

Testimony of Dana Sussman
Deputy Commissioner for Policy and Intergovernmental Affairs
Before the Committee on Civil and Human Rights
October 23, 2020

Good morning Chair Eugene and members of the Committee on Civil and Human Rights. Thank you for convening today's hearing on the Commission's COVID-19 response. I am Dana Sussman, Deputy Commissioner for Policy and Intergovernmental Affairs, at the New York City Commission on Human Rights. I am joined today by my colleague, Brittny Saunders, Deputy Commissioner for Strategic Initiatives.

The past ten months have brought unspeakable tragedy, trauma, and hardship, and yet, in the face of it all, New York City has shown resilience, strength, and solidarity. The Commission's work and its commitment to protecting and upholding the human rights of all New Yorkers continues unabated. In March 2020, the Commission's entire staff operations moved to remote work over the space of one weekend. The agency's IT and Operations staff moved mountains to ensure that our workflow went on nearly uninterrupted. And despite all of the challenges faced this year, the Commission achieved record breaking numbers. In Fiscal Year 2020, the Commission assessed a record \$7.5 million in damages and penalties for violations of the City Human Rights Law. That figure consists of over \$6.5 million in damages and nearly \$970,000 in civil penalties. This represents a more than six times increase since 2014, the year prior to Commissioner Malalis's tenure, and the fifth straight record-breaking year. One of Commissioner Malalis's goals for the agency, as she has mentioned before this body before, was to ensure that cases at the Commission are valued the same as cases filed in federal and state court, and the agency has achieved that goal.

Damages and penalties do not, however, paint the full picture. Assessing high value damages and penalties are not appropriate in all cases and the Commission takes an individualized approach to case resolutions, based on the needs of the complainant, the resources and intent of the respondent, and other factors. Providing free and accessible trainings on compliance with the City Human Right Law to respondents' staff, requiring policy changes locally, and in some cases, nationally, and requiring a posting a notice of rights for both staff and customers to see are some low-cost but high-impact terms of resolutions the Commission often deploys to ensure meaningful change and long-term compliance. With very limited exceptions, every case resolution includes a restorative element; in some cases, the entirety of the resolution is restorative. Deputy Commissioner Brittny Saunders will speak to our restorative justice work in greater detail.

While assessing a record level of damages and penalties, the Commission also closed a new high of 1,066 cases and reduced the average age of open cases by two months, despite all of the challenges faced during the last four months of the fiscal year. The Commission's Law Enforcement Bureau filed 525 new cases in FY 2020 and completed 403 successful emergency interventions. The Commission settled 264 cases in FY 2020, of which 43 were settled through mediation. The number of mediated cases rose from the prior fiscal year. The agency received a slightly increased number of reports of discrimination in FY 2020, from 9,804 in FY 2019 to

10,015 in FY 2020. Consistent with past years, the protected categories of disability, gender, and race were the top three most reported areas of discrimination. Gender discrimination, including discrimination on the basis of gender identity and sexual harassment cases, accounted for the largest share of damages and penalties, over \$3 million, a remarkable sum. We just passed the third anniversary the #MeToo movement going viral, and with it, the Commission saw a dramatic increase in sexual harassment workplace claims. This over \$3 million figure is reflective of many of those cases that came to the agency over the past several years. Relatedly, the Commission's online sexual harassment prevention training has been completed over 500,000 times in all eleven languages since it was launched in April 2019.

Beginning in February 2020, New Yorkers began reporting discrimination related to the pandemic. Anti-Asian bias comprised nearly 40 percent of all COVID-19-related reports. In order to respond quickly to the influx, the Commission created a COVID-19 Response Team, made up of multi-lingual staff across the agency. From February 2020 through September 2020, the COVID-19 Response Team fielded 566 reports of discrimination, 184 of which included an element of anti-Asian discrimination. By comparison, the Commission received just 26 reports of anti-Asian discrimination during the same time period the year prior. The Commission has worked closely with organizations that work with Asian communities across the city, including Chinese American Planning Council, the Asian American Federation, the Chinese Consolidated Benevolent Association, and Homecrest Community Services, among others.

