

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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HELD AT: Council Chambers - City Hall

B E F O R E: Carlina Rivera
Chairperson

COUNCIL MEMBERS:

Shaun Abreu
David M. Carr
Shahana K. Hanif
Mercedes Narcisse
Lincoln Restler
Lynn C. Schulman
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A P P E A R A N C E S (CONTINUED)

Tracie Gardner

Andre Ward

Mark Henry

Center for Employment Opportunities

Megan Kirk

CASES

Carole Eady-Porcher

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

Avery McNeil
Bronx Defenders

Jackie Gosdigian
Brooklyn Defender Services

Darren Mack
Freedom Agenda

Christopher Jeffries
ACS Youth Development

David Boyd
Bronx Connect

Cecilia Teuber
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Shanita Hill
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Yonah Zeitz
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Emily Appel
Osborne Association

Zachary Katznelson
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New York County Defender Services

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

Anthony Springer
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Jacoina Vinson
Bronx Connect

COMMITTEE ON CRIMINAL JUSTICE

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SERGEANT AT ARMS: Good morning. Welcome to the Committee on Criminal Justice. At this time, please be sure to silence all cellular devices. At no moment is anyone able to approach the dais. This includes staff. Chair, we're ready to begin.

CHAIRPERSON RIVERA: Good morning. I am Council Member Carlina Rivera, Chair of the Council's Committee on Criminal Justice. I'd like to welcome everyone for joining us for today's oversight hearing on alternatives to detention and incarceration in New York City. I would also like to recognize my colleagues who are here, Council Members Schulman, Carr, Stevens, and we are joined remotely by Hanif. Today's hearing is meant to demonstrate what we know based on empirical evidence is true. De-carceration and community safety are not conflicting ideas. Under the Adams' Administration, despite the imperative to reduce the jail population, in order to meet the legal mandate to close Rikers Island, we've seen a slow but steady rise in the population. Commissioner Molina even testified before this committee that he expects that the jail population will increase, not shrink over the months and years ahead. These predictions cannot be taken as

predetermined or unavoidable. I expect the witnesses here to provide testimony today, those with lived experience and those who manage alternatives to detention and alternative to incarceration programs will demonstrate why we must remain committed to a better, safer, and more cost-effective path forward. To reduce our pre-trial population which comprises the vast majority of those confined at Rikers Island, we can expand the use of alternative to detention program such as supervised release. Participants in supervised release programs are assigned case managers who report to the court regarding compliance. While they remain in community, participants in supervised release programs are provided counseling, supports to address mental health or substance abuse issues, and referrals to voluntary services that can help them chart a new course for their lives. A 2020 evaluation of New York City's supervised release program found that it was effective as cash bail in ensuring people return to court and did not correspond with negative public safety outcomes. To divert people away from a jail or prison sentence and speed up case processing, alternative to incarceration programs have a track

record of success, period. For example, in Mental Health Courts which operate in Manhattan, Queens, and the Bronx, individuals with a serious mental illness who find themselves in the criminal legal system are often able to earn dismissal of their charges or plea to lesser charges when they comply with individualized treatment plans designed to break the cycle. When ATI programs are readily available, judges have a suitable off-ramp to avoid jail or prison for those we know will only be left in a worse condition than when they entered. There's no correlation between high incarceration rates and a safer city. According to a report published by Harvard Kennedy School of Government, during the period between 1996 and 2014, New York City's serious crime rate fell by 58 percent, while the combined jail and prison incarceration rate fell by 55 percent. Our policies and budgetary priorities must reflect this reality. Today I look forward to engaging in a dialogue with ATI and ATD program providers as well as the Mayor's Office of Criminal Justice to hear how they plan to support and expand this vital work. Thank you very much. I'll now ask

Committee Counsel to call up the first panel of witnesses.

COMMITTEE COUNSEL: Thank you, Chair.

The first panel of witnesses I'd like to call to the dais, Tracie Gardner from the Legal Action Center, Andre Ward from the Fortune Society, Cynthia Brackett from the Center for Employment Opportunities, Megan Kirk from CASES, Carole Eady-Porcher, from the Center for Community Alternatives, and Amanda Berman from the Center for Justice Innovation.

TRACIE GARDNER: Good morning. My name is Tracie Gardner, and I'm the Senior Vice President for Policy Advocacy at the Legal Action Center. In New York City, the Legal Action Center coordinates the ATI Reentry Coalition which is comprised of Bronx Connect, CASES, Center for Community Alternatives, Center for Employment Opportunities, the EAC Network, Fortune Society, Greenburger Center for Social and Criminal Justice, Osborne Association, and the Women's Prison Association. We live in schedule C under the ATI initiative, but these 10 groups have served the New York City communities as a unified group, and thanks to City Council's annual support, coalition members have been working together for over

two decades to provide direct services to New York City residents and their communities, and we advocate for criminal legal system reform. The Coalition has developed a deep collective understanding of the City's criminal justice reforms and systems and demonstrated its ability to provide trusted, effective, and fiscally sound community-based services. These include education, employment, housing, family and legal mental health, substance use treatment, women and youth services, services for the LGBTQI community. While New York has the strongest network of effective programming's providing alternative to incarceration and alternative to detention in the nation, many eligible people who need these services still lack access. Many people are on Rikers who should not be. They should be in the community with us. Our programs enable many thousands of people to be appropriately supervised and served in the community, and these services divert individuals who would otherwise be sent to expensive jail beds, to less expensive in evidence-based, community-based supervision services. They also assist individuals who are released from incarceration to reintegrate with their families and

the communities by lowering these barriers to employment, housing, and health services, and thereby reducing the likelihood of re-arrest and recidivism. My role on this panel is to frame our presentation to you, and I'm hoping to seed my time. Every year for more than 20 years we have gathered and coordinated our asks for the Council, for Council support. We coordinate and cooperate like this for our programs and services, but this effort is especially vital to all of us. Council funding has allowed us to be innovative and nimble, responsive to the needs of our community in real-time. We are deeply involved with the individuals in communities we serve, and so we adapt to whatever the environment in the City is, whether it's COVID, the overdose epidemic, homelessness, the mental health crisis, we are constantly attentive to our communities. We are one of your best investments. The return on investment of us is always going to be better than many of the other investments in public safety and what we could do with \$400,000 per person per year that is spent on individuals on Rikers. So, thank you for the opportunity to speak to you today, and I am pleased to be able to turn time over to my colleagues.

ANDRE WARD: Thank you Chairman Rivera and members of the Committee on Criminal Justice, certainly Council Member Stevens, Carr, Schulman, Abreu, and other members. I want to thank you for this opportunity to provide testify about the critical work of the New York Alternative to Incarceration Re-entry Coalition and specifically the transformative power of alternatives to incarceration and alternatives to detention programing. My name is Andre Ward. I'm the Associate Vice President of the David Rothenberg Center for Public Policy at the Fortune Society, and in Fiscal Year 2023 we served about 11,000 people, 3,900 of whom are a part of our ATI and alternative to detention programming's. And City Council has funded-- has always funded these critical programming for us, and as the Coalition's collective ability to be responsive in real-time we're grateful to City Council, and we realize that the shifting needs of the people we serve are really, really important. The Coalition is more than the sum of the individual parts. Together our organizations form an ecosystem that supports some of our City's most vulnerable people during their most intense periods of need. And when a Fortune participant

needs to be connected to a fact team, we call CASES. When our program is looking for immediate paid employment, we connect them to CEO. Similarly, the Women's Prison Association may refer their participants to our employment services. We maintain strong partnerships and strong network for the benefit of the people we serve. First, you know, we think about the increases of funding for ATI. We realize that it's decades overdue. Second, the intent of the funding increase is to bring ATI programming to scale across New York State, building off the proven success of the Coalition's work in New York City. And as Governor Hochul's office noted, alternatives to incarceration programs connect people with treatment and services reduce the use of incarceration, save tax-payers money, and improve public safety by reducing recidivism. At Fortune we make a lifetime commitment to the people that we serve. Our ATI and ATD programs are more than court mandates, they are front doors to the rest of our wraparound services including housing, and people who participate in Fortune's ATI and ATD programs get connected to our employment services, mental health clinic family services and much more. The stories we

hear about the fatalities, and we think about people experiencing incarceration, we realize and we know that countless more people are being administered Narcan to save their lives. People are entering jail with substance use disorders or developing them as they use all-too-available drugs like fentanyl to self-medicate against their trauma in detention. We're grateful to the Mayor's Office of Criminal Justice for the funding which allows us to offer 360 beds of emergency transitional housing in our Freedom Houses in addition to the rest of our housing portfolio. Many of our ATI and ATD participants reside in our Freedom Housing which gives them the necessary stability to engage in other needed programming such as treatment services to pursue workforce development. And I just want stop with this brief story, just really quickly before I go. There's a 24-year-old names Charles. Charles came to us having an alcohol use disorder, started using alcohol at eight years old. At 11 he was diagnosed with having depression. He experienced grief, loss, series of trauma, traumatic events, but through our ATI work, he obviously got the support that he needed and he's doing really well which really accentuates

to us the point that ATI and ATD programs are invaluable to the people that we serve. Thank you.

CHAIRPERSON RIVERA: Just, if you press the button then you'll be ready. I just want to-- we've been joined by Council Member Abreu.

MARK HENRY: Good morning. My name is Mark Henry. I'm a participant of Center for Employment Opportunities. I joined CEO in February of 23 after being released in January of 23. Like myself and other participants, I am able to benefit from CEO services because of the funding provided by ATI. These services support our re-entry journey and reduce the risk of recidivism. Transitioning back to the community has been difficult, challenging. Programs like CEO play a crucial role in providing resource and opportunities for individuals like myself, a fresh start. And the pathway to obtaining my-- I'm on a pathway to obtaining my commercial driver's license. This can be a valuable asset to looking for a job. Had the funding not been available, my transition home would have been difficult. I thank CEO for the opportunity. I thank ATI for letting me to do this. Returning to incarceration is not an option. Thank you.

MEGAN KIRK: Good morning and thank you for the opportunity to testify today. I'm Megan Kirk, Team Leader at CASES for the Nathaniel Assertive Community Treatment Team, an alternative to incarceration for people with mental illness. Assertive Community Treatment is an evidence-based practice in which a multi-disciplinary treatment team provides intensive community behavioral health services to individuals whose needs have not been met by more traditional services like clinics. We are one of many ATI's that provide people who have serious mental illness the treatment and support they need instead of the harm and destabilization compounded by incarceration. Many of our colleagues in the ATI Coalition including Fortune Society, Center for Community Alternatives, and EAC Network serve people who have mental illness. Nathaniel ACT serves all five boroughs. We add additional supports and staff to a regular ACT team to serve people specifically facing felony charges and at least one year of incarceration. My team improves client's lives and public safety with success including a 70 percent decrease in recidivism and homelessness, and a 50 percent decrease in psychiatric hospitalization.

But statistics don't tell the full story of what it means when an individual who has been repeatedly shuffled through systems as their mental health deteriorates finally gets access to the care they need. Our individualized approach lets us build relationships to identify and meet needs in creative ways, knowing that no two clients need the exact same care. To that end, two client vignettes. Donald served the Marine Corps-- in the Marine Corps before receiving an honorable discharge for years. He was admitted to Nathaniel ACT facing charges for attempted arson, having become depressed and started using drugs to cope after his active service concluded. He developed paranoia and became homeless. As Donald was incarcerated pre-trial, his mental health deteriorated to the point that he had catatonia and it required a lengthy hospitalization to restore him to fitness. After stabilization and connection with NACT, we helped Donald get identification, reconnected him with Veteran Services, and helped him develop healthier coping skills to address his persistent low moods that did not include drugs. Donald successfully completed his court case, leaving the charges to be dismissed. He

1 successfully transitioned to a lower level of care
2 with step-down services in place, and he's planning
3 to re-enroll in college. Another recent graduate,
4 Deshawn, is a 35-year-old black male with a college
5 education, diagnoses of schizophrenia and
6 polysubstance use disorder, a history of multiple
7 hospitalization, and multiple attempts to die by
8 suicide. He faced assault charges when he was
9 connected to Nathaniel ACT related to episodes of
10 auditory hallucination and psychosis. His mental
11 health also worsened while he was on Rikers where he
12 was found unfit to proceed and transferred to state
13 psychiatric to be restored to competency. Initially,
14 he was hesitant to engage in services. The only goal
15 he identified-- if I may finish-- was to stay out of
16 trouble. He would often tell us we had the wrong
17 person when we approached him. We were able to
18 engage, help get him on the right course. He
19 completed his mandate and is doing very well today.
20 ATI's like ours help people build lives which are
21 safe and that they find worth living. We are
22 grateful to the City Council and the Mayor's Office
23 of Criminal Justice of their support for this
24 program. The City funds we receive are essential to
25

our client's success, to our program, and to public safety. Thank you.

