

# NYC FOR RACIAL JUSTICE

AN INTERIM REPORT FROM THE RACIAL JUSTICE COMMISSION STAFF



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# FROM THE RJC CHAIR

Dear New Yorkers,

My fellow commissioners and I are honored to serve on the NYC Racial Justice Commission, and to earnestly begin the work of dismantling structural racism in our city. For reasons we all can appreciate, especially during this time in our nation where the evidence of historical and modern-day racism abounds in every pillar of society, our desire to help advance racial equity is heartfelt. Revising the City's Charter and reconstituting the city's foundation provides us all with such an opportunity.

Whereas Commission members are committed to examining the Charter and putting forth ballot proposals that would address, and in time, help overcome racial inequities, we appreciate that our efforts will only be meaningful if they reflect the lives and experiences of those harmed by structural racism. Listening to Black, Indigenous and other persons of color residing in New York share their everyday challenges to survive and thrive under systems that are racist by design or impact has been and will continue to be pivotal in our work.

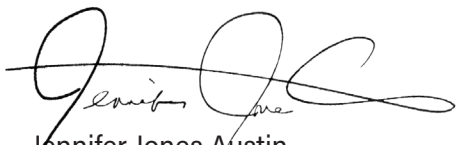
The Racial Justice Commission Interim Staff Report captures what we have heard thus far from New Yorkers and recaps our process to date. The Commission will use this report as a tool to inform our work in identifying structural solutions to the persistent barriers described herein.

Thank you to all who have participated and whose voices are reflected in this report. Many New Yorkers from across the five boroughs—from Stapleton on Staten Island to Melrose in the Bronx—brought forth their passion in the forms of lessons learned and ideas for broad, bold and structural changes.

Thank you also to the Racial Justice Commission's Executive Director Anusha Venkataraman and staff, all of whom compiled this report and continue to work tirelessly to help ensure the Commission achieves its aim.

And, finally, a warm welcome to all who are willing to work together toward a better city for all New Yorkers. I hope you will read this report and see yourself in it, and that you will exercise your power to shape what this Commission ultimately puts forth for New Yorkers to vote on in November 2022.

Warmly,



Jennifer Jones Austin

*Chair, NYC Racial Justice Commission*

*CEO and Executive Director, FPWA*

# FROM THE EXECUTIVE DIRECTOR

My fellow New Yorkers,

This is an historic moment. For the past year, we have seen our city grapple not only with a once-in-a-generation pandemic that exacerbated inequities felt by communities of color—but also with the power structures that perpetuate structural racism and injustice. We saw another year in the centuries-long fight for justice where New Yorkers stood in protest and solidarity—demanding justice and equity for People of Color across our city who have been held back in so many ways. They know, as we do, this transformative work has too long been delayed. Now is the moment to deliver change.

Mayor de Blasio announced the formation of this Commission in March 2021 with this mission: Seize this transformative moment in history, and propose structural changes and significant policy reforms that will advance justice and equity and begin to dismantle structural racism for all New Yorkers. We know that the struggles for racial justice started long ago, that the journey is long, and that our work is only one piece of the laws, economics, politics, practices, and culture that must be transformed to create the conditions for all New Yorkers to thrive. Our work stands on the shoulders of giants. People of Color and their allies across New York City have been fighting against white supremacy and for racial justice for hundreds of years. We are in the position to do this work because of their deep commitment, hard work, community organizing, tireless advocacy, deep investment in communities of color, and vision for an equitable city and a racially just future. Yet, we are honored with the opportunity to create change at a foundational level for the first time.

This report marks the first step towards fundamental reform of the NYC Charter, our city's constitution and the foundation that governs much of our lives. We did not put this report together to show everything we know about racism or the statistics of oppression—many other excellent studies have done that work. Instead, the staff of the Racial Justice Commission compiled this report for readers like you, who want to learn about the work of the Commission to date and hear what New Yorkers have to say.

Above all, this process still needs your participation. Our work will continue to be guided by the voices and expertise of those who know our five boroughs best: 8.8 million New Yorkers. Thank you to all New Yorkers who have made their voices heard to date, and every New Yorker fighting for a more racially just and equitable city.

In Solidarity,



Anusha Venkataraman

*Executive Director, Racial Justice Commission*

# EXECUTIVE SUMMARY

## THE OPPORTUNITY

The Racial Justice Commission (RJC) has the power of a Charter Revision Commission, including the ability to propose changes to the NYC Charter—the foundation of how the City functions and governs. The Commission will examine the NYC Charter to identify barriers to power, access, and opportunity for Black, Indigenous, Latinx, Asian, Pacific Islander, Middle Eastern, and all People of Color\* in New York City and will put forward ballot proposals to address the underlying causes of racial injustice and advance racial equity. New Yorkers will vote on these proposed changes in November 2022.

The staff of the Racial Justice Commission compiled NYC for Racial Justice for New Yorkers to learn about the work of the Commission so far and get involved in shaping the future of New York City. The content in this report reflects input the Commission has received from the general public and leaders in racial justice work and a variety of disciplines. This report does not include the proposals the Commission is interested in pursuing—this will come at a later date.



## INSIDE THE REPORT

What the Racial Justice Commission heard from New Yorkers and what you need to know about how the Commission is beginning to dismantle structural racism in the NYC Charter.

## CRITERIA FOR NYC CHARTER REVISIONS

The Commission aims to create the broadest, boldest, long-term impact through structural changes that target the underlying causes of racial inequity and begin to dismantle structural racism.

Structural change includes additions, changes, or deletions to the foundational laws of government. Structural change will be evaluated on the degree to which it can increase power, access, and opportunity for BIPOC communities in their day-to-day lives, as well as advance a vision where race is not a determinant of outcomes. Other factors that influence the Commission's approach to structural change include the need to ensure there are sufficient capacity and accountability measures so that the intended racial equity impact can be achieved. A few examples of structural change are:

- **Transforming** how government uses power or makes decisions;
- **Redefining** the relationship between government and society;
- **Eliminating** contradictions between the values of the people, such as racial justice, and government structures that undermine those values; and
- **Addressing** outdated values that do not honor the current reality—that NYC is a diverse, multi-racial city.

