Dire conditions at Long Island jails have spurred two lawsuits to address deplorable conditions and bring oversight and accountability: one against the Nassau County Correctional Center and one against Suffolk County Correctional Facilities. The majority of people housed in both jails have not been convicted of a crime—many are poor people who haven’t yet had a trial but can’t afford to pay bail.

The Nassau suit follows the recent suicide of an Iraq war veteran housed at the Nassau jail—the fifth suicide there in less than two years. The lawsuit was filed in State Supreme Court for Nassau County on behalf of two individuals currently housed in the jail. It seeks to force compliance with a 22-year-old unfulfilled charter mandate to establish an independent board to oversee and reform conditions at the jail.

“Tragically, a stay at the Nassau County Jail can become a death sentence for the 11,000 people a year who are housed there awaiting trial or serving time for minor misdemeanors,” said Samantha Fredrickson, director of the Nassau County Chapter. “Since Nassau County Executive Edward Mangano has turned a blind eye to this disturbing reality, we have no choice but to ask the court to compel the county to take this initial step toward finally treating people housed at the jail with basic human dignity.”

The two plaintiffs currently housed at the jail were both denied medical treatment on numerous occasions. Joseph Marone was forced to wait weeks to see a nurse after noticing blood discharging from his left ear. By the time a nurse examined him the bleeding had stopped, though he believes he suffered hearing loss.

“People shouldn’t be forced to live in constant pain because the county won’t provide them basic medical care,” Marone said.

Meanwhile, in the Suffolk County jails, inmates are subjected to Dickensian conditions such as overflowing sewage, chronic overcrowding, rodent and insect infestations, and pervasive mold and rust. These and other dehumanizing circumstances prompted the NYCLU and Suffolk County resident Jason Porter spent two months at Riverhead Correctional Facility and encountered shockingly unsanitary conditions, including showers caked with mold, cold temperatures and chronically malfunctioning toilets. Photo by Alberto Morales

Death and Disease at Long Island Jails

Class Action Lawsuit Challenges NYPD Patrols of Private Apartment Buildings

Imagining facing the threat of a police stop anytime you entered or left your home to check your mail or go to the store. Picture a mother who must keep watch from apartment windows to make sure police officers don’t throw her son against a wall and search him for no reason.

These scenarios take no stretch of the imagination for residents of River Park Towers, a private Bronx apartment complex enrolled in Operation Clean Halls, a program that extends the NYPD’s discriminatory stop-and-frisk practices into thousands of private apartment buildings citywide. The program permits police officers to patrol the premises of privately owned buildings, forcing residents to live under the constant threat of being stopped, frisked, harassed and even arrested in their own homes.

“If you are 30 and below and a minority, they are definitely going to stop you” said Tony Ledan, resident of River Park Towers. “I see them everyday going into their pockets, telling them to take their pants down, taking them in the staircase and searching them in the staircase.”

United to Reform the NYPD

Lower East Side resident Steve Kohut (with NYCLU Executive Director Donna Lieberman) speaks at a rally about being subjected to the NYPD’s stop-and-frisk practices. The NYCLU and dozens of community and advocacy groups have united to form Communities United for Police Reform, or CPR, to reform the NYPD so that police officers really do treat all New Yorkers with courtesy, professionalism and respect. Read more about CPR on page 3. Photo courtesy of Amal Chen
Words from NYCLU Executive Director Donna Lieberman

We’re Changing the NYPD … and New York State

Today, New Yorkers who previously were content to take whatever the NYPD said as gospel truth are now questioning the claims and policies that they’ve long believed. This is because the NYPD, and others in the law enforcement community, sometimes feel like they’ve created a cocoon for themselves.

New Yorkers are not giving up on changing things. The Time’s Up Billion Dollar Bill of Rights is a campaign that is working to ensure that NYC police officers are held accountable for their actions.

