The Bronx Defenders

Overview of Achievements, 2018-2019

During this reporting period, The Bronx Defenders’ Civil Action Practice continued to provide comprehensive civil legal services and community education to low-income families in Bronx County. We closed 6,349 civil legal services cases.

Highlights of these cases include:

- 314 families, encompassing 931 family members, remained in their homes and avoided eviction with the added benefit of saving taxpayers over $11.9 million that would have been needed to house these families in shelters.
- 108 clients maintained their jobs and licenses, benefitting 121 family members.
- 48 families, encompassing 123 family members, obtained stable, affordable housing.
- 68 families encompassing more than 147 family members, stayed together because we successfully secure immigration benefits.

We were also able to save $11.9 million in shelter spending by helping 931 clients and their family members avoid eviction. As a Single Stop Site, The Bronx Defenders’ onsite benefits adviser helped clients obtain benefits through the Supplemental Nutrition Assistance Program, totaling $334,867 in monthly benefits. Beyond these benefits, our approach of early intervention helps clients and their families avoid crises that would require local and state taxpayer funding to address. This kind of early and proactive intervention can help stabilize people’s lives such that problems do not turn into crises. When a crisis occurs, a person is more likely to access state resources, so crisis prevention saves taxpayer dollars.

Population Served: Low Income Populations

Area Served: Bronx County

Total Funding: $2,580,738

Total IOLA Grant: $132,500

Staffing - Full Time Equivalents:

- Total Staff: 30.40
- Lawyers: 18.00
- Paralegals: 12.00
- Other: 1.00
Ms. V is a non-citizen who faced displacement after she, her husband and two children moved into her friend's apartment. When her friend moved to Florida, they faced eviction. Ms. V did not have an option for a lease through succession as her apartment was private and not rent regulated. When we connected with Ms. V, she was facing eviction. Our CAP attorney and legal advocate worked together to stabilize her life. We filed an emergency ex parte motion to stop the eviction and worked to assist Ms. V to access a FHEPS subsidy. She owed $20,000 in rent arrears in addition to not having long term rights to the apartment. With relentless advocacy and impactful collaboration, our attorney received a stay of the eviction as well as negotiated a 2 year renewal lease. We then secured $27,000 in rental arrears and ongoing CityFEPS at $867 per month (after securing a shelter allowance of $201.50 and a tenant portion of $82 per month).

We began working with KP once he was released from prison to parole. Without any source of income, our benefits team assisted him when he first applied for public assistance. He walked in very distraught - although he was receiving the maximum monthly SNAP allotment, he was only receiving $19.20/month in cash assistance. We learned he was receiving so little in cash assistance because his rent was incorrectly excluded from the budget, even though he had reported it when he first applied. KP tried to go to the center both himself and with his caseworker to fix the situation, but it was not yet corrected when he came to us. He began to sob, saying that he had done everything he could, between parole and public assistance, he had so many appointments and he kept all of them. He said that no one was helping him, and no one cared whether or not he went back to jail. He told our team that he felt desperate enough that he might have to put himself back there. Our Benefits Adviser responded with care regarding whether he went back to jail or not and to assist, contacted constituent services together with KP to confirm whether or not they were working on increasing his cash assistance. They were not. After assuring KP that we would fight for the benefits he was entitled to, he signed a release and we continued our advocacy. In a matter of a few weeks, HRA issued KP retroactive cash assistance to $247.40 and $860.00 in retroactive shelter benefits, for a total of over $1000 in retroactive benefits. Additionally, he received his full cash, shelter and SNAP on an ongoing basis.
Other Services...

Number of People Benefitted by
Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>People</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>117,022</td>
</tr>
<tr>
<td>Community legal Education</td>
<td>2,885</td>
</tr>
<tr>
<td>Pro Se Assistance</td>
<td>2,614</td>
</tr>
<tr>
<td>Online Assistance</td>
<td>111,523</td>
</tr>
</tbody>
</table>

Overview

Our Community Organizing project has grown significantly this year through the continued leadership of Carmen Pineiro, an experienced organizer and community leader who joined the program during the last reporting year. This past year, we have significantly expanded the capacity of our organizing project by adding an additional organizer, working with summer interns, and strengthening our partnerships with other organizations. Towards the end of this reporting year, we also began the process of hiring a new campaign manager who will work closely with the community organizing team as well as with our policy reform team to focus specifically on our work around decarceration in New York City, the closing of Rikers Island, and the potential new local facilities planned for the Bronx.

The project is building a grassroots movement focused on community members, current and former clients, and allied organizations. Most importantly, the project seeks to identify and develop community leaders to lead the charge. We facilitate this and create the tools, resources and strategies needed to properly identify issues and move to real action. Drawing on the experiences of clients and community members around policing, housing, and other legal areas, the project provides a space where individuals can look beyond specific legal cases to work towards systemic change.

