



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEES ON CRIMINAL JUSTICE AND
CHILDREN AND YOUTH
JUNE 26, 2024**

Good morning,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. I would like to thank Chairs Nurse and Stevens and the members of the Committees on Criminal Justice, and Children and Youth for holding this hearing.

We know that incarcerating youth and young people has a detrimental effect on them, their families, and their communities. There is overwhelming evidence that incarceration is an ineffective strategy for preventing delinquent behavior and that high rates of youth incarceration do not improve public safety.¹ Incarceration and confinement harms young people's physical and mental health, disrupts their education, severs community ties, and impacts their employment opportunities. The juvenile criminal legal system is rife with abuse and racial and ethnic disparities, with Black youth—especially Black disabled youth—disproportionately likely to be incarcerated.

While the number of incarcerated young people has declined nationwide in recent years, last year, the number of youths held in New York City's detention facilities rose 31 percent and is expected to admit even more young people this year.² Young people are also spending more time in detention, with the average number of days rising 59 percent. The rising number of detainees coupled with inadequate staffing levels has resulted in overcrowded and under-supervised facilities; we saw reports last year that youth in detention were sleeping on the ground, classrooms were being used as cells, and young people were not receiving meaningful education.³⁴

However, the solution to this problem is not more detention facilities. While ACS plans to build an annex at Horizon Juvenile Center, we should instead be focusing on decarcerating and investing in programs that give young people safe and supportive environments: schools, after-school and summer programs, arts and employment programs, physical and mental healthcare, violence

¹ <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

² <https://www.nydailynews.com/2024/02/11/nyc-locking-up-more-teenagers-holding-them-longer-amid-surge-in-felony-busts/>

³ <https://gothamist.com/news/teens-in-nyc-detention-centers-are-sleeping-on-the-ground-due-to-overcrowding-staff-say>

⁴ <https://gothamist.com/news/classrooms-serve-as-cells-at-nycs-troubled-juvenile-detention-centers>

interruption and credible messengers, and alternatives to incarceration programs. The problem is not that we do not have enough space for the young people we are detaining—it is that we are detaining too many young people.

Any youth decarceration plan must begin in our schools. For many young people, their first contact with the criminal legal system began in school. Justice-involved youth are disproportionately likely to have unmet educational needs and learning and intellectual disabilities,⁵ and many students, particularly Black and Brown students, and students with disabilities, are pushed out of school and into the youth legal system. Research has connected harsh school discipline practices to contact with the justice system.⁶ During the 2022-2023 school year, suspensions rose 13 percent compared to the previous year.⁷ About 40 percent of those suspensions were issued to Black students, though they comprise only 21 percent of the school population, and 38 percent went to students with disabilities, who make up 22 percent of all students. Last year, I spoke in support of Senator Robert Jackson’s Judith Kaye Solutions Not Suspensions Act before members of the New York State Senate. This bill would require schools to use proven alternatives to suspension that correct misbehavior and keep kids in the classroom. I urge the State Legislature to pass this bill to protect our most vulnerable students.

Thank you.

⁵ <https://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/section-i-principles-responding-2>

⁶ <https://www.learningforjustice.org/magazine/fall-2022/decarceration-begins-with-school-discipline-reform>

⁷ <https://www.chalkbeat.org/newyork/2024/01/08/nyc-school-suspensions-spike-to-pre-pandemic-levels/>

**Testimony of Caitlyn Passaretti, Policy and Advocacy Associate
Citizens' Committee for Children of New York**

**Submitted to New York City Council Committee on Children and Youth and Committee on
Criminal Justice
June 26th, 2024**

Since 1944, Citizens' Committee for Children of New York has served as an independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated, and safe. CCC does not accept or receive public resources, provide direct services, or represent a sector or workforce; our priority is improving outcomes for children and families through civic engagement, research, and advocacy. We document the facts, engage, and mobilize New Yorkers, and advocate for solutions to ensure the wellbeing of New York's children, families, and communities.

We thank Chair Stevens, Chair Nurse and all the members of the Children and Youth Committee and Criminal Justice Committee for holding this oversight hearing on the Administration's Youth Decarceration Plan. We must restore the cuts to the alternative to incarceration/detention programs and mentoring supports because we need to have robust services in place within our communities. The young people currently detained have complex needs, and to support their reentry and success, we must build systems of support.

Promote Community Safety and Wellbeing by Investing in Community Services and Resources

To promote community safety and wellbeing, our city and our state must invest in community services and resources. Unfortunately, the City FY24 November Plan and the FY25 Preliminary Budget include cuts to probation programs and alternatives to incarceration programs that have proven to be successful in supporting re-entry and connecting young people to mentorship and services. Failing to provide robust reentry services or supportive probation programs will harm our youth and is counterproductive to building safe communities.

Our city must support creative, non-carceral solutions to violence. We therefore urge the Mayor and the City Council to utilize the city budget to invest heavily in community programming, parks, housing, youth sports, employment, behavioral health, and other resources that strengthen youth and communities. **CCC recommends the following investments to enhance youth supports and decrease criminalization of young people:**

- Expanding investment in Cure Violence, credible messenger programs, youth engagement programs and other community-rooted programs that employ a public health approach to community safety
- **Restore** the \$17 million to nonprofit programs provided in NYC jails. This cut was made at the end of Fiscal Year 2024 city budget cycle.
- **Restore** the \$1.6 million to the Arches program, a transformative mentorship program to support 16–24-year-olds; cuts were included in both the November plan and Preliminary budget
- **Restore** the \$2.6 million to the Next Steps program, a mentorship program for young people; cuts were included in the November plan

- **Close** Rikers and ensure the City remains on track with the closure plan
- **Redirect** funding from school policing into opportunities for young people in schools and communities
- **Restore** the \$22 million cut for New York Public Libraries
- **Reject** the restoration of the Uniformed Police Academy Classes (\$62.3 million in FY25, increasing to \$75.7 million in FY26, \$77.9 million in FY27, and \$79.4 million in FY28)
- **Reject** the proposed \$225 million for a new police training facility in Queens

We also demand an end to the Quality-of-Life Violations policing initiative that began in March 2022, led by the Mayor's office and NYPD. This is a new iteration of [broken windows policing](#), a policy that has been extensively proven to be ineffective and to further criminalizes Black and Brown New Yorkers. We have seen the direct impact of this policy in the increased number of arrests and detainments, which have disproportionately targeted Black New Yorkers.¹ This discriminatory policy should be immediately halted. Furthermore, the budget cuts youth services but restores funding for police academy classes. It is urgent that our city leaders shift investments away from criminalization and towards youth and community resources.

State Advocacy

Last fall marked five years since Raise the Age was first implemented across New York State, ending a shameful chapter in our history of prosecuting 16- and 17-year olds as adults regardless of the offense. Prior to the passing of this legislation, thousands of 16- and 17-year-olds were held in dangerous conditions on Rikers Island and other adult jails across the state. Moreover, these youth were systematically locked-out of age-appropriate services in family court programs designed to meet the needs of adolescents and avoid the barriers of an adult criminal record.

Youth crime has consistently decreased since Raise the Age implementation in 2018. In New York City alone, since 2013 there has been a 48% decrease in adolescent arrests for serious offenses. Evidence from implementation across the State clearly shows how the law has improved community safety and youth well-being.

Despite making up half of the state's youth justice system population, New York City is currently excluded from accessing the Raise the Age funding because the City exceeds the tax cap prescribed by state law. However, it is possible to access this funding by submitting a waiver of hardship, indicating that our city and our programs need the resources that are available through the Raise the Age law. New York City accounts for half of the state's youth justice system population and should be able to access more funding.

Thank you for the opportunity to testify.

¹ Bhat, S. (2023) NYPD Quality-of-Life Crackdown Sends Thousands to Criminal Court, Undoing Landmark Reforms. The City. Accessed: <https://www.thecity.nyc/2023/09/12/nypd-quality-of-life-crackdown-enforcement-skyrockets-criminal-court/>



The Dangers of Isolation for Young Adults in the Custody of the New York City Department of Correction

Public Comment Submitted by Children's Rights
to the New York City Board of Correction Regarding
Rulemaking on Local Law 42 Banning Solitary Confinement

June 12, 2024

I. Introduction

Children's Rights is a national legal and policy advocacy organization dedicated to improving the lives of children living in or impacted by America's child welfare, immigration, juvenile legal, education, and healthcare systems. We use civil rights impact litigation, advocacy and policy expertise, and public education to hold governments accountable for keeping children safe and healthy. Our work centers on creating lasting systemic change that will advance the rights of children for generations.

As we previously explained in our December 2014 Public Comment, research from biology, neuroscience, and social science shows that youth development does not end at age 18. This finding has only been reinforced since then. Young people continue to mature well into their mid-twenties, making them uniquely vulnerable to the trauma and stress of living in isolation. This is especially true for the adolescents and young adults in child welfare and criminal legal systems, who are more likely to enter these systems with mental health conditions that are subsequently untreated and even exacerbated. Young people require supports that respond to these needs.

As the Board of Correction drafts and promulgates rules to implement Local Law 42 banning solitary confinement in the City's jails,¹ we urge the Board to eliminate Enhanced Supervision Housing (ESH), Secure Unit, and the Risk Management Accountability System (RMAS), and to bring any form of restrictive housing into strict compliance with Local Law 42's provisions concerning out-of-cell time, congregate activities, de-escalation, length of stay, and more. Any method of isolation not in compliance with Local Law 42 would be punitive segregation, and tantamount to torture for all incarcerated persons, especially for youth up to age 25.²

¹ New York City Administrative Code, Title 9: Criminal Justice, Ch. 1: Department of Correction, § 9-167 Solitary Confinement. Rulemaking to implement Local Law 42 has provided this opportunity for Children's Rights to update our December 2014 Public Comment, *Older Youth Development: Insights from Child Welfare and Implications for New York City Department of Correction Policy and Practice*.

² "United States: Prolonged solitary confinement amounts to psychological torture, says UN expert," United Nations Human Rights Office of the High Commissioner, February 28, 2020, <https://www.ohchr.org/en/press-releases/2020/02/united-states-prolonged-solitary-confinement-amounts-psychological-torture>; Columbia University Center for Justice, *Solitary by Many Other Names: A Report on the Persistent and Pervasive Use of Solitary*

We also urge the Board to ensure that all work with young adults in New York’s criminal legal system complies with the Minimum Standards governing correctional facilities³ and incorporates the recommendations and best practices described below. This is critical for supporting incarcerated youth not only now while Rikers is being governed largely by executive order, but also when the Island closes and young adults are housed in the new borough-based jails.⁴

II. Children’s Rights’ Positions

Following is a brief outline of our positions, which are described in more detail in Sections IV through VII.

The New York City Department of Correction should revise its categorization of young adults to include all youth from ages 18 to 25, not just youth from ages 18 to 21.⁵

Children’s Rights joins with other advocates and the New York Advisory Committee to the U.S. Commission on Civil Rights⁶ to urge the Board of Correction to protect young people ages 18 to 25 by excluding them from punitive segregation.⁷ Neural pathways established during adolescence and young adulthood are critically important to brain development.⁸ Neuroscience research has found that the brain, including the frontal lobe, which regulates judgment, reasoning, decision-making, impulsivity, and emotions, is not fully mature until the early to mid-twenties.⁹ In fact, the frontal lobe undergoes far more change during young adulthood than at any other stage

Confinement in New York City Jails (2023), <https://centerforjustice.columbia.edu/news/new-report-solitary-many-other-names-report-persistent-and-pervasive-use-solitary-confinement>.

³ New York City Administrative Code, Title 40: Board of Correction, Ch. 1: Correctional Facilities. Chapter 1 is referred to as the “Minimum Standards” regulating conditions of confinement and correctional and mental health care in all City correctional facilities, <https://www.nyc.gov/site/boc/jail-regulations/jail-regulations.page>.

⁴ See, e.g., Emergency Executive Order 601, <https://www.nyc.gov/office-of-the-mayor/news/601-003/emergency-executive-order-601>; A Roadmap to Closing Rikers, *NYC Borough-Based Facilities*, <https://rikers.cityofnewyork.us/nyc-borough-based-jails/>.

⁵ New York City Administrative Code, Title 40: Board of Correction, Ch. 1: Correctional Facilities, § 1-02(b) and (c) Classification of People in Custody.

⁶ New York Advisory Committee to the U.S. Commission on Civil Rights, *The Solitary Confinement of Youth in New York: a Civil Rights Violation* (2014), at 31, 56.

⁷ New York City Administrative Code, Title 40: Board of Correction, Ch. 1: Correctional Facilities, § 1-17(b)(1)(i) Limitations on the Use of Punitive Segregation.

⁸ Jim Casey Youth Opportunities Initiative, *The Adolescent Brain: New Research and its Implications for Young People Transitioning from Foster Care* (2011), at 7-8; National Academies of Sciences, Engineering, and Medicine; Health and Medicine Division; Division of Behavioral and Social Sciences and Education; Board on Children, Youth, and Families; Committee on the Neurobiological and Socio-behavioral Science of Adolescent Development and Its Applications, *The Promise of Adolescence: Realizing Opportunity for All Youth* (Emily P. Backes and Richard J. Bonnie, eds., 2019).

⁹ Jim Casey Youth Opportunities Initiative, *The Adolescent Brain*, *supra* note 8, at 20-23; Adam Ortiz, American Bar Association Juvenile Justice Center, *Adolescence, Brain Development and Legal Culpability* (2004), at 1-2; Child Welfare Information Gateway, *Helping Youth Transition to Adulthood: Guidance for Foster Parents* (2018), at 3, https://www.childwelfare.gov/pubPDFs/youth_transition.pdf; Jim Casey Youth Opportunities Initiative, *The Road to Adulthood* (2017), at 8-9, <https://assets.aecf.org/m/resourcedoc/aecf-theroadtoadulthood-2017.pdf>; Richard Mendel, *Why Youth Incarceration Fails: An Updated Review of the Evidence*, The Sentencing Project, Mar. 1, 2023, <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>.

of life;¹⁰ experiences during this period shape young people’s futures as adults.¹¹ In particular, chronic adverse experiences can “permanently alter the functioning of key neural systems involved in learning, memory, and self-regulation.”¹² As a result, young people ages 18 to 25 have unique needs and face a serious risk of harm if subjected to chronic adverse experiences such as excessive isolation while in custody.

Solitary confinement is inappropriate for older youth up to age 25.

Local Law 42 recognizes the devastating consequences of excessive isolation on incarcerated persons; the Board of Correction should fully incorporate the law’s language in its rulemaking. Other forms of solitary confinement must be abolished as part of this process. For example, RMAS, which was developed in 2021 but is currently suspended, is the latest iteration of solitary confinement; it was supposed to replace ESH, another form of punitive segregation for young adults. (Secure Unit is yet another form of solitary confinement for young adults that unduly restricts out-of-cell time.) In violation of Local Law 42’s ban on solitary confinement, RMAS would lock young people in their cells for 12 to 14 hours a day, and limit their access to visitation and participation in programming.¹³

This is wholly counter-productive for older youth, who need developmentally appropriate services and connections with community. Older youth up to age 25 should always have 14 hours a day of out-of-cell time in accordance with Local Law 42¹⁴ and New York City’s Minimum Standards regulating lock-in time in non-restrictive housing.¹⁵

Adequate and quality programming, education, mental health services, and recreation are essential to improving conditions in the City’s jails.

The Department must take meaningful steps to fulfill the stated mission of the Young Adult Plan “to provide all young adults in . . . custody with comprehensive, individualized, outcome-oriented jail and community-based services in safe environments.”¹⁶

Every day, young adults must receive Local Law 42’s prescribed seven hours of programming in a group setting, and one hour of recreation.

¹⁰ ABA Juvenile Justice Center, *Adolescence, Brain Development and Legal Culpability*, *supra* note 9, at 2.

¹¹ Jim Casey Youth Opportunities Initiative, *The Adolescent Brain*, *supra* note 8, at 7-8.

¹² *Id.*; Philip A. Fisher *et al.*, *A Translational Neuroscience Perspective on the Importance of Reducing Placement Instability Among Foster Children*, 92 *Child Welfare* 9, 11 (2015).

¹³ New York City Administrative Code, Title 40: Board of Correction, Ch. 6: Restrictive Housing in Correctional Facilities, § 6-03(b)(16) Definition of Restrictive Housing and Related Terms and § 6-16 Required Out-of-Cell Time; Columbia University Center for Justice, *Solitary by Many Other Names*, *supra* note 2.

¹⁴ New York City Administrative Code, Title 9: Criminal Justice, Ch. 1: Department of Correction, § 9-167(b) Solitary Confinement.

¹⁵ New York City Administrative Code, Title 40: Board of Correction, Ch. 1: Correctional Facilities, § 1-05 Lock-in; Columbia University Center for Justice, *Solitary by Many Other Names*, *supra* note 2.

¹⁶ NYC Department of Correction, *Presentation to the Board of Correction on the Young Adult Plan* (2017), at 3, https://www1.nyc.gov/assets/doc/downloads/press-release/BOC_YA_presentation_n.pdf; *see also* NYC Board of Correction, *Young Adult Plan*, <https://www.nyc.gov/site/boc/jail-regulations/ya-plan.page> and NYC Department of Correction, *2020-2021 Young Adult Plan*, https://www.nyc.gov/assets/doc/downloads/pdf/2020-2021_Young_Adult_Plan.pdf.

