BREAKING BARRIERS

to HEALTH | EQUAL OPPORTUNITY | JUSTICE



2016 Annual Report



The Legal Action Center (LAC) is the only non-profit law and policy organization in the United States whose **sole mission is to fight discrimination** against people with histories of addiction, HIV/AIDS, or criminal records, and to **advocate for sound public policies** in these areas.

Since our founding in 1973, the Legal Action Center has worked to guard the civil rights and civil liberties of those we serve – and to dismantle discriminatory barriers that systematically deny these rights and liberties.

BREAKING DOWN BARRIERS TO health care access & coverage

fighting for full and fair coverage for substance use disorders advocating for health care within the justice system defending patient privacy rights

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equal opportunities 18

promoting reentry through employment unlocking access to housing opportunities

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artin Luther King, Jr. said, "The arc of the moral universe is long, but it bends towards justice." As we reflect on the events of 2016, we are reminded that the arc is not ensure that health insurance only long, but frequently uneven. Nationally, 2016 was for addiction and mental marked by moments of great progress and moments of great tragedy; of movement towards a more equitable society and movement toward housing, education and other greater division. At the Legal Action Center (LAC), 2016 was filled with legal and policy involvement. We have helped victories on behalf of those we serve; and it was also filled through our free legal services. with daily reminders of how many discriminatory barriers still exist for people with addiction, criminal records, HIV or AIDS.

Since our founding 43 years ago, LAC has made enormous advances in breaking down barriers to healthcare access. equal opportunities and justice. We have led coalitions to provides equitable coverage health treatment. We have fought to eliminate dozens of laws and regulations that bar people from employment, opportunities due to their health status or criminal justice tens of thousands of people We have provided training and technical assistance to on how to leverage policies to improve access to healthcare

and to reform the criminal justice system. As always, we fight to preserve and expand upon these victories moving forward.

It is with enormous gratitude that we acknowledge our supporters and colleagues who have made it possible for us to achieve these victories, and who will be critical as we endeavor to protect and expand our advances over the coming years. Most especially, we recognize with deep appreciation the dedicated leadership of Dan Mayers, who retired as LAC's Board Chair after serving in that position since 1998. His commitment to our mission and vision provided thousands of people nationwide a steady hand and a guiding light an organization like LAC to to our work during his 40 years on the Board.

As we look to the future, we will continue working diligently to dismantle discriminatory barriers that threaten the civil rights and civil liberties of those we serve. We will work towards more equitable policies at the federal, state and local levels to create opportunities for our constituencies and clients in all aspects of life. We will fight on behalf of the countless individuals whose rights have been violated. We will continue to work - with vigor and urgency - to bend the arc toward justice.

On behalf of all those who need stand up for their rights, thank you for your support.

Brad S. Karp Chair of the Board Paul N. Samuels President/Director

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OUR APPROACH

LAC's work is guided by our core belief that discrimination has no place in a just society, because everyone should be entitled to the opportunity to pursue a good life for themselves and their loved ones.

We employ a multifaceted approach to fight discrimination against people with histories of addiction, HIV/AIDS, or criminal records, and to advocate for sound public policies in these areas.



EDUCATION & TRAINING

We provide training and resources to educate directly affected individuals, practitioners, attorneys and policy-makers about existing and still needed civil rights and privacy protections for people with addiction, HIV and criminal justice involvement.



COALITIONS & COLLABORATIONS

We believe in the power of partnerships. By leading and working in coalition with advocacy partners both nationally and at the local level, we magnify our voices and amplify our

impact.



IMPACT LITIGATION

We bring impact litigation to set legal precedents, to challenge systemic human or civil rights violations, and to expand the rights and protections of those we serve.



DIRECT LEGAL SERVICES

We provide free legal services to approximately 2000 New Yorkers each year. In 2016, we resolved 2394 civil legal cases for people who otherwise might not have access to justice.



We advocate at the national, state, local and federal levels to change laws and policies that create barriers for millions of Americans and to create laws and policies that protect against discrimination and increase opportunity.





