



NYCLU NEWS

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New York City Mayor Bill de Blasio signs a bill to amend the Student Safety Act. The mayor was flanked by supporters of the bill including NYCLU Executive Director, Donna Lieberman. Photo by Alberto Morales.

Big Wins for Student Safety in City Schools

This fall New York City made significant progress toward ending the regime of criminalizing school discipline and creating a school climate that is conducive to learning. Student safety has been a priority of the NYCLU's long before the recent video showing a white police officer throwing a black female student to the ground in South Carolina brought discriminatory and excessive policing in schools to national attention. The NYCLU played a leading role in making key recommendations on student safety to Mayor de Blasio, some of which he's already acted on, and settled our lawsuit on behalf of six students who were physically abused by NYPD officers, giving the victims thousands of dollars in compensation.

In September, the New York City Council also passed a set of reforms to the Student Safety Act that will provide the most comprehensive school discipline data reporting in the country. The new law, which will go into effect on January 1, 2016, requires for the first time reporting by both the NYPD and the Department of Education on the use of metal detectors, handcuffs and restraints in city schools.

"We look forward to continuing our advocacy on behalf of New York's 1 million schoolchildren to end the criminalization of school discipline and promote positive alternatives to keeping kids in school," said NYCLU Advocacy Director Johanna Miller.

For years, schoolchildren in New York City have been subject to overly aggressive practices by police in their schools. There are more police personnel in New York City public schools than

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NYCLU Brings About New Statewide Policy Protecting Transgender Youth

The NYCLU released a report this summer that helped shape the future of transgender rights for students across the state.

The report, *Dignity For All? Discrimination Against Transgender and Gender Nonconforming Students in New York State*, exposed the widespread discrimination and harassment that transgender and gender nonconforming youth dealt with at their New York schools.

The discrimination took place despite the fact that, five years ago, the state passed the Dignity for All Students Act, which was supposed to protect all public school students from bullying and harassment and explicitly prohibits discrimination based on actual or perceived gender, gender identity and gender discrimination.

The problem was that the State Education Department didn't give schools clear guidance on how the act should be applied to transgender students. That meant that school districts were left to their own devices and came up with a hodgepodge of different regulations, many of which were illegal and traumatizing to transgender youth.

"My daughter suffered so much bullying in ninth grade that she had an emotional breakdown over her safety. We have reported so many bullying incidents to



Locke pictured above. Photo by Alberto Morales.

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A message from NYCLU Executive Director Donna Lieberman: A Landmark Year for Women's Equality



PICTURED ABOVE: Gwen Carr, mother of Eric Garner; Constance Malcolm, mother of Ramarley Graham; Carol Gray, mother of Kimani Gray; Valerie and William Bell, parents of Sean Bell; Hawa Bah and Souleymane Bah, mother and brother of Mohamed Bah; Cynthia Howell, niece of Alberta Spruill; Natasha Duncan, sister of Shantel Davis; Margarita Rosario, mother of Anthony Rosario; and Iris Baez, mother of Anthony Baez. Also above are Edie Windsor and Donna Lieberman. Photo by Donna Aceto.

abortion and contraception, it is especially important that New York stands up for women by updating our abortion law and unequivocally protecting the right to choose. And from Rochester to Rockland, the NYCLU has been advocating for statewide paid family leave, so that new mothers – and fathers – are not forced to choose between taking care of their newborns and keeping their jobs.

Ending the School to Prison Pipeline: The shocking caught-on-camera manhandling of a black student by a white sheriff's deputy in a South Carolina classroom focused the national spotlight on the widespread problem of police abuse in schools.

The NYCLU has been working for over a decade to reverse school discipline policies that subject children to handcuffing, arrests and criminal summonses for minor disciplinary infractions. This fall the NYCLU celebrated major victories in this effort.

With our partners in the Student Safety Coalition – Urban Youth Collaborative, Advocates for Children, Dignity in Schools Campaign, Make the Road NY and others, the NYCLU helped pass the Student Safety Act. New York City's new reporting law is the most comprehensive school safety and discipline transparency law in the country. It's long been common knowledge that black and Latino students and students with special needs bear the brunt of these practices, but until now there have been gaping loopholes in the data. Starting in 2016, the city will publish full documentation of racial disparities and the outsized impact on children with special needs in the use of handcuffs, metal detectors, physical restraints and suspensions.

After five years, I'm pleased to report a settlement in the class action lawsuit we filed on behalf of six NYC high school students who were wrongfully arrested or beaten by the police in school. In addition to negotiating monetary compensation, the settlement also gives the students the opportunity to meet with the commanding officer of the NYPD's School Safety Division and share their experiences.

Having pressed Mayor de Blasio to convene a task force of city agencies, advocates, educators, students and parents to develop a plan to overhaul the exclusionary and harmful disciplinary practices of the prior administration, we are pleased that the city has sharply reduced the number of arrests, criminal summonses and suspensions in schools, and added a pilot program for warning cards instead of summonses and an agreement to review the use of metal detectors. But racial disparities persist and structural reforms are still needed to help all schools provide a safe and supportive learning environment where social workers and age-appropriate restorative justice practices replace the heavy hand of the law when students break the rules.

Protecting Immigrants: Immigrant and refugee students who come here seeking a safe haven from war and violence have the right to go to school. Having exposed the New York State Education Department's abysmal failure to provide guidance or support to school districts so that they honor the rights of immigrant children, the NYCLU has sued the Utica school district for pushing immigrant students into sub-par, non-diploma programs instead of enrolling them in school.

Just last month, the NYCLU won an important victory for those struggling to find work. A federal judge struck down an Oyster Bay ordinance that banned day laborers from soliciting for work on public sidewalks. And as part of the Statewide Taskforce to Combat Worker Exploitation and Abuse, one of my top priorities is to make sure the governor focuses on the rights of farm workers, who are denied the right to organize.

