

Testimony Of Steven Banks, Commissioner, Department of Social Services
Before the New York City Council's Courts and Legal Services Committee
HRA's Fiscal Year 2018 Preliminary Budget
March 7, 2017

Good afternoon, Chairman Lancman. Thank you for inviting me to appear before you today to discuss the work of the Office of Civil Justice at the New York City Human Resources Administration (HRA). My name is Steven Banks and I am the Commissioner of the Department of Social Services. I am joined by Jordan Dressler, the Civil Justice Coordinator who oversees the Office of Civil Justice at HRA, and HRA's Executive Deputy Commissioner for Finance, Erin Villari.

HRA is the nation's largest social services agency assisting over three million New Yorkers annually through the administration of more than 12 major public assistance programs as well as the nation's largest municipal identification program, IDNYC. Since June of 2015, HRA has been the home of the Office of Civil Justice, a permanent office created through a local law enacted by the City Council and the de Blasio Administration to oversee, manage, and monitor the City's programs to provide civil legal assistance to New Yorkers in need. Most recently, with the integration of the Department of Homeless Services (DHS) and HRA into the Department of Social Services in April of 2016, HRA now oversees HomeBase, which connects households on the brink of homelessness with an extensive network of neighborhood-based services to help them remain in their communities and avoid entering shelter. The entirety of these programs represents a comprehensive set of public assistance programs and preventative services to enable New Yorkers to stably remain in their homes and in their neighborhoods.

In administering these programs, HRA is at the forefront of this Administration's efforts to combat poverty and reduce homelessness, and the provision of civil legal services for New Yorkers in need, in particular legal services for tenants, is a critical element in that fight. By investing in these important services, we are already seeing results: in 2016, 27% of tenants facing eviction in housing court in New York City – more than one in four – had counsel, up from just 1% in 2013. At the same time, residential evictions by marshals have declined by about 24%.

Now, as we announced last month with the Speaker and the Council, we are continuing to build on our tenfold increased investment in tenant legal services as we implement over the next five years an unprecedented universal access to counsel program for all tenants facing eviction in Housing Court in New York City. With this step, the City of New York becomes the first city in the United States to implement a universal access to counsel program for tenants in Housing Court, with the largest tenant legal services program anywhere in the country. This is another important step this Administration has taken in the ongoing fight to address income inequality and level the playing field for all New Yorkers.

We are happy to be here today to discuss the work of the Office of Civil Justice and the City's extraordinary investment in civil legal assistance for low-income New Yorkers across the City.

Office of Civil Justice

In 2015, Mayor de Blasio and the New York City Council amended the City Charter with the signing and passage of Local Law 61, which created the Office of Civil Justice (OCJ). For the first time, New York City has a permanent office to oversee the City's civil justice services and monitor the progress and effectiveness of these programs. The establishment of OCJ was the latest part of our effort to enhance and coordinate these services at HRA that began at the start of the Administration in 2014.

Located within HRA, the Office currently includes 43 staff, including central administration, program development staff, our contract management team, and a group of HRA liaisons located in the Housing Courts to assist with identifying service-eligible tenants in need, connecting them with a legal services provider and also interfacing with the court and the attorneys regarding assignments and logistics and linking them with HRA-administered benefits as needed.

As part of HRA/DSS, OCJ are able to leverage the substantial resources a large agency provides. We can take advantage of broader HRA/DSS infrastructure in areas ranging from data and budget analysis (which is instrumental in the preparation of our Annual Reports), to legal counsel, from facilities management to payroll and human resources. Operating as an office within HRA/DSS provides our Office both capacity and flexibility.

Civil Legal Services Programs at OCJ

In addition to consolidating contracts under one roof and establishing OCJ at HRA to oversee progress and performance, the City has substantially and steadily increased investment in these programs since 2014, and today New York City is a national leader in providing civil legal services for low-income people.

In Fiscal Year 2017, for the first time, New York City's overall investment in civil legal services for low-income City residents exceeds \$100 million. This fiscal year, Mayoral programs exceeding \$83 million and City Council awards of nearly \$28 million fund free legal services for low-income New Yorkers across a range of areas including immigration, access to benefits, support for survivors of domestic violence, assistance for veterans, and anti-eviction legal services and other legal assistance for tenants in need.

Specifically, the January 2018 Plan includes baseline funding as follows:

- **\$62.2 million** for legal services programs for tenants facing eviction, harassment and displacement, which includes \$28.8 million for eviction defense legal services for low-income tenants in Housing Court and \$33.4 million for anti-harassment/displacement legal services, as well as administrative and staff support;
- **\$11.2 million** for immigration legal assistance, which includes \$3.2 million for legal assistance programs including the Immigrant Opportunities Initiative (IOI) and \$2.1 million in immigration legal programs funded by Community Service Block Grants, as well as \$5.9 million for legal and navigation services as well as outreach through the ActionNYC program operated in partnership with MOIA and CUNY;

- **\$2.1 million** for civil legal services for seniors; and
- **\$1.9 million** for legal services related to access to federal benefits such as SSI.

In addition to the Administration's commitment to supporting civil legal services, I want to again acknowledge the ongoing commitment of City Council Speaker Melissa Mark-Viverito and the entire City Council to expanding access to justice by funding legal services. In FY17, HRA is overseeing \$24.5 million in funding added by the City Council for legal services for the working poor; immigration legal defense services for detained individuals, unaccompanied minors, and families with children facing deportation; assistance for survivors of domestic violence and veterans; anti-eviction and SRO legal services; and general support for civil legal services providers.

Together, the Administration and the Council has invested \$111 million in legal services for low-income New Yorkers with civil legal needs. No other city allocates even a small fraction of what New York City is committing to provide access to civil justice. The City's financial and administrative commitment to these important services has perhaps never been more crucial to serving and assisting low-income New Yorkers, as the federal government reportedly plans to defund entirely the main vehicle for federal funding for civil legal services in the United States, the Legal Services Corporation. Federal funding for civil legal services was dramatically cut over the last two decades, including a more than 30% cut in 1996, as funding by the City and by the State Judiciary has increased dramatically in recent years. Now, despite comprising a tiny fraction of the total annual federal budget – one ten-thousandth, by some estimates – the loss of LSC funding, nationwide and in New York City, would be felt acutely by low-income litigants in areas including consumer rights, disability access and veterans' issues. We continue to monitor this situation and remain in close dialogue with our provider partners as we gauge the impact of any cuts to non-City civil legal services funding here in New York.

The provision of quality legal representation for thousands of the City's low-income tenants facing eviction and displacement is a key component of our civil legal services initiatives. Mayoral funding for tenant legal services in Fiscal Year 2017 is approximately \$62 million, ten times the level funded in Fiscal Year 2013. HRA's Homelessness Prevention Law Project (HPLP) is the primary vehicle for our anti-eviction legal services. Through HPLP, HRA contracts with a dozen nonprofit legal services providers, including both large citywide providers and smaller community-based organizations, to provide free legal representation and advice to low-income tenants at risk of homelessness because of eviction. Through this program, legal service providers in each borough provide assistance and in-court representation of tenants in Housing Court eviction proceedings, actions seeking repairs, proceedings following illegal lockouts or evictions, and administrative hearings that may result in the loss of tenancy or de-regulation of the rental unit. HPLP primarily targets low-income families with children who are at risk of eviction, with households without children making up a portion of the caseload.

HPLP was funded at approximately \$4.6 million in FY13, but starting with the de Blasio Administration's first budget in FY14, funding for this program substantially increased. In FY17, HPLP is funded at \$25.8 million, providing legal services for low-income tenant respondents in eviction cases throughout the City, with additional expanded legal services targeting specific high-need neighborhoods. The Expanded Legal Services (ELS) component of the HPLP program

is intended to essentially provide universal access to legal representation for low-income tenants facing eviction in ten zones across the City, which are targeted because they include the most at-risk households of eviction and homelessness as reflected in the rates of shelter entry.

In Housing Court, all tenants whose eviction cases involve a residence in one of the target zones are offered the opportunity upon their first appearance at court to meet with OCJ staff on site for an initial screening and determination of income eligibility. Eligible tenants are in turn referred to one of the contracted legal services providers for immediate screening and intake (in most cases also at the courthouse), where, barring a conflict of interest or other extraordinary factor, the tenant is provided free legal defense in the eviction case.

HRA's anti-eviction legal services initiatives also include the Housing Help Program (HHP). In this program, the Legal Aid Society, the sole provider selected through a competitive bidding process, employs a court-based "open door" model offering full representation and brief legal services coupled with social work services including assessment, counseling, referrals, and benefits advocacy. The HHP work is funded by HRA at \$3 million for FY17 and is also supported by a grant from the Robin Hood Foundation. Eligibility for HHP services is limited to low-income clients residing in one of a number of "high-risk" ZIP codes (as determined by rates of shelter entry in these areas).

The Anti-Harassment and Tenant Protection (AHTP) legal services program was launched at HRA by the de Blasio Administration in January of 2015. Whereas the anti-eviction legal services programs target tenants who are already involved in housing court proceedings, this newer program provides resources for tenant outreach and pre-litigation services with the goal of preventing eviction and displacement. In addition to full representation and brief legal assistance for Housing Court and administrative proceedings, AHTP legal services providers offer community education, landlord-tenant mediation, and counsel on cooperative tenant actions and building-wide lawsuits.

Currently, AHTP services are targeted to seven neighborhoods across the City identified as posing a high risk for landlord harassment and/or tenant displacement. AHTP providers work closely with the City's Tenant Support Unit to assist households identified through TSU's outreach campaigns as in need of legal assistance. AHTP was launched in FY15 with a \$4.6 million initial startup allocation, was funded at \$18 million in FY16 and is funded at \$33.4 million in FY17.

Most recently, we expanded the reach of our anti-harassment legal services by placing legal staff in all of the City's Family Justice Centers (FJC's), to protect survivors of domestic and intimate partner violence and their families by providing housing legal assistance and representation. The FJC's are the City's comprehensive resource and support centers for survivors of domestic and intimate partner violence. A \$500,000 increase in annual baseline funding for this program enables our legal provider partners to provide legal intake and advice services at all five of the FJC's, five days a week. In partnership with our colleagues at the Mayor's Office to Combat Domestic Violence, OCJ is ensuring these survivors have access to trained and skilled legal advocates to assist them to remain in homes that are safe and stable for them and their families.

In total, since January of 2014, as the Administration's tenant legal services programs were brought under HRA's supervision and the investment and support for these services were

dramatically increased, over 100,000 low-income New Yorkers in 34,000 households have received free legal advice, assistance, and representation. And these programs are only part of the Administration's effort to preserve and expand the availability of affordable housing for New Yorkers. Affordable housing, a precious resource, is permanently lost to the City when tenants are evicted from rent-regulated and rent-controlled apartments and rent is increased above affordable levels. Protecting these affordable units throughout New York City for families and seniors and protecting tenants in non-rent-regulated buildings is critical. And the financial and human costs we avert when tenants avoid eviction and preserve their tenancies are substantial; every family that stays in their home spares the City the expense of emergency shelter services – but more importantly spares the family the trauma of homelessness, including disruption of education, employment and medical care. Our legal services programs are aimed at keeping these New Yorkers in their homes, preventing displacement, and preserving and protecting the City's affordable housing stock.

And we are already seeing results from our programs to protect tenants. As part of OCJ's first Annual Report this summer, we sought to update the research on the availability of legal assistance for tenants facing eviction in Housing Court. We partnered with the State Office of Court Administration to undertake a new analysis to assess the current prevalence of legal representation among tenants in court for eviction cases and the need for counsel that remains. We found that a substantially higher proportion of tenants in court for eviction cases have legal representation than ever before.

- Even before our housing legal assistance programs are fully implemented this year, more than one in four tenants in court facing an eviction case in New York City – 27 percent – is now represented by a lawyer, a marked increase compared to the Office of Court Administration's findings that in calendar year 2013 only 1 percent of tenants in New York City Housing Court were represented by attorneys.
- More than half of in-court representation for tenants is provided by non-profit legal services organizations for low-income New Yorkers.
- Meanwhile, only 1 percent of landlords in eviction proceedings appeared in court without counsel.

These results suggest we are on the right track with this investment. Furthermore, we see very encouraging signs that by making access to legal representation more widely available, we are realizing concrete improvement in the courts and in the lives of New Yorkers:

- Residential evictions by City Marshals declined about 24 percent in 2016 compared to 2013, a period during which New York City substantially increased funding for legal services for low-income tenants as well as other rental support programs.
- During 2015, orders to show cause in the City's Housing Courts – motions by tenants to reverse a court's order of eviction – also declined nearly 14 percent, while the volume of residential eviction cases filed remained largely stable, suggesting increased efficiency in the courts with the increase in legal representation.

The numbers, however, only tell part of the story. The legal services we provide to tenants have a real-life impact on households in need of quality legal help, and at acute risk for displacement from their homes and the instability that comes with it. One of those households is that of Mr. S, who lives with his four minor children in the Bronx. Mr. S and his family had been living in their apartment for two years when their landlord claimed their lease expired and sued to have them evicted in Bronx Housing Court. Mr. S first appeared in court without the assistance of counsel, and, unaware of his legal rights, he signed an agreement which gave the family a little over one month to find a new home. However, Mr. S was thereafter referred to one of our legal provider organizations. After intake, the attorney handling Mr. S's case noticed that the apartment was in fact rent-stabilized, unbeknownst to Mr. S. Armed with this information, Mr. S' attorney was able to successfully move to dismiss the eviction case against Mr. S, despite the existence of the agreement he signed. The attorney was able to ensure that Mr. S and his family receive a lease to renew their tenancy, with a regulated rent, which permits them pay a rent they can afford and remain in their home.

Our legal services also assisted JM, a man who had lived in his building in Harlem for his entire life. He suddenly found himself facing an eviction proceeding, a holdover case brought without merit. JM was connected to one of our legal providers which conducted extensive factual and legal investigation into his situation as well as that of his neighbors. First, the provider determined that the building is an SRO that should be subject to rent regulation, but it had never been registered. Next, the provider found that the building was not owned by the person who brought the eviction case. The eviction case against JM was dismissed, but the legal assistance did not end since there were still outstanding legal issues. The provider is now working to secure a decision from the State's Division of Housing and Community Renewal (DHCR) that the entire building – 10 units – is rent-regulated, which will help preserve these units in a neighborhood at risk of losing its' precious affordable housing stock.

