

Testimony of Elizabeth Glazer
Mayor's Office of Criminal Justice
New York City Council
Committee on Public Safety
January 25, 2016

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

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

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

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

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

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

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

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

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

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

The bills we are discussing today will make further important improvements to the enforcement of low-level offenses. The administration supports creating the option for officers to issue a civil ticket in response to low-level offenses, such as littering. In appropriate low-risk cases, this will bypass criminal court altogether, avoiding the possibility of a warrant for failure to appear or a criminal conviction that could affect public housing eligibility. The City also supports removing the possibility of jail time for many low-level offenses and reclassifying many low-level offenses as violations instead of misdemeanors. Taken together, these two changes will affect hundreds of thousands of New Yorkers every year, avoiding undue collateral consequences and improving fairness.

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

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

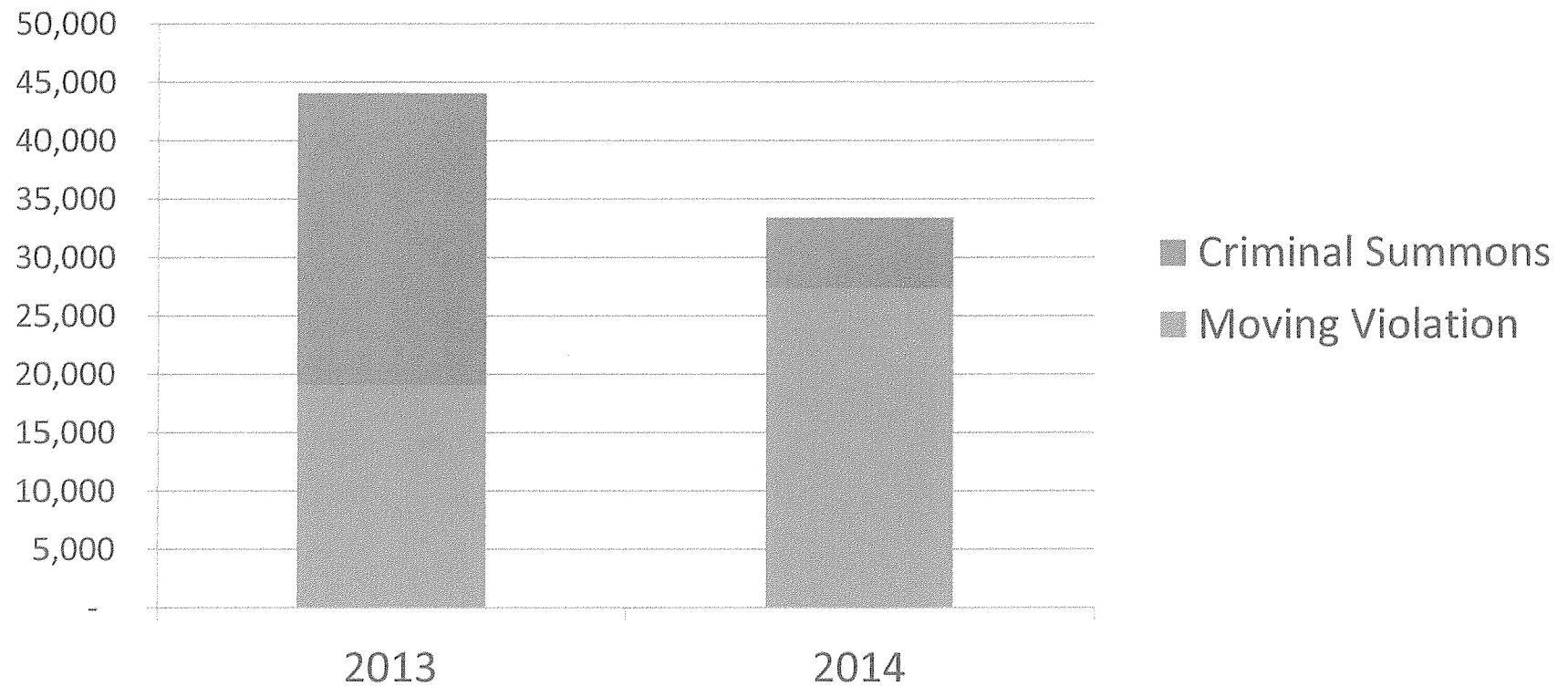
Effective implementation of the changes we are discussing today will advance the City's larger goals of promoting fairness and concentrating law enforcement resources on the narrow category of individuals driving the City's violent crime.

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

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

Criminal Summonses for Bicycle Offenses Have Significantly Declined → Down 76%

Bicycle Summonses



TESTIMONY

The Council of the City of New York
Committee on Courts and Legal Services

And

Committee on Public Safety

January 25, 2016
New York, New York

The Legal Aid Society
199 Water Street
New York, NY 10038

Presented by: Justine M. Luongo, Attorney-in-Charge
Criminal Practice

Good morning. I am Justine M. Luongo, Attorney-in-Charge of the Legal Aid Society Criminal Practice. We submit this testimony on behalf of The Legal Aid Society, and thank Speaker Melissa Mark-Viverito, and Chairpersons Lancman and Gibson for inviting us to speak about this important issue.

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, 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 criminal, civil and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With its annual caseload of more than 300,000 legal matters, the 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 Society's law reform/social justice advocacy also benefits some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. The Society accomplishes this with a full-time staff of nearly 1,900, including more than 1,100 lawyers working 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 Legal Aid Society operates three major practices Criminal, Civil 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.

The Society's Criminal Practice is the primary public defender in the City of New York. During the last year, our Criminal Practice represented over 230,000 indigent New Yorkers accused of unlawful or criminal conduct on trial, appellate, and post-conviction matters. In the context of this practice many of our lawyers exert considerable thought and effort to avoid the worst of the direct and indirect consequences that are associated with a criminal conviction.

The Society's Civil Practice provides comprehensive legal assistance in legal matters involving housing, foreclosure and homelessness; family law and domestic violence; income and economic security assistance (such as unemployment insurance benefits, federal disability benefits, food stamps, and public assistance); health law; immigration; HIV/AIDS and chronic diseases; elder law for senior citizens; low-wage worker problems; tax law; consumer law; education law; community development opportunities to help clients move out of poverty and reentry and reintegration matters for clients returning to the community from correctional facilities.

The long-documented problem of "Broken Windows" policing is that it treats the vast majority of the people stopped for low-level offenses as criminals and that the tactic is executed disproportionately in low-income communities of color. The result is that members of communities of color are treated like criminals for the same conduct, like littering, drinking in public, public urination that officers turn a blind eye to in mostly

white affluent communities.¹ These arrests have life altering, often devastating, consequences such as the loss of employment, housing, government benefits and program participation including student loans, or immigration status.

In addition to the consequences that befall those arrested on these offenses, the stark disparities in how offenses “like spitting, disorderly conduct, loitering, open container and failure to have a dog license” are enforced in communities of color, “more likely to be doled out in predominately Black and Hispanic precincts, reinforce the divide between communities and police.”² One resident of East Harlem told a reporter in 2014 that she felt like her “neighborhood is like it’s under martial law. We got all these rookie officers on each corner. These officers, they just run around and ask you for any excuse to ask you for your ID and write you a summons.”³ This treatment would obviously not be tolerated equally in Park Slope, where public drinking, public urination, littering and riding bicycles on the sidewalk occur without police interference or even observation.⁴

The proposed legislation is a good first step to undoing the harms of disparate policing of communities of color and the over criminalization of these low level acts that do not

¹ For documentation of disparate policing of “low-level” marijuana possession in communities of color, see <http://marijuana-arrests.com/docs/Race-Class-NYPD-Marijuana-Arrests-Oct-2014.pdf>.

² <http://www.nydailynews.com/new-york/summons-broken-windows-racial-disparity-garner-article-1.1890567>

³ Id. <http://www.nydailynews.com/new-york/summons-broken-windows-racial-disparity-garner-article-1.1890567>

⁴ For a report on activists who handed out fake summonses to affluent Park Slope residents committing “low-level” offenses during an educational campaign around disparate policing, see <http://www.newyorker.com/news/news-desk/broken-windows-comes-to-park-slope>.

affect public safety. We fully support the legislation and commend the City Council for their work. However, we ask that you consider several suggested additions and other recommendations that we believe, given our experience as the primary public defender and provider of civil legal services, will strengthen the legislation.

Recognizing Racial Disparity and Reducing The Effects

While expanding the penalties to include civil fines for low-level offenses is an important step to undoing years of unfair and unjust criminal system policies, the devil will be in the details. How the NYPD will articulate who gets a civil summons versus a criminal summons, and how large the margin of discretion a police officer has will determine the value of this bill. If the NYPD continue to target communities of color for enforcement of low-level offenses, this bill will have little impact on police and community relations. We should also recognize that any decision to grant a civil summons that factors in a person's criminal history of prior low level arrests, factors in disproportionate race-based decisions that occurred in the past. To protect from this built in bias, this bill should not consider past criminal history to determine who should get a civil summons.

We call upon the Council to pass the "Right To Know Act" so that this legislation can join the many protections afforded New Yorkers in that legislation. The legislations, together, can begin to build community/police relations,

Further, how summonses are enforced in different communities and across different demographics should be closely monitored. The demographic reporting, including the

racial breakdowns of low-level summons enforcement should be available on a quarterly basis to the public. Hearings should be held annually to review the data and give communities and advocates the opportunity to discuss issues with the continued policing policies.

