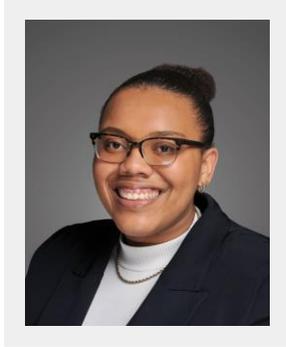




EQUAL JUSTICE AMERICA

Summer 2023 EJA Fellow:



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Update 1: I am so grateful to receive funding through Equal Justice America to support my legal work with the Legal Aid Society in their Special Litigation Unit over the summer.

The Special Litigation Unit within the Criminal Defense Practice consists of multiple projects such as the Decarceration Project, the Cop Accountability Project, and the Rikers Writ Court Initiative. My assignments over the summer center around the Cop Accountability Project and the Rikers Writ Court Initiative.

For now, I will focus on the Cop Accountability Project. It was not until delving deeper into the project that I realized the true significance of the repeal of NY Civil Rights Law Section 50-a. Ideally the repeal of NY Civil Rights Law 50-a represents a step toward increasing transparency and accountability within law enforcement agencies. However, the law enforcement agencies are still finding ways to circumvent releasing the disciplinary records of police officers. The Special Litigation Unit is working toward finding ways to beat law enforcement agencies' defenses and I look forward to immersing myself in this for the rest of the summer.

Update 2: Over the course of the summer, I have had the opportunity to interview clients under the Rikers Writ Court Initiative. The Rikers Writ Court Initiative provides legal representation to those held in City custody and want to appeal disciplinary infractions leading to sentences such as punitive segregation. Along with this, the attorneys working under this initiative challenge classification decisions that lead to people being placed in restraints, losing contact visits, or being labeled as a gang member or contraband recipient while they are incarcerated.

My involvement with this project has been conducting interviews pertaining to Article 78 proceedings where clients have been placed in restraints or lost contact visits. I have really enjoyed getting to interact with the clients and based on my various interactions with clients, it has become clear to me just how challenging it is for immediate action to be taken when the Department of Corrections (DOC) is involved. This is a common frustration when dealing with Rikers as a whole. For instance, I had the opportunity to attend a meeting for the Rikers Voting Rights Coalition who advocates for the opening of a polling site on Rikers along with registering voters on Rikers, and a portion of the meeting centered around how to continue their voting registration.



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program with the implementation of new DOC rules that restricted it. It is my hope that groups such as the Rikers Voting Rights Coalition and those in a similar vein will continue to push back against arbitrary DOC rules leading to the achievement of their goals.

Update 3: During my internship, I have been able to participate in the Lawsuit Summarization Project. The Lawsuit Summarization Project is an internal project where volunteers code and summarize complaints against the New York City Police Department, the District Attorney's Office, corrections officers, and others. Through coding and summarizing complaints under the Lawsuit Summarization Project, I have become more aware and familiar with the interactions between the police and the New York City community. After each complaint is coded and summarized, it is then available on the Law Enforcement Lookup (LELU).

LELU is a one-stop database that provides access to law enforcement misconduct data in New York City. LELU is an extension of the Cop Accountability Project, which I have been actively involved in this summer as well. It is the hope that since LELU makes many forms of misconduct records accessible in one place, it can provide members of the public with crucial information needed to help achieve accountability.

Prior to my internship, I was unaware of LELU's existence and when talking to peers about it, so were they. I think it would be extremely beneficial for Legal Aid to showcase this database more as it could aid more people if they knew of its existence. In turn this can further the goal of LELU and with increased accountability, positive change can follow.

Update 4: The time I spent in the Special Litigation Unit (SLU) at Legal Aid over the course of the summer has been invaluable. I was able to learn about New York's Freedom of Information Law (FOIL) that prior to starting at SLU, I did not know much about. I was able to delve into research on the contexts that courts permitted law enforcement agencies to withhold records relating to officer/employee disciplinary matters. Through this, I analyzed the frequency at which different exemptions were used by law enforcement agencies in order to support their denial of FOIL requests.

As I had learned during 1L, this further showed me how complex interpretation of the law is. This is especially true after a statute is repealed, the statute in this instance being New York Civil Rights Law § 50-a.

A major portion of my research focused on the New York state courts interpretation of Public Officers Law § 87(2)(b) which is an exemption used by agencies when the requested records would constitute an unwarranted invasion of personal privacy. An issue that struck me here was how powerful the idea of stare decisis was and the detrimental effects of this if the precedent is set based on incorrect interpretation. This became clear to me when doing more research on how the courts use the Committee on Open Government (COOG) advisory opinions. After the repeal of 50-a, a large portion of the lower New York state courts were (and still are) using the COOG advisory opinions as very persuasive, almost as if they are binding authority. This proves to be an issue as the courts are blindly following the lead of the COOG which aids agencies in continuing to shield records when COOG advisory opinions are not binding authority in the slightest. Although this is only a small part of what I have researched, it stuck out to me the most as it has detrimental rippling effects.