Appropriate training is critical for effectively working with older youth up to age 25.

Department of Correction staff do not have the appropriate training and skills to work with adolescents and young adults.¹⁷ During this limited window of time, older youth have the chance to develop the knowledge and skills that will help them navigate the adult world.¹⁸ No one benefits from continuing to warehouse older youth without regard to their developmental needs and the opportunities to promote positive outcomes. The Department must provide corrections staff specific, developmentally-appropriate, ongoing training that recognizes that adolescents and young adults up to age 25 are different from older adults.

III. M.B.'s Experience in New York's Foster and Criminal Legal Systems

M.B. is a formerly incarcerated young adult on Rikers. He reflects the widely-recognized overlap between young people involved in the child welfare and criminal legal systems.¹⁹ As many who work in these fields agree, “[y]outh involved in the child welfare and juvenile justice systems are among the most vulnerable children in society.”²⁰ Historically marginalized adolescents and young adults are disproportionately represented in both systems: “[y]outh who have contact with these systems are overwhelmingly poor, from [Black and Brown] populations, and tend to have limited access to social supports and resources that might allow them to avert system involvement.”²¹

After being removed from his mother's home, M.B. entered New York's foster system when he was six years old. He was placed for the first year with a verbally and physically abusive foster parent. He then bounced from placement to placement, living in four separate foster homes, before spending three years in his final placement. While in the foster system, he was diagnosed with mental health conditions and was prescribed medications that made him feel “empty and blank.” He had to fight every day and felt like he “couldn't be a kid” because he had to suppress his feelings. M.B. returned to his mother's home when he was 11 after she advocated for five years for his return.

¹⁷ Status Report of the *Nunez* Independent Monitor (Apr. 18, 2024), at 50, 153, 225; Status Report of the *Nunez* Independent Monitor (Dec. 22, 2023), at 87-88; Status Report on DOC's Action Plan by the *Nunez* Independent Monitor (Nov. 8, 2023), at 73, 117; see Jim Casey Youth Opportunities Initiative, *The Adolescent Brain*, *supra* note 8, at 28-32 (discussing trauma-informed child welfare practice and positive youth development models) and at 33-37 (providing recommendations to guide child welfare practice); Ellen Yaroshefsky, *Rethinking Rikers: Moving from a Correctional to a Therapeutic Model for Youth, Proposal for Rule-Making Report for the NYC Board of Correction* (2014), at 44-48.

¹⁸ Jim Casey Youth Opportunities Initiative, *The Adolescent Brain*, *supra* note 8, at 7-8.

¹⁹ See Casey Family Programs, *Improving Outcomes for Older Youth in Foster Care* (2008), at 4; see also Denise C. Hertz *et al.*, *Challenges Facing Crossover Youth: An Examination of Juvenile-Justice Decision Making and Recidivism*, 48 *Fam. Ct. Rev.* 305, 305-06 (2010); Miriam Aroni Krinsky, *A Not So Happy Birthday: The Foster Youth Transition from Adolescence into Adulthood*, 48 *Fam. Ct. Rev.* 250, 251 (2010); Miriam Aroni Krinsky, *Disrupting the Pathway from Foster Care to the Justice System – A Former Prosecutor's Perspectives on Reform*, 48 *Fam. Ct. Rev.* 322, 324-25 (2010); Lauren Wylie, *Closing the Crossover Gap: Amending Fostering Connections to Provide Independent Living Services for Foster Youth who Crossover to the Justice System*, 52 *Fam. Ct. Rev.* 298 (2014).

²⁰ Jennifer K. Pokempner *et al.*, *The Legal Significance of Adolescent Development on the Right to Counsel: Establishing the Constitutional Right to Counsel for Teens in Child Welfare Matters and Assuring a Meaningful Right to Counsel in Delinquency Matters*, 47 *Harv. C.R.-C.L. L. Rev.* 529, 529 (2012).

²¹ *Id.* (citations omitted).

Unfortunately, shortly after he graduated from high school, M.B. was arrested and charged with grand larceny. M.B. was detained for 15 months on Rikers Island. He applied for mental health services as soon as he arrived; however, he did not receive any until five months before he was released. Initially, M.B. was able to see a therapist once a week, but after eight sessions, only twice a month. Nevertheless, M.B. found these therapy sessions to be helpful in processing the violence and trauma he faced while incarcerated and in the foster system.

M.B. was sent to Rikers' Transitional Restorative Unit (TRU) three times, where he was only able to leave his cell for two or three hours each day. During his third stay at TRU, M.B. was locked alone in his cell for an entire week due to an incident that occurred on the unit before he arrived. M.B. was prohibited from participating in any programming while at TRU.

Despite sporadic mental health resources and the lack of access to recreation, M.B. took advantage of the limited programming available on Rikers. He obtained certificates in construction, scaffolding, and welding. He sometimes worked in the kitchen during the night shift.

M.B. returned to his mother's home at age 20. At almost 22, he is still struggling to find affordable housing. He has been working for a nonprofit focusing on probation and parole, whose staff he had met on the Island. M.B. also advocates for reforms on Rikers Island, including the need for (a) increased access to programming and recreation; (b) officers to show up for work; (c) family and friends to be able to visit the Island more frequently; and (d) detainees to have information about their charges prior to court hearings.

Young adults, especially young men of color like M.B., commonly find themselves moving from the foster system to corrections systems. "Former foster youth are ten times more likely to be arrested than other youth of the same age, race, and sex, and twenty-five percent of emancipated youth will spend time in jail within two years of leaving the system."²² One study found that children who were victims of maltreatment had a 55 percent increased risk of arrest and a 96 percent increase in risk for arrest for a violent crime when compared with children who had not suffered abuse or neglect.²³ Another study found that by age 23 or 24, 81 percent of young men who had been in the foster system reported having been arrested, compared with only 17 percent of the general public.²⁴

The overlapping populations and experiences of older youth in the foster system and correctional settings provide opportunities to share therapeutic practices that are trauma-informed and developmentally appropriate (*e.g.*, cognitive behavioral therapy, skill-building, alternative discipline) across systems, and to inform policy decisions to improve outcomes for young adults incarcerated in the City's jails.²⁵

²² Wylie, *Closing the Crossover Gap*, *supra* note 19, at 300 (citing Krinsky, *A Not So Happy Birthday*, *supra* note 19, at 251).

²³ Janet Wiig & Cathy Spatz Widom, *Understanding Child Maltreatment & Juvenile Delinquency: From Research to Effective Program, Practice, and Systemic Solutions* (2003), at 2.

²⁴ Jim Casey Youth Opportunities Initiative, *Foster Care to 21: Doing it Right* (2011), at 2.

²⁵ *See, e.g.*, Yaroshefsky, *Rethinking Rikers*, *supra* note 17, at 25, 31-32.

IV. Youth Does Not End at Age 21: Development Continues Through Early Adulthood

Adolescents and young adults involved with the child welfare and criminal legal systems have much in common. Both populations of youth disproportionately experience domestic and community violence,²⁶ mental and physical abuse and neglect,²⁷ chronic and acute mental and behavioral health conditions,²⁸ unmet physical and dental health needs,²⁹ substance use,³⁰ and educational disadvantages.³¹ They also share a likelihood of compromised social and family networks that would normally help older youth establish effective life skills during this time of intense emotional and cognitive development.³²

While most young adults in the general public have access to emotional support systems through their early adult years, older youth involved with the child welfare and criminal legal systems often do not have these supportive relationships in place, and may face obstacles to building supports that ease the transition to adulthood. Older youth need ongoing support and services; without them, they are “more likely to be unemployed or underemployed, to require long-term government support, and to experience life-long difficulties” including involvement with the criminal legal system, low educational attainment, and homelessness.³³ Studies show that incarceration reduces youth’s success in education and employment, and also leads to lasting

²⁶ American Academy of Pediatrics, Task Force on Health Care for Children in Foster Care, *Fostering Health: Health Care for Children and Adolescents in Foster Care* (2d ed. 2005), at 3 (foster system); American Academy of Pediatrics, *Advocacy and Collaborative Health Care for Justice-Involved Youth*, 146, *Pediatrics* 1, 2 (2020), <https://pediatrics.aappublications.org/content/pediatrics/146/1/e20201755.full.pdf>; Jim Casey Youth Opportunities Initiative, *Trauma-Informed Practice with Young People in Foster Care* (2012) (foster system).

²⁷ Yaroshefsky, *Rethinking Rikers*, *supra* note 17, at 18 (juvenile legal); Jim Casey Youth Opportunities Initiative, *Trauma-Informed Practice*, *supra* note 26, at 1 (foster system).

²⁸ U.S. Department of Justice, United States Attorney, Southern District of New York, *CRIPA Investigation of the New York City Department of Correction Jails on Rikers Island* (2014), at 47 (juvenile legal); Yaroshefsky, *Rethinking Rikers*, *supra* note 17, at 25 (criminal legal); American Academy of Pediatrics, *Fostering Health*, *supra* note 26, at ix (foster system).

²⁹ American Academy of Pediatrics, *Fostering Health*, *supra* note 26, at ix, 1-3 (foster system); American Academy of Pediatrics, *Advocacy and Collaborative Health Care*, *supra* note 26, at 2, 6.

³⁰ Yaroshefsky, *Rethinking Rikers*, *supra* note 17, at 25 (Rikers); Jim Casey Youth Opportunities Initiative, *Trauma-Informed Practice*, *supra* note 26, at 3 (foster system).

³¹ American Academy of Pediatrics, *Fostering Health*, *supra* note 26, at 2 (foster system); Yaroshefsky, *Rethinking Rikers*, *supra* note 17, at 12 (citing Alan Singer, *Rikers Island – Last Stop on the New York City School-to-Prison Pipeline*, *Huffington Post*, Feb. 3, 2012, http://www.huffingtonpost.com/alan-singer/rikers-island-prison_b_1252325.html) (juvenile legal).

³² David Altschuler *et al.*, Center for Juvenile Justice Reform and Jim Casey Youth Opportunities Initiative, *Supporting Youth in Transition to Adulthood: Lessons Learned from Child Welfare and Juvenile Justice* (2009), at 8-9; *see also* Mendel, *Why Youth Incarceration Fails*, *supra* note 9.

³³ Jim Casey Youth Opportunities Initiative, *The Adolescent Brain*, *supra* note 8, at 12; Rachel Rosenberg & Samuel Abcott, *Supporting Older Youth Beyond Age 18: Examining Data and Trends in Extended Foster Care*, *Child Trends*, June 3, 2019, <https://www.childtrends.org/publications/supporting-older-youth-beyond-age-18-examining-data-and-trends-in-extended-foster-care>; Annie E. Casey Foundation, *Fostering Youth Transitions: Using Data to Drive Policy and Practice Decisions* (2018), at 2-3, <https://assets.aecf.org/m/resourcedoc/aecf-fosteringyouthtransitions-2018.pdf>.

damage to their health and well-being.³⁴ Studies also show that alternatives to incarceration lead to better outcomes for youth and adolescents, all while costing far less than incarceration.³⁵

For nearly 40 years, the federal government has recognized that adolescents and young adults in the foster system are usually less prepared to begin life on their own. Since 1986, the federal government has provided funding to states to help prepare adolescents in the foster system for the transition to adulthood.³⁶ Today, states are charged with providing life skills preparation, housing support, and educational, vocational, and employment training services for adolescents up to age 21.³⁷ Federal law permits states to claim federal reimbursement for providing youth up to age 21 with basic necessities, including housing assistance and case management services.³⁸ The federal government has also authorized funding for education and training vouchers to cover the cost of postsecondary education until age 23.³⁹ As of 2014, eligible young people who emancipate from the foster system are covered under a mandatory Medicaid pathway until age 26.⁴⁰ Implementation of these policies demonstrates how our child welfare and healthcare systems have adapted to reflect current research on youth development. It is long past time for New York's criminal legal system to do the same.

The codified acknowledgement that older youth in the foster system require ongoing support after they attain the legal age of majority is reinforced by decades of scientific research.⁴¹ The concept of emerging adulthood – that young people gradually move toward independence rather than achieving independence at a pre-determined age – has become well-developed in recent years.⁴² Research from a number of social science fields has shown that the acquisition of critical life skills happens gradually throughout adolescence and into the mid-twenties.⁴³

³⁴ Mendel, *Why Youth Incarceration Fails*, *supra* note 9.

³⁵ *Id.*

³⁶ Independent Living Initiative of 1986, Pub. L. No. 99-272 (providing funding for services to prepare young adults in foster systems for independent living).

³⁷ Foster Care Independence Act of 1999, Pub. L. No. 106-169.

³⁸ Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351.

³⁹ Promoting Safe and Stable Families Amendments of 2001, Pub. L. No. 107-133.

⁴⁰ Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148.

⁴¹ MacArthur Foundation & Models for Change Resource Center Partnership, *Because Kids are Different: Five Opportunities for Reforming the Juvenile Justice System* (2014), at 6; Rosenberg & Abcott, *Supporting Older Youth Beyond Age 18*, *supra* note 33; *see also* Child Welfare Information Gateway, *Extension of Foster Care Beyond Age 18* (2017), at 2, <https://www.childwelfare.gov/pubPDFs/extensionfc.pdf>.

⁴² Jim Casey Youth Opportunities Initiative, *Success Beyond 18: A Better Path for Young People Transitioning from Foster Care to Adulthood* (2013), at 8 (citing Jeffrey Arnett, *Emerging Adulthood: The Winding Road from the Late Teens Through the Twenties* (2004)); Vincent Schiraldi *et al.*, *Community-Based Responses to Justice-Involved Young Adults* (2015), at 2, <https://www.ojp.gov/pdffiles1/nij/248900.pdf> (“young people ages 18-24 are more developmentally akin to juveniles than fully mature adults.” Young adults have a greater need for support to enter adulthood than they did 40 years ago, and when one compares “young adulthood in the 19th and 21st centuries, it is no exaggeration to say that 22 is the new 16”); Jim Casey Youth Opportunities Initiative, *The Road to Adulthood*, *supra* note 9, at 8-9, 12; Child Welfare Information Gateway, *Helping Youth Transition to Adulthood*, *supra* note 9, at 3.

⁴³ Altschuler *et al.*, *Supporting Youth in Transition to Adulthood*, *supra* note 32; Child Welfare Information Gateway, *Helping Youth Transition to Adulthood*, *supra* note 9; *see also* Mendel, *Why Youth Incarceration Fails*, *supra* note 9.

This developmental period is also a time of greater risk, when a youth’s environment can have substantial influence on decision-making.⁴⁴ Research has shown that the window of opportunity to positively affect youth development and promote resilience closes in the mid-twenties.⁴⁵ Adults working with older youth should address their need for family supports, education and training, employment, community involvement, adequate physical and mental health supports, and supportive relationships with others.⁴⁶

The MacArthur Foundation has reported that in juvenile legal systems, “[t]he most effective programs and services are those that seek to meet youth’s needs and influence their development in a positive way, by promoting contact with prosocial peers and adult role models, actively engaging parents and family members, offering tools to deal with negative influences that youth may face in their communities, and engaging youth in educational programming and employment that will prepare them for conventional adult roles.”⁴⁷

This is no less true for young adults ages 18 to 25. Regular, consistent access to quality programming, educational opportunities, mental health services, and recreation would also go a long way toward reducing violence on Rikers, and reducing the need for youth to be placed in restrictive housing in the first place.⁴⁸ Unfortunately, the City’s recent budget cuts, among other policies, make these services all but unavailable for months on end; a recent court filing underscores in particular the ongoing lack of access to education on the Island.⁴⁹

V. Youth Development and the Criminalization of Mental Health

Mental health is integral to overall health and well-being, especially for adolescents, shaping their development and influencing their responses to stress and social interactions, and supporting healthy decision-making.⁵⁰ Across the country, including in New York City, the lack of investment in accessible community mental health services results in police and agents of other punitive systems responding to children and young adults experiencing psychiatric distress, rather

⁴⁴ MacArthur Foundation *et al.*, *Because Kids are Different*, *supra* note 41, at 5-6; Jim Casey Youth Opportunities Initiative, *Success Beyond 18*, *supra* note 42, at 5 (citing World Health Organization, *Adolescent Development* (2012)); National Academies of Sciences, *The Promise of Adolescence*, *supra* note 8.

⁴⁵ Jim Casey Youth Opportunities Initiative, *The Adolescent Brain*, *supra* note 8, at 14.

⁴⁶ *See id.*; Annie E. Casey Foundation, *Fostering Youth Transitions*, *supra* note 33.

⁴⁷ MacArthur Foundation *et al.*, *Because Kids are Different*, *supra* note 41, at 7; Jim Casey Youth Opportunities Initiative, *The Road to Adulthood*, *supra* note 9, at 19.

⁴⁸ *See, e.g.*, Status Report by the Nunez Independent Monitor (Apr. 18, 2024), at 6-7, 255-256, <https://tillidgroup.com/projects/nunez-monitorship/>; Status Report by the Nunez Independent Monitor (Nov. 15, 2023), at 3-4, <https://tillidgroup.com/projects/nunez-monitorship/>; Columbia University Center for Justice, *Solitary by Many Other Names*, *supra* note 2.

