

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GENERAL WELFARE

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February 19, 2021
Start: 10:06 a.m.
Recess: 12:31 p.m.

HELD AT: Remote Hearing, Virtual Room 3

B E F O R E: Stephen T. Levin
Chairperson

COUNCIL MEMBERS: Stephen T. Levin
Darma V. Diaz
Vanessa L. Gibson
Barry S. Grodenchik
Robert F. Holden
Brad S. Lander
Antonio Reynoso
Rafael Salamanca, Jr.
Mark Treyger

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

David A. Hansell
Commissioner
New York City Administration for
Children's Services

Sara Hemmeter
Acting Deputy Commissioner
New York City Administration for
Children's Services

Angel Mendoza
Chief Medical Officer
New York City Administration for
Children's Services

Charles Parkins
Deputy Associate Commissioner
New York City Administration for
Children's Services

Louis Watts
Senior Assistant Commissioner
New York City Administration for
Children's Services

Darek Robinson

Kate Rubin

Kateryn Plasencia

Katherine De Zengotita

Rashelle James

Elena Rothman

Julia Davis

Charlotte Pope

@

1

2

SERGEANT AT ARMS: PC recording rolling.

3

SERGEANT AT ARMS: Cloud started.

4

SERGEANT AT ARMS: Backup is rolling.

5

SERGEANT AT ARMS: Excellent, thank you

6

much. Good morning and welcome to today's remote New

7

York City Council Committee Hearing of General

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Welfare. At this time would all panelists please

9

turn on their video. To minimize disruption, please

10

silence your electronic devices, and if you wish to

11

submit testimony you may do so at

12

testimony@council.nyc.gov. Once again, that email

13

address is testimony@council.nyc.gov. Thank you very

14

much for your cooperation. We are ready to begin.

15

CHAIRPERSON LEVIN: Good morning,

16

everybody. I'll gavel in [gavel]. Good morning

17

everybody and welcome to this hearing of the City

18

Council's Committee on General Welfare. As you may

19

have seen, some of the council's committees have been

20

reorganized and issues related to juvenile justice

21

are now within the purview of the General Welfare

22

Committee. Today the committee will hold an

23

oversight hearing on the juvenile justice system

24

during the COVID-19 pandemic. The committee will

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examine the status of the juvenile justice system

1 during the COVID-19 pandemic, including the impact
2 the pandemic has had on youth in secure, limited
3 secure, and nonsecure juvenile detention facilities.

4 In addition, the hearing will cover the impact of
5 physical foreclosures on the juvenile justice system
6 and plans for expanding the capacity of virtual
7 courts to ensure that gridlock and delay do not
8 overwhelm the city's courts. In response to the
9 COVID-19 pandemic in the spring of 2020 city agencies
10 took the step to modify their programs and services
11 to be in compliance with public health guidance and
12 the best practices in mitigating the spread of the
13 virus. In May of 2020 ACS related a, released a
14 revised plan to the providers related to modifying,
15 to modifying staffing and training requirements in
16 congregate settings. In addition to the health and
17 safety concerns for youth in staff in congregate
18 settings, there is also much concern about adequate,
19 excuse me, about adequate, pardon me, sorry,
20 obviously doing two things at once here. Um, oh,
21 let's go back. ACS revised plan for their providers
22 related to modifying staffing and training
23 requirements in congregate settings. In addition to
24 the health and safety concerns for youth and staff in
25

1
2 congregate settings, there is also much concern about
3 adequate acquire to remote learning produced in these
4 detention settings. As reported by the city, the
5 news outlet, ACS and DOE are working to expand access
6 through secure voice communications for remote
7 learning, as well as expanding tutoring services, and
8 there have been, there has been no timeline for
9 implementing these changes, however. ACS and their
10 not-for-profit providers have also taken steps to
11 ensure that there was some move forward in cases
12 where possible, where possible, despite the court
13 closures and slowdowns due to the crisis. According
14 to a repeat released by the New School Center for
15 Urban Affairs the agency has been able to use
16 discretion to extend visitation in instances where
17 family were close to reunification. However, the
18 long delays due to Family Court closures and the lack
19 of clarity on when in-person operations will be able
20 to resume have left youth, family, and service
21 providers in limbo. I want to thank all the
22 advocates, members of the public, and those with
23 lived experience who are joining us today, ah,
24 joining us remotely today. Thank you for, ah,
25 representatives from the administration for joining,

1
2 and I look forward to hearing from you on these
3 critical issues. I'd like to thank my staff, Janta
4 Boushay, my chief of staff, Elizabeth Adams, my
5 legislative director, Nicole Hunt, um, ah, my interim
6 legislative director and committee staff, Aminta
7 Kilawan, senior counsel, Crystal Pond, senior policy
8 analyst, Natalie Omery, policy analyst, and Dan
9 Prune, finance analyst. Um, I want to also
10 acknowledge that we've been joined by Council Member
11 Brad Lander and Council Member Mark Treyger. Um, and
12 with that I'll turn it over to counsel of the
13 committee.

14 COMMITTEE COUNSEL: Thank you, Chair
15 Levin. Good morning, everyone. My name is Aminta
16 Kilawan, senior counsel to the Committee on General
17 Welfare at the New York City Council. I will be
18 moderating today's hearing and calling panelists to
19 testify. Before we begin, please remember that you
20 will be on mute until I call on you to testify.
21 After you are called on you will be unmuted by a
22 member of our staff. Note that there will be a delay
23 of a few seconds before you are unmuted and we can
24 hear you. For public testimony I will call
25 individuals up in panels. Please listen for your

1 name. I will periodically announce the next few
2 panelists. Once I call your name a member of our
3 staff will unmute you. The Sergeant at Arms will set
4 a clock and then give you the go-ahead to begin your
5 testimony. All public testimony will be limited to
6 three minutes. After I call your name please wait
7 for the Sergeant at Arms to announce that you may
8 begin before starting your testimony. For today's
9 testimony the first panel will include
10 representatives from the Administration for
11 Children's Services. In order of speaking, we will
12 have David Hansell, commissioner of ACS, and for
13 questions and answers, Sara Hemmeter, acting deputy
14 commissioner, Angel Mendoza, chief medical officer,
15 Charles Parkins, deputy associate commissioner, and
16 Louis Watts, senior assistant commissioner. I will
17 now administer the oath to the administration. When
18 you hear your name, please respond once a member of
19 our staff unmutes you. Do you affirm to tell the
20 truth, the whole truth, and nothing but the truth
21 before this committee and to respond honestly to
22 council member questions? Commissioner Hansell. It
23 appears that Commissioner Hansell is labeled as
24 Stephanie Gendel, flagging that for our staff.
25

2 COMMISSIONER HANSELL: Yes, my apologies.
3 We're having some technical audio difficulties here.
4 Um, can you see me on the video? OK. Yes, I do.

5 [inaudible]

6 COMMITTEE COUNSEL: Thank you,
7 Commissioner. Deputy Commissioner Hemmeter.

8 ACTING DEPUTY COMMISSIONER HEMMETER: I
9 do.

10 COMMITTEE COUNSEL: Chief Medical Officer
11 Mendoza. I don't see the chief medical officer here
12 anymore. So I will call up the next folks for, for
13 the oath. Deputy Associate Commissioner Parkins.
14 Deputy Associate Commissioner Parkins needs to be
15 unmuted. OK, you are unmuted.

16 DEPUTY ASSOCIATE COMMISSIONER PARKINS:
17 Thank you. Ah, yes, I do.

18 COMMITTEE COUNSEL: Thank you so much.
19 And finally Senior Assistant Commissioner Watts.

20 SENIOR ASSISTANT COMMISSIONER WATTS:
21 Yes, I do. Yes, I do.

22 COMMITTEE COUNSEL: Thank you. OK,
23 Commissioner Hansell, you may begin.

24 COMMISSIONER HANSELL: Can you hear me?
25 Good, good, thank you. Apologies for the technology

1
2 problems. Um, good morning, Chair Levin, members of
3 the General Welfare Committee. I'm David Hansell.
4 I'm commissioner of the New York City Administration
5 for Children's Services. Um, with me today, as you
6 just heard, from ACS are Sara Hemmeter, who is our
7 acting deputy commissioner for our Division of Youth
8 and Family Justice, Dr. Angel Mendoza, who is also
9 having some technical problems, but hopefully will be
10 on in time for the Q&A, ah, and Dr. Mendoza is our
11 chief medical officer. Ah, also with us are Charles
12 Parkins, who is our deputy associate commissioner,
13 and Louis Watts, our senior assistant commissioner in
14 DYFJ. Um, we very much appreciate the fact that, ah,
15 this committee has exercised oversight, ah, for, for
16 many years of our child welfare and early childhood
17 education programs, and we're delighted that the
18 committee now has jurisdiction over our juvenile
19 justice division. As you'll hear, we worked very
20 hard to weave the principles, the programs, and the
21 services of child welfare into our youth justice work
22 so that we can empower youth with the tools that they
23 need to turn their lives around. We're grateful for
24 the opportunity to testify before this committee
25 about ACS's juvenile justice system and how we've

1 responded to the unprecedented COVID-19 health
2 crisis. New York City's juvenile justice system
3 safely serves youth through a trauma-informed lens in
4 the community wherever possible and with appropriate
5 structure and supports in place. DYFJ oversees
6 services and programs for youth at every stage in the
7 juvenile justice continuum. And that continuum
8 includes our community-based services for youth who
9 are at risk of delinquency as well as for their
10 families. We also provide secure detention services
11 and nonsecure detention for youth who have been
12 arrested and for whom the court has ordered to be
13 detained while awaiting resolution of their cases.
14 This past decade has seen two major progressive
15 reforms in juvenile justice in New York City and
16 state. Since 2012 with the enactment of Close to
17 Home New York City juvenile delinquents who were
18 adjudicated by the court to have committed offenses
19 are no longer placed in Office of Children and Family
20 Services facilities far from their homes, but instead
21 are placed with ACS in small home-like settings in or
22 very near the city where we provide therapeutic
23 services to those youth and their families while the
24 young people are in residential care and upon their
25

1 return to the community. Second, and long overdue,
2 as of October 1 of last year New York State has
3 finally caught up to the rest of the of the country
4 as the two-year process to raise the age of criminal
5 responsibility from age 16 to age 18 has been
6 completed. Today all newly arrested 16- and 17-year-
7 olds are now treated as juveniles in the justice
8 system. In New York City no 16- or 17-year-old has
9 been held at Riker's Island since October 2018. If
10 they are ordered to be detained they are now detained
11 at one of ACS's juvenile delinquents programs. We've
12 made significant strides to improve the lives of
13 children and families involved in the juvenile
14 justice system, with a special focus on keeping young
15 people strongly connected to their families and their
16 communities, and by pairing youth and families with
17 the individualized supports that they need to help
18 them succeed. Through our collaboration with
19 numerous city partners, including NYPD, the
20 Department of Probation, the Department of Education,
21 the Department of Youth and Community Development,
22 and the Mayor's Office of Criminal Justice, as well
23 as the City Council, advocates, and providers, we've
24 improved the prospects of justice-involved youth
25

1 while enhancing public safety outcomes that affect
2 all New Yorkers. Despite the many challenges that
3 COVID-19 has presented, we worked very closely with
4 our provider community to adapt our entire continuum
5 of juvenile justice programs to meet the needs of
6 youth and their families while conforming to the
7 public health demands of this unique time. Our
8 community-based alternative programs continue to
9 offer prevention and diversion services to safely
10 keep youth out of the justice system and supported in
11 their homes and with their families. Our detention
12 system has taken extraordinary measures to keep both
13 children and staff safe while providing the
14 programming and supports that youth need to thrive.
15 And our Close to Home program of residential
16 placement and aftercare has effectively adopted
17 public health protocols and is continuing to serve
18 adjudicated youth, helping them safely transition
19 back to the community. Protecting the health and
20 safety of youth and staff in our detention and Close
21 to Home programs has remained our top priority
22 throughout the pandemic. As we'll discuss in more
23 detail in the testimony, we've closely followed
24 evolving public health guidance by implementing new
25

1 protocols and procedures to protect the health and
2 safety of the youth in our care and the dedicated
3 staff who work with them each and every day. I'd now
4 like to provide an overview of our juvenile justice
5 continuum, beginning with our programs to keep youth
6 out of the justice system through diversion and
7 community-based programs, through our detention
8 programs for youth awaiting adjudication of their
9 cases, and ending with our Close to Home program for
10 youth who have been ordered into placement by the
11 court. Our goal is always to keep young people out
12 of the juvenile justice system when that is safely
13 possible through community-based services. We know
14 that the best way to intervene positively in the
15 lives of young people is to engage with the whole
16 family. In New York City our Family Assessment
17 Program, or FAP, is a diversion program that's
18 available to families of youth up to age 18 to help
19 avoid involvement in the juvenile justice or the
20 child welfare systems by providing therapeutic
21 services grounded in a child welfare framework. Our
22 services support families to address difficult
23 teenage behaviors, such as skipping school, using
24 drugs, running away from home and/or struggling with
25

1 mental illness. To minimize court investment,
2 families in New York City must first participate in
3 FAP services before filing a Person in Need of
4 Supervision, or PINS, petition in court. We also
5 administer the Juvenile Justice Initiative, JJI,
6 which serves youth adjudicated as juvenile
7 delinquents for under probation supervision as an
8 alternative to placement. Specifically, JJI provides
9 intensive services to youth in their communities
10 rather than through placement in a custodial setting.
11 JJI helps parents develop skills to support their
12 children, enforce limits, and steer them towards
13 positive peers and activities. FAP and JJI use home-
14 based interventions drawing on skilled clinicians to
15 work closely with parents and youth in their homes
16 and communities, while also engaging schools,
17 afterschool programs, and other professionals to
18 support the family. These services range from
19 community-based supports, such as mediation, respite,
20 and mentoring programs to ACS-funded intensive
21 therapeutic evidence-based models, such as
22 multisystemic therapy and functional family therapy.
23 While these services are typically accessed through
24 the courthouses and are delivered in families' homes,
25

1 we have been able to maintain access to these
2 programs in the pandemic, both virtually and in
3 person. Now, while there are many off-ramps in
4 place, including the programs that I've just
5 described, as well as diversion and alternative to
6 detention programs administered by the Department of
7 Probation and the Mayor's Office of Criminal Justice.
8 Judges in both Family Court and the Supreme Court's
9 youth part may order a youth detained while awaiting
10 trial. When this happens youth go to one of our
11 seven contracted nonsecure detention sites or to one
12 of our two directly operated secure detention sites -
13 Crossroads Juvenile Center in Brooklyn or Horizons
14 Juvenile Center in the Bronx. At the beginning of
15 the pandemic in light of emerging health concerns we
16 undertook a review to identify those youth who could
17 be safely returned to the community. While ACS does
18 not have the authority to release youth from
19 detention, through a collaboration with our sister
20 agencies we were able to support the release of over
21 one-third of the youth in detention, 20 from secure
22 detention, 26 from nonsecure detention. Today
23 currently there are 32 youth at Horizon, 74 youth at
24 Crossroads, and 18 youth in nonsecure detention. All
25

1 of these youth have been ordered detained by either a
2 Family Court judge for juvenile delinquents or a
3 judge in the youth part of the Supreme Court for
4 juvenile offenders and adolescent offenders. By law
5 a youth charged as a juvenile delinquent, or a JD, is
6 a young person who is accused of committing a crime,
7 ah, an act that would be a crime if committed by an
8 adult. Juvenile delinquent cases are heard in the
9 Family Court and they now include youth ages 16 and
10 17 charged with misdemeanors, as well as felony cases
11 transferred from the youth part in Supreme Court to
12 the Family Court. A juvenile offender, or JO, is a
13 youth who is alleged to have committed a higher-level
14 felony, such as murder or rape, when he or she was 13
15 to 15 years old. And pursuant to the Raise the Age
16 law, 16- and 17-year-olds who are charged with
17 felonies are categorized as adolescent offenders, or
18 AOs. JDs have their cases heard in Family Court.
19 JOs and AOs have their cases heard in the youth part
20 in Supreme Court. But those youth part judges can
21 transfer some AOs to Family Court except in
22 situations where there are exceptional circumstances
23 or if the felony was violent and caused substantial
24 injury or death. The overwhelming majority of youth
25

