally Asian American Bar Association of New York & Paul, Weiss, Rifkind, Wharton & Garrison LLP, *A Rising Tide of Hate and Violence against Asian Americans in New York During COVID-19: Impact, Causes, Solutions* (2021), https://cdn.ymaws.com/www.aabany.org/resource/resmgr/press_releases/2021/A_Rising_Tide_of_Hate_a

Specifically, AABANY wrote that while “[t]he NYPD has made a commendable effort to create the Asian Hate Crimes Task Force,” further steps are needed, such as making “the head of the Asian Hate Crimes Unit a commanding officer, with a recurring budget and office assigned to it” and “assign[ing] lieutenant sergeants and detectives to the Asian Hate Crimes Task Force” instead of relying on a volunteer task force.²

2. AABANY condemns the unrelenting assaults on members of the Asian-American community in New York City, which continue with alarming frequency.³

AABANY through its report has recounted numerous attacks and harassment against Asian Americans in New York over the course of the COVID-19 pandemic. More recently, the following incidents have been reported in the press and media:

- Filipino man was slashed in the face on the subway
- Asian American mother was shoved to the ground at a bakery in Flushing, Queens
- Group of teenagers attacked a 51-year-old woman on an MTA bus in the Bronx

Just this week:

- “Go back to China” verbal harassment in Kips Bay⁴
- Aggressor spat on Asian mother and her baby, calling the mother a “Chinese virus”⁵

3. Since AABANY’s Report was published on February 11, 2021, media outlets, community leaders, and politicians have adopted AABANY’s position vis-à-vis increasing funding for and formally staffing the Task Force.

- February 25, 2021 Asian Community Leaders Meeting. In a response to a question by Chris Kwok, Deputy Inspector of the Asian Hate Crimes Task Force Stewart Loo confirmed that the Task Force would be better able to perform its job if it were fully funded and formally staffed.
- March 6, 2021 Community Forum. AABANY co-sponsored a community forum entitled “Asian Voices: Advocating for our Rights in NYC,” sponsored by Chinese Christian Herald Crusades, NYC Commission on Human Rights, Mayor’s Office of Immigrant Affairs, NYPD-Asian Hate Crime Taskforce, and the Office for the Prevention of Hate

[nd_Vi.pdf?fbclid=IwAR2WwVM92z8xr5M1oRvRzDm3Tg8hZpAEeXsRSgGbXBB5wZkztHMKKv46MM0](#)

² *Id.* at 22.

³ Asian American Bar Association of New York & Paul, Weiss, Rifkind, Wharton & Garrison LLP, *A Rising Tide of Hate and Violence against Asian Americans in New York During COVID-19: Impact, Causes, Solutions* 3-5 (2021) (collecting instances of anti-Asian violence).

⁴ NYPD Asian Hate Crimes Task Force, <https://twitter.com/nypdasianhctf?lang=en>.

⁵ ABC7, *Asian Americans told to “go back to China” in racist rant in New York City* (Mar. 15, 2021), <https://abc7ny.com/amp/asian-hate-crime-maria-ha-dan-anti-asian/10419611/>.

Crimes, and NYC Council BLAC. Many elected officials joined the Zoom meeting, including Congresswoman Grace Meng. Early in the meeting, this exchange took place, stressing the need for full and adequate funding of the NYPD Asian Hate Crime Taskforce:

14:18:11 From Jerry C : Understand the Asian a crime task force is all volunteer. Wh[en] can we have a permanent team focusing on Asian hate crime.

...

14:20:58 From NYPD-Asian HCTF to All panelists : Good afternoon Jerry, that is something we are working on with City Hall and the Dept

14:21:52 From NYPD-Asian HCTF : Good afternoon Jerry, that is something we are working on with City Hall and the Dept

14:24:34 From Chris Kwok to All panelists : AABANY is proud to have highlight this in our report and we have been pushing for Asian HCTF funding and full time assignment

14:24:48 From Jerry C : Reporting a crime on 911 is difficult for people who don't speak English. We need a solution for that issue.

14:25:07 From Chris Kwok to All panelists : we need the community to make this known to Mayors office and electeds.

- New York City mayoral candidate Andrew Yang stated earlier this month that “I would take the increase in anti-Asian violence very, very seriously” and “I would fully fund the Asian Hate Crimes Task Force. It would not be a volunteer force.”⁶
- At a March 10 Candidates’ Forum for City Council elections for District 1, all candidates expressed support for funding the Task Force in response to a question submitted by Chris Kwok.
- Media Reports
 - On February 26, 2021, the New York Times reported and recognized that “[t]he Asian American Bar Association of New York recently issued recommendations for ways to address the attacks, including clearer reporting mechanisms for victims and formalizing the Asian Hate Crime Task Force as a funded unit.”⁷
 - On February 12, 2021, NBC New York cited Chris Kwok and AABANY’s recommendation to make the NYPD Asian Hate Crime Task Force permanent and not rely solely on the services of volunteer officers.⁸

⁶ Cameron Jenkins, *Andrew Yang Condemns Attacks against Asian Americans*, THE HILL (Mar. 5, 2021), <https://thehill.com/homenews/campaign/541854-andrew-yang-condemns-attacks-against-asian-americans>.