CAROLE EADY-PORCHER: Good morning. I want to say thank you Council Members for allowing me to address you about alternative to incarceration programs. I'm Carole Eady-Porcher, a former recipient of an ATI opportunity. ATI has helped me reclaim my life. I moved to New York from South Carolina right after high school, not realizing it brought me the depression, stigma, shame of being sexually abused many times as a child. I relocated here thinking I could escape those memories and be accepted here. After work I started hanging out with friends, hanging out, sniffing, etcetera, and then one night somebody introduced to me a night of smoking coke and my life changed and nightmare began. Suddenly all the trauma, and happiness was gone, but I lost my job, my home, and my family. After some time of being in addiction and not being able to find help and treatment, I began selling nickel bags to support my habit. Maybe a month into it I was arrested for selling \$10 worth of crack to an undercover cop. I was offered a plea of three and a half to seven years. Every time I went to court I

and in school. After that, I got a job, reunited

1 with my children, earned two college degrees, I
2 taught at several colleges, I have 25 years clean
3 today. I own my home. [applause] I've been working
4 for the City for 23 years. I'm a self-efficient
5 member of society and an advocate for others like
6 myself who may have the experience-- who I would like
7 to see have the same experience if only given a
8 chance. Folks who may have committed crimes in
9 reaction to trauma, indigence, or drug addiction,
10 we're not the sum of our greatest mistakes.
11 Education, therapy and counseling changes lives.
12 We've become success stories as opposed to
13 statistics. Few people heal in jail or prison.
14 Alternatives to incarceration treatment opens the
15 door to a new way. Please do not cut this funding.
16 Please increase it. Thank you.

18 AMANDA BERMAN: Good morning. If those
19 stories of people's lived experience don't inspire
20 support in these programs, then I don't know what
21 would, but I hope we can add a little bit more to
22 this conversation today. My name is Amanda Berman.
23 I'm the Senior Director of Regional Programs with the
24 Center for Justice Innovation. I'm very grateful for
25 the opportunity to testify today, and I'd like to

share some of the valuable lessons that we've learned from doing this work for over three decades. And the single most-valuable lesson I can share is that just as Chair Rivera stated in your opening statement today, ATIs and ATDs work. They save money, and we have living proof here today on this panel of how they work, but we also know that they save money and they help people stay out of the justice system, and they improve public safety. Our work at the Center spans every borough of the City, spans the entire justice continuum from community-based prevention efforts to pre-arraignment diversion, pre-trial supervision, and misdemeanor and felony ATIs. Not only do we provide these services, but we rigorously study them to make sure that they are effective. So what I'm hoping to share today is what we've learned through piloting and testing and innovating and importantly evaluating the work to develop and spread best practices. Well-funded ATIs and ATDs produce better outcomes for individuals, for communities, and they produce cost-savings for our city and our tax payers. Better outcomes for our participants means meeting their immediate needs to provide a sense of stability and assessing their long-term needs and

goals and connecting them to resources, services that are designed to set them up for long-term success, whether that be part of the mandate when they're working with us or on a voluntary basis after their care is over. These services, as we've heard today, can include mental health, treatment, treatment for substance use, education, employment, housing, just to name a few, but throughout this process we also center the dignity and humanity of all of our participants every step of the way, and that is a critical part of the work that we do. And better outcomes we know are also captured in data, including our data. I'll share a couple of highlights now. So for example, in our Brooklyn mental health court which offers ATI programming for individuals facing felony charges who are living with serious mental illness. We've a proven track record of reducing recidivism. Our active participants are 46 percent less likely to be re-arrested while engaged in the program, and our graduates are 29 percent less likely to be re-convicted. Similarly, through our work at the Red Hook Community Justice Center we've managed to reduce recidivism there for adult defendants by 10 percent and juveniles by 20 percent, and notably this

also resulted in cost-savings of 6.8 million dollars per year with savings exceeding costs by a factor of nearly two to one, and that's documented in an independent evaluation. I'll touch on our supervised release program, which Chair Rivera also referenced earlier today. If I may just have another minute to wrap up. Thank you. We operate supervised release in Brooklyn and in Staten Island, and we serve over 8,000 participants a year to ensure that they return to court while their cases are pending. Our participants have an impressive 90 percent appearance rate for all of their scheduled court dates, and about three-quarters not re-arrested at all while they're in our program, even as we see those facing the most serious charges since bail reform in 2020 dramatically increased the range and the numbers of our population. So these outcomes prove that as a city we do not need to rely on jail to keep our communities safe. And to the contrary, these programs, not only ours but all of the providers that you're hearing from today, they're a critical part of building safer and healthier and thriving communities. And the last point I'll say is we wholeheartedly support the Council's commitment to

reducing the jail population so that we can close Rikers Island, but this cannot happen without thoughtful and strategic investments in these alternatives. They're essential for enhancing public safety. So thank you very much for your time.

CHAIRPERSON RIVERA: Thank you very much to the panel. I do have a couple questions, a few questions for you all. I am going to allow my colleague Council Member Schulman to ask a question first.

COUNCIL MEMBER SCHULMAN: Thank you very much. I just have another hearing to go to, but this is something that's really important to me. So one, my late partner Adeliade Canorton [sp?] was a case worker at the Fortune Society, and alternatives to incarceration is something that I'm extraordinarily supportive of. I've had formerly incarcerated people work on my campaign. I appointed formerly incarcerated individual who used to work for Fortune to my local Community Board last year. So this is-- like I said, this is something that's really important. I have a couple questions. One is I went to visit an organization yesterday called CIDNY. They work with people with development disabilities,

and so my question to you-- I know there was some talk about people with mental health issues, but how many people-- do you know how many people on Rikers have developmental disability issues that we need to kind of work-- who we need to work with to get them out of there? Anybody can answer.

MEGAN KIRK: If I may, while I don't know specific numbers, I can tell you it's not uncommon for people who come to us, who have a diagnosis of serious mental illness to have co-occurring cognitive differences, could be a diagnosed intellectual disability, it could be discovered in documentary history about services they've received in childhood education. So it's common and it also requires more intensive supports and different supports from mainstream population.

COUNCIL MEMBER SCHULMAN: So--

AMANDA BERMAN: [interposing] And i-- I'm sorry.

COUNCIL MEMBER SCHULMAN: No, go ahead, please.

CAROLE EADY-PORCHER: And I can tell you based on my mental health and my PTSD from the trauma I suffered, I also had a learning disability. It

just meant studying twice as hard, because I was determined to make it. Yes, I have a learning disability, but I don't know the numbers, but there are lots like me.

AMANDA BERMAN: And I can also reiterate that we see a similar phenomenon with the population we serve, especially in Brooklyn Mental Health Court where we started out only really focusing on people with serious mental illness, but because of the need that we have seen and it has been a growing need, we have been trying to enhance our capacity to work with the population of people with developmental disabilities. We work closely with OPWDD whenever we can. Although there are-- you know, there's always challenges, because you know, it is a bureaucracy that needs to be navigated and we are trying to invest more resources that are focused specifically on this population, but it is a part of the population in our care.

COUNCIL MEMBER SCHULMAN: No, what I'd like to see-- it's not a question for you, but what I'd like to see is the-- that there's more of a diagnosis and more of an attempt to make a diagnosis around that issue as well so that we can help these

1 individuals. Anyway, I want to-- that was my
2 particular question. I want to thank the Chair for
3 letting me go first, and I will hand it back to her.
4 Thank you very much.

6 CHAIRPERSON RIVERA: Thank you, Council
7 Member. So, alright. Well, let's-- I have some
8 questions. We'll start with Tracie, since you were
9 first on the panel, and I want to thank you for
10 everything that you do and your testimony. You know,
11 Mayor Adams has referred to the legal mandate to
12 close Rikers Island as a flawed plan. In part,
13 because he does not expect that the GEO population
14 can be reduced to meet the capacity of the new-- what
15 would be the borough-based jails. Do you agree with
16 that assessment, and what concrete steps can we take
17 to put us on track to reduce the population?

18 TRACIE GARDNER: No, I do not agree with
19 the Mayor's Assessment that it is not possible to
20 close Rikers per the legislation that was passed by
21 the Council, and that first and foremost we need to
22 acknowledge the population that is there. And the
23 number of people who are at Rikers who are pre-trial
24 and have not been seen, and that there has not been
25 an enough of an effort to engage these individuals

1 outside of that carceral [sic] setting. I think you
2 will hear anyone say that it's not possible to get
3 healthy or to mount a strong defense while you're
4 inside of Rikers. So, it may not surprise you that I
5 would say the expansion of our programs will help to--
6 - help the City reach the numbers it's supposed to
7 reach to close Rikers. We know it's possible. We
8 saw it during COVID. We saw our organizations tapped
9 to respond to that need when people were put out of
10 Rikers because of COVID, and people were able to be
11 stabilized and routed and connected to services in a
12 way that would not be possible for many of our
13 organizations to do on the island. So, I think-- I
14 believe and I know that it is possible to reduce the
15 population. We're seeing the population at the state
16 level being reduced, and it's not-- it's in part due
17 to an expansion of programming to an acknowledgement
18 of the behavioral health issues that are going on for
19 individuals who could be better treated in the
20 community, and yeah, I want to defer to my colleagues
21 if they want to comment on that as well.

22
23 AMANDA BERMAN: I'm happy to jump in as
24 well. I agree with everything that Tracie just
25 shared. I think two areas of investment that I think

are critical that stand out to me are one, sometimes courts are reluctant to release folks when they don't have stable housing to go to. And I know I'm not sharing anything here that folks don't already know, housing is critical for stability. And if we had more housing particularly available for justice-impacted people, because we know folks who are involved in the system have even more barriers than the average person in our city, and we already know there's a housing crisis for everyone in our city. So housing resources that are specifically targeted to folks that are coming back from Rikers, or even, you know, coming home from prison. In order to provide that stability I think is critical in order for us to get to that number that we want to get to. And then the other area of investment is, I think, for programs like ours who are trying to work with some of the [inaudible] cases and the folks who have the highest needs that are sitting on Rikers, those are the folks that sometimes judges and prosecutors are more reluctant to release, have the most concerns about. We need to be able to assure them that we have a robust enough model, enough staff, enough of the staffs with the right expertise. The example we

just talked about is a great one regarding someone who has a severe or significant developmental delay or disability. We need to be able to build out the capacity to work with specific populations who have specific needs. We all do the best we-- what we can, and we stretch our dollars as far as we can to make sure that we can serve folks, but we can expedite the assessment and placement process with more staffing. We could tailor programming and offer even more robust programming so that hopefully judges and prosecutors will be more willing to release some of those folks.

CHAIRPERSON RIVERA: And I think your mention of staff is really important. I'm going to ask about that in a second. But Amanda, let me just ask you this. So we got the numbers from earlier this week. It was 6,142 people in custody at Rikers Island. Over 5,000 being detained pre-trial. Any meaningful effort to reduce the jail population as you mention has to focus on reducing that pretrial detention.

AMANDA BERMAN: So what do you think stands in the way of I guess more judges for alternatives like supervised release rather than

keeping people detained pre-trial. I mean, you mentioned the housing stability piece. If you could just a little bit more about that.

AMANDA BERMAN: Yeah, I mean, I think that's one of the things that we've seen is that, you know, sometimes judges want to know what is the plan. You know, they don't necessarily want to release someone if they know that they're going to a shelter, and sometimes that is the only option that we have. And we know that there are residential treatment programs. And we also know that often times there are wait lists and we don't have enough beds. So I think residential treatment programs for folks who need it is really critical. We shouldn't be sending everyone to a treatment program just because they need housing. We want to make sure that that's a clinical decision that's made by staff who specialize in making clinical assessments. And you know, I think we are working really hard, all of the supervised release programs, to train judges, to engage with them, to find out, you know, what it is that we can do if they have concerns about releasing certain individuals, what it is that we could do to try to, you know, to try to build that trust. And I

1 think going back to the data to show that people
2 might be, you know, judges might be concerned or
3 fearful of releasing, but if we look at the data we
4 see that people are doing well on supervised release.
5 The fact that we have a 90 percent appearance rate in
6 our supervised release programs, even for people on
7 serious violent felonies who pre-bail reform may not
8 have been released at all. That's the data that we
9 have to continue to bring to judges, and hope that
10 they're listening. And that's including newer
11 judges, right? I think sometimes newer judges-- I
12 don't have the insights into how all of the judges
13 are trained, but we try to make sure that every time
14 there's a new judge on the bench who might be the
15 judge that's a little bit more reluctant to take a
16 risk and stick their neck out. Those judges, they
17 need to know what the program offers. They need to
18 know what the data is and so, you know, it's just
19 constant engagement by all the supervised release
20 providers.

21
22 ANDRE WARD: yeah, the other thing to
23 note, Council Member Rivera, Chair Rivera, is that I
24 think one of the things alternative to incarceration
25 and detention programs can also support-- there are

over 50 percent of the people on Rikers Island have a mental health diagnosis, 20 percent of whom have a severe mental illness. And I think if we use our mental health services as a way in which to engage people, they don't have to be on Rikers Island. That's one way to reduce the population. Two, ensuring that people are connected to mental health services rather than languishing on Rikers Island, and Rikers serving as a psychiatric institution.

CHAIRPERSON RIVERA: And Andre, if I could ask you another-- a follow-up to that. One of the main narratives advanced by those who seek to cast out on our ability to close Rikers and reduce the population is that jail and prison are the only way to ensure community safety and respond appropriately to acts of violence. Do you believe alternatives to detention and incarceration can be utilized even when an individual is accused of a violent crime?

ANDRE WARD: Sure. I certainly think so, and I think-- at the Fortune Society, right, we have a menu of different services the likes of which can engage a person holistically. So even if a person is responsible for committing some violent offense,

right, we have the kind of interventions that can help them address their thinking, right, cognitively, etcetera to change their behavior so they don't be involved in that kind of behavior again. So we know that alternative to incarceration, alternatives to detention programs and the services therein, could support people even though they may have committed some violent offense.