BREAKING DOWN BARRIERS TO health care access & coverage

Persistent stigma, punitive public policies, and discriminatory health care financing have created a deeply segregated system of care that blocks people with addiction, HIV or criminal justice involvement from accessing equitable health coverage and treatment.

LAC advocates for a new approach — one that prioritizes health care access and equity for all individuals and that emphasizes a health response to criminal justice reform. Our efforts have helped to establish a bipartisan consensus to promote serious reform of drug policies and the criminal justice system. We led the campaign to pass a federal law mandating insurers provide equal coverage for substance use and mental health disorders as for all other medical conditions. We continue to protect against threats to patient confidentiality and the harms from disclosures.



FIGHTING FOR FULL AND FAIR COVERAGE OF SUBSTANCE USE DISORDERS

The door to care is now open for millions of Americans thanks to historic passage of the Wellstone Domenici Mental Health Parity and Addiction Equity Act of 2008 and the Affordable Care Act of 2010, which require insurance and Medicaid coverage for substance use and mental health disorders at parity with all other health care.

But many barriers continue to prevent people with addiction from accessing treatment.

As the national opioid addiction epidemic escalated alarmingly, LAC focused much of our work in 2016 on ensuring that people have access to the healthcare coverage and treatment to which they are entitled under law, and advocating for policies to improve access for all affected individuals.

Increasing Access to Substance Use Disorders Prevention and Treatment

There remains a critical shortage of quality addiction services across the country. Too many people who want treatment are unable to obtain it due to limited availability and long waiting lists. This must change if we are going to stem the tide of devastation caused by untreated addiction.

Access to care is key to ending the opioid epidemic and reducing other substance use disorders and to changing the trajectory of addiction in this country for generations. The Mental Health Parity and Addiction Equity Act (the Parity Law) is one of the most important tools to expanding access to care for millions of Americans.

LAC was a leading advocate for the passage of the federal Parity Law, which makes it illegal for insurers to impose higher costs — or greater restrictions — on care for substance use and mental health disorders than they for any other medical illness.

Now, LAC is leading the effort to ensure that the promise of the Parity Law is kept through full implementation and enforcement of its standards. We focused significant attention throughout 2016 on this critical work.

Some highlights of our work in 2016 include:



Released our comprehensive report on <u>Health Insurance for Addiction & Mental Health Care: A Guide to the Federal Parity Law.</u> This guide for behavioral health treatment providers and individuals in need of substance use disorder treatment addressed the breadth of federal protections contained in the historic Parity Law, as well as avenues for pursuing remedies against possible insurer and Affordable Care Act violations. It was widely disseminated to key national stakeholders, including substance use provider associations, state Attorneys General, and patient advocacy groups.



Contributed to the development of the <u>2016 report to Congress</u> on implementation of the Federal Parity Law, providing numerous recommendations for additional transparency, federal guidance and tools aimed at improving compliance with the law.



Co-led the Coalition for Whole Health, which brings together over 165 leading national organizations to advocate for policies to increase access to quality mental health and substance use care. The Coalition was instrumental in helping to win mental health and addiction service parity provisions in the Affordable Care Act, and in guiding the implementation of the Federal Parity Law.



In New York, consulted with the Attorney General as that office settled cases against six insurers who violated parity and reached agreements with two others. We also worked closely with the State Legislature on the passage of a first-in-nation law to require insurers to cover 14 days of inpatient substance use disorder treatment and access to addiction medications.



AMERICANS SUPPORT EXPANDING ADDICTION TREATMENT AND MAKING IT A PRIORITY

In conjunction with the Roadmap, LAC <u>released a nationwide online survey</u> that found strong bipartisan support among Americans for expanding addiction treatment and making it a federal policy priority. Highlights of the survey include:

67%

of Americans of Americans want the President to advocate for additional investment in education, prevention and treatment of substance use disorders.

63%

of Americans believe that too many people convicted of non-violent drug offenses are incarcerated.

78%

of Americans believe
"we need to treat drug
and alcohol addiction
more as a health
problem and less as a
criminal problem."