## WHAT TO EXPECT FROM THE COMMISSION

The Commission will conclude the first half of its two-year mandate by December 2021 and expects to provide the public with the following by then:

- **Manageable number of high impact ballot proposals** to revise the NYC Charter
- **Proposed Preamble** to identify a set of values that should guide how the government serves New York City residents
- **Racial Justice Roadmap** including recommendations beyond Charter revision, such as ideas for city, state, and federal law makers

After December 2021, the Commission is expected to begin a voter education campaign up until the general election on November 8, 2022 when New Yorkers will decide if the ballot proposals to advance racial equity become law.

## YOUR POWER IN THE PROCESS

Every New York City resident of any age, immigration status, or race, has the opportunity to help the Commission boldly re-build the constitution of the city on a foundation of racial equity and justice. This is a chance to demand that the law ensure the City serves ALL New Yorkers.

**MAKE YOUR VOICE HEARD!  
VISIT [NYC.GOV/RACIALJUSTICE](https://nyc.gov/racialjustice)**



Submit input through  
December 2021

Find and join a virtual or in-  
person public input session.

# SIX PATTERNS OF INEQUITY

From the public input shared, Commission staff identified how barriers to power, access, and opportunity result in six patterns of inequity for BIPOC\* New Yorkers.

The Racial Justice Commission will prioritize and pursue proposals to address the root causes of these patterns of inequity:

- 1** Inequity in Quality Services that Promote Social and Emotional Wellbeing
- 2** Inequity in Work, Advancement, and Wealth Building
- 3** Inequity Within and Across Neighborhoods that Inhibits Thriving Individuals, Families, and Communities
- 4** Marginalization and Over-Criminalization of BIPOC Persons and Communities
- 5** Inequity in Representation in Decision-making
- 6** Enforcement and Accountability of Government and Entities

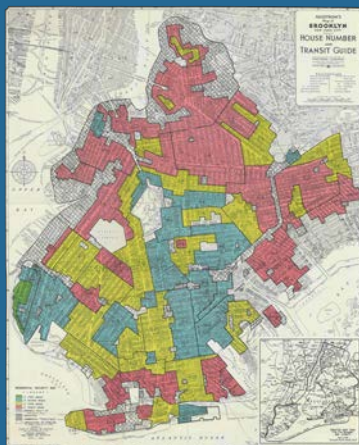
*\*We will name Black, Latinx, Indigenous, Asian, Pacific Islander, Middle Eastern, and all People of Color whenever possible. We understand that each group is diverse and has varied historical and current experiences with racial inequality*

# INTRODUCTION

## ABOUT THE COMMISSION

In March 2021, Mayor Bill de Blasio announced the formation of the Racial Justice Commission and appointed 11 Commissioners, including Chair Jennifer Jones Austin and Vice Chair Henry Garrido, to focus on racial justice and reconciliation, with a two-year mandate to identify and root out structural racism. The Racial Justice Commission (RJC) has the formal powers of a Charter Revision Commission, including the ability to propose changes to the NYC Charter.

The NYC Charter is the foundation of how our City functions and governs, and it has a direct impact on the way we live and work. The Commission is examining the NYC Charter to identify barriers to power, access, and opportunity for Black, Indigenous, Latinx, Asian, Pacific Islander, Middle Eastern, and all People of Color in New York City and will put forward ballot proposals aimed at removing those barriers and advancing racial equity. New Yorkers will vote on these proposed changes in November 2022.



### Acknowledgement of Harms

Racism in our city, as in the rest of America, is baked into our institutions, society, and cultural norms—from education to housing to involvement in the criminal legal system. Since the 17th century, financial gains from the displacement of the Lenape and other Indigenous people and the forced labor of enslaved Africans were foundational to the city's prosperity. Discrimination and violence against marginalized groups is part of our city's past, but it need not be the story of our future.

Left: 1938 Redlining map of Brooklyn

Robert K. Nelson and Edward L. Ayers, accessed September 25, 2021, <https://s3.amazonaws.com/holc/tiles/NY/Brooklyn/1938/holc-scan.jpg>.



## MEMBERS OF THE **RACIAL JUSTICE COMMISSION**

### **Jennifer Jones Austin, Chair**

CEO and Executive Director, FPWA

### **Henry Garrido, Vice Chair**

Executive Director, DC 37 AFSCME

### **K. Bain**

Founder and Executive Director,  
Community Capacity Development

### **Ana M. Bermúdez**

Commissioner, Department of Probation

### **Rev. Fred Davie**

Executive Vice President,  
Union Theological Seminary and Chair,  
Civilian Complaint Review Board (CCRB)

### **Lurie Daniel Favors**

Interim Executive Director,  
Center for Law and Social Justice at  
Medgar Evers College

### **Darrick Hamilton**

Founding Director, Institute on Race  
and Political Economy at The New School  
and Henry Cohen Professor of Economics  
and Urban Policy

### **Chris Kui**

Former Executive Director,  
Asian Americans for Equality

### **Yesenia Mata**

Executive Director, La Colmena

### **Phil Thompson**

Deputy Mayor for Strategic Policy Initiatives

### **Jo-Ann Yoo**

Executive Director,  
Asian American Federation

## **WHY NOW? THE OPPORTUNITY WE HAVE**

We cannot do the work of repair, reconciliation, and justice without acknowledging the role racism has played in shaping our city. Only through owning this truth can we begin to reconstruct a new future for our city.

