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Margaret Egan
Executive Director

Statement before the New York City Council

Committee on Criminal Justice
Keith Powers, Chair

March 22, 2021

By Margaret Egan, Executive Director
New York City Board of Correction

Good afternoon Chair Powers and Members of the Committee on Criminal Justice. My name is Margaret Egan, and I am the Executive Director of the New York City Board of Correction (the Board), the independent oversight agency for the City's correctional facilities.

I am joined today by Board Member Dr. Robert Cohen and our Acting Deputy Executive Director, Emily Turner. Board Chair Jennifer Jones Austin is unable to join us today. She apologizes and sends her regards. We are submitting written testimony on her behalf. The City Charter outlines the Board's broad mandates, including to establish local regulations, investigate any matter within the jurisdiction of the Department of Correction (the Department or DOC), and evaluate the Department and Correctional Health Service's performance.

The Board plays a vital role in shaping and maintaining a safe and fair jail system in New York City. This is a critical moment for jail oversight and reform in New York. Front-end justice reform across the country is reducing rates of incarceration, yet the needs of those who remain incarcerated are more acute and demand greater vigilance over the system of services, safety, and care in the jails. As jails are reformed to become smaller, safer, and fairer, jail oversight becomes more essential.

Today, New York City's justice system and jails are undergoing significant reform and facing equally significant challenges. With plans to replace Rikers Island with a system of small and more humane community-based jails underway, the jail system continues to face the COVID-19 pandemic. And, despite long-term reductions, the jail population has been steadily increasing, surpassing pre-pandemic levels.

The Board of Correction must play a critical role in responding to and overcoming current challenges and realizing these reforms. The Board's broad mandate to regulate the jail system provides an opportunity to set important policy reforms. And as the primary oversight body for the jail system, the Board must provide the public and the Council with essential independent and relevant information to drive policy change. In this moment, when the Board's work is more important than ever, we are also facing serious budget challenges. The FY22 January Financial Plan sets the Board's FY21 budget at approximately \$2.4M, which has decreased from \$3.2M prior to the COVID-19 pandemic. The plan also reduces our total FY21 funded headcount from 34 to 26. This represents a nearly 24% cut in our funded headcount since the 2020 fiscal year. For an agency as small as the Board this will present serious challenges to meeting our charter and legislative mandates.

We understand that the City is facing a deep and very real fiscal crisis and many agencies are facing similar challenges. We are encouraged by recent conversations with the Office of Management and Budget (OMB), including a commitment to fund staff to conduct death investigations. And we are working closely with OMB to restore funding for additional positions. As it stands, the Board's budget represents .02% of the budgets of the Department of Correction and Correctional Health Services. Fully restoring our funding and headcount to 34 positions, which amounts to just \$830,000, which would bring us to just 0.22% of DOC and CHS's combined funding, will allow us to more effectively meet our mandates.

Our Current Priorities

The pandemic and our budget have forced us to fundamentally change the way we conduct our work. We have restructured and reset our priorities to focus on the most critical areas. Everyone at this Board has met this moment with professionalism, flexibility, and grace. I am deeply grateful for and proud of every single person at this agency and the work they have done.

Restrictive Housing Rule/Ending Solitary Confinement

On March 9, the Board voted to propose a rule governing the Department's use of restrictive housing. This rule represents a significant step forward in rethinking how the Department manages discipline and violence. Chief among these reforms is the ending of punitive segregation, or solitary confinement. The rule will also end the use of restraint desks and other non-individualized forms of restraint.

Punitive segregation has been proven over and over to be an inhumane practice resulting in debilitating trauma that endures, often for the remainder of a person's lifetime. It has also been shown to not be an effective tool for reducing violence in correctional facilities. The Board's proposed rule ends solitary confinement and replaces it with a more humane disciplinary model that focuses on safety for both staff and detained persons, mental health, effective and robust programming and education, and investment in training and the well-being of employees.

The rule also eliminates the use of intake areas for de-escalation confinement, regulates the use of emergency lock-ins, and sets robust reporting requirements to allow the Board and public to monitor the Department's fidelity to the rule. The Board's oversight and public reporting will be essential to ensuring transparency and compliance. Our ability to independently assess and publicly report on the Department's fidelity to the rule will be essential to providing transparency for the people in the model – both people in custody and staff.

The COVID-19 Crisis

Like all others, the Board was forced to quickly adapt to this new normal in response to the COVID-19 public health crisis. Since the pandemic hit New York a year ago, the Board has redirected its oversight. We re-set our priorities to monitor both the Department and CHS's evolving response and facility compliance with agency plans as well as DOC and CHS' general operations and compliance with BOC Minimum Standards amidst this ongoing pandemic. From the beginning, our work has sought to independently and publicly document the scope of the public health crisis in the jails and the criminal justice system's response to understand successes and challenges and, ultimately, ensure that lessons can be learned quickly. We applaud the work of the Department and CHS to mitigate spread of the virus.

The Board quickly began producing daily public reports outlining DOC and CHS's response to the pandemic and continue to do so. These now weekly updates, available on our website, include data on the number of people in custody with active infections, and those who have ever been infected, DOC staff who have been confirmed, CHS staff who have been confirmed, and the number of people who have passed away in custody. We also include a full analysis of the jail population to show custody status as well as certain demographic information. In the fall, as the jail population started to increase, we began producing a housing area density analysis in order to understand the ability of people to maintain social distancing in the housing areas. We believe that these updates are critical to provide the public, the court system, advocates, policy makers, and families with information on what is happening in the jails.

In addition to these data reports, the Board has developed a new, crisis-responsive jail monitoring approach. Given our very small staff, our approach has largely been focused on leveraging the Board's access to DOC's data systems, surveillance cameras, grievance tracking system, updated policies, preliminary incident reports, and complaints the Board receives directly from people in custody, staff, family members, and advocates. The Board resumed targeted, strategic in-jail inspections in mid-May and have been touring the jails regularly since.

Leveraging these tools, the Board has released several reports on our observations of social distancing, use of PPE among staff, use of masks among people in custody, phone access and cleaning, and rounding practices. On March 9, we released a new report analyzing the grievances received by the Department during the COVID crisis. Finally, every day the Board receives complaints directly from people in custody, staff, family members, defense counsel, and advocates via phone, email, mail, and web form, just as we did before the crisis. Phone calls from jail to the Board are free and not monitored. Board staff developed a new complaint protocol to review these complaints and refer

them to the appropriate agency for a response. The Board also reviews to identify systemic and urgent issues which are escalated to DOC and CHS as appropriate.

Additionally, the Board has requested DOC and CHS provide updates on their evolving COVID response at our public meetings each month since March. Together, we believe this regular reporting provides all stakeholders with an accurate view of the jails in this moment.

The Board's oversight work has been and will continue to be critically important to assess this crisis response. We have and will continue to provide necessary information to the public outlining essential data and independently confirming what is actually happening in the jails while ensuring in-person visits and other suspended mandated services are restored as soon as it is safe to do so. We will continue to advocate for as small a jail system as is safely possible. We will continue to advocate for everyone in the jails to receive the vaccine as soon as is humanly possible.

Task Force on Issues Faced by Transgender, Gender Non-Conforming, Non-Binary, and/or Intersex (TGNCNBI) People in Custody

The Board first convened the Task Force on Issues Faced by Transgender, Gender Non-Conforming, Non-Binary, and/or Intersex (TGNCNBI) People in Custody Force (Task Force), as mandated under Local Law 145, in October of 2019. Since then the Board has coordinated the 20 members and five subcommittees and is now diligently working to finalize the Task Force's Annual Report. We believe the work of this task force is critical to ensuring the Department and CHS's policies, procedures, and ultimately the conditions in the jails meet the needs of the transgender community. We have requested funding for a position to support this work, Council recommended the City fund this position and we are working with OMB to ensure appropriate funding is secured.

Death Investigations

OMB has now committed to immediately restore funding in order for the Board to hire a person dedicated to conducting death investigations as well as a second position to support that work. This critical funding will allow the Board to review deaths in custody to identify systemic reforms to improve conditions and care and prevent future deaths. The Board will also immediately conduct an independent audit of the mental observation units in the jails to review DOC and CHS policies, practices, and outcomes. This audit will be conducted with additional financial support and will have the cooperation of both DOC and CHS. The audit will culminate in a public report outlining findings and making recommendations for reforms to improve care and reduce instances of self-harm and suicide.

The Impact of Eliminated Positions

The elimination of eight positions and a lack of funding for positions to support new work limits our ability to do our critical work and meet our Council mandates. The Board has been unable to monitor and publicly report on the transition to the new borough-based jail system as required by the City Council. The Board plays an essential role in the monitoring the Department's current work and the plans for the new jails to ensure the conditions on Rikers are not relocated to new jails.

We have also lost several research positions which has limited our ability to continue comprehensively monitoring the standards on the Elimination of Sexual Abuse and Sexual Harassment, or PREA. The Board has also been unable to assess DOC's compliance with the reporting provisions, conduct annual audits of DOC's closing memos on investigations of sexual abuse and harassment allegations, analyze sexual abuse and harassment allegations, or closely monitor the housing decisions for transgender individuals in custody.

The Research Director of Health and Mental Health position has also been eliminated which impacts our ability to conduct an independent review and analysis of injuries and self-harm occurring in custody. We are also unable to produce the annual access to care report or monitor implementation of the Board's prior recommendations for improving access to health and mental health care in the jails. The recent commitment to support an independent audit of the mental observation units is encouraging, however our long-term oversight and reporting will require restoration of this position.

Additionally, our research and policy associate positions were eliminated which prevents the Board from producing our public reports on lockdowns, splashing, jail violence, and people who spend extended time in punitive segregation. Finally, we have also been unable to make the appropriate investments in our IT infrastructure necessary to keep pace with DOC's IT changes and ensure BOC systems are supported in the longer term.

Moving Forward

We are encouraged by our recent discussions with OMB to restore the Board's funding and headcount. Moreover, in order to set the Board on a course to fully meet this moment of opportunity, we have raised short-term private funds and are beginning a comprehensive strategic planning process. Over the next four months, the Board will conduct a planning process to coalesce around a new vision for jail oversight, strengthen the organization and its practices to more effectively and efficiently conduct our work, and continue to position ourselves as a model for jurisdictions across the country that are seeking more humane, accountable, and safe uses of jail.

The Board of Correction is essential to the success of the reforms that the City Council and the Administration seeks to realize. Without the appropriate funding, the Board will struggle to meet these shared goals, our Charter mandate, or our legislative mandates. It is essential that funding for our critical positions be restored so we are able to meet both our mandate and our promise.

Thank you and I'm happy to take your questions.



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Statement before the New York City Council

Committee on Criminal Justice
Keith Powers, Chair

March 22, 2021

By Jennifer Jones Austin, Chair
New York City Board of Correction

Chair Powers and Members of the Committee on Criminal Justice. I am sorry, I cannot join you in person today. However, I am pleased to provide written testimony regarding the Board of Correction budget.

I appreciate the opportunity to discuss the Board, its importance in this moment of reform, and its funding. The Board has a broad mandate in the City Charter to establish local law and regulation, investigate any matter within the Department of Correction, and evaluate the Department's performance. This mandate affords great opportunity and responsibility to ensure that all in the City's jails are safe and supported.

At the beginning of this administration, the Mayor and the City Council invested in the Board of Correction as a key partner in the strategy to transform the jail system and the broader criminal justice system. From 2014 to 2019, the Board's staff of 16 to funded headcount of 34.

Over that time, the Board has leveraged its small staff to provide high quality and essential oversight producing countless public reports; passing new regulations on restrictive housing, sexual violence prevention, and reporting of serious injuries; closely monitoring the jails on the ground; holding near-monthly public meetings, increasing public engagement; and so much more.

Since the COVID emergency hit a year ago, the Board's total budget has been cut from just over \$3.3 million to just over \$2.6 million. This represents a 24% reduction in funded headcount from 34 positions to 26 positions. With these cuts, the Board will struggle to provide the robust, effective independent oversight that is necessary for the City's jail system. The Board recognizes that during this time, the city is facing a very real fiscal crisis. And we are encouraged that in recent weeks the Office of Management and Budget has committed to funding positions to allow the Board to conduct death investigations and we continue to work with OMB to restore the remaining positions.

The restoration of these positions is essential to meeting this moment. The City and the Board find ourselves with a meaningful need and opportunity for change. The City is closing Rikers Island and building new borough-based jails designed to prioritize care. The Board's monitoring and reporting is essential to ensure that conditions in the existing jails are safe and humane and the new jails meet the promise of a smaller, safer, fairer, more humane system.

Importantly, on March 9 we took a critical step forward in this reform work proposing rules to end solitary confinement and govern the Department's use of restrictive housing. Ending solitary confinement and building a safer and more humane jail system is essential for staff and people in custody. The model that we have proposed aims to provide the care and support necessary to address violent behavior and better ensure safety for all.

Critical to meeting these goals is the Board's ability to provide active, constant, and independent oversight and public reporting. The rule includes robust reporting provisions that will allow the Board to ensure the Department's fidelity to the rule as well as identify opportunities for improvement. We believe these rules can be a model for the nation and the Board's ability to conduct its oversight and reporting

We are committed to being a strong and independent, critical partner in implementing the City's vision for closing the jails on Rikers Island and creating a network of modern and humane borough-based jails, which are "smaller, safer, and fairer." Without this funding, the Board will struggle to perform the effective oversight role that will be necessary for the City's new borough-based jails to meet the goals that we all share.

Thank you for your time and consideration.



**New York City Council Budget and Oversight Hearings on The
Preliminary Budget for Fiscal Year 2022, The Preliminary Capital
Commitment Plan for Fiscal Years 2021-2025 and
The Fiscal 2021 Preliminary Mayor's Management Report**

**COBA PRESIDENT BENNY BOSCIO JR's TESTIMONY
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CRIMINAL JUSTICE**

**Keith Powers
Chairman**

March 22, 2021

NEW YORK CITY COUNCIL

Good afternoon Chairman Powers and the distinguished members of your committee. My name is Benny Boscio Jr. and I am the President of the Correction Officers' Benevolent Association, the second-largest law enforcement union in the City of New York. Our members, as you know, provide care, custody, and control of over 5,700 inmates daily.

Today's hearing focuses on a discussion concerning the Department of Correction's budgetary needs for Fiscal Year 2022, as well as the Mayor's Preliminary Management Report for 2021. With the limited time I have, I want to address both of these critical issues, as they each reflect the dire working conditions of our brave and dedicated Correction Officers working in the City's jails.

Let's start with the Mayor's Preliminary Management Report for 2021, which was posted very quietly to the city's website just recently. The report revealed that last year there was a 23% increase in inmate assaults on Correction Officers and 123 inmate slashings and stabbings compared to the 106 inmate slashings and stabbings from the previous year. The report

further revealed that within the inmate population, the number of incarcerated individuals held on violent felony charges increased by 23%.

This comes as no surprise to us, as nearly every week, we visit Correction Officers who are being treated at a hospital for the injuries they sustained from an inmate assault, or stabbing, or splashing. This committee has heard our cries for help every time we come before you and every time we testify before you, we highlight the horrible conditions our officers are subjected to, yet our concerns continue to fall on deaf ears. You want us to perform our dangerous jobs with perfection, yet you refuse to give us the necessary support and the resources we need to do it.

We need action and we need it now. In fact, we need the same willingness to help our officers as the willingness you demonstrate to help the inmates.

Despite the soaring levels of jail violence, most of you support the Mayor's plan to end punitive segregation entirely, which he recently announced. Now is NOT the time to remove the one

tool we have to maintain safety and security! My members deserve better. They deserve to go home the same way they left. Instead, your main concern is that the same inmates who brutalize my members and non-violent inmates are given pizza parties, tablets and Game Boys. The New York City Department of Correction's treatment of its workforce is a national disgrace and those of you who continue to look the other way are complicit.

Another disgraceful practice committed by the Department of Correction has been the department's policy of forcing Correction Officers to work triple and sometimes even quadruple consecutive shifts, missing meals, missing sleep, and jeopardizing their health during a pandemic. This crisis first emerged last year at the height of the COVID-19 pandemic when 1,400 of my officers contracted this deadly disease. At the time, the Mayor called this a dumb managerial mistake and he vowed this would NEVER happen again.

Well, here we are a year later, and I have officers going into triple shifts just about every day. I have officers sleeping in their

cars at Rikers because they are so exhausted, they're afraid they'll drive off the road. I have officers getting hotel rooms near Rikers. I have officers, many of whom are single mothers, literally crying when they come home to their families because of the stress and disruption this inhumane practice has caused. Just this past weekend, at the Anna M. Kross Center alone, we had fifty-eight Correction Officers go into a triple tour, and approximately thirty of them worked 24 hours straight or more. This directly contradicts the department's claim that triple tours only happen when there is a weather emergency and that officers only work a couple hours into a triple tour on average.

We need more Correction Officers and we need them now. The City has not hired a class of Correction Officers in over two years, yet a new class of over 800 police officers were recently hired.

The inmate population is back up significantly to 5,700 and yet we have lost about 1,700 officers over the past two years, mostly due to resignations, because our working conditions are so unbearable. And since this past September, over 300 of our

officers have contracted COVID. In order to finally end triple shifts, the City needs to hire at least 2,000 Correction Officers and the preliminary budget for Fiscal Year 2022 should allocate the necessary resources to make that goal a reality.

With that said, I'm happy to answer any questions you may have.

**Testimony before the
New York City Council
Committee on Criminal Justice
Chair Keith Powers**

**By
Lynelle Maginley-Liddie, First Deputy Commissioner
NYC Department of Correction**

March 22, 2021

Good afternoon Chair Powers, and members of the Committee on Criminal Justice. I am First Deputy Commissioner Lynelle Maginley-Liddie, and I am glad to see that you are all healthy and well. I am pleased to be joined today by the dedicated members of the Department of Correction's leadership team, including Chief of Department Hazel Jennings, Chief of Staff Brenda Cooke, Bureau Chief of Security Kenneth Stukes, Deputy Commissioner for Financial, Facility, and Fleet Administration Patricia Lyons, Deputy Commissioner for Legal Matters Heidi Grossman, Deputy Commissioner for Programs and Community Partnerships Judy Beale, and Assistant Commissioner for Programs and Community Partnerships Francis Torres. Today, my colleagues and I are here to discuss the Fiscal Year 2022 budget, the impact of coronavirus on our facilities and the Department's response to this unprecedented event, and our dedication to continued reform efforts.

First and foremost, I want to respond to some very troubling matters that have made recent news. With respect to the concerns regarding Securus, who is our third-party telephone vendor, and the recording of privileged conversations of people in custody with their counsel and legal representatives, I want to assure the Council and the public that we take this issue extremely seriously. Although this was a human data entry error on the part of Securus, confidential attorney client communication is a fundamental right, and we have a duty to ensure privileged conversations are private. Since becoming aware of this issue in December of last year, we have been taking aggressive steps to identify the scope of the problem and create a robust quality assurance system with the vendor. This includes:

- establishing an online database so attorneys can confirm their number is properly privatized,

- requiring audits to understand the scope of the problem,
- the sequestering of any calls that should not have been recorded so they can no longer be accessed, and
- adding a regular manual check to be performed by an additional Securus employee of 20% of numbers of each do not record list sent by the Department to ensure data entry is being done properly.

As an extra layer of protection, the Department is also designing its own audit process to guard against future errors. Finally, all calls that are not on the do not record list have and will continue to have a pre-recorded announcement play when the call begins that makes clear to all parties that the call is being recorded, allowing either side to terminate the call prior to discussing any privileged information. The pre-recorded announcement has been enhanced to specifically warn attorneys that if they are hearing the announcement the call is not private and they should hang up. This matter has further been referred to DOI so that they can conduct an independent investigation into this matter, the Department plans to cooperate fully with DOI. As much as we believe these steps will provide appropriate mitigation against further issues, we recognize that this should never have happened and are taking all steps to guard against any further issues in the future.

We have similarly taken swift action in response to the circumstances surrounding the erroneous discharge of a dangerous individual from our custody. This was a significant error that should not have happened, and we immediately suspended four staff members related to this event. We are continuing to collaborate with law enforcement in order to apprehend this individual.

COVID-19 continues to weigh heavily on this city. Throughout the crisis, the Department has worked to be as transparent and forthcoming as possible. Although we openly report on the deaths of individuals who passed away in custody, we did not have a process to report on the deaths of those compassionately released from custody as a result of illness who later died outside of our care. We are working with our partners at Correctional Health Services to provide a more complete picture of these deaths, while respecting the rights of the rights of the formerly detained individual and those of their family.

Before further proceeding with my testimony, I also want to express my condolences to the families of the two men who had been in custody who

recently passed away. Every death in custody is tragic, these made even more so after a year of so much loss. The Department conducts investigations following any death in custody, however following these deaths we also plan to fully comply with an independent audit of the mental observation units conducted by the Board of Correction to evaluate and make recommendations surrounding our practices in these housing areas. We anticipate this work will support the Department and Correctional Health Services in our efforts to care for the most vulnerable individuals.

I would also like to take the opportunity today to provide you with an update on our ongoing COVID-19 mitigation efforts, speak to ongoing reform work underway, and advise you of our budgetary plans for the upcoming year.

Last March, we were drafting action and safety plans based on a globally limited understanding of COVID-19. We relied on our crisis management skills and our profound duty to protect our staff and those in our custody. In a matter of hours, we sprung into action assembling protocols for distancing and sanitation, securing PPE, learning about testing, and building relationships with our healthcare partners across the City. This critical and expeditious work embodies the Department's refined mission statement, proving that we are an organization that goes beyond care, custody, and control, and is one that focuses on creating safe and supportive environments for those in custody.

Before I continue any further, I would like to recognize the dedicated and hard-working employees of the Department of Correction and Correctional Health Services for their incredible efforts and sacrifices throughout this pandemic. Tragically, the Department lost 11 members of our staff to COVID-19, and over nineteen hundred uniform and non uniform staff members have tested positive over the past year. Despite these uncertain and challenging times, DOC staff have remained committed to ensuring the safety and wellbeing of those entrusted to our care every single day, at a great expense to themselves and their families. I am proud of their heroic efforts and am honored to work beside them.

Now, with approximately 60 patients with active cases in our facilities, the Department continues to successfully mitigate COVID-19 within its jails and emerged as a national leader in responding to the crisis.

Recap of Mitigation Efforts

Our success in managing COVID-19 is a result of establishing a mitigation protocol, providing regular and clear communication to staff and people in custody, and modifying services to support our population.

In partnership with Correctional Health Services, the Department identified entry point vulnerabilities which allowed the virus into our facilities. We developed a responsive tiered housing strategy that separated those with COVID-19 exposure and positivity from the general population. Additionally, the Department established a robust sanitation protocol, provided and mandated PPE for all staff and persons in custody, and painted cues in common areas to encourage social distancing. These measures have been in place since the height of the pandemic and have continued to keep people in custody safe as evidenced by the Department's consistently low COVID-19 positivity rate, a figure which is lower than current citywide statistics. The Department has continued to build on its existing mitigation strategy and now offers onsite testing and vaccination opportunities for our staff and partners with CHS to afford the vaccine to all eligible persons in custody.

Reform Update

This year the majority of our ingenuity and creativity was devoted to reimagining well established services in a COVID-19 safe manner. We developed hotlines that connected people in custody to chaplains, discharge planning, and LGBTQ services. Additionally, we stood up a televisit initiative in a matter of weeks, created a mechanism for supervised community release, and rolled out thousands of tablets with educational and recreational programming across our facilities. We are in discussions with our health partners to determine when it is safe to resume in-person visitations and other in-person services.

Still, despite the immediate challenges before us, the Department continued to prioritize our reform efforts and made progress on initiatives that will shape correctional practice for years to come. As you are aware, Commissioner Brann participated in the Mayor's working group to eliminate the use of solitary confinement and a draft of the Board's revised rules surrounding restrictive housing based on the recommendations of that working group was recently made public. The Department has been a leader in punitive

segregation reform for the past six years and looks forward to continuing to set the standard for other jurisdictions to follow. Further, we are continuing to work closely with sister agencies to push forward the borough-based jail initiative and are actively working with partners to design state-of-the-art jail facilities informed by lessons learned through COVID-19.

Fiscal Year 2022 Preliminary Budget and Its Impact on DOC

The Department's Fiscal Year 2022 Expense Budget is \$1.16 billion. The vast majority of this, 87% is allocated for Personal Services, and 13% for Other than Personal Services. The Fiscal Year 2022 budget is \$16.8 million more than this year's budget of \$1.14 billion. This increase is due the addition of collective bargaining funding.

Included in the Preliminary Budget are decreases of \$9.6 million in Fiscal Year 2021, \$61.6 million in Fiscal Year 2022, and \$23.9 million in each Fiscal Year 2023, 2024, and 2025. The following are some highlights of the major initiatives that were included in the budget:

- Hiring and Attrition Management – a reduction of \$1.2 million and 64 non-uniformed positions in Fiscal Year 2021 related to delays in filling vacant positions.
- Uniformed overtime – a reduction of \$48.8 million in Fiscal Year 2022 and \$25 million beginning in FY 2023.
- COBA Deferral – an \$8.9 million in retroactive collective bargaining payouts was deferred from FY 2021 to FY 2022.

Conclusion

Thank you again for the opportunity to testify today and for your continued support of the work we do on behalf of those in our care. My colleagues and I are available to answer any questions that you may have.



Ana Bermúdez
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Statement to the New York City Council Committee on Criminal Justice

By Ana Bermúdez

March 22, 2021 – 3:30pm

Good afternoon Chair Powers and members of the Criminal Justice Committee. I am Ana Bermúdez, Commissioner of the New York City Department of Probation (DOP). With me today is my cabinet: Deputy Commissioners Sharun Goodwin, Gineen Gray, Michael Forte, and General Counsel Wayne McKenzie. Thank you for the opportunity to testify about the important work of the Department of Probation and its Preliminary Fiscal Year 2022 Budget.

I know that I have said this before, but this past year of all years, I could not be prouder of this incredible Department. The level of resiliency and adaptability shown by the people we serve, community partners, and especially our dedicated staff during this extremely difficult time in both our city's and nation's history continues to amaze me. Throughout this pandemic, we were never on pause. Rather, DOP continues to adapt and respond to this crisis while simultaneously doing the important work of community justice because our clients and their communities need us. And we need them. Our Neighborhood Opportunity Network (NeON) neighborhoods, which I discuss later, are some of the areas hit hardest by COVID. This inequity - exacerbated by decades of economic and other disadvantages and their disproportionate impact on people of color - is not new. Combatting this reality has been foundational to our work for the better part of the past decade; and the relationships we have built *with* these communities have never been more important than during this pandemic.

Fiscal Year 2022 Preliminary Budget

As the City's largest alternative to incarceration, I am proud of this Department's critical role in safely supervising people on probation throughout the five boroughs. In 2020, Probation provided intake, investigation, and supervision services for nearly



50,000 cases, and directly supervised 18,500 adults and 1,500 adolescents. That is about four times the average New York City daily jail census, and for a significantly lower cost than incarceration.

For Fiscal Year 2022, the Department of Probation has a Preliminary Budget of \$119.3 million as compared to our Fiscal Year 2021 Adopted Budget of \$123.7 million. When compared to our current budget of \$125.3 million, the FY22 Preliminary Budget is \$6.1 million, or 5.2 percent, less -- which is primarily attributable to intra-City funding historically added to our budget post-adoption.

Of the \$119.3 million allocated to our Preliminary Budget: 68 percent, or \$81.1 million, is for Personal Services (PS,) and 32 percent, or \$38.1 million, is for Other-Than-Personal Services (OTPS). \$98.3 million are City tax levy funds, \$14.6 million are state funds, and \$6.3 million are intra-City funds. State funding, which at one time reimbursed almost half of local probation costs, now provides only 11 percent of our operating costs.

"Never on pause" means, for example that despite the pandemic, last year our Intelligence Unit (Intel) alone conducted 3,413 field visits and 1,134 enforcement actions, which included gang-related investigations, DUI field visit checks, failure-to-report home visits, bench warrant enforcement actions, responding to NYPD domestic incident reports, and transporting prisoners to and from other jurisdictions. These actions, done with PPE and utilizing proper safety protocols, resulted in the recovery of firearms, drugs, and other contraband, allowing us to balance risk management safely and effectively with risk reduction, the other part of our job.

Even during these trying times – nearly 90 percent of people successfully complete probation in New York City, of which one in five earn an early discharge. Therefore, I am confident that our evidenced-based practices and one size fits one interventions will continue to provide the best opportunities to the people we serve, while adapting to the needs and crises of the present day. To that end, I want to brief you further on our COVID-19 response, our continued efforts to best serve our young people with age-appropriate interventions, and the crucial, and continuing work of our nationally recognized Neighborhood Opportunity Network, also known as NeONSM.

COVID-19 Response

No doubt you have already heard countless hours of testimony as to how government agencies had to adapt during this crisis. The Department tackled similar operational challenges, such as ensuring all our staff were equipped with Personal Protective Equipment (PPE), the technology to work remotely, and protocols for essential services. We also provided assistance to our officers facing increased secondary trauma exposure and worked to decrease the stress and compassion fatigue that may impact their health and work through on-going, professionally facilitated support groups. For the people we serve, we met them where they were in terms of technology accessibility, internet access; and increased focus on the health and safety of themselves and their families. Additionally, we created new opportunities, including “#Knockout COVID” and NeON Summer.

Young people who participate in DOP’s credible messenger mentoring programs live in some of the communities most impacted by COVID-19. Despite the pandemic, these young people remained connected to their mentors and each other via remote group and individual communications and sessions.

With Young Men’s Initiative (YMI) support, DOP activated youth from nearly a dozen different mentoring programs to create effective peer-to-peer messaging campaigns. Who better to reach young people than other young people? In the form of drawings, memes, and videos promoting the need for social distancing, the youth-driven “#KnockoutCOVID” campaign was born. Youth received stipends for participation and, along with their mentors, played a critical, leadership role in protecting our public health. DOP and YMI coordinated a social media “Thunderclap” which included multiple City agencies, community-based organizations, and other stakeholders. You can spot these young people’s fantastic work at Link NYC kiosks across the city.

In the wake of last year’s initial uncertainty about SYEP, DOP began planning virtual paid summer programming, relying on its existing infrastructure and expertise, its close network of partner-providers, and YMI support. **NeON Summer** provided young people with a range of engaging activities from culturally competent, experienced providers; connections to crisis resources for them and their families; emotional support; skills-building workshops and activities; and, critically, stipends. Approximately 2,700 young people between the ages of 14-24 who were connected to DOP, or residing in our NeON



neighborhoods, participated. Programming included a wide range of both fun and skills-building modules offered by existing and new DOP partners such as the Made in NY Animation Project, Free Verse, NeON Arts and NeON Photography, as well as civic engagement workshops, community benefits projects, and even yoga and mindfulness. Included with your testimony is the NeON Summer Magazine, a beautiful compilation of the powerful work created, written, and photographed by the participants.

The Made in NY Animation Project is more than a component of NeON Summer. Our partnership with the Mayor’s Office of Media and Entertainment (MOME) to bring The Animation Project (TAP) to youth citywide runs year-round. Participants learn how to use professional animation software as they collaboratively create short films telling their own stories. Art therapists work with the participants, providing much-needed trauma-informed care and support, which has been more critical than ever over the past challenging year.

Leveraging Age-Appropriate Interventions

At DOP, we know our young people have tremendous potential, and therefore continue to deepen our work building the skills they need to access the opportunities they want. As the one agency working at almost all system points along the juvenile justice continuum, our Department experienced the greatest impact from “**Raise the Age.**” Since inception, Probation has seen almost a 50 percent increase in the number of intakes and has served over **5,000 additional youth**, providing justice involved young people and their families with developmentally appropriate services while keeping them safely in their communities.

We accomplished this by expanding our current operations, building upon our evidence-based juvenile services, and creating crucial new opportunities for our young people. First, prior to COVID, we secured dedicated space for our officers in the Youth Parts, allowing us to begin working holistically with young people and their families as soon as their case is removed. Second, we expanded our Family Court Alternative to Detention (ATD) program known as **Intensive Community Monitoring**, or ICM, to the Youth Parts. ICM is specifically available to young people who otherwise would be detained while their case is resolved. Third, we built on our incredibly successful Arches Transformative Mentoring program model to create **Plus + Mentoring** for youth aged 13-18, who display high-risk behavior, in the Youth



Parts and Family Court. Plus + Mentoring and Arches, as well as some of our other group interventions, have all continued to operate either remotely, or safely in person, so as not to lose the important community of support needed during this time.

We are also relaunching our **Anyone Can Excel (ACE)** model of supervision, a one-size-fits-one approach to address the unique needs and challenges facing young adults 16-24 under probation supervision in Adult Court. ACE is an evidence-based, youth-informed model focusing on mentorship, goal setting, core life skills, job preparation, and accountability. The model is grounded in what works to improve outcomes for adolescents and young adults: the science of adolescent brain development, the Risk Need and Responsivity Principle, Motivational Interviewing, and both Restorative and Positive Youth Justice. Probation Officers function as coaches - rather than referees - and ACE Teams create a sense of belonging and hope for a successful future outside the justice system. The model prioritizes the voices of young people and helps them build the skills to advocate for their own autonomy, self-efficacy, and a positive life of their own making. Most of all, ACE provides a strong community for all involved, as evidenced by ACE youth calling to check on the health and safety of their Probation Officers during this pandemic.

The Neighborhood Opportunity Network (NeON)

Though always the case, but especially now, much of our most critical work occurs in communities. Our community probation offices called "NeONsSM" were created in, and more importantly *with*, the seven communities that many people on probation call home: The South Bronx, Harlem, Jamaica, Bed-Stuy, Brownsville, East New York, and Northern Staten Island. Similar to the work now being done by the Task Force on Racial Inclusion and Equity in establishing "TRIE neighborhoods," NeON neighborhoods coincide with the findings of the "Seven Neighborhoods Study" conducted by incarcerated men at the Green Haven Correctional Facility in 1979. That seminal piece of research revealed that a vast majority of men incarcerated in New York State prisons came from seven neighborhoods in our city. The same challenges impacting these neighborhoods have sadly been exacerbated by the pandemic, as they are some of the city's most impacted communities during the COVID-19 crisis.