CAROLE EADY-PORCHER: I also-- based on my upbringing and trauma of my upbringing, I was-- I would respond violently when I felt threatened. I used to fight-- I mean, I fought through school. So in my addiction I fought as well, but I have not been fighting-- I've not had a fight in 20-odd, 30 years because the fighting sometimes is in response to trauma, you know, fight or flight. And just because someone commits or responds violently in a situation where they have not known a different way, that doesn't mean that they can't be taught, be trained, be therapy-- be counseled and receive therapy to understand why that is not always the best option.

TRACIE GARDNER: Right. Council Member, if everything is seen as a nail, then we'll respond with a hammer, and one of the things that's

1 especially critical about these programs is that they
2 are person-centered. We can't approach individuals
3 in a factory, run them through. We have to-- we play
4 a role in the assessment. We're in the courts. You
5 know, we could certainly be more in the courts so
6 that when judges and prosecutors are thinking about
7 the possibility of alternatives, that they really
8 understand the array of services that are available
9 and who can provide them. so, I think that that is
10 really something to be underscored is that we have
11 had to adapt based on what people present to us,
12 based on their needs. And the fact that Rikers is
13 being basically used as a hospital and housing is
14 immoral. So, again, the return on investment is
15 critical, \$400,000 per person per year-- I again
16 continued, just give us a year with that amount of
17 funding to provide services, and you should see a
18 dramatic difference, particularly for the people who
19 are being held pre-trial.
20

21 CHAIRPERSON RIVERA: And you know you've
22 mentioned-- there's' been a mention here of people
23 who are on the island who have serious mental
24 illness, approximately 20 percent and over half with
25 a mental health issue. And so some-- a program like

those operated by CASES, how can those programs reduce the population for those with a serious mental illness who are facing felony charges? Maybe Ms. Kirk, you could speak to that.

MEGAN KIRK: We reduce the population by serving and meeting needs of those people when they're out in the community. You asked earlier about whether violent offenses can be treated in the community. People heal in healthy, safe relationship. That's not happening at Rikers. Trauma is being compounded and you're only increasing the risk of future violence. When people come to us and we build that relationship and connection, we're able to begin teaching skills, and they are learned skills that very few people have access to, about emotional regulation, distrust, tolerance, and other more healthy and pro-social ways of engaging when that trauma is brought up or there is conflict. So we have to be connected, and for those people to get out, for us to be helpful to them, but that's how we do it.

CHAIRPERSON RIVERA: I think the relationships is incredibly important and I think what's so special about the program is your staff and

1 many of them-- many people who are working today in
2 these programs have lived experience and they're
3 certainly committed. So I guess a question, maybe
4 Carole if you want to answer it or anyone on the
5 panel really. Why it's important-- both you're a
6 person, you're an advocate, you're a person with
7 lived experience and thank you for sharing your
8 story. Can you talk about why it's important for
9 staff that work at alternatives to incarceration and
10 detention programs to be trained to work with those
11 who've experienced trauma and how trauma informed
12 care can do more to improve community safety than
13 incarceration.
14

15 CAROLE EADY-PORCHER: Yes, of course.
16 Like Tracie said, today's ATIs are-- service people
17 in a newer way, individualized, not cookie-cutter,
18 and we address each person's issue. Like, I had
19 groups, but I also had one-on-one counseling and
20 treatment, and the one-on-one counseling was with a
21 trained professional who understood how the impact of
22 the trauma I suffered caused me to continue to use
23 drugs over and over again, even though I did not want
24 to, and who the wraparound services would support me
25 in getting back to my life. It wasn't just about

stopping using, but now what do I do with all that idle time? Well, of course, I went-- I got-- I went and got training. I went to NA meetings. I visited people from my neighborhood who'd always supported me. I stayed away from the ones that didn't, and I got a job. You know, I got my kids back. You know, and working in advocacy gave me a sense of purpose, like my pet project was always incarcerated mother from their children because I was also shackled as I gave birth one of those times when I was at Rikers Island. And it meant something to me to know that I could make a difference, that my story has some, you know-- like it was always why me, why does it have to happen to me? And as I grew in my treatment and my recovery, I realized that it was probably for a greater purpose, that my story was able to help so many other women who were shackled who had to fight for their kids when they came home, and-- because of the alternative-- because of the Adoption Safe Families Act, they were losing their children. And that gave me-- someone spoke outside about feeling like it wasn't all for naught, you know? I could now stop questioning God and saying, you know, thank you, that this is my journey, you know? It's important

CHAIRPERSON RIVERA: and I just want to say again, I think the stories here-- and many of you have mentioned that how you can just hear people talk about their experiences and know and feel why this is important. And it was Mr. Henry, right, Mark? I just want to ask, because you told a little bit of your story. You're getting your CDL, your commercial driver's license on your path. Can you talk a little bit about your experience and how important this journey has been for you having the support to get this license, to get where you want to go, your vision and how people are supporting you to realize that?

MARK HENRY: Yes. My vision is very important. I have direction. I have a place to go. I have a place I don't want to go which is prison. So, it's been very supportive for me.

CHAIRPERSON RIVERA: I'm very, very happy to hear that. I want to thank you because certainly, I know you're going to get there, and I know you have people that support you. So I want to thank you all for your testimony, for your commitment. I truly, truly admire all of you, and thank you for your testimony. Hold on, hold on. Look what I did. I didn't even acknowledge Council Member Narcisse.

COUNCIL MEMBER NARCISSE: I'm sorry I don't want to stop you, but I thought you realized I was here.

CHAIRPERSON RIVERA: Council Member Narcisse is here. Usually I could hear her come in, because you have beautiful energy that's physical. So, please, Council Member--

COUNCIL MEMBER NARCISSE: [interposing] I was listening on my end, and I want to say thank you for your work. Some of the question I was able to ask-- how does the City measure the success of alternative to incarceration programs in terms of reducing recidivism? Anybody can answer that for me?

CHAIRPERSON RIVERA: You could also mention how you all measure your success. We're going to hear from MOCJ right after this panel, but--

COUNCIL MEMBER NARCISSE: [interposing]

Yeah.

CAROLE EADY-PORCHER: I measure my success based on my children.

COUNCIL MEMBER NARCISSE: Based on your children.

CAROLE EADY-PORCHER: Just being able to reunify my family. It's all I ever wanted. I mean, I couldn't believe that I had to take my child out of my house and use-- because I could not stop using and I was afraid something would happen to her that had happened to me as a child. And to have my family back, my children be successful, educated, and-- I'm 63 years old, I'm not a grandmother yet, because my children are so successful, they don't want to stop. Please somebody give me a grandbaby. So yeah, that's how-- that's how I measure my success in that my children are successful.

COUNCIL MEMBER NARCISSE: I'm so loving it. I'm a mother of four and that's a lovely story. For people that listen, that people don't deserve a second chance, so I thank you. I embrace you. Thank you. Anybody else?

CAROLE EADY-PORCHER: Thank you.

COUNCIL MEMBER NARCISSE: Thank you.

Yes, we can clap for that one.

[applause]

TRACIE GARDNER: and I think that Carole really emphasizes where the alternative to incarceration and alternative to detention programs have gone over the last 25, 30 years. I mean, we're responding to policies that were put into place 40 years ago, not the least of which was the Rockefeller drug laws and laws that decimated communities, undermined infrastructure, and really made investments in carceral systems which then almost guaranteed that people were going to be filling those slots. We're more-- much more working with the individual about what they want to do, right? So, there are the numbers and the outcomes, reduce of re-arrest, reduce recidivism, days abstinent, or you know, level of engagement is probably the most significant measure, because people when they stay connected, when they have a reliable place to get support, are less likely to end up back into the system. and we know it can be very, very easy for people to return, but these-- this is the goal of our programs is to keep people coming to us, and to

provide them with opportunity and outlets to avoid the situations that would put them back in.

COUNCIL MEMBER NARCISSE: So, opportunities you're just saying.

: Opportunities.

COUNCIL MEMBER NARCISSE: We creating-- as a nurse for over three decades I believe in that, and I-- like I always tell people, I'm not here by mistake. It's a purpose for us to see the inequities [sic] in everything. And I thank you, Chair, for doing the amazing work you've been doing trying to push to the top to ask the question. If I may, I have a couple of questions, if I can continue?

CHAIRPERSON RIVERA: Please, go ahead.

COUNCIL MEMBER NARCISSE: Because not everybody answered yet.

CHAIRPERSON RIVERA: Please.

COUNCIL MEMBER NARCISSE: Go ahead, anyone else that have?

ANDRE WARD: Yeah just very briefly, Council Member Narcisse, and thank you for the question. You know, as Tracie said, right, our goal is to keep people engaged, and I know Chair Rivera had mentioned earlier about like how do people get

the support they need, and one of those ways in which they get the support is just by staying engaged with us, and by doing so they in turn become co-producers of public safety, because they go out into the world and they begin to start living a life of contribution as a direct result of being connected to alternative to incarceration and detention programs.

COUNCIL MEMBER NARCISSE: Thank you.

public safety, if we care about public safety, we have to prevent and stop that revolving door, and then give people the mental health that they need, they support they need and programs and structure to-- anybody else? I think I'm done with that one. But can you provide current data on the demographics and individuals served by ATI programs and how they reflect the communities most impacted by incarceration.

TRACIE GARDNER: So, happily. Many of the organizations in the ATI and Re-entry Coalition, as an exercise, if you will, to the Council, is that we do gather that data, and although we work together as a coalition, each organization is kind of-- has a niche, if you will, serves some of the specific needs. So, whether it's Osborne Association which

1 is-- has you know, retrofitted a former prison and
2 has turned into a multi-service community resources,
3 or the Fortune's housing expertise is deep and it's
4 also through their direct provision of services as
5 well as their impact on housing policy. So, I think
6 that MOCJ will be able to give you an aggregate of
7 the array of services that we provide and who we
8 serve it to. We try to respond and have generally
9 been responsive to individuals in all 51 of the City
10 Council districts, but in terms of the demographics,
11 I think it depends on the organization and who
12 they're serving. Some are serving more young men.
13 Some are serving more families. So, I think it would
14 depend, but what can be safely said, and this was
15 from CASES executive director Jonathan McClain [sp?],
16 is that as a consequence of the inequities in the
17 criminal legal system, most of the families are black
18 and brown.

20 COUNCIL MEMBER NARCISSE: I'm going to
21 leave some of-- I'm sure some of the question was
22 kind of like answered. But the success of supervised
23 release program, I think I heard it as I was coming
24 in, compared to the traditional, we know we are on a
25 better path by giving people support. And thank you

for your work and thank you, Chair, for giving me the opportunity to ask the question. Keep on investing on people and see people as human being. Thank you.

CHAIRPERSON RIVERA: Hold on. Hold on.

And MOCJ, you get extra credit today for waiting over an hour to testify, though the City is always allowed to go first. So, I just want to just add, because like I think something that was mentioned is typically the primary metric used to measure the success of ATD and ATI programs is the recidivism rates of program participants, and we need that data. Numbers are important, there's no question, but I think those sort of holistic impacts are also so, so very important and has to be considered to judge whether these programs are in fact having a positive impact, and I think that that piece that you provide is also so important. But my question is, do you think there is a correlation between the availability of alternative to incarceration programs and case processing rates, and if so, how can expanding the availability of ATI programs reduce the average length of time it takes for a case to be adjudicated?

TRACIE GARDNER: I can definitely say that if you are incarcerated, you're less likely to

1 be called to court because you can't reach your
2 attorney if something changes, whereas if you're
3 outside and you're able to, you know, get on the
4 phone constantly until you reach out to your lawyer.
5 When you go-- when you're incarcerated you may not be
6 dressed. You might not be able to have access to your
7 family to show up for you in court, and these make
8 mat-- these-- the optics make a difference, you know.
9 When DAs are deciding when they're going to adjourn
10 cases and stuff like that, if you have a whole bunch
11 of people sitting behind you and they know they're
12 going to hear noise and it's going to be rhetoric
13 behind it, they're less likely to keep postponing
14 your case, and if they can't see you-- if Rikers
15 Island can't produce you that day for court, you
16 know. It's just a lot that's invested in making sure
17 that you're outside, and bail reform is a part of
18 this as well. You know, the walk backs on the bail
19 reform, more people are having to go to jail instead
20 of being able to have that opportunity to go home and
21 fight their cases.
22

23 AMANDA BERMAN: Yeah, I think those are
24 all really important points. I think there's no
25 question that expanding availability of ATIs and ATDs

can support case processing efforts to try to reduce delays. You know, it's one practical example I think I referenced earlier is often times we see delays where there is an agreement about a disposition. However,-- or in anticipation of that agreement, there is an assessment process, and as part of that assessment process, the providers-- we have staff who are doing full clinical assessments, sometimes psycho-social assessments, generating reports, submitting those to the court parties, and then waiting on either the green light to take the plea and get released or ensuring that, you know, we have-- if they're going to a residential treatment facility, ensuring they have a bed. So this all comes back to resources. When we have adequate resources, we can expedite those things. The last thing we want is for anyone to be lingering at Rikers, particularly when everyone seems to be in agreement that this person should be diverted, should be plugged into programming. we have that programming, but we see delays that sometimes take weeks or even months because of availability of beds for a program or because you know, maybe there's an assessment process that is hampered by a production

1 delay, or we know when somebody's incarcerated we
2 have all sorts of delays that are built in,
3 challenges with DOC getting people produced, or if we
4 have a video conference set up in order to do an
5 assessment with someone and that video conference
6 gets cancelled or the individuals who's supposed to
7 be assessed wasn't brought over to the booth, you
8 know, at Rikers in order to do the video conference.
9 There's so many logistical barriers to trying to get
10 his process moving when they're at Rikers. The
11 sooner we get them out, the smoother it tends to go.
12 And ill also say investing in initiatives like
13 population review which I know is obviously a
14 priority for the City, and the center is working on
15 that as well. That is also a critical part of this
16 piece of, you know, trying to identify people as
17 early and often as possible who might be eligible for
18 these programs, and then coordinating people to--
19 coordinating the parties so that hopefully we can get
20 them plugged into the programs.