Alternative to Fines in Civil Enforcement

It should be recognized that while civil enforcement of summonses is far more preferable than criminalization, the clients we serve, indigent New Yorkers, will not be able to pay fines. We must also recognize the long-term effects of the issuance of civil judgments for the failure to pay a fine will cause a person, and over time, this City. While the legislation calls for an option to perform community service, this fails to recognize many issues associated with performing this community service and misses an opportunity to really assist a person that may need services.

For many low-wage workers, the requirement to perform community service may cause them to lose their jobs. Missing a day of work to respond to a civil summons and then another full day to attend community service increases the likelihood that a minor offense can cause a person to be terminated. A similar issue affects young people with school attendance. Further, many people who cannot pay a fine live with physical impairments or health conditions. For this population, community service is impossible. Finally, community service misses an opportunity to actually provide services that a person may need:

For these reason we suggest the following:

- A person who cannot pay a fine should be given an option to provide a limited number of community service hours on a day they select (including after-school or weekends) or attend an intake/counseling session on the day the person responds to the civil summons. The latter can be modeled after the community courts such as Red Hook or Midtown run by the Center For Court Innovation. This intake/counseling session could assist a person in a wide array of needs such as obtaining a birth certificate, obtaining a municipal ID or advice on housing or employment
- The standard for qualifying for a non-fine based option should be interpreted as broadly as possible (400% of the Federal Poverty Level).

Need For Legal Advocates

While we recognize that there is no right to counsel for civil summonses, we ask that the legislation consider a provision allowing for free legal advice and consultation from a legal advocate. A legal advocate would be available to give advice of the consequences of paying a civil fine, determine that there was no police misconduct and provide advice on other consequences. For example, of particular concern is a plea of guilty to noise violations. Without advice a person may elect to plead guilty not understanding that their landlord may turn around and use that guilty plea as a basis to evict them from their homes (based on a breach of contract). Considering that many landlords are looking for ways to evict lower-income residents, who are also mostly people of color, from communities struggling through gentrification, we believe that low-income New Yorkers

of color are vulnerable to eviction if they are not privy to this potential consequence of a guilty plea.

Further, the new law “aggravated noise” will allow noise violations to remain criminal, with all the collateral consequences of criminal cases attaching, including the loss of employment, housing, government benefits and program participation including student loans, or immigration status.

A Call to Decriminalize All Park Offenses

Unless all of park rules and regulation offenses are converted to violations, New Yorkers will continue to suffer serious collateral consequences of low-level offenses. Currently, parks violations are misdemeanors, even if the same conduct is a violation outside of a park. Parks regulations include innocuous behavior like having a dog off a leash, playing a musical instrument, or begging. Misdemeanor convictions harm low-wage workers’ employment prospects for the rest of their lives. The Legal Aid Society recently represented someone who was barred from working as a home health aide because of a 7-year old misdemeanor conviction. Further, park rules that remain misdemeanors can have enormous immigration consequences especially those seeking Temporary Protected Status or Deferred Action for Childhood Arrivals.

We thank you for allowing us time to discuss these issues and we are available to meet further to discuss ways to structure this legislation to insure New Yorkers are treated fairly

COMMUNITIES UNITED FOR POLICE REFORM

Written Testimony of Communities United for Police Reform (CPR) Michael Velarde, Director of Organizing & Policy

**Submitted to:
New York City Council Committee on Public Safety
On the *Criminal Justice Reform Act* package**

January 25, 2016

Communities United for Police Reform (CPR) is a multi-sector and multi-strategy campaign to end discriminatory policing practices in New York. Our 60+ organizational members and additional partners aim to help build a lasting movement that promotes public safety and policing practices based on respect for the rights and dignity of all New Yorkers. The partners in this campaign come from all five boroughs, all walks of life, and represent many of those unfairly targeted by the New York Police Department (NYPD). The campaign brings together a movement of community members, lawyers, researchers and activists to work for systemic, policy and cultural change.

For too long, New Yorkers of color – including low-income, LGBT/gender non-conforming, women, immigrant, youth, homeless and others - have been forced to experience discriminatory broken windows policing that targets certain communities for the enforcement of non-criminal, low-level infractions, while other communities have been exempt from such enforcement despite identical infractions occurring. This disparate treatment and the disproportionately harsh legal penalties and ramifications after enforcing such infractions do not contribute to public safety and have resulted in the severe harm of New Yorkers. People targeted by and subjected to such enforcement have faced unfair consequences that have often led to arrests, criminal records and open warrants. It is unquestionable that a significant portion of New York City's 1.4 million open warrants are a result of the compounding impact from the legal ramifications following such enforcement. These outcomes have led to significant collateral consequences on the educational, employment, housing, and immigration prospects and status of thousands of New Yorkers, among other challenges.

Therefore, criminal justice reform efforts that seek to reduce how the laws and legal process following such enforcement promote racial and other disparities, criminalization of particular communities, and mass incarceration are essential. The idea that a New Yorker might spend any amount of time within a correctional facility, like those on Rikers Island or elsewhere in the city, as a result of a non-criminal violation is illogical and does not contribute to public safety.

The new proposals within the *Criminal Justice Reform Act* (CJRA) include some good first steps with laudable intentions, though concerns about the details or lack thereof within some proposals need to be addressed to ensure the legislation has a long-term positive impact for New Yorkers. We appreciate the Council's introduction of these new proposals as a recognition of some of the disproportionate negative consequences of broken windows policing and disparate criminal justice enforcement, and we hope this represents the beginning of a productive and inclusive conversation that can lead us to comprehensive solutions to the challenges within our legal system.

As part of moving towards a comprehensive resolution of harmful policies, it also remains critical that the CJRA summons reform be advanced together with police reform proposals, such as the Right to Know Act. The problematic policing practices that drive the disparities in who faces low-level enforcement in the first place must be simultaneously tackled in order to resolve the root of the problem. Failing to address the front-end problems with policing reform and solely relying on back-end reforms would only perpetuate disparities into a newly expanded civil enforcement structure offered by the Criminal Justice Reform Act.

Economic and Financial Protections, and the Need to Guarantee Due Process and Legal Representation for civil infractions

It is imperative that important concerns about the economic and financial consequences of these proposals on New Yorkers be addressed in a substantive and thoughtful manner. There are serious concerns and questions about how incentives to generate revenues with these new civil penalties might lead the city to severely harm the economic health of New Yorkers in a way that mirrors the problems that residents in Ferguson, Missouri have faced. It is clearly not the intention of this Council and these reforms, but incentives – particularly those relating to revenue – are powerful, and protections that are statutory and extend beyond current officeholders are needed to ensure the long-term protection of New Yorkers.

This concern only increases the importance of ensuring that police reform legislation is concurrently advanced. If we neglect to address that low-income New Yorkers of color are the ones disproportionately targeted for low-level enforcement, then we risk simply shifting an economic burden onto those New Yorkers who can least afford it. Such an unintended outcome would likely carry negative consequences for these New Yorkers' income, credit, housing, employment, financial and other standings, as well as the economic well-being of specific communities and neighborhoods.

The significance of advancing legislative reform of police practices during encounters, together with the CJRA, is further heightened given the high rates of dismissal for some of the most frequently charged summonses. In 2013, over 40% of open container summonses were dismissed outright, found to be legally insufficient, or disposed with an adjournment in contemplation of dismissal (ACD). This was also true in nearly 70% of parks charges, over 70% of bicycle on the sidewalk charges¹ (nearly half of which were legally insufficient), and 25% of public urination charges.

Furthermore, the high rates of dismissal of criminal code misdemeanor and violation charges for a number of minor infractions highlights the importance of ensuring due process and access to legal representation in the implementation of civil violations. While summons court is no model of due process, the lack of such due process at OATH is a concern that must be substantively addressed. New Yorkers' experiences with the Transit Adjudication Bureau related to civil offenses raise serious concerns about OATH courts' lack of due process and lack of options for recourse when unjustified tickets are issued. Legislation must ensure that there is adequate due process, as well as right to counsel, in OATH proceedings.

¹ Although bicycle on the sidewalk charges are not included in the Council's "Criminal Justice Reform Act" package, the high level of dismissals helps to demonstrate the importance of due process and legal representation for minor offenses.

It is also critical that the public be informed through robust public education efforts that include publicizing potential negative consequences for those who may plead guilty to charges without understanding the full spectrum of potential consequences. For example, individuals may pay a fine and plead guilty to an excessive noise ticket, not realizing the potential for negative consequences that impact their housing. A landlord could use such tickets as proof of breach of contract, unintentionally providing another tool to unscrupulous landlords to evict people in neighborhoods experiencing gentrification and displacement of long-term residents.

Community Service Alternative

We support providing a community service alternative to the payment of monetary fines, as recommended in T2016-4006. It is critical for low-income New Yorkers to have such an alternative to avoid the economic and financial harm such a system might impose. However, it is vital that this legislation be fully detailed and specified beyond its current form to guard against potential implementation that is inflexible or abusive towards those with the least access to financial resources. Such protections should ensure that community service is a feasible option within such a system, including when elected officeholders change.

Community service options should be reasonable to prevent individuals with low tickets do not lose the equivalent of an entire day of work to complete community service, and should be flexible to afford options for weekend and evening service with convenient locations to individuals serving in order to protect against employment loss and undue financial hardship to individuals. There should also be no fee options available to individuals who may not be able to perform community service for reasons including age, disability, or other health and wellness reasons.