⁷ Alexandra E. Petri and Daniel E. Slotnik, *Attacks on Asian-Americans in New York Stoke Fear, Anxiety and Anger*, NY TIMES (Feb. 26, 2021), <https://www.nytimes.com/2021/02/26/nyregion/asian-hate-crimes-attacks-ny.html?action=click&module=Top%20Stories&pgtype=Homepage>.

⁸ Zijia Eleanor Song & Jennifer Vazquez, *Study Shows Rise of Hate Crimes, Violence against Asian Americans during the Pandemic*, NBC NEW YORK (Feb. 12, 2021), ,

- Other articles also referenced AABANY's recommendations for increased funding and formal staffing.⁹
- On Feb. 19, 2021, ABC7 quoted community leader Don Lee, who questioned the efficacy of the Task Force because it consisted only of volunteer personnel.¹⁰ ABC7 subsequently reported that the Task Force is "unfunded and an all-volunteer force" and that "Mayor De Blasio and the Human Rights Commission is working and meeting with Asian community leaders this week on the next measures the city needs to take."¹¹
- Many other articles voice concerns over the current structure of the Task Force¹² and note that the officers presently on the Task Force are volunteers with other full-time jobs in the NYPD.¹³

4. Why a Fully-funded and Full-time Task Force are Needed

In order to foster trust with the Asian American community and encourage reporting, there needs to be accountability for violence and harassment committed against Asian Americans. Calls to inform the police and be vocal have been heeded by the community. Yet time again we hear from members of the community that these reports are not taken seriously by

<https://www.nbcnewyork.com/news/local/crime-and-courts/study-shows-rise-of-hate-crimes-violence-against-asian-americans-in-nyc-during-covid/2883215/>.

⁹ See Kay Dervishi, *What can be done to stem hatred against Asian Americans*, CITY & STATE NEW YORK (Mar. 3, 2021) ("The NYPD anti-Asian hate crimes task force should be funded and have officers assigned to it full time, instead of being volunteers."); NYPR The Takeaway, *Amid COVID-19 Pandemic, Anti-Asian Violence Spikes Across the U.S.* (Feb. 15, 2021),

<https://www.wnycstudios.org/podcasts/takeaway/segments/amid-covid-19-pandemic-anti-asian-violence-spikes-across-us> ("Well, they created an anti-Asian task force and we applaud them for that. Our recommendation was that they go further along. They made it permanent recently but we think that-- Right now it's a volunteer task force, which means that the detectives are serving full-time on another role and then take this on on a volunteer basis. We think it should be a full-time assignment and the commander be given a budget and have this exist until there's no need for it.").

¹⁰ CeFaan Kim, *NYPD task force provides answers on violent attacks against Asian*, ABC7 (Feb. 19, 2021), <https://abc7ny.com/asian-hate-crimes-subway-attacks-americans-task-force/10355594/>.

¹¹ ABC7 Eyewitness News, *Mayor de Blasio says Asian Hate Crime Task Force working to combat slew of bias crimes in NYC*, ABC7 (Feb. 23, 2021), <https://abc7ny.com/queens-hate-crimes-asian-americans/10364245/>.

¹² Kimmy Yan, *Critics fear NYPD Asian hate crime task force could have unintended consequences*, WSJ (Sept. 2, 2020), <https://www.nbcnews.com/news/asian-america/critics-fear-nypd-asian-hate-crime-task-force-could-have-n1239012>.

¹³ Shan Li & Ben Chapman, *NYPD Forms Asian Hate Crime Task Force*, WSJ (Oct. 18, 2020), (noting that "[t]he officers are loaned to the task force as needed, but also have full-time jobs elsewhere in the department");

Taylor Romine, *NYPD creates Asian Hate Crime Task Force after spike in anti-Asian attacks during Covid-19 pandemic*, CNN (Aug. 18, 2020),

<https://www.cnn.com/2020/08/18/us/nypd-asian-hate-crime-task-force/index.html> "The task force will be permanent ... and other culture-based task forces may be considered in the future.").

the NYPD, possibly due to language and cultural barriers. Creating a Task Force within the NYPD to handle anti-Asian hate crimes is a move in the right direction, with police officers who have the language skills and cultural competence to deal with complaints and reports. However, adequate funding and full-time staffing are needed for the Asian Hate Crimes Task Force to carry out its roles and responsibilities effectively. Failing to do so would make it an empty exercise. We urge the City Council to take immediate steps to fully fund the NYPD Asian Hate Crimes Task Force and to staff it with full-time personnel rather than make it a volunteer position.

