

**STATEMENT OF KEECHANT L. SEWELL
POLICE COMMISSIONER
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY
REMOTE HEARING
MARCH 18, 2022**

Good morning Chair Hanks and Members of the Council. Thank you for the opportunity to testify before the Committee on Public Safety, and to discuss the Mayor's Preliminary Budget for the 2023 Fiscal Year. I am joined today by members of my executive staff who will assist me in answering your questions.

I would like to begin by congratulating the new councilmembers who have been given the privilege of swearing an oath to serve the proud and resilient people of this city, as I recently did. Though we take an oath to serve, our driving purpose to serve does not rise merely from the words we say. It comes from our hearts, our shared values, and from the inspiration we get seeing New Yorkers lift each other up through dark days and drive forward to a brighter and safer future.

I am convinced that our individual and collective success, in leaving the city in a better place than where we found it, hinges on our ability to effectively work together as partners. Partnership and cooperation should never be viewed as a dilution or abandonment of our individual mandates or responsibilities, rather, it must be viewed as a necessary path to achieving sound policies, sensible legislation, effective initiatives, and an informed government that will make the lives of those we serve better.

To that end I want to voice my commitment to improving the lines of communication between us. I believe your ability to be effective and responsive to your constituents depends on your ability to seamlessly communicate their concerns to us and our ability to timely inform you of developments in your districts.

Over the past months, executives from the Department's Legislative Affairs Unit and your local precincts have introduced themselves to most, if not all, of you and exchanged contact information. While I expect these contacts will prove effective in addressing your needs, I am exploring additional methods to relay relevant information to you expeditiously.

I believe public safety is the key to recovery. The way forward for us as a Department and a city in this challenging climate is to dedicate every necessary resource to our shared goal of ensuring the safety of all New Yorkers. As the city re-opens and beyond, the NYPD will do our part to ensure that workers, residents and visitors from near and far feel safe when traveling into and throughout this city.

Every business, small or large, and the workers who are the lifeblood of the city's economy, must have confidence that they will be able to get their work done without fear of standing on a subway platform, walking down a street, or that a criminal with a gun will put their life at risk. Every

person must be free to live their lives without warily looking over their shoulder. I have been meeting with business leaders and organizations representing our business community to hear their concerns as they return their workforce, and we are adjusting for these needs accordingly.

I am certain that an improved quality of life is central to achieving the greater goal of safety, and the NYPD is committed to advocate for every victim, fight for every block, and to protect every neighborhood. We are identifying the pockets of crime and violence and focusing our resources accordingly.

So far this year, homicide arrests are up 20%, rape arrests up 40%, robbery arrests up 24%, felony assault arrests up 18%, burglary arrests up 13%, grand larceny arrests up 21%, and car theft arrests up 42%. We are employing a precision enhanced deployment strategy which has already put hundreds of more cops onto the streets and into the transit system, and our Neighborhood Safety Teams (NST) will supplement this work by focusing on seizing illegal guns and apprehending the offenders who use them.

Gun arrests currently closely parallel the significant increases of the prior two years, and I anticipate those numbers will continue to improve with the dangerous work of our NSTs. With their extensive training and oversight, which is an outgrowth of the concerns you and New Yorkers expressed to us, these teams will be the most qualified, most prepared officers in the nation to find the guns and take them off the streets before someone, too often a child, makes a decision that they cannot take back.

Throughout the last two years the NYPD has embraced the challenge to do more with less. It required nothing short of a re-imagination of how a modern police department functions and how it leverages its resources in the most efficient and state-of-the-art way. I am committed to moving the ball forward by achieving public safety while enhancing efficiency. This process has already begun with a top to bottom review of every bureau to determine where in the current structure the inefficiencies and redundancies exist, and which programs and units should be redesigned, consolidated, or even eliminated.

We will also conduct a comprehensive review of our training curriculum with the goal of modernizing, reorganizing and streamlining to ensure the training being received by our officers is having tangible results on the streets, and is not merely an exercise of fulfilling a training mandate. This will include meaningful participation by community members and crisis management providers in our curriculum. New York City has the privilege of being identified as one of the most, if not the most, diverse cities in the nation, it is important that our officers understand the people and communities they are policing.

This understanding should not merely consist of cultural immersion, but must include an understanding of the basis of distrust of police among certain communities, and appreciation of the downstream impact of growing up in poverty, in abusive households and without something or someone impactful that may have changed the trajectory of one's life. I believe that communication goes well beyond the words we speak. It is my firm belief that a deeper understanding of those we are sworn to protect and serve will enable better communication and

further a climate of mutual respect, which in my assessment is what breeds trust and preempts escalated encounters.

In both the public and private sectors, technological innovation is the backbone of any drive toward efficiency. We will continue to push forward and leverage technological norms embraced during the pandemic in order to communicate with a larger number of New Yorkers, to help fight crime, and to provide services.

For example, the pandemic required us to radically improve our streaming and remote access capabilities at an extremely accelerated pace. This will now afford us the opportunity to leverage this increased capability on a number of fronts, from streaming Build-the-Block and Precinct Community Council meetings, to retooling the Department's online presence to facilitate ease of use by the public. We will also continue to create more user friendly online dashboards to share information, and identify opportunities to allow for a more streamlined and cost-effective process for individuals seeking services.

We look forward to the Council's continued support to procure more Argus cameras and fund their maintenance. These cameras are an invaluable tool in deterring and solving crime and the demand for them outweighs the funding available for the ongoing cost of their maintenance.

ShotSpotter is another key tool that enables rapid deployment to a location where shots are fired, and with your help, we will continue expanding our ShotSpotter capabilities. The ability to quickly respond to shootings and secure vital evidence is one of the most effective tools we have in tracking and tracing trigger-pullers and the lethal firearms they use.

The Department will also continue to fight crime with tried and true policing techniques while at the same time exploring every opportunity to develop collaborative relationships to make the city safer.

The NYPD has long had and continues to expand its public and private sector partnerships through Operation Nexus, NYPD SHIELD and the Lower Manhattan Security Initiative. These are local and national partnerships that counts tens of thousands of entities that share information and resources in a collective effort to keep New Yorkers safe from all threats. Many of these partnerships emerged out of a collective appreciation of the risks posed by domestic and international terrorism.

Likewise, and in addition to our participation in a number of taskforces with our state and federal partners, the recent creation of the Gun Violence Strategic Partnership, which is led by our Deputy Commissioner for Community Partnerships, is an outgrowth of the significant increase in gun violence. This is a strategic initiative whose members include representatives from over 20 local, state and federal law enforcement and prosecutorial agencies who meet daily to share intelligence and build prosecutions against those terrorizing our communities with gun violence. This model of collaboration and information sharing has been recognized by President Biden as one that should be replicated nationwide.

However, if we are to realize a long-term vision of public safety, minimal enforcement, and a marked impact on the number of individuals sentenced to incarceration, this vision must be

achieved through prevention and not reaction. Waiting for criminal behavior to occur and then reacting to it will only drive crime, enforcement and incarceration. I believe that government must examine its interactions, or lack thereof, with two primary groups in order to have any type of meaningful effect upon downstream criminal behavior: our children and the incarcerated.

For its part, the NYPD has made great strides in its youth strategy by shifting to a holistic, opportunity-based approach.

Our Youth Coordination Officers (YCO) will continue to be the primary drivers within our Youth Initiative. YCOs have the ability and resources to develop long-term solutions and, unlike NCOs, who are assigned to a particular sector, YCOs work with young people across the whole precinct. YCOs focus on identifying at-risk youth, providing opportunities, fostering connections, and securing resources. Their work is tailored to the specific needs of the young people in the communities they serve.

The NYPD Community Center at 127 Penn provides an ever-growing range of services, such as academic planning, fitness and wellness programs, music and dance classes, and mental health and counseling services, among many others. The Explorers program, which teaches the importance of higher education, self-empowerment, positive reinforcement, responsibility, and self-discipline, served 1,500 kids last year.

Our Youth Leadership Councils educate and empower our youth to lead and advocate for positive changes to the relationship between the police and our youth, as well as to become more civic-minded. The Summer Youth Police Academy is a six-week program during which students attend classroom sessions with lecturers, engage in role-playing, and receive instruction on topics in law, social science, drug prevention, and gang resistance.

The Police Athletic League provides year-round sports leagues, which include football, basketball, softball, and volleyball, as well as workshops on a wide array of youth-related topics including personal safety, cyberbullying, police and youth relationships, gang prevention and awareness, and peer mentoring. The Options Program helps our kids build decision-making skills and provides access to career development opportunities through a series of workshops, training programs and internships.

The Summer Youth Employment Program provides paid summer jobs for youths in every bureau in the Department and we are increasing the number of youth we will hire this summer. These are just some of the many ways we try to reach our youth, and, as Police Commissioner, I commit to identifying additional opportunities for engagement.

But, in order for us to be successful, this effort must be comprehensive. It will take coordination between agencies, which is now happening under the Mayor's leadership, to identify at-risk youth and deliver needed services to them and their families. It will take effective service providers and mentors with meaningful oversight and metrics for success. And it will take a collective effort to change the mindset that has led some of our youth to believe they must join a gang to be safe, or that striving for academic success isn't cool, or that it is not worth trying to become a doctor, lawyer, financier, or Police Commissioner – because it is unattainable.

The other inflection point I referred to is our support of those who re-enter society after serving their prison sentences – or said differently – how we currently underserve this population.

I firmly believe that recidivist criminals are responsible for a disproportionate amount of the crime in New York City. If our collective goal is to ensure that these individuals find a better path and leave the life of crime, we must address the systemic flaws that allow them to oftentimes be released after serving their sentence with only a bus ticket, a small amount of money, and a prison identification card. Many individuals are released into homeless shelters.

The NYPD is committed to working with our sister agencies, legislators and advocacy partners to improve re-entry. The possibilities are myriad, but action must be taken if we are to break the cycle of recidivism.

Turning to the Preliminary budget and its impact on the NYPD in the coming fiscal year.

In totality, the NYPD's Fiscal Year 2022 Expense Budget is \$5.6 billion, the vast majority of which – 90 percent – is allocated for personnel costs. The remaining 10 percent is dedicated to non-personnel costs, including technology that provides officers with immediate access to critical safety equipment, tools, and applications.

As part of the Program to Eliminate the Gap (PEG), the Department's personnel funding saw cuts of \$129M in the current fiscal year and \$61M next fiscal year. These savings include a civilian headcount cut of 770 vacant positions, including 200 non-safety civilian positions and a reduction to School Safety headcount vacancies of 560. The Office of Management and Budget has indicated that, as the Department works to hire up to headcount, they will work with the Department to provide additional staffing as needed.

Before I conclude, I want to take a moment to speak directly to all New Yorkers, and to express my sincere gratitude to you for joining us in mourning the recent tragic losses of Detective Jason Rivera and Detective Wilbert Mora. We so appreciate your support and prayers during this devastating and difficult time.

While nothing we do will bring Jason and Wilbert back to us and their families, we must all reflect on the type of human beings they were and what motivated them to serve as police officers: helping people and improving police-community relations. These principles are what motivate their brothers and sisters in blue every day when they put on their uniforms.

We have come together during this time of great pain through your gracious recognition of the sacrifice Jason and Wilbert made for us all. I ask that we not allow this moment to fade quickly. I ask that you not permit the few loud voices to place wedges between us, and that you discount their attempts to broadly condemn every police officer based on the wrongs of a few. I ask that your view of the police be shaped by the officers you encounter every day – responding to your emergencies, addressing your complaints, patrolling your neighborhoods, and engaging in the most basic interactions with you, your loved ones and your neighbors.

The truth is that we have far more Jasons and Wilberts putting their lives on the line each day to serve and protect you and your families than the few whose misdeeds damage us all. The space between police and the communities we serve is not as wide as a few voices may have you believe.

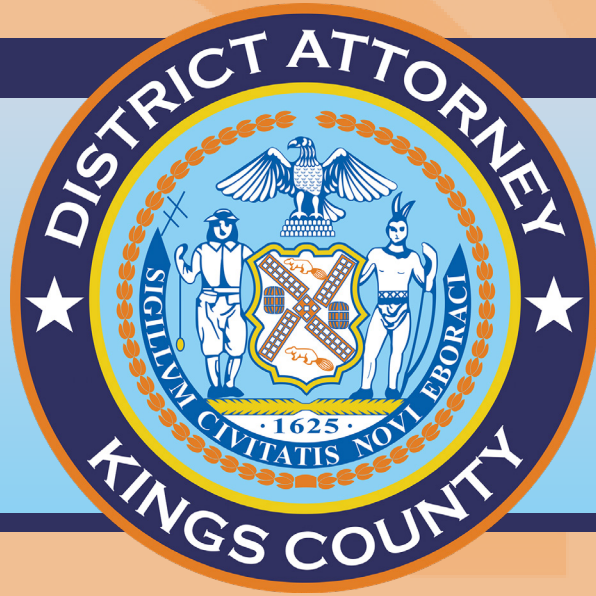
As Police Commissioner, I am committed to working in partnership with you, fighting crime, keeping you safe, building trust between you and your police officers, and continually striving for fairer and more just policing. I am committed to identifying opportunities to systemically improve policing – and I will take full advantage of those opportunities to bring us together.

I will not wait until a bad incident occurs to take corrective action that will make policing better and fairer. And I commit to taking appropriate disciplinary action, including termination, against those officers that violate our collective trust and their duty to serve you fairly, respectfully and professionally.

However, we will only achieve Detective Rivera's and Mora's wish of advancing police-community relations by working together – police, communities, elected leaders and advocates – to improve policing, to recruit officers in their mold, and to condemn and marginalize the voices of division.

Every neighborhood faces unique challenges, and there is no-one-size-fits-all solution to crime and conditions in a city as diverse in every way as ours, but these are challenges that the NYPD is built to overcome. This diversity of cultures, ideas, ways of life, and people is our strength and it is one of the things that makes our city, and our Department, resilient. We must all remain resilient together. We must move beyond division and disagreements and forge ahead with a shared vision of public safety and fair and effective policing while we accelerate toward a brighter, prosperous future.

Thank you and we are happy to answer your questions.



Kings County District Attorney
ERIC GONZALEZ

Fiscal 2023 January Plan Budget Hearing

Public Safety Committee

March 18, 2022



**Testimony of Kings County District Attorney Eric Gonzalez
Before the Committee on Public Safety
City Council Budget Hearing
March 18, 2022**

Good afternoon. Thank you to Chairwoman Kamillah Hanks and the entire committee for the opportunity to address you today regarding the Mayor's Fiscal Year 2023 January Budget Plan. These remain difficult times for our City. I remain steadfast in my commitment to reforms of our criminal justice system that address the inequities that the pandemic laid so bare, and I know we can keep our communities safe while ensuring fundamental fairness in the justice system. I am eager to address our current budget and the ongoing budgetary needs of my office.

Rise in Gun Violence

While murders and shootings are down slightly from last year in Brooklyn, addressing the level of gun violence we are seeing remains one of our top priorities. In 2019, we saw a five-year low in shooting incidents and shooting victims in the borough. When the pandemic hit in 2020, the collapse of the support networks in low-income communities, the shut-down of the courts, and other factors led to a stark rise in homicides, shooting incidents, and shooting victims. In Brooklyn we were able to drive down those numbers somewhat in 2021.

My approach to gun violence has always been to focus resources on the drivers of crime – the small number of people who are doing the shooting. Much of the violence we are seeing

comes from rival gangs battling over blocks. We put our focus on the shooters: In early 2021, in conjunction with the NYPD, we conducted two take-downs of members of two rival gangs in Bedford Stuyvesant who we allege were engaged in a gang war that led to four homicides, including a 22-month-old baby, and countless shooting victims.

Last year, 1,775 guns were recovered in Brooklyn – that’s 40 percent of the guns that were recovered in the five boroughs. That figure is double or triple the volume other offices see. A high volume of guns continue to be recovered in Brooklyn. This volume, combined with the courts being shut down, has resulted in a significant backlog of gun cases. OCA launched a citywide gun case initiative to address this backlog, and dedicated gun parts were established. I believe Brooklyn has the most – seven parts. These parts need seven dedicated ADAs, seven paralegals, and seven clerks. To meet this grave need for expedited adjudication of gun cases, we are requesting \$1.2 million in personnel funding to staff these parts.

We remain committed to working with NYPD to focus on the most violent offenders who drive most of the violent crime in Brooklyn to keep our communities safe and bring justice to the many victims whom they have harmed. Part of our response to gun violence involves traditional law enforcement methods, including long-term investigations, indictments, and incarceration as measures to deal with those violent actors who terrorize neighborhoods. But we know that these methods alone will not lead to long-term safety; for this, we need to address the root causes of such violence.

We know that not everyone who possesses a gun is a shooter or a driver of crime; people possess guns for many complex reasons. But every gun on the street increases the danger that someone will get shot or killed, so we must respond to every case of gun possession. In our office, that response can include diversion in appropriate cases. I believe there are some young

people who can be pulled away from gang life and gun violence if held accountable and given the right kinds of support. Every time we are successful in deterring a young person from that life, we increase public safety, now and in the future.

The gun diversion programs in our office are intense and rigorous, lasting 18-24 months and requiring an initial period of electronic monitoring and strict curfews. Our participants are required to either be in school or have a job. They are given enrichment opportunities that allow them to experience a larger world than the one they are used to. Most importantly, they receive counseling to address the trauma they have experienced in their young lives. Our programs have a track record of success: participants have gone on to graduate from college and get good jobs. The recidivism rate for young people in our programs is substantially lower than for young people who go to prison for possessing a gun. However, staffing shortages in our gun diversion programs have recently required us to stop accepting new applicants. To address this need, we are requesting \$250,000 for four social workers.

My office's Justice 2020 initiative envisions a multifaceted approach to public safety, including, to the extent possible, using non-carceral responses such as restorative justice in collaboration with neighborhood leaders and community-based organizations. An example of this approach is the Bedford Stuyvesant Collaboration and Restoration Project (BSCR), created with \$2.5 million funding from the Mayor's Office of Criminal Justice (MOCJ). This fifteen-month demonstration project is designed to bring rival gang members together to reconcile and take accountability for the harm they have caused each other, their families, and the community, and to confront and uproot the deep-seated unaddressed trauma and social inequities that have led young people to take up coping strategies like seeking gang membership or resorting to gun

violence. Continuing to drive down gun violence requires a multi-faceted approach, and a recognition that we cannot arrest or incarcerate our way to safety.

OCME

DNA evidence is a vital feature in many of our violent crime prosecutions. The staff at the Office of the Medical Examiner's Office consistently delivers exemplary work product to our office, and their service during the pandemic was nothing short of heroic. But their staffing and resources have been depleted, and the turnaround time for DNA is staggeringly high. DNA can delay our violent crime prosecutions, and most particularly gun possession prosecutions by 4 to 5 months. We urge the Council to give the ME's Office the financial support they need to help expedite DNA testing.

Digital Evidence Lab

In these times, with more of our lives lived online, evidence in criminal cases is more than an eyewitness, a fingerprint, or DNA. Evidence is now found in all the digital devices people use with regularity and great frequency, even while committing crimes. To address the need for extraction of digital evidence, my office invested \$1.5 million in federal forfeiture funds to create our own Digital Evidence Lab. The Kings County District Attorney's Digital Evidence Lab (DEL) is the first end-to-end solution for digital forensics, providing support for law enforcement, analysis, and legal functions at all stages of the criminal justice system in one comprehensive unit. The DEL team includes subject matter experts in digital forensics, dedicated analysts with deep knowledge of violent criminal enterprises, detective investigators with years of experience in gathering evidence, and assistant district attorneys with trial experience who guide the office's legal practice regarding digital evidence. Our team relies on cutting edge extraction and analytical tools to gather critical evidence that has already led to

convictions at trial on cases ranging from homicides to human trafficking, as well as playing the determinative role in multiple exonerations. This lab, which we self-funded, has ongoing cost for software maintenance. We are asking for \$160,000 to hire two Digital Forensic Analysts and \$80,000 for ongoing software costs.

Staffing, Attrition, and Discovery Challenges

The last two years have brought record attrition for our office. We are losing all staff - both legal and non-legal - at the highest rates since we have been keeping track. Since July, we have lost 87 ADAs. Attrition for our ADAs is up 107 percent since this time last year. In a normal year, we lose approximately 60 ADAs. However, this year, we are projected to lose 131 ADAs by June. With access to jobs with higher pay and the option of remote work, there is no end in sight for this overwhelming level of attrition. We join our sister offices in the request for pay parity.

When the pandemic started in 2020, new criminal justice reform laws had just begun to take effect. During the height of the pandemic, some of the provisions of the new laws were suspended under the Governor's emergency powers, but as we come out on the other side of the pandemic, the changes to the discovery law specifically are putting a heavy burden on our ADAs, who are also dealing with upticks in caseloads, as well as a staggering backlog of cases that resulted from limited court operations during the pandemic.

Ahead of the anticipated criminal justice reform changes to the law, our office was funded to hire 190 new staff in 2020 to meet the needs these changes would bring to the workload of our staff, and specifically our ADAs. While we have made a valiant effort to recruit for these positions, the hiring has been slowed by the pandemic, as well as the struggle with retention and recruitment. To date, we have hired about half of the funded positions, including

additional attorneys, paralegals, and other support staff. The reality is that even as we make a tremendous effort to hire these positions, we are still faced with backfilling positions vacated through record attrition. The relief is barely felt by our remaining staff, who are struggling to keep their heads above water. This situation is unsustainable. That is why it is even more critical today that we move forward with the procurement of discovery software technology that will assist ADAs in preparing for discovery production ahead of arraignment. In 2020, we were provided Capital funding in anticipation of a technology solution that had not yet been identified. We have searched exhaustively for a tool that will fit our work and our new statutory mandates, and, thanks to a productive collaboration among the District Attorneys' offices, we feel we are close to a solution, but we now know the solution is costlier than anticipated. We are requesting \$600,000 in expense funds in FY 23, to cover the ongoing cost of this solution. In addition, we are requesting an additional \$1 million in Capital funds.

New Lease and Expansion of the Family Justice Center

The Family Justice Center (FJC) in Brooklyn is the first and largest center in the City, serving more than 7,000 clients annually. This center has long outgrown its designated space within our headquarters at 350 Jay Street, where it currently occupies half of one floor. We have been in negotiations with the City since 2015 to find new space to expand and renovate this center, which is a critical haven for domestic violence victims in Brooklyn. I am happy to announce that the expansion of our headquarters has been funded by the City. OMB provided \$2.8 million to cover the cost of an additional floor and a half to allow for expansion of our headquarters. With this expansion, when the project is complete, the Family Justice Center will occupy a full floor and be a modern space with the state-of-the-art equipment and resources our clients deserve. We expect construction on this expansion to begin this summer.

City Council Funded Programs

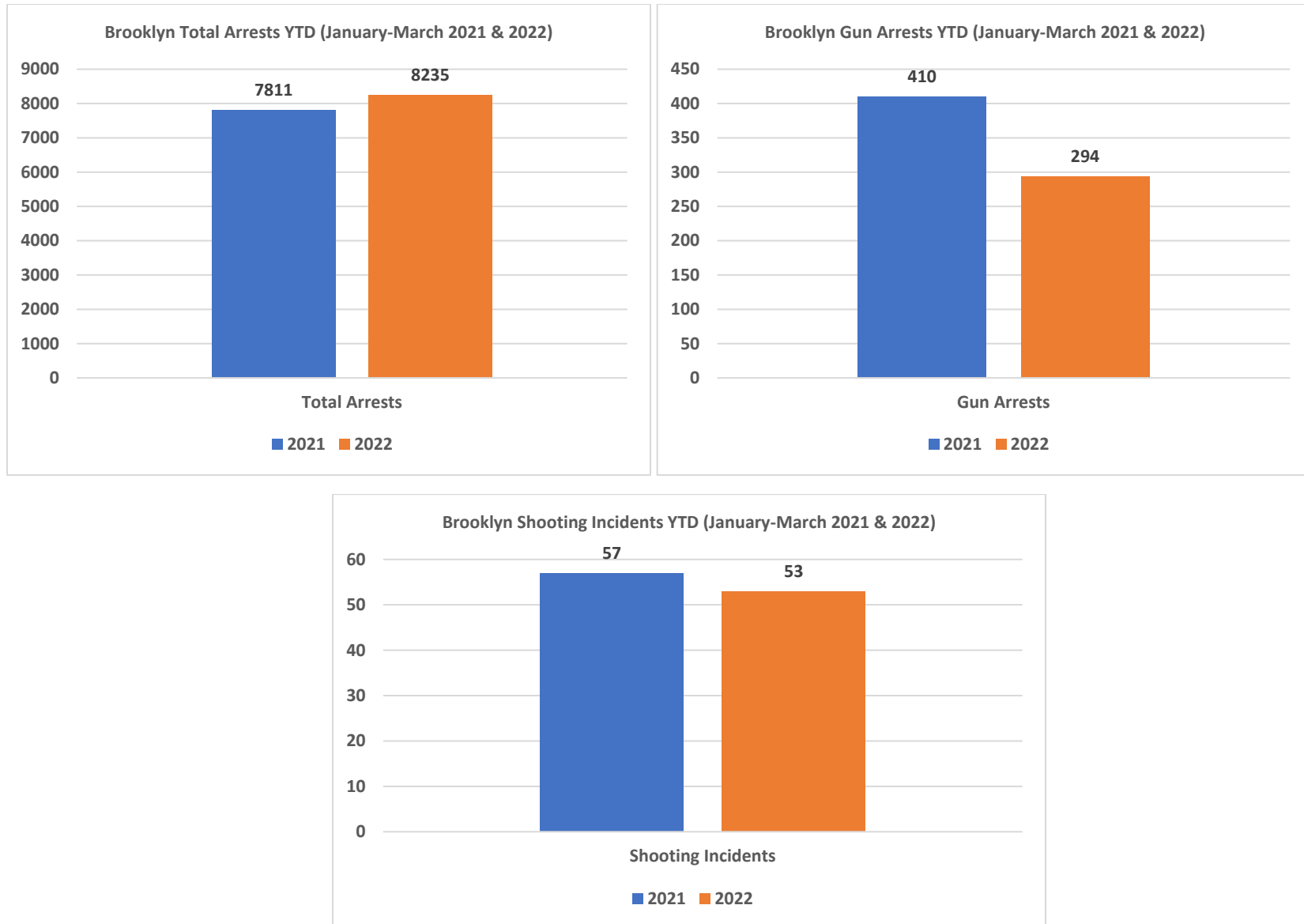
I have been implementing reforms in my Office since I became District Attorney, for the past five years through my Justice 2020 initiative. I intend to continue the important work of keeping Brooklyn safe while reducing reliance on incarceration and criminal convictions, working in partnership with communities to develop community-led responses to crime.

I would also like to thank the City Council for the one-time funding to cover the lost grant funding for the Brooklyn Young Adult Court and our Brooklyn Rising Against Violence Everyday Program (BRAVE) and ask you to continue the support of these programs previously funded by federal grants. And as always, I want to thank you specifically for once again funding for the Domestic and Other Violence Emergencies (DOVE) Program as well as the \$50,000 for the Hate Crime Reduction Initiative. Finally, we would request that the Council support Project Reset, a pre-arraignment diversion program, and give CCI the funding for Reset in Brooklyn.

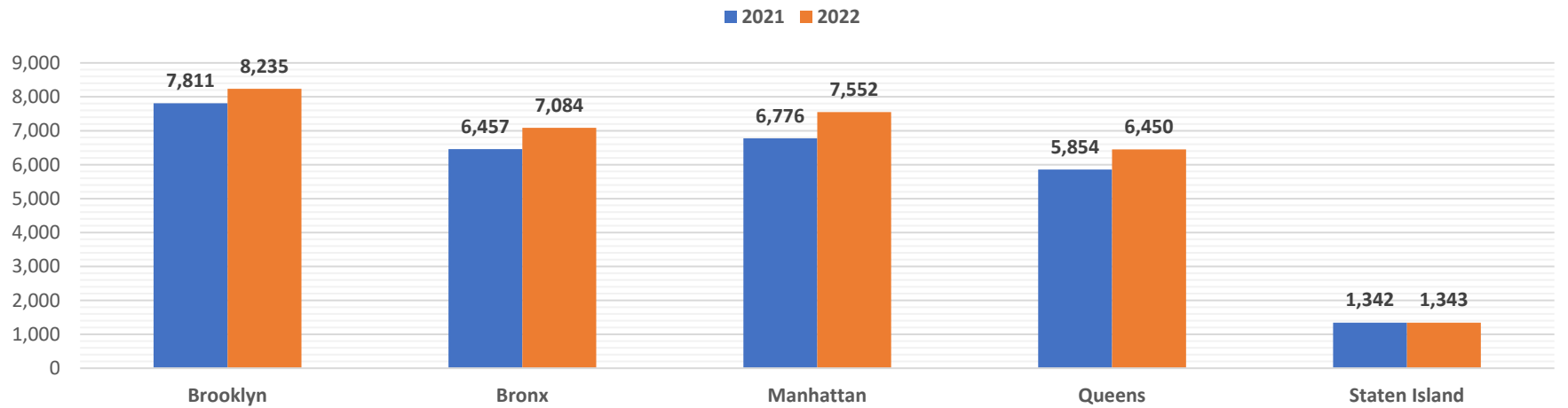
Conclusion

I appreciate you as partners in the work of reforming our criminal justice system. Your tireless support allows us to keep Brooklyn safe while increasing fundamental fairness in our system. I ask for the Council's support as we continue to make the case to OMB for the critical funding needs I discussed today and look forward to our continued partnership.

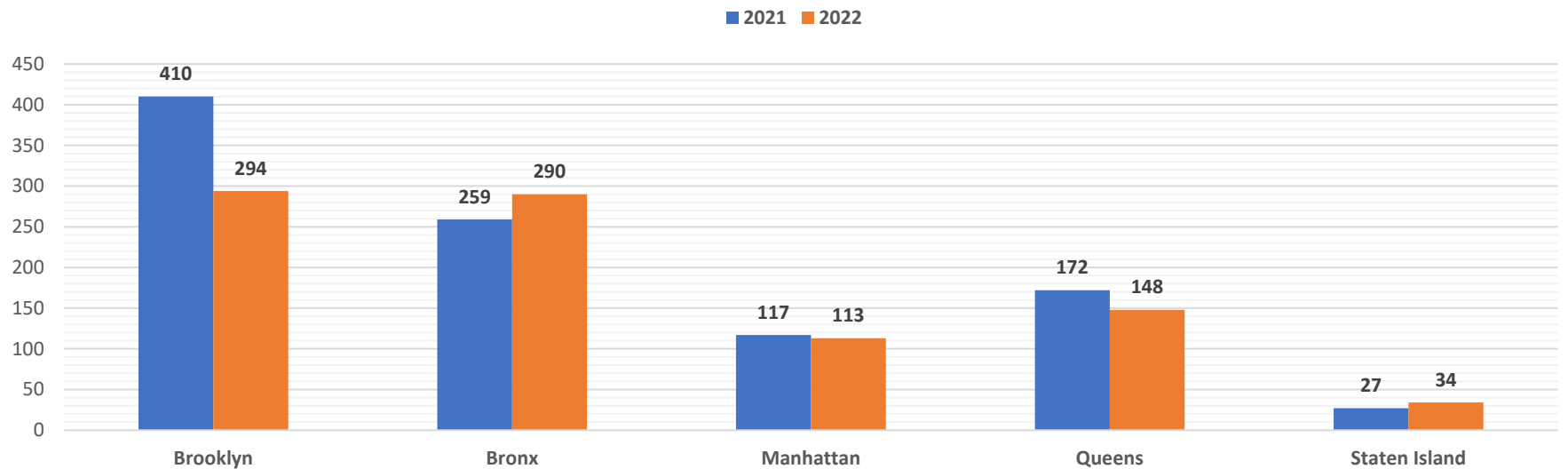
YTD Crime Totals

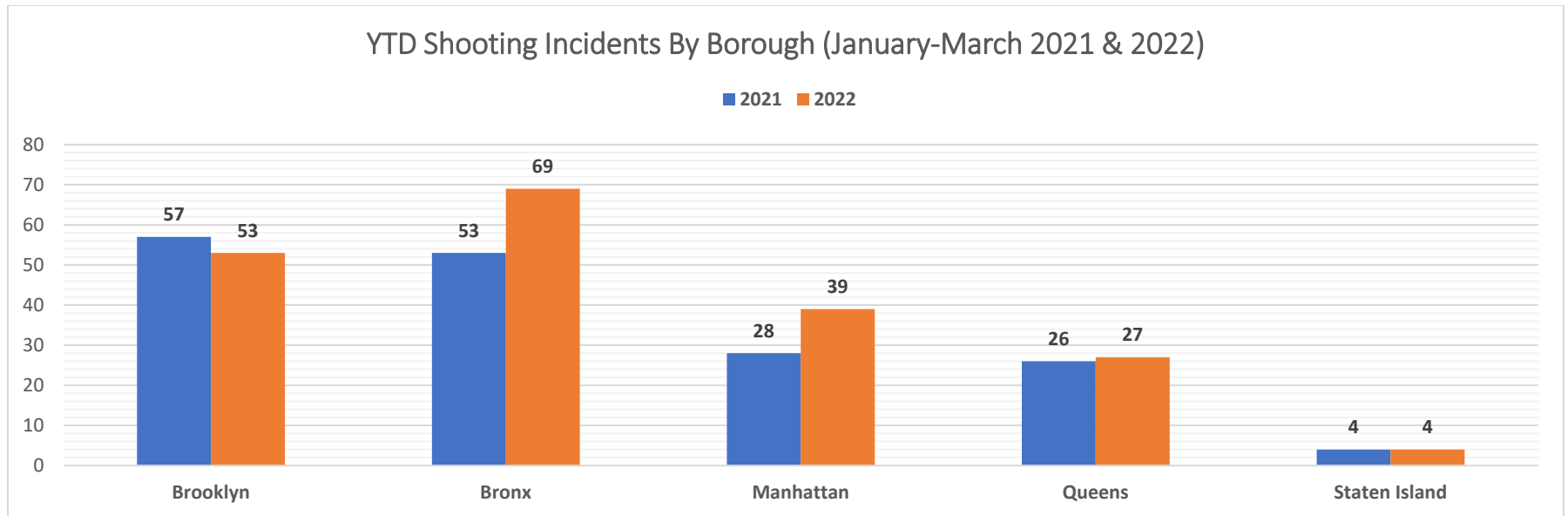


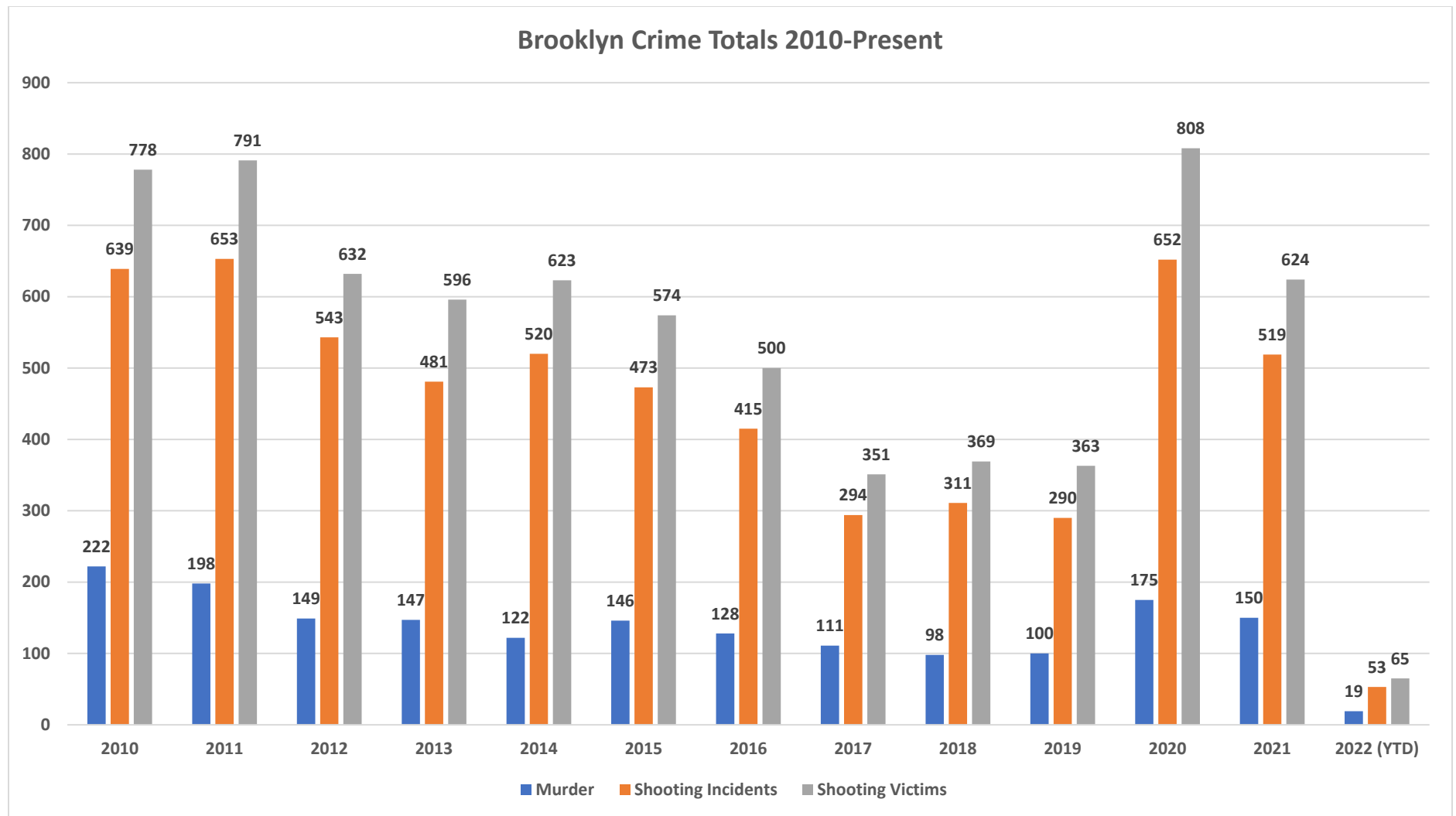
YTD Total Arrests By Borough (January-March 2021 & 2022)



YTD Gun Arrests By Borough (January-March 2021 & 2022)





Time Series Analysis of Brooklyn Crime Totals 2010-Present

(\$ in 000's)

Agency	Savings or New Need	Initial Categorization	Item	Priority	AGENCY SUBMISSION														DESCRIPTION & COMMENTS	
					2022			2023			2024			2025			2026			
					HC		\$	HC		\$	HC		\$	HC		\$	HC			\$
					U	C		U	C		U	C		U	C		U	C		
KCDA	New Need		Warehouse Lease		-	-	\$ -	-	-	\$ 1,600	-	-	\$ 1,600	-	-	\$ 1,600	-	-	\$ 1,600	KCDA secured warehouse space in Brooklyn Industry City that will satisfy the original storage needs. The request for \$1.6M, combined with the original baseline amount of \$613k will cover the total lease of \$2.2M starting in FY23.
KCDA	New Need		Salary Parity Compression		-	-	\$ -	-	-	\$ 2,500	-	-	\$ 2,500	-	-	\$ 2,500	-	-	\$ 2,500	The Kings County DA's Office requests \$2.5M PS baselined funds to maintain a competitive salary structure with similar legal staff at other agencies in the city.
KCDA	New Need		Netapp Maintenance Project		-	-	\$ -	-	-	\$ 350	-	-	\$ 350	-	-	\$ 350	-	-	\$ 350	Expense cost such as maintenance support and training are not eligible expenses for a capital project, therefore KCDA is requesting \$350,000 to fund such expenditures. The agency submitted a \$2.9M capital project to increase the capacity of storage for the agency due to the new Discovery laws. Included in the total project are cost related to maintenance support, training, and warranties that currently are unavailable in the our budget.
KCDA	New Need		Expedited Gun Parts		-	-	\$ -	21	-	\$ 1,200			\$ 1,200			\$ 1,200			\$ 1,200	Seven ADAs; seven paralegals and seven clerks for OCA gun part initiative
KCDA	New Need		Discovery Software		-	-	-		-	\$ 600			\$ 600			\$ 600			\$ 600	Expense cost associated with onsite Discovery Software training and maintenance
KCDA	New Need		Social Workers - Youth Diversion		-	-	-	4	-	\$ 235			\$ 235			\$ 235			\$ 235	Four social workers needed to offset staffing shortages in the gun diversion programs. They assist with helping young people enrich their lives and decrease the risk of getting involved in crime and going to prison.
KCDA	New Need		Digital Evidence Lab - Licensing			-	-			\$ 80			\$ 80			\$ 80			\$ 80	Digital Evidence Lab that was self funded (\$1.5M), has ongoing annual software licensing costs.
					-	-	\$ -	25	-	\$ 5,966	-	-	\$ 5,966	\$-	\$ -	\$ 5,966	\$ -	\$ -	\$ 5,966	

Office of the District Attorney, Bronx County

Fiscal Year 2023 Budget

**The Council of the City of New York
Committees on Public Safety and Finance**

March 18, 2022



Pursuing Justice with Integrity

**Darcel D. Clark
District Attorney**

We are very proud of what we have accomplished for our Bronx community during this past year. With your help and the help of our criminal justice partners, we will continue to improve the services that we provide. Our goal is to address the most pressing public safety concerns by taking a more person-focused, holistic, and empathetic approach to prosecution. We want to bring the necessary resources to bear so that we are more efficient and more effective. We want justice and accountability with a real pathway to success and not excessive punishments that are crippling over a lifetime. We want to improve our ability to be transparent and responsive to our community. We want the system to work better for everyone. Under our vision, fairness and public safety are in perfect harmony.

Accordingly, we are requesting the funding for a total of 21 additional positions, and \$3.8M in FY23, \$6.5M in FY24, and approximately \$6.7M in FY25 and beyond. Our main priorities include new funding for salary parity as well as various IT and data analytics upgrades in order to comply with legal mandates.

In order to better understand what is behind these requests, let us take stock of the year that has passed. Despite the ongoing pandemic and two separate Covid-19 surges, we tackled a considerable backlog in court cases and managed the enormous discovery requirements. We also took vigorous and impactful steps to address the increase in violent crime that has taken an immense toll on our community. For the Bronx, the numbers speak loudly.

In 2021, there were 34,017 arrests in Bronx County. There were 15,597 felony arrests. 1,292 of those felony cases were for gun offenses. Overall, felony arrests increased a total of 16% from 2020 to 2021. Further, the Bronx ended 2021 with 148 homicides as compared to 111 in 2020. This represents a 33% increase from 2020 to 2021, and a 62% increase over the last 5 years. Even more alarming is the fact that there has been a precipitous increase in shootings within the Bronx. By the end of 2021, there were 508 shooting incidents and 602 victims of shootings— a 30% increase from 2020 to 2021 in both categories, and a 94% increase over the last 5 years. (*See Attachments 1 & 2*).

Bronx County has been disproportionately affected by the increase in violent crimes. The county has approximately 1.4 million residents, a 17% share of New York City's population. The 2021 crime levels indicate the Bronx's per capita share outpaces the rest of the city. The Bronx had 30% of citywide homicides, 25% of citywide rapes, 29% of all robberies, 28% of felony assaults, and 29% of all gun arrests in New York City. (*See Attachment 3*).

Part of our response to address these trends in violence is to make an early assessment about the viability and value of a successful prosecution. With that in mind, currently, we have 1,270 cases pending where the defendant is charged with having possessed a loaded and unlicensed gun, in addition to other crimes. About 1,111 of these cases have been indicted. There are an additional 1,316 pending cases where the

possession of a loaded, unlicensed gun is charged in addition to other crimes. Approximately 84% of these cases have been indicted.

We are also thinking, however, beyond the prosecution of any one individual. We want to see the whole field and develop a comprehensive strategy to focus more resources on the particular individuals who drive the violence and the conditions that create violence. Towards that end, last summer we implemented a violence reduction plan called P.E.A.C.E. (Precision Enforcement And Community Engagement). P.E.A.C.E. is a multi-faceted approach that targets those individuals who are driving the violence. At the same time, the initiative addresses the needs of victims and explores alternatives to incarceration for some who are criminal justice-involved.

A significant portion of the violence is connected to the use of guns by violent groups or gangs in the Bronx. The Office has formed a working group comprised of various bureaus— the Homicide, Violent Criminal Enterprise, Organized Crime Activity, and the Crime Strategies Bureaus. The cases that they handle tend to include, but are not limited to, gun trafficking, homicide, attempted murder, and narcotics trafficking. The purpose of this working group is to focus on individuals and violent groups by sharing information and intelligently utilizing crime data. When information is shared, the quality of our prosecutions improves. Our investigations are more efficient. We are able to find more creative and more effective solutions.

Moreover, the Office has implemented a newly revamped 24/7 felony duty. This duty enhances our ability to gather reliable evidence in serious cases, including non-fatal shootings, and it allows us to make better, more informed decisions earlier in the life of a case. Assistant District Attorneys work with law enforcement before an arrest to review evidence, to assess legal issues, and to interview victims or witnesses. Early investigation in these cases gives both the NYPD and our Office the opportunity to evaluate cases quickly for possible arrest and prosecution.

Outreach to victims of gun violence and their families is also a critical component to our Office's strategy. Advocates from our Crime Victims Assistance Unit reach out to victims soon after violent encounters. They travel to hospitals or homes and help to answer questions and concerns. They also assess whether victims need resources or services, for example, counseling that the Office or other community partners can provide. Ensuring that victims are managing their trauma is important regardless of whether there is an arrest or prosecution. More needs to be done as the number of victims increases. To improve services to victims and persons in need in the Bronx, we are requesting \$826,000 to hire thirteen additional staff members, including advocates and therapists.

The case of Michael Lopez is a good example of our multidisciplinary and collaborative approach. On June 21, 2021, Mr. Lopez fired a gun at Hassan Wright on Sheridan Avenue in the Bronx. The shooting occurred at 4:43 p.m., in broad daylight.

During the shooting, Mr. Lopez not only injured and paralyzed Mr. Wright, but nearly hit a five-year-old boy and his thirteen-year-old sister, who bravely shielded her brother from the gun shots. The Office built a compelling case after a very thorough investigation by the NYPD and our Assistant District Attorney. Critically, the work that we did included an early intervention by our victim advocates at the hospital with the victims. The result: On January 28, 2022 Mr. Lopez pleaded guilty to Attempted Murder in the Second Degree and is expected to receive a 15-year sentence on March 24, 2022.

In addition, we have increased our focus and expanded our partnership with NYPD units, including the Gun Violence Suppression Division and the Firearms Investigations Unit. This relationship has resulted in successful investigations of gun-traffickers. As one example, on December 23, 2021 defendant Shakor Rodriguez was arraigned on a 225-count indictment for the sale of some 73 firearms to an undercover officer. This was a joint investigation conducted over months by our Violent Criminal Enterprise Bureau and the NYPD's Firearms Investigations Unit.

Last fall, we joined the Gun Violence Strategy Partnership to stem the flow of guns and solve shootings, not just in Bronx County, but throughout New York. This partnership is a collaborative effort between local, state, and federal law enforcement agencies, City District Attorneys, and United States Attorneys. Everyone is at the table. Recently, President Biden attended and was briefed and praised the work of the partnership.

Our Trial Division leads the Office in gun prosecutions and non-fatal shooting investigations. They worked with the courts to reduce the backlog of pending felony cases from 278 to 201, a reduction of 28%. Further, they continue to vet new gun arrests with the NYPD, and we communicate with the United States Attorney for the Southern District of New York to determine when it is best to initiate a federal prosecution.

Unfortunately, we have seen that our young people are increasingly involved in the violence that is occurring in the Bronx. Particularly concerning is the uptick in the number of 16 and 17-year-olds who are arrested on multiple occasions for the possession of illegal guns. Despite the seriousness and frequency of their conduct, they are not being held sufficiently accountable, and they are not getting the supervision and the services they may need to break the cycle of violence. “Raise the Age” legislation has removed 16 and 17-year-olds from the jurisdiction of the Criminal Court and put them under the jurisdiction of the Family Court. Our Office is also removed from the case. Over and over, we have seen young people arrested for illegal gun possession and released without proper supervision. Far too frequently, adolescents later are re-arrested and return to court to face additional felony gun charges arrests. Once again, they are released. The District Attorney’s Office is rarely granted jurisdiction over these offenders. Tragically, many of these individuals eventually graduate to commit a fatal shooting, or they are themselves murdered by another youth with an illegal gun.

The Office has been lobbying the state legislature to amend portions of the “Raise the Age” law. Many aspects of the law have been successful and have worked as intended. We, however, have seen some unintended consequences. Minor adjustment in the process will better serve our community. In its current form, in order for the case to be prosecuted in the Youth Part and handled by our Office, the law requires that an adolescent offender not only have possessed a loaded firearm, he must also have “displayed” it. This one requirement affects many cases, and the fix is easy: The law could provide that by possessing an illegal firearm— without also have to display the firearm— the adolescent offender would have his case adjudicated before the judge in the Youth Part; he would also have access to the services and monitoring that that court can provide. We believe that by keeping the case in the Youth Part, there will be greater accountability for these crimes and more consistent results.

The Office is also focused on prevention and addressing the increase in gun crimes from all angles. Last fall, our Office partnered with the Osborne Association to launch a pilot program called the Bronx Osborne Gun Accountability and Prevention (BOGAP) Program. This endeavor focuses on individuals who have been arrested for illegal gun possession, but fit the criteria for a second chance. In particular, although they possessed a gun, they did not discharge or use it, and they have no prior felony conviction. This comprehensive program addresses the needs of the individual and includes counseling, job-readiness, and educational features. We believe the program

will help to prevent participants from ever picking up a gun again. The 25 participants in the pilot began working early this year with the Osbourne Association. If they successfully complete the program their felony case is reduced, and they will ultimately plead to a misdemeanor. We hope that this pilot will provide both insight and data, and that the program will become a successful alternative to incarceration for individuals who deserve a second chance. We recognize the value of creating legitimate pathways to real progress and not relying on unnecessary punitive measures.

We believe that we must engage our Bronx community and make them a part of the plan to reduce gun violence. Our Office has initiated outreach to community leaders and youth groups. We have had conversations with our church leaders and clergy coalitions and work with our Cure Violence groups. We want to bring information and awareness to our Bronx residents and to hear their concerns and their ideas for solutions. From Peace marches, prayer vigils, resource fairs and Gun Buy Backs we are working to bring all parts of the Bronx together to fight the violence that has cost our community so dearly.

Along with the City and other DA Offices, the Bronx District Attorney's Office has experienced significant attrition in its workforce. To meet our legal and ethical obligations and to provide the service that all of our residents and businesses deserve, we must maintain staffing levels. This has proved quite challenging. In FY21, 147 members of our staff separated from the Office with an overall attrition rate of

approximately 14%. 96 were attorneys, which reflects a 21% attrition rate for legal staff. This situation continues to worsen as we have experienced a 19% attrition rate for both legal and professional staff in FY22. Since July 2021, 104 assistant district attorneys or 25% have separated from our Office. Based on our projections, we could lose another 7% of our legal staff between now and June 2022. If this holds true, we will end the current fiscal year with an attrition rate of 32% for our legal staff, which would be unprecedented during the last three decades. For professional staff, we have experienced a 15% attrition rate so far and project to lose another 4% by the end of the fiscal year, totaling 19% attrition rate for professional staff. (*See* Attachment 4).

Attrition affects our ability to effectively maintain our vertical prosecution model. Every resignation of both legal and professional staff means that the caseload of the departing staff member must be reassigned, and extra time is needed to for the newly assigned individual to get up to speed and become fully steeped in the matter. That process is terribly inefficient and costly. In addition, our legal and professional staff are scheduled more frequently for night and weekend responsibilities due to the staffing shortage. An already overworked staff must struggle to meet our criminal justice obligations and prevent the undue delay of discovery and case readiness. Fewer hands on deck causes case delays and adjournments, slowing the swift resolutions for both victims and defendants that was envisioned in the new Criminal Justice legislation. This is something our Office cannot allow.

Former legal and professional staff have cited the increased responsibilities of discovery, managing the backlog of cases, the frequency of night and weekend work, low salaries, and the return to in-person work as their main reasons for leaving the Office. As a result, retention is a top priority for the Office. To this end, we have initiated a series of steps. In December 2021, we announced a significant raise package for the legal staff. The raises closely matched Corporation Counsel's new 1-to-5-year attorney salary structure. Our Office then targeted attorneys who have reached critical seniority levels, from 6 to 30 years, with yearly and bi-yearly increases. We shared our plan with all of the City's District Attorney Offices. The salary increases went into effect on January 1, 2022. We believe this new salary structure will encourage our lawyers to stay and continue to build a career in our Office. We ask the City Council to endorse this plan for all the City's District Attorney Offices. Going forward, the Bronx will require additional funding to maintain these salary levels, especially if we are successful in retaining more senior staff. (*See Attachment 5*).

Our Office is also reviewing professional staff salaries in an effort to make changes where we can, but it is difficult to retain our talent in this area when 45% of our professional staff's annual salaries are under \$45,000 a year. Our professional staff are crucial to the work that we do every day. They are the unsung heroes— from our Operations team, Court clerks, Interpreters, TPAs and our IT developers. We could not Pursue Justice with Integrity without them.

A prime example are our Grand Jury stenographers. They stepped up when the grand juries returned and backlogged cases needed to be presented. This, of course, was under the shadow of Covid restrictions and protocols. About 2/3 of our stenographers are capped at or have reached the maximum salary for their title, \$83,993. There are no options available to raise their salaries without a newly negotiated contract. However, the state courts will be hiring new court reporters in April and we will lose much of our staff to the courts because, based on their experience level, the court reporters will make approximately \$94,000 their first day on the job. Our Office intends to work with our professional staff's unions to identify increases and clear pathways for their advancement and professional development. We should not, however, lose the staff that we trained and developed to another City agency because we cannot offer a competitive salary.

We believe that Bronx residents and businesses deserve top notch public servants to ensure that the work of criminal justice is done right. The work that we do, which profoundly impacts public safety and speaks to the core function of government, is too important to pay discount rates. It is time we paid our lawyers and our criminal justice professionals a competitive wage.

Moreover, the expansive demands of the new discovery laws have created additional pressure on both the legal and professional staff to meet their obligations under a condensed timeline. The challenges inherent in identifying, obtaining,

reviewing, and turning over documents, digital evidence, and *Giglio* disclosures in a timely manner has caused delays and even dismissals. One assault case provides a ready example of the challenges we face. In this particular case, a man entered a store and assaulted the owner. A total of 28 police officers responded to the scene. Eight of the officers entered the store and eight stayed outside. The other 12 officers were sent back on patrol. This means that 20 of these officers did not enter the store or talk to the owner or the suspect. Nor were they involved in the investigation and arrest. Yet, under the current law, we were required to obtain the Body Worn Camera footage and memo books for all 28 officers. We also must review, redact, and share the footage with defense within 20 days because the defendant is incarcerated.

This is just one case. On average, our Office receives 3,380 body-worn camera videos per week. We receive approximately 150,000 files per week from NYPD just through the ECMS and Arrest portals that they built to share the discovery material that is deemed to be possessed by us under the law. This massive discovery dump is not organized and connected to our cases. We must gather what is sent to us, pair it to the cases in our case management system, provide it to the prosecutors, and then they must read it, redact it, and share it with the defense in an extraordinarily shortened time period.

In order to comply with our increased discovery obligations, we need a case management and data sharing system that is up to the task. Our Office has advocated

for several years to improve our case management system. These improvements are essential to create sharing capabilities between law enforcement partners, to provide seamless review and redaction of both written and digital evidence, and to facilitate an efficient transfer of discovery material to the defense. A new case management system would also enable our Office to provide critical data that would increase transparency by identifying arrest trends and showcasing case data including caseloads, dispositions, and alternatives to incarceration. This data could pinpoint criminal justice issues and inform Office policies and processes. The data would also enable us to be more person-focused and holistic in the services we provide and the solutions we offer. Moreover, this system upgrade will enable our Office to compile and submit to the Mayor and City Council the necessary data outlined in Local Law 161 of the NYC Administrative Code. For example, under the current provision, we are required to report on our case prosecutions and dispositions and specifically to provide data based on race, gender, and age. With the system we have now, we simply are not able to meet that demand. Accordingly, we are requesting \$470,000 in FY23 for a data analytics infrastructure project so that we can comply with Local Law 161.

Our Office has been meeting with technology vendors to explore cloud-based solutions that break down information silos like NYPD's ECMS, the arrest portal, and body-worn camera footage, while pulling all necessary documents and digital evidence into a single interface. Potentially, this new interface will provide prosecutors and

professional staff with redaction tools and other capabilities that will streamline discovery and the disclosure of tens of thousands of pages of material and allow us to share information quickly with the defense bar and the courts.

Our hope is that the Mayor and the New York City District Attorney Offices will agree to use one vendor as a citywide solution. Thanks to the original funding provided by the City for criminal justice reform, capital funding has been allocated to cover some of the cost. Although the capital funding is available, we need your help now to fast track the approval of the Certificate to Proceed (CP). CP approvals can linger for months and that is time we simply do not have. This is a top priority for all stakeholders. We ask that the City Council act with urgency to help us coordinate with OMB and DOITT so that we can move this forward as quickly as possible. Additionally, there will be a reoccurring expense of at least \$450,000 annually for which we will need new funding. (*See* Attachment 6).

The necessity of remote work presented by Covid-19 resulted in the elimination of physical case files in our Office. Accordingly, our Assistants and professional staff rely on paperless, virtual files and folders on our computer systems to perform their duties in court. This digital footprint and remote option give the staff the flexibility to work late and on weekends from home. Fortunately, we have funding available to increase the limited number of technology options, such as iPads and laptops, for our staff.

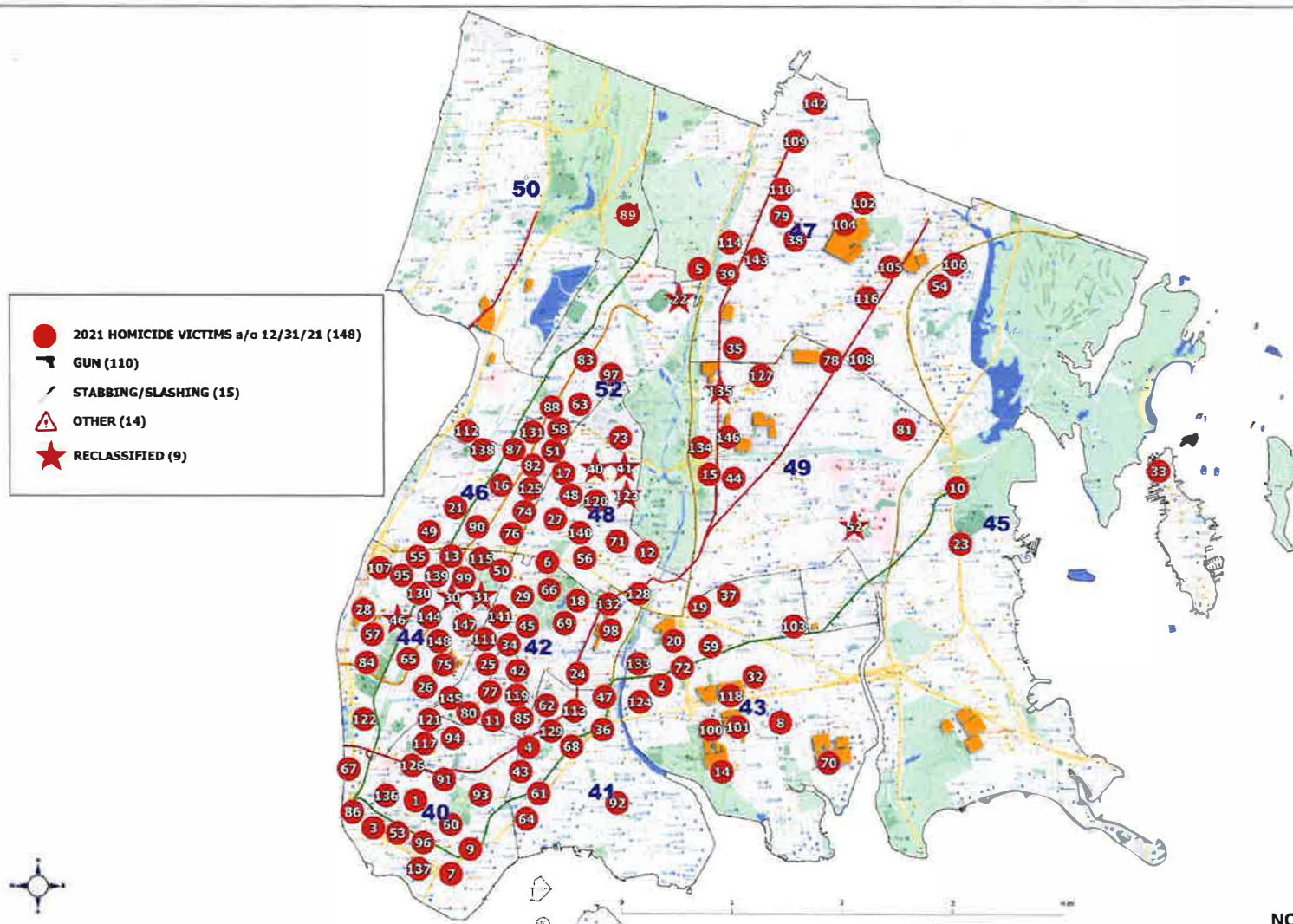
However, we are requesting \$176,000 a year for mobile phones for our staff. Our main concern is the possibility of security breaches and mixing both personal and work-related information on personal mobile devices. Although we implemented the use of Google phone numbers and secondary phone lines, we believe the best practice is to assign Office phones.

The Bronx District Attorney's Office has zero tolerance for sexual abuse toward any detainee or member of service, uniformed or civilian, of the New York City Department of Correction. No one is above the law. All victims of sexual offenses deserve to be treated with respect, compassion and to have their allegations taken seriously. Our Office is committed to helping victims on their path in seeking justice.

Last November, our Office was awarded \$1.7 million to thoroughly investigate and combat sexual offenses on Rikers Island. In 2016, our Office established a Rikers Island Prosecution Bureau under the Investigations Division. We created a new position: The Director of Rikers Island Sex Crimes Prosecution Initiative. In this role, the Director is responsible for ensuring that all victims of sexual offenses will experience a trauma-informed approach by the legal and professional staff of this Office. Additionally, the Director will work in conjunction with Department of Correction investigators and staff and the Bronx DA's Special Victims Division to ensure that all reports of sexual assaults are promptly and thoroughly investigated as evidence-gathering is critical to a successful prosecution.

In conclusion, we respectfully request that you provide the necessary financial support for our plan to reduce the violence that is plaguing our community. Help us meet our resource needs so that we can best serve the public and fulfill our obligations and legal mandates. It is urgent that we do everything we can to protect the safety of our residents and businesses, and to provide creative solutions to complex problems. We urge you to work with us in this endeavor.