Our NeONs strive to have the opposite impact - serving as engines of equity - by working *with* residents and service providers to develop solutions from the ground up, invest valuable resources, and help to



restore a sense of agency in these communities. And we are seeing the results pay off. Due to our long-standing commitment engaging the people we serve, their families, and their community, the residents of our NeON neighborhoods are successfully completing probation at a rate equivalent to residents of neighborhoods that do not have these structural challenges. Though there is still a lot more work to do, I am proud of this Department's contribution towards ensuring that justice system outcomes are not solely defined by a person's zip code.

Part of what makes the NeON model so powerful is how it grows and evolves to meet our communities' needs. Our **NeON Nutrition Kitchens**, the brainchild of committed probation officers who were feeding hungry clients, have been a lifeline over the past year. As we saw the emerging need, we increased capacity, feeding almost **400,000 people** last year. That is an unimaginable *fourfold increase* from 2019. And the need continues, as over the last two months we have fed over 60,000 people already! Thankfully, we have had great partners in this work through donations from Target, Stop and Shop, Baldor, Boar's Head, and Driscoll Foods. And one of our most successful partnerships is thanks to your colleague, Council Member Vanessa Gibson, and the New York Yankees. Council Member Gibson arranged for the Yankees to donate to struggling local businesses and then "paired" those businesses with local community organizations providing aid. The South Bronx NeON was paired with Grocery 846, who provided our Bronx Nutrition Kitchen with over \$5,000 worth of food that we distributed to the community. We also successfully partnered with the Test and Trace Corps and Health & Hospitals to provide popup COVID self-testing.

For many of the people we serve, it is hard enough to find and keep a job even during the best of times, let alone during a global pandemic that has gutted entire sectors of our economy. Our latest initiative, **NeON Works**, was designed in response to what we saw as a gap in existing resources for residents of NeON neighborhoods. A truly one-size fits-one initiative, NeON Works was designed in partnership with YMI, the Center for Youth Employment (CYE), and the Mayor's Office for Economic Opportunity to fill that gap. It offers an array of professional development workshops and supports, connections to education and career exploration opportunities, and is open to people on probation and other neighborhood residents, with a particular focus on young adults aged 16-24.



Our seven community-based organization (CBO) providers are closely connected to our NeON Stakeholder Groups, who have been advising them on community needs, interests, and potential avenues of recruiting participants. NeON Works has offered virtual workshops on multiple topics such as financial literacy, conflict resolution, and identifying personal strengths and core values, to name a few. As we emerge from the wake of this pandemic, NeON Works is another way to ensure that the people we serve have both access and skills needed to not just survive but thrive in what will likely be an extremely challenging job market.

One sector in particular, arts and culture - a big part of what makes New York *New York*, has been devastated by this crisis. *Two thirds* of the jobs in the City's arts and cultural sector are reportedly gone. This is especially damaging as artistic and cultural expression is necessary for processing and understanding the human condition. I know I am preaching to the choir here, but I want to again thank the Council for its forward-thinking vision through the Innovative Criminal Justice Programs initiative and its support of **NeON Arts**, our partnership with Carnegie Hall that provides high quality arts and cultural programming through our Stakeholder Groups. Throughout the pandemic, NeON Arts continued to innovate and adapt, reaching another 800 youth. Similarly, our **NeON Photography** program, has had over 400 participants with work currently on display at Columbia University and in two virtual galleries, as well as exhibitions later this year at Denise Bibro Fine Art and the Islip Art Museum.

CONCLUSION

I want to thank you for the opportunity to testify today. And moreover, thank you Council Members for the incredible and continued support you have shown this Department and the people we serve. Because at the end of the day, that is *who* this is all about: the people we serve. The people we serve who predominantly live in seven New York City communities that have endured decades of concentrated disadvantage and disproportionate representation in the prison and justice system pipeline – and therefore the focus of much of our work and resources. The people we serve, the vast majority of whom are people of color, are brilliant, strong, creative, and resilient, as evidenced by the countless examples you have just heard. All of this work has laid a solid foundation for a more fair and just future - one that is already returning significant dividends on our collective investment – particularly in the area of equitable justice system outcomes.



However, as we emerge from the pandemic, the challenges being faced by the people we serve, both those on probation and in our NeON neighborhoods, have never been greater and will surely continue to test the mettle of this Department, our incredible staff, and our dedicated partners. Every dollar invested - or disinvested - in this Department, will either further drive this important work, or undercut this foundation and begin to reverse critical progress. With that, I want to again thank the Council for its commitment to equity for the people of New York. We are pleased to answer any questions you may have.



2020

NeON SUMMER NYC



Funding provided by:

NYC Young Men's
Initiative

Photo by: Lynn, Cohort 26

NeON Summer NYC

I found my experience with NeON Summer program to be interesting. I have been in summer programs before, but this is the first time I've done it online. I find it fascinating to be able to connect with my peers all over NYC at the comfort of my home. Every day we discussed relevant topics.

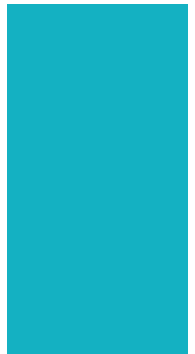
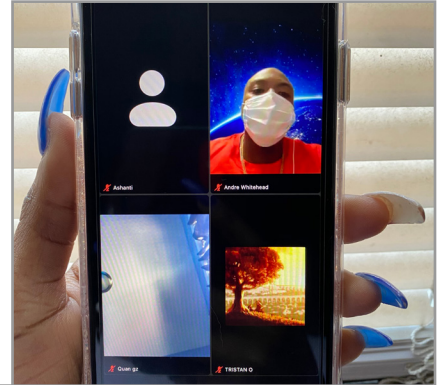
JAYLEN, COHORT- 9



Crystalie, Cohort 46



Ashanti, Cohort 46



NeON Summer NYC: Overview

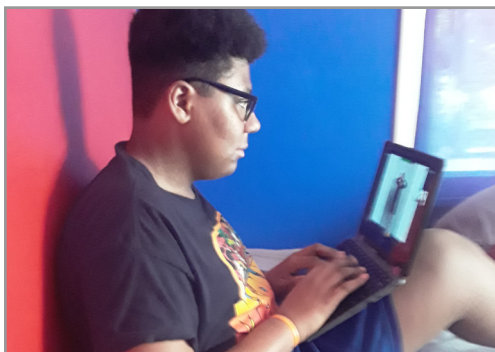
Along with the entire nation, young people in New York City had their lives turned upside down by the worst global pandemic in a century. And as the months of isolation wore on, a resurgent call for racial justice spread. In this historic context, NeON Summer NYC was launched to provide paid learning experiences, social connection, and opportunities for creative expression to some 2,700 New Yorkers between the ages of 14 and 24. These young people were selected from neighborhoods most affected by Covid-19 and those that are disproportionately impacted by the justice system.

A majority of the NeON Summer NYC participants were female (59%) and Black (40%) or Latinx (33%) and 18 years old on average. Many were from low-income households; twenty-seven percent reported household incomes under \$15,000 or between \$15,000 and \$50,000 (51%). Fewer than 25% lived in homes with incomes above \$50,000.

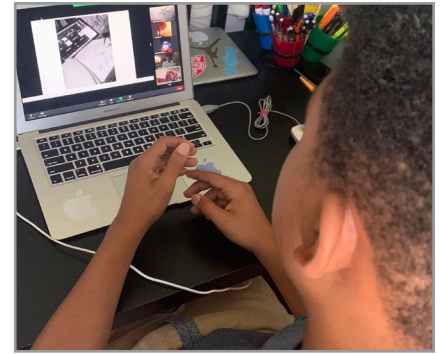
Covid-19 effected and without equitable mitigation will continue to effect young people's educational and vocational progress, mobility, and socialization. These young New Yorkers living at the epicenter of the pandemic endured weeks of isolation, often confined to their homes to avoid becoming ill. They frequently cited the

closure of public spaces such as parks (76%) and restaurants (65%) as having a negative impact on them. In addition, sixty-eight percent noted reduced public transportation had a negative effect on their ability to get around the City. The closure of high school (49%) and college classrooms (48%) required adjusting to new ways of learning for these youths as they adapted to virtual learning platforms.

In response, NeON Summer NYC supported important developmental needs—the formation of social bonds with peers, the pursuit of educational and employment opportunities, and the space to think about securing their futures and the pursuit of goals. By the culmination, NeON Summer NYC participants felt safe in their groups (96%); saw themselves as an important part of their cohort (81%), found their group leaders listened to them and cared about them (94%); and shared things about themselves that they would normally not share with others in a school setting (44%). They also learned important job readiness skills and how to manage their finances. And, together with other young people, they were able to share how Covid affected their lives.



Jalen, Cohort 26



Tristan Cohort 46

Inside Voices: Helping Youth Cope During the Covid-19 Pandemic

When the pandemic hit and New York City school buildings were closed, young writers working with Youth Communication, a New York City non-profit dedicated to engaging young people through teen-written stories, continued to write. They turned their attention to their experiences during the pandemic, offering comfort to their peers who were experiencing similar struggles, while also helping adults understand what teens were going through during this difficult time.

A selection of these stories formed the basis for the six-week Social Emotional Learning program used as part of NeON Summer NYC to help youth talk about, write about, and process their own experiences, turning a stressful time into an important learning opportunity and celebration of resilience.

Topics include:

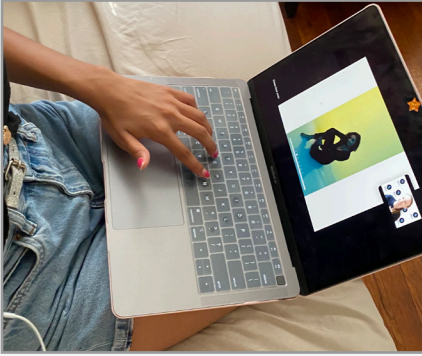
- o Dealing with disappointment
- o Making responsible decisions around protecting yourself and others
- o Fighting discrimination
- o Managing stress
- o And more...

The collection of stories, reflections, poetry, and photos on the pages that follow is a lens into the work and writings by NeON Summer NYC participants!

Highlights from our virtual NeON Summer NYC program July - August 2020



Lynn, Cohort 26



Brisa, Cohort 26



6

WEEKS

107

COHORTS

2,700

NEW YORKERS AGES 14-24



Rebekah, Cohort 26

Dear Future Self

Dear Suyee,

It is alright to feel down and maybe even overwhelmed. And it is alright to feel scared about new or uncertain things. It is a very natural thing to feel and sometimes it can't be helped. Try to calm down by maybe taking some time away from the stressor or doing something else to keep your mind occupied. You can just take a break and let your mind cool off. Then when your mind is clearer you can come back to what problem you have and face it. Also, it is very probable to have bad days. Sometimes there are just days that are great and then ones that are not-so-great. It just happens sometimes and some stuff is just out of your control. Taking some time off and then coming back to fixing the issues that you can control can help ease your mind. And taking deep breaths and talking to friends or family about your issue can also help get a clearer perspective on things. You can do it, just remember tomorrow is a new day.

Sincerely,

Suyee

COHORT 24

Write a letter to your future self to open the next time you feel stressed. Offer yourself some encouraging words and advice on how you got through it.

Tristan, Cohort 46



Sincerely, Me

Bryant, Cohort 38

Dear Future Bryant,

I'm writing this to let you know that you can't always control what goes on outside, but you can always control what goes on inside. In times of stress, it's always best to keep busy, to plow your anger and your energy into something. Do your favorite hobbies like go to the park and play baseball, or workout, anything to distract you. Keep your head up and keep pushing you got this.

Sincerely, Past Bryant

Shanjida, Cohort 24

Dear Shanjida,

How are you? What are you doing? There's so much to ask about you considering that you always tell people you're okay, you never really take the chance to open up about anything that bothers you or of any problems you're ever having in life. So now let's take a seat and really talk it out. What a hypocrite for telling others you care for that they can always come to you to vent out their issues, yet here you are always bottling up your emotions, rarely taking those chances yourself. But I don't blame you for acting this way. You're afraid that no one can give enough comfort or even understand your situation as much as you do. Sometimes it's better to talk to yourself about it though, at least let out your emotions from time to time. I know especially for you that these past few months ever since Covid-19 interfered with our lives, that it's affected you massively. You seemed more hopeless and down, and I'm sincerely sorry that two of your loved ones have been infected. But the great thing is that a month ago they've recovered, and things have gotten better slowly, has it not? I am just trying to give you the best advice at this point in your life, as you seem to struggle taking your own advice that you give to others. It's still summer though, that means you still have time. You have time to improve on yourself, achieve on any personal goals, work on your mentality, and so much more. I want you to take every day to use to accomplish anything set on your mind, even the littlest things like enjoying food. I want you to make yourself happier. I know that this pandemic keeps you away from seeing friends but, that is also why I want you to focus on yourself so much more, because before you know it, you won't have time for self care. It's okay to make mistakes, because at the end of the day you still are capable of taking the time to learn from them and therefore grow. I want to see growth in yourself as time passes by, I want you to appreciate yourself more rather than beating yourself up. Please treat yourself gently, I know how fragile you are when it comes to self love, care, anything involving you. Take care girl, I love you. Please try loving me more as well.

Sincerely, Shanjida

Emediong, Cohort 39

Dear Future Self,

When stressed, think about the good things you have accomplished. Don't burn yourself out thinking a lot about things that are impossible. Make the impossible, possible and believe in yourself you got this. An advice for you when you feel stressed is to take a break and do something you love, dance, sing, cook etc to get your mind off of what you're going through!

Sincerely, Emediong

Lisbeth, Cohort 39

Dear Lisbeth,

If you're reading this it's because you're feeling stressed. It's nothing new you always stress out a lot, so it's good for you to read this when you feel that emotion. Listen girl you need to learn how to be more chill and not be so concerned about something that won't be done in two seconds. Here's some things you can do when you are stressed, read the Bible or do Bible studies, listen to music, clean. I know how much you love to clean, sleep, go for a walk and last but not least cry if it gets that far. It isn't good to stress out but it's natural, make sure you do things that won't stress you out. When you feel like you're going to get stressed out, take a break from what you're doing. It's also good to talk to someone when you're stressed to relieve emotions. But lastly it's not the end of the world if you stress out, everyone does but just don't stress out.

Sincerely: Lisbeth, tu mejor amiga

PS: I forgot to mention, think about Dominican Republic.

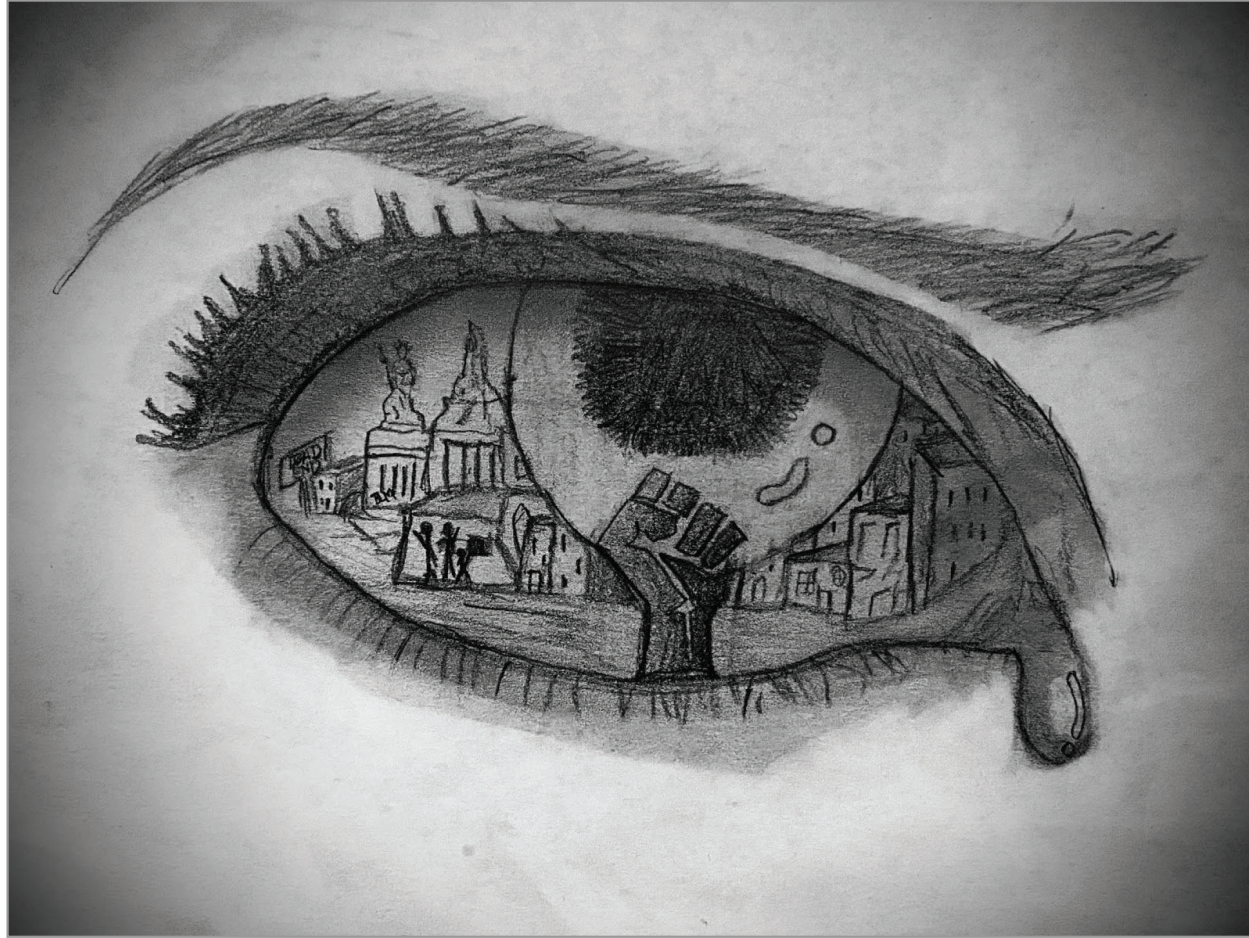
Josh, Cohort 24

Dear Josh,

The next time you ever feel stressed about anything just remember you don't need weights to work out. You have a hoop in your backyard and you have brothers who are willing to play catch with a football. Some encouraging words are no matter what happens you can change the outcome of it and there may be problems ahead, but I am capable of facing it head on. Some advice on how to persevere through tough times: It's not that I'm so smart, it's just that I stay with problems longer. Albert Einstein stated. In the Japanese Proverb there is a piece of text that states fall seven times and stand up eight.

Sincerely, Josh

Cohort 19



Dear 2020,

You know
 You really tricked me on New Years Eve
 Oblivious laughter formed bubbles that floated in the
 relaxed air
 Toast went around for what is to come
 Feet stomping on the ground as we land from our jumps of
 celebrations
 With flags gripped in our hands as our banner of hope

You really tricked me
 You really had us thinking this was going to be a great year
 and great new start
 But I guess not
 This is **not** what we were hoping for
 2020 you have **ruined** us with Covid-19
 Having the virus was the worst thing ever.

It basically took everything from us, from the restaurants and the movies and all the other hang out spots we enjoyed together

Adjusting to the new norm of wearing masks and social distancing has affected us all mentally and emotionally

Being away from friends and some family for many months has been tough

Our social life has all been washed

Not only have we been faced with this detrimental virus
We are living our worst **nightmare** of racism all over again

They never lied when they said **history repeats itself over again**
The ones that are supposed to be protecting us are killing us over and over again

Black men being killed one by one for no reason and the killers walk free

Black women being killed one by one in the comforts of their homes while the killers walk free

The system is **broken** and continues to fail us

We need **change** We need to raise our voice and march down the streets regardless of the ob-stacles that might stand in our way.

Hand by hand.

Politicians being used as distractions to blind us from the truth of what they are failing to provide into our community:

Together. Love. A way for us to truly live freely.

When 2020 only brung us distance.

How can we come together when society wants to separate us?

Divide us as if we aren't **one**.

2020 showed us the ugly **reality**.

There is no **normal**.

Life is what **we** make it to be.

We lived in fear of WW3

We watched as our president was impeached

SO many celebrities caught for sexually assaulting women

Plane crashes left and right

People losing their jobs

Hispanics being dragged away from their family to cages where there is no social distance

A boat filled with staff and passengers stuck on water for months because countries are shut down due to Covid-19

Dear 2020,

You really tricked us

We thought you would keep us in our comfort zones

But you exposed bones that were decorated as fences

Fences that have block us from seeing the truth about ourselves

Dear 2020,

You have exposed our trauma

You have **exposed** the ugly in America

You **exposed** the ugly of mankind

You have **stripped** us naked of all false pretenses

Our febrezed reality was taken apart and we were shown the garbage and carcasses that we so happily played with because it was " normal"

But there is no normal

You have exposed our weakness

Therefore, you have revealed our strength

You did this for us to wake up

For us to stop playing with the dead and instead call dry bones to life

There will be unity

There will be togetherness

There will be justice

There will be an end to racism and systematic abuse of all kinds

There will be freedom

There will be life

There will be Love

There will be focus

There will be change

Dear 2020,

Though we curse you out,

We thank you for showing us the truth

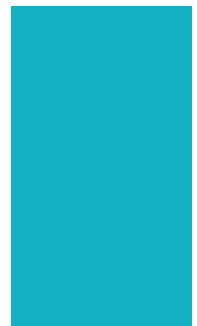
Because now we know, standing up, fighting, educating ourselves, and doing our part to bring forth the healing we want to see

Starts with us

Sincerely,

The Youth

COHORT 19



NEON SUMMER NYC | JULY - AUGUST 2020



Knowledge is Power

Christopher, Cohort 5

There aren't many ways to learn about someone else's experience from the comfort of your home better than reading a book and educating yourself. Listed below are a mix of books that have expanded my consciousness and I hope they do the same for you.

In no specific order:

Souls of Black Folk by
W.E.B. Debois

*The Autobiography of
Malcom X* by Alex Haley

A Raisin in the Sun by
Lorraine Hansberry

Invisible Man by Ralph
Ellison

The Audacity of Hope by
Barack Obama

What
would an
ally do?

01. What would an ally say to a harasser?

An ally would try to educate the harasser. If not then they'll inform them of why what they are doing was/is wrong.

02. What would an ally say to someone who faces harassment?

The ally would say to the victim that the harasser is not educated to make claims like these and to try to comfort them.

03. What would an ally think about?

An ally would probably think about what's right and what's wrong. They'd also think about how to face and defend others from discrimination.

04. What are there other important characteristics that make someone an ally?

In order to be a good ally, you should be able to see things from someone else's point of view in order to understand them better. Being a good ally means being open-minded.

COHORT 26

Jakilah, Cohort 31



Covid-19

Patrick, Cohort 1

Before the closing of NYC schools, I was preparing to get inducted into the National Honor Society for the Frederick Douglass Academy I. The NHS is for students who have a 90+ GPA and have participated in sports and extracurricular activities along with community service. I was also planning to take my girlfriend, who is a senior, to prom. However our plans were ruined. I was working tirelessly for the upcoming football season, I wanted to impress the scouts and prove some doubters wrong.

When everything got canceled I thought it would be temporary but it lasted longer than 3 months. Everything I had planned went down the drain, it was a huge disappointment and frustration. I kept asking myself "why me?" "why this year?" I started to feel hopeless after a while.

We were able to have the NHS induction on Zoom, I was able to do football drills by myself at the park daily but prom never came true. I couldn't take my high school sweetheart to her senior prom. I am currently a junior and I will take her to my prom next year. Although things weren't perfect, we found a way to make it work. I still don't know if we'll have a football season or not.

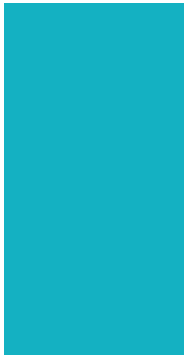
Nyasia, Cohort 37

Before the pandemic started, I was thinking about going back to school to get my GED but that couldn't happen, no schools were open. After that my job closed so I wasn't even sure when I was going to be able to work again and it kinda made me feel down because I didn't know what was my next move. This interrupted me because it set me back from actually getting an apartment because the money wasn't following me and my case manager didn't see that I was doing anything.

SyrTaejah, Cohort 40

During this pandemic, my life has completely changed from the way I eat, managing my weight/ figure. Necessities needed for everyday life were now limited to my access and realizing that for not only myself but others around. I couldn't keep track of the things I ate because there wasn't much to do. I just ate a lot and slept most of my days. I would constantly hate going outside because my guardian would constantly routinely check to make sure I had everything needed to protect myself before heading out, which couldn't be a headache as a young adult who always wanted to be on the go. Eventually I just stood home so she wouldn't worry.

Write a story about a time when everything seemed to go wrong. Explain each event and how it made you feel. How did you deal with the situation? What happened in the end? End your story by explaining what you learned about yourself from the experience.



Rebekah, Cohort 26



Rebekah, Cohort 26



Enso, Cohort 37

My educational plans were affected by the pandemic by causing me and countless numbers of other students to stay home and get the work done via internet. And that's a little frustrating for me because I personally work better in a classroom where the teacher gets in contact by just raising your hand instead of doing a zoom setting with them.

Hector, Cohort 40

My Life has changed dramatically. I been isolated, jobless, and anxious. I'm feeling trust less from people that would sneeze. Can get enough of people nagging of the death toll.

Changes that affected me that now an face mask essential for me now. We have 6 feet social distance it's the law. Many people I know died.

I believe the Covid-19 lockdown created extra support for the black lives matter movement because a lot of people participate.

If Covid-19 reappeared in fall I would wear safety clothes and make sure I'm safe at all times.

Christopher, Cohort 28

This pandemic affected me a lot these past months. Society has been a disaster and some people are barely surviving it. This experience is so different then what we're accustomed to and change scares a lot of people. I say there are a lot of pros and cons of this pandemic for me personally. The only pro I can think of is that we are staying safe. The cons are that now I can't see my friends and family anymore as I want to and school didn't feel the same virtually. So it's been kinda rough.

These past months I have been home doing the same things over and over. I start my day with school, then eat, sleep and play video games and repeat. At first it was cool but after the first month it was annoying. People were bored in the house all day and couldn't wait for this all to blow over and people wanted to go outside including me but nobody did because people were still scared. Being inside all day became depressing but people got through it one day at a time.

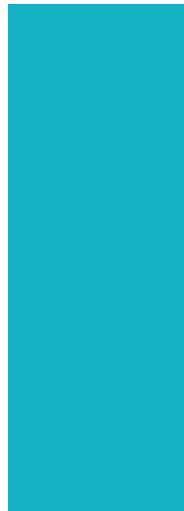
I can say one good thing came out of all this and that is people can spend more time with their family. I can say that I enjoyed the extra time with my family and it is nice to be with them. There were times during this quarantine where a lot of people still went outside unnecessarily and risked getting exposed. It was nerve racking at first because everyone was told to stay inside and if you do go outside wear a mask. A lot of people didn't listen and the death tolls were rising and I was scared because I thought this will never end. As time went by the number of deaths and infected decreased and eventually NYC went into phase 2 and we came along and now we're in phase 4.

This pandemic has taught me and showed me a lot. It showed me that us as a society can survive anything. I don't think that most of us has ever been through something like this, but we survived and we will never forget. I have become a better person because of this, I have learned to care about the safety of others and not just to care about oneself. This pandemic affected me mentally and emotionally, I now know that being kind and selfless is important.



NEON SUMMER NYC | JULY - AUGUST 2020

Writing Prompt: write a story about a time when you had to gather the courage to overcome fear.





The Big Chop

Oladoyin, Cohort 9

I permed my hair ever since I was in the first grade. Perm was the only thing that seemed to work for my hair. It made it silky smooth for about a month and then it would become rough after that. When I was in the 9th grade, my sister introduced me to the natural hair movement. I was confused because I never knew about natural hair due to my mom perming my hair for nine years of my life, limiting my knowledge on my own hair under the hazardous chemicals. One day, my sister took me to the salon to watch her do "The Big Chop," when she cut off all her permed, damaged hair. I thought she was crazy for doing that. A couple of months after that, I saw her hair flourish into beautiful curls. I then contemplated if that's what I wanted to do. I was scared that my hair wouldn't grow and look like hers. I was scared that the little bit of hair that I had for nine years was going to be a waste of time. I was scared of what people in my school were going to say. Ultimately a week before I started my sophomore year, I big chopped all my hair. When I did it, I

was nervous. Seeing those scissors just cut the nine years of chemicals was overwhelming. After it was all done, I went home and started crying. I was still scared about what I was going to do and what people were going to say about me. Going back to school a week later was going to be an emotional hassle. I know people were going to think that I looked like a boy and they were going to question why I did what I did. However, it was the complete opposite. The fear of cutting my hair would've limited me to know nothing about my own cultural identity through my afro-textured hair. I was so used to seeing long, straight hair but having my natural hair made me feel like I stood out of the beauty standards the world has for women. After four years of being natural, I finally felt empowered and found self-love after sitting in that chair and cutting my hair. It felt like a new chapter in my life, and indeed it was. I am so glad I got over that fear.

ANONYMOUS, COHORT 14

The Journey to Overcoming My Public Speaking

Have you ever had a fear within you that you held for a long time, that the moment to let it go finally comes seems relieving to you? Well, I've sort of felt that feeling a couple times. My biggest fear is being a public speaker and being in the dark. Today I will be talking about the time I would say I overcame my fear of public speaking, personally I am a really quiet and shy person that when it comes to public speaking, my fingers start to sweat, and my anxiety gets really bad. But you are all probably thinking that is normal, everyone gets these symptoms. But what if I told you that my nervousness for public speaking is very bad because my voice starts to sound shaky and if you are lucky enough to not witness, but there is always that one time where I actually will start to cry because my nervousness for public speaking is real bad. Until the day that I finally wanted to get rid of my fear showed up.

I remember it was during a school day, specifically during lunch time. I remember walking up from the basement floor all the way to the 4th floor, and let me tell you, I endured these number of flight of stairs for 3 years since the beginning of my high school time. Right after lunch I would have Advisory that just happened to be in the 4th floor and let me just say, it was hard, real hard. I had walked up during my lunch period and asked my advisor/teacher if I can practice presenting in front of her as a way for me to slowly overcome my public speaking without stuttering. And to my dear life she said, "Yes I will help you." I was so happy and excited to finally overcome my fear.

I walked up to the smart board and stood in front of it and slowly inhaled and exhaled before I started. But before

I started my teacher said, "It is ok to be nervous, just don't think about it, let yourself be free and let go, and you will slowly see yourself get comfortable". When she said this I followed what she said and let myself loose and find myself in a spot where I was starting to get comfortable and manage how I want to feel. Then the moment to start my presentation came, I slowly breathed in and made eye contact with my notes and my teacher before talking. And I tell you it was the most peaceful and happiest moment I have ever been in and felt. Right when I was done with my presentation, my teacher asked, "How do you feel?" I felt stress free and comfortable ready to present in front of my class.

After the bell rang, signaling that lunch was over and Advisory was about to start and as students gathered in the class getting ready to present one by one. When it came to my turn, I just let myself loose and breath in and out and carried on with my presentation. I started of with saying, " I decided to do my presentation on teen pregnancy" where I then later on explained all my facts, and stuttered here and there but not like before and also made eye contact with my teacher and audience. When I was done with my presentation all my classmates had clapped and said how much detail was added to my presentation. When everything was done and my teacher told me, "You did amazing" I was really happy and proud of myself.

The moment that I've been waiting for had come and my fear of overcoming public speaking came and it was just the start of my new adventure in life, and I will always and forever will be proud of myself.

JULIA, COHORT 4

**Write a story about a time
when you had to gather the
courage to overcome fear.**

**The fear could be “big”
-- like an earthquake or
pandemic or a small fear
like public speaking.**

Public Speaking

I remember when I was young, I was in middle school at the time. I was going to an after school program in my school (called Harlem Children Zone). It was a trip that day we were going to speak, not technically speaking about it but like seeing who can have the best arguments or who can build arguments about the topics we were talking about issues based on the world. They separated everybody in different groups and gave each group a topic to discuss upon but only one person in the group had to go up and do the talking for the group. We had 5 mins to discuss and then 3 extra mins to pick a person to speak for the group. Everybody chose me to speak cause at that time I was loud so active, good energy, always wanted to talk, but when it came to speaking in front of a crowd I was shy, sweaty, panicking and didn't know what to say. I started to get frustrated. But there was this one person in my after school program that I would always go to or ask for help or to talk or for anything. After I spoke to him I felt much better. I overcame my shyness and my group won the contest cause of me being able to speak on the topic and being able to build a great argument.

KAHLIL, COHORT 27

NEON SUMMER NYC | JULY - AUGUST 2020

Overcoming Fears

Rebekah, Cohort 26



Adam, Cohort 46





A Story About a Time I Needed Courage to Overcome a Fear

One story about a time when I had to gather courage in order to overcome a fear was back in 2014-2016 which was during the time of the Ebola outbreak. In the beginning of the Ebola outbreak before the disease got to America, the thought of catching it scared me because I didn't want to die from a disease. I felt like I was too strong to go out that way. So before I overcame the fear, the thought of just catching Ebola scared me at the time. But as time went on and as I kept seeing the people around just living life like it was normal and not living in fear, I told myself that I should do the same and not let the fear of catching Ebola stop me from living life to the fullest. So as I mentally convinced myself to live my life to the fullest I realized that that not only helped me with overcoming my fear of catching Ebola and dying from it but it also prepared me for the future with handling Coronavirus and it may still benefit me later in life when dealing with any outbreak. Therefore, that courage I got to overcome the fear was beneficial not only at that time but in future situations too.

