

**STATEMENT OF POLICE COMMISSIONER JAMES P. O'NEILL
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY
ON THE PRELIMINARY BUDGET FOR FISCAL YEAR 2020
COUNCIL CHAMBERS, CITY HALL
TUESDAY, MARCH 19, 2019 – 10 A.M.**

Good morning, everyone. Thank you for the opportunity to discuss the Mayor's Preliminary Budget for the 2020 Fiscal Year. It is a pleasure to be here and to testify before the City Council's Committee on Public Safety about the outstanding work the members of the New York City Police Department have been doing, and continue to do, around-the-clock each day and night.

When I testified before this body one year ago, we spoke about continuing to build trust and strengthen relationships, in every neighborhood, between the NYPD and all the communities we serve – and about driving home the fundamental notion that public safety is a shared responsibility; the underlying premise being: Earning and putting into action the full and willing support of all the people we serve. Sharing the responsibility for our collective public safety is not only essential to safeguarding New York City, it is imperative in driving crime and disorder down past the record-low levels we have already achieved. It is this crime-fighting approach that shapes our Neighborhood Policing philosophy – keeping New Yorkers safe, and making sure they feel safe, too. The bottom line is: We need the public to know that each of us has a stake in keeping all of us safe.

Before highlighting some key budget items, I will update you on our core mission and several significant public-safety initiatives. And I will be as brief as I can, so our team can field as many of your questions as possible in the time we have available this morning.

First, I would like to thank New Yorkers for the outpouring of support they showed the NYPD following the February death of Detective Brian Simonsen of the 102nd Precinct Detective Squad. Like all NYPD members who have made the ultimate sacrifice on behalf of the people we serve, Detective Simonsen was killed while doing what we asked of him – and that was fighting crime and keeping people safe. There is no more selfless act than that. What Detective Simonsen did for this great city – and what his family, and all line-of-duty families now must endure – will never be forgotten by any one of us.

In 2019, with every New Yorker entitled to safety, I believe the NYPD is at a turning point, a moment of opportunity never before seen in this city. We stand on the threshold of taking our nation's safest big city, and making it safe on every block, on every street, in every neighborhood – a city in which every neighborhood is as important as every other, where every child can grow up free of the threat of crime. We can now do this because Neighborhood Policing has been institutionalized in every precinct, and every public housing command and, as of last month, three-quarters of all transit districts — with the rest coming in the spring. The NYPD also launched Neighborhood Policing in New York City schools in the Bronx East sector at the start of the school year. We can do this now because the NYPD is ready to partner with every organization, every city agency, and every person in the city of New York. Let there be no mistake: We have now come within sight of this possibility because of how far we have come in the last 25 years. 2018 was a major milestone in this history, and it makes the next level of policing possible.

In 2018, as you know, New York City experienced another remarkable year in reducing violence and property crime: Overall index crime is at its lowest level here since 1957 — more than 60 years ago. Robberies, burglaries, and auto thefts have all continued their downward trends. 2018 was the second year in a row we had fewer than 300 murders – again, less than any year in New York since 1951, when there were half-a-million fewer people in our city. Our current murder rate of 3.4 per 100,000 residents is among the lowest in the nation. Also in 2018, we recorded the lowest number of shootings in New York City's modern history – for the third year in a row. On five separate occasions, the city went five or more days without a

recorded murder, including for nine consecutive days, spanning November 25th to December 3rd. And for the first time ever, the NYPD recorded three straight months – October, November, and December – below 20 murders.

We did see a substantial increase in reported rapes over the last year. We know that part of this is attributable to the NYPD's substantially increased outreach efforts to help survivors report what happened. We now have advocates inside every police station house, specifically for domestic-violence victims and victims of other crimes. Last year, we saw an increase of more than 300 walk-in reports at precincts for sexual-assault complaints. We also know that – and this is a belief shared by survivors' advocates, with whom we regularly meet — that rape has been, and continues to be, our number one underreported crime. In fact, about a quarter of the rapes reported in 2018 took place prior to 2018. To me – and to the entire NYPD leadership – that means we are successfully building trust with survivors. And it is crucial that we continue on that path; this historic underreporting is beginning to be addressed in a substantial, and vitally-important way.

As you know, last year we conducted a complete overhaul of our entire Special Victims Division — now led by Deputy Chief Judith Harrison. We are renovating and upgrading facilities, adding more highly-trained personnel, and fine-tuning our response to survivors of these horrific crimes to make sure we provide every service and every comfort they need. And our Special Victims detectives are working to fully investigate both past and current-year sex assaults with a thoroughness and sensitivity that provides all survivors with empathy, closure, and justice. The NYPD will never rest in our determination to drive down the crime of rape, one of the most heinous of all violent offenses. And we, therefore, will never stop looking for ways to innovate and improve our practices in this area.

2018 was also a major milestone in another way: Five years ago, the NYPD charted a course toward furthering the steady-crime declines we saw in the previous two decades. We deliberately pivoted away from a largely enforcement-driven approach, toward a more precise and targeted paradigm. The core of the plan was, and continues to be, our Neighborhood Policing philosophy — a total shift in the NYPD's crime-fighting model that puts our members in closer connection with people all across the city. And police officers are using their great capacities of heart and mind to solve problems, where possible, without enforcement actions. Our cops now regularly work the same shifts in the same sectors. They are getting to know their neighborhoods, their community residents, their local problems, and their local criminals. They are getting the time and latitude to work at solving local crime and quality-of-life concerns. And the result is a more-flexible, more-responsive, more-measured, and more-effective police presence. Investigations are also more focused, with patrol cops playing an expanded role in gathering evidence and information, and precinct detective squads working in closer coordination with specialty squads like Gang and Narcotics to bring in more and even stronger cases against violent criminals. And because we involve our six local district attorneys, or the U.S. Attorneys for the Southern or Eastern Districts, from the outset, we are able to pre-indict many offenders before they are arrested, charge them appropriately, and see their cases through to meaningful prison sentences.

We also support our new approach with major improvements in training and technology, all implemented in the past five years. Perhaps most importantly, we decentralized and democratized technology and data-access in the department, equipping all officers with smartphones that connect them to databases, to the public, and to each other. We have gone from cops who lacked email addresses or any other way than a police radio to communicate in the field, to officers who now have instant access to a wide range of information and functionalities, and who regularly share their cell phone numbers and email addresses with local residents and businesses. The short-term results are in and, unlike a lot of five-year plans in world history, ours is actually working. Neighborhood Policing has pushed both crime and enforcement down substantially. Overall crime declined by 14.2 percent, and murders by 11.9 percent. Shooting incidents are down 31 percent. Compared to the five-year period prior to these last five years, the average for murders now is 30 percent lower, and the average for shootings is 29 percent lower. We are not just achieving massive declines in violence — with our intensified and focused investigations of gangs, we are sustaining those declines over the longer term. And in other categories: Robbery is down 32.6 percent in five years; burglary is down 33.3 percent; auto theft is down 26.4 percent. It may be hard to believe, but there were more than 140,000 auto thefts in New York City in 1990; last year, there were just over 5,000 – a reduction of about 96 percent.

Neighborhood Policing continues to be a paradigm shift for the NYPD in its goal of combining greater police community relations while continuing to drive down crime spikes, in real time, wherever and whenever they may arise. Part of the success of our hyperlocal focus is due to our Build-the-Block meetings held in every sector of every neighborhood. Led by designated Neighborhood Coordination Officers, not by commanding officers or other superior officers, the purpose is to meet with constituents to identify public safety challenges that are unique to specific neighborhoods, and to discuss potential solutions. The meetings are strategy sessions between local police officers and the people they serve, where relationships are fostered, problems and crime are discussed, and a process for feedback is developed. To date, NCOs have held more than 1,500 Build-the-Block meetings to address problems, help fight crime, and build stronger relationships between officers and community members. New Yorkers can find the next Build-the-Block meeting in their neighborhood at: BuildTheBlock.NYC.

Neighborhood Policing is, without a doubt, the most radical, top-to-bottom, operational change the NYPD has embarked on in nearly 25 years. What we have learned is that if we want everyone who lives and works in our communities to trust and respect their police officers, each of us in leadership roles also must trust and respect our police officers. We had to allow our men and women in uniform to be decision-makers and problem-solvers. We needed them to take ownership of, and great pride in, all the people and all the areas of New York City they protect. And, collectively, we always need to treat everyone we serve equally and fairly. In short, our style of New York policing is a game-changer for our profession and a model for the rest of America.

On the enforcement side during the past five years, street-stops by our officers are down more than 90 percent citywide – even as we improve monitoring and supervision to make sure that all stops are being reported by the officers who find them necessary to make. Overall arrests are down 37.3 percent, and summonses are down nearly 79 percent. Marijuana misdemeanor and violation arrests are down 71 percent. As we believed we could in 2014, we have shown that we can drive crime down significantly with a far less-intrusive enforcement profile. While arrests and summonses for quality-of-life violations and minor crimes are way down, felony arrests – for rape, assault, grand larceny and burglary – are all up. And while many misdemeanor arrest categories have fallen steeply, Detective Bureau arrests are up nearly 20 percent in the last five years. Detective arrests are based on exhaustive investigations that specifically direct our enforcement efforts – with laser-like focus – on the serious crimes and the serious offenders, who are a relatively small percentage of the population.

As a result, the crime reductions New York City has achieved in the past few years are categorically historic. Simply put: The city has not been this safe in three generations. Some observers believed we would never be this safe. Some assumed that more than 2,200 murders in 1990 was just the price of doing business in New York City – that nothing could be done about it. But the people who wore police uniforms in New York City knew otherwise. And they knew that reversing the decades-long trend of rising crime and violence would take time, and they knew that it could not be a solo effort. They understood that reclaiming our neighborhoods required the coordinated efforts of the entire police department and, ultimately the full partnership of the millions of people who live and work here.

It can also be said that 2018 was a milestone in the NYPD's historic 25-year crime-fighting period: The murder rate is a tenth of what it once was; total crime has been cut by 78 percent. We say that we are the safest large city in America, and we certainly are when our citywide crime rate is compared to the other biggest cities in the country. However, there are still stubborn pockets of crime – and especially violent crime – in New York. In fact, in 2018, there were six precincts with violent crime rates more than twice as high as the rest of the city. The 40th Precinct in the Bronx had the highest overall rate, including the second-highest robbery rate and the third-highest assault rate. The 73rd Precinct in Brooklyn had the third-highest rate, including the second-highest murder rate and the highest shooting rate. Other precincts – the 41st and 42nd in the Bronx; the 75th in Brooklyn; and the 25th in Manhattan together lead the city in violence. So, let me be clear: Even these six precincts have seen huge drops in violent crime since the early 1990s. But we will never be satisfied with that. We can always do better. And we must do better. The NYPD and our city have a moral obligation to these precincts, because everyone who lives and works in New York City deserves to live in safety – free of fear. Our achievements do give us reason to make the following declaration: We vow not to rest until every block, in every neighborhood, enjoys the same level of safety and well-being as the rest of the city. One's zip code must never be the primary determination of one's safety. And it is our pledge to ensure that every neighborhood is safe, regardless of where in New York City one calls home. This

is our job, and we owe it to every single New Yorker. But this job can only be accomplished in partnership with the rest of the city, inside and outside government. For this reason, I have begun to convene action meetings in each of the six precincts I mentioned earlier, where violence is double the citywide average. The meetings include various elected officials and heads of our partner agencies at the city, state, and federal levels; plus business owners, clergy, service providers, and community leaders – the people on the ground who are the backbone of this important work. And we have been meeting with the cops in these commands to ask them what they think their police department can do better, and how best we can develop new solutions and get them whatever help they feel they need. Out of these meetings, change is coming. Change in how we police, how we partner with our fellow city agencies and elected officials, how we partner with neighborhood residents, and how we partner with business and civic leaders.

Further, the NYPD has devised a five-point plan to address surges in crime and violence as they appear. The plan calls for adding up to eight additional officers in so-called hot spots in each of several precincts identified on a rolling basis throughout the five boroughs. The officers will be assigned to high-visibility posts and backed with resources from our Strategic Response Group. Other portions of the plan call for stronger gun prosecutions – particularly in Brooklyn, where we are closely collaborating with District Attorney Eric Gonzalez – and expansion of our Ceasefire anti-gang outreach initiative, helping parolees, and conducting intensive investigations when guns are used in domestic-violence crimes.

All of these partnerships stand to generate the creative and innovative solutions that will bring down crime in these communities. Brownsville can and should be as safe as Brooklyn Heights. Crime can and should be as low in the South Bronx as it is in TriBeCa. We get there when we all come together, talk frankly, and recommit ourselves to this mission. At the NYPD, we view this as an urgent mission for everyone in these communities, and all over our city, to come together as one to ensure that every square block of New York City is free from both the threat, and the fear of, crime. How we get there is the next evolution of policing in New York. That means continuing to fight – in partnership – for every block, in every neighborhood, every day. And the question is: What can we all do together to advance this noble effort? New York needs everybody throughout the five boroughs to share the responsibility for public safety. Crime, fear, and disorder are not only police problems. New York needs all of our ideas, and all of our actions – now. And that goes for the entire public safety spectrum – from traditional crime to terrorism, to the seedbed-activities that can draw young people down paths of criminality.

Our city will always face challenges. Challenges that test our crime-fighting strategies at the most local of levels, and challenges that test our intelligence-gathering and preparedness at a citywide – and even a global – scale. And that important work continues around the clock, every day of the year, with our analysts, our cops, and our many partners on the FBI-NYPD Joint Terrorism Task Force. It was the first JTTF in the nation, formed in December 1980. And now it is comprised of 300 investigators from 56 agencies – 113 of whom are NYPD cops. Additionally, the NYPD's Critical Response Command works 24/7 protecting sites and infrastructure around the city. And cops in our Strategic Response Group are at the ready to rapidly respond to any emerging threat, be it an active-shooter situation or other terror incident. Along with our elite Emergency Service Unit, they are all informed by our first-rate Intelligence Bureau, which continues to be the industry-leader in detecting, deciphering, and responding to an always-fluid threat stream.

This is a new era, in so many ways. We know, for example, that the legalization of marijuana is coming. And we need to determine how and when laws about use and possession are enforced. I have concerns about home-cultivation, for instance, and driving while impaired – because there is currently no instant test for marijuana levels in the human body. I also have great concerns about people under 21 years of age smoking marijuana. We are also facing pushback from some quarters about the definition of who constitutes a threat to public safety when it comes to fare evasion in our subways. One thing is clear to me, however: This city and its police must always control access to the transit system. To abandon our efforts there would be both irresponsible and highly dangerous. Marijuana and fare evasion are just two examples of the changing playing field. But our future also presents an entirely new possibility. It is now possible to think about how we can equip and enable our cops to help kids avoid a first act of criminal behavior. And we will prove that when the public and the police work together, we can make positive, lasting change in our society. That change begins when people are safe. And it is sustained when they feel safe, too. Our aim is to keep raising the bar for fair and effective policing in this country year after year, again and again. And we are doing it with the help of New Yorkers in every neighborhood. And I ask each of you, and

the people you represent, to continue to think of ways that – together – we can make every single part of this city as safe as our safest streets are today.

Turning to budgetary issues, the NYPD plans to again apply for, and obtain, federal assistance to protect members of the public and critical infrastructure, including the Financial District, the transit system, bridges, tunnels, and ports.

Although we have already started planning for the Federal Fiscal Year 2019 preparedness grant-funding process, the applications guidelines for the Homeland Security preparedness grants have not yet been released. This is because the recent federal government shutdown – including the Department of Homeland Security and the Federal Emergency Management Agency – delayed the approval of the FY19 appropriations. The NYPD relies on these funds to help protect all New Yorkers and visitors to our city against terrorist attacks, and to strengthen our homeland-security preparedness. As our nation's top terror target, New York City has been the target of about 30 terror plots since the devastating 9/11 attacks. These plots have included a suicide-bomber in a subway passageway beneath Times Square, the fatal truck attack on pedestrians and bicyclists along the West Side Highway, plans to place bombs among the festive crowds watching the July 4th fireworks over the East River, and an ISIS plot to capture on video the beheading of a woman in Manhattan.

The federal Homeland Security funds buy us a lot, including our Bomb Squad's Total Containment Vessel – the rolling vault that allowed the NYPD to remove the live pressure-cooker bomb planted on a street in Chelsea, and some of the 16 pipe bombs mailed to CNN in Columbus Circle and other recipients throughout New York and the country. The money also funds our Vapor Wake dogs that patrol large-scale events searching for hidden explosives, and our active-shooter training that hones the tactical skills of thousands of officers who might one day have to face a machine-gun-wielding attacker in a crowded concert venue or a school. Federal funds have also allowed the NYPD to develop and sustain our sensor and information technology centerpiece known as the Domain Awareness System, or DAS, which supports the department's counterterrorism mission; hire Intelligence Research Specialists, deploy officers to the transit system and other strategic locations citywide based on intelligence; and train officers to respond to chemical, ordnance, biological and radiological threats or incidents, as well as active-shooter scenarios. The NYPD also uses federal funds to purchase personal protective equipment for uniformed members of the service, and to purchase other critical equipment that enhances our ability to protect New Yorkers and vital transportation and port infrastructure.

Regarding the Preliminary Budget and its impact on the NYPD: The NYPD's Fiscal Year 2020 City Tax Levy Expense Budget is \$5.3 billion. The vast majority of this – 92 percent – is allocated for personnel costs. Highlights in the Preliminary Budget include:

- Additional civilian staffing for the Body-Worn Camera program; this includes attorneys, media technicians, and IT personnel for a total of \$6.3 million annually.
- Cabling upgrades & facility work totaling \$12.5 million, most of which is to allow precincts to better upload body-worn camera footage to the NYPD's network. The balance of funds are for improvements to 137 Centre Street, the facility for our Manhattan Special Victims Squad.
- Crisis Intervention Team (CIT) Training: \$5.3 million annually to continue training our uniformed members, and to improve services provided to people with behavioral-health challenges as they relate to the criminal justice system. This includes scenario-based training in crisis intervention techniques.

The police department's 10-Year Capital Commitment Plan contains \$1.99 billion for Fiscal Years 2019 through 2029. The September Capital included additional funding for 100 Old Slip, totaling \$13.3 million. This funding will allow for a comprehensive renovation of 100 Old Slip, a historic landmark building located in the heart of Lower Manhattan's Financial District. The NYPD will incorporate a public-use space in addition to running a law-enforcement operations facility.

Across the NYPD, we will continue to leverage every tool available to us to keep New York City safe, including the use of new and innovative technology. We are keenly focused on technological advances, and how they can be applied to fighting crime, creating safer and more-efficient ways for police officers to do their jobs, and contributing to the important work of building trust. Building trust with the people we serve; fighting traditional crime; combating international terrorism – none

of this is easy. But cops do not take these jobs because they are easy. People join the police department to make a difference – to do good, and NYPD members accomplish that every single day. And they do it in newer, and better ways every day, too.

In closing, I can tell you our city is in much better shape today than it was when I became a cop in 1983. Those of you who lived and worked here decades ago know it, too: This is not the same city it was in the 1980s and 1990s. And each year, we make even greater headway. Together, we are proving that New York City is the place that others across our nation want to emulate. And we are setting that tone through our brand of New York policing.

Throughout the tremendous changes we continue to undertake in the NYPD, we have had the Mayor's full support. And we have benefitted greatly from the City Council's support, as well. Thank you for your ongoing partnership and assistance, and for everything you do to help us build a more effective and more efficient NYPD – always with officer safety in mind. I continue to be very optimistic about the future of the NYPD and the direction in which we head. In my experience, there is a direct correlation between the level of community support for the police and success in fighting crime and terror. And so we will continue to work tirelessly to earn the trust and confidence of all New Yorkers, and to ensure that there are even better days ahead. I look forward to working with each of you, and I thank you again for the opportunity to testify this morning. At this point, I am happy to take your questions.



BILL DE BLASIO
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



FREDERICK DAVIE
CHAIR

**Testimony of Rev. Frederick Davie, Chair of the Civilian Complaint Review Board
before the Public Safety Committee of the New York City Council
March 19, 2019**

Chairperson Richards, members of the Public Safety Committee, thank you for the opportunity to appear before you today. I am Rev. Frederick Davie, Chair of the Civilian Complaint Review Board (“CCRB”). I am joined by Agency staff members Jonathan Darche, our Executive Director, and Jeanine Marie, our Deputy Executive Director for Administration. I have submitted a full testimony to Committee staff and will now present a shorter oral testimony.

Over the past year, the Agency has re-dedicated itself to better serving its complainants, many coming from the most vulnerable and diverse communities in New York, including young people, the homeless, LGBTQ individuals, those with mental illnesses, people living with disabilities, and people of low income.

In February 2018, the Board unanimously voted to adopt a resolution directing Agency staff to begin investigating and prosecuting certain allegations of sexual misconduct that had previously been referred to the NYPD’s Internal Affairs Bureau (IAB) and to develop a plan to investigate and prosecute allegations of criminal sexual misconduct. Now, more than one year later, the Agency has received 83 complaints containing 126 allegations of sexual harassment, sexual or romantic propositions, sexual humiliation, and sexually motivated strip searches, and has created an internal working group to determine how best to incorporate investigations and prosecutions of sexual assault into Agency operations. We are currently working with OMB to obtain funding to develop a victim advocacy and support program, and commenced a number of training initiatives aimed at better supporting victims of sexual violence.

The CCRB is committed to protecting the mental health and well-being of all our complainants. In 2018, the Agency adopted new policies and procedures aimed at providing civilians with information about access to mental health services. In the past year, the CCRB Investigations Division also received comprehensive training related to mental health issues, including forensic experiential trauma interview (FETI) training and Mental Health First Aid Certification Training (MHFA).

We consider educating the public to be an important part of our mandate, and work hard to deliver information to civilians. The CCRB Outreach staff endeavors to reach all of New York's communities, delivering over 1,000 presentations in 2018—the largest number in Agency history—to audiences including high school students, immigrant populations, probationary groups, homeless service organizations, formerly incarcerated individuals, NYCHA residents, and LGBTQ groups. The Agency was able to make those efforts because it was fully staffed at the time with an outreach team of six that we were granted by the City Council. In anticipation of the Right to Know Act (RTKA) becoming effective in October of 2018, the CCRB constructed a full public education campaign in partnership with members of City Council that involved creation of educational materials and distribution of these materials via street team efforts, participation in press and social media efforts, and working with elected officials to help provide information to constituents. Further evidence of our commitment to public education is our February Youth Summit at New York University, organized by the first-ever CCRB Youth Advisory Council, and our police oversight symposium at John Jay College of Criminal Justice.

In 2018, the Board also made a number of procedural changes to ensure disciplinary consistency. In January of last year, the Board piloted the use of a Disciplinary Framework, a non-binding matrix designed to guide Board Panel discussions on disciplinary recommendations for substantiated cases and aimed at achieving consistent and fair discipline recommendations for both civilians and members of service. Now, a year later, we are evaluating ways to expand that structure to non-charges cases, as well.

There have also been challenges over the past year. In 2018, the CCRB received 4,745 complaints within its jurisdiction, an increase of nearly 11% from just two years prior. Further, 2018 saw over 200 more fourth-quarter complaints received in the CCRB's jurisdiction than 2017 (1,301 compared with 1,059), and the highest number since 2013 (1,331). Though it's too early to tell for sure, some of these additional complaints may have been related to the RTKA. Since it went into effect, the Agency has received 137 complaints containing 229 allegations of a failure to provide a business card under the RTKA.

One type of evidence that is becoming increasingly prevalent in our investigations is NYPD Body-Worn Camera (BWC) footage. To date, the Agency has requested such footage in more than 2,000 of its investigations. While video evidence has long played a role in CCRB investigations, the amount of footage in CCRB's electronic evidence repository has exponentially increased, in part due to the continued expansion of the BWC program. To date, video footage occupies more than three and a half terabytes of space, with 300 gigabytes of that added in January 2019 alone. While it is still too early to tell the true effect of BWCs on investigations of misconduct, video evidence in general plays a major role in the outcomes of investigations, increasing the likelihood that a case will be closed on the merits. Unfortunately, with this additional evidence has come an increase in the number of days it takes to close cases. In 2018, the Agency trained all of its investigators in forensic video analysis techniques, which are now employed in all

investigations. These techniques involve intensive transcription notations and multiple viewings of videos, increasing the length of time it can take to close all investigations – not just those with video. Investigators must identify each of the individuals in video footage to identify witnesses, and take detailed notes as to the statements made and events that occur, often requiring frame-by-frame review.

We are working with OMB to monitor and address these challenges head-on. For the current Fiscal Year (FY) 2019, the CCRB has a modified budget of \$17,173,879: \$13,102,052 for Personnel Services (PS) and \$4,071,827 for Other Than Personnel Services (OTPS), a category which includes funding for, among other items, training initiatives and digital video storage.

The Agency is determined to continue to improve its service to the people of the City of New York, and due to the support of the Administration and the Council, the Agency is stronger than ever and better able to provide strong, effective, and independent civilian oversight for the New York City Police Department, but there is far more to be done. I am confident that with your help, the CCRB will continue to flourish, improve, and lead the way in civilian oversight nationally.

Thank you for your time and continued support.



BILL DE BLASIO
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



FREDERICK DAVIE
CHAIR

**Full Testimony of Rev. Frederick Davie, Chair of the Civilian Complaint Review Board
before the Public Safety Committee of the New York City Council
March 19, 2019**

Chairperson Richards, members of the Public Safety Committee, thank you for the opportunity to appear before you today. I am Rev. Frederick Davie, Chair of the Civilian Complaint Review Board (“CCRB”). I am joined by Agency staff members Jonathan Darche, our Executive Director, and Jeanine Marie, our Deputy Executive Director for Administration.

The City Charter tasks the CCRB with the fair and independent investigation of civilian complaints against uniformed members of the New York City Police Department (NYPD or the Department). Our jurisdiction includes allegations involving the use of force, abuse of authority, discourtesy and the use of offensive language (referred to as FADO). The Board oversees the investigation, mediation, and administrative prosecution of misconduct in the largest police department in the country, and where the evidence supports disciplinary action, recommends appropriate discipline to the Police Commissioner.

Over the past year, the Agency has re-dedicated itself to better serving its complainants, many coming from the most vulnerable and diverse communities in New York, including young people, the homeless, LGBTQ individuals, those with mental illnesses, people living with disabilities, and people of low income. The CCRB has also worked to ensure consistency in its disciplinary recommendations.

CURRENT INITIATIVES

As part of its oversight and accountability work under its Charter mandate, the CCRB engages in a wide variety of public education efforts. In 2018, the Agency focused heavily on this work. The CCRB Outreach Unit delivered over 1,000 presentations in 2018—the largest number in Agency history—to audiences including high school students, immigrant populations, probationary groups, homeless service organizations, formerly incarcerated individuals, NYCHA residents, and LGBTQ groups. Our staff has worked to meet members of the public where they are, reaching all of the City’s neighborhoods and developing productive partnerships with community service providers including homeless shelters, schools, and organizations servicing

youth. The Agency was able to make those efforts because it was fully staffed at the time with an outreach team of six that we were granted by the City Council.

In anticipation of the Right to Know Act (RTKA) becoming effective in October of 2018, the CCRB also constructed a full public education campaign in partnership with members of City Council that involved creation of educational materials and distribution of these materials via street team efforts, participation in press and social media efforts, and working with elected officials to help provide information to constituents. On October 19, 2018,^[1] when the law went into effect, CCRB staff worked with RTKA's co-sponsors, Council Member Antonio Reynoso, 34th District, Council Member Ritchie J. Torres, 15th District, and the City Council's Progressive Caucus to conduct a public education campaign. CCRB staff worked with advocates and partners to develop RTKA Know Your Rights Materials. CCRB staff also distributed thousands of flyers outside of subway stations, schools and at street festivals throughout the five boroughs in coordination with street team efforts by Council Member Carlina Rivera, 2nd District, Carlos Menchaca, 38th District, and Keith Powers, 4th District.

Understanding that young people, particularly young people of color, have a disproportionately higher likelihood of contact with police, the Agency has begun a number of new initiatives aimed at giving younger complainants and victims a voice in how the CCRB investigates, prosecutes, and reports on police-youth interactions. In December 2018, the CCRB selected 19 New Yorkers between 11 and 24 years old to be members of its inaugural Youth Advisory Council (YAC) following an open citywide application process. This group, which meets quarterly, advises the Agency on its policies and outreach efforts to young members of the public. One of the YAC's recent accomplishments was the February 26, 2019 event entitled, "Speak Up, Speak Out: A Youth Summit on Policing in New York." This summit featured panels of youth activists and advocates and breakout groups that discussed the types of interactions young people report having with police in New York, and brainstormed next steps for police accountability efforts in this area. From this summit, the CCRB hopes to gain insight into aspects of police-youth relations to inform an upcoming Policy Unit report on complaints the Agency receives from young people.

In an effort to further the conversation on police accountability in New York City, the Agency co-sponsored "Trust and Transparency: A NYC Symposium on Police Oversight" at John Jay College of Criminal Justice on March 15, 2019. This symposium brought together academics, oversight practitioners, advocates, elected officials, and law enforcement in a daylong series of discussions on topics including how oversight bodies can best work together toward accountability and how important advocates are in building bridges to vulnerable communities. Although the CCRB is currently operating with only a partially-staffed Communications team and partially-staffed Outreach Team, the Agency was able to make both this event and the Youth Summit happen with external support from academic institutions and other sponsoring organizations.

While expanded outreach efforts are an important way the Agency has been working toward better serving complainants, the CCRB also renewed its commitment to protecting the mental health and

well-being of our complainants. In April 2018, we adopted a new policy of providing civilians with information about NYC Well, a City program that provides free support and assistance to people experiencing stress and trauma as well as more serious mental, psychological, and emotional health challenges. In conjunction, the CCRB Investigations Division received comprehensive training related to mental health issues in 2018, including effective call management, face-to-face communication skills, active listening, empathetic response, the mechanics of making a warm-transfer to NYC Well, how to introduce NYC Well into conversations with complainants, and the steps an investigator should take when a civilian presents an imminent risk to themselves or to others. Further, in accordance with best practices recommended by service providers to victims of violence, the Agency recently began providing forensic experiential trauma interview (FETI) training to the Investigations Division. This type of interview technique allows for interviewing complainants and victims in ways that empower them, providing investigators with better information and complainants with a more productive and caring experience at the CCRB.

Finally, the Board also made a number of procedural changes to enhance the efficacy of its investigations and prosecutions and to more effectively serve the people of New York City. In January 2018, the Board piloted the use of a Disciplinary Framework, a non-binding matrix designed to guide Board Panel discussions on disciplinary recommendations for substantiated cases and aimed at achieving consistent and fair discipline recommendations for both civilians and members of service. The Framework outlines six allegation types that—if substantiated by a three-member Board Panel—typically would result in the panel recommending Charges and Specifications, the most severe level of discipline. These allegations include chokeholds, strip searches, warrantless entries, offensive language, excessive force with serious injury, and sexual misconduct. Under the Framework, Board Panels also discuss the subject officer’s CCRB history and the totality of the circumstances of the case as a way to guide disciplinary recommendations. Agency staff are currently examining data related to the impact of the Disciplinary Framework Pilot Program, and will make recommendations to the Board based on these findings.

In February 2018, the Board unanimously voted to adopt a resolution directing Agency staff to begin investigating certain allegations of sexual misconduct that had previously been referred to the NYPD’s Internal Affairs Bureau (IAB) and to develop a plan to investigate allegations of criminal sexual misconduct. Now, more than one year later, the Agency has received 83 complaints containing 126 allegations of sexual harassment, sexual or romantic propositions, sexual humiliation, and sexually motivated strip searches, and has created an internal working group to determine how best to incorporate investigations and prosecutions of sexual assault into Agency operations. We are currently working with OMB to obtain funding to develop a victim advocacy and support program, and commenced a number of training initiatives, further discussed in the Training section of this testimony, aimed at better supporting victims of sexual violence.

Lastly, the Agency has taken additional steps to reduce its truncation rate and keep complainants involved in their investigations and prosecutions. We now make an average of approximately 12 contact attempts per case before we truncate a complaint, and investigators go above and beyond to reach complainants, often going into the field to meet with complainants. In 2018, approximately 13% of truncations were due to case closures that occurred due to pending litigation. Of the more than 330 cases the Agency has had to close for this reason since it started tracking this issue in 2017, investigators have been able to reopen ten percent as a result of tracking when litigation has ended and re-engaging with complainants. The Agency's new Blake Fellow recently began her tenure at the CCRB, and will be focusing her work on testing new initiatives to reduce truncations, including building partnerships with local service providers and advocates, meeting with community members, and analyzing truncation patterns at the CCRB to make recommendations for improvements in Agency protocols.

All of these initiatives reflect the CCRB's unwavering commitment to continue to improve its service to the people of the City of New York.

INVESTIGATIONS

In 2018, the CCRB received 4,745 complaints within its jurisdiction, an increase of nearly 11% from just two years prior. The Agency strives to fully investigate each one of these complaints, reaching out to complainants within 48 hours to begin collecting statements. Evidence collection, often handled by our Field Evidence Collection Team, must happen quickly to obtain information from commercial or privately-owned surveillance cameras, cell phones taken by private citizens, or NYPD surveillance cameras.

One type of evidence that is becoming increasingly prevalent in CCRB investigations is NYPD Body-Worn Camera (BWC) footage. To date, the Agency has requested such footage in more than 2,600 of its investigations, the majority in 2018. Currently, it takes an average of eight business days to receive BWC footage from the NYPD in cases in which only one request is required. When the CCRB must make follow-up requests, generally due to additional information coming to light in an investigation that reveals the existence of BWC footage after the NYPD reported that no such footage was discovered during their database search (internally termed a "false negative" response), it takes an average of 28 business days to obtain all relevant footage from the NYPD.

While it is still too early to tell the true effect of BWCs on investigations of misconduct, video evidence in general plays a major role in the outcomes of investigations. In 2018, the existence of video evidence more than doubled the rate of substantiation in our complaints, from 12% when no video has been collected to 28% when video evidence exists. Video evidence is especially helpful in making determinations of fact in cases involving allegations of excessive force. In 2018, 56% of allegations of excessive force were closed as unsubstantiated—in other words, the Board could not determine with a preponderance of evidence whether misconduct had

occurred—compared with 37% of those in which the Agency was able to obtain video evidence in the case. The CCRB anticipates that in the coming years, video evidence, and in particular, BWCs, will have the single most meaningful impact on the outcome of complaints of police misconduct.

CCRB operations have been greatly impacted by the increase in available BWC and other video footage. In 2018, the Agency trained all of its investigators in forensic video analysis techniques, which are now employed in all investigations. These techniques involve intensive transcription notations and multiple viewings of videos, increasing the length of time it can take to close all investigations – not just those with video. Investigators must identify each of the individuals in video footage to identify witnesses, and take detailed notes as to the statements made and events that occur, often requiring frame-by-frame review. While video evidence has long played a role in CCRB investigations, the amount of footage in CCRB’s electronic evidence repository has been unprecedentedly exponential. In the second half of 2014, the CCRB received 393 video files of roughly 137 gigabytes. In the second half of 2018, the CCRB received 3,444 video files of roughly 1.18 *terabytes*, a 776% increase in video evidence in just four years. To date, video footage occupies more than three and a half terabytes of space, with 300 gigabytes of that added in January 2019 alone. At current rates, without additional funding, the Agency will run out of video storage space in approximately a year and a half. The Agency is working with OMB and DOITT to ensure that we are able to meet the demands of the BWC program.

The NYPD’s implementation of the BWC program is not the only external event that has changed how the CCRB does its work. Prior to the RTKA going into effect in October 2018, the Agency trained all of its investigators on the law’s major components, as well as how to plead alleged violations of the RTKA. Since October, the Agency has received 137 complaints containing 229 allegations of a failure to provide a business card under the RTKA. Following the Agency’s public education efforts surrounding the RTKA, there has been an uptick in complaints. In fact, 2018 saw over 200 more fourth-quarter complaints received in the CCRB’s jurisdiction than 2017 (1,298 compared with 1,059), and the highest number since 2013 (1,331). The proportion of complaints received in the fourth quarter compared with the rest of the year went from 23.6% of complaints received in 2017 to 27.4% of complaints received in 2018. Though it’s too soon to know how much of an impact the RTKA will have on Agency operations, early signs indicate that the law has potentially increased the number of complaints received by as much as 7%, based solely on the number of complaints alleging failure to provide a business card.¹

¹ This number is calculated by assuming the 70 complaints alleging failure to receive a RTKA business card received in Q4 of 2018 will continue to remain a constant figure, and adding these to the number of complaints received in 2018 to determine the number of additional complaints expected in 2019.

DISCIPLINE

In those cases where the Board substantiates allegations and recommends that an officer receive the most serious type of discipline—Charges and Specifications—the Administrative Prosecution Unit (APU) prosecutes these cases in an NYPD trial room misconduct before the NYPD Deputy Commissioner for Trials (DCT). In 2018, the Board recommended Charges and Specifications in 22% (73) of cases substantiated. As far as we have been able to ascertain, the CCRB is the only civilian oversight agency in the country that prosecutes cases in the trial section of the law enforcement agency that they oversee – an important part of transparency of the police disciplinary process, since trials are one of the few publicly-accessible aspects of police discipline in New York City. Since the APU was created by a Memorandum of Understanding (MOU) between the CCRB and the NYPD in 2013, the APU has conducted 374 trials, some of them the subject of a great deal of public interest and press. In 2018, 85% of APU cases closed resulted in some form of disciplinary action, and 25 of the 41 cases adjudicated (61%) resulted in a suspension or loss of vacation time of between one and 20 vacation days.

When the Board recommends Instructions, Formalized Training, or Command Discipline against a member of service, that recommendation is sent to the Department Advocate's Office (DAO). In 2018, the Board recommended Command Discipline—a recommendation for a loss of vacation days, and the second most serious disciplinary recommendation, following Charges and Specifications—for 39% (128) of the 326 officers against whom there was a substantiated allegation, Training at the Police Academy for 17% (55), and Instructions for 21% (70). The NYPD imposed discipline on officers in 84% of the cases where the Board recommended discipline other than Charges and Specifications, and 52% of the time, the discipline imposed by NYPD concurred with that recommended by the Board.

MEDIATION

Restorative justice-modeled programs like complaint mediation are frequently used in both oversight work and the criminal justice system to provide complainants/victims with an opportunity to explain in their own words how the incident affected them or to ask questions, and also gives officers the chance to explain their thought processes - and in some cases, to apologize or think more about how they might better approach a similar situation next time. Mediation, which is a required component of the Agency's work under the City Charter, is complainant-driven at the CCRB. While there are some complaint types that are never appropriate for mediation – cases involving force with a serious injury or sexual misconduct, for instance – complainants in cases that investigators believe may be suitable for mediation are offered the opportunity to engage in a guided discussion with the subject officer. Approximately 38% of complainants are offered the opportunity to mediate, and of those, 43% choose to do so. Mediations are conducted by trained professional mediators who do not work for the CCRB, and at any point, the complainant may withdraw from the mediation process and request that the case

be returned to the Investigations Division. In 2018, 93% (232) of mediations were successfully completed, and 7% (18) were returned to the Investigative Division.

DATA AND TRANSPARENCY

There are thousands of complaints of misconduct that the CCRB impartially investigates each year. While we can't provide officer-specific information on cases given the limitations of Civil Rights Law §50-a, we do provide the public a clear service: without the CCRB, no one would know that these incidents occurred, and no civilian would ever investigate them or prosecute them. In an effort to provide the public with a window into the police disciplinary process, the CCRB Policy Unit tracks and analyzes a wide variety of data points, and frequently provides aggregate data to the public. The Agency presents up-to-date trends and findings on an ongoing basis at public Board meetings, in hundreds of pages of monthly statistical reports and Annual and Semi-Annual Reports, in an annually-updated large-scale dataset on the New York City Open Data Portal, and via our Data Transparency Initiative, or "DTI," available on our website, which provides 55 interactive graphics with downloadable data containing up-to-date information on all of our complaints, allegations, complainants, and subject officers. The Unit is also immediately responsive to public inquiries for data. The Agency is committed to making as much of its data public as possible via innovations to its DTI. Visitors can view, interact with and download CCRB data on four key areas of the Agency's work: (a) complaints; (b) allegations; (c) victims and alleged victims; and (d) members of service. The DTI presents 10 years of CCRB data covering more than 72,000 complaints, 210,000 allegations of police misconduct, 86,000 victims and alleged victims, and encompasses the approximate 36,000 current NYPD officers over their entire careers. The DTI also has a feedback form to allow members of the public to tell us what other kinds of data they want to see on our website, and we are in the planning stages of revising the interactive graphics on the DTI to be even more responsive to what the public wants to know.

TRAINING INITIATIVES

The CCRB continues to expand training for investigative staff, and the Agency's Training Unit is regularly consulted by other oversight agencies to offer guidance and support in training development. The Agency remains committed to expanding and improving the training given to new investigators, as well as implementing expanded and more sophisticated training for more experienced investigators. The Training Unit regularly revises and improves new investigator training, which is an in-house, competency-based, multi-week training program for all new investigators, including topics such as: the NYPD Patrol Guide, investigative and interviewing techniques, evidence gathering, and substantive issues surrounding the types of cases that fall within our jurisdiction under FADO.

Internal and external changes at the Agency also dictate changes in CCRB training. In September 2018, CCRB staff participated in an eight-hour Mental Health First Aid Certification Training

(MHFA), bringing the total number of MHFA Certified staff to 150. CCRB representatives from the Policy, Legal, Investigations, and Training Units also audited 40 hours of NYPD Crisis Intervention Training (CIT) at the NYPD Academy in College Park. To address the growing amount of video footage received by the agency, in 2018, the CCRB acquired licenses for INPUT-ACE Video Analysis Software, a multimedia workflow engine for police investigators that assists in streamlining the analysis and processing of video evidence. In October 2018, CCRB investigators, members of the Training Unit, and APU attorneys participated in a two-day training on forensic video analysis. The training, conducted by Forensic Video Solutions, focused specifically on video examinations relating to use of force, motion, timing, image refresh rate reliability, and the interpretation of police body worn and in-car video systems.

Following the Board's February 2018 vote to begin investigating sexual misconduct, the CCRB embarked on a two-phase program: Phase One called for the Agency to immediately begin investigating allegations of sexual harassment; Phase Two allowed for the Agency to begin investigating sexual assault allegations once the CCRB staff was properly trained to handle those types of allegations. In the spring of 2018, investigators received training on allegations of sexual harassment and began investigating Phase One complaints. In the fall of 2018, investigators received more in-depth training in preparation for Phase Two implementation. In October 2018, select investigations staff received 40 hours of training from Bellevue Hospital Center's Victim Advocacy Training Program on trauma and working with victims of sexual assault. In partnership with the NYC Alliance on Sexual Assault (the Alliance), Training staff also began a multi-part training series on sexual misconduct. The first training, held in December 2018, focused on Understanding the Neuroscience of Trauma. Upcoming training sessions will focus on: sexual assault and understanding rape culture, documenting a sexual assault investigation, and vicarious trauma are scheduled for 2019.

CONCLUSION

For the current Fiscal Year (FY) 2019, the CCRB has a modified budget of \$17,173,879: \$13,102,052 for Personnel Services (PS) and \$4,071,827 for Other Than Personnel Services (OTPS), a category which includes funding for, among other items, training initiatives and digital video storage. The authorized headcount for FY 2019 and 2020 is 183 positions: 110 positions in Investigations; four positions in Mediation; 20 positions in the APU; eight positions in Policy and Advocacy; six positions in Outreach and Intergovernmental Affairs; three positions in Training; and 32 positions in Administration.

With the support of the Administration and the Council, the Agency is stronger than ever and better able to accomplish its mission, to provide strong, effective, and independent civilian oversight for the New York City Police Department, but there is far more to be done. I am confident that with your help, the CCRB will continue to flourish, improve, and lead the way in civilian oversight nationally. Thank you for your time and continued support.



New York City Anti-Violence Project
116 Nassau Street, 3rd Floor
New York, New York 10038
212.714.1184 voice | 212.714.2627 fax
212.714.1141 24-hour hotline

Audacia Ray, Director of Community
Organizing and Public Advocacy
aray@avp.org

Good morning and thank you to Chair Richards and the Committee on Public Safety. My name is Audacia Ray, and I am the Director of Community Organizing and Public Advocacy at the New York City Anti-Violence Project. For nearly 40 years, AVP has served New York's lesbian, gay, bisexual, transgender, queer (LGBTQ) and HIV-affected survivors of violence through direct services and advocacy.

AVP operates a 24/7 hotline that is bilingual in English and Spanish and we are the only certified rape crisis counseling center for LGBTQ people in New York State. We receive a hotline call from a survivor every three hours, and through that initial point of contact, LGBTQ and HIV-affected survivors access free counseling, economic empowerment, and legal services. With the support of AVP staff, survivors make safety plans, get orders of protection, and make difficult decisions about the ways they may or may not want to utilize law enforcement in their personal situations.

AVP works toward public safety by providing services for individuals who have survived violence and centering their needs, and we also collaborate with community members across the city to build safety in community. When we think about public safety, we think about how we build safety together. For AVP and for the LGBTQ people we serve, public safety is about having access to affordable housing, having access to livable wages in a workplace that doesn't discriminate, being able to walk down the street without fear of harassment or arrest, and being able to live our lives without fear.

In 2017, New Yorkers reported 325 hate crimes to the NYPD and these incidents spanned many identities. In the same year, AVP received 282 hotline calls about hate violence incidents that LGBTQ community members had experienced. LGBTQ people turn to AVP because they trust us to hold and honor their identities in a moment that is difficult for them. Some survivors who come to AVP do want to report to the NYPD and we support them in doing so. But many wish to seek resolution and healing in other ways, and that must be honored. As part of a new Hate Violence Prevention Initiative we are seeking support for, AVP is collaborating to do community-based work coordinated by a coalition of groups working across identities to make New York safer for our communities. Hate violence and bias incidents must be prevented in community, not by the police or by prosecutors.

Lastly, this year AVP is joining with the Trans Equity Initiative and seeking support for the services that we provide that are specific to trans, gender non-conforming, and non-binary New Yorkers. TGNCNB New Yorkers regularly face violence in their relationships, on the streets, in their housing, and at their jobs. Every day, AVP supports survivors to get their individual needs met as well as to advocate for the needs of the TGNCNB community.

Testimony
New York City Council Public Safety Committee
March 19, 2019
From Ralph Palladino, 2nd Vice President Local 1549

1) Civilianization Saves Tax Dollars

We thank the City Council for supporting Civilianization of the New York City Police Department (NYPD) in the past. We ask you to proactively encourage the city administration and NYPD to follow through on their promise to FULLY civilianize. Why does it take five years to complete this good government policy, which is supported by the Independent Budget Office, the Citizens Budget Commission, and the last four City Comptrollers? While the NYPD has civilianized some positions, they have not been forceful enough addressing many desks that should be staffed by PAA's. A current Civil Service list exists for PAA with hundreds of New Yorkers seeking decent jobs on it who paid a fee on it. Move the list in order to civilianize.

Local 1549 and DC 37 won three NYPD arbitrations on Civilianization, including judgments against the appeals by the city. The former administration just ignored the rulings. The current city administration is doing the same.

There are still approximately 500 able bodied uniformed personnel in the NYPD, including *Police Officers, Traffic Enforcement Agents* and *School Safety Agents* who still perform the jobs of clerical employees, doing routine tasks of Police Administrative Aides (PAA) such as answering phones, taking reports, responding to inquiries, filing, roll call and payroll among others. Uniformed personnel can be better utilized in *community policing, enforcement, protecting pedestrians from accidents and in making schools safer*. The NYPD, City Council and union had agreed four years ago that 750 such positions could be civilianized. The number of PAA's has actually decreased to a five-year low. Why?

Failing to civilianize is an outrageous waste of taxpayers' dollars. It is estimated by various sources, including former City Comptrollers, Public Advocates, the Citizens Budget Commission and the Independent Budget Office that **NYPD Civilianization could save the taxpayers anywhere between \$17 and \$127 million dollars. Our latest figures, factoring in our members' collective bargaining raises, but NOT those of uniformed personnel, show an approximate savings of: \$30 million recurring yearly (see attached).**

Civilianization saves tax dollars, enhances public safety and health, and creates jobs for New Yorkers. It is good public policy! What better time to invest in such long term savings when there is such a large budget surplus!

Ask for Civilianization

We request that the City Council leadership and membership engage the NYPD and City Administration to complete the requirements of the three arbitrations case decisions, and finish Civilianization for the Police Administrative Aide positions so as to stop wasting city tax dollars and enhance public safety. We also request any financial assistance be given to the NYPD if necessary to complete these legal requirements.

2) NYPD 911 System Staffing

We thank the City Administration and NYPD for increasing staffing levels three years ago for 911 personnel. We support the NYPD's request to City Hall for hiring 100 PCT's. We thank Commissioner O'Neill. The staffing levels fluctuate due to attrition and occasional new hires failing the training program. The stress level, demands of the job contribute to the high numbers for attrition. Many of those eligible for retirement are doing so also.. Staffing must be monitored constantly. The additional staffing has helped alleviate overtime, sick leave and stress. The centers receive just over 9 million calls. Note that the texting requirements of the job have not begun as of yet.

Now, however, the amount of overtime has begun to rise again by roughly \$2 million from 2017 to 2018 (approx. \$7 million to \$9 million). This adds additional stress to these first responders. When the new texting duties are added to their job requirements there will be added pressures of the job for the PCTs. Stress and burn-out, we believe is, partially responsible for absenteeism and the high turnover rate. Now, there are two Public Safety Answering Centers with many empty cubicles that could be staffed by Police Communication Technicians (PCT) and supervisors (SPCT).

Asks for 911 Surcharge expenditures

We believe there should be 500 more PCTs/SPCTs added to the staffing levels for both PCAC's. This would improve services on a 24-hour basis. We believe that texting and possibly imaging job requirements will require a separate unit for the PCTs to be assigned to perform those functions. Additional hiring will be a necessity if this work is to succeed.

We also request that the City Council press the NYPD and City Administration to request funding from the state, already included in the state budget, for proper funding from the 911 Surcharge that is generated by the tax that appears on the cell and telephone bills. (See that attached information on that and failure of the state to use the funds.) We further request that the City Council leadership and entire membership do what the Public Safety Chair did by penning a letter to the governor requesting that the 911 Surcharge funds be used for the purpose for which is intended. That would be to enhance the 911 systems.

Addendum 1- Civilianization Savings

NYPD: PAA/ SPAA Headcount Comparison 2014 - 2019

	1/13/14	1/28/15	1/8/16	1/12/17	1/1/18	1/1/19
P.A.A.	1479	1478	1414	1385	1330	1277
S.P.A.A.	852	866	874	887	888	862

P.A.A. = Police Administrative Aide

S.P.A.A. = Senior Police Administrative Aide

DC 37 HEADCOUNT NUMBERS

CIVILIANIZATION Cost Savings Documented

DC 37 latest analysis of cost savings for Civilianization of the NYPD. The numbers from DC 37 Research and Negotiations reflect the inclusion of the collective bargaining increases for our members including health benefits.

NYPD- 750 (this is the number set by the NYPD and City Council and we are agreeable to it)
500 (This is the approximate number of positions still not civilianized as of late 2014 as per the NY City Council)

These are positions where *able bodied uniformed employees* are performing routine clerical duties. These duties include roll call, payroll, answering phones, filing, etc. There are currently civil service lists that are pending where these positions can be filled with able candidates. None of the job descriptions for the work being performed are different that the job descriptions contained in the Civil Service Job Specifications.

See below:

NYPD- Using the incumbent rates after 5 years a uniformed police officer would be a cost of \$87,119.20 (current) and approximately \$95,831 (factoring in the pattern for collective bargaining) and a Police Administrative Aide would cost \$51, 658.60. The additional cost for a uniformed employee is \$35,460.60. Multiplied by 500 positions is **\$26,595.450 annually.**

(\$30 million approximately annually factoring in NYPD uniformed collective bargaining agreement not yet finished negotiation but based on pattern of other agreements.)

500 positions civilianized this year would save \$30 million per year for each future year

Addendum 2: 911 Surcharge

METRO

FCC: New York is siphoning millions meant for emergency communications

By [Gregory Bresiger](#) New York Post

January 5, 2019 | 9:19pm

-

AP

New York's 911 communication services are in a state of emergency themselves as Albany siphons off hundreds of millions of dollars in much-needed funds to state coffers, an FCC commissioner says.

Under a federal statute, states are allowed to collect taxes on cellphones but must use all the money for emergency communications services.

However, New York "diverts" some of the money to other things, a federal regulator says in a new report.

The Federal Communication Commission's Michael O'Rielly complains that New York is now one of only three states that continue the practice.

New York uses these 911 funds “for either non-public safety or unspecified uses,” [according to the annual FCC report](#), titled “On State Collection and Distribution of 911 and Enhanced 911 Fees and Charges.”

“This harmful behavior short-changes call centers and prevents necessary upgrades, thereby threatening the public’s safety at their most vulnerable time, or it deceives consumers by stealing their money for other spending purposes,” O’Rielly wrote in the latest report.

The FCC “has found New York to be a diverter of 911 fees every year since 2009,” according to the latest report.

A spokesman for New York State Comptroller Thomas DiNapoli referred questions to the state Assembly, which initiates all money bills, and the governor.

A spokesman for the Assembly Speaker’s office didn’t respond to repeated questions. But a spokesman for Gov. Cuomo said the money is properly used.

Still, O’Rielly insists New York doesn’t comply.

Indeed, the report found that about 90 percent of these emergency communications funds were not spent on 911 purposes in 2017.

Cellphone fees generated about \$189 million in revenue for New York, the FCC report said, and about 42 percent of that went into the General Fund.

That “by itself provides sufficient basis to identify New York as having diverted 911 fees for non-911 purposes,” the report said.

A spokesman for the governor at the New York State Division of the Budget challenges the FCC report.

“New York’s cellular surcharge is used to upgrade public-safety communication systems and support emergency services operations statewide, including through the provision of interoperable communications

grants," the spokesman said. "These programs are providing critical funding to help first responders at all levels of government communicate faster and respond sooner."

The state spokesman added New York officials are obligated to put large amounts of these charges into the General Fund.

"New York State Tax Law Section 186-f requires that the General Fund, being the primary funding source for the State's public safety activities, receive 41.7 percent of the revenue from this fee," the state spokesman said.

Still, a spokeswoman for O'Rielly said New York makes "excuses" for not complying and that most states now spend 911 money as prescribed by federal rules.

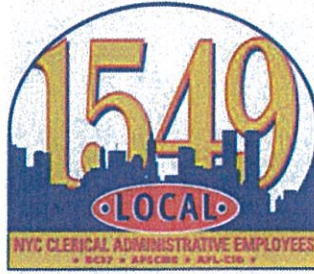
Lawyer Scott Mackey of the Tax Foundation think tank says, "New York is one of only a few states that diverts funds routinely."

Mackey, who has studied the use of 911 money across the United States, warns that emergency communications services are affected.

"I am not a NY resident," Mackey adds, "but I think New Yorkers might be concerned that 911 system improvements could be delayed because funds are used for other purposes."

O'Rielly says he will keep pushing for states to use 911 funds only for the designated purposes.

"Having had some success this year eliminating diversion by some states and territories," he writes, "this year's list highlights how much more work remains and how it is clear that some repeat offenders cannot be shamed (e.g., New York, New Jersey, Rhode Island)."



Local 1549's EMERGENCY FY 2019 Budget Request:

Immediately Hire Five Hundred (500) NYPD Police Communications Technicians (PCTs) with Corresponding Promotions to Supervising Police Communication Technicians (SPCTs)

to Address the Current Overtime and Staffing Crisis at the Communications Division

Rationale for Emergency Budget Request:

In FY 2014, Local 1549 made a Budget Request to the City Council for the immediate hiring of four hundred (400) NYPD Police Communications Technicians with corresponding promotions to Supervising Police Communication Technicians to address the overtime crisis at the Communications Division. The City Council at that time included the hiring of 200 NYPD Police Communications Technicians in the budget, which alleviated the overtime staffing crisis at that time.

Local 1549, as the sole and exclusive collective bargaining representative of these employees, is appreciative to the Speaker, Mayor and Police Commissioner and the Commanding Officer of the Communications Division, for the budget consideration and implementation. It made a real impact for a most effective and efficient Call Center. The best in the nation.

At this time, Local 1549 requests an emergency budget allocation for the hiring of five hundred (500) PCTs with corresponding promotions to SPCT, because the understaffing, as measured by paid overtime, still exists and several additional significant factors must be addressed. Local 1549 pursues this matter in line with Article V of the Clerical Unit Contract, Productivity and Performance:

“Delivery of municipal services in the most efficient, effective and courteous manner is of paramount importance to the Employer and the Union. Such achievement is recognized to be a mutual obligation of both parties within their respective roles and responsibilities.”

^aPCT Total Compensation \$76,216 x 500 New PCTs = \$38,108,000.

NYC Clerical-Administrative Employees Local 1549, District Council 37, AFSCME, AFL-CIO, 125 Barclay Street, New York, New York 10007; 212.815.1549.

Rationale for Emergency Budget Request Continued:

- A Local 1549 analysis and assessment of the appropriate positions required to staff two (2) Public Safety Answering Centers (PSACs I and II) suggests the hiring of an additional five hundred (500) Police Communications Technicians, Code Number 71012 and Supervising Police Communications Technicians, Code Number 71013; C-Xi Police Communications Technician Occupational Group (292).
- Increased cell phone usage, increase in the number of tourists visiting NYC and heightened frequency of terrorist alerts.
- A Local 1549 analysis of PCT attrition requires a preemptive hiring factor.
- PSACs I and II require staffing to handle 911 computer system glitches and crashes.
- NYPD'S NEXT GENERATION 911 (NG911) deployment requires a preemptive hiring factor:

911.gov indicates: "For more than 40 years, the 911 system has served the needs of the public in emergencies. Next Generation 911 (NG911) will enhance the 911 system to create a faster, more flexible, resilient, and scalable system that allows 911 to keep up with communication technology used by the public.

Put simply, NG911 is an Internet Protocol (IP)-based system that allows digital information (e.g., voice, photos, videos, text messages) to flow seamlessly from the public, through the 911 network, and on to emergency responders. While the technology to implement NG911 systems is available now, the transition to NG911 involves much more than just new computers. Implementing NG911 will include activities of many people, who will coordinate efforts to plan and deploy a continually evolving system of hardware, software, standards, policies, protocols and training."

- Elimination of excessive overtime to ensure an attentive staff to assure a near zero error rate.
- Adequate staffing to cover PCT and SPCT training sessions.

Background for the Emergency PCT Budget Request:

The understaffing of the Police Department's Communications Section results in excessive and unreasonable ordered overtime for 911 operators and dispatchers. This causes debilitating stress, burnout, exhaustion and poor health which is evidenced by abnormally high rates of reporting sick. Emergencies, such as a major snowstorm, hurricane, blackout, etc. further exacerbate this condition.

In April 2013, the 1,030 Police Communication Technicians (PCT) and 130 Supervising Police Communication Technicians, (SPCT) represented by Local 1549 had a total Chapter membership of 1,160 members at NYPD 911.

At that time, these numbers still represented severe understaffing. Local 1549 requests the immediate emergency hiring of an additional 500 Police Communication Technicians to properly handle emergency police calls to 911 and end the excessive overtime for some staff members. In addition, we need to hire SPCTs to supervise and manage emergencies.

After the City Council increased the budget head count by 200, we had (January 2018) the following PCT and SPCT staffing²:

Title:

Number:

Supervising Police Communication Technicians	174
Police Communication Technicians	1,345
Total	1,519

911 Overtime Crisis for the Period 2008-2017:

The cost of Police Communication Technicians (PCT) and Supervising Police Communication Technicians (SPCT) excessive overtime is listed below:

2008: \$2,149,471.80

2009: \$1,866,669.60

2010: \$3,234,452.90

2011: \$3,377,256.20

2012: \$4,030,705 Est.

2013: n/a

2014: \$8,212,521*

2015: \$6,424,546*

2016: \$6,732,203*

2017: \$7,746,311*

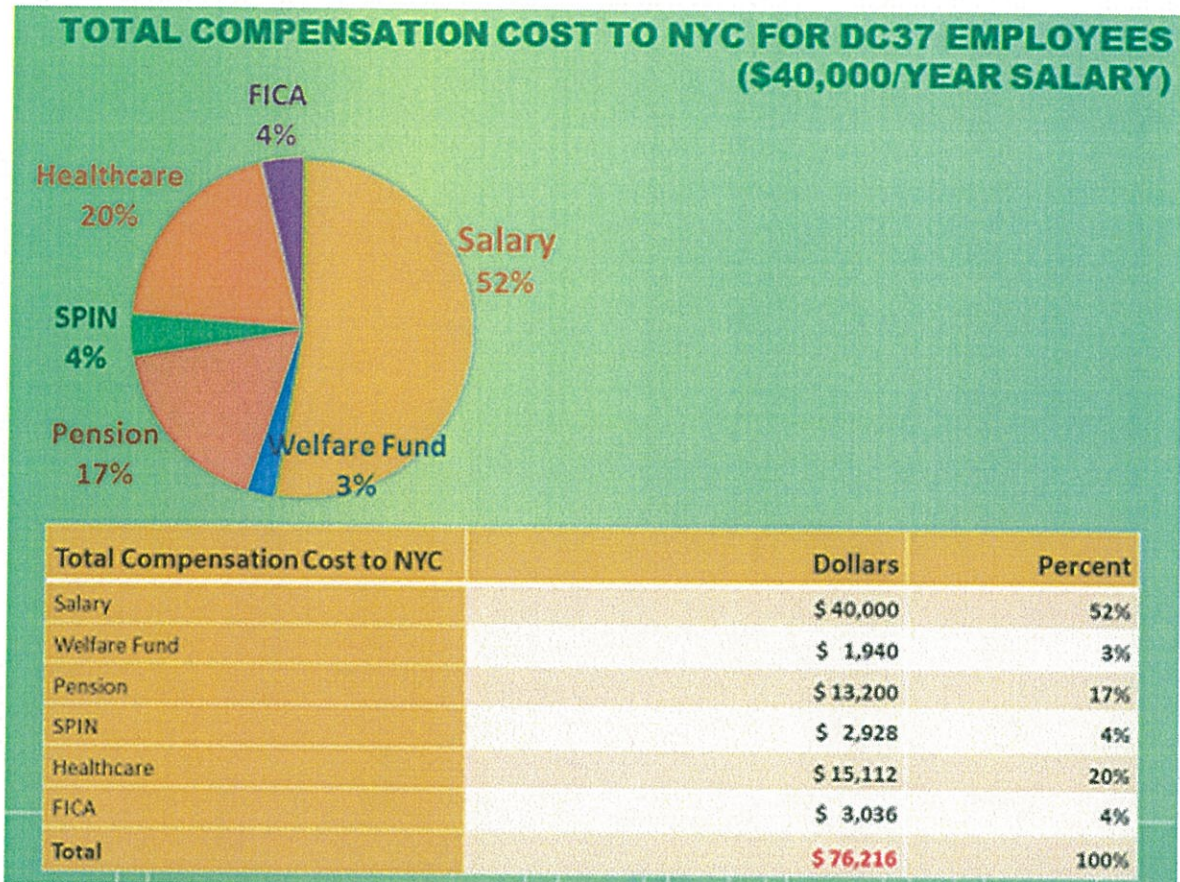
2018: \$9,101,118*

Note: *Based on NYC Payroll Data

Table 1
NYPD's PCT, SPCT Staffing, and 911 Call Volume
for the Period 2009 to 2017²:

Date	PCT	SPCT	Total Staff	Call Volume
2018	1168 Est.	166 Est.	1334Est.	9,000,000 Est.
2017	1168	166	1334	n/a
2016	1195	139	1334	9,404,025
2015	1265	141	1406	9,973,747
2014	1193	127	1320	9,986,890
2013	1030	130	1160	n/a
2012	1076	126	1202	13,000,000 Est.
2011	1084	128	1212	11,241,115
2010	1046	131	1077	11,052,108
2009	1168	131	1299	10,853,522

Table 2



³Local 1549 Fiscal Note: Source: DC 37 Research and Negotiations Department, AFSCME, AFL-CIO June 2017. SPIN is an adjustment for □ Assignment differentials □ Service differentials □ Longevity payment □ Uniform allowance.

Funding Sources for 500 Newly Hired PCTs:

[PCT Total Compensation \$76,216 x 200 New Hires = \$38,108,000].

The proliferation of cell phones and hand-held devices, along with a heightened awareness of the threat of terrorism (e.g.: 'See something, say something' and the new 'Opioid Crisis Public Services Announcement Program'), has increased the call volume to the point that Communications Section personnel handle as many as 13 million calls in a single year.

Funding Sources:

I. Local 1549 Budget Request: Converting Paid NYPD PCT/SPCT (911) Overtime into New PCT Hires.

NYPD's PCTs and SPCTs perform a 24 hour/7 day a week /365 days a year life saving service for the citizens of New York City. They are the "first of the first responders⁴."

Local 1549 contends that 911 excessive overtime is problematic from a productivity point of view in a most critical service.

The historic amount of overtime indicates a chronic staff shortage that results in operator fatigue which drastically increases the potential for human error. Additionally, increased fatigue results in a higher sick rate, which results in an increase in overtime assignments. Local 1549 recommends that the New York City Council explore the emergency conversion of paid NYPD PCT overtime into new PCT (911) hires in the FY 2018 Budget at no additional costs.

Local 1549 recommends that the New York City Council explore the emergency conversion of paid NYPD PCT overtime into new PCT (911) hires in the FY 2018 Budget

Converting paid NYPD PCT /SPCT (911) overtime into New PCT Hires can offset the cost of the new hiring.

Table 3

A Projection of Converting Paid NYPD PCT /SPCT Overtime into New PCT Hires to Offset the Cost of the New Hiring.

2008: \$2,149,471.80 ÷ \$46,790 equals **50** Newly hired PCTs (Based on 2008 salary).
2009: \$1,866,669.60 ÷ \$46,790 equals **40** Newly hired PCTs (Based on 2009 salary).
2010: \$3,234,452.90 ÷ \$46,790 equals **70** Newly hired PCTs (Based on 2009 salary).
2011: \$3,377,256.20 ÷ \$46,790 equals **72** Newly hired PCTs (Based on 2009 salary).
2012: \$4,030,705 Est. ÷ \$46,790 equals **86** Newly hired PCTs (Based on 2009 salary).
2013: N/A
2014: \$8,212,521 ÷ \$76,216 equals **108** Newly hired PCTs (Based on 2017 salary+benefits).
2015: \$6,424,546 ÷ \$76,216 equals **84** Newly hired PCTs (Based on 2017 salary+benefits).
2016: \$6,732,203 ÷ \$76,216 equals **88** Newly hired PCTs (Based on 2017 salary+benefits).
2017: \$7,746,311 ÷ \$76,216 equals **101** Newly hired PCTs (Based on 2017 salary+benefits).
2018: \$9,101,118 ÷ \$76,216 equals **119** Newly hired PCTs (Based on 2017 salary+benefits).

Attrition

The PCT/SPCT Chapter explains that members are leaving to join other uniform agencies to become Police Officers or Correction Officers. This a large part of the current attrition.

- II. The Various 911 Surcharges Must Be Reviewed and a Fairer Amount Retained by New York City and Allocated to the NYPD Communications Division. The NYS Department of Home Land Security should issue a Grant to Cover the Cost for the Additional PCTs.**

Table 4

NYC 911 Tax Rate by Phone Service⁴:

Source: NYC Finance Department

Every month New York City cell phone users pay an extra \$1.20 on their bills, a state mandate. The surcharges were established to provide for the adequate funding and staffing of 911 operations and to evolve as the telecommunications devices used by the public changes.

NYC E-911 Surcharge for Telecommunications Services⁴:

“Wireless, landline and Voice over Internet Protocol (VOIP) telecommunications service providers include a 911 surcharge on all New York City customer bills. All affected telecommunications service providers are required to collect this surcharge and pass it along to the City minus a 2% administrative fee. Source - NYC Department of Finance website:

Service	Monthly Surcharge	
Wireless	30 cents	per wireless device
Landline	\$1.00	per line

www1.nyc.gov/site/.../business-e911-surcharge-for-telecommunications-services.page

New York State Department of Taxation and Finance Office of Tax Policy Analysis Taxpayer Guidance Division⁴, Public Safety Communications Surcharge, TSB-M-09(8) C Corporation Tax August 27, 2009.⁵

“Chapter 56 of the Laws of 2009 repealed County Law, section 309, *State Wireless Communications Service Surcharge*. The surcharge was replaced with a new Tax Law section: Article 9, section 186-f, *Public Safety Communications Surcharge*. Chapter 56 also amended Article 9, section 186-e.8 to provide that the public safety communications surcharge and any administrative fees retained by a wireless communications service supplier for collecting the surcharge will not be included in gross receipts when the supplier calculates the excise tax on telecommunication services imposed under Article 9, section 186-e. These amendments are effective September 1, 2009.

Continuing (NYS) provisions

“The following are the provisions that were imposed under County Law section 309 that are now imposed under Tax Law section 186-f.

“A monthly \$1.20 fee is imposed for **each** device used to access wireless communications services. The surcharge is to be collected by wireless communications service suppliers from their customers. Therefore, wireless communications service plans that include multiple devices are subject to the surcharge on **each** device regardless of the pricing structure for the plan.

“The surcharge applies to all wireless communications services if the wireless communications customer’s *place of primary use* is in New York State. The *place of primary use* is the primary business street address or primary residential street address of the customer, within the licensed service area of the wireless communications service provider.

“A *wireless communications service* is any commercial mobile service, as that term is defined in section 332(d) of Title 47 of the United States Code, as amended from time to time, including, but not limited to, all broadband personal communications services, wireless radio telephone services, geographic-area specialized and enhanced specialized mobile radio services, and incumbent-wide area specialized mobile radio licensees, which offer real-time, **two-way** voice or data service that is interconnected with the public switched telephone network or otherwise provides access to emergency communications services.

“A *wireless communications device* is any equipment used to access a wireless communications service. Examples of wireless communications devices on which the surcharge is imposed include cellular telephones, two-way beepers, and other devices (for example, PDAs and handheld or laptop computers, etc.) that have two-way wireless communications capabilities over a public switched network.

“Examples of devices on which the surcharge is **not** imposed include one-way beepers, walkie-talkies, and medical lifeline services.” Source: <https://www.tax.ny.gov/bus/pscs.htm>

The Federal Perspective from The FCC⁶:

An Excerpt from the EIGHTH ANNUAL REPORT TO CONGRESS ON STATE COLLECTION AND DISTRIBUTION OF 911 AND ENHANCED 911 FEES AND CHARGES FOR THE PERIOD JANUARY 1, 2015 TO DECEMBER 31, 2015 Submitted Pursuant to Public Law No. 110-283 FEDERAL COMMUNICATIONS COMMISSION Tom Wheeler, Chairman December 30, 2016:

“The New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act) requires the Commission to submit an annual report to Congress on the collection and distribution of 911 and Enhanced 911 fees and charges by the states, the District of Columbia, U.S. territories, and Tribal Nations (states and other reporting entities). As part of its annual review, the NET 911 Act requires the Commission to report whether 911 fees and charges collected by states and other reporting entities are being used for any purpose other than to support 911 and Enhanced 911 (E911) services.”

The City Council needs to assist in this matter. The Federal Communications Commission finds Illinois, New Hampshire, **New York**, Rhode Island, and Puerto Rico used a portion of their 911/E911 funds for either non-public safety or unspecified uses in 2016.

Local 1549 contends that emergency personnel require emergency funding and that before dedicated emergency tax funds are diverted away to non-emergency uses the emergency function staffing must be funded in an appropriate manner.

Notes:

1. **911.gov**: <https://www.911.gov/pdf/National-911-Program-2016-ProfileDatabaseProgressReport>.

2. Source: **PCT and SPCT headcount** reported per SP112 DC 37 Membership Department.

3. **Clerical Unit Agreement between NYC** and DC 37 March 3, 2008 to March 2, 2010, Article III, Section b, p.12; Arbitrator’s Award, DC 37, 4 OCB2d 53 (BCB 2011) and 2010-2017 Memorandum of Agreement District council 37 and the City of New York.

4. **NYC 911 Tax**: www1.nyc.gov/site/.../business-e911-surcharge-for-telecommunications-services.page

5. **NYS 911 Tax Authorization Laws**: <https://www.tax.ny.gov/bus/pscs.htm>.

6. **The Federal Perspective from The FCC**: EIGHTH ANNUAL REPORT TO CONGRESS ON STATE COLLECTION AND DISTRIBUTION OF 911 AND ENHANCED 911 FEES AND CHARGES FOR THE PERIOD JANUARY 1, 2015 TO DECEMBER 31, 2015 Submitted Pursuant to Public Law No. 110-283 FEDERAL COMMUNICATIONS COMMISSION Tom Wheeler, Chairman December 30, 2016:
https://apps.fcc.gov/edocs_public/attachmatch/DA-17-61A2_Rcd.pdf

7. **The City of New York Adopted Budget – Fiscal Year 2018 Supporting Schedules** Operating Budget, Agency: 056 **POLICE DEPARTMENT** Unit of Appropriation: 01 Operations, Responsibility Center: 1610 **Communications Division**, page 692. Includes other civilian positions other than PCTs and SPCTs:

Agency: 056 **POLICE DEPARTMENT**

Unit of Appropriation: 01 **Operations**

Responsibility Center: 1610 **Communications Division**

<u>Object Class</u>	<u>#POS</u>	<u>Amount</u>
01 F/T Salaried 001 F/T 001 Full Year Positions	1,557	\$75,170,380
004 F/T Full Time Uniformed	90	\$ 9,510,008
Sub Total F/T Salaried	1,647	\$84,680,388

Recent Editorial about NYS misuse of 911 Surcharge:

“Put cell phone tax proceeds where they belong by Bob Confer Commentary, January 28, 2018.”



LOCKPORT UNION-SUN & JOURNAL

Lockport, NY 14094, (716) 439-9222 Main, Publisher^[1], John Celestino - (716) 439-9222 Ext. 2280

www.lockportjournal.com/...tax.../article_0ec6082a-91b7-50a5-8691-9c8e5f08ff67.h...

- If you look at your cell phone bill you will see a \$1.20-line item called the “New York Public Safety Communications Surcharge.” Originally appearing as an E911 tax, it was put into place in the 1990s — at 70 cents per month — to provide the state with money to upgrade 911 call centers and public safety communications systems.
- By intent, it was a worthwhile tax as emergency dispatchers needed to keep up with the explosive development of wireless phone technology. Plus, as we unfortunately saw during the horrific events of Sept. 11, interoperability of two-way devices for police officers and firemen was a “must-have” that they didn’t have at all.

- But, intent and reality are two entirely different things, especially when it comes to government and money.
- Misappropriation might be too strong a word (since it implies criminality), but there is likely no more accurate term to describe the state's ongoing misuse of this tax. Of the \$14.40 that you pay into the purported use of the tax each year, only about \$5 goes to where it belongs. The rest — \$9.40 — is put into the state's general fund and spent on anything under the sun.
- At first glance, it may seem like a pittance to some folks, but consider the growth of the cell phone industry since the tax came to be. Cell phones of all shapes and styles are now used by what seems to be every man, woman, and, yes, child in the Empire State. What once was a luxury has taken on an air of necessity. The family that used to share one landline now has wireless devices for everyone in the household. Putting that to numbers: Last year, there were over 238 million cell phones in the United States. In 1991, when the legislature introduced the tax, there were only 7.5 million cell phone subscribers in the country. That's a lot of new sources of revenue from which our state — and others — reap.
- In recent years, New York State has collected over \$185 million annually from the tax. That figure is set to grow as: 1.) more smartphones and tablets are being put into circulation; and 2.) the state just put into play in December a revision to the tax that collects another 90 cents at the point of sale on pre-paid phones.
- In most years, only a third to 40 percent of the funds are put to use across the state for their intended purpose. This has been hanging out to dry local taxpayers as municipalities upgrade their communications system to meet today's needs and expectations.
- Case in point, consider what happened with the new police and fire radio system that was launched in Niagara County two years ago. It was not only necessary by federal mandate (a 9/11 aftermath), but also by actual need: If you listened to the police scanner before everyone went digital in 2015, you heard numerous first responders struggling to communicate with dispatch from radio dead zones throughout the county.
- At a price tag of \$10 million it wasn't a cheap investment. Of that amount, only a fifth was funded by the safety communications tax when in theory — and actual designation of state law — it should have been fully funded by the cell phone tax. The other \$8 million to cover the county's project had to come from cash flows and borrowing of money. Local taxpayers were footing the bill.
- It shouldn't be that way. The state isn't playing by its own rules when it comes to the tax. It shouldn't hold the purse strings and pit county against county through a "competitive" grant process for them to get back just a fraction of the amount that was collected. By doing so, the state is tightening the thumb screws on already cash-strapped municipalities and taxpayers while sacrificing their safety in the process.
- This legislative session, the Governor and the Legislature need to develop real strategies to keep the tax out of the general fund. They need to do with the tax exactly what was intended. After all, the state already digs into our phone bills at a 4 percent clip every billing cycle. Let them have that and let us have what we deserve and what we need.



520 Eighth Avenue, New York, New York 10018
p. 646 386 3100
f. 212 397 0985
courtinnovation.org

Research. Development. Justice. Reform.

Greg Berman. Director

Attachments Summary

Public Hearing Testimony

Bronx District Attorney's Office's Letter of Support

Kings County District Attorney's Office's Letter of Support

Mental Health Application Informational Graphic

Fiscal Year 2019 City Council Impact Map Excerpt

Executive Director's Request for Support

Fiscal Year 2020 Application Summaries

Operating Programs Bronx Child Trauma Support, Bronx Community Solutions, Brooklyn Justice Initiatives, Brooklyn Mental Health Court, Brooklyn Treatment Court, Brooklyn Young Adult Court, Brownsville Community Justice Center, Civil Alternatives, Crown Heights Community Mediation Center, Domestic Violence Court, Harlem Community Justice Center, Harlem Reentry Court, Legal Hand, Midtown Community Court, Newark Community Solutions, Parent Support Program, Peacemaking Program, Poverty Justice Solutions, Project Reset, Queens Youth Justice Center, Red Hook Community Justice Center, Save Our Streets, Staten Island Justice Center, Strong Starts Court Initiative, Supervised Release Program, UPNEXT, Westchester Court Education Initiative, Youth Court, Youth Justice Board



520 Eighth Avenue, New York, New York 10018

p. 646 386 3100

f. 212 397 0985

courtinnovation.org

Research. Development. Justice. Reform.

Greg Berman, Director

**Center for Court Innovation Testimony
New York City Council
Committee on Public Safety and Justice System
Preliminary Budget Hearing
March 19th, 2019**

Good Evening Chairman Lancman, Chairman Richards and members of the Committee on Public Safety and Justice System. My name is Erika McSwain and I am the Project Director of the Queens Youth Justice Center. I'm here with Shane Correia, who is the Associate Director of Strategic Partnerships at the Center for Court Innovation. We thank you for the opportunity to speak today.

I am here to request the Council to support the Center for Court Innovation as it seeks to renew and strengthen the work we do with over 75,000 New Yorkers annually in early diversion, youth and adult alternatives-to-incarceration, and mental health support for children.

Researchers have documented that our operating programs throughout the city have decreased violence, aided victims, reduced the use of jail, and transformed neighborhoods. Our City Council funded work has provided individuals with meaningful off-ramps from a cycle of poverty and recidivism to real integration back into their communities. To continue to accomplish this work, we seek continuation funding for our core Citywide Speaker request, our youth-focused supervised release programming, and our pre-court diversion (Project Reset) programming.

Reset specifically permits New Yorkers to resolve low-level misdemeanors without ever setting foot in a court, and the case disappears from the criminal justice system as a declined-to-prosecute, avoiding many of the collateral consequences associated with a prosecuted case. **Reset cases have been evaluated to be resolved significantly more quickly than traditional criminal court cases, and participants have a lower likelihood and frequency for new arrests. Building off the program's success, Council provided mid-year FY19 support to begin borough-wide implementation of Project Reset in Brooklyn and we seek Council's support to continue this expansion in FY20.**

We also seek Council's support to bring innovative public safety models to more New Yorkers. To that end, we propose more opportunities for expand low-level diversion and decrease recidivism. Specifically, because access to fair justice should not be defined by one's zip code, we ask Council to support the creation of a Far Rockaway Justice Center. The creation of the Justice Center would provide those Queens residents who might not otherwise have access to fairer outcomes or options to engage with the Center's wholistic approach to justice in their own backyard. This would also provide an additional Queens base to deploy Reset programming.

Council's support for citywide expansion of the Center's Driver Accountability Program would complement pending legislation to hold reckless drivers accountable through alternative sanctions, reduce dangerous driving, and save lives for New Yorkers. Since 2015, this group-based intervention for traffic related offenses has been found to reduce the likelihood of rearrests by 40% for those who complete the program.

Finally, we request Council to expand funding available under the Mental Health Initiatives for Vulnerable Populations, and for Court-Involved Youth. We have submitted several applications to permit us to increase mental health access where demand outstrips our current capacity. This includes a request to increase bilingual therapist support for defendants with mental health needs, which has proven to lead to success in court compliance, as well as hiring a psychiatrist to manage client prescriptions while participants complete court mandated mental health treatment

sessions in community. A summary of our applications has been submitted with our testimony.

The City Council's support has been invaluable to our work in improving public safety. We respectfully urge you to continue to support our work and thank you again for the opportunity to speak.



THE DISTRICT ATTORNEY
BRONX COUNTY

DARCEL D. CLARK

March 18, 2019

Speaker Corey Johnson
New York City Council
250 Broadway
Suite 1804
New York, NY 10007

Dear Speaker Johnson and Members of City Council,

I am writing this letter in support of key Center for Court Innovation FY20 City Council applications that will continue funding for Project Reset: Bronx Community Justice and expand alternatives to incarceration and mental health programming for Bronx residents. The Center's proposals complement my Office's vision for the Bronx – to focus on reform that promotes fairness through diversion, reduces the use of incarceration, and provides aid to victims of crimes.

Researchers have documented that the Center's operating programs throughout the City have reduced reoffending, decreased violence, aided victims, reduced the use of jail, and transformed neighborhoods. The Center's work is culturally competent and shaped by the particular needs of each community it serves. To that end, the Center's Bronx-focused proposals respond to two major needs of this borough: increased diversion and enhanced mental health support for both defendants and victims.

With respect to diversion, I encourage the Council to continue funding for the Center's effective Project Reset program, which provides defendants with an option to resolve low-level cases without setting foot in the courtroom.

Unfortunately, many people enter the Bronx criminal justice system in crisis and without access to off-ramps. The Center's Mental Health Services for Vulnerable Populations and Court-Involved Youth initiative applications directly respond to this need. The Bronx Child Trauma Support program offers services through trauma informed intervention models to child victims and witnesses of horrendous crimes, such as rape, attempted homicide, and shootings. Funding would increase the program's capacity to reduce post-traumatic stress symptoms and suicidality for these young victims.

I also urge the Council to fund the Strong Starts Court Initiative, which provides clinical and mental health support to children and their families after a neglect petition is filed. Funding would increase capacity for therapeutic interventions to these individuals. And, with forty

percent of Strong Starts cases including a domestic violence component, this program aligns with the mission of my Office, which places great value in those programs that provide support and safety planning to victims of domestic violence in a non-criminal setting.

Lastly, I urge the Council to explore opportunities that increase driver safety in the Bronx and equip our community with effective options to reduce dangerous driving. Research has found that programs that improve driver accountability in New York City reduce traffic-related recidivism by 40%.

To ensure that the Bronx realizes its vision of equity and fairness within the system, we must ensure that all involved – residents, court players, and service providers – have the necessary tools to succeed. I support the Center's applications to the City Council in bringing these tools to the people of Bronx.

Sincerely,

A handwritten signature in black ink that reads "Darcel D. Clark". The signature is written in a cursive style with a long horizontal line extending to the right.

Darcel D. Clark



ERIC GONZALEZ
DISTRICT ATTORNEY

DISTRICT ATTORNEY
KINGS COUNTY
350 JAY STREET
BROOKLYN, NY 11201-2908
(718) 250-2202
WWW.BROOKLYNDA.ORG

March 18, 2019

Speaker Corey Johnson
New York City Council
250 Broadway
Suite 1804
New York, NY 10007

Dear Speaker Johnson and Members of City Council,

On behalf of the office of the Kings County District Attorney, I write in support of key Center for Court Innovation (the "Center") FY20 City Council applications that will expand early diversion, alternatives to incarceration for dangerous driving and for people charged with felonies, and mental health programming for Brooklyn residents. The proposed programs complement my office's vision for Brooklyn, as announced in Justice 2020— to focus on those people who do the most harm, to reduce the use of incarceration, and to use new approaches to accountability in the community that don't rely on confinement and conviction.

Researchers have documented that the Center's operating programs throughout the city have reduced reoffending, decreased violence, aided victims, reduced the use of jail, and transformed neighborhoods. The Center's work is culturally competent and shaped by the particular needs of each community it serves.

The Center has submitted proposals centered in Brooklyn that involve diversion and alternatives to incarceration. First, the Center seeks to expand its proven and effective Project Reset early diversion program throughout the borough, permitting defendants to participate in a brief intervention that will resolve their low-level case without requiring them to set foot in the court room. Next, to keep our streets safe, the Center has applied to expand its successful Driver's Accountability Program, which has shown participants are 40% less likely to be rearrested for traffic-related crimes than those who do not go through the program. Finally, working with Kings County Supreme Court, our office and defense advocates, the Center seeks to create a Brooklyn Felony ATI Court program to increase the use of closely-supervised community-based services for defendants charged with felonies. I wholeheartedly support the funding of all three programs.

Many people unfortunately reach the criminal justice system in crisis and without off-ramps. The Center's applications within the Mental Health Services for Vulnerable Populations and Court Involved Youth initiatives respond to this need. Funding would provide non-native English clients with quality interventions, allowing them to overcome significant barriers in

receiving mental health treatment. Funding would also provide programming tailored to court-involved youth, engaging a critical population before they become caught in a cycle of justice involvement. To that end, I support the expansion of access to mental health services for those in the justice system through new and expanded funding to the Center for this work.

To realize a new vision of ensuring a safe Brooklyn that builds public trust in a fair and equal justice system requires investment in tools that meet Brooklynites in their communities with innovative models to resolve their cases. The Center for Court Innovation does just that, and I request City Council's support of the Center's applications to bring these tools to the people of Brooklyn.

Sincerely,

A handwritten signature in black ink that reads "Eric Gonzalez". The signature is written in a cursive, flowing style.

Eric Gonzalez

Serving the Mental Health Needs of New Yorkers



These programs have been proven to break the cycle of justice-involvement. Help us expand their reach.

Expand Mental Health Initiatives

Vulnerable Populations

APPLICATION #75702

Bronx Child Trauma Support — Increase therapy hours to serve more children who are victims and witnesses to violent crimes.

« *The children served are victims or witnesses to crimes such as domestic violence homicide, rape, shootings and other violent crimes.*
— Kristen Slesar LCSW, MS

APPLICATION #76621

Brooklyn Justice Initiatives — Provide part-time psychiatric support for prescription oversight of Behavioral Health Unit defendants.

