



TESTIMONY OF:

**Lisa Schreibersdorf – Executive Director
BROOKLYN DEFENDER SERVICES**

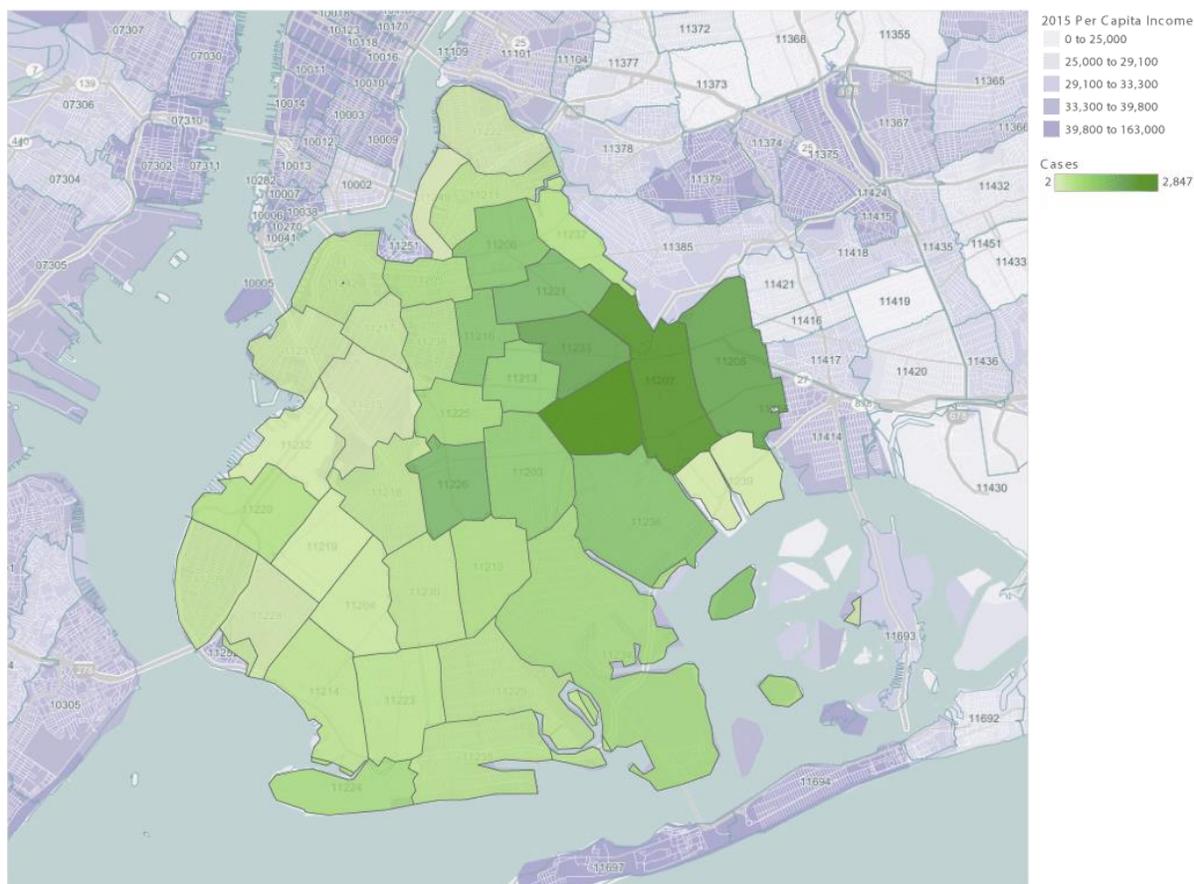
**Presented before
The New York City Council
Committee on Courts and Legal Services
Preliminary Budget Hearing
March 23, 2016**

I. Introduction

My name is Lisa Schreibersdorf. I am the Executive Director of Brooklyn Defender Services (BDS). BDS provides innovative, multi-disciplinary, and client-centered criminal, family and immigration defense, as well as civil legal services, social work support and advocacy, for over 40,000 clients in Brooklyn every year. I thank the City Council Committee on Courts and Legal Services, and in particular Chair Lancman, for this opportunity to testify about the important work that we do and the need for increased funding for indigent defense providers in New York City.