We’ve also reached out to the public across the state to discuss police abuse and misconduct. We’ve been working with the People’s Assembly, a coalition of community groups, to organize protests and raise awareness about the impact of police violence on our communities.

In the meantime, we’re continuing to shine a light on the NYPD’s continued use of stop-and-frisk and other discriminatory practices. We’ve also been working to ensure that the NYPD is held accountable for the deaths of those who have been killed while in police custody.

But as we continue to fight for this change, we are also looking to the future and working to ensure that we have a police department that is fair, transparent, and accountable. We believe that this is possible, and we’re working hard to make it happen.

Indeed, many New Yorkers gave the NYPD a free pass before, often because they didn’t have a lot of respect for the men and women who make up the force.

But in the past, New Yorkers from all walks of life are saying enough already. (Read more on page 3.)

We’re not giving up on this issue. We’re not going to allow the NYPD to continue to get away with their discriminatory practices. We’re not going to allow them to continue to target vulnerable communities, and we’re not going to allow them to continue to get away with their failures to hold accountable the officers who abuse power.

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NYCLU NYCLU Events

NYCLU stands behind Bronx NYPD Officer and Against Punitive Vouta System

For 14 years, NYPD Police Officer Craig Mathews started receiving positive annual reviews. But that was before he questioned an unlawful quota system that required him to make more arrests and to make them faster. Even though Mathews served with outstanding performance, he was eventually fired for violating the quota law.

According to the law, the Bronx precinct developed a detailed quota system, which includes regular color-coded computer reports used to track compliance. Officers who were considered successful were highlighted in red and face a wide range of consequences. Success meant promotions, raises, and bonuses. Failures could mean a demotion, transfer, and charges.

“Quotas lead to illegal arrests, summons, and traffic tickets that undermine our communities and residents,” said NYCLU Associate Legal Director Christopher Dennis, lead counsel in the case. “The officer’s claims that he was denied a promotion, leave, and leave, separate from his longitudinal progress, is a pattern of illegal and illegal conduct, which the NYPD should work to stop immediately.”

“Nothing should be done to discriminate against lower quotas officers that are compliant with their job responsibilities.”

The incident remains under investigation. The incident remains under investigation.

NYCLU Confronts NYPD Spying on Muslims and Political Activists

A disturbing case of intimidate government spying and religious profiling is the NYPD’s practice of maintaining prohibited databases of Muslim and political activists.

According to a series of startling reports by the Associated Press, the NYPD’s Intelligence Division, a squad that operates with virtually no oversight, has established prohibited databases and surveillance of Muslim and political activists with impunity.

Deploying “mosque watchers” to monitor hundreds of prayer gatherings.

Monitoring Muslim student associations at local universities.

Collecting biographical information on groups of Muslim and political activists.

Disputing undercover officers to Muslims and Arab neighborhoods to monitor daily life, including visits to mosques, bookstores, restaurants and internet cafes.

In late March, the AP reported that the NYPD’s spying on Muslims is not new and not limited to New York. The AP found that the NYPD has kept intelligence files on individual activists as well as organizations involved in protests against the country. These campaigns are focused on promoting illegal, and the NYPD would not work to stop immediately.

The NYCLU is committed to ending the intrusive surveillance practices that are used to target Muslims and political activists. The NYCLU has become a center to fight against this unlawful and illegal practice.

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NYCLU is Confronting the NYPD and Against Punitive Vouta System

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NYCLU stands behind Bronx NYPD Officer and Against Punitive Vouta System

The NYCLU is a mothership when engaging in law enforcement activities, with the lowest numbers of stops and frisks occurring in deserted areas such as forests and parks.

TheNYCLUhasworkedtoendeavourbroadlyinthisarea.
The election of candidates to the New York Civil Liberties Union Board of Directors is an important moment in our organization’s history. This election seeks to represent the diversity of our membership and ensure that our Board reflects the unique perspectives and experiences of all New Yorkers. The NYCLU is committed to ensuring that every voice is heard and that our Board is inclusive of the people we serve.

