

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE

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October 1, 2015
Start: 10:12 a.m.
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HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:

ELIZABETH S. CROWLEY
Chairperson
FERNANDO CABRERA
Co-Chairperson

COUNCIL MEMBERS:

Mathieu Eugene
Fernando Cabrera
Rory I. Lancman
Paul A. Vallone
Maria Del Carmen Arroyo
James Vacca
Inez D. Barron

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3 CHAIRPERSON CROWLEY: Today's hearing is
4 a joint oversight hearing with the Committee on
5 Juvenile Justice, chaired by Council Member Fernando
6 Cabrera, who will be here shortly.

7 At today's hearing we will examine the
8 recidivism and compliance rates at the Department of
9 Probation. For the past five years the successful
10 completion rate for adults has hovered around 60% and
11 FY 2015 over 10,000 of the DOP's roughly 29,000 adult
12 probationers were arrested, over a third of which
13 were felony arrests. The statistics are troubling;
14 it seems to me that we should be achieving a higher
15 completion rate and I would like to know where the
16 Department stands on this issue.

17 I look forward to a productive discussion
18 today about how to improve compliance rates and
19 reduce recidivism. I am interested in learning more
20 about the caseloads probation officers face and the
21 tools they use to reduce recidivism and improve
22 compliance rates. I am particularly interested in
23 any ways in which the DOP thinks the Council could be
24 helpful in these efforts.

25 I'd like to acknowledge that we've been
joined by Council Member Paul Vallone. And with that

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4 I'm going to now ask the Administration to bring
5 their testimony.

6 ANA BERMUDEZ: Thank you... [interpose]

7 CHAIRPERSON CROWLEY: Sorry; I also have
8 to ask you to raise your right hand and answer the
9 question. Do you affirm to tell the truth, the whole
10 truth and nothing but the truth in your testimony
11 before this committee and to respond honestly to
12 council members' questions?

13 ANA BERMUDEZ: Yes, I do... [crosstalk]
14 [background comments]

15 CHAIRPERSON CROWLEY: Thank you.

16 ANA BERMUDEZ: Good morning Chair Crowley
17 and Council Member Vallone and other members of the
18 Fire and Criminal Safety... and Criminal Justice and
19 Juvenile Justice Committees. I am Ana Bermudez,
20 Commissioner of the New York City Department of
21 Probation, and thank you for the opportunity to
22 testify at this oversight hearing examining
23 recidivism and compliance rates of the New York City
24 Department of Probation. I am joined by Gineen Gray,
25 to my left, Deputy Commissioner for Juvenile
Operations and Ralph DiFiore, on my right, Associate
Commissioner for Adult Operations. In the audience

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3 are Michael Forte, Deputy Commissioner for our
4 Administration, and Wayne McKenzie, General Counsel.

5 DOP is one of the largest community
6 corrections agencies nationwide; in total, the agency
7 provides intake, investigation and supervision
8 services for more than 55,000 adults and juvenile
9 cases annually and last year we supervised 29,387
10 adults and 3,308 juveniles; that is about three times
11 the New York City daily jail census and represents
12 one-third of those on probation supervision
13 throughout the entire State of New York. We work
14 with a challenging population; 60% percent of our
15 adults are on probation following a felony arrest,
16 yet more than 7 out of 10 complete probation and of
17 those, less than 1 in 10 get rearrested for a felony
18 within a year.

19 The DOP footprint throughout New York
20 City is quite extensive, with court-based offices
21 serving both adults and juveniles in each of the five
22 boroughs. Coupled with our seven NeONs and seven
23 satellite locations, DOP has a network of over 30
24 sites throughout the city that we utilize as a
25 resource for clients, community members and other
government partners and agencies. We do so because

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3 our work is focused on creating off ramps for youth
4 and adults to get out and stay out of the justice
5 system, which in turn we believe strengthens and
6 improves the safety of the communities in which they
7 live. By having risk and public safety guide our
8 decision-making, DOP has been responsibly reducing
9 the number of people involved in the justice system
10 overall. For example, we have been rightsizing the
11 rate at which we file violations against adults on
12 probation and have reduced the rate by more than half
13 over the last five years. We have also increased the
14 rate at which we divert youth out of the system by
15 36% and last year 83% of youth successfully completed
16 that diversion intervention.

17 Today I would like to focus on three
18 practice areas that improve probation clients'
19 ability to exit the system permanently and also avoid
20 recidivism -- young adults, alternatives to placement
21 and engagement with clients and communities.

22 Where to start with young adults? There
23 are a few things we know about them; I'll focus on
24 just a tiny portion of that. Approximately one-third
25 of DOP's overall supervision population of more than
29,000 is young people in that age group, 16-24, yet

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3 they account for a disproportionate 56% of rearrests
4 among probation clients. Because the age of criminal
5 responsibility in New York State has been, and sadly
6 continues to be 16, DOP has historically supervised
7 these young people in the same manner as "true
8 adults." We now know much more about their brain
9 development and can confirm what most parents of
10 teenagers have known for time in memorial; 16- to 24-
11 year-olds are very, very different and are very, very
12 challenging; they're in a particularly defining
13 moment in their progression toward adulthood and we
14 cannot supervise them as if they were fully formed.

15 Throughout this year we had been already
16 working on developing a specific model for young
17 adults on probation and we recently received a boost
18 from the Federal U.S. Department of Justice in this
19 endeavor, as we were one of only three jurisdictions
20 in the nation to have been awarded a Smart
21 Supervision Grant. We will use this grant to further
22 develop and refine our young adult supervision model,
23 which will utilize evidence-informed approaches, such
24 as transformative relationships, cognitive behavior
25 treatment and other developmentally appropriate
programming that has been shown to lower recidivism

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3 and build competencies among 16- to 24-year-olds.

4 The model aims to enhance young people's abilities to
5 make better, less impulsive decisions and help them
6 develop safer means of resolving conflict, while also
7 ensuring there is swift and appropriate
8 accountability should misconduct arise. Reducing the
9 rate of rearrests among this age group will not only
10 have a significant positive impact on our young
11 people, but also for New York City as a whole.

12 As you know, however, we have even
13 younger probation clients that come to us through the
14 Family Court. To assist our youngsters under 16 stay
15 safely in their communities, DOP maintains an
16 expanded continuum of approaches that greatly improve
17 our ability to meet the complex needs of those higher
18 risk young people.

19 One such approach, the Alternative to
20 Placement program or ATP, keeps youth out of a
21 juvenile facility while providing increased structure
22 and support for the client and their family. From
23 2012 to 2014 ATP dispositions per 100 cases increased
24 from 13.8 to 25, while the number of placements
25 decreased 29%, from 539 to 379. Not only is this a
much better outcome for the young people kept out of

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3 placement; it represents a significant cost savings
4 to the City. But the numbers only tell part of the
5 story. I would like to share an excerpt from a
6 letter written to a Brooklyn Family Court judge by
7 the mother of one of our ATP participants about the
8 positive impact the PEAK program, which stands for
9 Pathways to Excellence, Achievement and Knowledge,
10 has had on her son. PEAK is the newest of three
11 alternative to placement programs we run specifically
12 focused on education. In the letter this mother
13 stated:

14 "We have been in and out of your
15 courtroom a number of times throughout the years for
16 legal troubles related to my son's behavioral issues;
17 during our last appearance he was mandated to the
18 PEAK program. Before he entered PEAK he was not
19 attending school and his lack of attendance left him
20 far behind in credits. He was also getting into
21 trouble with the law on a regular basis; he didn't
22 care about himself, his family or his future. Upon
23 his completion of the program, I now have a son who
24 enjoys going to school, who respects and listens to
25 me more and who is an all around happier child. The
PEAK staff is to be credited with my son's

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3 transformation; I don't know where he would be
4 without their intervention and guidance.

5 Individually and collectively, they are to be
6 commended for their hard work, caring, dedication,
7 wisdom and teaching. Each and every one has made a
8 direct, distinct and positive impact on my son's
9 life; the stars and heavens aligned with this group
10 was assembled. They worked and continue to work
11 extremely hard to make my son and the other
12 participants feel respected, comfortable and
13 supported and this in turn makes the participants
14 want to be and do better. I'm well aware of the
15 extreme circumstances that brought my son to PEAK; I
16 feel blessed he was given this last chance and could
17 only wish that other children and parents not have to
18 go through those circumstances to receive the life-
19 changing benefits this program has provided."

20 I still get chills when I read this, and
21 no matter how many times I do. And how he got there
22 is really owed in great part to the deep engagement
23 we have with the individuals on probation and their
24 communities, which includes schools, families and
25 physical sites; right? This engages centers around
education and employment, behavioral and mental

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3 health and the ability to form this engagement -- I'm
4 sorry -- This engagement centers around education and
5 employment, behavioral and mental health and the
6 ability to form healthy relationships, as those
7 factors are recognized as critical for successful
8 transition into adulthood and law abidance.

9 In regards to education, too many people
10 on probation are over-age and under-credited, meaning
11 that the chance that they will graduate from a
12 tradition high school model is extremely unlikely.

13 To address this, DOP has partnered with the
14 Department of Education's District 79 to provide high
15 school equivalency classes for our non-school-aged
16 clients, as well as pre HSC exam preparation and
17 vocational training for our younger over-age, under-
18 credited clients. Students receive technical
19 training in fields ranging from construction,
20 cosmetology; computer skills while on-site at Co-Op
21 Tech High School.

22 To give an example of the program's
23 success, we had one participant, for example -- they
24 get their trade certificates at the time they
25 complete -- we had a young man who is expected to
graduate from Co-Op Tech this June and has come back

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3 to the school; he was employed last summer as a
4 welder, making \$18 an hour. As there is currently a
5 waiting list to enroll in the program, as you can
6 imagine, we are working with the DOE to secure a
7 second classroom within Co-Op Tech and hope to expand
8 the model to other locations across the city.

9 Similarly, many young people on probation
10 lag behind in workforce readiness. In order to build
11 that competency we have developed the Youth Weekend
12 Restoration Assistance Program, or Youth WRAP. Youth
13 WRAP is a service opportunity where participants
14 receive a stipend for participation in neighborhood
15 rehabilitation projects throughout New York City.
16 Run under a restorative justice approach and taking
17 place on Saturday mornings, Youth WRAP helps build
18 necessary soft skills for the workplace, such as
19 waking up on time, commuting, positive peer
20 engagement and conflict management. It is so
21 successful, that even after participants have
22 completed the program they willingly come,
23 voluntarily, on Saturday mornings to continue their
24 service work and strengthen the bond that they have
25 developed with their cohorts. Youth WRAP not only
builds work readiness skills for our clients, but

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3 gives particular meaning to the term community
4 service by creating stewardship and pride for the
5 neighborhoods and projects on which they work. In
6 this latest round alone, Youth WRAP participants have
7 worked at 19 sites, packed food for over 11,000
8 people and are being honored by the Open Door Pantry
9 this Sunday, October 4th for their service to their
10 community.

11 The importance of developing
12 interpersonal competencies cannot be overemphasized,
13 yet building and maintaining positive and stable
14 relationships cannot be accomplished if one is
15 grappling with mental illness or a behavioral health
16 issue. As part of the Mayor's Task Force on
17 Behavioral Health and Criminal Justice, which has
18 focused on meeting long, unmet mental health needs
19 within the justice system, DOP has received funding
20 to expand our staff expertise by creating an in-house
21 behavioral health team, which embeds clinical
22 advisors throughout our offices. Over the past three
23 months these clinical advisors have held over 300
24 case consultations to help identify behavioral and
25 mental health needs and provide them with access to
treatment and services.

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3 This is also important because probation
4 clients exists within a community, as I said before,
5 and the epitome of community connections for us at
6 DOP is our NeON. More than a community-based space
7 -- just to remind everybody in the audience,
8 Neighborhood Opportunity Network -- our NeONs
9 function as centers of exploration and innovation.
10 Building on the promise of this approach we've been
11 strategically adding programs and services to the
12 NeONs, based on identified needs. One such need,
13 which is being able to put food on the table, is
14 sometimes a struggle and can hamper or even prevent
15 success while on probation and supervision.
16 Recognizing this, DOP staff had been actually
17 periodically providing food to those in need. So at
18 their urging, the agency partnered with the Food Bank
19 for New York City and the Mayor's Fund to Advance New
20 York City to launch NeON Nutrition Kitchens in all
21 five boroughs. Those on probation can receive a bag
22 of food, pantry staples and fresh produce items on
23 their reporting day and one day a week the kitchen is
24 open to the surrounding community.

25 Our first kitchen opened in the South
Bronx in June and has already provided food to over

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3 3,000 people. Since then we are operational in all
4 five boroughs and have already helped over 4500 New
5 Yorkers have more food security.

6 Last month we were a key collaborator
7 with the Center for New Leadership on Urban Solutions
8 and the Pinkerton and Prospect Hill Foundations, as
9 part of our Bed-Stuy community convening. The
10 purpose was to explore NeON-based opportunities to
11 minimize the involvement of young adults in the
12 justice system through shared accountability between
13 the local police precinct and community members. We
14 were joined by several national, state and local
15 elected representatives, including Council Members
16 Cornegy and Williams, who also share our passion,
17 commitment and concern for providing people with off
18 ramps out of the justice system.

19 We also continue to infuse our work with
20 arts and culture, both of which tend to be in short
21 supply in the communities where the majority of those
22 under probation supervision reside. That is
23 unfortunate, given that the arts and culture are
24 instrumental in the development of a person's
25 resiliency and as a vehicle for transformation.

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2 Through our NeON Arts Initiative we offer
3 young people in New York City the chance to explore
4 the arts through projects in a variety of
5 disciplines, including dance, music, theater, visual
6 arts, poetry and digital media. Just this week we
7 showcased our latest project, a citywide asset-
8 mapping effort to capture the resiliency and beauty
9 of the NeON neighborhoods and their residents through
10 photography. You see a couple of examples of the
11 pictures here and one of the write-ups of the goal of
12 that particular neighborhood.

13 There was a young man in attendance at
14 the function the other day who's been on probation
15 for a while and has participated in everything we've
16 ever had to offer and he summed it up best.
17 "Probation used to be all about punishment when I
18 used to go there and now it's about growth," and we
19 couldn't agree more. Beginning today you should know
20 through mid October, each NeON will host its own
21 asset-mapping exhibit and I invite you all to visit
22 the NeON that is either closest to you or in your
23 district so that you may see the quality community
24 building and community supervision taking place

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3 there. We have the list here of the upcoming events
4 for all of you and we'll distribute that shortly.

5 Most importantly, all of the work taking
6 place in our NeONs is fostering positive behavior
7 change, and as I mentioned in my March budget hearing
8 testimony, a preliminary analysis of 12-month
9 rearrest rates found that 16- to 24-year-olds
10 supervised in our NeONs fared considerably better,
11 with an overall rearrest rate, which is 27% lower
12 than their counterparts supervised outside of a NeON.

13 Finally, I would like to provide a brief
14 update on the City Council-funded program Justice
15 Plus, a flexible, wraparound initiative designed to
16 support referred participants of neighborhood-based
17 cure violence programs.

18 This program, which provides stipends and
19 a range of work readiness opportunities for young
20 adults, age 16-24, has grown to 12 providers, 18
21 sites throughout the city and has served over 500
22 participants.

23 I thank you for this opportunity to
24 update you on the important work underway to build a
25 stronger and safer New York City through working with
and supervising those on probation and helping them

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3 to stay out of the criminal and juvenile justice
4 systems. We're now happy to answer any questions you
5 may have.

6 CHAIRPERSON CROWLEY: Good morning; thank
7 you again, Commissioner and we've been joined by my
8 co-chair, Council Member Cabrera and we've also been
9 joined by Council Member Inez Barron and Council
10 Member Jimmy Vacca.

11 So I'm going to begin with my questions
12 and then my co-chair will ask some questions and then
13 we have a list of some council members, so we'll
14 circle around; circle back.

15 In your testimony Commissioner, you say
16 one out of 10 probationers gets rearrested for a
17 felony within a year; you know when somebody is
18 sentenced to probation, is the average within a year?
19 A lot of your statistics in the Mayor's Management
20 Report are either monthly or yearly and for me it's a
21 little confusing because I don't think that people
22 are sentenced the same way in those timeframes.

23 ANA BERMUDEZ: Right. So there's a
24 different way of reporting different things. The 1
25 in 10 is after they complete probation, so that's

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2 where we're seeing more of the impact of... so it's
3 less than... [crosstalk]

4 CHAIRPERSON CROWLEY: Oh.

5 ANA BERMUDEZ: 1 in 10 get rearrested
6 after a year of completing probation, whereas the MMR
7 goes through in real time as we're supervising
8 people.