Our clients are among the poorest people in New York City. Many of our clients are suffering from mental illness, struggle with drug addiction or are very young. All of our clients are deeply impoverished, including many who do not have enough food and way too many who live in overcrowded, squalid conditions. With the gentrification of Brooklyn, a large percentage of our clients are homeless or at risk of homelessness due to rising rent and increasing desirability of neighborhoods that only a few years ago were affordable.

The vast majority of our clients come from just five neighborhoods in Brooklyn: East New York, Brownsville, Crown Heights, Bedford-Stuyvesant and Flatbush. It is no coincidence that those are also the five poorest neighborhoods in Brooklyn.



Map showing overlap of income and BDS clients

Increased funding to indigent defender offices like BDS will allow us to ensure that the poorest New Yorkers receive in-house, comprehensive, high-quality legal services to achieve their personal goals for success and fulfillment.

II. Criminal Defense

The Sixth Amendment of the United States Constitution affords every person charged with a crime the right to an attorney. People who are unable to pay for an attorney are provided one free of charge. This is the primary function of Brooklyn Defender Services.

Last year, our more than 100 criminal defense attorneys at BDS represented 39,069 clients. In Brooklyn, there are approximately 100,000 arrests per year. BDS's clients

reflect the demographics of the criminal justice system in which a majority of those arrested are people of color. In 2015, our criminal defense attorneys represented around 5,000 clients who were NYCHA residents and another 2,000 homeless clients. A quarter of our clients – about 10,000 – are youth and young adults under 25 years of age. Twenty-four percent of our clients are foreign-born.

Many of our clients come to us with mental health and substance abuse issues, and/or are veterans, victims of domestic violence, or suffer from other trauma. Our many social workers and advocates help identify issues that brought the client into the system in the first instance and assist them with these issues whenever possible. Often, these interventions improve the outcome of the criminal case and serve the client well in his or her life.

a. Specialized Units

For many of BDS's clients, poverty, trauma, mental illness, and alcohol or drug abuse are the driving forces behind their involvement in the criminal court system. In order to address the unique needs and barriers that many of our clients face, BDS has a number of dedicated and specialized units which provide targeted services to adolescents, clients with mental illness, victims of trafficking, veterans and clients with overlapping criminal, family court, and immigration issues.

i. Brooklyn Adolescent Representation Team

Within court systems and institutional defender organizations, juvenile justice involvement has long been addressed through a unique process, with specialized resources and partner organizations in the community. However, this approach has historically been applied only to those in delinquency proceedings – in New York State that means youth ages 16 and under. Importantly, social science literature and neuroscience research tells us that young people's brains continue to develop until their mid-twenties, affecting their decision-making processes and culpability. The Brooklyn Adolescent Representation Team (BART) is a collaborative effort to provide comprehensive, high quality legal, advocacy and social work services to the criminal justice involved adolescents and young adults aged 16-21 whom we represent in criminal cases. BART consists of 15 dedicated, experienced, youth-focused criminal defense attorneys, three specialized adolescent social workers, and two youth advocates. BDS's Education Advocacy Team also supports our adolescent clients' access to education, providing advocacy and guidance regarding school discipline, special education, school reentry and alternative pathways to graduation.

The BART project serves approximately 6,500 adolescents ages 14 to 21 every year, including 1,350 who are 16 or 17. Nearly all are Black or Latino. All are indigent, and many are not otherwise connected with social service providers or educational institutions. Our adolescent clients come to us with many issues, including undiagnosed and untreated learning disabilities, emerging mental health problems, child welfare system involvement, abuse, neglect, sexual exploitation, gang involvement and substance abuse. BART is uniquely equipped to meet these young people on their own

level, with specialized staff trained to address their needs, advocate for them in the courts, and help them navigate the system and focus on paths to success. Most of our BART clients come from one of a few neighborhoods in Brooklyn, including Brownsville, that are disproportionately impacted by the criminal justice system.

