



# **DEFENDING DIGNITY**

**New York Civil Liberties Union  
2015 Annual Report**



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# MESSAGE FROM THE EXECUTIVE DIRECTOR



Dignity emerged as a central theme of the NYCLU's work in 2015. From our litigation to gain the public release of the Eric Garner grand jury records, to our advocacy for the rights of transgender students, our efforts focused on respecting and uplifting the dignity of every single New Yorker.

What do we mean by dignity?

Dignity means equal treatment under the law and not being targeted and subjected to violence because of your economic status, race, ethnicity, sexual orientation and gender identity or expression.

It means exercising your faith and religion—or lack thereof—without fear of persecution.

For people in prison, dignity means being treated like a human, not caged in solitary confinement like an animal.

It means full rights for women to make decisions about their lives, families, careers and reproductive health.

Dignity for our young people means being able to go to school in a safe and nurturing environment where they can learn and freely express their identities.

These values lie at the core of the NYCLU's litigation and advocacy; we strive to uphold the dignity of all New Yorkers. And 2015 was a landmark year. We achieved long awaited victories in women's equality, transgender students' rights, school discipline reform and prison reform—as well as in many other areas.

Amidst the talk of policy, legislation, negotiation and legal agreements, one can easily forget that each of these victories means an end to suffering for real people. **The NYCLU's successes improve the daily lives of thousands of New Yorkers.** In this year's annual report we highlight their stories—their struggles and what these reforms will mean to them.

Thank you for joining the NYCLU in standing up for dignity. With your support, we will continue to improve the lives of New Yorkers and make our state and country more just, equal and free.

Sincerely,

A handwritten signature in cursive script that reads "Donna Lieberman". The ink is dark and the signature is fluid and legible.

Donna Lieberman



# **2015 AT A GLANCE**

**We achieved capstones in multi-year or decades-long campaigns and laid cornerstones for new initiatives that will define our work in years to come.**

**The NYCLU played a central role in achieving each of these milestones over the past year.**

# The foundation of all NYCLU programs:

Preserving the fundamental human dignity of all New Yorkers, no matter their race, ethnicity, religion, gender identity or expression, sexuality, income or life circumstance.

## PUBLIC DEFENSE SYSTEM

The NYCLU holds its first annual statewide Lobby Day and rallies supporters to call for the repair of New York's broken public defense system

### ERIC GARNER

The NYCLU argues for release of [Eric Garner grand jury records](#)

## FREEDOM TO MARRY

The Supreme Court affirms the freedom to marry for same-sex couples

## FREEDOM OF SPEECH

NYCLU victory for freedom of speech in the case of [man unlawfully arrested](#) for using profanities in payment of a speeding ticket

## WOMEN'S EQUALITY ACT

Governor Cuomo signs eight provisions of the Women's Equality Act into law

## SOLITARY CONFINEMENT

Historic settlement of an NYCLU case overhauls solitary confinement use in New York's prisons

## NYPD EXPOSED

The NYCLU exposes NYPD's hidden use of backscatter X-ray vans in NYC neighborhoods

End to cell phone ban in NYC public schools

The ACLU and the NYCLU sue TSA for records on **secret behavior detection program**

**Mayor's task force on school safety**, in which the NYCLU plays a leadership role, releases recommendations to create safer, more just schools

NYCLU victory allows family members to visit Hart Island graves

After years of NYCLU-led advocacy, amendments to the **Student Safety Act** are passed and require reporting handcuffs and metal detectors in NYC schools

NYPD announces **use-of-force reforms** after mounting pressure from the NYCLU, advocates and the public in response to the wrongful and aggressive arrest of tennis star James Blake

## RIKERS ISLAND

NYC Board of Corrections releases new, nationally unprecedented rules reforming the use of solitary confinement at Rikers Island

## FREEDOM OF SPEECH

NYCLU victory in protecting freedom of speech for an NYPD officer and whistleblower who exposed an illegal quota system in his Bronx precinct

## NSA PHONE SPYING

Court strikes down [NSA phone spying program](#) after ACLU and NYCLU lawsuit

## PROTECTING TRANSGENDER STUDENTS

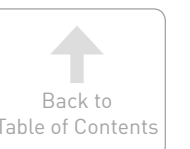
Release of the NYCLU's ["Dignity for All" report](#) prompts the State Education Department to release guidelines protecting transgender students from discrimination