NYPD Use of Force: This year, the NYPD take-down of famed tennis star James Blake prompted Commissioner Bratton to apologize. And because the incident was caught on video, it garnered national attention – and outrage. The NYCLU has long advocated for the NYPD to systematically document the use of force – and they have now agreed to do so. We continue to press for the state to follow suit.

Respect for the Dead: After years of being locked out and overlooked by the government, family members are now able to visit the graves of loved ones at the remote potter's field Hart Island, thanks to the NYCLU's

At Broadway Stands Up for Freedom this year, the NYCLU was joined by some pretty amazing mothers: Edie Windsor, who has been dubbed the “Godmother of Gay Marriage,” and a group of mothers and other family members who are members of a group that is every parent's worst nightmare: Each lost a son – or other family member – to police violence. It was Edie Windsor whose stand against the Defense of Marriage Act paved the way for the Supreme Court this spring in *Obergefell v. Hodges* to strike down bans on gay marriage nationwide. And it was the families, led by the mothers, who transformed their pain into power to win an Executive Order for a special prosecutor in New York for police killings.

And I was proud to honor and stand with these remarkable women – whose coming together to celebrate our victories with the NYCLU stands as a powerful symbol of the breadth and depth of our work for a fairer, more just society.

These victories were only some of the major successes the NYCLU worked hard to achieve in 2015.

Transgender Rights: The NYCLU was also pivotal in winning life-saving victories for transgender children and their families. In our report, *Dignity For All? Discrimination Against Transgender and Gender Nonconforming Students in New York State*, we told the stories of discrimination, harassment and violence that transgender children experience in schools around the state and the ongoing harms caused by the government's failure to take steps necessary to ensure that transgender children can feel safe in school. The day after we released the report, Gov. Cuomo demanded the State Education Department take immediate action, and weeks later, the department promulgated groundbreaking regulations nearly identical to the NYCLU's recommendations. And while legislative dysfunction continues to block the Gender Expression Nondiscrimination Act (GENDA) that would protect transgender people from discrimination under state law, Gov. Cuomo this fall directed the State Division of Human Rights to issue regulations clarifying that our state Human Rights Law protects transgender and gender nonconforming people against discrimination and harassment.

Women's Equality: After a three-year campaign, the Women's Equality Coalition secured landmark legislative victories, passing eight bills that close loopholes in the law to secure equal pay, end pregnancy discrimination on the job, prohibit certain forms of housing discrimination and protect against sexual harassment in the workplace. These new laws – aside from the pregnancy protections – are not gender specific. They will benefit all New Yorkers. But their impact will be felt mostly by women, particularly low income women of color, who have previously been denied important tools to fight back against harassment, discrimination and abuse.

This huge step forward lays the groundwork for further, future reforms that are just as critical to ensuring women can participate fully and equally in society. Right now, as Republican-controlled states across the country are seeking to strip women of the right to



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Major Progress for Transgender Rights in Albany

A few years after a transgender individual was arrested by the Albany Police Department and subjected to disrespectful and dangerous conditions, the city's jails and police department have new policies in place to keep transgender people safe and make sure their rights are protected.

The NYCLU and local Albany LGBT support group In Our Own Voices, along with other organizations, formed a coalition to work with the jails, the sheriff's department and the courts to rewrite policies on law enforcement interacting with the transgender community.

The Police Transgender Coalition worked with Albany jails in order to update policies and come into compliance with the Prison Rape Elimination Act. It has lobbied for policies including using the correct pronouns and names of transgender people, and guidelines for judges when the pronoun and gender of a transgender

person in their courtroom does not match with their documentation, such as their driver's license. And recently, a milestone: The city's police department has changed its policies on arrests and searches to better recognize the issues for transgender people in these circumstances.

The department now recognizes and records people's gender rather than sex assigned at birth. In addition, strip searches of transgender people are conducted by an officer of the preferred gender of a transgender person rather than one of the same sex assigned at birth.

"We're proud of our work with the Albany Police Department and Albany County Sheriff's Office to protect people in the transgender community from rights violations when interacting in the criminal justice system," said NYCLU Capital Region Director Melanie Trimble. 

Crude Protest is Still Protected! A Win for Free Speech

The NYCLU recorded a victory on behalf of a man who was handcuffed and arrested in Liberty, New York for protesting a speeding ticket by using crude language on his ticket payment form. A federal court in White Plains ruled that a prosecutor's order to arrest the man violated the First Amendment. It also ruled that the Village of Liberty must stand trial on claims that it had failed to adequately train its police officers about the First Amendment.

"Instead of protecting freedom of speech, government officers in Liberty handcuffed me, arrested me for a crime and almost sent me to jail because I harmlessly expressed my frustration with a speeding ticket," said William Barboza, who was 21 at the time of his arrest. "I hope that by standing up for myself, other Americans will not be treated like criminals for complaining about their government with a few harmless words."

In 2012 Barboza was pulled over for speeding in the Town of Liberty. He pleaded guilty by mail, and when he paid his fine expressed his frustration by scratching out "Liberty" and replacing it with "Tyranny" and writing a curse-word-filled message on the payment form. His payment was rejected, and at his subsequent court hearing, two police officers acting on

the orders of an assistant district attorney arrested Barboza for allegedly violating the state's former "aggravated harassment" statute. He was fingerprinted, handcuffed to a bench and then driven to a different court in a separate town, where he was arraigned without a lawyer. He was then taken to the county jail in another town where he had to pay \$200 in bail before being released hours later.

