We have endured unimaginable assaults on our democracy in 2018: thousands of immigrant children ripped away from their parents, active military deployed to the border to turn away a caravan of people—mostly women and children—the confirmation of a Supreme Court Justice after a farcical investigation into allegations of sexual assault, and bold-faced attempts to manipulate elections through gerrymandering and voter suppression.

We made it clear that Trump could not divide or silence us. In the midterm elections, New Yorkers were loud and clear: We want a state government that stands up for our rights, we demand that our leaders protect the fundamental pillars of our democracy, and we are prepared to lead the nation in realizing the promise of our ideals.

Throughout this report, you’ll see evidence of our work to fight back against the unconscionable actions of our government leaders. To advance a robust agenda in Albany. And to build a coordinated civil liberties majority throughout New York.

You’ll get a sense of how our work in 2018 is already paying off in 2019—and how much more we have to do. The reforms we have long sought—updating antiquated voting laws, protecting reproductive health care, passing strong bail reform, and protecting transgender New Yorkers and children in public schools—are urgently needed to shield New Yorkers from relentless threats at the federal level. Some we have already won early in the New Year, giving us incredible momentum for the fights to come.

These wins should be celebrated, but our work is far from finished. I am encouraged by the strength of our civil liberties majority, united as one voice to demand democracy, inclusion, and equity for all. Together, we will ensure that our call is heard.

Sincerely,

Donna Lieberman

MESSAGE FROM THE EXECUTIVE DIRECTOR
RISING TOGETHER

The New York Civil Liberties Union’s mission is to defend and promote civil liberties and civil rights. We work to ensure that the core values and principles of equality, liberty and due process are more fully and consistently realized in the lives of all New Yorkers. In pursuit of these principles, we fight for the dignity of all people, with particular attention to the pervasive and persistent harms of racism.
Criminal Justice Reform
Filed a lawsuit in Dutchess County that would force judges to consider a person’s ability to pay when setting bail amounts.

School to Prison Pipeline
Released an analysis of NYC school safety data showing that Black and Latino children are still disproportionately arrested, handcuffed, and issued summonses.

Police Reform
Launched Behind the Badge, an online resource to bring new transparency and accountability to policies and data about police interactions with the community.

Police Reform
The first annual report of the “Handschu Committee,” which reviews NYPD investigations of constitutionally protected religious and political activity, was released by a federal court—the committee was established as part of our landmark Muslim surveillance settlement in 2017.

Immigrants’ Rights
Brought a class-action lawsuit against the Office of Refugee Resettlement (ORR) for trapping immigrant children in prolonged detention.

Immigrants’ Rights
Rallied with farmworkers, human rights defenders, legislators, labor unions and faith leaders in Albany to press for passage of the Farmworker Fair Labor Practices Act after the Albany County Supreme Court dismissed our 2017 lawsuit. (We appealed in June.)

Immigrants’ Rights
Together with the Rural & Migrant Ministry, released interviews with farmworkers discussing the conditions they endure without fair worker protections.

Immigrants’ Rights
In response to our federal lawsuit challenging his detention, Antonio Martinez was released and reunited with his family after being detained in April during a regular immigration interview.

Youth and Students’ Rights
Released an updated guide to teenagers’ rights to medical consent and confidentiality under state and federal law, including new information for transgender adolescents, confidentiality in schools, and consent for sexual services.

Immigrants’ Rights
In response to our lawsuit, the Office of Refugee Resettlement reversed its policy requiring fingerprints for background checks for all adults living in a household with people seeking to sponsor migrant children in custody.

Voting Reform
Filed lawsuit challenging New York’s 25-day voter registration cutoff for arbitrarily disenfranchising tens of thousands of eligible voters.

Immigrants’ Rights
Joined a letter with nine other ACLU state affiliates urging Greyhound bus company to stop allowing Customs and Border Protection to question passengers about their immigration status.

Immigrants’ Rights
Filed a federal lawsuit on behalf of immigrants’ rights groups challenging the Trump administration’s plan to include citizenship question on the 2020 census.

Youth and Students’ Rights
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NYCLU 2018 ANNUAL REPORT

YEAR IN REVIEW
OUR IMPACT
Curated with the Soze Agency, the Museum of Broken Windows was our pop-up exhibit featuring more than 60 works from 30 artists around the country, including many New Yorkers—some formerly incarcerated, who have been directly impacted by broken windows policing.

Our gains toward meaningful bail reform

Across the state, New Yorkers are needlessly punished for being too poor to pay bail. Pre-trial detention inflicts tremendous damage on people, threatening them with loss of their jobs, housing, children and more. Far too often, after enduring weeks or months of incarceration, pre-trial detainees plead guilty to crimes they didn’t commit just to gain their freedom.

In February, we won a landmark ruling from the Dutchess County Supreme Court that the constitutional rights to due process and equal protection of our client, county resident Christopher Kunkeli, were violated when the judge in his case failed to consider his ability to pay or alternatives to money bail. Kunkeli had spent three months in jail before trial on a misdemeanor theft charge. His $5,000 bail represented nearly half of his annual income.

The ruling is the first of its kind in New York, arriving at a time when courts across the country are beginning to impose similar requirements. It will bring welcome relief to Dutchess County, where bail practices have led to overcrowded jails, with defendants incarcerated in nearby trailers.

We are actively trying to build on this win, seeking an expanded ruling and pressing for fundamental changes to bail practices to ensure that our freedom is not contingent upon our ability to pay for it.

Building a More Just New York

This year, our research and analysis resulted in the release of critical advocacy reports and resources that contribute to statewide momentum on a range of criminal justice reforms, from bail reform to police transparency, from nuisance laws to disparity in experience in dealing with the police.