147 clients were served in the Behavioral Health Unit in 2018

over 50% clients in the Behavioral Health Unit are mandated to at least 6 sessions that include mental health treatment sessions



APPLICATION #75742

Strong Starts Court Initiative — Increase staff to serve more infants and toddlers' families in neglect cases.

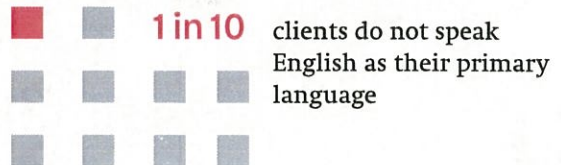
6 – 8 months time child returned to family with Strong Starts compared to 17 months without program



75% families have continued to reach out for services after case resolution

APPLICATION #73866

Brooklyn Mental Health Court — Hire bilingual mental health staff to serve more defendants receiving diversion from jail.



1 in 10 clients do not speak English as their primary language

Court-Involved Youth

APPLICATION #76382

Queens Youth Justice Center — Support the Enhanced Supervision mental health group for youth and families who are involved in the juvenile justice system. Within this group:

- 21%** diagnosed with ADHD
- 19%** diagnosed with depression
- 16%** diagnosed with bipolar disorder

APPLICATION #73876

Brooklyn Mental Health Court — Create therapeutic and workforce development groups for court-involved youth with mental health needs.

1 in 5 clients between 16 and 24 years old—a critical window for intervention

For more information, contact Shane Correia at correias@courtinnovation.org.

Approximately 2,500 New Yorkers served through City Council's Investment in the Center for Court Innovation

Selected Results of Citywide Speaker Initiative Funding in FY18*



Harlem Community Justice Center

129 reentry court hearings held

Midtown Community Court

195 hours of group and individual therapy and support

Citywide

Training Institute

20 trainings provided

Youth Justice Board

22 youth met weekly for a year to learn about and advocate for policy reform

Access to Justice**

50 community members equipped with information about their rights

Staten Island

Staten Island Justice Center

14 youth trained to facilitate youth court hearings

Bronx

Bronx Child Trauma Support

71 families with children therapeutically assisted following violent crimes

Bronx Community Solutions

208 Driving While Intoxicated screenings and assessments completed

Save Our Streets (S.O.S.) South Bronx

15 youth engaged in S.O.S. Basketball Clinic

Queens

Queens Youth Justice Center

19 youth engaged in justice trainings and as youth court members

Brownsville Community Justice Center

25 events and rehabilitations made public spaces safer

Neighbors in Action

100 community residents received walk-in services

Red Hook Community Justice Center

270 youth court service learning hours

Brooklyn

*Outcomes in FY19 and FY20 may differ based on funding allocations.

**This reflects FY19 projections.

The Center seeks a continuation of its \$500,000 Citywide Speaker Initiative funding for FY20. For more information, contact Shane Correia at correias@courtinnovation.org.



520 Eighth Avenue, New York, New York 10018
p. 646 386 3100
f. 212 397 0985
courtinnovation.org

Research. Development. Justice. Reform.

Greg Berman, Director

February 28, 2019

Speaker Corey Johnson
New York City Council
250 Broadway
Suite 1804
New York, NY 10007

Re: Center for Court Innovation FY20 Applications

Dear Speaker Johnson,

I write to you on behalf of the Center for Court Innovation to seek City Council's support for our programs in Fiscal Year 2020. Our requests include a continuation of our FY19 core support for ongoing alternative-to-incarceration, and access-to-justice programs in all five boroughs, as well as support for critical new diversion and mental health programming.

Researchers have documented that our operating programs throughout the city have decreased violence, aided victims, reduced the use of jail, and transformed neighborhoods. Beginning with Manhattan's Midtown Community Court, the Center now has more than two dozen operation programs serving tens of thousands of New Yorkers each year. Our work provides meaningful off-ramps, helping participants move from a cycle of poverty and recidivism to real engagement and leadership in their communities. To continue to accomplish this work, we seek to renew funding for our core Citywide Speaker request, our youth-focused supervised release programming in Brooklyn operating out of Brooklyn Justice Initiatives, and our Bronx pre-court diversion (Project Reset) programing.

We also seek expanded City Council support to address several additional needs. The Council provided mid-year FY19 support to implement the Center's pre-court diversion program, Project Reset, in Brooklyn. With continuation and expansion of this funding in FY20, thousands more individuals would be diverted, significantly reducing the number of people going to court and improving the fairness of the system. Further,

Operating Programs Bronx Community Solutions, Brooklyn Justice Initiatives, Brooklyn Mental Health Court, Brooklyn Treatment Court, Brownsville Community Justice Center, Child Witness Support Program, Civil Alternatives, Crown Heights Community Mediation Center, Domestic Violence Courts, Harlem Community Justice Center, Harlem Reentry Court, Legal Hand, Midtown Community Court, Newark Community Solutions, Parent Support Program, Peacemaking Program, Project Reset, Poverty Justice Solutions, Queens Youth Justice Center, Red Hook Community Justice Center, Save Our Streets, Staten Island Justice Center, Strong Starts Court Initiative, Westchester Court Education Initiative, UPNEXT, Youth Court, Youth Justice Board

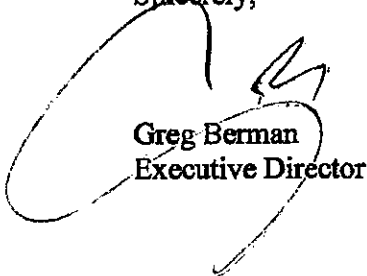
Council support for citywide expansion of our Driver Accountability Program would complement pending legislation, holding reckless drivers accountable through alternative sanctions, reducing dangerous driving, and saving lives.

We also seek the Council's help to expand access to mental health services for those in the justice system – a stated priority for the Council. In Brooklyn and Queens, we are seeking funding to provide programming for justice-involved youth to help them address their often unmanaged mental health needs. In Staten Island, Queens, and the Bronx, we are seeking funding to provide age appropriate and trauma-informed mental health services to children who are victims or witnesses to serious crimes.

I cannot close without thanking you again for the Council's partnership. We have done an enormous amount with the Council over the years including implementing the Cure Violence model in the Bronx and Brooklyn, building award-winning youth development programs in Queens and Staten Island, and diverting thousands of low-level cases out of the criminal justice system at projects such as the Red Hook Community Justice Center. We look forward to continuing our mission with the City Council to enhance New Yorkers' trust in the justice system in the next fiscal year.

If you have questions, you can reach me at (646) 386-3830 or bermang@courttinnovation.org. I look forward to speaking with you in the near future.

Sincerely,



Greg Berman
Executive Director



520 Eighth Avenue, New York, New York 10018

p. 646 386 3100

f. 212 397 0985

courtinnovation.org

Research. Development. Justice. Reform.

Greg Berman, Director

Center for Court Innovation Initiative Applications

- **Center Core-Ask Application #73443 \$500,000** This is an application to support the continuation of our alternative-to-incarceration, youth-diversion, and access to justice programs across all five boroughs in New York City. The Council's support allows us to serve tens of thousands of New Yorkers with mental health services, family development, youth empowerment, workforce development, and housing, legal, immigration and employment resource services. Our goal continues to be improving safety, reducing incarceration, expanding access to community resources and enhancing public trust in government to make New York City stronger, fairer, and safer for all.
- **Project Reset (Bronx) Application #74655 - \$710,000** Bronx Community Justice is a diversion program offering a new response to low-level offending that is proportionate, effective, and restorative. The program offers people who are arrested for low-level, non-violent crimes and receive a Desk Appearance Ticket the opportunity to avoid court and the possibility of a criminal record by completing community-based programming. Participants engage in a one-time restorative circle discussion with community volunteers, during which they discuss their strengths and needs, the impact of their offense, and what they can do to improve their community. The program holds people accountable for their actions, involves community members in the administration of justice, and strengthens public trust in the justice system.
- **Project Reset (Brooklyn) Application #75477- \$977,182** Starting in March 2019 the Center for Court Innovation will expand Project Reset to Brooklyn. The expansion will unfold in two stage, first to Brooklyn North precincts, and then to Brooklyn South precincts later in the year. The program will serve people of all ages who are arrested for low-level, nonviolent charges a receive a Desk Appearance Ticket. Programming will occur at a new community office in downtown Brooklyn and/or arts spaces across the borough - including a collaboration with the Brooklyn Museum - and will cover themes of accountability, community harm and repair, and the role of law enforcement in Brooklyn.
- **Far Rockaway Community Justice Center (Queens) Application #76774 - \$1,635,315** Far Rockaway is geographically isolated, with 19% of residents living below the poverty line – a higher percentage than the rest of Queens. The Far Rockaway Community Justice Center will improve public safety, reduce the use of incarceration, and enhance



520 Eighth Avenue, New York, New York 10018

p. 646 386 3100

f. 212 397 0985

courtinnovation.org

Research. Development. Justice. Reform.

Greg Berman. Director

public trust in justice by involving communities in the work of “doing justice.” The Justice Center will provide a local hub for crime prevention, youth development, and alternative-to-incarceration services, enabling residents of the Rockaways to engage in programming and resolve their court cases without numerous lengthy trips across the borough. The Justice Center will invest in local residents -- particularly young people -- providing services that build on their strengths, address trauma, and prepare them to become community leaders. Its placemaking initiatives will seek to revitalize distressed vacant lots and underutilized public spaces, activating the neighborhood’s physical infrastructure to strengthen its social infrastructure.

- **Driver Accountability Program (Citywide) Application #77926 - \$885,082** The following application is for support of the expansion of the Driver Accountability Program that was developed and piloted at the Red Hook Community Justice Center, is also run on a limited basis in Staten Island and Brooklyn Criminal Courts. City Council support would allow the Driver Accountability Group to be facilitated in Brooklyn, Manhattan, Staten Island, and the Bronx, as sentences for misdemeanor driving offenses and as a requirement for drivers receiving multiple speed camera violations, both in connection with Councilmember Lander’s Reckless Driver Accountability Act. Research appears to show that the Driver Accountability Group may change participant behavior and encourage safer driving.



Research. Development. Justice. Reform.

520 Eighth Avenue, New York, New York 10018
p. 646 386 3100
f. 212 397 0985
courtinnovation.org

Greg Berman. Director

Mental Health Services Initiative Applications

- **Mental Health Services for Vulnerable Populations (Bronx – Bronx Child Trauma Support) Application #75702 - \$33,000** This application will support the provision of assessment and treatment of child victims and witnesses to crimes in the Bronx, in partnership with the Bronx District Attorney’s Office. Direct services are conducted through evidenced-based, trauma-informed intervention models designed to prevent or reduce post-traumatic stress symptoms, suicidality, re-traumatization, and future victimization.
- **Mental Health Services for Vulnerable Populations (Bronx – Strong Starts) Application #75742 - \$100,000** This application is to support the Strong Starts Court Initiative for infants and toddlers involved in neglect petitions. Funding will support outreach to local community partners to forge strong partnerships with high-quality service providers so that participant families can access a range of family focused interventions required to prevent maltreatment recurrence, prevent developmental delays, and promote the safety, stability and self-sufficiency of their parents.
- **Mental Health Services for Vulnerable Populations (Brooklyn – Brooklyn Justice Initiatives) Application #76621 - \$50,000** This application request would provide Brooklyn Justice Initiatives with the capacity to contract with a part-time psychiatrist. The psychiatrist would assist project staff in determining program eligibility for high-risk and/or high-need client cases by creating treatment plans alongside BJI staff and providing case consultations. The support would allow for high-need clients to receive a psychiatric evaluation for the purposes of determining eligibility and appropriateness for community-based treatment and medication management.
- **Mental Health Services for Vulnerable Populations (Brooklyn – Brooklyn Mental Health Court): Application #73866 - \$100,000** This is an application for funding to provide non-English speakers the support necessary to have a positive and procedurally just experience in the Brooklyn Mental Health Court (BMHC). BMHC has experienced an influx of non-native speakers and funding for various translation services will ensure quality participation in BMHC programming. These services are essential to conduct successful clinical evaluations and secure treatment for those who cannot afford to pay and are not eligible for insurance. By contracting with locally culturally competent community-based organizations, BMHC can call upon its partners to confidently convey important information to non-native English speakers. Funding will also cover costs associated with translating important program documents including consent forms and participation guidelines into the top five most commonly used languages by BMHC participants and community members with open cases in the

Kings County Supreme Court. Additionally, a portion of funding will be used to link participants to programming specifically tailored for immigrants and uninsured community members.

- **Court Involved Youth Mental Health (Brooklyn – Brooklyn Mental Health Court) Application #73876 - \$150,000** This is an application that would allow support to Brooklyn Mental Health Court staff to take advantage of professional development training opportunities and contract with local community-based organizations for technical assistance. Training and technical assistance would be aimed at learning cognitive behavior therapy curriculums and best practices. Additionally, funds would be used to contract with the same organizations to run groups for youth and young adults, potentially on a weekly basis. Groups will include cognitive behavior therapy groups and professional development workshops, among other groups with an emphasis on reengaging the community and [re]entering the workforce. Council support would also allow BMHC to provide supplies for workshops and other activities for participants, outreach to parents, and materials for monthly parent support workshops. Lastly, a portion of the funding will be used to provide participants with healthy meals and snacks upon their return from court or holding.
- **Court Involved Youth Mental Health (Queens – Queens Youth Justice Center) Application #76382 - \$150,000** This is an application to assist in the revitalization of QYJC's Futures Mental Health Programming. Currently operating as Enhanced Alternative to Detention, our mental health services provide linkage and referrals to participants who may have or need to be evaluated for mental health concerns. Case managers provide screening and assessment, treatment referrals, ongoing coordination, and linkages to family therapy and psycho-educational groups for both young people and family members.

OFFICE OF THE RICHMOND COUNTY DISTRICT ATTORNEY

FISCAL YEAR 2020 EXECUTIVE BUDGET



THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE ON PUBLIC SAFETY

COMMITTEE ON THE JUSTICE SYSTEM

MARCH 19, 2019

MICHAEL E. MCMAHON

DISTRICT ATTORNEY

OVERVIEW

Good afternoon. It is an honor and pleasure to appear before the City Council today. I want to thank the Chair of the Committee on the Justice System, Rory Lancman, and the Chair of the Committee on Public Safety, Donovan Richards, for their time and hard work in presiding over today's Preliminary Budget Hearing. I also want to acknowledge and thank Speaker Corey Johnson for his leadership. I look forward to continuing our work to improve our criminal justice system in line with our shared goal of better protecting and serving the people of the City of New York.

I also want to thank of course Staten Island's Council delegation: Minority Leader Steve Matteo, Council Member Debi Rose, and Council Member Joe Borelli for their ongoing advocacy on behalf of the people of Staten Island and their continued support of the Richmond County District Attorney's Office (RCDA).

As I begin the final year of my first term as District Attorney, I reflect with great pride on the work we have accomplished in revitalizing RCDA and bringing the Office into the 21st Century over the last four years. In many ways we have implemented a new prosecutorial philosophy that seeks to not only prosecute crime, but prevent it as well. By establishing new bureaus, hiring additional staff with an emphasis on diversity and lived experience in the communities we serve, implementing new technology, innovative programming, and a Community Partnership Unit, we have achieved much of what we sought to accomplish upon taking office in 2016. One additional area I want to mention is our continued success in fighting for the victims of crime. With the Council's and Administration's help we doubled the number of victims' advocates, created a dedicated victims' services unit, and now every victim of a crime is immediately assigned an advocate who helps them navigate the legal system and fight for their rights.

We continued to build on this progress in this past year, with the assistance we received from this Council and the Mayor in last year's budget:

- We created an Immigrant Affairs Unit;
- We extended the hours of our Domestic Violence Complaint Room and implemented an e-corroboration policy that mirrors the pioneering work in Queens, which I am proud to announce has helped us reduce our dismissals dramatically so that now as per the current term, we have the lowest dismissal rate in domestic violence cases in the five boroughs. It also has meant that we are interacting with and connecting victims with services sooner;
- We built an Alternatives to Incarceration Unit and expanded the successful HOPE Program –now HOPE 2.0—to serve more individuals battling substance use

disorders and divert them out of the criminal justice system. We also launched the HOPE 2.0/OAR court part in Staten Island a couple of months ago, based roughly on the OAR part created in the Bronx, and are already seeing success;

- We hired new body worn camera analysts and created a unit dedicated to reviewing, analyzing, and cataloguing that new technology;
- We added a New Immigrant Communities Liaison, and launched a weekly youth sports and academic program at a Community Center in Stapleton, a Center named after Police Officer Gerard Carter who tragically lost his life in the line of duty. This program is modeled after the highly successful Saturday Night Lights program run by my colleague DA Vance in Manhattan; and
- We have started a Conviction Integrity Review Unit, which is already undertaking the laborious and time staking work on cases that fall under that Unit's mission.

We also continue to pursue a Community Justice Center for Staten Island, and in partnership with Council Member Rose, Borough President Oddo, the Center for Court Innovation, and countless community and elected partners, remain committed to the idea that by addressing an individual's underlying issues that may have led to their criminal behavior, we will undoubtedly create a safer and stronger borough from shore to shore. As we continue to move forward in this process, we will certainly be engaging the Council for needed support to transform the way justice is administered on Staten Island.

These are just some of the many improvements that we have continued to make in the past year, and we are extremely grateful to have received funding that acknowledged these needs and allowed us to make these important changes.

These changes and additions have undoubtedly made Staten Island safer and our criminal justice system fairer and more just. In fact, the numbers reflect that:

- Major crimes on Staten Island are down by 16%;
- Domestic Violence arrests have declined by 20% in the last three years; and domestic violence dismissal rates have dropped by almost 50%;
- Although we are still fighting the crisis every day, the Overdose Response Initiative and the HOPE program have helped us see movement in the right direction on the opioid crisis. In the last two years, overdose fatalities have declined by 15%; and
- Our arrest to arraignment time is second in the city, trailing only Queens, and is down 15% from the same time last year.

Despite these successes and highlights of the past three years, there is no question that more remains to be done. With your help, I am confident we can realize our goals and

together set a national standard for how big cities should tackle some of the most serious criminal justice and social issues of our generation.

LOOKING TO THE FUTURE AND REMAINING NEEDS AND CHALLENGES

We recognize the significant challenges facing the City as agencies throughout our government are facing cuts to their budgets. We are grateful to maintain our level of funding from FY19, and thus we are asking for a modest amount of assistance that will enable us to continue to make great strides in the pursuit of justice.

Baseline Conviction Integrity Review Unit - \$425,000 (PS)

First, our Conviction Integrity Review Unit. As I stated earlier, last year, we were granted an historic first for our office when this Council granted us funding for a Conviction Integrity Review Unit. We recognize the importance of reviewing past convictions to ensure justice was properly handed down for all defendants, and we were grateful that the Council provided the needed funding to accomplish this mission. When funded in FY19 however, the funding, which was for salaried positions, was not baselined.

Since receiving funding for the Unit last year, we were met with several setbacks from accessing this funding, but in good faith we nevertheless set about this important work. The experienced team we have dedicated to this Unit has already undertaken a tremendous amount of time and resources to reviewing the cases in question. In fact, we have cases under review right now where defendants who are incarcerated are awaiting our results. This work enhances the community's trust in the criminal justice system and in our ability to pursue justice without bias. If this funding, is not baselined, we will have no choice but to stop this work and abandon these reviews that require an enormous amount of time and dedicated attention, travel, and even OTPS resources. Thus, we are asking for \$425,000 for the Conviction Integrity Review Unit to be baselined in FY20 and moving forward. This is essential and just.

ADA Salary Parity – ADAs with 5+ Years of Experience-- \$179,000 (PS)

We have come before this body to speak on this next issue several times. Like my other colleagues here today, my office is facing an increasingly uphill challenge with the experiential level of our ADAs and our ability to offer competitive salaries in order to retain the best talent. The low pay of ADAs in our office combined with the high cost of living, high cost of student loan repayments, and desire to start a family means that we have significant brain drain for ADAs, most significantly after the 5 year mark. Although the Office of Management and Budget ("OMB") and the Mayor's Office of Criminal Justice ("MOCJ") took a first step in this last year's budget to address salary parity for ADAs with less than 5 years of experience – quite honestly, this step did nothing for Staten Island, as we had already internally addressed salary parity with that level of ADAs. Our problem

remains with retaining ADAs with over 5 years of experience. In fact, it was almost as if we were punished compared to the other boroughs for proactively addressing our parity and recruitment struggles by reallocating and training younger staff to address our imminent needs. In light of this, we are requesting \$179,000 which will allow us to fully address this critical issue.

Body Worn Camera Storage-- \$6,000-\$8,000 (OTPS)

Last year, we were grateful to have received funding to meet our personnel obligations for body worn camera analysis, however, like my colleagues, we also now need to address the associated costs with storage of this footage. The OTPS cost for storage of the footage for my office is relatively modest, but as a result we are requesting between \$6,000-\$8,000 annually over the next five years.

CONCLUSION

We are incredibly proud of the efforts this office has undertaken in the past three years – much of which has received city, state, and national attention for its innovative and forward thinking approach to improving public safety (e.g. HOPE and the Overdose Response Initiative). We are poised to continue these advances, and we recognize how none of it would have been possible without the funding received over the past three years. We are hopeful that our requests put forth today are approved and included in the final FY20 Budget, and we truly look forward to continuing to work with each and every one of you in our shared pursuit of safety and justice for all New Yorkers.

OFFICE OF THE RICHMOND COUNTY
DISTRICT ATTORNEY- MICHAEL E. MCMAHON



2017 ANNUAL REPORT





TABLE OF CONTENTS:

MESSAGE FROM RICHMOND COUNTY DISTRICT ATTORNEY MICHAEL E. MCMAHON	1
PART I: THE RICHMOND COUNTY DISTRICT ATTORNEY’S OFFICE	3
▶ Keeping Staten Island Safe: A Promise Kept	3
▶ Security Upgrades Making Staten Island Safer	4
▶ Who We Are: Bureaus & Units	5
PART II: SUCCESS IN THE COURTROOM	9
▶ Cases of Note	9
<i>Staten Island Man Sentenced to 30 Years to Life in Prison for Murdering 17-Year-Old Repeat Felon Sentenced to 42 Years to Life in Prison for Knifepoint Robbery</i>	
<i>Husband Convicted of Animal Cruelty for Killing Wife’s Pet Chihuahua; Sentenced to Maximum</i>	
<i>Staten Island Man Sentenced to 25 Years to Life in Prison for Second-Degree Murder</i>	
<i>Scam Artist Convicted of Burglary as Hate Crime for Stealing from Octogenarians</i>	
<i>Former New Jersey Cop Sentenced to Maximum 8-1/3 to 25 Years in Prison for Fatal Drunk Driving Crash that Killed Two Passengers</i>	
<i>Staten Island Man Convicted of Sexually Abusing Child</i>	
<i>Staten Island Man Sentenced to Life in Prison Without Parole for Killing Two Brothers</i>	
<i>Felon Sentenced to 12 Years to Life in Prison for Assaulting Police Officer and Attempting to Steal Service Weapon</i>	
<i>‘Ninja Burglar’ Sentenced to 22 Years in Prison</i>	
<i>Two Defendants Convicted of Robbery of Priest Outside a Staten Island Church</i>	
PART III: COMBATING THE HEROIN AND OPIOID EPIDEMIC	12
▶ Overdose Response Initiative	13
▶ Precision Prosecution: Investigations and Takedowns of Major Drug Dealers	15
▶ Solutions for Staten Island: Diversion, Treatment, and Public Awareness	16

continued on next page

PART IV: DOMESTIC VIOLENCE AWARENESS & PREVENTION INITIATIVES20

- ▶ RCDA’s Domestic Violence Bureau. 20
- ▶ Family Justice Center 20
- ▶ College Sexual Assault Initiative21
- ▶ Victim Services Unit.21
- ▶ Salon Training Initiative.22
- ▶ Anti-Crime Grant for Early Intervention Initiative for High Risk Victims22

PART V: PROBLEM SOLVING COURTS23

- ▶ Veterans Court23
- ▶ Veterans Court Peer Mentor Program.23
- ▶ Mental Health Court24
- ▶ Working to Bring a Community Justice Center to Staten Island.24

PART VI: COMMUNITY PARTNERSHIP UNIT25

PART VII: RCDA IN THE COMMUNITY.29

IMPORTANT NUMBERS TO CALL31





MESSAGE FROM RICHMOND COUNTY DISTRICT ATTORNEY MICHAEL E. MCMAHON

Dear Fellow Staten Islanders,

Halfway through my first term serving as your District Attorney, I can say with great pride that the prosecutors and staff in this office have worked tirelessly with our partners in the NYPD and across law enforcement to drive crime down to historical lows, as we continue making our neighborhoods safer places to live.

In 2017, Staten Island was once again the safest borough in New York City, and the only borough to experience a double digit decrease in Major Crimes such as burglaries, robberies and homicides. The vigorous work of this office also continued in the courtroom, with our prosecutors taking significantly more felony cases to trial than in the previous year, and still boasting a **100 percent conviction rate at trial.**

Throughout the year, our office successfully prosecuted several high-profile cases, including that of the infamous “Ninja Burglar.” In that case, the defendant, Robert Costanzo, admitted to committing more than 100 burglaries over several years on Staten Island as well as across New Jersey, Connecticut and upstate New York. In 2017, after much hard work, he was sentenced to 22 years in prison for his crimes. We also continue to seek justice for victims of the most serious violent crimes and prosecuted numerous homicides in 2017, including the murder of Justin and Terrell Ford, two brothers who were tragically gunned down in the street. The defendant in that case was found guilty at trial and sentenced to

life in prison without parole, achieving true justice for the family of the victims and the people of Staten Island.

As we look toward 2018, the message to criminals has become abundantly clear: Commit a serious crime on Staten Island, and you will end up in prison.

At the same time, our office has remained committed to combating the borough’s deadly heroin and opioid epidemic through the launch of several successful initiatives, and we are thankful to have seen a decrease in fatal drug overdoses in 2017. Our Overdose Response Initiative (ORI) has continued to yield positive results, with the arrest and prosecution of dozens of drug dealers, while our HOPE program has helped hundreds of people suffering from substance abuse issues find help and treatment. These programs have been so successful on Staten Island that both have been expanded citywide.

But the battle against the drug crisis is far from over; we have a long way to go in preventing these drugs from reaching our communities, in ridding our streets of those who profit from selling this poison to our loved ones, and in making sure that everyone suffering from addiction has the knowledge and access to recovery services that they need. However, in the midst of this tragedy there are some positive signs. Staten Island has made significant progress in two years’ time as we work to both help those struggling with

substance abuse issues while also going after the drug dealers who peddle this poison. Put simply: our continued work is helping to save lives.

The office has also entered 2018 with increased staff and prosecutors to hold criminals more accountable. With additional resources, we have been able to create several new bureaus and units, including the Anti-Violence/Firearms Unit to focus on getting illegal guns off our streets; the Elder Abuse Unit to help the vulnerable senior population; an Economic Crimes Bureau to investigate and prosecute all forms of financial crimes, and we have continued to build bridges with the community and strengthen trust in our justice system by expanding the role of our Community Partnership Unit.

In sum, we continue to prosecute each case fairly and remain committed to keeping the people of Staten Island safe. Together we will overcome the many serious issues facing our borough, and I look forward to achieving all these things and more in 2018.

Sincerely,



Michael E. McMahon



PART I: THE RICHMOND COUNTY DISTRICT ATTORNEY'S OFFICE

Keeping Staten Island Safe: A Promise Kept

RCDA Mission Statement

"The men and women of the Richmond County District Attorney's Office work each day in partnership with law enforcement and the people of Staten Island to pursue justice for victims of crime, to prevent crime in all its forms, and to promote the safety and well-being of all citizens of our borough."



RCDA Keeping Staten Island Safe:

- ▶ In 2017, The Richmond County District Attorney's Office had a **100% trial conviction rate**.
- ▶ RCDA's felony conviction rate is approximately 90%, the highest of any borough in New York City.



In 2017, Staten Island was once again the safest borough in New York City.

Major Crimes in Staten Island **decreased by 10.7%** in 2017.

Staten Island was the **only borough to see a double digit decrease** in Major Crimes.

Murder rate **dropped by 42.9%** on the Island in 2017.

Burglary rate **dropped by 17.9%** on the Island in 2017.

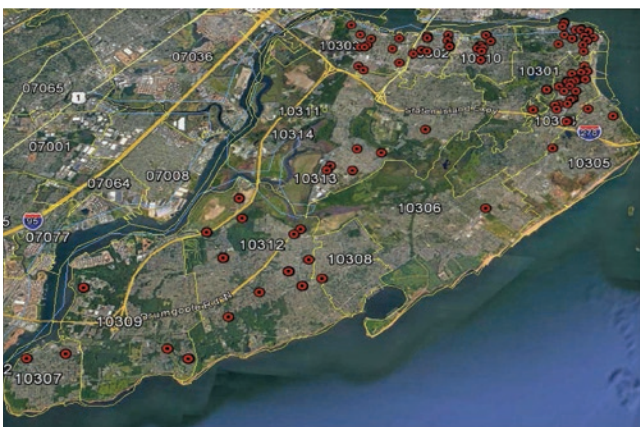
Robbery rate **dropped by 23.0%** on the Island in 2017.

Security Upgrades Making Staten Island Safer:

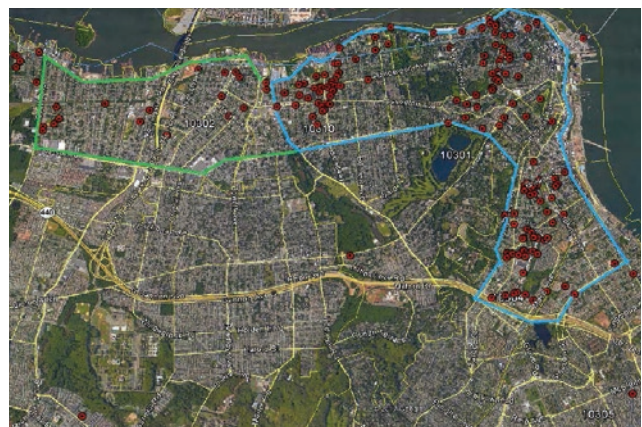
- ▶ In 2017, DA McMahon worked with elected officials on Staten Island to expand security cameras and license plate scanners in the borough, with RCDA committing \$700,000 to this important effort. Dozens of additional security cameras, as well as license plate readers, will help police better catch criminals and this office more effectively prosecute cases.
- ▶ DA McMahon in 2017 also advocated for the expansion of ShotSpotter technology on Staten Island, which has been delivered, making it easier for police to detect gunshots, pinpoint their origins, and locate suspects in gun-related incidents.
- ▶ NYPD officers in 2017 recovered **122** guns and made **137** weapons-related arrests.



Gun Arrest Locations on Staten Island



Locations of Gunfire Detected by ShotSpotter



Who We Are: Bureaus & Units:



Bureaus and Units:

Economic Crimes Bureau:

Bureau Chief: Jeffrey Curiale

The Economic Crimes Unit was created in 2017 by DA McMahon and recently expanded to an entire Bureau to investigate and prosecute all forms of financial crimes. This includes cases of fraud, grand larceny, identity theft, wage theft, and tax evasion. The Bureau also handles cases of entitlement fraud such as Medicaid or unemployment fraud, construction fraud including the prosecution of construction site fatalities, and theft of goods or services. The Bureau also participates in

the Manhattan District Attorney's Construction Task Force and Wage Theft Initiative.

In 2017, RCDA recovered more than **\$1.2 million** in restitution from prosecutions stemming from the office's participation in the New York State Crimes Against Revenue Program (CARP)

Elder Abuse Unit:

Unit Chief: Rhiannon La Tour

The Elder Abuse Unit was formed in 2017 by DA McMahon to investigate and prosecute crimes committed against senior citizens. Additionally, the Unit

serves as a resource to inform and educate the community on ways to avoid scams and other financial crimes that often target the elderly.

Narcotics-

Investigations Bureau:

Bureau Chief:

Michele Molfetta

In 2017, DA McMahon expanded the role and size of the Narcotics-Investigations Bureau to focus solely on bringing significant drug cases in response to the opioid and heroin epidemic in Staten Island. The Bureau has been responsible for numerous

RCDA Bureaus and Units, continued:



major drug takedowns as well as the arrest and prosecution of hundreds of drug dealers. Assistant District Attorneys assigned to the Narcotics-Investigations Bureau work alongside various law enforcement agencies on both street-level and long-term drug investigations. The Bureau is also responsible for reviewing, initiating and prosecuting cases involving a wide range of offenses, including white collar crimes, computer crimes, counterfeiting, organized crime, narcotics distribution, gun trafficking, conspiracy, and enterprise corruption, and may also be assigned murder cases.

Domestic Violence Bureau:

Bureau Chief:

Tuesday Muller-Mondi

Under DA McMahon's leadership, RCDA created a separate and dedicated Domestic Violence Bureau in 2016 that works on handling the borough's growing number of domestic

violence cases. The Domestic Violence Bureau is comprised of a Bureau Chief, a Deputy Bureau Chief and eight ADAs, at both the misdemeanor and felony level, as well as additional legal support staff to allow for more direct and involved supervision of domestic violence cases. Additionally, the office moved to a system of vertical prosecution in domestic violence cases, meaning a case will stay with one prosecutor from start to finish, better serving the victims.

Animal Cruelty

Prosecution Unit:

Unit Chief: Jane Grinberg

The Animal Cruelty Prosecution Unit was created by District Attorney McMahon to investigate and prosecute crimes against animals. Additionally, the Unit was created to highlight and increase awareness of animal abuse, to educate the community about available resourc-

es and programs that could prevent neglect, abuse, and injury to animals, and to develop and facilitate relationships with Staten Islanders and local veterinarians to encourage the reporting of animal abuse by speaking for those who have no voice. The RCDA Animal Cruelty Unit works closely with the New York City Police Department's Animal Cruelty Investigations Squad to investigate these cases and with the ASPCA to provide for the direct care of animal cruelty victims.

Firearms Anti-Violence Unit:

Unit Chief: Kate Malloy

The Firearms Anti-Violence Unit was created by DA McMahon in 2016 and works specifically to prosecute firearms cases as part of the office's continued effort to combat gun violence on Staten Island. In addition to handling felony gun cases, including homicides committed with a firearm, the Firearms Anti-Violence Unit helps identify drivers of shooting and gun-violence incidents using data and analytics to direct prosecutorial strategy as well as community-specific efforts aimed at reducing the incidence of gun violence on our streets.

Special Victims Bureau:

Bureau Chief: Jevet Johnson

The Special Victims Bureau investigates and prosecutes

RCDA Bureaus and Units, continued:

sex crimes, child abuse and neglect, child pornography, human trafficking, and crimes against other vulnerable populations. They may also be assigned homicide cases. Specially-trained prosecutors are assisted by victim advocates who accompany victims to court appearances, discuss safety issues and provide referrals for counseling. ADAs in this Bureau also manage Mental Health Treatment Court and collaborate as partners with the Staten Island Child Advocacy Center.

Trials Bureau:

Bureau Chief:

Mark Palladino

The Trials Bureau is responsible for the investigation and prosecution of violent felony crimes such as homicide, robbery, burglary, assault, arson, and weapons offenses. It is comprised of Assistant District

Attorneys who are responsible for handling some of the most serious violent crimes that occur on Staten Island. The Bureau also prosecutes hate crimes, as well as vehicular offenses, and grand larcenies.

Criminal Court Bureau:

Bureau Chief: Robert Isdith

Criminal Court is the point of entry for almost all prosecutions conducted by the Richmond County District Attorney's Office. Each year, more than 10,000 cases are processed through Criminal Court. Felonies, the most serious level of crime, are screened in Criminal Court and directed to the appropriate bureau or unit within the District Attorney's Office for eventual prosecution in Supreme Court. All misdemeanors and violations are prosecuted directly in Criminal Court. The range of misdemeanor cases handled

by Criminal Court includes, but is not limited to, prostitution, driving while intoxicated, graffiti, petit larceny, menacing, and assault.

Appeals Bureau:

Bureau Chief:

Morrie Kleinbart

The Appeals Bureau provides New York's appellate courts and all federal courts with in-depth written and oral analyses of legal and factual issues arising in a full range of criminal prosecutions. The Bureau ensures that properly-obtained convictions are upheld and that no defect in the trial-level proceedings unduly affects either the public or the accused. Our attorneys have regularly appeared in some of the most highly respected appellate courts in the nation, including the New York Court of Appeals and the United States Court of Appeals for the Second Circuit.

Non-Legal Bureaus & Units

Crime Strategies Unit:

The Crime Strategies Unit analyzes data to focus prosecutorial resources on crime-drivers in order to reduce criminal activity in Staten Island. By connecting and processing data from numerous law enforcement partners, utilizing and imple-

menting technological solutions, and providing support and analysis, the Unit targets cases to ensure enhanced prosecutorial outcomes. The unit identifies criminal organizations and crime trends via communication with various law enforcement agencies such as the NYPD, the Department of

Parole, and the Department of Probation. The unit consists of analysts and lawyers that provide material support to prosecutors in augmenting cases with technological resources such as mapping, forensic multimedia enhancement, and social media investigations.

RCDA Bureaus and Units, continued:

Victim Services Unit:

Unit Chief: Nicole Rice

The Victim Services Unit was created by DA McMahon in 2016 and is comprised of Victim Advocates whose mission is to provide support services to individuals who have witnessed or been victimized by crime on Staten Island. The advocates in this unit are dedicated to empowering and guiding victims and witnesses through the criminal justice process, a critical function of the District Attorney's office. These advocates accompany victims to court appearances, discuss safety issues, provide referrals for counseling and other services, and connect victims with resources and benefits they are entitled to as victims of crime.

Community Partnership Unit:

Unit Director:

Andrew Crawford

The Community Partnership Unit was created by District Attorney McMahon in 2016 in an effort to better serve the communities that the Office represents. The Unit serves as the bridge between Staten Islanders and the Office. The responsibilities of the Unit include attending community meetings and events, hosting our own gatherings to inform and protect the

public from crime, and developing initiatives to attack a variety of criminal and social problems that our Island faces, notably domestic violence, street crime, and the drug epidemic.

Administration Bureau:

Bureau Chief: Sean Brannigan

The Administration Bureau performs several critical functions that allow the office to run smoothly and effectively serve the people of Staten Island. Administration staff handles all budget and fiscal planning to ensure our team has the resources to effectively prosecute and prevent crime. The Administration team also handles procurement of goods and services critical to achieving our mission of keeping Staten Islanders safe, as well as the acquisition of grants from local, state, and federal sources.

Legal Support:

Unit Chief: Maria Scarna

The Legal Support Unit is comprised of paralegals and secretaries whose mission is to provide legal support to Assistant District Attorneys who prosecute cases in Supreme Court. Their main functions are to assist with case preparation by requesting and obtaining records, documents and evidence, as well as notifying witnesses for Court.

Detective Investigators:

Chief of Detective

Investigators: Dave Nilsen

The RCDA Detective Investigator's Squad is responsible for responding to the immediate, short and longer term needs of our ADAs and RCDA staff. Our squad is comprised of one Chief Investigator, one Deputy Chief Investigator, and 12 Senior Detective Investigators. Our Detective Investigators respond to various ADA requests including: Locating missing victims and or witnesses; Transportation for victims and or witnesses; Securing court documents including supporting depositions and orders of protection; Serving subpoenas for required court appearance, etc. They also follow up on drug tips from the community.



PART II: SUCCESS IN THE COURTROOM

- ▶ In 2017, **16 felony cases** went to trial.
- ▶ RCDA had a **100% Conviction Rate** at Jury Trials in 2017

Cases of Note:

STATEN ISLAND MAN SENTENCED TO 30 YEARS TO LIFE IN PRISON FOR MURDERING 17-YEAR-OLD



Defendant Mark Ortiz was sentenced in January 2017 to 30 years to life in prison after previously being found guilty at trial of Murder in the Second Degree and two counts of Criminal Possession of a Weapon in the

Second Degree for shooting seventeen-year-old victim Barry Lovelace, killing him. The case was prosecuted by ADAs Lisa Davis and Victoria Levin.

REPEAT FELON SENTENCED TO 42 YEARS TO LIFE IN PRISON FOR KNIFEPOINT ROBBERY



Defendant Steven Bloome was sentenced in February 2017 to 42 years to life in prison after previously being convicted of two counts of Robbery in the First Degree, Burglary in the First Degree and Criminal Possession of a Weapon in the Third Degree for robbing a man at knifepoint inside the victim's home. The case was prosecuted by ADAs Antonia Assenso and Wanda DeOliveria, Chief Trial Counsel.

Cases of Note, continued:

HUSBAND CONVICTED OF ANIMAL CRUELTY FOR KILLING WIFE’S PET CHIHUAHUA; SENTENCED TO MAXIMUM

Defendant Jerry Moore was convicted in April 2017 of felony Aggravated Animal Cruelty for killing Bambi, his wife’s two-month old Chihuahua. He was sentenced to up to six years behind bars, the maximum for each conviction. The case was prosecuted by ADA Antonia Assenso and Jane Grinberg, Chief of the Animal Cruelty Unit.

STATEN ISLAND MAN SENTENCED TO 25 YEARS TO LIFE IN PRISON FOR SECOND-DEGREE MURDER



Defendant Michael Sykes was sentenced to 25 years to life in prison on a second-degree murder conviction for killing his girlfriend in the Ramada Inn in Willowbrook. The

case was prosecuted by ADAs Ann Thompson and Nina Spadafora.

SCAM ARTIST CONVICTED OF BURGLARY AS HATE CRIME FOR STEALING FROM OCTOGENARIANS

Defendant Dominic Poveromo was sentenced to six years in prison after previously being convicted of Burglary in the Second Degree as a Hate Crime for separate incidents in which the defendant stole cash sums from the homes of octogenarians, all women, after gaining entry into each of the victims’ residences through deception and trickery. The case was prosecuted by ADA Adam Silberlight, Deputy Chief of the Trials Bureau.

FORMER NEW JERSEY COP SENTENCED TO MAXIMUM 8 1/3 TO 25 YEARS IN PRISON FOR FATAL DRUNK DRIVING CRASH THAT KILLED TWO PASSENGERS



Defendant Pedro Abad was sentenced in June 2017 to 8 1/3 to 25 years in prison after previous-

ly being found guilty of four counts of Aggravated Vehicular Homicide, the top-count against him, as well as two counts of Aggravated Vehicular Assault, and one count each of Second-Degree Manslaughter, Second-Degree Assault and Reckless Endangerment for driving while intoxicated and causing a fatal car crash on the West Shore Expressway that killed two of his passengers and seriously wounded a third passenger. The case was prosecuted by ADAs Mark Palladino, Chief of the Trials Bureau, and Frank Prospero.

STATEN ISLAND MAN CONVICTED OF SEXUALLY ABUSING CHILD



Defendant Daniel Nieto in June 2017 was convicted at trial of Criminal Sexual Act in the First Degree and Sexual Abuse in the First Degree for abusing a 7-year-old girl after breaking into her bedroom

during the early morning hours. He was sentenced to 15 years in prison. The case was prosecuted by ADAs Tuesday Muller-Mondi, Chief of the Domestic Violence Bureau, and Victoria Levin.

Cases of Note, continued:

STATEN ISLAND MAN SENTENCED TO LIFE IN PRISON WITHOUT PAROLE FOR KILLING TWO BROTHERS



Defendant Wayne Thomas was sentenced in August 2017 to life in prison without the possibility of parole after previously being convicted at trial of two counts of Murder in the

First Degree and Criminal Possession of a Weapon in the Second Degree for fatally shooting Justin Ford and Terrell Ford. The case was prosecuted by ADAs Adam Silberlight and Natalie Barros.

FELON SENTENCED TO 12 YEARS TO LIFE IN PRISON FOR ASSAULTING POLICE OFFICER AND ATTEMPTING TO STEAL SERVICE WEAPON

Defendant Dante Martin was sentenced in July 2017 to 12 years to life in prison after previously being convicted of Assault in the Second Degree and Attempted Criminal Possession of a Weapon in the Second Degree for attacking an NYPD officer in the hospital and attempting to steal her service weapon. The case was prosecuted by ADA Adam Silberlight.

'NINJA BURGLAR' SENTENCED TO 22 YEARS IN PRISON



Defendant Robert Costanzo, otherwise known as the "Ninja Burglar," whose crime spree lasted from 2005 to 2015 and sprawled across three states, was sentenced to 22

years in prison after previously pleading guilty to three counts of Burglary in the Second Degree. Costanzo admitted to committing more than 100 burglaries on Staten Island during his crime spree, often targeting homes under the cover of darkness. He also committed numerous burglaries in Connecticut, New Jersey, and Albany and Saratoga counties. The case was prosecuted by ADA David Frey and ADA Gregg Brown

TWO DEFENDANTS CONVICTED OF ROBBERY OF PRIEST OUTSIDE A STATEN ISLAND CHURCH

Defendants Antwyne Lucas and Kerry Pack were both convicted for robbing a priest at gunpoint outside of his church. Lucas was sentenced to 25 years in prison after being convicted at trial of Robbery in the First Degree. Pack was sentenced to 12 years to life in prison after previously being convicted of Attempted Robbery in the Second Degree. The case was prosecuted by ADAs Adam Silberlight and Michael Tannousis.

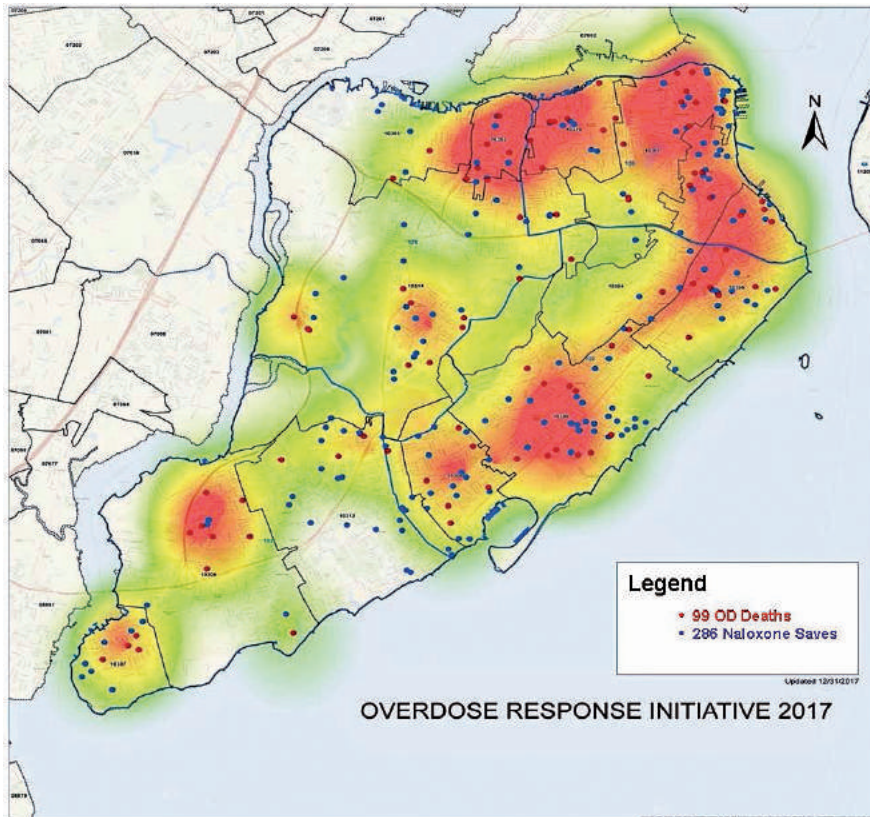


PART III: COMBATING THE HEROIN AND OPIOID EPIDEMIC

In 2017, there were approximately 99 fatal drug overdoses on Staten Island, an approximately 15% decrease from the previous year. At the same time, 286 lives were saved with Naloxone in 2017. While we are still battling a five-alarm fire, these successes have made a significant difference in our mission to save lives and hold drug dealers accountable through precision prosecution and treatment initiatives.

Overdose Response Initiative

The Overdose Response Initiative was created by District Attorney McMahon and the NYPD to investigate all overdoses in Staten Island in an effort to root out drug dealers and offer supportive services to grieving families.



ORI Investigations:

2017:
400+

2016:
350

2015:
192

Under ORI, NYPD detectives and RCDA prosecutors investigate overdoses like a crime scene, collecting evidence to help investigators trace the source of the drugs and hold dealers accountable.

ORI has led to dozens of major drug takedowns as well as the arrest of over 100 drug dealers, many of which were directly tied to overdoses. The office has also expanded the number of investigations due to ORI, with 350 investigations

opened in 2016 and over 400 that were opened in 2017, compared with just 192 in 2015. This has led to the arrest and prosecution of dozens of dealers.

Started in Staten Island in early 2016 under D.A. McMahon's leadership, ORI has been expanded to other boroughs due to its success and has allowed law enforcement to build stronger and more impactful cases against drug dealers.

COMBATING THE FENTANYL CRISIS

DA McMahon continued to serve on Governor Cuomo's Heroin and Opioid Task Force, and in 2017 promoted legislation to add 11 types of fentanyl to the Controlled Substance list, enabling law enforcement to further crack down on dealers and combat emerging new drugs. These aggressive steps are especially important when it comes to prosecuting drug cases and can help us to hold dealers more accountable. 40% of overdose cases in 2017 were fentanyl-related.



CREATING A NARCOTICS COURT PART

Between 2016 and 2018 DA McMahon advocated for Staten Island to have its first Narcotics Court Part, similar to the other boroughs. We worked with the Office of Court Administration to recently create a full Narcotics Court Part to more vigorously prosecute serious drug dealers while also offering support and

treatment services to those suffering from addiction. Part N has handled over 3000 court appearances, around 300 cases, and over 150 dispositions. It has been incredibly efficient, and allowed the other Supreme Court parts to focus their calendars on trials and reducing the backlog of cases.



Precision Prosecution: Investigations and Takedowns of Major Drug Dealers

OPERATION "BLUE ANGEL"

Long term ORI investigation of a drug-dealing network that transported heroin and fentanyl into Staten Island from New Jersey to be sold in several neighborhoods throughout the borough, including on school grounds. The tragic overdose death of a 22-year-old pregnant woman helped lead investigators to a drug crew run by the deceased's fiancé and several other individuals, one of whom was a paraprofessional arrested for selling fentanyl on school grounds, and another who was transporting heroin into Staten Island from New Jersey. All three defendants were convicted on felony drug charges and sentenced to between three and four years in jail.

OPERATION "FINAL KUT"

Long term ORI investigation resulting in the takedown of fifteen individuals, many of them alleged gang members who operated a heroin, fentanyl, suboxone (buprenorphine), and cocaine distribution network on the North Shore of Staten Island. One of the subjects, Stephen Cummings, was indicted on single counts of Manslaughter in the Second



Degree and Criminally Negligent Homicide for selling fentanyl to an individual who later overdosed and died. This is the first time that a District Attorney's Office in New York City has brought homicide-related charges against a drug dealer in relation to an overdose fatality.

OPERATION "SOUTHERN COMFORT"

Takedown of a heroin distribution ring that operated predominately on the South Shore of Staten Island. The main target, Anthony Olsovi, is accused of selling more than 3,200 glassines of heroin to NYPD undercover officers over the course of the investigation. The defendant, Olsovi, was convicted and sentenced to six years in prison.

OPERATION "STEM THE TIDE"

Takedown of 11 individuals for operating a crack cocaine distribution network from the South Beach Houses in Staten Island following a long-term investigation by NYPD Narcotics Borough Staten Island, the District Attorney's Office, and the New York City Department of Investigation. Several of the defendants are alleged gang members who illegally resided on the NYCHA property. At least three drug overdoses being investigated under the Overdose Response Initiative were linked to subjects in this investigation.

OPERATION "ALL IN THE FAMILY"

Takedown of a drug dealing ring that sold cocaine in several neighborhoods in Staten Island. The five-month investigation was dubbed, "All in the Family," a reference to the three defendants who

are brothers. The defendants—Toriano Lewis, Alamir Lewis, Alphonso Lewis—were all convicted of felony drug charges and sentenced to terms in jail.

Solutions for Staten Island: Diversion, Treatment, and Public Awareness

HEROIN OVERDOSE PREVENTION & EDUCATION (HOPE) PROGRAM

The Heroin Overdose Prevention & Education (HOPE) Program is a first-of-its kind diversion program in New York City that redirects low-level drug offenders in Staten Island, pre-arraignment, to community-based health and treatment services, instead of jail and prosecution.

HOPE brings together groups from across the spectrum of law enforcement, treatment and social service providers, multiple interdisciplinary city agencies, and the Staten Island community with the goal of reducing overdoses and helping people access treatment services.

To further remove the stigma associated with substance use disorder, HOPE leverages peer recovery networks to serve as the initial face of the program in addition to providing support throughout the participant's trajectory through the program.

The flyer provides contact information for various partners and details about the HOPE program. It includes logos for the Heroin Overdose Prevention & Education program, the NYPD, and The Legal Aid Society. Key text includes: "IMPORTANT HOPE CONTACTS", "The Legal Aid Society Community Justice Unit", "Community Health Action of Staten Island- Next Step Resource Center", "Christopher's Reason", "Staten Island District Attorney's Office", "HOPE Director", "HOPE was developed for Staten Island by law enforcement agencies, public health advocates, and community partners.", "HOPE redirects people arrested for drug possession crimes to health services in the community instead of going to jail or being prosecuted.", and "YOU CAN AVOID A CRIMINAL RECORD IF YOU ENGAGE IN SERVICES".

A dark blue graphic containing white text statistics: "338 individuals offered HOPE in 2017", "265 individuals received Naloxone training; 248 Naloxone kits distributed.", "263 participants (90%) meaningfully engaged in treatment services and had their cases withdrawn.", "101 people were referred to outpatient treatment programs.", "24 people were referred to inpatient treatment programs.", and "69 people received services exclusively at the Recovery Centers."

A tilted graphic with the text: "HOPE IS HERE TO HELP", "Heroin Overdose Prevention & Education", "ENGAGE IN SERVICES, AVOID A CRIMINAL RECORD.", "HOPE offers: Addiction Treatment, Recovery Support, Certified Peer Mentors, Community-Based Health Service", and "Don't let this arrest define the rest of your life."

SIHOPE.ORG & "STATEN ISLANDERS AGAINST DRUG ABUSE" PUBLIC AWARENESS CAMPAIGN:

"Staten Islanders against Drug Abuse" is a grassroots public awareness campaign aimed at combating the heroin, fentanyl and opioid epidemic in Staten Island while also providing resources and help to those battling addiction. The initiative includes a one-stop shop website, SIHOPE.org. This online resource was designed for those struggling with addiction, those with a loved one struggling with substance abuse, and those that simply want to get involved to help stop the heroin and opioid epidemic in Staten Island.

As part of this campaign, more than 3,000 "SIHOPE" lawn signs have been placed in public locations throughout Staten Island to help raise awareness to this serious issue.



STATEN ISLAND DRUG TREATMENT COURT, DTAP & TASC

The mission of Staten Island Drug Treatment Court (SITC), Drug Treatment Alternatives to Prison (DTAP), and Treatment Alternatives for Safer Communities (TASC) is to rehabilitate substance abusing offenders in order to improve not only their quality of life but also that of the Staten Island community, by breaking the cycle of crime associated with addiction. Through the mutual efforts of the judge, prosecutor, defense bar, and treatment providers, these diversion programs use its authority to address the addiction of eligible offenders, in the following ways: seek appropriate treatment, monitor offenders while in treatment, impose graduated sanctions for non-compliance, grant rewards for compliance, and provide recognition to participants when they have successfully completed their programs.

“MEDSAFE” DRUG DISPOSAL RECEPTACLES

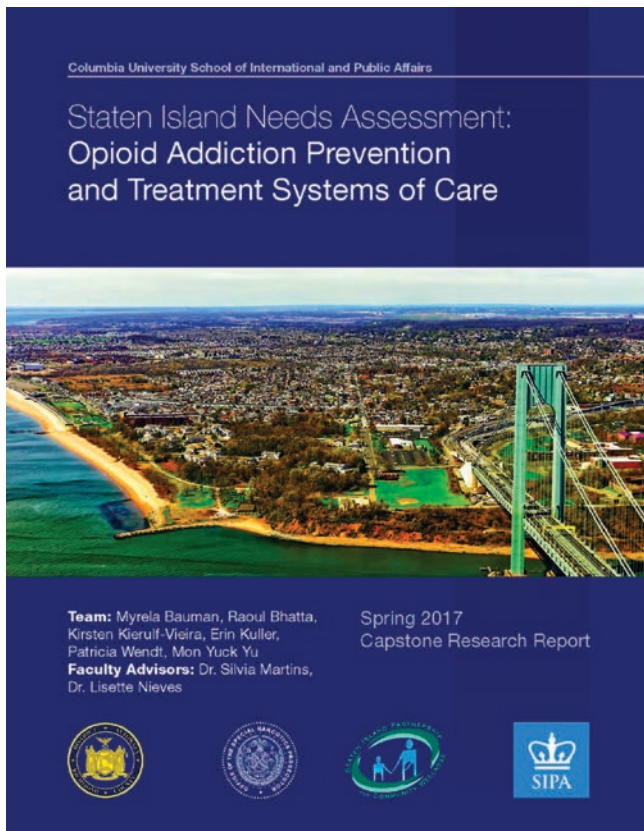
DA McMahon sponsored the installation of “MedSafe” Drug Disposal Receptacles in several pharmacies throughout Staten Island. These bins allow any Staten Islander a secure and environmentally safe way to dispose of any unused medication, preventing them from falling into the wrong hands.

In addition to being located in each of the four Staten Island police precincts, MedSafe receptacles can also be found at:

- Ocean Breeze Pharmacy, 1817 Hylan Blvd.
- Delco Drugs, 3833 Richmond Ave.
- Randall Manor Pharmacy, 395 Forest Ave.
- Super Health Pharmacy, 6400 Amboy Rd.



COLUMBIA UNIVERSITY CAPSTONE REPORT



DA McMahon and Special Narcotics Prosecutor Bridget G. Brennan facilitated a study by Columbia University graduate students that analyzed the scope of opioid addiction on Staten Island and addressed the borough's lack of widely available treatment options. The independent academic report, entitled "*Staten Island Needs Assessment: Opioid Addiction Prevention and Treatment System of Care,*" was compiled by graduate student researchers at Columbia University's School of International and Public Affairs.

ENGAGING OUR YOUTH: CHOICES & CONSEQUENCES PROGRAM & 'NO D' INITIATIVE



The Choices & Consequences Program is an interactive high school presentation designed to prevent drunk, drugged, and reckless driving. As traffic crashes are the number one cause of death for individuals between the ages of fifteen and twenty-four, RCDA's goal is to reduce injuries and deaths in addition to demonstrating proper driving habits.

The 'No D' Initiative is a program offered to all middle and high schools on Staten Island where Assistant District Attorneys travel to schools throughout Staten Island to give anti-drug presentations to youth. The 35-minute presentation includes real life examples of opioid abuse, the damage inflicted on families by addicts, and the legal ramifications that come with drug-related crimes. The goal is to start a conversation with youth and break through the theory of "teenage invincibility" while educating young people about the real dangers of drugs – to prevent cocaine, heroin, and pill addiction before it begins.

PART IV: DOMESTIC VIOLENCE AWARENESS & PREVENTION INITIATIVES

RCDA's Domestic Violence Bureau

RCDA's Domestic Violence Bureau works tirelessly on behalf of the people of Staten Island to protect survivors of domestic violence while holding domestic abusers accountable. Throughout 2017, RCDA took on several new initiatives and programs to expand outreach and offer additional supportive services. These include expanding services at the Family Justice Center to better serve the needs of survivors while continuing to work on outreach with the Mayor's Office to Combat Domestic Violence. At the same time, DA McMahan created the College Sexual Assault Initiative to offer investigative and support services to the borough's college campuses. The office's Domestic Violence Bureau, created in 2016 by DA McMahan, continues to vigorously prosecute domestic abusers while developing new and better ways to hold these individuals accountable and offer help to victims in these serious crimes.



Family Justice Center

The Family Justice Center is dedicated to providing resources and a safe space for victims of domestic violence, sex trafficking or elder abuse. The Center, co-located with the District Attorney's Office, is open to everyone, regardless of income, language, immigration status, gender identity or sexual orientation, providing free criminal justice, legal, and social services and counseling. The space is family friendly, equipped with a supervised play area for children, resources in various languages, and continuous, consistent care. The Center was designed to offer a safe place for individuals to obtain any and all services someone experiencing domestic violence might need. If you are a victim of domestic abuse or intimate partner violence, come get help and support from our experienced staff.



College Sexual Assault Initiative



District Attorney McMahon joined the Presidents of Wagner College, St. John's University, and the College of Staten Island to announce the "Staten Island Plan" against sexual assault on campus. This comprehensive action plan utilizes investigative resources and victim support services within the District Attorney's Office to ensure that sexual assault survivors are provided with the care and attention they deserve. This initiative comes following an increased number of reported cases of sexual assault on college campuses across the nation. The plan, developed in consultation with the administration of all three schools, will eliminate the stress and confusion when deciding what to do following an incident of sexual violence. Under the plan, Assistant District Attorneys from District Attorney McMahon's Special Victims Bureau will, at the request of the survivor, help explore all available options to the survivor both within and outside the criminal justice system. These options include counseling, medical resources, discussion of legal options, and a dedicated support person to guide them through the criminal justice system should the survivor wish to report the incident.

Victim Services Unit



The Victim Services Unit is comprised of Victim Advocates whose mission is to provide support services to individuals who have witnessed or been victimized by crime on Staten Island. The advocates in this unit are dedicated to empowering and guiding victims and witnesses through the criminal justice process, a critical function of the District Attorney's office. These advocates accompany victims to court appearances, discuss safety issues, provide referrals for counseling and other services, and connect victims with resources and benefits they are entitled to as victims of crime.

Salon Training Initiative to Combat Domestic Violence

In 2017, District Attorney McMahon and Commissioner Cecile Noel of the Mayor's Office to Combat Domestic Violence launched a new domestic violence awareness program on Staten Island that trains salon professionals on how to recognize the signs of intimate partner violence, familiarize staff with resources available to

survivors within the borough, and teach them how to safely connect victims to help. The two-hour training sessions focused on the impact of intimate partner violence on survivors and their children; barriers that victims face; risk assessment and safety planning, and resources available to survivors and their families.



Anti-Crime Grant for Early Intervention Initiative for High Risk Victims

Thanks to a \$100,000 anti-crime grant secured from state Senator Andrew Lanza, DA McMahon's office and Community Health Action of Staten Island continued its partnership working toward early intervention outreach for strangulation cases, which is the top indicator of escalating domestic violence problems and one of the top pre-indicators of a domestic violence-related homicide.



PART V: PROBLEM SOLVING COURTS

Veterans Court

In 2017, RCDA continued to work along with our partners in the Office of Court Administration, the Department of Veterans Affairs, the Defense Bar, and the community, to operate the borough's first Veterans Court designed to serve as an alternative to jail for veterans while offering supportive services to veterans charged with low-level crimes.

Veterans Courts operate like other special diversion courts and are designed to address the unique personal challenges many vets find themselves facing after returning home from military service. Often times, substance abuse and mental health disorders negatively impact the lives of veterans and their families— leading to felonies and misdemeanors that might put vets into the criminal justice system without addressing their core problems. Criminal behavior, mental health problems and substance abuse often stem directly from service in combat zones and may be amplified by re-entry into home life. The alternative track provided by the Veterans Courts can lead to a reduction or dismissal of charges if vets complete it successfully. Veterans Court volunteer mentors are instrumental in making these courts work by talking to and counseling fellow veterans in ways that civilian counselors cannot.



Veterans Court Peer Mentor Program

Peer mentors are a critical component of the Veterans Court. They are men and women who have previously served in our military's armed forces and volunteer their time to work with veterans in court. By virtue of their military experience, peer mentors provide veteran-defendants with a unique source of support and motivation as they navigate through the court process. Through the use of peer mentors, judicial monitoring, coordinated services and enhanced communication, the Veterans Court seeks to provide veterans with immediate and intensive intervention so that they can successfully reintegrate into civilian life.

*Interested in becoming a mentor?
Contact the Veterans Court resource coordinator
at 718-675-8481.*



Mental Health Court

Staten Island’s Mental Health Court handles criminal cases involving defendants with mental illness. Mental Health Courts are dedicated to improving public safety, court operations and the well-being of people with mental illness. Modeled on New York State’s successful Drug Court initiative, the Mental Health Court initiative aims to provide offenders with mental illness the

support and structure they need in order to avoid further criminal behavior. Mental Health Courts facilitate access to services, provide intensive judicial monitoring and promote collaboration between the court, community stakeholders, local mental health departments, mental health service providers and social service providers.

Working to Bring a Community Justice Center to Staten Island

In 2017, DA McMahon joined Staten Island’s elected leaders and community stakeholders to begin work on bringing a Community Justice Center to Staten Island. Modeled after the successful center in Red Hook, a Staten Island Community Justice Center would serve to reduce the cycle of recidivism by redirecting low-level criminal offenders to treatment and mental health based programs. It would benefit the community at large by offering programming to any member of the community such as health and substance use treatment referrals, educational and vocational programming like GED classes and OSHA certification, housing services, mediation including peacemaking and conflict resolution, and so much more. The DA’s office recently funded a Strategic Action Plan to study the costs and benefits of bringing a justice center to the borough.



Use **#SICommunityJusticeCenter** to show your support by posting about this initiative on social media.

PART VI: COMMUNITY PARTNERSHIP UNIT

ROLE OF COMMUNITY PARTNERSHIP UNIT:

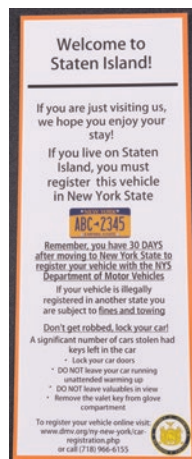
The Community Partnership Unit was created by District Attorney McMahon in an effort to better serve the communities that the Office represents. The Unit serves as the bridge between Staten Islanders and the Office. The Unit's responsibilities include attending community meetings and events, hosting our own gatherings to inform and protect the public from crime, and developing initiatives to attack a variety of criminal and social problems that our Island faces, notably domestic violence, street crime, and the drug epidemic.



"MOCK TICKET" ILLEGALLY REGISTERED CAR CAMPAIGN:



Staten Island, like many communities around the city suffers from the nuisance of illegally registered out of state cars taking our precious parking spots on local streets. To remind these car owners who get away with paying lower premiums and taxes by illegally declaring residency in other states, we developed a mock "ticket" that explains the penalties one may face if caught committing this scam, and reminds them how to properly register their car with the NYS Department of Motor Vehicles. We continue to



distribute these "tickets" in neighborhoods across Staten Island on any car that bears out-of-state plates.

SCHOOL PRESENTATIONS:



RCDA believes that prevention and education are our best tools to combat the drug epidemic and criminal behavior in our borough. Our ADAs regularly visit schools around the Island and present to students on the reality and dangers of drug use, a program called "NO D." Additionally, our ADAs speak to High School seniors about the dangers of drunk driving, called "Choices and Consequences." We also host a group of Staten Island high school students from the Exploring Program who visit the office once per week and hear from the various bureaus and divisions within the office about their careers in law enforcement, notable cases and convictions, and advice for them as they prepare to move onto college and careers.

STEP UP. STEP FORWARD. STOP BULLYING ANTI-BULLYING CAMPAIGN:



Bullying behavior has a devastating impact on our young people; we have seen the tragic consequences happen far too often here on Staten Island. To promote the message of respect for all and to encour-

age our students to step up and speak out against bullying, we launched our "Step Up. Step Forward. Stop Bullying." Art & Writing Contest in 2016. The annual contest has drawn thousands of submissions from

dozens of Island schools, culminating in an Awards Ceremony where stories of survival and theatrical productions are shown to participating families.

ADAs ENGAGING IN COMMUNITY AND CIVIC MEETINGS:



As a former Civic Association President, Council Member, and Member of Congress, DA McMahon understands the importance of community advocacy and involvement. Together with a member of our Community Partnership Unit, one of our ADAs attends each monthly meeting of the Island's three Community Boards and four NYPD Precinct Community Council to serve as a resource for the people of Staten

Island and to learn the issues impacting our communities outside the courtroom. The offices Community Partnership Unit members also regularly attend civic meetings.

"SISAFERIDE" UBER CAMPAIGN:



To combat drunk driving, RCDA partnered with Borough President James Oddo and Uber to form the "SI SAFE

RIDE" Initiative, where any Staten Islander could enter a promotional code into their Uber app and receive free rides up to \$15 to and from their destination. The Initiative was launched on Thanksgiving Eve, one of the most popular drinking nights of the year, and 3,000 Staten Islanders took advantage of the promotion. This was followed up by another successful event for Staten Island St. Patrick's Parade Day and again on Super Bowl Sunday.

SI LOVES ITS PETS PHOTO CONTEST:



To promote the launch of the Animal Cruelty Unit, created by DA McMahon, we organized a contest for Staten Islanders to show off the special bond they have with their pets to be featured in a “Staten Island Loves Its Pets” Calendar. The calendar was distributed to thousands of Staten Islanders and contained critical information on how to report animal abuse, where to access free and discounted veterinary care, and how to find adoption centers in our community.



HOWL-O-WEEN:

The Community Partnership Unit executes a core mission of the District Attorney’s Office: to prevent crime. Part of that can be accomplished by hosting free and safe events for the public to enjoy. In October, DA McMahon partnered with NYC Parks and Empire Blue Cross Blue Shield to host our first annual “Howl-O-Ween” event, where we promoted RCDA’s Animal Cruelty Prevention Unit, free and low-cost animal care, safety tips for trick or treating, and provided vendors and activities for over 2,000 kids and their families.



FIRST EDUCATORS BREAKFAST WITH DAS OFFICE:

Our schools are a critical partner in keeping the people and children of Staten Island safe and informed of what is happening in their communities. To introduce the Island’s Principals, Parent Coordinators and school staff to our office, we hosted hundreds of Island educators for a Breakfast where we discussed opportunities for collaboration, including issues of child welfare and presentations in the schools on drug abuse and healthy relationships.

EXPLORING PROGRAM:

We have hosted hundreds of high school students interested in a career in law enforcement and public service as part of the BSA's Exploring Program. The students visit our office once per week over a six week period and learn from the various bureaus and units within our office about our staff's careers, some of the notable cases they have worked on, and advice as they prepare to enter college.

PROTECT YOUR BUSINESS FORUMS:

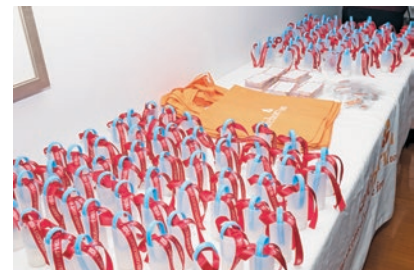
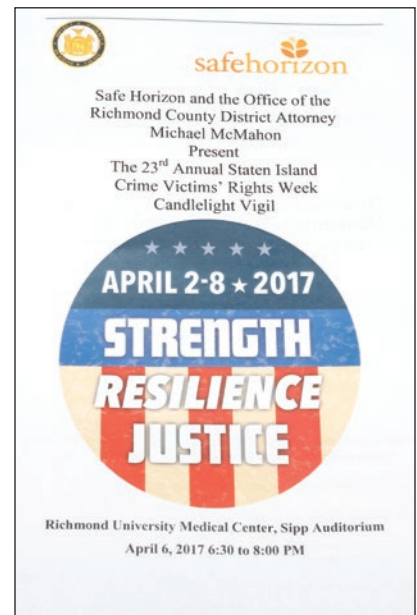
Our Island's businesses, big and small, are the lifeblood of the borough and are often the target of crime. We have hosted several "Protect Your Business" forums where business owners and non-profit leaders learn from our Economic Crimes Bureau tips and advice on how to protect their business from employee theft, fraud, theft of services, as well as physical threats like burglary and vandalism.



VICTIMS VIGIL:

Each year as part of National Crime Victims' Rights Week, our office joins with Safe Horizon and the Family Justice Center to host a Victims Vigil, a night for victims of crime and their loved ones to share their experiences and offer comfort to other Staten Islanders who have experienced tragedy as a result of criminal activity. Taking proper care of victims of crime is a cornerstone of everything we do in our office, and the Vigil is a night for them to come together to share in each other's stories of loss and triumph.

During the 23rd Annual Victim's Vigil, RCDA honored Lynn Salvatore and her family with a tree planting ceremony in the Staten Island schoolyard where Ms. Salvatore's mother was tragically murdered in 1992.



PART VII: RCDA IN THE COMMUNITY





IMPORTANT NUMBERS TO CALL

RCDA Drug Hotline

(718) 876-5839

RCDA Animal Neglect Prevention Program

(718) 876-6300

RCDA Domestic Violence Coordinator

(718) 556-0577

Domestic Violence Hotline

1-800-621-HOPE (4673)

120th Precinct

(718) 876-8500

121st Precinct

(718) 697-8700

122nd Precinct

(718) 667-2211

123rd Precinct

(718) 948-9311

NYPD CrimeStoppers

(800) 577-TIPS (8477)

OFFICE OF THE RICHMOND COUNTY
DISTRICT ATTORNEY, MICHAEL E. MCMAHON

2017 ANNUAL REPORT





New York County District Attorney's Office
Testimony before City Council Public Safety and Finance Committees
FY20 Preliminary Budget
March 19, 2019

Good afternoon Chairs Richards and Lancman, and members of the Committees on Public Safety and the Justice System. Thank you for the opportunity to speak today about my Office's Fiscal Year 2019 Preliminary Budget. The support we have received over the years from the City Council has helped us stay at the forefront of prosecutorial innovation and is critical to our continued success in reducing crime in Manhattan.

The City's investment in local law enforcement has led to sustained and historic low crime levels across the five boroughs. Last year in Manhattan, there were 31 homicides, a decrease from 46 in 2017, and less than half of the 70 homicides there were in 2010, my first year as District Attorney. Additionally, there were 73 non-fatal shooting incidents in Manhattan in 2018, down from 88 in 2017, and down from 126 non-fatal shooting incidents in 2016.

In addition to contributing to record lows in violent crime, my Office has made criminal justice reform and reducing unnecessary incarceration among its highest priorities. As a result, we have drastically reduced the number of prosecutions for low-level offenses in Manhattan. Last year, there were 42,258 misdemeanor and violation arraignments in Manhattan Criminal Court, a 51% reduction from 85,615 arraignments in 2010. Through prosecutorial discretion, the widespread use of diversion programming, and a corresponding decline in the number of arrests annually by the NYPD, we've essentially halved our caseload for low-level crimes, allowing us to focus on the type of serious white-collar crime indictments and cold-case homicide convictions that you may have heard about in the news just the last week.

We have these statistics at our fingertips because of the work of three critical units in my Office: the Crime Strategies Unit, the Violent Criminal Enterprises Unit, and the Planning and Management Unit. The work of the Crime Strategies and Violent Criminal Enterprises Units, in particular, helped bring violent crime in Manhattan to record lows. To date, these areas of the office, along with our pioneering Conviction Integrity Program and Cybercrime and Identity Theft Bureau, have been entirely self-funded. These initiatives, which mostly commenced in 2010, have been recognized as best practices for a modern prosecutor's office and have been largely replicated in other New York City DA's offices with City Tax Levy funds.

Our activities prosecuting white-collar crimes have the ancillary benefit of allowing us to make substantial financial contributions to the City. Since 2010, my Office has distributed more than \$1.97 billion to New York City (and more than \$2.05 billion to New York State), fifteen times our annual City funding. At the end of November, we transferred \$77.6 million to the City from

our investigation into Societe Generale, a French investment bank that was found to be violating U.S. sanctions out of their New York office.

We are proud that we can contribute more than we take, and we strongly believe that the resources we invest in complex white-collar cases investigated and prosecuted by units we have up until now self-funded, including the Financial Frauds and Cybercrime and Identity Theft Bureaus, are well worth the benefits they return to taxpayers in the form of justice, public safety, and revenue.

Thanks to settlement funds, we've been in the fortunate position up until this point to support innovation, but case-generated revenue is not a stable funding source or a long-term solution for addressing baseline salary needs. Furthermore, criminal justice reform is crucial to helping the City achieve its goal of closing Rikers Island in under a decade, but we require additional City Tax Levy funding to support our efforts. Specifically, DANY requests an additional \$12 million in personal services funding (otherwise known as salaries) to sustain several critical and innovative activities that have been self-funded by our office since 2010. Without additional baseline funding support in the future, my office will no longer be able to fund these programs and will eventually need to drastically cut back on core prosecutorial staffing.

A request for \$12 million is significant, but it is nothing compared to the \$1.97 billion my Office has returned to the City through our casework. In addition to the \$250 million that my Office has allocated to 50 grantees, ranging from community-based organizations to universities to large hospitals, we also allocated \$101 million to the city to upgrade security in key NYCHA developments, as well as the \$90 million to equip the NYPD with tablets, handheld devices, and mobile databases for every police officer and patrol car).

These grantees are providing crucial services to New York City residents through the Criminal Justice Investment Initiative (CJII), a first-of-its-kind effort to support innovative community projects that fill critical gaps and needs in New York City. Guided by the principle of prevention as a cornerstone of a 21st century crime-fighting strategy, the investments represent a comprehensive, forward-looking approach to improving the well-being and safety of all New Yorkers.

I brought with me today copies of a brand-new CJII progress report detailing how our money has been directed nearly two years after the first funds became available in June 2016. We have taken the stewardship of these funds very seriously and sought expert consultation from the CUNY Institute for State and Local Governance (ISLG), a policy and research institute with deep expertise in criminal justice issues.

CJII is a once-in-a-generation opportunity to spur innovation, test new approaches, and rigorously evaluate new service models. And I am proud to report today that we are already seeing results. More than 8,000 New Yorkers have received crucial services as a result of CJII investments so far. First, CJII is supporting young people and families to make sure they have the resources they need to succeed. Second, CJII is supporting people who have been victims of crime to address their trauma and mitigate future victimization. And third, CJII is focusing on people who are returning home after periods of incarceration or diverting people from the justice system altogether, helping to ensure that they have the resources and supports they need to be successful. CJII has supported people regardless of age, ethnicity, or lived experience, including

immigrants, young adults transitioning from foster care, LGBTQ individuals, and people with disabilities.

Because my colleagues from public defender organizations will be testifying today, I want to take the opportunity to highlight one CJII grant totaling \$1.33 million for Family and Youth Development to the Legal Aid Society. We know that students with disciplinary issues or learning or developmental disabilities are at higher risk of becoming involved in the criminal justice system. With CJII funds, the Legal Aid Society is providing legal advocacy for young, low-income students and their families who may be at risk of being suspended or who have disabilities. In addition to providing legal advocacy, Legal Aid is leading know-your-rights sessions for parents and guardians, as well as offering support groups for parents. To date, the program has served 67 clients, and I urge you to read about their work on behalf of one pre-teen girl in need of special education services in this report.

As you heard me testify last month, I fully support expunging past marijuana convictions. Another initiative my Office is working on with public defenders is a project that would result in the automatic sealing of previous marijuana convictions.

A second initiative that my Office has funded with forfeiture proceeds is Manhattan HOPE, a program pilot that began on September 4, 2018. Modeled after Staten Island's successful program, and building off the Manhattan District Attorney's existing pre-arraignment diversion portfolio, Manhattan HOPE is designed to divert people arrested for misdemeanor drug possession at the point of arrest. This program is rooted in the principles of harm reduction, procedural justice, rapid engagement and other evidence-based practices.

The nine-month pilot, which was created in partnership with the NYPD and Alliance for Positive Change, runs through June. We expect it will divert approximately 275 people to treatment or other restorative interventions in lieu of the formal court process. Participants who complete the intervention will have their cases "declined to be prosecuted" by the DA's office. In addition to potential jail bed savings, this program yields savings in court and police resources. DANY requests \$625,000 annually starting in FY20 to continue this important program going forward.¹

We also request financial assistance for two leased locations that are operationally critical to the running of our office: 40 Worth Street in Manhattan and 4312 Second Avenue in Brooklyn.

Since 2015, we have leased office space at 40 Worth Street to serve as a swing space while we made necessary improvements to our 80 Centre Street office space. Our decision to invest in the rehabilitation of 80 Centre Street was predicated on the Manhattan Court Master Plan that called for my Office to permanently occupy all of 80 Centre Street. Unfortunately, this plan has stalled, largely due to the City's Rikers Initiative. We understand that this plan takes precedence given the urgent need to create more borough-based jail capacity as part of the city's strategic plan. We now find ourselves, however, without sufficient suitable permanent space for staff currently located in the swing space at 40 Worth Street. Our lease expires February 2020, but we will need to renew the lease and we request \$2.7 million annually to cover the total cost of extending our lease at 40 Worth Street for another five-year term.

¹ This estimated annual program cost is based on information we received regarding the Staten Island HOPE program.

Second, we require 22,000 square feet of additional records storage space at 4312 Second Avenue, Brooklyn. As we are required by law to keep most of our files for 25 years, physical storage remains a growing need for our office. We are proactive about seeking alternatives to leasing costly warehouse space, and we have begun utilizing the City's GRM contract when appropriate and actively work with Department of Records and Information Services to transfer files destined for the municipal archives. However, they are behind in collecting files from our office. We digitize certain records for the Office ourselves, such as misdemeanor arraignment paperwork, and will expand the digitization efforts across cases going to storage, but case files – including paper documents – still must be retained and stored. Given the volume of cases and associated documents and the statutory retention requirements, leasing the additional space at 4312 Second Avenue is an operational necessity and we require an additional \$700,000 annually to cover the costs associated with this additional space.

Finally, I just want to follow up on the pay parity issue we discussed when our offices testified before this committee last year. At that time, we highlighted the urgent need for additional City funding so that we could offer competitive salaries to our assistant district attorneys. We appreciate the City Council's immediate acknowledgment of the issue and its support during the Fiscal Year 2019 Adopted Budget negotiations. Thanks to your advocacy, the Mayor's Office also recognized this concern and took steps toward addressing the historical pay disparity among assistant district attorneys and other public sector law professionals. As part of the Fiscal Year 2019 Adopted Budget, an additional \$253,808 in City Tax Levy funding was allocated to our baseline budget to increase the salaries of attorneys in years 1 through 4 of service. We are grateful for these funds and we are eager to implement a new salary structure for our most junior assistant district attorneys. However, the funding received in the Adopted Budget is insufficient to implement this new salary structure. The Manhattan DA's Office requires an additional \$549,066, for a total of \$802,874 annually, to enact the pay raises. We have alerted the Mayor's Office of Management and Budget to this funding need, they agreed with our analysis and we have been assured that additional funding will be made available.

Thank you for the opportunity to speak today, and thank you for the continued support of my Office.

###



Manhattan District Attorney's Criminal Justice Investment Initiative

PROGRESS REPORT

March 2019



CUNY INSTITUTE
FOR STATE & LOCAL
GOVERNANCE

LETTER FROM DISTRICT ATTORNEY VANCE

Since 2009, the Manhattan DA's Office has received over \$3 billion seized in international financial crime prosecutions: \$1.1 billion went directly to New York City, and \$2 billion went directly to New York State. With the \$250 million that remained with our office, my office created the Criminal Justice Investment Initiative (CJII) to invest in transformative projects that strengthen and support our youth, families, and communities in New York City.

I am pleased to share with you the progress to date of CJII, a once-in-a-lifetime opportunity to spur innovation, test new approaches, and rigorously evaluate untested models. And we are already starting to see results. More than 8,000 New Yorkers have received crucial services as a result of CJII investments so far.

I am eternally grateful to the 50 grantee organizations that are being funded through CJII. They are the ones on the frontlines, working tirelessly to ensure that New Yorkers have access to the services they need. It is a result of their deep commitment that we are making an impact with these investments. Thank you to the CUNY Institute for State and Local Governance, our technical assistance consultant, for its expert guidance and consultation, and for spearheading the management of this initiative.

We look forward to continued collaboration with stakeholders who have generously shared their expertise in helping make CJII a reality. In the years ahead, we will have additional data and research, and we are committed to sharing these findings with practitioners and policymakers to ensure that effective approaches are replicated and sustained far and wide.

By working together, we can make our city safer and help our communities build lasting change in the years and decades to come.



A handwritten signature in black ink that reads "Cyrus R. Vance, Jr." The signature is fluid and cursive, with a large, stylized "V" at the end.

Cyrus R. Vance, Jr.
Manhattan District Attorney

LETTER FROM MICHAEL JACOBSON

We began working with the Manhattan DA's Office in 2014 to put together a blueprint for its Criminal Justice Investment Initiative (CJII). Since the very beginning, the DA's Office and District Attorney Vance have been forward-thinking about their investment approach. They have focused on investments to prevent crime, and they have committed to investing both in programs that have been shown to work and in testing new ideas.

Today, we work closely with the DA's Office to help manage and support the 50 CJII grantees and more than 100 CJII subcontractors that range from community-based organizations to universities to large hospitals. Together, we have focused on engaging and building strong relationships with these grantees to support them and build their capacity.

It is a pleasure to work with these organizations that are deeply embedded in and committed to strengthening our communities. We commend the District Attorney for investing in these organizations and their programs and for investing in CJII grantee training and technical assistance to ensure sustainability long term. We look forward to continuing this work in the years to come.



A handwritten signature in black ink, appearing to read 'MJ', written in a cursive style.

Michael Jacobson
Executive Director, CUNY Institute for State and Local Governance

TABLE OF CONTENTS

- INTRODUCTION** **7**
- About CJII 7
- Background 9
- IMPACT TO DATE** **10**
- Goal 1: Supporting Young People and Families 10
- Goal 2: Supporting Survivors of Crime 18
- Goal 3: Enhance Diversion and Reentry Support 22
- ENSURING LONG-TERM IMPACT** **28**
- Capital Investment 28
- Evaluation 28
- Training and Technical Assistance 29
- APPENDIX: ALL CJII INVESTMENTS** **30**



INTRODUCTION

About the Criminal Justice Investment Initiative (CJII)

Manhattan District Attorney Cyrus R. Vance, Jr. established the Criminal Justice Investment Initiative to invest \$250 million seized in international financial crime prosecutions to strengthen and support communities in New York City. CJII is a first-of-its kind effort to support innovative community projects that fill critical gaps and needs in New York City. Guided by the principle of prevention as a cornerstone of a 21st century crime-fighting strategy, the investments that have been made represent a comprehensive, forward-looking approach to improving the well-being and safety of all New Yorkers.

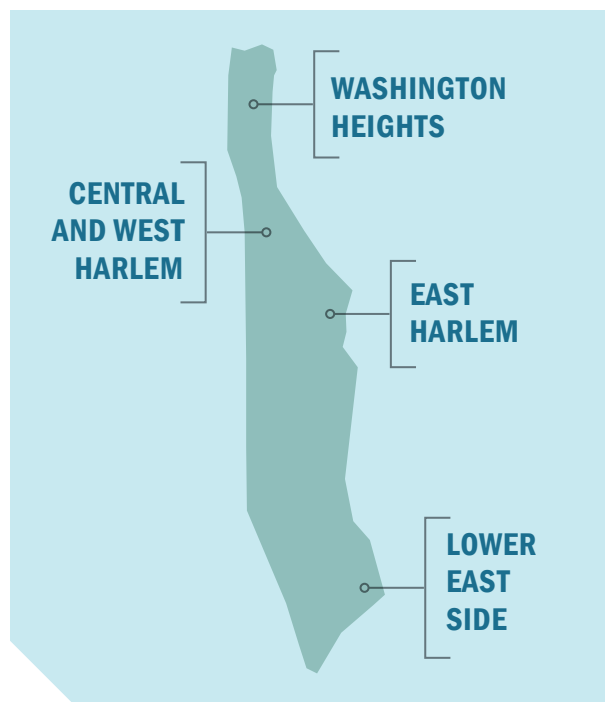
CJII is a laboratory for testing new and innovative approaches. Proofs-of-concepts are being generated that can provide a road map to jurisdictions near and far on how to revitalize their communities and build lasting change. Ground-breaking approaches are being evaluated and findings will be disseminated in the coming years so that experts and practitioners can learn from CJII and effective approaches can be replicated and sustained in Manhattan and beyond.