Attachment 1



CSB Data

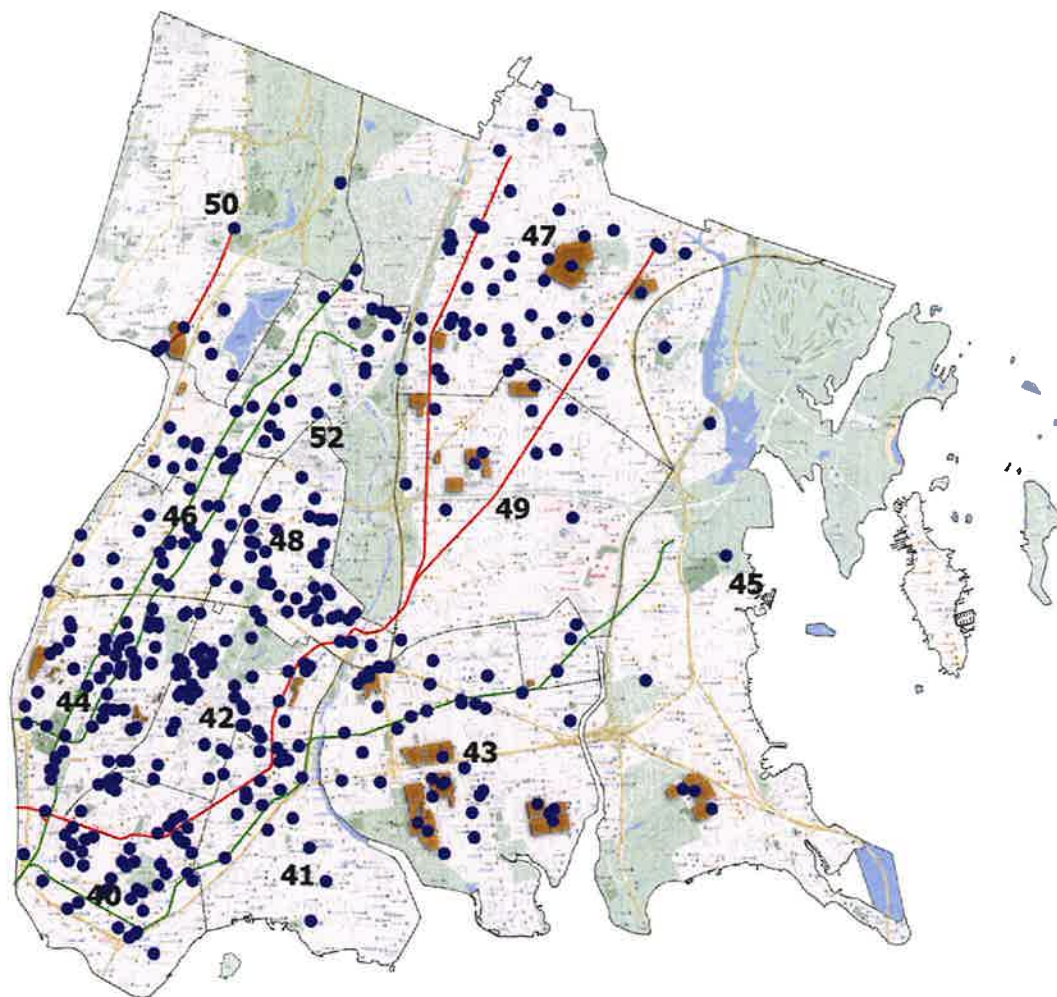
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2020 Non-Fatal Shootings

-Incidents (400)

-Victims (492)



CSU Data

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City-Wide Violence Overview

Homicides	2021	2020	% 1 Year Change ('20-'21')	% 5 Years Change ('16-'20)
Bronx	148	111	33%	62%
Manhattan	92	84	10%	81%
Brooklyn	150	175	-14%	46%
Queens	83	78	6%	65%
Staten Island	15	20	-25%	-4%
Citywide	488	468	4%	43%
Shooting Victims	2021	2020	% 1 Year Change ('20-'21')	% 5 Years Change ('16-'20)
Bronx	602	467	29%	94%
Manhattan	312	256	22%	99%
Brooklyn	624	808	-23%	31%
Queens	298	293	2%	65%
Staten Island	40	45	-11%	14%
Citywide	1876	1869	0%	62%
Shooting Incidents	2021	2020	% 1 Year Change ('20-'21')	% 5 Years Change ('16-'20)
Bronx	508	389	31%	94%
Manhattan	262	212	24%	98%
Brooklyn	519	652	-20%	32%
Queens	236	238	-1%	57%
Staten Island	36	41	-12%	11%
Citywide	1561	1532	2%	61%

Data from NYPD CompStat and CSB

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FY22 PROFESSIONAL STAFF ADDITIONS AND SEPARATIONS					
Month	BOM	Additions	Separations	EOM	Attrition
July	594	6	(10)	590	-1.68%
August	590	5	(6)	589	-1.02%
September	589	18	(6)	601	-1.02%
October	601	13	(12)	602	-2.00%
November	602	8	(18)	592	-2.99%
December	592	7	(11)	588	-1.86%
January	588	23	(16)	595	-2.72%
February	595	8	(11)	592	-1.85%
March	592			592	0.00%
April	592			592	0.00%
May	592			592	0.00%
June	592			592	0.00%
Average/Total	593	88	(90)	593	-15.13%

YTD attrition	-15.13%
Attrition Moving Forward Using FY20 & FY21 AVG Attrition	-4.02%
Total FY Projected Attrition	-19.15%

FY21 PROFESSIONAL STAFF ADDITIONS AND SEPARATIONS					
Month	BOM	Additions	Separations	EOM	Attrition
July	582	3	(2)	583	-0.34%
August	583	13	(3)	593	-0.51%
September	593	3	(5)	591	-0.84%
October	591	6	(3)	594	-0.51%
November	594	3	(3)	594	-0.51%
December	594	8	(2)	600	-0.34%
January	600	6	(5)	601	-0.83%
February	601	4	(4)	601	-0.67%
March	601	3	(5)	599	-0.83%
April	599	6	(4)	601	-0.67%
May	601	1	(5)	597	-0.83%
June	597	7	(10)	594	-1.68%
Average/Total	595	63	(51)	596	-8.56%

FY22 LEGAL STAFF ADDITIONS AND SEPARATIONS					
Month	BOM	Additions	Separations	EOM	Attrition
July	443	2	(13)	432	-2.93%
August	432	2	(17)	417	-3.94%
September	417	7	(13)	411	-3.12%
October	411	35	(12)	434	-2.92%
November	434	6	(13)	427	-3.00%
December	427	1	(8)	420	-1.87%
January	420	5	(17)	408	-4.05%
February	408	12	(11)	409	-2.70%
March	409			409	0.00%
April	409			409	0.00%
May	409			409	0.00%
June	409			409	0.00%
Average/Total	419	70	(104)	416	-24.52%

YTD attrition	-24.52%
Attrition Moving Forward Using FY20 & FY21 AVG Attrition	-7.37%
Total FY Projected Attrition	-31.89%

FY21 LEGAL STAFF ADDITIONS AND SEPARATIONS					
Month	BOM	Additions	Separations	EOM	Attrition
July	456	1	0	457	0.00%
August	457	-	(9)	448	-1.97%
September	448	-	(8)	440	-1.79%
October	440	61	(6)	495	-1.36%
November	495	2	(3)	494	-0.61%
December	494	-	(5)	489	-1.01%
January	489	5	(14)	480	-2.86%
February	480	1	(9)	472	-1.88%
March	472	-	(6)	466	-1.27%
April	466	-	(11)	455	-2.36%
May	455	2	(10)	447	-2.20%
June	447	11	(15)	443	-3.36%
Average/Total	467	83	(96)	466	-20.66%

FY22 TOTAL STAFF ADDITIONS AND SEPARATIONS					
Month	BOM	Additions	Separations	EOM	Attrition
July	1,037	8	(23)	1,022	-2.22%
August	1,022	7	(23)	1,006	-2.25%
September	1,006	25	(19)	1,012	-1.89%
October	1,012	48	(24)	1,036	-2.37%
November	1,036	14	(31)	1,019	-2.99%
December	1,019	8	(19)	1,008	-1.86%
January	1,008	28	(33)	1,003	-3.27%
February	1,003	20	(22)	1,001	-2.19%
March	1,001			1,001	0.00%
April	1,001			1,001	0.00%
May	1,001			1,001	0.00%
June	1,001			1,001	0.00%
Average/Total	1,012	158	(194)	1,009	-19.05%

YTD attrition	-19.05%
Attrition Moving Forward Using FY20 & FY21 AVG Attrition	-5.49%
Total FY Projected Attrition	-24.54%

FY21 TOTAL STAFF ADDITIONS AND SEPARATIONS					
Month	BOM	Additions	Separations	EOM	Attrition
July	1,038	4	(2)	1,040	-0.19%
August	1,040	13	(12)	1,041	-1.15%
September	1,041	3	(13)	1,031	-1.25%
October	1,031	67	(9)	1,089	-0.87%
November	1,089	5	(6)	1,088	-0.55%
December	1,088	8	(7)	1,089	-0.64%
January	1,089	11	(19)	1,081	-1.74%
February	1,081	5	(13)	1,073	-1.20%
March	1,073	3	(11)	1,065	-1.03%
April	1,065	6	(15)	1,056	-1.41%
May	1,056	3	(15)	1,044	-1.42%
June	1,044	18	(25)	1,037	-2.39%
Average/Total	1,061	146	(147)	1,061	-13.86%

FY20 PROFESSIONAL STAFF ADDITIONS AND SEPARATIONS					
Month	BOM	Additions	Separations	EOM	Attrition
July	580	5	(7)	578	-1.21%
August	578	14	(18)	574	-3.11%
September	574	12	(7)	579	-1.22%
October	579	5	(15)	569	-2.59%
November	569	4	(11)	562	-1.93%
December	562	14	(11)	565	-1.96%
January	565	7	(7)	565	-1.24%
February	565	3	(10)	558	-1.77%
March	558	29	(10)	577	-1.79%
April	577	1	(5)	573	-0.87%
May	573	15	(1)	587	-0.17%
June	587	2	(7)	582	-1.19%
Average/Total	572	111	(109)	572	-19.06%

FY20 LEGAL STAFF ADDITIONS AND SEPARATIONS					
Month	BOM	Additions	Separations	EOM	Attrition
July	474	1	(5)	470	-1.05%
August	470	2	(6)	466	-1.28%
September	466	65	(11)	520	-2.36%
October	520	1	(8)	513	-1.54%
November	513	-	(11)	502	-2.14%
December	502	-	(8)	494	-1.59%
January	494	2	(12)	484	-2.43%
February	484	2	(12)	474	-2.48%
March	474	3	(12)	465	-2.53%
April	465	2	(11)	456	-2.37%
May	456	2	0	458	0.00%
June	458	1	(3)	456	-0.66%
Average/Total	481	81	(99)	480	-20.43%

FY20 TOTAL STAFF ADDITIONS AND SEPARATIONS					
Month	BOM	Additions	Separations	EOM	Attrition
July	1,054	6	(12)	1,048	-1.14%
August	1,048	16	(24)	1,040	-2.29%
September	1,040	77	(18)	1,099	-1.73%
October	1,099	6	(23)	1,082	-2.09%
November	1,082	4	(22)	1,064	-2.03%
December	1,064	14	(19)	1,059	-1.79%
January	1,059	9	(19)	1,049	-1.79%
February	1,049	5	(22)	1,032	-2.10%
March	1,032	32	(22)	1,042	-2.13%
April	1,042	3	(16)	1,029	-1.54%
May	1,029	17	(1)	1,045	-0.10%
June	1,045	3	(10)	1,038	-0.96%
Average/Total	1,054	192	(208)	1,052	-19.68%

Bronx County District Attorney (902)

Finance Department

Updated Salary Structure for all Legal Staff

BXDA OLD SALARY STRUCTURE

	Unadmitted	Admitted
Year 1 (2021)	\$ 67,000	\$ 72,000
Year 2 (2020)	\$ 67,000	\$ 74,000
Year 3 (2019)	\$ 69,400	\$ 75,800
Year 4 (2018)	\$ -	\$ 83,300
Year 5 (2017)	\$ -	\$ 84,900
Year 6 (2016)	\$ -	\$ 88,000
Year 7 (2015)	\$ -	\$ 90,900
Year 8 (2014)	\$ -	\$ 96,200
Year 9 (2013)	\$ -	\$ 99,400
Year 10 (2012)	\$ -	\$ 102,600
Year 11 (2011)	\$ -	\$ 105,700
Year 12 (2010)	\$ -	\$ 108,900
Year 13 (2009)	\$ -	\$ 112,000
Year 14 (2008)	\$ -	\$ 117,300
Year 15 (2007)	\$ -	\$ 122,600
Year 16 (2006)	\$ -	\$ 127,900
Year 17 (2005)	\$ -	\$ 131,500
Year 18 (2004)	\$ -	\$ 131,500
Year 19 (2003)	\$ -	\$ 131,500
Year 20+ (2002+)	\$ -	\$ 131,500
	Minimum	Maximum
Supervisor Range	\$ 126,500	\$ 139,200
Unit Chief	\$ 134,400	\$ 155,100
Counsels / Seniors	\$ 154,000	\$ 177,300
Dep. Bureau Chief	\$ 155,100	\$ 177,300
Bureau Chief	\$ 177,300	\$ 201,800
Executive	\$ 205,400	\$ 211,800

BXDA NEW SALARY STRUCTURE

	Unadmitted	Admitted
Year 1 (2021)	\$ 73,579	\$ 75,121
Year 2 (2020)	\$ 73,579	\$ 76,206
Year 3 (2019)	\$ -	\$ 80,440
Year 4 (2018)	\$ -	\$ 84,736
Year 5 (2017)	\$ -	\$ 89,162
Year 6 (2016)	\$ -	\$ 100,000
Year 7 (2015)	\$ -	\$ 105,000
Year 8 (2014)	\$ -	\$ 110,000
Year 9 (2013)	\$ -	\$ 115,000
Year 10 (2012)	\$ -	\$ 120,000
Year 11 (2011)	\$ -	\$ 130,000
Year 12 (2010)	\$ -	\$ 130,000
Year 13 (2009)	\$ -	\$ 135,000
Year 14 (2008)	\$ -	\$ 135,000
Year 15 (2007)	\$ -	\$ 140,000
Year 16 (2006)	\$ -	\$ 150,000
Year 17 (2005)	\$ -	\$ 150,000
Year 18 (2004)	\$ -	\$ 155,000
Year 19 (2003)	\$ -	\$ 155,000
Year 20+ (2002+)	\$ -	\$ 160,000
	Minimum	Maximum
Supervisor Range	\$ 135,000	\$ 160,500
Unit Chief	\$ 145,000	\$ 165,000
Counsels / Seniors	\$ 165,000	\$ 180,000
Dep. Bureau Chief	\$ 170,000	\$ 182,000
Bureau Chief	\$ 190,000	\$ 201,800
Division Counsel	\$ 195,000	\$ 205,400
Executive	\$ 205,400	\$ 211,800

Bronx County District Attorney (902)

Finance Department

FY23 Executive Plan New Needs Request (000s)

EXPENSE										
New Need	FY22		FY23		FY24		FY25		FY26	
	\$	HC	\$	HC	\$	HC	\$	HC	\$	HC
Salary Parity for all Legal Staff	\$ -	-	\$ 1,015	-	\$ 4,182	-	\$ 4,308	-	\$ 4,437	-
Additional Staff for Special Victims Division (SVD)	\$ -	-	\$ 483	8	\$ 483	8	\$ 483	8	\$ 483	8
Crime Victim Assistance Unit Expansion	\$ -	-	\$ 826	13	\$ 826	13	\$ 826	13	\$ 826	13
Data Analytics Infrastucture Project - LEGAL MANDATE	\$ -	-	\$ 470	-	\$ -	-	\$ -	-	\$ -	-
E-Discovery Tool - LEGAL MANDATE	\$ -	-	\$ 468	-	\$ 451	-	\$ 462	-	\$ 473	-
Mobile Phones Expansion for Staff	\$ -	-	\$ 176	-	\$ 176	-	\$ 176	-	\$ 176	-
Cellebrite Pathfinder - Digital Forensic Lab Software	\$ -	-	\$ 117	-	\$ 117	-	\$ 117	-	\$ 117	-
Information Technology Maintenance	\$ -	-	\$ 235	-	\$ 235	-	\$ 235	-	\$ 235	-
GRAND TOTAL	\$ -	-	\$ 3,791	21	\$ 6,470	21	\$ 6,607	21	\$ 6,748	21



**New York County District Attorney's Office
Testimony before City Council Public Safety Committee
FY 2023 Budget & Oversight Hearings
March 18, 2022**

Good afternoon Chair Kamillah Hanks and members of the Committee on Public Safety. Thank you for the opportunity to speak with you today regarding my Office's Fiscal Year 2023 Preliminary Budget, to highlight what we are doing to address and disrupt the rise in violence in our city and the help we need to meet the challenges we face. We thank the City Council for past support, my fellow District Attorneys for their collaboration, and know that a safer and fairer city requires all of us working together.

After years of a reduction in crime, in the past two years New York City has experienced an increase – a trend that has continued into the beginning of this year. The Covid-19 pandemic has upended our lives in previously unimaginable ways. Amidst this incalculable flood of trauma and loss, violence spiked across the country.

As Manhattan continues to recover from the pandemic, restoring a sense of safety to our people and communities is essential. Businesses won't thrive, riders won't return to mass transit, and parents won't feel comfortable letting their children play in the park or walk to the corner store unless we reverse the pandemic spike in violence.

From my first day in office 76 days ago, we have done what I've done throughout my career as a prosecutor and what this office is famous for: we've followed the evidence. And we've done it in a transparent and accountable way that has prompted an open and important discussion of safety and justice in our city.

So what does the evidence show? It shows that the majority of serious violent acts in our city—shootings, robberies, sexual assaults—are committed by a small number of people. We are laser-focused on those doing harm and driving violence, working in partnership with the NYPD to ensure that they are apprehended and held accountable.

The evidence shows that shooting incidents in Manhattan increased 26% last year and are up 14% citywide this year compared to the same time period last year. To address the significant spike in gun-related violence, we created the first ever Executive Assistant District Attorney for Gun Violence Prevention position. We know in fighting against gun violence and illegal guns, we are most effective when we work in a comprehensive, multi-lateral manner. So we are identifying and prosecuting those who are driving the violence, investigating and prosecuting gun traffickers, prosecuting those who carry guns on our streets, using gun possession cases as an opportunity to trace the sources of illegal guns and build cases against gun trafficking,

redoubling the office's efforts in identifying persons with a history of committing domestic violence who have guns, and working with community partners in intensified efforts to intervene before the violence occurs.

The evidence also shows a 35% increase in shoplifting incidents in Manhattan from 2020 to 2021. Store owners and employees across the borough have felt the impact and many of their businesses are struggling to survive. We've found that a relatively small cohort of people are committing an outsized amount of shoplifting in Manhattan. There are **251** people who have been arrested for retail theft at the same Manhattan location three or more times in 2021 alone, about 500 when you include multiple locations.

We formed a Small Business Alliance in partnership with the NYPD, store-owners, and service providers to develop strategies and launched a shoplifting task force in my office comprised of the highest-level executives, our Crime Strategies Unit, and data analysis staff that meets weekly to analyze the data, track existing cases, review incoming arrests, and determine the best approach for these repeat offenders.

We're zeroing in on fencing operations, leveraging our Office's intelligence and expertise in taking down criminal enterprises to identify and dismantle these rings, and looking to those arrested for lower level shoplifting to help identify the people making the big money running operations that resell stolen goods.

The evidence also shows that many of these and other cases are driven by extreme poverty, addiction, and mental illness. While there must be accountability in all cases, my life experiences growing up and raising my family in Harlem, my professional experiences as a prosecutor, and the data clearly shows incarceration is not always the best option. Well-designed initiatives that support and stabilize people – particularly individuals in crisis and youth –diminish the collateral harms of criminal prosecution and reduce re-offending.

Consistent with my mission, we are committed to getting help for people – as early on in the case as possible. To do this, we created the Pathways to Public Safety Division ("Pathways") to elevate the use of diversion and evidence-based programming, ensuring individuals involved in the criminal justice system receive necessary services to reduce recidivism and enhance public safety.

This major restructuring strengthens the Office's work related to alternatives to incarceration, specialized court parts, pre-arraignment diversion, restorative justice practices, and reentry practices. Additionally, Pathways provides each of the six existing Trial Division bureaus with a dedicated prosecutor to serve as a resource from arraignment to sentencing, proactively identifying individuals who would benefit from diversion and programming without jeopardizing community safety.

This policy change not only in and of itself makes us safer; it also frees up prosecutorial resources to focus on violent crime. And in the bigger picture it will free up government resources that are now being spent on incarceration to address the root causes of crime.

These and other initiatives that have been implemented thus far were made utilizing existing budget funds. In past years, the Manhattan DA's Criminal Justice Investment Initiative (CJII) has

been used to support innovative community projects that fill critical gaps and needs in New York City. Guided by the principle of prevention as a cornerstone of a 21st century crime-fighting strategy, those investments provided a comprehensive, forward-looking approach to improving the well-being and safety of all New Yorkers.

For example, we created Manhattan Justice Opportunities, which provides a tailored diversion option for misdemeanor and low-level felony cases. We likewise built a Felony ATI Court Part to craft appropriate mandates for more serious felonies that hold people accountable while addressing the underlying needs driving their behavior. Through CJII, DANY funded the NYC Health Justice Network, a public health-based approach to reentry run by the city health department that deploys peers with lived experience of the justice system to connect with people returning from prison and jail. These peer health workers meet participants where they're at, literally and figuratively, and use a trauma-informed approach to help them navigate the barriers to reintegration.

There are many programs that my Office has self-funded with forfeiture proceeds to date, but will not be able to much longer. The forfeiture fund is largely spent and this is not a stable funding source or a long-term solution for addressing needs. And at this critical time, we have some real needs to meet.

I would like to briefly highlight just a couple of the initiatives included in our new request and why they are so important at this time. I have submitted a summary of my budgetary requests as an addendum to my testimony.

Protecting tenants. At a time when so many are experiencing economic hardship and the moratorium on evictions expired, we must protect our residents by investigating and prosecuting those who seek to use the scarcity of affordable housing in New York City, and the complexities of the city's housing regulations, to commit crimes including tenant harassment, deed fraud, and tax fraud.

Our office is seeking to create a Housing and Real Estate Fraud Unit to handle the large volume of housing-related complaints fielded by the office. Housing and real estate crimes affect a wide array of New Yorkers and costs the city millions in lost revenue. A designated unit would address the misconduct, return some of that lost revenue to the city, and work to prevent families and neighborhoods from being destabilized.

The Unit will consist of an Attorney-in-Charge, a Coordinator, and a Paralegal. The Attorney-in-Charge will handle the investigation and prosecution of the cases accepted by the Unit, from start to finish. The Housing Coordinator will enhance this work, such as by helping to identify buildings with potentially vulnerable tenants through the analysis of publicly available data of landlord evictions, applications for permits, violations, and tenant complaints. The Paralegal will provide further support with case preparation.

Finally, the Office's ability to address crimes involving housing and real estate would greatly benefit from further community outreach and education. Successful prosecution of housing related matters would require extensive inter-agency cooperation. To that

end, the Attorney-in-Charge will do outreach on behalf of the Office to local elected officials, other city agencies, community groups and tenant organizations, and will educate our partners about the types of behavior that is criminally actionable. The Housing Coordinator will act as a liaison to agency partners, and meet regularly with those partners to strengthen relationships and share information. These actions will result in increased public awareness of these crimes and will reduce the number of individuals who fall victim to this array of conduct.

We estimate that to fully fund this group it will cost approximately \$280,000 a year.

Hate Crimes. Hate crimes have risen at a startling rate in New York City in recent years, particularly in Manhattan. Last year we saw the number of hate crimes in Manhattan increase by 160% and this year citywide numbers have more than doubled what they were this time last year. Now more than ever, we must stand in unwavering support of communities that have been victimized by senseless violence, racism, and hatred over the past year and beyond. Attacks of hate, especially on our elderly residents, are horrifying, not just to the victims who suffer physical injury but to the entire community that lives in fear. We will hold those who commit these acts of violence and hate accountable.

We need a dedicated unit that is supported by a full time Chief and two full time Deputy Chiefs, as well as investigative analysts and line ADAs who take on hate crimes cases as a secondary assignment alongside their general crimes case load. The HCU must also continue to be supported by the Investigations Bureau, WASU, and CPU, but with dedicated hate crimes staff from each of those units.

This will increase the Unit's proactive investigations and prosecutions, enhance its cultural and linguistic competencies; ensure all staff and our law enforcement partners receive specialized training; expand community engagement and advocacy; and enhance partnerships with community-based organizations and other law enforcement agencies.

We estimate that to fully fund this group it will cost approximately \$1.6 Million a year.

Post-Conviction Justice Unit. Wrongful convictions are the height of injustice. They ruin the lives of the wrongfully convicted, impair law enforcement's ability to apprehend the persons who actually committed the crime, and severely undermine the public's faith in our criminal justice system. We are building a new unit, fully resourced, and reporting directly to me. This work promotes public safety by enhancing community collaboration and trust and ensures the reliability of prior convictions.

The PCJU's mission has three main pillars: (1) independent and impartial post-conviction investigation, done in collaboration with impacted individuals and their counsel to determine whether a conviction should be vacated or modified where there is no longer confidence in the outcome; (2) services and support to exonerees, as well as to victims and survivors who may be deprived of closure; and (3) promoting conviction integrity in

future prosecutions by advising the Office in best practices, including through new trainings and root cause analysis reports.

To fulfill this mission, we need additional funds to add attorneys and other critical staff. At present, the unit is understaffed, especially in comparison to other local DA's offices. It is comprised only of a Unit Chief, a Deputy Chief, and an Investigative Analyst. Our work requires, in addition to these positions, the following: six additional attorneys to be assigned to case review, investigations, and report writing; four investigators to locate witnesses and evidence in sometimes decades-old cases to assist in evaluating claims; and three other non-legal professional staff to assist in screening cases, data tracking, and reporting on the factors that may have caused wrongful convictions.

We estimate that to fully fund this group it will cost approximately \$1.1 Million a year.

Discovery. My Office's lawyers and support staff continue their herculean efforts in managing discovery-related obligations. The management of the content that my Office receives is enormously challenging. By way of example, before 2020, my Office used approximately thirty-two (32) terabytes of storage. Today, two years after the passage of the discovery reform statutes, my Office now consumes three hundred and twenty (320) terabytes of storage, a 900% increase in just two years.

Much of this growth is tied to the video and digital evidence that is now part of every investigation. For example, our Body Worn Camera Unit has linked and stored more than 339,000 videos associated with investigations and cases between January 2020 and March 4, 2022.

And even excluding the body cam footage, we've received approximately 401,920 zip files from NYPD since January 1, 2020 – the beginning of discovery reform. That is 502 zip files per day sent to our Office, just from NYPD ($401,920 \text{ zip files} / 800 \text{ days} = 502$). It is over 100 terabytes of data (the zip files and the un-zipped files combined).

Additionally, the state's discovery laws require that we must both reproduce and keep tremendously more paper on every case than had been required in the past. Keeping copies of these discoverable materials help to ensure against any court challenges to what was provided within the new 15-day discovery window.

Faced with these unprecedented evidentiary demands, we've experienced record attrition, as our ADAs burned out and sought less demanding jobs for more money. We must be able to hire additional staff to be able to comply with the new discovery requirements and keep up with staff attrition.

Since funding was added in 2019, my Office has hired well over 100 support staff positions throughout the Office to address this need, but the growing backlog of cases and increase in serious violent cases requires additional resources to make sure that we are able to fulfill our increased obligations on Discovery. We ask that the City continue their investment in our discovery efforts by providing an additional \$3 Million a year for staff across the Office to fill these roles.

Pay Parity. A starting salary in San Francisco is \$114, 816. In Westchester, it's \$84,173. Our starting salary for newly admitted attorneys of \$72,000 is one of the lowest in the New York City metropolitan area, and below that of the Law Department. This low starting salary combined with the burdens of tremendous law school debt and the cost of living in New York City makes it extremely challenging for our offices to recruit recent law school graduates in the competitive legal labor market. Each of the DA offices here today have been asking for the City to address this discrepancy for years, with only a minor adjustment made 4 years ago for a fraction of our attorneys. My Office estimates that to fully accomplish this important goal, to increase to the level of the Law Department, it would cost approximately \$6 Million a year to ensure that the salaries for all legal staff are equitable and allow for them to afford to live in the City they serve.

Increased Mental Health Court capacity. We are continually and tragically reminded of the consequences of the criminal justice system's failure to address the needs of mentally ill people in a manner that keeps them and other community members safe. The Manhattan Mental Health Court (MMHC) is one tool to humanely and safely address the treatment needs of seriously mentally ill people who are accused of crimes in order to prevent recidivism avoid sending seriously mentally ill people to state prison, where the mental health of such individuals typically deteriorates. MMHC links people who meet both clinical and legal eligibility requirements to court-supervised, community-based treatment and services as an alternative to conventional prosecution and incarceration. Those who fulfill all of the program requirements, including adhering to a treatment plan and not reoffending, avoid incarceration and have the charges against them reduced or dismissed. This outcome enhances public safety and improves the well-being of the accused person.

We need to put people on the Mental Health Court track faster and we need to open up new slots to treat more people. At present, the MMHC capacity is only 50 cases per year. We would like to increase capacity to 200. MMHC is funded through Health & Hospitals. We estimate the additional cost would be \$3.3 million per year.

Justice for Workers. In recent years, workers in New York and across the nation have faced unfair challenges and threats to their livelihood, from wage theft to life-threatening hazards on the job. There are also employers who try to cheat their workers out of overtime, workers' compensation, and unemployment taxes by "misclassifying" them as independent contractors or forcing them to work off the books. New York City has high levels of violations of workplace laws – a recent report states that employers steal up to \$3 billion from New Yorkers each year.

It is harder than ever for workers to get justice in the face of these challenges. Through CJII, DANY funded The New York Committee for Occupational Safety and Health (NYCOSH) to lead the Manhattan Justice for Workers Collaborative (MJWC), a group of workers' rights and occupational health and safety organizations working to increase reporting of workplace crime, especially safety and health violations and wage theft. The Collaborative focuses on outreach, education, case management, reporting and

victim services. The program aims to reduce the disproportionate number of Latino immigrant New Yorkers who are victims of these workplace crimes. MJWC works to increase reporting of employer crimes against low-wage workers in all industries, but particularly in NYC's construction industry.

The Collaborative leverages the outreach capacity of several worker training programs and has reached more than 51,600 workers since the start of the initiative. DANY funded MJWC at \$1,589,783 over 3.5 years. Program funding will end on May 31, 2022.

With your help, and in partnership with the Mayor, NYPD, and the communities we serve, my Office will continue to work to make Manhattan a model of safety and justice for all. I thank you for your partnership to make it happen.

New York County District Attorney's Office
Testimony before City Council Public Safety Committee
FY 2023 Budget & Oversight Hearings
March 18, 2022

Appendix A – Summarized New Need Requests

1. **Protecting Tenants - \$280,000** – A fully staffed unit to investigate instances of tenant harassment and housing related matters, including an Attorney-in-Charge, a Unit Coordinator, and a paralegal.
2. **Conviction Review Unit - \$1.1 Million** - This funding would bring DANY's Conviction Review Unit to the levels seen in the other boroughs. This includes 6 Assistant District Attorneys, 4 Investigators, and 3 analysts.
3. **Discovery - \$3 Million** – Funding for additional staff to fulfill our increased obligations on discovery. This includes 50 various positions at an average salary of \$60,000.
4. **ADA Pay Parity - \$6 Million** – Funding needed to bring our legal staff salaries up to the same levels as the Law Department and the other boroughs.
5. **Hate Crimes Unit - \$1.6 Million** – This includes funding for the Hate Crimes Chief, 2 Deputies, 3 part time ADAs in each Trial Bureau (for a total of 18 part time ADAs), 2 investigative analysts, 2 detective investigators, 1 Victim Service Counsel and 1 Victim Services Advocate, and 2 Community Partnership Coordinators.
6. **Manhattan Mental Health Treatment Court - \$3.3 Million** – Additional funding to increase the number of Manhattan Mental Health Treatment Court participants with New York City Health + Hospitals from 50 to 200 per year.



**Testimony of Queens County District Attorney Melinda Katz
New York City Council Committee on Public Safety
Preliminary Budget and Oversight Hearing FY 2023
March 18, 2022**

Good afternoon, Chair Hanks and members of the Committee on Public Safety. Thank you for the opportunity to speak with you today regarding my office's Fiscal Year 2023 Preliminary Budget.

I would first like to thank the Council and the Mayor's Office for the funding provided to my office in the FY 22 Adopted Plan. My goal is keeping the residents of Queens County safe while creating a more fair and equitable criminal justice system. We can have both and since day one -just over two years ago- we are implementing new policies and initiatives that work to achieve both safety and fairness.

Over the last year, Queens experienced increases in several serious crime areas. According to NYPD CompStat statistics through 12/19/21, Queens South saw a 9% increase in murders, while Queens North saw a 13% increase in rapes and a 29% increase in Grand Larceny. Both Queens North and Queens South saw increases in sex crimes -- 16% and 24% respectively.

Last year, gun violence soared across New York City and in Queens, we had a 47% increase in shooting-related cases and a 66% increase in cases involving criminal possession of a weapon in the 2nd and 3rd degrees.

We have also seen a troubling increase in the number of hate crime-related incidents – with a 100% increase from the previous year. The uptick in the victimization of Asian Americans is especially concerning. In Queens North, there was a 500% increase in anti-Asian hate crimes from 2020 to 2021, according to NYPD statistics in late October.

Our ADAs are dedicated and work tirelessly to reduce the backlog and high caseloads created by the pandemic. We processed nearly 32,000 arrests and conducted nearly 28,000 arraignments, all while maintaining the second lowest complaint sworn and arrest to arraignment times in the city.

We continue to place a strong focus on addressing violent felony crimes and in the last year, ADAs conducted 190 homicide crime scene visits and prepared 680 search warrants and cell-site warrants, of which 139 were for homicide-related cases.

The funding provided to my office in the FY 22 Adopted Plan was a positive start and provided some much-needed support to address violent criminal enterprises and hate crimes while also providing funding for criminal justice reform, conviction integrity review, and immigration services.

With FY 22 funding, I would like to share with you some of what we have been able to achieve. First and foremost, we are actively addressing the ongoing gun violence epidemic from several angles:

Initially, we restructured the office and created the Violent Criminal Enterprises Bureau (VCEB), which works to dismantle criminal organizations and prosecute members of street gangs, firearms dealers and other drivers of violence. In 2021, VCEB developed several significant cases that included charging warring gang members within Queens' public housing developments with murder and possession of illegal firearms. For 60 days immediately following those arrests, the NYPD did not record a single incident of *gun shots fired* in these housing developments.

In 2021, we created a Crime Strategies and Intelligence Unit (CSIU), which takes a proactive approach in preventing violent criminal activity and gun trafficking. In its first year, in conjunction with our Violent Criminal Enterprises Bureau, CSIU has aided in dismantling and prosecuting ghost gun manufacturers and traffickers. Their investigations resulted in the recovery of 74 firearms including 51 ghost guns; 222 high-capacity magazines; and 91 firearm lower receivers. We also recovered 30 ghost guns in connection with other arrests, including in domestic violence incidents, shootings, robberies, and car stops. To put this in perspective, that is more than a 300% increase from 2020, indicating that the prevalence of ghost guns has grown exponentially.

Just this month, we had two additional large-scale ghost gun investigations. One involved four Queens residents who were arrested following the seizure of dozens of firearms, including 27 ghost guns, thousands of rounds of ammunition and other items. The other investigation was the largest-ever seizure of illegal ghost gun kits in New York State. For years, law enforcement has worked diligently to stop commercially manufactured firearms from entering New York illegally from down south by way of what we call the "Iron Pipeline." Alarmingly, we now see ghost guns and ghost gun parts here in New York and we will continue to be vigilant in our efforts to break this new "Polymer Pipeline."

My office was also very proactive in the court's Gun Violence Fast Track Initiative; in 2021 we were able to reduce our unindicted gun possession case backlog by over 50%.

We enhanced our Community Partnerships Division and fortified the Youth Empowerment Bureau to focus on at-risk youth and provide alternatives to drugs and guns. In 2021, this division attended over 1,000 public events, increasing awareness of the office as a community resource. We continued to sponsor gun buyback programs, and since taking office, we have taken 325 operable guns off the streets of Queens County.

In addition, FY 22 funding helps to support our Conviction Integrity Unit (CIU). Since its inception two years ago, the CIU has received 162 cases for review, with seven of these cases being dismissed based on innocence or other newly discovered evidence and four additional cases reversed based on unlawful systematic discrimination in jury selection. CIU's work in 2021 also led to the dismissal of 60 cases in which convictions were based on the police work of three former NYPD detectives who were later convicted of various crimes.

FY 22 funding helps support some of the staffing needed to address the growing number of hate crimes in Queens County, as well as Immigration Specialists who will assist ADAs officewide to navigate through plea options and help fashion dispositions that prevent unwanted immigration consequences.

Now, as we move forward into FY 23, I am requesting new needs in the amount of \$7 million in FY 23 and the outyears. I would like to share with you some of our growing concerns and need for this additional funding to ensure we are able to continue to make these great strides:

Queens ADAs currently manage the highest caseloads in the city, and this is made more difficult given the additional responsibilities that criminal justice reform has added to their workload. The staff is often overwhelmed and regularly work long hours to keep up with their assignments. In addition, because of our ongoing office space issues (we are in several buildings along Queens Boulevard), ADAs and staff must regularly spend valuable time walking several blocks back and forth to court or to other bureaus, often towing large numbers of files.

While we are experiencing a rise in crime and exceedingly difficult work demands, we are simultaneously experiencing a record rise in ADA attrition throughout the office. In fact, we are on track this year to more than double last year's attrition numbers. Our

day-to-day operations have been impacted, making it exceedingly more difficult to maintain adequate staffing levels and continue our course toward fairness and safety.

In order to help alleviate this issue, we recently implemented a comprehensive raise package for ADAs. Additional funding is needed to hire more staff to reduce caseloads and continue to effectively address emerging crime concerns such as firearm and narcotics trafficking, violent crimes, domestic violence, and sex crimes. Queens presently receives the lowest amount of funding per arrest and the lowest amount of funding per resident based on population.

We have also actively implemented many new programs- without any new funding from the city thus far. To continue our progress, funding is imperative. These include:

Alternatives to Incarceration and Diversion Programs. We created a bureau entirely focused on alternatives to incarceration through programming and diversion, known as our Rehabilitation Programs and Restorative Services Bureau. They work on cases throughout the office and ensure those arrested are offered opportunities for appropriate interventions and rehabilitative services.

Community Partnerships Division. Community Partnerships staff are extremely active in the community and work to form strong relationships and linkages with our borough's many diverse communities. In 2021, the division was able to participate in more than 1,000 public events, connecting with countless members of our communities.

Vehicular Crimes. Keeping the streets of Queens County safe from impaired, dangerous, and reckless drivers is a top priority. We prosecuted 1300 cases of vehicular crimes in 2021 alone. We have tightened the guidelines pertaining to vehicular crimes while at the same time we work to identify cases where additional meaningful treatment programs can improve driving behavior and reduce recidivism. We have created a Vehicular Crimes Unit within the Homicide Bureau to focus on fatal collisions.

Cyber Crime Unit. In 2021, we created the Cyber Crime Unit within the Major Economic Crimes Bureau to handle cases involving cryptocurrency, non-fungible tokens (NFT), and digital transactions. This unit investigates and prosecutes crimes related to cryptocurrency and assists with investigations and cases throughout the office on cryptocurrency related issues.

Opioid Crisis and Narcotics Trafficking. Specialized efforts and funding are needed to focus on the growing opioid crisis. During 2020, there was a staggering 49%

increase in overdose deaths in Queens. The overwhelming majority were attributed to fentanyl - a dangerous and lethal drug that is often mixed with other drugs or sold as pills without the knowledge of the buyer. To address this issue, we have fostered positive relationships in the community and have provided avenues of support through specialized treatment courts. In addition, we are forming a Major Narcotics Bureau to focus on large-scale narcotics distribution operations.

Gun Violence and Violent Crime Initiatives. While we have made significant strides to address gun violence and related crimes, funding for additional staffing is needed to effectively manage the growing number of gun-related cases, as well as to conduct more proactive investigations that target the drivers of violence in our communities, particularly the violent crime recidivists and repeat offenders.

Domestic Violence STAT Program. This innovative program identifies and enhances the prosecution of high-priority, pre-arrest domestic violence cases through coordinated efforts with the NYPD and victim services organizations. Our high domestic violence caseload needs to be meaningfully addressed and we need to ensure that domestic violence survivors are receiving all the services needed to keep them safe.

Financial Crime Initiatives. At a time when so many are experiencing economic hardship, we must do our best to protect our residents from the many types of financial fraud that we are seeing including credit card fraud, identity theft and scams.

Cold Case Unit. This newly formed unit focuses on solving cold case homicides using forensic technology and in collaboration with the NYPD Cold Case Unit.

Forensic Science/DNA Unit. This unit facilitates the presentation of forensic science evidence in the grand jury and at trial, conducts training regarding DNA, ballistic, and fingerprint evidence, and collaborates with the Conviction Integrity Unit and the Cold Case Unit.

We also have two additional requests relating to data reporting and discovery initiatives for which I seek your support. These include:

City Council Reporting on Criminal Prosecutions. To meet the obligations relating to City Council Local Law 161 of 2021, which requires district attorneys to report on various criminal prosecution data points, data analyst staffing will be needed to compile and analyze the requested material.

Discovery Software. We are in the process of evaluating various software programs to assist with the management of documents and materials relating to our

discovery obligations. While we have received capital funding to cover the cost of a document management system, we anticipate that there may be additional non-capital eligible expenses related to this software purchase as well.

I believe that funding support in all of these areas will help my office effectively address emerging crime areas; will provide for the implementation of innovative programs and initiatives and their continued success; and will truly further our shared goal of creating a more fair and equitable justice system.

I thank you for the opportunity to appear before you today. I have submitted a detailed write-up of my budgetary requests as an addendum to my testimony. I look forward to working with you and your staffs on important criminal justice initiatives in the year ahead.

Office of the Queens County District Attorney

FY23 Preliminary Budget Hearing

New Needs Request

1. Data Reporting and Discovery Initiatives	
City Council Reporting (IT staff)	\$170,000
Discovery Software (OTPS)	\$500,000
2. Gun Violence and Violent Crime Initiatives	\$950,000
3. Vehicular Crimes	\$605,000
4. Cyber Crime Unit	\$610,000
5. Opioid Crisis and Narcotics Trafficking	\$615,000
6. Domestic Violence (DV) STAT - Pre-Arrest Pilot Program	\$465,000
7. Alternatives to Incarceration and Diversion Programs	\$900,000
8. Community Partnerships Initiatives	\$270,000
9. Financial Crime Initiatives	\$1,215,000
10. Cold Case Unit	\$250,000
11. Forensic Science/DNA Unit	\$450,000

Total: \$7,000,000

**Office of the Queens County District Attorney
FY23 Preliminary Budget Hearing
New Needs Request**

The Office of the Queens County District Attorney (QDA) is seeking baselined funding beginning in FY 23 for the following initiatives as detailed below:

1. Data Reporting and Discovery Software

City Council Reporting

\$170,000

In order to meet the obligations relating to the City Council legislation requiring district attorneys to report on various criminal prosecution data points, additional staffing of two data analysts at an average annual salary of \$85,000 is needed in order to compile and analyze the requested material.

Discovery Software

\$500,000 (OTPS)

We are in the process of evaluating various software programs to assist with the management of documents and materials relating to our discovery obligations. While we have received capital funding to cover the cost of a case management system, we anticipate that there may be additional non-capital eligible expenses relating to this software as well. We are preliminarily estimating \$500,000, however, we are anticipating additional information in the upcoming weeks and will follow-up when more details are available.

2. Gun Violence and Violent Crime Initiatives

\$950,000

Over the last year, Queens experienced increases in several serious crime areas. According to NYPD CompStat statistics through 12/19/21, Queens South saw a 9% increase in murders, while Queens North saw a 13% increase in rapes and a 29% increase in Grand Larceny. Both Queens North and Queens South saw increases in sex crimes -- 16% and 24% respectively.

In addition, gun violence soared across New York City and in Queens, there was a 47% increase in the processing of shooting cases and a 66% increase in cases involving criminal possession of a weapon in the 2nd and 3rd degrees.

In order to effectively address these recent increases in violent crime, particularly the rise in gun violence, QDA is seeking funding for staffing for its Violent Criminal Enterprises, Career

Criminal Major Crimes Bureau and the Felony Trial Bureaus. These bureaus play an important role in the investigation and prosecution of violent criminal activity including gangs, narcotics and gun cases, as well as illegal street level drug sales, assaults, burglaries, robberies, weapons possession and other serious crimes. These bureaus also work collaboratively with federal, state, and local law enforcement and seek to disrupt the drivers of violent crime in Queens County.

Current staffing in these bureaus is simply not sufficient to provide the kind of targeted response that is needed to address these serious crime concerns. QDA is therefore requesting funding for nine (9) ADAs at an average annual salary of \$75,000, three (3) trial preparation assistants at an average annual salary of \$45,000 and two (2) investigators at an average annual salary of \$70,000.

3. Vehicular Crimes

\$605,000

Keeping the streets of Queens County safe from impaired, dangerous, and reckless drivers is a top priority for this office. In 2021, Queens saw a 22.5% decrease in vehicular fatalities, however, more collisions were found to be criminal in nature — an increase of 11% from 2020. Drunk or drugged drivers not only place their own lives at risk but also the lives of everyone else on the road.

As a result, this office has tightened the guidelines on all vehicular crimes, working within the framework of the laws available. We have lowered the blood alcohol levels acceptable for plea offers and seek stronger sanctions in aggravated circumstances. While each case continues to be examined on its own merits, many DWI cases are not eligible for reduced pleas as they had been in the past. These guidelines have resulted in the prosecution of more than 1,300 cases of vehicular crimes in 2021, including charges of vehicular manslaughter, homicide and DWI.

At the same time, we have also worked to identify cases where additional meaningful treatment programs can improve driving behavior and reduce recidivism. Our recidivism rate for defendants placed on rigorous monitoring is less than five percent, with the proportion of defendants who successfully complete the 12-month program at over 90 percent.

QDA is requesting funding to support this important initiative including one (1) Unit Chief at an average annual salary of \$150,000, three (3) ADAs at an average annual salary of \$75,000, two (2) trial preparation assistants at an average annual salary of \$45,000 and two (2) investigators at an average annual salary of \$70,000.

4. Cyber Crime Unit

\$610,000

The Cyber Crime Unit was created within QDA's Major Economic Crimes Bureau to handle cases involving cryptocurrency, non-fungible tokens (NFT), and digital transactions. This unit investigates and prosecutes crimes related to cryptocurrency and assists with investigations and cases throughout the office on cryptocurrency related issues, including the tracing, seizure, and forfeiture of digital assets.

Attorneys assigned to this unit use digital and traditional tools to delve into the virtual world to ensure justice for all victims of crime. The Cyber Crime Unit investigates a variety of crimes such as romance scams and elder fraud, identity theft, business email compromises, predatory behavior towards minors, inappropriate digital content, money laundering, investment fraud, and "rugging"- where developers of digital assets or other NFTs steal the proceeds of their employers' enterprises.

Being that this is a growing and emerging area, additional staffing is needed to handle these complex cases and focus on tracking crime trends and building strong investigations. We are therefore requesting staffing of four (4) ADAs at an average annual salary of \$75,000, two (2) forensic analysts at an average annual salary of \$75,000, two (2) trial preparation assistants at an average annual salary of \$45,000 and one (1) investigator at an average annual salary of \$70,000.

5. Opioid Crisis and Narcotics Trafficking

\$615,000

We are seeking funding for staffing who will focus on the growing opioid crisis in Queens County, with a focus on those who are manufacturing, dealing and distributing fentanyl and other opioids.

During 2020, Queens saw a staggering 49% increase in overdose deaths and for 2021, the projected number of fatal overdose cases is on track for a similar increase. The overwhelming majority of these deaths were attributed to fentanyl - a dangerous, lethal drug that is often mixed with other drugs or sold as pills without the knowledge of the buyer. To combat this dangerous trend, we have fostered positive relationships in the community and have provided avenues of support through specialized treatment courts.

This office refers eligible participants for clinical assessment, where they receive recommendations for diverse treatment options that include educational, vocational, and home health services. Additionally, the office works closely with our community-based service providers including Samaritan Daytop Village, Elmcour Youth & Adult Activities, Inc., and the

Cornerstone Treatment Facilities Network, as well as others to offer expanded services that build on traditional prevention, treatment, and recovery programs.

In addition, a strong focus is needed on combatting overdose deaths by seizing narcotics and preventing their distribution by both high-level and street-level organizations. Investigating these types of cases is extremely time and labor intensive and regularly requires the use of a variety of investigative techniques including cell phone tracking, records subpoenas, wiretaps, search warrants, undercover investigations, as well as detailed analysis of the high volume of data and documents compiled during the course of investigations. Unfortunately, current staffing is not sufficient to address the volume and complexity of these cases.

To address these issues, we are seeking funding for five (5) ADAs at an average annual salary of \$75,000, two (2) trial preparation assistants at an average annual salary of \$45,000 and two (2) analysts at an average annual salary of \$75,000, to this critical initiative. With this proposed program, we seek to reduce the level of opioids in Queens County through targeted initiatives and a focus on strong investigations and prosecutions.

6. Domestic Violence (DV) STAT Pre-Arrest Pilot Program

\$465,000

In the FY 20 Adopted Plan, QDA was allocated \$465,000 in PS funding in FY 20 only for the Domestic Violence Bureau's Domestic Violence Strategic Threat Alert Team (STAT) program, which seeks to identify and enhance the prosecution of high-priority, pre-arrest domestic violence cases through coordinated efforts with the NYPD and victim services organizations. As part of this initiative, open domestic violence complaint reports are received from Queens' precincts on cases where the defendant was not arrested at the crime scene and a computer program has been developed that compiles these complaint reports and assigns them a score based on established risk criteria. Assigned ADAs then review this database to identify and enhance the highest priority cases and victims are contacted and invited to the Queens Family Justice Center. This ensures that victims are aware of safety planning and counseling services, and, at the same time, ADAs are able to meet with victims and determine appropriate charges and obtain evidence, all before an arrest is made. This not only improves prosecutions by making sure that crucial evidence is preserved, it also enhances victim safety by allowing ADAs to make sure victims have timely access to counseling and safety planning services as early on as possible.

QDA is requesting that the \$465,000 in PS funding that was allocated in FY 20 be baselined beginning in FY 23. This program will enable QDA to take a more proactive approach to domestic violence matters and provide comprehensive support services to victims earlier on in the criminal justice process.

7. Alternatives to Incarceration and Diversion Programs

\$900,000

QDA is seeking funding support for its Rehabilitation Programs and Restorative Services Bureau. This bureau is dedicated to ensuring that individuals who have been arrested are offered opportunities for appropriate interventions and/or rehabilitative services. The bureau offers pre- and post-arraignment diversion opportunities to individuals arrested for low-level offenses and works closely with collaborative problem-solving courts offering treatment and a supportive court experience. These diversion opportunities provide one-time or short-term interventions for offenders that typically result in cases being sealed upon successful completion.

The bureau also oversees several specialized court initiatives including the Queens Treatment Court, the Queens Misdemeanor Treatment Court, Veteran's Court, and the Queens Mental Health Court, as well as a variety of diversion programs including the Drug Treatment Alternatives to Prison (DTAP) Program, Shoplifting Prevention Program, and our Second Chance Community Justice Program.

Through these alternatives to incarceration and diversion programs, offenders are given an opportunity to understand the impact of their crimes on victims and the community, while also being held accountable. This "restorative justice" approach has been shown to reduce recidivism, increase safety, create stronger communities, and provide a cost-effective way to help non-violent offenders break the cycle of addiction that fuels criminal behavior.

QDA is therefore requesting funding for three (3) ADAs at an average annual salary of \$75,000, five (5) Alternative Sentencing Liaisons, at an average annual salary of \$55,000, who will be responsible for assessing the clinical needs of defendants, referring defendants to the appropriate treatment programs, and providing case management supervision. In addition, QDA is also seeking funding for one (1) Pre-Arrestment Program Coordinator at an average annual salary of \$125,000, as well as five (5) clinicians at an average annual salary of \$55,000 who will work with community-based organizations and assist with placing defendants in programs and monitoring compliance.

8. Community Partnerships Initiatives

\$270,000

QDA is seeking funding to support its Community Partnerships Division that works closely with Queens communities and alongside QDA's other divisions to focus on identifying and addressing community crime concerns. The division staff provide comprehensive, targeted community outreach as well as coordination and implementation of a variety of programs including gun buy-back initiatives, with the goal of addressing the pervasive problem of gun violence in Queens' communities. In addition, they work with faith leaders and other

government agencies on addressing outstanding warrants for low-level offenses and work with other government agencies and community-based organizations on offender re-entry programs.

The Community Partnerships Division helps bridge the gap between prosecution of crime and community-based intervention in order to ensure the safety of all Queens residents. QDA will continue to focus on the drivers of violence, but at the same time, will actively work with community leaders, faith-based leaders, cure violence groups, and youth programs to prioritize mentorship, education and work-based opportunities for our county's young people.

In order to accomplish this, QDA is requesting funding for six (6) community liaisons who will serve as liaisons with specific neighborhoods in Queens County. These liaisons will be based mainly out in the community and will interact with residents, businesses and other community members to have a better understanding of the dynamics and priorities of the communities, as well as their crime concerns. This will allow QDA to establish relationships in different communities and gain a better understanding of Queens' unique neighborhoods and allow for better assessment of community crime trends and concerns in a more pro-active approach.

QDA is therefore requesting funding for six (6) community liaisons at an average annual salary of \$45,000.

9. Financial Crime Initiatives

\$1,215,000

Financial crime is a growing and serious problem in Queens County, with many different manifestations including credit card fraud, identity theft, consumer scams, housing fraud, wage theft, cybercrime, financial exploitation of the elderly, mail phishing, and other types of white-collar crime.

Each of these cases is extremely labor and time intensive and requires a coordinated team effort of investigators, attorneys, paralegals, social workers, accountants and analysts to conduct needed interviews, gather documentary evidence, identify potential patterns of activity, and gather and analyze financial and real estate records and filings.

In order to address the widespread financial crime that we are seeing, QDA established three separate bureaus to comprehensively address this emerging area – our Frauds Bureau, Major Economic Crimes Bureau and Housing and Worker Protection Bureau. Each of these bureaus focus on different facets of financial crime to provide a comprehensive and targeted approach to addressing this complex issue.

QDA's Frauds Bureau investigates and prosecutes financial crimes including embezzlement, organized theft schemes, pattern commercial burglaries, confidence schemes, trademark counterfeiting, investment scams, computer crimes, environmental crimes,

government fraud, and financial crimes against the elderly. The bureau has several specialized units including the Crimes Against Revenue Unit, the Computer Crimes Unit and the Elder Fraud Unit – all of which have expertise in their individual crime areas. Frauds Bureau prosecutors also regularly engage in public speaking events to educate the public on how to avoid being victimized by trending scams and schemes.

QDA's Major Economic Crimes Bureau investigates and prosecutes a broad array of large-scale financial crimes that often fuel dangerous criminal enterprises including check-cashing and credit card fraud, phishing and identity theft schemes, auto theft rings, gambling and loan sharking operations. These investigations utilize sophisticated crime fighting strategies, such as wiretapping and location data, and also make use of New York's Enterprise Corruption statute where appropriate.

QDA's Housing and Worker Protection Bureau focuses on investigating and prosecuting crimes related to home ownership, predatory lending, wage theft and workplace safety. This bureau works collaboratively with other agencies and across disciplines to identify and hold those who victimize members of our communities accountable. Far too often, people are swindled into giving away their property. Unscrupulous criminals often target vulnerable people in real estate scams, convincing them to sign away their homes. The Housing and Worker Protection Bureau focuses on prosecuting these crimes while also educating the community on how to avoid becoming a victim. The Housing and Worker Protection Bureau also addresses crimes related to dangerous construction sites that put workers in harm's way and employers who fail to pay the prevailing wage. The bureau also regularly works with outside agencies, unions, and employers, to inform workers in the construction trades about their rights and responsibilities. This helps to ensure that employees are informed and aware of safety measures that should be in place at worksites and will be able to recognize when they are being victimized.

Unfortunately, the current staffing levels of these three bureaus are not sufficient to handle the volume and complexity of cases that we are seeing. QDA is therefore requesting funding for six (6) ADAs at an average annual salary of \$75,000, four (4) investigative accountants at an average annual salary of \$75,000 who will conduct detailed document analysis, auditing and accounting in support of investigations and prosecutions, two (2) social workers at an average annual salary of \$60,000 to work with elderly financial crime victims, three (3) trial preparation assistants at an average annual salary of \$45,000 and three (3) investigators at an average annual salary of \$70,000.

10. Cold Case Unit

\$250,000

QDA is seeking funding to support its Cold Case Unit that focuses on solving cold case homicides through investigation and analysis, the use of forensic technology, and collaboration with the NYPD Cold Case Unit. The unit staff works to locate relevant evidence, follow up on leads, conduct interviews, gather police case documentation, and liaise with police, laboratories and other government agencies to ensure the flow of case information.

Currently, there are approximately 2,200 unsolved murders in Queens County. These investigations are often very complex and challenging -- requiring investigators and prosecutors to build upon the work of others, often with limited case files and information. As a result, with the passage of time, most cases become harder to prove.

Advancements in forensic technology have provided new and valuable tools to be used during investigations. Some evidence that was once thought to be “unsuitable” for testing or once yielded “inconclusive” results may now be considered “suitable” and may in fact yield the identification of a suspect that was once unknown. In addition, the increase of profiles contained in national databases and familial DNA testing could produce not only investigative leads but could also solve a case. There have also been significant advancements in fingerprint identification, crime scene identification, and other technology that can contribute to an increased likelihood of producing relevant evidence in a cold case.

Unfortunately, unsolved homicides not only affect the murder victim and their families, they also impact the community as a whole. Creating and maintaining a DNA/Cold Case Unit demonstrates a commitment by QDA that all homicides are significant and that while all homicides may not be solved or resolved immediately, there is a concerted effort by law enforcement to solve all cases. The work of this unit helps reassure both victims’ families and the community that their loved ones will not be forgotten, that law enforcement will continue to seek justice, and that the perpetrator will be held accountable regardless of how much time has passed.

QDA is therefore requesting two (2) ADAs at an average annual salary of \$75,000, one (1) trial preparation assistant at an average annual salary of \$45,000, and one (1) data analyst at an average annual salary of \$55,000.

11. Forensic Science/DNA Unit

\$450,000

QDA is seeking funding for a Forensic Science/DNA Unit that will facilitate the presentation of forensic science evidence in the grand jury and at trial, conduct office-wide training regarding DNA, ballistic, and fingerprint evidence, collaborate with the Conviction Integrity Unit and the Cold Case Unit, and handle complex litigation relating to reliability and

relevancy of expert witnesses. Staff assigned to this unit will also act as liaisons to the Office of Chief Medical Examiner Forensic Biology & Toxicology Laboratories and the New York City Police Department Laboratory for ballistics, latent fingerprint and trace analysis sections. They will also work closely with data analysts who will analyze social media, cell phone, GPS and other data, in an effort to develop a comprehensive intelligence database that will assist ADA and investigative staff during the course of investigations and prosecutions.

QDA is seeking funding for (3) ADAs at an average annual salary of \$75,000, one (1) trial preparation assistant at an average annual salary of \$45,000 and three (3) data analysts at an average annual salary of \$60,000.

OFFICE OF THE RICHMOND COUNTY DISTRICT ATTORNEY

FISCAL YEAR 2023 PRELIMINARY BUDGET



THE COUNCIL OF THE CITY OF NEW YORK

MARCH 18, 2022

MICHAEL E. McMAHON

DISTRICT ATTORNEY

I: OVERVIEW

Good afternoon. It is an honor and pleasure to appear before the City Council today. I hope you and your families are well and safe and I look forward to continuing our work to improve our criminal justice system in line with our shared goal of better protecting and serving the people of the City of New York.

With New York City slowly but surely recovering from the ongoing public health crisis brought on more than two years ago by COVID-19, I remain cautiously optimistic feeling as if we are finally beginning to see the light at the end of an incredibly long tunnel. Our City is bouncing back; New Yorkers are out every day enjoying all the five boroughs have to offer, and tourists are returning to take advantage of the greatest City in the world. On Staten Island, where I proudly serve as DA, I am extremely proud of all the work we have done in my office, working with our partners in the NYPD and many others throughout the community, to see our borough through these challenging times. It is because of this commitment that I know we can rise to meet any adversity if we work together.

As we continue to navigate new public health challenges, many New Yorkers are also now seriously concerned about the growing threat we have seen to public safety. A series of troubling and outrageous crimes in different parts of our City have resulted in both tragic loss of life and victims who will carry the mental and physical scars from their harrowing experiences with them for the rest of their lives. Rightfully so, New Yorkers throughout the five boroughs have had to grapple with the fear and uncertainty these incidents have brought to their communities, their blocks, and even their commutes to work.

Recognizing early on the seriousness these threats posed to public safety, my office developed a plan to address gun violence and other serious crimes through both targeted precision prosecution, which allowed us to hold serious offenders accountable, as well as intense community outreach to help solve the root causes of violent crime. I am proud to say that last year most major crime categories were down on Staten Island, including murder, rape, robbery, felony assault, and burglary. The number of shooting incidents were also down by 9.1 percent on Staten Island in 2021. Meanwhile, Citywide, shooting incidents were up 1.9 percent last year. This is a steep decline from 2020, however, when shooting incidents and victims were up more than 97 and 103 percent respectively from the previous year. While we can

confidently say we have made tremendous progress as a city in addressing gun violence, we still remain seriously concerned by the incidents of gun violence we are seeing on Staten Island and elsewhere, especially among teenagers and young people, who can often be difficult to hold accountable due to their age and criminal reform laws which prevent DAs' offices from prosecuting many of these cases. We are doing all we can to address gun violence among young people, including increased community outreach and focused youth-oriented programming, but the fact remains that in 2021 20 percent of people who were arrested with gun possession on Staten Island were between the age of 14 and 17, and over 30 percent of shooting victims were under the age of 20. In short, we must do more to keep our children safe.

As my office continues to work tirelessly to combat these challenges and many other drivers of crime, including substance abuse, mental illness, and domestic violence, our success depends on us working together to make our City as safe as possible. Despite the ongoing public health and public safety challenges that continue to face our borough, city, state, and nation, I am proud that my office, RCDA, has adapted and persevered. We have remained vigilant and consistent in our dedication to the rule of law, the protection of victims of crime, and the overall improvement of public safety on Staten Island.

With that said, I want to focus the remainder of my testimony on detailing our greatest challenges as well as our priority budget needs for Fiscal Year 2023.

II: Working with Staten Island Communities to End Gun Violence

Neighborhood Action Plans

- In response to a troubling rise in shootings and other serious violent crimes since 2020, RCDA began working with our partners in the NYPD and the community to develop and implement new and effective crime fighting strategies. This includes putting neighborhood action plans into practice, working with community leaders, local organizations, and violence interrupter groups to bring about tangible improvements to communities traditionally facing higher rates of gang and street violence. Not only do we continue to investigate and prosecute gun crimes, we are also trying to

improve conditions and the overall wellness of those communities that are most vulnerable and susceptible to a sense of lawlessness.

RCDA's Neighborhood Action Plans have resulted in:

- Gun buybacks to prevent firearms from falling into the wrong hands;
- Dozens of graffiti removal and litter cleanups at sites across different target neighborhoods;
- Community outreach events to offer resources and support for domestic violence victims in targeted neighborhoods;
- Development of new youth-oriented athletic and educational programing, including:
 - RCDA's Youth Advisory Council;
 - Working with our partners to expand the popular Saturday Night Lights program to even more Staten Island communities;
 - We also continue to hold regular community convening meetings to discuss topics ranging from gun violence to juvenile justice, to mental health, to economic and job security, to drug abuse and alternatives to incarceration, and so much more, all while soliciting community input as to how RCDA can better serve Staten Island.

III: Combating the Opioid Epidemic

While overdose deaths were beginning to show decreasing trends in 2019, the coronavirus pandemic very much overshadowed and exacerbated substance abuse not only on Staten Island but throughout parts of the country. According to the CDC, more than 100,000 Americans tragically died of overdoses in the 12-month period ending in April 2021. This increase of almost 30 percent from the year prior confirms our worst fears, but now that the alarm has been sounded, we must deploy an all-hands on deck response to battle this raging five-alarm fire.

We know that the pandemic caused many people suffering from addiction illness to lose access to treatment services. This – combined with rising mental health

challenges and the widespread availability of fentanyl-laced drugs – has caused a perfect storm, which we are seeing ripple across Staten Island.

RCDA remains committed to working with our partners in law enforcement and those across the health community to raise awareness and offer more treatment and diversion options for those in need on Staten Island. Just one use of these toxic substances can be deadly, and we encourage anyone suffering from addiction illness to seek help through our HOPE team or one of the many other community-based resources available on Staten Island.

Staten Island Overdose Deaths 2016-2021

- 2016: 119
- 2017: 100
- 2018: 114
- 2019: 105
- 2020: 132

2021 Overdoses

- There were at least 249 overdoses in 2021, that we are currently aware of and investigating– 107 deaths and 142 saves.
- When the final DOHMH numbers are released for 2021, we expect the fatality number to be much higher and to likely even surpass 2020.
- **Fentanyl and fentanyl analogues were present in over 70% of overdose fatalities in 2020 on Staten Island.**

IV: Funding Needs and Challenges

ADA Salary Parity

We are facing an increasingly uphill challenge with the experiential level of our ADAs amid historic levels of attrition. The People of New York deserve to have prosecutors with proper training and experience; and who are of the highest quality representing them in the courtroom. Prosecutors are given a tremendous amount of authority with the power of prosecutorial discretion and yet we undervalue them in pay and that has long lasting effects on recruitment and retention. We know this is an issue affecting all DA's offices, in every borough, and while we have been raising the clarion call for the last several years on this issue, it has gone unheeded by the

City, and now we are reaching a critical crisis point in our ability to meet our basic mission and mandate and properly staff our agency and cases.

The Recruitment Challenge:

NYC Public Service Lawyers are getting harder and harder to recruit. Here's why:

- Public service lawyers are significantly underpaid. The BigLaw starting salary for a lawyer in New York City who just graduated law school and passed the Bar is \$190,000. In comparison, the starting salary for an ADA at RCDA is \$73,500 for an unadmitted attorney and \$76,000 for an admitted attorney.
- Salary becomes a much bigger factor when you consider: 1. High cost of living in NYC and cost of raising a family in NYC; 2. Average cost of student loans; 3. Changing nature of law practice – there are less and less “lifetime prosecutors” and as a result of criminal justice reform laws and COVID-19 the job of a prosecutor has changed dramatically.
- This means that our recruitment pool has dwindled to lawyers who come from personal wealth; or law school graduates who have struggled to find other employment; and/or talented lawyers who have aspired to be prosecutors their whole lives or careers but practically cannot remain in our employ for long.
- Mid-level recruits are almost impossible to find, and those positions remain vacant for a considerable period of time. This has lasting repercussions on professional development losses; supervisors are now being promoted with less and less experience.
- Retention Problem: The low pay of ADAs in our office combined with the high cost of living, high cost of student loan repayments, and desire to start a family means that we have significant brain drain for ADAs after the 2 year point, when just a couple years ago the brain drain was limited to ADAs with more than 4 or 5 years' experience. In just the past year alone, our attrition rate for ADAs is over 20%. The vast majority of the attorneys who have left our office in recent years have taken employment with the Office of Court Administration, a state agency, that offers higher pay for similarly aged attorneys and a more 9-5 work schedule, and for employment with the NYPD,

who also pays attorneys at a higher rate, offers overtime compensation, and provides a less strenuous 9-5 work schedule.