Strong protections must exist to ensure that community service sites and supervisors do not perpetuate some of the existing harms faced by those who are mandated to do community service. For example, our coalition has heard reports of young women who have experienced sexual harassment and misconduct by city supervisors and others at community service sites, without any protection or recourse for such harassment and misconduct.

The current legislation related to community service indicates that the poverty definition will be determined by the “center for employment opportunity,” without specification of the entity. There is some confusion about the entity being referred to, and whether the legislation intended to designate the city’s Center for Economic Opportunity. Clarity should be provided on the designee, and the chosen entity should be required to update the NYC-specific poverty threshold annually and clearly publish the index and changes on its website and through city notices each year.

T2016-4001 | NYPD Discretion over Policy & Implementation

Requiring the NYPD to formally provide guidance to officers related to when civil enforcement should be the preference over criminal enforcement, as well as requiring this guidance be made public, is a positive step for transparency. However, given the lack of public trust for the police department to hold itself accountable or to discipline officers who abuse their authority, and the reality that the NYPD’s role is to enforce the law rather than legislate enforcement options, there are significant concerns related to the department maintaining policy-making discretion over enforcement guidelines related to non-criminal offenses.

Given the existing and historically discriminatory manner in which broken windows policing has been implemented, there are also deep concerns that there will be discriminatory and abusive aspects of daily implementation by NYPD officers – particularly since the option of criminal misdemeanors and/or violations are generally not being removed as a result of the CJRA. Significant protections are necessary to avoid this discretion resulting in the perpetuation of racial and other disparities with civil penalties.

To ensure that such guidance result in daily practice that supports the intent of the legislation will require:

- Development of the guidance with input of directly affected communities, police reform advocates and criminal justice advocates
- Guidance should specify disciplinary outcomes in instances where officers do not follow departmental guidance, and there should be public reporting of disciplinary actions
- Guidance should include civil preferencing for a broad range of non-violent minor infractions, not limited to only those in the current bill (i.e. charges related to turnstile jumping, riding a bicycle on the sidewalk)
- Robust data collection, regular public reporting of data, and oversight

Reporting Transparency

We are supportive of the increased transparency of Int. 639 and 662 to require the NYPD to report quarterly on the issuance of criminal court summonses, desk appearance tickets, and OATH summonses, with demographic information on the race, gender and age of those issued. The city needs to be transparent in collecting and reporting the impact of such policing enforcement on communities, and this is an important step together with the restoration of collecting race data on summons forms.

The reporting bills should be amended to ensure that they provide the Council and the public with sufficient data to ensure proper and non-discriminatory implementation of the new CJRA provisions. Amendments should include:

- Reporting on the number of instances that include an individual being held in custody, regardless of the incident outcome
- Reporting on the use of force during any incidents, including an officer placing their hands on an individual. This is particularly important for violations, where most would agree that there is no need to make physical contact or use force on an individual.
- Intersectional demographics reporting, so that categories such as a subject's race, gender and age are reported as their own categories as well as in relationship to each other.

Conclusion

We thank the Council for the opportunity to offer testimony today on the importance of reforming the legal penalties of certain low-level offenses. In order to build on the introduction of these proposals, we urge the Council to engage communities impacted the most by these issues to have a substantive opportunity in shaping final solutions to ensure they are comprehensive and positive in the long-term

regardless of the ideology of future officeholders. Advancing policing reforms at the same time as these summons reforms is a priority for communities, to address the lack of accountability and transparency within police encounters, policies and practices that have historically driven and continue to promote the disproportionality of criminal justice outcomes. Reducing the legal ramifications at the end of police encounters is important, but legislative reforms like the Right to Know Act are equally essential to reducing abuses that continue to harm New Yorkers and undermine trust within communities.



**Written Comments of Youth Represent
New York City Council
Hearing of the Committee on Public Safety
Re: Criminal Justice Reform Act of 2016:
T2016-4001, T2016-4002, T2016-4003, T2016-4004, T2016-4005, T2016-4006,
and Intros 639 and 662 of 2015
January 25, 2016**

Youth Represent is a holistic youth defense and advocacy organization. Our mission is to ensure that young people affected by the criminal justice system are afforded every opportunity to reclaim lives of dignity, self-fulfillment, and engagement in their communities. We provide criminal and civil reentry legal representation to young people age 24 and under, citywide, who are involved in the criminal justice system or who are experiencing legal problems because of past involvement in the criminal justice system. Our interdisciplinary approach allows us to understand the full extent of our clients' legal and practical challenges so we can effectively represent them as they make the journey from courtroom to community. We have represented hundreds of youth charged with low-level offenses in criminal and summons courts, and hundreds more dealing with the civil repercussions of such arrests, from school suspension to job denials to public housing termination. Thank you to the committee for the opportunity to provide this testimony.

The eight pieces of legislation before the Council today take important steps towards addressing the wide-ranging harms that "Broken Windows" policing policy have wrought in low income communities of color for the past two decades. By creating and encouraging a civil enforcement option for a range of low-level offenses, they have the potential to reduce two of the most significant categories of harm for all New Yorkers, and especially the young people we serve: 1) Civil legal consequences of arrest and conviction, including eviction, job-loss, and even deportation; and 2) The proliferation of summons warrants, which already number over 1 million

in New York City. We appreciate that the legislation before the Council today is the result of many months of analysis by City Council staff, conversation with multiple city agencies, and input from constituents from across the five boroughs.

The proposed measures are promising, but some details must be addressed to ensure long-term positive impact. Our reservations and technical suggestions are detailed in this testimony. More importantly, we emphasize that the Council must not stop here. The legislation before you today will not address the underlying problems of racial disparity in enforcement of low-level offenses, nor the tremendous and persistent gap in trust between the NYPD and communities of color. And while these bills encourage civil enforcement of some minor offenses, they leave open the possibility of criminal enforcement and the resulting severe civil consequences. Finally, even those who are subject to civil penalties may be at risk of severe financial penalties and credit problems that lock them into a cycle of poverty. Our young clients may find themselves buried in civil justice debt before they even begin their adult lives. For these reasons, we urge the Council to pass the Right to Know Act in conjunction with the Criminal Justice Reform Act and to fully decriminalize the lowest-level offenses in the Administrative Code.

Youth of Color and Law Enforcement in New York City

As we know from the excellent *Summons Report* issued by John Jay last April, young people in this city bear the brunt of summons enforcement, with 18-24 year-olds receiving summonses at the highest rates, followed closely by 16- and 17-year olds. While the City does not yet collect reliable race and ethnicity data about summons issuance, we can extrapolate from misdemeanor enforcement data and from robust anecdotal evidence from community members,

attorneys, and even some judges to conclude that rates of summons issuance are vastly disproportionate among Black and Latino youth. Our first concern is that just as youth of color have been disproportionately targeted for everything from marijuana possession misdemeanors to disorderly conduct and open container violations, they will also be disproportionately targeted with criminal as opposed to available civil enforcement under the proposed legislation.

The problem of racial disparity is exacerbated by what we know from the summons data: In 2013 more than half of all summonses issued were legally insufficient, dismissed outright, or adjourned in contemplation of dismissal. In the ten years prior to 2013 the dismissal rate was even higher—consistently above 60%. These high rates of legal insufficiency and dismissal—like the low rates of arrest and conviction among people stopped and frisked—suggest widespread problems with the law enforcement actions that lead to summonses. And we know that these law enforcement actions disproportionately target Black and Latino youth. If the proposed legislation is implemented, some of these youth will continue to go through criminal summons court and face potentially severe civil legal consequences, warrants, or even jail time. Some will be sent to civil administrative proceedings and face fines and community service. But the message to all of these young people of color will be the same: *these systems exist to punish you, more often and more harshly than other young people engaged in the same behavior.*

Concerns about Civil Enforcement of Low Level Offenses

Especially because of the high rates of legal insufficiency and dismissal in summons court, civil enforcement brings with it its own set of challenges to ensuring fairness and due process. Unlike in criminal summons court, there is no right to counsel in civil proceedings. Furthermore, as the Office of Administrative Trials and Hearings (OATH) absorbs some of the

large number of cases currently being heard in the summons court, the sheer volume will make it difficult for litigants with or without counsel to have their cases heard. Just like in summons court, people will have to miss days of school and work to attend administrative proceedings, and if those proceedings are adjourned because of backlog and delay then those who wish to challenge their charges will miss more work and school.

Those who are found guilty of civil violations could face significant fines under the proposed legislation. While we appreciate the presumption of a community service offer in lieu of a \$250 fine, it is only available as an offer of settlement. Those who wish to fight their charges—which we can predict based on prior years’ data will have a significant rate of legal insufficiency—may not benefit. Furthermore, only those who meet a poverty standard will qualify for the community service offer. For 2013 (the most recent year available on the Center for Economic Opportunity website) the poverty threshold for a single childless adult in New York City was \$14,424, an amount low enough to effectively exclude thousands of working poor people for whom a \$250 fine may well mean missed meals, rent, or deepening debt.

Regardless of the penalty imposed, it is imperative that litigants—the vast majority of whom will be appearing without counsel—fully understand them. This is especially critical for youth. We urge the Council to work closely with OATH and other relevant Mayoral agencies to see that this legislation, if enacted, is implemented with attention to fairness and due process. Measures should be put in place to provide language access; ensure that information about the process and penalties are communicated clearly to all litigants, especially youth; and to provide access to OATH and to community service placement in the evenings and on weekends so that litigants can minimize missed days of work and school.