More than a year into the devastating COVID-19 pandemic, long-standing inequities that result from historic disinvestment and ongoing racism and discrimination have culminated in too much sickness, death, joblessness and pain in far too

*“See the structures that are harming, and set a path for improving them. Show this nation how to talk about structural racism and how it doesn’t have to be divisive.”*  
—MICHAEL MCAFEE, COMMISSION ADVISOR

many communities—particularly in communities of color. The role of racism in all of the systems that shape our lives—from policing to education, the economy to health care—has been discussed more now than any time since the Civil Rights era.

How do we reconcile our past and present? How do we build a future that represents our values as a city? And how do we build a government that affirms those values and solidifies the rights of all New Yorkers? By raising our voices and going to the source of inequity—the City's foundational laws. We may not be able to change our past and who this city was built for—but we can reshape its future in the likeness of who we are today, and reconstruct our city and its government to grow towards who we will become.

We are grateful that we have this opportunity. Setting out to dismantle structural racism in a city's foundational laws and government structures through Charter revision has never been done before—locally or nationally. To this end, we hope the work of the Racial Justice Commission can inspire and inform movements in other cities and communities to rebuild and reconstruct their foundations to better reflect and promote equity and justice.

While the Commission operates independently from the Mayor's Office and other agencies, our work benefits from and builds on this administration's efforts to move the needle on racial equity in programmatic, institutional, and sometimes even structural ways—from the OneNYC 2050 strategy, to the Where We Live report on fair housing, and the Social Indicator and Equity Report (SEIR) and Executive Order 45 of 2019. The Taskforce on Racial Inclusion & Equity has also provided a critical collaborative space for city leaders to address disparities in real time in partnership with communities.

And even while the City has made great strides in meaningfully addressing inequitable outcomes through changes in policy and investment of resources, many features of the inequitable design of the system remain, highlighting for the Commission the necessity and urgency of our work.



# RACIAL JUSTICE COMMISSION TIMELINE AND PROCESSES

MARCH 23, 2021

## NYC RACIAL JUSTICE COMMISSION FORMED

- Chair, Vice Chair and Commissioners announced

APRIL 15, 2021

## COMMISSION BEGINS MEETING

MAY 3, 2021

## ADOPTION OF RJC FRAMEWORK

JULY—EARLY SEPTEMBER 2021

## FIRST PUBLIC ENGAGEMENT PERIOD

- Public input sessions and online survey
- *Transforming Foundations* issue area panel series with thought leaders
- Engagement with City employees and agency leadership

EARLY OCTOBER 2021

## RELEASE OF *NYC FOR RACIAL JUSTICE* INTERIM REPORT

OCTOBER—NOVEMBER 2021

## TAKE ACTION! SECOND PUBLIC ENGAGEMENT PERIOD

- Organize and mobilize your community
- Share your feedback
- Testify in front of the Racial Justice Commission at our upcoming input sessions

DECEMBER 2021

## FINAL REPORT, PROPOSED BALLOT MEASURES AND RACIAL JUSTICE ROADMAP

OCTOBER—NOVEMBER 8, 2022

## GENERAL ELECTION

- October 7:** Last day to register to vote in November 2022 General Election
- October—November 8:** Early voting begins and Election Day!

## KEY ENGAGEMENT STATS

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### PUBLIC INPUT SESSIONS

(IN-PERSON AND VIRTUAL)

260  
ATTENDEES

104  
INDIVIDUALS  
TESTIFIED

9

### TRANSFORMING FOUNDATIONS ISSUE AREA PANELS

71  
THOUGHT LEADERS AND  
PRACTITIONERS TESTIFIED

1,950  
MINUTES OF TESTIMONY  
AND Q&A

50

### ONE-ON-ONE INTERVIEWS WITH COMMUNITY-BASED ORGANIZATIONS

1,100+  
ONLINE SUBMISSIONS  
OF INPUT

# WHAT WE HEARD: PATTERN OF INEQUITIES

Through the first phase of public input, New Yorkers voiced how structural racism has impacted their lives or their communities as well as their ideas to combat structural racism and make our city more just for everyone.

This section will help readers see the ways that structural racism operates. Racial Justice Commission staff identified patterns in the issues presented by the public and organized them into 6 areas of inequity. With careful inspection of these patterns, we can see the origin of these issues in the structures defining our systems.

## SIX PATTERNS OF INEQUITY

<b>1</b>	<b>Inequity in Quality Services that Promote Social and Emotional Wellbeing</b>	<b>4</b>	<b>Marginalization and Over-Criminalization of BIPOC Persons and Communities</b>
<b>2</b>	<b>Inequity in Work, Advancement, and Wealth Building</b>	<b>5</b>	<b>Inequity in Representation in Decision-making</b>
<b>3</b>	<b>Inequity Within and Across Neighborhoods that Inhibits Thriving Individuals, Families, and Communities</b>	<b>6</b>	<b>Enforcement and Accountability of Government and Entities</b>

# 1 **INEQUITY IN QUALITY SERVICES THAT PROMOTE SOCIAL AND EMOTIONAL WELLBEING**

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**BIPOC New Yorkers talked to the Commission about the lack of access to quality education, health and mental health services, low-income housing, childcare, and more for their communities. These inequities—these unfairnesses—create a real crisis for BIPOC New Yorkers and deepen past injustices.**

## **WHAT WE HEARD**

New Yorkers testified about four crises of services, among many:

1. Lack of quality education for BIPOC;
2. Decay of and lack of access to affordable low-income housing;
3. Lack of support for early learning foundations; and
4. Scarcity of mental health services or coordination of care.

These inequities, and others, symbolize how BIPOC in particular are deprived of resources.

New Yorkers pointed out that many BIPOC families say they cannot access quality childcare or early schooling in the critical years of a child's life in the way many white families can. They discussed the difficulty in finding mental health practitioners of color to provide support and help to people most oppressed and who have experienced racial trauma. They criticized education curricula that do not adequately reflect the interests or cultures of our students of color, prepare them to thrive, or build pride in their cultures' achievements. They discussed the ongoing housing challenges experienced across the city, which has also contributed significantly to a homelessness crisis that has impacted BIPOC families most acutely.