The following cases (names changed to protect the clients' anonymity) demonstrate the effectiveness of the BART to foster better outcomes for young clients:

Sixteen-year old **Don** was arrested for a non-violent felony. His BART attorney secured an alternative to incarceration program that, among other requirements, monitored his school attendance and completion. A special education student classified with a "Speech-Language Impairment," Don struggled with school engagement. While his case was pending, Don's grandmother passed away and Don became depressed. Don was at risk of not completing the program and facing a lengthy jail alternative. BDS' Education Attorney, Social Worker and Youth Advocate joined together to support Don's school engagement. The team worked with Don's school to offer appropriate special education services and facilitate enrollment in a NYC DOE Young Adult Borough College. Don's social worker also referred Don to grievance counseling. With the team's support, Don completed his program mandate and earned his high school diploma. Although his case is complete, Don is still working with the Youth Team and is currently applying for vocational training.

Seventeen-year old **Mario** was working with a BART Team Attorney and Youth Social worker when his high school issued a Superintendent Suspension. After notifying his advocates, Mario was referred to BDS' Education Attorney for representation. The Education Attorney met with Mario and diligently prepared for the Superintendent Suspension hearing, at which his school was requesting a 90-day suspension for a non-violent infraction. As a result of the Education Attorney's advocacy, Mario received a 30-day suspension. The attorney also worked with Mario while he attended the Alternative Learning Center (ALC), where Mario was praised as a model student. The team then worked with Mario to transfer to a new school following his suspension, where he is now thriving, and ensure the credits he accrued at the ALC appropriately transferred. Drawing upon the team's efforts, Mario's BART attorney was able to secure a favorable disposition in the criminal matter.

ii. Trafficking Team

Our Trafficking Team is made up of experienced criminal defense attorneys who specialize in understanding and identifying the complexities related to human trafficking. They represent close to two hundred BDS clients in Brooklyn's Human Trafficking Intervention Part every year, and are skilled in identifying collateral social and legal service needs – including issues of immigration, safety and trauma. Working closely with dedicated social workers, immigration attorneys, interpreters and other

service providers, our trafficking attorneys seek to minimize the punitive nature of criminal justice contact and provide meaningful services for victims of trafficking who find themselves facing criminal charges.

iii. Mental Health Team

BDS represents many clients who suffer from both diagnosed and undiagnosed mental illness. Our Mental Health Team has two specialized criminal defense attorneys, as well as a dedicated mental health social worker and other specialized staff to address these clients' unique needs, as well as those of their families. The specialized attorneys represent mentally ill clients at competency evaluations, hearings and other court appearances during the pendency of their case. It is also part of our mission to insure that these clients not only receive a fair and just disposition but also the best care and treatment possible.

Research has proven that clients with a mentally illness who are offered an opportunity to participate in mental health courts are significantly less likely to get re-arrested than similar offenders with mental illness who experience traditional court processing. BDS played an important role in the development and launch of the Brooklyn Mental Health Court over 10 years ago. This Court serves as the model for treatment courts all over the world.

Our expertise in the area of persons with mental illness is vast; in addition to our work in the criminal court system, our Family Defense Practice represents about 2,000 families at all times, of which half are at risk of losing their children solely because of their mental illness. Our team of licensed social workers and a full time jail-based client liaison provide logistical support for our clients during their legal cases and provide supportive counseling as well, which is particularly critical for clients with mental health issues who are spending time incarcerated. These team members communicate with Department of Health and Mental Hygiene (DOHMH) staff persons to assist in advocating for, accessing, and coordinating mental health treatment for detained BDS clients with serious mental illness and transitioning clients to the community upon discharge. Similar to the rest of our caseload, our mental health cases arise from a wide range of alleged criminal offenses ranging from trespass and drug possession to felony matters. We find that people who have a mental illness are unfortunately quite vulnerable to arrest and typically receive significantly worse outcomes at every step of the criminal legal process than other clients. Our Mental Health Team observes daily the tragic – and unnecessary – nexus between inadequate access to mental health care and involvement in the criminal justice system.

iv. Padilla Team

In 2010, the U.S. Supreme Court held in *Padilla v. Kentucky* that the Sixth Amendment to the U.S. Constitution requires defense counsel to provide affirmative, competent advice to a noncitizen defendant regarding the immigration consequences of a guilty

plea.¹ Absent such advice, a noncitizen may raise a claim of ineffective assistance of counsel against their criminal defense attorney.