Our attorneys work hard, they confront heart wrenching, emotionally draining, and complex circumstances and decisions every day, and we entrust them to make the right decisions every day. We the public deserve the best in our prosecutors, and our prosecutors deserve our respect and at the very least to be able to make a living from this honorable and incredibly important public service career.

Establishing a Staten Island Community Justice Center (Next Steps: \$250,000 (Expense))

After witnessing and studying firsthand the success of the Community Justice Center model in various locations through the City and in particular seeing how this model has been able to rehabilitate offenders, reduce recidivism, and bring the community into the criminal justice system in a positive way, we are convinced and determined that Staten Island must have a full-fledged Community Justice Center as well.

Over the last few years, we have undertaken steps to work with the Center for Court Innovation to advance this goal, and, in 2019, a report was commissioned that incorporated data analysis and findings from interviews with dozens upon dozens of community stakeholders. From this survey, we ultimately found there is a significant need for such a site in our community, there is buy-in and support from a wide-ranging array of Staten Islanders for this initiative, and there is also a prime location available to house this project in the community as well. This report concluded by offering a recommendation of next steps to bring this model to reality.

Although we understand this will be a long-term endeavor and ultimately will be a much larger and more significant financial request, we ask that you support Staten Island in making this goal a reality by providing the necessary funds in FY23 to take the next critical steps of conducting a community survey to more specifically identify local needs and also to undertake an interactive and community-driven collaborative process to determine an architectural design and projection for the recommended site on Targee Street so that capital renovation estimates can subsequently be sought. For both of these efforts, we are requesting \$250K in Expense funding in FY23 to go to the Center for Court Innovation.

Critical Technology Reaching End of Life. New and Upgraded Computer Servers to Support Basic Agency Mission and Accommodate Increase in Digital Evidence (Capital IT Request: \$600,000 (FY23); Expense: \$540,000 (FY23 – covers 3 year period))

While we are proud to have transformed RCDA into a modern prosecutor's office with the most up-to-date technology to better serve the people of Staten Island, we have an urgent request for new and upgraded servers to replace our aging and soon-to-be obsolete equipment, which is reaching end of life this coming year. This need is critical to the technological framework that allow us to continue basic operations of the agency and is also especially important now as we have more staff and much more digital evidence and materials to store.

The cost of the new and upgraded server hardware is a \$600,000 IT Capital request in FY23, and the corresponding ongoing maintenance costs to accompany this capital contract are \$540,000 in Expense funding for FY23, which will cover a 3-year contract window, and will need to be a reoccurring allotment in FY26, FY29, etc.

Pilot Program: Mental Health Early Intervention and Assessments to be conducted at Police Precincts or Criminal Court Arraignments. Cost: Approx. \$500k

Like many parts of the City, a large portion of the crimes we see committed on Staten Island are driven by mental illness. Along with our many partners in the criminal justice space, we continue to analyze and brainstorm how in our resolution of cases we can better provide dispositions that address the root cause of the underlying crime, and connect those in need with support services aimed at holding them accountable while also reducing the likelihood that they will reoffend. While great strides have been made in the area of substance use disorder to offer early diversion opportunities as close to arrest as possible, and while those efforts have seen tremendous success particularly in the HOPE model, in the area of mental health, similar efforts have been impeded because mental health conditions do not present in the same obvious ways. This results in mental health diversion programs or services typically not being offered until months after an arrest, if at all, and in many cases, results in individuals being rearrested on numerous occasions during the pendency of their cases because their underlying conditions continue to go unaddressed. To better address this issue and connect those in need with mental health services as soon as possible, we believe it is critical that all arrestees be screened by a licensed clinical social worker or similarly trained professional for

mental health disorders as close to arrest as possible at either the precinct following arrest or in court just prior to arraignment. This will allow prosecutors, defense attorneys, and judges to make offers of diversion to mental health services as soon as possible and immediately connect those individuals with service providers utilizing peer coaches in a warm handoff.

Replicating the success of the HOPE program model, we believe that given the size of the Staten Island community, and close-knit network of providers, our borough is an ideal location to pilot such a program, perfect it, and evaluate its success before possibly expanding citywide. We propose the City provide approximately \$500,000 in funding in FY23 to launch this important initiative.

Sexual Assault Forensic Examiner (SAFE) Program at Richmond University Medical Center (RUMC)- \$85,000 Discretionary Funding Request for RUMC

The Sexual Assault Forensic Examiner (SAFE) Program is located at Richmond University Medical Center and for 15 years has offered sexual assault survivors specially trained providers who can address the physical, emotional, and mental-health related needs in the wake of an attack. This support not only provides crucial advocacy and education to survivors, along with multidimensional wrap-around services, but it is also vital to minimize re-traumatization, thereby easing some of the difficulties faced by those who come forward and take part in the criminal justice process. This benefits the survivor and the community at large, as it is often only with survivor involvement that the prosecutorial process is effective.

Working with our office, the SAFE program provides special care to sexual assault patients and connects their stories with the District Attorney's office and other groups that can support survivors of violence and abuse.

As opposed to the other four boroughs of New York City, which each contain between two (2) and (9) SAFE designated hospitals, RUMC operates as the sole SAFE-designated hospital in Staten Island. Thus, this funding is critically important because without it this community of almost 500,000 people will have no forensic examiner and corresponding services to offer sexual assault survivors. And, once again, our community will be underserved in critical healthcare services, a problem exacerbated by Staten Island's unique location and lesser access to transportation infrastructure. It goes without saying that individuals recovering from the trauma of a sexual assault should not be forced to undergo further risk and the burden of travel to seek critical healthcare treatment simply by virtue of living in Staten Island.

Last year, we first made this request of the Council after federal cuts to VAWA resulted in RUMC losing its primary funding source. I want to acknowledge and thank Council Member Helen Rosenthal who stepped up to provide this critical funding in FY22. For FY23, we make the same request for support.

To maintain the essential SAFE Program, we request the City provide a discretionary allotment of funds to RUMC in the amount of \$85,000 in Fiscal Year 2023.

Conclusion:

I thank you for your time and consideration of my testimony. It would be my pleasure to answer any questions you may have, and I look forward to working with this body and its members to achieve these goals and further our shared mission of a safer and more just New York for all.

Thank you.

Testimony

of

Bridget G. Brennan
Special Narcotics Prosecutor

Before

The New York City Council
Committee on Public Safety

Fiscal Year 2023 Preliminary Budget Hearing

March 18, 2022

As Special Narcotics Prosecutor for the City of New York, I am grateful to the New York City Council for its support of my office and the District Attorneys' offices. I welcome the opportunity to collaborate with the Committee on Public Safety under the leadership of Chairperson Kamillah Hanks, and look forward to working together to protect city residents and ensure our criminal justice system is fair for all.

Decades of experience have taught us that we can overcome difficulties and best serve New Yorkers when we work together. The Office of the Special Narcotics Prosecutor (SNP) was established 50 years ago to do just that. We collaborate with the city's elected District Attorneys to investigate and prosecute felony narcotics cases across all boroughs. SNP's charter allows us to prosecute cases involving fentanyl, heroin, cocaine, addictive pills, and other citywide related crime. We also assist in a wide range of prosecutions involving guns and violence.

New York City is unique in many ways, including its division into five separate boroughs, each with its own District Attorney. The city also has the misfortune of being a major hub of international narcotics importation for the Northeast. Because illegal drugs flow across jurisdictional boundaries, SNP was created to facilitate collaboration. The District Attorneys appoint the Special Narcotics Prosecutor, assign Assistant District Attorneys to serve in SNP, oversee all of our wiretap investigations, and provide guidance and direction.

Our mission is to save lives through targeted prosecutions aimed at cutting off the supply of lethal narcotics, addressing drug-related violence, and providing support and treatment for defendants where appropriate. Over the past two years, we have expanded the reach of our alternative to incarceration offerings to encompass individuals not served by existing treatment programs.

Because of the highly specialized nature of SNP, we have been able to pivot quickly and respond to each new wave of the deadly opioid epidemic. Tragically, this crisis was exacerbated by COVID-19. Over 2,500 people fatally overdosed in New York City between September of 2020 and September of 2021, according to the Centers for Disease Control and Prevention (CDC), as the opioid epidemic claims more lives than ever before. Some of the same communities hardest hit by the opioid crisis have also suffered the brunt of the COVID-19 pandemic and escalated violence. Black New Yorkers are disproportionately impacted, as are high poverty neighborhoods in the Bronx, Upper Manhattan and Brooklyn. To help us focus and prioritize our resources, we are conducting an analysis of areas in the city where narcotics trafficking, overdose deaths, and gun crimes converge.

The opioid crisis has become a fentanyl crisis. In our 2021 investigations, we recovered more than a ton of drugs, including over 850 pounds of illicit fentanyl and mixtures. This corresponds to the finding that a staggering 77% of overdose deaths in New York City are linked to fentanyl. Fifty times more potent than heroin, the synthetic opioid is saturating the drug market. Fentanyl is mixed with heroin, cocaine, and other synthetic drugs, or pressed into counterfeit prescription pills. The explosion of illicit fentanyl arriving in bulk from Mexico, fueling a multi-billion dollar international industry, demands a laser-focused response that SNP and our partners in the New York Drug Enforcement Task Force and Organized Crime Drug Enforcement Strike Force are uniquely equipped to provide. I encourage you to review the case summaries towards the back of my written testimony for an overview of the work we have accomplished in the past year.

We continue to dismantle numerous large-scale drug packaging mills that process and pump out millions of dollars' worth of heroin and fentanyl in tiny ready-for-sale packets. Most of these mills are located in the Bronx, the borough besieged by the city's highest rates of overdose death. These packaging mills do not serve New York City alone. Because of the many major thoroughfares that cross the Bronx, it is a convenient location for drug traffickers sending narcotics to cities across the Northeast. We have worked closely with the Bronx District Attorney's Office on investigating many major narcotic trafficking networks that aim to deliver deadly drugs throughout the Eastern U.S.

As violent crime surges, we have seen a dramatic increase in seizures of semiautomatic weapons and other firearms in connections with narcotics organizations citywide. While high-level drug traffickers in New York City generally seek to avoid the violent tactics of street gangs that attract law enforcement attention, they are hyper-vigilant when it comes to protecting their valuable loads of narcotics. Guns have become so prevalent in the drug trade recently that, in contrast with years past, they are routinely found at packaging mills, drug stash locations, and in vehicles transporting drug shipments.

The challenges we face are daunting, but I have great confidence in the City's new leadership and New Yorkers' ability to rise above difficulties. We have seen time and time again that when we work together, we succeed.

Bridget G. Brennan
Special Narcotics Prosecutor
for the City of New York

Drugs and Violence

Taking guns off the streets is a top priority for our office, as guns and the drug trade go hand in hand. Shooting incidents and murders have skyrocketed locally and more guns are being recovered in our investigations. Increasingly, traffickers carry weapons or stockpile guns for sale. Investigations by SNP with its partners resulted in a 240% increase in firearms recovered in 2021 over 2020. These gun seizures include an increasing number of ghost guns.

New York City reported 488 homicides last year and the NYPD removed more than 6,000 guns from New York City's streets. Last month the U.S. Drug Enforcement Administration (DEA) announced the rollout of "Operation Overdrive" aimed at combatting the rising rates of drug-related violent crime and overdose deaths plaguing American communities. More than 75% of all murders nationwide involve a firearm. SNP is a participating agency in the DEA's new, data-driven approach. The initiative will guide allocation of federal law enforcement resources where criminal drug networks are causing the most harm, with the Bronx among 34 locations identified nationwide for phase one of the initiative.

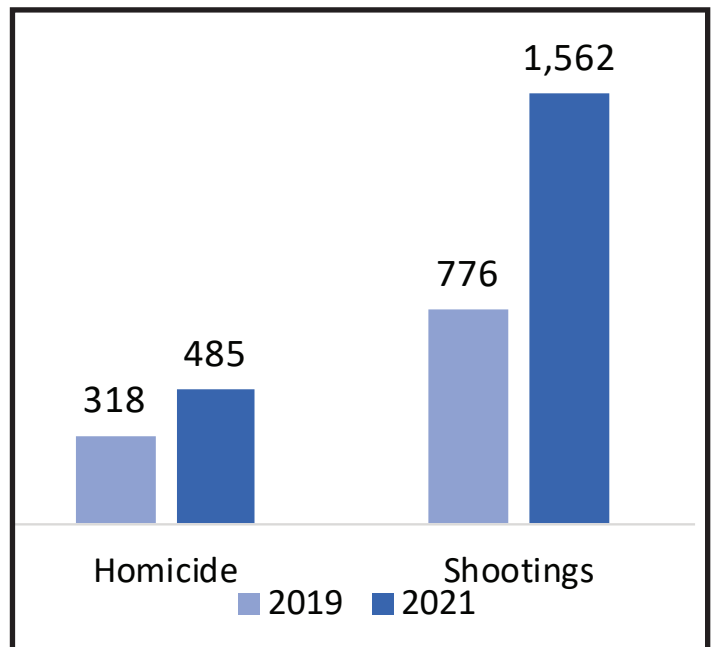
Gun Violence Strategic Partnership

SNP participates in a multi-agency effort aimed at reducing gun violence, known as the Gun Violence Strategic Partnership (GVSP). The initiative places particular emphasis on a subset of violent offenders who, relative to



Handguns recovered in an interstate trafficking case

Homicides and Shootings: 2019 vs 2021



their numbers, are responsible for a disproportionate amount of shootings and other violence. Representatives of participating agencies meet daily to discuss recent gun violence, shooting arrests, prosecutions and new intelligence. In addition, whenever needed, GVSP uses its extensive network of contacts to facilitate coordination with law enforcement agencies and prosecutors nationwide.

Through GVSP, law enforcement agencies in New York City are developing a coherent strategy with respect to the most significant drivers of violence, and ultimately reducing incidents of violence and promoting a positive public safety outcome. GVSP also offers training opportunities on a variety of topics, such as ghost guns, firearms analysis, video retrieval and social media analysis.

Over the past year, SNP investigations illustrated the link between drugs and violence. These cases are a result of our close collaborations with DEA New York Division, the New York City Police Department (NYPD), the New York State Police, Homeland Security Investigations (HSI) New York, and many other local, state and federal law enforcement partners across the country.



Drugs and guns seized in connection with a kidnapping



A ghost gun found in the residence of a counterfeit pill trafficker

Bronx Kidnapping and Assault

Earlier this month, we announced an indictment charging two men in connection with a kidnapping and assault that demonstrated the violence and vicious retribution associated with high level narcotics trade. Investigators learned the kidnapping stemmed from a theft of narcotics. During the conspiracy, the charged individuals allegedly made threats against two people, including the victim of the kidnapping. They allegedly bound the victim, covered his head in a ski mask, and transported him to a basement apartment on Bronxdale Avenue, where, in an attempt to extract information, they burned his bare buttocks with an iron. After an eight-hour ordeal, the victim was escorted outside on foot.

Portions of the brutal incident were captured in audio and video recordings recovered on the defendants' cell-phones, and from a surveillance system at the basement apartment. A subsequent search led to the seizure of approximately 4.2 kilograms of heroin, fentanyl, cocaine, and para-fluorofentanyl with an estimated street value of approximately one million dollars. Items used during the kidnapping and assault were also recovered, including a gun, plastic handcuffs, an iron, and duct tape. A second gun was recovered from a car.

Iron Pipeline Probe: 25 Guns

In November of 2021, SNP announced the disruption of a Georgia-to-New York gun pipeline. At the outset of the probe, investigators suspected that the target was

trafficking in narcotics. The three-month investigation resulted in the seizure of 25 guns, including 20 handguns and five assault weapons, as well as a quantity of cocaine. The guns and drugs were sold to an undercover officer in Manhattan on four dates between September and November of 2021.

Before each sale, the subject of the investigation traveled from Georgia to New York City, sometimes driving with guns concealed inside a hidden compartment in his car. During the final sale, the undercover officer agreed upon the price of \$19,500 for two assault weapons, nine handguns and ammunition. However, the subject instead provided the undercover two assault weapons and nine Glock air/CO2 pistols. When the undercover officer subsequently realized the nine Glocks were air pistols, the defendant attempted to flee and was arrested.



Guns illegally transported from Georgia for sale in New York City

Data-Driven Enforcement

In support of SNP's targeted enforcement strategy, we analyze data from a host of sources to better identify patterns, such as geographic areas where clusters of overdoses, gun seizures, and narcotics trafficking are concentrated. The Midtown South corridor along Eighth Avenue near the Port Authority Bus Terminal and Penn Station is one such hot spot and serves as a citywide hub for narcotics trafficking. The map below overlays open SNP cases with gun seizures and clusters of overdoses using data from the NYPD and the Office of the Chief Medical Examiner. Approximately 60% of SNP's street-level investigations in Manhattan South

are within the Midtown South precinct. A number of high profile shootings have occurred in this area. Gun arrests have increased substantially in Midtown South between 2020 and 2021.

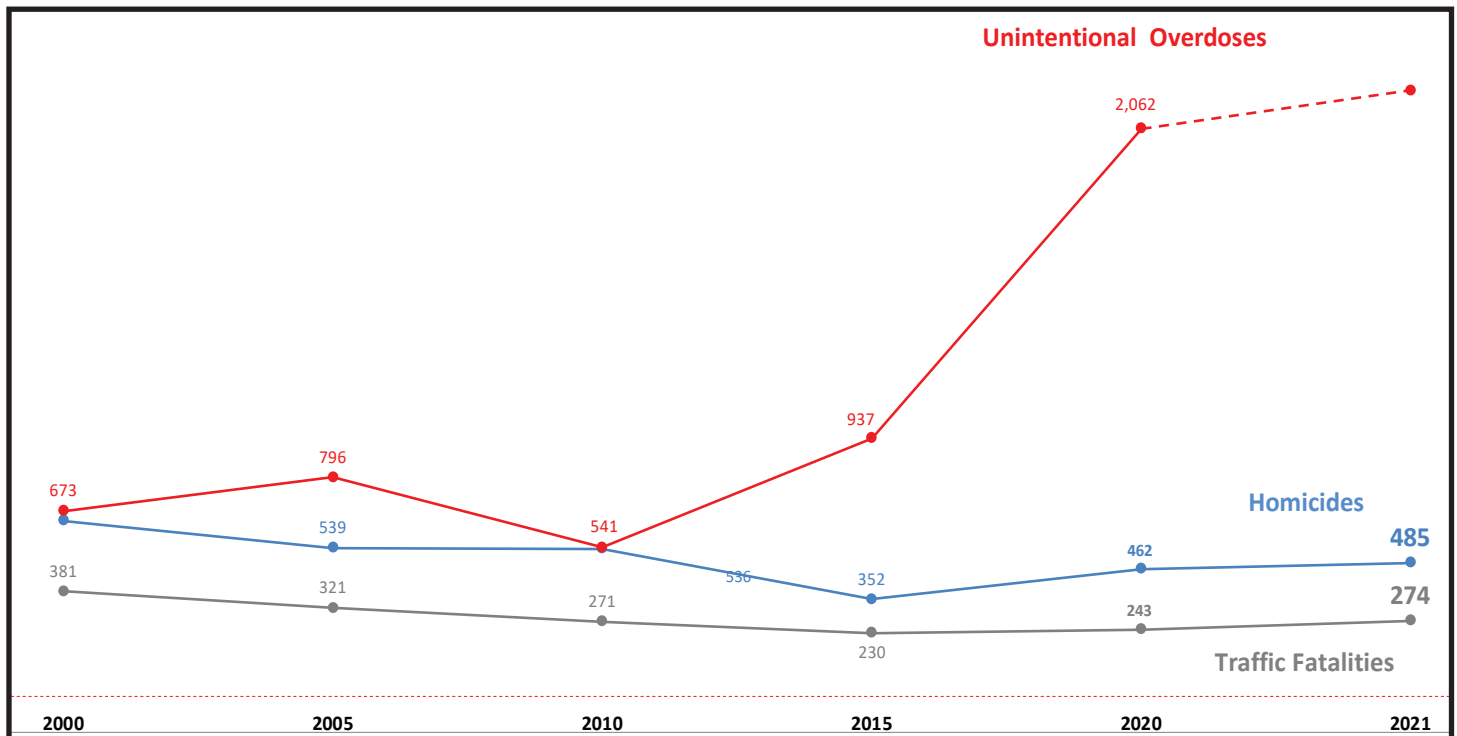
Once we have identified areas where there is significant overlap of narcotics, overdoses, and violence, we then initiate investigations. Our goal is identify sources of supply for the overdoses, and to address community complaints and quality of life issues. Working in partnership with the NYPD, the community and the five District Attorney's offices, we examine and connect evidence which may relate to acts of violence in the area.

Midtown South Eighth Avenue Corridor Analysis



Opioid Crisis

NYC Fatal Overdoses Far Exceed Homicide and Traffic Fatalities



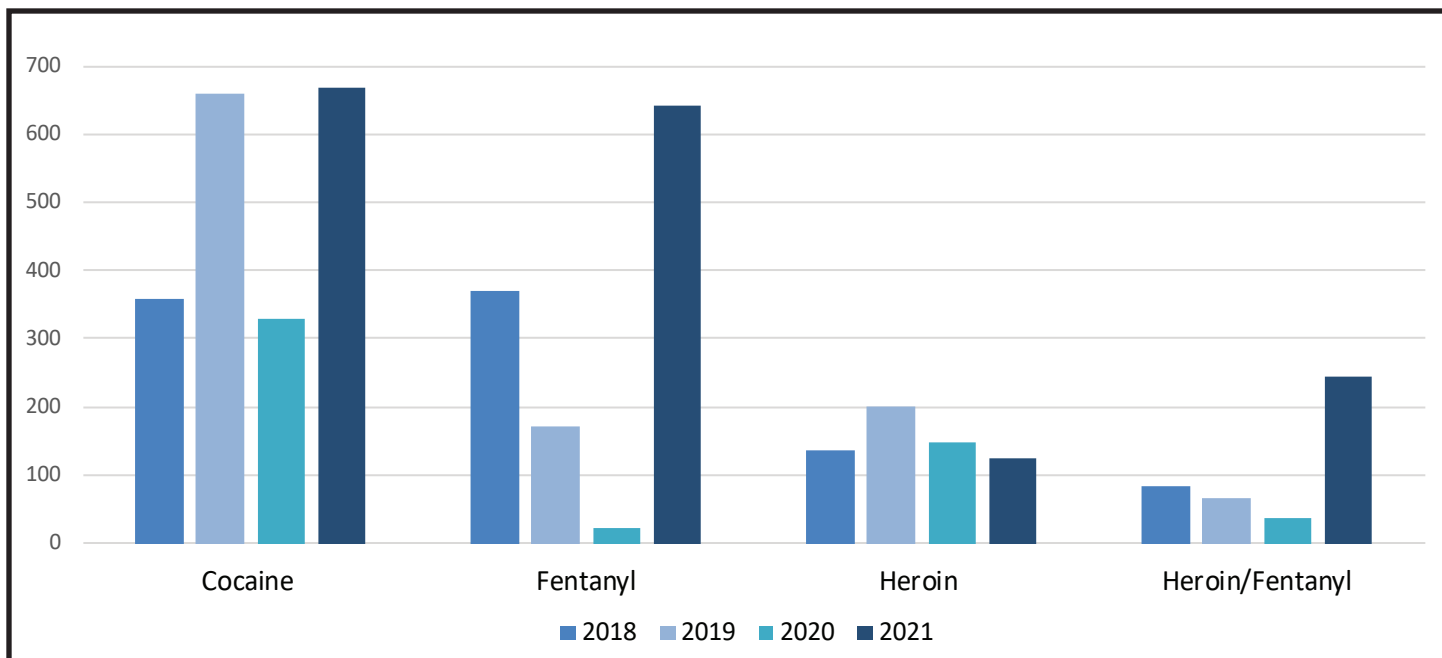
Tragically, drug-related deaths are at record-highs across the nation, and an average seven people fatally overdose in New York City each day, according to the CDC. The opioid epidemic is estimated to have claimed more than 2,500 lives in New York City due to the influx of fentanyl in the 12 months ending in September 2021. A potent synthetic opioid, fentanyl is involved in a staggering 77% of all drug fatalities in the city. Most heroin and counterfeit prescription medication sold on the streets contain fentanyl. Cocaine and methamphetamine sometimes contain it as well, putting unsuspecting drug users at grave risk of overdose. Of the five boroughs, the Bronx has the highest rate of overdose death, followed by Staten Island. Overdose deaths in the city far outpace homicides and traffic fatalities combined.

Research suggest that stressors associated with COVID-19, including loss of income, unstable housing, social isolation and grief, and disparate access to health care and drug treatment are all contributing to increased drug use and overdose. Here in New York City, public

health officials launched new initiatives to increase public awareness and expand access to medications, such as methadone and buprenorphine, and the opioid overdose antidote naloxone. We recognize that these efforts are essential to an effective, multi-pronged strategy that also includes enforcement. We are strong supporters of treatment and harm reduction techniques, such as medication-assisted therapies (MATs), needle exchanges and easy access to naloxone.

Supply reduction is essential if we are to reduce overdoses and stem the flow of illicit fentanyl into New York City. We focus on high-level traffickers, street-level organizations associated with overdoses or violence, and corrupt medical practitioners who illegally sell prescriptions for cash. In 2021, investigations by DEA New York Division and its partners resulted in unprecedented seizures of 2,300 pounds of fentanyl in New York City. Of this amount, approximately 850 pounds was recovered in cases handled by SNP. This effort undoubtedly saved many lives.

SNP Narcotics Seizures in Pounds: 2018-2021



In a case that exemplifies the regional impact of our work, in January, SNP and DEA New York Division assisted authorities in Pennsylvania following a rash of over 100 overdoses in September in Berks County. SNP's investigators and DEA agents dismantled three heroin/fentanyl mills in the Bronx linked to the deadly drug supply in Berks County. Searches resulted in the seizure of over 12 kilograms of suspected heroin/fentanyl, worth up to \$8 million on the street, along with approximately three kilograms of cocaine worth \$600,000 and \$10,000 cash. More than two dozen individuals associated with a local drug trafficking

network in Pennsylvania were charged by the Berks County Prosecutor's Office. The narcotics involved in the overdoses were so potent, even overdose reversal drugs were ineffective in some instances.

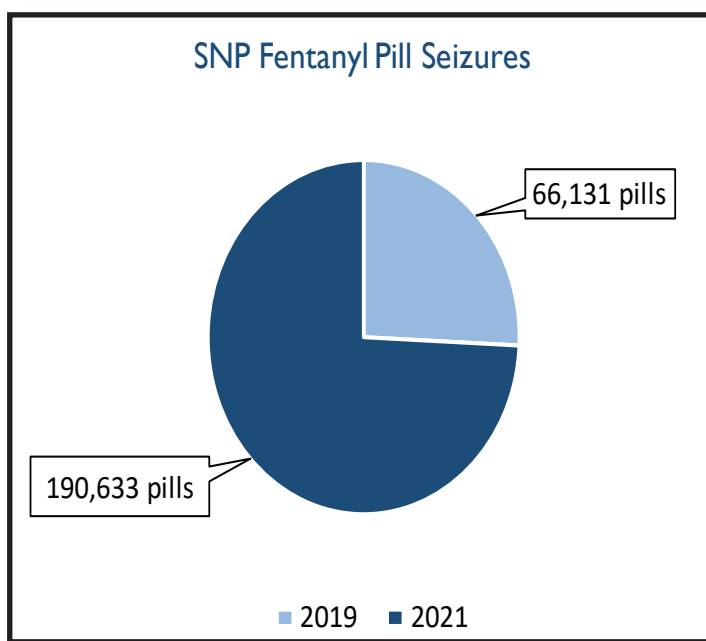
In another investigation last summer, members of NY-DETF recovered nearly 40 pounds of heroin and fentanyl worth an estimated \$5 million on the street heroin/fentanyl packaging operation in Morris Heights. The narcotics bore various brand names, including "Drop Dead" and "COVID-19" below a picture of a skull.



40 pounds of heroin and fentanyl seized, including glassines stamped with the brands "COVID-19" and "Drop Dead"

Deadly Counterfeit Pills

Drug trafficking networks are flooding New York City with fake pills containing lethal fentanyl. Counterfeit pills are especially dangerous because people often think they are purchasing legitimate pharmaceutical medication. This past year, we saw a dramatic rise in seizures of counterfeit pills in New York City and across the nation, and the pills are becoming more deadly. According to the DEA's "One Pill Can Kill" campaign, approximately four out of every 10 pills with fentanyl contain at least 2 mg, a potentially lethal dose.



Seizures of counterfeit pills containing fentanyl nearly triple between 2019 and 2021

SNP and its partners approach this problem from a variety of angles, including disrupting large-scale importation, and investigating overdose deaths and local distribution.

Large-scale importation: Major drug traffickers with connections to sources of supply in Mexico are importing thousands of counterfeit pills containing fentanyl into the U.S. High-level drug organizations also obtain large quantities of narcotics in powder form and use pill presses to manufacture pills locally.

Example: In an investigation by members of NYDETF, a suspect was observed exiting the driver's seat of a Nissan SUV, going to the rear of the vehicle, and working on

something on the underside. The suspect retrieved a metal container and put it inside the trunk with the rear hatch door open. The law enforcement team approached and recovered nearly 10,200 counterfeit pills imprinted to look like oxycodone from inside two separate plastic wraps. The packages were covered in transmission fluid, apparently to avoid detection by drug-sniffing dogs. Subsequent laboratory testing determined that the pills contained fentanyl and p-flourofentanyl. The investigation revealed a Mexico-based trafficker instructed the suspect to drive the fentanyl pills to New York City.



Fake oxycodone pills containing fentanyl coated in transmission fluid for smuggling

Overdose investigations: By investigating overdoses, law enforcement can sometimes find clues that lead to a source of supply for lethal narcotics.

Example: An ongoing investigation in Brooklyn South began after two victims overdosed and were taken to a hospital. Police recovered 55 blue pills with the appearance of oxycodone from the scene of the overdoses and determined through laboratory testing that the pills were counterfeits that contained fentanyl and para-flourofentanyl.



Counterfeit oxycodone pills from a street sale

Street-level enforcement: Street sales of pills are set up through a variety of methods, including drug delivery services, neighborhood-based organizations, word-of-mouth, or online. Increasingly, guns are associated with street-level drug sales.

Example: Last week, a man was arrested for sales of two guns and thousands of counterfeit pills containing fentanyl to an undercover officer. The man allegedly met with the undercover four times at two luxury apartment buildings where he lived during a long-term investigation

by NYDETF and the NYPD's Firearms Investigation Unit. The sales totaled approximately \$10,800. The man and the undercover set up a final sale of 1,000 pills for March 9, 2022. As the man left his residence on West 54th Street, agents and officers approached to arrest him and he dropped a dog toy next to a parked car. An officer retrieved the toy, which proved to contain approximately 1,000 fentanyl pills marked to look like prescription oxycodone. In selling the two guns, a Taurus 9mm and a Sig Sauer firearm, the man also provided matching ammunition.

Example: Another undercover investigation by the NYPD and DEA New York Division began with the sale of counterfeit pills and ultimately led to the seizure of a "ghost gun." In August of 2021, an undercover officer purchased hundreds of purported oxycodone pills, as well as multicolored pills sold as ecstasy, on four separate dates in Upper Manhattan. After the final sale, agents and officers conducted a court authorized search of the suspect's apartment and recovered semi-automatic pistol with a detachable magazine identified a ghost gun. Ghost guns are built from parts purchased online and are therefore untraceable, and are increasingly prevalent in New York City. Law enforcement also discovered at least 7,500 pills containing methamphetamine and more than 400 counterfeit oxycodone pills marked with "M30" and "C 230" inside the apartment.



A Hell's Kitchen man concealed counterfeit pills containing fentanyl concealed in a dog toy



Man sold pills and guns to undercover officer at luxury apartment buildings

Alternatives to Incarceration

For individuals charged with felony drug crimes, an effective drug treatment program and access to other important social services can mean the difference between repeated contacts with the criminal justice system and the ability to lead a fulfilling, law-abiding life. Diversion and treatment options enhance public safety by reducing recidivism, while decreasing incarceration.

ATI Court

In 2020, SNP joined the Manhattan District Attorney's Office in assessing individuals facing felony charges for treatment and social service referrals through the Manhattan Felony Alternatives to Incarceration Court (ATI Court). The first of its kind, ATI Court offers an array of services, including substance abuse treatment, mental health services, cognitive behavioral therapy, educational and vocational training, case management, and various types of prosocial programming.

SNP partners with the Center for Court Innovation's Manhattan Justice Opportunities to conduct clinical assessments, develop treatment recommendations, and coordinate referrals. Social workers and case managers with Manhattan Justice Opportunities perform ongoing case management, crisis management and compliance monitoring and reporting.

The ATI Court was designed to serve individuals who are charged with felonies and were ineligible for existing drug and mental health courts. SNP has self-funded this ATI expansion, but we may turn to the Council for support going forward.

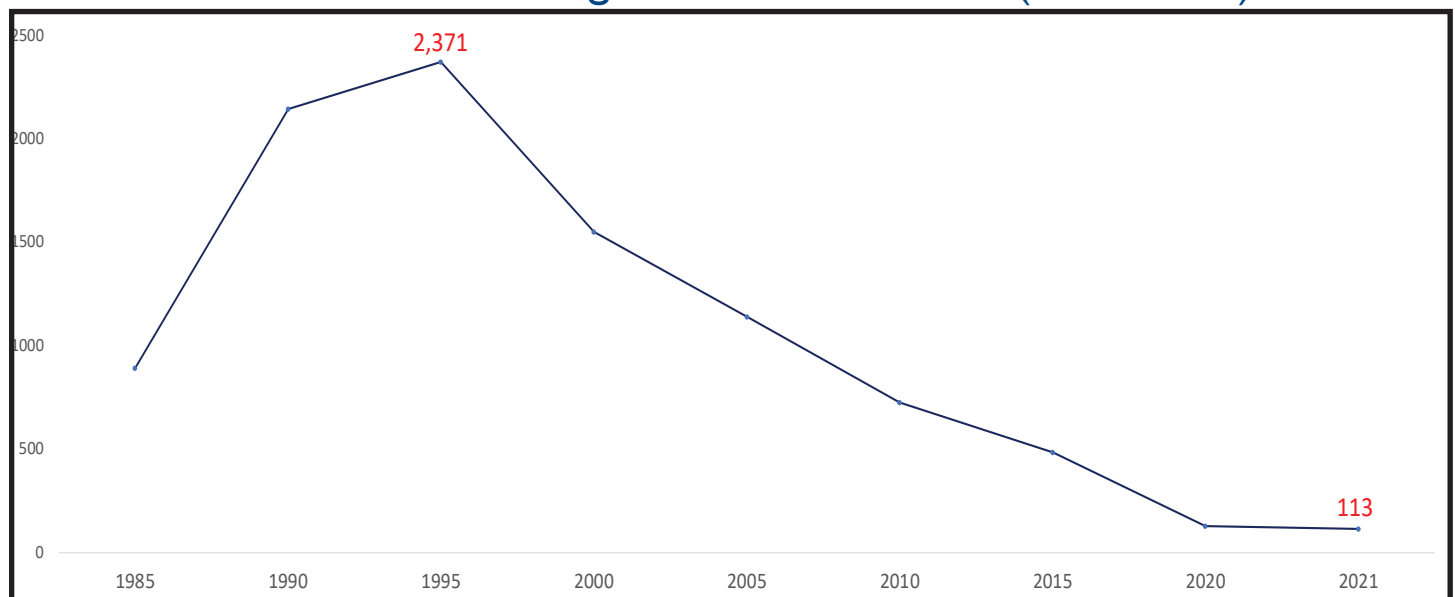
Judicial Diversion

Beginning in 2009, the New York State Legislature empowered judges to place defendants in court-sponsored diversion programs. SNP continues to offer its expertise in screening and monitoring. When individuals enter treatment through one of these paths, their sentences are deferred. Upon successful completion, charges may be dismissed.

Prosecutor-Led Diversion Programs

Our office is proud to have been in the forefront of developing ATI programs for more than 35 years. SNP and the Brooklyn District Attorney's Office were pioneers in diverting those whose crimes (often street sales of drugs) were motivated by their own substance use issues. SNP's Alternative Sentencing Division has successfully worked with thousands of individuals. Through SNP's Drug Treatment Alternatives to Prison (DTAP) programs, highly experienced staff members evaluate eligibility to identify those likely to reap the benefits of treatment programs.

SNP Cases Resulting in Prison Sentences (1984 -2021)



Community Initiatives



Bridget G. Brennan joined PAL, the NYPD and community based leaders in celebrating the opening of a playstreet at West 124th Street and Malcolm X Boulevard in Harlem



SNP seeks to make a positive imprint on communities where major drug enforcement actions have occurred by partnering with the Police Athletic League (PAL) and the District Attorneys' offices to support youth programs. Last summer, SNP sponsored a PAL Playstreet at West 124th Street and Malcolm X Boulevard in Harlem.

PAL Playstreets utilize parks and other public areas throughout New York City to give children free and safe supervised places to enjoy fun recreational opportunities. Police officers support PAL programs by engaging in one-on-one youth interactions and thereby helping to promote positive relationships in the community. PAL offers a wide range of year-round programs for youth.

By supporting Playstreets and other PAL programs, SNP and the city's five elected District Attorneys foster positive relationships with police officers, and strengthen communities disrupted by persistent narcotics activity and violent crime.

While in person events and programming were interrupted by COVID-19, our community outreach efforts continued virtually and on a limited in-person basis. SNP's Community Outreach Director attends

community board meetings, Precinct/PSA Community Council Meetings, NYCHA resident meetings and other events. SNP also hosts forums for the office's Assistant District Attorneys to open dialogue about drug enforcement and areas of community concern.

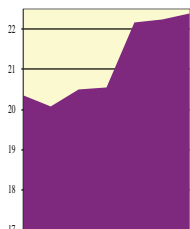


Calvin Solomon, SNP's community outreach director, speaks at a community council event

Funding

Overall Funding Outlook

Total Funds



For the current fiscal year, FY 2022, our projected grant funds decreased slightly from FY 2021. Our City funding is up by nearly one percent compared to last year, which mainly consists of additional funds received to cover our salary funding shortfall for new Criminal Justice Reform (CJR)

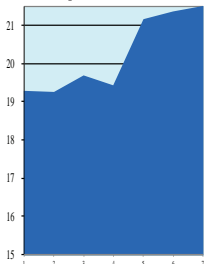
and Discovery hires since 2019.

In FY 2021, the City implemented two mid-year PEGs (program to eliminate gap) with a total cash reduction of \$1,847,779 to our budget. We were able to meet this cash cut with savings generated in various areas in our operations and helped the city close its budget gap for the year.

For FY 2023, the City's preliminary plan contains no funding changes. We also expect our grant funds to remain at approximately the same level as the current fiscal year.

City Funding Needs

City Funds



We are grateful for all the support we have received from the City Council over the years. In FY 2022, we received the additional CJR funds needed to cover our salary funding shortfalls. The City Council played a crucial role in helping us secure these funds from the City. We would not have received these funds without

your support and we appreciate your efforts. This shortfall that these funds covered was created when we only received partial CJR funding for new hire salaries encumbered in FY 2020. As we assess our current situation, we anticipate we will be submitting budget requests in the near future for funding needs in three areas:

Legal Staff Salary Parity

Over the past few years, District Attorneys' Offices

have experienced increased difficulty recruiting new staff, and retention has become extremely challenging. This situation intensified as criminal justice reforms took effect, and was further exacerbated by the COVID-19 pandemic. We, therefore, ask that the City reconsider the District Attorneys' salary parity funding request and provide us with the direly needed funding in FY 2023 to retain our staff and help recruit new assistants.

Discovery Compliance Funds

Significant changes to the New York State discovery laws, have required our office to upgrade our technological infrastructure and re-train our personnel. Advanced digital management tools and the funding to acquire them are essential to address these new demands. We have been collaborating with the other District Attorney's Offices to evaluate various platforms that would enhance and streamline the discovery process, allowing us to manage and produce the voluminous amount of digital evidence coming into our offices daily. We are presently working with Mayor's Office of Criminal Justice, the Office of Management and Budget (OMB), the Department of Information Technology and Telecommunications (DoITT), and the District Attorney's Offices to identify technology which will fully address our needs, and this may result in an additional funding request.

Alternatives to Incarceration

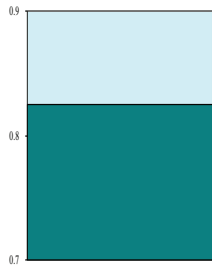
In June and October of 2021, we requested for funding (\$276,000) for expanded Alternative to Incarceration programs. In 2020, SNP joined the Manhattan District Attorney's Office in assessing individuals facing felony charges for treatment and social service referrals through the Manhattan Felony Alternatives to Incarceration Court (ATI Court). The first of its kind, ATI Court offers an array of services, including substance abuse treatment, mental health services, educational and vocational training, and other social services to individuals not eligible for pre-existing programs. SNP partners with the Center for Court Innovation's Manhattan Justice Opportunities. Our previous request was not funded, so we scaled down the program and self-funded it. As the ATI Court grows and serves more individuals, we

Funding

will complete an assessment and we will likely request city funds to support expansions in future years.

State Funding Reductions

State Funds

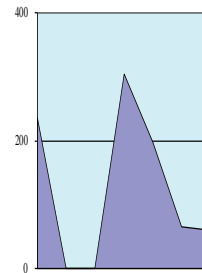


(in thousands)

We currently only have one State grant left, which is our SNP Aid to Prosecution program. In FY 2016, two of our three State grant programs were ended by the Division of Criminal Justice Services (DCJS). This year, we are thankful that the State maintained funding for this SNP Aid to Prosecution program at the same level. We are cautiously optimistic for the FY 2023. However, there have been multiple attempts to eliminate this program in recent years. Over the past two decades, funding for this grant has been reduced six times from \$1,425,000 in FY 2003 to \$825,000. The loss in this State grant alone amounted to \$600,000 or 42%.

Federal Funding Updates

Federal Funds



Our federal funding has also been drastically reduced over the years from \$843,059 in FY 2013 to \$236,728 in FY 2017. In FY 2018 and FY 2019, we received \$0 in federal funding due to sanctuary city status. After the removal of sanctuary city status, we received \$304,921 in FY 2020 from Justice Assistance Grant (JAG) JAG programs and for COVID-19 reimbursement. However, our federal funding for the current fiscal year is down to \$66,072 again, with the JAG state pass-through pending on hold at DCJS for two years. For the next FY 2023, we have not received any information and/or updates on federal funding.

Case Highlights

Fentanyl and Counterfeit Pills

International Probe: Over 120 Pounds of Narcotics and Two Guns

A long-term wiretap investigation uncovered a sophisticated narcotics distribution network that supplied fentanyl, heroin and cocaine to organizations throughout the Northeast, including in New York City, Massachusetts and Pennsylvania during the COVID-19 pandemic. Ten people were charged in connection with the high-level operation. Three accused major traffickers allegedly obtained narcotics from international sources and oversaw large shipments to



55 kilos of narcotics, \$335,000 and two guns were seized in the Bronx and Lima, Peru

the New York metropolitan area. Between August of 2020 and May of 2021, members of the NYDESF and partner agencies recovered over 55 kilograms of narcotics in the Bronx and Lima, Peru, as well as more than \$335,000 cash and two guns. Cocaine recovered in Peru was concealed inside furniture. The wiretap investigation revealed the alleged traffickers discussed how to obtain narcotics during the pandemic, given new challenges for drug smuggling posed by border closures. The alleged traffickers bought and sold narcotics at inflated prices as their international sources of supply became harder to access.

Over \$4 Million in Heroin and Hundreds of Fentanyl Pills Seized



Close up of fentanyl kilograms seized by NYDETF and SNP

A large-scale heroin and fentanyl packaging mill was disrupted in the Bronx, resulting in the seizure of over 30 pounds of heroin, 500 blue pills of fentanyl and \$60,000 cash. Five individuals were arrested. Members of NYDETF and SNP's Investigators Unit seized approximately 11 kilograms of heroin (over 24 pounds) in brick form, additional quantities of heroin in loose powder form, and over 100,000 filled individual dose glassine envelopes. Dozens of stamps, used to brand narcotics, bore names such as "Exit 3," "Versace," "American Gang-

ster” and “Mortal Kombat.” The DEA laboratory determined that hundreds of blue pills recovered during the search were counterfeit oxycodone tablets containing fentanyl. Also recovered was \$60,000 in cash. The narcotics carried an estimated street value of \$4 million.

Mass Overdose Event in PA Linked to the Bronx Mills

An investigation sparked by over 100 overdoses in a single weekend in Berks County, Penn. led SNP investigators and DEA agents to dismantle three narcotics packaging mills in the Bronx that served as the source of supply. During searches of the three packaging mills, SNP investigators and DEA agents recovered over 12 kilograms of suspected heroin/fentanyl, worth up to \$8 million on the street, along with approximately three kilograms of cocaine worth \$600,000 and \$10,000 cash. Some of the narcotics were packaged inside green-colored glassine envelopes. The narcotics involved in the Pennsylvania overdoses, which occurred in September of 2021, were so potent, even overdose reversal drugs were ineffective in some instances. More than two dozen individuals associated with a local drug trafficking network were charged by the Berks County Prosecutor’s Office. Additional searches conducted by authorities in Reading, Penn. resulted in the seizure of more than two kilograms of heroin/fentanyl and cocaine and a handgun. Blue bags allegedly containing a mixture of heroin, fentanyl, lidocaine (an anesthetic), xylazine (a sedative) and clonidine (used to treat high blood pressure) were recovered during searches in Pennsylvania, and are believed to be connected to the overdoses.



Bags of narcotics found in packaging mill linked to more than 100 overdoses



Narcotics packaged inside green colored glassine envelopes

Maspeth Heroin/Fentanyl Mill Dismantled



Loose narcotics and drug residue in one of the residential apartments used for drug packaging

A large scale heroin/fentanyl packaging mill was dismantled in two apartments in Maspeth, Queens, resulting in the seizure of more than five kilograms of narcotics (over 11 pounds). The narcotics are estimated to carry a street value of more than \$1.5 million. When agents and officers with NYDEFT conducted a court-authorized search of the basement and second floor apartments at 51-66 48th Street in Maspeth, they stopped three individuals who were leaving through the front door of the basement apartment. Agents and officers recovered a loaded .22 caliber firearm from one of the in-

dividuals. Inside the basement apartment, a small room contained a table with a large quantity of narcotics in powder form on top, along with gallon-sized ziplock bags of additional quantities of narcotics. A cardboard box held thousands of individual dose glassine envelopes filled with heroin/fentanyl. Two brick-shaped boxes containing suspected narcotics sat on the table and the floor, and a cooler bag contained another four large black bags filled with narcotics. A search of the second floor apartment uncovered five ziplock bags of narcotics and drug residue on a tabletop. Glassine envelopes had been stamped with a host of brand names, such as “Black Widow,” “Asylum” and “Gucci.” A 9mm handgun was recovered after police seized four vehicles allegedly associated with members of the drug trafficking organization.

Over 40 Pounds of Heroin/Fentanyl

Nearly 40 pounds of heroin and fentanyl worth an estimated \$5 million on the street was recovered from a large-scale heroin/fentanyl packaging operation in the Morris Heights neighborhood of the Bronx. Heroin and fentanyl destined for sale in New York and beyond bore various brand names, including “Drop Dead” and “COVID-19” below a picture of a skull. Three men are charged with Operating as a Major Trafficker. At the time of the arrests on June 11, 2021, one of the men was carrying a fraudulent identification card issued by the Dominican Republic National Investigations (DNI). Agents and officers with NYDETF Group T-22 conducted surveillance in the vicinity of an apartment building



An accused trafficker carried a fraudulent ID issued by Dominican Republic National Investigations

located at 1730 Montgomery Avenue and observed two of the men allegedly going in and out of the building carrying bags. One large duffle bag was placed inside a Honda Pilot driven by the third man, who was subsequently stopped at the ramp to the George Washington Bridge in Manhattan. The duffle bag allegedly contained 25,000 individual dose glassine envelopes filled with heroin/fentanyl mixtures. Members of NYDETF Group T-22 seized a total of approximately 19 kilograms of narcotics during court-authorized searches of two apartments in the building and the duffle bag, including hundreds of glassine envelopes filled with heroin/fentanyl mixtures and multiple kilograms in powder form. Dozens of stamps used to brand the narcotics were also recovered.

\$10 Million Drug Seizure in Ridgewood

Approximately 80 pounds of heroin and fentanyl with a street value of over \$10 million, plus 1,000 counterfeit fentanyl pills, were seized by members of NYDETF Group T-21 and Homeland Security Investigations (HSI) New York. An accused major trafficker was among four charged in connection with a large-scale heroin and fentanyl mill in Ridgewood, Queens. Members of the organization were in the process of packaging heroin and fentanyl into individual dose glassine envelopes, and had filled over 100,000 glassines, when agents and officers entered the mill apartment. The bulk of the narcotics were wrapped in brick shaped packages. Agents also recovered \$200,000 cash, as well as legers, stamps, glassines, grinders, dilutants and more than 20 cellphones.



Worktable in an active drug packaging mill loaded with glassine envelopes of heroin and fentanyl

Drugs and Violence

Kidnapping Allegedly Linked to Drug Dispute



A million dollars in narcotics and items linked to a kidnapping found in a basement apartment in the Bronx

Two men were indicted in connection with a kidnapping and assault that occurred in the Van Nest neighborhood of the Bronx. An investigation by DEA New York Division, the NYPD and partner agencies revealed the incident stemmed from a theft of narcotics. Portions of the kidnapping and assault were captured in audio and video recordings recovered on the defendants' cellphones, and from a surveillance system at the basement apartment that the kidnapping and assault is alleged to have occurred. The two men allegedly made threats against the victim of the kidnapping and a second individual.

The men allegedly confronted the victim at approximately 3:21 a.m. on January 31, 2022. They bound him, transported him to the basement apartment, and burned his bare buttocks with an iron. Eight hours after the kidnapping, the two men escorted the victim outside. A search of the basement apartment yielded approximately 4.2 kilograms of heroin, fentanyl, and cocaine, a gun, plastic handcuffs, an iron, and duct tape. A second gun was found in a car.



Gun found in vehicle at time of the arrests

Georgia-to-New York Gun Pipeline Disrupted: 25 Guns Seized

A three-month investigation disrupted a Georgia-to-New York gun trafficking pipeline and resulted in the seizure of 25 guns, including five assault weapons. The guns and a quantity of cocaine were sold to an undercover officer in Manhattan on four dates between September 3 and November 12, 2021. Before each sale, defendant



A total of 25 guns including five assault rifles were seized during an iron pipeline gun trafficking investigation

Yamil Torres- Rincon traveled from Georgia to New York City, sometimes driving with guns concealed inside a hidden compartment in his car. During the final sale, Torres-Rincon and the undercover officer agreed upon the price of \$19,500 for two assault weapons, nine handguns and ammunition. Torres-Rincon allegedly provided the undercover officer two AR-15 Palmetto assault weapons and hundreds of rounds of ammunition and high capacity/extended magazines, as well as nine Glock air/CO2 pistols. When the undercover officer subsequently realized the nine Glocks were air pistols, the defendant attempted to flee and was arrested. In total, 20 handguns (pistols and revolvers) and five assault weapons were seized. Agents and officers also recovered nine air pistols during the final sale.

Over 20 Pounds of Heroin and Three Guns: North Riverdale



Police recovered 22 pounds of heroin along with three pistols and 200 cartridges of ammunition

Approximately four million dollars' worth of heroin and three guns were seized from a North Riverdale apartment. Two individuals were apprehended after initially evading arrest. Agents and officers with DEA's Tactical Diversion Squad New York (TDS-NY) conducted a court-authorized search of an apartment at 5775 Mosholu Avenue and recovered approximately 22 pounds of heroin from a storage container in a bedroom

closet. Also inside the closet was a metal case containing three pistols, one of them loaded. Agents and officers recovered a money-counter and over 200 cartridges of ammunition of various calibers from the bedroom. Prior to the search, members of TDS-NY followed two suspects as they drove away from the apartment building in a Volkswagen Touareg SUV. When agents and officers attempted to stop the vehicle, it sped off. The two suspects, who had been under surveillance for approximately a month, returned to the area a few hours later and were placed under arrest.

Seven Guns and Narcotics Recovered in Brooklyn and Queens

Seven semi-automatic guns, including four assault weapons, and 40 pounds of fentanyl, heroin and cocaine were recovered as a result of a long-term investigation. The accused ringleader of the drug network is charged with Operating as a Major Trafficker. Five guns, including three assault weapons, as well as ammunition and a bulletproof vest, were recovered from inside an East New York, Brooklyn, storage unit associated with the alleged ringleader and a female associate. A month earlier, members of NYDETF Group T-31 recovered over 16 kilograms of narcotics and two guns from an Infinity Q70 sedan in Ozone Park, Queens, and an additional one and



Guns, ammunition, and bulletproof vest recovered from a Brooklyn storage unit

a half kilograms from a drug packaging mill in an apartment. Prior to obtaining a court-authorized search warrant, agents and officers observed the alleged ringleader and a second man entering and exiting the residence with bags and equipment consistent with drug packaging. The second man was arrested in the Infinity Q70 and subsequently entered a guilty plea to charges of conspiracy and drug and weapons possession. He received a seven-year prison sentence.

Citywide Cocaine Distribution

Bronx Man Indicted: 110 Pounds of Cocaine Found in Truck in VA



50 kilograms of cocaine seized from a tractor-trailer in Virginia

A large load of 110 pounds of cocaine bound for New York City was intercepted at a truck stop in Virginia. Between September 27 and September 30, 2021, defendant Jose Delacruz engaged in a series of phone conversations in Spanish with defendant Luis Delacruz, a relative, about receiving a bulk shipment of narcotics. A wiretap investigation revealed two used coded language as they arranged for Luis to pick up 50 kilograms of cocaine and transport the narcotics cross-country to the Bronx.

Days later, Luis Delacruz received the large shipment of cocaine in Houston, Texas. Jose Delacruz then received multiple calls from Luis, describing in coded language how they would transport the narcotics. “Saturday, be on the alert as to where I can make a stop at one of those locations, and you can go in a cab and pick up the girl,” “Not a problem. Let’s do it that way,” Jose Delacruz said, allegedly recognizing the code word “girl” to mean “cocaine.” The Rockbridge County Sheriff’s Office stopped Luis Delacruz after he exited the cabin of a tractor-trailer at a truck stop in Raphine, Va. Officers found two duffle bags containing 50 kilograms of cocaine inside the truck, which was transporting snack chips and dip. Approximately \$24,600 cash, a kilo press and a money-counter were seized in the Bronx.

Cocaine Smuggled Inside Swiffer Boxes: Two Guns Seized

Ten kilograms of cocaine worth an estimated \$3.5 million on the street was seized during a short-term investigation in the neighborhood of Morris Park in the Bronx. An accused major trafficker and two other individuals were charged in connection with the large-scale cocaine distribution operation. Two minors were present inside an apartment containing large amounts of cocaine and two loaded guns,

resulting in charges of Unlawfully Dealing with a Child. During surveillance, police observed defendant Jose Velez, who allegedly oversaw the cocaine distribution ring, leave his residential apartment building and drive to meet another individual, to whom he gave a weighted shopping bag. Police inspection later revealed that the bag contained two kilograms of cocaine. Following this encounter, Velez went back to his apartment and police saw another man enter the residential building and leave with Velez. Police



Cocaine smuggled inside a Swiffer box

stopped the pair and obtained search warrants for Velez's apartment and two cars. Upon entering the apartment, police discovered two minors present. Police then seized a loaded pistol and a loaded assault rifle, over \$370,000 cash, and 12 pounds of cocaine. A search of the car allegedly yielded three Swiffer Wet Mopping Cloths with a kilogram of cocaine concealed inside each. Two of the Swiffer containers were inside shipping parcels and surrounded by snack packs. The shipping packages bore labels indicating that they had originated from Puerto Rico. After a review of travel records, agents and officers determined Velez had recently travelled to Puerto Rico.

Cocaine Smuggled Inside Children's Lunchboxes



Large amounts of cocaine were concealed in children's cartoon lunchboxes

Five individuals were arrested in connection with a sophisticated conspiracy to smuggle millions of dollars in cocaine from Puerto Rico to New York and Massachusetts via the U.S. Postal Service. Intercepted packages contained a total of 30 kilograms of cocaine (over 66 pounds) concealed inside children's lunchboxes and school binders. Between May of 2020 and July of 2021, two accused ringleaders allegedly shipped numerous packages containing cocaine from Puerto Rico. The investigation revealed the two worked as managers represent-

ing recording artists there and in the Dominican Republic. Both are residents of New York. Frequent travel in connection with this work allegedly served as a cover for narcotics-related activity. One ringleader is charged with Operating as a Major Trafficker. Throughout this investigation, US Postal inspectors noted the organization's common shipping patterns. Over 100 packages were shipped to residential addresses in New York State, including Manhattan, Queens, Bronx and Greene County as well as Massachusetts. Police used fingerprint collecting, and physical and electronic surveillance to investigate the defendants.

100 Pounds of Cocaine Stamped with Nickname of Soccer Star

More than one hundred pounds of cocaine worth up to \$15 million were recovered from an apartment in a luxury residential complex in Jamaica, Queens. SNP investigators and DEA agents arrested two individuals, and recovered one loaded handgun, and more than \$200,000, in addition to seizing the 50 kilogram-sized packages of cocaine. During a surveillance operation, investigators and agents observed a suspect leaving the building with a suitcase, which he loaded into a minivan. Agents and



Brick shaped packages of cocaine stamped with "CR7"

investigators stopped the suspect and the suitcase proved to contain \$200,000 cash. In a court-authorized search of the apartment, agents and investigators recovered the 50 packages of cocaine marked with "CR7" from a locked closet. "CR7" is the nickname for a world-famous Portuguese soccer player. Also recovered from the apartment were \$10,000 cash, a firearm, and materials commonly used in large-scale narcotics distribution, including a money counter. One of the two men entered a guilty plea and received a nine-year prison sentence for Criminal Possession of a Controlled Substance in the First Degree. Charges are pending against the other man.

Prescription Drugs

Pharmacist Used Forged Oxycodone Rx's to Illegally Obtain Pills

A supervising pharmacist at a Gravesend, Brooklyn, pharmacy pled guilty to Attempted Criminal Possession of a Controlled Substance in the Third Degree following an investigation into forged oxycodone prescriptions being filled and falsified prescription data reports. The scheme unraveled when a Bureau of Narcotic Enforcement (BNE) investigator went to the pharmacy as part of an investigation into the diversion of prescription opioid medication. During the visit, the pharmacist gave the investigator approximately 270 prescriptions for approximately 46,650 pills of 30 mg oxycodone.

The prescriptions had several indicators of forgery, including the misspelling of the word “prescription” in the phrase “Official New York State Prescription.” It was later revealed that the pharmacy had reported at least eight of the forgeries as legitimate prescriptions filled and dispensed by the pharmacy. Additionally, at least 28 prescriptions recovered from the pharmacy bore the name of a doctor who signed an affirmation stating he did not write those prescriptions. A court-authorized search of the pharmacy computer confirmed that the user identification login used for the data submission of 30 mg oxycodone pills belonged to the defendant.

OFFICIAL NEW YORK STATE PRESCRIPTION

PATIENT NAME: [REDACTED] Date: 2-22-19

Address: [REDACTED]

City: Bklyn State: NY Zip: 11223 Age: 57 Sex: F

Rx: Oxycodone 30mg N150 Sig: qid

Prescriber Signature: [Signature]

THIS PRESCRIPTION WILL BE FILLED GENERICALLY UNLESS PRESCRIBER WRITES 'br' IN THE BOX BELOW

REFILLS: [None] [Refills]

LX # 2238755 08/01/19

COUNSEL: F W TECH INTLS: [REDACTED]

0T9KR01 09

Fraudulent oxycodone prescription containing a misspelling

Street-Level Distribution

Round-the-Clock Street Market Dismantled

A disruptive street-level drug organization that operated in Manhattan and the Bronx throughout the worst days of the COVID-19 pandemic was shut down. Seven individuals were arrested and indicted, including an alleged ringleader charged with Operating as a Major Trafficker. Multiple kilograms of narcotics were recovered during a court-authorized search of an apartment. The highly organized group allegedly sold a wide range of substances, including heroin mixed with fentanyl, crack cocaine and homemade pills made from MDMA. The majority of sales took place in the vicinity of Audubon Avenue between West 173rd and West 174th Street in Washington Heights. The investigation involved approximately two-dozen sales to undercover NYPD officers. Customers came from as far away as Connecticut. The alleged ringleader also travelled to Maine, allegedly to sell to individuals there. Members of the organization coordinated by phone and handheld radio. They could be heard calling out the presence of police in the area as they continued drug sales.

Methamphetamine Surge

Meth Conversion Lab Dismantled



Crystal meth found in strainer in a Bronx conversion lab

The first meth conversion lab ever encountered by the DEA in New York City was safely dismantled in the Bronx. The conversion lab was located inside a vacant apartment in a six-story residential building, directly across the street from a public elementary school. Agents seized approximately 22 pounds of meth, quantities of heroin and fentanyl in powder form, and 2,000 counterfeit pills. DEA laboratory on counterfeit pills revealed the presence of fentanyl. Three individuals, including the superintendent of the building, were charged. According to the DEA, the chemicals found at methamphetamine conversion labs and methamphetamine clandestine labs are highly volatile and may ignite or explode if mixed or stored improperly. Toxic chemical exposure can pose a variety of health risks.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE ON PUBLIC SAFETY -
PRELIMINARY BUDGET HEARING - PUBLIC SAFETY
MARCH 18, 2022**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chair Kamilah Hanks for holding today's preliminary budget hearing.

I welcome the administration today as this discussion on the NYPD's budget cannot be separate from the rise in gun violence since the start of the pandemic. The constant tragedies and losses in our communities means our City needs to provide leadership. In 2020, I called for the City and state to redefine public safety. We too often depend on the NYPD to solve issues with no training. Redefining public safety shifts away from that with community-oriented solutions.

That is why I am concerned with the preliminary budget as it heavily relies on policing and incarceration. In addition, it provides little toward other fundamental services communities have asked for years. I understand the administration's goal of budgetary savings because of the ongoing fiscal climate. At the same time, the administration should ensure that community needs are adequately funded. I believe not enough is allocated for programs to address structural issues fueling gun violence.

The agencies with the most to gain from the preliminary budget include the NYPD and the Department of Correction. The administration did say that the NYPD's budget remains unchanged, but we do not know the financial cost for the Mayor's Subway Safety Plan. That plan, among other public safety plans, would add more toward the police budget. Overtime is too low as the past City budgets have seen police overtime exceeded. In general, the administration is underestimating how much the police will get in this budget.

We need to prioritize ideas previously considered second tier. I do not believe that we should prioritize locking up and arresting people. We know that too often people of more color bear the brunt of overpolicing. But budgets never reflect what the most affected communities need. Yes, the NYPD can provide critical, acute law enforcement solutions. But public safety does not equate to policing.

There are several factors that fuel gun violence in our City, the same we see across New York state, and across the nation. Poverty, unemployment, lack of housing, and access to education are

all examples of these structural factors that feed into the cycle of gun violence. We know the concentration of gun violence and where it is occurring. At the same time, we have seen more money and more investment in punitive responses to violence rather than resources to prevent and interrupt to address historical inequities.

I applaud our Mayor for increasing investment in the Summer Youth Employment Program with 100,000 job opportunities. That is an example of critical investment in public safety. We need to build on that in this budget. Why not go further with the Fair Fares program with over \$100 million instead of \$75 million? Why not create four new Support and Connection Centers in our City to provide a non-police alternative to mental health needs? Why not expand alternatives to incarceration programs to avoid an arrest in the first place? We need to give the tools to those who most need it.

Finally, I urge the administration to review my updated Redefining Public Safety platform published in January for the executive budget. I suggested more investment for the Mayor's Office of Gun Violence Prevention and to integrate that office's work with other mayoral offices and agencies like the Department of Education. The Office should also use funds to expand Public Safety Councils and Mobile Trauma Units to address structural issues in areas seeing high gun violence. Create paid opportunities for communities so people can learn and apply skills related to civic engagement and social emotional support. There are several strategies for the Mayor and his team to pursue in my plans.

I appreciate having the opportunity to talk about the direction of our policing strategies. I understand that gun violence is not a topic to overlook. We need to get it right, and a lot of advocates have the solutions that we need to review and implement. I hope this administration agrees so that we can work together to achieve that. I thank the chair for letting me speak, and I anticipate the administration's testimony today. Thank you.



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ARVA RICE
INTERIM CHAIR

**Full Testimony of Arva Rice, Interim Chair of the Civilian Complaint Review Board
before the Public Safety Committee of the New York City Council
March 18, 2022**

Chairperson Hanks, members of the Public Safety Committee, thank you for the opportunity to appear before you today. I am Arva Rice and I am the Interim Chair of the Civilian Complaint Review Board (CCRB). I am joined by Jonathan Darche, our Executive Director.