In 2013, a judge dismissed the charges against Barboza, saying that his statements, however crass, were protected speech. The NYCLU and attorney Stephen Bergstein of Bergstein & Ullrich, LLP, lead counsel on the case, argued that the prosecutor had violated Barboza's First Amendment rights and also contended that the Village of Liberty was liable for failing to train law enforcement to respect the First Amendment. In September, a district judge agreed that Barboza's rights were violated and said the district attorney and the town of Liberty could be sued for damages.

"We brought this case to make clear that New Yorkers should not be afraid to be arrested for protesting or complaining about government action," said NYCLU Senior Staff Attorney Mariko Hirose. "The First Amendment protects people's right to express their opinions, including about their government." 

Director's Column

From page 2

settlement with New York City. Hart Island is an uninhabited island at the western end of Long Island Sound which serves as an active potter's field for the internment of people too poor to afford burial. The settlement should help bring closure to the family members who were barred from visiting relatives buried on the island.

As we look ahead, the NYCLU is focusing on the criminal justice system. Our efforts in the coming months include:

Right to Counsel for All: Last year, we won a huge settlement in our lawsuit *Hurrell-Harring v. State of New York*, which reformed public defense in five counties. Now we want to seize that momentum to press for an ambitious overhaul that would provide adequate public defense statewide.

Ending Solitary Confinement Abuses and Reforming the Bail System: We are pressing hard to overhaul the inhumane system of solitary confinement in New York jails and prisons. And we're also trying to keep more people out of jail. Men, women and kids are held in places like Rikers Island — a modern day debtors' prison — for weeks, months or even years simply because they can't afford to pay bail. In a system where money speaks more loudly than justice, the NYCLU is calling attention to their pleas for help and advocating for bail reform.

Fair and Just Policing: The tragic deaths of New Yorkers like Eric Garner, Ramarley Graham and Akai Gurley at the hands of law enforcement officers demonstrate how simple police-civilian encounters have the potential to escalate into situations involving the use of

deadly force. These cases, and the lack of appropriate response, have angered and saddened our community and re-ignited the call for police accountability. Through an integrated campaign that includes advocacy, litigation and public education, we seek to increase transparency in policing statewide; strengthen accountability for police departments and individual officers; and end unnecessary arrests and excessive use of force for low-level offenses.

Desegregating Schools: Receiving a good education is key to achieving the "American Dream," but we know that segregated schools are unequal and strip young people of their right to pursue that dream. Although recent Supreme Court decisions and strong political and social opposition have stopped many attempts at desegregation, the NYCLU is prepared to take on the challenge in New York as an extension of our decades-long education reform work.

Digital Privacy: The NYCLU plans to launch a public education campaign about cell phone privacy. We will develop a litigation and advocacy strategy to support new privacy protections and empower New Yorkers to understand the tools available to them to take control of their digital privacy.

The NYCLU is proud to stand with you and hundreds of thousands of ACLU members who recognize that we must stand up for the disadvantaged in our society to make our state and our country stronger. 

Follow @JustAskDonna on Twitter

Dignity for All

From page 1

the school but not a single one was recorded or investigated," said Michele, a mother of a transgender youth from the North Country region of New York featured in the report. "Her anxiety and depression now make it impossible for her to go to school. Families are struggling. Kids are struggling. We need support."

Incidents of harassment involving gender stereotypes accounted for 19 percent of all reported harassment cases in public schools, making it the most common form of harassment during the 2012-13 school year, according to the NYCLU's analysis.

"It's like I don't belong in my own school...I don't have parents that back me up so I'm doing my best to advocate for myself, but I don't know where to turn."

Gender transition for most young children doesn't involve any medical intervention. Nevertheless, the report found that administrators often required legal "proof" of a student's gender status and the youths were regularly badgered with intimate, personal questions. Gender nonconforming students were also hit with "dress code violations" which sometimes trigger disciplinary action. Many transgender youths were also banned from using the bathroom that corresponds with their gender identity, effectively outing them to fellow students.

Things were even worse for Locke, an 18-year-old student from the Southern Tier region of New York, featured in the report.

"I wanted to be private about my transgender status, but my school wouldn't even agree to call me 'he' or put my name on attendance sheets. It's like I don't belong in my own school. I had an anxiety attack and just broke down," said Locke. "I don't have parents that back me up so I'm doing my best to advocate for myself, but I don't know where to turn."

With the release of the report, the NYCLU demanded that the State Education Department issue immediate guidance and training for all staff and make clear the responsibilities of all schools to respect the preferred names and gender pronouns of students, provide all students with access to restrooms and locker rooms that correspond with their gender identity, provide private bathrooms and changing spaces to all students who desire additional privacy, and offer transgender students the same opportunities to participate in sports and physical education as other students.

One day after the report was released, Governor Cuomo wrote a scathing letter to the State Education Department expressing his "outrage" and calling the documented examples of discrimination faced by transgender students "completely unacceptable, dangerous . . . and in complete contradiction to the values of our great state."

The NYCLU urged the Education Department to adopt guidelines in line with a model policy developed by advocacy groups including the NYCLU across the state. In July, the department issued guidelines that mirrored the model policy. The guidelines also encouraged the regular training of all adults working in schools to ensure they understand the range of gender identities and expressions and know what they must do to create a supportive environment for all students and provide resources for school faculty to use to educate themselves and their students.

"The new guidelines are a huge victory for the transgender and gender nonconforming students who were brave enough to speak honestly about the relentless discrimination and harassment they faced," said NYCLU Lead Organizer Lauren Frederico, an author of the report. "Schools should be a safe and nurturing place for all students. We believe these guidelines will help ensure that transgender students have the same rights to an education that all kids are entitled to." 

