REPORT BY THE CIVIL RIGHTS COMMITTEE AND MENTAL HEALTH LAW COMMITTEE

CIVIL RIGHTS POLICY RECOMMENDATIONS RESPECTFULLY SUBMITTED TO MAYOR-ELECT ZOHRAN MAMDANI

On behalf of the Civil Rights Committee and the Mental Health Law Committee (the "Committees") of the New York City Bar Association ("City Bar"), we write to introduce ourselves and to share policy recommendations regarding critical civil rights and civil liberties issues facing the City as Mayor-Elect Mamdani begins his mayoralty. We congratulate the Mayor-Elect on his historic election and are grateful for the Transition's consideration of this memorandum.

The Civil Rights Committee addresses both civil rights and civil liberties matters. The Committee's civil rights concerns include, among others, issues affecting racial, ethnic, and religious minorities, the rights of people with disabilities, and the scope and enforcement of anti-discrimination laws. The Committee's civil liberties concerns include First Amendment and Due Process rights, as well as other constitutional protections against state overreach. The Committee's membership includes attorneys from state and local government agencies, law firms, not-for-profit organizations, and law school faculty.

The Mental Health Law Committee focuses on legal issues concerning mental health and intellectual disabilities, ranging from civil rights, to access to medical care, to guardianship, to best practices in the legal profession. In accordance with these values and the City Bar's mission to support a fair society and the public interest broadly, the Committee lends its voice—through reports, events, and other advocacy—to a wide variety of issues impacting marginalized and vulnerable communities in New York and beyond.

We recognize that much of the Mamdani Administration's focus with respect to civil rights and civil liberties will be on combatting and mitigating the federal government's violations of

About the Association
The mission of the New York City Bar Association, which was founded in 1870 and has over 20,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

essential freedoms[1] and militarized immigration raids by masked agents[2] in our city. We stand ready to support the Mayor-Elect as he acts to fulfill his pledge to "defend[] every New Yorker from Trump's attacks."[3] New York City and its residents have been, and will continue to be, targets of the federal government. We support Mayor-Elect Mamdani's campaign promises to not only protect the City's immigrant residents by making New York the strongest sanctuary city in the country, but to make the City a LGBTQIA+ sanctuary city as well.[4] Beyond the defense of targeted individuals, the Mamdani Administration must also support and encourage educational and commercial institutions to maintain their independence and protect their constituents in the face of pressure from the federal government.

But there are also many deprivations of civil rights in New York City that predate, and are independent of, the federal government's attacks. We urge Mayor-Elect Mamdani to use his executive power and work with the City Council and State to address these urgent issues.

In this memorandum, we discuss five areas where mayoral action would have a positive impact on New Yorkers' civil rights. We do not contend that these are the five most important civil rights issues facing the City, or that we have a precise answer to them. However, we encourage the Mamdani Administration to consider and address these issues.

I. Prioritize **public safety and mental health** initiatives that focus on civilian-based responses.

II. Ensure that all children receive an **exceptional education** by reducing disparities in access to educational opportunities and protect the right of all children—including those in Hasidic yeshivas—**to receive substantially equivalent instruction** in literacy, math, science, and civics, as required by state law.

III. Ensure that New Yorkers' **privacy and safety** are rigorously safeguarded when interacting with **algorithms, artificial intelligence and machine learning, and automated decision systems.**

IV. Fully fund the **New York City Commission on Human Rights and the New York City Department of Consumer and Worker Protection** to ensure robust enforcement of New York City's human rights and consumer protection laws.

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[1] *See, e.g.*, N.Y.C. Bar Ass'n, *Statement of the New York City Bar Association on the Arrest and Detention of Mahmoud Khalil* (Mar. 17, 2025), https://www.nycbar.org/press-releases/statement-of-the-new-york-city-bar-association-on-the-arrest-and-detention-of-mahmoud-khalil/. (All websites last accessed Dec. 2025)

[2] N.Y.C. Bar Ass'n, *Statement on Wearing of Masks by ICE Agents* (June 20, 2025), https://www.nycbar.org/press-releases/statement-on-wearing-of-masks-by-ice-agents/; Gwynne Hogan, *VIDEO: Federal Agents Bust into Queens Apartment, Pointing Guns at Mother and Her Four Kids*, The City (Nov. 19, 2025); https://www.thecity.nyc/2025/11/19/queens-ice-raid-guns-children-mother/.

[3] Zohran for New York City, *Trump-Proofing NYC*, https://drive.google.com/file/d/1Dvs1d2mlFUostowEZzfr0CoCrbUQw99a/view.

[4] *Id.*

V. Advocate for key reforms to **New York's criminal legal system** and ensure appropriate accountability if law enforcement violates any individual's civil rights.

I. PUBLIC SAFETY AND MENTAL HEALTH

SUMMARY*:* Mental health concerns are, and should be framed and addressed as, a public health concern, not a public safety issue. The proposed Department of Community Health should reside under the Department of Health and Mental Hygiene, not the Department of Community Safety.

A. Mental Health Issues Should be Addressed as Public Health Concerns

The Committees encourage Mayor-Elect Mamdani to consider moving the proposed Division of Community Mental Health (currently under the purview of the Department of Community Safety ("DCS") to the Department of Health and Mental Hygiene ("DOHMH"). Framing and treating mental health concerns as public health concerns—rather than public safety issues—will better serve those experiencing mental health challenges *and* the community around them.

The Division of Community Mental Health is an outlier among the two other divisions (which focus on crime prevention and victim assistance). As currently conceived, DCS has three divisions: (1) the Division of Public Safety (which includes the Offices of Gun Violence Prevention, Strategic Initiatives, Prevention of Hate Crimes, and Ending Gender Based Violence); (2) the Division of Victim Assistance and Community Repair (which includes the Office of Crime Victim Services) and (3) the Division of Community Mental Health, which includes the Office of Community Mental Health.[5] The Division of Community Mental Health is clearly an outlier in this group—as "community mental health" is not a "public safety" concern. Thus, it is properly placed under the jurisdiction of the DOHMH.

While we applaud the Mayor-Elect's vision of "taking a public health approach to safety,"[6] situating mental health initiatives under the umbrella of community safety unfairly stigmatizes those experiencing mental health concerns as safety concerns and connects what should be civilian, health-related responses to police-based responses and potential criminal punishment. This stigma is not only harmful for the individual, but also for the community at large.

We urge Mayor-Elect Mamdani to consider the lessons learned from a pilot program in New York City that attempts to provide a civilian response to public-health related concerns. That program has struggled, in part due to being housed within the DCS. The Behavioral Health Emergency Assistance Response Division (shortened to "B-Heard"), started in 2021, operates in parts of the Bronx, Manhattan, Brooklyn, and Queens. B-Heard routes non-violent, mental-health-related 911 calls to teams consisting of FDNY Emergency Medical Technicians (EMTs)/paramedics and a mental health professional from NYC Health + Hospitals. The program has struggled, however, to distance itself from police responses, and a city comptroller audit earlier

[5] Zohran for NYC, *The Department of Community Safety* 2, https://docs.google.com/document/d/1a7ejjSZWWIAcxfcWnkYaqvnjihTb0LAOQkj8g10-npg/edit?tab=t.0.

[6] *Id.* at 1.

this year found that B-Heard teams did not respond to 35% of eligible calls, many of which police showed up to instead.[7]

We strongly encourage the Mamdani Administration to implement and robustly fund a civilian-first response for individuals experiencing mental health concerns. Other cities have proven that civilian-based models can reduce the need for police intervention and respond to mental health crises for public health concerns (as articulated below):

- The City of Albuquerque sends out teams of civilian responders based on the need identified, including behavioral health specialists, entry-level community responders, and street outreach responders for unsheltered individuals.[8]
    - Mobile Crisis Teams, consisting of police paired with trained mental health professionals, only respond when 911 operators and dispatchers identify a high-risk situation.[9]
    - As of March 2025, the program responded to over 100,000 calls for calls involving mental and behavioral health, welfare checks, substance use issues, suicidal ideation, and other public safety issues that do not require law enforcement or fire department response.[10]
    - What started as a bold vision in 2021—handling about 900 calls per month—grew into a trusted, citywide resource—now handling 3,000 calls each month.[11]
    - In 2023, Albuquerque Community Safety ("ACS") expanded to 24/7 operations and marked another milestone in 2024 by opening its standalone headquarters—the first of its kind in the nation for an alternative public safety response.[12]
- The City of Denver sends a civilian emergency response that is dispatched by Denver 911 to respond to low-risk calls that do not include significant safety concern.[13]

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[7] Alyce McFadden, *New York City's Mental Health Crisis Response Falls Short, Audit Finds*, N.Y. Times (May 23, 2025), https://www.nytimes.com/2025/05/23/nyregion/nyc-mental-health-911.html.

