

Mayor's Office of Criminal Justice
New York City Council
Committee on the Justice System
March 20, 2018

Good afternoon, Chair Lancman and members of the Justice System Committee. My name is Elizabeth Glazer and I am the Director of the Mayor's Office of Criminal Justice ("MOCJ"). Thank you for the opportunity to testify today. Deborah Grumet, Budget Director in my office, is 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 that promote safety and fairness and reduce unnecessary incarceration.

In the last four years in New York City, we have seen an acceleration of the trends that have defined the public safety landscape in this city over the last three decades. While jail and prison populations around the country have increased, New York City's jail population has fallen by half since 1990. And in the last four years, the jail population dropped by 22% — giving us the lowest incarceration rate of any large city and the steepest four-year decline in the size of the jail population since 1998. This decline in jail use has happened alongside record-low crime. Major crime has fallen by 76% in the last thirty years and by 9% in the last four. 2017 was the safest year in CompStat history, with homicides down 13%, shootings down 21%, and burglaries down 7% from 2016. New York City's experience is continued and unique proof that we can have both more safety and smaller jails.

My office's goal is to invest public resources to help create the safest possible New York City with the smallest and fairest justice system. To drive toward this goal, we are pursuing an array of initiatives that can be grouped under three strategies. I would like to give an update on each today.

The first strategy is partnering with New Yorkers to co-produce public safety. Historically, jurisdictions across the country have relied primarily on police to provide safety. But, there are many innovative strategies beyond traditional law enforcement that can promote safety, such as enhancing trust between government and New Yorkers, and building neighborhoods with expanded opportunities for work and play. Over the last four years, our office has served as the backbone of these innovative strategies.

One way in which we are partnering with New Yorkers to co-produce public safety is through the Mayor's Office to Prevent Gun Violence, which was launched in partnership with the City Council in 2016. New York City continues to have the lowest incidence of gun violence of any major U.S. city, and 2017 had the fewest shootings in over 30 years. The Office to Prevent Gun Violence oversees an expanded Crisis Management System, which includes teams of credible messengers who use the Cure Violence model to mediate conflicts on the street and connect high-risk

individuals to services that can reduce the long-term risk of violence. This approach contributed to a 31% decline in shootings in the 17 highest violence precincts in New York City since the program launched in 2015.

We are studying the results of the Crisis Management System in the catchment areas where it is operating.

In two areas where studies have been finalized, we have seen extremely exciting results. In the East New York catchment areas there were 15% fewer shootings than in a comparable neighborhood without the program. In the South Bronx catchment area, there were 63% fewer shooting victimizations in the neighborhood.

As important as the violence reduction were also the measurable changes in attitudes in the neighborhood both in the use of violence and in confidence in the police. The study found that young men living in neighborhoods with Cure Violence programs reported sharper reductions in their willingness to use violence to settle disputes, compared with young men without such programs. Propensity to use violence in petty disputes declined significantly only in Cure Violence areas (down 20%). Confidence in law enforcement rose 22% in Cure Violence areas versus 14% in comparison areas.

The second major initiative our office oversees to promote safety in partnership with the public is the Mayor's Action Plan for Neighborhood Safety, or MAP. In the last year, MAP implemented NeighborhoodSTAT, which brings residents of 15 high-crime public housing developments together with City agencies and local community-based organizations to identify together key public safety issues, review relevant data, and work hand in hand in developing solutions based on their combined expertise. NeighborhoodSTAT is now operating alongside the other components of the Mayor's Action Plan for Neighborhood Safety – targeted law enforcement, physical improvements, and expanded opportunities for work and play – to create a model that has led to a reduction in index crime of 14% since MAP began, compared to crime NYCHA-wide, which declined by 4%.

The second major strategy my office oversees is creating a smaller, safer and fairer jail system in New York City. At its core, this is a matter of justice: no one should be detained who could safely remain in the community. But it is also a matter of pragmatism: the smaller our jail system, the easier it will be to close Rikers Island and create a justice system that reimagines the culture, purpose and location of jails.

In the last year, New York City made the official decision to close Rikers Island. This is now the everyday work of the government of New York City and the entities responsible for moving with urgency toward a smaller, safer and fairer justice system. In the last year, we have made concrete progress:

- The number of people in jail continues to fall – by 22% in the last four years and 5% in the last year alone. For the first time in thirty years, the jail population fell below 9,000 in

December 2017 and remains there today. This did not happen by accident; it is the result of the intentional efforts by many to focus enforcement resources on public safety risks, operate alternatives to jail that earn the trust of judges and prosecutors and work with New Yorkers to keep crime low. In the last year, we have partnered with working groups of judges, prosecutors, defenders and non-profit program providers to launch several new programs to accelerate safe reductions in the jail population. These include new behavioral health services for defendants assigned to supervised release (a pretrial community-based alternative to jail program that has diverted over 7,000 people from jail since launching in March 2016), a new program that replaces short jail sentences with community-based sanctions that address issues like housing and employment insecurity and 55 transitional housing beds for women to allow them to remain in the community while waiting for trial. Additionally, we have continued our partnership with all parts of the criminal justice system to reduce case processing delays. A few examples of the results:

- The number of people detained on misdemeanor charges is down 34% since 2013;
 - The number of people detained on bail of \$2000 and less is down by 60% since 2013; and
 - The number of people in custody with cases pending for longer than three years is down by 53% since April 2015, when the City, courts, DAs and defenders launched a joint initiative to reduce case processing delays.
- Notably, the only population in jail that has seen an increase is the population of people in jail on state parole violations, up 32% since the beginning of 2014. This population is one illustration of the extent to which reducing the number of people in jail in NYC is a shared responsibility – one that requires the partnership of the State, the court system, the District Attorneys, defenders, and non-profit providers. While we have reason to be optimistic about the progress to date and the shared commitment to keep driving down the jail population, we should note that as the number of people in jail continues to go down we will be left with a smaller number of people detained on more violent charges. Reaching our goal of 5,000 people in jail will require the sustained partnership of all actors in the criminal justice system.
- We launched the Justice Implementation Task Force to ensure that we will not just close Rikers Island, but replace it with a changed system that is smaller, safer and fairer. Zachary Carter, Corporation Counsel for the City of New York, and I chair this Task Force, which brings together all of the entities from inside and outside of government with decision-making authority, implementation oversight and expertise on the key topics related to creating a smaller, safer and fairer justice system in New York City – a system that would allow for, among other important gains, the eventual closing of Rikers Island. The Task Force includes leaders whose decisions affect the size of our jail population – including the police, prosecutors, defenders, state courts, corrections, probation and service providers – who are working with us to identify and implement strategies to reduce the size of the jail population safely. Task Force members also have responsibility for advising on the best ways to improve safety and opportunity for people inside the jails and design modern jail facilities. The over 75 leaders and experts who have joined the Task Force are

meeting regularly, creating a coordinated mechanism to shape and implement system changes.

- We announced plans to close the first jail on Rikers Island this summer and have reached an agreement to site new jails in the boroughs. In partnership with the City Council, the City has identified the proposed sites for four borough based detention facilities – including the three existing DOC facilities in Brooklyn, Queens, and Manhattan. In the Bronx, the site of the current NYPD Tow Pound at 320 Concord Avenue in the Bronx was selected for a number of reasons, including its proximity to public transportation, the courthouse, the fact that it is a City owned property so it will not delay our commitment to Close Rikers Island, and because it has sufficient square footage to support a facility to house approximately one quarter of the total projected population in jail. A consulting team led by Perkins Eastman has begun work on a master plan for the scope of these borough based facilities, and public community meetings will begin in early April in each borough to ensure that neighborhood and community input is integrated into the City's plan, including the perspectives of neighborhood residents, correctional officers, people in detention and their loved ones, and others. All of these people are essential so that we design jails that both are civic assets and provide safety and dignity to people who are incarcerated and who work within them. While the City has an initial investment of \$1 billion into new jail facilities, the completion of the master plan in December 2018 will allow for a determination of the full cost of the project. Our target is to also have ULURP certification by the end of this year, putting us on an aggressive schedule to advance this critical commitment.

The third major strategy my office is working on is promoting fairness. A successful public safety system is not measured only in terms of quantity (how much crime or how many people in jail), but also by the quality of justice. We advance several initiatives to promote this fairness:

- Lightening the touch of enforcement while still ensuring quality of life: In the last year, the City, in partnership with the City Council and justice system actors, has taken a number of steps to prevent minor offenses from snowballing into arrests and detention, which can imperil a person's job or housing.
 - The Criminal Justice Reform Act, effective June 13, 2017, substituted civil tickets for criminal summonses for low-level offenses like having an open container or littering in most instances, and has reduced criminal summonses for these offenses by more than 90%.
 - In addition, the City cut the number of criminal summonses by 50% between 2013-2017 (excluding offenses now punished with civil tickets under the Criminal Justice Reform Act).
 - The Mayor's Office has also worked with four district attorneys to dismiss 644,000 outstanding warrants for minor offenses like drinking alcohol in public or entering a park after hours.

- In addition to proportionate enforcement, the City is working to make small, common sense fixes that will enhance compliance with the law. For example, the City worked with a behavioral economics firm to redesign the criminal summons form to make it more accessible to New Yorkers and began sending the text message reminders for court dates. Together, these interventions decreased rates of failure-to-appear in court by 36%.
- Enhancing equal access to safety: Last year, in partnership with the First Lady of New York City, the Police Commissioner and the Mayor's Office to Combat Domestic Violence, our office launched the Domestic Violence Task Force.
 - For years, the number of overall homicides in New York City has fallen while the number of homicides linked to domestic violence has remained stagnant.
 - To ensure that all New Yorkers live in a city that is becoming safer, the Domestic Violence Task Force is implementing over \$10 million in annual investments to reduce domestic violence by intervening as early as possible, enhancing pathways to safety for survivors and ensuring swift, effective and lasting enforcement to hold abusers accountable. While the work is in its beginning phase, we are heartened that domestic violence crime is down 8% compared to this time last year.

Finally, I would like to provide a brief update to the Council on the City's efforts to implement Raise the Age, the state legislation to treat 16 and 17 year olds as juveniles within the criminal justice system, a change long sought and advocated for by the City. My office is leading a planning process with the participation of the relevant city agencies, the courts, DA's, defenders and non-profit providers. We are all planning for the significant increase of these young people into the family court system, the development of adolescent offender parts, a full continuum of diversion opportunities and community-based programs, and the identification and preparation of juvenile justice facilities to house this expanded population. As we have shared in the past, there is currently \$300 million in capital funding allocated to improve these sites, and work is well underway at Crossroads and Horizon, the City's two existing juvenile detention facilities. We continue to advocate aggressively to the State for the use of the New York State Office of Children and Family Services facility Ella McQueen, to have sufficient capacity to house safely all of the adolescents that are both in the current juvenile justice system and that are required to be off of Rikers Island by October 2018. OMB is currently working with the agencies on the full funding needs required for Raise the Age implementation, for discussion within the context of the Executive Budget.

I am grateful to the City Council and to all our other partners who work with us in implementing this work, knowing that it is complicated and time-consuming. But with this shared responsibility and shared effort, we have a rare and real opportunity to construct a smaller, safer and fairer justice system in New York City that will endure.

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

Testimony Of Jordan Dressler, Civil Justice Coordinator
Before the New York City Council's Committee on the Justice System
HRA's Fiscal Year 2018 Preliminary Budget
March 20, 2018

Good afternoon, Chairman Lancman. Thank you for inviting me to appear before the Committee on the Justice System today to discuss the work of the New York City Human Resource Administration's (HRA) Office of Civil Justice. My name is Jordan Dressler and I am the Civil Justice Coordinator and in that capacity I oversee the Office of Civil Justice. I am joined by Department of Social Services (DSS)'s Executive Deputy Commissioner for Finance, Erin Villari and the Office of Civil Justice Executive Director of Legal Services Initiatives, Jaclyn Moore.

