



Human Resources
Administration
Department of
Homeless Services

**Department of
Social Services**

**Testimony of Molly Park, First Deputy Commissioner
Department of Homeless Services**

**Before the New York City Council Public Safety and General Welfare Committees
Oversight Hearing: NYPD and DHS Diversion Program
January 21, 2020**

Good afternoon Chairperson Levin and members of the General Welfare Committee and Chairperson Richards and members of the Public Safety Committee. Thank you for this opportunity to testify and speak on the important work that New York City is doing to address long-term street homelessness in New York City, including the recently launched subway diversion program. Subway Diversion is one of a number of the elements of our overall citywide HOME-STAT outreach effort that is at the core of the Journey Home plan to end long-term street homelessness in New York City. My name is Molly Park, First Deputy Commissioner of the Department of Homeless Services, and I will be presenting today's testimony on behalf of the agency.

The Journey Home Plan

Last month, the Administration announced its first-in-the nation, six-point Action Plan to end long-term street homelessness in New York City over the next five years. The plan will increase housing, mental health and medical services for unsheltered individuals, and enhance outreach resources to deliver more urgent and rapid responses to unsheltered individuals in need.

Our current strategies have helped more than 2,450 individuals come off the streets and into transitional programs and permanent housing since the launch of HOME-STAT (Homeless Outreach & Mobile Engagement Street Action Teams) in April 2016.

By marshaling new and critical resources, the Journey Home plan will:

1. Increase Safe Haven capacity by opening 1,000 new Safe Haven beds.
2. Create 1,000 new low-barrier permanent apartments by working with partners across the housing and social services sectors.
3. Deliver new health resources to people where they are, providing treatment through street medical care and behavioral health care, and building the trust needed for clients to come inside.
4. Provide coordinated rapid outreach response through the Street Homelessness Joint Command Center.
5. Leverage state-of-the-art outreach technology to better connect clients to the services they need to transition into housing.
6. Expand Diversion and Outreach in our subway system.

HOME-STAT

The Journey Home plan builds on the nation's most comprehensive street outreach program, the Department of Homeless Services' HOME-STAT initiative—with outreach teams canvassing the five boroughs and engaging New Yorkers who are unsheltered 24 hours a day, 7 days a week, every day of the year.

Through HOME-STAT, hundreds of highly-trained, not-for-profit outreach staff, including licensed social workers, canvass the streets, proactively engaging New Yorkers experiencing street homelessness. Outreach workers offer services and assistance, while working to gain trust with the goal of addressing the underlying issues that may have caused or contributed to street homelessness in order to ultimately help these individuals transition off the streets. HOME-STAT also provides aftercare services, continuing to work with individuals as they make that transition to ensure that they get the supports they need to remain in housing and off the streets.

Through HOME-STAT, we have:

- Implemented current strategies that have helped more than 2,450 individuals off the streets and into transitional programs and permanent housing since the launch of HOME-STAT in April 2016.
- Tripled the City's investment in street homelessness programs from approximately \$45M to more than \$140M before the additional investments for the Journey Home plan.
- Tripled the number of emergency Safe Haven and stabilization beds dedicated to serving street homeless New Yorkers citywide from 600 to more than 1,800 today.
- Tripled the number of outreach staff from fewer than 200 in 2014 to more than 550.
- Built the City's first-ever "By-Name" list of individuals known to be homeless and residing on the streets to improve delivery of services to help them come off the streets. Outreach teams now know approximately 1,300 street homeless individuals by name and actively engage another 2,400 individuals encountered on the streets to determine whether they are homeless.
- Increased joint outreach operations with the NYPD and partner agencies such as NYC Health + Hospitals (H+H), the Department of Health and Mental Hygiene (DOHMH), the FDNY Emergency Medical Services (EMS), and the Department of Parks & Recreation (Parks) to engage more New Yorkers and offer more supports.

The Transit System

This Administration has dedicated millions of dollars to transit system outreach efforts, with teams out year-round on subway trains, platforms, terminals, and end-of-line stations, engaging individuals experiencing homelessness and offering a range of services to meet their unique needs, person by person.

DHS partners with the MTA and Bowery Residents' Committee (BRC) to provide outreach and services in subway stations, with a focus on high-activity stations and end-of-line stations. To that end, all street homeless outreach teams have access to:

- licensed clinicians who work with clients on the streets, provide on-going case management, and assess each individual for immediate risk/crisis during each encounter;
- psychiatrists who perform psychiatric evaluations on the streets, as needed, helping understand and better meet the individual needs of each New Yorker experiencing street homelessness; and
- substance use resources, including the ability to immediately connect clients to detox and other rehabilitation programs, and staff who are trained in naloxone administration.

