

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUVENILE JUSTICE

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December 6, 2017

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HELD AT: Council Chambers - City Hall

B E F O R E: FERNANDO CABRERA
Chairperson

COUNCIL MEMBERS: Inez D. Barron
Rory I. DAVID JONES:
Barry S. Grodenchik
Bill Perkins

A P P E A R A N C E S (CONTINUED)

Felipe Franco, Commissioner
Opportunities for Youth
Division of Juvenile Justice

Dana Kaplan, Executive Director
Youth and Strategic Initiatives
Mayor's Office of Criminal Justice

Anna Maslow, Department of Correction

Nicole Claris
Mayor's Office of Criminal Justice

Anthony Wells, President
Social Service Employees Union, Local 371

Bruce Payne, Juvenile Counselor
Horizon facility

Beth Powers, Director of Youth Justice
Children's Defense Fund of New York

Kate Ruben, Director of Policy
Youth Represent

Christine Bella
Legal Aid Society's Juvenile Rights Practice

Marty Feinman, Attorney
Legal Aid Society's Juvenile Rights Practice

Julie Peterson, Senior Program Officer
Pinkerton Foundation & Co-Chair
New York Youth Justice Initiative

Cody Nowak, Prospect Hill Foundation

Christine Pahigian, Executive Director
Friends of Island Academy

Grant Coles, Senior Policy Associate
Youth Justice at Citizens Committee for Children

Gisele Castro, Executive Director
Exalt Youth

[sound check, pause] [gavel]

CHAIRPERSON CABRERA: Good afternoon, everyone and thank you for your patience. We had to move from the other room due to the fact that we had so many people come in, and I'm happy to see the level of interest that we've seen today. Let me just say right off the bat that we've been joined by Council Member Perkins here today, and also joined by Legislative Counsel Joshua Kinsley; Senior Analyst William Hongach; and my Director of Legislation, Claire McLeveighn. So, with that, let me just get started here. Good afternoon. I am Council Member Fernando Cabrera, and I'm Chair of the Juvenile Justice Committee. During today's oversight hearing we will be examining DYFJ's efforts in the implementation of raising the age of criminal responsibility. I want to thank you all who are here today to discuss this important topic concerning our city's court involved youth. Before I begin to discuss today's topic, I want to express what a privilege it has been to serve the people of this great city as Chair of the Juvenile Justice Committee for the past four years. I don't know if I'll be chair of this committee coming back in January.

Nobody knows what they will be chairing, but it's been a pleasure to serve in this capacity. I firmly believe that this committee has purview over one of the city's most important responsibilities and that is providing care for our court involved youth many of whom come from a disadvantaged setting. It is up to us collectively to help address the needs of this population and to give them a better chance at becoming positive contributors to society. Reaching the age of criminal responsibility is paramount to providing 16 and 17-year-olds with exposure to therapeutic services, which would otherwise not be an option in the Criminal Justice System. This committee has examined raising the age of criminality both directly and indirectly for many years. Our most recent hearing on raising the age was this past January. In that hearing the committee examined how youth will be better served if provided options to address problems and underlying causes of behavioral issues rather than being exposed to the Criminal Justice System. Since the hearing in January, the New York State-New York State passed legislation to raise the age for criminal responsibility to 18, and finally recognize that sending a youth person to

Family Court presents offerings for youth where they may be connected to programs and services focusing on rehabilitation, supervision, mental health treatment, and education. This helps create the opportunity to change the course of a young person's life forever and an opportunity that will most likely not be available for youth who are in the Criminal Justice System. It is with great pleasure to discuss with you today how New York City plans to implement raising the age of criminal responsibility, and how the city plans to house and provide services to this population. We hope to hear from the Administration on the planning and the progress that has been undertaken to facilitate the successful implementation of the State's Raise the Age Legislation. Specifically, the Committee seeks to— seeks information on planning for retrofitting the juvenile facilities by October 1, 2018 to enable the housing of 16 and 17-year-olds required to be moved off Rikers Island by that date. Additionally, the Committee seeks further details on DYFJ efforts for staffing increasing that may be—change that, that will be necessary to accommodate increases in the juvenile population in its custody. Furthermore,

aside from the logistic implementation of raising the age of criminal responsibility, the committee wants to fully understand how raising the age will create positive impacts and opportunities for not only court involved youth, but also society. Again, in conclusion I want to thank my staff for helping put together this hearing. We look forward to hearing testimony from representatives of the Administration as well as union and advocates and non-profits that have signed up to testify. I will now currently ask for a representative of the Administration to please state their name for the record so that the Committee Counsel can administer the oath.

DANA KAPLAN: Dana Kaplan with the Mayor's Office of Criminal Justice.

COMMISSIONER FRANCO: Felipe Franco with ACS.

ANNA MASLOW: Anna Maslow, DOC

NICOLE CLARIS: Nicole Claris with the Mayor's Office of Criminal Justice.

LEGAL COUNSEL: Do you affirm to tell the truth, the whole truth, and nothing but the truth in your testimony before this committee, and to respond honestly to Council Member questions?

PANEL MEMBERS: [in unison] Yes.

CHAIRPERSON CABRERA: You may begin.

DANA KAPLAN: Great. Good afternoon

Chair Cabrera and members of the Committee on Juvenile Justice. My name is, as I just said, Dana Kaplan, and I'm the Executive Director of Youth and Strategic Initiatives at the Mayor's Office of Criminal Justice. Thank you for the opportunity to testify today. I'm joined by colleagues from ACS, DOC and the Mayor's Office of Criminal Justice to assist with answering all questions, and I just want to start by echoing that excitement about being here to testify about the implementation progress in raise the age. This is obviously a law that is overdue, and that the Administration supported that there was many people in this room who worked very hard to get past that has support from the Council in Albany and it's certainly a great opportunity for the City and we are looking at it as such. The Mayor's Office of Criminal Justice advises the Mayor on public safety strategy, and together with partners inside and outside of government, develops and implements policies that reduce crime, reduce unnecessary incarceration, promote fairness and build strong and

safe neighborhoods. The topic of today's hearing the city's plans to implement raise the age, can be seen in the larger context. In the last four years in New York City we've seen an acceleration of the trends that have defined the public safety landscape in the city over the last three decades. While jail and prison populations around the country increased, New York City's jail population has fallen by half since 1990, and in the last four years the jail population dropped by 20% giving us the lowest incarceration rate of any big city and the steepest four-year decline in the size of the jail population since 1998. Since 2014 in particular, the number of 16 and 17-year-olds in custody and the number of youth in secure juvenile detention have both dropped significantly about 60% each from 409 to 143 adolescents in DOC facilities, and an average daily population most recently in ACS of 150 to 58. This is even as our crime rate has continued its downward trend. Last year was the safest year in COMPSTAT history and low level enforcement has also reduced dramatically. This is unique proof that jurisdictions can have more safety and smaller jails and it is upon this progress that we are currently

building. Mayor de Blasio and the leadership of our Administration for Children's Services, the New Yorkers Police Department, Department of Correction, Department of Probation, Education and the Law Department have repeatedly affirmed the city's support for raising the age of criminal responsibility prior to its passage. Additionally, Elizabeth Glaser, the Director of my office participated in the Governor's Commission and was integral in developing the initial proposal for Raise the Age in 2015. Since passage of—in April of this year, the city has been working intensively to prepare for implementation. We have formed working groups focused on court processing, programming and diversion, data analytics and facilities with participation from the courts, district attorneys, public defenders and all city agencies responsible for implementation. We have begun engaging with our non-profit partners and providers to prepare for implementation, and have brought in local and national technical assistance to assist our efforts. New York City has been aggressively focused on preparing for the opportunity that Raise the Age presents to build on past reforms, and develop a best in class Juvenile Justice system

while continuing to deliver better outcomes for youth and public safety. And in—in particular, and specific to the topic of this particular hearing, city agencies have been working intensively to ensure we meet the statutory timeframe required while providing age appropriate housing services and programs and facilities that are safe for both juveniles and staff. We believe the city can meet the ambitious deadline for moving juveniles off of Rikers Island, but meeting that deadline and the law's objectives will require specific assistance from the State. As we have shared with the State, the city's plan for creating the specialized secure detention facilities required under Raise the Age and the assistance requested to ensure the goals of the statute are met are as follows:

1. We plan to renovate the city's two existing secure juvenile detention facilities. The city plans to renovate Crossroads located in Brownsville and Horizon in Mott Haven to maximize their operational capacity, enhance programmatic recreational and educational space, and ensure needed health and safety improvements are made to these two

facilities. The city is already underway with \$55 million of planned renovations at these two sites.

2. We plan to obtain the licensure from the State required by the statute to operate Crossroad and Horizon as both specialized secure detention facilities and secured juvenile detention facilities. After full implementation of Raise the Age, the term juvenile delinquents or JDs or for youth 7 to 17 who have been charged with misdemeanor and/or low level felony charges, juvenile offenders or JOs will refer to youth ages 13 to 15 who have been charged with violent felony charges and a newly created category of adolescent offenders will refer to 16 to 17-year-olds with felony charges that remain in the newly created youth parts of adult Criminal Court. Dual licensure will provide the city with the flexibility of to house JDs, JOs and the newly created category of AOs in the facilities. In a provision unique to New York City, we are also required to move off island all individuals who on October 1, 2018 are 16 or 17 and on Rikers Island. We will anticipate that we would also use the specialized secure detention facilities to house this category of young people. Because age and security

classifications may not correlate exactly to the juvenile's status within the courts as JDs, JOs or AOs, we request that co-mingling restrictions within housing, education, recreation and programming be determined by the city's classification system rather than their court status alone. The city's classification systems are currently in development for finalization by the Raise the Age implementation deadline, and to be very clear, flexibility does not mean that we will co-mingle youth in a manner that compromises safety in any way or the ability to deliver effective programming. It allows us to make those determinations based off of a targeted assessment of individualized needs and risks.

3. We seek to partner with the State to develop an additional facility to act as an intake and reception center for the JD, JO and AO population. This intake facility will provide sufficient capacity for the city's projected population of juveniles in detention post Raise the Age implementation, which we assume will be consistent with the current practice, and minimize the impacts of incarceration on young people who will be released within less than a week, which comprise a

significant percentage, 63% and 46 respectively of the current ACS and DOC populations. The city will seek licensure from the State to operate the intake facility as both an SSD for the AO population and a secure detention facility for those under 16. Our standing request to the State is to partner to convert the Office of Children and Family Services Reception Center Ella McQueen for use as the city's intake center. Ella McQueen, which does not currently serve young people from New York City as a function of the passage of Close to Home, is the only facility identified that would both meet the objections of Raise the Age to provide safe and supportive juvenile detention facilities for juveniles and staff, and if provided to the city, would not be subject to the City's Uniform Land Use Review Procedure, which would delay the city's compliance with the Raise-with Raise the Age. As you know, under the New York City Charter, a site that is not quite-previously been used in a manner comparable to its proposed use, and will require extensive capital construction or renovation, is subject to ULURP, a process which takes approximately 10 to 12 months to complete whether or not there is

significant public support. This is significant because construction cannot begin until ULURP is completed, and because of this reality, the city can only use a facility that will not trigger this if it is to meet the October 1, 2018 deadline. We are committed to funding diversion programs to ensure that the detention of adolescents is used only when appropriate and for the least amount of time possible. The city is investing in case expediting supports and a second look program to decrease the amount of time that young people spend on Rikers Island and identify adolescents who may be eligible for at least a community based supervision. Expanded supervised release for young adults and other interventions to target JVs, JOs, AOs, and the population of young people currently in detention on Rikers Island. New York City's reforms aimed at safe for reducing the number of detained young people have already been very successful. As I mentioned, the average daily jail population this calendar year of 143 to date from custody of DOC and 58 in ACS secure detention. But as we prepare for implementation, we are expanding our efforts and have partnered with Annie E. Casey Foundation to provide additional

technical assistance to support this important work.

As we develop the necessary detention capacity for

Raise the Age, we are also focused on ensuring that

detention is used judiciously, only as appropriate

and for as limited a period of time as possible. Our

implementation efforts are centered on building off

of past supports and investments for community-based

interventions, and identifying where we can be doing

more to fill needed gaps in the continuum

particularly at the neighborhood level. We plan to

implement a plan—a phase—a plan's phasing of primary

responsibility for oversight of adolescent offenders

and the Rikers 16 and 17-year-old population from DOC

to ACS. Raise the Age contemplates joint operation

of the specialized secure detention facilities by AO—

by ACS and DOC, but the law itself does not specify

how this is to work in practice. ACS has agreed to

assume responsibility for the delivery of medical and

case management services as well as recreational

programming within the SSD facilities. With respect

to security, ACS does not currently have sufficient

staffing capacity to manage this expanded population

of older youth who will be housed in these detention

facilities post Raise the Age, and as such, this

process will begin with DOC initially having primary responsibility for managing specifically the AO population as well as those adolescents moved off of Rikers Island. As ACS develops its staffing capacity to assume direct supervision of the AO population, DOC will transition to an advisory role with the option to retrain some operational responsibilities. We anticipate this timeline will take 24 months, but we want to underscore that ACS and DOC staff are working together to develop a shared vision of facility operation consistent with the juvenile model and principles of adolescent development to ensure consistency of operations during this period of transition and that we open the facilities with the model that we seek to achieve long-term. As outlined above, New York City has an aggressive plan for meeting the requirements of Raise the Age that matches our commitment to ensuring that young people in New York City receive the benefits of this important piece of legislation. As stated in our communications with various state officials over the last several months, in order to meet the requirement that we move the current juvenile population off of Rikers Island and into a specialized secure detention

facility a year earlier than a full transition is require for the rest of the State. We are seeking the State's partnership and assistance. Specifically, what we have requested from the State to ensure compliance is:

1. Before the end of this year, draft regulations from SCOC and OCFS that will govern the specialized secure detention facilities. We are making necessary physical renovations, staffing, programming and operational plans to allow DOC and ACS to jointly operate these specialized secure detention facilities, and jointly planning operations based off of best practices and adolescent development. In absence of the regulations from the state, we can't be certain that certain investments in physical infrastructure and planning will comply, particularly in light with some inconsistencies between the two sets of regulatory provisions. To the extent that the state will—the state regulations may require modifications to existing plans, the city agencies will need ample time and flexibility to respond effectively. In addition to review of the new regulations before 2018, we also request and have requested flexibility from the State oversight

agencies in the early stages of implementation including potentially a mechanism for obtaining waivers when appropriate. We are requesting expedited approval from OCFS and SCOC for licensure of Crossroads/Horizons and the intake facility. Given the 18-month timeline in which New York City has to plan, renovate and operationalize facilities, we request that the regulatory agencies put into place an expedited approval process to significantly reduce the timeline typical for licensure of a facility following renovations, which can be up to two to three months. We request approval for comingling populations when safe and appropriate. Ads-AOs, JDs and JOs are classified based on charge, court-age, charge and court process, Family versus Criminal Court. However, given other considerations related to security and the appropriate and efficient provisions of services and eight programs, the City has requested approval to comingle young people on the basis of a classification system that takes into consideration all of the relevant factors including age and consideration of risk. This will avoid needless inefficiencies that could—that could be created through strict prohibitions against

comingling based on court categorization alone, and allow the flexibility to mix populations in the safest and most effective way. The city has identified an expert on adolescent classification that is working with the agencies to finalize and an age-appropriate classification system that will be ready by the Raise the Age implementation deadline. We are seeking and we require approval to use Ella McQueen as an intake facility to ensure that the city has sufficient capacity to appropriately house all juveniles in detention. We have a pending request to use Ella McQueen as an intake facility through either the license or lease of the facility to the city for its use. Given that this facility is no longer serving a New York City young-youth population, we would appreciate the use of this facility long-term, but at a minimum—at a minimum have requested the opportunity to use this facility as a stop-gap measure until additional capacity can be developed at an alternative site. If the state is amenable to providing this needed support, we would ask for expeditious approval for city agency staff and the design team to tour the facility before the end of the year. We've requested State funding to support

New York City's plan to rapidly implement Raise the Age. The city requests that the State maintain its long-standing commitment to finance a portion of the cost for detention, and placement and alternative programs that both the State and City recognize as crucial to the rehabilitation and reentry of youth into their communities. As a provider for the largest population of juveniles in the state, and with a tight implementation timeline, the city would like to be considered for any new funding streams that may be created related to the implementation. Additionally, we ask for a consideration for and increase of current block grants used to fund detention placement and the city's supervision and treatment services for juvenile programs allocations. And finally, the city will once again pursue design build legislation at the State level, a streamlined process with procure and design and construction together both for the development of specialized secure detention facilities and any other capital projects required for Raise the Age implementation such that any necessary construction projects are completed in the shortest timeframe possible and not impede timely implementation of Raise the Age across

the board. In closing, New York City has long supported reforms that treats 16 and 17-year-olds as juveniles in order to produce the best possible outcomes for young people, their families and for public safety. We are very optimistic about the implementation of Raise the Age, and believe that we are well poised to build on the significant progress that we have made to date in New York City's Juvenile and Young Adult Justice Systems for the benefit of our city's children, families and for public safety. Yet, we also acknowledge that successful implementation of this important reform requires a great deal of effort and coordination between city agencies, the courts, prosecutors, defenders, community and neighborhood providers and between the state and local government. We are committed to doing our part to make this a success, and we're hopeful that with that cooperation between the city, the state and all stakeholders, we can jointly realize the goals of Raise the Age on the timeline set forth by the law. Thank you for the opportunity to testify here today on what we believe is an incredibly important issue, and following the

testimony of my colleague, I'd be happy to answer any questions.