Each of these successes represents a victory for the households who now have leases and rental protections. But the victory extends beyond the individual household through longer lasting impacts as a result of our investments: buildings full of families can remain in their homes and avoid the disruptive impact of displacement or homelessness; apartment units are restored or preserved as affordable. And while harder to quantify or measure, there is a positive impact for other tenants in court facing eviction when there is a critical mass of housing attorneys zealously advocating for their clients, bringing and often winning motions and proceedings, and helping to develop the law around landlord-tenant issues. All of these factors help to level the playing field between landlords and tenants in New York City.

Now, building on these results, we will be expanding our tenant legal services program in the coming years to reach an historic goal. In partnership with the City Council, led by Speaker Mark-Viverito and Councilmembers Levine and Gibson, we will for the first time provide universal access to legal services for tenants facing eviction in New York City Housing Court. New investments will be implemented and phased in over the next five fiscal years, starting with \$15 million in FY18, to reach \$93 million by FY22. At full implementation, the City's investment in tenant legal services will total \$155 million, by far the largest commitment to legal services for tenants in need of any city in the United States.

Universal access will provide free legal representation in court to New Yorkers with household incomes below roughly \$50,000 (200% of the federal poverty level for a family of four), and

legal advice and counseling to those earning more. At full implementation in five years, we estimate that 400,000 New Yorkers will be served under the program annually.

New York City is the first city in the nation to implement a program to provide all tenants facing eviction with a lawyer to help them. We at OCJ and HRA/DSS are honored to oversee and implement this program with our provider partners, and we are pleased to be working with the City Council to create legislation to implement this groundbreaking initiative.

Homelessness Prevention Administration

These legal services work in conjunction with the comprehensive prevention services within HRA's Homelessness Prevention Administration such as rental assistance, emergency grants and the recently transferred HomeBase program. The budget for these programs will be discussed in full at HRA's budget hearing on March 27; however, each of these programs are making a difference in the lives of our clients.

By working to ensure that clients have access to the benefits they are eligible for, such as public assistance, SNAP (food stamps), Medicaid, and SSI, New Yorkers are connected to benefits that can weave a safety net to lift them out of poverty. The prevention programs HRA oversees expand this safety net to include case management services like family mediation; educational advancement; employment; financial literacy services; early warning referrals from NYCHA, Adult Protective Services and City Marshals for tenants on the verge of eviction; and finally emergency grants and rental assistance to keep families and individuals in their homes and prevent and alleviate homelessness.

The cost of averting eviction, displacement, and homelessness is significantly less than the cost of shelter, to say nothing of the human costs associated with homelessness.

In order to prevent evictions and displacement, we have also provided emergency grants, keeping thousands of New Yorkers in their homes. In calendar year 2013, HRA provided rent arrears to 47,000 households at a cost of \$127 million. In calendar year 2016, HRA provided rent arrears to 58,100 households at a cost of \$214 million. The increase in spending resulted from increased monthly rents families and individuals have to pay, additional households being found eligible due to the increasing gap between rents and income, and enhanced targeting of these services to prevent homelessness through partnerships with community-based organizations.

From January 2014 through December 2016, about 161,000 households received emergency rental assistance to help them stay in their homes, averaging about \$3,400 per case, which is much less than the \$41,000 a year for a family in a shelter.

This prevention first strategy streamlines and focuses already successful initiatives recognizing the many benefits of keeping New Yorkers stably housed and in their communities. These proven models represent a comprehensive set of tools aimed at achieving better outcomes for those who are most at risk of eviction and homelessness in our great city. As we continue to implement and expand our legal services programs, we look forward to working with the Council so that New Yorkers across the city are aware not only of their rights, but also what programs and services are available to help them.

Immigration Legal Services

HRA also oversees an array of legal services programs for immigrant New Yorkers in need of legal advice, assistance, and representation. We work in close partnership with our colleagues at the Mayor's Office of Immigrant Affairs (MOIA) and with the legal services providers and community-based organizations (CBOs) to understand the legal needs experienced by immigrant New Yorkers and the fastest and most effective service responses to these needs.

In FY17, the Administration baselined \$3.2 million in funding for the Immigrant Opportunity Initiative (IOI). Through IOI, networks of legal providers and CBOs, which were selected through a competitive bidding process, conduct outreach in immigrant communities across the city, and provide legal assistance to low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency applications, to more complex immigration matters, including asylum applications and deportation defense work. In FY17, in recognition of the acute need for quality legal representation for immigrant New Yorkers in more complicated legal cases, IOI providers received supplemental Mayoral funding of \$2.7 million to provide representation in 1,000 complex immigration cases. The Council similarly added \$2.6 million to support immigration legal providers as part of the IOI program. In total, IOI is funded at approximately \$8.5 million for FY17 and is expected to serve approximately 5,000 New Yorkers in need of immigration legal advice and representation. So far this year, IOI legal services providers have provided over 3,800 immigrant New Yorkers with legal assistance, including 450 immigrant New Yorkers who have received legal representation in complex immigration matters.

One of those New Yorkers is Ms. X. She is a mother of three daughters and a survivor of domestic abuse by her husband. Her husband had told her that he would seek lawful status for her, but he never did. Instead, he subjected her to extreme physical violence, which led Ms. X to obtain an order of protection from him for herself and her daughters. At the time, Ms. X's abuser was threatening to have her deported, and to take custody of their three children.

Fortunately, Ms. X came to one of our IOI legal services providers in search of immigration advice. The provider went beyond simply giving advice, filing a successful application for a self-petition that allowed Ms. X to also file for a work authorization and obtain a job so she could cover her rent and remain in her home. Ms. X had an order of removal against her, filed in absentia by an immigration court in Texas. The legal provider filed a motion to reopen that order, and in January of this year, the Texas immigration court terminated the order, clearing the way for Ms. X to apply for lawful permanent status (a green card). Ms. X's path from family instability and legal jeopardy, to getting necessary supports and achieving a sound legal footing exemplifies the impact that our immigration legal services can have for New Yorkers in need.

In addition to IOI, HRA oversees immigration legal services programs funded through Community Service Block Grants, administered by HRA in partnership with the Department of Youth and Community Development (DYCD). Through CSBG, \$2.1 million funds citywide and community-based legal services organizations to provide a range of services such as legal assistance to help immigrant adults and youth attain citizenship and lawful immigration status; legal and social services for immigrant survivors of domestic violence and human trafficking; and services designed to provide information, education, advocacy and legal services to protect low-wage immigrants from exploitation and violations of their employment rights. These services are expected to serve approximately 2,000 individuals in FY17.

OCJ also oversees immigration legal services programs funded through Council discretionary grants. The New York Immigrant Family Unity Project (NYIFUP) is funded by a City Council discretionary grant providing legal representation for detained immigrants in the United States. This in-court legal representation for immigrant New Yorkers in detention facing deportation assists those who cannot afford an attorney. NYIFUP is funded at \$6.2 million for FY17 and is expected to serve approximately 1,250 individuals in FY17. The Unaccompanied Minors Initiative (UMI) / Immigrant Children Advocates Relief Effort (ICARE) was developed by the City Council in partnership with the Robin Hood Foundation and the New York Community Trust to provide legal and social services to address the surge of immigrant children living in New York City. The program provides unaccompanied immigrant and refugee children in New York City with counsel, the opportunity to apply for relief from removal, and the opportunity to receive much-needed social, medical and mental health services. With \$1.5 million in funding for FY17, the program is expected to serve approximately 600 individuals.

Reporting and Five-Year Plan

Since we testified last year in regard to the budget, OCJ issued its first Annual Report, which presented a comprehensive summary of public funding for civil legal services in New York City and examined legal services available for tenants and immigrants, and unaddressed needs that remain. As we testified before this Committee in September, OCJ will be releasing its second Annual Report later this year. We expect the expansion of services for tenants in Housing Court will mean even more tenants in need will have the aid of quality legal representation and a more level playing field in court. We will also present information about the impacts of these investments. At the same time, we will be widening our lens to present a broader picture of civil legal assistance in the City. We look forward to sharing our findings with this Committee and with the Council.

Also, we expect to present our first five-year plan for civil legal services to the Mayor and the City Council this year. We expect this to continue to guide a course for the future of civil legal services in New York City based in sensible policy, making services widely available, and ensuring a fair and level system of civil justice.

Thank you for the opportunity to testify today, and I look forward to your questions.

Testimony of The Legal Aid Society

on

**THE MAYOR'S FISCAL YEAR 2018
PRELIMINARY BUDGET**

Presented before

The New York City Council

Committee on Courts and Legal Services

Presented by:

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The Legal Aid Society (the Society) welcomes this opportunity to testify before the New York City Council Committee on Courts and Legal Services concerning the Fiscal Year (FY) 2018 Preliminary Budget and its impact on The Legal Aid Society's client services and thanks Chairman Lanceman and the Committee for this opportunity.

City funding supports the Society's legal assistance in the areas of civil legal services, criminal defense, and parole revocation defense. Special annual allocations from the Council for criminal defense and civil legal services have provided crucial funding for the Society's legal assistance for New Yorkers who have nowhere else to turn for legal help. This testimony describes the impact of the FY18 Preliminary Budget funding levels for criminal defense and civil legal services for low-income New Yorkers in all five boroughs of the City.

We are mindful of the financial challenges that the City continues to face, particularly with the threat of reductions in federal funding posed by the Trump administration. At the same time, the continuing difficult economic conditions are having an especially harsh impact on low-income New Yorkers. The need for the legal help that The Legal Aid Society provides to struggling low-income families and individuals continues at high levels. However, due to a lack of resources, we continue to be forced to turn away substantial numbers of New Yorkers who, among other things, seek our help to obtain unemployment and disability benefits, flee from domestic violence, and prevent evictions, foreclosures, and homelessness – which is at record levels in New York City. Against this backdrop, it is essential to include civil legal services funding in the City's adopted FY18 budget.

We greatly appreciate the support that the Council has historically provided in the budget process. In particular, we appreciate the leadership this City Council and the current City Administration have shown in addressing issues of income inequality and ensuring access to justice. We thank the current administration for supporting the expansion of legal representation for tenants and applaud the Council and the administration for their commitment to universal access to representation in Housing Court that will be phased in over the next five years. This program, if properly funded, has the ability to even the playing field in eviction cases. However, full funding of this program will be essential to its success. We have seen the quality of representation in criminal matters compromised when funding has been inadequate and we cannot allow this miscarriage of justice to be replicated in Housing Court. The funding of this new program must take into account the need for providers to obtain additional office space in a City where commercial rents have skyrocketed over the last several years. In addition, unlike a number of City civil representation programs, the providers cannot be expected to supplement the costs of these programs with other income sources. To establish a true universal access to counsel, the funds provided must be adequate to cover all costs of the program.

In this testimony, we will focus on the funding needs for The Legal Aid Society's criminal defense representation and civil legal services in FY18.

The Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for

counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of nearly 1,200 attorneys. These Legal Aid Society lawyers work with over 700 social workers, investigators, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society's bright, talented, and dedicated staff provides comprehensive legal services in all five boroughs of the City for clients who cannot afford to pay for private counsel.

The Society operates three major legal practices – Civil, Criminal, and Juvenile Rights – and receives volunteer help from law firms, corporate law departments, and expert consultants that is coordinated by the Society's *Pro Bono* program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value lies in the 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 the annual caseload of over 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits millions of low-income families and individuals in New York City and the landmark rulings in many of these cases have a statewide and national impact.

The Legal Aid Society's Criminal Defense Services: Since 1965, The Legal Aid Society has served as the primary defender for persons accused of crimes in New York City who cannot afford counsel. The Society's status as the citywide primary defender was reaffirmed through the City's 2010 competitive bidding process. With criminal defense trial offices in the Bronx, Brooklyn, Manhattan, Queens, and Staten Island, The Legal Aid Society represents indigent defendants accused of offenses ranging from alleged disorderly conduct to serious felonies.

The Legal Aid Society's criminal defense practice is at the forefront of efforts to address new issues in the criminal justice system, ranging from assisting in the design and staffing of specialized court parts that deal with drug abuse, domestic violence, mental illness, juvenile offenders, and human trafficking to consulting regularly with State and City officials on policy issues of importance to our clients and securing system-wide reform. The Society's Special Litigation Unit, for example, litigated the landmark case that established the 24-hour standard for arrest-to-arraignment in New York State. Recent Society systemic law reform efforts include litigation to stop unlawful marijuana arrests resulting from the New York City Police Department's stop and frisk policy, stop unlawful trespass arrests of residents and their guests in New York City Housing Authority developments, stop unlawful video-recording of attorney-client interviews at arraignments in Staten Island, and prevent the unlawful arrests of New

Yorkers video-recording police arrests of other civilians. Further, the Society's Prisoners' Rights Project's landmark case raised awareness nationally of longstanding problems by focusing attention on the physical abuse of inmates held on Rikers Island, which prompted Department of Justice intervention and resulted in a settlement that will force much-needed reform.

In addition to criminal defense trial offices and our law reform units, our overall Criminal Practice also includes a citywide Appeals Bureau, a citywide Parole Revocation Defense Unit, and a citywide Community Justice Unit. The Society's Parole Revocation Defense Unit was the first program in the nation to provide legal representation and social work diversion services specifically to persons who have been paroled from State prisons. The Legal Aid Society also deploys paralegals directly on Rikers Island who provide innovative assistance to the clients of other providers and individual 18-B attorneys in addition to clients of the Society.