⁴⁹ *See, e.g.*, Jacob Kaye, *Mayor restores programming on Rikers months after cutting funding*, *Queens Daily Eagle*, Mar. 6, 2024, <https://queenseagle.com/all/2024/3/6/mayor-restores-programming-on-rikers-months-after-cutting-funding>; Memorandum of Law in Support of Motion to Alter Judgment under Federal Rule of Civil Procedure 60(b)(5) at 25, *Handberry, et al. v. Thompson, et al.*, 1:96-cv-06161 (S.D.N.Y. 1996) (“access to education is arbitrary, inconsistent, and regularly non-existent”); Michael Elsen-Rooney, *Young Adults on Rikers Say They Are Systematically Blocked From School*, *The City*, Apr. 4, 2024, <https://www.thecity.nyc/2024/04/04/young-rikers-island-blocked-from-school/>.

⁵⁰ Centers for Disease Control and Prevention, *Children’s Mental Health*, <https://www.cdc.gov/childrensmentalhealth/basics.html>.

than trained behavioral health personnel. As a result, youth with mental health conditions are more likely to be arrested and incarcerated than those without mental health conditions.⁵¹

Once involved in the child welfare or juvenile legal systems, youth who are Black or Brown, LGBTQ+, and/or living with a disability disproportionately face the most profound mental health challenges. Young people themselves describe the child welfare⁵² and juvenile legal⁵³ systems as traumatic, and youth who experience these systems often have poor mental health outcomes.⁵⁴ Up to 80 percent of children in the foster system⁵⁵ and 70 percent of young people who are incarcerated present with a serious mental health condition,⁵⁶ compared to 18 to 22 percent of all children.⁵⁷ Data show that 55 percent of the Department's jail population has been diagnosed with mental health conditions,⁵⁸ and over 1,000 detainees have been diagnosed with Serious Mental Illness.⁵⁹ Based on these data and studies showing that brain development is ongoing through the mid-twenties,⁶⁰ failing to exclude 18- to 25-year-olds with mental health conditions from isolated placements like ESH,⁶¹ Secure Unit, and RMAS leaves these older youth at grave risk of harm.⁶²

⁵¹ *Mental Health and Foster Care*, Nat'l Conf. of State Legislatures (Nov. 1, 2019), <https://www.ncsl.org/human-services/mental-health-and-foster-care#:~:text=Up%20to%2080%20percent%20of,percent%20of%20the%20general%20population;MentalHealthBytheNumbers,Nat'lAll.onMentalIllness,https://www.nami.org/about-mental-illness/mental-health-by-the-numbers/#:~:text=70%25%20of%20youth%20in%20the,report%20experiencing%20a%20mental%20illness.>

⁵² Children's Rights, *Are You Listening? Youth Accounts of Congregate Placements in New York State* (2023), https://www.childrensrights.org/wp-content/uploads/2023/01/CR-2023-AreYouListening_report_web.pdf; Sarah Fathallah & Sarah Sullivan, *Away from Home: Youth Experiences of Institutional Placements in Foster Care* (2021), https://assets.website-files.com/60a6942819ce8053cefd0947/60f6b1eba474362514093f96_Away%20From%20Home%20-%20Report.pdf.

⁵³ Mendel, *Why Youth Incarceration Fails*, *supra* note 9.

⁵⁴ Mary Dozier *et al.*, *Consensus Statement on Group Care for Children and Adolescents: A Statement of Policy of the American Orthopsychiatric Association*, 84 *Am. J. Orthopsychiatry* 219 (2014), <https://www.apa.org/pubs/journals/features/ort-0000005.pdf>; Mendel, *Why Youth Incarceration Fails*, *supra* note 9.

⁵⁵ National Conference of State Legislatures, *Mental Health and Foster Care*, *supra* note 51.

⁵⁶ National Alliance on Mental Illness, *Mental Health By the Numbers*, *supra* note 51.

⁵⁷ National Conference of State Legislatures, *Mental Health and Foster Care*, *supra* note 51.

⁵⁸ https://vera-institute.shinyapps.io/nyc_jail_population/ (last visited June 12, 2024).

⁵⁹ New York City Comptroller, *Dashboard Update: NYC Comptroller Releases New Monthly Data on Department of Correction Operations* (2023), <https://comptroller.nyc.gov/newsroom/dashboard-update-nyc-comptroller-releases-new-monthly-data-on-department-of-correction-operations-5/>.

⁶⁰ Jim Casey Youth Opportunities Initiative, *The Adolescent Brain*, *supra* note 8, at 5.

⁶¹ Although the Minimum Standards purport to exclude young adults from ESH placement, this rule appears to be honored more in the breach than the observance. New York City Administrative Code, Title 40: Board of Correction, Ch. 1: Correctional Facilities, § 1-16(c)(1)(ii) and (iii) Enhanced Supervision Housing; *see also* § 1-17 Limitations on the Use of Punitive Segregation.

⁶² Kyleigh Clark, *The Effect of Mental Illness on Segregation Following Institutional Misconduct*, 45 *Crim. Just. & Behav.* 1363, 1376 (2018), <https://journals-sagepub-com.proxygt-law.wrlc.org/doi/full/10.1177/0093854818766974>

(the presence of mental illness, rather than a detainee's misconduct record, affects the likelihood of being disciplined using segregation. An incarcerated person with mental illness is 1.36 times as likely to be disciplined with segregation compared to incarcerated persons without a mental illness). Although certain rules purport to exclude people with SMI from placement, for example, in RMAS, it is unclear how they would be applied in practice. New York City Administrative Code, Title 40: Board of Correction, Ch. 6: Restrictive Housing in Correctional Facilities,

⁶² Kyleigh Clark, *The Effect of Mental Illness on Segregation Following Institutional Misconduct*, 45 *Crim. Just. & Behav.* 1363, 1376 (2018), <https://journals-sagepub-com.proxygt-law.wrlc.org/doi/full/10.1177/0093854818766974>

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⁶⁰ Jim Casey Youth Opportunities Initiative, *The Adolescent Brain*, *supra* note 8, at 5.

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⁶² Kyleigh Clark, *The Effect of Mental Illness on Segregation Following Institutional Misconduct*, 45 *Crim. Just. & Behav.* 1363, 1376 (2018), <https://journals-sagepub-com.proxygt-law.wrlc.org/doi/full/10.1177/0093854818766974> (the presence of mental illness, rather than a detainee's misconduct record, affects the likelihood of being disciplined using segregation. An incarcerated person with mental illness is 1.36 times as likely to be disciplined with segregation compared to incarcerated persons without a mental illness). Although certain rules purport to exclude people with SMI from placement, for example, in RMAS, it is unclear how they would be applied in practice. New York City Administrative Code, Title 40: Board of Correction, Ch. 6: Restrictive Housing in Correctional Facilities,

Young people with unmet mental health needs are more likely to become trapped in systems that are simultaneously causing harm; incapable of providing adequate mental health care; and in some cases, unwilling to support youth's return to the community due to ongoing unmet mental health needs. In this way, government systems reinforce the criminalization of mental health and create a negative feedback loop where people who are experiencing a crisis are responded to with isolation and violence.

VI. No Youth Under 25 Should be Placed in Punitive Segregation by Any Name

Whether in the foster system or detention, while in government custody, all youth must be free from harm.⁶³ Research and intervention models developed in child welfare show that placement of and services for adolescents and young adults must address trauma and normalize young people's lives.⁶⁴ Institutionalized youth need *more* contact with trusted adults and peers – not less.⁶⁵ Excessive isolation is incompatible with current research and policy for older youth today.⁶⁶

Adolescents and young adults are more vulnerable than older adults to the negative effects of solitary confinement, including increased risk for mental illness or worsened mental illness; anxiety; rage; insomnia; self-mutilation; suicidal thoughts; and suicide.⁶⁷ In addition to the immediate harm it presents, solitary confinement can impede brain development and affect long-term cognitive and social abilities.⁶⁸ A report issued by the New York Advisory Committee to the U.S. Commission on Civil Rights affirms the threat that solitary confinement poses to older youth and calls for its prohibition for all young people up to age 25.⁶⁹

§ 6-09 Exclusions. In any event, there does not appear to be an exclusion for people without SMI, but with significant mental health conditions for whom extended isolation could also be harmful.

⁶³ See *County of Sacramento v. Lewis*, 523 U.S. 833, 851 (1998); *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189, 199-200 (1989); see also *R.G. v. Koller*, 415 F.Supp.2d 1129, 1156 (D. Haw. 2006).

⁶⁴ Charlyn Harper Browne, Center for the Study of Social Policy, *Youth Thrive: Advancing Healthy Adolescent Development and Well-Being* (2014), at 2; Jim Casey Youth Opportunities Initiative, *Trauma-Informed Practice*, *supra* note 26, at 6.

⁶⁵ Jim Casey Youth Opportunities Initiative, *Trauma-Informed Practice*, *supra* note 26, at 6 (foster system); MacArthur Foundation *et al.*, *Because Kids are Different*, *supra* note 41, at 7 (juvenile legal); Jim Casey Youth Opportunities Initiative, *The Road to Adulthood*, *supra* note 9, at 19; Annie E. Casey Foundation, *Turning Brain "Strains" into "Gains" for Adolescents in Foster Care* (Aug. 30, 2017), <https://www.aecf.org/blog/turning-brain-strains-into-gains-for-adolescents-in-foster-care>.

⁶⁶ Local Law 42 banning solitary confinement recognizes the importance of activities with others in a group setting, and prescribes seven hours a day of out-of-cell congregate programming even in restrictive housing. New York City Administrative Code, Title 40: Board of Correction, Ch. 1: Correctional Facilities, § 9-167(h)(4).

⁶⁷ MacArthur Foundation *et al.*, *Because Kids are Different*, *supra* note 41, at 10-11. American Academy of Child & Adolescent Psychiatry, *Solitary Confinement of Juvenile Offenders* (2012), https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx.

⁶⁸ Anthony Giannetti, *The Solitary Confinement of Juveniles in Adult Jails and Prisons: A Cruel and Unusual Punishment?*, 30 Buff. Pub. Int. L.J. 31, 45-49 (2011-2012); Brian Levy, *At Baltimore's Youth Detention Center, children are in solitary confinement under "abominable conditions."* Baltimore Brew (Mar. 12, 2021), <https://baltimorebrew.com/2021/03/12/at-baltimores-youth-detention-center-children-are-kept-in-solitary-confinement-under-abominable-conditions/>.

⁶⁹ New York Advisory Committee to the U.S. Commission on Civil Rights, *supra* note 6; see also Stephanie Wykstra, *The case against solitary confinement*, Vox, Apr. 17, 2019, <https://www.vox.com/future-perfect/2019/4/17/18305109/solitary-confinement-prison-criminal-justice-reform>.

Moreover, warehousing 18- to 25-year-olds in ESH, Secure Unit, RMAS, or any other solitary confinement unit places these “emerging adults”⁷⁰ in settings where they are cut off from essential services and connections, jeopardizing young people’s access to therapeutic services, education and training, visitation with family and friends, and connection with the social networks older youth need to survive once they exit custody.⁷¹

The Department of Correction allegedly excludes 18- to 21-year-olds from punitive segregation, which it recognizes is a “severe penalty” that “represents a serious threat to the physical and psychological health of adolescents.”⁷² But ESH, Secure Unit, and RMAS are just other names for punitive segregation,⁷³ notwithstanding the Department’s statements to the contrary. People are locked in their cells most of the day or are permitted to move only to a slightly extended or larger cell; programming, if it takes place at all, can take place while detainees are shackled to desks; and detainees continue to be isolated without meaningful engagement with other people in the same shared area.⁷⁴ It does not appear that New York State’s 2022 HALT Act, which prohibits segregated confinement for individuals age 21 and younger, will protect young adults in Department custody as long as euphemistically-named programs keep them isolated. In any event, all youth ages 18 to 25 are vulnerable during this critical period of development, and should be excluded from punitive segregation by any name.

The Department of Justice has found that more than 50 percent of all suicides in juvenile facilities occurred while young people were held in isolation, and more than 60 percent of young people who died by suicide in custody had a history of being held in isolation.⁷⁵ For young people who have experienced incarceration on Rikers, the effects are no less deadly. In 2015, at the age of 22, Kalief Browder died by suicide two years after suffering solitary confinement and beatings during the three years he was incarcerated on Rikers Island.⁷⁶ Also in 2015, at 25, Jason Echevarria died in solitary confinement while experiencing mental health challenges.⁷⁷ In 2021, at 25,

⁷⁰ Jim Casey Youth Opportunities Initiative, *Success Beyond 18*, *supra* note 42, at 4.

⁷¹ MacArthur Foundation *et al.*, *Because Kids are Different*, *supra* note 41, at 10-11; *see* New York City Board of Correction, *Notice of Public Hearing and Opportunity to Comment on Proposed Rules*, <https://rules.cityofnewyork.us/wp-content/uploads/2021/03/BOC-Proposed-Amendment-of-Minimum-Standards-Concerning-Restrictive-Housing-Preliminarily-Certified-3.5.21-to-TG-w-certs-1.pdf>, at 3-4.

⁷² New York City Administrative Code, Title 40: Board of Correction, Ch. 1: Correctional Facilities, § 1-17(a) Limitations on the Use of Punitive Segregation.

⁷³ New York City Board of Correction, *Notice of Public Hearing and Opportunity to Comment on Proposed Rules*, *supra* note 71, at 10 (April 2021 Proposed RMAS Rules frankly admitted that they “eliminate[d] specific references to punitive segregation and enhanced supervision housing (ESH) and insert[ed] references to RMAS where appropriate”); Columbia University Center for Justice, *Solitary by Many Other Names*, *supra* note 2.

⁷⁴ Columbia University Center for Justice, *Solitary by Many Other Names*, *supra* note 2. In order to comply with Local Law 42, the implementing rules should explicitly state that restraints can be used only when necessary to prevent an imminent risk of injury to self or others.

⁷⁵ Lindsay M. Hayes, *Juvenile Suicide in Confinement: A National Survey* (2009), at 27, <https://www.ojp.gov/pdffiles1/ojjdp/213691.pdf>; Brian Levy, *supra* note 68.

⁷⁶ Tammie Gregg & Donna Lieberman, *Prolonged solitary confinement is torture. It’s time for all states to ban it*, *The Washington Post*, Apr. 28, 2021, <https://www.washingtonpost.com/opinions/2021/04/28/ban-prolonged-solitary-confinement/>.

⁷⁷ *Id.*

Brandon Rodriguez died by suicide in isolation.⁷⁸ In 2022, Erick Tavira, 28, died by suicide alone in his cell on the Island.⁷⁹

VII. Department of Correction Staff Must Have Appropriate Training and Skills for Working with Older Youth Up to Age 25

Training and Credentials

Research and best practices support the conclusion that the Department cannot rely on mental health providers and social workers alone to ensure the safety and well-being of young adults on Rikers – corrections staff must receive specific, ongoing training to work with youth. Yet a January 2022 assessment of staff resources at the Robert N. Davoren Complex (“RNDC”), where the majority of young adults are held, found that the Department “cannot accurately identify where staff are assigned or their status at any given time,”⁸⁰ and that nearly half of the 929 officers assigned to RNDC were “unavailable to be assigned directly to a post engaged with incarcerated persons.”⁸¹ Moreover, even though *Nunez* Monitor Reports⁸² show that RNDC has particularly high rates of *avoidable* use of force and violence,⁸³ staff fail to follow the basic steps of a 2021 Department policy intended to reduce violence.⁸⁴ In 2020, the Monitor found that use of force against individuals was often due to “[s]taff’s aggressive demeanor and lack of de-escalation skill.”⁸⁵ These conditions persist to this day, in the form of “poor staff decision making, poor situational awareness, and staff actions that precipitate[] the event.”⁸⁶

The Monitor recently reported, however, that proper training of corrections staff could go a long way toward shifting the culture on Rikers away from excessive uses of force: “Substantially reducing the frequency of unnecessary and excessive uses of force will require quality training and

⁷⁸ Columbia University Center for Justice, *Solitary by Many Other Names*, *supra* note 2.

⁷⁹ *Id.*

⁸⁰ Special Report of the *Nunez* Independent Monitor (Mar. 16, 2022), at 23, <https://tillidgroup.com/projects/nunez-monitorship/>.

⁸¹ *Id.*

⁸² *Nunez v. City of New York*, No. 11 Civ. 05845 (S.D.N.Y. August 18, 2011), was a class action lawsuit brought by incarcerated persons in the custody of the Department of Correction. The 2015 consent judgment entered in the case provided for a monitor to issue progress reports on a regular basis regarding, among other things, the use of force on Rikers, staff training, and the safety and proper supervision of 18-year-old detainees, all with the goal of ensuring major reforms of the system. All *Nunez* Monitor reports can be found at <https://tillidgroup.com/projects/nunez-monitorship/>.

