

**Mayor's Office of Criminal Justice
New York City Council
Committees on Public Safety and Finance
May 3, 2016**

Good morning, Chair Gibson, Chair Gentile, and members of the Committees on Public Safety and Oversight and Investigations. My name is Alex Crohn and I am General Counsel for the Mayor's Office of Criminal Justice ("MOCJ"). Thank you for the opportunity to testify today. Jennifer Scaife, Executive Director of Prevention, Diversion, and Reintegration, and Ilana Turko, Associate Counsel, from my office are here with me to answer questions.

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

The issues we are here to discuss today – supportive services for survivors of crime and targeted re-entry strategies to help ensure that people returning from correctional facilities do not commit new crimes – should be seen in New York City's larger crime context. Over the last twenty years, New York City has experienced the sharpest drop in crime of any city in the nation. Every type of major crime has plummeted, with the number of murders dropping by 83% and grand larceny dropping by 93%. The trend toward greater public safety has continued, with 2015 showing the lowest yearly crime numbers ever in the modern Compstat era. Since January of 2014, index crime citywide has fallen 1.7% and overall crime has fallen 5.8%. Burglary and grand larceny auto were at their lowest levels in more than 50 years in 2015. And although in the rest of the country, jail and prison populations increased 11% between 1996 and 2013, New York City's jail population fell by over half. These trends provide proof that we can have both more safety and a lighter criminal justice touch.

To continue improving safety while avoiding unnecessary arrests and incarceration, our office is working to effectively match the right interventions to the right people at the right time. Central to this strategy is a comprehensive understanding of the risks and needs of various populations, an array of effective interventions, and the infrastructure to ensure that people are paired with the right service at the right time. The City supports the Speaker's attention to reentry services in Intro.1150 and focus on services for survivors of crime in Intro. 1147 as both bills seek to enhance connection to appropriate and effective services for eligible populations.

Each year, roughly 45,000 people return to New York City from jail and prison. Last week our office announced a strategy to continue safely reducing the Rikers Island population by connecting eligible individuals to effective interventions before and after jail. This strategy aims to drive New York City's crime rate even lower by reliably assessing who poses a risk of recidivism, appropriately addressing the issues that have led many into contact with the criminal justice system, and connecting people with stabilizing services that help ensure they do not commit new crimes.

Our new strategy will ensure that re-entry and diversion resources are being used as effectively and efficiently as possible to reduce jail use safely while promoting public safety. To meet this goal, we have convened a multidisciplinary council of 54 organizations and agencies – including City government agency representatives, the courts, district attorneys, defenders, providers, members of the faith community, formerly incarcerated individuals, and advocates. The Council will review data on populations and available options and develop solutions to address unmet needs and improve program effectiveness.

Over the next six months, the Mayor's Office of Criminal Justice will work to:

- Comprehensively understand populations in need through conducting a deep analytic dive to understand the risk, service needs, and characteristics of the target population in order to identify opportunities for intervention;
- Map available interventions across diversion and re-entry points by creating an electronic catalogue of New York City's justice and service providers. Identifying existing gaps will help determine what additional resources or partnerships are necessary; and
- Conduct direct outreach with currently incarcerated individuals to better understand re-entry needs.

These efforts will build on and strengthen our current effective programming. We look forward to working with the Council on Intro.1150's call for a coordinated re-entry system, which will importantly advance this work.

We also applaud the Speaker's work to ensure that survivors of crime and those close to them are paired with the services they need. As just one example of the City's commitment in this area, we have funded the Urban Justice Center to better support victims of human trafficking. The Urban Justice Center conducts intakes, assessing clients' needs including safety planning and risk assessment, and provides 24-per-day emergency services. As you know, we also partner with the Council to bolster the capacity of service providers in human trafficking intervention courts. We look forward to working together to expand available services and supports for victims.

To this end, we look forward to working with the Council to develop an office dedicated to crime survivors' services, which will work closely with the Mayor's Office to Combat Domestic Violence and the New York City Human Resources Administration/Department of Social Services to ensure survivors have access to services. The administration does have concerns that the current Crime Victims Services bill conflicts with the longstanding work of the Office to Combat Domestic Violence with survivors of intimate partner violence. Therefore we look forward to discussing with the Council possible adjustments to the bill to ensure there is no duplication of efforts.

We appreciate your partnership in developing these reforms and look forward to our continuing work together in creating a city in which every New Yorker is safe and treated with respect. Thank you for the opportunity to testify here today. I would be happy to answer any questions.

**STATEMENT OF THOMAS GIOVANNI
CHIEF OF STAFF AND EXECUTIVE ASSISTANT FOR GOVERNMENT POLICY
NEW YORK CITY LAW DEPARTMENT
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

MAY 3, 2016

Good morning. My name is Thomas Giovanni. I serve as the Chief of Staff and Executive Assistant for Government Policy at the New York City Law Department. I am pleased to be here to offer the Law Department's comments regarding Intro 1136, which is before you today. I am joined by Nancy Savasta, the Deputy Chief of the Tort Division for Risk Management, and Dan Margetanski, the Deputy Director of User Services and Education in our Litigation Support Division.

Intro 1136 would require the Law Department to compile and post on its website a bi-annual report that lists all pending civil actions filed against the Department of Correction and its individual employees and provides for each such civil action detailed information, including the addresses of all plaintiffs, the names and law firms of their attorneys, the names of all individual defendants and, if the Law Department determines not to represent any such defendants, an explanation as to why. In addition, the bill would require that the Law Department provide a summary of each alleged incident, the nature of each legal claim, as well as the rank and years of service for every individual defendant named in an action.