Since 2016, 50 grantees have been funded through CJII and are providing crucial services to New York City residents. This report presents the progress of CJII to date—nearly two years after the first funds became available in June 2016.¹ A summary of key performance measurement data and other indicators are included throughout the report to demonstrate early indicators of success.

CJII is organized along a continuum across three areas, all of which are focused on strengthening communities. First, CJII is supporting **young people and families** to make sure they have the

resources they need to succeed. Second, CJII is supporting people who have been **victims of crime** to address their trauma and mitigate future victimization. And third, CJII is focusing on **people who are returning home** after periods of incarceration or **diverting people from the justice system altogether**, helping to ensure that they have the resources and supports they need to be successful.

CJII investments are primarily focused on four key neighborhoods in Manhattan: East Harlem, Central & West Harlem, Washington Heights, and the Lower East Side. In comparison to other areas of Manhattan, residents in these neighborhoods experience worse economic prospects;² poorer health; lower educational attainment;³ and higher rates of prison admission.⁴ These factors contribute to heightened violence and reduced safety in homes, schools and communities, and lead to residents' increased involvement in the justice system. By focusing our resources on these neighborhoods, we can strengthen all of our communities.



These CJII investments began implementation on a rolling basis in 2017 and are currently at various stages of planning and implementation. Nevertheless, early data can demonstrate how some of these initiatives are already improving outcomes for the people they are serving.

To date, CJII funds have supported more than 8,000 people across New York City and New York State. Reflecting the diversity of investments, CJII has supported people regardless of age, ethnicity, or lived experience, including immigrants, individuals who are LGBTQ, and people with disabilities. Reflecting CJII’s emphasis on place-based strategies, two-thirds of all people supported to date live in Manhattan, including 51% in the four focus neighborhoods described above and 14% in other neighborhoods of Manhattan. The remaining 35% of participants live in other boroughs of New York City or elsewhere in New York State.

CJII seeks to ensure that the work continues for years to come and has sustained impact far beyond the length of these investments.

To do this, CJII is:

- Supporting its grantees, especially grass-roots organizations, to build or improve their internal strategies and capacity through training and technical assistance to ensure long-term sustainability.
- Fostering collaboration and partnerships among service providers and across sectors.
- Investing in capital improvements to increase the appeal and functionality of service delivery locations.
- Increasing access to services for underserved groups, including young people of color, immigrants, LGBTQ individuals, people who are D/deaf or hard of hearing, and people who have a disability.
- Rigorously evaluating untested models to determine best practices and bolster evidence-based reporting in social service programs.

FOCUS AREA 1	FOCUS AREA 2	FOCUS AREA 3
Supporting Young People and Families	Supporting Victims of Crime	Diverting People from the Justice System & Supporting Reentry to Communities
INVESTMENTS <ul style="list-style-type: none"> • Youth Opportunity Hubs • Family & Youth Development • Foster Youth Transitioning to Adulthood • Community Navigators 	INVESTMENTS <ul style="list-style-type: none"> • Increase Access to Services for Survivors of Crime • Abusive Partner Intervention Program • Center for Trauma Innovation 	INVESTMENTS <ul style="list-style-type: none"> • College-in-Prison Reentry Program • Adult Project Reset • Reentry Supports & Services • Reentry Innovation Challenge • Social Enterprises
8,000 People Served	50 Grantees	\$113,501,414 Committed*

*Note: a full overview of commitments and earmarks is included in the Appendix.

Background

STRATEGIC APPROACH

Given the unprecedented nature of this opportunity, the Manhattan DA's Office sought expert consultation from the CUNY Institute for State and Local Governance, a policy and research institute with deep expertise in criminal justice issues, to support the formation of CJII. ISLG oversees CJII on behalf of the Manhattan DA's Office and provides technical assistance for the Initiative, including managing the solicitation and contracting process, providing guidance to award recipients, and providing oversight and performance measurement throughout the lifetime of the Initiative.

ISLG managed the process of developing the CJII strategic plan and supported the Manhattan DA's Office to formulate CJII's goals and priorities. To do so, ISLG conducted a thorough analysis of the latest research on topics that

The Manhattan District Attorney's Office selected the City University of New York Institute for State and Local Governance (ISLG) through a competitive process to serve as the technical assistance consultant on CJII. ISLG provides recommendations on investment strategies to the District Attorney's Office. ISLG manages the solicitation and contracting process, provides guidance and oversight to award recipients, and conducts performance measurement throughout the initiative.

affect public safety in New York City. In addition, ISLG engaged in extensive interviews with more than 250 experts in the justice field and social and human services industry, including academics, clinical practitioners, elected officials, representatives of government agencies, and leaders from philanthropy, nonprofit, and grassroots organizations. These organizations ranged from small community-based organizations with specific expertise to large nonprofits that work across neighborhoods and substantive areas. Opportunities for investment were underscored throughout this analysis and outreach and were ultimately incorporated into CJII's strategic plan and investments. These areas included:

- Service coordination to increase collaboration among service providers and breakdown service silos
- Access to programs for underserved populations
- Cultural competency within the service sector
- Leveraging the expertise and building the capacity of grassroots service providers
- Integrated trauma-informed services

SOLICITATION & SELECTION PROCESS

CJII investments are primarily funded through public, competitive solicitations managed by ISLG. CJII releases specific requests for proposals, and responses are reviewed by a team of internal and external experts based on the criteria described in each solicitation. Applicants that are selected undergo a background check to assess their technical capacity, financial capacity, and operational integrity before any final funding decisions are made.



IMPACT TO DATE⁵

Goal 1: Supporting Young People and Families

Young people and families in all our communities are resilient and strong, but at the same time, an ample base of evidence shows that neighborhood conditions, in particular exposure to violence, can have a huge impact on young people's life trajectories and outcomes. In addition, factors related to family structure, parental incarceration, intrafamily relationships, family violence, parental supervision, and discipline have been found to be associated with eventual involvement in the justice system.⁶ Therefore, early attempts to support healthy family development can prevent subsequent child and family risk factors, including academic

problems, school dropout, antisocial behavior, and involvement in the justice system,⁷ as well as reduce recidivism.

The four CJII programs in this portfolio all attempt to build an array of community-based services that support people through positive, opportunity-based programming. They include:

- **Youth Opportunity Hubs:** Youth Opportunity Hubs provide comprehensive support to young people by linking neighborhood service providers and leveraging the expertise of grassroots organizations.
- **Family and Youth Development:** These programs support “two-generation” approaches for young people—from infancy to adulthood—and their families and caregivers.

- **Community Navigators:** Community Navigators are a network of trained peers and social workers that serve as a bridge to guide individuals across systems, city agencies, and organizations to ensure they are accessing the resources to meet their needs and achieve their goals.
- **Foster Youth Transitioning to Adulthood:** These programs seek to improve outcomes for young people aging out of foster care through targeted strategies, including coaching, educational support, workforce development, and housing.

YOUTH OPPORTUNITY HUBS

Current best practices for working with young people emphasize the importance of wrap-around approaches,⁸ which coordinate family, community, school, and agency resources based on a young person’s individualized needs. In New York City, numerous service providers seek to support young people, but they are often scattered and are not financially incentivized through typical funding structures to work together. To that end, CJII created five neighborhood-based Youth Opportunity Hubs to disrupt this pattern of disjointed service provision and improve service quality, coordination, and outcomes for youth.

Youth Opportunity Hubs are coordinated service delivery networks that include co-located services and warm hand-offs among providers to comprehensively serve young people’s needs. More than 60 service providers, including grassroots organizations, across five Hubs are receiving funds to build these “neighborhood safety nets” in East Harlem, West/Central Harlem, Washington Heights, and the Lower East Side.

Hubs provide workforce and educational opportunities, as well as mentorship, mental health support, and a wide range of enrichment activi-

ties such as sports and arts. They utilize positive youth development frameworks,⁹ which emphasize the role of assets, opportunities, and resources in healthy adolescent development.

Through September 2018, the Hubs have served 3,636 young people, ages 14 to 24; 64% are age 20 or younger.

The participants present with a range of needs and skills. Reflecting this broad approach:

- 37% of Hub participants are “disconnected,” or not engaged in school or work
- Approximately 16% had been arrested prior to engaging with the Hub

3,636

Young people served since the Hubs opened their doors in June 2017.

What will you find at a Hub?

- Educational assistance
- Mentorship
- Employment training
- Assistance securing housing
- Trauma & substance use services
- Mental health counseling
- Legal assistance
- Arts & recreational programs

HUBS PARTICIPANTS BY THE NUMBERS



72%

engage in "prosocial services"
such as mentoring



47%

receive health services



25%

receive employment support



25%

receive education support



11%

receive services to strengthen
their family supports



5%

receive other supports
related to criminal
justice involvement

"Rickie" provides an illustration of how the Hubs work in practice.

"Rickie" is 22 years old. He came to The Door seeking employment support. He has recently been street homeless and has intermittently stayed with friends throughout the city. Rickie has been arrested multiple times over the past few years and is unclear about his court status. In the past two months, as a result of targeted engagement and more accessible services from the Hub, Rickie has been connected to CASES through an internal coordinator. He is now enrolled in a high school equivalency program, where he is doing well. He is also in contact with CASES court advocates as a result of their partnership with The Door and is receiving support in navigating his case. He is utilizing the Hub's counseling services and maintaining consistent attendance, which is serving him well both personally and in court. Additionally, through a connection to another of The Door's partner organizations, he has received a state ID, vital records, and access to health insurance, which had previously prohibited him from participating in an employment program. He is now working with the Hub career coordinator, a more flexible means of engaging in career coaching that seems to work well for Rickie, and has completed his resume and gone on several job interviews.

FAMILY & YOUTH DEVELOPMENT

Families living in New York City (and, indeed, elsewhere) face stressors that can have a negative effect on children and other family members, ranging from living conditions in their communities to disruptions within their families. Interventions that support family and youth development, including bonds within the family and the ability to cope with distressing circumstances, have been found to be effective in preventing undesired life outcomes.¹⁰

This CJII investment seeks to expand the capacity of evidence-based, promising, and innovative programs serving families with children age 21 and under. CJII has invested in nine organizations across New York City to develop and expand innovative programs that support both youth and families. This “two-generation” approach provides comprehensive support to parents, guardians, other family members, and youth to help strengthen relationships and encourage healthy family functioning. This framework acknowledges both the challenges and sources of strength found in family units as a whole and seeks to support each individual within the family with tailored services.

As of September 2018, the nine Family and Youth Development programs had served 809 families, supporting young people at all ages—from early childhood (0 to 5 years old, 23%) to middle childhood (6 to 10 years old, 30%) to early adolescence (11 to 13 years old, 36%), adolescence (14 to 16 years old, 7%), and late adolescence to adulthood (17 to 21 years and older, 4%).

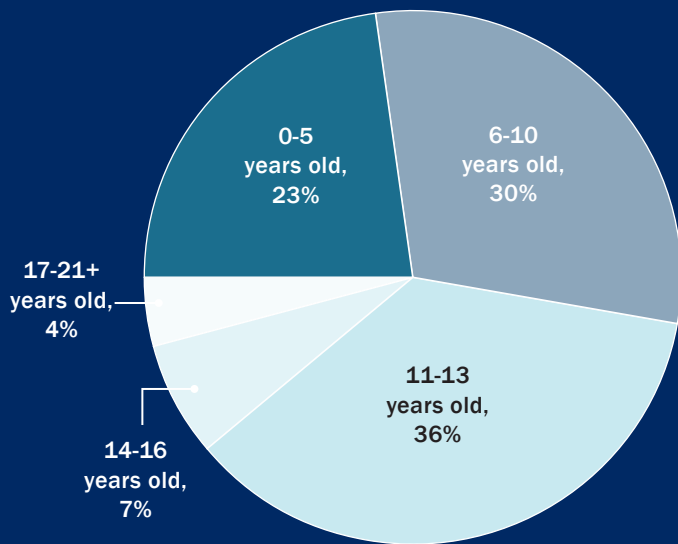
The Family and Youth Development portfolio features nine separate approaches to two-generational programming. A few programs are highlighted below.

FAMILY & YOUTH DEVELOPMENT PROGRAM HIGHLIGHT: **Legal Aid Society**

Students with disciplinary issues or learning or developmental disabilities are at higher risk of becoming involved in the criminal justice system. With CJII funds, the Legal Aid Society is providing legal advocacy for young, low-income students and their families who may be at risk of being suspended or who have disabilities. In addition to providing legal advocacy, Legal Aid is leading know-your-rights sessions for parents and guardians, as well as offering support groups for parents. To date, the program has served 67 clients.



FAMILY & YOUTH DEVELOPMENT PARTICIPANTS: AGE COMPOSITION OF PARTICIPATING CHILDREN



809
Families served
since 2017

Legal Aid represented a pre-teen girl who had initially attended public school but was homeschooled later in the school year. Her mother had pulled her out of school, believing that the school was ignoring her concerns about her daughter's academic and emotional needs. After the client began homeschooling, the mother requested a psychoeducational evaluation from the Department of Education, which revealed that her daughter had overall average cognitive ability and that she performed at average or low-average levels in almost all academic areas. Despite the fact that the client had scored at more than two years below grade level in this area, the school had never previously referred her for special education services. Legal Aid was concerned that the evaluation scores were still just enough to allow a school team to deny her special education services, especially since she had left a traditional school setting prior to the evaluation being conducted. A staff attorney attended the Individualized Education Program (IEP) meeting with the parent and helped convince the team that special education services were warranted in order to address what appeared to be a reading-related learning disability. After the IEP was developed, Legal Aid also helped the parent find a public school seat for her daughter, and from all reports, the child is happy and thriving in her new school.

FAMILY & YOUTH DEVELOPMENT PROGRAM HIGHLIGHT: **Sanctuary for Families**

The impact and trauma of domestic violence can have lasting effects on families. With CJII funds, Sanctuary for Families is supporting and strengthening families affected by domestic violence, including parents who suffer domestic abuse and the children who witness it. Sanctuary is working with STEPS to End Family Violence by providing individual and family therapy to address and reduce trauma symptoms in children and to increase parents' self-efficacy and support the healing process. This is critical in helping these children and their caregivers build stronger relationships.

To date, the program has served 206 families. Many of these families have been disrupted by interpersonal violence, and 92% are headed by a single parent or caregiver.

What do Family & Youth Development programs provide?

- Educational assistance
- Parent/caregiver education & support groups
- Mental health services for youth & caregivers
- Employment training
- Safe spaces in schools
- Youth empowerment & leadership
- Legal advocacy and know-your-rights for parents & guardians
- Trauma training
- Healthy relationships programming
- Family therapy

COMMUNITY NAVIGATORS

In spite of the many services and resources available to New York City residents, many people do not or cannot access all the resources and services that could support them. This is in part due to stigma surrounding resources, a lack of awareness of available services, bureaucratic service silos that make access difficult, and referrals that lack follow-up or engagement. To that end, CJII tested a new East Harlem pilot program in partnership with the Silberman School of Social Work at Hunter College that takes a unique approach to peer navigation.

The Community Navigators Program hires and trains people whose diverse lived experiences mirror those who are served by the program to work as navigators and connect with individuals where they work and live, helping guide them to vital services that they are not accessing. The navigators are based in neighborhoods and community organizations, but they primarily work on-the-go, connecting individuals across organizations, city agencies, and systems. This helps East Harlem residents and others who have connections to the neighborhood unlock bureaucracy within the service sector and locate, connect, engage, and stay involved with the services they need. Unlike many peer programs, the Community Navigators bring great diversity in lived experiences and offer insight and expertise in multiple New York City services areas. This peer navigation program connects underserved individuals with existing resources and services, improving coordination and collaboration among services providers, and creating employment opportunities within underserved communities.

864

People served by
Community Navigators

A mother of two with roots in East Harlem was living in a homeless shelter with her children. They entered the shelter system due to domestic violence with a boyfriend. The family moved to a number of shelters throughout their engagement with the Navigator, regularly changing neighborhoods, losing contact information, and disconnecting from support services. At each juncture, the family always knew how to find their Navigator and that their Navigator would remain a trusted ally. The Navigator served as a reliable bridge to services and supported the mother in working towards independence. Over six months, the Navigator helped the mom acquire missing documentation and understand her rights in terms of housing. The Navigator ensured that the applications to housing programs were submitted and that the mother understood the status of those applications. The Navigator has helped link the mom to a job training program, which she completed, and the Navigator is now supporting her as she finds employment. Whenever the mother struggles to cope with life's stressors, or if the children present with educational or emotional difficulties, the Navigator is there to provide support and ensure that the family knows that help is available when the timing is right. Ultimately, the Navigator and mother are working in partnership to keep the family feeling positive as they navigate the homeless system and focus on supporting the children's education and healing from domestic violence. Together, they advocate for permanent housing and work to identify pathways to independence.



FOSTER YOUTH TRANSITIONING TO ADULTHOOD

When foster youth “age out” of the child welfare system, it means they exit foster care without being adopted or without parental custody being reinstated. More than 600 young people in New York City age out of foster care each year without permanent families.¹¹ Young people who exit the foster care system without additional support are disproportionately involved in the criminal justice system and have poorer educational, employment, and housing outcomes than other youth.¹² According to one study, 15 percent of young people in New York City who were discharged from foster care between ages 13 and 18 from 2004 to 2006 had a jail stay within six years.¹³ Once in contact with the justice system, foster youth face exceptional circumstances, including bias in detention decisions and a higher likelihood of detention or jail involvement than their peers with no foster care involvement.¹⁴ Additionally, foster youth oftentimes experience poor outcomes in other areas, such as education and employment.¹⁵ As such, CJII is improving outcomes for young people aging out of foster care through the funding of educational support, workforce development, housing, and other forms of support for foster families/youth.

To support current and former foster youth, ages 16 to 24, in their transition to adulthood, CJII invested in two innovative programs: Graham Windham’s Graham SLAM program and The Door’s Manhattan Academy Plus (MAP) program.

FOSTER YOUTH TRANSITIONING TO ADULTHOOD PROGRAM HIGHLIGHT: **Graham Windham**

As a foster care agency, Graham Windham developed the Graham SLAM program to

comprehensively support youth in entering a living wage career path by age 25. For some youth, that means college. For others who are not interested in college at this time, the SLAM program connects youth to its workforce track. SLAM is primarily engaging youth between the ages of 16 and 24 in three locations: the Bronx, Harlem, and Brooklyn.

Some participants are matched with a youth coach who works with them to develop career and educational goals, as well as action plans to achieve them over time. Others may elect to be connected to targeted services, which may also serve as an entry point to coaching. All youth have access to an array of program components, including academic support, employment readiness and support, financial assistance, housing support, and referrals to substance use and mental health treatment. Graham SLAM prioritizes maintaining strong relationships between coaches and participants over a long period of time.

FOSTER YOUTH TRANSITIONING TO ADULTHOOD PROGRAM HIGHLIGHT: **The Door**

The Door’s Manhattan Academy Plus (MAP) program supports current and former foster youth to increase their economic self-sufficiency and successfully transition into adulthood by approaching each youth’s needs holistically. MAP focuses on the young person’s overall well-being, as well as their housing security, educational attainment, and employability. This is an expansion of The Door’s Bronx Academy model, which offers career and education services on-site. All youth in the MAP program have access to career and education services, robust housing services, healthcare and mental health counseling, and financial literacy and well-being workshops.



Goal 2: Supporting Survivors of Crime

Despite increased focus on survivors of crime and corresponding advances in supportive services,¹⁶ reporting of crime as well as access to and usage of services remain low. Between 2006 and 2010, 42 percent of victims did not report serious violent crime to law enforcement.¹⁷ This lack of reporting among survivors of crime highlights and likely contributes to persistent challenges in responding to victimization and providing proper treatment.¹⁸ This gap is particularly true of immigrants, LGBTQ individuals, individuals who are D/deaf or hard of hearing, individuals with disabilities, and people of color.

Through CJII, the Manhattan DA's Office is focusing on enhancing and developing new approaches for engaging survivors of crime that increase access to services and meet their needs. Individuals, particularly those in underserved populations, may be less likely to report crime and/or seek services following victimization for a number of reasons, such as stigma around seeking help, lack of awareness of available services, lack of access to and/or availability of culturally-competent services, or fear of retaliation, harassment, or deportation.

To this end, CJII created three initiatives to increase services and tailored support for survivors of crime:

- **Increasing Access to Services:** CJII is supporting programs that are focused specifically on underserved communities, including people of color, immigrants and non-native English speakers, LGBTQ individuals, individuals with disabilities and/or individuals who are D/deaf or hard of hearing, and deliver services tailored to their specific needs.
- **Abusive Partner Intervention Program:** CJII is funding a trauma-informed program that works with abusive partners by changing the justifications, attitudes, and beliefs perpetuating abuse.
- **Center for Trauma Innovation:** CJII is planning a Center for Trauma Innovation to address gaps and challenges in the existing system of services for people exposed to primary and secondary trauma, with a focus on reaching people and communities in New York City that are most impacted by violence and people who do not traditionally seek out victim services.

INCREASING ACCESS TO SERVICES FOR SURVIVORS OF CRIME

When crime survivors access needed supports and resources to address their trauma and other effects of victimization, they see better life outcomes and are more likely to cooperate with law enforcement.

Some groups of people suffer higher rates of victimization and access services at lower rates, including immigrants, LGBTQ individuals, individuals who are D/deaf/hard of hearing, individuals with disabilities, and people of color. Programs that effectively address these barriers to service access can increase service up-take and reporting of crime, both of which may improve outcomes for survivors. Given this, CJII invested in 11 programs that fill gaps

534

Survivors of crime served since 2017.

Who is the Increase Access initiative focused on?

- Immigrants
- People of color
- Individuals who are D/deaf or hard of hearing
- Individuals with disabilities
- LGBTQ individuals

in services for these underserved groups. These programs are tailored to meet individualized needs and move away from the “one size fits all” approach.

Through August 2018, the 11 programs had served 534 crime survivors. Approximately 82% of participants said they had previously been victims of crime (prior to their most recent service engagement). Nearly one-quarter (23%) said they had never engaged in survivor services before, and 13% said they had previously been refused care by a provider, due to such factors as language, gender identity, or sexual orientation. CJII’s support for survivors of crime spans from legal services to therapy to trainings. A few program examples are highlighted on the following page.

**INCREASING ACCESS FOR SURVIVORS PROGRAM HIGHLIGHT:
New York Committee for Occupational Safety & Health (NYCOSH)**

Several workers were victims of wage theft by a construction employer in New York City. These workers had already gone to a legal services provider a few months before. Since their situation had not been resolved, one worker reached out to NYCOSH to request assistance after hearing about the services through one of the consulates. NYCOSH conducted an intake and assessed the case with this one worker, and then set up a meeting with the workers together. After that, they communicated with the legal services provider to coordinate. Based on that discussion, as well as conversations with workers, NYCOSH and the legal service provider referred the case to the Manhattan District Attorney's office for possible criminal prosecutions. Most recently, NYCOSH received news that the DA's Office has added this case to its list of criminal prosecution for wage theft. While there still remains a long process before this case is prosecuted and resolved, this case exemplifies why the Manhattan Justice for Workers project was created. Without assessment and support from NYCOSH, these workers would not have known about the accessibility of the Manhattan District Attorney's office, and might never have seen a resolution to their case.

The example above illustrates why CJII invested in the Manhattan Justice for Workers Collaborative, from the New York Committee for Occupational Safety & Health (NYCOSH). NYCOSH created a coalition of workers' rights and health and safety organizations to conduct outreach and trainings for low-wage workers (across all industries, but especially construction) on reporting wage theft and health and safety violations. It has reached

nearly 900 workers through trainings conducted at community meetings and on street corners where day laborers seek work. These trainings include information on wage theft prevention, wage and hour rights, common health and safety hazards, instructions for reporting wage theft and hazards of imminent death, and how-tos for filing health and safety complaints.

Additionally, NYCOSH and its collaborative partners have conducted workers' rights assessments for 119 clients. The assessments allow NYCOSH to gather information that it can potentially use to identify cases of wage theft and/or workplace safety violations, and to help recover back wages, impose fines on employers permitting work-site hazards, and/or support increased prosecutions of exploitative companies. NYCOSH conducts ongoing case management and follow-up with workers.

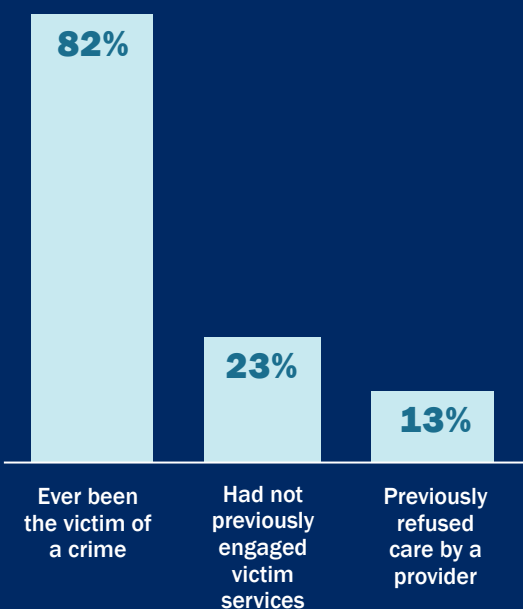
**INCREASING ACCESS FOR SURVIVORS PROGRAM HIGHLIGHT:
Anti-Violence Project**

With its CJII investment, the Anti-Violence Project (AVP) has expanded its services, focusing primarily on providing legal services, to serve more LGBTQ survivors of violence, including those who are transgender, gender non-conforming, people of color, and immigrants. While there is increased demand in the current immigration climate, many other legal service organizations are struggling to keep up with demand. AVP is one of the few LGBTQ organizations currently accepting immigration cases.

To date, AVP has provided services to 39 clients through CJII, 100% of whom identify as LGBTQ. Approximately half of clients identify as transgender and three-quarters as non-heterosexual.

“Louise” is a transgender woman from Central America. She crossed the border and told U.S. authorities that she was fleeing violence because of her gender identity—she was too afraid to tell anyone that she identified as a transgender woman. Louise was immediately placed in an immigration detention facility. She posted bond and came to NYC. She found an attorney, who charged her thousands of dollars to represent her in Immigration Court. When it came close to the court date, she discovered that her attorney had not prepared her case. The Anti-Violence Project was able to get Louise the legal and support services she needed. In only 2 months, AVP prepared her case, prepared her to testify in court about the most intimate and traumatizing events in her life, and secured two witnesses to testify on her behalf. Louise was ultimately granted asylum in Immigration Court.

PRIOR VICTIMIZATION AND SERVICE ENGAGEMENT OF SURVIVOR ACCESS PARTICIPANTS



ABUSIVE PARTNER INTERVENTION PROGRAM

Despite a decrease in violent crime over the past decade in New York City, reports of domestic violence incidents have increased in recent years. The majority of domestic violence perpetrators serve little time in jail and/or prison and rates of re-offense are high.¹⁹ New York City has historically offered court-mandated programs that focus on holding batterers accountable, but none of these have addressed the underlying reasons for abusive behavior. In response to this gap, CJII invested in the Urban Resource Institute to create a trauma-informed abusive partner intervention program that incorporates restorative justice principles and addresses the justifications, attitudes, and beliefs that perpetuate abusive behavior. This intervention, which will be available starting in April 2019, will aim to hold abusive partners accountable and reduce recidivism.



Goal 3: Enhance Diversion and Reentry Support

Each year, approximately 75,000 people return to New York City following a period of incarceration in jail or prison.²⁰ The challenges associated with reentry from incarceration are well known. Individuals who are incarcerated often enter jail or prison with complex needs across many social service sectors, such as employment, education, housing, family, and behavioral health. The experience of incarceration—conditions of confinement and removal from one’s family and community—can initiate new and exacerbate existing needs. And, far too often, individuals reentering the community are challenged by the collateral consequences of incarceration and encounter significant barriers towards achieving self-sufficiency and desisting from crime.

Further upstream, criminal justice stakeholders, including prosecutors, are developing innovative approaches to divert people from the criminal justice system altogether to lessen the criminal justice footprint, particularly for communities of color that are overrepresented in the criminal justice system.

Through CJII, the Manhattan DA’s Office has funded several initiatives to work with people at various points within the criminal justice system and after incarceration:

- **Adult Project Reset:** A diversion program that works with people after arrest to divert them from court processing and channel individuals towards effective and tailored community-based responses.
- **College-in-Prison Reentry:** College-in-Prison Reentry programs are providing college

education in 17 prisons across New York State and developing mechanisms to seamlessly transfer credits to city and state universities upon release.

- **Reentry Supports, Services, and Innovation:** These programs work to ensure that people leaving the criminal justice system have access to the resources and supports they need—such as employment training, education assistance, assistance securing housing, mental health counseling, and primary health care—to be successful back in their communities.
- **Social Enterprises:** Social enterprises provide meaningful training and career opportunities to young people and to people reentering neighborhoods from prison. These programs also generate a positive economic impact in underserved and under-resourced New York City communities.

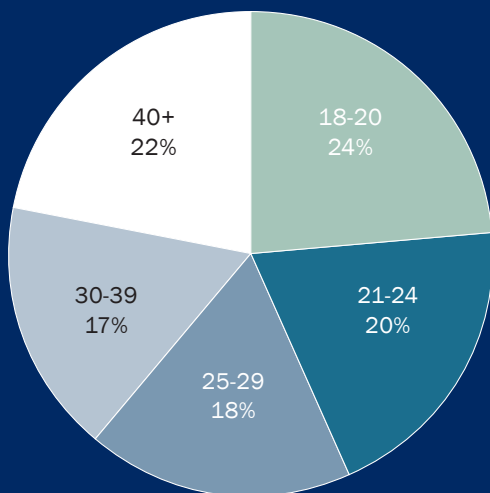
877

Individuals diverted from prosecution

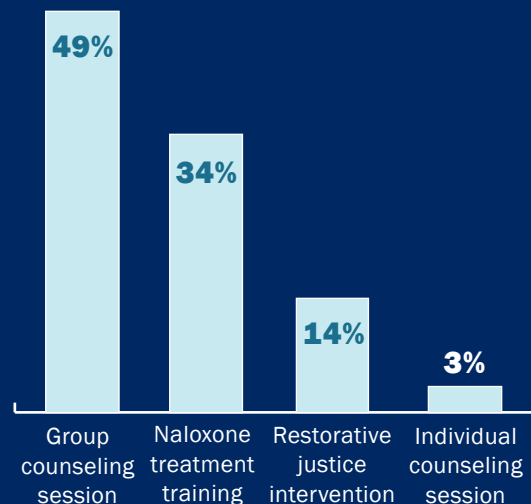
ADULT PROJECT RESET

Individuals arrested on misdemeanor charges overwhelmingly contribute to the high volume of criminal court cases in New York City, amounting to 75% of criminal court arraignments.²¹ Processing these cases through court demands significant resources and slows down dockets. At the same time, a growing body of research suggests that for people with a low-risk of reoffending, criminal court processing and exposure to associated sanctions—such as detention, intensive community supervision, or mandatory

ADULT PROJECT RESET PARTICIPANTS BY AGE



ADULT PROJECT RESET PARTICIPANTS BY INTERVENTION TYPES



services (e.g., intensive mental health treatment)—can produce unintended consequences and increase the likelihood of reoffending. Alternatives that divert individuals who do not pose a risk to public safety to community-based responses early in the process after arrest can both reduce system inefficiency and promote a more effective and proportionate response to crime than court processing.

Given this, the Manhattan DA's office, through CJII, and in partnership with the New York Police Department invested in 3 organizations to implement diversion programs after arrest and before arraignment to divert people arrested for low-level offenses who do not have a criminal record from court processing to tailored community-based responses. Since its inception in February 2018, 1,083 individuals enrolled in the program, and 877 have completed the program. All 877 participants who completed the program avoided ever stepping foot in a courtroom and had their records sealed.

The majority of the program participants were age 29 or younger (62%) and were nearly split in terms of gender—55% were male and 45% were female.

COLLEGE-IN-PRISON REENTRY PROGRAM

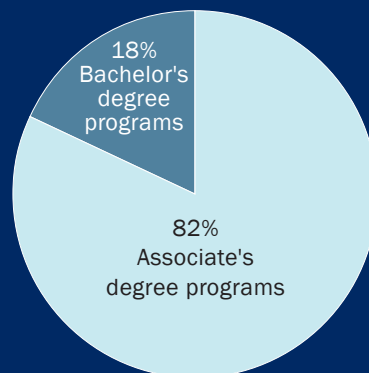
There is strong evidence that correctional education—including postsecondary education programs, adult basic education, high school/high school equivalency programs, and vocational training programs—reduces recidivism and improves employment outcomes. A study conducted by the Rand Corporation in 2013 found that individuals who participate in prison education programs were 43% less likely to recidivate and return to prison, and 13% were more likely to obtain employment after their release.²² These findings, among many others, highlight the utility and benefits of such programming, not just fiscally but also with respect to reducing crime, increasing public safety, and strengthening communities.

However, most college education programs in New York are privately funded, and those that do exist carry long wait-lists and are not standardized. Furthermore, once former prisoners return to their communities, rarely are there systematic processes for transferring credits, supporting re-enrollment in college courses, and navigating the reentry process.

PRISONS WITH COLLEGE-IN-PRISON REENTRY PROGRAMS



PERCENTAGE OF STUDENTS BY DEGREE TYPE



In light of this, in collaboration with New York State Governor Andrew Cuomo, the Manhattan DA's Office created the College-in-Prison Reentry program through CJII. This program aims to increase the availability of educational programming to incarcerated individuals, create standards for prison education curricula and credit transfers, and develop reentry support plans for participants. Seven colleges are offering college courses in 17 prisons across New York State so that people in prison can work toward getting their degrees and better positioning themselves for success once they leave prison.

These college programs are offered at prisons for both men and women and at both medium and maximum security prisons. Both the State University of New York and the City University of New York—through its Prisoner Reentry Institute—are supporting this initiative by working with the colleges to ensure that once people leave prison, they can easily transfer their credits and complete the degree programs that they started while incarcerated.

To date, the initiative has enrolled 408 students in college courses. Of the 408 students, approximately 82% are enrolled in Associate's degree programs, and 18% are enrolled in Bachelor's degree programs.

These students are making meaningful progress towards earning their degrees—Associate's degree students to date have earned approximately 44% of required credits, and Bachelor's degree students have earned approximately 60% of required credits.

REENTRY SUPPORTS & SERVICES AND INNOVATION CHALLENGE

The Manhattan DA's Office launched a reentry innovation challenge to identify, support, and test new and innovative programs to fill key gaps in the New York City reentry landscape

408

Students in prison served

What do College-in-Prison Reentry programs do?

- Provide educational programming to people incarcerated in New York State prisons
- Offers paths towards the following degrees: AA or BA in liberal arts, AS in liberal studies, BS in behavioral science, and AA in individual studies
- Develop reentry support plans
- Ensure students can transfer credits so they can complete their degrees

and, ultimately, to improve outcomes for individuals reentering the community from jail and/or prison and increase public safety in New York City. Through the Challenge, CJII aims to contribute new evidence to the field of what works in reentry.

As the Reentry Innovation Challenge winner, the Department of Health and Mental Hygiene's NYC Health Justice Network will link primary care sites to community-based organizations in Upper Manhattan to serve the primary care and social service needs of reentering justice-involved individuals. The Network will implement trauma-informed care in primary care clinics and provide trainings on the criminal justice system and associated health risks. Additionally, people with a history of involvement in the justice system will be recruited and employed

as patient advocates and navigators to primary care and other necessary services, including housing, transportation, and employment services.

In addition to the challenge winner, CJII has also invested in several programs to build on the work of the College-in-Prison Reentry program and expand services to fill gaps to better support people reentering their communities:

- **The Prisoner Reentry Institute's College Initiative (CI) Program** will assist people returning to New York City after incarceration in enrolling and succeeding in college in the community. CI will provide intensive academic counseling and mentoring services in the community to students and, to support this, expand alumni activities and develop workshops and resources to aid CI students who are parents in creating educational pathways for their children, pre-K to college.
- **College and Community Fellowship's Build-Out of Student Services (BOSS)** will help formerly incarcerated women earn their college degrees and find career pathways. BOSS will enhance its existing academic support program and peer mentoring program, as well as launch a career advancement program.

SOCIAL ENTERPRISES

We know that secure employment and career pathways are key to building strong communities, particularly for young adults or individuals who have been incarcerated in the past. Social enterprises are well-positioned to spark positive change for individuals and communities through meaningful training and career opportunities, supportive services, and job opportunities for individuals reentering communities following incarceration, who typically face significant barriers to employment, including deterioration of job-related skills and employer stigma. This, in

What are social enterprises?

Social enterprises blend the social welfare mission of a nonprofit organization with the market-driven approach of a business. Social enterprises offer positive economic impact within communities that offer fewer job opportunities, helping to curb the cycle of poverty and unemployment that often correlates with involvement in the justice system.

In addition to the subsequent positive economic impact within communities, helps to curb the cycle of poverty and unemployment.

By supporting social enterprises, CJII seeks to spark innovation and build capacity within the growing social enterprise field, which can inform future policy and funding decisions regarding effective workforce programs for individuals in under-resourced communities in New York City and nationwide.

CJII has invested in three social enterprises:

- **Drive Change's Hospitality for Social Justice (HSJ)** program works with young adults to retain stable employment in the food and hospitality sectors, particularly in positions that offer wages enabling self-sufficiency and opportunities for advancement. As a part of the HSJ program, participants receive training on a number of topics, including cooking and hospitality fundamentals, social-emotional skills, industry credentials, team building and leadership development, life skills, mindfulness, and education about issues of social justice in the criminal justice system and the food/hospitality industry. In addition, Drive Change works with food business owners and managers who commit to employing these young adults during the HSJ program. Drive



Change generates revenue by providing tiered trainings and certifications in racial bias and justice-driven management practices for managers and businesses. These trainings lay the groundwork for better job retention of the HSJ participants and all staff more generally, which is beneficial to employers who struggle with staff turnover.

- **Sweet Generation Bakery's Sweet Generation RISE** is training young people in artisanal baking and handcrafted pastries, while also teaching job-readiness, entrepreneurship skills, and fostering social-emotional development. Sweet Generation includes a revenue-generating retail bakery and wholesale operation, and RISE is providing young people with training and employment in the bakery. These young people receive training related to building motivation skills, setting priorities, time management, and goal setting; culinary training and retail skills including point-of-sale

system operation, barista skills, kitchen safety, and food safety; and entrepreneurship training such as business planning and resume building.

- **The HOPE Program's Intervine program** contracts to provide horticultural services and green infrastructure installation and maintenance, and solar PV installation. As part of this business model, the program provides training and transitional paid job opportunities to formerly incarcerated people focused on these areas, which, together, represent a significant segment of the green construction market, a growing field that develops skills that are both in demand and readily transferable across the building trades. Intervine's program blends soft skill development with on-the-job training, equipping participants with the tools needed to build foundations for long and fulfilling careers.

ENSURING LONG-TERM IMPACT

CJII's investments provide support for three to five years of programming. In order for these efforts to generate impact beyond the CJII funding period, the Manhattan DA's office and ISLG have developed a multipronged strategy for sustainability.

Much of CJII's work complements the missions of many New York City government agencies and philanthropic institutions. Strong partnership and collaboration with these organizations could help fortify CJII programs and ensure long-term sustainability.

In addition, CJII is:

- Providing capital investment where necessary to increase the appeal and functionality of physical spaces where services take place, improvements that will far outlast the programmatic investments that have been made under CJII.
- Investing in robust evaluations of many CJII initiatives. The findings from these evaluations will benefit not only New York City, but also jurisdictions nationwide seeking to make transformational change.
- Working with the funded organizations to improve their data collection and analysis capacity, which will allow them to better demonstrate the organization's value when seeking financial support.
- Building out a robust training and technical assistance consortium to strengthen CJII grantee organizations, thereby improving the landscape of social services in New York City.

Capital Investment

Improvements in physical spaces can make a dramatic difference in how people are able to access and perceive programming. Capital investments are uncommon in the social service sector, where funding is generally focused on

programmatic services. But physical space is a critical component of successfully serving the needs of people and neighborhoods. The accessibility, functionality, and appeal of space can increase client traffic and help engage young people. Given this, CJII awarded several million dollars in capital grants across the portfolios, namely in support of the Youth Opportunity Hubs and Social Enterprise grantees.

Evaluation

CJII is not only investing in innovative programs, it is also investing in measuring the results. The Manhattan DA's Office and ISLG are committed to data-driven decision-making, as well as informing the research and practice fields in New York and across the country.

CJII regularly collects data (i.e., performance metrics) on each initiative to ensure the

Which CJII initiatives are currently being evaluated?

- 4 Family & Youth Development Programs
- 5 Youth Opportunity Hubs
- 2 Programs for Foster Youth Transitioning to Adulthood
- 4 Programs to Increase Access to Services for Survivors of Crime
- 7 College-in-Prison Reentry Programs
- Community Navigator Program
- Abusive Partner Intervention Program

More evaluations of initiatives are set to roll out soon.

program is meeting its goals. It has also awarded funds to several independent research organizations to more fully evaluate some of our initiatives. These assessments are multi-year process and outcome evaluations which are used to understand how the programs are implemented and whether they are effective in reducing risk factors for criminal justice involvement (e.g., school drop-out and delinquent behavior) and increasing public safety.

With this, both the Manhattan DA's Office and the CJII programs themselves will be able to demonstrate the success of their work to policy-makers, other practitioners, future funders, and the wider public.

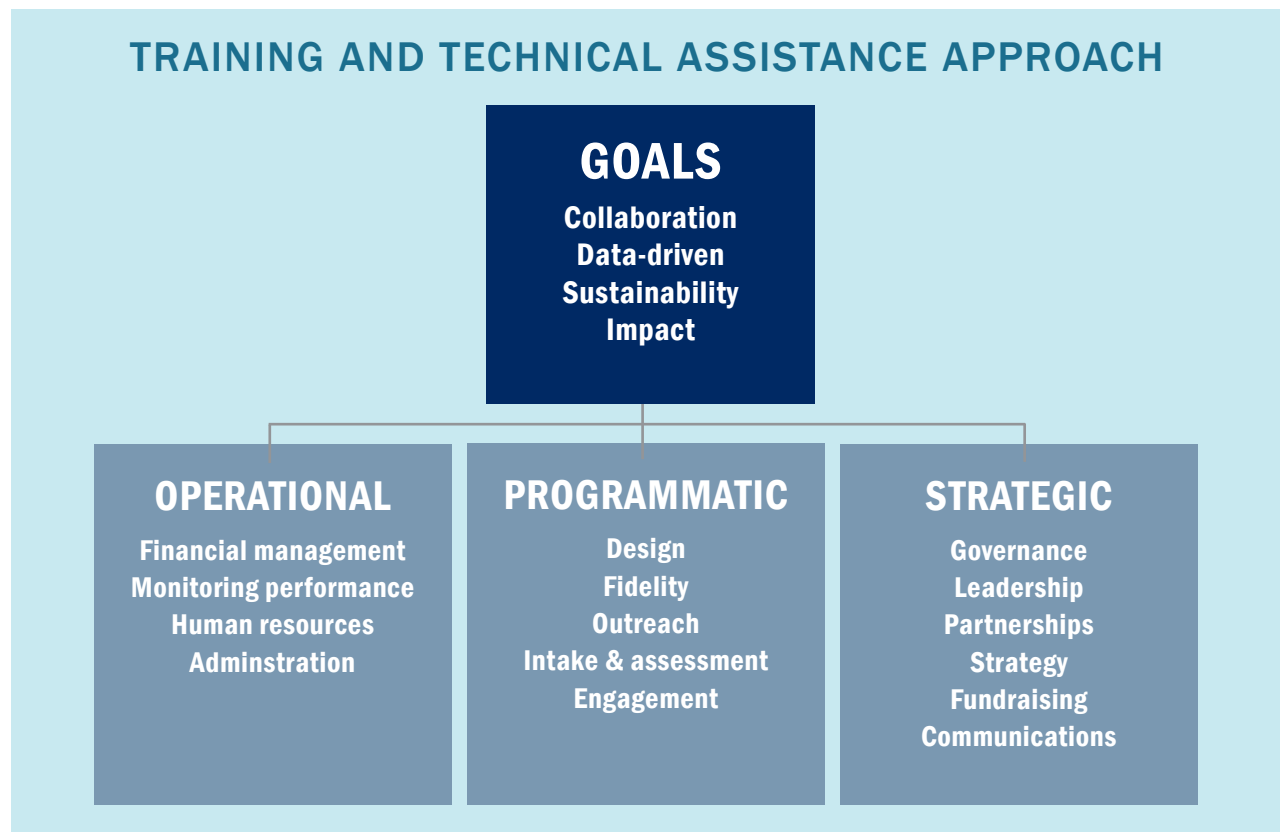
Training and Technical Assistance

CJII-funded organizations are leading experts and innovators in their fields, but they have

voiced a desire for growth, enhancement, and improvement. To ensure the maximum effectiveness of our investments for the long-term, CJII is investing in various training and technical assistance opportunities across a range of strategic, operational, and programmatic focus areas.

To inform these investments, the Manhattan DA's Office worked with ISLG to develop a strategic approach. First, ISLG developed and solicited self-assessments from the organizations CJII has funded. These assessments gathered information about each of the areas below and asked organizational leadership to identify those priority areas for improvement, as well as areas of particular expertise.

With this information, ISLG developed and released two complementary solicitations to identify and engage a pool of experts to support grantee organizations. This pool of experts draws from within the CJII-funded community and brings in outside consultants with special expertise across these areas.



APPENDIX: ALL CJII INVESTMENTS

Family & Youth Development Programs		
<i>Name of CJII grantee organization</i>	<i>Focus neighborhood</i>	<i>Funded amount</i>
Association to Benefit Children	East Harlem	\$1,329,686
Eagle Academy	Center & West Harlem	\$1,000,000
Educational Alliance	Lower East Side	\$1,329,429
Joe Torre Safe at Home Foundation	Washington Heights	\$1,329,994
Legal Aid Society	Citywide	\$1,330,000
NewYork-Presbyterian Hospital	Washington Heights; some services in East, West, and Central Harlem	\$1,327,776
Osborne Association	Central & West Harlem	\$1,330,000
Sanctuary for Families	Citywide	\$1,703,061
University Settlement	Lower East Side	\$1,330,000
American Institutes for Research	<i>Evaluating Legal Aid program</i>	\$320,000
Center for Court Innovation	<i>Evaluating Joe Torre Safe at Home Foundation program</i>	\$360,000
Urban Institute	<i>Evaluating Sanctuary for Families and Osborne Association programs</i>	\$720,000
Youth Opportunity Hubs		
<i>Name of CJII grantee organization</i>	<i>Focus neighborhood</i>	<i>Funded amount</i>
Community Connections for Youth	Central & West Harlem	\$10,325,000
The Door	Manhattan-wide	\$6,487,350
Henry Street Settlement	Lower East Side	\$8,441,086
NewYork-Presbyterian Hospital	Washington Heights	\$10,325,000
Union Settlement	East Harlem	\$10,325,000
Westat	<i>Evaluating Youth Opportunities Hubs</i>	\$1,950,000
Foster Youth Transitioning to Adulthood programs		
<i>Name of CJII grantee organization</i>		<i>Funded amount</i>
The Door		\$1,875,000
Graham Windham		\$1,875,000
Action Research Partners	<i>Evaluating Foster Youth programs</i>	
Community Navigator program		
<i>Name of CJII grantee organization</i>		<i>Funded amount</i>
Silberman School of Social Work at Hunter College		\$2,570,934
Increasing Access to Support for Survivors of Crime		
<i>Name of CJII grantee organization</i>	<i>Focus population</i>	<i>Funded amount</i>
Barrier Free Living	Survivors who are D/deaf or hard of hearing	\$1,523,304
Center for Court Innovation	Survivors who are people of color	\$1,053,431
Children's Aid Society	Survivors who are immigrants and/or people of color	\$1,120,391
Crime Victims Treatment Center	Survivors who are LGBTQ, especially transgender survivors	\$805,796
Edwin Gould Services for Children and Families	Survivors who are LGBTQ	\$1,079,848

APPENDIX: ALL CJII INVESTMENTS

Exodus Transitional Community	Survivors who are people of color	\$989,112
New York Center for Children	Survivors who are people of color	\$771,504
New York City Anti-Violence Project	Survivors who are immigrants and/or LGBTQ	\$1,012,041
New York Committee for Occupational Safety and Health	Survivors who are immigrants	\$1,589,783
Northern Manhattan Improvement Corporation	Survivors who are immigrants	\$1,139,999
Sanctuary for Families	Survivors who are immigrants and/or people of color	\$1,703,061
Icahn School of Medicine at Mount Sinai Hospital	<i>Evaluating Center for Court Innovation and Crime Victims Treatment Center</i>	\$720,000
Urban Institute	<i>Evaluating Sanctuary for Families and Barrier Free Living</i>	\$680,000
Abusive Partner Intervention Program		
<i>Name of CJII grantee organization</i>		<i>Funded amount</i>
Urban Resource Institute		\$1,475,000
Center for Trauma Innovation		
<i>Name of CJII grantee organization</i>		<i>Funded amount</i>
Common Justice		\$150,000
Early Diversion		
<i>Name of CJII grantee organization</i>		<i>Funded amount</i>
Center for Court Innovation		\$3,903,160
Osborne Association		\$3,235,000
Young New Yorkers		\$625,694
Manhattan Criminal Court Resource Center		
<i>Name of CJII grantee organization</i>		<i>Funded amount</i>
Vera Institute of Justice		\$150,000
Social Enterprises		
<i>Name of CJII grantee organization</i>		<i>Funded amount</i>
Drive Change		\$2,599,392
The HOPE Program		\$1,870,904
Sweet Generation Bakery		\$2,179,168
College-in-Prison Reentry programs		
<i>Name of CJII grantee organization</i>	<i>Location of program</i>	<i>Funded amount</i>
Bard College	Taconic, Coxsackie, Eastern, Fishkill, Green Haven, and Woodbourne facilities	\$1,300,000
Cornell University	Cayuga, Auburn, Elmira, and Five Points facilities	\$750,000
Medaille College	Albion facility	\$402,220
Mercy College	Sing Sing facility	\$750,001
Mohawk Valley Community College, SUNY	Marcy facility	\$395,767
New York University	Walkill facility	\$708,546
Jefferson Community College, SUNY	Cape Vincent, Gouverneur, and Watertown facilities	\$665,175
Prisoner Reentry Institute		\$1,217,162
SUNY		\$1,100,000

Vera Institute of Justice	Evaluating College-in-Prison Reentry programs	\$400,000
Reentry Innovation Challenge		
<i>Name of CJII grantee organization</i>		<i>Funded amount</i>
NYC Department of Health and Mental Hygiene's Health Justice Network		\$3,075,000
Osborne Association		\$75,000
Reentry Services & Supports		
<i>Name of CJII grantee organization</i>		<i>Funded amount</i>
Prisoner Reentry Institute		\$2,049,647
College and Community Fellowship		\$2,014,588
ReferNYC		
<i>Name of CJII grantee organization</i>		<i>Funded amount</i>
Civic Hall Labs		\$637,404
TOTAL		\$113,501,414
Other CJII Projects (not managed by ISLG)		
Global Cyber Alliance		\$25,000,000
Administrative Fees		\$13,500,000
Saturday Night Lights		\$5,025,000
RxStat and Drug Court Enhancements		\$3,760,000
Brotherhood Sister Sol Capital Investment		\$2,200,000
Harlem RBI Capital Investment		\$2,000,000
Project Reset (youth)		\$1,610,000
Child Violent Witness Counseling Service		\$1,050,000
Manhattan HOPE		\$440,000
ATI Court Part		\$398,000
Young Adult Electronic Monitoring Pilot		\$210,000
TOTAL		\$55,193,000
CJII Earmarks (not yet allocated and subject to change)		
Administrative Costs		\$16,000,000
Center for Trauma Innovation		\$13,350,000
Manhattan Criminal Court Resource Center		\$6,000,000
Community Navigator Program Implementation		\$4,690,000
West Harlem Community Reentry Project		\$3,000,000
Training and Technical Assistance for Grantees		\$2,500,000
Sexual Assault Response Center		\$2,000,000
Reentry Evaluation		\$1,300,000
Manhattan Court Childcare Center		\$710,000
Abusive Partner Evaluation		\$400,000
Countering Violent Extremism Planning		\$100,000
TOTAL		\$50,050,000
GRAND TOTAL		\$218,744,414
BALANCE		\$31,255,586

END NOTES

1. A single solicitation—the College-in-Prison Reentry Program—was released before June 2016.
2. New York City Department of Planning, Population Division. (2015). [Economic map]. Retrieved from http://www.nyc.gov/html/dcp/pdf/census/pov_persons_pct_2013acs5yr_nta.pdf.
3. New York City Department of Education. (2014). Cohorts of 2001 through 2010 (Classes of 2005 through 2014) graduation outcomes. [Data file]. Retrieved from <http://schools.nyc.gov/Accountability/data/GraduationDropoutReports/default.htm>.
4. Justice Mapping Center. (2008). [Thematic map]. Retrieved from <http://www.justiceatlas.org/>.
5. All numbers reported in this section are current as of December 31, 2018, unless otherwise noted.
6. Demuth, S., & Brown, S. L. (2004). Family structure, family processes, and adolescent delinquency: The significance of parental absence versus parental gender. *Journal of Research in Crime and Delinquency*, 41(1), 58-81. Murray, J., & Farrington, D. P. (2005). Parental imprisonment: Effects on boys' antisocial behaviour and delinquency through the life-course. *Journal of Child Psychology and Psychiatry*, 46(12), 1269-1278. McCord, J. (1991). Family Relationships, Juvenile Delinquency, and Adult Criminality. *Criminology*, 29(3), 397-417. Hotaling, G. T., Straus, M.A., & Lincoln, A. J. (1989). Intrafamily violence, and crime and violence outside the family. *Crime & Justice*, 11, 315. Hoeve, M., Dubas, J.S., Eichelsheim, V.I., Van der Laan, P. H., Smeenk, W., & Gerris, J. R. (2009). The relationship between parenting and delinquency: A meta-analysis. *Journal of Abnormal Child Psychology*, 37(6), 749-775.
7. Hawkins, J.D., Catalano, R.F., Kosterman, R., Abbott, R., & Hill, K.G. (1999). Preventing adolescent health-risk behaviors by strengthening protection during childhood. *Archives of Pediatrics & Adolescent Medicine*, 153(3), 226-234. Webster-Stratton, C., & Taylor, T. (2001). Nipping early risk factors in the bud: Preventing substance abuse, delinquency, and violence in adolescence through interventions targeted at young children (0-8 years). *Prevention Science*, 2(3), 165-192. Yoshikawa, H. (1994). Prevention as cumulative protection: Effects of early family support and education on chronic delinquency and its risks. *Psychological Bulletin*, 115(1), 28.
8. Farmer, T.W., & Farmer, E.M.Z. (2001). Developmental science, systems of care, and prevention of emotional and behavioral problems in youth. *American Journal of Orthopsychiatry* 71 (2), 171. Hoagwood, K., Burns, B.J., Kiser, L., Ringeisen, H., & Schoenwald, S.K. (2014). Evidence-based practice in child and adolescent mental health services. *Psychiatric Services*. McEvoy, A., & Welker, R. (2000). Antisocial behavior, academic failure, and school climate: A critical review. *Journal of Emotional and Behavioral Disorders*, 8(3), 130-140. Spear, L.P. (2000). The adolescent brain and age-related behavioral manifestations. *Neuroscience & Biobehavioral Reviews*, 24(4), 417-463. Sprague, J., & Walker, H. (2000). Early identification and intervention for youth with antisocial and violent behavior. *Exceptional Children*, 66(3), 367-379.
9. Benson, P.L., Scales, P.C., Hamilton, S.F., & Sesma, A. (2006). Positive Youth Development: Theory, research, and applications. John Wiley & Sons, Inc. Catalano, R. F., Berglund, M.L., Ryan, J.A.M., Lonczak, H.S., & Hawkins, J.D. (2002). Positive Youth Development in the United States: Research findings on evaluations of Positive Youth Development programs. *Prevention and Treatment*, 5(15). Durlak, J.A. (1998). Common risk and protective factors in successful prevention programs. *American Journal of Orthopsychiatry*, 68(4), 512-520. Lerner, R.M., Almerigi, J.B., Theokas, C., & Lerner, J.V. (2005). Positive Youth Development. *Journal of Early Adolescence*, 25(1), 10-16.
10. Hawkins, J.D., Catalano, R.F., Kosterman, R., Abbott, R., & Hill, K.G. (1999). Preventing adolescent health-risk behaviors by strengthening protection during childhood. *Archives of Pediatrics & Adolescent Medicine*, 153(3), 226-234. Webster-Stratton, C., & Taylor, T. (2001). Nipping early risk factors in the bud: Preventing substance abuse, delinquency, and violence in adolescence through interventions targeted at young children (0-8 years). *Prevention Science*, 2(3), 165-192. Yoshikawa, H. (1994). Prevention as cumulative protection: Effects of early family support and education on chronic delinquency and its risks. *Psychological Bulletin*, 115(1), 28.
11. New York City Administration for Children's Services (ACS). Foster care discharges of youth 12 and older. Strategic Management Report. Provided by ACS to ISLG on August 5, 2016.
12. New York City Administration for Children's Services (ACS). (2015, November). Flash [PDF document]. Retrieved from http://www1.nyc.gov/assets/acs/pdf/data-analysis/Flash_Nov_2015.pdf.
13. Center for Innovation through Data and Intelligence (CIDI). (2015). Young adult outcomes of foster care, justice, and dually involved youth in New York City. New York: CIDI. Retrieved from <http://www.nyc.gov/html/cidi/downloads/pdf/foster-care-justice-dually-involved-report.pdf>.
14. Conger, D., & Ross, T. (2001). Reducing the foster care bias in juvenile detention decisions: The impact of Project Confirm. New York: Vera Institute of Justice. Center for Innovation through Data and Intelligence, 2015.
15. Courtney, M.E., Dworsky, A., Lee, J.S., & Rapp, M. (2010). Midwest evaluation of adult functioning of former foster youth: Outcomes at age 23 and 24. Chicago: Chapin Hall at the University of Chicago.
16. Since its inception in the 1960s, the victims' movement has been instrumental in bringing about major improvements in the way victims of crime are treated. For instance, the first victim compensation program was established in California in 1965, with nearly 30 states following suit over the next 15 years. The Victims of Crime Act (1984) provided funding to states for victim compensation and assistance programs and later, the Crime Victims' Rights Act (2004) bolstered the rights of victims and authorized funding for victim services.
17. Langton, L., Berzofsky, M., Krebs, C. P., & Smiley-McDonald, H. (2012). Victimization not reported to the police, 2006-2010.

Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

18. Office for Victims of Crime. (2013). Vision21: Transforming victim services. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime. Retrieved from <http://ovc.ncjrs.gov/vision21/outcome.html>.
19. Center for Court Innovation, Domestic violence case processing in New York City: Results at the pretrial and dispositional stages. 2018. Retrieved from https://www.courtinnovation.org/sites/default/files/media/documents/2018-03/domestic_violence_nyc_case_processing.pdf. Reaves, Brian A. Police response to domestic violence, 2006-2015. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/prdv0615.pdf>.
20. New York City Department of Corrections (NYC DOC). Releases in 2015. Provided by DOC to ISLG on January 25, 2016. New York State Department of Corrections and Community Supervision (NYS DOCCS). Releases to New York City in 2014. Provided by DOCCS to ISLG on December 3, 2015.
21. Another 10% of individuals arraigned in criminal court are arraigned on noncriminal violations or infractions. Source: NYC Criminal Justice Agency (CJA) Annual Report 2014. (2016).
22. David, L. M., Bozick, R., Steele, J. L., Saunders, J. & Miles, J. N. V. (2013). Evaluating the effectiveness of correctional education: A meta-analysis of programs that provide education to incarcerated adults. Washington, DC: RAND Corporation. Retrieved from www.rand.org/pubs/research_reports/RR266.

All photos, except front and back cover, by Andre Lambertson.



Office of the District Attorney, Bronx County

Fiscal Year 2020 Preliminary Budget

**The Council of the City of New York
Committee on the Justice System**

March 19, 2019



Pursuing Justice with Integrity

Darcel D. Clark
District Attorney

Bronx District Attorney Darcel D. Clark
City Council Budget Testimony FY 2020
Committee on the Justice System
March 19, 2019

Good afternoon.

Thank you to Chairman Lancman and the Justice System Committee for providing me with the opportunity to be here today.

I want to begin my testimony by immensely thanking this committee, Mayor DeBlasio, Speaker Johnson, the entire City Council, and Criminal Justice Coordinator Elizabeth Glazer, for all the support you have shown me in my three years in office. I am especially grateful for the funding you provided for the Bronx District Attorney's Office and the people of the Bronx in last year's budget.

Today I have three funding "asks" of you that are instrumental in pursuing justice with integrity:

1. Cutting-edge technology to ensure accountability, improve transparency and provide efficiency.
2. Security, compassion and support for our victims and witnesses so they will feel confident when they courageously agree to testify or cooperate in a prosecution.
3. Salary parity for dedicated, experienced, ethical prosecutors.

Number One---Other Than Personal Services (OTPS)

We are requesting \$4.19 million in additional baseline OTPS funding.

Our analysis indicates that on average, OMB allocates \$6,218 dollars per employee among the 5 District Attorneys; Bronx County receives only \$1,818 dollars per employee. That is an underfunding of approximately \$4,400 dollars per staff member. The lowest in the City.

Yes, I am asking for parity for OTPS!

Last year I was forced to move \$500,000 dollars of salary money to OTPS, to meet the need for normal operating expenses that included office supplies, copy maintenance, transcripts, etc.

Included in the request of \$4.19 million is \$650,000 dollars to meet the maintenance costs for a much needed case management system. A capital budget request of \$2 million dollars has been submitted to purchase a new case management system.

I inherited an antiquated case tracking system that was adequate when Atari was considered cutting-edge. We need to replace it NOW, not only to better manage our cases and be transparent but to be in tandem with the City efforts at transparency.

We have much more work to do to modernize the Office, to put ourselves on an even playing field with the other District Attorney's Offices, and most important, effectively serve and protect the nearly 1.5 million people that live and work in the Bronx. We cannot move the Office, the justice system, or public safety forward without critical infrastructure and technology enhancements that, for far too long, have been ignored.

In 2018, with the help of the US Department of Justice's Bureau of Justice Assistance (BJA), the Bronx District Attorney's Office undertook a top-to-bottom assessment of our analytical and technological capacity. Of the recommendations that require immediate attention is the purchase of a case management system that can serve as a centralized database for relevant case information, and have the ability to be searched, analyzed and, provide real-time statistical reporting.

The new case management systems that we have researched all can provide great sharing capability between my office, law enforcement, the defense bar, the courts, and even the City Council and MOCJ. It will allow us to accurately track cases and individuals, including those that we divert and provide alternatives to incarceration, to determine whether our efforts have been successful.

The greatest benefit is sharing data and statistical information to create a common platform of reporting.

A more comprehensive data management system will improve the relationship with the Bronx community by providing transparency to policy and practices within the office. Greater accountability builds trust and the data provides reliable facts demonstrating how the Office has addressed the legacy of mass incarceration and racial disparities of the past.

Please support our \$2 million dollar Capital request for a case management system and the \$650,000 request for its maintenance.

Number Two—Funding for Witness Security

Just as technological advances are shaping the work of prosecutors, social media and technology has changed the way our world functions. But it has also changed the way crimes are committed and how we react. It decreases the likelihood that victims and witnesses come forward.

We are fortunate that the Bronx has a high clearance rate for homicides but that does not ring true for other types of crime. People are afraid to come forward. They are fearful of having their names and faces splattered across Facebook, Instagram, and Snapchat. When they are courageous and participate in the justice system, they are more prone to threats and intimidation.

For example, after a homicide last year, two of the three witnesses in the case were identified and beaten. The third witness became reluctant. We provided the witness security and encouraged the witness to cooperate. Even so, during the trial, the witness' image and information was posted on social media. The witness was no longer safe in their own home. We relocated the witness and did everything that we could to ensure safety. The trial ended with a conviction but the witness' life was changed forever. This is one of many victims and witnesses who sacrifice everything to do "the right thing."

Last year, I implemented a witness security program to help respond to this changing landscape and enhance services for victims and witnesses. About 240 people received assistance. Out of that, 23 people including witnesses or victims who were intimidated, and cooperators in cases, were assisted in relocation to temporary and/or permanent housing and other expenses.

Accordingly, this year we are renewing our request for 10 Detective Investigators at a total of \$610,000, to provide witness security for those who are under threats or intimidation.

Now to my third ask—Salary Parity.

We are asking for \$4.35 million dollars in Assistant District Attorney salary parity funding, which is the outstanding balance of the \$6.37 million dollars in funding that we asked for last year. I am extremely grateful for the \$2.02 million dollars we did receive last year, earmarked for Assistant DAs from years one to five. It has helped slow attrition. However, the cumulative effects of several years of high attrition continue to be felt.

The average experience level for an ADA remains less than four years. I need assistant district attorneys who are experienced and can appropriately handle all types of cases, in particular violent crime. We cannot divert defendants, provide alternatives to jail and prison, while continuing to investigate and prosecute crime in the Bronx, without seasoned ADAs.

I have testified before you in the past about our focus on training and other retention methods. Yet, we fear that we will continue to lose seasoned ADAs to other city agencies and private organizations. Extending parity to our more experienced ADAs allows me the ability to retain them while we to continue to innovate, modernize the Office, and promote 21st Century techniques beyond prosecuting the everyday criminal case.

This is an exciting time to be a leader in criminal justice and to serve the public as the prosecutor for the Bronx. Our communities are challenging us like never before to broaden and improve the services we provide.

The public demands that we achieve new levels of integrity and efficiency. The most vulnerable and most powerful citizens alike are calling on us to re-imagine what it means for law enforcement to protect and ensure the safety of the entire community.

We don't just jail criminals; we provide a vast array of innovative services that are designed to help crime victims, witnesses, families, as well as individuals who stand accused of committing crimes.

In 2019, I will continue to be a voice for criminal justice reform that ensures fairness and humanity to ALL who must be part of the system.

I cannot do this without your support. Thank you again. I look forward to your questions.

ADDENDUM TO TESTIMONY

Parity

The \$2.02 million dollars we received out of \$6.37 million we asked for salary parity enabled us to stanch the flow of ADAs to law dept. and other agencies. We saw an approximate 40% drop for attrition from September 2018 to present. However, it only covered increases for the the first five years of ADAs. We still suffer from salary compression for our overall staff. We have a very junior staff of ADAs, under 4 years, and need to retain our experienced legal staff to handle our most complex investigations and indictments.

Human Trafficking/Sex Trafficking Unit

The Unit will be formally in place this month under the Special Victims Division. The Unit will be comprised of Unit Chief, three ADAs, and we will complete the hiring of a social worker next week. The hope is that a social worker will engage full-time with this victim population. They will connect with other service providers and also work with these victims. This effort will afford the survivors needed support and keep them engaged with the criminal justice process.

Presently there are 47 defendants currently indicted for sex trafficking and 39 pending investigations of sex trafficking and commercial sex-related offenses. Recently, we indicted the first person in the Bronx under the new Sex Trafficking of a Child law. I lobbied hard for this legislation because it is so prevalent in the Bronx and we need every tool to prosecute predators of children.

Hiring of Trial Preparatory Assistants (TPAs) for Body Worn Cameras (BWC) Program

We hired 26 TPAs to handle body-worn camera footage, surveillance video, interrogation videos, Rikers calls, and other evidence to help speed up the discovery process.

Since the BWC program went borough-wide, we have seen a 747 per cent increase in this footage submitted to our Office. Last year's funding allowed us to hire sufficient staff to meet the demand.

In 2017, the Bronx District Attorney's Office processed **3,704** body-worn camera videos. In 2018, we processed **31,404** videos.

Additionally, our Video Lab has duplicated over 2,000 body-worn camera videos through pre-trial discovery.

Alternatives to Incarceration

Funding enabled us to hire eight people in our Alternatives to Incarceration Bureau, and helped us embark on Neighborhood Justice Circles a year ago. I want to give a special thanks to City Council Speaker's Office that made Neighborhood Justice Circles a priority.

This unique version of Project Reset started in three precincts, and this year it was expanded to all precincts in the Bronx. So far 71 people have graduated from the Reset program.

Our Overdose Avoidance and Recovery (OAR) Program has been in effect for 15 months now. Dozens of people have received treatment and not had to plead guilty, and it has been replicated in other counties.

We've had 54 graduates, 54 lives saved. We are also pioneering a support group for those who lost loved ones due to overdose. It will be run by our Crime Victims Assistance Unit advocate/therapist.

Crime Overview

Last year we had a third of the city's homicides, 91, a quarter of the robberies, 29 percent of felony assaults, while we are less than a fifth of the City's population. We are working with the NYPD and the community on addressing the violence. Fortunately, so far this year, murders have decreased, as have most other crimes.

Criminal Justice Reforms

While we continue our core work of investigations and prosecution, I implemented a new bail policy that requires assistant district attorneys to request release, as the default, on misdemeanors and felonies that do not involve violence. I issued a more expansive discovery policy for misdemeanors, and most recently, directed assistant district attorneys to decline to prosecute individuals when they have been charged only with a marijuana offense.

Plans for 2019

This year, I want to laser-focus on the mental health crisis.

While crime continues to trend downwards across the city, we have begun to expose the root causes of criminality. As mentioned earlier, I previously launched an alternatives to incarceration bureau. Thanks to this body and OMB, we were able to fund new positions for prosecutorial resource coordinators and ADAs to expand diversion programs such as Project HOPE, Project Reset: Bronx Community Justice, Common Justice, and OAR, which has been replicated across the city.

Over the past three years, we have seen through our cases and investigations that more mental health diversion programs and public offerings are necessary. Too many times have we heard of a police officer being injured or killed by an individual with mental illness or the police having to use force to restrain a person suffering from mental illness. An inordinate number of people enter the criminal justice system and are incarcerated because there is not adequate behavioral healthcare.

Using city and state data, my office estimates that approximately 165,000 people in the Bronx suffer from either depression or severe and persistent mental illness, with approximately 102,000 left untreated.

We continue to increase opportunities for alternatives to incarcerations and work to divert individuals with mental illness, however, we need more options. We cannot divert people without a place for them to go to get the treatment and assistance they need. Simultaneous to closing Rikers, we must find alternative behavioral health treatment.

I urge this committee to look for new opportunities to fund behavioral health treatment services in the Bronx. Cities across the country, including Los Angeles, are making headlines because of their innovative responses to justice-involved individuals with mental illness. We are currently exploring ways to better manage these cases, which are often the most complicated to prosecute. These individuals often cycle through the criminal justice system time and time again and their issues and health concerns do not go away because a case ends.

The NYPD, Department of Health and Mental Hygiene and the First Lady are making great strides, but we need to do more. I look forward to join them this year in making our response to mental illness a top priority in my Office.

**SUMMARY OF NEW NEEDS REQUESTS
BRONX COUNTY DISTRICT ATTORNEY
FY 2020**

EXPENSE BUDGET REQUESTS

<u>OTPS Baseline Request</u>			<u>4,190,000</u>
<u>ADA Salary Parity Funding</u>			<u>4,350,000</u>
<u>Witness Security Staffing</u>			
Rackets Investigator	5	57,800	289,000
Senior Rackets Investigator	5	65,800	329,000
			<u>618,000</u>
Total			<u>9,158,000</u>

CAPITAL BUDGET REQUEST

Case Management System			2,020,000
Total			<u>2,020,000</u>

Detail of Request for OTPS Baseline Enhancement Beginning FY20

December 12, 2018

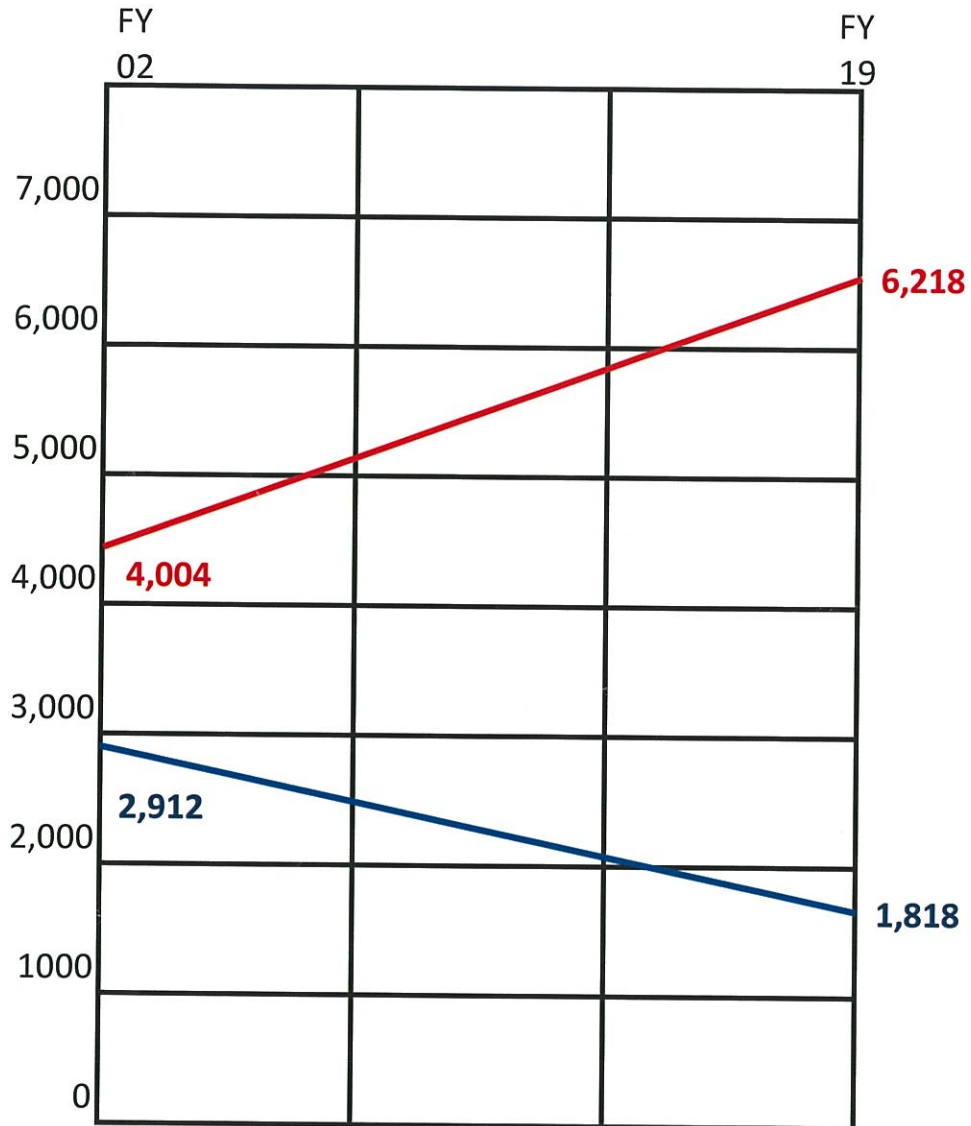
Current Baseline Shortfalls

Average net overage of federal forfeiture expenditures vs. revenues (2 FYs) ¹	1,320,956
Average annual transfer from Tax-Levy PS to OTPS (2 FYs) to cover current expenses ²	506,953
Subtotal:	<u>1,827,909</u>

New / Enhanced OTPS Needs Current and Projected in FY 2020

Expansion of Westlaw Access ³	611,857
Additional CLEAR licenses (100) ³	71,688
Annual cost to store all inactive misdemeanor case files with GRM ⁴ - (Replaces current 414 allocation)	100,000
Business machine maintenance associated with new offices at 260 Melrose Avenue ⁴	31,000
Annual Maintenance, Karpel or Similar Enterprise Case Management Software ⁵	650,000
Annual Maintenance, Software Licences for Forensic Crime Lab ⁶	501,243
New IT Maintenance Increases Due to Infrastructure Upgrades ⁷	397,679
Subtotal:	<u>2,363,467</u>
Grand Total Request:	<u>4,191,376</u>

AVERAGE PER EMPLOYEE FUNDING ALL DISTRICT ATTORNEYS VS BRONX COUNTY FY02-FY19



ALL DISTRICT ATTORNEYS
BRONX COUNTY



Attrition as a Percentage of all ADAs on Staff

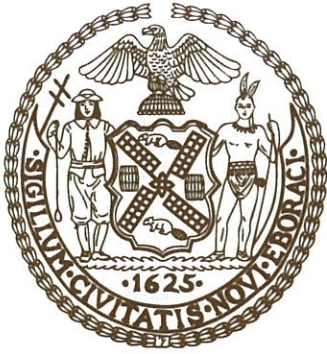
February 2019	3	0.59%	
January 2019	8	1.58%	
December 2018	2	0.39%	
November 2018	4	0.78%	
October 2018	9	1.74%	
September 2018	18	3.43%	
August 2018	8	1.68%	
July 2018	6	1.24%	
June 2018	6	1.23%	
May 2018	10	2.02%	
April 2018	8	1.55%	
March 2018	3	0.57%	
February 2018	12	2.26%	
Monthly Average February 2018 - September 2018			1.75%
Monthly Average October 2018 - February 2019			1.02%

Monthly Attrition is Approximately 42% less than it was prior to implementation of salary increases in September

ADA Average Years of Seniority

	<u>7/5/2016</u>	<u>1/25/2018</u>	<u>3/14/2019</u>
All	7.83	5.76	6.58
Line ADAs*	4.33	3.73	3.77

* Titles Include: ADA, Homicide Assistant, Counsels, Seniors



Richard A. Brown
District Attorney

City Council Budget Presentation

Office of the Queens County District Attorney

Fiscal Year 2020

March 19, 2019



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568

Richard A. Brown
District Attorney

(718) 286-6000
www.queensda.org

**Testimony of the Office of the Queens County District Attorney
Mayor's FY 2020 Preliminary Budget Hearing
March 19, 2019**

On behalf of Queens County District Attorney Richard A. Brown, I would like to thank the Chairpersons and members of the Committees on Public Safety and the Justice System for the opportunity to appear before you today to provide an overview of the Queens District Attorney's Office operations and to discuss with you the Mayor's Preliminary Budget for Fiscal Year 2020.

As District Attorney Brown recently announced, he will be retiring as of June 1st after serving as District Attorney for 28 years – the longest in Queens County history. As an office, we are extremely proud of his many accomplishments in the area of criminal justice and we look forward to continuing his work in seeking justice for the people of Queens County. We thank you for your support of this office over the years and look forward to continuing to work with you in addressing the important public safety issues that we face in our communities.

* * * *

That being said, let me turn to the issue at hand – the Mayor's FY 20 Preliminary Budget. I will begin with a brief update on this office's operations, with the booklet given to you today providing further detail on our activities and accomplishments over the last year.

The Queens County District Attorney's Office is among the busiest metropolitan prosecutors' offices in the nation. We are an office very much committed to doing everything in our power to make certain that the innocent are never wrongfully convicted, that only appropriate charges based on the evidence are filed against the guilty and that justice is done with respect to each and every one of the cases that we handle.

2018 was another busy year in which we prosecuted many high profile cases, completed many significant long-term investigations and handled our caseload efficiently and effectively, while making significant progress in our efforts to address criminal activity in our county and improve the quality of life for those who live and work here.

Overall, we have seen great success and much has changed since the early 90's when the District Attorney first took office. Since 1993, index crimes in all categories have dramatically

declined, with murders down 77.3%, rapes down 19.6%, robberies down 84.9%, felony assaults down 42.3%, burglaries down 89.6%, and grand larcenies down 51.1%. Our auto theft numbers are also impressive – with a 97% reduction in reported car thefts in Queens County from a high of 52,000 in the early 90's to 1,472 last year. And, significantly, we had 63 homicides last year -- unfortunately a slight increase from 2017, but still among the lowest numbers in the last 25 years.

Last year, we handled over 51,000 criminal prosecutions resulting from arrests made by our police officers. We continue to take particular pride in the expeditious fashion in which we process our cases. Queens County again last year had the best arrest to arraignment time in the City -- 15.72 hours, compared to the Citywide average of 19.84. Our arrest to complaint sworn time was also impressive -- 7.75 hours in Queens compared to 10.95 Citywide. We had the highest percentage of cases arraigned within 24 hours, arraigning 91.96%, compared to the citywide average of 79.44%. That means that those accused of crime in Queens spend as little time as possible in detention before they see a judge. Since most defendants go home from arraignments that means they go home hours faster in Queens than anywhere else -- something that has been the case since shortly after Judge Brown took office -- and that we get our police officers back out on the street more quickly to do their jobs.

We also remain aggressive in assisting police as they develop their cases. Last year, for example, our office drafted over 1,200 search warrants and our assistants attended and supervised over 100 lineups in police precincts across the county. We send an ADA to every lineup to ensure their fairness -- and I believe we are the only office to do so. We also continue to be a national leader in the number of court-authorized wiretaps -- with Queens County having 11% of the national total.

* * * *

We also continue to be on the cutting edge of taking on new responsibilities and developing new and innovative initiatives.

In recent years, we established an Office of Immigrant Affairs (OIA) with dedicated multi-lingual staffing of attorneys, investigators and paralegals, working to assist members of Queens County's numerous immigrant communities in navigating and accessing services within the criminal justice system. OIA is also extraordinarily active in community outreach efforts -- attending meetings, cultural events and forums, networking with governmental and not-for-profit groups and launching a hotline and Facebook page to let community members and our immigrant populations know of available help so that victims can come forward and access services without fear of reprisal or retaliation.

This program continues to be an increasingly important addition to our ongoing outreach to our diverse constituency -- with 47% of Queens County's population of 2.3 million foreign born and with nearly 140 different languages spoken here. So as we move ahead, we look forward to working closely with you all in ensuring the program's continued success and enhancement.

In other areas, we have been active as well. In 2016, we established an Animal Cruelty Prosecutions Unit, which has been working actively with NYPD's Animal Cruelty Investigations Squad to pursue allegations of animal cruelty, abuse, and neglect and to educate the public on how to prevent and detect abuse of animals.

We have also put a great deal of effort into addressing the specialized area of vehicular crimes -- including vehicular homicides and vehicular assaults involving serious physical injury -- with the effort's overall focus to collaborate with the Citywide Vision Zero policy. When notified, an ADA from our Homicide Investigations Bureau responds to the scene of every vehicular death.

We also operate nearly 30 alternative sentencing and community programs, including our felony and misdemeanor Drug Treatment Courts, our Mental Health Court, as well as a Court which responds to the needs of our returning veterans, to just name a few.

One program in particular that I would like to highlight is our Queens Treatment Intervention Program (QTIP). This program was established in 2018 in response to the ongoing opioid crisis in Queens County and throughout New York City and New York State. QTIP is a collaborative program with Samaritan Daytop Village, an Office of Alcoholism and Substance Abuse Services (OASAS) licensed treatment provider, that focuses on misdemeanor non-violent individuals who are addicted to opioids, with the goal of addressing underlying clinical concerns and preventing fatal overdoses. In lieu of traditional community service, defendants are directed for a clinical assessment to determine if further treatment services are warranted. If the defendant is determined to be in compliance, the cases result in an Adjournment in Contemplation of Dismissal (ACD). The program has been highly successful since its inception -- with over 230 individuals evaluated and 88% qualifying for treatment services. We have also seen many success stories from this program, including an undocumented female IV drug user named Maria, who gave birth to a child two days before her court appearance. Immediately following the birth, she returned to using 10 bags of heroin per day. Complicating Maria's recovery was her immigration status. Maria was undocumented, which limited her ability to access treatment services. Through QTIP, she was referred to a detox program and later to another treatment program to obtain the recovery tools needed to maintain her success. In addition to maintaining her sobriety, she was able to regain custody of her child and received an ACD on the case. Then there was the case of Salvatore, a 31 year old male who appear in arraignments nodding out and so high that he fell to the ground requiring immediate medical attention. QTIP staff assisted Sal in getting to an area emergency room, where it was determined that he had a spinal infection, among other medical concerns. While in the emergency room, we learned that if the spinal infection was not immediately addressed within 24 hours of our intervention, the infection would have spread throughout his body possibly resulting in him being a quadriplegic or even worse, he could have died. The medical response required Sal to remain in the hospital for 30 consecutive days and receive IV treatment. Sal was an out-of-state resident and had no family to assist him. Consequently, QTIP/QDA staff regularly visited Sal in the hospital, even on Christmas Day, making sure his essential needs were met by purchasing him clothing, toiletries and food. Upon discharge from the hospital, Sal appeared in court, at which time he received an ACD on his case.

Another program of which we are very proud, is the Queens Court Academy, a NYC Department of Education alternative school that helps young, first-time offenders charged with non-violent crimes to continue their education in a supervised and supportive environment. This alternative high school, located within our office, is the only one of its kind and is overseen and operated in partnership with the District Attorney's Office and the NYC Department of Education. Since the program's inception in 2011, 330 students have been enrolled in the program, with 50 students achieving their high school equivalency (HSE) diplomas. This program too has seen many great successes. In one particular case, a student who was struggling with academic and behavioral concerns prior to his enrollment in the program, went on to receive the "Certificate of Award for Leadership & Commitment" based on his outstanding performance and was later hired as a paralegal by Queens Law Associates.

Overall, we have dedicated a great deal of effort to a wide variety of community-based crime and violence prevention and youth empowerment initiatives, as well as alternative sentencing programs. In recent years, for example, we established both a Supreme Court Youth Part and a Youth Diversion Program that specifically target young people who get themselves into trouble and provide alternatives to incarceration in appropriate felony cases.

We also operate our Second Chance Program, which was established over 25 years ago. This program focuses on individuals who have committed their first non-violent misdemeanor offense or received a Desk Appearance Ticket (DAT). Prior to arraignment, selected first-time offenders are contacted by QDA staff to schedule a clinical meeting to determine if the traditional DAT process, and a court appearance, can be avoided and instead be referred to a community-based treatment program. Participants in this program work with a panel of community members who provide mentoring and community support and discuss behavior which led to their involvement in the criminal justice system. If successful, the case is dismissed prior to arraignment.

In the area of driving while intoxicated, we operate a Queens DWI Treatment Court, which handles cases involving driving while intoxicated charges -- the first of its kind in New York City. The court and our program provide a successful alternative to prison for first time felony DWI offenders -- with offenders receiving intensive substance abuse treatment leading to an extremely low rate of recidivism. Since implementing our DWI strategies, we have placed over 4,000 defendants on alcohol monitoring devices and have a 92% retention rate and a successful completion rate of 91%. In addition to demonstrating 90 days of abstinence, defendants must complete an OASAS-licensed alcohol assessment and participate in the Mothers Against Drunk Driving/Victim Impact Panel. To date, our Criminal Court DWI initiative has a completion rate of 94%. To further enhance our efforts, a number of years ago, our office also took on the responsibility of serving as the Citywide Ignition Interlock monitor to help ensure that important safety-related court conditions in driving while intoxicated cases are complied with citywide.