ADVOCATING FOR HEALTH CARE WITHIN THE JUSTICE SYSTEM

People involved in the criminal justice system are disproportionately affected by chronic medical conditions – including addiction, mental illness, HIV and etc. Unfortunately, they are also the least likely to have access to quality healthcare services needed to treat their illnesses, either in the criminal justice system or in the community.

Fortunately, there is ample evidence that treatment can improve health outcomes. There is also evidence that crime decreases when we divert people living with an addiction or mental illness from the criminal justice system into treatment. Creating better linkages between the criminal justice and health care systems is critical to improving public health and public safety, and to reducing systemic racial disparities in healthcare access and criminal justice involvement.

Creating linkages to healthcare and coverage

LAC is working to change how the criminal justice and health care systems interact at every stage.

- PRE-ARREST and PRE-ARRAIGNMENT: By emphasizing treatment, we are working to keep people from ever entering the criminal justice system;
- IN THE COURTS: We are working to increase alternatives to incarceration (ATI), protect individuals' rights to continued addiction treatment, and connect people to care;
- WHILE IN CUSTODY: We are emphasizing appropriate addiction and mental health treatment services and medications, and the enrollment of individuals in Medicaid:
- AFTER RELEASE: We are working to help people get connected to care so they can become, or remain, healthy when they reenter their communities.

In 2016, LAC worked – both in New York and nationally – to expand alternatives to incarceration and supportive reentry services while advocating for increased health responses for people involved in the criminal justice system.

Some highlights of our work in 2016 include:



Worked with New York State to apply for a first-in-the-nation waiver from the Federal government to allow the use of Medicaid dollars to support high-needs individuals as they transition from incarceration back to the community.



In partnership with the New York City Alternatives to Incarceration (ATI)/Reentry Coalition, LAC helped secure an additional \$2.71 million to support ATI and reentry services in New York State's FY17 budget. Additionally, the Governor's Executive Budget reallocated \$5 million over two years to link justice-involved individuals with multiple chronic conditions access health homes and care coordination services as they prepare to return to their communities after incarceration.



Along with our colleagues in the ATI/Reentry Coalition, LAC issued the "Blueprint for Criminal Justice Reform for New York City" in support of early diversion strategies from the criminal justice process and access to services, both before and after incarceration.



Strongly advocated for the passage of the federal Comprehensive Addiction and Recovery Act (CARA), which was passed by Congress and signed into law in July, 2016. The legislation includes \$1 billion to expand access to addiction treatment, including medication-assisted treatment for heroin and opioid dependence.

INCARCERATED AMERICANS ARE DISPROPORTIONATELY AFFECTED BY CHRONIC MEDICAL CONDITIONS

13000

Risk of overdose death is more than **130 times greater** in first weeks out of prison/jail.

60-80%

Estimated percentage of incarcerated people with a **substance use disorder**.

39-43%

Percent of incarcerated people who suffer from other chronic medical conditions, such as hypertension, high cholesterol, diabetes and obesity.

The rate of HIV infection among incarcerated people is

5X

higher than the rate among people who are not incarcerated.











Removing barriers to medication-assisted treatment

Like many chronic illnesses, such as diabetes and hypertension, medication can be a critical component of treatment and recovery from addiction, especially opioid addiction. Unfortunately, criminal justice and child welfare agencies sometimes require people to stop taking prescribed medication to treat opioid addiction. Often, they do this because they misunderstand the nature of opioid addiction and its effective treatment. The consequences can be devastating, including relapse, overdose, increased risk of communicable disease, and even death.

As the nation's leading expert on Medication Assisted Treatment (MAT) in the justice system, the Legal Action Center launched a campaign to educate attorneys, courts and practitioners about medication assisted treatment, and why forcing someone off is not only bad medical practice but also may violate anti-discrimination law



In partnership with the Center for Court Innovation and the New York State Unified Court System, LAC published <u>Medication-Assisted Treatment in Drug Courts: Recommended Strategies</u>, the first guide of its kind in the nation.



Produced the MAT Advocacy Toolkit, which provides advice for how to advocate for an individuals' right to medication assisted treatment when denied by criminal justice and child welfare agencies, employers or insurers.