The Law Department agrees that civil suits against the Department of Correction and its individual employees are an important source of information that may reveal patterns of misconduct or operational deficiencies. Like a canary in a coal mine, the Law Department is in a unique position to spot and report on such trends. This is information that can contribute to a safer environment at the facilities operated by the Department of Correction. Moreover, the Law Department shares the Council's goal of enhancing transparency so that the public can follow trends affecting the safety of individuals in the custody of the Department of Correction. However, Intro 1136, in its current form, particularly in the case of actions most recently filed, requires the publication of allegations and claims, the truth and merits of which are untested by discovery or legal challenge, and that may not provide a basis from which sound conclusions about conduct or operations may be drawn.

Before I speak to the specifics of Intro 1136, I would like to share the work the Law Department is already doing in this area. Our Risk Management unit was established to promote many of the values reflected in Intro 1136, namely, the use of litigation information to help agencies identify systemic problems and develop targeted solutions. Our Risk Management team regularly meets with the Department of Correction to discuss patterns and trends in civil actions and strategize ways to address widespread concerns. Our work with the Department of Correction continues to evolve, and we look forward to strengthening our partnership through improved information-sharing and problem-solving practices.

Now, I would like to speak to the substance of Intro 1136. Some of the data specified in this bill is currently available to the Law Department through our internal case management and tracking system. For example, our system contains information such as the court in which a civil action was filed, the name of the plaintiff's attorney, and any monetary amount associated with an eventual settlement or verdict.

By contrast, we cannot provide other information specified in the bill. For example, we have concerns that some of the information would be privileged and/or confidential, such as the reasons why the Law Department is not representing an individual correction officer – information that implicates strategic legal decisions and may involve confidential personnel records. Additionally, our staff is in no position to know the race of plaintiffs. I should also note that the Law Department is currently managing approximately 1,800 active matters related to the Department of Correction. As a result, we are unable to provide narrative-style information, such as descriptions of all incidents associated with each claim and the nature of each claim, for every civil action. This is both because of the sheer volume of civil actions we receive and also because any such descriptions that are in fact inputted into our system likely contain privileged and confidential information intended for internal use only, which cannot be posted publicly.

Before I close, I want to offer a few insights about the nature of data associated with civil suits, and its ability to portray a full and accurate picture of what Intro 1136 is intending to capture. A myriad of factors contribute to the decision of whether or not to settle any given case. This reality renders the information required by Intro 1136 a weak indicator of what the bill seeks to show, namely, actual wrongdoing on the part of the Department of Correction and its individual employees. When an attorney files a complaint on an inmate's behalf, it is common to list as many causes of action as can reasonably be asserted and to name any employee who

FOR THE RECORD

Testimony on Int. No. 1150-2016

**A local law to amend the New York City Charter, in
relation to creating an Office of Reentry Services**

**Committee on Public Safety jointly with the
Committee on Oversight and Investigations**

**Testimony Submitted by Joel Copperman
CEO, CASES**

on behalf of the ATI/Reentry Coalition

May 3, 2016

Good morning.

I am Joel Copperman. I am the CEO of CASES and I am here on behalf of the ATI/Reentry Coalition. The Coalition includes 10 organizations that provide alternative to incarceration and reentry services to justice-involved individuals in the five boroughs. The Coalition members are:

- CASES (Center for Alternative Sentencing and Employment Services)
- Center for Community Alternatives (CCA)
- Center for Employment Opportunities (CEO)
- Education & Assistance Corporation, NYC TASC & Mental Health Programs (EAC)
- Fortune Society
- The Greenburger Center for Social and Criminal Justice
- Legal Action Center (LAC)
- Osborne Association
- Urban Youth Alliance: Bronx Connect
- Women's Prison Association (WPA)

This is an exciting time for those who work in this field. There is increased attention and support for the ideas and values that are organizations have long addressed. We support alternatives to incarceration. We support successful reentry from jail and prison. We believe that through innovative, effective and replicable programs, individuals will thrive, communities will be strengthened and public safety increased.

We applaud the Speaker and the City Council for taking the lead in these efforts. In addition to legislation and financial support, the Council has encouraged ideas and new thinking around the issues that will lead to the changes that we support. Most notably, the independent Commission led by Justice Lippman is a significant opportunity to reform the criminal justice system in New York.

At the same time, there are other efforts that are examining how we do business within the criminal justice system.

- Mayor de Blasio's Task Force on Behavioral Health and the Criminal Justice System and Mayor Bloomberg's Citywide Justice and Mental Health Initiative were thoughtful analyses of the system issues that plague the criminal justice system. I was pleased to be on the steering committees of both of these efforts and other members of the Coalition actively participated in this work. We continue to work with the Mayor's Office of Criminal Justice on the ideas and proposals that came out of those efforts.

- Governor Cuomo has created a Council on Community Reentry and Reintegration that is addressing “obstacles formerly incarcerated people face upon re-entering society.” The New York State Division of Criminal Justice Services (DCJS) and the Department of Corrections and Community Supervision (DOCCS) collaborate to oversee task forces in New York City and upstate counties that are “designed to help individuals who are returning to their communities after release from state prison.” Members of the ATI Reentry Coalition serve on the Council.
- The John D. and Catherine T. MacArthur Foundation recently announced a \$2 million award to the City as part of Safety and Justice Challenge. The award will support the City’s efforts “to safely reduce the jail population and build a fair criminal justice system of all New Yorkers.”
- We regularly see reports and studies from the State Bar Association, the City Bar Association, John Jay College and other important institutions that examine various aspects of the justice system in New York City and make recommendations for change.
- Last week, as part of National Reentry Week, Mayor de Blasio announced that a multidisciplinary council of 54 organizations and agencies – including City government agency representatives, the courts, district attorneys, defenders, providers, members of the faith community, formerly incarcerated individuals, and advocates – will review data on populations and available options and develop solutions to address unmet needs and improve program effectiveness. Two subcommittees, one dedicated to diversion and the other dedicated to reentry will each meet quarterly. I am pleased to be the co-chair of the diversion subcommittee. Staff from Coalition members will serve on this new initiative.

