

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CHILDREN AND YOUTH

Jointly with

COMMITTEE ON CRIMINAL JUSTICE

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June 26, 2024
Start: 10:11 a.m.
Recess: 1:47 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: Althea V. Stevens
Chairperson

Sandy Nurse
Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Diana A. Ayala
Tiffany L. Cabán
Shahana K. Hanif
Christopher Marte
Mercedes Narcisse
Lincoln Restler
Rita Joseph
Linda Lee
Julie Menin
Chi A. Ossé
Nantasha Williams

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

Joan Gardner
Department of Probation Deputy Commissioner

Audrey Wilson
Department of Probation Senior Director

Nancy Ginsberg
Deputy Commissioner at ACS

Ray Toomer
Associate Commissioner at ACS

Nora Daniel
MOCJ Director

Sara Cassel
MOCJ Director

Darryl Rattray
DYCD Deputy Commissioner of Strategic
Partnerships

Karim Christiansen
DYCD Deputy Executive Director

Jackie Gosdigian
Brooklyn Defender Services

Nadia Chait
CASES

Christopher Jefferies
Bronx Connect

Cecilia Teuber
Bronx Connect

Emma Lee Clinger
Legal Aid Society

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

Jeanette Bocanegra
Justice for Families

Kyung G. Rhee
Center for New Leadership

Jose Perez
Children's Defense Fund

Rashaan Brown
We Build the Block

Dr. Victoria Phillips
Chaplain

Darren Mack
Freedom Agenda

Crystalie Romero-Smith
CCFY

Aaliyah Guillory Nickens
Youth Represent

Jason Alleyne
Exalt

Shawn Corley [sp?]
Save our Streets

Christian Lee
Bronx Community Justice Center

Daniele Gerard
Children's Rights

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3 SERGEANT AT ARMS: Good morning and

4 welcome to today's New York City Council hearing for

5 the Committee on Criminal Justice joint with the

6 Committee on Children and Youth. If you would like

7 to submit testimony, you may at

8 testimony@council.nyc.gov. If you would like to

9 testify in person, you must fill out a testimony slip

10 I the back of the room with one of the Sergeant at

11 Arms. At this time, please silence all electronic

12 devices. Please silence all electronic devices. No

13 one may approach the dais at any time during this

14 hearing. Thank you. Chairs, we are ready to begin.

15 CHAIRPERSON STEVENS: Thank you. [gavel]

16 Good morning. Good morning and welcome to today's

17 hearing on-- we are having a hearing on conducting on

18 the administration of youth detention youth

19 decarceration plan. I am Council Member Althea

20 Stevens, Chair of Children and Youth Services

21 Committee. I'm joined by Council Member Sandy Nurse,

22 Chair of Criminal Justice. I look forward to having

23 a discussion and discussing how ACS, MOCJ, DYCD, and

24 DOP can collaborate in efforts to strengthen our

25 community-based programs. I'm also calling on

advocates and the City to work together on creating a

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3 decarceration plan for young people. Raise the Age
4 was a major victory, and we must continue to fight
5 and work together to ensure that young people have
6 opportunities and release from these detentions.
7 We'll also be hearing two bills to expand reporting
8 requirements on ACS and DOP. Intro 87-204, sponsored
9 by Council Member Salamanca, this legislation will
10 require the Administration for Children's Services
11 and Department of Probation to report on juvenile
12 justice statistics. Intro 977, sponsored by myself
13 and Council Member Nurse, this legislation will
14 require Department of Probation to report on
15 technical probation violations and all program
16 offered by the Department. In 2023, ACS announced a
17 plan to increase the capacity for Horizon Secured
18 Juvenile Detention Facility by adding 48 beds for
19 youth with open criminal cases. Although I
20 understand the need, this is a major concern for me.
21 Historically, detaining youth has been shown to
22 disrupt and limit their educational employment
23 opportunities, expose them to additional violence and
24 increase their risk of being reincarcerated as
25 adults. I believe the resources allocated for the
Horizon expansion could be major-- be more

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3 productively invested in preventive and-- preventive
4 services and programs. I believe prioritizing
5 community-based programs will yield better outcomes
6 for youth. Today, we'll examine two of those
7 alternative programs currently offered by Department
8 of Probation, then Intensive Community Monitoring
9 program, ICM, and the Advocate Intensive Monitors,
10 AMI, programming. Those initiatives are designated
11 to monitor and support juvenile probation, clients
12 helping them avoid re-arrest and revolving doors of
13 detention facilities. Despite the enormous potential
14 of those programs and pledges to meet the growing
15 demands from DOP, public defenders have stated that
16 IMC and AMI frequently operate at full capacity,
17 forcing the courts to place young people in over-
18 crowded detention facilities. In addition to
19 exploring the expansion of ADT and ATP programming,
20 we also consider the impact of cuts to virtual
21 preventive programs including Cure Violence, Next
22 Steps, and Arches, that are designed to intervene
23 before a young person become court-involved. This
24 hearing is to operate-- this is an opportunity to
25 examine the compassion and evidence-based approach
that ensure young people have every opportunity to

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3 grow, develop, and succeed without the determination
4 effects of detention. We look forward to the
5 Administration comments on the policy goals as we
6 look for their feedback on Intro 87 and Intro 977. I
7 would like to thank Committee Staff, Christine and
8 Elizabeth, for their hard work in preparing for this
9 hearing as well as my team back in the home district,
10 District 16. I would-- before I turn it over I would
11 like to acknowledge Council Member Lee, Narcisse, and
12 Council Member Marte who are here joining us in this
13 committee hearing. So I will turn it now to Council
14 Member Nurse.

15 CHAIRPERSON NURSE: thank you, Chair
16 Stevens, and good morning everyone. Thank you. I am
17 Council Member Sandy Nurse, Chair of the Council's
18 Committee on Criminal Justice, and I'm grateful today
19 to partner with Chair Stevens on the committee on
20 Children and Youth for today's important hearing on
21 what efforts New York City is making to reduce the
22 youth incarceration rate. Over the last five years,
23 we've been failing our children. In 2019, the
24 average daily population in youth detention
25 facilities was 88 children. As of earlier this year,
that number has more than tripled. We now have an

1 average of 279 children in New York City detention
2 facilities. This shameful state of affairs
3 demonstrates our neglect in pursuing holistic policy
4 solutions that would reverse this trend. As Chair of
5 the Criminal Justice Committee, I want to focus my
6 remarks on the Department of Probation. You can
7 learn a lot about an agency's priorities by looking
8 at where it devotes its time and resources. In recent
9 months, we know that the Department of Probation has
10 more than doubled the number of enforcement actions
11 undertaken by its Intelligence Unit. It began
12 requiring all Probation Officers to have the
13 necessary training in order to carry a firearm, and
14 it stepped up efforts to conduct social media
15 investigations of the people they supervise. In terms
16 of resources, DOP has cut the Next Steps program and
17 reduced funding for Arches, two critical mentoring
18 programs designed to help proactively reduce the
19 juvenile incarceration rate and cancelled the
20 contract for Impact, a program that could have
21 reduced the number of young people incarcerated by
22 giving judges a diversion option that would have
23 include HomeBase family therapy and Credible
24 Messenger mentorship. These choices reflect the
25

3 values of the Department of Probation. They were
4 decisions made at a time when DOP knew the juvenile
5 incarceration rate was increasing, and they were in a
6 unique position to chart a path to reverse course.
7 Probation plays a key role in our juvenile justice
8 system. In many cases, DOP has the discretion to
9 determine whether cases are adjusted, and therefore
10 will not proceed through a core process that could
11 result in detention or incarceration. Recent
12 statistics indicate the number of cases that
13 Probation deems eligible for adjustment have sharply
14 decreased. For children whose cases aren't diverted
15 from prosecution through the adjustment process,
16 Probation operates the intensive community
17 monitoring, or ICM, program, a pre-trial alternative
18 to detention program for kids deemed high-risk to
19 recidivate. Despite overcrowded youth detention
20 facilities, the enrollment numbers in the ICM have
21 remained flat, and attorneys representing kids report
22 that DOP often tells them the program is full,
23 leaving them without a critical alternative to
24 detention in Horizons or Crossroads. A child can be
25 sentenced to probation supervision or a DOP
alternative to placement program. When kids are

1 sentenced to probation, recent statistics show
2 they're less likely to complete their sentence
3 successfully and are more likely to be re-arrested or
4 issued a probation violation, an agency failure that
5 shouldn't be put at the feet of children with higher
6 risk and charge characteristics. Enrollment numbers
7 in the DOP ATP program suggest room for growth to
8 ensure more kids are given a second chance. In all
9 facets of agency operations, DOP must do more to
10 treat the youth incarceration rate with the urgent
11 attention it deserves. Today, I look forward to
12 hearing solutions and not excuses, not just from the
13 Department of Probation, but from ACS, MOCJ, and
14 DYCD. All these agencies have the responsibility to
15 work individually and collaboratively to reduce the
16 youth incarceration rate. I'm also looking forward to
17 hearing testimony on the legislation we are currently
18 hearing today, considering today, and the two bills
19 that would help shed light on issues that we are here
20 to address. I will now turn it back to Chair Stevens
21 to begin the hearing.

23 CHAIRPERSON STEVENS: I'll turn it over
24 to Committee Counsel to swear in the Administration.

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3 COMMITTEE COUNSEL: thank you. With us
4 today from ACS we have Nancy Ginsberg and Raymond
5 Toomer. From the Department of Probation we have
6 Joan Gardner and Audrey Wilson, and we also have from
7 DYCD Darryl Rattray, and from MOCJ Nora Daniel. If
8 everybody who intends to testify can please raise
9 their right hand? Do you affirm to tell the truth,
10 the whole truth and nothing but the truth before this
11 committee and respond honestly to Council Member
12 questions? Noting for the record that all witnesses
13 answered affirmatively, you may begin your testimony
14 in whichever order you choose.

15 DEPUTY COMMISSIONER GARDNER: Good
16 morning Chair Stevens, Chair Nurse, and members of
17 the Council. I am Joan Gardner, the Deputy
18 Commissioner for Juvenile Operations for the New York
19 City Department of Probation, and accompanying me
20 today is Audrey Wilson, the Director of Special
21 Programs for Juvenile Operations. On behalf of
22 Commissioner Juanita Holmes, I would like to thank
23 you for the opportunity to discuss these roles with
24 justice-involved youth in New York City. The New
25 York City Department of Probation helps build
stronger and safer communities by working with and

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1 supervising individuals on probation, fostering
2 positive change in their decision-making and behavior
3 and expanding opportunities for them to move out of
4 the juvenile and criminal justice systems through
5 education, work readiness, and re-engagement with the
6 community. When a young person becomes involved,
7 justice-involved, Probation assumes a crucial role in
8 providing information to the court and various
9 stakeholders, enabling them to make informed
10 decisions and appropriate recommendations relating to
11 juvenile matters. Our involvement spans key stages of
12 juvenile delinquency process including intake,
13 adjustment, investigation, and community supervision.
14 Furthermore, our extensive partnerships and
15 collaborative efforts across a spectrum of city
16 agencies, diverse service providers, and community-
17 based organizations are essential to ensure the best
18 possible outcomes for young people, their families
19 and our communities. these alliances, especially
20 amongst our sister agencies are instrumental in
21 fostering support networks and addressing the
22 multifaceted means of our young people involved in
23 the juvenile and criminal justice systems. In 2023,
24 the Department of Probation processed 4,743 youths
25

1 through intake. Probation maintains staffing for
2 detention intake services almost around the clock,
3 seven days a week for juvenile citywide. This
4 continual process ensures that our youths are not
5 held in detention facilities awaiting court
6 proceedings and are promptly reunited with their
7 families. As a result of this streamlined process,
8 828 youths or 17 percent of our youths were released
9 from detention following the probation intake process
10 in 2023. Probation also provide Intensive Community
11 Monitoring, which is the ICM program, a program for
12 pre-trial participants who have not been sentenced to
13 probation that aimed at providing participants with
14 intense engagement within the community instead of
15 confinement. Recently, the Department of Probation
16 structured or restructured the administration of ICM
17 cases. When a judge mandates a youth to partake in
18 the ICM program, cases are allocated for more
19 probation officers across the five boroughs based on
20 risk assessments. This restructuring aims to
21 optimize a probation officer's capacities and
22 potentially expand our handling of ICM cases moving
23 forward. when a young person's case progresses
24 through Family Court and receives and adjudication
25

3 from a Family Court judge leading to a placement of
4 community supervision, probation officers partner
5 with the youth's family, caregivers, Credible
6 Messengers, mental health providers and other
7 stakeholders to effectively engage, hold accountable
8 and provide opportunities for our youth. Community
9 supervision is provided with the overarching
10 objective of diverting youths from further
11 involvement in the criminal and juvenile justice
12 systems. Moreover, Probation administers a continuum
13 of alternative to placement programs designed for
14 high-risk cases, necessitating the highest level of
15 supervision would out-of-home placement would have
16 otherwise been the outcome. Among the ATP programs
17 administered by Probation are AIM and ECHOES.
18 Probation also collaborates with ACS in the Juvenile
19 Justice Initiative program, which is also known as
20 JJI. Through these intensive programs we partner
21 with community-based organizations and strive to
22 promote a wellbeing and resiliency of our youth. Our
23 focus is on guiding them towards positive behavioral
24 transformation and establishing sustaining
25 connections within community networks. Probation
views the adjudication of a youth as a pivotal moment

1
2 for redirection, emphasizing both accountability and
3 a chance for positive change. The City remains
4 focused on preventing youths from entering the
5 juvenile and criminal justice systems altogether.
6 Through initiatives like NEONS and community
7 programming, Probation facilitates networking and
8 engagement within local neighborhoods, fostering
9 connections, encouraging behavioral transformation,
10 promoting educational attainment, and creating
11 avenues that deter youths from involvement in the
12 juvenile and criminal justice systems. Our newly
13 launched program locator, accessible via our
14 Probation website, enables our clients and community
15 members to easily find programs and resources within
16 their neighborhood or vicinity. With a simple click
17 DOP's program locator provides individuals across the
18 city with access to wealth of opportunities. By
19 tailoring programs or programming to the interest of
20 our City youths, Probation not only establishes
21 connections, but also keeps them actively engaged in
22 constructive activities. I would now like to turn to
23 the two bills being heard today. Both Intro 87
24 imposes a new reporting requirement on DOP relating
25 to individuals processed through the Family Court.

1 Intro 977 would expand DOP's reporting requirements
2 under Local Law 90 to biannual report that also
3 includes data on violations of probation filed. DOP
4 is willing to be transparent. However, the frequency
5 of the reporting requirement would present
6 operational and staffing challenges. The
7 Administration supports the intent of the bills and
8 looks forward to working with Council and the bill
9 sponsors on the most effective way to achieve the
10 goals of the bills. The Department of Probation
11 remains steadfast in the commitment providing
12 comprehensive support and guidance to the youths of
13 our city. Through innovating program, community
14 engagement, and a dedication to rehabilitation, we
15 strive to create pathways to our success while
16 prioritizing the safety and wellbeing of both our
17 youths and our communities. I'd like to thank you
18 for the opportunity to testify today and for your
19 continued support. I am pleased to answer any
20 questions you may have.

22 DEPUTY COMMISSIONER GINSBERG: Good
23 morning. My name is Nancy Ginsberg. I'm the Deputy
24 Commissioner of the Division of Youth and Family
25 Justice at the Administration for Children's

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1 Services. I am joined by Raymond Toomer, the
2 Associate Commissioner for Community-based
3 Alternatives, as well as my colleagues from DOP,
4 MOCJ, and DYCD. We would like to thank Chair
5 Stevens, Chair Nurse, and the members of the Children
6 and Youth and Criminal Justice Committees for holding
7 today's hearing and providing us all with the
8 opportunity to share collective efforts to help youth
9 reach their fullest potential. We appreciate your
10 interest in ensuring the City has the services,
11 supports, and interventions needed to prevent as many
12 youth as possible from being detained. we are
13 pleased to testify today on our efforts to provide
14 these services as upstream as possible so that we can
15 build a New York City that is more just, safe, and
16 equitable for youth, families, and all New Yorkers.
17 ACS administers a range of programs to prevent and
18 reduce youth incarceration. The Family Assessment
19 Program, or FAP, is a voluntary program that provides
20 a range of community-based supports such as crisis
21 mediation, mentoring, respite, family therapy, and
22 intensive evidence-based programs. FAP helps parents
23 and youth build skills to address interfamilial
24 conflict and connect them to services which address
25

1 running away, substance misuse and truancy. In 2023,
2 FAPs providers served nearly 2,800 families citywide
3 with interventions including family stabilization,
4 functional family therapy, multi systemic therapy,
5 brief strategic family therapy, respite, and a
6 mentoring and advocacy program that recently
7 incorporated the Fair Futures coaching model. Since
8 July 2023, ACS has been administering the
9 alternatives to detention programs in Family Court
10 for youth who are at risk of being detained. The ATD
11 providers, CASES in Manhattan and the Bronx, Good
12 Shepherd Services in Brooklyn, and the Center for
13 Justice Innovation in Queens and Staten Island
14 promote positive behaviors, healthy relationships,
15 and problem-solving skills. The model includes
16 curfew checks and individualized supervision and
17 services during the pendency of the juvenile
18 delinquency case with the goal of improving court
19 appearance rates and preventing re-arrest. In
20 addition, youth are connected to vocational,
21 educational and social programming that is tailored
22 to their specific needs. These services reduce the
23 number of young people entering detention and provide
24 young people with the skills they need to thrive in
25

1 their communities, thereby contributing to long-term
2 public safety. ACS also oversees the Juvenile
3 Justice Initiative or JJI, an alternative to
4 placement program in Family Court diverting young
5 people from being placed in Close to Home. JJI is
6 ordered by the court as an additional support to a
7 probationary sentence and provides intensive home-
8 based evidence-based interventions, multi-systemic
9 therapy or functional family therapy, and services to
10 adjudicated youth and their families. While ACS's
11 services have historically focused on youth with
12 cases in Family Court, we are piloting an initiative
13 with CASES to provide alternative to incarceration
14 services in the youth parts for young people whose
15 cases remain in the adult court system. In addition
16 to the traditional ATI services available through
17 CASES, the pilot offers an in-home therapy component.
18 ACS administers two secure detention facilities,
19 Crossroads and Horizon, which house young people who
20 are ordered by court to be held during the pendency
21 of their case in supreme or Family Court. ACS is not
22 a party to the cases in either court and has no role
23 in the judge's detention determination. The
24 population of youth detained in Crossroads and
25

1 Horizons similar to other juvenile detention sites
2 across the country has increased from the low numbers
3 reached during COVID-19. Although the population has
4 increased since 2020, the overall number of young
5 people detained in New York City is still lower than
6 it has been historically. The current population of
7 16 and 17-year-old youth in detention is half of what
8 it was in 2016 and one-third of what it was in 2013.
9 In January 2013 there were over 300 16 and 17 year
10 olds held on Rikers Island. In 2016, there were 200,
11 and in 2018 there were 125. Now, there are about 100
12 16 and 17 year olds in custody with the remaining
13 youth in detention being between the ages of 18 and
14 20. Although the historical population numbers has
15 been reduced, the detention centers are holding other
16 youth who remain in custody for a much longer time on
17 more serious charges. Youth are primarily in
18 detention pre-trial and we are seeing increased
19 lengths of stay due to the fact that the youth have
20 complex, serious cases that take a long time to move
21 through the court process. About 70 percent of the
22 youth in detention are there due to a murder or a
23 murder-related charge. Moreover, secure detention no
24 longer holds youth charged with minor charges. About
25

1 half the youth in secure detention are between 18 and
2 20. New York City's juvenile detention population is
3 proportionally smaller than other large cities. New
4 York City is three times larger than Chicago which
5 has more than 60 percent of New York City's Secure
6 Census. Philadelphia is five times smaller than New
7 York City with almost the same number of youth in
8 detention. ACS is engaged with DDC in a process to
9 build additional programming housing at Horizon to
10 better meet the needs of an older population
11 experiencing extended stays in detention on very
12 serious alleged offenses. This space is being
13 intentionally designed with therapeutic and
14 supportive lens and will enhance our ability to
15 provide safe and quality care to young people with
16 expanded academic and vocational classrooms and
17 increased media and mental health capacity. We
18 appreciate concerns associated with building new
19 capacity and want to assure the Council that we will
20 always do all we can to reduce the number of youth
21 coming to detention while providing the youth in our
22 care with the highest quality service we can provide.
23 As to Intro 87, ACS appreciates the Councils'
24 interest in data related to young people in
25

3 detention. We look forward to discussing this bill
4 which amends the requirements of our current juvenile
5 justice quarterly and annual reports. Thank you for
6 the opportunity to testify before you today, and I am
7 happy to answer any questions you might have.

8 CHAIRPERSON STEVENS: thank you for your
9 testimony. Just a quick house-keeping. We know it's
10 a little bit tight in here. So, if folks, they will
11 have the hearing in the chambers if folks want to go
12 and listen there if it becomes too tight. So, just
13 so you know, we have an overflow room. If folks want
14 to stretch their legs and go into the chambers as
15 well. And I will turn it over to Council Member
16 Nurse to start us off with questions.

17 CHAIRPERSON NURSE: thank you, Chair
18 Stevens. I'm going to start off with question for
19 Department of Probation. I have a few kind of
20 baseline questions just to get on the record some
21 information about where we currently are. So I want
22 to start with ICM. For anyone who doesn't know, it's
23 a Family Court and youth part pretrial program
24 designed to supervise participants while they remain
25 in the community throughout the pendency of their
case. So, I have a handful of questions around this

1 program. What is ICMS maximum capacity? How is the
2 program's capacity determined? What is the price per
3 participant in the program? And how many probation
4 officers are currently assigned to work on the ICM
5 programs?
6

7 DEPUTY COMMISSIONER GARDNER: Thank you
8 for that question, Chair Nurse. So, when we
9 originally managed the program, there are 90 cases
10 that we could, you know, assume in the program.
11 There are 20 each per borough except for 10 in Staten
12 Island, as per verbal agreement born out of Raise the
13 Age. Since that time we redesigned the program. We
14 have currently redesigned the program, working--
15 because before the program was working in silo. So
16 we deigned the program now allowing the possibility
17 of expanding our capacity to take on more cases and
18 we have not turned any clients away. Right now, we
19 have about 39 probation officers assigned to take on
20 ICM cases citywide, and so it enables us to expand
21 the program and accept, you know, as possible. So
22 there's no limit, no capacity at this time.

23 CHAIRPERSON NURSE: You're saying there's
24 no maximum capacity for this program?
25

3 DEPUTY COMMISSIONER GARDNER: No maximum
4 capacity at this time, correct.

5 CHAIRPERSON NURSE: SO, I'm sorry.
6 You're saying originally the program was designed for
7 90 folks. Now you've redesigned it and there's-- it's
8 limitless. You can place--

9 DEPUTY COMMISSIONER GARDNER:
10 [interposing] Right, so--

11 CHAIRPERSON NURSE: people all throughout
12 this.

13 CHAIRPERSON STEVENS: And I'm sorry, can
14 you give a little bit more detail when you redesign,
15 because I don't-- and just so we could have on record
16 what are the improvements that you did other than the
17 expansion of the officers? What does this redesign
18 actually entail?

19 DEPUTY COMMISSIONER GARDNER: Well, the
20 program worked in silos before. There was an ICM
21 unit. What we did was we moved ICM cases. They're
22 citywide. So every probation officers can manage by
23 risk and they are qualified and capable of assuming
24 an ICM case. So every single probation officer,
25 because we manage by risk, can take on an ICM case.