QUADEN, COHORT 4

Sickle Cell Anemia

Ever since I was born I had sickle cell anemia. I could say this is one of my greatest fears because it's my greatest weakness. At any moment my condition can render me sick and useless. Once I was old enough to learn the name of it I began to research what the disease was, how it ticks and how to beat it. Drink a lot of water, exercise, breathing exercises for the shortness of breath and just basically keeping a good physical and mental hygiene. When I was younger the pain made me cry a lot and gave me some sort of depression. I was so confused and didn't understand any of it. But my mother would massage the parts of my body that were in pain. Anytime of the day anytime of the night she's always made sure I was comfortable as possible. If things got worse she would sit in the hospital with me telling me how much she loved me. Nowadays I'm by myself eating away at the pain with whatever else makes me happy because to focus on this weakness is to give in to it. So I will not acknowledge it and keep trying to keep my body as strong as possible. Honestly, I always hear people talk about a couple of deaths from this at a very young age but I won't stop living. Too much to fight for too much to do.

DAVID, COHORT 4

Write a story about a time when you had to gather the courage to overcome fear. Set up your story by describing yourself before you overcame that fear.



Hard Work

There was a time when I was in 10th grade and I wanted to test myself by taking a Regents test early. I was supposed to take this test in 11th grade not 10th. The test was an English Regents test I had to take and I thought it would be easy because the English class I have has given me a good score on my report card for the 1st semester... I was wrong. During the test I was so confident in my answers I was honestly sure I got a near perfect grade even before the tests were graded. I received a 64, 1 point away from a passing grade 65. Even though this was the grade, I did not let it affect me. Instead I took my experience from that test for the next year's English regents which I was supposed to take. I studied hard, and memorized many things about the test, and what type of tests they can give you. Rhetoric, argumentative, DBQ, all of them. The test I took was the same as the test I took early in 10th grade, but of course with different questions. Because it was so similar to the previous exam, I was able to run through it easily and receive a high grade of a 92. I never tried a test early though from this point on because I didn't want that type of luck to backfire on me someday, and actually ruin my score even more. Instead this showed me that experience and hard work can beat anything in your way.

ANONYMOUS, COHORT 39

Hope

I deal with disappointment by having HOPE. Having hope for me is a key piece of dealing with disappointment because it pushes you towards positivity. Hope pushes you to believe that something better is always going to come; that whatever is happening right now in the present is just a little hiccup for what's to come in the future.

Disappointment is sometimes hard to deal with because it comes up as a form of truth. Although the truth is a great thing, the truth does hurt. It hurts because oneself has to come to terms with dealing with what they thought was positivity was really a form of negativity. In addition, dealing with what you thought was reality was just a false preservation of it. Lastly, because you as a person built up high expectations for that idea, person, or goal for it to not go as you planned it.

Some ways I've seen others deal with disappointment is by letting it go or looking past it. I've seen others pick up different hobbies and activities to push their feelings aside. Lastly, I've seen friends and family come together to push one's spirit up.

JASMINE, COHORT 9



Write a story about a time when you didn't let disappointment defeat you. What was the disappointment? How did you deal with it?



Overcoming Disappointment

Crystalie, Cohort 46



Rebekah, Cohort 26

Being Under Quarantine... The Pandemic



Since March, my life has changed unexpectedly. School came to a halt. Initially I was sooooo happy. Yay no school I said. One week, then two weeks, then I realized, this is not fun. I really missed my friends. I actually missed my teachers. I missed my mom waking me up. Rushing me to come on or we will be late. There are so many simple things and some that I thought were annoying. I miss so much now. Thankfully no one in my family has been sick.

During this pandemic, I reached my 16th birthday. I had dreams of a big celebration with my friends. Going on a trip. I wanted to go on a shopping spree. I didn't get any of that but I actually realized that those things are not that important when your life is at risk. This quarantine although not fun, has taught me to appreciate the simple things. My hair and nails not done stressed me out but natural beauty

is so much better. I have started to read more. Books can take you to places you have never been. I spend more time thinking which allowed me to realize that opinions of people are not that important.

Many people have died, have no money, and my mom pointed out that some families can't even afford medicine or a trip to the doctor. I am so fortunate and grateful that this does not apply to us.

This quarantine has not been ideal and even scary at times, but maybe we all needed a break. I really want things to go back as they were with everyone using this quarantine as a lesson. Be kind, be considerate, appreciate each other, and empathy is so important too.



Oladoyin, Cohort 9

WHO ARE YOU? I ASK

ACKNOWLEDGE YOUR ROOTS
DON'T BE IN DENIAL, WALK DAY
BY DAY PROUD OF YOUR SKIN
AND HAIR AND BODY GOD
BLESSED YOU WITH.

WALK DAY BY DAY IN SILENCE,
WALK DAY BY DAY NUMB TO THE
INJUSTICE AND DESTRUCTION

DRIPPING BLOOD, DRIPPING
SORROWS FLOWS DOWN THE
RIVER NEAR THE COTTON
FIELDS. LOOK DOWN AT YOUR
HANDS, WHO BLOOD IS ON YOUR
HANDS?

WHO YOU ARE DOES MATTER,
THE WORD "N*****" HOLDS SO
MUCH

PENT UP WITH HIS ARMS
BEHIND HIS BACK, HE SPEAKS "I
CAN'T BREATH I CAN'T BREATH"

THE REPETITION OF HIS WORDS
HAVEN'T STRIKED YOU IN THE
EARS HARD ENOUGH MAYBE A
BLOW TO THE HEAD WILL.

**ask your self why?
why did i do this?
you ignored, you
choose to ignore**



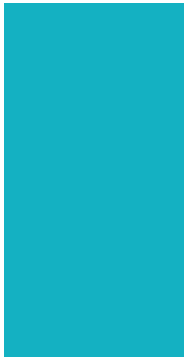
fa5053817 FreeArt

Omorogieva, Cohort 13

There are countless videos of cops running over young women with police horses, pushing down old men for no reason, rushing into crowds of peaceful demonstrators, and raining blows on young people and reporters. For 8 minutes and 46 seconds, Derek Chauvin pressed his knee into the neck of George Floyd, an unarmed Black man. Police are supposed to protect the populace but according to Mapping Police Violence, 598 people have been killed by officers in 2020 as of June 30th. This number is very likely to increase as there is also rarely any punishment for the police who commit this crime. These cases have reinvigorated the debate around police brutality and racism. Systematic racism and excessive force have spread throughout the States and their police forces calling for a complete overhaul or dismantlement of police. Although the police have a large budget that could be dismantled and used to help other causes, police play a major part in the safety of many and therefore a complete reform involving changes to their current budget, training, funding and organization is a must in order to keep people safe and establish order.

Ernest, Cohort 13

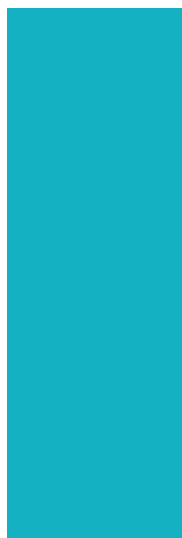
Throughout the events that have been taking place from the brutal death of George Floyd and Breonna Taylor both were killed by police officers, this shows even though those two murders took place we can still stand up as the African American men and women we are. In the program I learned we can overcome the race issue with police just by complying and being respectful. Not all the time we have to assume that "oh they pulled me over because I was Black." It doesn't always have to be like that, some cops can be respectful and some can be aggressive plus disrespectful all we have to do is comply with them aggressive or not to prevent getting shot or choked we have to listen to them regardless the circumstances. If the cops stop you just speak to them calmly without the disrespect because that's when they will find you as a threat.



Jakilah, Cohort 31



Jakilah, Cohort 31



Jakilah, Cohort 31

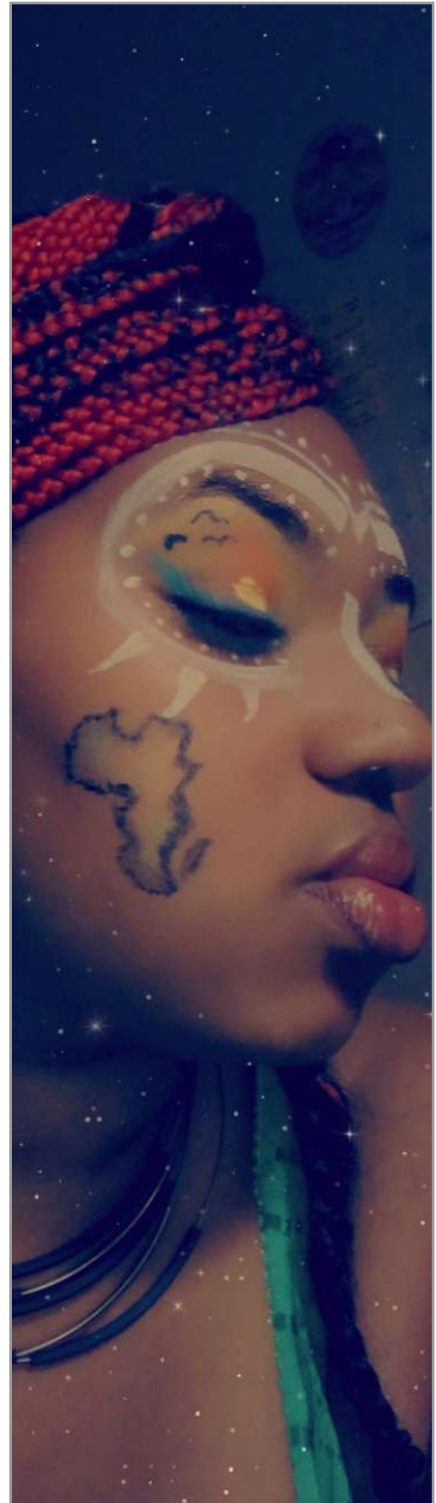


Embrace
My
Color

Embrace My Color

They don't see beneath my skin,
 Where I have qualities that have not been seen.
 Color is just a noun,
 But someone like us in you can never be found.
 Don't lay me down on a bed because the color of my skin
 is not what you expect. Instead treat me with respect,
 The same you show everybody else but hate to admit.
 I am as beautiful as they are,
 I am as worthy as you all.
 So when you see me embrace my color
 And let me lift my head.
 For it is what we most use but you can't, because
 You're focused on the color of my skin instead.
 I'd love for us to be equal,
 But you're subtracting us rather than
 Receiving all of us for what we bring is peaceful.
 So when you see me embrace my color,
 And let me lift my head.
 when I say I have done nothing don't see that as a threat.
 For I am telling you I've known the tears I've shed.
 Fear is the guest that invites itself inside me, every time I
 hear your voice besides me. "Put your hands up."
 My body stops, my head falls down, but all my mouth can
 do is shout
 "Please don't shoot me"
 Because in your hands I fear death
 For you and your equals have made that your quest.
 So when you see me embrace my color
 And let me lift my head.

GLORIBEL, COHORT 30



Jakilah, Cohort 31

Second chances

Second chances don't come often.
 But when they do I take them as a dozen.
 I remember a day I messed up,
 For a second chance I asked,
 A second chance I got.
 I knew this time I had to apply pressure,
 How could I not if this second chance came
 as a treasure. An opportunity to redeem
 myself.
 I saw that as a nut in a shell.
 Grab it and apply it.
 Cuz why wouldn't I after all I tried,
 One or two it was still something that I
 bribed.
 For a second chance I asked,
 A second chance I got.
 Wrong things happen but I rather make
 them right.
 For you never know when a person a second
 chance could invite. Reverse the darkness
 into light,
 And persevere such as bright.
 For a second chance I asked,
 A second chance I got.
 For forgiveness I asked for redemption I
 begged,
 I was given something that could not be
 said.
 The person had forgiven me for turning the
 assignment late, I was quite in a happy state.
 I was given a second chance to finally
 upgrade.
 For a second chance I asked,
 A second chance I got.

GLORIBEL, COHORT 30

I am a solider

I am a solider
 I've been to war and back
 I feel like I've seen it all in my time
 And have not evening lived yet

I am a solider
 Life goes up and down
 Whatever you do comes back around
 So I tend to be positive bout my situations
 So I don't have to frown

ROBERTO, COHORT 37

David, Cohort 9



David, Cohort 9



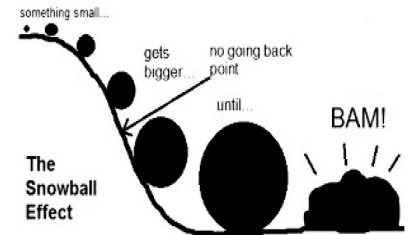


Snowball

A little girl forms a wet pile of soft snow into a ball
 Rounding and shaping it into a perfect size
 However, the perfect size is no longer perfect

She wanted more
 She wanted it to be biggest and best
 snowball there was
 Rolling it on the snow, down the hill
 Its size slowly increasing
 Bigger and bigger
 She starts smiling with joy
 The snowball doesn't need her now
 It rolls itself down the hill as it picks up speed

Faster and faster
 Bigger and bigger
 The speed uncontrollable
 The snowball grabbing everything in its sight
 Dirty leaves
 Yucky thick mud
 A broken twig
 The beautiful and simple little snowball was no longer beautiful
 An angry avalanche pushing down and



grabbing everything in its way
 People frightened and running

Faster and faster
 Bigger and Bigger
 BAM!

The scary avalanche crashed into a brick wall
 Turning into a wet pile of snow like it originally was

A little girl forms a wet pile of soft snow into a ball
 Rounding and shaping it into a perfect size
 Well— it wasn't perfect, but it was the best she can make on her own
 And she was happy

YOSRA, COHORT 15

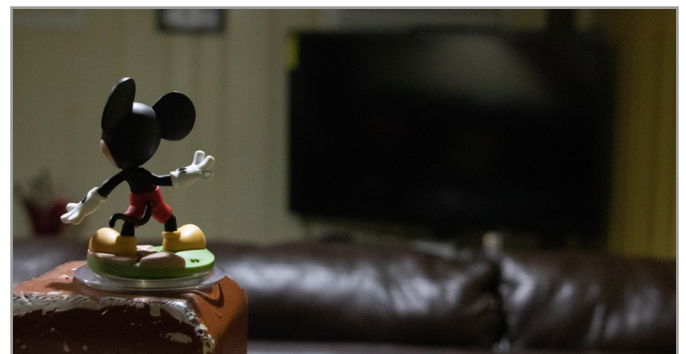


David, Cohort 9

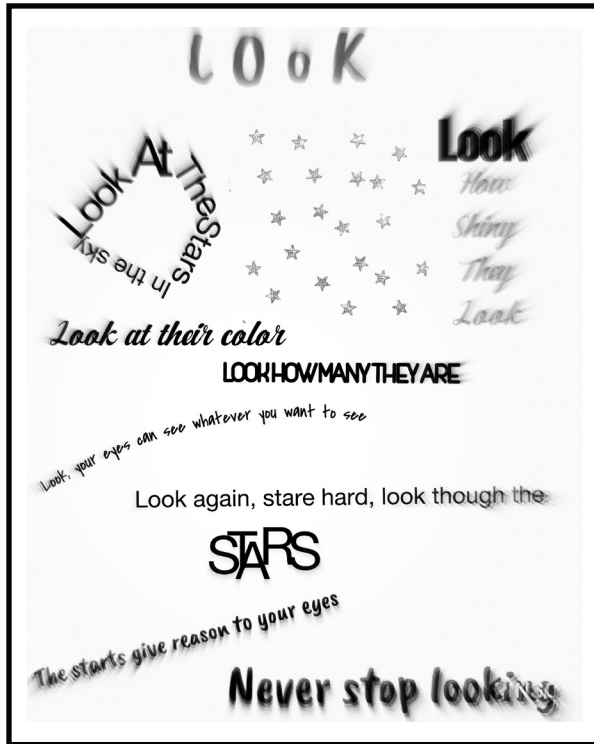
Overcoming Challenges

Life is like climbing up a mountain
 It will never be a smooth slope
 There will always be ups and downs
 No matter what, you should always have hope
 Always have a smile on and never frown
 Times may seem tough
 You may fall many times
 But it's about how you get right back up
 It will never be an easy climb

ANONYMOUS, COHORT 43



David, Cohort 9



The Roller Coaster Called High School

The stress of high school is rough
 Remembering everything is tough
 Meeting new people and remembering names
 Getting bad grades with no one to blame
 Studying all night and getting ready to grind
 No mistakes, don't want to be left behind
 Get your grades up it's easy now
 Big test coming up, you can't fail now
 Passing the test was a piece of cake
 The good grades were easy to rake
 Friends have already come and go
 What next year has in stored, who knows.

LEMONT, COHORT 18

Sidelined

The one that knows me, does not see me as
 a reflection of him
 An extension of his ego, an undead limb
 The more I hold him close, the further he
 pulls away
 I can't keep his eyes steady, I can only hold
 an idle gaze
 The sounds that play over in my head, when
 my mind ponders upon him
 Is the sound of canaries screeching, the
 unrivaled songs of the undead
 I got to find my peace of mind, the peace I
 left behind
 In a shallow grave were my body rots,
 welters and decays
 My tombstone reads, "here lies a friend, a
 confidant, and lover"
 Three words were all he gave
 Not one flower, not a single tear
 For the rose that he plucked, broke and
 buried
 I cannot recall the pain of dying, as it was my
 love for him that undid me
 I relinquish my power the day I stopped
 seeing myself as whole
 For loving you and losing you has helped me
 find myself
 And I am forever in your debt.

TIANA, COHORT 43

What is love

My love, you inspire me to write.
 How I love the way you smile, dance and
 joke around.
 Invading my mind day and through the
 night.
 Always thinking of setting the next mood

How do I love you? Let me say the ways.
 I love your innocence, heart and smile.
 Thinking of you fills my days.
 My love for you is past many states

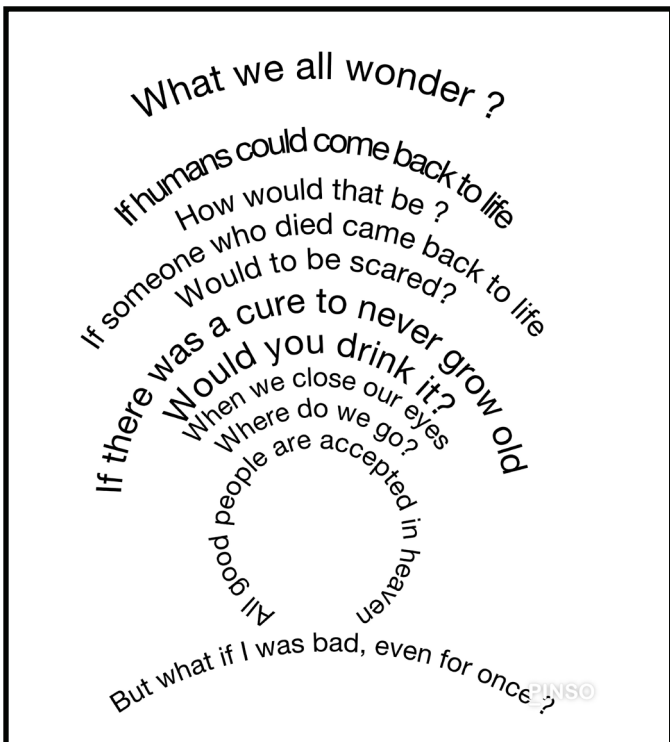
Can't compare you to anything your the
 brightest in the room
 You are more alive, steadfast and funny.
 Calm sun heats the sunny peaches of
 June,
 And summertime has had its time.

Now I must lay and cry with a quiet heart.
 Remember my loved words while we're
 apart.

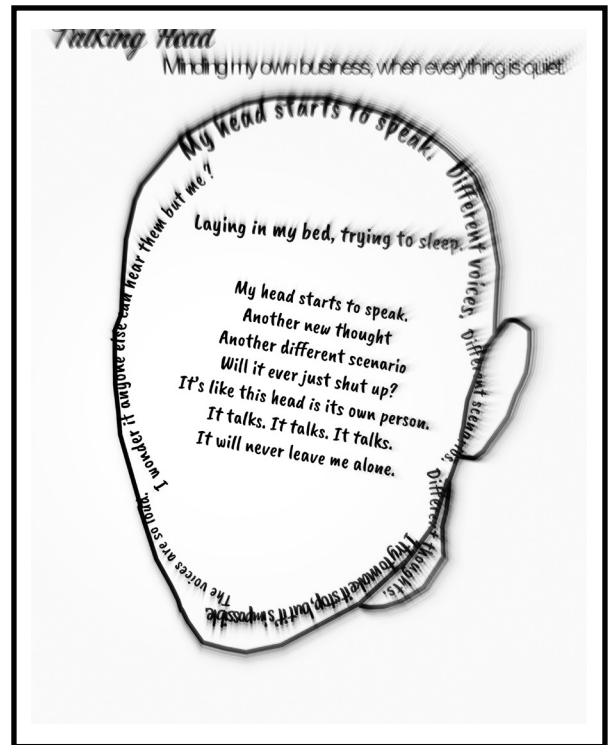
KRIS, COHORT 13



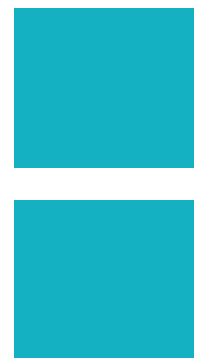
Write a poem
 about a time
 when you
 overcame a
 challenge.



Free Verse Poet



Free Verse Poet



Highlights from The Made in NY Animation Project. To see animations created as part of NeON Summer NYC, click [here](#).



The Made in NY Animation Project: NeON Summer NYC Edition

Cohort 13



Cohort 26



Cohort 35



Cohort 5





Write a story about a fictional character who is facing the unknown. Show the impact it has on them and what they do about it.



Jakilah, Cohort 31

Dear diary,

It's Sarah, I'm currently 16 and it's Saturday 1:19 AM. I'm currently dating a 18 year old boy and everyone seems to have a problem with me. My family thinks he's a bad influence for me but honestly he helps me with a lot. My family don't know about but I learned not to stress over others opinions. So I continue to be with him and live my life but the problem is I'm pregnant and I'm scared.

We have talked about if situations like this happen and what to do but it is easier said than done. Taking care of a baby requires things we don't have like a job, house and a village ...but I'll tell him in due time.

It's now Tuesday, 1:12 PM. I just told my baby daddy/boyfriend what the hell is going on and honestly his reaction scared the hell out of me. He just looked at me and said well I'm taking a walk. I don't know if I should cry or slap him but instead I just continue to act like I'm not bothered by his reaction.

It's Wednesday now and he's back home. We decided not to keep the kid. I guess it's for the best.

To future Sarah, never love again.

TANJLA, COHORT 2

Hurt and the Healer

I went through a time where I experienced hatred towards the world, and one day I decided to write a letter to my younger self and even though it took only five minutes, it took a lifetime of hurt and a walk through pain. I've been a malicious child once I hit fourth grade and I kept getting into trouble at home and in school. I remember I had these beatings from my parents that I can never forget, and I know after each beating the less I cared and the more I got into trouble. My parents hoped that I'd learned my lesson the first couple times when I either stole, lied or got disrespectful.

I've kept asking myself why? The question that my parents thought was never far away. But, in reality healing never came from the explained. Always I said to Jesus to please don't let my troubled heart go in vain because He's all I had, all that remained. So there I was, what was left of me; this is when glory met my suffering.

I'm alive that's how I felt after, even though a part of me has died. He took my heart and He breathed it back to life. I ran into His arms opened wide; when the hurt and the healer collide.

But there would be times when I would feel tempted to go back to my evil ways. The pain was just so deep that I could hardly move. I just had to keep my eyes fixated on Jesus. I asked Him to take hold of me and pull me through, so there I was all that was left of me after that invisible battle I went through. Glory kept meeting my suffering and everyday I said Amen... I thanked the Lord because without Him where would we all be, where would we all stand. It's that moment when humanity is overcome by majesty and mercy takes its rightful place. I was glad that I survived my troubled experience because of Him and through Him I'm alive.

I would love everyone to know that Jesus is always in disguise. He can live through any of us to see how others are or who we are. God only knows where to find you, God only knows how to break through, God only knows the real you. There is a kind of love that God only knows.

"Just cast your cares on Him."

Jesus come and break my fear, wake my heart and take my tears and find His glory even here. This is when The Hurt and The Healer collide.

ERIC, COHORT 41

Being Okay with the Unknown

The sudden unpleasant sound of my alarm startled me from my sleep. Still half-asleep, I groped for the annoying item on my bedside table, having a faint sense of accomplishment fill me after successfully turning it off. I groggily sat up in my queen-sized bed, and as with any other person, took a few seconds to let my eyes adjust to my blue LED light filling room. Then, I stood up. And promptly sat back down. And just like every other day, I took a few minutes to stare at the cream wall opposite my bed and contemplated calling in sick. Decision made, I stood up, turned off my artificial lighting, and staggered to the bathroom guided by the natural light of 6:47 a.m.

Today will be a good day, I concluded as I scanned my outfit in the mirror. Despite my haste, I couldn't deny that the last minute outfit of red with hints of brown created the perfect contrast to compliment my dark skin beautifully. After tossing a pair of flats into the already numerous contents of my bag and grabbing a granola bar, I left my apartment with confidence in my step.

True to my word, the day was still going great and I got to work safely and on time. The latter of which was a rarity for me. The first half of the day seemed to pass by in a blur and suddenly I was gathering my things to go to lunch. I was on my way to Sasha, my lunch buddy's seat when I was accosted by one of the security officers in my building. Not quite sure how to avoid him without being rude, I stood to the side to let him pass and only barely managed to hide the shock on my face when he stopped right in front of me. Um, personal space? Outwardly, I smiled politely and said, "Josh, please move." He refused to and instead, motioned to my desk. I noticed a package that had not been there before and tried to sidestep him. Only for him to move as well. Frustrated, I forgot all socially acceptable mannerisms and shoved past him, rolling my eyes. I grabbed the package from the desk and ripped at its packing paper greedily before remembering I was at the office and so slowing to a more decent pace. A letter fell out, leaving a bulky envelope in what little was left of the wrapping paper.

"What is it?" Emerald asked as she slid her chair over. I knew she was curious. Everyone at the office that knew I had a

package was. And it'd be simply hypocritical to blame them as I'd be too in their shoes. However, there was this unspoken rule about the privacy of an individual that was there to prevent people from asking such questions. "I don't know," I replied. Because I truly didn't. Glancing at the clock to make sure I'd have enough time left over for my actual lunch, I placed the envelope in my bag and skimmed through the letter. The words only registering in my brain when I was done and halfway to the elevator. I had a house? In LA? Lunch immediately forgotten, I turned around and went back to my desk as I began mentally planning my relocation plan.

I was exhausted and excited when I was done with my plans. I knew I was moving too fast, but I was too anxious to leave my current surroundings. I was so sure and so deeply invested in the success of my plans that I did not consider any variables that might upset my carefully laid plans. I set off with great excitement with not much of an idea of what awaited me.

On arriving at my supposed house in LA, I was shocked to find it already occupied by individuals who did not seem willing to give it up. My plan was to get to LA, move in, and start school the next day. As a result of this new and surprising situation, all my plans fell through. I instantly had to decide what to do, I couldn't stay in the house because of its current occupants, I hadn't booked any hotels because I was supposed to stay in the house, I couldn't find any hotels close by because the house wasn't in such an area, I did not have my car, I wasn't in possession of any physical money. I began panicking.

I was always told to have backup plans and I usually did but ironically, the one time I didn't was the one time I needed it. Panicking wasn't the best thing I could have done, but it was what I did. When I was done going crazy, I decided to test how good the graces of my house occupants were and I requested a room. They let me stay and even took me to school the next day. I learnt to always have a backup and prepare for things that seemingly may not happen but are possible.

How Has Covid-19 Affected Those Around Us?

Kevin, Cohort 40

In the midst of the Covid-19 pandemic, the new normal that I observe around my community is a heightened sense of personal space and new boundaries. The majority of people are mindful to use masks and to social distance whenever possible, hypervigilance is observed when people shame others who disregard the use of masks or those who refuse to respect the space of others. There has also been a change in the way society has seen how dangerous a virus can be, how far and widespread the pandemic has hit us across the nation and across the globe.

Recently within the past few months, the movement Black Lives Matter has been the center of attention to many news outlets with many protests and marches dedicated to remembering those who have been unjustly murdered by the police. With many citizens criticizing the movement, especially during a time where the pandemic is still moving across the nation. With so many warm bodies so close to each other during actions and protests, many worry that the infection would have been exacerbated by these large gatherings. I do believe that even with Covid-19 spreading during this time, the movement of Black Lives Matter did succeed in gathering and focusing the attention to the deaths and the abuse of citizens suffering at the hands of the police. Possibly, if Covid-19 would have been contained before it surged across the population, the movement would have been far more expansive than the turnout we have seen in the past few months.

Finally, returning back to the situation we are all facing, Covid-19 has a possibility to reappear and cause another lockdown that everyone will have to face in order to prevent a mass of infections of the virus. In order to prepare for this possibility, I will have adequate food and water/beverages stored to last a couple of months at the very least. I will also work in an industry that is necessary to remain open so that I can continue living according to my need. The only other way to prepare for the is to be actively informed and armed with information to keep ourselves safe.

Christopher, Cohort 28

Pandemics end up causing increases in medicine and the healthcare industry which there would be high demands for different products or even out of stock for certain products. When a pandemic outbreak happens hospitals are being overpopulated, at the beginning of any pandemic researchers are trying their best to find a cure. The Spanish Flu was very similar to this pandemic, it was reported that doctors were too busy trying to fight the disease to treat and record the overflow of patients. Drug stores businesses increased during the Spanish Flu while other businesses were failing. Hospitals were so overcrowded that other buildings had to be converted into hospitals.

Although the healthcare industry was booming it suffered shortages of employees just like other industries whether the business was good or bad, when the physicians themselves contracted the flu some hospitals were staffed with medical school students just like this pandemic Covid-19. Over the past months it was reported June 6, 2020 more than 600 health workers from different departments have died with the headline "Nearly 600 and Counting US Health Workers Have Died of Covid-19."

Government's role during a pandemic is informing the public. The Department of Health is a government led department responsible for preparedness and response. DOH also known as the Health Department is supposed to inform and help the public, but in some communities even the Health Department was shut down due to lack of workers from people that contracted the disease.

With that being said while living through this pandemic a lot of deaths occurred from lack of information, commutation and also cooperation I also notice that even while families began to quarantine the statistics as far as death still continue to raise in certain community naming a few East New York (Brooklyn), Corona (Queens), Highbridge (Bronx), Washington Heights (Manhattan), Arden Heights (Staten Island) these statistics clearly can prove there is a great need for better healthcare in these communities. A few ways this pandemic affected me is not being able to go to certain places because of the closure of businesses another way this pandemic greatly affected me is the reasoning of having to wear a mask anywhere and everywhere we go. I think this pandemic took a big toll on our nation in its entirety this can be shown with the evidence I provided.

Changing the System

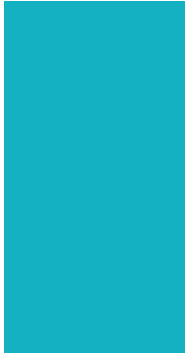
THOUGHTS ON THE EDUCATION SYSTEM

NEON SUMMER NYC | JULY - AUGUST 2020

The failure of the education system is the first topic my group talked about when I came. This is something I feel like needs to be spoken about more because a reformation needs to be made. My group and I feel as though the education system leaves out a lot of major important history of some minority groups. What brought this conversation, was that a lot of my fellow group members and I had not had a clue as to who John Lewis was. I personally had never known his name until after he died which is shameful as I had learned he was a Black civil rights activist. I feel like we shouldn't have to research on our own time things

that school should be teaching us. We go to school for 6-7 hours 5 days a week and some straight A students, such as myself don't know a lot of our history. Another thing is, school should teach us basic life fundamentals. There are people who graduate high school that don't know how to simply pay taxes. The education system also is very stressful for a student. Colleges look at AP classes, so students want to take them. AP classes are not easy and it negatively affects many peoples' mental health. I believe a change to the education system will make schools a better learning environment.

EBEHITALE, COHORT 13



Oladoyin, Cohort 9



Jasmine, Cohort 9



Jayden, Cohort 20

Happiness is a feeling that I feel we will ultimately never feel or understand until we pass away and enter the kingdom of God. My perspective of the word "happy" that people use on earth, is temporary excitement. Happiness to me should be an everlasting emotion. A lot of things can make us excited temporarily. For example, things like eating food, seeing a favorite cousin, going out with friends, having a girlfriend, etc. All of these things could make you temporarily happy in the moment you first find out about them. Then, you just go on with the rest of your day as you normally would. Doing something you've wanted to do since a kid, like maybe you wanted to be a hotel owner. You may enjoy being an entrepreneur, but you also take the bad and stressful things that come with the job. Such as paperwork, slacking employees, salary pay, etc. So your so-called "happiness" starts to form a dent, to the point where you feel your job is just a regular job and you can't wait to retire. Some things that make me personally "happy" are when I play cards with my family or I'm playing basketball. As well as when I hang out with my friends or getting a good score on a test.

Anonymous, Cohort 24

In today's session we first introduced ourselves, the pronouns we prefer and our favorite desserts as new people came into it. Afterwards I baked chocolate chip cookies in front of the whole class, by showing myself make it and even showed them the recipe I used. I love all the support they gave while I was baking and I enjoyed eating some cookies myself. :D

Anonymous, Cohort 24



Jacqueline, Cohort 21

A time when someone was really listening to me was when I was talking to my best friend about my breakup. When I noticed she was really engaged in the conversation and really was listening to me, I felt safe and wanted. It felt good to know that I wasn't talking to myself and it made me happy.

Sometimes I can get distracted when listening to someone. There are times I have a short attention span which isn't useful when someone is ranting to me. Somethings I try are looking them in the eye or repeating what they say to myself in my head. This helps me concentrate on the topic.

Victoria, Cohort 21

One time when I fell into depression, my mom had come to my house and had a talk with me, and in return she allowed me to speak or vent and she just sat there actively listening to what I had to say. My mom and I usually crash heads, but having her there just listening made me feel a sense of comfort and support that I could confide in her, and that when I'm at those low points or need advice I can come to her.

One thing that can get in the way of active listening may be outside noises, or if you may disagree with them your attention span will shorten. However, some strategies that you can try are to just remember to always be as respectful as you can and acknowledge that if you are speaking you would want them to listen.




