

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUVENILE JUSTICE

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December 6, 2017  
Start: 1:23 p.m.  
Recess: 4:15 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: FERNANDO CABRERA  
Chairperson

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

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

Felipe Franco, Commissioner  
Opportunities for Youth  
Division of Juvenile Justice

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

Anna Maslow, Department of Correction

Nicole Claris  
Mayor's Office of Criminal Justice

Anthony Wells, President  
Social Service Employees Union, Local 371

Bruce Payne, Juvenile Counselor  
Horizon facility

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

Kate Ruben, Director of Policy  
Youth Represent

Christine Bella  
Legal Aid Society's Juvenile Rights Practice

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

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

Cody Nowak, Prospect Hill Foundation

Christine Pahigian, Executive Director  
Friends of Island Academy

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

Gisele Castro, Executive Director  
Exalt Youth

2 [sound check, pause] [gavel]

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

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

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

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

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

17 COMMISSIONER FRANCO: Felipe Franco with  
18 ACS.

19 ANNA MASLOW: Anna Maslow, DOC

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

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

2 PANEL MEMBERS: [in unison] Yes.

3 CHAIRPERSON CABRERA: You may begin.

4 DANA KAPLAN: Great. Good afternoon

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

2 safe neighborhoods. The topic of today's hearing the  
3 city's plans to implement raise the age, can be seen  
4 in the larger context. In the last four years in New  
5 York City we've seen an acceleration of the trends  
6 that have defined the public safety landscape in the  
7 city over the last three decades. While jail and  
8 prison populations around the country increased, New  
9 York City's jail population has fallen by half since  
10 1990, and in the last four years the jail population  
11 dropped by 20% giving us the lowest incarceration  
12 rate of any big city and the steepest four-year  
13 decline in the size of the jail population since  
14 1998. Since 2014 in particular, the number of 16 and  
15 17-year-olds in custody and the number of youth in  
16 secure juvenile detention have both dropped  
17 significantly about 60% each from 409 to 143  
18 adolescents in DOC facilities, and an average daily  
19 population most recently in ACS of 150 to 58. This  
20 is even as our crime rate has continued its downward  
21 trend. Last year was the safest year in COMPSTAT  
22 history and low level enforcement has also reduced  
23 dramatically. This is unique proof that  
24 jurisdictions can have more safety and smaller jails  
25 and it is upon this progress that we are currently

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

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

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

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

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

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

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

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

2 significant public support. This is significant  
3 because construction cannot begin until ULURP is  
4 completed, and because of this reality, the city can  
5 only use a facility that will not trigger this if it  
6 is to meet the October 1, 2018 deadline. We are  
7 committed to funding diversion programs to ensure  
8 that the detention of adolescents is used only when  
9 appropriate and for the least amount of time  
10 possible. The city is investing in case expediting  
11 supports and a second look program to decrease the  
12 amount of time that young people spend on Rikers  
13 Island and identify adolescents who may be eligible  
14 for at least a community based supervision. Expanded  
15 supervised release for young adults and other  
16 interventions to target JVs, JOs, AOs, and the  
17 population of young people currently in detention on  
18 Rikers Island. New York City's reforms aimed at safe  
19 for reducing the number of detained young people have  
20 already been very successful. As I mentioned, the  
21 average daily jail population this calendar year of  
22 143 to date from custody of DOC and 58 in ACS secure  
23 detention. But as we prepare for implementation, we  
24 are expanding our efforts and have partnered with  
25 Annie E. Casey Foundation to provide additional

2 technical assistance to support this important work.

3 As we develop the necessary detention capacity for

4 Raise the Age, we are also focused on ensuring that

5 detention is used judiciously, only as appropriate

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

7 implementation efforts are centered on building off

8 of past supports and investments for community-based

9 interventions, and identifying where we can be doing

10 more to fill needed gaps in the continuum

11 particularly at the neighborhood level. We plan to

12 implement a plan—a phase—a plan’s phasing of primary

13 responsibility for oversight of adolescent offenders

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

15 to ACS. Raise the Age contemplates joint operation

16 of the specialized secure detention facilities by AO—

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

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

19 assume responsibility for the delivery of medical and

20 case management services as well as recreational

21 programming within the SSD facilities. With respect

22 to security, ACS does not currently have sufficient

23 staffing capacity to manage this expanded population

24 of older youth who will be housed in these detention

25 facilities post Raise the Age, and as such, this

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

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

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

2 agencies in the early stages of implementation  
3 including potentially a mechanism for obtaining  
4 waivers when appropriate. We are requesting  
5 expedited approval from OCFS and SCOC for licensure  
6 of Crossroads/Horizons and the intake facility.