I would like to begin by thanking the City Council for your continued support and trust in the Agency over the years. The City Council has been instrumental in strengthening and expanding the Agency in size and power. Last year, the City Council passed a bill to grant the CCRB the power to investigate bias-based policing and racial profiling, a key measure to ensure some of the most complicated cases of misconduct have a form of recourse. The City Council also passed a bill allowing the CCRB to self-initiate complaints. This means the Agency will no longer put the onus on victims and witnesses, but can bear the brunt of responsibility themselves. Misconduct will not be ignored because a victim does not have the bandwidth to serve as a complainant, and the CCRB will do its part to ensure all misconduct is addressed. Finally, I would like to thank the City Council for the funding you provided for public education last year. With that budget, the Agency was able to place advertisements on a variety of outlets to reach communities throughout the City. As the new Interim Chair of the board, I look forward to working with the City Council to ensure the CCRB is upholding its duty to the City of New York.

I joined the CCRB as a board member last year and am very proud to now serve as interim chair. I have spent most of my career serving New Yorkers. As current President and CEO of the New York Urban League, I work to enable underserved communities to secure a first-class education, economic self-reliance and equal respect of their civil rights through programs, services and advocacy. Before joining the NYUL, I served as Executive Director of Project Enterprise, an organization that provides business loans, technical assistance and peer support to New York City entrepreneurs who lack adequate access to business financing. Under the last administration, I served as a commissioner for the NYC Equal Employment Practices Commission and Mayor DeBlasio's Commission for Gender Equity.

Before joining the CCRB, I worked with former Police Commissioner Shea and Mayor de Blasio on a department wide initiative to reform the NYPD. In March of last year, the City Council passed a resolution adopting our final Police Reform and Reinvention Collaborative Plan. After decades working to make New York City a fairer, more equitable, and safer city, I am pleased to use my expertise to lead the CCRB into its next chapter.

The CCRB is a uniquely important Agency that is key to fulfilling this great City's mission to protect New Yorkers. The Agency is empowered to receive, investigate, mediate, hear, make findings, prosecute and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board's investigative staff is made up of over 150 civilian employees who conduct diligent and impartial investigations. The Board forwards its findings to the police commissioner who can concur with our recommendation, deviate from our recommendation and impose a lesser penalty, or retain the case completely and refrain from any discipline. As it grows in numbers and powers, the Agency continues to expand its services to those in need.

At the end of calendar year 2021, the CCRB's projected budget for FY23 was \$24,323,000. In an effort to comply with the new administration's request to cut 3% from our budget, the Agency submitted a PEG to the OMB which reduced our budget to \$23,547,977. We reached this target by reallocating certain positions within the agency, and I'm pleased to be able to tell you that we recently got approval from OMB to hire 15 additional positions for the CCRB.

The updated fiscal plan the Agency submitted to OMB would allow us to accomplish all the work set forth for us by the charter and the City Council, and we expect to be able to onboard the new hires before the end of April.

Over the last few years, the Board made great strides expanding the CCRB's powers. Just in the last year, the board has expanded its powers to investigate sexual misconduct and untruthful statements. Thanks to the City Council, we have also been granted the power to investigate bias-based policing and the ability to self-initiate complaints. This brings us one step closer to addressing all misconduct without placing the burden on victims.

While these have all been important steps forward, the CCRB needs the City's support for these new teams and powers to be viable.

This year, we hope to fully build out the new unit investigating bias-based policing and racial profiling in order to fulfill our task to investigate these incidents of alleged misconduct dating back to 2016. Last year, we hired Darius Charney, a leading expert in racial profiling, to be the director of this unit. This new investigative branch is particularly pressing given the new administration's intent to reform anti-crime units and expand stop and frisk. While these are legal tactics when used properly, they have been abused in the past, and the people of New York need to know that there is sufficient oversight in place to address any incidents of misconduct.

Another obstacle standing in the way of the racial profiling unit is the City's current sealing statutes. These statutes block CCRB access to sealed arrest records, which often times are sealed due to police misconduct. The CCRB must be granted access to sealed arrest records in order to identify cases of bias-based policing and racial profiling.

We will also use this year to continue to improve our investigative process. Every year, we improve our training and make our operations more efficient, and through the pandemic we have gathered many learnings on how to optimize our investigations. Part of this relies on collaboration with the NYPD on getting Body Worn Camera footage and other records more quickly and cooperation in scheduling interviews with officers. We also continue to seek increased budget for highly specialized investigative skills.

One of the largest influx of cases the Agency has seen, stemmed from allegations of officer misconduct during the 2020 Black Lives Matter protests. These protests resulted in 319 cases, 269 of which are closed. Thus far, we have found 104 officers guilty of misconduct, 61 of whom have been recommended the highest level of discipline. When we finish the pending cases, the CCRB will release a report with recommendations for the NYPD on how to improve training and tactics when responding to protests.

The CCRB and NYPD must work together to hold police misconduct accountable which will in turn help rebuild police community relations. We look forward to working with the new administration and the new police commissioner to improve the disciplinary process. The concurrence rate is an important metric for the Agency. The Concurrence rate measures how often the NYPD abides by CCRB recommendations. In January 2021, the NYPD introduced its new discipline matrix. In February 2021, the Agency signed an MOU with the NYPD agreeing that we would both follow the new matrix when recommending and imposing discipline with the hopes that we could increase concurrence. Unfortunately, results were not what the Agency hoped for. Concurrence in non-APU cases dropped from 73% in 2020 to 68% in 2021 and concurrence in APU cases was only 27% in 2021. These low concurrence rates for cases where misconduct has been substantiated is an argument for why final disciplinary authority should not be left with the NYPD. Commissioner Sewell has a reputation from her time in Nassau County as a strong advocate for discipline. I am hopeful that I can build a relationship with her to reverse this trend and increase the power and effectiveness of civilian oversight of law enforcement in NYC.

With the implementation of the Matrix, more cases will be sent to the Administrative Prosecution Unit (APU). The APU is responsible for trying the most serious instances of misconduct that have been substantiated by the Board. They hold administrative trials to prove allegations of NYPD misconduct which can result in a loss of vacation days, suspension, or even termination. The APU is currently short staffed and without a sufficient number of prosecutors, the most egregious instances of misconduct go unaddressed.

Yet, all the additional services will be redundant if civilians do not know that the CCRB is an available resource. The CCRB's outreach team has grown over the last few years and implemented outstanding programs to reach New Yorkers in all five boroughs. Since the pandemic hit, the outreach team conducted over 1,090 presentations to help raise awareness of the agency and inform New Yorkers of the resources available to them and their rights when interacting with police officers. The Outreach team is currently working with a scant budget to raise awareness. In order to properly inform civilians of their rights and resources, the CCRB needs greater support from other agencies and an expanded budget for more events and promotions.

Another new resource the CCRB now offers is the Civilian Assistance Unit or the CAU. The CAU is staffed by victims' advocates, licensed social workers, and trauma services professionals who provide free and confidential assistance. They work diligently to connect our most vulnerable civilians with desperately needed city resources, such as social and psychological support services. Since June, the CAU has helped 152 victims seeking support, an ever-increasing number, and need more staff to serve all New Yorkers in need.

Finally, with the exciting new bill that grants the CCRB the power to self-initiate complaints, the Agency will now have the power to address any instance of misconduct that arises. This will dramatically increase our caseload and will require many more investigators on staff to address this influx of cases.

We hope for the support of the new administration and the Council to better serve New Yorkers and adequately fulfill our duty to hold NYPD misconduct accountable. Much of the public has lost faith in the police department and in the City to hold officers accountable. With your support and proper funding for staffing, training and public education, the CCRB will be instrumental in rebuilding that trust and help lead the national conversation around police oversight. Thank you for your time and consideration.



YouthBuild NYC Collaborative 206 East 118 Street, New York, NY 10035

March 4, 2022

Testimony prepared for the NY City Council Committee on Public Safety, CM Kamillah Hanks, Chairperson:

We appreciate the opportunity to testify today on the issue of gun violence.

I am appearing on behalf of the YouthBuild NYC Collaborative, an agency that represents and advocates for YouthBuild programs in New York city. There are eight YouthBuild programs operating in the five boroughs, each one working directly with cohorts of 16-24 year-old youth who had left school and were out of work, and needed a hand-up to get on the road to success. The YouthBuild experience goes back 40+ years here in New York City and has spread across the country and around the world. Each year in the US, 8,000 youth join 9-month, transformational YouthBuild programs.

We are particularly pleased to address the gun violence issue because it is one of the things that affects our young people, who are likely to be victims of street violence. As preparation for this testimony and as part of our commitment to safety here in New York City, we have been meeting with officials from DYCD to map out possible measures that could be taken by the Mayor and his Administration in concert with local community-based organizations like the ones operating YouthBuild programs.

One of the suggestions that has been advanced is to extend hours for YouthBuild programs that normally end at 3:30 or 4:00 p.m. and have them go into the late afternoon and evening as safe spaces in the community for teenagers and young adults. This initiative would include positive youth development programming at each site, so instead of just drifting and passing time, participating youth could be engaged in building careers, experience horizon-expanding trips, join study or book clubs, participate in violence-interruption sidewalk events, promote a no-gun culture, enjoy recreational programming, and above all be safe and promote safety in the community.

Extended-hours YouthBuild programming can help to further cement relations with other local CBOs and service providers as it can be an opportunity to foster community collaborations and

strengthen the net of support for our young people, while extending the reach and effectiveness of the participating partners.

There were other ideas that emerged from our recent dialogue with DYCD, including:

- a. Each YouthBuild program consciously work to reach out even more to community partners and build in more anti-violence, anti-gun programming, and use social media platforms to spread the impact and insights gained broadly in the community and via the youth sector.
- b. Organize a youth-led learning and advocacy citywide Leadership Conference with combating gun violence as one of the central themes
- c. Sponsor YouthBuild basketball tournaments themed around anti-violence; perhaps other sports too, e.g., volleyball, old-school street games, softball
- d. Attend and speak out regularly at violence-interruption events, partnering with the Cure Violence teams, in all five boroughs
- e. In general, given that our youth are already at risk of being the next victims of gun violence, for all YouthBuild sites to build in programming and philosophy to engage our students in this street safety and anti-gun work.

In short, we stand ready to do our part, to extend our work in this sector, to create a safer NYC. We would be pleased to prepare a budget reflecting the costs of carrying out these peace-inducing initiatives.

Thank you!

David Calvert, Citywide Coordinator, YouthBuild NYC Collaborative

dcalvert@yayb.org ~~



Asian American Federation

Testimony to the New York City Council Committee on Public Safety

March 18th, 2022

Written Testimony

I want to thank Chair Kamillah Hanks and the Council Members of the Committee for holding this hearing and giving the Asian American Federation (AAF) the opportunity to testify on the public safety needs of our community. My name is Ravi Reddi, and I am the Associate Director of Advocacy and Policy at AAF. AAF represents the collective voice of more than 70 member nonprofits serving 1.5 million Asian New Yorkers.

This conversation is coming at a critical time, as our community navigates a pandemic recovery and rising anti-Asian hate. As a function of the year we've had and the year of work ahead, it's clear that our community does not feel safe.

Our testimony will focus on simply supporting the organizations within our community already working on this, and building relationships between them and the City entities that acknowledge their primacy in their field and their value in our communities as we work together to restore a semblance of safety.

First, the numbers.

Since 2010, the Asian population in New York City has increased 34%, growing from over 1.1 million in 2010 to over 1.5 million in 2020, making up 17.3% of our city's total population. Overwhelmingly, Asian New Yorkers are immigrants, with two out of three in the city being foreign-born. Of those Asian immigrants, 47% arrived in 2010 or after. Additionally, language barriers remain high among Asian New Yorkers. Overall, 48% of Asians have limited English proficiency in New York City, compared to a citywide rate of 23%.

The Stop AAPI Hate platform collected over 9,000 reports of anti-Asian incidents from March 2020 to June 2021 from all 50 states, as well as DC. In NYC, there were more than 2,170 incidents collected by AAF, Stop AAPI Hate, NYPD, and CCHR, only a fraction of which were reported to the NYPD. These bias incidents are significantly underreported, as 70% of Asian New Yorkers are immigrants and systemic factors like high rates of poverty, limited English proficiency (LEP), and lack of immigration status deter reporting and reinforce continued systemic inequities.

Additionally, a recent survey conducted by AAF of Asian small business owners showed that over 60% of respondents said they were worried about anti-Asian bias and hate crimes for the safety of themselves, their staff, and their business establishment. And amidst higher unemployment rates that have disproportionately impacted women, as well as severe social isolation amongst our seniors - both demographics which represent the majority of the victims - community violence is yet another layer to the mental health challenges facing our most vulnerable.



Asian American Federation

The recent violent killings of two Asian-American women and the attack of a South Korean diplomat have contributed to the trauma felt by all Asian-Americans. The mental health implications of anti-Asian hate on our already-reeling community deserve urgent, substantive action beyond expressions of solidarity.

And when it comes to reporting, City Council must use this budget to address the dire need to expand the capacity to track anti-Asian bias incidents, including supporting efforts like the Hope Against Hate Campaign, through which Asian-led, Asian-serving organizations are building reporting capacity and other victim support services.

Our most vulnerable - our seniors - continue to be further isolated within their own city, not just due to the pandemic but also because they are afraid of getting attacked if they go out. The City needs to invest in community-based safety measures like those being implemented by organizations participating in our Hope Against Hate Campaign, to provide an immediate response to street violence and support the coordination and roll-out of initiatives like a safety ambassador program to escort vulnerable Asian immigrants in public spaces and training volunteers in de-escalation strategies so they can serve as a safe, deterring presence in our neighborhoods. From the creation of safety pamphlets and e-resources to continued robust community engagement on self-defense with community members who trust them first, our CBOs are doing the work and our City needs to support them as they lead by example.

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

Our budget ask is simple, that our nonprofits be provided enough resources to implement and expand essential services to support the public safety and mental health needs of our diverse community.

We urge the City Council and members of the Committee to consider the following recommendations to make sure Asian New Yorkers feel safe in their own City:

- Support efforts by trusted Asian-led, Asian-serving organizations to centralize the reporting of incidents in order to connect victims to services they need;
- Increase funding for anti-violence programming, like that being implemented as part of our Hope Against Hate Campaign;
- Support recovery services in Asian languages to help victims heal from the trauma and increase access to mental health services for all communities to reduce harm.

We look forward to working together with the City Council and members of this Committee to restore the sense of safety in our community by prioritizing their needs and the service providers they depend on.



Academy of Medical and Public Health Services

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Testimony on the New York City Fiscal Year 2022 Budget for the Public Safety Committee March 18, 2022

Mon Yuck Yu

Good Afternoon. My name is Mon Yuck Yu, Executive Vice President & Chief of Staff at the Academy of Medical & Public Health Services (AMPHS). Thank you, Chair Hanks, for the opportunity to testify.

AMPHS is a not-for-profit public health organization in Sunset Park, a primarily Chinese and Latino community, that works to bridge the health equity gap among communities of color through individualized health education, social services, and preventative health services to the immigrant populations of New York City, free of cost and regardless of immigration status. Over the past two years, much of our work has included addressing rising anti-Asian hate crimes against our community.

Mei is visually impaired, undocumented and lives alone. She is scared to leave her home after someone tried to push her on the streets. One of the few ways she can find solace is calling AMPHS' Community Health Worker and speaking with her in Mandarin to resolve her challenges, from seeking public benefits to connecting her with safety accompaniment volunteers for her daily activities. After having sought free bilingual mental health services for years and struggling with anxiety, she finally found assistance through us. She is also taking virtual self-defense classes with us, and has finally felt comfortable with going outside, despite her continued fears.

Our Asian communities are feeling the stress of racism and harassment every day when they ride the subway going to work; there is a 339% spike in anti-Asian hate crimes nationwide since last year, with many more cases going unreported. Sunset Park, Brooklyn is the neighborhood with the highest reported rates of hate crimes. Just this past week, we remembered the one-year anniversary of the fatal Atlanta shootings. The list of victims who were stabbed, pushed, assaulted, shot, and called racial slurs goes on. Everyday, they live in fear that when they or their loved ones go to school or visit the doctor, they might not return. Seniors are afraid to leave their homes; instead, they live in solitude, sometimes even missing critical healthcare appointments. There is an unspoken fear that they will be next.

We would like to thank the City Council for its historical support of our funding through the AAPI Community Support Initiative. The City Council must continue and enhance funding for the initiative to continue supporting this work, in addition to supporting more organizations through the Hate Crime Preventions Initiative. The Initiative has allowed us to support our “Campaign Against Hate,” where we offer free short- to middle term bilingual **mental health counseling, support groups, and self-defense classes and upstander/bystander intervention workshops** for our most vulnerable community members, including women and seniors. There is currently a three-month waiting list for mental health services, as community members continue to experience loss, isolation, and increasing anxieties.

As a partner of Asian American Federation’s Hope Against Hate campaign, we are providing **community businesses with safe zones training** so businesses that can serve as safe spaces to help targeted individuals with immediate resources and reporting. We are also providing **safety accompaniment services**, where volunteers trained in upstander/bystander intervention accompany vulnerable residents to conduct everyday activities. Finally, we are offering **solidarity-building** programming to help our communities build mutual understanding and stand up for one another.

AAPIs are now 18% of the city and growing. We can no longer be invisibilized, and we appreciate your support to continue this critical work because we know that this public safety crisis will not end until we can come together as a community to proactively prevent and address the violence against our communities.



**New York City Council
Preliminary Budget Hearing
Committee on Public Safety
March 18, 2022
Testimony of The Bronx Defenders
By Justine Olderman, Executive Director**

The Bronx Defenders provides innovative, holistic, and client-centered services to low-income people of the Bronx - these services include criminal defense, family defense, immigration representation, civil legal services, social work support and advocacy. Our staff of almost 400 represents over 20,000 individuals each year and reaches hundreds more through community intake and engagement. Our clients, Bronx residents from predominantly low-income communities of color who are already subject to high levels of system involvement, are in crisis and need the support and services of the Bronx Defenders more than ever.

Before COVID-19, the Bronx was already the most systematically under-resourced borough in New York City and home to the poorest urban congressional district in the United States. Poverty, lack of quality health care, a dearth of safe and affordable housing, substandard education, and minimal access to economic opportunities have plagued the Bronx for decades. Instead of righting the wrongs of historical divestment with an influx of community resources, the City has responded with steady offering of surveillance, policing, and punishment. Today, the challenges our clients face under normal circumstances have been exacerbated by the pandemic and are putting individuals, families, and entire communities at risk. As recent figures illustrate, the people we serve are struggling just to survive.

Eviction:

- The Bronx is home to the top 7 zip codes with the most eviction filings in NYC ¹

Unemployment:

- The Bronx has the highest unemployment rate in the City at 11.1% ²

¹ The Eviction Lab at Princeton University, "Eviction Tracking, New York, New York," Eviction Lab, last modified March 15, 2022, <https://evictionlab.org/eviction-tracking/new-york-ny/>.

² U.S. Bureau of Labor Statistics, "Unemployment Rate in Bronx County, NY [NYBRON5URN]," retrieved from FRED, Federal Reserve Bank of St. Louis, last modified March 18, 2022, <https://fred.stlouisfed.org/series/NYBRON5URN>.

Food Insecurity:

- In the Bronx, one in four residents faces food insecurity, 1.7 times the state average ³

Under Education:

- Bronx enrollment for prekindergarten through 12th grade (Pre-K to 12) fell by 6.9% in the 2020-21 school year, compared to 4.9% Citywide ⁴

Incarceration:

- BxD represents 300 people currently held on Rikers Island, where 16 people died last year and 3 have died already this year.

Family Separation:

- The Bronx has the highest Child Protection caseload in the City and the most children in foster care ⁵

Youth Detention:

- The Bronx has the most youth in secure detention of all five boroughs ⁶

These are the people that The Bronx Defenders serves. And today, our clients need our support and services more than ever.

The Bronx Defenders Requires an Increase in Funding to Ensure High-Quality, Zealous, Holistic Representation to Low-Income Bronx Residents in Need

As detailed below, the Bronx Defenders needs an increase in funding for fiscal year 2023 to address historical underfunding, meet new needs, and ensure that the people we serve receive high-quality, zealous, and holistic representation.

Increased Agency Funding

- An increase of \$18 million in funding for parental representation to address historical underfunding and new standards for quality representation
- An increase of \$6 million in funding for our homicide case work, implementation of discovery reforms, early advocacy, and prisoner's rights to address historical underfunding in these areas as well as new needs

³ Emily Arsen, Denise Arzola, Gabriela Groenke, "Some 2.6 Million New Yorkers Face Hunger this Holiday Season," United Hospital Fund, December 15, 2021, <https://uhfnyc.org/news/article/some-26-million-new-yorkers-face-hunger/>.

⁴ "Recent Trends and Impact of Covid-19 in the Bronx," Office of New York State Comptroller, last modified June 2021, <https://www.osc.state.ny.us/reports/osdc/recent-trends-and-impact-covid-19-bronx>.

⁵ "Children in Foster Care by Borough/CD of Foster Care Placement," Administration for Children's Services, Division of Policy, Planning, & Management, Office of Research & Analytics, December 31, 2020, <https://www1.nyc.gov/assets/acs/pdf/data-analysis/2020/InFosterCareDec2020.pdf>.

⁶ "Detention Demographic Data," New York City Administration for Children's Services, September 1, 2021, <https://www1.nyc.gov/assets/acs/pdf/dataanalysis/2021/DetentionDemographicReportFY21.pdf>.

- Increased funding across all our contracts to address attrition and retention challenges and ensure competitive compensation for all staff

Increase Council Funding

- An increase of \$200,000 in funding for the Right to Family Advocacy Project to improve and expand the program
- An increase of \$500,000 in funding for the New York Family Unity Project to recognize the increased complexity of the work and rising costs
- New funding of \$20,000 for our Immigration Community Intake Project to address increase in community need

The Bronx Defenders Seeks the Council's Support in Addressing Contracting Delays, Flat Budgets, and the Increased ICR Rate for FY23 and Beyond

The City is failing the low-income people of the Bronx who rely on our legal and social support services. The unconscionable contracting and payment delays, flat budgets that ignore inflation and annual cost escalations, the lack of COLA and refusal to provide our staff with competitive compensation are threatening the organization's financial stability and services.

Registration delays and undelivered funding have repeatedly put the organization on the brink of insolvency

The City has failed to live up to its contractual obligations, failed our organization which it claims to partner with, and more importantly has turned its back on the tens of thousands of people who rely on our services each year. The delays in the registration of our contracts have ballooned to epic proportion, requiring us to find months if not years' worth of funding to operate our organization while our contracts make their way in fits and starts through the bureaucratic maze that is the City's procurement process.

Today, The Bronx Defenders is owed over \$10M from the City of New York. We do not have an endowment, reserve fund, or line of credit because most lenders, investors, and funders do not trust the City to live up to its commitments.

Because we do not have enough cash available to fund the full cost of operating our organization, we must prioritize our spending, which means paying our staff and not paying for rent, utilities, software to do legal research, expert witnesses, and court reporters, among other critical expenses. We also delay filling open staff lines, resulting in increases in workload, decreases in the quality of representation and morale, and a resulting increase in attrition. These contracting delays also strain our small finance and operations team as they field angry calls from unpaid vendors, seek loans, and beg, plead, and cajole City agencies to move our contracts forward and pay our invoices.

Recently the aptly named joint "Taskforce to Get Nonprofits Paid on Time" documented the deleterious impact of these delays on service providers across the City and issued a series of recommendations. We are seeking the Council's support in ensuring these recommendations are advanced as quickly as possible. In addition, we are asking the Council to provide more funding for the Fund for the City of New York. The Fund does not have enough money to provide the

amount of bridge loan we need when our contracts are delayed. Finally, we are also asking the Council to explore, with the Comptroller and other City agencies, ways that the City can be a guarantor for commercial banking loans. Because the City is judgment proof, many commercial lenders are reluctant to extend a line of credit to non-profits, especially in light of the City's worsening performance when it comes to on-time registration and payment.

A budget should be more than a list of numbers. It should reflect the City's commitments and values. But it can only reflect the City's commitment and values when it comes to non-profits if it translates into services and support for the low-income people in need who are the intended beneficiaries.

The City's broken promise of pay parity along with lack of COLA means fewer staff to provide critical support and services

In FY20, following an agreement reached between the City Council and the Mayor to provide pay parity funding for attorneys in their first through fifth years of employment, BxD changed our salary scales to match those of the Law Department and provided our staff with much needed and deserved increases. It has now been two years since that promise was made. However, none of the amendments to our contracts for this funding have been registered. We are now in negotiations with the City for funding to increase salaries for our more experienced attorneys as well as our non-attorney staff. Current funding is insufficient to attract and retain talent leading to understaffing and undermining the City's commitment to its flagship legal services programs like the New York Family Unity Project and Universal Access to Counsel in Housing Court. Moreover, the attrition is leading to a brain drain on the City as many of our staff not only leave our organization but leave New York for places with a lower cost of living and higher pay. Further exacerbating the lack of sufficient funding to provide competitive salaries is the discontinuation of COLA. We need both an increase in funding for salaries and reinstatement of COLA to attract and retain talent in our office and this City.

Extending our ICR rate is critical for the organization

The FY20 adopted budget sought to increase our financial stability by allowing BxD, along with other organizations, to receive additional funding for our indirect costs that matched the true cost of our indirect expenses. As with phase 1 of pay parity, none of the amendments to increase our ICR rate and corresponding revenue have been registered. Moreover, our increased ICR rate has not yet been approved for FY23 and beyond. We anticipate that our ICR rate will increase dramatically as the organization invests in much needed changes to its workspaces, improvements in our technical infrastructure to support hybrid work, and resources critical to effective representation of our clients. Without the reinstatement of our approved ICR, these costs will be crippling to the organization.

BxD is Pushing the Boundaries of Traditional Public Defense to Do More

Despite the inadequate funding and contract delays, in 2021, we represented over 25,000 people in criminal, family, civil, and immigration proceedings. And as a holistic defender, we did much more than direct representation this past year.

Pre-Court Advocacy

While we are not assigned to work with clients until cases are filed in criminal, family, immigration, or housing court, BxD has pioneered an interdisciplinary Early Defense Team to identify and address legal issues before they become legal cases. We leverage the experience, expertise, and holistic defense model of BxD to build a proactive advocacy program that acts as an off-ramp for those at risk of criminal, family, housing, and immigration court involvement. With the help of funding from the City Council, over a 12-month period, our Early Defense Team helped 5,367 people connect to critical legal and social services before a case was ever filed.

Policy, Organizing, Impact Litigation, Narrative Change

Our allegiance to our clients and our proximity to the legal system place us on the front lines in the fight for reform. We bear witness to the experiences of our clients, providing us with the knowledge to not only identify the problems but to partner with them to craft solutions. Through impact litigation, policy reform, community organizing, and strategic communications, we push for systemic changes at the local, state, and national level. Below are a few examples of some of the innovative and systemic reform wins we were able to achieve last year:

- Worked with our partners to get **Marijuana Regulation and Taxation Act** passed
- Helped spearhead the campaign that resulted in the **Driver's License Suspension Reform Act**
- Launched a National Public Defender **Coalition for Immigrant Justice** to help influence and support immigration reform on the local, state, and national levels
- Worked with local partners to help pass **#HALTsolitary**
- Secured close to **\$1 million for the Mott Haven Collective**, a group of over 20 New Yorkers who were attacked by the NYPD while protesting the murder of George Floyd
- Won a **settlement in our class action lawsuit against ICE** which will result in many more immigrants being released to fight their deportation cases
- Partnered with two other local organizations to launch a **Bronx Community Organizing Hub** to support efforts to build more knowledge and engagement in the South Bronx

Mentoring, Teaching and Training

Through our mentoring program, law school clinics, know your rights outreach, and Center for Holistic Defense, we have trained, educated, and supported hundreds of young people, future lawyers, and public defenders from one end of the country to the other. The Robert P. Patterson mentoring program at The Bronx Defenders provides young people with a team of mentors, teaches them about the legal system and empowers them to be agents of change in their communities. Our law school clinics at Columbia and Cardozo School of Law introduce law students to our work and train them in our holistic approach to public defense. Our “know your rights” outreach brings lawyers and organizers into schools, community centers and local organizations to educate people about their rights in the legal system. And through our Center for Holistic Defense, we have trained hundreds of public defenders across the county on our holistic defense model.

Emergency Support for Clients

In addition to ensuring that our clients and community members continue to have access to the high-quality holistic public defense that they deserve, we go beyond representation and provide direct support to clients in need. With funding from foundations, corporations, and private donors, our Client Emergency Fund was able to provide \$90,000 in direct material resources to clients in need. We provided:

- Groceries, diapers and formula, holiday gifts, Metrocards, and clothing
- \$100 in commissary money to all our incarcerated clients to help them purchase necessary hygiene products as well as packages with books and warm clothes
- Smartphones and broadband access so clients would not miss virtual court, lose touch with their loved ones and defense teams, or forgo important benefits
- Microgrants to immigrants who were left behind in the first stimulus bill

Our Support and Services are Needed More than Ever and Representing Low-Income Bronx Residents is More Time and Resource Intensive than Ever Before

As an organization that helps to address the underlying issues that drive people into the various legal systems and mitigate the devastating impact of that involvement, such as deportation, eviction, the loss of employment, student loans and public benefits, or removal of children from the home, it is not surprising that our support and services are needed more now than ever. The people we serve, predominantly low-income Black and brown people whose communities have been negatively impacted by decades of divestment, are facing extraordinary legal and non-legal challenges as a result of the pandemic. Moreover, providing the high quality, holistic services that they need and deserve is more time and resource intensive than ever before.

Bronx residents continue to be driven into the legal system in high numbers

While the people we serve are being devastated by the pandemic, they continue to be driven into the criminal, family, immigration, and civil legal systems in high numbers. The influx of new cases is the direct result of the decimation of economic and social support systems caused by the pandemic, the insufficient effort to restore and strengthen those systems, and the continued enforcement against low-income communities of color like the ones we serve. Last year, we represented 10,171 new clients in 14,889 new cases across our different practice areas. With the eviction moratorium lifted, those numbers will increase. To ensure that these needs continue to be served, the City must continue to invest resources into the high-quality holistic public defense our clients need and deserve.

Our backlog of pending matters is growing and resulting in an increased workload

While new cases are being filed against Bronx residents at a steady rate, there is still a large backlog of pending cases, including those of parents whose children are languishing in foster care, tenants facing eviction before the pandemic and people who are caged in jails and detention. The combination of slow resolution of pending matters and an influx of new matters means that the number of current clients we are representing in each of our practice areas continues to grow. While the court system is trying to address the backlog, the number of pending matters is so great

that it threatens to delay justice for years to come. Since pending caseload is the most reliable indicator of workload, we anticipate that this increase in workload will continue unabated for quite some time.

Representing low-income Bronx residents in a hybrid court system requires us to create a hybrid organization

In March of 2020, The Bronx Defenders transformed itself into a virtual public defender office because, while the City may have gone on “pause,” our clients’ need for high-quality, zealous, and holistic legal representation and social support services never did.

Today, we are called upon to transform our organization once again. While some of the courts in which our clients need representation have resumed in-person appearances, others remain virtual or are operating in a hybrid fashion. This combination of approaches by the courts means that an advocate might have an in-person court appearance in one of the borough’s courts followed immediately by a virtual court appearance in the office. As an organization that represents close to 4,000 people at any one time, that also means that on any given day we could have hundreds of clients who need in-person representation at the courthouses and the same number who need virtual representation. Pre-pandemic, the majority of our staff sat in an open floor plan design not conducive to virtual court appearances. To ensure that all clients receive the quality representation they need and deserve, we need to create a satellite “courthouse” within our offices, equipped with in-office “courtrooms”. Reconfiguring our offices to create a satellite “courthouse” requires additional funding from the City.

Our Model Works and Saves Millions of Dollars that Can be Reinvested in the Communities we Serve

Given the impact of the pandemic on our clients, the continued targeting and enforcement against them, and the lack of access to the systems that are supposed to protect them, the representation, resources and support of BxD’s holistic defense model are more important than ever. When properly funded, our model is perfectly designed to adapt to this moment. It is built to address the underlying issues that drive people into the various legal systems and to mitigate the devastating impact of that involvement. Moreover, it is made to be flexible and adapt to the evolving needs of our clients, their families, and their communities. And most importantly, it works.

At The Bronx Defenders we have:

- Saved our clients 1.1 million days behind bars
- Reduced incarceration rates by 16%
- Cut sentence length by 24%
- Increased the chances of detained immigrants winning their deportation case by 1,100%
- Reduced time in foster care by four months
- Prevented family separation and foster care placement for 85% of parents we represented during an ACS investigation

Investing in holistic public defense not only provides critical support and services to those who need it most, it also saves the City and state millions of dollars that can be reinvested in impacted communities. One study showed that our model saved City and state taxpayers \$165 million dollars in incarceration costs over a ten-year period and another showed that it saved \$40 million annually in foster care costs.

Collectively, our staff is making sure that the most vulnerable among us are not forgotten. But we can't deliver high-quality holistic defense without full funding and timely registration of our contracts. Below is a closer look at each of our core practice areas and how they have evolved to meet the current needs of our clients as well as the funding needed to serve system-involved Bronx residents.

* * * * *

Civil Action Practice

A sweeping array of civil punishments are triggered the moment someone faces arrest, deportation, or prosecution by ACS. Our clients risk losing their jobs, homes, income, property, and basic civil rights — hardships that can be more devastating and long-lasting than the charges themselves. This civil fallout, sometimes referred to as “collateral consequences,” effectively traps individuals in a cycle of poverty and system involvement. We know it does not have to be this way.

At The Bronx Defenders, we have the unique opportunity to intervene early and break this cycle by integrating transformative civil action within our criminal, family, and immigration defense work. Our civil consequences experts work collaboratively on teams to represent our clients in civil courts and tribunals throughout the City and to help clients meet basic civil needs and protect their basic civil rights.

In addition to our holistic civil advocates, we are one of six organizations in the Bronx providing the Right to Counsel in Housing Court and we have a dedicated team of benefit specialists serving the community regarding access to emergency and other public benefits and integrated social work support.

Intake: Our Civil Action Practice continues to support clients through referrals received from our Criminal Defense, Family Defense, and Immigration Practices and continues to address the civil issues that arise because of court system involvement. Currently, we receive referrals and support clients related to evictions and housing problems, including eviction proceedings, emergency lockouts, emergency repairs as well as access to shelters for clients experiencing homelessness; property seizure including retrieving money, vehicles, and other vital property; job and employment license preservation, including aid to essential workers like taxi drivers and health care workers; and benefits applications, specifically for pandemic related relief for those who need food assistance and unemployment insurance. Our attorneys, social workers, and advocates work together on holistic teams to meet these varied needs.

In addition to referrals, we staff virtual Housing Court intake and hold a weekly Housing Clinic via telephone for community members to call our team with housing questions, a Benefits Hotline

for community members to call with their public benefits access questions and needs, and a monthly Housing Court intake at which we represent clients through the Right to Counsel/“Universal Access” intake process and our anti-harassment tenant protection work. We also continue to staff a City-wide housing hotline launched in April 2020 in the wake of COVID-19.

Pending Cases: Our civil staff conduct check-ins with current clients to update them on their cases and assess what their ongoing and unmet needs are during this pandemic as well as check in with their teammates in the criminal, family and immigration practices. For matters in court and administrative proceedings, we represent our clients remotely by video appearances and telephone. Additionally, our staff are working on client matters that have ongoing deadlines, including motions and other litigation. We are also affirmatively assessing client needs and learning new civil areas where there are emerging client needs.

Emergency and Other Litigation: The Civil Courts and administrative proceedings have virtual parts or other processes for filing and appearing remotely. Our attorneys and advocates have been appearing in cases to ensure that clients’ most urgent needs are addressed. Examples of emergency applications include illegal lockout proceedings in Housing Court, administrative proceedings to advocate for the return of seized cars or to advocate for the reversal of job license suspension at the Office of Administrative Hearings and Trials (OATH), and telephonic hearings at the Office of Temporary and Disability Assistance (OTDA).

Looking Ahead: Our embedded civil legal services have never been more critical. What we know is that the community we serve, pre-COVID-19, had significant civil legal and social service needs. This current crisis has magnified these needs and created new ones, as we confirmed through our client needs assessment, with respect to access to jobs, benefits, and housing. As New York reopens and courts similarly begin to open up, we will both be defending clients against the civil cases that are pending and aiding new clients and the community with challenges prompted by the pandemic.

Funding: We currently receive \$2,000,000 for Homeless Prevention Law Project/Universal Access to Representation funding and \$100,523 as part of the Leap coalition for anti-harassment tenant protection (AHTP) funding from OCJ for our Civil Action Practice. We are hopeful that OCJ will take this opportunity to ensure that our workload and funding are at levels that allow us to provide high-quality, holistic defense to the people we serve.

Criminal Defense Practice

Criminal defense attorneys at The Bronx Defenders work side-by-side with the other advocates on their holistic teams to identify the causes of our clients’ criminal system involvement and to protect them from the enmeshed penalties associated with their cases. We spend time getting to know our clients and gaining a deeper understanding of their lives and needs. Armed with this understanding, we pursue justice for our clients by thoroughly investigating their cases, presenting context for their lives and actions, raising novel legal arguments, and using creative tools of persuasion to succeed at trial.

Because each client is unique, we advocate for individualized and comprehensive alternatives to incarceration rather than relying on a “one size fits all” solution to complex problems. Moreover, our support and advocacy are not confined to the courtroom and do not begin or end with the criminal case. Our social workers are integral members of the legal team who help to address our clients’ legal and non-legal needs. Providing seamless services that address all of our clients’ needs is at the core of holistic defense and redefines what it means to be an effective public defender.

Intake: After more than a year conducting arraignments virtually using Microsoft Teams, we returned to in person arraignments in July 2021. We welcomed the return to in person appearances, as it ensures that attorneys, social workers, and advocates are meeting clients face to face, in settings much more conducive to meaningful conversations and court appearances, as well as providing immediate, in person follow up and support. In person, our attorneys and social workers are better able to immediately connect clients to services in the community and make meaningful arguments to avoid bail. While arrest numbers in Bronx County, and thus intake numbers, have fluctuated over the past year, the number of new cases at arraignment has increased steadily since the start of the new year. The City’s intense focus on gun-related arrests and prosecutions accounts for some, though not all, of the increases we see currently. We have seen a significant increase in the number of new homicide cases: as of early March 2022, we had arraigned 32 new homicide cases in FY22, as compared to 19 by that same time in FY21.

In addition to our traditional intake through arraignments, we are also meeting and counseling clients through our Early Defense work. We meet these clients in various ways: The Bronx Defenders provides a 24-hour hotline that is answered by members of our Early Defense Team, including criminal defense attorneys. Clients also come to us through community intake, both by visiting our office in person and calling the office directly. Some clients have legal questions that can be readily addressed in a single phone call or meeting; other clients need immediate and ongoing representation. By working with clients before an arrest even occurs, we are able to not only provide legal advice and guidance, as well as early investigation, but also to begin establishing meaningful relationships with clients, their families and support systems, all of which can be used to tremendous effect when advocating at arraignments and beyond.

We also provide advice and counsel to clients incarcerated in the New York City Department of Corrections (DOC) through both our social work practice and Prisoners’ Rights Practice (PRP). This work includes advocating for clients on conditions related issues, e.g., access to medical care, as well as advice and counsel on grievances and disciplinary processes and the filing of notices of claims. With conditions within DOC facilities in a state of complete and utter crisis – with even DOC recognizing its inability to adequately provide and meet medical and mental health needs of those in its care – our incarcerated clients are in dire need of additional support and intense advocacy, separate and apart from work being done in their court cases. Our social work and PRP teams advocate not only on behalf of individual clients, but also on the City level with DOC, the Board of Corrections, and the Mayor’s Office of Criminal Justice. We anticipate PRP’s work intensifying once access to counsel at DOC disciplinary hearings – originally slated to begin in November 2021 – finally comes into effect later this year, as currently promised by DOC.

Pending Cases: Court appearances remain hybrid, with many Criminal Court appearances, and some Supreme Court appearances, occurring virtually, and other appearances, including hearings and trials, occurring in person. Attorneys, social workers, and other advocates are learning to juggle and balance the hybrid world and are working to ensure that our clients are able to navigate it as well. Investigators have continued to conduct fieldwork to preserve critical evidence as well as review discovery for possible witness leads, watch video surveillance, and conduct social media and background searches. Client meetings and out-of-court case conferencing are occurring with increasing frequency in person, but always based upon client preferences and circumstances. We continue to hold video conferences with our clients in DOC custody using Microsoft Teams and also meet in person with clients at DOC facilities. The ongoing humanitarian crisis at DOC has, however, negatively affected our clients' meaningful access to counsel, as DOC often fails to bring our clients to video conferences and even to court for court appearances.

Hearings and jury trials are taking place now every day in the Bronx courthouse. But the number of cases awaiting trial – including cases for clients who have been incarcerated for lengthy periods of time – is significant. And the number of misdemeanor cases pending in Bronx County for over two years continues to rise, jeopardizing the tremendous success of our concerted efforts to curb court delay in the Bronx over the past several years. The Bronx Defenders has demonstrated its ability not only to pinpoint systemic issues ripe for reform but also to effect widespread change, such as the efforts to reduce court delay, through ongoing and collaborative work. We will continue to problem-solve and innovate as we work to reduce the negative effects that delays -- including those brought by the pandemic -- have had on so many of our clients and the system as a whole. Our efforts to continue resolving cases -- by litigation, e.g., successful motions to dismiss, plea negotiations, and trial -- are evidenced by the fact that our current overall pending caseload is 1000 fewer cases than this time last year. Our homicide caseload, however, continues to grow. While we do reach pre-trial resolutions in a number of homicide cases, the fact remains that many of these cases will proceed to trial but are part of the hundreds of cases currently awaiting trial in Bronx County. We have expanded our homicide practice group this year, adding additional attorneys, social workers, and investigators to meet the growing need for representation.

Looking Ahead: We are beginning now to see the full effect of discovery reform on our day-to-day practice. (We had only a limited window in early 2020, before COVID-19 struck, into the changes discovery reform would bring to our practice.) Discovery reform brings critical and long overdue change to New York's discovery practice. The volume of discovery material including significant digital discovery, such as body worn camera videos and other video surveillance, is tremendous. Attorneys, advocates, and investigators must thoroughly review and digest this material to prepare substantive omnibus motions, challenge certificates of compliance, respond to motions for protective orders, develop case theories and defenses, counsel clients, and, where appropriate, prepare mitigation and negotiation strategies. The resources needed to support this work -- from technology necessary to share and store data, to software programs necessary to download and convert certain digital files, to personnel needed to assist with discovery processing and compilation, to the additional time spent reviewing and digesting materials -- surpasses what was originally anticipated. We need more personnel, including additional IT and administrative personnel as well as at least one forensic analyst/investigator, to fully and effectively implement

discovery reform in practice. With an ever-growing appreciation now for the depth and breadth of the work involved, we see both the incredible benefits of discovery reform to our clients and the overall practice of law but also the need for further resources to ensure that we are using this material to the fullest extent possible to zealously represent and defend our clients.

Funding: We are asking the City Council to ensure that MOCJ fully funds criminal justice reform. Our criminal justice reform implementation funding was cut in FY21 and currently includes only 50% of the requested funding for personnel lines. Our experience during these first two years of implementation makes clear that we need additional personnel at the levels originally requested (and funded for the last six months of FY20) in order to implement discovery reform fully and effectively. In addition, we seek increased funding for our homicide contract. With pending caseloads increasing and anticipated new cases for FY23 exceeding contract expectations, additional funding is needed to ensure adequate staffing of attorneys, social workers, legal assistants, and investigators on each homicide case and to guarantee quality expert consultation whenever needed to zealously and effectively represent our clients. We also seek funding for our Early Defense criminal defense team, similarly to how the City Council funds our Family Defense Practice's early defense work through the Right to Family Advocacy Initiative. Finally, we seek funding for our PRP advocacy surrounding conditions of confinement for our incarcerated clients, which is critically important but in need of additional funding to adequately staff and resource this vital and ever-growing work.

- **We are seeking an additional \$6 million in funding for our homicide work, full implementation of discovery reforms, early advocacy, and prisoner's rights.**

Family Defense Practice

The dedicated attorneys, social workers, and parent advocates in our office's Family Defense Practice zealously defend parents against the painful and unnecessary removal of their children and the potential dissolution of their families. Despite the many studies showing that children are better off with their own parents and suffer short- and long-term consequences when separated from their parents, low-income parents are often targeted in child neglect and abuse investigations and lose custody of their children because they have limited resources, are unemployed, have unstable housing, suffer from mental illness or addiction, or are victims of abuse themselves. Each year, these issues drive thousands of children into the family regulation system, of which the vast majority are Black and brown. Once in the system, children often languish in foster homes as their parents and caretakers attempt to meet the court's lengthy and onerous requirements to secure their return. COVID-19 and the cascade of negative impacts on physical health, mental health, economic security and well-being has made it even more difficult for parents to regain custody of their children. Without a strong legal defense and the resources and support to address and resolve the problems that brought them there, many families will continue to cycle in and out of the foster system for years on end, sometimes generation after generation, destabilizing their lives, families, and communities in the process.

We have created a model of interdisciplinary representation for parents charged with neglect or abuse and at risk of family separation. Our model, which provides comprehensive representation

to low- and no-income parents through teams of attorneys, social workers and parent advocates, is nationally recognized as the most effective model of representation of its kind. Together, with the other family defense offices in New York City, we have prevented thousands of children from needlessly entering and languishing in the foster system and have reduced the foster system census in New York City by almost 50%.⁷ This translates to nearly \$40 million in annual savings in foster system expenditures for New York City,⁸ and the preservation of family bonds that are priceless to our clients, their children, their communities, and society at large.

Caseload Standards for Parent Representation. The underfunding of our contract is clear from the caseload standards that were recently announced by The Office of Indigent Legal Services (ILS). Following the recommendation of the Commission on Parental Legal Representation in June 2021, ILS developed *Caseload Standards for Parents' Attorneys in New York State Family Court Mandated Representation Cases* (ILS Caseload Standards). ILS is a state agency with a legislative mandate to analyze and set standards for indigent representation. They developed the standards in collaboration with the Office of Court Administration and Welfare Research Inc. The standards are based on a multi-prong statewide study that articulates the minimum attorney hours required to provide effective representation. Based on our average intake over the last three years, our budget covers less than half the staff required to meet the ILS standards. The ILS standards have confirmed what we have testified to in prior years: the current contract budget is insufficient to meet the needs of our practice.

Remote Intake: The Family Defense Practice has continued to represent new clients charged with abuse or neglect under Article 10 of the New York Family Court Act. Unlike arraignments in criminal cases where the NYPD and DOC facilitate a client's appearance, we are responsible for facilitating the appearance of parents in the remote court. We designed a flier in 16 different languages that the Administration for Children's Services (ACS) provides to parents so they can contact our office for representation. Social workers and parent advocates work with our attorneys representing clients on each intake shift. At intake, we litigate virtual hearings so that children are not separated from their parents and placed needlessly in the foster system. We have learned that the New York City Family Court is in the process of planning for child protection intake to resume in-person this year. We are gearing up to ensure that our attorneys, social workers, and parent advocates are in court on the day in-person intake resumes to represent parents and advocate for them and their families every step of the way.

Pending Cases: Our lawyers and advocates continue to work on the vast majority of cases remotely as there is only limited access to proceedings in person. Despite the barriers created by a court that operates remotely, our attorneys, social workers, and parent advocates work closely as a team to build client trust and develop a legal strategy and a service plan based on the client's goals and the needs of their family. Throughout remote proceedings, our work has continued. We work with the court and ACS so that we are available for assignment at the moment a parent needs

⁷ Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore 27-28 (February 2019); see also Martin Guggenheim & Susan Jacobs, A New National Movement in Parent Representation, 47 CLEARINGHOUSE REV. 44, 45 (2013), <https://cfmny.org/wp-content/uploads/2021/03/A-New-National-Movement-in-Parent-Representation-Clearinghouse-Review.pdf>

⁸ *Id.* At 21.

an attorney. We continue to file orders to show cause and motions on issues related to our clients' cases including regarding family visitation, access to services, and for the return of our clients' children. We litigate emergency hearings, trials, and dispositions, including cases that require complex medical evidence and testimony by experts. In addition, we continue to advocate outside of court with ACS and foster system leadership to resolve cases and reunite families outside of court as swiftly as possible. Social workers and parent advocates work with ACS and foster care agency caseworkers to address the myriad of issues that arise in these cases including to arrange for visitation, to access social services, to attend appointments and communicate with schools, and to find solutions to the challenges of family separation. Social workers and parent advocates also continue to participate in ACS and agency conferences remotely, via video or telephone, with clients, and will be ready to appear in person when they resume.

Right to Family Initiative: Since fiscal year 2020, our Family Defense advocates offer two critical additional services to low-income parents, made possible only with City Council funding of the Right to Family Advocacy Project through the Family Advocacy and Guardianship Support Initiative. First, we provide desperately needed legal representation and advocacy to parents during an investigation by ACS. Through early advocacy and identification of appropriate services and resources, our office has avoided unnecessary and traumatic family separations and, often, kept family court cases from ever being filed against families, resulting in tremendous fiscal savings for the City and greatly reducing trauma to children and parents. Second, we provide legal representation to parents in administrative proceedings to clear or modify their State Central Register (SCR) records that result after ACS investigations, thereby preserving and expanding their employment opportunities and ability to support their families. Our representation in SCR hearings has enabled parents to access employment and support their families. This work is more urgent than ever in light of the high unemployment rate and economic devastation by the pandemic. Funding this initiative is also a matter of racial justice. Black and Brown New Yorkers are disproportionately impacted by the loss of employment opportunities because of their record on the SCR: For every SCR report made regarding a white child, 6.6 are made for Black children and 4.8 are made for Hispanic children.⁹ In FY 21, 72% of the cases where we represented parents during an ACS investigation were not filed in court. For the cases that were ultimately filed, children stayed home with their families or were placed with other family members, rather than with strangers in the foster system. Additionally, we were successful in amending and sealing the SCR records of parents in the administration hearing process 82% of the time. The Right to Family Advocacy Project saves families and money.

Looking Ahead: The pandemic has created a backlog in the courts and this has resulted in a large pending caseload of complicated cases with families in the balance. Since the beginning of the pandemic, ACS has only filed petitions in cases in which they seek to remove children and separate families and intake in the Bronx has steadily increased over the past year. With limited in-person appearances and the time-consuming challenges of remote court practice, the work to protect our clients' due process rights and reunite their families has increased. Family court has adjourned

⁹ Off. Of Child. & Fam. Servs., "Disproportionate Minority Representation 2020," <https://ocfs.ny.gov/reports/sppd/dmr/DMR-County-Comparison-2020.pdf>.

hundreds of cases for several months in the future and emergency hearings for the return of children are scheduled far beyond statutory timelines. Another factor contributing to a high workload are our clients' lost wages, the inability to access services, and food and housing insecurity that hit the Bronx community hard because of COVID-19 -- the exact conditions that drive families into the system and that also make our current cases even more complicated and difficult to resolve. When it takes longer to resolve child neglect or abuse proceedings, it is more likely that clients will face related proceedings including custody cases, termination of parental rights petitions, and new allegations of neglect. These cases create an expanded need and more work, not just for our attorneys, but also for our social workers and parent advocates outside of court. Cases involving family separation, 29% of which have been pending for more than two years, are far more resource intensive and make up the bulk of our current workload. While the absolute number of ACS filings has decreased since the pandemic, our offices represent the same number of families working to reunify. The work that will be required to reduce the backlog will be time-consuming, complicated and staggering in scale. It is essential that we are fully staffed and prepared for the work ahead.

Funding: Our current Article 10 revenue for FY22 is \$10,922,630. We have been informed by MOCJ that the current baseline allocation for FY23, however, is only approximately \$7,993,957. Given the caseload standards for mandated parent representation, the rate of new client intake, the growing backlog of cases, the anticipated increase in new filings and increased filings of supplemental petitions, the current allocation for FY23 is woefully insufficient to meet the needs of low-income parents in the Bronx. We are asking the City Council to ensure that \$26,278,506.78 is allocated to the Bronx Defenders for FY23 so that we can meet ILS caseload standards and continue to provide high quality representation to low-income parents in the Bronx at risk of losing their children.

- **We are seeking an increase of \$18 million in funding from MOCJ for parental representation and an increase of \$200,000 from the City Council in funding for the Right to Family Advocacy Project**

Immigration Practice

The Bronx Defenders' immigration practice serves our clients via three programs. We represent detained and non-detained people in deportation proceedings through the New York Immigrant Family Unity Project (NYIFUP). We provide advice and guidance to our non-citizen clients and their attorneys and advocates with Criminal and Family Courts cases, to avoid or mitigate negative immigration consequences, via our "Padilla" practice. And we provide early intervention to prevent deportation and full representation in immigration matters to Bronx community residents via our Community Intake team.

Detained People: As dozens of directly impacted immigrants powerfully articulated during the six-hour long oversight hearing before this Council's Immigration Committee on February 28, 2022, living conditions at detention centers can only be described as torture, and present significant challenges to our ability to provide legal representation. Since March 2020, Orange County Correctional Facility, where most of our clients are detained, has eliminated confidential, in-person

legal visits. Confidential legal phone calls have never been available at the facility, which instead relies on a video conferencing system that is plagued with technical issues and privacy concerns.

BxD has consistently called for the release of every person in immigration detention as the only way to ensure the health and safety of our communities, as well as meaningful access to representation. Through agency and federal litigation, as well as other forms of advocacy, NYIFUP has secured the release of hundreds of people. However, over the past year, many of our clients have been released subject to electronic shackling or solely based on ICE's obligation to release people who are medically vulnerable to COVID-19. For them, the risk of re-detention looms large as the pandemic recedes and ICE enforcement, policing, and arrests continue to climb. NYIFUP advocates remain vigilant and prepared to advocate against the re-detention of current clients and to support New Yorkers newly detained by ICE.

Immigration Courts: Our detained clients' ability to present evidence and testimony to defend themselves from permanent exile from their families and communities is further hampered by a court system that prioritizes expediency over peoples' rights. Although the Justice Department formally ended the case completion quotas for immigration judges last fall, we have not seen any change in the practices of immigration judges in the detained docket. Despite the complex nature of our clients' cases, our clients and staff are regularly forced to trial within weeks of intake. Requests for adjournments due to difficulties communicating with detained clients or obtaining testimony or documentary evidence within the unreasonable timeframe imposed by the court are routinely denied.

Non-detained immigration courts also prioritize expediency over our client's right in a misguided attempt to reduce the backlog of over 1.7 million pending cases. As part of various initiatives aimed at reducing the backlog, the courts are now regularly issuing evidentiary deadlines with minimal notice and constantly changing the hearing dates for our clients' cases. This has presented a significant challenge to our ability to control our workflow and has caused unnecessary anxiety for the hundreds of people we represent.

Community Intake: Through its open-door practice, the BxD's Immigration Community Intake Project provides early intervention, legal representation, and assistance navigating the immigration legal system to Bronx residents. Our program is unique in that it prioritizes providing early intervention and removal defense to Bronx residents with prior contact with the criminal legal or family regulation system. This is a segment of the community which has a particularly challenging time accessing legal services due to the complexity of their cases and the limited resources available. In the past years, we have seen an exponential increase in the number of community members seeking advice and representation from our community intake team. We are requesting \$20,000 from City Council to support the work of our immigration community intake team.

Padilla Clients: Our team has seen a steady rise in the number of noncitizens prosecuted in the Bronx, as well as the number of immigrant parents targeted by the family regulation system. Consequently, our Padilla team has seen an increase in the clients referred for consultation about the immigration consequences of their contacts with the criminal and family regulation systems,

as well as representation in deportation proceedings and immigration benefits to secure or improve their immigration status.

Funding:

- **We are seeking an increase of funding in the amount of \$500,000 for a total of \$6 million from the City Council for the New York Immigrant Family Unity Project. We are also seeking \$20,000 in new funding from the City Council to support our Community Immigration Intake team in providing preventative services and full representation in immigration matters to Bronx residents.**

TESTIMONY OF:

Lisa Schreibersdorf – Executive Director

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council

Committee on Public Safety

Preliminary Budget Hearing

March 18, 2022

Introduction

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

BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. We represent approximately 25,000 people each year who are accused of a crime, facing loss of liberty, their home, their children, or deportation. Our staff consists of specialized attorneys, social workers, investigators, paralegals and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

Our Work

For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. As defenders, we represent people accused of a crime, parents threatened with child removal, immigrants facing deportation, and students, workers and tenants whose education, employment and housing are at risk due to legal cases. We serve the Brooklyn community by providing individual services to thousands of people each year, holding clinics and educational programs in our community office and online, and supporting fellow community organizations.

Criminal Defense Practice

BDS experienced and specialized attorneys meet with every person we represent within 24 hours of their arrest, before they appear before a judge. Our attorneys conduct full investigations of the evidence, analyze and argue legal issues pertinent to each case, and advocate for our clients with the prosecutor and judge regarding pre-trial issues, such as bail and orders of protection. Our team of attorneys, social workers, investigators, paralegals and other experts prepare cases for trial, explore all opportunities for negotiated plea bargains to reduce additional consequences, and advise our clients of their options. As we work towards the best outcome for the people we represent, we provide a wide range of supports, including jail services for clients who are detained, social work resources for clients and access to a wide range of legal services for issues like housing, benefits, education and employment.

BDS has over 140 criminal defense attorneys, each extremely dedicated and skilled in criminal law. Our attorneys are availed of extensive training and supervision throughout the stages of their legal practice. They provide wrap-around services in collaboration with interdisciplinary teams of *Padilla* immigration attorney specialists, social workers, client advocates, paralegals, investigators and administrative staff. In order to address the unique needs of our clients, BDS' criminal defense practice has a number of dedicated and specialized units which provide targeted services to adolescents, clients with mental illness, women who have experienced violence, exploitation, or trafficking, veterans and clients with overlapping criminal, family court, and immigration issues.

Throughout the COVID-19 pandemic, our staff continued to provide the highest level of representation, and remained flexible and ready to support our clients. While still representing thousands of existing clients, BDS is also getting new clients daily. We have made sure everyone knows they are not alone during this extremely difficult time and we will do anything we can to keep the people we represent safe and healthy during the pandemic as well as to continue to fight for a good outcome in their case.

BDS receives \$27,291,113 in funding from MOCJ for our criminal defense contract. While we rely on this funding, the Mayor's Office has created extraordinary and unnecessary challenges that have resulted in the City owing BDS in excess of \$12 million—mostly mostly because of delays in contracts that go back years. Specifically, the interrelationship of various state and city funding has been handled in a manner that can only be described as chaotic and neglectful.

We call on the City Council to ensure that BDS does not receive funding cuts in the FY23 budget and implore the City Council to hold the Mayor's office accountable to moving our contracts through the process in an expeditious manner.

Family Defense Practice

The Family Defense Practice at BDS has been representing parents and other caregivers in Family Court for 15 years. Today, we are the primary provider of legal representation to parents facing the removal of their children to the foster system in Brooklyn Family Court. BDS

provides a wide range of services, including assisting people who are facing an investigation, providing legal representation to people who are brought to court and helping to clear the records of people from databases that impact employment. Our goal is to keep families safely together or reunify families as soon as possible when separation occurs. Our attorneys, social workers and other staff work together to advise, assist and represent parents every step of the way.

Thousands of families face the possibility of separation due to a wide range of circumstances. Most of the people we represent are people of color living in poverty, raising their children in homeless shelters or public housing, and in highly policed neighborhoods, making them vulnerable to government surveillance, including the Administration for Children's Services (ACS). Once in court, families often face prolonged separation and years of supervision by ACS. While our clients usually have many needs that impact their ability to keep their families together, in our experience many families suffer more trauma from being separated than from staying together with supports in place.

We provide an essential service on behalf of the City, fulfilling New York's legal mandate to provide representation to parents who cannot afford to hire an attorney. Our interdisciplinary model saves the City millions of dollars by reducing the time children spend in foster placements, shrinking the foster system which disproportionately harms families of color, and providing needed support to families. Additionally, through the two-year-old Right to Family Advocacy Initiative, we provide desperately needed due process, representation and advocacy services to individuals and families with ACS involvement. With our partners, we advocate for parents during ACS investigations and represent parents to clear their records with the New York State Central Register of Child Abuse and Maltreatment (SCR) for employment purposes.

BDS receives \$11,219,104 from MOCJ for our family defense contract. This level of funding is insufficient to sustain our representation model at current intake targets. The City's family defense representation is currently funded at under 50% of what is needed to meet the state's statutory and constitutional mandates. We ask that the Council work with the Mayor, MOCJ, and the State to expand funding to ensure high quality Family Court representation for low-income parents and caregivers. Specifically,

- We ask the City to add to the Mayor's budget **\$40 million to be distributed across the family defense providers** (BDS, Bronx Defenders, Center for Family Representation, and Neighborhood Defender Service of Harlem) so that we can begin to meet the standards for parents' attorneys set by the New York State Office of Indigent Legal Services¹ and to guarantee the services and representation our clients need and deserve when facing family separation; and
- Increase funding for the Right to Family Advocacy Initiative which provides support, guidance, and counsel to parents in ACS investigations, avoids family separation and court filings, and provides representation to parents in SCR hearings that allow them to

¹ New York State Office of Indigent Legal Services, *Caseload Standards for Parents' Attorneys in New York State Family Court Mandated Representation Cases* (June 4, 2021), Available at <https://www.ils.ny.gov/files/Caseload%20Standards%20Parents%20Attorneys%20NYS%20Family%20Court.pdf>

find employment. **BDS submitted a joint request for \$3,000,000, divided equally among the four providers, to fully fund the Right to Family Advocacy Initiative.**

It is important to note that MOCJ has cut funding for family defense every year—even as the pending caseload has continued to grow—and further cuts would be extremely harmful as we work to keep families together. The budget shortfall has been made more acute over the past two years as the backlog in the courts, which has been significantly worsened by the pandemic, has made it more likely that clients will face supplemental family court proceedings. Even with our best efforts to expedite our clients' cases, there are many factors that prolong the outcome of their court cases. Article 10 cases last on average two years. When it takes longer to resolve a case, there is a greater likelihood that additional matters—termination of parental rights (TPR) petitions, custody petitions, and new allegations of neglect—will be filed against a client, creating an expanded need for critical casework outside of court by our social workers and other support staff to achieve positive outcomes in our cases.

The City is mandated with the obligation to provide adequate services for this function by law and must meet this responsibility through increased funding for family defense contracts immediately. The City Council should demand that the Mayor's budget be amended to add these funds to the City budget in FY23.

Immigration Practice

BDS' Immigration Practice protects the rights of immigrant New Yorkers by defending against ICE detention and deportation, minimizing the negative immigration consequences of criminal and family charges for non-citizens, and representing immigrants in applications for immigration benefits. We represent people who are applying for immigration relief before U.S. Citizenship and Immigration Services (USCIS), and in removal proceedings in New York's immigration courts. Since 2009, attorneys in our multi-unit practice have counseled, advised, or represented more than 15,000 clients in immigration matters including deportation defense, affirmative applications, advisals, and immigration consequence consultations in Brooklyn's criminal court system.

BDS is one of three New York Immigrant Family Unity Project (NYIFUP) providers. Since the inception of the first-in-the nation publicly funded universal representation program in 2013, we have represented over 1,700 people in detained deportation proceedings. None of the work that the NYIFUP providers—BDS, Bronx Defenders, and Legal Aid Society—do to support detained immigrant New Yorkers would be possible without the support and funding of the New York City Council.

Our Immigration Community Action Project (ICAP) team serves low-income immigrant New Yorkers in their pursuit of immigration benefits such as citizenship, lawful permanent residence, asylum, Special Immigrant Juvenile Status, special trafficking and victims' visas, VAWA relief, TPS and DACA, and in their defense against deportation in non-detained deportation proceedings and orders of supervision. Our ICAP team specializes in providing affirmative immigration legal services in complicated cases and prioritizes people that are current or former clients of BDS and their families, formerly justice-system involved non-citizens, community

residents referred from partner organizations, and individuals referred by constituent affairs offices. Working in collaboration with all of our practice through a seamless internal referral process, our ICAP team is able to support BDS clients with multi-system involvement.

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

We seek the Council's continued support of our immigration legal services.

- BDS—in partnership with Bronx Defenders and Legal Aid Society—submitted a joint request for **\$18 million (\$6 million per organization) to fully fund the New York Immigrant Family Unity Project as the three legal service providers**. This request represents an increase in funding to allow the program to expand capacity to handle the large volume of direct representation to low-income detained New Yorkers facing deportation and to build our capacity to challenge unlawful or unconstitutional government action in federal court.
- We are also requesting **\$200,000 in Immigrant Opportunities Initiative funding to expand direct immigration legal services and Know Your Rights training to Brooklyn residents through ICAP**.

With this funding, BDS will provide high-quality, client-centered direct representation to low-income detained New Yorkers facing deportation and remain in intake at the detained immigration court throughout the year.

Civil Justice Practice

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

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

- Through the Speaker's Initiative Funding, we are requesting **\$200,000 in support of BDS' Civil Justice Practice** to support our clients who have historically been unable to access traditional legal services or whose unique issues, caused or exacerbated by criminal, family, or deportation proceedings, require specialized knowledge to address.

With the help of modest funding, we have been successful in preserving housing and jobs, facilitating access to benefits, and addressing education and employment issues that keep families together and strengthen communities for thousands on Brooklyn families. The expertise we have developed makes us uniquely positioned address the countless barriers between vulnerable New Yorkers and the services they desperately need. The support of the Council would allow us to serve additional families most in need of comprehensive legal support.