This year, community organizing and outreach events have reached over 1,885 people. The project creates a space where community members can envision the change they want to see and work towards making it a reality.

Advocacy Projects

Community Organizing and Education:

This fall, our Community Organizing Project expanded our Popular Education Series, designed to align with Paulo Freire’s definition of popular education as “an educational approach that collectively and critically examines everyday experiences and raises consciousness for organizing and movement building, acting on injustices with a political vision in the interests of the most marginalized.” Community Organizing Project meetings have also focused on organizing around issues of restorative justice and housing.

Community legal education:

We built on our Community Day of Justice model, piloted during the last reporting year, to plan and host three additional events for Bronx community members to access information and resources related to justice. In response to community need, we significantly expanded the scope of these trainings to incorporate not only information and services about reentry after criminal justice involvement but also key information about immigration, the family court system, and civil legal services.
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. During this reporting period, we continued our partnership with Legal Action Center and Cleary Gottlieb to assist community members to access a recently the sealing law, Criminal Procedure Law 160.59. Here, clients and community members can walk in, connect with our intake team, Reentry Coordinator and attorneys to file applications to seal old convictions. We joined the advocacy directors network, a coalition of directors throughout New York State to discuss issues we see cross state and engage in state wide trainings. We continued to work closely with the Coalition of Reentry Advocates (CORA) to participate in statewide policy advocacy efforts around reentry. As a member of the LEAP Legal Advocacy Partnership, 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. We also strengthened our work with Bronx Solidarity! our network of housing/tenant advocates and organizers working to improve the conditions in housing court.

This year, we hired a Director of Strategic Partnerships, who is working to map The Bronx Defenders’ partnerships across our organization.
Impact Cases

Vazquez Perez v. Decker
This lawsuit is a federal putative class action The Bronx Defenders brought forward to challenge the unconstitutional practice of jailing immigrant New Yorkers for months before bringing them in front of a judge.

One to two thousand people are detained by the ICE field office in New York City each year and held in county jails in New York and New Jersey. The first appearance before the judge is a critical moment because it is the first opportunity for a judge to assess whether they should be detained, what options for relief they might have, and, in many cases, to meet their lawyers for the first time. The length of time people are detained before they see a judge for the first time has gone from under two weeks in 2014 to nearly three months today. During that time, people are painfully separated from their families, lose their jobs, face health and mental health crises, their children are traumatized, and their families miss rent and lose their homes.

40 percent of individuals arrested by ICE will be released on bond when they see a judge but needlessly spend months in jail waiting for their first court date. Nearly one in ten people should not have been arrested in the first place, because they are U.S. citizens or lawful permanent residents who are not deportable, but they have no way to win release during the months they are held in detention without access to a judge-all at taxpayer expense.

As public defenders, we noticed that our immigrant clients were victims of this unconstitutional practice. We knew that in order to improve case and life outcomes for our immigrant clients, we needed to address this issue. Through our Impact Litigation practice, we recently filed a motion for a preliminary injunction, which is a request for the court to intervene in the case on an urgent, expedited basis in light of the hundreds of people currently languishing in jail awaiting their day in court. We seek a declaration that the government’s practices are illegal and a court-ordered remedy to ensure people receive a prompt hearing in front a judge after they are detained.
P.L. et al. v. U.S. Immigration and Customs Enforcement

On February 12, 2019, seven immigrants, representing a class of all detained immigrants in the New York City area, and the three New York Immigrant Family Unity Project (NYIFUP) providers—Brooklyn Defender Services (BDS), The Legal Aid Society (LAS), and The Bronx Defenders (BxD)—filed a federal lawsuit in the United States District Court for the Southern District of New York challenging U.S. Immigration and Customs Enforcement’s (ICE) refusal to bring immigrants to court for deportation hearings. Instead of letting detained immigrants appear in court, ICE has been forcing them to use a video connection to challenge their detention and deportation.

For the first four and a half years of NYIFUP, in-person hearings ensured that detained immigrants had an opportunity to fully access the courts and participate in their defense during removal proceedings and allowed attorneys to more effectively represent and meaningfully protect their clients’ rights and interests.

Without warning, ICE’s New York Field Office announced on June 27, 2018 that starting that day, removal proceedings at the Varick Street Immigration Court in New York City would be conducted exclusively by video teleconferencing (VTC). Immigrants detained by ICE would appear by video feed from the county jail at which they are held—disconnected from the court, their lawyers, evidence presented by the Government, and their case.

The Plaintiffs are asking the federal court to enforce the government’s constitutional and statutory obligation to provide detained immigrants with due process, to ensure access to the courts, and to preserve the right of clients to communicate with their attorneys.

