



FAR FROM FINISHED

NEW YORK CIVIL LIBERTIES UNION
2018 ANNUAL REPORT

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MESSAGE FROM THE EXECUTIVE DIRECTOR

We have endured unimaginable assaults on our democracy in 2018: thousands of immigrant children ripped away from their parents, active military deployed to the border to turn away a caravan of people—mostly women and children—the confirmation of a Supreme Court Justice after a farcical investigation into allegations of sexual assault, and bold-faced attempts to manipulate elections through gerrymandering and voter suppression.

We made it clear that Trump could not divide or silence us. In the midterm elections, New Yorkers were loud and clear: We want a state government that stands up for our rights, we demand that our leaders protect the fundamental pillars of our democracy, and we are prepared to lead the nation in realizing the promise of our ideals.

Throughout this report, you'll see evidence of our work to fight back against the unconscionable actions of our government leaders. To advance a robust agenda in Albany. And to build a coordinated civil liberties majority throughout New York.

You'll get a sense of how our work in 2018 is already paying off in 2019—and how much more we have to do. The reforms we have long sought—updating antiquated voting laws, protecting reproductive health care, passing strong bail reform, and protecting transgender New Yorkers and children in public schools—are urgently needed to shield New Yorkers from relentless threats at the federal level. Some we have already won early in the New Year, giving us incredible momentum for the fights to come.

These wins should be celebrated, but our work is far from finished. I am encouraged by the strength of our civil liberties majority, united as one voice to demand democracy, inclusion, and equity for all. Together, we will ensure that our call is heard.

Sincerely,



Donna Lieberman



RISING TOGETHER

The New York Civil Liberties Union's mission is to defend and promote civil liberties and civil rights. We work to ensure that the core values and principles of equality, liberty and due process are more fully and consistently realized in the lives of all New Yorkers. In pursuit of these principles, we fight for the dignity of all people, with particular attention to the pervasive and persistent harms of racism.

Our work is far from finished, but our momentum is rising. In the past year, we came together with the civil liberties majority to:



SEEK JUSTICE

We filed **16** lawsuits and amicus briefs, won **6** ongoing cases and reviewed **1,210** legal requests for referral or further investigation.



MAKE CHANGE

The NYCLU fights alongside the ACLU and its affiliates to defend civil liberties and civil rights nationwide. Together we filed **221** legal actions since President Trump took office, reunited **2,300** immigrant families that were separated by his administration and supported initiatives that have potential to enfranchise **2 million** new voters.



TAKE ACTION

We rallied **291,000** e-activists and **94,300** social media followers to take numerous digital advocacy actions and hosted **20** volunteer trainings with **70** opportunities for them to get involved.



STAND UNITED

We rallied **142,027** members and donors together with **6,000** volunteers across **62** counties.

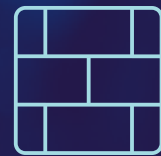
YEAR IN REVIEW

OUR IMPACT



Criminal Justice Reform

Filed a **lawsuit** in Dutchess County that would force judges to consider a person's ability to pay when setting bail amounts.



Immigrants' Rights

Brought a **class-action lawsuit** against the Office of Refugee Resettlement (ORR) for trapping immigrant children in prolonged detention.



School to Prison Pipeline

Released an analysis of NYC school safety data showing that while the use of **police tactics in schools** has declined, Black and Latino children are still disproportionately arrested, handcuffed, and issued summonses.



Police Reform

The **first annual report** of the "Handschu Committee," which reviews NYPD investigations of constitutionally protected religious and political activity, was released by a federal court—the committee was established as part of our landmark Muslim surveillance settlement in 2017.



Police Reform

Launched **Behind the Badge**, an online resource to bring new transparency and accountability to policies and data about police interactions with the community.



Police Reform

Our pop-up exhibit, **Museum of Broken Windows**, received 11,000+ visitors and earned 30+ media hits, and #MuseumofBrokenWindows was used 1,000+ times on social media.



Fight the Hate

Launched **Equality Watch**, an online tool to report discrimination and connect people that experience or witness it with help.



Youth and Students' Rights

Released an updated **guide** to teenagers' rights to medical consent and confidentiality under state and federal law, including new information for transgender adolescents, confidentiality in schools, and consent for services.



Immigrants' Rights

In response to our **lawsuit**, the Office of Refugee Resettlement reversed its new policy requiring fingerprints for background checks from all adults sharing a household with people seeking to sponsor migrant children in custody.

WINTER



Immigrants' Rights

Rallied with **farmworkers**, human rights defenders, legislators, labor unions and faith leaders in Albany to press for passage of the Farmworker Fair Labor Practices Act after the Albany County Supreme Court dismissed our 2017 lawsuit. (We appealed in June.)