## NYPD SCHOOL SAFETY DIVISION

The NYCLU reaches a settlement agreement on behalf of six NYC students who were punched, handcuffed, verbally abused and arrested at school by the NYPD School Safety Division

## STOP-AND-FRISK

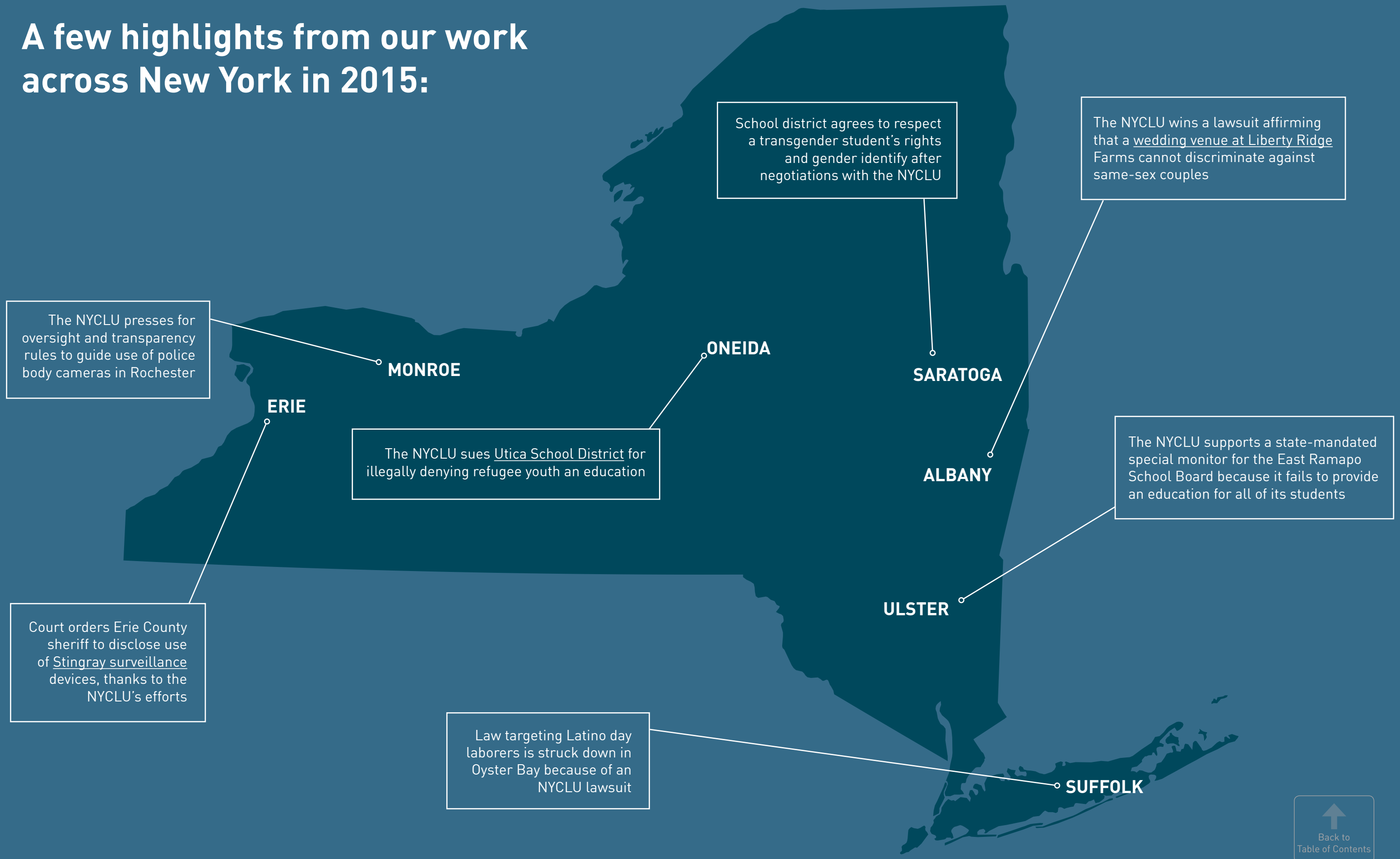
New data analysis from the NYCLU shows that stop-and-frisk encounters have fallen dramatically while crime reaches record lows



# DIGNITY FOR NEW YORKERS: STATEWIDE

New York is a model for other states, advancing and defending standards that protect and uphold human dignity. Our regional offices enable us to stay informed and respond to pressing issues from Niagara to Nassau.