Specific Concerns and Technical Issues with Pending Legislation

We have the following specific concerns and suggestions about the proposed legislation:

- **T2016-4001 (in relation to the enforcement of criminal and civil offenses):** The formal, publicly available guidance for NYPD officers regarding the determination of whether to use civil or criminal enforcement contemplated by this proposal is an important step towards transparency. But explicit measures must be taken to ensure that the intent of the legislation is met and to address the potential for racial disparity. These measures include input from directly affected communities and police reform advocates in the development of the guidelines, inclusion of a broader range of low-level offenses, specific disciplinary outcomes in instances where the guidelines are not followed, and robust collection and public reporting of data.
- **T2016-4002 (in relation to the penalties for littering):** The addition of language prohibiting spitting to the Administrative Code unnecessarily creates a new criminal liability for spitting, which is already prohibited by Health Code (Section 181.03 of the Rules of the City of New York). Rather than add a new prohibited activity to the Administrative Code, the Council should consider amending subsection e of section 558 of the New York City Charter so that violations of the health code are punished as violations, rather than misdemeanors.
- **T2016-4003 (in relation to penalties for excessive noise):** The penalty of \$1,000 and imprisonment of up to 20 days for the newly proposed section 24-218.2 is unreasonably severe, especially given that it can be charged merely based on a prior *instruction* by a police officer, with no requirement of proof of an actual prior noise violation.

- **T2016-4006 (in relation to permitting ECB to use community service as an alternative to fines):** Setting the eligibility criteria for the presumptive community service offer at the poverty standard will exclude thousands of working poor people. At minimum, the Council should consider the standard used by the federal Legal Services Corporation, but linked to the poverty threshold for New York City established by the Center for Economic Opportunity. The Legal Services Corporation criteria is set at 125% of the poverty line, with authorized exceptions that consider factors such as seasonal variation in income, unreimbursed medical expenses, and fixed debts. In addition, the Council should either amend the charter or work closely with the Center for Economic Opportunity to ensure that the New York City poverty threshold is updated and posted publicly on their website annually.

Technical issues:

1. The current draft of T2016-4006 refers to the “standards for poverty as determined by the center for *employment* opportunity” rather than the center for *economic* opportunity.
 2. The current draft of T2016-4006 states that the presumption of the offer of community service shall apply to subsections 18-142 and 18-143 of the administrative code, rather than subsections 18-146 and 18-147.
- **Intro 639 (in relation to requiring the police department to submit quarterly reports relating to the issuance of summonses):** In addition to requiring quarterly reports from the NYPD regarding summons enforcement, the legislation should require OATH to report publicly on all penalties levied, disaggregated by race, age, and gender.



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

Lisa Schreibersdorf – Executive Director

BROOKLYN DEFENDER SERVICES

Regarding:

Preconsidered Int ___ - By The Speaker (Council Member Mark-Viverito) - A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of criminal and civil offenses.

Preconsidered Int ___ - Council Members Lancman and The Speaker (Council Member Mark-Viverito) - A Local Law to amend the administrative code of the city of New York, in relation to the penalties for littering, and to repeal subdivision 5 of section 16-118 of the administrative code of the city of New York, relating to the distribution of advertising matter.

Preconsidered Int ___ - The Speaker (Council Member Mark-Viverito) - A Local Law to amend the administrative code of the city of New York, in relation to the penalties for excessive noise.

Preconsidered Int ___ - Council Members Gibson and The Speaker (Council Member Mark-Viverito) - A Local Law to amend the administrative code of the city of New York, in relation to the penalties for possessing an open container of alcohol.

Preconsidered Int ___ - The Speaker (Council Member Mark-Viverito) - A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to penalties for violating certain park rules.

Preconsidered Int ___ - The Speaker (Council Member Mark-Viverito) and Council Member Kallos - A Local Law amend the New York city charter, in relation to permitting ECB to use community service as an alternative to fines.

Int 639-a - By Council Members Williams, Torres, Lancman, Johnson, Wills, Gibson, Chin, Mendez, Rose, Rodriguez, Rosenthal and Menchaca - A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit quarterly reports relating to the issuance of summonses.

Int 662 - By Council Members Levine, Dromm, Chin, Cohen, Gibson, Rose, Williams, Wills, Rodriguez and Rosenthal - A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit quarterly reports relating to the issuance of desk appearance tickets.

PRESENTED BEFORE

The New York City Council Committee on Public Safety

JANUARY 25, 2016

My name is Lisa Schreibersdorf. I am the Executive Director of Brooklyn Defender Services (BDS). BDS provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for 40,000 clients in Brooklyn every year. Because of this work we have a front-row seat in which to view most of the City's criminal justice practices and policies. We are thankful that the New York City Council is continuing to seriously look at the wide-ranging harms, direct and collateral, inflicted by the criminal justice system with an eye toward balance, proportionality, fairness and racial equity. Specifically we would like to thank the Committee on Public Safety for extending to us the opportunity to testify about the bills introduced by the Council today, which we support.

The proposals being introduced today will go a long way towards easing the burdens created by the steady rise of punitive quality-of-life enforcement over the past two decades. This legislation will pave the way for fewer cases in criminal court and fewer people in jail solely because they are unable to pay small fines. It should also result in less paperwork and overtime for the New York Police Department. These are all good things. We thank Council Speaker Melissa Mark-Viverito, Courts and Legal Services Chair Rory Lancman, and Public Safety Chair Vanessa Gibson for their leadership in identifying these problems and seeing through to the introduction and active support of this legislation.

Unfortunately, in New York City, people are still arrested and jailed for acts like littering, drinking a beer in a park, or sleeping in a NYCHA stairwell. Over the past decade, more than 6 million summonses have been issued for the most minor of crimes, violations, and infractions, so many that the court system could barely manage. There are more than 1 million outstanding summons warrants which trigger automatic arrest upon law enforcement contact, a severe burden to both the public and to criminal justice resources. Currently Brooklyn Defender Services represents in criminal court, more than 2,000 people a year who have been arrested and held in custody for up to 24 hours and facing further penalties after being stopped and arrested for infractions and violations – not even crimes. Most of these cases involve clients who have summons court warrants or have been stopped for transit related offenses during the previous year. Despite not having committed an offense that rises to the level of a crime, our clients face jail time, evictions and even deportation because these minor infractions and violations are adjudicated in criminal court. This problem, which the Council is seeking to ameliorate with these bills, is immense, affecting literally hundreds of thousands of New Yorkers every year, mostly from communities of color, entirely because of the disparate nature with which these technically illegal acts are enforced. With this in mind, the City Council deserves substantial credit for easing the penalties for a group of New York City's lowest-level crimes and violations.

For the past several months we have been interviewing our clients who come through criminal court on summons offenses and the results have been predictably appalling: A 48 year-old man who cut through a park on his way home from work; a middle-aged Spanish-speaking man who used his daughter's student metro-card to enter the transit system; a young woman arrested for being in a park without a child; a 51-year-old man drinking a beer on the sidewalk outside his home; a 76-year-old man for public urination; a 21-year-old man for riding his bike against traffic. In each of these cases our clients had previous unpaid summons matters that, in general, they either could not afford to pay or did not understand fully their obligations to pay. In some

cases the unpaid summonses were more than a decade old. I think it is fair to say that a night in jail is not necessarily a punishment proportionate to these behaviors, let alone the additional attendant penalties. It is these cases that the legislation introduced today will most directly affect in a positive manner. People in similar circumstances in the future will not necessarily have to worry about being brought through the criminal courts, with a threat of more jail time hanging over their head. This is a welcomed development and goes far towards aligning harm and punishment in a proportional way, avoiding the trauma of incarceration for thousands of people, reducing the risk of police encounters escalating and going a long way towards easing some of the feeling of oppression that is felt in the communities from which most of our clients come.

Another direct result of these reforms will be to free up time and space in criminal court so that more serious matters can be given the attention they require. Currently, the high volume of people brought through the system for these types of minor violations and infractions result in high arrest-to-arraignment times (sometimes up to 24 hours), longer spans between court appearances and, at times, a lack of court personnel and courtroom space for the swift adjudication of cases. The horrors the Council has heard about lengthy stays at Rikers Island and problems associated with monetary bail will also likely be impacted by this new legislation. The most positive reforms we've seen during the past two years have been the reductions in arrest, summons and overall police interaction numbers. These bills codify some of these current policies and will ensure that in the future there will not be a resurgence in arrests for things like being in the park after dark. These bills also send a message to the police that the City Council will do its part of act as a guardian of the rights of the residents of this city against unwarranted over-policing.

Many technical questions regarding the implementation of these bills remain to be hammered out during the legislative process. Critically, moving these cases to civil courts removes the right to counsel guaranteed by the Sixth Amendment, which, in addition to ensuring advocacy on individual cases, also provides for an essential layer of oversight to the process. We hope that this issue will be carefully considered while the legislation is being reviewed.

In addition: Will the public be compelled to show identification to the police during interactions for these violations or risk arrest and detention? Will people have to show up to court, missing work, school or childcare responsibilities? Will there be a way people to ask for a new court date? Will there be evening hours? Can the summons forms be updated so people can readily understand them? These are just a few of the issues we are interested in hearing more about and which we are happy to share our experience to help resolve.