Nominated by the Nominating Committee

To: Ronald Tabak, Election Supervisor

Mail the ballot you have filled out to Ronald Tabak, Election Supervisor, New York Civil Liberties Union, 25 Broad St, 19th Fl., New York, NY 10004. So that we may verify your membership, please write your name and address on the back of the envelope. If you have a joint membership, please write both your name(s) and your address legibly on the back of the envelope. If you do not have a membership, please write your name and address on the back of the envelope in order to provide verification of your candidacy so that your vote may be counted. (Note: To ensure a secret ballot, do not sign the ballot and do not put your name and address on the back of the envelope.)

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When patients lose control over their medical records, they can lose faith in their doctors. They may withhold critical information or avoid treatment altogether.

NYCLU Report Reveals Privacy Threat in State’s Electronic Health Records System

D

o you want your patients to know that you were once treated for a sexually transmitted infection? Or that you received treatment for depression or anxiety? If you’re like the vast majority of New York State medical providers who signed up for electronic health records (EHR), you are at risk for exactly this. According to the latest report released by the NYCLU on New York State’s electronic health records, the state has already invested more than $840 million in developing electronic information sharing networks for medical records. The NYCLU maintains that there are still significant flaws in the state’s policies and security measures governing these networks.

The report, Protecting Patient Privacy: Strategies for Reform of New York State’s Electronic Health Records Exchange, explains how current state policies jeopardize patient privacy and provides recommendations for creating stronger policies.

EHRs enable electronic health records clearly can improve the quality of medical care, but without careful planning they also pose a genuine threat to privacy. The report concludes: “It is crucial that we develop strong, privacy-preserving policies from the ground up.”

The NYCLU urges state health officials to take immediate action to correct these weaknesses and protect the valuable medical and personal information that EHRs have the potential to store.

By following the recommendations outlined in the NYCLU report, providers can be assured that patients will have ongoing control over their medical records, that their doctors will not lose control over them, and that they will not lose faith in their doctors. They may withhold critical information or avoid treatment altogether.

NYCLU Assistant Legislative Director Corinne Carey, author of the report. “For instance, while most people want their records to be accessible to health providers for the purpose of improving care for them, they are equally concerned about their confidentiality.”

The report offers 10 recommendations to protect patient privacy as the state develops a centralized system for sharing electronic medical records. From allowing patients the right to opt out of the network, to prohibiting the networks from selling patients’ private health information, the recommendations aim to keep patient privacy intact.

The report was written and published, Carey was appointed to the New York Health Collaborative’s Policy Committee, which is charged with reviewing the state’s policies and procedures governing the sharing of electronic health records.
The NYCLU led opposition this winter to state legislation that would force public school districts to allow religious worship services inside public school buildings.

“We champion the right of all New Yorkers to worship, or not, as they choose. But turning our public schools into churches every Sunday undermines the core American principle of separation of church and state,”

NYCLU Executive Director Donna Lieberman said. “Our public schools serve children of all faiths equally. To turn school buildings into churches every Sunday undermines the core principle of the separation of church and state.”

As a result, the city gave religious congregations a February deadline to stop using school buildings as houses of worship. During the 2010-11 school year, about 160 religious congregations—including all Christian churches—held Sunday worship services in city schools.

In response, bills were introduced in the State Senate and Assembly that would circumvent the appeals court’s position to allow religious worship services inside public schools for all kinds of extra-curricular activities, including prayer and Bible study,” Lieberman said. “The proposed state legislation goes much further: It establishes religious and educational backgrounds joined the NYCLU to allow religious worship services inside public schools. The New York Times’ op-ed column published in the Daily News. A similar op-ed by NYCLU Advocacy Director Udi Ofer was posted on The New York Times’ education-focused website, Schoolbook. Two emails to our statewide membership generated a total of 3,633 messages to state legislators urging them to oppose the legislation.