# A few highlights from our work across New York in 2015:







# BREAKING DOWN "THE BOX"



**Before the NYCLU launched its campaign to end solitary confinement five years ago, New York state had no policies regulating when, why or for how long solitary confinement could be imposed as punishment.**



**“Before working with the NYCLU, I filed this lawsuit by myself in pencil. I started this lawsuit during the months I spent alone in a box.”**

*—Tonja, an NYCLU client who spent months in solitary confinement and testified in support of our historic reform settlement*

**We're curtailing abuse and restoring the dignity of incarcerated New Yorkers subject to the tortures of solitary confinement.**



# SOLITARY CONFINEMENT REFORM: THE NYCLU'S INTEGRATED APPROACH TO SYSTEMS CHANGE

The road to victory began with individual cries for help and was paved by dozens of the NYCLU's lawyers, policy experts, the Communications team and activists who worked tirelessly over the course of five years to drive systemic change using an integrated approach that combined advocacy, litigation and legal analysis, media outreach and public education.



## AN INDIVIDUAL CALLS OUT FOR HELP

Tonja recounts, "I was not a danger. I bought another prisoner a hair dryer and sneakers. I reported an assault. I mailed the court a food sample as part of my claim about the conditions. For that I was locked up in a cage and forgotten. You forget what it's like to be human."

## WE INVESTIGATE, ANALYZE DATA AND TELL THE UNHEARD STORIES

In 2011, three NYCLU lawyers began an intensive, year-long investigation into the use and consequences of extreme isolation in New York, documented in our 2012 report "[Boxed In.](#)" The report showed that state prisons doled out thousands of extreme isolation sentences every year, with some prisoners serving years or even decades in isolation.

## OUR LEGAL TEAM FILES SUIT

The investigation paved the way for the NYCLU and our co-counsel to file, in 2013, *Peoples v. Fischer*, a class-action lawsuit challenging the use of solitary confinement.

## WE BUILD RELATIONSHIPS, NEGOTIATE AND SECURE REFORMS

In 2014, with New York state, we reached an "interim" settlement agreement that immediately protected the most vulnerable prisoners: youth, pregnant women and people with developmental disabilities.

## WITH THE PLAINTIFFS, WE CELEBRATE VICTORY

December 2015 marked the announcement of a [global settlement agreement](#) overhauling solitary confinement in New York state prisons and providing a framework to end the abuses of extreme isolation. No prison system of its size has ever taken on such sweeping and comprehensive reforms to solitary confinement at one time. The agreement will result in systemic changes that should benefit all incarcerated people, corrections staff and New Yorkers.

## ...AND PREPARE FOR THE LONG ROAD AHEAD

For many years to come, we will be closely monitoring the work of New York state as it implements the comprehensive reforms required by our settlement. At the end of that process, we will have a system that will improve the safety of everyone, inside and outside prison.



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**“I’m a passionate person and I’m in physical  
and emotional pain 24 hours a day.**

**So how do you think I take being treated like a  
dog? I live this insanity every day.”**

*—Daryl, a New Yorker who spent months in solitary confinement  
and received no response to his repeated appeals for mental  
health treatment while living in extreme isolation*



# OPENING THE BOOKS ON POLICING



**“No one has been held accountable for the death of Eric Garner and the community doesn’t know why.”**

*— Donna Lieberman,  
NYCLU Executive Director*



**Police violence is stripping black and Latino men and women of their dignity—and their lives. We're pressing for use-of-force and transparency reforms that will uncover how New Yorkers of color are targeted for minor infractions, just like Eric Garner was.**

**The NYCLU holds the police accountable for the violence and racial profiling that continues to disproportionately plague communities of color.**



# 1

## TRANSPARENCY AND ACCOUNTABILITY IN POLICING

As reports of police abuse and harassment of people of color provoke calls for reform across the nation, the NYCLU [builds on its victory](#) in drastically reducing stop-and-frisk abuse in New York City and works to make policing in New York state more transparent and accountable.