Both of these cases emerged directly from our work with detained immigrant clients. Through close collaboration between our impact litigation team and our advocates providing direct representation to individual clients, we are uniquely positioned to learn about the specific challenges that detained immigrants face and to pursue bold action to address these injustices.

Encarnacion v. City of New York

This lawsuit initially challenged the NYPD’s requirement that our clients obtain and produce a release from the District Attorney to get their property back, even when their case was over. In this settlement, we were able to obtain expansive reforms to address the Bronx DA’s failure to provide releases; the NYPD’s abject failure to provide property vouchers (which resulted in our clients not even having proof that their property was taken, let alone notice about how to get it back); and the NYPD’s policies concerning identification which made it even harder to get the property back.

We secured a settlement in February 2018 and are now actively engaged in the settlement monitoring process. Through quarterly working groups with key stakeholders from the NYPD and the DA’s office, we have been able to push for practices that will further streamline the property retrieval process for our clients and all people in the Bronx. This includes troubleshooting certain reforms that weren’t initially implemented correctly, as well as negotiating additional reforms and adjustments beyond what the settlement technically requires. Our involvement and advocacy during this phase is critical to ensuring that the settlement results in real, meaningful changes. Our ongoing work with individual clients who face property retrieval cases allows us to spot problems as they arise and collect data to document issues that have not yet been fixed under the settlement.
Other Services...

Technology and Other Innovations

Through the work of our Chief Data Scientist, we have continued to improve our ability to capture, process, and analyze key information about our services. Along with the Chief Data Scientist and Organizational Systems Analyst, our Information Technology team has worked to improve our current case management system and use of technology while strategizing about transitioning to a new system in the next few years. This year, we implemented significant changes in our case management system and reporting process to better capture our expanded work in Housing Court. With the support of data-focused summer intern, we significantly improved our capacity to collect and analyze data about walk-in and call-in clients, many of whom come to us with civil legal services questions. We are developing a more in-depth understanding of these clients’ needs and how we can meet them more effectively. As described above, we also implemented ad-hoc data collection to support our advocacy in monitoring an impact litigation settlement about property retrieval practices. In working on these projects and others, we have significantly increased our current capacity to collect and simultaneously improved the processes and systems that will support our transition to a new system.

Trainings

We provide ongoing, extensive training on holistic defense for all staff and incoming advocates as part of our training team. These trainings include in-depth introductions to our civil legal services work for advocates within the criminal defense, family defense, immigration, and social work practices. Beyond targeted legal trainings, we provide significant training in management and leadership skills for supervisors. Issues of race, class, power, and privilege as well as safety and wellness inform a wide variety of our trainings and form the basis for targeted trainings for all staff.

Legal and skills education training topics this year included:

- NYSBA’s biennial legal assistance partnership conference
- LEAP bimonthly CLEs (including housing & benefits CLEs)
- Advocacy directors hosted weekly Wednesday CLEs on topics including Legal Ethics and Depositions
- Motion Practice: Best Practices in Housing Court
- Written Advocacy Training Series: Developing the Narrative
- Boundaries in Holistic Defense Practice
- Drafting housing court stipulations
- De-escalating clients and Mental Health 101
- Client-centeredness
- Collaboration in practice
- Know Your Rights re: Immigration, Police, Reentry & Administration for Children’s Services contact

In March 2019, we hosted Defenders’ Academy, a week-long training on holistic defense that we provided to our staff as well as outside advocates.
Pro Bono Volunteer Involvement

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 currently partner with 110 pro bono attorneys on 43 active civil case matters. 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. 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 37 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.

In addition to pro bono volunteers from law firms, we host a small number of volunteer interns throughout the year. This year we significantly expanded our work with law student volunteers from Brooklyn Law School, NYU Law School, and Fordham Law School to review and correct RAP sheets. These students learn about the criminal record review and correction process as well as the broader work of reentry advocacy. This clinic has significantly expanded our capacity to address these issues, and has supported the law students in learning about the collateral consequences of criminal justice involvement.

<table>
<thead>
<tr>
<th>Pro Bono Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorneys: 110 Volunteers</td>
</tr>
<tr>
<td>Law Students: 15 Volunteers</td>
</tr>
<tr>
<td>Other Volunteers: 125 Volunteers</td>
</tr>
</tbody>
</table>

Sources Of Funding

<table>
<thead>
<tr>
<th>Sources of Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iola Grant: $282,500</td>
</tr>
<tr>
<td>Foundations: $531,523</td>
</tr>
<tr>
<td>State Funding: $603,768</td>
</tr>
<tr>
<td>Other: $1,162,947</td>
</tr>
<tr>
<td>Total: $2,580,738</td>
</tr>
</tbody>
</table>