[8] City of Albuquerque, *What is Community Safety?*, https://www.cabq.gov/acs/services.

[9] City of Albuquerque, *What is Community Safety?*, https://www.cabq.gov/acs/services.

[10] City of Albuquerque, *Albuquerque Community Safety Marks 100,000 Calls for Service Milestone* (Mar. 30, 2025), https://www.cabq.gov/acs/news/albuquerque-community-safety-marks-100-000-calls-for-service-milestone.

[11] *Id.*

[12] *Id.*

[13] Denver, *Support Team Assisted Response (STAR) Program*, https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Public-Health-Environment/Community-Behavioral-Health/Behavioral-Health-Strategies/Support-Team-Assisted-Response-STAR-Program.

- The Support Team Assisted Response (STAR) Program is an alternative response team that includes behavioral health clinicians and paramedics—removing police altogether—to engage individuals experiencing mental health distress and substance use disorders, absent significant safety concerns.[14]

- A Stanford University study found that Denver's alternative approach to mental-health emergencies reduced low-level crimes by 34% and was four times less expensive than police-only responses.[15] The Denver Department of Public Health & Environment administers the STAR program.[16]

While the Committees of course stand ready to assist, the Mamdani Administration could also obtain support from the Harvard Kennedy School or seek assistance from other cities who have successfully employed similar programs themselves. The Harvard Kennedy School launched an Alternative 911 Emergency Response Implementation Cohort that provides applied research support and technical assistance to jurisdictions that are testing, implementing, or expanding alternative 911 emergency responses—their 2024-25 Cohort includes the Cities of Los Angeles, CA, Madison/Dane County, WI, Minneapolis, MN, New Orleans, LA, and San Francisco, CA.[17] In connection with this program, the city of Los Angeles recently implemented a pilot program, the Unarmed Model of Crisis Response, that handled 6,000 calls in its first year, with only 4% of calls redirected to the LAPD.[18] Data from its first year showed that the average Unarmed Model of Crisis Response call cost the city $35, versus $85 for a similar LAPD response.[19]

II. EDUCATION

SUMMARY: The City should adopt an overarching policy of "affirmatively furthering fair education" and identify and eliminate those policies and practices that have an exclusionary and segregative effect. The City should work to ensure that all students, including those in nonpublic schools such as Hasidic schools, receive a comprehensive and adequate education.

We recognize that Mayor-Elect Mamdani has called for changes to mayoral control over public schools. However, even if these changes are made, the Mayor will continue to play an important role in the City's public school system, including by appointing a schools chancellor.

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[14] *Id.*

[15] Krysten Crawford, *A New Stanford Study Shows Benefits to Dispatching Mental Health Specialists in Nonviolent 911 Emergencies*, Stanford Report (June 8, 2022), https://news.stanford.edu/stories/2022/06/stanford-study-shows-benefits-reinventing-911-responses.

[16] Nat'l League of Cities, *Denver, CO: Community Response Model* (June 25, 2024), https://www.nlc.org/resource/reimagining-public-safety-impact-updates/denver-co-community-response-model/.

[17] *Harvard Kennedy School, Alternative 911 Emergency Response Implementation Cohort* https://govlab.hks.harvard.edu/alternative-911-emergency-response-implementation-cohort/.

[18] Robert Garrova, *Nearly a Third of LAPD Shootings since 2017 Involved a Person in a Mental health Crisis*, LAist (May 21, 2024), https://laist.com/news/criminal-justice/nearly-a-third-of-lapd-shootings-since-2017-involved-a-person-in-a-mental-health-crisis.

[19] *Id.*

We recommend that Mayor-Elect Mamdani consider these issues as he makes that appointment and participate in education policymaking.

A. The City Should Implement the Guidance of the School Diversity Advisory Group and "Affirmatively Further Fair Education."

The New York City public school system is among the most segregated in the country.[20] As of 2021, "[r]oughly 85 percent of Black students, and three-fourths of Latino students, attend[ed] intensely segregated schools, while only 11 percent of white and 43 percent of Asian students d[id]."[21] While many factors contribute to the segregated state of New York City's schools, it is not a natural outcome, but the result of the City's policies and current and past practices. While the de Blasio administration convened a School Diversity Advisory Group (the "Advisory Group") that identified the pressing need for desegregation and issued recommendations,[22] the City has implemented few of the Advisory Group's recommendations and has even walked back some changes and reimplemented policies that perpetuate and entrench segregation.[23] As a result, the Advisory Group's ten-year plan has not gotten off the ground, and the City's public school system remains separate and unequal. This system not only denies students their constitutional right to an education; it is an affront to democratic values.

In 2021, IntegrateNYC, a youth-led organization, and other plaintiffs filed a lawsuit challenging "the many ways in which the State and City reproduce racial inequality through the City school system."[24] The suit raised federal and state constitutional claims. It also claimed the City and State's policies resulted in a disparate impact, which is impermissible under the New York State Human Rights Law. On October 23, 2025, the Court of Appeals held that the claims in IntegrateNYC's complaint failed as a matter of law.[25] However, the City should not count this

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[20] The Civil Rights Project, *Report Shows School Segregation in New York Remains Worst in Nation* (June 10, 2021), https://civilrightsproject.ucla.edu/press-releases/report-shows-school-segregation-in-new-york-remains-worst-in-nation/.

[21] *Why Are New York City Schools Still So Segregated?*, N.Y. Mag. (May 22, 2024), https://nymag.com/intelligencer/article/why-are-new-york-city-schools-still-so-segregated.html.

[22] School Diversity Advisory Group, Making the Grade: The Path to Real Integration and Equity for NYC Public School Students (Feb. 2019), https://docs.wixstatic.com/ugd/1c478c_4de7a85cae884c53a8d48750e0858172.pdf; School Diversity Advisory Group, Making the Grade II: New Programs for Better Schools (Aug. 2019), https://docs.steinhardt.nyu.edu/pdfs/metrocenter/atn293/sdag/Making-the-Grade-II.pdf?_ga=2.34004004.447083244.1757808220-149482488.1757808220.

[23] *Why Are New York City Schools Still So Segregated?*, N.Y. Mag. (May 22, 2024), https://nymag.com/intelligencer/article/why-are-new-york-city-schools-still-so-segregated.html\.

[24] Public Counsel, Protecting New York City School Students' Right to an Antiracist Education, https://publiccounsel.org/our-cases/integratenyc-v-new-york/.

[25] *IntegrateNYC, Inc. v. State of New York*, No. 75, 2025 N.Y. LEXIS 1802 (Oct. 23, 2025). The City Bar submitted an amicus brief in support of IntegrateNYC. N.Y.C. Bar Ass'n, *Brief Amicus Curiae in IntegrateNYC v. New York et al.* (Mar. 31, 2025), https://www.nycbar.org/reports/integratenyc-inc-v-the-state-of-new-york-and-parents-defending-education/.

outcome as a victory. As the Court of Appeals recognized, the plaintiffs "identif[ied] troubling aspects of New York City's public education system," [26] which are worth quoting at length:

> "They allege that the New York City public school system is highly segregated, due in large part to Black and Latino students underperforming on admissions tests used for entry to the City's "prime educational opportunities," including the Gifted & Talented program, screened middle and high schools, and specialized high schools. Plaintiffs claim that these exams result in a majority of Black and Latino students attending inferior schools that are deficient in terms of physical facilities and instrumentalities of learning, resulting in poor educational outcomes. For example, plaintiffs allege that a majority of Black and Latino students attend schools where more than 75 percent of students are in poverty; in 2020, Black and Latino students received only 4.5 and 6.6 percent of admission offers at specialized high schools, although they composed a combined 70 percent of the school system as a whole; the graduation rates for Black and Latino students in 2020 were around eight and 10 percentage points lower than that of white students, respectively; only eight percent of Black students and 12 percent of Latino students obtained advanced Regents diplomas in 2020, compared to 50 percent of Asian and 35 percent of white students. Therefore, plaintiffs allege, said schools do not deliver a sound basic education as required by the Education Article."[27]

Even though the Court of Appeals concluded that the *IntegrateNYC* plaintiffs did not adequately allege district-wide "deficient inputs" that violated the New York Constitution's Education Article[28] or establish intentional or disparate-impact discrimination,[29] we urge the City to recognize the harmful impacts of its current policies and take steps to address them.