The New York City Human Resources Administration (HRA)/Department of Social Services (DSS) is the nation's largest social services agency assisting more than three million New Yorkers annually through the Administration of twelve public assistance programs. Every day, in all five boroughs, HRA provides essential programs and supports to low-income New Yorkers. We work to ensure that our services and benefits provide low-income New Yorkers the assistance they need, through a wide range of supports, including Cash Assistance and employment services, the Supplemental Nutrition Assistance Program (SNAP/food stamps), eviction prevention, and rental assistance.

In administering these programs, HRA is at the forefront of this Administration's efforts to combat poverty and address homelessness. Over the last four years, HRA has expanded rental assistance and emergency grants. Through September 2017, HRA's rental assistance and rehousing programs helped over 71,000 families and individuals move out of or avoid entry into shelter. And through CY17 we provided emergency arrears grants to more than 217,000 households. Providing civil legal services for New Yorkers in need, in particular legal services for tenants, is a critical element in our prevention efforts. By investing in these important services, we are already seeing results: between 2014 and 2017, over 180,000 New Yorkers received legal assistance through the City's legal services programs for tenants facing eviction, harassment and displacement. At the same time, residential evictions by marshals have declined by 27%.

In partnership with the Council, we are implementing the nation's first Universal Access to Counsel program, representing an unprecedented investment in legal services to help New Yorkers stay in their homes. The Universal Access to Counsel initiative is just one of the many programs that the Office of Civil Justice oversees. Today in my testimony I look forward to updating you on the implementation of this program as well as providing updates on other key programs overseen by the Office. We are happy to be here today to discuss the work of the Office of Civil Justice and the City's extraordinary investment in civil legal assistance for low-income New Yorkers in all five boroughs.

Office of Civil Justice

In 2015, Mayor de Blasio and the New York City Council amended the City Charter with the signing and passage of Local Law 61, which created the Office of Civil Justice (OCJ). Located within HRA, the Office currently includes 46 budgeted staff, including central administration, program development staff, our contract management team, and a group of HRA liaisons located in the Housing Courts to assist with identifying service-eligible tenants in need, connecting them with a legal services provider and also interfacing with the court and the legal services attorneys regarding assignments and logistics and linking them with HRA-administered benefits as needed.

Importantly, we function as an integrated unit within HRA's Homelessness Prevention Administration (HPA) and DSS. As part of the larger agency, OCJ is able to leverage the substantial resources that this integrated structure provides. We can take advantage of the broader DSS infrastructure in areas ranging from data and budget analysis, to legal counsel, from facilities management to payroll and human resources. Operating as an office within HRA provides us both capacity and flexibility. And as a unit within HPA, OCJ works in conjunction with HRA's comprehensive prevention services such as rental assistance, emergency grants, and the HomeBase program. The budget for these programs will be discussed in full at DSS's budget hearing on March 27; however, each of these programs is making a difference in the lives of our clients.

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

In testifying today about the work at OCJ providing legal services to low-income New Yorkers, I am happy to report that New York City is a national leader in providing access to justice for people in need. My testimony today will discuss key points laid out in our 2017 Annual Report and Strategic Plan. This report describes the growth in civil legal funding and programs in New York City over the last several years as well as strategies with regard to key areas of civil legal need – low-wage workers facing legal issues including wage theft, discrimination and other challenges, and low- and moderate-income New Yorkers who face legal jeopardy due to delinquent debt – as well as laying out our plans for continued implementation of Universal Access and detailing the emergent legal needs facing immigrant New Yorkers.

Civil Legal Services at OCJ

In Fiscal Year 2017, for the first time, New York City's overall investment in civil legal services for low-income City residents exceeded \$100 million. Fiscal Year 2018 marked the first time that Mayoral investment in programs providing free civil legal services exceeded \$100 million, including funding for the first phase of implementation of our Universal Access anti-eviction legal services initiative. In Fiscal Year 2019, with further investments in legal assistance for tenants in need and immigrant New Yorkers facing legal challenges, the Administration will be

committing \$124 million towards civil justice programs at OCJ. By comparison, in Fiscal Year 2013, *total* governmental funding – City, State and Federal funding – for civil legal services in New York City was *less than half* that amount, at \$60.4 million.

The Preliminary Budget Plan for FY19 includes baseline funding at OCJ as follows:

- **\$93.0 million** for legal services programs for tenants facing eviction, harassment and displacement, which includes \$56.6 million for eviction defense legal services for low-income tenants in Housing Court including further implementation of Universal Access and \$36.4 million for anti-harassment/displacement legal services, as well as administrative and staff support; and
- **\$30.5 million** for legal assistance programs for immigrant New Yorkers, which includes \$5.9 million for legal assistance programs including the Immigrant Opportunities Initiative (IOI) and \$2.1 million in immigration legal programs funded by Community Service Block Grants, as well as \$8.7 million for legal and navigation services and outreach through the ActionNYC program operated in partnership with MOIA and CUNY.

In addition to the Administration's commitment to supporting civil legal services, I want to acknowledge the ongoing commitment of the City Council to expanding access to justice by funding legal services. In FY18, HRA is overseeing \$24.2 million in discretionary funding added by the City Council for legal services for the working poor; immigration legal defense services for detained individuals, unaccompanied minors, and families with children facing deportation; assistance for survivors of domestic violence and veterans; and general support for civil legal services providers.

Together, the Administration and the Council have invested \$135 million in legal services at OCJ for low-income New Yorkers with civil legal needs. No other city allocates even a small fraction of what New York City is committing to provide access to civil justice. The City's financial and administrative commitment to these important services has perhaps never been more crucial to serving and assisting low-income New Yorkers. With funding for civil legal services in the State's budget for the Judiciary flat this year, and with the Trump Administration's proposed budget threatening to defund the main vehicle for federal funding for civil legal services in the United States, the Legal Services Corporation, and eliminate entirely the Community Services Block Grants used for civil legal services programs here in New York City, our City's commitment has never been more important. The loss of these funding streams, nationwide and in New York City, would be felt acutely by low-income litigants. We continue to monitor this situation and remain in close dialogue with our provider partners as we gauge the impact of any cuts to non-City civil legal services funding here in New York.

Legal Services for Tenants

The provision of quality legal representation for thousands of the City's low-income tenants facing eviction and displacement is a key component of our civil legal services initiatives. The de Blasio Administration has made new and expanded initiatives that provide access to free legal assistance to tenants facing eviction and other housing-related legal issues a core element of a

“prevention-first” approach to combatting poverty and addressing income equality and homelessness. Not only is preventing homelessness before it occurs critical to meeting the overarching goal of the City’s Turning the Tide plan to address homelessness that increased 115 percent from 1994 to 2014, it is also a cost-effective and commonsense response to New York City’s homelessness problem, and it promotes a fair and equitable justice system, particularly in the City’s Housing Courts where tenants facing eviction have long faced an uneven playing field where the majority of landlords are represented by legal counsel but the majority of tenants are not.

The centerpiece of our tenant legal services initiatives is Universal Access to Counsel. With Mayor de Blasio’s signing of Council Intro 214-b into law in August of last year, New York City has become the first (and only) city in the United States that will provide access to legal services to every tenant facing eviction in court. Local Law 136 of 2017 – the Universal Access law – establishes programs that will provide access to eviction defense legal services for all tenants in Housing Court and in New York City Housing Authority (NYCHA) administrative termination of tenancy proceedings. Implementation of the first phase of Universal Access is underway. Low-income tenants facing eviction proceedings in Housing Court in fifteen zip codes across the City, identified based on factors including high numbers of shelter entries, the prevalence of rent-regulated housing and the volume of eviction proceedings, have access to free full legal representation – a defense lawyer on their eviction case, from the beginning until the end of the case.

Universal Access provides for free legal representation in court to New Yorkers with household incomes below roughly \$50,000 (200% of the federal poverty level for a family of four), and we will be establishing a program to provide access to brief legal assistance – a legal counseling session to advise a tenant facing eviction about the law, possible defenses and next steps to take – to those households earning more. At full implementation in FY22, we estimate that 125,000 cases affecting 400,000 New Yorkers will be served under the program annually.

To launch the Universal Access program, OCJ increased funding to nonprofit legal services provider organizations already providing anti-eviction legal services in Housing Court through the Homelessness Prevention Law Project (HPLP). Through HPLP, HRA contracts with a dozen providers, including both large citywide providers and smaller community-based organizations, to provide free legal representation and advice to low-income tenants facing eviction. Through this program, legal service providers in each borough provide assistance and in-court representation of tenants in Housing Court eviction proceedings, as well as actions seeking repairs, proceedings following illegal lockouts or evictions, and administrative hearings that may result in the loss of tenancy or de-regulation of the rental unit. Until Fiscal Year 2017, HPLP primarily targeted low-income families with children who are at risk of eviction, with households without children making up only a portion of the caseload. With the advent of Universal Access, however, OCJ, participating legal providers and the Housing Court worked together to expand eligibility under the program to include low-income adults living alone or in families with adult children as well.

Although we are in the very early phases of implementation, we have already seen successes. Last year, as part of the implementation process, OCJ, the legal services provider organizations and the Housing Court collaborated to develop robust and reliable processes for tenants in zip codes targeted for Universal Access legal services to be connected with available counsel. This

effort built on the Expanded Legal Services (ELS) program established in FY16 as a precursor and pilot for Universal Access. In Brooklyn, the Bronx, Manhattan, and Queens, OCJ collaborated with Supervising Judges, Resolution Part Judges and non-judicial staff in each Housing Court as well as legal services providers, and developed intake processes to connect tenants in need of legal services with lawyers to provide those services. The courts started routing newly calendared cases drawn from the target zip codes to their own designated courtrooms. Legal service providers have established intake operations in or next to these designated courtrooms, allowing eligible tenants to access their services in an efficient and effective process. Provider staff receive court calendars showing tenants with court cases on the designated part on that day, speak with tenants, offer services and assess program eligibility, all within steps of the courtroom in which the cases are heard. If the tenant wants assistance, the providers then conduct a brief intake and an attorney files a notice with the court indicating that the tenant is represented.

Our investments, coupled with the refinements we made to case referral and intake processes, implemented in partnership with the Housing Court and legal providers in the last year, are already yielding meaningful results. Housing Court is becoming a significantly fairer place for tenants, who now have wider access to legal assistance. Based on an analysis of data provided by the Office of Court Administration, we are seeing substantially higher rates of legal representation in areas targeted for assistance. In the ten zip codes across the city that were initially selected for targeted legal resources in the expanded legal services program, the legal representation rate for tenants in those zip codes who were facing eviction in Housing Court has dramatically increased. In the beginning of FY16, roughly 16% of tenants in these zips facing eviction had counsel in Housing Court. Two years later, in the beginning of FY18, the rate of representation for tenants in these zip codes *tripled*, with 48% of tenants in court having counsel. These increases were seen in the four boroughs where we implemented these intake processes, and in December of last year we established the same process in Staten Island, establishing the Universal Access in every borough and on track for further implementation.

As access to legal services for New York City tenants has increased, evictions across the city have decreased. In 2017 residential evictions by city marshals declined by approximately 5% compared to 2016 and are down approximately 27% since 2013 — a period during which New York City substantially increased funding for legal services for low-income tenants. Over the four-year period of 2014 through 2017, an estimated 70,000 New Yorkers remained in their homes as a result of these decreased evictions.

We are also seeing that increases in housing legal services are having an impact in the courts. In the Housing Court, the number of eviction cases filed continues to fall, with approximately 17,000 fewer eviction proceedings filed in 2017 than in 2013, a decline of 7%. At the same time, court statistics provided by the Housing Court reflect increased substantive litigation: the number of pretrial motions filed in 2016 was 19% higher than in 2014, while emergency orders to show cause — requests by tenants for eviction cases to be returned to the court calendar after a judgment of eviction, to seek more time to pay outstanding rent or to raise new legal arguments newly identified, declined 16% over the same period.

This year we are also working with legal provider partners to develop a program model to effectively provide comprehensive access to legal services for NYCHA tenants facing termination of tenancy proceedings. Following the recent proposal by Chief Judge DiFiore's

Special Commission on the Future of Housing Court that Staten Island serve as a bellwether for Universal Access implementation, this is expected to begin this spring. A pilot program focusing on NYCHA tenants in Staten Island facing termination of tenancy proceedings is expected to provide such tenants with access to legal services and subsequently serve as a model for expansion across the city.