1 in secure detention today have been charged with
2 higher-level crimes. Currently there are 71 AOs, 28
3 JOs and 7 JDs in secure detention. Only JDs can be
4 detained in nonsecure detention and currently there
5 are 17 JDs in nonsecure detention. Um, we contract
6 with five nonprofit providers to provide nonsecure
7 detention, NSD, which offers a less-restrictive
8 setting for lower-risk juvenile delinquents with
9 court cases pending in Family Court. These NSD group
10 homes have up to 12 youth and offer a supportive
11 home-like environment and very close supervision of
12 young people. To prepare for the implementation of
13 Raise the Age and to ensure proper staffing at both
14 Crossroads and Horizon, we created a new job and
15 title of youth development specialist, or YDS. The
16 YDS title represents an updated approach to juvenile
17 justice that stresses the importance of establishing
18 credibility with youth, connecting with them, and
19 effectively deescalating situations when necessary.
20 We work very hard to recruit YDS from across the city
21 by doing extensive outreach in the neighborhoods and
22 communities where our youth and families live to find
23 qualified people committed to working with youth.
24 All new YDS undergo an intensive six-week training
25

1 program that includes two weeks on-the-job training
2 at one of the facilities. Our James Satterwhite
3 Training Academy provides free service training on
4 important topics such as understanding youth
5 development and relationships, safety, security, and
6 supervision, behavior modification management, and
7 group facilitation. All of our YDS have received
8 training in trauma-based approaches to working with
9 teens and on the deescalation of conflict and anger.
10 Their skills are reinforced through intensive safe
11 crisis management training with a focus on verbal
12 deescalation techniques as much as possible, physical
13 constraint and restraint only where necessary. We
14 also offer core supervisory training to all of our
15 middle-level managers and supervisors in secure
16 detention to provide them with the skills they need
17 to properly manage and coach staff and create a safe,
18 stable environment for everyone. While the
19 Department of Correction was initially required to
20 assist ACS in staffing Horizon because, ah, in the
21 early days of Raise the Age it still housed so-called
22 pre-Raise the Age youth, those who were still
23 adjudicated as adults. But ACS assumed full
24 operational control of Horizon in January 2020. For
25

1 the last three years we've been aggressively
2 recruiting, hiring, and training multiple classes of
3 YDS. Like all city hiring, our hiring of YDS was
4 impacted by the citywide hiring freeze at the
5 beginning of the pandemic. However, since August
6 2020 we've been onboarding new classes every month,
7 the most recent of which started last week. These
8 new classes will help us increase the available staff
9 in our detention facilities. Maintaining the health
10 and safety of the youth and staff in our ACS-operated
11 secure detention programs is indeed our top priority.
12 For youth in secure detention and for the dedicated
13 staff who work with them every day we've implemented
14 strict protocols to minimize the health risk to staff
15 and youth. Under the leadership of our chief medical
16 officer, Dr. Mendoza, we've continued to follow the
17 guidance of public health officials, including our
18 own Department of Health and Mental Hygiene, our
19 Health and Hospitals system, and the Centers for
20 Disease Control. As public health guidance has
21 evolved through the course of the pandemic, we've
22 adopted and implemented new protocols as needed and
23 we will continue to do so. We continue to
24 disseminate up-to-date guidance to staff and youth
25

1 about virus prevention practices, such as hand
2 washing and social distancing. Our detention
3 facilities are regularly and thoroughly cleaned and
4 sanitized and we've increased the number of cleaning
5 personnel. We've equipped facilities with ample hand
6 sanitizer, soap, gloves, and PPE for staff working
7 with symptomatic youth. Nurses conduct temperature
8 checks of all staff and visitors who enter the
9 facility on each shift and our health partners
10 conduct daily screenings of staff, and all staff and
11 youth are provided face coverings to help ensure the
12 transmission is minimized. We have a full array of
13 medical and mental health care on site serving the
14 youth at Crossroads and Horizon. And to do that we
15 contract with the Floating Hospital to provide health
16 services and Bellevue to provide mental health
17 services. We've been working closely with Health and
18 Hospitals Bellevue Hospital Center to provide trauma-
19 informed screening and mental health services to
20 young people both in secure detention and in our
21 nonsecure detention continuum. Through its team of
22 psychiatrists, psychologists, social workers, and
23 mental health clinicians Bellevue works very closely
24 with our YDS, our case managers, our program

1 counselors, and our contracted medical services staff
2 to provide comprehensive care for all youth. We're
3 very grateful to the hard-working teams who have been
4 meeting the complex needs of our youth both prior to
5 and through the COVID-19 crisis. Education and
6 programming are critical components within any
7 detention facility and these are key services that
8 had to be quickly modified and adapted due to COVID-
9 19. Youth in detention participate in remote
10 learning provided by the Department of Education's
11 Passages Academy using DOE-issued Chromebooks. Like
12 all public school students in New York City, remote
13 learning during the pandemic has created some
14 challenges. DOE teachers, in addition to our ACS
15 staff, have worked tirelessly to make the remote
16 learning experience as positive and educationally
17 rich as possible. We believe that programming is
18 essential to enhance the therapeutic environment in
19 detention while helping youth build self-esteem,
20 helping them take part in positive activities, reduce
21 idle time, connect with role models and credible
22 messengers, and develop the skills that will redirect
23 their lives in a positive direction. We've
24 implemented new types of virtual programming to
25

1 engage youth while adhering to social distancing
2 protocols. For example, youth have access to video
3 games, movies, and books on our ACS tablets. They're
4 participating in virtual programming with various
5 partners. These include a writing challenge through
6 the Kite Program, yoga, individual exercise
7 challenges, and many more. And building on a very
8 successful summer internship program, um, we're
9 delighted that the Robin Hood Foundation is funding a
10 fall enrichment program in which 78 youth in
11 detention are receiving stipends to participate in
12 programs such as Barista Cafe to learn barista
13 skills, book club, newsletter, and also training by
14 credible messengers for youth to be junior violence
15 interrupters. Strong family engagement is another
16 essential part of our model of care and we've adapted
17 it to make sure that youth remain connected to
18 families. Our case management staff connect with
19 families by phone at intake. They call parents to
20 provide weekly progress updates on all youth. One of
21 our early and most difficult decisions during this
22 crisis was to suspend in-person visiting due to
23 health risks, and then once again we had to suspend
24 in-person visiting this fall when virus levels
25

1 increased in New York City. We'll continue to review
2 this policy as the public health situation warrants.
3 In the meantime, youth remain connected with their
4 families through video visits and phone calls. To
5 enable youth to both continue video visits with
6 families and to appear by video at court hearings, we
7 created secure and private booths at both of these
8 facilities. We're in the process now of upgrading
9 the Wi-Fi and procuring new tablets to make these
10 video visits and court appearances more seamless.
11 Since the start of the pandemic we've arranged for
12 about 3500 video visits and approximately 2500 video
13 court appearances for youth in detention. As has
14 always been the case, youth have access to free phone
15 calls. They can write and send unlimited letters to
16 parents and family members, and they can make
17 unlimited calls to their attorneys. Especially
18 during these trying times we believe it's crucial to
19 provide structure for youth and maintain our youth-
20 focused model of care. And, as discussed, youth in
21 detention continue to receive high-quality medical
22 and mental health care, access to education and
23 programming, and maintain connections with their
24 families. Now [inaudible] Close to Home. In 2012
25

1
2 New York State and New York City partnered to create
3 this program, which is now our juvenile placement
4 system in which adjudicated juvenile detention, ah,
5 delinquents, are placed in residential programs near
6 their homes, their schools, and their communities.
7 Our Close to Home nonsecure and limited secure
8 placement residences are located at 28 sites
9 throughout the city and in Dobbs Ferry. These are
10 run by seven nonprofit provider agencies. Close to
11 Home is grounded in a child welfare framework and all
12 of our providers are deeply experienced in serving
13 the complex needs of youth in our care. Despite
14 raising the age of criminal responsibility, ACS has
15 actually seen a decline in the Close to Home census.
16 In the last five years we've seen admissions to Close
17 to Home decrease by 54%. Prior to Close to Home
18 there were 540 New York City youth placed in upstate
19 juvenile placement settings run by the state. In
20 2018, by comparison, there were 110 youth placed in
21 Close to Home. Currently there are 72 youth in Close
22 to Home placement and 34 were on aftercare. All of
23 our Close to Home programs offer structured
24 residential care for youth in a small, supervised,
25 and home-like environment. In contrast to the

1 traditional larger juvenile placement facility model,
2 Close to Home programs have been intentionally
3 designed to enhance participation in programming
4 while preserving the safety and security of youth,
5 staff, and the community. Close to Home allows for
6 engagement to occur simultaneously with the youth,
7 the family, and the community to ensure that the
8 factors leading to juvenile justice system investment
9 are addressed before the youth returns to the
10 community. In partnership with Department of
11 Probation we've adopted a risk need responsivity, or
12 RNR, framework and an evidence-based assessment tool,
13 the Youth Level of Services, or YLS, to guide our
14 intervention and ensure that we reduce the youth's
15 likelihood to recidivate. Every Close to Home
16 program is required to implement an evidence-based
17 therapeutic model that serves as the primary
18 mechanism of behavioral support. Through the chosen
19 program framework youth address their interpersonal
20 relationships, their communication skills, and their
21 emotional regulation. Close to Home allows youth to
22 be placed close to their families and home
23 communities, which has made it easier to include the
24 youth's family at every level of intervention. The
25

1 pandemic has made integrating families more
2 challenging and onsite family visits are now limited
3 due to rates of COVID positivity. Much like our
4 residential foster care programs, however, Close to
5 Home providers have integrated virtual visits to
6 maintain the family connection. Youth and families
7 have been equipped with all necessary devices to make
8 virtual visitation possible. Youth in Close to Home
9 participate in DOE's Passages Academy. Before the
10 pandemic, ah, those youth in nonsecure placement
11 attended either Belmont or Bronx Hope. Youth in
12 limited secure placement attended school on site.
13 Now, um, like many of their peers, they are
14 participating in remote learning. DOE and ACS's
15 providers have ensured that all youth have DOE
16 Chromebooks and that all are provided with additional
17 assistance as needed. At the start of the pandemic
18 we created four isolation sites for both youth in
19 foster care and youth in Close to Home who might have
20 been exposed to COVID-19 or tested positive for
21 COVID-19. These isolation sites include 24-hour
22 nursing services and allowed us and our providers to
23 quickly and safely quarantine youth who might be able
24 to spread the virus from other youth. Currently we
25

1 have two isolation sites available to serve youth in
2 foster care or Close to Home. One is in the Bronx,
3 one is in Staten Island. Youth who are returning to
4 the community receive aftercare supervision from
5 their Close to Home provider. The goal of Close to
6 Home aftercare is to build on the skills youth
7 acquired while in placement and to help develop a
8 network of support that will allow them to succeed in
9 the community as they return. While in placement
10 youth form positive, trusting relationships with
11 caring adults. These relationships are critical to
12 facilitate each youth's growth, skill investment,
13 skill development, and progress as they learn new
14 ways of thinking and changing their behaviors.

15 Residential providers build on these relationships
16 with youth during aftercare, also leveraging broader
17 agency resources and relationships that they may have
18 with community-based organizations to supervise youth
19 in the community with support from ACS to make sure
20 that every youth's needs are being met. Now, given
21 that it is New York State budget season, I do want to
22 take a moment to remind you that the state has cut
23 back its support to the most vulnerable children and
24 youth in New York City and for youth in our juvenile
25

1 justice continuum in particular. And the most
2 recent, recently proposed state executive budget adds
3 additional cuts. When state legislation created
4 Close to Home in 2012 the state committed funding up
5 to 40 million dollars to support New York City's
6 program. However, beginning in the state's 2018-2019
7 budget the state eliminated all, all of the funding
8 for Close to Home and continues to provide zero
9 dollars for care of these youth. In addition,
10 despite implementing the Raise the Age legislation
11 and when it did that the state committed it would pay
12 for, ah, Close to Home, ah, I'm sorry, Raise the Age,
13 um, ah, expenses and it appropriated 250 million
14 dollars for that purpose. However, New York City
15 continues to receive zero dollars in support for the
16 Raise the Age because the statute only provides
17 funding to counties that remain below a 2% property
18 tax cap and that effectively excludes New York City.
19 The current proposed legislation would add to these
20 cuts. The state budget proposes to cut the state's
21 reimbursement rate for detention by 5%. That would
22 be a 2 million dollar annualized cut to New York
23 City. Also, the state budget proposes to cut the
24 reimbursement rate for prevention services, including
25

1 the FAP and JJI programs, to a 59% state share
2 despite the statutory state share of 65%. That would
3 result in a cut of over 25 million dollars to ACS's
4 full prevention services system. Um, we hope that
5 you will join with us, ah, in the City Council, to
6 fight these cuts because they will negatively impact
7 children and families in New York City. Let me say a
8 word about vaccines. Um, it's now been, of course,
9 almost a year that we have been managing our juvenile
10 justice system in the face of the COVID-19 pandemic.
11 We've been able to provide for the health, safety,
12 security, education, and programming needs of our
13 youth, the youth in our care, but we certainly look
14 forward to the day when our youth can attend school
15 in person and see their families in person, can have
16 their cases moved more swiftly through the court
17 process, and can even eat their meals without having
18 to be socially distanced. The availability of COVID-
19 19 vaccines now seems to be a light at the end of
20 this very, very long tunnel. We strongly believe
21 that the COVID-19 vaccines are a game changer for the
22 health and safety of our youth, our provider staff,
23 um, and our staff. As soon as vaccines became
24 available to New Yorkers we advocated to the state
25

1 and the city for the staff in our congregate care
2 facilities, including detention, nonsecure detention,
3 and Close to Home, to be prioritized for vaccination,
4 and we were very happy when these staff were added to
5 priority 1B in early January. We are now advocating
6 that youth in our congregate facilities who are 16
7 years and older also be prioritized. In addition,
8 we're working closely with the Vaccine Command
9 Center, our chief medical officer, and our Floating
10 Hospital providers to provide vaccines for youth in
11 our care who are 16 and over and have comorbidities
12 who are eligible as of this week where there is
13 proper consent for vaccination. We certainly
14 understand the history of medical racism in this
15 country and thus the hesitancy about vaccines among
16 many of our staff and New Yorkers at large. We're
17 working with our chief medical officer, with our
18 unions, and our other medical staff in our facilities
19 to educate staff about the vaccines so that they can
20 make informed decisions about getting vaccinated. In
21 conclusion, I want to thank all of our staff who are
22 working in detention and Close to Home for their
23 efforts to provide a safe, supportive, caring, and
24 programmatically engaging environment for youth
25

1 during this incredibly challenging time. I know this
2 has meant staff going to work to care for youth while
3 fearing for the health and safety of themselves and
4 their families. Their dedication and their
5 commitment to the youth in our care has not gone
6 unnoticed, and I want to be sure to use this
7 opportunity to thank all of our incredible juvenile
8 justice staff for their efforts throughout the
9 pandemic. And finally I want to thank the General
10 Welfare Committee for holding this hearing and for
11 your interest in learning more about the programs and
12 services in our juvenile justice continuum,
13 particular, particularly during the pandemic. Thank
14 you very much, and we look forward to answering your
15 questions.
16

17 COMMITTEE COUNSEL: Thank you so much,
18 Commissioner Hansell. Before I turn over to Chair
19 Levin for questions, I also realized that we had been
20 joined by Chief Medical Officer Angel Mendoza, who
21 had technical difficulties while we were
22 administering the oath. So I'll do that now, so that
23 we don't have any issues during the Q&A and have to
24 readminister them. Um, Chief Medical Officer
25 Mendoza, do you affirm to tell the truth, the whole

1 truth, and nothing but the truth before this
2 committee and to respond honestly to council member
3 questions?
4

5 CHIEF MEDICAL OFFICER MENDOZA: Yes, I
6 do.

7 COMMITTEE COUNSEL: Thank you. And now
8 I'd like to remind council members that as we are
9 going through the Q&A session please use the Zoom
10 raise hand function to indicate whether you have a
11 question for this panel in the administration.

12 Please remember that you're keeping your questions
13 and answers to five minutes. And now I'm going to
14 turn it over to Chair Levin.

15 CHAIRPERSON LEVIN: Thank you very much,
16 Committee Counsel Kilawan. Ah, I want to acknowledge
17 before I ask questions that we've been joined by
18 Council Members Darma Diaz, Barry Grodenchik, um,
19 Rafael Salamanca, um, I had mentioned Council Members
20 Lander and Treyger before. Um, and I will identify
21 additional council members as they join us. Um, so I
22 want to just ask, um, going through the testimony,
23 um, you spoke, Commissioner, about, um, ah, youth in
24 detention, ah, ah, prior to being adjudicated and
25 after being adjudicated. So I just want to make sure

1 that we're having, ah, so we're, we're clear exactly
2 how many, um, youth are in detention right now across
3 the nonsecure, limited second, and secure placements
4 overall. So, um, the, ah, how many youth are in
5 detention in, in secure placement right now, both
6 pre-adjudication and post-adjudication?
7

8 COMMISSIONER HANSELL: Ah, thanks for the
9 question. So, let me say, as you know I have, ah,
10 with me today our really outstanding, outstanding
11 members of DYFJ leadership team. Ah, while I had the
12 opportunity to deliver testimony, I will answer
13 questions, but I want to make sure they have an
14 opportunity to participate, so I will, ah, actually
15 turn your question first to, ah, Deputy Commissioner
16 Hemmeter and to her team.