Our office is also a partner on the Queens Reentry Task Force, along with the Department of Corrections and Community Supervision and a variety of other not-for-profit and community-based organizations in an effort to reduce recidivism by coordinating services for individuals transitioning from incarceration back into the community.

We also continue to be very active in our work with individual Queens communities and the youth in the county. Our Special Prosecutions Division works closely with the community in addressing quality of life issues and oversees a significant number of crime prevention and community outreach programs. One of its premier programs, the StarTrack youth anti-violence, anti-drug and crime prevention initiative, teams Queens District Attorney's staff with teachers, police and other partners in conducting bi-monthly sessions in targeted schools on the Rockaway peninsula for over 1000 10 to 17 year old students. As a complement to the school-based program, assigned staff also participate in a community-based Inter-Agency Council, composed of Queens District Attorney's Office staff, teachers, students, parents, school officials, community leaders and elected officials focused on gang and gun violence and substance abuse problems in the community with an eye toward developing effective preventative measures. Our office also hosts an annual "Say No to Violence Week" during the school year for students in the STAR Track schools with the aim of furthering the anti-drug and violence message that is presented in regular classroom presentations, culminating in a yearly "Say No to Violence" Week tennis event at Flushing Meadow Park for about 1000 of our students. In the summer months Special Prosecutions also operates two companion programs, the Summer Youth Employment Program for Far Rockaway teenagers (ages 14 to 17) and "Operation Summer Fun", a recreational program for Far Rockaway youth (ages 10 to 17).

In the area of domestic violence we have made significant strides as well – with Queens having the highest domestic violence conviction rate and the lowest dismissal rate in the City. Most recently, in July 2018, we established our new Domestic Violence Strategic Alert Team (STAT) program, with the help of funding provided by the City. This program, which I will discuss further when I update you on our FY 19 funding initiatives, is truly an innovative approach to addressing domestic violence that is already demonstrating impressive results. In addition, our Domestic Violence Bureau continues to be co-located at the Queens Family Justice Center, together with other City and non-profit agencies that offer counseling and support services in one safe, comfortable and user-friendly location. All this, we hope, makes it easier for victims of domestic violence to get the support and assistance that they need in a welcoming, sensitive, multi-lingual and multi-cultural environment.

Our Office also operates a Child Advocacy Center, through a collaborative effort with the NYPD, Safe Horizon, the Administration for Children's Services and the NorthShore/LIJ Health System's Cohen Children's Medical Center of New York. The Center provides comprehensive services to victims of child physical and sexual abuse and their families, with the goal of assisting victims through offering counseling, police, prosecutorial, child welfare, and medical services in one child-friendly location. Hundreds of joint interviews are conducted each year at the Center, sparing physically or sexually abused children from numerous traumatic interviews by multiple agencies.

We also continue to be very active in efforts to combat human trafficking and internet crimes against children. Our office was the first to obtain a conviction in the State under New York's new human trafficking statute back in December, 2009, and the first to work with the courts in establishing a specialized court, which is now a model statewide, for these sensitive cases. And since that time we have continued aggressive efforts, using both the human trafficking and existing "promoting prostitution" statutes to prosecute pimps, particularly those who utilize underage girls.

These are just a sample of the initiatives that we have implemented and continue to run over time. They join a host of other programs that we operate as well, including our specialized elder fraud effort, our Crimes Against Revenue Program and hate crimes, anti-youth gang and violence efforts, among many others.

* * * *

As to our current budget situation, we are pleased to say that with your and the City's help over the years, we have been able to make a great deal of progress. Most recently, with the baselined funding you provided in FY 19, we have been able to enhance staffing levels in critical of areas of the office and address a number of emerging crime trends.

As I mentioned earlier, we have added staffing to our Domestic Violence Bureau for our DV STAT pilot program initiative, which seeks to identify and enhance the prosecution of high-priority, pre-arrest domestic violence cases through coordinated efforts with the NYPD and victim services organizations. As part of this initiative, we receive open domestic violence complaint reports from Queens precincts on all cases where the defendant was not arrested at the crime scene and have developed a computer program that compiles these complaint reports and assigns them a score based established risk criteria. Assigned ADAs then review this database to identify and enhance the highest priority cases and victims are contacted and invited to the Queens Family Justice Center. This ensures that victims are aware of safety planning and counseling services, and, at the same time, ADAs are able to meet with victims and determine appropriate charges and obtain evidence, all before an arrest is made. This not only improves our prosecutions by making sure that crucial evidence is preserved, it also enhances victim safety by allowing us to make sure victims have timely access to counseling and safety planning services as early on as possible. The program is growing at a rapid rate. While it was initially proposed to be piloted in two Queens precincts, it has now been expanded to all 16 precincts in the County. In just a few short months, we have made significant strides and early statistics show remarkable results. According to DCJS statistics, in 2018 Queens had an overall domestic violence conviction rate of 47.2%. Specifically for cases in which outreach was conducted through our DV STAT program, since the program's inception in July 2018, we have handled 123 convictions, including 21 convictions on felony complaints and 102 convictions on non-felony complaints, with an overall conviction rate of 76%. In addition, we have drafted approximately 10 search warrants which has led to the recovery of a variety of weapons including loaded hand guns, shotguns and rifles, imitation pistols, drugs, drug paraphernalia and forged credit cards. The recovery of these weapons is one of the program's greatest successes, since the risk of homicide in a domestic violence situation increases by 500% when a firearm is present in the

home. In addition, assigned DV STAT ADAs handled over 100 first party complaints and conducted outreach to over 700 victims – all before an arrest is made. DV STAT is the first program of its kind in the country. A program of which we are extremely proud and feel is worthy of emulation Citywide.

In other areas, the monies you provided have enabled us to add much needed staffing to address the growing crime areas of opioid trafficking and human trafficking. In the area of opioid trafficking, staffing has been assigned to investigate and prosecute cases stemming from the burgeoning opioid epidemic, with a focus on those who are manufacturing, dealing and distributing fentanyl and other opioids in the County. In addition, as a complement to the program, we have added two social workers to our Queens Treatment Intervention Program (QTIP) program, which is based in our Alternative Sentencing Bureau, to work with opioid-addicted offenders. In the area of human trafficking, three additional ADAs have been assigned to the unit to help address this growing area and enhance our response to these complex cases.

We have also added critically needed staffing in the area of property release and efforts are currently underway to streamline the property release process and develop an automated system in which property claims can be requested and monitored electronically. In the area of body worn cameras, we have added staffing to review and redact the body worn camera videos that we now regularly receive as part of this NYPD initiative.

In the area of ADA salary parity, we are grateful for the funding provided for ADA salary increases for years one through five. This was a positive first step in addressing the ADA salary parity concerns that were raised last year and we look forward to continuing to work with OMB and MOCJ on this issue moving forward.

Lastly, we would like to thank the Council for the one-time funding you provided to our office in this fiscal year. The funding has enabled us to purchase the equipment necessary to upgrade our current, antiquated phone system to a new, modern VOIP system. The project is currently underway, with the back-end work nearly complete and the initial roll-out of the system to begin over the next month. In addition, the funding is also being utilized to purchase new desktop computers and printers for our staff who will be located at our new office space located at 126-06 Queens Blvd, which is scheduled to open in the next couple of months. These funds are much appreciated as they have truly supported essential projects for the office.

* * * *

In the area of office facilities, I want to update you on where we are with addressing the critical office space issues for which you and the City provided close to \$2.5 million in additional rental monies in FY17.

With these monies, we worked with the City to add additional rental space to our existing rental facility located at 80-02 Kew Gardens Road and have finalized with the City close to 40,000 square feet of space in a new facility across from the courthouse, located at 126-06 Queens Boulevard. We are pleased to report that construction on the 126-06 building is nearly

complete and staff are expected to move in over the next couple of months. In addition, construction on the additional space in the 80-02 building is scheduled to begin shortly. This will ultimately allow us, as space becomes available, to alleviate overcrowding of existing staff; to consolidate Trial Division staff near the courthouse; and to provide additional space for location of a new Cyber-Crime lab and for expansion of our economic crimes investigation and prosecution efforts.

So a great deal of progress was made with your help. But even with this, particularly since available rental space in the area around the Kew Gardens courthouse is in such short supply, this still will leave us with close to 65,000 additional rentable square feet of space to find and lease. So we still very much need your and the City's continued support in expediting rental of the remaining space we need in the short-term to make sure we get the space needed to effectively carry out our duties each day.

In the long-term, we also still very much need a comprehensive solution. As the District Attorney has testified before, we continue to explore with the City various options, including the possibility of construction of a new consolidated facility or the addition to our existing facilities of the additional square footage we need. As you are aware, for many years we have proposed taking over and renovating the vacant Queens House of Detention, which is contiguous to our main office space. Now, since the Mayor's tentative plan to reopen the facility will likely result in the need for new construction, we are proposing that space for our staff be considered as part of the design, or if not feasible, that the City continue to work to identify other viable options. Progress has been slow, however, in moving forward on a long-term solution that will give us the modern, consolidated and comprehensive physical plant we need. This remains a top priority for us and we continue to need your help and support in maintaining focus and momentum on this important issue.

So we are very appreciative of all the monies and support you have given us over the past few years and, with your help, have been able to make significant progress.

* * * *

All of this progress notwithstanding we still have a long way to go and very much need your continued help and support. While we understand the City's current fiscal concerns, we do have a few requests for which we seek your funding support. Here is just a brief overview of these requests, with further details provided in our attached new needs request.

First, in the area of domestic violence, the funding provided for the DV STAT program was for FY 19 only. As I mentioned, we are very proud of the program and the progress we have made thus far. We have invested significant time and resources in implementing the program and believe that this innovative approach to addressing domestic violence has a positive impact not only on the outcomes of cases, but on victims as well. However, our ability to sustain the program moving forward is severely hindered without continued baselined funding support. In addition, now that we are nine months into the program, it has become apparent just how time and labor intensive these cases are. We have found that we not only need continuation funding,

but additional staffing of one detective and one ADA to better address these cases in a more comprehensive and efficient manner.

In the area of ADA salary parity, while we appreciate the funding provided for salary increases for our newer ADAs, since the funding did not address ADA salaries as a whole, it caused a ripple effect of compression amongst many of our ADA class years and titles. As a result, the impact of these raises were reviewed and adjustments were made to salaries beyond years one through five, in instances where disparities existed. However, since these additional adjustments were not funded by the City, it was necessary for this office to take on this added expense, for which we now request baseline funding beginning in FY 19.

We also request that the funding provided by the City Council to this office in FY 19 be baselined and used for additional staffing in a variety of areas including our Appeals, Criminal Court/Intake, Supreme Court Trials, Economic Crimes and Immigrant Affairs Bureaus. These were areas for which we had requested but did not receive new needs funding in FY 19.

In addition, we are also requesting funding relating to contracted security guard services for our office facilities. The funding is needed to cover regularly scheduled wage increases that the guards receive, which has significantly increased our projected expenses for these services. In addition, funding is also needed for additional guards to staff our new building that is scheduled to open in the next couple of months.

Lastly, on the capital budget side, we currently have a capital funding request pending with OMB for the replacement of my office's desktops, printers, servers, storage and related hardware and software. It is critical that this request be funded since our current equipment is currently over five years old and at the end of useful life. We therefore request your support for funding for this initiative as well.

Further details on these proposed initiatives are provided in our attached new needs request.

* * * *

Again, I thank you for the opportunity to be here today and look forward to working with you and your staffs in addressing the new needs we outlined for you and in furthering our efforts. It is important that we work collaboratively to ensure that each of our offices is given the criminal justice and public safety dollars needed to do our jobs to maintain and advance the efficiency and effectiveness of the entire criminal justice system.

**Office of the Queens County District Attorney (QDA)
FY 20 Preliminary Plan New Needs Request**

1. Domestic Violence Bureau Pre-Arrest Pilot Program

\$465,000

In the FY 19 Adopted Plan, QDA was allocated \$335,000 in PS funding in FY 19 only for our Domestic Violence Bureau's new Domestic Violence Strategic Threat Alert Team (STAT) program, which seeks to identify and enhance the prosecution of high-priority, pre-arrest domestic violence cases through coordinated efforts with the NYPD and victim services organizations. As part of this initiative, we receive open domestic violence complaint reports from Queens' precincts on all cases where the defendant was not arrested at the crime scene and have developed a computer program that compiles these complaint reports and assigns them a score based established risk criteria. Assigned ADAs then review this database to identify and enhance the highest priority cases and victims are contacted and invited to the Queens Family Justice Center. This ensures that victims are aware of safety planning and counseling services, and, at the same time, ADAs are able to meet with victims and determine appropriate charges and obtain evidence, all before an arrest is made. This not only improves our prosecutions by making sure that crucial evidence is preserved, it also enhances victim safety by allowing us to make sure victims have timely access to counseling and safety planning services as early on as possible. The program is growing at a rapid rate. While it was initially proposed to be piloted in two Queens precincts, it has now been expanded to all 16 precincts in the County. In just a few short months, we have made significant strides and early statistics show remarkable results. According to DCJS statistics, in 2018 Queens had an overall domestic violence conviction rate of 47.2%. Specifically for cases in which outreach was conducted through our DV STAT program, since the program's inception in July 2018, we have handled 123 convictions, including 21 convictions on felony complaints and 102 convictions on non-felony complaints, with an overall conviction rate of 76%. In addition, we have drafted approximately 10 search warrants which has led to the recovery of a variety of weapons including loaded hand guns, shotguns and rifles, imitation pistols, drugs, drug paraphernalia and forged credit cards. The recovery of these weapons is one of the program's greatest successes, since the risk of homicide in a domestic violence situation increases by 500% when a firearm is present in the home. In addition, assigned DV STAT ADAs handled over 100 first party complaints and conducted outreach to over 700 victims – all before an arrest is made. DV STAT is the first program of its kind in the country.

Given the progress we have made, we are requesting that the \$335,000 in PS funding that was allocated in FY 19 be baselined beginning in FY 20, as well as the allocation of an additional \$130,000 to assign a detective and an additional ADA to the program for a total request of \$465,000, in order for our Office to continue the program's implementation and development moving forward. We believe that this program will enable us to take a more proactive approach to domestic violence matters and provide comprehensive support services to victims earlier on in the criminal justice process.

2. Security Guard Services

Existing Buildings and New 126-06 Queens Blvd. Building

We are requesting funding relating to our contracted security guard services at our current office facilities, as well as for our new building located at 126-06 Queens Blvd., which is scheduled to open in the next couple of months. Overall, funding is needed to cover the regularly scheduled wage increases that the guards receive, as per the prevailing wage law and the DCAS master agreement, which has significantly increased our projected expenses for these services.

As part of this request, funding is needed for additional security guards at our new building space located at 126-06 Queens Blvd. Major construction has been completed on the building and the remaining open items are in the process of being finalized. We anticipate moving into the space by May 1, 2019. As a result, the addition of three contracted guards are needed to provide security in the main lobby of the building from 8am to 7pm, Mondays through Fridays.

We are therefore seeking funding in FY 20 and the outyears as detailed below. The projected total additional expense for these services at our existing facilities, as well as for our new office space, is estimated at \$74,000 in FY 19, rising to \$417,000 in FY 24.

	FY19	FY20	FY21	FY22	FY23	FY24
Existing Buildings	\$ 74,000	\$ 90,000	\$ 107,000	\$ 124,000	\$ 143,000	\$ 162,000
New Building	\$ -	\$ 210,000	\$ 221,000	\$ 232,000	\$ 243,000	\$ 255,000
Total	\$ 74,000	\$ 300,000	\$ 328,000	\$ 356,000	\$ 386,000	\$ 417,000

Queens Family Justice Center (QFJC)

In addition, we are also requesting funding for a shortfall in funding for the security guards who are based at the Queens Family Justice Center (QFJC). By way of background, QDA's Domestic Violence Bureau is co-located at the QFJC, which provides comprehensive civil legal, counseling and supportive services for survivors of domestic violence. Since the establishment of the QFJC in July 2008, our Office has administered security guard services for the Center, including the procurement and payment for these services, through baselined intra-city funding provided by the NYC Human Resources Administration (HRA). Over the last several years, the security guard hourly rates have been increasing, as per the prevailing wage law and the DCAS master agreement, and as a result, the actual cost of the services has exceeded the funding provided by HRA. As a result, our Office had to offset this funding deficit in FY 18 by utilizing QDA's own budgeted OTPS funds. We are now seeking additional baselined funding beginning in FY 19, as outlined below, to cover the anticipated deficit in funds which will continue to grow as the contractual rate increases take effect.

	FY19	FY20	FY21	FY22	FY23
Security Services Cost Estimate	\$ 200,000	\$ 205,000	\$ 210,000	\$ 220,000	\$ 230,000
Current Budget – I/C from HRA	\$ 176,476	\$ 176,476	\$ 176,476	\$ 176,476	\$ 176,476
Additional Funding Need	\$ 23,524	\$ 28,524	\$ 33,524	\$ 43,524	\$ 53,524

3. Assistant District Attorney Salary Parity

\$800,000

In our FY 19 budgetary new needs request, QDA, along with our fellow District Attorney's Offices, requested baseline Personal Services (PS) funding for salary adjustments for our entry level and line Assistant District Attorneys (ADA), in order to better recruit and retain ADA staff. As a result, MOCJ and OMB conducted an analysis of the five District Attorneys' ADA salary structures and QDA was allocated \$760,000 in baseline funding to address ADA salary levels for years 1 through 5.

While we are very appreciative of the funding provided, we advised both MOCJ and OMB at the time that if the salary increases were implemented simply as funded, salary compression amongst our ADA classes and titles would pose a serious concern. For example, a five year ADA with the raise would make what a ten year ADA was currently making (and more than a six to nine year ADA). As a result, in implementing these salary increases, we consequently needed to review our ADA staff as a whole and adjustments were made to the salaries of ADAs beyond the 5-year mark as well.

We are now requesting baseline PS funding beginning in FY 19 in the amount of \$800,000, the cost of the self-funded portion of our ADA raise package. We were able to fund these additional increases due to delays in hiring for our cyber-crime lab, which is currently scheduled to begin construction in the upcoming months. We anticipate hiring staff for the lab while the construction is in process, so that it can be operational as soon as possible, and therefore, funding will need to be available at that time.

4. Baseline of City Council Funding

\$1,680,000

In the FY 19 Adopted Plan, the City Council provided QDA with \$1,680,000 in one-time FY 19 funding. We are requesting that this funding be baselined beginning in FY 20 and allocated for PS initiatives including additional staffing for our Appeals, Criminal Court/Intake, Supreme Court Trials, Economic Crimes and Immigrant Affairs Bureaus, as detailed below.

Civil Litigation Unit

Requested Funding: \$330,000

The QDA Appeals Bureau is responsible for the handling of all post-conviction appellate activity in the Office. The Bureau also serves as the Office's adviser on complex legal issues for assigned trial and investigative attorneys in ongoing investigations and prosecutions. In recent years, the Bureau has also been busy addressing the burgeoning growth in the number of Freedom of Information Law (FOIL) requests and civil discovery and litigation matters it must respond to and handle each year.

Unfortunately, current staffing levels are unfortunately not adequate to keep pace with the high volume of cases and increasing demands in the number of FOIL requests and civil litigation matters that they are encountering on a daily basis.

Each year, our office receives approximately 600 requests for records in a variety of areas. In terms of FOIL requests, we often receive requests from reporters, researchers, policy institutions or attorneys for several years worth of data and historical records regarding the Office's case data, policies, procedures, training materials, personnel information and budget reports. These requests can be quite extensive, sometimes requiring the compilation of records that span decades. As a result, these requests are extremely time and labor intensive, often requiring documents to be pulled from archives and then reviewed to determine what can be disclosed. There are often thousands of pages of documents to review and redact prior to response. Currently, we have only one ADA who reviews every FOIL request and have a back log of responses, with many of our FOIL requests pending for over a year.

In addition to FOIL requests, the Appeals Bureau also sees a high volume of civil litigation and subpoena requests from the Law Department, the Comptroller's Office, and from attorneys. There is often a short time period allotted for discovery in these matters and therefore require immediate attention.

Appeals Bureau ADAs currently handle the FOIL and civil litigation work in addition to their significant responsibilities of preparing appellate briefs and motions. Unfortunately, current staffing levels are not sufficient to keep pace with the high volume and variety of matters and has hindered our ability to respond to requests in a timely manner.

We are therefore requesting funding support for the creation of a new Civil Litigation Unit staffed with two ADAs at an average annual salary of \$85,000 and four paralegals at an average annual salary of \$40,000 in order to more effectively address the growing volume of FOIL and civil litigation requests.

Criminal Court/Intake and Supreme Court Trial Bureaus	\$700,000
---	-----------

The funding requested will be utilized to supplement staffing in our Criminal Court/Intake and Supreme Court Trials Bureaus. Specifically, we are proposing the addition of 4 ADAs, at an average salary of \$70,000, and 2 paralegals, at an average salary of \$35,000, to our Criminal Court/Intake Bureaus. This will help us to address the nearly 40,000 misdemeanor arrests that we handle each year in areas such as prostitution, driving while intoxicated, graffiti, gambling, petit larceny, menacing, assault and a variety of other quality of life crimes. While these are lower level offenses, they still require all of the legal and procedural requirements of more serious crimes, including obtaining and reviewing a high volume of case activity reports, affidavits, subpoenas, supporting depositions, police reports, witness statements, motor vehicle histories, search warrants and criminal records. In addition, assistant district attorneys in this bureau share arraignment responsibilities with our Intake Bureau which is responsible for early assessment and enhancement of arrest cases, including interviewing crime

victims, witnesses and police officers to determine appropriate charges and gathering additional evidence necessary for the successful prosecution of cases. Therefore the additional staffing will benefit both areas of our Office.

In addition, the requested funding will also be used to supplement staffing to our Supreme Court Trial Bureaus, which handle the bulk of the Office's felony prosecutions including robberies, burglaries, auto thefts, assaults, and larcenies, among many others. Cases assigned to these bureaus are handled vertically, meaning the same ADA handles the case from inception through to disposition -- including all pre-trial preparation, motion practice, hearings and trials. In addition, ADAs assigned to these bureaus also respond to crime scenes and police precincts in select cases giving the responding ADA the opportunity to take witness statements, be present at lineups and draft search warrant applications, when necessary. We are proposing the addition of 4 ADAs, at an average salary of \$70,000, and 2 paralegals at an average salary of \$35,000, to supplement the staffing to these bureaus and help reduce our high ADA felony caseload.

Enhanced Economic Crimes Effort

\$505,000

Another area of great challenge for us is in the emerging area of real estate and mortgage fraud and related financial crime in the County. In 2017, our Economic Crimes Bureau alone handled 136 complaints of mortgage/real estate and rental fraud. Unfortunately, these numbers are only the tip of the iceberg – with numerous complaints involving multiple properties and a high volume of additional complaints made to other agencies, including the New York City Police Department, New York State Department of Banking, the Federal Bureau of Investigation and others.

In addition to the sheer volume of these matters, these cases are extremely serious, routinely impacting on title and ownership in homes of many unsuspecting homeowners in the County, who fall prey to a variety of scams. Many of these schemes focus on fraudulent mortgage applications and cashing in on house values through fraudulently obtained financing on homes perpetrators simply do not own. Others are based on outright forgery of mortgage documents and deeds and transfers of homes to unsuspecting legitimate buyers, who put cash down for properties they will never own. Still other scams are part of larger, overall identity theft crimes. In addition to legitimate homeowners and buyers, businesses and corporations have also been greatly affected by this burgeoning crime area, with many bilked out monies through financing given based on fraudulent paperwork on ownership or appraisal of home values. All of this undermines the stability in our community of legitimate homeowners, buyers or businesses who fall victim to this crime.

All of these matters are handled by our Economic Crimes Bureau, which also has the responsibility of handling all financial, environmental, and arson offenses in the County. The team of attorneys, investigators, and accountants/analysts there work closely with the New York City Police Department, the State Police, New York State Banking, I.R.S., F.B.I., Secret Service, Postal Inspectors, and a variety of other agencies to assist in the investigation and prosecution of these cases. Particularly with the wide variety of methods used in these schemes to defraud, these mortgage fraud matters are extremely labor intensive, though, routinely calling for exhaustive examination and analysis of

voluminous documents and financial records and requiring a dedicated staffing of a team of attorneys, investigators, and accountants/analysts familiar with the many manifestations and scams associated with these crimes.

Accordingly, we seek funding support for the addition of three ADAs at an average annual salary of \$75,000 and four accountants/financial analysts at an average salary of \$70,000. We believe this will help us address the high volume and wide variety of financial crimes encountered on a daily basis including identity theft, elder fraud, estate embezzlement, corporate fraud, and deed fraud and enhance expertise and expedite case handling going forward.

Enhanced Immigrant Affairs Unit

\$145,000

In recent years, our Office established an Office of Immigrant Affairs (OIA) to assist members of Queens County's numerous immigrant communities in navigating and accessing services within the criminal justice system and to provide better coordination and enhanced handling of cases in which members of our immigrant communities have been victimized. The establishment of this unit is particularly significant for Queens due to the intense diversity of the County – with 47% percent of Queens County's population of 2.3 million foreign born and with nearly 140 different languages spoken here. Immigrant victims of crime often face language barriers, cultural differences, fear of immigration repercussions, and a distrust of government that often leave them feeling helpless when they have been victimized.

OIA also continues to be extraordinarily active in community outreach efforts -- attending meetings, cultural events and forums, networking with governmental and not-for-profit groups, and launching both a dedicated hotline and a Facebook page -- to let community members and our immigrant populations know of available help and services.

In 2017, OIA's staff, with the help of its 65 in-house volunteer liaisons - who speak over 30 languages among them - participated in nearly 90 events all over the borough, fielded hundreds of calls from the public, and issued nearly 300 U-Visa certifications for crime victims. In addition, OIA also works closely with NYPD Community Affairs and School Safety Officers to improve police relations with our immigrant communities. OIA also serves as an office-wide liaison on case referrals and issues involving immigration law to ensure that immigrant crime victims are treated with respect and given the services they need, no matter what their immigration status or background is.

Currently, OIA is staffed with only one ADA, one paralegal and one investigator. This staffing level is not sufficient to address the volume of cases, as well as the manpower needed to coordinate and attend the number of outreach events that have proven to be a critical part of OIA's mission. We are therefore requesting funding support for the addition of one ADA at an average annual salary of \$75,000 and two paralegals at an average annual salary of \$35,000 to support the ongoing efforts of the Unit to outreach and provide enhanced services to the immigrant and multi-lingual populations of Queens County.

Biography of Queens District Attorney Richard A. Brown



District Attorney Richard A. Brown was appointed interim Queens District Attorney by former Governor Mario M. Cuomo on June 1, 1991. He was elected to a full term in November 1991, and was re-elected in 1995, 1999, 2003, 2007, 2011 and 2015. He is Queens County's longest serving District Attorney.

Although born in Brooklyn, District Attorney Brown has been a lifelong resident of Queens since age five. He received a Bachelor of Arts degree from Hobart College in 1953 and graduated from New York University School of Law in June 1956. He was admitted to the New York State Bar in October 1956.

Early in his career, District Attorney Brown demonstrated his

dedication to public service, working in legal positions for the New York State Senate Assembly Leadership and at the 1967 New York State Constitutional Convention. He also served as New York City Mayor John V. Lindsay's legislative representative in Albany from 1970 to 1973.

Appointed as a judge of the Criminal Court bench in September 1973, he served two years before becoming the Supervising Judge of the Brooklyn Criminal Court, assuming full operational and administrative responsibility for that court. He was designated an acting Supreme Court Justice in January 1976, and was elected the following year to a full term on the Queens County Supreme Court.

At the end of 1978, former

Governor Hugh L. Carey summoned District Attorney Brown back to Albany to serve as his chief legal advisor.

District Attorney Brown returned to the Supreme Court in 1981 and, in 1982, Governor Carey designated District Attorney Brown as an Associate Justice of the Appellate Division, Second Department, a post to which he was twice re-designated by Governor Cuomo.

District Attorney Brown also serves as the Chair of the New York Prosecutors Training Institute and is a past President of the New York State District Attorneys Association.

District Attorney Brown and his wife, Rhoda, have three children – Karen, Todd and his wife Monica, and Lynn and her husband Bruce – and two grandchildren, Leah and Alana.

**STATEMENT BY
QUEENS DISTRICT ATTORNEY
RICHARD A. BROWN**



RICHARD A. BROWN
QUEENS DISTRICT ATTORNEY

After almost six decades in public service, the last 27 years spent as District Attorney of Queens County, and after careful thought and consideration, I have made the decision to finish out my current term and not seek re-election.

It has been an honor and privilege to have served the people of Queens County – the most ethnically diverse county in the world – for these many years as district attorney. I am deeply appreciative and humbled to have had the trust and confidence that they have expressed by electing me to seven full terms in office and, in the process, making me the longest serving district attorney in Queens County history.

When I was appointed District Attorney by then Governor Mario M. Cuomo in 1991, one of my chief goals was to elevate the standards of professionalism in the office by hiring people on merit, not political connections. Without question, we have overwhelmingly achieved that goal. Whatever success I have attained over the years is due in large measure to the fact that from the very beginning I have surrounded myself with the most talented, capable and dedicated professionals imaginable – men and women of exceptional ability and commitment. Because of them, our office is among the best prosecutors' offices in the State – indeed, the best in the country. I thank each of them for their loyalty and service to me and more importantly for their loyalty to the rule of law and service to the people of Queens County. Together with our law enforcement partners we have

contributed greatly to the city's historic reduction in serious crime and created safer neighborhoods for all our residents.

Apart, however, from our historic reductions in violent crime and auto thefts to name but a few, I am proud of our many innovations that have improved not only our criminal justice system but our entire community. I am grateful that the many specialty courts we pioneered – like having one of the State's first Drug Courts, as well as a Mental Health Court and Veterans Court – have enjoyed enduring success and have been duplicated around the nation. One of our most innovative alternative sentencing programs, is the Queens Court Academy, a high school operated on our premises in conjunction with the NYC Department of Education. Young offenders are not only spared incarceration, but are given the opportunity to complete high school and avoid rearrest. There is no other similar program in New York State or, to my knowledge, in the country.

Our Queens Treatment Intervention Program (QTIP) is making great strides to address the scourge of opioid addiction by not only avoiding criminal convictions but by saving lives and providing treatment and counseling. We are national leaders in handling domestic violence prosecutions and have been on the forefront of innovative prosecutions to combat human trafficking and animal cruelty. In order to protect our immigrant population I created an Office of Immigrant Affairs to assist them in accessing and navigating our criminal justice system. Additionally,

our in-house training programs for the professional staff have been utilized throughout the state.

We have instituted technological changes that allow us to process arrests more quickly than any county in the City of New York, thus allowing police officers to get back on patrol sooner and defendants to be arraigned faster. From the time I was first appointed district attorney we have had a riding ADA program in which ADAs are on call 24 hours a day to respond to scenes of serious crimes and provide assistance to police. We are the only DA's office to send an ADA to every lineup in the county to ensure that lineups are conducted properly and to minimize the risk of a misidentification. Our Crime Victims Advocacy Program provides critical assistance to the victims of crime and their families.

We have been a leading advocate for improvements in criminal justice legislation, including measures to ensure the recording of interrogations, enhanced identification procedures and for the sealing of old convictions.

As I finish my tenure as Queens District Attorney, I will continue to seek innovations to help all of our 2.4 million residents and ensure that I leave my office dedicated to the standard of excellence which has been our hallmark.

While it is difficult to say goodbye, I am comforted by the knowledge that I leave a legacy of accomplishment, excellence and government at its best, for which anyone can be proud.

On behalf of my entire family, I offer my best wishes and warmest thanks.

THE 'CLOSE RIKERS' MISTAKE: GIVEN MOUNTING COSTS AND COMPLICATIONS, IT WOULD MAKE FAR MORE SENSE SIMPLY TO REBUILD THE ISLAND'S JAIL FACILITIES

By RICHARD A. BROWN, QUEENS DISTRICT ATTORNEY

It was supposed to be so simple. Get all the turnstile jumpers, prostitutes and marijuana smokers out of jail, reducing Rikers' population from upwards of 8,000 today to about 5,500. Set up some alternative-to-detention programs, refurbish local jails in the boroughs, move the remaining inmates into those jails and — voila! — we've closed Rikers.

Then reality set in. First, the cost. The Lippman Commission estimated it would cost \$11 billion to build the new jail facilities capable of holding 5,500 inmates. (That's if everything goes right and there are no delays, cost overruns or legal challenges.) That comes out to \$2.2 million per cell.

But the real cost is probably more than \$33 billion, adding the interest charges over 30 years, or \$6 million per cell. Ironically, \$33 billion is also what it would cost to rehabilitate all NYCHA developments, with 179,000 apartments.

Could you imagine what \$33 billion could do for our subway system or schools? City Council Member Robert Holden has a bill to look at the cost of rehabilitating Rikers Island as a state-of-the-art jail. Can there be any sound reason to oppose that proposal?

Second, getting the population of Rikers down to 5,500 is not easy. There are almost no prostitutes, turnstile jumpers or marijuana smokers there; they've been successfully diverted over the years. Of the approximately 8,000 inmates on Rikers, 1,800 of them are sentenced prisoners, 2,000 are remanded with no bail and 1,000 are parole violators.

About 3,000 of the remaining prisoners are being held solely on bail. Fully 92% of them are charged with felonies. They average five felony



arrests, one prior felony conviction, five misdemeanor arrests, five misdemeanor convictions and several bench warrants. Forty percent of the inmates from Queens have already been considered for, or been through, various alternative sentencing programs, apparently without success.

Reducing the population on Rikers means letting these career criminals out.

Third, what do you do if crime goes up? There is no contingency plan to house more than 5,500 people. Rikers at one time held more than 20,000 inmates. What if later experience proves we need 8,000 cells?

Meanwhile, the plans for the new jails in the boroughs are facing tremendous, legitimate local opposition. Brooklyn and Manhattan facilities currently house between 600-800 prisoners each; they would be torn down to build new jails on those sites. While construction is underway, prisoners housed in them will be transferred to — where else? — Rikers Island. The current jails on Rikers will be rehabbed for these prisoners, only to be torn down when the new jails

are finally ready.

What sense does this make?

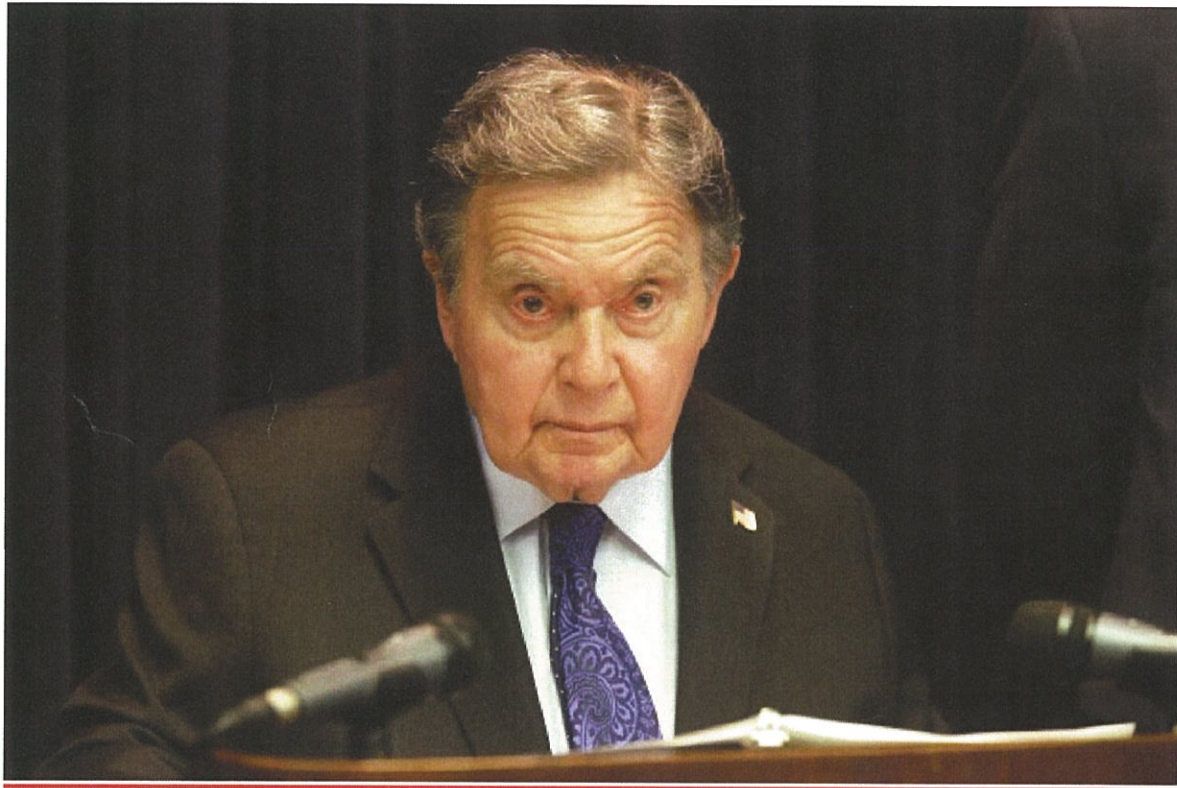
Rikers has serious problems that need to be fixed, properly and quickly. The best practices for modern penal design call for horizontal structures — not skyscrapers. The city could start building new jails on Rikers Island now. They could install all the new initiatives being recommended now. New jails could be built at a pace that coincides with what the actual jail population is and not a manipulated estimate that endangers public safety. They wouldn't have to ram these jail towers into residential neighborhoods.

The argument is not about whether to rebuild; it's about where to do it. It is a colossal waste of city time, energy, political capital and money to continue with this plan. Does anyone really think that a 50-story jail in Manhattan, a 40-story jail in Brooklyn and 30-story jails in Queens and the Bronx is a good idea? Does anyone really think it is going to happen within a reasonable time and budget? It is time to rethink this plan and discuss it seriously. It is time to take a fresh look at closing Rikers Island.

NYC is losing its last true prosecutor

By Post Editorial Board

January 9, 2019



AP

Richard Brown's announcement that he will retire this year after seven terms as the Queens district attorney means the city is losing arguably its last prosecutor who always understood that his main job was actually to prosecute criminals.

His retirement was widely expected: At 86, he's been slowed by the effects of Parkinson's. Three candidates, all running to his left, had already entered this year's race.

Which means he'll likely be succeeded by a self-styled reformer more interested in a "progressive" agenda and finding ways not to go after criminals. And unwilling to challenge even ridiculous progressive proposals.

Brown provided one last taste of that independence with a column

Wednesday poking holes in the plan to close Rikers Island through mass releases, alternative-sentencing programs and the construction of new, smaller jails across the city.

Rikers, he noted, no longer houses low-level offenders. The jail's remaining population includes some 1,800 people serving prison sentences, 1,000 parole violators and 2,000 no-bail detainees. The 3,000 or so detained on bail have records averaging five felony arrests and one prior felony conviction.

In short, getting the population down to 5,000, as the closure plans require, means "letting career criminals out." Nor does the city have a contingency plan for handling a larger jail population if crime heads back up.

Since taking the DA job in 1991,

during the era of record-high crime, Brown has remained focused on criminal justice rather than pandering to fads. Early on, he refused to allow those charged with felonies to plead to lesser charges merely to expedite cases.

To be clear, he was plenty forward-looking: Brown introduced his own alternative-sentencing programs, as well as such reform initiatives as an office to help immigrants and one of the earliest domestic-violence-crime bureaus.

But he always kept his priorities focused. And he has reason to be proud that Queens boasts the city's highest conviction rate.

Though well-earned, DA Brown's retirement is something all New Yorkers should regret. That will surely become even more obvious once he's left office.

Statistics- Index Crime & Violent Crime

INDEX CRIME IN QUEENS HAS DROPPED DRAMATICALLY SINCE 1993

SOURCE: NYPD COMPSTAT YEAR END REPORT 2018

Crimes	1993	2018	Percentage Reduction
<i>Murder</i>	277	63	77.3%
<i>Rape</i>	484	389	19.6%
<i>Robbery</i>	16,751	2,523	84.9%
<i>Felony Assaults</i>	6,669	3,848	42.3%
<i>Burglary</i>	24,100	2,496	89.6%
<i>Grand Larceny</i>	16,500	8,070	51.1%

INDEX CRIMES CONTINUED TO DECREASE

- In 2018 Queens saw an overall reduction in serious crimes of 2.6% as opposed to 1.3% citywide.
- Every index crime except murder, rape, felony assault, and grand larceny decreased between 2017 and 2018.
- Burglary decreased by 14.6%; robbery decreased by 11.4%.

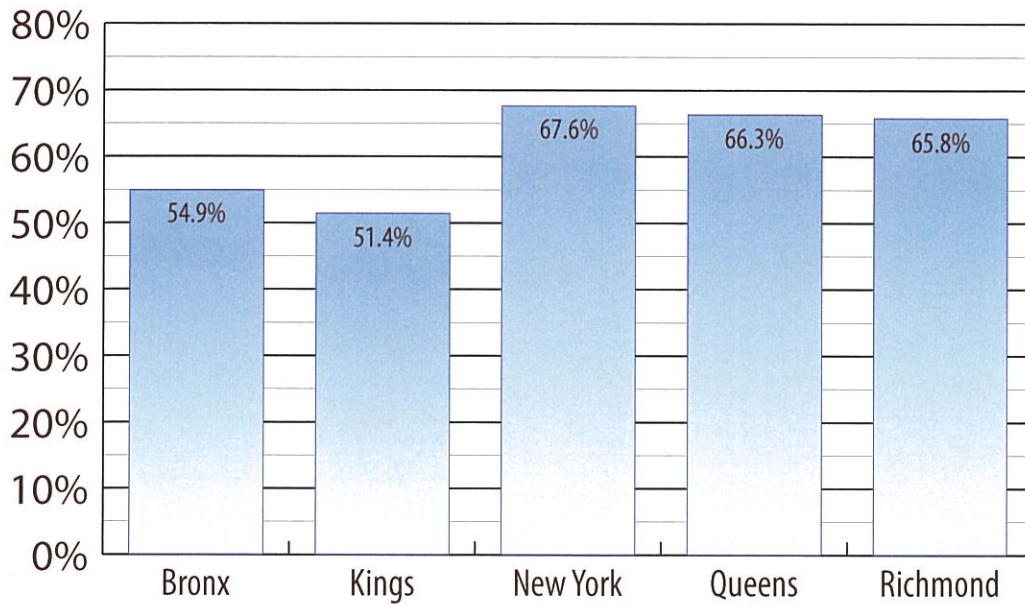
SOURCE: NYPD COMPSTAT YEAR END REPORT 2018

OPIOID CRISIS

- 240 fatal overdoses in Queens in 2018.
 - Approximately half of the fatal overdoses involved fentanyl, which is 30-50 times more powerful than heroin.
 - Opioids are involved in more than 80% of all overdose deaths.
 - 195 non-fatal overdoses in Queens in 2018.
 - QDA is aggressively pursuing drug dealers who deal in fentanyl through enhanced charges and innovative investigative techniques.
-

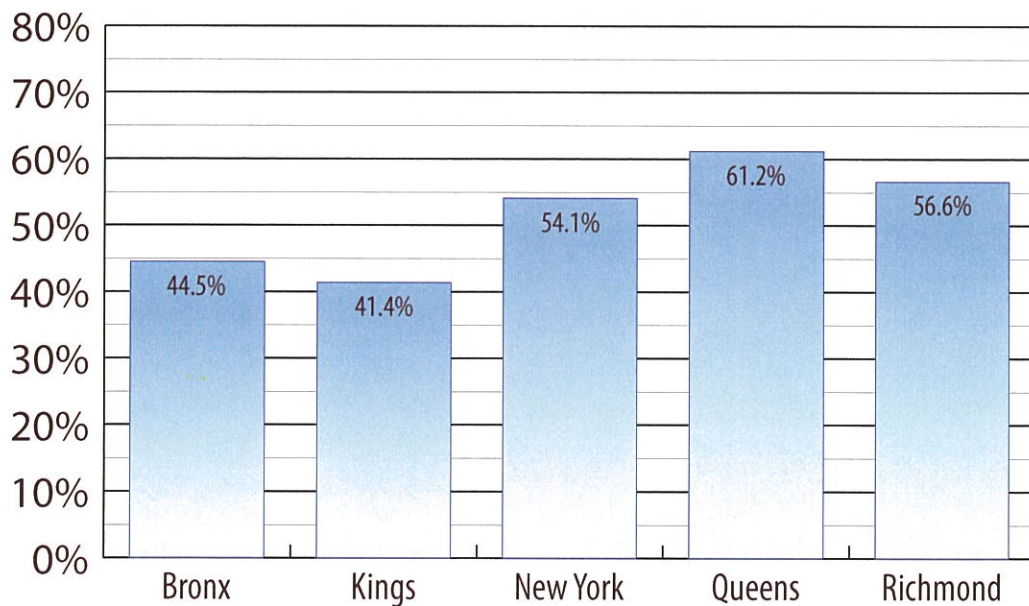
Statistics- Conviction Rates for Felony & Violent Felony Arrests

CONVICTION RATES FOR FELONY ARRESTS



SOURCE: DIVISION OF CRIMINAL JUSTICE SERVICES 2018(PRELIMINARY)
DOES NOT INCLUDE DECLINE TO PROSECUTE OR ARREST CONSOLIDATION CASES

CONVICTION RATES FOR VIOLENT FELONY ARRESTS



SOURCE: DIVISION OF CRIMINAL JUSTICE SERVICES 2018(PRELIMINARY)
DOES NOT INCLUDE DECLINE TO PROSECUTE OR ARREST CONSOLIDATION CASES

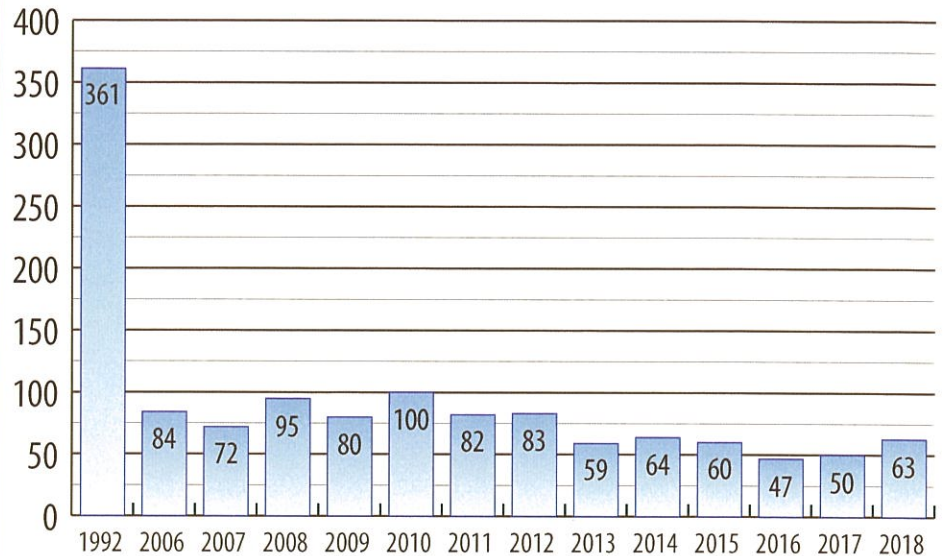
Statistics- Homicides

Last year homicides in Queens increased slightly, but is still among the lowest numbers of the last 25 years.

The NYPD reported 77 vehicular deaths in Queens County in 2018; at least 56% did not involve any criminality.

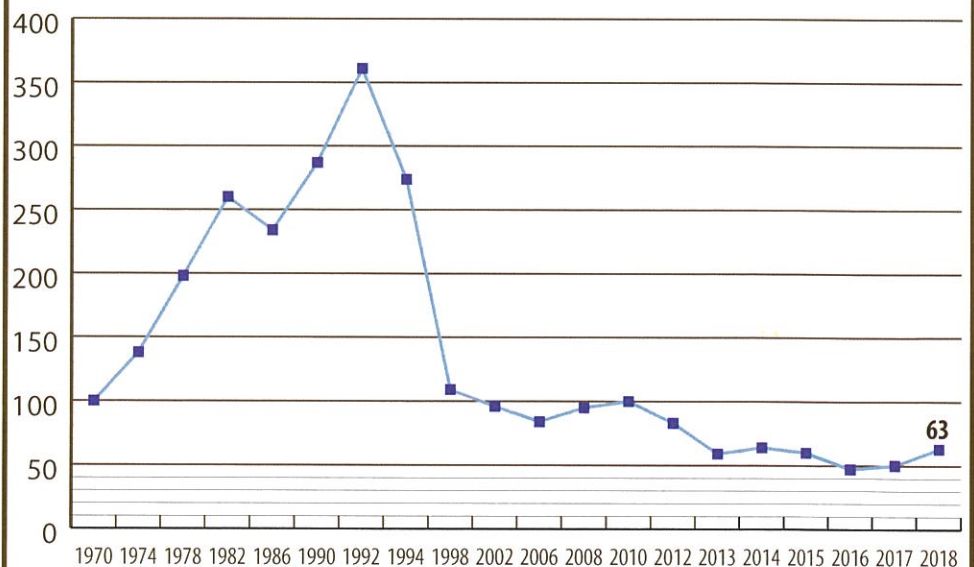
This is the fourth-lowest number of homicides since 1961.

HOMICIDES



SOURCE: NYPD COMPSTAT YEAR END REPORT 2018

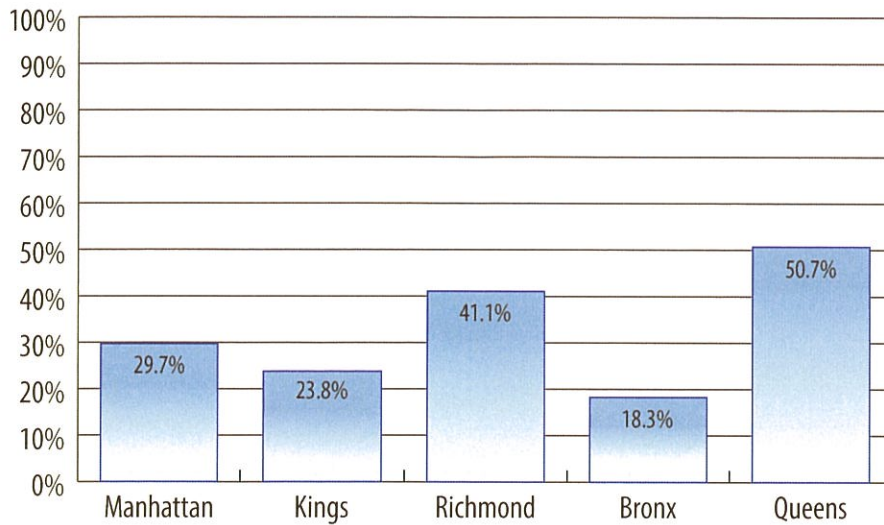
HISTORICAL MURDERS 1970-2018



SOURCE: NYPD COMPSTAT YEAR END REPORT 2018

Statistics- Domestic Violence

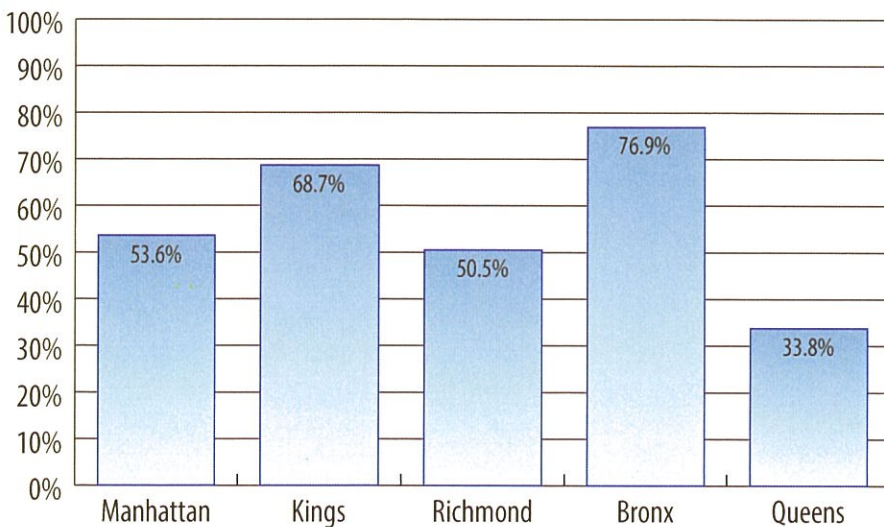
COMPARISON OF DOMESTIC VIOLENCE CONVICTION RATES CITYWIDE BY COUNTY



SOURCE: OFFICE OF COURT ADMINISTRATION 2018

Queens has the highest domestic violence conviction rate in New York City.

COMPARISON OF DOMESTIC VIOLENCE DISMISSAL RATES CITYWIDE BY COUNTY



SOURCE: OFFICE OF COURT ADMINISTRATION 2018

Queens has the lowest domestic violence dismissal rate in New York City.

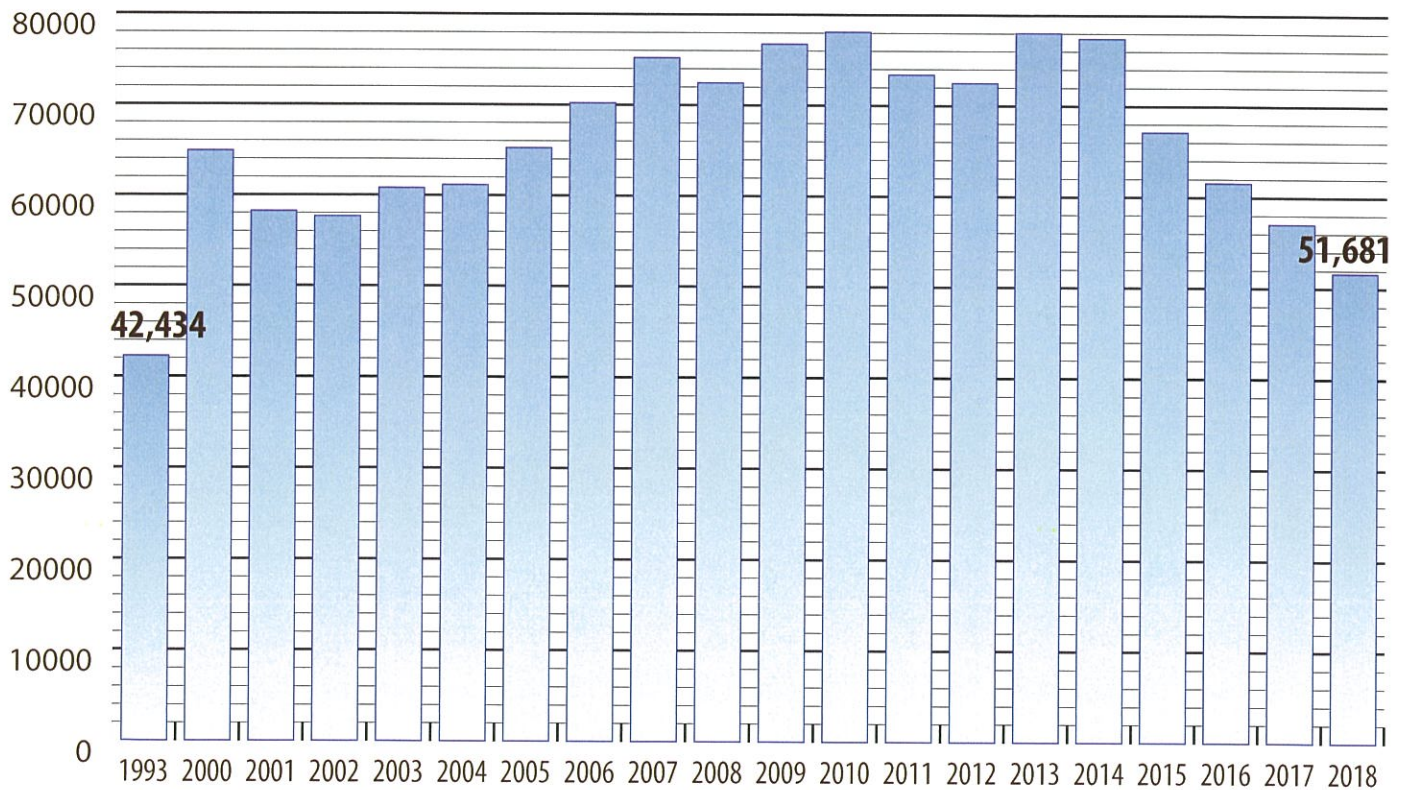
Statistics- Lineups Supervised & Arrests

LINEUPS SUPERVISED

QUEENS IS THE ONLY DISTRICT ATTORNEY IN NEW YORK STATE THAT SENDS AN ASSISTANT DISTRICT ATTORNEY TO EVERY LINEUP

Year	Lineups
2010	555
2011	357
2012	493
2013	380
2014	359
2015	348
2016	258
2017	348
2018	101

QUEENS ARRESTS SINCE 1993



TOTAL ARRESTS HAVE INCREASED MORE THAN 22% SINCE 1993 (42,434 TO 51,681)

Statistics- Case Processing & Arrests

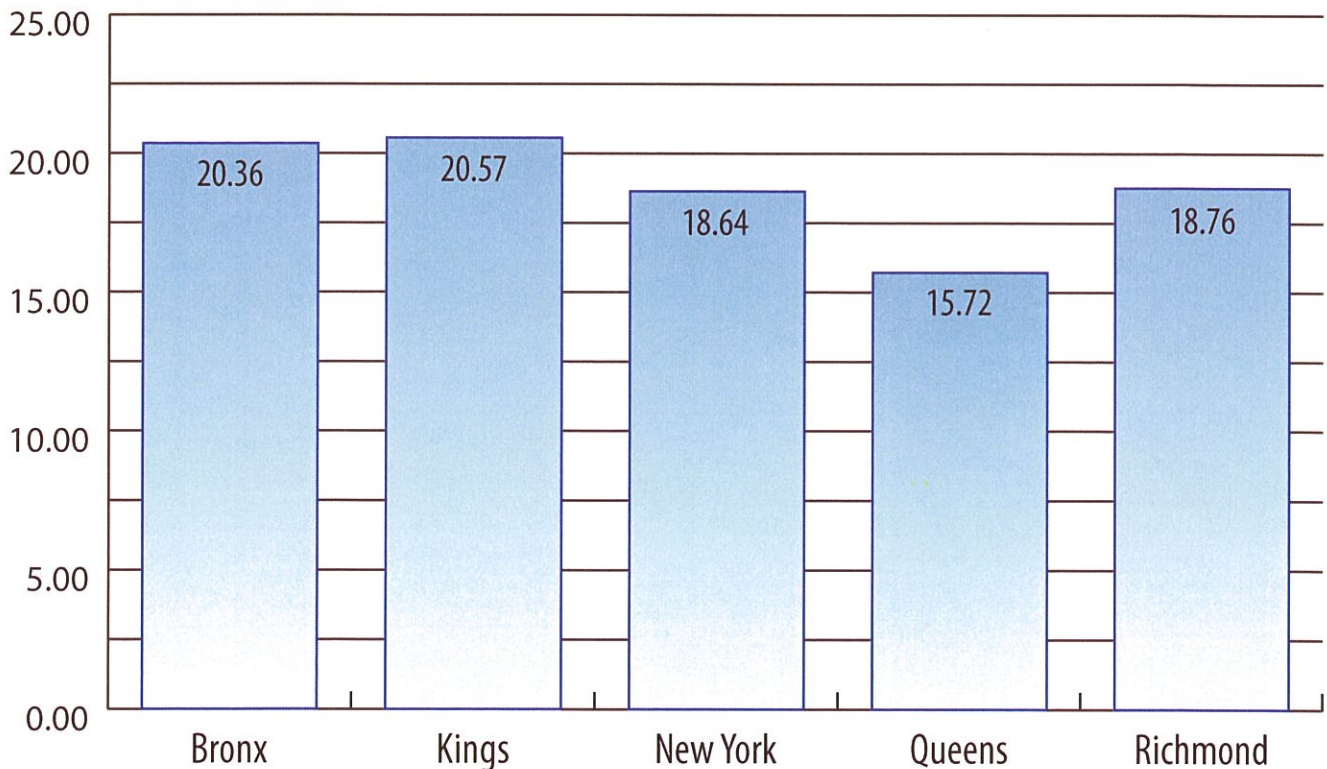
QUEENS REMAINS LEADER IN CASE PROCESSING EFFICIENCY

LEADS CITY IN LOWEST ARREST TO ARRAIGNMENT TIME AND HIGHEST PERCENTAGE OF CASES ARRAIGNED WITHIN 24 HOURS; BEST IN CITY IN ARREST TO COMPLAINT SWORN TIME

	Queens	All Other Boroughs
Arrest To Arraignment Time	15.72 Hours	19.84 Hours
Arrest To Complaint Sworn Time	7.75 Hours	10.95 Hours
Percentage Of Cases Arraigned Within 24 Hours	91.96%	79.44%

SOURCE: NYPD CRIMINAL JUSTICE BUREAU, ARREST/ARRAIGNMENT INDICATORS REPORT 2018

AVERAGE ARREST TO ARRAIGNMENT TIME BY BOROUGH IN 2018



SOURCE: NYPD CRIMINAL JUSTICE BUREAU, ARREST/ARRAIGNMENT INDICATORS REPORT 2018

Statistics- CBQ Interview Program & Bail Jumping

CBQ INTERVIEW PROGRAM

- On June 28, 2007, the Queens County District Attorney's Office began a program to videotape statements from defendants arrested for felonies in Queens County.
- A QDA Detective and an Assistant District Attorney interview defendants prior to their arraignment regarding the case for which they were arrested.
- Investigations conducted as a result of these interviews have resulted in some cases in the enhancement of charges, in others in the modification of charges, and in others the dismissal of charges against defendants.
- Since the inception of the program, 24,929 defendants have been interviewed. As a result of their CBQ interviews 195 defendants were found to be innocent and exonerated after we investigated their claims and we dismissed their cases all prior to arraignment. In countless other cases charges were reduced and or our bail requests were lowered based upon these interviews.

CONVICTIONS FOR BAIL JUMPING

SOURCE: DIVISION OF CRIMINAL JUSTICE SERVICES

**INCLUDES FELONY AND MISDEMEANOR BAIL-JUMPING*

Year	Queens	Bronx	Kings	New York	Richmond	Total
2007	362	14	13	79	6	474
2008	431	10	22	63	7	533
2009	389	10	16	83	5	503
2010	293	21	15	76	10	415
2011	321	16	17	104	7	465
2012	258	13	22	92	5	390
2013	301	14	14	76	1	406
2014	204	14	12	61	8	299
2015	231	13	17	63	4	328
2016	290	23	19	55	1	388
2017	295	14	13	71	2	395
2018	178	13	21	58	3	273

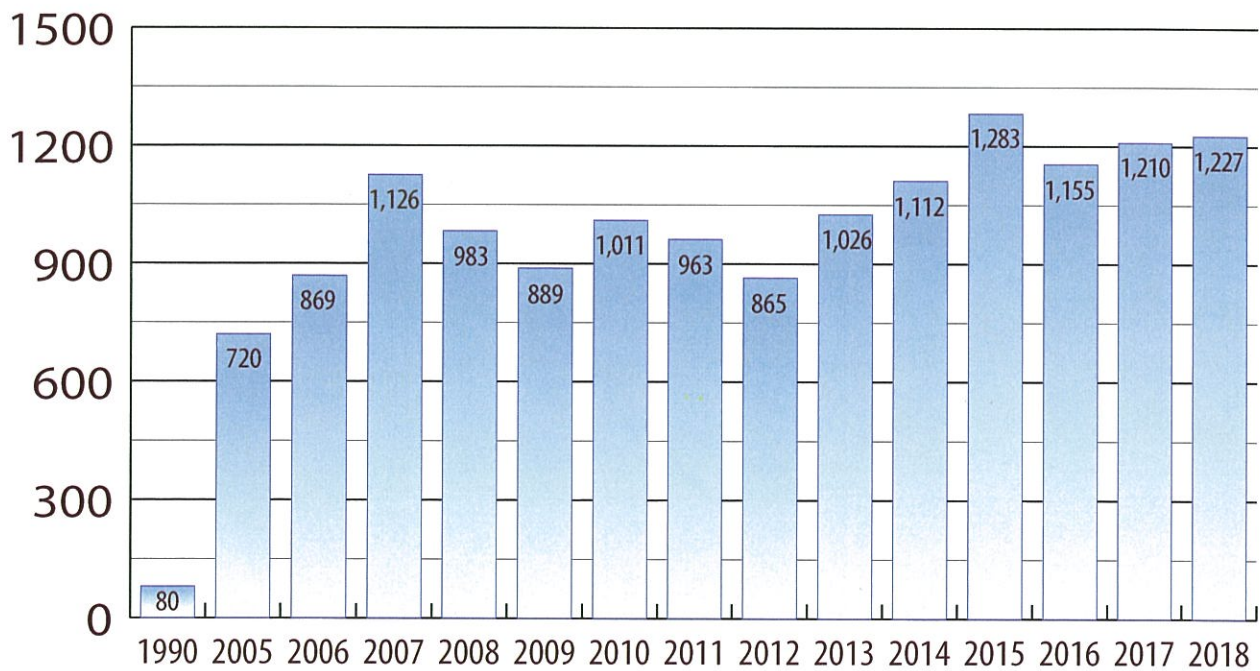
Statistics- Wiretaps & Search Warrants

COURT ORDERED ELECTRONIC SURVEILLANCE AGAINST ORGANIZED CRIMINAL ENTERPRISES

- Queens County is the national leader in the use of court-authorized electronic surveillance.
- Queens County had 11% of the nationwide totals for wiretaps approved by state courts.
- Queens County wiretaps that terminated in 2017 resulted in 1,247 arrests and 450 convictions.

STATISTICS FROM 2017 FEDERAL WIRETAP REPORT (THE MOST RECENT REPORT AVAILABLE)

SEARCH WARRANTS (INCLUDING GPS AND CELL SITE ORDERS)



SOURCE: QDA OFFICE WIDE 2018

Statistics- Comparison of ADA Staffing

COMPARISON OF ADA STAFFING

*SOURCE: NEW YORK LAW JOURNAL - JULY 9, 2018

**ALL ARREST DATA IS FROM NYPD CRIMINAL JUSTICE BUREAU ARREST/ARRAIGNMENTS INDICATORS
PAGES 19-20, DECEMBER 2018 EDITION

2018	Manhattan	Kings	Bronx	Queens	Richmond
All Arrests**	62,084	70,181	56,712	51,313	10,693
ADA's*	616	545	542	327	69
Average Cases per ADA	101	129	105	157	155
Felony Arrests**	21,300	28,238	17,768	18,760	3,619
Average Felony Arrests per ADA	35	52	33	57	52
Misdemeanor Arrests**	39,332	39,688	38,287	31,448	6,952
Average Misdemeanor Arrests per ADA	64	73	71	96	101

2018	Average ADA Workload (Manhattan, Kings, and Bronx)	Queens	Over/ (Under)	Additional Number of ADA's Needed for Queens to get to City Average
Average Cases per ADA	112	157	45	131
Average Felony Arrests per ADA	40	57	17	142
Average Misdemeanor Arrests per ADA	69	96	27	128

Statistics- Sex Trafficking & Auto Theft

SEX TRAFFICKING CASES

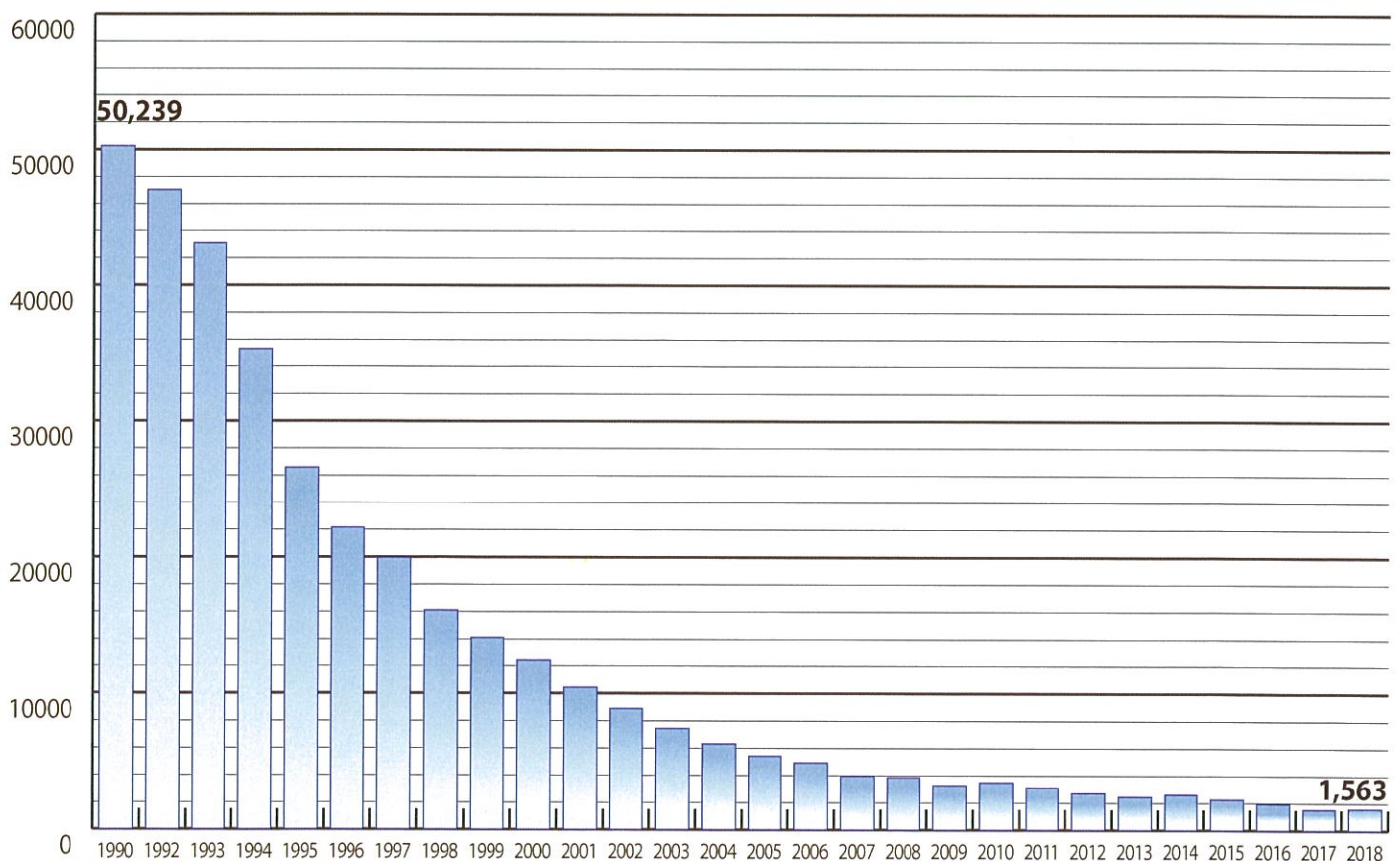
The Human Trafficking Unit has obtained 40 sex trafficking convictions to date. During 2018 and January 2019, we obtained 5 convictions under the sex trafficking statute, three guilty pleas and a two convictions resulting from a jury trial after which the jury convicted a couple of 3 counts of sex trafficking each.

DEMAND PROSECUTIONS

In addition to our sex trafficking convictions, in 2018 we increased our prosecutions of people who patronizes underage girls for prostitution in an attempt to fight human trafficking from the demand perspective as well by holding the “Johns” accountable for their role. This year alone we obtained three felony convictions for Rape in the Third Degree for cases involving three adult defendants paying underage girls for sex in Queens County. One defendant we took to trial and two of those defendants are now serving 3 years in prison.

STATISTICS FROM THE QUEENS DISTRICT ATTORNEY'S OFFICE

AUTO THEFT 1990-2018



AUTO THEFT IN QUEENS COUNTY DECREASED 97% SINCE 1990

Statistics- Saving State & City Money

SAVING STATE AND CITY MONEY

Restitutions	
<i>Governmental restitutions</i>	\$3,400,553.80
<i>Non-governmental restitutions</i>	\$1,391,640.61
<i>Total restitution</i>	\$4,792,194.41

Confessions of Judgment	
<i>Governmental Confessions of Judgment</i>	\$1,887,563.43
<i>Non-governmental Confessions of Judgment</i>	414,658.93
<i>Total Confessions of Judgment</i>	\$2,302,222.36

Totals	
<i>Total Restitutions and Confessions of Judgment</i>	\$7,094,416.77

THE BENEFICIARIES OF RESTITUTIONS AND CONFESSIONS OF JUDGMENT INCLUDE:

NYS/NYC Sales Tax
NYS/NYC Personal Income Tax
NYC Human Resources Adm.
NYS Comptrollers Office
NYS Insurance Fund
NYS Department of Labor

NYS Cigarette Tax
Social Security Administration
NYC Housing Authority
NYC Housing reservation & Development
Individuals
Businesses

INITIATIVES

Initiatives- Queens Child Advocacy Center

QUEENS CHILD ADVOCACY CENTER 2018 STATISTICS



Over 4,670 reports of suspected child abuse were referred to law enforcement.

The Queens Child Advocacy Center

- Saw 1,929 children alleged to be victims of abuse and their siblings.
- Conducted 1,163 forensic interviews.

Of the children seen:

- 1,126 are girls/ 803 are boys.
- 907 are 0-6 years old.
- 730 are 7-12 years old.
- 292 are 13-18 years old.

The vast majority of the alleged offenders were known to the children.

QUEENS CHILD ADVOCACY CENTER

112-25 Queens Blvd. Forest Hills, New York 11375
(718)575-1342

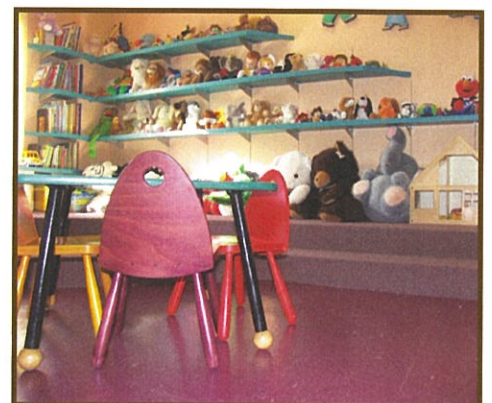
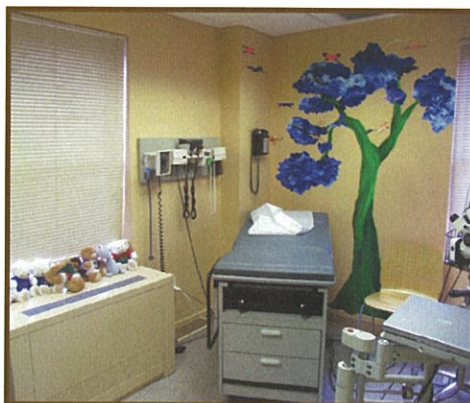
Child Advocacy Centers (CACs) are child-friendly, safe spaces that provide prevention, intervention, emotional support, and treatment services to physically and sexually abused children and their families, by using a child-focused team approach.

CACs work to prevent re-traumatization and to ensure that a coordinated investigation is begun immediately. Counselors and clinicians work with law enforcement and legal representatives, medical service providers, and child protection agencies to provide a cooperative and coordinated approach to the investigation of child abuse cases, and to build the strongest possible case against the abusers.

Our multidisciplinary teams at the Queens CAC represent:

- The Queens District Attorney's Office
- Safe Horizon
- The New York City Administration for Children's Services
- NYPD
- NYC Corporation Counsel
- Medical providers, including Cohen Children's Medical Center and Northwell Health

The Queens CAC is one of several Safe Horizon CACs that opens its doors to allegations of abuse against teenagers, 13 to 18.



Initiatives- Queens Family Justice Center

THE DOMESTIC VIOLENCE BUREAU AND THE QUEENS FAMILY JUSTICE CENTER

126-02 82nd Ave Kew Gardens, New York 11415
(718)575-4500

In 1994, when Congress passed the Violence Against Women Act (“VAWA”), it provided more than \$1 billion toward the investigation and prosecution of cases involving violence against woman. DA Brown, committed to addressing the problem of intimate partner violence, applied for and received one of the largest VAWA grants in the country.

This grant allowed QDA to revolutionize its approach to domestic violence cases. While domestic abusers had been exercising power and control over their victims in the home through intimidation and fear, they would no longer be able to use those same tactics to control the outcome of the criminal cases against them. As we moved forward through uncharted waters, QDA found new ways to prosecute intimate partner violence cases -- even when we had reluctant or uncooperative witnesses. Some of the tools that our office began utilizing were evidence-based prosecutions, hearings to determine whether defendants had intimidated victims into becoming unavailable, domestic incident reports to memorialize victims’ early statements about the defendants’ violent acts, recordings of defendants’ jail-house calls, digital photography of victims’



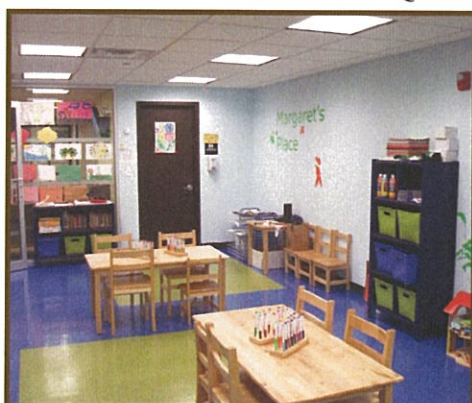
injuries, and electronic signatures so that victims would not have to travel to sign documents.

More and better tools meant that QDA needed a bigger and better domestic violence operation – and so what was originally a small unit of four misdemeanor ADAs and one paralegal grew to a full-sized bureau of 15 ADAs and six paralegals, handling both misdemeanor and felony cases.

The Domestic Violence Bureau is housed in the Queens Family Justice Center at 126-02 82nd Avenue, Kew Gardens, behind the Queens

courthouse. The FJC is a walk-in, integrated service center for domestic violence victims and their children. It provides safe and caring one-on-one support for domestic violence survivors with lawyers, police, prosecutors, counselors, clergy, and other service providers all under one roof. Services are free and are available to all victims regardless of their immigration status or what language they speak.

Since its opening in July 2008, the FJC has served over 95,717 clients. In 2018 alone, the FJC served 5,304 clients who made a total of 13,450 client visits.



Initiatives- Youth Crime Prevention and Alternatives To Incarceration Programs

QUEENS YOUTH PART

Males ages 14 through 21 years old who have been arrested for a felony for the first time and have a minimal criminal history are eligible for diversion through the Queens Youth Part (QYP). Participants must undergo treatment or other services for a minimum of one year and return frequently for court monitoring of their progress. Through 2018, 519 young men have been placed through QYP. Of these, 352 have graduated, 52 are still participating and 87 failed to complete the program. The program's retention rate is 78%.

SECOND CHANCE

Primarily young offenders arrested for a first time misdemeanor offense are eligible for our Second Chance program. A panel of community leaders helps monitor a program of individualized services for each offender designed to address their special needs. Those participants who successfully complete the program receive an adjournment in contemplation of dismissal (ACD).

QUEENS MENTAL HEALTH COURT(QMHC)

Queens Mental Health Court provides an alternative to incarceration for felony offenders whose criminal activity is related to an underlying mental health issue. Participants must have a major depressive diagnosis and agree to engage in a one year treatment regimen that includes extensive psychological support and wrap-around services. The goal is medication compliance and maintenance. Queens TASC's mental health unit facilitates most of the assessments and the treatment plans for participants. More than 420 offenders have been placed and 268 graduated to date.

USING TECHNOLOGY TO COMBAT DRUNK DRIVING

Drunk drivers pose a substantial threat to public safety. To reduce the number of alcohol-related injuries and deaths, QDA takes a two-pronged approach to drunk driving cases where incarceration is not warranted: (1) provide treatment for the defendant's alcohol abuse problem, and (2) use technology to help insure that a driver who is intoxicated cannot continue to drive.

In a typical case, the defendant pleads guilty and enters treatment for at least 16 weeks (misdemeanor) to one year (felony). At the same time, the defendant is required to wear a SCRAM (Secure Continuous Remote Alcohol Monitoring) bracelet or submit regularly to Soberlink Breathalyzer testing to monitor whether they are using alcohol. If the defendant successfully completes the program, the charges may be reduced.

The SCRAM bracelet, provided at the defendant's expense and worn on the ankle, automatically captures transdermal alcohol readings twice an hour, 24 hours a day, by sampling perspiration collected from the air above the skin. The system allows data to be accessed by computer, and generates alerts and reports of offender activity. This allows a court to determine accurately whether a defendant is obeying court mandates or

is instead using alcohol.

Soberlink is a small portable Breathalyzer linked to a smartphone that measures breath alcohol concentration (BAC). Several times over the course of the day, the offender receives a text message saying, "BA test now." The offender looks into a camera and blows into the Breathalyzer. The linked smartphone sends the blood alcohol level, the offender's photo, and his or her GPS information instantly to a monitoring service, who in turn notifies us of any significant test results so that we can alert the court.

New York law also requires that individuals convicted of misdemeanor or felony drunk driving charges install, at their own expense and for a minimum of six months, an ignition interlock device (IID). This is essentially a car Breathalyzer installed on a vehicle's dashboard and connected to the ignition system. The vehicle cannot be started or driven unless the driver passes the device's breath alcohol test. The IID's usage history can be downloaded and provided to the appropriate monitoring authority.

Since 2010, QDA's retention rate for defendants placed on a monitoring device has been 91%, and the successful completion rate has been 91%.



Initiatives- Youth Crime Prevention and Alternatives To Incarceration Programs

QUEENS MISDEMEANOR TREATMENT COURT CHANGES LIVES

The Queens Misdemeanor Treatment Court (QMTC) helps eligible defendants break the cycle of addiction by referring them to appropriate treatment and providing positive alternatives to drug use. The program targets non-violent misdemeanor offenders with at least three prior arrests whose continued criminal activity is related to alcohol or substance abuse. Participants must have a drug or alcohol diagnosis and must agree to enter treatment for a minimum of one year.

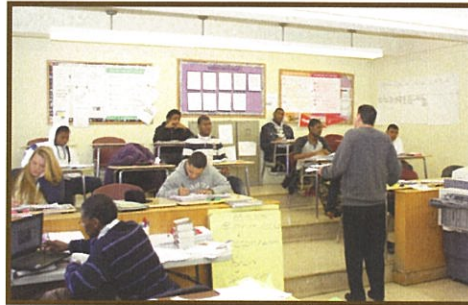
Instead of jail or probation, QMTC will help these offenders enter and stay in a drug or alcohol treatment program. The QMTC program includes regular court appearances and supervision by the QMTC judge.

Participants have found their lives taking a positive upturn after receiving treatment. As one successful participant put it, "I don't have a non-caring attitude anymore.... I decided to get treatment to

change the way I live.... [Completion of the QMTC program] would be one of the first things I accomplished in my life."

Another participant said that the program "has made me a better mother, wife, and human being.... My life is no longer unmanageable."

Since QMTC began operations in January, 2002, over 1,400 individuals have been screened. Of these, more than 800 have successfully completed the program, and more than half of those who took pleas in 2018 remain in treatment.



QUEENS VETERANS COURT ASSISTS RETURNING VETERANS

In December 2010, Queens County added to its growing list of alternative to incarceration programs by establishing a Veterans Court to assist returning veterans and their families. The Court is premised on the recognition that some of our returning veterans who witnessed first-hand the horror and devastation that war brings have unfortunately brought back with them deep emotional and psychological scars as a result of their experiences. The goal of the Veterans Court is to ensure that when veterans become involved in the criminal justice system and are in need of alcohol, substance abuse or mental health services that they receive needed treatment as an alternative to incarceration.

The Veterans Court identifies nonviolent veteran offenders and provides

outreach, specialized support services and treatment; offers peer support to sustain engagement in services; and facilitates the exchange of information between legal, clinical and community resources. Since its creation, 92 otherwise jail-bound veterans have been diverted through the Queens Veterans Court. Those who successfully complete the year-long program have the charges against them dismissed or reduced.



QUEENS TREATMENT COURT(QTC)

Designed in 1998 for first-time non-violent felony offenders in need of substance abuse treatment, Queens Treatment Court has proven to be one of the most successful treatment courts in New York State. To date, over 2,295 defendants have been placed with the court which has a 79% retention rate. Upon successful completion of the required minimum of one year substance abuse treatment, felony charges are dismissed and sealed.

DRUG TREATMENT ALTERNATIVE TO PRISON(DTAP)

This program is directed toward non-violent, drug-addicted second felony offenders who seek drug treatment. A minimum of one year of treatment is required as an alternative to incarceration. Since 1993, over 1,202 defendants have participated and more than 844 have successfully completed the program. Upon successful completion of treatment, the underlying felony is replaced by a misdemeanor disposition. The program's retention rate is 72%.

QUEENS COURT ACADEMY

The Queens Court Academy, a NYC Department of Education alternative school, helps young first offenders charged with non-violent crimes continue their education in a supervised and supportive environment. Run from the Queens District Attorney's Office in Borough Hall, this alternative high school is the only one of its kind overseen by, and operated in partnership with, a District Attorney's office and the NYC Department of Education. Since 2011, 317 students have been enrolled and 48 have earned their GEDs.

Initiatives- Youth Crime Prevention and Alternatives To Incarceration Programs

YOUTH ENRICHMENT PROGRAM

A partnership with the Queens Library, the Youth Enrichment Program targets 16 to 19 year olds who have committed non-violent, first-time misdemeanors and, in conjunction with the DA's Second Chance program, affords the opportunity to avoid prosecution by participating in a 12 week program offering training in computers and job skills as well as motivational guest speakers.

COURT TOURS

The courthouse is open to the public, but it's difficult to know where to go and understand what's going on without some guidance. The DA's office offers guided tours to classes of students from the fifth grade and up. When the classes arrive at the courthouse, members of our staff meet them and bring them to the different parts of the courthouse, showing them arraignments and various courts where proceedings are occurring. They get to watch actual case proceedings, and later, they meet with ADAs who explain the significance of the proceedings they observed, as well as inform them of the circumstances surrounding the case. Some tours also visit Central Booking, the Family Justice Center and the Child Advocacy Center.

YOUTH DIVERSION PROGRAM

The mission of the Youth Diversion Program is to positively transform the lives of young men who are presently involved in the criminal justice system as felony defendants. This select group of troubled males between 14 and 19 years old is offered an alternative to incarceration using a deferred sentence model. Each class of approximately 10 young people is diverted to intensive targeted services with an emphasis on education, counseling and interactive experiences. The program runs for a minimum of one year, and a new class is assembled every four months. Those who successfully complete the program will have their cases dismissed or reduced.

Among the program's requirements are that the defendant be placed on interim probation supervision, an electronic monitoring bracelet be worn for a minimum of 90 days, random urine testing is conducted and a curfew

is imposed. The defendants must also terminate membership and contact with gangs and are required to attend program activities and school or hold a job. In addition, program participants are given a weekly schedule that includes individual and group counseling, community service, and specialized training on such topics as handling peer pressure, impact of violence on communities, getting out of a gang, anger management, health, fitness and life skills. There are presentations from crime victims and their families as well as trips to the Holocaust Resource Center, the Poconos Educational Environmental center and other locations.