COMMISSIONER FRANCO: Thank you, Dana.

Before I begin, on a personal note for the last 15 years and also on a yearly basis, first the State of OCFS, and now in New York City the Department of Youth and Family Justice we have actually seen many of the folks here in the room go to Albany and advocate on behalf of Raise the Age. It has taken a long time, but it is—I'm glad to be able here to finally talk about the plans for ACS to meet this mandate, but more that they seize this opportunity. Thank you. First, ACS firmly believes that all our youth belong in actual development at the appropriate settings, but are tailored to meet the—their specific needs and maximize their potential as productive adults. Treating children as adults does not promote—treating children as adults does not promote the long-term goals that of the organization, which makes our city safe. This is why the City advocated in Albany for policy saying this and we are delighted that New York State will now treat young people as young people as young people in the Juvenile Justice System. We look forward to working with our partners

to expand our quality programming, and services to 16 and 17-year-olds who no doubt will benefit from the— from the mortar of that interventions. This includes broadening our array of early interventions and alternative to community based programs such as alternative to detention and placement to keep youth accountable as well as promoting evidence based models and treatment within our detention and placement facilities that meet the development and needs of older adolescents. Our work at the Division of Youth and Family Justice is focused on helping the youth we serve develop the skills and abilities to control and manage their emotions and behavior. We don't—in all the work that ACS has undertaken to build the Juvenile Justice System that promotes positive youth development, we joined—we joined the Mayor's city, the City Council, our partner city agencies in embracing Raise the Age as a critical and long overdue reform. As you have already heard from the Dana Kaplan from the Mayor's Office of Criminal Justice, ACS is one of many agencies working in partnership with MOCJ to plan the implementation of the initial requirements of Raise the Age legislation by October 1, 2018. The Citywide Steering Committee

chaired by the MOCJ has been meeting to guide the whole citywide planning effort, and it includes representatives for multiple agencies including ACS, NYPD, Department of Corrections, Department of Probation, the Department of Design and Construction, the Department of Education and the Office of Management and Budget and the Law Department as well as the State Office of Court Administrations. We welcome the opportunity moving forward to include other city agencies, including the City Council. This steering committee oversee the four working groups who meet regularly and are each responsible for planning around a specific, a specific critical issues including court process, programming, immigration, vital analytics—analytics and risk assessment and facilities. In addition to a re-involvement in—on the Citywide Steering Committee and our participation in various working groups, SCS convenes weekly and internal meetings with key divisions and program hours to identify and plan for ACS in specific implementation actions. We have embraced the opportunity to conceptualize alternatives to detention and placement that are age appropriate and gender responsive to meet the needs

of all children in the Juvenile Justice System, and that address the current—the current gaps for youth without permanency resource. We have also been working with closely with our partners at the Department of Education to plan for enhance career and technical education programming for youth in detention and in Close to Home. As you heard in the previous testimony, most of the city planning hinges on the clarification from the State Oversight voice—voice including OCFS, and the State Commission on Correction on the regulations that we apply to programs from these population of young people. We look forward from receiving from the State Guidance on serve—on serving older adolescents in the Juvenile Justice System. While all of these extensive planning is underway, the Division of Youth and Family Justice continues to operate a safe and secure Juvenile Justice system for New York City youth. We—we view Raise the Age as an opportunity to strengthen the foundation of our existing system, and continue improve our practice, support our staff, fortify the safety across the entire continuum. As I described, previously before to this committee, we have invested heavily in training and other resources to help our

staff implement best practices to maintain safe facilities, and to create programming and therapeutic interventions that address the risk and needs of our current population. With Raise the Age we will need to further adapt our services, and programming within our community detention and placement programs to meet the needs of older youth—the other youth population. We are developing proposals to expand and strengthen our community based alternatives for the older youth. We have been working with the Department of Design and Construction to make necessary health and safety programmatic and recreational upgrades at Crossroad and Horizon secure detention facilities to prepare for additional older youth, and we are working closely with our Close to Home placement providers to use Raise the Age as an opportunity to think more creatively and expansively about programming for older youth with an emphasis in vocational training, apprenticeships and licensing programs. As you might imagine, this is a significant undertaking and the Division of Youth and Family Justice has had a long and transparent relationship with the City Council Committee on Juvenile Justice, and we intend to maintain that

response here throughout this planning process as well as throughout out the phases of Raise the Age implementation. Given the very aggressive timeline for implementation of this important legislation, we will need to be prepared for the challenges that we will likely encounter as we move to expand our Juvenile Justice system to support a new population of youth. We will continue to seek your guidance and support as we move ahead with this effort. Raise the Age is rapidly involving this endeavor. While we continue to work with our city partners, and-on planning for implementation of Raise the Age including accessing the cost associated with implementation and the optimal use of existing facilities, we also look forward to continued collaboration and partnership with the State to support this massive and crucial reform . We thank the Council for your advocacy and support of Raise the Age legislation, and we look forward to working with you on implementation advocating on behalf of-of the City to the State for the support and flexibility needed to make this immensely consequential reform a reality. Thank you.

CHAIRPERSON CABRERA: Thank you so much, and thank you for your testimony. Let me just pause and acknowledge we've been joined by Council Members Grodenchik, Lancman, and Barron, and I'm going to do something that normally I don't do, and that is allow my colleagues to ask questions first. I have many, many questions, but we'll start with Council Member Lancman followed by Council Member Barron.

DANA KAPLAN: May I—may I say one quick thing before questions because I was remiss and what I'd like to also do is acknowledge the part—the partnership of our labor brothers and sisters in this process as well, and I was remiss—remiss when I spoke about the importance of different partnerships in making this implementation a success and not being explicit in the critical role that the staff will plan, and so, I don't want to interrupt, but I didn't want to let it go by without making that explicit.

CHAIRPERSON CABRERA: Thank you, thank you so much. Appreciate that.

COUNCIL MEMBER LANCMAN: Thank you, and I'm glad that you added that because in listening to the—to the testimony, in particular I saw there's a task force. I did not see any formal representation

or recognition of the need to engage the workforce in this very bold, I won't say experiment, but-but that might call into question the-the-the-the wisdom of-of the what the City and State are doing. I don't mean to do that at all, but I-I am heartened to hear that that recognition because those are the folks that we rely on to get the real scoop of what's going on the front lines. So, I'm glad to hear that. I have one question. I know my colleagues have many others, and I appreciate the Chair's indulgence in letting me ask this. One thing that has caught my-caught my attention is you say: Because age and security classifications may not correlate exactly to a juvenile's status at JDs, JOs, or AOs, we request that comingling restrictions within housing, education, recreation and programming be determined by the city's classification systems rather than their court status alone. We get nervous when the Department of Education is putting kids of very different ages together in the same building (coughs) even the same campus. So, the idea that you are going to mix ages amongst folks in-in your-young people in your-in your-in your custody is something that-that's very concerning to me. I understand, you

know, and you phrase it, you're going to be mindful of the safety concerns, et cetera, but can you tell me what are--what are the best practices that are out there in all those other jurisdictions where young people are not sent to adult facilities because this is raising alarm bells in my head?

DANA KAPLAN: Yeah. I--I want to be very clear that we would contemplate and are planning for a classification--a classification system that does separate based on age. So, we will not be contemplating mixing between the youngest adolescent and an older population. So, what we're developing is an individualized classification system that can look at factors such as age, but also other needs and risk that are able to make those most appropriate individualized determinations, and just as an example you can have under the new Raise the Age system, a JO and an AO that they're the exact same age, and might even have a similar court just to come through a different court process. So, in fact, the concerns and consideration about how we safely consider age, and other factors will be developed as part of the classification system, which we're working with a national expert on, and I'll let ACS and DOC speak to

the specifics, but those are the exact types of considerations that we certainly want to ensure are part of how young people are housed or separated in programming education and recreation. It just—we think it's actually most appropriate for it to happen—for it to happen through a classification system rather than just the court status.

COMMISSIONER FRANCO: And Council Member Lancman, I mean safety, achieved in facilities by actually housing kids appropriately, and our current practice in secure detention and non-secure detention and even Close to Home uses developmental needs and age as a way of dividing kids. So, we actually particularly when you go to Crossroads today, we have another location actually where these schools are separated for the kids who actually are going to high school, and we just place better even for safety and management. That's how we do it. We won't plan to change that.

COUNCIL MEMBER LANCMAN: Okay. Mr. Chairman, thank you very much.

CHAIRPERSON CABRERA: Thank you.
Council Member Barron followed by Council Member Perkins.

COUNCIL MEMBER BARRON: Thank you, Mr. Chair and thank you to the panel. I have a few questions. First, I want to say that I'm very disappointed that Albany did not have 18-year-olds included in this Raise the Age. I think that we allowed Albany to diminish the impact of what it was we were trying to do by stopping, capping it at 17. I think it should have been extended to 18. So, I just want to say that. I have Crossroads in the neighboring district from mine. It's in Brownsville, and the Chair did arrange for us to have a visit there, and the students that--the children that were there I particularly looked at it from the perspective of education because you may know that's my background for several decades prior to this. So, as you talk about juvenile delinquents who are children ages 7 to 17 who have committed misdemeanors and low-level offenses, and understanding that that's quite a range. You're talking about children in second grade up to children who are high school seniors perhaps.

COMMISSIONER FRANCO: Uh-hm.

COUNCIL MEMBER BARRON: How are we going to differentiate their housing as well as their

instruction knowing that they have very different needs?

COMMISSIONER FRANCO: This thing is a Power Point. (sic) I mean, something to keep in mind is that actually not all juvenile delinquents are in detention or in secure detention and, you know, a fact that actually we should be proud of in New York City now that the majority are actually younger than 13 young people that we have in detention are usually in non-secure detention placements. One of the things that city is investing in is enhancing our non-secure detention continuum, and we hope that, you know, we could influence the courts and others to have a significant number of the younger kids be in non-secure detention sites. So, but we do have young-young kids, and actually we had a girl recently from USB Kids (sic) out of secure detention. We-we do everything that we can to have them in different homes.

COUNCIL MEMBER BARRON: So, they'll be in different homes based on the age and what the offenses are, and we certainly know that we're going to have to have a certain kind of training that will be necessary for the staff. How do you envision-do

you envision that there'll be a number of increased—
an increased number of employees that will have to be
hired for this? What kind of training will they
have? How will you do outreach to get that? What
involvement will the community have in that, and
especially in terms of the community you talked about
an intake center. Where will that be located? Did
you talk about an intake?

DANA KAPLAN: The Intake Center that we
are looking and hoping that we receive support from
the State in using it is Ella McQueen and it is in
Ocean Hill.

COUNCIL MEMBER BARRON: Ocean Hill,
Brownsville.

DANA KAPLAN: Yes.

COUNCIL MEMBER BARRON: Okay. So, wait,
wait, Ocean Hill, Brownsville, so that's a second
facility in the same community where Crossroads
presently exists?

DANA KAPLAN: It is a facility that is
currently Office of Children and Family Services
facility that serves—it's an intake reception center.
So, it currently has the use of a detention facility.
It's currently since the passage of Close to Home not

serving young people from New York City, and that is why we believe that it might be something that is, you know, a possibility for the city to use.

COUNCIL MEMBER BARRON: Have you spoken to Community Board 16 about this possibility, this consideration? Because I haven't heard it brought forward at the board meetings that I've been at.

DANA KAPLAN: So, I-I-I have not been to that particular Community Board meeting. I think we are committed to speaking with all of the local stakeholders.

COUNCIL MEMBER BARRON: [interposing] So, you say you haven't been at that meeting. Has it been presented to the community board?

DANA KAPLAN: So, that has not been a requirement to present this. Right now, we've asked-- for it--

COUNCIL MEMBER BARRON: [interposing] Whether or not it's a requirement, don't you think that it would be important to engage the community to let them know that this is something you're considering, and to get them to participate in how that might happen if it happens going forward?

2 DANA KAPLAN: Certainly. We have done a
3 number of notifications to community leaders, and
4 would be available to provide a fuller briefing to
5 any on the subject--

6 COUNCIL MEMBER BARRON: [interposing]
7 Have you done a notification to that particular
8 community leader?

9 DANA KAPLAN: I will have to get back to
10 you with an answer who made that the law.

11 COUNCIL MEMBER BARRON: [interposing] I
12 don't think that that's happened because it hasn't
13 been brought to me that that's something that the
14 city is considering, and again, I think that as soon
15 as these bright ideas pop up, as possibilities, there
16 should be an opportunity for the local leadership and
17 the community people at large to be able to be
18 involved and voice their concerns and opinions about
19 that.

20 COMMISSIONER FRANCO: Council Member
21 Barron--

22 COUNCIL MEMBER BARRON: [interposing]
23 Yes.

24 COMMISSIONER FRANCO: --I just want to
25 mention something regarding the Ella McQueen just

because I have really a perspective of having overseen that facility when I was a Commissioner of OCFS. I think what the City is actually intending to do, which is actually asking the State to use the facility that is actually now used for juvenile delinquents for kids who are not from New York City to be actually allowed to be using it by New York City for children in New York City. So, I welcome your feedback and strategy on how we can actually work together to get the State to finally make this facility, which is in the community, instead of being used for kids that are far away from New York City for our children in New York City.

COUNCIL MEMBER BARRON: Thank you. I understand that this is a change in the population that's going to be possibly housed there, but I still say at the first consideration--

COMMISSIONER FRANCO: Sure.

COUNCIL MEMBER BARRON: -- that the community should have been involved in that. I thank you for that. Now, and I follow also my colleague. Council Member Lancman raised the question that I had raised as well, that I had thought about as well. So, we're talking about comingling when you're

talking about using other criteria: Age plus needs plus the risk. Is there a possibility then that we'll be undermining the intent of being specific to bring the services to children at a particular age of development if we're talking about comingling? Perhaps you need to make it clearer to me what kind of mingling and how will it not interfere with the intent of what this is to have age-appropriate settings and education and recreation?

DANA KAPLAN: Age is the consideration that we want to use in making any type of comingling restrictions, or determinations. So, I think that it will exactly allow us to be able to deliver that type of age-appropriate services.