Trained over 300 defense attorneys about MAT and how to advocate for their clients' right to treatment, and published *The Attorney's Guide: Addiction Medication and Your Client*.





THE COUNTRY IS IN THE MIDST OF A DEVASTATING OPIOID EPIDEMIC. WE MUST DO EVERYTHING POSSIBLE TO CONNECT PEOPLE TO THE CARE THEY NEED TO GET AND STAY WELL



DEFENDING PATIENT PRIVACY RIGHTS

Despite significant advances in the treatment and understanding of both addiction and HIV, both diseases remain highly stigmatized within our society. Patients often face discrimination – from health care providers, insurers and employers as well as housing agencies – simply because of their health status. Protecting patients' right to privacy is essential for encouraging people to seek and stay in care and key to fighting the twin epidemics of HIV and addiction. LAC remains a stalwart advocate for patients' rights to privacy and confidentiality so that their medical information cannot be used to create discriminatory barriers to opportunities or to criminally investigate and prosecute them.

Through our leadership and staffing of the Coalition for Whole Health, LAC advocated to improve coverage and access to MAT through Medicaid and commercial insurance.

Modernizing the Federal Addiction Treatment Confidentiality Law

As health technology advances, there are more opportunities than ever for coordinated and integrated care. There are also more risks of inappropriate disclosure of a patient's medical information.



Throughout 2016 Legal Action Center worked closely with federal agencies, consumer rights groups, treatment providers, and others to advocate for updates to the existing confidentiality regulations to both facilitate sharing of health information to provide quality care in a new health care delivery environment AND preserve patients' right to confidentiality and consent.

Promoting HIV Privacy Protections

LAC is a nationally recognized leader in HIV confidentiality issues. LAC provides essential training, educational resources, as well as enforcement through impact litigation and legal services to New Yorkers.

Some highlights of our work in 2016 include:



To build capacity to enforce the State's confidentiality law among other legal service organizations and conducted a statewide webinar for other legal service providers on How to Litigate an HIV Confidentiality Case in New York.



Thousands of health and social service providers in New York participated in an online HIV confidentiality training designed by LAC and hosted by the New York State Department of Health, AIDS Institute.



LAC developed bi-lingual resources for clients living with HIV and AIDS, including pamphlets on protecting HIV confidentiality and guidance on whether and how to disclose HIV status when completing medical forms for employment, school, camp and other activities. These resources were widely distributed to service providers nationally and throughout New York State.

BREAKING DOWN BARRIERS TO equal opportunities

Over 70 million
Americans, or one
in three adults, have an
arrest or conviction record.
For many of them, criminal
justice involvement is related to an
untreated substance use disorder.

When a person completes a criminal sentence, society expects them them to return home, rejoin and recommit to their community, and begin to support themselves. But laws and policies deny people student aid, prohibit them from working in jobs even when they are qualified and pose no serious risk, and allow employers to rely on notoriously inaccurate criminal record information to make hiring decisions. They make it harder for people to find housing and live with their families, deny them the security of knowing they can rely on a safety net, and prohibit them from participating in representative government.

The Legal Action Center works to reduce the devastating, and often life-long, collateral consequences of conviction that keep people from accessing equal opportunities.

PROMOTING RE-ENTRY THROUGH EMPLOYMENT

Through our National Helping Individuals with criminal records Re-enter through Employment (HIRE) Network, LAC works to increase the number and quality of job opportunities available to people with criminal records by changing public policies, employment practices and public opinion. Our work through the HIRE Network is guided by the belief that, by expanding job opportunities for justice-involved individuals, American companies can increase their own bottom line while contributing to the economy, public safety, individuals' self-sufficiency and community engagement.

In 2016, we worked at every level to raise awareness among employers of effective fair hiring policies, including "ban the box" policies that allow qualified workers with criminal records to compete for jobs.

Some highlights of our work in 2016 include:

LAC/HIRE's seminal report, <u>Best Practice Standards: The Proper Use of Criminal Records in Hiring</u>, was shared by the Obama administration with over 200 employers that signed onto its "Fair Hiring Pledge," from educational institutions, to technology companies, to major manufacturing corporations.