Our graduates leave with GED's, college aspirations and a real chance for a more promising future: 30 young men have graduated and another 5 are currently in treatment.

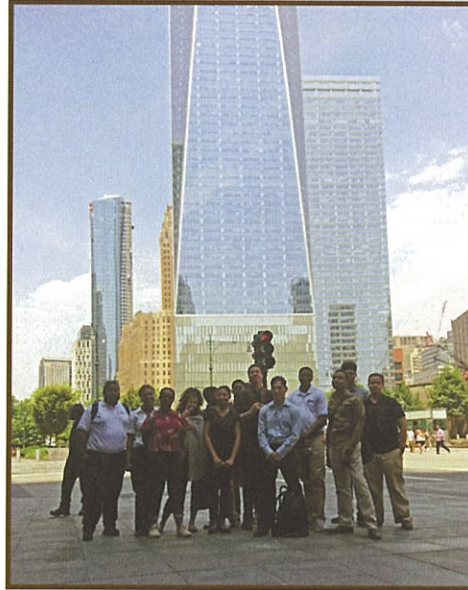


Initiatives- Youth Crime Prevention and Alternatives To Incarceration Programs

FAR ROCKAWAY RESIDENTS LEARN TO WORK PROGRAM

The District Attorney as part of his commitment to improve the quality of life for Far Rockaway residents, hires a group of excellent high school and college aged assistants to work each summer. For many of the young assistants, it is their first paid job. The empowering feeling of making a steady paycheck, earned through hard work, is a valuable lesson for these students. The student assistants are trained in basic office skills and demeanor, so that they can work in the various bureaus across the office. There, they are taken under the wing of prosecutors and learn what it takes to prosecute cases. They learn about the gathering of evidence, the interviewing of witnesses, and the evaluation of both the strength of a case and the defendant's criminal history in the decision-making process. As part of the program, the Far Rockaway assistants also attend

enrichment programs, such as visiting the World Trade Center Memorial, The Museum of Native American History, The Queens Museum, and the Queens Hall of Science.



SUMMER YOUTH EMPLOYMENT PROGRAM

The Summer Youth Employment Program brings students from all over Queens County to the District Attorney's Office every year. Approximately 40-50 young people are assigned to the various bureaus to assist in the prosecution of the cases throughout the office. Prior to beginning their assignments, the interns are trained in basic office skills that increase their value to the various bureaus. These skills, such as filing, answering telephones, using office equipment, learning to read, identify, and understand documents within files, will aid them in virtually all of their future endeavors. The program allows young people to try out working in criminal justice to see if they develop an interest in pursuing careers in the law. Interns gain valuable experience that allows them to

find future jobs that expect employees to have the skills that they learn during their summer at the office— arriving on time, dressing appropriately, speaking properly, and maintaining proper office demeanor. Many of our summer youth interns have returned to the office as successful full-time employees, or gone on to successful careers in other fields.



PRECINCT COMMUNITY COUNCILS



Each precinct council in Queens has two ADAs assigned to attend their monthly meetings throughout the year. During these meetings, precinct commanders highlight crime trends and recognize exceptional conduct of police officers during the month. Members of the community come to share their complaints and concerns, as well as report criminal activity. The DA understands the need to learn what is going in each community and having ADAs listen to members of each community is one of the best ways to accomplish that goal. The ADAs who attend the meetings prepare reports regarding the issues discussed at each meeting for the DA. The ADAs also get an opportunity to meet the active members of the community and learn more about the neighborhoods of Queens.

Initiatives- Youth Crime Prevention and Alternatives To Incarceration Programs

SCHOOL PRESENTATIONS

Prosecutors and other staff members from our office go to schools throughout the County of Queens to speak with young children. We teach them what the District Attorney and his various assistants do, and how we play a major role in fighting crime, and keeping the neighborhoods where they live safe. We teach them about the dangers of crime, and how they and their families are part of a community which flourishes when people do not have to fear being the victims of crime. Students learn about the importance of laws and rules, and the roles the police, prosecutors, judges and defense attorneys play in making sure that the laws are enforced.

HIGH SCHOOL MOCK TRIAL/ MOOT COURT

The office has coordinates the New York State High School Mock Trial Tournament. The program runs for three months in the spring of each year. Many ADAs participate as coaches, and the office reaches out to get volunteers for judges, as well as obtaining access to real courtrooms so that the students can have the most authentic experience possible.

The office also assists with the statewide moot court tournament, by providing attorneys to train students, fact patterns, and research materials from Lexis.

OPERATION SUMMER FUN

Operation Summer Fun is an annual program that began in 2001 in response to parents' complaints that their children had nothing to do during the summer and often got into trouble as a result. The goal is to provide positive healthy activities in which children can get involved while simultaneously allowing them to build positive relationships with law enforcement.

Approximately 120 children register for the program every year. The program is coordinated by the Police Athletic League with funding from the DA's Office and operates in the 101st and 113th Precincts.

Participants, usually between the ages of seven and thirteen, are taken to various recreational venues, including parks, museums, zoos, science centers, roller skating rinks, amusement parks, ballgames and sightseeing attractions.



STUDENT ADVISORY COUNCIL

DA Brown believes that it is important to give all people of Queens a voice, even young people. To that end, he created the Student Advisory council many years ago. Each year, the principals of high schools around the borough are asked to select representatives from their respective schools to join the council, which meets each month to discuss and debate controversial legal issues. This select group of young scholars come from both public, private and parochial schools and diverse backgrounds. The students share their opinions and

concerns about drug policy, reforming criminal justice, and legal issues. The council also provides valuable opinions on how to increase the participation of young people in after school programs, and worked anti-hate crime campaigns. Students also learn about the realities of the criminal justice system by visiting central booking and arraignments. Judges and prosecutors explain to them the process that they went through in arraigning particular cases, and explained their rationale behind some of their decisions.



Initiatives- Youth Crime Prevention and Alternatives To Incarceration Programs

STAR TRACK

Far Rockaway School Anti-Violence Program

Early in DA Brown's tenure, he realized that Far Rockaway would benefit from enhanced activity to improve the quality of life there. Judge Brown resolved to do something about it. For over 26 years, the District Attorney has, along with Corporation Counsel, and the Legal Aid Society, operated the STAR Track program in nine schools in Far Rockaway. QDA staff, staff from Corporation Counsel, and defense attorney partners teach classes ranging from the fourth grade to the twelfth grade, twice a month for the school year. The following schools participate: P.S. 43Q, P.S. 104Q, P.S. 106Q, P.S. 197Q, P.S. 333Q, the Village Academy, Middle and High School divisions of the Academy of Medical Technology, and Queens High School For Information, Research, And Technology. Our goal is to show young people that there is an alternative to crime and violence, and put them on the track to succeed in life.

Our STAR Track volunteers give their time to teach kids about the law, and important life lessons to students. Students learn the importance of laws and rules in our community, and how each member of our society contributes to our collective well-being. We also discuss how the students believe police should act, and how members of the public should act when interacting with

the police. During these discussions about police interactions, we teach the young learners skills to de-escalate confrontations, and how to recognize and avoid behaviors that escalate minor disputes into major conflicts. We emphasize how the skills that we believe the police should use can be used in our own lives. Students further learn about the effect of crimes on their neighborhood and how involvement in crime and gangs can disrupt their community. The learning is not only confined to classroom time.

As part of our program, we promote "Say No To Violence Week," where children work on art, songs, videos, and dances that are presented at school-wide assemblies so that our program reaches the students who are not part of the STAR Track program. Additionally, the office sponsors essay and poster contests, where children can win prizes for the best efforts to spread the anti-violence message.

At the end of the school year, approximately 1000 students attend the Say Yes to Tennis, No to Violence event at the Billie Jean King National Tennis Center, which gives the students a chance to enjoy learning how to play tennis, while learning about teamwork, cooperation and personal achievement.



LEGAL EXPLORERS POST



In 1996, the DA's office created a Legal Explorers post in conjunction with the Boy Scouts. Our Explorers post concentrates on teaching young people about the law and working in the legal field. Explorers hear about working in the legal system from guest speakers, including Assistant District Attorneys, defense attorneys, police officers, and judges. The Explorers also watch actual cases in court, and learn about the underlying facts that led up to those cases. Explorers also shadow prosecutors to learn what is involved in handling criminal cases, as well as the various steps necessary to bring a case from inception to trial.

Our post has grown to approximately 50 students of varied backgrounds who also work together to do community service projects such as coat and toy drives to help those less fortunate. We also arranged for our students to travel to Washington, D.C. to learn more about the legal system, and how our nation's capital runs.

DISTRICT ATTORNEY BROWN'S DOMESTIC VIOLENCE BUREAU LAUNCHES DV STAT INITIATIVE

On July 1, 2018, the Queens District Attorney's Office began a new program called the Domestic Violence Strategic Threat Alert Team or DV STAT. The program's mission is to identify and enhance the prosecution of high-risk domestic violence cases during the interval between the commission of the crime and the apprehension of the perpetrator.

To achieve this goal, the Queens District Attorney's Office, in cooperation with the New York City Police Department, began receiving open domestic violence complaint reports from Queens precincts on all cases where the defendant was not arrested at the scene. This will improve our prosecutions by making sure that crucial evidence is preserved and will enhance victim safety by alerting us to domestic violence incidents at this early stage, thereby allowing us to make sure victims have timely access to counseling and safety planning services.

The QDA Domestic Violence Bureau, along with our information

services team, has created a computer program that receives the complaint reports from the NYPD at a specific email address, reads those complaints, sorts them into a database and assigns each complaint a risk score based on a point system developed by the DVB. The point system was developed using known risk factors for domestic violence and assigns points based on categories already listed on the NYPD complaint report. Felonies generally receive higher scores than misdemeanors, and points are assigned when a weapon is used or threatened, the perpetrator is a gang member, on probation or parole, whether there have been prior domestic incidents and several other factors. The program can even read the complaint narrative for certain key words, for example, "hospital". Each of these identified risk factors has an assigned point value. The higher the score, the greater perceived risk to the victim.

Victims of incidents above a designated score are invited to come to the Family Justice Center where safety

planning and counseling services are made available to them - even if an arrest has not been made. The victim is also interviewed by an ADA who can determine the appropriate charges, draft a first-party complaint and upload photos and supporting documents. Photographs also capture injuries that may heal by the time an arrest is made and voice messages, text messages, social media postings and video surveillance may be preserved that might otherwise have been erased or deleted. Once an arrest is made, the DVB has a head start on the processing of the case. This pre-arrest protocol is particularly critical in domestic violence cases because statistics and experience prove that the more contact the perpetrator has with the victim prior to the arrest, the less viable the prosecution will be and the less likely anyone will be held accountable.

The DV STAT program is the first of its kind in the country. We are hopeful it will allow us to achieve our goals of holding abusers accountable for their actions, while increasing victim safety.

ASIAN BAR ASSOCIATION OF NEW YORK PROSECUTOR'S COMMITTEE

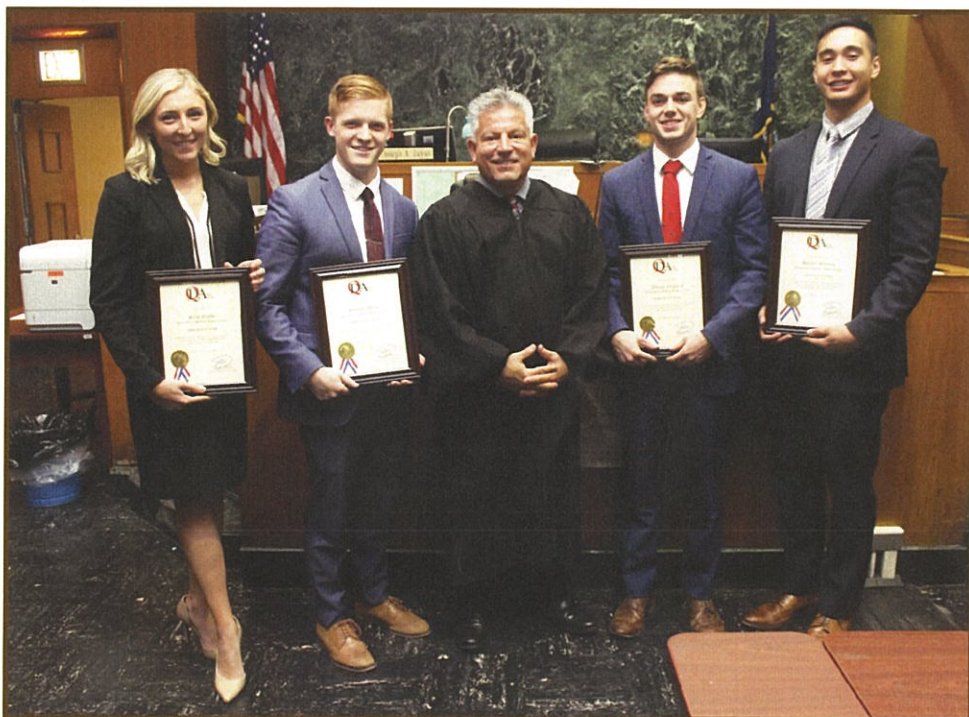
At the tenth annual reception hosted by the Asian Bar Association of New York Prosecutor's Committee, Executive A.D.A. Jesse Sligh and Special Narcotics Prosecutor Bridget Brennan were recognized for their efforts to protect the community and ensure that Asian American voices had an opportunity to be heard in our criminal justice system. The Prosecutor's Committee is made up of experience Asian prosecutors from the various prosecutor's offices in the New York area. They recognized Mr. Sligh and Ms. Brennan's unwavering commitment to support their events and their efforts to bring more diversity to the city's prosecutor's

offices. E.A.D.A. Sligh, in particular, was recognized for his ability to reach across racial lines that often divided people and work for all the communities of Queens, and for his efforts to help the DA Brown attract, hire and retain Asian prosecutors. As the demographics of Queens County have changed, EADA

Sligh has helped the office go from a handful of prosecutors of Asian descent to over 30. The committee also honored one of their fallen colleagues, A.D.A. Helen Ahn, of the New York County District Attorney's Office, who passed away due to a series of strokes just weeks before.



QUEENS DISTRICT ATTORNEY'S OFFICE FIFTH ANNUAL MOCK TRIAL COMPETITION



The University at Buffalo School of Law won QDA's fifth annual mock trial competition, which was held at the Queens Criminal Courthouse in October. The University at Buffalo School of Law won the competition by defeating 15 other teams from around the country in a series of trial meets. Fordham University School of Law finished second and St. John's University School of Law placed third.

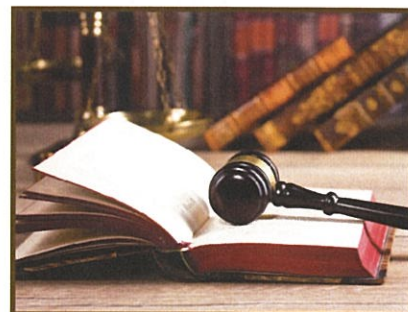
During the mock trial tournament, each college team, which was made up of second- and third-year law students, was required to study a fact pattern based loosely on an actual domestic violence case tried in Queens County. The law students then took on the roles of witnesses and attorneys - representing either the prosecution or defense. After the first two rounds, six teams were selected to move on to the semi-finals based on their scores in the

previous rounds. Those six teams then competed and were selected for the final round.

Buffalo's team was comprised of students Sarah Elardo, Salvatore Prince, Spenser Stresing and William Fitzgerald. The trials were presided over by 19 judges from Queens, Bronx and Suffolk Counties who volunteered to participate in the competition. Justice Joseph A. Zayas, the Administrative Judge of the Supreme Court, Queens County Criminal Term, presided over the final round.

Senior trial attorneys from QDA, as well as experienced attorneys from the defense bar, served as evaluators and scored the trials. The competition is supervised by QDA's Trial Division, headed by Senior Executive ADA James Clark Quinn, in conjunction with the Trial Advocacy Bureau, headed by ADA Kevin M. Duddy.

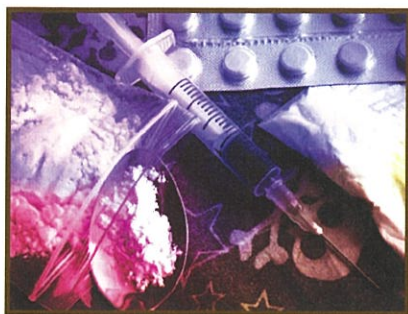
DA BROWN CO-SPONSORS SUMMONS FORGIVENESS EVENT



In October, 2018, D.A. Brown and Queens Borough President Melinda Katz held the Second Chance Summons Warrant Forgiveness Event at the Universal Church on Roosevelt Avenue in Woodside, Queens. This was a rare opportunity to have low-level offenses - such as disorderly conduct, trespassing or unlawful possession of marijuana, public urination and other transgressions - resolved without fear of being arrested. More than 400 people attended and more than 350 had their outstanding warrants cleared.

In addition to the Borough President, the Legal Aid Society, the Hispanic Lawyers Association, other volunteer defense attorneys, Pastor Oscar Ramirez and the congregation of the Universal Church, as well as numerous language interpreters, all participated in making the event a success.

QUEENS TREATMENT INTERVENTION PROGRAM



In 2018, in response to the opioid epidemic facing our communities, the District Attorney's Office developed and implemented the Queens Treatment Intervention program (QTIP), a clinical response initiative, which favors treatment solutions in lieu of traditional criminal justice processing.

QTIP is a collaborative program with treatment industry leader Samaritan Daytop Village, an Office of Alcoholism and Substance Abuse Services (OASAS) licensed provider, who clinically evaluate participants charged with minor offenses to determine if further treatment services are warranted. If assessed and compliant, the case will result in an Adjournment in Contemplation of Dismissal (ACD). Our primary goal is to support individuals in addressing underlying clinical concerns, which lead to their involvement in the criminal justice system.

To date, we have evaluated over 190 individuals through QTIP, with 88% requiring further treatment services.

OFFICE OF IMMIGRANT AFFAIRS ENTERS ITS FOURTH YEAR

As the Queens District Attorney's Office of Immigrant Affairs (OIA) enters its fourth year, we realize that the immigrant community in our diverse county of Queens continues to have a sense of fear in reporting crimes to authorities when they have been victimized or know of someone who has been victimized or is being victimized. OIA continues to spread the word that no matter what your immigration status, gender, nationality, or sexual orientation, we are here to help anyone who has been affected by crime and/or needs help in navigating our judicial system.

OIA serves as an office-wide liaison for case referrals and issues involving the law to ensure that these victims are treated fairly and with respect, and that they receive the services they need regardless of their immigration status or background.

A key part of the Office of Immigrant Affairs is outreach. During 2018, our OIA staff together with more than 65 in-house volunteer liaisons, which speak over 38 languages among them, participated in excess of 100 events throughout our borough, fielded hundreds of calls from our community and issued nearly 300 U Visa certifications for crime victims.

In 2018, the QDA-OIA launched the "Reach for Our Reach" initiative to partner with other organizations to increase our ability to help members of our community in need. This effort involves a two-step process.

An in-house presentation for your office/organization on how QDA-OIA can be a resource for you in aiding crime victims to obtain the legal help that they may need.

To collaborate with your office/organization on an outreach event in order to promote awareness of our mission and to encourage crime victims



to seek our help.

OIA also addresses the new members of the Police Department at the NYPD Rookie Orientation in PBQN and PBQS as part of a continued effort to improve police relations with our communities. Facebook@QDAImmigrantAffairs and Twitter@QDA_OIA continue to be successful in bringing information on topics like avoiding scams, fraud, and obtaining help on immigration matters as well as informing the community of upcoming events. We participate in the annual Hate Crimes Forum, hosted by our Gang Violence and Hate Crimes Bureau, which educates the public about the impact of hate crimes on the community and how such crimes can be prevented, investigated and prosecuted.

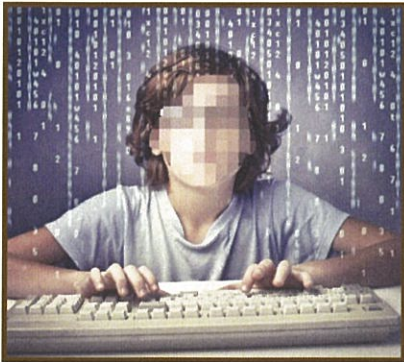
OIA is a member of the Borough Presidents Immigrant Task Force and Protecting Immigrant New Yorkers Task Force. NYS District Attorney's League of Immigrant Affairs (DALIA), in which OIA Director Carmencita Gutierrez was the inaugural president and continues to act as a resource for district attorneys' offices on immigration issues, encourages other district attorneys' offices to create their own OIA's, and has conducted prosecutor training under auspices of the New York Prosecutors Training Institute.

The OIA Hotline number is (718) 286-6690. Our office can also be reached at OIA@queensda.org or Facebook@QDAImmigrantAffairs and Twitter@QDA_OIA.

CASES OF INTEREST

It should be noted that an indictment is merely an accusation and that defendants are presumed innocent until proven guilty.

RAPIST LURED 15 YEAR OLD THROUGH THE INTERNET



A 31-year-old Queens man befriended a Canadian teenager on the popular website Facebook. When the teen visited New York with her family, Santiago Reyes urged her to run away from her family and meet him.

According to trial testimony, Reyes picked up the girl when her parents were out, and took her to his house. Reyes, who was much older than he had represented to the teen, manipulated her into having sex with him and then refused to let her go when she wanted to leave.

At the conclusion of a trial prosecuted by Marilyn Filingeri and Lauren Weinstock of the Special Victims Bureau, a jury convicted Reyes of second-degree kidnaping and third-degree rape. He was sentenced to 16 years in prison.

KILLER OF MUSLIM CLERIC SENTENCED TO LIFE WITHOUT PAROLE

A Brooklyn man was sentenced to life in prison without the possibility of parole after he was convicted of first-degree murder and other charges for the brazen, daylight execution of Imam Maulana Akonjee and his friend, Thara Uddin, on a public street in Ozone Park. The two men were gunned down as they walked home following prayers at their mosque. District Attorney Brown noted the Imam was a beloved spiritual leader and the crime ripped at the heart of the Muslim community - our community.

According to trial testimony, the victims were walking on Liberty Avenue and 79th Street just before 2 p.m. when Oscar Morel, 37, ran up behind them, pointed a .38 caliber revolver at their heads, fired several shots and fled the scene. The Imam was hit four times in the head and body and Mr. Uddin was shot once in the head. Both men died at a nearby hospital.

Surveillance video from near the scene showed the defendant exit a black SUV and walk and run toward the two victims. Moments later Morel was

observed on the same video running back to his vehicle and driving away. About 12 minutes after the shooting in Ozone Park, the defendant was observed on video surveillance in Brooklyn at Pitkin and Pine Avenues where he struck a bicyclist and then left the scene without stopping. A good Samaritan, who witnessed the Brooklyn incident, followed the SUV in his own automobile and recorded the license plate for police.

After arresting the defendant, police executing a court-authorized search warrant recovered a .38 caliber revolver hidden behind a wall inside the defendant's Brooklyn apartment. According to evidence presented at trial, forensic analysis confirmed that the bullets that killed the Imam and Mr. Uddin were fired from the revolver recovered in the defendant's apartment.

Deputy Bureau Chief Peter Lomp of the Trial Division's Criminal Court Bureau handled the prosecution with the assistance of Assistant District Attorney Yena Kwon.

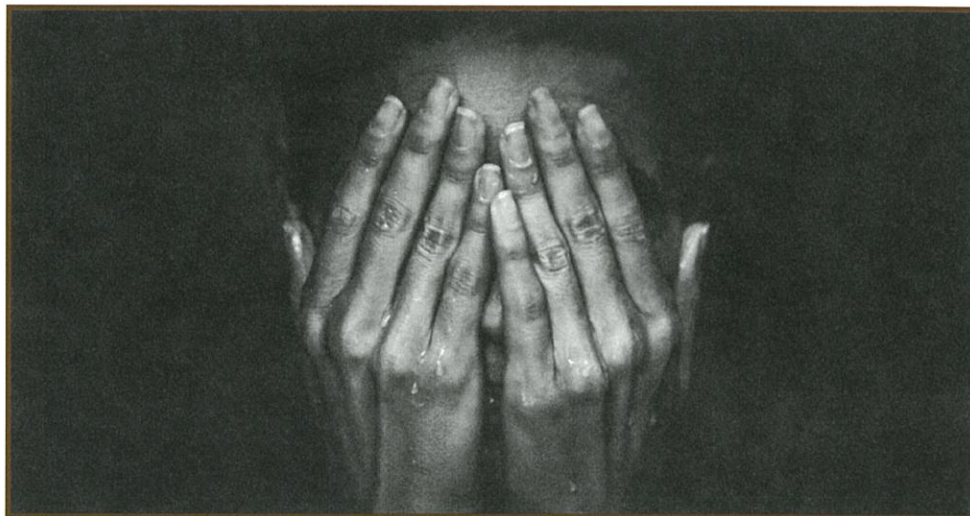


STEPFATHER CONVICTED OF RAPING TEENAGED DAUGHTERS WITH WHOM HE FATHERED EIGHT CHILDREN

A Brooklyn resident was sentenced to 150 years in prison after being convicted of raping his two stepdaughter when they were just 12 and 14 years old. Over the course of a decade, the young victims bore eight children by their stepfather. A Queens jury needed just 30 minutes to find the defendant guilty of six counts of first-degree rape and one count of second-degree rape.

The abuse began in 2005 when the defendant lived in Far Rockaway, Queens, and forced the two victims, then just 11 and 14 years old, to sleep naked in bed with him. He was 31 years old at the time. According to trial testimony, in March, 2005, the stepfather forced himself on the 14-year-old and had sex with her. He also struck her and threatened to shove a coat hanger into her. The defendant began raping the younger victim when she was just 12 years old. She was also threatened with physical harm and eventually bore three children by him.

Again, according to trial testimony, the violence Lorenzo Arline inflicted on



his pre-teen and teenage stepdaughters wasn't limited to forcing himself on them. On one occasion, when the 14 year old left home to socialize with her friends without his permission, Arline, 43, tracked her down and dragged her home by her feet with her face scraping against the cement pavement. Once back inside the house, he forcibly raped her. This child bore him five children. It wasn't until the older sister, then 24,

was hit so hard in the face that her tooth broke, that her younger sister reported the years of sexual and physical abuse to an official at her child's school that the police were notified.

The investigation was conducted by the NYPD's Special Victims Squad and the prosecution was handled by Senior Assistant District attorney George Kanellopoulos of the Special Victims Bureau.

MS-13 TAKEDOWN

A joint investigation by members of the N.Y.P.D., Department of Homeland Security and the Queens District Attorney's Office has resulted in the arrest and indictment of 12 members of the notorious street gang known as MS-13. Charges in the indictment include attempted murder, conspiracy, drug and weapons possession.

The long-term investigation employed an array of investigatory techniques, including court-

authorized wiretaps and video and physical surveillance. According to the indictment, the defendants plotted to kill multiple people, including several rival members of the Latin Kings gang. The indictment also makes clear that MS-13 considers enrollment in their membership a lifelong commitment and the penalty for withdrawal is death. One of the people the defendants targeted to kill was a 'former' member who blacked out a distinctive MS-13 tattoo and who had attempted to

disassociate himself with the gang. Through wiretaps, investigators heard one of the indicted defendants discussing retrieving weapons for the planned hit, as well as the time and location, enabling them to race to the scene and possibly prevent a murder.

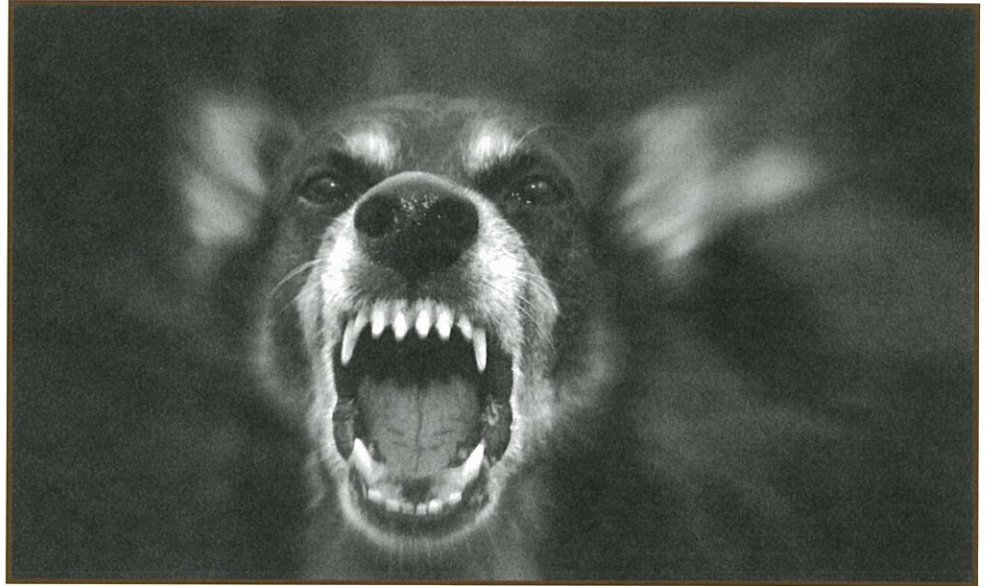
Assistant District attorneys Kirk Sendlein and Kaitlin McTague are prosecuting the case in conjunction with the District Attorney's Gang Violence and Hate Crimes Bureau.

Cases of Interest

INVESTIGATION DELIVERS KNOCKOUT TO DOG-FIGHTING COUPLE

Police executing a court-authorized search warrant in a garage in Far Rockaway made a disturbing discovery - four malnourished pit bulls inside the garage in stacked cages with no apparent food or water. They called in detectives from NYPD's Animal Cruelty Investigation Squad, who took custody of the abused animals.

When the dogs were examined at an ASPCA hospital, they were found to have the tell-tale signs of having been used in dog-fighting - heavy scarring from old, and some recent, dog bites; broken claws and fractured teeth; ear flap injuries; gum tissue injuries; and carrying a red blood cell parasite conveyed through dog bites. A subsequent search of the garage revealed dog-fighting paraphernalia, such as a 'slat mill' - a treadmill-type device used for dog training, as well as 'break sticks' used to break a dog's grip after it has bitten another animal.



The dogs' owners plead guilty to violating Agriculture and Markets Law prohibiting keeping a dog with intent to engage the dog in animal fighting. One defendant was sentenced to nine months

in jail, the other to three years probation. Both are prohibited from owning any animals for five years and will have to register as animal abusers with the NYC Department of Health.

CONTRACTOR CONVICTED OF BILKING SUPERSTORM SANDY VICTIMS DRAWS THREE YEAR SENTENCE

When Superstorm Sandy hit in 2012, it destroyed many homes, especially on the south shore in Queens County. Unfortunately, an unscrupulous contractor added to the misery of three Queens family by taking their hard-earned money and agreeing to rebuild their homes, but never completing the job.

Andrew Troiano plead guilty to multiple counts of second- and third-degree grand larceny for taking more than \$170,000 from two Breezy Point families and one Rockaway

Point family, but never dispersing any money to subcontractors hired to begin construction. On two sites, foundations were dug and cement

poured, but construction was halted when the subcontractors were not paid. On the third site, no work was done whatsoever. An analysis of the defendant's company's back records showed funds withdrawn for work on other properties, as well as for personal expenses. For his conviction, the defendant was sentenced to one to three years in prison.

The case was handled by ADA Allison Wright, a supervisor in District Attorney Brown's Economic Crimes Bureau Crime Unit.



DEFENDING CASES ON APPEAL

QDA's Appeals Bureau handles all appeals and other post-conviction litigation, in both state and federal courts. This includes nearly 20% of the entire criminal docket of the New York Court of Appeals, the state's highest court, which sets precedent for all 62 counties in the entire state.

Notable appellate victories in 2018 include:

THE MURDER OF A RAPE VICTIM

In *People v. Hemant Megnath*, the Appeals Bureau successfully defended the first-degree murder conviction of a man who killed a woman because she refused to drop the rape charge she had pressed against him in Brooklyn.

Megnath was working as a realtor when he met the victim. Under the guise of showing her an apartment, Megnath used the opportunity to isolate the victim and sexually assault her. She filed a complaint with the NYPD and Megnath was arrested. After he was released on bail, he spent almost two years imploring, threatening and even attempting to bribe the victim and her family members to drop the charges. Frustrated by her refusal, and fearing deportation if convicted, he ambushed her near her home and cut her throat. After a trial based upon circumstantial, but overwhelming evidence of guilt, the defendant was convicted of all charges. Although a ruling after extensive pretrial hearings permitted the use of testimony concerning low copy DNA, it was not contested on appeal.

DRUG DEALER WHO PRECIPITATED THE MURDER OF PO EDDIE BYRNE

In the fall of 1987, a Queens resident repeatedly observed the defendant,

Robert Webster, selling drugs in front of the resident's home. When the resident complained to the police, the defendant and an accomplice threw 'Molotov cocktails' through the front window of the resident's home. The defendant was subsequently arrested. When the police posted an officer to guard the house, he was gunned down in one of the most notorious murders of the decade. Meanwhile, the defendant was convicted of first-degree intimidating a witness and first-degree criminal mischief arson. Over the years, the Appeals Bureau has successfully defended the conviction on appeal on multiple occasions and in several forums. This year the defendant filed his third pro se 440 motion, which was denied.

COUNSEL'S REPRESENTATION NOT INEFFECTIVE

In 2018, the Appeals Bureau obtained a favorable ruling upholding the first-degree assault conviction for the violent and repeated shaking of a seven-month old infant, which caused massive, immediate brain injuries. Defendant, the child's care giver, admitted to shaking the infant, and an attending doctor in the emergency room personally witnessed the defendant shaking the baby in a forceful manner. Earlier that day, the baby's father had dropped her off at defendant's house in a healthy condition. After the admitted shaking, the infant was in a life-threatening condition. Although counsel mounted a vigorous defense at trial, it was ultimately unsuccessful. Years later, defendant attacked counsel's competence, arguing that he should have raised a different defense. After a full hearing on the issue, the Appellate Division ruled that the defense had provided effective representation, upholding the conviction.

TWO MEN DRAW LONG PRISON TERMS FOR DISFIGURING TEEN VICTIM



A 39-year-old man and his 26-year-old accomplice conspired to assault a teenager living in Whitestone, Queens. To make matters worse, they ran up to the wrong teenager and attacked a 16-year-old exchange student who happened to be living in the same house as the intended target.

The victim was hospitalized and eventually recovered from this senseless attack, but will carry two long scars on the left side of her face as a constant reminder of the defendants' mindless violence.

Both men pleaded guilty to first-degree assault and were sentenced to prison terms of 19 and 18 years. The case was prosecuted by ADA Timothy Shortt of the District Attorney's Career Criminal Major Crimes Bureau.

Cases of Interest

MAN CHARGED IN ALLEGED HATE CRIME IN THE SUBWAY



A 54-year-old Manhattan resident was charged with attacking a 20-year-old female subway rider after making homophobic slurs toward the victim and her friend.

According to the complaint, the defendant objected when the two women kissed and began berating them for doing so in his presence. When the young ladies attempted to walk away, he followed them and struck the victim in the back of her head, causing her to fall and strike her head and neck on a pole before hitting the floor. The victim was treated at a local hospital where she was diagnosed with a fractured spine.

The defendant has been charged with second- and third-degree assault as a hate crime. The case is being handled by ADA Barry Frankenstein of the District Attorney's Gang Violence and Hate Crimes Bureau.

ATV RIDER ACCUSED OF KILLING BICYCLIST

A hard-working, 65-year-old man riding his bicycle home to Brooklyn after finishing his shift washing dishes at a restaurant in Queens, was killed when a 24-year-old man illegally operating an all-terrain vehicle (ATV) on a city street intentionally struck the victim's bicycle, causing the victim to fall and hit his head on the ground. He died at a hospital several days later.

The bicyclist took precautions to be safe, including wearing reflective gear making it easier for motorists to see him. But in this case, none of that mattered. According to the indictment, Eucario Xelo was on his way home at approximately 1 a.m. when Sean Martin, operating an All-Terrain-Vehicle westbound on Seneca Avenue approaching Woodbine Street in the Ridgewood section of Queens, steered the ATV directly at the bicyclist who was also riding westbound on Seneca Avenue. Martin approached the victim from behind and, when he was in close proximity, maneuvered the ATV in a manner known as a "kick out", which caused the rear tires of the ATV to kick

outward and the back end of the ATV to bump into the bicycle. As a result, Mr. Xelo was knocked to the ground, striking his head and suffering severe, and ultimately fatal, impact injuries to his head and brain. After knocking him to the ground, Mr. Martin did not offer any assistance to Mr. Xelo. Instead, the defendant was captured minutes later on surveillance video at the intersection of Cypress Avenue and Summerfield Street, also in Ridgewood, steering his ATV directly at a second bicyclist, whom he approached from the front. The defendant again employed the same maneuver as he had minutes before, only this time the bicyclist was able to swerve his bicycle at the last minute and avoid being struck. Unlike Mr. Xelo, he was able to ride away unharmed.

The grand jury has charged Mr. Martin with murder, manslaughter, assault, reckless endangerment and other crimes. The prosecution is being handled by Homicide Trials Deputy Bureau Chief John Kosinski, who is also Chief of the Vehicular Crimes Unit.



Cases of Interest

IDENTITY THEFT AND CREDIT CARD RING DISMANTLED

The seventeenth member of a criminal enterprise, and the boss, plead guilty to Enterprise Corruption and faces a sentence of up to 15 years in prison. The stolen credit card ring he ran cost consumers, financial institutions and retail businesses upwards of \$3.5 million over a two year period.

Muhammad Rana plead guilty to Enterprise Corruption under New York State's Organized Crime Control Act. In doing so he admitted his role in an organization that included document forging mills and shopping sprees for big ticket merchandise with forged credit cards that left the bills in the mailboxes of innocent consumers. Of the sixteen co-defendants who have plead guilty, ten have received jail or prison sentences and have paid more than a half million dollars in restitution. Mr Rana was sentenced to 5 to 15 years in prison.



The investigation was conducted by the NYPD's Financial Crimes Task Force. ADA Christina Hanophy, Deputy Chief of District Attorney Brown's Economic Crimes Bureau, prosecuted the cases.

DETECTIVE CONVICTED OF PERJURY AND OFFICIAL MISCONDUCT

On August 28, 2014, Detective Kevin Desormeau arrested a man for allegedly selling crack cocaine to a woman on a street corner in the vicinity of 108th Avenue and Guy R. Brewer Boulevard. The detective swore that he observed the sale in a Criminal Court complaint and later testified, under oath, at a pre-trial hearing to having observed the sale. He also testified that when he apprehended the seller, he recovered drugs and money from him.

After the alleged seller was detained for almost two months, surveillance video was discovered that placed the purported seller in a restaurant and bar playing pool at the precise time the detective

claimed to have witnessed the sale. The video also depicted the detective entering and placing the person under arrest and bringing him outside, where he was searched.

After a jury trial, the detective was convicted of first-degree perjury, official misconduct and other charges. The judge placed the detective, who is no longer employed by the NYPD, on three years probation. The case was handled by Senior Assistant

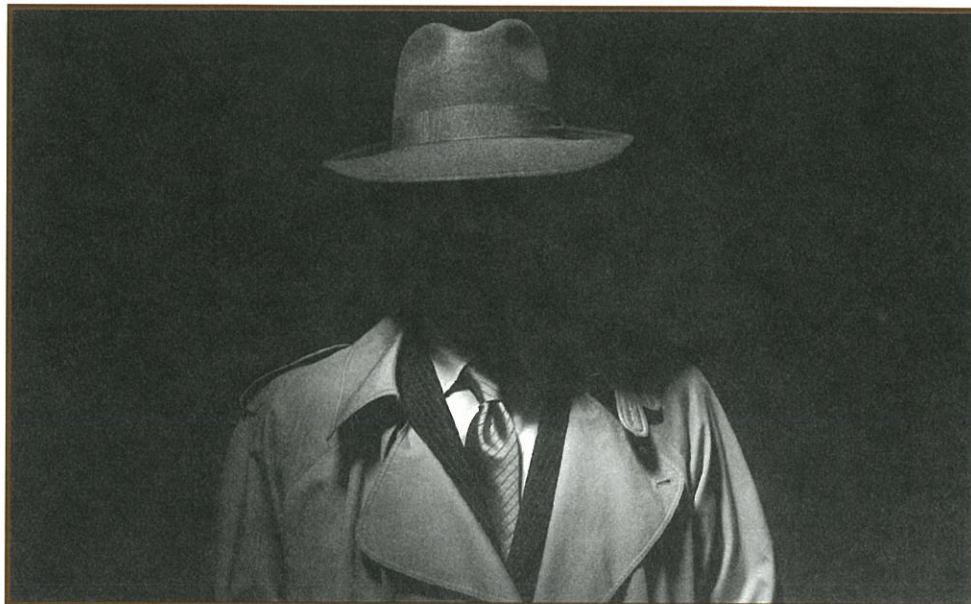
District Attorneys Yvonne Francis and Christine Oliveri of the District Attorney's Integrity Bureau.



UNLICENSED P.I. GOES TO PRISON FOR BRIBING A WITNESS

When a man called 911 and complained that his sister and her boyfriend tried to force their way into his apartment at gunpoint, the police responded and recovered a loaded firearm from the sister's handbag. Both the sister and her boyfriend were arrested. While his case was pending, the boyfriend hired a self-styled private investigator from the Bronx, named Charles Gallman, to assist with his case.

Shortly thereafter it was discovered by detectives from District Attorney Brown's Detective Bureau, utilizing court-authorized eavesdropping, controlled telephone calls, telephone records and recorded Rikers Island telephone calls that Gallman and his client were engaging in a pattern of bribery, intimidation and tampering with witnesses slated to testify in the upcoming trial. As a result, both Gallman and his client were indicted for bribery and other related charges.



Gallman plead guilty to bribing a witness and was sentenced to 1 to 3 years in prison. His client plead guilty to tampering with a witness, as well as the underlying gun possession charge, and

was sentenced to 9 ½ years in prison. The case was handled by ADAs Melissa Kelly of the Special Victims Bureau and Bradley Chain of the District Attorney's Organized Crime and Rackets Bureau.

DRUG GANG INFESTS QUEENS HOUSING PROJECT

Using aggressive and innovative tactics to track down and prosecute drug dealers who were terrorizing residents of the Queensbridge housing development, a year-long undercover investigation conducted jointly by NYPD's Narcotics Borough Queens Division and District Attorney Brown's Narcotics Investigations Bureau resulted in the arrest of 22 individuals on various drug and weapons charges.

The Queensbridge Houses is the largest public housing development in New York City. The Queensbridge Houses consist of 96 six-story brick residential buildings located in Long Island City, Queens. The 3,142 unit

complex accommodates approximately 6,907 people and is contained within six blocks bordered by 21st Street, the Ed Koch Queensboro Bridge, Vernon Boulevard and 40th Avenue.

Posing as narcotics customers and employing extensive physical surveillance, undercover officers repeatedly purchased heroin, cocaine and marijuana. Police also executed court-authorized search warrants at nine separate locations within the Queensbridge House, recovering a quantity of illegal firearms in addition to illegal drugs. As a result, 22 individuals have been charged with various charges including the sale and possession of a controlled substance and criminal

possession of a weapon.

The investigation was conducted by the NYPD's Narcotics Division. Assistant District attorney Nancy Tse, of DA Brown's Narcotics Investigation Bureau is prosecuting the case.



Cases of Interest

THIEVES STEAL SETTLEMENT FROM WHEELCHAIR-BOUND HOMELESS WOMAN

Several years ago, Michelle Carter lost both her legs during an unfortunate accident when she was struck by a subway train, leaving her both wheelchair-bound and homeless. A subsequent settlement awarded her \$4 million dollars. But the greedy actions a few people deprived her of the final payments amounting to almost half of her settlement.

According to the criminal complaint, Ms. Carter made the mistake of asking a local bodega owner, who she thought was a friend, to cash a settlement check in the amount of \$799,000. Instead, with the help of an ally who was a bank manager, the bodega owner deposited the funds into his business account. A subsequent investigation revealed he withdrew more than \$200,000 which he spent on gambling trips, wedding expenses, a bachelor party in Las Vegas and a honeymoon in the Caribbean.

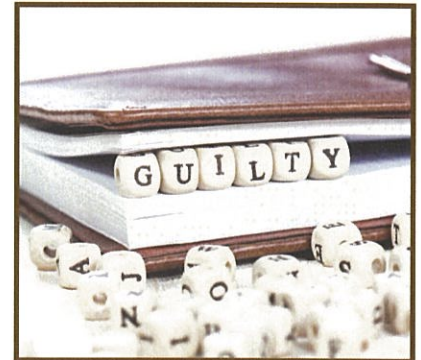
When Ms. Carter noticed her last settlement check in the amount of

\$886,000 was missing from among her belongings, she asked the bank to re-issue the check, only to be informed it had already been cashed. Again, according to the complaint, it was discovered that this check had been deposited by the bodega owner into the account of a co-conspirator in the bank managed by the bodega owner's friend. More than \$200,000 of that money was withdrawn a day later and spent on jewelry, a deposit for a new car and loan payments. Some of the money was also distributed among the co-conspirators.

An investigation by the Amtrak Police department, the District Attorney's Office Detective Squad and Forensic Accountants, in conjunction with the Elder Fraud Unit of the Economic Crimes Bureau resulted in the arrest of five men, including the bodega owner, his father and the former bank manager. The prosecution is being handled by ADA Christine Burke.



PIMP FOR TEENAGE RUNAWAY DRAWS STIFF PRISON SENTENCE



A 14-year-old runaway's life became a living nightmare when a 29-year-old Jamaica, Queens, resident forced her to engage in acts of prostitution for his financial benefit. Any resistance on her part was met with threats and beatings.

After being arrested, the defendant was charged with, and plead guilty to, sex trafficking. He was sentenced to 6 to 12 years in prison.

The case was handled by ADA Jessica Melton, Chief of the District Attorney's Human Trafficking Unit and ADA Sophia Williams of the Special Proceedings Bureau.

Cases of Interest

NINE FAR ROCKAWAY GANG MEMBERS INDICTED FOR ATTACKS ON RIVALS



Nine alleged members of the Wildmeda Crips were indicted by a grand jury in a 52-count indictment for attempting to eradicate all rival gang members who infringed upon their territory by targeting the Egdemere Bloods, SOS, 70Gs, Flammers and anyone else who ventured into their area. As a result, they turned this section of the peninsula into a war zone.

An investigation conducted by NYPD's Gun Violence Suppression Division, Violence Reduction Task Force and District Attorney Brown's Narcotics Investigation Bureau decoded social media posts and recorded Rikers Island phone conversations capturing top-ranking gang members ordering subordinates to acquire weapons and injure or kill rival gang members. On four occasions, Wildmeda members fired multiple shots at other gang members, seriously wounding several of them. Miraculously, no one was killed.

In addition to conveying orders and directives, social media posts also reflected brazen self-congratulatory bragging and boasting about acts of violence and intimidation. As a result, the defendants face the prospect of lengthy incarceration.

SECOND CHANCE FOR 16 YEAR OLD DRUG "MULE"

When an airline passenger from Trinidad-Tobago was intercepted by U.S. Customs and Border Protection officers at JFK airport, she was found to be in possession of 5 pounds of cocaine hidden in her suitcase. She was arrested for Criminal Possession of a Controlled Substance in the First Degree and, if convicted, faced a potential sentence of up to 20 years. (Possession in excess of 8 ounces is an A-I felony.) During her arrest processing, she was interviewed by Queens DA's office detectives at Central Booking prior to her arraignment. Based upon this interview, the detectives strongly suspected she was being used and manipulated by others.

People who personally smuggle drugs or other contraband into the country, or attempt to do so, are sometimes referred to as couriers or drug mules. Others employ drug mules to reduce the risk of being caught and to shield themselves from arrest or liability. Mules have been known to ingest drug packages or insert them into

body cavities, frequently at great risk to their health and personal well-being. Packages that leak, dissolve or burst will cause an overdose reaction, often fatal. Their compensation is usually dwarfed by what the 'exporter' stands to profit.

Although a U.S. citizen, this 16 years old found herself isolated from her family and stranded in New York with minimal resources. District Attorney Brown's Narcotics Investigations Bureau, working with the Youth Program in our Alternative Sentencing Division, conducted several clinical evaluations and engaged Administration for Children Services to develop a comprehensive treatment plan to address safety concerns, housing and education and connected her with mental health resources. She plead guilty to a felony and was sentenced to probation so the Court could monitor her progress and assure compliance. All remain hopeful she will satisfactorily complete all her programs and reach all her goals.



5-YEAR-OLD DIED AFTER MEDICATION OVERDOSE

Shortly after Michael Guzman was born, he began to have seizures and was diagnosed as suffering from epilepsy. Doctors prescribed medication that he would have to take daily and explained to his mother that failure to administer this medication regularly could endanger the boy's life.

In September, 2016, Michael's doctor was informed that Michael was suffering from frequent and uncontrollable seizures. The doctor told the mother to bring the child to the hospital immediately. When the mother showed up at the hospital two days later, doctors found the presence of the necessary drugs to be so low in the boy's system they had to put him on high dosage for 8 days to stabilize him before he could be discharged.

Five months later, Michael died. According to the indictment returned by the grand jury, the Medical Examiner determined Michael died of a fatal overdose of the medications that his mother was supposed to be administering



at regularly prescribed intervals. As a result, she was charged with first-degree assault, second-degree manslaughter, first-degree reckless endangerment and

endangering the welfare of a child.

The case is being handled by Senior ADA Melissa Kelly of the Special Victims Bureau's Child Fatality Unit.

WOMAN INDICTED FOR UNPROVOKED KNIFE ATTACK OF THREE INFANTS AND TWO ADULTS

A Queens County grand jury indicted a 52-year-old woman for attempted murder and other charges for allegedly stabbing and seriously injuring three infants and two others present in the early morning hours of Friday, September 21, 2018. Miraculously, no one was killed. None of the infants were more than one month old and one was as young as 13 days.

According to the indictment, the defendant repeatedly stabbed a fellow caretaker in the leg, face and chest as she was feeding an infant in

the kitchen of the three story residence where the attack occurred. The defendant also stabbed the infant the



woman was feeding before stabbing two other infants in the residence. A father of one of the children residing at the center awoke to the sounds of the struggle and tried to intervene, only to be stabbed and bitten by the knife-wielder. The defendant fled to the basement following the attack, where the police found her with what appeared to be self-inflicted wounds to her neck and wrist.

The prosecution of this matter is being handled by Senior ADA Matthew Sweet of the Special Victims Bureau.

HEARTLESS THIEF STEALS HOME FROM 101-YEAR-OLD MAN

At the age of 101, Woodrow Washington needed help collecting rent from the tenants that occupy the house he owns on 143rd Street in Queens. Unfortunately, the person he asked for help defrauded Mr. Washington into transferring ownership of the house to him at a sale price of \$0.

According to the criminal complaint, Mr Washington received a letter from the NYC Department of Finance informing him that a quitclaim deed bearing his signature and that of a notary transferring his home to a 58-year-old man named Richardo Bentham had been filed. An investigation conducted by the NYC Sheriff's Office Bureau of Criminal Investigation revealed Mr Washington had not knowingly signed such a document and had not done so in the presence of a notary. When questioned, the notary acknowledged he had never met Mr Washington and noted the document bearing his signature was missing his notary seal. As a result, Mr Bentham was arrested for second-



degree grand larceny, second-degree criminal possession of stolen property, second-degree criminal possession of a forged instrument and first-degree offering a false instrument for filing. He plead guilty to Criminal Possession

of a Forged Instrument and is awaiting sentence.

The prosecution of this matter is being handled by ADA Christine Burke of the District Attorney's Elder Fraud Unit of the Economic Crimes Bureau.

BAYSIDE HOME WAS ARSENAL OF ILLEGAL WEAPONS

N.Y.P.D. Officers executing a court-authorized search warrant at a Bayside home discovered an enormous cache of illegal weapons and ammunition. As a result, the homeowner was charged with stockpiling more than 65 pistols, revolvers, assault rifles and modified rifles, along with approximately 50,000 rounds of ammunition inside his home.

According to the complaint, Ronald Drabman, of 208th Street, was charged with one count of

first-degree criminal possession of a weapon, 39 counts of second-degree



criminal possession of a weapon, one count of first-degree criminal sale of a firearm, one count of criminal possession of stolen property and 20 counts of third-degree criminal possession of a weapon.

Among the weapons seized were shotguns, handguns, pellet guns and a zip gun. According to the charges, Mr Drabman does not have a firearms license, is not a licensed gun dealer and does not have a license to sell or manufacture firearms or ammunition.

Cases of Interest

TWO YEAR INVESTIGATION CRIPPLES DRUG DEALING

For almost two years detectives from NYPD's Queens North Gang Squad, working jointly with members of District Attorney Brown's Narcotics Investigation Bureau, utilizing court-authorized wiretaps and undercover buys, monitored the illegal activities of a street gang operating primarily in the Jackson Heights and Corona sections of Queens. During that time, detectives made numerous purchases of cocaine, crack, marijuana and heroin laced with the latest deadly drug scourge, Fentanyl. Fentanyl is a synthetic opioid that is many times more powerful than heroin and is highly addictive. Its abuse has been attributed to dozens of overdose deaths throughout New York City.

According to the charges, the alleged gang members operated primarily in the Corona, Elmhurst and Jackson Heights neighborhoods of Queens. Utilizing court-authorized wire taps, investigators were able to eavesdrop on telephone conversations between several of the defendants. After listening to one such cryptic exchange, police were alerted to a

meeting where they observed an apparent sale. The buyer involved in that sale was stopped several blocks away, where police recovered a quantity of narcotics from him. The criminal complaint details dozen of other occasions where undercover investigators were able to successfully purchase illegal drugs from the defendants, as well as guns. On one such occasion, an undercover detective paid more than \$900 for a 9mm semi-automatic firearm and 11 rounds of ammunition.

At the culmination of the investigation, detectives executed several court-authorized search warrants, arresting 18 members of the 97th Street Trinitarios and #97HotBoyz, while seizing scales, packaging material, presses, firearms, a stun gun and over \$80,000 in cash. Police also confiscated eight vehicles that were used in the illicit drug trafficking.

The investigation was conducted by the NYPD's Queens North Gang Squad. Senior Assistant District Attorney Ajay Chheda is handling the prosecution.



25 YEARS TO LIFE IN PRISON FOR KILLING 60 YEAR OLD WOMAN DURING ROBBERY ATTEMPT



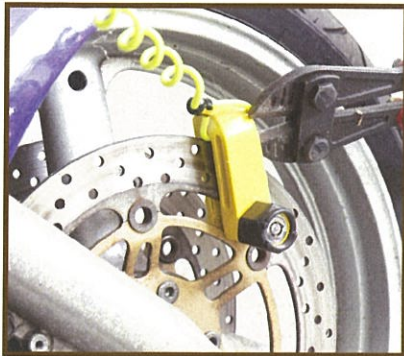
On August 31, 2016, the victim, Nazma Khanam, of Jamaica Hills, was walking home from the store she owned with her husband, MD Shamul Alam Khan, 67, who was just steps behind her, when the defendant approached her and demanded money. When the victim refused, he stabbed her once in the chest with a kitchen knife and fled. The victim was rushed to a local hospital where she was pronounced dead.

With help from the community, the NYPD was able to identify Yonaton Galvez-Marin as the stabber and he was arrested three days later by detectives as they were conducting their investigation near the crime scene. Following a one-week-long jury trial, Galvez-Marin was convicted of second-degree murder and sentenced to 25 years to life in prison.

Senior Assistant District Attorney Rachel Buchter of the Homicide Trials Bureau prosecuted the case.

Cases of Interest

PUTTING THE BRAKES ON MOTORCYCLE THEFT RING



A year-long investigation utilizing, among other techniques, court-authorized wiretaps, resulted in the arrest of seven individuals who now face charges of grand larceny and conspiracy for stealing 11 motorcycles throughout Queens.

According to the indictment, some members of the ring would scour the county for high end motorcycles. After targeting a particular bike, police personnel were drawn away from the area by a decoy who would commit a Vehicle and Traffic Law infraction. Sometimes the motorcycle was hot wired and driven away; other times it was loaded into a van. While most of the vehicles were stolen from the street, several were taken from private garages and residences.

The investigation was conducted by NYPD's Auto Crime and the prosecution is being handled by ADA Jason Trager of the District Attorney's Organized Crime and Rackets Bureau.

QUEENS WOMAN CONVICTED OF ANIMAL CRUELTY

Adopting a dog or cat, especially one rescued from a shelter, can be an act of kindness. But failure to provide a clean environment for such a pet, with proper food and drink is an act of cruelty. Such apparently was the case with a 50-year-old Jackson Heights woman, who collected dogs and cats but did little else to provide a safe home for them.

According to trial testimony, a crime prevention officer went to the defendant's home to check on her mother, who had been the victim of a crime. No one answered when the officer knocked at the door, but it was open and animals could be seen inside and the interior appeared filthy. The officer departed, but returned to the home with members of the ASPCA. At that time, the defendant's mother did answer the door and excessive amounts of feces and fur were seen throughout the living area and the stench of urine was overpowering. There was also trash strewn amid the clutter. The animals living inside had patches of fur missing, crusted eyes and one cat appeared not to be able to walk. A court-authorized search warrant was executed that same day and members of the ASPCA rescued 55 cats, 12 dogs and two turtles.

A licensed veterinarian and supervisor of the ASPCA's Forensic Sciences unit examined and/or supervised examinations of 67 cats and dogs. The results showed many of the animals had severe dental diseases, severe ear infections, ear mites, as well as pain and discomfort and a host of other ailments. One dog was vomiting and had diarrhea related to chronic kidney and liver disease. Most of her fur was matted with feces and she had severe dental disease and a chronic illness associated with her digestive system. Due to her extremely poor health, she had to be euthanized. In addition, 11 other animals also had to be euthanized, while more than 50 were adopted and placed in good homes. After a non-jury trial, the defendant was found guilty of 108 counts of animal cruelty, failure to provide proper food and drink to an animal and other charges.

The investigation was assisted by the NYPD's Animal Cruelty Investigation Squad, the ASPCA and the Animal Legal Defense Fund's Criminal; Justice Program. The prosecution was handled by Nicoletta Caferra, Chief of DA Brown's Animal Cruelty Prosecutions Unit of the Special Proceedings Bureau.

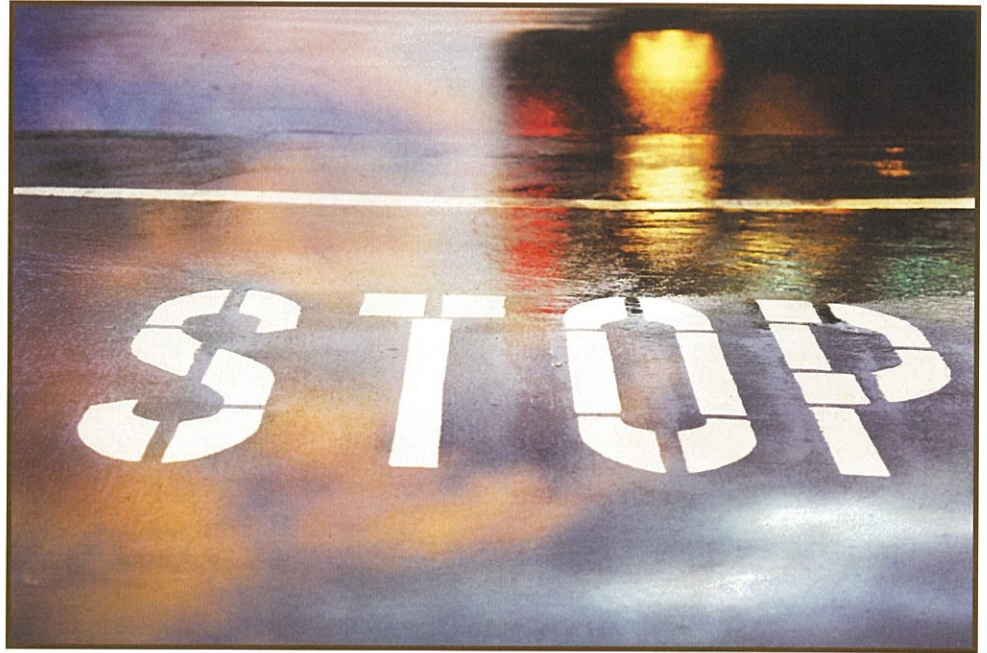


RECKLESS SPEEDER KILLS TWO, INJURES SEVEN OTHERS

A 34-year-old New Jersey resident, following a night of celebration at a wedding, killed two passengers and seriously injured two others in his own car, as well as seriously injuring three other drivers and two of their passengers in three other vehicles.

According to the complaint, Andrew Shakespeare drove his BMW X5 in excess of 117 MPH on the Grand Central Parkway at 6:30 AM. After sideswiping a vehicle, Mr Shakespeare apparently lost control of his car and crashed into another auto, causing both that vehicle and his own to flip over, ejecting and killing a 16 year old man as well as a 34-year-old, both of whom were his passengers. Because he refused to submit to any testing, a court ordered warrant was necessary to take a blood sample. Even five hours after the crash, Mr Shakespeare's blood alcohol content was still in excess of the legal limit for driving while intoxicated.

After an investigation conducted



by NYPD's Highway 3 Investigation Squad, the defendant plead guilty to aggravated vehicular homicide and was sentenced to 7 to 21 years in prison. When he is released at the conclusion

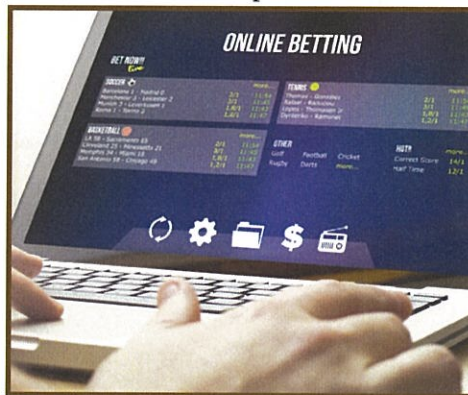
of his sentence, he will have to place an interlock ignition device on any car he drives for a period not less than 5 years, which will prevent the car from starting if he is intoxicated.

RETIRED AND CURRENT NYPD OFFICERS INDICTED FOR RUNNING LUCRATIVE PROSTITUTION AND GAMBLING RING

A retired NYPD Vice Squad detective, his wife, seven active duty police officers and approximately 3 dozen civilians were indicted for running a complex prostitution and gambling enterprise spread out over three counties. Their take in a little over a year was estimated at about 2 million dollars.

Headed by the retired detective, they operated 7 brothels in Queens, Brooklyn and Nassau counties, as well as several gambling rooms in beauty salons and delis. The structured organization took advantage of

knowledge of police procedures, as well as confidential, inside information that allowed it to operate undetected.



However, a tip from a fellow police officer set in motion an investigation utilizing court-authorized wiretaps, surveillance and other techniques, jointly conducted by the NYPD's Internal Affairs Bureau and the District Attorney's Organized Crime and Rackets and Integrity Bureaus. As a result of this long-term investigation, forty-nine people were indicted for a variety of charges, including Enterprise Corruption and Promoting Prostitution. Many face the possibility of substantial prison sentences.

Cases of Interest

ARSONIST WHO DAMAGED NINE CARS DRAWS EIGHT YEAR PRISON SENTENCE

On December 15, 2017, five residents of South Ozone Park awoke to find their vehicles heavily damaged by fires the FDNY determined were intentionally set. Less than two months later, three more South Ozone Park residents suffered a similar fate. Ten days later, still another vehicle was set ablaze and burned beyond recognition.

As a result of an investigation conducted by New York City Fire Department's Bureau of Fire Investigations Auto Fraud Squad, with assistance from the Strategic Explosives and Arson Response Task Force of the Bureau of Alcohol, Tobacco, Firearms and Explosives, a local resident of the South Ozone Park area was arrested and charged with starting the fires that endangered the lives of responding firefighters, as well as his neighbors' lives and property. The 29-year-old



man plead guilty to third-degree arson and was sentenced to four to eight years in prison. No motive for the spree was ever determined.

The case was prosecuted by ADAs Jason Trager and Mary Lowenburg of the District Attorney's Organized Crime and Rackets Bureau.

DOCTOR ADMITS RESPONSIBILITY FOR CAUSING PATIENT'S DEATH

A medical doctor who maintained a practice at Liberty Woman's Health of Queens pleaded guilty to criminally negligent homicide while a jury was deliberating his fate following a four-week-long jury trial. According to trial testimony, during a surgical procedure, Dr Robert Rho, 55, of Great Neck, New York, caused a laceration to his patient's cervix, a perforation of the uterine wall and a disruption and transection of the uterine artery.

While in the recovery room following surgery, the 30-year-old victim began bleeding profusely, requiring the doctor to perform a second surgery to repair the damage. Unfortunately, he only sutured the

cervical tear and failed to address the other problems. Again, according to testimony, ignoring all signs to the contrary, the doctor discharged the patient from the facility. En route home she began to hemorrhage and was taken

to a Bronx hospital, where despite receiving six units of blood, she died.

At his sentencing, where he received a prison term of 1 ½ to 4 years, the doctor apologized to the victim's family.



Cases of Interest

TEACHER JAILED FOR USING FORMER STUDENT IN A SEXUAL PERFORMANCE



Michael Cognato, 35, of Bethpage Long Island, was sentenced to 6 months in jail, 10 years post-release supervision and designated a level two sex offender after he plead guilty to attempted use of a child in a sexual performance and other related charges. The former math teacher at IS 93 in Ridgewood, Queens also surrendered his New York State teaching license and must successfully complete a sex offender program.

The defendant admitted that over the summer of 2017, he engaged in sexually

explicit conversations with the victim, who was 15 years old at the time, and induced her to send him sexually explicit videos and photographs of herself. He also admitted to violating the order of protection which prohibited him from contacting the victim after his arrest. The case is yet another reminder of the misuse of the internet and social media.

Assistant District Attorney Kateri Gasper, Chief of the District Attorney's Computer Crimes Unit, and ADA Michelle Witten, prosecuted the case.

BANKER CONVICTED OF DEPLETING THE ESTATES OF TWO DECEASED SISTERS

A private client banker at JP Morgan Chase stole more than \$650,000 from the estates of two deceased sisters by issuing checks to himself and eventually setting up an app on his mobile phone to make electronic transfers.

An investigation conducted by the New York State Police Special Investigations Unit, assisted by JP Morgan's Global Security and Investigations, revealed the banker used the money for living expenses such as rent, utilities and cable bills and eventually used the funds to pay for trips and hotel stays. He even paid off a friends' credit card bill.

The defendant plead guilty to second-degree grand larceny and will be sentenced to six months in jail.

In addition, he has agreed to repay \$662,465.91. JP Morgan Chase has already fully reimbursed the accounts of both estates.



CHARGED WITH FORCING TWO TEENAGERS INTO PROSTITUTION



A 33-year-old man has been indicted by a grand jury on charges of kidnapping, promoting and compelling prostitution, sex trafficking, endangering the welfare of a child and other charges for coercing two teen residents of a group home into having sex with strangers for money, all of which he kept for himself.

According to the indictment, the defendant convinced the 13 year old to move in with him. After having sex with her on numerous occasions, the defendant placed an ad in Backpage.com offering both her and another fifteen-year-old resident of the group home. If the girls resisted or didn't make enough money, he threatened them with physical harm. When officers from Queens North Narcotics Squad executed a court-authorized search warrant at the defendant's residence, they found him naked and in bed with the thirteen year old. The police also recovered heroin, marijuana and cocaine, along with a credit card embossing machine, forged credit cards and fake identification.

The case is being handled by ADAs Bahiya Lawrence and Jessica Melton, Chief of the District Attorney's Human Trafficking Unit.

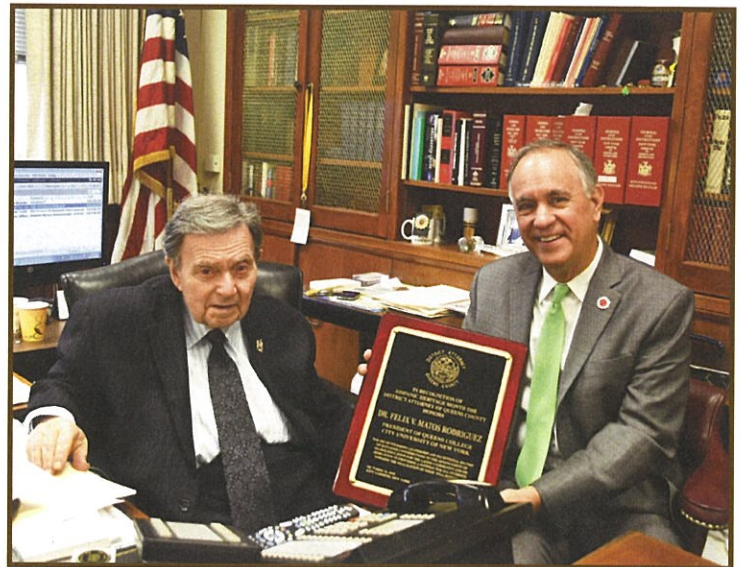
WORKING
WITH
COMMUNITIES

Working with Communities



D.A. BROWN BIDS FAREWELL TO DEDICATED PUBLIC SERVANT

Queens District Attorney Richard A. Brown honors Sergeant Michael Murphy upon his retirement from the New York City Police Department's Animal Cruelty Investigation Squad with Assistant District Attorney Nicoletta J. Caferra, the Chief of District Attorney Brown's Animal Cruelty Prosecutions Unit.



HISPANIC HERITAGE AWARD

Queens District Attorney Richard A. Brown named Queens College President Félix V. Matos Rodríguez with his office's 13th Hispanic Heritage Award for his numerous accomplishments as both an educator and leader here and in his native Puerto Rico.



WILLIAM TUCKER GARVIN PUBLIC SERVICE AWARD

D.A. Brown presented the 2018 William Tucker Garvin Public Service Award to Edna Wells Handy, Acting Chief Compliance Officer at NYCHA, in celebration of Black History Month. The award honors the memory of William Tucker Garvin, the first African-American ADA in Queens County, who served from 1952 to 1966.



ASIAN-AMERICAN PACIFIC ISLANDER AWARD

Queens District Attorney Richard A. Brown, in celebration of Asian American Pacific Islander Heritage Month, bestowed the office's annual award on former Presiding Justice of the New York State Supreme Court Randall T. Eng, for his pioneering spirit and exemplary service as the first Asian American Assistant District Attorney of Queens County and the first Asian American Judge in New York State as well as being the first Asian American Presiding Justice in the State of New York.

Working with Communities



DIVERTING OF STATE TAX REVENUES HALTED

Queens District Attorney Richard A. Brown stands amid more than \$200,000 in cash and with just a fraction of the thousands of packs of untaxed cigarettes seized following the arrests of a eight individuals, who allegedly ran a complex cigarette smuggling ring that stretched from Virginia and Maryland into Queens, Brooklyn and Long Island.



DA MEETS WITH ANIMAL CRUELTY UNIT

Judge Brown meets with Nicoletta Cafferri, Chief of the District Attorney's Animal Cruelty Prosecutions Unit, and members of NYPD's Animal Cruelty Investigation Squad.



ANNUAL FLU VACCINATION

Queens District Attorney Richard A. Brown participates in New York City's Annual New York City Employee Free Flu Vaccination Campaign by getting his annual flu shot today. He encourages all Queens residents and New Yorkers to stay healthy and get a flu shot if recommended by their doctor.



WARRANT FORGIVENESS MEETING

D.A. Brown's chief assistant, Jack Ryan, meets with other staff members in anticipation of the District Attorney's Second Chance Summons Forgiveness Event the D.A. co-sponsored with the Queens Borough President. 360 of the 401 people who attended the event were able to have their outstanding warrants for low-level offenses cleared.

Working with Communities



HOLIDAY TOY DRIVE

Queens District Attorney Richard A. Brown with rows and stacks of toys generously donated by office staff for distribution to deserving children, all of which were delivered to the Cambria Heights Community Church, Bridges to Blessings and the Briarwood Family Shelter.



PREPARING TO PHASE IN NEW LEGISLATION

Queens District Attorney Richard A. Brown meets with Borough Chief Colleen D. Babb of the Queens Family Court Division, Office of the Corporation Counsel, to welcome her and to discuss the implementation of the Raise the Age Legislation.



WELCOMING KOREAN COMMUNITY AMBASSADORS

Members of D.A. Brown's staff hosted a delegation of high-ranking prosecutors visiting from South Korea's Supreme Prosecutor's Office, including Sookwon Lee (front center behind podium), chief of the National Security Division. The delegation received a presentation and discussed counter-terrorism issues in South Korea and the United States. Queens is currently home to the third largest Korean community behind Los Angeles and Orange counties in California.



D.A. BROWN APPOINTS 25 NEW ADA'S

After a highly selective recruitment process from some of the nation's finest law schools, 25 new assistant district attorneys were welcomed into the office and will begin their careers with an intensive training course administered by the office's Directory of Trial Advocacy.

2018 LEGISLATIVE BREAKFAST



Joining Queens District Attorney Richard A. Brown (seated 2nd from right) at his 26th annual Legislative Breakfast are (standing l-r) Assemblymember Daniel Rosenthal, Assemblymember Michael Dendekker, Councilmember Donovan Richards, State Senator Mike Gianaris, Assemblymember Stacey Pheffer Amato and Councilmember Karen Koslowitz, (seated l-r) Councilmember Rory Lancman, Councilmember Barry Grodenchik and Borough President Melinda Katz.

NATIONAL NIGHT OUT



D.A. Brown shares the podium with Police Commissioner James P. O'Neill, other high-ranking members of the NYPD and distinguished local representatives who addressed community members at the annual National Night Out Against Crime, a community-police awareness-raising event, traditionally held the first Tuesday in August.

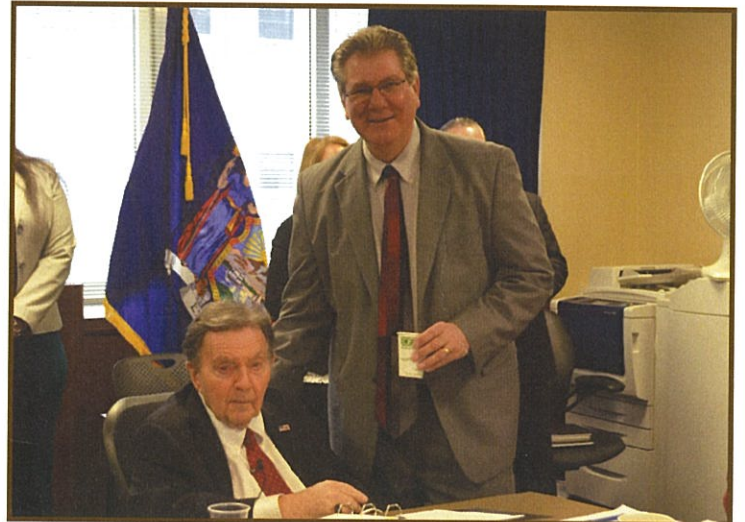
Working with Communities



Working with Communities



Working with Communities



Testimony

of

Bridget G. Brennan
Special Narcotics Prosecutor

Before

The New York City Council
Committees on the Justice System and Public Safety

Fiscal Year 2020
Preliminary Budget Hearing

March 19, 2019
Council Chambers
City Hall

OFFICE OF THE SPECIAL NARCOTICS PROSECUTOR

Fiscal Year 2020

As Special Narcotics Prosecutor for the City of New York, I welcome the opportunity to collaborate with the New York City Council's Committee on the Justice System, under Chairperson Rory Lancman, and the Public Safety Committee, headed by Chairperson Donovan Richards. We are grateful for the support we have received in the past for new initiatives to address the opioid epidemic and enhance our ability to manage an increasingly complex and urgent caseload.

Over the past year, the Office of the Special Narcotics Prosecutor (SNP) has worked closely with the city's five District Attorneys to reduce the surging supply of lethal opioid narcotics and adapt our approach to respond to the latest evolution of the crisis. Synthetic drugs comprise an increasingly large proportion of the black market drug supply, a trend that is reflected in my office's investigations. The highly potent synthetic opioid fentanyl and its variations, known as fentanyl analogues, are responsible for more than half of all overdose deaths in New York City. While fentanyl is typically smuggled along the same trafficking routes as heroin and cocaine, fentanyl analogues pose a new challenge. These substances are ordered through the dark web in small quantities and the vast majority of analogues are not yet illegal in New York State.

Despite the many challenges we face, several key bellwethers give us reason for hope. Last year we saw an apparent stabilization in the soaring overdose death rates in New York City. The number of fatal overdoses is still at an unacceptably high level, particularly in high poverty neighborhoods, but I am encouraged that we are no longer seeing the sharp escalations of past years. Additionally, the number of oxycodone prescriptions filled by New Yorkers continues to decline and is now 20% less than its height in 2015. This is critical to reducing addiction, since data indicates most people who become addicted to opioid drugs begin with pills.

In the past five years, my office and our investigative partners implemented successful enforcement strategies that enabled us to seize more than two tons of heroin and fentanyl. Our four-pronged approach focuses on large scale fentanyl and heroin distributors; those who sell drugs specifically linked to overdoses; pill mills; and traffickers involved in violence. Targeting these traffickers is not only the most effective way to address the opioid epidemic; it is also consistent with city and statewide initiatives that have successfully reduced arrest and incarceration rates.

We must continue this important work, while also supporting better access to drug treatment and sensible harm reduction tools, such as the widespread distribution of the overdose reversal drug naloxone. I encourage members of the City Council to examine how we are addressing this epidemic in our schools and through prevention messaging. We must do everything within our power to protect the next generation from succumbing to opioid addiction.

For FY 2020, we are not concurrently requesting additional funding for a new need, but we leave open the possibility of doing so at a later date, depending on the outcome of an array of proposed legislative initiatives. These include increased reporting requirements, early disclosures to defendants and the elimination of cash bail, all of which would have ramifications which increase our workload considerably.

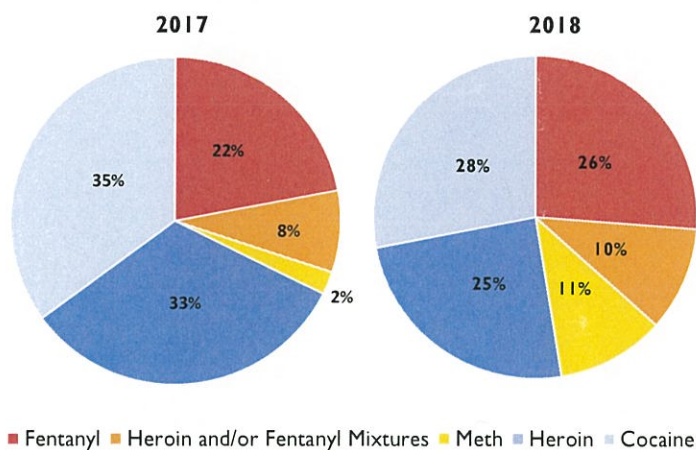
Bridget G. Brennan
Special Narcotics Prosecutor
for the City of New York

The Rise of Synthetic Opioids

Tragically, the opioid epidemic continues to claim an average of four lives per day in New York City, and no community is immune. We all have been touched in some way. The most challenging aspect of this crisis is its constantly changing nature. Synthetic opioids, such as fentanyl and fentanyl analogues, have thoroughly permeated the black market for narcotics in New York City. A far greater proportion of the narcotics seized by SNP contain synthetic opioids than in past years. Synthetic stimulants, such as methamphetamine, are also prevalent.

deaths by removing the supply of dangerous drugs at the highest level possible and disrupting street markets across the city. New York City serves as a regional hub of distribution and the narcotic supply here reflects this trend. Working in partnership with the New York City Police Department (NYPD), the U.S. Drug Enforcement Administration (DEA), the New York State Police and other law enforcement teams, we have tracked shipments of narcotics traveling along established trafficking routes that Mexican cartels use for smuggling heroin, cocaine and now fentanyl. Many of these loads wind up in the Bronx at large-scale drug packaging operations. Our largest seizures of fentanyl and heroin were in locations clustered around major thoroughfares in the borough.

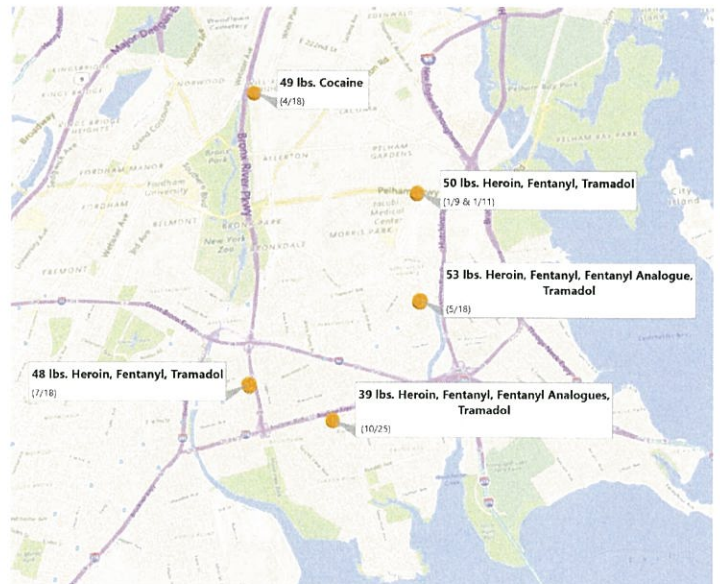
Fentanyl and Meth Surge



In the initial phase of the crisis large numbers of people became addicted to prescription drugs due to false claims by the pharmaceutical industry that opioids were safe for treating chronic pain. Drug cartels in Mexico then seized on this opportunity to provide a cheaper, plentiful and more potent alternative: heroin. But the cartels didn't stop there. By introducing fentanyl, a synthetic opioid that is 50 times stronger than heroin and far cheaper to produce, the cartels could dramatically increase profits. Overdose deaths skyrocketed, with fentanyl present in more than half of all drug fatalities in New York City in 2017 and 2018.

As a prosecutorial agency specializing in narcotics enforcement, our top priority is to prevent overdose

Top Five SNP Seizures: Bronx



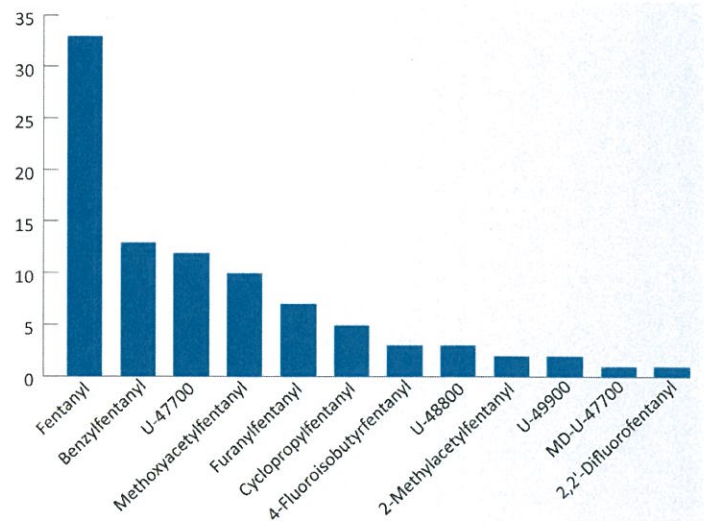
Investigations by SNP and the Bronx District Attorney's Office in 2018 resulted in large seizures of narcotics clustered around major thoroughfares.

In the latest - and perhaps most daunting - iteration of the opioid crisis, we are seeing a seemingly endless array of fentanyl analogues coming into the U.S. from China. Chinese drug producers have ramped up illicit

production of the precursor chemicals used in making fentanyl, as well as an ever-widening array of variations. While chemically similar to fentanyl, the majority of fentanyl analogues remain legal to possess and sell under New York State law, despite being more deadly.

Intercepting shipments of fentanyl analogues poses new challenges. While it is illegal to possess or sell fentanyl analogues in the U.S. under federal law, only select fentanyl analogues are included on the New York State list of controlled substances. Beyond this obvious hurdle, orders for small quantities of fentanyl and fentanyl analogues are placed through the dark web and parcels are shipped via package delivery services. Transshipment points in Europe and Canada are used to conceal the point of origin. We must develop new methods to successfully identify the source of these synthetic drugs and to intercept packages containing the product.

Fentanyl and Analogues Lead China's Synthetic Opioid Landscape



Source: UN Office on Drugs and Crime's March 2019 report: "Synthetic Drugs in East and South-East Asia."

Fentanyl Analogues linked to Overdoses

Spates of overdose deaths in New York City have been linked to particular fentanyl analogues as a result of painstaking analyses by the Office of the Chief Medical Examiner and my office. In 2017, approximately 20% of all fatal overdoses in Brooklyn South and Staten Island were linked to four fentanyl analogues that remain legal to possess and sell in New York State. Fentanyl analogues are being seized by the NYPD with alarming frequency. In a more recent example, in late 2018 the Office of the Chief Medical Examiner identified at least 11 overdose deaths that involved valeryl fentanyl, a fentanyl analogue among those not included on the New York State list of controlled substances.

At around that same time as this rash of valeryl fentanyl-related fatalities, one of our major international investigations conducted with the New York Drug Enforcement Task Force resulted in the seizure of valeryl fentanyl, along with a total of 32 kilograms of fentanyl and heroin (nearly 70 pounds). The head of a local trafficking network, Juan Silva Santos, was arrested in the vicinity of a Popeye's restaurant in the Bronx in October while meeting with an alleged representative of

a Mexico-based narcotics supply organization. Narcotics recovered from two apartments in the Soundview neighborhood of the Bronx and a luxury residential complex in Ridge Hill, Yonkers would have carried a street value upwards of \$10 million. Santos is charged with Operating as a Major Trafficker under New York State's drug kingpin statute.



Over 30 kilograms of heroin, fentanyl and fentanyl analogues recovered in the Bronx and Yonkers.

New Trend: Counterfeit Pill Manufacturing

Over the past year, we have seen an upsurge in seizures of counterfeit pills containing fentanyl. Intelligence suggests Mexican cartels are manufacturing these pills, often formed to resemble oxycodone pills. Last month, approximately 20,000 pills of counterfeit oxycodone containing fentanyl were recovered as a result of two investigations. The pills carried a street value of up to \$600,000. Nearly 14,000 pills stashed in a cellphone store in the Fordham Manor neighborhood of the Bronx were recovered by the New York Drug Enforcement Task Force with the assistance of a Port Authority Police K-9. Two brick-shaped packages of suspected heroin were also found at the shop. Just days earlier, agents and officers made a seizure of identical looking pills from individuals travelling by car southbound on the FDR Drive. Approximately 6,000 fentanyl pills were recovered in that case. In both instances, intelligence suggested the pills originated in Mexico.



Counterfeit oxycodone pills and fake ecstasy pills seized from a pill mill in the Bronx.

Local organizations are also producing counterfeit pills using pill presses. A recent investigation that began with street sales of purported oxycodone pills led members of the New York Organized Crime Drug Enforcement Strike Force to uncover a fentanyl pill manufacturing operation based in a residential

building in the Bronx. A counterfeit pill ring and an allegedly complicit building superintendent commandeered a boiler room and an adjacent studio apartment to pump out thousands of fake oxycodone pills made from a dangerous mixture of heroin and fentanyl, as well as purported ecstasy pills that proved to contain highly addictive methamphetamine.