22 CHAIRPERSON RIVERA: Thank you for that.

23 I agree, I think the court production, you know, we
24 passed legislation this year on that, and NGO
25 population review teams, and I know there are gaps in

1 funding too, and so I look forward to keeping in
2 touch with each and every one of you on how we can
3 address that. I want to acknowledge that we've been
4 joined by Council Member Restler. And so I want to
5 thank this panel. You good? Okay. I want to thank
6 this panel again, and again, and again, and look
7 forward to working with you. Thank you.

9 COMMITTEE COUNSEL: Okay, I'd like to
10 call up our panel of Administration witnesses from
11 the Mayor's Office of Criminal Justice, Nora Daniel,
12 Angel Arias, Zachary Honoroff, and-- I'm sorry, and
13 Jordan Montoya. And now that you're all seated, I'd
14 like to swear in this panel of witnesses. Everybody's
15 ready? If you can all please raise your right hands?
16 Do you affirm to tell the truth, the whole truth and
17 nothing but the truth before this committee and
18 respond honestly to Council Member questions? Noting
19 for the record, all witnesses answered affirmatively.
20 You may begin your testimony.

21 CHIEF OF STAFF DANIEL: Good morning
22 Chair Rivera and the members of the Committee on
23 Criminal Justice. My name is Nora Daniel and I'm the
24 Chief of Staff at the Mayor's Office of Criminal
25 Justice, MOCJ. With me today are Jordan Montoya,

Executive Director of Pre-Trial Services at MOCJ, Angel Arias, Community Outreach Manager, and Zachary Honoroff, Deputy Director of Research Innovations. Thank you for the opportunity to testify about alternatives to detention and incarceration. MOCJ advises the Mayor on criminal justice and public safety policies. MOCJ partners with not-for-profits, law enforcement agencies, district attorneys, and advocates to address underlying systemic issues that impact New York City's safety. MOCJ collaborates with our partners to offer good government solutions to pressing public safety challenges. MOCJ's initiatives include diversion programs, re-entry services, supervised release, transitional housing. These are core initiatives that operate in the public safety continuum to mitigate crime, help the most vulnerable New Yorkers thrive and build stronger, healthier communities. Alternatives to detentions, ATDs, and incarceration, ATIs, are crucial parts of Mayor Adams' commitment to the public safety continuum. They provide critical investments that offer people impacted by the criminal justice, the court, and system actors [sic] with alternatives to carceral settings. Diversion programs allow

individuals arrested for certain crimes the opportunity to participate in programs that address underlying behavioral concerns to prevent future criminal justice involvement, allowing individuals to reintegrate into community without incarceration. These programs are a vital aspect of the criminal justice landscape. Similarly, supervised release is a court-mandated release program that offers judges an alternative to pre-trial detention, and provides off-ramps to voluntary services and referrals to participants who exhibit needs. Having supervised roughly 22,000 cases in FY23, the program is a key tool in the court's toolbox. Supervised release is available in all criminal cases citywide, and implemented through our provider partners, NYC Criminal Justice Agency in Queens, Center for Alternative Sentencing and Employment Services also known as CASES in Manhattan, Center for Justice Innovation in Staten Island and Brooklyn, and the Fortune Society in the Bronx. These partners through their trained teams of social workers, peer specialists, and clinical staff supervise individuals in community. Our partners offer a wide range of services and programs to participants which include

intimate partner violence programs, youth-specific tracks, cognitive behavioral and other forms of therapy, mental healthcare, substance use, harm reduction tools, employment, housing, and benefit assistance. For other or more acute needs that cannot be addressed by providers in-house, provides offer warm hand-offs to both out and in-patient programs. In FY24 MOCJ, along with our supervised release providers, are launching an intensive case management pilot to pair those in SRP with higher needs and persistent touches with criminal justice system with a team of highly experienced and trained staff who can provide more direct frequent care to this population. ATIs are typically services mandated by a judge for individuals to complete an assigned program. Participants may enroll in ATI services prior to their case disposition. MOCJ partners with 14 providers to facilitate 24 programs which include a broad array of services for those mandated to programs. These programs provide comprehensive support to participants, including assistance with education, job readiness, internships, community service, mental health services, access to public health services, substance use treatment, recovery,

and a range of other rehabilitation programs. You've heard from some of our partners already, so I won't talk about all of the services they provide. You know about the-- all of the great work that they're doing. We have a couple of examples in the written testimony on Nathaniel ACT and El Rio in the Bronx, an Osborne program. Over the last three fiscal years, 97 percent of those who completed their ATI program have not been rearrested for a violent felony, and 92 percent have not been re-incarcerated at all. In FY23 ATI programs served more than 8,000 New Yorkers. As of October 2023, MOCJ began implementation of the Jail Population Review Program, mandated by Local Law 75 of 2023. Council Member, your bill-- you're implementing that currently. This initiative is designed to safely decrease the number of individuals awaiting trial in custody. The focus is on mitigating systemic inefficiencies that contributed to unnecessary delays and case resolution and link the individuals with the appropriate community support and supervision. Through this undertaking, the Center for Justice Innovations screened cases at various stages in the legal process to identify potential individuals who based on review

are good candidates for release to ATI or diversion programs. Since its commencement in October, CGI has reviewed the cases of individuals in jail for a seven-day period, averaging approximately 50 cases per week. While still in its early stages, the initiative has already referred numerous cases to the District Attorney's office in Manhattan and defense attorney in various-- to address various issues. This initiative represents a crucial step forward in our commitment to fostering justice and creating pathways for rehabilitation within our communities. Our administration is committed to actively identifying road blocks in the criminal justice system while investing in the most vulnerable people impacted by the criminal justice system by providing appropriate and safe alternatives to carceral settings. Thank you for the opportunity to share some information about this work. We're happy to answer any questions you may have at this time.

CHAIRPERSON RIVERA: Thank you. Thank you for also your patience today and staying and listening to the panel of incredible providers. A quick question about your testimony and mentioning CJI and reviewing the cases of individuals. You had--

1 while still in its early stages you have already
2 referred numerous cases to the District Attorney's
3 office and defense attorneys to address various
4 issues. Do you have any of like the outcomes?

5 CHIEF OF STAFF DANIEL: We're not quite
6 ready-- we're not quite at the outcome stage, but we
7 hope to continue to keep you updated as we move
8 forward.

9 CHAIRPERSON RIVERA: Okay, I look forward
10 to that. So you mention a new pilot as well. It's
11 an intensive case management pilot. That's for
12 Fiscal Year 24. So looking forward to hearing about
13 that. The Fiscal 2024 budget including approximately
14 \$37 million for supervised release. Can you update
15 the committee on this funding is being utilized so
16 far this fiscal year?

17 CHIEF OF STAFF DANIEL: Sure. So the
18 funding was-- is the additional funding for
19 supervised release was to right-size the program. I
20 think you're aware the program has doubled,
21 essentially doubled since FY21 in terms of folks who
22 were referred to it or mandated to it. And so it's
23 to right-size it as well as to implement the
24 intensive case management pilot.
25

CHAIRPERSON RIVERA: By right-size do you mean, scaling up?

CHIEF OF STAFF DANIEL: Meaning to make sure the funding matches the number of people who are actually being seen.

CHAIRPERSON RIVERA: Do you have some of those numbers and why you had to right-size?

CHIEF OF STAFF DANIEL: Yeah, so the number of people who have been mandated to supervised release in FY21 was around 11,000. In FY23 it's around 22,000.

CHAIRPERSON RIVERA: As part of MOCJ's PEGs for the 2024 November Plan, alternatives in to incarceration has been reduced by \$6.7 million. Re-entry services reduced by \$8 million, and supervised release programs cut by \$13 million in Fiscal Year 25 due to re-estimates. In order to close Rikers in a timely manner, the City must reduce the population at Rikers by half. So, can you explain why these programs were cut when they could potentially help the City reach this goal?

CHIEF OF STAFF DANIEL: So, unfortunately, we are in difficult fiscal times in the City, so all of our city agencies were asked to

1 find savings within different programs. In some of
2 our programs there has been a certain amount of
3 spending that has funds that have not been used, and
4 so we have looked at which ones those are, and
5 looking forward to working with our partners and with
6 OMB to figure out exactly what the landscape will
7 look like moving forward.

8
9 CHAIRPERSON RIVERA: What do you mean by
10 spending that's not been used?

11 CHIEF OF STAFF DANIEL: There's been some
12 under-spending in previous years.

13 CHAIRPERSON RIVERA: Underspending? I
14 just couldn't hear you.

15 CHIEF OF STAFF DANIEL: Underspending,
16 yeah, sorry.

17 CHAIRPERSON RIVERA: You're talking about
18 by the providers themselves or within the agency?

19 CHIEF OF STAFF DANIEL: It-- so all of
20 the services are contracted out, and so some of the
21 funding has not been used by everyone.

22 CHAIRPERSON RIVERA: Can you please
23 clarify what specific programs have been cut by the
24 PEGs?

CHIEF OF STAFF DANIEL: So, we don't have that number yet. We are going through the budgets and looking to see exactly where cuts could be utilized most efficiently and what makes the most sense. We have not made that determination yet.

CHAIRPERSON RIVERA: But you have the numbers, but you don't have what programs?

CHIEF OF STAFF DANIEL: We have the total target.

CHAIRPERSON RIVERA: We all appreciate your commitment to and expertise in overseeing the contracts with ATD and ATI providers, but we've also heard from providers that contracts take exorbitant lengths of time to be executed and contract payments often get delayed. What are the primary reasons MOCJ has not been able to execute contracts in a timely fashion, and what are the barriers to issuing timely payments on services provided under executed contracts?

CHIEF OF STAFF DANIEL: so, we did-- as you may know, you know, a lot of the contracts at MOCJ grew relatively quickly over a short period of time, and so it took some time to figure that out, and this Administration has made great strides, and a

number of initiatives to get contracts registered on time, and then also to pay providers in a more timely fashion. And so we have seen significant progress in terms of getting contracts registered and paying people in a more timely fashion.

CHAIRPERSON RIVERA: So, MOCJ does-- it seems like it was initially conceived as a Mayoral office designed to guide and direct policy and not as an entity overseeing hundreds of millions of dollars in city contracts, and like you mentioned, it did grow very, very quickly. Does MOCJ currently have the staff and resources necessary to fulfill all of its mandated obligations? And if not, what does MOCJ need in order to operate more effectively to manage contracts and achieve other objectives?

CHIEF OF STAFF DANIEL: so, over the past, you know, since the beginning of the Administration there's been a strong push to get contracts registered on time, as I mentioned before, and also to pay providers more timely. At this time, we do have the resources that we need in order to be able to meet that mandate currently.

CHAIRPERSON RIVERA: So you feel you're staffed adequately. You're able--

CHIEF OF STAFF DANIEL: [interposing]

Currently, we are able to move things in a timely fashion, in a more timely fashion.

CHAIRPERSON RIVERA: Last fiscal year we saw the transfer of the Office of Neighborhood Safety Contracts from MOCJ to DYCD. Weill we see any other programs transferred to other agencies this fiscal year?

CHIEF OF STAFF DANIEL: We are-- so the Office of Neighborhood Safety did transfer, and we are currently working with OMB to finalize that transfer as well. We don't have anything else that is-- that we have decided to transfer at this moment in time.

CHAIRPERSON RIVERA: Does MOCJ plan to--

CHIEF OF STAFF DANIEL: [interposing]
[inaudible] this moment in time.

CHAIRPERSON RIVERA: Okay. Does MOCJ plan to issue anew RFP to operate alternatives to detention or alternatives to incarceration programs?

CHIEF OF STAFF DANIEL: currently the cycle's on-- there's three two-year renewals contemplated by the previous RFP. We're currently in the second of those, and so there's another one that-

- that procurement ends in FY26. So, we would be looking to do some time of procurement at that time.

CHAIRPERSON RIVERA: So you've heard from many of the organizations here that provide these programs. What do you think makes an ATI or ATD program successful and how do you measure that impact aside from recidivism rates?

CHIEF OF STAFF DANIEL: There are other ways to measure impact. We do track recidivism rates, completion rates, those kinds of measures. In addition, we also obtain quarterly narratives from the providers as well as success stories, and those are also very valuable to determine who programs are operating people's lives.

CHAIRPERSON RIVERA: What has MOCJ's budget for alternatives to detention programs, that's programs who serve individuals who have been charged but who have not yet reached a plea or sentence? What is the budget for those ATD programs each year since Fiscal Year 2019 and how many individuals have been served each year?

CHIEF OF STAFF DANIEL: That is our-- the alternative to detention that we have is supervised

release program, and I will turn it over to Jordan Montoya to answer those questions.