Appendix

Articles that have referenced AABANY's Report

- Miranda Bryant, *"There's so much gratitude": engineer who created viral vaccine site for \$50*, THE GUARDIAN (Mar. 1, 2021), <https://www.theguardian.com/us-news/2021/mar/01/turbovox-vaccine-website-huge-ma> (discussing development of a TurboVax, an online bot that finds available vaccination appointments, and suspension of the service in protest of rising frequency of anti-Asian violence).
- Mark Magnier and Owen Churchill, *"Greater Asian-American representation in leadership ranks needed to stem hate crimes in the US, says report,"* SOUTH CHINA MORNING POST (Feb. 12, 2021), <https://www.scmp.com/news/china/article/3121518/greater-asian-american-representation-leadership-ranks-needed-stem-hate>
- Marco Poggio, *NY Bar Group Tackles Pandemic-Fueled Anti-Asian Crimes*, LAW360 (Feb. 16, 2021), <https://www.law360.com/pulse/articles/1354591>
- Jake Offenhartz, *Brooklyn Man Charged With Hate Crime In Alleged Stabbing Of Asian Man In Lower Manhattan*, GOTHAMIST (Feb. 26, 2021), <https://gothamist.com/news/brooklyn-man-charged-hate-crime-alleged-stabbing-asian-man-lower-manhattan> (referencing AABANY Report and Task Force).
- Megan Schellong, *Asian Americans face increased hate crimes amid COVID-19 pandemic*, WLNS (Feb. 19, 2021), <https://www.wlns.com/news/asian-americans-face-increased-hate-crimes-amid-covid-19-pandemic/>
- Michael Macagnone, *House Dems renew call for hate crime law after anti-Asian attacks*, ROLL CALL (Feb. 19, 2021), <https://www.rollcall.com/2021/02/19/house-dems-renew-call-for-hate-crime-law-after-anti-asian-attacks/>
- Clémence Michallon, *Olivia Munn laments spiking hate crimes against Asian Americans as friend's mother is attacked*, THE INDEPENDENT (Feb. 19, 2021), <https://www.independent.co.uk/arts-entertainment/films/news/olivia-munn-man-shove-asian-woman-new-york-b1804739.html>
- Yahaira Galvez, *It takes all of us to fight racial violence against Asian Americans*, THE DIAMONDBACK (Feb. 23, 2021), <https://dbknews.com/2021/02/23/asian-american-racial-violence-coronavirus-aapi/>
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**HEARING OF THE NEW YORK CITY COUNCIL'S
COMMITTEE ON PUBLIC SAFETY**

STATEMENT OF JEFF STRABONE

Tuesday, March 16, 2021

Good afternoon, Chair Adams and members of the Committee on Public Safety. My name is Jeff Strabone. I am a lifelong resident New Yorker and former vice-chair of Community Board Six in Brooklyn. I live in the 39th District. I thank the Committee for its time and for listening.

The subject of my testimony today is the Budget for Fiscal Year 2022, as it concerns the NYPD.

To get right to the point, I ask that you reduce the NYPD's budget by at least two billion dollars.

My request is based on the premise that the NYPD is currently tasked with responsibilities for which it is ill-suited, most especially mental health emergency responses and school safety. The City needs to create non-police alternatives and to fund them robustly.

I ask that you substantially reduce the NYPD's budget not to punish the force, regardless of how much they may deserve it after nine months of sustained brutality and violence against peaceful protestors, which I have witnessed myself. No, I am making this request out of a good-faith belief that it will actually make the NYPD a better police force if it is relieved of responsibilities for mental health and school safety.

Police are not social workers. We should not task them with duties far beyond their training. Don't send a cop with a gun to someone's dark night of the soul. Send a social worker. The same applies to schools. The way to end the school-to-prison pipeline is to stop arresting schoolchildren.

There's a saying: If all you have is a hammer, every problem looks like a nail. I say, if all you have is a billy club and a gun, you're going to beat and shoot a lot of innocent people.

New Yorkers deserve a full spectrum of harm reduction and public safety tools, not just those provided by police.

A government budget is a moral declaration. It tells the world what a given society deems important enough to spend money on. You have the opportunity to craft a new moral vision of how a city can keep its people safe.

I encourage you to be brave, to have the moral vision to imagine a city of love, of care, of gentleness. Make this year's budget a loud and proud declaration that New York City can take care of people in need without police, without guns. Take the NYPD entirely out of mental health and school safety. Use that two billion dollars to fund new, non-violent agencies.

Other cities are doing it. Why should we be stuck in the past?

Finally, if you want to trim the fat *within* the NYPD, I suggest cutting back on helicopters and the Strategic Response Group. There is no need to deploy them against Black Lives Matters protestors, as routinely happens. Don't send the counterterrorism squad to a street protest. Black Lives Matter is not al-Qaeda. If the SRG and the top brass who misuse them can't tell the difference, their budget should be cut.

Thank you.