Building on the work of the Advisory Group, the City should institute an overarching policy of "affirmatively furthering fair education"[30] directed at reducing disparities in access to educational opportunities, using efforts to create fair housing opportunities as a model. Affirmatively furthering fair education would mean that the City would (1) ensure that all students receive a quality education; (2) reduce disparities in access to opportunity; (3) eradicate patterns of segregation in public schools; (4) and enforce and maintain compliance with the New York

[26] *IntegrateNYC*, 2025 N.Y. LEXIS 1802 at *1.

[27] *Id.* at *2-3.

[28] *Id.* at *6-17.

[29] *Id.* at *17-27.

[30] N.Y. State Homes and Cmty. Renewal Fair & Equitable Hous. Office, *Affirmatively Furthering Fair Housing (AFFH)* General Guide, https://hcr.ny.gov/system/files/documents/2025/06/affh-guide-v10.pdf.

State Human Rights Law and New York City Human Rights Law prohibiting discrimination.[31] By focusing on the first, second, and fourth prongs, the City can achieve the third.

The framework for affirmatively furthering fair education is already present in the Advisory Group's reports:

> We defined integration goals to include racial and socio-economic integration, but also included multilingual learners, students with disabilities and students in temporary housing as students who should be represented in schools throughout the city. . . . We used a framework for "real integration" that recognizes schools need improved resources, relationships, representation and restorative justice to be integrated. We also stressed the importance of an engaged set of processes that enable all of us to participate in meeting these goals in ways that recognize we are a vast city with many diverse communities and with many different and changing needs.[32]

As stated by the Advisory Group, the City's objective must be for "every school [to] be representative of the city as a whole."[33] The City's segregative policies must change, and they must change "with deliberate action and clear-eyed commitment to excellent schools."[34] In this effort, the City must listen to and enlist local communities and schools, which all "have a role to play in promoting and supporting integration."[35]

Of course, to affirmatively further fair education and achieve this objective, the City must allocate more, and better, resources to its schools. All schools must have the resources to ensure that all students can learn together in a welcoming environment, and that teachers and administrators can succeed. But this increase in resources must be accompanied by policy changes.[36]

The City Bar has long called for the elimination of competitive admissions for elementary and middle schools.[37] In 2021, during the coronavirus pandemic, the de Blasio Administration

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[31] *Id.* at 1.

[32] *Making the Grade II*, *supra* n.22 at 6.

[33] *Id.*

[34] *Id.* at 7.

[35] *Making the Grade*, *supra* n.22 at 63-64.

[36] *E.g.*, *id.* at 70, 72; *Making the Grade II*, *supra* n.22 at 28-29.

[37] N.Y.C. Bar Ass'n, *Letter in Support of Eliminating Competitive Admissions in NYC's Public Elementary and Middle Schools* (Nov. 1, 2019), https://www.nycbar.org/reports/letter-in-support-of-eliminating-competitive-admissions-in-nycs-public-elementary-and-middle-schools/?back=1; N.Y.C. Bar Ass'n, *Eliminate Competitive Admissions to NYC Public Elementary & Middle Schools* (May 2, 2019), https://www.nycbar.org/reports/eliminate-competitive-admissions-to-nyc-public-elementary-middle-schools/?back=1.

made welcome changes to public school admissions processes.[38] The Adams Administration ended the use of admissions tests for the Gifted & Talented Program and shifted to a teacher-nomination process. It also increased the number of available spots.[39] These changes did have a demonstrable effect, as the number of Black and Latinx kindergartners in the program increased.[40] But the Gifted & Talented program continues to separate a small number of kindergartners from their peers for the duration of elementary school, and as the City Bar noted in its May 2019 report, "[e]ven if there were reliable ways to evaluate a young child's academic 'merit,' separation of young children into separate classrooms is not pedagogically sound."[41] We urge the City to swiftly implement Mayor-Elect Mamdani's proposal to end the Gifted & Talented track for kindergartners.[42]

The City has many viable means to promote "real integration" that recognize the many forms of diversity within our communities and do not involve race-based school assignments or the use of race in school admissions decisions, both of which courts would likely find to be unconstitutional.[43] Starting with the Gifted & Talented programs and other screening mechanisms, the City should do a review of its race-neutral policies[44] and eliminate or modify those that have an exclusionary or segregative effect, whether that be based on race, socioeconomic status, disability, or another characteristic. Though the Court of Appeals found that the Constitution does not bar the use of screening mechanisms, nothing requires them. Indeed, New York City is an extreme outlier nationally in its use of Gifted & Talented programs and screened admissions.[45] So long as the City does not intend to discriminate based on race or another protected characteristic, its actions will pose no constitutional issue.

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[38] Christina Veiga, *NYC Announces Sweeping Changes to Middle, High School Application Process*, Chalkbeat (Dec. 18, 2020), https://www.chalkbeat.org/newyork/2020/12/18/22188384/changes-nyc-school-application-process/.

[39]Michael Elsen-Rooney & Alex Zimmerman, *Mamdani Wants to Rethink Gifted and Talented in NYC. The Program Has Already Seen Big Shifts*, Chalkbeat (Oct. 10, 2025), https://www.chalkbeat.org/newyork/2025/10/10/mamdani-proposal-for-gifted-and-talented-comes-amid-admissions-shift/; NYC, *Mayor Adams, Chancellor Banks Announce Expansion of Gifted and Talented Programs Citywide* (Apr. 14, 2022), https://www.nyc.gov/mayors-office/news/2022/04/mayor-adams-chancellor-banks-expansion-gifted-talented-programs-citywide.

[40] *Mamdani Wants to Rethink Gifted and Talented in NYC*, *supra* n.39.

[41] *Eliminate Competitive Admissions to NYC Public Elementary & Middle Schools*, *supra* n.37.

[42] Alex Zimmerman, *Mamdani Wants to Scrap Gifted Seats for NYC Kindergartners, Renewing Debate over Segregated Program*, Chalkbeat (Oct. 2, 2025), https://www.chalkbeat.org/newyork/2025/10/02/zohran-mamdani-gifted-and-talented-nyc-school-segregation-cuomo-sliwa/.

[43] *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181, 206-207 (2023); *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 729-30 (2007).

[44] Mayor-Elect Mamdani's proposal to do an independent analysis of the Specialized High School exam for gender and racial bias would be an important first step. Amy Zimmer, *NYC High School Admissions and the SHSAT: Here's Where the Mayoral Candidates Stand*, Chalkbeat (May 28, 2025), https://www.chalkbeat.org/newyork/2025/05/28/mayoral-candidates-discuss-selective-and-specialized-high-school-admissions-shsat/.

[45] *Making the Grade*, *supra* n.22 at 72.

B. Ensure Substantial Equivalency in Nonpublic Schools to Protect Children's Rights

The New York State Constitution[46] guarantees the right to a "sound basic education" for every child in the state.[47] New York's compulsory education law expands those rights by requiring children to receive full-time instruction either at home or at school.[48] For non-public schools, the law requires that instruction be at least "*substantially equivalent*" to that provided in public schools.[49] However, despite these clear constitutional and statutory protections, most Hasidic boys' schools in New York are systematically denying children the education to which they are entitled, providing little to no secular instruction and leaving tens of thousands of students unprepared for civic and economic life.[50]

In 2023, after a thorough and extensive investigation, the New York City Department of Education determined that 18 yeshivas did not provide a substantially equivalent education, confirming widespread and systemic violations of children's educational rights.[51] The substantial equivalent standard requires private schools to teach children in reading, writing, math, science, history, civics, hygiene, and physical training, and instruction must be given "only by a competent teacher . . . [and] English shall be the language of instruction, and text-books used shall be written in English.[52] The New York State Education Department ("NYSED") regulations require nonpublic schools to provide full-time instruction comparable to public schools, with flexibility for religious integration but mandatory minimum days, hours, and subject units in English, math, social studies, and science.[53] The object of a compulsory education law is to see that "children are not left in ignorance, that from some source they will receive instruction that will fit them for their place in society."[54]

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[46] N.Y. Const. art. XI, § 1.