17 CHAIRPERSON LEVIN: Great. Thanks,
18 Commissioner.

19 ACTING DEPUTY COMMISSIONER HEMMETER:
20 Thank you, commissioner. Um, and thank you, ah, for
21 inviting us to this hearing today to explain what is
22 going on in juvenile justice during this time. So,
23 um, to be, to answer your question, um, pre-
24 adjudicated youth are held in nonsecure detention or
25 secure detention. Um, and then post-adjudicated

1
2 youth are held in our Close to Home placements, for
3 the most part. Um, in, in secure detention today,
4 um, and, ah, Chuck Parkins will jump in if I get the
5 numbers wrong, they fluctuate quite, ah, quite a bit.
6 Um, but today in secure detention I believe we have,
7 ah, total, that includes Crossroads and Horizon, 106
8 youth, 74 at, ah, Crossroads and 30, what does that
9 make, 32, 34? 32, at, um, Horizon, and 17 youth in
10 our nonsecure detention facilities. Um, in Close to
11 Home the number of, that's post-adjudicated youth, we
12 have 74 youth in placement and 34 youth who are on
13 aftercare from their Close to Home placements. So
14 they are at home with their families, receiving
15 supportive services, but still under, um, supervision
16 by the Close to Home program.

17 CHAIRPERSON LEVIN: And the, in, for
18 those youth in Close to Home, um, the 74 that are in
19 placement right now are they all, which, which
20 placements are they in?

21 ACTING DEPUTY COMMISSIONER HEMMETER:
22 Those are the Close to Home placements. Um, we have
23 28 different sites.

24 CHAIRPERSON LEVIN: OK.

25

2 ACTING DEPUTY COMMISSIONER HEMMETER: Ah,
3 so they are spread across those different sites.

4 CHAIRPERSON LEVIN: So none of them are
5 in, in, in Crossroads or Horizon?

6 ACTING DEPUTY COMMISSIONER HEMMETER:
7 Correct.

8 CHAIRPERSON LEVIN: OK. Um, so then, so
9 if we have 70, now, how does the, um, as that number
10 has decreased, ah, Commissioner Hansell said by 54%
11 over five years. Um, there are 28 providers. Does
12 every provider have a placement? I mean, I imagine
13 for, for 74, um, youth in, um, in placement right now
14 in 28 facilities, that's, that's obviously very, ah,
15 low average.

16 ACTING DEPUTY COMMISSIONER HEMMETER:
17 Right. So there are seven different providers with
18 28 different sites. Um, they, the census is very low
19 right now. Um, part of that is a result of the
20 pandemic and the, the court process, ah, being slowed
21 down. Um, so, so it is very low right now. We have,
22 um, have, have a very low census right now. So, yes,
23 that is correct.

24 CHAIRPERSON LEVIN: Um, and, so, so speak
25 a little bit about, if you wouldn't mind, the, um,

1
2 the, the relationship with, um, ah, OCA or however,
3 um, ah, how does the, how did, the, the, um, youth
4 courts, how do, are they within, within the
5 jurisdiction of OCA, correct?

6 ACTING DEPUTY COMMISSIONER HEMMETER:

7 Yes, that is correct.

8 CHAIRPERSON LEVIN: Um, and, um, for, are
9 we seeing a lot of, I mean, how, how is this all kind
10 of working right now as a system? How has that
11 changed due to COVID? How many, um, how many
12 hearings are they having compared to prior to the
13 pandemic and, um, and how is that, how is that
14 changing, um, or how, I'm trying, I'm trying, um,
15 [inaudible], how are, how are we seeing the impact on
16 communities? Are, are, are youth not getting the
17 services they need? Are, are cases not getting
18 adjudicated?

19 ACTING DEPUTY COMMISSIONER HEMMETER:

20 Right, yeah. I'm not sure I can speak directly to
21 OCA and, and their procedures. I mean, we have
22 definitely seen a slowdown of the court process. Um,
23 and that is, you know, based on executive orders, um,
24 and other things. So we have definitely seen a
25 slowdown, um, of that happening. The young people

1 who are in detention for the most part are the pre-
2 adjudicated youth, um, and so their cases, they're,
3 they are with us while they are, while their cases
4 are pending. Um, we, and the post-adjudicated case,
5 kids, are with Close to Home. So those cases have
6 gone through the court system. Ah, they have reached
7 disposition and are placed with, with us. The only
8 youth who are in Close to Home are the juvenile
9 delinquents. So those are the kids who are going
10 through the family court system. Um, the, the AOs
11 and the JOs, which make up the bulk of our detention
12 facilities are going through Supreme Court youth
13 parts. Um, we have, since the beginning of the
14 pandemic, um, we have, um, transformed our detention
15 facilities, um, so that there are virtual court
16 appearances happening, or we making youth available
17 for virtual court, ah, court hearings as well. So if
18 the court is, was to schedule a court appearance we
19 do have the capability to, um, produce that young
20 person in front of a computer, um, so that they can
21 appear, appear for their court, court hearings. Um,
22 as the commissioner mentioned in his testimony, we
23 have created booths for them so that there is
24 privacy. Um, we have increased our bandwidth so
25

1
2 that, that all the virtual, um, things that are
3 happening in detention have, have the ability to go
4 forward. Um, but we are producing the young people
5 when the court requires, ah, requires us to do so.

6 CHAIRPERSON LEVIN: Um, is there an
7 impact because of the slowdown in, in the court
8 administration, um, that youth that are placed in
9 detention, um, are having their pre-trial or pre-
10 adjudication detention extended because of that and
11 so are they basically being held in detention for a
12 longer period of time than they otherwise would have,
13 um, you know, in, in secure, in secure placement. Is
14 that a, is that a concern that they're basically
15 being held prior to adjudication for a longer period
16 of time than they otherwise would have been?

17 ACTING DEPUTY COMMISSIONER HEMMETER: So,
18 um, that is a concern. Ah, we have seen our length
19 of stay, the length of stay of young people in
20 detention, um, increase, um, during, during the
21 pandemic. So yes, that is a concern for us.

22 CHAIRPERSON LEVIN: Do you have Data on
23 that? How, what is the average length of stay?

24 ACTING DEPUTY COMMISSIONER HEMMETER: I
25 do.

2 CHAIRPERSON LEVIN: I imagine that's part
3 of, that's in the MMR in your reporting?

4 ACTING DEPUTY COMMISSIONER HEMMETER: I
5 believe that is, yes.

6 CHAIRPERSON LEVIN: Yeah.

7 ACTING DEPUTY COMMISSIONER HEMMETER: But
8 I can, I can, let me, I can get that.

9 COMMISSIONER HANSELL: While Deputy
10 Commissioner Hemmeter is just looking, I'll let you
11 have a couple things just for clarity. One is, ah,
12 and this may be apparent, but just to say, ah, ACS
13 when, when a case has a, a youth has a case in court
14 ACS is actually not a party to that case.

15 CHAIRPERSON LEVIN: Right.

16 COMMISSIONER HANSELL: Our role is just
17 to provide custody for the youth while the case is
18 moving. So we don't have really any ability to
19 influence that process.

20 CHAIRPERSON LEVIN: Yes.

21 COMMISSIONER HANSELL: Um, and Deputy
22 Commissioner Hemmeter referred to executive orders.
23 What she was referring to is the fact that the
24 governor, ah, throughout COVID has issued a whole
25 series of executive orders which, among other things,

1
2 have waived speedy trial act requirements. So the
3 time limits that normally require, that normally
4 apply to cases in court have been waived under the
5 governor's executive orders, so that's one of the
6 reasons why, ah, the cases of youth in our care have
7 not moved as quickly as they would normally do.

8 CHAIRPERSON LEVIN: Right. And, and I
9 don't mean this in a pejorative towards ACS, but my
10 concern is that youth are languishing in, in ACS
11 custody, um, ah, you know, for extended periods of
12 time because of exactly what you just said, which is
13 a waiving of the speedy trial, ah, requirements by
14 executive order.

15 COMMISSIONER HANSELL: Yeah, I think we
16 completely agree, Council Member. We, we want youth
17 to be in detention for as short a period of time as
18 possible and get their cases adjudicated as quickly
19 as possible. So we're in complete agreement with
20 you.

21 ACTING DEPUTY COMMISSIONER HEMMETER: So,
22 so in terms of the, the data, um, in July 2020 the
23 juvenile offenders, which are the 13, 14, and 15 year
24 olds who are charged with serious crimes, the average
25 length of stay is 97 days. Um, the juvenile

2 delinquents are 14 days. Um, so they, they do not
3 stay with us as long as the other, um, populations.
4 And for adolescent offenders, which is the new
5 category that go through the youth part, the average
6 length of stay is 54 days.

7 CHAIRPERSON LEVIN: That's, I'm, I'm
8 sorry, that was when? What kind of time?

9 ACTING DEPUTY COMMISSIONER HEMMETER:
10 July, July 2020.

11 CHAIRPERSON LEVIN: OK. Now can you
12 compare that to July 2019?

13 ACTING DEPUTY COMMISSIONER HEMMETER: I
14 think we'd have to get back to you.

15 CHAIRPERSON LEVIN: Sure.

16 ACTING DEPUTY COMMISSIONER HEMMETER: I
17 don't have that data right on hand.

18 CHAIRPERSON LEVIN: Yeah, no, no.

19 ACTING DEPUTY COMMISSIONER HEMMETER: But
20 we can get back to you on that data for sure.

21 CHAIRPERSON LEVIN: OK. Um, um, I'll
22 just ask a couple more questions and then I'll turn
23 it over to my colleagues. We've also been joined by
24 Council Member Gibson, by the way. So thank you for
25 joining us, Council Member Gibson. Um, ah, I wanted

1
2 to ask about, um, ah, the range of, um, diversion
3 programs or alternatives to incarceration or
4 alternatives to detention. Um, um, I know I could
5 speak, for example, I've, ah, met, um, a handful of
6 times with Exalt Youth, which is a, um, fantastic
7 program and I was really blown away. I mean, I sat
8 with them for, for several hours on a Friday
9 afternoon, um, with a cohort of their, of their youth
10 and was very inspired to see how dedicated, um, they
11 were to, to that model and to each other. And so,
12 um, ah, can you speak a little bit about just how a
13 program like Exalt fits into this, um, ah, fits into
14 the system and how are we, um, developing and
15 prioritizing programs like that?

16 ACTING DEPUTY COMMISSIONER HEMMETER:

17 That's, that's a very good question, um, and we also
18 work with Exalt, um, and so that is a program that we
19 are familiar with. Um, I think we're, we're always
20 on the lookout for, for programming and other
21 opportunities for young people in both detention and
22 Close to Home to connect kids, um, to programs in
23 their communities that, that, um, understand,
24 understand what, what they've been going through, um,
25 and can, can mentor them, um, to get on the path to

1 success. Um, so we, we have, um, ah, we do have that
2 partnership with Exalt, um, and we also have lots of
3 other, um, credible messenger programs, ah, so we
4 work with Man Up, um, and other programs, ah, that,
5 that are, are working with young people, both in
6 detention and in Close to Home. Um, we, there's a,
7 there's a whole array of different programs, um, and,
8 and things that, that we can, um, talk to you about.
9 Louis might, ah, be able to speak to some of those,
10 um, that we have in detention specifically.

11
12 CHAIRPERSON LEVIN: Great. Um, Assistant
13 Commissioner, you have to unmute yourself.

14 UNIDENTIFIED: [inaudible] to our staff,
15 Senior Assistant Commissioner Watts needs to be
16 unmuted. OK.

17 SENIOR ASSISTANT COMMISSIONER WATTS: OK,
18 here we go. Can you guys hear me now?

19 CHAIRPERSON LEVIN: Yes.

20 SENIOR ASSISTANT COMMISSIONER WATTS:
21 Great, great. Good morning to you.

22 CHAIRPERSON LEVIN: Good morning.

23 SENIOR ASSISTANT COMMISSIONER WATTS: Ah,
24 good morning council members, good morning committee.
25 So as, ah, Deputy Commissioner Hemmeter was stating,

1
2 there's an array of programs that actually, ah, occur
3 throughout our facilities. We're working with our
4 young people. When our young people actually come
5 into care, one of the things we're always hoping for
6 is that we keep them, you know, engaged with their
7 families, we keep them engaged and in touch with the
8 community. We are always hoping that we are able to
9 provide guidance where our young people are able to
10 go back out better from which they came, out in the
11 community, for ever how long we have them. And part
12 of that is by involving array of programs such as
13 some of our Cure Violence programs. So we have a
14 partnership with Man Up. Ah, we also have a
15 partnership with, you may have heard of SAVEH, right,
16 Stand Against Violence East Harlem. So these, ah,
17 violence interrupters actually come in and work with
18 our young people and able to help us work with our
19 young people with, with regard to some of the
20 [inaudible] behavior that they may be bringing in
21 from out in the community. Um, we also have trauma-
22 informed care, ah, that we provide services for our
23 young people while in our care. But some of the
24 programs that we have that our young people actually
25 like and really, really enjoy is we have a dog

1
2 program, a Kite program, which is a creative program,
3 um, A Father's Love, which is a restorative justice
4 program. We have physical fitness programs that come
5 in and work with our young people. Um, culinary
6 programs, another program called Audio Pictures, um,
7 which is a [inaudible] program for our young people.
8 In additions to that, um, we have a partnership with
9 Carnegie Hall as well. Um, so there's a lot of
10 programs that we, we, we provide for our young people
11 to keep them engaged, to keep them active, um, and,
12 you know, occasionally, you know, young people come
13 in and, and, and they're not even aware that these
14 programs are actually in the community until they
15 actually reach us in detention. Um, and with some of
16 our programs there's opportunity for kids that once
17 they're back out in the community they can continue
18 on, ah, with the programs that we provide, ah, for
19 the young people, ah, while they're in care. Um, so,
20 I mean, and we also have educational programs, I
21 definitely don't want to leave that out, ah, with
22 partnership with the Department of Education. Um, as
23 the commissioner mentioned, ah, early on with remote
24 learning. Um, so we have volunteers that actually
25 come in, um, from the Youth for Christ, ah, programs.

1 So there's an array of programs. I may not be able
2 to list them all at this moment. We also provide
3 college courses for some of our youth, um, through
4 New York City community, community colleges, um, and
5 the list goes on and on and on. Um, but the most
6 important part about this is keeping our young people
7 engaged. Understanding that, you know, young people
8 come from our communities and, as I said previously,
9 we want them to go back out, ah, better off than
10 which, from which they came. Um, and, and we work
11 with families, you know, ah, programming with
12 families. Um, and we are looking to improve that as
13 well. Um, ah, as often possible. One of the other
14 things we do all the time, the program is, we work
15 really, really hard and I think it's important to
16 highlight with regard to keeping our young people
17 connected to the community. You know, our young
18 people have access to phone lines, we enhanced our
19 phone system, while in our care. So our young people
20 can contact their families as often as possible as
21 well. So it's always about keeping our kids fully,
22 fully engaged, um, if that answers the question that
23 you're asking.
24

2 CHAIRPERSON LEVIN: It, it does. No,
3 thank you. I mean, that was, um, that was a pretty
4 comprehensive, um, ah, view of it. Um, is, now, um,
5 how do these programs work with the Close to Home
6 programs as well? Is it the same, the level, is that
7 level of access to programs the same in Close to Home
8 as it is, um, in, in, um, in pre-adjudication?

9 SENIOR ASSISTANT COMMISSIONER WATTS: Um,
10 I think Sara is trying to answer.

11 CHAIRPERSON LEVIN: OK.

12 SENIOR ASSISTANT COMMISSIONER WATTS:
13 She's muted.

14 CHAIRPERSON LEVIN: I think Acting Deputy
15 Commissioner is, OK, there you.

16 ACTING DEPUTY COMMISSIONER HEMMETER:
17 Yeah, sorry, I was muted [laughs]. I can't answer.
18 Um, yes, ah, so we, we have a lot of, the, the
19 providers have a lot of partnerships with, um, the
20 same types of community programs, um, in Close to
21 Home as we do in detention. Um, we also partner with
22 DYCD, um, to bring in programs for both detention and
23 Close to Home, um, but the providers also, the, the
24 Close to Home providers are, um, are, are also
25 partnering with a lot of the same programs, ah, that

1 we, that we partner with in detention. So, yes, the,
2 the level of participation and partnership, um, is,
3 is similar. The providers often, sorry, the
4 providers often make their own connections, um,
5 outside of us, though. So, so they also are reaching
6 out, um, to, to the providers that are in the
7 communities where the Close to Home facilities are.
8 Um, so they might have different partners than we
9 have. But, but they are very similar to the ones
10 that we have, if not the same.

