Overview of Achievements

During this reporting period, The Bronx Defenders’ Civil Action Practice continued to provide comprehensive civil legal services and community education to low-income individuals and families in Bronx County. This resulted in services benefitting at least 6572 people via 4166 closed civil legal services cases. Highlights of these cases include:

- 944 families encompassing more than 2276 family members received services to access or keep emergency, ongoing or one-time public benefits, including nutritional assistance, cash assistance, emergency rental assistance and supplement security income (SSI) representing $259,837 monthly ongoing benefits, $3,118,044 in annualized ongoing benefits, and $1,074,066 in retroactive benefits;

- 703 families, encompassing 1455 family members, remained in their homes, avoided eviction, or received services regarding their housing problems and representing a cost savings of at least $6,372,084.00 to taxpayers for eviction prevention and diversion from the Shelter system.

- 528 non-citizen clients, benefiting 685 family members received representation and services regarding their immigration needs.

- 331 clients received advice, assistance and advocacy to retrieve property seized by police and prosecutors and return possessions to individuals in the amount upwards of $4332.00.

- 309 clients maintained their jobs and licenses or received advice or services regarding their employment matter;

- 167 clients received services for their consumer and reentry needs.

Population Served: Low Income Populations

Area Served: Bronx County

Total IOLA Grant: $432,000

Staffing Full Time Equivalents:
- Total Staff: 42
- Lawyers: 26
- Paralegals: 11
- Other Staff: 5
During the pandemic, we had to invest in a variety of educational services to help community members and clients understand what their rights are and what services are available to them in an empowering way. Our community education and outreach aim to help community members understand their rights, the available resources, and which types of problems might benefit from legal services as well as to identify additional resources that are available. Through active outreach and education, we equip community members with knowledge that can help them avoid legal issues altogether and assist them in understanding what type of help to seek when legal issues arise.
Other Services: Overview

We provide community legal education through direct in person and virtual workshops, outreach at our community events, including via Instagram and Facebook live, and printed or online materials and email newsletters that help people navigate the legal system more effectively. This outreach draws upon what we learn from clients, highlighting areas where we see common civil legal needs, such as access to emergency benefits, property retrieval and housing issues. Equipped with this information, community members can often avoid legal issues altogether.

Beyond providing community members with legal information, we engage them in organizing and provide the tools and resources they need to build collective power for change. Over the past few years, we’ve built upon our existing connections with the Bronx community and our longstanding commitment to learn from our clients to build a new approach to community organizing and development of our community engagement. Recognizing that those closest to legal systems are best positioned both to identify problems and to spearhead solutions, we have begun to organize former clients, their families and community members to mobilize for change. Our Director of Community Organizing and now, new Director of Community Engagement are experienced organizers from the Bronx who have experienced legal systems firsthand, and they use their perspectives and expertise to build community power among Bronx residents.

By embedding community organizing and engagement within our office, we combine the power of grassroots organizing with the expertise of our advocates and a range of strategies for change. As community members identify problems and potential solutions, our team is ready to implement those solutions through strategic communications, impact litigation, and legislative advocacy. We reach hundreds of community members each year through advocacy, clinics, and legal education events.

### Number of People who Benefitted from Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Legal Education</td>
<td>1,674</td>
</tr>
<tr>
<td>Pro Se Assistance</td>
<td>750</td>
</tr>
<tr>
<td>Online Assistance</td>
<td>142,146</td>
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</table>

144,570 People Benefitted by Services Other Than Direct Legal Representation
Other Services: Technology and Other Innovations

During this reporting period, our continuing improvement to technology has allowed our staff to expand their remote workforce capabilities. This technology includes providing more staff access to organizational laptops, transition to and access to Microsoft 365, new access to the Cortel 3CX Phone system, use of Adobe Acrobat, use of communication services and forms for anonymous feedback, improving access to SharePoint resources, and the creation of a helpline launching in Spring 2022. Additionally, the expansion of our internal practice intranet has dramatically improved our ability to share resources and provide training to staff members while working remotely.