Within our criminal defense trial offices in all five boroughs, we provide the following services and programs to enhance legal assistance for clients:

- Special representation for clients with mental health and chemical addiction needs, including deploying social workers directly at arraignments in all five boroughs, a practice that has been singled out for support by the Langeloth Foundation, the van Ameringen Foundation, and the New York State Division of Criminal Justice Services;
- Innovative representation for persons exploited by human trafficking, praised by the American Bar Association for addressing this issue and served as a model for the creation of trafficking courts in New York State;
- Targeted representation of juveniles charged as adults in criminal cases as well as youthful offenders that has demonstrated success in reducing recidivism among the clients it represents;
- Enhanced representation in DNA matters through a citywide unit that is the first of its kind in New York and draws on similar DNA initiatives in public defender offices in other parts of the United States, and through which Unit staff is deployed to provide expert and more cost-effective representation as co-counsel in individual cases in each county;
- Immigration services for which the Society has a national, statewide, and citywide reputation for excellence;
- A digital forensic unit, the first one established at a state defender's office in the nation, comprised of experienced IT investigators who team with field investigators and attorneys to assist in case preparation and are able to find and analyze evidence to establish that a person has been wrongly accused of a crime;

- A staff training and continuing legal education program which the New York University School of Law's Brennan Center has recognized as a national model for institutional providers; and
- Social work services integrated with criminal defense representation which the Society pioneered nationally in the 1970s.

Moreover, The Legal Aid Society is able to provide legal assistance for clients under the age of 21 who have juvenile justice or child welfare needs provided in each borough through the Society's nationally recognized Juvenile Rights Practice. These unique and essential additional services enhance criminal defense representation.

As you know, in 2011 the City entered into criminal defense contracts pursuant to a Request For Proposals process for indigent defense and parole revocation defense services. The Legal Aid Society was again awarded the largest number of primary criminal defense trial-level cases, so the Society continues to be the primary indigent criminal defense provider in the Bronx, Brooklyn, Manhattan, and Queens. In addition, the Society was restored to its role as the primary indigent criminal defense provider in Staten Island. Accordingly, as a result of the 2011 RFP, the Society is the primary indigent criminal defense provider in each of the five boroughs and citywide. The Society also continues to serve as the sole institutional provider of indigent parole revocation defense representation on Riker's Island.

In response to an RFP, the Society's contract was amended and we were designated to provide conflict representation services in September 2013. We have continued to provide conflict representation since that time

The Society's first 2002 contract with the Bloomberg Administration assumed that our annual caseload would be 210,000 trial-level cases. As a result of increased arrests, the Society's annual caseload exceeded 225,000 cases for a number of years. To help address this problem, the Council provided supplemental annual funding at the level of \$11.3 million. In the 2012 RFP contract, the City allocated 213,000 trial-level cases to the Society in addition to parole revocation cases and baselined the \$11.3 million in supplemental Council funding in FY12 along with other funding to cover certain fixed contractual expenses, such as health care. For FY17, in the renewal of our conflict, criminal defense, and parole revocation defense contracts, the City allocated \$95.14 million for 210,000 primary trial level cases and 6,200 conflict cases in addition to parole revocation cases. This allocation included baselined funding for increased costs for health care and contractual requirements in FY13, FY14, and FY15 as well as a Cost of Living Adjustment (COLA) in FY16. It did not include baselining of health care and contractual requirements for FY16 nor any COLA or increase for healthcare and contractual requirements in FY17. We have had some discussions with the Mayor's Office of Criminal Justice (MOCJ) about this funding and are seeking a meeting with the City administration to address this need.

During this past fiscal year, we have witnessed a continuation of reform efforts aimed to reduce the number of people arrested and prosecuted for low-level violations and misdemeanors. We applaud these efforts and have participated in many planning sessions and hearings to push

for these reforms. While these reform efforts have reduced the overall number of clients we arraign on these low-level violations and misdemeanors, it should be noted that our overall pending caseload – comprised of more serious misdemeanors and felonies – has remained relatively flat. Handling these complex cases along with the prevalence of clients with mental illness has made the need for additional resources such as social workers and investigators critical.

The City has issued an RFP for indigent defense services for FY18 and FY19, which includes primary cases, conflict cases, parole revocation cases, and homicide cases. We were pleased to see that the RFP included immigration attorneys and other civil legal services to enable public defenders to comprehensively address the broad array of legal needs that confront criminal defense clients. We are awaiting a response to our proposal from the City.

As a result of an RFP for appellate and other post-conviction cases issued in 2014, the Society was awarded a contract for the provision of indigent appellate and post-conviction criminal representation in FY16 and FY17, which maintained the Society as the primary City provider of indigent appellate and post-conviction criminal representation. We expect to enter into negotiations shortly with the City for the renewal of this contract for FY18.

We are extremely grateful for the supplemental criminal defense funding the Council provided from 2004 through FY11 that the City baselined for FY12. We are also pleased that the City determined to include this supplemental funding in our base-line budget and is re-evaluating our FY17 funding needs. Accordingly, we did not need to seek a restoration of the prior Council funding for FY12, FY13, FY14, FY15, FY16 and FY17. For FY18, we are hopeful that we can also resolve our funding needs in discussions with the City administration related to the new indigent defense RFP. However, if our need to cover increased healthcare and contractual costs is not resolved, we will need a restoration of supplemental funding.

The Anti-Gun Violence Initiative/Community Justice Unit: The Council allocated \$550,000 to The Legal Aid Society in FY13 and again in FY14 as part of the Council's special anti-gun violence initiative, a project based on the Cure Violence Model. New York City is the only Cure Violence Model with a legal services component as part of the wrap-around services, and is serving as a model for other jurisdictions. In FY15, the Council expanded the program to additional communities and increased our allocation to \$1,175,000. In FY16, the Council continued the allocation in that amount. In FY17, our funding was reduced to \$1 million. We are requesting that the Council restore our funding for this innovative program to the FY16 amount of \$1,175,000. Our Community Justice Unit, which is funded through the anti-gun violence initiative, provides essential legal assistance in emergency and non-emergency proceedings in the areas of criminal defense, juvenile rights and civil legal services in all boroughs of the City in 18 catchment areas. The legal services provided include individual assistance to vacate warrants and achieve safe surrenders, including pre-arraignment services and assistance to victims of shootings; *Know Your Rights*¹ trainings/community education trainings, clinics, and outreach;

¹ The Society's *Know Your Rights* program includes a series of brochures, videos, and trainings created by Society staff to help inform and educate New Yorkers about various important legal matters such as eviction, family law, consumer rights, and what to do if you are stopped by the police.

public benefits and housing assistance; and consultations for community-based organizations that provide anti-gun violence services to enhance their operations and capacity as non-profit organizations. The services include the staffing of a 24-hour hotline to provide assistance in emergency situations. Without this Council funding, we will be unable to provide these comprehensive community-based services.

Prisoner's Rights Project (PRP): In addition, we are grateful that the Council allocated \$750,000 to our Prisoners' Rights Project in FY16 and FY17 to support our work improving the conditions at Rikers Island. The Prisoners' Rights Project intervenes administratively at the request of City and State prisoners (or their families or criminal defense attorneys) who seek assistance with the range of problems that arise in custody, including denial of adequate medical or mental health care, excessive force by staff, failure to act on threats of assault by other prisoners, loss of property, denial of visiting rights, unfair disciplinary proceedings, dilapidated or unsanitary living conditions, and denial of education to adolescent prisoners. The Project also brings litigation about conditions and practices in New York City jails and New York State prisons, both class actions and individual suits. In recent years our litigation has focused on issues including excessive force in the City jails, sexual abuse of women in the State prison system and at Rikers Island, access to general and special education for young prisoners in the City jails, disability rights of State prisoners, and living conditions (e.g. sanitation, fire safety, protection from extreme temperatures, ventilation) in the City jails, among others. We also advocate before administrative bodies such as the New York City Board of Correction and the New York State Commission of Correction concerning those agencies' rules and standards governing prison and jail conditions. In addition, the Project provides advice and information to both City and State prisoners concerning their legal rights, prison and jail procedures, and how to seek legal redress on their own if they cannot obtain counsel. The staff presents testimony in legislative forums, as well as advocacy and advice to individual legislators, concerning jail and prison conditions, with specific reference to proposed legislation and legislation that should be proposed.

We seek a restoration in FY18 of \$750,000 to fund the portion of the project devoted to working to improve conditions for detainees and prisoners in the custody of the New York City Department of Correction, most of whom are at Rikers Island, and an enhancement of \$250,000 to assist with the work representing New York City residents imprisoned in the State system. We would also work with these State prison clients to assist them with re-entry to their City communities. City Council funding has enabled us to maintain the services we have been providing in NYC and enhance the service with staff to field complaints and calls from Rikers Island. During FY16, we handled over 2,700 matters including, but not limited to, deprivation of medical and mental health care, denial of disability rights, brutality by guards or other prisoners, sexual abuse, and environmental concerns. In FY17, through December 31, we have handled 1144 matters. We hope the Council will continue to fund these much needed services for those incarcerated in City jails and increase the total allocation to \$1 million so that we are not forced to limit the services we provide to detainees and prisoners at Rikers Island and can expand the services we provide to State inmates.

Civil Legal Services: The Society provides civil legal services through our

neighborhood-based offices in all five boroughs of New York City and citywide units that serve families and individuals with special needs. Our civil program provides legal assistance in literally every community in New York City.

In addition to contacting us directly, clients are referred to the Society by the constituent services staffs of elected officials as well as the courts, community and social services organizations, government agencies, and by word of mouth. Other legal services groups also refer their clients to us when they cannot provide all necessary services, have limited or no case intake capacity, or do not serve a particular community.

2In FY16, we worked on over 48,000 individual civil matters benefiting more than

In FY16, we worked on over 48,000 individual civil matters benefiting more than 128,000 of the most vulnerable New Yorkers: survivors of domestic violence, senior citizens, children and adults with disabilities or chronic illnesses, immigrants fleeing oppression, unemployed and low-wage workers, persons with HIV infection, and children and adults faced with evictions, foreclosures and homelessness. We help clients with legal problems involving: domestic violence and family law; elder law for senior citizens; housing and homelessness; income and economic security assistance such as federal disability benefits, employment and low-wage worker matters, earned income tax credits, federal food stamps, and public assistance; immigration; health care, including Medicare Part D, Medicaid, and access to hospital charity support; consumer credit and debt matters; HIV and AIDS; housing development and community development opportunities to help clients move out of poverty; and re-entry to the community from correctional facilities.

As a result of the continuing extraordinary economic conditions for low-income New Yorkers, the need for civil legal help for struggling low-income families and individuals continues unabated. Without ongoing City support for the provision of civil legal assistance, the Society will continue to have to turn away significant numbers of families and individuals who desperately need legal aid to obtain and maintain the basic necessities of life – housing, health care, food, personal safety, and subsistence income or self-sufficiency.

The economic conditions in our State have increased the need for civil legal services. For example, the latest federal data shows that 6,223,229 individuals in New York State were living below 200% of the federal poverty level in 2015 – or 32.5% of the total state population. For New York City, the percentage of residents living below 200% of the federal poverty level in 2015 was 40.2% of the total City population – higher than the State level.² In New York City, there are an estimated 3.3 million New Yorkers living in poverty due to high rates of unemployment, an ongoing and increasingly acute affordable housing shortage, and homelessness. Moreover, the average New York City household puts 65.2% of their annual income towards rent; furthermore, the City is increasingly unaffordable for millions of New

2 American Community Survey. “S1701 Poverty Status in the Past 12 Months: 2010-2014 American Community Survey 5-Year Estimates”, 2014.

<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_S1701&prodType=table>

Yorkers living at or below 200% of the federal poverty level, leaving little left for other “essentials of life” needs.³

Against this background, every day, the Society’s civil legal assistance provides a lifeline for basic survival for thousands of vulnerable New Yorkers. The situations our clients are facing – loss of jobs, foreclosure, eviction, hunger – are the grim hallmarks of the current economic conditions.

The work performed by civil legal services programs also brings millions of dollars into the New York economy each year and save state and local government millions of dollars annually. An analysis by Stout Risius Ross (SRR), a global financial advisory firm has found with increased civil legal services funding there is a significant economic impact with increased access to federal and state benefits payments, including: increased access to child and spousal support payments; costs savings from the avoidance of eviction and emergency shelter placement; and wage benefits attributed to work authorization assistance for immigrant non-citizens. As stated in the report to the Chief Judge of the State of New York by the Permanent Commission on Access to Justice, for every dollar invested in civil legal services in New York, there is a return of \$10 in economic benefits to clients, their communities, and government as a whole.⁴

The 128,000 New Yorkers who benefited from the individual civil legal matters which were handled last year by the Society were constituents in every zip code in the City. However, as we have reported previously, we are able to help only a limited number of New Yorkers who seek our help with civil legal problems because of lack of resources.

It is therefore essential that the adopted FY18 budget includes all of the funding for the civil legal services initiatives that the Council funded in the adopted FY17 budget as well as the enhancements being requested. The consequences of not including this civil legal aid funding in the adopted budget would be dire – increases in evictions, foreclosures and homelessness; increases in the number of women and children who cannot escape domestic violence; increases in the numbers of immigrants lawfully in this country who will be wrongfully deported; and increases in the numbers of children and adults who will go without subsistence income, health care, and food.

Again, although we are mindful of the City’s fiscal condition, based on the critical need for civil legal services throughout the City, funding for FY18 is essential for these programs:

Legal Services for Low Income New Yorkers: In FY17, the former Citywide Low-Income Civil Legal Services Program and the Supplemental Security Income (SSI)/Unemployment Insurance Advocacy Program were combined into the Legal Services for

3 StreetEasy. *State of New York Rent Affordability: April 2016*.

<<https://wp.zillowstatic.com/streeteasy/2/StreetEasy-2016-Rent-AffordabilityReport-7e91e8.pdf>>

4 *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 29, 2015 (testimony of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc.)*

Low Income New Yorkers program. Since 1993, the City Council has allocated annual funding to The Legal Aid Society and Legal Services NYC to provide civil legal services in all five boroughs for particularly “at-risk” clients, including senior citizens, survivors of domestic violence, children and adults with disabilities, and persons living with HIV/AIDS. Substantial numbers of these New Yorkers are referred to The Legal Aid Society and Legal Services NYC offices by the constituent services staff of Councilmembers and City agency staff. Funding for this program had been evenly divided between The Legal Aid Society and Legal Services NYC. In FY16, the Council allocated \$3.825 million to Citywide Low-Income Civil Legal Services, with \$3 million allocated for The Legal Aid Society and Legal Services NYC, and included the New York Legal Assistance Group and the Center for Family Representation.