Police departments across the state lack both a system and a mandate for collecting information about police officers' use of force and deaths of New Yorkers in custody.

# 2

## DEMANDING DATA

Most of the offenses enforced through the issuance of a summons are nonviolent, noncriminal violations. Despite that fact, hundreds of thousands of New Yorkers are thrust into the criminal justice system each year, without proven benefit to public safety.

The NYCLU obtained data from the Office of Court Administration spotlighting that the NYPD had unilaterally stopped collecting [race information on summons forms](#). When race information was still being collected, officers issued 86 percent of those summonses to black and Latino people.

We advocated with the city to design a new summons form to collect demographic information and report it publicly, and to reexamine the summons process to avoid issuing unnecessary warrants and to help people meet their court dates. There are currently more than 1 million of these outstanding warrants, and this change will ensure that number does not grow.

As part of a statewide police transparency project, the NYCLU began collecting data from 23 police departments around the state to highlight the need for the state to step in and create minimum standards for transparency and accountability.

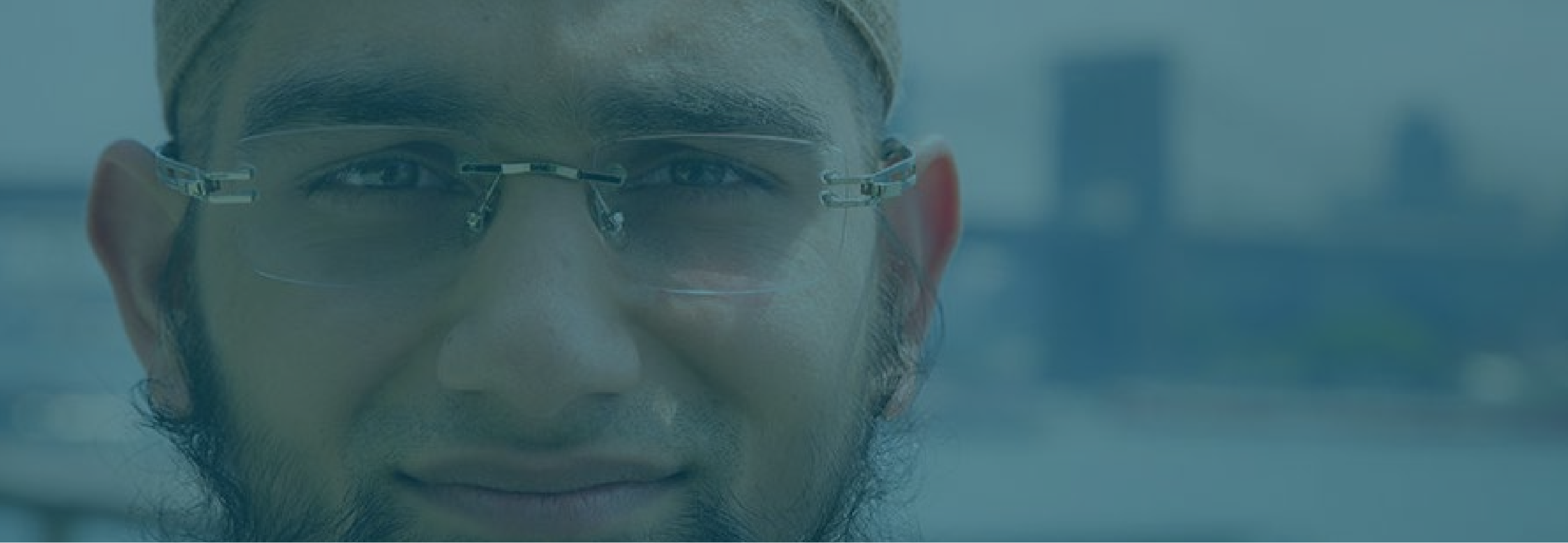
# 3

## ...AND ANSWERS

In 2015, the NYCLU argued for the release of the grand jury records in the Eric Garner case and supported successful efforts by the families of people killed by police to pressure the governor to create a special prosecutor to investigate police killings.