It is in this spirit that we see the proposed legislation. It is an important statement from the Council about services and programs for individuals who are in the community after a period of detention or upon completion of their sentence. It is yet another example of the Council’s clear commitment to a new criminal justice paradigm and the members of the ATI/Reentry Coalition applaud your efforts.

And it is in this spirit that we issue some cautions and make some suggestions:

- Many City and State agencies – including the Mayor’s Office of Criminal Justice, the Departments of Correction, Probation, and Health and Mental Hygiene and Education - provide services covered by the legislation. While mapping all of the services would be valuable (this is a goal of the Mayor’s multidisciplinary council), it is essential that “a coordinated system for the

administration for reentry services” and a requirement to “administer contracts for the provision of reentry services as appropriate” not create a bottleneck for these services. Even more importantly, if a centralized single point of access for services is established, there would be extensive delays, confusion and individuals falling through the cracks of such a system. A similar centralized effort to dispense ATI services was tried by the City many years ago. It was rigid and ineffective and abandoned as a complete failure.

- We cannot look at the City and State systems separately. Individuals entering an ATI program without a period of detention and individuals returning from State prison are drawing on the same services as those leaving Rikers Island after a period of detention or after completing their City sentence.
- Individuals being released from incarceration struggle with a host of challenges that may be exacerbated by incarceration and the stigma created by an arrest and/or conviction, but that lie within the expertise and jurisdiction of non-criminal justice government agencies and a range of non-profit service providers. These challenges may include one or a combination of the following: unemployment or under-employment; homelessness or unstable housing; mental illness; substance abuse; physical health issues such as HIV, hepatitis C and diabetes; domestic violence; inadequate educational skills; and aging out of foster care. Most of the needs of the reentry population are non-criminal justice needs, but if addressed effectively and without further stigmatization by appropriate government agencies and/or service providers, increase the odds of successful transition out of further criminal justice contact.
- As has been discussed in other contexts by the Council, the contracting and oversight process in the City is cumbersome and the infrastructure of the non-profits that provide these services is stretched dangerously thin. Any reporting requirements or other steps in the process that adds to the contracting and oversight process without additional resources will undermine the efforts promoted by this legislation.
- The “annual report of the reentry services needs of city residents” should not cross a line of privacy for clients of our programs. Individual level data on people who voluntarily access Reentry services (except as part of a formal evaluation with adequate privacy protections) should not be collected so as not to discourage, target or stigmatize people and their families.

We thank you for this opportunity and look forward to discussing this important legislation with you.

possibly could have been involved. At the early stages of litigation, it may not yet be clear which claims the facts will support and which individuals were actually involved in the incident in question. As a result, employees initially named as defendants may not have been present at the scene of an incident or even working at the jail on that day. On the other hand, a plaintiff may not know the identities of all employees involved and will commonly use the term “Jane” or “John Doe” as a placeholder. This means that lists of named defendants in our internal case-tracking system are often both overly-inclusive and incomplete. If a case is settled, the report generated by Intro 1136 may well show settlement amounts next to the names of employees who did not commit any misconduct and appear to substantiate claims that had no merit. We are concerned that the report will unfairly implicate employees who have done nothing wrong.

I am confident that the Law Department and the Council can work together to craft a strategy to better achieve the ultimate objectives of this bill. I want to emphasize the Law Department’s deep commitment to inmate protection, transparency, and jail reform. We are grateful to the Council for its support and partnership on this issue.

Thank you for the opportunity to provide comments on Intro 1136. I would be pleased to answer any questions and look forward to working with you on this going forward.



New York City Council Committee on
Oversight and Investigations with the Committee on Public Safety

City Hall

May 3, 2016

10:00 A.M.

New York, New York

Presented By:

Sandeep Kandhari, Director, Community Justice Unit

Good morning, I am Sandeep Kandhari, the Director of the Community Justice Unit with The Legal Aid Society. I am submitting this testimony on behalf of The Legal Aid Society and I thank you for the opportunity to be heard on these important bills before the Committee on Oversight and Investigations and the Committee on Public Safety.

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is an indispensable component of the legal, social and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of criminal, civil and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With its annual caseload of more than 300,000 legal matters, the Society takes on more cases for more clients than any other legal services organization in the United States, and it brings a depth and breadth of perspective that is unmatched in the legal profession. The Society's law reform/social justice advocacy also benefits some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. The Legal Aid Society operates three major practices — Criminal, Civil and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program.

The Society's Criminal Practice is the primary public defender in the City of New York. During the last year, our Criminal Practice represented over 200,000 indigent New Yorkers accused of unlawful or criminal conduct on trial, appellate, and post-conviction matters. Our Community Justice Unit (formerly known as the Anti-Gun Violence Unit) began 4 years ago as part of the City's adoption of the Gun Violence Crisis Management System and we serve 17

precincts across the city.¹ This initiative is an evidence-driven approach to reducing gun violence and The Legal Aid Society is able to bring free legal services to these historically underserved communities by partnering with all of the Cure Violence providers. We provide legal outreach, trainings and regular office hours in areas as far-reaching as East New York, Far Rockaway and the Stapleton area of Staten Island. New York City is the only city, among the 50+ that have adopted Cure Violence, to integrate legal services as part of a drive to reduce gun violence. Our work directly in our impacted communities provides us insight into the many ways a lack of governmental transparency, accountability or responsiveness create misgivings within poor communities.

Int 1136-2016 Improves Transparency but Needs to be Amended

We welcome any attempt to improve transparency and the City's risk management plans through the reporting of the lawsuits described in Int 1136-2016. The bill will help bring transparency to the conduct of Department of Correction's staff and may demonstrate trends or patterns, that once detected, may lead to better oversight and supervision of our City's jails. The utilization and availability of information will improve and inform management as well as increase the public understanding and comment on the administration of our City's jails. For example, the bill will identify whether specific staff are responsible for a significant number of lawsuits brought against the Department of Correction and will identify specific locations within the jails where problems repeatedly arise. However, we believe that the language of the bill must be amended to serve this intent.