⁸³ Special Report of the *Nunez* Independent Monitor (Mar. 16, 2022), at 17; Second Status Report on DOC’s Action Plan by the *Nunez* Independent Monitor (Oct. 28, 2022), at 65; Status Report of the *Nunez* Independent Monitor (June 30, 2022), at 17-18. <https://tillidgroup.com/projects/nunez-monitorship/>.

⁸⁴ Status Report of the *Nunez* Independent Monitor (Dec. 22, 2023), at 91, <https://tillidgroup.com/projects/nunez-monitorship/>.

⁸⁵ Eleventh Report of the *Nunez* Independent Monitor (July-Dec. 2020), at 36; *see also* Status Report of the *Nunez* Independent Monitor (Apr. 18, 2024), at 32, 42. <https://tillidgroup.com/projects/nunez-monitorship/>.

⁸⁶ Status Report of the *Nunez* Independent Monitor (Apr. 18, 2024), at 28 (“While the rates of nearly every indicator reached an apex in 2021 and then subsequently decreased, the decreases – though obviously necessary – are of little consolation. Qualitative assessments of individual incidents show a *continued pattern where staff use force when it is unnecessary and/or in a manner that is excessive and out of proportion to the extant threat.*”) (emphasis added), <https://tillidgroup.com/projects/nunez-monitorship/>.

supervision, strict adherence to sound security practices, and reliable and appropriate staff discipline.”⁸⁷

With regard to credentials, the National Association of Social Workers (“NASW”) outlines standards for working with adolescents, emphasizing that “everyone – individuals, communities, and society as a whole – reaps the benefits from investments in helping our young people achieve optimal physical and mental health.”⁸⁸ NASW’s comprehensive standards include (a) holding a bachelor’s degree or a master’s of social work from accredited programs; (b) demonstrating knowledge and understanding of adolescent development; (c) assessing services and community-based resources for how well they meet the adolescent’s needs; (d) developing a case plan jointly with youth and their family; and (e) participating in multidisciplinary case consultation across agencies.⁸⁹

While detention and correctional settings have unique concerns that make them different from congregate placements or independent living in child welfare, the needs of the youth are similar. Penological issues of safety and population management are not inconsistent with developmentally-appropriate training that recognizes that adolescents and young adults up to age 25 are different from older adults.⁹⁰

Trauma-Informed Orientation and Services

As noted earlier, adolescents and young adults in child welfare and correctional settings have often experienced severe trauma.⁹¹ The concept of “complex trauma” has come to describe the “dual problem of exposure to multiple traumatic events and the impact of this exposure on immediate and long-term” outcomes.⁹² Trauma is especially injurious for adolescents and young adults because it can disrupt and slow brain development.⁹³

Research shows, however, that even complex trauma can be remedied when young people have the benefit of corrective experiences and relationships.⁹⁴ For this reason, there is a growing consensus that adolescents and young adults can recover from trauma and are entitled to the “same

⁸⁷ Status Report of the *Nunez* Independent Monitor (Apr. 18, 2024), at 86 and 263-266 (emphasizing the need for consistent staffing); *see also* Status Report of the *Nunez* Independent Monitor (Apr. 18, 2024), at 32, <https://tillidgroup.com/projects/nunez-monitorship/>; Yaroshesky, *Rethinking Rikers*, *supra* note 17, at 7, 44-48.

⁸⁸ <https://www.socialworkers.org/Practice/NASW-Practice-Standards-Guidelines/NASW-Standards-for-the-Practice-of-Social-Work-with-Adolescents>.

⁸⁹ *Id.*

⁹⁰ The Board of Correction acknowledges the special treatment that young adults should receive in the Young Adult Plan specifying that “[h]ousing for people in custody ages 18 through 21 shall provide such people with age-appropriate programming.” New York City Administrative Code, Title 40: Board of Correction, Ch. 1: Correctional Facilities, § 1-02(c)(1) Classification of People in Custody. Again, the Young Adult Plan should be expanded to include youth up to age 25.

⁹¹ *See, e.g.,* Mendel, *Why Youth Incarceration Fails*, *supra* note 9.

⁹² Jim Casey Youth Opportunities Initiative, *The Adolescent Brain*, *supra* note 8, at 13.

⁹³ *Id.* at 25 (citing D.F. Becker *et al.*, *Trauma and Adolescence: The nature and scope of trauma* (2003)); Schiraldi *et al.*, *Community-Based Responses to Justice-Involved Young Adults*, *supra* note 42, at 2.

⁹⁴ Jim Casey Youth Opportunities Initiative, *The Adolescent Brain*, *supra* note 8, at 27-28 (citing Bessel A. van der Kolk, *Clinical implications of neuroscience research in PTSD*, *Ann. N.Y. Acad. Sci.* (2006)); Jim Casey Youth Opportunities Initiative, *The Road to Adulthood*, *supra* note 9, at 8-9.

opportunities, experiences, and high expectations as all other youth in the community.”⁹⁵ Experts working with young adults agree that “[i]t is important for people working in youth-serving systems to understand young people’s responses to trauma in order to promote healing and emotional security.”⁹⁶

Trauma-informed and trauma-specific practices are essential components of serving older youth.⁹⁷ Local Law 42 mandates that young adults “receive access to trauma-informed, age-appropriate programming and services on a consistent, regular basis.”⁹⁸ Professional standards call for youth-serving organizations to “provide therapeutic and practical opportunities for youth to learn how to acknowledge and cope with past trauma, and to create a meaningful sense of personal identity.”⁹⁹ Older youth in the custody of New York City’s Department of Correction deserve no less.

VIII. Conclusion

Children’s Rights has helped lead child welfare and juvenile legal reform in states across the country for nearly three decades, and understands how challenging systemic change can be. The Board of Correction has an opportunity, and the responsibility, to align Department of Correction rules with best practices in youth development. By doing so, young adults in New York City’s correctional facilities will be safer and less likely to re-enter detention after their release.¹⁰⁰

⁹⁵ See Browne, *Youth Thrive*, *supra* note 64, at 2 (collecting authorities on foster systems; citation omitted); Jim Casey Youth Opportunities Initiative, *The Road to Adulthood*, *supra* note 9, at 10; Jim Casey Youth Opportunities Initiative, *Success Beyond 18*, *supra* note 42.

⁹⁶ Jim Casey Youth Opportunities Initiative, *Trauma-Informed Practice*, *supra* note 26, at 1; Jim Casey Youth Opportunities Initiative, *The Road to Adulthood*, *supra* note 9, at 7.

⁹⁷ *Id.*

⁹⁸ New York City Administrative Code, Title 9: Criminal Justice, Ch. 1: Department of Correction, § 9-167(k) Solitary Confinement. Local Law 42 also recognizes the critical nature of trauma-informed therapeutic interventions for those held in restrictive housing. New York City Administrative Code, Title 9: Criminal Justice, Ch. 1: Department of Correction, § 9-167(h)(5).

⁹⁹ Child Welfare League of America, *Standards of Excellence for Transition, Independent Living, and Self-Sufficiency Services* (revised ed. 2005), at 115; Jim Casey Youth Opportunities Initiative, *The Road to Adulthood*, *supra* note 9, at 13, 17-18.

¹⁰⁰ See, e.g., Baser, O., Rodchenko, K., Zeng, Y. *et al.*, Mental Health Disparities in Young Adults with Arrest History: A Survey-Based, Cross-Sectional Analysis. *Health Justice* 12, 1 (2024), <https://doi.org/10.1186/s40352-023-00257-2>



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The Center for Justice Innovation is a non-profit organization that seeks to transform the policies and practices of the justice system to make it fair, effective, and humane. The Center operates the following sites throughout New York City.

- Family
- Criminal
- Community Development
- Civil/Housing

Click on the name of any program to learn more.

STATEN ISLAND

- 1. Staten Island Justice Center

MANHATTAN

- 2. Harlem Community Justice Center
- 3. Headquarters
- 4. Manhattan Justice Opportunities
- 5. Midtown Community Court

MULTI-BOROUGH

- 6. Legal Hand (Bronx, Brooklyn, Queens)

BRONX

- 7. Bronx Child Trauma Support
- 8. Bronx Community Justice Center
- 9. Bronx Community Solutions

BROOKLYN

- 10. Brooklyn Justice Initiatives
- 11. Brooklyn Mental Health Court
- 12. Brownsville Community Justice Center
- 13. Neighbors in Action
- 14. Red Hook Community Justice Center
- 15. Supervised Release Program

QUEENS

- 16. Queens Community Justice Center (Jamaica and The Rockaways)

Staten Island

- 1

Brooklyn

- 6
- 13

- 6
- 12

- 10
- 15

- 14

- 5
- 3

Queens

- 6
- 16

Bronx

- 6
- 7
- 8
- 9

- 2

Manhattan



Citywide

- Access to Justice
- Alternatives to Incarceration
- Driver Accountability Program
- Gender and Family Justice
- Neighborhood Safety Initiatives
- Parent Support Program
- Project Reset
- Restorative Justice Practices
- RISE Project
- Strong Starts Court Initiative
- Youth Action Institute
- Youth Impact

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Courtney Bryan, Executive Director

**Center for Justice Innovation
New York City Council
Committees on Criminal Justice and Children and Youth
June 26th, 2024**

Good morning, Chairs Nurse and Stevens and esteemed members of the Committees on Criminal Justice and Children and Youth. Thank you for the opportunity to testify today on behalf of the Center for Justice Innovation (The Center).

The Center for Justice Innovation provides community-based programming that strengthens public safety and connects New Yorkers of all ages to crucial services, such as mental health treatment and substance use counseling. In addition, we offer meaningful off-ramps from the criminal justice system that serve to reduce recidivism and change lives.

We are grateful to the Council for holding this hearing to examine such an important and timely topic. While incarceration can be harmful for anyone, it is particularly damaging to young people who are at a critical moment of growth and development. The brain does not fully mature until the mid-to-late twenties, making law-breaking and other risky behaviors more common during adolescence. Research shows that the vast majority of youth age out of this kind of behavior.¹ Therefore, we need to be sure our responses to juvenile crime do not cause long-term harm, as is the case with incarceration.

Formerly incarcerated youth often experience serious mental and physical health challenges as they age. A study published in 2018 found that “individuals incarcerated as children had worse adult health outcomes, including general health, functional limitations (climbing stairs), depressive symptoms, and suicidality, than those first incarcerated at older ages or never incarcerated.”² Of the estimated 61,000 detained youth in the U.S., about 36 percent had previously considered suicide and just less than 30 percent had attempted it, according to a 2015

¹ Mendel, R. (2023, March 27). *Why Youth Incarceration Fails: An Updated Review of the Evidence*. The Sentencing Project.

<https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

² Barnert, E. S., Abrams, L. S., Tesema, L., Dudovitz, R., Nelson, B. B., Coker, T., Bath, E., Biely, C., Li, N., & Chung, P. J. (2018). Child incarceration and long-term adult health outcomes: A longitudinal study. *International Journal of Prisoner Health*, 14(1), 26–33. <https://doi.org/10.1108/ijph-09-2016-0052>

study in the *Journal of Correctional Health Care*.³ Alarming, these issues can be brought on by even a brief period of incarceration. Just one month of incarceration can result in a significant increase in mental and physical health problems.⁴

In addition, incarceration disrupts critical opportunities for youth that can have serious repercussions for the future. Juveniles who spend even one to two months incarcerated are less likely than their peers to ever return to school after they are released. If they do return, they are less likely to graduate and more likely to be placed in special education classes.⁵

This negatively impacts future earnings. Nationwide, formerly incarcerated people earn roughly half as much per year as their peers from comparable socioeconomic backgrounds. The disparities are even worse for Black and Latina/o individuals, who have more substantial earnings losses than their white formerly incarcerated counterparts – totaling \$358,900 to \$511,500 in losses throughout a lifetime.⁶

Many youth who enter the justice system also suffer from untreated behavioral and mental health issues. Estimates reveal that approximately 50 to 75 percent of the 2 million youth encountering the juvenile justice system meet criteria for a mental health disorder.⁷

Youth involved in the justice system are several times more likely than other youth to have suffered traumatic experiences. Exposure to multiple types of trauma can impede children's healthy brain development, harm their ability to self-regulate, and heighten the risks of delinquent behavior.⁸ Meanwhile, incarceration often exacerbates mental health issues and can be a traumatic experience in itself, particularly for youth who have been exposed to violence and other adverse childhood experiences.⁹

In addition, studies have shown that incarceration slows young people's psychological maturation, including the abilities to control impulses, delay gratification, weigh the consequences of their actions, consider other people's perspectives, and resist peer pressure. In

³ Stokes, M. L., McCoy, K. P., Abram, K. M., Byck, G. R., & Teplin, L. A. (2015). Suicidal Ideation and Behavior in Youth in the Juvenile Justice System: A Review of the Literature. *Journal of Correctional Health Care*, 21(3), 222–242. <https://doi.org/10.1177/1078345815587001>

⁴ Barnert, E., Dudovitz, R., Nelson, B., Coker, T., Biely, C., Li, N., & Chung, P. (2017). How Does Incarcerating Young People Affect Their Adult Health Outcomes? *Pediatrics*, 139(2). <https://doi.org/10.1542/peds.2016-2624>

⁵ Aizer, A., & Doyle, J. J. (2015). Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges. *The Quarterly Journal of Economics*, 130(2), 759–803. <https://doi.org/10.1093/qje/qjv003>

⁶ Craigie, T.-A., Grawert, A., & Kimble, C. (2020, September 15). *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involve-ment-criminal>

⁷ Underwood, L., & Washington, A. (2016). Mental Illness and Juvenile Offenders. *International Journal of Environmental Research and Public Health*, 13(2), 228. <https://doi.org/10.3390/ijerph13020228>

⁸ Crouch, E., Beeson, S., Strompolis, M., Smith, H., & McFadden, S. (2020). Examining the prevalence of adverse childhood experiences among juvenile offenders. *Journal of Applied Juvenile Justice Services*, 41–56. <https://doi.org/10.52935/20.31815.1>

⁹ Wyrick, P., & Atkinson, K. (2021, April 29). Examining the Relationship Between Trauma and the Juvenile Justice System.

contrast to healthy adolescent development, incarcerated youth also saw increases in impulsivity as they aged, raising concerns that such an experience can actually have retrogressive effects.¹⁰ Meanwhile, a study by the U.S. Office of Juvenile Justice and Delinquency Prevention found that half of youth with identifiable disorders did not receive appropriate services, with as many as 59 percent of the incarcerated kids not receiving treatment for mood and anxiety disorders.¹¹

Considering these factors, it is no surprise that incarcerating youth fails to improve public safety. According to a 30-state recidivism survey, nearly 76 percent of youth are rearrested within three years of their release. Studies also show that incarcerated youth are more likely to reoffend as an adult for serious offenses.¹² In addition, racial and ethnic disparities in youth incarceration persist, compounding the struggles already faced by marginalized groups.¹³

In order to realize lasting improvements to public safety, we need more effective responses for when young people violate the law. The negative impacts of youth incarceration ripple for decades to come, impacting an individual's education, employment, and behavioral and physical development. Our responses should guide youth in the right direction, giving them the tools they need to succeed on their own.

Below is a guide to an array of programmatic offerings the Center provides to young people in the neighborhoods we serve:

Gun Violence Prevention

Our programs work to create safer communities by preventing violence at all levels and responding when violence does occur. We engage those who have been most impacted by violence using multiple strategies including street outreach, conflict de-escalation by trained violence interrupters, mentoring, community organizing around gun violence prevention, and leadership opportunities for impacted youth. When violence occurs, we provide safe, meaningful opportunities for communal response and healing. We also work to prevent retaliatory action, putting a stop to the cycle of violence.

The Center's work is informed by a skilled group of researchers, some of whom have personal connections to participants' social networks. Those relationships allow for higher levels of trust and honesty rarely found in prior research. Our study of young gun-carriers in Brooklyn,

¹⁰ Schaefer, S., & Erickson, G. (2019). Context Matters: Juvenile Correctional Confinement and Psychosocial Development. *Journal of Criminal Psychology*, 9(1), 44–59. <https://doi.org/10.1108/jcp-09-2018-0041>

¹¹ Schubert, C. A., & Mulvey, E. P. (2014, June). *Behavioral Health Problems, Treatment, and Outcomes in Serious Youthful Offenders*. Office of Juvenile Justice and Delinquency Prevention . <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/242440.pdf>

¹² Mendel, R. A. (2024, April). *Protect and Redirect: How to Reduce Racial and Ethnic Disparities in Juvenile Diversion* . The Sentencing Project. <https://www.sentencingproject.org/policy-brief/protect-and-redirect-how-to-reduce-racial-and-ethnic-disparities-in-juvenile-diversion/>

¹³ Spinney, E., Cohen, M., Feyerherm, W., Stephenson, R., Yeide, M., & Shreve, T. (2018). Disproportionate minority contact in the U.S. Juvenile Justice System: A review of the DMC literature, 2001–2014, part I. *Journal of Crime and Justice*, 41(5), 573–595. <https://doi.org/10.1080/0735648x.2018.1516155>

New York, “Two Battlefields,” identifies fear—fear of one’s own death or the death of one’s family members—as the overwhelming factor behind the decision to carry. In-depth interviews with 103 gun-carriers, ages 15 to 24, found shocking levels of exposure to violence among participants and near-universal experiences of physical harm and trauma. The vast majority had friends or family members who had been shot, and most had come under fire themselves.

