



TESTIMONY

Board of Corrections

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Presented by the Community Justice Unit of the Legal Aid Society

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TESTIMONY OF ANTHONY POSADA, IN FRONT OF THE BOARD OF CORRECTION
September 14, 2020

My name is Anthony Posada, I'm the Supervising Attorney in the Legal Aid Society's Community Justice Unit. Thank you for allowing me to testify today about voting rights for people in New York City jails.

As I previously testified before the board back in October 22, 2019, the same realities of the Department of Correction (DOC) failing to have a clear process where there is accountability to ensure that people who are incarcerated during this pandemic are not further punished by being deprived of their lawful right to vote.

After testifying in October, I spoke with representatives from the Board of Corrections (BOC) about the failure of not having a process to ensure access to voting for incarcerated people. In November, I then spoke with representatives from DOC regarding organizing voter registration drives and we tentatively laid out a voter registration plan for 2020 with the understanding that the primaries and the presidential elections were taking place. As we all know, then the pandemic changed all those plans and after that there was silence.

I reached out to representatives of DOC on August 5th, 2020 to ask about the possibility of bringing back the voter registration initiatives with the understanding that the flow would be scaled to address social distancing and pandemic concerns. After all, people's voting rights were being automatically stripped away. I received a response from DOC representatives on August 19, 2020, in which I was told that options were being explored to have the safety way to bring staff into the facilities to provide services. Before doing any of that, I was told that voter registration would have to wait. I was told that we would develop a plan together. I replied that same day to say that I was looking forward to developing a plan and that in the absence of any action, us advocacy groups would have to find ways to ensure that people who were incarcerated were not having their voting denied. I am yet to receive a reply.

The non-reponse response from DOC and the failure to follow up is indicative of a larger pattern of dehumanization. There is no reason why DOC could not meaningfully work with the community to engage in voter registration; there is no reason why DOC could not provide substantive voter registration outreach and also distribute and collect absentee ballots. This shows that there is not clear policy, no effective procedure to ensure that constitutional voting rights are not taken away from people.

As I mentioned in October of 2019, I urge the Board to identify a solution with the DOC and BOE to avoid systematic disenfranchisement for the upcoming election and for every special, primary, or general election moving forward. The DOC should be required to report how many applications for absentee ballots and completed absentee ballots are delivered to the BOE, as well as how many are counted by the BOE.

Without any accountability from DOC on registration outreach efforts, we will never know what went wrong or how we can change it especially when there is no written policy publicly available.

I have testified in front of the Board on this same issue almost a year ago and have yet to see any meaningful improvement to voter protection. I agree with the Board member from the last meeting who encouraged DOC to explore in person, same day voting, as was done in Cook County, Illinois, but DOC has continued to do less than even the bare minimum and action must be taken to hold them accountable. I hope the Board will finally recognize the urgency of this issue and treat it with the attention it requires.

Since 1876, The Legal Aid Society has been committed to providing quality legal representation to low-income New Yorkers. We are dedicated to ensuring that no New Yorker is denied access to justice because of poverty. The Criminal Defense Practice of the Legal Aid Society ("The Society") is the largest defender organization in New York City, representing a very substantial proportion of the persons charged with crimes in New York City. The Society also pursues impact litigation and other law reform initiatives on behalf of our clients. The Legal Aid Society's Community Justice Unit provides preventative legal services and advice under the public health model of the New York City Crisis Management System in specific catchment areas citywide. Our partners are Cure Violence organizations providing anti-violence services through the Council-funded CureViolence model. This public health model responds to gun violence with comprehensive wrap-around services in the community including mediation, legal services, social services, violence interrupters, and education.

Respectfully,

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