9 CHAIRPERSON CROWLEY: Gotcha. What about
10 misdemeanors; do you have those numbers?

11 ANA BERMUDEZ: Yeah. So the misdemeanor
12 rearrests count for the majority of the rearrests;
13 about 65% of rearrests are misdemeanors.

14 CHAIRPERSON CROWLEY: Okay, which is
15 pretty high... which is pretty high. Is it the same
16 for... [crosstalk]

17 ANA BERMUDEZ: Well no; all I'm saying is
18 that of the rearrests...

19 CHAIRPERSON CROWLEY: Right.

20 ANA BERMUDEZ: the balance between
21 misdemeanors and felonies is that the majority..
22 [crosstalk]

23 CHAIRPERSON CROWLEY: Do you have that...

24 ANA BERMUDEZ: 65% of them are
25 misdemeanors... [crosstalk]

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2 CHAIRPERSON CROWLEY: Right. Gotcha. Do
3 you have that in terms of how it falls in percentage;
4 1 in 10...? [crosstalk]

5 ANA BERMUDEZ: In terms of...

6 CHAIRPERSON CROWLEY: So if 1 in 10 gets
7 rearrested for a felony...

8 ANA BERMUDEZ: Right.

9 CHAIRPERSON CROWLEY: is it 6.5 x 1; is
10 it...

11 ANA BERMUDEZ: No. So the... when we look
12 at all rearrests of adults on probation; right, and
13 we look at the types of crimes they get rearrested
14 for, 65% of those are misdemeanors; right, but the...
15 [crosstalk]

16 CHAIRPERSON CROWLEY: But are we talking
17 about after completion or during?

18 ANA BERMUDEZ: No, during, during; this
19 is during. Right.

20 CHAIRPERSON CROWLEY: Oh okay. But the
21 statistic in the opening is after, so I'm just trying
22 to figure... Do you have the statistic after they
23 complete?

24 ANA BERMUDEZ: The... [background comments]
25 I'm sorry? [background comment] Right; this is... The

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2 statistic of after probation comes from the state;
3 right, because the state is the one that monitors
4 post time on probation and they don't break it down
5 by... [crosstalk]

6 CHAIRPERSON CROWLEY: Okay.

7 ANA BERMUDEZ: between misdemeanor.

8 CHAIRPERSON CROWLEY: But it's something
9 that you could do?

10 ANA BERMUDEZ: We could try to look into
11 it... engage with the state to see what... [crosstalk]

12 CHAIRPERSON CROWLEY: You may only... You
13 may only find out within the five boroughs...

14 ANA BERMUDEZ: Right.

15 CHAIRPERSON CROWLEY: because that's your
16 jurisdiction. Okay. It is just something better for
17 our... [interpose]

18 ANA BERMUDEZ: Uhm-hm.

19 CHAIRPERSON CROWLEY: numbers if we have
20 to... [crosstalk]

21 ANA BERMUDEZ: Sure.

22 CHAIRPERSON CROWLEY: then require it for
23 the MMR report... [interpose]

24 ANA BERMUDEZ: Uhm-hm.

25

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2 CHAIRPERSON CROWLEY: In the future. Now
3 there is a high number of probationers that get
4 rearrested while on probation and so I wanna talk
5 about that population; not the population that is no
6 longer under your jurisdiction; most of my questions
7 will be that population.

8 Now we see those reported arrest and
9 violation rates on a monthly basis, but we don't see
10 that on a yearly basis; is there a reason why we
11 don't see that on a yearly basis?

12 ANA BERMUDEZ: In the MMR?

13 CHAIRPERSON CROWLEY: Yeah.

14 ANA BERMUDEZ: That's been the practice,
15 frankly... [crosstalk]

16 CHAIRPERSON CROWLEY: The... uh yeah...

17 ANA BERMUDEZ: if I can be perfectly
18 honest, so uhm... but you know... yes, so that's been
19 the... [crosstalk]

20 CHAIRPERSON CROWLEY: Right. For me, I'm
21 trying to get a real handle on the actual number and
22 it's hard because... [crosstalk]

23 ANA BERMUDEZ: Right.

24 CHAIRPERSON CROWLEY: we look at
25 percentages out of 100 and it's hard to know because

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2 we're asking for every year, so I think that we're
3 gonna have to just adjust some of the requirements
4 that we ask for in the MMR report to get a clear
5 idea. But from the numbers I've seen, approximately
6 60% get rearrested during their time or is that in
7 one year during their time on probation?

8 ANA BERMUDEZ: You're looking at the MMR?

9 CHAIRPERSON CROWLEY: Yeah.

10 [background comments]

11 CHAIRPERSON CROWLEY: I'm looking... I'm
12 talking mainly about... [crosstalk]

13 ANA BERMUDEZ: On the rearrest...

14 CHAIRPERSON CROWLEY: adults.

15 ANA BERMUDEZ: Right. So the adult
16 rearrest rate, it's reported on a monthly average;
17 right, so that's 3.1%

18 CHAIRPERSON CROWLEY: Right, which is
19 typical, 'cause then there's 12 months out of the
20 year and there's... [interpose]

21 ANA BERMUDEZ: Right; I don't know that
22 one can extrapolate that, because see what happens
23 with the... Let me tell you probably why this was done
24 this way. Because when we do it at a four-month
25 rate, what it does for us is to give us sort of a

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3 roadmap of what work needs to be done so that if we
4 waited to react, right, after a year, then that's...
5 you know, we lose time; right, so... [crosstalk]

6 CHAIRPERSON CROWLEY: Okay.

7 ANA BERMUDEZ: when we map out those
8 things. At the same time, some of this is a function
9 of what's happening in the city with policing and
10 arrests and all that. So that's what we have to...
11 [crosstalk]

12 CHAIRPERSON CROWLEY: Right.

13 ANA BERMUDEZ: leverage. Having...
14 [crosstalk]

15 CHAIRPERSON CROWLEY: Okay.

16 ANA BERMUDEZ: said that, we've looked
17 into it and that's why I testified so much about the
18 young adult model, because that's the age group that
19 tends to disproportionately account for these
20 arrests.

21 CHAIRPERSON CROWLEY: Right. I'm gonna
22 have Council Member Cabrera ask more questions about
23 those that are under 16.

24 ANA BERMUDEZ: Okay.

25 CHAIRPERSON CROWLEY: And I agree with
you that, you know, sadly, 16, 17 still continue to

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3 be an adult in this state and the city. But you
4 mentioned something in your testimony about
5 rightsizing the rate in which violations against
6 adults on probation...

7 ANA BERMUDEZ: Uhm-hm.

8 CHAIRPERSON CROWLEY: is it... once you get
9 arrested you certainly have a violation, even if it's
10 a misdemeanor... [interpose]

11 ANA BERMUDEZ: Correct.

12 CHAIRPERSON CROWLEY: but there are other
13 ways one could violate; could you give examples?

14 ANA BERMUDEZ: Right. So there are what
15 we call technical violations; right, and what I would
16 call public safety violations; right? A technical
17 violation is a violation of a condition of probation
18 that is about -- for example, not going to a program
19 or not following curfew, for the younger ones or not
20 going to your treatment; right, to your counseling.
21 And those are a little bit of an art form if you
22 will, because violations of probation can be a tool,
23 a case management tool in terms of a wakeup call to
24 someone, but we also don't wanna overdo it there
25 because we don't want people to be incarcerated for
social service issues; right? And so the biggest

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2 lens we use, the most important lens we use in filing
3 a violation of probation is; is there a public safety
4 concern here, given, you know, the actions of..
5 [background comment] or inaction of the person. And
6 sometimes not complying with services can be, but by
7 and large those -- we are building our toolkit and
8 always increasing the tools we have to deal with
9 those issues before filing a violation.

10 CHAIRPERSON CROWLEY: So your probation
11 officers would like only ask for revocation of
12 probation only if it was a public safety danger?

13 ANA BERMUDEZ: Mostly, yes.

14 CHAIRPERSON CROWLEY: So only if that
15 person really got arrested?

16 ANA BERMUDEZ: Right.

17 CHAIRPERSON CROWLEY: And even if they
18 got arrested, only if it's like a more serious
19 arrest?

20 ANA BERMUDEZ: Correct... [crosstalk]

21 CHAIRPERSON CROWLEY: Do you have to if
22 they get rearrested for jumping a turnstile?

23 ANA BERMUDEZ: No, all sorts of statutes
24 give us the discretion to do so.

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 26

2 CHAIRPERSON CROWLEY: But if somebody was
3 arrested for stealing a backpack?

4 ANA BERMUDEZ: Oh yeah -- no, there are
5 some... [background comment] there's some things that
6 are... there's an immediate filing of a violation of
7 probation. Yeah.

8 CHAIRPERSON CROWLEY: And... but your
9 success rate isn't that great, for better or for
10 worse; right, it says -- from the number I've seen,
11 that only about half of the requests for revocation
12 end up with a judge actually agreeing?

13 ANA BERMUDEZ: Right. But that... See
14 that's different from completion rate; right? So the
15 completion rate for adult probationers is 66%; right,
16 which means that they successfully completed their
17 term of probation. Now... [interpose]

18 CHAIRPERSON CROWLEY: Without revocation?

19 ANA BERMUDEZ: Without revocation, right.

20 CHAIRPERSON CROWLEY: Or even that you
21 tried to?

22 ANA BERMUDEZ: Sometime... No, sometimes we
23 do because sometimes... [crosstalk]

24 CHAIRPERSON CROWLEY: Yeah.
25

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 27

2 ANA BERMUDEZ: we file the violation --
3 like I said before -- as a wakeup call and then
4 there's a reinstatement into probation and then the
5 person can successfully complete it; right? So
6 that's what... So the revocation rate is based out of
7 all filed violations; right, so we have more control
8 over filing, whether we file or not; right, and then
9 the revocation decision or what happens decision is
10 up to the court and then the DAs and the, you know,
11 the whole process... [crosstalk]

12 CHAIRPERSON CROWLEY: But you don't have
13 a concern that half of the violations don't result in
14 revocation?

15 ANA BERMUDEZ: No. No. I mean I... you
16 know, the number itself is not... I mean; like I said,
17 we use it as a gauge; right... [crosstalk]

18 CHAIRPERSON CROWLEY: Right.

19 ANA BERMUDEZ: but that's about right;
20 like half of them, at least half of them should be...
21 you know, would result in a revocation because
22 there's public safety concerns... [crosstalk]

23 CHAIRPERSON CROWLEY: Right.

24 ANA BERMUDEZ: right; the other half, you
25 know, we examine... oftentimes if we... let's say we

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 28

2 recommended revocation and it didn't happen; right,
3 we look at those cases... [crosstalk]

4 CHAIRPERSON CROWLEY: If I give an
5 example -- I'm a probation officer Joe and I'm making
6 this request to the judge; I'm saying revoke this
7 person's probation; half the time the judge will not
8 do that; then does that probation officer say well if
9 you don't revoke it, then give this type of
10 punishment or extend the probation...? [crosstalk]

11 ANA BERMUDEZ: Correct. Correct. It's
12 an enhancement of conditions; there is increased, you
13 know, supervision... [crosstalk]

14 CHAIRPERSON CROWLEY: Do you keep... Not to
15 interrupt; sorry... [crosstalk]

16 ANA BERMUDEZ: That's alright.

17 CHAIRPERSON CROWLEY: but do you keep a
18 percentage of then whatever... whether it's a more
19 lengthy probation or some type of community service
20 sentence; do you keep statistics on... on that...
21 [crosstalk]

22 ANA BERMUDEZ: None... not statistics
23 necessarily, but we keep track of that, certainly; I
24 mean...

25

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 29

2 CHAIRPERSON CROWLEY: And then when you
3 have probation officers, do you evaluate their
4 recidivism rates; do you say... [interpose]

5 ANA BERMUDEZ: Yes. Uhm-hm.

6 CHAIRPERSON CROWLEY: you know...

7 ANA BERMUDEZ: Yes, we look at trends in
8 [background comments] locations and team, you know,
9 supervision team, etc. Yes.

10 CHAIRPERSON CROWLEY: So some probation
11 officers have to be taken to the side at times and
12 say listen... [crosstalk]

13 ANA BERMUDEZ: Oh absolutely.

14 CHAIRPERSON CROWLEY: you're... yeah.

15 ANA BERMUDEZ: Absolutely.

16 CHAIRPERSON CROWLEY: And just in terms
17 of... I wanna ask two more questions and then I'm gonna
18 let some of the other council members; certainly my
19 co-chair ask questions.

20 Caseload, okay; how many cases does the
21 average -- we have 30,000; right... [crosstalk]

22 ANA BERMUDEZ: Right.

23 CHAIRPERSON CROWLEY: so you have 30,000
24 probationers on any given day, which is a lot of
25

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 30

2 people to keep track of; you know the percentage of
3 who's high risk, medium risk and... and... [crosstalk]

4 ANA BERMUDEZ: Yes, we do.

5 CHAIRPERSON CROWLEY: low risk; right?

6 So... [crosstalk]

7 ANA BERMUDEZ: Yeah.

8 CHAIRPERSON CROWLEY: what is that broken
9 down to about?

10 ANA BERMUDEZ: So about a third to 40% of
11 people on probation are medium to high risk; right,
12 and so medium to high risk people on probation get
13 assigned to POs at a rate... you know, commensurate to
14 their risk level, so the higher the risk the lower
15 the caseload for the probation officer. So we have
16 high risk probation officers, we have medium risk
17 probation officers and low risk probation officers..
18 [crosstalk]

19 CHAIRPERSON CROWLEY: And what would that
20 be if I'm taking on high risk cases?

21 ANA BERMUDEZ: So the caseloads as
22 they're going to be organized for the young adult model,
23 which, again, is the significant piece in our mind to
24 really getting at the recidivism issues and the
25 outcomes for people on probation will be 20:1 for the

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
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2 high risk and then 40:1 in the medium risk; that's
3 not the existing caseload right now, but it's about...
4 [crosstalk]

5 CHAIRPERSON CROWLEY: Right. And that's
6 young adults?

7 ANA BERMUDEZ: that's young adults, yeah.

8 CHAIRPERSON CROWLEY: So what about
9 adults that aren't young anymore?

10 ANA BERMUDEZ: Those tend to be 1:45.

11 CHAIRPERSON CROWLEY: Okay. Okay. So
12 yeah; I mean like the Department understands when you
13 have a ratio of 20:1 you're gonna have better
14 numbers.

15 ANA BERMUDEZ: Oh absolutely. Right.
16 Well that's what we intend to track as well as, you
17 know, better outcomes, better supervision...

18 CHAIRPERSON CROWLEY: Right. And how
19 long have you done the young adult model?

20 ANA BERMUDEZ: No, it's in its
21 development right now; January 1st will be when we
22 start handling cases that way.

23 CHAIRPERSON CROWLEY: And is there a
24 state law that says you should only have a certain
25 amount?

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2 ANA BERMUDEZ: No, what the state law
3 says is that you have to supervise people according
4 to risk in a different way, so it has mandates about
5 contact levels, about collateral contacts in the
6 community, things like that, but it doesn't prescribe
7 a number.

8 CHAIRPERSON CROWLEY: And do you know the
9 number of how many greatest risk recidivate, get
10 rearrested or low risk; is there a percentage?

11 ANA BERMUDEZ: There is definitely a
12 correlation; I don't have those statistics with me
13 today, but we know that that the people in the
14 highest risk in terms of our risk assessment
15 instrument do account for a higher level of
16 rearrests.

17 CHAIRPERSON CROWLEY: Okay, I'm going to
18 recognize my co-chair now, Council Member Cabrera.

19 CO-CHAIR CABRERA: Thank you so much co-
20 chair Crowley and welcome, Commissioner... [crosstalk]

21 ANA BERMUDEZ: Thank you.

22 COUNCIL MEMBER CABRERA: so glad to see
23 you. I just have a couple of questions and then I'll
24 come back, 'cause I know we have some of our
25 colleagues that would like to ask questions.

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
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2 But according to the most recent Mayor's
3 Management Report, it seems that the rate of
4 successful juvenile probationers is decreasing; why
5 is that?