COUNCIL MEMBER BARRON: Okay, and just a few more questions. I know my colleagues have questions as well. Perhaps I can come back with the second one, a second round afterwards, but it talks about in terms of the money, do you have any idea of what it will cost as we talk about training that has to be conducted, perhaps new employees that have to be hired. So, do we have any calculations or projections as to what it would cost, and how are we

going to do this outreach to bring on this new crop of employees that might be needed?

DANA KAPLAN: So, I can speak just generally in terms of Raise the Age and if ACS wants to offer anything just in terms of recruitment and new employees, please do. We certainly understand that the cost of implementing Raise the Age across the board will be significant for New York City. There is a number of different agencies that are implicated in this. So, whether that is increased attorneys for court counsel who are the prosecutors in Family Court, the ability for the Department of Probation to provide a comprehensive adjustment in diversion services. Of course, the ACS needs to hire additional staff to operate the facilities or just some examples of the types of costs that we anticipate for the city. So, as we are working with all of the city agency partners to understand what the full costs and implementation plans will be, we are, you know, we'll be able to provide a more accurate final number as to what the budget is that we anticipate. Certainly because we recognize that it will be significant is part of why we are requesting that funding support from the State. It

is certainly not unique to New York City that there will be a cost implication of Raise the Age, although we believe that given that we serve such a significant proportion of the young people in the state that this is relevant for it that we should benefit from any type of state compensation. But it is certainly something that we are aware of and planning for and perhaps you can speak to ACS' point-

COMMISSIONER FRANCO: Yeah, I-I--

COUNCIL MEMBER BARRON: [interposing]

Well, I guess I'll-I'll pass on that because we'll have budget hearings coming up shortly--

COMMISSIONER FRANCO: Okay.

COUNCIL MEMBER BARRON: --but just a final question. What are the advantages of the dual licensure that you're talking about? What's the advantage of that?

DANA KAPLAN: We believe that it provides us the maximum flexibility, which is what is required to be able to house all of the young people who are on Rikers Island effective October 2018. The incoming young people following Raise the Age and the city's current--and the youth that will be in the juvenile detention, and so if we have those three

facilities that are able to be used for those populations, we can use the classification system to make those determinations based off of age, based off of any type of other security consideration, based off of what's required programmatically and yet still be able to have sufficient capacity across the system to be in compliance with the law.

COUNCIL MEMBER BARRON: Thank you. Thank you, Mr. Chair. Just one comment. I think that the City still is not doing enough to prevent young people being caught up in the system. I think the city has an obligation to do more to provide those programs that don't—that will allow children to be involved in activities and programs that keep them busy and occupied so that they go home tired and go to bed because we're not doing enough to interrupt this mass incarceration problem that we have. Thank you, Mr. Speaker.

CHAIRPERSON CABRERA: Thank you so much, and I want to echo before I turn it over to Council Member Perkins, the—the next step to meet with the Council Member with the Community Board and the stakeholders there because usually our type of communities usually bear the brunt of having this

type of facility. Council Member Perkins, thank you for your patience.

COUNCIL MEMBER PERKINS: Thank you so much. Just I want to follow up a little to the previous question regarding the communities' involvement with regards to these placements. Is there a policy or practice that automatically requires some kind of communication when such facilities are going into our members' districts?

DANA KAPLAN: So, because these are facilities that are currently used in the--the--as juvenile detention, we do not need to go through ULURP process. However, we certainly hear the recommendation and concern about appropriate community notification and engagement, and so, you know, we did intend and--and make that type of notification, but if there--we want to continue to do that moving forward and certainly think that those neighborhoods participation and input in this critical. And so, we would welcome continued engagement at the neighborhood level certainly in--in these facilities.

COUNCIL MEMBER PERKINS: So, you answered that as if it's an intention and not necessarily a requirement.

DANA KAPLAN: Uh-hm.

COUNCIL MEMBER PERKINS: So, you know, there's--there's a road paved with intentions.

DANA KAPLAN: We are--let me be very clear. We are committed to doing community engagement.

COUNCIL MEMBER PERKINS: [interposing] We don't know where it leads.

DANA KAPLAN: Uh-hm. Yes.

COUNCIL MEMBER PERKINS: Trouble. So what--what do we do make intentions requirements?

DANA KAPLAN: We would welcome all--any Council Member's suggestions as to how we can be better partners with your neighborhoods on this. We would be committed to following up on this.

COUNCIL MEMBER PERKINS: So, you hear a suggestion being--coming out our mouth that it be a requirement.

DANA KAPLAN: Uh-hm.

COUNCIL MEMBER PERKINS: Is that what you're telling me you agree with?

2 DANA KAPLAN: We absolutely agree that we
3 will—we will take that as a requirement and even if
4 we're not going through the standard ULURP process,
5 we are committee to making it a requirement of this
6 plan that we engage with the communities. Yes.

7 COUNCIL MEMBER PERKINS: Okay. So, how
8 can we be sure it's going to be taken that way beyond
9 this—this morning? You know what I'm saying?
10 Because the—the—you don't want people feeling as if
11 in their communities they're being invaded as opposed
12 to participating in a decision that makes sense to
13 them. You understand the concern there? Because
14 otherwise, your good intentions will be on a slippery
15 slope to demonstrations and protests and other kinds
16 of cynical reactions.

17 DANA KAPLAN: Uh-hm. Yeah, I mean I think
18 that--

19 COUNCIL MEMBER PERKINS: [interposing] I
20 mean this is a very, very part that that kind of
21 partnership be established.

22 COMMISSIONER FRANCO: [interposing]
23 Maybe, Council Member we—we actually have had
24 meetings with the Community District No. 1, which is
25 where actually--

COUNCIL MEMBER PERKINS: I'm sorry. I
can't—I can't—

COMMISSIONER FRANCO: We have actually
have had meetings with Community District No. 1 in
the Bronx, where actually Horizons is located. I
think what I'm hearing loud and clear from you is
that we should extend those kind those of meetings
for the Community District in Brooklyn were
Crossroads is actually currently located, and I will
follow up with those.

COUNCIL MEMBER PERKINS: Well, you're—
we're on the right track I guess in terms of
responding, but I—but we want to make sure that all
this is—has like a community based process of
awareness and approval or at least some kind of
interaction. Not as an afterthought, but as a sort
of vision.

COMMISSIONER FRANCO: Uh-hm.

DANA KAPLAN: I—I think you have our
commitment and partnership in this. We have been
focused incredibly aggressively on just trying to
focus on what needs to be done to achieve the
implementation of Raise the Age. We would—we know
that the neighborhoods, community staff, partners in

the Criminal Justice System the neighborhood organizations and providers to get to the prevention services that Council Member Barron spoke about, and you know, would certainly affirm the importance of that. All of these people and representatives and constituencies will be key to our success in this, and are certainly, you know, we'll follow up to make sure that whatever it is that you'd like us to continue to do in terms of engagement, that we are doing that.

COUNCIL MEMBER PERKINS: Thank you very much for moving in that direction. I-I-I hope that this is done not just in the context of these kind of hearings that this is done in the context of when you make a decision about a community, it has to embrace this and help make it successful especially for those who will be a part of it.

COMMISSIONER FRANCO: I think on something that I-I want to pinpoint is that if you think about our two facilities, Horizon and Crossroads--

DANA KAPLAN: [interposing] No, because I-I mean there--we have these kinds of facilities in our neighborhoods. Some of them are prisons that

presumably are put in our neighborhoods because the people presumably come from our neighborhoods, not always. That's the first thing we have to dispel, but secondly there has to be that kind of partnership with those stakeholder in our neighborhoods. Otherwise, we're doing something hostile that will have a negative impact on those that we're trying to serve.

COMMISSIONER FRANCO: Actually we are doing more. I mean if you think about any one of our detention sites, we have hundreds of volunteers most of them from the community.

COUNCIL MEMBER PERKINS: You have a list of sites that are in the communities where there's community partnerships?

COMMISSIONER FRANCO: The--the two secure detention sites that we talked about?

COUNCIL MEMBER PERKINS: Yes.

COMMISSIONER FRANCO: We could provide those addresses.

COUNCIL MEMBER PERKINS: Yes, please do.

COMMISSIONER FRANCO: Sure.

COUNCIL MEMBER PERKINS: Now, at what--I know an important part in all of this is the State.

Where are we at with the State's, you know, support and partnership?

DANA KAPLAN: We have been since the passage of the law meeting with the state, and I feel as though we've got a good level of coordination. The--obviously the requests that we outlined this morning that are required to us to be able to implement Raise the Age. We are hopeful that we will--that they will be well received by--by the state and so, you know, we--we can--we will continue to work with them on this, and are optimistic that we'll get the best outcome.

COUNCIL MEMBER PERKINS: So, in that regard, what--what--what--where have you found some sort of agreements or some sort of partnerships or whatever it is that you're looking for?

DANA KAPLAN: We have--so, we have been meeting with them just in terms of understanding the, you know, how they were analyzing Raise the Age. We've been sharing the City's plan. The plan that we presented this morning or this afternoon to the Council we also have just recently shared with the state for their approval including both the asks that we will need from them including use of their OCFS

facility, the dual life insurer, the ability to use the City's classification system support for funding. So we are waiting responses from the state, but we've just presented this for approval and, you now, again, have been working well with them and are optimistic that this something that we can jointly move forward on.

COMMISSIONER FRANCO: On-on the detention side we actually have a plan or design in the construction. We're actually talking to the State first because we actually are the oversight of OCFS. We have been amenable, and excited that we're finally making these enhancements of the facilities, and are very supportive of that. But again, we continue as the city to advocate on the-to the State in behalf of preventive services, more resources for detention and more resources for placement.

COUNCIL MEMBER PERKINS: Right. So, if you can keep us in the-in the conversation because this is-this is a big deal for our communities and can be very controversial, provocative. You know, people disagree with it. (sic) They don't what you're doing and they assume the worse. Then when we-

COMMISSIONER FRANCO: [interposing]

Council Member, we have tried to--

COUNCIL MEMBER PERKINS: --when we fall we try to put the fires out that don't have to be, but because of the careless ways sometimes in which we implement good ideas there could be problems.

COMMISSIONER FRANCO: And we work on any of your advice on how to deal with Albany as you know it very well.

COUNCIL MEMBER PERKINS: Alright, thank you. Let's--let's stay in touch.

CHAIRPERSON CABRERA: Thank you so much, Council Member Perkins. I have several questions. First, let me start with the Ella McQueen facility. Can you be a little bit more specific as to its current use? How many young people are there, where are they coming from, what age group are we talking about?

COMMISSIONER FRANCO: We--we don't have that information. I mean we do know that actually it is a reception center for young people are being adjudicated to the custody of OCFS, and as of Raise the Age no young people are adjudicated from New York City to the custody of OCFS.

CHAIRPERSON CABRERA: So, do you know its capacity to how many young people it will be able to hold.

DANA KAPLAN: The capacity is just over 40. We have, you know, indication that it has been operating at less than a third of that recently, and as your noted since Close to Home, you know, not with young people from New York City, but we estimate that there'll be about an additional—it's a 40-bed facility.

CHAIRPERSON CABRERA: Forty beds. So, okay so help me here. So, it would be 40 there. Where would the rest of the 210 young people will end up at?

DANA KAPLAN: So, the renovations that are currently underway at Crossroads and Horizon would provide capacity of 106 beds at Horizon, and 96 beds at Crossroads.

CHAIRPERSON CABRERA: Okay, so back in general and we're over here, I—I was sounding the alarm as to we're going to run out of time, we're going to run out of time because I know how construction especially when it comes to the city it just—it just takes forever and the response that I

got back was that we were waiting for the State to give us their regs to give us their instructions so we couldn't begin in Horizon doing work and also at Crossroads or wherever else. Did we get instructions from them or how did--how did the--

DANA KAPLAN: [interposing] So the--

CHAIRPERSON CABRERA: Explain to me the process here.

DANA KAPLAN: So, the regulations we-we have not received regulations from the State.

Because of the tight timeframe, of course, we are moving ahead with renovations, and have presented those plans to the State. So, we have shared the renovation plans for Crossroads and Horizon, and those renovations are currently underway. I should also say that, you know, we've had some support from the Comptroller's Office--which has been greatly appreciated--to make sure that we can expedite procurement on--on all of that and just, you know, a real recognition of the urgency of Raise the Age and making sure that these facilities can be in a state of good repair and have sufficient programming and recreational space by next year. And so, all of that is currently underway although we are certainly still

waiting regulations. Our hope is that when--when--as we presented the plans to the State and have provide the ability for OCFS and SCOC to tour the facilities and look at it--what it is that we're contemplating that we are on track, and that there, you know, there shouldn't be any concerns. But--but, of course, it is one of the reasons that we feel some urgency about having regulations because we---we--renovations are underway, and we do need some clarity there.

CHAIRPERSON CABRERA: So, we're kind of moving by faith here, right, that good faith and hopefully really good intentions state that they're basically going to say go ahead you have a good plan. But if they come back with a completely different plant, we're talking about that it's going to be more costly, right, we're going to lose time, and what happens if that happens?

DANA KAPLAN: So, I think we are moving heave and earth on the City side to do what we can to prepare for Raise the Age, and we are, you know, optimistic that in sharing what the plans are and in sharing what our needs are to be in compliance that we will get that cooperation, but, you know, yet you

are right that that- We-we do need that partnership from the State for this to be possible.

COMMISSIONER FRANCO: And Council Member.

CHAIRPERSON CABRERA: [interposing] Why does it move so slowly? I mean I-I know you can't talk on their behalf, but do you have-is there anything prohibiting them from coming down and saying, hey. In light of the fact that you met with them, I'd love to find out how many times you had opportunity to sit with them. Why are they being so slow in light of the fact that we have to be there by next year, and the earliest we could have gotten there was in April, as many people know in this room. So, what-is-is there something prohibiting them from moving forward and--?

DANA KAPLAN: I certainly wouldn't want to speak on the state's behalf. I can say that we've had a fruitful dialogue. We've had two in-person meetings. Actually, I'm sorry, three in-person meetings from-that have participation of the city agencies and the state since passage of Raise the Age.

CHAIRPERSON CABRERA: And when was that?

DANA KAPLAN: The most recent one was in November. The--there was one over the summer, and then there was one prior. I--I don't remember the exact month, but shortly following the passage of the law. So, we feel very good about the level of dialogue there has been. I don't want to speak on behalf of the state in terms of their process of implementation.

CHAIRPERSON CABRERA: Do you think that's enough meetings in order to get this ball rolling? It's just the time, you know on the-- What happens if we don't--we don't get in by October, which is-- there's a likelihood that we might not?

DANA KAPLAN: We are planning to be ready for October. That is the City's plan.

CHAIRPERSON CABRERA: But do you have a plan B? What--what happens? Technically just for my knowledge here, what would happen if we're not there, not because, you know--I'm not looking to place blame. I'm looking for solutions. What would happen if we were in that situation because somebody else is tying our hands?

DANA KAPLAN: We will be able to have Crossroads and Horizon, which provides about 80% of

the capacity that we would need. That intake center or that third facility is absolutely key to being able to meet this deadline. I should say that we have looked at over 70 additional sites throughout New York City in trying to understand what the other possibilities might be. We have looked at both privately owned facilities, City, State owned facilities. Have really, you know, tried to understand what the options are because of the land use process. It is only a facility that is currently a detention center that allows us to meet this timeline. We looked at the DOC off island borough facilities and believed that that would be in contradiction to the spirit of Raise the Age to house young people in a juvenile environment. And so, we do believe that this facility, this OCFS facility is our only option, and we require it to have full success in implementing Raise the Age.

CHAIRPERSON CABRERA: Are you looking to start a ULURP later on or will you—do you think Crossroads or Horizons plus Ella is enough?

DANA KAPLAN: We don't currently have plans for any additional sites. One of our asks to the State is that if they're only able to provide

this—it's a more short-term stop-gap measure until the city identified an alternative site, that that is something that we would work on.

CHAIRPERSON CABRERA: So, it's—let's suppose that they do say yes to Ella, what capacity we will be at? 80%, 90%?

DANA KAPLAN: We believe that with those three facilities we will be able to house everyone in detention off Rikers Island post Raise the Age.