3 CHAIRPERSON STEVENS: Okay. Did you
4 answer the question of what's the price per
5 participant?

6 DEPUTY COMMISSIONER GARDNER: Okay, so
7 the price per participant, we don't write-- we are
8 not-- we don't breakdown the price per participant,
9 but our city budget is \$816,000 for citywide year
10 2024.

11 CHAIRPERSON NURSE: And did you say how
12 many-- what's the case load per officer?

13 DEPUTY COMMISSIONER GARDNER: Currently,
14 officers can have upwards of 50 cases for a hybrid
15 caseload. However, our ICM numbers are pretty low in
16 comparison to an average caseload.

17 CHAIRPERSON NURSE: so, they're currently
18 holding 50, but you're saying--

19 DEPUTY COMMISSIONER GARDNER:
20 [interposing] Up to, up to--

21 CHAIRPERSON NURSE: [interposing] Upwards
22 of-- what are they holding right now on average do
23 you know?

24 DEPUTY COMMISSIONER GARDNER: And average
25 of 20 to 25 cases.

3 CHAIRPERSON STEVENS: And I just-- just
4 as you were talking and saying like you guys are
5 redesigning the program, what did the support for the
6 PO office look like? Was there trainings? How are
7 you supporting them? And also up to 50 cases is a
8 lot for anyone to take on, so what was the rationale
9 behind increasing a caseload to that capacity?

10 DEPUTY COMMISSIONER GARDNER: Before, we
11 only two ICM POs assigned per borough, and the
12 officers were working in silo, and the-- you know,
13 they working in silo. Now that we expanded ICM
14 through the five boroughs, now officers can take on
15 more cases, and they don't have to be ICM officers
16 because all officers are trained to manage based on
17 risk. So, all supervision officers can take on an
18 ICM case, because we manage by risk.

19 CHAIRPERSON STEVENS: Okay, but again,
20 what was the training look like? How did you prepare
21 the officers to expand and do this work if it was
22 specific officers before designated for it? How did
23 you get all of your PO officers up to par to be able
24 to do this work? What did that look like?

25 DEPUTY COMMISSIONER GARDNER: So, the
cases are assigned to High-risk Officers, and these

1 High-risk Officers have already received the
2 training. They're supervising high-risk cases.
3 Those are cases that were formerly placement bound.
4 So they can take on and monitor a high-risk ICM case,
5 because they have the qualifications, and they have
6 the experience and the training to do so.

8 CHAIRPERSON STEVENS: And before Sandy
9 Nurse, Council Members, takes over, I just want to
10 acknowledge Council Member Cabán, Council Member
11 Restler, Council Member Lee, Avilés, and Council
12 Member Menin who have joined us, and Council Member
13 Abreu.

14 CHAIRPERSON NURSE: Okay. So, according
15 to DOP data, ICM served 394 youth in 2023. At the
16 Executive Budget hearing earlier this year,
17 Commissioner Holmes said that ICM was now prepared to
18 accept all court referrals, and you referenced this
19 in your opening statement. What we have heard from
20 defense attorneys that ICM remains full in the Bronx
21 and that there have been periodic capacity issues in
22 Brooklyn as well. So why is this message being
23 conveyed if there is now no limit?

24 DEPUTY COMMISSIONER GARDNER: The ICM
25 capacity prior to the expansion was 20 cases per

3 boroughs, because ICM has upwards of 60 day maximum
4 period, 120 days in Family Court. When we expanded
5 and redesigned the program, it now enables us to
6 increase our capacity by accepting as many cases as
7 needed for high-risk monitoring as possible. So
8 before they working in silos and they only-- were
9 only able to manage--

10 CHAIRPERSON NURSE: [interposing] I
11 understand what you're saying, but what I'm trying to
12 understand is you're saying this is a limitless
13 program, you have absolute capacity. The
14 Commissioner testified the last time she sat before
15 us that anybody who needed a referral could get it.

16 DEPUTY COMMISSIONER GARDNER: That's
17 correct.

18 CHAIRPERSON NURSE: And what we're hearing
19 on the ground is that the people who are actually
20 doing this work are saying that's not true. They're
21 having cases not be referred. So, for example, today
22 right now in the Bronx, are there open slots
23 available?

24 DEPUTY COMMISSIONER GARDNER: Yes, there
25 is. In the Bronx we only have eight ICM cases
assigned.

3 CHAIRPERSON NURSE: That's your testimony
4 today.

5 DEPUTY COMMISSIONER GARDNER: Yes.

6 CHAIRPERSON NURSE: Okay. So, why-- I
7 just-- why are the numbers so low? Because it would
8 seem like there would be-- if there's capacity in the
9 system, you have open slots, why are the numbers so
10 low for the referrals.

11 DEPUTY COMMISSIONER GARDNER: ICM is a
12 court-mandated program, so probation is not a party
13 to that decision. That decision is solely based on
14 the court's decision, you know, mandate. So it's
15 pre-dispositioned. It's a predisposition program,
16 and the judge-- the judges are aware of the ICM
17 program, and we're not limiting capacity. So, any
18 young person that is high-risk or medium risk that
19 needs the ICM service during predisposition, they're
20 suitable for the program. There is. We're not
21 turning anyone away.

22 CHAIRPERSON NURSE: Okay. Well, we-- I'm
23 sure we'll hear testimony from providers who have let
24 us know that their cases aren't getting referred, so
25 we'll check back up on this in future hearings. What

1
2 are the time limits on how long a young person can be
3 in the ICM program?

4 DEPUTY COMMISSIONER GARDNER: The ICM
5 program is designed for a 60-day maximum period.

6 CHAIRPERSON NURSE: And do cases
7 generally get resolved in this period?

8 DEPUTY COMMISSIONER GARDNER: Most of the
9 time they do, and so we want to stick to the 60-day
10 maximum period, because that allows us to extend the
11 ICM program to other young people in need of the
12 services.

13 CHAIRPERSON NURSE: Okay, so what happens
14 if a case is still pending when the defendant has
15 reached the ICM limit?

16 DEPUTY COMMISSIONER GARDNER: We
17 generally notify the court that the case has reached
18 its maximum capacity. Again, that's the judge's
19 decision whether to continue, but we are notifying
20 the court when the case has reached maximum capacity,
21 maximum limit.

22 CHAIRPERSON NURSE: how often are cases
23 reaching that limit or going past the 60 days?

24
25

DEPUTY COMMISSIONER GARDNER:

Unfortunately, I don't have that data, but I can get back to Council.

CHAIRPERSON NURSE: We'd love to have that in the follow-up just to get an understanding of if the rationale for the 60 days is holding up based on what the numbers are showing. Is there any particular reason for the 60 days for the ICM program?

DEPUTY COMMISSIONER GARDNER: That was a verbal agreement that, you know, occurred when the ICM program was first initiated. I know in October of 2018 because of Raise the Age, ICM was revamped and the capacity at that time was 20, and the contract-- sorry, the verbal agreement was 60 days per Family Court, and 120 days with [inaudible].

CHAIRPERSON NURSE: So, in 2023, how many young people qualified for alternative to detention, but were put in detention because there was no available slot at a DOP, ACS, or MOCJ ATD program?

DEPUTY COMMISSIONER GARDNER: For probation, the alternative to detention program that we have is the ICM program.

3 CHAIRPERSON NURSE: In your testimony you
4 said [inaudible] there is no-- there are no folks who
5 are referred-- who are being referred that are no
6 receiving slots in your program?

7 DEPUTY COMMISSIONER GARDNER: That is
8 correct.

9 CHAIRPERSON NURSE: Okay. For AIM, a
10 court-mandated six to nine month ATD program for
11 youth ages 13 to 18 who are under DOP supervision,
12 what is AIM's program maximum capacity?

13 DEPUTY COMMISSIONER GARDNER: Thank you
14 for that question, Councilwoman Nurse. So, AIM's
15 capacity is 76.

16 CHAIRPERSON NURSE: And how is the
17 program's capacity determined?

18 DEPUTY COMMISSIONER GARDNER: That
19 determination was made during the agreement that
20 occurred, you know, many years ago. The capacity, I
21 can defer to Senior Director Wilson to shed some
22 light on the history of the AIM program.

23 SENIOR DIRECTOR WILSON: Good morning.
24 The 76 was determined based on the number that--
25 young people that were going into placement back in
April when was implemented. It's broken down by

3 borough with 20 slots going to Brooklyn and the
4 Bronx, 16 for Queens, 10 for Manhattan, and 10-- I'm
5 sorry, 16 for Queens, 10 for Manhattan, and 10 for
6 Staten Island.

7 CHAIRPERSON NURSE: Alright, and so what
8 is the price per participant?

9 SENIOR DIRECTOR WILSON: Right now it's
10 budgeted for approximately \$4 million. There is no
11 specific price participant-- I mean, price.

12 CHAIRPERSON NURSE: And do you all do
13 period-- have you done any periodic assessment of
14 whether or not this capacity should increase or not?

15 DEPUTY COMMISSIONER GARDNER: Thank you
16 for that question, Councilwoman Nurse. Because AIM,
17 the AIM program, is under-utilized, it's a robust
18 program and we can take on additional young people in
19 the program. Right now, we are focused on AIM, and
20 we are getting the message out to the court that the
21 program is up and running. It's robust. It works.
22 And so we want to maintain and increase the capacity
23 by our messaging to the court.

24 CHAIRPERSON NURSE: So, the capacity of
25 76, what is the current participation rate? Or how
many people are currently in the program?

3 DEPUTY COMMISSIONER GARDNER: For the AIM
4 program we have approximately 12 youths that are in
5 the program for 2024. Last year, 2023, citywide year
6 2023, we had 19 youths.

7 CHAIRPERSON NURSE: Albright. Do we have
8 an analysis or do you have an analysis of why there
9 is-- there are so low participation numbers for a
10 program that can hold 76 people?

11 DEPUTY COMMISSIONER GARDNER: Again,
12 Councilwoman Nurse, as I mentioned, these are court-
13 mandated programs. The judges are well versed on the
14 programs, and so the messaging will continue to be.
15 We are open. We are ready. We have the capacity. We
16 have 76 slots and we need young people to be a part
17 of this programming.

18 CHAIRPERSON STEVENS: I'm just a little
19 concerned, because there seems to be a major
20 disconnect of the numbers that you guys are saying.
21 When we're speaking to defense attorneys around the
22 work, and even just saying, like the judges are
23 aware. How are you ensuring that the judges are
24 aware of these programs, that's you're open and
25 you're ready, because what we're hearing, seeing, and
what's happening is not what's going on. So I'm

1
2 really concerned about-- it's just like oh, they
3 know, and this was happening, but that's not what
4 we're hearing. There seems to be a discrepancy. So
5 I need you guys to just kind of give us a little more
6 information about what does that outreach look like,
7 how are you detaining that the judges know about
8 this? How are you determining if this is part of the
9 negotiations? What does that look like? Because the
10 numbers are just too low to say like, oh well, people
11 know. Maybe they don't.

12 DEPUTY COMMISSIONER GARDNER: I
13 understand your concern Councilwoman Stevens. So,
14 every month, on a monthly basis, our local Board
15 directors are having meetings with the judges, the
16 delinquency judges and the administrative judges. We
17 also provided our court liaison officers with packets
18 that can be disseminated to new judges. But what I
19 also stress coming on board to the managers is that
20 you must also meet with the new judges, share the
21 packets with them, have, you know, those lunch-time
22 meetings with them to tell them about all the
23 programming. So, we're engaging in a rigorous
24 messaging with our courts, with our court-- with our
25 judges.

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3 CHAIRPERSON STEVENS: And also even
4 thinking about-- yes, I think the judges are a huge
5 part of it, but how are you working to ensure that
6 the lawyers are also on the same page about programs?
7 Because that's one of the things that, especially
8 defense-- the defense attorneys have been saying is
9 they don't know, are aware of some of these programs
10 to even bring it up during these cases. So, what
11 does that piece look like, because it just-- like,
12 this is not making sense that we have these programs
13 that have proven track records, and the numbers are
14 consistently low, and we're doing the same outreach
15 and not getting the results that we want. So, that
16 doesn't make sense, especially you're saying like now
17 we only have 12 people in the program, and our
18 numbers in the detention centers are continuously
19 rising. So, for me, the sense of urgency, I'm not
20 feeling it in this moment.

21 DEPUTY COMMISSIONER GARDNER: I share
22 your concern-- AC-- I share your concern,
23 Councilwoman Stevens. In addition to the monthly
24 meetings or along with the monthly meetings, all
25 agency heads are at these meetings, the agency--
local agency head meetings. So, all of the defense

1
2 counsel, Legal Aid, the Law Department, all agency
3 heads are meeting locally at these meetings. So, the
4 message is getting out. However, how it's
5 disseminated from there, we-- you know, we'll have to
6 take a look at that, but we are meeting with the
7 local agency heads for all departments and
8 stakeholders on a monthly basis.

9 CHAIRPERSON STEVENS: Yeah, there's a--
10 there's a glitch in the matrix, but I'm going to pass
11 it back over to Council Member Nurse to finish.

12 CHAIRPERSON NURSE: According to the
13 Mayor's Management Report there was 87 new
14 enrollments of young people in ATP programs in FY
15 2023 versus 94 in FY 2022. The report stated that
16 the decline in enrollment was a result of a loss of a
17 contractor, a contract program provider. Can you
18 tell us a little bit more about which DOP ATP program
19 lost a provider? This was from the Mayor's
20 Management Report when it was describing the decline
21 or the decrease in enrollment. It was saying that
22 there was a loss of a contracted program provider.

23 DEPUTY COMMISSIONER GARDNER: Is this a
24 DOP program that you're referring to?

3 CHAIRPERSON NURSE: In ATP programs, yes,
4 DOP ATP.

5 DEPUTY COMMISSIONER GARDNER: Family--
6 Juvenile operations has not lost any ATD program
7 contract.

8 CHAIRPERSON NURSE: Okay, we can look
9 back at that. ECHOES is an ATP program that offers
10 conflict management, job training and life coaching
11 services to justice-involved youth ages 14 and older.
12 Since 2017, participation in the program has been
13 relatively low, never reaching above 36 participants.
14 In 2023, despite receiving \$900,000, a little over
15 \$900,000 in funding, the program reached an all-time
16 low of 12 participants. What is the capacity of the
17 ECHOES program? What is the budget, and why do you
18 believe that enrollment is so low?

19 DEPUTY COMMISSIONER GARDNER: Thank you
20 for that question, Councilwoman Nurse. So, ECHOES
21 capacity right now is 30. We have 30 slots. The--
22 again, this is a court-mandated program, and again,
23 we are speaking to the judges. We're speaking to the
24 agency heads about our programming. We're preparing
25 packets for the CLOs [sic] to distribute. So, you
know, I share your concerns, because the message is

3 getting out to the stakeholders and to the judges,
4 because we're open and we're ready, and we know that
5 ECHOES works just as we mentioned that AIMS, you
6 know, the AIM program also works. So, the overall
7 budget for the program is \$871,801. We don't
8 necessarily price it out per participant, but if we
9 did, 30 divided into 871, that would be about
10 \$29,060.

11 CHAIRPERSON NURSE: Okay, I'm going to
12 move on. The increase in detention admissions
13 coincides with cuts to a range of prevention and
14 early intervention services for young people like
15 Next Steps and Arches. We spoke about Next Step and
16 Arches extensively in our budget hearing. These are
17 our programs designed to help young people avoid
18 arrest and recidivism. Do you see a link between
19 these cuts and the-- and an increase in youth
20 detention?

21 DEPUTY COMMISSIONER GARDNER: Thank you
22 for that question. However, I am not the subject
23 matter expert on the impact and the steps-- sorry,
24 the Next Step program and the Impact program. My
25 Commissioner spoke about the program, the different
situations that were going on with the impact program

1 and the Next Step program. The Next Step program was
2 a community-based program which is different-- which
3 is no different from our Arches program which has
4 expanded to include not only DOP clients, but also
5 community members, including those in NYCHA.
6 Therefore, there is no one that's left behind really.
7 And the impact program, we have other programming
8 such as the Mobile Adolescent Portable Therapy that
9 support and serves the needs of the clients in Family
10 Court and in the youth part.
11

12 CHAIRPERSON NURSE: I mean, we heard some
13 of these messages in our hearing, but you're saying
14 you don't have any expertise about this program, but
15 you're the head of Juvenile Operations. So, I'm just
16 trying to understand, because what we continue to
17 hear is that-- we continue to hear that you all are
18 ready, willing, and able to accept people in these
19 programs. You're saying you're talking to these
20 judges. You're allegedly doing outreach, but all--
21 you know, we have programs that were on dock that had
22 people in it that were just as low as the numbers we
23 have now. I think at the last hearing the
24 Commissioner testified, oh, she cut the program
25 because it was about 20 participants. It seems like

1
2 you've had that as an average for most of your
3 programs at this point. So it was-- it's not clear
4 why there was a rationale to cut them, and it's
5 unclear to me what the plan is to compensate for the
6 loss of these programs. So what are the plans to
7 scale up? What are the plans to get these programs
8 in place, get them filled, and actually keep people
9 from going into detention facilities?

10 DEPUTY COMMISSIONER GARDNER: Okay, so
11 again, Councilwoman Nurse, I am not the subject
12 matter expert for the Impact and the Next Step
13 programs.

14 CHAIRPERSON NURSE: I wasn't talking
15 about Impact. I said Next Step and Arches.

16 DEPUTY COMMISSIONER GARDNER: The Next
17 Step program and the Arches program.

18 CHAIRPERSON NURSE: Okay. So, what-- I
19 just want to understand, if your title is head of
20 Juvenile Operations, and I'm not-- I'm really not
21 trying to be nasty, but I'm just trying to understand
22 what is the subject expertise matter that you would
23 have if not these programs?

24 DEPUTY COMMISSIONER GARDNER: Thank you
25 that question. So, Probation runs the AIM program

3 and the ECHOES program, and the AC-- sorry, the ICM
4 programs.

5 CHAIRPERSON NURSE: Those are your
6 programs that you--

7 DEPUTY COMMISSIONER GARDNER:
8 [interposing] For juvenile operations, correct.

9 CHAIRPERSON NURSE: Thank you for that
10 clarification. I'm going to go on to Impact, because
11 we've talked about it quite a bit. It was terminated
12 in July of 2023. According to the program's RFP, it
13 would have provided home-based family therapy and
14 Credible Messenger mentorship to adolescents 12--
15 between 12 and 18 with an old case pending in court.
16 The reason we were harping on this program so much is
17 because of the number of slots this program was going
18 to provide, because everything here is 76-- there
19 was-- everything was much smaller. At the last
20 hearing, the Commissioner testified that the program
21 that was adequate for it as a replacement only had
22 about slots for about 36 people. So we were talking
23 about why would we be preventing a program from
24 starting that had such a large capacity given the
25 amount of people going into detention. And we
haven't heard what alternatives are available at that

3 scale for young people who would have been served by
4 Impact. So, do you have any-- anything you want to
5 share with us today about what alternative programs
6 would be available?

7 DEPUTY COMMISSIONER GARDNER: I'm going
8 to defer to Senior Director Audrey Wilson for special
9 programs in juvenile detention.

10 SENIOR DIRECTOR WILSON: So, the Impact
11 program was due to serve in a different jurisdiction
12 which was going to go into the Supreme Court [sic],
13 ages 16 to 24. It was not a juvenile program.
14 However, we do have an abundance of services that we
15 do introduce to the young people that are within our
16 jurisdiction.

17 CHAIRPERSON STEVENS: Can you explain
18 those services?

19 SENIOR DIRECTOR WILSON: I'm so sorry,
20 can you repeat that for me, please?

21 CHAIRPERSON STEVENS: You said you have
22 an abundance of services. I would love hear what
23 those abundance of services is.

24 SENIOR DIRECTOR WILSON: So, we have work
25 readiness programs that we work. We have a PEAK

3 program that offers work readiness to young people
4 that are currently on our caseloads. It's a phase--

5 CHAIRPERSON STEVENS: [interposing] How
6 many people are in that program? What's the
7 capacity?

8 SENIOR DIRECTOR WILSON: Thirty-- the
9 capacity is 30-- I'm sorry, 60, 30 per site, and we
10 have approximately 37 in PEAK at this time.

11 CHAIRPERSON NURSE: I'm sorry, will you
12 repeat the name of that program again?

13 SENIOR DIRECTOR WILSON: PEAK program,
14 Pathways to Education and Knowledge.

15 CHAIRPERSON NURSE: Okay.

16 CHAIRPERSON STEVENS: [inaudible]
17 programs, because I know you said it was an
18 abundance.

19 SENIOR DIRECTOR WILSON: We also have the
20 Adolescent Portable Therapy program that--

21 CHAIRPERSON NURSE: [interposing] There's
22 36.

23 SENIOR DIRECTOR WILSON: Yes. And that
24 is in-home therapy which is similar to what the
25 services that Impact was going to perform. We

1
2 currently have 13 youth in that program. There is
3 space--

4 CHAIRPERSON STEVENS: [interposing] 13--

5 SENIOR DIRECTOR WILSON: [interposing]
6 Yes. And--

7 CHAIRPERSON STEVENS: [inaudible]

8 SENIOR DIRECTOR WILSON: And we have
9 space to accommodate more.

10 CHAIRPERSON STEVENS: You have-- it's
11 capacity of 36.

12 SENIOR DIRECTOR WILSON: I'm so sorry,
13 that--

14 CHAIRPERSON STEVENS: [interposing] The
15 capacity for that program, 36?

16 SENIOR DIRECTOR WILSON: Yes.

17 CHAIRPERSON STEVENS: Oh, my mic is not
18 on. I'm sorry.

19 SENIOR DIRECTOR WILSON: I'm sorry. It
20 is 12 at one time, but up to 36 a year.

21 CHAIRPERSON STEVENS: It's up to 36. And
22 so, just so you know, the numbers that we're at is
23 still under the amount that this-- that Impact would
24 have served which was at 175. So, I know you said
25

3 there was an abundance of programs, so I guess let's
4 keep going.

5 SENIOR DIRECTOR WILSON: And I just
6 wanted to say that in the event that we reach
7 capacity, we have the ability to expand. We have not
8 reached the capacity in our current programs, so we
9 haven't had the need to expand, but we have spoken to
10 the providers, and if need be, we can increase
11 capacity if needed.

12 CHAIRPERSON STEVENS: Okay. I know you
13 said an abundance. Are those the only two programs?

14 SENIOR DIRECTOR WILSON: Actually, we
15 also have AIM [sic] Light which is a modification of
16 the AIM program. We understand that AIM has been a
17 tremendous support to young people in the community.
18 So young people who were not disposed of at
19 disposition in AIM program still get to avail
20 themselves of that program. They're matched with a
21 Credible Messenger, an advocate in a community that
22 can work with them and provide some of the services
23 as if they were in AIM.

24 CHAIRPERSON STEVENS: What's the capacity
25 for it?

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3 SENIOR DIRECTOR WILSON: That is-- we
4 don't have a limit right now. We have--

5 CHAIRPERSON STEVENS: [interposing] How
6 many people are currently enrolled?

7 SENIOR DIRECTOR WILSON: approximately--

8 CHAIRPERSON STEVENS: And you would have
9 already had to be in AIM to be--

10 SENIOR DIRECTOR WILSON: [interposing] No,
11 you do not have to. If you're a young person that
12 are in need of a mentor or maybe you experienced
13 challenges on your current level of supervision, we
14 will match you to a mentor to kind of help you
15 overcome the [inaudible].