The Second Circuit has already upheld the city’s ban: “When worship services are performed in a place, the nature of the site changes. The site is no longer simply a room in a school being used temporarily for some activity. The church has made the school the place for the performance of its rites, and might well appear to have established itself there. The place has, for a time, become the church.” (Emphasis in original.)

In December, the U.S. Supreme Court declined to take the case, allowing the appeals court’s position to remain the law of the land. As a result, the city gave religious congregations a February deadline to stop using schools as houses of worship. The NYCLU vigorously opposed the legislation.

“The law already allows religious groups to use public schools for all kinds of extra-curricular activities, including prayer and Bible study,” Lieberman said. “The proposed state legislation goes much further: It essentially requires our schools to subsidize churches and privileges the Christian church over other religions, which erodes everyone’s religious freedom.”

There have been numerous reports of police officers making unconstitutional, unjustified stops—and even wrongful trespassing arrests of Clean Halls building residents and their invited guests.

“Operation Clean Halls has placed hundreds of thousands of New Yorkers, mostly black and Latino, under siege in their own homes,” NYCLU Executive Director Donna Lieberman said. “For residents of Clean Halls buildings, taking the garbage out or checking the mail can result in being thrown against the wall and humiliated by police.”

The NYCLU, LatinoJustice PRLDEF, The Bronx Defenders and civil rights attorney Chris Fabricant have filed a federal class action lawsuit challenging Operation Clean Halls on behalf of 13 individuals who are residents of Clean Halls buildings or were unlawfully stopped and arrested on trespassing charges through the program. The City of New York, Police Commissioner Raymond Kelly and individual police officers who were involved in unlawful arrests are listed as defendants. It maintains that the NYPD’s enforcement of Operation Clean Halls violates the U.S. Constitution, the New York State Constitution, the federal Fair Housing Act and New York common law.

Operation Clean Halls has existed in some form since 1991 with the purported purpose of combating illegal activity in apartment buildings, particularly in high-crime areas, but it has become an excuse for police to stop and search people of color. In some Bronx neighborhoods nearly every private apartment building is enrolled in the program. In Manhattan alone, there are at least 3,895 Clean Hall buildings.

The NYPD has no meaningful standards concerning which buildings are eligible for the program. There is no centralized oversight of how the program is enforced, nor is there a single roster of all the buildings enrolled in the program citywide.

“The NYPD uses Clean Halls as a license to stop anybody, at any time, on suspicion of trespassing,” said NYCLU Senior Staff Attorney Alexa Karteron, lead counsel on the case. “As a result, people who live in Clean Halls buildings are under constant threat of being stopped, frisked, harassed and even arrested by police officers. This type of activity has no place in a free society, and we’re confident the courts will put a stop to it.”

The lawsuit seeks a declaration that the NYPD’s practices are unlawful and an injunction against them. It asks that the injunction require the NYPD and the city to:

• Stop asking people inside and around Clean Halls buildings for their IDs or about their destination without suspicion that they are trespassing or engaged in other wrongdoing;
• Stop arresting people for trespassing in a Clean Halls buildings without establishing whether or not the person is authorized to be there;
• Establish citywide standards for enrollment of buildings in Operation Clean Halls;
• Implement procedures for officers who patrol Clean Halls buildings;
• Establish a system to track and monitor the stops, searches, summonses, and arrests made pursuant to Operation Clean Halls; and
• Award compensatory damages to named plaintiffs.

In the coming year we will fight to:

• End police abuse
• Ensure every child’s right to go to school
• Fight for reproductive justice
• Stop human rights abuses in jails

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

$500
$250
$100
$50
Other

NAME ________________________
ADDRESS ________________________
CITY ________________________ STATE ___________ ZIP ______

Please charge $ _______ to my AmEx Visa MasterCard

CARDHOLDER NAME ________________________
ACCOUNT # ________________________ EXP DATE ___________
SIGNATURE ________________________