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## **Inaccessibility of services, programs, and staff.**

New Yorkers said that even when services exist, they are often unreachable for BIPOC. They may not be available in plain English or other languages; during a crisis, like a pandemic, language access can be life or death. Or, the services offered are not the ones most needed by that particular community. Even worse, staff providing services may respond poorly to different cultures, or view clients from BIPOC communities with disrespect.

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### **Little measurement of racial impacts.**

Many speakers pointed out that the City will not fix what it does not measure, questioning why few City agencies or offices are required to collect and report data on the racial impact of their actions or practices. They said the City needs to collect more specific details about ethnic groups to understand the disparities that exist within racial groups, such as among East Asian, Southeast Asian, and South Asian New Yorkers.

*"If you don't have disaggregated data, you can't do real racial equity work."*

—PANELIST TESTIMONY

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### **'Race-neutral' decision-making often discriminates.**

Speakers highlighted how, in NYC, the rules or criteria as applied can cause racial discrimination in services without ever mentioning race. For example, the City may use grading criteria or school screening measures that do not honor how BIPOC students learn. Or, how culturally responsive services are harder to obtain if city employers, including local government, use job and licensing criteria that stop People of Color from being hired. These decisions may appear "race-neutral" but actually serve to block BIPOC from accessing quality services.

## **UNPACKING WHAT WE HEARD**

The divide between the haves and the have-nots, despite NYC being home to some of the greatest levels of wealth in the country, does not reflect our values as New Yorkers.

The Commission cannot, and should not try to, create policies addressing each service issue one by one. But it can try to prevent these sorts of gaps from arising or deepening in the future.

Justice requires that people who have been harmed have all the support they need to overcome injustices of history and society.



#### **HOW CAN THE NYC CHARTER...**

**...Help to guarantee equity in provision of quality services that are tailored to the individuals and communities that need them?**

*Share your response at  
[nyc.gov/racialjustice](https://nyc.gov/racialjustice)*

# 2

## INEQUITY WITHIN AND ACROSS NEIGHBORHOODS THAT INHIBITS THRIVING INDIVIDUALS, FAMILIES, AND COMMUNITIES

From our very first public input session on Staten Island, we heard over and over again from New Yorkers that resources and social and environmental burdens are not distributed fairly across neighborhoods. This pattern of inequity shows up as underinvestment in BIPOC places and communities.

Wealthier, whiter communities are often safer and greener, while many BIPOC neighborhoods have less public and green space, are overpoliced, and take on a greater share of the city's burdensome but necessary facilities. And as our city deals with the extreme effects of climate change, it is still BIPOC, immigrant, and working class neighborhoods that suffer the most.

*"How do we ensure that every community is a community of opportunity?"*

—PANELIST TESTIMONY

*"The City has repeatedly communicated, whether implicitly or explicitly, its disinterest and unwillingness to address fundamental inequities."*

—PANELIST TESTIMONY

### WHAT WE HEARD

#### Resources not distributed equitably.

Many speakers said that government should give neighborhoods funding and resources based on principles of fairness, using equity or justice, rather than equal funding or political trading (including within City Council). For example, they said that schools need to be funded more equitably, that everyone should have access to safe public spaces and accessible transportation, and that our climate resiliency and sustainability efforts must center the most vulnerable. Many speakers proposed making racial equity a formal part of budget decisions.

*"If we value our students equally, we need to fund our schools equitably."*

—PANELIST TESTIMONY

#### Responsibilities not distributed equitably.

Even though the NYC Charter requires that each neighborhood gets its "fair share" of burdens, speakers shared that it has not protected BIPOC communities from taking on more than their fair share of facilities and land uses that are environmental burdens—particularly when interest groups use their connections to the powerful. Speakers told the Commission that wealthier neighborhoods need to take on more burdens or responsibilities to relieve low-income and BIPOC communities of the environmental health issues and other barriers to wellbeing.

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## Racial equity not prioritized in land use decisions.

We heard that racial justice must be put at the forefront of decision-making around planning, land use, public land, and public space. Speakers told the Commission that they perceive that the City currently makes planning and development decisions based on returns to the private sector, not on principles of racial equity, inclusion, and justice. We heard of the need for impact studies that examine the potential impacts on BIPOC communities, people with disabilities, and other marginalized groups. We also heard that the City needs to take a more comprehensive approach to city planning.

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## Lack of community ownership and control.

Speakers said that communities deserve a greater say in decisions about public resources and communities should have more opportunities to own land and property as a collective, such as through community land trusts. We heard there are insufficient opportunities for community input on siting of facilities and physical infrastructure. And even where siting must go through Uniform Land Use Review Procedure (“ULURP”), ULURP does not allow communities enough substantive input. Vulnerable communities deserve an opportunity to affect their own fates.

## UNPACKING WHAT WE HEARD

Every neighborhood should allow New Yorkers to enjoy public spaces, well-supported schools, and a healthy and clean environment. Yet, this is not the case in our city.

The Commission is examining why our city's laws have not stopped the unfair deprivation of resources or placing of responsibilities in already overburdened neighborhoods, even where the law reflects the right intent. The laws and political processes (written and unwritten) have allowed predominantly white neighborhoods, which have access to power and money, to have abundant transportation, parks, hospitals, and other amenities, at the expense of other places.

Allowing places to remain unequal benefits the powerful. Our systems marginalize BIPOC communities, and we as New Yorkers need to prove that we will not accept segregation of wellbeing.



HOW CAN THE NYC CHARTER...

...Ensure that there is equity across neighborhoods so that zip codes do not determine destinies?

Share your response at [nyc.gov/racialjustice](https://nyc.gov/racialjustice)



# 3 INEQUITY IN WORK, ADVANCEMENT AND WEALTH BUILDING

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We must acknowledge how our systems of work and wealth continue to prevent many New Yorkers from offering their strengths and talents or from being fully recognized. And we cannot talk about racial equity without discussing financial resources like access to capital or loans.