[47] *Board Of Education v. Nyquist*, 57 N.Y.2d 27 (1982).

[48] N.Y. Education Law § 3205.

[49] N.Y. Education Law § 3204.

[50] *See e.g.*, Matty Lichtenstein M, *Jewish Education in New York State 2022-2025*, *available at* https://www.jewishdatabank.org/api/download/?studyId=1287&mediaId=bjdb%5cLichtenstein_-_New_York_Jewish_Education_-_2025.pdf; Shtetl, *Investigations: 18 Haredi Schools Found Providing Inadequate Secular Education* (Apr. 2025), https://www.shtetl.org/article/investigations-18-haredi-schools-found-providing-inadequate-secular-education; Shapiro E. & Rosenthal Brian M., *Failing Schools, Public Money: Hasidic Education in New York*, N.Y. Times (Sept. 11, 2022), https://www.nytimes.com/2022/09/11/nyregion/hasidic-yeshivas-schools-new-york.html.

[51] Jillian Jorgensen, *City Determines 18 Yeshivas Not Meeting Standards*, NY1 (June 30, 2023), https://ny1.com/nyc/all-boroughs/news/2023/06/30/new-york-city-yeshiva-investigation-findings.

[52] N.Y. Education Law § 3204. It also includes training such as patriotism and citizenship education (N.Y. Educ. Law § 801), education on election (*id.* § 802-a), physical fitness and health (*id.* § 803), mental health and alcohol, tobacco, and drug abuse prevention (*id.* § 804).

[53] 8 N.Y.C.R.R. §§ 100.10, 130.1.

[54] *People v Turner*, 277 A.D. 317, 319 (4th Dep't 1950) (reversing convictions of parents for home schooling their children).

As the largest and fastest-growing segment of non-public Jewish schools in New York, Hasidic schools serve at least 111,549 students.[55] In Hasidic all-boys schools, students spent an average of less than two hours per week on all secular subjects combined, with almost no training on science and other STEM subjects.[56] Some schools offer no secular education whatsoever.[57] Most students speak Yiddish as their primary language. Even the most basic secular education is taught in Yiddish, meaning most receive minimal to no literacy education in English.[58] At the height of their intellectual development, children's growth is being stunted. Without access to essential academic knowledge and skills, these children face systemic barriers to economic opportunity, civic engagement, and personal autonomy.

The New York State Board of Regents adopted regulations in 2022 requiring nonpublic schools to demonstrate substantial equivalency to public schools, with clear standards for instructional time, subject coverage, and review procedures.[59] They codify requirements for local school authorities and the Commissioner of Education to review nonpublic schools, set timelines for compliance, and create enforcement mechanisms if schools fail to meet standards. These regulations were promptly challenged. In 2024, the Appellate Division upheld NYSED's authority to enforce substantial equivalency, confirming that children's constitutional right to a sound basic education outweighs institutional resistance and empowering the Commissioner to revoke compulsory education status from noncompliant schools.[60] In 2025, the Court of Appeals affirmed this decision.[61]

The consequences of an inadequate education are long-term and deeply damaging, not only to the students themselves but to the broader social fabric of New York City.[62] Hasidic men earn 30% less than their non-Hasidic peers.[63] Nearly 40% of Hasidic households received Supplemental Nutrition Assistance Program (SNAP) benefits compared to 15% of non-Hasidic households. Nearly 70% of Hasidic households receive Medicaid compared to just under 25% of non-Hasidic households.[64] This reliance is directly linked to inadequate preparation for employment and higher education.

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[55] *Jewish Education in New York State 2022-2025*, *supra* n.50.

[56] Adina Mermelstein Konikoff, *Crisis: NYC's Yeshivas Can Offer a Well-Rounded Education. Will Mamdani Help Them Get There?*, Jerusalem Post (Nov. 13, 2025), https://www.jpost.com/opinion/article-873691.

[57] *Jewish Education in New York State 2022-2025*, *supra* n.50.

[58] *Id.*

[59] N.Y. State Bd. of Regents, *Final Adoption of Substantial Equivalence Regulations* (Sept. 2022), https://www.regents.nysed.gov/sites/regents/files/922p12a7.pdf.

[60] *Parents for Educ. & Religious Liberty in Schs. v. Young*, 215 N.Y.S.3d 552 (3d Dep't 2024).

[61] *Matter of Parents for Educ. & Religious Liberty in Schs. v. Young*, No. 56, 2025 NY Slip Op 03689 (N.Y. June 18, 2025).

[62] YAFFED, *Economic Outcomes Report 2025* (Apr. 2025), https://yaffed.org/wp-content/uploads/2025/04/YAFFED-Economic-Outcomes-Report-2025.pdf.

[63] *Jewish Education in New York State 2022-2025*, *supra* n.50.

[64] *Economic Outcomes Report 2025*, *supra* n.62.

This issue is not an attack on religion, nor is it a restriction on religious freedom. Historically, secular and religious education have coexisted within Jewish life, and they continue to do so in non-Hasidic religious communities. What is at stake here is the state's compelling interest in ensuring that every child receives the foundational education necessary to thrive in the modern world. The Hasidic community deserves respect and protection from antisemitism, but the well-being and future of tens of thousands of children cannot be ignored.

The lack of secular instruction in many Hasidic yeshivas has long-term consequences. Every year that passes without enforcement means another cohort of children denied the tools to succeed. The cost is not only personal, but also societal. It denies children the ability to participate fully in civic and economic life. And it undermines the City's workforce development and taxpayer base. Respect for parental choice and religious freedom must be balanced with the limits of those rights: parents may choose religious schools, but they cannot choose to deprive their children of literacy, math, science, and civics — the basic tools of opportunity and citizenship.

We urge the Mamdani Administration to ensure that the new education chancellor is someone committed to upholding children's constitutional right to a sound basic education impartially, and who will not be swayed by politics or outside pressures. The Mayor-Elect must also make clear that combating antisemitism and protecting the Hasidic community go hand-in-hand with enforcing educational standards. We encourage the Administration to establish a liaison with advocacy organizations such as Young Advocates For Fair Education and engage with community members who are working to expand programming and improve outcomes.

III. PRIVACY AND TECHNOLOGY

SUMMARY: Any City government use of algorithms, artificial intelligence, machine learning, and automated decision systems ("algorithmic technologies") must be transparent, unbiased, accountable, and guided by concern for New Yorkers' civil rights and liberties. The City should conduct a comprehensive audit of the use of algorithmic technologies; create a regulatory mechanism for contracting for and deploying these technologies; and create robust safeguards to protect New Yorkers' data privacy and prevent discrimination.

We recommend that the Mamdani Administration prioritize ensuring that New Yorkers' civil rights and liberties, and their attendant privacy and safety implications, are rigorously safeguarded when interacting with algorithms, artificial intelligence, machine learning, and automated decision systems ("ADS") and (collectively, "algorithmic technologies"). New Yorkers' civil rights and liberties should be enhanced, not harmed, by technological innovation. This means creating strict privacy guidelines and safeguards around collection, use, and retention of New Yorkers' personal data and rigorously evaluating algorithmic technologies (that often collect and use personal data) prior to their deployment[65] to ensure that they do not perpetuate harmful bias.[66] Further, there should be meaningful transparency and accountability mechanisms around these technologies once they are deployed so that harmful technologies are promptly

[65] NYCLU, *Memorandum in Support of Digital Fairness Act, available at* https://www.nyclu.org/uploads/2023/12/2023-2024-legislativememo-digitalfairnessact.pdf.

[66] *See generally*, Joy Buolamwini, *Unmasking AI* (2024); Safiya Noble, *Algorithms of Oppression* (2018); Cathy O'Neil, *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy* (2016).

discontinued. Because the use of these technologies is so pervasive, it is imperative that the Administration seek guidance and input from civil rights and liberties advocates who have depth and breadth of knowledge about the variety of ways that communities can be negatively impacted. Additionally, the Mamdani Administration should prioritize conducting a full audit of the mechanisms by which City agencies acquire and deploy algorithmic, AI, machine learning, and automated decision-making systems.