In response to the rise in anti-Asian discrimination, the Commission organized six interagency Bias and Hate Reporting Town Halls, bringing together district attorneys' offices and multiple city agencies to do the important job of explaining the differences between hate crimes and discrimination issues—and providing a non-carceral response to these concerns—in English, Mandarin, Korean, Japanese, and Tagalog; including one recently in partnership with NYPD's newly formed Asian Hate Crimes Task Force. The first of these town halls was attended by over 1,200 people. Additionally, the Commission has held eighteen bystander intervention trainings with community partners, including Hollaback and the Center for Anti-Violence Education. The Bias Response Team, housed within CRB, responded to 467 bias incidents, nearly double that of last fiscal year.

In addition, the Commission is closely monitoring rising anti-Semitism as it relates to the pandemic and beyond. In February 2020, the Commission launched a public awareness campaign to combat religious harassment and discrimination in housing, the workplace and in all public places, and to underscore the City's support for Jewish communities. The campaign responded to a rise in anti-Semitism in New York City, in surrounding communities, and around the country, and affirms the rights of all Jewish New Yorkers to be treated with dignity and respect. It included investments in Jewish community press both in paper and online. The campaign also provided information on how to report harassment and discrimination to the Commission. Building off of this work, the Commission, led by the agency's Jewish Communities Liaison, has fostered relationships with Orthodox Jewish leaders in Crown Heights and Williamsburg, and has become a direct connection to our agency to provide resources and support. In recent weeks, as anti-Semitism has again risen to the forefront as a result of COVID-19 fears, we have been in constant contact with community leaders; we have been responding on our platforms; and we have been republishing our campaign materials.

The Commission's policy team first issued legal guidance on the intersection of COVID-19 and the City Human Rights Law starting in March 2020. Unlike our federal counterparts at the EEOC, the Commission has taken the position, based on the broadly protective language of the City Human Rights Law, that actual or perceived COVID-19, and/or a history of having COVID-19, is a disability and protected from discrimination. The Commission's guidance covers protections in housing, employment, and public accommodations, is updated frequently to address the rapidly-changing needs and concerns of both employers, housing providers, and small businesses, and worker and tenant advocates to protect the safety and health of their workforce, tenants, and customers, while also ensuring people do not face discrimination or harassment in these settings, and are able to obtain the accommodations they need.

The Commission's Community Relations Bureau (CRB) grew its community outreach numbers in FY 2020, despite most outreach work going virtual in March. The CRB increased the number of New Yorkers served by 20 percent compared to the prior year, directly connecting with nearly 100,000 people for the first time in a decade. In addition, CRB staff have greatly expanded the Commission's youth engagement; having conducted over 300 youth conferences and launched our Youth for Equity and Solidarity (Y.E.S.) Council in FY 2020 with 23 youth members, who will be working with the Commission over the next year to inform our work and ensure we are effectively reaching young people with the content most critical to them. The Commission has been working to create resources and actions for young people who do not have their usual outlets for community-building and support, and yet are coping with so much right now. For example, just this week, we launched our Amplifying Youth Voices online art exhibit, featuring human rights themed visual art, poetry, dance, and song from young people across the City. Earlier this year, we published Stories For All, a human rights focused reading list divided by theme and age group, featuring diverse stories, characters, writers, and experiences, and have created a video library of read alongs for parents and educators.

In May, the Commission launched a public awareness campaign to combat COVID-19-related discrimination and harassment. The campaign affirms protections for communities facing heightened levels of discrimination and harassment related to the pandemic. In addition, responding to renewed attention to disparities in access, treatment, and outcomes in medical settings, the campaign also addressed New Yorkers' right to be free from discrimination in healthcare settings regardless of their race, national origin, immigration status, disability, and age. The campaign emphasized that reports to the Commission can be made on behalf of others, anonymously, and without fear of being asked about immigration status. The campaign included multilingual advertisements in community and ethnic media, including print and radio, social media platforms, and targeted placements in pharmacies and convenience stores throughout the city. For the first time, the Commission leveraged advertising on popular Chinese and Korean social media platforms, such as WeChat. Advertising in convenience stores and pharmacies was placed in all five boroughs and concentrate on neighborhoods with high proportions of immigrants, communities with limited English proficiency, and communities facing high rates of poverty. These multilingual placements (Chinese, English, Korean, and Spanish) focused on the right to be free from discrimination in healthcare settings. Promoted social media posts appeared in over 10 languages expanded upon a set of anti-stigma videos created by the Commission featuring our multi-lingual staff already available in 12 languages.

