

Testimony of Brittny Saunders
Deputy Commissioner for Strategic Initiatives
Before the Committee on Civil and Human Rights
October 23, 2020

Good morning Chair Eugene and members of the Committee on Civil and Human Rights. Thank you for welcoming me here today to testify alongside my colleague Deputy Commissioner for Policy and Intergovernmental Affairs, Dana Sussman, at today's hearing on the Commission's COVID-19 response. My name is Brittny Saunders, and I serve as Deputy Commissioner for Strategic Initiatives at the New York City Commission on Human Rights.

Deputy Commissioner Sussman's testimony covered how the Commission was able to shift to remote work in response to the COVID-19 pandemic and how, despite the disruptions experienced over the past seven months, the agency has been able to meet the challenges of the moment. The agency has done so by assessing record-setting damages and penalties, launching culturally competent outreach efforts, promulgating guidance on how the City Human Rights Law protects New Yorkers who have or who are perceived to have COVID-19 and putting forward new public education campaigns. My testimony will focus on other aspects of the Commission's work during this period, with particular attention to the impact on our operations, our work on racial justice issues and our integration of restorative justice practices across departments.

As Deputy Commissioner Sussman noted, like so many other agencies, the Commission was required to move to remote work on short notice due to the emergence of the COVID-19 pandemic. However, despite our central office and five borough-based Community Service Centers being closed to visitors, we were nonetheless able to resume our work using alternative platforms. We are grateful to the Office of Emergency Management for its support with respect to continuity of operations planning and to the Department of Information Technology and Telecommunications for their generous assistance with our hardware and software needs. Thanks to this and other support, within days of our transition, we had adjusted our internal practices to accommodate remote work and were using new web conference tools to put forward public-facing programs.

Of course, as the City agency charged with enforcing and educating New Yorkers about local human rights protections and obligations, our focus during the pandemic has been squarely on the connections between COVID-19 and discrimination. Many of these connections, as Deputy Commissioner Sussman noted, relate to the ways in which particular groups of New Yorkers have been targeted for harassment and intimidation because of their perceived exposure to the virus. However, other connections are rooted in long-standing historical disparities. As so many have noted, the COVID-19 pandemic has made the devastating impacts of structural racism undeniable. Discrimination and other barriers in the housing and job markets have made Black and Latinx New Yorkers particularly vulnerable to the virus' effects. Over the past five years, the Commission has steadily intensified its work on racial justice. This is evident in the accomplishments of its Law Enforcement Bureau, which investigates and resolves cases, including cases of discrimination based on race and color. In FY 20, the Commission fielded some 562 inquiries relating to race-based discrimination. This represents considerable growth over FY 14, in which there were just 172 inquiries made.¹ Of the complaints that were filed by members of the public last fiscal year, 11% related to race, making it the third highest trending category of protection among filed claims. The Commission also secured newsworthy settlements in race cases, such as a conciliation requiring payment of \$70,000 in civil penalties and establishment of a pipeline for stylists of color at a high-end salon and another requiring luxury brand, Prada, to create a new scholarship program and establish a high-level diversity and inclusion officer role. These continue to receive attention from news media and other civil rights bodies because of their innovativeness and comprehensiveness.

More recently, the Commission has acted forcefully in response to attempts to deploy law enforcement against Black people in the city--an all too common and all too normalized form of discrimination and harassment-- becoming the first law enforcement agency to announce an investigation into the Amy Cooper incident in Central Park. These items are worth mentioning alongside those emerging from the agency's COVID-19 response unit, because they demonstrate the agency's commitment to addressing the consistent and pervasive forms of racism that Black

¹ We have compared the 2020 data on race-related inquiries to the 2014 data on "jurisdictional" race inquiries for consistency.

New Yorkers and other people of color in this city encounter in the workplace, in housing and in places and spaces open to the public.