Read the full report:
www.nyclu.org/transyouth

NYCLU Hosts Star-Studded Annual Broadway Concert



Our 13th annual Broadway Stands Up for Freedom benefit concert, showcasing the vital link between civil liberties and the arts, was a sold-out spectacular. Broadway's finest, including 2015 Tony Award-winners Michael Cerveris (with Loose Cattle) and Ruthie Ann Miles, and 2015 Tony Award-nominees Brandon Uranowitz, Sarah Stiles and Steven Boyer, took the stage to celebrate the work of the NYCLU.

Susan Blackwell returned as host, and 2015 Tony Award-winner Jeanine Tesori was the keynote speaker for the evening, with Peter Flynn as director and Paul Staroba as musical director. Tony Kushner served as the concert's honorary chair.

In attendance was Edie Windsor, lead plaintiff in the lawsuit that struck down the so-called "Defense of Marriage Act," and family members of people who lost their lives to police abuse who went on to successfully advocate for a special prosecutor in cases of police killings, including Gwen Carr, mother of Eric Garner, Constance Malcolm, mother of Ramarley Graham, and Carol Gray, mother of Kimani Gray, accompanied by the Justice Committee.

Proceeds from the show support the NYCLU's youth programs, including its work with LGBTQ teenagers, its Teen Activist Project, which engages New York City teens as organizers and peer educators on civil rights and civil liberties issues, and its work to stop overly aggressive policing and zero-tolerance discipline in the city's public schools.

The evening's highlights included a special presentation of the spoken word piece, "Black Women Are Killed by Police Too," by 20-year-old Soré Agbaje, which won Second Place in the Visual Arts category in the NYCLU Freedom of Expression Contest.

"We are so grateful to the Broadway stars who graciously took the stage in celebration of civil liberties and the arts," NYCLU Executive Director Donna Lieberman said. "Brava to all the performers!"

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FROM TOP: *Fish in the Dark's* Rachel Resheff and NYCLU staff helped close the show with "This Little Light of Mine"; Soré Agbaje, a NYCLU Freedom of Expression contest winner, performed her own piece, "Black Women are Killed by the Police Too"; Tony-nominee Montego Glover; 2015 Tony Award-winner Michael Cerveris of *Fun Home* (with Loose Cattle); Gwen Carr, mother of Eric Garner; Comedian Seth Rudetsky; performers Malcolm Merriweather, Keith Mullings Jr., Shola Amusa and Charles Duke; and keynote speaker 2015 Tony Award-winner Jeanine Tesori with *Fun Home's* Gabby Pizzoro. Photos by Donna Aceto and Alberto Morales.

NYPD Take-Down of Tennis Star Prompts New Use of Force Policy



James Blake pictured above. Photo courtesy of Getty Images.

When a security camera caught tennis star James Blake getting hurled to the ground by an NYPD officer last September, it put the department's inadequate use of force policy in the spotlight.

The brutality Blake faced highlighted the fact that the NYPD had no comprehensive system for collecting information about police officers' use of force and no mechanism for making that information public. In many cases, the NYPD was also not required to disclose when force was used. That means that there's no way for the NYPD brass or anyone else to be able to flag problem cops and get them off the streets before they hurt anyone else. The NYCLU has been calling on the NYPD to update its use of force policy since the tragic death of Eric Garner, who died after he was put in a chokehold by an NYPD officer.

After the Blake incident, the NYCLU responded by sending a letter to Commissioner Bratton and penning an op-ed in the *New York Daily News* calling for the NYPD to require officers to report the use of force in all instances, create a centralized database where that information is kept and release the information to the public.

"Simply put, the use of excessive force by NYPD officers is a problem hidden both to the department and to the public," NYCLU Executive Director Donna Lieberman and Associate Legal Director Chris Dunn wrote in the op-ed. "Now is the time to fix that."

What little we do know about the NYPD's use of force is troubling. According to data from the city's

controversial stop-and-frisk program, physical force was used nearly 1.4 million times during stops made between 2002 and 2013. In 400,000 of those instances the use of force involved a person getting handcuffed, put against a wall or car, taken to the ground, pepper-sprayed, struck with a baton or getting a gun pointed at them.

Another disturbing snapshot of the NYPD's use of force comes from the Civilian Complaint Review Board, the agency that investigates police misconduct. Between January 2014 and August 2015, civilians filed close to 7,000 allegations of excessive force with the board. Many of those complaints were substantiated by the board. In the first six months of 2015, the number of complaints of all types of officer misconduct found valid by the board almost doubled from the first six months of 2014.

But the fact remains that, in many instances, we have no idea when an officer uses force because officers were generally not required to report it.

Shortly after the James Blake incident and the NYCLU's advocacy, Commissioner Bratton issued a public letter acknowledging many of the shortcomings highlighted by the NYCLU. He then announced sweeping changes to the department's use of force policy, including a requirement that officers report when they use many types of force. The department also announced it would put out an annual report analyzing use of force episodes that will include data on race.

However, the NYPD's definition of "force" does not include actions like making a person put their hands up against a wall or on a car. That's a glaring omission given how often this type of force is used by officers. For example, between 2003 and 2013, there were 153,894 incidents where officer put a person's hands against a wall or on a car. That accounts for 11.1 percent of all uses of force during that time period. The new policy will also not include information on the number of times police pull their weapons on people.

"What happened to James Blake is but one example of the excessive force used every year against tens of thousands of New Yorkers," said Dunn. "The NYPD's new use of force policy is a good start, but problems remain, namely that the department will not collect information about people being thrown against walls or having guns pointed at them, both of which are serious and traumatizing examples of police force."

The NYCLU will continue to call for a broader, more complete use of force policy that will further hold officers accountable for their actions.