Looking to the future, once these bills pass, many issues highlighted to Council during previous discussions on summons reforms remain unaddressed, such as inequitable and over-enforcement. There is more work to be done as the Council has foreseen with the introduction of the reporting bills. Again BDS is ready to assist in any way to continue a dialogue that will maximize the benefits of this legislation.

We hope the Council will consider a review of the civil penalties and will also expand the list of decriminalized offenses. Even with these welcome changes, it appears likely that tens of thousands of people will still be brought through criminal summons court each year where

criminal records, jail and even deportations await. For those lucky enough to have civil court adjudication, punishments may still be out of line with offenses. A \$250 fine, while it might seem reasonable to Council Members and staff, is a major sum for people living paycheck to paycheck, and can be the difference between feeding their families or going hungry, paying rent or becoming homeless. Civil judgments ruin credit scores and, like arrests and criminal court involvement, saddle our clients with permanent punishment. If the police are going to be involved at all, the preference – for all of these violations – should be to ask people to stop what they are doing in the first instance.

The NYPD Commissioner has insisted that without police involvement there will be no way to actually force people to behave, but a growing body of evidence, backed up by our own decades of experience in the field, shows that accountability is not asked of everyone in an equitable way. Demographic groups already under siege from a host of structural issues in the city, from housing to healthcare to employment, are typically held to a higher level of accountability than other groups, especially with regards to the minor infractions under discussion today. The Council plan – as Public Safety Chair Vanessa Gibson acknowledged Friday as a guest on WNYC – does little to address the inequitable, if not outright discriminatory enforcement of these violations. Black or Latino New Yorkers received at least 81 percent of summonses issued between 2001-2013, including 90 percent of littering offenses and 93 percent of spitting offenses. Moving these cases to civil court does not eliminate the problem. Any court system, civil or criminal marked by such obvious racial bias will suffer from a lack of legitimacy in the eyes of those people it is meant to control.

We would again like to thank the Council for moving definitively to address these issues, which are central to the fair administration of justice in our City and for extending to us the opportunity to comment on the bills introduced today. We look forward to remaining engaged with the Council as these bills move through the legislative process.

**The Bronx
Defenders**

**Redefining
public
defense.**

**Written Comments of The Bronx Defenders
New York City Council
Committee on Public Safety
January 25, 2016
10:00 AM**

Good morning. My name is Craig Levine, and I am the Managing Director for Civil Practice & External Affairs at The Bronx Defenders. The Bronx Defenders is a community-based public defender office in the South Bronx that provides holistic criminal defense, family defense, civil legal services, and social services to approximately 30,000 Bronx residents each year. On behalf of The Bronx Defenders, I thank Chairperson Gibson and the entire Committee on Public Safety for this opportunity to discuss the proposed reforms to the categorization and adjudication of low-level offenses in our City.

A Positive Step in the Right Direction

We want first to make clear that we welcome the policy approach and direction represented by the proposed changes. New York City's longstanding approach to the policing, adjudication, and punishment of so-called "quality of life" offenses is excessively punitive and leads in some cases to life-altering and life-long negative consequences. Some of these consequences may not have been intended by those who drafted our current laws and devised the current approach to their enforcement, but this does not make them any less real for the many thousands of people who suffer them every year. New Yorkers routinely face criminal records for minor conduct. Convictions for quality of life misdemeanors and violations lead to severe collateral consequences that can include, among others, deportation, homelessness on account of the loss of public housing, a practical inability to get a job, and the loss of federal student aid. By decriminalizing certain offenses and giving the NYPD the discretion to instead use civil enforcement mechanisms, the proposed changes should reduce these overly-punitive penalties and consequences. Additionally, by employing civil enforcement tools, fewer New Yorkers will be entangled in the criminal justice system and at risk of receiving warrants, which lead to tens of thousands of costly arrests every year. Finally, given our City's recent history with stop-and-frisk, which the evidence establishes to have been applied in a racially and ethnically discriminatory manner, there is every reason to suspect that the application of the current quality of life regime implicates similar civil rights concerns. The changes in the bills now pending before the Council represent a step in the right direction, and we encourage the Council to approve them. That said, we have a number of concerns about the bills, and proposals for strengthening them, and we urge the Council's consideration of these ideas prior to passage.

Concerns with the Proposals

The proposed changes also present a new set of challenges to the fair, non-discriminatory, and proportionate policing, adjudication, and punishment of low-level offenses in New York City.

The Need for Fair Fora

By giving the NYPD the discretion to use civil penalties in quality of life policing, the proposed changes will lead to the adjudication of many low-level offenses in administrative hearing bodies, as opposed to criminal courts and summons courts. The Bronx Defenders has previously raised concerns with the City Council about due process shortcomings in summons courts, and these concerns persist. But the challenges they implicate are far worse in administrative hearings.

Most importantly, there is no right to counsel in administrative fora. Indigent litigants at the Environmental Control Board (ECB), Office of Administrative Trials and Hearings (OATH), and Transit Adjudication Bureau (TAB) have no access to court-appointed counsel. Assistance from non-attorney staff is non-existent. Individuals who wish to challenge the charges against them are asked to navigate a confusing and unfamiliar system on their own. It is extraordinarily difficult for falsely accused New Yorkers to defend themselves and to be vindicated in these fora without legal assistance. And it is critical to bear in mind that in these fora no less than in criminal court, one is presumed innocent until proven guilty. The operational reality of these fora looks to a fair observer and feels to the accused like the presumption of guilt. One Bronx Defender client was strong-armed by an ECB hearing officer into paying \$2,000 to secure the return of his van. This man's van was seized after he could not timely pay \$2,000 in fines for alleged recycling violations. Never mind that these fines were designed to target large, profitable sanitation companies. This man was unrepresented and felt he had no choice but to pay. Had he had access to counsel, he likely could have challenged the tickets or negotiated a reasonable settlement. Outgunned and unarmed, as it were, he had no chance. Facing the power of the government for low-level alleged offenses without possibility of criminal records would be an important improvement over the status quo. But justice in any forum requires meaningful due process, which New York's administrative fora lack. If a right to counsel were to be deemed prohibitively expensive at this juncture, perhaps lower-level but properly trained legal assistants could be hired to help New Yorkers navigate the process and protect their rights.

Another shortcoming of these fora is hearing officers' actual or perceived lack of discretion to adjust penalties or dismiss cases in the interest of justice. In our experience, hearing officers either do not have the discretion to dismiss cases in the interest of justice or rarely choose to do so, even when confronted with extraordinary circumstances. We represented a pregnant woman before the Transit Adjudication Bureau who was arrested after using her son's student Metrocard so she could attend a mandatory appointment to secure Medicaid benefits. He had no money for subway fare, needed Medicaid to continue receiving prenatal care, and was entitled to transit fare but could not obtain it before getting to the Medicaid hearing. The hearing officer said that he had no discretion to reduce her fine or dismiss her case, despite her indigency and the extraordinary circumstances of her arrest. We have many similar client stories. The reforms now under consideration should make clear that administrative hearing officers have discretion to dismiss cases or adjust penalties in light of the unique facts and circumstances of each case. Cookie-cutter justice is injustice.

The broader concern here is the fundamental principles that should mediate the relationship between the police department and marginalized communities in New York. As the adjudication of more and more law enforcement activities shifts from criminal courts to

administrative tribunals with lesser due process protections, the right to a fair trial will become increasingly illusory. Even as their dockets increase, as would surely be the case under the pending proposals, we must ensure that administrative tribunals do not become obsessed with efficiency, structured, staffed, incentivized and evaluated to prioritize the “processing” of cases over the protection of rights. Failure to ensure proper due process protections in administrative proceedings will erode the value of fundamental fairness that underlies the legitimacy of any adjudicatory body, and undermine the right to trial that is our most basic check on the exercise of police power.

The Possibility of Discriminatory Policing and the Importance of Detailed Reporting

Allowing NYPD officers to exercise discretion to use civil rather than criminal penalties in policing low-level offenses should reduce the excessive punitiveness of the current approach to quality of life policing. But every exercise of discretion is an opportunity for discrimination, and history counsels caution and concern. We know both empirically and anecdotally that the NYPD’s discretion has been exercised unfavorably towards people of color, homeless people, and LGBTQ communities. Clear and transparent guidelines should be developed to guide the NYPD’s use of discretion to direct the alleged low-level offenses under consideration here to criminal or civil fora. Detailed, reporting – we would submit quarterly, but assuredly not less than annually – broken down geographically and demographically, and presented to the Council and the public online, will be essential to ensure both the fairness and the legitimacy of the NYPD’s exercise of its expanded discretion. Also, the Council must make clear that the creation of the possibility of civil enforcement here is not an invitation to even *more* policing of underprivileged communities, on theory that “it’s only civil, so why not?” Here again, publicly reported data will be crucial to accountability.