The Commission has also used research as a means of achieving an in-depth understanding of how Black New Yorkers experience anti-Black racism. The agency's commitment to centering these issues stems from our treasured partnerships with organizations serving the city's Black communities, our dedication to rooting our work in what our partners tell us is most needed from us and the Commission's own historical roots as the successor to a body that was established in the wake of protests by Black New Yorkers in the 1930s and 1940s. Our commitment to listening to and using our voice as government to elevate the concerns of Black New Yorkers led us to develop, over a two year period, "Black New Yorkers on Their Experiences with Anti-Black Racism," a report that surfaced concerns about widespread and systemic racism similar to the concerns voiced by protestors earlier this year. In early 2018, years before this spring's protests, but inspired by consultation with our partners, the Commission launched a qualitative research project on the particular forms of racism encountered by African-American, Afro-Caribbean, African and Afro-Latinx New Yorkers along with others who identified as having African ancestry. The agency partnered with a Black woman researcher to conduct more than a dozen interviews with advocates and community leaders and 19 focus groups with almost 200 Black New Yorkers from across the five boroughs. We engaged a pool of Black New Yorkers reflecting the rich diversity of the city's communities with respect to gender, ethnicity, immigration status, age, sexual orientation, housing security, and other characteristics and emerged with a devastating, though not surprising set of findings.

The Black New Yorkers who participated in our research described racism as something that was emotionally-taxing and inescapable. As one participant relayed, one has to be "a tactician to survive." They described experiencing racism in their day-to-day interactions and observing its impacts within and across institutions. They recognized racism in disparate treatment by local law enforcement, store owners, employers and health care providers. And they observed, astutely, that consistent racial disparities in outcomes across the criminal legal, health and education systems were rooted in racism as well. When we asked participants to tell us where they observed racism having the greatest impact, interactions with law enforcement emerged as

the top concern. The report features painful accounts of the impact of racism in law enforcement—from the fear of injury or death that Black New Yorkers feel when stopped by the police to the trauma of repeatedly witnessing police violence. These learnings—which mirror the demands raised by those who marched in the city’s streets this spring—will inform the Commission’s work moving forward.

At the conclusion of the report, the Commission, for its part, committed to a series of action steps based on the lessons gleaned from this research, which mirror the demands of those who marched for racial justice reforms this spring. These action steps include developing policy interventions designed to address anti-Black racism, holding hearings on race discrimination and expanding education and outreach efforts related to anti-Black racism. And in the coming months, we will have more to share about our work in this area. We also hope that the report will be a resource for public and private institutions that have been grappling with how to respond to the calls for racial justice that echoed through our streets this spring.

Finally, I’d like to share a bit about the Commission’s efforts to integrate restorative justice practices across our areas of work. As an agency, we define restorative justice as an approach to acts of bias and discrimination that centers the experience of the harmed person and involves all stakeholders to decide what should be done to repair harm, create accountability, and reduce the likelihood of future harm. We have consulted with experts on restorative justice in order to determine our approach. With their support, we have put restorative practices to work in our policy efforts, experimenting with hearing structures in order to create spaces that promote healing. We have attempted the same in our community outreach and education work, helping to match community groups with support for facilitation. And we have integrated these practices into the way we resolve cases. The Commission’s Source of Income Unit, for example, negotiated multiple “set-aside” requirements in conciliation agreements, wherein housing providers reserved a percent of the landlord’s units for tenants using housing vouchers. The novel strategy is a unique form of restorative justice in source of income discrimination cases, allowing the Commission to repair the harm an individual faced while also seeking to address the broader crisis of access to housing for voucher holders.

The greatest lesson of the Commission's work during this immensely challenging period for our city, however, has been that a tremendous amount of work remains to be done. Encouragingly, there seems to be a deeper commitment than ever across city agencies to take on long-standing disparities in employment, housing, health and other areas that have made COVID-19 such a destructive force in the city's communities of color. We are eager to honor the agency's legacy by partnering with our colleagues across the administration, in Council and in communities across the city to address these issues.