Rochester Leads Way on Police Body Cameras

This year Rochester Mayor Lovely Warren and the City Council approved a \$2 million budget for police body cameras – enough to purchase 480 cameras – making Rochester a leader in the state on body camera programs.

Body cameras on their own are not a fail-safe, quick fix solution to the complicated relationship between communities and police, but with the right policies in place, Rochester will begin real policing reform. The NYCLU's Genesee Valley Chapter has been working with the city to adopt effective policies through emphasizing community feedback.

"The city needs space for course correction in passing body camera legislation," said Kaelyn Rich, director of NYCLU's Genesee Valley Chapter. "But if we focus on community input in implementing the program, there is every sign that Rochester can be a model for bringing about real policing reform for our state."

"...if we focus on community input in implementing the program, there is every sign that Rochester can be a model for bringing about real policing reform for our state."

Ongoing community input will help ensure that body cameras increase transparency and hold police accountable if they mistreat someone, as well as safeguard against civil rights violations, including the coercion of witnesses or surveillance of innocent people going about their private business. And as a new technology, body camera policies should be shaped by on-the-ground experience – with the city and the community giving feedback side-by-side.

Law Targeting Latino Day Laborers Struck Down in Long Island

In September, a federal district court affirmed the right of Latino day laborers in Oyster Bay, Long Island to seek work in public spaces, following a lawsuit by the NYCLU, the American Civil Liberties Union and LatinoJustice PRLDEF.

"...the decision recognizes and celebrates the entrepreneurial spirit of new Americans."

In its decision, the Eastern District of New York struck down the ordinance for violating the First Amendment, which protects the rights of day laborers to gather in public spaces and ask for work. The decision also noted that there are current public safety laws in place – such as New York State's vehicle and traffic laws – that can be used to protect motorists and pedestrians.

"This ruling sends a message to local governments across the country that courts will not let them get away with subverting American constitutional values to pursue an anti-immigrant agenda," said Jason Starr, interim director of the Suffolk County Chapter of the NYCLU. "A landmark win for workers in Oyster Bay, the decision recognizes and celebrates the entrepreneurial spirit of new Americans."

For nearly two decades, Latino day laborers have made their living in the Long Island town of Oyster Bay, gathering together to solicit work. But in 2009, the town enacted an ordinance that targeted these laborers and attempted to prevent them from seeking work. The ordinance would have had a devastating effect on the workers, who typically depend on these temporary jobs to feed their families and frequently lack transportation to seek work elsewhere.

Meet New Lower Hudson Valley Chapter Director Shannon Wong



Shannon Wong, NYCLU Lower Hudson Valley Chapter Director. Photo courtesy of Shannon Wong.

In November, the NYCLU welcomed new Lower Hudson Valley Chapter Director Shannon Wong.

Wong previously served as an Orange County legislator, and before that, served as Legislative Director for the YWCA of New York State. She has dedicated her professional life to creating systemic change to fight gender-based violence, including working to improve the response to victims of domestic violence and being part

of the Women's Equality Coalition, which fought for the successful passage of key parts of the Women's Equality Act, signed into law this year, that will help provide equal opportunity for women. She was also part of successful efforts to stop the expansion of asset forfeiture, reduce the shackling of pregnant women in prison and protect reproductive rights.

"We are still living in a time when the power of some is impacting the individual rights of many."

Wong brings with her a wealth of knowledge about the legislative process, lobbying, organizing and women's issues. She's a mom of twin teenagers, so she has a personal perspective on public school issues and the NYCLU's youth work.

Wong said she's often been accused of being a "card carrying member of the ACLU," a charge she takes as a compliment because, she said, the NYCLU is "on the forefront of some of the major civil rights issue of our time."

"I have a deep passion for social justice and civil rights," Wong said. "We are still living in a time when the power of some is impacting the individual rights of many. I am looking forward to bringing my advocacy and organizing skills to help promote justice and equal opportunity for all."

NYCL...You: NYCLU Board President Robin Willner



Robin Willner, new NYCLU Board President. Photo courtesy of Robin Willner.

The New York Civil Liberties Union scored a big victory in October when Gov. Cuomo signed eight bills into law that were part of a broader Women's Equality Agenda.

Together, the bills include provisions that promote pay equity, prohibit certain forms of housing discrimination, and protect against pregnancy discrimination and sexual harassment in the workplace. Board President Robin Willner, who has a long track record of working on women's equality issues, said the legislative win showed the organizing muscle of the NYCLU.

"It was great for the NYCLU, because we had an opportunity to partner with so many different people to strengthen our network," Willner said. "It was a collaborative effort and one that the NYCLU played a leadership role in."

But, Willner said, as with any civil liberties victory, there is still much work to be done. One of the key elements of the Women's Equality Agenda that would have updated New York's abortion law to unequivocally protect women's abortion rights under *Roe v. Wade* did not make it through the legislature. Willner, who spent more than a decade on the board of Planned Parenthood of New York City and who now sits on the board of the organization's Political Committee, is keenly aware of the need for this particular piece of legislation.

"This is essential to every woman if we are going to clearly have full autonomy," Willner said. "It is a crucial civil liberty and we have to make sure that that's in place."

Willner said New Yorkers need to understand the importance of passing the reproductive rights portion of

the Woman's Equality Agenda as soon as possible.

"In New York, we are often lulled by the perception that we have a very progressive state and that we've had access to abortion services since before *Roe v. Wade*," Willner said. "New York may be friendlier than other states, but it's really not a place where women's reproductive rights are as secure and protected as they need to be and the proof of that is we didn't get that part of the agenda passed."

New Yorkers can't solely rely on the federal government to protect reproductive rights, Willner said.