While BRC primarily focuses on high-activity subway stations, including terminals (Grand Central and Penn Station) and end-of-line stations, the NYPD's Transit Bureau primarily focuses on subway cars and the overall subway system. Additionally, BRC outreach teams work in coordination with trained NYPD colleagues, including conducting end of line outreach to encourage New Yorkers experiencing homelessness to come inside from the subways and into transitional and permanent programs.

As you heard earlier from the NYPD, this summer, the Administration launched the Subway Diversion Project, a collaborative, progressive initiative with the NYPD, the Manhattan District Attorney, the MTA, and HOME-STAT outreach provider BRC to divert unsheltered New Yorkers from unnecessary criminal justice processes, and towards shelter and services. The program has now been implemented across the subway system.

Through this Subway Diversion Project, individuals experiencing unsheltered homelessness (having no active legal address at the time of engagement and not residing in shelter) encountered by the NYPD in the transit system (i.e. in subway cars and subway stations) and observed by the NYPD to be in violation of New York City Transit Code of Conduct rules, such as violating Transit Authority signs/notices, are being offered referrals to services in lieu of civil summonses. Participants who opt into the program complete an assessment with a BRC outreach team, receive a referral to shelter and/or other services, and have their summonses cleared in coordination with the Metropolitan Transportation Authority, ultimately diverting them towards shelter away from unnecessary formal court processes and helping more people come inside and out of the subways.

There is no one-size-fits-all solution to the citywide challenge of homelessness. Our outreach enhancements are about continually strengthening our person-to-person engagement to get know more unsheltered New Yorkers, understand their unique needs, and build the trust that will ultimately encourage them to accept services and come indoors, which can take hundreds of contacts and supportive conversations. Every engagement or every conversation represents progress in the right direction, and the more opportunities we have for engaging New Yorkers in need, the better. An individual who may not be ready to accept services today may be ready to make that transition tomorrow—and through enhancements like the Subway Diversion Project, we remain focused on increasing pathways off the street for these New Yorkers.



TUESDAY, JANUARY 21, 2020

STATEMENT OF EDWARD DELATORRE
CHIEF OF TRANSIT
NEW YORK CITY POLICE DEPARTMENT

BEFORE THE NEW YORK CITY COUNCIL
COMMITTEES ON PUBLIC SAFETY AND GENERAL WELFARE
COMMITTEE ROOM – CITY HALL
JANUARY 21, 2020

Good afternoon Chair Richards, Chair Levin and Members of the Council. I am Edward Delatorre, Chief of Transit for the New York City Police Department (NYPD). I am joined by the Managing Attorney of the NYPD's Legislative Affairs Unit, Michael Clarke. On behalf of Police Commissioner Dermot F. Shea, we appreciate the opportunity to speak with you today about the NYPD's Subway Diversion Program.

In 2019, New York City saw a record low in overall crime, even lower than the previous record low in 2018. We accomplished this while also greatly reducing the number of people arrested within the Transit system. This doesn't happen by accident. It comes from our brave men and women dedicating their lives to serving New Yorkers and working with the communities we serve. Due in no small part to the vigilance of Transit officers and the almost 6 million riders that use the system each day, we have also created a culture of safety on the subways that stands in stark contrast to where we were just three decades ago. In 1990, there were a total of 17,497 index crimes in our subways, compared to only 2,500 in 2019, or just 6.8 crimes per day. Building trust and partnering with those we serve has been a cornerstone of New York City's public safety success story and the Neighborhood Policing philosophy.

That is why we introduced Neighborhood Policing into New York City's expansive subway system. Having the same officers assigned to the same sectors results in those officers and neighborhood residents familiarizing themselves with one another and allowing those officers to gain unique insight into issues faced by residents in that neighborhood and how to address those issues. This stands true in the subway system as well. More often than not, the same riders travel the same routes and assigning the same officers to patrol certain stations and lines familiarizes these officers with riders, and vice-versa, and the issues experienced by riders at particular stations.

Today, every transit district is assigned Neighborhood Coordination Officers (NCOs). The NCOs are tasked with working with our MTA partners and members of the public to address issues in the subway that are related to public safety. The NCOs and our Transit officers take great pride in the stations they patrol and always seek creative ways to keep the subways safe for all riders. With 27 lines and 472 stations, the transit system presents unique challenges for law enforcement. Each day, the men and women of the NYPD Transit Bureau charged with ensuring the safety and security of our subways rise to these challenges.