**Between 2002 and 2014, the NYPD issued nearly seven million summonses.**





# AN END TO UNJUST POLICE SURVEILLANCE

**The NYPD has been violating the U.S. and New York state constitutions by singling out and stigmatizing entire communities of New Yorkers for years—based on nothing other than their religion.**





**“In America, we have the right to stand up and speak out in response to unfairness and injustice. We believe we have made important progress with this settlement, not only for New York Muslim communities but for other minorities in New York and beyond.”**

*—Imam Hamid Hassan Raza, lead plaintiff in the Raza suit*

**A police representative has admitted that the mapping activities did not generate a single lead or result in even one terrorism investigation.**



# LANDMARK SETTLEMENT PROTECTS THE PRIVACY AND DIGNITY OF AMERICAN MUSLIMS

The NYCLU has been fighting back against invasive police surveillance of protected activity for decades, and we most recently responded to an NYPD program that targeted the Muslim community. The program operated under the unconstitutional premise that Muslim beliefs and practices are a basis for law enforcement scrutiny and mapped Muslim communities and their religious, educational and social institutions and businesses. The NYPD then deployed officers and informants to infiltrate mosques and other institutions to monitor conversations and conducted other forms of warrantless surveillance of American Muslims.

A lawsuit brought by the NYCLU, ACLU and others resulted in a [landmark settlement](#) when the NYPD agreed to reforms designed to protect New York Muslims and others from discriminatory and unjustified surveillance.

The settlement was reached in two lawsuits, *Raza v. City of New York* and *Handschu v. Special Services Division*. The suit charged that the NYPD violated the U.S. and New York state constitutions by singling out and [stigmatizing entire communities](#) of New Yorkers based on their religion.

The proposed settlement incorporates new safeguards and will install a civilian representative within the NYPD to reinforce all safeguards. It includes changes such as prohibiting investigations in which race, religion or ethnicity is a substantial or motivating factor, limiting the NYPD's use of undercovers and confidential informants, and removing from the NYPD website the discredited and unscientific "Radicalization in the West" report.





EQUAL ACCESS,  
EQUAL LAWS

**Women face a national, historic assault on their access to contraception and abortion and continue to confront challenges in achieving full equality in schools, the workplace and in interactions with the criminal justice system.**





**We are breaking down barriers that perpetuate discrimination against women and laying the groundwork for future reforms.**



# WOMEN'S EQUALITY AND REPRODUCTIVE JUSTICE

## WOMEN'S EQUALITY AGENDA SIGNED INTO LAW

More than two years of advocacy efforts led by the NYCLU and its [Women's Equality Coalition](#) partners paid off in October when Governor Cuomo signed into law eight bills that were part of the original Women's Equality Agenda. Disappointingly, New York's abortion law was not included. As states around the country turn back the clock and violate women's reproductive rights, it is more important than ever that New York act as a progressive leader by updating our abortion law and unequivocally protecting every woman's fundamental right to decide to control her reproductive destiny.

- ✓ [Ending Pregnancy Discrimination](#)
- ✓ Fighting Human Trafficking
- ✓ Supporting Domestic Violence Victims
- ✓ Providing Fair Access to Housing
- ✓ Stopping Employment Discrimination
- ✓ Expanding Access to Justice
- ✓ Ending Sexual Harassment
- ✓ Securing Equal Pay
- ✗ Safeguarding Reproductive Rights

The NYCLU's work has been pivotal in other recent legislative successes for women's equality in New York, such as:

- passage of an [anti-shackling law](#) that strengthens protections for women who are pregnant or in labor while in prison, and preserves their dignity;
- final enactment of a law that [mandates transparency by anti-choice "clinics"](#) that masquerade as medical offices; and
- a law that allows pregnant women to enroll in health plans offered on the New York Health Exchange outside of open enrollment periods.



**“It’s still hard for me to believe that I was put in the position of choosing between staying on the job while pregnant and the health of my baby.”**

*— NYCLU client and former UPS employee, Julie Densantis-Mayer*

**The NYCLU recognizes and fights for women's rights to choose to have children, or not, and to take care of the children they have. We are the only New York state-based legal organization that focuses on the full scope of rights enabling women to live with dignity: abortion rights and access, birth control, reproductive and sexual health, equal treatment of pregnant and parenting individuals, comprehensive and accurate sex education, and patient privacy.**





# DIGNITY FOR ALL STUDENTS





**“Teachers don’t get scanned. We get scanned.**

**It’s like we are the prisoners, and they are the**

**prison guards.”**

*— Seydou, New York public high school student featured in the NYCLU’s TV series “Project Liberty”*





We're fighting for all youth to be respected as the hope for tomorrow, not treated as problems and potential criminals.