Active Listening

Stress & Boundaries

**Write a poem
about a time
when you
overcame a
challenge.**

Kevin, Cohort 21

When you're stressed out it feels like the world is coming over you, you also could get mad. What happens to your body is you could fidget. Know what happened to you emotionally. You could feel mad, sad or down.

A healthy way to deal with stress at work is have a snack, take a break or listen to music, at school, take a walk, drink water or use the restroom.

One thing you could do before school/work is eat breakfast so you don't get stressed out or hang out with a couple friends before entering work/school.

What my friends do to help me not get stressed out is they don't get on my nerves and when I am stressed out they try to make me happy.

Jamie, Cohort 21

I'm on a baseball team and a filming production group. The boundaries of each group is respect each other, never take a joke too seriously, tell the person if you don't like what they said, never fight each other for any reason at all, and allow an outsider to control your actions within the group. These boundaries are really the same because my friends and group associations are like my family so I use my family boundaries with them.

I communicate my boundaries with others by always telling them what I don't like in a friendship, this allows the person or people to know when to stop doing something or what not to do with me and what I allow them to do with me .

When someone crosses the boundaries I give them, I normally tell them "can you stop I already told you I don't like that," and when that person or people continue to cross that boundaries I don't be friends with them anymore because it's a respect thing.

Shanel, Cohort 21

I am on a dance team, NeON Summer, and I have a SMALL group of friends, it's not much different because in all groups I feel like I can be myself, everybody jokes, and it's all cool.

I communicate my boundaries after somebody tries to do something I don't like I'll move or put distance between us, if they don't get it then I'll say no "ion like that" and walk away.

When my boundaries are crossed after you know what they are, you know what I'm not willing to do but try it anyway I casually stop messing with you. If you cannot understand then you don't have to do whatever you would like I just will not be in the picture.

Thank you

Ryan, Cohort 5



Dear Ms.Ortiz

I'm very thankful for your help with me and my family for giving us many programs and helping my mother and I against my father. Without you we would be in the hands of my abusive father and still be poor as we know it. Not only that but you also help us on food during the pandemic for my family. I really wish I can pay you back after all of this and hope you're doing fine during this pandemic. I can really say "You change my life."

Love,

Anonymous

COHORT 41

Dear Mom and Dad,

Thank you for taking care of me and continuing to support and love me throughout the mistakes I've made and this plague that has occurred. I appreciate everything you guys do for me. Thank you for still letting me go out with my friends too.

Sincerely,

Sam

COHORT 37



Dear Mom and Dad,

This is Tahlya and I want to thank you for the opportunities you've provided for me and your constant support. I remember when I was in 5th grade and we had career day where students dressed up as if we were working at our dream job. You got me a blazer and a green button down shirt because at the time I wanted to become a motivational speaker. I thought that job was so cool, but of course it changed. Then I briefly wanted to become a carpenter. When I told you guys you, dad in specific was really excited about that and began to tell me about different types of tools you use for your job, and when you would work on small projects for mom you'd let me watch. But mom, you just let me go with it because you knew I was artistic and thought it could be something I would enjoy. But really I just wanted to be a carpenter because I liked wood. Then in 6th grade I realized that I wanted to study psychology but also do something related to art on the side. You both were supportive of it even though you knew I changed interests a lot.

And now, I'm about to go to college and I'm finally getting the opportunity to study psychology, something I wanted to explore for over 7 years but never had the

opportunity to. I'm so grateful for all the opportunities you've given me and that you continue to give me, especially as I move to this next stage of life and go to college. There are some parents that aren't supportive of their child's dreams and that force them into a box, but you have never done that to me. You've always allowed me to think for myself, express myself how I want, and learn for myself. Some children aren't granted such great parents that allow them room to grow like you two have done for me, so I'm eternally grateful and someday hope to give back to you, and thank you for being amazing parents that took the time to encourage me to become who I want to be rather than forcing a dream on me.

With love,

Tahlya

COHORT 33

Write a letter of gratitude to someone who has helped you during the pandemic. Be sure to include specific actions they took and how those actions impacted your thoughts and emotions.

Oladoyin, Cohort 9





A Place of Positivity

In post-program focus groups, participants told the story of their NeON Summer NYC experience. Overall, it was a story of growth and resilience among young New Yorkers facing extraordinarily challenging circumstances. In the words of one young man, the program served as a "a place of positivity" during difficult times.

How to Find a Summer Program—One that Pays

A primary motivation for applying for NeON Summer NYC was the money the young people could earn for participation. Particularly during the economic downturn, financial need among the youths and their families was a heavy burden. Many youths made specific references to the need for money for basic family needs or for school fees and tuition. "What drew me into applying was probably the money because I wanted to have something to save up just in case my family might need it." Or as another young man stated, "What motivated me was that we would learn stuff, and we would relate to our lives. And, the group - the group was kind of open. Like, you could talk about anything, you know. But like, what really motivated was that I was making money."

Participants who were entering college needed to earn money so they could purchase textbooks or pay college fees. "Like I was trying to look for anything, like any opportunity where I was able to make some money for me to, you know, purchase my college textbooks in the fall, which classes begin next week" or "I was just trying to figure out how to make money for college because I'd recently graduated, and I ended up applying for the program." The

need for money was clearly intensified by the pandemic and limited opportunities available for young people to earn money. Many reported they had lost jobs or were seeking employment without success. So, when a friend encouraged her to apply for the program, the conversation went like this, "Girl, you need to get involved in this program. They're paying people.' Because I was thinking that I would get a job, but because of the pandemic, I obviously couldn't, so I heard 'money.'"

The participants found out about NeON Summer NYC in any number of ways: family, friends, friends of friends, boyfriends' mothers, guidance counselors, probation officers, and social media, especially through postings on Instagram and Facebook. Others found out about the program in completely unexpected ways. For example, one young man reported, "For me, it was a funny story because I was doing a presentation to kids in my community. So, I was looking for paid summer positions to educate them about. And then this opportunity came up, and it was so funny because I found myself eligible for it."

But although being paid for taking part in a summer program may have motivated young people to apply, they ultimately valued the experience in numerous other ways. They wanted the opportunity to learn; they wanted interaction with other people; and they wanted human connection during a period when trying to keep themselves and others safe, they were living in isolation.

The participants wanted to break out of their isolation and be in touch with people their own ages. The virtual learning environment made it possible to connect with members of their teams—young people like themselves, but often from very different backgrounds.

I always like turning on my camera and my mic so that I have a little bit more of a, I guess, human interaction. I wanted to make it as normal as possible to have a regular communication as though I was face to face with them. And I think it helped. Like, I felt like I was actually connecting with them, as though they were right in front of me.

I think that these Zoom meetings really do work

because, to be honest, they really do bring people together, like random people together. That's hard to do. Like, it really is. It's hard to bring people from different ethnics, different backgrounds and everything, and just to have them have a whole conversation with no problem.

Even though the sessions were delivered on line, participants found them truly interactive and inclusive of young people from around the City they might not have met under normal circumstances. This enabled them to form relationships with a wide range of New Yorkers and garner support and knowledge through what the programs had to offer.

"The Program Really Felt Like 'We the People'"

Many young people reported they enjoyed being together with different people from different places. They were able to share their work and what they wrote with others; they could talk about different subjects and hear points of view that were different from their own.

What I liked about this program; we get to meet new people. And then, my group grew. I guess I could say, we had a tight bond. Like yesterday, we all didn't want to leave the Zoom call. Our supervisor was trying to kick us out, but we didn't want to. And, you know, it was a really nice experience even though we had to do some work and stuff like that. Like, we all got to know each other a little bit more and learn about other stuff. You see we were really are listening to each other. So, you know, that's what I really liked about it--to see our peers are listening to us.

Participants felt self-expression was important. But for some that was more difficult than for others. Several described themselves as shy, "I'm a shy person, so I would just be quiet—but now I learned how to speak." Another young man who also described himself as shy did not say much in the beginning. But that changed when the facilitator insisted everyone had to unmute their mics. At that point, he felt he had to join in. Ultimately, this young person found the program a "place of positivity" in an environment where he

could express his creativity.

Weeks of Covid-enforced isolation primed the young people to engage in activities and to establish social connections with others. For several, having a routine schedule and structure "with everything going on and us being locked up inside our homes" helped address both. Simply having to get up in the morning at a certain hour provided structure. "Just being able to wake up because I haven't had time to have, like, a little schedule because everything's closed and quarantined. But this is a little habit that I had of waking up and joining everybody in the morning." Perhaps more importantly, NeON Summer NYC provided space for them to build relationships.

The relationships that I formed—I built relationships with all my comrades in my group. We are a very, very close group. You know, we make each other laugh. We motivate each other. We push each other. We're a very talented, creative group, you know. Some of us like to cook, draw, sing, dance, you know.

However, it was the skill of the facilitators that insured participants wanted to wake up to participate in the sessions. For some groups where facilitators were working in pairs, their strategies brought the group members together and helped transcend the distance inherent in the virtual spaces in which they worked.

"Good Morning, NeON Amigos!"

Universally, participants described their program facilitators as "amazing" and "awesome." They were well prepared and that paid off in their ability to engage the youth in writing, discussing stories, and engaging in creative activities. "I'm not going to lie. I feel like I had a very, very good facilitator. She made the experience a lot better. I don't know. She kept everybody engaged every day. Made sure we were paying attention and all that. I appreciated that." Their enthusiasm could be contagious.

I would remember being like so tired. I didn't want to see anyone. I didn't even want—I wasn't even so enthusiastic about joining these calls, but then the minute I saw Lisa smile, and her face was like—

would light up, right? Would be so bright on the screen, it would totally change my mood. And so, I would be able to like, for the rest of my day, you know, carry that same attitude.

They described different ways facilitators structured the groups, often with a ritual beginning that brought the members together. In one group, the facilitators began each session with the saying, "Good morning, NeON Amigos!" This resonated with the young people in the group until it became a metaphor for the connection they began to develop with each other.

Lisa and Nailah would be like, you know, 'Good morning, NeON Amigos.' And I was like something—you know, we wanted to be connected. There had to be some sort of thread of culture, and everything had to be together, and so when I came up with that idea, we all voted on NeON Amigos, and we were always called NeON Amigos. So that was something that I liked.

The facilitator's affect and energy motivated the participants to become involved with the exercises and activities constructed for each session. The young people were clear if they had not been excited about what they were doing, they would not have been interested or participated to the extent that they did. "They made the class so fun and interactive—it was great energy all around. It was great to have that energy because if somebody came on and wasn't excited about what they were doing; I definitely wouldn't have been as interested and participated."

With 75% of the young people Black and Latinx, their diversity of race and ethnicity was especially meaningful. Many participants mentioned the importance of having people of color as facilitators. One participant explained, "Nadia was a person of color, it always felt good to have someone who looked like, you know, me as well, and who shared similar traits." In addition to diverse facilitators, many sessions included guest speakers. Intended to highlight career choices, participants noted that many of these people were people of color. This enabled them to imagine themselves employed in these jobs; "like they work for big companies like HBO, Pixar." The same was true of gender, "I

was 'specially grateful for when it was women because a lot of times, we don't see women in the arts and you know, in these skills...it was very important to see women give their side of the story."

"I Was About to Make a Plan for my Future"

Even before NeON Summer NYC began, many participants were already thinking about jobs or careers they wanted to pursue; some who were older were already employed or in college preparing for specific occupations. Their professional aspirations included working in food service, forensic science, business, computer science, the arts, and many others. For example, one young woman was a student in art at Art and Design High School heading towards a career as a designer. Numerous participants referred to their artistic abilities and how the NeON Summer NYC Program not only taught them job skills or exposed them to different employment opportunities, but also provided opportunities for artistic expression. Even those with little interest in careers in the arts felt the artistic expression they experienced during NeON Summer NYC would improve their work lives.

I'm more attracted to the business field, but I really do appreciate that, I guess it's kind of, like, a blind selection because I wouldn't have picked it if it wasn't. But I appreciate this experience. It pushes—it pushed me to draw more, be more creative, think about things in different ways, which I will always use some qualities. I'll take them along with me into a career.

Whatever their individual career ambitions, participants learned a lot about appropriate professional behavior. The stories they encountered stimulated discussion about how to behave on the job. Above all, these stories highlighted the importance of separating their personal behavior from their professional lives. For example, one young man said he learned what kind of jokes were appropriate on the job and which ones were alright to tell his friends. They learned practical skills such as the importance of letting an employer know if they were going to be late and exactly what to say and what not to say in that situation. They discussed potentially volatile situations such as a customer

staring a worker up and down and a manager who was unwilling to support the worker. Using real life situations was powerful; these stories contributed to their understanding of professionalism and what they needed to do to be successful on the job.

Several participants reported they had lost their jobs because of the pandemic and were having difficulty finding other work; high unemployment rates persist. When NeON Summer NYC programming stressed the importance of building connections or preparing compelling résumés, the program offered well-established ways that the young people could enhance their chances not only of finding jobs, but ultimately advancing to better positions. One young man said he learned, "When you're applying for a job keep in your head what you're applying for, what you're putting on your résumé is relevant to the job that you're applying for." Similarly, the program emphasized the importance of networking and maintaining relationships even when you leave a job because, "When you leave that job or want to leave that job you can know people that know people." Some even referred to the relationships they were building through their NeON Summer NYC programs as networking opportunities. "I learned to connect with a lot of people who built connections to get to where they are now. Specifically, the friends that I met in my group, we're just kind of building up a connection of our own here."

Even a structured program had room for facilitators to attend to the specific career ambitions of participants. One young man envisioned establishing an online business, and besides learning how to make advertisements he could use to promote sales, his facilitator coached him on how to think beyond the idea to make it a reality.

The productivity class, that's how I learned how to make the ads. And it's good because, she also taught us about business and entrepreneurs. So, I think that was really helpful since I've been trying on, starting my own business—online business, a store. And that kind of got me started. It got me started on the advertisement and the, you know, bringing the idea into life instead of just thinking it.

Lessons in financial literacy hit home for some of the

youths who had experienced their own problems managing money or knew about situations where friends or family had become entangled in debt. These were lessons that the participants could relate to their own lives.

They helped me to relate the story to, like, my own personal life. There was one where a guy—or I'm not sure if it was a guy or a girl, but a person had opened up a credit card and then, like, by a certain age they had accumulated a lot of debt or whatever, and then I think the assignment was to make a budget or something like that. And yeah, it just helped me to plan out certain things financially in my own life.

"During Covid the Only Place to Remain Safe Is Home"

Because NeON Summer NYC took place during the pandemic, participants were keenly aware of how Covid-19 was affecting their own lives, their families, and their communities. This was no doubt intensified because NeON Summer NYC participants came from the parts of the City with the highest rates of infection. Focus group participants frequently wove references to the virus into responses to questions entirely unrelated to the virus. For example, many references to isolation and financial hardship colored their comments about conditions in their homes, disrupted school programs, cancelled recognition events, and demonstrations against racial injustice. Most described they were following the CDC guidelines to avoid infection themselves and protect those they loved. It was apparent most were closely following developing news about the pandemic and were aware of the consequences of becoming infected as new scientific evidence emerged. "I was hearing that there's a lot of neurological side effects that come with having the corona and things, and other types of stuff, a bunch of stuff." They understood that some people who had the virus did not show any symptoms but could infect other people. Even though by the end of NeON Summer NYC, infection rates were lower in New York than they were during April and March, they remained alert. Many were afraid.

If I'm honest, I'm still scared about getting sick because a lot of people are still catching it, and

in some places, it's going up. In New York, I know it went down temporarily, but it's still kind of spreading. Not as much as before, but you know, I don't want it to be where like, one day, you know, they tell us, 'Oh, you don't need no more masks,' and then take our masks off, and then we get sick.

Although most participants reported they adhered to mask-wearing and social distancing, they saw these behaviors were not universal. "Even my brother, he went outside one time without a mask, and I could not be next to him for like two weeks because I was so scared, that you know, God forbid, you catch something when you're out there, or maybe your friend has it." They worried that reopening schools would lead to "numbers going up again slowly."

However, for some participants the NeON Summer NYC stories that described the experiences of others helped them put their own situations in perspective. "I'm trying to stay optimistic about it. I got Covid. But other than that, I can say that I'm blessed that I didn't lose any family or close friends or anybody that I know lost anybody to Covid." Although another participant described having a difficult time, hearing the stories of others helped him evaluate his own situation differently.

I realized that I'm really not having as tough a time as I think, and it could be a lot worse because I didn't really lose anybody to the pandemic. And I didn't really lose anything, like, valuable to me. Except for my job, but like that's not really big because I could get another one eventually. But it just opened my eyes and made me feel grateful.

In several instances, participation in NeON Summer NYC and the opportunity for some introspection was another positive thing to come out of the pandemic. "Like I've been able to do this program. Because of this going on and I'm thinking about things. I'm closer to my family than I've ever been because I have to stay in the goddamn house with them all day."

Several participants linked the Covid-19 pandemic to changing conditions in their communities. Several were alarmed by the increase in gun violence that increased fears

about their safety even more. "It's just very scary because during Covid, the only place to be at to remain safe is home, but now the question is, is our homes a place of safety with the gun violence going on?" Some participants related the loss of people to Covid with vivid descriptions of their experiences with the shootings.

I've been scared because Covid-- it takes away peoples' lives. But also, the increase of gun violence that has been going on in the community. So like two things happening at once right now especially my community. I live right by the projects, you know, we've been getting like, a few days ago, someone was shot. Someone was—two people were shot. Some guy drives by our houses and has a gun, and he's shooting out everywhere like he has no brain.

Racial injustice was also on the minds of the participants, some of whom saw a relationship between the pandemic and the Black Lives Matter demonstrations. Because people had the time to speak with each other during this period, one young man asserted that police brutality came to the forefront of these conversations. "Things have been real scary and bad, but there's also been a lot of beauty that's come out of everything that's gone on. Like, you know, police brutality, Black Lives Matter, everything. That stuff has been going on forever, but we've been able to talk with each other now." The confluence of these events has been transformational for some of the young people in very personal ways.

And then I was like, well, yeah, Covid, Black Lives Matter movement, police brutality, like all that—all that kind of stuff and that drama. It's like anything that comes now is not surprising to me, but the best thing about everything is the awareness that it's brought to the table, the sympathy that I see from a lot of people. Just for me, I get so exhausted with social injustice, so I've just made it my mission to help the people who've faced injustice head-on and also helping myself. It's been a year of self-improvement. Although I'm hoping that the world can do the same as well. ■

NEON SUMMER NYC | JULY - AUGUST 2020



Adam: Cohort 46, Ashley: Cohort 26, Asmara: Cohort 46, Jesus: Cohort 26, Rebekah: Cohort 26, Tristan: Cohort 46



Program Partners

The Animation Project	My Social Network
Artist Up	NeON Arts
Artistic Noise	NeON Photography
Carnegie Hall Weill Music Institute	NeON Stakeholder Groups
Community Justice Collaborative	New York Youth Justice Initiative
CUNY Graduate Center	Penning My Pieces
Drama Club	Projectivity
Free Verse	Queens District Attorney's Office
Holcombe Rucker Community League	Redz, Inc.
I'm Sew Dope	Renaissance Youth Center
Jamaica Center for Arts and Learning	Salahadeen Betts
Made in NY Animation Project	Starseed Technologies
Mayor's Office of Media and Entertainment	Strategic Destiny
Musical Mentors Collaborative	The Lineage Project
	Thrive Collective
	Young New Yorkers
	Youth Communication

FUNDING PROVIDED BY: NYC YOUNG MEN'S INITIATIVE



NeONSM

Summer
NYC

nyc.gov/NeONSummer

*"A fallen leaf is nothing more than a
summer's wave goodbye..."*

-UNKNOWN

Funding provided by:

NYC Young Men's
Initiative

Tristan, Cohort 46



Testimony of Kings County District Attorney Eric Gonzalez

Before the Committee on Public Safety

City Council Budget Hearing

March 22, 2021

Good afternoon. Thank you to Chairwoman Adrienne Adams and the entire committee for the opportunity to address you today regarding the Mayor's Fiscal Year 2022 January Budget Plan. These remain difficult times for our City. COVID 19 has taken a great toll on our communities, our families, and our workforce. I remain steadfast in my commitment to reforms of our criminal justice system that address the inequities that the past year has laid so bare. I intend to continue to work to keep the people of Brooklyn safe while reducing incarceration and criminal convictions. I am grateful to be here nearly a year after our previous last appearance before the Council to discuss our current budget, the ways in which we have adjusted to this crisis, and the ongoing budgetary needs of my office.

COVID-19 Impact of office function

Just over a year ago when this pandemic began, I committed that my first priority would always be the health and safety of my entire staff. We were one of the first agencies in the City to shift to remote working wherever possible to minimize the number of staff reporting onsite and

maximize everyone's safety. We began functioning with a very skeletal staff, which on any given day was no more than 20 employees in the building at one time. Previously, we had no work-from-home program. While this adjustment had its challenges, our team was committed to continuing the work of keeping all of the people of Brooklyn safe - including our staff, their families, and the community we serve.

As you are aware, our level of operations is highly dependent upon the functions of the Office of Court Administration. We remain in close contact with the court to ensure that we have sufficient staff as the court resumes various components of in-person operations. Our partnership allowed us to reconstitute grand juries last summer and conduct a limited number of trials and other appearances for a time, and to respond appropriately during the recent winter surge by reducing the scope of our operations. The Chief Judge recently directed the resumption of jury trials, and we will work carefully to ensure the safety of our staff and witnesses, as well as all of the many other key people who have supported the administration of justice in our borough of Brooklyn through these unprecedented times.

COVID Impact on the budget

With all that's happened, it's easy to lose sight of the fact that even before COVID, 2020 was going to be a year of unprecedented change and challenge in our practice. The State legislature enacted sweeping changes to New York's Criminal Procedure Law affecting both pretrial release and, most notably, discovery.

Given our long-standing custom of early and broad discovery in Brooklyn, the statute's expansion of discoverable materials was less of a shift for us than for some other counties. Its time limits, however - requiring the production of reams of material within fifteen days of arraignment - were new to everyone and posed unique challenges in a jurisdiction like ours

charging tens of thousands cases a year. As you well know, the legislature's mandate was unfunded. Thankfully, the City recognized the unique demands created by this situation and allocated additional funds for both new staff and OTPS expenditures to scale up operations to meet the new requirements.

In March 2020, when we should have been assessing the early results of both the new requirements and our efforts to meet them, the City shut down because of COVID. Instead of reassessing needs and realigning resources, we were creating virtual court operations almost overnight and securing enough laptops to ensure staff could work from home. The effect of the shutdown on the Criminal Justice System is an unavoidable backlog - felony indictments waiting to be tried, felony complaints waiting to be indicted, and misdemeanor cases left unresolved. It's not yet clear what the effect will be of several amendments to the new statutes that took effect last summer.

To be clear, this is the biggest change in decades to our criminal law, magnified exponentially by a once-in-a-century pandemic. The backlog alone leaves us facing challenges faced by no criminal justice system in our history. We remain in urgent need of the additional resources pledged by the administration - consisting of \$4.1 million - to ensure that we can meet our statutory obligations and secure just resolutions to thousands of serious cases. We have been helpless to stop so much of the damage caused by the pandemic. With the right resources and the will to do so, we can prevent the pandemic from causing additional damage to our justice system. My staff and I have the will - we need the City to provide the tools.

As part of the Criminal Justice Reform funding provided by the City, and unrelated to COVID, \$8.4 million in capital funding was committed to allow us to complete several essential IT projects. The pandemic, along with the backlog of cases, has put even greater strain on an

already fragile technology infrastructure, at a time when our Office is mandated by law to ensure that the sharing of discovery occurs seamlessly. Our data network communications infrastructure is over a decade old. It was antiquated before the pandemic began. We have put enormous additional strain on that system with remote work and virtual court appearances, witness prep, and interviews. We cannot risk its failure. The work is too important, and the system is too critical, to have any further delays. We are ready to move forward with these critical upgrades to our system to ensure continuity of crucial criminal justice operations, and we are asking OMB to approve these projects to begin as soon as possible. Hopefully, the City's fiscal position has been improved by the recently approved federal recovery package and its aid to state and local governments.

SHOOTING INCREASES

No part of our lives has gone untouched by the pandemic. We have lost loved ones. Our friends and neighbors are out of work. Many are having trouble finding enough food. We know that in times of difficulty in our City, it is critically important that we remain committed to crime prevention and early intervention, and last year's uptick in shootings reminds us that our work is never done. In 2020, Brooklyn led all boroughs in the number shooting incidents by a significant amount; over 42% of all citywide shooting incidents occurred here. This is not the time to take our eye off the ball in terms of violent crime. I remain committed to addressing this issue of increased shootings to ensure that the people of Brooklyn will remain safe. It is more important than ever that we maintain adequate funding levels, including full funding of the Criminal Justice Reform allocations so that we can hire all the staff necessary to comply with the new laws and ensure every case is fairly prosecuted.

LOSS OF GRANT FUNDING

During this time of health crisis, both the City and State have experienced financial crisis. For our Office, we have had to manage the threat of looming cuts from the City during each budget plan, along with the uncertainty of grant funding that helps supports most of our diversion and youth programs. Our largest grant, State Aid to Prosecution, is \$2.1 million annually, which supports the salary of over 20 ADAs prosecuting hundreds of serious cases. This funding has not been renewed beyond March 2021, and we stand to lose \$2 million for the remaining of FY 21 into FY 22. Such a loss in staffing would, very simply, jeopardize our ability to secure justice in these cases. We are asking for your support and advocacy with the State to maintain this crucial funding at the current level.

PROGRAMS

While I've focused on our COVID response and the needs created by the pandemic, I want to make sure we don't lose sight of the fact that our constituents are demanding reforms to the criminal justice system. I have been implementing reforms in my Office since I became Acting District Attorney, and for the past four years through my Justice 2020 initiative. I will continue this important work. Today, I have two requests for funding for programs that allow us to reduce the footprint of the criminal justice system, reduce incarceration, and reduce the lifelong burdens a criminal conviction can give to those caught up in the criminal justice system.

We ask for your support for Project Reset, a pre-arraignment misdemeanor diversion program. Through the fall of 2020 where Reset has been operational in Brooklyn, the program pivoted quickly at the onset of COVID-19, leveraging technology and video meetings, to continue facilitating meaningful interventions for participants, both providing connection to community during the isolating period of the pandemic's peak, and a diversion from in-person arraignments

during the public health crisis. The program is currently not funded in Brooklyn and I ask the Council to reaffirm its commitment to Project Reset and support the funding of Project Reset Citywide. I would also like to thank the City Council for the one-time funding to cover the lost grant funding for the Brooklyn Young Adult Court and our Brooklyn Rising Against Violence Everyday Program (BRAVE) for a total of \$458,000. These critical programs previously funded by Federal grants continue in Brooklyn for yet another year due to the Council's commitment.

CONCLUSION

I once again thank the City Council for your tireless support. Each year, I come before this body to thank you specifically for once again funding for the Domestic and Other Violence Emergencies (DOVE) Program.

I ask for the Council's support as we continue to make the case to OMB for the critical funding needs, I discussed today. With these needed resources I am confident that we can continue our efforts to keep our communities safe while strengthening trust in our criminal justice system.

Bronx District Attorney Darcel D. Clark
City Council FY 2022 Preliminary Budget
Budget Submission
Public Safety Committee
March 22, 2021

New York City and the Bronx have faced a year of unprecedented challenges. Our Office began 2020 ready to implement our new responsibilities under Criminal Justice Reform (CJR). With the fiscal support of the Mayor and the City Council we moved to hire the necessary staff to help us meet our new and expanding discovery obligations. Our legal and professional staff worked tirelessly to comply with the new laws and to ready our cases for trial. Extensive and early discovery, which we support, was a monumental undertaking. But it is only a part of CJR. The real reform is to finetune our understanding of how we can best serve our community. It is reimagining our role and what it means to be a prosecutor in this City today.

With that in mind, we re-evaluated our operations and structure. We began reorganizing our staff and re-prioritizing our goals to make sure that we were more efficient, that we were working smartly, and that we were more effective at addressing crimes of violence and crimes that have the greatest impact on public safety. We embarked on a process to address with more intentionality concerns about police accountability and the effects of over punishing low level, non-violent, conduct. We expanded the role of our Conviction Integrity Unit to include a review of clemency petitions and applications for relief under the Domestic Violence Survivors Justice Act. We implemented additional protocols to ensure integrity and fairness in our process. We started 2020 with a slate of ambitious changes to our practice to better serve the people of the Bronx.

Then, we were met with a devastating new virus, the Coronavirus. Members of our staff tested positive in early March. We were concerned about the spread of the virus and the growing infection

rates. Our highest priority was to ensure the safety of our staff, the court personnel, our criminal justice partners, and the members of our community who interact with us and who are called upon to serve as jurors and grand jurors. Following the recommendations of the CDC, State and City Health Departments, we largely closed down the in-person operations of our Office on March 13, 2020. The City of New York and the State of New York imposed a COVID-19 quarantine/Pause on March 16, 2020.

The Office of Court Administration started to reopen in-person proceedings between June and August 2020. As we entered the late fall 2020, however, our Office and the City was again faced with a resurgence of high COVID-19 infection rates. Our Bronx community in particular was devastated by the virus. The City's data shows that out of all the boroughs, the Bronx had one of the highest rates of hospitalizations and deaths (*see Exhibit 1*). As a result of high rate of infection, the courts scaled back in-person proceedings. Grand juries were largely suspended until 2021.

Although in-person operations came to a grinding halt in 2020, the work of the Office did not. We pivoted to a largely virtual operation. Our Office's Information and Technology Bureau worked with DoITT to give our staff the ability to work remotely. Virtual court appearances expanded, and through DoITT, we were able to obtain the laptops we needed so our staff could continue doing the work of the Office. We maintained critical functions like our Complaint Room and Arraignments. We continued to do Discovery. Many other areas of our practice never lost a beat: our Appeals Bureau, for example, met the same data points and responded to the same number of briefs in 2020 as it had the year before.

As the virus continued to spread, the health and safety of individuals who were detained before trial became a pressing concern. We worked with our criminal justice partners to identify individuals who, with our consent, could be released. In addition, the courts conducted an unprecedented number

of habeas corpus hearings to determine whether an even greater number of individuals could be released from jail. Incarceration rates declined to new lows (*see Exhibit 2, 3*).

Although many City functions and businesses were in a “pause,” crime did not abate. During the pandemic, we actually saw an increase in some of the more serious kinds of crime (*see Exhibit 4*). Most notably, in 2020, there was a 12% increase in Homicides and 38% increase in arrests for Gun Possession. We found that we had to address the needs of many victims in a whole new way. Indeed, the needs of victims, and in particular, domestic violence victims, became a paramount priority during the pandemic. Notably, the need to shelter in place meant that many victims of child abuse and domestic violence were confined with their abuser. Our Domestic Violence Bureau and the Family Justice Center embarked on an outreach strategy. Our Crime Victims Assistance Unit facilitated meetings virtually with victims and worked with them to access services that included housing placements, advocacy and counseling.

During the COVID-19 “Pause,” the courts did conduct some proceedings. For example, as noted, there were many habeas corpus proceedings. And, during the time when no grand juries were convened, the Governor’s Executive Orders made it possible for us to conduct preliminary hearings. These hearings allowed the court to determine whether there was a sufficient basis to detain a defendant pre-trial. In other words, the preliminary hearings were in lieu of grand jury proceedings. But the wave of preliminary hearings came at a cost to the court system: it is an extra proceeding. Prior to the pandemic, preliminary hearings were a rare event. In most instances, prosecutors relied on the grand jury process because conducting a preliminary hearing was an extra step. In each instance where the charges were not resolved following the preliminary hearing, the prosecution must now go back and present the case to a grand jury to obtain an indictment. The preliminary hearings and habeas

corpus proceedings were unusual events, outside the norm of our practice. They added to the workload we, the defense bar, and the courts had to absorb.

While we were grappling with the many challenges of the pandemic, we worked closely with the Court and the defense bar to dispose many of our open felonies. We also continued to review our misdemeanor cases, which stemmed mostly from DAT arrests. Every day we evaluated our caseload and screened our cases to make the fairest possible offers. We worked with the court and the defense bar to equitably resolve as many cases as possible with reasonable, favorable dispositions (*see Exhibit 5*), and as a result we had a higher rate of dismissals than previous years. However, because of the need to limit gatherings and in-person proceedings, in 2020, there were only isolated jury trials and there were very few grand jury proceedings. As a result, over the last year, there has been a steady increase in the number of cases that are pending post arraignment. This “backlog” of cases is choking the court docket and once in-person proceedings are in full swing again, we will need more persons and resources to handle the full load of cases that remain and the increase in violent offenses.

As noted, although the number of overall arrests decreased last year, we cannot ignore the fact that some categories of violent crimes saw a dramatic increase. The increase in homicides and shooting incidents are of great concern in our neighborhoods. Addressing this violence is the core of our responsibility to the people we serve.

As discussed, homicides increased by 12% this year. Equally alarming, however, is the increase in shootings and the number of victims who were shot. In 2019 the Bronx recorded 84 homicides, 252 shooting victims and 218 shooting incidents. In 2020 there were 111 homicides, 467 shooting victims and 389 shooting incidents. The increase in shooting victims was 85% (*see Exhibit 6, 7*). Notably, 58% of the homicide victims were Black. 42% were Hispanic (*see Exhibit 8*). Similarly, 57% of the victims of non-fatal shootings were Black. 41% were Hispanic (*See Exhibit 9*).

Of particular concern is the number of non-fatal shootings that go unresolved. In 2019, the closure rate, meaning the percentage of arrests compared to the number of incidents, was 42% by the end of 2019. In 2020, that number decreased significantly to only 32% by year-end. That means that 68% of the shooting incidents remain unsolved. The upswing in the number of shooting incidents and arrests for gun possession and the decrease in the closure rate for shooting incidents means that, for the year ahead, we can only expect a continued escalation of violence (*see Exhibit 10, 11*).

Accordingly, we have formed a multidisciplinary taskforce that brings together assistants from homicide, violent criminal enterprise and crime strategies, to deal with the urgency of the violence. I am developing a violence reduction plan which would use technology to focus on the specific locations where there are the highest incidents of violent crime, to separate out ancillary actors with less culpability and use the full force of our investigative resources to bring the true drivers of violence to justice. At the same time, we will increase our efforts to work with the community in very specific and targeted ways to prevent these crimes from occurring.