And over the course of this year the City's Tenant Support Unit (TSU) is building a dedicated 15-person team of tenant specialists to conduct outreach in neighborhoods targeted for Universal Access services to reach low-income tenants facing eviction in Housing Court, notify them of their access to free legal representation and connect them to services. TSU and OCJ will also launch a multilingual paid advertising campaign in these neighborhoods to ensure that tenants are aware of their access to legal assistance.

Looking ahead, additional new investments will be implemented and phased in over the next four fiscal years, with an additional \$16 million in FY19, totaling \$93 million in funding for tenant legal services next fiscal year and growing in the out years. At full implementation, the City's investment in tenant legal services will total \$155 million, by far the largest commitment to legal services for tenants in need of any city in the United States.

OCJ's anti-eviction legal services initiatives also include the Housing Help Program (HHP). In this program, the Legal Aid Society, the sole provider selected through a competitive bidding process, employs a court-based "open door" model offering full representation and brief legal services coupled with social work services including assessment, counseling, referrals, and benefits advocacy. The HHP work is funded by HRA at \$3 million for FY19. Eligibility for HHP services is targeted to low-income clients residing in one of a number of "high-risk" ZIP codes (as determined by rates of shelter entry in these areas).

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

Currently, AHTP services are primarily targeted to neighborhoods across the City identified as posing a high risk for landlord harassment and/or tenant displacement. AHTP providers work closely with the City's Tenant Support Unit to assist households identified through TSU's outreach campaigns as in need of legal assistance. AHTP, launched in FY15 with a \$4.6 million initial startup allocation, is funded at \$33.9 million in FY19, including \$500,000 annually to support legal staff in all of the City's Family Justice Centers (FJC's), to protect survivors of domestic and intimate partner violence and their families by providing housing legal assistance and representation. The FJC's are the City's comprehensive resource and support centers for survivors of domestic and intimate partner violence, and this additional funding for this program has enabled our legal provider partners to provide legal intake and advice services at all five of the FJC's. Since the launch of this initiative in November of 2017, legal staff has provided assistance through referrals from the FJC's in cases ranging from providing legal advice on housing and eviction issues to representation of survivors in seeking to have their abuser's name

removed from an apartment lease and thus retaining a safe and stable home. In partnership with our colleagues at the Mayor's Office to Combat Domestic Violence, OCJ is helping to ensure that these survivors have access to trained and skilled legal advocates to assist them to remain in homes that are safe and stable for them and their families.

This year, OCJ will be working with legal services provider partners, the courts and other City agencies to study the Anti-Harassment and Tenant Protection legal services program. OCJ will develop a plan to harmonize the Universal Access program with the legal services work for low-income tenants facing displacement pressures that is a part of the AHTP program.

In total, since January of 2014, as the Administration's tenant legal services programs were brought under HRA's supervision and the investment and support for these services were dramatically increased, over 180,000 low-income New Yorkers in over 60,000 households have received free legal advice, assistance, and representation.

As we continue to expand our services, and more and more tenants receive access to legal services, we are also developing, in partnership with legal providers and experts in the field, a robust set of performance indicators for our tenant legal services programs. We want to ensure that, as programs grow and the reach of the services increase, we have the tools to appropriately assess the outcomes of legal assistance and the impact of the initiative. To that end, we are fortunate to be working with experts in housing law and court process as well as our legal services provider partners to develop information collection standards and protocols that we expect to begin implementing in Fiscal Year 2019. We hope that this approach will provide insights into program implementation and results as well as accountability.

Legal Services for Immigrant New Yorkers

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

As we reported in our latest Annual Report, in FY17, Administration-funded legal services programs including ActionNYC, the City's community-based immigration legal assistance program and entry point for New Yorkers seeking City-funded immigration legal services operated jointly by MOIA, HRA, and the City University of New York, the Administration's Immigrant Opportunity Initiative (IOI) program, and federal Community Services Block Grant-funded services provided legal representation, advice, comprehensive immigration legal screenings and assistance in approximately 15,000 cases. Immigrant New Yorkers served in these cases were from over 170 countries and were assisted in matters including comprehensive legal screenings and providing legal advice; citizenship and permanent residency applications; Deferred Action for Childhood Arrivals (DACA) and Special Immigrant Juvenile Status (SIJS) applications; as well as asylum applications and removal actions. In FY18, the Administration increased its baseline funding commitment for immigration-related legal services programs to \$30.5 million, and with the Council's investment in legal services programs for immigrants facing removal and other legal needs, the City's total investment in legal assistance programs for

immigrants stands at over \$47 million in FY18, a dramatic increase from \$7 million in Fiscal Year 2013.

OCJ administers contracting and program implementation for two key baselined legal services programs for immigrant New Yorkers: the Immigrant Opportunity Initiative (IOI) and our suite of legal programs for immigrants funded through Community Service Block Grants. Importantly, our IOI program is flexible and can respond to emergent needs. OCJ's contracts with the IOI service providers allow for rapid deployment of staff and resources to address legal needs of the immigrant community across the continuum of services, from brief legal counseling sessions to full legal representation in removal and asylum matters. Since FY17, the Administration has funded the IOI program, through which networks of nonprofit legal providers and community-based organizations conduct outreach in immigrant communities across the city and provide legal assistance to low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency applications, to more complex immigration matters.

The program was initially funded at \$3.2 million annually but in FY17, in recognition of the need for additional quality legal representation for immigrant New Yorkers in more complicated legal cases, IOI providers received supplemental Mayoral funding of \$2.7 million to provide representation in 1,000 complex immigration cases, including asylum applications, SIJS proceedings, and U and T visa applications. This funding was renewed for FY18 and is now baselined as part of the Administration's \$16.4 million increase in immigration legal services funding this year. Mayoral funding for immigration legal services programs was dramatically increased for FY18 to include additional baseline funding to respond to the pressing need for representation in removal proceedings and assistance with seeking alternate forms of immigration relief for Dreamers and other immigrant New Yorkers, as well as the increasing challenges posed by a shifting landscape for federal immigration law and policy.

In addition to IOI, OCJ oversees immigration legal services programs funded through \$2.1 million in federal Community Service Block Grants, administered in partnership with the Department of Youth and Community Development (DYCD). With CSBG funding, legal services organizations provide a range of services such as legal assistance to help immigrant adults and youth attain citizenship and lawful immigration status, as well as services targeted at groups such as immigrant survivors of domestic violence and human trafficking, low-wage immigrant workers at risk of exploitation and violations of their employment rights, and immigrant youth in foster care. Notably, the Trump Administration has proposed to eliminate this source of funding, an issue that we are monitoring as the federal budget process continues.

OCJ also oversees immigration legal services programs funded through Council discretionary grants. The New York Immigrant Family Unity Project (NYIFUP) is funded by \$10.0 million in FY18 in City Council discretionary grants supporting legal representation for low-income detained immigrants facing removal proceedings, primarily at the immigration court at Varick Street. The Unaccompanied Minors and Families Initiative (UMI) / Immigrant Children Advocates Relief Effort (ICARE) is funded at \$2.0 million in FY18 and was developed by the City Council in partnership with the Robin Hood Foundation and the New York Community Trust to provide legal and social services to address the surge of immigrant children living in New York City. The program provides counsel to unaccompanied immigrant and refugee children and families with children to pursue relief from removal, as well as the opportunity to receive social, medical and mental health services.

The breadth of work conducted within the Office of Civil Justice is remarkable considering that only five years ago in FY13 the City's baseline and discretionary funding investment in civil legal services was only \$22.6 million. With the initial decision to place OCJ at HRA brought with it the opportunity to leverage resources across the agency which now include those resources of DSS. Today OCJ is implementing historic programs across the City which have extraordinary impacts on the lives of our clients. With the partnership of this Council our unprecedented investments to these programs continues to place New York City as a leader in ensuring that low-income New Yorkers have access to justice. Thank you for the opportunity to testify today, and I look forward to your questions.



moving victims of violence from crisis to confidence

Testimony of

**Michael Polenberg, Vice President, Government Affairs
Safe Horizon**

On the Mayor's Fiscal Year 2019 Preliminary Budget

**Committee on the Justice System
Hon. Rory Lancman, Chair**

New York City Council

March 20, 2018

Thank you for the opportunity to testify before you today regarding the justice system portion of the Mayor's Fiscal Year 2019 Preliminary Budget. My name is Michael Polenber, Vice President of Government Affairs for 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.

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 pleased to partner with the City Council in a collective effort to make our city safer. We look forward to helping you and your staff learn how best to assist a victim of crime, and what resources are available in your borough and community.

Over the last several years, the City Council has been a key supporter of our programs helping adult and child victims of 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, it demonstrates the value that you and your colleagues place in helping victims of crime access desperately-needed shelter, services, legal assistance, and counseling.

This testimony will provide an update to the Committee on the Justice System on three City Council Initiatives funded through the Mayor's Office of Criminal Justice which help Safe Horizon move adult and child victims of crime from crisis to confidence.

Child Advocacy Centers (CACs)

Child abuse cases grab at the heartstrings of every New Yorker. We recoil at the very thought of someone knowingly harming a child and entrust a number of different agencies—the police, prosecutors, child welfare specialists, doctors—to investigate and respond to these cases and help ensure the safety of children placed in harm’s way. For many years, these agencies worked almost entirely in silos, focusing on their specific roles in uncovering what took place, or responding to the child, or holding the offender accountable. Such a disconnected approach required children disclose repeatedly the painful details of the harm they endured in a variety of settings not commonly thought of as “child-friendly” – police precincts, district attorneys’ office, and hospital emergency rooms. Over and over, children would be asked to talk about the violence they suffered, only to have to repeat their story yet again every time a new investigator stepped into the picture. Each time, the child wondered how many more times he or she would have to relive this pain so that another adult could scribble down some notes and ask yet another round of probing, deeply personal questions. Many were left feeling as if no one believed them and were often blamed for the disruption they caused in their families. Many chose to shut down and take back what they said, just hoping that somehow the abuse would stop.

Instead, child victims under the age of 17 in New York City who experience severe physical or sexual abuse are brought to Child Advocacy Centers (CACs). Safe Horizon operates CACs in each borough. These centers offer child victims and their families the help they need quickly and in one location. The police, prosecutors, medical professionals, counselors, and child protective caseworkers are all under one roof—in a child-friendly environment that minimizes the trauma and begins the healing process as soon as families step through the door. Most importantly, the

CAC model significantly reduces the number of times children must disclose details of their abuse, which greatly helps to prevent the re-traumatization of the child during each re-telling of the violence that took place.

With support from the City Council, Safe Horizon responded to **8,215 children** and **3,520 caregivers** last year at our CACs. Due to several tragic child fatalities in recent years, the volume of cases at our CACs has increased dramatically as more suspected cases of child abuse are being called into the authorities. We have seen increases in volume at all CACs when comparing the periods of July-December 2016 versus the same time period a year later:

CAC	July – December 2016	July – December 2017	% Increase Change
Brooklyn	1,325	1,719	29.5%
Queens	759	820	8%
Staten Island	264	323	22%
Manhattan	489	509	4%
Bronx	617	816	32%

In general, over the past five years, the number of individuals served at the CACs has increased by 115%. It is important to note that the overwhelming majority of the increased cases being referred to the CAC are founded, meaning that the on-site partners believe there is good reason to suspect that child abuse took place. In other words, these are cases that almost certainly should have been referred to CACs all along.

We are particularly grateful to the City Council for its long-standing support for our Child Advocacy Centers and the work we perform each day on behalf of our city's youngest victims of crime. **To help ensure that we have the capacity to respond to the most serious cases of child abuse across the City, we are asking the City Council to restore \$748,000 to Safe Horizon through the City Council's Initiative to Combat Sexual Assault in FY19.**

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 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 \$7,805,000 in FY2018, with Council Members then allocating funding to local providers in their district.