Generally, algorithms, AI, machine learning, and ADS refer to "software tools or processes that automate, replace, or aid human decision-making" and are "widely used to administer services, allocate resources," and "make inferences about individuals, groups, or places."[67] New Yorkers' civil rights and liberties should be enhanced, not harmed, by technological innovation. This will require:

- Creating strict privacy guidelines and safeguards around collection, use, and retention of New Yorkers' personal data and rigorously evaluating algorithmic technologies (that often collect and use personal data) prior to their deployment[68] to ensure that they do not perpetuate harmful bias.[69]

- Ensuring meaningful transparency, evaluation, and accountability mechanisms around development and deployment of these technologies so that harmful technologies are not deployed in the first place or at least promptly discontinued.[70]

- Ensuring that impacted communities have a meaningful say in how and when their data is collected and whether algorithmic technologies are deployed.

- Seeking guidance and input from civil rights and liberties advocates who have depth and breadth of knowledge about the impacts of these technologies in a variety of contexts.

- Conducting a comprehensive audit[71] of existing New York City government use of algorithmic technologies, assessing them for accuracy, fairness, and bias, and discontinuing use of technologies that perpetuate bias and harm against New Yorkers.

- Conducting a comprehensive audit of the mechanisms by which New York City agencies can procure algorithmic technologies and implementing standards that

[67] NYCLU, *Testimony Before the New York City Council Committee on Technology Regarding the Use of Automated Decision Systems and Artificial Intelligence by New York City Agencies* (Oct. 28, 2024), *available at* https://www.nyclu.org/uploads/2024/11/NYCLU-Testimony-NYC-Council-Tech-Committee-AI-20241028.pdf.

[68] *Memorandum in Support of Digital Fairness Act*, *supra* n.65.

[69] *Supra* n.66.

[70] Inioluwa Deborah Raji et al., *Closing the AI Accountability Gap: Defining an End-to-End Framework for Internal Algorithmic Auditing* (Jan. 27, 2020), *available at* https://dl.acm.org/doi/10.1145/3351095.3372873.

[71] Ellen P. Goodman & Julia Tréhu, *AI Audit-Washing and Accountability* (Nov. 15, 2022), *available at* https://www.gmfus.org/news/ai-audit-washing-and-accountability.

safeguard New Yorker's civil rights and liberties on any procurement of these technologies.

The use of these tools is ubiquitous, and their unregulated deployment is deeply concerning—particularly in high stakes contexts including public benefits administration,[72] education,[73] employment,[74] housing,[75] health care,[76] the family regulation system,[77] and the criminal legal system.[78] The use of these tools and processes is extensive in both the public[79] and private sectors, and they operate without transparency[80] or even basic legal protections.

Alarmingly, these technologies all too often replicate and amplify bias, discrimination,[81] and harm[82] towards populations who have been and continue to be disproportionately impacted by bias and discrimination: women,[83] Black,[84] Indigenous, and all people of color,[85] LGBTQIA+

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[72] *See, e.g.*, Alyssa Edes & Emma Bowman, *'Automating Inequality': Algorithms in Public Services Often Fail the Most Vulnerable*, NPR (Feb. 19, 2018), https://www.npr.org/sections/alltechconsidered/2018/02/19/586387119/automating-inequality-algorithms-in-public-services-often-fail-the-most-vulnerab.

[73] Project Borrowers, *Educational Redlining*, https://protectborrowers.org/what-we-do/racial-economic-justice/educational-redlining-home.

[74] ACLU, *The Long History of Discrimination in Job Hiring Assessments*, https://www.aclu.org/news/racial-justice/the-long-history-of-discrimination-in-job-hiring-assessments.

[75] *See, e.g.*, Emmanuel Martinez & Lauren Kirchner, *How We Investigated Racial Disparities in Federal Mortgage Data*, The Markup (Aug. 25, 2021), https://themarkup.org/show-your-work/2021/08/25/how-we-investigated-racial-disparities-in-federal-mortgage-data.

[76] *See, e.g.*, Beth Haroules & Simon McCormack, *How an Algorithm Puts Black People's Health in Danger*, NYCLU (Nov. 18, 2019), https://www.nyclu.org/commentary/how-algorithm-puts-black-peoples-health-danger; Ziad Obermeyer, *Dissecting Racial Bias in an Algorithm Used to Manage the Health of Populations*, 366 SCIENCE 447, 447-453 (2019).

[77] Hannah Zhao, *NYC Lets AI Gamble with Child Welfare*, Electronic Frontier Foundation (June 9, 2025), https://www.eff.org/deeplinks/2025/06/nyc-lets-ai-gamble-child-welfare.

[78] Vincent Southerland, *With AI and Criminal Justice, the Devil Is in the Data*, ACLU (Apr. 9, 2018), https://www.aclu.org/news/privacy-technology/with-ai-and-criminal-justice-the-devil-is-in-the-data.

[79] Conn. Advisory Comm. to the U.S. Comm'n on Civil Rights, *The Civil Rights Implications of Algorithms* 9 (Mar. 2023), *available at* https://www.usccr.gov/files/2023-04/ct-sac-algorithm-report.pdf.

[80] *Id.* at 12.

[81] Solon Baracas & Andrew Selbst, *Big Data's Disparate Impact*, 104 Cal. L. Rev. 671 (2016), *available at* https://doi.org/10.2139/ssrn.2477899.

[82] *See, e.g.*, *Weapons of Math Destruction*, *supra* n.66.

[83] *See, e.g.*, Jeffrey Dastin, *Amazon Scraps Secret AI Recruiting Tool that Showed Bias against Women*, Reuters (Oct 10, 2018), https://www.reuters.com/article/us-amazon-com-jobs-automation-insightidUSKCN1MK08G; Galen Sherwin, *How Facebook Is Giving Sex Discrimination in Employment Ads a New Life*, ACLU (Sept. 18, 2018), https://www.aclu.org/news/womens-rights/how-facebook-giving-sex-discrimination-employment-ads-new.

[84] *See, e.g.*, Will Douglas Heaven, *Predictive Policing Algorithms Are Racist. They Need to Be Dismantled*, MIT Tech. Review (July 17, 2020), https://www.technologyreview.com/2020/07/17/1005396/predictive-policing-algorithms-racist-dismantled-machine-learning-bias-criminal-justice/.

[85] *Gender Shades*, http://gendershades.org/overview.html.

people,[86] people living in poverty,[87] people with disabilities,[88] people who have criminal legal system contact,[89] and other marginalized communities.

Facial recognition technology, for example, is used in a wide variety of areas including public benefits distribution, hiring tech, and law enforcement surveillance. [90] But this technology is notoriously erroneous, particularly when applied to women, people with darker complexions, and people with disabilities.[91] When decisions about public benefits, employment, and criminal legal or immigration systems outcomes are based on or determined by biased and erroneous technology, the consequences to human lives can be dire. Further, we are seeing a massive increase in law enforcement procurement of surveillance technologies including automated license plate reader systems, CCTV camera systems, and drones.[92]

Automated decision-making systems are also widespread. For example, landlords and property managers use various ADS products that unfairly screen out potential tenants based on past criminal and eviction records.[93] The data that they rely on may contain records that are

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[86] Eduard Fosch-Villaronga et al., *Misgendering Algorithms: Insights from a Cross-Sectional Survey on Algorithmic Gender Classification in social media*, Technology in Soc'y, vol. 84 (forthcoming, 2026), *available at* https://www.sciencedirect.com/science/article/pii/S0160791X25003008.

[87] *See, e.g.*, Virginia Eubanks, *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor* (2018), Ed Pilkington, *Digital Dystopia: How Algorithms Punish the Poor*, The Guardian (Oct. 14, 2019), https://www.theguardian.com/technology/2019/oct/14/automating-poverty-algorithms-punish-poor.

[88] *See, e.g.*, ACLU, *ACLU Files FTC Complaint Against Major Hiring Technology Vendor for Deceptively Marketing Online Hiring Tests as "Bias Free"* (May 30, 2024), https://www.aclu.org/press-releases/aclu-files-ftc-complaint-against-major-hiring-technology-vendor-for-deceptively-marketing-online-hiring-tests-as-bias-free.