This bill builds upon the settlement reached with the City in the *Nunez* litigation, which required that the Department of Correction develop "a method of tracking the filing and

¹ For more information, see the description of Mayor's Office of Criminal Justice's description of the Cure Violence program in NYC. <http://www1.nyc.gov/site/criminaljustice/work/violence-interruption.page>

disposition of litigation related to use of force incidents.” (Nunez Consent Judgment, Section X(4)). The Law Department is further required to provide the Department of Correction with quarterly “new and updated information with respect to the filing, and the resolution, if any, of such litigation,” and the Department is required, in turn, to seek quarterly information regarding the payment of any claims related to use of force from the Comptroller. *Id.* The proposed law would make this valuable information about our City jails available to the City Council and to the public via reporting by the Law Department.

Although the bill builds upon this process in helpful and important ways, as drafted it is both over and under-inclusive. These drafting issues could make it difficult to implement. For example, the bill requires that the report include “civil suits against the Department of Correction and/or individual employees of correction.” This language is too broad, it will include suits against DOC employees that relate solely to their personal lives (suits that are not relevant to their performance as correction officers). The bill is also under-inclusive because federal civil rights litigation is not brought “against the Department of Correction,” but against individuals and, may be brought against the City itself pursuant to *Monell*. Many state law tort claims are also properly pled against the City, and not the Department of Correction. While many cases are also brought against “individual employees thereof,” pro se cases may not be pled in this way or the individual employees may not be known at the time of filing. It would be more precise if the bill applies to “civil suits arising from actions of the Department of Correction and/or individual employees of the Department of Correction.”

Similarly, further clarification is necessary in section (c)(ix) of the proposed bill which requires information about “whether any such person was the subject of a civil action or actions alleging misconduct and if so, the disposition“ of each pending action. This language should

indicate that the legislature is asking about *prior* civil actions because all parties will be aware of the current action. Also in that section, and in the phrase that follows, the reference to “such person” should be changed to “such employee” to avoid ambiguity. We also recommend that the bill reports about prior administrative disciplinary prosecutions against any implicated employees as part of its “evaluation of civil actions and other complaints,” to improve upon the statute’s ability to assist in identifying any employees who are repeatedly engaging in misconduct.

Because the intent of the bill is to collect and evaluate information about “complaints alleging misconduct by correction officers,” it appears that the word “defendant” should be substituted for the word “plaintiff” throughout the bill. In a suit against a correction officer, the officer is a named defendant. If that global correction is not adopted, we do not believe that there is any clear benefit to requiring the Law Department to report the address of the plaintiffs. This requirement can only serve to potentially expose the plaintiff to additional harms and there is no clear reason why having a plaintiff’s address improves correction officers’ conduct. Similarly, the bill requires, “the name of each attorney and law firm representing each plaintiff,” but this information does not seem relevant to the greater purpose of transparency or improving conduct within the Department of Correction. In sum, we support this legislation with amendments to the language that will better reflect the bill’s intent.

Crime Victim Services Unit

This bill would give the Mayor’s Office the ability to create an executive agency which coordinates with various nongovernmental agencies to serve the needs of crime victims. While The Legal Aid Society Criminal Defense Practice often represents those charged as an alleged perpetrator of crime, our work within the Gun Violence Crisis Management System exemplifies

how a public defender can assist victims as well. The Community Justice Unit offers legal services to all Cure Violence providers in New York City and reports our work to the Mayor's Office of Criminal Justice. Cure Violence providers such as Man Up! Inc. in East New York, Life Camp in Jamaica, Queens, and True to Life in Staten Island are all serving communities disproportionately impacted by gun violence. The 17 precincts selected to be served by Cure Violence providers account for 51% of all gun violence in New York City.² The work of the Community Justice Unit demonstrates a new model of public defense, one that includes partnering with communities to proactively reduce violence by engaging community members, mostly young people in positive structures and legal services.

By creating the Cure Violence infrastructure in the past seven years and investing \$19.9 million this past year, New York City has already created a robust net of community based organizations that are deeply connected both with their neighborhoods and with local hospitals. Cure Violence programs are staffed by violence interrupters, outreach workers and hospital responders. Violence interrupters stop conflicts before they happen, and outreach workers redirect the highest-risk youth away from life on the streets. Outreach workers implement a detailed risk reduction plan that links youth with needed services. These connections result in the cooling of violence hot spots, in addition to positive outcomes for those who participate in the intervention.³ Hospital responders are trained to provide emergency intervention services at hospitals to victims of gun violence. These same staff members could be ideal in serving victims who appear in hospitals and may benefit from, among others, therapeutic, legal, and employment services. The City's Cure Violence program also engages the public hospital system, and

² <http://www1.nyc.gov/site/criminaljustice/work/violence-interruption.page>

³ A summary of the study conducted by the Center for Court Innovation published in 2013 that was done with the Save Our Streets Crown Heights program effectively describes Cure Violence in New York City. http://www.courtinnovation.org/sites/default/files/documents/SOS_Evaluation.pdf

partners with two Health and Hospitals Corporation hospitals to work with family and friends of victims and provide follow-up services to patients. Hospital responders and hospital staff experienced in working with victims of gun violence can work with victims of all types. Cure Violence providers are connected to wraparound services and these networks could be tapped to assist victims of crimes as well.

We encourage inclusion of Cure Violence providers in this initiative to allow the work of these partners in the Gun Violence Crisis Management System to take even deeper root in our most violent communities. By involving Cure Violence organizations, who hire local community members who were formerly incarcerated, to engage with victims, the Crime Victim Services Unit will be simultaneously coordinating victims services with anti-violence programs, connecting victims to programs that are already overseen by the city and providing meaningful employment for people recently released from prison. The Legal Aid Society's Community Justice Unit has the unique position of providing legal services to all Cure Violence program participants citywide and our experiences demonstrate the vital role that our Cure Violence partners can play in New York City.