16 CHAIRPERSON STEVENS: How many young
17 people are in this program?

18 SENIOR DIRECTOR WILSON: Year to date, we
19 have served 75.

20 CHAIRPERSON STEVENS: 75, so 75 people
21 are currently, or you served up to 75?

22 SENIOR DIRECTOR WILSON: 31 currently--

23 CHAIRPERSON STEVENS: [interposing] Okay.

24 SENIOR DIRECTOR WILSON: Year to date
25 there have been 75 young people.

3 CHAIRPERSON STEVENS: And I know you said
4 it was an abundance, so I would think we would keep
5 going. I would love to hear the abundance, because
6 that was aggressive.

7 SENIOR DIRECTOR WILSON: Maybe I should
8 say that we have an abundance of capacity.

9 CHAIRPERSON NURSE: A few programs, you
10 have a few programs.

11 CHAIRPERSON STEVENS: You have a few
12 programs with--

13 CHAIRPERSON NURSE: [interposing] A few
14 programs that don't--

15 CHAIRPERSON STEVENS: [interposing] less
16 than 100 people in it.

17 CHAIRPERSON NURSE: [interposing] Less
18 than 175, and the rationale continues to be that the
19 ATP program is a replacement, is suitable, that all
20 of these others ones are suitable, and it still
21 seems-- I think at the core of it, whether it's
22 impact or any other program, it still seems to be
23 about scale for me, because it seems like we're not
24 hitting the scale of participants that would actually
25 start to make some dents in some of these numbers,
and we have something on the docket, and for whatever

1 reason we still can't seem to get like a real
2 rationale for why this never took off. It seems like
3 the provider that was ready to do it is still ready
4 to do it, and you all have decided we don't want to
5 do this program, but we're going to do these smaller
6 programs which is fine. We should have as many
7 programs as possible going. So we're not saying--

8
9 CHAIRPERSON STEVENS: [interposing]
10 [inaudible] abundance of programs.

11 CHAIRPERSON NURSE: an abundance of
12 programs. So it's just-- it's just-- it just feels
13 baffling to me why we're not fully employing all the
14 tools that we should be utilizing to hit the scale of
15 slots that we need. Okay. So, according to the
16 Mayor's Management Report, the juvenile intake
17 adjustment eligibility rate decreased 18 percentage
18 points during the first four months of fiscal 2024.
19 This trend was driven by an increase in the number of
20 juveniles with felony charge that were referred to
21 probation which was beyond the agency's control, as
22 it is at the discretion of the court system. In your
23 view, what is leading to the decline in case
24 adjustments?

3 DEPUTY COMMISSIONER GARDNER: Thank you
4 for that question. We're guided or informed by the
5 statute which is Family Court Act 308.1 and the
6 uniform rules of Family Court 20522 which determines
7 how a case is deemed suitable. And suitability is
8 actually based on the statute. We look at the
9 youth's legal history. We also look at the nature of
10 the offense, and we're guided by that under some
11 enumerated factors in the Family Court Act which
12 specifically provides the offenses that cannot be
13 considered for diversion such as reckless
14 endangerment, manslaughter, criminal possession of
15 weapon, first degree. And so guided by this statute,
16 we divert based on the statute in terms of
17 determining suitability. We're guided and informed
18 by the statute. So we may be seeing some more
19 egregious offenses that the statute disqualifies them
20 from diversion consideration.

21 CHAIRPERSON NURSE: Okay, we did have
22 some questions about what are the factors for DOP's
23 assessments. We did get those last night, I believe,
24 although we asked for them about a week ago, so we
25 haven't even had time to look at them. If you could
state for the record, what are the factors that DOP

1
2 uses to assess a case, and specifically in what
3 circumstances does DOP not have the authority to
4 recommend adjustment?

5 DEPUTY COMMISSIONER GARDNER: Thank you
6 for that question. DOP cannot divert cases that are
7 deemed to be designated felonies, and so those
8 designated felonies are enumerated in the statute,
9 and I mentioned reckless endangerment, for example,
10 burglary, manslaughter second degree, rape third
11 degree, sodomy third degree, criminal possession of a
12 weapon, sexual abuse first degree, criminal
13 possession of a weapon first degree, coercion first
14 degree. Those offenses are designated felonies and
15 they can only be diverted by the court.

16 CHAIRPERSON NURSE: But you all can
17 recommend a diversion, right?

18 DEPUTY COMMISSIONER GARDNER: No, so when
19 we divert a case, we divert a case. When we refer
20 the case to the Law Department, we do not make
21 recommendations to the court.

22 CHAIRPERSON NURSE: You do not make a
23 recommendation if there's-- if it's-- just to restate
24 what you're saying. You will not make a
25 recommendation if you cannot convert the case?

3 DEPUTY COMMISSIONER GARDNER: When we
4 refer the case to the Law Department, the Law
5 Department conducts an investigation to determine
6 whether or not the case should move forward through
7 the court process. Probation is not involved in that
8 decision-making. Probation is not a party to that,
9 you know, decision-making or even in the court.

10 CHAIRPERSON NURSE: Okay. Just according
11 to the Family Court Act, DOP has the authority to
12 recommend adjustment in every case. However, as
13 you're saying there are certain felony cases where
14 the judge or the corporation council must consent for
15 adjustment to actually occur. So, you're saying that
16 you do not have the authority to make are
17 recommendations on every case?

18 DEPUTY COMMISSIONER GARDNER: Again,
19 Probation-- when the case is referred to the Law
20 Department, it's referred to the Law Department for
21 an investigation. Probation is not a party to that
22 discussion with the Law Department, and if the
23 decision is made to file a petition on the case,
24 Probation is not a party to that discussion.

25 CHAIRPERSON NURSE: Okay, just a few more
questions on adjustment. When DOP reviews

1
2 complaints, are there specific charges for which DOP
3 will never-- excuse me. Next question. Are there
4 written policies or procedures provided to probation
5 officers who make the determination whether to
6 recommend a case for adjustment? Have there been any
7 written directives issued related to the adjustment
8 process issued since the beginning of 2022?

9 DEPUTY COMMISSIONER GARDNER: No, there
10 has not been.

11 CHAIRPERSON NURSE: Okay, I think those
12 are my questions for adjustments.

13 CHAIRPERSON STEVENS: We're not done with
14 DOP. We're going to give you a little break. Drink
15 some water, and I'll come back to you. Move over to
16 ACS. So, the Juvenile Justice Initiative, JJI, is
17 ACS' ATP program that is available in all five
18 boroughs. JJI allows young people ages 12 to 15 who
19 have been found to be juvenile delinquents in Family
20 Court to remain at home where they receive intensive
21 services. How much funding did the JJI initiative
22 receive in FY 22, 23, and 24? How many young people
23 were served by the program in those years? What is
24 the funding per participant? And JJI services are
25 available for young people who have a willing

1 caretaker to participate in the services. Are foster
2 care youth eligible for JJI, and if not-- if they do
3 not have a caretaker? That was a lot of questions,
4 so any of them that you need me to repeat, I will.
5

6 ASSOCIATE COMMISSIONER TOOMER: Well,
7 thank you for that question, Cahir Stevens. First, a
8 bit of clarification. JJI is available for youth up
9 to age 18. So you're question in reference to up to
10 age 15. In FY--

11 CHAIRPERSON STEVENS: [interposing] Thank
12 you for that correction.

13 ASSOCIATE COMMISSIONER TOOMER: In FY 22
14 we served 151 youth through JJI. FY 23 we served 149
15 youth, and so far this year we have served 143 youth
16 through June 20th. We have allocated \$11.2 million
17 per year for JJI.

18 CHAIRPERSON STEVENS: 11 what?

19 ASSOCIATE COMMISSIONER TOOMER: \$11.2. I
20 forgot your other question. It was cost per slot.
21 So we'd have to break--

22 CHAIRPERSON STEVENS: [interposing] Per
23 participant, yeah.

24 ASSOCIATE COMMISSIONER TOOMER: So, I
25 don't necessarily have a cost--

1
2 CHAIRPERSON STEVENS: [interposing] You
3 can give them to us--

4 ASSOCIATE COMMISSIONER TOOMER:
5 [interposing] Oh, I do. It is about \$48,000 per
6 participant.

7 CHAIRPERSON STEVENS: Okay. And then
8 last question was just around the eligibility for
9 foster care youth, because it's such an incentive
10 program with a caretaker. So what does that look
11 like? Does this mean that if you're in foster care
12 you're not eligible? Just trying to get more
13 information around that.

14 ASSOCIATE COMMISSIONER TOOMER: Youth in
15 foster care are eligible as long as they're-- have an
16 adjudicated case in Family Court. It is a mandated
17 program. So, as long as they go through to
18 disposition, we are able to provide JJI services if
19 the court--

20 CHAIRPERSON STEVENS: [interposing] How
21 often does that happen? Because I-- it just-- it
22 seems like it would be a burden on foster care
23 parent. Is that something they could be like, well,
24 this is something that I don't want to participate
25

1
2 in? And you know, there's a lot of follow-up. So
3 what does that process look like?

4 ASSOCIATE COMMISSIONER TOOMER: Right.
5 So, JJI is a condition of probation. So a young
6 person or family could determine that they're not
7 interested in participating, and the judge then needs
8 to make a decision about whether they're going to
9 place that youth or allow that youth to remain in the
10 community. I don't have exact numbers on the number
11 of foster care youth who are involved in JJI, but
12 being a foster care youth does not preclude them
13 from--

14 CHAIRPERSON STEVENS: [interposing] Yeah,
15 I know it wouldn't preclude it, but I'm just-- and
16 this is something we can definitely have a follow-up
17 conversation about. Like, what does this really look
18 like, and are young people who may be in foster care
19 have a higher-- you know, a higher risk of not being
20 able to get off for this or go to this, because a
21 foster care parent is like no, I don't want to do
22 this.

23 ASSOCIATE COMMISSIONER TOOMER: So, JJI
24 has a suite of services and one of those services is
25 multi-systemic therapy and adaption for emerging

3 adults, and that particular intervention does not
4 require the caregiver's involvement. And so youth up
5 to age 21, you know, particularly for youth who are
6 couch surfing, they're mobile, they're not in a
7 particular stable environment, that is the service
8 that we would recommend--

9 CHAIRPERSON STEVENS: [interposing] Okay.

10 ASSOCIATE COMMISSIONER TOOMER: for that
11 young person who doesn't necessarily have a stable
12 caregiver. I think one of the things that's unique
13 about JJI is that we do try and tailor our services
14 to the unique needs of youth. We have four
15 adaptations of MST, and so we try and make the best
16 fit after assessing what's appropriate.

17 CHAIRPERSON STEVENS: Good to know, and
18 the flexibility is also really important. Okay. At
19 the ACS Executive Budget hearing, the Commissioner
20 testified that the agency is developing an ATD pilot
21 program to serve older youth with CASES and the youth
22 part of Supreme Court. Please expand on the services
23 that this pilot will provide.

24 ASSOCIATE COMMISSIONER TOOMER: So, this
25 is a recently-started pilot. CASES is the agency
who's providing these services in the Bronx and

1
2 Manhattan. It's our first foray into the youth part
3 as you mentioned. We just started about two months
4 ago, and they're using their APT, which I forget the
5 acronym. So, they're using APT which is an in-home
6 therapy. They've been going through the process of
7 hiring a therapist. They just received their first
8 two referrals last month, and there is one youth
9 engaged in the program right now. We were hoping
10 that they could get between 10 and 15 youth in this
11 fiscal year, but they're still, you know, marketing
12 the program and engaging judges in the youth part.

13 CHAIRPERSON STEVENS: How many providers
14 with ACS contract to this program, and what will be
15 the total number of slots?

16 ASSOCIATE COMMISSIONER TOOMER: So, it's
17 just a pilot program right now, and we just have the
18 one provider.

19 CHAIRPERSON STEVENS: Going to be the one
20 for now.

21 ASSOCIATE COMMISSIONER TOOMER: Correct,
22 yes.

23 CHAIRPERSON STEVENS: And what does the
24 assessment look like? Because I feel like we do a
25 lot of pilot programs in the City and then we'll be

1
2 like, alright, next week we're just going full scale,
3 and that's probably one of my biggest pet peeves. So
4 in this pilot, what does that look like to assess if
5 it makes sense to develop it into a full-throttle
6 program and what are the indicators for those things?

7 ASSOCIATE COMMISSIONER TOOMER: So, I
8 mean, I think the biggest indicator is whether they
9 get the referrals, whether the stakeholders are
10 interested in the program and they feel that it's
11 filling a gap. And so we will continue to work with
12 CASES and Family Court-- and youth part stakeholders
13 to determine whether this--

14 CHAIRPERSON STEVENS: [interposing] Well,
15 so, because like-- and this is why it drives me crazy
16 because even in the start of the pilot where there's
17 specific goals and targets that you were trying to
18 reach that, you're using this pilot to drive that
19 data, or like-- because again, I feel like I'll come
20 in, we'll talk here now, and then next year you're
21 like, yeah, we're rolling this out. And I'm like,
22 okay, well what were we looking for? I don't want to
23 do that.

24 ASSOCIATE COMMISSIONER TOOMER: Right.
25 So--

3 CHAIRPERSON STEVENS: [interposing] So, if
4 you didn't do that, I would love for us to figure
5 that out.

6 ASSOCIATE COMMISSIONER TOOMER: Right,
7 right. Well, I mean, like I said, the biggest thing
8 for us is referrals and whether it will demonstrate
9 whether this program is necessary and needed in the
10 youth part, and then--

11 CHAIRPERSON STEVENS: [interposing] And
12 what else other than referrals?

13 ASSOCIATE COMMISSIONER TOOMER: I'm sorry.
14 With all of our programs, though, we do look at
15 levels of engagement, you know, how many contacts
16 were made, you know, what the outcome of the young
17 person's case was, whether they completed the program
18 successfully, all of those things. And then
19 ultimately whether they were re-arrested and made all
20 of their subsequent court dates, right? Those are
21 things--

22 CHAIRPERSON STEVENS: [interposing] Then
23 why aren't those things part of the pilot to
24 quantify? So we'll talk offline, because I don't
25 want to have to put a bill [sic] in this. I feel
like we always do these pilots and then it's just

1
2 like-- you know the things that we're looking for, so
3 why aren't we like specifically honing in on them so
4 that when we come to the end, it could be like we met
5 these goals. This makes sense. This is working. This
6 isn't working. But we'll talk offline about it.
7 I'll let it go. So you said the pilot already had
8 launched, okay, great. The Center for Alternative
9 Sentencing and Employment, CASES, and the ADT [sic]
10 reports that the Manhattan location has served no
11 more than 10 youth at a time. What does ACS believe
12 is the reasoning for this under-utilization?

13 ASSOCIATE COMMISSIONER TOOMER: For the
14 alternative to detention program?

15 CHAIRPERSON STEVENS: Uh-hm.

16 ASSOCIATE COMMISSIONER TOOMER: So, from
17 our perspective, our alternative to detention
18 programs in what are our three high-volume boroughs
19 have been, you know, almost over-utilized in Queens,
20 the Bronx, and in Brooklyn. In Manhattan and Staten
21 Island we just aren't seeing as many referrals. You
22 know, those programs, as we've stated, are mandated
23 by the court, and so we just aren't seeing the
24 numbers of referrals coming in from Manhattan and
25 Staten Island. But our ATD programs citywide this

1 year have served 279 youth. We've closed out 198
2 cases, 75 percent of those cases were closed
3 successfully. And when you mentioned outcomes and
4 metrics and some of the things that we look at, a
5 successful case closure is one in which a young
6 person did not suffer a re-arrest. They completed
7 the program. They got to disposition on their case,
8 and they were-- usually enter, you know, regular
9 probation situation.
10

11 CHAIRPERSON STEVENS: Last March an
12 announcement was made that ATD programs previously
13 managed by MOCJ would transition to be overseen by
14 ACS. How many young people currently enrolled in
15 each ACS ATD program?

16 ASSOCIATE COMMISSIONER TOOMER: So, we
17 have 81 youths in our ATD programs currently. There
18 are 23 in the Bronx, 10 in Manhattan, 26 in Queens,
19 one in Staten Island, and 21 in Brooklyn.

20 CHAIRPERSON STEVENS: Of the youth
21 currently enrolled in the ACS ATI program, how many
22 young people are considered low, medium, high-risk,
23 or reoffenders based on the detention risk [sic]?

24 ASSOCIATE COMMISSIONER TOOMER: Of the 81
25 youth that we had as of May 31st, 2024-- I should

1 clarify that. There were 49 of those 81 were medium-
2 risk. That's 60 percent. 16 were identified as
3 high-risk. That's 20 percent. And another 16 were
4 identified as low-risk, so that is also 20 percent.
5 So, 60 percent or the majority of our young people
6 are medium-risk.
7

8 CHAIRPERSON STEVENS: Assessment

9 administered by DOP-- the current program targets
10 youth who score medium risk on the detention risk
11 assessment instrument. Does ACS have any plans to
12 expand program capacity to serve more high-risk
13 youth?

14 ASSOCIATE COMMISSIONER TOOMER: So, at
15 this time, we don't have plans to serve more youth.
16 You know, we assess each youth that comes our way.
17 Like I said, ATD programs were meant to be medium-
18 risk youth. Our thinking is that low-risk youth
19 should be released into the community, and high--

20 CHAIRPERSON STEVENS: [interposing] We all
21 agree on that.

22 ASSOCIATE COMMISSIONER TOOMER: And high-
23 risk youth should probably get more attention than
24 our ATD programs can provide, but we have not had to
25 turn away young people from our ATD programs. So,

1
2 although, you know, we'd like for capacity to be at
3 25 at the most. I just mentioned that our Queens
4 program is at 26, and so they will take on additional
5 young people if those young people are referred to
6 us.

7 CHAIRPERSON STEVENS: ACS has previously
8 indicated that ATD program could consider allowing
9 referrals directly from youth part on a case-by-case
10 basis. Since the program began, how many enrollments
11 have come from direct referrals from the youth part?
12 Under what circumstances is that permitted?

13 ASSOCIATE COMMISSIONER TOOMER: We do not
14 take ATD referrals from the youth part. We have our
15 pilot in the youth part and that is our only
16 involvement--

17 CHAIRPERSON STEVENS: [interposing] So,
18 it's just the pilot currently.

19 ASSOCIATE COMMISSIONER TOOMER: Our ATD
20 programs are all in Family Court cases.

21 CHAIRPERSON STEVENS: Okay. So, I'm
22 going to pause there with ACS. I'm going to ask a
23 few questions to MOCJ, and then I'm going to go to
24 DYCD, and then I'll open it back to colleagues. I
25 have a couple more questions for you guys, too, but I

1 know my colleagues they want to ask questions.
2
3 Welcome to the party. In 2018, MOCJ testified at the
4 City Council that supervised release was key to
5 keeping young people in the community, ensuring
6 successful implementation of Raise the Age. Please
7 share a breakdown of how many people under 18 years
8 old were on supervised release from 2018 to 2023, and
9 currently how many people under the age of 18 years
10 old are enrolled in MOCJ supervised release program?
11 And are all those enrolled for young people with a
12 case pending in the youth part? And I can repeat any
13 question you need.

14 DIRECTOR DANIEL: Okay, that was a multi-
15 part questions, so I'll start at the beginning. So,
16 since 2018, year over year, they started off with
17 about 200 kids in-- people under-- youth age of 18
18 and supervised release in 2018. And in 2024 it's
19 235. I can get that for you year by year as well.

20 CHAIRPERSON STEVENS: Currently, how many
21 people under 18 years old enrolled in MOCJ
22 supervised-- is that the 200, or?

23 DIRECTOR DANIEL: 235, Yeah.

24 CHAIRPERSON STEVENS: 235. According to
25 MOCJ website, MOCJ is funding 24 ATI programs run by

1
2 14 nonprofits. However, this information which was
3 last updated in 2022 appears to be out of date with
4 the current mayoral administration policies. Is this
5 information still accurate?

6 DIRECTOR DANIEL: It's still accurate,
7 yes.

8 CHAIRPERSON STEVENS: It's still
9 accurate? And so none of those things have changed
10 since 2022?

11 DIRECTOR DANIEL: No.

12 CHAIRPERSON STEVENS: How many-- wait,
13 hold on. How many young people under 18 are enrolled
14 in the MOCJ-funded ATD and ATP program?

15 DIRECTOR DANIEL: So, those programs have
16 all transferred over to ACS. So, those [inaudible].

17 CHAIRPERSON STEVENS: Does MOCJ have any
18 plans to expand this capacity to serve more young
19 people in cases with the youth part?

20 DIRECTOR DANIEL: So, we are-- our ATI
21 programs currently do serve young people in the youth
22 part, and we're constantly assessing whether or not
23 what those needs are and whether or not they need to
24 expand. Currently--
25

3 CHAIRPERSON STEVENS: [interposing] What
4 does those assessments look like?

5 DIRECTOR DANIEL: So, we look at our data
6 to see how many youth are coming into ATI programs,
7 and we talk to providers about what's needed,
8 providers and other court parties about what's
9 needed. So, that's-- that's what the assessment
10 looks like.

11 CHAIRPERSON STEVENS: And so where are
12 you at with the assessments?

13 DIRECTOR DANIEL: So, we're constantly
14 looking at the data to see how many youth are coming
15 in and whether or not it's meeting the demand what we
16 have. And so far, it does appear to be meeting the
17 demand.

18 CHAIRPERSON STEVENS: I like the word
19 appear. We've heard from legal providers that when
20 young person are in-- is a part of the ATI program
21 while their case is being heard in the youth part,
22 they lose access to programs that help provide them
23 some stability of their case and gets removed to
24 Family Court. Is MOCJ doing anything to address this
25 problem?

3 DIRECTOR DANIEL: So, we are aware of the
4 gap and we are working with our partners to try to
5 figure out what that-- what filling that gap looks
6 like. There are programs that are available for
7 youth in other areas, and we also have pretty robust
8 re-entry programs as well.

9 CHAIRPERSON STEVENS: Yeah, I mean,
10 that's one of the biggest things that I'm hearing,
11 that transfer kids are-- it's destabilizing them, and
12 to me, it doesn't make sense when it's all city
13 programs. So, if a program is working for a young
14 person and just because they are moved in court, it
15 doesn't make sense that we're doing it, and so I hate
16 things that don't make sense, and this is one of the
17 things that's been really grinding my gears around
18 like how are we-- is this serving the young people
19 opposed to like-- who is it serving? Because it
20 doesn't make sense. Like, even if you guys come up
21 with another program, if a young person is in the
22 program that's thriving and they're doing well there,
23 why do you need to create another program for a young
24 person to like have to get re-acclimated to a new set
25 of people? So, we really have to make sure and
figure out-- I think when Raise the Age we were, you

1 know, so excited about it, this was one of the gaps
2 that I think that now we need to come back and re-
3 evaluate and really think about how to fix, because
4 this is one of the things that I've been hearing the
5 most concerns about. I'm going to bring up DYCD now,
6 and then I'll turn it over. I have a couple
7 questions with DYCD and then I will turn it over to
8 my colleagues for some questioning. Then we'll come
9 back around, because Council Member-- Chair Nurse has
10 a few more question for some of the agencies.