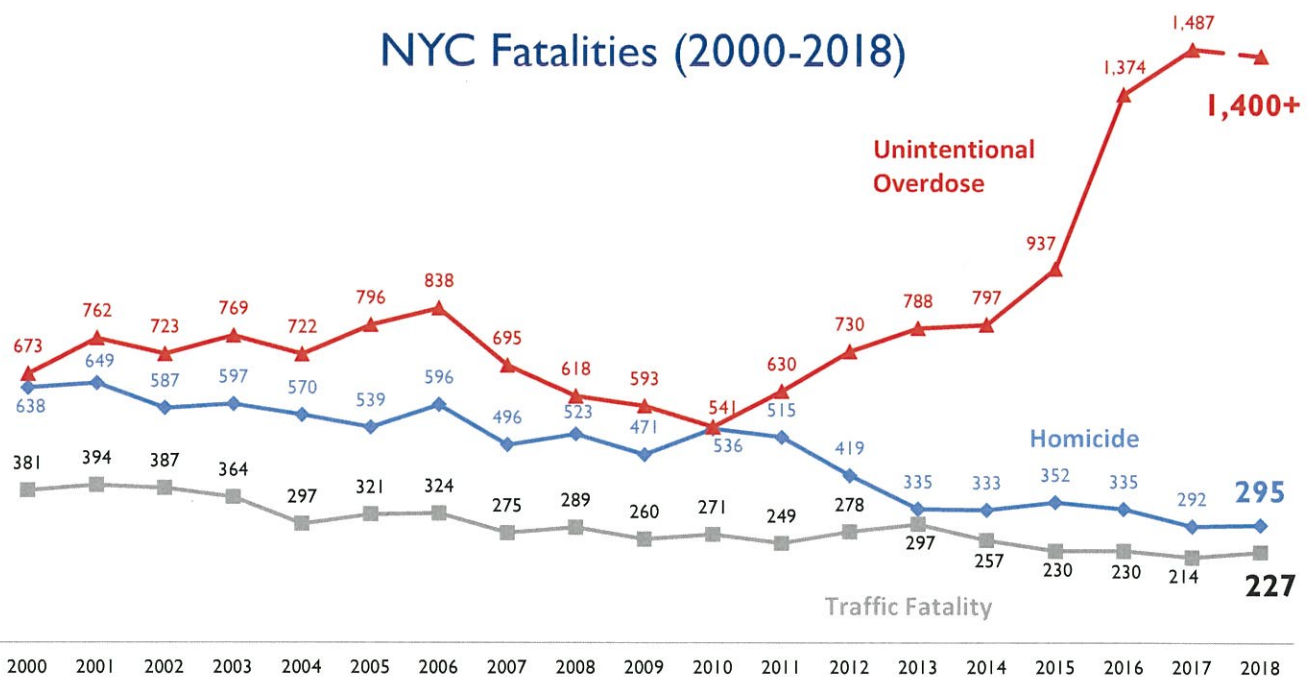
A search of a bathroom at the location yielded a pill press machine, pill press imprints designed to create oxycodone markings, multiple surgical masks and a vacuum sealer. A refrigerator held food storage containers filled with substances in assorted colors, as well as paraphernalia including cutting agents, grinders and containers.



The pill press machine manufactured thousands of potentially lethal pills for distribution.

A Strategic Approach

NYC Fatalities (2000-2018)



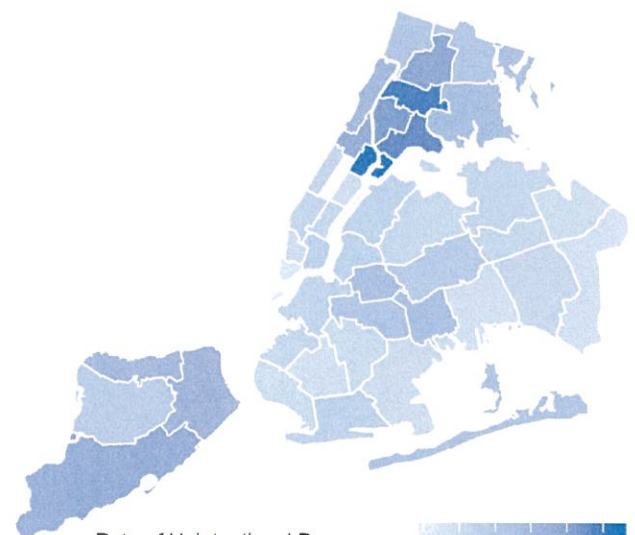
For the first time in a century, the U.S. life expectancy has declined for three consecutive years. Drug overdoses claimed 70,237 lives nationally in 2017 for a rate of 21.7 per 100,000. Synthetic drugs, specifically fentanyl and fentanyl analogues, are largely responsible. An estimated 45% more overdose deaths involved synthetic opioids in 2017 than in 2016, according to the U.S. Centers for Disease Control and Prevention (CDC). In New York City, the number of fatal overdoses remains tragically high.

are seeing overdose death rates that are double that of the national average and comparable to some of the hardest hit states, like Ohio and Pennsylvania.

SNP and the District Attorneys are at the forefront of efforts to address the crisis in New York City. SNP

Top Overdose Rates Shift to the South Bronx and East Harlem

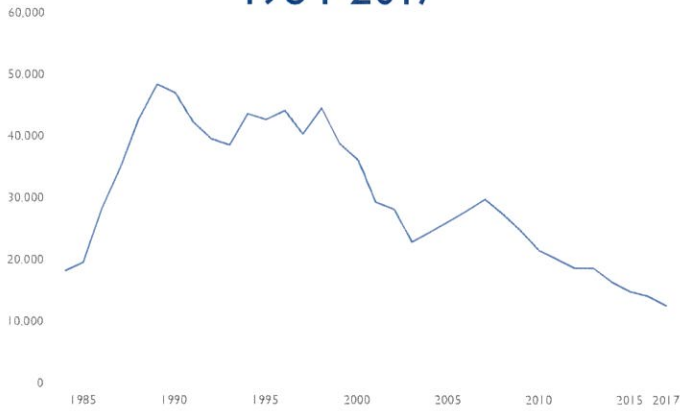
Despite this grim state of affairs, there are indications that we are starting to make progress in New York City. After seven consecutive years of increasingly higher numbers of overdose deaths, the rate of fatalities appears to have stabilized in 2018. An estimated 1,400 people fatally overdosed in New York City last year, which is roughly comparable to or below the total of 1,487 for 2017. According to the most recently available data on overdose death rates, New York City was below the national average at 21.2 per 100,000 in 2017.



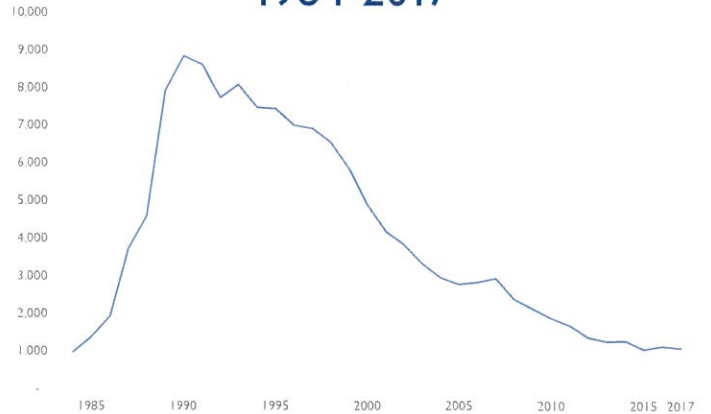
Rate of Unintentional Drug Poisoning (Overdose) Death, Per 100,000 Residents
October 1, 2017 – September 30, 2018

We must maintain a laser-like focus on this urgent crisis, which continues to escalate in some areas of the city. Parts of the South Bronx and Upper Manhattan

NYC Felony Drug Arrests (PL 220): 1984-2017



NYC Drug Prison Sentences: 1984-2017



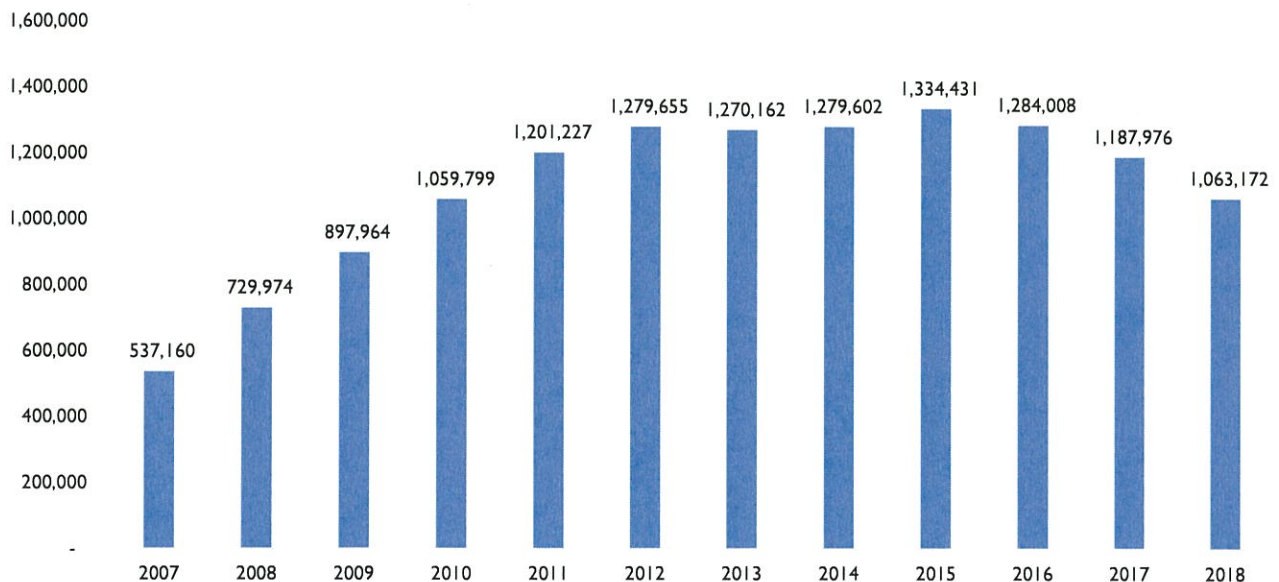
Source: New York State Division of Criminal Justice Services

investigations have resulted in the removal of two tons of heroin and fentanyl from the black market over the past five years. Together with our law enforcement partners, we have crafted a strategic approach targeting large scale fentanyl and heroin distributors, those who sell drugs specifically linked to overdoses, pill mills and traffickers involved in violence. At the same time, our efforts are consistent with City and State goals of reducing arrest and incarceration rates. We are also committed to developing innovative solutions in collaboration with partners in the treatment field, public health, the private sector and our communities.

In another indication of apparent progress, the number of prescriptions that New York City residents filled for

the most abused type of prescription opioid painkiller, oxycodone, has declined considerably. Research indicates that the vast majority of those addicted to heroin and/or fentanyl (although not all) report first developing a dependency on pills. For a measure of this progress, we look to the number of prescriptions filled for the most widely abused type of opioid painkiller, oxycodone, as tracked by the New York State Health Department's Bureau of Narcotic Enforcement (BNE). As of 2018, the number of oxycodone prescriptions filled by New York City residents has declined by 20% from its height in 2015. Additionally, the average number of pills dispensed per prescription has declined.

Oxycodone Prescriptions Filled by NYC Residents: 2007-2018



Overdose Deaths Spark Investigations

In response to overdose deaths across the city, SNP and the NYPD work to identify sources of supply through wiretaps, surveillance and other investigative tools. The primary goal in these cases is to prevent further overdose deaths by prosecuting those responsible for distributing lethal narcotics. Some drug sellers, although certainly not all, are aware they are putting customers' lives in jeopardy. Customers are often left in the dark as to the contents of drugs they are purchasing. Because fentanyl is up to 50 times more potent than heroin – with just two to three milligrams making up a potentially lethal dose – using street drugs such as heroin and fentanyl is akin to playing Russian roulette.

In a recent investigation, the fatal overdose of a 28-year-old man at a diner in Manhattan's Upper East Side led to 13 arrests, including that of an alleged Bronx drug dealer charged with knowingly peddling potent fentanyl-laced heroin that could cause overdoses. The alleged dealer, Jose Jorge, aka "Cataño," told an undercover officer that he viewed fentanyl as good for business, because while it gives a higher high, it also wears off

faster. Cataño acknowledged the dangers of overdose, especially for those customers who had not used opioids recently or who were accustomed to heroin, but not to fentanyl. In addition to charges of Conspiracy and Criminal Sale of a Controlled Substance, Cataño faces four counts of Reckless Endangerment in connection with four sales of fentanyl.

Another of the 13 defendants arrested earlier this month was Edward Wagner, a former police officer whose son died during the investigation. Prior to his death, Wagner's son had made multiple purchases of narcotics, including fentanyl, from Cataño and then resold the narcotics to an undercover officer. Wagner allegedly chauffeured his son from Manhattan to the Bronx for the purpose of conducting these narcotics transactions. After his son's death, Wagner began selling directly to the undercover officer. The son originally came under the scrutiny of law enforcement because he was a friend and neighbor to the 28-year-old overdose victim and is believed to have provided drugs to the victim.

Prescription Drug Investigations

Since its creation in 2011, SNP's Prescription Drug Investigation Unit (PDIU) has targeted numerous large-scale pill mills, pharmaceutical drug trafficking rings and corrupt medical practitioners who sell prescriptions for highly addictive pills in exchange for cash. As a result of these efforts, combined with improved education for doctors, increased public awareness and more effective regulatory systems, such as the state's implementation of its Internet System for Tracking Over-Prescribing Act (I-STOP), the black market supply of diverted prescription drugs in New York City has been reduced.

Our investigations have uncovered a wide array of criminal schemes that share a common goal: to turn a profit from illegally prescribed drugs. Two cases resulted in doctors being charged with manslaughter in

connection with patients' overdose deaths. The first of these cases resulted in a conviction by jury and a 10-year prison sentence. The second case is pending against Dr. Lawrence Choy, who faces two counts of Manslaughter and multiple counts of Reckless Endangerment in connection with three patients' deaths. Choy allegedly used his medical practice in Flushing, Queens to illegally prescribe opioid medication and other addictive prescription drugs in large quantities and dangerous combinations for no legitimate medical purpose. The activity continued even when patients demonstrated clear signs of addiction, such as failing health, frequent accidents and entering drug treatment programs.

Other corrupt medical practitioners who operate pill mills cater to drug trafficking networks seeking to re-



Bridget G. Brennan announced a major pill mill investigation at a press conference at DEA New York Division Headquarters.

sell pills on the street, or prey on vulnerable patients to defraud publicly subsidized insurance programs. Last week, Dr. Lazar Feygin admitted to orchestrating overlapping schemes that resulted in millions of pills of oxycodone being illegally dispensed and millions of dollars in fraudulent claims being billed to Medicaid and Medicare.

Feygin pled guilty to 16 felony charges, including multiple counts of Conspiracy, Criminal Sale of a Prescription and Health Care Fraud. A total of 13 individuals were charged and three Brooklyn pill mills shuttered – two operated by Feygin and one by former Feygin employees headed by Dr. Paul McClung. McClung and

three other defendants previously entered guilty pleas and were sentenced. The cases against seven defendants remain open.

The three pill mills issued illegal prescriptions for 6.3 million oxycodone pills between 2012 and 2017. Feygin operated Parkville Medical Health, P.C. in Kensington and LF Medical Services of NY, P.C. in Clinton Hill, while McClung operated PM Medical, also in Brooklyn. Under Feygin's direction, medical professionals and office staff employed at his clinics allegedly subjected patients to unnecessary medical tests that were then fraudulently billed to Medicaid and Medicare. To induce patients to submit to these tests, Feygin and his staff illegally provided patients with prescriptions for oxycodone, an addictive opioid painkiller, for no legitimate medical purpose.

Among New York State's top Medicaid billers, Feygin's clinics received over \$16 million in reimbursements from Medicaid/Medicare between early 2012 and early 2017. The McClung clinic brought in over \$8.6 million in revenue between 2013 and 2017.

Members of the conspiracies engaged in laundering money to conceal illicit proceeds. As the main architect of the scheme, Feygin held extensive real estate holdings, made frequent trips overseas and regularly purchased luxury goods. A federal civil forfeiture action is currently being overseen by the U.S. Attorney's Office for the Eastern District of New York.

Prevention and Education

A wide variety of outreach efforts are underway in New York City to reach people with substance abuse disorders and ultimately to save lives. The District Attorneys have launched a variety of initiatives to connect eligible defendants with peer counselors and treatment services in lieu of facing prosecution.

Meanwhile, the Mayor's Office and the New York City Department of Health and Mental Hygiene (DOHMH) have embraced a multifaceted approach through the Thrive NYC initiative. Significant resources have been

dedicated to harm reduction strategies, such as distribution of the overdose reversal drug naloxone. First responders, including members of EMS and the NYPD, have reversed thousands of overdoses.

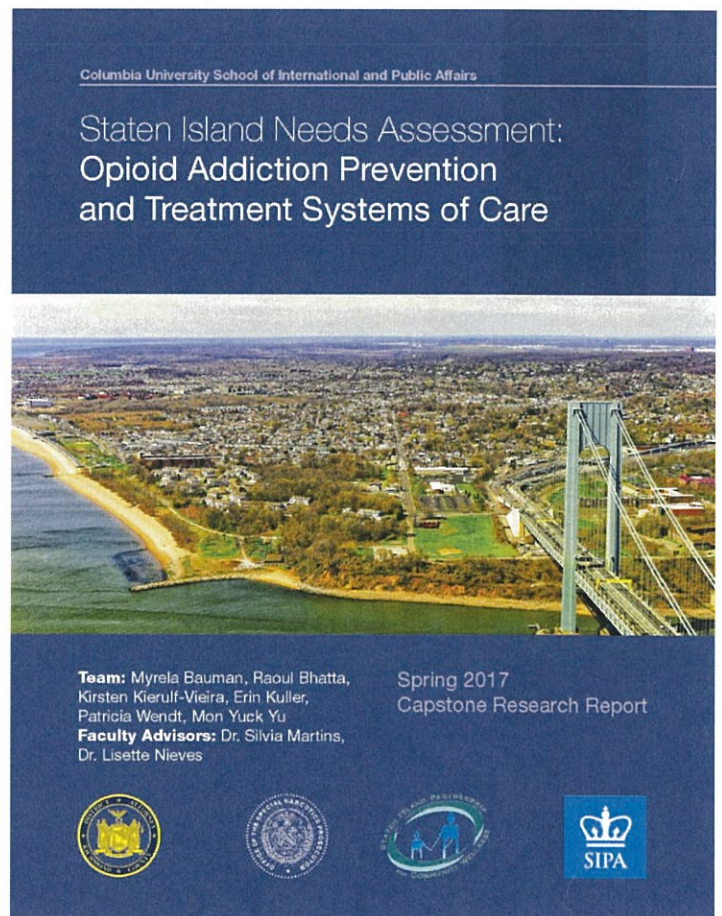
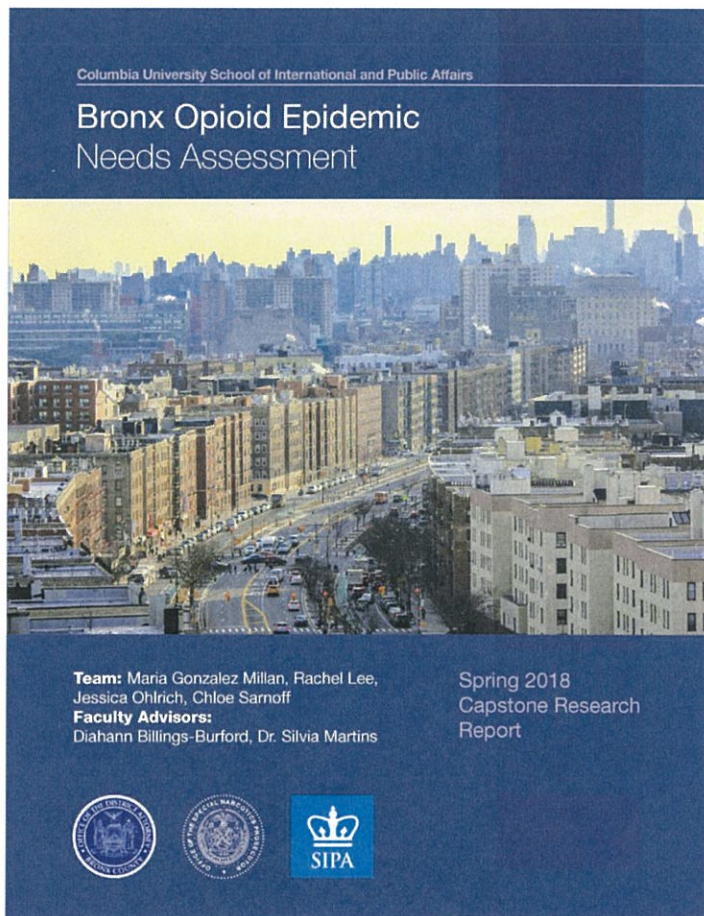
While sensible harm reduction strategies are a necessary and effective approach when assisting chronic drug users already in the throes of addiction, more must be done to prevent the next generation from falling prey to opioid addiction. Beyond SNP's core mission to reduce the supply of narcotics, the office

advocates for education and prevention messages targeting potential drug users. It is critically important to educate the public about fentanyl and the much-heightened risks associated with the use of street drugs, and particularly lethal synthetics like fentanyl.

Columbia University Examines Opioid Epidemic

SNP and the District Attorneys for Staten Island and the Bronx are serving as co-clients on a capstone project with Columbia University's School of International and Public Affairs (SIPA). A team of graduate students, guided by a faculty member, is conducting research to explore effective educational strategies and prevention messaging about opioid drugs for middle school and high school students citywide. The study involves focus groups at schools throughout the city and interviews with a range of stakeholders, and will yield an independent academic report with

recommendations and related pilot projects. Over the past two years, SIPA capstone teams conducted research on the impact of the opioid epidemic in Staten Island and the Bronx, with a focus on treatment options and gaps. The Staten Island study, completed in May 2017, resulted in a report entitled, "Staten Island Needs Assessment: Opioid Addiction Prevention and Treatment System of Care," for which the office of District Attorney Michael McMahon, SNP and the Staten Island Partnership for Community Wellness were co-clients. The Bronx study, completed in 2018, resulted in a report entitled, "Bronx Opioid Epidemic: Needs Assessment." Through interviews, data analysis and mapping, the reports generated findings and recommendations to guide future steps to effectively address the opioid problem. Students presented their findings at gatherings of elected officials, members of the law enforcement and legal communities, public health professionals, treatment providers, academic researchers and advocacy groups.



Students from SIPA produced reports for SNP, the Bronx County District Attorney's Office, the Richmond County District Attorney's Office and the Staten Island Partnership for Community Wellness.



The Filmmaking Project culminated with a screening of student films “Broken Ankles” and “The Haunting at the Wynn Center.”

Community Initiatives

SNP seeks to leave a positive footprint on communities touched by our major drug enforcement operations by investing in the development of the neighborhood youth. In the wake of a long-term investigation in the vicinity of the Roosevelt Houses, SNP provided financial support to the Police Athletic League (PAL) to launch the After School Filmmaking Project at the PAL Wynn Center in Brooklyn. Youth explored their creativity while learning how to make their own film, including fundamentals of film and video and the steps of narrative filmmaking from pre-production to post-production.

The 32-week project culminated with a student film festival, The PAL Wynn Center Film Premiere. Special Narcotics Prosecutor Bridget G. Brennan, Brooklyn District Attorney Eric Gonzalez and PAL Executive Director Frederick Watts hosted the event. Attendees were treated to screenings of two films produced by talented middle schoolers, “Broken Ankles” and “The Haunting at the Wynn Center.” The Filmmaking Project is the result of collaboration be-

tween SNP, the Brooklyn District Attorney’s Office, PAL, the NYPD, NYCHA and Grand St. Settlement, a nonprofit organization that helps administer the Roosevelt Houses Community Center. Funding derived from SNP’s Safe Neighborhood Initiative.



Middle school students dressed up like movie stars for the film premiere.

Funding

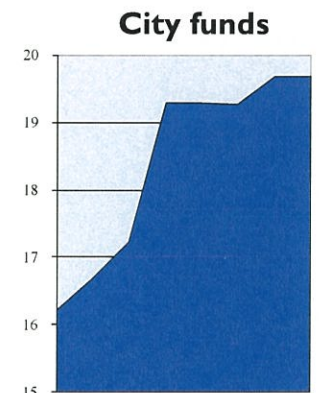
Overall Funding Outlook

For current fiscal year 2019, City funds have increased by \$687,030 to cover increases under various collective bargaining (CB) contracts. These contracts were settled between the City and the respective unions in the last quarter of 2018. CB funds received in current fiscal year are in cash and have been used to cover salary increases set for the year per contract terms.

In the City's preliminary plan for fiscal 2020, \$1,180,928 in baseline CB funds were proposed for our office to cover salary adjustments processed and annualized from fiscal 2019 as well as contractual increases due in fiscal 2020. Based on the same union contracts, an additional \$179,042 in CB funds were proposed for fiscal year 2021 and the future years.

Net of CB funds received, our fiscal year 2019 total funding remains unchanged since adoption. Our expected total funding for next fiscal year 2020 is \$74,904 higher than current year.

City Funding Needs



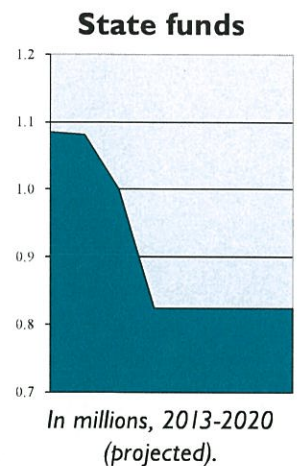
In millions, 2013-2020 (projected) CB funds excluded.

We are grateful for the support we have received from the City Council in recent years. In our executive budget for fiscal year 2019, with your help, the City provided new needs funding to assist with our Enhanced Early Disclosure and Expanded Investigations Support initiative. As a result, we have since added four paralegal staff to aid Assistant District Attorneys with document and transcription review, preparation of exhibits for grand juries and trial, and witness coordination. In addition, we have also hired a new IT specialist with funds provided by the City in June 2018. These additional resources are crucial to our operations.

With an overall robust job market, recruiting and retaining Assistant District Attorneys has proved challenging. Similarly staff with the investigative and analytical skills that are critical to our more complex cases are in high demand. All too often, after intense training and specialized experience with our office, skilled staff receive competitive offers from other federal, state or local law enforcement agencies that we are unable to match.

State Funding Reductions

In fiscal year 2016, two of our three state grant programs were ended by DCJS. The total loss in State funding that year alone was \$257,100 or 24%. We are hopeful that State funding for the remaining grant, SNP Aid to Prosecution program, continues at the same level in fiscal year 2020 as in the prior year. Over the past decade, fund-

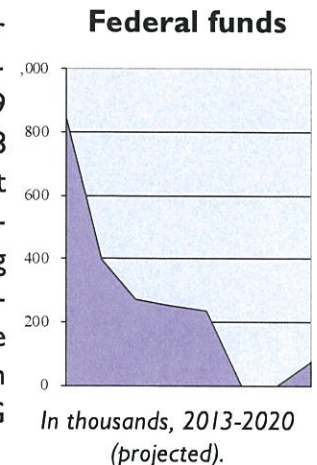


In millions, 2013-2020 (projected).

ing for this longest running grant of ours has been reduced six times from \$1,425,000 in fiscal 2003 to a total of \$825,000 in fiscal 2019. The loss in this state grant alone amounted to a stunning \$600,000 or 42%.

Loss in Federal Funds

Over the past six years, our Federal funding has been drastically reduced from \$843,059 in fiscal year 2013 to \$236,728 in fiscal year 2017. In current fiscal year 2019, we have received \$0 in federal funding due to our sanctuary city status. For fiscal year 2020, we expect to receive \$74,904 in federal funding for our JAG Narcotics Predator program.



In thousands, 2013-2020 (projected).

Case Highlights

Prescription Drug Investigations

Queens Doctor Faces Homicide Charge in Patient Deaths

Dr. Lawrence Choy was indicted on homicide charges and criminal sale of prescriptions to 14 patients of his former Flushing, Queens medical practice. Three of the doctor's patients died of overdoses, including two patients whose deaths are the subject of manslaughter charges. A doctor for over 35 years, Choy allegedly began prescribing addictive opioid painkillers and other controlled substances in dangerously high dosages and potentially lethal combinations in 2012. The timing coincided with the filing of tax warrants against him for more than \$1 million. Two of Choy's patients fatally overdosed three days after receiving prescriptions from him: one received prescriptions for the dangerous combination of oxycodone and alprazolam and the other received prescriptions for a total of 720 pills of oxycodone, alprazolam and a muscle relaxant. The indictment contains a total of 231 counts, including manslaughter, reckless endangerment and criminal sale of a prescription for a controlled substance. Choy abandoned his practice after he learned he was under investigation. He was arrested in Sheboygan, Wis.

Doctor and Wife Ran Upper West Side Pill Mill

Rogelio Lucas, a doctor for more than 40 years, and his wife Lydia Lucas were convicted at trial in connection with running a pill mill in the Upper West Side of Manhattan. Jurors returned guilty verdicts on a Conspiracy charge and 29 counts of Criminal Sale of a Prescription for a Controlled Substance. Rogelio Lucas was sentenced to 1 1/3 to 4 years in prison and Lydia Lucas, who managed the medical practice, was sentenced to 1 to 3 years. Beginning in 2009, the couple's medical practice churned out prescriptions for \$80 million in oxycodone in exchange for illegal cash payments. Approximately 3.2 million pills of oxycodone flooded the streets in connection with this criminal activity at a time when overdose death rates in New York City were peaking. In conjunction with the arrests, which occurred in 2015, investigators recovered approximately \$680,000 in cash from the Lucas's Scarsdale residence. In one year, the couple made approximately \$500,000 in cash deposits into multiple back accounts. Rogelio Lucas surrendered his medical license in 2016.

Deadly doc busted as an opioid pusher

BY KHADIJA HUSSAIN
and LEONARD GREENE
NEW YORK DAILY NEWS

A DOCTOR WHO prescribed addictive painkillers and other controlled substances that resulted in three overdose deaths in New York was as much of a menace as a drug dealer pushing poison on the street, authorities said Thursday.

Lawrence Choy (photo) was arrested in Wisconsin, where he moved after local investigators visited the Flushing, Queens, office he used while treating the patients who died after taking drugs he allegedly prescribed.

Along with prescribing high dosages of addictive opioids, Choy allegedly disregarded federal guidelines by pushing other drugs that suppress a person's respiration.

The result, according to prosecutors, were the deaths of three men — two of whom died just three days after being prescribed the drug cocktail.

"Dr. Choy's blatant disregard to the practice of medicine became a parent's worst nightmare and an opioid addict's dream, said Drug Enforcement Administration Special Agent in Charge James Hunt.

"Similar investigations into the diversion of prescription medication have put doctors at the same level as drug kingpins; both types of traffickers push millions of doses of opioids into our communities, leaving grieving families in their wakes."

The victims included Eliot Castillo, 35,

who suffered a fatal overdose on Feb. 23, 2015. He was found dead on a couch in his mother's Jamaica, Queens, home three days after he received a prescription from Choy, officials said.

An autopsy determined Castillo died from acute intoxication by the combined effects of oxycodone and alprazolam, more commonly known as Xanax.

Michael Ries, 30, died similarly a year later at his family's home in Hauppauge, L.I. Three days before Ries died, he received prescriptions for a total of 720 pills, or 24 pills per day.

Choy, 65, was charged with manslaughter in connection with the deaths of Castillo and Ries.

Daniel Barry, 43, who lived in Suffolk County, suffered an overdose and died in 2016. Choy was charged with reckless endangerment in connection with Barry's death.

He also faces 220 counts of criminal sale of a prescription for a controlled substance. Choy was arrested in Wisconsin in March and extradited to New York.

He attracted patients from Long Island, New York and Pennsylvania, said Bridget Brennan, New York's special narcotics prosecutor.

"We are facing an opioid epidemic that has many dimensions in this city," Brennan said. "If we are to get ahead of this problem we must turn off the source of supply. Many of his patients were turned into addicts. They did not walk into his office with an addiction issue."



New York Daily News, June 7, 2018

Brooklyn Pharmacist Forged Painkiller Rx's

A pharmacist in Bensonhurst, Brooklyn was indicted for forging prescriptions for 5,000 oxycodone pills in order to illegally sell the pills. Inspectors with the Office of the Medicaid Inspector General (OMIG) first uncovered the alleged criminal activity when they noted discrepancies in the pharmacy's controlled substance records and inventory. Eight prescriptions that proved to be illegitimate were numbered sequentially and purportedly issued by the same physician, a family practitioner in Brownsville, Brooklyn. The pharmacist raised further suspicions when she admitted to inspectors that records related to the prescriptions were at her home. Each forged prescription bore a different patient name, but the same date. The estimated value of 5,000 30mg oxycodone pills is \$150,000.

Fentanyl and Heroin in Bulk

70 Pounds of Heroin and Fentanyl Seized: Kingpin Charged

Five defendants were indicted in connection with over 30 kilograms of heroin, fentanyl and fentanyl analogues worth millions of dollars recovered in the Bronx and Yonkers. The alleged head of a local drug trafficking group, Juan Silva Santos, is charged with Operating as a Major Trafficker. Santos was arrested as he met with an alleged representative of a Mexico-based drug supply organization at a Popeye's restaurant in the Bronx. The supplier had flown into JFK Airport the previous day and visited a nearby drug stash apartment maintained by Santos's ring on Underhill Avenue. Members of the New York Drug Enforcement Task Force recovered 18 kilograms of narcotics from the stash apartment as well as equipment used to mix and repackage the drugs for wholesale distribution. A search of a luxury apartment complex in Yonkers where Santos resided resulted in the seizure of \$28,000 cash from a bedroom closet and 14 kilograms of heroin and fentanyl from inside a suitcase in a storage locker. The locker was associated with Santos's apartment, but located in a common area of the building. Narcotics packages had been pressed into slim brick shapes designed to fit under the suitcase's lining.



Potentially lethal fentanyl was stashed in a storage locker at a luxury apartment complex in Yonkers and a Bronx apartment outfitted with hidden compartments in the walls.



A duffel bag containing 17 kilograms of fentanyl was left on top of a hotel vending machine. The narcotics originated in Mexico.

Mexico-based Fentanyl Source Indicted

A Mexico-based narcotics supplier was indicted under New York State's drug kingpin statute for flooding New York City with large loads of fentanyl. Francisco Quiroz-Zamora allegedly orchestrated the delivery and sale of at least 20 kilograms of fentanyl (44 pounds) by phone from San José del Cabo. Members of the DEA's New York Organized Crime Drug Enforcement Strike Force, Financial Investigations Team (FIT) arrested Quiroz-Zamora at Penn Station in November of 2017 as he arrived in the city to collect an alleged narcotics payment. Most of the fentanyl seized in the case was found in a duffel bag on top of a vending machine in a 7th floor hallway of the Umbrella Hotel in the Bronx. A nearby room was occupied by an alleged Quiroz-Zamora associate. The alleged kingpin also supplied a drug crew headquartered at 448 Central Park West. An apartment in the upscale neighborhood was used to store and package drugs, some of which were stamped with the brand name "Uber." An Uber driver was among six defendants charged in the case.

Tow Truck Carried Fentanyl Load

Approximately 17 kilograms of fentanyl were recovered from a van on top of a flatbed tow truck on Ridgewood Avenue in Yonkers, N.Y. Members of the New York Drug Enforcement Task Force discovered the narcotics after tracking a separate vehicle accompanying the tow truck as it travelled from New Jersey to Yonkers. A K-9 Unit detected the presence of narcotics inside the rear lift gate of the 2012 Chrysler Town and Country van. Three individuals present were arrested. Agents learned one of the defendants was staying at a Holiday Inn Hotel in East Windsor, N.J. and conducted a search of his hotel room, recovering \$49,000 cash contained in heat-sealed bags. A search of another defendant's Yonkers apartment led agents to seize a kilo press and drug ledger.

Fentanyl Hidden in Fish

Police detected something fishy when they encountered kilogram-sized food packages packed in coolers in a suspected drug dealer's car in the Bronx. A pair of Styrofoam coolers contained four packages: three with fish inside and a fourth with chili. Closer inspection by officers with the NYPD's Queens Narcotics Major Case Squad revealed the food was wrapped around a white powdery substance covered in green plastic wrap. Police had identified the suspect during a wiretap investigation and obtained a court authorized warrant prior to searching the car. Laboratory analysis identified the powder as the potent synthetic opioid fentanyl. Johnny De Los Santos-Martinez was sentenced to four years in prison after pleading guilty to drug possession charges.



Food items like fish and chili are used to conceal the smell of fentanyl and other narcotics during transport.



Tomato boxes were outfitted with false bottoms to conceal heroin in a journey from Chicago to New Jersey.

Heroin Smuggled from Chicago in Tomato Boxes

Two men who used tomato boxes with false bottoms to transport 10 kilograms of heroin (over 22 pounds) from Chicago were arrested as they carried part of the load into New York City. Members of the New York Drug Enforcement Task Force tracked the suspects' movements as they parked a U-Haul van at a Best Western motel in Fort Lee, N.J., and then drove across the George Washington Bridge into Manhattan. Agents stopped the suspects in Upper Manhattan and found a cardboard box containing two kilograms of heroin inside the vehicle. Agents then returned to the motel with a New York State Police K-Unit, which detected narcotics inside the U-Haul van. In the back of the van were boxes of raw tomatoes. False bottoms concealed eight kilograms of heroin. Agents learned that the load of narcotics was destined for a customer in the Bronx.

Fentanyl Pressed into Counterfeit Pills

“Mexican Oxy” Contained Fentanyl

Over the course of one week, agents recovered 20,000 counterfeit 30 mg oxycodone tablets. The potentially lethal counterfeit tablets are believed to have originated in Mexico and would have carried a street value of up to \$600,000. Members of the New York Drug Enforcement Task Force seized the pills in two separate investigations in the Bronx and Manhattan. Four defendants are charged. Agents recovered 14,000 pills and two kilograms of heroin from a cellphone store in Fordham Manor in the Bronx with the assistance of a K-9 Unit with the Port Authority Police. Another 6,000 pills were found in a livery car near the FDR Drive.



Counterfeit oxycodone made from fentanyl is often produced in Mexico and is increasingly common in NYC's black market.

Lethal Counterfeit Pills Made in the Bronx

A Bronx trafficking ring used a pill press to manufacture thousands of potentially lethal counterfeit oxycodone pills and fake ecstasy in a residential building in the Fordham Heights neighborhood of the Bronx. A boiler room and an adjoining apartment doubled as a factory for the large-scale drug operation. Three defendants were arrested, including the superintendent of the building, who allegedly provided access to the rooms for pill manufacturing. A total of



Agents donned personal protective equipment to prevent contact with dangerous substances while searching the pill manufacturing location.

6,300 pills were recovered during the investigation. The pill press, dyes, imprints, surgical face masks and other drug manufacturing equipment were recovered from the apartment adjoining the boiler room area after building management consented to a search. Agents also seized approximately 1,000 counterfeit oxycodone pills, 1,500 fake ecstasy pills and approximately one pound of heroin and methamphetamine. Prior to the search, two of the defendants were arrested in possession of 3,000 counterfeit oxycodone pills and 50 fake ecstasy pills as they prepared to sell the tablets to undercover officers for approximately \$25,000.

NYC Distribution Networks

“Death” For Sale at Bronx Drug Mill

A drug packaging operation poised to sell 22 kilograms of heroin and fentanyl (50 pounds) under brand names like “Death,” “Dexter” and “Heartless” was dismantled in the Soundview neighborhood of the Bronx. The narcotics were destined for the streets of New York City and the Northeast. Members of the New York Drug Enforcement Task Force recovered the 21 kilograms and a large amount of drug packaging materials, including over 100 ink stamps bearing an array of brand names, from an apartment on Morrison Avenue. Four individuals who were present when agents conducted a court authorized search of the apartment were arrested. A fifth defendant was arrested earlier that day. Agents were conducting surveillance at the residential building when they saw a suspect exit with a shopping bag and hail a livery cab. Agents stopped the car and recovered a kilogram of suspected heroin from the shopping bag. The narcotics could have produced a million lethal doses and sold for more than \$7.5 million.



A Bronx drug ring touted the dangerous drug mix it produced, using brand names like “Death” and “Heartless.”

Williamsburg Heroin and Fentanyl Traffickers

Escalating overdose deaths in Williamsburg, Brooklyn sparked an investigation into a street-level heroin and fentanyl trafficking network. Four alleged dealers were indicted in connection with sales to undercover officers between October 2017 and January 2018. Drugs were stamped with the brand names “Dream Chasers,” “Time Out” and “Pacman.” This last stamp was associated with a fatal overdose in the area. In one sale, Victor Rovira sold 800 glassines of a heroin and fentanyl mixture for \$4,850 in front of 327 Grand St., two blocks from the popular music venue the Knitting Factory. Rovira pled guilty and was sentenced to 4 ½ years in prison for the sale of narcotics. Edward Estrada, an alleged supplier for Rovira, also pled guilty and received a sentence of 3 ½ years in prison for the sale of narcotics and 1 ½ to 4 ½ years in prison for conspiracy.



An overdose death involving fentanyl-laced heroin stamped “Pacman” sparked an investigation in Williamsburg.

Staten Island Probe Leads to Citywide Suppliers

A heroin and fentanyl distribution chain spanning three boroughs was disrupted as a result of an investigation into drug trafficking on Staten Island. Nine defendants were arrested, including a Bronx-based defendant who regularly commuted to his drug trafficking job on Staten Island via the Staten Island Ferry. Undercover sales and court-authorized wiretaps led police to identify mid-level suppliers in the Bronx and high-level suppliers in Manhattan. Eleven sales took place in Staten Island and the Bronx for a total of nearly \$24,500. One drug transaction occurred at the bar of an Applebee’s restaurant in the Bronx and in close proximity to a drug ring member’s children.



A drug ring conducted a large narcotics transaction at the bar of an Applebee’s restaurant in the Bronx.

Poker and Drug Operations in the Village

An investigation into cocaine and heroin trafficking in the East Village of Manhattan led police to uncover a sophisticated illegal poker ring across town on Sixth Avenue. The wiretap investigation culminated in the arrests of 32 individuals in New York City, Massachusetts, Georgia and Florida. Court authorized searches of several locations yielded \$125,000 cash, multiple guns, a kilogram of cocaine (over two pounds) and various quantities of heroin, marijuana and Xanax pills. Police identified a local drug trafficker as the head of the interrelated operations. He partnered with a Georgia-based defendant who oversaw online promotions and recruitment of clientele. The poker house catered to New York City professionals and required a \$200-\$500 minimum buy in. Proceeds from the illegal gambling operation were used to fund further narcotics trafficking.



An investigation into intertwined drug and gambling operations resulted in 32 arrests.

NYCHA Employee Charged in Drug Sting

A New York City Housing Authority (NYCHA) employee was arrested on drug possession charges as a result of an investigation into alleged drug dealing by her live-in partner, Javier Arroyo. Police recovered 1,800 sleeves of heroin from an apartment at Ingersoll Houses occupied by Michelle Flores, a NYCHA executive secretary. During the investigation, Arroyo allegedly conducted multiple sales of narcotics to an undercover officer. In between sales, Arroyo was observed entering the apartment.

Major Traffickers Charged in Drug Delivery Service

A lucrative drug delivery service that sold up to \$50,000 in narcotics each week was dismantled following an undercover investigation by the NYPD's Narcotics Borough Brooklyn South. Alleged leaders William Barrous and Emmanuel Batista were charged with Operating as a Major Trafficker. The delivery service was open for business from 11 a.m. to 11 p.m. seven days per week and catered to customers in the Brooklyn neighborhoods of Midwood, Sheepshead Bay, Marine Park and Mill Basin. Drugs sold included heroin, fentanyl, cocaine and prescription pills.

Employees of the delivery service worked in shifts with many commuting from Queens. Batista allegedly served as a dispatcher and oversaw daily operations. Two loaded guns, seven kilograms of heroin and cocaine (15 pounds) and nearly \$800,000 cash were recovered from Barrous's residence in a court authorized search. Large amounts of expensive jewelry were seized from both Barrous and Batista.



A drug delivery service catered to customers in Brooklyn seven days per week from 11 a.m. to 11 p.m.

Citywide Cocaine Supply



Cocaine imprinted with a crown symbol was sold from an Upper West Side apartment.

Upper West Side Cocaine Connection

A rent-controlled apartment served as a hub of drug activity in Manhattan's Upper West Side. Packages of cocaine stamped with a crown imprint were resold to traffickers in Manhattan, the Bronx, Jersey City, N.J. and Pittsburg, Penn. Six individuals sold up to 10 kilograms of cocaine per week (over 22 pounds) for \$30,000 per kilogram. The investigation centered on alleged cocaine distributor Gerrado Gonzalez, whose Columbus Avenue apartment had been passed down by his deceased mother. Gonzalez was sentenced to 6 ½ years in prison on drug possession charges. The investigation revealed Gonzalez delivered large quantities of cash to a money launderer from Brooklyn in order to conceal his illicit profits. Court authorized searches yielded more than two kilograms of cocaine, methamphetamine and \$90,000 in cash.

NYPD Officer Sentenced on Drug Charges

Former NYPD officer Jose Sierra was sentenced to three years in prison for drug possession in connection with two sales of cocaine to an undercover SNP investigator. At the time of his arrest in May of 2017, Sierra was assigned to the Housing Bureau Patrol Service Area 7 in the Bronx. He resigned from the NYPD while charges were pending. Sierra and his codefendant, Lina Maria Bedoya Muriel, met with the undercover investigator on two occasions in Long Island City, Queens in a vehicle driven by Sierra. Bedoya Muriel handed the packets of narcotics to the undercover in exchange for cash. A court authorized search of defendants' residence yielded additional quantities of cocaine, drug paraphernalia and a gun registered to Sierra.

Minnie Mouse Wrapped Gifts Contained Cocaine

A broad daylight sale of two kilograms of cocaine in front of a Mill Basin, Brooklyn beauty salon led to the arrests of three defendants. Members of the DEA's New York Organized Crime Drug Enforcement Strike Force observed salon manager Christopher Kelly remove a box covered in pink Minnie Mouse wrapping paper from the trunk of an orange Dodge Challenger and present the package to a customer. Later that night, Kelly accompanied the owner of the orange car, Salvatore Capece, to Capece's home. Kelly carried another gift wrapped box and a Burberry shopping bag. Agents obtained court authorization to search Capece's house and car. Kelly and Capece were inside the house with an open box containing two kilograms of cocaine and the Burberry bag with approximately \$73,000 inside. The vehicle's trunk contained a kilo press used to package narcotics. The following week, agents stopped Robert Woolridge, a bus driver with the Metropolitan Transportation Authority (MTA), as he was leaving his home to go to work. Woolridge admitted he had narcotics inside his residence and retrieved a UPS bag containing two kilograms cocaine, which he provided to the agents.



Agents observed drug traffickers boldly sell a package of cocaine wrapped in pink Minnie Mouse paper from a bright orange muscle car.

Methamphetamine Surge

Meth Shipped to Apple Store in Grand Central Station

A Los Angeles man was indicted in connection with multiple large-scale shipments of methamphetamine sent from California to the New York area. Richard Dean Desain allegedly sent the shipments via package delivery services and addressed them to various destinations, including the Apple Store at Grand Central Station in Manhattan. An Apple employee opened a FedEx package received by the store in July only to discover it contained what appeared to be drugs. The company contacted the NYPD and officers arrested Desain when he attempted to retrieve the package. Subsequent laboratory analysis determined the package contained over a pound of methamphetamine. A wiretap investigation linked Desain to a scheme to supply methamphetamine to the New York City area since at least August of 2017. An earlier package containing nearly a pound of methamphetamine was shipped by Desain to a residential address in Jersey City, N.J. in October of 2017. It was intercepted at a Newark, N.J. FedEx facility. The Manhattan District Attorney's Office and the Special Narcotics Prosecutor's Office are prosecuting the case jointly.



A Los Angeles-based dealer addressed a shipment of methamphetamine to the Apple Store at Grand Central Station.

JFK Airport Synthetic Drug Connection

A suspicious package passing through JFK Airport ultimately led to the seizure of a cornucopia of synthetic drugs in Chelsea and Long Island City. When a parcel containing over 5,000 pills of MDMA was intercepted by U.S. Customs and Border Patrol, members of the NYPD's Criminal Enterprise Investigations arranged for a controlled delivery to a Mail Inc. location in the Chelsea neighborhood of Manhattan. The defendant who picked up the parcel was arrested. Information developed during the investigation led police to conduct a court authorized search of a room at the Ravel Hotel, a luxury hotel in Long Island City, Queens. One defendant was arrested at the room. Police recovered over \$31,400 cash, nearly four kilograms of methamphetamine, over eight kilograms of liquid gamma-butyrolactone (GBL), more than 350 MDMA pills and quantities of cocaine, ketamine and Diazepam pills.

Drugs and Violence

Eight Charged in Brooklyn Drug Sales: Six Guns

An investigation into narcotics trafficking in the East Flatbush and Bedford-Stuyvesant neighborhoods of Brooklyn led police to arrest eight individuals and seize six guns. Members of loosely connected drug rings conducted over 60 sales of cocaine, crack cocaine and marijuana to undercover NYPD officers for approximately \$38,500. One defendant sold cocaine and marijuana to an undercover officer inside his car while his two sons were present in the backseat. The six handguns were recovered in court-authorized searches, including five from a residence in Rosedale, Queens and one in Flatbush, Brooklyn. A defendant who served as a lynchpin between the different drug rings was sentenced to seven years in prison after pleading guilty to Criminal Sale of a Controlled Substance.



Six guns were taken off Brooklyn streets during a drug trafficking investigation.

Drug Trafficking at Brooklyn's Farragut Houses

Eleven defendants were arrested for monopolizing public spaces at the Farragut Houses in Fort Greene in order to sell crack cocaine and heroin. Intimidated residents of the New York City Housing Authority development contacted the police about threats of violence and narcotics trafficking taking place in hallways, stairwells and elevators. Although no acts of violence were charged in the indictment, the investigation was sparked by a spike in crime, including multiple shootings. Charges in multiple indictments stem from more than 70 sales of heroin and crack cocaine to undercover officers at the Farragut Houses and in the surrounding area, including nearby businesses.



Guns recovered from Harlem drug traffickers.

Midday Drug Deals Disrupted on Harlem Block: Guns Seized

Community complaints about persistent drug dealing on West 123rd Street in Harlem resulted in the arrest of six defendants and the seizure of two guns. The defendants made over 50 sales of cocaine and heroin to an undercover officer with the NYPD's Narcotics Borough Manhattan North over the course of eight months. Drug dealers congregated in groups and impeded the ability of passersby, including school children, to safely use the sidewalks. Peak times for drug sales fell between 2 p.m. and 5:30 p.m. At least five schools are located within a three-block radius of the block. Police seized two guns while conducting a series of court authorized searches in conjunction with the arrests. The guns were under a mattress of a defendant who had made 17 sales of heroin and cocaine to the undercover officer.

LEGAL SERVICES STAFF ASSOCIATION

National Organization of Legal Services Workers, UAW Local 2320, AFL-CIO
256 West 38th Street, 7th Floor, New York, New York 10018
(212) 228-0992 x7 * Fax: (212) 228-0097 * E-mail lssa@lssa2320.org

Sonja Shield
President



M'Ral Broodie-Stewart
Meaghan Whyte
Vice Presidents

TESTIMONY BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON THE JUSTICE SYSTEM March 19, 2019

Good Afternoon. I am Adriana Alvarez, union member of the Legal Services Staff Association (LSSA) and a Universal Access to Counsel housing attorney at Legal Services NYC. Thank you, Councilmember Lancman and the members of the Committee on the Justice System, for allowing LSSA to testify about our work with the City Council on behalf of low-income New Yorkers.

We in LSSA are the staff employees at Legal Services NYC (LSNYC) and Mobilization for Justice (MFJ). We are a proud part of the National Organization of Legal Services Workers, Local 2320 of the UAW. We represent all non-management employees at LSNYC & MFJ – attorneys, paralegals, secretaries, social workers, fiscal and IT staff, process servers, and even maintenance workers.

Victims of domestic violence, people with HIV/AIDS, workers cheated of their wages, developmentally disabled residents of group homes, those wrongfully denied federal disability benefits or unemployment insurance, New Yorkers facing homelessness due to wrongful eviction or foreclosure, families torn apart or threatened by unnecessary foster care placements: these are but some of the New Yorkers whose rights we vindicate every day.

With our colleagues at Legal Aid, we are the safety net that catches New Yorkers as they fall. We help New Yorkers access benefits and services that keep them in their homes and away from life-threatening situations. My colleagues and I do this because we are dedicated to justice, and because we know that society can be made more equitable.

We have turned down jobs that pay more and don't require us to stare anguish in the face every day. Our decision is made possible by the wages, benefits and job security for which, through our union, we have fought so long and so hard. These benefits allow us to build careers in legal services, and then provide the benefit of those years of experience and depth of knowledge to our clients.

The City Council has been tremendously supportive of the work that we do, and has asked LSNYC to be one of the major providers of New York City's expanded efforts to fight displacement and gentrification, first with the Tenant Rights Campaign and now with Universal Access to Counsel.

We appreciate the faith and responsibility you've placed in our staff and union members to serve the low-income tenants of New York City. This is a tremendously important step forward for tenants.

Universal Access to Counsel is a monumental piece of legislation. Our unions have supported the Universal Access to Counsel and universal access in housing court since the very beginning, recognizing that high-quality eviction defense is central to protecting affordable housing and preventing displacement and homelessness in gentrifying neighborhoods. We are proud to be part of this effort and hope it is the first step toward bringing Civil Gideon to New York City.

We hope that as this program expands that the City Council continues to look for ways to fully fund these services. Universal Access to Counsel, though it provides an unprecedented amount of funding, still does not fully fund the work that is being required of providers.

The lack of complete funding forces providers to cut corners: for example, making tough decisions to not hire a social worker who could connect clients to needed services or talk to a tenant in a mental health crisis, or hiring fewer process servers and secretaries and paralegals than we really need. This results in support staff being overloaded and attorneys having to take on overwhelming amounts of peripheral administrative work, leading to widespread frustration and inefficient delivery of services.

Underfunding of the actual cost of the work also forces us to cut corners by spending less time on each case than our clients deserve. We do not want to become factories churning out pro forma stipulations of settlement: our clients deserve more than that. Please help us by fully funding what it actually takes to provide quality representation.

The rapid pace of expansion has also placed tremendous strain on the courts' physical locations. Our advocates are being forced to meet with new clients in the hallways and stairwells of the courthouses. Not only does it compromise their confidentiality to share their stories with us within earshot of strangers and landlords' attorneys, it is tremendously undignified and insulting to force tenants to do this. It also puts them at risk – at risk of identity theft, as they must share sensitive identity information in a public setting, and for many tenants, at risk of detention by ICE, as ICE agents are targeting courthouses looking for immigrants subject to detention.

The other challenge I'd like to raise is the administrative burden and delay posed by the City's cost-reimbursement system. The time required to voucher for the work creates a significant administrative burden that cuts into the time available to provide the actual client services. This vouchering process can be an impediment to the work, particularly when receivables remain outstanding for extended periods of time.

Our staff and organizations want to do the best work we can for tenants. For the vision of Universal Access to Counsel to truly be realized, we ask that you help us provide high-quality representation and meaningful access to justice for New York City tenants by identifying additional sources of funding for this work, finding confidential space within the courthouses to meet with tenants, and by finding ways to streamline and reduce the administrative burden on provider organizations.

Thank you.

FOR THE RECORD



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

Piyali Basak – Integrated Defense Practice

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council

Committee on Justice System

Preliminary Budget Hearing - Justice System

March 19, 2019

My name is Piyali Basak and I am a supervising attorney in the Integrated Defense Practice at Brooklyn Defender Services. Thank you, City Council, for the opportunity to testify about the urgent need for pay parity for public defenders with other city-funded attorneys.

I first started my career in public defense in the Family Defense Practice, representing parents in abuse and neglect cases. I loved this job, and I remained in this practice for 7 years, until I had a child. Then, I realized that the caseload made it impossible to continue in the practice. This was already an emotionally demanding job; the high caseloads, sometimes representing over 100 clients at a time, made it impossible for me to be a parent and a family defender. I transitioned to our criminal defense practice where I have been able to represent defendants in both their criminal and family proceedings in an integrated practice.

I have always wanted to be a public defender. However, after having a child my partner and I struggled with whether to stay in NYC and whether I could remain a public defender and earn a

salary that could support my family. A surprising consequence of my decision to continue in public defense has been the impact it has had on my marriage and family. My husband and I have been through some very tough times, not because I work long hours and work too many night shifts – though I do, causing childcare havoc – but because we didn't know whether we could make ends meet.

I cannot begin to adequately describe the level of anxiety our financial instability has brought to us. I have had to defer payments on our student loan debt so many times I don't think I will ever be eligible for loan forgiveness, even though I've satisfied the requirement of practicing for at least 10 years in the field. Things have gotten slightly better mostly because my husband has taken on extra teaching classes as an adjunct Professor at CUNY. And on top of my long hours, I have done the same. But even with these extra teaching classes, we cannot keep up with all our bills.

We are limited in so many of our life choices – on where to send our child to school or even whether to have another child, and even when our marriage became fraught our financial constraints prevented us from seeking the counseling and therapy that our family desperately needed.

I was determined to stay in NYC, the city my family immigrated to, the city I was born in and where I have lived for almost 25 years. I deserve to stay here. Facing skyrocketing rents, we were fortunate to be able to borrow money from our families to buy a home, but it was an extremely difficult path. Now that we have it, we cannot keep up with the repairs, mortgage payments, day care expenses and all our other bills. Six months into buying our house, we are already at risk of foreclosure.

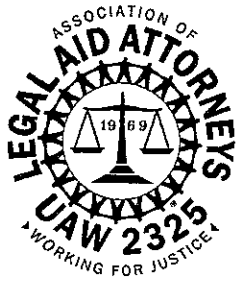
When I first started this job, I did not expect that my salary would support a family. I have watched many public defender friends, many of whom are people of color, leave this city once they decide to have their own families. I know that by choosing to pursue the work I love, I am also choosing to continue down this difficult financial path.

Today, I focused on the challenges I face, but I also wish to highlight that my story is not unlike that of many of my colleagues. Public defenders struggle to remain in a profession which, although rewarding, makes it difficult for us to make ends meet. Many of us face a continuous struggle to pay our rent, pay our student loans, and start a family.

Conclusion

New York City's defenders cannot wait any longer to see an increase in pay. So City Council, I urge you, on behalf of all of my colleagues to act now and increase the allocation for public defenders and ensure that our pay meets that of attorneys at other city agencies.

Thank you for your time and consideration of this important issue. If you have any questions, please feel free to reach out to Daniel Ball, Communications & Development Coordinator, 718-254-0700 ext. 579 or dball@bds.org.



Association of Legal Aid Attorneys UAW 2325 (AFL-CIO)



March 19, 2019

City Council Budget Hearing

Testimony by:

Association of Legal Aid Attorneys (U.A.W. 2325)

Jared M. Trujillo, Esq.

President-Elect

(708) 623 3928

jtrujillo@legal-aid.org

Good evening and thank you Chairman Lancman for holding this important meeting. Thank you for giving us the opportunity to speak with you all about why compensation parity is a justice issue, and why parity will benefit low-income New Yorkers. My name is Jared Trujillo, and I am the President-Elect for the Association of Legal Aid Attorneys, United Autoworker's Union Local 2325. I represent 1200 attorneys that zealously and tirelessly fight for the civil rights and dignity of low income New Yorkers every day in every borough.

Our members are juvenile rights lawyers that tirelessly advocate for the wishes of the children who are subjects of abuse and neglect proceedings. We are criminal defense attorneys, where we first meet our clients while they are locked in a cage on the worst day of their lives. With extremely limited time, we build our clients' trust and passionately fight for their freedom in courts where they are often viewed as less than human. We are the last hope of thousands of immigrant to stay in a country that they call home. Our housing attorneys represent thousands of low income New Yorkers and their children who are desperate and struggling to stay in their homes. We fight to ensure special needs children get all of the services they need in school and from the foster care system. We are tax lawyers that help terrified New Yorkers navigate the complexities of dealing with the IRS. We help disabled New Yorkers and their children access the benefits they need to survive. We work in close collaboration with social workers, paralegals, investigators, and interpreters to ensure the best possible outcomes for our clients. We do this work nearly 24 hours per day, 365 days per year. We work nights, early mornings, weekends, and holidays.

Our dedication to the civil rights of low income New Yorkers extends beyond the courtroom. Our members advocate for better laws and policies for our clients at the state and local level. We host Know Your Rights workshops. We volunteer and serve on boards of numerous charitable organizations. We educate communities on the systems that our clients struggle to survive in. Unfortunately, we also drive for Lyft, bartend, babysit, work as dog walkers, DJ, work retail, and tutor because we cannot survive in New York City with our inadequate and unequal salaries otherwise.

The City Council heard from the chief defenders about how much lower are salaries are than attorneys in the Law Department, as well as Assistant District Attorneys, so I won't repeat

all of that information. However, I will highlight that our members start off making nearly \$10,000 less than ADAs. It takes one of our attorneys four years of tirelessly fighting for low-income New Yorkers to match their starting salary. We do not get bonuses like they do. We are often the only workers in the courtroom that do not have defined benefit pensions, which exacerbates the pay inequality.

While our salaries are much lower than attorneys in the Law Department, we are burdened with the same student debt, which continues to grow. 65% of our members have student loans. Of that 65%, 20% owe between \$50,000 and \$100,000, 29% owe between \$100,000 and \$200,000, and **38% owe over \$200,000**. Many of our members do not qualify for any loan forgiveness programs, and they will be paying their public and private loans for a quarter century or more. The increased debt load has been primarily taken by our most junior attorneys (years 0-4), the majority of whom owe over \$150,000, which is the cost of going to law school.

Our members simply cannot survive with our inadequate salaries, and as a result of unequal pay our members are leaving The Legal Aid Society in droves. Our attrition is highest among our middle attorneys (years 5-9). As people think about having children, paying for childcare, retiring, getting married, moving into a studio, or even adopting a dog, they have to consider whether doing a job that they love is sustainable. Our senior attorneys are terrified about their financial futures, and do not know if they will ever be able to retire. Attrition is particularly high for our attorneys of color. Representing the communities we come from is deeply personal to us, and leaving our clients because we cannot afford to stay at Legal Aid is painful. It is disheartening and offensive to look across the court room at ADA's and attorneys in the Law Department, and notice that the city is committed to paying them a more sustainable wage, while

we do the same work but need to work multiple jobs. This attrition means that low income New Yorkers will not get the benefit of experienced attorneys.

We are happy that many members of the City Council are working to address many of the issues that impact our clients, including criminal justice issues, fixing the school to prison pipeline, immigrant rights, LGBTQ+ rights, employment rights, and racial justice. Similarly, paying our members fairly is a justice issue. It allows attorneys for the indigent to stay at Legal Aid, and it gives low income New Yorkers the benefit of experienced representation. Compensation parity allows our membership to be less stressed about affording student loans and rent in New York City, which will allow us to be more present for our clients. We are not less valuable than attorneys in the Law Department. We ask that the city invest in those fighting for the civil rights and human dignity of hundreds of thousands of New Yorkers by compensating us fairly, so we can stay at Legal Aid Society.

Testimony by Anonymous Attorney

I am a public defender at the Criminal Defense Practice at the Legal Aid Society. I work and live in Brooklyn, NY. I reside in Bed Stuy. I have been working at the Legal Aid Society as a public defender for the past 6 years. I went to law school with the sole goal of becoming a public defender. I wanted to fight for the rights of low -income New Yorkers, and to treat my clients with respect and dignity. Working at the Legal Aid Society as a public defender was my dream job, and I can truly say that after 6 years, I still love doing this work. For me, my clients are everything. I get out of bed every morning with motivation to come to work, and to continue to fight on their behalf. I am dedicated to going above and beyond for my clients, and care deeply about what happens with my cases. I work hard every day, and I find this work to be personally and spiritually fulfilling.

However, there is a shame that I carry with me every day as well. This shame is the reason that I am submitting this testimony anonymously. I have been unable to stay financially afloat doing this job. I am stressed about my financial situation every day, and find that have started to develop having anxiety attacks as a result of this financial stress. I have student loan debt that is over 150, 000. Making these payments, as well as paying for my ever- increasing rent and the general cost of living in New York is overwhelming. I am about to be 40 years old, and still find that I am living paycheck to paycheck. I have been barely getting by since I started working as a public defender at Legal Aid. In order to continue to survive, I have

had to go in to more and more credit card debt to meet the rising cost of living, which I unsustainable. I live with the heartbreaking knowledge that I will be unable to ever get out of debt if I continue to live on this salary. Any small raise that I receive gets swallowed up by my rent increases, and again, I am back to counting down the days until my next paycheck, and scraping by.

I am not asking for a huge salary. I did not go in to the practice of law in order to make lots of money. But somehow, I expected that I would be able to be at least comfortable. I expected that I could afford to pay my rent and to live a healthy lifestyle while doing this job. It is heartbreaking that this is not the case.

I would love to have a child, but am not able to do so, because I could never afford it on this salary. Even though, I am almost 40, I do not see any way that I could support a child on this income, since I can barely support myself. I feel embarrassed about this.

When we go to court, we are expected to look like a “lawyer” and to dress in a suit, and to be well groomed. When I meet my clients, I want to present the image of a person who is good at what they do (because I know that I am). However, being in court feels like such a farce, because I know the truth- that I am barely surviving, and I am literally worrying about how I am going to eat for the rest of the week after paying my bills.

I have stayed in this job- barely surviving- because I really believe in this work and love my clients. I am hoping that the city will do the right thing, and choose to prioritize low income New Yorkers, and the attorneys who represent them. Being stressed about money takes away from my abilities as an attorney. It is a painful distraction that is always there. It is unconscionable that the Assistant District Attorneys that I am in court with every day make more money than we do, as public defenders. In a system that is already stacked against our clients, paying the prosecutors in this city more than the public defenders sends a very strong message- that New York does not care about poor people.

-Anonymous

Testimony by Tarini Arogyaswamy, Esq.

I have been a staff attorney at the criminal defense practice in the Queens office at the Legal Aid Society since October 2012. I represent a variety of people who are indigent in court. I go to different court parts for calendar calls, hearings and trials. Some of my clients have been charged with minor offenses so I will represent them for a few court dates while other clients have been charged with serious offenses and I will represent them for months and often years. I have a case load of at least 80-90 cases at any given time.

I had always wanted to help the poor and marginalized and so I was ecstatic to start working at Legal Aid. What I didn't know then was that working at Legal Aid would test just how much I wanted to represent the poor because of the small salary that I would be working for. Not only do I feel that the work I do is not valued by the court system but I also know and feel that society as a whole especially those with the power to show that they respect and value what I do absolutely DO NOT value and respect what I do because they pay other lawyers and people much more than what they are willing to pay me. Yet, I continue!

Many of those who started at Legal Aid with me in October 2012 or even those who started in 2013 or later have already left Legal Aid. Why you ask? Well, because they just could not financially survive in this city on the salary that Legal Aid pays. They had to leave to pay off private student loans without which they couldn't have become lawyers. They had to leave to adequately provide for themselves, to take care of children, or to take care of aging parents.

So, how do I survive? I have made choices that maybe I wouldn't have had to make if those with the power and funds respected what I do; choices that I don't think I should have to make since I am a lawyer trying to help people and society. I have to teach as an adjunct in the summer and

winter to bring in extra money to support myself and my family. Just to pay for our living expenses including rent and food, I have to be very cautious with what else I spend on every month. At this age, I still have to really watch where and when we eat out so that I can instead pay for other necessary things for my young daughter. I have to consider where I grocery shop and what I buy so that we have groceries for the month. I also have student loans that I am paying off while I also try to put away a few dollars/month for my young daughter's future college education. And if that leaves any money to put away for my retirement, I am lucky!

But, I guess a public defender should be single, shouldn't have kids and should not own property. I should just work and go to my hole in the wall where I have a couch and TV and eat alone every night. Because, having kids and owning property is difficult if not impossible on my legal aid salary. So, I get up and stay up at night not only thinking about my cases and clients but also about whether or not I will be able to pay bills to feed and clothe and shelter my family. And so to me, pay parity is a criminal justice issue that must be addressed sooner rather than later!

So, have I thought about leaving Legal Aid for a higher salary? Yes, I have. So, you ask what keeps me at Legal Aid? My commitment to helping those even less fortunate, the poor, the marginalized. Will that last forever as my children get older and our expenses increase? I don't know. But, I do hope that society and especially those with power will value my work going forward and pay me accordingly!

Testimony by Roslyn Morrison, Esq.

I am an African American woman, who has been a Public Defender in the Criminal Defense Practice at The Legal Aid Society for the past fifteen years. Since this past December, I have been working on bail reform issues in the Decarceration Unit in Queens. Prior to that, I was the specialty attorney in the Brooklyn Drug Treatment Court for six years, and before that, I represented clients from arraignment through misdemeanor and felony trial, or other disposition.

I entered public service because it is important for me to help empower people from historically disenfranchised communities, who have often been written off by society. For me, being a Public Defender is not just a job, it is an integral part of who I am, how I manifest community support, and the values that I impart to my twelve year old son. At times, however, it can feel like a lonely and loveless endeavor. While I am blessed that my clients have been overwhelmingly supportive and appreciative of my work, the paltry pay and insufficient pension impacts my family in substantial ways. I am a single mother; my former partner and father of my son had a heart attack and died two years ago. His unexpected passing was emotionally devastating to my family and me, and it has also made me acutely aware of our financial precariousness. The cost of academic and athletic program and higher education, whether I will be a burden on him when I retire, what (if any) legacy I will leave him-- these all weigh heavy on my mind and on a budget that often falls short and doesn't allow me to provide a secure future for our family. Not having pay (and pension) parity is an unnecessary and unjust burden on my family, me and countless other advocates who, regardless of their title, literally work themselves into the ground to make this City, and our world, a better place.

Testimony from Jennifer Hose, Esq.

I have been a staff attorney at the Criminal Defense Practice in the Manhattan office since October 2017. Prior to that I was a fellow with the Decarceration Project where I worked tirelessly on the Manhattan Pilot Project litigating excessive bail decisions.

I now represent a variety of people who are indigent in court. I am available to them whenever they need me. My job involves going to different court parts for calendar calls, hearings and trials. My caseload averages around 80 with a mix of misdemeanors and felonies both indicted and unindicted. I meet people during one of the worse times of their lives where many of their life issues spill into the criminal case. I try my best to help my clients in whatever area of their lives that I can.

I did not always know that being a public defender was my calling. Had I known I would not have chosen to attend the George Washington University Law School- one of the most expensive law schools in the country. I learned that this job was meant for me during my first internship at a public defender's office. I knew there was no other area of law or job for me the first time my words kept someone out of jail and he said thank you to me with tears in his eyes. In this moment, I knew that this was the essential role I was meant to do for my community. I was in a criminal defense clinic my third year of law school. At graduation for my work in clinic I won an award called the Richard C. Lewis Memorial Award, which is awarded to a student who has shown unusual compassion and care for the clinic's clients and staff. I don't say this to brag but to say that I deeply care about what happens to my clients and I will do whatever it takes to serve them. And because of that I used to think that helping people would be the only payment that my soul would ever need but I was naïve to think it was all I would need to be able to keep doing this job.

Now I think how do I survive when I am the lowest paid attorney in the courtroom?

I live in Manhattan because being accessible to the community that I serve makes me better at my job. This means I can be in arraignments in 15 minutes if I know that my client got rearrested and this is important when me being there could be the difference between being released or bail being set. It is my job to be there in that moment. But because I live in Manhattan, my entire first paycheck of the month goes to rent. I struggle to survive on the rest while paying my six figure student loans.

I recently got engaged. This is supposed to be one of the happiest times in my life but now I am deciding whether I can financially afford to get legally married. I can only afford my student loan payments if I am on an income based repayment plan which is calculated based on my household income reported on my taxes. So getting married means either way my loan payments are going up. Do I file taxes separately and take on a bigger tax burden for a slightly lower payment or do we file jointly and let my student loans payments quadruple. I certainly will not be able to keep living in Manhattan which means being less accessible to my clients. And that is just getting married. What if we have a child? Will I be able to keep doing this job that I love? Will I have to choose between being a mother and being a public defender when if I was paid a fair wage I could do both.

I've watched dozens of the most brilliant attorneys leave Legal Aid in the last year because they had to choose their family over the job. Because they could not afford it any longer. I've watched attorneys I wanted to mentor me leave. I've watched attorneys who fought tirelessly for their clients and do whatever it takes to help them leave when they could have stayed had the city given Legal Aid the same money they give our counter parts in the courtroom. The people who really suffer because we lost these great attorneys are the clients and the people of New York.

We are not asking for more. We are asking for the same as what every other attorney that is doing the work is getting. We deserve to be paid the same as the Assistant District Attorneys that we are beside every single day. The people who live in this city deserve to have the attorneys who are appointed to represent them be people who deeply care about them and who can afford to keep doing the job they love because they are compensated fairly.

I pray that I can work for Legal Aid and serve my community for my entire career but without pay parity right now I cannot see how that is possible.

Testimony By Shana Knizhnik

My name is Shana Knizhnik, and I live in Brooklyn with my partner, Hillela, and pet dog Lola. I have been working as a staff attorney in the Manhattan office of the Legal Aid Society's Criminal Defense Practice for 6 months. I graduated from NYU Law in 2015 and spent a year clerking for a federal appeals judge on the Third Circuit in Philadelphia, after which I spent two years at an impact litigation fellowship with the ACLU of DC, before coming back to New York to be a trial-level public defender.

I am thrilled to be back in New York City, doing exactly what I want to be doing—representing people every day in criminal court who cannot afford an attorney. Every day, my colleagues and I stand as the sole representative for each and every one of our clients. We are the one person on their side in a system that is in many ways confusing, arcane, and unfair. Although our adversaries in criminal court nominally represent “the People of the State of New York,” it is actually us public defenders that represent individual human beings, with all of their complexities, in our system of justice.

Despite the ways in which the court system is stacked against our clients, it is a privilege to be in the position to protect and enforce their constitutional rights and, hopefully, to provide them some dignity in an otherwise dehumanizing process.

And yet, in addition to the way the system is stacked against our clients, our “progressive” city indicates that it does not value our work as much as the work of those in the District Attorneys Office, and the Office of Corporation Counsel, by paying us less than our adversaries.

My partner also works as a public defender, at The Bronx Defenders. Neither of us chose the path we have for the monetary benefits. We have consciously decided to do the work we love

and care about, and therefore to live with the heavy burden of student debt (with the hope it will eventually be forgiven by the government), in lieu of the six-figure salaries of our private sector peers. But the financial weight of living in New York City on public defender salaries is already affecting the decisions we can make in our lives, both now and into the future. These include whether to have children and how much we need to save to ever retire.

At the same time, we are luckier than many of our peers. I do not need to support additional family with my salary. I am lucky enough to not have remaining undergraduate educational debt. I also happen to be the co-author of a bestselling biography of Supreme Court Justice Ruth Bader Ginsburg entitled *Notorious RBG*. I am lucky to have additional income from that project to supplement our public defender salaries. However, it should not be necessary to have supplemental employment or income in order to survive as a public defender in this city.

My colleagues and I represent dozens of clients at a time, often spending many extra hours on weeknights and weekends working on their cases—all to provide the representation the United States and New York State constitutions guarantee. Until this city and state do the bare minimum of providing pay parity for public defenders, it cannot claim to be committed to those rights. I sincerely hope that the government takes this step, and begin to actually demonstrate the ideals of justice for all.

Testimony from Tiffany Gordon, Esq.

I am a sixth-year Staff Attorney in the Criminal Defense Practice at the Legal Aid Society. I am 34 years old, I live with two roommates, and I have \$200,000 in law school debt. I live in Bedstuy and work in the Bronx.

Last week, my apartment that I share with my two roommates in a dilapidated brownstone, flooded for the third time in the past year. I would love to move, but I don't make enough money to save for a deposit/first month's rent, nor do I make enough money to pay rent somewhere else, since to live in a decent one bedroom/studio in a safe neighborhood would cost almost \$1800 a month. If you don't know, \$1800 a month is also known as half my monthly take home pay. Tack on things like my \$543 monthly student loan payment (which goes up to \$602 next month), a few dollars to my retirement/life insurance since I don't have a pension, getting my suits cleaned for court, helping out my disabled mom, and simply eating food and things start to get tight. So, I stay in my apartment and I do my best to get by. I also proctor exams on the side for extra money.

Every day I think about leaving the Legal Aid Society. Not because I don't love the work, because I've dreamed of being a public defender and defending the rights of my black and brown brothers and sisters for years, but simply because I don't make enough money to live in New York City. I want to have kids and at least own a co-op, but my pay makes it impossible to think about paying for day care, saving a down payment for a house, or even maintaining an emergency fund for a rainy day.

Never would I have imagined, that at 34 years old, working as a lawyer in New York City, that I would be financially unable to live without a roommate. Never would I have imagined, that I would have to think/save long and hard before buying a new blazer or

shoes that I need for work. Never would I have imagined, that by pursuing my dream of becoming a public defender, I would be putting myself in the most uncomfortable financial position ever. It literally makes me sick to think that if I stay at the Legal Aid Society the possibility of a comfortable retirement will be nonexistent. Sometimes I try to push it out of my head and say “maybe I’ll marry rich” or “it’ll get better when I get to a higher pay step” but the reality is it won’t. Every time my pay increases my student loan payment increases. My super smart colleagues that love the work we do are leaving the Legal Aid Society in droves to work at private firms that pay more or live in cities with a lower cost of living because of the financial strain. The older lawyers in my office that are clearly beyond retirement age, simply can’t retire because they won’t be able to afford Medicare gap insurance or afford life in general. All while everyone else in the court room receives a more than fair current and generous pension plan. Never will the other people in the court room worry that if they stay at their current position, they won’t be able to retire comfortably.

When I found out that district attorneys that are working across the aisle from me made so much more than me, I literally cried in my office. Not because money means that much to me but because we literally do the same job on opposite sides and people really don’t think we deserve the same pay. I work just as hard, I write just as many motions, I have just as many cases, I have the same financial burdens from law school, yet the same value is not placed on my work and I receive lower pay. It’s not right and it’s not fair. Fighting for my clients while simultaneously fighting to stay afloat is draining, and a burden I shouldn’t have to bear.

Testimony by Elysia Fedorczyk, Esq.

My name is Elysia Fedorczyk. I work as a staff attorney in the criminal defense practice for the Legal Aid Society in Queens County, New York. I am a **PUBLIC DEFENDER**. I left a paralegal position with a corporate law firm, making well over \$60,000 a year, to go law school, knowing that was the path I wanted to take. I was fully aware that I would graduate with significant student loan debt and enter a profession with a reputation for over-working and under-paying its employees. I am not alone. This is the story of many of my colleagues at the Legal Aid Society. We did not pick this path to become wealthy, for notoriety, or any disillusioned belief that it would be an easy gig. But what I did not anticipate was that I would go into a legal profession and barely make a livable salary. I did not think I would not be able to afford to live in a 700 square foot apartment without a roommate, or be able to start a family, save for retirement, and help my aging mother so she wouldn't have to work well into her 80s.

We do this job, because we believe it's important to represent and defend the marginalized, disenfranchised, and indigent communities in New York City. We work day in and day out, beyond the regular 9-5 hours, on the front lines fighting for justice and equality, with other underpaid and overworked attorneys, social workers, investigators, paralegals, and support staff, **defending your constituents**.

Last week, after having worked from 9am-5pm handling several cases in court, I worked one of my scheduled night arraignment shifts. My last client of the evening saw the judge at 1:00AM. So after my 16 hour day, I finished my night by spending 30 more minutes explaining the intricacies of the legal and bail system to the distraught family that watched their family member walk away in handcuffs to be bussed off to Rikers Island.

When I first started with the society in 2013, my starting salary was \$47,550. In an attempt to save money for my own place, I lived with my single mother and made a two-hour commute in and out of the city each day. Needless to say, years later, saving enough hasn't happened. After five years, my annual salary has finally broken above \$70,000. Although that increase doesn't compare to the cost of living increases that I have faced living in NYC, or my significant and growing student loan debt, which most of my colleagues also face. And just to

give you an idea of how significant: I currently owe \$285,856.88 in student loans and interest (a mortgage without the house, as my boyfriend often jokes). When I take a vacation, which is desperately needed in this line of work, I must use a credit card, so on top of student loans, cost of city living, and bills, I also have mounting credit card debt. I have \$200 in my savings.

I am 33 years old. I live with a roommate who is also a public interest lawyer in a two bedroom apartment in Queens. Every day, I go to work, stand in front of a judge, with my client to my left and my adversary to my right. That adversary, who handles a similar caseload, and does the same job, just on the opposite side, and has the same years under their belt, makes approximately \$10,000 more a year. Your own corporate counsel, makes almost \$20,000 more. That disparity shows. It shows my clients that their attorney isn't worth as much as the government's. It shows society that we as public defenders, lawyers who represent the indigent disenfranchised, and marginalized people of this city, are less valuable. That **your constituents**, are not worthy. Everyday the reality that my dream job cannot sustain a future for me is very real. I watch as brilliant and dedicated people walk away from this profession, simply because they must choose sustainable life over their passion for this career. It is your responsibility to correct this injustice. It is time, now, to give the public defenders of New York City, pay parity with city attorneys and prove that equal justice matters to City Counsel.

Testimony by Julia Boms, Esq.

My name is Julia Boms and I am one of the new attorneys at The Legal Aid Society's Criminal Defense Practice.

I have always recognized the disparities in the criminal justice system, through internships, classes, and news outlets and TV shows constantly portraying African American, low-income men as criminals. At an early age, I wanted to get involved and help change the injustices present in our society. While completing my criminal justice major in college, I became passionate about mental health in the criminal justice system. I was motivated to obtain my Master's degree in Forensic Psychology. While at John Jay College, I too quickly learned that individuals with mental health diagnoses are not getting the treatment required to prevent the "revolving door," and actually remedy the source of illness. It was at this point that I decided to become a public defender, to keep people out of jail and help them get resources necessary to improve their mental health.

I knew my decision was associated with a low salary, but what I did not anticipate was how much that would impact my life choices. For the first year and half of law school, I lived in Brooklyn. However, I quickly realized I needed to save money for when student loans would no longer be available. During my second year of law school, at 27 years old, I moved back in with my parents. When reality set in that public interest internships are not paid, nor was the stipend enough to even cover transportation, I sought out additional employment. I began working part-time as a bartender during my second semester of law school. I told the manager I would only be able to work until May 2018, when I graduated law school and began a full time job.

When I began working for Legal Aid this past September, I started looking for apartments thinking I could finally move out and feel like an actual adult with a "real job." However, the

real estate in Manhattan does not coincide with our salaries. I stayed at home for about five more months. I continued bartending on the weekends and nights in hopes of being able to save enough to make rent when I did eventually move out.

After two months of training, I began representing indigent clients in Manhattan. I was able to scrape up enough money to move out of my parents' apartment last month. I moved into a two-bedroom apartment in Murray Hill with two other girls. Yes, that's more people than bedrooms. At this point, I cannot enjoy living in the city or being out on my own, because I still have to work my part-time job on nights and weekends. Between my 90k + student loans (which is extremely low for a law graduate), rent, utilities, and food, I'm barely making ends meet. Unfortunately, because the courts are open 24/7, I have to give up shifts at the bar when I'm in night or weekend arraignments, which really takes a toll on the extra income I was anticipating, especially because I make more money in the service industry than I do on a "comp shift."

Until I started working, I did not think about the extra costs of being an attorney. We must wear suits to court every day. Suits are not cheap; neither is dry cleaning them. Stockings rip and cost upwards of \$8.00 a pair. The MTA is constantly raising their prices. I make coffee at home, but sometimes need a pick-me-up during the very busy day. There's no coffee in the office, so I have to purchase some. There's no plastic silverware, so I invested in metal set. There's no dish soap or sponges, so I bought some. These little costs were not in my original budget and certainly add up when just living in Manhattan costs me over \$2,000 a month.

Fighting against injustice and for keeping indigent defendants out of jail has always been a calling. I strive to provide the best legal assistance I can for each of the 114 clients I have represented so far, and the 50+ clients I currently represent. Unfortunately, that is not an easy task because I am exhausted from having to work a second job to afford to live in the city where I work.

Pay parity would allow me to be a better attorney for the clients who need me. Pay parity is a criminal justice issue.

Black Attorneys of Legal Aid (BALA) Testimony

The Black Attorneys of Legal Aid caucus (BALA) writes this statement to advocate for compensation parity for our members, and for all attorneys who represent low-income New Yorkers.

For just about all of our members, public defense is more than a profession. It is no secret that Black people are overrepresented in the criminal judicial system; it has been this way for decades. Our caucus recognizes that institutional racism, economic and educational inequality, racist and arbitrary policing, and the resulting hopelessness from all of those things all play a role in this overrepresentation.

In the majority of our clients, we see ourselves; we see our sisters and our brothers; our parents and our children; our aunts, uncles, cousins; our friends and our acquaintances. We see people who have been written off by society long before they ever set foot in a courtroom. We see human beings that society has been taught to hate, to despise, and to see as less than human. We take pride in representing our clients, and reminding the system, reminding prosecutors, reminding judges, reminding police officers that our clients are human beings and should be treated as such.

This profession is an important opportunity and responsibility to assist members of the community in navigating through the labyrinth known as the criminal judicial system, and it is a responsibility we take very seriously. However, it is very difficult for our members to take on this important profession because we are inadequately compensated for our work. Most of our members deal with crushing student debt by the time they start the job. Many of our members struggle mightily to raise families with our current salaries; and many more of our members have put off trying to start a family because doing so will place unbearable financial burdens on them.

Living in New York City is another financial burden for our membership. Lastly, we have no real pensions, so our futures after retirement hang in the balance.

From the U.S. Supreme Court on down, the judicial system has placed great importance on the constitutional rights accused persons have and the vital part that lawyers play in protecting them. US public defenders fulfill a unique and much needed role in the system. There is, therefore no valid reason why we should be amongst the lowest compensated practitioners in the courts we practice in.

LGBTQ+ Caucus Testimony

The LGBTQ+ Caucus is a group of 87 LGBTQ+ identified attorneys at the Legal Aid Society. Members of the LGBTQ+ Caucus zealously represent low income New Yorkers every day in every borough. Our members are dedicated to all of our clients, and we have a special relationship with Legal Aid's LGBT clients because we share many life experiences with them. Unfortunately, LGBTQ+ New Yorkers are disproportionately represented in all three of Legal Aid's practices. In the Juvenile Rights Practice, LGBTQ+ teenagers are overrepresented in the foster care system, and they have more failed foster care placements than their non-LGBT counterparts. In the Criminal Defense Practice, LGBTQ+ humans are 3 times more likely than the general population to be incarcerated, and 47% of transgender black women are incarcerated at some point in their lives. Our members in the Civil Practice understand the dire consequences our immigrant clients will encounter if they are deported to countries that are hostile to their existence, in Housing they understand how epidemic homelessness disproportionately impacts LGBTQ+ people, and in the Employment Law Unit our members serve people who face adverse employment consequences based on their LGBTQ status. In addition to the stressors that every public defender and indigent services attorney must encounter, we have other stressors related to our identities. Our transgender and gender non-conforming members are frequently and intentionally mis-gendered in court, and one member was referred to as "it" by court staff. It is emotionally exhausting to watch anyone dehumanized, and this is amplified when you share community with that person, like we do with many of our clients. Nevertheless, we persevere, because we adore our clients and we are invested in their outcomes.