These experiences fostered an atmosphere of unpredictable violence, forcing many participants to become hypervigilant. For the majority, fear for their own lives (75 percent) or for their families (72 percent) was the primary reason for carrying a gun. Under constant threat—from other gun-carriers as well as from police—and with virtually no ties to the mainstream economy, participants describe gun-carrying as a form of resilience in a world with few options. Only a small fraction had access to stable work in the mainstream economy, with most relying on informal “hustles”—like drug dealing and scams—to make ends meet. The inherent dangers of the underground economy drove many participants to carry a gun for protection.¹⁴

Research like this gives us insight into the root causes of gun violence, the factors our programs should be addressing to keep youth from getting involved. The Save Our Streets (S.O.S.) program works in four New York City neighborhoods, partnering with local organizations, faith leaders, residents, and the individuals most likely to be involved in a shooting. Our staff prevent gun violence by mediating conflicts and acting as peer counselors to people who are at risk of perpetrating or being victimized by violence. We work closely with neighborhood leaders and businesses to promote a visible and public message against gun violence, encouraging local voices to articulate that gun violence is unacceptable. These local voices are respected pillars of the community, adults that youth and their families know and trust.

Using public health strategies, S.O.S. seeks to control the spread of violence. Its key elements are:

- **Community Outreach and Hospital Response:** The program deploys outreach workers and violence interrupters who engage youth and adults in the community at risk of perpetrating or being victimized by violence. The staff, who all have intimate knowledge of life on the streets, serve as counselors, offering advice and guidance on how to respond to conflicts without violence. They use positive peer pressure to redirect high-risk individuals towards school or jobs and help them think and behave differently about violence. Violence interrupters’ primary focus is to prevent shootings from occurring by engaging in mediation. Hospital responders partner with local hospitals to respond to shooting injuries, connecting with gunshot-wound victims and their families at the hospital to offer resources and prevent retaliation.
- **Public Education:** S.O.S. staff and volunteers distribute palm cards and posters with messages that promote peaceful conflict resolution, decry violence, and offer S.O.S. as a safe resource for people at risk of experiencing gun violence. Merchants have signs in

¹⁴White, E., B. Spate, J. Alexander & R. Swaner (July 2023) “Two Battlefields”: Opps, Cops, and NYC Youth Gun Culture. New York, NY: Center for Justice Innovation.

https://www.innovatingjustice.org/sites/default/files/media/document/2023/TwoBattlefields_Report_07142023.pdf

their windows to support our “Stop Shooting. Start Living,” message and count the number of days since the last shooting. Social media, texting, and e-mails keep the community updated and involved. These campaigns are often designed particularly to reach youth with a thought-provoking anti-violence message.

- **Faith-Based Leaders:** Faith-based organizations are an essential partner in the S.O.S. violence reduction strategy. Faith-based leaders are encouraged to preach against gun violence from their pulpits, attend vigils, counsel people who may potentially be involved in gun violence, and refer high-risk individuals to the program.
- **Community Mobilization:** S.O.S. has built strong relationships with local businesses and agencies to spread an anti-violence message and promote community collaboration. Staff, participants, and volunteers organize block parties, arts showcases, presentations, and trainings to spread the idea that gun violence is both unacceptable and preventable. The team organizes community forums, rallies and marches, speak-outs, and barbecues to advance a simple idea: our community is moving past gun violence. S.O.S. also organizes a rally or vigil in the location of every shooting to call attention to and denounce the tragic results of violence. Local residents work as canvassers to promote events and disseminate program information.
- **Working with Justice-Involved Youth:** S.O.S. Bronx is contracted through the Administration for Children’s Services to work with young people in the Children’s Center. The goal is to reduce violence by changing the mindsets of the youth we serve. Staff facilitate supportive workshops, including Job Readiness, Know Your Rights, and Engaging in Mindfulness and Self-Awareness. In addition, they facilitate activities informed by program participants and community residents that bolster pro-social behavior and provide them with support in navigating the legal system.
- **Youth Enrichment Services:** School-based conflict mediation provides culturally competent programming to at-risk youth to reduce their involvement in violence while increasing attendance, academic progress, and other positive benchmarks. The program includes school-wide activities to change the culture around violence and to assist schools in their response to incidents in school or the community.
- **Anti-Gun Violence Employment Program:** This program is a seasonal employment program for young people 14- to 24-years-old. The program consists of two phases: a six-week summer program and a 25-week school-year program. Job responsibilities include community canvassing, asset mapping, data gathering, community outreach to engage and mobilize peers, and coordinating shooting responses.
- **Community Healing:** Therapeutic programming fosters a safe space for participants and other individuals in the community to share and process trauma experienced by themselves or someone close to them. Through individual and group therapy, participants learn how to incorporate coping skills and other techniques such as mindfulness into their daily lives.

- **Restorative Justice:** Restorative justice programming helps participants build understanding, encourage accountability, and work towards healing and repair through healthy conflict resolution.
- **Professional Mental Health Services:** A supportive service allocated by the Department of Youth & Community Development for our anti-gun violence programming to provide direct clinical and evidence-based mental health counseling services to participants at Crisis Management System provider sites.
- **Youth Council:** The Youth Council serves young people ages 16 to 24 by providing a safe space to develop leadership and community skills. Participants work to become positive contributors to their neighborhoods. Learning takes place through workshops, community meetings, and recreational activities. Goals include reducing violence and forming a healthy, vibrant peer culture.

S.O.S. Impact

Our S.O.S. programs use data to develop strategies that work to identify neighborhood “hot spots” and the times and days of the week shootings are most likely to occur. This allows our teams to focus their resources most effectively in those areas and times to reduce shootings. This strategy has resulted in reductions in gun violence in our target areas within Brooklyn and the Bronx.

Brooklyn: S.O.S. programs are located in the neighborhoods of Crown Heights and Bedford-Stuyvesant. An evaluation of the S.O.S. program in Crown Heights demonstrated that gun violence decreased by six percent in the 77th Precinct (where S.O.S. operates) while increasing 20 percent in nearby precincts with similar demographics and crime rates. (Researchers concluded it was unlikely that the gun violence increase in nearby precincts was due to displacement of violence to surrounding areas.)¹⁵

In 2018, S.O.S. Brooklyn outreach workers and violence interrupters de-escalated more than 106 violent conflicts, responded to 21 shootings, and forged over 200 peace agreements. There are up to 90 individuals enrolled in the S.O.S. Brooklyn program at any given time, with more than 80 percent of participants assessed as high risk for involvement in gun violence. Nearly 8,000 people attended more than 80 community events organized by S.O.S. Brooklyn designed to spread awareness and messages of peace and unity.¹⁶

The Bronx: S.O.S. Bronx operates programs in the South Bronx (Mott Haven) and Morrisania. An independent evaluation credited S.O.S. Bronx with reducing gun injuries by 37

¹⁵ Picard-Fritsche, S., & Cerniglia, L. (2013, January). *Testing a Public Health Approach to Gun Violence: An Evaluation of Crown Heights Save Our Streets, a Replication of the Cure Violence Model*. Center for Justice Innovation. https://www.innovatingjustice.org/sites/default/files/documents/SOS_Evaluation.pdf

¹⁶ Center for Justice Innovation. (2022). “S.O.S. Brooklyn Fact Sheet”. Unpublished internal document.

percent when compared to a similar area not served by Cure Violence. The program has also reduced shooting victimizations by 63 percent.¹⁷

Youth Weapons Diversion

Midtown Community Justice Center launched Youth Weapons Diversion in fall of 2021, seeking to fill a gap in holistic alternative-to-prosecution diversion options for young people ages 14 to 17 arrested for gun and other weapons possession. In collaboration with the New York City Law Department and defense agencies, the program provides an early off-ramp from the traditional Family Court process and builds supportive connections for participants. It employs a case manager, social worker, and local community mentors who utilize their own experiences to connect with young people and unpack their behavior while simultaneously attaching them to meaningful services, building on participants' strengths, setting goals, engaging the supportive people in their lives, and providing a forum for meaningfully addressing harm.

This 90-day diversion program begins with an in-person intake with the youth participant and their parent(s) or guardian(s). During subsequent weekly sessions, the young person is supported in identifying their needs, interests, and strengths. Each participant also sets educational, employment, and social-emotional goals that they work on throughout programming. Early in the program, the Justice Center connects participants to a community-based Center site such as Brownsville Community Justice Center or Neighbors in Action (based in Crown Heights and Bedford-Stuyvesant, Brooklyn) or another appropriate youth development organization in their own neighborhood for ongoing engagement, even after program completion. These sites are deeply connected to the communities they serve, seeing participants through the entire process and maintaining engagement after program completion. In addition, they provide paid internships and workforce readiness services, educational support, pro-social activities, and community engagement and leadership opportunities, as well as credible messenger mentors with lived experience and expertise working with young people who carry weapons.

Ultimately, participants and staff build toward a support circle, a restorative justice process that supports the young person in moving forward from their weapons possession charge by bringing together their loved ones and community partners to center the voices of those most impacted by the arrest. Preparation sessions with the young people are integrated into weekly check-ins, where staff help them to understand and process the underlying issues that led to the decision to carry a weapon and explore how to prevent it from happening again. Preparation sessions also help staff explore ways to connect participants to organizations and individuals who can assist them in working toward their goals. Staff work with the participant and their parent(s) or guardian(s) to develop a list of the participant's supporters to invite to the circle and work to

¹⁷Delgado, Sheyla A., Laila Alsabahi, Kevin Wolff, Nicole Alexander, Patricia Cobar, and Jeffrey A. Butts (2017). The Effects of Cure Violence in the South Bronx and East New York, Brooklyn. In *Denormalizing Violence: A Series of Reports From the John Jay College Evaluation of Cure Violence Programs in New York City*. New York, NY: Research and Evaluation Center, John Jay College of Criminal Justice, City University of New York.

prepare those individuals for the circle by describing the process, setting expectations, and assessing whether they are well-suited to support the youth in the process.

During the support circle, the youth and their supporters discuss the impact of the arrest and the root causes of their behavior, exploring the day of the arrest, the precipitating events, and their relationship to community violence. Recognizing the systemic factors that lead youth to feel unsafe, the restorative process holds space for accountability at an individual, family, and community level. Centering the youth's voice, the restorative process provides an opportunity for them, their family members, and their community to work together to develop safety plans and actionable steps to increase feelings of safety and reduce the need to carry a weapon. Restorative justice looks beyond the arrest—young participants, with their supporters, discuss their hopes for the future and the steps they intend to take toward their goals, and everyone puts forth concrete ideas as to how they can support the young person in taking those steps.

Successful completion of the program results in a “decline to prosecute” with a sealed record. For cases that have already been filed, the petition is withdrawn and the case sealed. These outcomes prevent a full criminal process, a criminal record, and many collateral consequences for young people at a pivotal age. Since its launch three years ago, the program has received 48 referrals, of which 43 were accepted and engaged with programming. 35 participants have graduated, fully resolving their cases in Family Court, and five cases are currently active.¹⁸ When participants graduate, they move forward with a network of supportive individuals and resources. Perhaps most importantly, they are left with an understanding of what motivated them to carry a weapon, and why they will not repeat that choice in the future.

Restorative Justice

Through our Restorative Justice program for young people, **Youth Impact**, we have engaged young people to become transformative leaders in their communities, addressing inequity and the factors that lead to youth involvement in the criminal legal system. Youth Impact provides restorative, peer-facilitated diversion programming. The goal is to build understanding, encourage accountability, and provide healing or repair relationships among youth, avoiding more punitive responses that can cause long-term harm and stigmatization. Grounded in restorative justice practices, Youth Impact utilizes a community-based approach. Many members have been directly impacted by the criminal legal system, reflecting Youth Impact's guiding philosophy that those who have been impacted are most able to lead, develop meaningful solutions, and engage their peers.

Each cohort is trained in restorative justice practices and holds community-building circles for referred participants. As paid interns, members lead diversion programs, develop and pilot projects to promote community change, and take actions to address the underlying issues that drive youth contact with the criminal legal system. Youth Impact offers individual support,

¹⁸ Center for Justice Innovation. (2024). Justice Center Application and Reset referral database. [Data file].

mentorship, and educational opportunities to support members as they move towards their individual goals. Programmatic offerings include:

- **Youth-Led Diversion:** We offer a range of peer-led options that keep youth out of the justice system while helping them to take responsibility for their actions. The program receives referrals from the departments of probation and police, district attorneys, family and criminal courts, and schools. Diversion options include:
 - **Restorative Circles:** Circles, which are facilitated by Youth Impact members, handle cases diverted from the traditional court system. In a circle, everyone has a chance to share their experiences. The referred youth talks about the incident, builds accountability, and then works with Youth Impact members to decide on steps to repair the harm and address underlying issues.
 - **Youth Court:** Youth Impact trains local teenagers to serve as jurors, judges, and advocates, who handle real-life cases involving their peers. Grounded in restorative justice principles, youth court uses positive peer pressure to ensure that young people who have committed minor offenses learn to take accountability and repair the harm caused by their actions. The program receives referrals from schools, the New York Police Department, the New York City Department of Probation, and the New York City Law Department.
- **Peer Mentorship:** Youth Impact members are trained to be mentors and credible messengers, equipping them to facilitate community-building circles and workshops about decision-making, developing positive goals, and building support systems.
- **Neighborhood Youth Justice Council:** This council provides a platform for youth to participate meaningfully in justice-related policy making and problem solving to address local challenges. Working collaboratively with community, justice, and law enforcement partners, council members identify and research issues, generate potential solutions, and work to implement positive change.
- **Youth Organizing, Research, Policy, and Advocacy:** Youth organizing initiatives activate members around issues important to youth. Interns develop community organizing and advocacy skills through hands-on development of campaigns and projects. Policy and advocacy opportunities create platforms for youth leaders to ensure their voices are included in conversations from which they are often left out. Members engage in research, policy development, and system change at all levels—from neighborhood to national.
- **Community Investment:** Youth work with community stakeholders to create solutions to neighborhood problems. Solutions emphasize healing as a way to address systemic harm and support safe neighborhoods. Responses developed include placekeeping initiatives (where stakeholders conceive and implement changes to public spaces), community circles, pop-up wellness and self-care spaces, and cultural events.

Workforce Readiness

We understand that long-term community safety cannot be achieved without addressing poverty, inequality, and structural racism. Time and time again, we have witnessed the correlation between crime and violence and indicators of poverty, inequity, and disinvestment. The community districts with the highest rates of violent crime tend to be majority Black and Brown communities with low rates of employment, family income, home ownership, and educational attainment, demonstrating the longstanding and profound interconnection of crime, poverty, inequality, and systemic racism. Thus, an integral part of our safety approach for youth is supporting mobility out of poverty by providing young people with the education and job skills needed to find employment in growth industries. We offer a wide range of programming that supports this effort, including entrepreneurship training and workforce development programs.

Bronx Community Justice Center

The Bronx Community Justice Center works towards healing and redefinition of possibility for young people from the South Bronx through a range of opportunities, including leadership development and entrepreneurship. The neighborhood-centric program model is rooted in creative social enterprise that builds hard and soft skills, provides paid internships, and creates employment pipelines.

- **Workforce Development:** The Justice Center offers a range of workforce development and work readiness programs, including certification programs such as OSHA and security, drivers training programs, and community internship programs.
- **Community Internship Program:** The Justice Center provides supported opportunities for youth to gain work experience and receive mentorship from successful professionals, while investing in and supporting small locally-owned businesses.
- **Resurrect the Youth:** This is the Justice Center’s youth-led brand and social enterprise. Young entrepreneurs complete training in all aspects of launching a business and get hands-on experience launching their own product lines that address youth-identified social issues. Members have taken on topics such as youth unemployment and youth mental health.
- **Youth Entrepreneurship:** This program provides participants with hands-on, project-based training to develop and launch a business. Participants gain skills to develop their side hustles into entrepreneurial ventures while also creating collective projects focused on community safety and healing.
- **Interest-Based Programs:** The Justice Center offers a range of paid, interest-based, and project-based internships in areas including boxing, music production, digital media and design, documentary, community benefits, and urban planning. Each internship

culminates in the execution of a youth-led community-based event supporting community safety and healing.

- **Design Lab:** Working with a Bronx-based creative agency, Justice Center interns are trained in photography, videography, and graphic design. Interns develop and implement community improvement projects including art installations in local housing developments and placekeeping interventions, as well as digital and print projects.
- **High School Equivalency:** Onsite high school equivalency programming allows participants to study and obtain their high school equivalency. The programming is integrated with youth and workforce programs to increase engagement and success.

Neighbors in Action Youth Center

The Youth Center uses an intersectional lens in organizing for social justice. Youth are trained in leadership, public speaking, facilitation, and collaborative problem solving and take part in civic education activities to inform their community mobilization and social action projects. Through programs such as Youth Impact, youth with limited experience in organizing can make connections between their lived experiences, their peer group's shared experiences, and larger systems which impact their communities.