Among these challenges is successfully connecting our homeless population in the transit system with vital services they may require. Our officers work diligently to ensure that when we engage with individuals experiencing homelessness, we are able to offer them the support they need. In conjunction with the Department's Homeless Outreach Unit, we strive to connect individuals without a home on their terms and help them find shelter and vital services. We have partnered with our colleagues at DHS to create the Street Homeless Joint Command Center to help address homeless street conditions by leveraging the entire city workforce in our effort to reach the

homeless population. Additionally, our NCOs routinely work with fellow city agencies and non-profits to help address issues of homelessness in their zones. Every day, officers provide information on the wide array of services available to homeless individuals with whom they have contact.

We have worked with the experts in the field to ensure our officers understand how to interact with members of this population. We utilized these experts to train our training sergeants on best practices when interacting with individuals who are chronically homeless, who then train each officer in their respective commands. In addition, roughly 2/3 of our transit officers have received Crisis Intervention Training, a 4-day course which helps officers interact with individuals undergoing crisis or suffering from mental illness. Finally, we are working with DHS and the Bowery Residents Committee to produce a video which will further highlight best practices.

It is clear that the issue of homelessness in the subways is one that must be tackled through innovative solutions aimed at helping this vulnerable segment of our population. Helping people who are experiencing homelessness, in turn, helps our City as a whole.

The subways have long been a refuge for people who find themselves without a home. It the mission of the NYPD to ensure that all can enjoy the benefits of MTA services in a safe and orderly manner. This means that those using our subway system obey all applicable laws and transit rules while riding a train and when located in a subway station. I want to be clear that being homeless is not a crime. However, whether you are homeless or not, no one is permitted to create hazardous conditions or engage in behavior that violates the law or MTA rules.

The better approach, when appropriate, therefore is to offer help to those who need it and would accept it. Our officers must strike a delicate balance between taking enforcement action and offering services, or sometimes doing both. It is a balance that is achieved through compassion with an eye toward utilizing our resources to provide assistance to those in need while seeking to maintain the quality of our subways that riders have come to deserve and expect. Whatever the approach, it must address the condition observed or complaints received by our officers.

The Subway Diversion Program was designed to offer help to people without a verifiable address by diverting them away from the criminal justice system and toward critical services. It represents a collaborative, interagency approach that leverages the NYPD Neighborhood Policing philosophy to help those in need of assistance. Instead of finding themselves in the criminal justice system, they find themselves receiving services that will hopefully get them back on their feet.

We have seen people take advantage of crucial services. In the program's first five months, from July through November 2019, the NYPD encountered 1,296 individuals who were eligible for the program. 477 individuals meaningfully engaged and had their summonses dismissed, with 305 individuals transported to shelter facilities and 172 accepting a full assessment of their needs.

Effective policing is about more than just arrests and summonses. The men and women of the NYPD are dedicated to protecting and serving the residents of the City. In doing so, they are also committed to helping those in need. That is something our officers do whenever they put on the uniform. It is an important aspect of our Neighborhood Policing philosophy, which has fostered us partnering with the communities we serve to keep crime at historic lows, improved the quality of life for all New Yorkers, and helped those among us who are in need of help.

NYFD

TUESDAY, JANUARY 21, 2020

Thank you for the opportunity to speak about this important program and I look forward to answering any questions you may have.



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**Testimony before the NYC Council Committees on General Welfare and Public Safety
Oversight: NYPD Subway Diversion Program
January 21, 2020**

My name is Catherine Trapani, and I am the Executive Director of Homeless Services United (HSU). HSU is a coalition of approximately 50 non-profit agencies serving homeless and at-risk adults and families in New York City. HSU provides advocacy, information, and training to member agencies to expand their capacity to deliver high-quality services. HSU advocates for expansion of affordable housing and prevention services and for immediate access to safe, decent, emergency and transitional housing, outreach and drop-in services for homeless New Yorkers.

Homeless Service United's member agencies operate hundreds of programs including shelters, drop-in centers, food pantries, HomeBase, and outreach and prevention services. Each day, HSU member programs work with thousands of homeless families and individuals, preventing shelter entry whenever possible, providing quality shelter when prevention isn't an option and, working to end homelessness through counseling, social services, health care, legal services, and public benefits assistance, among many other supports.