In the FY06 budget process, the Council established an initiative to allocate \$2.5 million to The Legal Aid Society and Legal Services NYC to provide legal representation to help public assistance recipients with disabilities secure federally funded Supplemental Security Insurance (SSI) benefits and help unemployed workers obtain Unemployment Insurance benefits. This Council initiative generates significant City and State savings in averted public assistance expenditures when constituents receive federal benefits or unemployment benefits. Eliminating this program will eliminate these cost savings.

The Council’s SSI advocacy program funds The Legal Aid Society and Legal Services NYC to help low-income children and adults with disabilities obtain and maintain Social Security disability benefits and move off public assistance. By securing federal SSI benefits for these individuals, the program shifts the costs of cash benefits and Medicaid to the federal government and secures federal refunds for the City to cover the cost of benefits paid prior to a determination of eligibility for SSI.

The Council-funded Unemployment Insurance (UI) Advocacy Program helps public assistance-eligible New Yorkers who were initially denied unemployment benefits on appeal. Unemployment benefits cost the City and State nothing; they are paid from a special fund created through payroll taxes. Each public assistance-eligible person who gets unemployment benefits saves the City not only its portion of cash public assistance but also Medicaid and administrative costs.

Funding for this combined SSI/UI Advocacy Program has been evenly divided between The Legal Aid Society and Legal Services NYC since its inception. In FY16, the Council allocated \$1 million to this program. Securing these State and Federal benefits saves the City approximately \$2.6 million public assistance dollars.

We are requesting a restoration to \$4.825 million in Legal Services for Low Income New Yorkers funding, with \$4 million allocated for The Legal Aid Society and Legal Services NYC, to help us meet the increased need for civil legal assistance so that we can maintain our provision of civil legal services in the Bronx, Brooklyn, Manhattan, Queens, and Staten Island

The HRA Anti-Eviction Program (formerly known as the HPD Anti-Eviction Program) - The HRA Anti-Eviction Program funds our work and the work of other legal services providers to prevent homelessness and improve housing conditions for at-risk individuals, seniors, and families, and saves City shelter costs. Restoring the funding to \$5 million, of which The Legal Aid Society receives \$1.785 million, can prevent homelessness for thousands of seniors and families and can save the City \$16 million.

New York Immigrant Family Unity Project (NYIFUP) - In FY14, the New York City Council provided pilot funding of \$500,000 to the New York Immigrant Family Unity Project (NYIFUP), the first of its kind universal-right-to-counsel program. In FY17, the council provided \$6.23 million to NYIFUP's three providers, The Legal Aid Society, Brooklyn Defender Services and The Bronx Defenders to provide legal representation to low-income detained New Yorkers facing deportation with cases heard at the Varick Street immigration court, New York City residents in detention at Elizabeth and Essex county jails in New Jersey, and to the Vera Institute to evaluate program outcomes.

Through our conversations with the Human Resources Administration (HRA) about our current contract, we have agreed to a case target for FY17 of 1,140 (380 each). We also agreed that we would stay in intake up to a maximum of 1,254 cases (418), as it is difficult to predict intake flows in detained removal cases and we understand the need for flexibility in our overall mission of providing excellent deportation defense to as many people as funding allows. Intake has been heavy at the Varick Street Immigration Court over the last few months, and we project that even without changes in the rate of intake, we would hit the contract maximum of 1,254 cases by mid-May 2017. Our offices have been averaging 20 new intakes per provider per month in recent months, with recent intake dates being particularly heavy.

Currently, NYIFUP attorneys staff two intake days a week at the Varick court, where the court puts on all of the first-time client appearances and we do intake interviews in the morning before appearing at the first hearing in the afternoon. However, we recently received news that in order to address its own serious case backlogs, the court has planned to docket three NYIFUP intake days a week instead of two, starting March 14th, and intake will significantly increase. If we did staff a third intake day every week, it would further accelerate the speed at which we would reach our maximum case number, as we would be intaking an estimated 90 cases a month or more instead of 60.

Additionally, we are projecting an intake rate based on the rate from the last few months, where the individuals on our docket were detained under the Obama administration in late 2016 before reaching our intake dates in early 2017. The Trump administration's goals of increased detention and deportation will result in even higher docket numbers at Varick Street.

In its first three years, NYIFUP has shown remarkable success and served as a model for access to justice in immigration matters across the state and country. The Project has made a tremendous difference in the lives of immigrants and their families, ensured fairness and provided due process. Over the past two years, it has become clear that the multitude of services provided by NYIFUP attorneys are highly complex, intense and diverse, requiring more

resources to address the needs of the population of immigrants in U.S. Department of Homeland Security Immigration and Customs Enforcement (ICE) detention. NYIFUP provides representation at master calendar, bond, mental competency, and merits hearings; appeals; and social work services. NYIFUP attorneys also assist clients in family, criminal, and federal court when collateral proceedings are necessary for their immigration cases. A majority of detained immigrants are eligible for relief from deportation and the percentage eligible is much higher than earlier estimates assumed during the pilot phase. As a positive consequence, we are winning more individual cases, and through the litigation, NYIFUP is having a systemic impact on the removal world. Most notably, a NYIFUP case at the Second Circuit Court of Appeals, *Lora v. Shanahan*, established for the first time our clients' right to an individualized bond hearing after six months of detention, even for those who are subject to mandatory detention. NYIFUP has also won significant victories before the Immigration Judges and Board of Immigration Appeals on behalf of our clients and all noncitizens in New York.

For FY17, to handle the increased volume of cases we have experienced and the expected increased immigration enforcement, NYIFUP is requesting an enhancement to \$4 million per legal service provider, for a total of \$12 million for legal services. This increase will allow us to continue to provide representation to cover all detained New Yorkers in need, as well as continue to provide high-quality representation in multiple forums for all of our clients.

Without this funding, a majority of clients assisted by the NYIFUP providers will be deported to countries they barely remember and where they have no family ties. Enhanced funding for NYIFUP will enable the providers to continue to provide high quality representation to detained New Yorkers who cannot afford counsel.

The Unaccompanied Minor Children (UMC) and Adults With Children (AWC) Initiatives - In October 2014, the New York City Council, the Robin Hood Foundation, and the New York Community Trust approved one year funding of \$1.9 million for eight legal services providers including The Legal Aid Society to allow for capacity building, increased staffing, and legal representation of unaccompanied minor children and families.

The funding allowed the providers to screen and provide legal representation to unaccompanied minor children residing in New York City. The funding was New York City's response to the humanitarian crisis of thousands of unaccompanied minor children fleeing violence and lawlessness in Central America, who arrived at the southwest border in 2014, were detained and released to caregivers in New York City and placed on fast track surge dockets for removal by the immigration court. In addition, the City Council has recognized that there were also immigrant children who were arrested and detained with their parents, and facing removal on fast track dockets. As a result the City Council allocated funding to three experienced legal services providers: The Legal Aid Society, Catholic Charities and Central American Legal Assistance for the AWC Initiative to represent the parents and children in removal proceedings.

The UMC Initiative has been a resounding success. As of January 31, 2017, of the 1,066 cases accepted for representation, 143 cases have been concluded successfully: 81 children have

been granted asylum and 62 children have obtained lawful permanent residency through Special Immigrant Juvenile Status (SIJS). In addition, immigration court judges terminated proceedings against 355 minors, allowing them to pursue SIJS through the United States Citizenship and Immigration Services (USCIS). The immigration court also administratively closed 49 cases and the government exercised prosecutorial discretion in 21 cases. We anticipate more successful outcomes in the coming months with approximately 327 cases pending resolution, including 87 SIJS adjustment cases with USCIS, 116 asylum cases, and 124 petitions in family court. An additional 18 cases have approved family petitions and are pending adjustment filings with USCIS.

For FY17, the City Council allocated \$1.5 million for the Unaccompanied Minor Children Initiative. \$250,000 of this allocation was allotted to The Legal Aid Society. The funding enables us to provide direct legal representation in family and immigration court and facilitate access to social, mental health, and medical services for this vulnerable population. In FY 17, the Council provided \$500,000 for the Adults With Children Initiative, of which \$166,667 was allocated to The Legal Aid Society.

In FY18, the legal services providers predict that approximately 900 new children will be in removal proceedings in the immigration court. With existing resources, the providers would only be able to assist 300 of those children, leaving a service gap of 600. In addition, we project an increase in the Adults with Children crossing our borders will add to the unmet need of that population and result in the representation of an additional 125 women and children fleeing violence in Central America.

For FY18, we request an enhancement for these two initiatives to \$3.7 million, with \$1,445,000 allocated to The Legal Aid Society.

The DoVE Initiative - The Legal Aid Society's Citywide Family Law and Domestic Violence Practice (Family/DV) is based in our neighborhood offices in all five boroughs of New York City. The Family/DV Practice's citywide network of community-based organizations serving domestic violence victims, neighborhood law offices, and centralized special units are able to provide comprehensive legal and social services to survivors of domestic violence irrespective of their county of residence, the county to which they must flee to escape their abuser or the county in which the legal proceeding is initiated. Our practice has the most expertise in litigating complex divorces. In addition to providing direct representation for divorce, we provide assistance in obtaining orders of protection, custody and visitation, child and spousal support, domestic violence/trafficking related immigration, foreclosure prevention, consumer law, and employment discrimination resulting from domestic violence. The Family/DV staff also have expertise in housing, government benefits and tax law issues. In FY16, the Family/DV practice commenced 27 full representation cases for low-income DV survivors and conducted 14 outreach events and community-based organizations serving DV communities in Brooklyn and Queens.

Currently, in FY17, the DoVE initiative funds a portion of the Family/Domestic Violence Practice in Brooklyn, Queens, and the Bronx with a total of \$147,500 from Council Members Laurie Cumbo, Rafael Espinal, Rory Lancman, Julissa Ferreras-Copeland, Andy King and Andrew Cohen. In addition we are receiving \$50,000 from the Council towards our City-wide program. However, the unmet needs for these services remain immense. We are requesting that each City Council Member allocate \$35,000 of DoVE funding to enable us to maintain and increase the level of support for our Family/DV legal services provided to our clients in each borough.

For all these reasons, we urge that these crucial civil legal services programs be included in the adopted FY18 budget. However, the sad truth is that in these continuing difficult economic times increased funding is required because the most vulnerable low-income New Yorkers have an even greater need for civil legal assistance to obtain the necessities of life – housing, health care, food, subsistence income or self-sufficiency, and family stability and security.

* * * * *

We thank the Council for your long-standing support for our essential criminal defense and civil legal services programs. We will continue to update you during the FY18 budget process concerning our funding needs so that we can serve clients who depend on The Legal Aid Society to provide access to justice.

Submitted by,

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Center for Court Innovation Testimony
New York City Council
Committee on Courts and Legal Services
Preliminary Budget Hearing
March 7, 2017

Good Morning Chairman Lancman and members of the Committee on Courts and Legal Services. My name is **Amanda Berman** and I am **Project Director of the Red Hook Community Justice Center**, a project of the Center for Court Innovation.

I am here to urge the Council to support continued funding for the Center for Court Innovation and its groundbreaking efforts to improve public safety, promote and expand the use of community-based alternatives to incarceration, and increase equal access to justice for vulnerable New Yorkers. The Center for Court Innovation is seeking \$700,000 in City Council support. This includes \$500,000 to support ongoing core operations in communities across the city, and an enhancement of \$200,000 to expand alternatives to incarceration in several key neighborhoods.

The Center for Court Innovation works to create a more effective and humane justice system in New York City. Beginning with the Midtown Community Court, the Center has created 28 neighborhood-based projects in all five boroughs, bringing together community members and criminal justice stakeholders to respond to local problems. Independent evaluators have documented the success of our work in, improving public safety, aiding victims, reducing the use of jail, and transforming neighborhoods. Through projects such as Bronx Community Solutions and the Red Hook Community Justice Center, we have worked to improve the lives of New Yorkers in need, including immigrants, the poor, young people, women, the LGBTQ community, and communities of color.

The Center is committed to improving outcomes for young people impacted by the justice system. Our programs serve more than 6,000 youth each year, providing them with opportunities to avoid Rikers Island and, in many cases, a trip to court. For example, the Center's Adolescent and Young Adult

OPERATING PROGRAMS

Brooklyn Justice Initiatives | Brooklyn Mental Health Court | Brooklyn Treatment Court | Bronx Community Solutions | Brownsville Community Justice Center
Bronx Child Witness Program | Crown Heights Community Mediation Center | Domestic Violence Court | Harlem Community Justice Center | Legal Hand
Midtown Community Court | Newark Community Solutions | Parent Support Program | Parole Reentry Court | Peacemaking Program | Project Reset
Poverty Justice Solutions | Queens Youth Justice Center | Red Hook Community Justice Center | Save Our Streets | Staten Island Youth Justice Center
Strong Starts Court Initiative | Westchester Court Education Initiative | UPNEXT | Youth Court | Youth Justice Board

Diversion Programs serve misdemeanor defendants ages 16 to 24 across Brooklyn, Manhattan and the Bronx. These programs offer a broad range of alternative-sentencing options, including on-site services and referrals to community-based programs that offer mental health counseling, drug treatment, education, and job training.

In addition to helping divert New Yorkers out of the justice system, we are helping people transition back to community life after spending time behind bars. For example, the Harlem Community Justice Center supports both adult parolees and juveniles returning from state placement to become productive, law-abiding citizens. Individuals are linked to treatment services and jobs, in order to reintegrate back into their communities and reconnect with their families. They are also held accountable by appearing regularly before hearing officers or judges to review their progress and demonstrate compliance.

The City Council's support has been invaluable to the success of the Center for Court Innovation. The Center looks forward to continuing to work with the Council to improve public safety and to create new alternatives to incarceration that result in a fairer, more accessible justice system for all New Yorkers. We respectfully urge you to continue to support our work and I thank you for the opportunity to speak. I would be happy to answer any questions you may have.



Testimony by New York Legal Assistance Group (“NYLAG”)

before the NYC Council Committee on Courts & Legal Services regarding:

Preliminary Budget Hearing - Courts and Legal Services

March 7, 2017

Chair Lancman, Council Members, and staff, good afternoon and thank you for the opportunity to speak to the Courts and Legal Services Committee about the FY18 budget. My name is Beth Goldman, and I am the President & Attorney-in-Charge of the New York Legal Assistance Group (NYLAG). NYLAG is a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, veterans, as well as others in need of free legal services.