CHAIRPERSON CABRERA: And—and how many more? Let's say the population were to rise, where would those kids go?

DANA KAPLAN: So, our Raise the Age implementation efforts are certainly focused on trying to ensure that the types of progress that we've made in reducing crime in funding community-based alternatives, and funding diversion programs, and why we've been able to see such a reduction in the number of people in detention both in ACS facilities and in the custody of DOC. That is progress that we want to build on. Now, we understand that that certainly requires the full partnership of the courts, the defense, the district attorneys that we are—they are all involved in our

Raise the Age implementation efforts. We have a Programming and Diversion Working Group that is chaired by ACS and the Department of Probation that is looking in particular at what are the types of diversion programs and interventions that are required so that we are not unnecessarily detaining any more young people following Raise the Age. We are committed to both expanding the capacity that's required in Family Court for that to be possible. We are committed to ensuring that programs that currently exist that serve 16 and 17-year-olds can transfer to both Family Court and these newly created adolescent or youth parts in Criminal Court, and we are also focused on identifying where there is existing gaps in the continuum, and where we actually could develop more services and neighborhood based supports to make sure that we are not detaining more young people unnecessarily post Raise the Age.

CHAIRPERSON CABRERA: I—I just want us to be mindful, and I love your optimism and I share it with you that we're doing the type of work that will create the situation that we have right now. That is a better one than it was ten years ago, let's say. But, the population of New York City is going to

increase by a million people in ten years, a million people I look to—a million people are living and they forecast two million are coming in. So, just to be mindful that we will have that situation. As good of a good that we could do, the fact is that they ratio of young people is going to increase. Let me ask you a few questions regarding staff.

COMMISSIONER FRANCO: Council Member, I mean I—I think you—you have been looking at all directions for the last four years, and—and again, we have reduced the number of young people in detention by 50%, and many folks thought that that was impossible to do. I—I want to emphasize that I think Ella McQueen or the Costa Della Beneke (sic) facility could be a game changer. I mean too many of they young persons that you have met at Horizons or Crossroads may be there only a few days. I mean we have the opportunity to actually connect to them early on, connect them to Council, connect them to services, and they may not actually even have to get to the facility. I think our secure facility should be for those cases where you also reach to the community for those that actually have—they need to be there and the significant number of kids in any

one night that actually will use housing for a few days. We could actually focus on understanding their needs and connect them to the right supports in their community. We could to be doing what we have done for the last four years. So, you know, it's not just about the beds. It's also about how we approach Juvenile Justice differently in New York City.

CHAIRPERSON CABRERA: Okay. So, let's get into a staff question. So, my first one is what staff do we need?

COMMISSIONER FRANCO: We need a significant number of staff.

CHAIRPERSON CABRERA: No, how many yet. I—I'm looking at what—what type of staff do we first need?

COMMISSIONER FRANCO: Yeah, I mean a juvenile counselor today at us—I think you will agree with me. It's probably one of the most difficult jobs, but actually one of the most unappreciated jobs in New York City. I mean a juvenile counselor in a typical day really has to put up with very challenging kids. As we have talked before in previous testimonies as we divert more and more kids from the Juvenile Justice system, the kids that we

get in detention, the kids with high mental health needs. These are really, really challenging young people that they need a lot of attention, and to do that job besides having been difficult our juvenile counselors are under enormous pressure of oversight by external agencies such as the Justice Center. So, I think the first thing that you and I have to work on is in acknowledging the harrowing of some of our staff because it's at Horizons, and we need to acknowledge that. We need to—we need—the City needs to step up and finally acknowledge that this is a job that actually interacting on things and sustain public safety, and we need to attract the right kind of folks, the folks that actually are committed to help young people. We—we know these folks. These are the folks that actually are doing significant work in our churches, in our community programs. They want to make a difference. They want to be part of the civil service that are, you know, official in New York City. So, we need to attract those folks, and we're going to need a lot of help to attract them, to support them and to retain them.

CHAIRPERSON CABRERA: How much do they make right now?

2 COMMISSIONER FRANCO: We--our staff begins
3 around \$45,000 and that's--

4 CHAIRPERSON CABRERA: [interposing] And
5 what's the highest they make? Not what they makes
6 without the promotion?

7 COMMISSIONER FRANCO: Yeah, yeah, I mean
8 it takes a significant amount of time for them to get
9 into the 60s, and--and--and that's--that's--I mean it's
10 again, and this is where they--they have been with us
11 for a significant amount of time. We--we compare
12 negatively for--with other city civil service jobs.

13 CHAIRPERSON CABRERA: We--I--I would love
14 to see our counselors have a more attractive package.
15 So, we could track the best next generation of
16 counselors. Have you looked into that?

17 COMMISSIONER FRANCO: We--we are in such
18 conversations with OMB and OLR, and I am reminded
19 about the importance of rewarding our staff and
20 supporting of our staff with--by where he works on a
21 daily basis. [laughter]

22 CHAIRPERSON CABRERA: I mean they--I
23 should have stated and thank you, Commissioner for
24 stating that they have--they're the front lines, and
25 the success really of our detention center really

begins and is sustained by the counselors and their being asked to really, and help me to understand it, do kind of a dual role because they're not just counselors, but at the same time they're doing quote/unquote, "Security" roles.

COMMISSIONER FRANCO: Yep.

CHAIRPERSON CABRERA: Should that be separated or should it be contained within the same role?

COMMISSIONER FRANCO: No. I mean the safety of a facility and the ability to help a young person change their behavior is all based on a relationship, and that's actually what our juvenile counselors are at their best. They actually know how to leverage a relationship. They actually are role models many times to those young people, and actually separating the custody from the relationship building would be a mistake. If there's something that we know about how to sustain safety in our facilities and are meeting the needs of kids, ensuring that they—they are—they are challenged, and that we actually teach them a new way of behaving. But at the end of the day I mean my job is bigger than just making sure the facility is safe, it's making sure

that they come back home, and they actually a different way of dealing with conflicts in their community.

CHAIRPERSON CABRERA: Well, I'm happy to hear that you're looking into having—you're—you're speaking to OMB for them to be able to get a significant raise here starting point because, look, the reality is they're going to be attracted to other jobs that don't have to deal with this level of pressure, stress. I had the pleasure to go with you several times to and speak a few counselors on site and at site. Some which live in my neighborhood, and they're stressed out on the day. I mean they experience secondary Post-Traumatic Stress, and now that we have the 16 and 17-year-old, my-my next question is I know that in Rikers Island there was quite or several problems related to the safety of staff. What are we planning to do that is different, or are we planning to do anything different that was done on Rikers Island?

COMMISSIONER FRANCO: I think we'll leave this opportunity for our colleagues from DOC to talk because I actually has been an amazing amount of progress on the good side.

ANNA MASLOW: So, over the past several years we've seen a dramatic decrease in the a lot of the violence indicators specifically for adolescents, and we think that that this in large part due to a number of reforms that we put into place for the adolescent population. So, starting with staff, we actually started going into the Academy and selecting staff that both wanted to work with this population, and had backgrounds with working in this population whether they had been social workers before who worked ACS, a lot of them had Juvenile Justice backgrounds. So, we made sure to select this staff for working with this population. We've also provided them with a number of training programs. Safe Crisis Management for example, as well as Dialectical Behavioral Therapy Training for the staff working specifically with some of the more aggressive or problematic populations. So, we think that a lot of this specific with staff involvement has led to a lot of the decreases in the violence that we've seen with the adolescent population at RNDC as well as other reform things like programming and an increase, a dramatic increase in the offering of programming as well as educational programming.

CHAIRPERSON CABRERA: I'll tell you what my fear is, and it's a fear that I could see why it's there is that the senior members that are working presently as counselors that they're going to go else place because the 16 and 17-year-olds are coming, and then you're going to end up with a lot of newbies coming in who have not had the experience and they need that level of deep mentorship for this type of work. So, please let's do everything, everything possible to make sure that we have the retention level, that there's a high level of dialogue with the unions, with the staff to listen to their ideas of staff. I know the last time that we were—we had a hearing, one of the things that—that I—I heard from one of the co-chairs was that a lot of times a plan is brought in. It takes about five years before the staff buy into it, and a lot of staff feel like we know what to do. Can we take that—our ideas, find the best possible model that is out there that matches their vision, and—and then, you know, the buy in is already there, and—and they feel like not only they're being heard, but they're feelings and strategies are validated. How many staff—how many counselors do they need?

COMMISSIONER FRANCO: How many counselors
what?

CHAIRPERSON CABRERA: Do we need?

COMMISSIONER FRANCO: So, we—we expect
that if we're going to manage all the juvenile
delinquents and juvenile offenders appropriately
because as you mentioned before, our staff is
stretched and we mandate too many of our times too
often in a week. We would need at least 60 new
counselors by 2018. If we are to manage the whole
system, which is the intent of the Administration. We
are going to need at least 300 more people by 2020.

CHAIRPERSON CABRERA: By 2020, 300?

COMMISSIONER FRANCO: More besides the 50
now.

CHAIRPERSON CABRERA: So, when we do—are
we looking to start the recruitment?

COMMISSIONER FRANCO: We are working with
OLR and others to first figure out how to make this
job appealing and attractive, which is what the union
will remind me and then my staff will remind me. I
mean it doesn't make any sense to continue to bring
people on board if we're going to lose them, and

they're going to go to other jobs. So, I think we need to take care of that first.

CHAIRPERSON CABRERA: Do you--

COMMISSIONER FRANCO: [interposing] Once we do that, we're so going to be coming to everyone in this room to ask for help in recruitment.

CHAIRPERSON CABRERA: Do--do we have--so, when did you first see that we'll be ready to say hey, we--we got a package here and it's going to be very attractive, and it's going to--we're going to be able to keep our counselors. When do you think we'll have that ready by?

COMMISSIONER FRANCO: We--we're working with--we are working with DCAS and then we--we will be negotiating with the union. I don't know the day. It's up to the members and the union to let us know what is really attractive for their members. So, we--we're--we're hoping that that will happen soon.

CHAIRPERSON CABRERA: Alright, my--I should--you can imagine my concern is that--

COMMISSIONER FRANCO: [interposing] Yes, time is of the essence.

CHAIRPERSON CABRERA: And I'm sure it's a bigger concern for you that the training begins on time. I'm sorry, the recruitment--

COMMISSIONER FRANCO: Uh-hm.

CHAIRPERSON CABRERA: --then the training. What would the training look like?

COMMISSIONER FRANCO: Yeah, we're actually reviewing that that. We have actually expanded free service academy that used to be about 10 weeks to 12 weeks. We are learning that that may not be enough, and I feel that whatever we are hearing from our staff is that well, it's essential and I'm looking at some of them. I'm looking at Parker that usually reminds me of this, but it's really essentially that actually you have the technical assistance and the training embedded within the facilities. Because these are not the things that you learn in the classroom. You could do a very lengthy training, but unless you have experts reminding the staff and supporting the staff of how to apply the techniques, or how to be a scholar's (sic) behavior, and that only happens in the context of the facility. Staff doesn't get better. So--

CHAIRPERSON CABRERA: [interposing] Do we have consultants?

COMMISSIONER FRANCO: So, we—we as of two months ago began actually doing training inside the facilities, particularly our Safe Crisis Management. We want to bring more of that, building the expertise within the teams, and again, as Parker reminds me often, making sure that we have practice opportunities consistently. Not just once a year, but almost every week because that's how you become good at any—anything.

CHAIRPERSON CABRERA: I have a few more questions, but Council Member Barron has a question.

COUNCIL MEMBER BARRON: Thank you. I have a follow-up question. I asked you about the advantages of the dual licensure, but can you explain to me, please the difference between the secure, specialized secure detention facility and a secure juvenile detention facility, and what can go on at one that can't go on at another.

DANA KAPLAN: So the Specialized Secure Detention facility is—it is part and the passage of Raise the Age. It is the facility that was defined to house the adolescent offenders, and there will be—

there is the joint regulation process between the State Commission of Corrections and Office of Children and Family Services. We are—the regulations that will govern exactly what can happen at a specialized secure detention facility, and how that may or may not be different from a secure detention facility, which is under the purview of Office of Children and Family Services is an open question, and it is part of why we are—feel that urgency to be able to understand what the regulations will be but that is a newly created category in Raise the Age.

COUNCIL MEMBER BARRON: Oh, but Specializes Secure Detention is a new category?

DANA KAPLAN: Yes.

COUNCIL MEMBER BARRON: And presently neither Crossroads nor Horizons qualify?

DANA KAPLAN: So, that hasn't existed up until this point. So, right now Crossroads and Horizon are licensed as secure detention facilities by OCFS.

COUNCIL MEMBER BARRON: Right.

DANA KAPLAN: The Specialized Secure Detention facility does not—it's not something that currently exists and there are no regulations that

govern that. That is created by Raise the Age. They will—we are waiting for the regulations that will outline what those facilities look like. We understand that they will be more comparable to a juvenile model, but that is the only information that we have. The law--

COUNCIL MEMBER BARRON: [interposing] So, we don't know yet what a secure, a specialized secure detention center will require?

DANA KAPLAN: No.

COUNCIL MEMBER BARRON: But yet and still we want to—so we're being proactive. We want to apply for that, and say whatever it is, we want that to be applied to Crossroads and Horizon?

DANA KAPLAN: Which is also why we are requesting some flexibility in the waiver process as appropriate from the State. So, because we haven't had a chance to review what those regulations are, but because of this very aggressive timeline, we have had to, of course, move ahead in preparation and ACS and DOC have been working very closely together to develop what the, you know, the operational plan should be based off of the best practices in a juvenile model and informed by adolescent

development. But we don't actually have clarity as to what will and will be allowed from the regulations. So, we're asking to see the draft regulations as soon as possible or asking by the end of this year, which was, you know, we think an initial timeline that the State had--had mentioned, but also for some flexibility so that if there is a conflict between what we are currently planning, and what the regulations allow, that there is some waiver process by which--and--and recognition of the flexibility required for us to still be able to move ahead now and meet this deadline.

COUNCIL MEMBER BARRON: Thank you. Thank you, Mr. Chair.

CHAIRPERSON CABRERA: So, in short, the State, and I'll say it because it's easier for me to say it than for you to say it, the State is just basically dragging their feet. They're being extremely slow like governmental molasso, and we--we just--it's--I commend you for moving forward that you're moving forward more quote/unquote "by faith" that they are going to respond positive. I'm worried that they're going to come back and say no you can't do this, you can't do that, by the way and so forth.

It's been a year and it's—let's be real. It's been more than a year. They knew in 2012, 2013, 2014, '16 and '17 this was coming. It's just a matter of time. So, you know, I'm disappointed that they've just been simply so slow. You don't have to comment on that because it's better if I say it. So, but I just wanted to put it out there publicly. I wanted to ask you regarding the task group. Remind me who again is in the task group?

DANA KAPLAN: So, we a steering committee, which is the city agency. So that is all of it, and all of the city agencies that still have some role in this. So, ACS, Probation, the Law Department, Department of Education, DBC, OMB. We have representation from the City Hall, the Deputy Mayors. It chaired by the Mayor's Office of Criminal Justice. We also have Judge Edwina Mendelson on behalf of the courts. We also—in the four working groups: Court Processing, Programming and Diversion, Data Analytics and Facilities, we have participation from all of the city agencies as well as the defender community the district attorneys, and the courts. We have begun engaging with non-profit providers. I think that moving forward we'd like even deeper

engagement with non-profit providers. I think we want to continue and deepen the engagement with staff as part of this implementation effort. So, we've launched these working groups, and have brought in national technical assistance, and local technical assistance including the Vera Institute, CCI, the Annie Casey Foundation, CJA, and at Midland to, you know, provide appropriate support, but we, you know, we'll be beginning—we'll be expanding the participation from other interested stakeholders.

CHAIRPERSON CABRERA: Yeah, I would think it would be wise to include the staff since they're the ones who do that work.