**There are more police officers in NYC public schools than on the streets of nearly every large city in the nation, including Boston and Washington, D.C.**

# SAFE AND SUPPORTIVE SCHOOLS FOR NEW YORK'S STUDENTS

## 1

### STUDENT SAFETY WINS IN NYC SCHOOLS

The NYCLU helped make New York City's schools safer and more just for all students by playing a critical role in Mayor de Blasio's Leadership Team on School Climate and School Discipline. We also settled a lawsuit on behalf of six students who were physically abused by NYPD officers. Our advocacy helped to pass reforms to the Student Safety Act that will provide the most comprehensive school discipline data reporting in the country and requires the first-ever reporting on the use of metal detectors, handcuffs and restraints in city schools.

## 2

### NEW STATEWIDE PROTECTIONS FOR TRANSGENDER YOUTH

The NYCLU's new report "[Dignity for All?](#)" prompted the State Education Department to release guidelines that tell all New York public school districts they must:

- respect names and gender pronouns of transgender youth;
- protect the privacy of their student records;
- promote education and training on gender issues; and
- provide access to restrooms, locker rooms and gender-segregated activities that correspond with students' gender identities.



**“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.”**

*— Locke, an 18-year-old student from the Southern Tier region of New York*

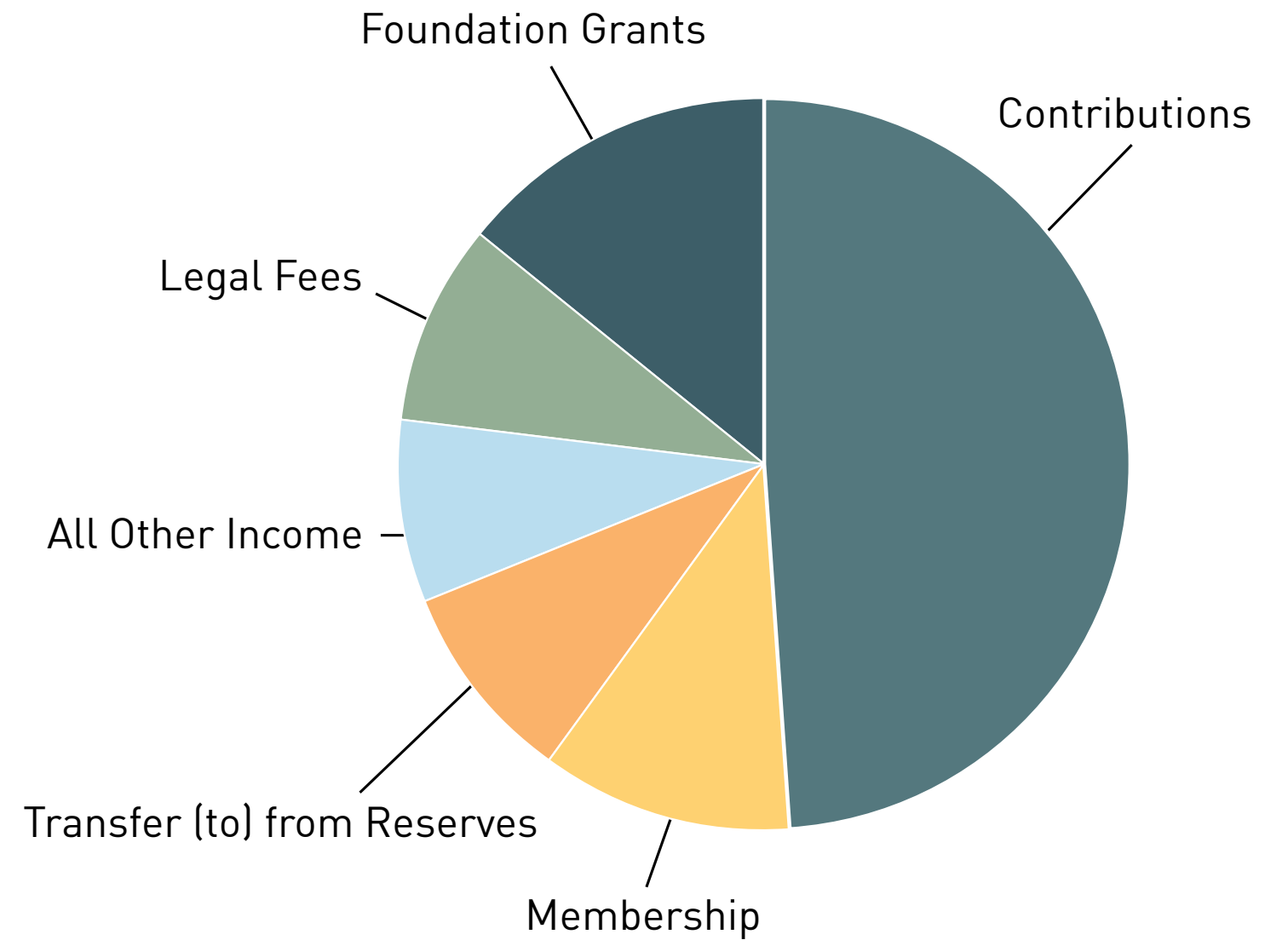
# FINANCIALS

**NYCLU Revenue and Expense  
04/01/14 - 03/31/15**



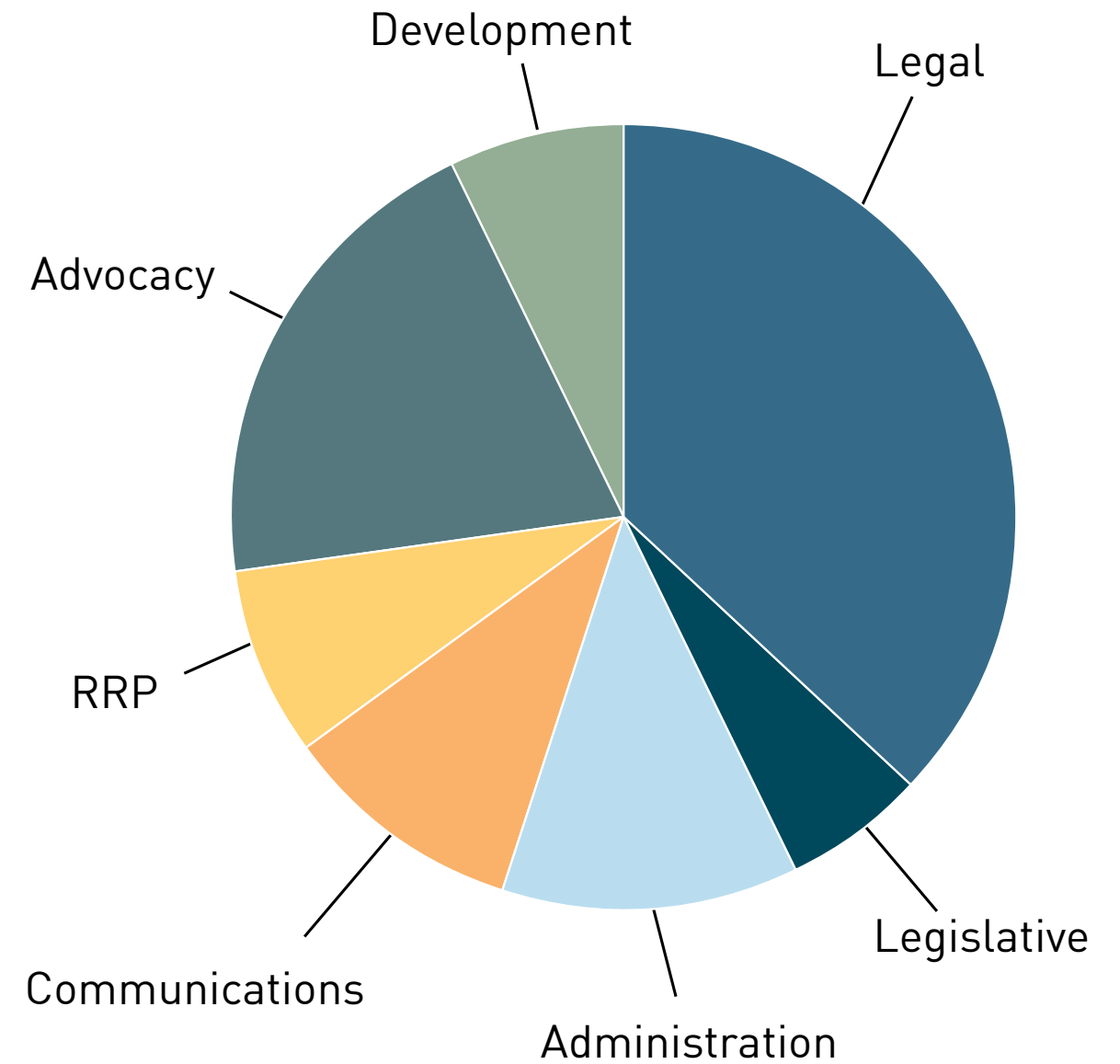