6 ANA BERMUDEZ: So we've been looking at
7 the various, you know rates where that happens;
8 right, and we have now... we've been reshifting the
9 system as to how we -- I'm trying not to use the
10 Family Court words that are a little bit euphemistic
11 -- how we sentence the young people while in Family
12 Court; right... [crosstalk]

13 CO-CHAIR CABRERA: Right.

14 ANA BERMUDEZ: and so there's now a
15 greater continuum of young people on probation and in
16 the community than there was before and there's a
17 variety of things that go into that completion rate
18 that's sometimes influenced by violations and they're
19 under a much more intense microscope, so you see in
20 Family Court sometimes a lot more conditions imposed
21 by judges; right, that then you end up in front of
22 them on a violation because that's essentially a
23 mandated violation, whether we would've filed it on
24 our own or not; that then tends to result in either
25 revocation or some other, you know, nonprobation

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2 result. And so like I said before, that number we
3 don't believe is indicative of our success; right,
4 but we're monitoring it because we don't want it to
5 keep going down, obviously and so we're in the
6 process of looking at it to see what we can do to
7 make that increase.

8 CO-CHAIR CABRERA: So you're saying that
9 they're more vulnerable to being... [crosstalk]

10 ANA BERMUDEZ: They're... Yeah.

11 CO-CHAIR CABRERA: to violating
12 probation...

13 ANA BERMUDEZ: Yes. They're more...

14 CO-CHAIR CABRERA: but the variable was
15 the same throughout the years, that vulnerability
16 factor, so why still do we see the change?

17 ANA BERMUDEZ: Actually, not necessarily;
18 I think... [crosstalk]

19 CO-CHAIR CABRERA: Oh really?

20 ANA BERMUDEZ: now there's... I think
21 there's a belief that we can do more with slightly
22 higher risk youth in the community; right? So the
23 system has been... I think that number is a result of
24 the growth process and maturation process; my sense
25 is that if we looked at it next year it will be

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3 higher because now all the ATP programs are set,
4 they're fully functional and the judges are now able
5 to -- let's say that a high risk young person is in
6 an alternative to placement program and they don't do
7 so well, a violation is filed; now the judges can
8 say, well maybe the family issues here were bigger,
9 so we're gonna put them in the family therapy-based
10 alternative to placement in the community; right?

11 And so there's gonna be a couple of options that the
12 judges have even for themselves rather than
13 immediately go to revocation; right, so... [crosstalk]

14 CO-CHAIR CABRERA: Do the judges tend to
15 take the recommendation of probation?

16 ANA BERMUDEZ: Yes, actually, a lot...
17 [crosstalk]

18 CO-CHAIR CABRERA: Most of the time?

19 ANA BERMUDEZ: yes, a lot of the time;
20 not completely... [crosstalk]

21 CO-CHAIR CABRERA: So...

22 ANA BERMUDEZ: but yes.

23 [laughter]

24 CO-CHAIR CABRERA: So if that is true,
25 and it's a judgment call...

ANA BERMUDEZ: Uhm-hm.

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2 CO-CHAIR CABRERA: right; it's... I'm still
3 trying to figure out... I know there's more
4 opportunities; that's what I hear; are we taking
5 maybe too many chances or?

6 ANA BERMUDEZ: No, I actually don't think
7 so.

8 CO-CHAIR CABRERA: Okay.

9 ANA BERMUDEZ: I think that we are
10 approaching the work with juveniles quite intensely..
11 [crosstalk]

12 CO-CHAIR CABRERA: Okay.

13 ANA BERMUDEZ: and so, like I said, we..
14 you know, part of the analysis will be also looking
15 at the completion rate by risk level; right, to see
16 where the pockets are and so that's part of the
17 process, because we reacted the same way, frankly as
18 you have... [crosstalk]

19 CO-CHAIR CABRERA: Yeah, don't get my
20 wrong, I prefer that they go to programs... [interpose]

21 ANA BERMUDEZ: Right.

22 CO-CHAIR CABRERA: than rather go to... you
23 know, be incarcerated or so forth. Alright. Is
24 there additional resources then that we need to
25

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3 allocate or that you foresee allocating so we could
4 see better numbers?

5 ANA BERMUDEZ: So you know... always we can
6 do better with more resources. But I'll tell you one
7 area where we are now trying to ascertain what would
8 be needed. One area of high success has been having
9 what we call credible mentors to young people...

10 CO-CHAIR CABRERA: Very good.

11 ANA BERMUDEZ: and in Family Court we
12 have that in one of the programs, you know and one of
13 the programs for the high risk youth is a very
14 intense mentoring program, but we don't have it for
15 the other bulk of the young people; right, which
16 would be a great resource to have, especially when
17 they're transitioning out of probation; right, so...
18 [interpose]

19 CO-CHAIR CABRERA: Well I have to tell
20 you that I'm working with ACS, with the detention
21 center to... and I allocated some funding towards this,
22 to have a mentoring program from the very first day
23 that they go into... [crosstalk]

24 ANA BERMUDEZ: Right.

25 CO-CHAIR CABRERA: detention center; try
to get an initiative going; I'm gonna to try to see

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2 if we could get it this year; I'm hopeful my
3 colleagues will buy into it, 'cause it's needed, to
4 close this back door because they need those credible
5 messengers, because when they get out what ends up
6 happening; they end up going back... [interpose]

7 ANA BERMUDEZ: Right.

8 CO-CHAIR CABRERA: to the same
9 subculture...

10 ANA BERMUDEZ: Right.

11 CO-CHAIR CABRERA: around the same
12 friends and having the same family problems...

13 ANA BERMUDEZ: Right.

14 CO-CHAIR CABRERA: and so we need to
15 change those structures and so I'm happy to hear
16 about this mentoring program. What's stopping us
17 from doing it with the other group?

18 ANA BERMUDEZ: Well it's more of a
19 resource issue... [crosstalk]

20 CO-CHAIR CABRERA: Really?

21 ANA BERMUDEZ: as opposed to... [crosstalk]

22 CO-CHAIR CABRERA: How much would that
23 cost?

24 ANA BERMUDEZ: Well we haven't priced it
25 out yet, but... [interpose]

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2 CO-CHAIR CABRERA: I would love to talk
3 to you about that... [interpose]

4 ANA BERMUDEZ: Okay.

5 CO-CHAIR CABRERA: maybe that would be
6 something that... you know, we could look into that,
7 because at the end of the day it's gonna provide
8 great savings... [crosstalk]

9 ANA BERMUDEZ: Yes. Right.

10 CO-CHAIR CABRERA: we don't want these
11 kids to come through the system back again and
12 they're the most vulnerable, the most likely to come...
13 [interpose]

14 ANA BERMUDEZ: Right.

15 CO-CHAIR CABRERA: and to be locked up
16 again into the system, so in a sense we would be
17 closing the back door. So talk to me about the young
18 ladies; this seems to be... I'm kinda shocked that we
19 see an increasing... the research shows increasing
20 girls outnumber the boys; is that true and why is
21 that...? [crosstalk]

22 ANA BERMUDEZ: Well there's been an
23 increase -- So the balance in Family Court used to be
24 80% boys, 20% girls and now we're seeing at least 25%
25 girls. And so we have been very proactive on that;

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2 we have a whole initiative in-house on girls; we are
3 participating in the City Council's effort on the
4 Young Women's Initiative; in fact I think...

5 [crosstalk]

6 CO-CHAIR CABRERA: Oh very good.

7 ANA BERMUDEZ: today there's a meeting
8 that...

9 CO-CHAIR CABRERA: Excellent.

10 ANA BERMUDEZ: that we're attending; ACS
11 has been very active in that; also Commissioner
12 Carrion had convened a working group around this as
13 well, so I think we're all going in that direction.
14 Now what we do know is that sometimes the needs of
15 the girls are different; right, and so in our... we've
16 always had in our borough offices and Family Court,
17 our officers have always run like [background
18 comment] many girls' groups... right, either rap groups
19 or book clubs or... things like that that allow for a
20 lot of exploration of the issues that they face. So
21 it's something that we pay attention to a lot, in
22 fact.

23 CO-CHAIR CABRERA: The mentorship program
24 that you have; do you have in place for the young
25 ladies?

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2 ANA BERMUDEZ: Oh yes, it's for
3 everybody... [crosstalk]

4 CO-CHAIR CABRERA: Okay.

5 ANA BERMUDEZ: anybody who falls into
6 that... So the mentoring program that we have is
7 actually a sentence that the judge can give to
8 someone... [crosstalk]

9 CO-CHAIR CABRERA: That's great.

10 ANA BERMUDEZ: you have to do this;
11 right, which is fantastic, but it's extremely
12 intensive, it's four to five times a week, etc. So
13 for the bulk of our other young people, they may not
14 need it as often, right, because it's pretty intense,
15 but they definitely need it.

16 CO-CHAIR CABRERA: Right. Fantastic.
17 I'm gonna turn it back over to my co-chair. Thank
18 you so much; I have a couple more questions, but I
19 wanna make sure our colleagues will have an
20 opportunity to ask questions.

21 ANA BERMUDEZ: Great. Thank you.

22 CHAIRPERSON CROWLEY: Been joined by
23 Council Member Arroyo and I'd like to recognize
24 Council Member Vallone for questions.
25

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2 JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 42

3 COUNCIL MEMBER VALLONE: Thank you to my
4 co-chairs. Good morning Commissioner.

5 ANA BERMUDEZ: Good morning.

6 COUNCIL MEMBER VALLONE: I was looking at
7 the testimony and there's a paragraph there that
8 concerned me where it says -- as a parent of two
9 teenagers, I'm fully aware of the challenge,
10 especially [background comments, laughter] with the
11 girls, a 15- and 16-year-old -- but it says, "We know
12 much of their development and confirm that most
13 parents' teenagers have known that over 16- to 24-
14 year-olds are very, very, very different and
15 challenging; they are particularly defining in their
16 progression toward adulthood and we cannot supervise
17 them as if they were full formed." I spent many
18 years -- probation, corrections, attorney -- I have
19 never heard 24-year-olds in that category.

20 ANA BERMUDEZ: Right.

21 COUNCIL MEMBER VALLONE: So a lot of the
22 numbers and the statistics that we're talking about,
23 I'm a little bit confused now and I think we should
24 probably backtrack on what categories we were
25 speaking about. I mean 16 to 18 I think we're
universally in agreement; mandatory changes should be

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3 made there to protect our youth, 'cause to me that's
4 youth; [background comment] it should be 18, but it's
5 not. But above 18, 18 to 20, I think there should be
6 a separate standard again, but from 21 to 24 I
7 vehemently disagree. So I'd like to see what was the
8 reasoning for that qualification of the number 24;
9 where did it come from, 'cause this is the first time
10 I have ever heard that number?

11 ANA BERMUDEZ: Right. So that comes from
12 the brain science that has been developed. So
13 scientists are telling us now that the part of the
14 brain that controls rational thinking is not fully
15 formed until the age of 25 in fact; right, and that
16 why you see a lot of misbehavior, if you will, and
17 flip-flopping of, you know, like life achievements
18 around this age group is because they essentially
19 don't function the same way as older than 25; right,
20 and so we've been holding them to a standard of like,
21 what's wrong with you; like, you need to know how to
22 do this and frankly, they actually don't and part of
23 what we need to do when they're on probation in a
24 way, and as parents of that age group, is we need to
25 act as their frontal lobe, if you will; right, to
calibrate that, so to... you know, they make decisions

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2 like if they go somewhere for an appointment and the
3 person at the reception desk doesn't say hello,
4 they're like oh, they don't want me here, goodbye and
5 I'm gone; right. So... [interpose]

6 COUNCIL MEMBER VALLONE: I've seen [sic].

7 [laughter]

8 ANA BERMUDEZ: bad decisions; right, so...
9 so that coupled with the science now is giving us the
10 certainty that it's not them necessarily, that
11 individual, but that there may be an age-related
12 thing. So that's all we're saying that... it's true, I
13 wouldn't treat a 21-year-old the same way as an 18-
14 year-old necessarily, but I need to be cognizant that
15 that 21-year-old is also not fully formed...

16 [crosstalk]

17 COUNCIL MEMBER VALLONE: But are there
18 variations now on the ATP programs or alternative
19 measures for statistics from 21 to 24 vs. 18 to 21?

20 [background comments]

21 ANA BERMUDEZ: I'm sorry; say... repeat
22 that.

23 COUNCIL MEMBER VALLONE: Are there
24 different determining factors on who's eligible for
25

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2 JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 45

3 programs, in groups of 18 to 21 vs. 21 to 24 or are
4 they all considered the same?

5 ANA BERMUDEZ: There is an effort right
6 now in a lot of criminal justice entities and
7 communities that the age group that when they get
8 split up, it tends to 16 to 18 and then 18-19 to 24,
9 yeah. So...

10 COUNCIL MEMBER VALLONE: Well no, on the
11 numbers that you provided today in the program..
12 [crosstalk]

13 ANA BERMUDEZ: Oh...

14 COUNCIL MEMBER VALLONE: so do you have
15 your statistics varied by those groups... [crosstalk]

16 ANA BERMUDEZ: broken down like that.

17 COUNCIL MEMBER VALLONE: or is it just
18 all together after 18?

19 ANA BERMUDEZ: We have it all together;
20 usually we report all together, from 16 to 24. We
21 have some statistics; we have age group breakdowns,
22 but we don't have the, you know the rearrest rates
23 and all that stuff by that narrow an age group.

24 COUNCIL MEMBER VALLONE: I think that
25 would be helpful as we're going forward; I think as
we do everything we can from our 16 to 18 and our

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2 youth, I think we should see the recidivism rates
3 [background comments] for the programs that are
4 available from the two separate groups of 18 to 21;
5 21 to 24, and I think just a couple questions on
6 those factors, if you would. Who makes that
7 decision? So is it based on the probation officer,
8 the judicial hearing if there is a violation of
9 probation and revocation is a possibility or some
10 other alternative; who makes that ultimate decision?

11 ANA BERMUDEZ: The judge.

12 COUNCIL MEMBER VALLONE: Based on the
13 recommendations of?

14 ANA BERMUDEZ: There are some
15 recommendations on probation; right, and then there
16 is the involvement of the... you know, the individual
17 has a defense attorney and there's a whole host of..
18 [crosstalk]

19 COUNCIL MEMBER VALLONE: And you had said
20 that the judges follow probation officers and our
21 staff on a very good clip, so to me... [crosstalk]

22 ANA BERMUDEZ: About... yeah.

23 COUNCIL MEMBER VALLONE: prior to getting
24 to the judge it's... the decisions... [crosstalk]

25 ANA BERMUDEZ: Right. Oh absolutely.

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2 COUNCIL MEMBER VALLONE: that are made
3 under your office as to what's gonna happen to our
4 youth; how are those decisions made; how does your
5 office determine whether revocation is an answer or
6 not?

7 ANA BERMUDEZ: So there's a series of
8 graduated responses that we have when misconduct
9 arises. If it's of the type that I mentioned before,
10 lack of attendance to programs, etc., there's a case
11 conferencing process that takes place with the
12 individual, their probation officer; their
13 supervising probation officer and then it escalates
14 as it becomes more entrenched to what we call an
15 administrative review, which starts putting then time
16 constraints on how fast things need to change and
17 then there's an administrative hearing, which is a
18 much more formal, last-ditch attempt; right, at
19 getting the violation not to be filed, and then it's
20 filed. Now all that goes out the window if you get
21 arrested for a violent felony offense; right, and
22 then you... [crosstalk]

23 COUNCIL MEMBER VALLONE: That... that was
24 what I was getting at; is there...

25

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2 ANA BERMUDEZ: go directly to court; do
3 not stop... [crosstalk]

4 COUNCIL MEMBER VALLONE: is there a
5 determining... [crosstalk]

6 ANA BERMUDEZ: Yes, absolutely.

7 COUNCIL MEMBER VALLONE: bridge there
8 between misdemeanors and felonies?

9 ANA BERMUDEZ: Yes, there are. But it's
10 even more nuance like that, more nuance in the sense
11 of public safety; right, because... [crosstalk]

12 COUNCIL MEMBER VALLONE: Just to finish
13 that so you can answer all at once. So... [interpose]

14 ANA BERMUDEZ: Yes.

15 COUNCIL MEMBER VALLONE: the misdemeanors
16 and felonies criterion on also a multiple arrest or
17 recidivism for some... [crosstalk]

18 ANA BERMUDEZ: Yes.

19 COUNCIL MEMBER VALLONE: for someone with
20 a misdemeanor or a felony; does that change the
21 scale... [crosstalk]

22 ANA BERMUDEZ: Yes.

23 COUNCIL MEMBER VALLONE: of whether
24 someone's able for to continue the program or should
25 be revocation...? [crosstalk]

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
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2 ANA BERMUDEZ: Absolutely. Yes, there
3 is.