The LGBTQ+ Caucus' dedication to low income LGBTQ+ New Yorkers extends beyond the courtroom. Our members serve as resources to our colleagues on how to best represent LGBT

clients. We advocate for better laws for LGBTQ+ New Yorkers at the city and state levels. Our members have a robust mentorship program for LGBTQ interns. We serve on panels to educate the community about the systems our clients must survive in. We provide Know Your Rights trainings for young LGBTQ people. Unfortunately, we also drive for Lyft, bartend, babysit, work as dog walkers, DJ, and tutor because we cannot survive in New York City with our inadequate salaries.

Our caucus is proud that Albany and City Hall are working to address so many issues that impact our clients, including the criminal justice system, foster care, the school to prison pipeline, immigrant rights, employment rights, racial justice, and LGBTQ+ rights and dignity. Our members fight tirelessly to correct these injustices for low income New Yorkers. Paying us fairly is a criminal, juvenile, and immigration justice issue. Parity assures that we can stay at Legal Aid and give low income New Yorkers the benefit of experienced representation. Parity will allow our members to be less stressed by having several jobs while working as attorneys. Parity will enable our members to survive in New York City, pay rent, pay loans, and to overcome the barriers to parenthood that LGBTQ individuals encounter. We are not less valuable than attorneys in the Law Department. We ask this body to recognize that, and compensate us at the same level.

Testimony by Elizabeth Rieser-Murphy, Esq.

My name is Elizabeth Rieser-Murphy. I am staff attorney in the Immigration Law Unit at Legal Aid and have been a New York barred attorney since 2013. Before becoming a lawyer, I was a New York City schoolteacher in the Bronx. My work and my economic struggles as a lawyer often mirrors my work as a teacher. As a lawyer, I work with unaccompanied immigrant children – vulnerable youth who travel thousands of miles in search of a safe home. The work is difficult but so rewarding. Although my main focus is my client’s legal case, there are often more immediate needs which must be met first – where they will sleep, what they will eat, how they will make it to school with all the supplies they need. I am often the one that triages these needs with my client. For example, one client recently told me that when he was asked who should be his emergency contact, he listed me. As a result, I have purchased coats for my clients, backpacks, school supplies, and even groceries out of my own earnings. I do all this despite living paycheck to paycheck most months.

I am middle-aged and went to law school later in life with the understanding that my school debt would be forgiven if I worked for ten years in public interest. However, the latest budget proposal indicates that the President wants to eliminate this program in the future. What once was a perfect plan has now begun to crumble before my eyes. I have put off many experiences that my friends have been able to embrace due to my concerns regarding their economic viability – owning a home, having children, and taking care of my aging parents. Sadly, I have little in savings because I can barely afford my rent plus my loan payments along with other monthly expenses. Although I am a middle-aged lawyer, I am unable to afford my own living space and must always live with others. Being a person dedicated to public interest has its costs.

A few summers ago, I had an intern work with me in my practice. He was an eager and passionate law student but I had to teach him a lot about the daily practice of law. At the end of the summer, my intern asked me if he should go into public interest and I had to tell him the truth – do it if you can afford it; do it if it is possible for you taking on the financial burden yourself because the future of public loan forgiveness is not promised. So, he instead went to a firm. His starting salary? \$190,000. The student I had trained would be making nearly triple my salary. This disparity is shocking. However what is more shocking is that we do not even have pay parity with our fellow public servants in the Corporation Counsel. How can City Council expect talented staff to remain in demanding jobs where they are being underpaid? It is unjust and unsustainable.

Testimony by Michael Gompers, Esq.

For close to 30 years, I have worked as criminal defense lawyer, either as a public defender in NYC or training legal aid lawyers in developing countries. For most of my career, I have been a senior staff lawyer with The Legal Aid Society. More than ever before, I sense the urgency of the work that I do. My clients liberty is at stake. And increasingly, they risk the loss of employment, benefits, parental rights, and for my non-citizen clients, they face deportation. Some of my clients are falsely accused, many are grossly overcharged. The work I do as a public defender is very complicated and requires a lot of training and experience as a lawyer, especially so as the pace of forensic science changes exponentially. The indigent accused deserve and should expect qualified and properly funded indigent defense lawyers. They deserve a level playing field.

I live in Maplewood New Jersey, together with my wife and two elementary school children. We moved there several years ago from Manhattan because of the prohibitive high cost of living. Like so many other public defenders, I struggle to save for my retirement. As a parent, I worry about the rising rate of college tuition. Quite simply, my income has not kept up with the pace of inflation. This is increasingly frustrating, as I see that the District Attorneys Offices in NYC have seen their budgets increase and their staffing levels rise. Neither, District Attorneys or Legal Aid lawyers, are paid in line with what other similarly situated government city lawyers salaries. Across the board, this has led to a brain drain, as many DAs and fellow defenders have left. For Legal Aid, the task of retaining qualified and experienced lawyers has been especially difficult.

Just five years ago, in 2013, in marking the celebration of the landmark Gideon Decision, Attorney General Eric Holder marked that state of our nation's indigent defense "exists in a state of crisis". Any notion of due process under the law and fundamental fair trial rights for the indigent accused should be predicated on adequate funding for the defense.

Testimony by Emily Eaton, Esq.

My name is Emily Eaton, and I am a housing attorney at The Legal Aid Society. I defend low income New York City families in eviction proceedings. I've done this for a little over three years now. Many of the families that I represent have lived in their homes for years, and even decades. I've seen unscrupulous landlords in the hallways of housing court pressuring tenants like these to leave their homes, when in reality these families may have legal rights that would allow them to stay.

Today, more and more tenants are represented by attorneys, so that they don't have to face the pressures of an eviction proceeding alone. However, we are unable to hire enough attorneys to represent all of the families that need us in Housing Court. We simply cannot attract enough qualified applicants at the current salary levels. Three years out of law school, my classmates make four times as much I do. Personally, I would never consider working leaving the work that I do because it is extremely important to me. However, considering the pressures of increases in cost of living coupled with staggering student loans, it's not mystery why we are seeing the current dearth in eviction defense attorneys.

I myself still have more than \$200,000 in outstanding law school debt. It's incredibly stressful to think about what will happen when I decide to buy a house and build a family. I find the notion that the attorneys who represent vulnerable populations don't deserve the same economic stability enjoyed by other attorneys to be incredibly disrespectful to the important work that we do. By underfunding legal services for indigent people, we are saying that their rights matter less. In fact, these are often the populations that have the most dire need legal for representation. Everyone deserves justice, and the City should make that a priority.

Testimony by Chandra Gomes, Esq.

I have lived in Flushing just about my whole life. My father was an immigrant who worked in a gas station. My mother stayed at home.

I attended PS 201, the Pomonok school, near Queens College., in fact, my brother went to school with Councilman Grodenchik; and my mother was on the PTA with ex-assemblyman Nettie Meyersohn. At PS 201, just about every day I had discussions with the principal over school rules that I thought were unfair. I would walk down the hall with him and tell him he should change these rules. The teacher's aid in the hallway who witnessed this told me that since I clearly like to argue so much, I should be a lawyer. The idea resonated with me, and at that time – the late 1960's I decided I would be a lawyer and fight against injustice. And here I am 50 years later, still fighting against injustice.

I attended Jamaica High School, where I got a first rate education. In fact, for those of you who remember Donald Manes, his daughter was in my class. I graduated from Queens College Phi Beta Kappa and Cum Laude. I went to NYU Law School. I got my first job through the city summer youth program with Helen Marshall. I worked at Queens Family Court. I paid for my education myself. I worked while I was in school . I lived in a double fare zone, so I was on the bus everyday at 6am so I could get to my job downtown and then get back to school, and then do homework until midnight. My spring break was spent taking intercession classes It took me 13 years to pay off my school loans. The interest rate was 17 percent.

I started working for LAS in 1984. I made \$25,000. I was doing the job I loved. I am still doing that job. I have helped a lot of people. I am still helping a lot of people. I have a very difficult

job. My clients have had very sad painful lives. Sometimes I just have to cry. Many of them are mentally ill. Many of them are innocent. Many of my cases have hundreds of pages of police reports and paperwork that need examination with a magnifying glass to uncover the exculpatory information that is often buried within them. Every day I bring home work with me. I am up until 3am almost every night writing motions and reading paperwork and preparing for the cases that I have on the next day. Judges and prosecutors are not kind to my clients. It takes a lot to make them see there is another perspective; sometimes they never see it. Sometimes I have to take them to trial, and only then will a jury see it. I have tried a lot of cases. When you're on trial you're working 24 hours a day. all day, at night you grab a bite and get back to work. You work all weekend. You don't get a second chance if you miss something. I've had trials that have lasted 4-5 weeks. It's more stressful than anything you can imagine.

I work night court and weekends and holidays. I don't want to. A senior atty always has to be working. This year, I worked Christmas Eve, New Year's Eve, New Years Day and super bowl Sunday. I did not get overtime, or any extra compensation. Everyone else in the courtroom was making double time, triple time, everyone was making more money than me.

When I first started at LAS, I was so thrilled. I had the job of my dreams. I got to work with fantastic colleagues in an exciting job. However, when you're young, you don't think about things like pensions, raises, benefits, children, and things your children will need – like childcare, afterschool activities, music lessons, sports fees, camp, SAT classes, etc.

When I started at LAS, I couldn't afford an apt. I had to live with my mother. I drove a 76 buick skylark until it was 22 years old, and the mechanic said the gas tank was about to all off. My family now has only one car.. i am not a frivolous spender, but I often have trouble paying my bills.

I have 2 kids in college, both at SUNY Geneseo.. They attended PS 499 at Queens College and my daughter went to Townsend Harris and my son went to Francis Lewis. They both got an excellent education. My son was accepted to 2 prestigious private colleges. I didn't know how we would pay the tuition. My son said he would prefer to go to Geneseo. I was grateful he said that. However, I suspect he said it because he knew we would have trouble paying for the tuition at a private school. So although I was grateful, I was also humiliated. I feel like I am a lawyer—I should be able to pay for my kids to go to the best college they can get into. They deserve that because they've worked hard for it. it's painful for me to live with this. We have too much money to qualify for financial aid. But we don't qualify for free tuition at SUNY. It's been a struggle. When my daughter went to study abroad, that was an additional struggle to pay for. We still have graduate school to pay for.

I am about to be 60. I have no defined pension. I have worked incredibly hard, and I am still working incredibly hard, for my community and my city. It is unconscionable that I am so undervalued that every other city state and govt lawyer make 2-3 x more money than I do, and the goal we have strived for my whole time at LAS, that is parity, is still a dream we can't achieve..

Dear City Council,

In 2001, I began my career at The Legal Aid Society in the Criminal Defense Practice as a Staff Attorney. I took the job without hesitation and without even knowing the salary or benefits before I accepted the position. I am still as committed now as I was then to serving indigent clients involved with the criminal justice system but know now that there are unforeseen costs involved in doing so. As a young attorney fresh out of law school, I was unmarried with no children and was most concerned with adapting to my new job and making my salary work. Eighteen years later I am married with 2 children and have more than just myself to worry about.

I worry about the cost of living in New York City increasing at a pace that is above my salary. I worry about meeting my day to day financial needs but also about paying for college for my 2 children knowing that college will likely be over \$100,000 by the time they go. I worry not only about when I can retire but if I can ever retire. I worry about not being able to put money into my retirement account. I worry about what give backs I will be asked to give this year. Living and working in Brooklyn is an honor. Raising a family in Brooklyn is incomparable. Not being able to give my family the security they deserve is scary. Knowing that many at the district attorney's office or corporation counsel that started working the same time I did don't share my financial strain is part of the reason I ask for compensation parity. Is my work in the public interest defending indigent people worth less compensation? The answer is no, New York City values justice at its core and justice requires compensation parity.

In New York where we don't have a state public defender system, we are in the position of asking for money from the city every year. Every year The Legal Aid Society gets less money than it needs to provide adequate funding for its' workers. Each year we lose attorneys that can't make ends meet on the salary we earn. When I started in 2001 I was in a class of 6 attorneys that came to Brooklyn, only 2 of us remain at The Legal Aid Society. For every attorney we lose a New Yorker loses the experience that the attorney takes with them.

When the city funds prosecutors at a level higher than the defense bar it makes me wonder if the city truly believes that New Yorkers charged with crimes are worth less. Is it worth more to the city to give resources to prosecutors than to those that defend the accused? Ensuring that the defense bar is given compensation parity to zealously represent those charged with crimes should be a priority. If justice is valued by the city the city must adequately fund The Legal Aid Society. Justice requires experienced criminal defense attorneys fighting for each client. Without sufficient funding, the impact on the clients we serve is harmed as we perpetually lose attorneys that are the most experienced.

Prioritizing funding for The Legal Aid Society helps all, not only someone that has been arrested but the communities they live in. As attorneys, we not only focus on defenses and trials but also work towards connecting clients to services, other legal resources and finding solutions that have the potential to prevent clients from returning to the criminal justice system. Getting arrested affects our neighbors, our families, our New York. Having experienced attorneys at The Legal Aid Society using our network of skills is worthy of investment. Recognizing the value of staff attorneys at The Legal Aid Society with compensation parity is recognizing that the communities we serve do not deserve rationed justice. Compensation parity allows those of us that are committed to working for our communities as defenders to continue to serve while at the same time being able to care for our families.

Yours truly,



Simone Berman-Rossi
Staff Attorney
The Legal Aid Society



**Girls for Gender Equity Testimony for the New York City Council
Committee on the Justice System and Committee on Public Safety**

Delivered by Ashley C. Sawyer, Esq.
Director of Policy and Government Relations

March 19, 2019

Girls for Gender Equity (GGE) is a 16 year old, Brooklyn-based youth development and advocacy organization committed to the physical, psychological, social, and economic development of girls and women. GGE challenges structural forces, including racism, sexism, transphobia, homophobia, and economic inequity, which constrict the freedom, full expression, and rights of transgender and cisgender girls and women of color, and gender non-conforming youth of color.

Girls for Gender Equity has recently been tapped by the New York City's Administration for Children's Services (ACS) to launch a powerful pilot program which will dramatically change the way that this city treats the girls, non-binary, and gender-non conforming youth in it's care. Later this year we will partner with STEPS to End Family Violence (STEPS) and the Vera Institute of Justice to provide community-based healing circles, economic empowerment, and political organizing skills to system involved girls and GNC youth. This is the outgrowth of the city's Taskforce to End the Incarceration of Girls, led by Vera, over the last several years, which revealed that the City does not currently run programming that adequately meets the needs of girls who are in the juvenile justice system. As the primary service providers leading this pilot, Girls for Gender Equity and STEPS have each applied to the New York City Council's Alternatives to Incarceration (ATI) Initiative to supplement this work.

Prior to coming to GGE, I worked with and on behalf of young people, particularly youth of color who had been affected by the juvenile and criminal legal systems. I was an attorney at Youth Represent and I worked closely with girls, femmes, and female identified youth who were incarcerated on Rikers Island. Once a week, I would go into the housing areas where cisgender girls, and gender non-conforming youth between the ages of 16 and 24 were being held. I was tasked with providing them information about their legal rights, and assisting them with reentry related legal representation. Overwhelmingly, the young people who were placed on the "girls"

side weren't able to access similar programming to boys and we see similar disparities when we talk about system involved youth who are in the community. Most of the reentry related programming in the city focuses specifically on the needs of men and boys who have been incarcerated or who are on probation. **We cannot use a "one-size-fits all" approach to youth development or services. There is a growing body of research indicating that juvenile legal system interventions have failed to meet the needs of girls, gender non-conforming, and non-binary youth.**¹ I can only point to a small number of reentry and justice service providers that have the ability to respond to the needs of people serving time in the justice system because they defended themselves against an abuser (also known as "criminalized survivors"),² or young people who have experienced sexual violence.

This is the case when the overwhelming majority, between 85 and 92%, of the young people identified as girls who are placed in juvenile systems across the country are survivors of some form of sexual violence.³ There are very few interventions which meet their needs. Even fewer, if any, city interventions specifically offer reentry or prevention programming for masculine of center, or lesbian-identified girls and non-binary youth in the juvenile system, even though they are severely overrepresented, the data shows that 40% of the youth identified as girls in the juvenile system.

GGE has been a leader in the conversation around gender based violence, including sexual harassment and sexual abuse for close to two decades.⁴ We have provided services for cisgender and transgender girls and survivors for more than 15 years.⁵ GGE has also led the New York City Young Women's Initiative, under former Speaker Melissa Mark-Viverito, and is now helping replicate this work in cities and states across the country.

¹ Boston College Law School Magazine, *Gender Injustice Revealed in Groundbreaking Report on Juvenile Justice System*, September 2015, <http://lawmagazine.bc.edu/2015/09/gender-injustice-revealed-in-groundbreaking-report-on-juvenile-justice-system/> (Discussing Professor Francine Sherman's research indicating that the significant reforms to the juvenile and adult criminal systems have overlooked girls).

² We use the term "criminalization" to describe the patterns and practices which mirror a carceral, prison-like environment within schools and send the message to students, that they are harmful or dangerous. Often criminalization shows up through constantly searching students or sending them through metal detectors, under the suspicion that they are carrying weapons, assigning law enforcement agents to monitor their halls, and arresting students in school. Criminalization impedes learning and does more harm than good. Worse, it diverts precious resources away from strategies that have the potential to transform schools. Advancement Project, Alliance for Education in Schools, Dignity in Schools, & NAACP Legal Defense and Educational Fund <http://dignityinschools.org/wp-content/uploads/2018/03/Police-In-Schools-2018-FINAL.pdf>, Brea L. Perry & Edward W. Morris, *Suspending Progress: Collateral Consequences of Exclusionary Punishment in Schools*, <http://journals.sagepub.com/doi/abs/10.1177/0003122414556308> (2014), Ashley C. Sawyer, *Healing, Not Metal Detectors Will Dismantle the School-to-Prison Pipeline*, *Juvenile Justice Information Exchange*, <https://jjiie.org/2018/01/10/healing-not-metal-detectors-will-dismantle-the-school-to-prison-pipeline-for-good/>

³ Human Rights for Girls, *Sexual Assault to Prison Pipeline: The Girls Story*, https://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

⁴ <https://www.ggenyc.org/2018/06/the-me-too-movement-lives-at-girls-for-gender-equity-a-joint-letter/>

⁵

https://www.washingtonpost.com/entertainment/music/r-kelly-case-spotlights-abuse-of-girls-in-the-era-of-metoo/2019/03/18/84d1f1e6-4933-11e9-8cfc-2c5d0999c21e_story.html?noredirect=on&utm_term=.97affa3bcf02 (GGE's Sisters In Strength program featured in Washington Post, March 18, 2019).

Through this forthcoming pilot program, GGE, STEPS and the Vera Institute have the unique opportunity to interrupt patterns of criminalization for girls, gender-non conforming and non-binary youth who have not yet been placed by ACS into detention or Close to Home. **Doing this work with fidelity and integrity will require resources, and a financial commitment from this body.** The investment made in young people will pay dividends for our communities, and will be able to right some of the wrongs created by previous system failures. As the City Council works to negotiate an equitable budget that supports New Yorkers that continue to be overlooked, we urge the Administration for Children's Services to provide additional resources and support for young women and girls in the juvenile justice system - inclusive of this new pilot program launching in FY2020.

We thank the New York City Council for the opportunity to share our work and look forward to continued support as we work together to serve all New Yorkers.

Testimony by the New York Legal Assistance Group (NYLAG)

Before the New York City Council Committees on Justice and Public Safety regarding:

Preliminary Budget Hearing – Justice System & Public Safety

March 19, 2019

Chairs Lancman and Richards, Council Members, and staff, good afternoon and thank you for the opportunity to speak to the Justice System and Public Safety Committees about the FY20 budget. My name is Beth Goldman, and I am the President & Attorney-in-Charge of the New York Legal Assistance Group (NYLAG). The New York Legal Assistance Group uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence survivors, persons with disabilities, patients with chronic illness or disease, low-wage workers, members of the LGBTQ community, Holocaust survivors, veterans, and others in need of free civil legal services.

New York City's Commitment to Civil Legal Services

As NYLAG testified at last year's hearing, we are proud to live and work in a City that has made such an extraordinary commitment to funding civil legal services for low-income New Yorkers. The City Council and the Mayor's Office have continued to invest heavily in critical areas of service, including housing and immigration, and have expanded their support to include

other areas of great need, such as employment law. Last year's budget for the first time allocated \$2.5 million to Low Wage Worker Support, providing funding to worker outreach organizations and legal services providers to support low-wage workers who are facing employment discrimination, wage theft, and other employment issues. With the funding allocated in last year's budget, NYLAG was able to double the size of its Employment Law Project, allowing us to greatly increase the number of low-wage workers we are able to serve. The area of employment law has traditionally been severely underfunded, especially given the near impossibility of low-wage workers finding a private attorney to take on their cases, and NYLAG applauds the City for identifying and working to fill this gap in services.

NYLAG is grateful to continue to be a major participant in the City's Universal Access to Housing Counsel program, which expanded once again in FY19 to include additional zip codes. In its most recent annual report on the Universal Access program, the Office of Civil Justice found that more than one third of tenants facing eviction in Housing Court received legal services in FY18 – an astonishing feat given that the number was 1% as recently as 2013.¹ Once the program is fully implemented in 2022, all New York City residents who live below 200% of the federal poverty level will have the opportunity to avail themselves of an attorney, a huge step in the journey toward equal access to justice. As the program expands, legal services providers will be able to serve more clients like James, a 49-year-old man with multiple disabilities who resides alone in his rent-stabilized home, close to the hospital where he obtains critical medical care on a near daily basis for ailments including a lack of functioning kidneys and amputated legs. James's hospital visits are generally for dialysis, but often include other serious procedures

¹ New York City Human Resources Administration, Office of Civil Justice. "Universal Access to Legal Services: A Report on Year One of Implementation in New York City." Fall 2018. <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA-2018-Report.pdf>

to keep him healthy, and he was terrified that an eviction from his apartment would lead to his death. NYLAG began representing James under the Universal Access initiative in the non-payment case brought against him by his landlord. Complicating matters, James was constantly in and out of the hospital throughout the course of representation. On the eve of James's eviction, NYLAG was able to secure approval under the City's Special Exit and Prevention Supplement (SEPS) program, and a commitment for slightly over \$25,000 to cure all the arrears. NYLAG was also able to secure a Disability Rent Increase Exemption (DRIE) for James, which freezes his rent below the SEPS limit. NYLAG worked closely with HRA to prevent the eviction, preserving a long-term, rent-stabilized tenancy for a client with great need, while also preserving the client's life-saving relationship with the hospital near his home. Last year, NYLAG's Tenants' Rights Unit handled 2,826 cases for 2,704 clients through the Universal Access initiative.

And we don't want to stop there. NYLAG is proud to support Intro 1104, introduced by Council Members Gibson and Levine, which would increase the cap to 400% of federal poverty level, expanding the program to New Yorkers living above the poverty level but who are still very unlikely to be able to afford a private tenants' rights attorney. NYLAG also supports expanding the program to include representation of NYCHA tenants in a variety of administrative and Supreme Court proceedings, as representation is often necessary beyond Housing Court to ensure that residents of NYCHA buildings are afforded their rights. We also support the inclusion of appeals and voucher terminations as part of the Universal Access program.

The incredible investment the City Council and the Mayor's Office have made in immigration legal services has made New York City a nationwide leader in the provision of free

civil legal services to immigrants. As we have discussed in our testimony over the previous two years, the Trump Administration has met and exceeded the worst fears of immigrant communities by increasing immigration enforcement and imposing draconian and malicious policies, such as the Muslim ban and child separation. By significantly increasing the availability of funding for immigration legal services through programs such as the Immigrant Opportunities Initiative and ActionNYC, the City is doing its part to fight against these harsh policies and protect New York's vibrant immigrant communities.

In particular, we are grateful that the City has listened to providers on the ground and has increased available funding for complex immigration matters, such as asylum, Special Immigrant Juvenile Status, and removal defense, where need is great and resources are few. As always, we encourage the Administration and the City Council to continue evaluating the case rates on grants to providers of immigration civil legal services; given the increasing need for complex case work, we strongly advocate for increases in case rates on all these of contracts. Similarly, we hope that contracting agencies will consider building supervision into ongoing and new contracts, which prevents supervisors from having to take on a full caseload themselves and allow them to focus on substantive management.

Other Areas of Need

While investments in assistance for low-wage workers, tenants facing eviction, and immigrants facing deportation are incredibly important, there are many populations of low-income New Yorkers facing needs that are historically less well-funded by the City. I want to take this opportunity to shine a light on some of these groups.

Survivors of Domestic Violence Seeking Divorce

For low-income New Yorkers experiencing domestic violence, obtaining a divorce can be an extremely difficult task. When a survivor of domestic violence is seeking to sever their last tie with their abuser by getting a divorce, they face significant obstacles. These include a legally complex court system that is difficult, and oftentimes impossible, for pro se litigants to navigate; the prohibitive costs of a private attorney; and the continued presence of the abuser as they engage in protracted litigation. Low-income survivors are routinely disadvantaged in court proceedings, often being forced to litigate alone against abusers who are represented by counsel. Going to court without an attorney can lead to disastrous outcomes when survivors are unaware of their legal rights, intimidated by the system, culturally isolated, or unable to speak English.

From the perspective of a legal services provider, undertaking to represent someone in a contested matrimonial proceeding is a difficult decision. These cases often span several years, with our attorneys expending 600 or more hours over the course of representation, as there are often multiple issues that require litigation. As NYLAG represents the poor and working poor who often do not have significant assets, this can make the dissolution of the marriage all the more difficult. For example, our office has litigated to trial issues such as which spouse would be allowed to remain in a NYCHA apartment where both parties were on the lease, or who would take ownership of a home that was underwater. Where one party stands to be homeless, the only option is to litigate. This is particularly true for survivors of domestic violence, where the abuser's desire to retain power and control is ever present. In such cases, litigating child support, maintenance, and distribution of assets and debts can be extremely time consuming. These cases require significant time and resources, engaging in discovery, motion practice, settlement

negotiations, expert evaluations for pensions and real estate, and, eventually, trial. For that reason, many legal service providers are limited in how many contested matrimonial cases they can take. Many others do not represent in these types of cases at all.

It is unconscionable that anyone should be unable to get divorced simply because they do not have the money to do so. While we would absolutely support a bill that provides free legal services to all low-income New Yorkers who cannot afford a divorce, we understand that the cost of this would be astronomical. For now, NYLAG urges the City Council and the Administration to invest in funding civil legal services for survivors of domestic violence, especially in the area of contested divorces. We support the intent of Intro 1085, introduced by Council Member Treyger, which would provide survivors universal access to representation in contested divorces. While we know that this type of universal access will be costly, we cannot put a price tag on the safety and security of victims of violence. No one deserves to feel that they have to stay in an abusive relationship because they cannot afford an attorney.

Victims of For-Profit School Scams/Student Loan Debt

The United States is facing a student debt crisis: New Yorkers alone owe over \$90 billion in student loan debt, \$8.3 billion of which is currently delinquent.² Student loan servicers, who are the primary links between lenders and borrowers, have the power to help borrowers access options and solutions to remain current on their accounts. Studies, investigations, and enforcement actions show, however, that many services mislead borrowers, misapply payments,

² Student Borrower Protection Center and New Yorkers for Responsible Lending. "New York: 2019 State of Student Debt." January 2019. <https://protectborrowers.org/wp-content/uploads/2019/01/Student-Debt-in-NY-1.jpg>

engage in unfair tactics, or simply provide inaccurate information that harms borrowers, including causing borrowers to fall into debt.³

The situation worsens when students take out untenable loans to attend high-cost, low-value for-profit schools. In general, for-profit schools charge significantly more than public schools, spend significantly more on profit and advertising than they do on instruction, and have, on average, the lowest graduation rates, lowest employment rates and highest loan default rates among all postsecondary schools.⁴ In fact, students who attend for-profit schools for associate or bachelor's degrees experience, on average, *declines* in their earnings and rates of employment compared to before they enrolled in the for-profit school.⁵ Since for-profit schools often provide little to nothing of value, students are left both indebted and in a worse position to pay off their loans. This leads to high rates of default. In New York, for-profit schools enroll 6 percent of undergraduates, but account for 41 percent of student loan defaults.⁶

Veterans attend for-profit schools at disproportionate rates: nationwide, fewer than 10 percent of all students are enrolled in for-profit schools, but about a third of veterans are.⁷ In New York, each year more than 3,500 veterans attend for-profit schools. Further, New York

³ Consumer Financial Protection Bureau. "Student Loan Servicing: Analysis of Public Input and Recommendations for Reform." September 2015.

https://files.consumerfinance.gov/f/201509_cfpb_student-loan-servicing-report.pdf

⁴ U.S. Senate Health, Education, Labor and Pensions Committee, For-Profit Higher Education: The Failure to Safeguard the Federal Investment and Ensure Student Success (2012),

https://www.help.senate.gov/imo/media/for_profit_report/ExecutiveSummary.pdf

⁵ Stephanie Riegg Cellini & Nicholas Turner, *Gainfully Employed? Assessing the Employment and Earnings of For-Profit College Students Using Administrative Data*, National Bureau of Economic Research 3 (2016).

⁶ Center for an Urban Future, *Deeper in Debt: For-Profit Schools Driving Student Loan Default in New York State* (2018), <https://nycfuture.org/research/for-profit-schools-driving-student-loan-default-in-new-york>

⁷ For-profit schools have enrolled about a third of veterans using the Post-9/11 GI Bill. *Two Years After Harkin Report Revealed Questionable Business Practices in For-Profit College Industry*, New

Analysis Shows For-Profit Colleges Are Top Recipients of Post 9/11 G.I. Bill Dollars (2014),

<https://www.help.senate.gov/ranking/newsroom/press/two-years-after-harkin-report-revealed-questionable-businesspractices-in-for-profit-college-industry-new-analysis-shows-for-profit-colleges-are-top-recipients-of-post-9/11-gibill-dollars>

taxpayers are subsidizing veterans' attendance at for-profit schools through veteran-specific education grants. In 2016 and 2017 combined, \$680,000 in New York State Veterans Tuition Awards went to for-profit schools.⁸ Veterans are targeted by fraudulent for-profit schools because they are incentivized to do so, due to a loophole in the federal education law that allows these schools to include tuition from veterans and their family members as part of the 10% of their revenue that is meant to come from private sources.

NYLAG is strongly advocating for changes to State law that would close this loophole and bring accountability to for-profit schools, but increased funding will still be necessary to provide critical legal services to veterans and others who have been taken advantage of by these schools. NYLAG has filed several class action suits as part of its Special Litigation Unit's For-Profit Schools Project, but individuals also need the direct legal assistance provided by NYLAG's Consumer Protection Unit. Many New Yorkers with significant student debt qualify for Defense to Repayment loan forgiveness, but the federal system can be incredibly difficult to navigate without an experienced advocate. NYLAG attorneys can also help borrowers with loan consolidation and payment plans, which make their debt more manageable and protect their income and assets.

Recipients of Public Benefits

Furthering its attacks on vulnerable populations throughout the United States, the Trump Administration has recently targeted recipients of public benefits, proposing rules that would make it more difficult for low-income New Yorkers to access the benefits they need. As an example, the Administration proposed a new rule in December that would limit the ability of states to allow exemptions for work-eligible adults receiving Supplemental Nutrition Assistance Program funds,

⁸ Information provided by the New York State Higher Education Services Corporation (2018).

better known as food stamps.⁹ These restrictions ignore that many Americans who are on food stamps are already working in low-wage jobs, but still can't afford food. This is especially true in New York City, where the cost of living is extremely high.

The Administration has also proposed amending the public charge rule, a change that both expands the range of public benefits which can form the basis of a denial for a green card or visa applicant, and amplifies the negative impact of receiving public benefits. Benefits on the list are expanded to include basic necessities such as SNAP, non-emergency Medicaid, and some housing subsidies. The rule will allow USCIS officers to consider receipt of these public benefits going back as far as three years when determining inadmissibility, and will add the ability to speak and understand English to the totality of circumstances test. Officers adjudicating applications for family-based green cards and certain visas will be given broad latitude to deny relief under the proposed rule, by weighing certain factors such as age, health, and English language proficiency.

The introduction of this proposed rule has already had a deep chilling effect on immigrants throughout the United States. As often happens when a new immigration rule is proposed, there is a lot of confusion in immigrant communities about what the new regulations will mean for them. Many immigrants in New York and all over the country who use or have used benefits are panicking, and some are withdrawing from benefits to which they are entitled to avoid adverse immigration consequences. The effects on families and children and the potential public health consequences of this are massive. At NYLAG, we have already seen the negative results of clients' misunderstanding the rule, needlessly terminating benefits, or not

⁹ Rogers, Katie and Catie Edmondson. "Trump Administration Moves to Restrict Food Stamp Access the Farm Bill Protected." *The New York Times*. 20 December 2018. <https://www.nytimes.com/2018/12/20/us/politics/food-stamps-trump-administration-snap.html?login=email&auth=login-email>

applying for benefits to which they are entitled, even when they do not fall under the proposed rule. For example, we have heard from staff we work with at Health + Hospitals clinics that women on temporary visitor visas are concerned about accessing prenatal Medicaid and WIC for their children born in the U.S. because of concerns about their ability to get into the country in the future if they leave or because they want to apply for citizenship in the future and fear that accessing benefits now will hinder them.

Funding to assist low-income New Yorkers with their public benefits issues would ensure that people understand their rights under current law and how different options will affect their lives in the future. Having attorneys to help clients navigate the complicated public benefits systems would also be a boon to the Human Resources Administration, helping its programs run more efficiently and effectively.

Contracting with New York City

Once again, NYLAG is incredibly grateful for the investment the City has made in funding civil legal services, and we would like to see expansions in several areas as detailed above. That being said, it is essential that the City improve its processes for contracting with nonprofit providers to allow for more prompt payments. According to a recent report from Comptroller Scott Stringer, 80% of FY17 contracts arrived at the Comptroller's office for registration after the start date of the contract.¹⁰ Many contracts are not even registered until the year in which the services were provided is over. Because nonprofits are not currently entitled to payment under a City contract until there is a registered contract, we provide services for months or even a year or more without any reimbursement of the costs associated with performing on the contract. This process has the potential to be incredibly harmful, even catastrophic, to nonprofits

¹⁰ New York City Comptroller. "Running Late: An Analysis of NYC Agency Contracts." 29 May 2018. <https://comptroller.nyc.gov/reports/running-late-an-analysis-of-nyc-agency-contracts/>

which operate on small margins, with limited resources, and limited access to cash to pay the bills and the staff members who are providing critical services for the City. For those organizations like NYLAG that are fortunate enough to have a line of credit, we are forced to borrow against it *and pay interest on the amount borrowed*. We simply cannot afford this cost with contracts that already do not cover the full costs of our programs, and that carry case rates that are far too low.

As NYLAG has testified to in many forums, including in front of the City Council's Contracts Committee and the City Charter Revision Commission, NYLAG strongly supports imposition of deadlines on all stages of the contracting process, as well as increased transparency in the process and the imposition of interest on late payments. NYLAG supports the package of bills recently introduced by Council Members Brannan and Levin (Intros 1448, 1449, and 1450) that would ensure a more timely process and improved clarity around expectations for payment.

Thank you for the opportunity to testify today. I look forward to a strong continued partnership with the Council and the Mayor's Office to ensure access to justice for those in need.

Respectfully submitted,

New York Legal Assistance Group

Testimony: Laura Israel Sinrod, Senior Staff Attorney
Hearing: New York City Council Budget and Oversight Hearings on the FY20 Preliminary Budget
Cohosted: Committee on Justice System and Committee on Public Safety
Date: Tuesday, March 19, 2019

Thank you Chair Lancman, the Committee on Justice System, Chair Richards, the Committee on Public Safety, and other members of the Council. I am Laura Israel Sinrod, a Senior Staff Attorney at Her Justice, a nonprofit organization that stands with women living in poverty in New York City, by training and mentoring volunteer attorneys to address individual and systemic legal needs. We take a “pro bono” first approach to the provision of legal services; this model of partnering with the private sector enables our staff of 17 lawyers and legal assistants to ensure that over 4,000 women (and their over 5,000 children) receive legal assistance in family, divorce, and immigration matters every year.

Our clients are the working poor, with very limited resources. They live in all five boroughs of the City. Half are Latina, a quarter of them need interpreters in court, most are victims of domestic violence, and most are mothers who are, or become, the heads of their households.

I’d like to take the opportunity today to tell you about our model of service delivery, and how it and other forms of civil legal services are an essential part of ensuring the economic well-being of women living in poverty. I will highlight three elements of our recent practice: the particular focus we are giving to child support proceedings; the changing approach we have taken over the last two years to identifying women living in isolation due to lack of English proficiency and lack of immigration status; and finally, the importance of recognizing access to divorce as a social justice issue.

Her Justice offers a full range of legal services – information, advice, brief services and full representation in support, custody and visitation, and order of protection matters in Family Court, divorces, and immigration matters under the Violence Against Women Act. The majority of our cases - 80% - are handled by volunteer attorneys from the City’s premiere law firms, with rich assessment, triage, mentoring, training and support from our staff. The remaining 20% of the cases are handled in-house to ensure that we retain the necessary flexibility to respond to emergency situations, navigate particularly complex or lengthy legal issues, and stay fully engaged in the legal issues on which we train and provide support. We recognize the severe shortage of lawyers available for low-income New Yorkers. In the civil courts, that burden falls with disproportionate weight on women who represent the bulk of the unrepresented in family and divorce matters. We offer representation for many of the cases legal services does not have the bandwidth to take on – child and spousal support matters, and litigated divorces, for example. We also have some flexibility regarding income since we are privately funded, so we can represent clients who make slightly over 200% of poverty. But make no mistake; our clients are poor. As you know, 200% of poverty means an income of approximately \$40,000 for a family of three. Even a few hundred dollars more per month is not enough to enable someone to pay for a lawyer, but could make them ineligible for legal services. We can make a difference for those clients.

Pro bono services are necessary and important complements to legal services, in our view, and we work to identify the best places to offer help – on matter types best suited to volunteers, and where legal services may be

stretched too thin to respond. In our fiscal year 2018, our legal staff trained and mentored over 1,800 volunteer lawyers, paralegals and law students who provided services valued at more than \$41 million. We put the power of the private sector behind our clients, to ensure that they have access to justice in our civil courts.

1. Child Support Proceedings in New York City

Child support proceedings are a growing area of concern for us, and we consider them one of our areas of expertise. Child support is critically important to children and parents: it lifts children out of poverty, and promotes fairness between parents in meeting the costs of raising children. Over ninety percent of people who go to court for child support are unrepresented. While most of those litigants would benefit from a lawyer, when both parents are salaried, child support can be a straightforward process – you submit your tax returns or W-2s, and the judge uses a calculator to compute payments. However, for many of our clients, the other parent is the wage-earner in the home, but he works off the books, or in a cash business, and proving his income is complicated. For those cases, when we bring in a volunteer attorney as well as a volunteer accountant to investigate income and assets and make a report to the court, our clients see on average a 70% increase in their income. Recently, one Her Justice client was served with divorce papers in which her husband asked the court to award a mere \$25 per month in support for their child. Her Justice challenged the divorce terms, and proved that the husband was earning over \$45,000 annually as a building superintendent. In the divorce, the court awarded \$278 per week in child support for our client, more than 11 times what she probably would have received on her own.

Family Court is a place where hundreds of thousands of New Yorkers must go each year to obtain critical protections, yet it is invisible to most of us. We know that when lawyers are in the court room, there is someone there to ensure that procedure is followed and that litigants understand the proceedings. With such a low representation rate in child support cases, we are concerned about lost income for poor unrepresented custodial parents. So, in collaboration with the Fund for Modern Courts, we launched a child support court-watching program in late 2017. We developed and tested a survey tool that focuses on the clarity of information conveyed to litigants and their opportunity to be heard. To date, we have trained over 70 volunteers on the basics of child support law and court monitoring. Participants have been able to observe and report on over 700 child support cases – from those involving initial orders to enforcement of past orders – in the City’s Family Courts. They have provided critical insight into urgent issues of access to justice and litigant perception of fairness of the system. For example, we have been able to collect data on the frequency of and reasons for adjournments, which we hope will shed light on a major challenge for Family Court litigants – delays that mean families continue to struggle without appropriate financial support. We expect to issue a report later this year based on court watchers’ observations.

2. More Outreach Needed to Identify Isolated Clients

The last couple of years have been deeply challenging for our clients, particularly those who were born outside of the United States. With constantly changing deportation and immigration rules and priorities, fewer clients are coming in to seek services, and those who had started to access the courts are afraid to continue. This reality has caused us to change our outreach and client intake work significantly, as well as to participate actively in advocacy around preventing ICE from making arrests in the courts.

We are currently working with an AmeriCorps VISTA volunteer who is assessing the language needs of our clients and their communities so that we can ensure we are delivering top quality responsive services. This builds on our work last year with an AmeriCorps VISTA volunteer to identify pockets of the City where we could increase our services based on an analysis of the demographics of our clients. We have worked with community-based nonprofits to offer Know Your Rights and Family Preparedness clinics to respond to fears about ICE activity. And we have joined with representatives of many of the organizations testifying here today to meet with the courts and other policymakers, and encourage them to identify ways to prevent ICE from making arrests in the courthouses.

We work only in civil courts, courts in which there is typically little to no police presence, and where arrest and incarceration are not the goal. Nonetheless, for our clients, all court systems are the same, and since – like in Brooklyn – many of the courts are in the same building, when an ICE van is downstairs it is not credible to reassure clients that in Family Court they will be safe. Our clients are trying to obtain or maintain custody of their children, seek orders of protection against abusive partners, and argue for support awards that will keep them out of destitution. If they work with us, they necessarily have filed for an immigration remedy, and therefore should be protected from deportation. Yet the chilling effect of having immigration authorities show up in court, unannounced, and assisted by court personnel, causes many of our clients to withdraw from asking for the legal protections they so desperately need. Several of our immigrant clients have chosen not to pursue needed orders of protection in Family Court because they feared the presence of immigration authorities in court.

3. Divorce as a Social Justice Issue

Her Justice helps address the severe shortage of lawyers available for low-income New Yorkers in our areas of practice through our “pro bono first” model. In the Family Courts and Supreme Court matrimonial parts, that burden falls with disproportionate weight on women who make up the bulk of the unrepresented in these matters. These cases represent two-thirds of our practice, and we handle as many as 200 divorce cases each year. Going through a formal legal process in divorce (rather than just separating) is especially important for women who are typically the lesser-earning spouse since the legal process should ensure a fair child or spousal support award, which gives single mothers a critical safety net. Divorce can represent particular freedom and security for women who were in abusive marriages. For domestic violence victims, the barriers to and risks involved in divorce are especially pronounced.

Since there is no right to counsel for the financial aspects of divorce (or the dissolution of the marriage itself), most poor individuals file each year without the assistance of an attorney. About 30,000 people file for divorce in New York City every year. The majority are filing for an uncontested divorce – a divorce in which there is no dispute between the parties about the terms and conditions of the divorce. This process is intended be handled pro se, or without a lawyer. Yet even these “simple” divorces require the submission of over 30 forms. In some cases, the court in its discretion decides to pull the case into a court proceeding to determine whether the couple has adequately resolved the issues to the court’s satisfaction. These cases are almost impossible to navigate without a lawyer. Her Justice is committed to strategizing about reform of this process, and we are eager to partner with courts or other bodies that may be considering the issue. It is our view that especially now that New York passed no-fault divorce into law, they should pose less of a burden to litigants and courts alike.

The balance of divorces filed in New York require litigation to address disputed issues such as custody, child support, spousal support, and the division of assets and debts. While New York provides a right to counsel in divorce as to the issues to which that right extends in Family Court (for example, custody and orders of protection), unrepresented parties struggle to adequately present the financial aspects of a divorce in court. We applaud the City Council for considering the harm to low-income New Yorkers who cannot afford attorneys in divorce cases, and the particular needs of domestic violence victims in these matters, through Intro. No. 1085 sponsored by Council Member Treyger. We appreciate the opportunity to be involved in future conversations about the importance of legal representation in divorce, and its impact on women and families.

We commend the Committees on their dedication to ensuring the provision of quality legal services to indigent New Yorkers and safety for all, and provide this testimony with the goal of ensuring that any legislation or project best achieves those goals.

Respectfully,

Laura Israel Sinrod, Esq.
Senior Staff Attorney, Her Justice
100 Broadway, 10th floor
New York, NY 10005
Tel: (646) 442-1186
lsinrod@herjustice.org



Thank you Chairperson Lancman and all Councilmembers for convening this hearing and inviting the public to speak this afternoon. My name is Rich Leimsider and I am the Executive Director of Safe Passage Project, a non-profit legal services organization that provides free lawyers to 866 child refugees who are currently being deported. We serve children who live in the five boroughs of New York City, and in the two counties of Long Island.

Safe Passage receives vital support from the City Council through the Unaccompanied Minor Initiative as a part of the ICARE Coalition of providers. And this year we are also requesting \$65,000 in Speaker Discretionary Funds to address legal needs that arose as a result of the recent government shutdown.

No immigrant, not even a child, is appointed a lawyer in immigration court. If a child cannot afford to hire a lawyer, they must forced to defend themselves alone, against a trained government prosecutor and a judge, with a deportation order back to dangerous conditions as the most likely outcome. Safe Passage Project helps correct this injustice by providing free attorneys to children.

The recent 35-day government shutdown created new challenges for our work. Cases will now take *even longer* to resolve. For example, cases that were set for a final asylum trial at immigration court during the shutdown will be rescheduled perhaps as late as the year 2022. In the meantime, we have to maintain contact with the client, file work permit renewals, help them enroll in health insurance, file paperwork every time the client moves...the list goes on. To say nothing of the emotional trauma that this period of waiting causes for a young child who should already be on the path to citizenship.

There are also issues relating to the filing of documents. This may sound mundane, but in immigration court, failure to file documents by a deadline is a reason for a judge to order a client removed from the country. The consequences are severe, so this is not a mere procedural issue. In one example, we had documents that were required by law to be submitted on behalf of our clients during the shutdown. Our staff mailed the documents to court since the court wasn't open to accept in-person filings. We have no idea if the court has a way to mark that they



received the documents by the deadline. If not, we are going to have to re-file in person (and wait times at the filing window yesterday often stretch to two hours). I imagine we are going to have many fights with ICE about whether we filed on time. This is going to result in prolonged procedural fights with very real consequences.

In total, Safe Passage Project had 11 immigration hearings postponed, and 1 asylum trial that did not go forward but that still required full preparation, because the court could have reopened at any moment. We have several time-sensitive filings where we are unclear if the court will mark the filings as accepted by the correct date, or else we are concerned that the court will not rule on our time-sensitive motion because of the backlog.

Safe Passage is a proud member of the Immigrant Children Advocates' Relief Effort, or ICARE Coalition, which was created hand-in-hand with the Council's Unaccompanied Minors Initiative as part of a public-private partnership. ICARE is a group of non-profits -- including Safe Passage Project, the Door, Legal Aid, CALA, Catholic Charities and KIND -- that was founded in 2014 because of children's urgent need for legal representation in the New York City Immigration Court. The New York City Council, as a national leader in access to counsel work for immigrants, committed to funding our Coalition with matching funding from the Robin Hood Foundation and others. To date, ICARE has represented almost 2,000 children. This year, the Robin Hood Foundation has pledged \$1 million for FY20 and our coalition is requesting \$3.9 million from the City Council to continue serving our current clients and take on hundreds of new clients as well.

Under the current presidential administration, cases that were once straightforward have become difficult, and they take longer to resolve. We are seeing an increase in unreasonable denials that are contrary to the black letter of the law, which leads to a lengthy appellate process. There are case backlogs, especially at the asylum office where many asylum claims are heard. In one example, the asylum office is currently using a "last in, first out" system. Cases that were filed before this "LIFO" system was instituted are now stuck in an incredibly long backlog. It will be many years before some of our clients have their cases heard.



One additional challenge we face is that the present structure of City funding does not match the reality of these children's cases. Our current contracts with the City limit both the amount of legal work we can do with any individual child, as well as the number of children we can continue to serve, or "re-enroll," in each new fiscal year. Our immigration system has always been complex and in the current political climate this will be especially true for the cases that were postponed during the shutdown. Given the fact that cases routinely take longer than one year, the re-enrollment cap creates a hardship for legal services organizations. Safe Passage would welcome support from the Council to work with HRA and the Office of Civil Justice to remove those limits.

I am especially worried about the effects of these challenges, including the recent government shutdown, on children. Even children who cannot read in any language (let alone in English) are held to the same standards as adult respondents. If a child fails to attend a hearing, she will likely be ordered removed *in absentia*, in her absence. Given the confusion that will no doubt result from the shutdown and its after-effects, I am very concerned about children's abilities to navigate between multiple agencies and to advocate in the event something went wrong.

Safe Passage Project offers our sincere thanks to the City Council for being a leader on the issues of legal representation in immigration court, especially for children. Thank you again.

FOR THE RECORD

**Testimony of LIFT (Legal Information for Families Today)
Regarding the Justice System Committee's Budget Hearing
Presented to the New York City Council by Cathy Cramer, CEO
Citywide Initiative Application Number 74296
March 19, 2019**

Thank you for the opportunity to testify. My name is Cathy Cramer and I am the CEO of Legal Information for Families Today, usually called LIFT. I am here today to speak about an oft-ignored aspect of the legal system—Family Court.

LIFT and its team of lawyers is the only organization in New York working directly with Family Court litigants to overcome the challenges of proceeding without legal representation. Each year, there are over 250,000 filings in the New York City Family Courts. In most cases, the litigant does not qualify for free, court-appointed representation, even though they cannot afford to hire a lawyer. A staggering 97% of those served by LIFT proceed in Family Court without an attorney—for issues fundamental to the well-being of children such as child support, custody, visitation and protection in domestic violence cases.

For over two decades, we have empowered litigants with the tools they need to successfully advocate for themselves in the complex Family Courts. By providing parents and grandparents with expert legal information and advice, LIFT utilizes a limited representation model of providing legal services. This allows us to work with nearly 30,000 New York families with Family Law services ranging from on-the-spot answers to in-depth guidance.

LIFT operates a Family Law Helpline that receives 14,000 phone calls every year. We have staff attorneys in every Family Court in the 5 boroughs who advise litigants about their legal rights,

options, and responsibilities, and assist litigants in preparing their court documents, securing evidence, practice speaking before a judge and preparing for hearings. We also run programs in communities, trying to get to litigants before they have to come to Family Court. Our expanded community program focuses on veterans, formerly incarcerated people, immigrants with guardianship issues and domestic violence survivors with Family Court issues. We run legal clinics and workshops in partnership with community-based nonprofits and we distribute easy to read Legal Resource Guides on 40 different Family Law topics that are translated into 8 different languages throughout NYC. We also work closely with our sister organizations to make non Family Law referrals.

LIFT has a unique relationship with the Family Court and we partner with them to implement system wide reforms to increase efficiency and improve the Family Court litigant's experience. We are in a unique position to do "on the ground reporting" to administrators and help suggest strategic solutions.

LIFT is profoundly grateful to the City Council for more than 10 years of Citywide Initiative funding, which provides more than one-quarter of our budget every year, and without which we would be unable to serve 30,000 families in crisis each year. I deeply hope the Council will renew our request for continued funding in Fiscal Year 2020.

FOR THE RECORD

LEGAL SERVICES FOR THE WORKING POOR

City Fiscal Year 2020

City Council Preliminary Budget Hearing

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL
COMMITTEE ON THE JUSTICE SYSTEM

PRESENTED BY:

ELIZABETH CLAY ROY
EXECUTIVE DIRECTOR, COMMUNITY DEVELOPMENT PROJECT

MARCH 19, 2019

Good afternoon. My name is Elizabeth Clay Roy and I am Executive Director of the Community Development Project of the Urban Justice Center, a member organization of the Legal Services for the Working Poor coalition. Thank you for the opportunity to testify.

The Legal Services for the Working Poor coalition is made up of civil legal services providers, the original five members are--CAMBA Legal Services, Housing Conservation Coordinators, MFJ Legal Services, Northern Manhattan Improvement Corporation and our organization. Together we have a combined history of serving New Yorkers for more than 125 years. Annually, we help over 30,000 New Yorkers.

Our coalition was created 15 years ago, and with support from the City Council, we have addressed the civil legal service needs of thousands of working poor and other low income New Yorkers who are not otherwise eligible for free legal services. In the last few fiscal years, the City Council has added more funding to this initiative and additional organizations so that more low-wage and working poor New Yorkers can receive the critical legal services needed to stabilize their lives.

The working poor are individuals whose financial situations are only slightly better than our poorest citizens. They cannot afford an attorney when they are faced with a legal problem such as a foreclosure, unpaid wages, bank account seizure, a denial of government benefits such as unemployment compensation or SNAP/food stamps, the need to adjust their immigration status, or a non-payment petition from a landlord. One-time problems like these threaten to send struggling New Yorkers, and their families, into a downward spiral of need and crisis that they may never escape.

We applaud the significant commitment to provide funding for civil legal service needs for low income New Yorkers (especially on housing matter) but, none of that funding is available to serve New Yorkers whose incomes exceed 200% of the federal poverty level. This is why the Legal Services for the Working Poor funding from the City Council is so critical, as it provides legal services that keep low income New Yorkers from sliding into poverty.

It is also vitally important that the City Council continue to support a flexible funding stream that allows legal service organizations to provide a diverse array of civil legal services reflecting real-time needs of residents, including consumer and immigration support. It is also important to recognize that this

Council's funding for Legal Services for the Working Poor is the only funding that specifically targets the civil legal needs of working people to ensure continued self-sufficiency for working families struggling to survive in New York City.

The Permanent Commission on Access to Justice documented that funding for civil legal services is a good investment in purely fiscal terms. In the Commission's 2016 Report to the Chief Judge, it was reported that for every \$1 invested in Civil Legal Services programs, the economic return on investment is \$10 or 1,000%!¹

Many of the clients we serve help New York City run, from nursing assistants to food service workers, child care providers to security guards and many more. Their ability to access justice is a critical precondition to economic and family stability.

A recent example of how our legal services benefit working poor families is a CDP Legal Services client:

¹ [Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York (2016), available at http://www.nycourts.gov/accesstojusticecommission/PDF/2016_Access_to_Justice-Report.pdf, pp. 7-9].

Mr. C is a food service worker and recent immigrant from Bangladesh living in NYC with his wife and two young children, and he also helps support his brother, a college student in the city.

His family had been receiving a Section 8 voucher, but lost it without notice. He continued to pay what he could afford of their rent, but was soon evicted from the apartment for failure to pay portion of the rent that would have been paid by Section 8. Mr. C was subsequently sued by the former landlord for the Section 8 portion of the rent, in the amount of \$20,000, which would not have been possible for him.

He retained CDP as counsel, and eventually settled for a sum of \$2,000. This allowed him to stay in New York, and continue his children's and brother's education.

Due to limited resources, our coalition is not able to meet all the legal service needs of many of the people across this city who seek our help. The human consequences of our inability to meet the demand are dire:

- Children go hungry because their families have been wrongly denied unemployment benefits, public assistance, or SNAP;

- Immigrant families are leaving their homes because their landlords threaten to report them to ICE and being forced to live in the shadows out of fear;
- Families become homeless, though their homes could have been saved through foreclosure or eviction defense;
- People with disabilities are denied the disability benefits they need to live with dignity;
- Workers who have been cheated of wages by unscrupulous employers go unpaid.

In light of the human toll when civil legal services needs go unmet, we urge the Council to restore and increase funding for civil legal service initiatives overall and for the Legal Services for the Working Poor allocation in particular. We ask that the Council continue funding for the Legal Services for the Working Poor initiative at the level established in FY 19, providing \$455,000 in funding to each of the original five initiative members. The positive benefits of civil legal services funding for the city's budget and its economy make it the right choice for economic, social, and humanitarian reasons.

Once again, thank you for the opportunity to testify.



**Testimony of
The Legal Aid Society**

on

The Mayor's Fiscal Year 2020
Preliminary Budget

Presented before

The New York City Council
Justice System Committee

Presented by

Janet Sabel, CEO and Attorney in Chief
Adriene Holder, Attorney in Charge, Civil Practice
Tina Luongo, Attorney in Charge, Criminal Defense Practice

The Legal Aid Society welcomes this opportunity to testify before the New York City Council Committee on the Justice System concerning the Fiscal Year (FY) 2020 Preliminary Budget and its impact on The Legal Aid Society's client services. We thank Chairman Lancman and the Committee Members for this opportunity.

The Legal Aid Society – An Indispensable Component of the New York City Justice System

The Legal Aid Society is more than a law firm for clients who cannot afford to pay for counsel. We are an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal defense and juvenile rights matters, while also fighting for legal reform – guided by the fundamental principle that no one should be denied justice because of poverty. Combining the expertise gained from representing clients across diverse areas of law with the broader public policy perspective of an advocacy group, we lift up marginalized individuals to enable them to advance themselves, their families, and their communities. Part direct legal services provider, part social justice defenders, we go beyond individual issues to effect change at a societal level.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. We do so by capitalizing on the diverse expertise, experience, and capabilities of more than 1250 attorneys who work alongside over 925 social workers, investigators, paralegals, and support and administrative staff, and our work is amplified by volunteer help from law firms, corporate law departments, and expert consultants, all coordinated by LAS's Pro Bono program.

With an annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients who cannot afford to pay for private counsel than any other legal services organization in the United States. Together, we bring a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to our annual caseload, LAS's law reform representation for clients benefits some millions of low-income families and individuals in New York City. The landmark rulings in many of these cases have a statewide and national impact.

The Legal Aid Society relies on city funding to maintain and develop our Civil and Criminal Defense Practices. For the Criminal Defense Practice, funding from the Executive budget supports the constitutionally mandated trial level and appellate level legal services we provide as the City's primary public defender. In addition, special annual allocations from the City Council support our Community Justice Unit, which provides invaluable legal services to the Cure Violence/Crisis Management System community-based organizations; and for our Prisoners' Right Project that services detained and sentenced persons in local jails and those New York City residents serving a prison sentence upstate. For our Civil Practice, the Executive and City Council budget provides crucial funding for

LAS's comprehensive immigration, low-wage worker, and general civil legal services assistance for low-income New Yorkers who have nowhere else to turn for legal help.

We are mindful of the financial challenges the City faces, particularly with the threat of reductions in federal funding posed by the Trump administration. However, the demand for legal services has not waned, and in certain practice areas, has grown significantly. Further, as we continue to scale up our universal representation models in housing, immigration, and potentially for unaccompanied minors in immigration removal proceedings, every aspect of our organization is strained: space; recruiting; training and professional development; admin and compliance; and most importantly, retention of talented casehandling staff, including social workers.

Staff retention is essential to the viability and continued success of Legal Aid. In order to attract and retain our highly skilled and dedicated staff we seek restored or enhanced support from the City to ensure that we can continue to deliver high quality, comprehensive civil legal services for New Yorkers in need: a goal we share with the City Executive and the New York City Council. In the Criminal Defense Practice, the need for the holistic legal representation that LAS provides to struggling low-income families and individuals accused of crimes remains critically important. While we see a reduction in the number of people being arrested and prosecuted, the charges and facts of the legal matter that are charged are complex, and the life issues our clients' face such as mental illness, substance use and trauma are significant. This representation demands experience and consistency of the attorneys and staff handling the matters. High turnover creates unnecessary delay and compromises the trust clients gain in their assigned defender.

Preserving The Critical Services We Provide – Pay Parity Is Vital

Our staff love what they do and who they do it for. They are diverse in identity and lived experiences, and while they are motivated to do this work for a host of reasons, they are unified in their commitment to provide excellent, zealous representation to the people they serve. Our attorneys are often the only people standing between their clients and the machinery of mass incarceration, family separation, eviction, or deportation. They are the defenders of the people of this City.

The ability to continue to recruit and retain dedicated, zealous and experienced staff to provide our clients and communities with the representation they need and deserve is in jeopardy. On October 25, 2018 The Legal Aid Society testified in front of this committee on the vital need for pay parity with Corporation Counsel and the Office of Court Administration to stem the growing attrition in each of our practices. We were joined by the other defender organizations and the District Attorneys to warn that if our funding did not significantly increase, the rate of attrition would rise. Sadly, we were not wrong and since October we have watched both the Civil and Criminal Defense Practices lose 65 staff attorneys and supervising attorneys and 21 other staff members. Many of them going to better paying jobs with the City or State.

Our ability to compensate our staff is determined by the funding we receive through our contracts with

the City of New York and the Office of Court Administration. However, in recent years, our contracts for the Criminal Defense Practice with both the Mayor's Office of Criminal Justice (MOCJ) and the Office of Court Administration (OCA) Criminal Case Cap funding have been, at best, kept flat or reduced. This is true even though our non-personnel expenses have increased dramatically, including benefits, rent, and other large expenses, which makes it more and more difficult to provide raises to our staff and keep up with the increasing cost of living in New York. Civil initiatives, such as the Unaccompanied Minors and Families Initiative (UMFI), have had only a modest increase from FY17 to FY18 and stayed flat since, despite annual increases in the cost of the program.

The Legal Aid Society and the other not for profit defender organizations engage in a complex financial balancing act each and every year. Whether it is negotiating our annual contracts with MOCJ and OCA or evaluating how to scale up for universal representation models in housing and immigration, we face the daunting task of trying to maintain financial stability as an organization while providing our staff with livable wages that keep pace with other defenders and government offices, all while ensuring sufficient funding for other essential positions, like investigators and social workers, and finding the dollars to cover the rising costs of healthcare, rent, utilities, and retirement plans: benefits that are essential to recruitment and retention of staff who are struggling to afford living in the city they're fighting for.

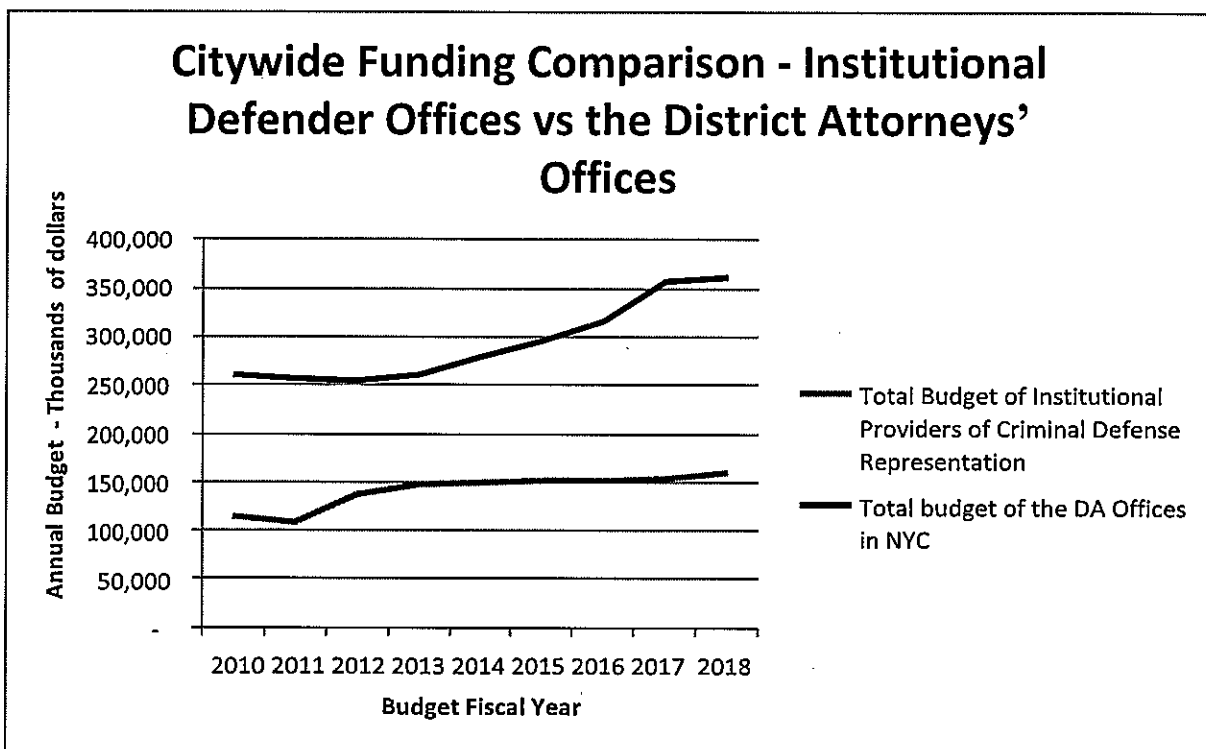
These financial challenges simply are not shared by the District Attorneys and Corporation Counsel offices. District Attorney offices, Corporation Counsel and other City agencies generally do not pay their own rent, healthcare costs, or contribute to staff pension plans. Therefore, when the District Attorneys receive an increase in funding, as they have every year, their dollars can be dedicated entirely to their staff salaries and programs. This is why their staff were already making significantly more than ours. The gap has gotten even wider: the District Attorneys received additional funding this year to get pay parity with Corporation Counsel for years 1 through 5.

The fully funded traditional pension program that is available to District Attorneys and Corporation Counsel lawyers at no cost to their respective offices is a valuable and rich benefit which Legal Aid cannot match. The Legal Aid Society, which pays approximately 5% of total revenue for retirement benefits, determined years ago that it was financially impossible to continue to fund a defined benefit pension plan, like the City's. So not only do our City attorney counterparts receive a richer and more valuable pension, they do not need to use their annual funding stream to pay for this benefit.

It is the same story for facilities expenses and health care costs. With the exception of the Kings County District Attorney, all of the DA's offices are housed in spaces that are owned and paid for by the City. Whereas Legal Aid spends 7.8% of the Criminal Defense budget and 9.8% of the Civil Practice budget on rent, the DAs and Corporation Counsel can apply those dollars to staff salaries. Ever-increasing healthcare costs are likewise taken care of by the City of New York for these offices, as opposed to through contracts with private insurance providers that our offices pay for from our budgeted dollars. Approximately 17 percentage of Legal Aid's budget goes towards health insurance premiums.

In addition to having to cover our own rent, healthcare and pension costs, the dollars we receive from New York City also must cover all of our expert and investigative costs -- to pursue leads in cases, examine technical and scientific evidence and provide other critical services to assure our clients are not wrongfully convicted, and justice is served. Our government colleagues, in contrast, have full access, at no expense to their agencies, to the New York City Police Department to investigate their cases and to separately funded City employees of the Office of the Chief Medical Examiner or New York Health and Hospital Corporation to perform scientific tests, like DNA testing, or to serve as medical experts in most cases.

District Attorney Budgets Have Steadily Increased Over More Than A Decade



Despite the incredible passion and dedication of staff, our offices are all facing unprecedented rates of attrition, particularly attorneys of color that have joined our offices in the last few years. What starts as a hope and dream of a lifelong career at our offices slowly diminishes as the cost of living in New York City and the burden of paying back school loans become reality.

By a person's fifth or sixth year of service as a public defender, people sometimes take on a second job in food services or driving Lyft to try make ends meet. By year ten, the dream of being a New York City public defender has often ended because living in the City on a public defender salary is so

difficult. Instead, they look for, and often find, new higher paying positions, ironically often with Corporation Counsel, the Office of Court Administration or outside of New York City completely.

Simply put, the cost of living in New York City is too high for public defenders to afford at the current salary levels we are able to pay given our budget limitations. Recently, we analyzed the retention rates of all the public defenders in the Criminal Defense Practice at The Legal Aid Society hired between 2007-2017. Sadly, but not surprising, as the years of service and experience of staff increased, the rate of retention decreased, with the largest percentages of staff leaving between five and ten years. By the tenth year of hire, essentially half of the class hired in that year (nearly 48%) had departed Legal Aid for other employers.

When our staff tell the tale of how hard it is to live, work and thrive in this City, here are the things that are breaking them:

- A recent report on New York City median rent prices indicates that it costs \$2,850 a month for a one bedroom apartment and \$3,280 a month for a two bedroom apartment.¹
- In a recent report of 181 law schools in the U.S., the average student indebtedness ranged from \$53,237 to \$198,962.² While it is well known that many law schools participate in loan forgiveness programs, it is proven to be extremely difficult for applicants to meet all requirements and thus to receive approval. In fact, since President Trump has taken office, 98% of applicants for the Public Loan Forgiveness Program have been denied.³
- For families with two children in the City, where child care is a significant added cost to living, the annual cost of child care ranges between \$30,245 and \$36,497.⁴

When the City of New York pays a Corporation Counsel attorney with 10 years of experience in the range of \$95,000-\$108,000, the City is recognizing the need to keep pace with the cost of living. When the Office of Court Administration pays \$98,824 to a court attorney in their third year after graduation from law school, it is because OCA understands the need to pay staff a wage that will encourage the retention and development of a dedicated pool of highly skilled employees.⁵ OCA's salary is more

¹ <https://www.zumper.com/blog/2018/09/zumper-rent-report-october-2018/>

² <https://www.usnews.com/best-graduate-schools/search?program=top-law-schools&specialty=grad-debt&location=New%20york>

³ https://www-forbes-com.cdn.ampproject.org/v/s/www.forbes.com/sites/zackfriedman/2018/09/24/public-service-loan-forgiveness-rejected/amp/?amp_js_v=0.1&usqp=mq331AQICAEoATgAWAE%3D#origin=https%3A%2F%2Fwww.google.com&prerenderSize=1&visibilityState=prerender&paddingTop=54&p2r=0&horizontalScrolling=0&csi=1&aoh=15403487816213&viewerUrl=https%3A%2F%2Fwww.google.com%2Famp%2Fs%2Fwww.forbes.com%2Fsites%2Fzackfriedman%2F2018%2F09%2F24%2Fpu

⁴ <https://www.epi.org/resources/budget/>

⁵ <http://www.nycourts.gov/careers/2jd/20809.pdf>

than \$34,000 higher than we are able to pay for an attorney with the same three years of experience. It is \$28,347 more than someone earns at The Legal Aid Society with five years of experience. It is more than \$8,619 higher than a Legal Aid Society attorney earns who actually has over seven years more experience!

The Need For An Immediate Solution – Pay Parity with Corporation Counsel

The situation is dire. The Legal Aid Society cannot continue to underpay its staff. It's an disservice to the dedicated people who fight for justice for New Yorkers every day, and it's a disservice to the communities we serve. We need your help to raise Legal Aid salaries across the board to a living and sustainable wage which will allow Legal Aid to attract and retain a highly skilled workforce of lawyers, paralegals, investigators, social workers, and administrators. However, **today we are asking for an additional \$12-15 million to bring our lawyers into parity with Corporation Council in FY'20**. These numbers are based on an analysis of publicly available data and limited information provided by the City compared to the Legal Aid Society pay scale, applied to the Criminal Defense Practice and the City-funded Civil Practice right to counsel initiatives. Since the Office of Management and Budget included raises for the DAs in FY'20 to achieve pay parity in the first five years with Corporation Counsel, it should be an easy matter for OMB to assess the cost of parity for Legal Aid and other defender organizations. It is critical that these enhanced salary numbers are included in the City's final budget for the next fiscal year.

THE CIVIL PRACTICE

In has been yet another year in which the Trump administration has espoused hostile anti-immigrant rhetoric, in which government policy has increasingly become preoccupied with division, and in which the most marginalized continue to be disproportionately impacted - The Legal Aid Society has stood firm as an advocate for low-income New Yorkers.

The Legal Aid Society is grateful for the fundamental commitment the City has shown to supporting the most vulnerable New Yorkers and are proud to stand as partners in a shared goal of defending those in the greatest social and economic need. Whether representing children separated from their families at the United States southern border, standing with workers experiencing wage theft and discrimination by an employer, or creating a housing subsidy through litigation that will provide relief to hundreds of thousands of low-income families, LAS has been steadfast in its commitment to advocating for those least able to advocate for themselves.

As we look towards the future, we are emboldened by our successes and renewed in our goal of ensuring that nobody is denied access to justice because of poverty. Building on over 140 years' experience and as the largest nonprofit providing low-income legal services in the Nation, we will continue to stand on the forefront of efforts to protect society's most vulnerable as we confront the next phase of legal challenges.

It is essential that we continue this momentum as we seek to build upon our past efforts to serve those in the greatest economic and social need across our City. New York City is the leader in the nation in creating universal access, or a “right to counsel” for low-income New Yorkers in both Housing and Immigration Courts. Created by New York City legislation, Universal Access to Counsel in Housing Court is one of the nation’s first right to counsel programs for low-income tenants facing eviction in housing court, providing high quality legal representation to prevent homelessness, as well as provide legal support in the fight against tenant harassment, gentrification and displacement. Citywide, housing attorneys represent all eligible tenants for full representation, regardless of merit. The New York Immigrant Family Unity Project (NYIFUP) is the nation's first universal legal representation program for detained immigrants, providing high quality, holistic representation to New Yorkers detained and facing deportation who cannot afford an attorney. The Unaccompanied Minor Children and Families Initiative has been providing free legal assistance to Unaccompanied Children and Adults with Children fleeing endemic gang violence and domestic abuse since 2014, and the Immigrant Opportunities Initiative (IOI) serves immigrants and new Americans who are seeking citizenship, permanent residence, or another immigration status or are seeking employment legal services after having been exploited by their employers. The Mayor and City Council have been clear that the rapid expansion of direct legal services initiatives in both housing and immigration are to be phased-in over time. These right to counsel practices must also be included in support for City-funded pay parity.

In addition to our urgent request for the Council’s support of pay parity for staff in City-funded right to counsel initiatives, for Fiscal Year 2020, we also respectfully request New York City Council support for the following citywide initiatives:

New York City Council Funding Requests and Challenges – Immigration

We are grateful for the Council’s support for legal services for low-income immigrant New Yorkers, who are among the City’s most vulnerable populations. The Council’s commitment to ensuring parity of justice and access to comprehensive legal services for our immigrant communities is central to our work and establishes New York City’s approach as among the most progressive in the nation. Thanks to support from the New York City Council and the Human Resources Administration, LAS currently conducts the following immigration-related programs:

The New York Immigrant Family Unity Project (NYIFUP) has represented detained immigrants facing deportation since 2014, helping to ensure New York families are not separated simply because they cannot afford an attorney. The nation's first universal legal representation program for detained immigrants, NYIFUP provides high quality, holistic representation to New Yorkers detained and facing deportation who cannot afford an attorney. NYIFUP attorneys carry a full caseload of deportation defense cases, and provide services including master calendar, bond and individual merits hearings, appeals, and social work services. Many of our NYIFUP clients are long-term permanent residents or other non-citizens with strong family ties and long work histories.

In FY18, LAS screened over 400 individuals and took on 225 cases for representation. Nearly 110 clients were released from detention as a result of our advocacy. Additionally, 40 clients obtained relief during the period, including asylum, termination, cancellation of removal, administrative closure, and voluntary departure.

With the Varick Street Immigration Court increasing the detained docket from 3 courtrooms to 5 (a 66% increase), **we respectfully request an enhancement from \$3,333,334 to \$5,533,334 to support the substantially increased workload, which will require additional staff attorneys, paralegals, social workers, and supervisors.**

Federal Immigration Representation for New Yorkers (FIRNY) is a new LAS initiative that will fund a team dedicated to providing federal court representation to protect immigrant New Yorkers from the broadened enforcement priorities of the Trump Administration. Funding will increase our capacity with a flexible team who can continue our rapid response to changes in the political climate, whether delivering file writs of habeas corpus in federal district court and petitions for review in federal courts of appeal, or ensuring LAS's capacity to pursue federal litigation on behalf of our immigrant clients. FIRNY will ensure we remain nimble and have dedicated staff available to respond to the needs of our clients during this period of tumultuous changes to immigration policy. **We respectfully request \$566,666 to support this essential work.**

The Unaccompanied Minor Children and Families Initiative has been providing free legal assistance to Unaccompanied Children and Adults with Children fleeing endemic gang violence and domestic abuse since 2014, with the support of the New York City Council. With the NYC Bar Association's resolution supporting universal access to legal services for children in removal proceedings, LAS, along with our partners in the citywide Immigrant Children Advocates' Relief Effort (ICARE), are evaluating this initiative closely to determine how best to scale the program and realize the Bar Association's vision of universal representation. This traumatized and vulnerable population is especially in need of highly competent legal representation to advance their asylum claims, Special Immigrant Juvenile Status cases, and other avenues of relief. **In an initial step toward universal representation, we respectfully request an enhancement to \$822,000 to fully fund the project.**

From 7/1/17 – 6/30/18, LAS screened over 300 individuals and families and worked on nearly 240 new and pending individual cases for representation. Of all cases accepted for representation, 75 concluded successfully, with 33 individuals granted asylum and 29 children who obtained lawful permanent residence status through SIJS. We have successfully terminated proceedings for 105 minors before the Immigration Court since the start of ICARE, and anticipate more successful outcomes in FY20.

The Costs of Administering IOI Subcontracts

To assist the City in the operation of the Immigrant Opportunities Initiative (IOI), LAS currently serves as a prime contractor and administers subcontracts for 23 organizations, including legal services providers and community-based organizations which host clinics for LAS and identify clients in need of representation throughout the City. IOI subcontractors receive over \$3.5 million in funding through LAS, as a result of an expansion of the IOI program that allowed the City to avoid the costs, delay, and resource burdens of administering a Request for Proposals (RFP) process. The expertise of these partners under IOI, many of whom had already been long-term partners in the legal services community through the ICARE and NYIFUP initiatives, is invaluable in helping us meet the tremendous need for removal defense services. However, this significant expansion has also resulted in LAS taking on considerable liability – both from a fiscal and a compliance perspective. There is a risk involved in sharing responsibility with our subcontractors to meet our contractual obligations, which includes the potential exposure to being assessed for liquidated damages in the event of underperformance.

Additionally, the cost of administering these subcontracts is substantial, and the responsibilities involved in managing IOI from contractual, fiscal, data, and compliance perspectives have increased exponentially in the past year due to the expansion of the program.

The Criminal Carve-Out for Immigration Representation

We remain concerned by the City's refusal to fund legal representation of non-citizens who have been convicted of certain crimes. The City's reliance on the New York City Administrative Code §§ 9-131 and 14-154 ("detainer laws") to justify this "criminal carve out" is misplaced. While the Administrative Code Detainer Laws provide exceptions to the City's rule against honoring civil immigration detainers lodged by U.S. Immigration and Customs Enforcement (ICE) for defendants held in City custody if they have certain criminal convictions, their application to immigration legal services funding parameters is completely inapplicable. The inclusion of this criminal carve-out in our immigration legal services contracts has hindered our ability to provide truly universal representation to detained immigrants through NYIFUP, the first-in-the-nation model developed by New York City providers. The carve-out has also impeded our advocacy under our contracts for non-detained individuals in removal proceedings, as well as those seeking affirmative immigration benefits. Immigrant New Yorkers with criminal convictions are often among those most at risk for removal, and in many cases vulnerable and low-income defendants have pleaded guilty to criminal charges because they are unable to afford to post bail. Immigration attorneys have also often been successful in obtaining post-conviction relief for clients who have failed to receive proper advice or due process in their criminal case. Even those who appear removable due to one of the offenses listed in the detainer laws may be eligible for statutory forms of relief from removal, or may even have claims to derivative U.S. citizenship, but the inherent complexity of the law in these areas means it is almost impossible to assert these claims and defenses without expert immigration representation. Denying New Yorkers access to a lawyer to review the circumstances of their conviction is doubly punitive and runs counter to the promise of universal representation. Ensuring continued and unfettered access to representation

for low-income immigrants is a matter of fairness and speaks to New York's fundamental commitment to protecting some of its most vulnerable residents.

Other Critical Civil Legal Services

The Legal Services for Low-Income New Yorkers program provides funding to support the entirety of the work of LAS's Civil Practice. This includes providing legal services to, amongst others, survivors of domestic violence, senior citizens, persons with disabilities, persons with HIV, and other vulnerable children and adults. This program also funds community legal education, hotlines and other outreach activities. The sustained and increasing demand for our services by the City's most vulnerable residents underlines LAS's need for increased funding. **We respectfully request an enhancement to \$2.7 million, so that we can continue providing essential services to thousands of families and individuals in New York City.** In the last fiscal year (7/1/17-6/30/18), LAS worked on approximately 52,500 individual cases and legal matters, benefitting more than 135,000 low-income children and adults. At the same time, LAS's law reform representation benefits more than 1.7 million of low-income families and individuals in New York City, and the landmark rulings in many of these cases have a statewide and national impact. Legal Services for Low-Income New Yorkers program also provides legal representation in appeals of denials of federal disability, and Unemployment Insurance benefits previously funded under The Unemployment Insurance/Supplemental Security Income (UI/SSI) Advocacy Program. Securing these State and Federal benefits saves City public assistance dollars.

The DoVE Initiative is managed by The Legal Aid Society's Family Law and Domestic Violence Practice (Family/DV) serving all five boroughs. Through our citywide network of community-based domestic violence (DV) organizations, neighborhood law offices, and centralized special units, the Family/DV Practice is able to provide comprehensive legal and social services to survivors of domestic violence throughout the City. **LAS is requesting \$20,000 per Councilmember to continue providing these essential services.** During the last fiscal year, LAS worked on a total of 44 cases for clients, and provided full representation for clients in 43 instances across all five boroughs.

The Legal Services for Low-Income Workers Program provides legal services to low-income workers across a range of areas, including discrimination, wage theft, unemployment benefits, criminal record sealing, family and medical leave claims, and supporting the victims of forced labor and labor trafficking. Low-wage workers are particularly vulnerable to exploitation by employers, who take advantage of their often-undocumented or economically precarious situation to underpay or abuse workers. Through our new Case Closed project, LAS supports clients in sealing their criminal records under a recent New York law – enabling them to move on with their lives and support their families through accessing improved employment opportunities. **LAS is requesting a restoration of \$50,000 from the New York City Council**

to coordinate and report on the work of a coalition of community-based organizations serving low-wage workers.

THE CRIMINAL DEFENSE PRACTICE

The expansive reach of the Criminal Defense Practice runs from its dynamic advocacy of clients in court to its presence and partnership in communities. As the primary public defender in New York City, staff zealously and tirelessly work to protect the rights of the most marginalized and disenfranchised in society, and our scope as the country's largest public defender goes beyond any single case or client. Our community engagement, impact litigation, and broader advocacy consistently strive for increased fairness and humanity in the criminal justice system and seeks to reduce the devastating and permanent consequences of system involvement for our clients. Today, we are asking for increased fairness for our staff, who cannot afford to continue fighting with us without pay parity. In addition to increased support for our initiatives: a \$1 million restoration for the Prisoners' Rights Project and an enhancement to \$1.25 million for our Anti-Gun Violence Initiative and Community Justice Unit, we are asking for the Council's support as we fight for equal pay to that of our government colleagues.

The Criminal Defense Practice includes experienced trial offices in every borough, an Appeals Bureau, a Parole Revocation Defense Unit, Special Litigation Unit, and the aforementioned Prisoners' Rights Project and Community Justice Unit. In each area, the Practice has developed innovative model projects that garner expertise and push both the practice and discourse of criminal justice forward. In the past year, the Practice represented nearly 230,000 clients in trial, appellate, and post-conviction matters and have pushed for critical reforms that end injustice and discrimination based on race, gender and poverty.

Day in and day out, our staff works to protect and fight for clients navigating justice system involvement. Our effectiveness stems from our work before, during, and after a criminal case. For example, Practice staff field intake inquiries from clients needing assistance, engage in vigorous bail advocacy, and work with clients' families to mitigate the larger impact of an arrest. Holistic advocacy is the hallmark of our representation; our attorneys, paralegals, investigators, and social workers explore all angles of allegations and charges, relentlessly seeking to avoid unnecessary, unjust incarceration and connect clients with critical resources that address ongoing needs and obstacles.

Our staff tackles every issue confronting our clients, pressing on questions like the validity of eyewitness identification and the need for access to police disciplinary records. The Practice's units devoted to DNA and digital forensics evidence and litigation apply the latest advances in order to challenge the government and secure evidence essential to the defense of our clients. We elicit narratives that often include compelling stories of innocence and false accusations, a fuller development of the facts, and critical context. The results are dismissals, acquittals, placement in alternative to incarceration programs, reversals and even the clearance of wrongful convictions decades later.

Our courtroom advocacy goes far beyond individual cases. Through the work of our law reform units – Special Litigation and Prisoners’ Rights Project – systemic change is achieved. The Legal Aid Society was the driving force of fundamental reform when we sued, and won, the right for people who are arrested to be arraigned within 24 hours of arrest.

As the City’s primary public defender, we believe advocacy must not only take place in the courtroom, but in the communities where our clients live and work. Everyday our defenders are engaging clients, community members, and advocacy groups helping to amplify the voices of people affected by a broken criminal justice system.

Practice members regularly testify before lawmakers and government agencies to comment on proposed legislation and provide insight on issues affecting our clients. The advocacy has led to important legislative victories. The Criminal Practice provides, in each forum, a critical and frequently overlooked voice, highlighting where reform is necessary.

Members of the Practice worked closely with New York City Council members to formulate a series of bills that would improve bail posting procedures, analyze the issue of ICE officers removing immigrant New Yorkers from our Courts, and the need to increased accountability and transparency of the New York City Police Department. In addition to local hearings, members of staff have testified at New York State Assembly and Senate hearings and numerous, state and national panels, commissions, and task forces. We believe that work to reform the criminal system is equally as important to the work we do on behalf of our individual clients.

In addition to the parity request detailed above, for FY20, we are requesting continued support of the following citywide initiatives:

The Community Justice Unit

The Community Justice Unit (CJU) was established in 2011 by The Legal Aid Society as part of the New York City Council’s Task Force to Combat Gun Violence. Recognizing the critical need to treat neighborhood violence as a public health crisis, the CJU follows the Cure Violence model: empowering impacted communities to develop proactive strategies to reduce violence, especially involving young people. The CJU partners with other Cure Violence community based organizations to create empowered, engaged, and safer impacted communities. The CJU’s comprehensive legal representation consists of community outreach, including legal education, clinics, and trainings to the Cure Violence network. These clinics empower thousands of New Yorkers in high schools, community organizations, and even jails. Our efforts are a key component of the CJU’s larger goals: supporting healthier communities by teaching New Yorkers their rights in the criminal and civil contexts, by demystifying legal systems and by explaining how to effectively access legal services.

Cure Violence (CV) participants and staff are guaranteed access to legal advice and counsel from The Legal Aid Society. Community members in CV catchment areas also have access to the services. Our

support staff meet with clients and connect them to attorneys who can provide trainings, advice and even representation. Individuals from CV sites and their communities gain access to all of the services that The Legal Aid Society offers, including housing, immigration, employment, criminal, family, benefits, and health care.