"We are in a situation where right now we are seeing attacks at the national level all across the country on *Roe v. Wade*," Willner said. "We are one Supreme Court decision away from losing those protections and we have to be vigilant. If something were to happen to *Roe v. Wade* we are not in the strong legal position we would like to be."

"But we're still here and we're still fighting. We don't give up. We have the experience and the history and we know how to pick ourselves up and do battle again."

For Willner, the NYCLU embodies an insatiable desire for progress.

"There's work to do in many areas and we're not finished, even if we get all of the Women's Equality Agenda passed," Willner said. "There are always new issues that arise. We must continue the fight for rights."

Youth Activist Project Launches in Buffalo



NYCLU Western Regional Organizer Emily Terrana (far right) poses with the group of young activists participating in the Western New York Teen Activist Project. Photo courtesy of Emily Terrana.

This year the NYCLU's Western Regional Office is teaching a group of young activists what it takes to create change in their community.

The Western New York Teen Activist Project, now in its early stages, will help youths as young as 14-years-old learn about how to organize, research and build a campaign. The year-long program, modeled after a similar NYCLU initiative in New York City, will also get young New Yorkers connected to the advocacy community through guest speakers and Know Your Rights workshops.

"It's a great opportunity...they'll learn about the work we do and the power they have to make change."

At the end of the project, the youth activists will use their newfound skills to come up with a campaign and get it implemented.

NYCLU Western Regional Organizer Emily Terrana, who spearheaded the project, said she can't wait to see what the students come up with.

"I'm excited to see their creativity and their ideas come to fruition," Terrana said. "They are so intelligent and they really get it."

The project isn't just a way for burgeoning activists to learn the basics of how campaigns work, Terrana said, but also an opportunity for the NYCLU to learn from them.

"It's a great opportunity for youth to plug in and for us to get input," Terrana said. "The hope is they will become ambassadors for the NYCLU throughout their communities. They'll learn about the work that we do and the power they have to make change."



Photo by Alberto Morales

Pictured here is the NYCLU's 2015-16 youth program, the Teen Activist Project, which engages high school students from across New York City as peer educators and community organizers on civil rights and civil liberties.

Community Organizes for Quality Education in East Ramapo

In the New York town of Ramapo, the East Ramapo school district is in crisis.

Last year, an investigation funded by the State Education Department found that the East Ramapo school board was unfairly prioritizing the needs of Orthodox Jewish students who attend private schools at the expense of public school students in the district.

"This has been a battle for over 10 years and we're seeing the work and activism of the local community to make transformative changes..."

There are about 8,000 public school students in East Ramapo, most of whom are black or Latino, while about 24,000 children attend local yeshivas. Since 2005, the board cut 445 public school jobs, reduced kindergarten to a half-day and eliminated many extracurricular programs from the public schools, the report found. In late October the U.S. Department of Education determined that some claims of racial discrimination in the East

Ramapo school district are founded,

The NYCLU's Lower Hudson Valley Chapter helped organize community members to stand up for the rights of their children to receive a quality education. During this year's legislative session, the NYCLU was instrumental in crafting a bill that would establish a state monitor with veto power over the board. The legislation passed in the State Assembly but is held back by the Senate.

But change is already underway. In August, State Education Commissioner MaryEllen Elia appointed an East Ramapo monitoring team, which in December recommended that a state monitor with veto power be installed. Lower Hudson Valley Regional Organizer Guisela Marroquin said the monitoring team's recommendations should help build momentum for legislation to pass in the next session.

The State Education Department also appointed the district's first non-white superintendent who has experience working with districts in turmoil.

"We've seen how the community has come together to fight for accountability," Marroquin said. "This has been a battle for over 10 years and we're seeing the work and activism of the local community to make transformative changes, which is what we've hoped for."

Standing with Planned Parenthood



The staff of the American Civil Liberties Union and the New York Civil Liberties Union show their support of Planned Parenthood. Photo courtesy of the ACLU.

On November 27, 57-year-old Robert Lewis Dear carried out a shooting rampage inside a Colorado Springs Planned Parenthood Clinic, killing a police officer and two others and injuring nine.

Police said Dear said something about “no more baby parts” after he was arrested for the killings, a likely reference to the heavily edited, misleading videos released by the Center for Medical Progress that falsely claim to show Planned Parenthood employees selling fetal tissue. At a court appearance in December, Dear declared himself guilty and proclaimed he was a “warrior for the babies.”

The Colorado shooting is a potent reminder that women’s right to make their own reproductive health care decisions remains under threat throughout the country – including in New York State. In the wake of the shooting, Planned Parenthood’s supporters, including the NYCLU, made it clear that violence and intimidation would not silence or frighten those who fight for a woman’s right to end a pregnancy.

“Health care providers should not have to risk their lives to go to work and provide abortion care for the women who need it,” NYCLU Executive Director Donna Lieberman said. “And no woman should have to fear for her life when she visits the doctor because some armed fanatic disapproves of her health care decisions. The NYCLU is proud to stand with Planned Parenthood and abortion providers everywhere.”

Violence at abortion clinics causes substantial harm far beyond the individual clinic that is attacked. These

crimes are meant to strike fear in the hearts of those who need abortions and the professionals who bravely provide them.

Following the attack, the NYCLU asked its members to tell their elected officials to support Planned Parenthood and to update New York law to make it clear that every woman in New York has the legal right to abortion whenever necessary to protect her health. In response, members sent thousands of messages to the state’s top elected officials.

Planned Parenthood is committed to keeping their doors open to provide safe, supportive care to the thousands of women, men and families who need their services. The day after the shooting in Colorado Springs, every Planned Parenthood health center in New York, and countless other clinics throughout the country, remained open to see patients.

Just as Planned Parenthood stands firm in their commitment to provide care, the NYCLU is committed to updating New York law so that it clearly and unequivocally protects a woman’s right to make her own health decisions.

