



Safer and Stronger:

Policy Recommendations for
Community Safety in the Bronx

January 2014

**The Bronx
Defenders**



The Bronx Defenders provides holistic and client-centered criminal defense, family defense, immigration defense, civil legal services, social work support, and community advocacy to indigent people of the Bronx. Our staff of over 200 represents 35,000 individuals each year and reaches hundreds more through outreach programs and community legal education.

We are excited to partner with the new administration to bring more justice, fairness, and opportunity to our clients in the South Bronx and to low-income New Yorkers across the five boroughs by:

1. Ensuring High-Quality Indigent Defense and Access to Civil Legal Services;
2. Protecting Fundamental Rights of All New Yorkers;
3. Strengthening Families to Protect Children; and
4. Promoting Successful Reentry for Formerly Incarcerated New Yorkers.

The following policy priorities were developed based on the experiences of the clients we serve. If implemented, they will strengthen families, make communities safer, and save the City millions of dollars.

I. Ensure High-Quality Indigent Defense and Access to Civil Legal Services

- 1. Invest in holistic defense:** Continue the city's investment in holistic defense services that put criminal defense, family defense, social work, immigration defense, civil legal services, and community organizing under one roof. Client-centered services are not only better for individuals; they stabilize families and communities by addressing the underlying issues that drive people into the court system. Our advocates work to keep families together, and preserve our clients' jobs, housing, and income-supports.
- 2. Promote reentry through high-quality civil legal services:** Commit crucial funding for civil legal services to address the housing, employment, immigration, education, and financial consequences of arrest and conviction. Investment in legal services from the City budget would result in millions of dollars in shelter cost savings alone.
- 3. Expand the New York Immigrant Family Unity Project:** Build on the groundbreaking City Council initiative to create the nation's first-ever public defender system for immigrants by permanently funding this essential program.
- 4. Guarantee due process for families:** Give low-income parents access to advice from attorneys during ACS investigations so that they are fully informed of their rights and obligations from the moment legal proceedings begin.

II. Protect Fundamental Rights of all New Yorkers

- 1. Implement needed reforms of Stop-and-Frisk:** Settle pending litigation and work with the federal court-appointed monitor and facilitator to ensure meaningful and lasting reforms that bring NYPD practices into line with federal law.
- 2. End discriminatory profiling:** Withdraw *Mayor v. Council*, the lawsuit challenging the City Council's passage of the Ending Discriminatory Profiling bill. Work with the City Council and the Human Rights Commission to fully implement the bill.
- 3. Reduce arrests for low-level, "quality-of-life" offenses:** Reform the policy of arresting people for minor charges like trespass and marijuana possession, which can lead to severe consequences—including job-loss, excessive fines, school suspension, eviction, and even deportation. Instead, invest in community organizing and infrastructure so that residents can work together to find solutions to crime and other problems.
- 4. Scale back the NYPD Summons Program:** Reduce NYPD summonses for quality-of-life offenses such as disorderly conduct and bicycling on the sidewalk. Similar to Stop-and-Frisk, these summonses disproportionately target low-income people of color and can trigger severe consequences.
- 5. End reliance on arrest quotas:** Reduce crime by *decreasing* negative contacts between police and the community, and thus *increasing* police legitimacy.
- 6. Protect the rights of immigrants in the criminal justice system:** End cooperation with federal "detainer requests" from U.S. Immigration Services for all New Yorkers.
- 7. Invest in community-based violence reduction programs:** Ensure the continued funding of SOS South Bronx and other gun violence reduction programs that rely on outreach workers, violence interruption, and reentry services.
- 8. Dismantle the School-to-Prison Pipeline:** Develop constructive conflict resolution and evidence-based youth development programs, rather than continuing to rely on over-policing and the criminal justice system.
- 9. End or reduce solitary confinement:** Conduct a full review of the use of punitive segregation by the Department of Correction to identify whether it can be eliminated and if not, how it can be significantly reduced. End the use of solitary confinement for young people, those with mental illness, and as "owed time" when a person is re-incarcerated but has not committed a new disciplinary infraction.
- 10. Conduct a full review of conditions of confinement in New York City jails:** Implement an independent audit of conditions and a comprehensive plan to address the worst problems and ongoing violations of rights in New York City jails, which will promote successful reentry and reduce litigation against the city.