NYC COALITION OF DOMESTIC VIOLENCE RESIDENTIAL PROVIDERS

MEMBER ORGANIZATIONS

- African American Planning Council
- Allen Women's Resource Center
- Barrier Free Living
- Center Against Domestic Violence
- Food First
- Good Shepherd Services Safe Homes Project
- HELP USA, Inc.
- Henry Street Settlement
- Jewish Board of Family and Children's Services
- New Destiny Housing Corp.
- New Vista For Families
- New York Asian Women's Center
- OHEL Domestic Abuse Program
- Safe Horizon
- Sanctuary For Families
- Services for the Underserved
- Urban Resource Institute
- Violence Intervention Program
- Volunteers of America
- Mail c/o:
CADV
25 Chapel Street
Suite 904
Brooklyn, NY 11201

On behalf of the New York City Coalition of Domestic Violence Residential Providers, a consortium of all 19 providers of licensed domestic violence shelter, my name is Judy Kahan, and I am both the Executive Director of the Center Against Domestic Violence and co-chair of the Coalition. I would like to offer feedback on the New York City Council's pending legislation to create a New York City Office of Crime Victim Services. While advocates and providers across the City appreciate efforts to raise awareness about the many kinds of services – residential and non-residential, case management and legal services – that are available to victims of crime, the Coalition is concerned by the lack of community engagement prior to drafting the bill, the chance of redundancy with the existing Mayor's Office to Combat Domestic Violence, the lack of confidentiality for victims of crime, and the very real possibility of new provider reporting burdens to this new agency.

As a domestic violence shelter provider, I know that our clients face a litany of challenges in obtaining all of the resources they and their children need to stay safe. Our clients regularly interact with the courts – criminal, civil or both – as well as HRA for public assistance and housing vouchers, ACS for child care and custody, District Attorneys for prosecutions, the NYPD for domestic incident reports and the Mayor's Office to Combat Domestic Violence for services received through the Family Justice Centers. We understand and respect the City Council's desire to examine how each of these agencies coordinate their response to crime to ensure victims receive services that are seamless, immediate and non-judgmental.

However, the bill as written seems to go far beyond this needed task. Instead, it creates an entirely new city office with new (and potentially burdensome) reporting obligations for providers as well as a requirement that providers divulge confidential information about our clients. We also worry how providers will be assessed, and what measures will be used by a non-funding agency to grade the quality of our services.

We respectfully urge the city Council to convene small workgroups of providers and survivors (and possibly prosecutors and police as well) to better assess the gaps in service and what more could be done to coordinate the city's response to crime victims.

I am happy to answer any questions you may have.

May 3, 2016



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

Wesley Caines – Reentry Specialist

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council Committees on Public Safety

and the Committee on Oversight and Investigations

May 3, 2016

My name is Wesley Caines. I am the Reentry Specialist at Brooklyn Defender Services (BDS). BDS provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 40,000 clients in Brooklyn every year. I thank the City Council Committee on Public Safety and the Committee on Oversight and Investigations for the opportunity to testify today about BDS's support for various resolutions, in particular the creation of a municipal division of transitional services.

Int. No. 1150 - In relation to creating a municipal division of transitional services

BDS strongly supports the creation of a municipal division of transitional services.

Pursuant to Int. 1150, the division of transitional services would:

1. Ensure the effective and efficient provision of reentry services to all individuals released from the NYC Department of Correction after a period of detention;
2. Create a coordinated system for the administration of reentry services;

3. Administer contracts for the provision of reentry services and review budget requests and recommend to the mayor budget priorities;
4. Prepare and submit to the mayor and council an annual report of the reentry service needs of the city residents and the availability of reentry services to meet such needs;
5. Provide outreach and education on the availability of reentry services; and
6. Prepare and submit to the mayor a five-year plan for providing reentry services to city residents.

A coordinated City response to reentry services is long overdue. On any given day more than 9,000 city residents are imprisoned in City jails.¹ Every day, hundreds of people are released from Rikers Island back into their communities. While detained, many people lose their jobs or shelter beds; face eviction; suffer the interruption of mental health, medical or substance abuse treatment; or lose their children to the child welfare system. Upon returning home, they face significant barriers to employment, housing, licensing, and immigration consequences. Many suffer trauma and violence on the inside that stay with them and negatively affect their relationships with family, friends and colleagues when they return to their communities.

BDS began our Reentry Project more than a year ago to ensure that BDS clients from all of our practice areas have access to reentry support to minimize the impact of collateral consequences. Our experience shows us that reentry work must not wait until a person is looking at imminent release from jail or prison, but must begin immediately after arrest. It requires coordination with the criminal defense attorney to ensure that defendants' reentry is prioritized during their court involvement.

As a non-profit law office, we are in a unique position to provide our clients with in-house legal advice and representation in criminal, family, immigration and housing courts. Our specialized defense model at BDS ensures that all of our clients have access to comprehensive legal and social work support to help address their unique challenges. It is critical that our clients have access to civil legal services because people with criminal records are often excluded from free legal assistance programs. Most civil legal service providers in the City are able to serve only a small percentage of potential clients who walk through their doors because of limited funding. Too often, civil legal service providers must turn away clients with complicated criminal histories, leaving clients like ours underserved. Public defenders, then, are in a unique place to advocate for court-involved clients in all areas of their lives where they need legal assistance—all of which impact reentry. We are deeply grateful for the continued support and funding from the City Council to help us provide high-quality specialized legal services to court-involved New Yorkers.