EXECUTIVE DIRECTOR MONTOYA: Good morning, and I want to thank the Council for their continued support of our program. In FY2019, the program supervised out of arraignments roughly 5,000 individuals, and our budget at that time was roughly \$14 million dollars. In FY20, we served roughly 6,500 individuals coming out of arraignment, and our budget was roughly \$37 million. In FY21 we served roughly 11,000 folks with a budget of \$72 million. FY22 we served roughly 19,000 individuals with a budget \$72 million, and last fiscal year we served roughly 22,000 individuals with a budget of \$67 million dollars.

CHAIRPERSON RIVERA: Okay. I appreciate those numbers very much. Just to really get a picture of the investment, and I think we've already hit him home how the investment in these programs have-- are far more cost-effective than incident and why that's just-- besides a holistic approach, the stories that we've heard, the cost-effectiveness I feel is reason alone to expand the program, and I realize you're facing budgetary constraints and, you

1 know, OMB and the Mayor's Office has told you all to
2 cut, but I feel like these numbers are incredible.
3 Can you provide-- you know what, let me actually got
4 o my colleagues. I'm sure they have questions. I
5 know Council Member does-- Council Member Narcisse
6 does. So let me go to my colleagues first and then
7 we'll come back. Council Member Narcisse.

9 COUNCIL MEMBER NARCISSE: Thank you. I
10 was just putting the numbers together--

11 CHAIRPERSON RIVERA: [interposing] Okay.

12 COUNCIL MEMBER NARCISSE: I was not sure
13 you were going to call me right away. But I'm
14 looking at the numbers, like when you just mentioned--
15 - in 2021 you serve about 11,000 people with \$72
16 million dollars budget?

17 CHAIRPERSON RIVERA: Well, you-- Council
18 Member Narcisse, let me just ask. That's ATDs. Do
19 you have the ATI numbers as well?

20 CHIEF OF STAFF DANIEL: We do have ATI
21 numbers as well.

22 CHAIRPERSON RIVERA: There's also another
23 set of-- let me get you that before you go on.

24 COUNCIL MEMBER NARCISSE: Okay.

25 CHAIRPERSON RIVERA: Can we hear that?

CHIEF OF STAFF DANIEL: Sure. So the numbers for ATI start in FY21. So, 2,822 in FY21; 5,553 in FY22; 8,000 in FY23, and-- yeah, 8,000 in FY23.

COUNCIL MEMBER NARCISSE: Okay. The question I was trying to put it [inaudible] together, because the people that you serve with this amount, being in 2023, we-- with the increase in everything that we have. So, how the decrease in budget going to affect the services that you're providing, because we know everything increasing. Housing is-- we in a housing crisis and everything else. So what do you think the numbers that you will need to serve the same amount of people that you have, or increase because we have more folks that we have to serve?

CHIEF OF STAFF DANIEL: so, the budget for SRP has increased through FY---

COUNCIL MEMBER NARCISSE: [interposing] In total, yeah because I'm looking at the numbers. Let's say for example, if I take one like the 21-- I mean in 2021, 11,000 for \$72 million. Can you do that in 2023?

CHIEF OF STAFF DANIEL: So, in 2024, we now--

COUNCIL MEMBER NARCISSE: [interposing] If we serve the same amount of people, can you have to use the same amount of budget? Can you do that?

CHIEF OF STAFF DANIEL: Yeah, well, the budget has increased for this year.

COUNCIL MEMBER NARCISSE: I understand that. I'm just asking you a question.

CHIEF OF STAFF DANIEL: Sorry, I'm--

COUNCIL MEMBER NARCISSE: [interposing] How, if it's possible-- I'm just trying to get to the needs that we have in our community in order to provide wraparound services right now. We cannot afford to leave people in the street. That's where I'm trying to get. Can you serve the same amount of people with the same quality of services in 2023 compared to 2021? Just--

CHIEF OF STAFF DANIEL: [interposing] So, we're always looking for ways for our part-- to ensure that our partners are able to meet those needs. It's always difficult when folks don't have enough, the funding, which is why we're glad to be able to right-size the program this year to reflect the increases that have come through the program.

COUNCIL MEMBER NARCISSE: Alright. So thank you. First, I want to say thank you for my service. That's the first time I have a Cure Violence in the 69th precinct. I'm saying thank you for looking into it. I was a pain in, you know, where when I first started to make sure we address the inequities in our community. So I like to say thank you to people that helped me answer to the needs of my community. What are the primary challenges currently facing to supervised release programs and how the City addressing them?

CHIEF OF STAFF DANIEL: I will turn it over to the ED of Pre-trial Services Jordan Montoya to--

COUNCIL MEMBER NARCISSE: [interposing] Okay, thank you. Sorry, Chair, can I-- because I was just trying to get the numbers. Okay.

EXECUTIVE DIRECTOR MONTOYA: so, I think one of our largest challenges is we know that supervised release is working for the majority of folks. However, there is a small swath of the population that we've identified where supervised release isn't as effective as the rest of the population that we're supervising and that's exactly

COUNCIL MEMBER NARCISSE: Are formerly incarcerated individuals involved at all the planning and implementation of ATI programs? Do you know? Are you aware?

CHIEF OF STAFF DANIEL: So, we are current-- when this-- so the current ATI services we've implemented at the-- as a result of an RFP after a full review of the services that were currently being provided back in FY19, I believe, and now we are looking to do another review that will also include more stronger voices from folks who are formerly incarcerated. I also know that our-- [inaudible] our participants are formerly incarcerated or justice-involved. I also know that our providers are constantly speaking with folks who have system involvement and who are impacted by the system and are consistently getting their feedback on

to a program, but because of arranging the logistic from the site of Rikers is so cumbersome. So what are you doing to reduce that??

CHIEF OF STAFF DANIEL: So, that can often be a challenge, and so we do try to work with providers as well as DOC to figure out where roadblocks are and to see how we might be able to unstick them, particularly when they have something to do with like system actors within the City or any kind of issue with the courts or anything like that. We do try to work with providers when we find out that there are those type issues.

COUNCIL MEMBER NARCISSE: Okay, thank you. And the point I was trying to make in the numbers is just like we need kind of quadruple the amount that we need in order to provide the same services, and then we have an increase in the population, and if we're talking about public safety, this is how we supposed to look at it, because public safety is very important in providing the support for mental health for housing, for all those, which I know you well aware, but I just have to bring it up. You know, the background of me being a nurse, I'm seeing people-- like I heard my colleagues mention,

1 holistically. It's a holistic approach that we have
2 to take and give people a second chance, and I just
3 heard earlier this wonderful lady saying how her
4 life's changed from being a person that nobody want
5 to look at to a person with success and their
6 children she's so proud of that become successful, a
7 mother that can have the children back and raise them
8 to the way that society can see that is a productive
9 citizen, and that's what I'm just asking that
10 question to make sure that we do better as the City
11 of New York. Thank you.

13 CHIEF OF STAFF DANIEL: Thank you.

14 COUNCIL MEMBER NARCISSE: Thank you,
15 Chair.

16 CHAIRPERSON RIVERA: Thank you Council
17 Member. Council Member Restler?

18 COUNCIL MEMBER RESTLER: Thank you so
19 much, Chair Rivera. I just have to say I think
20 you've done a tremendous job leading this committee
21 and we're really fortunate to have you in this role,
22 and I really appreciated you centering our
23 exceptional criminal justice serving organizations in
24 New York City first in this panel. You know, I think
25 it's often said that one of New York City's greatest

assets when it comes to criminal justice reform is the caliber of the organizations we have, providing re-entry services, providing comprehensive high-quality supports to people who have been through the criminal justice system. I just owe-- I think we're - I'm incredibly appreciative of the smart, hard, and effective that you all do every day. To shift gears to MOCJ, thank you Nora and team for joining us. I am appreciative of the work you do. I only wish that this Administration valued it more, and that it was better resourced and better prioritized. You know, when you look at the cost that we spend annually on chronically absent and vacant positions at DOC, it's \$331 million dollars, ten time the budget that we put in ATI programming annually. If we were to just shed a tenth of that budget on vacant and chronically absent DOC positions, we could double our ATI programming and investments and drive down our incarceration rates. We all know that under Mayor Adams, the rates of incarceration have been skyrocketing. We're well over 6,100 individuals in jail today. It is a serious problem. 55 percent of them have a brad [sic] age mental health designation and we're just not providing the services and support

at the scale that we need. So I want to first just ask, you know, we were very proud in the budget this year to add \$38 million dollars on the Council side to supervised release. The status of the enhanced supervised release track, when will implementation begin on that, and what's the timeline to bring it to Brooklyn, as Brooklyn is the most important place in the world? Right, Mercedes? Yeah.

CHIEF OF STAFF DANIEL: We'll say that, you know, we are grateful to the admin and the council for adding the additional funding into supervised release in order to right-size the program and then also implement the ICM pilot for folks who have higher needs and most recent touches with the criminal justice system. You know, the support has been robust on that side as well as with some of our other programming including transitional housing which has also increased funding for this year. These programs are really vital part of the public safety continuum and the Administration does understand that, and the Mayor is continuing to commit to these programs within the public safety continuum. Public safety is the most important thing. We know that these programs as investment in

people do support public safety. I'm going to turn it over to Jordan to talk a little bit more about ICM and where we are in the implementation phase.

COUNCIL MEMBER RESTLER: thank you.

EXECUTIVE DIRECTOR MONTOYA: So that new money has been a catalyst for new hiring across providers and we're starting to get really good feedback from the ground that--

COUNCIL MEMBER RESTLER: [interposing] can you quantify the reduction in caseloads as a result of that new funding?

EXECUTIVE DIRECTOR MONTOYA: Not at this point in time. It's something we're working towards. Hiring is being scaled, and it can't all be done all at once. We can't get the immediate impact right way, but I can--

COUNCIL MEMBER RESTLER: [interposing] Is there a timeline at which you might be able to provide that for us?

EXECUTIVE DIRECTOR MONTOYA: Sure. Absolutely. I think by the end of the fiscal year we should be able to have, you know, a hard number to give you as we scale hiring. To address your initial questions--

COUNCIL MEMBER RESTLER: I would just ask if there are interim updates that could be shared with the Chair and the Committee, it would be very helpful as we look to funding for the next fiscal year to be able to demonstrate the efficacy of the investments that we've been fighting for.

EXECUTIVE DIRECTOR MONTOYA: Absolutely. And just to answer your initial questions, the pilot is scheduled to launch in January of 2024, and then we'll be sure to make it to Brooklyn as soon as we possibly can.

COUNCIL MEMBER RESTLER: But no timeline at this time.

EXECUTIVE DIRECTOR MONTOYA: Not at this point in time.

COUNCIL MEMBER RESTLER: And the timeline for the pilot is for one year to assess, or what's the plan?

EXECUTIVE DIRECTOR MONTOYA: So it's run from January of 2024 until the end of fiscal year 2025.

COUNCIL MEMBER RESTLER: Okay. And just one more question on re-entry hotels which I think are an important area to continue to invest in. I've

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COUNCIL MEMBER RESTLER: And-- but there's similarly no intention-- there's no plans at this time to reduce the number of beds?

CHIEF OF STAFF DANIEL: No, not at this time.

COUNCIL MEMBER RESTLER: Okay. Thank you very much, Chair.

CHAIRPERSON RIVERA: Thank you. Thank you, Council Members, for your questions. Just a couple more here. In 2017, MOCJ engaged the Center for Advancing Correctional Excellence to examine the needs of individuals who come into contact with the justice system. They identified service gaps in terms of the type of programming needed to prevent recidivism and justice involvement, most significantly for individuals with substance use disorders. So how have you made adjustments to the ATI programs and contracts in response to these findings?

CHIEF OF STAFF DANIEL: Those findings were the basis of the RFP for the ATIs which was released in FY19, and so we use that as the basis for determining-- as a basis for developing the RFP and then also for determining the award.

CHAIRPERSON RIVERA: so, specifically, how are you looking to further scale ATD and ATI programs for those people with substance use disorders or even people with serious mental illness?

CHIEF OF STAFF DANIEL: So, we do have partners now who do engage people with mental illness and with substance use disorders, but we are always looking for ways to see how we can better use resources to address those populations of both. We do understand that it is sometimes an unaddressed need and so it's something that we are continuing to look at.

CHAIRPERSON RIVERA: Are you looking to further scale for people with serious mental illness? I mean, the numbers there are clear of people that are diagnosed, of people with serious mental illness. The number has only increased during this Administration. Are there plans to scale that component of the program?

CHIEF OF STAFF DANIEL: so, we are continuously looking at ways that we can serve that population. As you know, we are in a difficult fiscal time, but that doesn't mean we're not also looking for ways to fund it in other ways. You know,

we do need additional help from the Federal Government and from the State, and so we are always looking for ways to fund programs that can address needs that tend to go unaddressed.

CHAIRPERSON RIVERA: And speaking on gaps in programming, earlier was mentioned that there are, I believe you called it a swath of individuals where their cases are not successful with supervised release and thus came about the ICM pilot. So looking at currently ATD and ATI landscape, where do you see the gaps, and how could those gaps be addressed? Is ICM one of those solutions? And what other programs or initiatives will you start or have you started or will you scale-up?

CHIEF OF STAFF DANIEL: So, because-- the supervised release is specifically designed for propel to specifically to return to court. We also are looking for people to not be re-arrested while they're there, but it's specifically designed to ensure return to court. ATIs are a little bit different than that. They're intended to-- you know, for folks to compete them instead of going to incarceration. And so because of that, because that of that difference, and because of that sort of long-

term aspect of it, and because it's very individualized, and so we really need to look at which specific needs are not being addressed and seeing ways that we can do that that's most effective. We have worked with some partners to start those discussions, but we aren't quite in the space to share at this time.