As part of our strategy to better meet the needs of our community, we are stepping up our efforts to address concerns around transparency and police accountability. Most notably, with the repeal of NY Civil Rights Law section 50-a, we have expanded our efforts to collect and review the massive amount of data now available to us relating to complaints against officers and disciplinary matters. Towards that end, we have created and staffed a Discovery Compliance Bureau that will ensure that we are complying with our discovery obligations by collecting, organizing and reviewing the material, and by helping our trial lawyers to address the blossoming motion and litigation practice that has developed in this area.

Of course, to meet all of these goals and to execute our plans, we need to upgrade our technological resources. First and foremost, we need to upgrade our case tracking system. It is out of

date and does not work to meet the demands of today's data-rich environment. In 2019, we testified about our need to improve our case tracking system. Now the need is even more critical. We cannot collect and share data accurately. This affects our ability to be effective and to be transparent.

Second, in order to seamlessly comply with discovery and share information with our criminal justice partners, including the defense, we need better and more up-to-date tools than One Drive and Adobe. The systems we have now are inefficient and in many ways inadequate. The legislative reforms that require us to provide expanded discovery in short time frames necessitate a technology tool with the capability to organize, redact, and share discovery in a manner that aids in the process for both prosecutors and defense attorneys.

Third, we require a technology tool that aids prosecutors to analyze publicly available unstructured data, like social media and internet posts and assists in the analysis of search warrant returns. In the Bronx, where violence has increased and witness cooperation has decreased, prosecutions based on indirect evidence from social media, cell phones, video retrievals, and other modern investigative means are necessary to charge those responsible for violent crime and to effectively prosecute those cases.

Fourth, we need to provide a cell phone to every assistant district attorney who interfaces with the public, the police, or the courts. Much of the work we do requires our staff to communicate with witnesses, law enforcement, lawyers, and the courts. They call and send text messages and emails. In today's world, much of the communication is not happening from a landline. We cannot expect, and it is not appropriate, for our staff to use their own personal cell phones to conduct Office business. We will need \$584,000 annually to provide cell phone service to 500 ADAs and 250 professional staff. This is a demand we must meet.

In August 2019 (FY20), we asked OMB for personal service funding of \$7,945,309 as part of our Criminal Justice Reform request. OMB recommended approximately 7 months of this funding, totaling \$4,692,000. This was added to FY 20. This amount was carried forward into the FY21 Adopted Budget. If the City were to fully fund the original CJR request in its entirety, we would need an additional \$3,253,309 in FY22.

In closing, we appreciate that our requests are ambitious, but our communities deserve no less. The criminal court system is where so many people in our City encounter and interact with the government. In that regard, we are the face of the government. In their eyes, where we fail, the government fails and where we succeed, the government succeeds. The fair and correct administration of justice encompasses some of the most serious and complex issues we face in our community. If we provide shoddy service our communities will think that is the best that government can do. What we do is too important to allow it to be done half-way. It is too important because it matters to people's safety. But we can't do it right—which means doing it fairly and equitably, smartly and efficiently—without modernizing, and without the right tools and the full compliment of resources. We are counting on you to help us make that happen.

**Addendum to
FY2022 Budget Testimony**

Exhibit 1: Bronx COVID-19 Cases (see <https://www1.nyc.gov/site/doh/covid/covid-19-data-totals.page#boro>)

Category	Group	Brooklyn	Bronx	Manhattan	Queens	Staten Island
Boroughwide	Boroughwide	7,561	9,267	5,691	8,594	10,954
Age	0-4	2,405	2,844	2,258	2,678	4,043
Age	5-12	3,828	4,053	3,335	4,101	5,746
Age	13-17	5,297	4,973	4,367	5,422	8,173
Age	18-24	8,309	8,194	6,357	9,312	13,912
Age	25-34	7,648	10,070	5,636	9,462	13,733
Age	35-44	8,381	11,404	5,854	10,355	13,557
Age	45-54	9,144	12,219	6,300	10,739	12,973
Age	55-64	9,504	12,528	6,705	10,132	11,668
Age	65-74	9,148	11,441	5,709	8,518	9,064
Age	75+	9,699	10,922	6,754	8,469	10,009
Race/ethnicity	Asian/Pacific-Islander	4,323	6,052	2,819	4,781	4,714
Race/ethnicity	Black/African-American	4,919	6,073	5,092	5,492	7,515
Race/ethnicity	Hispanic/Latino	6,410	8,062	5,824	7,856	9,305
Race/ethnicity	White	5,468	6,952	3,240	5,575	8,760
Sex	Female	7,480	9,369	5,474	8,403	10,698
Sex	Male	7,622	9,118	5,907	8,768	11,204

Exhibit 2: 2020 BXDA Case Analysis Report, NYC Department of Correction Custody

NYC Department of Correction Custody

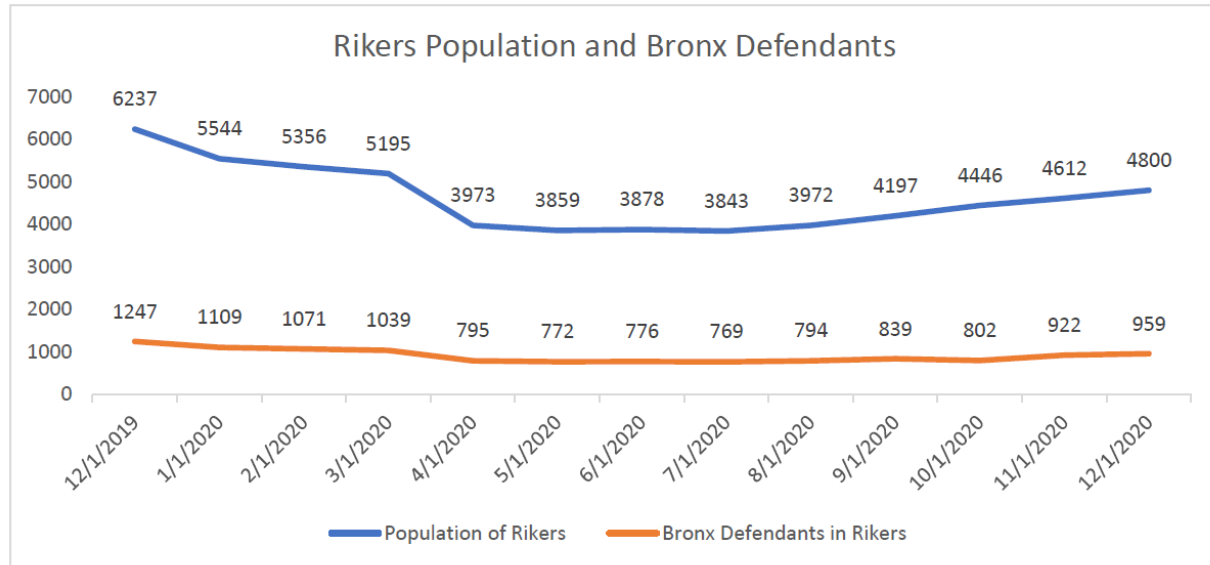
On December 31, 2020, there were 959 defendants held in DOC custody on a Bronx case. 386 (40%) defendants were remanded, 434 (45%) were in jail on bail, and 112 (12%) had \$1 dollar bail set and were, presumably, in jail on a parole hold. The remaining 27 defendants may have been serving city sentences, but our data is unclear.

Admission Year	No. Of Defs	Percent
2015	1	0%
2016	7	1%
2017	35	6%
2018	93	15%
2019	191	31%
2020	614	100%

Exhibit 3: 2020 BXDA Case Analysis Report, Riker’s Population

Rikers Population¹⁴

The Riker’s population decreased dramatically in 2020 due Covid releases, but incarceration rates climbed by early fall.



¹⁴ Given data limitations, December 2019- August 2020 are estimates of Bronx defendants in DOC custody and August – December 2020 are actual figures.

Exhibit 4: 2020 BXDA Case Analysis Report, CompStat Data

NYPD COMPSTAT Data¹

NYPD Arrest Charge	2020	2019	% change 2019-2020	5-year percent change
Murder	139	124	12%	38%
Rape	174	269	-35%	-14%
Robbery	2,068	2,345	-12%	-26%
Felony Assault	3,836	4,258	-10%	-4%
Burglary	837	749	12%	-2%
Grand Larceny	940	1,226	-23%	-26%
G.L.A	238	224	6%	-3%
Total Index Crime				-13%
Narcotics	8,232	9,195	-10%	
Gun Arrests	3,619	6,751	-46.4%	-78%
	1,110	806	38%	-52%
Total Arrests	32,724	48,813	-33%	

Exhibit 5: 2020 BXDA Case Analysis Report, Felony Dispositions

Felony Dispositions

There were 2,696 felony charged cases that were disposed of in 2020. This represents 18% of the cases closed in 2020. These cases were disposed of as felonies, misdemeanors and violations but were originally charged as felonies.

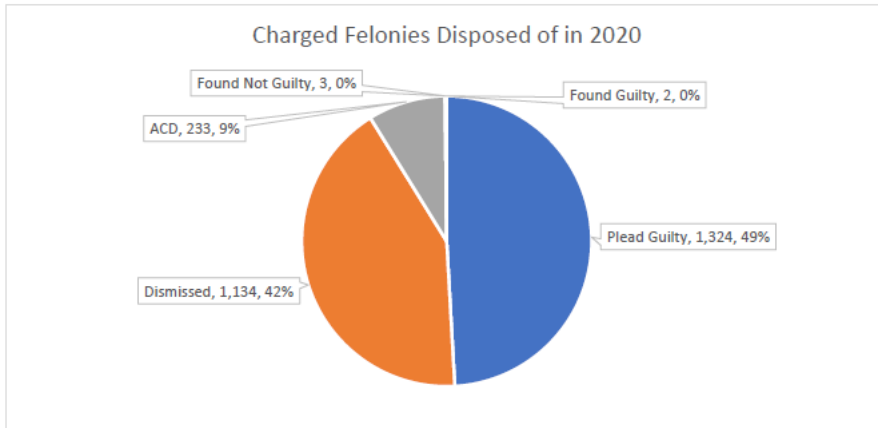


Exhibit 6: BXDA Yearly Crime Strategies Briefing, Index Crime Report



Index Crime Report

Bronx County	2020	2019	% Change	5-Year Average % Change	City Wide	2020	2019	% Change	5-Year Average % Change
Murder	111	84	32%	22%	Murder	468	319	47%	37%
UCR Rape*	518	639	-19%	***	UCR Rape*	2,239	2,790	-20%	***
Robbery	3,501	3,547	-1%	-3%	Robbery	13,108	13,439	-3%	-5%
Felony Assault	5,849	5,903	-1%	0%	Felony Assault	20,569	20,874	-2%	0%
Burglary	2,679	2,013	33%	13%	Burglary	15,478	10,909	42%	23%
Grand Larceny	6,098	6,397	-5%	-5%	Grand Larceny	35,502	43,505	-18%	-15%
Grand Larceny Auto	2,096	1,256	67%	42%	Grand Larceny Auto	9,037	5,422	67%	37%
Total	20,662	19,623	5%	2%	Total	95,589	96,234	-1%	-2%

Data from NYPD CompStat and CSB

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Exhibit 7: BXDA Yearly Crime Strategies Briefing, City-Wide Violence Overview



City-Wide Violence Overview

Homicides	2020	2019	%Change
Bronx	111	84	32%
Manhattan	84	52	62%
Brooklyn	175	100	75%
Queens	78	69	13%
Staten Island	20	14	43%
Citywide	468	319	47%
Shooting Victims	2020	2019	%Change
Bronx	467	252	85%
Manhattan	255	136	88%
Brooklyn	808	363	123%
Queens	293	148	98%
Staten Island	45	24	88%
Citywide	1,868	923	102%
Shooting Incidents	2020	2019	%Change
Bronx	389	218	78%
Manhattan	211	120	76%
Brooklyn	652	290	125%
Queens	238	125	90%
Staten Island	41	24	71%
Citywide	1,531	777	97%

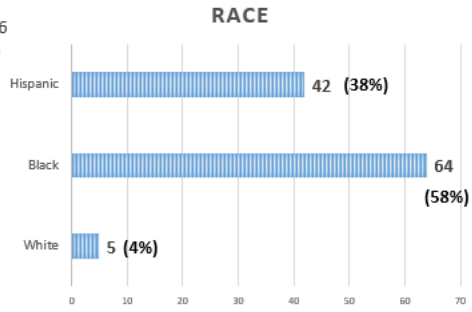
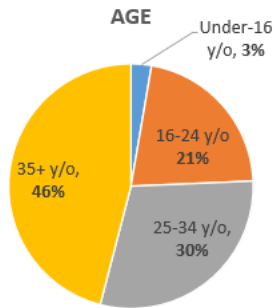
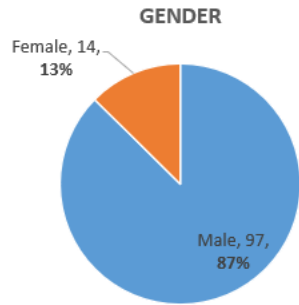
Data from NYPD CompStat and CSB

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Exhibit 8: BXDA Yearly Crime Strategies Briefing, Homicide Victim Demographics



Homicide Victim Demographics (2020)



Total Victims: **111**

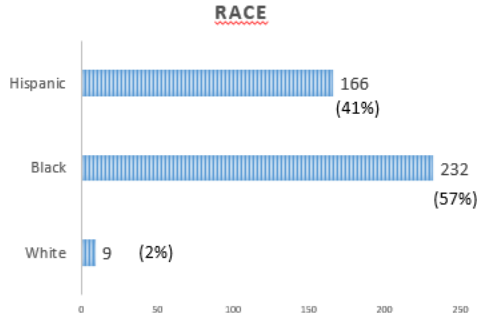
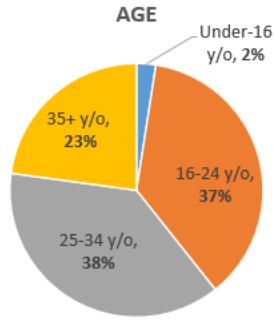
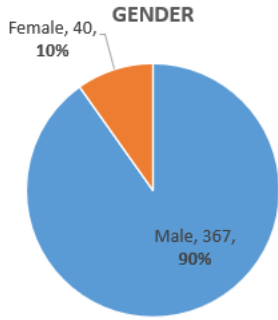
CSB Data

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Exhibit 9: BXDA Yearly Crime Strategies Briefing, Non-Fatal Shootings Victim Demographics



Non-Fatal Shootings Victim Demographics (2020)



Total Victims: **407**

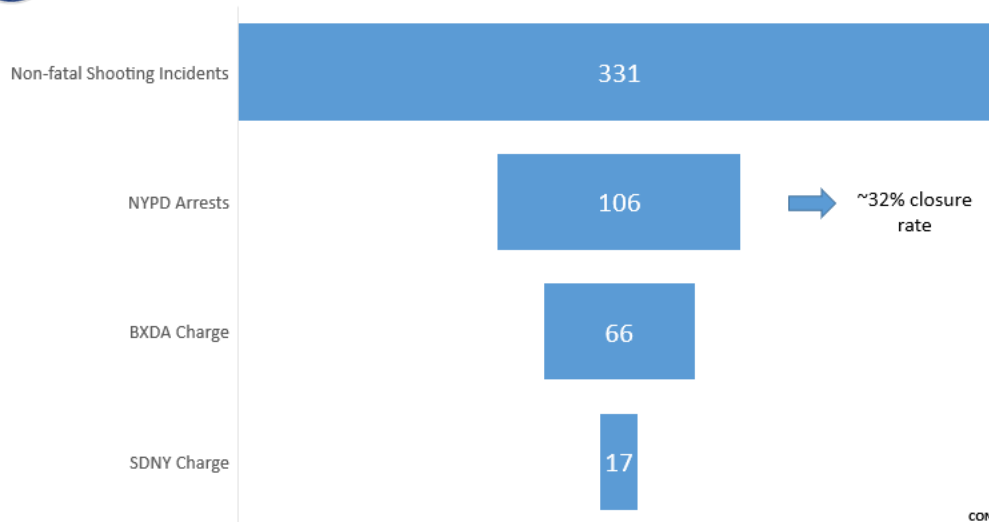
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CSB Data

Exhibit 10: BXDA Yearly Crime Strategies Briefing, Non-Fatal Shootings Closure and Charge Rate



2020 Non-Fatal Shooting Incidents Closure And Charge Rate



CSB Data

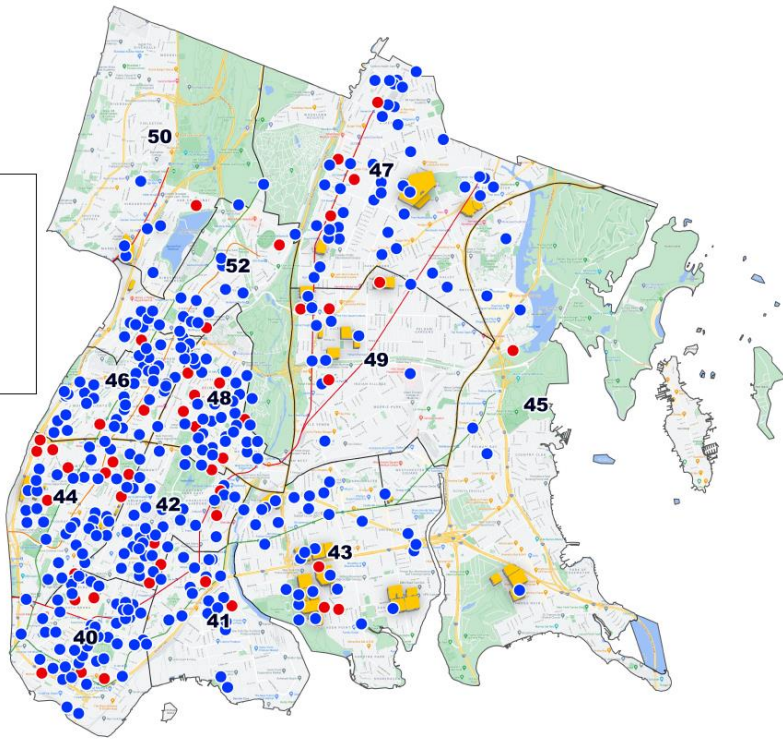
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Exhibit 11: BXDA Yearly Crime Strategies Briefing, Gun Violence Overview



2020 BRONX COUNTY GUN VIOLENCE OVERVIEW

- HOMICIDE GUNSHOT VICTIMS (60)
- NON-FATAL GUNSHOT VICTIMS (407)



Office of the District Attorney, Bronx County

**City Council FY 2022 Preliminary Budget Hearing
Testimony
Public Safety Committee**

March 22, 2021



Pursuing Justice with Integrity

**Darcel D. Clark
District Attorney**

Good afternoon.

Thank you to Chair Adrienne E. Adams and the members of the Public Safety Committee for providing me with the opportunity to speak with you today.

I want to send a special thank you to the Bronx Council members Gibson, Cabrera, and my very own Councilmember from where I live in the 12th District, Kevin Riley.

I hope you and your families are safe and well.

Before I begin, I would like to pay recognition and gratitude to our colleague Cyrus Vance. Thank you for your leadership and friendship as we tackled the complicated issues of criminal justice.

You provided resources not only for your Office, but for all stakeholders in the criminal justice system which led to the advancement of procedural justice and fairness for so many.

For that, and so much more, I simply say thank you for your partnership.

I last appeared—virtually—before the City Council last May, when we were in the throes of the pandemic.

We are beginning to emerge from a year of unprecedented challenges. Thank God increased access to the vaccine is bringing a new sense of hope.

I am especially thankful that the vaccine is now available to my staff, who worked tirelessly even through the toughest, darkest and most frightening moments of the pandemic. Each day they showed up virtually and in-person and worked late into the day or early mornings, to keep my commitment to the citizens of the Bronx.

I couldn't be prouder of them!

Jury trials are starting up in the courthouses today, providing the clearest signal that the criminal justice system is moving forward. People will once again, get the procedural justice our community deserves.

But our renewed hope stands in the shadow of the surge in gun violence. The rise in shooting started last June and it has not abated through the fall, the winter or even now as we head into Spring.

The blue dots on this map show the non-fatal shootings in 2020, and the red dots are the fatal shootings in 2020.

Each one of these 467 dots is a LIFE. These are 467 people who were shot, 60 of them died by gunfire out 111 total homicides in the Bronx.

And each one of these dots represents an untold number of family, friends and community members who all suffer repercussions from gunfire.

In response we immediately stepped up our communication and prioritized our work with NYPD's Gun Violence Suppression Division and the Firearms Investigations Unit.

In June we commenced a comprehensive investigation into one group driving the shootings. So far, we have charged about a dozen members of this group with two fatal shootings and eight non-fatal shootings, and recovered five loaded firearms.

An investigation last fall has netted evidence connecting more than 20 people to recent shootings.

We are redoubling our efforts to stem the tide of guns coming into the Bronx. We know gun traffickers are bringing them up the Iron Pipeline from Georgia and other states.

Another frightening development is the recovery of "ghost guns."

Last fall we executed a search warrant and found six AR-15 style assault rifles that had been built from components ordered online. The assembled weapons have no origin and are difficult to trace once assembled.

As part of community outreach, we held anti-gun violence marches in July and August, and a reentry resource fair in October geared toward violence prevention.

We partnered with Cure Violence groups, many of which are funded by the Council and we want to see this continue.

We held a gun buyback in the community with the NYPD in October that took in 136 guns, the largest seizure in one day of all the recent gun buy backs.

We have more than 1,100 open gun cases.

So far this year there have been 3,350 felony arrests in the Bronx. The increase in felonies adds to our existing backlog caused by the pandemic.

There are more than 2500 indicted cases awaiting trial, and 2900 unindicted cases awaiting an available grand jury.

Social unrest is real. Our communities are questioning whether the government works at all. Folks are losing confidence that we can do even the most basic function: keep people safe.

To address the urgency of the violence, I have formed a multidisciplinary task force within the office which includes staff from various bureaus bringing expertise in gang prosecutions, firearms trafficking investigations, homicide trial attorneys and data analysis from crime strategies staff.

But I am also developing a long-range violence reduction plan to attack this scourge at every angle. It will include smart prosecution, crime prevention measures and path to successful reentry.

Of course, we need resources to carry out this plan, and I am asking for your support to provide them.

We need technology and personnel to analyze data to identify the drivers of crime, enhance cases, conduct proactive investigations, develop crime prevention strategies that must include programming for our youth, maximizing resources for alternatives to incarceration for those individuals who are ancillary to the violence, and community outreach to empower and engage our communities in this effort.

Thanks to funding by the Council, we need to continue Community Justice Circles of Project Reset that provides opportunity for the community to resolve crime without police involvement.

We need to expand educational programs that engage middle and high schoolers. We need to focus on providing community centers for areas of the Bronx that are in dire need of resources, from food insecurity to mental health resources.

We provided a Saturday Night Lights program in September 2019 and it worked so well, until COVID forced closing of the soccer fields and basketball courts.

We plan to deploy our BXDA Detective Investigators and ADAs to investigate non-fatal shootings and other violent crimes.

Our DIs can gather additional evidence in cases where victims or witnesses are not cooperative, as well as to provide witness security for those who are courageous enough to come forward.

We must solve these non-fatal shootings and hold someone accountable to allow community residents to be safe.

We need to hire experienced prosecutors to handle violent felonies.

Most importantly, we need to uphold our obligation to fulfill criminal justice reform.

In 2019, The City Council recognized our fundamental challenges to meet the demands of criminal justice reform and supported a significant funding increase.

The Office of Management and Budget Justice Task force recommended \$7.9 million for criminal justice reform personnel needs, as well as substantial Capital Funding for technology improvements.

However, only \$4.692 million was provided from the \$7.9 million originally recommended during FY20.

Then, a global pandemic shifted the priorities of the City, and the balance of the 7.9 million was never allocated.

We could only hire 70 of the 122 positions required, with only seven months of funding allocated of the original CJR budget to pay for them.

As a result, I am here to request the balance of the money that was promised us last May—that is \$3.253 million dollars.

As we hyperfocus on violence, we must meet our expanding discovery obligations in a shorter amount of time while focusing on an unsustainable backlog.

A case management system is desperately needed to improve my Office's case tracking abilities and data analysis.

My colleague Cy Vance just launched a "Data Dashboard" that provides the public with comprehensive data about the Manhattan D.A.'s Office's prosecutions. It includes more than seven years' worth of data from arrest to sentencing, and allows users to narrow results by race, gender, and age, among other filters.

This is something every DA's Office should have!

Especially as you, the City Council, and the public in general, are requiring transparency in the Criminal Justice system.

In addition, a document management system is critically needed to streamline and manage hundreds of thousands of templates and documents across the Office.

At a minimum, we need a discovery sharing tool that will assist ADAs in disseminating discovery to our defense partners. MS One Drive was not intended to support this large amount of file sharing.

A tool is needed to integrate with our case management system, manage discovery, and provide redactions. Especially with the significant backlog of cases, a tool is required to assist in these efforts.

I created a new Discovery Compliance Bureau. It will maintain the Office's databases of law enforcement accountability materials, and assume responsibility for broader discovery compliance issues, to ensure we meet criminal justice reform obligations.

The burden of the case backlog created by the COVID pause has made this Bureau essential to our ability to remain transparent in our prosecutions.

It is all part of police accountability, enhancing transparency in our investigations and strengthening the public trust in the criminal justice system.

Most notably, with the repeal of NY Civil Rights Law section 50-a, we have expanded our efforts to collect and review the massive amount of data now available to us relating to complaints against officers and disciplinary matters.

And aside from hi-tech, we need something very basic: cell phones. With staff working remotely for the last year, cell phones became more important than ever.

Much of the work we do requires our staff to communicate with witnesses, law enforcement, lawyers, and the courts. They call and send text messages and emails.

In today's world, much of the communication is not happening from a landline. We cannot expect, and it is not appropriate, for our staff to use their own personal cell phones to conduct Office business.

I am concerned about the "Hillary Clinton effect" of mixing personal and official emails and texts. With the increased demand for transparency, these communications are discoverable so they should be done with Office, and not personal equipment.

It would cost \$584,000 annually to purchase cell phone service for 500 ADAs and 250 of our professional staff.

I ask that you provide the funding for the phones.
This is a demand we must meet.

In conclusion, I humbly request that you provide the necessary financial support for our plan to reduce the violence that is plaguing my beloved Bronx, and to meet our resource needs to address discovery obligations and the insurmountable backlog created by COVID.

It is urgent that we do everything we can to protect the safety of our residents, and I cannot let the people down.

Thank you for your consideration.

Testimony of Andrea Bowen of Sex Workers Project at the Urban Justice Center
before the New York City Council Committee on Criminal Justice

Keith Powers, Chair

Preliminary Budget Hearing

March 22, 2021

Thank you Chair Powers, and Council Members and Council staff. I am Andrea Bowen, and I am the Government Affairs Consultant at Sex Workers Project at the Urban Justice Center.

The Sex Workers Project at the Urban Justice Center (SWP) provides client-centered legal services to individuals who engage in sex work, regardless of whether they do so by choice, circumstance, or coercion. We seek a restoration of our \$100,000 in Speaker's Initiative funds, cut in FY21, and a continuation of \$50,000 of our FY21 funding from Support for Persons Involved in the Sex Trade Initiative—we seek this to fill a gap in city legal services, workers' rights legal services to those in the legal sex trades. These workers are at great risk of wage theft, sexual harassment, sexual assault, and federal and state labor laws are rarely enforced in these trades.¹

We also ask Council and the Mayor to eliminate the NYPD Vice Division in the FY22 budget. SWP advocates for elimination of funding for NYPD's Vice Enforcement Division, approximately \$18.2 million, with reinvestment in human services that protect sex workers' human rights while supporting them and their surrounding communities. A recent ProPublica

¹ For info about shady wage practices in the COVID era, see <https://decriminalizesex.work/onlyfans-policy-endangers-swiers/>; pre-COVID, but still quite relevant, see: <https://www.nytimes.com/2019/07/24/style/strip-clubs.html>

article explains in depth how NYPD Vice clearly targets BIPOC communities, and we should waste no time in eliminating Vice in this budget.²

Thank you so much for your time and attention, and I look forward to talking with you further. You may contact me at andy@bowenpublicaffairs.com.

² <https://www.propublica.org/article/nypd-cops-cash-in-on-sex-trade-arrests-with-little-evidence-while-black-and-brown-new-yorkers-pay-the-price>

CARNEGIE HALL

**New York City Council Fiscal Year 2021
March 10, 2021
Preliminary Budget Hearing: Committee on Criminal Justice**

Chairman Powers and Members of the Council Committee on Criminal Justice:

My name is David Freudenthal, and I am the Director of Government Relations at Carnegie Hall. Thanks for the opportunity to testify about our partnership with the Department of Probation through NeON Arts.

The Council's FY21 \$200,000 investment was vital for serving and supporting residents who are most severely impacted by the crisis, and we urge continuation of the program in next year's budget. NeON Arts will be more essential than ever in the days ahead in serving and supporting these communities, especially as the City recovers and fully reopens. NeON Arts supports the mental, physical, and emotional well-being of our city's young people by keeping them healthy and safe indoors while creatively and constructively engaged online. As NYC navigates a full reopening in the months ahead, programs like NeON Arts will be critical components of the City's strategy to meet people directly, effectively, and safely where they are.

Despite challenges faced by all arts organizations and NYC human service agencies since March 2020, Carnegie Hall and the DOP continued to work together to innovate and expand service. Participation numbers for NeON Arts over the past year exceeded our expectations, with more than 800 individuals accessing live, remote digital arts workshops via Zoom—a demonstration of both the need and interest of young New Yorkers across the city. Our target audience expanded beyond youth in the seven NeON neighborhoods to include outreach to those residing in the 28 neighborhoods most impacted by COVID-19—in addition to having a high percentage of other health and socioeconomic disparities.

This spring, young people can elect to participate in online weekly workshops on the culinary arts (in which participants get meal boxes shipped to their homes), theatre, digital music and film production, digital and social media, and the visual arts, where participants are introduced to mixed media art forms through the lens of Black and brown art history. The current round will end on April 30 with a celebratory broadcast across Carnegie Hall's platforms of a video compilation highlighting original work by young people from throughout the five boroughs.

All New Yorkers have the right to high-quality artistic experiences, and NeON Arts is an expression of that vision. For Carnegie Hall, our belief is that all young people, regardless of their circumstances, should have opportunities to be creative, explore their talents, and develop skill sets that help them grow and overcome challenges. The issue of arts access is especially critical for system-involved young people, an area in which Carnegie Hall has invested deeply. Since 2013, the Hall has worked with Commissioner Bermúdez and her fantastic team at the Department of Probation to include NeON Arts within the agency's suite of solutions to forge pathways for clients and help them succeed. In our work together, we have shown the power of arts and culture to engage young people, strengthen our communities, and



David Freudenthal

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collaborate with community leaders and local artists and organizations to make our city a better place—especially while socially distant.

Speaker Johnson and Council Member Powers in his capacity as Chairman of the Criminal Justice Committee have recognized the value of the arts and creative experiences as key to the City's holistic efforts in the justice system, as have Council Members Gibson, Ampy-Samuel, Powers, Van Bramer, Cornegy, Rose, Rivera, and Majority Leader Cumbo in supporting these efforts.

NeON Arts is a prime example of a robust, public-private endeavor that has adopted an entirely new approach to addressing some of our city's most pressing issues. Based on the success we have seen in NYC it is our hope that NeON Arts can serve as a model for other agencies with justice-involved clients across the country. Young people participating in this program feel not only a great sense of pride in sharing their original work, but also a sense of responsibility to give back to their communities by sharing the opportunities and resources they have accessed through NeON Arts with their peers and neighbors.

Beyond the pandemic, arts and cultural experiences like these will be the bridge to a resilient city. Carnegie Hall is a member of the City's Cultural Institutions Group. Throughout the COVID-19 crisis, Carnegie Hall and our CIG colleagues have been committed to contributing to the City and to New Yorkers by supporting public life, public health, and public service. Artists and cultural organizations are ready to continue partnering with schools, after-school programs, community-based organizations, and health service organizations to take proactive steps to restore the health and safety of New Yorkers of all ages. In order for this to happen, city agencies need sustained funding expressly dedicated to these life-changing initiatives.

We thank the Committee for their interest in these programs, and we encourage the Council to support NeON Arts and other programs by our cultural colleagues across the city. To ensure that these essential services for our city's youth to continue, we respectfully request the expressed support of the Committee to the Speaker regarding Carnegie Hall's \$200,000 renewal request for NeON Arts in FY22. Following the overwhelmingly successful shift to a fully virtual programming model in response to the pandemic, NeON Arts will continue next year as a dually in-person and virtual program with the Council's support.

Thank you for your support for and consideration of our requests, and thanks to DOP, artists and arts organizations, stakeholders, and the talented young people involved in these programs for being a part of truly transformational changes.

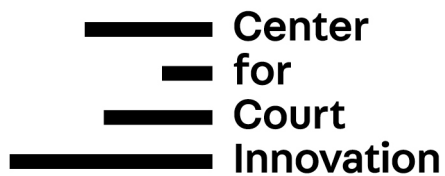
Testimonials from Spring 2020 participants in the NeON Arts creative writing workshops led by Nicole Shawan Junior:

This workshop made me believe that my words are valid. That my stories are important. When the workshop ended, I was able to say that I am a writer.

*I'm going to tell you the truth: when you come here, you better be ready to *work.* I didn't know what to expect with this workshop and I was ready to leave about a week in because I didn't want to face myself and I didn't think my truth was worth this much trouble. But, I stayed because this is a community that doesn't just ask you to show up just for appearance's sake. This is a community that cares about you, both person and writer, in ways so deep that you wonder how you've created anything before without this much love and guidance and care and family supporting you. This is the*

type of workshop that if you show up and do this, you will come out of here a better, stronger, more truthful type of person.