The consequences of the *Padilla* ruling for public defender offices like BDS have been nothing short of a sea change. BDS hired its first immigration attorney in 2009, before the *Padilla* decision came down, to help advise BDS's criminal defense attorneys and their noncitizen clients on the immigration consequences of guilty pleas and avoid or minimize the negative immigration consequences to the fullest extent possible. Since the Court's decision in 2010, our *Padilla* practice team has grown to five full-time equivalent immigration attorneys who provide this critical *Padilla* support to our noncitizen clients facing criminal charges. About a quarter of BDS's criminal defense clients are foreign-born, roughly half of whom are not naturalized citizens and therefore at risk of deportation or loss of opportunity to obtain lawful immigration status as a result of their criminal case. With a criminal defense practice that represents around 40,000 Brooklyn residents every year, BDS needs additional resources to grow our *Padilla* practice team to meet the full extent of need.

On average, our *Padilla* team is called at least once, and often multiple times, in each arraignment shift to advise on the ramification of a plea offer at arraignment. Every year, they provide support and expertise on more than 1000 cases that survive arraignment involving non-citizen clients. The *Padilla* practice attorneys frequently go to court to explain the law and/or clarify issues for the prosecutor and judge in specific cases. They work with BDS criminal defense attorneys on pre-pleading memoranda and to review prior convictions (identifying potential post-conviction relief options for clients) when that could mitigate the immigration consequences of the criminal case. They also write travel letters for our noncitizen clients, explaining the facts of the current case to facilitate their re-entry into the U.S. without problems. Finally, because their *Padilla* consultations often require full immigration history interviews with clients, the team identifies available options for these clients to obtain lawful immigration status, advising them of those opportunities and either making internal referrals to our Immigrant Youth and Communities Project, described in the section describing BDS's immigration team, or external referrals when our Immigrant Youth and Communities Project has insufficient capacity.

The following *Padilla* Team client story illustrates how critical *Padilla* immigration legal support can be for our non-citizen criminal defense clients:

Toward the end of 2013, in the midst of unprecedented levels of violence in her home country of Honduras, **Sonia** (a pseudonym) began receiving threats from the same gang members who had killed her father, sister, and uncle. Fearing for her life, she and her young daughter left their remaining family behind and traveled to the United States, where they hoped to live with a cousin. Nearly a year after arriving, Sonia was arrested for improperly disciplining her daughter (she had been using methods that were common and acceptable in Honduras), and she was

¹ *Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010).

charged with endangering the welfare of a child. When Sonia's public defender learned that Sonia did not have lawful status in the United States, she referred the case to a BDS *Padilla* attorney. Upon hearing her story of persecution in Honduras, the BDS *Padilla* attorney, working with BDS's Immigrant Youth & Communities Project, filed an asylum application on her behalf, narrowly avoiding the statutory bar for applications filed more than one year after a noncitizen's entry to the United States. He also identified the possibility of Special Immigrant Juvenile Status (SIJS) for the daughter, who had been abandoned at birth by her father. BDS is now working on obtaining SIJS for Sonia's daughter.

b. The need for increased funding

BDS made a FY17 request to the Mayor's Office of Criminal Justice (MOCJ) for supplementary funding to cover the cost of maintaining case caps at current and projected case intake. In addition, the nature of our criminal caseload has changed since we negotiated our current contract with MOCJ six years ago. We have a higher percentage of felony cases, duration of felony cases has increased, and every one of our costs have increased, most notably fringe costs including health care and rising rents in downtown Brooklyn.