Good afternoon thank you for allowing me the time to speak.
My name is Vanessa Pereda I am calling from
District 43, Brooklyn, Kings County,
Lenapehoking, the unceded land of the Lenni-Lenape.

I am a Chicana theater artist, actor, playwright AND also an Education and
Community Director for an Off-Off Broadway Company in Brooklyn.
I am here today because I want to talk about the defunding and reallocation of
funds from the NYPD in service of community care and Public Safety.
Reallocating those funds and putting money to community-based programs that
help the kids and the families that I serve as a teaching artist and as an Arts Ed.
Programmer IS Public Safety in action.

I've witnessed the impact not only of COVID-19,
but of racist police relations,
the lack of proper and affordable housing,
the lack of access to good health care, mental health care,
the lack of care for the houseless, which I WAS at different points in my
childhood
the lack of funding for arts and education,
ALL of which equate to a
Lack of Public Safety.

You
Are
Lacking.

And in order to create a just world we need to start taking care of our community.
Especially our BIPOC (Black, Indigenous, People of Color) Communities.

I'm here to ask you to defund the NYPD and re-allocate those funds to
community-based programs that House families and provide truly affordable
housing,
Create access to affordable health care including mental health services,
And proper funding to schools, and arts programs including theaters, especially
in Black and Brown neighborhoods.

These are the steps forward to value, serve and protect.
the lives of so many New Yorkers in need;
not padding and protecting the NYPD.

Black lives matter.
Black women matter.
Thank you.

Contact Information:

Tracey Fu

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My name is Tracey Fu, I am a resident of District 6 in Manhattan and a member of NYC-DSA, which has more than 7,000 members in this city fighting to defund the NYPD, tax the rich, and build an economy organized for public good rather than for private profit.

I am submitting this written testimony to assert that this preliminary budget is woefully insufficient to meet the needs of me and my loved ones, the communities I'm a part of, and this city as a whole. A city's budget is a reflection of its priorities, and by choosing to increase NYPD funding while cutting funding from virtually every *actual* public health and safety services agency, this city is prioritizing the NYPD over true public health and safety.

To be clear, the NYPD does not increase public safety -- perpetuates violence. Last year, along with tens of thousands of other New Yorkers, I marched in the streets after George Floyd was murdered, and witnessed NYPD officers consistently beating and arresting us for simply exercising our first amendment rights. The NYPD is a violent institution that cannot be reformed because its very purpose has always been to enforce inequality and suppress dissent.

Additionally, there has been an increase in violence against Asian New Yorkers like me, and it has been used as an excuse for more policing. The NYPD installed hundreds of surveillance cameras in response a couple weeks ago¹ and during the 3/16 public safety committee hearing, there was testimony and discussion on funding the hate crimes task force but policing will not prevent or address the violence of displacement and poverty that has been making Asian communities vulnerable for years. Flushing

¹ <https://www.yahoo.com/entertainment/nypd-installs-200-more-surveillance-221316385.html>

residents are being priced out of their homes and are going hungry² due to unfettered luxury development³ and cuts to social services. This is also violence. Chinatown residents and workers are being displaced and losing their jobs due to real estate interests and lack of robust socioeconomic supports. This is also violence. In fact, Chinatown's last vestige of organized labor at Jing Fong is being destroyed due to real estate pressure and general pandemic-induced economic challenges. On March 2nd, Jing Fong workers staged a protest to defend their jobs and their survival. What did NYPD officers do in that situation? They blocked workers from entering the building to deliver their demands to the owners⁴. That's what police do - they protect capital and property, not people. Throwing more money into the NYPD will not solve any of the root causes of social problems, but investments into communities and community-based programs will.

Like my comrades who have testified before me, I ask that the City Council fight for a budget that removes NYPD from mental health crisis response and homeless outreach. That takes cops out of schools. That stops NYPD from policing protests and sex work by disbanding SRG and Vice Squad. I am asking this city council to defund the NYPD by *at least* \$3 billion dollars and put that money toward what would actually improve lives and prevent violence: good jobs, dignified housing, education, healthcare, mental healthcare, elder care, childcare, language access, transit, and food security. Investing in these is the right thing to do if our goal truly is to build a better, stronger New York City that works for all of us, and we need your help to do this.

Thank you to councilmembers and Chair Adams for accepting and reading this testimony.

²<https://www.nationalgeographic.com/history/article/queens-one-first-covid-19-epicenters-faces-new-crisis-hunger>

³<https://patch.com/new-york/flushing-murray-hill/community-sues-new-york-city-council-over-flushing-rezoning>

⁴<https://www.thenation.com/article/society/jing-fong-chinatown/>



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**STATEMENT OF
ALBERT FOX CAHN, ESQ.
EXECUTIVE DIRECTOR
SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT (“S.T.O.P.”)**

**BEFORE THE
COMMITTEE ON PUBLIC SAFETY
NEW YORK CITY COUCNIL**

**FOR AN OVERSIGHT HEARING CONCERNING
THE CITY’S POLICE REFORM AND REINVENTION COLLABORATIVE DRAFT
PLAN**

**PRESENTED
March 16, 2021**

Good afternoon, my name is Albert Fox Cahn, and I am the Executive Director of the Surveillance Technology Oversight Project (“S.T.O.P.”), a New York-based privacy and civil rights group. Thank you for the opportunity to testify today about New York City’s Police Reform and Reinvention Collaborative Draft Plan (“the Plan”).