Conclusion

BDS' requested funding through MOCJ and City Council discretionary initiatives will ensure we can continue to provide quality legal services to indigent New Yorkers. While our core criminal and family defense programs are funded by MOCJ, unfortunately these contracts do not fully fund the entirety of our programs or the unique wrap-around services that make our defense model transformative. To fill the gaps in our programming, we turn to the City Council to provide additional funding to ensure low-income New Yorkers receive the best legal representation.

We thank the City Council for the opportunity to testify today and for your continued support of the people, families and communities we represent in Brooklyn.

If you have any questions or concerns, do not hesitate to contact me at 646-787-3355 or Lschreib@bds.org.



NEW YORK CITY COUNCIL

PRELIMINARY BUDGET HEARING COMMITTEE ON PUBLIC SAFETY MARCH 18, 2022

TESTIMONY BY CORRECT CRISIS INTERVENTION TODAY - NYC

Correct Crisis Intervention Today - NYC (www.ccitnyc.org) is a broad coalition of peers (individuals with lived mental health experience, service providers, advocacy organizations, and other advocates committed to disability and racial justice. We launched CCIT-NYC in 2012 with the aim to end the trauma, abuse, injuries, and even violent deaths, that people with mental health needs experience during a moment of crisis. Our goal is to remove police from mental health crisis responses and instead institute a peer-driven health response.

A Peer's Lived Experience

The experiences of one our Steering Committee members, Evelyn Graham-Nyaasi, clearly underscores the need for removing police from crisis response:

... Now let's fast forward to 2017/2018 in NYC and 25 years after my last hospitalization. I was sitting on my sofa when there was a knock at my door. When I opened the door, there were 8-9 police officers in the hallway. A police officer told me that someone from my home had called 911 and said that I had a knife! He then said that I had to go with him and to bring my medication with me. I was afraid of cops, and I knew what they could do to me, so I grabbed my coat and medication.

I was escorted outside, and the police officer asked me if I wanted to go in the police car or ambulance. I chose the ambulance because I didn't want to go to jail. I was taken to Bellevue hospital and dropped off. They put me in a locked room, where people were screaming and yelling. We were locked up like animals. I asked for my high blood pressure medication, but I was ignored and sent back to my seat. It was Dr. Martin Luther King, Jr's birthday weekend, so nothing would be done until Tuesday. I was angry that I was lied to. Angry that I was taken to Bellevue hospital and angry that I was stuck there until Tuesday! And then when Tuesday finally arrived, I was taken upstairs to the ward and wasn't released until two weeks later!

After being home for a year, I put in an application for Howie the Harp Advocacy Center to be trained as a Peer Specialist -- a person who has been successful in the recovery process and is able to work with others diagnosed with a mental illness I learned motivational interviewing, active listening, interpersonal communication, cultural competence, group facilitation and more. The program lasted for 20 weeks, and I had to do a 12-week internship.

Peers know what it is like to go through a mental health crisis. And with the proper training, peers can be very instrumental in helping the person experiencing a mental health crisis. There should be "Nothing About Us Without Us." We need peers with lived experience in all areas of the mental health system, especially in crisis response.

Transforming New York's Mental Health Crisis Response – Overhaul B-HEARD

CCIT-NYC advocates for a total overhaul of the City's current mental health crisis response, as well as a total overhaul of Mayor's Office of Community Mental Health's B-HEARD pilot, which it has dubbed as a "non-police" crisis response, but which in fact, after six months in operation, still has 82% of pilot calls responded to by police and intends to ultimately have at least 50% of all calls responded to by police. The program was created without input or consultation with providers, community leaders, and other key stakeholders in the East Harlem and Harlem communities. Therefore, the

program is sorely inadequate, notwithstanding the City's extensive promotion to the contrary.

- The mobile response teams have had a difficult time linking program participants to needed support services and coordinating their work with programs that have been serving the same population for many years.
- The hiring policies, which focus exclusively on recruiting licensed social workers, excludes many qualified individuals, including peers, who have the lived experience which make them key to crisis response.
- Police continue to respond to 82% of the 911 calls that involve an urgent mental health issue.
- There is no planning process that engages peers, providers, call dispatchers, community leaders, and others around developing strategies to improve outcomes and avoid unnecessary trauma for consumers.
- There are no measurable goals, weekly review meetings, or avenues for quality improvement.

The planned expansion of the program into six more precincts in Northern Manhattan and the South Bronx without fixing its many flaws will be a waste of resources and a lost opportunity to help people needing urgent mental health care.

The key distinctions between the B-HEARD program and CCIT-NYC's can best be seen in the following chart:

Critical Attributes of a Mental Health Crisis Response System	CCIT-NYC Proposal	NYC's "B- HEARD" Proposal
Removal of police responders	YES	NO (currently approximately 80% of calls are still responded to by police, and even when all kinks are removed, 50% of calls will still be responded to by police)
Three-digit phone number such as 988, in lieu of 911.	YES	NO
Response team to consist of an independent EMT and a trained peer who has lived experience of mental health crises and know best how to engage people in need of support	YES	NO (licensed clinical social worker and EMT employed by the New York City Bureau of Emergency Medical Services)
Crisis response program run by community-based entity/ies which will provide culturally competent care and will more likely have a history with the person in need and can intervene prior to a crisis	YES	NO (run by New York City Police Department and other City agencies)
Peer involvement in all aspects of planning/implementation/oversight as peers must have a say in the policies that affect them and must have a seat at the table -- nothing about us, without us	YES	NO
Oversight board consisting of 51% peers from low-income communities, especially Black, Latinx, and other communities of color	YES	NO
Creation/funding of non-coercive mental health services ("safety net"), including respite centers and 24/7 Mental health care to minimize crises in the first place and to serve those for whom crisis de-escalation is insufficient	YES	NO

Response times comparable to those of other emergencies	YES	NO (Response time of 14 minutes, compared with average response time of 8-11 minutes for non-mental health emergencies)
Response available 24/7	YES	NO (Response only available 16 hours/day)
Training of the teams to use a trauma-informed framework, be experiential, and use skilled instructors who are peers	YES	NO

Transforming New York’s Mental Health Crisis Response – Establishing CCIT-NYC’s Proposed Model

In place of B-HEARD, the Council **must ensure that [CCIT-NYC’s model](#) – which is based on the CAHOOTS model in Oregon with over thirty years of proven success -- is implemented.** CCIT-NYC’s model is also in strict accordance with the principles of the [Council of State Governments Justice Centers](#) for the development and operation of “community response” programs, including:

- Developing a program in collaboration with community members and local providers
- Identifying how the program can help address existing systemic biases

The \$112 million which the Council allocated to a non-police mental health crisis response – and which to date has not been used to that end – should be allocated in support of the CCIT-NYC non-police proposal,

The Mayor’s “Subway Safety Plan”

The City Council must exercise tight oversight over the Mayor’s subway plan which, although it discusses voluntary services for those with mental disabilities, it

heavily emphasizes involuntary forced treatment which is neither beneficial to those individuals, nor does it provide the freedom from violence that the Plan seeks. The literature is clear that forced treatment is of limited utility and is not capable of reducing violence – which notably affects only 4% of those with mental health diagnoses and is in fact the same percentage of violence among those who do not have mental disabilities.

The City Council must **ensure that New Yorkers have access to a wide range of non-hospital, community-based mental health services that promote recovery and wellness, as well as a full panoply of community services, including housing, employment, and education, by allocating funding for such programs as Crisis Respite, Housing First, Safe Haven, Family Crisis Respite, Living Room Model, Safe Options Support Teams, INSET, and Pathway Home.**

The City Council must also **reject the portions of the Mayor’s Plan that seek to force individuals with mental illness into out-patient and in-patient care, and provide tight oversight over the portions of the Plan that seek to provide voluntary services to individuals with mental illness.**

In Summary

We ask the Council to:

- Enact into legislation the CCIT-NYC proposal to create a non-police, peer-driven mental health crisis response.
- Allocate at least \$112 million annually to fund the CCITNYC proposal for a non-police, peer-driven mental health crisis response.
- Pass legislation to amend the operation of Mayor’s Office of Community Mental Health to:
 - Add peers, mental health advocates, and providers to the oversight board;
 - Require development of an annual strategic plan to enables all New Yorkers with mental illness to connect to mental health services and appropriate housing; and

- Require publication of quarterly reports showing progress made on achieving the strategic plan's objectives.
- Ensure that New Yorkers have access to a wide range of non-hospital, community-based mental health services that promote recovery and wellness, as well as a full panoply of community services, including housing, employment, and education, by allocating funding for such programs.
- Reject the portions of the Mayor's "Subway Safety Plan" that seek to force individuals with mental illness into out-patient and in-patient care, and provide tight oversight over the portions of the Plan that seek to provide voluntary services to individuals with mental illness.

Thank you for the opportunity to provide this testimony, and we would welcome the opportunity to elaborate on our recommendations. You can reach us at info@ccitnyc.org.



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**Center for Court Innovation
New York City Council
Committee on Public Safety
Preliminary Budget Hearing
March 18, 2022**

Good morning Chair Hanks and esteemed councilmembers of the Committee on Public Safety. Since its inception, the Center for Court Innovation (the Center) has supported the vision embraced by Council of a fair, effective, and humane justice system and building public safety through sustainable community-driven solutions. The Center's longstanding partnership with Council over the past twenty-five years has helped bring this vision to life through evidence-based and racially just programming that spans the entire justice continuum, which include:

- expanding diversion and alternatives to incarceration options across all parts of the justice system;
- prioritizing the rapid engagement and treatment of individuals suffering from mental health issues and substance use disorders;
- implementing programming to address and prevent the intersection of gun violence and intimate partner violence;
- and expanding access to comprehensive housing supports to prevent evictions and homelessness.

Our firsthand experience operating direct service programs and conducting original research uniquely positions us to offer insights that the Council can look to as it considers the development of initiatives that respond to needs of all New Yorkers. In each instance, our aim is to provide a meaningful and proportionate response, to treat all people under our care with dignity and respect, to prioritize public safety, and to produce much-needed cost savings for the City. And, as an anti-racist organization, to ensure the needs of marginalized New Yorkers are addressed.

The Center's Innovative Core Funding

This year, we ask the Council to continue and expand support for **the Center's Innovative Core Funding**. The Center uses this funding to flexibly respond to the immediate needs of New Yorkers by piloting novel and effective community-based pilots to test for scalable solutions. Through this work, the Center is making a deep investment in engaging individuals as far upstream as possible, to limit, and ideally prevent justice system involvement. Support would go to public safety in all five boroughs.

Examples of the programming this funding supports are reflected across the City. In Brooklyn, credible messengers from the Center's Neighbors in Action program engage individuals in communities impacted by violence, or experiencing socioeconomic challenges, in wrap-around services. Support would also lift up Center's Midtown Community Court's Client Navigators in Manhattan, who build meaningful connections with individuals battling homelessness, mental illness, and/or substance use disorder to engage them in support services through two new pilot programs: Midtown Rapid Engagement Initiative and the Community First Program. At the Center's Staten Island Justice Center, the Youth Wellness Initiative provides robust mental health services to justice-involved youth and allows participants to co-design community engagement and service activities aimed at reducing mental health stigma.

In the Bronx, the Center's Bronx Child Trauma Supports uses this funding to provide therapy sessions to young people, ages 3-15, who have been victims of or witnesses to violent crime, thereby improving community health and reducing intergenerational trauma. And, the Center's Queens Community Justice Center's Youth Impact's peer leadership program engages youth diverted from the justice system in workshop and skill-building programming. We ask the Council to expand the Center's core funding so that we can continue innovating scalable solutions in response to issues we are seeing on the ground, and effectively serve the most vulnerable New Yorkers – including those that present with issues related to housing instability and/or homelessness.

Reducing Incarceration: Alternatives to Incarceration & Diversion Programming

The Center is committed to reducing unnecessary incarceration and identifying practical paths to safely shrink the jail system. We played a central role in crafting the plan to shutter the jail complex on Rikers Island by coordinating the Independent Commission on New York City Criminal Justice and Incarceration Reform, otherwise known as the Lippman Commission. The Center has measurable experience in implementing data-driven programs that meaningfully reduce incarceration without decreasing public safety. Alternatives to incarceration can prevent unnecessary disruption to individual lives, while providing linkages to additional services to decrease criminogenic factors that would otherwise grow in confinement. These models are studied to be safe, effective, and cost efficient, and avoid unnecessary incarceration that reduces the long-term adverse impacts it has on individuals, families, and communities.

Felony alternatives to incarceration programs for more serious charges pave the way for diversion at all levels of the justice system, and we ask Council to maintain its support in Brooklyn, and expand funding to support Manhattan's operations which are currently supported by asset forfeiture funding that is set to expire mid-point of FY23. The Center's **Felony Alternatives-to-Incarceration** courts in Manhattan and Brooklyn, operated out of Manhattan Justice Opportunities and Brooklyn Justice Initiatives alike, offer the opportunity to resolve a case without a jail or prison sentence for people who don't qualify for other specialized courts like drug diversion or mental health courts. They offer a reliable and systemic way for people to access alternative sentences, providing rapid assessment and tailored plans to address individual needs. They also provide access to culturally responsive community-based programs, individualized cognitive-behavioral therapy, drug treatment, or mental health treatment. All assessments and treatment plans are individualized, as is the way the Court responds to developments and setbacks in individual cases.

With City Council's support, we can expand access to these alternatives in New York and safely provide communities with more options to adjudicate harm, maintain community safety, and produce better outcomes for the individual otherwise facing jail or prison time, and the community at large.

The need for more meaningful, effective, and equitable interventions for traffic-related cases has never been more urgent. With support from Council, the Center's **Driver Accountability Program (DAP)** operates in all five boroughs. DAP offers participants a constructive and restorative response to dangerous driving and works to change the risky driving behavior of people charged with driving-related offenses in criminal court. DAP provides diversion even for the most serious cases, and is piloting a restorative justice program that brings together drivers and their victims for a process of accountability and healing in cases where traffic crashes have caused serious injury or death.

Preliminary research suggests that the program changes participant driving beliefs and habits and encourages safer driving. A recent evaluation found a majority of participants felt that their driving behaviors changed since their ticket or arrest as a direct result of the program. The Center urges Council to renew funding to sustain those operations, as well as expand the program to fully implement the second tier of the program that offers a more intensive restorative response for the most deeper end cases involving serious injury or death.

The Center's pre-arraignment diversion model, **Project Reset**, operates Citywide and helps further reduce the jail population by decreasing the likelihood of failure to appear bench warrants at arraignment for low level Desk Appearance Tickets (DATs). Project Reset diverts New Yorkers with misdemeanor arrests away from the court system through community-based programming and access to opportunities, offering relief from the collateral consequences participants might otherwise experience if arraigned for a low-level crime, such as legal discrimination in housing, immigration, and employment matters, or even a bench warrant for failing to appear.

Pre-arraignment diversion is a component of the Points of Agreement. The Administration renewed Project Reset funding in FY22 for Staten Island, Queens, and Brooklyn, with City Council continuing to fund the program in the Bronx, and the New York District Attorney's office supporting Manhattan for FY22. It is still unclear whether the Administration will cover funding for Bronx Reset in FY23. Therefore, we ask Council to provide support for this program in the absence of Administration funding so that its successes and impact continue.

Finally, the Center's Midtown Community Court (MCC) is piloting a program offering diversion options for young people with gun possession and related charges – the **Youth Diversion for Gun Possession Initiative** in collaboration with the New York City Law Department and Manhattan District Attorney's Office. Understanding the drivers of gun violence is the first step in supporting evidence-based solutions. In groundbreaking research on the drivers of gun violence, the Center surveyed over 300 young people in neighborhoods with historically high rates of gun violence to determine their reasons for seeking out firearms. The findings

demonstrated widespread feelings of diminished safety and pervasive experiences of violence and trauma that motivated the ‘security’ of carrying a gun.¹

To appropriately respond to the complex drivers of gun violence, we seek Council support for MCC’s Youth Diversion for Gun Possession Initiative. This pilot works with the Law Department to divert youth in family court cases to holistic diversion option if they are arrested for gun possession and related charges. It employs a team of case managers and a credible messenger who utilize their own experiences to connect with young people and help to change their behavior while simultaneously attaching them to meaningful services. The resulting trust, respect, and empowerment of participants are especially crucial to the success of this pilot.¹ Council support will allow MCC to continue this work as longer-term initiative that serves a greater amount of youth on expanded eligibility.

Upstream, Precinct-, and Court-Based Supports for Individuals with Complex Mental Health Needs

Mental health and the justice system cannot be siloed; they are inextricably intertwined. Properly addressing the mental health needs of all New Yorkers—necessary now more than ever before with the stressors of COVID-19 weighing heavily on already under-resourced communities—will allow us to lessen harmful interactions with the justice system and law enforcement. And, on the flip side, ensure that contact with the system is humane, with an emphasis on providing culturally competent treatment and programming.

Ideally, we address the mental health needs of individuals before they ever intersect with the justice system. The Center offers trauma informed mental health programming in communities experiencing high rates of violence in Manhattan, Brooklyn, Queens, and Staten Island. We urge Council to continue and expand support for the Center’s Queens Community Justice Center’s UPLIFT Program and Staten Island Justice Center’s Youth Wellness Initiative.

To address high levels of exposure to community violence and trauma among young men of color in Queens, the Center’s **UPLIFT Program** provides trauma and healing services to justice involved male youth and young adults by offering client-driven individual therapeutic sessions and supportive group workshops. Through case management, victim services assistance, and advocacy and mentoring, participants are supported to recognize, process, and heal their own trauma, resulting in better life outcomes. In Staten Island, the Center’s **Youth Wellness Initiative** provides robust mental health services that address trauma and promote healing for young people involved in the justice system or at-risk of justice system involvement. Additionally, the initiative is geared towards providing holistic support to the families by supporting the parents and caretakers of youth enrolled in the initiative.

For those who do intersect with the system, the Center seeks funding for Midtown Community Court’s **Rapid Engagement Initiative** (the Initiative) which works in partnership with select NYPD precincts. The Initiative serves as a dedicated resource for the precinct-based rapid engagement of individuals who may have complex needs on the same day of an arrest. The Initiative offers individualized care to people arrested on cases that are DAT-eligible who want

to connect to services by employing a highly skilled social worker from Midtown as the precinct's "on-call" social worker and Peer Navigator.

This timing is critical because often an arrest of someone may be the direct result of their dire need for mental health services and/or harm reduction services, along with other services. The intervention will use clinically informed best practices to help address any mental health, substance use, and other social service needs and connect individuals with local community-based organizations. We urge Council to fund this rapid support for justice-involved people, helping them to address needs while also resolving cases quickly and avoiding warrants.

Finally, the Center's **Brooklyn Mental Health Court (BMHC)** provides specialized support to youth ages 18 to 24, who have unique social and cognitive needs and represent a growing percentage of cases served. With Council's continued support, BMHC offers twice monthly programs specifically for youth, including arts programs, movie trips, and meditation classes, all designed to nurture close engagement with the youth population to help them comply with their court mandates and avoid future contact with the justice system. The court's new Youth Engagement Specialist, a bilingual member of our clinical team, ensures young people are not left behind due to language barriers. Renewed funding will enable BMHC to continue and strengthen youth-focused programs, maintain the critical Youth Engagement Specialist role, and provide meaningful activities and healthy meals and snacks to participants, fostering close relationships that help youth to lead healthy non-justice involved lives.

Gender & Family Justice: Preventing Intimate Partner Violence

To prevent intimate partner violence (IPV), we seek continued Council support for models like the Center's **Reimagining Intimacy through Social Engagement (RISE) Project**, which operate at the intersection of IPV and gun violence. The Center's RISE Project draws from public health, healing-centered, and transformative justice frameworks to work within communities in New York City to change community norms that tolerate IPV and amplify community norms that support healthy relationships. RISE is a part of the City's Crisis Management System (CMS), offering supports to end IPV related gun violence, providing the tools to reduce intimate partner violence levels in community, and focusing on long-term sustained engagement in neighborhoods. RISE hosts community-oriented events and engages the community via social media, ensuring survivors and people who cause harm have access to conversations and restorative circles to take accountability for and change their harmful behavior.

Housing as a Justice Issue: Preventing Eviction through Comprehensive Housing Support

Access to quality, sustainable, and safe housing is a crucial element to the conversation around social justice and equity. Our research shows that 18%-25% of our Felony Alternatives to Incarceration program participants are experiencing homelessness.² By proactively addressing factors like access to housing and housing resources, we hope to reduce the likelihood of individuals intersecting with the justice system. Three Center programs - the Red Hook Community Justice Center, the Harlem Community Justice Center, and Legal Hand – work directly with New York City residents who are facing housing instability, whether through the

threat of eviction, the need for permanent housing, or living conditions that pose risks to their safety and well-being.

The Center's unique positioning—a community-based organization with programs across all five boroughs and individuals already engaging in this work—means that we can bridge those gaps to ensure that our most vulnerable residents do not fall through. We seek funding from Council to support the Center's proposed **New York City Housing Justice Corps** in launching a city-wide, community-based project dedicated to preventing evictions while promoting housing stability, affordability and tenant protections for vulnerable tenants and public housing communities through a network of trained housing navigators and mobile, pop-up events in all five boroughs.

The Center conceives broadly of addressing the factors that lead to housing instability by providing tailored services through predictable series of stages at which a client facing the potential loss of housing can be helped so as to avoid that potentially devastating outcome.³ The Center introduced the Eviction Intervention Stage Model, which identifies junctures at which supportive, problem-solving interventions can ensure the necessary community supports and legal representation (Appendix A).³ We believe that integrating these procedural protections and problem-solving interventions across the eviction process continuum, including but not limited to housing court, will support people with mental health conditions in retaining stable housing.

While New York City has made significant investments in attorneys for low-income residents, tenants are more likely to remain stably housed when they have assistance beyond legal representation in Housing Court. Support prior to legal filings have been noted to improve legal representation by having files, evidences, and written request evidence gathered and organized. We have found that a problem-solving approach in, and beyond, Housing Court helps both tenants and landlords connect to resources to address challenges like building repairs and back rent.

Conclusion

By partnering with the Center, Council can go beyond transforming the justice system to cultivating vibrant and prosperous communities that center public safety and security for all its members. We thank the Council its continued partnership and are available to answer any questions you may have.

Notes

¹Swaner, R. & White, E. & Martinez, A. & Camacho, A. & Spate, B. & Alexander, J. & Webb, L. & Evans, K. (2020). Guns, Safety, and the Edge of Adulthood in New York City. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/gun-violence-NYC>

Ibid. at citation 1

²Center for Court Innovation. (2020). [ATI data file]. Retrieved from the Justice Center Application case management system.

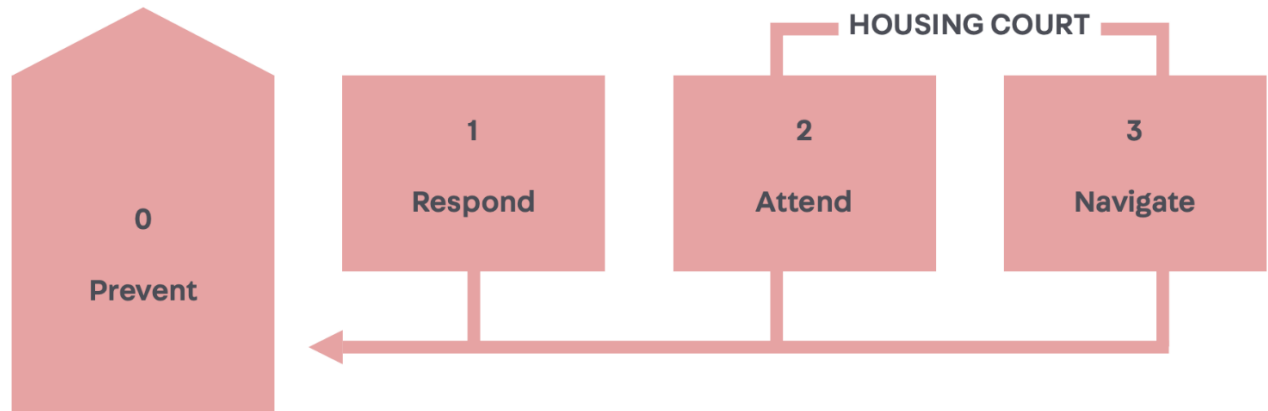
³Jaureguilorda, I. & Laurel, F. & Lopez, R. & Rotter, M. (2021). Eviction Prevention and Mental Health: A New Paradigm for Civil Justice Reform. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/eviction-prevention-mental-health>

Ibid. at citation 3

Appendix

A.

The Eviction Intervention Stage Model and Representative Interventions



- **Stage 0: Prevent**, in which housing stability is maintained through housing affordability and access to support services as needed.
- **Stage 1: Respond**, in which the person receives the first notice of the housing problem, e.g., rent non-payment or nuisance complaint.
- **Stage 2: Attend**, in which the person has to navigate the Housing Court process.
- **Stage 3: Navigate**, in which the person has to navigate the tasks necessary to address the complaint in between Housing Court hearings.



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Center for Court Innovation FY23 City Council Public Safety Proposal Summaries

Innovative Criminal Justice Programs Initiative

Center for Court Innovation General

- **Center for Court Innovation #128665 - \$1,000,000 (Renewal/Expansion)** This is an application to support the continuation of our alternative-to-incarceration, youth-diversion, and access to justice programs across all five boroughs in New York City. The Council's support allows us to serve tens of thousands of New Yorkers with mental health services, family development, youth empowerment, workforce development, and housing, legal, immigration and employment resource services. Our goal continues to be improving safety, reducing incarceration, expanding access to community resources and enhancing public trust in government to make New York City stronger, fairer, and safer for all.

Midtown Community Court

- **Midtown Community Court: Midtown Rapid Engagement Initiative (MREI) #128380 - \$403,060 (New)** Working in partnership with select NYPD precincts—namely Midtown South Precinct, the 10th Precinct, and the 20th Precinct—Midtown Community Court's rapid engagement pilot will offer individualized support to individuals who want to connect to services by stationing a Peer Navigator at each of the three precincts. The Peer Navigators will engage people as they are being released from the precinct after an arrest and support them through their case process, alongside a highly skilled case manager and social worker. The Midtown Rapid Engagement Initiative team will immediately engage individuals in need, assess their eligibility for pre-arraignment diversion programs (e.g., HOPE and Project Reset), and provide information about the court process. The team will use clinically informed best practices to help address any mental health, substance use, and other social service needs and connect individuals with local community-based organizations. This initiative will offer rapid support for justice-involved people, helping them to address needs while also resolving cases quickly and avoiding warrants.
 - **Also applied under Diversion Programs Initiative.**

Midtown Community Court

- **Midtown Community Court: Youth Diversion for Gun Possession #128360 - \$276,482 (New)** The Center for Court Innovation's (Center) Midtown Community Court

(MCC) will operate a Youth Diversion for Gun Possession initiative in collaboration with the New York City Law Department and Manhattan District Attorney's Office for young people charged with gun possession and related charges. This initiative is the first holistic diversion option for young people arrested for gun possession and employs a team of case managers and a credible messenger who utilize their own experiences to connect with young people and help to change their behavior while simultaneously attaching them to meaningful services. This proposal aims to expand a pilot currently underway at MCC into a longer-term initiative that serves a greater amount of youth on expanded eligibility.

- **Also applied under Diversion Programs Initiative.**

Alternatives to Incarceration (ATI's) Initiatives

Manhattan Justice Opportunities

- **Manhattan Justice Opportunities: Restorative Justice Program for Misdemeanant Clients #127632 - \$211,000 (New)** Manhattan Justice Opportunities—a court-based site operated by the Center for Court Innovation that provides social services as alternatives to jail and other sentences—proposes hiring two restorative justice facilitators to provide restorative justice programming as an alternative to incarceration for criminal cases that involve harm and have a need for healing. The restorative justice initiative at Manhattan Justice Opportunities, which is completing a pilot phase, brings together the harmed party and the person responsible for the harm to discuss the issues underlying the conflict, and the pathways for moving forward. The goal is to help resolve these conflicts, heal relationships, and reduce the parties' likelihood of future court-involvement. Cases that are eligible for restorative justice programming include interpersonal conflicts between people with ongoing relationships and hate crimes.
 - **Also applied under Diversion Programs and Innovative Criminal Justice Programs Initiatives**

Community Housing Preservation Strategies Initiative

Access to Justice

- **New York City Housing Justice Corps #128541 - \$1,346,497 (New)** The Center for Court Innovation proposes to launch a city-wide, community-based project dedicated to preventing evictions while promoting housing stability, affordability and tenant protections for vulnerable tenants and public housing communities through a network of trained housing navigators and mobile, pop-up events in all five boroughs.

Diversion Programs Initiative

Driver Accountability Program

- **Center for Court Innovation: Driver Accountability Program #128651 – \$985,000 (Renewal/Expansion)** The Center for Court Innovation's Driver Accountability Program offers a meaningful alternative to the traditional legal responses of fines, fees, and short-term incarceration for vehicular offenses in criminal court. The program builds on

Vision Zero's emphasis on enforcement and public education and uses principles of restorative justice to address the dangerous behaviors that are the primary cause of pedestrian fatalities. With support from City Council, the program currently operates at six sites in all five boroughs. A recent evaluation has highlighted the program's positive impact on participants' driving beliefs and behaviors. This application seeks funding to sustain those operations, as well as expand the program to fully implement its more intensive version, Circles for Safe Streets, which is a restorative justice program that brings together drivers and their victims for a process of accountability and healing in cases where traffic crashes have caused serious injury or death.

Felony Alternatives to Incarceration

- **Center for Court Innovation: Felony Alternative to Incarceration Program #128572 – \$1,976,516 (Renewal/Expansion)** The Brooklyn and Manhattan Felony Alternatives to Incarceration Courts, and Brooklyn Mental Health Court offer community-based interventions and rigorous judicial monitoring for felony cases (that are otherwise ineligible for drug, mental health, and domestic violence courts), which can decrease the use of jail and prison sentences and potentially lead to reduced criminal dispositions. The court is staffed by a team of resource coordinators, social workers, and mental health counselors who conduct independent assessments, prepare recommendations for programming and supervision, provide referrals to community-based providers, offer ongoing case management, supervision and compliance monitoring, and pilot new services, such as restorative justice interventions. The program and court part seek to significantly increase the use of ATIs, support and supervision offered to individuals charged with felonies and provide a model for jurisdictions across the country interested in enhancing public safety and reducing incarceration.

Project Reset Bronx

- **Center for Court Innovation: Project Reset #128410 - \$710,000 (Renewal)** Project Reset Bronx is a diversion program offering a new response to low-level arrests that is proportionate, effective, and restorative. The program offers people who are arrested for low-level, non-violent crimes and receive a Desk Appearance Ticket the opportunity to avoid court and the possibility of a criminal record by completing community-based programming. Participants engage in a one-time restorative circle discussion with community volunteers, during which they discuss their arrest, reflect on the impact of the incident, explore any underlying concerns or needs that may have contributed, and exchange stories that inspire a pathway forward. The circle process is designed to foster a sense of connection and renewed sense of responsibility to community, reducing the social and emotional isolation that contributes to contact with the legal system.

Domestic Violence and Empowerment (DoVE) Initiative

RISE (Reimagining Intimacy through Social Engagement) Project

- **Center for Court Innovation: RISE Project #128476 - \$100,000 (Renewal/Expansion)** This is an application for continued support of the Center for

Court Innovation's RISE Project. RISE is a part of New York City's Crisis Management System, working in partnership with Cure Violence sites to provide community-based intimate partner violence (IPV) prevention services in communities most impacted by gun violence and with a focus on individuals who may have gun violence linkages. RISE works to reduce IPV by engaging individuals who are causing abuse in voluntary programming to stop violence and change behavior; changing community norms to reduce tolerance for IPV; and training credible messengers to identify risk factors for IPV, promote healthy relationships, and connect community members who are in need of services to RISE. RISE incorporates components of Cure Violence and restorative justice models in its work.

- **Also applied under Criminal Justice-Diversion Programs and Innovative Criminal Justice Programs Initiatives**

Mental Health Court-Involved Youth Initiative

Brooklyn Mental Health Court

- **Brooklyn Mental Health Court: Court-Involved Youth Mental Health #126096 – \$150,000 (Renewal/Expansion)** The Court-Involved Youth Mental Health initiative of the Brooklyn Mental Health Court provides specialized support to youth ages 18 to 24, who have unique social and cognitive needs and who represent a growing percentage of the cases we serve. Since 2017, more than 126 youth in this age range have pled into the Court. Thanks to City Council support, we now offer monthly programming specifically for youth, including arts programs, movie trips, and meditation classes—all designed to nurture close engagement with our youth population to help them comply with their court mandates and avoid future contact with the justice system. Youth support groups are also offered on a weekly basis. City Council funding also supports our new Youth Engagement Specialist role, a bilingual member of our clinical team. Renewed funding will enable us to continue and strengthen our youth-focused programs, maintain our critical Youth Engagement Specialist role, and provide meaningful activities and healthy meals and snacks to our participants, fostering close relationships that help youth to lead healthy, law-abiding lives.

Queens Community Justice Center - Jamaica

- **Queens Community Justice Center: UPLIFT #128327 - \$100,000 (New)** To address the high levels of exposure to community violence and trauma among young men of color in Queens, QCJC piloted UPLIFT in FY22, a program that provides that provides trauma and healing services to justice involved male youth and young adults ages 18-25. By offering client-driven individual therapeutic sessions and supportive group workshops, case management and victim services assistance, and advocacy and mentoring participants are supported to recognize, process, and heal their own trauma, resulting in better life outcomes. QCJC requests funding to continue and expand this critical work.

Staten Island Justice Center

- **Staten Island Justice Center: Justice-Involved Youth Wellness Initiative #129888 - \$160,000 (Renewal/Expansion)** This is a renewal proposal for Staten Island Justice Center's Youth Wellness Initiative, a program that provides robust mental health services that address trauma and promotes healing for young people on Staten Island involved in the justice system or at-risk of justice system involvement. Participants will be provided mental health assessments by a clinician who will create engagement plans based on the needs that are identified in the assessment. Youth will also participate in a 10-week long workshop series focused on addressing the impacts of trauma and promoting healing facilitated by a mental health professional. In addition to group sessions, youth will be offered a menu of services such as individual short-term counseling, peer mentorship, restorative justice circles, and/or civic engagement opportunities as determined clinically appropriate to address underlying needs that spurred justice system involvement. Additionally, this proposal will be geared towards providing support to the families by supporting the parents and caretakers of youth enrolled in the initiative.



DARCEL D. CLARK

THE DISTRICT ATTORNEY
BRONX COUNTY

March 15, 2022

Speaker Adrienne Adams
New York City Council
City Hall
New York, NY 10007

Dear Speaker Adams:

On behalf of the Bronx County District Attorney's Office, I am writing in support of key Center for Court Innovation ("The Center") FY23 City Council applications. Funding will expand alternatives to incarceration for more cases, provide mental health support and early diversion, as well as aid programs that address the intersectionality of intimate partner violence and gun violence. Funding will also provide restorative re-entry support for individuals and their families, pre-court eviction prevention options, and innovative pilot programs that address pressing needs in communities within the Bronx. These programs will enable the Bronx to move towards our shared vision of reducing unnecessary and harmful involvement in the justice system wherever possible and allow us to build public safety through sustainable community-driven solutions.

To address the issue of street safety, I support the continuation and expansion of the **Driver Accountability Program**. The essence of this program is to provide a constructive and restorative response to dangerous driving and improve the risky driving behavior of people charged with driving-related offenses in criminal court. The Driver Accountability Program is accepting pressing cases which addresses cases involving deaths, victim mediation, and prison sentence mitigations.

The Center's pre-arraignment diversion model, **Project Reset**, re-directs New Yorkers with misdemeanor arrests from the court system. This is done through community-based programming. Project Reset also provides access to opportunities by offering relief from the collateral consequence's participants might otherwise experience if arraigned for a low-level crime. Some examples include legal discrimination in housing, immigration, and employment matters, or even a bench warrant for failing to appear in court. The City has just released its request for proposals for citywide Project Reset for FY 2023, which includes the Bronx. In order to improve Project Reset outcomes, I ask that the Council provide supplemental funding to enhance outreach with Project Reset participants at the precinct level.

The Bronx County District Attorney's Office partners with the **Bronx Child Trauma Support** program to support the provisions of clinical assessment and treatment of child victims and

witnesses to crimes in the Bronx. I request the Council continue its support of these direct services conducted through evidenced-based and trauma-informed intervention models designed to prevent or reduce post-traumatic stress symptoms, suicidality, re-traumatization, and future victimization.

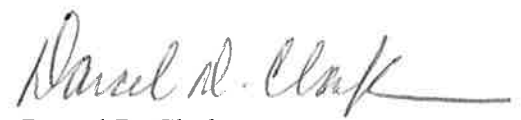
The Center's **Bronx Human Trafficking Intervention Court** (HTIC) referrals continue to decline. Therefore, I urge the Council to continue funding the Center's pilot program, **Bronx Project Healing and Empowerment through Advocacy and Leadership** (HEAL). Project HEAL is a survivor leadership and peer support initiative for human trafficking survivors. It is being developed to engage survivors voluntarily and non-voluntarily. Project HEAL also allows survivors to self-advocate for the change they want to see through programming that involves education, advocacy, and leadership skill building, allowing survivors to meaningfully reimagine systems.

I urge the Council to continue supporting the Center's **RISE Project** which provides community-based intimate partner violence prevention services in communities most impacted by gun violence. RISE works to reduce intimate partner violence by engaging individuals who are actively volunteering in violence prevention programs. Such programs help to stop violence and change behavior by changing community norms to reduce tolerance for violence, and training credible messengers to identify risk factors for intimate partner violence.

Finally, I request that the Council continue to fund the Center's **Innovative Core Funding**. The Center uses this funding to respond to the immediate needs of the Bronx residents by piloting novel and effective approaches to anti-gun violence, victim services, mental health integrations to diversion, and other pilots to test for scalable solutions.

The Center has a long and documented history of conducting original research and operating direct service programs in the Bronx. Their mission to promote equality, dignity, and respect in communities aligns with my Office's vision. Together we can reimagine a fairer and more holistic approach to justice. We can do this by reducing incarceration and convictions as well as by building substantial and meaningful community-based support. I strongly encourage the City Council to consider funding each of the Center's programs which will ultimately enhance fairness, accountability, and safety for the people of the Bronx.

Sincerely,

A handwritten signature in dark ink, appearing to read "Darcel D. Clark", with a long horizontal flourish extending to the right.

Darcel D. Clark



Written Testimony of the Center for Family Representation

The New York City Council Committee on Public Safety

March 18, 2022

This testimony is submitted by the Center for Family Representation (CFR) a “family defense provider” and a provider of criminal defense, immigration defense and civil (housing and public benefits) defense. We thank the Public Safety Committee for the opportunity to testify about the critical services our agencies provide to New York City and the need to ensure that these services are fully funded. Our office is the primary, county wide, assigned indigent defense provider of mandated legal representation to indigent parents in Article 10 cases filed in family court in Queens and Manhattan.^[1] Along with Bronx Defenders, Brooklyn Defenders Services and Neighborhood Defender Services of Harlem, we have created a model of interdisciplinary representation for parents charged with neglect or abuse and at risk of family separation. (And this written testimony is excerpted from testimony submitted by the four providers to the General Welfare Committee on March 9, 2022.

Our model, which is employed similarly across providers, provides comprehensive representation to low- and no-income parents through teams of attorneys, social workers and parent advocates, is nationally recognized as the most effective model of representation of its kind.^[2] Together, we have prevented thousands of children from needlessly entering and languishing in the foster system and have reduced the foster system census in New York City by almost 50%.^[3] This translates to nearly \$40 million in annual savings in foster system expenditures for New York City,^[4] and the preservation of family bonds that are priceless to our clients, their children, and society at large.

Defenders and parent advocates have followed the leadership of directly-impacted people and adopted the phrase “Family Regulation System” to describe what has traditionally been called the “child welfare system” or the “child protection system,” to reflect the system’s prioritization of and roots in surveillance, punishment, and control rather than genuine assistance to and support of families living in poverty.^[5] The primary goal of our representation is to provide high quality legal representation to parents in high stake family regulation cases and ameliorate the

underlying issues that drive families into this system, such as lack of access to quality health and mental health treatment, basic necessities and appropriate education and services for children with disabilities. We also aim to reduce the harm of the consequences of system involvement, such as criminal charges, housing and income loss, education issues and inability to adjust immigration status. Collectively we represent over 12,000 respondent parents each year. Since New York City first contracted with institutional providers to represent parents in 2007, we have represented more than 40,000 parents in family court, touching the lives of more than 80,000 children, the vast majority of whom are Black and Brown and live in the most marginalized, low-income communities in New York City.

Since fiscal year 2020, we have also provided two critical additional services to low-income parents, made possible only with City Council funding of the Right to Family Advocacy Project through the Family Advocacy and Guardianship Support Initiative:

- First, we provide support, guidance, and legal counsel to parents during an investigation by the Administration for Children's Services (ACS), with the primary goal of preventing family separation and unnecessary court filings.
- Second, we provide legal representation in administrative proceedings to help parents clear or modify their Statewide Central Register (SCR) records that result after ACS investigations, thereby preserving and expanding their employment opportunities.

The City Council plays an important role in monitoring the provision of ACS's services and in ensuring that the families affected by ACS involvement have legal representation that is adequately funded to achieve positive outcomes for families. Our testimony addresses the importance of adequately funding the family defense offices' provision of legally mandated representation to parents charged with abuse and neglect. Specifically,

- **We are asking the City to add to the mayor's budget \$40 million to be distributed across our organizations so that we can begin to meet the standards for parents' attorneys issued by the New York State Office of Indigent Legal Services in 2021 and to guarantee the services and representation our clients need and deserve when facing family separation; and**

I. The City Should Adequately Fund Mandated Institutional Representation for Parents in Article 10 cases

The family defense offices provide an essential service on behalf of the City, fulfilling its legal mandate to provide legal representation to parents who cannot afford to hire an attorney. The model also saves the City millions of dollars by reducing the time children spend in foster placements, shrinks the foster system which disproportionately harms families of color, and provides needed support to families.

A. Providing Interdisciplinary Representation reduces the time children spend in the foster system.

In New York, parents charged with abuse or neglect in family court are legally entitled to an attorney if they cannot afford one, both by statute and under the New York State Constitution.^[6] In 2007, New York City dramatically changed its parent representation system by offering contracts to multidisciplinary organizations which employ lawyers, social workers, parent advocates, and investigators and have expertise in a wide range of legal matters including housing, public benefits, mental health, criminal justice, educational law, and immigration defense. Since 2007, our offices have represented the vast majority of parents in Article 10 proceedings and all related matters, including interim appeals, custody, visitation, family offense, paternity and Termination of Parental Rights (TPR) proceedings.

Over the last 13 years, our offices have developed family defense practices that serve as a state and national model and have been recognized as the most effective model of representation for parents in family regulation cases.^[7] The Commission on Parental Representation, established by Chief Judge DiFiore to examine the state of representation for indigent parents in New York State, issued an interim report in February 2019 following extensive hearings, recommending that New York City's model of parent representation in family regulation cases be adopted state-wide. The Commission concluded that:

the best chance of successful implementation of its recommendations is through statewide expansion of institutional providers and attorneys specializing in child welfare law. The use of attorneys dedicated to, and proficient in, such representation would improve the quality, efficiency, and cost-effectiveness of parental representation statewide.^[8]

The benefit of New York City's contract with family defense providers to fulfill the mandate of parent representation cannot be overstated: our work dramatically reduces the number of families separated by ACS as a result of an investigation, as well as the amount of time children spend in the foster system.^[9] Our offices actively litigate emergency hearings under Family Court Act §§ 1027 and 1028, to ensure that children never enter the foster system unless absolutely necessary and, if they do, that the amount of time they spend in the foster system is as short as possible.

After the start of the Article 10 case, our interdisciplinary teams fight at every stage to achieve family reunification as quickly as possible and maintain it, through advocacy at case conferences, active motion practice, investigation of the facts, and the litigation of fact finding, disposition, and visitation and permanency hearings. Adequately resourcing interdisciplinary family defense representation also ensures that the court is provided with all the information necessary to properly follow the law in maintaining family relationships. Zealous in-court representation with additional out-of-court advocacy and support of families is the only way to secure the rights of parents and children while ensuring the fairness and effectiveness of the family regulation system.

Our effectiveness in reducing the length of foster system involvement is well documented. The largest study of parental representation in family court ever conducted found that holistic, interdisciplinary institutional representation in New York City significantly reduces the time children spend in the foster system.^[10] This study compared length of foster stays for the children of BxD, BDS, and CFR's clients with the children of parents who were assigned solo attorneys pursuant to Article 18-b of the County Law, Indigent Defense Legal Panel Plan. The study found that representation by multidisciplinary providers reduced children's time in the foster system by nearly 4 months during the 48 months following the filing of the petition, through earlier reunification outcomes translating to up to nearly \$40 million in annual savings in foster system expenditures for New York City.^[11] According to the study, these outcomes were achieved without any difference in safety to children between the two groups.^[12]

B. Most Article 10 cases stem from poverty and its related stressors, and families benefit from the support services the family defense providers offer.

The vast majority of our clients are facing allegations of neglect, not abuse. These cases are poverty-related and the allegations often include poor or unstable housing conditions, income and food instability, allegations that children are not attending school, domestic violence in the home, excessive corporal punishment or inadequate childcare. Many of our clients struggle with untreated underlying mental health and/or substance use disorders which are exacerbated by the stress of poverty, or are facing other challenges, such as cognitive disabilities. Many of our clients are or were in the foster system themselves.

While our clients may face challenges that impact their ability to keep their families together, research and our experience shows that the vast majority of these families suffer more trauma and deeper harm from being separated than from staying together with support systems in place. Family separation is traumatic for children and causes short and long-term harm,^[13] and the state's highest court has recognized separation as a harm to children.^[14] When children are separated from their parents for a long period of time, studies have shown that they remain on high alert, and their bodies endure prolonged and severe toxic stress as a result. If continuously

exposed to toxic stress over time, damage done to the child's brain cannot be mitigated.^[15] Quality representation for parents prevents needless harmful family separation, brings children home as soon as possible, and ensures that beneficial, family strengthening services are in place. As a result of our representation, many of our clients' families stay intact during the pendency of the legal case while the parent, child, and family receive needed services.

Fewer than 10 percent of our cases involve allegations of abuse. These cases involve more serious allegations, and these children often are removed from their families immediately. These are some of our most complex cases and often require extensive litigation and expert testimony as well as full investigations to uncover claims of innocence, underlying medical explanations of apparent injuries, or mitigating factors. Our offices are staffed with highly qualified, experienced and zealous attorneys that are ready to litigate more complicated claims and protect the due process rights of our clients.

C. Interdisciplinary Representation Reduces the Harm of Structural Racism Inherent in the Foster System

The Foster system is a system that punishes, controls, surveils, and forcibly separates low-income Black and Brown families in numbers strikingly disproportionate to the portion of the overall population of New York City. Just like our modern police systems are directly descended from slave patrols, the Family Regulation System comes from our country's history of separating Indigenous, Black, and low-income children from their families.

The Family Regulation System's origins are in the separation of enslaved Black children and parents to profit from their labor, and in the government-supported separation of indigenous children from their parents meant to destroy the Indigenous communities whose land the government was seeking to colonize. The System continued with "Orphan Trains" of the late 1800s and early 1900s, when The Children's Aid Society, still in operation in New York City today, separated thousands of poor Italian and Irish immigrant children from their families, and sent those children to the Midwest to work in indentured servitude. Family connections in impacted communities were considered inferior and therefore breaking those connections was considered to their, and more importantly, to society's benefit.

The Family Regulation System we fight today is rooted in this history, but its funding did not explode until public assistance programs were slashed in the 1980s and 1990s in response to Black families having the audacity to demand equal access to social programs through civil rights struggles of the 1960s. These cuts were coupled with billions of dollars in new funding for the foster system. In 1981, the federal foster system budget stood at less than \$500 million. By 2003, it was at \$4.5 billion. With this huge increase in funding, Family Policing agencies

targeted the Black community, using the same racist and classist logic motivating the War on Drugs and the cuts to public assistance.

Research from all corners, from the Federal Children’s Bureau to the National Council for Juvenile and Family Court Judges to numbers reported by ACS itself, demonstrates that Indigenous, Black, and Brown families are disproportionately represented in reports, investigations, and prosecutions by the Family Regulation System and that Indigenous, Black, and Brown children are disproportionately represented in the foster system. This is not the work of a few bad apples. These outcomes, demonstrated reliably and consistently across a variety of social research, are a result of structural racism masquerading as social betterment.

When the communities we represent are investigated by ACS, caseworkers often use misinformation and the threat of family separation and police involvement to coerce vulnerable families to relinquish their constitutional rights before a court is even involved. Hospitals target pregnant low-income Black and Brown parents to drug test them without consent, regardless of whether there are any actual child safety concerns, a legacy of the now-debunked racist “crack baby” myth. The Family Regulation System empowers the violence of greedy landlords, jilted lovers and vengeful family members by allowing anonymous reports to be filed, leaving families to pick up the pieces after the resulting intrusive investigations.

All of these processes function as a broad “stop and frisk” dynamic that entangles low-income Black and Brown families into a system that, more often than not, tears them apart. Just as this city could not function without the important work of our public defender colleagues in criminal court, the work we do to provide representation to parents in family court and as part of City Council’s Right to Family Advocacy Initiative is an essential service for the most vulnerable of New York City’s families.

D. The family defense model provides consistent high-quality representation through the following key elements:

Interdisciplinary practice: Our interdisciplinary practice, which treats lawyers, social workers, paralegals, and parent advocates as equal partners in our client-centered representation, is the key to our success. Parent Advocates are often parents with lived experience of child welfare involvement, “credible messengers” that offer peer-to-peer support for parents experiencing the family regulation system. Social work and parent advocate support is vital to addressing the complex needs of our clients and ensuring that we support them both inside and outside of the courtroom. Social workers and parent advocates support clients through every step of their family court case, often meeting them on their first day in court and connecting them immediately with services, such as domestic violence shelter placement, family therapy, education consultants, substance abuse treatment, mental health services, or other vital resources

needed to avoid family separation. Paralegals help attorneys file motions, in particular, motions seeking the return of children home or increased visits which are so crucial to family reunification, assist attorneys with obtaining, digesting and organizing discovery, draft subpoenas; help with appeals and assist with intake of new clients.

Social workers, parent advocates, attorneys and clients work closely as a team to develop a legal strategy and a service plan based on the client's goals and the needs of their family. Unlike ACS caseworkers, defense parent advocates and social workers center parents in solutions for their families and work to support the family together, rather than through separation or the threat of separation. Social workers perform comprehensive and on-going family assessments that help identify the family's needs to ensure that appropriate services and interventions are put into place. Social workers advocate for clients at ACS and foster-care agency conferences and collaborate with attorneys to ensure continuity between in-court advocacy, agency practice and the evolving circumstances of our clients' lives.

One of the most important roles of our social work and parent advocate teams is to build trusting relationships with clients and ensure their voices are heard outside of court. Social workers and parent advocates attend ACS and foster agency conferences across the five boroughs to advocate for appropriate visitation and service plans that meet the needs of the individual family and move the case towards family reunification. Our out-of-court staff use their deep understanding of each individual client's situation and their encyclopedic knowledge of New York's social services landscape to connect parents with the material resources they need to care for their children, and help parents navigate the shelter and benefits systems. Social workers also help mediate and problem-solve issues that can arise between clients and ACS and foster agency workers, foster parents and/or service providers.

Our offices develop close relationships with community-based programs serving New York's immigrant communities in order to connect clients to culturally competent service providers and access to services in their native language. For clients who do not qualify for medical insurance, our social workers identify programs that will accept clients on a no-fee basis.

Supervisory structure: Our supervisory structure is also critical to the quality of our representation. Our structure provides accountability and ensures that our staff is providing high quality representation and operating efficiently and effectively to achieve client goals. Supervisors ensure quality control through in-court and out-of-court supervision, review of legal filings and trial preparation, and performance evaluations. Supervisors become familiar with clients' cases and can respond in emergencies; step in to cover hearings, conferences, or motions; and provide continuity when attorneys or advocates leave the practice. The supervisory structure

also provides a mechanism for clients or other stakeholders to provide feedback on staff performance. It is critical to quality representation and efficient court operations.

Training of staff: Our extensive and in depth training of new staff imparts the information and skill-building they need to provide high quality representation in a complex area of law from the very start. Our offices provide extensive training programs for new attorneys, social workers, and parent advocates covering every aspect of Article 10 proceedings, including both substantive law and practical litigation skills for attorneys. Our offices also collaborate to present regular workshops and trainings to enhance staff's professional development and build on their substantive knowledge and skills.

Language access: Our offices recruit staff from different backgrounds who speak many languages because clients greatly benefit from working with staff who speak their primary language. Bilingual staff also develop contacts with community-based agencies and are familiar with a client's cultural or religious background, a factor which is often relevant in an Article 10 case. Attorneys who can communicate with clients in their primary language enhance the attorney-client relationship and vastly improve the quality of representation.^[16]

Specialized expertise in substantive areas: Over time our offices have identified attorneys and social work staff who specialize in particular areas of law or practice, thereby developing skills and institutional knowledge and improving the quality of representation and making our practice more efficient, including expertise in appeals, custody, Termination of Parental Rights (TPR), education, immigration and medically complex matters.

Motion practice: Our offices leverage our institutional knowledge to great advantage with our robust motion practice. We improve efficiency by maintaining databases on model briefs and motions. Attorneys use these models as starting points to engage in zealous motion practice in settled and emerging areas of the law. For clients seeking to reunify with their children, our motion practice keeps the process moving forward. Attorneys regularly file motions to compel ACS to provide our clients with necessary services, including in the client's primary language, and to increase visitation. For our clients whose children are home and who face meritless neglect allegations or where the aid of the court is no longer necessary, we file motions seeking dismissal. We also file motions to seek the end of supervision of cases where the family has completed services and there is no longer a child safety concern nor need for court involvement. Our highly skilled motion practice helps resolve cases more quickly and helps speed up reunification.

Technology/data that provides accountability: Our offices have online case management systems, developed and improved over many years, enabling our offices to produce data on client demographics and court procedures and outcomes for the City, ensuring accountability.

These systems also allow staff members to access up-to-date information on cases, enhancing our ability to respond to frequent emergencies, and enable our attorneys and out-of-court advocates to share information about cases. Our relationship with the court has allowed us to access court data as well, which enhances our ability to advise clients and ensure our records are updated.

Collaborations with the court and other stakeholders: When it is to the benefit of our clients, our offices are involved in numerous collaborations with the court and the players in the family regulation system with the goal of improving efficiency in the court system and enhancing outcomes for children and families. We meet regularly with court personnel to discuss issues of shared concern regarding the effective operation of family court. We are involved in ongoing, fruitful collaborations with ACS and attorneys for the children to decrease the number of children unnecessarily removed from their homes without court orders, expand visitation between separated parents and children, improve access to housing assistance for ACS-involved families, design and implement fair and effective guidelines for working with parents affected by mental illness, enhance access to preventive services tailored to parents with intellectual disabilities, and increase families' access to services in their primary language.

Leveraging pro bono and law school and social work resources: Our offices expand our limited resources through collaborations with the major New York City law firms which co-counsel with us on some of our most complex cases. Clinics from the New York City area law and social work schools also greatly enhance the efficiency of our practices with added resources to support the work of our attorneys and social workers.

II. The City must ensure that family defense offices are fully funded to meet caseload standards developed by the State's Office of Indigent Legal Services by increasing the City's budget for this work by \$40 million.

Despite nearly 15 years of excellent interdisciplinary representation that has saved the City millions of dollars in foster system costs and the vast improvements our model has made to parent representation, the City has never adequately funded and supported parent defense. Unlike the area of criminal defense which has seen a statewide effort to vastly improve the quality of legal representation, parent defense funding has not been sufficiently funded. Recent caseload standards implemented by New York's Office of Indigent Legal Services^[17] make clear what we have been arguing for years: our contracts have been deeply underfunded, putting at grave risk the benefits of our model of representation for both the City and our clients. It is imperative that the City Council work with the Office of Management and Budget (OMB) and the Mayor to appropriately fund our contract in the FY 2023 budget that is passed on June 30, 2022.

A. Recent caseload standards developed by the State's Office of Indigent Legal Services require that family defense budgets more than double in size.

The underfunding of our contracts is clear from the caseload standards that were recently announced by The Office of Indigent Legal Services (ILS). Following the recommendation of the Commission on Parental Legal Representation in June 2021, ILS developed *Caseload Standards for Parents' Attorneys in New York State Family Court Mandated Representation Cases* (ILS Caseload Standards). ILS is a state agency with a legislative mandate to analyze and set standards for indigent representation. They developed the standards in collaboration with the Office of Court Administration and Welfare Research Inc. The standards are based on a multi-prong statewide study that articulates the minimum attorney hours required to provide effective representation. The ILS caseload standards presume that the holistic, interdisciplinary approach employed by all of our practices will continue. But the failure of New York City to provide us with adequate funding compromises our ability to sustain this model and will result in our inability to provide effective representation to clients facing an unfair, racially-biased system which targets poor people of color.

Based on our average intake over the last three years, our budgets cover less than half the staff required to meet the ILS standards. The ILS standards have confirmed what we have testified to in prior years: the current contract budget is insufficient to meet the needs of our practices. The City must meet its obligation to provide adequate funding to bring us into compliance with the new guidelines.

B. Funding for Article 10 contracts has remained stagnant for the last five years, risking the well-documented benefits of our model of representation.

The City has only issued two RFPs in the history of organization-based parent representation. The first RFP in FY 2007 established the interdisciplinary model of representation in New York City. At the time, the City had no data about how much Article 10 representation would cost. It had no information about how long cases would last, what an appropriate caseload would be, the number of supplemental petitions per client, how many court appearances would be required, or the variability of intake each year. At the time of the second RFP in 2013, the City attempted to incorporate the experience of the first six years; however, since half of the cases that our offices had picked up in the first six years were still pending at that time, we still did not have a full picture of how long cases would last.

We have been operating under the second RFP since FY14.^[18] In FY16, ACS began filing approximately 40% more petitions than in prior years. The Mayor's Office of Criminal Justice (MOCJ) increased our budget in FY16 to cover these additional cases, however, the increase was not baselined. As a result, each year since 2016, we have had to advocate with MOCJ just to

maintain our budget instead of reducing our budget. MOCJ has then reinstated the 2016 level of funding each year through the contract amendment process. MOCJ again has not assured us it can do the same for FY23, nor have we received any assurances that the City is prepared to provide the influx of funding that is needed to reach the ILS Caseload Standards for FY23.

Our practices have collaborated with the City to pursue every available avenue for funding, including newly available federal Title IV-E funds. The initiation of the Title IV-E process provides an opportunity for the City to add to our budgets based on the expected reimbursements from the federal government. We have been working with the City to maximize the federal grant, including by sharing information for the Quality Enhancement Plan due on April 1, 2022.

We have also advocated at the State level for assistance in achieving sufficient funding for our work. Parental representation in Article Ten and TPR cases have not not been funded by the State, even though the State has helped New York City pay for adequate representation for people who are arrested and facing criminal charges.

Whether or not federal or state funding comes to fruition, the City is mandated with the obligation to provide adequate services for this function by law. The only way for the City to meet this responsibility is to increase funding for our contracts immediately. The City Council should demand that the Mayor's budget be amended to add these funds to the City budget in FY23.

C. The budget shortfall is more acute because of the court backlog and the pandemic.

The budget shortfall has been made more acute over the past two years as the backlog created in the courts, which has been significantly worsened by the pandemic, has made it more likely that clients will face supplemental proceedings; when it takes longer to resolve a case, there is a greater likelihood that additional matters—TPR petitions, custody petitions, and new allegations of neglect—will be filed against a client, creating an expanded need for critical casework outside of court by our social workers and other support staff to achieve positive outcomes in our cases.

Historically, almost half of ACS petitions sought solely court-ordered family supervision. In this scenario, the children remain home and the family court supervises the family and ensures compliance with a service plan. Since the beginning of the pandemic, however, ACS has only filed petitions in cases in which they seek to remove children and separate families. Cases involving family separation are far more resource intensive and make up the bulk of our current workload. While the absolute number of ACS filings has decreased since the pandemic, our offices represent the same number of separated families working to reunify. Even as family court has gradually expanded its virtual capacity, our ability to vindicate our clients' due process rights

remains dramatically limited due to court restrictions. This is particularly true for those hearings in which we advocate for children to leave the foster system and reunite with their families. Family court has adjourned hundreds of cases for several months in the future despite our efforts to progress them. These limitations and delays only make it more likely that complicated supplemental proceedings like TPRs and custody petitions will be filed. The work required to reduce the backlog will be time consuming, complicated and staggering in scale. It is essential that we are fully staffed and prepared for that eventuality.

D. Active pending caseload drives workload and demonstrates the need for caseloads consistent with ILS Standards.

Our Article 10 contracts are based on the numbers of clients we represent (not the total number of cases which is many more than the number of clients), and our obligation is to represent every client on every related matter until each matter is resolved. Article 10 cases last on average two years; therefore our organizations carry pending client cases from prior years in addition to the regular intake of new clients as we enter each new fiscal year. Our staff's workload depends on the number of clients they are serving at one time, not just the number of new clients they are assigned at intake. Even with our best efforts to expedite our clients' cases, there are many factors that prolong the outcome of cases.

Each client has an original Article 10 case, which could involve several petitions or children, often with their own unique needs. Throughout the course of representation in the proceedings, additional petitions may be filed involving children born after filing of the original petition but while it is still pending; petitions alleging violations of orders of protection, ACDs, or dispositional orders; custody cases; family offense cases; paternity cases; and/or TPR cases. In addition, as part of our representation on the Article 10 case, attorneys are responsible for litigating interim appeals, which are litigated on an expedited time frame, and are often filed by ACS when our offices prevail at emergency hearings. Our offices are responsible for handling all of these related cases for each client.

Despite our efforts to expedite resolution of our clients' cases, the average length of time we work with clients (to see all their cases to resolution) is over two years and many cases last substantially longer. Representation typically requires an increasing amount of work as the case progresses and supplemental proceedings are filed. Our caseloads include substantial numbers of clients with cases that are over two years old: BxD (29%), BDS (41%), CFR (43%), and NDS (41%). Over time, the number of clients whose cases are older and therefore more complex has grown to represent increasing percentages of our agencies' pending caseload. To cite one data point, at CFR in FY18, approximately 15% of clients still had matters pending after 36 months; three years later, at the end of FY21, 26% of clients had matters pending longer than 36 months. Similarly, in FY 18, approximately 8.4 % of BDS clients had cases that were over three years old

and today 21.3 % of the clients have cases that are over three years old - a huge change in the caseload.

Our clients' older cases require just as much ongoing attention and advocacy as newer cases do, in fact they often require more work than newer cases because of their complexity. At a minimum, we are appearing in permanency hearings every six months on the original Article 10 petition and on any Article 10 petitions filed on children born during the pendency of the first petition. These hearings can be extensive, such as when we are seeking family reunification or unsupervised visits over the agency's objections, or where there are a number of children with different legal statuses, placements, and permanency goals. Although the Family Court Act requires that permanency hearings be completed within 30 days, permanency hearings often are adjourned for many months at a time and require multiple half-hour appearances to complete. With only some limited exceptions, federal law requires that if a child has been in the foster system for 15 out of the most recent 22 months, a TPR petition be filed. TPR petitions are often filed while we are litigating permanency hearings. The TPR proceeding itself will involve extensive discovery and litigation and can take years to complete. TPR proceedings themselves can also result in even further litigation, such as appeals and violation petitions. Because of the complex needs of families whose children spend a long time in the foster system, these cases require extensive social work advocacy outside of court.

Article 10 cases and related supplemental proceedings take a long time to resolve because families' lives are constantly evolving. For family court involved families, otherwise ordinary changes in life circumstances such as a death or illness in the family, loss of a job or housing, or the birth of a child, often result in new litigation. In addition to permanency hearings and TPR cases, litigation at this late stage of a case can involve ACS violation petitions, motions to restrict visits, motions to separate reunited families, and/or motions to change placement of the children when there is a change in the foster family situation. Our attorneys file motions for family reunifications, for payment for needed services, and motions for expanded visitation. The information our social workers and parent advocates gather through out-of court-advocacy often informs the motions filed by our attorneys. Funding must take into account the long length of Article 10 and related cases and ensure that parents have attorneys and advocates with the time and resources necessary to provide them with high-quality representation at every stage of their case, no matter how long their case lasts.

E. COVID-19 has caused an increase in our clients' needs and resulted in a growing backlog of court cases having a detrimental impact on workload and pending caseload.

The work we do as family defenders is challenging to begin with—day in and day out we provide compassionate, effective, and zealous advocacy for our clients, many of whom are

separated from their children, the most harrowing experience a parent could have. The various ways in which the pandemic has changed our work has made it much more difficult.

Before the pandemic, our initial contact with clients was in family court, face-to-face, when clients came to court because they were told by ACS that a case would be filed. We would meet with clients and walk them through the intake and arraignment process, advocating with ACS every step of the way. Our clients were able to quickly develop the trust needed to delve into their personal lives in part because they were able to read all the non-verbal cues that communicated that we were competent, passionate advocates with positive reputations in court. We were able to make eye contact with our clients and reassure them that they could trust us to fight as hard as we could to keep their families intact. In the pandemic, our initial attempts to contact clients often result in endless ringing and unanswered voicemails. When we can reach our clients, we are not much more than a disembodied voice on the other end of a call from an unrecognized phone number. It takes so much longer to build trust and rapport, which makes it that much more difficult to get the information from clients that we need to effectively advocate for them.