12 CHAIRPERSON LEVIN: Um, can you list the
13 Close to Home providers? You said that there are
14 seven chest providers?

15 ACTING DEPUTY COMMISSIONER HEMMETER:
16 Yup, I can try to do this...

17 CHAIRPERSON LEVIN: Sorry.

18 ACTING DEPUTY COMMISSIONER HEMMETER:
19 ...off the top of my head [laughs].

20 CHAIRPERSON LEVIN: Or, or, I'm just
21 curious, you know, I want to make sure, um, we get a
22 clear sense of, of who they are.

23 ACTING DEPUTY COMMISSIONER HEMMETER:
24 Sure. Um, so the Close to Home providers are
25 Children's Village, ah, Good Shepherd Services, um,

1
2 Martin de Porres, Rising Ground, um, sorry, I'm
3 gonna...

4 CHAIRPERSON LEVIN: OK.

5 ACTING DEPUTY COMMISSIONER HEMMETER:
6 Hang on, let me think.

7 CHAIRPERSON LEVIN: It's not a quiz.

8 ACTING DEPUTY COMMISSIONER HEMMETER:
9 Sheltering Arms. I know [laughs]. Sheltering Arms,
10 um, I'm sure I'm leaving somebody off, so [inaudible]
11 mad at me.

12 CHAIRPERSON LEVIN: That, that's OK. The
13 reason that I ask is just to get a sense of making
14 sure that, you know, they're organizations with the
15 capacity to be able to make those connections, um,
16 you know, those further connections to be able to
17 have and, and, and obviously those are organizations
18 with long track records...

19 ACTING DEPUTY COMMISSIONER HEMMETER:
20 Yeah.

21 CHAIRPERSON LEVIN: ...and [inaudible].

22 ACTING DEPUTY COMMISSIONER HEMMETER: St.
23 John's is the other one.

24 CHAIRPERSON LEVIN: OK.

1 ACTING DEPUTY COMMISSIONER HEMMETER: So
2
3 I just didn't want to leave them off [laughs].

4 CHAIRPERSON LEVIN: Of course. Um, um,
5 and how, I'm just going to have one more question
6 around, ah, detention and then I have one more
7 question for, um, for Commissioner Hansell around
8 budget. Um, how, what's the relationship, um, was
9 the Department of Probation then? Um, and, um, and
10 how closely are you, ah, are, are you and, ah,
11 Assistant Commissioner Watts working with your
12 counterparts at Probation to, to kind of align, ah,
13 programming and align, um, ah, you know, the whole
14 mission and, and striving towards outcomes?

15 ACTING DEPUTY COMMISSIONER HEMMETER: So,
16 so let me start that off. So we have a very strong
17 partnership with the Department of Probation, um, and
18 actually we, when young people, this, these are
19 juvenile delinquents, um, when the police, um, bring
20 those young people to detention, um, we have
21 detention, we have probation staff who are doing, ah,
22 risk assessments, um, ah, evaluation or assessment of
23 the youth at that time. So in order to determine
24 whether they can be released, um, into the community
25 rather than being held in detention. Um, so we have

1
2 that partnership with them so that that release can
3 happen almost immediately, um, when they are brought
4 to us. Um, so we have very strong alignment with
5 them on, on, um, on those kinds of things. We also,
6 um, have built upon the work that they have done,
7 this is on the Close to Home side, um, where they are
8 using the risk assessments, um, instrument called the
9 Youth Level of Service, or the YLS, um, that the
10 commissioner mentioned in his testimony, which, which
11 focuses on, um, a youth's criminogenic needs, risk
12 and needs, to identify the different programs and
13 services that will address those needs. Um, so we
14 have worked with them to continue the work that they
15 are doing, um, up front on an assessment of the youth
16 to determine what services the young people, um,
17 needs if they do come to us and Close to Home. Um,
18 we also, um, just before I turn it over to, to Louis
19 to talk, um, any more that he wants to say about the
20 Department of Probation, um, but we also have, ah,
21 the Department of Probation and ACS, so Commissioner
22 Bermudez and I, um, cochair the Juvenile Justice
23 Advisory Committee, um, which the, the stakeholders,
24 we brought stakeholders together, um, across the city
25 to focus on different priorities, ah, for the next

1
2 year, um, and so we are, we are working in
3 partnership on, on determining what those priorities
4 are and how we can implement, um, continue to
5 implement juvenile justice, um, change, ah,
6 throughout the city in the next year. So we work
7 very closely with them.

8 SENIOR ASSISTANT COMMISSIONER WATTS:

9 Yes, yes. I think, um, Sara, think you covered it.
10 Thank you.

11 CHAIRPERSON LEVIN: Great. OK. Thank

12 you. I, I remember I think my first time I attended
13 the hearing, probably 10 years ago, about, um,
14 juvenile justice was with, um, Deputy Commissioner
15 Bushing and, ah, Commissioner Schiraldi were, were
16 testifying [inaudible].

17 SENIOR ASSISTANT COMMISSIONER WATTS:

18 Ooh, [inaudible] Bushing, you're correct [laughs].

19 CHAIRPERSON LEVIN: Um, um, ah, so I,

20 I'll turn it over to, just one question for
21 Commissioner Hansell here. Um, ah, Commissioner, so
22 you've been commissioner at ACS for four years now,
23 or just about four years, as we were just talking
24 about yesterday. Um, ah, and, um, and I don't think
25 I've ever seen you as, um, as riled up as I saw you

1 talking about the state budget, um, ah, and how
2 they're shortchanging the system. Um, ah, can you
3 speak a little bit about what are they even saying?
4 What is the state saying? What is OCSF saying? Um,
5 ah, when, when we bring to them this equation where
6 they are, ah, millions, tens of millions of dollars
7 or more, um, shortchanging, ah, New York City and
8 frankly, you know, with something like that property
9 tax, um, ah, cap, um, kind of, it seems like they're
10 just kind of playing games with us, budget games, um,
11 um, what, how, how, what are they even saying? Are
12 they saying sorry, you're just on your own, um, deal
13 with it, or are they saying, you know, are, are they
14 trying to pin it on us somehow? They do have a
15 tendency of doing that where they kind of try to spin
16 it around and then make it seem like we're not doing
17 something right. Um, at least that's been my
18 experience. Um, ah, can you speak a little bit more
19 about what's, what are they even saying in response?

21 COMMISSIONER HANSELL: Ah, well, it's a
22 great question. Um, and I have, I apologize if I
23 seem too riled up about, but I do get [inaudible]...

24 CHAIRPERSON LEVIN: No, yeah, I could
25 tell that you were upset.

1
2 COMMISSIONER HANSELL: Um, you know,
3 obviously, you know, it's a, it's a perennial issue
4 about how the state and the city should share
5 financial responsibility for programs. It's
6 something we go through every year. Obviously we,
7 um, we, we believe we provide high-quality
8 programming. We believe the state should support
9 that, so we will always, um, fight to protect the
10 funding that we have. I think what is particularly
11 concerning about what's happened to juvenile justice,
12 it is, it's not just about, you know, sort of
13 incremental change. It's about a complete, the
14 state's frankly complete abandonment of its financial
15 responsibility for these programs. Ah, you know, I
16 can't, I won't try to intuit what was in their minds
17 in doing it. I will say, though, when, when, um, the
18 state, um, basically eliminated all funding for Close
19 to Home, ah, really about three years ago now, the
20 rationale that was given at the time was that when
21 Close to Home was started it was started as a pilot
22 program. The program was reauthorized by the state
23 legislature in 2018, at which point the, ah, governor
24 said that it was no longer a pilot, it was now
25 permanent, and it was not, ah, New York City's

1
2 responsibility to, ah, to carry the full financial
3 burden of the program. Um, we actually scoured the
4 legislative record about what happened when the
5 program was created in 2012. We couldn't find
6 anything in there that said it was created as a pilot
7 program. We couldn't find anything that said that
8 the state's financial support was intended to be
9 temporary. So, you know, we felt that, um, the city
10 had agreed and, and, and very much wanted to take
11 over this responsibility from the state. We think we
12 serve young people better in Close to Home than they
13 had previously been served in, in the state system,
14 and the state agreed. The state just issued, ah, has
15 issued reports on Close to Home and just issued an
16 [inaudible] report on Raise the Age about how
17 successful these initiatives have been. So I don't
18 think there's any disagreement between New York State
19 and New York City that these programs have been
20 successful in New York City, um, and so it is really
21 somewhere baffling that, that the state with regard
22 to both Close to Home and Raise the Age has not just
23 tinkered with, you know, the distribution of funding,
24 but has basically refused to provide any funding
25 whatsoever to the city while, ah, you know, fully

1
2 funding or very, very substantially funding Raise the
3 Age expenditures in the rest of the state. That
4 feels to us like, um, a real, um, abandonment of
5 responsibility for young people in New York City, and
6 that's why, ah, we think it's something, it's
7 something that's very important for us to continue to
8 talk about.

9 CHAIRPERSON LEVIN: Very high percentage
10 of state legislators are from New York City. Um,
11 what are they saying? They have, obviously, a role
12 in, in budgetary allocations. Ah, what are we
13 hearing from our partners in the state legislature
14 about this?

15 COMMISSIONER HANSELL: Well, you know,
16 obviously, we've just begun to engage within this
17 year around the state budget. So I, I really can't
18 speak to that. In the past I think, you know, ah,
19 these things kind of all, in the end get worked out
20 in a very, ah, kind of omnibus negotiation between
21 the governor and the two houses of the legislature
22 and for whatever reason, um, the, um, the reductions
23 proposed by the governor have not been restored in
24 the last few years. Um, very much hope that will be
25 different this year.

1
2 CHAIRPERSON LEVIN: Um-hmm. Well,
3 there's a, there's a, I mean, knock on wood, there's
4 a significant, um, um, significant help hopefully
5 coming in from, from the federal government and so,
6 um, that provides state and local aid and, um, and,
7 and hopefully there will be an opportunity then to
8 have that conversation, um, ah, right in time for the
9 state budget. So, um, that's, that's certainly my
10 hope. So, um, I will turn it over to my colleagues
11 if they have questions. Um, feel free, anybody, to
12 ask questions. Does anybody, Council Member D. Diaz.

13 COUNCIL MEMBER D. DIAZ: Good morning.
14 Thank you for the extensive...

15 SERGEANT AT ARMS: Your time will begin.

16 COUNCIL MEMBER D. DIAZ: ...and detailed
17 present. There were two organizations that were
18 mentioned and I'm just curious to know within the
19 37th Councilmatic District, which is where I serve,
20 I'd like to know if you would be able to give me some
21 numbers, and if not now then a follow-up, um, like I
22 know, you, you mentioned training the youth to be
23 influencers, interrupters, which is something that is
24 dear to me, especially being that in the 37th
25 Councilmatic District we do not have such a team

1
2 established at this time. My understanding is that
3 Man Up is participating, which is just down the
4 street, across the street, down the block from my
5 district. We share East New York together. So I'd
6 like to know more specifically, again, it doesn't
7 have to be today but sometime soon, as to what, ah,
8 resources they're lending, what's the success rate,
9 and does more, no, 32 [inaudible] know about it and
10 to know, again, like I said earlier, what impact does
11 it have on the 37th Councilmatic District itself.

12 Ah, I'm looking to see the Bronxville piece of, of my
13 community where, where I see, um, needs more
14 attention than it's, has received in the past years.

15 COMMISSIONER HANSELL: Well, Council
16 Member, first of all, thank you, thank you very much
17 for, for raising those issues and, um, we absolutely
18 want to make sure that we are, um, providing services
19 to, to young people no matter what part of New York
20 City they come from.

21 COUNCIL MEMBER D. DIAZ: Um-hmm.

22 COMMISSIONER HANSELL: Um, so we would be
23 delighted, ah, to share that information. We don't
24 have it at our fingertips today, but we'd be happy
25 to, and what I might suggest is, um, if you're

1 willing, we'd love to sit down with you and your
2 staff, um, and talk to you about the service
3 providers that we work with in your district, and we
4 can also talk about the youth in your district and
5 how we are serving them in the program. So we would
6 be happy to, ah, set up a time to do that that and
7 then, ah, respond with any information or data that
8 you need.

10 COUNCIL MEMBER D. DIAZ: Thank you. I
11 also have one follow-up, and thank you.

12 COMMISSIONER HANSELL: Thank you.

13 ACTING DEPUTY COMMISSIONER HEMMETER: I
14 just want to mention one other thing, if I may. Um,
15 so, so I appreciate that question, too. I think it's
16 really important that we provide services to the kids
17 in the communities that need them, obviously. Um,
18 but one thing with our services is that they are not
19 necessarily located within a district or, um, an
20 area. Um, a lot of our, our services, especially
21 through, ah, the Family Assessment Program and
22 through JJI, which is our alternative to, um,
23 placement program, um, they go out to the communities
24 where, where the kids live. So they may be, you
25 know, it is, you know, Children's Village who, who

1 runs the program and they have an office wherever
2 there office is. But they're, they're therapists and
3 their, their workers are going out and providing
4 those services and, and the therapeutic services
5 wherever the kids are, um, in their homes or in their
6 communities. So, so, we, we've been very intentional
7 about thinking about how to get, um, services out,
8 um, to, to communities, regardless of where, where
9 the, ah, provider's office actually is.

11 COUNCIL MEMBER D. DIAZ: OK, but,
12 nonetheless I, I like to see numbers.

13 ACTING DEPUTY COMMISSIONER HEMMETER:
14 Absolutely.

15 COUNCIL MEMBER D. DIAZ: Unfortunately, I
16 had a conversation with someone yesterday, a group
17 was seeking funds, and they were happy to tell me the
18 last 10 years they served 112 individuals in my
19 district. In, in a district that's been lacking
20 needs for over 10 years that obviously was not a
21 happy number for me. And as, as we know, COVID has
22 impacted our youth tremendously and someone who's
23 worked for years, you know, with youth is, is dear to
24 my heart. And coming from the shelter population I
25 know the effects. So numbers really matter to me,

1 you know, whether it's one child or it's a hundred.
2
3 If there's families that need extra services I, I
4 want to know about it preventively, not reactively.
5 Thank you. That's all.

6 CHAIRPERSON LEVIN: Thank you, Council
7 Member D. Diaz.

8 COUNCIL MEMBER R. DIAZ: Thank you.

9 CHAIRPERSON LEVIN: Um, thank you. Do
10 any of, ah, my other colleagues have, have question?
11 Feel free to, to ask them. I think we still have
12 Council Members Gibson and Grodenchik, um, with us
13 right now. So Barry or Vanessa, any questions? OK.
14 Um, OK. I'm, I'm gonna, oh, Vanessa, do you have
15 questions? Nope? OK. All right. Um, OK. Ah, I
16 want to ask some questions related to COVID. Um,
17 have we had any COVID-related deaths that occurred in
18 the juvenile detention facility, um, whether it be
19 youth in detention or, um, or staff?

20 COMMISSIONER HANSELL: We have, um, we
21 have not had any youth who have, ah, have died from
22 COVID, um, [inaudible] very happy that way. And we,
23 you know, have taken, you know, measures to make sure
24 that we, we minimize any impact of the, of the
25 pandemic. Um, we have very tragically had four staff

1
2 in our juvenile justice system, ah, over the course
3 of the pandemic who have passed away. Um, and
4 that's, ah, you know, that has continued to be, um, a
5 blow to all of us, a huge emotional blow, um, to, to
6 all of their colleagues and, ah, and obviously just,
7 you know, redoubles our focus on making sure that we
8 are doing everything we possibly can to keep everyone
9 safe.

10 CHAIRPERSON LEVIN: Um, are they, I'm
11 sorry, you said in your testimony they, they are, um,
12 deemed eligible right now for the vaccine?

13 COMMISSIONER HANSELL: Um, only, the only
14 youth, youth or staff? I'm sorry.

15 CHAIRPERSON LEVIN: Staff.

16 COMMISSIONER HANSELL: Yes, staff are all
17 eligible. We, we actually, um, as soon as, um, the
18 vaccines were available and the state began, you
19 know, determining which groups were going to be
20 eligible in category 1-A and then category 1-B, um,
21 we began advocating actually in December, um, for
22 many of our ACS staff, but certainly all of our, um,
23 juvenile justice staff to be eligible and, um, we
24 were, you know, we were really actually very pleased
25 that, you know, they were among the early groups, ah,

1
2 that were made eligible back, I think, January 11 I
3 think was the date they were adding it, added to
4 category 1-B. So yes, all of our staff now in the
5 juvenile justice system, both our ACS staff and our
6 provider staff who work in the congregate facilities
7 are eligible.