7 Given the 18-month timeline in which New York City  
8 has to plan, renovate and operationalize facilities,  
9 we request that the regulatory agencies put into  
10 place an expedited approval process to significantly  
11 reduce the timeline typical for licensure of a  
12 facility following renovations, which can be up to  
13 two to three months. We request approval for  
14 comingling populations when safe and appropriate.

15 Ads-AOs, JDs and JOs are classified based on charge,  
16 court-age, charge and court process, Family versus  
17 Criminal Court. However, given other considerations  
18 related to security and the appropriate and efficient  
19 provisions of services and eight programs, the City  
20 has requested approval to comingle young people on  
21 the basis of a classification system that takes into  
22 consideration all of the relevant factors including  
23 age and consideration of risk. This will avoid  
24 needless inefficiencies that could—that could be  
25 created through strict prohibitions against

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

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

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

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

4 COMMISSIONER FRANCO: Thank you, Dana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 COMMISSIONER FRANCO: Uh-hm.

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

2 instruction knowing that they have very different  
3 needs?

4 COMMISSIONER FRANCO: This thing is a  
5 Power Point. (sic) I mean, something to keep in mind  
6 is that actually not all juvenile delinquents are in  
7 detention or in secure detention and, you know, a  
8 fact that actually we should be proud of in New York  
9 City now that the majority are actually younger than  
10 13 young people that we have in detention are usually  
11 in non-secure detention placements. One of the  
12 things that city is investing in is enhancing our  
13 non-secure detention continuum, and we hope that, you  
14 know, we could influence the courts and others to  
15 have a significant number of the younger kids be in  
16 non-secure detention sites. So, but we do have  
17 young-young kids, and actually we had a girl recently  
18 from USB Kids (sic) out of secure detention. We—we  
19 do everything that we can to have them in different  
20 homes.

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

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

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

14 COUNCIL MEMBER BARRON: Ocean Hill,  
15 Brownsville.

16 DANA KAPLAN: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

20 COMMISSIONER FRANCO: Council Member  
21 Barron--

22 COUNCIL MEMBER BARRON: [interposing]  
23 Yes.

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

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

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

19 COMMISSIONER FRANCO: Sure.

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

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

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

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

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

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

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

10 COMMISSIONER FRANCO: Yeah, I-I--

11 COUNCIL MEMBER BARRON: [interposing]

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

14 COMMISSIONER FRANCO: Okay.

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

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

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

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

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

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

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

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

24

25

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

5 DANA KAPLAN: Uh-hm.

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

8 DANA KAPLAN: We are—let me be very  
9 clear. We are committed to doing community  
10 engagement.

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

13 DANA KAPLAN: Uh-hm. Yes.

14 COUNCIL MEMBER PERKINS: Trouble. So  
15 what—what do we do make intentions requirements?

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

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

23 DANA KAPLAN: Uh-hm.

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

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

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

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

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

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

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

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

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

19 COMMISSIONER FRANCO: Uh-hm.

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

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

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

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

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

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

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

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

17 COMMISSIONER FRANCO: The—the two secure  
18 detention sites that we talked about?

19 COUNCIL MEMBER PERKINS: Yes.

20 COMMISSIONER FRANCO: We could provide  
21 those addresses.

22 COUNCIL MEMBER PERKINS: Yes, please do.

23 COMMISSIONER FRANCO: Sure.

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

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

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

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

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

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

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

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

2 COMMISSIONER FRANCO: [interposing]

3 Council Member, we have tried to--

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

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

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

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

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

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

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

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

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

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

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

7 DANA KAPLAN: [interposing] So the--

8 CHAIRPERSON CABRERA: Explain to me the  
9 process here.

10 DANA KAPLAN: So, the regulations we-we  
11 have not received regulations from the State.  
12 Because of the tight timeframe, of course, we are  
13 moving ahead with renovations, and have presented  
14 those plans to the State. So, we have shared the  
15 renovation plans for Crossroads and Horizon, and  
16 those renovations are currently underway. I should  
17 also say that, you know, we've had some support from  
18 the Comptroller's Office--which has been greatly  
19 appreciated--to make sure that we can expedite  
20 procurement on--on all of that and just, you know, a  
21 real recognition of the urgency of Raise the Age and  
22 making sure that these facilities can be in a state  
23 of good repair and have sufficient programming and  
24 recreational space by next year. And so, all of that  
25 is currently underway although we are certainly still