Next week, the Commission will be announcing an art series with one of the Commission's two public artists in residence, Amanda Phingbodhipakkiya, entitled *I Still Believe in Our City*. The visually stunning series is a testament to the vibrant resilience of New Yorkers and, specifically, honors Asian and Black New Yorkers in the face of racial injustice, xenophobia, and COVID-19-related discrimination, harassment, and bias. It will include a takeover of Atlantic Terminal in Brooklyn, and will also be found on LinkNYC kiosks, bus shelters, a DOT public art site, and a community mural.

The Commission serves on multiple formal and informal interagency taskforces, as our work involves tenant protection, health, food security, immigrant's rights, racial equity, and beyond, and the agency's information is included in many of these relevant materials housed at other agencies. The Commission is also part of many informal and formal national coalitions of human rights agencies, and it is not unusual for other agencies to look to us as a model on how to respond to the crises facing our localities. It is with great pride that our staff and our work is recognized as national leaders in the fight for human rights and civil rights. I will now turn it over to my colleague, Deputy Commissioner Brittny Saunders, to highlight the Commission's operational changes in light of the COVID-19 pandemic and our focus on confronting anti-Black racism during this critical time.



Testimony of Scott Richman

ADL New York / New Jersey Regional Director

Commission on Human Rights' Response to the COVID-19 Pandemic

New York City Council

October 23, 2020

Good morning Chairman Eugene and the members of the Committee on Civil and Human Rights. My name is Scott Richman. I am honored to be the Regional Director for ADL's New York / New Jersey Regional Office. Thank you for the opportunity to testify here to today regarding the Commission on Human Rights' response to the COVID-19 pandemic.

While my remarks will focus on the rising tide of identity-based hate and harassment stemming from the COVID-19 pandemic, I hope that the Commission will also give priority attention to the disproportionate impact that COVID-19 has had on communities of color in NYC, due in large part to systemic inequities and structural racism in housing, employment, education, policing, and health care.

Since 1913, the mission of ADL has been to "stop the defamation of the Jewish people and to secure justice and fair treatment to all." Over the past three decades, ADL has been recognized as a leading resource on effective responses to violent bigotry, conducting an annual Audit of Antisemitic Incidents and drafting model hate crime statutes for state legislatures.

In our experience, hate crimes and bias incidents demand priority attention because of their special impact. These acts are intended to intimidate not only the victim, but also members of the victim's entire community, leaving them feeling fearful, isolated, and vulnerable. By making members of targeted communities fearful, angry, and suspicious of other groups – and of the power structure that is supposed to protect them – these incidents can damage the fabric of our society and fragment communities.

Amid the ongoing threat of the COVID-19 pandemic, there are [surging reports of xenophobic and racist incidents](#) targeting members of the Asian American and Pacific Islander (AAPI) and Jewish communities. Asian Americans have been told to "Go back to China," have been blamed for "bringing the virus" to the United States, and have been referred to with racial slurs, spat on, or physically assaulted. At the same time, members of the Orthodox Jewish community have also been blamed for the spread of the virus. [Here in New York and New Jersey, posts on social media](#) have suggested that Orthodox and Haredi Jews should be denied medical treatment if they get sick, called on law enforcement to use water hoses and tear gas to stop Haredi and Orthodox community members from gathering, and even indicated that the Orthodox Jewish community should be wiped off the planet once and for all.

Extremists have also continued to spread [antisemitic](#) and [xenophobic conspiracies](#) about COVID-19, blaming Jews and China for creating, spreading and profiting off the virus. Indeed, according to a new study by ADL's Center for Technology and Society, during the hours

immediately following the President's initial tweet about his and the first lady's COVID-19 diagnosis, there was [an 85 percent increase](#) in anti-Asian sentiment and conspiracy theories on Twitter, and a 41 percent increase in the rate of discussions about conspiracy theories generally, with many of those conversations taking on antisemitic overtones.