The Need to Further Decriminalize Very Minor Offenses

Proposed law 18-146 would redefine many offenses under that statute as violations rather than misdemeanors. But there are three offenses specified in 18-146 that would remain subject to prosecution as misdemeanors but should be redefined as exclusively violations because they address extremely minor conduct:

- 18-146(a): Failure to comply with a lawful order. This rule allows police officers to arrest people for disobeying an order. Police officers are poorly situated to evaluate the lawfulness of their own orders. In practice, anyone failing quickly and completely to comply with any directive from a police officer – no matter how potentially trivial or inappropriate the order – is at risk of arrest and criminal prosecution. Supporting police authority with the criminal law is unnecessary, excessive and in invitation to discrimination and the targeting of marginalized groups.
- 18-146(r)(ii): Unlawful Solicitation. This law allows for the criminalization of panhandling, regardless of whether it is aggressive or persistent. It thus encourages the criminalization of homelessness and destitution, which should be contrary to our values as New Yorkers and Americans.
- 18-146(w)(ii): Unlawful fires. "No person shall leave, throw away or toss any lighted match, cigar, or cigarette . . . near, or against any tree, building, structure . . . or in any open area." No one should face arrest and criminal charges for throwing out a cigarette.

These very minor offenses, the continuing criminalization of which invites discriminatory policing, should be fully decriminalized.

Proposed Modifications and Amendments

The Bronx Defenders' concerns for our clients would be ameliorated by the following modifications to the pending proposals¹:

Increase due process rights at administrative hearings.

- Commit more resources to administrative hearing tribunals. Our civil adjudication systems are already taxed by exceedingly high volumes of summonses. In FY 2015, the ECB hearings division alone received 623,758 summonses. More resources must be committed to these agencies to ensure meaningful due process.
- Provide a right to counsel or, at minimum, trained legal assistants to assist litigants in administrative tribunals.
- Mandate the reporting of how often civil summonses result in immediate payment, a negotiated settlement, or trial, and the frequency of all possible outcomes after trial.
- Ensure sufficient funding for translators in administrative tribunals.
- Grant administrative hearing officers clear authority and discretion to limit penalties or dismiss cases in the interest of justice.

Limit potentially overly harsh consequences of receiving a civil summons.

- Add language to the proposals to preclude reporting unpaid debt to credit reporting agencies.
- Wherever possible, create alternatives to in-person hearings, which can be costly and burdensome for workers, caretakers, and disabled New Yorkers. Allow individuals to pay fines without hearing by mail or online. Create options for online or telephonic hearings at every administrative tribunal.
- Given the low-level nature of the offenses here at issue and the long-lasting consequences of even civil judgments, preclude the imposition of civil judgments until a person's third failure to pay a fine or complete ordered community service. At minimum, do not impose civil judgments until individuals are given multiple warnings about the consequences of a failure to pay their fine or complete their community service.
- Ensure that community-service alternatives to civil fines include options not entailing physical labor, for those whose physical condition precludes physical labor.

Ensure monitoring and reporting of policing.

- Develop and publish clear guidelines about when officers are allowed to exercise their discretion to issue a civil versus a criminal summons.
- Monitor NYPD officers' exercise of discretion to issue civil versus criminal summonses by race, perceived gender identity, ethnicity, and precinct, and report data quarterly.

¹ If these proposals cannot be integrated into the pending bills at this juncture, The Bronx Defenders recommends that the Council adopt them as soon as possible in subsequent legislation.



NYCLU

NEW YORK CIVIL LIBERTIES UNION

125 Broad Street
New York, NY 10004
212.607.3300
212.607.3318
www.nyclu.org

**Testimony of the New York Civil Liberties Union
Before City Council Public Safety Committee
Regarding the *Criminal Justice Reform Act***

January 25, 2016

The New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony in support of the eight bills collectively known as the Criminal Justice Reform Act.

The NYCLU, the New York State affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices across the state and 80,000 members and supporters. The NYCLU's mission is to defend and promote the fundamental principles, rights, and constitutional values embodied in the Bill of Rights of the U.S. Constitution and the Constitution of the State of New York.

New Yorkers’ rights to be free from discriminatory and abusive tactics in law enforcement is a core component of our mission, and we advocate for these rights through our legal, legislative, and advocacy work. The Criminal Justice Reform Act is a significant step forward in reducing the over-criminalization of minor infractions and has the potential to save hundreds of thousands of New Yorkers, especially people of color, from needlessly being pushed into the criminal justice system. While there is work to be done to truly reform the criminal justice system, we applaud the Council for its creativity and vision in moving this conversation forward.

I. The Criminal Justice Reform Act Represents a Substantial Improvement over the Current State of Summons Enforcement

A. Recognizing the Noncriminal Nature of Low-Level Offenses

For far too long, the New York Police Department (“NYPD”) has focused on aggressively enforcing low-level violations and infractions as a major element of its program of “Broken Windows” policing. To this end, the NYPD has issued hundreds of thousands of summonses each year to New Yorkers for noncriminal, quality of life violations, such as littering or consuming alcohol in public. Between 2002 and 2014, the NYPD issued nearly seven million summonses.¹ For comparison, during that same time period, there were approximately five million documented stop-and-frisk encounters.

¹ Taken from data the NYCLU received from the Office of Court Administration

Despite the fact that most of the offenses enforced through the issuance of a summons are nonviolent, noncriminal violations, the majority of summonses still require an appearance in New York City Criminal Court. The result is that hundreds of thousands of New Yorkers are thrust into the criminal justice system each year, with only marginal—and unproven—benefits to public safety.

The Criminal Justice Reform Act recognizes that enforcing quality of life offenses through the criminal justice system should be the exception, not the rule. Put simply, public consumption of alcohol, littering, public urination, unreasonable noise, and most parks offenses are not criminal acts. No New Yorker should ever spend time in jail for carrying an open container or for being present in a park after closing hours. By removing entirely the possibility of imprisonment for these offenses, these bills mitigate some of the devastation to communities that bear the brunt of Broken Windows policing. The City Council should be commended for taking this important step.

Of the specified acts covered by these bills, civil enforcement options already exist for all but public consumption of alcohol. However, even where they exist in current law, civil enforcement options are underutilized by the NYPD. In 2014 alone, nearly 60,000 criminal court summonses were issued for littering, unreasonable noise, presence in parks after hours, and disobeying parks signs, despite the option for enforcement at OATH in each case.² T2016-4004 fills the gap in existing law by adding a civil enforcement option in open container cases, and T2016-4001 declares a legislative preference for utilizing civil enforcement, with criminal enforcement being reserved for use in limited circumstances. This preference is an important first step, but we look to the mayor and police commissioner to ensure it is fully implemented in both letter and spirit.

B. Reducing Collateral Consequences

The Criminal Justice Reform Act has the potential to minimize some of the most serious consequences of Broken Windows policing. In addition to the base fines, criminal court summonses often carry excessive associated fees and severe collateral consequences, far out of proportion to the relatively minor nature of the infractions at issue. Forty percent of summonses result in an arrest warrant being issued for a failure to appear in court.³ An arrest, guilty plea, or conviction for a summons level offense can create ripple effects that impact nearly every aspect of a person's life, including eligibility for public housing and student financial aid, job opportunities, child custody, and immigration status.

For low income New Yorkers, the costs associated with paying a summons fine and related court fees and surcharges can cause substantial economic hardship. Because so many arraignments are scheduled for the same time, summons recipients often must devote an entire day toward answering their charge, forcing them to forego a day's wages and to find alternative childcare or eldercare arrangements. The cumulative costs

² Taken from data the NYCLU received from the Office of Court Administration

³ Taken from data the NYCLU received from the Office of Court Administration

associated with making an appearance in summons court can be particularly devastating to anyone living paycheck to paycheck.

By contrast, the Office of Administrative Trials and Hearings (OATH) potentially offers more flexibility in responding to a notice of violation, including the opportunity to contest charges through hearings in person, by mail, over the phone, and online. Most importantly, a failure to appear at an OATH hearing or to pay a civil fine cannot result in the issuance of a bench warrant. This would mark enormous progress in getting New Yorkers out from under the more than one million arrest warrants currently outstanding. Standing alone, effectively eliminating new bench warrants for most summons charges would be a huge achievement.

OATH does have the ability to pursue civil judgments in the event of a default, and we must ensure that this does not become yet another trap for low income New Yorkers. To offset the economic hardship facing poor New Yorkers in the event of civil penalties that are beyond their means to pay, the NYCLU welcomes the proposal in T2016-4006 to provide for an alternative to monetary fines through the completion of community service. We hope the community service proposal is implemented with compassion, flexibility, common sense, and most importantly with the input of impacted community members. The alternative to paying a cash fine should not create its own set of Draconian consequences.

C. Improving Transparency

Data on noncriminal enforcement is nearly impossible for the public to obtain. A limited glimpse into the data, provided by the Office of Court Administration (“OCA”) indicates troubling, but not surprising, racial disparities in enforcement. Of the nearly seven million summonses issued between 2002 and 2014, the NYCLU has obtained demographic information on approximately 1.5 million summonses.⁴ Within this sample, 81 percent of summons recipients were Black or Latino.⁵

The data, however, is incomplete. Although OCA does record demographic data when it is provided, the summons forms currently in use do not capture information on race or ethnicity. In 2014, 98 percent of summonses provided no information whatsoever on the race or ethnicity of the recipient.⁶ In April 2015, as part of the Justice Reboot initiative, Mayor de Blasio announced that the NYPD would introduce new summons forms that restore data collection on the race of summons recipients.⁷ The NYCLU welcomes this crucial reform and looks forward to the updated forms being rolled out in the near future. It is imperative that the NYPD train its officers on the use of these new

⁴ Taken from data the NYCLU received from the Office of Court Administration

⁵ Taken from data the NYCLU received from the Office of Court Administration

⁶ Taken from data the NYCLU received from the Office of Court Administration

⁷ Press Release, Mayor de Blasio and Chief Judge Lippman Announce Justice Reboot, an Initiative to Modernize the Criminal Justice System (April 14, 2015), <http://www1.nyc.gov/office-of-the-mayor/news/235-15/mayor-de-blasio-chief-judge-lippman-justice-reboot-initiative-modernize-the>.

forms and make it clear that collection of demographic information is mandatory when issuing a summons.