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

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

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

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

4 COMMISSIONER FRANCO: And Council Member.

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

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

24 CHAIRPERSON CABRERA: And when was that?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 COMMISSIONER FRANCO: We need a  
13 significant number of staff.

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

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

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

24 CHAIRPERSON CABRERA: How much do they  
25 make right now?

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

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

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

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

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

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

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

7 COMMISSIONER FRANCO: Yep.

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

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

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

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

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

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

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

2 COMMISSIONER FRANCO: How many counselors  
3 what?

4 CHAIRPERSON CABRERA: Do we need?

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

14 CHAIRPERSON CABRERA: By 2020, 300?

15 COMMISSIONER FRANCO: More besides the 50  
16 now.

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

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

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

4 CHAIRPERSON CABRERA: Do you--

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

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

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

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

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

24

25

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

5 COMMISSIONER FRANCO: Uh-hm.

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

8 COMMISSIONER FRANCO: Yeah, we're  
9 actually reviewing that that. We have actually  
10 expanded free service academy that used to be about  
11 10 weeks to 12 weeks. We are learning that that may  
12 not be enough, and I feel that whatever we are  
13 hearing from our staff is that well, it's essential  
14 and I'm looking at some of them. I'm looking at  
15 Parker that usually reminds me of this, but it's  
16 really essentially that actually you have the  
17 technical assistance and the training embedded within  
18 the facilities. Because these are not the things  
19 that you learn in the classroom. You could do a very  
20 lengthy training, but unless you have experts  
21 reminding the staff and supporting the staff of how  
22 to apply the techniques, or how to be a scholar's  
23 (sic) behavior, and that only happens in the context  
24 of the facility. Staff doesn't get better. So--

2 CHAIRPERSON CABRERA: [interposing] Do we  
3 have consultants?

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

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

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

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

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

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

15 DANA KAPLAN: Yes.

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

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

22 COUNCIL MEMBER BARRON: Right.

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

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

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

11 DANA KAPLAN: No.

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

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

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

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

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

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

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

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

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

15 DANA KAPLAN: Absolutely.

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

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

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

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

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

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

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

5 COMMISSIONER FRANCO: In Secure  
6 Detention?

7 CHAIRPERSON CABRERA: Uh-hm, Secure.

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

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

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

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

17 COMMISSIONER FRANCO: [interposing] We  
18 do.

19 CHAIRPERSON CABRERA: --an 18-year-old,  
20 12-year-old, they're in lunch and so just the  
21 intimidation factor.

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

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

9 CHAIRPERSON CABRERA: How long will  
10 corrections be involved?

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

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

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

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

13 CHAIRPERSON CABRERA: Okay.

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

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

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

4 COMMISSIONER FRANCO: Thank you.

5 CHAIRPERSON CABRERA: Thank you so much.

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

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

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

12 CHAIRPERSON CABRERA: Oh, thank you.

13 ANTHONY WELLS: It takes me a little  
14 while, Chairman now to walk across these days. Good  
15 afternoon. My name is Anthony Wells. I am the  
16 President of the Social Service Employees Union,  
17 Local 371 who represent employees in secure detention  
18 of many titles including Juvenile Counselors as well  
19 as caseworkers, social workers and other staff. Let  
20 me just give you a little aside. It happens that I  
21 started in Department of Juvenile Justice System as a  
22 case worker in June of 1980. I then went to BCW in  
23 1983 as a case worker, and then I went to work for  
24 the Union in 1988. So, over the last 37 years, I've  
25 been involved with both child welfare and Juvenile