Because we are first and foremost a public defense office, our reentry project seeks to connect our clients with programs and services in their communities. As BDS' Reentry Specialist, I make substance abuse program, education, employment, and housing

¹ New York State Commission of Correction, Inmate Population Search, <http://www.scoc.ny.gov/pop.htm> (2016).

referrals. I also help clients navigate benefits programs, identify and repair RAP sheet errors, obtain Certificates of Relief from Disabilities and Certificates of Good Conduct, craft resumes and cover letters, and prepare for interviews.

Programs like the Fortune Society, Exodus Transitional Community, Osborne Association, to name a few, also play a critical role in helping our formerly incarcerated clients get back on their feet. In addition, a wide variety of smaller providers do important re-entry work, though many of them might not call it that. Certainly, mental health service providers are essential to successful re-entry, and greater access to care—including in pre-arrest diversion—is needed. This legislation will provide long-overdue coordination and, hopefully, increased allocation of resources, among re-entry organizations, including legal service providers like BDS, which can identify the needs of clients early in their involvement in the system. We also hope that this legislation provides for the foundation of an advocacy effort in the City Council to end the statutory barriers to reentry maintained by the State and Federal Government.

We are grateful that the City is seeking to build on this important work through the creation of a municipal division of transitional services. We also note our support for the #CloseRikers campaign and Speaker Mark-Viverito's call to close the jail. Rikers Island creates structural barriers to reentry. It has been shown that proximity to family and support networks positively impacts reentry outcomes. The immense and often insurmountable barriers to families and others wishing to visit people detained on Rikers Island fray support networks and make for a more challenging re-entry. Many of our senior attorneys remember when the majority of their defendants were detained at Brooklyn House of Detention, where it was much easier for both attorneys and families to visit them.

I would be remiss not to add that earlier this year BDS put in a request for Speaker's funding to increase the capacity of our reentry team. We hope that the Council will support our request for funding and allow us to improve the level of reentry services that we provide to BDS's 40,000 clients every year.

Int. No. 1136 - In relation to the collection and evaluation of civil actions and other complaints alleging misconduct by correction officers.

BDS strongly supports this resolution. The resolution would require that the law department post information relating to the civil actions filed against the department of correction and any of its employees during the preceding six months on its website. This resolution would provide the Council, the Mayor's Office and other City agencies with easily accessible information about allegations of violence in department of correction facilities, fostering much-needed transparency.

BDS requests that the Committees consider revising the proposed Section 7-112(c)(vi). Section 7-112(c)(vi), which would mandate that the law department disclose the address of the plaintiff. BDS sees no reason that it would be necessary for the plaintiff's address to be disclosed on the law department website, particularly as the address of the

individual corrections officer's address is not required to be disclosed. To ensure fairness, we would ask that neither the correction officer's address nor the plaintiff's address be disclosed on the law department website.

The plaintiff's address is already public and available in local clerks' offices to anyone wishing to obtain this information. The disclosure of this personal information on the website would make it easier for bad actors to intimidate or discourage plaintiffs from pursuing viable claims. In the alternative to eliminating the address clause, we would recommend replacing the word "address" with the words "zip code." This would allow the public and city officials to easily see which communities are most affected by DOC violence without minimizing compromising the security of the parties.

Testimony of

Dr. Lisa O'Connor, Deputy Program Officer

Safe Horizon, Inc.

**Intro. 1147 – Local legislation to establish an
Office of Crime Victim Services in New York City**

**Public Safety Committee
Hon. Vanessa Gibson, Chair**

New York City Council

May 3, 2016

Thank you for the opportunity to testify before you today regarding Intro. 1147 which would establish an Office of Crime Victim Services in New York City. My name is Lisa O'Connor, and I am the Deputy Program Officer at Safe Horizon, the nation's leading victim assistance organization and New York City's largest provider of services to victims of crime. Safe Horizon's mission is to provide support, prevent violence and promote justice for victims of crime and abuse, their families and communities.

Overall, we are pleased that the Council is considering the need to create a centralized office within City government to quickly and efficiently help coordinate the delivery of services to victims of any crime. Such a role currently is spread over several city agencies, including the Mayor's Office of Criminal Justice (MOCJ), the Mayor's Office to Combat Domestic Violence (MOCDV), Human Resources Administration (HRA), and of course the New York City Police Department (NYPD.) The District Attorneys in each borough also play an important role in delivering or helping to coordinate services to crime victims, as does the Department of Youth & Community Development (DYCD) which oversees programs for homeless youth, many of whom are victims of crime. A centralized office might be of particular benefit to traditionally underserved victims of crime, including young men of color and undocumented New Yorkers. It is imperative, however, that victims of crime and abuse can receive culturally and linguistically competent services that are client-centered and which recognize and prioritize their stated needs.

The local legislation that the Committee is considering today, however, includes language that would be problematic – if not outright impossible – to implement. My comments today will focus on the specific areas of concern for Safe Horizon and we believe many other victim service providers throughout the five boroughs.

1. **Concern about definition of “efficacy” and “efficiently.”** (Section 4b.) The City’s definition of efficacy may not match that of providers or survivors. For example, the City may define efficacy for domestic violence shelter programs as those providers who most rapidly place their residents into permanent housing via publicly-funded subsidies. Providers and survivors, however, may point to a shelter provider’s success in reducing trauma symptoms for the survivor and/or her children, providing access to public assistance and other resources, collaboratively developing safety plans to reduce future harm, and so forth. How this term is defined, then, can have significant ramifications for both the providers who operate the programs and the domestic violence survivors who rely on them. Similarly, what criteria will the City Coordinator use to determine if services are or are not being delivered “efficiently” for crime victims? How much relies on the ability of crime victims to quickly access items such as relief in courts, police reports from the NYPD, housing through the New York City Housing Authority or other publicly-funded subsidies, and other matters that are largely outside the control of individual providers?