Following LAC/HIRE's strong policy advocacy work, Tennessee Governor Bill Haslam signed new "ban the box" legislation in April 2016, prohibiting state agencies from inquiring about an applicant's criminal history on initial job applications.

LAC/HIRE co-led a major summit in Los Angeles to provide guidance to employers on best practices for hiring people with criminal records. The summit, co-hosted by employment law firm Morgan Lewis and Bockius LLP, was keynoted by Los Angeles Mayor Eric Garcetti and attended by hundreds of large employers.

As part of a diverse criminal justice reform coalition, LAC/HIRE helped to develop and advance the bipartisan Fair Chance Act, designed to help formerly incarcerated individuals re-integrate into society by prohibiting federal employers and contractors from asking about an applicant's criminal history before the final stages of the interview process.









UNLOCKING ACCESS TO HOUSING OPPORTUNITIES

Affordable, safe, and stable housing is a human necessity and cornerstone of participation in the community. Housing contributes to successful reentry from incarceration and recovery from addiction. People with criminal records or histories of addiction face a broad range of laws, policies and practices that impede their ability to secure safe, affordable housing. The lack of stable housing seriously undermines the ability of formerly justice-involved individuals to successfully re-enter society; it also has devastating impacts on their families.

LAC worked at the national and state levels in 2016 to advocate for better policies and practices that reduce the most common and pernicious obstacles to housing confronting Americans with criminal records.

Some highlights of our work in 2016 include:



LAC released a major report - <u>Helping Moms, Dads & Kids to Come Home: Eliminating Barriers to Housing for People with Criminal Records</u> - to spotlight the issue and outline innovative federal, state, and municipal initiatives that are helping people to overcome these obstacles. This report was distributed nationally to advocates and policy-makers and was widely cited in the media.



In New York City, LAC was active in several major initiatives to remove or reduce barriers to safe and affordable housing for people with criminal records or addiction. Our work on several steering committees culminated in public housing policy reforms and the successful passage of five bills in City Council focused on improving the safety and accessibility of housing for people with addiction and/or criminal records.

BREAKING DOWN BARRIERS TO access to justice

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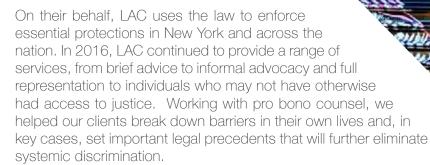
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Individuals with criminal records, substance use disorders or HIV face systemic discrimination based solely on their health status or criminal justice involvement.

When their civil rights are violated — including employment and housing discrimination — they have few opportunities to seek legal remedies.



We also provided trainings and technical assistance to social service providers and public defenders to expand their capacity to work on behalf of their clients.



→ EVERY DAY, OUR TEAM AT LAC HAS THE PRIVILEGE OF HELPING INDIVIDUALS OVERCOME BARRIERS AND TO REBUILD THEIR LIVES WITH DIGNITY.

HERE ARE JUST A FEW OF THE CASES THAT WE HELPED RESOLVE IN 2016...