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

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

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

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

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

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

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

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

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

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

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

14 ANTHONY WELLS: Let me give two things  
15 before you do. So, you who the two gentlemen are  
16 sitting there? The one on my left is Alex Parker.  
17 He's a previous rep for the Union, but he was a  
18 Juvenile Counselor and the Tour Commander for over  
19 25? Over 25 years. The gentleman on the right is  
20 Derek Robinson, and he actually is our Vice President  
21 of Grievances Legislation. He also was a Juvenile  
22 Counselor and Tour Commander for over 25 years. Okay.  
23 So, we want to share it with you. We also want to  
24 say to you we do have a concern. I raised those  
25 questions about comingling because we have a concern

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

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

16 CHAIRPERSON CABRERA: Uh-hm.

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

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

15 ANTHONY WELLS: Thank you, Bruce.

16 BRUCE PAYNE: Thank you.

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

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

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

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

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

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

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

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

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

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

18 CHAIRPERSON CABRERA: 1 to 4. Yeah.

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

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

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

12 ANTHONY WELLS: You specialize.

13 BRUCE PAYNE: Repeat the question again,  
14 please.

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

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

24 CHAIRPERSON CABRERA: Right.

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

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

18 ANTHONY WELLS: [interposing] Yes,  
19 Special Officers.

20 CHAIRPERSON CABRERA: --they come to your  
21 rescue?

22 ANTHONY WELLS: Yes, Special Officers.

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

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

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

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

10 CHAIRPERSON CABRERA: Right.

11 BRUCE PAYNE: --no.

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

14 ANTHONY WELLS: No.

15 CHAIRPERSON CABRERA: Okay. So, great.

16 The--the other question I was going to ask you what  
17 percentage of the young people in Horizon and  
18 Crossroads do you estimate are involving gangs right  
19 now? [background comments]

20 BRUCE PAYNE: Yes, uh-hm, 90.

21 CHAIRPERSON CABRERA: 90%?

22 BRUCE PAYNE: For sure.

23 CHAIRPERSON CABRERA: 90?

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

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

17 CHAIRPERSON CABRERA: Two more quick  
18 questions.

19 ALEX PARKER: Councilman.

20 CHAIRPERSON CABRERA: Yes.

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

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

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

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

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

8 CHAIRPERSON CABRERA: That's good.

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

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

15 ANTHONY WELLS: Thank you, Chair.

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

19 BRUCE PAYNE: Thank you.

20 ANTHONY WELLS: Thank you.

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

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

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

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

11 BETH POWERS: [interposing] It was not  
12 on.

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

16 BETH POWERS: Great. Thank you.

17 CHAIRPERSON CABRERA: Thank you.

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

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

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

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

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

15 CHAIRPERSON CABRERA: [interposing] You  
16 can continue.

17 BETH POWERS: --monitoring  
18 implementation.

19 CHAIRPERSON CABRERA: Go ahead. Go  
20 ahead.

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

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

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

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

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

2 incarceration even for serious and violent charges.

3 Thank you.

4 CHRISTINE BELLA: Okay. Good afternoon.

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

6 Feinman from the Legal Aid Society's Juvenile Rights

7 Practice. Again, thank you for the opportunity to

8 testify today on this important topic. So, the Legal

9 Aid Society supports Raise the Age and we are-

10 reiterate our call to the city to-and to continue to

11 engage the stakeholders in a thorough and transparent

12 process to ensure that all policies including this

13 new classification system that's been introduced

14 today and the comingling practice of-practices that

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

16 at the table informing the city about how to best

17 proceed with classification and co-mingling. As we

18 understand that-that those are both important to

19 maintain the safety of the youth in the facility.