The truth is that framing the pandemic as a foreign problem violates international guidelines because it can lead people to unfairly stigmatize groups based solely on their protected characteristics. And, despite narratives to the contrary, the vast majority of Haredi and Orthodox communities are adhering to public health directives and social distancing regulations. While there certainly have been some instances of non-compliance—and these incidents are indeed extremely disturbing—these aberrations are not unique to the Haredi or Orthodox communities. Nevertheless, and as too often is the case, the bad acts of a few have been widely attributed to an entire community – leading many to conclude that the Orthodox community as a whole is collectively failing to adhere to public health directives and is therefore responsible for recklessly or even intentionally attempting to spread COVID-19 – an untrue and alarming allegation reminiscent of age-old antisemitic tropes blaming Jews for spreading filth and plague.

ADL is deeply concerned that as this public health crisis continues, the escalation in hateful rhetoric against AAPI and Haredi/Orthodox individuals will continue, leading to increased community tensions across in New York City. Coming on the heels of several years of surging antisemitic violence, where extreme antisemitism online has had deadly consequences (including mass shootings of Jews at places of worship and lethal attacks targeting Orthodox communities in New York and New Jersey), we cannot allow this scourge to continue to plague our communities.

We strongly urge the New York City Council, and the Commission on Human Rights in particular, to use its bully pulpit to speak out against stereotyping, scapegoating, and all forms of hate connected to the COVID-19 pandemic. If our leaders do not make clear that acts of bias will not be tolerated in our society, that can lead to passive acceptance of such acts, allowing bigotry and hate to further fester and acts of violence to continue. We also urge the Commission to direct more resources to studying the rising tide of hate and harassment online, and to ensure that the Commission has the resources and expertise needed to investigate and respond to these incidents when they do occur. Finally, we urge the Commission to reach out proactively to local community leaders already working to counter misinformation and to minimize intergroup tensions. We hope this outreach will also lead to increased reporting of hate and bias incidents related to the pandemic.

Thank you for your time and consideration, and we look forward to continuing to serve as a resource to the Commission as it works to ensure that NYC is safe, welcoming and inclusive to city for all.



Asian American Federation

Testimony to the New York City Council Committee on Civil and Human Rights

October 23, 2020

Written Testimony

I want to thank Committee Chair Mathieu for holding this hearing and giving me the opportunity to speak. I'm Ravi Reddi, and I am the Associate Director of Advocacy and Policy at the Asian American Federation. AAF represents the collective voice of more than 70 member nonprofits serving 1.3 million Asian New Yorkers.

Our member and partner agencies provide services and help us advocate for the millions of Asian New Yorkers whose human rights should be protected above all else. But the Asian American community has been under unprecedented strain during this pandemic and the issue of protecting our community's civil and human rights has been reaching the headlines with increasing frequency due to daily incidents of anti-Asian xenophobic behavior and outright anti-Asian violence.

Our community is grappling with a [35% increase in deaths compared to the five-year average](#), second only to Hispanics, our small businesses are dealing with being hit earlier and harder because of the early waves of pre-pandemic anti-Asian xenophobia, and our most vulnerable, like our seniors, continue to live in fear of the very real and present threat of anti-Asian violence. The threat is real, painfully visible, and cases like that of an 89-year-old Asian elder who was literally set on fire in Brooklyn in late July embolden racists and stoke fear across our community. So as we have this discussion on human rights during the pandemic, we need to keep this perspective: for many in our community, human rights are not something we take for granted.

And the impact of anti-Asian xenophobia has city-wide implications. Since 2000, the Asian population in New York City increased by 51%, growing from just under 873,000 in 2000 to over 1.3 million in 2019, or 16% of our City's total population. It should also be noted that, overwhelmingly, Asian New Yorkers are immigrants, with 2 out of 3 in the city being foreign-born. Of those Asian immigrants, 27.3% arrived in 2010 or after.

We are grateful that the City Commission on Human Rights and this Committee have taken a proactive role in acknowledging the challenges facing our community. But anti-Asian xenophobia requires a multi-front response from the City, in how it works internally, how it engages with community-based organizations, and how it engages the very community members who depend on it for their safety and wellbeing, now more than ever.