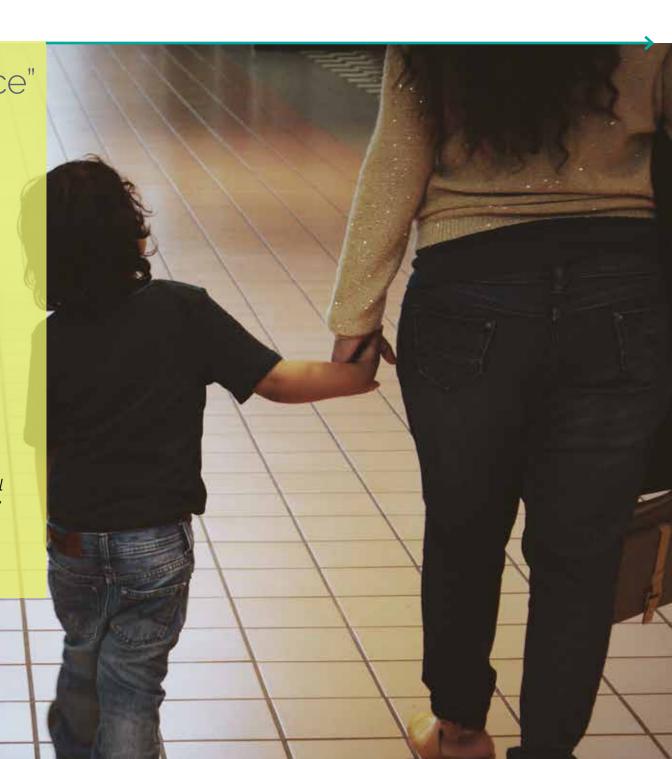
From Juvenile Record to Juris Doctorate

As a teenager, John struggled with anger issues that led to a school suspension and string of misdemeanor convictions. After three years of counseling, John earned his Bachelor's degree and entered a top tier law school. He earned high grades and was about to begin a summer position at a prestigious law firm. But his misdemeanor convictions stood in the way. After one firm pulled his conditional offer because of his criminal record, John contacted the Legal Action Center for help. An LAC attorney worked with John to advocate for himself and showcase his enormous strengths and rehabilitation. With LAC's help, the firm offered John the summer position, which he completed and earned a permanent employment offer following graduation.





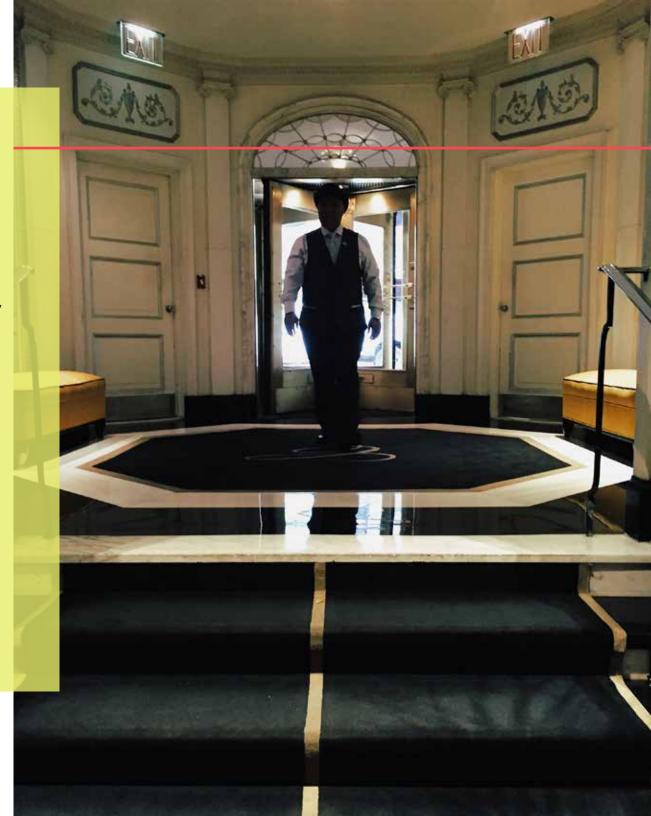
As a 20-year-old homeless single mother, Amy deposited false checks that led to a felony conviction. She completed her sentence and went on to earn a college degree, remain steadily employed, and secure stable housing for her and her son. Despite her best efforts -Amy was stuck working seven days a week in two dead-end jobs just to make ends meet. When she got the opportunity to apply for a position with a major federal agency, Amy knew it could be life-changing for her and her child. But she was terrified that her six-year old conviction would disqualify her. The Legal Action Center advised Amy that the employer was only permitted to consider job-related convictions, and we helped her craft a powerful letter detailing her extensive rehabilitation. Amy was hired by the agency and now has a great job that provides a steady income and health benefits for her and her young son.