12 Welcome to the party.

13 DEPUTY COMMISSIONER RATTRAY: Good
14 afternoon.

15 CHAIRPERSON STEVENS: Good after-- well,
16 it's still morning. Still got a couple minutes. So,
17 one of the things and one of the reasons why for me
18 it's so important that DYCD is here and a part of
19 this conversation, especially when we're thinking
20 about a de-carceration plan for young people and
21 getting young people out because you guys get the
22 young people in a recreational setting and typically
23 before anyone else touches them. So I think that the
24 role that you guys play are so critical and important
25 and sometimes it's lost in the conversation. And so

1 for mem, just thinking about what are we doing around
2 making sure we're deterring these young people so
3 that they don't have to talk to DOP or ACS or all
4 these other things. It's just really important. So,
5 NYC Cure Violence Program is a community-based
6 program approach that focus on proactively
7 interventions and comprehensive support to reduce gun
8 violence and improve public safety. ACS started the
9 Close to Home partnership with other agencies to
10 train youth to be Junior Credible Messengers. Does
11 ACS partner with DYCD in efforts so that young people
12 can grow into Cure Violence leaders?

14 DEPUTY COMMISSIONER RATTRAY: Good

15 afternoon, Chair Stevens, and thank you for that
16 question. So, two things, I guess. One, we work
17 very closely with ACS and all of our agency partners
18 on the work that we do in both secure and non-secure
19 detention. One program I do want to highlight that's
20 an ONS program is our ACS Credible Mentoring program
21 where we have those Credible Messengers who are
22 placed at the secure detention sites, Horizons,
23 Crossroads, and also some of the non-secure providing
24 meaningful connections to young people. It's a
25 mentoring program. They're in there. They're doing

1 workshops on critical thinking, team-building,
2 healthy relationships, conflict resolution,
3 mediation, wellness, mediation, yoga. They're making
4 those youth development style connections to these
5 young people so when they do transition back to
6 community they have those connections in place.
7 They're also working with them on-- what's that-- I
8 put it in quote, "discharge planning" that's
9 happening. What's that resource planning, both for
10 the family and that young person? As you know, well,
11 our Credible Messengers are in communities. So,
12 they're making those connections back to where those
13 young people live, and it's been working quite well.

15 CHAIRPERSON STEVENS: Is the Cure
16 Violence program used to supplement ACS and DOP ATD
17 programs? And I think I know the answer to this. I
18 don't think they are, but just wanted to hear,
19 because again, especially with a lot of the defense
20 attorneys we're hearing that like they feel like it's
21 such a limited number of programs and they typically
22 don't have referral options. And so just thinking
23 about with-- are those programs ever used to
24 supplement any of the other programs that ACS and DOP
25 might be providing?

1
2 DEPUTY COMMISSIONER RATTRAY: I don't
3 want to call it supplement versus enhanced and also
4 provide additional resources and services to what's
5 happening.

6 CHAIRPERSON STEVENS: Does ACS
7 incorporate Cure Violence into aftercare for
8 community-based programs such as Close to Home?

9 DEPUTY COMMISSIONER RATTRAY: So, our--
10 through our Credible Mentoring program, yes, we do
11 have Credible Messengers that are at the Close to
12 Home locations as well. Integrated there can making--
13 - again, meaningful connections to those young people
14 in supporting them in their transition.

15 CHAIRPERSON STEVENS: What can we-- what
16 more can be done to improve communication between
17 ACS, DOP, and DYCD and the Cure Violence program?

18 DEPUTY COMMISSIONER RATTRAY: So, we--
19 again, we are great partners. We-- the program teams
20 speak at times weekly. I think we have a great
21 relationship.

22 CHAIRPERSON STEVENS: Oh, you feel like
23 you guys are doing a great job.

24 DEPUTY COMMISSIONER RATTRAY: I think
25 we're doing-- I think we have a really good

3 relationship. I think one of the things that we--
4 and you know this, Chair Stevens, that we've been
5 working on is how do we strengthen the relationships
6 on the ground locally in community between providers,
7 and that they're not competing, but they are thinking
8 and partnering.

9 CHAIRPERSON STEVENS: Yeah.

10 DEPUTY COMMISSIONER RATRAY: And that--
11 so we're still working and strengthening those
12 connections, but it's coming across well so that when
13 they do make that meaningful connection to that young
14 person, bring them back to community, that they can
15 tap into other resources that are happening, whether
16 it's the community center, afterschool program,
17 services for the family as well.

18 CHAIRPERSON STEVENS: Yeah, and we should
19 also be thinking about preventing, right? Because
20 again that's-- for me, DYCD, you guys are the first
21 touchpoint, and so when they get these places we
22 haven't done our job well. I'm going to leave it
23 there and open it up for my colleagues. I think
24 right now, Council Member Menin?

25 COUNCIL MEMBER MENIN: thank you so much,
Chairs. So, I have a number of questions. I want to

3 start with the Department of Probation. I have to
4 say as I was listening to the testimony, I was rather
5 shocked by the exchange that you had with the Chairs
6 regarding outreach to the judges, or more specific,
7 the lack of outreach to the judges in terms of
8 programming that affects young people. You mentioned
9 that you have this monthly meeting with judges, and
10 the only other aspects of the outreach you mentioned
11 was handing out packets. I fail to see how that is
12 meaningful outreach, and an issue that is as
13 important as the subject of this hearing. And so why
14 is the agency not doing more to reach out to defense
15 counsel, to the Bar Association, to-- you know,
16 there's so many different parties that you could be
17 reaching out to and just handing out packets, and
18 expecting that a judge is going to read that, it just
19 is honestly shocking.

20 DEPUTY COMMISSIONER GARDNER: Thank you
21 for that question, Council Member Menin. So, the
22 meetings that we have monthly is not just with the
23 judges, but with all agency head stakeholders. So,
24 there is representation from Legal Aid, the defense--
25 you know, defenders, all different councils, social
workers, program providers. All of those entities

1
2 are actually sitting at the-- you know, we do virtual
3 and sometimes we do in-person. But all the
4 stakeholders are at the meetings.

5 COUNCIL MEMBER MENIN: Well, given the
6 fact that the number of participants in the program,
7 as you heard from the questioning from the Chair is
8 so low, clearly the outreach isn't working. So, it
9 seems very apparent that the agency needs to rethink
10 the way that you're doing outreach. Do you have
11 materials that are on-site at the courthouse? Are
12 you reaching out to every specific defense counsel?
13 You have the information about these attorneys. Are
14 you reaching out to them directly? What exactly is
15 the agency doing, and what is your plan moving
16 forward to change the way that you're doing outreach?

17 DEPUTY COMMISSIONER GARDNER: Thank you
18 for that question. So, we also-- when cases go back
19 and forth to court, our CLOs have the packets that
20 are disseminated to the parties in court. This is
21 not-- this is something that we strive to do, but we
22 will get back to council as to any other decision-
23 making and outreach that we plan moving forward.

24 COUNCIL MEMBER MENIN: I mean, I think if
25 I could make a suggestion to the Chairs, I think that

1
2 you should put together a new action and outreach
3 plan that you submit to these committees for their
4 review, because this is not working. And so, you
5 know, one of the things, and I say this as someone
6 who served as a former Commissioner. One of the
7 things that city agencies are supposed to specialize
8 in is actual outreach. So, I'm really concerned
9 about the lack of outreach. I'd love to see a new
10 plan that is submitted to the relevant committees so
11 we can really talked a look at that. My second
12 question is for all the agencies. Since this is a
13 hearing, an oversight hearing on coordination, just
14 from hearing the testimony, I'm concerned that
15 information is being siloed. What is the
16 coordination between the four agencies that are
17 testifying today, and if you could be very specific?
18 How often are you meeting? If you could really talk
19 about the actual coordination between these four
20 agencies.

21 ASSOCIATE COMMISSIONER TOOMER: So, I can
22 specifically talk about the programs that I oversee,
23 our community-based alternative programs. We
24 coordinate with DOP on a weekly basis whenever an
25 exploration of alternatives comes in from the court

1
2 to us. we are meeting with DOP to review that
3 individual packet which includes, you know, an
4 investigation and report, a mental health report, and
5 we make a decision together about which is the most
6 appropriate agency to serve that young person. And
7 then after, you know, if JJI is assigned that case,
8 they're also assigned a probation officer through
9 DOP, and so that probation officer is regularly
10 coordinating with our therapists who are in-home
11 providing services and support. If the DOP probation
12 officer feels like the young person should be
13 violated, they are bringing it to the therapist first
14 to have a conversation about it. It's just something
15 that we can correct before we violate a young person.
16 So we are regularly communicating with DOP on those
17 types of cases. As Commissioner Rattray mentioned,
18 we are regularly working with DYCD to get young
19 people jobs, to identify internship programs. We
20 took over the ATD programs from MOCJ. There was a
21 lot of coordination that happened there. So that's
22 just in terms of our prevention work, but also in our
23 juvenile justice work, we also coordinate.

24 COUNCIL MEMBER MENIN: Okay, thank you.

25

3 DEPUTY COMMISSIONER GARDNER: If I may
4 also add, I just wanted to clarify, a statement that
5 was made earlier when it came to diversion services.
6 We are not a party to the outcome of the case when
7 it's-- when the case is referred to the Law
8 Department, investigation is conducted, and the case
9 moves on to court. There's a CLO sitting in the
10 court part. What can sometimes happen as both Charis
11 are aware and Council Members are aware, that the
12 judge an also refer the case back to probation for
13 adjustment services. So, there was a memorandum that
14 went out basically I believe in February of 2024
15 which states that, you know, we want to take a look
16 at the cases, make sure that we are adhering to
17 policy and making sure that we're working with the
18 court in diversion services. So the case can be
19 returned from court for diversion services.

20 CHAIRPERSON NURSE: Okay, thank you for
21 that, because yeah, we had the copy of the memo. So
22 it was feeling a little frustrated to hear that. But
23 since we brought up the outreach about the program,
24 you know, while we've been in this hearing we've been
25 hearing form people in real-time saying that as of
this week and last week they've been told programs

3 are full. There was-- Staten Island reported they
4 were being told by the court liaison that ICM is at
5 capacity. Last Friday, they were told in a different
6 location there were only four slots. So, I just-- I
7 don't know if information is flowing up to you so
8 that you're able to fully convey what's happening on
9 the ground, but it seems to be either information is
10 not coming to you or you're unwilling to say that you
11 don't have slots, and I don't which one is worse, but
12 it just feels like this is what's been happening in
13 our last few hearings about these programs and
14 questions about capacity. It's the statements
15 continually saying we're ready, willing, able. We
16 have capacity, but on the ground people are being
17 told no. So there's something happening, and we're
18 not-- I'm not here to hammer you personally. I'm just
19 trying to understand what's going on. Because these
20 defenders and these program providers are saying this
21 isn't adding up. So, it would be really helpful if
22 we could get actual clarification whether from you or
23 in a follow-up, in a timely follow-up, about what the
24 hell is actually going on.

25 DEPUTY COMMISSIONER GARDNER: Thank you
for that question, Chair Nurse. I met with the

1 managers yesterday just for clarification of, you
2 know, what are the gaps. Why are we finding a
3 disconnect with the messaging. And so my
4 conversation with them was that the ICM referrals to
5 probation were low. And you referenced Staten
6 Island. Staten Island has four ICM cases.

8 CHAIRPERSON NURSE: I'm just letting you
9 know what we're being told on the ground.

10 DEPUTY COMMISSIONER GARDNER: I
11 understand.

12 CHAIRPERSON NURSE: I'm not there. I'm
13 not a public defender. I don't spend my days in the
14 court. There are people who do, and this is the
15 information they tell us. There is no reason for
16 them to lie to us. There's just zero-- there's zero
17 benefit to them to lie to us to say we are trying to
18 get people in programs and out of detention, and
19 we're being told no. There's zero reason for them to
20 do that. I don't know what's going on, but I think
21 you all need to have better communication at the
22 ground level and at the higher executive level of
23 this agency, because there seems to be some
24 information gap that's happening. Because if this
25 program as you've testified today and as we were told

1
2 in the last budget hearing, is in fact-- doesn't have
3 a capacity issue right now. That should be reflected
4 on the ground. We should be hearing from people on
5 the ground, yes, we've been able-- when a judge wants
6 to refer, they've been able to find a slot, because
7 that's not what we're hearing. As of even the end of
8 day, yesterday.

9 CHAIRPERSON STEVENS: Also, I hear what
10 you're saying, the judges, but I'm also hearing from
11 legal folks that the defense attorneys are the ones
12 that need to bring these things up, and they do not
13 know that these programs are not full and they don't
14 have a list of this information. So, again, there is
15 a huge disconnect, and honestly, it feels
16 intentional. So, that's where I'm at, at this point.
17 It feels intentional, because the numbers in our
18 juvenile detention are rising, and we keep saying
19 Raise the Age, and so at some point it's like,
20 alright, if that was the case, we're there. So what
21 are we doing to mitigate that? And so again, I think
22 Council Member Nurse said it, it's not a personal
23 attack on either of you. I think you're just doing
24 your job, but we as a city have to just do better.
25 And for me, it's our job to push to make sure that we

1
2 are doing better, and so that's-- and that's where we
3 are. But I do want to turn it back over to our
4 Council Member-- I mean, our colleagues who are here.
5 Council Member Avilés and then Council Member
6 Restler.

7 COUNCIL MEMBER AVILÉS: Thank you,
8 Chairs. I think the one element that we're not
9 considering here right now in this conversation about
10 DOP and the judges and this outreach is that a
11 question of confidence. Have you all assessed
12 whether or not the judges actually feel any level of
13 confidence in the programming that's being offered in
14 order to refer cases there? Because judges are not
15 going to refer to things they don't work or don't
16 know about, and this disconnect is pretty profound.
17 So it leaves me with one or two items. It's either
18 lack of confidence in what the City is offering,
19 and/or a lack of awareness. And both are-- lead to
20 some significant work that needs to be done. So, how
21 is DOP assessing whether judges are confident in any
22 of these programs, given the numbers of referrals
23 that are happening. It shows no confidence in them.

24 DEPUTY COMMISSIONER GARDNER: Thank you
25 for that question, Council Member Avilés. So, the

1
2 conversations with the judges are happening. They're
3 ongoing monthly and ongoing with the stakeholders. I
4 know that the last conversation that we had with the
5 judges they spoke about speedy trial and the fact
6 that they need an MHS report before they can move to
7 disposition. So, we have-- we are having-- we have
8 some gaps, but we are messaging and we're continuing
9 to have conversations with the court trying to, you
10 know, find options to move cases along speedily so
11 judges can reach dispositions and utilize some of the
12 robust programming that we have with AIM and ECHOES
13 which there is capacity, and we want, you know, the
14 capacity to increase.

15 COUNCIL MEMBER AVILÉS: So, I would
16 advise you all to stop using the word robust, because
17 the evidence that you've provided here to this
18 council does not capture a robust set of diversion
19 and prevention programs, the programs that we need.
20 So I would suggest like a few. We're on our way, but
21 robust is not reflected here. Certainly, there's no
22 robust numbers. What we're seeing are robust is the
23 numbers of young people being detained, and that is
24 unacceptable. The City has worked so hard to get our
25 numbers down for juvenile incarceration, and we were

1 innovating, we were closing facilities, and we are
2 absolutely going in the opposite direction, and this
3 is unacceptable. I guess I'd like to note that you
4 mentioned there was a gap in the messaging, and I
5 just want to know that they're-- what we're seeing
6 here is a gap in action. We're seeing a serious
7 contradiction. Now, fi this hearing is about de-
8 carceration. Adding beds to the system is not de-
9 carcerating. It is the exact opposite. So, let's
10 talk about-- let's talk about the ACE facility. So,
11 my understanding is that there area plans to add-- so
12 there's ACS' decision to invest \$340 million into the
13 Horizon secured detention facility in the Bronx.
14 It's going to be adding 48 additional beds. I'd like
15 to understand how this decision was arrived. What
16 resources are necessary to prevent and move more
17 youth out of secure detention? So, actually, let's
18 hear more about who made this decision to add more
19 beds instead of doing the work that was previously
20 agreed to?

22 DEPUTY COMMISSIONER GINSBERG: Well, I'm
23 not clear exactly what work you're referring to as to
24 previously. We are working very hard to increase the
25 number of community alternatives, and we are doing

1 everything we can to divert young people to work with
2 the courts and council to-- and the Sheriff's Office
3 to place increasing numbers of young people on
4 electronic monitoring. But I think there needs to be
5 a little bit of clarification about that we're really
6 talking about two different populations. The ATD's
7 that we have been discussing today are for Family
8 Court youth. We have very, very few young people in
9 secured detention who only have pending Family Court
10 cases. Three percent of the young people in secure
11 detention are facing charges only in Family Court.
12 So, 97 percent of the young people who are in Horizon
13 and Crossroads are facing charges in the adult court
14 system, and almost all of those young people before
15 Raise the Age would have been on Rikers. And so
16 although we have many young people in secure
17 detention, we have no 16 and 17-year-olds on Rikers
18 anymore. And we're able to hold the 16 and 17-year-
19 olds who come to secure detention until they turn 21.
20 And so there-- overall, there's a much smaller number
21 of young people under the age of 18 who are
22 incarcerated in 2024 than there was in let's say
23 2013, because these facilities were filled with
24
25

1
2 Family Court kids, and those kids are no longer in
3 secure detention.

4 COUNCIL MEMBER AVILÉS: So, let me just--
5 just say for the record, we should not be adding one
6 bed whether they're in Riker-- they're coming from
7 Rikers or if the population is shifting at all. If
8 our goal is to de-carcerate, we should not be
9 building beds. That-- those resources were allocated
10 to, you know, improve a facility. It was not
11 allocated to build additional beds. So, if-- chairs,
12 if I could just read a couple of questions for the
13 record, and you can either respond. I can
14 unfortunately stay for the responses. It seems like
15 they're going to take a little while longer, but I
16 would like the Administration to clearly respond on
17 the record to these questions. Before building any
18 beds or conception of additional beds, what did ACS
19 do to cut down the population, specifically? What
20 ongoing processes are in place to reduce the number
21 of youth in secure detention? What are the-- what
22 resources are necessary, but currently not available,
23 to prevent remand or move more youth out of secure
24 detention? How did ACS arrive at the number of an
25 additional 48 beds? And what input process from

1 community stakeholders, including young people and
2 families, did ACS include when creating this
3 expansion plan? And lastly, can you provide a
4 breakdown of the \$340 million? For example, how much
5 of this is going towards increasing the number of
6 beds versus overall improvement, and what does it
7 cost to build each additional bed? I have many, many
8 more questions, but unfortunately I do not have time.
9 So we will submit them to you all on the record to
10 expect a response from each of you and they cross--
11 they cut across a number of different agencies. but
12 for the record-- and lastly, someone mentioned, I
13 think it was DOP, around programs for NYCHA young
14 people, and you know, DOP just went randomly willy-
15 nilly and cut Next Steps program which was serving
16 our NYCHA youth because apparently in their minds
17 those services existed, and we told the Commissioner
18 100 percent those were not duplicative services, and
19 they went and cut them anyway. So, there is so much
20 work to be done here, and it is deeply disappointing
21 to see how the agencies have started to roll back
22 incredible work that was being done, where we
23 innovating and de-carcerating in earnest and now we
24

1
2 are totally doing the opposite. It's deeply
3 disappointing, and our young people deserve better.

4 CHAIRPERSON STEVENS: Thank you. Thank
5 you for your questions, Council Member Avilés. I'm
6 going to turn it over to Council Member Nurse who has
7 a few questions.

8 CHAIRPERSON NURSE: Just a couple more
9 questions, and welcome, Council Member Nantasha
10 Williams. I wanted to ask about adjustment again,
11 and I wanted to ask about adjustment when top charge
12 is a criminal possession of a weapon. So, in
13 particular, can you describe how Probation Officers
14 assess whether to recommend adjustment when the top
15 charge is a criminal possession of a weapon? And has
16 there been any recent guidance given to POs related
17 to adjustment considerations for gun cases?

18 DEPUTY COMMISSIONER GARDNER: Thank you
19 for that question, Chair Nurse.

20 CHAIRPERSON NURSE: I'm sorry, I can't
21 hear you.

22 DEPUTY COMMISSIONER GARDNER: I'm sorry.
23 Thank you for that question, Chair Nurse. So when I
24 reference that suitability, diversion is based on the
25 statute. We are informed by the statutes which is

1 found in court act 308.1, and the uniformed rules of
2 Family Court 20522. So, basically, the statute
3 enumerates a number of offenses that cannot be
4 diverted, which is one of them would be criminal
5 possession of a weapon first degree [inaudible], and
6 also criminal possession of a weapon second degree.
7 Those are weapons cases. But the statute looks to
8 the legal history of the young person and also the
9 nature of the offense that comes before us at intake.
10 So, those are the areas that we-- that informs our
11 decision to divert the case or to refer the case to
12 the Law Department.

14 CHAIRPERSON NURSE: Okay. And there's
15 been no internal directive to Probation Officers at
16 all about this?

17 DEPUTY COMMISSIONER GARDNER: There has
18 been no internal--

19 CHAIRPERSON NURSE: [interposing] Telling
20 them not to adjust gun cases or not to even
21 recommend.

22 DEPUTY COMMISSIONER GARDNER: That is
23 correct. No internal directives.

24 CHAIRPERSON NURSE: Okay. One second.
25 So, the most recent MMR also noted that the number of

3 enforcement actions conducted by DOP's Intelligence
4 Unit more than doubled and the agency has been
5 increasing the number of cyber or social media
6 investigations. What is the rationale behind DOP's
7 recent focus on increasing enforcement actions
8 specifically in the context of the cyber social media
9 investigations?

10 DEPUTY COMMISSIONER GARDNER: Thank you
11 for that question. Unfortunately, that is not under
12 my purview. I am not the subject matter expert.

13 CHAIRPERSON NURSE: Is there anyone here
14 whose purview it's under?

15 DEPUTY COMMISSIONER GARDNER: No, there
16 is not.

17 CHAIRPERSON NURSE: And would you-- you
18 cannot speak to under what circumstances would a
19 Probation Officer who supervises a juvenile conduct a
20 field visit or monitor social media accounts?

21 DEPUTY COMMISSIONER GARDNER: All our
22 Probation Officers are trained to manage risks. So
23 they are looking at social media accounts. They're
24 asking the young people to share their social media
25 links, accounts, names. So they're monitoring that
way. So, we're-- we do have internal engagement with

3 our young people who, you know, trust that we're
4 trying to keep them safe as well, because the streets
5 are dangerous. So, the young people are sharing
6 their social media links with us, but again, I'm not
7 the subject matter expert to talk about cyber intel.

8 CHAIRPERSON NURSE: Okay. We'll submit
9 this question for follow-up for a more detailed
10 answer. And just my last question, because you
11 alluded to it in your testimony, about the reporting
12 requirements in Intro 87 and 977. And I wanted to
13 state for the record that nobody here in the Council
14 like to reporting bills. In fact, we hate it. It's
15 not the legislation that we love to go home and tell
16 our constituents oh, we're getting an agency report
17 on information that we wished they would willingly
18 just share with us when we ask them questions at a
19 hearing or when we're doing government to government
20 interactions. But you're saying that the frequency
21 is too much. What would be-- what would be your
22 alternative proposal for us to get this information
23 that we seem to struggle to get, if not through a
24 reporting that was frequent?

25 DEPUTY COMMISSIONER GARDNER: We will be
meeting with, you know, our Commissioner and Counsel

1
2 and we will get back to Council Members on our
3 challenges with the bill, if any.

4 CHAIRPERSON NURSE: Okay. It would be
5 helpful to have any specific operational barriers,
6 because it's just data.

7 DEPUTY COMMISSIONER GARDNER: Okay.

8 CHAIRPERSON STEVENS: Council Member
9 Restler?

10 COUNCIL MEMBER RESTLER: Good afternoon.
11 Oh, good afternoon, yeah, more or less. Thank you,
12 Chairs, for pulling this hearing together. You know,
13 it was a lot of data points that were shared around
14 our census and the trajectories and comparisons to
15 other cities in the opening testimony. I just want
16 to make it crisp, the current census today at
17 Horizons and Crossroads is 240. So, since the Mayor
18 took office in January 22, the population was?