Other Services: Trainings

The Bronx Defenders provides substantive ongoing training to all staff. This year, under the leadership of our new CAP training Director, we created a robust civil onboarding & training curriculum for our new staff, that built upon the curriculum we created last year focusing on the core substantive areas and skills, especially given our virtual services.

All new attorneys and advocates receive extensive training as part of our “training team” model. This begins with an intensive multi-week orientation and training program which includes classroom (now virtual) lectures focused on substantive knowledge and skills development. Whether new to the practice or beginning with years of experience, one on one training is customized to the staff member’s experience level. In addition to these trainings, new staff are paired with current staff and mentors to shadow cases and clients. Staff then begin to work on cases under the careful supervision of their supervisors. All supervisors are required to attend trainings provided by the Management Center, focused on effective supervision as well as in house trainings on race, equity, and inclusion as facilitated and created by our department of Equity and Institutional Transformation (EIT).

In addition to training for our new staff, our Training Director expanded our CAP training Lab to support our staff’s ongoing learning, training and to create support for professional development. We also avail ourselves of external trainings through Leap, the City Bar, PLI, and other resources: every week CAP staff receive a “CAP Classroom” email listing relevant external and internal trainings. Our professional development fund covers costs for external trainings and City Bar memberships.
Impact Cases

Encarnacion, et al. v. City of New York

The Bronx Defenders challenged the NYPD’s convoluted procedures for retrieving personal property seized at the time of arrest. Although property seized as “evidence” should be returned to the person when their case is over, the requirements imposed by the NYPD often made it virtually impossible for many people to get their cell phones, cash and other personal property back. After both pre-trial litigation and extensive settlement negotiations facilitated by a magistrate judge over the course of two years, we reached a settlement that provided financial settlements for the individually named plaintiffs whose property was seized and required New York City to implement a series of reforms to ensure that the NYPD ceases its unconstitutional practice of indefinitely holding personal property, applying to both open and closed criminal cases. Specifically, the settlement required the NYPD to comply with clear rules regarding the seizure and return of property; provide people with notice on how to retrieve their property; train and supervise NYPD personnel concerning these mandates; conduct audits to ensure compliance; and submit to ongoing court jurisdiction. In addition, pursuant to the settlement, the Bronx District Attorney’s Office implemented reforms to bring their office into compliance with longstanding City rules to ensure that people are issued releases for property in a timely fashion, including an electronic monitoring system to track compliance, a dedicated phone line so people can check the status of requests, and a specialized property release unit to address concerns. The settlement monitoring period was extended beyond the initial one-year period through October 2020 to ensure compliance. During that time, The Bronx Defenders conducted quarterly meetings with the NYPD and Bronx DA to monitor compliance and resolve outstanding issues.

A.G. v. New York City Police Department

The Bronx Defenders commenced a hybrid Article 78 and declaratory judgment proceeding against the NYPD for its routine practice of seizing property at the time of arrest and unlawfully designating it as “Investigatory Evidence” instead of “Arrest Evidence” which effectively placed Mr. G’s cell phone in a black hole without any recourse to seek its return. For “arrest evidence,” the NYPD must follow the procedural due process requirements established decades ago and as required by Encarnacion. This is distinct from “investigatory” evidence, which is defined under the law as seized property unconnected to any arrest, and for which there are no due process procedures. After a CAP legal advocate made inquiries and demands upon the NYPD to change the designation, a CAP staff attorney and CAP’s legal director brought the lawsuit. Although the judge issued a decision in favor of the NYPD on the grounds that Mr. G failed to make a sufficient written demand for return of his phone, the judge did agree with our reasoning in her decision, stating: “once an arresting officer effectuates an arrest and seizes property from the arrestee in connection with such arrest, as is agreed happened in the case at bar, such officer has no discretion to designate such arrest evidence as investigatory property.” The NYPD is now on notice of this unlawful action and BXD continues to look for ways to eradicate this practice.
Pro Bono Volunteer Involvement

Leveraging our partnerships with law firms on innovative and high-impact cases, our full-time Director of Pro Bono, a former CAP attorney, continues to help firms develop their in-house expertise in various aspects of social justice-related legal work (such as housing, immigration, benefits, and civil forfeiture) by providing similar sets of cases to each firm. With a reputation for matching high-quality attorneys with cases in which they can make a real difference for the clients and community we serve, we have partnered with 120 pro bono attorneys on over 89 civil case matters in the reporting period. To build on this success, we have created pro bono projects that offer our partners an opportunity to focus on specific types of cases, such as police misconduct or removal defense. The process of placing cases and planning these projects helps us turn our partners’ existing skills and interests into meaningful outcomes for our clients.