Ask: We are requesting that the City Council support our request to the Mayor's Office of Criminal Justice to increase our budget for FY17. We are specifically asking that the City Council assure that additional monies are allocated in the indigent defense budget so that the Mayor can provide us with the supplemental funding we need to properly do our job.

III. Family Defense

BDS's continuum of services includes representation of respondents in abuse and neglect proceedings in Brooklyn Family Court. Ninety percent of these cases charge parents with neglect (not abuse) and most of these cases are poverty-related involving mental illness, intellectual disabilities, substance abuse, lack of child care or services, homelessness, and domestic violence. Our family defense clients live primarily in the low-income neighborhoods of East New York, Brownsville and Bedford Stuyvesant.

Our family defense practice is interdisciplinary. Teams of attorneys and social workers advocate for keeping children at home with their families or safely reunifying them as quickly as possible by helping clients access needed services and overcome obstacles outside of court. Our family defense practice began in 2007 when the Criminal Justice Coordinator awarded it the first contract in Brooklyn to provide interdisciplinary parent representation. At that time, there were over 16,000 children in foster care. Today there are fewer than 10,000 children in care.

Since its inception in 2007, the practice has represented almost 7,500 clients and has helped over 8,000 children leave foster care and safely reunite with their family. Over 1,800 children have either returned home or remained with their families as a result of emergency hearings alone. We represent the vast majority of parents in abuse and neglect cases in family court, putting us in a unique position to advocate for improvements to the family court and child welfare systems.

Our existing case load of clients is presently over 2,000. These cases are resource intensive and last an average of three years. Twenty percent of our clients have related criminal cases and by providing joint representation to clients in both criminal and family court we can provide much more efficient and effective services to our clients. Recently we created an integrated unit in which the same attorney represents clients in both criminal and family court. In addition to our collaboration with criminal attorneys, our family defense clients greatly benefit from on-site assistance in immigration, housing, benefits and educational matters which are at the heart of many of our cases.

The following three cases illustrate the impact that City funding for family defense work has on our clients' lives. All of the clients have been given a pseudonym to protect their identities.

Our family defense project conducts numerous emergency hearings to get children out of foster care as quickly as possible. For example, in one recent case our Creole-speaking client's children were removed from the only home they had ever known when our client brought her 23-month-old daughter to the hospital after she had fallen while playing. At an emergency hearing, the treating doctors conceded on cross examination that the injury was consistent with an accident, and that language barriers had prevented them from communicating sufficiently with **Ms. T** about how the reported accident occurred. In the face of this evidence, the Administration for Children's Services (ACS) agreed to return Ms. T's children to her and her husband. A few weeks later, ACS withdrew the case against Ms. T.

Many of our clients are homeless and living in the shelter system. For example, after working with **Ms. D** for several months, we were able to have her reunited with her three children, aged twelve, ten, and nine. However, Ms. D had lived in the shelter system of five years and could not find permanent housing. Ms. D had the opportunity to move her family into her grandmother's five bedroom home for an affordable price in Pennsylvania. Ms. D visited their new schools, found new service providers for therapy sessions, and got her children all the proper physical examinations and immunizations necessary to enroll them in a new school. Much of Ms. D's family lived in the area and could act as a support system. Ms. D, through her attorney, petitioned the Court to allow her to relocate to Pennsylvania while her case was still pending. She agreed to come back to Brooklyn and be present at every upcoming court appearance if she was allowed to relocate. The Judge allowed Ms. D to

relocate to Pennsylvania, but the following day, ACS appealed the Judge's decision and was granted a temporary stay of the decision, prohibiting Ms. D from relocating. Eventually, ACS withdrew their appeal and allowed Ms. D to move and resolved her case with an ultimate dismissal. Ms. D has since been happily residing in Pennsylvania with her three children.