Last summer, tens of thousands of New Yorkers took to the streets to demand change. The murder of George Floyd by a Minneapolis police officer sparked a collective spasm of fury and grief, and amplified calls to finally address our country’s—and our city’s—legacy of racist policing.

New Yorkers’ cries for meaningful policing reform may have grown louder in the wake Mr. Floyd’s unjust death, but they were hardly new. Black New Yorkers in particular have long called for sweeping changes in policing, only to have their demands ignored. Unfortunately, it is clear from the city’s draft police reform plan that these calls for structural change continue to fall on deaf ears.

In short, this draft of the Plan utterly fails to meet both this critical national moment and New Yorkers’ unwavering demands for social and racial justice. The Plan coopts the language of reform to mask its failure to address many of the practices most responsible for perpetuating discriminatory policing in New York City. Notably, the Plan’s cosmetic proposals contain no reference to the NYPD’s increasingly widespread use of costly and intrusive surveillance technologies that disproportionately harm communities of color.

Sadly, the Plan’s unresponsiveness to community concerns is not surprising given its haphazard, last-minute development. The issuance in August of Governor Cuomo’s Executive Order—which required localities that host police departments to adopt a reform plan by April 1, 2021¹—represented an invaluable opportunity for New York City to finally implement the large-scale policing changes that address its long history of racist police tactics.

Instead, the city waited months to act. The draft before you, cobbled together in weeks with no meaningful public engagement or input, disservices the vital project of police reform. That the city failed until March to post a website for public comments only underscores the disingenuous and opaque process that led to the Plan’s creation.

New Yorkers deserve better. The Plan claims to be “born out of the protest movement and renewed calls for police reform”² following George Floyd’s death. But New Yorkers of color and those victimized by police violence deserve more than just lip service. We cannot wait for even more of our fellow citizens to die before we have the courage to enact sweeping changes.

¹ Exec. Order No. 203, New York State Police Reform and Reinvention Collaborative (June 12, 2020), https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_203.pdf.

² New York City Police Reform and Reinvention Collaborative Draft Plan 3 (March 5, 2021), <https://www1.nyc.gov/assets/home/downloads/pdf/reports/2021/Final-Policing-Report.pdf>.

I. The Draft Plan Fails to Address the NYPD's Use of Surveillance Technologies

A. Failure to Comply with the POST Act

The blatant inadequacy of the Plan is underscored by the fact that it declines to even acknowledge the role of surveillance technology in perpetuating discriminatory policing. This omission is particularly glaring in light of the action this council took last summer to pass the POST Act—a landmark law that aims to draw back the curtain on what tools the NYPD uses to surveil us.³

Less than a year after its passage, however, the NYPD is attempting to subvert the POST Act. The Department's first mandated report under the law, released in January, was so grossly inadequate that it not only undermines public trust, it also violates the NYPD's reporting obligations under the Act. Instead of publishing impact statements telling New Yorkers what surveillance tools it uses—as required by the law—the Department provided copy-and-paste responses that were opaque, misleading, and, at times, blatantly wrong. For example:

- The NYPD stated that its facial recognition technology does not use artificial intelligence or machine learning. But facial recognition is not only one application of artificial intelligence and machine learning technology—it is perhaps the single most widely discussed example of such technologies. Facial recognition has been classified as a form of artificial intelligence and machine learning by everyone from researchers and lawmakers to business leaders—and even the NYPD itself.⁴
- The NYPD also contended that its so-called “gang database” has no disparate impact on the basis of race,⁵ when in fact almost 99 percent of the individuals included in the database are New Yorkers of color.⁶

³ Alan Feuer, *Council Forces N.Y.P.D. to Disclose Use of Drones and Other Spy Tech*, N.Y. TIMES (June 18, 2020), <https://www.nytimes.com/2020/06/18/nyregion/nypd-police-surveillance-technology-vote.html>.

⁴ See, e.g., Steve Lohr, *Facial Recognition Is Accurate, if You're a White Guy*, N.Y. TIMES (Feb. 9, 2018), <https://www.nytimes.com/2018/02/09/technology/facial-recognition-race-artificial-intelligence.html>; Tom Simonite, *Congress Is Eyeing Face Recognition, and Companies Want a Say*, WIRED (Nov. 23, 2020), <https://www.wired.com/story/congress-eyeing-face-recognition-companies-want-say/>; Ethan Geringer-Sameth, *The NYPD's Facial Recognition Policy Leaves A Lot of Leeway the Department Says It's Not Using*, GOTHAM GAZETTE (July 22, 2020), <https://www.gothamgazette.com/city/9608-nypd-facial-recognition-policy-leeway-department-not-using-black-livesmatter-protests>.