Since the launch of this "subway diversion" program I have received calls, been pulled aside at events and meetings and been pinged on social media from everyone from front line workers, program leaders, nonprofit executives and even City employees all urging HSU to "do something" to get the City to change course. Nearly universally, those who have approached me have expressed grave concerns that the City's police-centric approach to outreach is eroding trust and making it more difficult to bring people in off of the streets and into safe havens and affordable or supportive housing. Many of these people feel they cannot publicly criticize the administration, especially since the Mayor did recently heed our calls for additional safe havens and permanent housing resources but, the cruel irony is that these pledged resources won't make a significant difference in the lives of people living on the streets if we push them further underground and away from those who can best help them access them.

The feeling amongst experts is the more people experiencing long term homelessness associate our outreach workers with the NYPD, the less likely it is that they will feel safe with our staff. If they won't engage with the staff, we cannot begin to guide them through the onerous process of applying for and securing housing. The application process for supportive housing requires clients to divulge deeply personal information including about sensitive topics like drug use and mental illness. The likelihood of anyone being straightforward about these kinds of struggles with a police officer empowered to arrest them for such admissions leading the way in the first interactions with our teams is slim. The close

association of our teams with the police is actively harming our efforts to engage and get our clients into housing.

The diversion program is premised on the misplaced idea that people experiencing homelessness don't know what's good for them and are so "entrenched" in this belief that they will refuse housing and services when offered. The logic of the program then goes on to presume that the way to overcome this so-called "entrenched" resistance is to get the police to corner them into a situation where they can either accept these services or criminal or civil consequences for merely existing as a homeless person in a public space. Once cornered, it is assumed that the outreach workers will seem a more appealing alternative and magically be able to overcome barriers to engagement and secure housing for the person. Never mind that we still don't have enough safe havens to meet the need. Never mind that there are five approved applications for every one supportive housing unit and, eligibility for that type of housing is far from guaranteed. Never mind that absent a safe haven or supportive housing unit being immediately available, the traditional shelter system is ill equipped to address the needs of those who have experienced harm or trauma at intake or assessment shelters and who, reasonably, would prefer not to go back.

Outreach workers know better. They know that if they are to earn the trust of clients, starting with coercion and willful ignorance of the facts of the shelter and housing landscape isn't going to work. They know that being real, respectful and understanding of the real challenges our clients face is the only way to earn trust. They also know that once that trust is built they can keep up a relationship with a client continuously checking in, offering support with no strings attached and then, when the stars align and a safe haven or housing unit becomes available, they can connect with that client immediately and help them access the resource that works best for them.

Outreach workers and the clients they serve have been clear; the best way to end homelessness and get people off the streets is with low-barrier safe havens and housing options. Therefore, the best way to set these workers and their clients up for success is not to chase and make life more difficult for people without homes but, to make sure that availability of housing and safe havens isn't a rare occurrence. We must accelerate the production of safe havens and housing units. We must continue to repair the shelter system and reform the intake and assessment shelters so that they too are safe and inviting places for people seeking refuge from the streets to go. We must make sure that there is an acquisition fund so that nonprofits can secure sites and buildings to create purpose built shelters designed to meet the needs of those experiencing homelessness. We must make sure that the programming in these shelters is trauma informed and fully staffed with qualified service providers earning a living wage which will reduce turnover and ensure continuity of quality services. We must make sure that there is a robust pipeline of both deeply affordable and supportive housing available to everyone who needs it. We must make sure that housing vouchers are valued at fair market rent so clients can actually find apartments with them. We must make sure that prevention and aftercare programs are robust so that even if our best efforts falter and someone is again on the verge of a housing crisis, help is available before they are forced back on the streets or a shelter. We must do all of these things to end the crisis of homelessness.

I understand the frustration of those who continue to be disheartened by the persistence of this crisis but the solution can only be found with a commitment to the policies outlined above over the long term. I also understand that these long term solutions are not always readily apparent to the public which presents a political challenge for our elected leaders. The optics of seeing police out in force

moving people along and talking with outreach teams may make it look like we are “doing something” but the only thing we are doing is scaring people into moving farther away from the resources that can actually help them. Homelessness is not a crime and we ought not treat it that way just because doing so makes it look like we are being proactive. NYPD resources should be reserved for addressing actual crime – let the outreach teams handle engagement and social services for homeless people.

Thank you for the opportunity to testify.