“Planned Parenthood stands for equal opportunity for women by recognizing that access to reproductive health services, including abortion care, is vital to a woman’s health and future,” Lieberman said. “After the tragic and deadly attack, we must stand up for women’s reproductive health care, autonomy and basic rights to show that we will not be deterred from doing what’s right.”



ACLU AND NYCLU LGBT AND AIDS PROJECT ANNUAL COCKTAIL RECEPTION: On June 16, 2015, the ACLU and NYCLU celebrated their groundbreaking nationwide work to protect and expand the rights of LGBT people and their families with an annual cocktail reception. On June 26, 2015, the United States Supreme Court found it unconstitutional to restrict same-sex marriage rights in the landmark decision *Obergefell v. Hodges*. Pictured above, starting top left; Jim Obergefell, lead plaintiff in *Obergefell v. Hodges*; Edie Windsor, lead plaintiff in the NYCLU and ACLU case *U.S. v. Windsor* defeating the Defense of Marriage Act; Obergefell and Windsor meeting for the first time. Photos by Donna Aceto.

Ruling Allows Families to Visit Hart Island Graves

In July, a settlement was reached between the NYCLU and New York City allowing family members to be able to visit the graves of loved ones buried in New York City’s potter’s field, Hart Island.

The agreement came in response to a class action lawsuit filed by the NYCLU in December 2014 challenging a city policy barring people from visiting the gravesites of family members buried on the island – the final resting place for 1 million people and the largest mass grave in the United States.

Under the agreement, family members and guests are permitted to visit Hart Island graves one weekend a month for the next year, after which time the NYCLU and the city will determine if visitation should be increased. The city provides ferry service to the island, allows visitors to leave mementos (such as flowers, stuffed animals, prayer cards, small flags and blankets) at gravesites, and maintains a database of all people buried on the island and the location of their graves.

“This settlement should help bring closure to the parents, children, brothers, sisters and other family members of the generations of people who suffered the indignity of mass burial and then suffered the added insult of being forsaken by a city policy that barred family and friends from visiting,” said NYCLU Associate Legal Director Christopher Dunn, lead counsel on the case.

Student Safety

From page 1

there are on the streets of almost every major city in the United States.

By passing the Student Safety Act Amendments, New York City will now have one of the most comprehensive student safety reporting systems in the country. The amendments will improve public disclosure of comprehensive data on school suspensions and law enforcement activity in schools, including: the use of permanent and roving metal detectors; the use of handcuffs on students; inappropriate use of Emergency Medical Services for behavior and discipline-related incidents; students who are repeatedly suspended in the same school year; and arrests and summonses issued by all NYPD personnel. This new information will give policy leaders the information they need to design and implement further reforms.

Much of the progress on school safety in New York City is also due to Mayor de Blasio’s Leadership Team on School Climate and Discipline, which includes Miller as well as NYCLU Executive Director Donna Lieberman. In July, the Leadership Team released recommendations for improving school climate while minimizing the use of suspensions, arrests, summonses and other excessive discipline practices.

Then in October, Mayor de Blasio implemented many of those recommendations, calling for additional training for police officers in how to de-escalate school conflicts, expanding access to behavioral health treatment options in high needs schools, clarifying areas where school discipline can be addressed without law enforcement, and increasing training and support for school personnel in positive supports and non-punitive discipline methods.

Finally, in November, the NYCLU reached a settlement in its lawsuit on behalf of six students who were subject to the exact kind of abuse the Leadership Team and Mayor de Blasio seek to curb. Our clients were New York City public school students who were punched, thrown, handcuffed for hours, verbally abused and wrongfully arrested at school by the NYPD School Safety Division. The settlement granted thousands of dollars to the students who sought damages.

The NYCLU continues to work to make sure that what happened in South Carolina will no longer happen in New York City, and that schools are nurturing, safe places for New York children.

BREAKING: Historic Reform for New York’s Use of Solitary Confinement. Read more: www.boxedinny.org

The State Legislature: 2015 Postscript/2016 Preview



"The truth is the criminal justice system needs review."

-- Gov. Andrew Cuomo, Jan. 1, 2015

As legislators convened for the 2015 legislative session, it seemed that they could not avoid the issue of street policing – specifically, police officers' use of deadly force and, more broadly, law enforcement policies that place one in three young African Americans under supervision of the criminal justice system.

The previous July, Eric Garner died in police custody after being wrestled to the street by New York City police officers. The alleged offense that led to this police action was the unlawful sale of cigarettes – "loosies." Garner's death – followed by the police shooting of Michael Brown in Ferguson, Mo. – reignited a debate about race and law enforcement.

And then, in December, two police officers were shot and killed in Brooklyn as they sat in their patrol car. A familiar, false political dilemma emerged: To express concern about fairness in street policing is to betray lack of concern for the well-being of the police.

"Everyone is talking," the governor observed on Jan. 1, after being sworn in, "but no one is listening."

The death of Eric Garner had given rise to doubts about the fairness of the criminal justice system, the governor said. The problem, he suggested, is complex, and national in scope. But New York's political leaders have a responsibility to solve it here, the governor observed, adding "that is a challenge we are up to."

This remains to be seen. In February, the Assembly sponsored public hearings on reform of the criminal justice system. The Senate convened a competing hearing to address the safety of police officers.

Policing. The governor's call for comprehensive review of the criminal justice system went largely unheeded. It was only after the legislature had adjourned that the governor took executive action regarding the issue of civilian deaths at the hands of the police.

Gwen Carr, the mother of Eric Garner, together with the mothers of other young men and women who have died at the hands of New York City police, called for the appointment of a special prosecutor in such cases. In

the absence of legislative action on this demand, these women appealed to Gov. Cuomo, asking him to establish the office of special prosecutor by executive order.