Anti-Asian Bias Incidents

In the first half of the year, CCHR collected more than 100 bias incident reports against Asian Americans just between February and May while AAF received 371 such complaints through its own reporting portal in the first half of this year. And what we'll discuss later is the fact that these bias incidents are likely significantly underreported, as 70% of Asian New Yorkers are immigrants and systemic factors like high poverty, high limited English proficiency (LEP), and lack of immigration status deter reporting and reinforce continued systemic inadequacies in making sure justice is served. We are also hearing that, even as bias incidents are reported, there is a lack of clarity on how cases of verbal assault are handled and how they are resolved. While we'll discuss what's needed to address rising anti-Asian xenophobia and violence, we very much need data and feedback from the City on how bias incidents across the spectrum of violence are being handled and resolved.

And to be clear, our community is fighting rising xenophobia on multiple fronts. As we've noted, our small businesses have been hit harder and earlier than the rest of the NYC community, due in large part to racist stereotyping and pandemic misinformation feeding off each other. A recent survey conducted by AAF of Asian small business owners showed that over 60% of respondents said they were worried about anti-Asian bias and hate crimes for the safety of themselves, their staff, and their business establishment. And our most vulnerable, our seniors, continue to be further and further isolated within their own city, not just due to the pandemic, but because, as we're hearing, they're afraid to go out despite having to shop for food, get medication and engage socially for fear of getting attacked.

And this is all taking place in the context of the Trump administration's continued use of anti-Asian rhetoric in discussing COVID-19 and other layers of federal policy that have exacerbated our community's weariness of engaging fully with our rights and services we are entitled to, including the public charge rule.

Nevertheless, alongside our member and partner agencies, we are responding in a number of ways to rising anti-Asian sentiment, leading the charge on coordinating a response to anti-Asian bias incidents. It's due in large part to our advocacy efforts that the City and State have responded in the ways they have, such as the City coordinating resources to respond to hate crimes and the State resourcing their hotline for reports, creating a reporting tool in 7 Asian languages, and creating safety resources to keep our community members safe. But there is still plenty of work that needs to be done.

Government Services

While the issue of anti-Asian racism is of immediate importance and deeply concerning in its scale, a compounding factor has continued to be deficient reporting systems for these kinds of incidents that reflect shortfalls across the board in how our City engages its LEP population, immigrants, and communities of color. Systems that are meant to serve our most vulnerable should keep them top-of-mind, like the very real possibility that, say, a senior LEP Asian immigrant, already isolated due to pandemic restrictions and without a smartphone or access to stable internet, might be attacked and need *immediate access to accessible reporting facilities and safety resources*.

It requires proactive outreach and education within our community about the resources at our disposal, such as how the Commission on Human Rights can support those who are victims of bias incidents. Underreporting of bias incidents is a function of multiple variables, but there are many within the City's control and that fall under its purview. While the Commission on Human Rights has shown capacity and

know-how in addressing bias, the unique challenges of addressing it within our community yield several recommendations.

Recommendations

Hate Crimes

- We're responding on multiple fronts as we've discussed before, by coordinating with the City and State, and in particular, creating community-based safety resources in multiple languages. As a trusted leadership organization in the community, funding for these efforts will help us increase safety for the most vulnerable members of our community through continued coordination of response measures, such as encouraging reporting and developing community safety and security resources outside of law enforcement, and spearheading awareness campaigns in solidarity with Black and Latino communities. We and our partners are currently doing the work with minimal funding, far less than is necessary to bring our work to scale considering the size of our community. But we know this pattern of anti-Asian behavior will continue well past the pandemic, and we need to be prepared to take preventive measures so we reduce harm.

Government Services

- We must continue to work towards the goal of making sure everyone has access to reporting systems and resources regardless of the language they speak; this includes increased funding for the hiring of language speakers who reflect our most vulnerable communities and increasing translation capacity for community resources. Those impacted by rising anti-Asian xenophobia shouldn't be unable to report what's happened to them.
- To this end, we absolutely need more data on the nature of bias incidents being reported and how they are being resolved, especially given the lack of clarity regarding resolution of verbal assault cases. This data is critical to guiding the response to anti-Asian xenophobia in the long-term, because this won't end when the pandemic does.