19 DEPUTY COMMISSIONER GARDNER: I'm sorry.

20 COUNCIL MEMBER RESTLER: When the Mayor
21 took office in January 2022, the population was 152?
22 152. So, what we're talking about is 125 percent
23 increase in two and a half years in office in the
24 number of kids who have been jailed on any given
25 night. Is that correct?

3 DEPUTY COMMISSIONER GARDNER: Apparently,
4 yes.

5 COUNCIL MEMBER RESTLER: It is. Thank
6 you, for the record. So, what's your plan to reverse
7 this? What are we actually doing to drive down this
8 population immediately? What are the investments
9 that-- I mean, I'm not even asking the other
10 agencies, because I know that they're not invested.
11 What is ACS doing to actually drive down this
12 population today?

13 DEPUTY COMMISSIONER GINSBERG: There are
14 a number of things we are doing, but I think we need
15 to define some terms. The young people who are in
16 detention are in on very serious offenses, the vast
17 majority of them. So, one-third of our young people
18 are facing attempted murder charges, one-third murder
19 charges, 11 percent gun possession, 18 percent
20 robbery charges that involved a gun. So, we are
21 working with the courts to ensure that young people
22 whose cases can be removed and can be moved-- stepped
23 down to non-secure detention, that that consideration
24 is being made. We are working with the Sheriff's
25 Office to ensure that young people who can be

3 interviewed for electronic monitoring, those orders
4 are being made by the court.

5 COUNCIL MEMBER RESTLER: I hear you, but
6 I'm not seeing any progress in our census, right? We
7 have a census that keeps going up that has been up
8 and up and up. The number of gun charges year over
9 year according to the Mayor's Management Report for
10 these minors went down, and yet, the number of kids
11 who we're jailing went up when we've heard repeatedly
12 that this is the main issue. So, I'm just troubled
13 that we can't cite specific investments, tangible
14 actions that we are taking beyond we're talking to
15 the Law Department, we're talking to the judges. I
16 think we all want to hear what are the actual steps,
17 the programs, the initiatives, the referrals that
18 we're making to reduce the number of kids that are
19 incarcerated. I do-- well, let me actually go to
20 impact, because I think there were some questions
21 about Next Steps. There were some questions about
22 Arches, but I think the program that would make the
23 biggest impact on reducing incarceration, the program
24 that would-- that's I guess cute. The program that
25 would make the biggest impact in reducing our youth
incarceration, which again has skyrocketed under

1 Mayor Adams, is the Impact Program, and I know,
2 ma'am, that you said that you're not prepared to
3 speak to any of the programs that the Department of
4 Probation runs and why they've been cut. But I'll
5 just ask again, are you or is any of the other people
6 here from the Department of Probation prepared to
7 answer why the Impact program no longer exists and
8 how consequential it would have been in reducing
9 incarceration today, unnecessary incarceration today?
10 And again, for those who don't know, I'll just say on
11 the record, Impact was designed to help youth who are
12 primarily sentenced as juvenile offenders or youth
13 offenders, address issues related to their wrong-
14 doings with two main components, in-home family
15 services and mentoring. It's an evidence-based
16 highly-successful program. A provider was identified
17 to run the program, a very capable provider in cases,
18 and just on the precipice of implementation for
19 reasons that I still cannot fathom and have not heard
20 any explanation whatsoever, the program was cut. It
21 would have made an enormous difference in addressing
22 the over-crowded conditions and the skyrocketing
23 rates of youth incarceration that we're experiencing
24

1
2 under Mayor Eric Adams. Does the Department of
3 Probation have any explanation for this at all?

4 DEPUTY COMMISSIONER GARDNER: Thank you
5 for that question--

6 COUNCIL MEMBER RESTLER: [interposing]
7 Thank you.

8 DEPUTY COMMISSIONER GARDNER: Councilman
9 Restler. So, although I'm not the subject matter
10 expert for the Impact program, I know that our
11 Commissioner testified at the last hearing that we
12 have other programming such as the Mobile Adolescent
13 Portable Therapy Program that supports and serves the
14 needs of all our clients in Family Court and in the
15 youth part, and we are looking to expand that program
16 as well. But I also wanted to mention in terms of
17 de-carceration, we have Probation Officers working
18 around the clock, seven days a week, in detention
19 cases for evening intake, night court and weekend
20 arraignment to move kids faster through the system to
21 identify resources in the community, to release them
22 from detention, and also to expedite if the case is
23 going to the Law Department to at least release them
24 into the community if they're in non-secure
25 detention, if they're suitable for release.

3 COUNCIL MEMBER RESTLER: Okay. I'd love
4 to ask some more questions then, on my-- let's go.
5 So, of those cases, let's just-- you know, how many
6 juvenile arrest cases has DOP reviewed in the last
7 month?

8 DEPUTY COMMISSIONER GARDNER: Could you
9 repeat that question?

10 COUNCIL MEMBER RESTLER: How many
11 juvenile arrest cases has the Department of Probation
12 reviewed in-- let's just set a time period-- last
13 month? Of it it's-- you'd prefer, we'd be happy to
14 take the information in writing and take the
15 information back over a period of time.

16 DEPUTY COMMISSIONER GARDNER: So, in
17 citywide year 2024, we received so far 3,478 cases.
18 Of those we've referred, 2,623 cases were referred to
19 the Law Department, and 801 cases for diversion
20 services.

21 COUNCIL MEMBER RESTLER: So, 801 cases
22 for diversion services out of 3,074 that you
23 reviewed, 2,070. So two-thirds of those cases-- I'm
24 broad strokes here. Two-thirds of the cases sent to
25 the Law Department for prosecution, for potentially
sending more kids to jail. Just one-third of the

3 cases were sent for diversion, less than one-third,
4 800 out of 3,000, so 28 percent sent for diversion.
5 So that broad strokes-- we're on the record.

6 DEPUTY COMMISSIONER GARDNER: We are
7 guided by the statute, and we-- you know, the statute
8 determines suitability, not the Department of
9 Probation. So, if the statute enumerates the types
10 of offenses that may or may not be diverted, whether
11 or not the case is suitable based on the young
12 person's legal history or the nature of the offense
13 that comes before us.

14 COUNCIL MEMBER RESTLER: And if we had
15 additional programs in place, additional options like
16 Impact, like Arches, like Next Step that the
17 Department of Probation has all eliminated, it would
18 have no bearing or impact whatsoever on the number of
19 young people that were sent to diversion?

20 DEPUTY COMMISSIONER GARDNER: We have
21 other programming such as the one that I mentioned,
22 the Mobile Adolescent Portable Therapy program that--

23 COUNCIL MEMBER RESTLER: [interposing] How
24 many people is that program serving? Because I think
25 -- I thought it was-- the full-- 12, okay. So,
that's great that there's 12 kids in the program, but

1 we're talking about a program that's jailing 250 kids
2 tonight, 240 kids tonight in our detention centers.
3 So, we had three very effective successful programs
4 that this leadership, the Department of Probation
5 under Mayor Adams, has cut and we still have no
6 reasons or explanation for them despite the success
7 of those programs. The Impact program, in
8 particular, would have been most consequential in
9 reducing incarceration. We had a great provider
10 lined up. The funding was in place, and then
11 unilaterally, all of a sudden without explanation the
12 program is gone, and I just don't understand it. And
13 I don't understand when ACS is literally bursting at
14 the seams, and I'm going to come back to you in a
15 second, why we would ever cut these programs that
16 allow for more diversion opportunities and reducing
17 incarceration further. We've seen 125 percent
18 increase in kids sent to jail since Mayor Eric Adams
19 came into office. We could have reduced that number
20 if we just funded the diversion programs that work,
21 but we've chosen not to. And I just don't understand
22 how any of this makes sense.

24 DEPUTY COMMISSIONER GARDNER: To
25 emphasize again, Councilman Restler, suitability of

1 diversion is based on the statute. The statute
2 informs our decision. If we are diverting a case, we
3 have to look at suitability and what the statute
4 provides as suitable. If the case is a designated
5 felony, the case has to be referred to the Law
6 Department and to court, and only the court can make
7 that decision to divert the case.
8

9 COUNCIL MEMBER RESTLER: Look, I
10 appreciate that you're not responsible for running
11 these programs. You explained that clearly to Chair
12 Nurse earlier. I wish that we had the appropriate
13 team from DOP that was here to answer those questions
14 and to speak to this, because it's so central to the
15 purpose of the hearing, and so I'm just a little
16 confused. I appreciate you being here, and I
17 appreciate you trying to answer our questions, but
18 I'm just a little confused how we don't have the
19 right people in the audience that are coming up to
20 the panel today to join us to answer these questions
21 if it's not in your portfolio or why they wouldn't
22 have been sent here in the first place. It just-- it
23 makes the whole experience a little frustrating. So,
24 I just want to come back on ACS for one more second
25 if that's okay, and then I'll shut up. Could you

1
2 just go through with us the status of ACS' waiver
3 from OCFS that allows the young adults, the kids, to
4 sleep in classrooms? Is that currently in place?

5 DEPUTY COMMISSIONER GINSBERG: Yes, it's
6 effective to November 8th.

7 COUNCIL MEMBER RESTLER: November 8th.
8 And so-- and we have capital projects planned to
9 expand the legal capacity of the number of kids that
10 were permitted to jail in our youth detention
11 facilities. Could you speak to what we are-- what
12 your intentions are for how big we are growing these
13 new jails and the amount of capital money that's
14 associated with the renovations to expand these new
15 jail facilities?

16 DEPUTY COMMISSIONER GINSBERG: We have
17 plans to build a 48-bed facility with additional
18 programming and educational space. It will have
19 space that is appropriate for the age group that we
20 have. We are essentially creating an emerging adult
21 facility for the population of emerging adults whom
22 we are holding. So, we have--

23 COUNCIL MEMBER RESTLER: [interposing]
24 Okay, and the cost?
25

1 COMMITTEE ON CHILDREN AND YOUTH JOINTLY WITH
2 COMMITTEE ON CRIMINAL JUSTICE

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3 DEPUTY COMMISSIONER GINSBERG: \$340

4 million.

5 COUNCIL MEMBER RESTLER: \$340 million.

6 So, just I'm going to say this in closing. We're
7 spending \$340 million to expand our youth detention

8 by 48 beds. So we will go-- because you know when

9 you build the beds, we're going to go from 120-

10 something beds when the Mayor came into office, 240

11 today, we'll be at 300 beds or so at conclusion of

12 this project. We will have nearly tripled the number

13 of kids that we're sending to jail. We're going to

14 spend a third of a billion dollars on this project.

15 We could have spent tens of millions of dollars over

16 years to reduce the number of kids that are in jail,

17 but the Department of Probation has cut the programs.

18 We have kids currently sleeping in classrooms that

19 the state-- that we've had to seek a state waiver to

20 allow for that don't need to be there, but the

21 Department of Probation has cut the programs. I just

22 think we should restart these programs under ACS. We

23 should fund them properly. You all are responsible

24 for managing the census. You all should be

25 responsible for investing in the preventative

programs that keep our young people out of jail. I

1 wish we had-- we need an agency that's committed to
2 this. I don't know where else to look. So thank
3 you, Chairs, for the hearings. I really-- this is a
4 really, really important topic, and I really
5 appreciate both of your leadership on it.

6
7 CHAIRPERSON NURSE: Thank you, Council
8 Member. I just want to jump in because I feel like
9 the three of us have just been harping on the same
10 lack of investment in this program, and it keeps--
11 and we keep being told the statute describes what you
12 can recommend, and it just feels like all throughout
13 this time that I've been chairing this committee, DOP
14 repeatedly just kind of avoids taking responsibility
15 for the situation. You're not screaming loud enough
16 about the programs you have. You're cutting the
17 programs. You're saying you don't have jurisdiction
18 basically, but I have what you sent over last night,
19 and there's so many factors in which you can consider
20 whether or not you want to recommend or not. A gun
21 charge is just one. There are so many other factors
22 in here that you could be considering and saying we
23 recommend this case be adjusted. You all have every
24 right to say this case-- this person should not be in
25 detention. We recommend this to be looked at again,

1
2 considered through all of these lenses that are
3 prescribed here and diverted, and I'm just feeling
4 like there's a lack of responsibility being taken
5 here at all. Not just with youth, but with the
6 adults as well. In all of our hearings we've heard
7 DOP has one of the biggest roles to play in de-
8 carceralizing our city. You're folks are not even paid
9 well enough. You probably don't even have enough
10 folks, but you're also just not stepping up and
11 taking responsibility for it and it's just really
12 shameful. You're saying what is the suitability of
13 diversion. You have a ton of factors here that you
14 can look at and say this person is suitable for a
15 diversion program, and you're not doing it. And
16 certainly with 12 people in just one program, how
17 does-- that's just a failure. So, I thank you for
18 sending over these guidelines, but you know, we got
19 them last night. There's a lot here to consider when
20 looking at someone's case, and it feels like you're
21 not considering it fully.

22 DEPUTY COMMISSIONER GARDNER: Thank you
23 for that question, Chair Nurse, but we are
24 considering all the factors that are under
25 suitability, and what we're seeing are young people

1 that are repeat offenders, young people that are not
2 suitable for diversion services based on the statute.
3 So, I understand your concern, but we are guided and
4 informed by the statute, so we're not just looking at
5 the enumerated factors. We're looking at the young
6 person's legal history and whether or not they have
7 an extensive legal history that warrants other
8 intervention and other avenues. So we are looking at
9 all the suitable factors. We're not-- we understand
10 that we play a crucial role, a integral role in the
11 de-carceration of young people, but again, we are
12 guided by the statute.

14 CHAIRPERSON NURSE: I would love if you
15 could provide in the follow up of all your cases this
16 year the percentage of repeat offenders, because I
17 see that's one of the indicators on here, so we can
18 understand. And then based on the number of cases
19 you provided, in your answer to Council Member
20 Restler, there was about 800 folks that were
21 diverted, roughly-- it was a quick math-- we'd love
22 to know kind of an understanding of what is the
23 general make-up of why those cases couldn't be
24 diverted to help us better understand where you all
25 are coming from. Thank you.

2 DEPUTY COMMISSIONER GARDNER: Thank you.

3 CHAIRPERSON STEVENS: Council Member
4 Williams?

5 COUNCIL MEMBER WILLIAMS: Hi. I just
6 wanted to know what the statute stipulates around
7 suitability. Is that what you have? Oh, okay. Can
8 you share what the statute stipulates around
9 suitability and what, I would say, subjective
10 flexibility do you have to even interpret the
11 statute? Because you know, I think there's some
12 levels of subjectivity that you have to interpret, or
13 not, maybe you don't. So that's the question.

14 DEPUTY COMMISSIONER GARDNER: Thank you
15 for that question, Councilwoman Williams. We do have
16 and we can share the suitability factors with
17 Council. It's a long list.

18 COUNCIL MEMBER WILLIAMS: And do you have
19 any subjectivity to interpret the statute, or is it
20 objective in nature? Like, if this young person, you
21 know, is a repeat offender, is that a hard line, or
22 are there other things that you can interpret within
23 the statute to potentially divert that young person?
24 That's an example, but I'm just trying to understand
25 based off of my very-- even though I was listening--

1 even though I wasn't physically here, I was
2 listening into the hearing. So just based off of
3 listening to this discussion, trying to ascertain if
4 any at all flexibly you have in your decision-making
5 power to divert, because that seems to be like the
6 place of contention, especially in your response.
7 When you say, okay, well we-- we're bound by a
8 statute. We all know there are rules and laws we have
9 to abide by, but what if any flexibility do you have
10 when you're interpreting the statute and making
11 recommendations to divert?
12

13 DEPUTY COMMISSIONER GARDNER: Thank you
14 for that question, Councilwoman Williams. We don't
15 have any subjective thoughts to this. It's the black
16 letter of the law. So, again, I will be more than
17 willing to share the suitability factors with
18 Council, because the statute is very clear on the
19 types of cases that must be referred to the law
20 Department and the types of cases that we can
21 consider for diversion services. So, it's the black
22 letter of the law.

23 COUNCIL MEMBER WILLIAMS: Thank you.

24 CHAIRPERSON STEVENS: Well, I only have a
25 couple more questions, but I just want to make a

1 statement for the record as well, and I think for me
2 when we were preparing for this hearing, one of my
3 questions kept being like, is this is policy? Like,
4 and just trying to get to like the thought of it, and
5 just to even hear like it's the law, and all these
6 things, but I think that even with that, it's still
7 left up to interpretation. So, we get to decide how
8 we interpret things and how we move forward as a
9 city. And if we are in a de-car-- if we're saying we
10 want to de-carcerate, then we will do things to do
11 that, because if you look at years past, DOP was
12 thriving and bringing in more programs. Like that
13 was what was happening. There was programs coming
14 in. It was a plethora. It was a direction that they
15 were going, and so now I think the frustration is
16 when we're seeing that programs are being taken away--
17 - and by the way, I also want to note that even in
18 prior years, the programs also had very low
19 enrollment. And so it's like, okay, are they low
20 because it's very expensive to operate them? Is it
21 low because young people don't need it? Just trying
22 to get a better understanding and it's not a lot of
23 information for us there to pull which also to me is
24 problematic. But for me, to see that we are
25

1
2 eliminating programs that we know that are working,
3 it starts to feel intentional. And so if the numbers
4 are rising in the facility, and forces ACS to then
5 have to expand because we don't want to have young
6 people sleeping in classroom, and we don't want them
7 to be uncomfortable and not have enough space. Then
8 I think that we have to take a moment to stop and
9 evaluate, which we don't do in the City which is why
10 I'm-- it's most frustrating thing ever, because every
11 response is always like, well, things have been
12 different since Raise the Age. So what what point do
13 we say, okay, let's stop, evaluate to see. We have a
14 new circumstance. We have a new law that's in place,
15 so let's evaluate to make sure that we are doing all
16 the things that we need to ensure. And I know you
17 guys say all the agencies meet once a week, but is
18 that effective, right? Have we stopped to say is
19 this working? Does that make sense? And so it's
20 just very, for me, frustrating because it's like I
21 don't care about any of this. What I care about is
22 that young people are in detention. Everything else
23 to me is null and void. My goal is always to protect
24 and advocate for young people. And so, I just wanted
25 to say our frustration. One is not at people

1 individually, but I run around the city and say I am
2 in charge of all the babies now, right? I have DYCD,
3 I have ACS, and they're all my babies. And so for
4 me, if we have 240 young people detained every night,
5 I have 240 babies that are mine detained. And so oi
6 take it personal. So, I think that's some of the
7 frustration. So, I just wanted to state that before
8 I ask these last couple of questions. So, this
9 question is for ACS. There's a number of reports
10 against staffing challenges, especially in the secure
11 detention facilities. And so just thinking about
12 with this expansion, what does that look like?
13 Because I know when we're here a lot of times your
14 guys are like no, we're good on staffing, everything
15 is fine, but then again we're hearing on the ground
16 that is not the case, that you are under-staffed,
17 staff is stretch thin. And so what does that plan
18 also look like in trying to see what the-- how we're
19 going to move forward.

21 DEPUTY COMMISSIONER GINSBERG: So, our
22 staff retention rates are better than they have been.
23 We hired 262 Youth Development Specialists in 2023
24 and 126 in the first five months of this year, and we
25 are seeing fewer of our staff going out on workers'

1
2 compensation. We're seeing more staff who we are
3 hiring staying. So, we are hopeful that that trend
4 will continue and that we will be in a position to
5 fully staff the additional space.

6 CHAIRPERSON STEVENS: And I think that
7 even with that, that is frustrating, because we know
8 this ecosystem of staffers and one of the things that
9 our nonprofits are always screaming about is that the
10 staff is being stolen because of pay parity which is
11 a huge issue. And so even with this expansion, how
12 is that considered, because it's going to throw the
13 equilibrium off, because people are going to leave
14 the nonprofit work that's, you know, in those
15 facilities and working with those youth there to go
16 there because it's more pay. So even with this, and
17 I think for ACS and all city providers, I feel like
18 sometimes you guys don't think about that, because a
19 lot of times they'll leave the nonprofit to go to
20 you, and so how are we assessing the ecosystem when
21 we're expanding to understand that it's going to have
22 negative effects in other parts of the system that
23 you also fund and supervise and have to be a part of.
24 And so just trying to just think about how is that
25

1
2 also being assessed and brought into the
3 conversation.

4 DEPUTY COMMISSIONER GINSBERG: So, we're
5 actually having these conversations. We're in
6 regular conversation with the provider agencies that
7 run our non-secure detention and non-secure placement
8 and limited secure placement Close to home, and we do
9 understand that there is not an infinite pool for
10 these positions. It is not our goal to fill all of
11 the 48 beds in the new facility. It is our--

12 CHAIRPERSON STEVENS: [interposing] If you
13 build it they will come.

14 DEPUTY COMMISSIONER GINSBERG: It is our
15 goal to build age-appropriate spaces for our young
16 people so that we can move them out of the current
17 spaces where many of their needs are harder to meet
18 and into spaces where they can participate in larger
19 classrooms, have access to dedicated vocational
20 spaces have better and larger mental health treatment
21 spaces and medical spaces.

22 CHAIRPERSON STEVENS: And listen, I've
23 had this conversation. I've said this on-record,
24 off-record, and all the places. I understand the
25 need, right? But for me, if we would have done the

1 work and not cut the programs, we wouldn't have the
2 need now. So, we're at a place where it's like do we
3 want kids sleeping in classrooms or do we want to
4 have to build a facility. And it's like we have set
5 it up so we could get to this place and say, well,
6 what do you want? And so, you know, here we are.
7 So, that's my take on it. And here's the thing, you
8 as ACS, it is your job to make sure the kids are in a
9 safe space, and so of course, you don't have much of
10 a choice, but I think that that's why the frustration
11 is DOP who has the power to actually reduce the
12 numbers that clearly is sinking. And I'm not letting
13 DYCD off the hook either, because if we had programs
14 that was keeping these kids from getting involved in
15 having these gun charges, then that would also be
16 helpful. But obviously, it's not working. So, for
17 me, it's the frustration of it all. So-- DYCD would
18 you like to come back up to the front? Have some
19 questions before I close out. So this year, the New
20 York City Council data team published findings that
21 during the first year of the Cure Violence program
22 precincts with an active Cure program-- Cure Violence
23 program-- experienced a 17 percent reduction in
24 shooting. Given the proven success, how can-- how
25

1 will cuts to Cure Violence programs in FY 2025 budget
2 impact imperative care in critical communities.

3
4 DEPUTY COMMISSIONER RATTRAY: Chair
5 Stevens, which-- there are no cuts to Cure Violence
6 programs-- to the Cure Violence programs.

7 CHAIRPERSON STEVENS: Alright, the PEGs.

8 DEPUTY COMMISSIONER RATTRAY: [inaudible]

9 CHAIRPERSON STEVENS: Okay.

10 DEPUTY COMMISSIONER RATTRAY: The PEGs
11 are not with the Cure Violence. The Cure Violence
12 work is--

13 CHAIRPERSON STEVENS: [interposing] So,
14 are we not-- so, was there not a PEG where the legal
15 aid is now being reduced?