In cases where families are separated, our clients are granted visitation with their children by family court, often—at the request of ACS—initially supervised by ACS, a foster agency, or a family member. For these separated families, the court and ACS often require significant supervised visitation before expanding to partially supervised visitation, then to unsupervised visits, overnight visits, extended visits, and ultimately reunification. This process can take months, sometimes years and requires persistent motion practice by our offices. Throughout the pandemic, supervision of visits by ACS has been unreliable at best, and nonexistent at worst, resulting in extremely inconsistent visitation between parents and children and unnecessary delays of reunification. Initially, ACS required that all visitation be held virtually. While video visitation was a lesser but workable alternative for families with older children, younger children, for whom maintenance of the parental bond is so much more important, did not have the attention span to spend more than a few minutes on a video chat and therefore could not meaningfully spend time with their parents for many months. When new variants emerged with waves of infections ravaging our city, and when vaccines were mandated for city employees, visits were canceled, delayed, reduced, or made virtual for lack of staff to supervise, delaying reunification.

In almost all of our cases, ACS requires our clients to engage in services such as individual therapy, dyadic and family therapy, parenting instruction, and in some cases anger management courses and treatment for substance misuse, regardless of whether they have been found to have engaged in any wrongdoing. If family court makes a finding against our clients, they are often required to do similar services. For clients whose children have been separated from them, these services can be especially important, as compliance with services is often the material that paves

the way to reunification, along with visitation. During the pandemic, unfortunately, many service providers drastically reduced their capacity, canceled services for significant periods of time, or closed altogether, leaving our clients unable to work towards reunification and/or unable to comply with court orders requiring engagement in services, both circumstances leading to delay in family reunification and resolution of cases.

As the family court limped towards creating protocols and processes for conducting virtual court proceedings, our respective staff met the challenge, litigating virtual hearings and trials from their homes. These trials are a pale comparison to in-person proceedings and greatly hamper our client's due process rights. Although our staff has adjusted and risen to the challenge, regular technological issues, including the inability of the court to admit parties and attorneys from the virtual waiting room, uncooperative computer microphones and cameras, background noise and feedback, and subpar bandwidth in our clients homes have made and continue to make ordinary trial procedures, like cross-examination, use of an interpreter for non-English speaking parties, objections and admission of evidence, incredibly difficult, inefficient, and time consuming. Again, the absence of non-verbal cues of the courtroom, such as where each party and attorney sits in relation to the judge and the presence of court officers and clerks, has made it difficult for our staff to help clients navigate the process. Where we would have leaned over and whispered assurances to our client during a difficult moment in a proceeding, we now text and message them, and hope they are able to access our communication while they also pay attention to what is happening in the proceeding. Many clients have complained that during virtual court, they don't know who everyone is, who is talking or what is happening, leaving them confused and hopeless after court appearances. Most difficult has been defending against TPR petitions, where so much is at stake, but we only have the milquetoast facsimile of virtual court in which to vindicate our client's rights and keep their families together.

These extreme challenges in doing the basic work in the pandemic combined with the isolation of working from home, has led to very high rates of attrition across all our practices. When an attorney or social worker leaves a family defense practice, their cases must be transferred across remaining staff. Although a case can easily be transferred, the relationship between advocate and client cannot and both have to work very hard to once again build trust and cooperation, sometimes in the middle of a consequential moment of the case. Finding the time and bandwidth to dedicate energy to building a new foundation with a client whose case has been transferred can be very difficult to do as most attorneys are already representing far greater numbers of clients than recommended by ILS when they receive these transfer cases. Bandwidth and capacity of staff continues to spread thinner, resulting in more attrition, spinning this cycle faster and faster. New staff are hired, but many are recent graduates who don't immediately have the capacity to take on a full caseload or the demands of more than a few transfer cases.

There is no quantitative or qualitative metric that can capture the cascading impact this pandemic is having on New York City's families with ACS involvement. All of these changes have amplified the gravity of separation between parents and children in the foster system and, by default, increased the length of stay for children in the system and, as a result, the likelihood of a TPR petition being filed. Our continued ability to work around these obstacles and implement creative solutions is more critical than ever.

We are happy to answer any questions you may have, and you can reach us at the contact information provided below. We greatly appreciate this opportunity to provide you with information on the critical importance of maintaining our funding to ensure that parents faced with the loss of their children are provided high quality mandated legal representation.

Center for Family Representation, Michele Cortese
mcortese@cfrny.org

^[1] New York has long recognized a parent's right to counsel in child protection proceedings. In a pioneering 1972 decision, *Matter of Ella B.*, 30 N.Y.2d 352, the New York Court of Appeals recognized the equal protection and due process right of indigent parents to assigned counsel in child neglect and abuse cases. Three years later, sections 261, 262, and 1120 of the Family Court Act codified a broad parental right to counsel. Additionally, numerous provisions throughout Article 10 of the Family Court Act address implementation of the parental right to counsel in child welfare proceedings.

^[2] See Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore 27-28 (February 2019); see also Martin Guggenheim & Susan Jacobs, *A New National Movement in Parent Representation*, 47 CLEARINGHOUSE REV. 44, 45 (2013), available at <https://cfrny.org/wp-content/uploads/2021/03/A-New-National-Movement-in-Parent-Representation-Clearinghouse-Review.pdf>.

^[3] Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore (February 2019)

^[4] *Id.* at 21.

^[5] See, Dorothy Roberts, *Abolishing Policing Also Means Abolishing Family Regulation*, The Imprint (June 16, 2020), <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480>.

^[6] New York has long recognized a parent's right to counsel in child protection proceedings. In a pioneering 1972 decision, *Matter of Ella B.*, 30 N.Y.2d 352, the New York Court of Appeals recognized the equal protection and due process right to indigent parents to assigned counsel in child neglect and abuse cases. Three years later, sections 261, 262, and 1120 of the Family Court Act codified a broad parental right to counsel. Additionally, numerous provisions throughout Article 10 of the Family Court Act address implementation of the parental right to counsel in child welfare proceedings.

- [7] See Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore 27-28 (February 2019); see also Martin Guggenheim & Susan Jacobs, *A New National Movement in Parent Representation*, 47 CLEARINGHOUSE REV. 44, 45 (2013), available at <https://cfrny.org/wp-content/uploads/2021/03/A-New-National-Movement-in-Parent-Representation-Clearinghouse-Review.pdf>.
- [8] *Interim Report to Chief Judge DiFiore* at 26.
- [9] Center for New York City Affairs, The New School, *Watching the Numbers: A Six-Year Statistical Survey Monitoring New York City's Child Welfare System* (November 2016), available at https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5849a22f725e254385d753eb/1481220657883/FINAL_Watching+the+Numbers_2016.pdf.
- [10] See study at <https://www.sciencedirect.com/science/article/pii/S019074091930088X>; see also *Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children's Time in Foster Care*, by Martin Guggenheim & Susan Jacobs, June 4, 2019.
- [11] See *id.*
- [12] See *id.*
- [13] Shanta Trivedi, *The Harm of Child Removal*, 43 New York University Review of Law & Social Change 523 (2019). Available at: https://scholarworks.law.ubalt.edu/all_fac/1085. Vivek Sankaran. "A Cure Worse Than the Disease? The Impact of Removal on Children and Their Families." Christopher Church and Monique Mitchell, co-authors. *Marq. L. Rev.* 102, no. 4 (2019): 1163-94.
- [14] See, e.g., *Matter of Jamie J.*, 30 N.Y.3d 275, 280 n.1 (2017); *Nicholson v. Scopetta*, 3 N.Y.3d 357 (N.Y. 2004).
- [15] See Center on the Developing Child at Harvard University, *Toxic Stress Derails Healthy Brain Development*, at <https://www.youtube.com/watch?v=rVwFkcOZHJw&feature=youtu.be>.
- [16] See, e.g., Jayesh M. Rathod, *The Transformative Potential of Attorney Bilingualism*, 46 U. Michigan J. Law Reform 863-920 (2013).
- [17] New York State Office of Indigent Legal Services, *Caseload Standards for Parents' Attorneys in New York State Family Court Mandated Representation Cases* (June 4, 2021), Available at <https://www.ils.ny.gov/files/Caseload%20Standards%20Parents%20Attorneys%20NYS%20Family%20Court.pdf>
- [18] In addition, we have received an NAE award for FY22 and FY23 to allow MOCJ to issue an RFP to cover contract awards in FY24 and beyond.
- [19] *Interim Report to Chief Judge DiFiore*.
- [20] See American Bar Association, *Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases* 10 (2006), available at https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf
- [21] City of New York, *Oversight—Racial Disparities in the Child Welfare System* 5
- [22] Off. of Child. & Fam. Servs., *Disproportionate Minority Representation 2020*, <https://ocfs.ny.gov/reports/sppd/dmr/DMR-County-Comparison-2020.pdf>.
- [23] See Nikita Stewart, *The Child Abuse Charge Was Dismissed. But it Can Still Cost You a Job*, N.Y. Times (Feb. 25, 2019), <https://www.nytimes.com/2019/02/25/nyregion/ny-child-abuse-database.html>.
- [24] See N.Y.C. Dep't of Consumer Affs., *Lifting up Paid Care Work* (2018).



March 21, 2022

Testimony for New York City Council Hearing
The Preliminary Budget for Fiscal Year 2023
Committee on Public Safety

Thank you, Chairperson Hanks and members of the Committee on Public Safety for the opportunity to provide written testimony on behalf of my organization. My name is Erin Verrier, Manager of Policy and External Affairs for [Community Healthcare Network](#) (CHN). CHN operates 14 federally-qualified health centers (FQHCs), including two school-based health centers, and a fleet of medical mobile vans, that provide high-quality, comprehensive primary care, behavioral health, and social services for nearly 85,000 New Yorkers annually. Our care is offered to individuals and families regardless of race, religion, ethnicity, gender identity, sexual orientation, immigration status, or ability to pay. CHN turns no one away, including individuals impacted by the justice system.

CHN recognizes the myriad of challenges –medical, emotional, and socioeconomic – that confront individuals with criminal legal system involvement (CLSI), individuals who most often face systemic racism, barriers to accessing healthcare and social services, and challenges to securing gainful employment. In response, CHN has developed and implemented a Justice-Involved Program to meet the needs of CLSI-individuals returning to their communities.

As part of the NYC Health Justice Network and in partnership with the Osborne Association and Hour Children, CHN's Justice-Involved Program provides wraparound healthcare and social services for CLSI individuals. Through the program, community health workers (CHWs) with lived experience surrounding the criminal legal system are paired with individual participants who are recently released from incarceration. CHWs help participants identify and address their needs, and serve as trusted mentors, peers, and coaches along the way.

As an FQHC, in addition to the primary- and behavioral health care that CHN's CHWs help navigate for program participants, we take particular pride in the social services we offer, especially for participants' career development. We offer participants workforce training, assistance with job and internship applications, as well as support for their interviewing, hiring, and onboarding process. In many cases, we encourage our participants to enter careers in the healthcare field.

It is noteworthy to mention Trevor Cummings, a formerly incarcerated individual, who is the current leader of the program. He initially engaged with CHN as a patient for primary care

services but later gained employment as a CHN custodial staff member. During this time, the Justice-Involved Program was developed, and Trevor was tapped to be one of its leaders. He was able to use a justice-informed approach to guide the program participants and its CHWs.

Reflecting on his experience, Trevor shared,

I thought I was going to be a custodial worker for the rest of my life, since that was the career path I was taking, until I learned about the CHN Justice-Involved Program. As a formerly incarcerated individual, the program gave me the opportunity to utilize my lived experience and become a support system for others. It also gave me the opportunity to be a role model for my son, for him to see me with an ID badge and to dress up for work.

CHN aspires to continue our Justice-Involved program, under the leadership of individuals like Trevor, for participants with criminal legal system involvement. However, because the Justice-Involved Program is solely grant-funded, its resources are set to run dry in the coming year. As such, we request permanent funding for the program, and, ideally, look to expand the program so that we can develop additional pathways for support in housing and continuing education. We also want to increase the program's CHW workforce, its administrators, and expand the program to other CHN sites.

The importance of CHN's Justice-Involved Program cannot be overstated. By reducing recidivism and enhancing opportunities for individuals with criminal legal system involvement, we can support the wellbeing of the public at large.

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New York, NY 10033

● E-Mail: gorgeous212@gmail.com Web:
<http://www.CloseRosies.org>

March 18, 2022

via Email: NYC Public Safety Committee:

To: Councilmember Adrienne Adams, Chair: Public Safety Committee; Councilmember Gale Brewer, Chair: Oversight & Investigations Committee; Councilmember Caban, Chair: Committee on Women and Gender Equity; Councilmember Bottcher; Councilmember Barron et al.

cc: NYC Council staff John Kingsley; Madhuri Shukla et al

Ref: NYC Public Safety Committee Budget hearing March 18, 2022

Dear Chairs Adams, Brewer and members of the NYC Council Public Safety Committee:

Close Rosies welcomes the chance to testify today about:

- I. Uplifting the NYC Public Defenders Organizations' request for pay parity and also complete budget parity for tech and tools. Full stop. Cannot emphasize this enough.**

- II. Highlighting the failed prosecution of Rikers Physician's assistant Sidney Wilson by the Bronx DA. It was an investigation undertaken by the former DOI Commissioner, Mark Peters and like most of his investigations was mysteriously dismissed by various borough DAs. DA Clark claimed it was because she was not able to make Discovery obligations on the case but she was trying to 30/30 the case years before the new Discovery Laws were implemented.**
- III. We need SVU and SCU budget independence and accountability;**
- IV. Police and district attorneys mistreat complainants of sexual violence and mislabel us as "fabricators" in their databases with dire collateral consequences.**
- V. Oversight of NYPD and Borough DA use of Forensic Tech ref Cellebrite et al.**

I. Need to highlight the Public Defender Organizations' request for pay parity and also complete budget parity for tech and tools. Full stop. Cannot emphasize this enough.

II. Need to Highlight the failed prosecution of Rikers Physician's assistant Sidney Wilson by the Bronx DA. It was an investigation undertaken by the former DOI Commissioner, Mark Peters and like most of his investigations was mysteriously dismissed by various borough DAs. DA Clark claimed it was because she was not able to make Discovery obligations on the case but she was trying to 30/30 the case years before the new Discovery Laws were implemented.

In 2017 to much fanfare the BX DA announced an indictment against a Rikers physician's assistant named Sidney Wilson.¹ We called him "Dr Handsey." His game was to single out

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<https://www.nydailynews.com/new-york/nyc-crime/doctor-assistant-charged-raping-rikers-island-inmates-article-1.3095975>

weak and fragile women on Rosie's and target us for rape by over prescribing medications to us we could use to barter for our safety. When it came time to re-up those prescriptions he would rape us. He did it to dozens and dozens of us. He also removed the uteruses of hundreds of women on Rosie's or performed unnecessary kolposcopies. He was a sick predator. Despite our best efforts DOC was not doing anything about him. Mark Peters DOI stepped in and stood up an investigation of 42 counts of sexual assault against some of us. We weren't thrilled but it was something.

After years of tracking the case and working directly with former Bronx ADA Jeffrey Pruzan the BX DA quietly dumped the case in the summer of 2020² and didn't inform anyone. Darcel Clark's office didn't even bother to inform even the complainants in the case! They found out when the City law department replied to a filing their civil right attorney, Phillip Hines, made in the SDNY regarding their Section 1983 class action lawsuit. The City law dept informed the court that the criminal prosecution had been dropped. How does the City Law dept know (over a year before the complainants do) that the criminal complaint has been dropped against Wilson? It's outrageous, really.

The Bronx DA claims it could not make its discovery obligations. Please do not accept this false rhetoric issued by that office. Those discovery mandates did not kick in until 2020. I listened to BX DA Clark today say she needed additional tech to meet the Discovery mandates of Albany but I have sat in these hearings every year and remember her saying in 2020 that she had everything she had to meet her obligations regarding discovery law and other CJ reform legislative changes with implications for her office's workflow. Go back and look for yourself! Watch her testimony. Watch all the testimony of the borough DAs from 2020.

Additionally the BX DA had been punting the case in a "not ready" status for over two and a half years before that. I have email proof. Here is just one exchange with ADA Strohmeyer from the BX DAs office (who btw was in charge of implementing Discovery reforms in the BX DAs office):

----- Forwarded message -----

From: Grace <gorgeous212@gmail.com>

Date: Wed, Jan 29, 2020, 3:36 PM

Subject: Re: Cecily Mcmillan

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<https://www.nydailynews.com/news/ny-bronx-da-dropped-rape-charges-rikers-physician-assistant-20220117-pmyqaoyz3fakfkj4hs3cztdwb4-story.html>

To: Strohmeyer, Nancy H. (BronxDA) <Strohmeyern@bronxda.nyc.gov>

Dear Ms Strohmeyer. I am completely dismayed to learn that neither you nor the defense attorney bothered to show up in court today and let Hon. Judge McCathy's clerk knows what is going on. Please could I trouble you for an update??

Da Clark came to the downstate coalition vs Sexual Violence at the AG's office TWO FULL YEARS AGO and promised us she would prosecute this creep. We expect her to follow through on her promise considering all the other rapists on Rikers that she has looked the other way about. If I seem mad it's BECAUSE I AM VERY ANGRY. Prosecute this abuser please!

On Mon, Oct 21, 2019, 11:43 AM Strohmeyer, Nancy H. (BronxDA) <Strohmeyern@bronxda.nyc.gov> wrote:

Dear Ms. Price,

As you know, Sidney Wilson's case was in court on October 18, 2019. His defense attorney is currently on trial with another criminal case in the Bronx so this case was adjourned until December 13, 2019. As I have explained in prior communications, the circumstances regarding being sent out for trial remain the same.

Best regards,

Nancy Strohmeyer

From: Grace <gorgeous212@gmail.com>

Sent: Friday, October 18, 2019 12:24 PM

To: Strohmeyer, Nancy H. (BronxDA) <Strohmeyern@Bronxda.nyc.gov>

Subject: Re: Cecily Mcmillan

Hi Ms. Strohmeyer:

Do you mind if I ask you if the trial is going to start or was pushed back again?

Hope you are well.

Best,

On Mon, Aug 12, 2019, 9:58 AM Strohmeyer, Nancy H. (BronxDA) <Strohmeyern@bronxda.nyc.gov> wrote

There is much much more I could share. The sandbagging of DOI cases doesn't feel like a partnership or a reasonable dispatching of public safety duties. Please can I beg the Council to demand a full explanation of the outcome of the Sidney Wilson case!? He is free to work in any facility he pleases still and is roaming free today!

II. We need SVU and SCU budget independence and accountability

For years I have been asking the council to demand separate budget item breakdowns from within the NYPD and the Borough District Attorneys offices for the Special Victims Division and the various Sex Crimes Units respectively. We have been joined in this demand by a chorus of other advocates and advocacy groups. Still to date these budgets are obfuscated to the public; hidden in the chimera of the budget process. This is a simple ask.

III. Police and district attorneys mistreat complainants of sexual violence and mislabel us as “fabricators” in their databases with dire collateral consequences. There is still nary oversight of these databases and their budget burdens aren’t laid clear. How much are we spending on these ultimately harmful systems for survivors?

In 2014 I began engaging various NYC agencies, The Mayor’s Office, the Public Advocate, (CM Brewer you will remember you had assigned your own staffer, Joan Seranno Laufer to patiently wade through my complaints), the NYC DOI; the CCRB; the NY AG; the IAB et al regarding my own re-abuse at the hands of police and DANY staffers who ignore and eschew my complainants of being trafficked, constant physical and sexual violence and then revictimized by being charged by Cy Vance with 324 false criminal complaints in an effort to protect by abuser and pimp who was a confidential informant for law enforcement. I have borne out the evidentiary burden of making these statements in my very successful civil rights case in the SDNY: docket # 15cv-05871.

The scheme was meant to protect my trafficker and abuser who was a confidential informant. I postulated that if this was happening to me it was happening to countless others who were suffering abuses by people in law enforcement or in the law enforcement community who were protected from prosecutions and arrests. I postulated that an entire

class of people in this town knew they could operate their pimping and other crime schemes with impunity because they knew they were protected and victims and survivors like me were being ground to salt.

I worked extensively with various agencies to work on this issue. In interviews, affidavits and in extensive briefs I told them about the NYPD's and Borough DA's common practice of letting abusers off the hook if they have valuable intel or evidence that benefit other, unrelated, investigations and I urged them to address this issue. I was foreshadowing the #metoo movement as early as 2013-2014.

I provided evidence of the DANY's and NYPD's practice including an affidavit from a retired NYPD lieutenant who stated that the NYPD had been ordered by the DANY to check with 1 Hogan place before responding to my 911 calls. Here is the affidavit:

12/18/2015 09:23 7273754504 SILVIA LARROCA PAGE 01/01

My name is Mark Christopher L. Rosen. DECEMBER 18, 2015
Lieutenant in the New York City Police Department from 1997 to 2013
assigned to the 028 Precinct in Manhattan. During 2010 and 2011,
I had several conversations with Mrs. Kelly Ruiz in which she
claimed to be a crime victim, specifically a victim of
domestic violence.

During my interviews of Mrs. Ruiz, I found her allegations
of abuse to be credible and with merit. I felt there was
sufficient evidence to prepare Complaint Reports to document
these allegations which would then be further investigated by
the Precinct Domestic Violence Officer and/or the Precinct Detective
Squad.

After speaking with the Detective regarding Mrs. Ruiz's
allegations, I was informed that prior to a report being further
investigated, a phone call to someone in the Manhattan District
Attorney's Office who was familiar with Mrs. Ruiz's history of
reporting crimes needed to be consulted.

Mrs. Ruiz informed me that she felt that her husband's ability
to receive fair treatment regarding the investigation of her complaints
I informed her that as a victim, she should speak with the
supervisor of the person at the Manhattan District Attorney's Office
handling her complaints if she felt her complaints were being
stonewalled and not acted upon in a fair manner.

MARK C. LARROCA
Mark P. L. Rosen

These kinds of bizarrely brazen unconstitutional practices arise from a tempting Hobsian

choice that police and prosecutors are taking advantage of all to often: when given the opportunity to gather other intel from an abusive pimp or batterer or trafficker is it ok to leave the survivor of this person's violence and abuse without protections, justice and due process? The Ninth Amendment to the Constitution is a murky place and the case law is complicated but the answer is NO. Also, the SDNY has firmly established State Created Danger case law that the NYPD and Borough DAs should be mindful of.

I have written and testified about this process many times in front of the NYC Council and still it remains unaddressed. Recently, my testimony from a February 22, 2022 NYC Council Committee on Gender Equity Hearing on Victims Services³ addressed how being eschewed by police and prosecutors and then further labeled as “fabricators” in law enforcement databases creates collateral consequences for our public safety options as survivors in NYC:

For a few years NYPD and borough DAs ran a software algorithm that alleged to be able to discern who was a ‘true’ survivor of sexual violence and who was ‘fabricating’ SVU crimes. The offshoot? Survivors have had these unfortunate status classifications written into our NYPD COBALT and Domain Alert Awareness System database records--no one is talking about this and how it affects our ability to have positive criminal legal system interactions.

Folder	NYSD	Def Last	Def First	Alias	Publication	Contact(s)	Alert Start
Precincts - Manhattan\05th Precinct\FIO Alerts	045139004	OSBORNE			This defendant has committed multiple violent crimes in the confines of the 5th Precinct, including Robbery/Grand Larceny/Burglary/CPCL, and he is a known resident shoplifter on Canal Street, (July 2014). Defendant is known to commit property crimes.	Robertst	2011-11-30
Precincts - Manhattan\05th Precinct\FIO Alerts	045955					Robertst	2010-06-28
Precincts - Manhattan\05th Precinct\FIO Alerts	052628					Robertst	2010-05-20
Precincts - Manhattan\05th Precinct\FIO Alerts	062623					Robertst	2011-11-30
Precincts - Manhattan\05th Precinct\FIO Alerts	082980786	MARIZ	ELBE		This defendant is known to be a "SPRINGFIELD" all-violence for drinking in public. However he is very violent and has multiple violent crimes against police officers, particularly in and around the 5th Precinct (July 2014).	Robertst	2011-11-30
Precincts - Manhattan\05th Precinct\FIO Alerts	0844233P	WU	WOLUN		This defendant has committed numerous property-related crimes and is a known resident. Please check with ICE Deportation Officer Brian Figueroa at (212) 264-4335. (July 2014)	Robertst	2010-05-20

Since there is /was zero oversight about the intersection of tech and SVU I hope this committee will start to probe the implications for things like how being falsely marked as a "fabricator" of SVU crimes in the law enforcement databases follows us through life and has ramifications for every future NYPD/DA interaction [ask Jane Manning at WeJustice about this—she knows of other clients demarcated as “fabricators” who have experienced difficulty in getting NYPD protection years later as well].

There is ZERO oversight over who is demarcated as a 'survivor' vs a 'fabricator' and gets the golden ticket to the FJCs and who is shut out by law enforcement.

There was a tech tool/algorithm created under the stewardship of Linda Fairstein when she worked at K2 Intelligence's "Sexual Misconduct Working Group" as a consultant for the MDAO/NYPD (c 2010-2017) to build-out a "sexual violence" module for Palantir. The tool was implemented and used by NYPD/Borough DA's for years to determine who was a 'true' survivor of sexual violence and whom was a 'fabricator' before there was fallout between the NYPD and Palantir and the NYPD stopped using their tech c 2017 and built their own similar tool, “Cobalt.” There are literally thousands of survivors of sexual violence like me who were cast aside by the borough DA's offices and the NYPD and erroneously labeled as "fabricators" because of this technology tool that was the brain child of Linda Fairstein working under Mr. Kroll at K2 under contract for Palantir.

You can chart the rise of the #MeToo movement in NYC directly against the implementation of this technology "tool" into the workflow of the NYC Borough DA's offices/NYPD's SVU. Fairstein's involvement with k2 Integrity [nee “K2 Intelligence”] ended when it was discovered that the tool was fed faulty/erroneous data of true survivors wrongly labeled as fabricators to model what the behavior of a false-complainer of sexual violence looks like but there is yet to be a public reckoning regarding who is labeled a fabricator, how long this lingers in the NYPD Domain Alert Awareness System and other systems. K2's "Sexual Misconduct Working Group" has since been dis-banded and the tool has allegedly been removed from NYPD workflows with the creation of COBALT and the NYPD's dropping of Palantir; but there is still a public reckoning awaiting the thousands of survivors denied services and justice because of Mr. Kroll, Ms. Fairstein, K2 & Palantir for their role in demarcating thousands of survivors of domestic abuse, intimate partner violence, rape, sexual abuse, assault, harrassment as ‘fabricators.’ Also, the tool was likely used in other jurisdictions outside of NYC who purchased the Palantir "gotham" product it was attached to in part.

The Center for Court Innovation produced a report that describes in detail how the NYPD and Borough DA's offices do still use facets of the Domain Alert Awareness System and other database to track sex workers and other “Community Crime Drivers:

"Bureau-Based Project teams (BBPs) consist of approximately three to six dedicated prosecutors from the trial division. These ADAs become experts on a select crime concern or hot spot, identify offenders believed to be the crime drivers in a particular geographic location (the location does not have to encompass an entire "area"), and devise a plan to target, prosecute, and eventually incapacitate these individuals through incarceration or supervision (i.e., parole or probation). DANY primarily formed BBPs to address violent crime, but developed additional teams to address other issues, including scammers, *prostitution*, and larceny-related crimes. BBPs also require prosecutors to work closely with NYPD specialized units (i.e. gangs, narcotics, and/ or grand larceny units). BBPs are not permanent fixtures. DANY may dismantle a team once successful prosecutions substantially decrease the targeted criminal behavior-if the crime issue re-emerges at a later date, DANY creates a new BBP team. In the fall of 2014, DANY had 13 operational BBPs."⁴

How much is being spent not just on this tech but on heads to operate this tech, training to learn the tech and to maintain expert knowledge of updates of the tech each year? Are we really getting our money's worth?

IV. Oversight of NYPD and Borough DA use of Forensic Tech ref Cellebrite et al.

Regarding oversight of technology. I heard the Brooklyn DA's ask for additional budget lines for two new phone techs and software (btw as an aside-why are the borough DAs paying m forensic phone techs more than social workers? This is reflective of a culture in the DAs office that needs to be addressed). Regarding the Cellebrite software and hardware at the heart of the NYPD's and Borough DA's forensic labs we need oversight, specifically of this technology and accountability regarding how long law enforcement may store the products of forensic tools like the raw extractions of people's personal devices. These are comprehensive roadmaps to the most intimate details of every scope of our lives that are being stored by the borough DAs and NYPD. I have heard the members of the borough DA's offices testify under oath at previous hearings that they are not required to gather information about which people's disc images of devices they store were eventually convicted and which were not: yet they still store these vast swaths of this data for unknown amounts of time on their servers. We need robust oversight and reporting on all aspects of these law enforcement workflows and procedures. Councilman Dromm and I began working last year on Intro 2266 which (like every other criminal justice reform-minded piece of legislation pending in front of the Council last year) was ultimately snubbed by former City Council Speaker Johnson and not allowed to be heard in committee.

⁴ [https://www.courtinnovation.org/sites/default/files/documents/IDPM Research Report FINAL.PDF](https://www.courtinnovation.org/sites/default/files/documents/IDPM%20Research%20Report%20FINAL.PDF)

I urge this Public Safety Committee to center Intro 2266⁵ and other pieces of legislation that mandate reporting and oversight of these various law enforcement tech tools as a Council Priority. As the bill is written now it does not reflect the language that CM Dromm's staff and I worked on to ensure there is comprehensive reporting of the data pulled off of property seized by the NYPD and Borough DA's.

How much is being spent not just on this tech but on heads to operate this tech, training to learn the tech and to maintain expert knowledge of updates of the tech each year? Are we really getting our money's worth? Is there proper oversight of how our information is stored and accessed by law enforcement? I hope to continue this conversation in the coming weeks and months with the council and I am actively seeking new sponsors for Intro 2266 as Councilmembers Dromm and Rosenthal are no longer among us here at this legislative body.

Thank you for taking the time to read and internalize my testimony. I think carefully about the various ways I can use my time to highlight urgent issues and I am grateful and humbled for any attention you give to my voice.

Kelly [Grace] Price

Ft. George, Manhattan

March 18, 2022

Founder,

<http://www.CloseRosies.org>

Gorgeous212@gmail.com

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<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4920300&GUID=E7F2F3CF-60D1-4E83-87B9-B52D0E4864B4&Options=ID|Text|&Search=2266>



**New York City Council
Testimony of the Corporation for Supportive Housing (CSH)**

**2022 Hearing: Committee on Public Safety
March 17, 2022**

My name is Cassondra Warney, and I am a Senior Program Manager at the Corporation for Supportive Housing (CSH). CSH's mission is to advance solutions that use housing as a platform to deliver services, improve the lives of the most vulnerable people, and build healthy communities. We have been working in NYC as a supportive housing intermediary for over 30 years.

Today, I thank you for the opportunity to share about the immediate actions New York City Council and Mayor Adams' Affordable Housing Leadership Team need to take in 2022 to make humane, innovative, and fiscally responsible policy changes and investments in supportive housing to reduce homelessness for people impacted by the criminal legal system.

Several thousand people on Rikers Island – approximately 2,589 people in a given year – are experiencing homelessness and struggle with ongoing behavioral health needs. When released, these community members struggle to find adequate support, cycle through crisis systems (including shelter and emergency departments), and likely return to Rikers Island. This group needs an intervention of supportive housing – a combination of affordable housing with voluntary, individualized services. We know supportive housing can be solution to ending homelessness, disrupt the cycling through costly crisis system, reduce jail recidivism and, improve health comes for many populations, especially those with behavioral health needs and criminal legal histories.

In CSH's recently released report, [we outline](#) the fiscal costs of supportive housing to serve this group of people. **Today I wanted to elevate two essential budgetary elements that need to be changed this year to support the de-incarceration of Rikers Island, which include: (1) expanding Justice-Involved Supportive Housing (JISH) and (2) increasing the annual commitment to Supportive Housing.**

From a budgetary perspective, the City needs to do the following:

Increase the City's Annual Commitment to Supportive Housing:

- Increase NYC's commitment to supportive housing by 1,000 units, for a yearly total of 2,000.
 - Dedicate 500 of the 1,000 new units to individuals who do not meet the homeless chronicity requirement due to their incarceration history. *Most people who need supportive housing held at Rikers Island are not eligible for NYC 15/15, the current city supportive housing funding, because of the homeless chronicity definition.*
- Enhance rental subsidy to align with current FMR and increase service funding for scattered-site to **\$17,500** per person.

Expand rates for Justice-Involved Supportive Housing (JISH):

JISH is currently the only designated supportive housing program for people leaving Rikers Island, and there are only 120 apartments available. DOHMH has put forth an RFP to increase units to 500, however due to the contracts rates being too low, there have been minimal bids since 2019.



- Give providers current Fair Market Rent (FMR) with an annual escalator. Currently, they are receiving rates based on the FY2017 FMR that doesn't cover rent for the tenants in 2022.
- Increase service funding to \$20,699 for scattered-site and \$25,596 for congregate service. People who have experienced incarceration, homelessness, and struggle with behavioral health needs have trauma and complex needs, and these essential service providers need adequate staffing to serve this group of people. *Currently, providers only receive \$10,000 in services per person.*

New York City moving these recommendations forward will be an innovative milestone and example for communities nationwide. They will reduce significant racial disparities in the criminal legal, and homeless systems and end the cycle of homelessness and institutionalization for those struggling with complex behavioral health needs who are incarcerated on Rikers Island.

CSH looks forward to working with the New York City Council on seeing these budgetary needs reflected in 2023's Budget. Implementing these recommendations are cost-effective in the long run, and essential to helping these fellow New Yorkers while also making our City safer.

Please reach out with questions you or other City Council members may have. CSH greatly appreciates your time and attention on this critical matter.

Sincerely,

Cassandra Warney
Senior Program Manager, Metro Team, CSH

cassandra.warney@csh.org
c: 646-640-6069

Testimony
New York City Council
Public Safety Committee 2023 preliminary budget Hearing
March 18, 2022
By Jim Hamlin-McLeod
2nd Vice President
DC 37 Local 1549 Clerical-Administrative Employees

Local 1549 Clerical-Administrative employees represent 13,000 employees of the city of New York.

Some of our members are Police Administrative Aides and Senior Police Administrative Aides in the New York City Police Department. They worked during the pandemic, winter storms, transit shut downs and during any catastrophic incidents in the city. They are truly essential workers.

Moral

The PAA/SPAA feel less then appreciated for all their commitment and sacrifice to the city, NYPD, and NYC citizens. The members make less then many of their counterparts. Their clerical job function is being taken over by Uniform Officers who make triple their salaries. NYPD overtime budget is annually over budget and none of it allocated to the PAA/SPAA's. If they ask to perform overtime to complete their tasks they are told they can only take it in compensation time. Cash overtime for PAA/SPAA is forbidden however, Uniform Officers that are performing clerical duties may work overtime as often as they want and take it in cash. How does an agency tell one of the lowest paid members they can't do overtime and/or not for cash? If I was running a business it would be feasible to have my lowest paid worker perform overtime in their function opposed to someone who makes triple their salary. This would help reduce their overtime spending and save tax dollars. They are also being told they can't work

holidays in a 24-hour agency. The Union negotiated for its members to get paid holidays and be paid at a premium rate if they work the holiday. PAA/SPAA's are forced to take off on a holiday even though it's not their regular day off. This doesn't allow them to accumulate time for future use.

Work conditions

NYPD needs to spend money on multiple facilities its members occupy. Some locations have deplorable conditions. These commands have holes in the walls, ceilings, broken HVAC systems, overcrowded rooms and lots of other issues. A member should feel appreciative and comfortable their work space.

Solution

We know crime has risen in our streets and transit system along with gun violence. We need more policing to protect our families, streets and home. We also know the unemployment rate in the city is significantly higher than the national average. Inflation is at its all time high. We as a community need to address these issues with a common-sense approach. Put all able Uniform bodies in the field to protect and serve as they were hired to do. This will free up some 800 or more positions where they are doing clerical duties. Hire more entry level positions (PAA/SPAA's) to do the clerical functions at each and every command. These hires will help the unemployment rate go down and build the economy in NYC like it was before the pandemic hit. The agency should not give cash overtime to uniform employees for clerical duties that should be assigned to a PAA or SPAA.

Comptroller Brad Lander just released a report on January 19th of this year on NYPD Civilianization efforts. Like his predecessors before him, they have reached the same conclusion. NYPD has failed to

truly make civilization efforts in its agency a reality as requested time and time again. Instead, they have come before this Council to report more Uniform personnel is needed each and every year. Using the incumbent rate base salary after 5-year uniform police officer cost \$85,292 multiplied by 800 positions is \$68,233,600. A Police Administrative Aide would cost 41,409 (based on [www1.NYC.gov](http://www1.nyc.gov) website) multiplied by 800 positions is \$33,127,200. The cost savings is \$35,106,400.

Local 1549 contends that PAA/SPAA's need the support from City and the Agency with pay inequities, staffing and decent facilities to work in. The Citizens of New York City needs the agency to use its billions of dollar budget in a way that helps reduce crime and allocated money in appropriate ways to save tax payers in areas it can.



Girls for Gender Equity Testimony to the New York City Council

Committee on Public Safety- Budget Oversight Hearing

Delivered by: Adeyemisi

3/18/2022

Good afternoon, Chair Hanks and the members and staff of the Committee on Public Safety. My name is Adeyemisi and I am a youth organizer and program participant at Girls for Gender Equity.

GGE is an intergenerational organization based in Brooklyn, New York committed to the all-around development of girls and young women. GGE challenges structural forces, including racism, sexism, gender-based violence, transphobia, homophobia, and economic inequity, which constrict the freedom, full expression, and rights of transgender and cisgender girls and young women of color, and gender non-conforming youth of color. We do this work through direct service, advocacy, and culture change. GGE has been a leader in the conversation around gender-based violence and youth justice for more than two decades. We are offering testimony today to uplift our demands for Police Free Schools.

Exposure to constant police presence outside and inside schools makes students feel unsafe and intimidated walking into school buildings. Metal detectors and officers with guns and the authority to enforce harm won't help address the issues students are facing today. Considering the fact that students spend the majority of their time in school, they deserve to feel wanted, welcomed and safe without tactics of control and intimidation. When students enter the school building they should be greeted by teachers, counselors and other school aides that care about the social, physical and mental well being of these students they are teaching and engaging with. All the

money thrown into SSA's should be cut and invested back into the schools and communities that need them to advance a positive school climate. Decision makers have the opportunity to work together to create the future leaders of tomorrow, today. That starts with more funding that goes towards hiring more social workers and therapists along with having academic and social after school programs that support students and updated and accessible technology. As a former student in NYC public schools who had the opportunity of Restorative Justice programming held by GGE's School-Based team, I know first hand how impactful these programs are and can speak to the importance of them being fully funded, opposed to policing. It is important to remind you all that young people have experienced a tremendous amount of loss during the pandemic, personally and educationally, and deserve trusted and well-equipped adults that they can turn to. This is why we demand Police Free Schools. Students should never feel like they are being surveilled and policed everytime they go to learn and be with their peers. They should never fear the possibility of a negative interaction with a Police Officer. This only exacerbates the emotional and mental stress students are already under. Us young people are the future and you all should make decisions that invest in cultivating positive opportunities and spaces for them now, instead of heavy-handed policing. I urge you elected officials to join the fight for Police Free Schools. Use your position in decision making to restore respect and dignity for every student, especially students of color.

Furthermore, we stand in solidarity with the many organizers and education justice advocates across New York City who demand the following:

1. Hire 2,000 New Yorkers to Strengthen Schools
2. Fund School-Based Restorative Justice
3. Support Students' Social and Emotional Wellbeing
4. Move Money Away from Policing

Thank you for the opportunity to testify.



Friday, March 18, 2022
Remote Hearing (Virtual Room 1)
Kamillah Hanks, Chairperson

**CHIEF EXECUTIVE
OFFICER**
Cathy A. Cramer

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liftonline.org

Legal Information for Families Today's (LIFT) Testimony to the New York City
Council's Public Safety Committee

My name is Cathy Cramer and I am the Chief Executive Officer at Legal Information for Families Today (LIFT). Thank you to Chair Hanks and members of the Public Safety Committee for the opportunity to testify about the issues families with cases in New York Family Court are facing.

On behalf of LIFT, I'd like to thank the New York City Council for its continued support and focus on issues impacting New York's parents and caregivers in Family Court. Without funding from the New York City Council and MOCJ, we could not do our vital work to assist families confronting issues at the heart of their well-being, including child support, custody and visitation, and domestic violence.

LIFT's mission is to increase access to justice in New York State Family Court. We combine legal guidance, easy-to-access technology, and compassionate support to help unrepresented parents and caregivers self-advocate on critical family law issues, while working on reform that improves the system for everyone. We firmly believe that public safety starts with strong families who can support their children and their futures.

LIFT was launched inside the Manhattan Family Courthouse in 1996, providing on-the-spot help at a table in the lobby where we answered questions and distributed Know Your Rights pamphlets. Before LIFT, sources of information or guidance for pro se litigants in the Family Courts were severely limited. Today, LIFT continues to fill this gap in the system.

In 2018, LIFT significantly expanded our service offerings by introducing limited legal advice and consultations for clients with more complex cases. Our model of providing limited scope legal services to pro se litigants during critical phases of their case helps clients to achieve the positive outcomes they need for their families while simultaneously allowing LIFT to maximize the number of clients we serve, thus both broadening and deepening our impact.

Families are a pivotal stabilizing force in our communities, but the New York City Family Courts have been overburdened and under-resourced for

Legal Information for Families Today
Justice for all. One Family at a time.

decades. Before the pandemic, the New York City Family Courts were hearing over 200,000 cases per year, and 80% of litigants come to Family Court without a lawyer. The unrepresented litigants who come to Family Court in New York City are disproportionately low-income, from communities of color, often undocumented immigrants, or speak monolingual Spanish or some other language. Because the family courts are understaffed, there is a justice gap for many of the litigants which can have ripple effects that last for a lifetime. Organizations like LIFT and others have worked closely with the Court to close this justice gap, but these issues have worsened since the pandemic.

During the beginning of the pandemic, the Court was only hearing what it deemed “emergency” cases, and as a result, LIFT had record-breaking numbers of requests for help on our Helplines – over 24,000 people called LIFT in 2021, as compared to 14,000 per year typically, and our legal advice consultations grew by 185% over the last two years, to nearly 3,000 consultations. Despite growing and relentless client demand and increasingly complex cases, LIFT staff rose to the challenge. This would not have been possible without the City Council’s deep, ongoing support.

Now, the Courts have begun hearing more virtual or hybrid cases, but there are still many issues for unrepresented litigants.

- There are frequent problems with connectivity.
- If people are even 5 minutes late, possibly due to connectivity issues, hearings are adjourned, or worse, dismissed.
- Our attorneys spend much of their time now filing to re-calendar cases for clients who had technology problems.
- We have opened a Tech Hub in our Brooklyn office to provide tech support to litigants

There is also a significant backlog of cases.

- child support cases not get scheduled for a first hearing until over a year from filing;
- cases where one parent has lost a job and cannot get a support modification and is daily accruing debt he or she cannot pay;
- parents who cannot visit with their children because they have been relocated or kept from the parent in violation of a court order;
- adoption cases which linger on far too long and cause unnecessary stress and worry.

As the recent New York City Bar Association on Family Court report showed, the functioning of the New York City Family Court was particularly hurt by the pandemic, and the Court is just getting back on its feet. LIFT’s on-the-ground work with Family Court litigants helps families get the support they need to effectively self-advocate in Court. There is no question that getting someone legal guidance from the very beginning helps expedite what can be a long, difficult process and helps the Court and the litigants more efficiently achieve desired goals for themselves and their children.

Every family deserves the opportunity to create stability, security, and emotional well-being. With the ongoing, critical support from the City Council and MOCJ, which this committee oversees, LIFT can be part of the solution to increase access to justice and improve the public safety of our city.

Thank you for the time and continued support.

TESTIMONY ON BEHALF OF LOCAL 372 | NYC BOARD OF EDUCATION EMPLOYEES
DISTRICT COUNCIL 37 | AFSCME
TO THE PRELIMINARY BUDGET HEARING ON PUBLIC SAFETY
MARCH 18, 2022
1:00 PM

Public Safety Committee Chairwoman Kamillah Hanks and distinguished members of the committee, I am Donald Nesbit, Executive Vice President of Local 372 - NYC Board of Education Employees, District Council 37 - AFSCME. It is the honor of Local 372 to present this testimony on behalf of the approximate 2,600 Level-I and 80 Level-II School Crossing Guards we represent under the leadership of our President, Shaun D. Francois I.

School Crossing Guards are often the first line of defense to improve the safety for students who walk, bicycle, or take transit to school. Student-pedestrians often face major safety traffic hazards everyday caused by double-and-triple parked cars at bus stops, in front or near the school building. As essential workers, School Crossing Guards remained vigilant throughout the pandemic, even when the schools were shut down, to ensure that children and pedestrians crossed the streets safely in their morning and afternoon commutes. These workers have risked their own health and safety, while others were safe in their homes, to perform these vital services to the community over the past year.

Approximately 90% of School Crossing Guards are female, working daily at a 25-hour capped part-time schedule that includes early morning, lunch time and after school hours to serve 1.2 million charter, parochial, and public-school children. Additionally, many of our members are at higher risk because they are older, with 33% of the membership over 55. Our workforce is predominately Black and Latino at 85% living and working in the zip codes, with the highest COVID-19 rates than other communities.

However, despite their role on the frontlines, School Crossing Guards are not always treated like the essential workers they are. At the height of the pandemic and with schools being closed, School Crossing Guards were mandated to return to work, having been warned they would not get paid if they did not show up. These workers often make the hourly minimum wage, earning approximately \$20,000 per year, and can't afford to not be paid. To make matters worse, School Crossing Guards do not get paid for snow days and certain holidays (days where the schools shut down but the City remains open), leaving their paychecks dependent on the whims of the weather. A snow day might just be the determining factor as to whether a School Crossing Guard can put food on the table. For many New Yorkers who are living paycheck to paycheck, like School Crossing Guards, any one unanticipated day off from work can be the difference between making ends meet and financial ruin.

On top of the immediate, tangible concern over lost wages, this also represents an issue of equity for our members. Despite working under the New York Police Department ("NYPD"), School Crossing Guards are functionally analogous to school support staff titles working under the New York City Department of Education ("DOE"). Likewise, School Crossing Guards and DOE school support staff should also share the same privileges and pay rights. Just as DOE school support staff are currently compensated for this lost time, so too should School Crossing Guards be equally compensated. The current pay practices for School Crossing Guards are harmful to these vital workers and Local 372 requests permanent reforms to conform School Crossing Guard pay practices to that of other support staff titles. We must prevent School Crossing Guards from slipping through the cracks through no fault of their own.

Additionally, the role as first line of defense for students and pedestrians often places School Crossing Guards in a vulnerable position with no immediate assistance on hand. School Crossing Guards are at risk not only from cars veering too close or from viral exposure to COVID-

19, but from physical attacks and harassment from people on the street. A number of School Crossing Guards have been the victims of on-duty assaults, which is a violent felony under current law. Local 372 respectfully requests City funding to support the promotion of a city-wide public awareness campaign to stop the violence against School Crossing Guards.

Again, thank you for the opportunity to provide this testimony and for your continued support on behalf of Local 372's School Crossing Guards. I will now answer any questions you may have.



WRITTEN TESTIMONY FOR A PUBLIC HEARING ON:

New York City Council Budget and Oversight Hearings on The Preliminary Budget for Fiscal Year 2023, The Preliminary Capital Plan for Fiscal Years 2023-2026 and The Fiscal 2022 Preliminary Mayor's Management Report

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL COMMITTEE ON CONSUMER AND WORKER PROTECTION
HON. MARJORIE VELASQUEZ, CHAIR OF THE COMMITTEE ON CONSUMER AFFAIRS

PRESENTED BY:

BERNADETTE JENTSCH, SUPERVISING ATTORNEY
WORKPLACE JUSTICE AND DRIVER PROTECTION PROJECTS
MOBILIZATION FOR JUSTICE, INC.

MARCH 18, 2022

I. Introduction

Mobilization for Justice, Inc. submits this written testimony to the New York City Council Committee on Consumer and Worker Protection.

Mobilization for Justice (MFJ) envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We do this through providing the highest quality direct civil legal assistance, providing community education, entering into partnerships, engaging in policy advocacy, and bringing impact litigation. We assist more than 13,000 New Yorkers each year, benefitting 25,000. MFJ's Driver Protection and Workplace Justice Projects advocate on behalf of low-income and immigrant workers, including individuals with a prior criminal record, who are most vulnerable to exploitation.

II. Driver Protection Project

MFJ launched the Driver Protection Project (DPP) in December 2018 to advocate for low-income and immigrant drivers who face fines and points on their vehicle for-hire license which threaten their livelihood. We represent drivers at hearings before the Office of Administrative Trials and Hearings (OATH, Hearings Division), negotiate settlements with the New York City Taxi and Limousine Commission (TLC), and provide workshops about drivers' rights to ensure they can make a living and provide a safe transportation option to the public. In the past three years, MFJ handled approximately 620 cases, which resulted in \$241,125 in savings for our clients. There are many more drivers who need our help whom we simply cannot aid due to capacity constraints.

Representing Low-Wage and Immigrant Drivers in Litigation and Negotiating Settlements for Them Bring Concrete Economic Benefits

Most drivers who are issued summonses believe their only choices are to pay the fine on the summons or go to a hearing and represent themselves, an intimidating prospect. MFJ advises, prepares, and represents drivers in hearings, empowering drivers to create a record and tell their stories, and we also advise drivers about the option of settling matters, often for half the amount of the summons and with reduced points.

MFJ handles a small subset of legal issues that drivers face before OATH that have significant financial consequences because they not only involve a fine but also carry penalty points that can easily accumulate and result in a license suspension, depriving drivers of the ability to continue to make a living.

- For example, Mr. S, a 29-year-old South Asian driver, was issued a summons for a traffic signal violation which carried a \$400 fine and three points penalty if found guilty. Mr. S had never been issued a summons before, had never been to a hearing, and had limited English proficiency. We represented him and submitted video evidence showing there was no violation, and TLC withdrew the summons. Had this summons not been withdrawn and Mr. S later received a second traffic signal violation, his license could have easily accumulated six points, which could have resulted in a license suspension.

We also regularly see unwitting drivers, usually people of color, who are entrapped and fined by undercover TLC officers posing as passengers. These undercover operations usually result in the issuance of a summons with a maximum fine of \$1,500 for a first offense and \$2,000 for a second offense, along with suspensions and civil forfeitures.

- For example, Mr. R., an Asian driver, was approached by an undercover TLC officer stating she was desperate to get to LGA airport because she mistakenly came to JFK airport. She offered Mr. R. money, but Mr. R. told her that he would take her for free. However, when he proceeded to let her into his vehicle, this Good Samaritan was issued a \$1,500 summons for violating Administrative Code §19-506(b)(1), stating that he had agreed to a fare of \$30. MFJ provided counsel to Mr. R. on his legal options, and instead of taking the risk of losing at a hearing, Mr. R. settled with TLC and paid \$750.

Although the summons itself includes information about “How to Respond,” not many drivers know they can request a settlement offer prior to their hearing date, which can result in a lower fine and/or fewer points depending on the alleged violation.

- For example, Mr. C. a Haitian Creole speaker was issued a \$1500 summons. At that time, Mr. C.’s only income was unemployment insurance benefits, and he was worried that he had to pay the full amount of the summons, which he could not afford. Mr. C’s confusion was due to his limited English proficiency and the fact that the notices he received were in English. However, after MFJ’s intervention, we were able to negotiate a \$400 settlement agreement, which was a much more manageable amount for Mr. C.

Advice and Outreach Efforts Benefit Drivers

MFJ continues to provide advice to drivers who have been issued summonses by phone. Upon request, we also conduct Know Your Rights workshops for drivers. With more resources and funding, we can offer more of this critical education. Knowledge is not only empowering, but also makes a difference when the drivers understand their rights, the hearing process, and possible outcomes so they can make informed decisions about how to resolve summonses.

These types of counseling and educational efforts help drivers and the administrative/enforcing agencies. They also often remedy problems before they impact drivers’ lives to the point where they accumulate points and excessive fines, leading to license suspensions, and result in drivers’ inability to pay rent or feed their families.

Unmet Need

MFJ is the **only** legal services office in the City that provides free civil legal service to for-hire drivers who are issued summonses by TLC in the Hearings Division at OATH. There is tremendous unmet need in this field, including in the Trials Division, in which 89 percent of drivers do not have representation. However, without funding in the amount of \$200,000, we are unable to provide legal services to these drivers.

III. Workplace Justice Project

The Workplace Justice Project handles a range of employment problems, including unpaid wages, sick leave provisions, discrimination, occupational licensing issues for individuals with a criminal record, and unemployment insurance benefits. In 2021, MFJ handled approximately 400 cases, the majority of which were in the form of brief service or advice and extending to negotiations, advocacy, and representation at hearings as our resources allowed.

Negotiated Settlement for COVID Paid Sick Leave and Unpaid Overtime

Ms. N is a 35-year-old Latina and an undocumented live-in domestic worker. She initially contacted our office for assistance to recover her COVID paid sick leave because she had been in close contact with her employer who contracted the virus and still required Ms. N to continue working at their home. When Ms. N contracted COVID, her employer terminated her. During her consultation with our office, we discovered that her employer had not been paying her correctly for all the hours she worked, and she was owed overtime. We sent a demand letter to her former employer and successfully negotiated a settlement of her claims for \$17,000.00.

Advocacy with the New York State Department of Labor to Obtain Unemployment Insurance Benefits

Many workers had difficulty obtaining Unemployment Insurance (UI) benefits during the pandemic, but with MFJ's advocacy with the New York State Department of Labor (DOL), we were able to expedite and resolve issues that were causing the delay.

- Mr. C, a 52-year-old Latino who lost his job due to COVID, was a victim of UI fraud, and was in a dire financial situation. He tried resolving his situation on his own, but DOL just kept telling him that they were investigating the fraud. MFJ intervened and the fraud investigation concluded, clearing him of UI fraud. Mr. C eventually received \$16,400 in retroactive benefits and was able to continue claiming his weekly benefits.
- Ms. B, a 53-year-old Latina, stopped receiving UI benefits in March 2021. She tried for months to get it reinstated with the DOL without success. With MFJ's intervention, she received \$8,000 of retroactive benefits by December.
- Mr. R, a 59-year-old Native Alaskan, lost his job due to the pandemic, was also a victim of UI fraud and unable to access his benefits, forcing him into a shelter. After MFJ intervened with the DOL, he eventually received his retroactive benefits of \$19,162.
- We also successfully represented Ms. R, a 43-year-old South Asian substitute teacher for the NYC Department of Education in a UI overpayment hearing, and as a result, she did not have to repay the UI benefits she correctly received during the summer of 2020 in the amount of \$6,948.

Lowering the Barriers to Employment and Licensure for Individuals with a Criminal Record

MFJ provides advice, counsel, and representation to individuals with a criminal record facing employment discrimination; assists applicants interested in security guard and other occupational licenses and in applying for a Certificate of Relief from Disabilities or Certificate of Good Conduct, which create a presumption of rehabilitation; and files motions under CPL § 160.59 to seal criminal convictions.

Advice and Outreach Efforts Benefit Workers, Courts, and Businesses

MFJ conducts outreach and advice, providing individual counseling and conducting virtual workshops for low-income and immigrant workers and in partnership with elected officials as well as by telephone. This work makes a difference.

These types of counseling efforts help courts, agencies, and businesses avoid unnecessary disputes and litigation, as well remedies problems before they impact workers' lives to the point where they cannot pay rent or feed their families.

Unmet Need

MFJ turns away hundreds of clients facing workplace issues every year, simply because we do not have the resources to represent them all. We do everything we can to prioritize cases where other legal help will likely not be available. We do our best to refer clients to other lawyers, both nonprofit and private. We have developed extensive knowledge of the applicable fields to give expert referrals to the right resources.

Yet for hundreds of workers who call us every year, there is no effective referral. Their claims may be too small to be economically viable for the private bar to pursue, yet the money they are owed can make all the difference to the worker. Undocumented immigrant workers, in particular, typically have no choice but to piece together small, contingent, "under the table" jobs with a series of employers who do not pay them. MFJ represents these workers and works in coalitions to bring meaningful change to the laws and to make wage theft harder, but our resources pale in comparison to the need.

Although the enforcement agencies at the City and State levels do their best to address the needs of low-wage and immigrant workers, resources are still needed to educate the community, and to advocate and navigate these processes properly.

There is tremendous need to protect low-wage and immigrant workers navigating changes in the post-pandemic workplace and new tools and resources will be necessary to help them. We seek reinstatement of and funding of the Low Wage Worker Support initiative and the restoration of \$100,000 in funding for this work.

MFJ applauds the Committee on Consumer and Worker Protection of the New York City Council for holding this hearing and urges the Council to support this work.

For any questions about this testimony, please feel free to contact Bernadette Jentsch at bjentsch@mfjlegal.org or 212-417-3772.

**Testimony by the New York Legal Assistance Group (NYLAG)
Before the NYC Committee on Public Safety**

March 18, 2022

Chair Hanks, Committee Members, Council Members, and Staff, thank you for the opportunity to speak before and submit this testimony to the Committee on Public Safety about the barriers survivors face in achieving safety and stability. My name is Shani Adess. I am the Associate Director of the Domestic Violence Law Unit (“DVLU”) at New York Legal Assistance Group (“NYLAG”). In my role, I supervise and work within two legal teams, in DVLU and our Immigrant Protection Unit (“IPU”), that serve survivors of domestic violence, sexual assault, child abuse, and trafficking.

NYLAG uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves survivors of domestic violence, sexual assault, and other crimes, throughout all our practice areas, though DVLU and IPU have dedicated projects focused on working with survivors as they seek protection and relief based on their victimization.

NYLAG’s DVLU provides free representation and safety planning to domestic violence survivors in the five boroughs. DVLU attorneys have expertise in family, matrimonial, immigration claims under VAWA, and appeals. NYLAG’s IPU provides free legal services -- affecting 35,900 immigrants in 2019 alone -- to immigrants experiencing poverty in detained and non-detained removal proceedings, applications for humanitarian relief such as asylum, as well as in applications for affirmative benefits such as green cards and naturalization. IPU is one of the contracted Family Justice Centers (“FJC”) partners at the Brooklyn, Bronx, Manhattan, and

Staten Island Family Justice Centers, where they provide on-site legal support and representation to survivors of domestic and gender-based violence in affirmative applications under VAWA, as well as for survivors facing removal in Immigration Court. DVLU, while not a contracted partner, voluntarily provides on-site legal support for family law matters in the same FJC's, one to two times a month.

We are grateful to the Mayor's Office of Criminal Justice for the FJC funding, because it enables us to help increase access for survivors, to us, and to any other part of the system they may wish to engage with. Central to NYLAG's model is having ties in community touchpoints, where survivors readily engage, so they can access our services. In addition to our work at the FJC's, we also receive direct referrals from shelters, cultural centers, hospitals, schools, and use our mobile legal help van to expand our community outreach to connect with survivors.

It is a harrowing time right now for so many members of our community in New York City. As we face the COVID-19 public health crisis, there is a simultaneous rising wave of incidents of domestic violence and hate crimes. We know that in the Trump Administration overt racist and xenophobic statements and policies emboldened racist and xenophobic individuals, sowing anxiety and fear for many people of color and immigrants.¹ The recent rise in anti-Asian hate crimes, has exacerbated this fear.² At the same time, over the past two years of the COVID

¹ See e.g. Bernstein, Hamutal, et. al., "*Adults in Immigrant Families Report Avoiding Routine Activities because of Immigration Concerns*", (July 2019) Found at: https://www.urban.org/sites/default/files/publication/100626/2019.07.22_immigrants_avoiding_activities_final_v2_1.pdf

² See e.g. Center for the Study of Hate & Extremism, CSUB, *Report to the Nation: Anti-Asian Prejudice & Hate Crime* (2021), Found at <https://www.csusb.edu/sites/default/files/Report%20to%20the%20Nation%20-%20Anti-Asian%20Hate%202020%20Final%20Draft%20-%20As%20of%20Apr%2030%202021%206%20PM%20corrected.pdf>; see also e.g. Yellow Horse, Aggie J., Ph.D., et. al. *Stop AAPI Hate National Report* (03/09/2020-12/31/2021), found at: <https://stopaapihate.org/wp-content/uploads/2022/03/22-SAH-NationalReport-3.1.22-v9.pdf>.

19 pandemic, incidents of domestic violence have also increased.³ At NYLAG, we saw an over 150% increase in people reaching out for assistance with protective orders in the first four months of the pandemic closures alone, a terrifying increase when we know there are so many more survivors who were unable to access help during this time.

Amid this public safety crisis, we need to expand the avenues available for survivors to seek help. Working within the FJCs enables us to respond to the many intersecting needs that a survivor faces, and ally with survivors to explain their options without predicated receipt of our services on coming forward, filing a case, or even fleeing the person causing them harm. It is critical for survivors to understand that they will receive civil legal assistance even if they do not choose to engage with the criminal justice system. We see time and time again that by giving survivors options, it increases the likelihood that they eventually do feel safe fleeing and coming forward. This is in part because we can provide support as they report or cooperate with the law enforcement or child protective agencies investigating the criminal acts, and respond to the barriers they face to engagement, be it linguistic, safety, economic, or physical.

For example, our client, Talya. Talya is a survivor of trafficking. The DA connected with our legal team in the co-located FJC, after Talya came in and said she no longer wanted to be a witness in the criminal case against her trafficker. When we met with Talya, we realized that since reporting, she had become homeless, her trafficker and his friends had threatened her family in their home country, and sent her messages saying when she, someone without immigration status, was sent back home, they would kill her. Our team made clear our assistance

³ See New York City's Mayor's Office to End Domestic and Gender Based Violence, *COVID-19 Impact Survey for Survivors of Domestic Violence* New York City's Mayor's Office to End Domestic and Gender Based Violence, (Sept. 2021), found at: <https://www1.nyc.gov/assets/ocdv/downloads/pdf/covid-19-impact-survey-for-survivors-of-domestic-violence-report.pdf>; see also Council on Criminal Justice, *Domestic Violence During COVID-19, Evidence from a Systematic Review and Meta-Analysis*, (Feb. 2021), found at: <https://build.neoninspire.com/counciloncj/wp-content/uploads/sites/96/2021/07/Domestic-Violence-During-COVID-19-February-2021.pdf>;

was in no way predicated on her cooperation with the DA, and we addressed her needs one by one. She now has a T visa, work authorization, there are humanitarian parole applications for her family to join her here in the United States. While we worked on her and her family's immigration relief, we also connected her with housing assistance at the FJC to find shelter. With her safety secured, and support in place, Talya herself chose to continue to work with the DA, in their case against the trafficker who trafficked not only her, but many other New Yorkers.

The collaborative environment created by Mayor's Office of Criminal Justice and the Mayor's Office to End Domestic and Gender Based Violence in setting up the FJCs, has strengthened communication amongst agencies and victim service providers, something so essential as we all do our part to support survivors and making our communities safe for everyone. For example, our client Rose. Rose had a pending criminal case against her ex-partner, after he raped her. In retaliation for his arrest, her ex filed a case in Family Court against her, seeking an order of protection. Fearful of the consequences that could arise from the retaliatory case filed against her, Rose initially felt deterred from continuing her case against her ex. She believed that she could be deported, and her child would be taken away from her. We spoke to Rose, and assuaged many of her concerns, and took on her case for representation to defend her against the false claims and file her own civil matter to inform the court that she was the true victim. Under Rose's direction, we communicated closely with the District Attorney, sharing needed information of statements made by her ex-partner in Family Court that could be used as admissions or statements against his interest, in the criminal case. Rose's case demonstrates how communication amongst agencies can further survivor's goals.

It is essential that we continue to build these collaborative efforts, both within the FJCs and amongst agencies and victim services providers, in the midst of the rising public safety

issues so many of our communities' face. We each have an essential role to play, and if we fail to understand how survivors intersecting needs impact their ability to come forward and willingness to engage, and that they themselves are the best person to choose what type of engagement and when will make them most safe, we will fail the people we dedicate ourselves and our work to serving.

I hope in the coming year we work together to expand the services we provide and the opportunities for inter-agency collaboration, to ensure that New York is a safe place for every individual who lives here, and that when it is not, they are able to find the help they need through our continued work and partnerships together. I therefore urge City Council and MOCJ to continue to fund and support legal services for survivors in the coming year. Thank you.

Lucy Sexton

New Yorkers for Culture & Arts

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City Council Committee on Public Safety hearing on
preliminary budget March 18, 2022

Thank you Chair Hanks and members of the City Council for
this important and urgent hearing. My name is Lucy Sexton and
I am with the cultural advocacy coalition New Yorkers for
Culture & Arts.

While I realize we are talking about the budget, and you may be
wondering why a cultural coalition is testifying at this hearing, I
think we need to talk about a radical reimagining of NYC---one
that respects the dignity and humanity of every neighborhood
and every New Yorker.