The presidential election and recent policy changes within the new Administration sent shockwaves throughout the country. This is a time like no other, and it requires a response like no other from our local government to ensure that the most vulnerable New Yorkers are protected, kept safe from the harm, and treated with dignity and compassion. While immigrants have been at the top of the list of those most at risk, it is also important to look at the impact administrative and legislative changes will have on all low-income New Yorkers. Low-income New Yorkers throughout the five boroughs, regardless of immigration status, must be protected. Given the great uncertainty in the federal funding landscape, it is more important than ever for New York City to strengthen its social

safety net relied upon by millions of low-income New Yorkers. The City Council and the Mayor took a tremendous step forward last month in announcing the phase-in of universal access to counsel in Housing Court. This historic move shows that the City has a deep understanding of the importance of providing lawyers to those in potentially life-threatening situations who would otherwise be unable to afford legal counsel. NYLAG commends the City for providing the structure and funding necessary to protect New Yorkers at risk of eviction, and, regardless of what happens on the federal level, encourages the City Council and the Mayor's Administration to continue providing access to justice for the most vulnerable New Yorkers. We focus today on a number of client populations we serve who face the greatest risks:

- All New Yorkers, but especially the vulnerable – the poor, elderly, those with disabilities – who are now enrolled in private insurance plans or were able to take advantage of expanded access to Medicaid through the Affordable Care Acts, which is now at risk of repeal.
- Domestic violence survivors, whose safety and ability to rebuild their lives free of their abusers, are now threatened by the potential repeal of funding under the Violence Against Women Act.
- Members of the LGBTQ community who are now at greater risk of discrimination, violence and hate crimes, and may face very practical roadblocks to making gender marker identification and name changes.
- And, of course, immigrant New Yorkers who are already feeling the effects of harsh immigration policies through a series of recent and imminent executive orders.

Immigration

It is imperative that the City Council and the Mayor's administration support the expansion of community education and legal services programs to protect New York's immigrants.

Specifically, Immigrant Opportunities Initiative (IOI) funding should be increased to allow for current providers, who already have the infrastructure in place to provide legal services, to serve many more low-income immigrants.

Since the election, NYLAG has been inundated with requests from community-based organizations, churches, schools, libraries, and the offices of elected officials for Know Your Rights and community education events for immigrants. In the current political climate, immigrants are rightfully frightened and need access to accurate, up-to-date information on federal policies that may affect them and on how to protect themselves from deportation if confronted by Immigration and Customs Enforcement (ICE). NYLAG's unique community-based model allowed us to be on the ground immediately following the election, working with our community offices and other partners to set up forums and workshops for their immigrant clients and constituents. Increased outreach is key at this time of uncertainty, and additional funding for legal services providers to expand these programs would ensure that accurate information is being disseminated to immigrant communities.

Increased funding for immigration services would also allow NYLAG to grow its large-scale, community-based clinic model. NYLAG currently provides large-scale immigration clinics at each of the Council's Key to the City events, and we have the ability to quickly scale the model with adequate funding. Leveraging its partnerships with more than 80 law firms, as well as law schools and other volunteers, NYLAG can screen up to 100 immigrants for potential status relief at a single clinic. Over the past year, NYLAG has found that nearly 25% of clients screened at Key to the City clinics may be eligible for a permanent path to citizenship.

Comprehensive legal screenings are essential if we are to ensure that those who are eligible know that there is a path to documentation, but it is equally important for those *without* a viable path to citizenship to be adequately informed. Those who do not qualify for any current form of immigration relief need to be informed of their rights and warned of the dangers of immigration fraud. Fraudulent immigration service providers are known to increase their illegal activities in

moments of crisis, preying on immigrant communities' heightened state of fear and misunderstandings about immigration law, often charging tens of thousands of dollars to file nonexistent or incorrect applications, with potentially dire consequences.

Pro bono partnerships are already an important aspect of our plan to tackle the increasing demand for immigration legal services. NYLAG has seen an outpouring of volunteer attorneys looking to assist with immigration legal services, so many that we recently began an "Immigration Bootcamp" series to provide substantive training to our pro bono partners in different areas of immigration. NYLAG has long had a structure in place to supervise pro bono attorneys on immigration cases, given the complexity of immigration law and the severe repercussions faced by immigrants and their families if not properly represented. Increased immigration funding would allow NYLAG to capitalize on our significant pro bono assets to increase capacity and immediately begin serving more immigrants with legal needs.

Community education, clinics, and pro bono partnerships are all wonderful resources, but the most important need New York City's immigrants will have in the coming months and years is for full direct representation in their complex immigration cases. Additional IOI funding will allow NYLAG to take on more complex cases that are already resulting from the ramp up of our outreach, education and screening programs. Because so many immigrants are potentially eligible for relief but have not been served due to lack of funding, and because alarm in immigrant communities is causing more immigrants to reach out for help, NYLAG is anticipating a sharp increase in complex cases, such as asylum for those who may be persecuted if deported to their home countries, Special Immigrant Juvenile Status (SIJS) for children who have been abandoned or neglected by a parent, U and T visas for victims of crime and trafficking, and VAWA self-petitions for victims of domestic violence (assuming VAWA funding is sustained). Increased IOI funding with the ability to increase case rates to take on more complex cases will allow NYLAG and other legal services providers to serve the expected influx of immigrants in need of legal assistance.

Healthcare and Benefits

There is much we do not know – and won't know for months – about what comes next now that Congress has taken initial steps toward the apparent repeal of the Affordable Care Act (ACA). But what we do know is that those affected would include low- and middle-income people enrolled in private plans through the ACA's online insurance marketplaces (3.4 million of them in New York) as well as those who have taken advantage of expanded access to Medicaid. By almost all accounts, any attempt to repeal and replace the Affordable Care Act will lead to decreased health coverage for the most vulnerable Americans. While NYLAG has several practice areas that directly address healthcare, including LegalHealth, which partners with all of New York City's public hospitals as well as most of the City's private systems and several VA hospitals, and its Elder Law Project and Evelyn Frank Legal Resources Program, which assist seniors navigate the complex healthcare system, the issue of affordable healthcare affects every NYLAG client. For millions of low-income New Yorkers, and thousands of NYLAG's clients, including undocumented immigrants, the Affordable Care Act has given them access to health insurance, allowing them to access affordable and consistent healthcare. NYLAG has seen a distinct uptick in clients calling its health law practices post-election, concerned about their health coverage. Reining in the Medicaid expansion that has been so successful in New York would be disastrous for those who have come to rely on it. While the Affordable Care Act remains in place, it is important for low-income New Yorkers to have access to legal assistance in order to understand and enroll in health insurance programs. We will join the City Council and the Mayor's Administration in the fight to maintain expanded healthcare for low-income New Yorkers.

New and expected executive orders and federal legislation have the potential to dramatically slash social services programs that will directly target low-income New Yorkers, particularly children, the elderly and those with disabilities who rely on public benefits. While it has not yet been

signed, a leaked draft of an Executive Order that drastically reduces the ability of immigrants to utilize public benefits for themselves and their children has made the rounds. Such an Executive Order would make accessing necessary nutrition programs a basis for deportation. NYLAG has already heard from clients in several practice areas who are afraid to apply for potentially life-saving Medicaid, fearing that it will lead to deportation. Other action by the new administration and Congress could lead to block grant benefits programs that would be devastating to low-income residents of large states such as New York, leading to cuts in eligibility, services, or both. NYLAG attorneys work with clients in need of assistance accessing benefits every day, and these services are more important than ever given potential changes to the programs.

Domestic Violence

One of the more vulnerable areas of federal funding appears to be Violence Against Women Act (VAWA) funding. The programs funded through VAWA provide critical services to domestic violence survivors, including legal services. NYLAG alone serves hundreds of low-income domestic violence survivors each year, providing critical legal services in areas including orders of protection, divorce (contested and uncontested), custody, spousal support, visitation, and child protection. Studies have consistently shown that access to legal services greatly reduces the likelihood that a survivor will return to her abuser. For example, NYLAG's client, Linda, survived years of domestic abuse at the hands of her husband Joe, who pushed, hit, stalked, and sexually assaulted her, including in the presence of their two children. NYLAG helped Linda obtain an Order of Protection against Joseph, and assisted her in filing violations of the Order when Joe continued to threaten and stalk her. Eventually, NYLAG helped Linda obtain a full five-year Order of Protection, custody of her children with only supervised visitation by Joe, equitable distribution, and child support. NYLAG's representation allowed Linda to start her life over, knowing that she was not reliant on Joe for financial support. With VAWA funds at risk, it could not be more important for the City Council

and the Mayor's Office to increase the funding available for these services, including from the Domestic Violence & Empowerment (DoVE) Initiative.

LGBTQ Rights

The new administration recently repealed Obama administration guidance on allowing transgender students to use the bathroom that matches their gender identity. Unfortunately, transgender and gender non-conforming individuals are already at increased risk of becoming the victims of hate crimes and attacks, which are often triggered when victims show or use identification that does not match the gender with which they present. NYLAG's LGBTQ Law Project has received an onslaught of requests for assistance from transgender and gender nonconforming individuals who want to change their names and gender markers on legal identification since the election. This surge in need, and the immediacy of the requests, likely results from the dual fears that open hatred will become socially acceptable, and that federal policy will be revised to make it more difficult to make identification changes. New York City's current policies regarding gender marker changes allow applicants to change their gender markers on most documents without providing evidence of expensive, unattainable, or undesired gender reassignment/confirmation surgeries. However, these policies are set by government agencies, and could easily be changed by new federal guidance. Increased funding specifically to assist low-income LGBTQ New Yorkers with name and gender marker changes would allow NYLAG to expand its outreach and serve as many clients as possible before any changes are made to federal laws.

The seismic federal policy changes being made and proposed out of Washington in the last weeks represent a serious threat to the social safety net that serves so many low-income New Yorkers. New York City is known the world over as a diverse, welcoming city-- one that respects the rights of its residents. We must act now to ensure that the FY18 budget includes expanded

funding for critical legal services programs that will protect and support those most affected. Thank you for your consideration of this testimony. I look forward to a strong continued partnership with the City Council and the Mayor's administration to ensure access to justice for those in need.

Respectfully submitted,

New York Legal Assistance Group



FORMERLY NEW YORK ASIAN WOMEN'S CENTER

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Testimony of Womankind (Formerly New York Asian Women's Center)
Before the New York City Council
Committee on Courts and Legal Services
March 7, 2017

Good afternoon Chairperson Lancman and distinguished members of the Committee. Thank you for the opportunity to speak today. My name is Den Quinsay and I am the Associate Director of Community Programs at Womankind (formerly New York Asian Women's Center). We would like to first thank you for your continued support of ensuring the services for human trafficking are a priority.

Womankind works with survivors of gender-based violence to rise above trauma and build a path to healing. We bring critical resources and deep cultural competency to help Asian communities find refuge, recovery, and renewal. We provide culturally matched direct services to survivors of domestic violence, sexual violence, and human trafficking in 18 distinct Asian languages citywide. Womankind fields nearly 2,000 first time helpline calls annually. Our services include 24-hour multilingual helpline, crisis intervention, safety planning, and emergency and transitional housing, financial literacy and empowerment, education and employment assistance, children and youth services, ESOL tutoring, and immigration legal services and more. Our resourceful advocates expertly navigate issues of language access, cultural norms, and trauma, within the city's systems, to ensure survivors receive the help and support they want and deserve. Annually, we serve over 1,000 survivors.

I am here today to talk about the Asian Women's Empowerment (AWE) program and what it would mean to maintain and increase funding for this service. AWE serves women referred from the esteemed Human Trafficking Intervention Courts throughout NYC who are deemed at high risk of having been trafficked.

Womankind's AWE program is the only service provider represented at the Human Trafficking Intervention Courts (HTIC) with pan-Asian linguistic ability and cultural acumen. Our philosophy

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is to help survivors recover from trauma by establishing relationships, building trust and community; and as a result, be more proactive in participating in their own recovery from their experience of human trafficking. In addition to individual and group counseling sessions, we offer wellness and self-empowering activities that are intended to draw in, encourage and educate survivors. We are unique in our commitment to offering culturally based alternative wellness activities to help on the path to recovery, such as yoga and qi-gong.

In Fiscal Year 2016, we were awarded funding from City Council's Support for Victims of Human Trafficking Initiative to support AWE. With this funding, we were able to hire, for the first time two counselors, dedicated to helping the women and men referred from the Human Trafficking Intervention Courts. We have also expanded the program to incorporate Economic Empowerment, Immigration Legal Services, and ESL classes. Like all changes to our programs, these changes were informed by feedback from our clients. Our survivor-centered model of service means that we listen to the needs of our clients, and do not prescribe a certain way of providing service.

Since we implemented survivor-voiced changes in January 2016, we have seen a continuing increase in clients receiving services long after the mandated sessions. Allowing clients the power to choose, in combination with having a dedicated advocate focused on their needs, has resulted in more disclosures of trafficking and a building of trust. Options, resources and a sense of community and agency have been crucial to helping break the cycle of exploitation and violence they have experienced. An intake is conducted for each client and they attend three sessions in which they experience wellness activities such as trauma-informed yoga or creative arts therapy, know your rights presentations, women's health workshops, communal lunch, and a support group in their own language. They are then able to select how they want to spend the next two sessions, from a range of options, including a consultation with our immigration attorney, an ESL class, workforce or financial workshops, and wellness and support group programs. If they have a viable pathway to status, we can take on their immigration case beyond just consultation.



iamwomankind.org
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Some successful stories we can share are the following:

- A client trafficked and defrauded in multiple states has finally been able to work with our in house attorney and social worker to address a lot of her prior points of legal and sexual exploitation and has obtained a pre-certified status for her T-visa.
- Multiple clients have continued counseling sessions with advocates without the need for immigration remedies. They have found sessions helpful in their daily lives and useful for planning long term goals even as they have obtained green card.
- Advocates are able to support clients who have been struggling to obtain a legitimate massage license. They've been able to help them obtain arrest records and try to obtain identification documents.
 - In one instance, a police report was needed to submit to the NY State licensing board. The client had tried to obtain the report earlier, however, ended up walking out of the precinct without the report due to language barriers. The client went to a precinct along with her advocate and they were able to get it finally.
- Advocates have been able to support clients who have had life altering medical issues and were unable to appear in court.
 - One woman was diagnosed with cancer. Going to court was not easily within her reach. Advocates gained consent from the client via a HIPAA form. In one instance one of our advocates went to the client's apartment to get her signature as she was unable to leave her apartment and felt too ill from the chemo. The consent allowed the advocate to speak with their doctor and get a letter from them to provide to the court. The client eventually did not have to appear in court and that letter from the doctor helped tremendously.
- Advocates are able to provide services in more than 18 Asian languages including Mandarin and Korean speakers who have gone through the intervention courts. We do not just rely on language, but also have advocates whose approach is trauma-informed and can communicate with clients immediately.
- In 2016 we served 294 clients that came through Human Trafficking courts.