Immigrants' Rights

Joined a **letter** with nine other ACLU state affiliates urging Greyhound bus company to stop allowing Customs and Border Protection to question passengers about their immigration status.



Immigrants' Rights

Together with the Rural & Migrant Ministry, released **interviews** with farmworkers discussing the conditions they endure without fair worker protections.



Immigrants' Rights

Filed a federal lawsuit on behalf of immigrants' rights groups challenging the Trump administration's plan to include a citizenship question on the **2020 census**.



SUMMER

Immigrants' Rights

In response to our federal lawsuit challenging his detention, **Antonio Martinez** was released and reunited with his family after being detained in April during a regular immigration interview.



Celebrating Civil Liberties

Over 1000 people at The Town Hall and 3,500 people online watched our 16th Annual **Broadway Stands Up for Freedom**, honoring Alan Cumming for his contributions as an artist and activist for human rights.



Voting Reform

Filed **lawsuit** challenging New York's 25-day voter registration cutoff for arbitrarily disenfranchising tens of thousands of eligible voters.



Immigrants' Rights

Won a **first-ever ruling** that it is illegal under state law for local law enforcement agencies in New York to make immigration arrests at the request of federal immigration officials.

FALL

“

[The police] have continued a legacy of violence and terror that enabled Jim Crow. For thirty years, my art has been shining a light on how the buried horrors of the past continue to stalk us in the present.”

Dread Scott, whose *A Man was Lynched by Police Yesterday* and *Wanted* were included in the Museum of Broken Windows



Building a More Just New York

You can read more about our three investigative reports and a new searchable database in our online annual report at annualreport.nyclu.org.

Curated with the Soze Agency, the **Museum of Broken Windows** was our pop-up exhibit featuring more than 60 works from 30 artists around the country, including many New Yorkers—some formerly incarcerated, who have been directly impacted by broken windows policing.



Our gains toward meaningful bail reform

Across the state, New Yorkers are needlessly punished for being too poor to pay bail. Pre-trial detention inflicts tremendous damage on people, threatening them with loss of their jobs, housing, children and more. Far too often, after enduring weeks or months of incarceration, pre-trial detainees plead guilty to crimes they didn't commit just to gain their freedom.

In February, we won a landmark ruling from the Dutchess County Supreme Court that the constitutional rights to due process and equal protection of our client, county resident Christopher Kunkeli, were violated when the

judge in his case failed to consider his ability to pay or alternatives to money bail.

Kunkeli had spent three months in jail before trial on a misdemeanor theft charge. His \$5,000 bail represented nearly half of his annual income.

The ruling is the first of its kind in New York, arriving at a time when courts across the country are beginning to impose similar requirements. It will bring welcome relief to Dutchess County, where bail practices have led to overcrowded jails, with defendants incarcerated in nearby trailers.

We are actively trying to build on this win, seeking an expanded ruling and pressing for fundamental changes to bail practices to ensure that our freedom is not contingent upon our ability to pay for it.



Building a more just New York

This year, our research and analysis resulted in the release of critical advocacy reports and resources that contribute to statewide momentum on a range of criminal justice reforms, from bail reform to police transparency, from nuisance laws to disparity in experience in dealing with the police.

Protecting New York's Immigrant Communities

Visit our online annual report at annualreport.nyclu.org to read about our efforts to stop one Western New York public school district from using dangerous facial recognition technology in its schools and our work to protect women's reproductive freedom, which resulted in some historic gains in early 2019.



The NYCLU is determined to make New York state a true sanctuary for all immigrants. In addition to advocacy and rallying New Yorkers to make this demand heard, we are making great strides in the courtroom. In 2018, we:

FILED class-action lawsuit: LVM vs. ORR

LVM is the lead plaintiff in our case challenging the Office of Refugee Resettlement's (ORR) prolonged detention of immigrant youth baselessly accused of gang involvement during Trump's crackdown on MS-13 in Suffolk County. We believe more than 40 children qualify as part of the class of immigrant teens detained indefinitely.

WON preliminary injunction: LVM v. Lloyd

We won a preliminary injunction in our class-action lawsuit that ended an ORR policy requiring Trump-appointed director Scott Lloyd to personally review and approve the release of any detained immigrant child who is or has ever been in a heightened supervision placement while in ORR custody.

WON policy reversal: Duchitanga v. Lloyd

Our class-action lawsuit—representing over 1,000 children in government custody whose release was contingent on the fingerprint-based background check of their sponsor or the sponsor's household members—inspired a

major policy reversal. Predictably, ORR and ICE began coordinating to ensnare applicant sponsors in their deportation dragnet.