Testimony of
Coalition for the Homeless
and
The Legal Aid Society
on
Oversight: NYPD Subway Diversion Program

presented before

The New York City Council's Committee on General Welfare and Committee on Public Safety

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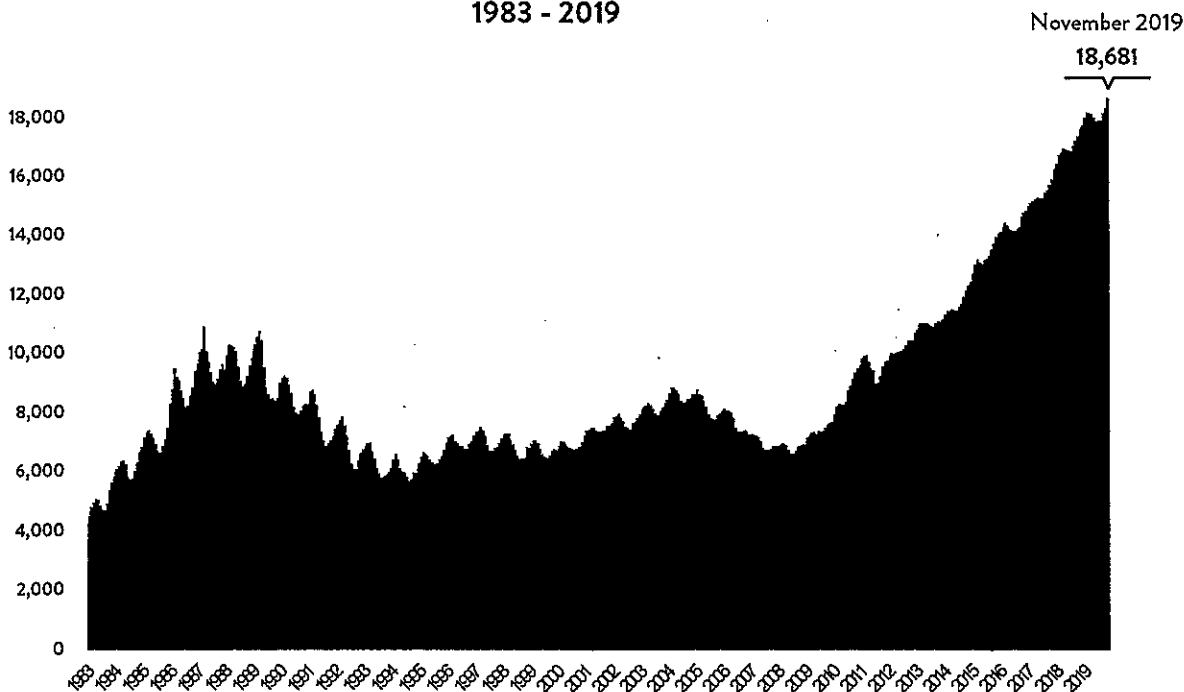
January 21, 2020

The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council’s Committee on General Welfare and Committee on Public Safety regarding the subway diversion program.

Record Homelessness in New York City

New York City remains in the midst of the worst homelessness crisis since the Great Depression, with more than 62,000 adults and children sleeping in shelters each night. The number of single adults in NYC shelters reached an all-time record high in November 2019 at 18,681 residents. Thousands more bed down on the streets every single night. Those who end up on the streets often do so after having attempted to access the shelter system but finding that it did not meet their needs, was unsafe for them, or that the bureaucratic intake process was too intrusive or complex for them to manage, among many other reasons.

**Number of Homeless Single Adults Each Night in NYC Shelters
1983 - 2019**



Source: NYC Department of Homeless Services and Human Resources Administration; Local Law 37 Reports

Mayor de Blasio’s Subway Diversion Program – the Wrong Approach to Addressing Street Homelessness

Mayor de Blasio’s subway diversion program was launched in June 2019, framed as a way to offer services to homeless people in the transit system *in lieu of* contact with the criminal justice system. Unfortunately, this has not turned out to be the case. Based on the first-hand reports of homeless individuals, it appears that the program has served only to increase unwelcome contact with NYPD officers while adding a counterproductive element of coercion to outreach by using summonses to force those individuals to accept transport to a shelter, regardless of whether or not they intend to stay there.