The Criminal Justice Reform Act builds upon these reforms by requiring quarterly reporting on the enforcement of desk appearance tickets, criminal court summonses, and OATH notices of violation, including information on the race, gender, and age of the targets of enforcement activities. The NYCLU strongly supports these transparency measures. New Yorkers are entitled to know the impact that police practices have on our family, friends, and community members. As these reports are received, and when they invariably demonstrate stark racial discrimination, the city must take steps to eliminate the use of bias and profiling in police actions—whether a summons to appear in criminal court or OATH.

We recommend Intro. 639-A be strengthened by requiring the NYPD to report on whether a custodial arrest was made in conjunction with the issuance of a criminal court summons. Currently, police have complete discretion on whether to take a person into custody and release with a summons, or merely to issue the summons on the street. There is no data available to distinguish the number of offenses enforced through the issuance of a summons on the street versus the issuance of a summons following an arrest and a trip to the precinct. This data should be included in any reporting on summonses so that New Yorkers will have a clearer understanding of the resources being spent on summons enforcement.

These provisions could be further strengthened by requiring additional reporting by the NYPD on any instance where force is used in conjunction with the issuance of a DAT, summons, or notice of violation. The Council should demand transparency on use of force in low-level enforcement as part of a broader effort to identify and reform problematic police policies and practices. There is no reason enforcement of a low-level, nonviolent offense should ever result in injury or death to an officer or civilian.

II. Recommendations Related to Implementation

A. Development and Implementation of NYPD Guidance

T2016-4001 leaves the development of guidance for determining whether to utilize civil or criminal enforcement to the NYPD. The NYCLU welcomes the proposal to make this guidance publicly available, but we also recommend that the Department engage in an open, transparent process for developing that guidance at the outset, including through engagement with community stakeholders. For these reforms to succeed, officers must be given meaningful directives that sharply limit the use of criminal enforcement options. A decision to pursue criminal enforcement should follow clear policy criteria and should not be left solely to an individual officer's discretion. Additionally, the NYPD must invest time and resources in properly training officers on the new procedures and commit to holding officers accountable—including through the imposition of discipline—if they ignore or deviate from the guidance.

The past few years have seen substantial reductions in the number of criminal court summonses being issued. In 2014, 373,318 summonses were given out, representing a 13 percent decrease from the previous year.⁸ It is essential to the Criminal Justice Reform Act's success to ensure that civil enforcement does not reverse this trend. The NYPD guidance must make clear that the *preference* for enforcing the designated offenses through civil penalties should not be understood as making their enforcement at OATH a new *priority*. Police-community relationships will see little improvement if New Yorkers continue to face harassment for minor behavior, despite a change in the ultimate enforcement venue. The Council must continue to exercise its oversight authority to ensure that the NYPD's guidance and practices are consistent with the intent of these reforms.

B. Consider Collateral Consequences when Formulating Guidance

As discussed above, even low-level, noncriminal offenses can carry potentially devastating consequences for a person's housing, employment, or even their ability to remain in the country. While civil penalties generally carry fewer risks of such collateral consequences, the administration must proceed cautiously in evaluating all potential harms that may befall marginalized communities in civil enforcement contexts. This includes taking into account the financial consequences for New Yorkers who cannot afford to pay a civil fine or judgment and who may face adverse credit implications as a result, and any potential implications for our immigrant communities.

C. Ensuring Fairness in Community Service Alternatives

The NYCLU supports the proposal in T2016-4006 to allow low income New Yorkers to satisfy civil penalties through the performance of community service in lieu of a monetary fine. As written, however, the bill does not define community service, so we recommend that the administration engage with the public in order to determine the criteria for meeting this requirement. The NYCLU recommends a broad interpretation of community service that includes volunteering with community-based organizations and local non-profits, and takes into account an individual's abilities, mental and physical health needs, and existing community connections. OATH must also develop an objective, transparent process, guided by written criteria, for determining whether low income New Yorkers are eligible for community service in lieu of a fine. This process must take into account not only a person's income but also debt obligations.

It must also be noted that those persons most likely to benefit from community service in lieu of a monetary penalty are also likely to face additional economic hardship if they are forced to forego a day of work and lose wages in order to complete their service. As such, it is imperative that OATH allow for flexibility in terms of scheduling community service hours (including evening and weekend hours) so this "reform" is not deepening existing financial distress. Finally, the number of hours required to "pay off" a fine must be reasonable and not impose outside burdens on the poorest New Yorkers.

⁸ Taken from data the NYCLU received from the Office of Court Administration

D. Safeguarding Due Process Protections

The Criminal Justice Reform Act will likely lead to a substantial decrease in the caseload of the City's summons courts, while necessarily dramatically expanding OATH's operations. While the current summons court system can fairly be described as dysfunctional, there are due process protections that exist in the criminal system that are not shared in administrative tribunals like those at OATH. An 18-B lawyer is available to assist defendants fighting a criminal court summons, even if that lawyer may only have 30 seconds to review the merits of a case, whereas there is no right to counsel in a proceeding before OATH.

These bills present a unique opportunity to examine ways to improve both summons court and OATH proceedings. As the number of people sent to summons court decreases, so too do the administrative burdens on the courts. This may free up resources to allow the City to explore avenues for guaranteeing counsel to every defendant, regardless of the venue, or to establish some type of legal assistance unit within OATH to serve as a source of information or guidance for the increasing number of people who will find themselves attempting to navigate these proceedings.

III. Recommendations for Additional Reforms

The Criminal Justice Reform Act is an important step toward repairing the relationship between police and communities who feel over policed and harassed for minor behavior. However, the Council should not lose sight of the additional work that must be done to make New York City a leader in the movement to change the culture of policing and help rebuild trust between police and the communities they serve.

A. Pass the Right to Know Act

While the Criminal Justice Reform Act will reduce criminal consequences for many low-level offenses and make overall enforcement patterns more transparent, the Council must also act to promote transparency and accountability during the actual interactions between the NYPD and the public. Any encounter between police and the public, regardless of the underlying reason for the interaction or the ultimate enforcement venue, has the potential to escalate. In the most extreme cases, police-civilian encounters arising from minor offenses can escalate into situations involving the use of deadly force, as was tragically the case for Eric Garner.

Pending before the Council is the Right to Know Act, a legislative package consisting of two bills, Intro. 182-A and Intro. 541, that aims to improve communication and transparency during police-civilian encounters and decrease the risks of escalation. Intro. 182-A will require NYPD officers to identify themselves at the start of a law enforcement encounter and provide an explanation as to why the encounter is taking place. Intro. 541 will require officers to obtain proof of informed consent before searching a person without legal justification. The bills are already supported by a majority of City Councilmembers and are endorsed—nearly verbatim—in the final

recommendations of President Obama's *Task Force on 21st Century Policing*.⁹ Together with the Criminal Justice Reform Act, the commonsense reforms in the Right to Know Act will improve the quality of policing in New York City and enhance communication and trust in police-community interactions.

B. Increase Plea by Mail Options

Currently, New York City authorizes recipients of open container and public urinations summonses to plead guilty by mail and submit payment of the relevant fine without having to make an in-person appearance in summons court. The Criminal Court has touted the program as a way to "more efficiently manage limited staffing resources."¹⁰

While we are hopeful that the guidance that will be developed under the Criminal Justice Reform Act will lead to the vast majority of such cases being processed through OATH as opposed to the Criminal Court, the Council should consider expanding plea by mail options to cover those low-level, noncriminal offenses that continue to be enforced through a criminal court summons. This would further the court's goals in ensuring a more efficient use of its limited resources, eliminate the inconveniences inherent in having to attend an in-person arraignment, and further reduce the number of New Yorkers who are issued bench warrants for failure to appear.

However, because the collateral consequences of a guilty plea to even a noncriminal drug-related offense can be dire, particularly in the immigration and public housing contexts, the City should continue to require in-person appearances for marijuana possession summonses to allow those charged to pursue alternative options for relief and have the opportunity to meet with counsel.

C. Encourage the State Legislature to Pass a Cite and Release Law

The Criminal Procedure Law ("CPL") authorizes officers to arrest someone suspected of committing any offense, even violations that the legislature has deemed "noncriminal."¹¹ The CPL further provides that, when an individual is accused of a crime other than a Class A, B, C, or D felony or certain Class E felonies, officers can choose to issue a desk appearance ticket in lieu of making an arrest and taking a suspect into custody.¹² However, this authority is entirely discretionary, and there is nothing that compels an officer to issue a summons or an appearance ticket in such circumstances.

At least four states have recognized that law enforcement resources and jail space should be reserved for those accused of more serious crimes. Ohio, Minnesota, Virginia,

⁹ President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 27 (2015), available at http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf.

¹⁰ Criminal Court of the City of New York, "Annual Report 2013" at 38, June 2015, available at: https://www.nycourts.gov/COURTS/nyc/criminal/cc_annl_rpt_2014.pdf.