8 CHAIRPERSON LEVIN: And are they, is
9 there a, um, are they kind of making appointments on
10 their own or is a coordination between ACS and Health
11 and Hospitals to make sure that they're all getting
12 the, the vaccine?

13 COMMISSIONER HANSELL: Um, we're doing
14 quite a bit around, um, outreach and information
15 them, especially in the detention facilities, which,
16 ah, actually, um, Sara or, or Louis, ah, can
17 describe, or, or Dr. Mendoza. Um, you know, we want
18 to make sure that, that they all understand, ah, the
19 benefits of vaccine, can, you know, make judgments
20 about benefit and risk.

21 CHAIRPERSON LEVIN: Um-hmm.

22 COMMISSIONER HANSELL: Um, and know how
23 to access it. Um, we don't have, ah, a dedicated
24 system for, um, connecting the vaccines. Um, we are
25 exploring that. We are working actually with, ah,

1
2 the city's Vaccine Command Center, um, and others to
3 see if we can provide additional essential,
4 specifically for ACS staff. Ah, but at this point we
5 don't yet have that in place.

6 CHAIRPERSON LEVIN: Dr. Mendoza, can I
7 ask, are you, are you, ah, how are you engaging with,
8 with ACS staff around the necessity to get vaccinated
9 and are you out there saying, you know, giving them
10 the facts and figures and exhorting them to do that?

11 CHIEF MEDICAL OFFICER MENDOZA: [laughs]
12 We're short of extorting. We're trying our best
13 to...

14 CHAIRPERSON LEVIN: Not, ah, extorting.
15 Exhorting, not extorting.

16 CHIEF MEDICAL OFFICER MENDOZA: [laughs]
17 Exhorting, exhorting, yes. We definitely are. Um,
18 and we started, again, very, very early on, even
19 before the vaccine was approved, ah, for, or even
20 before our staff were made eligible for the vaccine
21 we had already started the campaign. Um, we have had
22 at least now two town halls specifically for the
23 Division of Youth and Family Justice. We have had
24 already, ah, several town halls before that,
25 generally for the staff. We also have a mailbox

1 that's available for all staff to write in any
2 questions or any concerns they have, ah, regarding
3 the vaccine, or even regarding COVID in general. We
4 also have a weekly Ask Dr. Mendoza column, where we
5 highlight some of the new information that's coming,
6 or if we find that there is a pattern of concerns or
7 questions that are coming in through the, um,
8 mailbox. We also have released at least three fact
9 sheets now, um, ranging from just the basic
10 information back in January to more detailed
11 information about how the vaccines were developed
12 and, um, trying to also counter some of the myths or
13 misinformation that people may have seen either, um,
14 through their communities or through the internet.
15 Um, we also have a lot of videos now that we have
16 gathered and we have, are, are planning to show that
17 in loops, ah, video loops at the, ah, the facilities,
18 the detention facilities, as soon as we possibly can.
19 And, lastly, we have also gathered, um, what we call
20 our messengers, our credible messengers, internally
21 at ACS, those who have already received their
22 vaccines, um, to then, um, try to encourage others,
23 ah, based on their experience. We're putting
24 together videos. We're putting together some of
25

1
2 their, um, own pictures and selfies. Oh, and by the
3 way, before I forget, because this is Black History
4 Month we are also addressing specifically the, um,
5 some of the concerns and, ah, distrust that the
6 African community, ah, American community has against
7 these vaccines and with medicine in general, and we
8 have a panel prepared next week, um, to address this
9 specifically.

10 CHAIRPERSON LEVIN: Um, in terms of
11 coordination with, with, um, with the, the Vaccine
12 Command Center, are they, are they willing to like go
13 like out there and, I mean, in other words like
14 sometimes it's just having that access or if there's
15 like onsite, like you can, you know, onsite
16 vaccination so that they don't have to go through the
17 rigamarole of going online and trying to track down
18 appointments and all that. Um, is that, is that
19 something that's being discussed?

20 CHIEF MEDICAL OFFICER MENDOZA: Yes, it
21 is. In fact, we are very close to potentially
22 starting our own, ah, vaccine, ah, distribution
23 center. Ah, we have, ah, we have had several
24 meetings already this week with the Vaccine Command
25

2 Center and, um, we have a site visit actually
3 happening today. So it's, it's going to happen.

4 CHAIRPERSON LEVIN: OK.

5 CHIEF MEDICAL OFFICER MENDOZA: It's just
6 a matter of when, and we're just also figuring out
7 supplies and logistics and all that.

8 CHAIRPERSON LEVIN: So in addition to the
9 column, the Ask Dr. Mendoza column, there could be
10 Get Vaccinated by Dr. Mendoza on site.

11 CHIEF MEDICAL OFFICER MENDOZA: [laughs]
12 Sure, if they want to [laughs].

13 CHAIRPERSON LEVIN: Um, and how, do we
14 have a percentage of staff that's been, that's
15 received the first dose?

16 CHIEF MEDICAL OFFICER MENDOZA: No.

17 CHAIRPERSON LEVIN: Are we tracking that?

18 CHIEF MEDICAL OFFICER MENDOZA: We, we
19 haven't been tracking that and I don't know that we
20 can actually ask them if they have been vaccinated.

21 CHAIRPERSON LEVIN: OK.

22 CHIEF MEDICAL OFFICER MENDOZA: That's
23 might be something that legally we can't do.

24 CHAIRPERSON LEVIN: If, ah, yeah, yeah,
25 um, just so that we're, I mean, I guess, the, the

1
2 reason I ask is just a kind of, you know, we've seen
3 data now, kind of aggregated data, that's showing,
4 you know, a disparity among communities in, in, um,
5 the city where some communities have vaccination
6 rates of close to, you know, over 10%. Um, you know,
7 I mean, City Island has a, has a vaccinated rate of
8 like, I don't, I think it was like 16%. But, but,
9 um, but, um, ah, the trends that we're seeing are,
10 are that, um, whiter communities and communities
11 with, with greater access to resources are, are
12 being, are having higher percentage of vaccinations,
13 and some communities, ah, communities of color in the
14 city, ah, ZIP codes, ah, representing communities of
15 color are, you know, lower, in the 2% to 3% and so,
16 um, the concern is that that disparity starts to
17 widen even further and, um, and so, you know, that,
18 that remains a big concern.

19 ACTING DEPUTY COMMISSIONER HEMMETER:

20 Right, that's one of the reasons why we're
21 specifically targeting, um, the black community,
22 African American community next week with that, um,
23 with our panel and, um, a lot of, also the fact
24 sheets that we have put out were based on concerns,
25 if there were specific patterns of concerns we, we

1 saw for, you know, specific communities. So, yeah,
2 um, we are, we are very much aware that there are
3 these disparities, um, and also to combat the
4 disparities of the availability and accessibility of
5 the vaccine. That's one of the reasons why we've
6 been pushing the Vaccine Command Center to help us
7 with our own onsite distribution center.
8

9 CHAIRPERSON LEVIN: Um, just a few more
10 questions about some of the, are, have there been,
11 have there been any youth in detention who have
12 tested positive for COVID? Have we seen that at all?

13 ACTING DEPUTY COMMISSIONER HEMMETER: Um,
14 yeah, yes. So as the commissioner mentioned in, in
15 his testimony, um, you know, we're doing everything
16 that we can to try to minimize the spread of COVID,
17 um, in our facilities, um, understanding, you know,
18 in congregate care settings that this can be a huge
19 concern. So, um, you know, just to, to reiterate
20 some of the things that, that we are doing, um, so
21 all staff are screened and, ah, before they, any
22 person who enters our detention facilities is, are
23 screened and temperatures are taken. Um, we have
24 distributed face masks to all staff. Um, gloves are
25 available to staff, um, if they, the want those. We

1
2 have hand sanitizer throughout the facilities. Um,
3 we are encouraging hand washing and have signs posted
4 throughout the facilities to, to encourage that. Um,
5 with respect to the youth, um, as the commissioner
6 mentioned in his testimony, the Floating Hospital,
7 which is our medical provider, um, does daily
8 temperature checks of all the youth. Um, we have
9 distributed face masks or face coverings for all the
10 young people as well. Um, and also encouraging hand
11 washing and other, and other, um, ah, hygiene, um,
12 techniques for them as well. Um, unfortunately, we
13 have had a few young people test positive. Since the
14 beginning of the pandemic last March, um, we have
15 had, um, 17 youth test positive for COVID, um, but as
16 of today we have no youth who, who are, um, who have,
17 are in medical isolation because of, because of a
18 positive test.

19 SENIOR ASSISTANT COMMISSIONER WATTS: I
20 think it's important to also add that we provide our
21 staff with PPE gear. I mean, if there is a youth
22 that actually, that have actually tested positive,
23 um, all of our staff that requires to be in a full
24 PPE gear and there's also a proper disposable
25 protocol with regard to disposing other PPE, PPE

1
2 gear. Um, so all our staff, ah, are disposing of
3 their gear inside of a red bank, um, that's properly
4 discarded.

5 CHAIRPERSON LEVIN: Um, we've heard some
6 reports that youth, ah, have not been provided with
7 an adequate supply of face masks and socks and
8 underwear. Um, is, how often are youth provided PPE
9 and socks and underwear?

10 SENIOR ASSISTANT COMMISSIONER WATTS: So
11 all of our young people upon entering a facility
12 they're provided with, ah, socks and underwear. Um,
13 the socks and underwear, ah, are washed, ah, ah,
14 clean two times per week. Um, but they are provided
15 with multiple pairs of socks and underwear and
16 [inaudible] socks and underwear if there's a request
17 for socks and underwear we're providing our young
18 people with, ah, additional socks and underwear. You
19 know, it's actually interesting that you, you, you
20 asked that question, because that question came to
21 us, ah, from Legal Aid, maybe a couple months back,
22 um, and we were able to support and show them that
23 no, that's actually false. Um, that was a claim that
24 was made by a young person, um, but it was a young
25 person who had some mental health challenges at that

1
2 time. But we are always providing our young people
3 with socks and underwear, the clothing that they
4 need, the footwear that they need. All the
5 necessities we actually provide. Our kids don't
6 actually want for anything while in our care. Um,
7 and we provide everything that they need. So there's
8 no need for them to have money. There's no need for
9 them to have outside clothing. We give them
10 everything that they need, including the commissary.

11 CHAIRPERSON LEVIN: And does that, ah,
12 just along those lines we also heard that there was
13 some, um, issues around, ah, lack of soap in the
14 bathrooms. Is that, are we making sure that soap is
15 replenished in the bathrooms at all times?

16 SENIOR ASSISTANT COMMISSIONER WATTS:
17 Absolutely. We have an amazing housekeeper staff
18 that ensures that the soap is replenished at all
19 times, not only they do it for staff as well. We're
20 also promoting regularly that young people and staff
21 are washing their hands as required, often.

22 CHAIRPERSON LEVIN: Um, OK. Um, ah,
23 certainly the, you know, any type of like kind of
24 quality, quality assurance checks on that is, ah, is,
25 is, I think would be, would be appreciated. Um, um,

1
2 there is, families and advocates have reported that
3 students in juvenile detention sometimes lose access
4 to their DOE laptops as punishment, ah, for what ACS
5 determines to be misbehavior. Is that, is there a
6 policy around, um, removing access to, to, ah, to the
7 laptops or, um, or tablets that DOE provides?

8 SENIOR ASSISTANT COMMISSIONER WATTS: No,
9 absolutely not. Ah, ah, first and foremost to be
10 very honest with you, Chair, we promote education. I
11 mean, that is very, very big and high on our list.
12 We have a, an amazing partnership with, um, ah, our
13 [inaudible] partners with District 79, um, and so
14 every single day our young people are provided with
15 their Chromebooks, because they have designated
16 Chromebooks that are issued to them, and daily they
17 actually receive new passwords, new passwords so that
18 they can have access to the Chromebooks for security
19 purposes. From where we email the passwords to our
20 supervisory team, our supervisory team and school
21 liaisons, when I send out the passwords and give each
22 youth, ah, provided each youth with the new password
23 for the day.

24 CHAIRPERSON LEVIN: Um, since Raise the
25 Age has been implemented, um, has the Department of

2 Corrections been fully transitioned out of Horizon?

3 Is there any DOC staff remaining?

4 ACTING DEPUTY COMMISSIONER HEMMETER: So,
5 so, um, as part of Raise the Age, um, as the
6 commissioner in his testimony, DOC and ACS, um, had,
7 had, um, the authority to co-facilitate the Horizon
8 facility. Um, they, for the most part, DOC has
9 transitioned out of Horizon. Um, however, they, they
10 do, um, still, they are still, there are still some
11 DOC staff in our, in the control room and monitoring
12 the perimeter. But they do not have any, um,
13 interaction with staff at this time. Um, so there...

14 CHAIRPERSON LEVIN: No interaction with,
15 with youth in detention?

16 ACTING DEPUTY COMMISSIONER HEMMETER:
17 Correct.

18 CHAIRPERSON LEVIN: Yeah, OK. Um, have
19 you seen a, are there any quantifiable, um, you know,
20 ah, or qualitative, um, measures, ah, to show the
21 impact in that, um, in, in discontinuing, ah, any
22 relation between DOC staff and youth in detention?

23 ACTING DEPUTY COMMISSIONER HEMMETER: Um,
24 that's an interesting question. Um, I, I'm not sure.
25 I mean, um, Chuck, I don't know if there's anything

1
2 that you can think of in terms of measures that would
3 quantify this.

4 DEPUTY ASSOCIATE COMMISSIONER PARKINS:

5 Yeah, I, I can't, ah, thank you, ah, thank you, and
6 good morning. Ah, I can't think of any specific
7 measures. I mean, we had a really good working
8 relationship with DOC at Horizon, um, and we, you
9 know, cooperated and worked with the kids together
10 simultaneously. So, um, the transition there, um,
11 took place over many, many months and it was very
12 slow and methodical and done purposefully, um, so we
13 weren't, you know, severely disrupting the kids. Ah,
14 so I, I think part of that lend to, um, not having a
15 significant, um, you know, dynamic change within the
16 environment and the kids. So, um, I think part of
17 that kind of slow transition really helped with that.

18 Um, I'm sure that there are some measures that do
19 exist, but none that really are striking with us.

20 CHAIRPERSON LEVIN: Um, overall, do you

21 believe it's been a good thing that there's been,
22 that that's happened and that that's, that that's
23 been phased out?

24 DEPUTY ASSOCIATE COMMISSIONER PARKINS:

25 You know, it, it's my personal belief that, um, kids

1
2 should be, um, kids should be treated as kids and
3 while we're certainly, ah, DOC did a wonderful job,
4 um, working with us in those facilities, I believe
5 that youth should be treated, um, and supervised by
6 youth care professionals. So, hopefully that answers
7 your question.

8 CHAIRPERSON LEVIN: Mr. Hansell has a
9 question. I think Commissioner Hansell has his hand
10 up.

11 COMMISSIONER HANSELL: Thank you very
12 much. Yeah, no, I, I, I absolutely agree and I, I
13 think, I also just want to mention that actually
14 under the, under the state's Raise the Age
15 regulations, um, DOC will continue to consult with us
16 on security, ah, and do security reviews, so even
17 though, um, at this point, ah, as Deputy Commissioner
18 Hemmeter said, they have a very limited presence just
19 at Horizon, ah, in perimeter security and control
20 room. No access to, no contact with the youth. Um,
21 and, and that will probably will, will also phase out
22 over time. You know, we do want to certainly
23 continue to benefit from their expertise in safety
24 and security and we will continue to do that through
25 the relationship we'll have with them, which is

1
2 actually something that the state regulations will
3 require us to do, but we would want to do in any
4 event.

5 CHAIRPERSON LEVIN: How many DOC staff
6 remain on, ah, at Horizon?

7 SENIOR ASSISTANT COMMISSIONER WATTS:
8 Actually, maybe, maybe 40, if that. I mean, when we
9 started there were 300-plus DOC officers, you know,
10 at Horizon. So maybe 40, if that.

11 CHAIRPERSON LEVIN: Gosh, there was 300
12 DOC staff for, for how many, for how many youth in
13 detention? It was like they outnumbered the youth in
14 detention?

15 SENIOR ASSISTANT COMMISSIONER WATTS:
16 Well, no. At that time when it was Raise the Age
17 they were transitioning in over from Riker's
18 Island...