In NYC, as elsewhere, BIPOC individuals and communities consistently experience inequity in income, wealth, and overall economic security. Nationally, for example, the median white family had \$188,000 in wealth in 2019, eight times that of Black families. Racial wealth gaps deepen during crises, and the economic impact of the pandemic continues to devastate BIPOC communities.

*"It is impossible to talk about racial equity without talking about money."*

—PANELIST TESTIMONY

## WHAT WE HEARD

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### **Inequity in employment.**

Speakers identified many inequities impacting BIPOC employment. Pay disparity along racial lines, especially as it pertains to Black women, still shapes our workplaces. Work conditions remain unstable for BIPOC workers, who are often in temporary staffing and contract work with less employee protection or job security. Care workers are undervalued. Vulnerable workers are under-protected by law. Our economic conditions keep many BIPOC New Yorkers from good-paying jobs and opportunities, especially for transgender and gender non-conforming People of Color and People of Color with disabilities.

### **Lack of economic mobility.**

Many shared that our economic system was not designed to lift people out of pre-existing hardship; instead, the system perpetuates social, educational, and financial barriers. For example, many BIPOC New Yorkers, who are already experiencing wage inequities, are paying for their own job trainings and certificate programs. Speakers also raised the lack of opportunities for BIPOC young adults to build or learn job skills or earn money. They urged the Commission to take action to address the wealth gap that transmits inequity across generations.

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### **Insufficient preparation for the future.**

Panelists reminded the Commission that the economies of the future will require critical thinking and other knowledge-based skillsets. They reiterated that early foundations must be improved for BIPOC families, including education and childcare, not only to enable parents to pursue careers now, but also to prepare children for the future of work.

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### **Unjust procurement.**

Speakers shared the challenges of the government contracting process, or procurement, for BIPOC businesses and community-based organizations—particularly small businesses owned by Women of Color. This competition for contracts favors already well-resourced and well-connected organizations over smaller community organizations. Many speakers pointed out that community organizations are often the only place BIPOC New Yorkers can receive services that reflect their culture or language and stated that there is not enough support to help these organizations navigate procurement.

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### **Lack of access to capital and similar resources.**

Without knowing about and being able to access loans or funds, testimony described how BIPOC communities face challenges starting businesses, buying property, or advancing their lives. Speakers shared that banks have frustrated the ability of BIPOC New Yorkers to open bank accounts, access loans, or use banking services by setting income minimums, collateral requirements, and other barriers. This exposes BIPOC to predatory financial services, including payday loans. Speakers asked the City to consider developing public financial services, such as a public bank.

## **UNPACKING WHAT WE HEARD**

The Commission is exploring how our city can respect the value of all New Yorkers. Our economic system does not embody the fundamental principle that the worth, talents, and contributions of every New Yorker and community should be valued.

Our society has made many economic decisions that keep BIPOC undervalued. Existing wealth was built on the forced or undervalued labor of many people. NYC government can take steps to reverse the present-day legacies of this historical inequity. While only the federal government has the power to create money, government at all levels can allocate money and direct how money is spent through its policy choices. New York City government is a significant economic driver locally. It is the largest employer in the city. It creates business and economic opportunities. It contracts out many of its roles to businesses and nonprofits in communities. It oversees laws that could protect workers or invest in them.



#### **HOW CAN THE NYC CHARTER...**

**...Shift government's economic power to correct injustices and build an economic system that better values people's strengths?**

*Share your response at [nyc.gov/racialjustice](https://nyc.gov/racialjustice)*

# 4 MARGINALIZATION AND OVER-CRIMINALIZATION OF BIPOC PERSONS AND COMMUNITIES

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This Commission was imagined as part of a response to the national conversation about police violence, the criminal legal system, and the impact on Black lives. Instances of police misconduct, abuse, and murder are intolerable and have shocked our collective conscience. We can see how enforcement targets BIPOC, immigrant, LGBTQ+ New Yorkers, in everything from marijuana arrests to enforcement of mask mandates. As of June, Black and Latinx New Yorkers are almost 90% of our city's jail population. Stark racial disparities and dehumanizing treatment are nothing new and have become defining features of our criminal legal system.

*"Why do we believe in and fund with our tax money a carceral state when we see what it does to our loved ones?"*

— PUBLIC INPUT SESSION TESTIMONY

*"Young people are not inherently bad."*

— YOUTH FOR RACIAL JUSTICE INPUT SESSION TESTIMONY

## WHAT WE HEARD

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### Need to reimagine public safety.

Speakers testified how the system of public "safety" operates on shame, stigma, and isolation—the same factors that create rather than reduce violence in our communities. The Commission heard how involvement with our criminal legal system hinders opportunities and how its effects ripple through families and communities. We heard from our panels and input sessions that we must redefine public safety, and can no longer use police, jail, or separation as the solution to all our social problems.

### Improper focus on punishment instead of care.

Speakers pointed out that the safest communities do not have the most police; they have the most resources. The services and resources that create personal and family safety—such as safe and secure housing, quality education, mental health services, healthcare, and jobs—are too often not accessible to BIPOC individuals and communities. Many New Yorkers that spoke to us called for more investments in our care infrastructure, rather than in police and jails.

### Life-long marginalization.

Panelists described how "collateral consequences" of the criminal legal system burden people for life. The stigma of arrest, incarceration, and separation creates barriers to accessing jobs, housing, and public benefits. Speakers told us that criminal bars and background checks perpetuate the consequences of an already racist system.

We heard from New Yorkers who were formerly incarcerated about how the system profoundly harms mental health and how few mental health services are available to those returning home. Additionally, immigration advocates called for agencies to end the transfer of New Yorkers from our local jails to federal immigration authorities for deportation.