In just the first half of Fiscal Year 2019, the CJU has offered legal services to 1,052 individuals including CV program participants, CV staff, and community and partner agency members, through helping individuals seal their criminal records, offering legal advice, assisting with immigration issues, and running a 24/7 hotline for legal emergencies. In addition, the CJU held different 55 community events across all five boroughs, including *Know Your Rights* events, community forums, rallies and educational clinics

Emergency Hotline

The CJU created a hotline for CV partner sites for legal emergencies involving participants or CV employees. Since its inception in January 2016, the hotline has been staffed by an attorney at all times – 24 hours a day, 7 days a week – and has allowed the unit to begin representing clients much earlier in the process.

Since its inception, the CJU hotline has positively disrupted the manner, length and tone of police interactions with CV participants and community members. Every hotline call in which a CJU attorney has reached an arresting officer, detective or sergeant, has been met with resistance and skepticism from the police. Every hotline call to a precinct receives a surprised reaction from the police who are incredulous to the fact that the CJU knew of the arrest within a short time frame after it happened and that the person under arrest was able to obtain counsel instantaneously. The police are not used to being held accountable for their actions, and are *too* used to people going through the pre-arraignment process without anyone invoking their right to counsel and without knowing their rights. The hotline causes a disruption to the typical policing culture that for too long has capitalized on Black and Brown New Yorkers not knowing their rights and not having counsel so early on in the arrest process.

In order to continue the great work of the unit, we are requesting 1,250,000 for FY 20 which represents a 1,000,000 restoration and a 250,000 enhancement.

CONCLUSION

We thank the Council for your long-standing support for our essential criminal defense and civil legal services programs. We will continue to update you during the FY20 budget process concerning our funding needs so that we can serve clients who depend on The Legal Aid Society to provide access to justice.

**New York City Council
Committee on Justice System
Preliminary Budget Hearing
March 19, 2019
Testimony of The Bronx Defenders
By Justine Olderman, Executive Director**

The Bronx Defenders provides innovative, holistic, and client-centered services to low-income people of the Bronx- these services include criminal defense, family defense, immigration representation, civil legal services, social work support and advocacy. Our staff of over 350 represents nearly 30,000 individuals each year and reaches many more through outreach programs and community legal education. The primary goal of our holistic defense model is to address the underlying issues that drive people into the various legal systems and to mitigate the devastating impact of that involvement, such as deportation, eviction, the loss of employment, student loans and public benefits, or removal of children from the home. Instead of referring to these outcomes as “collateral consequences,” we use the term “enmeshed penalties,” which better reflects the grave risks and realities that our clients face from the moment of legal system involvement.

One of the unique aspects of our model is our interdisciplinary team structure. The Bronx Defenders is arranged into ten interdisciplinary teams. Each team is comprised of criminal defense attorneys, family court attorneys, immigration and general civil attorneys, investigators, social workers and other social services advocates. Through the team model, each client has seamless access to multiple advocates and services to meet his or her legal and related needs.

Our interdisciplinary model reflects the intersectional nature of system involvement. A woman, arrested in her home on low level drug possession charges, will not only be put through the criminal legal system, but if she lives in public housing she may face eviction; if she is an immigrant, she may face deportation; and if she is a mother, she may end up fighting to retain her right to parent her child. Legal system involvement begets more system involvement. Our model of indigent defense means that we not only anticipate this intricate web of enmeshed penalties but that the client has a team of lawyer and non-lawyer advocates to help her navigate these different systems. We are there with her every step of the way. We go where she goes.

Our model works.

A groundbreaking 10 year study by RAND and the University of Pennsylvania revealed that being represented by The Bronx Defenders had the following impact on criminal case outcomes:

- **Reduced incarceration rates by 16%**
- **Reduced incarceration lengths by 24%**
- **Reduced pre-trial detention by 9%**
- **Saved clients 1.1 millions days in jail**
- **Saved city and state taxpayers \$165 million dollars**

A study conducted by the VERA Institute of Justice found that our first-of-its kind New York Immigrant Family Unity Project,

- **Increased the chances of winning a deportation cases by 1,100%**

And our own internal data shows that in just one year, The Bronx Defenders,

- **Prevented evictions in 80% of housing cases**
- **Enrolled more than 1000 families in public benefits with a value of 4.3 million dollars**
- **Retrieved more than \$72,000 worth of property seized by NYPD**
- **Kept 61% of parents under investigation by ACS from having a case filed**
- **Helped 81% of clients avoid having their children removed and placed in foster care**

Despite this strong record of success, our model is under threat.

*

*

*

CRIMINAL DEFENSE

- **We are asking the City for the \$3.3 million in ILS funding.**
- **We are asking the City for \$1,061,095 to cover increases in annual costs.**
- **We are asking the City for \$150,000 for reform work.**
- **We are asking the City for \$200,000 for pre-arraignment representation.**

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

Because each client is unique, we advocate for individualized and comprehensive alternatives to incarceration rather than relying on a "one size fits all" solution to complex problems. Moreover,

our support and advocacy are not confined to the courtroom and do not begin or end with the criminal case. Providing seamless services that address all of the clients' needs, not just their legal ones, is at the core of holistic defense and redefines what it means to be an effective public defender.

We recently entered into a new contract with MOCJ for trial-level criminal defense representation. This new contract runs from January 2019 to June 2024. While our new contract addresses some of the issues that have undermined our work historically, our program continues to struggle with the contracting delays, insufficient funding allocation, and staffing shortages of the past.

Contracting Delays

Delays with contracting, registration, and payment continue to threaten the effectiveness of our program. As we explained last year, MOCJ delayed contracting with the trial-level indigent defense providers for 1.5 years past the expiration of the contract period. While we finally have a registered contract with MOCJ, a critical piece of the funding, for which MOCJ is responsible, has been delayed by an entire year with no payment in sight.

As part of the Hurrell-Harring settlement, the State has allocated funding to NYC to be disbursed to the trial-level indigent defense providers to reduce caseload levels and support quality improvements. However, this funding is not allocated directly to the individual providers through contracts with the Office of Indigent Legal Services (ILS). Instead, ILS contracts with MOCJ to provide the funding through its trial-level indigent defense contracts. In the first year, The Bronx Defenders was awarded 1.1 million dollars. The year started April 1, 2018.

However, we have yet to see a single dollar of that money. Despite receiving no money, we have been required by ILS to hire and demonstrate how that money has been spent. In other words, rather than being ahead \$1.1 million, we are at a deficit of \$1.1 million that we were required to spend without first receiving payment. No non-profit organization can function on these terms.

In the second year, which starts in 2 weeks, we have been awarded 2.2 million dollars. ILS expects us to once again demonstrate how that money has been spent. Yet, there is no sign that MOCJ and ILS have entered into a contract that would enable our organization and the other providers to actually receive the funds we have budgeted for and so desperately need. While we recognize that ILS may share responsibility for the delay in contracting, funding for indigent defense is ultimately MOCJ's responsibility. Indigent New Yorkers facing criminal charges should not have to suffer because of issues with when and how the City gets reimbursed for funding the State has promised.

We are asking the City to provide the overdue \$1.1 million and to advance the \$2.2 million for the upcoming state fiscal year which begins on April 1, 2019.

Staffing Shortages and Growing Costs

The biggest expense in our Criminal Defense Practice, like all of our practices, is staffing. While intake is down owing to the expansion of diversion programs, like the Council's Criminal Justice Reform Act, and other progressive successes, this does not mean costs are down proportionately. They are not. The cases that have been culled from the system are the proverbial low-hanging fruit, the ones that are typically resolved at first appearance. The cases that remain are the ones that used to, and continue to, dictate our pending caseload. In fact, these cases are becoming more complicated over time, involving new and controversial forensics, expert witnesses, and complex intersystem litigation related to child welfare, civil and immigration consequences. It is this group of cases that is the main driver of our costs.

Last year, we provided testimony explaining the crippling effect that MOCJ's failure to account for growing annual costs in our contracts had on our financial stability and effective programming. We laid out how resource allocation from the City remained flat for 7.5 years while costs associated with salaries, health care, and rent continued to rise. Despite the clear crisis that such a discrepancy creates, MOCJ has now repeated the mistakes of the past and has failed to account for rising costs in our new 5.5 year contract that started January 2019. Our contract for trial-level indigent defense with MOCJ reflects a \$17,684,926 allocation of funds. Yet, the costs associated with salary increases, health care, and rent for 2020 alone are anticipated to rise 6% leaving us with a deficit of \$1,061,095.

A flat budget with known fixed rising costs associated with raises, cost of living expenses, health care, and rent, means that the only available way to offset this deficit is to cut staffing. This is not a realistic option. Insufficient staffing would not only weaken the services we provide to indigent New Yorkers facing criminal charges but it would violate our ethical obligation to provide zealous representation.

Moreover, the state legislation providing the funds to ILS dictates that money from ILS can never replace money from MOCJ. This means that if our staffing on the MOCJ budget is reduced we cannot use ILS funds to replace these positions. Put simply, we cannot rely on state funding to make up for costs that MOCJ does not cover. It is the responsibility of the City to provide adequate funding to cover both staffing and other expenses.

We are asking the City to amend our contract to take into account the increase in our annual costs for 2020 and allocate an additional \$1,061,095 to cover these costs.

Lack of Funding for Reform Work

Today, New York City is engaged in an unprecedented effort to reform our criminal justice system. Each week brings a new initiative, taskforce, working group, and hearing. As public defenders, we have decades of experience, expertise, and proximity to the problem as well as

those most impacted. As a result, we are in a unique position to identify the systemic issues and help craft long-term solutions to make the system more fair and more just. Over the past year, we have testified in approximately a dozen hearings. We have sat on numerous citywide task forces, committees, and working groups. In addition, we are constantly working internally to reform the criminal legal system. For example, we recently launched an LGBTQ project to document and address the systemic mistreatment and abuse of our LGBTQ clients by legal system actors from the police, court staff, judges, and corrections. We have also created a Bail Advocacy Team to engage in targeted advocacy for our clients held in pre-trial detention. And we have developed the Liberty Project which engages in policy work and community organizing to help reduce the pre-trial detention population and inform the borough-based jail plan. Our role in reform work does not only benefit our clients. It benefits the City as a whole. Yet, the focus and effort that is required to engage in this critical reform work has associated costs. A staff attorney cannot be responsible for the zealous representation of 75 indigent New Yorkers and simultaneously provide testimony, attend city-wide meetings, and build new initiatives designed to bring greater fairness to our legal system. This work requires dedicated staff. Yet neither MOCJ nor the City Council fund such positions.

We are asking the City to provide \$150,000 for 2 full time positions to do policy reform work so that we can continue to partner with local stakeholders to create a more fair and just legal system.

Lack of Funding for Pre-Arrest Representation

Over the past few years, there has been an increased recognition of the extreme wealth disparities embedded in our criminal legal system, especially when it comes pre-trial detention. However, there is an overlooked aspect of this wealth disparity that has an equal if not greater impact on the fairness of our system - pre-arrest representation. Wealthy New Yorkers who learn that they are being investigated or wanted by law enforcement can obtain representation before charges are even brought. During this period of time, their lawyer can obtain information about the allegations, conduct early investigation before witnesses and evidence disappears, proffer their client and advocate that charges not be brought. Even where charges cannot be avoided, they can arrange a voluntary surrender on a date and time that minimizes disruption to the person's life, negotiate charges and bail with the prosecutor, and arrange for the necessary bail resources before the person even appears in court. Early advocacy can help mitigate the harm of criminal system involvement but is only available to those with the means to pay for it. Indigent New Yorkers should have the same access to representation as our wealthy counterparts. However, the scope of services in our contracts only allow for representation once a case is filed in court. Moreover, the resources allocated to our contracts are insufficient to provide representation during this critical phase of the proceeding.

We are asking the City for \$200,000 to fund 2 full time lawyers and one full time investigator to ensure that indigent New Yorkers receive the same early advocacy as wealthier New Yorkers.

FAMILY DEFENSE

- **We are asking the City for an additional \$1.2 million to meet current staffing needs.**
- **We are asking the City for \$588,000 to cover increases in annual costs.**
- **We are asking the City Council for \$597, 398 to fund preventive advocacy and SCR representation**

The dedicated attorneys, social workers, and parent advocates in our office’s family defense practice zealously defend parents against the painful and unnecessary removal of their children and the potential dissolution of their families. Despite the myriad studies showing that children are better off staying with their own parents, parents are often targeted in child neglect and abuse investigations and lose custody of their children because they have marginal resources, are unemployed, have unstable housing, suffer from mental illness or addiction, or are victims of abuse themselves. Each year, these issues drive thousands of children into the child protection system. Once in the system, children often languish in foster homes as their parents and caretakers attempt to meet the court’s often lengthy and onerous requirements to secure their return. Without a strong legal defense and the resources and support to address and resolve the problems that brought them there, many families will continue to cycle in and out of family court for years on end, sometimes generation after generation, destabilizing their lives, families, and communities in the process.

Staffing Shortage

During Fiscal year 2016 and 2017, new cases alleging abuse and neglect were being filed at an alarming rate. Fiscal year 2017 saw a 7.6% increase in reports of abuse or neglect over FY 2016, and an 11.9% increase in the rate at which reports were substantiated.¹ But ACS filings increased much, much more. “Between October 2016 and May 2017, ACS filed more than 10,500 cases accusing families of child abuse or neglect in Family Court—an increase of *64 percent* over the number of cases filed by the agency during the same months of the previous year.”²

¹ The New School Center for New York City Affairs, “Watching the Numbers: A Six-Year Statistical Survey Monitoring New York City’s Child Welfare System,” November 2017, available at <http://www.centernyc.org/watching-the-numbers-2017> (7.6% appears in the first bullet point; 11.9% calculated by comparing 36.1% with 40.4% in the second line of data in the chart).

² The New School Center for New York City Affairs, “ACS in Overdrive: Since the Death of a Harlem 6-Year-Old, Are Fewer Families Getting the Help They Need?,” 2018 (emphasis added), available at <http://www.centernyc.org/acs-in-overdrive/?rq=acs%20in%20overdrive>.

While intake over the past fiscal year has slowed, the intake rate tells only part of the story. When the intake rate increases so precipitously but the number of judges and amount of other resources do not change, the entire system moves much more slowly. So the number of cases pending at any time -- which was always high, as these cases generally remain active for a long time -- goes up. And it is the pending rate, the number of cases for which we are responsible at a given time, that determines the workload. As but one data point: the number of New York City abuse or neglect cases that were pending without having reached a determination, called a “fact-finding,” increased by 38.9% from the end of calendar year 2016 to the end of 2017.³ Although our pending caseload has begun to flatten out, it will take time before it begins to mirror the decline in intake.

With cases pending longer, our clients are more likely to generate additional cases, such as custody or termination of parental rights matters, for which we receive no additional compensation. And our cases are increasingly complex. For example, we have seen increasing numbers of cases, filed as serious abuse allegations, that turn out, upon careful investigation and consulting with experts for which we are not adequately funded, not to be abuse at all but, rather, missed diagnoses of underlying pediatric medical conditions.

The increased caseloads that have resulted from all of this have created a crisis in Family Defense. The rise in cases means we need more attorneys and administrative staff to handle these cases as well as more social workers and parent advocates to help parents negotiate service plans, attend meetings and conferences with caseworkers, and fulfill the requirements of the service plans required by ACS. To provide quality representation and ensure children do not languish needlessly in foster care, our staffing must ensure that each attorney is handling a manageable caseload of approximately 50 cases, the standard for child representation. In addition, we need to ensure appropriate 2:1 ratios of attorneys to social workers and parent advocates as well as appropriate 2.5:1 ratios for attorneys to paralegals. Despite the multi-year increase in filings and the inflated pending caseload, we are experiencing a shortfall in our funding for fiscal year 2019 and even more severe shortfall in fiscal year 2020.

The reason for this extreme shortfall in our budget is that the City has not increased our funding sufficiently to meet the growing epidemic of case filings in Family Court, the increase in our pending caseload, the growing complexity of our cases, and the expanded need for preventative work. We were optimistic that we would receive the requisite level of funding when, last year, the City asked us to project what it would cost to right-size our budget, ensure sufficient staffing to handle the increases in both cases and pending caseload, ensure sufficient ratios to meet client

³ Data are from the New York State Unified Court System, comparing 1,140 at the end of 2016 (*see* the second row, penultimate column of the chart available here: <http://www.nycourts.gov/publications/pdfs/Family-Court-statistics2016.pdf>) with 1,584 at the end of 2017 (*see* the second row, penultimate column of the chart available here: <http://www.nycourts.gov/publications/pdfs/Family-Court-statistics2017.pdf>).

needs, and ensure sufficient funding to meet growing costs. The answer was approximately \$11 million. While the City did increase our contractual targets in fiscal year 2018 and 2019 to better reflect the pace of new filings, and made a minor adjustment to our cost per case, the City only increased our annual revenue to \$9.8 million.

We are asking the City to right size our budget for 2020 and allocate an additional \$1.2 million to our parent representation contract.

Growing Costs

As with our criminal defense contract, MOCJ has indicated that it has no intention of adjusting funding for fiscal year 2020 to cover increases in salaries, health care costs, and rent. This failure to adequately account for our growing annual costs leaves us in dire financial straits. Not only do we not have enough funding to meet caseloads and staffing standard and ratios in fiscal year 2019 but now have to use that inadequate funding to pay for increases. The only way we can cover these costs is to increase caseloads and reduce staffing further. Our contract for trial-level parent representation with MOCJ reflects a \$9.8 million allocation of funds. Yet, the costs associated with salary increases, health care, and rent are anticipated to rise 10,388,000% leaving us with a deficit of \$588,000. Reducing staff will leave us unable to meet our constitutional and ethical requirements to provide zealous representation and will lead to more unnecessary family separation.

We are asking the City to amend our contract to take into account the increase in our annual costs for 2020 and allocate an additional \$588,000 to cover these costs.

Lack of Funding for Preventive Advocacy and to Help Parents Clear their Names off Central Register of Child Abuse and Maltreatment (SCR)

Currently, parents with child welfare involvement are not assigned attorneys until ACS files an abuse or neglect case against them in Family Court. However, before a case is filed in court, critical decisions are made that have grave consequences for how the cases proceed, including whether the family will be diverted to programs and services; whether the case will be filed in court; and, most significantly, whether children will be separated from their parents. Because our contracts with the City do not fund us to represent, advise, or support parents through the pre-filing investigations, they participate in these investigation alone and unadvised resulting in hundreds of unnecessary family separations and court filings. We are currently seeking funding from the City Council to provide parents with the advocacy they need to make decisions for their families and get the services they need to ensure that their children are safe and their families can stay together.

New Yorkers are routinely denied employment based on unproven allegations of child abuse and neglect that remain accessible to employers and others for up to 28 years on the state's SCR.

The majority of indicated cases are never reviewed by a judge to determine whether the allegations are supported by evidence and warrant drastically limiting a person's employability. Indicated reports often have no relationship to a parent's ability to work and affects primarily people of color, precluding them from a tremendous array of job opportunities, including in the fields of health care, education, security, and transportation. The only way to challenge an indicated report in the SCR is to request a fair hearing before an administrative law judge. Most parents are not aware of their right to request this proceeding, let alone how to navigate the complicated process, obtain documentary evidence, or represent themselves in the hearing. Parents do not have a right to appointed counsel and our contracts with the City do not include representing parents in administrative hearings to clear their SCR record. We are currently seeking funding from the City Council to provide representation to these parents.

We are asking the City to allocate \$597, 398 to fund this critical work.

CIVIL ACTION

- **We are asking the City to fund civil lawyers at a ratio of 10:1 as part of our Criminal and Family Defense contracts.**

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

At The Bronx Defenders, we have the unique opportunity to intervene early and break this cycle by integrating transformative civil action within our criminal, family, and immigration defense work. Our experts work collaboratively on teams to represent our clients in civil courts and tribunals throughout the City and to increase access to basic civil needs. In addition, we work to facilitate the reentry of our clients into the community and to restore their rights.

Funding and Ratios are Insufficient to Meet Criminal and Family Defense Civil Legal Needs

For the first time, MOCJ, through our criminal defense contract, has provided separate funding for civil attorneys to assist our criminal defense clients in the areas of housing, employment, property, and benefits. However, MOCJ is only funding civil attorneys at a ratio of 1 civil attorney for every 20 criminal defense attorneys. The needs for civil representation in related civil matters requires at least double that ratio. A single client's entire life can be upended because of criminal system involvement. They can lose their housing, have their benefits cut off, and be terminated from their job. These consequences can be graver and more destabilizing than

the criminal cases itself. Civil attorneys and advocates are a critical tool in our effort to mitigate the harm of criminal system involvement, reduce rates of re-arrest, and help clients on the pathway to success. However, providing one civil attorney for every 20 criminal defense attorneys who handle on average 75 clients at any one time, is woefully inadequate to meet our clients' civil legal needs.

The need for representation in civil matters is just as important to our family defense clients. The biggest driver of family separation is poverty not abuse or actual neglect. Children are taken from loving parents because of issues related to housing, employment, and benefits that can be addressed with the help from civil lawyers and advocates. By providing funding for civil attorneys as part of our family defense contract, parents facing ACS investigation can challenge unsafe conditions and illegal evictions as well as seek settlement for non-payment of rent in housing court that would help keep their children safely at home. They can advocate for their child's unmet educational needs that often lay at the heart of educational neglect cases. They can appeal the denial or termination of benefits at administrative hearings and get the support they need to provide for their families. In short, with sufficient funding for the civil needs of our family defense clients, we can avoid the unnecessary family separation happening in our own backyard. However, our current contract with MOCJ for parent representation does not provide any funding for civil attorneys despite the direct correlation between keeping children safely at home and housing, employment, and benefits.

We are asking the City to fund civil lawyers at a ratio of 10:1 as part of our Criminal and Family Defense Contracts.

IMMIGRATION

Our Immigration Practice is made up of three related but distinct programs: NYIFUP, Padilla Representation, and Affirmative Representation.

- **We are asking the City Council for \$500,000 in additional funding in FY19 to handle the increase in intake.**
- **We are asking the City Counsel to fund NYIFUP at \$16.6 million to handle the increase in anticipated annual intake.**
- **We are asking the City to fund *Padilla* attorneys in our Criminal and Family Defense contracts at a ratio of 1:10**
- **We are asking the City to allocate \$300,000 to fund 4 full time attorneys to provide affirmative representation for our Criminal and Family Defense clients.**

New York Immigrant Family Unity Project

Last year, the City Council funded the New York Immigrant Family Unity Project (NYIFUP) for \$10 million. This included \$3.3 million to each of the three providers, all part of the defender community—Brooklyn Defender Services, The Bronx Defenders and The Legal Aid Society.

NYIFUP providers represent people who are detained by ICE during their deportation cases -- also known as removal proceedings -- at the Varick Street Immigration Court (and detained New York City residents appearing at the Elizabeth courthouse in NJ). For those who receive a lawyer, their chances of successfully fighting their case and staying in the United States are dramatically increased. A recent study showed that there is a 1,100% increase in successful outcomes when immigrants, especially those with long-standing ties in this country, are properly represented by counsel in removal proceedings.

Assault on NYIFUP and Access to Counsel is Requires a Greater Expenditure of Resources

As immigration legal services providers, we are currently experiencing what can only be described as an assault on NYIFUP, access to counsel and due process for detained immigrants. First, ICE stopped physically bringing our clients in court, which means all court appearances are happening by way of video teleconference. Our clients don't get to sit in the room where their deportation proceedings are underway -- they are in a cell in a jail, appearing only through the video. Video appearances undermine our ability to have confidential communication with our clients, impede our clients' ability to meaningfully participate in the proceedings, and reduce the effectiveness of our advocacy efforts. Moreover, it requires our staff to make many more trips to the jails where our clients are held, increasing the number of hours required to zealously represent each client and reducing the overall number of clients any one staff member can represent. While we have filed a lawsuit to stop this practice, right now our work as advocates is being undermined and our ability to handle the workload threatened by ICE's dramatic shift in policy.

Second, there have been drastic changes to the way calendars are being handled in the court. What used to be separate morning and afternoon calendars are now all set for the morning. Judges' dockets are very lengthy, which means that lawyers often end up waiting for hours on cases that previously did not require so much wasted time. Judges may run out of time and not call their cases at all, or push them into the afternoon even though the attorney spent the morning waiting. This ever-changing and inefficient scheduling is further burdening an already unmanageable workload.

Finally, the Immigration Court has started advancing cases from their previously scheduled trial dates. While this may appear to be an attempt to reduce the backlog of cases and ensure that our clients have their matters heard and adjudicated expeditiously, it is anything but. Trial dates that

were set by Immigration Judges are being advanced without warning or communication to the attorneys on the cases. There is no discussion or negotiation about the date to ensure that assigned counsel can even be present. Most importantly, the cases are being moved forward so far as to be imminent, and the new date effectively leaves counsel without sufficient time to prepare a defense.

Current Funding is Insufficient to Maintain Universal Access to Counsel

In addition to the above threats to our program, the Trump Administration has increased dramatically the number of immigrants being arrested and put into deportation proceedings. ICE is no longer exercising its discretion to release certain immigrants while their cases are pending. Previous administrations would exercise some discretion, and decline to initiate removal proceedings for certain individuals, or choose not to detain them during the court of any removal proceedings. Now, under the enforcement policies of the current administration, the number of detained immigrants facing deportation has skyrocketed over the last couple of years resulting in a ballooning backlog of cases. To manage the backlog, the Varick Street courthouse is adding two additional courtrooms for detained cases this month, which we anticipate will result in a 66% increase in our annual intake.

To maintain this groundbreaking program, we would need a corresponding 66% increase to our NYIFUP budget for a total of \$16.6 million. Increasing our funding commensurate with the increase in intake is the only way to preserve universal access to counsel for detained immigrants. Our current funding and staffing is woefully inadequate to handle this anticipated increase in intake. While close, our current funding is not projected to cover all of our costs for fiscal year 2019 at the current intake level and so certainly cannot cover the additional costs associated with this anticipated influx of clients. In addition, our staff are already handling the maximum possible caseload especially given the obstacles thrown in their way by ICE and the courts. We simply do not have the funding or capacity to staff these additional intake shifts and additional clients.

In light of the above, we are asking the City Council to provide \$500,000 in additional funding in FY19 that would allow us to start increasing our staff immediately and staff the new detained immigration courts as they open.

We are also asking the City Council to increase our funding for next year to a total of \$16.6 million so we can continue our mission of representing every detained person, based on need only, and continue our groundbreaking work for immigrants.

Padilla Representation

The Bronx Defenders employs another group of immigration attorneys known as “*Padilla*” attorneys, after the Supreme Court case *Padilla*, which established that immigration advice is part of the right to counsel in criminal cases. The work of *Padilla* attorneys to provide in-depth screening, advisals and representation to all non-citizen clients facing criminal charges is more important now than ever. ICE has ramped up every aspect of its enforcement activities, and non-citizen New Yorkers of all statuses are at greater risk of being targeted for removal proceedings. This work requires accurately advising clients on how to avoid adverse immigration consequences such as pleas that render them criminally removable or ineligible for defenses from removal or bond from immigration detention. This work also requires counsel to take into account the risk of ICE apprehension of their clients in criminal custody (even under the DOC detainer law!), on probation, or in the courthouse over the course of multiple court appearances. While MOCJ, under our trial level indigent defense contract provides funding for immigration attorneys working on behalf of criminal defense clients, it only does so at a ratio of 1 immigration attorney for every 20 criminal defense attorneys. This ratio and its corresponding funding is woefully inadequate to meet the need of our immigrant clients facing criminal charges. Based on this ratio and our current needs, each immigration attorney would be handling 250 cases at any one time. That caseload is simply untenable and would be a violation of our constitutional and ethical obligations. We need, at minimum, one immigration attorney for every 10 criminal defense attorneys.

Unlike our trial level indigent defense contract, our parent representation contract with MOCJ provides no funding for immigration attorneys to conduct screenings, provide advice, or represent our clients facing charges in Family Court. While the impact of criminal cases on our clients’ immigration status is well known and documented, we are beginning to see similar negative consequences of family court involvement. Our family defense practice has seen an influx of non-citizen clients who are accused of abuse or neglect of their children. At the same time, we have seen immigration judges using child welfare involvement against our clients in their deportation case. Thus we must be able to accurately and promptly screen and advise this vulnerable client population. However, we simply do not have the staffing to do so.

If the City cares about protecting immigrant New Yorkers, it must recognize that providing counsel in deportation proceedings is not enough. The City must also invest in the front end screening, advice, and representation that helps our clients avoid deportation proceedings all together. The City should continue its pathbreaking support for our immigrant community by robustly funding *Padilla* representation at a ratio of 1:10 in both our criminal defense and our family defense practices. Without additional funding, we will not be able to meet the needs of our immigrant clients, we will run the risk of violating our constitutional obligation to provide

advice and counsel to our immigrant clients facing criminal and family court cases, and we may unwittingly assist in feeding this administration's deportation machine.

We are asking the City to fund *Padilla* attorneys in both our Criminal and Family Defense Practices as a ratio of 1:10.

Affirmative Representation for Immigrant Clients

For many New Yorkers, representation in affirmative applications to USCIS, the immigration agency that adjudicates affirmative applications for benefits like some visas, is the key preventative measure to avoid removal proceedings. Many undocumented immigrants have no idea that they qualify for special visas or statuses, and certain lawful permanent residents do not realize they may be eligible to naturalize. But the ability to provide such assistance requires high-quality, deep screening of documented and undocumented immigrants. There must be capacity not only to screen for these different kinds of applications or pathways to lawful status but to provide the needed representation that follows as well. Our clients who have had contact with the criminal justice system require some of the most complex and time intensive affirmative relief applications, and are turned away from most other non-profits for these services. Moreover, under the current administration, USCIS has delayed processing times than ever, and is frequently denying applications in discretion that were previously approved. We are forced to appeal agency determinations or bring lawsuits in federal courts to compel agency action. Under this administration's recent policies, we expect that people whose applications are denied will be referred to removal proceedings, which has not been the case under previous administrations that exercised more discretion.

We are asking the City to allocate \$300,000 to fund 4 full time attorneys to provide affirmative representation for our Criminal and Family Defense clients.

Impact Litigation

With growing challenges to New York's immigrant communities under the current federal administration, we increasingly see issues that go beyond the scope of any single person's case and instead threaten the rights of hundreds of immigrants,- including many who are still waiting to see an attorney for the first time. Our Impact Litigation Practice, which builds on the experience of our office's individual representation and collaborates with our broader systemic reform team, is uniquely positioned to take on these challenges and ensure that immigrants' rights are protected. We have submitted a request to the New York City Council for \$225,000 to expand our litigation work to fight injustice facing low-income New Yorkers, particularly those facing the increased challenges of the federal immigration system. With this support, we will be able to hire a senior litigation attorney and a paralegal to help us build and litigate cases that will seek systemic reform that benefits all New Yorkers.

We are asking the City Council for \$225,000 to support impact litigation focused on protecting Immigrant New Yorkers.

*

*

*

Thank you again for the opportunity to provide this testimony. It is an enormously important moment in the history of our City as regards the ongoing pursuit of justice. With the Council's continuing leadership, we will continue, together, to build upon the successes of recent years.

**Mayor's Office of Criminal Justice
New York City Council
Committee on the Justice System
Committee on Public Safety
March 19, 2019**

Good afternoon, Chair Lancman, Chair Richards, and members of the Justice System Committee and Public Safety Committee. My name is Elizabeth Glazer, and I am Director of the Mayor's Office of Criminal Justice (MOCJ). Thank you for the opportunity to testify today. Deborah Grumet, MOCJ's Deputy Chief Financial Officer, is here with me as well to answer questions.

The Mayor's Office of Criminal Justice advises the Mayor on criminal justice policy and is the Mayor's representative to the courts, district attorneys, defenders, and state criminal justice agencies, among others. MOCJ designs, deploys, and evaluates citywide strategies to increase safety, reduce unnecessary arrests and incarceration, improve fairness, and build the strong neighborhoods that ensure enduring public safety.

Today, more New Yorkers can learn, earn, and play more safely in their communities than they could five years ago, at the start of this administration. At the same time, ever fewer New Yorkers experience the touch of the criminal justice system or time in jail. New York City now has the lowest incarceration rate of all large cities in the United States. When Mayor Bill de Blasio's administration began on January 1, 2014, 11,289 people were in the city's jails. By the end of 2018, that number had dropped 30% to below 8,000 — the fewest incarcerated since 1980. Alongside this decline in incarceration, New York City has also experienced a reduction in crime, with index crime falling 14%. We live in the safest big city in the United States.

Yet crime still happens, and racial disparities and deep problems of fundamental unfairness, primarily for people of color, persist. As we reduce crime and the jail population to unprecedented numbers, we face an inflection point that presents ongoing challenges, as well as rare opportunities we must seize.

Democratizing how we keep the peace will make our neighborhoods and our city even safer and fairer. We know that for decades crime has continued to

concentrate in the same neighborhoods, along with poverty and unemployment. Confronting this legacy requires developing shared solutions from residents of all ages, community-based organizations, and city agencies as diverse as the Parks Department and Department for the Aging, as well as from our law enforcement partners. It also calls for acting on the decades of experience and research demonstrating that safety is the organic result of access to learning, work, and play, along with revitalized physical environments that bring people together and promote civic engagement.

To drive toward these goals, we are pursuing an array of initiatives, many of which can be grouped under three broad strategies we highlight today.

The first strategy is partnering with New Yorkers to produce a safer, more inclusive city.

For the past five years, MOCJ has convened the Mayor's Action Plan for Neighborhood Safety, or MAP. MAP works with neighborhoods and stakeholders to holistically enhance safety using physical improvements and expanded opportunities for work and play, as well as strategic coordination of law enforcement and other city resources.

NeighborhoodSTAT, launched in 2016, brings residents of 15 public housing developments together with city agencies and local community-based organizations to identify key public safety issues, review relevant data, and work hand in hand to develop solutions based on their combined expertise and experience.

Although a few MAP sites have seen some rises in crime, the MAP model has contributed to a 9% overall reduction in total index crime, with violent crime falling 8% from 2014 to 2018, outpacing the 4% decline throughout the city's public housing developments during the same period. Our program has made possible more than 240,000 visits to the Kids in Motion Summer playground program and more than 10,000 enrollments in the Summer Youth Employment program, with Universal Summer Youth Employment available at all sites. We also saw over 140,000 visits to late night summer hours for youth at 105 community centers.

We know that strategic physical neighborhood design can also create safer, more equitable, vibrant, and healthy spaces. MAP's Neighborhood Activation

undertaking engages the community to activate public space and develop and partner on design principles for public safety. For example, in June 2018 MOCJ kicked off the Claremont Illuminated public art series in partnership with Bronx Documentary Center and the Department of Cultural Affairs, with support from the National Endowment for the Arts. This remarkable program offered a series of specially designed night-time artworks in the South Bronx, featuring community members and making an isolated area safer. A picture speaks louder than a thousand words of budget testimony, and so I have attached images of Claremont Illuminated to my testimony, to show what community design and activation can look like. As these images illustrate, public safety approaches can be joyful and affirming, rising out of the communities that have suffered most. We look forward to expanding these neighborhood design programs and resources in coming months.

Another of our key strategies is operated out of our Office to Prevent Gun Violence. New York City continues to have the lowest incidence of gun violence of any major U.S. city. Our Office to Prevent Gun Violence oversees the Crisis Management System, which grew out of recommendations from a City Council Task Force and has continued to expand. CMS includes teams of credible messengers who mediate conflicts on the street and connect high-risk individuals to services that can reduce violence. This work expanded in 2018 to 3 additional high conflict precincts beyond the 18 already in place. According to an evaluation completed by the John Jay Research and Evaluation Center, the Cure Violence approach contributed since the program's 2014 launch to a 31% decline in shootings in the 17 highest violence precincts. Our programs also produced measurable changes in attitudes, increasing community confidence in law enforcement while reducing the willingness of young men to use violence to settle disputes.

The second major strategy my office oversees is creating a smaller, safer, and fairer jail system in New York City.

Today, our jail population is 7,881. We are on track to close the eight remaining jails on Rikers Island and move to a smaller borough-based justice system that reimagines the culture, purpose, and location of jails. Since 2013, the number of people in City jails has fallen across almost every category, with:

- Jail admissions down 46%,
- Those detained on misdemeanor charges down 34%,

- Those detained on bail of \$2000 and less down 65%,
- Those serving city sentences down 41%, and
- The number of 18 to 21 year olds in jail reduced 53%.

Notably, the only population in jail to increase are those in on *state* parole violations, up 32% since the beginning of 2014 and 18% from last year to this year. This rise illustrates that reducing the number of people in jail in New York City is a shared responsibility – one that requires the partnership of the state, the courts, and others.

Next week we certify our Uniform Land Use Review Procedure (ULURP) application for community-based jails and take another step towards realizing a smaller, safer, and fairer jail system. While much of the conversation in this next phase of planning will focus on the buildings, the plan also involves efforts across many other areas, including population reduction, culture change, and design. The Justice Implementation Task Force, with over 75 leaders and experts inside and outside of government, meets to ensure that we replace Rikers with a smaller system and a safer and fairer culture.

We also coordinated with many city agencies, the courts, and other partners to successfully implement on schedule the state's Raise the Age legislation, moving 16 and 17 year olds off Rikers and into juvenile facilities by October 1, 2018 — a major undertaking for the city on a challengingly short time-table.

The third major strategy to which my office is committed is promoting fairness.

A successful public safety system is measured not only by its size but also by the quality of the justice it provides. We spearhead efforts on a number of fronts to advance this priority.

- The New York Criminal Justice Agency (CJA), the city's non-profit pretrial service agency, with MOCJ support, is updating its pretrial release recommendation system. We anticipate it will allow CJA to recommend far more defendants for release. This update process has involved the work of the nation's leading experts in criminal justice and data science, as well as deep engagement with the courts, district attorneys, public defenders, and others. The new tool is being

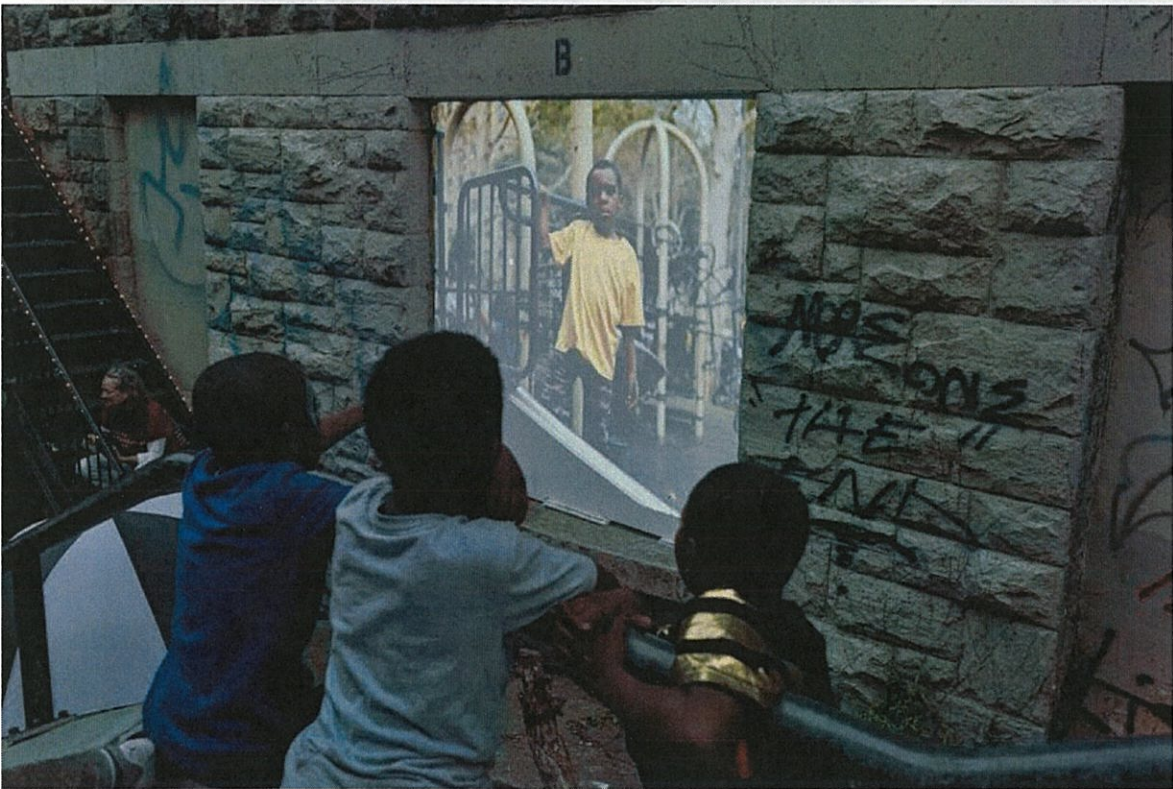
piloted now, for broader use soon. We are encouraged that New York State and Court of Appeals Chief Judge Janet DiFiore endorsed the updated release recommendation system in the 2019 State of the Judiciary, saying that “[o]ne of the key purposes of this tool is to address disparate impacts on racial groups at this critical pre-trial stage.” She also noted that “it will enable our judges to make fair, accurate and responsible determinations to avoid unnecessary pre-trial detention.”

- In 2018, Supervised Release, a diversion program that serves as an alternative to bail and jail, prevented over 4,500 jail admissions. Since its inception, Supervised Release has served over 11,000 individuals with pending criminal cases. Recently, we expanded an intensive Youth Engagement Track to all five boroughs and look forward to additional expansion of Supervised Release.
- The City is further lightening the touch of the criminal justice system, particularly on people of color, through changes to its policies around NYPD enforcement of low-level marijuana and fare evasion offenses. NYPD has significantly reduced arrests for these offenses, with arrests for public consumption of marijuana down 93% and for fare evasion down 75% since NYPD’s policy changes over the summer.
- This past summer, the Mayor appointed a Task Force on Cannabis Legalization, headed by MOCJ, which issued a major report in December recommending measures in the event of legalization to address racial disparities, drive economic opportunities to communities most impacted by criminalization, and protect public health and safety.

These and other strategies MOCJ coordinates demonstrate the multitude of efforts, large and small, undertaken by New Yorkers within and without the government, and in communities across the City, that have made this the safest big city in the nation and a fairer place for all New Yorkers. We know that much more needs to be done, and we will continue to build on the successes and lessons of the past as we press forward. I am grateful to the City Council and our other partners who work with us to seize this rare and real opportunity to construct a smaller, safer, and fairer justice system that will endure in New York City.

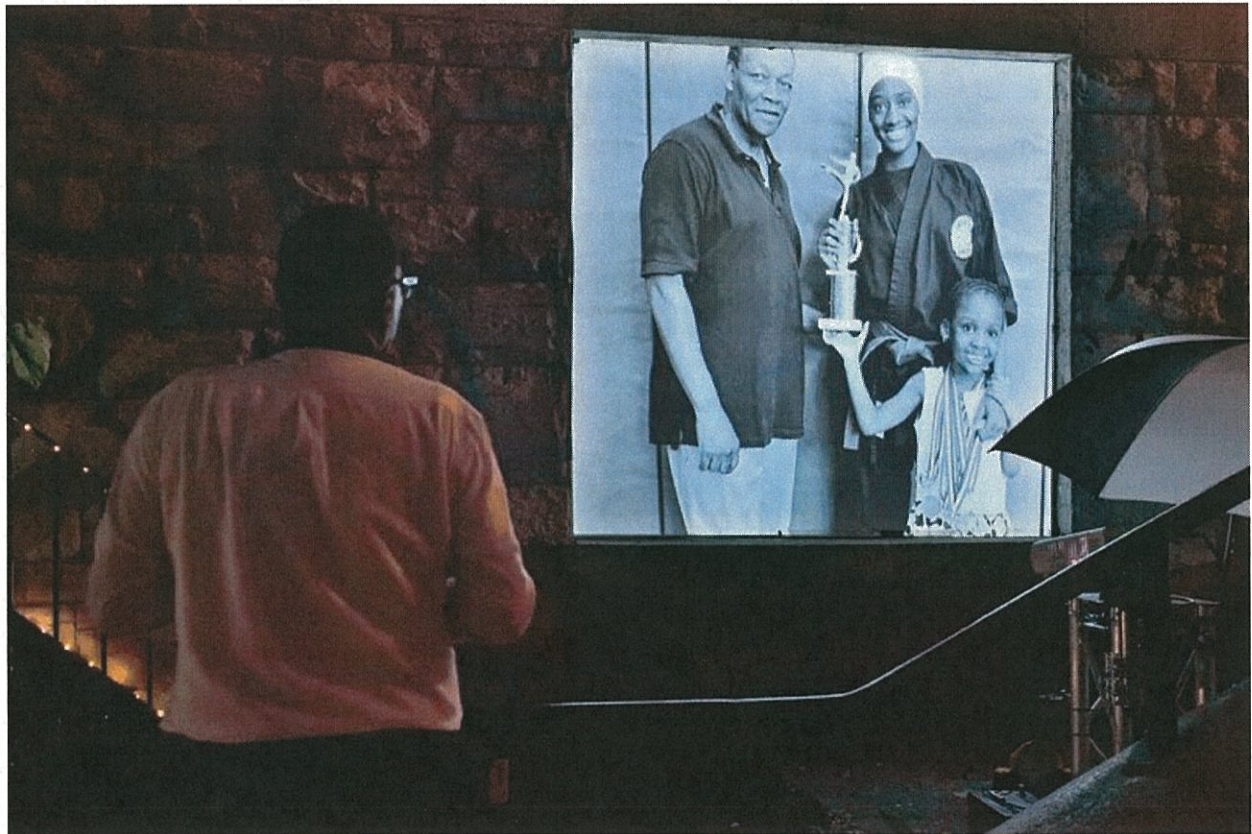
Thank you for the opportunity to testify here today. I would be happy to answer any questions.

Claremont Illuminated Photos by Ed Alvarez











Testimony of Womankind (formerly New York Asian Women's Center)
Before the New York City Council
Committee on Justice Systems
March 19, 2019

Good afternoon Chairman Lancman and distinguished members of the Committee. Thank you for the opportunity to speak today. My name is Aya Tasaki and I am the Manager of Policy and Advocacy at Womankind (formerly New York Asian Women's Center).

Womankind works with survivors of gender-based violence to rise above trauma and build a path to healing. We bring critical resources and deep cultural competency to help Asian communities find refuge, recovery, and renewal. We provide culturally matched direct services to survivors of domestic violence, sexual violence, and human trafficking across the lifespan, in 18 distinct Asian languages and dialects, as well as in Spanish and English, citywide. Womankind fields nearly 2,000 first time helpline calls annually. Our services include 24-hour multilingual helpline, crisis intervention, safety planning, and emergency and transitional housing, financial literacy and empowerment, education and employment assistance, children and youth services, ESOL tutoring, immigration legal services and more. Our resourceful advocates expertly navigate issues of language access, cultural norms, and trauma, within the city's systems, to ensure survivors receive the help and support they want and deserve. Annually, we serve over 1,000 survivors.

We are here today to testify on the importance of expanding the ways the Support for Victims of Human Trafficking Initiative funding can be used. Currently, the initiative is tied to services offered to those who come through the court system. We have been serving trafficking survivors for over 12 years with an unwavering commitment to survivor-centered values, and we believe that the initiative funding should be available to services and individuals beyond its current restrictions.

Womankind has been in the Human Trafficking Intervention Court system since 2009, providing services and support to over 1200 survivors to date. Through our presence in the Queens HTIC, we have witnessed the court evolve under Judge Serita's leadership and her willingness to compassionately engage with individuals. We are proud of and believe in the importance of the culturally tailored services we provide clients who come through her courtroom.



FORMERLY NEW YORK ASIAN WOMEN'S CENTER

32 Broadway, 10th Floor New York, NY 10004

T 212.732.0054 F 212.587.5731

At the same time, we must highlight the fact that close to 80% of the trafficking survivors we serve do not come through the court system. They are connected to us through word of mouth and the support network of community members. Time and time again, we have seen how community engagement is critical for individuals and their families to access life-changing services. Womankind is not only committed to reaching as many survivors as possible, but to also ensuring that we are supporting them on a journey away from life circumstances that could make them vulnerable to being trafficked again. Human trafficking is a complex issue that requires nuanced and creative approaches. For us to be successful in doing this work, the funding that supports our work needs to be flexible. Removing the current restrictions that exist would lead to each dollar having a stronger, longer-lasting impact.

Womankind is deeply grateful for the City Council's support throughout the decades, and its commitment to our communities. We applaud the City Council's continued investment to combat human trafficking, and for creating this initiative to ensure sustained funding for the effort. We are committed to being in partnership with you on our united fight against human trafficking, and against all forms of violence.

Thank you.

Aya Tasaki
Manager, Policy and Advocacy
Womankind
212.732.0054 x127
atasaki@iamwk.org



**Decrim NY: A Coalition to
Decriminalize, Decarcerate, and
Destigmatize the Sex Trades in NY**
decrimny.org // @DecrimNY

Cecilia Gentili, *Policy Work Group
Co-Chair, Steering Committee
Member*

My name is Cecilia Gentili. I am a steering committee member of Decrim NY, a coalition of more than 20 organizations working to decriminalize, decarcerate, and destigmatize the sex trades in New York. I am a transgender woman, an immigrant who lived in this country without a documented status for 10 years. During those 10 years I worked trading sex. After being arrested several times due to my job or by being targeted as a sex worker and found to be in possession of substances, since I was a heavy user for many years, I ended up in Rikers Island from where I was picked up by ICE and sent to their Varick facility to wait for deportation. As they were having issues placing me due to my gender identity I was released with an ankle bracelet.

At that time a fellow sex worker helped me get into detox. After Detox at Coney Island Hospital I was sent to a 28 days and from there to a long treatment facility in Jamaica, Queens. While being in treatment I applied for asylum, accessed mental health services and got an internship at the LGBT Center. This internship led me to get my first job right after leaving treatment. I found my passion for services and advocacy and I did that working in different organizations like Apicha CHC and GMHC, then finally opened my own consulting company at the beginning of 2019.

Substance abuse treatment, immigration counsel, sexual health and mental health services as well as vocational assistance and job placement helped me shape my life in a direction I never even thought I could aspire to as a transgender person.

These very comprehensive number of services work. They work for communities usually undeserved like my communities: Trans, gender non-conforming and non-binary, immigrants, undocumented folks and most importantly, sex worker. These services worked for me because I was ready for them and I was referred to programs by someone I trusted, a fellow sex worker.

Services should never be mandated by a court system, people who need them must be able to choose them freely. The Committee on Justice Systems has funded the Support for Victims of Human Trafficking Initiative through the Mayor's Office for Criminal Justice, and this funding goes to organizations that provide mandated services through the Human Trafficking Intervention Courts. In FY2019 there was \$1.2 million allocated for this initiative. This funding stream should exist, but it should not be tied to the arrest and court involvement of sex



**Decrim NY: A Coalition to
Decriminalize, Decarcerate, and
Destigmatize the Sex Trades in NY**
decrimny.org // @DecrimNY

Cecilia Gentili, *Policy Work Group
Co-Chair, Steering Committee
Member*

workers and survivors of trafficking. MOCJ must change the structure of this initiative so that organizations that provide voluntary services to sex workers can access these resources.

As you will read in the testimonies of Decrim NY members and colleagues at Womankind and the Sex Workers Project at the Urban Justice Center, who unfortunately couldn't be here in person today, while these services are valuable, mandating them through arrest and court involvement is unnecessary and adds to the trauma that survivors and sex workers experience.



March 19, 2019

Thank you Chair Lancman and the Committee on Justice Systems for your time and consideration.

My name is RJ Thompson. I am the Managing Director of the Sex Workers Project (SWP) and Project Director of the Human Rights Project at the Urban Justice Center. I am a human rights lawyer, and longtime community organizer, educator and sex worker in various sex trades. I am writing you today as my organization, SWP, is a grateful recipient of the MOCJ human trafficking grant. We would like to address our approach to service provision for sex workers and survivors of human trafficking and urge the City to direct funding now and in the future to organizations and agencies who take a harm reduction, anti-oppression, human rights and trauma-informed approach to their work.

SWP provides direct legal and social services to current and former sex workers as well as survivors of human trafficking across the five boroughs of New York City. We have provided these critically needed services in a culturally competent, trauma-informed and client centered way since our founding in 2001. Our lived experience as sex workers as well as those of our clients have shown us time and time again that services mandated by the state, including the courts, and even so-called “problem solving” or alternative court structures like the Human Trafficking Intervention Court (HTIC) are less than ideal in terms of their effectiveness in meeting people where they are and having the best possible outcomes for our lives.

Court mandated, or otherwise coercive, services often do not take into account the past and present trauma that individuals are experiencing from so many actors and forces, including but not limited to traffickers, police, prosecutors, family members, strangers on the street, court staff, and even social service providers. Unfortunately most people in society still hold deep stigma and bias towards us as sex workers, and also conflate sex work and human trafficking, with very little understanding of our work or the realities of our lives, including factors such as migration, gender identity and expression, and trauma histories. New York City residents and agencies are not immune to the stigma and misunderstanding around sex work and sex workers, nor the conflation of sex work and human trafficking. Many service providers, as well as judges, police, prosecutors and court staff, take a missionary-minded, paternalistic, rescue approach to us, regardless of good intentions.

SWP recently released a [report](#), *Un-Meetable Promises: Rhetoric and Reality in New York City's Human Trafficking Intervention Courts*. in conjunction with Yale University, on this topic and the problems with the HTIC model of service provision, which we are very happy to share with the Committee.

Contrary to a paternalistic, missionary, rescue model which assumes we know better than others what is good for their lives, SWP uses a trauma-informed, client-centered, harm-reduction approach to all of our service provision and advocacy, that is grounded in human rights norms and an anti-oppression framework. We know that services only help when they are culturally

competent and do not assume what is best for any one individual at any given moment of life. We meet our clients where they are and do not impose things on them they do not want. They are the experts about their life, not us. We are here to provide tools and resources as individuals want to receive them. When courts and other state agencies mandate services it inevitably keeps individuals tied to the criminal and/or civil legal systems, often for many years, if and when they cannot or do not meet the requirements mandated by the state. Tethering people to state agencies and courts is not helpful and only creates further cycles of state violence in our lives.

We strongly urge the City as part of its application and selection process for future grantees to deeply explore how an agency views its provision of services and what their relationship is to a trauma-informed, harm reduction model of service provision. Funding should never require that agencies use court or otherwise state agency mandated service provision.

We are here to train government and other NGOs/CBOs on best practices and to answer any questions about these issues. Thank you again for your time and consideration.

Sincerely and With Gratitude,

RJ Thompson, Esq.
Managing Director
Sex Workers Project
Urban Justice Center
917.405.4556
rthompson@urbanjustice.org



March 19, 2019

**Testimony to the City Council Committee on Public Safety
Submitted by Sarita Daftary, Senior Organizer, JLUSA**

Dear Chairperson Richards and Committee Members,

Thank you for the opportunity to submit testimony for this budget hearing on behalf of JustLeadershipUSA and the #CLOSErikers campaign. Today our comments are focused on divesting from law enforcement as a way to create safety, and instead investing in the types of community resources that can create safety by strengthening and stabilizing communities. Starting last summer, we worked with over 60 partners and advisors from more than 30 partner organizations, and hosted conversations with more than 200 individuals from communities worst impacted by incarceration. We asked them about how they would like to see the money saved from closing Rikers reinvested, what kinds of investments would create true safety in their communities, and shaped these into our [#buildCOMMUNITIES platform](#). In those conversations, people spoke about investments in education, public health, economic development, youth services, housing, and more. They did not, however, express a belief that policing makes us safe.

We cannot get to the point of making those community investments unless we start reducing law enforcement budgets, including the vastly over-resourced New York City Police Department.

There are many examples of the ways in which the NYPD is over-resourced. The NYPD's budget is \$5.6 billion dollars, and 6.1% of the City's budget. By allocating so much money to the NYPD, our City tasks them with solving problems they will never be equipped to address. We cannot apply law enforcement solutions to problems of public health, poverty, and inequality. When the root cause of a person's justice system involvement is unstable housing, or addiction, or a mental illness, what can the NYPD possibly do to address that in an effective way?

There is well-documented evidence of the ways in which the NYPD are harmful to people and communities, especially Black, Brown, gender non-confirming, poor, immigrant, and mentally-ill New Yorkers. We won't attempt to restate the entire case here. But we also have many indications that the NYPD is wasteful, and that we simply do not need as many police as we have.

- Based on MOCJ's Justice Brief *The Jail Population*, in 83% of the cases in which police arrested people and took them into custody, the courts determined that those individuals were either not guilty or not a threat to public safety, and the arrests resulted in no jail or prison sentence.¹ This is both wasteful, and harmful, given all the ways in which an arrest can traumatize people and disrupt lives. To reiterate, the NYPD seems to be getting it wrong at least 83% of the time.

¹ https://criminaljustice.cityofnewyork.us/wp-content/uploads/2018/04/justice_brief_jailpopulation.pdf

- In the New York City Liberties Union’s recent report, “Stop and Frisk in the de Blasio Era,” their analysis of NYPD data shows that in 93% of the cases in which police stopped and frisked people, they found no weapon, even though frisks are only supposed to be conducted when an officer reasonably suspects the person has a weapon. Black and Latino people were more likely to be frisked than Whites and, among those frisked, were less likely to be found with a weapon.² Simply put, they’re getting it wrong the vast majority of the time, and despite surface level commitments to addressing police misconduct, the NYPD still violates the civil rights of New Yorkers on a daily basis.
- There have been recent reports of the NYPD reviving it’s Operation Lucky Bag, in which the NYPD plants backpacks on street corners, waits for someone to pick up those bags, and then arrests those people for larceny and possession of stolen property. A judge presiding over such a case in Manhattan Criminal Court said “I just don’t understand why this is still going on in this city – I really don’t.”³
- The NYPD Vice Enforcement Unit exists specifically to investigate crimes related to sex work. As called for by DecrimNY,⁴ sex work should be decriminalized. While advocates advance these changes at the state level, the City can lead by defunding the NYPD Vice Enforcement Units. As reported by amNY, this unit has also be plagued by corruption.⁵

Rather than continuing to pour this level of resources into an agency that so often gets it wrong, does consistent harm to our communities, and cannot deliver the help people need, we must start to imagine and plan for a just transition. Union jobs are important. But the City must move to create those jobs in other agencies, and in roles that are not based in controlling or surveilling people. The City must also plan for ways to transition people to those jobs. This Committee and the Council as a whole must push the Mayor to reduce the NYPD’s budget, allocated those funds towards the services and resources that the NYPD can never provide, and in doing so, take the boldest step he can towards a safer, fairer, and more progressive City.

Sincerely,

Sarita Daftary
 JustLeadershipUSA
 sarita@justleadershipusa.org

² https://www.nyclu.org/sites/default/files/field_documents/20190314_nyclu_stopfrisk_singles.pdf

³ <https://www.nydailynews.com/new-york/ny-metro-operation-lucky-bag-back-manhattan-20190202-story.html>

⁴ <https://www.decrimny.org/advocacy>

⁵ <https://www.amny.com/opinion/end-nypd-vice-squad-secrecy-1.22402834>

Testimony Of Jordan Dressler, Civil Justice Coordinator
Before the New York City Council’s Committee on the Justice System
HRA’s Fiscal Year 2020 Preliminary Budget
March 19, 2019

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 Resources Administration’s (HRA) Office of Civil Justice (OCJ). 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 Rosine Ferdinand, Deputy Commissioner for DSS’s Office of Budget Administration, and OCJ’s Executive Director, Jaclyn Moore.

OCJ is part of New York City’s Human Resources Administration (HRA)/Department of Social Services (DSS), 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), Medicaid, 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. Providing civil legal services for New Yorkers in need, in particular legal services for tenants, is a critical element in our “prevention-first” strategy to address homelessness and promote housing and neighborhood stability for tenants. The investments we have made in these important services are already having an impact: between 2014 and 2018, over 250,000 New Yorkers received legal assistance through the City’s legal services programs for tenants facing eviction, harassment and displacement. In Fiscal Year 2018 – the first full year of implementation of New York City’s groundbreaking Universal Access to Counsel legislation, which made New York City the first city in the nation to commit to providing access to free legal services for every tenant facing eviction in court – over 87,000 New Yorkers in over 33,000 households received legal assistance in eviction and other housing legal matters, a 40% increase over the fiscal year before.

As access to legal assistance has increased, residential evictions by city marshals – which once numbered almost 29,000 per year – have declined by 37% since 2013. In 2018, there were roughly 18,000 residential evictions by marshals, a decline of 14% compared to the year before. In all, an estimated 100,000 New Yorkers have been able to remain in their homes due to the decline in residential evictions since 2013.

Today in my testimony I will update you on the implementation of Universal Access, as well as provide updates on other key programs overseen by OCJ. This year will mark the fourth anniversary of the establishment of the Office of Civil Justice, which was created when Mayor de Blasio and the New York City Council amended the City Charter to create OCJ as a permanent office to establish, manage, oversee and monitor the City's civil legal services programs for low-income and other vulnerable New Yorkers facing legal issues involving the basic necessities such as housing, immigration status and government benefits. Today we have issued our latest Annual Report, in which we describe notable achievements and developments in OCJ's work making legal services more widely accessible for New Yorkers in need. 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 continues to be a national leader in providing access to justice and fighting for a fair and equitable civil legal system for all.

Civil Legal Services at OCJ

In previous testimony, I have reported to this Committee about many of the City's historic achievements expanding legal assistance for New Yorkers. In Fiscal Year 2017, for the first time, New York City's overall investment of Mayoral and Council resources in civil legal services for 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 initiative. And in Fiscal Year 2019, with further Administration investments in legal assistance for tenants in need, OCJ reached another historic milestone when for the first time, City funding for legal services programs for tenants alone exceeded \$100 million.

The total legal services budget at OCJ for FY20 includes funding totaling \$159.4 million, which breaks down as follows:

- \$128.3 million for legal services programs for tenants, which includes \$82.1 million for eviction defense legal services for low-income tenants in Housing Court – including further implementation of Universal Access - and \$46.2 million for legal services to protect tenants and combat harassment, which includes an additional \$11 million baseline investment in expanded legal services to keep New Yorkers in their homes, which OCJ is allocating that altogether will bring the Administration's total investment in legal services for tenants to \$166 million when Universal Access is fully implemented in FY22; and
- \$31.1 million for legal assistance programs for immigrant New Yorkers, which includes \$20.1 million in Administration funding for the Immigrant Opportunities Initiative (IOI) and \$2.3 million in immigration legal programs supported by Community Service Block Grant (CSBG) and City Tax Levy (CTL) funding, 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 FY19, HRA is overseeing nearly \$25 million in discretionary funding added by the City Council for legal and educational services for low-wage workers; 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.

Legal Services for Tenants

Providing quality representation and counsel for thousands of the City's low-income tenants facing eviction and displacement is a key component of our civil legal services programs, and the cornerstone of our tenant legal services is the Universal Access anti-eviction legal services initiative. In August of 2017, the Mayor signed historic legislation passed by the City Council that created the Universal Access program and that tasked OCJ with working in partnership with legal services provider organizations to ensure that every tenant facing eviction in Housing Court and NYCHA administrative termination of tenancy hearings would have access to legal services by Fiscal Year 2022. This is a bold and unprecedented effort.

We are grateful for the support of this Council, particularly for the leadership of Chair Lancman and Councilmembers Levine and Gibson – and for the partnership and dedication of our colleagues at legal services providers across the five boroughs that enable us to help tenants in need:

- Brooklyn Defender Services
- Brooklyn Legal Services Corporation A
- CAMBA Legal Services, Inc.
- Catholic Migration Services, Inc.
- Goddard Riverside Community Center
- Housing Conservation Coordinators
- Jewish Association for Services for the Aged
- Legal Services NYC
- Lenox Hill Neighborhood House
- Make the Road New York
- Mobilization for Justice, Inc.
- Neighborhood Association for Intercultural Affairs, Inc.
- New York Legal Assistance Group, Inc.
- Northern Manhattan Improvement Corporation

- RiseBoro Community Partnership, Inc.
- The Bronx Defenders
- The Legal Aid Society
- Neighborhood Defender Services of Harlem
- Urban Justice Center

As members of this Committee know, Universal Access provides for free legal representation in eviction cases to New Yorkers with household incomes at or below 200% of the federal poverty level (roughly \$50,000 for a family of four) and brief legal assistance for those making more. We have been implementing Universal Access in phases, with FY18 marking the first phase of Universal Access implementation. At full implementation, in FY22, we estimate that 400,000 New Yorkers in 125,000 households will be served under the program annually, at a projected cost of \$166 million per year.

Last fiscal year, OCJ-funded legal organizations provided legal services to approximately 26,000 households facing eviction in Housing Court and NYCHA administrative proceedings – 69,000 New York City tenants who were able to face the threat of eviction with the protection of a legal defender by their side. When lawyers have represented tenants in court, they have been successful in preserving the homes of thousands; in Housing Court eviction cases resolved by OCJ's legal services providers, 84% of households represented in court by lawyers were able to remain in their homes, not only saving thousands of tenancies, but also promoting the preservation of affordable housing and neighborhood stability.

Legal services like these that help tenants avoid unfair eviction is a cost-effective and commonsense response to address homelessness, 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. But that dynamic is changing; OCJ's implementation of Universal Access is leveling that playing field for tenants in Housing Court. In the last quarter of FY18, 30% of tenants appearing in Housing Court for eviction cases were represented by attorneys in court. This is a substantial increase from the representation rate for tenants of 1% in 2013 as reported by the State Office of Court Administration. In the neighborhoods targeted to receive increased availability of legal services during the first phase of Universal Access, the results have been even more striking; looking at the first 15 ZIP codes included in Universal Access, lawyers represented 56% of tenants appearing in Housing Court in their eviction proceedings in the last quarter of FY18.

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 29,000 fewer eviction proceedings filed in 2018 than in 2013, a decline of 12%. At the same time, court statistics provided by the Housing Court reflect increased substantive litigation: the

number of pretrial motions filed in 2018 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 by 24% over the same period.

To implement the Universal Access program, OCJ has increased funding to over a dozen nonprofit legal services provider organizations. We have recently renewed our contracts with these providers to continue to provide these services citywide through Fiscal Year 2021, and these contracts include substantial increases in funding to enable additional professional hiring and program development in FY20 and beyond. At the same time, we are currently engaged in ongoing discussions with our providers about their longer-term needs for capacity growth and to maintain a high-quality level of service for an expanding group of New Yorkers, and we expect that there will be an opportunity for additional provider allocations from our baseline funding for these contracts in the coming months.

OCJ is working with legal provider partners and the New York City Housing Authority (NYCHA) to start providing on-site access for legal services for senior heads of household facing termination of their tenancies in administrative proceedings. This first phase, which will begin later this year, will serve as a model for the implementation of subsequent expansion of Universal Access in all NYCHA proceedings.

OCJ's tenant legal services initiatives also include the Anti-Harassment and Tenant Protection (AHTP) legal services program. AHTP was launched at HRA by the de Blasio Administration in 2015. AHTP funding has provided support for thousands of tenants to receive eviction defense legal services in Housing Court citywide, as well as resources for tenant-led litigation to prevent displacement. AHTP contracts for legal services for tenants were renewed for FY2019 for a three- year period through FY2021 and increased funding to provide these services in additional neighborhoods across the City. In addition, funding through the AHTP program also provides crucial support for housing and tenant legal services at the City's Family Justice Centers in accordance with the recommendations of the New York City Task Force on Domestic Violence.

We recently conducted an analysis of the AHTP program's achievements to date, and found that from October 2015 until June 2018, the AHTP program provided legal services to over 23,000 New York City households, including 60,000 New Yorkers. In about 50% of cases, households were represented in eviction proceedings in Housing Court, and in another 17% of cases, lawyers represented tenants in lawsuits in Housing Court to compel their landlords to make necessary repairs or petitioned the Court to appoint a building-wide administrator to ensure that critical repairs were made. We also found that in 84% of cases, lawyers assisted tenants living in rent regulated housing. In all, HRA's FY20 funding for civil legal services for City tenants facing eviction and displacement is approximately \$128 million, a *more than twentyfold* increase over the 2013 budgeted funding level for tenant legal aid.

Legal Services for Immigrant New Yorkers

OCJ also administers 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, an immigration legal landscape that is changing rapidly, and often suddenly, in a climate in which the rights of immigrants are under constant attack by the Trump Administration.

In FY18, Administration-funded legal services programs including ActionNYC, the City's community-based immigration legal assistance program and entry point for New Yorkers seeking 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 and assistance in approximately 18,000 cases, a substantial increase over the year before, 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 \$31.1 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 \$48 million in FY19, up from \$2.1 million in Fiscal Year 2013.

The ActionNYC program provides free, safe and high-quality immigration legal services to immigrant New Yorkers in need, including free comprehensive legal screenings for possible forms of relief at locations across the City as well as Know Your Rights forums and other outreach efforts designed to widely disseminate accurate and reliable information about the immigration legal system, to reduce fraud, misinformation and confusion in the community. Including grants, administration and outreach, ActionNYC is funded at \$8.7 million.

At OCJ, the largest and most expansive of our immigration legal services programs is IOI. Through this program, which was first established through the award of discretionary funding by the City Council, networks of nonprofit legal providers and community-based organizations conduct outreach in immigrant communities across the city and provide legal assistance to primarily low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency applications, to more complex immigration matters including asylum applications and removal defense work.

Starting in Fiscal Year 2017, following an RFP and a competitive bidding process for multi-year contracts, the Administration increased our funding for immigration legal services through IOI. IOI was first funded by the Administration at \$3.2 million annually. Then, in recognition of the

need for additional quality legal representation for immigrant New Yorkers facing more complicated legal cases, through an agreement with the Council, IOI providers received supplemental Mayoral funding of \$2.7 million in FY17 to provide representation in 1,000 complex immigration cases, including asylum applications, Special Immigrant Juvenile Status (SIJS) proceedings, and U and T visa applications.

Baseline Mayoral funding for immigration legal services programs was dramatically increased for Fiscal Year 2018 and the outyears to include \$16.4 million in additional baseline funding to respond to the pressing need for representation in removal proceedings, support assistance with seeking alternate forms of immigration relief for Dreamers and other immigrant New Yorkers, as well as to meet the increasing challenges posed by a shifting landscape for federal immigration law and policy. With this investment, the Administration has been able to continue our support for legal representation in complex cases as well as increase the availability of free legal representation in removal proceedings, and we expect that this expanded support will be felt in the court and in the community as more and more immigrant New Yorkers are able to access these important services.

The flexibility of the IOI program has enabled the City to provide additional funding to a variety of legal services providers including community- and borough-based nonprofit law offices and groups. These partners specialize in providing legal services to vulnerable populations such as children and domestic violence survivors, as well as citywide legal services organizations, allowing for a rapid increase in much-needed service capacity. Particularly in light of the ever-changing federal immigration policy landscape, it is more important than ever to have a nimble structure that allows us to stand up legal services programs where they are most needed. The contracts with the IOI service provider consortia that HRA administers through OCJ allow for rapid deployment of funding, staff and resources to assist the immigrant community across the continuum of service, from brief legal counseling to full legal representation in cases like removal and asylum matters.

The IOI program's flexible funding structure is advantageous in that it allows us to respond to emerging and imminent needs in the community. For example, in FY19 through IOI, we were able to quickly distribute and implement through our network of legal providers partners \$16.4 million in Administration funding for legal assistance in removal cases and other complex legal matters like asylum and SIJS. This includes a dedicated \$4.1 million in Mayoral funding to help address the legal needs of unaccompanied youth here in New York City facing the threat of removal, including legal help for those children separated from their parents or loved ones at the southern border by the Trump Administration. This component of funding was finalized this fall following the rapid response to the border crisis and it has allowed us to partner with legal services providers to:

- Further increase capacity for legal defense in deportation proceedings for over 900 separated and unaccompanied immigrant youth;
- Increase funding for social work and case management resources to address the acute needs of these children; and
- Provide resources to address legal screening and risk assessment needs of family members seeking to be sponsors of separated children in facilities in the custody of the federal Office of Refugee Resettlement (ORR) in New York City, facilitating their release from ORR facilities.

Today, OCJ is in the process of finalizing negotiations of the IOI renewal contracts with our provider partners, for three-year agreements that will provide continued support and stability for this important initiative. These discussions have enabled us and providers to review how our contracting structure needs to change to reflect the current realities of the immigration legal landscape in the era of Trump. Today, legal cases that once had predictable timelines now can drag on for literally years longer than planned, and avenues for relief change and sometimes doors to achieving or maintaining status can slam shut on immigrant New Yorkers, requiring the effort and ingenuity of the legal provider community. So, with these renewals, we have worked closely with partners and have agreed to a contract structure that places no limits on the scale or the duration of their legal representation, and which we believe acknowledges the work and dedication of the attorneys and staff of our legal provider partners in IOI.

In addition to IOI, HRA manages immigration legal services programs funded through federal Community Service Block Grants. With this 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.

In addition to the Administration's commitment, I want to again acknowledge the ongoing commitment of the City Council, Speaker Corey Johnson and the Chair and this Committee to expanding access to justice by funding legal services. HRA also oversees immigration legal services programs funded through Council discretionary grants. This year, in addition to the Council's allocation for providers through IOI, OCJ has administered the New York Immigrant Family Unity Project (NYIFUP) providing legal representation for low-income detained immigrants facing removal at the Varick Street Immigration Court, and the Unaccompanied Minors Initiative (UMI) / Immigrant Children Advocates Relief Effort (ICARE) which was developed by the City Council in partnership with the Robin Hood Foundation and the New York Community Trust and provides unaccompanied immigrant and refugee children in New York City with counsel, the opportunity to apply for relief from removal. Many of these children

are eligible for a range of statutory protections, including asylum, for those fleeing past and future persecution; Special Immigrant Juvenile Status (SIJS) for children who have been abused, neglected, or abandoned; and U or T visas for those who have been victims of certain crimes or human trafficking.

Legal Services for Low Wage Workers

In the current fiscal year, OCJ's work also includes the launch of new initiatives providing legal assistance for low-wage workers facing violations of their rights in the workplace. In FY19, the Administration has allocated \$2 million and the Council has allocated \$500,000 in funding for outreach, education and legal services for working New Yorkers to protect and defend their rights in the workplace. Legal services organizations are assisting low-wage workers in employment-related cases ranging from advocacy regarding employee rights and worker exploitation, to lawsuits to recover unpaid wages and overtime pay, unemployment insurance and family and medical leave, unlawful employment discrimination, and employer retaliation. Implementation of this program began in FY2019 and nine legal services and worker advocacy organizations were contracted to provide assistance and education for approximately 1,900 working New Yorkers. The participating providers are:

- Legal Services NYC
- Make the Road New York
- Mobilization for Justice
- New Immigrant Community Empowerment
- New York Committee for Occupational Safety and Health
- New York Legal Assistance Group
- Renaissance Technical Institute
- The Legal Aid Society
- Urban Justice Center

We would like to acknowledge the Council's partnership and the leadership of Chair Lancman in this effort, and in particular for leading the charge in providing critical support to organizations to conduct outreach and legal education providing information to workers about their rights and the availability of legal services.

Conclusion

The City of New York is a national leader in supporting and championing civil legal assistance. We have made significant progress over the past few years in improving access to legal services for New Yorkers in need and we are committed to keep improving every year. Thank you for the opportunity to testify before you today and I look forward to your questions.

NYLPI

**JUSTICE THROUGH
COMMUNITY POWER**

**Testimony of McGregor Smyth, Executive Director
On behalf of New York Lawyers for the Public Interest to the
New York City Council's Committees on Justice System and Public Safety
March 19, 2019 FY20 Preliminary Budget Hearing**

Good afternoon, my name is McGregor Smyth, and I am the Executive Director of New York Lawyers for the Public Interest. Thank you to Chairpersons Lancman and Richards and the Committee members for giving the opportunity to present testimony today.

I urge the Council today to support renewed funding for the vital Immigrant Health Initiative, which has saved lives and improved health across the City.

I. NYLPI's Work as Part of the Immigrant Health Initiative: UndocuCare

NYLPI is privileged to be part of the **City Council's Immigrant Health Initiative**, and we thank you for that support. **NYLPI and our partners received \$700,000 in funding last year.** This support has allowed us to expand our work educating immigrant New Yorkers with serious health conditions, their healthcare providers, and legal service providers about how to access healthcare. Your support has also led to increased enrollment by eligible immigrants to state-funded Medicaid. The improved access to Medicaid has had life-changing and often life-saving effects on the lives of our clients.

Through this funding, we have trained and presented on immigrant access to healthcare to hundreds of community-based organizations, health care providers, and legal services providers. We also provide comprehensive screenings and legal representation to individuals, particularly those who are in health emergencies, including holistic support for their intersecting needs. Our individual cases are complex, given that we deal with clients in health emergencies who are stuck between two complicated bureaucratic systems: immigration and health care. We have developed a nuanced practice taking the cases no one else can.

For example, our client Mr. M is an undocumented father of two U.S. citizen children and the husband to a U.S. citizen wife. He is a resident of NYC and was suffering from heart failure. He urgently needed a heart transplant. We filed a family petition for Mr. M and worked with healthcare navigators to get him enrolled immediately in Medicaid. Once Mr. M had Medicaid, he was placed on a heart transplant list, and in the summer of 2018, Mr. M had a successful heart transplant. As a result of our work, Mr. M is living and thriving with his family and continues to receive Medicaid, and the appropriate care he needs.

II. Improving Healthcare for NYC Residents in Detention Through the Immigrant Health Initiative

The Immigrant Health Initiative funding also supports NYLPI's work seeking to improve access to healthcare in immigration detention facilities. As federal immigration enforcement arrests and removals continue to surge under the Trump administration, the human rights crisis in detention centers worsens. For NYC residents held in detention, NYLPI provides individual and systemic

advocacy to improve health care. We continue to do outreach across the city to support immigrants and raise awareness regarding the deplorable conditions in detention. We have built and continue to expand our volunteer network of medical professionals to perform reviews and consultations for people in detention in support of advocacy efforts. We also provide support for City Council-funded New York Immigrant Family Unity Project attorneys and have helped secure the release of fifteen people from immigration detention, in large part because our medical evaluations help an adjudicator understand that the denial of adequate medical care is unacceptable.

The Council's support means that we can move quickly to activate our medical network. We received one request from an immigration attorney for a referral to a medical provider for a client with diabetes and several other serious health conditions on a Thursday afternoon for a bond hearing the following Tuesday. Within 24 hours, we gathered the medical records and secured a junior and senior doctor to complete a review and advocacy letter. By Monday, they completed the six-page letter, which was used in the client's bond hearing. At the hearing, the Immigration Judge granted bond partly based on the medical evidence, and the client was released.

Another client was detained at Orange County Detention Facility and was torn apart from his long-term partner and their children for several months. This client has chronic knee pain and was further harmed in the course of his arrest and detention. One of our medical volunteers performed an evaluation and submitted it for his immigration case. A legal advocacy letter was also submitted on his behalf. With our support, our client was released on bond.

We thank the Council again for this tremendous assistance, and **ask that the funding continue in FY 2020** for both NYLPI and our community partners: Academy of Medical and Public Health Services, Bronx Health Reach, Grameen Vida Sana, and Plaza del Sol.

IV. Conclusion

Thank you for your time, and we look forward to continuing to work the Council to improve immigrant New Yorkers' access to health care.

McGregor Smyth, Executive Director
New York Lawyers for the Public Interest
151 West 30th Street, 11th floor
New York, NY 10001
msmyth@nylpi.org
(212) 244-4664

NYLPI has fought for more than 40 years to protect civil rights and achieve lived equality for communities in need. Led by community priorities, we pursue health, immigrant, disability, and environmental justice. NYLPI combines the power of law, organizing, and the private bar to make lasting change where it's needed most.

NYLPI's Pro Bono Clearinghouse provides critical services to strengthen non-profits throughout every community in New York City. Drawing on volunteer lawyers from New York's most prestigious law firms, we help nonprofits and community groups thrive by providing free legal services that help organizations overcome legal obstacles, build capacity, and develop more effective programs. Through educational workshops, trainings for nonprofit leaders, individual counseling and a series of publications, the Clearinghouse is at the forefront of helping nonprofits maximize their impact on communities in each of your Districts.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Math Knecht NDS

Address: 317 Lenox Ave NYC 10027

I represent: NDS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Audacia Ray

Address: 140 E 2nd St Brooklyn NY 11214

I represent: NYC Anti-Violence Project

Address: 116 Nassau St NY NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lisa Schreibersdorf (president)

Address: _____

I represent: Brooklyn Defender Services

Address: 177 Livingston Brooklyn NY



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



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Justine Olgerman

Address: 300 E 161 St NY

I represent: MIC Bronx Defenders

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Piyali Basak

Address: _____

I represent: Brooklyn Defender Services

Address: 177 Livingston, Brooklyn, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Elizabeth Clay Roy

Address: _____

I represent: Legal Services for Working Poor, Community

Address: 123 William St. Development Project

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: Kelly Grace Pina

Address: 534 W 197th St #7 NY NY 10033

I represent: Close Posies

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: Shane Corrao

Address: 520 8th Ave

I represent: Center For Court Innovation

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: Cyrus R. Vance Jr

Address: 1 Hogan Place

I represent: _____

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Public

Appearance Card

[]

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

in favor in opposition

Date: 3/19/19

(PLEASE PRINT)

Name: Towaki Komatsu

Address: _____

I represent: Self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: 3/19/19

(PLEASE PRINT)

Name: Elizabeth Glazer

Address: _____

I represent: Mayor's Office of Criminal Justice

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: 3-19-19

(PLEASE PRINT)

Name: Mr Gregor Smythe

Address: _____

I represent: New York Lawyers For The Public Interest

Address: Anti legal services

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: 3-19-19

(PLEASE PRINT)

Name: Cathy Cramer

Address: _____ (LIFT)

I represent: Legal Information For Families TODAY

Address: - legal services / family court

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: 3-19-19

(PLEASE PRINT)

Name: Andrea Zigman

Address: _____

I represent: Legal Services NYC

Address: Civil Legal Services

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: 3-19-19

(PLEASE PRINT)

Name: Rich Leimbinder

Address: _____

I represent: SAFE Passage Project

Address: legal services - unaccompanied minors

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: 3-19-19

(PLEASE PRINT)

Name: Laura K. ISRAEL S. Prod

Address: _____

I represent: Her Justice

Address: en / legal services

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: 3-19-19

(PLEASE PRINT)

Name: Elizabeth Clay Roy

Address: _____

I represent: Urban Justice Center

Address: Legal Services For The Working Poor Coalition

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: 3/19/19

(PLEASE PRINT)

Name: Deborah Grumet

Address: _____

I represent: Mayor's Office of Criminal Justice

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: MAR. 19. 2019

(PLEASE PRINT)

Name: DARCEL CLARK DISTRICT ATTORNEY

Address: _____

I represent: BRONX DISTRICT ATTORNEY OFFICE

Address: 198 E. 161 ST. BRONX

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: John M. Ryan

Address: 125-01 Queens Blvd Kew Gardens

I represent: Queens DA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: March 19, 2019

(PLEASE PRINT)

Name: Eric Gonzalez, District Attorney

Address: _____

I represent: Kings County District Attorney office

Address: 350 Jay Street, Brooklyn

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Bridget G Brennan, Special Narcotics

Address: 80 Centre St Prosecutor

I represent: Office of the Special Narcotics

Address: Prosecutor

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Adrienne Holder

Address: _____

I represent: The Legal Aid Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Janet Sabel

Address: _____

I represent: The Legal Aid Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Justine Luongo

Address: _____

I represent: The Legal Aid Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jared Trujillo

Address: _____

I represent: Associate of Legal Aid Att. UAW 2325

Address: *testimony w/ The Legal Aid Society

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3-19-19

(PLEASE PRINT)

Name: Adriana Alvarez

Address: _____

I represent: ISCA Legal Services NYC (union)

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Shane Correia

Address: 570 8th Ave

I represent: Center for Court Innovation

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ralph Palladino

Address: _____

I represent: Local 1549, DC37

Address: 125 Barclay Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 03/19/19

(PLEASE PRINT)

Name: Jonathan DARCHE

Address: 100 Church Street, 10th Floor

I represent: CIVILIAN COMPLAINT REVIEW BOARD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3/19/19

(PLEASE PRINT)

Name: FREDERICK DAVIE

Address: 100 CUNEN STREET 10TH FLOOR

I represent: CIVILIAN COMPLAINT REVIEW BOARD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 03/19/19

(PLEASE PRINT)

Name: Jeanine Marie

Address: 100 CUNEN STREET 10TH FLOOR NYC

I represent: CIVILIAN COMPLAINT REVIEW BOARD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kelly Gika Price

Address: 534 W 187 #7 NY NY 10033

I represent: Close Rosies

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3-19-79

(PLEASE PRINT)

Name: Assistant Deputy Commissioner Ann Prantz

Address: _____

I represent: NYPD

Address: 1 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Avdacia Ray

Address: 140 E 2nd St Brooklyn NY 11218

I represent: NYC Anti-Violence Project

Address: 116 Nassau St NY NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3-19-79

(PLEASE PRINT)

Name: Deputy Commissioner John Miller

Address: _____

I represent: NYPD

Address: 1 Police Plaza

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

Date: 3-19-19

(PLEASE PRINT)

Name: Chief Thomas Chan

Address: _____

I represent: NYPD

Address: 1 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

Date: 3-19-19

(PLEASE PRINT)

Name: Assistant Chief Matthew Pantillo

Address: _____

I represent: NYPD

Address: 1 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

Date: 3/19/2019

(PLEASE PRINT)

Name: M.J. Williams

Address: 11 BROADWAY (BUSINESS address)

I represent: self

Address: _____



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



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: 3-19-14

(PLEASE PRINT)

Name: Chief Nilda Hofmann

Address: _____

I represent: NYPD

Address: 1 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Public

Appearance Card

[]

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

in favor in opposition

Date: 3/19/14

(PLEASE PRINT)

Name: Towaki Komatsu

Address: _____

I represent: Self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

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

in favor in opposition

Date: 3-19-14

(PLEASE PRINT)

Name: Chief Dermot Shea

Address: _____

I represent: NYPD

Address: 1 Police Plaza



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



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3-19-14

(PLEASE PRINT)

Name: Chief John Donohue

Address: _____

I represent: NYPD

Address: 1 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3-19-14

(PLEASE PRINT)

Name: Chief EDWARD DELATORRE

Address: _____

I represent: NYPD

Address: 1 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3-19-14

(PLEASE PRINT)

Name: Chief Theresa Storteli

Address: _____

I represent: NYPD

Address: 1 Police Plaza

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3-14-19

(PLEASE PRINT)

Name: Chief William Morris

Address: _____

I represent: NYPD

Address: 1 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3-14-19

(PLEASE PRINT)

Name: Police Commissioner - James P. O'NEILL

Address: _____

I represent: NYPD

Address: 1 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 3-14-19

(PLEASE PRINT)

Name: Deputy Commissioner Vincent Grippo

Address: _____

I represent: NYPD

Address: 1 Police Plaza

RECORDED PL

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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

in favor in opposition

Date: 3-19-9

(PLEASE PRINT)

Name: First Deputy Commissioner Benjamin Tucker

Address: _____

I represent: NYPD

Address: 1 Police Plaza

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

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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

in favor in opposition

Date: 3-19-9

(PLEASE PRINT)

Name: Chief Rodney Harrison

Address: _____

I represent: NYPD

Address: 1 Police Plaza

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

COMMISSIONER