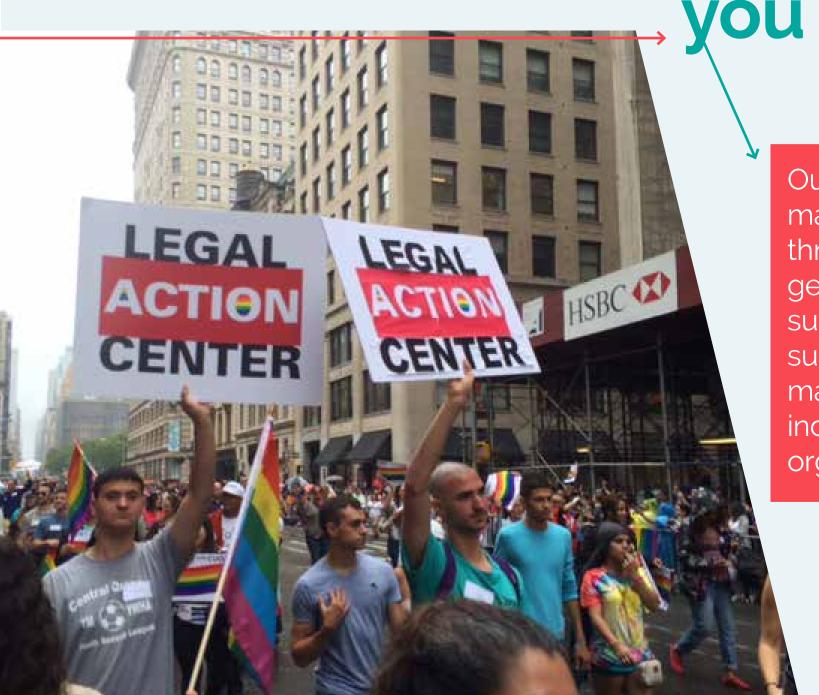
Fighting for Fair and Accurate Background Screening

Kevin A. Jones was offered a job as a doorman/porter by Halstead – a large New York-based real estate company. He had no criminal convictions, but a background check performed by Sterling Infosystems, Inc. mixed him up with a Kevin M. Jones, who had four convictions. Halstead immediately revoked Mr. Jones' offer based on the erroneous report. Halstead also failed to provide Mr. Jones the required notices and opportunity to contest the report's accuracy.

LAC and its co-counsel, Francis & Mailman, P.C. filed class action lawsuits in federal court against both Halstead and Sterling, accusing them of violating background screening requirements in the Fair Credit Reporting Act. In 2016, the court approved a class action settlement of the Halstead case. Halstead also made substantial hiring policy changes as a result of the suit and changed its background screening vendor. LAC broadly announced this important victory to New York employers in order to ensure fair and accurate background screening, which is so critical for individuals with criminal records.



WE COULDN'T HAVE DONE IT WITHOUT



Our work is made possible through the generous and sustained support of many incredible individuals and organizations.

OUR SUPPORTERS

LAC gratefully acknowledges the following foundations, organizations, and individuals who gave \$1000 or more to support our work in 2016. We also acknowledge the many donors who gave smaller amounts, chose not to be listed, or who gave their time and expertise in support of our mission. Every gift is immeasurably valuable and we are honored and humbled to have such deep and broad support.

The AIDS Institute Akin Gump Strauss Hauer & Feld LLP AlixPartners LLP Alkermes Allen & Overv LLP Anonymous Barry Barnett David J. Bartis Richard I. Beattie Carol and Frank Biondi Mary and Jim Blum Broadway Cares/Equity Fights AIDS Brownstein Hyatt Farber Schreck, LLP Bureau of Justice Assistance Michael Carniol Chadbourne & Parke LLP CIM Group Citigroup Inc. Cleary Gottlieb Steen & Hamilton I I P Clifford Chance US LLP Cohen Gresser LLP Compass Lexecon Karen and Greg Conway Cornerstone Research Covington & Burling LLP Cravath, Swaine & Moore LLP S. Todd Crider James and Kara Cross Paul C. Curnin Stephen Cutler and Wendy Zimmermann Edward J. Davis and Thomas D. Phillips Davis Polk & Wardwell LLP Davis Wright Tremaine LLP

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Jonathan K. Youngwood

2016 BENEFIT

The Arthur Liman Public Interest Award Benefit, begun in 1998, supports LAC's work and honors the memory and continues the legacy of LAC's Founding Chairman, Arthur L. Liman. Honorees are recognized for outstanding accomplishments in their fields and exceptional contributions to social justice in LAC's areas of focus.