4 COUNCIL MEMBER VALLONE: Do you have
5 those statistics?

6 ANA BERMUDEZ: In terms of...

7 COUNCIL MEMBER VALLONE: In terms of the
8 amount of the success of the programs for someone who
9 has entered a program, but yet has still rec... their
10 probation has been revoked.

11 ANA BERMUDEZ: So the revocation of
12 probation means that the person went to prison...

13 COUNCIL MEMBER VALLONE: Correct.

14 ANA BERMUDEZ: so you know in terms of...
15 so what outcome are you asking about...? [crosstalk]

16 COUNCIL MEMBER VALLONE: Has it worked?
17 See the other thing that I'm... [crosstalk]

18 ANA BERMUDEZ: Oh, whether it's worked,
19 yes.

20 COUNCIL MEMBER VALLONE: Yeah, I like to
21 see... these are all wonderful... I mean the programs for
22 alternatives for our youth are critical; I mean we
23 have to have partners in this 'cause it can't be all
24 on your shoul... [crosstalk]

25 ANA BERMUDEZ: Right.

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JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 50

2 COUNCIL MEMBER VALLONE: We wanna try to
3 stop it before they ever wind up at your door...
4 [crosstalk]

5 ANA BERMUDEZ: Correct. Uhm-hm.

6 COUNCIL MEMBER VALLONE: so whether
7 that's the educational system, at home; wherever
8 that's gonna work, we have to try to get them to make
9 that key decision; as you said, when we get to the
10 clerk whose at the teller, if somebody said thank you
11 and they're looking at them with a blank face, all
12 those things we wanna do before they get to your
13 door. But if someone is in the 16 to 18 category and
14 now they've entered one of the peak programs or the
15 ATP programs and they're coming back, what would you
16 suggest to handle that group of our youth?

17 ANA BERMUDEZ: And when you say coming
18 back, coming back from...

19 COUNCIL MEMBER VALLONE: Repeat
20 recidivism or they have not... [crosstalk]

21 ANA BERMUDEZ: Oh. Yeah, well that's...
22 generally they're in peak, for example because
23 they've been repeat, you know, people, so...
24 [interpose]

25 COUNCIL MEMBER VALLONE: Okay.

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JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 51

2 ANA BERMUDEZ: so what we do is, we have
3 enhanced contact with probation officers so the peak
4 young people are in the setting that's a combination
5 of school and intensive programming from 8 in the
6 morning, or when school starts, to 8 at night, for
7 example, five days a week and the probation officers
8 are constantly, you know, engaged with them around
9 attendance and so on and so forth. The AIM program
10 is also no less than 30 hours a week of intervention
11 between the mentor and the family and the young
12 people; there's a ratio of 1:4 mentor to families;
13 right? ECHOES is our other program that is five
14 contacts a week, including a Saturday; right. And so
15 what we do when we get the high risk young people,
16 and that's what... you know, so if somebody...

17 [interpose]

18 COUNCIL MEMBER VALLONE: I guess that's
19 the quest, the high risk, the high risk client...

20 [crosstalk]

21 ANA BERMUDEZ: Yeah, it's essentially, so
22 we have those interventions and those interventions...

23 [interpose]

24

25

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2 COUNCIL MEMBER VALLONE: Have you found
3 those numbers changing; better, worse or are they...
4 [interpose]

5 ANA BERMUDEZ: Yes, they're absolutely
6 getting better as... you know, one of the things that
7 is happening is that we have an evaluation that's
8 going on with the AIM program; with the mentoring
9 program, because now that they've been in operation
10 for a few years we can start looking at outcomes and
11 that should be coming up in the future.

12 COUNCIL MEMBER VALLONE: Well I'll turn
13 it back to my co-chairs, but I think with the
14 conversation about the 24 vs. 18, you're gonna have
15 the... all our teenagers at the DMV and all those who
16 are signing up for the military beg to differ, that
17 at 18 they are fully formed; can drive our cars, can
18 go serve in the military... [crosstalk]

19 ANA BERMUDEZ: Yeah, I know; that is part
20 of... well that is part of the challenge; right...
21 [crosstalk]

22 COUNCIL MEMBER VALLONE: and it's...
23 [crosstalk]

24

25

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2 ANA BERMUDEZ: that is exactly part of
3 the challenge, 'cause we know they're not, but they
4 think they are...

5 COUNCIL MEMBER VALLONE: Exactly.

6 ANA BERMUDEZ: right, you know and so...

7 COUNCIL MEMBER VALLONE: Like welcome to
8 my house.

9 ANA BERMUDEZ: Yeah, exactly.

10 [laughter]

11 COUNCIL MEMBER VALLONE: Thank you very
12 much.

13 CHAIRPERSON CROWLEY: Thank you Council
14 Member Vallone; next we have Council Member Barron.

15 COUNCIL MEMBER BARRON: Thank you Madame
16 Chair and co-chair. We want to thank you for coming
17 and giving your testimony. I was looking over some
18 of the testimony that you have provided and I wanted
19 to know how many probation officers are there? You
20 say that... I may have missed that in your testimony...
21 [background comment] there are 30,000 probationers;
22 how many probation officers are there and what's the
23 ratio and do you have a different ratio based on the
24 type of offense or how you've classified that
25 individual?

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3 ANA BERMUDEZ: Yes. So we have a total
4 of 539 probation officers in the agency and 153
5 supervising probation officers. So we have a ratio
6 of 1 to about 3-1/2 of supervisor to, you know,
7 probation officer and that allows us to have those
8 differentiated caseloads; right, so that the higher
9 the risk of the people on probation, the lower the
10 caseload and the more POs that you have assigned to
11 those units.

12 COUNCIL MEMBER BARRON: Okay. Now you
13 spoke about the Neighborhood Opportunity Network,
14 NeON; how many are there; how long have they been in
15 existence and where are they located or if you know
16 where they're located...? [crosstalk]

17 ANA BERMUDEZ: Okay. Yes. So we... you
18 know one of our philosophies about probation is that,
19 you know this is a community sentence and so
20 probation should not be an office-based, you know
21 intervention; right, work and so we looked at the
22 neighborhoods where had a high concentration of
23 people on probation and we explored in those
24 neighborhoods -- seven neighborhoods -- [background
25 comment] locating their... having our "offices" there;
right? And so we co-located, in some instances, with

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3 existing organizations that were in the community, so
4 for example, in Brownsville we're in Thomas Boyland
5 Avenue; [background comment] in Bed-Stuy we're on
6 Gates Avenue, also co-located with other folks; in
7 the Bronx we're in the South Bronx in our office, but
8 we've turned that into -- some of the council members
9 have been there -- into a resource hub for the
10 community and for our clients and we host things like
11 Free Verse, which is a poetry jam, every Thursday
12 afternoon, for example, where we run the nutrition
13 kitchen out of. So there's seven communities; the
14 seven communities are Jamaica Queens, Ice New York,
15 Bed-Stuy, Brownsville, Harlem; we're at the Dempsey
16 Center in Harlem, North Staten Island and where am I...
17 [background comments] and the South Bronx, sorry,
18 [background comment] and the South Bronx.

19 [background comment]... [interpose]

20 COUNCIL MEMBER BARRON: And each of them
21 has a NeON center?

22 ANA BERMUDEZ: Yes, those are the NeON
23 centers. Yeah, exactly. And so basically we have
24 probation officers there, there's community providers
25 in there, so it allows us to work with our clients in
their own environment, in their own neighborhood and

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3 it allows us... also, for example, it used to be that
4 if you had someone who lived in Manhattan but worked
5 in the Bronx, right, they'd have to go to Manhattan
6 to report to their probation officer; now it gives us
7 flexibility that that person, if their work is close
8 to the NeON in the South Bronx, we can make
9 arrangements for certain reporting processes to
10 happen there.

11 COUNCIL MEMBER BARRON: Okay. As a part
12 of the Department of Probation, the courts can allow
13 you to make recommendations for placements and that
14 can be either discharge, probation, alternative to
15 placement and then a correctional facility, is that
16 also... [crosstalk]

17 ANA BERMUDEZ: Well that's essentially
18 placement. And so in the juvenile realm, in Family
19 Court, placement is in essentially a residential
20 facility for juveniles run by ACS. And so in adult
21 court, you know, then that would implicate Rikers or...
22 [interpose]

23 COUNCIL MEMBER BARRON: Right. And also
24 it says, also treatment providers that are located in
25 the... [interpose]

ANA BERMUDEZ: In the NeONs, yes.

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JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 57

2 COUNCIL MEMBER BARRON: community. How
3 many residential facilities does ACS operate and how
4 many providers are there?

5 [background comment]

6 ANA BERMUDEZ: So the providers in the
7 NeONs are... is not... [interpose]

8 COUNCIL MEMBER BARRON: Not just the... Are
9 they only in the NeONs?

10 ANA BERMUDEZ: Well the NeONs are
11 different than in, you know, the... [interpose]

12 COUNCIL MEMBER BARRON: Right.

13 ANA BERMUDEZ: the juvenile facilities,
14 so the... we're always engaged with service providers,
15 but the advantage of the NeON is that they're on-
16 site... [crosstalk]

17 COUNCIL MEMBER BARRON: Right.

18 ANA BERMUDEZ: with us and we're with
19 them, so... [crosstalk]

20 COUNCIL MEMBER BARRON: Okay, so beyond
21 the NeONs, right; moving on.

22 ANA BERMUDEZ: So then ACS... right now...
23 well, you know, not being from ACS and I don't wanna
24 speak for them, but there's been a... through the Close
25 to Home initiative, [background comment] there are

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3 now much smaller facilities that are styled after
4 what Missouri had done, actually for... to have small
5 numbers of young people together, close to their
6 communities and so that's the process by which we get
7 young people in placement... [crosstalk]

8 COUNCIL MEMBER BARRON: And do you have
9 any idea how many there are? I know I have one in my
10 community, but I wanted to know who... [crosstalk]

11 ANA BERMUDEZ: Yeah. Yeah. How many
12 there are?

13 COUNCIL MEMBER BARRON: Yeah.

14 ANA BERMUDEZ: I think 12. Julie, how
15 many? [sic] Is it 12 or? [background comments]
16 Right. Oh, there's 31 facilities run by 11 agencies.
17 [background comment]

18 COUNCIL MEMBER BARRON: Okay.

19 [background comment] And in terms of treatment
20 providers, where the youth may come but not
21 necessarily be residential... Those are residential,
22 the ones that you talked about...

23 ANA BERMUDEZ: Yes, the ones I talked
24 about are residential, run by ACS, right and that's
25 for the... when a judge sentences a person under 16 to...
[background comment] to a residential facility.

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3 COUNCIL MEMBER BARRON: Okay. And then
4 if you could talk to me a little bit about Co-Op Tech
5 program...

6 ANA BERMUDEZ: Yes.

7 COUNCIL MEMBER BARRON: as you may know,
8 I was a teacher for many years... [crosstalk]

9 ANA BERMUDEZ: Right. Yes.

10 COUNCIL MEMBER BARRON: and an
11 administrator for many years, so I'm always looking
12 at what kinds of educational opportunities we provide
13 for these young people.

14 ANA BERMUDEZ: So we did a study, if you
15 will, a look at our data, and we found an alarming
16 number of 16- and 17-year-olds with less than 10
17 credits and as you know, to get to 44 credits and
18 you're already 16 or 17, you're not gonna get there;
19 right? And so we've been working with the Department
20 of Education to change the narrative; right, that
21 graduating from high school is really just a step to
22 get to higher education in a way and that there is
23 avenues to get there that the high school equivalency
24 should be and can be an avenue for that; that that's
25 not the end and I think we've gotten to a point where
we believe that if somebody graduates with a high

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3 school equivalency, you know diploma that that's a
4 bad outcome for DOE or bad outcome, and that's not
5 necessarily true; right? And so we want to encourage
6 that group of young people that we have with that age
7 and credit distribution to involve themselves in
8 learning opportunities that can lead to the HSC so
9 that they can get to higher education; right? At the
10 same time we have to recognize that a lot of our
11 young people are interested in getting a trade and a
12 career in technical education. So Co-Op Tech was
13 perfect in the sense that it exists, it has so many
14 options for young people to get their certificates,
15 but the problem with our guys was that the way it
16 traditionally works, you have to be enrolled and
17 attending your regular school, if you will, and you
18 spend half of the day there and then half a day at
19 Co-Op Tech; sometimes morning-afternoon; afternoon-
20 morning; our guys were never getting there, even if
21 we put them in Co-Op Tech; right, because they were
22 so disconnected from their already existing schools;
23 that's why they don't have that many credits, and so
24 DOE created a classroom where the young people in
25 that classroom are in Co-Op Tech all day, both for
their academics and [background comments] technical...

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2 exactly; there's no travel involved, other than the
3 fact that it's in the Upper East Side; right, so
4 that's a little bit of a deterrent. And so they stay
5 all day, they get their CTE, they get their
6 academics, and then as... they're accumulating credits,
7 but they're accumulating credits knowing that they're
8 probably going to go to the high school equivalency,
9 but we need them... some of them are 16 and they can't
10 take it until they're 17; right, so we need to grow
11 them that way. And so that's what we're doing so
12 far; it's been very successful; the partnership with
13 DOE is phenomenal around this, but it's 15 kids, you
14 know; it's not that many... [crosstalk]

15 COUNCIL MEMBER BARRON: Oh; was my next
16 question.

17 ANA BERMUDEZ: yeah, it's 15.

18 COUNCIL MEMBER BARRON: So what...
19 [crosstalk]

20 ANA BERMUDEZ: We're adding a second
21 classroom, I think.

22 COUNCIL MEMBER BARRON: So what... what are
23 the prospects for expanding that and having it at
24 other locations, especially in light of the fact that
25 you talk about there are those communities that you

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3 know who are pockets, [background comment]

4 concentrations... [crosstalk]

5 ANA BERMUDEZ: Right.

6 COUNCIL MEMBER BARRON: of youth who have
7 challenges... [crosstalk]

8 ANA BERMUDEZ: That would be tremendous.

9 I mean we've talked with some other government
10 officials about it; there's a lot of interest in
11 pursuing that and so some of the challenges are of
12 course, you know capital in nature and location in
13 nature, but I think we... that's... at least one of my
14 goals as commissioner is to get that moving.

15 COUNCIL MEMBER BARRON: And how many
16 instructors or what... I know you said there are 15
17 students, so how many instructors are associated with
18 that program?

19 ANA BERMUDEZ: I believe there's two,
20 [background comment] and the other thing that we've
21 been able to do is to run the classroom with a
22 restorative justice approach, because again, there's
23 a history of the young people not doing well in
24 school and sort of doing a little bit of a resistant
25 stint with authority figures and so when there's a
problem there's problem-solving circles, there's... you

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3 know, they have been able to create a climate and
4 discipline process that is very helpful to continued
5 participation and so that's been a real game changer
6 for us. So there's two instructors; there's 15 young
7 people.

8 COUNCIL MEMBER BARRON: And these
9 instructors or DOE employees?

10 ANA BERMUDEZ: Yes, their DOE employees.

11 COUNCIL MEMBER BARRON: Okay. Seems like
12 we should be able to move that kinda quickly and get
13 one going...? (CROSS-TALK)

14 ANA BERMUDEZ: Yes, I am pretty sure the
15 Chancellor is interested in this, yes.

16 COUNCIL MEMBER BARRON: And then finally,
17 I have questions about -- how long has that program
18 been operating, the Co-Op Tech?

19 ANA BERMUDEZ: We just finished the first
20 cohort, so it was... is it one semester; did it start
21 in January?

22 COUNCIL MEMBER BARRON: Oh...

23 ANA BERMUDEZ: Yes. [background
24 comments] One academic, year; sorry. Yes.

25 [background comments]

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3 COUNCIL MEMBER BARRON: One academic
4 year. Great. Okay, congratulations on that.

5 And then a question about early
6 termination of probation. How does that happen; who
7 institutes that and what is the criteria that
8 determines a person can have early termination of
9 probation...? [crosstalk]

10 ANA BERMUDEZ: Yes. So the criteria is
11 achievement, basically; right? So if somebody has
12 been complying with their conditions of probation;
13 not being rearrested and gaining some outcomes, there
14 is a conversation among supervisors, probation
15 officers; the probationer, him or herself and then
16 there is a petition that gets filed in court; again,
17 it's ultimately up to the judge, [background comment]
18 but we then make that attempt to try to get the
19 person off. The client also can apply independently
20 of us through their lawyer, but we have it pretty
21 built in that our officers are usually looking at
22 progression, the progress that the person has made
23 and when there's been good progress we try to reward
24 the person that way.
25

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2 COUNCIL MEMBER BARRON: So how do clients
3 know that there is that possibility of early
4 termination; I mean...