FILED class-action lawsuit: Sajous v. Decker, et al.

This lawsuit seeks to restore bond hearings and due process protections for jailed immigrant New Yorkers, who might remain locked up indefinitely without them. Our lead plaintiff is Augustin Sajous, a 60-year-old permanent resident from Haiti who struggles with mental health issues and homelessness. Sajous is at risk of deportation over two misdemeanor convictions for bending MetroCards; he was released and is still fighting his case.

FILED federal lawsuit: Martinez v. Nielsen

This lawsuit challenges a new bait-and-switch tactic deployed against immigrants like our plaintiff Antonio de Jesus Martinez, a 34-year-old father of two who was detained during a routine immigration meeting, part of an emerging pattern targeting spouses of U.S. citizens. We won an emergency stay of deportation and reunited Martinez with his family.

WON: People ex rel. on behalf of Wells Francis v. Demarco

A state appeals court in Brooklyn issued a landmark ruling, definitively finding that it is illegal under state law for local law enforcement agencies in New York to make immigration arrests at the request of federal immigration officials. This ruling will have statewide effect.



“

It's one thing after another. Rent has been hard. Due to anxiety and depression, I can't breastfeed Aaron. Kylie's behavior has changed a lot. She wakes up crying and screams for Antonio.”

Vivian Martinez, whose husband Antonio was arrested and detained in an ICE facility during a routine immigration interview

FIGHT THE HATE



The car has literally split the city and made parts of it less desirable for development. If you look at these constituencies and their effective income, they are living this way because nothing's been done to provide equitable opportunities for housing choice, economic mobility or inclusion. It's caused generational poverty."

Yusuf Abdul-Qadir, director of the Central New York Chapter



A Historic Opportunity to Build a More Equitable Cityscape

The NYCLU's Central New York Chapter was founded in 1963, the same year Black residents in Syracuse's 15th Ward were protesting the seizure and destruction of their homes to build Interstate 81, a four-lane elevated highway that cuts through 1.4 miles of the center of Syracuse.

The interstate—backed by a history of discriminatory policies that cut off opportunities for Black residents—decimated the city in favor of suburban development. As Black families were displaced to make room for the interstate, white families moved to the outskirts of town and into the suburbs—taking resources for development and education with them. And when the viaduct was erected, Syracuse's lowest-income residents were effectively blocked from these new developments.

The collateral damage is plain: Syracuse ranks number one in the nation for concentrated poverty among Blacks and Latinos, and Onondaga County is the ninth most segregated county in America. A state aid formula deprives minority students in Syracuse City Schools enough funding for a sound, basic education.

The viaduct's useful lifespan has expired, and its future now hangs in the balance. Syracuse officials have a historic opportunity to act in the best interests of their residents and make right the devastating effects of the viaduct. But rather than consider how to undo decades of inequity, public dialogue around I-81 tends to revolve around convenience.

To combat this, the Central New York Chapter has built a coalition of stakeholders, including lawyers, urban planners, residents along Syracuse's Southside, university students, professors and suburbanites to fight on behalf of Syracuse's underrepresented populations and change the nature of the debate.

Barriers to the Ballot

Nearly half of registered New York state voters went to the polls on Election Day—the highest turnout for a midterm race in almost a quarter-century—but the numbers could've been higher. The state's antiquated voter laws make it too difficult for many to cast a ballot. Years of NYCLU advocacy resulted in a robust voting reform package's passage in early January 2019, including expanded early voting and steps to make constitutional amendments regarding absentee ballots and same-day registration.

Rensselaer County

District attorneys are among the most powerful players in our justice system, so it's crucial to know where they stand on criminal justice reforms in New York. Our grassroots campaign aimed at bringing increased accountability to district attorney offices throughout the state resulted in a huge win in Rensselaer County, where significant incarceration disparities and dangerous police practices left many residents hopeless over the incumbent's race. We rallied the community together to demand that the elected district attorney commit to our reforms—a call that was heard by the challenging candidate, who ultimately won the office during the midterm elections.



In March 2019, lawmakers enacted the Pre-Trial Justice Reform Act which includes key reforms to our state’s bail, discovery and speedy trial laws. While there is still a ton of work to do to guarantee equal justice under the law, these changes should work in concert to ensure that New Yorkers experience a fairer justice system.