Together, they develop presentations, community events, and interactive campaigns to promote alternatives to violence and pathways toward healing. Through a combination of experiential workshops and community organizing opportunities over the course of eight months, Youth Impact participants develop leadership skills including public speaking, creative problem solving, networking, event planning, resume writing, and campaign planning. Participants who successfully complete the program receive a stipend, community service credit, and assistance in securing paid summer employment or internship positions.

Arts, media, and technology are integrated across the Youth Center's programming to amplify organizing efforts, healing justice initiatives, and participant mobility. In the summer of 2019, the Youth Center launched a multimedia arts lab to create pipelines to careers in the creative arts economy in Brooklyn. This program continues to grow, offering paid internships in music production and graphic design and open lab hours for young people to utilize the Center's resources as a creative coworking space.

The Youth Center also connects young adults with work readiness opportunities through our Work PLUS and NeON Works programs. These programs provide work placements, vocational training, soft skills development, and assistance with job searches and career planning. Participants, who range in age from 16 to 29, receive:

- **Employment training:** Group and individual job training and job search assistance designed to lead to employment
- **Education training:** Assistance enrolling in high school equivalent classes and other credential resources

- **Coaching:** Individual coaching with staff members to identify goals and address challenges that may inhibit career aspirations
- **Stipend:** A stipend of up to \$1,400 for completing personalized milestones

Conclusion

Thank you to the Council for the opportunity to testify. Youth decarceration is an urgent need in New York City, and the Center is grateful to the Council for shedding light on this issue. We look forward to working in partnership to ensure all young people have the opportunity to flourish safely and successfully in their communities.



**New York City Council Committee on Criminal Justice
and Committee on Children & Youth**

Oversight - Department of Correction and Department of
Probation's Programming and Reentry Services

Good morning, I'm Nadia Chait, the Senior Director of Policy & Advocacy at CASES. Thank you to Chair Nurse & Chair Stevens for the opportunity to testify today. CASES is a nationally recognized leader in the development of innovative programs to address the intersection of unmet mental health needs and criminal legal system involvement. We served over 9,000 New Yorkers last year, of whom nearly 90% identified as Black and/or Latino, consistent with disparities in policing and sentencing. Our programs prevent the harm and trauma of incarceration through pretrial services and alternatives to incarceration (ATI); support achievement of education, employment, health and housing goals; promote mental wellbeing through a range of clinical and case management programs; and improve public safety through community-based solutions.

Since 1967, CASES' programs have worked to divert young people from detention, placement and jail by providing supportive services in the community that prevent recidivism and help young people engage in healthy and safe behaviors. We are deeply troubled by the rise in youth detention, and by cuts in funding to programs that support young people. We urge the Council to restore funding to youth programming in this year's budget.

Cancellation of IMPACT ATP

To reduce the number of young people in juvenile facilities, the City must invest in alternatives to detention and placement. Instead, the Department of Probation cut an alternative to placement (ATP) that was designed to serve 175 young people annually. CASES was awarded an RFP for the IMPACT program in 2022, which was to provide an ATP program for young people in family court and/or Criminal Supreme Court. Unfortunately, this contract was terminated in 2023 before we were ever allowed to start serving youth.

IMPACT would have provided a critical service to young people and their families, by providing home-based family therapy, credible messenger mentorship, and helping clients reach their educational, employment and pro-social goals. There is no equivalent ATP for our young people – although DOP and ACS both operate other ATPs, these serve young people with different needs than IMPACT. This program would have served 175 young people across the city, who are otherwise highly likely to experience juvenile detention. These young people deserve access to the robust supports IMPACT would have provided, instead of being forced out of their community into a less supportive and more expensive setting. We have not received any information from DOP regarding how they plan to serve these young people without IMPACT.

Increase Funding for Programs that Support Young People

We are among many organizations that provide robust programming for young people to remain safely in the community. One of our programs, Choices, serves as an alternative to detention for young people facing criminal charges in Bronx and Manhattan, with the program available in

Family Court and the Youth Parts. The base Choices program, which is court-mandated, provides education, employment, recreation, coaching, court compliance and advocacy services to young people in family court at the pre-disposition stage. Recently, we have added a second track, Choices+, that adds in-home family therapy as an additional service. Services are available for up to 12 months, can be court-mandated or voluntary, and are available in the youth part in addition to family court. However, we do not have any long-term funding for this second track. In-home family therapy is a critical service for many young people with criminal-legal system (CLS) involvement, who navigate complex family dynamics and are frequently dealing with the trauma of racism and poverty. The Council should ensure that this year's budget provides robust funding for Choices and similar programs, which can directly reduce the number of young people in detention.

Fund the Robust Supports Young People Need

To reduce incarceration of young people, we need to invest in the work that prevents a young person from being arrested and provides opportunities for success and growth in their community. The Council should push the Department of Probation to restore \$2.6 million in funding to the Next STEPS program, which provided a vital service to young people in the NYCHA developments with the highest rates of violence. Additional programming that should be restored includes:

- \$1.6 million to the Arches program, which connects high-risk young adults to mentors with similar life experience
- \$6.9 million in after school programming
- \$12 million for restorative justice programs
- \$14 million for Community Schools, which provide young people and families with wrap-around supports
- \$5.4 million for the Office of Neighborhood Safety

Cancellation of Next STEPS Program

Last August, CASES and all NextSTEPS providers were notified by the Department of Probation that all program contracts would be terminated, just one week from the day of the letter. This shocking cancellation cut off services to over 240 young people, and put the employment of at least 40 people at risk.

Next STEPS, an initiative of the Mayor's Action Plan for Neighborhood Safety, offered one-on-one and group mentoring within a cognitive behavioral therapy-based curriculum designed to help young adults make the attitudinal and behavioral changes necessary to avoid criminal activity and re-engage with education, work and community. The program was started in 2014 and provides services in each borough. Mentorship is a critical support for many of our young people, as noted in [Mayor Adams' Blueprint for Community Safety](#). Mentors helped youth connect to educational and vocational opportunities, provided youth with a trusted adult who can support them in challenging times, and helped guide youth as they navigate decisions and enter adulthood. Next STEPS programs employed community members, providing them with an opportunity to achieve both economic stability and mobility.

The abrupt closure of the program was unexpected and astonishing. Our program participants wrote a letter sharing their frustration at the cancellation of this program, and what the benefits of the program were to them:

“Next STEPS has helped us to find jobs and internships while helping to motivate us on a daily basis. Next STEPS creates a good, safe, positive space for us to express ourselves and be free. With mentors that genuinely care, it gives us extra support from someone that we can go to without the fear of being turned away. This program has encouraged us to always do the right thing and to follow in the right path.

“Through this program we receive help with things like resume writing, filling out job applications and preparing for interviews. Our mentors work with us to better prepare us for these jobs by leading mock interviews, shopping for professional clothing, and whatever can be done to help us develop as professionals...Everyday has become a learning experience for us and through sex education, know your rights, boxing, chat no cap, and juvenile justice awareness to name a few, we have gained new knowledge...

“Whenever we are in need Next STEPS works to help us in ways that we are forever thankful for. We are grateful to have such an amazing program with loving staff that have assisted us in getting out of our comfort zones in order to reach new peaks.”

The Council should ensure full funding for Next STEPS is restored in this year’s budget.

To truly provide what our young people need, however, requires more than just restoring funds that have been cut. We need to increase access to the programs that help young people succeed in their communities.

ACES: A Model for Prevention & Intervention

Our ACES program provides intensive mentorship and services to young men who are disconnected from school, unemployed, and unready, unwilling or not eligible to participate in more traditional programming for CLS-impacted individuals. The over 110 young men we work with annually are very vulnerable to involvement in violence. Our program model offers relentless outreach and engagement, because we know that the young men in ACES will be resistant to the initial outreach. We then establish trust with participants by showing up repeatedly and meeting their immediate needs. Once we have built this relationship, we provide an evidence-based cognitive behavioral therapy program that catalyzes lasting behavioral change by teaching emotional regulation and relational skills. Participants engage in paid transitional employment services, building job readiness and financial stability. Our youth mentors connect participants to the full continuum of CASES services, and leverage our partnerships with other organizations to provide access to health, housing, legal and other services.

This robust engagement and interaction works. Since 2021, ACES participants:

- Attended for 81% of scheduled program activities
- Completed over 1,500 hours of transitional employment
- Among participants with open cases, 85% met their Court requirements
- Engage with ACES for 2.6 years on average

Unfortunately, ACES and programs like it have not received adequate funding to serve all the young people who need this type of transformative program. We have had to scramble to maintain funding on several occasions.

Apply for Raise the Age Funding

New York City is currently excluded from accessing Raise the Age funding, because the City exceeds the tax cap prescribed by state law. However, this funding could potentially be accessed by submitting a waiver of hardship, indicating that the City needs the resources that are available through the Raise the Age law for programs like those described above. New York City accounts for half of the state's youth justice system population and should be able to access more funding. However, Mayor Adams has yet to apply for the waiver of hardship, despite the administration's claim that the current fiscal cliff necessitates drastic cuts to many of the supportive services and programs that are vital to New York City's youth and families. We urge the Council to pressure the Mayor and his administration to submit a letter with the waiver of hardship to allow NYC to be considered for the funding.

Intro 977

We support Intro 977, as it is important to have more information about technical probation violations. We encourage the Council amend the age ranges to group 16 and 17 year olds with other children, or as their own age category. Since Raise the Age, these youth have most cases adjudicated in family court and should be grouped with other young people, rather than with the 18-24 year olds whose cases go through criminal or supreme court.

Intro 87

We support Intro 87. This is essential information to learn more about the use of youth detention and probation in our city.

We appreciate the Council's commitment to young people getting the care and services they need to stay in their communities safely.

Nadia Chait
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Hello, my name is Crystalie Romero-Smith, and in community, I'm better known as Lee Lee. I'm a program coordinator at Community Connections for Youth (CCFY) in the South Bronx. CCFY first met me when I was just 15, facing probation and potentially severe consequences. The love, support, and advocacy I received through the South Bronx Community Connections (SBCC) program changed the trajectory of my life.

The goal of SBCC was to connect me to my community and, through that connection, to myself. My world opened up—I was provided with resources that set me on the right path. I led my peers, guided them through the criminal legal system, and shared valuable lessons and best practices with adults working with youth like me. I became more than just a young person who didn't recidivate—I was activated. My life, my thinking, my self-belief, and my hope were all positively transformed by the relationships I built, thanks to community supports and system funding.

Now, as a staff member of the organization that once advocated for me, I strive to provide the same foundational support to others. In my role, I see firsthand the transformative power of community support for young people. I recall how our partnership with the Department of Probation supported Credible Messengers' roles and leadership, showing young people their Probation Officers as allies. These positive interactions fostered trust and transformed youth perspectives.



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Unfortunately, recent city-administration decisions have taken major steps backward, reinforcing an “us vs. them” attitude. These actions have removed crucial opportunities from young people, making quality mentoring and employment opportunities even less accessible for under-resourced communities. How does destabilizing communities lead to greater safety or hope? My question is: what are you doing to truly support our youth? Bare minimum opportunities would never have reached me, and by reaching me, you now reach many others.

Alternatives to incarceration work. It's proven. Yet, we still wait for evidence of the positive effects of incarceration. Incarceration grooms young people against its own stated intent. Today, I stand with a young person impacted by the criminal legal system who has embraced his potential because he was given the platform and space to do so. He is leaning into who he is and becoming his best. The city has defunded the stepping stones that took years to establish. We urge the city to invest in these assets that activate youth towards self-leadership, self-actualization, and hope.

Despite my justice involvement and being seen as a “problem to be solved,” I was treated as an asset to the community, and I became just that. I now stand before you as a woman who could have been a significant problem but instead heals what she touches.



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I ask you to change course. End the “poor-faith-in-community” actions. Our mission remains #NoKidsInCages. We need to invest in our youth, not detain them. By supporting community-based programs, we can create restorative spaces for young people to grow, explore, heal, and learn.

Thank you.

From: Youth Represent; The Children's Defense Fund; The Center for NuLeadership on Human Justice and Healing; The Legal Aid Society; Bronx Defenders Services; the New York Youth Justice Initiative; Community Connection for Youth; Justice4Families; Youth Justice Network; Catalyze Justice

To: Council Member Nurse and the Committee on Criminal Justice

Date: June 24, 2024

Re: June 26th Juvenile Justice Oversight Hearing

Considerations for the June 26th Oversight Hearing: "Coordinating the Administration's Youth Decarceration Plan"

There are significant concerns around the administration's current approach to youth justice, which appears to be at odds with the overall goals of youth decarceration. DOP is cutting or underfunding key diversion and community-based interventions that could keep youth out of court and detention, while ACS is planning a massive investment in additional secure detention beds rather than focusing resources on community-based prevention and interventions. It is unclear what MOCJ is doing to directly support youth diversion and decarceration. For your consideration, we have outlined key issues and questions for these agencies below.

DEPARTMENT OF PROBATION

DOP's deprioritization of diversion and alternative services

KEY POINT 1: Contrary to the goal of advancing youth decarceration, the DOP has cut and even closed down alternative to detention/incarceration (ATI) services and programs crucial to preventing young people's entry into detention, including Esperanza, which was seen as one of the most effective ATI programs. Without enough adequate community-based programs, judges routinely remand adolescents to secure detention.

- The lack of ATIs leaves DOP's Intensive Community Monitoring (ICM) program as the only remaining option, but public defenders report that **ICM consistently denies referral due to a severe lack of resources and capacity.**

KEY POINT 2: Alternatives to Incarceration are severely lacking across boroughs for Adolescent Offender (AO) (felony-charged 16/17s) cases in the Youth Part of Supreme Court.

KEY POINT 3: Prosecutors, judges, and attorneys are regularly calling for more programming options that can help support young people in the community, including family therapy services and anti-violence credible messenger programs.

Questions to consider on the lack of ATIs and ICM services:

1. We are aware of funding being cut from the NEONs program within the past year, and that the Esperanza contract was transferred to CASES but then never allowed to start services. Can you please provide a full list of programs for justice-involved youth (by age/court system (family court/ youth part)) that have been cut or eliminated, along with justification as to why funding has been reduced or shifted during a time of such high need for diversion programming?
 - a. In your answer, please provide a list of Alternative to Incarceration (ATI) programs available in the youth part of Supreme Court in each of the five boroughs, the services that these programs offer (e.g., FFT/MST, employment support, education, mentoring, case management, etc.), and the number of open slots in each borough
2. On Intensive Community Monitoring (ICM): We have heard many accounts from attorneys that Intensive Community Monitoring (ICM) has long wait-lists and often turns referrals away.

For more information, please contact No More Youth Jails 2.0 campaign working group at nmyj2.0@nuleadership.org.

- a. What is the current ICM capacity within each borough and how does that compare to the number of attempted referrals received in each borough?
- b. What is DOP doing to build ICM capacity and optimize the number of young people that can turn to ICM services to avoid incarceration?

DOP's lack of transparency around front-end practices and outcomes

KEY POINT 1: As the numbers of Juvenile Delinquents in nonsecure and limited-secure detention and placement increase, DOP must be more transparent about how it is handling cases at adjustment and provide data that is broken down by race, gender, age, location, and charges.¹

Questions to consider on front-end services:

1. What proportion of youth referrals to probation are being adjusted?
2. Which cases are not being adjusted and why?
 - a. What is the charge breakdown of cases that are and are not adjusted?
 - b. What is the race and gender breakdown of cases that are and are not adjusted?
3. What programming is available to young people at adjustment?
4. What is the success rate of adjustments? What, specifically, is DOP doing to ensure successful adjustment?

ADMINISTRATION FOR CHILDREN'S SERVICES

ACS's massive investment in incarceration rather than interventions

KEY POINT 1: At a time when services are most needed, ACS' decision to invest \$340 million in the Horizon secure detention facility in the Bronx, including building 48 additional beds, is misaligned with the vision of promoting youth, family, and community well-being.

- These funds, which were received under the previous administration, were originally intended to improve areas of the facility committed to services and programming—not for new beds. **ACS has added these 48 beds without clear justification of or consensus around whether additional beds are in the best interest of young people or the City's approach to youth justice.**

KEY POINT 2: There are already significant safety, staffing, and other conditions-related challenges facing the City's secure detention facilities that will only be exacerbated by ACS's decision to add beds.

KEY POINT 3: Rather than unnecessarily preparing to incarcerate more youth, ACS should be expanding prevention and diversion services that will decrease our detention population (as described above).

Questions to consider on ACS's plans to build an annex with new beds:

1. Before building beds, what did ACS do to cut down the population/decarcerate? What ongoing processes are in place to reduce the number of youth in secure detention?
2. What resources are necessary—but currently not available—to prevent remand or move more youth out of secure detention?
3. How did ACS arrive at the number of additional beds (48 beds)?

¹ For youth 15 and under, DOP is the first stop in the juvenile justice process after arrest and the agency plays a central role in determining whether young people's cases will be diverted to community-based services at the point of adjustment.