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

21 year-olds remaining in adult jails and prisons along

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

23 lead to greater protections and better outcomes for

24 incarcerated youth. Youth have a Constitutional

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

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

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

5 The city must envision a safer more effective way to

6 care for the custody of teens that are housed in

7 these new facilities. We want to see that ACS

8 facilities be duly licensed. We do think that that

9 affording ACS the flexibility to move JOs and JDs

10 from one facility to another is important that that

11 continues. We want youth to be able to remain close

12 to their families and communities and legal teams

13 because access to their supports during these crisis

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

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

16 comingling, but the classification system has to be

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

18 Department of Corrections again could extend its

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

20 look at the monitor, the fourth monitor report the

21 Nunez litigation, which does lay out the current

22 problems that persist at Rikers Island under the

23 supervision of the Department of Corrections. I

24 think that's critical finding when involved in this

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

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

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

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

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

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

4 COMMISSIONER FRANCO: Well, thank you so  
5 much for that point because that point has not been  
6 brought up during today's hearing. This smaller  
7 facility are they—are they going to have the services  
8 that that come from Carnegie Hall, that come from all  
9 the other groups that have been contacted. So, it's  
10 I mean it's a smaller facility meaning, you know, and  
11 it's not in Horizon and Crossroads that it's going to  
12 be a greater expense because it's in a different  
13 facility. The economy of scale won't be there. So,  
14 that's—that's a really good point. I'll make sure to  
15 follow up on that. I wanted to ask you because you  
16 mentioned that we heard the testimony from the  
17 Administration that it will be 20 months with DOC  
18 correction officers really getting involved. Do you  
19 think that is a good number? I thought I heard  
20 somebody say no, October, but if it's not, then you  
21 know, we don't—I—I—there's no way we're going to get  
22 500 trained or 300 or 500 or whatever they're going  
23 to end up with, counselors. So, what are we doing  
24 between?

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

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

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

2 CHAIRPERSON CABRERA: Yeah, I just see  
3 different forces at work here and I-I agree with you  
4 100%. The challenge here is the State. The State  
5 has dragged their feet, and delayed everyone with  
6 their strategies and implementations and execution  
7 and, therefore, we haven't even begun with  
8 recruitment. I mean we're not even at the training  
9 level. It's just basic recruitment, and honestly, I  
10 don't think they're going to have it already for it  
11 by October. That's, you know, I'm usually a very  
12 optimistic person. I'm also pragmatic and realistic  
13 and like to deal with facts. So, I guess the next  
14 best thing that I think I heard is what do we do in  
15 that Plan B in that transition to make sure? I heard  
16 you mention the training. I think that's definitely  
17 vital. You mentioned-my last question here is  
18 relating to class-classification. So you have any  
19 suggestion what those classifications and the  
20 variables involved, the criteria? Because I haven't  
21 heard much of the specifics today regarding that?

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

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

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

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

7 CHAIRPERSON CABRERA: Well. Yes.

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

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

11 BETH POWERS: [interposing] I have--

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

14 BETH POWERS: I have one comment about  
15 the DOT.

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

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

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

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

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

22 CHAIRPERSON CABRERA: I personally--

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

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

4 CHAIRPERSON CABRERA: I personally  
5 believe that the starting pay for that job should be  
6 \$50,000. I mean it's just a level of intensity. I-  
7 I, you know, I-in my other life, I did counseling and  
8 I'm Licensed Mental Health Counselor, I'm a Doctor in  
9 Counseling. I taught at a university, and when I see  
10 the affect, when I see the level of pressure that  
11 they're working on and the levels of discussion I  
12 have with them, there-~~there~~ has to-~~there~~ has to be-  
13 there has to be some kind of compensation for that-  
14 that they could use in their own private life. You  
15 have more money, you could do other things that would  
16 help you depressurize.

17 CHRISTINE BELLA: Yes.

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

22 CHRISTINE BELLA: Thank you.

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

2 when it comes to the classification and the other  
3 issues that are going to be coming out in this next  
4 12, no 8 months coming up 10 months.

5 BETH POWERS: Thank you.

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

20 JULIE PETERSON: I'll start. [laughs]  
21 Thank you. My name is Julie Peterson. I'm a Senior  
22 Program Officer at the Pinkerton Foundation and also  
23 the Co-Chair of the New York Youth Justice  
24 Initiative, which is a group of funders interested in  
25 youth justice. The Pinkerton Foundation funds

1 programs for young people in New York City, hundreds  
2 of after school science, art and sports programs. We  
3 also focus on programs for young people involved in  
4 the Justice and the Child Welfare systems. I applaud  
5 New York's efforts to Raise the Age of Criminal Court  
6 jurisdiction and I am thrilled that 16 and 17-year-  
7 olds will be moved off of Rikers Island by October  
8 2018. I bring my voice to bear today in the hope  
9 that New York City will take this moment of reform to  
10 further improve youth justice. It's imperative as  
11 the age is raised to support transformative  
12 programing for young adults both within and outside  
13 of incarcerative settings. In the past few years,  
14 ACS, DOC, DOP and DYCD have made efforts to improve  
15 programming for justice involved young people. The  
16 Pinkerton Foundation supports many of these programs.  
17 As the age is raised, the city must support increased  
18 programming for the 16 and 17-year-olds who will be  
19 at the ACS facilities and then continue to support  
20 robust programming for the 18 to 24-year-olds in DOC  
21 and DOP custody. Young adults in the Justice System  
22 need programming that provides hope, opportunity and  
23 a positive sense of community. New York City is rich  
24 in quality programs. As a funder, I see the powerful  
25