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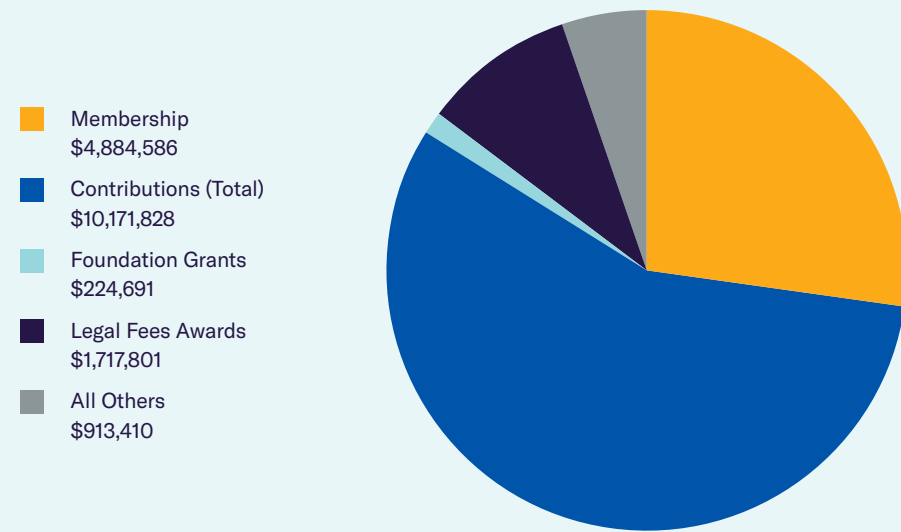
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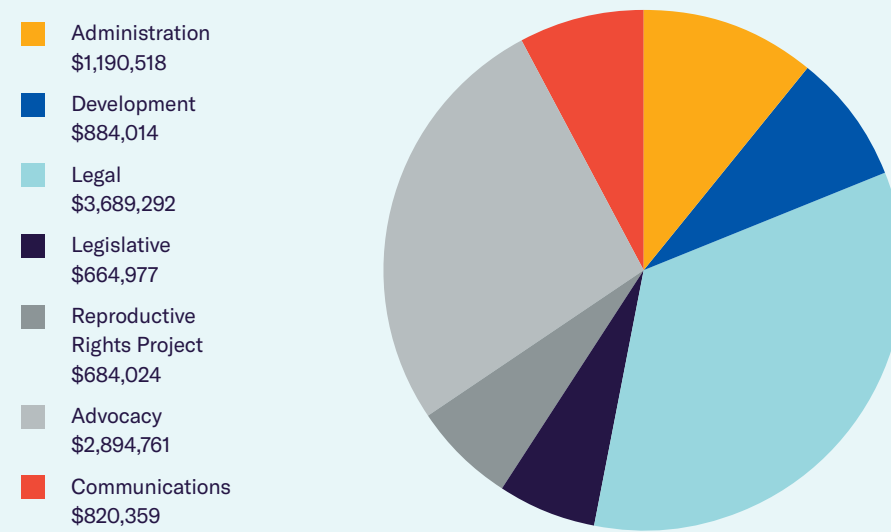
FINANCIALS FY2018: 4/01/17 – 03/31/18

The NYCLU and ACLU received an unprecedented number of donations after the 2016 election and the Trump administration's first Muslim ban. These donations and new memberships represent the hope and trust that supporters have put in us to lead the resistance against efforts to undermine our rights and civil liberties.

REVENUE



EXPENSES



To view our full financial statement, please visit annualreport.nyclu.org.

Our work is far from finished. Help keep our momentum rising: Join the civil liberties majority.

BECOME A MEMBER

Members provide flexible financial support, allowing us to defend freedom at every turn. For as little as \$20 per year, you will be a card-carrying member of the NYCLU and the ACLU, proudly joining our state and national work.

MAKE A DONATION

The NYCLU Foundation is a non-profit, 501(c)3 organization. Your tax-deductible gift will support our strategic initiatives, including litigation, advocacy and public education.

LEAVE YOUR LEGACY

Express your enduring personal commitment to the NYCLU by including us in your will, trust or retirement plan. You will join a special group of supporters in the DeSilver Legacy Society, named for ACLU co-founder and early benefactor, Albert DeSilver.

BECOME A LEADER

Join the ACLU Impact Society. By contributing \$1,000 or more annually, partners in the Crystal Eastman Leadership Society create a powerful force for social justice in New York and nationwide.

To discuss your giving questions and preferences, contact Caroline Cotter, deputy director of Philanthropy, at 212-607-3365 or ccotter@nyclu.org.

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125 Broad Street, 19th Floor
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TAKE ACTION & JOIN THE CONVERSATION

Sign up for the NYCLU e-alert list to find out about urgent actions, sign petitions, contact your representatives, attend protests and “get on the bus” to lobby your legislators. You can also volunteer with us or coordinate a DIY-fundraiser, or share your passion for making a more just New York by following us on social media.

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NYCLU



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