[89] *See, e.g.*, Note, Renata M. O'Donnell, *Challenging Racist Predictive Policing Algorithms under the Equal Protection Clause*, 94 N.Y.U. L. Rev. 544 (2019), *available at* https://nyulawreview.org/wp-content/uploads/2019/06/NYULawReview-94-3-ODonnell.pdf.

[90] ACLU, *ACLU Response to OSTP Biometric Tech* (Sept. 30, 2022), *available at* https://www.aclu.org/documents/aclu-response-ostp-biometric-tech; ACLU et al., *Coalition Memo: Addressing Technology's Role in Hiring Discrimination* (July 13, 2021), *available at* https://www.aclu.org/documents/coalition-memo-addressing-technologys-role-hiring-discrimination.

[91] *See, e.g.*, Marissa Gerchick & Matt Cagle, *When it Comes to Facial Recognition, There is No Such Thing as a Magic Number*, ACLU (Feb. 7, 2024), https://www.aclu.org/news/privacy-technology/when-it-comes-to-facial-recognition-there-is-no-such-thing-as-a-magic-number; *Gender Shades*, http://gendershades.org/overview.html; Jacob Snow, *Amazon's Face Recognition Falsely Matched 28 Members of Congress With Mugshots*, ACLU (July 26, 2018), https://www.aclu.org/news/privacy-technology/amazons-face-recognition-falsely-matched-28; ACLU, *ACLU and ACLU of NJ File Friend-of-the-Court Brief in Challenge to Wrongful Arrest due to Face Recognition Tech* (July 29, 2024), https://www.aclu.org/press-releases/aclu-and-aclu-of-nj-file-friend-of-the-court-brief-in-challenge-to-wrongful-arrest-due-to-face-recognition-tech; N.Y.C. Bar Ass'n, *Power, Pervasiveness and Potential: The Brave New World of Facial Recognition Through a Criminal Law Lens (and Beyond)*, https://www.nycbar.org/reports/power-pervasiveness-and-potential-the-brave-new-world-of-facial-recognition-through-a-criminal-law-lens-and-beyond/?back=1.

[92] NYCLU, *Automatic License Plate Readers* (July 23, 2015), https://www.nyclu.org/report/automatic-license-plate-readers; Angel Diaz, Brennan Ctr. For Justice, *New York City Police Department Surveillance Technology* (Oct. 4, 2019), https://www.brennancenter.org/our-work/research-reports/new-york-city-police-department-surveillance-technology.

[93] ACLU et al., *Coalition Memo: Addressing Technology's Role in Housing Discrimination* (July 13, 2021), https://www.aclu.org/documents/coalition-memo-re-addressing-technologys-role-housing-discrimination.

severely outdated and include sealed and expunged records that should not serve as a basis to disqualify tenants.[94] In other instances, they infer such classifications from other data, or they falsely attribute criminal history based on identical names or address history.[95]

Many automated systems purport to predict the future by observing the past. Chief among them are "risk assessment tools," designed to use past policing and court data to "predict" the future behavior of an individual criminal defendant.[96] Specifically, risk assessment tools attempt to determine which attributes are shared by people who previously failed to show up to court. The tools place certain weights on each of the attributes to produce a formula and "score" a person's future risk of flight. Risk assessment tools reflect a troubling philosophy toward criminal justice policy: using past cases to determine what might happen in future cases disregards time-specific influences that may have affected prior case outcomes and freezes a government judgment in the realities of the past. Critically, it also strips the person who is awaiting trial of independent agency and the ability to make their case in court.

New Yorkers should be fully informed about when and how algorithms, AI, machine learning, and ADS are making decisions impacting their lives. They should be able to trust these systems are fair, accurate, and do not lead to discriminatory or harmful outcomes. Given the pervasive use of these systems across agencies and subject matters, we recommend that the Mamdani Administration conduct a comprehensive audit of the use of algorithmic technologies in city agencies and set comprehensive regulations on acquiring and deploying these technologies. In conducting this audit and crafting regulations, we suggest the Administration seek guidance from civil rights and liberties experts in crafting an approach that holistically addresses data privacy, safety, bias, and nondiscrimination in data collection and algorithmic technologies.[97]

We further recommend that Mayor-Elect Mamdani champion regulations and legislation that would enshrine comprehensive data privacy and anti-discrimination protections when algorithms, AI, machine learning, or ADS are used. For example, the Digital Fairness Act ("DFA") would clarify that "it is both unlawful discrimination and an unfair trade practice to use personal information to circumvent our civil and human rights laws."[98] Further, the DFA would establish "comprehensive privacy protections by requiring meaningful notice and affirmative, opt-in consent from people before their personal information is captured or used, as well as heightened protections for biometric information, and provide people with the ability to access and delete their

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[94] *E.g.*, Consumer Fin. Protection Bureau, *Tenant Background Checks Mark*et 26, 28 (Nov. 2022), *available* at https://files.consumerfinance.gov/f/documents/cfpb_tenant-background-checks-market_report_2022-11.pdf.

[95] *See, e.g.*, Sarah Lageson & Peter Stewart, *The Problem with Criminal Records: Discrepancies between State Reports and Private-Sector Background Checks*, 62 Criminology 5-34 (Feb. 2024), https://onlinelibrary.wiley.com/doi/10.1111/1745-9125.12359.

[96] Mariss Gerchick et al., ACLU, *Don't Let the Math Distract You: Together, We Can Fight Algorithmic Injustice* (Aug. 8, 2023), https://www.aclu.org/news/criminal-law-reform/we-can-fight-algorithmic-injustice.

[97] *See, e.g.*, NYCLU, *Testimony Before the New York City Council Committee on Technology Regarding the Use of Automated Decision Systems and Artificial Intelligence by New York City Agencies* (Oct. 28, 2024), https://www.nyclu.org/resources/policy/testimonies/testimony-before-the-new-york-city-council-committee-on-technology-regarding-the-use-of-automated-decision-systems-and-artificial-intelligence-by-new-york-city-agencies.

[98] *Memorandum in Support of Digital Fairness Act*, supra n.65.

personal information and to transfer their personal information to another company."[99] Additionally, it would "provide guardrails for government use of ADS": (i) banning "discriminatory tools and require that any governmental ADS undergo and pass a civil rights audit conducted by a neutral third party before it is deployed," (ii) requiring that individuals subjected to automated decisions by the government "receive notice of the decision made, the involvement of an automated system, and an opportunity to contest the decision and seek human review," and (iii) requiring that government entities using ADS have "appropriate governing policies in place, adhere to transparency requirements, and have the approval of the relevant governing body—following a public hearing—before acquiring any new systems."[100]

IV. COMMISSION ON HUMAN RIGHTS AND DEPARTMENT OF CONSUMER AND WORKER PROTECTION

SUMMARY: We urge Mayor-Elect Mamdani to work with the City Council to fund the Commission on Human Rights ("CCHR") and the Department of Consumer and Worker Protection ("DCWP") so that they can fulfill the extraordinary promise of the New York City Human Rights Law and New York City's consumer and worker protection laws. CCHR should expand the pre-complaint review program and address discrimination caused by advanced technologies.

The New York City Human Rights Law ("NYCHRL")'s purpose is to be "maximally protective of civil rights in all circumstances by meld[ing] the broadest vision of social justice with the strongest law enforcement deterrent."[101] It expresses the principles that "'discrimination should not play a role in decisions made by employers, landlords and providers of public accommodations; traditional methods and principles of law enforcement ought to be applied in the civil rights context; and victims of discrimination suffer serious injuries, for which they ought to receive full compensation.'"[102] The NYCHRL goes far beyond federal law and prohibits, depending on the specific context, discrimination on the basis of any protected status.[103] No one should be denied housing, employment, or participation in the full economic and social life of New York. Among American jurisdictions, the NYCHRL is a uniquely powerful tool to address the scourge of discrimination, and the Mamdani Administration should use its full force.

The New York City Commission on Human Rights ("CCHR") is the primary means by which the City can implement and enforce the NYCHRL. Its work can have an immense impact; for example, its investigation and enforcement efforts led to the largest settlement in the City's history for housing discrimination, which imposed $1 million in civil penalties on Parkchester

[99] *Testimony Before the New York City Council Committee on Technology*, *supra* n.95.

[100] *Id.*

[101] *Chauca v. Abraham*, 30 N.Y.3d 325, 345 (2017) (citations and internal quotation marks omitted).