Nicole has this unique ability to make everyone feel, no matter racial, ethnic, age or class background, that we truly belong and that she knows us so well. It felt like she authentically believed in all of us and demonstrated so in every interaction. She has amazing discipline in every way she manages the class and holds space for every single one in the group. What a great gift it was for this amazing group of eager writers to have Nicole as our leader. I felt so encouraged as a writer and many of the writing activities opened up so many roads I can take. Thank you, Nicole. Thank you, Carnegie Hall.



Research. Development. Justice. Reform.

520 Eighth Avenue, New York, NY 10018

p. 646 386 3100

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courtinnovation.org

Courtney Bryan, Director

Center for Court Innovation

- Written Testimony for submission to 3/10/21 New York City Council Preliminary Budget Hearing of the Committee on Criminal Justice
- Summary of FY22 Major Proposals
- Letter to Council from Courtney Bryan, Executive Director, Center for Court Innovation



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Research. Development. Justice. Reform.

Courtney Bryan. Director

**Center for Court Innovation
New York City Council
Committee on Criminal Justice – Preliminary Budget Hearing
March 10, 2021**

Since its inception, the Center for Court Innovation has supported the vision to reduce unnecessary and harmful involvement in the justice system wherever possible and to build public safety through sustainable solutions. The Center’s longstanding partnership with Council has helped bring this vision to life through evidence-based and racially just programming that spans the entire justice system. Our firsthand experience uniquely positions us to respond to the needs of New Yorkers while implementing programming that creates a fairer justice system. In each instance, our aim is to provide a meaningful and proportionate response, to treat all people under our care with dignity and respect, to prioritize public safety, and to produce much-needed cost savings for the City. And, as an anti-racist organization, to ensure the needs of the most marginalized New Yorkers are addressed.

In addition to renewing four key Council-funded initiatives, we ask Council to continue to support the Points of the Agreement to close Rikers so we can both end the scourge of the Rikers Island jail facilities while also providing New Yorkers with the needed investments to lower the jail population.

With the populations we serve facing ongoing police violence and a public health crisis that disproportionately impacts Black and Brown communities, realizing this vision is now more important than ever. We ask that Council renew these key initiatives, given their value while operating throughout the COVID-19 pandemic and beyond:

1. **Brooklyn Felony Alternatives to Incarceration Court:** An evidence-based pilot program for people otherwise facing jail or prison time.
2. **Project Reset:** New York City’s first foray into early diversion prior to the criminal court process, with Council funding the program in the Bronx.
3. **Driver Accountability Program:** A proportionate response achieving accountability in Vehicle and Traffic Law cases.
4. **Innovative Criminal Justice Programs:** Core funding for a range of community-based justice initiatives across New York City that permitted us to flexibly respond to the pandemic and continue critical services.

Reduction of Unnecessary Incarceration: The Points of Agreement, Brooklyn Felony ATI and Project Reset

Responsibly reducing incarceration requires a long-term commitment to innovative responses. In 2017, the Center played a central role in crafting the plan to shutter the notorious jail complex on Rikers Island by coordinating the Independent Commission on New York City Criminal Justice and Incarceration Reform, otherwise known as the Lippman Commission. This achievement was a monumental step forward in the mission to reduce incarceration in New York and included Council's commitment to significant community investment, laid out in the **Points of Agreement (POA)**. In another huge leap forward, in early 2020, New York State passed landmark reforms to the bail statute with the goals of reducing the pretrial jail population. In the year following reforms, there was a 40 percent decline in New York City's pretrial jail population, with slightly greater reductions throughout the rest of the state.¹ However, beginning July 2, amendments to the initial reforms exposed more people to bail and detention. From July through November 1, the effect of those amendments resulted in a 7 to 11 percent increase in the pretrial jail population relative to the jail reductions brought about by the original law.² Over time, as judges set bail in more cases that would have been ineligible for it under the original reforms, this increase will grow, with our research predicting a possible 16 percent increase in New York City's pretrial jail numbers.³

The Center urges Council to honor the community investment and proposals laid out in the POA. Only with adequate funding for programming set forth in the POA, which includes community investments in vulnerable neighborhoods, can we reduce the jail population enough to close Rikers and realize the vision laid out for a safer, fairer New York. Additionally, alternatives to incarceration can prevent unnecessary disruption to individual lives, while providing linkages to additional services to decrease criminogenic factors that would otherwise grow in confinement. Specifically, included in the POA are three items the Center is prepared to bring to scale or support:

- Community Justice Center in Far Rockaways;
- Expansion of pre-arraignment diversion programming; and
- Community Based Restorative Justice

The Center has a proven track record for implementing data-driven programs like these that reduce incarceration without decreasing public safety. Council renewal of the Center's Project Reset funding for Fiscal Year 2022 would honor the spirit of the POA's inclusion of an expansion of pre-arraignment diversion programming. This program is cost-efficient and helps avoid unnecessary incarceration and the long-term adverse impacts it has on individuals, families, and communities. In addition, by renewing Council funding for Brooklyn's Felony ATI program, Council would advance the goals to close the Rikers jail complex.

Project Reset

Pre-arraignment diversion is a component of the Points of Agreement. One such program, Project Reset, helps reduce the jail population by decreasing the likelihood of failure to appear bench warrants at arraignment for low level Desk Appearance Tickets (DATs). The Administration did not renew citywide Project Reset funding in FY21, with City Council continuing to fund the program in the Bronx. We ask Council to reaffirm its commitment to Project Reset, by renewing its longstanding funding in the Bronx, and funding Project Reset

citywide in Brooklyn, Queens, and Staten Island (Manhattan is funded by the District Attorney's Office). If Council does not fund the program citywide, we ask Council to urge the Administration to provide citywide funding in FY22.

Project Reset diverts New Yorkers with misdemeanor arrests away from the court system through community-based programming and access to opportunities. As a result of sweeping criminal justice reform legislation that went into effect in January 2020 and due to the significant DAT case backlog resulting from pandemic-related court delays, a large number of misdemeanants are eligible for diversion. Looking ahead, if Project Reset were only to continue in one or two boroughs, the resulting patchwork of programming would lead to an inequitable delivery of crucial services for City residents. To ensure that Project Reset can serve all eligible individuals, citywide funding for the program is imperative.

Further, renewal of Bronx Reset is key. Bronx Reset pivoted quickly at the onset of COVID-19, leveraging technology and video meetings, to continue facilitating restorative justice circles for participants, both providing connection to community during the isolating period of the pandemic's peak, and a diversion from in-person arraignments during the public health crisis. The citywide low arrest levels resulted in fewer cases being referred to the program. The program's contact rate for eligible referrals was also affected, as the pandemic impacted the accuracy and efficacy of contact information due to disconnected phone numbers, changed addresses, or other factors. Nevertheless, in 2020, Bronx Reset had 142 participants successfully complete the program and avoid going to court or receiving a criminal record for their arrest. Additionally, many improvements were made to the process so that the Bronx can continue to divert as many participants as qualify for the program going forward.

In 2021, as the justice system grapples anew with its enduring inequities, Project Reset offers relief from the collateral consequences participants might otherwise experience if arraigned for a low-level crime, such as legal discrimination in housing, immigration, and employment matters, or even a bench warrant for failing to appear.

Brooklyn Felony ATI

Individuals convicted of felonies have an alternative to Rikers Island in Brooklyn. The Brooklyn Felony Alternatives to Incarceration Court (FATI) offers community-based interventions and rigorous judicial monitoring for felony cases which can decrease the use of jail and prison sentences and potentially lead to reduced criminal dispositions. Nearly 90% of FATI participants flagged for mental health needs, and 18%-25% flagged as homeless.⁴ To address these needs, the program is staffed by a team of resource coordinators, social workers, and mental health counselors who conduct independent assessments, prepare recommendations for programming and supervision, provide referrals to community-based providers, offer ongoing case management, supervision and compliance monitoring, and pilot new services, such as restorative justice interventions. The program and court part seek to significantly increase the use of ATIs, support, and supervision offered to individuals charged with felonies and provide a model for jurisdictions across the country interested in enhancing public safety and reducing incarceration.

The Brooklyn Felony ATI team has offered services since launching in January 2020 and is prepared to continue providing case management and counseling services to felony cases in the coming year. Although the trajectory of the program was interrupted by the COVID-19 pandemic—which caused the closure of the court and grand juries, delayed adjournment dates, and backlogs in the courts—it is connected to a robust offering of services through community partners and in-house programs. Since Brooklyn Felony ATI’s inception, 73 participants entered programming, with nearly 90% of closed cases closing successfully. The program fulfills the need in Brooklyn to provide alternative responses to felony cases that are tailored to the needs the participants present, addressing immediate concerns as well as longer-term treatments. Brooklyn Felony ATI has established the team, the infrastructure, and the capacity to act on the momentum and serve more participants in the next fiscal year.

Shrinking the Footprint of Police Through Alternative Investments: Driver Accountability Program and Innovative Criminal Justice Programs

Spurred by ongoing police violence, there is public support to reallocate certain responses from police into community-based approaches. As municipalities work to submit police reform plans by the April 1st deadline, the Center’s expertise through sustainable community-driven solutions that enhance public safety can serve as a path forward. Based on lessons learned, we believe that this is not the work of a moment, but rather a long-term shift that will require engaging with previously policed communities in new ways. The Center’s blueprint for transformational change requires funding for community-based programs: from restorative justice approaches to addressing harm by focusing on healing relationships across families, communities, and neighborhoods; to mentoring and supporting young people at risk of system involvement through credible messenger models that prioritize the lived experiences of youth; to supporting families through trauma and systemic-racism informed programming that creates security in the home.⁵ These programs also support the vision of the POA – shifting the work of incarceration and traditional systems to community-centered and restorative justice options. The Center seeks renewal funding for the following programs:

Driver Accountability Program

The Driver Accountability Program (DAP) provides a constructive and restorative response to dangerous driving and works to change the risky driving behavior of people charged with driving-related offenses in criminal court. Preliminary research suggests that the program changes participant behavior and encourages safer driving. Piloted at the Red Hook Community Justice Center in 2015, the program has since expanded throughout Brooklyn, Bronx, Manhattan and Staten Island with funding from City Council. The Center seeks funding to sustain those operations and expand into the borough of Queens. Funding will also be used to support a second tier of the program that offers a more intensive restorative response for the most serious cases involving serious injury or death.

The need for more meaningful, effective, and equitable interventions on traffic-related cases has never been more urgent. Last year, at least 243 people were killed in crashes on New York City streets, more than any other year since our Mayor pledged to eliminate traffic deaths

through the Vision Zero initiative.⁶ For FY22, the Center proposes to build upon its current operations and further expand the program in two significant ways: (1) a geographical expansion to the borough of Queens so that defendants in every borough have access to DAP; and (2) to implement a new, more intensive version of the program that will be available citywide in cases of serious injury or death. As a result of the pandemic, the volume of cases coming through New York City’s criminal courts—particularly for low-level nonviolent offenses—has dramatically decreased over the past year. In addition, there has been a backlog of thousands of cases across the City that were administratively adjourned, or unable to be handled, due to court closures. Despite these challenges, DAP served 138 program participants between July and December of 2020. Over the course of the coming 12 months, the program anticipates serving a total of 2,000 participants in all five boroughs, including the existing program for lower-level offenses and its expansion to the “2.0” model that will handle more serious cases.

Innovative Criminal Justice Programs

The Center’s core Council-funded innovative criminal justice programs are built upon community partnerships and serve thousands of youth and adults across the City. Renewed funding by the Council provides flexibility in the Center’s approach to this work, allowing the continuation of the Center’s alternative-to-incarceration, youth-diversion, and access to justice programs across all five boroughs. Specifically, Council’s support provides mental health services, family development, youth empowerment, workforce development, housing, legal, immigration, and employment resource services. The Center’s funding under this initiative was cut in FY21. We ask the Council to return the Center’s funding to its pre-pandemic level so that it can provide programming to vulnerable New Yorkers.

Through these programs, the Center is making a deep investment in engaging individuals as far upstream as possible, to limit, and ideally prevent justice system involvement. For example, thanks to general Council funding, our Harlem Community Justice Center works to increase housing stability and reduce evictions by empowering tenants with the resources they need to navigate housing court. Similarly, our Legal Hand program trains local residents to empower their neighbors with legal information. We also developed a particular expertise in providing trauma-informed social services, which continue to be crucial given the increasing number of justice system-involved individuals facing mental health and/or substance use challenges. Through our Staten Island Justice Center, we provide clinical support and restorative programming for court-involved youth who have mental health needs. Our Midtown Community Court’s Client Navigator works with some of Manhattan’s most vulnerable individuals—those who are homeless, battling mental illness and/or substance use disorders—following an arrest and throughout their court involvement. And, in Queens, New Yorkers are receiving community-based services and supports to improve their lives.

In both Brooklyn and the Bronx, the Center works to prevent gun violence by actively engaging those at risk of being involved in violence, building community movements against violence, and providing supports and opportunities to community members in need. Gun violence surged over 200% in 2020, and this reality motivated policymakers and community member alike to call for solutions to effectively end it. Research shows that community-led efforts can create community safety without involving the police. In groundbreaking research on

the drivers of gun violence, Center staff interviewed over 300 young people. Our researchers found widespread experiences of violence and the fear of police are primary motivations for carrying a gun.⁷ Community violence can be effectively addressed through prevention programs. These programs, run by the Center across the City, “interrupt violence” without the use of police and are staffed by credible messengers. The resulting trust, respect, and empowerment of residents are especially crucial to the success of these programs. The Center has also launched the RISE Project to address the intersection of intimate partner violence and gun violence citywide. Through collaborating and partnering with communities and stakeholders, we seek funding to continue meaningful interventions that are geared toward keeping youth and communities safe, and out of jail or prison. This funding is critical to ensure we realize a safer, better, and fairer New York City.

Conclusion

Effectively shrinking the footprint of police **and** responsibly reducing unnecessary incarceration require investments in community-based programming. We are committed to partnering with Council to advance the POA and realize the closure of Rikers, while building public safety for all New Yorkers. We thank the Council for its continued partnership and will be available to answer any questions you may have.

Notes

¹Rempel, M. & Rodriguez, K. (2020). New York’s Bail Reform Law: Major Components and Implications. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/bail-reform-NYS>.

²Rempel, M. (2020). COVID-19 and the New York City Jail Population. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/nycjails-covid>.

³Rempel, M. & Rodriguez, K. (2020). Bail Reform Revisited: The Impact of New York’s Amended Law. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/bail-revisited-NYS>.

⁴Center for Court Innovation. (2020). Felony ATI Homelessness. [Data file]. Retrieved from the Justice Center Application case management system.

⁵Center for Court Innovation. (2020). Shrinking the Footprint of Police: Six Ideas for Enhancing Safety. New York, NY. Available at: <https://www.courtinnovation.org/publications/alternatives-to-police>.

⁶Goldbaum, C. (2021) Why Emptier Streets Meant an Especially Deadly Year for Traffic Deaths. New York, NY: New York Times. Available at <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>.

⁷Swaner, R. & White, E. & Martinez, A. & Camacho, A. & Spate, B. & Alexander, J. & Webb, L. & Evans, K. (2020). Guns, Safety, and the Edge of Adulthood in New York City. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/gun-violence-NYC>



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Center for Court Innovation Major Proposal Summaries

- **Felony ATI Brooklyn: #108895 (Renewal)** The Brooklyn Felony Alternatives to Incarceration Court offers community-based interventions and rigorous judicial monitoring for felony cases (that are otherwise ineligible for drug, mental health, and domestic violence courts), which can decrease the use of jail and prison sentences and potentially lead to reduced criminal dispositions. The court is staffed by a team of resource coordinators, social workers, and mental health counselors who conduct independent assessments, prepare recommendations for programming and supervision, provide referrals to community-based providers, offer ongoing case management, supervision and compliance monitoring, and pilot new services, such as restorative justice interventions. The program and court part seek to significantly increase the use of ATIs, support and supervision offered to individuals charged with felonies and provide a model for jurisdictions across the country interested in enhancing public safety and reducing incarceration.
- **Project Reset: #108753 (Renewal)** This application will support Project Reset's mission to divert New Yorkers with misdemeanor arrests away from the court system through community-based programming and access to opportunities. This application is for continuation funding for Bronx Reset and for additional funding to operate in the outer boroughs. In collaboration with the District Attorneys' Offices of the Bronx, Brooklyn, Staten Island and Queens, and NYPD, Project Reset would serve more New Yorkers than ever. As a result of the sweeping criminal justice reform legislation that went into effect in January 2020 and due to the significant DAT case backlog resulting from pandemic-related court delays, a large number of misdemeanants are eligible for diversion. To ensure that Project Reset can serve all eligible individuals, this application includes an appeal for funding that would allow Project Reset to operate city-wide, meaning a relaunch of the program that was started in 2020 in Brooklyn, Staten Island, and Queens and continued support for the Bronx.
- **Driver Accountability Program: #108766 (Renewal)** The Driver Accountability Program provides a constructive and restorative response to dangerous driving and works to change the risky driving behavior of people charged with driving-related offenses in criminal court. Preliminary research suggests that the program changes participant behavior and encourages safer driving. Piloted at the Red Hook Community Justice Center in 2015, the program has since expanded throughout Brooklyn, Bronx, Manhattan and Staten Island with funding from City Council. This application seeks funding to sustain those operations and expand into the borough of



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Queens. Funding will also be used to support a second tier of the program that offers a more intensive restorative response for the most serious cases involving serious injury or death.

- **Innovative Criminal Justice Programs: #109250 (Renewal)** This is an application for core funding to support the continuation of our alternative-to-incarceration, youth-diversion, and access to justice programs across all five boroughs in New York City. The Council's support allows us to serve tens of thousands of New Yorkers with flexibility, through mental health services, family development, youth empowerment, workforce development, and housing, legal, immigration and employment resource programs. Our goal continues to be improving safety, reducing incarceration, expanding access to community resources and enhancing public trust in government to make New York City stronger, fairer, and safer for all. The Center hopes Council will restore its funding under this initiative to its pre-pandemic level so that it can best meet the needs of the City's most vulnerable communities.



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March 5, 2021

Dear Esteemed Councilmembers,

From a global pandemic to the continued violence against Black and Brown people, 2020 was a hard year for many. And, as the City still grapples with COVID, this time continues to be one of unthinkable loss and uncertainty. Despite these challenges, the Center continues to serve tens of thousands of New Yorkers in all five boroughs, providing critical programs and services to those most in need. Much of this work has been and continues to be funded by Council. To that end, I want to take this moment to thank Council for its steadfast support of our work, and request renewed support as we look ahead to FY22.

With Council's support through the innovative criminal justice programs initiative, the Center for Court Innovation has continued to operate community-based programs to serve the most vulnerable New Yorkers, while also reducing reliance on police. The vast majority of those served are youth, immigrants, low-income, LGBTQ, and people of color. Last year, funding through this initiative was reduced. We hope Council will restore this core funding to its pre-pandemic level. By doing so, we can make a greater impact in meeting the many needs your constituents.

Through Council-funded programs like the Brooklyn Felony Alternatives to Incarceration Court, Driver Accountability Program, and Bronx Project Reset, we continue to keep hundreds of people out of jail and provide them with off-ramps through meaningful supports and services. We also ask that Council renews funding for these programs in FY22 so that this important work continues unabated.

I cannot close without thanking you again for Council's enduring partnership. We have done an enormous amount with you over the years, including creating a credible plan for closing Rikers Island, implementing the Cure Violence model in multiple neighborhoods, and creating new mechanisms to divert low-level cases out of the criminal justice system. In this time of great uncertainty, renewing funding for our programs will ensure our efforts to make New York City stronger, fairer, and safer for all, are realized.

If you have questions, you can reach me at 718.496.9363 or bryanc@courtinnovation.org. I look forward to speaking with you in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "Courtney Bryan". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Courtney Bryan
Executive Director



Jamaica Center for Arts & Learning



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Testimony for the Committee on Criminal Justice

To Whom It May Concern:

My name is Chris Ignacio. I've been teaching and performing in New York since 2009, specializing in music and puppetry. I've been working with Jamaica Center for Arts and Learning since 2018, when I held a presentation of my project Co-written as part of the First Friday Series. After the success of that presentation, I was asked to continue on at JCAL as a resident teaching artist for their programming with the Department of Probation, which I'm still teaching for today.

JCAL has afforded me an invaluable opportunity to experiment with Co-written, which is a songwriting program that I created specifically to serve young people of color. They have given me space, time and resources to implement the program, and because of their generosity I've been able to have profound successes with students whom I never would've met otherwise.

In one of my classes, a student came in who was actually supposed to attend a visual arts class but ended up in my music class by mistake. He decided to stick around anyway, and I'm glad he did because he ended up being one of the most memorable students I've ever had. Throughout the course of the residency, he completely opened up to me – sharing his own lyrics that he had written and being vulnerable and open to singing them over music that we created collaboratively. We ended up recording a song called "Mary the U-Haul Girl" which was about how he ended up where he is. It was a brave and mature act of self-reflection, to look at his situation through a lens of humor and objectivity.

He also helped other students who were shy or had trouble reading lyrics and offered to read for them, or to have them read his lyrics if they were uncomfortable with their own. This to me was a true example of leadership, collaboration and what I had hoped the program would instill in these students – a sense of ownership and vulnerability which builds up a richer identity and place within community. We still keep in touch over a year later. This is what I've personally seen many programs try to achieve but fail to do so – a lasting impact.

This particular student is just one example of the importance and urgency for funding this type of work. I've worked with large classes in all types of settings, but this type of intimate exchange and individualized attention, unbounded by the rules and dynamics of the traditional classroom, is crucial in order to reach certain populations, which are even more unreachable now.

If you have any questions, I can be reached at chris.r.ignacio@gmail.com. Thank you for your support!

Chris Ignacio
Creator, Co-written

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March 22, 2021

To: The New York City Council: Finance, Criminal Justice and Budget Committees; Council Member Dromm; the Public Advocate (Mr. Williams); Council Members Powers; Adams; Dromm; Diaz and; Rosenthal:

RE: Department of Correction 2021 Preliminary Budget

Good Afternoon: I am Kelly Grace Price, the founder of Close Rosie's. I thank the Council for allowing me the chance to speak. I would like to address four main issues this in my testimony today:

- I. The Board of Correction Budget**
- II. Current Department of Correction budget does not present transparency re spending on women/girls/trans/intersex/gender non-conforming persons vs. men/boys;**
- III. The Securus phone listening software or "DANY INPHO software has been problematic for years and is run concurrently with borough DA's offices via the DANY InPHO Database(s): it is highly unlikely the borough DA's offices did not know of this breach and;**
- IV. Sexual violence and the jails: current reporting is incomplete and unenforced**

I. Please don't ignore the please of the Board of Correction to re-fund the eight lost positions BOC Director Meg Egan described to you as essential to minimum oversight functionality for the Board.

I agree that the BOC budget should be pegged to the overall DOC budget in the manner that the CCRB's is to the NYPD's. This legislation should have been passed years ago: we requested it in the 2018 Charter Review(s) but we were ignored.

II. The current budget does not present transparency ref spending on women/girls/trans/intersex/gender non-conforming persons vs. men/boys. Each year I have asked for gender parity and transparency in the DOC's annual budget and each year promises are made and broken.

Women/Girls currently represent approximately 4% of the Rikers population: is the 1.32 billion DOC budget reflective of spending on the needs of women/girls/trans/intersex and gender non-conforming/non-binary people accordingly? The following is excerpted from testimony I presented to the Criminal Justice Committee during a February 26, 2019 hearing¹:

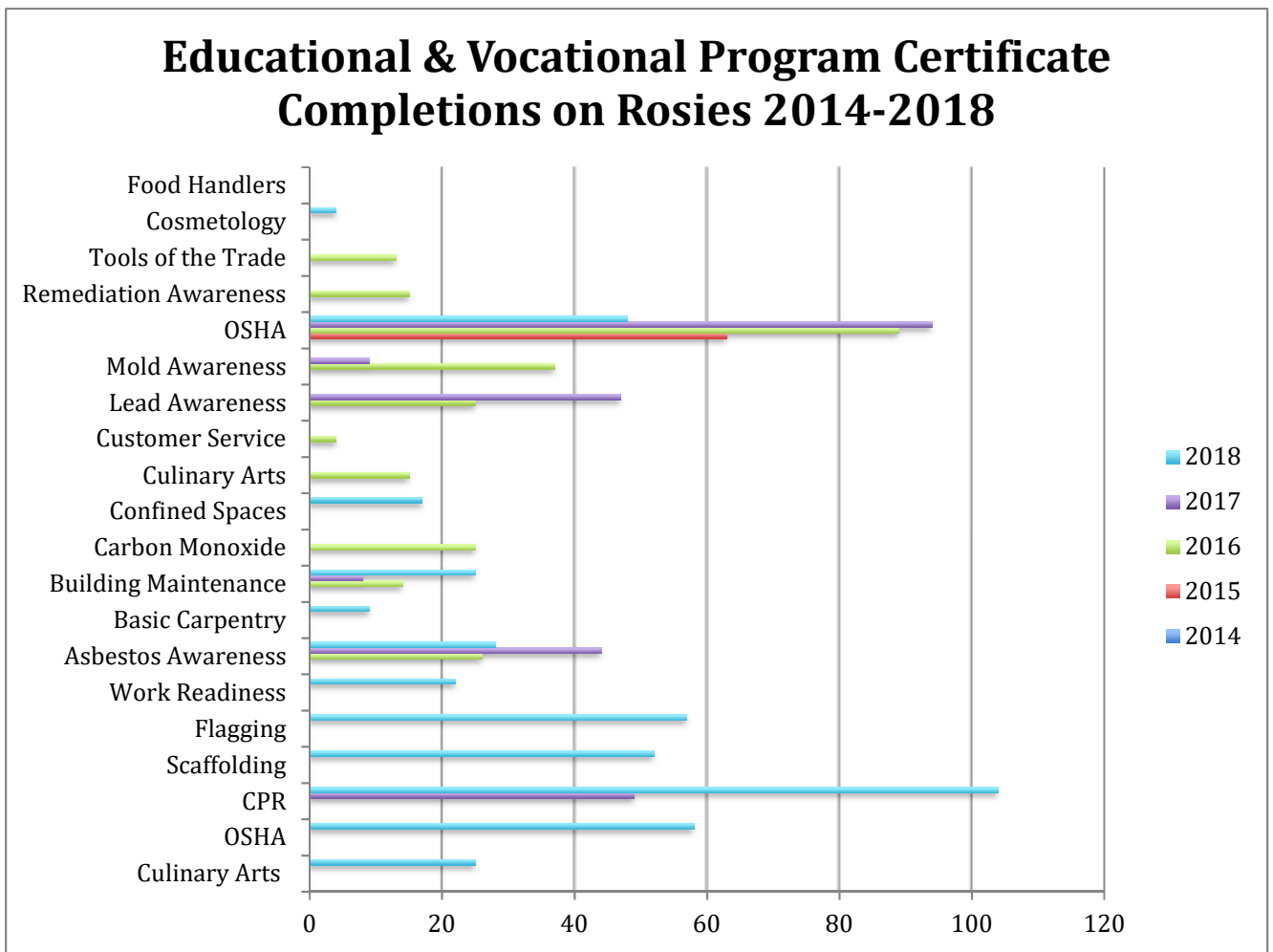
A. Are we really getting our money's worth for women & girls on Rosie's? It has cost the city of New York City and us, the taxpayers, **\$331,332,950**² dollars to jail women and girls over the past five years. **THREE HUNDRED AND THIRTY ONE MILLION DOLLARS**³ to detain and incarcerate accused and sentenced women, girls, mothers, daughters, sisters, aunts, nieces and grandmothers.

¹ <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=677604&GUID=5694B7A0-25F8-487B-BE89-15CA9D956395&Options=info|&Search=>

² Based on an average cost to cage someone on Rikers of \$325 USD/day: "The average cost of holding an inmate in the city jails has ballooned to more than \$118,000 a year, officials said Thursday. The Independent Budget Office said it costs a whopping \$325 a day to house a single detainee, according to a letter it sent to the City Council." <http://www.nydailynews.com/new-york/nyc-jails-spend-average-118g-year-hold-inmate-article-1.3176311>

³ ³ Ibid

- B. I suggest we require DOC budgeting line items be broken down by gender and that the Council add a line into Local Law 122 that requires the DOC to aggregate reporting on programming by Jail facility and/or gender. It does seem like women and girls are being short-changed per capita.
- C. Even at Rosie's: where people aren't faced with movement from jail-to-jail that is prohibitive of program completion in the other Rikers jails the rate of graduations/certificate completions is abysmally low.
 - 1. According to the DOC's own data from June 30, 2014 to July 1, 2018 there were only 449 Certificate completions by the women, girls, trans, intersex and gender non-conforming detained/incarcerated on Rosie's⁴:



2. It is unclear if there were ANY certifications completed in Food handling:

⁴ NYC DEPARTMENT OF CORRECTION FOIL Response, July 6, 2018 Laura S. Mello, Information Officer. Unless otherwise noted all data is pulled from this same FOIL response. :

data is provided about the number of SESSIONS and PARTICIPANTS but not ref COMPLETIONS.

3. Programming appears to be very male-centric.
4. Physical fitness and Arts Programming is not included in list of programs and certificates—why is this?
5. Access-to-Justice, Religious, DV, anti-trafficking education and trauma-healing related programming are not offered? There are programs and curriculums offered by the Crime Victims Treatment Center Directed by Christopher Bromson, co-Chair of the Downstate Coalition vs. Sexual Violence and their curriculum could be a model.
6. There doesn't appear to be any sort of programming for mothers of newborns or toddlers or pre-natal/Doula programming offered by the DOC—why?
7. There doesn't appear to be coping, mental health, physical health-related or support-group/PEER programming offered—why?

Cosmetology- Fearless Beauty <i>(Adult population only)</i>	CY'14	CY'15	CY'16	CY'17	CY'18
Number of Sessions					24
Number of Completions					4
Food Handlers Certifications					
	CY'14	CY'15	CY'16	CY'17	CY'18
Number of Sessions	3	13	10	33	7
Number of Participants <i>(not unique individuals)</i>	69	381	216	302	149
Average Per Session	23	29	22	9	21
Average per Month	54	59	33	46	43

SMART Adult Reentry Program <i># of completions</i>	CY'14	CY'15	CY'16	CY'17	CY'18
Culinary Arts					25
OSHA					58
CPR				49	104
Scaffolding					52
Flagging					57
Work readiness					22
Combined Total				49	318
ICAN Adult Reentry Program <i># of completions</i>					
	CY'14	CY'15	CY'16	CY'17	CY'18
Asbestos Awareness			26	44	28
Basic Carpentry					9
Building Maintenance			14	8	25
Carbon Monoxide			25		
Confined Spaces					17
Culinary Arts			15		
Customer Service			4		
Lead Awareness			25	47	
Mold Awareness			37	9	
OSHA		63	89	94	48
Remediation Awareness			15		
Tools of the Trade			13		
Combined Total		63	263	202	127

8. Educational Services are under-utilized: according to the DOC's own 12/2018 data the following were the only vocational program completions on Rosies from 2014-2018:

NYC DOC RMSC Vocational Programs 2014-2018					
DOE Educational Services <i>Average Daily Attendance</i>					
	FY'14	FY'15	FY'16	FY'17	FY'18
Literacy/GED (16-21 only)	20	19	18	13	11
Literacy/GED (22+)	52	14	17	12	13
Total DOE	72	33	35	26	24
Adult Educational Services <i>Average Daily Attendance</i>					
	FY'14	FY'15	FY'16	FY'17	FY'18
Educator's Volunteers (ED'SV)	9	37	26	5	9
Post Secondary Educational Services	4	10		6	3

III. The Securus phone listening software or “DANY InPHO software has been problematic for years and is run concurrently with borough DA’s offices via the DANY InPHO Database(s): it is highly unlikely the borough DA’s offices did not know of this breach:

A. In 2017 Advocates filed an Amicus Brief in the matter of THE PEOPLE OF THE STATE OF NEW YORK, Respondent, -against- EMMANUEL DIAZ⁵. In the brief the advocacy organizations detailed several lawsuits/actions brought against Securus for allowing privileged attorney/client phone calls to be recorded and shared with law-enforcement:

“In other jurisdictions, violations of attorney-client privilege through listening or recording confidential phone calls are alleged or have materialized. See Complaint for Damages and Injunctive Relief Pursuant to California Penal Code § 636 and Based on Negligence, Romero et al. v. Securus Technologies, Inc., No. 16CV1283 JM MDD, 2017 WL 4922845 (S.D. Cal. May 27, 2016) (alleging that the state’s phone provider for correctional facilities illegally gave recordings of privileged attorney-client calls to law enforcement); Plaintiffs’ Amended Class Action Complaint, Austin Lawyers Guild v. Securus Technologies Inc., No. 1:14-CV-00366-LY, 2014 WL 5343347 (W.D. Tex. July 23, 2014)

⁵ <https://www.courtlistener.com/opinion/4594193/the-people-v-emmanuel-diaz/>

(arguing that despite assurances otherwise, the facility's phone provider "and the Sheriff's Department do record confidential attorney-client communications" and then disclose them to local prosecutors); see also *Romero v. Securus Technologies, Inc.*, 216 F.Supp.3d 1078 (S.D. Cal. 2016) (denying the defendants' motion for summary judgment); *Austin Lawyers Guild v. Securus Technologies Inc.*, No. 1:14-CV-366 LY, 2015 WL 11237655 (W.D. Tex. Mar. 23, 2015) (dismissing only a few defendants); David Reutter & Matt Clarke, Authorities Listen in on Attorney-Client Calls at Jails in FL, CA, and TX, PRISON LEGAL NEWS (Aug. 15, 2008), <https://www.prisonlegalnews.org/news/2008/aug/15/authorities-listen-in-on-attorney-client-calls-at-jails-in-fl-ca-and-tx/> (noting instances in Florida, Texas, and California where law enforcement listened in on privileged attorney-client calls)."