This he did. The order authorizes the Office of the Attorney General to investigate, and prosecute, the death of a civilian who dies in police custody.

"Raise the Age." New York is one of only two states that treat sixteen- and seventeen-year-olds who are accused of a criminal offense as adults. These youth appear in criminal court. Young people who are prosecuted and incarcerated as adults often suffer extreme physical and psychological abuse; upon release, they are far more likely to re-offend than youth sent to juvenile facilities.

In 2015 the governor proposed legislation that would raise the age of criminal responsibility to eighteen. The Senate leadership resisted. Many Democrats in the Senate and the Assembly rejected provisions that would have required the adjudication of certain offenses in adult criminal court notwithstanding the age of the accused. Gridlock ensued.

Tuition tax credits. If there is a standoff on criminal justice reform, the political contest over education policy looks like an extreme form of mixed martial arts, with the combatants in business attire.

This, too, is a national debate. And it's often framed as a matter of upholding standards. But many of those championing standards see the cause of poor education outcomes as the fault of the public education system itself. The solution: Look to the private marketplace to deliver education innovation, such as the tuition tax credit.

This tax scheme would provide a dollar-for-dollar tax cut (a windfall of up to a million dollars in one proposal) to individuals and corporations that make donations to charter schools and private schools – including schools that provide religious instruction. The proposed bill represents a bold step toward privatization of public education, and an end-run around the constitutional principle that bars the state from endorsing religion.

Women's rights. In 2013 Gov. Cuomo announced a legislative proposal to advance women's rights: the Women's Equality Act. The bill addressed ten issues – including equal pay, sexual harassment in the workplace, trafficking and reproductive choice.

This last provision led to a political impasse. The measure simply updated New York law, which fails to recognize the right to abortion when required to protect a woman's health – as affirmed by the Supreme Court in *Roe v. Wade*. The Senate rejected the reproductive rights provision, passing as stand-alone bills nine of the ten provisions in the Women's Equality Act. The Assembly rejected this gambit, demanding all ten measures, or none. The same scenario played out in the 2014 legislative session.

In 2015 the advocates asked Assembly lawmakers to take up individually each of the provisions in the Women's Equality Act. And that's what happened. On Oct. 21, the governor held a signing ceremony, enacting in law significant advances for women's rights – including provisions that strengthen prohibitions against wage discrimination and sexual harassment in the workplace; mandate reasonable accommodations for pregnant workers; prohibit housing discrimination based upon a tenant's status as a victim of domestic violence; and prohibit discrimination in employment based upon family status.

Left unfinished is the task of updating New York law regarding a women's right to choose.

2016

As the legislative session gets underway in 2016, the balance of power remains unchanged, if tenuous. Political control of the Senate remains with Republicans, who hold a one-seat majority.

All state lawmakers face elections in November. Assembly and Senate races will appear as the undercard on a ballot that features presidential candidates. A strong draw at the top of the ticket could turn out voters in numbers that could prove decisive in contested state elections.

Meanwhile, the NYCLU legislative team will be promoting civil liberties reforms on many fronts.

The right to an attorney when charged with a crime. In October of 2014 the NYCLU entered into a settlement regarding a lawsuit (*Hurrell-Harring v. State of NY*) that charged the state has failed to provide effective legal representation to indigent defendants. The NYCLU now seeks to make that settlement a framework for statewide reform. (The settlement applies only to the five defendant counties.)

Who are being issued summonses? And for what? The NYCLU's staff helped draft legislation that would require the state to report publicly information regarding summonses and low-level misdemeanors – including demographic information regarding persons charged, and the outcome of those charges. Policing experts argue that effective street policing is data driven, citing the CompStat system introduced by the NYPD in the 1990s. Our argument, precisely.

Paid family leave. When a new child arrives or when a family member has a medical emergency, many New York workers face a painful dilemma. They can take unpaid leave, if they are covered under the federal Family and Medical Leave Act (about 60 percent of workers are). But if a worker cannot afford to forego the pay, the family is without a care giver at a time of urgent need. And it is most often women who must negotiate this dilemma. The Paid Family Leave Insurance Act would provide workers up to twelve weeks of paid leave – funded through small employee payroll deductions.

YES, I will be there for the New York Civil Liberties Union!

The NYCLU's new strategic initiatives are to:

- **Advocate** for integrated and equal educational opportunities in New York;
- **Increase** transparency and accountability in policing;
- **Build** the framework for more robust digital privacy protections; and
- **Guarantee** the right to counsel for all New Yorkers.

Enclosed is my check payable to the NYCLU Foundation in the amount of:

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NOTICE REGARDING BOARD NOMINATIONS

The annual meeting of the members of the NYCLU will be at 6 p.m. on Wednesday, June 15, 2016 at 125 Broad St., New York NY for the purpose of electing directors, receiving the annual report and transacting any other appropriate business.

All directors are elected by a vote of the statewide membership. This year there are 14 vacancies to be filled. The NYCLU Nominating Committee is charged by the NYCLU by-laws to nominate only as many candidates as there are vacancies on the Board.

The Nominating Committee will nominate its slate of nominees. If you are interested in finding out who the nominees are, please write to Donna Lieberman, Executive Director, 125 Broad St., New York NY 10004.

The board of each NYCLU chapter is entitled to nominate one director. Nomination may also be made by petition of at least 25 members.

Nominations must be filed with Executive Director Donna Lieberman by April 16, 2016, 60 days prior to the annual meeting, at 125 Broad St., New York NY 10004.

A proxy ballot, along with biographical information and supporting statements of each of the candidates, will be published in the next issue of the NYCLU News.