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Womankind urges the New York City Council and this Committee to allocate and advocate for funding for social services for survivors coming through the Human Trafficking courts. These services are needed now with the administration target on immigrants, especially those with criminal record. Funding will allow us to have dedicated staff to not only continue the work that we are already doing, but also develop longer term plans of support needed to sustain their lives. Dedicated staff are critical to establishing the trust the clients have in our agency. With your continued support we will be able to sustain a strong program. We can only build the relationship with the client to foster trust and disclosure if we are truly present with them.



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March 7, 2017

Testimony of Health Justice Director Laura Redman
On Behalf of New York Lawyers for the Public Interest
Before the New York City Council's Committee on Courts and Legal Services

Good afternoon, my name is Laura Redman and I am the Director of the Health Justice Program at the New York Lawyers for the Public Interest. Thank you to Chairperson Lancman and the Committee members for giving the opportunity to present testimony today.

I. New York Lawyers for the Public Interest

For the past 40 years, New York Lawyers for the Public Interest (NYLPI) has been a leading civil rights and legal services advocate for New Yorkers marginalized by race, poverty, disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual legal services, impact litigation, and comprehensive organizing and policy campaigns. Guided by the priorities of our communities, we strive to create equal access to health care, achieve equality of opportunity and self-determination for people with disabilities, ensure immigrant opportunity, strengthen local nonprofits, and secure environmental justice for low-income communities of color.

Our full-time staff of 32 includes lawyers, community organizers, social workers, legal advocates, development professionals, and administrators.

In the past five years alone, NYLPI advocates have represented thousands of individuals and won campaigns improving the lives of millions of New Yorkers. Our work with community partners has led to landmark victories including deinstitutionalization for people with mental illness; access to medical care and government services for those with limited English proficiency; increased physical accessibility of New York City public hospitals for people with disabilities; cleanup of toxins in public schools; and equitable distribution of environmental burdens.

In addition, NYLPI's Pro Bono Clearinghouse provides critical services to strengthen non-profits throughout every community in New York City. Drawing on volunteer lawyers from New York's most prestigious law firms, we help nonprofits and community groups thrive by providing free legal services that help organizations overcome legal obstacles, build capacity, and develop more effective programs. Through educational workshops, trainings for nonprofit leaders, individual counseling and a series of publications, the Clearinghouse is at the forefront of helping nonprofits maximize their impact on communities in each of your Districts.

NYLPI's **Health Justice Program** brings a racial justice and immigrant rights focus to health care advocacy in New York City and State. As the Council considers the City's budget with regard to legal services and support for New York's communities, NYLPI hopes that the Council and Administration will prioritize immigrant communities and particularly immigrant health.

II. **NYLPI's Work as Part of the Immigrant Health Initiative, UnDocuCare**

NYLPI is honored to be part of the **City Council's immigrant health initiative** and we thank you for that support. **NYLPI and our partners received \$500,000 in funding last year.** This support has allowed us to

expand our work educating immigrant New Yorkers with serious health conditions, their healthcare providers, and legal service providers about healthcare access and connecting individuals to state-funded Medicaid, Medicaid that can provide life-changing and often life-saving treatment for our clients. This support also allows us to deepen our partnerships with our community health center partners.

Through this funding we have been able to train and give informative presentations on immigrant access to healthcare to hundreds and hundreds of community based organizations, health care providers, and legal services providers. We also continue to be able to provide comprehensive screenings, and representation to individuals, particularly those who are in health emergencies.

Like our client, CH, a 64-year-old undocumented Greek national, who was told that there was no hope for him. CH was diagnosed with kidney and heart failure and doctors informed the family that CH would pass away if he did not get a heart transplant, which was not an option since he was uninsured. After attending one of our trainings, CH's dialysis social worker told his family about NYLPI and they called for an intake. We discovered that CH had actually been eligible for State-funded Medicaid for decades based on an old application, but did not know it. He now has Medicaid and is being evaluated for a heart transplant, receives transportation to his medical appointments, and is receiving primary care he also desperately needed.

In the current environment, many of our clients are in a more vulnerable space with regard to immigration status, which has a direct impact on their health. In response, our initiative has incorporated a Know Your Rights and Train the Trainer program focused on health care rights for patients, providers, and immigration advocates to be carried out with our community health partners.

We also have developed a cutting edge defensive program to prepare people for unfortunate eventualities.

III. NYLPI's Work as Part of the Immigrant Health Initiative, Health in Detention

The Immigrant Health Initiative funding also supports NYLPI's work seeking to improve access to healthcare in immigration detention facilities. For NYC residents held in detention, NYLPI provides individual and systemic advocacy to improve health care, including individual representation, impact litigation, and investigative reports. For example, we provide support for City Council funded New York Immigrant Family Unity Project attorneys and have secured the release of seven people from immigration detention based on the lack of adequate medical care. We recently released a report documenting the serious, often life-threatening, deficiencies in the medical care provided to people detained in New York City-area immigration detention facilities. We intend to use this report to shine a light on this population, a population of people we can only presume will increase as ICE raids happen across the country and President Trump promises more deportations.

We thank the Council again for this tremendous assistance, and **ask that the funding continue in FY 2017** for both NYLPI and our community partners: Academy of Medical and Public Health Services, Bronx Health Reach, Grameen Vida Sana, and Plaza del Sol, **plus an enhancement of \$100,000** for NYLPI to expand on our successful immigrant health program.

IV. Conclusion

Thank you for your time and we look forward to continuing to work the Council to improve immigrant New Yorkers access to health care.

We hope the issues we have identified above will inform the Committee's advocacy in the coming months. Please contact Laura Redman at (212) 244-4664 or lredman@nylpi.org for further information or discussion.

March 7, 2017

Testimony before the Committee on Courts and Legal Services

My name is Raun Rasmussen and I am the Executive Director of Legal Services NYC. Thank you Councilmember Lancman and all of the members of the Committee on Courts and Legal Services for the opportunity to testify in support of our partnership with the City Council to secure justice for low-income New Yorkers.

Legal Services NYC fights poverty and seeks racial, social and economic justice for low-income New Yorkers. For nearly 50 years we have challenged systemic injustice and helped our clients meet basic needs for housing, family safety, income security, and access to high-quality education and health care. LSNYC has deep roots in all the communities we serve. Our staff of nearly 500 across all five boroughs helps more than 90,000 New Yorkers annually.

Let me start by congratulating you on the recent announcement that the City Council and Mayor will partner to provide a Universal Access to Counsel for tenants in Housing Court with incomes less than \$50,000. This is a historic and unprecedented step forward in New York City's justice system. Tens of thousands of low income New Yorkers will now have a fair opportunity to save their apartments and to maintain stability for their families.

We are also deeply grateful for the Council's ongoing support for a broad range of civil legal services for low income New Yorkers—in the areas of immigration, domestic violence, unemployment,

disability, and veterans services. These legal services continue to make New York City the national leader in the provision of services that fight poverty and create opportunities for justice to be achieved.

But as you know, the need for legal help continues to far outstrip the demand for our services. According to the November 2016 Report of the New York State Permanent Commission on Access to Justice, at best we are serving barely a third of those who need our help. Even with the expansion of eviction prevention services here in New York City during the past two years, nearly 75% of low income tenants do not have lawyers in Housing Court. 1.7 million New Yorkers have incomes below the federal poverty level--\$24,000 for a family of four. The vast majority of these families still cannot get the legal help they need and deserve.

And the situation may get worse. My colleagues and I share deep concerns about the direction that the new administration in Washington appears to be taking our country. Dramatic, harshly negative changes to immigration policies and practices, healthcare, public benefits programs, and housing subsidies are almost certain to be adopted. Our own funding from the Legal Services Corporation is likely to be targeted: LSC is on a Heritage Foundation list that includes National Public Broadcasting and the National Endowment for the Arts and targets them all for elimination. That would mean a loss of \$21 million state-wide, and a loss of \$11.7 million for Legal Services NYC.

The services we and our colleagues provide would not be possible without the support of the City Council. For FY18 we join The Legal Aid Society in asking the Council to renew our city-wide Civil Legal Services funding of \$3.825 million, and to restore funding of \$1 million for our Unemployment Insurance/Supplemental Security Income Advocacy Project. We also ask that you renew funding for Legal Services NYC's Veterans Justice Project, which is currently funded in the amount of \$150,000.

Civil Legal Services

- This Citywide program provides a broad range of civil legal services to victims of domestic violence, low wage workers, veterans, young children with learning disabilities, the elderly and other vulnerable groups. The program allows us to work with Council staff to solve your constituents' legal problems.

- In FY16, Legal Services NYC and The Legal Aid Society handled more than 84,000 cases that benefited nearly 218,000 New Yorkers.
- In FY18, with our partner The Legal Aid Society, we ask you to renew the City Council allocation of \$3.825 million.

Unemployment Insurance (UI)/ Supplemental Security Income (SSI) Advocacy Project

- This program helps low income New Yorkers qualify for Unemployment Insurance and federal disability benefits.
- Obtaining UI and SSI benefits saves the City millions of dollars in averted public assistance, Medicaid, administrative and welfare costs and brings money into low-income neighborhoods.
- In FY16, Legal Services NYC and The Legal Aid Society handled approximately 6,000 cases benefiting more than 12,500 New Yorkers.
- In FY18, we ask you to renew the City Council allocation of \$1 million.

Veterans Justice Project

- Our city-wide Veterans Justice Project, funded two years ago by the Council in the amount of \$150,000, has provided civil legal services to thousands of veterans, service members and their families since we began the Project a little over five years ago in November 2011.
- We ask the Council to renew that funding in the amount of \$150,000 in FY18.

Civil legal services programs provide a lifeline for thousands of low income New Yorkers every day. They make this City fairer and more just for all. Thank you for your strong support, and for your partnership in helping New York's most vulnerable families and individuals.

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LEGAL SERVICES FOR THE WORKING POOR

TESTIMONY

ON

BUDGET—COURTS AND LEGAL SERVICES

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL
COMMITTEE ON COURTS AND LEGAL SERVICES

PRESENTED BY:

RODRIGO SANCHEZ-CAMUS
DIRECTOR, LEGAL SERVICES
NORTHERN MANHATTAN IMPROVEMENT CORPORATION
MARCH 7, 2017

Good morning. My name is Rodrigo Sanchez-Camus and I am the Director of Legal Services at the Northern Manhattan Improvement Corporation, a member of the Legal Services for the Working Poor coalition. Thank you for the opportunity to testify this morning.

The Legal Services for the Working Poor coalition is made up of five civil legal services providers--CAMBA Legal Services, Housing Conservation Coordinators, MFY Legal Services (to be called Mobilization for Justice after June 1), Northern Manhattan Improvement Corporation and the Urban Justice Center. We provide comprehensive civil legal services to working poor New Yorkers who otherwise could not afford an attorney. Together we have a combined history of serving New Yorkers for more than 125 years. Annually, we help over 30,000 New Yorkers, a majority of them immigrants.

Our coalition was created 13 years ago, and with support from the City Council, we have addressed the civil legal service needs of thousands of working poor and other low income New Yorkers who are not otherwise eligible for free legal services. The working poor are individuals whose financial situations are only slightly better than our poorest citizens, and who cannot afford an attorney when they are faced with a legal problem such as a foreclosure, unpaid wages, bank account seizure, a denial of government benefits such as unemployment compensation or SNAP/food stamps, the need to adjust their immigration status, or a non-payment petition from a landlord. Problems like these threaten to send struggling New Yorkers into a downward spiral of need and crisis that they may never escape.

Several years ago, when former Chief Judge Lippman convened a task force comprised of bar, business, and labor leaders to examine the problem of unmet need for civil legal services in New York State, they found that even with current funding, legal services organizations meet no more than 20% of the need of low and moderate income New Yorkers for civil legal services. In response, Judge Lippman made a sustained commitment to increased funding in the state judiciary budget to better address the unmet need increasing that percentage to 37%. While we applaud that significant accomplishment and the commitment to provide funding for civil legal service needs for low income New Yorkers, none of that funding is available to serve the Working Poor New Yorkers whose incomes exceed 200% of poverty. Similarly, recent efforts by the Mayor to expand legal services to poor families and individuals in eviction proceedings and to prevent harassment of tenants do not address the needs of the working poor. That is why this funding from the City Council is so critical. It is important to recognize that this Council's funding for Legal Services for the Working Poor is the only funding that specifically targets the civil legal needs of working people to ensure continued self-sufficiency for families struggling to survive in New York City.

An example of how our legal services benefit working poor families is a CAMBA Legal Services client, Ms. T. She came to the US from Haiti in 2005, and currently works as a Home Health Aid. She initially came to CAMBA to renew her Haitian TPS, a temporary immigration status. Several months later, while she still had TPS, Ms. T came back to CAMBA to complete an advance parole application to travel to Canada to visit her family

there. At this time, she asked if we could help her US Citizen husband petition for her, but seemed very hesitant. Upon further exploration, she shared with us that she was a survivor of domestic violence, but was staying with her husband out of fear that she would not be able to adjust her status without him. We were able to explain to her that she was eligible to file a VAWA Self-Petition to adjust her status on her own. It took Ms. T some time to process this, but in October of 2016, we were able to help her complete and submit her VAWA self-petition. She is still awaiting the final determination on her VAWA self-petition, but she has since received her work authorization, separated from her husband, moved out on her own, and is now safely making a life for herself.