We have witnessed several examples of police explicitly targeting homeless individuals for infractions that are commonly made by riders who are not homeless – including taking up more than one seat or placing their bags on an adjacent seat – removing those individuals from the subway, and in some cases handcuffing them. This is a direct violation of Local Law 71 of 2013, which prohibits bias-based profiling due to a person’s housing status or other protected characteristic.¹

The Coalition for the Homeless, The Legal Aid Society, and other advocates have consistently raised concerns with the subway diversion program since it was first announced last summer. Our fears were confirmed on November 12, 2019, when we received an email from an anonymous group of NYPD Transit Bureau officers who wanted to decry “the blatant discrimination against the homeless in the NYC subway” as a result of the program. In partnership with Human.nyc, we have created a website called **diversioniscoercion.nyc** to disseminate the NYPD officers’ letter along with other documentation we have compiled of the subway diversion program in action. As our documentation shows and the NYPD whistleblowers wrote, “The Diversion Program that is being advertised by the Mayor as helping the homeless can be nothing further from the truth.”

Increased policing is not the answer to homelessness. People who experience these interactions say they find them to be humiliating and unhelpful, at best. Deploying police officers in this manner only serves to increase the mistrust that trained outreach workers work so hard to overcome. And again, the program fails to offer what homeless individuals truly need to get off the streets: permanent affordable housing, with services for those who need them.

The Need for Permanent Housing

There is no criminal justice or policing solution to homelessness in New York City. Homelessness is not a crime. People avoid services and shelters for a variety of legitimate reasons, the most important being negative past experiences in the shelter system and other systems and bureaucracies that have repeatedly failed them. The vast majority of those bedding down in public spaces report a prior stay in the shelter system and contact with outreach teams since leaving the system. Because outreach workers are often unable to offer anything more than another trip to a shelter, their offers are frequently rejected. Reducing the tragedy of people taking makeshift refuge in transit facilities and on trains requires giving them somewhere better to go. Urgent action is needed to expand the supply of permanent housing necessary to finally reduce homelessness. Instead of wasting public resources on this misguided and counterproductive strategy, Mayor de Blasio must immediately expand access to low-barrier safe havens and low-threshold housing, and accelerate the pipeline of supportive housing.

We thank the Council for the opportunity to testify, and we look forward to opportunities for further advocacy to address the needs of all homeless New Yorkers.

¹ See Local Law 71 of 2013:

https://www1.nyc.gov/assets/cchr/downloads/pdf/amendments/Int_1080_2013_bias_profiling.pdf

About The Legal Aid Society and Coalition for the Homeless

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 more than 2,000 attorneys, social workers, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major 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 takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an 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 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. The Society, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. The City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. Our goal in litigation is to ensure that the City creates and maintains enough youth-specific beds to meet the needs of *all* youth seeking shelter. The Society, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled – NY, settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness.

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which is now in its fourth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term solutions and include: Supportive housing for families and individuals living with AIDS; job-training for homeless and formerly homeless women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes over 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries.

The Coalition was founded in concert with landmark right to shelter litigation filed on behalf of homeless men and women (*Callahan v. Carey* and *Eldredge v. Koch*) and remains a plaintiff in these now consolidated cases. In 1981, the City and State entered into a consent decree in *Callahan* through which they agreed: "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws.

Karim Walker, Testimony, Joint Hearing on Subway Diversion Program

January 20, 2020:

Ladies and Gentlemen of the Council, and Honored Guests:

First, thank you for your time. My name is Karim Walker.

As we know, we are facing a homelessness crisis like no other, one that reflects what is happening across this nation. But the city's ill-considered and ill-conceived Subway "Diversion" Plan does nothing to address the root causes of citywide homelessness—a lack of affordable housing and rampant gentrification. I say this from experience. In August 2019, NYPD officers picked me up while I was sleeping on Jamaica Center bound E train at Port Authority. They handcuffed me, drove me up to the Columbus Circle precinct, rummaged through my possessions, despite my explicit demands not to do so, and put me in a holding cell until outreach workers from BRC came for me, after issuing a summons for being outstretched. When BRC arrived, I was released from the holding cell, and they escorted me out of the precinct. After we left the precinct, BRC outreach workers told me I could but did not *have* to accompany them to 30th Street. I told them right then and there, "I'm not going with you." The entire experience was dehumanizing, humiliating, and traumatizing.

This is not how we treat the most vulnerable and marginalized among us, nor is this a productive use of taxpayers' money. While I cannot speak for the thousands of street homeless in NYC, I believe many would agree that this wrong-headed approach to so intractable a problem has the potential to do more harm than good. Many of us on the streets have experienced the lack of safety and cleanliness that are rampant in many city-run shelters. I am not on the street because I am ignorant of the shelters. If anything, I am all too familiar with the shelter system, having spent 2 years in NYC shelters.