Currently, over 80 organizations in all 51 Council Districts participate in the DOVE Initiative and provide legal services, crisis intervention, case management, counseling, outreach, education, and training. Many of these organizations provide culturally and linguistically appropriate programming to communities that may not access traditional services. At the request of the City Council, Safe Horizon manages all of the grantee agreements with the organizations selected by the City Council, providing program and fiscal oversight, conducting site visits, and ensuring compliance with the Council's vision and contract terms. Safe Horizon also hosts intensive trainings for grantees on how to measure and evaluate the impact of their work. This in

turn will help grantees – especially those with the fewest resources – to meet the needs of their clients and be more competitive when applying for funding opportunities.

This year, Safe Horizon is proud to convene three full-day impact evaluation trainings in the spring, which will bring together DOVE grantees with nationally-recognized researchers in the field of domestic violence services to strengthen partnerships and enhance capacity to measure impact. Our goal is to help grantees more effectively demonstrate to funders the impact and outcomes associated with this work. This in turn can help grantees be more competitive in grant-writing and ultimately bolster the city's response to domestic violence.

We are very grateful to the City Council for enhancing the DOVE Initiative to \$7,805,000 in FY18, and we respectfully request that this funding level continue in FY19 to allow providers to reach underserved populations in need of services.

Young Women's Initiative—Initiative for Immigrant Survivors of Domestic Violence

Safe Horizon's Immigration Law Project (ILP) provides expert legal advice and representation to undocumented victims of violence and abuse. ILP staff help guide their clients through complex immigration proceedings and help them obtain U-Visas, VAWA self-petitions, and DACA applications as well as adjustment of status and paths to citizenship. Many of ILP's clients experience victimization in the United States, but others who are fleeing violence or persecution abroad may be eligible for asylum, which ILP also helps our client obtain. Many cases include clients or families where there is a survivor of domestic or sexual violence and where the victim

is between ages 16 and 24. ILP receives referrals from judges, Safe Horizon and other community-based organizations, and legislators, and strives to provide the highest quality services to a very vulnerable population. Clients experience a multitude of victimization including domestic violence, sexual assault and other crimes. Since last year, Safe Horizon's ILP has seen an increased number of immigrant crime victims seeking our immediate assistance in light of the national rhetoric and policies concerning immigration.

The City Council's Immigrant Survivors of Domestic Violence Initiative – part of the Young Women's Initiative – 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.

We are grateful to the City Council for its support for immigrant survivors of domestic violence, particularly younger women. **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 FY19.**

Thank you again for the opportunity to testify, and I'm happy to answer any questions you may have.



JUSTICE FROM COURTROOM TO COMMUNITY

**Written Comments of Charles Nuñez, Youth Represent
New York City Council
Committee on the Justice System
Preliminary Budget Hearing
March 20, 2018**

Youth Represent provides holistic re-entry legal services for court-involved youth, 24 years old and younger. Since we opened our doors in 2007, Youth Represent has advocated for 16 and 17-year-olds to be treated as children in the justice system. We played a pivotal role in the passage of Raise the Age and we appreciate the Council's long-term partnership and support for Raise the Age. While the enacted Raise the Age legislation leaves significant work to be done, we are thrilled that New York has taken this crucial first step. We thank the Committee on the Justice System and Chairperson Lancman for the opportunity to provide testimony.

Our comments today focus on three issues crucial to New York City's Youth Justice System:

- 1) Specialized Secure Detention (SSD).** We have serious concerns about the City's plan to remove 16 and 17-year-olds from Rikers Island only to have them supervised by DOC staff in "Specialized Secure Detention". We implore the Council to work with the City to develop alternatives that will ensure the safety of teenagers and of our juvenile detention facilities.
- 2) Monitoring of Outcomes for Youth.** The city must monitor, analyze, and report on the intake and outcomes of all 16 and 17-year-old Juvenile delinquents and adolescent offenders that enter the justice system.
- 3) Legal Services for Justice Involved Youth.** Court-involved youth face particular legal barriers and have very specific needs. Youth Represent addresses those needs by combining first rate legal services with a youth development approach. While much of the focus on the youth justice system is currently centered on Raise the Age, and much of the focus in the legal services community is on adults, there is a critical unmet need for comprehensive legal services for youth under 25 in the criminal justice system.

Specialized Secure Detention

Among the most important achievements of Raise the Age legislation is the promise of finally ending adult incarceration of 16 and 17 year olds in New York. Removing these teenagers from Rikers Island, only to have them supervised by DOC Correction Officers in juvenile detention, undermines the spirit and the intent of Raise the Age. It risks not only transferring the violent culture of Rikers Island to Specialized Secure Detention, but allowing that culture to permeate juvenile detention facilities and effect younger children.

Sadly, the violent culture of Rikers Island is well documented. In 1969 the Bronx District Attorney launched an investigation on Rikers Island to “look into the suicides, beatings, sexual abuse and drug trafficking taking place on Rikers Island”.¹ Over four decades later, the same issues persist in Rikers Island. In 2014 the United States Department of Justice released an investigation report on Rikers Island, concluding:

“the New York City Department of Correction systematically has failed to protect adolescent inmates from harm... This harm is the result of the repeated use of excessive and unnecessary force by correction officers against adolescent inmates [16, 17, and 18-year-old detainees], as well as high levels of inmate-on-inmate violence.”²

The Department of Justice investigation report, along with the *Nunez v. City of New York*, Consent Judgment, commenced sweeping reforms on how Correctional Officers interact with 16 and 17 year-olds. These reforms included: periodic independent investigations of correctional officers use of force, the prohibition of the use of solitary confinement for 16 and 17 old detainees, and the requirement to utilize “Enhanced Supervision Housing” instead of solitary confinement, along with more mental health resources for people detained in Rikers Island.³ Nonetheless, the culture of violence in Rikers Island continues. The Fourth Report of the *Nunez* Independent Monitor, which covers January - June of 2017, found that:

“serious and problematic issues involving Staff use of force continue in an unabated fashion. The Department has a deeply entrenched culture of managing troublesome and/or potentially dangerous inmates with an iron fist. This ingrained propensity of Staff to immediately default to force to manage any level of inmate threat or resistance continues to produce high monthly incident numbers, especially in the absence of timely accountability for such misconduct. The cultural dynamic that permeates so many encounters between Staff and inmates in DOC is quite simply a consequence of Staff actions and behaviors that too often engender, nurture, and encourage confrontation.”⁴

¹ Rikers Island Timeline: jail’s origins and controversies. (2017, March 18). *New York Daily News*. Retrieved November 30, 2017, from <http://www.nydailynews.com/news/crime/rikers-island-timeline-jail-origins-contraventions-article-1.3001976>

² Bharara, P., Samuels, J., Powell, J. K., & Daughtry, E. E. (2014). *CRIPA Investigation of the New York City Department of Correction Jails on Rikers Island*(pp. 1-79, Rep.). New York City, NY: U.S. Department of Justice. doi:<https://www.justice.gov/sites/default/files/usao-sdny/legacy/2015/03/25/SDNY%20Rikers%20Report.pdf>

³ United States District Court Southern District of New York, *Nunez v. City of New York – Consent Judgement*. 1 July 2015, [sites.ed.gov/underservedyouth/files/2017/01/Rikers-Consent-Judgment.pdf](https://www.sites.ed.gov/underservedyouth/files/2017/01/Rikers-Consent-Judgment.pdf).

⁴ The Nunez Monitoring Team. *Fourth Report of the Nunez Independent Monitor*. The Nunez Monitoring Team, 2017, *Fourth Report of the Nunez Independent Monitor*, assets.documentcloud.org/documents/4173501/Fourth-Monitor-Report-as-Filed-Nunez.pdf.

Clearly, the level of violence by DOC staff in Rikers Island is undeniable, but the degree of violence is put into perspective when you compare Rikers Island to the other county jails in New York State. The New York State Commission on Corrections recently released a report that found from January 2016 - November 2017, Rikers Island personnel assaulted over 500 detainees, while correctional personnel in all other county jails combined assaulted 3 individuals.⁵ With Rikers Island correction staff assaulting detainees at much higher and alarming rates than all county correctional staff across the state, it should be illegal for DOC staff to be in the same building with children between the ages of 13 – 17, let alone supervising any of them.

While Raise the Age legislation requires the creation of "specialized secure detention" (SSD) for 16 and 17-year-olds who are being tried as adults, nowhere in the RTA legislation, state directives, or legislative history does the state mandate the presence of New York City Department of Corrections staff in specialized secure detention. The provision to remove youth from Rikers Island, on the state legislation specifically states:

"Prohibition on the custody of youth in Rikers Island facilities. Notwithstanding any other provision of law, no youth under the age of eighteen shall be placed or held in Rikers Island correctional facility or any facility located on Rikers Island located in the City of New York ... in no event after October First, Two Thousand Eighteen and such youth shall be taken to and lodged in places certified by the Office of Children and Family Services in conjunction with the Commission of Correction and operated by the New York City Administration for Children's Services in conjunction with the New York City Department of Corrections as a Specialized Juvenile Detention facility for that purpose."⁶

According to the legislation, these facilities must be operated by ACS "in conjunction with" the Department of Correction. **However, the City's current plan is to move 16 and 17-year-olds off of Rikers only to have them supervised by Department of Correction staff for at least two years. Not only is this not required by legislation, but reports from the Nunez Independent Monitor prove that NYC DOC staff are not equipped to supervise youth.**

The mission of the Department of Correction is to maintain custody and control of adults. The mission of the Administration for Children's Services is to "protect and promote safety and well-being of New York City's children and families." Teenagers belong in a youth justice system developed to meet their needs, staffed by people trained in that system. The City has the power to ensure that this is the case, and to end adult incarceration of 16 and 17 year olds. We

⁵ New York State Commission of Corrections. "Report: The Most Problematic Local Correctional Facilities of New York State ." *Report: The Most Problematic Local Correctional Facilities of New York State*, New York State Commission of Corrections, Feb. 2018. www.scoc.ny.gov/pdfdocs/Problematic-Jails-Report-2-2018.pdf.

⁶ United States, New York State Senate, et al. "S2009-C." *S2009-C*, New York State, 2017, pp. 210–253.

urge the Council to provide funding and support necessary to realize this goal whether through an expedited hiring process to increase ACS staffing, a short-term contract with a non-profit to provide interim staffing during the ACS hiring process, or another creative solution.

Monitoring of Outcomes for Youth

Over the last ten years, several states have raised the age of criminal responsibility – “Connecticut (2007), Illinois (2010), Mississippi (2010), Massachusetts (2013), New Hampshire (2014), Louisiana (2016), South Carolina (2016)”⁷. Thus far there have been direct correlations between raising the age of criminal responsibility and the decrease of 16 and 17 years olds in detainment, as well as a decrease in arrest rates for 16 and 17-year-olds.⁸ Our RTA state legislation requires the creation of a “Raise the Age implementation taskforce” which will be in charge of monitoring the effectiveness of RTA on the state level.⁹ We are requesting for NYC to implement a similar monitoring body; to analyze and monitor the impacts of RTA with an analysis keen on New York City. This is especially important given that in 2016 more 16 and 17-year-olds were arrested in New York City alone (14,500), compared to the rest of the state combined (10,125).¹⁰

As advocates for our communities in NYC, we want to work with the city, to ensure the continued trend of decreased confinement and decreased arrest rates for youth in states that raise the age of criminal responsibility. To ensure this trend continues, we need New York City to prioritize the careful monitoring of all 16 and 17-year-olds who come in contact with the justice system and to provide all data necessary to help the Council and the public understand the impact of Raise the Age for youth and families. This will allow all stakeholders to know what changes, if any, need to be made to better serve the young people in custody or to better manage or allocate funding to particular sectors of the juvenile justice system. Furthermore, creating a monitoring and reporting requirement will ensure that any increase in detention—or decrease in more effective approaches like community-based mental health services, in community schooling, and family support—is identified immediately.

The data monitored, analyzed and published, should include:

⁷ The Justice Policy Institute. *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*. The Justice Policy Institute, 2017, pp. 4, *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*.

⁸ The Justice Policy Institute. *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*. The Justice Policy Institute, 2017, pp. 1–14, *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*.

⁹ United States, New York State Senate, et al. “S2009-C.” *S2009-C*, New York State, 2017, pp. 210–253.