4. What input process from community stakeholders, including young people and families, did ACS include when creating the expansion plan?
5. Can you provide a breakdown of the \$340 million? For example, how much is going towards increasing the number of beds vs overall improvements? What does it cost to build each additional bed?
6. How much money is ACS investing in community-based ATI and ATD programs versus detention?
7. What alternatives were considered and tried before turning to more beds? Why is detention the only or primary answer for justice-involved Black and Brown young people?
 - a. How did ACS determine that no community-based programming would work for these youth if that programming capacity was developed and well-funded?
8. What has been discussed with the judiciary to better understand the services and supports they see as necessary to divert young people from incarceration? What efforts have been made to build those services and supports?
9. What work has ACS done internally to research and create community-based alternatives to incarceration that effectively address the root causes of youth who are currently detained on gun charges?
10. There have been numerous reports about the staffing challenges in secure detention facilities that have put young people's well-being and safety at risk. How does ACS plan to effectively staff these additional beds when they have been unable to do so with the beds they already have?



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Incarcerate or Educate?

by ()DASUN ALLAH([HTTPS://WWW.VILLAGEVOICE.COM/AUTHOR/DASUNALLAH/](https://www.villagevoice.com/author/dasunallah/))

February 26, 2002



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PHOTO: CARY CONOVER

On Valentine’s Day, while lovers scurried for flower bouquets and boxes of confections, a group of about 50 youth activists lined the steps of City Hall to serenade Mayor Bloomberg. The issue at hand: whether or not New York City loves to imprison its youth. Their song: a rhythmic chant of “Educate, don’t incarcerate.” The chorus of young crooners assembled on City Hall’s steps were there to draw attention to a \$64.6 million capital budget allocation they think is damning evidence that our city government plans to lock up more youth.

What is most interesting about this particular allocation is that it has been set aside for construction of youth jails during a severe fiscal crisis when expansion of the city’s juvenile detention facilities is not necessary.

Currently, the city operates three youth detention facilities: in the Bronx, Horizons, and Spofford, which reopened as Bridges, after a multi-million dollar renovation was completed in 1998, and Crossroads in Brooklyn, also completed

in 1998. The \$64.6 million is to expand the facilities at Horizons and Crossroads by 200 new cells. According to Mishi Faruquee, spokesperson for the Correctional Association of New York, the expansion is being justified on the basis of Department of Juvenile Justice (DJJ) projections that youth crime rates will escalate in coming years. These projections were made despite the fact that youth crime has dropped 30 percent since 1994. In addition to the drop in juvenile offenses, according to Faruquee, DJJ Commissioner Fred Patrick has stated that all three facilities were operating at about 70 percent capacity as of December 2001. At the time, she reports, the total population of New York City's juvenile jails was 294. That's precisely why the choir of youth activists, fed up with being left out of the process, assembled at City Hall.

"They make decisions for us, without us," says 21-year-old Chino Hardin of policies that allocate money to expanding prisons while schools fall apart and city communities are neglected. Hardin, once a troubled youth herself, is intimately acquainted with the DJJ and thinks that politicians should listen to the young on solutions for juvenile crime, but tend to turn a deaf ear to them. "Why should they care?" says Hardin. "[Youth] can't vote, right?"

They may not be able to vote, but they did prove that they can mobilize. The Justice 4 Youth Coalition brought together organizations from across the city, such as Youth Force, and Sister Outsider, along with grassroots activists and law students from NYU's Brennan Center for Justice, to fight the youth detention allocation. This issue has energized young people to organize protests, orchestrate letter campaigns to Mayor Bloomberg, consult with national organizations such as the Justice Policy Institute, and coordinate with youth groups across the country.

Youth have been lobbying City Council members, including Tracy Boyland, whose district encompasses the Crossroads facility; Jose Serrano, whose district includes Horizons; and Robert Jackson and Charles Barron, who spoke at the City Hall rally and pledged to introduce a resolution against the budget item. In short, young people who are most at risk to be victimized by these institutions are engaging in activities to show the lack of necessity for the facilities, and are arguing for the money to go to alternative-to-incarceration (ATI) programs.

Some activists speculate that these organizing activities are the very reason that the money isn't going into ATI and youth leadership programs in the first place. "They don't want to see people of color organizing," says Hardin. "They don't want to see people of color doing good. They want to keep us down because that's how the capitalist system that we live in works. They wouldn't profit and it wouldn't be in their interests for us to be organized because when we start organizing they know that we gonna bring up the shit that goes on in our community and we're gonna want to see it fixed."

Speaking on the overall outlook of the city's youth detention programs, Vincent Schiraldi, president of the Justice Policy Institute in Washington, says, "It's a pathetic story." New York was chosen by the Annie E. Casey Foundation, an

organization focusing on children's issues, to participate in a program to reform juvenile detention, according to Schiraldi. Although other cities in the program, like Chicago and Portland, showed progress, New York never fully committed to reform, and the program dropped the city from the experiment. "The leadership wasn't there," says Schiraldi. A senior associate at Casey, Bart Lubow, told *City Limits* that in New York, "There was no will to do real detention reform."

Instead of taking advantage of less costly alternatives to incarceration, New York opted to "get tough" on youth crime and imprison the young. Schiraldi has experienced firsthand the results of incarcerating youth and does not see it as an effective deterrent to crime. According to him, two things happen: The juvenile offenders come out worse and the other youth look up to them. Hardin expresses similar sentiments.

"When kids commit crimes, DJJ is a fucked-up quick fix, like a Band-Aid when I actually need surgery," says Hardin. "[No one asks], why are these kids acting out? Why are these kids committing crimes? Why are these kids dropping out of high school?" Hardin is frustrated by the the fact that elected officials avoid focusing on problems when it would be cheaper and more beneficial to do so. For the cost of incarcerating one youth for a year, over a dozen can be sent to ATI, and youth offenders who go to ATIs are over 50 percent less likely to return to prison.

"It's absurd!" Barron said when questioned about the capital project. Referring to a statement by 16-year-old Jesus Gonzalez at the City Hall rally, he said, "We need more books, not bars; schools, not prisons; and if you're cutting everything else, cut the prison budget too."

Barron vows to inform his council colleagues of the situation and is committed to working to re-allocate the funds. Whether or not Bloomberg will help reform the juvenile justice system and also continue his crusade for fiscal accountability by re-allocating the \$64.6 million remains to be seen. While Barron thinks that Bloomberg's allegiance will be to his own—the rich and corporate elite—and that the mayor will continue to appease them by cutting social programs rather than raising taxes, the youth activists and grassroots organizations are banking on Bloomberg's business acumen being an asset to their mission.

Citing examples of cities that have reformed or reduced their prison populations, Kirsten Levingston, director of the Brennan Center's criminal justice program, argued that Mayor Bloomberg will follow suit. "After all," said Levingston as she addressed the City Hall rally, "Mayor Bloomberg is a successful businessman and he didn't strike it rich by investing in operations that weren't needed or did more harm than good. Locking up more kids isn't sound fiscal policy and it certainly isn't sound community development policy."

Why would the system opt to spend over \$130,00 a year to incarcerate one youth, when only \$9739 is used to educate one? "The reason why they build more prisons than schools," said Barron, "is because we're living in a society that's building a prison-industrial-complex."



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Youth Jail Funding Detained

by (DASUN ALLAH([HTTPS://WWW.VILLAGEVOICE.COM/AUTHOR/DASUNALLAH/](https://www.villagevoice.com/author/dasunallah/)))

July 23, 2002



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Youth activists had cause for celebration last month when \$53 million of a proposed \$65 million allocated for the expansion of juvenile correctional facilities was removed from the city budget proposal. While activists and elected officials have worked long and hard to cut the funding from the budget, the move is mainly seen as a first step in the journey to completely reform the city's juvenile justice system. Activists are now gearing up to get a remaining \$11.4 million in juvenile justice funds put into prevention rather than detention.

As [previously reported \(https://www.villagevoice.com/2002/02/26/incarcerate-or-educate/\)](https://www.villagevoice.com/2002/02/26/incarcerate-or-educate/) in *The Village Voice*, a group of young activists and grassroots organizations calling themselves the Justice 4 Youth Coalition mobilized around the issue of juvenile justice reform and lobbied city politicians to fight against the proposed funding. The coalition alerted the public and local officials to the folly of spending \$65 million during a fiscal crisis to expand youth facilities when existing ones are operating below capacity and youth crime rates are falling.

The coalition and its political allies see the funding slash as a major victory but are not taking time to pop corks or pat backs. At the offices of the Correctional Association of New York and the Prison Moratorium Project, both coalition members, it was business as usual, as the effort to revamp New York's juvenile justice system continues.

“Nothing’s really changed here,” says Mishi Faruqee, a spokesperson for the Correctional Association of New York. “We’re gratified that the city did take out the money, but we’re really focusing on what the next steps are. We’re working with a whole coalition of young people around the larger issues of criminalization of youths in New York City, trying to reduce the number of kids who go into the juvenile justice system and creating positive alternatives for young people in the community.”

The current effort is for the reallocation of the \$11.4 million remaining in the Department of Juvenile Justice’s (DJJ) capital budget. “For us the campaign goal has always been definitely beyond canceling the money allocated for jail expansion,” says Kate Rhee of the Prison Moratorium Project. “It always has been about reallocation. How do we get the money back into the community? How do we reroute the money to a juvenile justice agenda determined by the youth?”

The \$11.4 million in the DJJ capital budget is designated for the maintenance and upkeep of existing youth detention centers such as Crossroads in Brooklyn and Horizons and Bridges (once Spofford) in the Bronx. Instead of expanding reactive measures to youth crime such as detention facilities, reformists advocate using the funds for more proactive prevention initiatives and rehabilitation-focused alternative programs.

“The fact of the matter is, prisons are just not working,” says Rhee. “The reason is because rehabilitation is not taking place, and especially when it comes to juvenile crime, we see the recidivism rate is very high for kids coming in contact with DJJ. But recidivism rates are much lower when kids get a second chance and go to alternative-to-incarceration programs.”

A fear that the funds will ultimately be used to expand correctional facilities in lieu of more constructive options troubles both the activists and their elected supporters. City Councilman James E. Davis, one of many council members working with the coalition, wants the \$11.4 million to fund construction for alternative-to-incarceration programs.

“That’s winning to me,” says Davis. “That \$11 million is not going for them to sneak through the back door and expand youth jails anyway and say, well, since we couldn’t expand it on this scale, we’ll expand it on another scale.”

Wherever the journey takes them, the coalition and its allies pledge to carry on the protracted struggle for juvenile justice reform. The coalition is weighing strategies to capitalize on the momentum the \$53 million funding cut has brought to their movement, and Councilman Davis promises more hearings and official action on the issue of the remaining \$11.4 million.

“Until the DJJ has a serious effort to prevent incarceration, until they have a serious effort to build lives and not jails, it’s not over for us,” says Davis. “It’s not over for me.”

BRONX

The \$64.6 Million Question

By Esther Kaplan. Published February 1, 2002



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Chino Hardin calls her time at Spofford Juvenile Center “one of the most degrading experiences of my life.” She landed there at age 13 after getting into a fight with a classmate at her Brooklyn junior high. The other kid’s parents pressed charges, and police arrested the diminutive Hardin for assault. In detention, she recalls, “I had to wear a uniform all the time, down to my socks and underwear. I was locked up and searched and shackled by the ankles for trips to court.” After a month and three days, a judge released her to her parents, with no mentoring, no counseling, a deep sense of distrust and—as always in her East Flatbush neighborhood—nothing to do after school. “They’re always talking about ‘threat to society,’” she says, “but the only people who are truly hurt are the ones being locked up. You have to close up inside to survive something like that.”

By age 16, Hardin had landed at Rikers Island on a grand larceny charge. “If weed is a gateway drug,” she says, “Spofford is a gateway to prison. You get locked up for shoplifting and you get exposed to kids who’ve done all kinds of things.”

Now 20, Hardin has emerged as a leader within a grassroots effort to stop the city’s planned expansion of juvenile detention centers. The No More Jail Beds campaign has brought together some of the city’s most vocal youth and criminal justice reform organizations, from the Prison Moratorium Project to Brooklyn-based Sister Outsider, an empowerment project for young women of color that Hardin now directs. The campaign has its roots in an effort by Bronx-based Youth Force in the mid-1990s to close down Spofford, then the city’s only pre-trial youth detention center, plagued by cockroaches and an abusive staff. Finally shut in August 1998 after two new detention facilities were built—Crossroads in Brownsville and Horizon in Mott Haven—the notorious facility was given a paint job and reopened as Bridges in late 1999, bringing total secure detention slots to 398, the highest in decades. Now the city is in the final phases of a plan to further expand juvenile detention capacity by adding 100 beds to each of the new facilities, at a cost of \$64.6 million. Only then does the city intend to close Spofford for good.

Old-timers will recall that when Rudy Giuliani first entered City Hall in 1994, he cut public school funds by more than \$150 million, and youth services by another \$19 million—including cuts to dozens of vital community organizations that have never been fully restored. Now, as he exits office and the city again faces a \$1 billion deficit—expected to grow to \$3.5 billion by 2003—the young activists of No More Jail Beds are demanding that the budget not be balanced on their backs this time. Instead, they’re making some cost-cutting suggestions of their own, namely that \$64.6 million.

The Department of Juvenile Justice originally sought the jail bed expansion to cope with the exploding number of 10-to-15-year-olds in detention in the late 1990s. From 1997 to 1999, the number of detainees on an average day jumped from 268 to 345, despite a 30 percent drop from 1994 to 1999 in under-18 arrests. DJJ spokesperson Sarina Roffe says her department has little control over those numbers—“I can’t tell you why a judge puts a kid into custody”—and attributes the rising daily census to longer stays, not more admissions. But the city has more discretion than Roffe lets on: Judges often make “open remands,” leaving the choice between lockup and a group home to DJJ. Advocates say that building more jail beds would only encourage DJJ to fill them. “We want the city to close Spofford and halt the expansion,” says Mishi Faruqee, director of the Correctional Association of New York’s Juvenile Justice Project, “and instead spend the money to create alternatives.”

By most accounts, the city has done little of that in recent years. In 1993, the Annie E. Casey Foundation, a juvenile detention reform powerhouse, came to the Big Apple to help DJJ revise its screening methods, in order to lower rates of youth detention. But Casey ultimately pulled out of the experiment in frustration, says senior associate Bart Lubow: “There was no will to do real detention reform.”



This year, however, as the young activists strategize, the moment could be ripe for change: For police chief, Mike Bloomberg tapped Ray Kelly, the former commissioner known for embracing prevention-oriented community policing tactics; several longtime advocates of criminal justice reform, including Al Vann and Charles Barron, now hold seats in the City Council; and a slight change in the numbers will make it harder for the city to justify expanding its detention program. In 2001, the average daily population in detention centers finally dropped to match arrests, to 357 from 379 the year before.

A recent court case has already forced the city to change its approach to juvenile delinquents. According to state law, teens may be sent to detention only if they pose a flight risk or are deemed likely to commit another crime, but a suit filed by the Legal Aid Society in 1998 established that this rule is regularly broken in New York City, due in large part to a drastic shortage of “non-secure” beds in group homes. By this summer, pressure generated by the suit, which culminated in a settlement with the Giuliani administration in December, will have doubled the number of group home beds, to 152 from 75 when the suit was filed. (Still, in 2001, despite significant group home growth, DJJ spent three times more on secure detention than on non-secure.) While Faruqee says she and her colleagues prefer community-based alternatives to incarceration, she admits, “Anything is better than detention.”

The agreement can only bolster the Jail Beds campaign. “There is less of a need for secure space if you’re subtracting the children who shouldn’t be there,” says Nancy Rosenbloom, an attorney for Legal Aid. “There’s no reason to believe the city needs 200 more jail beds at this time.”

As of late December, Mayor Bloomberg had yet to take a position on the proposed construction, but even the outgoing DJJ staff was hedging. “I don’t see [the expansion proposal] going anywhere,” Roffe told *City Limits*.

The campaign isn’t taking any chances, though. With help from law students at New York University, the young activists are surveying Family Court orders to document the reasons kids get sent to detention, from racial bias to judges’ failure to seek alternatives. They’ve also secured support from the community boards in Brooklyn and the Bronx that host the two new high-security centers. Community Board 16 in Brownsville is particularly distressed that the new Crossroads beds would be built right on top of the facility’s only recreation area. And at least some new City Council members are on board. Jose Marco Serrano, whose district includes Horizon, says he opposes any expansion. However, Councilmember Tracy Boyland, whose district hosts Crossroads, is said to be lukewarm at best. She did not return numerous calls for comment.

Of course, the larger challenge will be turning around the debate over juvenile justice—to get to a point, says Hardin, “where nonviolent offenders don’t even touch base with a juvenile detention facility, where the focus is on getting to the root of the problem, helping young people function and giving them skills.” In December, budget negotiations seemed headed in the wrong direction: Giuliani had called for cutting \$660,000 in DJJ’s Community-Based Intervention program, which focuses on skills-building, counseling and prevention.

Esther Kaplan is a contributing editor at POZ, a producer at WBAI and a freelance writer based in Brooklyn.