2. **Concern about preserving client confidentiality** (Section 3c.) The bill asks providers to give “client-level data to understand cross-system involvement and opportunities for intervention.” Because of strict rules governing our programs, many if not all providers – including Safe Horizon -- will not share confidential client information. Providers instead might be willing to share aggregate data. We urge the Council to reconsider this language in light of our significant concerns with sharing confidential client information.

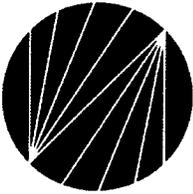
3. **Reporting burdens** (Section 3 a, b, c.) This section appears to add considerable reporting burdens on providers who already submit reams of data to the NYS Office of Victim Services (OVS) and other entities. To avoid adding new reporting burdens to every provider who offers services to crime victims, we propose sharing data that we already provide to other funders such as OVS.

4. **Coordination with the Mayor’s Office to Combat Domestic Violence.** While we appreciate that the Council legislation considers victimizations beyond family and intimate partner violence, there may still be considerable overlap with the Mayor’s Office to Combat Domestic Violence. We are curious to know how the new office will incorporate data already collected by MOCDV and what specific role MOCDV will continue to play in the years to come.

5. **Concern about definition of “assessment”** (Section 4b.) Staff at Safe Horizon worry about how such assessments will be quantified and we urge the City to partner with providers and advocates regarding the development and measures of these assessments to ensure they are client-centered.

6. **Outreach and education** (section 6.) The bill states the new office will “provide outreach and education on the availability of services for crime victims.” Many providers across the five boroughs already perform this function via hotlines, outreach presentations, and trainings. Will they be precluded from doing so if the new Office takes on this role? How will the Office coordinate its efforts with providers?

We look forward to the Committee’s response to these inquiries and respectfully request that the bill’s sponsors consider convening a task force of providers and survivors in the weeks ahead to both understand more deeply what led the Council to draft this legislation and to provide feedback and guidance for legislation that will best meet the needs of crime victims throughout the city. Thank you, and I am happy to respond to any questions.



**New York City Alliance
Against Sexual Assault**

32 Broadway • Suite 1101
t 212.229.0345 • f 212.229.0676
New York, NY 10004
www.svfreencyc.org

New York City Alliance Against Sexual Assault

New York City Council Hearing on The Creation of an Office on Crime Victim Services

My name is Mary Haviland and I am Executive Director of the New York City Alliance Against Sexual Assault. I would like to commend the Council for giving thought to the issue of crime victims and the services they receive in the city.

In my career, I worked in the field of domestic violence from 1978 through 2005. In 2010, I was confirmed by the New York State legislature as a Commissioner of the New York State Office of Victim Services. As a member of the executive staff and I rendered decisions on crime victim compensation claims and oversaw the victim services offered by this agency including the distribution of emergency assistance to crime victims. I have been working at the Alliance, in the field of Sexual Assault since November 2011. As such I am familiar with crime victim services at the state and city level.

There is a significant network of organizations that provide crime victim services in New York City. For example, OVS funds 88 different programs in the five boroughs of NYC. These include community based organizations as well as Family Court, Family Justice Center programs and Child Advocacy Centers. In addition, the New York Division of Criminal Justice Services funds crime victims programs in the City including enhanced prosecution programs in District Attorney's Office,

Alternatives to Incarceration and community-based and hospital-based programs that assistance victims of crime. According to the DCJS website, they provide \$83 million in funding to these programs.

This appears to be a complex system of services for crime victims. However, there are some significant ways in which the services are organized so that they can be accessed by crime victims.

They are:

- There are 3 different hotlines run by Safe Horizon which specialize in Domestic Violence, Sexual Assault and finally one for all crime victims.
- The Alliance also serves as a centralized number for survivors of sexual assault. Though we do not have 24/7 services, we refer many cases to rape crisis centers and are the first organization to come up when one googles sexual assault and NYC.
- Services Such as the Family Justice Centers are organized for one stop shopping. Another example, are the rape crisis centers in the city almost all of which also serve victims of domestic violence. This means that survivors of both sexual assault and domestic violence who walk into the emergency room will receive help tailored to their needs. A third example are services offered in District Attorney's Offices where extensive services are offered to crime victims.
- Finally, several websites have services locators where one can put in your zip code and locate an appropriate service. Examples of this include, the Office of victim Services, the NYS Coalition Against Sexual Assault and soon, the Alliance.

These types of on-line methods for receiving assistance seem to be the way of the future. This bill refers to the creation of a directory of crime victim services. This feature of the bill might add to accessibility of services for crime victims if it were electronic and easy to locate on-line.

There are two features of the proposed bill that concern me. The first is the reporting requirements. Non-profits that receive government funds face a significant reporting burden that has increased over the last 10 years. For example, the Alliance, which has a one-million-dollar budget, reports quarterly both programmatically and fiscally to 9 different funders in 6 different formats. The reporting requirements of this bill on (a) the number of crime survivors assisted; (b) the nature of services provided to crime survivors; and (c) client-level data to understand cross-system involvement and opportunities for intervention is burdensome and with regard to the cross system data require additional questioning of a crime victim since this is information that is not routinely gathered. There are also confidentiality concerns if the data reveals the identity of a crime victim.

Secondly, I wonder how this position is meant to interface with other city agency and entities that cater to a segment of the crime victim population. For example, the Office to Combat Domestic Violence is already working across city agencies to improve the services provided to survivors of domestic violence. Victims are receiving services from HRA if they are in shelter, from ACS if there is child abuse taking place in the household, DHS if they are in shelters for the homeless. And kids affected by domestic violence are coming forward in public schools and afterschool programs funded by DYCD. Thought has to be given to how this position would interface with important long standing efforts to coordinate such services.

I would suggest the formation of a working group of stakeholders to discuss these issues to revise and refine this proposed legislation.

New York City Council

Committee on Public Safety, Hon. Vanessa Gibson, Chairwoman

May 3, 2016

LiveOn NY thanks Committee on Public Safety Chairwoman Gibson for her leadership holding a hearing this issue that affects victims of crimes, including elder abuse victims, their families, caregivers and the entire city.