III. Strengthen Families to Protect Children

- 1. Reduce foster care placements and promote family unity:** Ensure that children are removed from their homes only when necessary and that removals are conducted in a manner that minimizes the trauma and emotional harm to children. Bring the City's child welfare policy up to date and make it consistent with new research that demonstrates that separation from parents and family traumatizes children and can even have long-term health impacts.
- 2. Address racial disproportionality in the child welfare system:** Look to jurisdictions like Cook County in Illinois and Portland, Oregon that have reduced racial disparity in their child welfare systems, kept families united, and kept children safe.
- 3. End the placement of children in foster care based solely on marijuana possession:** Recognize that child welfare policies that equate marijuana use with child neglect cause considerable harm to families and have a disproportionate effect on families of color.
- 4. Ensure due process protections for parents and children:** End the illegal practice by ACS caseworkers of removing children before going to Family Court, and ensure that Child Safety Conferences do not unnecessarily delay court proceedings. Caseworkers need training, supervision, and accountability.
- 5. Prioritize preventative services that address poverty and empower families:** Provide meaningful support; educational and employment opportunities; and access to effective, evidence-based programs and services to families struggling with poverty, unemployment, housing instability, hunger, and health issues to avoid child removals when possible.
- 6. Promote health for mothers and babies:** Ensure that low-income mothers have access to high-quality pre-natal care and health services in order to improve the health of low-income newborns.

IV. Promote Successful Reentry for Formerly Incarcerated New Yorkers

- 1. Use NYCHA resources to promote reentry:** Expand on the Family Re-Entry Pilot Program by ending or significantly reducing NYCHA’s ineligibility timeframes based on criminal records. Stable housing upon reentry strengthens families, reduces re-arrest, and makes communities safer.
- 2. Ensure due process for NYCHA residents in termination proceedings:** Provide access to legal advice and a meaningful hearing process for all tenants in termination proceedings. Discontinue the unlawful practice of relying on sealed records as evidence of guilt. Direct Housing Assistants to help eligible tenants apply for certificates that promote rehabilitation.
- 3. Promote stable housing for families after an arrest:** End punitive eviction proceedings for low-level offenses brought by the NYPD and District Attorneys that often target unrepresented tenants and circumvent due process.
- 4. Promote employment opportunities:** Expand the City’s existing “Ban the Box” policy—which requires government agencies to consider an applicant’s conviction history only *after* a conditional job offer has been made, removing the criminal history “box” on applications—to private employers. Leverage the workforce development system to educate employers on New York State policy promoting the hiring of people with conviction histories.
- 5. Guarantee fairness and transparency in civil forfeiture proceedings:** Ensure due process, accurate information, and meaningful assistance for people attempting to retrieve property after an arrest.
- 6. Continue public assistance during short-term incarceration:** Promote housing stability through crucial income supports when a family member is incarcerated for a short time by considering the incarcerated family member as “temporarily absent” rather than cutting off benefits altogether. Maximize HRA resources by creating online access for constituents.
- 7. Ensure coordination among agencies:** Reduce recidivism by requiring real collaboration among service providers and multiple city agencies to address housing, health, job training and placement, family reunification, legal issues, and other needs faced by people after arrest or conviction.
- 8. Leverage the Human Rights Commission:** Empower the HRC to lead education efforts for employers and landlords on compliance with the Human Rights Law. Because those targeted by discrimination are sometimes the least likely to bring formal complaints, the Commission should prioritize outreach and education, and proactively investigate and root out egregious discrimination.