19 CHAIRPERSON LEVIN: OK.

20 SENIOR ASSISTANT COMMISSIONER WATTS:
21 ...with the youth that were coming from Riker's
22 Island. So at that time it was maybe 96 youth that
23 was transferred over from Riker's Island at that time
24 [inaudible] that they have and monitoring their
25 progressive preliminaries as well. Um, and at that

1 time they had operational control of the facility.

2 So for the 300-plus they had at that time, the few we
3 have monitoring the perimeter now is maybe 40, if
4 that.

5
6 ACTING DEPUTY COMMISSIONER HEMMETER:

7 Yeah, I also just want to, you know, while 40 also
8 sounds like a, a large number, um, those are
9 different shifts as well.

10 CHAIRPERSON LEVIN: Um-hmm.

11 ACTING DEPUTY COMMISSIONER HEMMETER: Um,
12 so we do have, you know, have to have the DOC staff
13 there to cover all the different, you know, for 24/7
14 operations.

15 CHAIRPERSON LEVIN: Um-hmm.

16 ACTING DEPUTY COMMISSIONER HEMMETER: Um,
17 so, so they are there, they are not there at the same
18 time, um, there now.

19 CHAIRPERSON LEVIN: Is it three shifts a
20 day?

21 ACTING DEPUTY COMMISSIONER HEMMETER: DOC
22 has three shifts a day, Louis?

23 SENIOR ASSISTANT COMMISSIONER WATTS: DOC
24 has maybe four shifts per day. They have, ah, the
25

1 three shifts, the a.m., the p.m., and the night, and
2 I believe they have an overlapping shift.

3 CHAIRPERSON LEVIN: OK.

4 SENIOR ASSISTANT COMMISSIONER WATTS: but
5 they have people that may go on vacation, um, ah, you
6 know, with the pandemic going on if someone is not
7 well they're, the staff is out. Um, so I mean, like,
8 like Sara said, you know, 40 may sound like a large
9 number, but it's really, really small when you think
10 of [inaudible] things are, the various shifts.

11 CHAIRPERSON LEVIN: OK. Um, a few more
12 questions. On, on, ah, on Close to Home, um, and I,
13 I realize this might be a difficult, um, question to
14 answer because of COVID and, and just, ah,
15 understand, you know, trying to anticipate what the,
16 ah, the future size of the program will be, um, um,
17 but, but, are, I mean, obviously we've seen, um, you
18 know, the, the, the numbers have come down so much.
19 Um, strictly from a kind of a budgetary systems
20 perspective are we looking to phase out providers or
21 phase out programs because of the, because of that,
22 that, that kind of under, over, over capacity, no,
23 no, under capacity, that we are at, under capacity,
24 in the system.

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ACTING DEPUTY COMMISSIONER HEMMETER:

Yeah, oh, go ahead, Commissioner.

COMMISSIONER HANSELL: I'll start then

and then [inaudible]. So it's a good question. Um,

obviously, you know, we don't control the flow of

young people coming into Close to Home. Um, but we

do have a legal obligation to make sure that we can,

ah, take, take charge of any young person who is

referred or is placed by a court. So we have to make

sure we have adequate capacity to do that and there

are as you, Chair, as you have referenced, there's a

lot of uncertainties. I mean, we are very happy that

over recent years we've seen the Close to Home census

drop, um, and we are very happy that it didn't go up

during, because of the Raise the Age, um, and we're

very happy that it has not increased, although we're

not necessarily happy about the reasons it hasn't

increased during COVID because, as we were talking

earlier, part of that is because of, ah, reduced

court processing. Um, so there are so many variables

and so many uncertainties, um, that we have to be

sure we have adequate capacity to, ah, take custody

of any young person that a court orders into juvenile

justice placement. So we've got, basically, you

1 know, staff and budget for, um, some degree of
2 uncertain. However, that doesn't mean that we're not
3 planning for the future. We are doing that and
4 actually we are approach the point where we will be,
5 um, recompeting the entire Close to Home program, ah,
6 and, and I'll let, ah, Sara speak to that in more
7 detail. But, um, as part of that we really are
8 looking at the program. We're looking at not just
9 capacity but, you know, the whole structure of
10 service delivery, um, and starting later this year
11 we'll be initiating a process to consult with
12 stakeholders about the future of the Close to Home
13 program on, in all respects, including, ah, including
14 size and capacity. And Sara you may want to say more
15 about that.

17 ACTING DEPUTY COMMISSIONER HEMMETER:

18 Yeah, I think the only thing I would, you know, this
19 is something that we are continually assessing, um,
20 and trying to, to strike that right balance between
21 having enough beds and not having too many beds. Um,
22 you know, with, with Raise the Age there was some
23 uncertainty with, with, ah, respect to how many young
24 people we would be seeing, um, and so far that has
25 not played out, um, in, in the way that we thought it

1
2 might. Um, so this is definitely something that,
3 that we are, are looking at and trying to figure out
4 and as the commissioner mentioned, um, we are re-
5 RFPing the whole Close to Home continuum and are, ah,
6 planning on issuing a concept paper, um, in the fall
7 of 2021, um, with new contracts starting. Ah, the
8 RFP will go out sometime next year in 2022 and then
9 new contracts in 2023. So this is something where
10 we, we feel like we can right size the system, but
11 also ensure that the services that the young people
12 are getting within Close to Home, um, match the
13 needs. Um, we are seeing a little bit of an older
14 population, even, you know, with Raise the Age. We
15 haven't seen the numbers, but we, the, the influx of
16 young people, but we have seen an increase in the age
17 of, of the young people who are coming to us. So we
18 want to make sure that we're not programming for a
19 younger population and that we have the vocational
20 and educational services that are necessary for an
21 older population. So we are looking at, at not only
22 the number of beds that we have, but the services and
23 the programming that is necessary for the, for the
24 young people who are coming to us.

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2 CHAIRPERSON LEVIN: Um, and the, and the
3 relationship, I didn't really ask that much about
4 education, but the relationship with DOE and, um,
5 utilizing, um, their, their resources, I'll just give
6 an example. I was on a call yesterday with the
7 Brooklyn Navy Yard talking about their STEM center,
8 which is, you know, available to, um, you know, seven
9 different high schools in the city. Um, that's
10 really like a, you know, kind of second to none, um,
11 or Steam Center, excuse me, Steam Center. Um, and,
12 um, but it's, you know, the, the resources there are,
13 you know, um, you know, pretty unparalleled in the
14 system and they're looking at expanding that model,
15 um, ah, to other, you know, to other, and it's, and
16 it kind of works in a way that it's not its own
17 dedicated school. It's, um, or it's, yeah, it's a,
18 technically it's a district but not a school I think
19 is the way that they said it. So, so, um, ah, but,
20 but kind of, our, what's the relationship with
21 particularly around CTE that, that, ah, with DOE?

22 ACTING DEPUTY COMMISSIONER HEMMETER:
23 Yeah, we have a very strong partnership with DOE in
24 both detention and Close to Home. Um, you know, part
25 of the reason that Close to Home happened, um, or one

1
2 of the big reasons was, ah, the educational credits
3 that, that young people were receiving when they went
4 upstate, did not transfer when they came back to the
5 city. Um, and so really making sure that the young
6 people who are placed with us are getting the credits
7 that they are, um, that we are working with the DOE
8 to make sure that the transition from Close to Home
9 back to the community happens seamlessly. Um, that
10 also happens with detention. There are our DOE
11 liaisons that are helping us connect the young people
12 from the, the schools that they are attending, either
13 in detention or Close to Home back to their community
14 schools. Um, so we have a very strong partnership
15 with the DOE. Um, we have worked with them on, um,
16 um, sending kids to Co-op Tech, um, and to the Judge
17 Kay School, um, so that, you know, where there's like
18 a vocational program along with educational services.
19 Um, so we, we do have, um, those kinds of connections
20 with the DOE, but are always looking for more
21 opportunities, ah, for our young people and, and to
22 connect with the educational and vocational services.
23 Um, I think Louis mentioned, um, that, that we also
24 have, um, connections with the community colleges,
25 um, so because we are seeing that older population

1 specifically in detention, um, we have connections
2 with the community colleges who are providing college
3 credit for kids, um, you know, and getting them
4 prepared for that.
5

6 SENIOR ASSISTANT COMMISSIONER WATTS:

7 [inaudible] I should have mentioned previously, um,
8 when you asked me the education question, um, we also
9 partner with PTA, set up a community alternative, and
10 they come into our facilities two times per week and
11 they provide tutoring services for our young people,
12 um, to assist with education as well.

13 CHAIRPERSON LEVIN: Are those available

14 also on, um, through, ah, through their tablets?
15 Any, are they having access to tutoring services,
16 like not necessarily in-person tutoring services, but
17 remote tutoring services?

18 SENIOR ASSISTANT COMMISSIONER WATTS: You

19 know, that, I mean, that, that's, um, afterschool
20 help with the Department of Education with their
21 tablets, yes.

22 CHAIRPERSON LEVIN: OK, tablets, OK.

23 SENIOR ASSISTANT COMMISSIONER WATTS: The

24 PTA is [inaudible].
25

1
2 CHAIRPERSON LEVIN: OK. Um, ah, OK, I, I
3 think that that's all of the questions that I have,
4 um, um, at this time. Do any of my colleagues have
5 any additional questions they want to ask? Going
6 once, going twice. OK. OK, well, thank you. I want
7 to thank you all very much. I appreciate, um, um,
8 the opportunity to, to sit down with you and, and
9 review this, um, um, all the programming and the
10 system that's in place. I, um, ah, obviously I'm,
11 I'm kind of getting up to speed. This was, you know,
12 this juvenile justice had, had been its own committee
13 in the council for a number of years, um, ah, during
14 Close to Home and then, ah, shifted into another
15 committee for a little while, and then that committee
16 got discontinued, um, and so now it's, now it's here
17 in General Welfare, and so obviously we have a, ah,
18 you know, a large portfolio, we had a large portfolio
19 already, um, and so I want to make sure that, um,
20 issues around juvenile justice are not, um, given
21 short shrift in this committee and so, um, um, you
22 know, I, I'm only chair for another 10-1/2 months.
23 Um, so I, I certainly will be looking to ask
24 questions during our budget hearings in, the
25 preliminary budget hearing in March, and, and, um,

1 and, ah, executive budget hearing in May. Um, but I
2 would like to, to have at least one more hearing with
3 you all, um, ah, before the end of the year to, um,
4 ah, to go over perhaps, um, ah, the concept paper on
5 Close to Home or we could look at other, other issues
6 if, obviously we don't know what the, we never know
7 what the future holds, as the last year has, has told
8 us. So, um, but, but I would appreciate, ah, you
9 know, maybe doing this one more, at least one more
10 time as its own dedicated hearing, um, before the end
11 of the year.
12

13 COMMISSIONER HANSELL: Yeah, and we would
14 be, Chair, we'd be delighted to do that. And
15 actually, you know, the whole purpose of our, the
16 concept paper is to get the broadest possible input
17 into the redesigned system before we issue the RFP.
18 So to the extent that, ah, ah, a hearing would the
19 council would be helpful in doing that, we would
20 welcome it.

21 CHAIRPERSON LEVIN: That would be great,
22 yeah, especially because, you know, once the RFP goes
23 out then we can't, then we can't, you know, talk
24 about it. So, so having it at the concept paper
25 stage might make a lot of sense. Um, so I'll, I'll

1
2 make sure to note that in my kind of ever-expanding
3 list of hearings that we want to try to get done
4 before the end of the year. Um, so just notice to
5 all committee, ah, committee members that, that we
6 might be having, you know, two or maybe three
7 hearings a month, ah, as we get closer to December.
8 Um, and hopefully we'll be able to have that hearing
9 in person. That would be my, ah, you know, that
10 would be my strong preference, that'd be nice.

11 COMMISSIONER HANSELL: That would be
12 great.

13 CHAIRPERSON LEVIN: Um, but, but, ah,
14 thank you all very much. I appreciate the time. And
15 if you can, um, ah, ah, have some staff remain on the
16 call, um, to hear testimony from the public, um, that
17 would be greatly appreciated.

18 COMMISSIONER HANSELL: We will certainly
19 do that. Thank you very much, Chair, and, and
20 colleagues.

21 ACTING DEPUTY COMMISSIONER HEMMETER:
22 Thank you.

23 CHAIRPERSON LEVIN: Thank you so much.
24 Thank you, commissioners, appreciate it.

1 COMMITTEE ON GENERAL WELFARE 90
2 COMMITTEE COUNSEL: Thank you, Chair
3 Levin. We have now conclude ACS's testimony and
4 we're going to turn to public testimony. First, I'd
5 like to remind everyone that I will be calling up
6 individuals in panels. Once your name is called a
7 member of our staff will unmute you and you will
8 begin your testimony once the Sergeant at Arms sets
9 the clock and gives you the cue that you may begin.
10 All testimony will be limited to three members.
11 Remember that there is a few seconds' delay when you
12 are unmuted and before we can hear you. Please wait
13 for the Sergeant at Arms to announce that you may
14 begin before starting your testimony. The first
15 panel of public testimony in order of speaking will
16 be Darek Robinson, Kate Rubin, and Kateryn Plasencia.
17 And that panel will be followed by Katherine De
18 Zengotita, Rashelle James, and K. McKenna of
19 Brooklyn Defender Services. I am going to now call
20 up our first public panelist, Darek Robinson.

21 SERGEANT AT ARMS: Your time will begin
22 now.

23 DAREK ROBINSON: Oh, can you see me? Can
24 you hear me? All right, thank you. Good morning.
25 Good morning. My name is Darek Robinson. I'm the

1 vice president of grievances, legal services of the
2 Social Service Employees Union, Local 371. On behalf
3 of the president, Anthony Wells, and our 22,000
4 members that we represent, we would like to thank the
5 chair, Councilman Steven Levin, and the Committee on
6 Juvenile Justice for the opportunity to give this
7 testimony. SSEU Local 371 represents youth
8 development specialists, caseworkers, program
9 counselors, and institutional aides who staff in,
10 staff in secure and nonsecure detentions, as well as
11 ACS children's center. I myself served as a tour
12 commander for DYFJ ACS for 20, 23 years. We
13 understand the spread of the virus required a still,
14 and still requires strong measures and difficult
15 decisions. Those decisions, however, must be made
16 with consideration for the welfare of all concerned
17 persons on the basis of best information available
18 and with full transparency. ACF, ACS DYFJ failed to
19 meet any of those standards at the onset of this
20 pandemic. Our members who serve detained juveniles
21 at Crossroads and Horizon juvenile centers have been
22 and are among those most exposed to the risk of
23 infection. We were told not to wear any personal
24 protective equipment at the beginning of this
25

1
2 pandemic. As a result, over 40, and I repeat, over
3 40 of our members, which included youth development
4 specialists, caseworkers, institutional aides,
5 program counselors, and also taught management as
6 well, tested positive for COVID-19. Caseworker
7 Patricia George, a 25-year veteran of the ADC, died
8 from exposure to the virus in the course of work.
9 Yet despite of her death and several hospitalizations
10 and unknown infections of the residents and staff at
11 Crossroads the agency decided to shuffle residents
12 and staff between Crossroads and Horizon instead of
13 making all locations safe and provided the necessary
14 PPE in implementing obvious procedures to control the
15 infection. ACS DYFJ has been unrealistic in
16 believing that it can maintain detention centers with
17 the necessary social distancing, or even maintain
18 discipline among the residents. SSEU Local 371 filed
19 a [inaudible] complaint for our members to finally
20 receive all PPE, all PPE necessary and needed...

21 SERGEANT AT ARMS: Your time has expired.

22 DAREK ROBINSON: OK.

23 CHAIRPERSON LEVIN: You, you can
24 continue, Mr. Robinson.

1 COMMITTEE ON GENERAL WELFARE 93

2 DAREK ROBINSON: OK. Needed for the best

3 performance of their tasks. For several weeks we

4 heard platitudes about residents and staff being the

5 agency's top priority. But actions, not platitude,

6 were needed. Our members had to endure multiple

7 assaults by residents for trying to maintain social

8 distancing and control of both facilities. At one

9 point NYPD had to enter Crossroads Juvenile Center

10 and assist with maintaining control. As assaults

11 continue our members' only defense against violent

12 residents is the agency's safe crisis management

13 model that, that is ineffective against bigger and

14 stronger residents and gang assaults. We are not

15 blaming the agency for the pandemic, but for ignoring

16 the science and not taking proper precautions. ACS

17 DYFJ made contact with Local 371 to inform us of a

18 12-hour temporary shift change for the youth

19 development specialists, opposed to original eight

20 hours were taught that they currently are on. This

21 change would enable our members to spend more time at

22 home during the pandemic. Local 371 bargained in

23 good faith and agreed to the temporary change until

24 knowledge was more available as the COVID-19 crisis

25 continued. Eight months after the change the union

1
2 demanded that youth development specialists returned
3 back to their original eight hours and the agency
4 refused and we are currently in litigation with that
5 matter. Thank you for the opportunity to give
6 testimony. I would like to open up to all responses
7 or any questions that you may have, and thank you.