On behalf of the AAF, I want to thank you for letting us speak with you about the state of human rights in our community. This is an important, and personal, topic of discussion for our community members, and we look forward to working with this Committee and Council members to make sure the City provides as robust a defense for New Yorkers' human rights as they deserve.

Testimony of Brittney Saunders
Deputy Commissioner for Strategic Initiatives
Before the Committee on Civil and Human Rights
October 23, 2020

Good morning Chair Eugene and members of the Committee on Civil and Human Rights. Thank you for welcoming me here today to testify alongside my colleague Deputy Commissioner for Policy and Intergovernmental Affairs, Dana Sussman, at today's hearing on the Commission's COVID-19 response. My name is Brittney Saunders, and I serve as Deputy Commissioner for Strategic Initiatives at the New York City Commission on Human Rights.

Deputy Commissioner Sussman's testimony covered how the Commission was able to shift to remote work in response to the COVID-19 pandemic and how, despite the disruptions experienced over the past seven months, the agency has been able to meet the challenges of the moment. The agency has done so by assessing record-setting damages and penalties, launching culturally competent outreach efforts, promulgating guidance on how the City Human Rights Law protects New Yorkers who have or who are perceived to have COVID-19 and putting forward new public education campaigns. My testimony will focus on other aspects of the Commission's work during this period, with particular attention to the impact on our operations, our work on racial justice issues and our integration of restorative justice practices across departments.

As Deputy Commissioner Sussman noted, like so many other agencies, the Commission was required to move to remote work on short notice due to the emergence of the COVID-19 pandemic. However, despite our central office and five borough-based Community Service Centers being closed to visitors, we were nonetheless able to resume our work using alternative platforms. We are grateful to the Office of Emergency Management for its support with respect to continuity of operations planning and to the Department of Information Technology and Telecommunications for their generous assistance with our hardware and software needs. Thanks to this and other support, within days of our transition, we had adjusted our internal practices to accommodate remote work and were using new web conference tools to put forward public-facing programs.

Of course, as the City agency charged with enforcing and educating New Yorkers about local human rights protections and obligations, our focus during the pandemic has been squarely on the connections between COVID-19 and discrimination. Many of these connections, as Deputy Commissioner Sussman noted, relate to the ways in which particular groups of New Yorkers have been targeted for harassment and intimidation because of their perceived exposure to the virus. However, other connections are rooted in long-standing historical disparities. As so many have noted, the COVID-19 pandemic has made the devastating impacts of structural racism undeniable. Discrimination and other barriers in the housing and job markets have made Black and Latinx New Yorkers particularly vulnerable to the virus' effects. Over the past five years, the Commission has steadily intensified its work on racial justice. This is evident in the accomplishments of its Law Enforcement Bureau, which investigates and resolves cases, including cases of discrimination based on race and color. In FY 20, the Commission fielded some 562 inquiries relating to race-based discrimination. This represents considerable growth over FY 14, in which there were just 172 inquiries made.¹ Of the complaints that were filed by members of the public last fiscal year, 11% related to race, making it the third highest trending category of protection among filed claims. The Commission also secured newsworthy settlements in race cases, such as a conciliation requiring payment of \$70,000 in civil penalties and establishment of a pipeline for stylists of color at a high-end salon and another requiring luxury brand, Prada, to create a new scholarship program and establish a high-level diversity and inclusion officer role. These continue to receive attention from news media and other civil rights bodies because of their innovativeness and comprehensiveness.

More recently, the Commission has acted forcefully in response to attempts to deploy law enforcement against Black people in the city--an all too common and all too normalized form of discrimination and harassment-- becoming the first law enforcement agency to announce an investigation into the Amy Cooper incident in Central Park. These items are worth mentioning alongside those emerging from the agency's COVID-19 response unit, because they demonstrate the agency's commitment to addressing the consistent and pervasive forms of racism that Black

¹ We have compared the 2020 data on race-related inquiries to the 2014 data on "jurisdictional" race inquiries for consistency.