*“How can I focus on a career, a house, and a family years into the future when today I’m worried about the welfare of myself, my baby sister?”*

—YOUTH PUBLIC INPUT SESSION TESTIMONY

### **Over-criminalization beyond policing.**

We heard that these dynamics of criminalization and surveillance are mirrored in our schools, our child welfare system, and within our City agencies. We heard from young New Yorkers that police in schools did not make them feel safer. Students spoke with the Commission about BIPOC youth being disproportionately harmed and punished in our schools, especially Black girls, students with disabilities, and trans and gender non-conforming students.

### **Marginalization creating segregation.**

Speakers told us of the connection between policing and housing. The Commission heard New Yorkers explain how police treated them differently as soon as they crossed from NYC’s primarily white neighborhoods into its predominantly People of

Color neighborhoods. Scholars suggested that the Commissioners should also see policing as a tool that has increased segregation; a tool that marks certain neighborhoods as places that white households should avoid.

### **Overreliance on violent or adversarial methods.**

Some speakers spotlighted the ways they successfully used alternatives to criminalization and prosecution, such as restorative conversation agreements instead of prosecution of young people, or the prevention of violence by using credible messengers from the community. Those who spoke with us emphasized the need to adopt and incorporate restorative justice into our criminal legal system, juvenile justice system, and our schools.

## **UNPACKING WHAT WE HEARD**

It will not be enough for the Commission only to say that policing must be changed. Instead, the Commission is focused on the root of various systems of marginalization and over-criminalization that continue to harm our communities.

Not every New Yorker spoke about criminalization the same way, but their testimonies all highlighted a conflict of values: our society says it values safety, but it prioritizes the marginalization that ultimately undermines safety.

The Commission is examining how the powerful in society use the legal tools of marginalization and criminalization to perpetuate separation and division.



**HOW CAN THE NYC CHARTER...**

**...Be changed not just to improve agencies that marginalize or criminalize, but to undo the use of marginalization and criminalization as oppression?**

*Share your response at [nyc.gov/racialjustice](https://nyc.gov/racialjustice)*

# 5 INEQUITY IN REPRESENTATION AND DECISION-MAKING

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Every day, important choices shape our city, such as: Which laws are most important to write, and who should they apply to? Who gets social services or business subsidies? Where do we put our parks or hospitals, or neighborhood responsibilities like shelters?

Who makes these decisions in New York City?

Most New Yorkers are People of Color, and women are the majority, yet decisions in NYC have been dominated by white men. After decades of advocacy and reforms, in 2022 the City will likely have its most diverse elected leadership ever. But communities and vulnerable groups are still often left out of important conversations and decisions. New elected leaders may still be constrained by the inequitable structures they will work within. And leadership in many City agencies is still stratified by race and gender.

## WHAT WE HEARD

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### **Lack of community power.**

Many speakers testified in favor of giving BIPOC communities greater power in government decision-making. They wanted government to give community members actual co-governing power, and not only go to them for advice. Some spoke about community power in specific decisions, like how the City should use public land, while others spoke about community power more broadly, such as in formulating a budget or in deciding what programs an agency should prioritize.

### **Failure to prioritize racial equity in city decision-making.**

New Yorkers pointed out that the Charter almost never requires the City to specifically consider the race-based harms or benefits of its decisions. Several people asked the Commission to embed racial equity into decision-making processes to better represent the interests of communities. For example, they criticized certain City agencies for making financial potential the priority consideration in their decisions, rather than prioritizing the impact on communities. The Commission also heard examples of major neighborhood and economic development decisions made by agencies where speakers reported that the agencies refused to incorporate racial equity impact analyses.

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### **Lack of representation in government.**

Many felt that government decisionmakers do not fully represent the communities they serve. They noted that without enough leadership that comes from and exercises power on behalf of BIPOC communities, government will continue to fail to meet BIPOC needs. In particular, the Commission heard the need to represent youth voices, people with disabilities, trans and gender non-conforming people, and immigrants.

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### **Lack of civic participation.**

Speakers highlighted the need to support BIPOC in active participation in their society, their community, and their governance. They called for more education on voting, governing, and activism. They emphasized the importance of art and culture as powerful tools for social change.

## **UNPACKING WHAT WE HEARD**

Justice requires that New Yorkers be represented in the decisions governing their life. New York City, a multicultural center of the world, has a chance to demonstrate that democracy can serve people of all cultures, and not be chained to the legacies of slavery or xenophobia.

This inequity continues to persist because our city's foundational laws disregard the voices of BIPOC. Even in the existing opportunities to participate, the weight of oppression disempowers BIPOC and prevents true participation. Our system of government relies on communities to advocate in order for change to happen, putting the onus on BIPOC communities to create their own societal solutions without recognizing how difficult that is when daily needs are not met. The Racial Justice Commission seeks to strengthen our democracy and start to redesign the foundations of decision-making.



**HOW CAN THE NYC CHARTER...**

**...Empower New Yorkers and create meaningful ways for New Yorkers to participate in, or be represented in, decision-making?**

*Share your response at [nyc.gov/racialjustice](https://nyc.gov/racialjustice)*



## 6 ENFORCEMENT AND ACCOUNTABILITY OF GOVERNMENT AND ENTITIES

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The fight for racial justice is a fight for accountability. How do we ensure that the City can effectively address and repair wrongs, whether of the past, present, or future?

In a fair city, the powerful would be as accountable as the vulnerable. Yet, the Commission listened to New Yorkers say repeatedly that City agencies and other people in power are not always held accountable for wrongdoing.

### WHAT WE HEARD

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#### Laws to protect against discrimination do not work well enough.

New Yorkers spoke about systemic discrimination against BIPOC, not just based on race, but also on disability, gender, gender identity, criminal history, source of income, immigration status, and more. But many of our anti-discrimination laws were not designed to protect New Yorkers against the effects of systemic discrimination. These laws rarely protect people without proof of someone's intent to discriminate. However, systemic racism works by creating unfair outcomes even without any individual's intention.

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#### Need for stronger enforcement of institutions.

People stated that the City's existing anti-discrimination agencies would be more effective with additional authority and money. Additionally, those agencies have limited legal power against City entities and are sometimes lacking in genuine enforcement authority.