You can read more about our three investigative reports and a new searchable database in our online annual report at annualreport.nyclu.org.
The NYCLU is determined to make New York state a true sanctuary for all immigrants. In addition to advocacy and rallying New Yorkers to make this demand heard, we are making great strides in the courtroom. In 2018, we:

**FILED class-action lawsuit: LVM vs. ORR**

LVM is the lead plaintiff in our case challenging the Office of Refugee Resettlement’s (ORR) prolonged detention of immigrant youth baselessly accused of gang involvement during Trump’s crackdown on MS-13 in Suffolk County. We believe more than 40 children qualify as part of the class of immigrant teens detained indefinitely.

**WON preliminary injunction: LVM v. Lloyd**

We won a preliminary injunction in our class-action lawsuit that ended an ORR policy requiring Trump-appointed director Scott Lloyd to personally review and approve the release of any detained immigrant child who is or has ever been in a heightened supervision placement while in ORR custody.

**WON policy reversal: Duchitanga v. Lloyd**

Our class-action lawsuit—representing over 1,000 children in government custody whose release was contingent on the fingerprint-based background check of their sponsor or the sponsor’s household members—inspired a major policy reversal. Predictably, ORR and ICE began coordinating to ensnare applicant sponsors in their deportation dragnet.

**FILED class-action lawsuit: Sajous v. Decker, et al.**

This lawsuit seeks to restore bond hearings and due process protections for judicially-indigent New Yorkers, who might remain locked up indefinitely without them. Our lead plaintiff is Augustin Sajous, a 60-year-old permanent resident from Haiti who struggles with mental health issues and homelessness. Sajous is at risk of deportation over two misdemeanor convictions for bending MetroCards; he was released and is still fighting his case.

**FILED federal lawsuit: Martinez v. Nielsen**

This lawsuit challenges a new bait-and-switch tactic deployed against immigrants like our plaintiff Antonio de Jesus Martinez, a 34-year-old father of two who was detained during a routine immigration meeting, part of an emerging pattern targeting spouses of U.S. citizens. We won an emergency stay of deportation and reunited Martínez with his family.

**WON: People ex rel. on behalf of Wells Francis v. Demarco**

A state appeals court in Brooklyn issued a landmark ruling, definitively finding that it is illegal under state law for local law enforcement agencies in New York to make immigration arrests at the request of federal immigration officials. This ruling will have statewide effect.
The interstate—backed by a history of discriminatory policies that cut off opportunities for Black residents—decimated the city in favor of suburban development. As Black families were displaced to make room for the interstate, white families moved to the outskirts of town and into the suburbs—taking resources for development and education with them. And when the viaduct was erected, Syracuse’s lowest-income residents were effectively blocked from these new developments.

The collateral damage is plain: Syracuse ranks number one in the nation for concentrated poverty among Blacks and Latinos, and Onondaga County is the ninth most segregated county in America. A state aid formula deprives minority students in Syracuse City Schools enough funding for a sound, basic education.

The viaduct’s useful lifespan has expired, and its future now hangs in the balance. Syracuse officials have a historic opportunity to act in the best interests of their residents and make right the devastating effects of the viaduct. But rather than consider how to undo decades of inequity, public dialogue around I-81 tends to revolve around convenience.

To combat this, the Central New York Chapter has built a coalition of stakeholders, including lawyers, urban planners, residents along Syracuse’s Southside, university students, professors and suburbanites to fight on behalf of Syracuse’s underrepresented populations and change the nature of the debate.

The NYCLU’s Central New York Chapter was founded in 1963, the same year Black residents in Syracuse’s 15th Ward were protesting the seizure and destruction of their homes to build Interstate 81, a four-lane elevated highway that cuts through 1.4 miles of the center of Syracuse.

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The car has literally split the city and made parts of it less desirable for development. If you look at these constituencies and their effective income, they are living this way because nothing’s been done to provide equitable opportunities for housing choice, economic mobility or inclusion. It’s caused generational poverty.”

Yusuf Abdul-Qadir, director of the Central New York Chapter
In March 2019, lawmakers enacted the Pre-Trial Justice Reform Act which includes key reforms to our state’s bail, discovery and speedy trial laws. While there is still a ton of work to do to guarantee equal justice under the law, these changes should work in concert to ensure that New Yorkers experience a fairer justice system.
The NYCLU and ACLU received an unprecedented number of donations after the 2016 election and the Trump administration’s first Muslim ban. These donations and new memberships represent the hope and trust that supporters have put in us to lead the resistance against efforts to undermine our rights and civil liberties.

Our work is far from finished. Help keep our momentum rising: Join the civil liberties majority.

**FINANCIALS**

**FY2018: 4/01/17 – 03/31/18**

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**TO GIVE BY MAIL, MAKE A CHECK PAYABLE TO:**

“The New York Civil Liberties Union” (for membership – non tax-deductible) or “NYCLU Foundation” (for donations – tax-deductible) and send it to:

New York Civil Liberties Union
attn: Development Department
125 Broad Street, 19th Floor
New York, NY 10004

**TO GIVE ONLINE, GO TO OUR WEBSITE: WWW.NYCLU.ORG**

The NYCLU Foundation is a non-profit, 501(c)3 organization. Your tax-deductible gift will support our strategic initiatives, including litigation, advocacy and public education.

**TAKE ACTION & JOIN THE CONVERSATION**

Sign up for the NYCLU e-alert list to find out about urgent actions, sign petitions, contact your representatives, attend protests and “get on the bus” to lobby your legislators. You can also volunteer with us or coordinate a DIY fundraiser, or share your passion for making a more just New York by following us on social media.

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To view our full financial statement, please visit annualreport.nyclu.org.

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Read more about our work in 2018 through our digital Annual Report: www.annualreport.nyCLU.org