[102] *Williams v. N.Y.C. Hous. Auth.*, 61 A.D.3d 62, 68 (1st Dep't 2009) (quoting Committee Report, 2005 NY City Legis. Ann., at 537).

[103] *See generally* N.Y.C. Admin. Code 8-107. Protected statuses include race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service, height, weight, immigration or citizenship status, lawful source of income, whether children are, may be, or would be residing with a person, status as a victim of domestic violence or as a victim of sex offenses or stalking, and others. NYC Comm'n on Hum. Rts., *Human Rights*, https://www.nyc.gov/site/cchr/law/the-law.page.

Preservation Management for discrimination against housing voucher holders.[104] However, chronic underfunding has severely undermined its effectiveness. Cases can take many years to reach a resolution, and in 2024, CCHR took an average of 593 days to close cases.[105] In fiscal year 2024, CCHR received a record "12,190 discrimination inquiries from the public but was only able to resolve 471 cases."[106] Thankfully, an increase in CCHR staff attorneys has led to a significant decrease in the wait time for initial intake appointments,[107] but delays in case resolution continue.

Especially for the predominantly low-income New Yorkers who report discrimination to CCHR, justice delayed is justice denied. We urge Mayor-Elect Mamdani to work with the Council to fully fund—and expand—CCHR so that it has the capacity to process, investigate, and bring enforcement actions regarding the high number of complaints it receives. No one should be turned away from CCHR because of a lack of resources. In 2024, the Human Rights Law Group estimated that CCHR needed at least $21 million in funding, but the preliminary budget for fiscal year 2026 only allocates $15 million.[108] While this is an infinitesimal fraction of the City's total budget, adequate funding would allow CCHR to meaningfully pursue justice on behalf of New Yorkers like L., a house cleaner whose boss sexually assaulted her in the workplace.[109]

For many victims of discrimination, a priority is addressing discriminatory conduct immediately. A victim of discrimination may have a claim for damages, but they also need the job, housing, or access to the public accommodation or resources that they have been denied for a discriminatory reason. CCHR has a pre-complaint intervention process, where staff contact the alleged discriminator and work to resolve the matter quickly through a conciliatory process. CCHR's pre-complaint intervention process has been particularly successful in the source-of-income discrimination context, as it allows housing voucher holders to access housing before their vouchers expire.[110] Pre-complaint intervention is available in all areas of its jurisdiction, but CCHR has just six dedicated interventionists on staff.[111] CCHR should receive additional

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[104] NYC Comm'n on Hum. Rts., *2024 Press Releases*, https://www.nyc.gov/site/cchr/media/2024-press-releases.page.

[105] Amir Khafagy, *Complaints Pile Up at NYC Human Rights Commission — And Immigrant Workers Are Paying the Price*, Documented (Apr. 10, 2025), https://documentedny.com/2025/04/10/immigrant-labor-human-rights-commission-new-york/.

[106] N.Y.C. Bar Ass'n, *Support Restoration of City Funding and Staff to City Commission on Human Rights and Equal Employment Practices Commission* (March 15, 2024), https://www.nycbar.org/reports/support-restoration-of-city-funding-and-staff-to-city-commission-on-human-rights-and-equal-employment-practices-commission/.

[107] Citymeetings.nyc, *Impact of increased staff attorneys on CCHR's performance* (Mar. 7, 2025), https://citymeetings.nyc/meetings/new-york-city-council/2025-03-07-1030-am-committee-on-civil-and-human-rights/chapter/impact-of-increased-staff-attorneys-on-cchrs-performance/.

[108] New York City Council, *Report on the Fiscal 2026 Preliminary Plan and the Fiscal 2026 Preliminary Capital Commitment Plan for the Committee on Civil and Human Rights* https://council.nyc.gov/budget/wp-content/uploads/sites/54/2025/03/Commission-on-Civil-and-Human-Rights-2.pdf.

[109] *Complaints Pile Up at NYC Human Rights Commission*, *supra* n.103.

[110] Citymeetings.nyc, Pre-complaint intervention work at CCHR (Mar. 7, 2025), https://citymeetings.nyc/meetings/new-york-city-council/2025-03-07-1030-am-committee-on-civil-and-human-rights/chapter/pre-complaint-intervention-work-at-cchr/.

[111] *Id.*

resources and staff for intervention efforts, and lessons learned on source-of-income discrimination cases should be applied to other contexts. Moreover, people who report discrimination should not have to forgo a complaint and possible damages to avail themselves of the intervention process. Intervention can be effective even without the prospect of a settlement, as CCHR staff can explain that potential damages and fines would be much higher if the discriminatory conduct does not cease immediately.

The use of AI and ADS in the contexts covered by the NYCHRL has increased dramatically in recent years, with often-discriminatory results.[112] Individuals affected by these technologies rarely have the knowledge or resources to recognize or challenge this type of discrimination; the lack of enforcement allows forbidden discriminatory effects to continue merely because the policy or practice is contained in lines of code rather than, for example, an internal memorandum. To ensure that the NYCHRL achieves "the broadest vision of social justice with the strongest law enforcement deterrent," CCHR should invest in the staff, technology, and skills needed to become a national leader in investigating and prosecuting algorithmic discrimination. This unit can address algorithmic discrimination within its jurisdiction and collaborate with the divisions within other City agencies that have similar mandates.

Similarly, we encourage the Mayor-Elect to work with the City Council to adequately fund DCWP[113] so that it can effectively enforce the strong consumer and worker protection laws that New York City has enacted over the last decade. New York City has some of the strongest worker protection laws in the country, including Paid Sick and Safe Leave,[114] the Fair Workweek Law for fast food and retail workers,[115] the Freelance Isn't Free Act,[116] and the Minimum Pay Rate for delivery workers.[117] The Mamdani Administration should prioritize additional capacity for enforcement in the Office of Labor Policy and Standards (OLPS)[118] to ensure that these protections are real for working New Yorkers, as staffing has not kept pace with expanded enforcement duties and an increase in complaints. We ask that the Mayor-Elect Mamdani work to enact his campaign promises to increase funding and staffing for DCWP,[119] so that it is truly empowered to protect workers.

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[112] *See* discussion of "Privacy and Technology," *supra*.

[113] NYC Consumer & Worker Protection, *About*, https://www.nyc.gov/site/dca/about/overview.page

[114] NYC Consumer & Worker Protection, *NYC's Paid Safe and Sick Leave Law*, https://www.nyc.gov/site/dca/about/paid-sick-leave-law.page.

[115] NYC Consumer & Worker Protection, *Fair Workweek Law: Information for Fast Food Employers*, https://www.nyc.gov/site/dca/businesses/fairworkweek-deductions-laws-employers.page.

[116] NYC Consumer & Worker Protection, *Freelance Isn't Free Act*, https://www.nyc.gov/site/dca/about/freelance-isnt-free-act.page.

[117] NYC Office of the Mayor, *Mayor Adams Announces Full Minimum pay Rate for App-Based Restaurant Delivery Workers is now in Effect*, https://www.nyc.gov/mayors-office/news/2025/04/mayor-adams-full-minimum-pay-rate-app-based-restaurant-delivery-workers-now-in.

[118] NYC Consumer & Worker Protection, *Office of Labor Policy & Standards for Workers*, https://www.nyc.gov/site/dca/workers/workersrights/office-of-labor-policy-and-standards-for-workers.page.

[119] Zohran for NYC, *Fighting Corporate Exploitation* 2-3, https://drive.google.com/file/d/1pem255jxQEoWCN3Ic5ILZa2a9a4oDtqe/view.

V. CRIMINAL LEGAL SYSTEM AND POLICING

SUMMARY: We urge Mayor-Elect Mamdani to support key reforms to New York's criminal legal system and ensure law enforcement accountability for civil rights violations.