¹⁰ United States, Criminal Justice Statistics, and NYS DCJS.

“www.criminaljustice.ny.gov.” *www.criminaljustice.ny.gov*, New York State Division of Criminal Justice Services, 17 Feb. 2017. www.criminaljustice.ny.gov/crimnet/ojsa/youth-arrests/allcounties.pdf.

1. Complied data from the New York City Police Department and the Office of Court Administration.
 - a. Demographics of 16 and 17 year olds arrested: age, race, ethnicity, gender, housing status, county and location of arrest, and county of residents
 - b. Offense/criminal charges at arrest and at arraignment
 - c. For felony offenses, rates of transfer to family court, broken down by demographics
 - d. Disposition of case and sentence requirements
2. Complied data from Department of Probation.
 - a. Detailed data on DOP risk assessment evaluation, disaggregated by age, race, ethnicity, gender, housing status, county of residents, and classification (e.g. Juvenile Delinquent, or Adolescent Offender)
 - b. Rates of successful adjustment
 - c. Number of youth who violate Probation
 - d. Number of youth who complete Probation
3. Complied data from the Administration for Children Services.
 - a. Duration of pretrial incarceration
 - b. Duration of sentenced incarceration
 - c. Use of force by staff
 - d. Programming provided, including but not limited to: mental health, re-entry, legal, and aftercare services
 - e. All above data disaggregated by age, gender, classification (e.g. Juvenile Delinquent, or Adolescent Offender), and Probation risk assessment classification

Through monitoring the juvenile justice system and publishing regular data reports, NYC would be able to know: which charges triggered detainment vs. probation adjustments, dismissals, or programming in the community, for which populations (e.g. JO's AO's males, females, etc.) and in which jurisdictions. Without this data, NYC will not be able to innovatively, effectively, and humanely implement Raise the Age and refine our Juvenile Justice system as needed. Statistics have shown that policy changes can often create unintended effects, and with New York's complex RTA legislation, we can definitely expect unintended effects. Illinois took gradual steps towards altering their juvenile justice system before implementing a full-scale RTA legislation.¹¹ After passing initial legislation, the state took "further steps to refine its juvenile justice approach by passing laws to reduce the use of confinement and narrow other legal pathways

¹¹ The Justice Policy Institute. *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*. The Justice Policy Institute, 2017, pp. 1–14, *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*.

allowing transfer of youth to the adult system. ¹² Illinois was able to alter their juvenile justice approach after the passage of their first RTA legislation due to the monitoring requirement included in the legislation.¹³ NYC needs to take notes from Illinois and implement a full monitoring plan for the city.

Legal Services for Justice Involved Youth

Any involvement with the criminal justice system—from a summons to a sentence of incarceration—threatens a young person’s stability and opportunity.

Justice involvement disrupts education by triggering school suspension, missed days of school to attend court dates, or simply reduced achievement due to the stress of a criminal case. The heavy presence of police officers in public schools and racially disproportionate rates of suspensions have led to students being pushed out of school and into the criminal justice system.

Justice involvement can also impact housing in both the short and long term. When the New York City Housing Authority (NYCHA) brings termination of tenancy proceedings based on the arrest of a tenant, a common practice is to allow the family to stay in their apartment on condition of “permanently excluding” the person who was arrested. This is true even in the frequent cases when that person is only a teenager and has no other place to go.

Later, justice involvement undermines employment and earning opportunities. According to a report by Center for American Progress, “having any arrest during one’s life decreases employment opportunities more than any other employment-related stigma, such as long-term unemployment; receipt of public assistance, or having a GED instead of a high school diploma.”

Criminal records can prevent young parents from being present in their own children’s lives, because they make it so difficult to get a job and thus keep up on child support payments. As the Marshall Project reported last year, “Research shows that the two most important factors in a former prisoner’s successful reentry into the community are employment and positive relationships with family. Both of these are hindered by the aggressive pursuit of child support arrears: garnishing 65% of a father’s paycheck, so he is tempted to earn cash off the books; suspending his driver’s license so he can’t get to work; [and] sending him bills that are so far beyond his capacity to pay that he keeps his distance from his family.”

¹² The Justice Policy Institute. *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*. The Justice Policy Institute, 2017, pp. 1–14, *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*.

¹³ United States, Illinois State Senate, and Illinois General Assembly. “Public Act 095-1031.” *Public Act 095-1031*, Illinois General Assembly, 2009.

Together, these laws and practices erect barriers to successful reentry for even the most hardworking individuals leaving the criminal justice system, especially for youth who inherently have less work experience than older New Yorkers and who have had little time to build strong education or credit backgrounds, let alone professional networks.

Youth Represent has developed a proven model for helping young people overcome these barriers and positioning them for lasting success. We partner with over 20 community-based organizations citywide to meet youth where they are—in their neighborhoods, where they are receiving education, programs, and services. We serve as “in-house counsel” for youth-serving organizations, providing “Know Your Rights” workshops and comprehensive legal services to their participants. Every week, our lawyers travel to job training programs, schools, settlements houses, health centers, and jails. And we incorporate youth development principles like motivational interviewing, strengths-focus, and meaningful participation into the legal services we provide to ensure that we get real results for youth.

Youth Represent in Action

“Maria” had heard the police were looking for her. Through our participation in the Youth Reentry Network, she was immediately connected to a Youth Represent attorney who coordinated her surrender at a local precinct and, more importantly, stood by her side and invoked her rights. Maria had been traumatized by incarceration in the past, and, terrified, ended up self-harming her first night at Rikers. Youth Represent gathered information and assisted on the preparation of a second bail application, which helped get her bail reduced to a level her family could afford. Maria was able to spend Thanksgiving at home. She texted her Youth Represent attorney on the holiday: “I am thankful for you because without you, I wouldn’t be home with my family this holiday where I belong.”

“Jonathan” lived in a New York City Housing Authority (NYCHA) complex with his ailing grandmother and served as her primary caretaker. That was why it was a particularly dire situation when NYCHA served them with an eviction notice after Jonathan was arrested on a drug charge—charges that were ultimately dropped. NYCHA gave his grandmother a choice: be evicted, or permanently exclude her grandson and primary caretaker from their home. Permanent exclusion would mean Jonathan would not even be allowed to visit. She relied on him for her care too heavily for this to be realistic, and she couldn’t fathom kicking her grandson out of the house. A Youth Represent attorney represented them at the eviction hearing and was able to beat the eviction charge. Jonathan remains in his home where he continues to care for his grandmother.

“Danielle” is a gender non-conforming high school student who was visiting her friends at a different school when a School Safety Agent recognized that she was not enrolled there. In approaching her, rather than talking to Danielle he immediately tackled her and held her down. Her own school was informed of the incident, and suspended her for a year for trespassing on another school’s property. A Youth Represent attorney represented her at the suspension hearing and secured video footage of the School Safety Agent tackling Danielle. Based on the

video and our advocacy, Danielle's suspension was reduced from a full year to just 37 days. We also persuaded the hearing officer to recommend that her school provide guidance intervention to avoid any future suspensions.

As the Committee considers the FY 2019 budget we respectfully urge you to consider the need for innovative programs that tailor high quality legal services to the specific needs of justice involved youth and the incredible results that can be achieved when attorneys trained in youth development partner with community based organizations to provide immediate, youth-centered, and holistic legal representation.

Flushing the Tide of BS by HRA, the Mayor's office & New York City Council About Justice

I. Preliminary remarks

- A. Censorship at public hearings is illegal viewpoint discrimination and violates the **a)** First Amendment, **b)** Fourteenth Amendment, **c)** New York State Penal Code sections § 175.25 (criminal tampering), § 195.00 (official misconduct), and § 240.26 (harassment) that includes felony charges, **d)** New York State Open Meetings Law, and **e)** the federal criminal statute of 18 U.S.C. § 245.
- B. My testimony today is being provided to serve as evidence in valid litigation against HRA and end harm it is continuing to inflict upon **a)** me, **b)** other victims of wage-theft, judicial misconduct, and slumlord harassment, assaults, and lip-service, and **c)** taxpayers.
- C. New York State's Open Meetings Law § 107 enables me to have a judge declare any public meeting in New York State to be void if my rights are violated in it and to be awarded the costs for such litigation.
- D. HRA's Commissioner Steven Banks and other personnel have repeatedly engaged in fraud and negligence that have caused me irreparable harm both before and after I previously prevailed against HRA in litigation due to a decision issued on 9/15/16 that HRA refused to comply with.
- E. After HRA and the Bronx District Attorney's office engaged in profound negligence on and after 3/16/16 and 3/17/16 by not taking appropriate corrective action against HRA's business partner Urban Pathways, Inc. taxpayers finance in response to valid reports I provided to them on those dates about fraud and forgery Urban committed against me with respect to a legally-binding apartment lease agreement I signed in HRA's offices on 2/16/16, I took more than 15 punches on 7/2/16 to my left temple from my former roommate Ronald Sullivan in the living room where I reside that caused me to be diagnosed with a concussion on 7/30/17. That unprovoked 7/2/16 assault was foreseeable and preventable because Mr. Sullivan tried to assault me in that same location on 5/12/16 and was physically restrained by one of Urban's

workers then. The concussion I was diagnosed with on 7/30/16 worsened and caused me memory loss and other major problems that cost me an opportunity to be properly considered on 8/18/18 for a job that would have enabled me to earn \$450 daily.

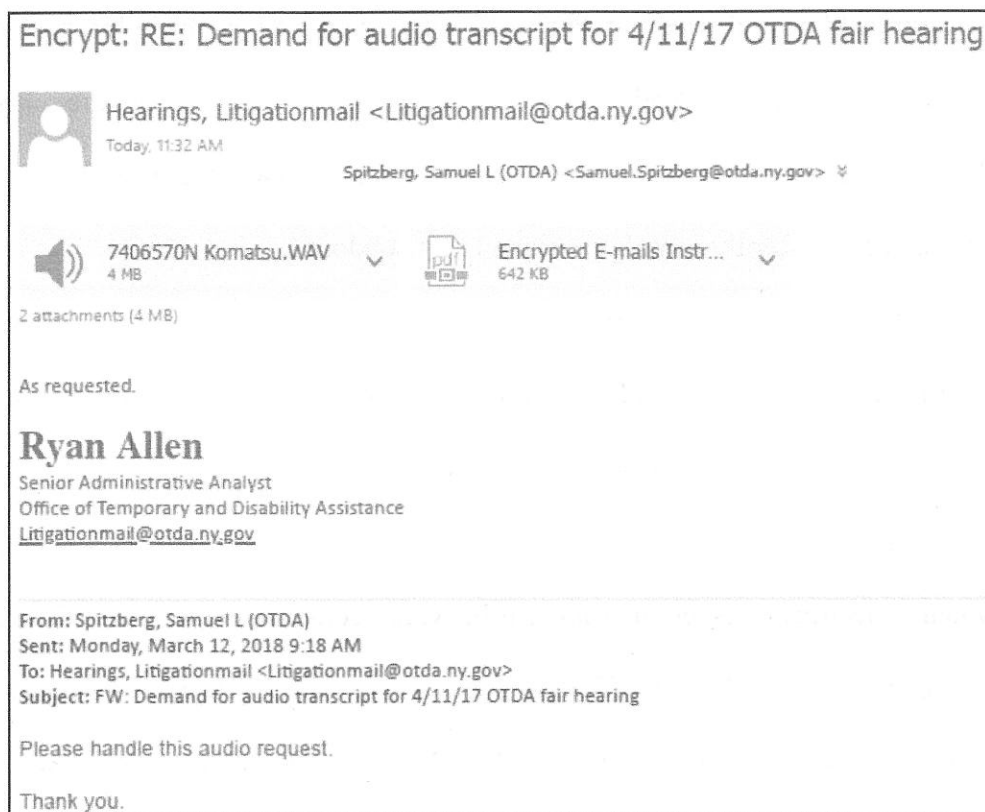
F. After I began exposing Mr. Banks and HRA on 12/16/16 at the New York Law School as the frauds they have proven to be that most journalists in New York City have reprehensibly concealed after I shared detailed and substantiated information with them about this fact, I demonstrated selfless and unparalleled leadership on 4/18/17 at 3:17 pm by contacting New York State Assemblyman Andrew Hevesi's Chief of Staff (Kevin G. Wisniewski) via e-mail to try to have his office arrange for legal representation to be provided to a 66-year old woman named Brenda Kaminsky to help her keep her apartment in Rego Park. I did so, despite never having been in contact with her. Instead, I did so because while fighting a mutual slumlord in court for 4 years, without legal counsel, and securing a major win due to a decision that a judge issued on 3/23/17 in a frivolous \$20 Million defamation case that slumlord filed against me, I obtained material information concerning mortgage fraud and negligence that was substantially detrimental to that slumlord and the New York City Department of Buildings that other tenants residing in the building where I used to reside in Rego Park could benefit from. I also did so because I learned that Queens Housing Judge Clifton Nembhard was assigned to the lawsuit that my former slumlord filed against her, after he caused me to be illegally evicted from my apartment in Jackson Heights by criminally tampering with evidence while he was inside of my apartment on 7/10/15 and while he continued to be the assigned judge in litigation I was involved in. Back then, he illegally let court officers coerce me to stop making an audio recording in my own apartment of how they fraudulently conducted an inspection in it on 7/10/15 and then illegally compounded that gross misconduct in violation of federal criminal statutes by not letting me present any audio and video recordings as evidence in court against my landlord that I had recorded on video describing the toilet in my apartment as a speaker instead of having proper and complete repairs made to fix a defective plumbing condition that is known as a "water hammer" that materially and consistently disrupted my right to the warranty of

habitability within my apartment that had previously been rented by Shekar Krishnan, who lives in Jackson Heights in Queens, is an attorney for tenants in Brooklyn, and New York Times reporter J. David Goodman knows.