Needless to say, for capacity reasons, we are not able to meet the legal service needs of many of the people who seek our help. The human consequences of our inability to meet the demand are dire: immigrant families leaving their homes because their landlords threaten to report them to ICE and being forced to live in the shadows out of fear; children whose families have been wrongly denied unemployment benefits, public assistance, or SNAP/food stamps go hungry; families whose homes could be saved through aggressive foreclosure or eviction defense become homeless; people with disabilities are denied the disability benefits they need to live with dignity; and workers who have been cheated of wages by unscrupulous employers go unpaid.

Moreover, the Permanent Commission on Access to Justice documented that funding for civil legal services is a good investment in purely fiscal terms. In the Commission's 2016 Report to the Chief Judge, it was reported that for every \$1 invested in Civil Legal Services programs, the economic return on investment is \$10 or 1,000%! [Permanent Commission

on Access to Justice, Report to the Chief Judge of the State of New York (2016), available at http://www.nycourts.gov/accesstojusticecommission/PDF/2016_Access_to_Justice-Report.pdf, pp. 7-9].

As New Yorkers struggle with the uncertainty of shifting federal priorities and policies, and withstand the tremendous pressures of gentrification and in light of the human toll when civil legal services needs go unmet, we urge the Council to restore and increase funding for civil legal service initiatives overall and for the Legal Services for the Working Poor allocation in particular. We ask that the Council increase funding for the Legal Services for the Working Poor initiative from \$2,405,000 in FY 17 to \$2,655,000 this year, which would increase the funding for each of the 5 original providers to \$455,000 allowing us to more adequately meet the pressing need for legal services. The positive benefits of civil legal services funding for the city's budget and its economy make it the right choice for economic, social, and humanitarian reasons.

Once again, thank you for the opportunity to testify.

Protect NYC's Working Poor!

Since 2004, this NYC Council funded initiative has enabled the LSWP Coalition to serve over 10,000 working-poor families citywide. The **Coalition requests the total initiative be increased from \$2,405,000 to \$2,655,000 in FY 2018**, allowing a \$455,000 allocation to each of the 5 original Coalition members to assist more deserving hardworking NYC residents.

URBAN
JUSTICE
CENTER


CAMBA
where you can
IMPROVE


MFY
LEGAL SERVICES INC.


Housing
Conservation
Coordinators

Crucial Legal Services

The **Legal Services for the Working Poor (LSWP)** Coalition is a collaboration of five NYC community-based legal service organizations that all provide a range of legal services to working New Yorkers who otherwise could not afford an attorney. While these five organizations have a combined history of serving New Yorkers for over 125 years, the LSWP coalition was created ten years ago with City Council support.

LSWP's services help working New Yorkers maintain financial independence and preserve economic stability in working communities across New York City. **These services are critical for preserving New York's City's working poor, and helping them maintain economic stability and self-sufficiency.**

The Need

The unemployment rate in New York City remains unacceptably high. Unemployment is often accompanied by legal problems - illegal denials of government benefits, debt collection actions, evictions and foreclosures. Tens of thousands of New Yorkers are hanging on by a thread to their homes, their families, their well-being, and their dignity. The legal services that LSWP provides support families in defending against eviction and foreclosure, stabilizing their income and ensuring that predatory debt collection practices do not result in economic hardship.

City Council Support is Essential

In Fiscal Year 2017, the LSWP initiative was awarded \$2,405,000 from the City Council, with each of the five Coalition members receiving \$405,000.

As the number of working New Yorkers in need of legal services continues to grow, the **Coalition requests that the LSWP initiative be increased from \$2,405,000 to \$2,655,000 in FY 2018**, giving each Coalition member a \$455,000 allocation to serve more deserving, hardworking New York City residents.

Our Services

- Housing
- Employment/Workers' Rights
- Consumer Rights
- Social Services & Benefit Advocacy
- Domestic Violence
- Immigration & Citizenship Services

Housing: eviction and mortgage foreclosure prevention, legal representation to low and moderate income tenants, homeowners and tenant associations; renovation financing assistance; anti-lead paint poisoning advocacy; homelessness prevention and outreach; Housing, Supreme Court and Appellate representation.

Workers' Rights: Obtaining unpaid wages, overtime pay, disability benefits, workers compensation and unemployment benefits; job placement, training and retention; ESL classes.

Consumer: Representation and advocacy involving consumer fraud and credit card debt.

Social Services/Benefit Advocacy: Education enrichment; domestic violence assistance, and assistance in receiving and retaining government benefits programs such as Public Assistance, Food Stamps, SCRIE and many more.

Immigration & Citizenship: Securing legal immigration status and work authorization; citizenship exam preparation; family sponsorship; naturalization and asylum application assistance.

...We need your help

Expanding Our Services to Better Serve Working Poor Families with Additional Civil Legal Services Representation

The NYC Council Legal Services for the Working Poor (LSWP) initiative is one of the few, if not only, programs that allows our organizations to serve working families earning less than the self-sufficiency level. Without stable funding and long term additional funds, Coalition members will not be able to serve the families who desperately need civil legal services but are unable to afford to pay lawyers and are ineligible for other legal services programs.

CAMBA Legal Services

CAMBA is a Brooklyn-based non-profit organization with programs throughout the diverse neighborhoods of Brooklyn. CAMBA was founded as a merchants association in 1977, but in direct response to the emerging needs of the Brooklyn community, has steadily expanded its services. CAMBA has grown into a full-service, community-based organization providing a continuum of employment, education, health-related, housing, legal, social, business development and youth services. **Contact:** Janet Miller, Senior Vice President - (718)-287-0010.

Housing Conservation Coordinators

Housing Conservation Coordinators, Inc. (HCC) was founded in 1972 to serve the diverse needs of Manhattan's west side residents. With a primary focus on strengthening and preserving affordable housing, HCC seeks to promote a vibrant and diverse community with the power to shape its own future. HCC provides a range of community-based services, including: legal representation on housing, benefits, consumer debt, community economic development, domestic violence and immigration matters; tenant and community organizing around larger impact issues; and installing energy efficient systems through its Weatherization Program. **Contact:** Sarah Desmond, Executive Director - (212) 541-5996.

MFY Legal Services, Inc. (to be called Mobilization for Justice after June 1)

MFY Legal Services, Inc. (MFY) was founded in 1963 as the legal arm of Mobilization for Youth, one of the first anti-poverty programs in the country. It became an independent legal services organization in 1968. For the past 50 years MFY has worked in concert with community social service providers and advocates to provide advice, counsel and representation to low income New Yorkers on housing, public benefits, health care, civil and disability rights, consumer, employment, foreclosure and family matters. MFY also provides community legal education to tenants, workers, seniors and social service staff on a wide range of issues, and initiates class action lawsuits and other litigation to challenge the underlying inequities facing our clients. **Contact:** Jeanette Zelhof, Executive Director - (212) 417-3727.

NMIC

Founded in 1979 by a staff of two with the goal of assisting immigrants in northern Manhattan who were at risk of being evicted, Northern Manhattan Improvement Corporation (NMIC) has grown to be one of New York City's most trusted advocacy organizations. NMIC staff can identify and address a broad array of legal and social service needs, integrating numerous crisis intervention services under one roof. With their crises resolved, clients move seamlessly to capacity building services through our holistic programs designed to transition individuals and families from crisis to self-sufficiency. Today, NMIC services are available to families and working people throughout Manhattan and the Bronx, and with its impact litigation and environmental justice efforts, has assisted low-income people throughout the 5 boroughs. **Contact:** Rodrigo Sanchez-Camus, Director of Legal Services - (212) 822-8300.

Urban Justice Center

Founded in 1984, the Urban Justice Center (UJC) serves New York City's most vulnerable residents through a combination of direct legal service, systemic advocacy, community education and political organizing. UJC assists its clients on numerous levels, from one-on-one legal advice and representation to filing class action lawsuits to bring about systemic change. The Community Development Project (CDP) of the Urban Justice Center, formed in September 2001 to provide legal, technical, research and policy assistance to grassroots community groups, engages in a wide range of community development efforts throughout New York City. **Contact:** Harvey Epstein, Project Director, Community Development Project - (646) 459-3002.



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

Lisa Schreibersdorf – Executive Director

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council

Committee on Courts and Legal Services

Preliminary Budget Hearing

March 7, 2017

I. Introduction

My name is Lisa Schreibersdorf. I am the Executive Director of Brooklyn Defender Services (BDS). I thank the City Council Committee on Courts and Legal Services, and in particular Chair Lancman, for this opportunity to testify about the important work that we do and the need for increased funding for indigent defense providers in New York City.

BDS is the largest legal services provider in Brooklyn, representing nearly 40,000 low-income Brooklyn residents each year who are arrested, charged with abuse or neglect of their children or face deportation. Our staff of 300 includes 180 attorneys and 120 support staff including social workers, investigators, paralegals, re-entry specialists, jail liaisons, community organizers and policy specialists as well as dedicated advocates for youth, veterans and parents. Our specialized defense approach allows us to provide targeted services for clients with mental illness or developmental disabilities, adolescent clients, trafficking victims, incarcerated clients, and veterans.

Below are three snapshots of our work from our three main practice areas in 2016:

- **CRIMINAL** – Five black teenagers in Brownsville were accused of raping a young woman in a Brooklyn park in January 2016. The young men, ages 14 to 18, were

tried – and immediately convicted – in the court of public opinion. But as details emerged it became clear that all five were innocent. BDS Senior Trial Attorney Debora Silberman worked diligently to clear her high school student client's name, even though no exculpatory evidence – not a single police report or witness statement – was ever turned over to the defense. During the two months between arraignment and dismissal, our client and his lawyer received nothing but a scant formal felony complaint listing little more than the allegations. Debora and youth social worker Rebecca Kinsella worked with the family and supportive community members, including three of our client's teachers who came to the night court arraignment and paid his bail so that this teenager would not have to spend a single night on Rikers Island. While our client's name was eventually cleared and he returned to high school because of the results of our independent investigation and diligent courtroom advocacy, his life will never be the same. Debora subsequently published an op-ed in the New York Times about the case and why discovery reform and sealing for cases involving adolescents is so critical to protect the rights of the accused.¹ Stories like those of the Brownsville 5 illustrate the need for public defender offices like BDS to combine a multi-pronged approach to investigation, social work support, courtroom advocacy and policy advocacy to protect our client's constitutional rights.

- **FAMILY** – Dominique is a young mother who grew up in foster care. In December 2013, having just been discharged from foster care at age 21, she gave birth to a baby boy Zacharia. At the time, she was homeless. The hospital called in a case against her, and ACS filed a petition alleging that: Dominique had a cognitive disability based on the hospital's cursory evaluation; had been diagnosed with oppositional defiance disorder as an adolescent in foster care; and that she had failed to plan for the birth of her son. Instead of offering Dominique services, ACS removed her son from her care. For three years, Dominique fought for the return of her son with Senior Attorney Piyali Basak and Social Worker Maya Clark. With the support and guidance of her defense team, Dominique engaged in parenting classes and evaluations to prove she could care for her son and obtained NYCHA housing and a network of services. The law firm WilmerHale joined BDS as *pro bono* co-counsel at the fact finding stage and called an expert who evaluated Dominique to testify that she did not have any mental health issues that would affect her parenting. Although we lost the hearing, WilmerHale is assisting in our appeal of the decision. More importantly, the evidence presented at trial convinced ACS that Dominique's second child Kayden could be safely released to her care at birth, followed by the return to her of Zacharia. Dominique is now parenting both of her children together in NYCHA housing.
- **DEPORTATIONS** - Dale Levy is a lawful permanent resident (LPR) from Jamaica who has lived in Brooklyn for 25 years. Mr. Levy graduated from Canarsie High

¹ Debora Silberman, "Five Black Teenagers, Innocent, Face a Lifetime of Guilt," *N.Y. Times*, March 4, 2016, available at <https://www.nytimes.com/2016/03/04/opinion/five-black-teenagers-innocent-face-a-lifetime-of-guilt.html?smid=tw-share>.

School, where he was co-captain of the soccer team. He married his high school crush, and today they have three U.S. citizen children. Mr. Levy's U.S. citizen wife petitioned for his green card, but the application was denied due to his sole criminal conviction: attempted possession of cocaine in 1997. In 2016 Mr. Levy was detained by ICE, making his wife a single-parent to three young children. Thanks to the New York City Council funding for the New York Immigrant Family Unity Project (NYIFUP), Mr. Levy was appointed a free immigration lawyer to help him fight his case and reunited with his family. With his single 20-year old drug arrest blocking his path to a green card, Mr. Levy's NYIFUP attorney Zoey Jones filed an application for "prosecutorial discretion," requesting that ICE choose to close his deportation case given his strong equities. These requests are almost never granted for detained clients with criminal history. After nearly 6 months of detention, Mr. Levy was released on a bond and shortly thereafter, ICE granted the application for prosecutorial discretion, allowing him to start to rebuild his life with his family and community.

BDS' criminal, family and immigration clients are among the poorest people in New York City. Many of our clients are suffering from mental illness, struggle with drug addiction or are very young. All of our clients are deeply impoverished, including many who do not have enough food and far too many who live in overcrowded, squalid conditions. With the gentrification of Brooklyn, a large percentage of our clients are homeless or at risk of homelessness due to rising rent and increasing desirability of neighborhoods that only a few years ago were affordable. The vast majority of our clients come from just five neighborhoods in Brooklyn: East New York, Brownsville, Crown Heights, Bedford-Stuyvesant and Flatbush. It is no coincidence that those are also the five poorest neighborhoods in Brooklyn.



We are currently in the process of opening a new community office at the crossroads of East New York and Brownsville, thanks to a grant from the IOLA Fund of the State of New York. The office will allow us to better serve our existing criminal defense, family defense and immigration defense in their own neighborhoods, allowing BDS to more effectively challenge harmful government intervention into our clients' lives and address all of their complex legal needs. We are particularly excited that the office will serve as the hub for our new Speaker's Initiative family engagement proposal, discussed in more detail on pages 8-9.

Criminal Defense Cases

In order to address the unique needs and barriers that many of our clients face upon arrest, BDS's 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.