CHAIRPERSON RIVERA: so you know there are needs that aren't being addressed, which I would call-- you know, it's more sophisticated way of saying gaps. You have identified those but you're not ready to share, or are you not ready to share how you're going to address those unfulfilled needs?

CHIEF OF STAFF DANIEL: so, we are in conversations with partners to address those gaps, including doing a full review of ATI programs and needs of people who are system-impacted. So we are starting that review and we should be able to share with you before the end of the fiscal year some of the findings of that review.

CHAIRPERSON RIVERA: I look forward to that. So despite increased investments in ATDs, the pre-trial jail population has risen steadily since the historic lows of COVID and exceeded pre-bail

reform levels. So how can ATD and ATI programs help reduce the population in DOC custody amid projected growth in the jail population?

CHIEF OF STAFF DANIEL: ATIs can help reduce the population by providing a way for cases to be resolved more quickly essentially. That's part of what we are trying to examine and implement through the CGI's programming with the Jail Population Review, Local Law 75. So that is part of that network.

CHAIRPERSON RIVERA: Okay. So you mention that Local Law 75 which was the Jail Population Review program which is my bill to identify people in DOC whose cases could be resolved or could safely be released in the Coordinator. You weren't quite ready to share the outcomes of the results of that yet. Would you say that everything is on track for citywide implementation for the program by July 1, 2024?

CHIEF OF STAFF DANIEL: We do remain on track with the program.

CHAIRPERSON RIVERA: well, I want to thank you for your testimony. We do have other providers here who are looking to testify. I'm sure

they're going to help us identify gaps and potentially solutions for that. I encourage you all to stay and listen, and I do thank you for your testimony today, your expertise and commitment. Thank you.

COMMITTEE COUNSEL: Thank you to this panel. We'll now turn to public testimony. Just a brief announcement. For in-person panelists please come up to the dais once your name has been called. For virtual panelists we'll be calling individuals on a one-by-one basis to testify. We will be limiting public testimony to three minutes each. Please begin once the Sergeant has started the timer. For virtual panelists, once your name is called a member of our staff will unmute and the Sergeant at Arms will set the timer and give you the go-ahead to begin. Please wait for the Sergeant at Arms to announce that you may begin delivering your testimony. And I'll call up the first panel, and I apologize if I get any names wrong here, David Mondiff [sp?], Jacqueline Gosdigian, Avery McNeil, Jennifer Parish, and Darren Mack. Whenever you're ready, you can start.

JENNIFER PARISH: Great. Thank you. Good morning everyone. My name's Jen-- sorry, I'm

recovering from the cold. My name's Jennifer Parish and I work at the Urban Justice Center Mental Health Project, and I'm really happy to be here to speak with you about ATIs. So often these hearings are about the atrocities that are happening in the jails, and we definitely need to bring light to that, but ATIs are really-- we're talking about solutions. Until recently, New York City has had great success in reducing our jail population, and we can get back on track, but we can't do that without alternatives to incarceration. So, it's not about maintaining funding, we really need to increase funding. But I want us to challenge ourselves to think about how we do it. As we're prioritizing how we expand, we really need to think about the incarceration piece of alternative to incarceration, and make sure that we're prioritizing a population that would otherwise be spending time in prison. For example, that's what the CASES Nathaniel Act program is. They keep people with serious mental illness out of the state prison system, and the state prison system is not able to provide mental health treatment. While they have Office of Mental Health staff there, it's a punitive environment, and frankly some of the mental health

staff has the same sort of mindset that the correction officers do. So we really need to keep people with mental illness out of state prisons. We also need to focus on that population because when we've seen increases across the board, it hasn't been true for the mental health population. Even when the jail population was going down, it wasn't going down at the same rate for people with mental health needs, and we certainly know right now that it's going up. So we need to focus on that population. We also need to think about who we're delivering ATIs related to racial equity. That is a problem across the board in the criminal legal system, and that's true for ATIs as well. Black men charged with felonies in state court are 28 percent less likely to receive pre-trial diversion than white people with similar legal characteristics, and Latino men are also 13 percent less likely to receive diversion than white men, so we need to focus on that, and we can't do that without data, and we don't really have the data that we need. We need the court system to be reporting on all the different pieces of diversion, and we also need correctional health services to be reporting on the population of people in their custody so that we

can tailor it beyond just saying 20 percent of the people have serious mental illness. They need to tell us more about that. Who would be eligible for supportive housing? Who would be eligible for ACT or IMT? They have that data. They may need more funding to be able to pull to the statistics we need, but we need that data to be able to do that. I just want to end with actions the City Council can take in addition to funding ATIs. We need that rapid re-entry housing. I know they're saying they're funding up to a 1,000 beds, but I think they're talking about transitional housing which is very important, but during the pandemic, MOCJ did a lot of coordination to make sure that people could get into those beds right away, and that was part of getting diversion. We're not going to have diversion without housing. So we need to fund JISH [sic] as well. A judge will not let someone out who has serious mental health needs unless they have a place to go. So housing is tied to ATIs. And then finally, the Council can pass Intro 549 and end solitary confinement, one of the most inhumane practices going on in the jails right now. So thank you.

AVERY MCNEIL: my name is Avery McNeil and I'm the-- My name is Avery McNeil and I'm the Supervising Attorney of the Alternatives to Incarceration Project at the Bronx Defenders, and thank you to the Committee for this opportunity to discuss diversion. What we are seeing in the Bronx is a lack of housing options which we have heard a lot today already. Program options that do not create diversion opportunities for clients who fall outside of narrow eligibility requirement and an unwillingness to consider treatment without a guilty plea. And while we are seeing successes in the Bronx, including on diversion for clients with serious charges and with significant records, there's still these huge barriers to accessing diversion. Age cut-offs are one such barrier. For example, there are two successful gun diversion programs in the Bronx, but neither allow participants over the age of 30, regardless of mitigating circumstances in their case. Another one for these destructive limitations is that to access diversion in the Bronx clients are required to plead guilty. These pleas can have devastating consequences including homelessness, unemployment and deportation. In fact,

the most devastating effect of this plea structure is on our non-citizen clients who can face deportation. In 2017, we lost a client to an overdose on Rikers Island. He was being offered drug treatment, but for immigration reasons could not take the plea that would have released him and allowed him to receive the treatment he needed. Non-citizens like him are placed in an impossible position, forced to choose between treatment and deportation. Guilty pleas should not be a precursor to treatment and diversion. Resource limitations as we've been hearing today are also a huge barrier. Resource limitations for the current program providers are a huge barrier for our clients accessing diversion, even those who ultimately get approved can be forced to wait for months in jail for screening and for beds in both in-patient or placement and outpatient services. Lastly, many of our clients do not fall into the traditional ATI models which are focused on mental health and drug treatment, and those clients lives could be transformed by other innovative ATIs that focus on vocational training, educational or trauma-base services. And lastly, I know we've been discussing the importance of housing, but no one can

1 show up for or engage in programming without their
2 basic needs for housing being met, and during the
3 pandemic we saw for the first time the incredible
4 power of ready access to stable, secure housing for
5 our clients who are coming out of jail through the
6 MOCJ hotel program which provided free housing and
7 on-site case management for those coming out of city
8 jails in several former hotels around the City, and
9 it was life-changing for our clients. And the budget
10 cuts that we're seeing post-pandemic have eliminated
11 this form of housing. As a result, right now we have
12 clients in jail on Rikers Island who would not be in
13 jail if they had housing available to them, and they
14 are screened for treatment, approved for treatment
15 and on Rikers because they have nowhere to live. So
16 this need for housing that we've been talking about
17 is not just urgent, it's necessary for successful
18 diversion.
19

20 JACKIE GOSDIGIAN: Hi, my name is Jackie
21 Gosdigian. I'm the Supervising Policy Counsel with
22 Brooklyn Defender Services. I've also been a public
23 defender for 15 years. I want to thank the Council
24 and Chair Rivera for the opportunity to testify here
25 today. I think that this council is well aware that

people who are jailed have much higher rates of social, economic, and poor health outcomes than the general public, and as we heard at the rally this morning, the safest communities are the communities with the most resources. And BDS is fortunate to have strong relationships with several ATD and ATI programs that provide many of the people we serve with holistic services as we've heard talking about holistic services already today. However, to truly realize the promise of ATIs and ATDs, more investment is required and programming must be available not just for low-level offenses, but also for violent felonies and gun-related offenses if we are truly committed to making our community safer. The benefits of ATIs and ATDs are not limited to people charged with non-violent offenses. In fact, this council has previously recognized the importance of community-based responses and crisis management as crucial components of violence prevention. Unfortunately, options for ATIs or ATDs for our clients charged with violent felonies for alleged gun possession there is a serious lack of programming available. We call on the City Council to meaningfully invest in alternatives to incarceration

and detention for individuals charged with violent felony offenses. Programming that clients can access to get the resources they need to help break the cycle of incarceration, and programs whose requirements set clients up to succeed rather than fail and then face lengthy prison sentences, but these alternatives will not be successful without buying [sic] from District Attorneys, because non-jail options in many cases are unavailable without DA consent. Both at the pre-trial level with continued requests for high bail and afterwards when trying to resolve a case with an ATI. This contributes to a delay in resolving cases. Even with available alternatives to incarceration, judges across the City and the State of New York are bound by mandatory minimum sentencing guidelines set forth in the penal code. We must end mandatory minimum sentencing, and we ask the Council to support and pass the resolution urging the enactment of mandatory minimum sentencing. Additionally, young people in the communities we serve are particularly vulnerable to police interaction, and many youth are statutorily barred from receiving ATI programming, sentencing, and sealing protections in the existing youthful offender

1 law and must rely on prosecutors to reduce charges or
2 to consent to programming and judges are unable to
3 exercise their discretion in this area. We also ask
4 the Council and urge them to pass a resolution to
5 pass the Youth Justice and Opportunities Act which
6 would expand opportunities for programs and other
7 alternatives to incarceration and immediate record
8 sealing for young people up to age 25. We thank the
9 Council for having this hearing and the opportunity
10 to submit testimony. We also want to thank the
11 Council for continuing to address the problems in our
12 communities that create the risk of criminal legal
13 system involvement in the first place such as lack of
14 stable housing, gainful employment and access to
15 substance use and mental healthcare. Thank you so
16 much.

18 DARREN MACK: thank you Chair Rivera and
19 Council Members for the opportunity to testify today.
20 My name is Darren Mack and I'm Co-Director of Freedom
21 Agenda, one of the organizations leading the campaign
22 to close Rikers. I want to thank the council for
23 convening this hearing to bring attention to
24 substantial positive impact that alternatives to
25 incarceration and detention have for our city. You

know, as we've heard these programs benefit not only the individuals who are able to participate in them, but by extension, their families, communities and our entire city. What this hearing and the decades' long work of these organizations has made clear is that when harm has been done, we have solutions that are much better at delivering accountability and preventing future harm than incarceration could ever be. While the successes of these programs are clear, so are the failures of Rikers. Pre-trial detention creates harm that ripples throughout families and communities as even a short stay in jail could cause people to lose their jobs and housing, could disrupt access to healthcare and treatment, and can remove caretakers of income earners from households that rely on it. Considering those disruptions, it's not surprising that spending time in jail actually increases the likelihood that a person will be re-arrested. While people are detained at Rikers, they're exposed to an environment that fuels a cycle of violence, instead of interrupting it. Among our members who have loved ones at Rikers now, every one of them has suffered serious physical injury and lack of access to medical care. Members how were there

decades ago endured the same harms, and yet, New York City plans to spend \$2.6 billion dollars to operate Rikers Island this upcoming Fiscal Year. At a per-person annual cost of over \$500,000, incarceration is the most expensive and least effective intervention our city has. In a time when the Administration is looking to cut the City's spending, it simply does not make financial sense to continue funding Rikers when we have alternatives that delivery much more safety and community stability at a fraction of the cost. Expanding alternatives to incarceration must include making these resources available to people with a higher level of need. For example, one of our members is the mother of a young man with mental health challenges who has been at Rikers for more than two years. He was homeless at the time of his arrest and faces accusations that she believes stem from his poor mental state, but despite his mother's efforts, she has been able to secure an alternative for him that could address his treatment and housing needs. Meanwhile, his mental state continues to deteriorate. He's been in juvenile detention before and there's no reason to think that more time in jail would address the root causes of his behaviors, but

right now it's the only intervention our city is offering. Thousands of New Yorkers are languishing at Rikers right now in similar circumstances. That is a travesty. And I'll conclude by saying, so the question before this council and this Administration is what we will do to bring these solutions to scale. This city council must ensure that in this year's budget we provide alternatives to incarceration and detention programs with the full funding needed. By doing that we'll make our city safer. We will reduce the jail population, and we will stay on track to close Rikers. Thank you.

COMMITTEE COUNSEL: Thank you to this panel. Appreciate it.

CHAIRPERSON RIVERA: Thank you all very much. Thank you.

COMMITTEE COUNSEL: Next panel of witnesses Cecilia Teuber, David Boyd, Christopher Jeffries, Yonah Zeitz, and Shanita Hill [sp?]. And after this panel, we'll move into Zoom testimony.