G. Before I later **a)** began to be assaulted by members of the NYPD and subjected to illegal viewpoint discrimination on 4/27/17 in Long Island City in Queens by Defendant NYPD Deputy Inspector Howard Redmond, other members of the NYPD, and members of the Mayor's Community Affairs Unit at public meetings that the Mayor held on and after that date and used as campaign events in his re-election bid and **b)** the New York City Council, CCRB, NYPD Commissioner, and Mayor made it clear that they condoned such abuse, the following is true:

1. I commenced valid litigation in January of 2017 against HRA largely to have the decision issued against it on 9/15/16 enforced.
2. HRA committed fraud in that litigation in April and thereafter that a judge assigned to it condoned.
3. HRA has been doing business financed by taxpayers with a company named NTT Data, Inc. prior to 2012, that continues to this day, and that Melinda Katz was a lobbyist for prior to becoming the Queens Borough President, despite the fact that I clearly proved to Mr. Banks on 7/18/17 during a public meeting that the Mayor held in Kew Gardens that NTT Data, Inc. was still committing wage-theft, fraud, and retaliatory blacklisting against me dating back to 2012 in response to valid and protected whistleblowing I engaged in against NTT. During that 7/18/17 meeting, when I specifically asked the Mayor if he would commit to ending all of the business NTT has with his administration while my conversation was recorded by an official video recording that the Mayor's office arranged to be recorded of that public resource fair meeting and Michael Gartland was near me, Mr. Banks told the Mayor that he and I had talked about that earlier during that meeting and that he would look into that matter. The Mayor then told me that Mr. Banks would do as he said he would. They both lied in regards to this, that video recording was fraudulently concealed from the public until after the New York City elections were held last November, and nothing appeared in the New York Post or any other official news source in regards to interactions I have had with the deceitful Mr. Banks and the equally deceitful New York City Mayor.

4. The official audio transcript of a hearing that I participated in on 4/11/17 by phone with a lawyer for HRA named Marin Gerberg and an administrative law judge assigned to the New York State Office of Temporary and Disability Assistance that I received on 3/13/18 confirms that HRA committed fraud and criminal tampering with respect to the litigation I commenced against it in January of 2017. The following is a slightly redacted screenshot of the e-mail I received from OTDA on 3/13/18:



5. On the same date I had that 4/11/17 hearing with OTDA, Mr. Banks lied to me while I talked to him in Staten Island about why I hadn't been provided legal assistance from Northern Manhattan Improvement Corporation and New York Lawyers for the Public Interest that HRA had referred me to. Back then, he told me it was because those organizations felt that there was no merit to do so.

Contrary to Mr. Banks' BS that he served to my face while he refused to let me record him on video as he delivered it, the following is a minimally-redacted screenshot of a pertinent excerpt from a notice that I received on 4/11/17 from a paralegal named Adlin Adon of Northern Manhattan Improvement Corporation that confirms its decision wasn't due to a lack of merit:

NORTHERN MANHATTAN IMPROVEMENT CORPORATION 8 CLINTON PLACE • BRONX NY 10453 TEL. 347-269-5186 FAX. 929-281-2592	
4/11/2017	
Dear Mr. Komatsu:	
Hope this letter finds you well. Please be advised that as per close consideration of your case we will not be providing legal representation on your housing matter. The reason for closing is marked below.	
<input type="checkbox"/>	You have satisfied all housing court requirements and your housing court case is now discontinued (copy of discontinuance stipulation attached for your records)
<input checked="" type="checkbox"/>	Unfortunately we do not have the capacity to take on your case at this time: Due to jurisdictional boundaries we do not have the resources to represent you in Queens Supreme Court.

6. The video recording of remarks Mr. Banks made on 12/16/16 at the New York Law School confirms that he claimed then that HRA's legal services partners have to a decision if there is merit to bring a case in response a question I asked him during that meeting about why I had yet to be offered legal assistance by HRA's legal services partners.

7. Similarly, while I legally recorded a phone call I had with Anthony Gemmel of New York Lawyers for the Public Interest, he made remarks in which he essentially confirmed that he hadn't properly conducted an evaluation of the merits associated with a request that I made for legal assistance to his organization before he essentially told me that his organization would not help me because it didn't provide assistance in those legal practice areas.
8. Skipping ahead, after Rory Lancman prevented me from lawfully serving as a whistleblower for the benefit of the audience and other New Yorkers to the detriment of the Mayor, HRA, and NYPD by not letting me ask the Mayor a question during and prior to the end of the public town hall meeting that the Mayor held on 11/30/17 in Queens that Mr. Lancman moderated and Shauna Stribula of the Mayor's office illegally tried with others to prevent me from attending, Mr. Banks lied to my face yet again by fraudulently claiming that I hadn't followed-up with a legal services organization named Mobilization for Justice, Inc. The following screenshot from a minimally-redacted e-mail message I received on 12/14/17 from a Supervising Attorney named John Bart of that organization confirms that Mr. Banks lied to me on that date and thereafter as he continued to deliver that same BS at other town hall meetings while I legally recorded him on audio doing so:

From: John Bart <jbart@mfjlegal.org>
Subject: Re: More lying by Mr. Banks tonight
Date: December 15, 2017 at 8:22:07 AM EST
Cc: "banksst@hra.nyc.gov" <banksst@hra.nyc.gov>, "calhounm@hra.nyc.gov" <calhounm@hra.nyc.gov>

Good morning.

Mr. Komatsu, normally I would remove your carbon copies on this email and respond to you only.

However, these circumstances suggest your consent to a different approach.

For the record, while you were not able to make meetings in my office and have not been able to provide me with a copy of your complete court file (which I would need to evaluate your case), you and I have had repeated communications over the few months, mainly by email, where I have given you general legal advice and discussed what my office can and cannot do.

I hope this clears up any confusion on this matter.

John Bart
Supervising Attorney
Mobilization For Justice

9. After I received that e-mail from Mr. Bart of Mobilization for Justice, Inc. on 12/15/17, I received another one from him on 12/18/17.

The following is a pertinent excerpt from it that confirms he made a decision to not provide me with legal assistance for reasons that violate my Fourteenth Amendment equal protection rights that apply to similarly-circumstanced groups of people:

From: John Bart <jbart@mfjlegal.org>
Subject: Re: Update
Date: December 18, 2017 at 8:34:59 AM EST

Mr. Komatsu,

One point in response.

I disagree that your experience as a litigator and researcher are irrelevant.

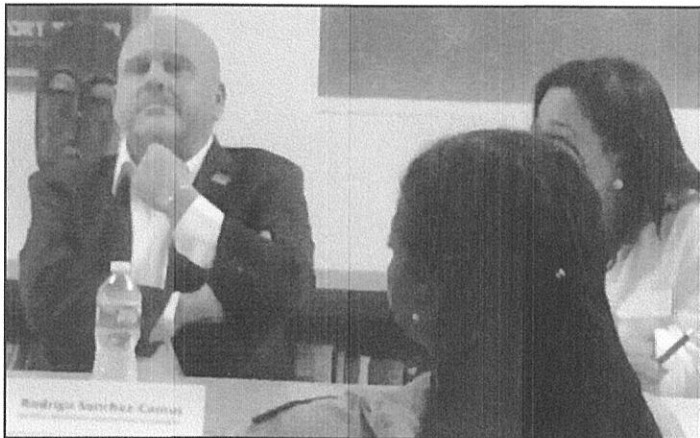
First, legal service programs do not have infinite resources and there are more people in need than legal service programs can service. So, a person with your knowledge base and skills will always be a lower priority than an applicant who knows nothing about the law. Despite this limitation, I have provided legal advice to you, where possible.

10. When I asked Mr. Banks on 12/14/18 at the end of a public town hall meeting in Brooklyn to have HRA refer me to a different legal services provider to get legal assistance, he had a hissy-fit and refused in violation of Section 13-B of the New York City Charter that established the Office of Civil Justice.
11. When I previously talked with HRA's Jordan Dressler on 10/24/17 about getting legal assistance from HRA, he told me that he couldn't talk to me. What follows is a screenshot from a video recording I recorded of that meeting where I talked with him and was attended by New York City Councilman Mark Levine, Rodrigo Sánchez-Camus who is the Director for legal services for Northern Manhattan Improvement Corporation, and Elsie Vásquez who founded a tenants advocacy organization named P.A.'L.A.N.T.E. Harlem. During that meeting, Mr. Rodrigo Sánchez-Camus told me that his organization chose not to provide me with legal assistance because it didn't provide assistance in those areas, despite the fact that I needed such assistance for a housing matter in the Bronx pertaining to Urban Pathways and I met with Ms. Adon for a legal intake session at her organization's Bronx office shortly after Mr. Banks had visited it. Also, during that meeting, while talking with Ms. Vásquez about a) my inability to be provided with legal assistance from HRA's partners and other sources in spite of how legitimate my need for such assistance were and b) how it appeared

that Mr. Banks has had a conflict of interest that should never have let him become HRA's Commissioner because his wife is the Supervising Judge Citywide for New York City's Housing Courts, Ms. Vázquez told me that no one was going to help me with my legal problems and that she agreed with me that corruption is systemic throughout New York City.



Mr. Dressler with Mr. Levine on 10/24/17.



Mr. Sánchez-Camus with Ms. Vázquez on 10/24/17.

12. The following screenshot is from a report that was issued earlier this month by the commission established by New York State Chief Judge DiFiore. It confirms that HRA's Jordan Dressler served in the same posse as Judge Nembhard, while Mr. Nembhard's power to victimized others continues with impunity. Will Ms. Kaminsky be his next victim? Although you have the power to prevent this from happening, it's more likely than not that your adherence to complacency and lip-service will get in the way.