⁵ See N.Y. POLICE DEP'T, *Criminal Group Database: Impact & Use Policy* 7 (Jan. 11, 2021), https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/post-act/criminal-group-database_nypd-impact-and-use-policy_draft-for-public-comment_01.11.2021.pdf.

⁶ Simon Davis-Cohen, *Video: The Heavy Hand of New York's Social Media-Powered Policing*, FAST COMPANY (Apr. 19, 2019), <https://www.fastcompany.com/90337408/the-heavy-hand-of-new-york-city-social-media-fueled-policing-video-documentary>.

Nor did the NYPD's flouting of a democratically enacted law go unnoticed. More than 8,000 public comments were submitted in response to the NYPD's boilerplate-laden policies, showing that New Yorkers demand true transparency in the Department's use of these powerful tools.

Goal 1 of the Plan in front of you aims to achieve "Transparency and Accountability to the People of New York City."⁷ The NYPD can start by following the law and actually complying with the POST Act's reporting requirements.

B. The Role of Surveillance in "Modern-Day Racialized Policing"

The Plan's total elision of any reference to surveillance technology is likewise staggering in light of its stated Goal 3: "Recognition and Continual Examination of Historical and Modern-Day Racialized Policing in New York City."⁸ In fact, the NYPD's widespread use of discriminatory surveillance tools is undoubtedly one of biggest drivers of modern-day racialized policing in New York City.

Nearly all of the NYPD's surveillance tools either exhibit inherent biases or have been deployed in ways that disproportionately harm communities of color. These technologies have no place in New York City and should be categorically banned. Examples of such discriminatory systems (none of which were mentioned in the Plan) include:

- **Facial recognition:** Universities, civil society organizations, and even the U.S. federal government have proven that facial recognition technology is biased and broken. A government study found that facial recognition algorithms falsely identified Black and Asian faces 10 to 100 times more than white faces, and falsely identified women up to five times more than men.⁹ The majority of the public comments submitted in response to the NYPD's facial recognition impact statement—disclosed as part of the POST Act—called for the city council to outlaw all facial recognition in New York City.
- **Drones:** Aerial drones give the NYPD expansive power to monitor residents who are engaging in lawful conduct, particularly those protesting against racism, police violence, and social injustice. The Department has reportedly used drones to surveil the 2019 Puerto Rican Day Parade and last summer's Black Lives Matter protests, among other events.¹⁰ Recently,

⁷ New York City Police Reform and Reinvention Collaborative Draft Plan 6 (Mar. 5, 2021), <https://www1.nyc.gov/assets/home/downloads/pdf/reports/2021/Final-Policing-Report.pdf>.

⁸ *Id.*

⁹ See Patrick Grother, Mei Ngan & Kayee Hanaoka, NAT'L INST. OF STANDARDS & TECH., *Face Recognition Vendor Test (FRVT)* (2019), <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf>.

¹⁰ Dennis Flores & Jessica Ramos, Opinion, *In The Black Lives Matter Era, Police Drones Must Make Their Final Landing*, GOTHAMIST (July 24, 2020), <https://gothamist.com/news/oped-black-lives-matter-era-police-drones-must-make-their-final-landing>.

the Department unveiled a new robotic “dog” drone to be deployed on the ground in marginalized communities.¹¹

- **Gang database:** The NYPD has for years maintained a discriminatory database of between 18,000 and 43,000 New Yorkers—almost all of whom are non-white—who the NYPD claims are involved in “gangs.”¹² However, the Department’s definition of “gang” for the purposes of the database is disturbingly broad; it requires no commission of any crime and has been said by at least one critic to “criminalize friendships.”¹³ The NYPD claims that any racial bias in the gang database reflects the reality of how gangs recruit—a rationale eerily reminiscent of the justifications the Department used for years to defend its racist stop-and-frisk policy.
- **DNA Database:** The NYPD has reportedly compiled a database of DNA samples for more than 33,000 New Yorkers, many of whom have not committed a crime (and some of whom are as young as 12). This practice of “genetic stop-and-frisk” disproportionately targets Black and Latinx individuals. The NYPD said it would end the DNA database last year, but it has instead expanded it further.¹⁴
- **Fusion Centers and Joint Terrorism Task Force:** Despite previously claiming that none of its systems are used for immigration enforcement, the NYPD shares and receives information with the federal government through intelligence fusion centers and the Joint Terrorism Task Force. These federal-local partnerships lack oversight as well as consistent rules for collecting and sharing information, resulting in poor-quality intelligence that is often based on “misguided notions about the role of race, ethnicity, religion, or political ideology as a terrorism indicator.”¹⁵
- **Predictive Policing Software:** The NYPD has tested, purchased, and deployed software that purports to predict where crimes will unfold in the future.¹⁶ This technology frequently makes inaccurate and biased predictions about future criminal conduct. And because these projections are based on historical data that incorporate decades of human bias regarding

¹¹ Tina Moore & Amanda Woods, *NYPD Deploys Robot Dog After Woman Shot During Brooklyn Parking Dispute*, N.Y. POST (Oct. 29, 2021), <https://nypost.com/2020/10/29/nypd-deploys-robot-dog-after-brooklyn-parking-dispute-shooting/>.