# Revenue

	UNION	FOUNDATION	TOTAL
Membership	\$832,849		\$832,849
Contributions, Total	\$243,943	\$3,486,582	\$3,730,525
Foundation Grants	\$200,000	\$897,304	\$1,097,304
Legal Fees		\$686,145	\$686,145
All Other Income	\$743	\$646,073	\$646,816
Transfer (to) from Reserves	[-\$219,376]	\$889,660	\$670,284
	<b>\$1,058,159</b>	<b>\$5,919,619</b>	<b>\$6,977,778</b>



# Expenses

	UNION	FOUNDATION	TOTAL
Administration	\$125,178	\$720,555	\$845,733
Development	\$23,361	\$393,481	\$416,842
Legal	\$43,631	\$2,565,942	\$2,609,573
Legislative	\$514,796		\$514,796
Advocacy	\$269,102	\$1,102,441	\$1,371,543
RRP	\$28,061	\$528,154	\$556,215
Communications	\$54,030	\$609,046	\$663,076
<b>TOTAL</b>	<b>\$1,058,159</b>	<b>\$5,919,619</b>	<b>\$6,977,778</b>



# **SUPPORT THE NYCLU**

**There are numerous ways to get involved  
and support the work of the NYCLU.**



# HERE'S HOW TO SUPPORT THE NYCLU

1

## **BECOME A MEMBER – OR RENEW**

Members provide flexible financial support, allowing us to defend freedom at every turn and ensure no challenge goes unanswered. For as little as \$35 a year, you can become a joint NYCLU/ACLU member and support statewide and nationwide work. [Join or renew today](#) and strive with us to convince our lawmakers from City Hall to Albany and Washington, D.C. to protect our liberties and equality.

2

## **MAKE A TAX-DEDUCTIBLE GIFT**

The NYCLU Foundation is a non-profit, 501(c)(3) organization. Donations to the foundation are fully tax-deductible and support a wide range of our work including litigation, advocacy and public education. We rely on our donors to help fund all of our strategic initiatives.