LiveOn NY also thanks Intro. 1147 sponsor Council Member Laurie Cumbo, Speaker Mark-Viverito and cosponsors for their focus on the importance of serving victims of crime, including elder abuse victims.

Background on Elder Abuse

The 2011 *Under the Radar: New York State Elder Abuse Prevalence Study* found that over 260,000 older adults in the state of New York experienced some form of abuse in the year prior to the study. It is estimated that 9%, or 120,000, older New York City residents are suffering from some form of abuse. Only 1 out of 24 overall cases are reported to law enforcement, Adult Protective Services (APS), medical or social services and that number rises to 1 out of 44 when the case involves financial elder abuse. Elder abuse cases are often very complex and require intense services and supports for the vulnerable victims. These cases also often involve family members which add another layer of difficulty.

While LiveOn NY agrees with the concept that it is important to provide services and support to victims of crime, due to the complexity and specific and varying needs of older adult victims, as well as all victims of crime, LiveOn NY respectfully offers the following recommendations re: Intro. 1147.

Definitions must be inclusive of elder abuse victims and services

- Definitions of crime victims must be inclusive of elder abuse victims.
- Definitions of service providers and services must include elder abuse providers and services.

Gathering input and coordination with other city agencies and offices

Prior to passing legislation, we urge City Council to meet with and discuss important issues related to crime victims services with city agencies who work with crime victims, including elder abuse victims. These agencies include, but are not limited to, Department for the Aging (DFTA), Human Resources Administration (HRA), District Attorneys' Offices, the New York Policy Department (NYPD), the Mayor's Office to Combat Domestic Violence (OCDV) and others. We also would like to better understand how a new office would coordinate with these agencies to serve crime victims. City Council should also seek input from city-contracted agencies, including elder abuse providers, who currently serve crime victims to gather valuable input prior to passage of legislation.

Protecting confidentiality and privacy of victims

Regarding data collection from providers, it is very important to protect the privacy of crime victims, as these issues can be very sensitive. This is an example where it would be crucial for City Council to talk with crime victims service providers for their input, prior to passage of the legislation.

Reporting burdens must not be onerous or duplicative

City contracted agencies must already submit a great deal of information to the city as part of their ongoing work. City council should closely examine reporting requirements to ensure any new reporting requirements are not duplicative or onerous.

While LiveOn NY supports the concept of supporting victims of crime, including elder abuse victims, LiveOn NY believes the legislation as written calls for some further exploration.

LiveOn NY thanks City Council for the opportunity to testify on these initiatives aimed at protecting our city's vulnerable older adults and residents.

About LiveOn NY: LiveOn NY is dedicated to making New York a better place to age. Founded in 1979, with a membership base of more than 100 organizations ranging from individual community-based centers to large multi-service organizations, LiveOn NY is recognized as a leader in aging. LiveOn NY's membership serves over 300,000 older New Yorkers annually and is comprised of organizations providing an array of community based services including elder abuse prevention and victims' services, case management for homebound seniors, multi-service senior centers, congregate and home-delivered meals, affordable senior housing with services, transportation, NORCs and other services intended to support older New Yorkers. LiveOn NY connects resources, advocates for positive change, and builds, supports and fosters innovation. Our goal is to help all New Yorkers age with confidence, grace and vitality.

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Appearance Card

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

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Date: _____

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Name: Hannah Pennington

Address: 100 GOLD ST 2ND FL

I represent: OCDV

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Name: Thomas Giovanni

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I represent: NYC Law Department

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Name: Nancy Savosta

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I represent: NYC Law Department

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Name: Arelis Hernandez-Cruz (PLEASE PRINT)

Address: CAU, Chief of Staff

I represent: _____

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Name: Joel Copperman, CEO, CBSES (PLEASE PRINT)

Address: ATI/Zeedy Coalition

I represent: _____

Address: _____

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Name: Wesley Caines (PLEASE PRINT)

Address: 177 Livingston St, Brooklyn, NY 11201

I represent: Brooklyn Defender Services

Address: See above

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Name: Mary Harland

Address: _____

I represent: NYC Alliance Against Sexual

Address: 32 Broadway Suite 119 Assenat
NYC 10004

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Date: 5/3/16

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Name: Ilana Turko

Address: 1 Centre Street, 10th Fl.

I represent: Mayor's Office of Criminal Justice

Address: _____

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(PLEASE PRINT)

Name: Jennifer Scate

Address: 1 Centre Street, 10th Fl.

I represent: Mayor's Office of Criminal Justice

Address: _____

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Name: Alex Cohn

Address: 1 Centre Street, 10th Fl

I represent: Mayor's Office of Criminal Justice

Address: _____

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Name: JUDITH KAHAN

Address: 25 CHAPEL ST. BK 11201

I represent: Center Against Domestic Violence

Address: June

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I intend to appear and speak on Int. No. 1136+ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sandeep Kondhar

Address: _____

I represent: The Legal Aid Society

Address: 123 Williams St

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Date: MAY 3

Name: LISA O'CONNOR (PLEASE PRINT)

Address: _____

I represent: SAFE HORIZON

Address: _____

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in favor in opposition

Date: 5/3/16

Name: Susan Herman - NYPD Deputy Commissioner for Collaborative Policing (PLEASE PRINT)

Address: _____

I represent: NYPD

Address: _____

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in favor in opposition

Date: 5/3/16

(PLEASE PRINT)

Name: Oleg Chernomyrsky

Address: _____

I represent: NYPD

Address: 1 Police Plaza

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I intend to appear and speak on Int. No. 869 Res. No. _____

in favor in opposition

Date: 5/3/16

(PLEASE PRINT)

Name: Inspector Mark D. Paolo - NYPD Special Victims Division

Address: _____

I represent: NYPD

Address: _____

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