Our Family Defense Practice represents many young parents, some of whom are in foster care themselves. **Sarah** first encountered the foster care system at age seven, when she and her sister were taken from their mother and placed with relatives. Four years ago, Sarah and her sister went to live with a foster family. When she turned 18, she opted to stay in foster care. While attending college and working part time, Sarah realized she was pregnant. She took a break from school to prepare for baby Caleb. When Caleb was three weeks old, ACS filed a case against Sarah accusing her of neglecting Caleb because Sarah was not receiving mental health treatment as recommended by psychologists from her foster care agency. ACS alleged that Sarah was "overwhelmed" by caring for her newborn, that Sarah's foster mother would not allow her and baby Caleb to continue to live in the foster home, and that there was no alternative to foster care for Caleb. ACS was asking to immediately remove baby Caleb from Sarah's care.

When the BFD attorney/social worker team met Sarah in court they were able to immediately ascertain that Sarah was displaying no symptoms of a mental health disorder, that her childhood diagnosis had not been recently assessed and that her foster mother – an infant nurse by profession – continued to be a source of support for her and the baby and thought that Sarah was taking great care of the baby. At the beginning of the emergency hearing, Sarah's BFD attorney showed that Caleb was clearly a well-cared for and healthy child who was well-bonded with his mother. She also argued that ACS had to offer Sarah services to address concerns before trying to remove her newborn. The judge agreed and told ACS to reconsider removing Caleb from Sarah's care. ACS finally relented.

Since Sarah won the right to keep her baby at home, she has been working with her attorney and her social worker to transition from foster care to living on her own with Caleb. She was able to find her first apartment, is working to re-enroll in college, and is looking forward to starting an independent life together with her son.

BDS also made a FY17 request to MOCJ for supplementary funding for the family defense practice to maintain our current staffing levels to take into account a 10 percent increase in intake and larger pending caseload. As with our criminal practice, every one of our costs have increased, most notably fringe costs including health care and rising rents in downtown Brooklyn.

Ask: We are requesting that the City Council support our request to the Mayor's Office of Criminal Justice to increase our budget for FY17. We are specifically asking that the City Council assure that additional monies are allocated in the indigent defense budget so that the Mayor can provide us with the supplemental funding we need to properly do our job.

IV. Immigration

At BDS, we have long recognized the value of providing on-staff immigration legal services to our clients. In recent years, as the immigration landscape has become less flexible and more complex, immigration legal services have become even more vital both for zealous criminal defense and advocacy for our clients and to promote their best interests in other respects. Today, BDS' vibrant Immigration Practice is composed of 17 full-time immigration attorneys, five paralegals (one of whom is accredited by the Board of Immigration Appeals), and four legal assistants. We are a Board of Immigration Appeals-recognized legal service provider.

a. New York Immigrant Family Unity Project

The New York Immigrant Family Unity Project (NYIFUP) is New York City's groundbreaking, first-in-the nation program providing quality counsel to immigrant New Yorkers who are detained and facing deportation and separation from their families and communities. BDS is proud to be a NYIFUP provider, along with The Bronx Defenders (BXD) and The Legal Aid Society (LAS).

In its first three years, NYIFUP has shown remarkable success and served as a model for access to justice across the state and country.

Record of Success:

- **NYC Clients:** From the start of the NYIFUP pilot in November 2013 through December 2015, NYIFUP has represented more than 1,500 clients in New York City.
- **Families Across the City:** NYIFUP has represented clients living in 49 out of 51 City Council districts.
- **Clients Released from Detention:** As of December 2015, 63 clients from the pilot phase have been released pending the ultimate resolution of their cases. An additional 35 clients have won the right to remain in the United States.
- **Outcomes:** As of December 2015, 52 percent of pilot clients have been reunited with their families. NYIFUP attorneys have won 71 percent of their trials. NYIFUP is projected to increase the percentage of immigrants who will win the right to remain in the United States by 1,000 percent, compared with prior success rates for detained, unrepresented immigrants.