3

## **DESILVER SOCIETY: LEAVE A LEGACY OF GIVING**

Have you considered including the NYCLU in your will? There are many ways to make a planned gift that can support the organization now or in the future. Express your enduring personal commitment to the mission and work of the NYCLU by joining the DeSilver Society, named for ACLU co-founder and early benefactor, Albert DeSilver.

4

## **CRYSTAL EASTMAN LEADERSHIP SOCIETY**

Be a leader at the NYCLU by joining the Crystal Eastman Society, named after one of the co-founders of the ACLU. By contributing \$1,000 or more annually, partners in the Crystal Eastman Leadership Society create a powerful force for social justice, positively affecting the lives of millions of people in New York and nationwide.

5

## **BECOME AN NYCLU ACTIVIST**

Sign up for the NYCLU e-alert list at <https://action.aclu.org/secure/ny-email-updates/> to receive notification of urgent actions. You will find opportunities to sign petitions, contact your representatives, attend protests and “get on the bus” to lobby legislators.

6

## **FOLLOW US**



## **TO GIVE BY MAIL:**

Make a check payable to “New York Civil Liberties Union” (for membership) or “NYCLU Foundation” (for donation) and send it to:

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

To give online, go to our website: [www.nyclu.org](http://www.nyclu.org).

To discuss your giving questions and preferences, contact Deputy Director of Philanthropy Caroline Cotter at 212-607-3365 or [ccotter@nyclu.org](mailto:ccotter@nyclu.org).