5 ANA BERMUDEZ: Discussed from the
6 beginning.

7 COUNCIL MEMBER BARRON: From the
8 beginning.

9 ANA BERMUDEZ: From the beginning. Yes.

10 COUNCIL MEMBER BARRON: Okay. So it's a
11 part of the protocol when you sit down and...

12 [crosstalk]

13 ANA BERMUDEZ: It's... It's part of the
14 engagement; right, we say, you know look, nobody
15 wants to be on probation; right, and this could be a
16 very unpleasant process or one that actually can lead
17 to growth; we want people to grow and if you do, we
18 can do this so that it's not as long, etc., etc.

19 COUNCIL MEMBER BARRON: And finally; do
20 you have any data as to how many clients apply and
21 how many are granted?

22 ANA BERMUDEZ: So we have an 81%
23 agreement rate from the judges; they release folks...

24 [crosstalk]

25

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2 COUNCIL MEMBER BARRON: Uhm-hm; that's
3 high [sic].

4 ANA BERMUDEZ: an early discharge; we
5 have about 12% of all cases that get closed a year,
6 get closed through early discharge process, and so we
7 have held at that rate pretty steadily, you know 12%,
8 13% and so in the begin... We started really pushing
9 this about five years ago, just to make sure that we
10 were not letting go of that exit process as we, like
11 I said in my testimony, really want to focus on how
12 many off ramps we can create. And so the numbers
13 were higher at that point, but now they've evened out
14 and about 12% of the cases get disposed of by early
15 discharge.

16 COUNCIL MEMBER BARRON: So do you have a
17 total number as to how many are presented for
18 discharge...? [crosstalk]

19 ANA BERMUDEZ: Yeah, okay. So let me
20 just get... So last year it was 12% out of all cases
21 closed, but I need to get how many out of that, the
22 all cases closed are here... hold on...

23 COUNCIL MEMBER BARRON: And I'm confused
24 on the numbers -- 81%, 12% -- so which is which...
25 [crosstalk]

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2 ANA BERMUDEZ: Right.

3 COUNCIL MEMBER BARRON: and can you
4 clarify that for me, please...? [crosstalk]

5 ANA BERMUDEZ: So 12%... Yes. So 12% is
6 the percentage of all closed cases that were closed
due to a successful... [crosstalk]

7 COUNCIL MEMBER BARRON: Oh okay. Okay.

8 ANA BERMUDEZ: early discharge.

9 COUNCIL MEMBER BARRON: Okay.

10 ANA BERMUDEZ: Of all the cases that we
filed, right... [crosstalk]

11 COUNCIL MEMBER BARRON: Uhm-hm.

12 ANA BERMUDEZ: not the 12%, the cases
13 that we filed, 81% the judge agreed and granted the
request. So basically it's pretty much saying when
14 we request it, chances are 8 out of 10 times the
15 judge will agree.

16 COUNCIL MEMBER BARRON: 'Kay, if you
could just get me the numbers, I would love to know
17 that... [crosstalk]

18 ANA BERMUDEZ: Yes. Okay.

19 COUNCIL MEMBER BARRON: Thank you Madame
Chair.

20 CHAIRPERSON CROWLEY: Thank you Council
21 Member Barron; next we'll have Council Member Arroyo
up for questions.

22 COUNCIL MEMBER ARROYO: Thank you Madame
23 Chair. Commissioner, welcome; nice to see you
24 always. One of the commissioners that I... that rolls
up her sleeves and... or their sleeves, 'cause there
25 are some males... and really gets into the work that's

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3 being done by the agency and I really appreciate
4 that. I've been one of those members who has had the
5 opportunity to visit the NeON center in the Bronx and
6 experience the events and the energy and the
7 engagement of the individuals that are going through
8 that center and it's absolutely phenomenal.

9 So my question is; since you're crediting
10 those centers with a reduction of 25%... by 25% of
11 those who re-enter the system, do we have any plans
12 to expand on those centers throughout the city?

13 ANA BERMUDEZ: So this is a little bit of
14 an issue of the economies of scale; right, because
15 the concentration issue, you know the NeONs are where
16 they are because there's a concentration of people on
17 probation who live in those neighborhoods; right, so
18 what we're trying to do is bring the NeON approach
19 and the engagement to everything we do; right, and
20 the goal is not to have that discrepancy; right; is
21 to make sure that we have the same low rate of
22 rearrests among our group of probationers. And so we
23 have the... we're doing a lot of our projects, like
24 NeON Arts, right, that is open to everybody on
25 probation, because each stakeholder group has... I'm
sorry; each NeON has a stakeholder group and so the
stakeholder group does a lot of decision-making
around projects in the neighborhood, etc.; right, so
we have the people who are supervised not in the
NeONs participate in NeON-based activities as much as
possible to garner some of that; right, and then that
way they can also get connected to some of the
providers that are in the NeONs. Our officers are
now more, in the non NeON offices, using NeON

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2 resources; right, to work... you know, Arches, for
3 example, our Transformative Mentoring Program, is
4 based in the NeONs even though it addresses all of
5 the young people on probation, not just there. So
6 while I wish we could have it in many more places, it
makes sense in the communities where they're in.

7 COUNCIL MEMBER ARROYO: Well obviously,
8 but wouldn't we benefit from having more NeON
centers?

9 ANA BERMUDEZ: If we...

10 COUNCIL MEMBER ARROYO: And that's the
question...

11 ANA BERMUDEZ: Right.

12 COUNCIL MEMBER ARROYO: are we... is there
13 any discussion or any plan to create more centers in
other communities in the city?

14 ANA BERMUDEZ: Well actually, now that I
15 think of it, there is one community that has not...
16 we've not been able to serve, even though there's a
17 concentration, which is at the Northern Bronx. So we
haven't yet... [crosstalk]

18 COUNCIL MEMBER ARROYO: Let's get it
done.

19 ANA BERMUDEZ: Yeah, right. So we...
20 [crosstalk]

21 COUNCIL MEMBER ARROYO: I mean if it's
22 working; if it's having the intended outcome, I think
23 it would be irresponsible for us, the agency, the
24 administration; the council not to figure out how to
get it done.

25 ANA BERMUDEZ: Yes, we would love to
engage with you on that.

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2 JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 70

3 COUNCIL MEMBER ARROYO: And you have the
4 right chairs at this hearing to have that...
5 [crosstalk]

6 ANA BERMUDEZ: Right. Yes, we do [sic].

7 COUNCIL MEMBER ARROYO: conversation.
8 I've witnessed the engagement and the location,
9 location, location; if somebody has to go from the
10 North Bronx or from... [crosstalk]

11 ANA BERMUDEZ: Uhm-hm.

12 COUNCIL MEMBER ARROYO: another part of
13 Brooklyn into the NeON center, the chances of them
14 getting there and truly engaging are gonna be
15 weakened by the fact that they have to go from close
16 to home to somewhere else, so that we can remove the
17 barriers of them engaging as much as possible. And
18 you referenced the number of individuals that are
19 under-credited because they are disconnected from
20 school and I think we've had this conversation in the
21 past and I'm talking to everyone who will listen
22 about understanding that disconnection and how much
23 of it is related to learning challenges that
24 individuals have where a system has failed engaging,
25 assessing and providing intervention services for
enabling them to learn, because if we send them to
any program that requires learning for workforce
development, job placement and they have a learning
challenge, they're gonna fail at that too [background
comment] and repeated failures are part of what
contributes to an individual's behavior outside of
what we expect. So out of the population that is
under-credited; how many of them or have you been

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
2 JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 71

3 able to determine how many confront learning
4 challenges?

5 ANA BERMUDEZ: I wish I had that for you,
6 but I'm gonna venture to say that at least half, you
7 know. When I... in my prior life -- here, this is
8 something we have in common, Council Member Barron, I
9 worked at cases and we co-ran a school for young
10 people in the system and you know the overall rate of
11 students with IEPs, with the education plans in the
12 city is about 11% and we had 44% of our students with
13 IEPs. Now then you have to, in addition to that,
14 look at the designation of the IEP; a lot of the
15 young people in the system, their designation is ED,
16 which is emotionally disturbed and I would venture to
17 say also the majority of them have an undiagnosed or
18 had an undiagnosed learning challenge that then... and
19 so then the ED designation is even more of a
20 challenge and a barrier for a school. So it's a
21 multi-layered issued that really need to tackle, but
22 I would say that that is a concern that... [interpose]

23 COUNCIL MEMBER ARROYO: So that we need
24 to tackle it and we know that it's out there and we
25 are talking about young people between the ages of 16
and 24 in this case, but many adults who have gone
through that... [crosstalk]

ANA BERMUDEZ: Right.

COUNCIL MEMBER ARROYO: system who
continue to face the very same challenges. So as
much as we wanna connect them to a service provider
who is going to try to train them to gain some
employment, they're gonna fail at that too, because
their capacity to learn is compromised in some way

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2 JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 72

3 and every training program that I'm aware of is
4 modeled after the other and you've got six weeks and
5 if you're not successful... [crosstalk]

6 ANA BERMUDEZ: Correct.

7 COUNCIL MEMBER ARROYO: then tough
8 [background comments] and if you don't score high
9 enough to get into a GED program, what's the
10 alternative?

11 ANA BERMUDEZ: Right.

12 COUNCIL MEMBER ARROYO: So the challenge
13 here and I think one that we have to take up is
14 understanding that population and what are the
15 services that we need to provide...

16 ANA BERMUDEZ: Right.

17 COUNCIL MEMBER ARROYO: because they
18 don't have insurance, there's no evaluation that we
19 can give them because somebody has to pay for that
20 and that costs a lot of money, so we're gonna
21 continue to shuttle them around, hoping that
22 something sticks and it's not gonna because they are
23 not able to; not because they don't want to, but
24 because they don't have the right kind of support.
25 So I'm challenging all of us here to drill down on
that conversation, understand what those numbers are
and see if we can maybe by category of learning
challenge provide a training or support for those
individuals that enables them, so if they are having
trouble reading, maybe they can get it read to them,
because dyslexia is a problem that they have not been
able to overcome, and that's only because you know
they're in our communities, every single day these
young people are going to be in this perpetual cycle

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2 JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 73

3 of unemployment/underemployment, arrests, rearrests
4 and they're gonna keep you in business and we wanna
5 put you out of business.

6 ANA BERMUDEZ: Yeah, I'd be happy... Like I
7 told the Mayor at one point, I'd love to be out of a
8 job for the right reason, [background comments] you
9 know, you know, if we can get some... So let me say one
10 thing about that that actually goes back to the NeON.
11 So in the South Bronx NeON we have co-located, high
12 school equivalency classes there for people older
13 than 24 and people between 16 and 24 and we've
14 doubled the number of people that have graduated even
15 in the last year, because now people know about it
16 more like. So we have community members; not just
17 people on probation attending. And we have a young
18 lady who... I think it was six times, she took the test
19 six times and nobody, including herself would give up
20 on her and yes [sic] again, come back, Tiffany, come
21 back, come back, and she stayed there and she came to
22 the NeONs and to the poetry jams and to anything and
23 everything that was offered there until she finally
24 did it; right? And I think that, to your point, we
25 have to look at also the funding strings when we do
RFPs or when we look at funding sources, because of
what you said, that the outcomes need to be so
immediate with a... If we're trying to address the
needs of a population that are so challenging, it's
gonna take time and one step forward and two steps
back and all that stuff that has to be built in and
how we resource programs also.

COUNCIL MEMBER ARROYO: Okay. So since
we agree, [laughter] then as the administration

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
2 JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 74

3 considers these RFPs that are being released by the
4 different agencies, let's look at those strings and
5 see... [crosstalk]

6 ANA BERMUDEZ: Yes, and I'm definitely
7 involved in that.

8 COUNCIL MEMBER ARROYO: and see how we
9 can amend the expectations for those contracts so
10 that we don't set up the individuals that go through
11 those services for failure. We have been doing this
12 for too long and not really changing the lives of
13 people in our city who are faced with
14 unemployment/underemployment and poverty that they
15 will never climb out of unless we change how we do
16 what we're doing. Thank you [background comment] co-
17 chairs.

18 CHAIRPERSON CROWLEY: Thank you Council
19 Member Arroyo. We're next going to have questions
20 from Council Member Lancman.

21 COUNCIL MEMBER LANCMAN: Good morning;
22 how are you...? [crosstalk]

23 ANA BERMUDEZ: Good morning.

24 COUNCIL MEMBER LANCMAN: Good to see you
25 again. I just wanna ask whether or not you
coordinate with and get cooperation from the legal
services providers who are assigned to represent
these young people. There's been an emphasis in the
last few years which this Council is looking at to
potentially accelerate where the legal services
providers, in all criminal [background comment]
cases, whether adult or juvenile are viewed where
appropriate as potential locuses [sic] of wraparound
services, so I assume that most of all of the young

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3 people that are your clients have been assigned
4 counsel and probably almost all of them are
5 established institutional legal services providers,
6 so do you work with them; are they part of the
7 equation at all and how would you evaluate the
8 current... [interpose]

9 ANA BERMUDEZ: Yeah, I mean... So there's a
10 little quirk between Family Court and criminal court
11 on this. In criminal court, when the case gets
12 disposed of to probation, attendant probation [sic],
13 the legal representation ends pretty much, so
14 although there is a lawyer, there is not continued
15 expectation, even from the institutional, you know,
16 providers is my understanding, although Legal Aid is
17 and some of the others are changing that a little
18 bit; they're staying more with their client, even
19 when they're on probation. [interpose]

20 COUNCIL MEMBER LANCMAN: How many are
21 repeat customers and where they... [crosstalk]

22 ANA BERMUDEZ: Sometime... right...

23 COUNCIL MEMBER LANCMAN: or that one case
24 might end but they still have three others pending?

25 ANA BERMUDEZ: Right. So that... So
whenever there is an active participation of a lawyer
in that person's life, we definitely engage with them
because we often use them; definitely we do it in
Family Court; that's a given that the lawyer should
be consulted before we reach certain points,
especially when the young person's struggling and
sometimes the lawyer can bring that heavier hand and
say look, you know, you know the judge; remember when
the judge said this, this, this and that, you know

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3 and use that as a catalyst for progress; they have
4 resources, you know, etc. In adult court it is more
5 touch and go, but we definitely engage with the
6 defense bar in helping, you know, manage a case for
7 sure.

8 COUNCIL MEMBER LANCMAN: And generally do
9 you find them to be constructive, because there is a
10 school of thought in the defense bar sometimes that
11 the best thing that they can do for a client is to in
12 a maximum way disentangle them from the system and so
13 even in the context of human trafficking court, for
14 example, we've encountered maybe more so advocates,
15 but some legal services providers, or the issue of
16 bail reform, right, which is a hot topic; [background
17 comments] today Chief Judge Lippman's announcements,
18 where even voluntary -- or well, not voluntary; even
19 programs that are in lieu of more onerous criminal
20 sentences or other penalties, there is resistance to
21 because they feel like the best they could do is just
22 get someone out of the system, so I wonder if you
23 encounter any kind of resistance and there's anything
24 we should do to help deal with that.

25 ANA BERMUDEZ: You know, it varies; it's
sometimes individual to the attorney, you know what
their philosophy is. By and large though, because I
think that we've increasingly adopted a problem-
solving approach to people on probation they're more
engaged in that rather than, you know, rather than
try to... you know, by the time the person gets to us,
you know, the way that they would wanna get somebody
out would be by encouraging early discharges, which
we welcome, you know; by making sure that... you know

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3 they kinda... they do a little check and balance; are
4 we overtaxing the person with, you know, requirements
5 that may or may not be, you know, if you will,
6 necessary to achieve the goals that we need to
7 achieve. So even when they're feisty, you know, it
8 can be a benefit, but not as a wholesale; you know,
9 we have very good work relationships with the leaders
10 of those agencies, so. Right; would you say? [sic]
11 [background comment] Yeah.

12 COUNCIL MEMBER LANCMAN: Thank you.
13 Thanks.

14 CHAIRPERSON CROWLEY: Thank you Council
15 Member Lancman. I have a few more questions and then
16 Council Member Cabrera and then we're gonna hear
17 testimony from the public.