BDS is proud that NYIFUP has accomplished so much in such a short time. For FY 2017—we are requesting—together with the other NYIFUP providers—additional resources to continue this ground-breaking program and ensure that it addresses the needs of this population of immigrants in ICE detention. We also ask that your support our request that the Administration baseline NYIFUP funding for future years.

b. BDS's Immigrant Youth and Communities Project

Since launching our Immigrant Youth and Communities Project in 2012, BDS has represented thousands of Brooklyn immigrants in their applications for lawful immigration status and in defending against deportation in non-detained removal proceedings. Highlights of our work include assisting more than 320 young clients in their pursuit of Special Immigrant Juvenile Status (SIJS), Adjustment of Status, U visas, Deferred Action for Childhood Arrivals (DACA) and other immigration benefits or removal defense, and assisting more than 1,000 Haitian New Yorkers with their applications for Temporary Protected Status, work authorization, and other immigration benefits or removal defense. Our Immigrant Youth and Communities Project seeks to strengthen Brooklyn's immigrant communities by procuring or retaining lawful immigration status for its immigrant youth and adults, bringing them out of the shadows and securing their meaningful access to justice and opportunity.

Because we are one of Brooklyn's largest legal service providers with in-house immigration expertise, we are well-poised to deliver our immigrant legal services to other underserved Brooklyn immigrants. Since 2010, BDS has held more than 70 community law clinics, recruited and trained more than 360 volunteer attorneys and provided immigration legal advice and assistance to more than 2,700 New Yorkers. To maximize our reach and the services afforded to our clients, we work closely with other community based groups, elected officials, churches, and social service providers.

Ask 1: NYIFUP is funded solely through City Council funds. For FY 2017, the three NYIFUP providers have requested that the Council fund \$2.37 million per legal service provider, for a total of \$7.11 million for legal and social services.

Ask 2: Another important initiative funded by City Council is the Immigrant Opportunities Initiative (IOI). We ask that the Council continue to support immigrant youth and communities with high-quality immigration legal services by funding this program.

V. Civil Justice Practice

BDS's Civil Justice Practice aims to reduce the civil collateral consequences for low-income people who have had interaction with the criminal, family or immigration systems. Through legal advocacy in court and at various agencies, we assist people in remaining in their homes, maintaining their public benefits, staying in school, keeping

their jobs, and protecting their consumer rights. In order to achieve these ends, we practice in almost all of New York City's courts at every level from trial to appeals. We also assist criminal defense attorneys and their clients by identifying potential civil ramifications of guilty pleas and strategizing ways to minimize the risk of eviction, loss of employment, and professional consequences as a result of a criminal conviction. Finally, in addition to our in-house work, we engage with the community and hold external educational clinics in close partnership with community-based organizations and elected officials.

The need for our Civil Justice Practice is clear. When your constituents call with problems obtaining Medicaid, SCRIE and DRIE, or other forms of assistance, you and your staff stop at nothing to resolve their cases. Unfortunately, as you probably know, most people—including many of the most vulnerable New Yorkers—do not reach out to their elected officials for any reason. This is especially true with people who have been involved with the criminal, family or immigration systems, and who might see the entire government as the enemy. Our clientele includes a broad swath of the most marginalized Brooklyn residents. We represent thousands of clients and families who would not otherwise seek civil legal assistance or who may not be eligible for such services, making us a unique point of access for people in Brooklyn. Additionally, because clients are served in more than one practice area, BDS' model is efficient—clients do not have to undergo multiple screenings for indigence or eligibility and social work and other services do not need to be repeated.

A new and promising area of our Civil Justice Practice is re-entry. The American Bar Association has identified over 38,000 penalties that can impact people long after they complete their criminal sentence.² These consequences include barriers to housing, education, employment, voting rights, citizenship and public benefits—civil penalties that are rarely considered during the criminal court process. Life-long banishment from employment is not part of any court sentence, yet remains a reality for many of our clients due to persistent discrimination in the workforce. Our goal is to help clients with re-entry issues as they arise. We also work to change these systems by challenging their legality and advocating for changes in the law. For example, we recently supported and advocated for the Fair Chance Act. The law, passed last year by City Council, prevents prospective employers from throwing out qualified candidates in the initial stages of the application process solely based on the presence of a typically irrelevant criminal history. We are now working with the Administration to ensure that the bill continues to serve its purpose now that it is law.