16 DEPUTY COMMISSIONER RATTRAY: So, back--
17 yeah.

18 CHAIRPERSON STEVENS: [interposing] Don't
19 do the semantics.

20 DEPUTY COMMISSIONER RATTRAY: The
21 difference between-- yeah. The Cure Violence work is
22 the teams on the ground who have catchments to
23 communities and that's specific work. The--

24 CHAIRPERSON STEVENS: [interposing] But
25 all of this is connected, and so I think that's also

3 part of the problem, that we try to siphon it off as
4 if this is-- all this work is not interconnected, and
5 when we start piecing it off, that's part of the
6 problem. And so I know--

7 DEPUTY COMMISSIONER RATTRAY:

8 [interposing] But it's--

9 CHAIRPERSON STEVENS: [interposing] I

10 know it's easier, because for funding purposes we
11 like to talk about them, but the reality is that is
12 the whole ecosystem.

13 DEPUTY COMMISSIONER RATTRAY: And it's

14 all part of-- to your point, Chair Stevens, all part
15 of the crisis management system and supportive
16 services. During that time, in November, we had to
17 make some dire unfortunate decisions around the
18 funding. Oh, and we did cut legal aid in half. I
19 want to say their current budget for FY 25 is going
20 to \$1.5 million. The team is actively working with
21 them on what that work plan looks like going into FY

22 CHAIRPERSON STEVENS: So, at the budget

23 hearing, the Commissioner and yourself testified that
24 you guys having a meeting with those groups. Could

1
2 you tell us the findings of the meetings and what the
3 next steps are and what the outcomes were?

4 DEPUTY COMMISSIONER RATTRAY: Yep. That
5 meeting that we had that next--

6 CHAIRPERSON STEVENS: [interposing] It was
7 scheduled the day after my hearing, although y'all
8 told them the day before my hearing, but--

9 DEPUTY COMMISSIONER RATTRAY:
10 [interposing] It was scheduled for that next Monday
11 after the hearing, and that was scheduled before the
12 hearing, on the record.

13 CHAIRPERSON STEVENS: Is that what I just
14 said.

15 DEPUTY COMMISSIONER RATTRAY: I just want
16 to make sure. The meeting was, again, affirming the
17 cut and then talking about potential ways that it
18 impacts going forward, and then we started a process
19 where they were submitting to us their proposed plan.

20 CHAIRPERSON STEVENS: Okay. I guess the
21 last question I have is just thinking about-- and I
22 think ACS kind of already alluded to it with the JJI
23 program around just my concern especially around with
24 young people who are homeless and runaway youth and
25 how we're making sure we're providing services for

1
2 that population, and what is DYCD doing as far as
3 support who are in your facilities and your homeless
4 shelters that our homeless runaway youth, young
5 people, are--

6 DEPUTY COMMISSIONER RATTRAY:

7 [interposing] Nice point. Two things I want to call
8 out. One is our-- of course and you know this well.
9 Our Summer Youth Employment program where on the
10 emerging leader side of it where we create an
11 opportunity for young people with those barriers,
12 whether it be homelessness, whether they are justice-
13 involved, or youth aging out of foster care, we do
14 get referrals from the agencies whether it's ACS or
15 Department of Probation as well. So, we're ensuring
16 that those slots that can bypass the lottery because
17 these young people have these circumstances that
18 they're dealing with that they get work during the
19 summer as well.

20 CHAIRPERSON STEVENS: So, that's the only
21 thing that you have? Is there additional services
22 for young people who are in homeless runaway system
23 that--

24 DEPUTY COMMISSIONER RATTRAY:

25 [interposing] Yeah, of course.

1
2 CHAIRPERSON STEVENS: might [inaudible]
3 involved? Can you talk a little more about those
4 programs?

5 DEPUTY COMMISSIONER RATTRAY: We have--
6 absolutely. So, as you know, we have 813 shelter
7 beds throughout the city, [inaudible] beds. Sixty of
8 those are for our older youth population, as well.
9 We also have the drop-in centers and 24-hour drop-in
10 centers across the City where young people can go get
11 services, also be referred and get to other services
12 as well.

13 CHAIRPERSON STEVENS: But I'm asking more
14 specifically, do we have like specific-- like, if you
15 are court-involved and you have some of these other
16 issues, like, do you guys have like specific supports
17 for them who are in the homeless runaway youth
18 shelter? Like, is there a [inaudible] supports?

19 DEPUTY COMMISSIONER RATTRAY: We do. We
20 have-- there are cases-- in most of them there are
21 case managers who are there who are working with
22 those young people.

23 CHAIRPERSON STEVENS: They would be the
24 ones kind of ushering--

1 COMMITTEE ON CHILDREN AND YOUTH JOINTLY WITH
2 COMMITTEE ON CRIMINAL JUSTICE

120

3 DEPUTY COMMISSIONER RATTRAY:

4 [interposing] Working with those young people,
5 triaging, creating an action plan, if you will, for
6 those young people and connecting them to those
7 resources.

8 CHAIRPERSON STEVENS: I think I'm
9 complete for this moment. Do you have more
10 questions? Well, I think at this time, this is the
11 conclusion of our questions for you guys. Thank you
12 all for coming in to testify. This will not be the
13 last time, because we have a lot of work to do, and
14 really want us to be working together collaboratively
15 to create a real plan around getting these numbers
16 down in a real way. Thank you.

17 UNIDENTIFIED: Thank you.

18 CHAIRPERSON STEVENS: Wait, my pen. I
19 would like to-- before we got to public testimony, I
20 would like to acknowledge Council Member Rita Joseph
21 and Council Member Shahana Hanif who's online who has
22 joined us. I now open the hearing for public
23 testimony. I remind members of the public that this
24 is a government proceeding and that decorum shall be
25 observed at all times. As such, members of the
public shall remain silent at all times. The witness

3 table is reserved for people who wish to testify. No
4 video recordings or photography is allowed from the
5 witness table. Further, members of the public may
6 not present audio or video recordings of testimony,
7 but may submit transcripts of such recordings to the
8 Sergeant at Arms for inclusion of the hearing record.
9 If you wish to speak today, at today's hearing,
10 please fill out an appearance card with the Sergeant
11 at Arms and wait to be recognized. When recognized
12 you will have two minutes to speak today on today's
13 hearing topic, coordinating the Administration's
14 youth de-carceration plan. If you have written
15 testimony or additional written testimony you wish to
16 submit for the record, please provide a copy of that
17 testimony to testimony@council.nyc.gov or other email
18 address within 72 hours of the hearing. Audio and
19 video recordings will not be accepted. I guess I'll
20 call the first panel, and I will apologize in advance
21 for butchering everyone's name. I think this is
22 Jackie Gosdigian, Nadia Chi [sp?]- are you sure,
23 it's a "t". I don't know. Christopher Jefferies,
24 Cecilia Tevor [sic] Teuber. I'm sorry for butchering
25 your names, and I will continue to say that, because

1 I'm going to probably do it for everyone. Thank you.

2 You may begin. Anyone may begin.

3 JACKIE GOSDIGIAN: Can you guys hear me?

4 Okay. Thank you, Chairs Nurse and Stevens. My name
5 is Jackie Gosdigian. I'm Supervising Policy Counsel
6 with Brooklyn Defender Services. I've also been a
7 public defender for 15 years, and I work closely with
8 our Adolescent Representation Team at BDS. Our
9 Adolescent Representation Team works to eliminate
10 contact with the criminal legal system for court-
11 involved youth ages 18 and under. In order to
12 decrease the population of incarcerated youth and
13 break the cycle of rearrest, it is imperative that we
14 focus on alternatives to detention and keep our young
15 people in the community with their families while
16 providing them with the supportive services they
17 need. Once a young person is arrested, as you heard,
18 they may be able to access an ATD or an alternative
19 to detention program. In Brooklyn, that program run
20 by ACS is Good Shepherd which provides mentorship and
21 guidance for our youth, but the space is extremely
22 limited. We urge the city to increase funding for
23 these ATDs and for additional ATDs run by community-
24 based organizations that have a proven track record
25

1 of building trust with families and offering
2 resources that meets the needs of families. Programs
3 such as Esperanza [sp?] which operated in New York
4 City until it lost its funding, the Youth Justice
5 Network, Exalt, and Community Justice Innovation are
6 just a few examples of effective and trusted programs
7 that are becoming less accessible and have less
8 resources. Also, according to the director of the
9 Adolescent Representation Team, both ICM and Good
10 Shepherd are full in Brooklyn. She was told this
11 morning that there are no spots available in either.
12 Raise the Age is working and youth crime has
13 consistently decreased since Raise the Age
14 implementation in 2018, but we must truly invest in
15 programming to support these reforms. For example,
16 the youth parts in Supreme Court are severely lacking
17 in resources needed to effectively divert youth from
18 incarceration. Judges are willing to resolve cases
19 with alternatives to incarceration, but the
20 programming is limited in each borough and there's
21 significant gaps as Probation has disinvested an
22 important diversion programming. I also want to
23 address Probation's comment on diverting cases. The
24 reason less cases are being diverted is not because
25

1 the charges coming in are more serious. In fact, the
2 more serious cases are being retained in Supreme
3 Court. Can I just follow up here? Probation-- in
4 fact, Probation won't divert on any gun case, even
5 D&E gun cases where a gun is found in a car with
6 multiple young people in the car, for example. They
7 will not divert on any of those cases. We thank the
8 City Council for holding this important hearing today
9 and shining the light on the experience of young
10 people in court-- that are court-involved. We urge
11 the city to continue to invest in real prevention by
12 investing in young people in their families, schools,
13 and communities. Thank you so much.

15 NADIA CHAIT: Good afternoon and thank
16 you for the opportunity to testify today. I'm Nadia
17 Chait. I'm the Senior Director of Policy and
18 Advocacy at CASES. I want to thank the Council for
19 your commitment to attempting to get answers for why
20 the Impact program was cancelled, and I'd also like
21 to highlight something about the program that has not
22 come up. It is true that we also operate Adolescent
23 Portable Therapy. We believe in the program. In-
24 home family therapy is an important service for young
25 people who are experiencing interaction with our

1 criminal legal system. However, Impact was a two-
2 part program. One part of that was in-home family
3 therapy, but the second part of it was Credible
4 Messenger mentorship. That is not a part of ADT. It
5 is not something we are funded to do under ADT, and
6 it is critically important for the kinds of young
7 people how would have been served in Impact to have
8 that service, to have a trusted individual who in
9 many cases quite literally locked in the same places
10 and the same shoes as that young person and who has
11 changed their life and who can really connect with
12 that young person on a deep level around alternatives
13 that are available to them to help them turn away
14 from violence. So I did just want to highlight that.
15 I will also say in terms of Next Steps, that while
16 the Commissioner and the Department of Probation
17 generally have talked about oh, it was small, each
18 side of Next Steps was 16 young people served, and
19 there were over 10 Next Steps sites. So it was
20 serving over 100 young people, young people who are
21 at high-risk of being the perpetrators or victims of
22 violence, or in many cases both. And so when we look
23 at, you know, youth detention numbers increasing and
24 we look at a program that was serving over 100 young
25

1
2 people in our city with the intensive services that
3 they need, these programs shouldn't always be giant
4 programs. This was a program that was really
5 intended to serve a small group of young people with
6 very intensive services. It's not a program that
7 thousands of young people needed. So, it was
8 appropriately targeted. Happy to answer additional
9 questions about our programming, and I thank the
10 Council for their focus on these issues.

11 CHRISTOPHER JEFFERIES: Good afternoon.
12 My name is Christopher Jefferies. Chair and
13 Committee, thanks for having me. I'm currently a
14 youth advocate for a nonprofit organization called
15 Bronx Connect. Previously before my tenure here I
16 was a youth development specialist in Crossroads. So
17 I was speaking from a standpoint of comparison and
18 contrasting between the two. In my experience, I
19 find that alternatives to incarceration work far more
20 better than incarcerating. Whether we're talking
21 about youth or adults, the recidivism rates are way
22 lower. We have 98 percent success rate at Bronx
23 Connect with our people who finish the program. At
24 my time in Crossroads I seen the revolving door for
25 myself, young people going out and then coming back

1 in. So that tells me that the real issue is poverty
2 in our communities, lack of resources in our
3 communities. My time in Crossroads we were stretched
4 thin staff-wise. I can't say how-- if that's changed
5 or not, because I've been gone since last year doing
6 youth advocacy, and I see that ATI provides more
7 resources that incarceration. We help with family
8 functional therapy, individual therapy, OSHA
9 training, all sorts of other resources, trainings
10 that these young people can utilize once they leave
11 the program. And I just wasn't seeing too much of
12 that inside of Crossroads. It's more of a jail
13 setting. So, they don't get to learn the things that
14 they need. There's now law library for them to study
15 their cases. If the school teachers decide not to
16 come to school, they don't have classes for that day.
17 Yeah, that's my time, so thank you.

19 CECILIA TEUBER: Hi, good afternoon,
20 Chair Stevens, Chair Nurse, and Committee Members.
21 My name is Cecilia Teuber. I'm a community organizer
22 at Bronx Connect with my fellow colleague Christopher
23 Jefferies. Since 1999 we have served over 2,000
24 young adults and youth in New York City which has
25 been amazing. So, at Bronx Connect, our alternative

1 to incarceration program is one of our most
2 successful, and the purpose of incarceration is to
3 hold individuals accountable for the crimes that they
4 have committed, and also just to deter them from
5 reoffending upon their release. What we're seeing is
6 simply that incarcerating young people is not
7 working. It's actually leading to, you know, more
8 incarceration rates and/or higher incarceration rate,
9 and actually exacerbates the person's situation and
10 can make them more likely to offend. So, what
11 actually works is looking into the why and addressing
12 those issues. This is exactly what programs such as
13 ATI, ATDs, AIM, things of that nature do. At Bronx
14 Connect, youth in these programs receive proper
15 mentorship and wrap-around case management, and also
16 as my colleague spoke about, all the other, you know,
17 programs that we have. So, anger management, self-
18 harm classes, things like that, OSHA trainings, and
19 we take-- you know, we take responsibility for the
20 cost of those so that we can lead them to a better
21 and brighter future. And so, you know, one thing
22 that we do is we meet the individuals where they're
23 at. S, we see where the need is met, or where there
24 are unmet needs, and then we fulfill those with the
25

1 programs that we have, and if we can't do it
2 internally what we do is provide them, you know, a
3 connection with one of our, you know, partners across
4 the state. And you know, by looking at-- so when I
5 talked about really looking at the why, by looking at
6 the underlying cause of crime and diverting our youth
7 from incarceration early on, we're able to work with
8 them and address their issues, and give them a second
9 chance. Do you mind if I just have one more moment?
10 I know your time is valuable. But really the proof
11 is in the numbers. So, in a 2018 study of our ATI
12 felony program-- with our ATI felony program
13 graduates, 97 percent of those remained felony
14 conviction-free within three years of being released.
15 We're just seeing right now, you know, how successful
16 these are. I wish I could tell you all the stories
17 about the people, not just tell you the numbers, but
18 about the young people who have been through it and
19 what opportunities they have now and how they are,
20 you know, have been diverted from a life of crime,
21 and it is really wonderful to see it. It shows again
22 that these programs work. So, again, thank you so
23 much, Chair Stevens, Chair Nurse, and Committee
24 Members for letting me speak today.
25

1 COMMITTEE ON CHILDREN AND YOUTH JOINTLY WITH
2 COMMITTEE ON CRIMINAL JUSTICE

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3 CHAIRPERSON STEVENS: Thank you so much.

4 I would like to acknowledge Deputy Speaker Ayala who
5 has joined us. So, I just had a question and I know
6 Council Member Williams has a question, but I just
7 wanted to follow up, because in today's testimony we
8 kind of heard a little bit from Department of
9 Probation-- and I guess this is for the Bronx
10 Defenders. You started to talk about them in your
11 testimony. Could you just talk a little bit more
12 about how you haven't seen the diversions that
13 they've been-- they said that they are doing and
14 that, you know, they're bound by the law, and blah,
15 blah, blah. If you can give us more insight on your
16 experience.

17 JACKIE GOSDIGIAN: Sure. So, what we're
18 seeing in Brooklyn is that what's been happening,
19 what's been very common is that NYPD will arrest
20 groups of young people. They won't just arrest one
21 young person, they'll arrest groups of young people,
22 and so what's going on particularly with the gun
23 cases, and when I saw D&E, those are the lower-level
24 gun possession charges. The E charges actually used
25 to be a misdemeanor. Those cases are not being
diverted at all. So, they're all being referred to

1
2 the Law Department, even if it's someone who is
3 sitting in the back seat of a car, for example, and a
4 gun was found in a trunk or a glove compartment.
5 They're not exercising any discretion where they
6 could, even within the letter of the law to divert
7 these cases. They're not doing that. And by them
8 saying that the case that-- actually, the reason why
9 less cases are being diverted is because the more
10 serious cases are coming through, that's not what's
11 happening. Those serious cases are actually being
12 retained in Supreme Court. They're not being handled
13 in Family Court. So, those cases have nothing to do
14 with Probation's decision to divert or not. Does
15 that make sense?

16 CHAIRPERSON NURSE: No, I think it gives
17 [inaudible].

18 CHAIRPERSON STEVENS: No, I really
19 appreciate it, because I think that even we know it
20 was semantics, but you know, it's really good to have
21 it on the record around like what is actually really
22 happening. So I'll turn it over to Council Member
23 Williams and then Council Member Joseph.

24 COUNCIL MEMBER WILLIAMS: Yeah, I think I
25 was going to ask a similar question to the Chair.

1
2 Discretion, I think that was the word I was looking
3 for when I was trying to ask this subjective versus
4 objective question. And so from your vantage point,
5 what types of discretion do they have? Because I
6 think the-- in the testimony sort of alluded to this
7 idea of it's black and white. Like, if the case fit
8 these things, there's no discretion or, you know, I
9 was saying subjectivity around the decision they
10 could make to make a recommendation for diversion.
11 So if you can just share, like, what types of
12 discretion do you think they have? Is it that they
13 have to explicitly go by what the statute says? I'm
14 looking forward to them sending the statute on what
15 is suitable for diversion, but yeah, just wondering
16 from your vantage point what discretion do they
17 actually have.

18 JACKIE GOSDIGIAN: Sure. So, the
19 discretion is similar to that that happens in adult
20 court. So let's say that the police decide to arrest
21 all of the people in the car, for example, with that--
22 - and charge them all with possessing that firearm
23 without a license, right? That-- those charges are
24 then brought to the District Attorney's Office for
25 the adult courts, and then the District Attorney's

1 Office makes the decision about whether or not the
2 charges are going to proceed for everyone. Probation
3 in Family Court has the ability to decide which cases
4 to recommend to the Law Department and not. So, they
5 actually don't need to bring a case for every single
6 one of those young people, but instead what they're
7 doing is just passing everything along and not
8 diverting any of those cases if there's a gun. So,
9 they're-- I don't-- they're saying there isn't a
10 policy, but as far as we're seeing their policy is
11 that if there is a gun involved that under no
12 circumstances regardless of what the facts are, they
13 are not diverting any of those cases.

14
15 COUNCIL MEMBER WILLIAMS: And do you
16 think that's specific? Because you're giving like a
17 very specific case where a group of young people get
18 arrested. Like, which is kind of what I was sort of
19 trying to get at. Like, there are-- each case is
20 different, and the facts of each case is different.
21 And so, can-- are there other examples outside of
22 this one where there's a group of people that got
23 arrested. Maybe three of the five should have been
24 diverted, and maybe two potentially should have been
25 referred to the Law Department, but do you think

1
2 there are discretion-- possible discretion in other
3 types of cases, or do you feel the most discretion
4 they have which seems to be suitable-- use that word--
5 - suitable to have or relevant rather, given what you
6 mentioned around how cops are actually incarcerating
7 young people in groups. Is it just like the group
8 thing that gives them discretion, or do you think
9 there are other cases?

10 JACKIE GOSDIGIAN: I think there are
11 other hearings, and I think they actually testified.
12 They talked about how they looked at someone's you
13 know, history of involvement in the legal system and
14 then made a determination based on that. So, I mean,
15 there's a number of factor, and they're-- whatever
16 analysis they're going through internally, at least
17 as far as guns are concerned. The analysis is not--
18 they're not using that analysis to allow themselves
19 to divert. So they're basically defaulting to
20 sending them all to the Law Department.

21 COUNCIL MEMBER JOSEPH: Thank you so
22 much. So they're not using any of the data to drive
23 that, right? So, I know-- I was hearing earlier that
24 under this Administration our numbers have gone up in
25 young people being incarcerated. So, what are we

1
2 doing with that data in order to make sure we're not
3 heading in that direction? What are you seeing on
4 the ground as attorneys? What should we be doing
5 along with the not-for-profits, the stakeholders?
6 This is everybody's game in it, right?

7 JACKIE GOSDIGIAN: So, you know, once the
8 public defender's office gets involved, then that
9 means that the petition has been filed, the
10 recommendation has already been made. So I do think
11 that, yes, diverting more cases without referral
12 would certainly drive the numbers of youth
13 incarceration down. I think once the cases are
14 proceeding forward that there needs to be more
15 alternatives to detention and more alternatives to
16 incarceration. I think it's pretty clear that the
17 judges are-- at least when we are asking. We know
18 what the options are and we are asking for judges to
19 divert, for judges to use alternatives to detention
20 instead of incarceration, and in many cases they're
21 willing to do so, but then they're being told that
22 these programs are full, either ICM or Good Shepherd,
23 which is the ACS-run program in Brooklyn.

24 COUNCIL MEMBER JOSEPH: How many can Good
25 Shepherd take in?

3 JACKIE GOSDIGIAN: I don't know what the
4 actual number is. I mean, they-- what we were
5 hearing that the space is unlimited, and that they
6 don't-- I think they said that they had not had to
7 turn anyone away.

8 COUNCIL MEMBER JOSEPH: Yeah, it's
9 unlimited now. It's expanded. They can take anybody.

10 UNIDENTIFIED: They what?

11 COUNCIL MEMBER JOSEPH: They said it's
12 expanded, it limitless.

13 JACKIE GOSDIGIAN: so, those are the
14 things that would dramatically help, and the
15 programs, especially the people sitting next to me at
16 this table, I've worked with these programs. They're
17 incredible programs, and the options are just not
18 there. They need to be expanded not just for this
19 one ATD program--

20 COUNCIL MEMBER JOSEPH: [interposing]
21 Right.

22 JACKIE GOSDIGIAN: for other community-
23 based programs that run successful ATDs and ATIs for
24 us to be able to get-- I mean, we don't have the
25 authority to place someone.

COUNCIL MEMBER JOSEPH: Right.

3 JACKIE GOSDIGIAN: The judge has to do
4 that, and so you know, that option has to be there,
5 and it has to be something that the courts are
6 willing to do.

7 COUNCIL MEMBER JOSEPH: And they should
8 have these programs across the borough--

9 JACKIE GOSDIGIAN: [interposing] Correct,
10 yeah.

11 COUNCIL MEMBER JOSEPH: to make sure. Is
12 that what-- do you know where Good Shepherd is
13 located in what borough?

14 JACKIE GOSDIGIAN: Brooklyn.

15 COUNCIL MEMBER JOSEPH: Brooklyn? And
16 what's the other models that they have that do work?
17 Bronx?

18 JACKIE GOSDIGIAN: The other-- go ahead.

19 NADIA CHAIT: I can--

20 COUNCIL MEMBER JOSEPH: [interposing] And
21 that's it?

22 CECILIA TEUBER: We have a location also
23 in Staten Island and Manhattan as well. So we keep
24 expanding so we can serve-- yeah, the population.