18 We were joined before earlier by Council
19 Member Eugene.

20 I have a question about NeONs; are they
21 probation staff or are they contracted out?

22 ANA BERMUDEZ: No, probation staff.
23 There's probation officers there, but there are
24 existing service providers that then either come in
25 if it's our main office or that are already existing
there... [crosstalk]

26 CHAIRPERSON CROWLEY: And Commissioner,
27 how long have you been with the Department?

28 ANA BERMUDEZ: I have been with the
29 Department for five years by now... yes, five years.

30 CHAIRPERSON CROWLEY: And have you...
31 [crosstalk]

32 ANA BERMUDEZ: Not as commissioner, but.

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2 CHAIRPERSON CROWLEY: No, I know that.
3 [laughter] And has... you know, I remember when
4 Bloomberg was there, there was a lot of frustration
5 with staffing cuts...

6 ANA BERMUDEZ: Right, in the past
7 administration we... between a number of budget issues,
8 city budget issues and the ending of the era funding
9 we did experience some layoffs, but we have survived
10 since then a number of pegs and other cost-cutting
11 moments without having to lay off anybody.

12 CHAIRPERSON CROWLEY: Now how long does
13 it take for one of your probation officers to prepare
14 one of the reports needed for the sentencing?

15 ANA BERMUDEZ: Well it varies; if it's a
16 report that has to go to court on a person who's
17 incarcerated in either Rikers or in juvenile in one
18 of the detention facilities, they have 10 days in
19 which to complete it and if the person is at liberty,
20 there is a couple months that they have to be able to
21 complete the report.

22 CHAIRPERSON CROWLEY: I'm just trying to
23 figure out; are they the same probation officers that
24 are monitoring the people on probation?

25 ANA BERMUDEZ: Oh no, we have
investigations units separate and apart from the
supervision units... [crosstalk]

CHAIRPERSON CROWLEY: So earlier I think
you mentioned... I think Council Member Barron had a
question about how many probation officers that you
have...

ANA BERMUDEZ: Yes.

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2 JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 79

3 CHAIRPERSON CROWLEY: and I think the
4 number was somewhere in the mid 500s?

5 ANA BERMUDEZ: Yes.

6 CHAIRPERSON CROWLEY: Is that counting
7 probation officers that are preparing these reports...?
8 [crosstalk]

9 ANA BERMUDEZ: Who do investigations,
10 yes.

11 CHAIRPERSON CROWLEY: So then how many
12 are actually watching the people who are on
13 probation?

14 ANA BERMUDEZ: So... let me look at... So...
15 Okay. Two out of three probation officers are
16 supervision probation officers. So of the 539
17 probation officers, two-thirds directly supervise
18 people on probation and the other, the balance...

19 CHAIRPERSON CROWLEY: So if I do the math
20 correct, that means that the average probation
21 officer has... wait, I'm not doing math right. How...
22 [crosstalk]

23 ANA BERMUDEZ: Yeah, it's hard to do this
24 math.

25 CHAIRPERSON CROWLEY: How many... yeah, how
many probationers are under the supervision of one
probation on average?

ANA BERMUDEZ: So like I said, the
probation officers do direct supervision of
probationers who are medium and high risk; the low
risk people on probation have a different monitoring
system, which is a monthly reporting system that does
not have a direct probation officer attached to them.

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2 So they see a probation officer as needed, quarterly,
3 etc., etc., you know there's all sorts of different
4 ways in which we supervise low risk people, so...

5 [crosstalk]

6 CHAIRPERSON CROWLEY: Right, I know; I
7 just... earlier you said that high risk was for
8 juvenile 1-20, for a non-juvenile adult was more like
9 1-40...

10 ANA BERMUDEZ: Oh now, with... Okay, so in
11 juvenile we have four layers of probation and it goes
12 from 1-15 to 1-50; right, the lowest, you know risk
13 young people. In adult operations, what I was saying
14 is that in the 16-24, the young adult model, what
15 we're striving for is 1-20 for the high and highest
16 risk and 1-40 for the medium risk. Right now on
17 average for the medium risk people on probation,
18 regardless of age, is about 45-50, 1-45 to 50, so
19 we're not even that far in existing caseloads...

20 [crosstalk]

21 CHAIRPERSON CROWLEY: And how often does
22 somebody on medium... [crosstalk]

23 ANA BERMUDEZ: Yes.

24 CHAIRPERSON CROWLEY: probation have to
25 come in for a visit?

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JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 81

2 ANA BERMUDEZ: So on medium risk it's two
3 contacts per month, so every two weeks... [interpose]

4 CHAIRPERSON CROWLEY: So and then we just
5 get... So then somebody who's watching 50 [background
6 comment] will have to make sure that they have two
7 physical contacts...

8 ANA BERMUDEZ: Yes.

9 CHAIRPERSON CROWLEY: with a probationer...

10 ANA BERMUDEZ: Uhm-hm.

11 CHAIRPERSON CROWLEY: or a client, so
12 that means that in one month that one person has to
13 see 100?

14 ANA BERMUDEZ: Correct.

15 CHAIRPERSON CROWLEY: And then in
16 addition to that; what?

17 ANA BERMUDEZ: In addition to that they
18 need to make what are called collateral contacts,
19 calling work, etc.; I mean... and there's also some
20 layers of support for doing this work; it's not all
21 the probation officer. And... [crosstalk]

22 CHAIRPERSON CROWLEY: That I wanna get
23 into too, because I've had complaints, not
24 necessarily from probation officers, but from the
25 support staff, [background comment] just on the

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2 working conditions since the Bloomberg era took into
3 the cuts, like support staff has been cut a
4 significant amount and I'm just trying to figure out
5 how many officers, or whether they're doing the work
6 that support staff once did and I am not sure that
7 the workload which entails seeing -- one correction
8 officer has to make 100 contacts in one month
9 physical and then in addition to that they're gonna
10 have to make some other type of phone call or other
11 type of contact, [background comment] and to a
12 certain extent they have somebody helping them and
13 what extent is that?

14 ANA BERMUDEZ: So you know that frankly
15 varies by team, but we have right now, we've been
16 able to recalibrate, if you will, our ratios and we
17 have one administrative support person per three
18 probation officers, [background comment] so that's a
19 pretty good, we believe, a very good ratio
20 [background comment] of support... [crosstalk]

21 CHAIRPERSON CROWLEY: And that is the
22 same for the ones that are preparing the briefs too...?
23 [crosstalk]

24 ANA BERMUDEZ: Yes. [background comment]
25 And you know, some units have... the assistant

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2 JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 83

3 commissioners of the various boroughs decide on a
4 local level, you know, how to distribute their
5 support systems, so in that regard, you know there's
6 a number of, you know tasks that administrative
7 support can do... [crosstalk]

8 CHAIRPERSON CROWLEY: Right. So back to
9 the one [background comment] probation officer making
10 the 100 physical contacts, how many of the non-
11 physical contacts need to be made?

12 ANA BERMUDEZ: So there's two contacts
13 per quarter; not per month, so per quarter they are
14 to get in touch with whatever service provider the
15 person's going to; yet again, an advantage of the
16 NeON; if I can walk down the hall to make sure that
17 you've been coming to... [background comment] much
18 easier; right, you know it's [background comment] a
19 whole advantage to that economies of scale. So every
20 quarter the person is to contact, you know, service
21 provider, schools, etc., etc.

22 CHAIRPERSON CROWLEY: And then in
23 addition to making those two visits, what other... how
24 many other contacts need to be made?

25 ANA BERMUDEZ: And then there's a home
visit that has to be done within the first 45 days of

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3 the case assignment and then as needed, so that's not
4 prescribed after the first 45 days.

5 CHAIRPERSON CROWLEY: Do you know the
6 average length of time one's on probation?

7 ANA BERMUDEZ: For a felony, about five
8 years; for a misdemeanor, three years, although there
9 was a change in the law a couple of years ago where
10 there's now different terms; the judges are slowly,
11 you know, availing themselves of that, so now we're
12 seeing some felonies on for three years.

13 CHAIRPERSON CROWLEY: Are your probation
14 officers working a lot of overtime?

15 ANA BERMUDEZ: No.

16 CHAIRPERSON CROWLEY: No. Are they
17 having to... [crosstalk]

18 ANA BERMUDEZ: No; let me make also
19 another comment. Just an in-between step, if you
20 will, towards early discharge is reduction in
21 supervision. So on average the person stays with a
22 probation officer, even if you're medium risk, about,
23 you know, between 12 and 18 months and then there can
24 be a reduction to the once a month supervision level
25 that does not implicate a probation officer every
time.

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2 CHAIRPERSON CROWLEY: And when your
3 probation officers are putting these reports together
4 for the judge, what's the technical name?

5 ANA BERMUDEZ: Yeah, but these are not
6 the same... so these... [crosstalk]

7 CHAIRPERSON CROWLEY: I understand...

8 ANA BERMUDEZ: Well okay.

9 CHAIRPERSON CROWLEY: I'm just jumpin'
10 around... [crosstalk]

11 ANA BERMUDEZ: Right, okay. [laughter]

12 CHAIRPERSON CROWLEY: on the topic of
13 probation officers. So the ones that put the brief
14 together; that's what it's called, a brief?

15 ANA BERMUDEZ: They're called a PSI,
16 presentence investigation report.

17 CHAIRPERSON CROWLEY: But they also do
18 the other reports when somebody gets arrested or
19 violate...

20 ANA BERMUDEZ: No...

21 CHAIRPERSON CROWLEY: So those are
22 different... [crosstalk]

23 ANA BERMUDEZ: the... the... the person... if I
24 am supervising you and you get rearrested and there
25

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3 is a violation that needs to be filed, I am
4 responsible for that; not anybody else.

5 CHAIRPERSON CROWLEY: Oh. Oh okay, so...
6 [crosstalk]

7 ANA BERMUDEZ: I put it together.

8 CHAIRPERSON CROWLEY: then they... they
9 have to do briefs on top of that. So then the...

10 [crosstalk]

11 ANA BERMUDEZ: Right, they would have...

12 CHAIRPERSON CROWLEY: officers that are
13 watching let's say the medium that are watching 50,
14 [background comment] or those that are watching
15 greater than 50...

16 ANA BERMUDEZ: Yeah.

17 CHAIRPERSON CROWLEY: on average
18 correction officers are probably watching like 200 or
19 more?

20 ANA BERMUDEZ: Well the ones that are in
21 the once a month reporting, it's not an actual
22 caseload, because they report once a month through
23 electronic means at our site, you know, the probation
24 officers are on-site and they work with those people
25 more on a quarterly basis, if you will.

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2 CHAIRPERSON CROWLEY: Now can you -- so
3 different topic -- When you mentioned in your
4 testimony towards the end you mentioned the City
5 Council program that we fund...

6 ANA BERMUDEZ: Yes.

7 CHAIRPERSON CROWLEY: is there any way of
8 measuring the success of that program?

9 ANA BERMUDEZ: Well I mean there will be
10 an evaluation of that program, just like we're
11 evaluating the other programs, but that's the... it's
12 the newest; we just in this fiscal year were able to
13 settle all the contracts and get everybody up and
14 running. So generally the standard for evaluation
15 and assessing whether something is successful is
16 three years from time of operation, so we will
17 definitely -- I mean we continue to look at interim
18 measures, obviously; enrollment and you know
19 attendance rates, etc.; we do site visits, since
20 we're doing all the contract monitoring; we don't do
21 the work, but we keep watching, you know and we get
22 reports from all the providers as to what's happening
23 and interim measures, so that will be upcoming.

24 CHAIRPERSON CROWLEY: How many years has
25 that program been in place?

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3 ANA BERMUDEZ: Justice Plus has been
4 since... we've been ramping up since 2013... FY13, I
5 believe. Yeah... [crosstalk]

6 CHAIRPERSON CROWLEY: And how long have
7 the NeONs been in place?

8 ANA BERMUDEZ: Our first NeON was 2011,
9 December of 2011 we opened and the last one was
10 sometime in 2012, so three years really.

11 CHAIRPERSON CROWLEY: And your testimony
12 says that it's clear that they bring down recidivism
13 by 25%.

14 ANA BERMUDEZ: Yes.

15 CHAIRPERSON CROWLEY: But there's no
16 measure in the past two years of the City Council
17 program, there's no way to measure...

18 ANA BERMUDEZ: Yes and no; I mean we
19 could look at the ones that were up and running
20 first; right; we'd have to do a staggered look at
21 that, some interim measures and we do monitor that
22 our contract folks to look at that, but I don't have
23 the numbers.

24 CHAIRPERSON CROWLEY: Right and this
25 would be helpful because, you know with Council
Member Arroyo singing the praises to the NeONs, you

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3 know we're giving money as a council to these other
4 programs; they may not have the same rates of success
5 and so it would be helpful for the committee to look
6 at... [background comment] even if it's just early
7 stages, but both programs are really early...
8 [background comment] you know, they're not in
9 existence for a long time. And do you have
10 interpreters; I understand that there are a lot of
11 probationers that don't speak English well.

12 ANA BERMUDEZ: Correct. Uhm-hm. We are
13 big users of the Language Line, which is available to
14 the Department; we also have materials and whenever
15 we produce materials, we produce them in different
16 languages, as well as we do have a diverse staff and
17 frankly, sometimes our staff pitches in and they
18 translate, especially in Spanish and you know...

19 [crosstalk]

20 CHAIRPERSON CROWLEY: In the past, did
21 the Department have an interpreting team where they
22 could reserve certain times if somebody was to come
23 to them without having to use a telephone...?

24 [crosstalk]

25 ANA BERMUDEZ: Not to knowledge, no.

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2 CHAIRPERSON CROWLEY: And you don't know
3 whether it's more successful to have a real person
4 interpreting rather than the phone? Or how
5 realistic?

6 ANA BERMUDEZ: You know, on an objective
7 level, yes, interaction with a person's always
8 better; right, but I don't know if it would be econo...
9 you know like fiscally responsible in a way, because
10 the way that you can't always anticipate when you're
11 gonna get... sometimes we get an influx of people who
12 speak Spanish; right, this week, but for two other
13 months we don't and sustaining someone on staff might
14 be a little, you know, not a return on investment.

15 CHAIRPERSON CROWLEY: And then just last
16 question in regards to staff, when they see the
17 inmate -- not the inmate, sorry -- probationers, when
18 they're coming, the ones that are high level, high
19 risk; is there any security in place at the
20 facilities where they meet?

21 ANA BERMUDEZ: Well all the offices that
22 we have in the court buildings have the security, so
23 they do. And the NeONs are... part of the philosophy
24 of the whole thing is that this is a place of safety
25 for everybody... [crosstalk]

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2 CHAIRPERSON CROWLEY: Right.

3 ANA BERMUDEZ: and we've never had any
4 problems, no... [crosstalk]

5 CHAIRPERSON CROWLEY: You have had any
6 incidents? Okay, that's good. Alright, I'm finished
7 with my questions. Thank you, Council... [crosstalk]

8 ANA BERMUDEZ: And I should also add; all
9 our officers are peace officers, so they are able to
10 maintain security... [crosstalk]

11 CHAIRPERSON CROWLEY: Okay, that's good.
12 Council Member Cabrera.

13 CO-CHAIR CABRERA: Thank you so much co-
14 chair. Commissioner, I have a couple of questions,
15 but I just wanna follow up with one of those
16 questions that was just made. Is there any attempt
17 to make sure that those POs that are bilingual, that
18 those who speak the same language are matched
19 together or is there just a random way of assigning?

20 ANA BERMUDEZ: No. No, no; we... in as
21 much as we can, we assign people, especially around
22 language, with others who can speak the language or...
23 or... [interpose]

24 CO-CHAIR CABRERA: And do you happen to
25 know how many bilingual POs you have?

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2 ANA BERMUDEZ: Or I do... [background
3 comment] no, I don't... I don't... [interpose]

4 CO-CHAIR CABRERA: Do you keep data of
5 that at all or?

6 ANA BERMUDEZ: Not of bilingual; I mean
7 we keep data on the demographics of our staff, but
8 not on bilingual.

9 CO-CHAIR CABRERA: Can you give us those
10 demographics; I'm just curious?

11 ANA BERMUDEZ: [laughter] I actually
12 have... [crosstalk]

13 CO-CHAIR CABRERA: Of the staff.

14 ANA BERMUDEZ: them by male/female; not
15 the other demographics... [crosstalk]

16 CO-CHAIR CABRERA: Oh.

17 ANA BERMUDEZ: unfortunately, although
18 frankly, the majority of our staff are people of
19 color. So you know, in terms of probation officers,
20 both in the probation officer and supervising
21 probation officers we have a vast majority of
22 females. You know, we're always trying to recruit
23 more young men... [crosstalk]

24 CO-CHAIR CABRERA: Okay.

25

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2 ANA BERMUDEZ: ideally, but the... yeah,
3 the... [interpose]

4 CO-CHAIR CABRERA: Is there a reason why
5 we don't have males...? [crosstalk]

6 ANA BERMUDEZ: You know, I don't know,
7 you know; I... I... I don't know if... I wouldn't wanna
8 venture to say, actually, but you know it's not
9 unlike the rest of the social service, you know
10 industry, so.