This year, BDS has submitted a funding request through the Civil Legal Services Speaker's Initiative. Funding will allow the Civil Justice Practice to expand its reach to include pre-entry and re-entry advocates and social workers, providing a continuum of care that includes advocacy, supportive services, and education to help people prepare for re-entering communities and remove barriers to success.

² Michelle Natividad Rodriguez and Maurice Emsellem, *65 Million Need Not Apply: The Case for Reforming Criminal Background Checks for Employment*, The National Employment Law Project (New York, NY, 2011).

The following cases from FY 2015 demonstrates how BDS's comprehensive legal service model impacts the outcomes of our clients:

Mr. J was arrested for a non-violent drug offense in the public housing development where he lives. In consultation with a housing attorney from our Civil Justice Practice, the criminal defense attorneys assigned to Mr. J's case secured a disposition with as little adverse housing impacts as possible. Specifically, the offense was downgraded to a violation, and the attorney was able to get the record sealed. When the New York City Housing Authority (NYCHA) filed an eviction proceeding against Mr. J based on the offense, our housing attorney persuaded the Authority to spare the client eviction because he was not convicted of any crime and his record was sealed. This is good news for the client and the city, which otherwise might have had to pay for emergency shelter housing and other costs to address the adverse outcomes associated with homelessness.

Ms. G had ongoing criminal and family court cases with BDS attorneys when she voiced concerns about her housing situation. Her criminal defense attorney immediately referred her to our Civil Justice unit, which conducted an intake and explored available options for addressing her rental arrears. The civil unit determined that she had been receiving FEPS, a rental subsidy that is only available to households with minor children, until her daughter was placed in foster care. As a result, the New York City Human Resources Administration (HRA) discontinued her FEPS enrollment and reduced her overall public assistance. The reduction left her unable to pay her full rent and the numerous programs and services mandated by the criminal and family courts did not allow her time to find addition income. The reality was she would be evicted and homeless if we could not restore FEPS eligibility. Our civil attorney coordinated with Family Defense about the status of Ms. G's family court case and determined that the absence of Ms. G's daughter could be defined as "temporary" given the permanency planning goal in the family court matter, namely, to reunite the family. The civil attorney determined that under applicable social service law and regulation, once eligibility for benefits is established, including FEPS, a temporary absence does not interrupt eligibility. He was then able to persuade HRA to reinstate FEPS for Ms. G, ensuring that her daughter would have a home to return to. Ms. G, a single mother who is working hard to regain custody of her daughter, was entirely unaware that she could seek civil legal assistance until she was referred internally, has called BDS's wraparound service model "the Dream Team."

Ask: BDS requests that the New York City Council support our Citywide Civil Legal Services Speaker's Initiative request for re-entry and jail-based services through our Civil Justice Project.

VI. Conclusion

BDS is a leader in the fight for justice for all Brooklyn residents. Funding from the New York City Council has allowed us to expand and diversify our capacity to provide comprehensive, wraparound services to those in acute need.

Renewed support from the Council will enable us to continue to ensure the best possible outcomes for individuals and their families. For that reason, we are asking the Council to support our FY17 requests for supplemental funding to MOCJ for our criminal defense and family defense budgets, renewed NYIFUP funding for all three NYIFUP providers, continued support of BDS's Immigrant Youth and Communities Project through the Immigrant Opportunities Initiatives, and our request to the Citywide Civil Legal Services Speaker's Initiative for funding for re-entry and jail services for BDS clients.

Under the leadership of Speaker Melissa Mark-Viverito, the Council is moving towards systemic reforms in our fundamentally unfair justice system. Indeed, there is a growing national consensus that mass incarceration is a disaster, and that inequality in access to justice is an urgent priority. However, even with the best intentions, reforms can have unintended consequences, or miss the deeper issues at the root of the problems. To understand the full weight and impact of any proposed solutions to overcriminalization and its collateral consequences, it is critical that you work with our City's public defense organizations, whose multi-disciplinary staffs see first-hand every day the effects of City, State, and Federal policies on real humans. BDS stands ready to assist in informing, implementing, and executing real reform. Together, we can truly meet the needs of the most vulnerable New Yorkers.