¹² HUMAN RIGHTS WATCH, *Groups Urge NYPD Inspector General to Audit the NYPD ‘Gang Database’* (Sept. 22, 2020), https://www.hrw.org/news/2020/09/22/groups-urge-nypd-inspector-general-audit-nypd-gang-database#_ftn10.

¹³ Alice Speri, *New York Gang Database Expanded by 70 Percent Under Mayor Bill De Blasio*, INTERCEPT (June 18, 2018), <https://theintercept.com/2018/06/11/new-york-gang-database-expanded-by-70-percent-under-mayor-bill-de-blasio/>.

¹⁴ Erin Durkin, *New York City Said It Would Purge Its DNA Database. A Year Later, It’s Expanded.*, POLITICO (Feb. 24, 2021), <https://www.politico.com/news/2021/02/24/new-york-city-dna-database-471342>.

¹⁵ Michael Price, BRENNAN CENTER FOR JUSTICE, *National Security and Local Police* 17 (2013), https://www.brennancenter.org/sites/default/files/publications/NationalSecurity_LocalPolice_web.pdf.

¹⁶ See BRENNAN CENTER FOR JUSTICE, *NYPD Predictive Policing Documents* (July 12, 2019), <https://www.brennancenter.org/our-work/research-reports/nypd-predictive-policing-documents>.

where police deploy and who they arrest, predictive policing tools only serve to further entrench discriminatory policing practices.

- **Social Media Monitoring:** The NYPD's monitoring of New Yorkers on social media, including through the use of artificial intelligence software, is targeted predominantly at communities of color. For example, the NYPD has used social media monitoring tools to surveil Black Lives Matter protestors.¹⁷ And a recent report indicated that the Department used a social media photo of a Black Lives Matter activist to identify the activist's identity via a facial recognition search.¹⁸

These technologies have no place in New York City. It is laughable for the City and the NYPD to claim that they are serious about addressing “modern-day racialized policing” while completely refusing to reckon with the role of these technologies in driving the continued overpolicing of communities of color.

II. Ending Costly Surveillance Practices Can Help Reduce the NYPD's Exorbitant Budget

Abolishing these harmful and biased technologies is linked to another reform long-demanded by the public: reining in the NYPD's out-of-control budget. The NYPD spends millions each year to purchase and deploy unnecessary, intrusive, and arguably unconstitutional surveillance tools.

A recent example of the Department's embrace of gratuitous surveillance technology is its robotic ground “dog” drone, which starts at around \$74,000.¹⁹ Only two other police departments in the entire country have so far procured and deployed this superfluous tool. As pointed out by Congresswomen Alexandria Ocasio-Cortez, the money which it appears was spent on robotic dog drones would be better put toward education or housing initiatives, rather than on surveillance technologies that will be used to further marginalize underserved communities.²⁰

Of course, the Department's robotic dog drone is just the top of the iceberg. The NYPD's budget allots \$159 million for “special expenses,” providing some clue as to just how much the Department spends every year on spying instruments and services—though it's possible the actual total spent on surveillance could be millions more.²¹

¹⁷ George Joseph, *Years After Protests, NYPD Retains Photos of Black Lives Matter Activists*, APPEAL (Jan. 17, 2019), <https://theappeal.org/years-after-protests-nypd-retains-photos-of-black-lives-matter-activists/>.

¹⁸ James Vincent, *NYPD Used Facial Recognition to Track Down Black Lives Matter Activist*, VERGE (Aug. 18, 2020), <https://www.theverge.com/2020/8/18/21373316/nypd-facial-recognition-black-lives-matter-activist-derrick-ingram>.

¹⁹ Maria Cramer & Christine Hauser, *Digidog, a Robotic Dog Used by the Police, Stirs Privacy Concerns*, N.Y. TIMES (Feb. 27, 2021), <https://www.nytimes.com/2021/02/27/nyregion/nypd-robot-dog.html>.

²⁰ *Id.*

²¹ Rocco Parascandola, *Comptroller Stringer Tells NYPD Surveillance Technology Expenses Can't Be Kept Secret*, N.Y. DAILY NEWS (July 31, 2020), <https://www.nydailynews.com/new-york/ny-nypd-budget-classified-stringer-20200731-55pwpwz4qzac7hyptmzre5qyu-story.html>.