DANA KAPLAN: Absolutely.

CHAIRPERSON CABRERA: And they could, you know, advocate and just make your voice stronger. You know the courses of voices stronger, and add to the discussion. I'm—I'm curious of the letter that is going out today. Thank you so much for giving it to us. Wouldn't it have been better to have sent it earlier this year?

DANA KAPLAN: We have been in communication about the tenets of the letter and—which is basically the city's plan for Raise the Age.

It frankly, you know, took some time for us to finalize our plans. As they said earlier, we evaluated 70 different sties that have really been working very intensively to make sure that we have the gest possible plan. I have stayed in touch with the State and communicated our thinking along the way. As soon as that plan was finalized, we shred it with them and, you know, they requested that we put this in writing, and we have followed up to do so, and to, you know, make clear the things that we'll require.

CHAIRPERSON CABRERA: My last question is my colleagues have another question. It's just at least in my mind I'm still a little nebulous about the comingling. So, let me be more, a little bit more concrete I guess. So, I--will they comingle for example in the lunch area?

DANA KAPLAN: So, I--I don't know that we have the--the- Can you speak to this? The--but I don't think that there is the classification system yet is not in place. I--there will be different restrictions on comingling based on housing, programming, recreation and education as appropriate. If there's any additional info that you can offer.

COMMISSIONER FRANCO: Me like I will talk about our current practices. Again, we try—we have—we house youth based on the developmental needs. We sometimes house youth based on particular needs affecting their mental health. Again, what we have now is juvenile delinquents and juvenile offenders, and on many occasions still we have seen a lot of value in doing activities together and across different age groups. Particularly our program for Carnegie Hall, and actually particularly when we can allow young people's interest to be met in an official way. So, some of the locational programs and some of the industry programs that we are beginning to develop with DOE, you know, kids can opt into it, and that works fairly well. We—we're not there yet. I mean I think, you know, from the City Council we heard this loud and clear. I hear it loud and clear from our members—from our staff developmental age makes sense. I mean, you don't have 11-year-olds with 17-year-olds. So, we will keep that in mind when we develop a classification system.

CHAIRPERSON CABRERA: Yeah, my concern is for example, you're having lunch with a 17-year-old when a 13--what's your youngest?

COMMISSIONER FRANCO: In Secure Detention?

CHAIRPERSON CABRERA: Uh-hm, Secure.

COMMISSIONER FRANCO: Um, they could go as low as 7, but we haven't had anyone below 11 this group.

CHAIRPERSON CABRERA: But like right now who is the youngest like 13?

COMMISSIONER FRANCO: I don't know. I mean--

CHAIRPERSON CABRERA: [interposing] Well, let's say you have a 13-year-old around--

COMMISSIONER FRANCO: [interposing] We do.

CHAIRPERSON CABRERA: --an 18-year-old, 12-year-old, they're in lunch and so just the intimidation factor.

COMMISSIONER FRANCO: Yeah, and again, you know, we-we manage our facility, you know, as much as possible within groups. So, it's not like everyone goes to hall to learn all at once. We-we

have movements. We actually move different course at different moments because again, at the end of the day, the staff that works in that hall knows the kids better. They know the three girls. They know who they're going to get along with, but for safety purposes, a lot of the work in your facilities are helping the kids and the staff stay together.

CHAIRPERSON CABRERA: How long will corrections be involved?

DANA KAPLAN: So, our current--the--the contemplated timeline is that within 24 months there would be a phase over to ACS who is primarily responsible even though ACS will be, of course, involved along the way in providing some services throughout. We are jointly developing that model, and ACS and DOC are working together on that to ensure that it is a juvenile model, and that the model of care that we're using in these--in these facilities is one that is consistent, and so even during that phased transition that we have that type of continuity. On the classification system, I just wanted to underscore that, you know, the--the point in the concern around separate appropriation--appropriate separation between the different age groups and in

particular older and younger youth I think is fundamental and would certainly be part of this classification system and, you know, something that we would ensure as part of this.

CHAIRPERSON CABRERA: I appreciate that answer. Okay, would you be amicable to have a staff to stay back so they could hear the testimonies of those that—that will follow you? Is that possible?

COMMISSIONER FRANCO: I'm—I'm—I'm definitely going to stay behind to hear what Anthony is going to say.

CHAIRPERSON CABRERA: Okay.

DANA KAPLAN: Yes. We will—we will absolutely have staff here to hear, and I mean I think as we said, in the beginning, just recognize that a lot of people here are both those who made Raise the Age possible, and those who are currently doing the incredibly hard work that has helped to make our Juvenile Justice system what it is to date. So, yes, we—we welcome being able to say and hear their testimony.

CHAIRPERSON CABRERA: Thank you so much. Thank you. You brought more clarity to the questions

that we have. We're looking forward to continuing this partnership and working together.

COMMISSIONER FRANCO: Thank you.

CHAIRPERSON CABRERA: Thank you so much.

With that, we'll have Bruce Payne from Local 371, and Anthony Wells, President of 371. Thank you.

[background comments, pause] Whenever you're ready, and if you don't mind introducing yourselves.

ANTHONY WELLS: Not a problem. Not a problem. [background comments]

CHAIRPERSON CABRERA: Oh, thank you.

ANTHONY WELLS: It takes me a little while, Chairman now to walk across these days. Good afternoon. My name is Anthony Wells. I am the President of the Social Service Employees Union, Local 371 who represent employees in secure detention of many titles including Juvenile Counselors as well as caseworkers, social workers and other staff. Let me just give you a little aside. It happens that I started in Department of Juvenile Justice System as a case worker in June of 1980. I then went to BCW in 1983 as a case worker, and then I went to work for the Union in 1988. So, over the last 37 years, I've been involved with both child welfare and Juvenile

Justice either as an employee or representative of the members that work in these agencies. So, over the last 37 years I've been involved with both Child Welfare and Juvenile Justice either as an employee or representative of the members that work in these agencies, and even given that, I am not the expert. It's the workers that do this work every day. They're the technicians. They're the experts. They're the ones who—who bridge the philosophy and policy and deal with reality, and they do a good job. I—I listen to—to the City and I listen to my friend the Deputy Commissioner Franco and he's correct in terms of they're reaching out to begin to work with the unions, and have real discussions. We—we pride ourselves on not just being a union that represents members, but a union with a social conscience because this union that had a strike in 1965 the Collective Bargaining, and during that strike we fought for the rights of Welfare recipients to enjoy the normal amenities that that people would enjoy in those days. So, we don't just worry about our members, but we actually worry about the people we service, and in this instance, we worry about these children. We do have a concern, and this is in real time. I'm not

here to blast the city. I'm not interested in blasting the city. We're here to ensure that all parties are included in the development of a plan. This is something new that they never had. It's interesting that I actually see the end of this law when I also saw the beginning of the law. Juvenile-Department of Juvenile Justice was created because these laws was created in the late '70s, and decided that we ought to try our children as adults. It-it has not gone well for 30 years. So, we are in support of Raise the Age. I will also say something that other people can't say, and we have no interest in getting involved in any squabble between the State and the City, and the City is under a tremendous amount of pressure to get this done in an unreasonable amount of time. The concept is wonderful, but if you don't do it right, you will not achieve the goal of Raise the Age. It's to provide services for this population and to help in the development. So, if they want to do a comprehensive plan then have them look at what they want to do in terms of the development of this population. For example, we need to have real programs and programs that talk about use your skills and learn how to be a

carpenter and working with the unions to-to have a transition from incarceration to meaningful job employment or enhancement of those skills. That has to be real. You know, it's-it's just not-everybody doesn't respond to textbooks in the same manner as they do with the building to use their hands and their creative minds, and we have to enhance that with this population. If you don't have the right kind of programs in place, it doesn't work. I'm a Juvenile Counselor. We went to the city a year ago, over a year ago before Raise the Age was passed and said we want to work with this population. We actually believed that our juvenile counselors are the best trained to work with teenagers in this kind of setting because they have been doing it over the years, and we actually want to do this. We actually said we can help you. It's not even just about jobs, and-and jobs are important. Having a stable community and economy is important, but you must include all the stakeholders, and I'm glad to hear you, Mr. Chairman, and your Council people. Reminder that we can have all the policies in the world, you can have all the experts in the world, but if you don't include the people that do this job everyday,

your-your ability to be successful is greatly diminished. Salary. I think the Commissioner misquote [laughs]. I wish it was \$45,000. It's not. It's more like \$38 or \$39,000 to start, and we have enhancements, but clearly in the new world we're going to ask for enhanced skills, a desire to have people who want to do this, and we have to talk about adequate compensation in order to retain people, and there's no more pieces for I have the real expert testify. You must have real security issues addressed. I heard someone mention SCM. We believe SCM does not work. We talk of this, and that's our belief. We can back it up in many, many ways. You must develop more creative to deal with this, and you must also deal with safety of these residents and the staff. What happens when staff are attacked? What happens when--when rules are not obeyed? You have to have a system that says that can't continue otherwise you don't have any control, and there's not enough anti-gang involvement, the terms. The terms are just a specialty of that because in an incarcerated system, particularly in a juvenile system, joining a gang is your protection, and if you think that could protect you better than the people who are paid to do

so, here's your choice. So, these things must be considered in a home. So, it is an honor for us to be here. We're glad you're having us. I think that everybody's voice is important including the advocates who have been looking for the residents for years, including management and without a doubt the voice of the staff. Let's say that again because--so sometime you think you're talking to staff, and thinking about their representative, but the voice of the members is the union, and we are prepared at this Local to sit and talk to you and anybody in the city, and by the way we're having a conversation with them next week. Okay, and I--and I thank you guys for doing that, and thank the Administration for listening, but in order to make this successful because it has to be successful, we, all of us should deal with this. Thank you for the opportunity, Chairman. This is Payne.

BRUCE PAYNE: Well, okay. Bruce Payne. I work--I work for Horizon. So I want to read this from a little paper.

CHAIRPERSON CABRERA: If you could bring the mic just a little bit closer. Thank you.

BRUCE PAYNE: Better? Good afternoon.

My name is Bruce Payne. I'm a juvenile counselor in a Horizon facility. I've worked as a juvenile counselor for the last 27 years plus. I bring a wealth of hands-on experience. I would like to thank Chair Fernando Cabrera, and the Committee on Juvenile Justice for the opportunity to give you this testimony. Let me first start off by saying that being a juvenile counselor is a very demanding job. The other counselors and I work with residents who are alleged to have committed various serious crimes. Many have charges against them in Family, Criminal and our Supreme Court. The two big problems in this agency in my view of a lack of consequences for a resident's negative behavior. Right now, we have a ASPIRE Program, which stands for Action, Safety, Participation in a development, Respect, Education. The Goal's Report shows that the problems--the program is not a deterrent when residents want to act out a negative behavior. You would have to look back into the archives at least five years to see what I'm talking about. If a resident wants to fight, attack staff, be part of gang activity, or destroy agency property, they have bolted out zero fear of this

program. Then you have the SCM, which stands for Safety, Crisis Management. This technique is what we have to use to stop a resident from attacking staff, including being choked from behind, attacked by more than one resident or when a resident is using an object to try and harm you, and breaking up fights. I am here to tell you it does not work in real time. We are taught this technique when we first get the job. Then we get a refresher course once a year. Staff have gone out on Worker's Comp or even left the job after an experience of dealing with a resident that leads to a physical altercation. This is why we have such a high turnover of workers. You can look up the stats in the archives. Go back at least five years. Having the 16 and 17-year-old youths coming from Rikers Island or from the street will make the job more--and I bold this out--Dangerous than ever before. This agency has a history of being reactive as opposed to being proactive. God forbid a staff members gets seriously hurt on the job for coming to work and trying to make a positive change in the lives of the residents who are detained in our custody. In closing, I would like to say I have offered this agency three ideas I feel will help this

agency run better. I've given these ideas to Commissioner David Hansel, Deputy Commissioner Felipe Franco. I have yet to get back a response back. So, I'm offering these copies for the record, and I'm going to hand deliver them to you. Here. We have contraband prevention. We have zero tolerance on gang activity, and we have just what I've created called back to basics. I also suggest that a monthly copy of the Goals Report be forwarded to the City Council Chairperson on Juvenile Justice. Thank you for allowing me to share my view of the agency, and give ideas to make it better. [background comments] Yeah. Just—and one other thing, and I didn't write this down, but this is just part of the rebuttal to what I heard in regards to capacity of housing residents. I've worked in the Horizon facility since that building has been open. As you know, I started in July of 1990. The capacity has shrunk. My example to illustrate that is there's a hall on the top floor, it's the F-Hall that used to sustain eight residents. That's now an office. They have a bottom floor next to admissions, which used to house four residents. That is now part of Probation. All of the halls that used to sustain 16 residents are—are

less two halls because they have offices. So, now they only hold 14. So, when a resident comes in from the street or is being arrested for whatever alleged crime, they are taking to a hall called J-Hall. They're—they're not differentiated by age. They're just brought into that hall. So, most of the time those kids go back out to the court, but in my work experience a lot of things can happen very quickly, and I can't—I don't have enough time to give all the detail. So, I'm just going to just close with that, and leave my text, and answer any questions that you have.

ANTHONY WELLS: Let me give two things before you do. So, you who the two gentlemen are sitting there? The one on my left is Alex Parker. He's a previous rep for the Union, but he was a Juvenile Counselor and the Tour Commander for over 25? Over 25 years. The gentleman on the right is Derek Robinson, and he actually is our Vice President of Grievances Legislation. He also was a Juvenile Counselor and Tour Commander for over 25 years. Okay. So, we want to share it with you. We also want to say to you we do have a concern. I raised those questions about comingling because we have a concern

about that. It is our position that. It is our position that--that you need to be conscious of that and they needed to where possible at some point maybe have two different facilities okay because it's going to be a challenge for them on the co-mingling issue, and so we share that concern, but we're prepared to work with the agency to see how they work it out and thank you again.

BRUCE PAYNE: May I just say one other thing. This is in regards to those three ideas that I put forth to you. I'm going to with the-the gang violence thing, the zero tolerance on gang activity. Ninety-five percent of the physical altercations that transpire, 90--it's--it's around that.

CHAIRPERSON CABRERA: Uh-hm.

BRUCE PAYNE: And--and you have to be what I would call a seasoned counselor not a tenure counselor. Tenure is how much time. You have to be a seasoned counselor to understand the jargon, you know, terms rocking you to sleep. You know, you--you think it's rocking you to sleep, but rocking you to sleep for example is they'll friend a kid. They'll play cards with him. They'll sit in a classroom. So, you're looking at the least thing that you imagine

that they're going to bop this kid up the third period or second period. So, you know, that's—that's some of the stuff you have to deal with. There's the contraband issue, and the deterrents that are in place now with the statistics if you just look at the archives outside of the—the count has gone down. The—the residents don't fear that if they want to punch somebody, they want to tear the phone off, if they want to throw urine at you, they—they—they would get the—you get the maximum. It's called zeroed out. That means you're offered a program for 7 to 10 days and in their mind they'll just get back on the program in 7 to 10 days.

ANTHONY WELLS: Thank you, Bruce.

BRUCE PAYNE: Thank you.

CHAIRPERSON CABRERA: So, Council Member Barron has a question and I have a few questions right after.

COUNCIL MEMBER BARRON: Thank you, Mr. Chair. I have a question about the SCM, the Safe Crisis Management. Could you give me some information of what that is and what that—how that works?

ALEX PARKER: Yes, thank you, Council Member. Safe Crisis Management is a behavioral modification program that uses the least amount of physical restraint possible. So, for example if a resident is misbehaving, not paying attention, you're supposed to use your counseling techniques as opposed to physically restrain a kid. Physical restraint is the last resort. So, you will practice something called ignoring. You will ignore the behavior until the behavior cannot—can—can no longer be ignored. Then you may tap out to another experienced counselor and they may try to reach that child at that child's level. You may call in supervision, you may call Mental Health possibly see the resident to try to deescalate the situation before actually getting into a physical restraint with the child. But if it comes to a physical restraint there are a number of physical challenges—moves that would you make with your partner all by yourself to restrain the child without hurting the child.