CHRISTOPHER JEFFRIES: Good morning, Chari. Thank you, Council, for having me here today. my name is Christopher Jeffries and I'm 42 years old, and not only am I a person who's been impacted by

1 incarceration, I've also been blessed with the
2 privilege of working with youth in detention as well
3 as with youth who have been given the alternative to
4 incarceration. My time as Youth Development
5 Specialist at ACS allowed me the opportunity to see
6 firsthand the differences between the two option, and
7 my experience at Bronx Connect as a Youth Advocate
8 allows me insight of all of the different
9 opportunities that ATIs can provide. And in my
10 opinion, an alternative to incarceration in most
11 cases serves the impacted individual in more better
12 ways than an incarceration can. Also, alternatives
13 to incarceration generally produce lower recidivism
14 rates than incarceration does. I also firmly believe
15 that successful ATIs not only help the impacted
16 individual, but it also helps the communities and
17 families become better by giving people second
18 chances that provide better opportunities. Most
19 people who are incarceration, they're coming home to
20 the same dire situations they were facing before they
21 went in, and they also face discrimination due to
22 their criminal background which makes it harder for
23 them to achieve the success they need to be a
24 productive member of society. As previously stated,

alternatives to incarceration provide way more opportunities in return. I mean, they provide way more opportunities than in return they have the ability to produce better results than detention. In closing, I'd like to thank the Chair and the entire Council for allowing me the platform to speak.

DAVID BOYD: hello. My name David Boyd. I definitely wasn't prepared for this. So I didn't write anything. I could just share with you my story and why this work is so important to me. I'm a mentor at Bronx Connect. At 14 years old, I had my first son. By the time I was 20 I had five sons. By the time I was 23, I was incarcerated, and I believe a lot of these things happened because there was no father figure in my life. So, being engaged with this type of work I run across a lot of participants that have those same issues without a father figure being there. So the joy that I get for mentoring these young men and trying to keep them from going down that path that I went is very important to me, and I take it very seriously. I deal with these young men every day. I see them come in broken. Their trust level is like zero, and I also see them when they finish the program, you know, with--

1 holding their head up high and some of them having
2 some skills that they didn't have when they got here.
3 I see some with jobs. I think this is a great thing
4 that I'm involved with. I wish that there was a
5 program like this when I was 14 years old, because I
6 probably wouldn't have went down the roads that I
7 went. So, in short, this is just story that I just
8 felt that I need to share and share-- and let you
9 know how important that this alternative to
10 incarceration programs are to me. Thank you.

12 CECILIA TEUBER: Thank you Chair Rivera
13 and Committee Members. My name is Cecilia Teuber. I
14 am a Community Organizer at Bronx Connect. Actually
15 four out of five us here are Bronx Connect, so it
16 just shows how passionate we are about this work and
17 about this program, you know, these programs. Here
18 at, you know, Bronx Connect we're an organization
19 that provides wrap-around services for justice-
20 impacted individuals at different, you know, stages,
21 some who were formerly incarcerated, some who are
22 currently fighting a case, and some-- you know, we
23 have preventative programs as well. But our
24 alternative to incarceration and alternative to
25 detention programs are so significant and successful.

The purpose of incarceration is to hold individuals accountable for the crimes that they commit and to deter them from reoffending. Well, that's what it's supposed to do, but what we're seeing is that simply sending somebody to jail or prison does not reduce the recidivism rate, rather exacerbates the person's situation and can actually make them more likely to offend because of the environment that they're exposed to, and although there are resources that are offered and say that-- or say that they're offered, you know, sometimes it's not skilled people that are leading these programs. Sometimes it's people who don't understand the struggles these people are facing. So that's why organizations like Bronx Connect and all the other providers on part of the ATI coalition, we are people who actually understand that and know how to address these, you know, issues. And what really works is looking at the why, you know, looking at the root causes of why are our young people offending, you know, in certain areas more than others, and that's the lack of resources. And this has been said multiple times, the safest communities are the ones that are offered the most resources and we see that. We definitely see that in

the south Bronx, and that's where the Bronx Connect office is located. You know, at Bronx Connect, the youth in these programs do receive proper mentorship and wraparound case management. They go through self-harm and anger management classes along with many other self-help and skill-building courses by some lovely people that I'm joined with today. And by going through these it is addressing these root causes. It's understanding how, you know, to move forward with your life even though you have all of these obstacles against you. even if you are-- you feel like the world is against you, how can we help you and how can we build upon these issues and strengthen your skills to put you in a better situation than you were before, you know, interacting with us. we're seeing how so many of these young people are flourishing and leading successful lives away from crime after successfully completing our ATI program and our alternate-- our ATI and our ATD programs. You know, there's been some numbers that have been stated before, but where we really see-- sorry, can I just have one more minute. Where really see that, you know, success stories is the people that we come in contact with. As my colleague David

1 had said, seeing them broken, seeing them struggle,
2 coming into the programs and then leaving with skills
3 that they never may have received before in way
4 better positions. Maybe having internships, having
5 that employment-- those employment opportunities, so
6 many opportunities that they would have never had if
7 they weren't part of this alternative to
8 incarceration. And I just want to mention really
9 quickly, that although we have so many success
10 stories, within the last two weeks there have been
11 two individuals that really stuck out to me who had
12 let me know that one got their GED, which is
13 fantastic and this is already, you know, a step up
14 and in the right direction. And then we also had one
15 of our youth who-- he actually just graduated our
16 alternative to incarceration program and his story
17 and his journey was so impactful that the judge
18 actually cried at his graduation which is-- during
19 court, which is amazing. And this is, you know--
20 this is just of two cases and that was the last two
21 weeks. We can have so many more people if we do
22 receive this funding, you know, receive it, continue
23 it, and then also increase the funding. Again, thank
24 you for giving me some extra time and I really
25

1 appreciate you allowing me to testify here today. So
2 thank you, Chairs and Council Members.

3
4 SHANITA HILL: Good afternoon, Council
5 Members and Chair Rivera. My name is Shanita Hill
6 [sp?]. I am the Mental Health Therapeutic Supervisor
7 with Bronx Connect RTG. I am so happy to sit here
8 and talk about ATI programming and all that has done
9 in the lives of the young people we serve. My
10 colleagues, they touched it but they did not speak to
11 the amazing-- I don't even-- words fall short for the
12 impactful work that they're doing and these programs
13 do for these young people. I am so grateful to sit
14 here and speak to the programs because I've seen
15 these young men and women, because I need to say some
16 of this does hit home for our young ladies as well,
17 come and receive the benefits and the families that
18 are touched by these services, that their children
19 and their loved ones are able to come and receive.
20 These young people often come in confused,
21 traumatized, broken, abused, and they just want to be
22 heard, and they find that within the ATI systems and
23 the programming, because they're met with social
24 workers. They're met by mentor. They're met by
25 credible messengers that just want to hear their

1 story. Even on their worst day they're told that
2 they're amazing. My colleagues that sit with me,
3 they laugh with them, they make them feel empowered,
4 they cry with them. They let them know that it's
5 okay, and for a young person who's been traumatized,
6 we primarily service the Bronx. As for some of them,
7 they've never known that it's okay not to be okay.
8 Also, I do a lot work on the Cure Violence side. We
9 work with also RTG and the connection at Cure
10 Violence helps ATI participants by taking
11 accountability by allowing them to have community
12 engagement, by seeing some of the harm that happens
13 because of some actions that they may have made,
14 giving them a sense of remorse, helping them connect
15 to families who may have lost children or loved ones
16 to violence or been affected by violence. So they're
17 really getting-- when you guys spoke earlier about
18 that holistic wraparound, really connecting to their
19 actions and how they might want to deter from what
20 they've been doing. Some of them before they even
21 come to contact with the ATI, they never knew that
22 life is possible for them. We recently just
23 completed a big OSHA SST flagger's license training
24 and these young people, it was like a kindergarten

1 graduation. They were so happy. They got
2 [inaudible]. You know, some of them were saying I
3 got to call my mom. I got to call my friends. The
4 excitement, they were so elated. They were so proud
5 of them, and for some of them that was their first
6 time ever completing something, ever seeing something
7 through, and they were so proud of themselves and
8 being a part of the ATI program allowed them to do
9 that. The encouragement-- some of them, they
10 couldn't be here, I'm sorry, because they're employed
11 now. So the employment pieces that they have, and
12 now they can say, "Ms. Hill, I'm going to work. I'm
13 not coming to program, but I'm going to work." So
14 thank you. I won't-- I'll simmer down, but I just
15 want to say thank you for listening.

17 YONAH ZEITZ: thank you chair Rivera and
18 the Committee for holding this important hearing
19 today. My name is Yonah Zeitz, and I'm the Director
20 of Advocacy at the Katal Center for Equity, Health
21 and Justice. We're based in Brooklyn, and our
22 members are people who have been impacted by
23 incarceration, whether they've been incarcerated
24 right now or formerly incarcerated, and their family
25 and loved ones, and many of our members and New

Yorkers across the board are deeply concerned with ongoing crisis at Rikers. The conditions are horrific and life-threatening for human beings. The violence is out of control, and the majority of people held at Rikers are there, but are also still legally innocent. They're being held pre-trial, in most part because they still can't afford cash bail. And as many people have said during this hearing, Rikers has become the City's largest mental health facility, and unfortunately under Mayor Eric Adams the conditions at Rikers have only gotten worse. AT least 28 people have died in city jails since the Mayor took office, and the crises and scandals within the Department of Corrections have only gotten worse, including the dysfunction, and this has resulted in the Federal Monitor that's overseeing Rikers stating that everyone at Rikers is in imminent risk of harm, not only the incarcerated people, but also the folks that work there. And as a result of this, under Mayor Adams, the plan to close Rikers is also no longer on track, and I think folks have been talking about this today. And you know, from our understanding, you know, the 2019 closer plan is effectively dead. The Mayor has simply ignored every

1 legal and process benchmark for that plan, or for
2 worse, the Mayor has worked to undermine the core
3 tenants of that plan, particularly with regards to
4 reducing the jail population. As you know, the 2019
5 plan requires the jail population to be reduced below
6 4,000, and the city had been doing major jail
7 reductions for the last two decades. The population
8 was going down while the crime was also going down in
9 the City. So we showed we could reduce incarceration
10 while reducing crime, but since the Mayor took
11 office, that trend has reversed. And so there was
12 about 5,000 people when he took office. Now there's
13 over 6,000 people incarcerated, and his
14 Administration has stated that they expect it to go
15 to 7,000, and this means nearly 1,000 more people,
16 mostly pre-trial, being incarcerated all while the
17 Mayor is cutting essential services across the City
18 including vital alternatives to incarceration and re-
19 entry program. and as many people at this hearing
20 have stated, these programs, particularly ATIs, make
21 communities safer while reducing incarceration rates,
22 and these cuts that the Mayor has composed are
23 contributing to the increases in the jail populations
24 that we're seeing, and it also means that in terms of
25

getting at our goal of closing Rikers, we're moving further away from that. And I think one thing that's been abundantly clear today is that these ATI programs work and they're much cheaper than putting people on Rikers, and they're a great way to reduce the jail population so the City can actually meet its 2019 plan. Can I just get another minute? And I think overall the urgent need for immediate action to reduce the jail population is clear, in April, federal prosecutors from the US southern district wrote that incarcerated people and correction staff continue to face imminent risk. Not only is the federal judge saying this, but also the US Attorney General's Office has also been stating this. And while calls, you know, for a federal receiver have circulated for some time, we've seen it actually grow immensely in the last year or so, and today there are more than 50 groups, advocacies, faith-based groups calling for a federal receiver to take over Rikers and improve conditions. And in June, the Katal Center and other community organizations worked with the Public Advocate's office to introduce Resolution 669 which calls for a federal receiver and today there are nearly 20 Council Members that are in

support of this resolution. And so to be clear, Rikers must shut down, and this council must continue its aggressive advocacy to increase and expand ATIs in every possible way. but one thing that we've seen is that the Mayor is the major roadblock to closing Rikers, and he's also shown he doesn't support ATI programming, as we've seen the budgets for those programming's are getting cut once again. And so under this Mayor the conditions at Rikers have gotten so severe and so bad that, you know, community members, political leaders, and even two former Correctional Commissioners are now calling for the federal courts to take drastic steps to appoint an independent receiver to improve the conditions at Rikers. and so while the Council continues to fight for ATIs, we urge this committee to take immediate action to relieve the suffering at Rikers by passing Resolution 669 and doing what they can until Rikers is shut down to take immediate action to improve conditions and save lives, because unfortunately we know the DOC is both unwilling and incapable of giving this path [sic] and we've seen that for the last two years now. So thank you for this testimony.

CHAIRPERSON RIVERA: Thank you so much for your testimony, and thank you for speaking from the heart. It's very much appreciated. Thank you.

COMMITTEE COUNSEL: Okay, we'll now move to Zoom testimony. If there is anybody present here who does wish to testify and hasn't filled out a witness slip, see the Sergeant at Arms in the back of the room. But we'll call up the Zoom panel. We'll go first with Emily, then Zachary Katznelson, then Brad Sage [sp?]. So, first we'll turn to Emily Appel.