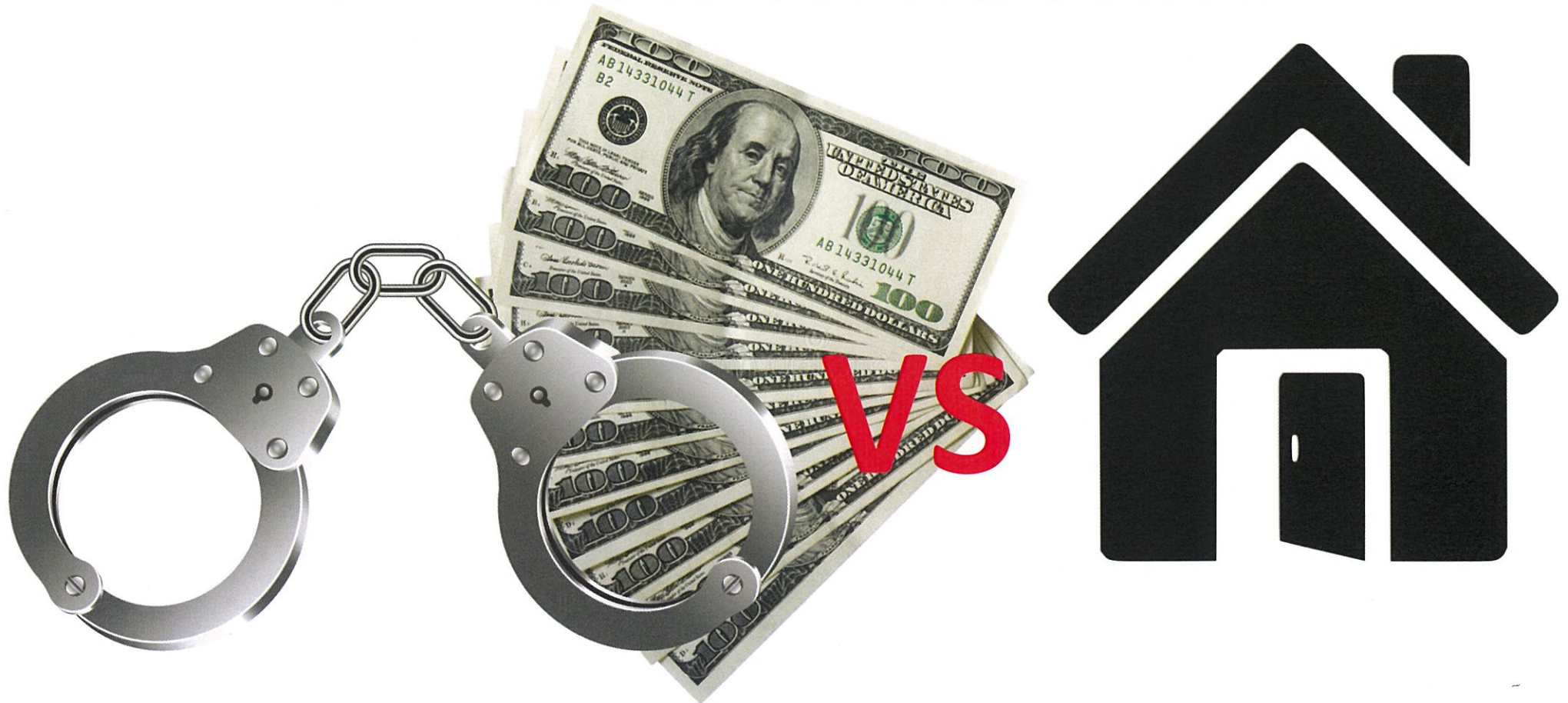
In November 2019, I was again outstretched on a Queens-bound A train, when police picked me up at Chambers Street. Still very wary of my last encounter, I decided a different tactic would be necessary. I got off the train, as they asked, but refused to produce ID or give my name. No name, no summons. After three minutes of back and forth with three NYPD officers, I decided

enough was enough and proceeded to collect my belongings and exit the station. The cops did not write a summons because they had no name to issue it to.

Three weeks later in December, the police picked me up at the World Trade Center terminus on the E train, tried to write me a ticket, but because I (again) didn't give my name or ID, were unable to do so. But as I proceeded to collect my belongings, a police officer grabbed my left wrist in full view of an outreach worker. As I tried to wrest myself free from his control, his partner asked him to let me go. They followed me out through the turnstiles, threatening me with arrest for criminal trespass if I didn't leave.