COUNCIL MEMBER BARRON: Good. Thank you and I just want to say I appreciate the hard work. I know it's a very challenging environment, a very difficult situation. I can only imagine, you know,

the day-to-day moment to moment inter-interactions that occur, and we know that we certainly have to do better with the--addressing the mental health issues of those students who were in--those children who were in the systems?

BRUCE PAYNE: Also, with the Safe Crisis Management, there are certain things that it does not do. Safe Crisis Management does not teach you what to do in terms of restraining a resident that is overpowering you, much stronger than you because they have to an initial move that Safe Crisis Management teaches. Once you miss that, if the resident is stronger than you, now your--your face is totally right in the kid's fist. Then it becomes, you're pretty much fighting for your life if the kid is stronger than you. It does not teach you what to do when you're trying to restrain a big tall resident because they have plenty of them such as myself with a smaller staff. It does not teach you what to do when there's a gang of sorts, and you're in an eight-man hall because the ratio in the facilities are one staff to every eight residents. What do you do when there's eight residents--a gang assaulting another member? So, just--just to piggyback off of what Mr.

2 Parker was saying, there's certain things that the
3 SCM does not do.

4 COUNCIL MEMBER BARRON: Thank you. Thank
5 you, Mr. Chair.

6 CHAIRPERSON CABRERA: Thank you so much,
7 Council Member Barron. So, let me ask a question.
8 What should be the ratio? Should it just stay at 1
9 to 8? Should it be 2 to 8? What do you suggest?

10 BRUCE PAYNE: Most definitely have to
11 lower the numbers. As a rule--the bottom line is the
12 juvenile counselors today and we're--we're talking
13 about managing 25 kids in one facility opposed to
14 when we were there it was 136 kids. We're having
15 problems managing 25 kids at a 1 to 8 ratio. So that
16 ratio would most definitely be more effective if it
17 was maybe 1 to 4.

18 CHAIRPERSON CABRERA: 1 to 4. Yeah.

19 ANTHONY WELLS: Let me also respond to
20 that, too. Mostly, I want to thank Commissioner
21 Franco because he says they need 300 counselors and
22 we agree almost. We think they need 500 counselors,
23 okay, and there are going to be some instances where
24 you may need 4 to 4 ratio in order to gain control of
25 that--of that dorm of that residence. So, the State's

recommendation is—is 1 to 8, but noting prevents the city, nothing prevents the Administration other than budget, maybe budget concerns to increasing that number and they've tried. The question is retention. The question is workers' safety, and the question was support for these workers.

CHAIRPERSON CABRERA: So what happens-- I'm curious. What happens—let's say I'm supervising eight kids, four kids jump me. Who comes to my rescue there?

ANTHONY WELLS: You specialize.

BRUCE PAYNE: Repeat the question again, please.

CHAIRPERSON CABRERA: So, let's suppose I am supervision eight youths, and I'm assaulted by four youths. It's gang related. Let's say we had with you. They jump me, they're fighting me, who comes to my rescue?

BRUCE PAYNE: In—in regards to that question, what would happen is that you—you—have a telephone and you have a radio, but the immediate response is self preservation.

CHAIRPERSON CABRERA: Right.

BRUCE PAYNE: So, the SCM goes out the window. You—you have to figure out a way to ward them off to the best of your ability for self-preservation purposes. You're going to radio for which we have special offices that are not next door. That means it's going to be some time before they get you along with supervision. So, pretty much it's self-preservation. I mean, you know, and you have to be mindful of if you don't execute the SCM and your self-preservation kicks in, you—you have to do whatever it takes. You'll—you'll be held accountable as far as child abuse allegations because you didn't stay within the protocol of SCM.

CHAIRPERSON CABRERA: So, do you have—do you have somebody watching in the cameras 24/7 so if there's an altercation--

ANTHONY WELLS: [interposing] Yes, Special Officers.

CHAIRPERSON CABRERA: --they come to your rescue?

ANTHONY WELLS: Yes, Special Officers.

BRUCE PAYNE: But—but, you know, if there's a result because in control they have cameras, but it's not always on every single hall.

It's not in every area where sometime it-it could be in the cafeteria. I mean it can vary, but you never know when things are going to happen like status--

CHAIRPERSON CABRERA: [interposing] So there are areas that are not covered by cameras?

BRUCE PAYNE: They all have cameras, but as far as someone visually looking at every single area at the same time--

CHAIRPERSON CABRERA: Right.

BRUCE PAYNE: --no.

CHAIRPERSON CABRERA: Okay. That's good to know. Alright, you're going to--?

ANTHONY WELLS: No.

CHAIRPERSON CABRERA: Okay. So, great. The--the other question I was going to ask you what percentage of the young people in Horizon and Crossroads do you estimate are involving gangs right now? [background comments]

BRUCE PAYNE: Yes, uh-hm, 90.

CHAIRPERSON CABRERA: 90%?

BRUCE PAYNE: For sure.

CHAIRPERSON CABRERA: 90?

BRUCE PAYNE: Now, I won't say for sure, but a great deal because when residents come in like

new residents come, the--the seasoned residents, the two questions that they ask they is where they live at, and the term what they're jacking? What they're jacking is what you're representing as far as a gang? So, every--most of those residents say I'm from the Bronx. I'm jacking YB, YG, you know, Crypt, Blood. You know what I mean? And--and--and determine based on their answer is whether you're going to be either accepted by what you are or are they going to be like oh, you're jacking Crypt okay. You know what I mean and they're going to tell you they're going to get you. You know that's that rocking to sleep thing. They'll--they'll play along. So, it's very, very fatigue on overtime but you've got to be alert at all times.

CHAIRPERSON CABRERA: Two more quick questions.

ALEX PARKER: Councilman.

CHAIRPERSON CABRERA: Yes.

ALEX PARKER: To--to further expound on that, it kind of even goes back to this--this--this level of classification. So, if you--if you have an housing where there's a predominant gang in that housing area, okay, you're not going to put a neutral

resident or a resident who is from rival gang in that house. So, it kind of throws classification out the door, and if you ask 16 of 17-year-old Rikers Island mentality on top of this, and not do it correctly, you could just imagine the level of violence, and this whole concept of the Raise of the Age, this whole concept of trying to save young people goes right out the door. We actually create an environment in which we breed future gang members.

CHAIRPERSON CABRERA: Hm. So, I'm looking forward to—to hear the results of the meeting you will be having in the near future, and hopefully they—they will be ongoing to make sure that we have the best possible practices in light of the fact that we're getting ready to embark on this scenario that we have never had 16 and 17-year-olds in a youth detention facility. The last question I was going to ask you was what do you suggest should be—I don't now if you're at liberty to—to answer this, but a salary that they feel they're being properly compensated that would attract the best possible pole of counselors and will be able to sustain it.

ANTHONY WELLS: So, I don't have a—I don't have number. I don't negotiate publicly (sic)

anyway, but we do know that the salary we have is inadequate to do it. It's inadequate for the population that we service now, and to the agency's credit, we've had some discussions about that. We didn't make a deal, but we had some discussion about this.

CHAIRPERSON CABRERA: That's good.

ANTHONY WELLS: But we think we need to increase it, okay, in order to get the type of people that you want to do this job, and the incentive to stay.

CHAIRPERSON CABRERA: Okay. Well, thank you so much.

ANTHONY WELLS: Thank you, Chair.

CHAIRPERSON CABRERA: I appreciate all of the hard work, the daily work that you are providing and looking forward to future discussions.

BRUCE PAYNE: Thank you.

ANTHONY WELLS: Thank you.

CHAIRPERSON CABRERA: Thank you. Have a great day. With that, we're going to call for the next panel. Elizabeth Powers from Children Defense Fund; Kate Ruben from Youth Represent; Christie Belk and Mark Marshall or Marhat Kerman (sp?) the New York

Legal Aid Society; and Marty Feinman from the Legal Aid Society. [background comments, pause] Great. It's good to see everyone. You may begin as soon as you're ready.

BETH POWERS: [off mic] Good afternoon. My name is Beth Power and I'm Director of Youth Services--

CHAIRPERSON CABRERA: I can't hear you, but let me just mention--

BETH POWERS: [interposing] It was not on.

CHAIRPERSON CABRERA: --we'll--we'll put you on a thee-minute clock, but you know I'm going to have questions so we'll be able to have a dialogue.

BETH POWERS: Great. Thank you.

CHAIRPERSON CABRERA: Thank you.

BETH POWERS: My name is Beth Powers and I'm the Director of Youth Justice at the Children's Defense Fund, New York. Thank you, Chair Cabrera and members of the City Council Committee on Juvenile Justice for this opportunity to testify today. The Children's Defense Fund New York co-leads the Raise the Age New York Campaign, a public education campaign, which helps to bring awareness to the need

to raise the age in New York State. We continue to advocate to ensure that the law is successfully implemented, advocating for appropriate planning and allocation of funding to ensure all jurisdictions around the state are able to appropriately implement the law. Raising the age of criminal responsibility in New York was a long overdue change. Legislation is only one step in ensuring this change impacts young people as intended. The manner in which the law is planned and implemented is critical to ensuring young people benefit to the fullest extent possible. My first comments are in regard to the new specialized secure detention for adolescent offenders. It's critical for the success of Raise the Age to be seen, but these facilities are designed and operated as youth facilities under a youth justice model and not as 16 and 17-year-olds are current detained in facilities segregated for youth, but under an adult correctional model. It's critical that all policies and practices in the new facility near those currently used for youth and not adult correctional practices. Chemical agents or pepper spray are an example of tools, which are used by DOC, but not by ACS against adolescents and should not b

replicated as practice in these new facilities. The inadequate treatment of adolescents at Rikers Island has been documented over the years. The most recent report of the Independent Court Appointed Monitor in *Nunez v. the City of New York* from October of this year continues to highlight unacceptable conditions for youth that the monitors call serious and problematic issues involving staff's use of force. It is critical that ACS and DOC make every effort possible to ensure that they culture and mistreatment of youth that has occurred at Rikers is not carried over into the new facilities. Staff selected to work in new facilities should be deemed appropriate to work with youth from those with expertise serving youth, and staff transitioning in working adult correction should be vetted and thoroughly trained in the different practices, policies and culture that is expected in a new youth facility. DOC has made strides to increase positive programming for adolescent at Rikers. The city should make efforts to ensure that all programming offered to adolescents now is available in the new setting to avoid any unintentional loss of access to programming. In addition to ensuring that the new facilities are

designed, operated, and regulated as youth justice facilities, and not adult correctional settings, ACS must make strides to ensure that the experiences of youth currently in their care is not negatively impacted as Raise the Age is implemented. ACS must take steps to ensure that if space currently occupied by youth awaiting juvenile delinquency, and juvenile offender cases is utilized to house-house youth charged as adolescent offenders so that this increase in population and decrease in free space does not in any way negatively impact youth currently in the facilities. ACS has in place model practices and policies. I'm sorry. Policy and best practice guidance for the treatment of LGBTQ youth in their care, and this as placed by ACS and its policies regarding LGBTQ youth on respecting youth and ensuring that when placed out of home they're in affirming placements. Of particular note, are housing practices for placement of transgender youth, which are significantly-significantly strong for ACS than DOC, and the new facility should follow ACS' policies and practices of placing transgender youth based on their gender identify if that is the preference of the young person. While ACS is current-

currently serves youth age 16 and up, they will experience an increase in older youth once Raise the Age is in effect. ACS needs to ensure that it is prepared to meet the needs of older youth. Such accommodations must include all steps along the Justice Continuum from respite and front-end services, detention and Close to Home and consideration for after care such as educational and vocational needs, health and mental health, housing needs and family dynamics. Raise the Age is an opportunity to genuinely change the experience to detained youth [bell] and we're grateful to the Council for--

CHAIRPERSON CABRERA: [interposing] You can continue.

BETH POWERS: --monitoring implementation.

CHAIRPERSON CABRERA: Go ahead. Go ahead.

BETH POWERS: Okay. My last sentence. We encourage the Council to continue oversight to ensure the law the is implemented and intended to ensure young people are treated in age-appropriate ways to best serve youth in communities.

CHAIRPERSON CABRERA: You read that really fast and really good. [laughs] Thank you, thank you. Great job.

KATE RUBEN: Good afternoon. My name is Kate Ruben. I'm the Director of Policy at Youth Represent. We provide legal services to justice involved youth 25 and under 25. Thank you, Chair Cabrera and to the Committee for holding the hearing and for the opportunity to testify and for your years of support for Raise the Age. I've submitted more detailed written comments. So, I'll just summarize three points. First, echoing Beth and I think other colleagues emphasizing that any facility used for detention or place of youth under 18 regardless of offense charged and then you prosecuted must be a youth facility and specifically this means that any specialized secure juvenile detention facility for older youth describe in the Raise the Age legislation must be envisioned, managed and staffed as a juvenile facility. We understand that the city has practical concerns, but our position is that 16 and 17-year-olds are children. They should not now be under supervision of DOC correction officers, and they should not be under supervision of DOC correction

officers a year from now. Second, the primary purpose of these facilities must be to prepare adolescents for successful reentry into the community. Reentry services should be tailored to the needs of older youth as they come into the—to ACS' care and they need at in-take and continue into communities. Especially for older youth, these services must include civil legal services, like rap sheet review, which we've provided Youth Represent. In the past five years at Youth Represent, we have identified and corrected almost 800 errors on kids rap sheets. We think that number will go up when Raise the Age goes into effect and there are hundreds of kids getting transferred from Adult Court into the Family Court and that rap sheet review and counseling doesn't just prepare youth for employment and education, but it serves as a diagnostic tool where we can identify other legal issues, anything from public housing termination and eviction to criminal justice debt that are—cut off critical opportunities for youth. And then finally, no matter how youth centered and reentry focused our facilities are, our goal should always be to keep children out of detention. The Administration has really made

tremendous strides in this area as we heard in their testimony, and we commend them for that, but there is a danger now in assuming that this number is as low as it can be, and I say that with full understanding that most of the 16 and 17-year-olds currently in Rikers are facing serious charges including violent felony offenses. We work with those young people through the Youth Reentry Network. We understand how complicated many of their situations are, but there's a growing chorus of Criminal Justice experts who are warning that we won't reverse the trend of mass incarceration unless we reduce the use of incarceration including for violent felony offenses. It's that incarceration fails to deliver accountability and safety especially for youth and there are things that work better. I list a lot of them in my testimony. A few: Supportive housing with wraparound services, employment programs that provide paid work as well as career counseling and skills development; mentoring programs that use credible messengers. There is no better place than New York City to provide the innovative model for the country about how we can do better by kids in communities, by continue to reduce [bell] youth

incarceration even for serious and violent charges.

Thank you.

CHRISTINE BELLA: Okay. Good afternoon.

My name is Christine Bella, and I'm here with Martin

Feinman from the Legal Aid Society's Juvenile Rights

Practice. Again, thank you for the opportunity to

testify today on this important topic. So, the Legal

Aid Society supports Raise the Age and we are—

reiterate our call to the city to—and to continue to

engage the stakeholders in a thorough and transparent

process to ensure that all policies including this

new classification system that's been introduced

today and the comingling practice of—practices that

will result from this due process. So, we want to be

at the table informing the city about how to best

proceed with classification and co-mingling. As we

understand that—that those are both important to

maintain the safety of the youth in the facility.