8 CHAIRPERSON LEVIN: Mr. Robinson, can
9 you, can you repeat that last, ah, portion about the
10 litigation on tours?

11 DAREK ROBINSON: Um, OK. Um, there,
12 there was a 12, ah, ACS came up with the idea to
13 change the youth development specialists' tour. They
14 currently work eight-hour tours around the clock.
15 They came up, um, during the pandemic, the beginning
16 of the pandemic, they changed it to 12-hour shifts.
17 So now they work 12-hour shifts opposed to their
18 normal, ah, eight-hour tour, 24 hours. So we...

19 CHAIRPERSON LEVIN: So, so staff is
20 working 12-hour shifts right now currently?

21 DAREK ROBINSON: Correctly, um, correct.
22 12-hour shifts, but, um, it's continuous overtime, so
23 it's actually 16 hours.

24 CHAIRPERSON LEVIN: OK. Um, ah, you
25 know, obviously this is, um, your testimony paints a

1
2 different picture than, than what we heard from the
3 administration, um, on, on this, um, the state of
4 affairs within secure detention. Can, um, is there
5 an on, is there ongoing engagement, um, um, outside
6 of litigation, obviously, um, ah, between 371 and,
7 um, ACS management, so Assistant Commissioner, ah,
8 Watts or, ah, um, Deputy Commissioner Hemmeter?

9 DAREK ROBINSON: Yes, ah, currently we
10 meet, ah, once a month, once a month to go over
11 issues. But during the pandemic it was, um, you
12 know, quite challenging between the union and the
13 agency. They want to do things their way. We wanted
14 to, you know, we was trying to, ah, get advice and,
15 ah, it wasn't pretty much paying attention to the
16 commissioner. Hansell got involved and President
17 Wells, ah, our president, on the return of his, um,
18 um, illness from COVID, brought it to a high-level
19 meeting and then they made the adjustments to make
20 sure that the proper PPE was given, ah, thorough
21 cleaning and disinfecting the facilities began, began
22 to happen.

23 CHAIRPERSON LEVIN: Um, and, but, but,
24 currently there are still issues that are in, that

1
2 are being litigated. There's at least, you said two,
3 two different, um, lawsuits going on right now?

4 DAREK ROBINSON: No, no, actually one,
5 one lawsuit and it's, ah, with the 12-hour shift.

6 CHAIRPERSON LEVIN: OK. Um...

7 DAREK ROBINSON: Because, oh, OK, yeah.

8 CHAIRPERSON LEVIN: The current status of
9 PPE for your staff is adequate or, or inadequate
10 still?

11 DAREK ROBINSON: Yes, it's, it's adequate
12 at this point.

13 CHAIRPERSON LEVIN: OK. Um, um, in terms
14 of, um, ah, your staff's ability to, um, ah, enforce
15 social distancing among, among detainees, is that, is
16 that, ah, youth in detention, is that something that,
17 um, that your staff feels adequately, um, enabled to
18 do, or, or, um, ah, ah, equipped to do?

19 DAREK ROBINSON: Yes. At this point that
20 is, ah, unrealistic to try to do, to implement, um,
21 social distancing when we are dealing with troubled
22 youth. Ah, we're dealing with, ah, a high rate of
23 gang assaults going on inside the facilities, um, you
24 know, a lot of assaults on staff, assaults, youth on
25 youth assaults. So it's unrealistic to think that

1
2 you can social distance residents, you know, when
3 you're doing your job on, on these halls.

4 CHAIRPERSON LEVIN: Um-hmm. Um, are you
5 still, ah, is, is the union hearing, um, from, from
6 its members, um, you know, any, ah, issues around
7 mental health crisis or kind of, um, the additional
8 stress that the pandemic has, um, put on, on, um,
9 staff that's, you know, there, it's, it's hard for
10 all of us, but it's especially hard for those that
11 are, um, continuing to have to work in, in, um,
12 environments that would have been challenging prior
13 to the pandemic. Are you, how are you dealing with
14 that?

15 DAREK ROBINSON: Um, well, in terms of
16 our members reaching out to us and with their issues
17 and their complaints, which are extremely valid and,
18 you know, most of their complaints is, ah, it's hard
19 to social distance, it's hard to gain, um, you know,
20 a higher rate of control in these facilities with,
21 ah, you know, lackluster, some of the tools that they
22 have. Like, you know, they mentioned safe crisis
23 management. That, that technique does not, and, you
24 know, I repeat, does not help our staff in terms of,
25 ah, intervening in situations, physical altercations,

1
2 if the resident, and these residents, because they're
3 16 and 17 now, so they're a lot bigger than most of
4 the majority of our staff. So they, it is
5 unrealistic for the SCM technique to try to take down
6 a, a big kid. It's just unrealistic. And once the,
7 once the restraint goes a little south, a little
8 left, which it will if the kid is much stronger than
9 you, there's, then it turns into like an all-out
10 fight between a big, strong kid and a, a smaller
11 staff. And, ah, our staff were technically, um,
12 penalized once the SCM goes south.

13 CHAIRPERSON LEVIN: Um, your staff in, in
14 secure detention, do you have a breakdown of, of, um,
15 male and female staff percentage-wise?

16 DAREK ROBINSON: Percentage? No, I
17 don't, I don't have that breakdown.

18 CHAIRPERSON LEVIN: But it's not
19 exclusively male staff, is that right?

20 DAREK ROBINSON: No, not exclusively.
21 There's a lot of female staff as well, and a lot of
22 female staff staff these, ah, halls, um, with, with
23 the males, and you know, they work with the males
24 also.

25 CHAIRPERSON LEVIN: Um-hmm, um-hmm, um...

2 DAREK ROBINSON: OK.

3 CHAIRPERSON LEVIN: Since I, you know,
4 because this is, this committee is now, I mean,
5 obviously I've worked with, um, with President Wells,
6 ah, for a number of a years. But, um, ah, certainly
7 and, and pass along, um, my regards to him. I didn't
8 know that he, he was, he had, he was recovering from,
9 from COVID. Um, please pass along my regards to him
10 and, and wish him good health from me. But, ah,
11 please let him know that he can, he, you know, he can
12 reach out to, um, this committee on issues around,
13 um, ah, juvenile justice now and, and that my line is
14 always open to him.

15 DAREK ROBINSON: All right, thank you. I
16 appreciate that. I'll let him know.

17 CHAIRPERSON LEVIN: OK, great. Thank you
18 very much. Do, do any of my colleagues have any
19 questions for Mr. Robinson? OK, seeing none, thank
20 you, Mr. Robinson, for your testimony. I look
21 forward to working with you.

22 DAREK ROBINSON: All right, thank you,
23 appreciate it.

24 CHAIRPERSON LEVIN: Yeah, thanks.
25

2 COMMITTEE COUNSEL: Thanks again, Mr.
3 Robinson. I will now call on Kate Rubin to testify.

4 SERGEANT AT ARMS: Your time will begin
5 now.

6 KATE RUBIN: OK, thank you. Good
7 morning, or afternoon by a minute. My name is Kate
8 Rubin. I'm the director of policy at Youth
9 Represent. Thank you, Chair Levin, committee
10 members, and staff for holding the hearing, and for
11 the chance to testify. I also want to say our hearts
12 are with Local 371 members and their families who
13 have been sick or are recovering or who have passed
14 away in the past year. Um, Youth Represent provides
15 legal services for young people, 24 and under, who
16 have been impacted by the criminal juvenile justice
17 system. We also advocate for changes in policy to
18 stop criminalizing youth and invest instead in young
19 people. And we're members of the Youth Justice
20 Research Collaborative, which came together to study
21 the implementation of Raise the Age in New York. And
22 we're thankful for critical support the council
23 offers for our legal work through the innovative
24 Criminal Justice Programs Initiative. Um, I go into
25 this in a lot more detail in my written testimony,

1 but I just want to underscore that the impact of
2 COVID would have been so much worse in the city if
3 we'd had as many kids in the system as we did 10
4 years ago or even five years ago. Um, youth arrest
5 and detention declined for the entire past decade,
6 culminating with sharp declines when Raise the Age
7 passed in 2017 and then went into effect. And the
8 experiment worked. Fewer kids arrested and held in
9 court penalties. Fewer families dragging younger
10 children and babies back and forth to court dates.
11 Fewer kids in secure detention facilities that, while
12 certainly better than Riker's Island, still feel like
13 jails in many way with DOC playing an ongoing role.
14 Less of all of that and crime stayed low. COVID-19
15 forced us to re-examine how many kids really needed
16 to be in the system and we appreciate that ACS
17 recognized that and worked with the courts and
18 agencies to reduce detention to historically low
19 levels. And so in July and August of 2020 there were
20 fewer than 50 admissions to detention citywide. Not
21 only do we think this should be the new baseline, we
22 think the numbers could be even lower. OCF's, OCSF's
23 data shows that a third of youth charged as juvenile
24 delinquents and remanded to detention in 2020 were
25

1 facing a top charge of a misdemeanor. And that is
2 consistent with observations that we made in Family
3 Court in the months prior to the COVID-19 lockdowns,
4 where we saw young people with open Family Court
5 cases detained for school absence, for new arrests
6 for low-level charges, and even in a few cases for
7 lack of stable housing. As you well know, every
8 single community in New York City has been hit hard
9 by COVID-19. But the same black and Latinx
10 communities that are over-represented in the juvenile
11 justice system have been the hardest hit by far and
12 that is why our call is to divest from carceral
13 systems and invest in community supports, families,
14 and young people. This is even more important as we
15 face historic budget shortfalls and make difficult
16 decisions about where to spend money. And the call
17 is echoed in recommendations of public defenders and
18 youth justice service providers, both of whom the
19 Youth Justice Research Collaborative surveyed in the
20 spring of 2020 and, ah, which I've shared in my
21 written testimony. Thank you.

23 CHAIRPERSON LEVIN: Thank you so much,
24 ah, Ms. Rubin. I look forward to reading through,
25 um, the full, the full written testimony. And, um,

1
2 and, again, I want to extend my, um, um, gratitude to
3 the work that you're doing and, um, my invitation to,
4 ah, to work with us in this committee, you know,
5 moving forward over the next, ah, 10 months while I'm
6 here, ah, to do the best we can, on behalf of the
7 [inaudible].

8 KATE RUBIN: I appreciate that.

9 COMMITTEE COUNSEL: Thank you, Kate.

10 I'll now call on Kateryn Plasencia.

11 SERGEANT AT ARMS: Your time will begin
12 now.

13 KATERYN PLASENCIA: Good afternoon,
14 everyone. Thank you, members of the Committee on
15 General Welfare for holding this important oversight
16 hearing on the city's juvenile justice system during
17 COVID-19. My name is Kateryn Plasencia and I am a
18 [inaudible] fellow with the Children's Defense Fund
19 New York and a member of the Youth Justice Research
20 Collaborative. The good news is that very few
21 children are in ACS detention and placement in New
22 York City today. However, supporting those who are
23 in custody and those in the community has proven to
24 be very challenging during the COVID-19 crisis. Last
25 money we released a report that highlighted the

1 impact of COVID-19 on the city's youth justice
2 service providers and the young people they serve.
3 The main concern expressed by the service providers
4 was the disproportionate impact COVID-19 is having on
5 communities of color, court-involved youth and those
6 in ACS detention and placement in New York City.
7 Throughout our research service providers report
8 their concern about the lack of engagement and
9 availability of need and mental health services for
10 youth in the community or even the electronics to be
11 able to do so remotely. The same applies to
12 education, where court, where court-involved children
13 in the community and ACS custody placements face
14 challenges in engaging in remote learning or
15 programming. How do we expect these children to
16 thrive and stay out of trouble when many of their
17 needs have gone unmet during this national crisis?
18 Our research examining Raise the Age in New York
19 City's courts is also important to share today.
20 Based on the report we released this past summer we
21 know that black and Latinx youth are
22 disproportionately represented within the court
23 system. Nearly all youth arrested in New York City
24 were black, 61%, or Latinx, 32%. And the vast
25

1
2 majority with male, 85%. Communities of color in New
3 York City are still over-policed. Based on our court
4 observers perceptions of youth, people's race,
5 ethnicity, 88% of the youth seen in Family Court and
6 95% of the youth seen in the youth parts were young
7 people of color. This is despite the fact that black
8 and Latinx youth represent only 22% and 36% of the
9 city's children, respectively. These extreme racial
10 disparities need to inform the city's ongoing
11 response to the COVID-19 pandemic in our youth
12 justice system. Thank you.

13 CHAIRPERSON LEVIN: Thank you so much for
14 your, thanks so much for your testimony, Ms.
15 Plasencia. Thank you.

16 COMMITTEE COUNSEL: Thank you, Ms.
17 Plasencia. I'm now going to call up our next panel.
18 Our next panel will be in the following order of
19 speaking. Katherine De Zengotita, Rashelle James,
20 and K. McKenna. And we'll begin with Katherine De
21 Zengotita.

22 SERGEANT AT ARMS: Your time will begin.

23 KATHERINE DE ZENGOTITA: Hello. Can
24 everyone hear me? OK.

25 CHAIRPERSON LEVIN: Yes.

1
2 KATHERINE DE ZENGOTITA: Um, good
3 afternoon. Thank you to Chair Levin for holding this
4 hearing and to all of you. Um, I'm apparently one of
5 about a dozen people named Kate or Katherine
6 testifying today. Um, my name is Kate De Zengotita
7 and I am a senior trial attorney with the juvenile
8 defense unit at New York County Defenders Services.
9 Ah, my unit represents Raise the Age children in
10 felony cases in both Supreme and Family Court. I
11 have been a New York City public defender for about a
12 decade. Um, I've chosen to testify on an issue
13 that's something of a gear shift from what we've been
14 discussing so far, but it is of the utmost important
15 to our young clients in these unprecedented times.
16 And that is the confiscation of cell phones by the
17 NYPD. Um, the vast majority of court appearances in
18 New York City are occurring virtually. If a child
19 does not appear in court a warrant can be issued for
20 his or her arrest and that's appear over the phone or
21 video. Um, our clients are also often required to
22 participate in programming as part of those cases,
23 which is occurring virtually as well. Participation
24 in these programs often determines, for example,
25 whether a child will earn youthful offender treatment

1 and avoid a lifelong felony record, or whether the
2 child is permitted to remain in the community at all.
3 In some cases, of course, a phone is a legitimate
4 piece of arrest evidence, and in those cases it makes
5 sense that the NYPD and prosecutors would need it for
6 a limited period of time. These scenarios represent
7 a fraction of the cases we see, where our clients
8 lose their phone to the police, often permanently.
9 Phones are held endlessly as "arrest evidence" when
10 they have no discernible connection to the criminal
11 case whatsoever. My clients and my colleagues and I
12 spend hours on the phone trying to figure out where
13 our clients' phones are and how we can get them back.
14 It is a wild goose chase and we almost always come up
15 empty-handed. Without a phone young people cannot
16 log into their court appearances. They also cannot,
17 for example, call their attorneys, their probation
18 officers, the programs they are mandated to attend
19 virtually, the remote therapy sessions they are
20 required to complete or conduct their court-ordered
21 curfew checks. If parents stay home from work so
22 that their child can use their phone, which they
23 often do, they lose money to support their family and
24 sometimes even put their jobs at risk. Moreover, the
25

1 vast majority of young people in the system come from
2 low-income families. Often the phone that was
3 confiscated was the only phone the family had and
4 therefore the entire family is left disconnected.
5 Just recently a 16-year-old client of mine was
6 arrested in his home and every electronic device in
7 the house was confiscated. And now multiple siblings
8 have no way of logging into remote school. Combined
9 with the DOE's abysmal provision of functional
10 laptops or tablets to its students, this family has
11 now been floundering for months. For another client,
12 14 years old, whose cases has been pending for almost
13 a year with literally no action on the prosecution's
14 part to move it forward at all and where there is no
15 apparent relationship between his phone and the case
16 against him, this confiscation has been a maddening
17 financial hardship. His mother is in a binding
18 service contract for this phone and she continues to
19 pay it each month despite not having the phone
20 itself. She has had to do this through a house fire
21 that destroyed everything she owned, through a
22 hospitalization for COVID that kept her from work,
23 and with no end in sight or answers about when they
24 will get the phone back. In a time when a phone

1
2 represents a young person's entire ability to engage
3 with family, school, work, and most relevant here,
4 court appearances and obligations and when cases are
5 dragging on for many months longer than usual these
6 confiscations are completely unjust and unacceptable.
7 I am asking the City Council to take up this
8 important issue, investigate it, and tackle it
9 immediately. Thank you.