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

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

4 CHAIRPERSON CABRERA: Thank you. Next.

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

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

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

21 CHAIRPERSON CABRERA: Thank you.

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

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

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

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

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

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

14 I also want to thank the Division of Youth and Family  
15 Justice for their internal work with their key ACS

16 Division in identifying ACS' specific implementations  
17 actions. As an avid-as advocate, I understand the

18 challenges that come with the new legislation

19 including uncertainty surrounding part of this

20 particular one as well as the immense work that must

21 be done in effectively communicating priorities and

22 plan with space and oversight bodies. However, these

23 challenges do not-must not prevent the effort and

24 comprehensive approach to this legislation. This is

25 why our conversation today is very important. At

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

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

6 [background comments]

7 CHRISTINE PAHIGIAN: So, my glasses just  
8 broke. So, I get an extra second because I have to  
9 open them. [laughs] Broken. Chairman Cabrera and  
10 members of the Committee, thank you for the  
11 opportunity to address you. My name is Christine  
12 Pahigian, and I serve as the Executive Director of  
13 Friends of Island Academy. Friends is a non-profit  
14 organization based in Central Harlem, which was  
15 founded in 1990 on the school floors of Rikers  
16 Island. At that time, the City held about 23,000  
17 people per night on Rikers out of which about 3,500  
18 were adolescent 16, 17 and 18. Friends was created  
19 28 years ago specifically to address the transitional  
20 and post-release support needs of young people on  
21 Rikers that was defined back then as kids 16 to 18.  
22 That was the land of the sands at that time, for whom  
23 neither discharge planning nor aftercare support  
24 services existed. It's always felt to me that the  
25 confluence in New York's Justice System as well as

2 policies, rules and practices are nowhere more  
3 complex than when you view them through the lens of  
4 the of the custody of young people between the ages  
5 of 13 and 18. Many of those laws and practices such  
6 as the passage of the Jail Law in 1979, driven by the  
7 headlines in an election year of super predators, a  
8 term coined by principal criminologist in the early  
9 90s, resulted in driving up detention for kids both  
10 locally and nationally in a massive way. Ultimately  
11 the apocalypse didn't come. Professor Dululio  
12 recanted and apologize by the damage was done both  
13 locally and nationally. We are now on the other side  
14 of that now, and an extraordinary opportunity exists  
15 in which New York City can continue to provide the  
16 kind of leadership that has resulted in reducing  
17 arrests, in reducing crime and in simultaneously  
18 reducing the average daily population of kids in  
19 custody. [bell] Oh, the collective focus of that  
20 leadership now needs to turn on-turn to triggering  
21 effective outcomes beginning inside custody. I just-  
22 --I know my time is up, so I'm going to put this  
23 away, and just draw your attention to the last page.  
24 Our organization something 15 months ago known as the  
25 Youth Reentry Network. It's the first time that we

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

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

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

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

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

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

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

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

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

15 CHAIRPERSON CABRERA: Yeah, that would be  
16 tragic.

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

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

11 CHRISTINE PAHIGIAN: We need a better  
12 package, too.

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

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

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

14 CHAIRPERSON CABRERA: Yep. Yes.

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

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

4 CHAIRPERSON CABRERA: Interesting.

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

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

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

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

18  
19 CHAIRPERSON CABRERA: I see the—I see  
20 your friends from Legal over there nodding. You got  
21 a—you got a fan club over there, too.

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

24 CHAIRPERSON CABRERA: Okay.

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

23 CHAIRPERSON CABRERA: Uh-hm, very good.

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

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

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

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

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

15 FEMALE SPEAKER: Thank you.

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C E R T I F I C A T E

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



Date December 28, 2017