SPECIAL COMMISSION ON THE FUTURE OF THE NEW YORK CITY HOUSING COURT		
CHAIRS		
Hon. Peter Tom Associate Justice of the Supreme Court, Appellate Division, First Department		
Hon. Joan Lobis (ret.) Justice of the Supreme Court of the State of New York		
MEMBERS		
Liberty Aldrich, Esq. General Counsel, Center for Court Innovation	Robert Goldstein, Esq. Partner, Borah Goldstein Altschuler Nahins & Goidel, P.C.	Raun Rasmussen, Esq. Executive Director, Legal Services NYC
Hon. Miriam Breier Supervising Judge, Housing Court, Bronx County	Hon. Cheryl J. Gonzales Supervising Judge, Housing Court, Kings County	Josh B. Rosenblum, Esq. Partner, Rosenblum & Bianco, LLP
Donna Chiu, Esq. Supervising Attorney, Mobilization for Justice, Inc.	Adriene Holder, Esq. Attorney-in-Charge, The Legal Aid Society	David Skaller, Esq. Partner, Belkin Burden Wenig & Goldman LLP
Jordan M. Dressler, Esq. Civil Justice Coordinator, New York City Office of Civil Justice	Peter Kolodny, Esq. Kolodny P.C.	Neil Sonnenfeldt, Esq. Senior Partner, Gutman Mintz Baker & Sonnenfeldt LLP
Elizabeth Donoghue, Esq. Partner, Himmelstein, McConnell, Gribben, Donoghue & Joseph LLP	Jack Lester, Esq. Tenant Attorney	Hon. Jack Stoller Housing Court Judge, New York County
Lucas Ferrara, Esq. Partner, Newman Ferrara LLP	Stephen Myers, Esq. The Legal Aid Society	Joseph Strasburg, Esq. Rent Stabilization Association of NYC Inc.
David Gallo, Esq. Partner, David A. Gallo & Associates LLP	Hon. Clifton Nembhard Housing Court Judge, Queens County	

Good afternoon council members, city officials and all, my name is Murray Cox and I am here today to provide some input on the budget for the Mayor's Office of Special Enforcement, which falls under the Mayor's Office of Criminal Justice.

Specifically, in the area of illegal hotel enforcement, which combats the conversion of residential housing into hotels. In a recent McGill University report, they found that up to 13,500 housing units have been removed from New York City's long term housing market, the majority illegally, with the complicity of belligerent platforms like Airbnb.

I am the founder of a project called Inside Airbnb, which provides data on the phenomenon around the world, including working with elected and city officials in places like Paris, Amsterdam, London, Venice, San Francisco and New York City; and I am also a member of the Coalition against Illegal Hotels here in New York City which is made up of more than 30 affordable housing and tenant rights organizations.

Today I have some specific concerns:

#1. Transparency and accountability into the Mayor's Office of Special Enforcement's budget to ensure that their current crucial activities against illegal hotels are maintained: specifically around inspections and enforcement, use of data, legal cases and community awareness and engagement. Currently, the public does not have visibility of this budget, if that could be noted or addressed today.

#2. That the budget make allowances for activities that would allow INCREASED enforcement, of ALL of the city and state laws, against ALL that violate them, to protect our precious housing and communities. For e.g. The major state law which bans entire apartment vacation rentals in most apartment buildings is being completely ignored by tens of thousands of residents, not the least commercial operators; and in Boroughs, particularly Brooklyn and Queens, 1 and 2 family homes are being converted arbitrarily into tourist accommodation.

#3. That allowances be made in the budget to fund community organizers to help educate and mobilize community groups which are fighting this issue in their neighborhoods.

Thank you all very much for your time today.

**TESTIMONY OF THE COALITION AGAINST ILLEGAL HOTELS
BEFORE THE OFFICE OF CRIMINAL JUSTICE OVERSIGHT
COMMITTEE**

March 20th, 2018

Good afternoon--Thank you to the members of the committee for the opportunity to testify today.

My name is Jonathan Furlong and I am the Director of Organizing at Housing Conservation Coordinators (HCC). I am here to give testimony on behalf of the Coalition Against Illegal Hotels, and would like to take this opportunity to provide some input on the budget for the Mayor's Office of Special Enforcement (OSE) which falls under the Mayor's Office of Criminal Justice.

The Coalition is comprised of organizations spanning New York City, whose work lies in some of the neighborhoods most negatively impacted by commercial Airbnb use: The Goddard Riverside Law Project on Manhattan's West Side; Housing Conservation Coordinators, (HCC and the West Side Neighborhood Alliance) based in Hell's Kitchen serving the west side; The Cooper Square Committee in Manhattan's Lower East Side; St. Nick's Alliance in Greenpoint/Williamsburg, Brooklyn; MFY Legal Services, organizing citywide, and data activist project Inside Airbnb. It should also be noted that 40 other neighborhood based organizations have endorsed the work and efforts of the coalition.

Tenant organizing and community mobilization is a crucial part of the fight against illegal hotels in neighborhoods all over the city, and the work of OSE has been a critical part of that fight. The Coalition sees OSE as an integral partner in protecting and preserving affordable housing across the city.

The coalition would like to urge continued and hopefully increased funding of OSE's to ensure that their efforts are maintained: specifically around inspections and enforcement, use of data, legal cases and community awareness and engagement.

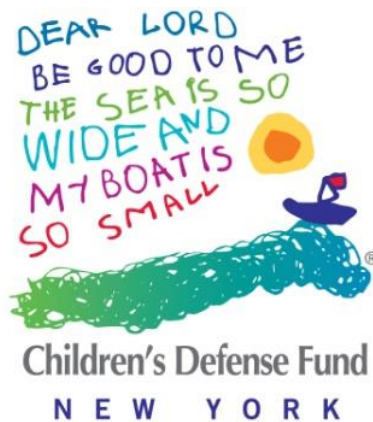
The coalition would also urge the council to ensure that the budget allow for increased enforcement on behalf of OSE, of all city and state laws, against ALL that violate them, to protect our precious housing and communities--Perhaps the most important one being the state's Multiple Dwelling Law which bans entire apartment vacation rentals in most apartment buildings. This law is being completely ignored by tens of thousands of residents across the city, and 'commercial operators' that have multiple listings in a single building. While the Coalition has tremendously appreciated OSE's focus on the so-called 'worst of the worst' actors, for our work to be successful the agency must be funded and staffed appropriately to address ALL illegal hotel activity no matter how big or small.

Finally, the coalition requests that allowances be made in the budget that would allow OSE to increase its visibility in the community and help educate and mobilize community groups which are fighting this issue in their neighborhoods.

Testimony of the Children's Defense Fund – New York Before the New York City Council Committee on the Justice System

Preliminary Budget Hearing

March 20, 2018



Beth Powers
Director, Youth Justice
epowers@childrensdefense.org
(212) 697 - 0882

The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective and independent voice for all the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities. CDF – New York's unique approach to improving conditions for children combines research, public education, policy development, community organizing and advocacy activities, making us an innovative leader for New York's children, particularly in the areas of health, education, early childhood and juvenile justice.

Thank you Chair Lancman and members of the City Council Committee on the Justice System for this opportunity to testify on the Preliminary Budget.

Raise the Age

CDF-NY co-leads the Raise the Age – New York Campaign, a public education campaign which helped to bring awareness to the need to raise the age in New York State resulting in the successful passage of legislation in April of 2017. We continue to advocate to ensure the law is successfully implemented including through appropriate planning and allocation of funding to ensure all jurisdictions around the state are able to competently implement changes. Raising the age of criminal responsibility in New York was a long overdue change necessary to increase New York's ability to treat young people who come in contact with the justice system in an age appropriate way. Implementation of raise the age will significantly alter New York's juvenile justice system, and thus now is a critical time to examine the system in place and anticipated shifts in the upcoming years.

Implementation of raise the age is an opportunity to examine how New York responds to justice impacted young people and ensure that front end community based solutions are prioritized and deep end confinement based settings are used as a last resort. Raise the age will impact all stages of justice system involvement including but not limited to community based alternatives, probation, courts, detention, placement and aftercare. All of these aspects will require appropriate funding to increase services as well as to train staff.

The raise the age legislation will take effect over the next two years with the age raising from 16 to 17 in October of 2018 and from 17 to 18 in October of 2019. Notably, the legislation includes an accelerated timeline for the removal of youth from Rikers Island. All 16 and 17 year olds must be removed from Rikers by October of 2018 despite the age having only been raised from 16 to 17 at that point in time.

Once raise the age is in effect, all 16 and 17 year olds charged with misdemeanors will be processed under juvenile delinquency proceedings in Family Court. These young people will follow the same process as youth 15 and under charged with juvenile delinquency follow currently. Youth charged with non-violent felonies will have their cases originate in newly developed Youth Parts of the adult criminal court, however these cases will have a presumption of removal to Family Court unless the District Attorney proves extraordinary circumstances justifying why the case should remain in the adult court. Thus, many 16 and 17 year olds charged with non-violent felonies are also anticipated to have cases in Family Court. Finally, youth charged with serious felonies will have their cases heard in the new Youth Part and will remain in the

Youth Part for the entirety of their case unless certain criteria¹ are met and the District Attorney does not show extraordinary circumstances. The young people who remain in the Youth Part will be referred to as Adolescent Offenders (AOs). AOs who are detained pre-trial or sentenced to less than one year will be housed in new specialized secure detention (SSD) facilities. Additionally, 16 and 17 year olds are to be removed from Rikers Island by April 1, 2018 “to the extent practicable” and by October 1, 2018 at the latest. Young people removed from Rikers as well as AOs are to be housed in an SSD facility that is “operated by the New York city administration for children's services in conjunction with the New York city department of corrections”².

We appreciate the thoughtful planning of the Mayor’s Office of Criminal Justice and other City agencies in the implementation of raise the age. We however are concerned with certain aspects of implementation and urge reconsideration of aspects outlined below in order to ensure the full benefits of the law are realized.

Specialized Secure Detention for Older Adolescents

Raise the age legislation requires the creation of new specialized secure detention (SSD) for older adolescents to serve as facilities where youth charged as AOs will be detained. The legislation dictates that these new facilities are to be operated by ACS in conjunction with DOC. It is critical for the success of raise the age to be seen that these facilities are designed and operated as youth facilities under a youth justice model and not as 16 and 17 year olds are currently detained by DOC, in facilities segregated for youth under an adult correctional model with adult correctional officers.

We are alarmed at the City’s current plan to staff these facilities with DOC staff. The Mayor’s Office of Criminal Justice presented a plan at the December 6, 2017 City Council Juvenile Justice Committee Hearing regarding the City’s plan for how ACS and DOC will jointly operate SSD facilities. We understand that the City plans this as a temporary measure for the first 24 months of operation. We are however concerned that staffing these youth facilities with DOC Officers will import an adult correctional culture that will not be easily, if at all, removed after 24 months. We appreciate that ACS will offer case management and programming responsibility for youth, however this measure cannot negate use of DOC staff to provide security for youth. We are concerned both for the 16 and 17 year olds who will be directly supervised by DOC staff as well as younger children charged with juvenile delinquency and juvenile offender crimes who are detained in ACS secure detention facilities who risk exposure to this new arrangement.

We acknowledge that DOC has made strides to address the treatment of youth in their care. Notably, the elimination of punitive segregation for youth age 16-21, a detrimental practice that caused irreparable harm to youth for many years. DOC has also made strides to increase positive programming for adolescents. The city should make efforts to ensure that all programming offered to adolescents now is

¹ Transfer from Youth Part to Family Court for violent felonies is depended on the absence of three criteria: 1. display of a firearm, shotgun, rifle, or deadly weapon; 2. Certain criminal sexual conduct; 3. Significant physical injury. See New York State’s Raise the Age Overview and Implementation Presentation: <https://www.ny.gov/sites/ny.gov/files/atoms/files/RTAWebsitePresentation.pdf>

² Raise the Age legislation can be found in S2009-C/A3009-C retrieved from: <http://public.leginfo.state.ny.us/navigate.cgi?NVDTO:>

available in the new settings to avoid any unintentional loss of access to programming. They should additionally ensure that the close attention to young people developed over the past several years is continued for the young adult population once adolescents are removed from Rikers.

Despite this progress, DOC is not in the best position to respond to youth and should not be tasked with overseeing 16 and 17 year olds in the new youth facilities. In addition to DOC representing an adult focused approach to corrections, they also have a history of mistreatment of youth which is well documented. The most recent Independent Court Appointed Monitor Report for Nunez vs. City of New York from October 2017 reports serious concerns with DOC treatment of youth. They note “serious and problematic issues involving Staff use of force continue in an unabated fashion³.” The monitor report additionally notes that “[t]he cultural dynamic that permeates so many encounters between Staff and inmates in DOC is quite simply a consequence of Staff actions and behaviors that too often engender, nurture, and encourage confrontation”. Such encounters involved leadership noting a “disturbing” number of captains who were involved “frequently” and “repeatedly” in concerning use of force incidents.