Last summer, this council fell short of the public's call to defund the NYPD by at least one billion dollars, despite the committed leadership of Communities United for Police Reform (CPR) and other local organizations. S.T.O.P. reiterates its support of CPR's goal and calls on the city to cut at least one billion dollars from NYPD's operational budget, and also to reconsider the capital budget.



TESTIMONY OF:

Maryanne Kaishian

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council

Committees on Public Safety

Oversight Hearing on New York City's Police Reform and Reinvention Collaborative Draft Plan.

March 16, 2021

My name is Maryanne Kaishian and I am Senior Policy Counsel with the Criminal Defense Practice at Brooklyn Defender Services (BDS). I want to thank Chair Adrienne Adams and the Committee on Public Safety for holding this hearing on New York City's Police Reform and Reinvention Collaborative Draft Plan, published in two parts in March 2021. **For the reasons set forth below, we believe this plan falls woefully short on delivering the fundamental change necessary to alleviate the harms currently being perpetrated by the NYPD.**

Every year, Brooklyn Defender Services (BDS) represents nearly 30,000 people in the criminal, family, and civil court systems of Kings County. Many of the people we serve, primarily Black and brown New Yorkers, have been subjected to abuse and misconduct by members of the NYPD. We at BDS have joined our communities in the call for meaningful, top-down change to the NYPD for years. However, we have instead seen a parade of broken promises and toothless "reform" proposals that have ultimately done little to affect NYPD conduct or improve the lives of people here in New York City. Unfortunately, the City's most recent plan is yet another example of officials co-opting the language of social justice movements in service of the status quo.

We are disturbed by the City's characterization of the past seven years as an unqualified achievement in the realm of police abuse and reform. Community members and activists have been tirelessly calling attention to racist, violent, and abusive police practices that persist despite countless revisions and reforms reflected in the NYPD's Patrol Guide and official procedures during this time. Officers who assault, harass, maim, and even kill New Yorkers, including on-camera, have remained on the job. There have been countless City Council hearings on abusive, biased, and harmful police practices. The NYPD refuses to meaningfully engage with communities, defenders, or advocates, routinely leaving these hearings into their behavior before the public can comment. Despite the ongoing and demonstrably racist practice of Stop and Frisk, deployed even more frequently now in the name of gun possession enforcement, the City falsely claims that "[t]ogether, we ended the racist policy of Stop and Frisk." This is a shocking misrepresentation of the current state of policing in our City.

Similarly, the City uncritically publishes NYPD propaganda surrounding previous "reforms." For example, the Report includes claims by the NYPD that these "reforms" include the mandated use of Body Worn Cameras, which we know are routinely turned off with impunity in instances of police abuse and while targeting demonstrators for their speech. In another example, the NYPD claims that, in 2015, the Department instituted "gang database reform" consisting of "improved accuracy and precision" and "tighter standards for entry and oversight." As community members, advocates, and defenders know, the NYPD's current Criminal Group Database is a 99% non-white catalogue of mostly Black and brown young people, lacks any oversight mechanisms whatsoever, is riddled with errors, and includes the names of unaffiliated young people who have never been arrested. It is impossible to separate police propaganda from the substance of this plan.

It is also disheartening to see recommendations for panels, task forces, and assessments—including by the NYPD itself—into issues that can and should be addressed swiftly, directly, and unequivocally. For example, while the Policing Report claims to include plans to "break the school to prison pipeline," essential services for young people were slashed while COVID-19 ravaged the City and while the NYPD's budget remained largely intact. As another example—in the wake of horrific reports from victims of the NYPD's Vice Squad and amidst calls to disband the notoriously abusive unit and decriminalize sex work—the City calls for continued and even increased police engagement with sex workers. This reflects a lack of commitment to addressing the core issues facing our City as well as a fundamental misunderstanding of the role and impact of police, and convening task forces can only be seen as a tactic to delay implementing real change. Viewed in context, the City's lofty promises ring hollow.

Tellingly, the City calls for additional investments into policing and trust in the ahistorical claim that the NYPD can be tasked with policing itself. We reject this basic premise. Indeed, it is clearer than ever that fundamentally changing the NYPD requires drastic divestment from the Department and investments in the community. We cannot repeatedly try to reform a Department that has rejected oversight and accountability at every turn.

Furthermore, there is simply not enough time to meaningfully respond to this plan prior to a required City Council vote on April 1, particularly at a time when gathering stakeholder input is more difficult than ever and the public is demanding an open, effective, comprehensive process that results in transformative change. The fundamentally flawed process at hand, precipitated by

the delayed release of the City's Report, will inevitably yield ineffective results and only exacerbate the significant harms done to New Yorkers by the NYPD.

I thank the Committee for your time and for accepting my testimony on this critical issue. We welcome the opportunity to speak with you about these issues and how the City Council can hold the NYPD accountable for making real change. Should you have any additional questions, please feel free to contact me at mkaishian@bds.org or (347) 525-4054.