What is at the core of public safety----strong vibrant connected
communities, who know each other, who have programs for

young people, and engaging activities for their seniors. Data has shown that neighborhoods with cultural assets have improved outcomes in education, aging, mental health, community strength and safety, and decreased engagement with the criminal justice system. Every one of these areas will have hearings during this budget season. I ask you to remember the role culture plays in each area—so when you think of schools remember strong arts programs lead to student success; when you think of safety, remember that community centers with cultural programs can gather neighbors, increase street traffic, and provide a space for connection, expression, joy, and healing.

Let's talk specifics. The NeON Arts program, funded by the Department of Probation, provides youth 16-24 in neighborhoods with highest rates of probation, in cultural classes and workshops----chosen by members of the community! The courses range from dance to photography to graphic computer arts, not only engaging them in rigorous and rewarding classes, but providing training for jobs in the creative economy.

Programs like Ritual4Return and many others provide theater workshops for recently decarcerated people----getting them to dig deep into years of trauma, telling their stories in collaboration with family members, friends and members of their community. This program is enormously successful, leading to successful reentry and reducing recidivism.

As we know too well, mental health is a huge part of public safety. I want to point to a past city program, originally called Hospital Audiences and then simply HAI. It provided arts and culture programs to people in shelters, at drop in centers, addiction centers, prisons, and an array of public health facilities. Psychiatric studies were done showing the power of providing a place to safely express and process emotions to marginalized clients. It was defunded and disbanded for a variety of reasons in 2018, and its clients and the city has suffered.

Finally I want to talk about the recent tragedy of the deaths of Officers Rivera and Mora. I was in East Harlem the next day, visiting the dance troupe KR3TS. Their leader Violeta

Galagarza works with young talented dancers, many of them former gang members or kids otherwise at risk. One of their choreographers is a cousin of Jason Rivera, and within a few hours they choreographed an extraordinary dance of pain, and grief. They performed it for members of their precinct and posted it online mourning the officers and calling for an end to gun violence. This is the story we want to tell about our city. Officers are members of the community, the community holds them in time of tragedy, and everyone works together toward a safer future.

It's no secret that the pandemic has been brutal on the cultural sector. And the organizations most at risk are organizations disproportionately led by and serving BIPOC communities that have been hardest hit by all aspects of this crisis. I am asking the Council to break with conventional patterns of cutting arts and culture as some sort of amenity. I am asking that we invest more robustly in culture for every New Yorker in every neighborhood in every public school and senior center in prisons in shelters, giving people invaluable tools to connect and heal and grow.



New York City Council Committee on Public Safety
Friday, March 18, 2022
Committee on Public Safety- Preliminary Budget Hearing – Public Safety
Sherrise Palomino, Director of Advocacy and Programs

Good afternoon, my name is Sherrise Palomino, and I am the Director of Advocacy and Programs at New Yorkers for Parks (NY4P). We are a founding member of the Play Fair Coalition, which includes over 400 organizations from across the five boroughs. Thank you to the Public Safety Committee for the opportunity to speak about our city's parks and parks enforcement patrol program. I also want to thank Chair Hanks for her leadership on public safety and her tireless commitment to parks in Staten Island. Members of this committee have a unique opportunity to push for adequate funding for our parks systems as it is a critical component of meeting the needs of park safety.

The NYC Parks Department has the appropriate model to enforce safety in our parks. PEP officers' jobs range from providing lifesaving first aid to responding to concerns of park patrons to supporting at-risk individuals in need of social services. They are all New York State certified Peace Officers. The issue for the PEP officer program is funding for our Parks

The PEP officer head count is currently 380 total positions including council funded officers. Of those positions, 80 are set to expire on June 30 if the council does not allocate the funding to protect those jobs and commit to park safety. New Yorkers across all five boroughs want to see an increase in PEP officers. They reach out to New Yorkers for Parks asking us to fight for park safety by championing an increase in PEP officers. One of the city's crown jewels—Prospect Park—has two PEP officers at any given time for a park that exceeds 500 acres.

New Yorkers are demanding PEP officers in their parks. While it is fair to applaud the amazing work our police department continues to do. Communities want to feel safe with trusted PEP officers assigned to parks. Officers who they recognize and who have earned their trust. Community leaders want young people, particularly young men of color, to feel safe our parks.

We are overdue for transformative investment in our parks system – 1% of the city budget for parks could ensure the PEP officer program can grow to meet needs of communities across our city. The NYC Parks department does a valiant job maintaining these aging resources but needs more funding to do so. This is one of the many reasons why NY4P and the Play Fair Coalition are calling for an increase in the Parks budget to 1% of the city's budget – a call that the majority of City Council Members support along with Speaker Adams.

For over 100 years, [New Yorkers for Parks](http://www.ny4p.org) (NY4P) has built, protected, and promoted parks and open spaces in New York City. Today, NY4P is the citywide independent organization championing quality parks and open spaces for all New Yorkers in all neighborhoods.
www.ny4p.org

The New York City Charter School Center

Erik Joerss, Director of Government Affairs

Testimony Presented to the New York City Council Committee on Public Safety

New York City Council Fiscal Year 2023 Executive Budget Hearings

March 18, 2022

The New York City Charter School Center (Charter Center) respectfully submits the following testimony. The Charter Center thanks the New York City Council Committees on Public Safety and Finance for providing the opportunity to comment on the Executive Budget Hearings on behalf of the New York City charter school sector.

For over twenty years, public charter schools have been an integral part of the public education system in New York City (NYC), and in the 2021-22 school year there are 271 public charter schools operating in the five boroughs. These public schools employ an estimated 11,400 public school teachers and educate over 140,000 students, representing over 14% of public school students, of which 90% are Black/African American or Latinx. New York's public charter schools are serving primarily low-income NYC families (80% are economically disadvantaged), offering additional high-quality educational options for families.

The students (and families) who attend NYC's public charter schools represent some of the communities hardest hit by the ongoing COVID-19 pandemic. Across the nation, the COVID-19 pandemic has further intensified the disparities that exist amongst communities, and NYC is no different. The pandemic has also further illuminated and exacerbated the disparities certain student groups within NYC. One such disparity we hope to correct is the exclusion of charter school students from Local Law 2016/02, which provides a reimbursement program for private schools that provide security services in their school.

In 2016, the Council created a \$19.8 million School Safety reimbursement fund with taxpayer dollars for non-public schools with over 300 students to cover the cost of keeping their school facilities safe through contracts with private security firms. The Department of Education (NYC DOE) employs school security guards in all of their buildings with a partnership with the New York City Police Department. This means that students in private schools with over 300 students, district students, and charter students in DOE buildings have security officers in their building. The only group of students attending K-12 schools in NYC that do not receive access to security officers are charter students in private space settings. This exclusion has meant that the approximately 185 charter campuses must fund security costs out of per-pupil funding or redirect teachers and staff to provide security services. Some of these students at private space charter schools are the same students that do not receive rental assistance under a 2014 state law. These students are already receiving \$4,863 less per pupil than district schools¹ For those private space charter schools that do receive rental assistance, they are receiving \$2,057 less per pupil than district schools. The totality of these realities further demonstrates the ways in which public charter schools' stresses are exacerbated and resources are stretched. Charter schools are continuously asked to do more with less, and while the sector has continued to grow and conquer obstacles, the safety, security, and education of children must be non-negotiable.

There is room in the current School Safety reimbursement fund for charter students because most of the \$19.8 million has been left on the table. In 2020, \$14.2 million was unused, while \$13.6 million remained in the pot untouched in 2021. These leftover funds amount to money and resources that can be directed to charter schools – we have estimated that the inclusion of the 185 excluded charter schools representing 65,000 students would cost \$5 million per year, well within the amount left in the pot the past few years. Instead of diverting funds set aside to provide

equitable access to security and safety measures and precautions, NYC has chosen to leave charters to fend for themselves in creating a secure environment in which schools can direct their time and attention to providing quality education to some of the most impacted students in the city. If the Council takes up 70-2018, which proposed to grow the number of eligible schools and double the current reimbursement fund, the city's public charter schools would expect to be included, as well.

All students deserve to feel safe and free to focus their energy on their academic growth, and under current law, public charter schools in private space are the only schools in NYC – public or private – that are forced to divert money and resources out of the classroom to provide the basic security every other school enjoys. Even some of the city's wealthiest private schools like Spence, Dalton, Chapin, and Brearley enjoy access to security funding, whilst the 185 public charters that educate primarily low-income students of color whose families are community members and constituents deserving of the same treatment as all other New Yorkers. The 65,000 students in private space charters are made up of 43% Black/African American, 46% Hispanic/Latinx, 81% Economically Disadvantaged, 11% English language learners and 19% are students with disabilities.

Mayor Adams has been vocal about creating a safe city for all in an ever-changing, and both the Mayor and NYC DOE Chancellor Banks have been vocal about scaling educational excellence. To reimburse public charter schools in private space to hire security guards helps us all achieve these common goals, while centering all NYC students – public and private, alike. In fact, Mayor Adams (then Brooklyn Borough President) advocated for the inclusion of charter schools in Local Law 2016/02 stating, ["Our tax dollars should protect all our children,"](#) adding that he believed this could be passed by the Council. The NYC Council should amend Local Law 2016/02 to include public charter schools. Absent legislation, the City Council should ask City Hall to add funds into the budget for these already underfunded charter schools, many of whom are among the worst-funded public schools in NYC.

**Testimony of the New York Civil Liberties Union
Before the New York City Council Committee on Public Safety
Regarding the Preliminary Budget for Fiscal Year 2023**

March 18, 2022



ACLU of New York

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Donna Lieberman
Executive Director

Wendy Stryker
President

The New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony regarding the preliminary budget for fiscal year 2023. The NYCLU, the New York affiliate of the American Civil Liberties Union, is a not-for-profit, non-partisan organization with eight offices throughout the state and more than 180,000 members and supporters. The NYCLU’s mission is to promote and protect the fundamental rights, principles, and values embodied in the Bill of Rights of the U.S. Constitution and the New York Constitution.

In 2020, the police killings of George Floyd, Breonna Taylor, Daniel Prude, and too many Black and Brown people sparked uprisings throughout the country and across the state. The mass mobilization of New Yorkers demanding justice for Black lives propelled New York lawmakers to finally act on long-overdue police reform measures to increase transparency and accountability. Important as these measures are, it is clear that reforms alone are not sufficient to address the structural and cultural problems inherent in law enforcement.

Thus far, however, New York City has not taken action commensurate with the scale of the problem. The City Council must act to reduce the size, scope, and power of the NYPD, and nowhere is that power to act more important than in negotiating and approving the city’s budget. The Council must identify areas of responsibility that can be moved outside of the Department, divest from funds currently allocated to the NYPD for those responsibilities, and reinvest those funds into communities and into non-carceral, non-punitive services to support New Yorkers.

Introduction

The history of policing in the United States is rooted in violence against Black and Brown people. From slave patrols created to maintain slavery,¹ to police officers participating in or condoning lynching,² to the

¹ Chelsea Hansen, *Slave Patrols: An Early Form of American Policing*, National Law Enforcement Museum, July 10, 2019, <https://lawenforcementmuseum.org/2019/07/10/slave-patrols-an-early-form-of-american-policing/>.

² Michael S. Rosenwald, *A Black Man Accused of Rape, a White Officer in the Klan, and a 1936 Lynching that Went Unpunished*, The Washington Post, July 19, 2020,



use of police to enforce Jim Crow-era prohibitions,³ police departments have been given enormous amounts of power and funding to target Black and Brown communities as part of a system meant to uphold white supremacy and privilege. As agents responsible for enforcing the laws and policies of the state and those in positions of power, police have been deployed to suppress labor movements,⁴ attack protesters,⁵ and engage in massive surveillance of those who criticize the government.⁶

While spending on antipoverty programs and social services has decreased since the 1960s, spending on law enforcement has steadily increased, and police officers themselves began taking on responsibility for the types of public health and social service interventions that had been defunded along the way.⁷ Indeed, owing to increasing reliance of police officers outside of their purported anti-crime roles, even as crime levels fell throughout the 1990s and into the first two decades of the 2000s, spending on police continued to increase.⁸

This history of overfunding police while defunding the very services that meet people's basic needs is why calls for mere "reform" of police departments fall so short of what is needed. The ever-expanding scope of policing is the issue that, first and foremost, must be addressed. And it is why plans for defunding, shrinking, transforming, and ultimately abolishing policing as it exists now are called for.

New York City has missed crucial opportunities over the past two years to heed the calls from within the communities most impacted by police violence that have demanded meaningful reductions to the NYPD's budget. Had they been taken, such measures could have already

<https://www.washingtonpost.com/history/2020/07/19/atlanta-lynching-police-ku-klux-klan/>.

³ Connie Hassett-Walker, *The Racist Roots of American Policing: From Slave Patrols to Traffic Stops*, Chicago Reporter, June 7, 2019,

<https://www.chicagoreporter.com/the-racist-roots-of-american-policing-from-slave-patrols-to-traffic-stops/>.

⁴ *Notable Labor Strikes of the Gilded Age*,

http://faculty.weber.edu/kmackay/notable_labor_strikes_of_the_gil.htm.

⁵ PBS, *Black Culture Connection: The Birmingham Campaign*,

<https://www.pbs.org/black-culture/explore/civil-rights-movement-birmingham-campaign/>.

⁶ ACLU, *Leaked FBI Documents Raise Concerns about Targeting Black People Under 'Black Identity Extremist' and Newer Labels*, Aug. 9, 2019,

<https://www.aclu.org/press-releases/leaked-fbi-documents-raise-concerns-about-targeting-black-people-under-black-identi-1>.

⁷ Emily Badger & Quoc Trung Bui, *Cities Grew Safer. Police Budgets Kept Growing*, N.Y. Times, June 12, 2020,

<https://www.nytimes.com/interactive/2020/06/12/upshot/cities-grew-safer-police-budgets-kept-growing.html>.

⁸ *Id.*



effectuated many of these needed shifts in responsibilities. Instead, the prior administration's promise of cuts for FY 2021 proved illusory, premised on personnel transfers that never took place and a hollow and quickly-discarded pledge to reduce overtime spending.⁹ And the FY 2022 budget provided the NYPD with even more funding to, according to former Mayor de Blasio's office, implement pieces of the city's less than ambitious plan to "reform and reinvent" the NYPD.¹⁰ But that plan does little to alter the status quo of our overreliance on armed, carceral agents to respond to situations for which they are wholly unsuited.

The FY 23 budget presents an opportunity for this new Council to stake out a clear position that divesting from harmful and counterproductive strategies is a necessary component of promoting real community safety and reliance. Instead of continuing to funnel vast sums into the NYPD, the Council must instead make the long overdue investments that will increase opportunities for New Yorkers by making their communities healthier, more resilient, and better able to thrive.

The NYCLU has previously testified at length before the Council on the need to reexamine and reduce the scope of the NYPD's responsibilities, including the need to disband the NYPD's Strategic Response Group and Vice Squads,¹¹ and the need to remove police presence from our schools,¹² mental health response,¹³ and homeless outreach,¹⁴ among other areas. We reiterate and summarize many of these recommendations below, and we urge the Council to make real reductions in the NYPD's budget in these areas and to reinvest that

⁹ Jeff Coltin, *Did de Blasio Actually Defund the NYPD?* City & State New York, July 2, 2020, <https://www.cityandstateny.com/politics/2020/07/did-de-blasio-actually-defund-the-nypd/175832/>; Jake Offenhartz, *Despite de Blasio Assurances, NYPD Blows Past Overtime Budget Months Ahead of Schedule*, Gothamist, Mar. 18, 2021, <https://gothamist.com/news/de-blasio-nypd-overtime-budget-increase>.

¹⁰ *Transcript: Mayor de Blasio Holds Media Availability*, Office of the Mayor of NYC, July 1, 2020, <https://www1.nyc.gov/office-of-the-mayor/news/482-21/transcript-mayor-de-blasio-holds-media-availability>.

¹¹ NYCLU, *Testimony on Reducing the Responsibilities of the NYPD*, Sept. 27, 2021, https://www.nyclu.org/sites/default/files/field_documents/210927-testimony-reducingnypresponsibilities.pdf.

¹² NYCLU, *Testimony on Introductions 2188, 2211, 2226, & 2227 Regarding Police in Schools*, Feb. 18, 2021, <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=837461&GUID=73306FCA-290A-47FA-86F6-F1E571273A7F&Options=info|&Search=>.

¹³ NYCLU, *Testimony on Plans to Address the Mental Health Crisis*, Feb. 25, 2022, https://www.nyclu.org/sites/default/files/field_documents/220225-testimony-plansmentalhealth_crisis.pdf.

¹⁴ NYCLU, *Testimony on COVID-19 Relief for Homeless New Yorkers*, Apr. 23, 2020, <https://www.nyclu.org/en/publications/testimony-covid-19-relief-homeless-new-yorkers>.

money in communities and in the city's public health and social safety infrastructure, where we can better meet people's basic needs.

Disband the Strategic Response Group

In 2015, the NYPD's long history of aggressive policing of protest took on its newest form: the Strategic Response Group (SRG). SRG officers are escalators-in-chief: they abuse their mandate to consistently escalate and bring violence to protesters who are exercising their First Amendment rights. Upon its formation, NYPD leadership said that the unit would be perform both counterterrorism and protest-related functions,¹⁵ making a dangerous conflation between terrorism and First Amendment-protected protest.



After pushback from advocates, who voiced concerns around the criminalization of protest and the hyper-militarization of police, the NYPD announced that the unit would not be deployed at protests, and that it would conduct "single-fold terror work."¹⁶ Despite this promise, the NYPD's public description of the unit does not include counterterrorism. Instead, the NYPD's website says SRG's missions include "disorder response, crime suppression, and crowd control."¹⁷ Policing protest appears in the SRG's mission statement; counterterrorism does not.¹⁸

The SRG's approach to policing protest reflects a pattern of escalation and violence. The SRG's brutalizing of protesters was on full display during the 2020 protests for Black lives. In June of 2020, the SRG trapped, beat, zip-tied and arrested 263 protesters, medics, and legal observers at a protest in Mott Haven.¹⁹ At least 61 people were injured,

¹⁵ *Commissioner Bratton Unveils Plans for New High-Tech Anti-Terror Police Unit*, CBS New York, Jan. 29, 2015, <https://newyork.cbslocal.com/2015/01/29/bratton-unveils-plans-for-new-anti-terror-police-unit/>.

¹⁶ Barry Paddock, *NYPD Anti-Terrorism Unit Will NOT Handle Large-Scale Demonstrations: Cops*, N.Y. Daily News, Jan. 30, 2015, <https://www.nydailynews.com/new-york/nyc-crime/separate-nypd-unit-handle-large-scale-protests-article-1.2098051>.

¹⁷ See NYPD, Special Operations, <https://www1.nyc.gov/site/nypd/bureaus/patrol/citywide-operations.page>.

¹⁸ In fact, nearly every policing activity the SRG performs is already carried out by other NYPD agencies. The same year that SRG was formed, the NYPD also created another unit – the Critical Response Command – with counterterrorism duties nearly identical to the supposed role of SRG. See Tom Winter & Kim Cornett, *Inside New York City's Elite Counterterrorist Police Unit*, NBC News, July 19, 2017, <https://www.nbcnews.com/nightly-news/inside-new-york-city-s-elite-counterterror-police-unit-n784441>.

¹⁹ Human Rights Watch, "Kettling" Protesters in the Bronx, 2020, https://www.hrw.org/sites/default/files/media_2020/10/us_mott%20haven0920_web.pdf.



including legal observers and bystanders. At least three people were hospitalized. In September 2020, Human Rights Watch published a report on the Mott Haven protest, declaring the NYPD's conduct "intentional, planned, and unjustified."²⁰

The SRG's propensity for violence is by design. Its Field Force Operations manual includes guidelines for mass arrests, sound cannon deployment, and tactical formations like "encirclement," which is functionally identical to kettling.²¹ In the Bike Squad's manual, protest groups are divided into two categories: "peaceful" and "violent." Examples of "violent" protesters are "BLM movement, Occupy Wall Street, and Anti-Trump Demonstrators."²² With little mention of First Amendment protection or de-escalation strategies, the SRG is trained to police with force and bias, and to view protesters for racial justice as enemy combatants.

The NYPD's actions in the summer of 2020 were widely condemned and have been the subject of numerous investigations and ongoing litigation, including a lawsuit filed by Attorney General Letitia James. Central to many of these lawsuits is the SRG. The Attorney General's report reads: "SRG officers are not only inadequately trained to respond to peaceful protests, but their training in terrorism response, which necessarily requires aggressive tactics and extreme force, is almost certain to result in constitutional violations when applied to peaceful protesters."²³

A Department of Investigation (DOI) report on NYPD conduct at 2020 protests found SRG "likely exacerbated tensions during protests about policing, consistently kettled protesters throughout the summer of 2020," and "was not properly trained." The report called on the NYPD to "reevaluate the central role of the Strategic Response Group and Disorder Control Unit response to large protests given their orientation to handle counterterrorism, riots, and other serious threats."²⁴

²⁰ *Id.*

²¹ NYPD, SRG Field Force Operations, https://www.documentcloud.org/documents/20584526-srg_field_force_modules. In the SRG's Field Force Manual, "encirclement" is described as a "formation utilized when there is a need to take a group of people into custody."

²² NYPD, SRG Bicycle Crowd Management, https://s3.documentcloud.org/documents/20584525/srg_bike_squad_modules.pdf.

²³ New York State Office of the Attorney General, Preliminary Report on the New York City Police Department's Response to Demonstrations Following the Death of George Floyd, July 2020, <https://ag.ny.gov/sites/default/files/2020-nypd-report.pdf>.

²⁴ New York City Department of Investigation, Investigation into NYPD Response to the George Floyd Protests, Dec. 2020, <https://www1.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>.



The SRG is a threat to the safety and First Amendment rights of New Yorkers. Combating this threat means putting an end to the SRG itself. The unit should be disbanded, and its funds should be reinvested in ways that support and uplift New Yorkers. The NYPD's headcount should be reduced by the number of SRG officers, and city leaders must ensure that its militarized tactics are not recreated under another name.

Disband the Vice Enforcement Division and Reallocate Resources for Services

The Vice Enforcement Division is one of the most corrupt units within the NYPD. In theory, Vice is tasked with policing so-called quality of life offenses, such as consensual sex work, narcotics use, and gambling. Recently, Vice falsely claimed to have shifted its focus to policing trafficking.²⁵ In reality, Vice officers weaponize their badges to exploit, sexually harass, and otherwise terrorize sex workers, massage workers, their clients, and survivors of trafficking. This costs taxpayers more than \$18 million per year – money that could be better spent elevating the very communities Vice has targeted for decades.²⁶

The brutality of Vice officers is not new, as their malfeasance has been documented since at least 1972.²⁷ In the past few years, members of the City Council have written two letters detailing how Vice officers abuse consensual sex workers and massage workers, while the unit also revictimizes survivors of sex trafficking.²⁸ On December 13, 2020,

²⁵ Joshua Kaplan and Joaquin Sapien, “NYPD Cops Cash In on Sex Trade Arrests With Little Evidence, While Black and Brown New Yorkers Pay the Price” ProPublica, July 12, 2021, <https://www.propublica.org/article/nypd-cops-cash-in-on-sex-trade-arrests-with-little-evidence-while-black-and-brown-new-yorkers-pay-the-price>.

²⁶ Executive Budget, Supporting Schedules, FY22, City of New York.

²⁷ In 1972, the Knapp Commission – a 5-person investigatory panel comprised primarily of former judges to investigate police corruption – found evidence of systematic corruption from Vice officers, including participating in running brothels and using their badges for discounted sex from sex workers. The Mollen Commission in 1994 found similar evidence. While both made recommendations, reforms did not go far enough to end Vice's repeated harms toward communities. Moreover, these investigations did not specifically look at the harm Vice policing causes to sex workers, massage workers, and survivors of trafficking. The Knapp Commission Report on Police Corruption (1972), <http://digitallibrary.usc.edu/cdm/ref/collection/p15799coll69/id/3893/>; The City of New York Commission to Investigate Allegations of the Police Corruption and Anti-Corruption Procedures of the Police Department (1994).

²⁸ On April 18, 2018, former Councilmember Ritchie Torres, Sen. Jessica Ramos, Assembly Member Daniel Quart, and Assembly Member Ron Kim asked the Department of Investigation to investigate the Vice unit, which they described as a “hotbed of corruption.” Letter: <https://www.decrimny.org/post/for-immediate-release-four-legislators-sent-letter-to-doi-demanding-investigate-nypd-vice>. On December 16, 2020, five city and state elected officials detailed years of corruption by the Vice unit



members on the Committee on Women and Gender Equity specifically enumerated Vice's mistreatment of transgender and non-binary New Yorkers in calling on the state to repeal the infamous "Walking While Trans Ban."²⁹ Yet, despite Vice abuses, its budget has remained intact.

A recent ProPublica report provides numerous accounts from former Vice squad members recounting how officers within the unit use their power to coerce sexual favors.³⁰ In the report, one retired sergeant admitted "the undercover can have a nice, cold beer and watch a girl take her clothes off - and he's getting paid for it." In the same report, another former vice sergeant noted how "humorous" it was for an officer to arrest a "crack prostitute [*sic*] on the street for a hamburger and fries." Notably, Vice arrests both sex workers, and survivors of trafficking. Almost all of those arrested for selling sex are people of color in low-income neighborhoods.³¹

Similarly, Vice officers use unlicensed massage statutes to raid massage businesses and arrest almost exclusively Asian women, many of whom are noncitizens or undocumented.³² Often, Vice officers claim that they intend to save victims of sex trafficking. They dehumanize all those that they arrest whether they are sex workers, people that are trafficked, or merely masseuses that do not trade sex.³³ During raids, workers and survivors are almost always handcuffed, and their money and other assets are seized by Vice. Sex workers in massage businesses complain that Vice officers fondle them, solicit sexual favors before arrest, and in some instances will not even let them dress before arresting them. Cashiers, receptionists, and others employed by massage businesses are often charged under felony unlicensed massage statutes as well.

As Vice's corruption has continued unchecked, many sex workers and many advocacy groups for consensual sex workers and survivors of sex trafficking have asked for Vice to be investigated and defunded. The City Council must respond to these calls by eliminating Vice and investing

and demanded a joint City-State hearing to investigate the unit. Letter <https://www.propublica.org/article/new-york-lawmakers-demand-nypd-halt-undercover-sex-trade-stings>.

²⁹ Matt Tracy, "Walking While Trans Repeal Resolution Passes City Council; Eyes Albany" AMNY. December 11, 2020, <https://www.amny.com/politics/walking-while-trans-repeal-resolutions-pass-city-council-eyes-turn-to-albany-for-action>.

³⁰ See Kaplan, *supra* note 25.

³¹ *Id.*

³² Unlicensed massage can be prosecuted as a misdemeanor or a felony, pursuant to Edu. Law Sec. 6512 and Sec. 6513.

³³ Elena Shih, "How to Protect Massage Workers," New York Times, March 26, 2021, www.nytimes.com/2021/03/26/opinion/politics/atlanta-shooting-massage-workers-protection.html.



in established harm reduction mechanisms that would elevate both sex workers and survivors of sex trafficking.

In eliminating the Vice unit, it is imperative that the NYPD not create units with similar functions that perpetuate the same harms. It is equally important that the City meaningfully invest in harm reduction services and organizations as it is for the city to eliminate Vice. In the wake of coercive Vice practices, several organizations formed to provide comprehensive services. These include help for legal issues, housing, immigration, health care access, mental wellness, harm reduction strategies, help transitioning to different professions if that's what consensual sex workers choose to do, and help escaping coercive situations for trafficking survivors.

One of the most important groups the City must support are street-based workers, who tend to be the most marginalized. The City should fund peers to do outreach, to offer services, and to be a non-carceral response to any community complaints. Importantly, street-based workers can also be a lifeline to those currently experiencing trafficking and other coercive situations. Utilizing peer outreach models would bolster community trust, support more survivors, and eliminate the risk of further criminalization or harmful interactions with Vice.

Reject Expanded Surveillance

In June 2020, the City Council passed the Public Oversight of Surveillance Technology (POST) Act, requiring the NYPD to fully disclose the extent of its surveillance technology infrastructure and the policies that govern the use of these technologies. The POST Act was passed in response to the NYPD's long and troubling history of engaging in surveillance tactics that target political dissent, criminalize communities of color, and jeopardize all New Yorkers' privacy. Despite years of assurances from the NYPD to the contrary, the City Council recognized the obvious fact that the NYPD cannot be trusted to monitor its own use of surveillance technologies and to keep the full extent of its surveillance infrastructure secret from the public and policymakers.

Almost two years later, the NYPD is still trying to keep the public in the dark on its surveillance capabilities and practices. We already knew that the NYPD possesses and routinely deploys an arsenal of surveillance tools that include face surveillance, x-ray vans, Stingrays, ShotSpotter, and drones, among others. But we still don't know how many of these technologies are used in coordination with other, the extent to which information about New Yorkers is being collected or shared with third parties and other government agencies, or even the total costs of NYPD spending on these programs.



Instead the NYPD released a set of surveillance impact and use policies that were lacking in detail, contained no serious consideration of the potential for biased and disparate enforcement, grouped together multiple tools into vague and overbroad categories, and were replete with inaccuracies and misleading statements.³⁴

The Council must demand better from the Department in its compliance with the POST Act's clear legislative mandate for transparency. That includes demanding a full accounting of how much the Department is spending on specific surveillance tools. But transparency must only be a starting point. The Council must also resist calls – like those contained in Mayor Adams' gun violence blueprint – to further expand the NYPD's already extensive surveillance capabilities.

In particular, the Council must reject calls to expand the NYPD's use of face recognition technology and other forms of biometric surveillance. These technologies are notoriously inaccurate, particularly when used to attempt to identify women and people of color.³⁵ And when these systems are used by police, the real risks of misidentification cannot be overstated, especially considering the potential for lifelong consequences that can result from even a single encounter with law enforcement.³⁶

The NYPD's use of face recognition technology has been riddled with highly flawed, unscientific, and even unlawful practices – including running searches based on celebrity lookalike photos, digitally editing suspect photos (including through effects that substantially alter the suspect's appearance), and arresting people while relying almost

³⁴ The NYCLU provided a more detailed analysis of the NYPD's draft policies in our public comments to the Department. NYCLU, *Comments on Draft Surveillance Impact and Use Policies*, Feb. 24, 2021, https://www.nyclu.org/sites/default/files/field_documents/nyclu_letter_on_post_act_draft_policies_0.pdf.

³⁵ See, e.g., Joy Buolamwini & Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, 81 *PROC. OF MACHINE LEARNING RES.* 1, 1 – 15 (2018); see also Jacob Snow, *Amazon's Face Recognition Falsely Matched 28 Members of Congress With Mugshots*, ACLU Free Future, July 26, 2018, <https://www.aclu.org/blog/privacy-technology/surveillance-technologies/amazons-face-recognition-falsely-matched-28>; cf. Paul Berger, *MTA's Initial Foray Into Facial Recognition at High Speed Is a Bust*, Wall Street Journal, Apr. 7, 2019, <https://www.wsj.com/articles/mtas-initial-foray-into-facial-recognition-at-high-speed-is-a-bust11554642000>.

³⁶ See, e.g., Kashmir Hill, *Wrongfully Accused by an Algorithm*, N.Y. Times, June 24, 2020, <https://www.nytimes.com/2020/06/24/technology/facial-recognition-arrest.html>, Kashmir Hill, *Another Arrest, and Jail Time, Due to a Bad Facial Recognition Match*, N.Y. Times, Dec. 29, 2020, <https://www.nytimes.com/2020/12/29/technology/facial-recognition-misidentify-jail.html>.

exclusively on the basis of a possible “match” without taking additional investigative steps to establish probable cause.³⁷

The NYPD has proven that it cannot be trusted with the continued use of this dangerous technology. New York City must join the growing movement of cities throughout the country that are rejecting and banning face recognition and other biometric surveillance technologies, and we urge the Council to stop funding the existing use of these tools in the city budget.

Remove NYPD from Mental Health Response



NYPD officers are neither mental health professionals nor are they social workers, yet far too often, they are dispatched to respond to crises where a trained, licensed, civilian professional could better assess, deescalate, and resolve the situation.

Nowhere is this more apparent than in the NYPD's handling of calls related to people experiencing a mental health crisis. NYPD officers respond to roughly 200,000 mental health crisis calls annually,³⁸ a symptom of a system that provides care only after people experience a mental health issue instead of providing services and supports that promote health and wellness and that avert crisis. Police officers lack the training and skills needed to provide a safe and appropriate response,³⁹ and the presence of armed officers in these encounters too often leads to escalation. The police killings of Mohamed Bah, Deborah Danner, Saheed Vassell, Kawaski Trawick, and far too many others are tragic reminders of our city's failure to develop a mental health response that actually prioritizes getting people the healthcare and services that they need.

The NYPD's continued entrenchment in mental health crisis response flies in the face of nationwide initiatives to fundamentally transform the role of policing. We must end this over-reliance and ensure that the

³⁷ Clare Garvie, Georgetown Law Center on Privacy & Technology, *Garbage In, Garbage Out: Face Recognition on Flawed Data*, (2019), <https://www.flawedfacedata.com/>.

³⁸ Caroline Lewis, *The NYPD Currently Responds to Mental Health Crisis 911 Calls. Advocates Have Another Approach*, Gothamist, June 14, 2020, <https://gothamist.com/news/nypd-currently-responds-mental-health-crisis-calls-advocates-have-another-approach>.

³⁹ Police have limited options, all grounded in traditional policing models of command, control, and coercion principles, when responding to a person in crisis. They may arrest the individual; refer the person to mental health services or transport the person for an involuntary psychiatric evaluation; resolve the situation informally, for example, asking the individual to leave the scene; or if the individual is a crime victim, take a report, and perhaps provide assistance.



NYPD is no longer tasked with responding to calls of New Yorkers experiencing a mental health or substance use crisis. Instead, the City must immediately establish and provide sufficient funding for a civilian crisis system that deploys culturally competent and gender competent social/crisis workers, medics, and mental health peers – not law enforcement officers. Such crisis response professionals must have the training and expertise to safely stabilize people in crisis and connect them to services and/or treatment, if necessary, and to do so in a way that dramatically reduces the risk of serious injury and death to those in crisis. The design, implementation, and monitoring of such a crisis response system must be driven by impacted communities.

At the state level, Daniel’s Law (A.4697/S.4814) is an example of how to provide the opportunity to meet this moment with a bold new vision for community safety that starts with removing police as the default solution to address mental health needs, and this framework can serve as a model for a new approach here in New York City.

Remove Police from Schools

Police are not an adequate substitute for school counselors and other supports for young people. Their presence in schools has resulted in the further criminalization of Black and Brown youth while leaving young people’s underlying needs unmet. To correct this, the Council must commit to a full removal of school safety agents from their permanent stations in public schools.

In Mayor Adams’ first financial plan for the city, however, he attempts to quietly reverse de Blasio’s move of the school safety division from NYPD control to the oversight of the Department of Education.⁴⁰ While Mayor Adams has said publicly he wants to double down on police in schools, the City Council cannot allow him to unilaterally make this change.

Ultimately, maintaining any police force in schools is incompatible with the values of public education. Police in schools have had a disproportionately negative impact on Black and Latinx students—subjecting them to criminal legal consequences for school misbehavior at far higher rates than their white peers. This would almost certainly be the case with police officers managed, hired, and trained by the DOE, as it is with the NYPD. Our goal should be to take concrete steps to create schools that are safe for all students without police, not relying

⁴⁰ Michael Elsen-Rooney, *Plan to Transfer NYC School Safety Agents from the NYPD to the Education Dept. Is Reversed*, N.Y. Daily News, Mar. 3, 2022, <https://www.nydailynews.com/new-york/education/ny-budget-reverses-school-safety-transfer-to-doe-20220303-37k4a2s2fahfpdu4nvhs7ngu-story.html>.



on police tactics and technology to solve every problem faced by students.

The City Council must, however, play a role in ensuring this debate is transparent and inclusive. And it must hold the mayor accountable for a plan that moves away from criminalizing children. Councilmembers should demand to know why the mayor believes doubling down on NYPD in schools is effective—given the mountains of evidence that they have hurt students and have, in fact, failed to improve school safety or climate for many kids.

New Yorkers will not accept a solution that fails to reclaim education dollars for the benefit of young people. Other cities across the U.S. and in New York are making real changes, divesting from police, and investing in kids.⁴¹ New York City can make those changes and eliminate the NYPD's responsibilities and presence in our schools.

End Policing of Homelessness

For too long, the NYPD's targeted harassment of New Yorkers experiencing homelessness has been a point of shame for our city. NYPD officers, in collaboration with the Department of Homeless Services and the Department of Sanitation, continue to threaten unsheltered homeless New Yorkers with the destruction of their belongings in so-called "sweeps" or "clean-ups."⁴² In normal circumstances, these tactics are cruel and coercive; the fact that these operations have continued in direct defiance of CDC guidance in the midst of a global pandemic and without promise of alternative, safe housing is unconscionable.⁴³

Before and during the pandemic, police have also been called on to remove New Yorkers experiencing homelessness from the subway systems, threatening those seeking shelter in the subway with a criminal summons unless they agreed to be transported to often unsafe city shelters.⁴⁴ Although the prior administration purported to disband the NYPD's Homeless Outreach Unit in 2020, the police continue to

⁴¹ *E.g.*, Los Angeles, Minneapolis, Seattle, Oakland, Denver, Rochester, N.Y., and Portland, OR. *See*, Jill Cowan et al., "Protesters Urged Defunding the Police. Schools in Big Cities Are Doing It." *The New York Times*, February 17, 2021, <https://www.nytimes.com/2021/02/17/us/los-angeles-school-police.html>.

⁴² Andy Newman & Nicole Hong, *New York is Pushing Homeless People Off the Streets. Where Will They Go?* *N.Y. Times*, Aug. 2, 2021, <https://www.nytimes.com/2021/08/02/nyregion/homeless-camps-relocate.html>.

⁴³ *Id.*

⁴⁴ Mirela Iverac, *Six Months In, Critics Say de Blasio's Strategy to Help Homeless in Subways isn't Working*, *Gothamist*, Jan. 22, 2020, <https://gothamist.com/news/sixmonths-critics-say-de-blasios-strategy-help-homeless-subways-isnt-working>.



criminalize New Yorkers experiencing homelessness for their mere existence in public places. More recently, Governor Hochul and Mayor Adams announced a so-called “Subway Safety Plan” to remove unsheltered New Yorkers from the subways – a plan that prominently includes a police response. This approach risks a troubling escalation of sweeps and criminalization of unsheltered New Yorkers who are themselves seeking safety within the subway system, while doing little to meet their longer term needs for supportive housing and culturally appropriate supports and services.

Policing is not a solution to homelessness. The City Council must do more to support longer term investments in housing, health care, and services that actually respond to and meet people’s needs and close the chapter on callous practices like sweeps and other tactics that do little more than criminalize poverty.

Conclusion

The NYCLU thanks the Committee for the opportunity to provide testimony, and we welcome the opportunity to work with the Council to reduce our overinvestment in policing and increase our investments in communities.



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**Testimony of Amber Khan, Health Justice Director on behalf of
New York Lawyers for the Public Interest before the New York City Council
Committee on Public Safety
regarding the Preliminary Budget for FY 2023
March 18, 2022**

Good afternoon. My name is Amber Khan and I am the Director of the Health Justice Program at New York Lawyers for the Public Interest (NYLPI). Thank you for the opportunity to present testimony today regarding mental health crises in New York City.

**THE CITY MUST WHOLLY TRANSFORM ITS RESPONSE TO MENTAL HEALTH
CRISES BY ELIMINATING POLICE AND REPLACING THEM WITH A PEER-LED
HEALTH RESPONSE**

The City must ensure that individuals who experience a mental health crisis receive appropriate services which will de-escalate the crisis and ensure their wellbeing and the wellbeing of all other New Yorkers. Only those who are trained in de-escalation practices should respond to a mental health crisis, and the most appropriate individuals to respond are peers (those with lived mental health experience) and health care providers.¹ Police, who are trained to uphold law and order are not suited to deal with individuals experiencing mental health crises, and New York's history of its police killing 19 individuals who were experiencing crises in the last six years alone, is sad testament to that. Eliminating the police as mental health crisis responders has been shown to result in quicker recovery from crises, greater connections with long-term healthcare services and other community resources, and averting future crises.²

¹ Martha Williams Deane, *et al.*, "Emerging Partnerships between Mental Health and Law Enforcement," Psychiatric Services (1999), http://ps.psychiatryonline.org/doi/abs/10.1176/ps.50.1.99?url_ver=Z39.88-2003&rft_id=ori%3Arid%3Acrossref.org&rft_dat=cr_pub%3Dpubmed&#/doi/abs/10.1176/ps.50.1.99?url_ver=Z39.88-2003&rft_id=ori%3Arid%3Acrossref.org&rft_dat=cr_pub%3Dpubmed.

² Henry J. Steadman, *et al.*, "A Specialized Crisis Response Site as a Core Element of Police-Based Diversion Programs," Psychiatric Services (2001), http://ps.psychiatryonline.org/doi/10.1176/appi.ps.52.2.219?utm_source=TrendMD&utm_medium=cpc&utm_campaign=Psychiatric_Services_TrendMD_0.

The scores of people experiencing mental health crises who have died at the hands of the police over the years is a microcosm of the police brutality that is being protested around the world. Disability is disproportionately prevalent in the Black community and other communities of color,³ and individuals who are shot and killed by the police when experiencing mental health crises are disproportionately Black and other people of color. Of the 19 individuals killed by police in the last six years, 16 – or greater than 80% -- were Black or other people of color. The City Council simply cannot stand by while the killings continue. Now is the time for major transformations. Now is the time to remove the police as responders to mental health crises. Lives are literally at stake.

[Correct Crisis Intervention Today – NYC](#) (CCIT-NYC), which has over 80 organizational members including NYLPI, has developed the needed antidote. Modeled on the [CAHOOTS](#) (Crisis Assistance Helping Out On The Streets) program in Eugene, Oregon, which has successfully operated for over 30 years without *any* major injuries to respondents or responders – let alone deaths -- the CCIT-NYC proposal is positioned to make non-police responses available to those experiencing mental health crises in New York City. The proposal avoids the enormous pitfalls of the City's B-HEARD pilot. Hallmarks of the CCIT-NYC proposal are:

- teams of trained peers and emergency medical technicians;
- teams run by culturally competent community organizations;
- response times comparable to those of other emergencies;
- 24/7 operating hours;
- calls routed to a number other than 911; and
- oversight by an advisory board of 51% or more peers.
- The full text of the CCIT-NYC proposal can be found at <http://www.ccitnyc.org/whowe-are/our-proposal/>.

THE B-HEARD PILOT MUST BE WHOLLY REVAMPED AS IT AUTHORIZES EXTENSIVE POLICE INVOLVEMENT AND IS LIKELY TO CONTINUE OR EVEN INCREASE THE RATE OF VIOLENT RESPONSES BY THE NYPD

The City, via its newly renamed Mayor's Office of Community Mental Health (formerly ThriveNYC), introduced a pilot program that it contends is responsive to the need to cease the killings at the hands of the police of individuals experiencing mental health crises. Unfortunately, that is simply not the case, despite the City's glowing description of the program. Among B-HEARD's grim statistics are the following:

- An astronomical **82% of all calls continue to be directed to the NYPD**, even six months after its kick-off.
- Even when all kinks are ironed out, the City anticipates continuing to have a nearly-as-astronomical **50% of all calls directed to the NYPD**.
- Moreover, **all calls continue to go through 911**, which is under the NYPD's jurisdiction.
- The entire **program is run by the Fire Department and other City agencies** and there is not even any delineation of the lines of authority and communication among the agencies. There is **NO role whatsoever for community organizations**.

³ Mayor's Office for People with Disabilities, "Accessible NYC" (2016), https://www1.nyc.gov/assets/mopd/downloads/pdf/accessiblenyc_2016.pdf.

- **The crisis response teams are composed of emergency medical technicians (EMTs) who are City employees (from the Fire Department) who are deeply enmeshed in the current police-led response system.** Peers do not trust these EMTs. The other team members are *licensed clinical* social workers. Requiring both the licensure and the clinical orientation is unnecessary and preclude a vast array of potential candidates who have excellent skills and a long history of working with people experiencing crises. B-HEARD has ***NO* requirement to hire peers.**
- **The training of the teams will *NOT* use a trauma-informed framework, will *NOT* be experiential, and will *NOT* use skilled instructors who are peers or even care providers.**
- The anticipated **response time for crisis calls could be as long as half an hour**, which is not even remotely comparable to City response times for other emergencies.
- **The pilot operates only sixteen hours a day.**
- **There are no outcome/effectiveness metrics.**
- There has been ***NO* role for the community in establishing this program or overseeing it.**

A comparison of the CCIT-NYC proposal, which is based on the CAHOOTS model with a stellar track record, and the B-HEARD program, which is not aligned with any best practices, is illustrated in the chart below:

Critical Attributes of a Mental Health Crisis Response System	CCIT-NYC's Proposal	NYC's B-HEARD Proposal
Removal of police responders	YES	NO (currently, 82% of calls are still responded to by police, and even when all kinks are removed, 50% of calls will still be responded to by police)
Three-digit phone number such as 988, in lieu of 911.	YES	NO
Response team to consist of an independent EMT and a trained peer who has lived experience of mental health crises and know best how to engage people in need of support	YES	NO (licensed clinical social worker and EMT employed by the New York City Bureau of Emergency Medical Services)
Crisis response program run by community-based entity/ies which will provide culturally competent care and will more likely have a history with the person in need and can intervene prior to a crisis	YES	NO (run by New York City Police Department and other City agencies)
Peer involvement in all aspects of planning/implementation/oversight	YES	NO
Oversight board consisting of 51% peers from low-income communities, especially Black, Latinx, and other communities of color	YES	NO
Creation/funding of non-coercive mental health services ("safety net"), including respite centers and 24/7 mental health care to minimize crises in the first place and to serve those for whom crisis de-escalation is insufficient	YES	NO

Response times comparable to those of other emergencies	YES	NO (Current response time of 14 minutes, compared with average response time of 8-11 minutes for non-mental health emergencies)
Response available 24/7	YES	NO (Response only available 16 hours/day)
Training of the teams to use a trauma-informed framework, be experiential, and use skilled instructors who are peers	YES	NO

NYLPI therefore urges the Council to ensure that the \$112 million it allocated in last year's budget for a non-police mental health crisis response, be utilized solely for a truly non-police response such as the CCIT-NYC model, and not be utilized for the B-HEARD program.

THE CITY COUNCIL MUST ENSURE THAT NEW YORKERS HAVE ACCESS TO A WIDE RANGE OF VOLUNTARY NON-HOSPITAL, COMMUNITY-BASED MENTAL HEALTH SERVICES THAT PROMOTE RECOVERY AND WELLNESS, AS WELL AS A FULL PANOPLY OF COMMUNITY SERVICES, INCLUDING HOUSING, EMPLOYMENT, AND EDUCATION, BY ALLOCATING FUNDING FOR SUCH PROGRAMS

Since NYLPI was established 45 years ago, we have prioritized advocating on behalf of individuals with mental health conditions, and we have consistently fought to ensure that the rights of individuals with mental health conditions are protected by every aspect of New York's service delivery system. Core to our work is the principle of self-determination for all individuals with disabilities, along with the right to access a robust healthcare system that is available on a *voluntary, non-coercive* basis.

We have long been on record opposing mandatory outpatient and inpatient treatment -- as insufficiently safeguarding the rights of persons with mental health concerns and failing to offer appropriate healthcare.

Quite simply, there is no place for coercion. Forced "treatment" is not treatment at all, and it has long been rejected by health practitioners -- to say nothing of the disability community -- in favor of numerous best practices strategies that offer assistance even to those who have previously resisted offers of care⁴. There are multiple less invasive models of care⁵ that New York must invest in to avoid the tragedy and enormous cost of forced treatment. At

⁴ See, e.g., de Bruijn-Wezeman, Reina "Ending Coercion in Mental Health: The Need for a Human Rights-Based Approach," Committee on Social Affairs, Health and Sustainable Development, Council of Europe, Parliamentary Assembly, Doc. 14895 (May 22, 2019), <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27701&lang=en>.

⁵ See the attached list of long-term, voluntary programs that have excellent track records.

the heart of these models are the trained peers –individuals who have lived mental health experience -- that makes them ideally suited to implement effective harm reduction and de-escalation techniques, especially during crises.

We know how to help those with the most severe mental illness, but we fail to do so because the services are insufficient or are not held to the highest account. We face system failure, but we point our finger at those most affected by the system failure. We must stop the finger pointing and fix the system. We must invest in innovative, voluntary health programs. And we must invest in supportive housing and not cart people off to a psychiatric ward or to jail.

Any proposal to ease the ability to force people into in-patient or out-patient “treatment” must be seen in the context of whom we’re entrusting to “remove” these individuals. As we now surely know all too well, the police, who are steeped in law and order, are not at all well-suited to deal with individuals with mental health concerns. New York’s grim statistics of its police killing 19 individuals who were experiencing mental health crises, and seriously injuring countless others, in the last six years alone, is sad testament to that. The Mayor’s plan calls for an outsized role for the police; City Council must reject that.

Forced “treatment” must also be seen in the context of the ensuing racial disparities. Of the 19 individuals killed at the hands of New York police, 16 were people of color. This systemic racism also underlies the disproportionate prevalence of disability in the Black community and other communities of color⁶. Likewise, racism is at the heart of the similarly vast disparities of forced treatment, which will only worsen if the Mayor’s push for greater enforcement of commitment laws – alongside our new governor – is not halted by City Council. The racial disparities in the application of forced outpatient treatment (also known as Kendra’s Law) are vast. In New York City, since 1999, 77% of Kendra’s Law orders are implemented against Black and Brown individuals.

While there is extensive literature supporting voluntary treatment, there is no support for the success of forced outpatient treatment generally, or Kendra’s Law in particular. The studies which suggest that Kendra’s Law has resulted in improved circumstances for those with mental disabilities, did not undertake the necessary comparison between voluntary and involuntary treatment, and forced outpatient treatment certainly has never been proven to be a violence prevention strategy.⁷

THE CITY COUNCIL MUST REJECT THE PORTIONS OF THE MAYOR’S “SUBWAY SAFETY PLAN” THAT SEEK TO FORCE INDIVIDUALS WITH MENTAL ILLNESS INTO OUT-PATIENT AND IN-PATIENT CARE, AND PROVIDE TIGHT OVERSIGHT OVER THE PORTIONS OF THE PLAN THAT SEEK TO PROVIDE VOLUNTARY SERVICES TO INDIVIDUALS WITH MENTAL ILLNESS.

The City Council must exercise tight oversight over the Mayor’s subway plan which, although it discusses voluntary services for those with mental disabilities, it heavily emphasizes forced treatment, which is neither beneficial to those individuals, nor does it provide the freedom from violence that the Plan seeks. The literature is clear that forced

⁶ Mayor’s Office for People with Disabilities, “Accessible NYC” (2016), https://www1.nyc.gov/assets/mopd/downloads/pdf/accessiblenyc_2016.pdf.

⁷ See <https://www.hmpgloballearningnetwork.com/site/behavioral/article/aot-cost-effectiveness-study-stirs-national-debate>.

treatment is of limited utility and is not capable of reducing violence – which notably afflicts only 4% of those with mental health diagnoses and is in fact the same percentage of violence among those who do not have mental disabilities.

The City Council must ensure that New Yorkers have access to a wide range of non-hospital, community-based mental health services that promote recovery and wellness, as well as a full panoply of community services, including housing, employment, and education, by allocating funding for such programs as Crisis Respite, Housing First, Safe Haven, Family Crisis Respite, Living Room Model, Safe Options Support Teams, INSET, and Pathway Home (see attached).

The City Council must also reject the portions of the Mayor’s Plan that seek to force individuals with mental illness into out-patient and in-patient care, and provide tight oversight over the portions of the Plan that seek to provide voluntary services to individuals with mental illness.

CONCLUSION

NYLPI respectfully requests that the Council:

- Enact into legislation the CCIT-NYC proposal to create a non-police, peer-driven mental health crisis response.
- Allocate \$112 million annually to fund the CCIT-NYC proposal for a non-police, peer-driven mental health crisis response.
- Ensure that New Yorkers have access to a wide range of non-hospital, community-based mental health services that promote recovery and wellness, as well as a full panoply of community services, including housing, employment, and education, by allocating funding for such programs.
- Reject the portions of the Mayor’s “Subway Safety Plan” that seek to force individuals with mental illness into out-patient and in-patient care, and provide tight oversight over the portions of the Plan that seek to provide voluntary services to individuals with mental illness.

Thank you for your consideration. I can be reached at akhan@nylpi.org, and I look forward to the opportunity to discuss how best to eliminate the police as first responders to individuals experiencing mental health crises.

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About New York Lawyers for the Public Interest

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

NYLPI's Disability Justice Program works to advance the civil rights of New Yorkers with disabilities. In the past five years alone, NYLPI disability advocates have represented thousands of individuals and won campaigns improving the lives of hundreds of thousands of New Yorkers. Our landmark victories include integration into the community for people with mental illness, access to medical care and government services, and increased accessibility of New York City's public hospitals. Working together with NYLPI's Health Justice Program, we prioritize the reform of New York City's response to individuals experiencing mental health crises. We have successfully litigated to obtain the body-worn camera footage from the NYPD officers who shot and killed individuals experiencing mental health crises, and recently filed a class action lawsuit which seeks to halt New York's practice of dispatching police to respond to mental health crises.

**Testimony Before the NYC City Council
Committee on Public Safety**

Preliminary Budget Hearing

March 18, 2022

Jonathan Salazar, Policy Associate
Allison Hollihan, Senior Policy Manager
NY Initiative for Children of Incarcerated Parents
Osborne Center for Justice Across Generations
Osborne Association



Thank you for the opportunity to speak with you today. My name is Jonathan Salazar, and I am a Policy Associate with Osborne Association's NY Initiative for Children of Incarcerated Parents at the Osborne Center for Justice Across Generations. Osborne provides a wide range of diversion and reentry programs at sites in the Bronx, Brooklyn, Harlem, Buffalo, and Newburgh, as well as services at more than thirty New York State prisons and thirty-two (32) New York State prisons and six (6) New York City jails including Rikers Island. In addition, we provide a range of services for children whose parents are in the criminal legal system, in total serving close to 12,000 people each year.

While there is much related to public safety to talk about, my testimony will focus on the largely invisible issue of how children are affected by a parent's arrest; what can be done to minimize trauma to children before, during, and after a parent's arrest; and how we are partnering with NYPD and community-based organizations to safeguard and support NYC's children.

Currently, there is no data on how many children are present when a parent or caregiver is arrested. What we do know is from data collected by the New York City Criminal Justice Agency in 2019 on people in New York City awaiting arraignment. This data reveals that 4,286 (4.3%) of the 98,675 respondents awaiting arraignment provided full-time care to children, and 31,203 (31.6%) respondents provided financial support to one or more children. Together, respondents awaiting arraignment provided care or support to **more than 60,347 children in New York City**.

Children are deeply affected by their parent's arrest, yet until recently, it was rare to find a law enforcement agency that provided training on child development and interacting with children. In 2013, the International Association of Chiefs of Police (IACP) issued a model protocol on safeguarding children at the time of a parent's arrest. Since then, we have worked with the Albany and Buffalo Police Departments which have both issued written policies and provided training to their Officers, and DCJS has recently added a 6-hour module into their initial recruits training that includes information on children.

From our programs, we know that children and young people often carry this experience for years or even a lifetime, never speaking of the memories they have – that often haunt them – about the moment they witnessed their parent's arrest. Many have felt invisible and vulnerable at the time, or have felt seen but ignored; many have incredible ideas that reimagine a public safety system where they are considered, validated, and seen even in moments where they are stripped of their parents. Thanks to a growing body of research, we know how trauma affects the brain and know that having an incarcerated parent (almost always preceded by a parent's arrest) is considered an Adverse Childhood Experience (ACE). We also know that protective factors can lessen the harmful effects of these experiences, and that police officers can be protective factors for children. Further, we know that efforts to safeguard children at the time of arrest are important tools that can improve community-police relations.

For all of these reasons, we were thrilled to have received City Council funding last year to work with NYPD and community-based organizations to implement the law the City Council passed in 2019 (after the shocking arrest of Jazmine Headley where her infant son was ripped from her hands as she sat on the floor of an HRA office). We thank the Council for responding with this law – now Administrative Code §14-181 – and we are grateful for the recent City Council funding that has allowed us to accomplish many unprecedented steps toward safeguarding children. These steps are outlined in the addendum attached to my written testimony and include the following efforts currently underway:

- training for various levels of service within NYPD
- training for community-based partners
- the development of a video bank of young people, parents, and experts speaking about their experiences with parental arrest
- the development and dissemination of other materials to support implementing best practices

We are particularly excited about the training opportunities in collaboration with NYPD. Our recent experience training Buffalo Police Officers revealed how helpful and important it is for Officers to receive information about a specific safeguarding policy/ protocol, about child development, and to be given more tools in their toolbox for interacting with children. Feedback from training evaluations included the following:

- 85 percent said that the Buffalo Police Department safeguarding children policy better prepares them to support children whose parents are arrested and that *it will help strengthen community-police relations*
- Almost 96 percent of survey respondents said that they will use what they learned in the training
- 86 percent said they learned new skills for interacting with and supporting children

This work is a marathon, not a sprint, and while much is happening right now, there is much more to do. With 36,000 members of service in the NYPD, a complex network of community providers in NYC serving children and families but not specifically addressing the effects of parental arrest and incarceration, and so many elements to cover and implement (including data collection and pre-arrest planning that are not in the 2019 law) achieving a true comprehensive citywide approach to safeguarding children will take time. To continue to advance the critical work underway, we have submitted a City Council discretionary funding application that we hope you will consider and support.

Osborne also provides other services that support public safety in NYC, including our Court Advocacy Services, services for young people, and efforts to address violence and harm that

heal rather than further damage communities. We have submitted funding applications to support this work.

For nearly 90 years, Osborne has been working at the intersection of policy and practice. All of our work is grounded in an understanding of people's capacity to change, and in the importance of relationships, across generations, and we build our programs and services to ensure individuals and their families have the right and the opportunity to heal from and repair harm, restore their lives, and thrive. We support robust efforts to provide people who come home from prison with housing, a connection to healthcare, and access to the kind of opportunities we all need to survive and live our best lives. We believe public safety includes investing in and strengthening communities, and we work for alternatives to jail and prison, creative approaches to reducing the number of people detained in the city's jails, and closing Rikers Island (a goal committed to by the City and supported by the City Council). The city and state must continue to implement pre-trial reforms and measures to expedite court processes. People are spending unprecedented amounts of time on Rikers Island, with dire consequences to their health, families, and long-term wellbeing.

Thank you for your time and consideration.

Addendum:**Osborne collaboration with NYPD to safeguard children of arrested parents**

In collaboration with NYPD, to date we have accomplished:

- Revising Patrol Guide Procedures 208-02, 208-03, 215-01, and 215-03, providing guidance to arresting officers;
- Training over 90 Training Sergeants in a 2-hour virtual training on the new protocol and interacting with children of various ages;
- Training Sergeants provided an 8-minute roll call training to approximately 10,000 officers regarding the new procedures for safeguarding children at the time of a parent's arrest;
- Identified 21 community-based children's mental health providers or "partners" who have agreed to accept referrals post-arrest;

NYPD is in the process of adding a checkbox to the aided card to capture referrals to a child-serving partner organization, as required by the law.

Additionally, NYPD collaborated with Osborne to:

- Hold two focus groups with NYPD Officers and training sergeants to develop the training curriculum;
- Develop a "train the trainer model," including suggestions for a roll call training that Training Sergeants would present to officers;
- Discuss a partner organization referral process and additional training and capacity-building efforts to better equip partner organizations to meet the needs of children and families of arrested parents;
- Convene three meetings in 2021 with some of the partner organizations to develop referral processes, identify their capacity needs, and train about the law and ways to support children post-arrest.

Work underway currently includes:

1. Develop materials (with the input of NYPD) that will assist Officers in implementing child-sensitive arrest practices (materials developed in other jurisdictions include a checklist, palm card, posters, and roll call video);
2. Develop a video bank for training various audiences that will feature diverse perspectives (law enforcement, children, service providers) and best practices;
3. Assemble a consortium of trainers—including retired and former law enforcement professionals—to assist in facilitating training and creating materials.

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Testimony of
Jimmy Meagher, Policy Director
Safe Horizon

On the Fiscal Year 2023 Preliminary Budget

Committee on Public Safety
Hon. Kamillah Hanks, Chair

New York City Council

3.18.2022

Thank you for the opportunity to provide testimony today. My name is Jimmy Meagher, and I am Policy Director at Safe Horizon, the nation's largest non-profit victim services organization. Safe Horizon offers a client-centered, trauma-informed response to 250,000 New Yorkers each year who have experienced violence or abuse. We are increasingly using a lens of racial equity and justice to guide our work with clients, with each other, and in developing the positions we hold.

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

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

The City Council has also championed the human services nonprofit sector. Our sector desperately needs your help to ensure that human services workers across our sector receive the compensation and support we need.

The City of New York contracts with nonprofits to deliver the essential services so many New Yorkers rely on – for food, for safety, for shelter, etc. However, the City too often asks our community of nonprofits to do more with less and to accept the bare minimum. This means that many - too many - nonprofit human services workers, the majority of whom are women and people of color, are barely surviving on the wages paid by underfunded City contracts. Because many survivors come into victim services work to help other survivors, City funding for the nonprofit victim services sector is an economic justice issue for survivors. To live up to our shared values of equity, equality, and supporting communities, our City must commit to fully funding the Cost-of-Living Adjustment (COLA), the Indirect Cost Rate Initiative (ICR), and other fair and just investments to our sector and to fully funding city contracts at appropriate levels to allow nonprofits to offer competitive living wage salaries. Pay equity is a racial justice issue, a gender justice issue, and an economic justice issue.

My testimony today will focus on the needs of the nonprofit human services sector, with specific focus on the core asks of the #JustPay campaign. I will also highlight the City Council discretionary and initiative funding contracted through MOCJ that Safe Horizon and our community of providers rely on to provide essential services to survivors of violence and abuse across the five boroughs. Lastly, I will highlight Safe Horizon's policy recommendations to the current Administration. These policies promote housing justice, economic justice, and public safety & criminal justice for survivors, their families, and their communities.

#JustPay

Safe Horizon is a proud member of the [#JustPay campaign](https://www.justpayny.org/) (<https://www.justpayny.org/>), which is a racial equity and gender justice campaign committed to ending the government exploitation of human services workers. The #JustPay campaign is demanding that sector employees under contract with New York City and State be paid fair wages for their labor.

Each year you hear from providers who are struggling due to the crisis of compounding underfunding of the human services sector as City budgets are balanced on the backs of low-income neighborhoods and BIPOC communities. This practice has resulted in poverty-level wages for human services workers, who are predominantly women (66%) and people of color (68%). To address this crisis, we ask the City to immediately adopt three core reforms:

1. Establish, fund, and enforce an automatic annual cost-of-living adjustment (COLA) on all human services contracts.
2. Set a living wage floor of no less than \$21 an hour for all City and State funded human services workers.
3. Create, fund, and incorporate a comprehensive wage and benefit schedule for government contracted human services workers comparable to the salaries made by City and State employees in the same field.

The COLA is the biggest action that can be taken right now, during this budget season. We ask that the Council include an important COLA for all human services workers, as these workers haven't seen an increase from City contracts in the last two years. Ideally, we would love to see a multi-year COLA agreement, but in the absence of that, we are asking for a **5.4% COLA** based on the consumer price index which mirrors the State COLA included in the Governor's budget. This would be about an \$108 million investment in an essential community workforce.

These actions would be meaningful to organizations like ours that never stopped providing critical services during this pandemic.

Initiative and Discretionary Funding

City Council initiative and discretionary funding contracted through the Mayor's Office of Criminal Justice (MOCJ) supports the following Safe Horizon programs:

Domestic Violence and Empowerment (DoVE) Initiative

Since 2006, the New York City Council's DOVE Initiative has provided critical resources to communities impacted by domestic violence. Recognizing that survivors of domestic and intimate partner violence have varied needs and may not always access the criminal justice system, the City Council partnered with Safe Horizon to create the DOVE Initiative to provide a neighborhood-based response to survivors and their families. The DOVE Initiative was funded at \$11.5 million in FY22, with Council Members then allocating funding to local providers in their district.

Currently, over 120 organizations across NYC use DOVE funding to address domestic violence in the community by providing legal services, crisis intervention, case management, counseling, support groups, outreach, education, and training. Safe Horizon oversees this entire project and

ensures program compliance. We provide in-depth training on program development and evaluation to help organizations stay competitive in future funding environments, as well as networking opportunities to help DOVE-funded organizations learn from each other and coordinate services. DOVE has always been important, but in this environment, at this moment in our history, it is literally a lifesaver for New Yorkers in every neighborhood and every community who are navigating a pandemic and violence in the home. As we advocate for options for victims and survivors both inside and outside traditional criminal justice responses, DOVE is pivotal. DOVE directs funds to the organizations rooted in community that have been able to pivot to provide necessary and life-saving supports to survivors during a pandemic.

We are very grateful to the City Council for supporting the DOVE Initiative for over a decade. We are requesting a restoration of \$11,500,000 so our network of CBOs can continue to reach survivors in every neighborhood and every district across New York City.