So, Raise the Age, this prohibition on 16 and 17-

year-olds remaining in adult jails and prisons along

with the Mayor's plan to move youth from Rikers will

lead to greater protections and better outcomes for

incarcerated youth. Youth have a Constitutional

right to be free from harm or confinement, and as we

repeatedly testified before the Council, either exposed to significant harms while in custody, and our focus for today's testimony is largely to ensure that the safe conditions of—that youth receive safe conditions of confinement in while in custody and to reiterate Deputy Commissioner Franco's mission to ensure better outcomes for incarcerated youth. So, while the legislation does not clearly delineate the role ACS will take in the creation and implementation of new specialized secure facilities, it is clear that ACS is to be central to the process, and the area at another critical juncture as they expand their capacity and reach to meet these requirements. We urge the city to extend the ACS DYFJ policies and programming to use detained in these specialized secure facilities rather than extend the reach of DOC. Despite decades of lawsuits by Legal Aid and the chronic high rates of violence at the facilities that house teen boys, the Department of Corrections has only recently increased its funding for youth programming and significantly increases staffing for youth, and provided for enhanced training for the staff working for youth. We want to acknowledge that DC-DOC has made some significant improvement in this

area for programming. However, youth under the—in the specialized secure facilities should not be under the care and control of the Department of Corrections.

The city must envision a safer more effective way to care for the custody of teens that are housed in

these new facilities. We want to see that ACS

facilities be duly licensed. We do think that that

affording ACS the flexibility to move JOs and JDs

from one facility to another is important that that

continues. We want youth to be able to remain close

to their families and communities and legal teams

because access to their supports during these crisis

periods is very important to them. So, we—we see the

need for the dual licensing, and we see the need for

comingling, but the classification system has to be

done right, and we are very [bell] concerned that the

Department of Corrections again could extend its

reach. I'll just close if I may, I'll urge you to

look at the monitor, the fourth monitor report the

Nunez litigation, which does lay out the current

problems that persist at Rikers Island under the

supervision of the Department of Corrections. I

think that's critical finding when involved in this

process to take a look at, and we'd like to see that

ACS programming including the Cure Violence Programs continue and be expanded to the Specialized Secure as well as to other policies for enhanced family engagement and visitation, physical constraints and room confinement. These are much more humane policies. Lastly, we encourage the City Council to continue its oversight, and we—we urge more robust oversight of these new facilities as they unfold.

MARTY FEINMAN: Good afternoon. My name is Marty Feinman also from the Legal Aid Society. Let me just comment on--two or three comments in response to the testimony already ready than some prepared remarks. One is to reiterate something that Christine just said, but perhaps say it more forcefully. We—we are not opposed to comingling. We—we appreciate and recognize the need for some level of comingling, but we think it's critical that the Legal Aid Society and other advocates for youth play a role in the classification tool that's developed in order to make a determination as to how best to comeingle with youth. Representatives of kids who have no financial stake in making those determinations, and who work with youth just as the provider agencies do on a day-in-day-out basis. We

feel there are contributions and our role is critical, and we hope that we will be involved in that process as it moves forward from today. We are also concerned in light of the fact that there will be comingling and in light of the fact the facilities that will be used clearly there is going to be involvement with Department of Correction's staff, and-and the prospect of kids who up until-kids who are classified as juvenile delinquents, people that the Department of Corrections staff has not worked with before. While that may not be our ideal, we recognize that that's going to become necessary for quite some time, but we think that that means that there is going to be a tremendous amount of training that's going to need to be done for the Department of Correction's staff that has not only been working- Well, that up until now, has been working with the 16 and 17-year-olds, but has not real experience working with youth that are younger than that, but in light of the comingling that will take place, will certainly have that opportunity, will be in that position. And finally, let me just say that some concerns about the use of Ella McQueen. We recognize that it is a sort of unfortunate reality that a

facility like that needs to be incorporated into detention facilities. But we have some concerns about whether or not Ella McQueen is able—is in a position to be able—to be able to provide the same range of services that Horizon can provide and the Crossroad can provide to youth. It is a much smaller facility. It doesn't have nearly the kind of space. It doesn't have the kind of resources that those other two facilities provide, and while there may be a goal that any youth that come through are only there for a very, very short term depending on what the numbers prove to be once Raise the Age becomes in effect, there is really no way of knowing exactly how that's going to be utilized, and we do know that it is not the same kind of facility that the other two are. We have some serious concerns. We feel that it's going to be very important to monitor the use of that facility, and whether or not youth that are there are going to be getting the same range and the same quality of services that they are hopefully getting at Horizon and Crossroads. [bell] Obviously, no youth, JD, JO or AO should be in a position where they're not getting at least as good, if not better

services once Raise the Age is implemented then they were before that. Thank you.

COMMISSIONER FRANCO: Well, thank you so much for that point because that point has not been brought up during today's hearing. This smaller facility are they—are they going to have the services that that come from Carnegie Hall, that come from all the other groups that have been contacted. So, it's I mean it's a smaller facility meaning, you know, and it's not in Horizon and Crossroads that it's going to be a greater expense because it's in a different facility. The economy of scale won't be there. So, that's—that's a really good point. I'll make sure to follow up on that. I wanted to ask you because you mentioned that we heard the testimony from the Administration that it will be 20 months with DOC correction officers really getting involved. Do you think that is a good number? I thought I heard somebody say no, October, but if it's not, then you know, we don't—I—I—there's no way we're going to get 500 trained or 300 or 500 or whatever they're going to end up with, counselors. So, what are we doing between?

CHRISTINE BELLA: I mean, you know, I would suggest that the city takes the position, you know, the Raise the Age proposal that I think we all as advocates and that I believe the City supported would have just raised the age of-of criminal responsibility to 18, and so 16 and 17-year-olds once the law went into effect would just be treated as youth, and when they were detained as in lots of other jurisdictions in the country where 16 and 17-year-olds are just kids, they would be detained in juvenile facilities. So, I mean that's the approach that I would suggest that the city take. This has been a long time coming. We have been advocating for this as you-as you well know, better than most. There's been a long time to get people up to speed. 16 and 17-year-olds look maybe, you know, intimidating compared to 14 and 15-year-olds, but they are kids and ACS has, you know, they are the experts in youth development. They know how to work with young people. So, it's our position that these kids should become the responsibility of ACS not DOC, which is-which is the legislative proposal that I think we all, you know, supported and that didn't pass, you know, because of-because the legislation

that passed was a product of compromise in our State Legislature. I don't think that it would, you know, if the city could pass its own laws, I don't think it's the--the law that this body would have passed.

KATE RUBEN: I agree with that. I-I understand the--the constraints that they're under and I appreciate all of Deputy Commissioner Franco's comments about needing to make changes to make the position appealing and make necessary changes given what an incredibly difficult job it is. That said, our biggest fear is that if we are moving young people off of Rikers, which is such a huge success, something we fought for so long, and have them continue to be under the Department of Correction, that we risk shifting that culture and shifting a lot of the conditions that have existing to a different building. And so, while, I-I understand the difficulty in-in hiring that number of staff, and recruiting that number, I think all efforts should be made in that year to--to hire as many people as possible that want to go into serving youth. It's a--it's a very different structure, and mindset, and it isn't a--it shouldn't be a correctional setting. So, that's--it's a major concern of ours.

CHAIRPERSON CABRERA: Yeah, I just see different forces at work here and I—I agree with you 100%. The challenge here is the State. The State has dragged their feet, and delayed everyone with their strategies and implementations and execution and, therefore, we haven't even begun with recruitment. I mean we're not even at the training level. It's just basic recruitment, and honestly, I don't think they're going to have it already for it by October. That's, you know, I'm usually a very optimistic person. I'm also pragmatic and realistic and like to deal with facts. So, I guess the next best thing that I think I heard is what do we do in that Plan B in that transition to make sure? I heard you mention the training. I think that's definitely vital. You mentioned—my last question here is relating to class-classification. So you have any suggestion what those classifications and the variables involved, the criteria? Because I haven't heard much of the specifics today regarding that?

MARTY FEINMAN: Well, no. I—I don't think, and I—I don't fault anybody for this. I don't think we've heard any specifics and to day is the first that we've heard about the use of new

classification tool for purposes of comingling in a way that is different than what the statute has set forth, and like I said, we're—we are in support of that. We don't think that youth should be defined strictly by whether they're AO, JO, or JD for deciding what are the most appropriate services, and in what connection with either other those services should be provided. I—I—I would love to be able to respond to that question with details, but I—I think that it really is something that requires a great deal of thought. I don't know whether the classifications whether we're strictly—whether we're talking about separate classifications with AOs, with in JDs, within JOs, school level, age level, size level, maturity level, gang involvement or not gang involvement. You know, factors like that. I can imagine a range of factors that one might want to take into consideration. At the same important time I think that all those factors need to be considered carefully in creating a tool. You know, we have a tool, the risk assessment instrument that's used for making a determination in Family Court as to whether or not a youth should be detained, and there is a tremendous amount of research and empirical data that

went into the creation of that tool. You know. We are stuck. It's been said over and over and over again by yourself, Mr. Chairman, and by other people. Someone from Correction—from not Corrections, I'm sorry, but, you know, from the Union said a few moments ago that if you're going to do something like this, which is a great thing to do, do it right. You know, don't rush it through. We are unfortunately because the state as you have so aptly indicated has dragged its heels. We are in a position between a rock and a hard place, you know, of needing to accomplish something that we all agree needs to be accomplished, but being—having one hand tied behind our backs because the State is not being very forthcoming in—in issuing regulations, and talking about what kinds of resources and funding is going to be available to do this. So, we have the best that can be done. Everybody has to do the best that can be done under those circumstances so that this population could be served the best that it possibly can be. Everything should be expedited. Like I said, I—I—I do think it's critical to have us involved in developing those tools and I do think that since having Department of Corrections staff is

going to be a critical piece of this that we do everything possible to make sure that they are trained properly to deal with the population that they are going to be dealing with, which they haven't necessarily dealt with in the past.

CHAIRPERSON CABRERA: Well. Yes.

CHRISTINE BELLA: Uh-hm. No, I'm sorry.

CHAIRPERSON CABRERA: Okay. So, I want to thank you for coming-

BETH POWERS: [interposing] I have--

CHAIRPERSON CABRERA: Are you going to--do you have a question?

BETH POWERS: I have one comment about the DOT.

CHAIRPERSON CABRERA: Yeah, go for it. But you waited this long.

BETH POWERS: Just because I--and I say this with, you know, a huge amount of respect for the City and just the tremendous undertaking that this is, but I was thinking as Marty and Christine were talking about, you know, over the past the two years the Council and the City have provided huge new funding streams for legal services, which has been incredible and they forced legal services providers

to staff up very, very quickly, and do, you know, whether it's a housing eviction or detained deportation defense, take on hundreds of new cases in a short amount of time with, you know, very little existing even institutional knowledge let alone staff capacity, and I'm not at all equating that work. I actually think the work that--that Juvenile Justice counselors do is harder than the work that legal services lawyers do. And so, I'm not equating those two things, but I am saying that there are many examples where new funding streams exist, are created or laws changed and, you know, there's a requirement to staff up quickly to recruit a lot of new employees and to train them. There's almost a year before next October. I mean I think the city can do it. I've seen other agencies do it, and I think that to--to start with the premise that we're going to bring in DOC for two years, you know, without any-- And at the end of that, a possibility of them continuing in just an advisory, but also operational capacity, I think is starting from the wrong premise. If a year from now we haven't been able to, you know, we're not able to staff facilities, then there's a conversation

about what to do as a stop-gap measure. But I don't see what that's the starting point.

CHRISTINE BELLA: And just one—one last point about making the role, the positions more appealing and attractive and I think that is something that, you know, the city needs to make those—make that available through DCAS and OMB, and that is a necessary step to then inform the recruitment to them, inform the training. So, that has to be done. I think there's a real urgency there. I think once you allow DOC into facilities with—for whatever the initial agreement is whether it's 20 months or 24 months, we will be in a situation where it's likely to be extended, they will take control over the facilities, and have a greater reach. So, I'd like to see some kind of written agreement if this—we do wind up on October 1st with DOC in place that this be embodied in some sort of MOU where it's time limited and revisited and not just sort of allowed to continue adrift.

CHAIRPERSON CABRERA: I personally--

CHRISTINE BELLA: [interposing] We need to keep them on a very I think tight timeline with

regard to that and the role in-in working in these facilities.

CHAIRPERSON CABRERA: I personally believe that the starting pay for that job should be \$50,000. I mean it's just a level of intensity. I—I, you know, I—in my other life, I did counseling and I'm Licensed Mental Health Counselor, I'm a Doctor in Counseling. I taught at a university, and when I see the affect, when I see the level of pressure that they're working on and the levels of discussion I have with them, there—there has to—there has to be—there has to be some kind of compensation for that—that they could use in their own private life. You have more money, you could do other things that would help you depressurize.

CHRISTINE BELLA: Yes.

CHAIRPERSON CABRERA: And so, and then we wouldn't have such a high level of, you know, of counselors who are quitting. Thank you so much for what you do.

CHRISTINE BELLA: Thank you.

CHAIRPERSON CABRERA: What you do really, really matters to the young people and I'm looking forward to you continuing being a voice especially

when it comes to the classification and the other issues that are going to be coming out in this next 12, no 8 months coming up 10 months.

BETH POWERS: Thank you.

CHAIRPERSON CABRERA: Thank you so much, and [background comments] Okay, I'm going to have Penny Furchico Wilknot (sp?) from the Prospect Hill Foundation; Cody Nowak from the Prospect Hill Foundation; Julie Peterson from Pinkerton Foundation; Grant Coles from Citizens Community for Children; Castro-Gisele Castro—I believe that's what I'm reading here, Exalt Youth; and Christine Pagian or Pahigian, Friends of Island Academy. We thank you for waiting. I know many of you have been waiting for a long time, but I know that you have to share is important. So, I'm all ears. Thank you so much. Whoever wants to begin first. [pause] You are all so nice. You're all waiting your time.

JULIE PETERSON: I'll start. [laughs]

Thank you. My name is Julie Peterson. I'm a Senior Program Officer at the Pinkerton Foundation and also the Co-Chair of the New York Youth Justice Initiative, which is a group of funders interested in youth justice. The Pinkerton Foundation funds

programs for young people in New York City, hundreds of after school science, art and sports programs. We also focus on programs for young people involved in the Justice and the Child Welfare systems. I applaud New York's efforts to Raise the Age of Criminal Court jurisdiction and I am thrilled that 16 and 17-year-olds will be moved off of Rikers Island by October 2018. I bring my voice to bear today in the hope that New York City will take this moment of reform to further improve youth justice. It's imperative as the age is raised to support transformative programming for young adults both within and outside of incarcerative settings. In the past few years, ACS, DOC, DOP and DYCD have made efforts to improve programming for justice involved young people. The Pinkerton Foundation supports many of these programs. As the age is raised, the city must support increased programming for the 16 and 17-year-olds who will be at the ACS facilities and then continue to support robust programming for the 18 to 24-year-olds in DOC and DOP custody. Young adults in the Justice System need programming that provides hope, opportunity and a positive sense of community. New York City is rich in quality programs. As a funder, I see the powerful

work that these programs do and I watch as court involved young people are engaged and inspired to sever others. Transformative group based mentoring using paid credible messenger mentors is a model that works. [bell] The city is already supporting two such programs: Arches and Next Steps for youth on probation and in public housing. Credible Messengers, in this case men and women who have their own histories of justice involvement run groups for young adults, and collectively they learn principles of cognitive behavioral therapy, restorative practice, trauma informed care and adolescent development. Mentors and peers create personal and professional networks of support. In turn, these networks accelerate professional development and offer encouragement during the crises that come from living in impoverished neighborhoods. Credible Messenger Mentoring is effective in carcerative settings as well helping to mitigate the tension and trauma of custody and providing a space where caring and healing can happen. These programs work. This should not come as a surprise. They engage young adults. They develop and support mentors, and they improve and often transform the culture at agencies

responsible for the wellbeing of these cities' most vulnerable young people.

CHAIRPERSON CABRERA: Thank you. Next.

