

June 23, 2016

**Testimony of Maureen Belluscio
On behalf of New York Lawyers for the Public Interest
Before the New York City Council’s Committee on Mental Health, Developmental
Disability, Alcoholism, Substance Abuse and Disability Services and
Committee on Courts and Legal Services**

My name is Maureen Belluscio. I am a Disability Justice Program Staff Attorney with New York Lawyers for the Public Interest (NYLPI).

On behalf of NYLPI, I thank Councilmember Andrew Cohen, Chair of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, and Councilmember Rory Lancman, Chair of the Committee on Courts and Legal Services, for conducting this hearing.

NYLPI is a civil rights non-profit organization that operates under the community lawyering model. The community lawyering model aims to address systemic issues faced by communities, and emphasizes an active role for community members to address these issues. NYLPI’s Disability Justice Program works to advance civil rights and ensure equality of opportunity, self-determination, and independence for people with disabilities. On behalf of our clients and the communities we serve, we thank the City Council for their interest in the physical accessibility of the Courts in New York City.

In March 2015, NYLPI released a report entitled “Accessible Justice: Ensuring Equal Access to Courthouses for People with Disabilities.” A copy of NYLPI’s Accessible Justice report is attached. This report discusses pervasive physical and other barriers that people with mobility impairments face in the Courts in New York City. While this report was not intended to be a comprehensive survey, our Accessible Justice investigation examined some of the most highly trafficked courthouses in New York City. It revealed numerous accessibility barriers at every single courthouse of the ten courthouses we visited. These included entrances without ramps or lifts, issues of incorrect signage, inaccessible bathrooms, heavy doors, blocked pathways, and inaccessible spectator seating.

These barriers exist in all areas of the Courts, and in all the ways wheelchair users are interacting with the court system. Whether entering as a prospective juror, attorney, witness, spectator, employee, judge, or litigant, we found that the New York City courthouses were inaccessible to all people with mobility impairments. In both the public and secure areas of criminal court, housing court, family court, and civil court, in all five boroughs, we identified universal issues with physical accessibility.

NYLPI's Accessible Justice Report made a number of recommendations for how the City could address the barriers impeding equal access for people with physical disabilities. In our report, we recommended that the responsible entities work together to identify and remove these barriers to ensure equal access for people with disabilities. We recommended that the City create an inter-agency task force to audit and survey each courthouse. We recommended that the City train relevant staff, and evaluate all information gathering processes.

We are encouraged by the City's response to NYLPI's Accessible Justice Report. In a pre-litigation posture to resolve claims by people with disabilities, the City entered into a historic Structured Negotiations Agreement with NYLPI and members of the community to collaborate and negotiate the resolution of these issues and remove physical barriers within the Courts in New York City. To begin this process, the City issued a Request For Proposals to formally survey the New York City Courthouse Buildings using a licensed architect. The City, through an inter-agency collaboration, NYLPI, and our clients will be addressing the following topics together as part of this process: improving the physical accessibility of existing courthouse facilities as well as any new construction, improving training for City employees assigned to work at Courthouse facilities, the City's data collection processes, and we are seeking to memorialize these solutions in a written agreement. We will be holding a public meeting to provide community stakeholders with a forum to provide feedback and information to the City regarding their recommendations to ensure that New York City Courthouses are accessible.

While this is an encouraging start, the City and OCA must address physical barriers and attitudinal barriers that people with disabilities face during interactions with the Court system. We encourage all interested entities to reflect upon the importance of community stakeholders remaining at the center of this issue. To that end, instead of my own words, I will put forth the statements of several NYLPI community partners which were included in the Accessible Justice report.

- From a prospective juror, "I didn't want to feel removed."
- From a criminal detainee, "I was humiliated, embarrassed and felt ashamed."
- From a member of the public, "These courts are not open to everyone."
- And lastly, "We are a society that talks a lot, but we need to start putting words into action."

We celebrated the 25th Anniversary of the Americans with Disabilities Act in 2015. A major tenet of the Disability Rights Movement is "nothing about us without us." As advocates, we carry this tenet with us, and encourage New York City agencies and the City Council to do the same. Community members deserve and demand full and equal access to justice, and a seat at the table to ensure that any and all remedies reflect the community's needs.