EMILY APPEL: Hi. [inaudible] My name is Emily Appel. I'm a Program Coordinator with [inaudible] Osborne Association providing defense-based advocacy for indigent clients. Osborne's one of the largest and oldest criminal justice service organizations in the state. We serve participants from arrest to re-entry, and we have offices in Harlem, Brooklyn, Buffalo, Newburgh, White Plains, and Troy, with our headquarters in the Bronx. We're in the courts, on Rikers, in state prisons, and in communities, and we've been providing these services in New York City for 30 years. I want to note that MOCJ was our initial funder, and we thank them for their history of innovative and effective funding. I

wish I could be testifying in person, but I'm at Brooklyn Supreme Court to advocate for a client currently detained at Rikers with bail that he and his family cannot afford. In my three years at Osborne, I've been an advocate for individuals accused of law-breaking, often for serious offenses. As a part of our Court Advocacy Services Team, I get to know the individuals behind the charges. I talk with their families and friends. I learn about their childhood to be able to understand and create an individualized plan to address the root causes of their involvement with the criminal legal system. This work is effective in terms of saving dollars and lives. Specific amounts and figures are in my written testimony. We thank the Council for investing in ATDs and ATIs and we urge you to increase this upstream, cost-effective treatment. To underscore the importance and effectiveness of alternatives to detention and incarceration, I'd like to tell you about one of our recent clients, although there are so many stories I could share about the critical positive impacts of ATDs and ATIs. Ms. C was being detained on cash bail which she initially could not afford. We learned that she had a complex

1 trauma history, untreated mental health issues,
2 compounded brief and unsafe housing. She had lost
3 her father and numerous loved ones to gun violence
4 and was left with anxiety and PTSD. In the community
5 she was prescribed medication, but she never received
6 holistic mental healthcare to address her trauma.
7 Our team referred her to several programs in which
8 she was accepted, including Our Children, Housing
9 Plus, Housing Works, and Women's Prison Association
10 for services. It really does take a village.
11 Through these programs she would have access to talk
12 therapy, psychiatric services, holistic re-entry
13 services, peer mentoring, and most importantly,
14 housing. We submitted this plan in January 2023. In
15 April, the application was finally granted and Ms. C
16 walked out of the courtroom with her advocate under
17 monitoring by our team. She's still residing at her
18 program, participating diligently with her mental
19 health treatment and case management and has gotten a
20 fulltime job. Now she has the chance to prove to the
21 judge that she's capable of change and ready to move
22 forward and address her mental health in a cost-
23 effective way, and with services that are not
24 available in jail before being sentenced. My written
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testimony also underscores the following points:
detention extends the timeline of the case and is
costly, detention does not guarantee appearance in
court; and detention exacerbates challenges for those
with mental health diagnoses. One in five people
detained at Rikers have serious mental illness, while
half have some kind of diagnosis. We're currently
spending over a billion--

SERGEANT AT ARMS: [interposing] Time has
expired.

EMILY APPEL: dollars for the 1,335
people that have been waiting pre-trial on Rikers for
more than a year. For that amount of money, ATI
providers could serve 100,000 people. Promoting
public safety and positive outcomes for individuals,
families, and communities. ATDs and ATIs literally
save lives and contribute towards a safer, fairer,
more equitable, stronger city. We know that public
safety requires all of us, defense, prosecutors,
courts, providers, corrections, government agencies,
and elected officials. We thank MOCJ and the City
Council for your longstanding commitment and
investment in community-based solutions and we urge

you to increase the funding stream. Thank you so much.

COMMITTEE COUNSEL: Thank you. Next, Zach Katznelson.

ZACHARY KATZNELSON: Hi, good afternoon. I'm Zachary Katznelson, Executive Director of Lippman Commission. Thank you for holding this really important hearing and for the chance to testify. The Commission fully agrees that ATI programs are an essential piece of the public safety puzzle. They work, they improve lives. They make us all safer. And critically, they also mean fewer people are subjected to the dangerous dysfunctional conditions at Rikers, and they hasten the day that we can close that terrible place. As has been said many times, they do it for pennies on the dollar compared to what we spend to otherwise send people to the chaos and violence at Rikers. You know, we talk about barriers for people to access ATIs. Sometimes it's the small things. For instance, in the court pens [sic] in Manhattan right now, which they're run by the NYPD-- other boroughs are run by DOC. The difference is a legacy of COVID and the height of the staffing crises at DOC. But in the court pens in Manhattan, NYPD

1 keeps people cuffed, which means they can't actually
2 sign HIPAA release forms so that their attorneys can
3 access medical records, advance assessments of them,
4 and get them placed in an ATI. Instead, people-- the
5 attorneys have to wait until people get sent to
6 Rikers and then go try and get the form signed. That
7 can take days, weeks, unnecessary delays for just
8 that simple thing of the NYPD choosing to cuff people
9 inside a court pen while they're waiting to see a
10 judge, and the DOC not. That difference should be
11 erased. Another example on the resource front of a
12 barrier is that sometimes we've been hearing
13 repeatedly that people are ready to go to an ATI.
14 There's been an agreement between the judge, the DA,
15 the defense lawyers send somebody, but the ATI
16 program doesn't have someone in the courtroom to
17 escort the person to the program, and so the judge is
18 instead sending that person back to Rikers, sometimes
19 for days, for weeks, when everyone has agreed they
20 should be out and in one of these programs. That
21 barrier has to be overcome. You know, training has
22 been discussed a few times, getting judges
23 comfortable and knowledgeable with these programs,
24 same with DAs. I wonder if the Council might
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explore, for instance, connecting DA funding when you go through the budget process, with mandating training on ATIs, on supervised release for DAs, both new and older DAs who are in the office. Perhaps explore certainly for judges that the Mayor has the power to appoint, and whether there's authority to get training directed towards them, too. That's criminal court judges. That's interim civil court judges who often sit in criminal court and hear these cases, decide whether or not someone's going to go to Rikers or go to a program. Maybe we could do everything we can to direct training to those folks, too, but maybe the Council can order it to be done. Certainly worth exploring. With that, I thank you so much for your time and the opportunity to testify.

COMMITTEE COUNSEL: Thank you. Next, Brad Sage.

BRAD SAGE: My name is Brad Sage, and my title is Diversion Specialist at New York County Defender Services. After having practice criminal law in Manhattan for 29 years, I was recently asked by my office to pilot this new position. My caseload is comprised almost entirely of clients who have taken a plea and are now mandated by their plea

1 agreements to complete alternative to incarceration
2 or drug treatment programming. I am in the Diversion
3 Alternative to Incarceration Courts [sic] just about
4 every day supporting our clients and advocating for
5 timely acceptance to programming and procedures and
6 policies that will allow them to successfully
7 complete their mandate and re-emerge as law-abiding
8 and contributing members of society. I'm here to
9 urge the City Council to increase funding for these
10 specialized court parts in order to create new escort
11 and housing navigator positions. Once a client has
12 been identified by all parties involved as a suitable
13 candidate for an alternative to incarceration
14 disposition, the two largest impediments to getting
15 them off Rikers Island and into timely placement in
16 programming is the lack of people available to safely
17 escort them to the programs and a lack of people to
18 assist them in navigating the complexities to finding
19 adequate and appropriate housing for them while they
20 fulfill their obligations to the court.

21 Participating in alternative to incarceration
22 programs has just about doubled in the last few
23 years, while the number of case managers and escorts
24 at Center for Justice Innovation and Manhattan Drug
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Courts has remained just about level. This means that the people responsible for assessing individuals for treatment, locating and placing people in programs in housing, escorting people from jail to programs, and then monitoring those individuals and supporting them are having to do double the amount of work than was originally intended. While these case managers work tirelessly, they simply lack the bandwidth to handle the current volume of participants and this leads to delay of days, weeks, and often months and getting individuals who everyone is in agreement could benefit from programming out of jail and into those programs. Before the court will allow an individual to be released from a program or housing, the court requires an escort to take the person to the program or designated housing. The lack of escorts and the fact that there are currently no designated housing navigators are the two main reasons people remain in jail longer than they need to, before being released to programming. There are countless times where an escort is not available to take an individual to a program, and therefore they lose the bed at the program that was designated for them, and they remain in jail weeks and even months

SERGEANT AT ARMS: [interposing] Time expired.

COMMITTEE COUNSEL: Thank you. Call up our two additional witnesses, Anthony Springer, and Jacoina Vinson, Vinson.

ANTHONY SPRINGER: Great afternoon.

Thank you for the opportunity to be able to speak before you. My name is Anthony Springer. I am the Senior Advocacy Associate at Bronx Connect. You've heard from a few of our people that have-- that are doing the important work. You know, I wanted to spend a little bit of time just talking, reiterating

1 what they've already said, about the importance of
2 the ATI and the ATD programming. Bronx Connect, you
3 know, we-- Bronx Connect is actually expanded. We
4 serve not just the Bronx. We also have Manhattan
5 locations and we have Staten Island presence now.
6 One of the things that we've seen across all
7 locations is the fact that these types of programs
8 are need. Yesterday I had a meeting with some of the
9 young people, and one of the things that they
10 continually talked about is the fact that they felt
11 that they needed a second chance. They needed an
12 opportunity to be able to get on the right track.
13 For a lot of them it's not-- they're coming from
14 impoverished areas, or they're coming from areas
15 that's under-resourced, and because of that they're
16 not getting the access to this. You know, at Bronx
17 Connect, we not-- we don't just-- we don't' just have
18 them in program. one of the things that we and all
19 these other ATI organizations do is we serve the
20 entire person by offering opportunities for them to
21 have housing, opportunities for them to have jobs,
22 opportunities for them really just to feel like
23 they're a part of society. You know, at Bronx Connect
24 we also have an advocacy program where we're teaching
25

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2 them to be able to use their frustration and their
3 voices to be able to speak to actual things that's
4 going to help the community. You know, and we're
5 seeing how having them have just access to
6 opportunities have bettered them. You know, we
7 talked a little bit about that OSHA class. I had a
8 young person come to me yesterday and he was so happy
9 about the fact that he got his OSHA certificate, and
10 seeing people who are graduating and saying, you know
11 what, this is the better way has been beneficial to
12 their lives. So I want to thank you again for the
13 opportunity and thank you for holding this hearing.

14 JACOINA VINSON: Good afternoon. Thank
15 you, Council Rivera. My name is Jacoina Vinson with
16 Bronx Connect. I'm going to just speak a little bit
17 from my personal experience. I held position for
18 DCJS as a New York City Trainer for the Public Health
19 Monitor [sic] in violence reduction under the cure
20 violence. I worked as a Youth Engagement Specialist.
21 I formerly held a position with Family Services, and
22 the reason I mention that is because I'm also
23 formerly incarcerated. And what I notice is going
24 back into the facility working with the kids, what
25 I'm noticing is that specifically in Rikers is that

we no longer are being held in the light of being innocent until proven guilty. The reason I mention and say that is because even for the people who are released and their cases dismissed, they still experience the trauma and the effects of being in Rikers, and then when they're released they are not afforded the services, right? And then the programs like Bronx Connect, even though we're court-mandated where we have wrap-around services, we have a lot of people that's going back into the population with these traumas that's not being treated. One of the things that I was amazed by was the 21st century [sic] policeman when they was more engaged into the community. Where we see now as people are now with mental health issues and substance abuse issues is being detained for minor infractions and put into Rikers Island. Whereas, ATI programming could serve as a deterrence for that. we could be place where instead of being held at Rikers, experience in trauma, and your case is adjudicated and dismissed for crimes that you haven't committed, we would have services available for people that otherwise would have been facing traumas in Rikers Island. Given this opportunity to speak before you, I just want to

1 say personally, if it wasn't for the program that I
2 was able to take when I was released in 2013, I
3 wouldn't be sitting here before you doing the work
4 that we do. I know that it's an issue with measuring
5 the impact of the work that we do, and I'm just going
6 to ask that my personal testimony attest to that.
7 People said I would never have employment. I was
8 convicted for murder in the second degree, and yet I
9 held positions that otherwise wouldn't have been
10 available for me, and I've been a productive member
11 of society for over 10 years. I haven't committed a
12 crime since 1997, and I was wrongly convicted and the
13 reason I mention that is because there's a lot of
14 people with mental health issues and people that's
15 sitting in Rikers Island that haven't committed the
16 crime. They're being wrongly charge, and people
17 don't talk about them as well. As far as housing,
18 I'm working with this organization I'm noticing that
19 a lot of youth are homeless. Some parents are
20 incarcerated. Some youth was being held in Horizon
21 in Rikers Island simply because they don't have a
22 placement, foster parenting, or any type of guides or
23 places to go home, so they back into the community in
24 the streets without any type of services. And
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another thing I just want to mention, the reason I mentioned the positions I held is because operating in this role, I usually do a lot of different roles. I'm a first responder. A kid gets shot, I'm in the hospital. If they need help with clothes, I'm at the food pantry, wherever I'm needed, right? Because we don't have people or personnel to fill all these roles because we don't have the funding so we are spread thin. Thank you.

CHAIRPERSON RIVERA: Thank you. Thank you to the Bronx for showing up today. And I also just want to-- that last testimony. You can never underestimate the power of companionship, of somebody being there for you, especially if there's someone who's actually listening and trying to understand or can identify with what you're going through. So, today, you know, that family unification, mentorship, education, workforce support, all of the things that are provided in such a holistic way, I think we know that Rikers is proven not to be a place for rehabilitation, let alone a safe place for incarcerated or even officers. The length that staff and volunteers go through to really support court-involved people, the need to push these effective

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programs to help reform this criminal legal system
that we find ourselves in is so urgent, and the
barriers that include housing which is-- we are in
crisis right now. So I just want to thank everyone
for their testimony. Seeing no other people to
testify, I just want to thank you all for the work
that you do. And with that, we adjourn.

[gavel]

CHAIRPERSON RIVERA: Thank you to all the
staff for helping us make this happen.

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C E R T I F I C A T E

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



Date December 14, 2023