¹¹ N.Y. C.P.L. §§ 140.10, 140.25.

¹² N.Y. C.P.L. § 150.20.

and Tennessee have all passed legislation mandating the use of summons instead of arrests for most misdemeanor offenses except when an arrest is necessary for medical or safety reasons, when the offender cannot produce evidence of his or her identity, when the offender refuses to sign a citation, and when the offender has previously been issued a citation and has failed to appear in court.¹³

The NYCLU recommends that New York State pass similar legislation mandating that officers issue only summonses or appearance tickets for violation-level, noncriminal offenses, with exceptions similar to those in place in the states referenced above. As the Criminal Justice Reform Act recognizes, arresting people for low-level, quality of life offenses is an inefficient use of resources, contributes to overcrowded jails, and further strains relationships between police officers and the communities they serve. The City Council should explore ways to promote this change at the state level, and work with the NYPD to establish limits on custodial arrests through policy directives.

IV. Conclusion

We thank the Council for the opportunity to offer testimony today on the importance of reforming the City's handling of low-level offenses. We look forward to continuing to work with the Council to ensure that all New Yorkers are treated with dignity and respect in their interactions with the civil and criminal justice systems and with law enforcement personnel.

¹³ National Conference of State Legislatures, *Citation in Lieu of Arrest*, available at <http://www.ncsl.org/issues-research/justice/citation-in-lieu-of-arrest.aspx> (last accessed Sept. 27, 2013). Hays County and Travis County Texas also recently enacted discretionary cite-and-release programs. See also Sean Kimmons, "Does 'Cite-and-release' Work? No One Knows," SAN MARCOS MERCURY, May 5, 2010, available at <http://smmercury.com/2010/05/05/does-%E2%80%98cite-and-release%E2%80%99-work-no-one-knows/>.



PICTURE THE HOMELESS

104 East 126th Street #1B [Storefront], New York NY 10035

Phone 646-314-6423 Fax 646-314-3735

info@picturethehomeless.org

Good day Committee on Public Safety City Councilmembers:

Thank you for allowing me to speak to you today my name is Fabian Cancel, and I am a member of Picture the Homeless and also street homeless. I have been un-domiciled for a few years now; I am also a true New Yorker, born in Manhattan raised in Bushwick, and lived in the Bronx. I am of Puerto Rican decent and will be 47 years young on February 22. I am here today to address the council on its proposal to implement 8 pieces legislation that is to make my life and all other New Yorkers life easier.

I myself think that changing criminal offenses to civil penalties is great as we look at the big picture, my issue may be minor to some but are major to me. I've been targeted by the NYPD on several occasions and this has hindered me in continuing with my goal of being treated like a human being, a New Yorker and someone deserving the resources and respect offered to other New Yorkers because of their status.

The laws you are focusing on changing such as open container, littering are all good steps going forward. I have issues with the changes for the violations of park rules and community service. When I was targeted like so many other people like myself it was in a lot of cases for being un-domiciled. I was arrested when I should have been given a ticket and sent on my way. I lost personal property such as a portable DVD player and two cell phones that were never vouchered. I know of people that have lost personal documentation and could not prove who they were when they had their next encounter with the law. This was I feel due to officers having the discretion to either give me a ticket or get overtime or meet his quota.

I say all of this because it's important that making these criminal offenses civil penalties is very good, but I can't replace my property and those other folks can't and won't replace their documents. You must take the discretion away from the officer and be fair to all. I want this Council to go farther in making sure that we are not targeted for being un-domiciled, black, brown needing help in getting our lives together. And the only real way to do this is to not let an officer that does not like me continue to victimize me.

I hope God will answer my prayers and others in my situation, God Bless all.

Fabian.



PICTURE THE HOMELESS

104 East 126th Street #1B [Storefront], New York NY 10035

Phone 646-314-6423 Fax 646-314-3735

info@picturethehomeless.org

Good day, City Councilmembers Committee on Public Safety,

Thank you for having me here today, my name is Ousmane Drmae, and I am here to talk to you about the good and the bad. I live on the streets and I am also a member of Picture the Homeless who some of you know. Picture the Homeless is allowing me to tell you my story and my beliefs be heard by you today. You should know that as far as I'm concerned I think that it is a good thing that you are trying to change the laws for open containers public urination and being in the park after closing. To move these offenses to civil penalties is a little bit better. All of these things I know something about, and because I was not arrested or given a ticket for all of them some of my friends were. A summons over jail time is a little bit better and what we have been asking for a long time.

I have been in the shelter program RWA (Ready Willing and Able). I was doing good and at first everything was ok. When I relapsed they called themselves showing me tough love. They took my bed and was trying to force me to restart the program from zero again going to a 28 day program, and after that stay about 2 weeks indoors. I was not ready so I asked them to transfer me and they did not want to do it so I never got housing.

Then they would call the cops to remove me from the building every night to the streets. I did not know nowhere to go, and I sleep outdoors. I have been on the streets a long time, I ended up getting frost bite that cost me 8 of my toes, and almost 2 years in the hospital and a lot of pain that I have to live with for the rest of my life. I don't tell everybody this I blame all of them the people in the program that kicked me out, the people on the street who called the police because they think I'm a crazy homeless man and I blame the police for not caring that I relapsed and got kicked out on the streets.

No, I don't wanna go back to the shelter and I don't want to get locked up cause they think I'm crazy and smoke K2, or because I'm tall and black. I drink give me a ticket, sometimes they do and sometimes they tell me I got to move cause they don't want to see me around no more. They know who we are on Park Ave. around 125th. St., and they know that we not breaking the law. But they keep moving us and when we ask why they give us tickets or take us to the hospital. We are street homeless but they still write on the summons that we live at 600 East 125th. Street. anyway. Picture the Homeless looked that address up for me and that's the Manhattan Psychiatric center, I'm not crazy and I don't live there I live on the streets, and if you let the police officers be the judge you might have to pay over a thousand dollars to lock me up or take me to the hospital cause he wants me to talk back to him. So I'm talking to you don't arrest me, don't give me a ticket.

So let me say that I feel that some people are gonna be arrested because of their race, gender, their beliefs and origin... I have been targeted because I am street homeless, my skin color and my location 125th. Street and Park Ave. I don't want to sleep in no shelter, I don't want to sleep in the streets somebody should give me some housing. Thank you for listening to me today.

Ousmane Drmae

**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: Nikita PRICE

Address: 107 E. 126 TH ST. NYC # 13

I represent: PICTURE THE HOMELESS

Address: AS STATED ABOVE

**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: 1/25/16

(PLEASE PRINT)

Name: Alessandro Olivieri

Address: _____

I represent: NYC PARKS + REC

Address: 330 Fifth 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: 1/25/16

(PLEASE PRINT)

Name: Matthew Drivy

Address: 317 East 91st Street, New York, NY

I represent: NYC Parks

Address: The Arsenal - 5th Ave. New York, NY

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: 1/25/16

Name: Michael Dockett (PLEASE PRINT)

Address: 1234 SM AVE NY 10029

I represent: NYC PARKS / ASSISTANT 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: _____

Name: Tina Luongo (PLEASE PRINT)

Address: 199 Watz Street

I represent: The Legal Aid Society

Address: Same as above

**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: 1/25/16

Name: Elizabeth Glazer (PLEASE PRINT)

Address: 1 Centre St.

I represent: Admin

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. 1125/10

in favor in opposition

Date: 1/25

(PLEASE PRINT)

Name: Alex Grohn Elzer

Address: 1 Centre St

I represent: Admin

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: 1/25

(PLEASE PRINT)

Name: Allie Meizlich

Address: 1 Centre St

I represent: Admin

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: 1/25/16

(PLEASE PRINT)

Name: Deputy Inspector Thomas Taffe, NYPD

Address: Office of Management ~~Planning~~ Analysis and Planning

I represent: NYPD

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: 1/25/16

(PLEASE PRINT)

Name: Oleg Chernyusky, NYPD Director of Legislative

Address: Affairs

I represent: NYPD

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: 1/25

(PLEASE PRINT)

Name: Donna Lieberman

Address: _____

I represent: NYCLU

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: Michael SIBITSKY

Address: _____

I represent: NYCLU

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: 1/25/16

(PLEASE PRINT)

Name: OUSMANIE DRAHE

Address: STREET HOMELESS

I represent: PICTURE THE HOMELESS

Address: 104 E. 126TH ST. #1B (NYC)

**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: 1/25/16

(PLEASE PRINT)

Name: FABIAN CANCEL

Address: 2759 Webster Ave #1 BRONX, NY 10458

I represent: Picture the Homeless

Address: 104 E. 126TH ST. NYC #1B

**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: 1/25/16

(PLEASE PRINT)

Name: Michael Velarde

Address: 666 Broadway 5th floor

I represent: Communities United for Police Reform

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. 118 Res. No. _____

in favor in opposition

Date: 11/25/16

(PLEASE PRINT)

Name: Craig Levine

Address: 47 Madison Ave, Montclair, NJ

I represent: The Bronx Defenders

Address: 360 E. 161st St., Bronx, NY

**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: Nick Malinowski

Address: _____

I represent: Brooklyn Defender Services

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: 1/25/2016

(PLEASE PRINT)

Name: Kate Rubin

Address: 727 E. 10th St. BKlyn NY 11230

I represent: Youth Represent

Address: 11 Park Place, NY, NY

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