This action was BROUGHT AGAINST THE NYC DOC and the CITY OF NY in an effort to get them to cease recording all phone calls from the jail! There is NO WAY that Heidi Grossman, the DOC's attorney didn't know of this brief! Her answers on the record during today's March 21, 2021 hearing in response to CM Powers' question about whether the DOC had knowledge of Securus tech having issues surrounding privileged calls being erroneously recorded in other jurisdictions is disingenuous at best and at worst purgerous as she was under oath when she made this comment.

B. The program to listen in on all DOC calls between persons and custody and everyone they contact (save for their attorneys) is called the "DANY InPHO" program/software. It is run by Securus, yes, but in conjunction with the borough DA's offices. Securus pays the interns provided by borough DA's offices! I believe Lucy Lang had a role in creating this program. This scheme has been outlined in many public reports such as this 2018 Court Innovation Report:⁶

"DANY InPho is a Microsoft Excel Macro program reducing the demands of reviewing an overwhelming number of subpoenaed jail phone calls associated with an investigation. DANY InPho extracts digital information from the phone calls' files, including NYSID, name, book and case number, date and time of the call, number dialed, and call duration. Intelligence analysts review this information, import the data into an Excel file, and provide the intelligence to ADAs who can analyze and listen to the most pertinent calls. This program also allows the person listening and summarizing the phone calls to easily flag important summaries for the

⁶ "The Intelligence-Driven Prosecution Model: A Case Study in the New York County District Attorney's Office;" By Jennifer A. Tallon, Dana Kralstein, Erin J. Farley, and Michael Rempel: The Center for Court Innovation: <https://www.courtinnovation.org/publications/intelligence-driven-prosecution-model-case-study-new-york-county-district-attorneys>; linked March 22, 2021.

prosecutor's review.⁷

and:

“Part of the New York City Department of Correction’s policy is to record all phone calls made by defendants. These calls are a vital resource for local District Attorney’s Offices, who use the intelligence to successfully prosecute criminal defendants. However, a single offender can amass a large volume of phone calls, which can overwork ADAs. As a result, CSU created an internship program through a pre-established relationship with the National Guard, where area ROTC students listen to phone calls and document potentially useful information as it relates to a projects, priority offenders, or requests from an ADA. In the early phase of CSU, these interns had top secret security clearances, were monitored by a National Guard member, and worked off site.

In the fall of 2011, CSU restructured the internship program to resemble a college course. The program expanded to include students attending local universities and colleges (i.e., Fordham University, NYU, and John Jay College of Criminal Justice). One ADA described the internship experience at CSU as “almost like a college course. We are going to have a curriculum. You come in, you’re going to get training, you’re going to get a briefing on the cases that you’re going to be working on, and then we are going to assign you to help us out with these phone calls.” In addition to processing phone calls, interns may also work on Facebook reviews, translate documents, sit in on interviews, and organize photographic intelligence. As of the fall of 2014, approximately 15 interns per semester worked onsite in the DANY offices two to three days a week. Interns receive college credit for successfully completing a certain number of hours of work within a semester. A National Guard member still oversees the interns and continues to manage the workload.⁸

From the description provided above it does not appear that the interns require a subpoena to “sift through” jail calls instead: “[ROTC students] listen to phone calls and document potentially useful information as it relates to a projects, priority offenders, or requests from an ADA.” So DOC attorney Heidi Grossman’s assertion that the only way that an ADA can receive Intel on calls is via subpoena is false: interns are also skimming and taking notes on “projects & priority offenders..”

Another report published by the Manhattan District Attorney’s office titled:

“Intelligence Driven Prosecution: an Implementation Guide⁹ claims that:

“Recordings of inmate phone calls from jails can be a treasure-trove of information on pending cases. However, the time needed to wade through these calls and document the results can be overwhelming for any prosecutor or office. To address this challenge, CSU developed DANY InPho, a Microsoft Excel macro that gives users the ability to listen to and systematically organize and analyze recorded inmate phone calls. ***There are a number of sophisticated algorithms that***

⁷ Ibid pg. 18.

⁸ Ibid p. 36

⁹ “The New York County District Attorney Presents a Symposium on Reducing Crime: Intelligence-Driven Prosecution: An Implementation Guide: June 4th & 5th, 2015: <https://pceinc.org/wp-content/uploads/2015/06/Reducing-Crime-Intelligence-Driven-Prosecution-An-Implementation-Guide.pdf>

simplify the user experience, including an automatically generated frequency analysis and built in call summary form that captures vital investigative information such as the number dialed and length of each call.

The program extracts metadata from phone calls, including the inmate name, NYSID, book and case number, date and time of the call, number dialed, and call duration, and organizes the information into a spreadsheet. DANY InPho also features the ability to write summaries and flag phone calls, all of which are saved in the database. ADAs are sent a copy of the spreadsheet with a basic frequency analysis, allowing them to immediately identify key phone numbers. Collecting inmate phone call metadata also enables the creation of network charts, which has proven particularly helpful in gang investigations [my emphasis].¹⁰

SO WE KNOW FROM THE DA'S OWN BOASTS ABOUT THESE LISTENING PROGRAMS THAT DA'S ARE "AUTOMATICALLY SENT A COPY OF THE SPREADSHEET" AND THAT THEY CREATE "NETWORK CHARTS" BASED OFF THE CALL DATA. Were any public defenders caught up in the network charting when their numbers were illegally swept up? We need to see these spreadsheets that are automatically sent to the DA's from the DANY InPho system to see how early the borough DA's were alerted that privileged attorney/client calls were recorded, processed through algorithms, and aggregated into the borough DA's data storage systems.

It is important to note that these software programs are being rolled out across the country and marketed by the Manhattan District Attorney's office¹¹:

- how many other jurisdictions are using similar systems that don't have safeguards built into them to prevent "intern" users from accidentally using the "incorrect" drop-down to enter data?
- Maybe it would be useful for the City Council to reach out to other jurisdictions that have modeled their programs after NYC's?
- Why hasn't DOC/the Borough DA's already implemented a double-check

¹⁰ Ibid pg. 28

¹¹ "This interactive map highlights a sampling of prosecutor innovations from offices of all sizes that are featured in two PCE reports: The Role of the Modern Prosecutor: Spearheading Innovation Conviction Review Today: Guidance for Prosecutors. The sample of programs included in the map is only a small segment of programs in existence. Many of the initiatives included in the map can be implemented in offices of any size and at little cost. However, some of the programs are impacted by the size and resources of the organization: <https://pceinc.org/sampling-of-prosecutor-innovations-interactive-map/>"

of all data entered? Why is the DOC attorney, Heidi Grossman only offering to have data entry double-checked now? Why hasn't this been part of the process all along?

*******Please follow up and demand all borough DA's send you the call-report spreadsheets they have received over the last year from the DANY InPho Database and all algorithms used to cipher the data so you can determine for yourself when the problem was known vs. when it was reported.******

IV. Sexual violence and the jails: current reporting is incomplete and unenforced: Lessons Learned: Local Law 21:

(again this is excerpted from my Feb 26, 2019 Testimony previously submitted to The NYC Council Criminal Justice Committee/Chair Powers¹²) In December of 2018 the City Council approved intro 933b, which was codified into law as Local Law 21 in May of 2019, which required the NYC DOC to report data on sexual violence to the City Council.¹³ Still over three years later the DOC has not adequately complied with the law and the Council and the bill's sponsoring committee members have remained mute my attempts to force compliance. We literally don't know how many complaints of sexual abuse; rape and harassment there even were in 2018 and 2019 OR 2020. We know how many were investigated and closed within 90 days of the complaints but we still have no idea how many other complaints had not been closed within 90 days of complaints. There are other serious flaws with DOC responses to the mandates of Local Law 21 that should be taken up in a

¹² <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=677604&GUID=5694B7A0-25F8-487B-BE89-15CA9D956395&Options=info|&Search=>

¹³ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3509899&GUID=6F40B965-79E9-4019-A0DE-1B1FB6F0DAC2>

separate hearing and re-legislated to ensure accuracy in reporting in the future.
Please Councilman Powers you promised me this data before you were elected let's
make sure we work together to cure this issue before the end of this term.

Kelly Grace Price

Founder, <http://www.CloseRosies.org>

Ft. George, Manhattan

March 21, 2021



Testimony of

Gisele Castro
Executive Director

Before the
New York City Council
Committee on Criminal Justice

March 10, 2021

Testimony before the Committee on Criminal Justice

Good Morning, Chair Powers and the members of the Committee and all Council Members, thank you for the opportunity to submit testimony today on the Preliminary Budget, and in particular, regarding the funding of Alternative to Incarceration (ATI) programs. I am Gisele Castro, the Executive Director of Exalt Youth (*exalt*), a non-profit organization that engages court-involved youth ages 15-19 in a program of education and workforce development, to elevate their expectations of themselves, move them away from the criminal justice system and onto a successful path.

We are thrilled that for the first time in our organization's history, we were awarded with ATI funding from the Mayor's Office of Criminal Justice to formally offer our innovative program model to youth in lieu of jail time. This funding will be transformative for the 11 youth in Staten Island, 84 youth in Brooklyn, and 45 youth in Manhattan who will attend the *exalt* program, instead of being incarcerated.

This could not have come at a better time, as we see the profound impact COVID-19 has had on our youth and their families. We are proud of *exalt's* expeditious response to ensuring our youth never lost access to our programming and the ability to earn a stipend through our paid internship model. We have made our program entirely virtual, and provided technology to students that needed laptops or internet access. Since Covid-19 related closures, we have seen a significant increase in referrals to our program, due in part to both the virtual model lending itself to a broader reach across the city, and because of our rapid acclimation to quickly evolving circumstances that allowed us to never stop programming.

exalt is committed to offering the highest caliber of opportunity for our youth in New York City and to serve as a beneficial partner to the City and fellow providers. We strongly believe that it is in the best interest of the communities we serve to function cohesively with the robust network of agencies and social service organizations, and we continuously collaborate with these partners to ensure the youth we serve have access to any resource they need to keep them out of the criminal justice system. It is this commitment to our youth that urges us to advocate for keeping ATI funding whole.

We know the detrimental effects incarceration has on individual outcomes - that an incarcerated young person is significantly less likely to graduate high school, to sustain employment, and that they are much more likely to recidivate than if they have a community-based intervention. We know, because we have seen how essential ATI's have been to improvements in New York City's criminal justice system. We have seen that when a young person is able to get programming that addresses their needs instead of being incarcerated, they are much more likely to stay out of jail.

Those impacts alone are enough reason to continue ATI funding at its fullest capacity. Now, a year into a pandemic, we have also seen the dire consequences a public health crisis has on an incarcerated population.

I want to once again thank the committee for holding this hearing and I look forward to continuing to work with you and our partners in city agencies, to ensure that our court involved youth have access to alternatives to incarceration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gisele Castro". The signature is fluid and cursive, with the first name being more prominent.

Gisele Castro
Executive Director

Testimony to the City Council Committee on Criminal Justice

March 22, 2021 – Preliminary Budget Hearing

Good afternoon Chair Member Powers and Committee Members,

Thank you so much for hearing the public testimonies today. I am testifying on behalf of Freedom Agenda and as a survivor of the last penal colony in the United States --Rikers Island. For years, we have been pushing and pulling for system transformation. Away from systems of punishment like DOC and towards systems of healing.

- **DOC has the highest jail staffing ratio in the United States**, more than eight times higher than the national average. As of January 2021, DOC had 8,950 uniformed staff and approximately 5,200 people in their custody. Based on recommended jail staffing ratios, DOC currently employs over 5,100 excess officers at a cost of over \$1.2B annually.
- **This high ratio of staff to people in custody has not made the jails safer** - in fact, it seems to make them less safe, according to findings by the Federal *Nunez* monitor in their [Ninth Report](#). Jail staff's hyper-confrontational practices are driving violence on Rikers Island.
- **DOC cannot manage their staff well.** With a ratio of staff to people in custody that is higher than anywhere else in the world, there were recently reports of staff working triple shifts. This is unsafe for everyone involved, and is inexplicable with so many excess staff.

Since survivors of Rikers, their family members, social service advocates, and allies moved the City to say no more. Rikers Must Close! COBA fiercely opposed it. Bail reform which reduced the incarcerated population and saved lives, getting 16 and 17 year old off of Rikers, and ending solitary confinement for young people. COBA tapped into their war chest and fiercely opposed it. The City is now moving a plan along a trajectory for Rikers closure and COBA is still resisting. Rikers is not a jobs program. DOC is not a social work department. DOC is not a public health department. DOC is not a medical department. DOC is a jail guard unit like military police.

However, staff on Rikers will tell you that working conditions are horrible. Several cancer-stricken staff and the widow of one sued the city because they believed the toxic chemicals, decomposing garbage, and landfill Rikers Island is built on caused their illnesses and death. Time is running out. Staff and their union should be calling for the City to layout a just transition. A transition into an economic future outside of this failed system of punishment that is scheduled to close into City jobs with the same pay and benefits.

- **The City must waste no more time in initiating a just transition** by eliminating DOC jobs that are both unnecessary and harmful, while creating opportunities for all New Yorkers to have meaningful work that advances the values of equality, fairness, and respect. We cannot keep people in jobs where they are causing harm, and themselves exposed to a terrible work environment, because elected officials aren't willing to change old patterns.

We need to divest from DOC's budget and redistribute those resources into programs and services that are tackling the roots of incarceration. We need investments in credible messengers and violence interrupters. Release the Grip is a program of Bronx Connect, operating as part of New York City's Crisis Management System, in the 44th precinct. As a result of their work, the 44th Precinct experienced a 52% drop in shooting from 2015 to 2017, with no homicides in their catchment area. Man Up Inc., BRAGG, S.O.S. Brooklyn, and so many others programs in our City are on the front lines in the most hard to reach and historically under resourced communities. Deflate DOC bloated budget, redistribute funds into those programs mentioned, and develop a plan for a just transition for staff.

Thank you so much,

Darren Mack,

Co-Director, Freedom Agenda

dmack@urbanjustice.org

Testimony to the City Council Committee on Criminal Justices

March 10, 2021 (3/22/21) – Preliminary Budget Hearing

Good afternoon Chair Powers and Committee Members,

Thank you for the opportunity to speak today. My name is Greg Williams, and I am a member of Freedom Agenda and a fierce advocate for justice! Since 2019 I've been involved in the movement to close Rikers Island. Unfortunately, due to the punitive parole system, I ended up stuck there for two months this fall.

I can tell you very clearly from my time there that the Department of Correction how much time and money is wasted in that agency. Unless you've been detained there yourself, it's hard to have a clear picture of how deep the dysfunction is, so I will give a few examples.

In my housing unit, I often observed four of five officers clustered together for long stretches of time, just talking, having personal conversations, visiting each other at each other's posts, basically doing nothing. At other times, they would play dominoes and cards with the people in custody. This was not part of some positive programming for people in the jails. One of the officers would get loud while playing dominoes, like he was on the street corner- it was very unprofessional. If someone asked him to cover their post while they went to the bathroom or something, he would get mad, like he didn't expect to be asked to do work while at work.

Unfortunately, we had to rely on the officers for everything – like transport to visits, commissary, and medical. But when it comes to serving the needs of people in the jails, it seems like there's never enough officers around. For example, for video visits, it was common to wait and wait to be transported to the visit room, and your scheduled hour visit might start 20 minutes late. Then it was up to the officer's mood whether you get your full time or not. It also seemed like the commissary officer would be off doing other things, while we'd wait sometimes half a day to get to commissary. And meanwhile, we'd see 3 or 4 officers sitting around on our housing unit, basically hiding from work.

Getting to medical was another issue. After telling an officer you want to see medical, and hopefully they actually make the call, the waiting game begins. Once I called the telehealth line about a medical request that an officer told me he had made 3 hours ago. But medical said they didn't get any notification. This was in NIC (**North Infirmary Command**), where you'd think they might take people's health needs more seriously.

Another major waste of time is the search teams. In addition to the random searches that the facility staff do, there's also a general search team for the whole island that doesn't coordinate at all with the facility searches. So, we would get searched 2-3 times a week by that search team, on top of another 2-3 facility searches each week, in a housing unit where nothing was happening.

The only thing the staff seemed to be proactive about was using OC spray. When I was in The Tombs before being transferred to NIC, we got sprayed 3 times in one evening. There wasn't anything serious happening in the unit, and each time, it just made housing unit more aggravated.

I could continue, but we have limited time. I hope this helps to illustrate for you the need to deflate DOC's enormous budget, and shift it toward housing, treatment, or any number of ways it would be much better spent.

Thank you,

Greg Williams



New York City Council Committee on Criminal Justice

March 10, 2021
2:00 p.m.

**New York City Council Budget and Oversight Hearings on The Preliminary
Budget for Fiscal Year 2022,
The Preliminary Capital Commitment Plan for Fiscal Years 2021-2025 and
The Fiscal 2021 Preliminary Mayor's Management Report**

Testimony of
The Legal Aid Society
Prisoners' Rights Project

Mary Lynne Werlwas
Alexandra H. Smith
Veronica Vela
Kayla Simpson
Prisoners' Rights Project
The Legal Aid Society
199 Water Street
New York, NY 10038
212-577-3530

CHAIRMAN POWERS and MEMBERS AND STAFF OF THE COMMITTEE:

Thank you for providing The Legal Aid Society with the opportunity to address the Committee about the preliminary budgets for the New York City Department of Correction and the New York City Board of Correction.

The Legal Aid Society's Criminal Defense Practice, which serves as the primary defender of low-income people in New York City prosecuted in the State court system, hears daily from incarcerated people and their families about their experiences in DOC custody. In addition, since its inception 50 years ago, the Prisoners' Rights Project has investigated and remedied unconstitutional and unlawful conditions in the City jails through individual and class action lawsuits and administrative advocacy. Our litigation has included reform of the systems for oversight of use of force and violence in the jails; relief from dangerous conditions such as fire risks, overcrowding, and unsafe sanitation; successful efforts to bring high school education to youth held in these adult facilities; and redress of the failures of medical and mental health care systems that result in needless deaths in custody. We routinely engage with the Board of Correction to ensure that they perform their oversight role in promulgating and monitoring Minimum Standards for correctional practices in the jails.

The single most important budgetary lesson we have taken from our collective experience is that the New York City jails operate at such a great human and financial cost because there is little accountability for misconduct or mismanagement, and their foreseeable consequences of great human misery, injury and even death. Unless New York City invests in accountability, these costs will only increase. Investing in accountability requires thoughtful evaluation of whether resources are being allocated to systems that have the transparency necessary to evaluate how public money is being spent, the integrity and skill to implement public policy faithfully, and the moral and institutional leadership to change entrenched practices of oppression.

In New York City in 2021, budgeting for accountability requires a candid assessment of the Department of Correction's crisis in performing its mission; secure funding of the Board of Correction to ensure it performs its City charter-mandated independent oversight role; and clear recognition by City leadership of the harms created by continuing to devote our resources to a racist and poverty-punishing carceral system.

The Accountability Crisis in the Department of Correction

A window into DOC's recent challenges and performance can be found in the reports of the neutral monitor appointed in *Nunez v. City of New York*, the lawsuit brought by incarcerated people and the United States Department of Justice to end years of brutality and its cover-up by staff in the City jails.¹ The most recent report² depicts a Department in a downward spiral of incompetence and abuse, turning a historically low jail census into historically high use of force rates—the *highest* rates since monitoring began over five years ago.³

¹ *Nunez Monitor Reports*, <https://www1.nyc.gov/site/doc/media/nunez-reports.page>.

² *Tenth Report of the Nunez Independent Monitor* (October 23, 2020), at 16, <https://www1.nyc.gov/assets/doc/downloads/pdf/10thMonitorsReport102320AsFiled.pdf>.

³ The Preliminary Mayor's Management Report ignores this reality, stating "During this reporting period, the Department experienced a 21.5 percent decline in total use of force incidents." See <https://www1.nyc.gov/>

As the Monitor described,

The prevalence of unnecessary and excessive force appears to be driven in large part by the overreliance on Probe Teams and alarms, the use of unnecessarily painful escort techniques, unnecessary and improper use of OC spray, and lack of efforts to de-escalate situations including at times hyper-confrontational Staff behaviors. These problems are compounded by uniform leadership's frequent inability to properly identify Staff misconduct and the resulting failure to address it with their subordinates.⁴

This persists because DOC leadership cannot or, will not enforce basic correctional practice through supervision and discipline. Indeed, the monitor finds, *no* formal discipline was imposed for *any misconduct* that occurred during the monitoring period.⁵ When discipline does occur, it is so delayed that no reasonable employer would find it helpful to improving staff performance.⁶

DOC reinforces this message of impunity with promotions. Of the 10 Assistant Deputy Wardens that DOC promoted during the tenth Monitoring Period, one should have been disqualified because of his disciplinary history, and, the Monitor found, at least two others had recent discipline that raised concerns about their fitness for promotion.⁷

Too often, on-site Supervisors (typically Captains), rather than taking deliberate and thoughtful actions to solve problems, opt for the immediate deployment of hands-on force, usually via a Probe Team. In most incidents, the Tour Commander (ADW) is not present (either because they are not called or do not come to the site of the incident), allowing the Captains to pursue a course that only escalates the events. Even when a Tour Commander is present, their failure to properly manage the event too often transforms a commonplace situation into a dangerous, major event. Once physical intervention is deployed, the event immediately becomes unpredictable and containment and control are compromised. In other situations, Captains become directly involved in the use of force instead of supervising and managing the incident. In other words, on-site Supervisors, many of whom

assets/operations/downloads/pdf/pmmr2021/doc.pdf. It appears that the Department is comparing the two four-month periods in FY20 and FY21 that are addressed by the Preliminary Report. As their data submitted in that same report also show, this decline in absolute numbers of use of force in the two periods was because the incarcerated population in the same time period declined 42%. As their numbers show, the use of force rate – controlled for population – between the two periods soared from an already astonishingly high 34.6 per 100 people in custody, to 45 per 100 people in custody, being subjected to force—numbers simply unparalleled in modern corrections.

⁴ *Tenth Report of the Nunez Independent Monitor, supra*, at 13.

⁵ *Id.* at 70.

⁶ *Id.*

⁷ *Id.* at 208-09.

act precipitously, end up contributing to or catalyzing the poor outcomes that are of concern.⁸

Collectively, the Monitor consistently has found the Department non-compliant with the most important and fundamental provisions of the *Nunez* court order: following a use of directive, conducting fair investigations, and holding staff accountable for malfeasance and poor outcomes. The failure of accountability could not be starker, and the need to invest in mechanisms to provide that accountability could not be clearer.

The Board of Correction's Oversight Role is More Crucial Than Ever

Jails present a challenge to democracy and accountability: behind closed doors, shielded from the public scrutiny that often accompanies police or judicial action, the government exerts maximum control over the life and body of an individual. To ensure accountability in the exercise of this power, the New York City charter vests a civilian oversight agency, the Board of Correction, with authority to monitor the City's jail system on behalf of the public.⁹ The Board is, in effect, the public's only window into the closed world of corrections.

As the watchdog, the Board of Correction staff and members provide New York City lawmakers, families and residents with reliable, accurate information about the conditions within the jails. Most recently, during the COVID-19 pandemic, the Board has provided lawmakers, communities, and family and loved one of people who are incarcerated with daily or weekly data and analysis about COVID-19 in the jails. This includes the City and public's only accessible information about current COVID-19 infection rates among both staff and people in custody, population density, and other critical public health metrics, providing desperately needed information to understandably fearful families as well as public health policymakers.¹⁰

The Board routinely publishes its analytical and investigative findings to improve health and safety in the jails. For example, the Board's report on the devastating and unnecessary death of Layleen Xtravaganza Cubilette-Polanco¹¹ rendered a list of 25 specific recommendations concerning the Department and Correctional Health Services policies, including the recommendation to exclude punitive segregation for people with mental illness. The Board issued reports on the use of "Enhanced Supervision Housing" (ESH) for young people and the levels of restricted confinement, providing critical information for the ongoing effort to reform the way the Department uses isolation.¹² Similar BOC analyses or data streams include topics essential to public health and safety such as:

⁸ *Id.* at 27-28.

⁹ New York City Charter, section 626.

¹⁰ *See, e.g., New York City Board of Correction Weekly COVID-19 Update*, Week of February 20-Feb26, 2021, New York City Board of Correction, <https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2021/March/BOC%20Weekly%20Report%20-%2002.20%20-%2002.26.21.pdf> (Accessed March 9, 2021)

¹¹ *The Death of Layleen Xtravaganza Cubilette-Polanco, 1991-2019*, The New York City Board of Correction, https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/2020.06_Polanco/Final_Polanco_Public_Report_1.pdf (June 23, 2020) (Accessed March 8, 2021)

¹² *Assessments of Enhanced Supervision Housing (ESH) and ESH for Young Adults: An Assessment of Enhanced Supervised Housing*, New York City Board of Correction, <https://www1.nyc.gov/site/boc/reports/BOC-Reports/assessment-of-enhanced-supervision-housing.page> (Accessed March 9, 2021)

- Serious injuries in the jails¹³
- Conditions during summer heat waves¹⁴
- Access to health and mental health care¹⁵
- Reports on lockdown housing areas¹⁶
- Punitive Segregation¹⁷
- Body Scanners and Separation Status¹⁸
- Investigation into staff sexual abuse and harassment¹⁹
- Visit reports²⁰

Incarcerated people, their loved ones, and their advocates all rely on the Board to provide this reliable information about the Department of Correction practices. These obligations require Board staff to spend significant time visiting facilities, producing sound analysis, and engaging with the agencies and the public. The Board cannot perform its oversight mandate with integrity unless it has the resources to fully fund a staff with the skills and resources necessary to reliably and accurately report on a vast, complex correctional system.

Given the failures of accountability mechanisms within the Department itself, the Board's work is needed now more than ever. Indeed, fundamental policy initiatives such as the recently-proposed regulations on isolated confinement in the jails are built upon the assumption of an active Board presence in their implementation and oversight. To diminish the Board's capacity at precisely the same time it is tasked with more responsibility to ensure fidelity and integrity of

¹³ *Serious Injury Reports in NYC Jails, January 2019*, New York City Board of Correction, <https://www1.nyc.gov/assets/boc/download/pdf/Reports/BOC-Reports/2019.01.07%20-%20BOC%20Serious%20Injury%20Report%20-%20Final.pdf> (Accessed March 9, 2021)

¹⁴ *NYC Jail Conditions and Operations during July 2019 Heat Emergency*, New York City Board of Correction, <https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/BOC-Heat-Report-and-Recommendations-2019-09-09.pdf> (Accessed March 9, 2021)

¹⁵ *Access to Health and Mental Health Care (January -December 2018)*, New York City Board of Correction, (June 2019), https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/Health_Access/4b_Access%20Report%202018%20Review_Final_June%202019.pdf (Accessed March 9, 2021)

¹⁶ *Annual Lockdown Report, May 2019*, New York City Board of Correction, https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/Lockdown&20Report%202019_5.13.19_FINAL.pdf (Accessed March 9, 2021)

¹⁷ *Punitive Segregation Reforms and Exceptions: Recent Results*, New York City Board of Correction, <https://www1.nyc.gov/site/boc/reports/BOC-Reports/punitive-segregation-reports.page> (Accessed March 9, 2021)

¹⁸ *Body Scanners and Separation Status in New York City Jails*, New York City Board of Correction, (January 2020), https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/2020.01.13%20FINAL%20Separation%20Status%20Body%20Scanner%20Public%20Report_to%20PDF.pdf (Accessed March 9, 2021)

¹⁹ *5-04(k) Supervision and Monitoring, Unannounced Rounds Audit (April 2019)*, New York City Department of Correction, https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/April/2019.04.22%20Unannounced%20%20Rounds%20AUDIT_Final.pdf (Accessed March 9, 2021)

²⁰ *Visit Restriction Monthly Review*: This monthly report analyzes DOC visit restrictions and BOC appeals, New York City Board of Correction, <https://www1.nyc.gov/site/boc/reports/BOC-Reports/visit-restriction-monthly-review.page> (Accessed March 9, 2021)

new policies can only lead to poor policy outcomes. The City must ensure that the Board of Correction's pivotal role in bringing accountability to the operation of our City jails is sustained with sufficient funding.

The Costs of Over-Reliance on Incarceration

Incarceration is expensive, as today's budget hearings will no doubt make abundantly clear. Yet the DOC budget requests will not show the true costs of incarceration, which are borne not only by a multitude of City agencies who must address the health and economic harms that flow from incarceration, but ultimately by the City's families and communities themselves.

Even pre-trial detention of a few days imposes devastating costs on New York's families and communities. These costs begin with the need to post bail or pay for someone's release from jail after their arrest. When they cannot afford bail, it costs families to stay in contact with their loved ones as they have no choice but to pay exorbitant rates for phone calls and transportation to visit. On top of these direct costs, families lose income, child or elder support, and other financial contributions when a wage-earner is incarcerated. The NYC Comptroller's Office estimates that families unable to post bail lose \$28 million in wages each year while incarcerated.

While in custody, people lose time with, and connection to, their families, communities and even their lawyer. As a result, these New Yorkers are more likely to take a plea deal, admitting to a crime they did not commit just to get themselves out of jail.

The trauma that results from pre-trial incarceration affects thousands of New Yorkers every single day, taking a toll on family members' physical and mental health, education outcomes, and other measures of well-being. People can lose their jobs, homes, and potentially their children. New York's schools, hospitals, clinics, shelters, and social service agencies – to name but a few – must draw on resources to mitigate some of these disastrous results, but ultimately the true burdens fall hardest on the City's communities of color.

True leadership in budgeting would recognize these costs of incarceration and take responsibility for the budgeting and policy decisions that lead to such devastating human outcomes. Consider the human outcomes possible if this money could instead be invested in communities to alleviate poverty, end homelessness, ensure quality education, and tackle mental illness and substance use disorders. New York City's communities need and deserve this kind of leadership, and we ask the Council to provide it today. Thank you.



Testimony of:

**David Long
Executive Director, The Liberty Fund**

Before the:

**New York City Council
Committee of Criminal Justice
Budget Hearing**

March 22, 2021 at 4:30 PM



Thank you for allowing me to testify today. My name is Dave Long and I am the Executive Director of The Liberty Fund.

This testimony outlines the background on bail reform for context, the continued need for The Liberty Fund in the current landscape, and how our innovative, adaptable model paves the way for continued justice reform in NYC. Attached is a two page flyer which provides the specifics on our two programs which are our Charitable Bail Program and our ROR Case Management program.

For 4 years (FYs 2017-2020), the NYC Council has been our major partner. However, our NYC Council funding was 100% eliminated for FY2021, jeopardizing justice reform previously made prior to the confluences of COVID and social unrest last year.

We hope NYC Council will renew for FY2022 to provide our essential services for NYC's most vulnerable, and help lead the nation in continued justice reform.

Background on Bail Reform in New York State and New York City:

- **Charitable Bail Law** - In 2012, New York State passed legislation that allowed for not-for-profits to become charitable bail organizations and to post bail for individuals with misdemeanor charges and bail set at \$2000 or less. Bail fundamentally penalizes poverty and rewards financial privilege, undermining constitutional rights. The financial inability to post bail often forces people to plead guilty in order to get out of jail. This results in a person's financial situation being the determining factor in who may or may not spend weeks or months in jail. Pleading guilty in order to go home also greatly impacts a person's presumption of innocence and their right to a fair trial. Time spent in jail as someone who has not yet been found guilty of any crime can result in the loss of a job, home and negatively affect the family unit.
- **Sweeping New York State Bail Reform and Justice Reform.** In January 2020, New York State drastically reduced misdemeanor bail (along with speedy trial and discovery reforms), allowing more people to be released on their own recognizance (ROR) into the community. This bail reform required most defendants to be released during the pretrial period eliminating both money bail and pretrial detention in nearly all misdemeanors and nonviolent felonies, while preserving bail and detention options in most violent felonies. This reform is based on the growing body of research that public safety is NOT

negatively affected when individuals are allowed to remain in the community and provide support for their families and resolve their legal matters.

- **Bail Reform Rollbacks** - The above mentioned bail reforms were modified on July 1, 2020, resulting in more people being detained on bail. Sensationalistic journalism and NOT data drove the bail rollback policy, exploiting the pandemic impacts. Highly publicized cases influenced law makers before early data was even released. Early data also shows that recent rises in crime were not correlated to the bail reforms, but rather to confluences of the pandemic.

The Liberty Fund - An Adaptable Innovative Model for Continued Justice Reform

*****Please refer to our attached flyer for more specific details and information on our model*****

Through our bail and ROR services, The Liberty Fund provides voluntary case management (including service plans, wellness calls, court reminders and emergency needs) to connect clients to best-fit workforce development and homelessness referrals in order to stabilize their lives and prevent further recidivism.

Our groundbreaking approach ensures no net-widening and builds personal agency for individuals from NYC communities that have been historically impacted by racial/social injustices. In addition to our focus on misdemeanors, The Liberty Fund presents a pathway to continued reform for NYC:

- **No Net Widening** - Our program is completely voluntary and places no additional court mandates on our participants, as these mandates can potentially cause further and protracted entanglement in the criminal justice system. We also exclusively work with defense counsel for referrals, thus avoiding any damaging, net-widening effects which result from other pre-trial programs that rely upon the prosecutor and/or judge to approve eligibility.
- **Restorative Approach** - Combined with our person-centered approach, our voluntary nature helps build rapport, trust and personal agency for those who have suffered long-term systemic oppression. Our low-touch engagement is leveraged at court for effective time usage.
- **Direct Social Service Access** - We successfully pivoted during the COVID-19 pandemic with a virtual case management model that can further adapt with the needs of system-involved populations. The Liberty Fund ensures that the recent criminal justice reforms remain consistent while filling a critical service gap, especially in the COVID landscape.