25 NADIA CHAIT: I can say we operate the
Choices program which is an ACS ATD in Manhattan and

1
2 the Bronx, and there are other providers who operate
3 it in the other boroughs. But I think what you're
4 hitting on, Council Member, is a real lack of
5 investment, not only in the ATD and ATI
6 infrastructure, but also at the earlier stages. And
7 so I think when we look at what we need to do, it's
8 not just restore the cuts--

9 COUNCIL MEMBER JOSEPH: [interposing]

10 Correct.

11 NADIA CHAIT: and invest in some of the
12 programming that's, you know, been subject to these
13 cuts, but it's really building out the robust
14 services that our young people need and our city was
15 doing that and, you know, was adding supports and
16 then has really kind of moved away from that in a way
17 that's very harmful for our young people.

18 COUNCIL MEMBER JOSEPH: Very harmful,
19 because we see the numbers have doubled-up and how
20 many of the young people entering these juvenile
21 detention centers. So we got to go back and look at
22 it. And that data should have been driving that
23 policy, right? And I don't think they're doing that.
24 You usually use data to drive your policy, your
25 legislation, but I don't think they're doing that.

1 So what are your thoughts on-- you said investment,
2 but it also have to expand the atmos-- the ecosystem.
3 So there's not enough provides, not enough-- a lot of
4 everything, right, even the job training, even the
5 job training for young people. Are they also looking
6 at underlying causes that's leading these young
7 people into these spaces?
8

9 NADIA CHAIT: Yeah, so I mean, I can
10 speak just in terms of programs. I'll highlight a
11 program that we run called ACES which is for young
12 people. We operate in East Harlem in the south
13 Bronx, you know, young people who are at high risk of
14 being involved in violence, victim or perpetrator,
15 who may well be carrying guns, and it's a really
16 effective program. You know, it's for young people
17 who haven't been engaged by other programs, and we
18 get referrals from a variety of sources and we show
19 up at your door. It's voluntary, but we show up a
20 lot.

21 COUNCIL MEMBER JOSEPH: Right.

22 NADIA CHAIT: We're not just like going
23 one time and saying hey, I heard you don't like other
24 programs, but do you want to come to ours? We're
25 showing up over and over again. And so we're

1 ultimately able to enroll young people, and actually
2 our second-highest source of referrals for the
3 program are young people who are currently in the
4 program referring their friends, which I think is a
5 testament to its success. And yet, we have
6 continually had to scramble for funding to keep the
7 program going. We would love to expand the program
8 to cover a wider geographic area. It currently only
9 serves young men. We would like to have a track for
10 young women, but we're just constantly fighting just
11 to keep it going, and I don't think that's unique.
12 I'm sure Bronx Connect can speak to, you know, some
13 similar challenges that they're having. But just, as
14 Council Member Stevens said earlier, you know, we're
15 always like rolling out pilots and rolling out new
16 programs.

17
18 COUNCIL MEMBER JOSEPH: Correct.

19 NADIA CHAIT: And then it's like what
20 happened? How are we actually scaling? We have a lot
21 of great things that work, but how are we actually
22 scaling them to meet the needs that we're seeing. In
23 many cases we're just not.

24 CECILIA TEUBER: Yeah, and I add on
25 really quickly as well. So Bronx Connect also has a

1 program for at-risk youth. So we have a contract
2 with some schools in the South Bronx. That's where
3 we're located. We're on 149th. And we work with
4 them. We have a department that works with them
5 throughout the year, and it's called YEN, Youth
6 Empowerment Network. And so then for the summer for
7 SYEP, we have an internship where we provide, you
8 know, all these different programming for them
9 throughout so it keeps them off the street, but also
10 we teach them things, and we see how beneficial that
11 is, and also, once-- the great things about these
12 programs and these organizations is once you're
13 involved it's very easy for you to be connected to
14 other opportunities. For instance, we have--
15 Christopher and I run a Youth Council, and the Youth
16 Council is actually-- we work with young people that
17 are part of our programs already. So we have youth
18 from our ATI program, ATD, and YEN and we meet them
19 through these summer programs or just throughout the
20 year, and actually get them involved in making change
21 within their community, meeting elected officials,
22 having all these opportunities that they didn't
23 previously have access to, and something we see that
24 is successful is that we're seeing these young people
25

1
2 continue to come to us. We have three young people
3 currently in our Youth Council who were in our
4 alternative to incarceration. Their cases were
5 closed. They've dealt with them, but they still
6 continue to come to us, because they find what we
7 have taught them and what we have, this safe space,
8 is so beneficial to them, you know, in their life.
9 And now they're having these opportunities, again,
10 that they did not have before. And so we're seeing
11 how getting involved in one opportunity can continue
12 to lead to more and more. So, that's just really
13 wonderful to see.

14 COUNCIL MEMBER JOSEPH: Thank you. And
15 the preventive work is also important. Thank you
16 very much.

17 CECILIA TEUBER: Exactly.

18 COUNCIL MEMBER JOSEPH: thank you,
19 Chairs.

20 CHAIRPERSON NURSE: Thank you. I just had
21 one question for cases for Impact. I mean, what--
22 what-- just for us to know, because we just asked
23 about it all the time and-- do you have any specific
24 written communication from this Administration that
25 describes the rationale, and what have you all done

3 in between that program being fully taken off-- like,
4 before the program not being able to launch? What
5 communication have you had with DOP, with them about
6 the possibility of bringing it back on? They're just
7 like stonewalling us, so the only way we know
8 anything is through what you all may be able to offer
9 us.

10 NADIA CHAIT: Yeah, absolutely. I
11 appreciate the question. So, our termination letter,
12 the letter terminating the contracts which we got in
13 September of 2023 did not provide a reason or
14 rationale for why the contract was being cut. We, of
15 course, reached out to the DOP, asked for
16 clarification and explanation, asked them not to cut
17 the program, and we were not able to get any
18 information. The only thing I've heard,
19 unfortunately is the same as you've heard where they
20 keep saying that adolescent portable therapy is the
21 same thing even though it's very, very clearly not
22 the same thing. We were contracted to start the
23 program in January of 2023. It's, you know, a
24 similar program to the program that Esperanza [sp?]
25 has previously operated. We hired staff, conducted

1 outreach, and we were ready to take our first intakes
2 in May of 2023.

3
4 CHAIRPERSON NURSE: I mean, I guess
5 between like where we are now, like what-- have you--
6 I mean, especially because it's not in this budget.
7 So regarding this budget, what have you-- what
8 communications have happened between-- or you all
9 have just kind of put it to bed. I just want to know
10 if you're still advocating for it or not.

11 NADIA CHAIT: We would love to see the
12 program restored. We have not been able to have, you
13 know, any conversations with the DOP around why they
14 cut it or the possibility of bringing it back.

15 CHAIRPERSON NURSE: Okay, thank you.

16 CHAIRPERSON STEVENS: Just a quick
17 question to the Bronx Defenders. I know here DOP
18 today said that they do these monthly meetings that
19 go over these programs. I just wanted to confirm, are
20 you guys a part of those meetings? Have you been
21 invited? I'm just trying to piece together their
22 outreach situation.

23 NADIA CHAIT: As far as I know, no, but
24 I'll follow up with the head of our adolescent
25 representation team and get back to you.

3 CHAIRPERSON STEVENS: Amazing. Thank you.

4 That's all for this panel. Next up we have Emma Lee-

5 - I don't know if this is a C or a G. Emma Lee Cling

6 [sic], Jeanette Bocanegra, Jose Perez, Kyung G. Rhee.

7 Again, I apologize for messing up everyone's name.

8 You may begin whenever the spirit hits you.

9 EMMA LEE CLINGER: Chair Stevens, Chair

10 Nurse, and members of the Committee, thank you for

11 holding this important oversight committee. I'm Emma

12 Lee Clinger and an attorney with the Special

13 Litigation and Law Reform Unit at the Legal Aid

14 Society Juvenile Rights Practice. I do refer you to

15 our fuller written testimony, but I will highlight

16 some of the points this morning. I strongly urge the

17 City Council to ensure adequate and effective

18 services are available to all young people involved

19 in the criminal and juvenile legal systems. We have

20 serious concerns about this city's significant cuts

21 to alternatives to incarceration programs, as noted

22 in the decline in Probation's adjustments and In-

23 Community Monitoring known as ICM. As a specific

24 aside, we also, as mentioned by BDS, we have also

25 been told that ICM has no capacities in a number of

boroughs as early as this morning while testimony was

1 going on. The City's massive investment in building
2 a nearly 50 additional beds secured detention
3 facility annex to Horizon is also a serious concern
4 we have in cuts against decarceration efforts. We
5 can and must reduce the number of youth in detention.
6 Social science has shown that it will make a
7 commitment to community safer and lead to better
8 outcomes for youth. First, we must invest on the
9 front end before a young person ever becomes involved
10 with law enforcement or the legal system. This
11 should include increased in-school social workers,
12 increased access to family therapy, and job placement
13 programs. Cure Violence programs including the Legal
14 Aid Society's Community Justice Unit, as mentioned,
15 that had recently experienced large cuts have been
16 shown to be effective at deterring even the most
17 serious crimes and offenses. These should be
18 expanded not cut. Second, we must provide robust
19 array of alternatives to detention and incarceration
20 programing. I can tell you from personal experience
21 recently representing young people in both criminal
22 and Family Court settings that it takes great efforts
23 for defenders to identify suitable programs that
24 address our client's needs. Even after a program has
25

1
2 been identified, we're often faced with the reality
3 that this program is no longer funded or does not
4 have capacity. Judges, prosecutors and defenders
5 regularly call for more programming and re looking
6 for off-ramps from the juvenile legal system, even in
7 the context of the youth part. These issues are
8 especially dire in the youth part because adolescent
9 offenders and juvenile offender account for the
10 majority of youth in secure detention. The lack of
11 alternatives is directly responsible for this
12 increase in secure detention that was spoken about
13 today. Adolescent offenders and juvenile offenders
14 are frequently ineligible for criminal court
15 programming due to age restrictions and for Family
16 Court services due to funding structures or charge-
17 related restrictions. New York City must conduct
18 regular assessments of the needs for alternative to
19 detention and alternative to incarceration
20 programming, and then the need must be then met.
21 Funding increasing secure beds at a cost of millions
22 of dollars is not the right path forward. And to
23 adjust-- to address some questions that were posed in
24 the last panel, as I had mentioned, we had recently
25 spoken to our defenders in boroughs. We have been

1 told that ICM is at capacity. In addition, just to
2 clarify the question about Probation's discretion,
3 the Family Court act as the ruling statute. They had
4 mentioned there was black letter law there. However,
5 our interpretation of that isn't quite clear. It's
6 quite discretionary. There are a number of specific
7 crimes that are listed in the Family Court Act.
8 However, it does say--
9

10 CHAIRPERSON STEVENS: [interposing] 10
11 seconds.

12 EMMA LEE CLINGER: that the Probation
13 Department can request from the court specific
14 acceptance to divert that young person away from
15 filing. I would also note that there's a long list of
16 discretionary qualifications that Probation can use
17 to then-- outside of those enumerated offenses, can
18 then use to justify bringing it to the Law
19 Department. So it is not quite as clear once you
20 have the opportunity to look at the statute.

21 CHAIRPERSON STEVENS: Thank you. Council
22 Member Williams, you can follow up with the
23 questions.

24 EMMA LEE CLINGER: Yes, thank you so
25 much. And thank you for attention to these issues.

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3 CHAIRPERSON STEVENS: No problem. Thank
4 you.

5 JEANETTE BOCANEGRA: I get nervous every
6 time I come out. My name is Jeanette Bocanegra. I
7 wear two hats. I am a national leader of Justice for
8 Families, an organization that works with directly
9 impacted families in the juvenile justice system. I'm
10 also a mother of six, and in 2010 my youngest
11 introduced me to the system, and I couldn't
12 understand. I couldn't wrap around. But what I do
13 know is that there have been programs that have
14 helped our young people. We've shut down facilities
15 that have traumatized and dehumanized our young
16 people, and due to those inhumane treatments, we're
17 dealing with chaos in our communities and trying to
18 fix all the issues that these institutions have been
19 part of. I can't understand that we had three large
20 agencies here that we trust in taking care of our
21 children, but what they have done has disrupted their
22 development. I'm not sure why the new administration
23 decided to close and defund many of the programs that
24 had been working, but I also feel that we need the
25 school system here. We need the-- we need to address
the school to prison pipeline and not expect

1 Probation to be the solution to all the issues that
2 our communities face. Investing in developing a new
3 housing unit or prison, whatever we want to call it,
4 is not productive to the community that we're
5 serving. In 2010, I got involved in a research
6 project which was a national project, which allowed
7 us to even partner with the Department of Probation,
8 and part of some of the programs that they created
9 was a parent support program. Though parents are not
10 included in decision-makings and parents are
11 stigmatized when a young person is navigating the
12 juvenile justice system, but I strongly encourage you
13 to look at some of the successes that has happened
14 during these alternatives to incarceration program.
15 The community can be a resource, right? Defunding
16 some of these programs is not the solution. I am
17 still working on putting together the pieces of
18 broken young people coming back into our communities.
19 yesterday and on Monday, I sat on a five-hour
20 training to learn about PREA, the Prison Rape
21 Elimination Act, where our young people are being
22 dehumanized, groomed, and inappropriately touched,
23 and these are the issues that we're facing. Our
24 young people also coming back less educated.
25

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3 CHAIRPERSON STEVENS: 10 seconds.

4 JEANETTE BOCANEGRA: And when we talk
5 about discretionary decisions, and I'm going to end
6 it with this, during COVID every leader was able to
7 make a discretionary decision without looking at a
8 policy, because everyone was being fair about all the
9 injustice throughout all the systems. So, we're
10 looking at DYCD, right? They need to do a better
11 job. They use the word violation. Do they work in
12 collaboration with systems, or are they really
13 developing thriving young people? ACS, who we trusted
14 in making sure that young people and families are
15 connected, what they've done is disrupted and tore
16 families apart. And Probation, right, has done a
17 great job, and the Family Court and graduating our
18 young people to the adult side of the system.

19 CHAIRPERSON STEVENS: Thank you.

20 KYUNG G. RHEE: Good afternoon. My name
21 is Kyung G. Rhee. I'm with an organization called
22 The Center for New Leadership and New Leadership on
23 Human Justice and Healing. And I know I have two
24 minutes, so I'm going to try to cut to the chase. I
25 am here to tell you a 22-year-old story, and to get
to some solutions where it really lies. And the real

1 deal has to be done in full depth and in the follow-
2 up. But I want to put out some big thoughts. In your
3 hand is a list of questions that we prepared as we
4 look at some of the proposed expansion plans by ACS
5 and the talking points that are coming out. I've
6 been in the criminal justice reform world from all
7 aspects of that world, from the service to advocacy,
8 to legislative writing, to campaign leadership.
9 Twenty-two years ago we stopped the City of New York
10 from expanding Horizon and Crossroads by 100 jail
11 cells each. It was done by Justice for Youth
12 Coalition that was youth-led. We didn't even come
13 out to the public until like a year after we found
14 out about it, because we were doing that internal
15 work. We stopped it. It was \$65 million then, 100
16 jail cells. Right now, it's \$340 million for 48 jail
17 cells with other improvements. If I were to do a
18 quick math there, there's \$340 million divided by 48
19 jail cells, that's about \$7 million-- or no, I think
20 I divided it by 267. No, by the jail cells. It's \$7
21 million per jail cell. So when you look at the
22 investment that we're willing to make on the juvenile
23 justice side, the criminal justice side, and you
24 compare it to the education cost-- back then, 22
25

1 years ago, it was \$9,300 that we spent per pupil,
2 which we know is not enough. Right now it's about
3 \$30,000, right? And I also don't want to just go off
4 saying alternatives to incarceration is cheaper.
5 Alternatives to incarceration programs do a lot with
6 so little. It needs to be resourced, and if we're
7 going to find the solutions, it's not in ACS or
8 Probation. The solutions that we do need to get at
9 for the legalistic stuff is for access, but the real
10 solution is going to lie in the resourcing and how
11 it's resourced. We didn't even get to the questions
12 around the program limitations, the challenges. If
13 programs had more resources and had the flexibility
14 of spending, there's so much being done. And the
15 last thing that I would say is this. My 10-year-old
16 asked me what I was doing this morning, because I
17 said mommy has to hurry, get to City Council
18 oversight. And she asked me what the oversight is
19 about. She's part of everything that we do.
20 Everything that we do, all our staff members bring
21 all our children, because we're building a village.
22 It's not about reducing recidivism. It's about
23 building community generational wealth and health in
24

3 the million dollar blocks that are targeted by
4 policing and state violence. So, if we do--

5 CHAIRPERSON STEVENS: [interposing] 10
6 seconds.

7 KYUNG G. RHEE: Through that lens, she
8 said, "but if they build 48 new jail cells, they will
9 have to fill them, because they can't leave them
10 empty. So then they will look for ways to lock up
11 kids." A 10-year-old got this notion. So, it's
12 about priorities and will-power and the solutions are
13 there, and we will follow up as such. Thank you.

14 JOSE PEREZ: Thank you for that. Good
15 afternoon and thank you, Chair Stevens and Chair
16 Nurse for holding this important hearing. My name is
17 Jose Perez. I am the Project manager of Youth in
18 Power at the Children's Defense Fund New York. I
19 come to this work as lived expert in the child
20 welfare system and also juvenile detention system and
21 also the adult criminal justice system and also as a
22 former service provider for CASES. Today, at the
23 Children's Defense Fund I work with impacted young
24 people to help shape the policies that affect their
25 lives while transitioning out of the foster care
system. I take pride in centering the voices of

1 young people as we live by the motto, "No policy
2 about us without us." As the City plans to expand
3 programming space and increase beds and secure
4 detention, it is critical to focus on decarceration,
5 and it's-- by the testimony I heard earlier, it's
6 obvious that our leaders have no idea what
7 decarceration means. We need to support as many
8 young people as possible in the community, and that
9 will require coordination by all the city agencies,
10 and that means ACS, DYCD, MOCJ, and DOP. These
11 department heads need to be held more accountable for
12 their actions. It is a gross miscarriage of public
13 service when the leader in any department is not a
14 subject matter expert in the field they were hired to
15 work in. I work with young people every day. I
16 manage the direct cash transfer for 100 emerging
17 adults out of the foster care system in New York. I
18 am led by their power and love, and I am saddened to
19 hear that our people in powerful positions are not
20 listening to them. The conversations I am having
21 with young people every day on the ground, young
22 people on our work are clear about what they need.
23 They need jobs and mentoring, support from healing
24 from trauma. We have not said anything about trauma
25

1
2 in this room since I've been sitting here. We need a
3 more trauma-informed care approach. They need more
4 stable housing and community connections. Young
5 people in detention lose all these things when
6 they're on the inside. So the first of many steps
7 toward decarceration is urgent. So, with the budget
8 that you are negotiating right now, we must restore
9 the cuts to alternative to detention and youth
10 mentoring programs at the Department of Probation.
11 We stand ready to partner with you. Thank you.

12 CHAIRPERSON STEVENS: thank you. I just-
13 - and I just had a follow-up question from some of
14 the testimony, because I know you said that as of
15 earlier today, folks were told that ICM programs were
16 at capacity. Do you have the boroughs? Because as
17 you heard today, they said that they're ready to go
18 and it's citywide now. So, I'm just seeing was there
19 specific boroughs or was this a trend that they are
20 seeing just citywide as well?

21 EMMA LEE CLINGER: Yes, I believe
22 [inaudible]

23 CHAIRPERSON STEVENS: You could-- I'm
24 sorry.

25

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3 EMMA LEE CLINGER: Apologies. Yes, I
4 heard directly from Staten Island that-- from Staten
5 Island practitioners today, just to clear the record,
6 not necessarily from the Court Liaison today, but
7 Staten Island practitioners today that in the past
8 week it has been told that ICM was at capacity. I
9 believe-- and I would need to check my notes, but I
10 believe within the last week maybe as early as last
11 Friday, ICM in the Bronx was at capacity, and at
12 least within the last month ICM in Brooklyn was at
13 capacity. That could also be more frequent than the
14 last month, but that was the last time I spoke to our
15 practitioner there.

16 CHAIRPERSON STEVENS: No, I just wanted
17 to make sure we had it on the record, because it was
18 said today that it was citywide and there was no
19 limits to them being able to accept young people.
20 So, I just wanted to make sure we had that clarified.

21 EMMA LEE CLINGER: If I could just
22 clarify one more thing for the record. Our-- the
23 Legal Aid Society is invited to these monthly
24 meetings--

25 CHAIRPERSON STEVENS: [interposing] Oh,
you guys are invited, nice.

3 EMMA LEE CLINGER: with the Department of
4 Probation. However, those are most specifically
5 focusing on child welfare issues, and juvenile
6 justice issues are rarely discussed. I checked in
7 with a number of our practitioners who attend those
8 meetings and that was clarified to us. So I just want
9 to make sure the record is clear on that note as
10 well.

11 CHAIRPERSON STEVENS: So, there is a
12 meeting, but it's not necessarily about the programs
13 that we were talking about today and the low capacity
14 and folks not-- okay, thank you.

15 EMMA LEE CLINGER: That's my
16 understanding.

17 CHAIRPERSON STEVENS: Thank you. I'm
18 sure. Council Member Joseph?

19 COUNCIL MEMBER JOSEPH: Thank you.
20 Earlier you mentioned-- how long must a young person
21 wait to be placed in a program? What's the wait
22 time?

23 EMMA LEE CLINGER: For what type of
24 program? Apologize.

25 COUNCIL MEMBER JOSEPH: Any of the
decarceration programs, how long is the wait time.

1 You say sometimes you all and they're at capacity.

2 When they say they're at capacity, what are the next
3 steps?
4

5 EMMA LEE CLINGER: At that point, we have
6 a young person who's facing potentially remand or
7 detention order, and so we're constantly looking at
8 that program or alternative programs. I would say in
9 my experience as a public defender, when that happens
10 we look to the community and we try to find
11 colloquially alternatives to the alternatives, right?

12 COUNCIL MEMBER JOSEPH: Got it.

13 EMMA LEE CLINGER: And we're looking at
14 community therapy. We're looking at community
15 supports, community Cure Violence programs that
16 aren't run by the City and the State. And a lot of
17 the times our judges are open to those options,
18 right? As long as they can speak to providers and
19 guarantee that what they're hoping for as far as like
20 some kind of monitoring and support is in place,
21 they'll give them a chance, and a lot of our time our
22 clients are succeeding in those. So once we're told
23 they're at capacity, we have to look elsewhere
24 because it's dire.

25 COUNCIL MEMBER JOSEPH: Right.

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2 COMMITTEE ON CRIMINAL JUSTICE

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3 EMMA LEE CLINGER: Our kids are then
4 going to be in a detention center.

5 COUNCIL MEMBER JOSEPH: Time is not on
6 our young people's side--

7 EMMA LEE CLINGER: [interposing] Exactly.

8 COUNCIL MEMBER JOSEPH: because we don't
9 want them out there, because they get reintroduced
10 into the criminal justice system. How many students--
11 - how many children in foster care do you service?

12 JOSE PEREZ: I service-- well, I service
13 100 former foster care youth who just recently were
14 part of a pilot, receiving \$1,000 per month in a
15 direct cash transfer pilot program, and I also manage
16 14 youth action organizers and researchers who all
17 have direct and indirect experience in the children
18 welfare system and juvenile justice system as well.