- The **Brooklyn Adolescent Representation Team (BART)** is a collaborative effort to provide comprehensive, high quality legal, advocacy and social work services to the criminal justice involved adolescents and young adults aged 16-21 whom we represent in criminal cases. BART consists of 15 dedicated, experienced, youth-focused criminal defense attorneys, three specialized adolescent social workers, and two youth advocates. *The BART project serves approximately 6,500 adolescents ages 14 to 21 every year, including 1,350 who are 16 or 17.*
- The **BDS Padilla Unit** advises BDS's criminal defense attorneys and their noncitizen clients on the immigration consequences of guilty pleas to help avoid or minimize negative immigration consequences. 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 deportation or loss of opportunity to obtain lawful immigration status as a result of their criminal case. Our five criminal-immigration attorney specialists provide support and expertise on more than 1000 cases that survive arraignment involving non-citizen clients and is called at least once, and often multiple times, in each arraignment shift to advise on the ramification of a plea offer at arraignment.
- Our **Trafficking Unit** is made up of experienced criminal defense attorneys who work closely with dedicated social workers, immigration attorneys, interpreters and other service providers to minimize the punitive nature of criminal justice contact and provide meaningful services for victims of trafficking who find themselves facing criminal charges. *The BDS Trafficking Team represents close to two hundred BDS clients in Brooklyn's Human Trafficking Intervention Part every year.*

- **BDS' Mental Health Unit** has two specialized criminal defense attorneys, as well as a dedicated mental health social worker and other specialized staff to address these clients' unique needs, as well as those of their families. The specialized attorneys represent mentally ill clients at competency evaluations, hearings and other court appearances during the pendency of their case. These team also communicates with Department of Health and Mental Hygiene (DOHMH) staff persons to assist in advocating for, accessing, and coordinating mental health treatment for detained BDS clients with serious mental illness and transitioning clients to the community upon discharge.
- The **Education Advocacy Unit** supports our adolescent clients' access to education, providing advocacy and guidance regarding school discipline, special education, school reentry and alternative pathways to graduation. They also support and represent our family defense clients to ensure that our clients' children receive the educational services they are entitled to.
- The **Family/Criminal Integrated Unit** consists of former family defense attorneys trained in criminal law to represent clients who have related family and criminal cases, allowing for one lawyer to provide comprehensive representation to parents to help keep their families together and alleviate the negative consequences of the criminal and child protective systems. The unit represents around 50 misdemeanor or felony clients with open family cases at any given time.
- The **Integrated Domestic Violence Unit** represents more than 400 clients per year in the Kings County Integrated Domestic Violence Court, a specialty court that hears related family, criminal and matrimonial cases and allegations of domestic violence.
- **BDS' Veterans Unit** assists veterans with criminal justice involvement to upgrade their discharge status and access the services to which they are entitled under federal law. The Unit combines courtroom advocacy with social work support and civil justice advocacy in Kings County Veterans Treatment Court. Last year the unit represented more than 200 veteran clients.
- Our **Jail Services Unit** seeks to mitigate the burdens that confinement creates for criminal defense and to protect our clients against collateral consequences. Through our jail programming we are able to streamline our clients' access to education, housing, family, immigration and re-entry services while attempting to meet their most immediate daily needs. Our established presence in city jails allows BDS to monitor and document the conditions New Yorkers encounter when incarcerated and advocate for the rights and welfare of our clients and other incarcerated people.

Family Defense Cases

BDS's continuum of services includes representation of respondents in abuse and neglect proceedings in Brooklyn Family Court. Ninety percent of these cases charge parents with neglect (not abuse) and most of these cases are poverty-related involving mental illness, intellectual disabilities, substance abuse, lack of child care or services, homelessness, and domestic violence. Our family defense clients live primarily in the low-income neighborhoods of East New York, Brownsville and Bedford Stuyvesant.

In 50% of our family defense cases, our clients' children never enter foster care. Our zealous advocacy, including investigating cases, finding alternative solutions and getting services in place, has significantly reduced the likelihood and duration of foster care placement. In fact, since 2007, when the child welfare institutional providers were created, the foster care census has gone down from over 17,000 to under 10,000 children ten years later. By both challenging allegations in abuse and neglect petitions and helping families get the benefits and services they need to stay safe and stable, we are able to achieve family reunification for 70% of our clients.

Our existing case load of clients is presently over 2,000. These cases are resource intensive, involving attorneys, social workers, paralegals and parent advocates, and last an average of three years. Twenty percent of our family defense clients have related criminal cases and by providing joint representation to clients in both criminal and family court through our **Family/Criminal Integrated Defense Unit** we can provide much more efficient and effective services to our clients. In addition to our collaboration with criminal attorneys, our family defense clients greatly benefit from on-site assistance in immigration, housing, benefits and educational matters which are at the heart of many of our cases.

Immigration Cases

BDS' vibrant Immigration Practice is composed of 17 full-time immigration attorneys, five paralegals (one of whom is accredited by the Board of Immigration Appeals), and four legal assistants. We are a Board of Immigration Appeals-recognized legal service provider.

- The **New York Immigrant Family Unity Project (NYIFUP)** is New York City's groundbreaking, first-in-the nation program providing quality counsel to immigrant New Yorkers who are detained and facing deportation and separation from their families and communities. BDS is proud to be a NYIFUP provider, along with The Bronx Defenders (BXD) and The Legal Aid Society (LAS). Since the project's inception three years ago, BDS NYIFUP attorneys have defended more than 700 people in deportation proceedings. As of December 2015, 52 percent of pilot clients have been reunited with their families. NYIFUP attorneys have won 71 percent of their trials. NYIFUP is projected to increase the percentage of immigrants who will win the right to remain in the United States by 1,000 percent, compared with prior success rates for detained, unrepresented immigrants.

- **BDS's Immigrant Youth and Communities Project** has represented thousands of Brooklyn immigrants in their applications for lawful immigration status and in defending against deportation in non-detained removal proceedings. Highlights of our work include assisting more than 320 young clients in their pursuit of Special Immigrant Juvenile Status (SIJS), Adjustment of Status, U visas, Deferred Action for Childhood Arrivals (DACA) and other immigration benefits or removal defense, and assisting more than 1,000 Haitian New Yorkers with their applications for Temporary Protected Status, work authorization, and other immigration benefits or removal defense.

Civil Justice Practice

BDS's Civil Justice Practice aims to reduce the civil collateral consequences for low-income people who have had interaction with the criminal, family or immigration 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. We also assist criminal defense attorneys and their clients by identifying potential civil ramifications of guilty pleas and strategizing ways to minimize the risk of eviction, loss of employment, and professional consequences as a result of a criminal conviction. Finally, in addition to our in-house work, we engage with the community and hold external educational clinics in close partnership with community-based organizations and elected officials. In the past year the Civil Justice team represented or connected BDS clients with services in nearly 3,000 cases.

FY2018 Budget Asks

NYIFUP Funding

This year, City-wide NYIFUP providers are jointly asking for a significant increase in funding so that we can continue to provide superior legal representation to all of the detained people facing deportation in New York City. We fear that the numbers of New Yorkers requiring these services will jump significantly in the months to come based on increased intake numbers since the new federal administration took office in January. This is our highest priority, as NYIFUP attorneys, social workers and paralegals are already working beyond capacity in the courts and the communities to quell fear and provide legal advice to people rightfully fearful of deportation.

The NYIFUP Coalition jointly requests \$4,000,000 to fully fund the New York Immigrant Family Unity Project in FY2018 to ensure that every detained New Yorker has legal representation when facing deportation.

Immigrant Opportunities Initiative (IOI)

Brooklyn Defender Services requests funding for our Immigrant Youth and Communities Project to provide immigration legal services to low-income Brooklyn youth and adults. With IOI funding, BDS can maintain and grow our Project staff to provide community education, legal screening, advice and full representation to low-income Brooklyn immigrant youth and adults borough wide, 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.

Since the presidential election last fall, our office has received increasing requests from the community to present Know Your Rights trainings and free legal services to the community. The clamor from the community for advice and services has increased even more dramatically since the first immigration Executive Order was announced. We are now receiving near daily requests for assistance from elected officials, community-based organizations, city agencies, religious institutions and the press. We want to increase our capacity to serve New York's diverse immigrant communities, but we require a significant increase in funding to allow us to take on additional cases outside of our criminal, family and deportation defense caseloads.

We ask that the Council support our IOI ask of \$200,000 to expand our ability to provide immigration legal services, including Know Your Rights trainings and legal screenings, to low-income New Yorkers.

Family Support Initiative

BDS is requesting Speaker's Initiative funding for the Family Support Initiative: a Pre-Entry to Re-Entry Program to Assist Incarcerated Brooklyn Parents, Caretakers and their Families. Recognizing that incarceration has major, long-term impacts on families – especially when incarcerated parents and young children are involved – Brooklyn Defender Services is proposing the creation of an innovative, multi-service initiative that will serve individuals facing incarceration and their families from pre-entry to re-entry.

New York City Council funding will support a wide range of coordinated services – focused primarily on Brooklyn residents incarcerated at Rikers Island – to assist them in maintaining critical family connections and involvement with their children. Services will include:

- Pre-entry planning, services and referrals (including social workers, educational referrals, etc.) to ensure that families are prepared for the impact created by the incarceration of a parent or caregiver.
- In the case of primary caretakers, BDS can assist clients in executing Temporary Care and Custody Agreements to allow family members to care for minor children during a period of brief incarceration (potentially staving off ACS

involvement), or protect parents' rights, while incarcerated, to participate in decision-making around their children's education.

- Family support services during incarceration, including the creation of a BDS-operated bus service to provide convenient, accessible and affordable access for families to visit incarcerated loved ones at Rikers Island.
- Expansion of BDS' Jail Services program to oversee the above-noted programs, serve as liaisons and provide other support services for parents and caregivers incarcerated at Rikers Island, including assistance with enforcing incarcerated clients' visitation rights through CHIPS when they have ACS involvement.
- Utilizing BDS' community office, located in East New York, to offer legal and social work services to the families of our incarcerated clients - allowing for easier delivery of information and assistance on issues that impact families during criminal justice involvement and incarceration, including offering presentations (such as Know Your Rights around visitation) in the communities with the highest populations of incarcerated parents.
- Re-entry Services – Ensuring a smooth (and supported) transition back into the community is especially critically for parents, caretakers and their families, so City Council funds will support and expand BDS re-entry services that include:
 - Assistance with securing housing or shelter
 - Referrals for vocational training programs and employment readiness
 - Assistance with resume writing and job applications
 - Benefits assistance, including re-instatement and enrollment
 - Fostering connections with mental health, substance abuse and counseling services
 - Providing short-term case management, mentorship and other supportive services to individual clients as needed

We ask that the Council support our Speaker's Initiative funding request for \$350,000 to fund our Family Support Initiative.

Conclusion

The New York City Council has demonstrated its leadership and support for immigrants and low-income people of color in the City in years past and particularly in recent months. The way to protect the rights of everyday people is by providing them education, legal counsel and support. BDS does this work in our communities every day, but the need for our services is more acute than ever.

Renewed support from the Council will enable us to continue to ensure the best possible outcomes for our most vulnerable clients and their families. For that reason, we ask the Council to support our FY18 requests for increased NYIFUP funding for all three NYIFUP providers, continued support of BDS's Immigrant Youth and Communities

Project through the Immigrant Opportunities Initiatives, and our request to the Citywide Civil Legal Services Speaker's Initiative for funding for re-entry and family engagement services for BDS clients.

The City Council is moving towards systemic reforms in our fundamentally unfair justice system. Indeed, there is a growing national consensus that mass incarceration and mass deportation are a disaster for families and communities, and that inequality in access to justice is an urgent priority. However, even with the best intentions, reforms can have unintended consequences, or miss the deeper issues at the root of the problems. To understand the full weight and impact of any proposed solutions to over-criminalization and its collateral consequences, it is critical that you work with our City's public defense organizations, whose multi-disciplinary staffs see first-hand every day the effects of City, State, and Federal policies on real humans. BDS stands ready to assist in informing, implementing, and executing real reform. Together, we can truly meet the needs of the most vulnerable New Yorkers.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/7/17

(PLEASE PRINT)

Name: RODRIGO SANCHEZ-CAMUS

Address: 45 WADSWORTH AVE. NY NY 10032

I represent: LEGAL SERVICES FOR THE WORKING POOR

Address: NMIL COALITION

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Justine Olderman

Address: BROOKLYN DEFENDERS

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/7/17

(PLEASE PRINT)

Name: Laura Redman

Address: 151 W 30th St. NYC 10001

I represent: New York Lawyers for the Public

Address: Interest

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name:

The Legal Aid Society

Address:

199 Water Street NYC (Citywide)

I represent:

Seymour James

Address:

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name:

DAWN RASMUSSEN

Address:

Legal Services NYC

I represent:

Legal Services NYC

Address:

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/7/17

(PLEASE PRINT)

Name:

Theresa Torres

Address:

49 Thomas St

I represent:

Legal Aid Society

Address:

49 Thomas St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Commissioner Steven Banks

Address: _____

I represent: DSS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Public

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 03/07/2017

(PLEASE PRINT)

Name: Amanda Berman

Address: _____

I represent: The Center for Court Innovation

Address: 520 8th Avenue, New York NY 10018

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/7/17

(PLEASE PRINT)

Name: Lisa Schreibersdorf

Address: _____

I represent: Brooklyn Defender Services

Address: 177 Livingston St 7th Floor
Brooklyn NY 11201

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Beth Goldman

Address: 1407 7 Hanover Square

I represent: New York Legal Assistance Group (NYLAG)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/7/2017

(PLEASE PRINT)

Name: Den Quinsay

Address: 32 Broadway 10th FL NY, NY

I represent: Womankind (Formerly New York Asian

Address: Women's Center)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Alina Luongo

Address: _____

I represent: Legal Aid

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Adrene Helder (PLEASE PRINT)

Address: _____

I represent: Legal Aid

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: DREANA Bellamy (PLEASE PRINT)

Address: 3 Lindley Ave Tenafly NJ 07670

I represent: 1199 SEIU

Address: 310 W 43 ST 10th Fl NY NY 10036

Please complete this card and return to the Sergeant-at-Arms