10 CHAIRPERSON LEVIN: Thank you so much.
11 I'm, I'm happy to, to work with you, ah, further on
12 that. It's, obviously it's, it's, um, ah, beyond
13 just the scope of the, the agencies that are, um,
14 here testifying today, but it involves the NYPD, but
15 we should be, I'm, I'm happy to work with you on this
16 as a, um, as, as an issue, a matter related to
17 juvenile justice.

18 KATHERINE DE ZENGOTITA: Yes, thank you
19 very much.

20 CHAIRPERSON LEVIN: Yeah, thanks.

21 COMMITTEE COUNSEL: Thank you, Kate, and
22 I apologize for getting your name incorrectly.

23 KATHERINE DE ZENGOTITA: Oh, you did
24 great. It's better than most people do.

1 COMMITTEE ON GENERAL WELFARE 110
2 COMMITTEE COUNSEL: Thank you. I'm now
3 going to call on Rashelle James as our next, next
4 panelist.

5 SERGEANT AT ARMS: Your time will begin
6 now.

7 RASHELLE JAMES: Good afternoon. My name
8 is Rashelle James. I'm a fellow with the special
9 litigation and [inaudible] unit [inaudible] Legal Aid
10 Society's juvenile rights practice. We're the
11 primary provider of legal representation for children
12 charged with juvenile delinquents, juvenile
13 offenders, and adolescent offenders in the City of
14 New York. We thank Chair Levin for holding today's
15 hearing and for giving us an opportunity to share our
16 testimony. I'll not read our full testimony, but
17 encourages the council to read it. While the city
18 and ACS have made substantial efforts to get children
19 in detention in placement home to their families and
20 to increase safety of those who remain in these
21 facilities, the dangers of COVID-19 remain very real
22 and more must be done. First, the city must ensure
23 that detention and placement staff abide by the rules
24 requiring proper use of PPE in these facilities. Our
25 staff have witnessed facility staff appear on video

1
2 conference with our clients without wearing a mask
3 properly or at all. We have also received reports of
4 failures in observing social distancing and other
5 protocols put into place to keep both staff and youth
6 safe. Thankfully we now have vaccines for COVID-19,
7 one of which can be administered to anyone 16 years
8 of age or older. Youth in detention and placement,
9 youth in detention and placement should be
10 prioritized. Depriving youth who are at higher risk
11 of infection due to being held in congregate
12 detention and placement facilities, as well as due to
13 higher rates of comorbidities, the opportunity to
14 receive the COVID-19 vaccine, even though they have
15 been deemed eligible by NYS Department of Health
16 flies in the face of the equity and fairness
17 principles that the city espouses. City [inaudible]
18 ACS should push OCSF to amend its guidance to include
19 youth in detention and other congregate settings that
20 have been permitted by DOH to receive vaccines in
21 stage 1-B. Second, we share the same concerns
22 regarding confiscation of youth cell phones,
23 discussed in case testimony and addressed in our own
24 written testimony. Third, we have been actively
25 working with the Department of Education and ACS to

1 address obstacles to engagement in remote learning in
2 detention and placement. As a result, we
3 successfully advocated for funding for tutors to come
4 in person in afternoons and assist students. This
5 program is key. We ask that the council ensure that
6 this program continues to be funded at least until
7 vaccines again allow for in-person [inaudible].
8 Finally, COVID-19 delays have also created
9 significant delays in filing petitions in Family
10 Court. Crucially, the delay in filing petitions
11 delays the assignment of counsel, our ability to
12 meaningfully investigate a case, and to ensure the
13 preservation of key evidence, like witness testimony
14 and secure camera footage. Time is truly of the
15 essence for our clients. There's also a lesson from
16 this time. With continued Family Court adjournment
17 youth have had to wait months before coming before
18 the court. Of the youth whose cases have been
19 delayed, many have had no further contact with law
20 enforcement despite this extended period of time.
21 This demonstrates that more youth may be able to
22 benefit from adjustment than previously thought. As
23 a result, the city should reevaluate the process for
24 deciding which cases are approved for adjustment to
25

1
2 ensure that the juvenile legal system is not over-
3 reacting to normal adolescent behavior and
4 criminalizing behavior of youth of color who suffer
5 from over-policing. Thank you again for holding this
6 hearing on these critical issues.

7 CHAIRPERSON LEVIN: Thank you so much,
8 thank you very much for your testimony. I greatly
9 appreciate it. Thank you.

10 COMMITTEE COUNSEL: Thank you, Rashelle.
11 I'm going to call up our next panelist. Before I do,
12 I do want to remind that the following panel will be
13 Julia Davis and Charlotte Pope. And now I'm going to
14 call on K. McKenna of Brooklyn Defender Services.

15 SERGEANT AT ARMS: Your time will begin
16 now.

17 ELENA ROTHMAN: Thank you. Good
18 afternoon. My name is Elena Rothman, not Kathleen
19 McKenna, and as a supervising attorney in the
20 adolescent unit at Brooklyn Defender Services I want
21 to thank the Committee on General Welfare for holding
22 this important discussion on the juvenile justice
23 system during the COVID-19 pandemic. As we near the
24 one-year anniversary of the closure of Family Court
25 we are reminded of what Martin Luther King, Jr. said.

1
2 Justice too long delayed is justice denied. And when
3 we are talking about juveniles, our clients who are
4 children, the judiciary and social scientists
5 understand that the express purpose of the Family
6 Court Act must be to assure swift and certain
7 adjudication at all phases of the delinquency
8 proceeding. Black and brown communities have been
9 hit hardest by the global pandemic and because of
10 racist systems and policies studies show that it is
11 youth from those same communities who are further
12 traumatized by contact with juvenile justice system.
13 While the Department of Probation is adjusting many
14 cases and corporation counsel is attempting to divert
15 more cases than ever, as those are the two
16 organizations responsible for diverging decisions,
17 which ACS is not, and corporation counsel is actively
18 seeking to resolve already filed cases, there are
19 still hundreds of black and brown children without
20 any movement towards resolution of their situation
21 and no opportunity for due process. With no movement
22 towards any resolution, presentation of innocence or
23 finding of guilt, youth and their families are left
24 unsure about what the future holds with regards to
25 their arrest at a time of already unprecedented

1
2 uncertainty. The delay in filing and resolution of
3 cases means that youth are not getting the services
4 they might need in any proximate and effective manner
5 in relation to the incident, including the
6 possibility of being removed from their home,
7 undermining the very intent of the Family Court Act.
8 We thank the City Council for holding this important
9 hearing today and shining a light on the impact
10 COVID-19 has had for young people with court
11 investment. Thank you for the opportunity to speak,
12 and I welcome any questions.

13 CHAIRPERSON LEVIN: Thank you very much,
14 ah, Ms. Rothman. Thank you.

15 COMMITTEE COUNSEL: Thank you, Elena, and
16 I apologize for getting your name wrong entirely.

17 ELENA ROTHMAN: It is no worries at all
18 [laughs].

19 COMMITTEE COUNSEL: I'm now going to call
20 up our next panel. Our next panel will be Julia
21 Davis, followed by Charlotte Pope, and we will begin
22 with Julia Davis.

23 JULIA DAVIS: Great. Thank you so much,
24 ah, Chair...

25 SERGEANT AT ARMS: Your time will begin.

1
2 JULIA DAVIS: ...Levin and members of the
3 committee. I'm Julia Davis. I'm the director of
4 youth justice and child welfare at the Children's
5 Defense Fund in New York, and we do work on policy
6 related to children who have contact with the
7 criminal justice system. I wanted to, ah, ask you to
8 take a look at the submission we made, which includes
9 a lot of research that's come out of Youth Justice
10 Research Collaborative. We did surveys of the
11 defense bar and community service providers who are
12 working with kids during COVID. I want to highlight
13 a few things today that I think are important, as you
14 think about the way that this committee is going to
15 engage with these issues over the next 10 months.
16 One is I want to encourage you to really think about,
17 um, what, ah, Committee Member D. Diaz said, which is
18 that the black and Latinx communities in New York
19 have been very, very hard hit by COVID. When we look
20 at the deaths of parents and guardians from COVID in
21 New York State 50% of them, actually 57%, happened
22 here in New York City. So we're really in an
23 incredibly perilous time for young people and
24 families, and that does two things in the juvenile
25 justice system. One is it increases the likelihood

1 that young people will be in crisis and come into the
2 system. It also makes it incredibly difficult to
3 serve those kids, both in the community and in
4 facilities, and we've heard a lot about that today.
5 I think there are some things that the committee
6 should really focus on as it thinks about the scope
7 of its youth justice work going forward. One,
8 thinking about how alternatives in the community,
9 including more types of supportive housing, can work
10 to keep more kids out of detention. Kate Rubin
11 mentioned, ah, that many, many young people in
12 detention today are in on misdemeanor charges and
13 have very low levels of risk associated with them,
14 based on probation analysis. We know more people can
15 be home, more young people can be home. But we can
16 do that only if we have more spaces for them and more
17 supports for them in the community. And that's what
18 we found in our survey, talking with defenders and
19 talking with community board providers. It's also
20 important that young people have money now. Economic
21 supports in the, you know, as grants, as stipends, as
22 emergency funds to buy phones, to buy computers, to
23 pay for bills right now, is critical. And the more
24 we can make those types of small investments the more
25

1
2 we're gonna keep young people out of the system and
3 get them home sooner. We also need to restore in-
4 person services for all young people as soon as
5 possible, in every building, in every community, and
6 so that means prioritizing that workforce for
7 vaccination and for any types of supports they need
8 to connect with our young people. If we don't do
9 that we will see young people coming into this system
10 more and more and more and staying for longer periods
11 of time. The last thing I want to say is we need to
12 be investing in community-based organizations like
13 Exalt and others that are doing this work. They need
14 more money, resources, flexibility to do this. The
15 work is harder. The young people are facing much
16 more difficult challenges. They need to have, um, a
17 lot of flexibility and, and, and support...

18 SERGEANT AT ARMS: Your time has expired.

19 JULIA DAVIS: ...in order to move forward.

20 CHAIRPERSON LEVIN: You can continue,
21 yeah, go ahead.

22 JULIA DAVIS: Yeah, so I think, the last
23 piece I'd love to have this committee think about is
24 how do we center young people at risk of contact with
25 the system and those who have had contact with the

1
2 system as the city develops employment strategies
3 post COVID. When we're thinking about how the city
4 recovers, how do we prioritize this group of kids?
5 They lost out on SYEP, they're losing out on
6 opportunities to connect with service providers for
7 employment and financial supports. Could this
8 committee really prioritize this group of young
9 people for creative work going forward as the city
10 thinks about economic recovery. Thank you.

11 CHAIRPERSON LEVIN: Thank you very much.
12 Um, I would like to, to do that in, in partnership,
13 and so I, I, you know, I want to extend an
14 investigation, um, to start thinking about that now,
15 um, you know, as we approach the budget season so
16 that we're making sure that those opportunities are,
17 are there in the budget and, and fully funded. Just
18 give a thumbs up [laughs]. Thank you.

19 COMMITTEE COUNSEL: Thank you, Julia.
20 And now I'll call on Charlotte Pope as our next
21 panelist.

22 SERGEANT AT ARMS: Your time will begin
23 now.

24 CHARLOTTE POPE: Thank you. Thank you,
25 Chair Levin and members and staff of the committee.

1
2 My name is Charlotte Pope and I'm testifying on
3 behalf of Girls for Gender Equity. Every weekday
4 OCSF posts daily detention bed capacity and so for
5 the past 46 weeks GGE has been tracking the changing
6 population of youth incarcerated at Crossroads and
7 Horizon. And according to our tracking the
8 population of young people has jumped from sixties in
9 April 2020 to over 110 reported yesterday, a jump of
10 70% since we started tracking during the pandemic.
11 Ah, because it came up earlier but I didn't hear it
12 fully answered, I just want to read aloud that
13 comparing the first four months of this fiscal year
14 to fiscal year 2020 there was a 65% increase in
15 length of stay in detention, from 23 to 38 days.
16 Aside from the council convening these oversight
17 hearings, there's limited public transparency on
18 conditions of confinement and we'd call on the
19 council to legislate public reporting similar to
20 Introduction 1954 passed last June that requires DOC
21 and Correctional Health Services to issue reports
22 during public health emergencies. The most recently
23 reported average daily cost per youth per day in
24 detention is now over \$2000. We'll note that's up
25 25% from \$1600 in the prior year. At that price we

1 estimate that the total cost of incarcerating girls
2 in detention during the pandemic has reached nearly 2
3 million dollars. That's with an average daily
4 population of around two incarcerated girls per day.
5 On schooling, the DOE is experiencing tremendous
6 resource and staffing challenges due to the blended
7 learning model underway citywide and we encourage the
8 council to again advocate that the city pursue
9 decarceration as a solution to issues of compromised
10 access to education. Alarming also, the new Mayor's
11 Management Report discloses that ACS is working
12 closely with the Department of Investigation to
13 conduct canine searches in detention and quote
14 continues to work towards building its own internal
15 capacity in this area. GGE is staunchly opposed to
16 growing detention operations in this way and because
17 we didn't hear it come up during today's hearing we
18 would appearance council's oversight here as well.
19 I'll say that we've also submitted detailed written
20 testimony, and so we thank the council for this
21 oversight again and attention to these issues. Thank
22 you for this opportunity to speak.

24 CHAIRPERSON LEVIN: Um, thank you, Ms.

25 Pope. I, I, um, I wasn't aware of that last point

1
2 that you made, and so I could follow up with, um,
3 with ACS around that. Um, and, and I just want to
4 thank GGE. We, um, my office had, has been, has been
5 engaging with, with, ah, GGE around, um, um, moving
6 towards, um, moving towards a circumstance in which
7 we have no girls in juvenile detention in the City of
8 New York. Um, um, Elizabeth Adams, my legislative
9 director, had been working with, with you guys prior
10 to us taking over, ah, juvenile justice portfolio.
11 So, so, I would like to continue doing that and, and
12 obviously greatly appreciate all the, all the
13 partnership with GGE, um, and that, that you all have
14 with my office over the years and, and look forward
15 to continuing that. Thank you.

16 COMMITTEE COUNSEL: Thank you again,
17 Charlotte, and thank you, Chair Levin. At this point
18 we have heard from everyone who has signed up to
19 testify, and we appreciate your time and presence.
20 If we inadvertently missed anyone that would like to
21 testify please at this point use the Zoom hand raise
22 function and I will call on you in the order of hand
23 raised. OK, seeing no one else, I'd like to note
24 that written testimony, which will be reviewed in
25 full by committee staff, may be submitted for the

1
2 record up to 72 hours after the close of this
3 hearing, and you can do that by emailing it to
4 testimony@council.nyc.gov. Again, that's
5 testimony@council.nyc.gov. Chair Levin, we have
6 concluded public testimony for this hearing.

7 CHAIRPERSON LEVIN: Thank you, Counsel
8 Kilawan. Um, and thank you to everybody that, that
9 testified today and, um, I just want to commit to you
10 all now that, um, because this was a, you know, our
11 first hearing, um, ah, on the subject matter of
12 juvenile justice in the General Welfare Committee,
13 this was a first step, um, and, ah, and I, I feel
14 that I learned a lot and I think, ah, ah, committee
15 members and committee staff learned a lot as well
16 today. Um, but this is not, um, you know, this isn't
17 just a pro forma thing or something, you know, where
18 we're gonna be checking a box. We, we want to make
19 sure that we're delving into the issues that were
20 raised in public testimony today, um, and, um, and
21 moving forward, so we have an opportunity to have
22 follow-up during the preliminary budget hearing next
23 month, um, the executive budgeting hearing in May
24 and, um, and then at least one other, ah, opportunity
25 for an oversight hearing, um, ah, in the fall. So,

1
2 um, um, I commit to you all that I, I will be
3 available at any time, um, to address matters that
4 you've raised, um, as members of the public and, and
5 providers, um, and staff, um, during this hearing and
6 I look forward to doing that over the next 10 months
7 and 11 days, um, while I'm still in office. So, um,
8 thank you all so much for your time today. I want to
9 thank our Sergeants at Arms and staff of the council,
10 um, who, um, have, ah, you know, worked really
11 diligently, um, these months in, in conducting all,
12 all of our hearings, ah, so I greatly appreciate all
13 the, all the work that you all have done in making
14 these hearings go smoothly, um, and, um, and with
15 that this hearing is adjourned. [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 March 30, 2021