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#### Lack of access to legal services.

The City pays for legal services for many New Yorkers, but the Commission heard about gaps in access to legal representation. Without legal services, BIPOC have a hard time defending their rights and holding government or private entities accountable. This was highlighted as particularly true for BIPOC New Yorkers facing eviction, deportation, or debt collectors.

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#### Communities' demands often remain unmet.

Some speakers voiced that the City may listen to community demands but when other projects become priority, the City may fail to meet those community demands or follow through. As another example from panelists of how community demands go unmet: according to speakers, when developers make promises to communities in order to demonstrate community approval to the City, those communities are later unable to get help from the City when those developers break their promises.

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### **Lack of transparency or accountability in addressing community input.**

Some noted that the City does seek community input when making plans but would like greater accountability and response to that input. Many speakers said that the City does not always clearly show or communicate how it considered the community's input— such as when the City makes decisions about the use of public land. While not all community input may align, speakers asked for greater transparency in why and how some input is incorporated or adopted and some isn't.

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### **Agency tracking not meaningful.**

New Yorkers expressed how without full data, people cannot hold the City accountable. It is hard to prove negative impacts or discriminatory effects, speakers said, because agencies track projects in too many separate places, in too many different ways.

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### **Lack of accountability for police misconduct.**

At every single public input session, the Commission heard the City has not done enough to hold police accountable for abuse. One speaker said NYPD trainings failed to remove racism or white supremacy from policing practices. Many asked the Commission to reform or strengthen the agencies overseeing the police.

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### **Laws to protect workers' rights are not strong enough.**

New Yorkers spoke about vulnerable workers, such as day laborers and domestic workers, needing stronger protections. Speakers asked the Commission to create stronger laws and enforcement, such as laws better protecting worker safety or stopping employers from stealing wages.

### **UNPACKING WHAT WE HEARD**

The Commission observed a sense of lost hope from many New Yorkers who want strong protection of rights, and want the City to fervently uphold the rights of BIPOC communities. Many asked whether new laws would matter if they might just be ignored or inconsistently applied? To restore their trust and hope, the Commission must reinforce meaningful accountability.

The Commission is investigating how enforcement around equity can be strengthened, especially as many new laws and policies have increased transparency. If New Yorkers believe accountability is a fundamental value, it is possible for the NYC Charter to provide clear and transparent positive reinforcement for institutions that hold themselves accountable, and real consequences for those that do not. A Charter revision like this may require that oversight bodies, community members, and others have enhanced enforcement powers, as well as expanded protection against retaliation.



**HOW CAN THE NYC CHARTER...**

**...Create new or strengthen existing enforcement measures in the NYC Charter to ensure permanent accountability of those in power?**

*Share your response at [nyc.gov/racialjustice](https://nyc.gov/racialjustice)*



# CITY WORKER INPUT

City agency staff also provided feedback to the Commission, reflecting many of the issues heard from the public. This helps the Commission know that these issues are notable both inside and outside of government.

## **INEQUITABLE GOVERNMENT STAFFING POLICIES**

City staff did provide substantial feedback on government workforce practices, one issue that the public did not often speak about. Although our City government is the largest employer in NYC, and is as diverse the city it serves, many respondents reported that management and decision-making roles remain disproportionately white. Employees at City agencies described unwillingness by many individual managers to promote People of Color, and also recognized that issues might originate in systems of civil service and hiring structures.



# NEXT STEPS

The content in this report reflects input that the Commission has received thus far. Research is underway to determine which ideas are viable and address root causes, and the Commission will spend the remainder of 2021 developing potential ballot proposals for consideration. Ideas that do not become ballot proposals may become part of a roadmap to racial justice that the Commission will provide to city, state, and federal law makers to consider for further action.

## IDENTIFYING AND PRIORITIZING SOLUTIONS

While the Commission is in the midst of creating proposals, we wrote this section so that you—our partner in this quest for racial justice—can see how the Commission is reflecting on, and working to solve, the patterns of inequity described in “What We Heard: Patterns of Inequity.”

New Yorkers presented hundreds of issues to the Commission with many recommendations to address them, many more than the Commission can adopt.

The Commission’s proposals will not address each and every idea directly. However, the proposals you will see should affect many of those issues at once by tackling their roots. The Commission and staff are looking to target the source of these issues to be able to prevent the symptoms.

Let us know what you think is the best way to change these foundations.

## UNDERSTANDING OUR CONSTRAINTS

Some of the best ideas we heard—including some of the examples shared in this report—were sound, common sense approaches that certainly would help root out racism in our society, but cannot be done in NYC without either the state or federal government changing its laws first. Unfortunately, the Commission cannot implement those proposals. The Commission’s transformative potential comes from proposing changes to the NYC Charter, but only those that do not violate other laws. This is why the Commission will also provide a roadmap to racial justice that suggests efforts for our state and federal partners to undertake, and ways City agencies can continue the Commission’s work here. It is our expectation that the work of rooting out structural racism will continue beyond the life of this Commission, and our roadmap will provide ideas to build upon the work that started here with you.

# CRITERIA FOR STRUCTURAL CHANGE

The Racial Justice Commission staff has also developed criteria to assist Commissioners in identifying potential revisions to the NYC Charter. The Commission will aim to put forward only the broadest, boldest, long-term **structural changes** that would have the greatest impact

on the underlying causes of racial inequity, so that voters can have a manageable number of Charter changes to learn about and vote upon.

To select the most impactful recommendations, the Commission will consider these questions:

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## **STRUCTURAL RACISM**

**Does the change meaningfully increase Power, Access, or Opportunity for BIPOC communities?**

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## **RACIAL JUSTICE**

**Does the change advance the vision of a city where race is not determinative of outcomes?**

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## **STRUCTURAL CHANGE**

**Is it a structural change, rather than an institutional change or policy?**

How do we know it's structural change? Changes to the NYC Charter that operate at this level will:

- Transform the structures of government, including how government uses power or makes decisions;
- Redefine the relationship between government and society;
- Eliminate contradictions between the values of the people (such as racial justice) and government structures that undermine them; and/or
- Address outdated values that do not honor our modern reality, e.g., our diverse, multi-racial city.