Attorneys from Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates (Skadden) work alongside advocates from The Bronx Defenders to conduct intakes of clients who have been mistreated by the police. Prior to the onset of Covid, Skadden lawyers perform these intakes at Bronx Defenders’ monthly clinics and meet with clients outside of those clinics as the need arises. We worked with over 75 attorneys and paralegals from Skadden through this partnership during this reporting period, with many attending multiple clinics and deepening their expertise in the Notice of Claim process. This year, we transitioned to a virtual clinic. As police violence at protests escalated in summer 2020, we engaged in additional outreach to connect community members with this clinic, including sharing information about the Notice of Claim process on social media. This partnership will be expanding in the coming months to include a corporate partner who will assist in community outreach and staffing our monthly clinic.

In addition to pro bono volunteers from law firms, we host a small number of volunteer interns throughout the year. In addition, we work with volunteers through our Holistic Defense Externship, a year-long seminar and externship for Columbia Law students who learn about our approach and work with staff attorneys to represent and support clients through our team-based model. This includes significant engagement with civil legal services and an in-depth exploration of how civil legal needs relate to the criminal, family and immigration legal systems.

120 Attorneys volunteered 500 hours

10 Law Students volunteered 400 hours
Significant Collaborations

To support clients in navigating the complex challenges they face, we collaborate with a wide range of partner organizations. We refer clients to community-based organizations that can provide services beyond what we offer, from food pantries to inpatient substance abuse treatment centers. As subject matter experts in a range of complex and intersecting issues, we provide crucial information to fellow advocates and directly to the community - as when we partner with tenant groups, schools, and faith communities to provide trainings on navigating police interactions or understanding immigration law. Our partners also frequently refer clients to us, deepening the connections we have with other community-based organizations. And we collaborate with these partners to look beyond individual clients and pursue larger systemic change on issues such as bail reform and equity in the child welfare system.

Over the past year, we have continued to strengthen existing partnerships and develop new ones. As a partner in Leap, we are committed to collaborative work and diversity as well as innovation in organizational models, delivery systems, and methodology, and we recognize the need to maintain community-based service delivery. With Leap, we work closely with the Legal Aid Society, LSNYC, NYLAG to share information and collaborate regarding City and Statewide advocacy. We are members of the New York State Legal Services Coalition and work with other organizations on statewide advocacy. We continued to work closely with the Coalition of Reentry Advocates (CORA) to participate in statewide policy advocacy efforts around reentry. We co-founded Bronx Solidarity! a coalition of over 12 tenant legal services organizations in the Bronx and tackled racism and incivility head on in Bronx Housing Court and also participate in the NYC All County tenant coalition as well as meet regularly with Bronx tenant providers. We also co-organized a city-wide coalition of advocates who practice at the Office of Administrative Trials and Hearings (OATH) and host the listserv for advocates, mostly focused on strategies around defending TLC Licensed Drivers and organized a coalition of city-wide advocates related to supportive housing and strategies to support tenants who have mental health impairments living in supportive housing settings. We are members of the Right to Counsel Coalition, supporters of Housing Justice for all and members of the Fair Chance for Housing coalition to both share strategies, share resources and to fight for broader policy and other change on behalf of our clients.

We create, organize and participate in these partnerships and coalitions to learn from our peers, to cross refer issues, to build opportunities for collective advocacy and to avoid duplication of efforts.
Sources of Funding

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<th>Source</th>
<th>Amount</th>
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<tbody>
<tr>
<td>IOLA Grant</td>
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<tr>
<td>State Funding</td>
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<tr>
<td>Foundations</td>
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<td>City and County Funding</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$3,290,500</strong></td>
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- City Funding: 64%
- State Funding: 19%
- Foundations: 11%
- IOLA: 6%