11 CO-CHAIR CABRERA: That leads me to my
12 next question; what is the number one suggestion that
13 probation officers make to the administration? I
14 will not use the word complain, but suggestion.

15 ANA BERMUDEZ: [laughter] Suggest to the
16 administration. Well I... I think... I don't know, they...
17 [background comments] yeah, but I think it would
18 ultimately center around certainly resources and time
19 to work with people before someone deciding
20 something's not working, you know. Because I think
21 there's a complexity in the work that we do that --
22 like we've been saying today -- that looking at the
23 numbers is really important because it gives you a
24 sense of what's going on, but you can't always
25 pinpoint a, you know, a definitive answer out of the

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3 numbers; right, so I think that that's part of the
4 challenge that we face... [crosstalk]

5 CO-CHAIR CABRERA: Do they... Do they talk
6 about that they don't have enough time to do their
7 job; is that the... [crosstalk]

8 ANA BERMUDEZ: No, it's not time to do
9 their job; it's time to see change, like you know,
10 it's about how do you... we're always struggling as a
11 society; not... you know, to assess what works and
12 what's the measurement of that it's work; right, and
13 so I think that would be the conversation; I think we
14 are well positioned to do the work that we're doing,
15 you know, so... [crosstalk]

16 CO-CHAIR CABRERA: Right. I meant to ask
17 you also about -- How many, in terms of wraparound
18 services, how many of those under the DOP have
19 received jobs; do you track that?

20 ANA BERMUDEZ: [background comments]
21 Yeah. So we are... we have not traditionally tracked
22 that as an outcome, but we are definitely going to...
23 [crosstalk]

24 CO-CHAIR CABRERA: You know, I would
25 strongly encourage you to do so because in the street
and now working... you know, myself and Council Member

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3 Jumaane Williams from the very onset work with the
4 Cure Violence Program [background comment] and
5 talking to the young people on the street, talking to
6 those working with them, the number one thing that
7 they are asking for is jobs; as a matter of fact,
8 it's a condition to many of the crews to be allowed
9 to be off the crews as long as they could show proof
10 that they are actually working and so I think this
11 might be a measure, you know, an indicator...

[crosstalk]

12 ANA BERMUDEZ: So...

13 CO-CHAIR CABRERA: of success that you
14 know more... [interpose]

15 ANA BERMUDEZ: Yeah, no; that would be
16 great; as I said previously, it's hard to... for us,
17 you know it's great for our clients to be able to get
18 jobs, but since we don't control that, what we do
19 control is making them more employable and that's
20 what we do at all turns. We have... one of the ATPs
21 that we have in Family Court creates that
22 employability process, makes them more marketable,
23 our Youth WRAP program also makes them more
24 marketable. You know, especially around some of the
25 soft skills; sometimes the guys say they want a job,

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3 but then getting up in the morning becomes a
4 struggle; right, so by the time that there is a much
5 more concerted effort to get that job outside of
6 probation they're able to then not only get it, but
7 retain it. Justice Plus that you fund as a
8 wraparound to Cure Violence is trying to do the same
9 thing for those young people. So one of the things
10 that we should be looking at in looking at Justice
11 Plus is how connected it all really is to the Cure
12 Violence, you know, to the Cure Violence intervention
13 in terms of identifying the young people who do need
14 that and can use those services.

15 CO-CHAIR CABRERA: So help me understand
16 this piece. Do you have a nonprofit that gets
17 funding that specifically works in helping young get
18 job -- not just to make them more marketable, but to
19 be aggressively making the phone calls, to help them
20 locate the jobs; is that in place...? [crosstalk]

21 ANA BERMUDEZ: Well we have... We have a
22 workforce development specialist, you know on staff
23 and she is -- you know, so for example, we're doing
24 career counseling services, we put together forums
25 for employers to come and you know talk to people on
probation and we have -- that's something that

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3 sometimes the young person or the older person does
4 with their probation officer, but we have resources;
5 we have a Community Resource Unit, so they also
6 develop relationships with not just providers of
7 substance abuse and other, you know and education,
8 but workforce development and job opportunities;
9 they're always trying to put... [crosstalk]

10 CO-CHAIR CABRERA: But is that enough for
11 50,000? I mean... [crosstalk]

12 ANA BERMUDEZ: We can always use more,
13 I'm sure, you know that I can't de... [crosstalk]

14 CO-CHAIR CABRERA: No, I'm just thinking
15 about... I'm thinking about one workforce worker there;
16 I mean, you're talking about... how many we're talking
17 about, 50,000 that go through... [crosstalk]

18 ANA BERMUDEZ: Well we have 29,000 people
19 in supervision.

20 CO-CHAIR CABRERA: Twenty-nine... that's a
21 lot of people...

22 ANA BERMUDEZ: Of people.

23 CO-CHAIR CABRERA: a lot of... a lot of
24 people and I think jobs, jobs, J O Bs is the answer
25 and I know it takes more resources to put that in
place, but as the resources come in, as we're getting

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3 ready to start talking about the budget for next
4 year, I think this is critical; otherwise we're gonna
5 see the same level of recidivism taking place and at
6 the end of the day, as I mentioned earlier, is gonna
7 be more costly.

8 My last question is; how does DOP work
9 with ACS to reduce recidivism and rearrest rates?

10 ANA BERMUDEZ: Right. Like this.

11 [laughter]

12 CO-CHAIR CABRERA: Okay. Good. Good.

13 Okay.

14 ANA BERMUDEZ: Yeah, so we have in our,
15 especially in our Family Court practice, we already
16 have what is called a crossover youth practice, which
17 means that whenever a young person comes in, because
18 in Family Court we process all of the arrests of
19 juveniles; right, so they come in through the door;
20 for that first decision do we use an alternative to
21 court process or we send it to court; right? So at
22 that moment when a youth is identified as having a
23 relationship with ACS already, the family, then we
24 have a conference in protocol, any number of things
25 to work on it together. We also... ACS operates one of
the ATPs, the Juvenile Justice Initiative, which is a

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3 family therapy focused intervention and Commission
4 Carrion and I have vowed that juvenile justice is
5 really the two of us, so you know, that's how closely
6 we work together on behalf of the young people.

7 CO-CHAIR CABRERA: So are those programs
8 being expanded at this moment?

9 ANA BERMUDEZ: Which programs?

10 CO-CHAIR CABRERA: For [background
11 comment] the crossover youth?

12 ANA BERMUDEZ: The crossover youth.
13 Yeah, so now we're... do you... [interpose]

14 GINEEN GRAY: Yeah.

15 ANA BERMUDEZ: Maybe you wanna answer.
16 Miss Gray has... yeah, uh wait. Yes.

17 GINEEN GRAY: Yeah, the crossover youth
18 is a model, so basically, just to piggyback what the
19 Commissioner was saying, we have always collaborated
20 with ACS; that's a part of our protocols at every
21 stage in the operation. But what's really critical
22 is that when we have a case in common, like you said,
23 the rearrests as well, we always have a case review
24 and we sit down and we discuss the case and we try to
25 figure out what ACS is doing as far as the family..
[interpose]

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2 CO-CHAIR CABRERA: Who's involved in that
3 case review?

4 GINEEN GRAY: It depends; it could be the
5 caseworker and sometimes they are attached to a
6 provider, but it's everyone who's involved.

7 CO-CHAIR CABRERA: Are parents involved?

8 GINEEN GRAY: Yes they are... [crosstalk]

9 CO-CHAIR CABRERA: Okay.

10 GINEEN GRAY: and it's the res... the
11 respondent, Gineen or whoever the kid is; we call
12 them by their names, [laugh] and they're involved
13 with that... [crosstalk]

14 CO-CHAIR CABRERA: Okay.

15 GINEEN GRAY: and then what we try to do
16 is we sit down and figure out whose role is to do
17 what, but the mission of Juvenile Operations is
18 basically a wraparound approach and making sure that
19 we do have better outcomes for our kids is to
20 collaborate and that's why we started the crossover
21 youths model is because we wanted to share more
22 information to really have better outcomes, and I
23 have to say it's been successful and we're rolling it
24 out in each borough, but this is something that we
25

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3 have been doing and we're just making improvements on
4 it.

5 CO-CHAIR CABRERA: Okay. Thank you so
6 much; appreciate all the work that you do.

7 [background comments] Council Member... [crosstalk]

8 CHAIRPERSON CROWLEY: Lastly we'll hear
9 from Council Member Barron.

10 COUNCIL MEMBER BARRON: Yes, just
11 briefly. What are the requirements to become a
12 probation officer; what's the salary range and how
13 many years experience does your average probation
14 officer have?

15 [background comments]

16 ANA BERMUDEZ: The requirement is a
17 bachelor's degree, but somebody can come into the
18 agency right after graduation from getting their
19 bachelor's. Most people come to us after having some
20 years of experience and the average length of stay
21 right now, if you looked at our staff, of probation
22 is 20 years, 20. We did a celebration a couple of
23 years ago for our 40th anniversary of the agency and
24 we were able to celebrate 13 people who had been
25 working with us for 40 years, okay? So people stay,
people love their job at probation.

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2 COUNCIL MEMBER BARRON: And the salary
3 range?

4 ANA BERMUDEZ: Oh, that's never... no.
5 [laughter] Where is my... [background comment] right,
6 exact... thank you, Council Member; I will go with that
7 answer. [laughter] That has evolved over time;
8 what's the... [background comments] it's in the 40s,
9 the starting salary, [background comment] starting
10 salary, right.

11 COUNCIL MEMBER BARRON: Thank you Madame
12 Chair.

13 CHAIRPERSON CROWLEY: It's interesting
14 it's in the 40s, but it starts higher than a
15 correction officer or a... [crosstalk]

16 ANA BERMUDEZ: Yes.

17 CHAIRPERSON CROWLEY: a police officer,
18 but it doesn't get to the same top pay as quickly.

19 ANA BERMUDEZ: Right; that's all part of
20 I guess the bargaining and the labor, you know,
21 contracts; we don't have the same retirement pieces
22 either, so yeah.

23 CHAIRPERSON CROWLEY: Right. Okay, thank
24 you for coming in today, Commissioner... [crosstalk]

25 ANA BERMUDEZ: Thank you.

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2 CHAIRPERSON CROWLEY: and for your team;
3 thank you for the work that you do. We will conclude
4 this part of the hearing from the administration and
5 now move to people from the public. And signed up to
6 testify today we have Cristina Laramee from The Bronx
7 Defenders.

8 [pause]

9 CHAIRPERSON CROWLEY: Alright, we're
10 ready for your testimony once you uh...

11 CRISTINA LARAMEE: Okay. My name is
12 Cristina Laramee and I am a Staff Attorney at The
13 Bronx Defenders; I'm here testifying on behalf of The
14 Bronx Defenders Probation Project. Thank you to the
15 committees for this opportunity to discuss recidivism
16 and compliance rates on probation and make
17 recommendations for crucial reforms.

18 The Bronx Defenders initiated our
19 probation project in the fall of 2014, with the goals
20 of helping clients successfully complete their
21 probationary sentences and reducing the number of
22 clients who are incarcerated because of violations of
23 probation.

24 The traditional relationship between
25 client and counsel typically ends at sentencing; this

3 means that most clients have no legal representation
4 during their probationary sentence and therefore no
5 counsel to advise them while they are on probation,
6 address problems they may be having, advocate for
7 changes in conditions of probation or help them apply
8 for early termination of their probationary sentence.
9 Moreover, we are not notified by court or probation
10 when clients are called before the court for
11 violations of probation. Unless clients reach out,
12 they will typically appear without counsel and be
13 assigned a new attorney from the A Team [sic] panel
14 to represent them.

15 For the last year, the Probation Project
16 has been trying to change the experience of our
17 clients on probation through a four-step system --
18 informing clients about their rights on probation,
19 following up with clients on probation to see how
20 they are doing and address any concerns or needs,
21 staffing the violation of probation part and
22 advocating in court for those accused of violating
23 probation and collecting and analyzing data regarding
24 clients' probationary sentences in order to assess
25 the impact of the project.

2 While the project was not created by the
3 Department of Probation, the Department has been
4 supportive of the work that we are doing and we have
5 been pleased to see the efforts of the Department and
6 Commissioner Bermudez to increase the number of
7 clients granted early discharge from Probation and
8 reduce the number of clients resentenced to
9 incarceration. We also appreciate that the
10 Department has reached out to the defense bar and
11 included us in some conversations about the
12 Department's goals and strategic plans. But we think
13 that there is even more that can be done to recognize
14 the important role that defense counsel can play in
15 reducing recidivism and increasing compliance rates.

16 As defense counsel, we are uniquely
17 positioned to help clients successfully complete
18 probation. We know that for many of our clients
19 compliance with probation is not their only struggle
20 and there are often underlying issues that have led
21 to our clients' involvement in the justice system.
22 Our presentence representation of our clients on
23 probation gives us familiarity with each client's
24 challenges, which can include mental health issues,
25 housing instability and substance abuse. We also

3 know their families and other existing support
4 systems. That knowledge makes us uniquely positioned
5 to not only effectively address compliance issues
6 identified by the Department of Probation, but also
7 potentially address any underlying challenges leading
8 to compliance difficulties.

9 Furthermore, The Bronx Defenders is
10 particularly well-equipped to assist our clients in
11 successful completion of probationary sentences
12 because of our holistic defense model. The holistic
13 defense model provides access to services and support
14 to help our client succeed by providing a team of
15 interdisciplinary legal and social advocates to
16 address our client's needs. We hope to build on the
17 relationship already established with the Department
18 of Probation so that defense attorneys can play a
19 greater role and efforts are already underway to help
20 more people successfully complete probation and to
21 reduce reincarceration for violations. But in the
22 meantime we have several recommendations that we hope
23 the Department will consider.

24 First, the Department of Probation should
25 change the rules to allow defense attorneys to be
present with their clients for presentence

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3 interviews. Second, probation officers should reach
4 out to defense counsel at the beginning of a client's
5 probationary sentence, explain that client's
6 conditions on probation and discuss any potential
7 obstacles to successful completion. Third, probation
8 officers should communicate with defense counsel
9 while client is on probation, especially if the
10 client is struggling to meet the conditions of
11 probation or if the client presents with legal issues
12 or problems. Fourth, Probation should notify counsel
13 of any violation of probation hearings ahead of the
14 hearing date in order to proactively address the
15 Department's concerns and prepare for the court date.
16 And finally, Probation should alert counsel when
17 client becomes eligible for early termination of
18 probation or has applied for early termination of
19 probation and also inform counsel and clients of the
20 decision regarding early discharge and any reason for
21 denial of an application for early discharge.

22 Thank you again to the committees for the
23 opportunity to discuss these topics here today and we
24 look forward to continuing to work with the
25 Department of Probation to involved defense counsel
in our clients' successful completion of probation.

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2 CHAIRPERSON CROWLEY: Thank you. I'd
3 like to recognize Council Member Lancman for
4 questions.

5 COUNCIL MEMBER LANCMAN: Yeah, hi, good
6 afternoon... [crosstalk]

7 CRISTINA LARAMEE: Good afternoon.

8 COUNCIL MEMBER LANCMAN: it's good to see
9 you again. So I just wanna go through these
10 recommendations and get a little bit of a better
11 understanding of why you think they're important.

12 Department of Probation should change the
13 rules to allow defense attorneys to be present with
14 their clients for presentencing interviews. Why is
15 that; is there some concern that they'll say
16 something that would, I don't know, expose them to
17 additional criminal liability or... [crosstalk]

18 CRISTINA LARAMEE: I don't think... I don't
19 think that that's the focus of our recommendation; I
20 think that the focus would be that since defense
21 counsel has been working with this client during the
22 pendency of their criminal case, oftentimes they're
23 clued in to things that may be happening in that
24 person's life. You know, as I mentioned, they're
25 support systems and I think that given that previous

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2 relationship it can be very helpful in order to
3 facilitate communication and transfer of information
4 in a way that might not otherwise... [interpose]

5 COUNCIL MEMBER LANCMAN: Do you currently
6 have the opportunity to submit something in writing
7 or speak in person to the Department of Probation
8 individual who's preparing the presentencing report,
9 separate from the interview? I mean can you submit a
10 letter or memo to the Department of Probation before
11 they complete their sentencing report?