Legal Services: Immigration Law Project

Safe Horizon's Immigration Law Project (ILP) provides expert legal advice and representation to victims of crime, violence, abuse, trafficking, and torture. ILP staff help guide their clients through complex immigration proceedings and assist them in applications for U-Visas, VAWA self-petitions, Special Immigrant Juvenile Status (SIJS), asylum, adjustment of status and citizenship, as well as in removal defense. ILP receives referrals internally from Safe Horizon's other programs, such as our domestic violence shelters and our Crime Victim Assistance Program, as well as externally from the courts, law enforcement, other community-based organizations, legislators, and from former and current clients. ILP strives to provide the highest quality services to a very vulnerable population. Clients live in all five boroughs and experience a multitude of victimization including domestic violence, sexual assault, and other crimes. As a result of the prior administration's immigration policies, Safe Horizon's ILP has seen an increase of survivors seeking our immediate assistance. In addition, the current global pandemic caused by the coronavirus and its variants have exacerbated already tenuous circumstances for immigrant survivors, making them even more vulnerable to abuse and exploitation and in need of our support and services. Without additional resources, we are simply unable to help everyone who seeks our help.

Even as most courthouses moved to a virtual setting, in FY21 our Immigration Law Project still provided full representation, advice, and consults to over 830 clients and provided nearly 4,300 telephonic information and referral services. The City Council supports ILP through the **Initiative for Immigrant Survivors of Domestic Violence Initiative**.

The City Council's **Immigrant Survivors of Domestic Violence Initiative** – part of the **Young Women's Initiative (YWI)** – allows Safe Horizon's Immigration Law Project to provide full representation to 60 additional immigrant victims of domestic violence, including direct representation to 45 survivors and 15 additional consultations. The majority of these cases include clients or families where there is a survivor of domestic or sexual violence and where the victim is between the ages of 16 and 24. **To help ensure that we have the capacity to respond to pressing legal cases for immigrants, we are asking the City Council to restore \$75,000 to Safe Horizon through the YWI - Immigrant Survivors of Domestic Violence Initiative in FY23.**

Safe Horizon Policy Recommendations

Finally, in September 2021 Safe Horizon published our “[Policy Recommendations for the Next NYC Mayor](https://tinyurl.com/2kc7m5my),” which you can read on our website: <https://tinyurl.com/2kc7m5my>

One of our key recommendations for our partners in city government is to approach public safety more broadly and comprehensively, beyond a myopic focus on criminal legal responses to violence. New Yorkers all want public safety. For many of our clients, safety means health, mental health, economic stability, housing, and so much more. The current Administration and City Council should intentionally invest in communities and work to end poverty when investing in public safety measures.

Survivors of violence and abuse understand their safety better than anybody. And safety, healing, and justice may look different for every survivor. Rather than a one-size-fits-all approach to public safety, survivors need the city to invest in a range of safe, viable options so they can make their own decisions and navigate their path forward. For example, survivors may define the words “accountability” and “justice” differently. For some, it includes an expectation of the criminal justice system to arrest, prosecute, and incarcerate the person who caused harm. For others, it includes a restorative justice process where the person responsible for the violence or abuse takes full ownership of their actions and commits to repairing the harm. A survivor-centered approach to public safety will create options for accountability and healing that match more closely with what survivors want.

While violence and abuse occur across socio-economic lines, the impact falls particularly heavily on low-income communities of color. The lack of adequate financial resources, limited access to safe, affordable housing, and generations of justified mistrust of law enforcement and the criminal justice system can leave survivors with few paths to safety. A true public safety strategy must include investments in under-resourced communities, including a dramatic increase in affordable housing and economic opportunities. The City should invest in restorative justice programs, re-direct funding and responses from the NYPD to community-based solutions, build understanding of trauma with NYPD and communities, and create an economic recovery strategy that centers the health, well-being, and safety of the most vulnerable New Yorkers.

Conclusion

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

And it is essential that the City invest in the nonprofit human services workforce that we collectively rely on to support our safety net. We urge you and your colleagues to listen to providers and implement the three core asks of the #JustPay campaign.

Thank you again for the opportunity to submit testimony. We are available to provide more information and answer any questions you may have.

Testimony of Andrea Bowen, Associate Director, Government Affairs**Of Sex Workers Project of the Urban Justice Center****To the New York City Council Committee on Public Safety****FY23 Preliminary Budget Hearing****Chair, Kamillah Hanks****March 18, 2022**

My name is Andrea Bowen. My pronouns are she/her/hers, and I am Associate Director of Government Affairs for the Sex Workers Project of the Urban Justice Center, advising and advocating on public policy and government affairs in New York City and State. I'm also a transgender woman, and I'm testifying in solidarity with Black, Latinx, Indigenous, and other transgender people of color who are survivors of violence

The Sex Workers Project of the Urban Justice Center, which I will refer to as SWP henceforth in this testimony, in collaboration with and guided by impacted communities, offers legal advocacy to survivors of human trafficking and people who engage in sex work, regardless of whether they do so by choice, circumstance, or coercion. We are a national organization that defends the human rights of sex workers by destigmatizing and decriminalizing people in the sex trades through free legal services, education, research, and policy advocacy. We aim to create a sexually liberated world where all workers have the autonomy and power to fully enjoy their human rights.

I want to focus on two budget issues relating to public safety today, first noting that NYPD's Vice Division does not need to be funded at the \$18.2 million level that it has been funded at in the previous several fiscal years. A group of activists are working with DAs in the

five boroughs to make sure that all the City's DA's follow the lead of Brooklyn and Manhattan and decline to prosecute unlicensed massage parlor and prostitution arrests. Vice arrests are down, but Vice's harassment of BIPOC and transgender communities has still occurred even since the ProPublica expose of Vice in December 2020.¹ Following the Mayor's desire to eliminate poorly utilized government funds, we ask that Vice not continue being funded at its level of \$18.2 million.

Vice, despite its rebranding efforts as being more oriented toward human trafficking survivors, has a terrible history of supporting trafficking survivors. This is an important point to make both part of and in distinction from Vice's history committing acts of violence (even in one instance, running its own trafficking ring) against sex workers, trafficked or not. SWP performs legal work for trafficking survivors, and engages in advocacy with other organizations that support trafficking survivors. A recollection of Vice's past and present work show that it is not an appropriate government entity for support of trafficking.

- First, it is worthwhile to discuss the culture of terror and overuse of force within Vice.

SWP had a transgender Latina client in 2018 who told our attorneys that Vice tried to knock down her door with what we assume was a battering ram. This client said that an undercover cop came into her house and gave her no warning that Vice officers, using SWAT team style tactics, were about to threaten to enter her home by force. A short while after, some vice officers who had a battering ram started using it against her door.

The undercover cop who was there opened up the door for the police. She was arrested.

¹ This will be mentioned in several testimonies, but is also detailed at length in Kaplan and Sapient, "NYPD Cops Cash In on Sex Trade Arrests With Little Evidence, While Black and Brown New Yorkers Pay the Price," ProPublica, December 7, 2020. <https://www.propublica.org/article/nypd-cops-cash-in-on-sex-trade-arrests-with-little-evidence-while-black-and-brown-new-yorkers-pay-the-price>

Because the undercover cop was already there and opened the door, the use of the battering ram seems like an overuse of force just to terrify her.

- This following event occurred circa the 1990s, but damaged a client's life years later, and—especially considered in the context of the December 2020 ProPublica expose of Vice's activities—is indicative of the harm embedded within Vice's institutional practices. Client A was being trafficked and was coerced to work and perform commercial sex in a bar in Queens owned by her trafficker. The trafficker was also selling drugs. An undercover vice officer pretending to be a transgender woman approached Client A with money in hand, asking her to purchase drugs from the trafficker on the officer's behalf. The client refused multiple times, but the cop pled with her until she agreed. Minutes later, the bar was raided by numerous police officers, and Client A was arrested and detained in the same cell with her trafficker. Client A received a drug trafficking conviction that resulted in the denial of her immigration case years later.
- In the last four years, approximately, service providers to trafficking survivors have voiced concern with Vice acting in a manner that was coercive, harassing, not trauma-informed, and fundamentally in denial of survivors' human right to self-determination. I have spoken with providers who have told of trafficking survivors who were brought to service provision by what is now known as Vice. In one particular instance, a client ultimately told the provider that they didn't want to collaborate with Vice. Vice contacted the service provider to ask about the client, and in line with the client's wishes, the provider explained to Vice that the client did not want to work with the police. Nevertheless, Vice officers found the client in several locations that they knew she was

likely to go to. This was a violation of the trafficking survivor's explicitly stated boundaries, and denial of the human right to self-determination. If you've been continuously hounded by your trafficker, being hounded again by Vice when you have explicitly said you do not want their offers of help, could re-traumatize a survivor.

- This last summer, a provider told me the story of a certified trafficking survivor who had completed the process of vacating her prior prostitution convictions that occurred while she was being trafficked. She was sleeping outside when she was woken up by Vice. Vice held her for several hours, took her medications away, called her a "whore," and—was understandably quite shaken by the event.

As so many of the testimonies today are laying out, Vice has a history of violent activity toward those it arrests for prostitution, but my point is that even if we focus on Vice's activity around trafficking, and even very *recent* activity toward trafficking survivors, the question is called: is this newly rebranded "Anti-Trafficking Vice" Unit even professionally competent to work with trafficking survivors? And the answer is a strong no.

What would be helpful to sex workers and the communities they have worked in, is using funding, ideally freed up by repurposing \$10 million from the Vice budget, to better serve the actual needs of sex worker communities. It is critical for the City to establish a physical center, which would aid in accessibility to services and community building for sex workers, massage workers, and survivors of trafficking. While the City spends upward of \$18.2m on Vice, it spends a mere \$4.4m on nonprofits via the Supports for Persons Involved In the Sex Trade initiative—which is a good start, but is not nearly sufficient to community need. There are many organizations that are trusted by sex workers, massage workers, and survivors of trafficking, and we aim to work with these communities and let the City know where to put the funding.

Friends of mine today will be providing more details about their experiences with Vice through the years, and also the need for community services for sex workers, former sex workers, and trafficking survivors. Thank you so much for your attention to these issues, holding these hearings, and constantly being in conversation with marginalized communities to address long-standing, and ongoing, injustice.

For more information, contact Andrea Bowen, abowen@urbanjustice.org, 917-765-3014, or Mariah Grant, mgrant@urbanjustice.org

OUR SCHOOLS, OUR FUTURES: A BUDGET FOR SAFE AND JUST NYC SCHOOLS



DIGNITY IN SCHOOLS

DIGNITY IN SCHOOLS CAMPAIGN-NY (DSC-NY) IS A COALITION OF NYC PUBLIC SCHOOL STUDENTS, FAMILIES, EDUCATORS, AND ADVOCATES ORGANIZING TO ENSURE THAT EVERY YOUNG PERSON—REGARDLESS OF WHICH NEIGHBORHOOD THEY LIVE IN OR SCHOOL THEY ATTEND—HAS ACCESS TO SAFE AND THRIVING SCHOOL COMMUNITIES. WE CALL ON NYC'S ELECTED OFFICIALS TO TAKE AN IMPORTANT STEP TOWARD OUR VISION BY ADOPTING A FY 2023 BUDGET THAT SHIFTS FUNDING TOWARDS THE RESOURCES AND RESTORATIVE PRACTICES THAT SUPPORT EVERY YOUNG PERSON TO LEARN AND GROW, AND AWAY FROM THE POLICE PRESENCE AND CULTURE THAT DIRECTLY DISRUPTS LEARNING AND VIOLATES THE DIGNITY AND SAFETY OF BLACK, BROWN, DISABLED, AND LGBTQ+ YOUNG PEOPLE.

1. HIRE 2,000 NEW YORKERS TO STRENGTHEN SCHOOLS

WHEN STUDENTS ARRIVE AT SCHOOL, THEY SHOULD BE GREETED BY COMMUNITY MEMBERS AND TEACHERS, NOT POLICE. BUT FOR YEARS, THE NYPD AND SCHOOL POLICE UNION HAVE SUCCESSFULLY PRESSURED LAWMAKERS TO INSTEAD DIRECT SCHOOL FUNDS INTO HIRING AND TRAINING SCHOOL POLICE WHO HARM BLACK, BROWN, DISABLED, LGBTQ+, AND OTHER MARGINALIZED YOUNG PEOPLE. WE WANT SCHOOL-BASED JOBS THAT SUPPORT STUDENTS, CONTRIBUTE TO THE SAFETY OF OUR SCHOOL COMMUNITIES, AND WHICH HIRE BLACK AND BROWN COMMUNITY MEMBERS AND PAY THEM WELL.

- **\$75 MILLION DIRECTLY TO 500 HIGH SCHOOLS TO HIRE SCHOOL-BASED RESTORATIVE JUSTICE COORDINATORS.**
 - THIS FUNDING SHOULD INCREASE BY AN ADDITIONAL \$55 MILLION EACH YEAR FOR THE NEXT 3 YEARS TO HAVE AN RJ COORDINATOR IN ALL PUBLIC SCHOOLS, ULTIMATELY A SUSTAINED ANNUAL EXPENSE OF \$240 MILLION.
- **\$75 MILLION TO HIRE 500 NEW SOCIAL WORKERS.**
 - THIS FUNDING SHOULD INCREASE OVER THE NEXT 5 YEARS TO ACHIEVE A RATIO OF 1:150 ACROSS SCHOOLS, WITH 1:50 FOR HIGH NEEDS SCHOOLS.
- **\$75 MILLION TO HIRE 500 NEW SCHOOL COUNSELORS.**
 - THIS FUNDING SHOULD INCREASE OVER THE NEXT 5 YEARS TO ACHIEVE A RATIO OF 1:150 ACROSS SCHOOLS, WITH 1:50 FOR HIGH NEEDS SCHOOLS.
- **\$75 MILLION DIRECTLY TO SCHOOLS TO HIRE 500 COMMUNITY MEMBERS INTO SUPPORTIVE POSITIONS BASED ON NEED.**
 - POSITIONS SHOULD INCLUDE PARAPROFESSIONALS, YOUTH ADVOCATES, PARENT COORDINATORS, AND COMMUNITY OUTREACH COORDINATORS; AND STAFF TO GREET STUDENTS AT THE DOOR AND CHECK-IN VISITORS.

ALL NEW POSITIONS MUST BUILD SAFETY FOR STUDENTS AND GOOD LIVES FOR WORKERS. PRIORITY FOR THESE POSITIONS MUST BE GIVEN TO BLACK AND BROWN COMMUNITY MEMBERS AND RECENT NYC PUBLIC HIGH SCHOOL GRADUATES. THESE MUST BE WELL PAID UNION JOBS IN THE DOE WHICH ARE EXEMPT FROM THE TYPICAL BARRIERS TO ENTRY SUCH AS AN ADVANCED DEGREE. HOWEVER, THE ADVANCE DEGREE REQUIREMENT WILL REMAIN IN EFFECT FOR SOCIAL WORKERS AND COUNSELORS. ALL POSITIONS MUST REQUIRE TRAINING IN AND COMMITMENT TO DE-ESCALATION AND RESTORATIVE JUSTICE; AND HIRING AND TRAINING MUST BE OVERSEEN BY SCHOOL COMMUNITIES (STUDENTS, TEACHERS, PRINCIPALS, AND PARENTS). THESE MUST NOT BE NYPD OR POLICING POSITIONS.

2. FUND SCHOOL-BASED RESTORATIVE JUSTICE

NEW YORK CITY PUBLIC SCHOOLS SHOULD BE SAFE, WELCOMING PLACES FOR YOUNG PEOPLE TO GROW AND LEARN IMPORTANT CONCEPTS, INCLUDING HOW TO RESOLVE CONFLICTS AND NAVIGATE CHALLENGES. OVER THE LAST THREE YEARS, THE CITY HAS INVESTED IN A TOP-DOWN IMPLEMENTATION OF RESTORATIVE JUSTICE, WHICH HAS BEEN INEFFECTIVE AT REACHING STUDENTS AND TEACHERS TO MAKE ANY MEANINGFUL IMPACT. FULL COMMITMENT TO AND FUNDING FOR A SCHOOL-LED RESTORATIVE JUSTICE MODEL WILL MAKE SCHOOLS SAFER FOR ALL STUDENTS AND PROVIDE OPPORTUNITIES FOR YOUNG PEOPLE TO DEVELOP LIFELONG SKILLS TO RESOLVE DISAGREEMENTS, PRACTICE EMPATHY, AND TAKE OWNERSHIP FOR THEIR ACTIONS.

- **\$45 MILLION (ON TOP OF FUNDING FOR RESTORATIVE JUSTICE COORDINATORS) DIRECTLY TO SCHOOLS TO:**

- ACCESS ONGOING RESTORATIVE JUSTICE TRAINING FOR ALL SCHOOL STAFF, AND MAKE IT AVAILABLE TO THE BROADER SCHOOL COMMUNITY (E.G., STUDENTS AND FAMILIES). REQUIRE THAT RESTORATIVE JUSTICE TRAININGS INTEGRATE AN ANTI-RACIST APPROACH. NO MONEY SHALL BE USED FOR TRAINING SCHOOL COPS.
- FUND SAMS FOR YOUNG PEOPLE TO LEAD RESTORATIVE JUSTICE PRACTICES AND BUILD SKILLS THAT WILL SET THEM UP FOR THE FUTURE.
- DEVELOP RESTORATIVE JUSTICE CURRICULUM WITH TEACHERS AND STUDENTS.
- OFFER RESTORATIVE JUSTICE CLASSES OR ADVISORIES, AND OTHER PRACTICES.

IMPLEMENTATION MUST BE OVERSEEN AND INCLUSIVE OF LONG-TIME RESTORATIVE JUSTICE PRACTITIONERS, STUDENTS, EDUCATORS, PARENTS, AND COMMUNITY GROUPS. FUNDING MUST BE ALLOCATED DIRECTLY TO SCHOOL COMMUNITIES LEADING THE WAY TO ENSURE MONEY IS SPENT ACCORDING TO INDIVIDUAL SCHOOLS' NEEDS. IT SHOULD NOT GO TO PRIVATE CONTRACTS WITH NONPROFITS THAT HAVE NO RELATIONSHIP TO THOSE SCHOOL COMMUNITIES.

3. SUPPORT STUDENTS' SOCIAL AND EMOTIONAL WELLBEING

ANY YOUNG PERSON EXPERIENCING CRISIS OR CHALLENGES IN THEIR LIFE SHOULD HAVE ACCESS TO SUPPORT SERVICES TO HELP THEM TO MANAGE THROUGH DIFFICULTIES, STAY IN SCHOOL, AND THRIVE. FOR TOO LONG, NYC'S ELECTED OFFICIALS HAVE CHOSEN TO SEND POLICE INTO SCHOOLS TO RESPOND TO MENTAL HEALTH CRISES INSTEAD OF INVESTING IN SUPPORTIVE RESOURCES—DENYING SUPPORT TO YOUNG PEOPLE AND OFTEN COMPOUNDING HARM THROUGH PUNITIVE RESPONSES. IN FY 2022, THE CITY ALLOCATED \$5 MILLION FOR THE MENTAL HEALTH CONTINUUM—A PROMISING MODEL TO HELP STUDENTS WITH SIGNIFICANT MENTAL HEALTH CHALLENGES ACCESS DIRECT MENTAL HEALTH SERVICES IN SCHOOL AND CONNECT STUDENTS TO OTHER SERVICES THROUGHOUT THE CITY. THE MODEL IS SET TO LAUNCH IN SPRING 2022. HOWEVER, FUNDING MUST BE EXTENDED IN ORDER TO ENSURE THAT THIS INITIATIVE DOES NOT EXPIRE IN JUNE 2022, AND THAT STUDENTS AT EACH OF THE 50 PILOT SCHOOLS IN SOUTH BRONX AND CENTRAL BROOKLYN DO NOT LOSE ACCESS TO THESE CRITICAL SUPPORTS.

- **\$5 MILLION BASELINE FUNDING FOR MENTAL HEALTH CONTINUUM.**
 - THIS FUNDING SHOULD BE EXPANDED TO \$15 MILLION BY 2024.

4. MOVE MONEY AWAY FROM POLICING

SCHOOL IS A PLACE WHERE YOUNG PEOPLE SHOULD BE FREE TO FEEL SAFE, TRY NEW THINGS, AND LEARN. BUT PUNITIVE DISCIPLINE AND POLICING CREATES BARRIERS TO LEARNING AND VIOLATES THE SAFETY AND WELLBEING OF STUDENTS—PARTICULARLY BLACK, BROWN, DISABLED, AND LGBTQ+ YOUNG PEOPLE, WHO ARE TARGETED MOST HARSHLY BY SCHOOL POLICE. THE HUNDREDS OF MILLIONS OF DOLLARS THE CITY CURRENTLY CHOOSES TO SPEND ON THE NYPD'S SCHOOL POLICING DIVISION SHOULD BE REDIRECTED TO FUND THE RESOURCES, STAFF, AND RESTORATIVE PRACTICES THAT SUPPORT EVERY YOUNG PERSON TO LEARN AND GROW.

- **REDIRECT \$450 MILLION FROM SCHOOL POLICING TO OPPORTUNITIES FOR YOUNG PEOPLE:**
 - DISBAND THE NYPD'S SCHOOL POLICING DIVISION (\$425 MILLION)
 - ELIMINATE THE YOUTH COORDINATION OFFICER POSITION (\$25 MILLION), THE REBRANDED NAME FOR THE 300 UNIFORMED OFFICERS THAT SURVEIL YOUNG PEOPLE AND PATROL SCHOOL BUILDINGS
- **DO NOT HIRE 1,363 NEW SCHOOL COPS TO REPLACE CURRENT VACANCIES.**
 - THIS FUNDING MUST BE REDIRECTED TO FILL SUPPORTIVE STAFF POSITIONS DETAILED IN DEMAND #1.
- **NO FUNDING FOR NEW OR EXISTING STUDENT SURVEILLANCE AND SCANNING EQUIPMENT.**
 - THIS SHOULD BE A FIRST STEP TOWARD THE FULL ELIMINATION OF METAL DETECTORS AND STUDENT SURVEILLANCE TECHNOLOGIES BY 2025.

THE CITY MUST REJECT MAYOR ADAMS' DANGEROUS EXPLORATION OF STRATEGIES THAT INCREASINGLY SEEK TO HIDE POLICING INFRASTRUCTURE FROM SIGHT—SUCH AS HIS PROPOSAL TO REPLACE METAL DETECTORS WITH "HIGH-TECH" SCANNING TECHNOLOGY, AND POLICE UNIFORMS WITH PLAIN-CLOTHES. GIVING A MAKEOVER TO SCANNING AND SCHOOL COPS WON'T MAKE THEM ANY LESS HARMFUL TO THE BLACK AND BROWN STUDENTS THEY TARGET, BUT WILL ONLY MAKE THAT HARM MORE INSIDIOUS.

FOR MORE INFORMATION CONTACT US AT:

KATEM@DIGNITYANDRIGHTS.ORG

Testimony of Salma Marmolejo
To the New York City Council Committee on Public Safety
FY23 Preliminary Budget Hearing
Chair, Kamillah Hanks

March 18, 2022

Gracias, presidente Hanks, y miembros del consejo y personal que ayudaron a que esta audiencia se llevara a cabo. Estoy testificando a favor de la solicitud, hecha por muchas otras personas hoy, que asegure que se asignan \$10 millones de dólares del presupuesto de NYPD Vice y se reutilicen para atender mejor las necesidades reales de las comunidades de trabajadoras sexuales. Quiero contarles sobre mi experiencia con NYPD Vice y personas que necesitan servicios comunitarios, para mostrar por qué esto es tan necesario. Mi nombre es Salma Marmolejo, me identifico como mujer trans mexicana en la ciudad de Nueva York. Actualmente formo parte de un programa para trabajadores sexuales, la cual he descubierto y me he dado cuenta la cantidad de necesidades que ellas tienen, por no tener oportunidades de empleo, vivienda, servicios legales, servicios médicos, salud mental, y oportunidades para estudiar para poder salir adelante. Sería de gran utilidad la ayuda de esos fondos para crear espacios que capaciten y resguarden el grupo vulnerable de trabajadores sexuales de la ciudad de Nueva York. Los trabajadores sufren muchos peligros, por ejemplo clientes enojados, violentos, peligrosos, y la violencia doméstica. Tener más recursos y fondos para garantizar una mayor seguridad para los trabajadores sexuales les ayudarían a tener una mejor calidad de vida. Gracias por escuchar mi historia, presidente Hanks, y espero que apoye la solicitud de reutilizar \$ 10 millones del presupuesto de NYPD Vice para atender las necesidades reales de las comunidades de trabajadoras sexuales, incluido un

centro físico para ayudar a las trabajadoras sexuales. Puedo responder cualquier pregunta que tengas.

English translation:

Thank you, Chair Hanks, and Members of the Council and staff who helped make this hearing happen. I am testifying for the request, made by many others today, to ensure that \$10 million of the NYPD Vice budget is appropriated and repurposed to better serve the real needs of sex worker communities. I want to tell you about my experience with NYPD Vice and people in need of community services, to show why this is so necessary. My name is Salma Marmolejo, I identify as a Mexican trans woman in New York City. I am currently part of a program for sex workers, which I have discovered and realized the number of needs they have, for not having employment opportunities, housing, legal services, medical services, mental health, and opportunities to study for be able to get ahead. The help of these funds would be very useful to create spaces that train and protect the vulnerable group of sex workers in New York City. Workers experience many dangers, for example angry, violent, dangerous customers, and domestic violence. Having more resources and funds to ensure greater safety for sex workers would help them have a better quality of life. Thank you for listening to my story, Chair Hanks, and I hope you will support the request to repurpose \$10 million from the NYPD Vice budget to address real needs in sex worker communities, including a physical center to help sex workers. I can answer any question you have.

Testimony of Jennifer
To the New York City Council Committee on Public Safety
FY23 Preliminary Budget Hearing
Chair, Kamillah Hanks
March 18, 2022

Gracias, presidente Hanks, y miembros del consejo y personal que ayudaron a que esta audiencia se llevara a cabo. Estoy testificando a favor de la solicitud, hecha por muchas otras personas hoy, que asegure que se asignan \$10 millones de dólares del presupuesto de NYPD Vice y se reutilicen para atender mejor las necesidades reales de las comunidades de trabajadoras sexuales. Quiero contarles sobre mi experiencia con NYPD Vice y sobre las personas que necesitan servicios comunitarios, para mostrar por qué esto es tan necesario.

Mi nombre es Jennifer y soy trabajadora sexual y mujer trans. Trabajando en la calle en Queens, he visto como la policía se hace pasar como clientes para poder engañarnos y arrestarnos. A veces cuando estamos caminando en la calle la policía nos engañen para incriminarnos mismas. Por ejemplo una vez cuando estaba caminando en la Roosevelt Avenue, una policía me dijo me “¿dónde vives?” y le dije que vivo en el 108. Luego me dijo que yo estaba cobrando \$108 para trabajo sexual. Y me arresto. Yo sé que la policía de Nueva York siguen haciendo esos tipos de engaños a los trabajadores sexuales. A mí me gustaría ver más recursos para los trabajadores sexuales en Nueva York, por ejemplo asistencia buscando empleo, porque muchas de nosotras somos de la comunidad transgénero que sufrimos discriminación en el empleo y tenemos que hacer prostitución. Necesitamos ayuda buscando trabajos donde nos aceptan.

Gracias por escuchar mi historia, presidente Hanks, y espero que apoye la solicitud de reutilizar \$ 10 millones del presupuesto de NYPD Vice para atender las necesidades reales de las comunidades de trabajadoras sexuales, incluido un centro físico para ayudar a las trabajadoras sexuales. Puedo responder cualquier pregunta que tengas.

English translation:

Thank you, Chair Hanks, and members of the council and staff who helped make this hearing happen. I am testifying for the request, made by many others today, to ensure that \$10 million of the NYPD Vice budget is appropriated and repurposed to better serve the real needs of sex worker communities. I want to tell you about my experience with NYPD Vice and about people who need community services, to show why this is so necessary.

My name is Jennifer and I am a sex worker and a trans woman. Working on the streets in Queens, I have seen police pose as clients so they can trick us into arresting us. Sometimes when we are walking on the street the police trick us into incriminating ourselves. For example, once when I was walking on Roosevelt Avenue, a police officer told me "where do you live?" and I told him that I live in 108. Then he told me that I was charging \$108 for sex work. And he arrested me. I know that the police in New York continue to do these kinds of tricks on sex workers. I would like to see more resources for sex workers in New York, for example assistance finding employment, because many of us are from the transgender community who suffer discrimination in employment and have to do prostitution. We need help finding jobs where we are accepted.

Thank you for listening to my story, Chairman Hanks, and I hope you will support the request to repurpose \$10 million from the NYPD Vice budget to address real needs in sex worker communities, including a physical center to help sex workers. I can answer any question you have.

Testimony of Juliana Giraldo
To the New York City Council Committee on Public Safety
FY23 Preliminary Budget Hearing
Chair, Kamillah Hanks
March 18, 2022

Thank you, Chair Hanks and Council Members and staff who helped make this hearing happen. My name is Juliana Giraldo, and I am testifying in favor of the request, made by many other people today, that ensure \$10 million dollars be appropriated from the NYPD Vice budget and repurposed to better serve the actual needs of sex worker communities.

I want to tell you about my experience with NYPD Vice, and as someone in need of community services, to show why this is so necessary. The encounters with Vice as I experienced them were short, but were used as intimidation. One time when I was leaving a nightclub they were there in a car. They asked if I knew who they were, and asked me if I had called a taxi already to go home. They said that they would drive around the block and if I was there when they came back, I would be under arrest.

Another time, I came out of a night club. Someone asked me to come home with them and have sex. After everything, the person said I was under arrest and that he was undercover. I told him that if he was a police officer and working that night, he wasn't supposed to have sex with me—and then as he asked me, if I was ready to be under arrest, I said well, if you're ready to talk to the judge about it, and he was not ready to tell the judge, so he left.

This was around Roosevelt Ave in Jackson Heights where the night clubs are. They did this to us to take advantage of us, because we are trans. That's what they did at that time—more

than a decade ago, but less than 20 years ago. Those were the days that they would arrest you just if you had a condom in your bag, and were standing in some particular point.

That stopped, because we organized ourselves and banded together to stop the police department. As this is changing, it's a very important opportunity to take advantage of funds to get the chance to access education, programs to help people get off the street. This would help save people from the street, and protect people from police abuse.

Thank you for listening to my story, Chair Hanks, and I hope you support the ask around repurposing \$10 million from the NYPD Vice budget to serve the actual needs of sex worker communities, including a physical center to aid sex workers. I can answer any questions you have.

Testimony of Paola Martinez
To the New York City Council Committee on Public Safety
FY23 Preliminary Budget Hearing
Chair, Kamillah Hanks
March 18, 2022

Thank you, Chair Hanks and Council Members and staff who helped make this hearing happen. My name is Paola Martinez and I am testifying in favor of the request, made by many other people today, to ensure \$10 million dollars be appropriated from the NYPD Vice budget and repurposed to better serve the actual needs of sex worker communities.

I want to tell you about my experience with NYPD Vice, and as someone in need of community services, to show why this is so necessary. A couple times in New York, I was stopped as a transgender woman. And every time I was stopped by an undercover Vice officer, they asked me what I was doing, and they always stopped me. They told me I had to go home every time they saw me, and if I didn't go home, they would charge me and arrest me. That traumatized me a couple times because I got stopped by them, I was arrested even though I wasn't doing sex work at that time. The two arrests I had really affected my mental health. This happened maybe six or seven years ago. The harassment from the police caused lasting trauma.

I would like to see money spent on programs for trafficking survivors that would give people access to mental health treatment, job readiness programs and financial empowerment.

Thank you for listening to my story, Chair Hanks, and I hope you support the ask around repurposing \$10 million from the NYPD Vice budget to serve the actual needs of sex worker communities, including a physical center to aid sex workers. I can answer any questions you have.

Full Name: Christian Rose

Email: chrisbanks4712@gmail.com

Phone Number:

Hearing: Public Safety

Subject of Testimony: Red Hook Houses

Organization: Red Hook Initiative

The issues that are important that need to have a spending budget to me is increasing centers & free programs that pay teens to work then gain experience in working at a young age to help develop their skills later when they get older. An encounter with police/law enforcement that did not sit right with me is when the police think it's right to racially profile young adults/teens when in a car or even just walking in the street minding their Business illegally doing Pat downs & frisk. My safety experience from lives within the Red Hook community has been excellent due to no harm.

Testimony to the City Council Committee on Public Safety

March 18 2022 - Preliminary Budget Hearing

Good afternoon Committee Chair Hanks and Committee Members,

In 2021, NYC spent almost 3x (290%) more per incarcerated person than the second most expensive jail system in the country, yet people in DOC custody are subjected to some of the worst jail conditions in the nation.

Those resources would be far better used outside of the jail system to meet people's needs and prevent interaction with the justice system and correcting that misallocation of funds is urgent.

We will not be able to address the outrageous costs of NYC's jail system unless we reduce the number of staff.

That must start this year by 1) suspending academy classes and not hiring new officers, 2) removing staff from the payroll who are not coming to work, by pursuing discipline and medical separation where appropriate and 3) consolidating operations on Rikers and closing at least 2 jails this year.

Finally, we must remove barriers to shifting those funds, like provisions in jail guards' contracts that have shielded people from accountability when they abuse sick leave. The City must postpone any renewal of these contracts until these issues are addressed.

And we must go further, to invest in a just transition to the jobs that move our city forward.

[Tip Sheet: Investing in the Jobs New York City Needs \(urbanjustice.org\)](https://urbanjustice.org)

We can start by shifting \$108M this year to fund unmet supportive housing needs for over 2,500 people who are currently cycling in and out of the City's jail system.

[Reduce-Homelessness-for-People-Impacted-by-the-Criminal-Legal-System.pdf \(csh.org\)](https://csh.org)

We must also continue funding for mental health treatment, restorative justice, alternatives to incarceration, community programs and other commitments made in the Points of Agreement on closing Rikers. [Beyond Rikers - Rikers \(cityofnewyork.us\)](https://cityofnewyork.us)

And fully fund the recommendations of the Commission on Reinvestment in communities impacted by Rikers, to be released this spring.

[Commission-Community-Reinvestment-Report.pdf \(nyc.gov\)](https://nyc.gov)

Many NYC jail guards are women and people of color. The choice to invest so much of New York City's budget in incarceration has meant that corrections have become a path to the middle class, including for many people of color.

New York City could and should make a different choice - to invest in, for example, EMS workers, green jobs that can help us meet our goals for a vibrant and climate resilient city, and human services jobs that address community needs.

Darlene Jackson

[Freedom Agenda NY Member](#)

Public Safety Hearing, Friday March 18, 2022

Good morning Committee members and Chair. My name is Dianna Prashad. Some of you may be privy of my story and have heard it but I am coming to you to unveil my experiences with several NYC agencies whose purview is public safety. If we are going to discuss public safety then we have to speak on the role that NYC agencies are playing, adding to the safety problems in communities of color. As some of you may already know, I reside in Far Rockaway's Eastern Peninsula in the 31st Council District where minorities and crime predominate. My enclave dubbed Edgemere II, HPD initiative was spared from most of the criminal activities of this neighborhood because we were working black and brown people that did not indulge in a lifestyle of crime and did not welcome it in our midst. In March 2020 all of this drastically changed due to the role that NYC agencies such as NYPD, HPD, DSS, HRA, DHS, DOI and the Queens DA office played in subverting our way of life. In March 2020, a DSS/DHS family was illegally displaced into our community, a first time homeowner community with stringent owner occupancy clauses and have been left here in a townhouse precluded from renting for over two years now to ravage our community without any intervention from the aforementioned agencies. Drug dealing was brought to the home next door and the premise which is attached to my home quickly became the site for hangers on and street characters to purchase and partake in drugs adding to DHS' clients' illicit income stream but at the detriment of the surrounding community of law abiding homeowners. My wife and I were being habitually harassed and threatened with physical harm by this illicit tenancy and their guests. We were being threatened on a weekly basis with bodily

harm, are habitually dealing with homophobia and threats thereof. Our property had been damaged by them, or landscaping vandalized on a monthly basis and they even orchestrated a hit and run of our vehicle parked on the street. For over two years we have been forced to navigate life in our home dealing with these issues. From March 2020 to December 2020, we received minimal intervention from the NYPD who dismissed all of our safety issues as a mere “neighbor dispute.” They refused to log the homophobic treats that were been verbalized, the damage to our property and vandalizing of our landscaping by these illegal occupants. I wrote to the NYPD in August 2020 questioning our treatment but we still were not taken seriously because the NCO (Sector Charlie) were trivializing our issues to top staff and not only misrepresenting the facts but habitually casting us as “problem people.” We only received our first incident report in January 2021 upon the intervention of Congressman Meeks office. In April 2021, over a year into our ordeal we were able to meet with our local NYPD precinct Captain and staff that we finally began to receive their assistance but it came with a prolonged fight and the muscle of the elected officials in our district.

The Queens DA office and DOI office are failures to this community as in other black communities. The Queens DA, Belinda Katz was contacted by us regarding our issues and she received a letter from Council member Brooks-Powers requesting assistance from her office but this was to no avail. We sought her help due to the June 2021 murder of the ten year old Justin Wallace who was victim to gun violence due to an ongoing neighbor dispute. That incident was just a few blocks from us. Belinda Katz did not proffer a response, yet here she is today requesting funds and raises for staff that are delinquent in providing services in minority communities. To date we are devoid of

proper harassment laws that are preventive rather reactive. As two gay females who are being harassed and threatened with violence for over a two year period, we found that the laws on the books are so skewed that you cannot prevent being victimized. We have to be victims of heinous crimes before we can even get an order of protection in a non-family situation against a perpetrator. In an age where gay bashing and hate crimes are at an all-time high you would think that the penal system would likewise evolve to protect vulnerable members of society. But not by this DA who remains unbothered and insensitive to our issues in black communities but yet does not want us to legally bear arms to protect ourselves in our communities which statistically remain predominated by crime and violence.

DOI under former Margaret Garnett and even now are still remiss in fulfilling their responsibilities in black communities when issues under their purview are reported to them. They seem to think that their mission is to protect NYC agencies and personnel from liability rather than 'checking' their abuses, misconduct, mismanagement, abuse of power. My wife and I have firsthand experience of this agency (DOI) ignoring substantiated complaints against HPD, DHS, DSS, HRA and even the report of homeowner fraud wherein my next door neighbor who received over \$100K in housing grants to remain in residence at her home for 25 years (until 2032) has been fraudulently receiving City FHEPS voucher of (over 50K) for the past two years by illegally double dipping. This is a theft of government resources and a crime by all standards yet DOI continue to intentionally this because there are Caucasian also involved in these illicit conversion that have been profiteering in this fashion for years that they do not want to sanction! This deliberate inaction has allowed the homeowner

whose home is attached to mine to continue her illicit activities with all NYC agencies involved being cognizant yet refusing to act.

NYC agencies such as DSS, DHS and HRA seek to assert an authority into black and brown communities by disproportionately displacing their criminals, mentally ill, unstable families and individuals into our communities without care or concern about our safety or lives. This maltreatment and abuse of authority is decidedly remiss in Caucasian communities. In fact, in the eventuality that these individuals are placed into Caucasian communities, there is a network of support that is in place to assist these communities to remove the safety and quality of life issues that NYC wards pose. Overall we are dissatisfied with the local government and their lack of response to our issues which stems from racial profiling. We as black and brown people are all profiled the same by these agencies and this not only continues to this date but with it, comes the loss innocent lives. This epitomized systemic racism within the local government and the continued betrayal of public trust. Attached you will find my story which was published by The City online newspaper on December 2, 2021.

**Public Safety Hearing
Make the Road NY Testimony
03/18/2022**

Spanish below

Good afternoon, thanks everyone for this public safety hearing. My name is Dulce, I am a member of Make the Road NY, I am a trans person from El Salvador, an immigrant, a resident of Queens and a sex worker.

Vice has criminalized my community for many years, especially my trans sex worker sisters, who have been deported for raids and wrongful arrests made by the Vice squad. I am here to raise my voice and make it clear that New York City needs to dismantle Vice Police Units.

I demand that New York City, and new Mayor Eric Adams, stop providing more money to Vice units and instead invest in our communities.

The rate of discrimination in unemployment, food insecurity, trauma, unstable housing and police abuse are issues that are little heard of, but a reality that we face in my community. Many of our community members are at increased risk for anxiety, depression, suicide, low life satisfaction, self-harm, isolation, PTSD, HIV, and incarceration. Therefore, it is necessary to invest in programs for our communities and stop investing in police squads that constantly harass our community, and use racist and sexist tactics to criminalize us and put barriers in our futures.

These raids and arrests lead to barriers to obtaining a decent job, housing and being able to fix our immigration status. So it's time for New York City to transfer the money that has historically been allocated for the Vice squad, and reinvest it in social programs for our community.

Original version in Spanish

Buenas tardes, gracias por esta audiencia sobre la seguridad pública. Mi nombre es Dulce, soy miembro de Sé hace Camino NY, soy una persona trans de El Salvador, inmigrante, residente de Queens y trabajadora sexual.

Vice ha criminalizado a mi comunidad por muchos años, especialmente mis hermanas trans trabajadoras sexuales que han sido deportadas por redadas y arrestos injustificados hechos por el escuadrón de Vice. Estoy aquí para levantar mi voz y dejar

claro que la ciudad de Nueva York necesita dismantelar las Unidades policíacas de Vice.

Demando que la ciudad de Nueva York, y el nuevo alcalde Eric Adams no provea más dinero a las unidades de Vice y a cambio, invierta en nuestras comunidades.

La tasa de discriminación en el desempleo, inseguridad alimentaria, trauma, vivienda inestable y abusó policial son temas poco escuchados, pero una realidad que en mi comunidad enfrentamos. Muchos de los miembros de nuestra comunidad corren un mayor riesgo de ansiedad, depresión, suicidio, baja satisfacción con la vida, autolesiones, aislamiento, PTSD, VIH y encarcelamiento. Por lo tanto, se necesita invertir en programas para nuestras comunidades y dejar de invertir en escuadrones policiales que constantemente hostigan a nuestra comunidad, y utilizan tácticas racistas y machistas para criminalizarnos y poner barreras en nuestros futuros.

Estas redadas y arrestos conlleva a barreras para poder obtener un trabajo digno, viviendas y poder arreglar nuestro estatus migratorio. Así que es hora de que la ciudad de Nueva York transfiera el dinero que se ha usado históricamente para el escuadrón de Vice, y lo reinvierta en programas sociales para nuestra comunidad.

Full Name: Dylana Bourne

Email: dylanabourne@gmail.com

Phone Number:

Hearing: Public Safety

Subject of Testimony: Red Hook Houses

Organization: Red Hook Initiative

The public safety in Red Hook isn't really safe, nor a priority to the public. There are a variety of issues and Barriers that are a disadvantage to the community and to the people in it. There is a minimum amount of resources for evaluation and support. Many issues in the community go unheard and unnoticed Because the lack of funds and advocacy.

Lately for me, the big issues have been the construction and animals that were around before the construction and even more after. There is not enough garbage disposal or garbage pick up in the neighborhood. So with that being said, there is way more trash build up and pollution affecting us over time . Now that I have the knowledge of understanding how the brain and body works, my environment can be scary, because I know the great impact that is possible. As you start to be more open to the things around you, you become more aware of your life and less vulnerable.

Public safety comes in all shapes and forms. Everyone's idea of safety may be different but in terms of reality and what's a necessity many can agree on . We need a healthier living space, more healthy food options, exterminations, more garden space with trees instead of abandoned lots.

From: Evelyn Graham Nyaasi <egrahamnyaasi@communityaccess.org>
Sent: Friday, March 18, 2022 6:21 PM
To: Testimony
Cc: Evelyn Graham
Subject: [EXTERNAL] CCIT-NYC Testimony For Committee on Public Safety
Attachments: CCITNYC EDG Testimony 2022.docx

Dear Committee on Public Safety,

Please find attached, my testimony from today's Preliminary Budget Hearing with the Committee on Public Safety. Thank you so much for allowing me the opportunity to testify about the need for a non-police response to people experiencing a mental health crisis. It should be noted that my experience was based on an untruth and resulted in my being taken to the hospital for nothing. If I had made one wrong move, I could have been shot.

However, if a peer was present, there would have been no need for 8-9 police officers, I would have been asked about the knife accusation and other questions that the police normally ask people when they respond to a domestic call. I was not acting "crazy", throwing things around, threatening anyone or screaming & yelling. I was sitting on my couch quietly without a knife. After asking me how they could be of service to me, a peer would have advocated for me and I would not have been forced to choose between going to Bellevue Hospital or jail.

As a Peer Specialist, who graduated from Howie The Harp Advocacy Center, I can honestly say that peers can be trained on how to de-escalate a situation, without police involvement. It is my hope that you would allocate at least \$112 million annually to fund the CCIT-NYC proposal for a non-police, peer-driven mental health crisis response. Thank you for your time in this matter.

Have a great day.

Sincerely,

Evelyn Graham-Nyaasi
Advocacy Specialist
Community Access
17 Battery Place, Suite 1326
New York, NY 10004
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Full Name: Faith Anderson

Email: faith.anders789@gmail.com

Phone Number:

Hearing: Public Safety

Subject of Testimony: Red Hook Houses

Organization: Red Hook Initiative

At times it seems like Red hook has no future. and a bit hopeless. Because of the lack of advocacy and investment in red hook. Well, there are investments in red hook but none of them are bettering the community that resides inside Red-hook. For example. The surplus of air pollution due the the last mile distribution centers ,There are no more trees in Red-hook houses because of the construction and with no tress here to filter the unknown chemicals in the air. in addition to the new levels of noise and animals that the construction brings to the community. the overall health of the Red-hook community is slowly decreasing

With the multitude of public safety issues that are growing in Red hook its important public safety isn't just about policing a community or keeping criminals out of the street, its also about the health and hygiene of the people within the community. it would look like ensuring that there is consistent garbage clean up to prevent rodents. and garbage build-up.

Full Name: Karla Osorno

Email: karlaosorno16@gmail.com

Phone Number:

Hearing: Public Safety

Subject of Testimony: Red Hook Houses

Organization: Red Hook Initiative

I've lived in Red Hook for over a decade and I've had experiences that have allowed me to find importance in some public safety issues. I've seen the construction within Red Hook, specifically in the NYCHA housing area and I think that there needs to be better maintenance. The streets should be clean and have accessible space. There are huge piles of dirt everywhere and it makes it very hard to walk around the area. I think there should be more mental health, and community resources. I think that if resources are increased and made accessible for Red Hook residents, the violence would decrease. I think that the neighborhood needs to be cleaner and better so that businesses can resume like they were pre covid. I think that the Red Hook library could also use funding for its renovation plans to be able to resume. There are nicer libraries in NYC and I think it would be fair to renovate the Red Hook library so that more resources could be provided to the youth and community overall. I think that there should also be precautions put in place in case there is ever another hurricane. Hurricane Sandy especially left a harmful impact for our community and the residents would feel much safer if there was some kind of protection against floods. Another big problem in Red Hook is the transportation. The neighborhood has no subway accessibility and the MTA buses take a really long time to travel. This is very inconvenient for people who have to travel for school and work. The closest subway station is Smith and 9 Street. It is difficult for many people in the neighborhood to reach unless you transfer from the B61 or B57. The roads that are required to cross in order to reach Smith and 9 Street are tricky to cross and many people could feel unsafe traveling through there alone, especially at night. The train station doesn't even have elevator accessibility and it has many flights of stairs. This makes it very difficult for elders, or other people to access the subway.

**Public Safety Hearing
Make the Road NY Testimony
03/18/2022**

Spanish below

Good afternoon, Thank you all for this public safety hearing. My name is Katherine Sal, I am a member of Make the Road NY, I am a trans woman from Guatemala, a resident of Queens, and a sex worker.

2 weeks ago, around 3 am, while I was walking home, there were 2 white men who approached me in a black car and asked me "how much do you charge?". They showed me cash and I told them to stop bothering me because I knew beforehand that they were undercover officers. They still told me to get in the car," but I ignored them, and they continued on their own way.

These are tactics that the Vice Police squad uses to arrest and criminalize our community. This squad is not trying to help anyone who is surviving human trafficking, what this police squad is doing is raiding people they consider to be doing sex work, which is not under their jurisdiction.

And that is why today, for the first time, I am raising my voice to demand that New York City transfer the money that has historically been allocated for the Vice squad, and reinvest it in social programs for our community.

Many of our sisters who do survival sex work live in fear of going out to the streets to work because we may end up arrested, or physically or sexually assaulted by the Vice police – as it has happened to many trans women.

New York City needs to invest in our low-income TGNCIQ community and stop criminalizing and deporting us for the well-being and fairness of the TGNCIQ that we live in and contribute to the NY economy.

It is time to close the gaps and improve on health, employment, housing, and services for immigrant TGNCIQ+ New Yorkers.

Resources yes, criminalization no!

Thanks!

Original version in Spanish

Buenas tardes, gracias por esta audiencia sobre la seguridad pública. Mi nombre es Katherine Sal soy miembro de Se hace Camino NY, soy una mujer trans de Guatemala, residente de Queens, y trabajadora sexual.

Hace 2 semanas, alrededor de las 3 am, mientras caminaba a mi casa, había 2 hombres anglosajones que se me acercaron en un carro color negro y me preguntaron "¿cuánto cobras?" Me mostraron dinero en efectivo y les dije que "me dejarán de molestar" porque de antemano sabía que eran policías encubiertos. Ellos de igual manera me dijeron "Súbete al carro," pero yo los ignoré y ellos siguieron su camino.

Estas son tácticas que el escuadrón de la policía de Vice utiliza para arrestar y criminalizar a nuestra comunidad. Este escuadrón no está intentando ayudar a nadie que esté sobreviviendo el tráfico humano, lo que este escuadrón de policía está haciendo es redadas en contra de las personas que ellos consideran hacen sexo servicio, lo cual no está bajo su jurisdicción.

Y es por eso que hoy por primera vez estoy levantando mi voz para demandar que la ciudad de Nueva York transfiera el dinero que se ha usado históricamente para el escuadrón de Vice, y lo reinvierta en programas sociales para nuestra comunidad.

Muchas de nuestras compañeras que hacemos trabajo sexual vivimos con miedo de salir a las calles a trabajar porque podemos terminar arrestadas o física o sexualmente asaltadas por la policía de Vice, como le ha sucedido a muchas mujeres trans.

La ciudad de Nueva York necesita invertir en nuestra comunidad TGNCIQ de bajos recursos y parar de criminalizarnos y deportación para el bienestar y equidad de la TGNCIQ que vivimos y aportamos a la economía de NY.

Ya es hora de cerrar las brechas y mejorar en temas como salud, empleo, vivienda y servicios para neoyorquinos TGNCIQ+ inmigrantes.

¡Recursos si, criminalización no!

¡Gracias!

Written Testimony Friday March 18th - City Council Meeting on Public Safety
Kemia Benjamin 8th grader at the Bedford Stuyvesant New Beginnings Charter School

Hello, members of the Committee on Public Safety of the City Council. I'm 14 years old and my name is Kemia Benjamin. New Beginnings Charter School in Bedford Stuyvesant is where I go to school. For the past eight years, I've been a part of this school's community. In charter schools, public safety is very important since a child in a school is meant to be safe, especially in a complete community. A child in the community will have to be able to enjoy themselves in a charter school while also being protected by security guards in our school. They do a wonderful job of securing the building, but they are also quite nice with the students.

Our school has a set of rules that we must observe on a daily basis. For example, when we arrive, there are three separate doors: one facing Hart Street, through which kindergarten, third grade, fourth grade, and fifth grade enter; the second door is for second grade to enter; and the third door both face Lewis, through which all of middle school enters. This is to maintain a perfect social distance between grades so we are not piled up against each other. As soon as we enter the school building, we are given hand sanitizer and a face recognition system. We're also provided special pouches to keep our phones in so that a child's learning time isn't disrupted. Parents are also given a particular time to schedule an early pick-up for their child. Desks are all put in rows to keep a certain distance between students.

We were still safe before all of this, meaning before Covid, and we were allowed to socialize with one another while safely entering the building and our classrooms. At the time, all grades could enter the building at the same time, there were no sanitizing stations, and there wasn't much surveillance in the hallways reminding everyone to wear their masks. Security was present in the hallways, checking that everyone was doing what they were supposed to be doing, that no one was doing anything wrong, and that there were no conflicts. As a student at this institution, I felt quite protected and had a great time.

Thank you, members of the City Council Committee on Public Safety, for taking the time to hear my perspective on what a safe environment is and how it should look. I have no recommendations for my school; I am satisfied with how it is, and I believe Principal Brown and Executive Director Tishuk do a good job of keeping our school in a safe environment.

**Public Safety Hearing
Make the Road NY Testimony
03/18/2022**

My name is Mateo Guerrero-Tabares, and I am the TGNCIQ Lead Organizer at Make the Road New York. Today, I'm testifying on the importance of reallocating the funds from the Vice units into community programs and services for impacted communities.

The vice squad is a unit that is tasked with policing offenses deemed immoral, such as consensual sex work, street-level narcotics use, and gambling. However, over the past four years that I have working with undocumented and immigrant transgender women in Jackson Heights and different areas of Brooklyn, and we have been able to document a pattern of harassment, surveillance, sexual assault, and violent raids against communities who are perceived as sex workers or who are sex workers, particularly from the 110th and 115th precinct.

Today we heard the stories of Katherine, Dulce, Roselyn, and Ruby – those are four testimonies of the dozens of community members who were arrested unjustly. There are many more testimonies of community members who have been told to perform “sexual favors” to not be arrested, or who were forced to tell on the names and locations of other sex workers in the neighborhood to prevent their arrest. Police also follows trans community members to them around the neighborhood with flashing lights to force them to go into their homes, and they usually increase the level of harassment around 4 in the morning when the clubs are closing in the area.

This behavior from the vice units, and in general from the NYPD is terrorizing and only continues to instigate fear in our community. Nearly 93% of Vice's targets for purchasing sex are Black, brown, or Asian, while 90% of those targeted for selling sex are people of color. Almost all the people Vice officers prey upon are in low-income neighborhoods like Jackson Heights and 5th Avenue in Brooklyn. Under Mayor de Blasio, New York City has paid more than \$1 million to settle false arrest claims by people targeted for patronizing.

As Make the Road New York we demand the the funds that have been historically allocated to the Vice are redirected to community services and programs to prevent further harassment, assaults, violence, and criminalization of or trans, queer, nonbinary, and gender-expansive community members who are sex workers and/or perceived as sex workers. Investing in community safety means investing in health, access to affordable and permanent housing, legal services, support for survivors of violence, and in general services that will

nourish and protect Trans and queer communities across NY that have been victims of the NYPD.

My name is Melissa Vergara, I am a member of Freedom Agenda and Treatment not Jail coalition and a mental health professional. The continued narrative that public safety equates to more policing and throwing more people in jail and prison is actually the opposite of public safety! District attorneys that fail to consider mental health and SUD are just as much responsible for unsafe communities. People with such disorder do not better in prison on contrary they get worse.

NYC DA often talk about the decriminalization of mental illness and substance use disorder the fact is it continues to be criminalized and not treated. They highlight their work in diversion programs and alternative to sentencing but currently in NYC there are only 140 cases in mental health court statewide, that is not public safety. ADA's have the authority to decided who gets evaluated and treated and even when a mental health professional finds treatment to be imperative, DA's override the clinical suggestion, which is not public safety. I know this because it is currently happening to my son.

My son who is currently detained on Rikers Island has an array of challenges; he has a diagnosis of Disruptive Mood Dysregulation Disorder, Autism Spectrum Disorder and operates on borderline intellectual functioning as well as developmental delays. When his attorney asked for eval the ada who has no clinical training whatsoever - stated that she believes he only has behavioral problems, which she characterized as "tantrums" and denied it. I sent a letter appealing this decision to DA Katz, and after a lot of unrelenting advocacy, the DA's office finally allowed by son to be evaluated for mental health court. The evaluation was completed by a psychiatrist through tasc, who highlighted the severity of my son's impairments and his need for treatment. The psychiatrist and my son's Care Coordinator with OPWDD then developed specialized treatment and intervention plan, which entailed a residential program with specific

services to rehabilitate my son. They both believed my son would have an optimal chance for success. The Judge was open to this plan and willing to give my son a chance, but unfortunately the DA intervened and refused to allow him to be admitted into the program. Instead, she said she was never seriously considering allowing treatment in this case. Stating it was only done as a courtesy to the mother for contacting DA Katz. Yet the ADA took pieces out of the assessment to ridicule and criminalize my son. Denying treatment is denying rehabilitation and increases chances or recidivism.

DA's and NYPD do not need anymore funding, communities need resources and funding to treat the same people thrown in prison by DA's and NYPD. Complaining that ADA's start with over 70,000 annual indicates an obvious disconnect from the communities they are serving as many live in extreme poverty. There is a clear correlation between poverty, substance use, mental health, trauma and crime which police and DA's continue to disregard. I would suggest all who mentioned concerns with the starting pay for ADA research the pay of case managers, mental counselors and social workers and the medium pay for the people in the communities in which they serve. The DA's caseloads would reduce if they stopped standing in the way of diversion and treatment.

Full Name: Raysha Vassell Frazier

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Phone Number:

Hearing: Public Safety

Subject of Testimony: Red Hook Houses

Organization: Red Hook Initiative

Being a former resident of the red hook community and still a current visitor I feel that a big problem with the red hook community is transportation there are only two bus and one train station in the area for example if I was to be going home later 12pm 1am I will be waiting about a hour or more to get a bus to red hook or train its not much transportation in the area red hook is a forgotten community reach year there makings new train stop or a new bus route if you haven't noticed red hook isn't a talked about community you wouldn't hear anyone mention the red hook community unless its about gun violence we should better our community and help the next generation to stay off the streets our red hook community center should have more activities to make the youth say hay I rather spend my time in the community center instead if outside on the streets community fundraiser for the youth to take field trips on the weekends to see and learn more about the world and help to set them up to be ready to win in this hard life time for the black community and for the red hook community there are a lot of changes need to be made and things that needs to be worked on in the community and trust me you must be blind if you can't tell redhook and the black communities needs some help to making to making a safe.

**Public Safety Hearing
Make the Road NY Testimony
03/18/2022**

Spanish below

Good afternoon, Thanks to the City Council for creating this public safety hearing. My name is Roselyn, I am a member of the Trans Immigrant Project at Make the Road NY. I identify as a transgender woman, and I am here today to share my testimony about my interactions with the police.

In 2009, I was arrested by the police, as they mistook me for another person they were looking for. When they saw the photo they had of the person and compared it to me, they realized that I was not the person they were looking for, but they still arrested me and took me to jail. The police were targeting me only based on my gender identity, and as a result charged with sex work.

I have no doubt that the police patrol that arrested me is one of Vice's squads. Vice is a police unit that has been responsible for harassing and raiding people who they believe are doing sex work. Vice hides under the guise of supposedly helping people who are surviving human trafficking, but in reality what they do is persecute and harass people who are sex workers, or who are perceived as such.

So it's time for New York City to transfer the money that has historically been allocated for the Vice squad of the police, and reinvest it in social programs for our community. Our communities don't need more arrests or police raids, we need access to affordable housing, health, job training programs and legal services.

Thanks for your time! We demand more resources, not more raids!

Original version in Spanish

Buenas tardes, gracias al concejo de la ciudad por crear esta audiencia sobre la seguridad pública. Mi nombre es Roselyn, soy miembro del proyecto Trans Inmigrante de Sé hace Camino NY. Me identifico como una mujer transgénero y hoy estoy aquí para compartir mi testimonio sobre mis interacciones con la policía.

En el 2009 fui arrestada por la policía, ya que me confundieron con otra persona que estaban buscando. Cuando ellos vieron la foto que cargaban de la persona y la compararon conmigo, se dieron cuenta de que yo no era la persona a la que estaban

buscando, pero aun así me arrestaron y me llevaron a la cárcel. La policía me se estaba enfocando solo en mi identidad de género y me dieron un cargo de sexo servicio.

No tengo duda que la patrulla de la policía quien me arresto es una de las patrullas de Vice. Vice es una unidad policía que se ha encargado de hostigar y hacer redadas en contra de las personas que ellos creen que están haciendo sexo servicio. Vice se esconde bajo el disfraz de supuestamente ayudar a las personas que están sobreviviendo tráfico humano, pero en realidad lo que hacen es perseguir y hostigar a las personas que hacen sexo servicio, o que son percibidas como tal.

Así que es hora de que la ciudad de Nueva York transfiera el dinero que se ha usado históricamente para el escuadrón de Vice de la policía, y lo reinvierta en programas sociales para nuestra comunidad. Nuestras comunidades no necesitan más arrestos ni redadas policiales, necesitamos acceso a viviendas dignas, salud, entrenamientos para empleos y servicios legales.

¡Gracias por su tiempo! ¡Demandamos más recursos, no más redadas!

**Public Safety Hearing
Make the Road NY Testimony
03/18/2022**

Spanish below

Good afternoon, Thanks to the City Council for creating this public safety hearing. My name is Ruby, I am a member of the Trans Immigrant Project at Make the Road NY. I identify as a transgender woman and I am from El Salvador.

At the moment I work as a sex worker, since it has been the only option that I have had available to me. In all the jobs I've had, I suffered discrimination from prior co-workers and bosses, and they took advantage of my need that I had no alternative but to do sex work.

However, now I am facing the constant challenge of dealing with physical and emotional abuse caused by the police. When I was arrested, they took me out of my house and dragged me through the ground without having proof of what they were accusing me of. After being imprisoned for a month and a half, they let me go because I was not the person they were looking for. Not only did I had to survive the violence from the police, I also got to survive the violence of the officers in jail and the other incarcerated people, to the point that I was sexually abused.

I do not have anyone in this country to help me and guide me, but I do have the desire to be able to live without fear in this country. So it's time for New York City to transfer the money that has historically been allocated for the Vice squad police, and reinvest in social programs for our community. Our communities don't need more arrests nor police raids, we need access to affordable housing, healthcare, job training programs and legal services.

We demand more resources, not raids! – Thank you very much for your attention.

Original version in Spanish

Buenas tardes, gracias al concejo de la ciudad por crear esta audiencia sobre la seguridad pública. Mi nombre es Ruby, soy miembro del proyecto Trans Inmigrante de Sé hace Camino NY. Me identifico como una mujer transgénero y soy de El Salvador.

En este momento trabajo como sexo servidora, ya que ha sido la única opción que he tenido a mi disposición. En todos los empleos que tuve sufrí de discriminaron por parte

de los compañeros de trabajo y los jefes, y ellos se aprovecharon de mi necesidad que no tuve otra alternativa que hacer trabajo sexual.

Sin embargo, ahora me ha tocado es enfrentarme al constante abuso físico y emocional que es causado por la policía. Cuando fui arrestada, me sacaron de mi casa arrastrada por el suelo sin tener pruebas de lo que me estaban acusando. Después de estar encarcelada por un mes y medio me dejaron ir porque no era yo la persona a la que estaban buscando. No solo me toco sobrevivir la violencia de la policía, sino que también me toco sobrevivir la violencia de los agentes en la cárcel y las otras personas encarceladas, hasta el punto que fui abusada sexualmente.

Yo no tengo a nadie en este país que me ayude y me guíe, pero si tengo el deseo de poder vivir sin miedo en este país. Así que es hora de que la ciudad de Nueva York transfiera el dinero que se ha usado históricamente para el escuadrón de Vice de la policía, y lo reinvierta en programas sociales para nuestra comunidad. Nuestras comunidades no necesitan más arrestos y redadas policiales, necesitamos acceso a viviendas dignas, salud, entrenamientos para empleos y servicios legales.

¡Demandamos más recursos, no redadas! – Muchas gracias su atención.

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Hearing: Public Safety 3/18/2022

Subject of Testimony: Red Hook Houses

Organization: Red Hook Initiative

In my neighborhood, there feels like there's no guarantee for me or my family's safety. There are random gun shots and stabbings happening around my building and my aunt's building as well. One year, my aunt and my baby cousin had to flee from a shooting and my baby cousin had to go to a hospital from scraping her face on the floor from running too fast. There were also gunshots around thanksgiving. Once in the morning around a playground and another right in front of my aunts building again. It was never truly safe here to begin with but it recently feels like gunshots and stabbing have become the norm. Honestly, there needs to be something done about these incidents. Especially because it is affecting our youth and their safety. The excess of cops have not helped the issue either. The problem keeps rising and there has to be a better solution then to flood our neighborhoods with officers who haven't lowered the amount of gunshots I hear around my neighborhood. Unless the police make an active difference, we should put the funding elsewhere. I want me and others in my neighborhood not to worry about when the next gunshot will be? Can I outrun them? Is my family ok? I want us all to feel safe. I want everyone to be able to take a walk with no worries. I want everyone to be able to pick up kids without them running for their lives. Something has got to give.

We live in a city where the average person has to fear completing daily tasks like commuting to work or school. Public safety, or the lack of it, is becoming an increasingly prevalent issue in our communities, especially in public transportation. New Yorkers are so reliant on public transportation and their outrage hasn't been heard because of the continued mishandling of funds by the MTA and the lack of investment. The train system needs to be modernized to be representative of our city's values. The infrastructure of our subways is falling apart, and piloting platform doors is a start, but there is a long way to go. Improving the safety and infrastructure of our subways should be of utmost importance to every single one of our officials.

Secondly, the pandemic has exacerbated the mental health issues of our citizens, which has contributed to the increase in violent crime. The city needs to put real effort into alleviating these issues, with community solutions.

Finally, a root cause of the violence is the racism plaguing our cities. This city is one of diversity and hope, and for the sake of the safety of our minority communities, the city must take initiative.

You were elected to represent and protect your constituents, and if you fail at maintaining their safety, then you have failed New York City.