Darryl Strawberry, former Major League Baseball Player and longtime recovery advocate, was among the recipients of LAC's Arthur Liman Award, along with **John F. Savarese**, Partner at Wachtell, Lipton, Rosen & Katz, for his work educating law students and participating in many law and justice groups including chairing the Vera Institute of Justice (which formed LAC in 1973) and the New York City Bar's Task Force on Mass Incarceration; and **David J. Sorkin**, Member and General Counsel at Kohlberg Kravis Roberts & Co. L.P. for his accomplishments in law and contributions to the community through his nonprofit service and commitment to the public good.





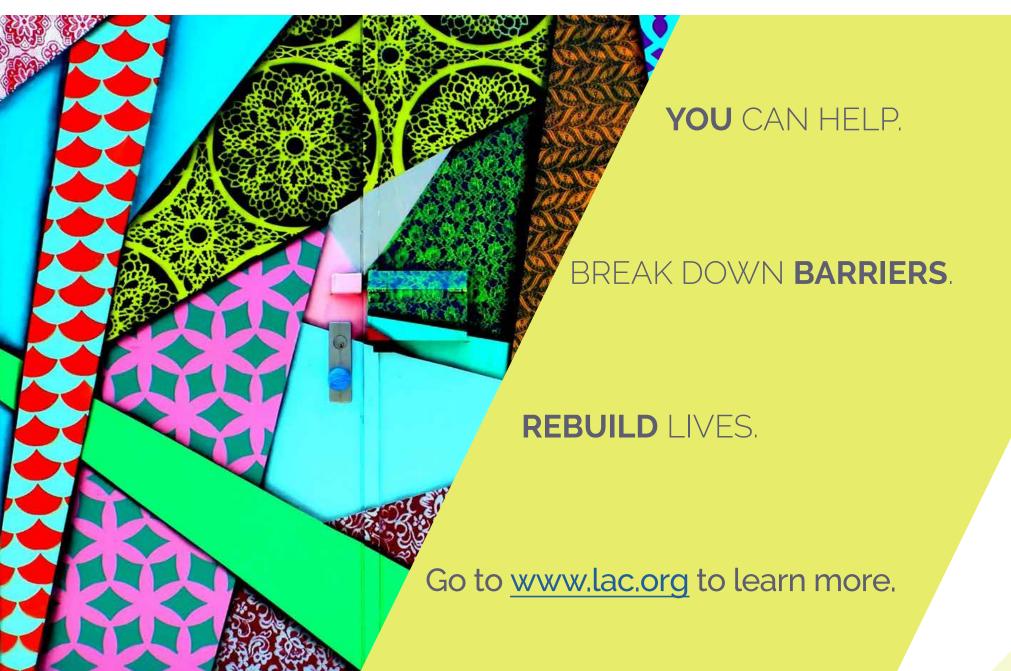
SUMMARY OF FINANCIAL POSITION

STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS (UNRESTRICTED) FOR FISCAL YEAR 2017 AND 2016 (MARCH – APRIL)

	2017	2016
REVENUES		
Government contracts	1,799,300	1,814,944
Contributions and special events	1,130,542	1,070,839
Foundations and corporation	2,167,212	2,016,411
Publication and consultation	59,394	103,060
Member fees and miscellaneous	293,301	182,382
In-kind contributions	177,380	94,837
Total revenues	5,627,129	5,282,473
EVDENCES		
EXPENSES		
Program services	4,232,987	3,897,756
Management and general	653,418	732,430
Fundraising	500,186	509,763
Total Expenses	5,386,591	5,139,949
CHANGE IN NET ASSETS	240,538	142,524
Net Assets - Beginning of Year	358,368	215,844
Net Assets - End of Year	598,906	358,368

"It feels good to have someone fighting for me, instead of against me, for once"

- LAC client



Legal Action Centerwww.lac.org

<u> @legalactioncenter</u>

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