12 CRISTINA LARAMEE: I don't believe that
13 there is any formal mechanism to do that; if there
14 is, I would be happy to learn about it and explore
15 the potential of doing that. But again, I do think
16 that there is something different about an in-person
17 interaction with another individual and your client
18 that could greatly contribute.

19 COUNCIL MEMBER LANCMAN: But you... I mean,
20 once the sentencing report is submitted to court, I
21 mean you have the opportunity to challenge it or add
22 to it, you know in... with the court, don't you?

23 CRISTINA LARAMEE: Yes, but I do think
24 that... you know, obviously we're already coming to a
25 place where Probation has made their recommendations

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3 and I think that that's addressing any issues kind of
4 after the fact, any issues that may have been raised
5 during the interview, so I think it would be more
6 helpful if we were able to kind of speak about any
7 potential concerns while they're making their
8 recommendations rather than afterwards, because you
9 know as they've discussed, judges do take into
10 consideration very seriously all of Probation's
11 recommendations and so.

12 COUNCIL MEMBER LANCMAN: Right. The
13 second recommendation -- Probation officers should
14 reach out to defense counsel at the beginning of a
15 client's probationary sentence, explain the client's
16 conditions in probation and discuss any potential
17 obstacles to successful completion. You represent
18 the client up until the point at least where the
19 sentence is imposed and so you know if they're
20 getting X number of years in jail or they're getting
21 probation or whatever the sentence might be; what
22 don't you know that the Department of Probation can
23 provide you?

24 CRISTINA LARAMEE: Well I think that once
25 someone meets with their probation officer -- well
first I think that you know there's sort of -- again,

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3 I think a transfer of information that would be
4 really helpful in the beginning of a relationship
5 that somebody who's... a client who's just meeting
6 somebody might not open up to them about certain
7 things that are going on in their life, but to
8 address the conditions, I think that while we are
9 aware of the conditions that are imposed by the judge
10 at sentencing, oftentimes my understanding is that
11 after a client meets with their probation officer
12 that probation officer may require other things of
13 them, including going to programs and I think that it
14 would be helpful were a client to be aware of the
15 additional requirements or suggestions that a
16 probation officer may be making in order to address
17 that with the client and see if there's any
18 assistance to be rendered at that point.

19 COUNCIL MEMBER LANCMAN: Let me ask you
20 about the fourth one. Probation should notify
21 counsel of any violation of probation hearings ahead
22 of the hearing date in order to proactively address
23 the Department's concerns and prepare for the court
24 date. Currently... I mean, the clients, the
25 individuals, they have a right to be represented at
these probation hearings; don't they?

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2 CRISTINA LARAMEE: That's correct.

3 COUNCIL MEMBER LANCMAN: So how... how
4 currently are they or their counsel notified that
5 there's a hearing on such and such date?

6 CRISTINA LARAMEE: So our clients receive
7 a letter in the mail and presumably also have a
8 conversation with their probation officer about the
9 upcoming date, but there is no mechanism for counsel
10 to be informed unless that client proactively reaches
11 out to us. We don't receive any copy of the letter
12 that's sent to clients. For example, that would be a
13 very, I think easy way to inform counsel; just make a
14 copy and sent it to the counsel of record so that we
15 have notice that this hearing date is upcoming and we
16 can discuss the issues with out client... [crosstalk]

17 COUNCIL MEMBER LANCMAN: But what... But...
18 But what's... I get it, but what's the concern; I mean
19 are clients showing up to the hearing unrepresented,
20 unaware that they should call their lawyer and say
21 hey, I've got this hearing?

22 CRISTINA LARAMEE: Yes, I think that is
23 the concern... [crosstalk]

24 COUNCIL MEMBER LANCMAN: Okay.
25

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 113

2 CRISTINA LARAMEE: And so, you know part
3 of my project has been trying to identify our clients
4 that have violation of hearing dates out of time, but
5 at this point that requires me to, you know, take an
6 extensive look at the calendar, run all that
7 information through our database and try to have
8 counsel there on that date, and I think that, you
9 know there could be more communication and I think
10 that there are often things that may happen between
11 you know the filing of the violation of probation and
12 the court date, right, so we could begin to make
13 steps to address the concerns of probation in that
14 time period as well; I just think that there could be
15 a lot of proactive activity there.

16 COUNCIL MEMBER LANCMAN: Alright. And
17 then just your last recommendation. Probation should
18 alert counsel when a client becomes eligible for
19 early termination of probation or has applied for
20 early termination. Very briefly, and I missed the
21 first part the hearing, but what are the triggers
22 that makes someone eligible to apply for early
23 termination of probation?

24 CRISTINA LARAMEE: Though I certainly
25 don't know all of them off the top of my head, I do

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 114

2 know that there is a certain period of time that a
3 client needs to be on probation before they can
4 apply, depending on the time period for which they
5 were sentenced to probation. So if someone is
6 sentenced to a period of five years probation, there
7 is a time that they needed to have served before they
8 become eligible. There are other things, like they
9 cannot have any pending open cases and there's a list
10 of things that the Probation Department requires for
11 application and for approval of that application. So
12 there is a... a step that... [interpose]

13 COUNCIL MEMBER LANCMAN: Are there
14 clients who are applying for early termination of
15 probation without the assistance of counsel?

16 CRISTINA LARAMEE: Yes.

17 COUNCIL MEMBER LANCMAN: And how do they
18 do that; just write a letter... [crosstalk]

19 CRISTINA LARAMEE: They...

20 COUNCIL MEMBER LANCMAN: handwritten
21 letter to the judge or?

22 CRISTINA LARAMEE: They apply through the
23 Department of Probation.

24 COUNCIL MEMBER LANCMAN: The applications
25 are made through the Department of Probation?

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 115

2 CRISTINA LARAMEE: Yes.

3 COUNCIL MEMBER LANCMAN: It's not an
4 application to the court to relieve them of the
5 probation that the court has sentenced them to?

6 CRISTINA LARAMEE: Well as the
7 Commissioner mentioned earlier, clients may do that...
8 [crosstalk]

9 COUNCIL MEMBER LANCMAN: I may not have
10 been earlier, though.

11 CRISTINA LARAMEE: Okay. Clients may do
12 that; they're certainly permitted to do that and so
13 they can, but my understanding is that they also do
14 that through the Department of Probation.

15 COUNCIL MEMBER LANCMAN: Alright. Last
16 question. Do you get funding for this Probation
17 Project?

18 CRISTINA LARAMEE: So I am the recipient
19 of a fellowship from Cornell Law School from 2014
20 which provides me funding for two years to do this
21 project; I just completed my first year, but yes, my
22 project is funded by the depart... excuse me, by
23 Cornell Law School primarily.

24 COUNCIL MEMBER LANCMAN: Okay. Thanks
25 very much.

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 116

2 CHAIRPERSON CROWLEY: So just so I
3 understand it correctly, first your client, let's say
4 it's your client, they decide to take a plea and
5 they're gonna go on probation; now it's up to the
6 judge to decide the level of supervision, the length
7 of probation and in doing that he's going to read the
8 brief that is put together by the probation officer
9 and you're saying that the counsel should be present
10 when the probation officer is putting this brief
11 together?

12 CRISTINA LARAMEE: That's correct. But
13 my understanding is that the judge, while they
14 certainly determine the length of the sentence, I
15 don't believe that they determine the level of
16 supervision; I believe that that's something, at
17 least in criminal court, in criminal probation, that
18 that is something that's determined by the Department
19 of Probation.

20 CHAIRPERSON CROWLEY: Right. Right.
21 They can put some conditions on.

22 CRISTINA LARAMEE: Correct.

23 CHAIRPERSON CROWLEY: But in the
24 testimony from the Commissioner, they don't always...

25

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 117

2 half the time they don't do what the probation
3 officer.

4 CRISTINA LARAMEE: Well I believe that
5 the Commissioner's testimony, and correct me if I'm
6 wrong, was that when they file violations of
7 probation, 50% of the time that they ask for
8 revocation of probation it is granted.

9 CHAIRPERSON CROWLEY: Right. And how
10 'bout... do you know the percentage of what it is for
11 the first time they're issuing probation...

12 CRISTINA LARAMEE: I don't.

13 CHAIRPERSON CROWLEY: whether they follow
14 what the brief is? No. Council Member Arroyo.

15 COUNCIL MEMBER ARROYO: Thank you Madame
16 Chair. So Cristina, it just... you know, my colleague
17 over there at the end of the table, my question is;
18 well you're the attorney; why aren't you involved in
19 these conversations; isn't that expected as the
20 client/attorney privilege?

21 CRISTINA LARAMEE: I agree with you that
22 we should be involved in this; I think that part of
23 it... [interpose]

24 COUNCIL MEMBER ARROYO: Why are you not?
25

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 118

2 CRISTINA LARAMEE: Part of it is that
3 traditionally the relationship ends at sentencing and
4 my understanding is that through the current
5 contracts the sentencing is the end point for
6 representation, right, so although we represent
7 clients post sentencing in occasions, in certain
8 circumstances, that is not part of our contract with
9 the City, in addition to it's traditional...
10 [crosstalk]

11 COUNCIL MEMBER ARROYO: So it sits at the
12 level of the client and the attorney; not the
13 Department of Probation whether or not the attorney
14 continues to be engaged with the client is solely
15 determined by the client, not by anyone else?

16 CRISTINA LARAMEE: Sorry. So I should
17 also say that I think that... [interpose]

18 COUNCIL MEMBER ARROYO: I don't
19 understand what you're...

20 CRISTINA LARAMEE: Yeah.

21 COUNCIL MEMBER ARROYO: you're referring
22 to as the contract; the contract between the attorney
23 and the client?

24 CRISTINA LARAMEE: No. So I think that
25 there are two parts of this. For our organization

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 119

2 our contract ends at sentencing, right, so they
3 can't... [crosstalk]

4 COUNCIL MEMBER LANCMAN: The contract
5 that the City has with Bronx Defenders... [crosstalk]

6 CRISTINA LARAMEE: Correct. Correct.

7 COUNCIL MEMBER LANCMAN: to represent
8 that client.

9 COUNCIL MEMBER ARROYO: I understand
10 that. So...

11 CRISTINA LARAMEE: Yes.

12 COUNCIL MEMBER ARROYO: what about...
13 [crosstalk]

14 CHAIRPERSON CROWLEY: But rather, any
15 indigent defense as it is your right, your
16 constitutional right, but once you take a plea, that
17 is... your right to defense ends, because you've
18 already... And this has been chall... this has been
19 challenged...

20 COUNCIL MEMBER LANCMAN: Well for
21 practical purposes of this conversation, right.

22 CHAIRPERSON CROWLEY: this has been
23 challenged before; right? Has this been challenged
24 before?
25

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 120

2 CRISTINA LARAMEE: What... Has what been
3 challenged before?

4 CHAIRPERSON CROWLEY: What you're asking
5 for a client of yours -- once your representation
6 ends, at that point they're not letting you into the
7 hearing; has that ever been challenged?

8 CRISTINA LARAMEE: No, [background
9 comment] in terms of have we been stopped from
10 representing one of our clients who was sentenced to
11 probation; not in my experience thus far.

12 CHAIRPERSON CROWLEY: No, no stop
13 representing them and not allowed to be in a
14 presentencing hearing.

15 CRISTINA LARAMEE: So we are not
16 currently permitted to be in the presentencing
17 interview. Right. Right... [crosstalk]

18 CHAIRPERSON CROWLEY: Right, right,
19 right; we're talking about that, but has that ever
20 been challenged? Has somebody legally challenged
21 that... [crosstalk]

22 CRISTINA LARAMEE: I don't believe that
23 that has been formally... [crosstalk]

24

25

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 121

2 COUNCIL MEMBER ARROYO: Why not maybe is...
3 is also my question. So why isn't the attorney
4 allowed at...

5 CRISTINA LARAMEE: I believe that that is
6 the Department's policy... [crosstalk]

7 CHAIRPERSON CROWLEY: Alright. So the
8 counsel here... [crosstalk]

9 COUNCIL MEMBER ARROYO: Okay.

10 CHAIRPERSON CROWLEY: is saying it has
11 been challenged...

12 CRISTINA LARAMEE: Okay.

13 CHAIRPERSON CROWLEY: and has been
14 denied.

15 CRISTINA LARAMEE: I wasn't aware of
16 that.

17 CHAIRPERSON CROWLEY: Alright...
18 [crosstalk]

19 COUNCIL MEMBER ARROYO: Okay.

20 CRISTINA LARAMEE: So...

21 CHAIRPERSON CROWLEY: doesn't mean it
22 can't be challenged again, but it's not the first
23 time it's come up... [crosstalk]

24 COUNCIL MEMBER ARROYO: Right. So then...
25 then I guess rather than get into the back and forth,

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 122

2 have you and your colleagues in the defense service
3 area presented these recommendations to the
4 Department of Probation and if you have, what has
5 been the Department's response to your
6 recommendations?

7 CRISTINA LARAMEE: So... [interpose]

8 COUNCIL MEMBER ARROYO: Why are you
9 asking us to do it?

10 CRISTINA LARAMEE: So I think that some
11 of these issues have certainly been raised in
12 conversations with the Commissioner and with the
13 Department, I think that... you know whether there has
14 been a formal response, I'm not aware of that.
15 [background comments] Right. And additionally, this
16 is a new project that we have been working on; there
17 wasn't... [crosstalk]

18 COUNCIL MEMBER ARROYO: Okay. Okay.

19 CRISTINA LARAMEE: funding for this
20 before.

21 COUNCIL MEMBER ARROYO: So...

22 CRISTINA LARAMEE: so we're... we're trying
23 to effectuate this change... [crosstalk]

24 COUNCIL MEMBER ARROYO: why don't... Okay,
25 so... because I think these hearings, the goal of these

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 123

2 hearings is to get us some work and follow up and
3 maybe come back and have another conversation about
4 how did it go. So do you intend to submit these
5 recommendations formally to the Department of
6 Probation or are you here with these recommendations
7 and hope that the committees here will have this
8 conversation with the agency?

9 CRISTINA LARAMEE: I think both;
10 certainly... [crosstalk]

11 COUNCIL MEMBER ARROYO: You think both?

12 CRISTINA LARAMEE: So...

13 COUNCIL MEMBER ARROYO: Okay, you're the
14 attorney, not me, so that when you go to court and
15 you say I think, the attorney's gonna go, well do you
16 think; are you sure; what? We... Let's get some
17 direction moving forward; are you asking these
18 committees to engage the Department of Probation in a
19 conversation to consider the recommendations and is
20 this because of the project that you're involved in,
21 these are the recommendations that you have from the
22 perspective of your project or is this something
23 that's universally embraced by those who sit in the
24 position that you sit, representing individuals in
25 the system?

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 124

2 CRISTINA LARAMEE: So I can't speak for
3 anyone besides... [crosstalk]

4 COUNCIL MEMBER ARROYO: Okay.

5 CRISTINA LARAMEE: The Bronx Defenders...

6 COUNCIL MEMBER ARROYO: Okay.

7 CRISTINA LARAMEE: and I don't intend to
8 do that and then in response to your earlier...

9 [crosstalk]

10 COUNCIL MEMBER ARROYO: Okay.

11 CRISTINA LARAMEE: question whether I'm
12 asking the committees to have a conversation with the
13 Department of Probation or whether these are
14 recommendations to the Department, they are both;
15 it's both a request... [crosstalk]

16 COUNCIL MEMBER ARROYO: Okay.

17 CRISTINA LARAMEE: that the Department be
18 engaged and that they also consider.

19 COUNCIL MEMBER ARROYO: I'm not usually
20 this mean, but I think... it's important for us to be
21 clear about what the expectation of your
22 recommendations are. So it seems, Mr. Chairman and
23 Madame Chair, that we might want to engage the
24 Department in the conversation and maybe... or have a
25 different type of hearing around the possibility of

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES,
2 JOINTLY WITH COMMITTEE ON JUVENILE JUSTICE 125

3 these recommendations to see what the universe of
4 defenders have to say about these recommendations and
5 whether or not they agree to disagree. Thank you.

6 CHAIRPERSON CROWLEY: Thank you council
7 member and thank you for your testimony; we'll stay
8 in touch; we'll make sure that Department of
9 Probation knows about what you're requesting and
10 we'll look into whether it's been challenged and
11 whether it can be challenged again. Thank you.

12 CRISTINA LARAMEE: Thank you.

13 CHAIRPERSON CROWLEY: And this concludes
14 the hearing of October 1st, 2015, Fire and Criminal
15 Justice and Juvenile Justice. Thank you.

16 [gavel]
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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 8, 2015