19 COUNCIL MEMBER JOSEPH: What age group?

20 JOSE PEREZ: Age group, anywhere between
21 18 to 22.

22 COUNCIL MEMBER JOSEPH: Thank you.

23 CHAIRPERSON STEVENS: Council Member, did
24 you have follow-up about the statute stuff that she's
25 clarified? Okay, thank you. That sums it up. And
just to say, you know, I don't-- in my opening

1 testimony I clearly stated that we have to come
2 together to really create a decarceration plan for
3 young people and we can't wait, because no one's
4 going to do it. And so I am very serious about this.
5 I mean, a number of providers, we've already been
6 talking about this, but this is something that for me
7 is a top priority, and so definitely look forward to
8 working with anyone who's willing and open to really
9 start working on a campaign to make this happen. So,
10 I'm sure I'll be in touch with folks. Thank you.

12 EMMA LEE CLINGER: Thank you.

13 JOSE PEREZ: Thank you.

14 CHAIRPERSON STEVENS: we might need
15 another chair, because I don't know if it's enough
16 chairs. Rashaan Brown, Darren Mack, Crystalie
17 Romero-Smith, Chaplain Doctor Victoria A. Phillips,
18 Jason Allarye [sp?], Aaliyah Guillory Nickens,

19 RASHAAN BROWN: My name is Rashaan Brown,
20 Director of Community Wellness for We Build the
21 Block. For the last six years I've worked with
22 hundreds of justice-impacted youth between the ages
23 of 14 and 24, spearheading programs funded by MOCJ
24 and DYCD. Many of these youths were justice-impacted
25 before I met them, but once I met them I built a

1 relationship with not only them but the entire family
2 and social group. You see, they didn't trust me
3 overnight, but through persistence, transparency, and
4 consistency on my part they came to love me as if I
5 was a family member. The foundation to success is
6 love. Once they understood I loved them too, their
7 minds were open to the possibility of life.

8 Leveraging Eddie Ellis' model on non-traditional
9 approach to social and reformative justice, I've
10 helped countless young people go from alone and
11 desperate to high school graduates with beautiful
12 plans for their future. No matter my role or agency,
13 it was the connectivity of love and understanding
14 with tangible support and resources that can make all
15 the difference in a young person's life.

16 Unfortunately, my work brings me inside of places
17 like Crossroads and Horizons and leaves me to deal
18 with the crisis created upon re-entry from these
19 child jails. In all my interactions with residents
20 of the child jail, I have never once heard a youth
21 talk about their exceptional schooling or social
22 programming. And one must ask, why are we so
23 invested in a fictional social capital investment in
24 a carceral setting and not in our community. Eddie
25

1
2 Ellis once said, "Prisons represent the failures of
3 society." This \$340 million proposed was not an
4 investment in building the social capital in these
5 kids, but an investment in continued rampant
6 structural violence in marginalized community. While
7 serving 17 years in New York State prisons, I learned
8 how to make ghost guns and cut drugs with fentanyl.
9 It wasn't until I was enrolled in Bard College was I
10 able to see the future was not in selling drugs and
11 making guns. I deserved better and my community
12 deserves better, and better is possible. That is why
13 I made my commitment in helping youth see that
14 education is an investment itself. This 48-bed
15 expansion is definitive proof that you gave given up
16 on yourselves and your ability to fulfil your job
17 responsibilities. People have made a commitment to
18 making communities better, stronger, and safer.
19 Instead, you have all sacrificed future generations
20 and communities. I'll end with that. Thank you.

21 DR. VICTORIA PHILLIPS: Peace and
22 blessings everyone. I'm Chaplain Doctor Victoria
23 Phillips. Everyone calls me Doctor V. I actually
24 work with the Mental Health Project at Urban Justice
25 Center. Been there almost a decade, and I'm the CEO

1 and Founder of Visionary V. Ministries. And I sit on
2 several boards and taskforces, so I won't name them
3 all. But I want to highlight-- years ago-- I'm
4 actually just going to say a few point. I know I
5 don't have much time. so, years ago, I actually used
6 to sit on the New York City Department of Corrections
7 Adolescent and Young Adult Advisory Board with DC
8 Nancy Ginsberg who was here earlier speaking for ACS,
9 and I want to highlight that because back then
10 adolescents were sleeping in class as well, because
11 of issues that the City was not properly addressing.
12 So, this is nothing that's new. And I also want to
13 highlight even on the island, we spent millions of
14 dollars as a city to renovate GMDC for the
15 adolescents and young adults before they was moved in
16 and after they was moved off the island, and the
17 building was then handed over to officers. So all of
18 that money that could have assist with public safety
19 on the island and all of that, changing someone's
20 life, you know, was taken away and given to officers.
21 And I also want to address buzz words. Legal and
22 repeat offenders, these words actually land
23 differently in different zip codes. And I want to
24 say that because diversion is key. Today, the City
25

1
2 said 801 cases are referred for diversion, but how
3 many of them actually end up serving, because of the
4 diversion and the pleas that they taking? Because
5 when we talk about rearrest, what does that look
6 like? Because I know in Brooklyn a rearrest could be
7 walking down the street and the officer target you.
8 my own son was targeted coming home from football
9 practice and it took nine and a half hours to get him
10 out of the precinct with the other child that he was
11 arrested with, and I say that because if I didn't
12 know m y rights as a parent, my child would be
13 through the system. Can I just get 30 more seconds
14 please? And I just want to say how important it is
15 not for us to just talk about diversion and
16 decarceration, but education for the parents that are
17 responsible for these kids, because educating the
18 parents is how we keep our kids out of the legal
19 criminal system or don't give up all rights. Because
20 even in probation, probation offices will try to get
21 parents to sign all types of forms giving access to
22 things that they really don't need, even access to
23 school records, and judges use school records. And I
24 know as a parent-- I actually fought in probation,
25 and the officer called his supervisor trying to scare

1 me on every way to sign all these forms, and even the
2 lawyer that I brought was saying, "Dr. V., just sign
3 the forms." And I would not sign them, and I say
4 that because my son walked away. I said we going to
5 go to trial. Charges were dropped. The judge
6 ordered that all prints and mugshots be destroyed by
7 the precinct and the state, and I say that because
8 the other child that I helped, his mother was scared,
9 signed the forms. And I say this because 10 days
10 before that boy was supposed to get--
11

12 CHAIRPERSON STEVENS: [interposing] 10
13 seconds.

14 DR. VICTORIA PHILLIPS: Okay. 10 days
15 before that boy was supposed to get off, he was
16 rearrested in the community, and right now he's
17 serving five years based off a paper that he signed
18 because his parents were scared and did not
19 understand their rights. So if we're going to take
20 care of our youth, we have to start properly by
21 resourcing the community.

22 CHAIRPERSON STEVENS: Thank you.

23 DARREN MACK: Good afternoon. Thank you,
24 Chair Stevens and Committee Members. My name is
25 Darren Mack. I'm a Co-director of Freedom Agenda

1
2 which is an organization dedicated to organizing
3 directly impacted people in communities to achieve
4 de-carceration and system transformation. I'm also a
5 survivor of Rikers where I was incarcerated as a
6 teenager, and a member of the Commission of Community
7 Investment and the Closure of Rikers Island,
8 established by Local Law 193. This commission is
9 charged with ensuring significant reinvestment
10 recommendations are made in communities disparately
11 and historically impacted by mass incarceration. Our
12 Co-Chair of the Youth Subcommittee, and just before
13 Mayor Adams took office, we released our first set of
14 recommendations outlining dozens of recommendations
15 for upstream community investments. Several of them
16 focused specifically on youth. I hope we have seen
17 the Mayor jump on the opportunity to turn his
18 campaign promises into action and make these
19 investments closing the pipelines that feeds Rikers.
20 Instead, he has ignored the law that requires him to
21 convene our commission quarterly and hold public
22 meetings. Meanwhile, the number of admissions to
23 youth jails has skyrocketed and there are over 1,200
24 young people 25 and under at Rikers today. The Mayor
25 has used these circumstance created by his failed

1 policies to propose an expansion on the Horizon Youth
2 Detention Center into stall on closing Rikers. We
3 know that locking up more youth will not increase
4 safety. Simply removing a young person from the
5 community does not solve the underlying conflict and
6 cycles of aggression, protection, and retaliation
7 that drive violence. In fact, conflicts on the
8 streets often carry into jail and prison and in a
9 horrible cycle, conflicts in jails and prison carry
10 back into the communities we aim to keep safe. New
11 York City has successful programs that already work
12 to reduce incarceration and improve both wellness and
13 safety for youth, but Mayor Adams repeatedly cut
14 their budgets while maintaining the most bloated jail
15 system budget in the country. I want to thank you,
16 City Council, for calling our Mayor to restore
17 funding cuts to DYCD and other services that support
18 our youth, even District Attorneys Darcel Clarke in
19 the Bronx and Alvin Bragg in Manhattan are telling us
20 that long over-due community investment is what will
21 increase safety, not more incarceration. If the
22 Mayor won't agree to those essential changes in the
23 budget, we urge the City Council to use every power
24

1
2 you have, including passing a budget amendment to
3 assure a just budget for our city. Thank you.

4 CRYSTALIE ROMERO-SMITH: Hello, my name
5 Crystalie Romero-Smith, and in community I'm better
6 known as LiLi [sic]. I'm a Program Coordinator at
7 Community Connections for Youth, CCFY, in the south
8 Bronx. CCFY first meet when I was 15 years old
9 facing probation and potentially severe consequences.
10 The love, support, and advocacy I received through
11 the South Bronx Community Connections Program changed
12 my trajectory of my life. The goal of SBCC was to
13 connect me to my community and through that
14 connection to myself. My world opened up, and I was
15 provided with resources that set me on the right
16 path. I led my leaders, guided them through the
17 criminal legal system and shared valuable lessons and
18 best practices with adults working with youth just
19 like me. I became more than a young person who didn't
20 recidivate. I was activated. My life, my thinking,
21 my self-belief and my hope were all positively
22 transformed by the relationships I built thanks to
23 the community supports and system funding. Now as a
24 staff member of the organization that once advocated
25 for me, I strive to provide the same foundational

1 support to others. In my role, I see firsthand the
2 transformative power of community support for young
3 people, and I recall how our partnership with the
4 Department of Probation supported Credible Messenger
5 roles and leadership showing young people their
6 probation officers as allies. These positives
7 interactions fostered trust and transformed youth
8 perspectives. Unfortunately, recent city
9 administration decisions have taken major steps
10 backwards, reinforcing an us versus them attitude.
11 These actions have removed crucial opportunities from
12 young people making quality mentoring and employment
13 opportunities even less accessible for under-
14 resourced communities. How does destabilizing
15 communities lead to greater safety and hope? My
16 question is what are you doing to truly support our
17 youth? Bare minimum opportunities would never have
18 reached me, and by reaching me you now reached many
19 others. Alternatives to incarceration work. It's
20 proven. Yet, we still wait for evidence of the
21 positive effects of incarceration. Incarceration
22 grooms young people against its on state of intent,
23 and today, I stand with a young person impacted by
24 the juvenile justice system. Despite my justice
25

1 involvement, I'm being seen as a problem to be
2 solved. I was treated as an asset to the community
3 and I became just that. I ask you to change course
4 and end the poor family and community actions. Our
5 mission remains no kids in cages, and we need to
6 invest in our youth and not detain them. By
7 supporting community-based programs we can create
8 restorative spaces for young people to grow, explore,
9 heal, and learn. Thank you.
10

11 AALIYAH GUILLORY NICKENS: Good
12 afternoon. My name is Aaliyah Guillory Nickens.
13 Thank y'all for having us. I currently work as the
14 campaign organizer at Youth Represent which is a
15 nonprofit organization that provides free legal
16 services and mental health support to young people
17 under the age of 26. Additionally, we work on policy
18 and legislation that will help youth in the system
19 while also supporting young people who have or
20 haven't been system-impacted to become civically
21 engaged and training them to become advocates in a
22 community. Outside of Youth Represent I am a
23 community organizer out of Harlem that began this
24 work after getting my last case dismissed at 16 years
25 old and introduced to programs that helped me get to

1 the position I'm in right now. I'm here today to
2 voice my concerns on the city and ACS' plan that do
3 not include youth decarceration, but do unfortunately
4 include adding more beds to detention centers,
5 cutting funding to valuable programs and other
6 efforts that will do more harm to young people in
7 communities than good. The City, ACS, and Probation
8 are moving in the wrong direction when it comes to
9 youth decarceration, and I'm urging you all today to
10 push them to move in the right one. The Department
11 of Probation has significantly cut funding to
12 alternative programs that include mentoring, Credible
13 Messenger programs, and programs in our communities
14 that are actually keeping young people safe and
15 productive. I've seen it firsthand and I'm a product
16 of those same programs. ACS received funds that were
17 intended to improve areas of detention such as
18 visitation spaces, services, and programs. Instead,
19 with these funds, they are adding 48 beds with no
20 clear explanation as to if these additional beds are
21 needed. It's completely backwards and senseless to
22 prepare to incarcerate more young people rather than
23 prevent the incarceration of more young people, and
24 actually property care for the young people already
25

1
2 incarcerated that are being assaulted, sexually
3 abused, mentally abused, and forced to fight each
4 other and other things in those detention centers.
5 New York City has 250 lawsuits already and there's
6 probably more coming with claims of sexual abuse in
7 the juvenile detention centers. That means the
8 priority would not be adding more beds to funnel more
9 young people into those same detention centers or
10 cutting funding to programs that give young people
11 what they need to not come into contact with the
12 system anymore. It seems as if we are still trying
13 to use the same punitive methods in our legal system
14 that we've been using for decades and we've been
15 seeing it not working. Doing the same thing and
16 getting the same results is an inch away from
17 insanity. Incarceration is and will always be
18 harmful to all parties involved. That includes the
19 people that are being incarcerated, families and
20 communities. I'm almost done. And locking up our
21 youth at crazy rates will not make the crime drop,
22 that's clear. It is urgent that we invest in
23 prevention and diversion to decrease our secure
24 detention population. The \$340 million that ACS
25 plans to invest into secure detention centers needs

1
2 to be reallocated into community-based programs that
3 prevent youth from entering the system and into the
4 youth part of the Supreme Court that is severely
5 lacking the resources needed to effectively divert
6 you from incarceration. There are amazing programs
7 really doing-- I'm almost done. I'm just going to
8 say--

9 CHAIRPERSON STEVENS: [interposing] No,
10 no, thank you. You wrap. Thank you.

11 AALIYAH GUILLORY NICKENS: Thank you.

12 JASON ALLEYNE: Good afternoon, Chair
13 Stevens and members of the NY City Council Committee
14 on Children, Youth and Criminal Justice. Thank you
15 for the opportunity to testify here this afternoon on
16 coordinating NYC's youth decarceration efforts. My
17 name is Jason Alleyne and I am the Chief Program
18 Officer at Exalt, an organization effectively
19 elevating expectation for youth in the justice system
20 since 2006. A week ago, our city celebrated
21 Juneteenth, a federal holiday reminding us that
22 slavery did not end overnight. At Exalt, our ethos
23 is rooted in the knowledge that mass incarceration
24 stems from slavery, and that in order to end mass
25 incarceration, we must deeply invest in our young

1 people. At Exalt, we empower our youth to see a
2 future filled with hope and we provide the roadmap to
3 get there. Exalt serves criminal justice impacted
4 youth between the ages of 15 to 19, many of whom are
5 chronically disengaged from their schools, over-aged
6 and under-credited and reading at a fourth grade
7 level. Our powerful model comprised of tangible
8 skill development classes, paid internships, and
9 robust alumni network equips our youth with the tools
10 and experiences necessary to not only avoid
11 recidivating, but truly expand the best that life has
12 to offer, because that is what our young people
13 deserve. Our participants have five dedicated staff
14 members working with them throughout their cycle, a
15 program coordinator, teacher, educational advocate,
16 internship liaison, and alumni liaison. During the
17 first six weeks, Exalt youth are immersed in our pre-
18 internship training. This includes our culturally-
19 competent responsive and academically-tested
20 curriculum that rejuvenates their level of learning
21 through content that is connected to their lived
22 experiences, and delivered in an engaging way. Upon
23 completion of the pre-internship phase, our
24 participants are placed in an eight-week paid
25

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2 internship in high-demand fields throughout New York
3 City, including a vast array of nonprofit business
4 and government entities. Exalt pays program
5 participants \$18 an hour and our alumni \$20 an hour.
6 With our youth-- while our youth are actively engaged
7 in the education employment components of our core
8 program, Exalt's court advocacy team provides support
9 and helps navigate the complex landscape of the
10 criminal justice system to those with open cases.
11 Our advocates build deep partnerships with major
12 stakeholders that comprise the system including
13 District Attorneys, Probation and the judiciary.
14 Utilizing the cross-sector approach, Exalt has
15 achieved remarkable results with young people that in
16 many ways, society at large has not. We are proud to
17 say that 70 percent of the young people that come to
18 us with open court cases have their sentences reduced
19 or dismissed; 98 percent are on track to graduate by
20 age 20, and even two years after graduating from our
21 program 95 percent do not recidivate. As this
22 Council and the Administration work together on youth
23 decarceration efforts, our city's youth need you to
24 prioritize funding to organizations like Exalt whose
25 proven model yields real results and truly transforms

1
2 the lives of our young people. Thank you for your
3 leadership and dedication to addressing how the
4 criminal justice system impacts young New Yorkers.

5 AALIYAH GUILLORY NICKENS: sorry,
6 respectfully, I just wanted to finish a little bit.
7 I feel like other people, they went over time, but
8 they got their extra couple seconds.

9 CHAIRPERSON STEVENS: No, I actually went
10 back and asked questions. So, thank you.

11 AALIYAH GUILLORY NICKENS: Okay, I just
12 wanted to shout out some organizations that are doing
13 great work like Youth justice Network and ARCHES.
14 Respectfully, though, I was just trying to do that,
15 because I was cut off.

16 CHAIRPERSON STEVENS: Shawn Corley [sp?].

17 SHAWN CORLEY: Good morning. How you
18 doing. My name is Shawn, and I'm here to read a real
19 testimony. Hello, my name is Shawn Corley and I'm a
20 youth participant of Neighbors in Action, SOS Save
21 our Streets. The reason why I wanted to join SOS is
22 because I wanted to change my mindset and help the
23 communities around us. I wanted to do better for
24 myself and show others that we can all change
25 together as a group and share ideas to better each

1
2 other as one. Programs like SOS have helped youth
3 like me stay out of trouble and switch course. They
4 mentor us. They provide us with job opportunities
5 and show us how to get back. And one thing that I've
6 learned from being in this program is that we can
7 team up to help people feel safe wherever they go and
8 [inaudible] to make the streets feel safer. A way I
9 help make the safe streets feel safe now is by
10 designing and distributing fliers to bring awareness
11 to stop gun violence in my community, as well as
12 encourage people to come to our events. By being a
13 part of this work, I now want to keep giving back and
14 start my own program to help fund trips for the kids
15 who are willing to participate and stay out of
16 trouble. Jails are not the answer for programs like
17 SOS. Thank you.

18 CHAIRPERSON STEVENS: Thank you.

19

20 CHAIRPERSON STEVENS: Christine, I think,
21 Lee? And thank you, young man, for testifying. I
22 really appreciate your testimony today.

23 CHRISTIAN LEE: Hi, good afternoon
24 everybody.

25 CHAIRPERSON STEVENS: Afternoon.

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2 COMMITTEE ON CRIMINAL JUSTICE

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3 CHRISTIAN LEE: My name is Christian Lee.
4 I'll be representing Bronx Community Justice Center.
5 I would like to talk about, like, things that going
6 on, in like the neighborhood and everything. I come
7 here to say that Bronx Community Justice Center is a
8 way of me giving back to like everything that has
9 been going on and everything been going on in the
10 streets. I'm here to represent them because I feel
11 like they gave back to me, so I want to do the same
12 to everybody else. They're very positive. They give
13 job opportunities. Many different things as in
14 getting back on track and pushing you and being
15 enthusiastic. The program is very amazing. Me, as
16 in being like, going into incarceration and things,
17 they help me and provided with many different
18 opportunities of me thinking of like a way of getting
19 out of the streets, like, as in positive, because the
20 mindset of them is like, okay, everybody is welcome.
21 Everybody has a future. Everybody can do something.
22 Why not do it? Embrace yourself, and do as many
23 things as you can, and I feel like them giving back
24 is just a way and an opportunity of like just saying
25 like open arms, like, everything is here. You don't
have to worry about anything. And they're just like

1
2 open arms. Very good, like, citation of being there
3 for you.

4 CHAIRPERSON STEVENS: You're doing great.

5 CHRISTIAN LEE: I'm sorry, I'm hot.

6 CHAIRPERSON STEVENS: You're so stressed
7 out. It is very hot in here. No, we appreciate your
8 testimony, and someone please get-- there's water
9 right there. Get some water. Thank you. Now, we
10 will turn to remote testimony Zoom. Our first and
11 only witness will be Daniele Gerard. You may begin
12 your testimony once the unmute-- once you're unmuted
13 and the Sergeant at Arms will start the clock.

14 SERGEANT AT ARMS: You may begin.

15 DANIELE GERARD: Thank you, Chair Stevens
16 and all the Committee Members. My name is Daniele
17 Gerard. I'm a Senior Staff Attorney at Children's
18 Rights. We're a national organization that advocates
19 on behalf of youth in state systems here in the City
20 on behalf of young adults on Rikers. We recently
21 submitted a public comment to the Board of
22 Corrections regarding the law banning solitary
23 confinement and have also uploaded to the site for
24 this hearing. It includes a great deal of research
25 regarding youth brain development and the

1 criminalization of mental health. We would like to
2 highlight one of the points we make and some of the
3 accompanying data. Mental health is integral to
4 overall health and wellbeing, especially for
5 adolescents shaping their development and influencing
6 their responses to stress and social interactions,
7 and supporting healthy decision-making. The lack of
8 investment in community mental health services
9 results in police and agents of other punitive
10 systems responding to children and youth experiencing
11 psychiatric distress rather than trained behavioral
12 health personnel. As a result, youth with mental
13 health conditions are more likely to be arrested and
14 incarcerated than those without mental health
15 conditions. Nationwide data show that 70 percent of
16 incarcerated young people present with a diagnosed
17 mental health condition compared to 18 to 22 percent
18 of all children. Once involved in the child welfare
19 juvenile legal systems, youth who are Black or Brown,
20 LGBTQ, and/or living with a disability
21 disproportionately face the most profound mental
22 health challenges. Young people themselves describe
23 the child welfare and juvenile legal systems as
24 traumatic, and youth who experience these systems
25

1 often have poor mental health outcomes. The
2 criminalization of mental health is a direct result
3 of the lack of investment in community mental health
4 services. We urge the Council to stand firm in
5 supporting our communities, especially when it comes
6 to the health and wellbeing of--

8 SERGEANT AT ARMS: [interposing] Thank
9 you. Your time is expired.

10 DANIELE GERARD: all our city's children
11 incarcerated or not. Thank you for this opportunity
12 to testify.

13 CHAIRPERSON STEVENS: I would like to say
14 thank you to everyone who took the time out to be
15 here with us at this hearing today. Also, special
16 thanks to Chair Nurse and our Committee Staff who
17 worked really hard to prepare. But as we all have
18 concluded, there are still a lot of unanswered
19 questions, and that means for us, we need to continue
20 to work, and like I said at the start of this in my
21 opening statement, we really have to come together to
22 create a decarceration plan, because the numbers of
23 young people in incarceration currently are
24 unacceptable and we cannot allow it to continue to

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1
2 grow. So with that, I would like to close this
3 hearing. Thank you.

4 [gavel]

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C E R T I F I C A T E

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



Date July 23, 2024