CODY NOWAK: Good afternoon. My name is Cody Nowak, and I'm here representing the Prospect Hill Foundation. The Prospect Hill Foundation is a New York based philanthropy founded by the Beinecke (sp?) Family more than 50 years ago. Since 2009, recognizing the unique opportunity in New York State's first assistance (sic) transformation we invested in the movements to establish Close to Home to raise the age of criminal responsibility and to promote community-based models that presents non-incarceration strategies. We promote the leadership of formerly incarcerated youths, their families and a concept of justice that advances rehabilitation. As New York City implements new Raise the Age policies, we recognize this extraordinary moment in our city's history. At this time we want to emphasize the importance of maintaining the focus on youth as children, children who are developing into adults. We have three points today. First, as the city creates new policies for 16 to 17-year-old children, we must never forget the word children. We implore

ACS and City policymakers to consider their own children and children they know and love. Would you want your own child to be treated this way? Would this be the best program for your child? The best path forward for a 16 to 17-year-old is one not focused—is one focused on recovery not punishment. Our second point is that we support ACS' partnerships with community organizations and encourage even further community reinvestment. There should be robust funding of community programs. The Prospect Hill Foundation is proud to—is proud of the incredibly effective and successful organizations it has funded including the Center for New Leadership on Urban Solutions, Exalt Youth, Community Connections for Youth, Drama Club, Young New Yorkers, Lineage Project and the Youth Speakers in—Youth Speakers Institute at Youth Represent. These groups illuminate a new vision of youth justice. They are national models and resources that ACS, the City Council and de Blasio Administration should take advantage of as the city plans for Raise the Age. [bell] DYFJ should integrate the wisdom and experience of all of these programs into its new policies. We believe the city must make new funds

available through ACS, DOE and DYCD to expand programs for youth. We challenge the city to create a new multi-million initiative over the next five to ten years for new contracts with community providers to benefit youth. Finally, we commend the City Council for organizing this hearing, and expect you to use your power to exercise continued oversight on text amendment planning and implementation. We recommend that this committee convene the City DYFJ, DOA, DOE and DYCD in January or February 2018 to consult with community-based organizations on Raise the Age. We look forward to more hearings scheduled on a regular basis to facilitate open dialogue. The Prospect Hill Foundation is fully committed to supporting the City's efforts to implement Raise the-Age, and will continue to fund advocacy and community based alternatives ensuring the children are given not a cell, but a way forward to healthy and productive lives. Thank you.

CHAIRPERSON CABRERA: Thank you.

GISELE CASTRO: Good afternoon. My name is Gisele Castro. I'm the Executive Director of Exalt, Exalt Youth. Thank you, Chair Cabrera and the staff and thank you for the opportunity to speak

under-before the Juvenile Justice Committee regarding the implementation of Raise the Age legislation.

Exalt is a non-profit organization that we work with young people who are court involved ages 15 to 19.

We're the only organization in New York City that works with young people on a voluntary basis as opposed to compliance. I want to begin by thanking

all of the Council Members, the Mayor's Office, the Administration for Children's Services, and their sister agencies for their collaborative work in

preparing for the implementing the initial requires of Raise the Age legislation by October 1, 2018, and

I also want to thank the Division of Youth and Family Justice for their internal work with their key ACS Division in identifying ACS' specific implementations

actions. As an avid-as advocate, I understand the challenges that come with the new legislation

including uncertainty surrounding part of this

particular one as well as the immense work that must be done in effectively communicating priorities and

plan with space and oversight bodies. However, these

challenges do not-must not prevent the effort and

comprehensive approach to this legislation. This is

why our conversation today is very important. At

Exalt, we know that a first priority to any legislation affecting our young people must come with appropriate investments in supportive programs and opportunities. Our model has shown how safe and open, validating spaces can change the trajectory of many young people, and in turn reduce the criminal activity among teen-agers. In the last fiscal year over 65% of our youth served by Exalt served serious life-altering charges [bell] including felony offenses. The intersection of justice involvement and educations are always intertwined as less than a quarter of our young people who come through our doors are either in school or on track to graduate high school. After participating in our program, less than 5% of our young people are reconvicted of a crime, and more than 95% remain enrolled in school. Our outcomes shows that when young people are given the individual agency to participate in their future and choose their pass towards success, our schools and community become safer. I just want to top there because I'm being very mindful of time, but thank you so much for the work, and I want to just, you know, say that in terms of our organization, you know, we're always even through how to best support the

young people who are here in New York City and it is a goal and hopefully an opportunity for us to participate in ensuring that this is a successful implementation process. Thank you so much.

[background comments]

CHRISTINE PAHIGIAN: So, my glasses just broke. So, I get an extra second because I have to open them. [laughs] Broken. Chairman Cabrera and members of the Committee, thank you for the opportunity to address you. My name is Christine Pahigian, and I serve as the Executive Director of Friends of Island Academy. Friends is a non-profit organization based in Central Harlem, which was founded in 1990 on the school floors of Rikers Island. At that time, the City held about 23,000 people per night on Rikers out of which about 3,500 were adolescent 16, 17 and 18. Friends was created 28 years ago specifically to address the transitional and post-release support needs of young people on Rikers that was defined back then as kids 16 to 18. That was the land of the sands at that time, for whom neither discharge planning nor aftercare support services existed. It's always felt to me that the confluence in New York's Justice System as well as

policies, rules and practices are nowhere more complex than when you view them through the lens of the of the custody of young people between the ages of 13 and 18. Many of those laws and practices such as the passage of the Jail Law in 1979, driven by the headlines in an election year of super predators, a term coined by principal criminologist in the early 90s, resulted in driving up detention for kids both locally and nationally in a massive way. Ultimately the apocalypse didn't come. Professor Dululio recanted and apologize by the damage was done both locally and nationally. We are now on the other side of that now, and an extraordinary opportunity exists in which New York City can continue to provide the kind of leadership that has resulted in reducing arrests, in reducing crime and in simultaneously reducing the average daily population of kids in custody. [bell] Oh, the collective focus of that leadership now needs to turn on--turn to triggering effective outcomes beginning inside custody. I just--I know my time is up, so I'm going to put this away, and just draw your attention to the last page. Our organization something 15 months ago known as the Youth Reentry Network. It's the first time that we

were publicly funded by the Department of Correction, by any public source to—to scale up the model, which begins inside custody from the admission and distributed by admission and serves like a cantilever in a house. So, that the longer and the deeper the span is inside, the greater strength is the structure on the outside, and we leverage those relationships and work with young people inside and out. We have started—we started a year ago working with exclusively the 16 and 17-year-olds on Rikers who are all currently housed together right now in one building on Rikers, and since that time approximately—I have these numbers in here, but I don't want to take any more time. The point is we're working with about 500 young people outside who are that age who we first met inside who we got to know better while they were inside, and who ultimately are working with us on the outside. I urge the committee, the city to look to this very massive wealth of partners of—of people who do this work because they are out there in the city, and leverage that as part of what becomes the city's plan. Thank you.

GRANT COLES: (coughs) Good afternoon.

My name is Grant Coles. I'm the Senior Policy Associate for Youth Justice at Citizens Committee for Children. CCC is an independent multi-issues child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated and safe. CCC is grateful to the City Council and this committee for your long term support and efforts to raise the age of criminal responsibility from 16 to 18. Now, the legislation is finding the law and easily implemented and implemented well. Nearly every other state uses the Juvenile Justice systems for 16 and 17-year-olds and CCC is confident that New York can also be successful. Our written testimony provides a lot of background and other points that we want to highlight for the Council, but I will keep it to summarize three quick points. First, for detention, throughout the non-secure, secure and specialized secure facilities for older youth, there will be a need for new capacity, policies, procedures and staff training that ensures the 16 and 17-year-old youth are provided with a youth centered rehabilitation model as opposed to an adult correctional model. Second, the importance of

diversion and adjustment. Adjustment is a hallmark of the Juvenile Justice System process, and this opportunity must be appropriately available for 16 and 17-year-olds. Probation will thus the additional capacity and resources to provide these diversion opportunities to 16 and 17-year-olds, and finally, the importance of community based services. As my colleagues up here have mentioned just now, these services are a hallmark of why the Juvenile Justice System is successful. Specifically, alternatives to detention and alternatives to placement programs are key elements that make—allow the youths' success and they must be available, and we'll also—CCC is highly appreciative of the work already being done by the city, and has been the leadership shown in pulling together all of the stakeholders, and CCC is committed to working together with the City and the State to ensure that funding is available and that the implementation process continues and goes well. Thank you. [bell]

CHAIRPERSON CABRERA: Thank you so much. I'm curious to know, please remind me how many of your organizations are non-profits are working right now with the 16 and 17-year-olds at Rikers? One,

two, three, four. So, out of your organizations, how many of you had an opportunity to speak with ACS during this transition as to whether the programming that you have taking place in—in Rikers Island with the 16 and 17-year-olds is that going to be transferred to detention centers? Is that going to be expanded with the elder youth? What about the other non-profits that are already there? If you could give me a little indication of where we're at in the radar?

CHRISTINE PAHIGIAN: Thank you. In our particular case our organization is currently funded through a demonstration contract through the New York City Department of Correction over three-year period. About 25% of the funds also allow for partners. Right now we're working 21 different partners who are also private non-profits through this thing that we refer to a network. Our—our hope and we've had some preliminary discussions, but certainly not one that I could sit here and say publicly yes, of course. If someone asks us and anyone ever asks us what are we going to do when the kids leave Rikers? My answer is always whatever building they're in whoever's jurisdiction they're in, that's where we will, and

that's where we will go, and my hope is that we can attain the scale.

CHAIRPERSON CABRERA: With—for example your situation, DOC funds you. Now they're going to be under ACS, they're going to the detention center. Will they continue that level of funding?

CHRISTINE PAHIGIAN: There are—I supposed there are a number of different ways it could go. One could be that DOC transfers those funds to ACS for the purpose of continuing it. The worse case is DOC says see you, and that's the end of that story, which would really be not a smart thing to do I think.

CHAIRPERSON CABRERA: Yeah, that would be tragic.

CHRISTINE PAHIGIAN: So, there are different mechanisms and I think fundamentally the issue would to see what aspects of what we are easily transferable and certainly the work that—that is happening now with our partners and us specifically with the 16s and 17s, which essentially is a—it's a very comprehensive system of aftercare triggered by admission. So, that translates whatever building you happen to put a kid in.

CHAIRPERSON CABRERA: Now, is it safe for me to say that at this point you're not getting a whole lot of direction and information regarding how the transition is going to happen, regarding funding? I-I-for two reasons. It's fair to your organization, you know, the funding—you can't do anything without funding. It's very difficult to do things without funding for this way and in an sustainable way, and you have employees as well--

CHRISTINE PAHIGIAN: We need a better package, too.

CHAIRPERSON CABRERA: Yes, indeed. So, I'm just curious as to what level of information that you're getting as during this transition. Like it's really if indeed they are going to get there by October of next year, if indeed, we should be having that level of discussion now because it's fair to your organizations to be able to prepare either way it goes. So, is it safe for me to say that there hasn't been a lot of information coming your way?

JULIE PETERSON: I-I would—I would say that there is information and I would in terms of our organization we serve the spectrum, you know, which is young people who are ages 16 to 19. We have some

young people are released from Rikers Island, We're probably one of the few organizations that funded and privately, you know, the Pinkerton, through the Pinkerton Foundation through Prospect Health. We have been working with young people who are coming in from ACS particularly the Close to Home Initiative, but in terms of, you know, just thinking and planning for this actual transition, I would say that there are opportunities and real opportunities for us to really collaborate. So, there has been some collaboration, but not specifically this, you know, initiative.

CHAIRPERSON CABRERA: Yep. Yes.

GISELE CASTRO: Let me add as a funder of many of these programs that I can't see that there won't be more money required before programming. There's many providers that are providing programming for kids in Horizons and Crossroad and for young people in the Department of Corrections. One thing I'm very afraid of is that all that money is going to shift to providing programs for the 16 and 17-year-olds wherever they are, and the 18 to 24-years at Rikers who are also in desperate need of programming

and now benefitting from an influx in programming money to the Department of Correction--

CHAIRPERSON CABRERA: Interesting.

GISELE CASTRO: --are going to get lost in the sauce and they need programming just as much as the 16 and 17-year-olds are, and logistically to Rikers to deliver programming is a huge hurdle. It's-- it's also significantly hard to get to Crossroads and Horizon, but a little bit easier, and so you can't just expect organizations for the same amount of money to be running programs in both--in--in three different, you know, locations. You're going to have to--you're going to have to figure that out.

CHAIRPERSON CABRERA: Well, I want to encourage that as soon as we're going for a transition ourselves right here in the Council in terms of who's going to chair what, I guess we'll find out in the next few weeks or sooner, and I want to encourage you to sit down quickly with whosoever is going to be overseeing this committee, and the--and I'll--I'll stay around. One way or another I'm staying around. Too much work I've put into this for me not to be around, but also whoever is going to be overseeing Corrections, DOC. So this level of

discussion does not go by the wayside, and we could be attentive in this transition. So, we don't have the 18 to 24-year-olds. With some of the 16 and 17-year-olds unfortunately might end up in that group later on, and they'll benefit in a detention center and unfortunately some of them we know they're going to come back in the system. We want to make sure that, you know, that we had the right programming for them. My last question for you is, is there anything that you heard today that you said, Man, I wish I could say this, and I wish we would do this instead?

GISELE CASTRO: I mean the thing that I heard today that scared me and it was—it was mentioned on the panel before us was the idea of using Department of Corrections officers in a ACS facilities to take care of and -

CHAIRPERSON CABRERA: I see the—I see your friends from Legal over there nodding. You got a—you got a fan club over there, too.

GISELE CASTRO: I just can't think that's the right thing to do.

CHAIRPERSON CABRERA: Okay.

CHRISTINE PAHIGIAN: Mine was a more visceral one, which is that we, you know, we have always in New York drawn these lines in the sand, AO, JO, this or that or this age, that age, this approach, this building. We have to--there are first and foremost the young people, they're 16 and 17-year-olds and as a system we can't approach this business by being frightened of them first. You know, I--the first time I set foot on Rikers Island I was about 21, and I also had worked at Spofford back when Spofford was a soup kitchen where we put kids, and the fact is that kids are kids, and that doesn't mean, and I don't mean in any way to disrespect or disregard how difficult it is to work in a facility and do what either the juvenile counselors in ACS do, or the correctional officers at Rikers do. But--but we have to approach this with a level of sanity that doesn't go from a place of fear, but goes from a place of these are young people who shouldn't be in a place like this, and our job is to make sure they get out of there fast and say out of there period.

CHAIRPERSON CABRERA: Uh-hm, very good.

JULIE PETERSON: I would say that my reaction was also having the Department of Correction

to start and meet this for two years. It—it took a lot of work a lot of effort and to have this new law in place it's a great opportunity. I think that one of the biggest take-aways is that there are so many good people. There's talent, there is a real opportunity at this point, and I think that we have a real urgency, and I hope that we don't lose out on that opportunity. It also sounds like there's a lot of challenges inherent ones, which clearly everyone is thinking through how to best address. However, I think that I agree, you know, starting off, you know, within the Department of Correction, is probably going to slow us down, and there could be, you know, some serious implications, and hopefully we could overwrite that.

GRANT COLES: I—I echo all those, and just that a lot of this discussion is focused on the facilities appropriate. So, the one thing that hasn't been mentioned a whole lot today are for the lower risk kids that are 16, 17 and to ensure that they do get those adjustments and diversion and that there is, you know, we don't—it was echoed that the do no harm principle, you know, that there a lot of research that shows over-servicing kids that don't

need it, it can actually cause more harm so that we—
and I know Probation has the juvenile philosophy
within their juvenile reigns. It's just to ensure
that that really available, and that that is
emphasized with this new population.

CHAIRPERSON CABRERA: Okay. Well, thank
you so much for your input. We'll definitely be
following up, and again I want to thank the staff
that have served so faithfully and diligently all of
this year for all their hard. I know I mentioned
that in the beginning, but I want to thank them
again, and with that, we conclude today's hearing.
Thank you so much. [gavel]

FEMALE SPEAKER: Thank you.

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 December 28, 2017