New Yorkers and other people of color in this city encounter in the workplace, in housing and in places and spaces open to the public.

The Commission has also used research as a means of achieving an in-depth understanding of how Black New Yorkers experience anti-Black racism. The agency's commitment to centering these issues stems from our treasured partnerships with organizations serving the city's Black communities, our dedication to rooting our work in what our partners tell us is most needed from us and the Commission's own historical roots as the successor to a body that was established in the wake of protests by Black New Yorkers in the 1930s and 1940s. Our commitment to listening to and using our voice as government to elevate the concerns of Black New Yorkers led us to develop, over a two year period, "Black New Yorkers on Their Experiences with Anti-Black Racism," a report that surfaced concerns about widespread and systemic racism similar to the concerns voiced by protestors earlier this year. In early 2018, years before this spring's protests, but inspired by consultation with our partners, the Commission launched a qualitative research project on the particular forms of racism encountered by African-American, Afro-Caribbean, African and Afro-Latinx New Yorkers along with others who identified as having African ancestry. The agency partnered with a Black woman researcher to conduct more than a dozen interviews with advocates and community leaders and 19 focus groups with almost 200 Black New Yorkers from across the five boroughs. We engaged a pool of Black New Yorkers reflecting the rich diversity of the city's communities with respect to gender, ethnicity, immigration status, age, sexual orientation, housing security, and other characteristics and emerged with a devastating, though not surprising set of findings.

The Black New Yorkers who participated in our research described racism as something that was emotionally-taxing and inescapable. As one participant relayed, one has to be "a tactician to survive." They described experiencing racism in their day-to-day interactions and observing its impacts within and across institutions. They recognized racism in disparate treatment by local law enforcement, store owners, employers and health care providers. And they observed, astutely, that consistent racial disparities in outcomes across the criminal legal, health and education systems were rooted in racism as well. When we asked participants to tell us where they observed racism having the greatest impact, interactions with law enforcement emerged as

the top concern. The report features painful accounts of the impact of racism in law enforcement—from the fear of injury or death that Black New Yorkers feel when stopped by the police to the trauma of repeatedly witnessing police violence. These learnings—which mirror the demands raised by those who marched in the city’s streets this spring—will inform the Commission’s work moving forward.

At the conclusion of the report, the Commission, for its part, committed to a series of action steps based on the lessons gleaned from this research, which mirror the demands of those who marched for racial justice reforms this spring. These action steps include developing policy interventions designed to address anti-Black racism, holding hearings on race discrimination and expanding education and outreach efforts related to anti-Black racism. And in the coming months, we will have more to share about our work in this area. We also hope that the report will be a resource for public and private institutions that have been grappling with how to respond to the calls for racial justice that echoed through our streets this spring.

Finally, I’d like to share a bit about the Commission’s efforts to integrate restorative justice practices across our areas of work. As an agency, we define restorative justice as an approach to acts of bias and discrimination that centers the experience of the harmed person and involves all stakeholders to decide what should be done to repair harm, create accountability, and reduce the likelihood of future harm. We have consulted with experts on restorative justice in order to determine our approach. With their support, we have put restorative practices to work in our policy efforts, experimenting with hearing structures in order to create spaces that promote healing. We have attempted the same in our community outreach and education work, helping to match community groups with support for facilitation. And we have integrated these practices into the way we resolve cases. The Commission’s Source of Income Unit, for example, negotiated multiple “set-aside” requirements in conciliation agreements, wherein housing providers reserved a percent of the landlord’s units for tenants using housing vouchers. The novel strategy is a unique form of restorative justice in source of income discrimination cases, allowing the Commission to repair the harm an individual faced while also seeking to address the broader crisis of access to housing for voucher holders.

The greatest lesson of the Commission's work during this immensely challenging period for our city, however, has been that a tremendous amount of work remains to be done. Encouragingly, there seems to be a deeper commitment than ever across city agencies to take on long-standing disparities in employment, housing, health and other areas that have made COVID-19 such a destructive force in the city's communities of color. We are eager to honor the agency's legacy by partnering with our colleagues across the administration, in Council and in communities across the city to address these issues.