Last April, the US Ninth Circuit Court of Appeals ruled in *Martin v. Boise* that street homeless cannot be punished for sleeping in public property if they have no adequate alternatives. While we may not be in that court's jurisdiction, given the deplorable conditions that many city-run shelters are in, it is very understandable why many on the street don't view them [the shelters] as a viable, adequate alternative. We owe it to them and to the city to find a better, safer way to help our unhoused neighbors.

**NYPD SUBWAY DIVERSION PROGRAM
WHY NOT???**
**HUD “HOUSING FIRST”
OR
HUD “RAPID RE-HOUSING”**



January 20, 2020, Testimony For Hearing RE: Subway Diversion Program

This testimony is anonymous. The person who anonymously shared their story will be referred to as Magi, based upon the timing of the encounter being between cultural celebrations of Hanukah, Christmas, Festival of 3Kings, and Christmas for Orthodox Church

On Saturday, January 4th 2020 Magi was riding the E train when it pulled into the Canal Street Station. The train was fairly crowded. Officers went through the passengers and approached Magi, who had his bag in the seat next to him in one of the double seats at the end of the subway car. Magi is homeless yet wears regular winter clothing and could easily be taken for an aging workman. Magi was taken off the train and escorted to the Canal Street Transit Police Station where he was issued a summons for blocking a seat on the subway. He was then told that he was going to BRC where they would take care of summons for him. Magi had heard horror stories about BRC related to financial institutionalization, in which he would be mandated to apply for Public Assistance in order to support shelter stays. For Magi, making people who already have work or hustles open Public Assistance cases and do their work programs can destroy their ability to maintain the little financial independence they already have. Magi stated he would respond to summons by paying it himself, however, he was told that he had to go to BRC. Magi was placed in a jail cell in the Transit District Police Station for less than five minutes before he was taken out to be driven to BRC. When he arrived at BRC, the NYPD gave the summons to the workers at BRC to resolve. Magi heard BRC's offer, refused it, and left.

This amounts to Criminalization and shuffling people around at extremely high cost. Housing is the answer not shuffling people around like cattle drives with jails and nursing homes being the end market. Infrastructure around homelessness keeps building in NYC while it grows the population. NYC and NYS have created a multiple billion dollar business maintaining and growing homelessness.

**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: Catherine Tapani

Address: _____

I represent: Homeless Services United

Address: 307 W 37th St NY, 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: _____

(PLEASE PRINT)

Name: Karim Walker

Address: _____

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: _____

(PLEASE PRINT)

Name: Joshua Dean

Address: 16 W 15th St

I represent: Human.nyc

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

*with Giselle
Rauthier*

Appearance Card

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

in favor in opposition

Date: 1/21/20

(PLEASE PRINT)

Name: Josh Goldfein

Address: _____

I represent: Legal Aid Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

*with Josh
Goldfein*

Appearance Card

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

in favor in opposition

Date: 1/21/20

(PLEASE PRINT)

Name: Giselle Rauthier

Address: 129 Fulton St, NY, NY 10038

I represent: Coalition for the Homeless

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: 1/21/20

(PLEASE PRINT)

Name: Thomas Asco

Address: Brooklyn

I represent: the Homeless

Address: 1420 Atlantic Ave.

**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: Chief of the Transit Bureau for

Address: the NYPD Edward Delatorre

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: _____

(PLEASE PRINT)

Name: Molly Park

Address: _____

I represent: DHS, First Deputy Commissioner

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: Jonathan Sordshole

Address: 40 Rector St

I represent: Upward Justice Center Sup. Unit A - 11/17

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. NYPD. Subways Res. No. DIVISION

in favor in opposition

Date: 1-21-20

(PLEASE PRINT)

Name: Wendy O'Shields

Address: _____

I represent: Self

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: Richard P. Hobbs

Address: 40 ANN ST. NY NY 10038

I represent: Myself + ENDYANSCITURCID@GMAIL.COM

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: Managing attorney for the Legislative

Address: Legislative Affairs Unit for

I represent: the NYPD Michael Clarke.

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: 1-21-2020

(PLEASE PRINT)

Name: Inspector Raymond Porteus

Address: of the NYPD

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

LAST
PANEL

Appearance Card

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

Date: 1-21-2020

(PLEASE PRINT)

Name: Rafael W. Flores

Address: 89-67 Springfield Blvd

I represent: myself

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: Erin Drinkwater

Address: _____

I represent: DSC, Deputy Commissioner

Address: _____