The Continued Need of The Liberty Fund

The Liberty Fund remains relevant during the confluences of COVID-19 and social unrest:

- **Racial and Social Justice** - Misdemeanor bail fundamentally penalizes poverty and rewards financial privilege, while black/brown people continue to be disproportionately arrested for misdemeanor crimes in NYC.
- **Homelessness and incarceration** - Both of these are two extreme symptoms/results/outcomes of systemic racism and inherent economic inequalities in our criminal justice system and courts. Our target population suffers from long-term systemic inequities leading to various barriers including: homelessness; unemployment; mental/physical health needs; alcoholism/substance addiction; racial biases; system mistrust.
- **Direct/Indirect Cost Savings** - Pretrial detention is a significant financial burden to the community. The NYC Comptroller's office has placed the recent cost of incarcerating an individual in New York City at a record \$1,226 per day in 2020, not counting community losses from disruption of work, childcare, housing. Misdemeanor cases can often range up to three to five months to resolve.
- **Detention Threatens Public Health** - New York City released hundreds of people from jails during the height of the pandemic, but the jail population is rising again, and an increase in infections could spread the virus beyond jail and throughout the city.
- **NYC Parole Population** - The most stagnant part of the jail population is the parole violation population, which are non-violent, non-criminal offenses. These individuals have persistently continued to become and stay incarcerated, and thus threaten efforts to close the Rikers jail complex.

Thank you again for your time and consideration,

Dave Long
Executive Director - Liberty Fund

THE LIBERTY FUND

Mission

The Liberty Fund reduces the pretrial jail population, prevents the poorest New Yorkers from having their lives upended and their freedom sacrificed, and provides support in order to avoid future interactions with the criminal justice system. We achieve our mission by providing pretrial services, including bail and robust case management, to any qualifying bail or ROR client throughout the pendency of their court case.

Target Population:

Vulnerable, low-income individuals:

- Misdemeanor charge and bail set at \$2000 or less.
- Released on recognizance (ROR).
- Voluntarily agree to participate.
- Past demographics have included 87% men; 53% Black; 35% Latinx; 38% Ages 20-29; 42% Ages 30-39.

Programming and Funding Use

INNOVATIVE MODEL

Our model has four innovative features for impact:

- **Pretrial** - Interventions are initiated at the most critical touchpoint for success.
- **Voluntary** - Non-mandated services ensure no additional restrictions placed on clients to prevent further "net widening" as they stabilize their lives.
- **Person-Centered** - Services determined by client to better meet individual needs, promote personal agency and connect to best-fit services.
- **Court-Based** - Low-touch interventions leveraged during court appointments for effective time usage.

DIRECT SERVICES PROVIDED

Each client participates in the following services:

- **Case Management** - Intake, needs assessments, service action plans, and wellness calls.
- **Critical Court Needs** - Client court-reminders and emergency needs, such as MetroCards, food vouchers, hygiene kits.
- **Workforce Development and Homelessness Interventions** - Referrals to best-fit housing/job training programs.
- **Access to Social Service Team** - Services led by our Social Services Director (LCSW) and 3 certified Case Managers who double as licensed New York State bail bond agents.

Questions? Don't hesitate to contact us.

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Executive Director
dlong@libertyfund.nyc
(646) 373 0327

Joelle Servais
Development & Communications Director
jservais@libertyfund.nyc
(929) 461 3678

Check out more at www.libertyfund.nyc

Community Benefits



Bail Reform Rollbacks - Bail reforms were modified July 1, 2020, resulting in more people detained on bail. The Liberty Fund is NYC's ONLY remaining charitable bail fund to serve these individuals.



Racial and Social Justice - Misdemeanor bail fundamentally penalizes poverty and rewards financial privilege, while black/brown people continue to be disproportionately arrested for misdemeanor crimes in NYC, including non-violent, non-criminal parole violations.



Filling a Critical Service Gap - Few NYC programs like The Liberty Fund focus on the misdemeanor population, especially older and homeless individuals, resulting in higher recidivism rates if not addressed.



Social Service Impacts - Since 2017, we have helped 1,200+ clients access community-based services, prevented 5,000+ days of detention, facilitated an annual cost saving of \$3million, and achieved an 87% client court appearance rate.

Partnerships



Defense Agencies - including NYCDs, Legal Aid, Bronx Defender Services, Brooklyn Defender Services, and 18B attorneys.



NYC Parole Population - including exploring ways to address and serve the stagnant parole violation population on Rikers Island, which threaten closing the Rikers jail complex.



Attorney Communication - as a best practice to help relay the most current information to all parties.



Resource Manual - with a citywide network of social service organizations specifically adjusted to navigate the COVID-19 crisis.

Past NYC Council Funding

The Liberty Fund received funding for operations from the NYC Council in FYs 2017, 2018, 2019, and 2020.



Our NYC Council funding was 100% eliminated for FY2021, jeopardizing justice reform during the confluences of COVID and social unrest, including NYC's parole population.

We hope NYC Council will renew for FY2022 to provide our essential services for NYC's most vulnerable, and help lead the nation in continued justice reform.

The Liberty Fund is citywide. Our clients have lived in these zip codes:

BRONX: 10451; 10452; 10453; 10454;
10455; 10456; 10457; 10458; 10459;
10460; 10462; 10463; 10465; 10466;
10467; 10468; 10469; 10472; 10473;
10474; 10475

BROOKLYN: 11202; 11203; 11205; 11206;
11207; 11208; 11209; 11210; 11211; 11212;
11213; 11215; 11216; 11217; 11218; 11221;
11222; 11223; 11224; 11225; 11226; 11229;
11230; 11231; 11233; 11237

MANHATTAN: 10001; 10002; 10009;
10010; 10011; 10012; 10014; 10016;
10017; 10019; 10023; 10024; 10025;
10026; 10027; 10028; 10029; 10030;
10031; 10032; 10033; 10034; 10035;
10036; 10037; 10039; 10040

QUEENS: 11377; 11354; 11361;
11367; 11368; 11373; 11385;
11411; 11412; 11413; 11418;
11422; 11429

STATEN ISLAND: 10301; 10302;
10303; 10304; 10308; 10309;
10310

**Testimony before the NY City Council
Committee on Criminal Justice Budget Hearing**

March 22, 2021

Wendell Walters
Senior Policy Associate
Osborne Center on Justice Across Generations
The Osborne Association

Good afternoon. My name is Wendell Walters and I am the Senior Policy Associate for the Osborne Center Across Generations, the policy arm of the Osborne Association. Osborne offers a wide range of diversion and reentry programs in the Bronx, Brooklyn, Harlem, Newburgh, and Buffalo, as well as services at more than 30 New York State prisons and New York City Jails. Over the past year, our program staff who work on Rikers or in borough jails have pivoted to providing program materials to DOC for distribution, staffing a reentry hotline to assist those preparing to leave or having just left DOC custody, conducting extensive outreach to people upon discharge from DOC facilities, providing reentry services both in-person and virtually, including to those in the reentry hotels coordinated by MOCJ and the Office of Emergency Management.

My testimony focuses on 3 areas:

- 1) The need for DOC to continue to have external providers working inside facilities and playing a central role in planning programming at borough-based jails;
- 2) The success of our City Council-funded program for people charged with technical parole violations and our request for continued funding;
- 3) The need to reinstate visiting.

External providers are essential

We have appreciated a long-standing relationship with the NYC Department of Correction. We provide high quality services to people held inside the City's jails, supporting the City's efforts to quell violence in the jails and their efforts towards compliance with various agreements and monitors. We also bear witness to correctional culture and our contributions and practices support positive cultural and policy changes. We urge the City and DOC to commit to having the majority of jail-based services provided by external providers. We also urge the City to require that external jail-based providers have a prominent seat at the table where design and policy decisions are made about new borough-based jails. We know that culture is institutional and can persist regardless of the house in which the institution lives. External providers' participation in planning for borough jails brings a much needed "outsider's" perspective and provides us all, including DOC, an opportunity to collaboratively and intentionally improve the culture, level of clinical expertise and practices inside our City's jails, regardless of their location.

We are currently preparing to return to in-person work inside the jails after one year of physical absence. We are negotiating safety protocols with the DOC, gathering PPE for staff, and helping eligible staff to get vaccinated for COVID-19. Over the past year, we have provided services by correspondence and through a reentry hotline.

Osborne and the other external providers who work in the City jails have the clinical expertise and community connections to give people the support they need to return safely to their communities. Among us, we have credibility in serving elders, women, young adults, LGBTQI people, and people who have been involved in gangs, all of whom have specific reentry needs and who benefit greatly from specialized support that DOC staff alone cannot provide. In fact, DOC selected us as contractors for their Targeted Approach for Jail-Based Programs and Services funding because they recognized the value of the specific expertise we bring to working with these groups of people in their custody. We have the ability to work with people's support networks on the outside, including their family members and attorneys, and to coordinate all of the high-quality providers who are eager to serve them when they come home. Through in-person connections and the application of their clinical skills, our staff make it possible for people to imagine new futures for themselves, and to work towards those futures. Our staff are eager to return to provide that in-person support and we await details from DOC about when this can happen. As of last week, we still have no word.

Continued funding is needed to reduce the numbers of people reincarcerated for Technical Parole Violations (TPV)

We ask for continued funding and support for our successful TPV program. First funded in FY 2020, our program is playing an important role in keeping the parole violator population down, the only segment of the population on Rikers that consistently continued to rise pre-quarantine and continues to increase now.

Through TPV, we offer housing referrals and provide compassionate wraparound mitigation supports that include:

- Psychosocial assessments of clients by telephone
- Needed referrals to programs like housing, inpatient treatment, outpatient treatment, and more
- Effectively composed release plans and/or mitigation reports submitted before hearings
- Advocacy for the client's release during hearings (in-person when permitted and virtually when in-person is not possible)
- Providing a warm handoff of clients to their referred programs
- Monitoring the client in the community for 30 days after their release

The TPV program continues to have a 100% success rate in non-administrative exits. While we have not had the volume of referrals we'd like to date because we have not been able to do screenings in the jails (a critical part of the original vision for the program) and because parole violation hearings were paused for many months, we recently set up a system to do video conference screenings, which are now progressing at a rapid rate. We hired a Mitigation Specialist in late 2020 who is now focused on this and we believe that

through using this system over the next few months, we will be able to come close to meeting the targets we've set for this fiscal year even though we haven't been able to return to the jails as we'd hoped.

The TPV program not only advocates for the release of individuals incarcerated for TPV and connects participants with supportive services, it allows for families to stay together and for parents to remain in the community with their children. For example, a father who missed his son's first birthday because he was incarcerated for a TPV, was recently accepted into Osborne's TPV program. Even though the charges of a recent arrest were dismissed, he was offered a 3 month detention hold because the arrest triggered a parole revocation. He has Post Traumatic Stress Disorder and substance use history, but has been fully sober since he was released on parole. He was steadily employed with no violations for over a year before he was charged in this case. After being screened and determined to be eligible for Osborne's TPV program, where he will be offered 30 days of wrap around supportive services and participate in Osborne's Workforce Development program, he was given a revoke and restore back to the community and was released on Monday. Now, he will be able to build on his recent successful employment history and sobriety, and be in the community with his family, including his son and his grandmother who is terminally ill.

As a result of the success of the Technical Parole Violations program, we will be presenting this model at the National Organization of Forensic Social Work (NOFSW) conference in June.

Restoring Visiting

Next week marks one year with not a single in-person visit for those incarcerated within DOC custody and for their children and families. For many months when COVID rates were low and including times when there were no reported cases on Rikers, DOC did not restore visiting. The State prison system brought back visits from August to December 2020. Rikers/DOC did not. While the numbers are important to acknowledge—5,534 people in custody including 214 women—it's important to remember that these are mothers and fathers who are missing milestones and moments, and living off of memories of their children that are growing more and more distant and outdated. This includes incarcerated young people who counted on their mom's or grandfather's visit to calm them down and remind them of who they really are and can be, and it includes sons and daughters whose parents can't sleep at night as they worry about their children's lives in jail.

The lack of in-person visits here, especially for young children who cannot build or maintain attachment via video conferencing (i.e., "televisits"), could literally be changing the course of their lives and their parent's parental rights. As children bond with foster parents or relatives, Family Court takes this into consideration and through no fault of parents who are incarcerated during COVID, may rule to pursue adoption and terminate parental rights. For children and families outside of foster care, the lack of visiting compounds deep concerns for the health and

safety of loved ones incarcerated during COVID (many of whom have asthma and other serious health conditions placing people in high-risk categories should they contract COVID).

While many in corrections may welcome the suspension of in-person visits, visiting is a critical component of correctional operations with many documented benefits *for corrections* including violence reduction and institutional adjustment. It is unacceptable that there has been so much silence about reinstating visiting and that no adjusted or reduced visiting was reinstated when COVID cases were non-existent or very low.

We urge you to implore DOC to publicly issue a comprehensive, adaptable, responsive plan to reinstate visits, and recommend that this plan include fewer visitor searches and checkpoints than the regular visiting process. We ask that the Department work with CHS *and representatives of those who visit, and those who work in visitor processing and the visit rooms*, as well as the DOC Visiting Workgroup to develop an alternate visiting process that would allow for reopening of visits, while minimizing the risk of contracting or spreading COVID-19. We ask that an update be posted on the DOC website immediately acknowledging the lack of in-person visits, and that updates will be posted as soon as there are any. We also ask that a specific phone number be posted on this website <https://www1.nyc.gov/site/doc/inmate-info/visitors-center.page> where people can call for information about televisits, troubleshooting, and to express their concerns. This phone line could be staffed by any of the previous visit room Officers who are trained in interacting with the public and understand the importance of visits. The nature of individuals' calls should be tracked and reported on to the BOC.

Televisiting/Video Conferencing

We appreciate the Department's setting up televisiting so quickly so that families had a means of contact and a way to see each other during this very difficult and scary time. We continue to hear of challenges with the quality of the televisits, including audio and visual issues, and scheduling challenges. And we continue to experience these ourselves as providers setting up video conferences with clients. In our Elder Reentry Initiative, for example, it takes staff about 9 attempts before one videoconference is successfully set up. DOC has made a point person available at each facility for legal providers to troubleshoot with about their legal video visits. We request that DOC make someone available at each facility for televisiting families and loved ones in the community.

We also ask that video equipment and phones be used for proper discharge planning. Osborne and many other providers are contracted to provide pre-release discharge planning and we are ready and available to provide that discharge planning by phone and by video. Despite our consistent advocacy to DOC, they have not made this possible.

Lastly, but of grave concern, is the issue of **strip searches**. We and other community providers learned of the practice of strip searching individuals before and after televisits back in August 2020. As a result of raising concern about this, we were informed by DOC that this would change from a routine practice to one based on “reasonable suspicion;” the following excerpt from the newly issued security directive was shared with us (which we appreciate):

“Upon an individual entering and exiting the Visit Area for a scheduled Tele Visit, persons will not be required to be subjected to a strip search without reasonable suspicion of being in possession of contraband, i.e. information/intelligence gleaned during the Tele Visit, observations of suspicious items during [video] review, staff observation of person actions (suspicious activity), etc.”

We ask that you look into how often and why DOC is strip searching individuals before and after each televisit, and how often this results in contraband recovery. Strip searching is a serious intervention. It is accepted as standard corrections practice but should only be done when absolutely necessary for safety and security purposes. It is a traumatizing and humiliating experience; one that can cause people to forgo seeing their families and children in televisits. In light of the high percentages of men and women incarcerated who have histories of physical and sexual abuse, this practice should be taken very seriously and monitored closely.

Thank you for your time and consideration.



Jamaica Center for Arts & Learning



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Testimony for the Committee on Criminal Justice

To Whom It May Concern:

I serve Southeast Queens in my capacity as Associate Director of Development for the Jamaica Center for Arts & Learning (JCAL). Since its founding in 1972—through economic disinvestment, racism, war, terrorism, political polarization and now pandemic—JCAL has been a cultural lifeline for many of the most vulnerable residents and families in this neighborhood. In its nearly fifty-year history, JCAL has provided vital access to arts, culture and education to all ages.

Paramount to JCAL’s various service initiatives is the innovative partnership it has pioneered with the NYC Department of Probation in which local probationary youth pursue weekly arts classes. This program provides participants with a disciplined schedule and a safe space for creative expression. Offerings include musicmaking, hip hop dance, and mural-painting. All involve building skills and self-esteem. The program has developed strong cohorts with many students continuing their engagement through other JCAL programs. Three students have gone on become teaching assistants for the program.

In addition to the probationary initiative, JCAL continues its long-running College Access Program which is free to students and sports a 100% placement rate—with 42% accepted into Ivy League institutions just last year. During the spring 2020 quarantine all 70 of our students persevered as they adapted to distance learning.

These programs highlight JCAL’s commitment to the creative health of our community, and to cultivating new narratives of empathy and understanding, with our participants developing a sense of self-worth and civic pride. JCAL is equally committed to eliminating prohibitive barriers—to ensuring that everyone in our primarily low-income, community of color can contribute to its cultural life.

Throughout the COVID-19 pandemic, CIGs have remained committed to supporting New Yorkers and serving as civic allies to the city of New York. Collectively, the CIGs spent \$2,000,000 to ensure New Yorkers were able to continue to access quality virtual programming. In total, these free offerings reached nearly 10,000,000 individuals. Of the 34 members of New York City’s Cultural Institutions Group, JCAL is the sole member in South Queens.

Your continued support is imperative, and I ask that the cultural budget be held harmless and maintained at FY21 levels as we await further information on COVID federal relief that may be made available to the City and State. If you have any questions regarding my testimony, I can be reached at pscorese@jcal.org or at 718-658-7400 x144. I am grateful for your continued support of our work.

Patrick Scorese
Associate Director of Development
Jamaica Center for Arts and Learning

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TESTIMONY TO THE NEW YORK CITY COUNCIL COMMITTEE ON CRIMINAL JUSTICE

Submitted by Jane Ehlke, Brooklyn NY March 10, 2021

Thank you for this opportunity to testify today, and for your leadership on this issue.

My name is Jane Ehlke. My husband and I own and reside in a coop apartment just a few blocks from the Brooklyn House of Detention on Atlantic Avenue. We love our neighborhood and our opportunities to be engaged in the wider community of NYC, for our retirement years.

I became interested and involved in the Close Rikers Campaign in 2016, through my church – the First Presbyterian Church of Brooklyn – while I led the development of a prison ministry within the church. Since then, I have learned much about the City’s criminal justice system, and have friends who have been directly impacted, as well as some who work within the system. I am currently an active supporter of the Freedom Agenda of the Urban Justice Center.

I am here to ask you to **please** listen to and seriously consider the arguments and recommendations of organizations like the Freedom Agenda. Use your budgetary powers to effect real change in our communities. Our City’s criminal justice system needs to be reformed, it needs rethinking, redesign, and a complete overhaul. The overall cost of our system keeps escalating, with no real improvement or better results. This is obvious to anyone with even a rudimentary awareness of what goes on. I have even heard reports of mail service at Rikers being inconsistent and not always dependable. With such an excess of staff, why are such basic operations deficient?

Over these past five years, I have become more and more aware of the injustices of the system – e.g., unequal treatment of people of color, violence involving both persons incarcerated and staff, deficiency of enforcement of rules within the jails, lack of appropriate and adequate mental health resources, poor accountability and oversight of conditions and situations, lack of effective strategies to prepare people for meaningful and productive lives upon reentry or while incarcerated, and a myriad of other factors affecting the health and well-being of people in incarceration. Such conditions are not any healthier or appropriate for the

corrections officers. The whole scenario does not lend itself to the creation of a viable healthy community in general.

Our DOC has the highest jail staffing ratio in the United States, yet our jails are notoriously unsafe places. I know that conditions include regular acts of violence involving staff, and lack of enforcement of such basic health and safety regulations as wearing masks during this pandemic.

New ways of staffing and training need to be defined, in addition to the construction of new buildings that will foster success within a **reformed system**.

It's common sense that mental healthcare is best provided in a care-focused setting, not a jail. We can expand the resources to provide that effective healthcare exist by reducing the bloated operations budget of the Department of Corrections and redirecting these funds to mental health services and facilities.

When a person is incarcerated, they need resources and programs for successful reentry, beginning on the day of their arrest! Rehabilitation needs to take priority over pure punishment. Experience has shown these programs must be provided by qualified external providers, who are accountable to their mission, not to DOC.

The BOC's budget should be increased to give them the ability to properly conduct investigations and discipline officers involved in abuse within our jails.

Community resources need to be planned and funded, which will lead to less poverty and less crime in the first place, and to greater healing when incarcerated individuals return into the community.

We are all victims of a poorly designed and managed system. But the cost per person incarcerated continues to rise, and it just boggles my mind!

In a nutshell, I want to live in a kinder, safer community, and not feel that any of my "neighbors" are subject to cruel, unfair, disrespectful treatment by the very institutions that are supposed to bring us all comfort and peace. Please use your power thoughtfully and with sound moral values.

Thank you.



**TESTIMONY OF
THE FORTUNE SOCIETY**

**THE COMMITTEE ON CRIMINAL JUSTICE
OF THE NEW YORK CITY COUNCIL**
250 Broadway, New York, NY

Monday, March 22nd, 2021

SUBJECT: The budget for the Department of Correction (NYDOCS) in 2021
PURPOSE: To discuss how a significant portion of DOC's budget needs to be re-invested in
both accountability measures and in the communities that are most impacted by mass
incarceration

Presented by

Rebecca Engel, Esq.
Senior Policy Counsel

The Fortune Society
29-76 Northern Blvd.
LIC, NY 11101
212-691-7554 (phone)

Testimony by The Fortune Society, 3/22/20

Good afternoon. My name is Rebecca Engel and I am Senior Policy Counsel at the Fortune Society. The Fortune Society is a 54 year old organization that supports successful reentry from incarceration and promotes alternatives to incarceration, thus strengthening the fabric of our communities. We do this by: believing in the power of people to change; building lives through service programs shaped by the experiences of our participants; and changing minds through education and advocacy to promote the creation of a fair, humane, and truly rehabilitative correctional system.

The Fortune Society is here today to talk about the massive \$1.32 billion budget that is currently being proposed for the New York City Department of Correction (NYCDOC) in 2021. As an organization that focuses on the successful re-entry of individuals into society after they have served their sentences, The Fortune Society believes that the time has come for the City to invest in building lives through services, prevention, and community investment. We are now at a time when we must match our values and verbal commitment to end mass incarceration with investments in diversion, substance abuse treatment, mental health treatment, housing, and other lifesaving options to incarceration. On the one hand, for example, we finally have the end of solitary confinement in New York City, due to both the heroic voices and actions of advocates, our Board of Corrections, City Council, and City Hall as well as the new law that was passed by our State Legislature last week. These commitments need to become actionable by investing in communities and services that we all know build people and build safer communities, thus reducing our reliance on incarceration in jail and prison.

The Fortune Society believes that this change should take shape in two distinct ways. First, there should be transformation from within NYDOC by supporting cultural change, training, accountability, and transparency as called for in the “Smaller, Safer and Fairer” blueprint to Closing Rikers Island. For example, a portion of NYCDOC’s budget should be allocated towards creating a universal body camera system within its jails this year. While there are *some* body cameras that are being used in *some* jails under *some* circumstances, this critical tool should be part of NYCDOC’s accountability to the public. Having body cameras in our institutions will protect officers and people who are incarcerated. It will allow oversight and accountability in jails that have for too long operated away from the view of our communities and public scrutiny. As a city that has wholly accepted this form of transparency within its police department for years, the opportunity to wholly budget a similar measure within NYCDOC is a moment to lead in a way that expresses the principles of transparency and, accountability.

In addition to the need for changes within NYDOC, The Fortune Society also believes that City Council must begin to chart the course for investments in the communities most impacted by mass incarceration, poverty, and policing. We must state emphatically through the budgeting process how the City will begin to shift investments from locking people up in our jails to prevention, reentry, family reunification, housing, mental health and substance abuse treatment, economic opportunity, training, and education.

As we have all seen or heard how fellow New Yorkers struggle to deal with the economic and social implications of a massive recession, we understand that having a job, skills to compete in today’s emerging and changing employment landscape and housing are the foundations upon which further stability rests. Without a safe place to live and a job to support self and family, it can be nearly impossible for any New Yorker, especially those with criminal justice histories, to build a life of hope and stability.

The Fortune Society calls on the City Council to match our values of redemption, hope, and humanity by using the budgeting process to make investments in transparency and reduction of violence behind bars through universal use of body cameras. We look to the City Council to make the investments in people and communities that will reduce our mass incarceration footprint and heal all wounded by a system of isolation and incarceration.

Testimony to the City Council Committee on Criminal Justice

March 22, 2021 – Preliminary Budget Hearing

Chair Member Powers, and Committee Members,

Thank you for this opportunity to submit testimony. To echo the previous testimony of so many of my colleagues – it is a deep injustice to devote such vast resources to an agency that is doing so much harm, to both the people in its custody and the people it employs. We are relying on this Committee to take the lead in shifting these precious resources to investments that can actually meet the needs of New Yorkers – people in the jails, and in our communities.

This Committee and anyone committed to human rights should be gravely concerned about the significant cuts to the Board of Correction's staff. While DOC's budget was largely maintained last year, BOC suffered a devastating cut of 26%. This meant a loss of 8 positions, limiting the agency to only 26 staff.

- Among the functions affected by the Board's budget cut are: monitoring the borough jails transition; oversight of the new restrictive housing rule implementation; PREA oversight and TGNCNBI taskforce staffing; independent death investigations; health and mental health oversight; violence monitoring; and more. How could these be considered expendable functions?
- Let's examine the impacts of inadequate capacity in just one of these areas – independent death investigations. The Board's detailed report on the death of Layleen Polanco is likely the only reason that any officers were disciplined for that tragedy. It is the only reason that the public was able to see the horrific but real conduct of correction officers who failed to perform their duties, and laughed when they saw that Ms. Polanco was lying responsive in her cell. There have been at least seven deaths in DOC custody since Ms. Polanco's death. What information would we have now if we had a full investigation of those deaths?

The Board's budget should be substantially increased, not decreased.

- The Board's budget is only 0.23% of DOC's budget, compared to the Civilian Complaint Review Board, whose budget is now set at 1% of the NYPD's personnel budget. The Board's budget would be roughly \$11M if they were funded in same proportion to DOC's budget.
- This Board's existing budget is too small to conduct their oversight role, which is at least as crucial as that of the CCRB, or more. The abuse of people in the city's jails happens behind

locked doors and out of the public eye. We do not have the benefit of videos captured on cell phone cameras to make visible to the public the frequent brutality against people in the jails – though it is regularly verified by the Nunez Federal monitor. Only the Department of Correction and the Board have direct access to video footage from the jails. This month, the DOC Commissioner selectively used video clips to urge the Board to reinstate shackling for young adults. She did not, nor has she ever, chosen to show video clips of staff misconduct, for example, an incident documented in the recent partial release of disciplinary data, that detailed a now-Captain within the Department using “force against a restrained incarcerated person where he struck said person multiple times in the face and upper body.” This staff member received just 14 days suspension for the incident. How many days in solitary confinement would they have argued for if an incarcerated person carried out such an attack?

- With further expanded capacity, the Board can take on the role of investigating and disciplining officers accused of abuse - a role the Department has failed to carry out. The Department’s dereliction of duty here is also made clear by the Federal monitor, who most recently said that “The City and Department have established a record of non-compliance in the most fundamental goals of the Consent Judgement, most especially regarding the use of force and accountability for violations of these requirements.” The funds allocated for the Department to conduct internal investigations should be shifted instead to the Board of Correction, where those funds are far more likely to be well-utilized.

This increased investment in the Board must also come with efforts from the Council to increase its independence. This month, we learned that the Board had prepared a report about Covid-related deaths in DOC custody, but since December, it has remained hidden, and when FOIAed, the Board released a version which redacted all its recommendations. Who is telling the Board to keep that information from the public, and how will the Council intervene?

The lives of people in the jails depend on the Board being able to do its job well, and that relies on the Council giving the Board resources and teeth.

Thank you,

Sarita Daftary

Co-Director, Freedom Agenda

Sdaftary@urbanjustice.org

**New York City Council
Committee on Criminal Justice
Preliminary Budget Hearing – Criminal Justice
Written Comments of Michael Pope, Executive Director, Youth Represent
March 10, 2021**

Youth Represent is dedicated to improving the lives and futures of young people affected by the criminal legal system. When the justice system creates barriers to success for youth, we use the law to help them leave the stigma of a criminal record behind. We provide criminal and civil reentry legal representation to young people age 24 and under, assisting them with everything from rap sheet review to school suspensions to employment discrimination and any other legal needs they identify. We also engage in policy advocacy and youth leadership development through our Youth Speakers Institute. Our interdisciplinary approach allows us to understand our clients' legal and practical challenges so we can effectively represent them from courtroom to community.

Thank you to Chair Powers, Committee members, and staff for the opportunity to provide testimony on the 2022 budget.

About Youth Represent

At any point of contact with the criminal legal system—whether it be arrest, conviction, or incarceration—lasting consequences arise. Employers, landlords, and colleges run criminal background checks, and a conviction—even from one's teenage years—can be used as a reason to deny someone a job, a home, or an education. Criminal system involvement can also harm a young parent's ability to reconnect with their family and can interfere with custody or visitation rights. Even minor criminal matters—such as summonses for so-called quality-of-life crimes or bench warrants for a missed court date—can end up having a harmful impact on a young person's liberty.

Together, these results of the mass criminalization of young people of color serve as potentially lifelong impediments to the cornerstones of stability we all need. New York City boasts scores of community-based organizations dedicated to helping lift youth out of poverty, but even their best efforts can be thwarted by an arrest or conviction. **With critical support from the New York City Council through the Innovative Criminal Justice Programs Initiative**, Youth Represent fills this gap by providing reentry legal services for young people in their own communities.

Our clients are overwhelmingly youth of color, and all are low-income:

- 49% Black and 30% are Latinx
- The average age of the clients we serve is 20 years old
- 94% lack full-time employment
- 25% live in subsidized housing and 16% live in shelters or supportive housing
- 14% are parents
- 35% have no high school diploma (or equivalent)
- 13% are currently or previously on parole or probation

Raise the Age legislation passed by the legislature in 2017 extended protections to most 16- and 17-year olds by ensuring that that, if arrested, their cases would be heard in the family court, where cases are confidential and records are sealed from the public. But Raise the Age did not extend any protections to youth and emerging adults past the age of 18. Each year, tens of thousands of young people 18-25 are arrested and prosecuted in adult court and exposed to lifelong criminal records.

The young people we serve have been some of the **hardest hit by the Covid crisis**. They have faced economic hardship, the stress of lockdown, the difficulty of remote learning, and severely disproportionate rates of infection and loss of life. Some are navigating pregnancy and parenting young children during the pandemic. Many have faced pressure to **continue working in unsafe conditions**, putting them, their families, and everyone they interact with at risk. Finally, soaring unemployment has tightened the labor market, increasing the likelihood of **discrimination** against system-involved youth. Throughout the past year, Youth Represent has continued to provide critical, client-centered support to young people facing legal issues:

Criminal / Family Court – Client Story

Our partners at The Door recently connected us with “Walter,” a Spanish-speaking Legal Permanent Resident. When Walter discovered that police were looking to question him, he wanted to surrender immediately as the allegations were baseless and false. We advised Walter of the potential repercussions of an arrest, especially in light of his immigration status. Walter’s main concern, though, was losing his job and being unable to provide for his child. Youth Represent was able to invoke Walter’s rights, arrange with the detective a later date for the surrender, and provide his employer advance notice of his absence from work. We gathered letters of support ahead of Walter’s appearance for submission to the judge. He was subsequently released on his own recognizance under supervised release and kept his job.

Employment – Client Story

When we met “Justin” and ran his criminal history, we found that he had just been granted an Adjudgment in Contemplation of Dismissal (ACD), which would appear as an open arrest for six months. But Justin was protected by a law passed by this legislature in 2019 that bars employers from denying a job on the basis of a pending ACD. We conducted legal research to confirm that this law would apply to FDIC-regulated institutions, and assured Justin he would be legally eligible for the position in his chosen career track of Financial Operations. When Justin was selected for a position at a major bank, the bank discovered his open arrest and asked him for information about it. We provided Justin with this information and explained the change in New York law that prohibited the bank from taking adverse action against him. As a result, Justin was able to begin working right away. Our representation enabled us to resolve this matter without resorting to litigation and to help Justin reach his career goal of starting a job at a financial institution.

Covid Shift

As the pandemic wore on over the past year, Youth Represent used technology to continue to provide robust services while working remotely. We launched a **chatbot** to allow young people to start the intake process just by visiting our website; started a citywide **legal hotline** in collaboration with Community Service Society; and have relied on word of mouth and social media to spread the word about our services to young people who are disconnected from traditional service providers. We also shifted resources to respond to immediate client needs and launched an **emergency fund** that has covered expenses ranging from groceries to cleaning supplies to cab rides so a pregnant client could travel safely to prenatal appointments.

City Council Criminal Justice Programs Initiative Support

With the renewed and continued support from the Council, since July of 2019 we have provided direct legal representation to **181 young people**, opening 139 of reentry cases. We also provided 51 Know Your Rights virtual workshops to 357 participants, covering topics such as one's rights and responsibilities when stopped by a police officer and conducting a job search with a criminal history. We could not do this work without the support of the Council and hope you will renew this funding in FY2022 so we can continue these critical services for youth.

City Council funding this initiative allows us to **partner with other public and private revenue** to achieve these pivotal outcomes for youth. In fact, Council funding this year has proven more critical than ever before, as many of our nonprofit partner organizations have either closed or have been forced to slash their budgets, eliminating subcontracts for supplemental services like those provided by Youth Represent.

Lastly, we requested an additional \$10,000 to go **directly** into our Emergency Fund. When Covid hit, we established an Emergency Fund that has disbursed more than \$15,000 to over 40 young people to respond to emergencies: everything from purchasing groceries and baby formula to paying for car rides to doctor appoints. **100% of our Emergency Funds** are distributed into young people's hands. And while we understand the difficulties of this year's financial outlook, we know how much harder this reality is for our clients. Thus, we ask you to help us continue this important lifeline of funds

Conclusion

The Covid crisis has amplified the injustices that Youth Represent fights every single day. For the past year, we **refused to turn our backs** on those feeling the greatest impact from the crisis. We found innovative ways to deliver our core legal services model and expanded our services to meet the needs of the Black and Latinx youth we serve. We also stood with young people, colleagues, community partners, Council Members, and the broader community to demand justice: decarceration, funding for critical services, and access to safe and healthy conditions for living and working.

We **thank the Council** for your FY21 support and championing young people affected by the criminal justice system.