Between 2018 and 2020, New York implemented several important and overdue reforms to the criminal legal system, including raising the age of criminal responsibility and enacting bail and discovery reform.[120] Given that Police Commissioner Jessica Tisch will serve in the Mamdani Administration, the City Bar wishes to address certain positions that the Commissioner has advanced regarding criminal legal reform. First, we respectfully disagree with the Commissioner's stated view that the criminal justice bail and discovery reforms of 2019 "created[] a revolving door out of our criminal justice system" or that "loopholes … render the criminal justice system in New York City [and] in New York state, a revolving door for recidivists."[121] Rather, as civil rights and legal services organizations have pointed out, "[t]he discovery law has no impact on a judge's release decision."[122] Further, studies have shown that "eliminating bail for most misdemeanor and nonviolent felony cases significantly reduced recidivism" and found a "a lack of support for concluding that releasing more bail-eligible people either increased or decreased recidivism over two-year and 30-month follow-up timeframes."[123] Experts analyzing bail reform in other jurisdictions agree: "neither violent nor nonviolent crimes or charges increased markedly immediately after jurisdictions implemented bail reform."[124]

The Commissioner also has repeatedly attributed an increase in youth gun violence to New York's "Raise the Age" echoing several misconceptions regarding this important reform, and has incorrectly argued that "our Raise the Age law needs to be reexamined because it removed the criminal consequences that prevent teens from escalating violence."[125] In fact, "[d]uring the first eighteen months of the Raise the Age law, shootings in New York City remained the lowest they have been in decades, even as arrests and incarceration of 16- and 17-year-olds declined. Only

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[120] N.Y.C. Bar Ass'n, *City Bar Opposes Rollbacks to Criminal Discovery Reform in New York State* (Mar. 28, 2025), https://www.nycbar.org/press-releases/city-bar-opposes-rollbacks-to-criminal-discovery-reform-in-new-york-state/; NYC Bar Ass'n, *City Bar Urges Bail Reform in 2019 NYS Executive Budget* (Mar. 16, 2018) https://www.nycbar.org/press-releases/city-bar-urges-bail-reform-in-2019-nys-executive-budget/; N.Y.C. Bar Ass'n, *Statement on Raising the Age*, *available at* https://www2.nycbar.org/pdf/report/uploads/20072795-RaisingtheMinimumAgeto18forCriminalResponsibility.pdf (Oct. 2014).

[121] N.Y.C. Office of the Mayor, *Transcript: Mayor Adams Speaks on City's Priorities in State Budget & Holds In-Person Media Availability* (Apr. 1, 2025), https://www.nyc.gov/mayors-office/news/2025/04/transcript-mayor-adams-speaks-city-s-priorities-state-budget-holds-in-person-media?ref=hellgatenyc.com.

[122] The Legal Aid Soc'y, *Statement on Mayor Adams' and NYPD Commissioner Tisch's Misleading Comments on Discovery Reform* (Apr. 1, 2025), *available at* https://legalaidnyc.org/wp-content/uploads/2025/04/Statement-on-Mayor-Adams-and-NYPD-Commissioner-Tischs-Misleading-Comments-on-Discovery-Reform.pdf.

[123] René Ropac & Michael Rempel, Data Collaborative for Justice, *Does New York's Bail Reform Law Impact Recidivism? A Quasi-Experimental Test in New York City* (Mar. 2023), https://datacollaborativeforjustice.org/wp-content/uploads/2023/04/RecidivismReport.pdf.

[124] Don Stemen & David Olson, *Is Bail Reform Causing an Increase in Crime?* (Jan. 2023), *available at* https://www.hfg.org/wp-content/uploads/2023/01/Bail-Reform-and-Crime.pdf.

[125] Haley Brown & Amanda Woods, *Youth Violence Has Skyrocketed in NYC, Top Cop Jessica Tisch Reveals as She Blames Contentious 'Raise the Age' Law*, N.Y. Post (June 3, 2025), https://nypost.com/2025/06/03/us-news/youth-violence-has-skyrocketed-in-nyc-top-cop-jessica-tisch-reveals-as-she-blames-contentious-raise-the-age-law/.

after months of COVID-19 infections, deaths, and lockdowns, did gun violence increase in New York City, as it did in many cities around the country where criminal justice reforms had not been enacted."[126] Further, even when teenagers are tried in family court—which is not uniformly the law, as "all felony cases against all 16- and 17-year-olds are filed in the adult criminal courts," and "any case involving display of a firearm or other deadly weapon is tried in adult court"[127]—"[g]oing to family court is not a 'get out of jail free' card and does not mean that a teenager will avoid detention or placement or be free of court supervision. Family court uses a range of tools including probation supervision and intensive case management, mandated family and individual counseling, and detention and long-term placement in a residential facility. In some cases, family court mandates are more intensive than those in adult court."[128]

Further, we urge the Mamdani Administration to heed the warning calls of several civil rights organizations regarding current police practices under the Commissioner. First, we urge the Mayor-Elect to adhere to his campaign promise to disband the NYPD's "Strategic Response Group," which has been deployed in response to protests, and which has a well-documented history of violating the rights of protesters.[129] Further, the Commissioner reportedly cooperated with federal immigration authorities in providing information in the context of the detention of a Palestinian woman who participated in protests at Columbia University, arguing that New York's sanctuary city laws did not apply.[130] But as legal services organizations explained, "the NYPD and other city agencies are obligated to take care that information shared with federal agencies isn't subsequently used for civil immigration enforcement."[131] We urge Mayor-Elect Mamdani to ensure that the NYPD abides by New York's sanctuary city laws and does not collaborate with federal immigration authorities. We also are troubled by the "quality-of-life" NYPD units overseen by the Commissioner. As Meghna Philip, director of the Special Litigation Unit at The Legal Aid Society, explained, the expansion of these teams will lead "to more unnecessary arrests and prolonged detentions of New Yorkers for low-level violations and misdemeanors," noting that "[t]his expanded surveillance and criminalization does not increase the safety or well-being of the people and communities we serve."[132] Finally—as exemplified in the Commissioner's decision to impose no discipline in the case of Jonathan Rivera, overriding the recommendation of the Civilian Complaint Review Board that found Lieutenant Rivera guilty of first-degree assault and violating department guidelines on the use of force—we encourage Mayor-Elect Mamdani to commit to removing final authority over disciplinary decisions from the purview of the police commissioner,

[126] Citizens' Comm. for Children in N.Y., *Raise the Age NY: Myths vs. Facts* (June 13, 2022), https://cccnewyork.org/data-publications/raise-the-age-ny-myths-vs-facts/.

[127] *Id.*

[128] *Id.*

[129] NYCLU, *New Bill Would Rein in NYPD Strategic Response Group Abuse* (Mar. 11, 2025), https://www.nyclu.org/press-release/new-bill-would-rein-in-nypd-strategic-response-group-abuse.

[130] Gwynne Hogan, *Criminal-Probe Pretext for NYPD ICE Cooperation Alarms Immigrant Advocates*, The City (May 7, 2025), https://www.thecity.nyc/2025/05/07/leqaa-kordia-jessica-tisch-homeland-security-investigations/.

[131] *Id.*

[132] Maria Cramer, *N.Y.P.D. 'Quality-of-Life' Teams Are Expanding. Not Everyone Is Happy.*, N.Y. Times (Aug. 11, 2025), https://www.nytimes.com/2025/08/11/nyregion/nypd-quality-of-life-teams.html.

which civil rights groups have argued "continue to deny justice to victims of police abuse."[133] Advocating for such a reform is particularly significant as the Commissioner weighs whether the case against officer Wayne Isaacs, who fatally shot a 37-year-old man while off-duty, should proceed.[134]

We plan to submit an additional letter providing recommendations regarding reforming NYPD's policing practices, particularly policing in the City's subway system.

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We thank Mayor-Elect Mamdani and his transition team for considering these important matters. We look forward to discussing these issues in more depth and collaborating with the Mayor-Elect and his administration to advance civil rights and civil liberties for all New Yorkers.

Civil Rights Committee
Evan Henley and Molly Thomas-Jensen, Co-Chairs

Mental Health Law Committee
Maia Goodell, Chair

December 2025

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[133] Michael Sisitzky & Marie Holmes, *Why We Shouldn't Be Surprised the NYPD Commissioner Let Another Killer Cop Off the Hook*, NYCLU (Sept. 13, 2025), https://www.nyclu.org/commentary/why-we-shouldnt-be-surprised-the-nypd-commissioner-let-another-killer-cop-off-the-hook.

[134] Yoav Gonen, *NYPD Commissioner to Decide on Review Board Jurisdiction in Case of Cop Involved in Fatal Shooting*, The City (Nov. 10, 2025), https://www.thecity.nyc/2025/11/10/nypd-commissioner-jessica-tisch-ccrb-jurisdiction-wayne-isaacs/.