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## **POTENTIAL IMPACT**

- **Does it make a significant long-term impact?** These could be major, measurable impacts and/or harder-to-measure impacts that work over the longer term.
- **Is there sufficient capacity for the change to have an impact, and are there accountability mechanisms built in to ensure that impact?**
- **Who does the proposal impact, and what would be the effect in their day to day lives?**
- **Are there unintended or undesired consequences to consider, which would prevent the change from being implemented according to intent?**

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The "Definitions & Approach to Structural Change" section has further details on this set of criteria and process.

## **DRAFTING A PREAMBLE TO THE NYC CHARTER**

The Commissioners have been struck by the absence in the NYC Charter of a unifying statement that speaks directly to the spirit of the city, to the values that unite New Yorkers, and to a vision for the future. In charters and constitutions across the country and around the world, preambles often serve that role. You may recognize these famous words, taken from one of the most memorable preambles ever written:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

Preambles help unite the people around historical narratives which have shaped their common identity and the fundamental goals of that nation, state or city.

Over the next few months, the Commission will develop a draft preamble with current and aspirational New York City values that unite our city, and a vision for our future. This preamble should guide New York City's government as it carries out its work for and on behalf of all New Yorkers.

Commissioners will invite you and other New Yorkers to review the draft and to provide your input before the Commission finalizes a version of the preamble to include on the ballot for voters.

## **CONTINUING PUBLIC ENGAGEMENT**

Are you interested in sharing your thoughts on this report and what the Commission should do next? Get involved! With your help, the Commission will be able to propose a set of transformational changes that will create the largest long-term results—impacts that last for decades and inspire other generations.



# DEFINITIONS AND APPROACH TO STRUCTURAL CHANGE

## CHANGING THE NYC CHARTER

The New York City Charter, our city's constitution, is one of many documents and laws that on its face may look race-neutral or devoid of values—but in fact, perpetuates harmful systems and narratives. Unless we take steps to incorporate equity into City government, the NYC Charter will continue to allow racial injustice to flourish. The NYC Charter did not reflect an equitable society when it was first written, and even with newer changes does not fully represent the diversity of New York City now.

## RJC FRAMEWORK

The framework defines the issue of systemic racism and outlines how the Commission will focus on structural change to achieve its mission and vision. The framework also identified three instruments of racism through which inequity is upheld in the structures of government and functioning of society in New York City:

### POWER

The ability to make and influence decisions that affect people's lives;

### ACCESS

The ability to procure and benefit from services, resources, and capital; and

### OPPORTUNITY

The ability to take meaningful advantage of power and access to achieve prosperity.

The Commission also identified two concepts to keep in mind when moving towards recommendations:

### CREATING CAPACITY

Readiness to engage, participate, and take advantage of opportunity, access, and power.

### ENSURING ACCOUNTABILITY

Systemic and institutional mechanisms of accountability that ensure changes are made effectively and meaningfully and impose consequences if they are not.

## MISSION

The Racial Justice Commission, empowered with the legal authority of a Charter Revision Commission, will seize the transformative potential of this moment in history to identify and propose structural changes and significant policy reforms that will advance racial justice and equity and begin to dismantle structural racism for all New Yorkers.

This work is necessary because systemic racism has been and continues to shape our reality.

## VISION FOR RACIAL EQUITY

The worth, talents, and contributions of all people in society are valued and recognized. Race is not a determinant of economic, political, social, or psychological outcomes, as it neither confers privilege nor denies opportunities.

## STRUCTURAL RACISM

Racism has affected New York City since it was founded, and it continues to affect every aspect of our society, including our laws, institutions, culture, and the way our neighborhoods are built. These systems have become complicit in perpetuating inequity. This means that changes to the symptoms are not enough. Because the issue is deep seated and has caused damage over centuries, we need to grasp it at the roots.

Though structural racism can be hard to see, the systemic effects are measurable and statistical. People's race continues to be a predominant statistical factor in their economic, health, and wellbeing outcomes, even after considering socio-economic status.

Over centuries, explicitly racist laws, policies, and practices created huge disparities in power, access, and opportunity for BIPOC New Yorkers, while others have continued to enjoy power and wealth. For example, the redlined neighborhoods where People of Color lived that were disqualified from the opportunity to participate in the New Deal benefits of the 1930s are largely the same ones dealing today with the greatest environmental harms, and the same neighborhoods hardest hit by COVID-19. We can see how the legacy of these historical wrongs continues to reverberate today.

While the Racial Justice Commission cannot directly change culture, arts, or language, it can change the foundational laws of the City. Here lies our chance to reimagine city government with our values.

## WHAT IS STRUCTURAL CHANGE?

Although many thinkers and activists demand and assert the necessity of structural change to the systems which adversely impact Black, Indigenous, and other Persons of Color, few have defined it. To help New Yorkers agree on the changes to prioritize, the staff of the Racial Justice Commission proposes the following definition to inform the Commission's ballot proposals:

Structural changes will be additions, changes, or deletions to the foundational laws of government.

Structural change can take a variety of forms, in particular:

- **Transforming the functions, design, or structures** of government, including how government uses power or makes decisions;
- **Redefining the relationship** between government and society;
- **Eliminating contradictions** between the values of the people, such as racial justice, and government structures that undermine them;
- **Addressing outdated values** that do not honor our modern reality, e.g. our diverse, multi-racial city.

For more information about the NYC Racial Justice Commission, including meetings, transcripts, and other details, please visit [nyc.gov/racialjustice](https://nyc.gov/racialjustice) online.

This has been an interim report compiled by present and past staff of the Racial Justice Commission, to whom much thanks is extended.

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