All policies and practices in the new facility must mirror those currently used for youth and not adult correctional practices. An example of a tool utilized by DOC that is inappropriate for youth and should not be replicated in any new facility, is the use of chemical agents (pepper spray, or gas). In November 2016 the New York City Council Committee on Juvenile Justice, Committee on Fire and Criminal Justice and Committee on Education heard testimony from ACS, DOC and the Department of Education (DOE)⁴ in which it was publicly discussed that “gas” is a tool utilized by corrections officers at Rikers against adolescents. It was stated that the “gas” is used in classrooms and that teachers are allowed the use of gas masks – though students are not provided any protection. It was noted in testimony by a Special Education Teacher on Rikers that some areas do not have proper ventilation and students become ill and have vomited from exposure to the “gas”.

It is critical that the City make every effort possible to ensure the culture of violence that proliferates at Rikers is not allowed to be adopted in the new youth facilities. The newly developed facilities must utilize behavior management tools that are the least restrictive possible and which reflect best practices for youth to protect young people from harm. Raise the age is an opportunity to genuinely change the culture that has perpetuated in DOC and transform the experiences of detained youth. It is critical that policy and practice are clearly constructed to reflect best practices in youth justice. It is not appropriate for adult correctional staff to oversee youth in the new youth facility and in doing so the City cannot expect different results than currently achieved. Staff selected to work in the new facilities should be deemed appropriate to work with youth from those with expertise in serving youth under a youth justice model and any staff

³ The Nunez Monitoring Team (October 10, 2017). Fourth Report of the Nunez Independent Monitor, Fourth Monitoring Period January 1, 2017 through June 30, 2017. Retrieved from:

<https://apps.npr.org/documents/document.html?id=4173501-Fourth-Monitor-Report-as-Filed-Nunez>

⁴ New York City Council, Oversight - Educational Services for New York City's Detained, Placed, and Incarcerated Youth, Adolescents, and Young Adults, November 30, 2016. Retrieved from:

<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2864769&GUID=CDFD5A0E-E41D-4DFD-809E-3990064BE692&Options=&Search>

with histories of working in adult corrections should be vetted and trained to understand the drastically different practices, policies, and culture that is expected in the new youth facility.

We appreciate the need for urgency in planning for the implementation of raise the age and we understand the enormous challenge of hiring and training sufficient staff to handle expanded capacity in youth facilities. However we urge the Council to ensure that the statutory benefits intended by removing youth from Rikers is not lost by allowing DOC staff and other adult correctional practices into the new youth detention facilities.

LGBTQ Youth in SSD

Of particular concern in facilities jointly operated by ACS and DOC are the conditions for LGBTQ youth. ACS has in place model policies and best practice guidance for the treatment of LGBTQ youth in its care. Of particular consideration when constructing gender segregated facilities are practices surrounding transgender and non-binary youth. ACS makes its expectations of treatment of youth clear in its publication “Safe and Respected: Policy, Best Practices, & Guidance for Serving Transgender, Gender Expansive, & Non-Binary Children and Youth Involved in the Child Welfare, Detention, and Juvenile Justice Systems”. This guide outlines ACS policy⁵ with additional guidance⁶ and best practices for practitioners working with youth.

Emphasis is placed by ACS in its policies regarding LGBTQ youth on respecting youth and ensuring that when placed out of home they are in affirming placements. Of particular note are housing practices for placement of transgender youth. Below are a few examples of model practices of ACS that must be utilized in any facilities for youth, including the new specialized secure facility jointly operated by ACS and DOC:

- “It is ACS policy that all transgender and non-binary children and youth shall be in homes and congregate facilities that are affirming of their gender identities and gender expressions. This applies to all Children’s Services and contracted provider agency staff involved in any way with custodial or community-based services provided by Children’s Services or in contract with Children’s Services.”
- “Generally, it is most appropriate to house transgender and non-binary children and youth in Children’s Services custodial care based on their gender identity. Transgender and non-binary children and youth must not automatically be housed according to their sex assigned at birth.”

⁵ The City of New York Administration for Children Services. (November 21, 2012). “Promoting a Safe and Respectful Environment for LGBTQ Youth and their Families Involved in the Child Welfare, Detention and Juvenile Justice System”. Retrieved from: https://www1.nyc.gov/assets/acs/pdf/lgbtq/LGBTQ_Policy.pdf

⁶ Perry, J.R. & Green, E.R. (2017) “Safe and Respected: Policy, Best Practices, & Guidance for Serving Transgender, Gender Expansive, & Non-Binary Children and Youth Involved in the Child Welfare, Detention, and Juvenile Justice Systems” Retrieved from: <https://www1.nyc.gov/assets/acs/pdf/lgbtq/SAFEAndRespectedUpdate061417.pdf>

- “Decisions on bedrooms for transgender and non-binary children and youth in foster boarding homes must be based on the youth’s individual needs, and must prioritize the youth’s emotional and physical safety.”
- “It is critical to include transgender and non-binary children and youth in the decision-making process.”

The above highlighted ACS policy and guidance are in stark contrast to the experiences of transgender youth at Rikers Island. While DOC has made some strides to improve protections for transgender people in their custody, they fall short, particularly when addressing the needs of youth. DOC lacks clear policy and practice of placing individuals based on their gender identity, which places transgender people at elevated risk of abuse. While DOC has created a transgender housing unit that is available to some adult women this option is not available to transgender youth due to the sight and sound separation of youth from adults, and in fact fails to fully meet the needs of transgender adults. The difference in placement practices between ACS and DOC is extreme. For example, a transgender girl placed in Close to Home by ACS may be placed in a placement facility for girls if that is deemed most appropriate (following the above guidance), however it is highly likely that the same girl if detained by DOC would be housed in a male unit and not at Rose M. Singer, the women’s jail. Recent testimony before the Board of Correction by the Sylvia Rivera Law Project, an organization dedicated to advocacy on behalf of transgender, gender non-conforming, and intersex people, noted that in their experience they are “unaware of any time in which the DOC knowingly housed a transgender woman at the Rose M. Singer Center”⁷. Such practices are demeaning and dangerous and go against best practices for youth.

Impact of Raise the Age on the Justice Continuum

The majority of 16 and 17 year olds arrested in New York City are charged with misdemeanors⁸. In 2017 there were 11,678 arrests of 16 and 17 year olds in New York City. Of those, 66% or 7,723, were for misdemeanors. An additional 17% or 1,985 arrests were for non-violent felonies. Thus the majority of arrest of 16 and 17 year olds will be processed in the Family Court with all misdemeanors automatically in Family Court as well as all non-violent felonies for which Prosecutors do not show extraordinary circumstances. This will increase the number of youth in the juvenile justice system and shift the age demographic of youth currently served.

Youth charged with juvenile delinquency will benefit from the possibly of adjustment by the Department of Probation which offers an off ramp, potentially diverting youth from court all together. To handle this increase in youth, resources will be critical for the Department of Probation, the community providers they contract with for adjustment services, and all Family Court stakeholders – including for training on the new requirements under raise the age.

⁷ Kinead, M. (October 6, 2017). Sylvia Rivera Law Project comments to the NYC Board of Correction. *Retrieved from:* <http://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2017/Oct-10-2017/SRLP%20submission%2010.6.2017.pdf>

⁸ See <http://www.criminaljustice.ny.gov/crimnet/ojsa/youth-arrests/nyc.pdf>

This shift in integrating 16 year olds into the juvenile justice system this year and 17 year olds in 2019 will impact all steps along the justice continuum. This includes preparing to serve an older population in ACS's alternative to placement program JJI as well as other respite and related front end services. Detention and Close to Home placement facilities need to be prepared to address needs of older youth as well. Of consideration should be family dynamics – both with the families of youth and for parenting youth, educational needs, vocational needs, as well as health and mental health needs. Aftercare services will need to be additionally tailored. Of consideration should be the housing needs of older youth, consideration for youth lacking secure family resources, and options or for youth not wishing to return to family.

New York City's juvenile justice system has undergone significant change over the past several years. The City has developed a continuum of services that allow for intervention at multiple points along the justice continuum, prioritizing alternatives to confinement. We are relieved at passage of raise the age legislation to allow more youth access to the juvenile justice continuum as opposed to adult criminal justice system. CDF-NY recognizes that youth are best served in their communities and with the least restrictive type of intervention possible. Ideally, such services should be available within communities prior to youth ever entering the justice system.

Investments in School Climate

Along with our partners, we ask that the council support the inclusion of two budget items that derive from the recommendations made by the Mayor's Leadership Team on School Climate, an initiative co-chaired by MOCJ. The team's second report offered eight recommendations including increasing mental health supports for high-need schools to address symptoms and behaviors with a medical model as an alternative to disciplinary action.⁹ In order for the Mayor's reforms in school climate to succeed and be sustained, we urge the city to invest:

- (1) \$2.875 million per year for direct mental health supports and services for students in 20 high-needs schools with meaningful coordination between schools and mental health providers; and
- (2) \$1 million per year for whole-school training and support for school staff in high-needs schools using the model of Collaborative Problem Solving to help students and staff resolve problems in a skill-building, collaborative way.

In November of 2017 a representative from MOCJ testified before the Council's Committee on Public Safety speaking to the need to be intentional about school climate and the message that the city sends to young people.¹⁰ CDF-NY strongly agrees with this approach and therefore does not support efforts that further militarize schools or criminalize the students inside, such as the proposed \$3.5 million to equip School Safety Agents with bulletproof vests. This kind of spending falls far short as an effort to ensure school safety and disregards continuing disparities in the implementation of school safety policies in NYC. As one

⁹ The Mayor's Leadership Team on School Climate and Discipline. (2016). *Maintaining the Momentum: A Plan for Safety and Fairness in Schools*. See page 6 http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf.

¹⁰ New York City Council, Oversight – Examining NYPD's School Safety's Role and Efforts to Improve School Climate, November 21, 2017. See transcript page 78 <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3206714&GUID=B770A3A1-1D85-468E-820B-5D085599BF30&Options=&Search=>.

example, during the last school year the NYPD intervened in 2,702 incidents in NYC public schools involving students in emotional distress sent to the hospital for psychological evaluation – 95% of these interventions involved students of color, and children of color comprised 100% of the 84 students ages 12 and under handcuffed by the NYPD during this type of intervention.¹¹ We urge the city to realign its resources to support schools with the tools and resources they need to meaningfully engage young people in learning without pushing them into the school-to-prison pipeline.

Conclusion

New York City currently faces significant potential financial cuts as proposed in the Governor's Proposed Executive Budget. The cuts to New York City include a proposed cap on reimbursement for preventative and protective services offered to children and families by ACS. While the largest segment impacted by this cap is child welfare services, this funding stream also includes prevention for juvenile justice system involvement such as the alternative to placement program, JJI. Additionally the State is proposing to cut 100% of State reimbursement for Close to Home at a time when the program is anticipated to grow considerably due to the implementation of raise the age. Finally, it is unlikely that New York City will receive any State funding to implement raise the age. We encourage the city to continue to prioritize alternatives to placement and detention in this challenging fiscal environment.

CDF-NY is enthused that New York has finally raised the age of criminal responsibility and the progress this change represents for the entire juvenile justice system. We encourage the Council to continue oversight to ensure the law is implemented as intended to ensure the full benefits of the legislative change are attained. If you have any questions or you would like further information, please contact Beth Powers, Director of Youth Justice, 212-697-0882, epowers@childrensdefense.org.

¹¹ Advocates for Children of New York. (2017). *Children in Crisis: Police Response to Students in Emotional Distress*. See page 1 http://www.advocatesforchildren.org/sites/default/files/library/children_in_crisis.pdf?pt=1.

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Name: Charles Nunez (PLEASE PRINT)

Address: 11 Park Place, NY, NY 10002

I represent: Youth Represent (Legal Service)

Address: _____

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Name: Kelly Grace Price (PLEASE PRINT)

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I represent: Jail Action Center

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