LATEST ARTICLES



Total Admissions¹ to Secure Detention by Age, Gender, and Race²

Age of Youth at Time of Admission		
Age	Number	%
< = 10 yrs old	0	0.0%
11 yrs old	2	0.1%
12 yrs old	6	0.4%
13 yrs old	80	5.5%
14 yrs old	198	13.5%
15 yrs old	358	24.4%
16 yrs old	333	22.7%
> = 17 yrs old	489	33.4%
Total	1466	

Gender of Admitted Youth		
Gender	Number	%
Male	1214	83%
Female	251	17%
Unknown	1	0%
Total	1466	

Race/Ethnicity ² of Admitted Youth		
Race/Ethnicity	Number	%
Black	946	64.5%
White	64	4.4%
Hispanic	421	28.7%
Asian/Pacific Islander	32	2.2%
American Indian	0	0.0%
Other	3	0.2%
Unknown	0	0.0%
Total	1466	

Total Admissions to Secure Detention by Admitting Authority and Top Arrest Charge Level³

Total Direct Court ⁴ Admissions to Secure Detention by Judicial Order and Top Arrest Charge ⁵			
Charge	Number	%	
ROBBERY	205	28%	CRIMINAL MISCHIEF 3 0%
ATTEMPT MURDER	145	20%	PROBATION VIOLATION 3 0%
WEAPONS CHARGE	124	17%	BURGLARY 2 0%
ASSAULT	71	10%	MENACING 2 0%
MURDER	60	8%	RECKLESS ENDANGERMENT 2 0%
GRAND LARCENY	17	2%	ARSON 1 0%
DRUG CHARGE	13	2%	DAMAGING HOUSE OF WOR 1 0%
PRE-PETITION	12	2%	FOA 1 0%
UNKNOWN	12	2%	KIDNAPPING 1 0%
CRIM POSS OF STOLN PROP	10	1%	MAKING A TERRORISTIC THR 1 0%
WARRANT	10	1%	Total 724
CONSPIRACY	7	1%	
MANSLAUGHTER	6	1%	
SEX OFFENSE	6	1%	
ACS WARRANT	5	1%	
PETIT LARCENY	4	1%	

Total Youth Admitted to Secure Detention by NYPD by Top Arrest Charge Level		
Charge	Number	%
Felony	315	44%
Misdemeanor	397	55%
Other	6	1%
Total	718	

¹Total admissions include all youth admitted to detention during the fiscal year; youth may be admitted multiple times during a fiscal year on the same case or on new allegations of delinquency.

²A youth's race and/or ethnicity is self-reported at the time of admission. If a youth reports any Hispanic heritage, they are classified as Hispanic in this report.

³Charge information is manually entered into the JDAS database by youth development specialists based on received police or court paperwork, and reflects the most severe charge listed on the admission paperwork at the time of admission.

⁴Youth are admitted to detention by the New York City courts, police department, and other justice agents. This information describes youth who initially enter detention following a judicial order or a police arrest. A small number of youth are admitted by other authorities and are not included in this charge-level analysis.

⁵Charge categories reflect groupings of specific penal code charges; except for attempted murder, all attempt-level charges are included in their actual charge category. Pre-petition refers to youth initially admitted to detention prior to the filing of the petition.

Total Admissions to Secure Detention by Reported Zipcode⁶ of Youth's Primary Residence

Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number
11212	51	11433	16	11429	8	11201	*	10461	*	10024	*		
11207	37	11216	15	11102	7	11205	*	10570	*	10028	*		
10473	35	11221	15	11106	7	11365	*	10710	*	10065	*		
11236	33	11691	14	11367	7	11421	*	11204	*	10307	*		
10029	31	10030	13	11435	7	11428	*	11209	*	10471	*		
10456	30	10301	13	10003	6	11432	*	11230	*	10552	*		
10460	29	10310	13	10009	6	11692	*	11232	*	10598	*		
10452	28	10462	13	10034	6	11693	*	11237	*	10801	*		
10467	27	11434	13	10038	6	10011	*	11301	*	10977	*		
11208	27	10026	12	10302	6	10023	*	11358	*	11040	*		
10458	26	10463	12	10303	6	10475	*	11364	*	11103	*		
10469	25	11234	12	11210	6	10550	*	11370	*	11211	*		
11213	25	11239	12	11223	6	10705	*	11372	*	11219	*		
11233	25	10002	11	11238	6	11104	*	11377	*	11222	*		
10457	24	11203	11	11373	6	11214	*	11417	*	11235	*		
11206	24	11413	11	11412	6	11220	*	21225	*	11360	*		
10455	23	11427	11	11436	6	11228	*	4210	*	11361	*		
10466	22	10304	10	11694	6	11249	*	6450	*	11362	*		
11224	22	11215	10	10037	10	11375	*	6461	*	11369	*		
10027	21	11217	10	10701	10	11411	*	6704	*	11374	*		
10459	21	11419	10	11101	10	11416	*	7017	*	11401	*		
10453	20	11423	10	11218	10	11418	*	7083	*	11426	*		
10451	19	10031	9	11231	9	11422	*	7104	*	11550	*		
10454	19	10465	9	11354	9	7065	*	7108	*	11572	*		
11226	19	10474	9	11355	9	7111	*	7305	*	11580	*		
10472	18	10025	8	10032	8	7112	*	7461	*	11704	*		
10016	17	10128	8	10306	8	7306	*	7504	*	11717	*		
11368	17	11225	8	10308	8	10033	*	7849	*	11741	*		
10035	16	11229	8	10314	8	10305	*	7885	*	11784	*		
10039	16	11385	8	10470	8	10309	*	8105	*	12144	*		
10468	16	11420	8	10522	8	10312	*	10004	*	12771	*		

*Note: As per Local Law 44, zip codes accounting for 5 or less admissions display a symbol instead of the actual number of admissions to protect youth anonymity.

⁶Youth zip code is initially self-reported as most youth do not carry identification; the current system does not allow for geospatial verification of addresses.

Total Admissions to Non-Secure Detention by Age, Gender, and Race

Age	Number	%
< = 10 yrs old	0	0.0%
11 yrs old	1	0.3%
12 yrs old	17	5.5%
13 yrs old	39	12.6%
14 yrs old	44	14.2%
15 yrs old	90	29.1%
16 yrs old	50	16.2%
> = 17 yrs old	68	22.0%
Total	309	

Gender	Number	%
Male	261	84%
Female	48	16%
Total	309	

Race/Ethnicity ² of Admitted Youth	Number	%
Black	209	67.6%
White	12	3.9%
Hispanic	84	27.2%
Asian/Pacific Islander	3	1.0%
American Indian	0	0.0%
Other	1	0.3%
Unknown	0	0.0%
Total	309	

Total Admissions to Non-Secure Detention by Admitting Authority and Top Arrest Charge Level

Charge	Number	%	Charge	Number	%
PRE-PETITION	104	36%	RECKLESS ENDANGERMENT	4	1%
ROBBERY	47	16%	DRUG CHARGE	2	1%
WEAPONS CHARGE	26	9%	ATTEMPT MURDER	2	1%
ASSAULT	23	8%	UNAUTHORIZED USE OF VEH	2	1%
GRAND LARCENY	12	4%	AGGRAVATED HARASSMENT	1	0%
PETIT LARCENY	10	3%	ARSON	1	0%
UNKNOWN	9	3%	CRIM CONTEMPT	1	0%
CRIMINAL MISCHIEF	9	3%	CRIMINAL OBSTRUCTION OF	1	0%
PROBATION VIOLATION	9	3%	FOA	1	0%
BURGLARY	7	2%	MURDER	1	0%
SEX OFFENSE	5	2%	RECKLESS ENDANGERMENT	1	0%
MENACING	5	2%	SCHEME TO DEFRAUD	1	0%
CRIM POSS OF STOLN PROP	4	1%	WARRANT	1	0%
Total			Total	289	

Total Youth Admitted to Non-Secure Detention by NYPD - Top Arrest Charge Level

Charge	Number	Percentage
Felony	10	67%
Misdemeanor	5	33%
Total	15	

Fiscal Year 2023

Total Admissions to Non-Secure Detention by Reported Zipcode of Youth's Primary Residence

Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number
10452	14	10030	*	11412	*	11239	*	11218	*				
10467	12	10310	*	11422	*	11413	*	11222	*				
10457	10	10455	*	11434	*	11429	*	11228	*				
11207	9	10466	*	11435	*	11694	*	11234	*				
10029	8	11206	*	11691	*	12590	*	11237	*				
10456	8	11221	*	10001	*	5452	*	11238	*				
10459	8	11224	*	10002	*	10016	*	11356	*				
10460	8	11225	*	10023	*	10025	*	11372	*				
10003	7	11354	*	10027	*	10037	*	11373	*				
10453	7	11692	*	10032	*	10038	*	11375	*				
10454	7	10304	*	10301	*	10039	*	11377	*				
10468	7	10314	*	10303	*	10040	*	11417	*				
11212	7	10458	*	10306	*	10128	*	11419	*				
10451	6	10469	*	10464	*	10309	*	11421	*				
10472	6	11205	*	10570	*	10312	*	11423	*				
11433	6	11213	*	11203	*	10462	*	11432	*				
10302	*	11217	*	11208	*	10474	*	11501	*				
10463	*	11233	*	11226	*	11101	*	47374	*				
10473	*	11368	*	11231	*	11210	*	77014	*				
11216	*	11411	*	11236	*	11215	*	Total	309				

Summary of Detention Experiences⁸ in
 Fiscal Year 2021 for Youth Admitted in Fiscal Year 2023

Detention Setting	
Secure Detention Only	930
Non-Secure Detention Only	297
Secure and Non-Secure	548
Total	1775

Average Daily Population⁷ in Secure and
 Non-Secure Detention during Fiscal Year 2023

Detention Setting	
Secure Detention	198.3
Non-Secure Detention	34.7
Total	233.0

Detention
 Setting
 Youth Who Only Spent Time in Secure Detention

Age	Number	%
< = 10 yrs old	0	0.0%
11 yrs old	1	0.1%
12 yrs old	4	0.4%
13 yrs old	33	3.5%
14 yrs old	97	10.4%
15 yrs old	180	19.4%
16 yrs old	239	25.7%
> = 17 yrs old	376	40.4%
Total	930	

Gender	Number	%
Male	722	78%
Female	207	22%
Unknown	1	0%
Total	930	

Race/Ethnicity	Number	%
Black	634	68.2%
Hispanic	236	25.4%
White	37	4.0%
Asian/Pacific Islander	21	2.3%
Unknown	0	0.0%
Other	2	0.2%
American Indian	0	0.0%
Total	930	

Charge	Number	Percentage
ROBBERY	175	28.2%
ATTEMPT MURDER	142	22.9%
WEAPONS CHARGE	112	18.1%
MURDER	60	9.7%
ASSAULT	57	9.2%
DRUG CHARGE	11	1.8%
CRIM POSS OF STOLN PROP	8	1.3%
GRAND LARCENY	8	1.3%
WARRANT	8	1.3%
CONSPIRACY	7	1.1%
MANSLAUGHTER	6	1.0%
UNKNOWN	6	1.0%
ACS WARRANT	5	0.8%
SEX OFFENSE	3	0.5%
CRIMINAL MISCHIEF	2	0.3%
Total	620	

Charge	Number	Percentage
Felony	94	32%
Misdemeanor	193	66%
Other	4	1.4%
Total	291	

⁷The Average
⁸Detention
 Data Source: IDAs as of September 1, 2023

Youth Who Spent Their Detention Time in Secure Detention Only by Reported Zipcode of Youth's Primary Residence

Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number
11212	34	10463	8	11435	*	11237	*	11228	*		
10029	22	10468	8	11436	*	11301	*	11230	*		
10458	21	11216	8	11694	*	11355	*	11235	*		
10473	21	11413	8	10009	*	11364	*	11354	*		
11207	21	11434	8	10023	*	11365	*	11358	*		
10456	19	10002	7	10038	*	11372	*	11369	*		
11236	19	10025	7	10302	*	11373	*	11370	*		
10457	18	10031	7	10303	*	11377	*	11374	*		
10467	18	10304	7	10475	*	11411	*	11375	*		
10469	18	10474	7	11106	*	11418	*	11401	*		
11208	18	11102	7	11205	*	6461	*	11416	*		
10452	17	11203	7	11210	*	6704	*	11422	*		
11213	17	11368	7	11214	*	7017	*	11426	*		
10460	16	11420	7	11249	*	7083	*	11550	*		
10466	15	10003	6	11412	*	7104	*	11580	*		
11224	15	11215	6	11421	*	7108	*	11741	*		
10454	14	11217	6	11428	*	7112	*	11784	*		
11226	14	11221	6	11432	*	7461	*	12144	*		
10027	13	11229	6	11692	*	7504	*	12771	*		
10039	13	11238	6	11693	*	8105	*	13208	*		
10453	13	11423	6	7065	*	10004	*	13905	*		
10026	12	10037	*	7111	*	10011	*	14424	*		
11206	12	10301	*	7306	*	10024	*	18042	*		
11233	12	10465	*	10032	*	10028	*	18109	*		
11433	12	10701	*	10305	*	10033	*	19116	*		
10035	11	11218	*	10308	*	10065	*	19530	*		
10451	11	11367	*	10312	*	10306	*	23831	*		
11691	11	11419	*	10314	*	10550	*	28215	*		
10459	10	10034	*	10461	*	10552	*	30318	*		
10472	10	10128	*	10470	*	10598	*	43228	*		
11239	10	10522	*	10570	*	10801	*	43604	*		
11427	10	11101	*	10705	*	10977	*	94547	*		
10455	9	11223	*	11104	*	11040	*	Total	930		
10016	8	11225	*	11201	*	11103	*				
10030	8	11234	*	11204	*	11209	*				
10310	8	11385	*	11220	*	11219	*				
10462	8	11429	*	11231	*	11222	*				

Youth Who Only Spent Time in Non-Secure Detention

Age of Youth at Time of Admission		
Age	Number	Percentage
< = 10 yrs old	0	0.0%
11 yrs old	1	0.3%
12 yrs old	17	5.7%
13 yrs old	39	13.1%
14 yrs old	43	14.5%
15 yrs old	87	29.3%
16 yrs old	46	15.5%
> = 17 yrs old	64	21.5%
Total	297	

Gender of Admitted Youth		
Gender	Number	Percentage
Male	252	84.8%
Female	45	15.2%
Total	297	

Race/Ethnicity of Admitted Youth		
Race/Ethnicity	Number	Percentage
Black	199	67.0%
Hispanic	82	27.6%
White	12	4.0%
Unknown	0	0.0%
Asian/Pacific Islander	3	1.0%
Other	1	0.3%
American Indian	0	0.0%
Total	297	

Total Direct Court Admissions to Detention by Judicial Order and Top Arrest Charge

Charge	Number	Percentage	Charge	Number	Percentage
PRE-PETITION	100	36%	RECKLESS ENDANGERMENT	4	1.4%
ROBBERY	45	16%	DRUG CHARGE	2	0.7%
ASSAULT	25	9%	ATTEMPT MURDER	2	0.7%
WEAPONS CHARGE	18	6%	UNAUTHORIZED USE OF VEH	2	0.7%
GRAND LARCENY	17	6%	AGGRAVATED HARASSMENT	1	0.4%
CRIMINAL MISCHIEF	9	3%	ARSON	1	0.4%
PETIT LARCENY	8	3%	CRIM CONTEMPT	1	0.4%
PROBATION VIOLATION	8	3%	CRIMINAL OBSTRUCTION OF	1	0.4%
UNKNOWN	7	3%	FOA	1	0.4%
BURGLARY	7	3%	MURDER	1	0.4%
SEX OFFENSE	5	2%	RECKLESS ENDANGERMENT	1	0.4%
MENACING	5	2%	SCHEME TO DEFRAUD	1	0.4%
CRIM POSS OF STOLN PROP	4	1%	WARRANT	1	0.4%
Total			Total	277	

Total Youth Admitted to Detention by NYPD by Top Arrest Charge Level, Non-Secure Only Youth

Charge	Number	Percentage
FELONY	10	67%
MISDEMEANOR	5	33%
Total	15	

Fiscal Year 2023
Youth Who Spent Their Detention Time in Non-Secure Detention Only by Reported Zipcode of Youth's Primary Residence

Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number
10452	14	10473	*	11233	*	11231	*	10312	*	11417	*		
10467	12	10030	*	11368	*	11236	*	10462	*	11419	*		
10457	10	10310	*	11411	*	11412	*	10474	*	11421	*		
11207	9	10455	*	11422	*	11413	*	11101	*	11423	*		
10029	8	10466	*	11434	*	11429	*	11210	*	11432	*		
10456	8	11206	*	11435	*	11429	*	11215	*	11501	*		
10459	8	11216	*	11691	*	5452	*	11218	*	11694	*		
10003	7	11221	*	10001	*	10002	*	11222	*	47374	*		
10454	7	11224	*	10027	*	10016	*	11228	*	77014	*		
10468	7	11225	*	10032	*	10023	*	11234	*	Total	297		
11212	7	11354	*	10303	*	10025	*	11237	*				
10451	6	11692	*	10306	*	10037	*	11238	*				
10453	6	10304	*	10464	*	10038	*	11239	*				
10460	6	10314	*	10570	*	10039	*	11356	*				
11433	6	10458	*	11203	*	10040	*	11372	*				
10302	*	10469	*	11208	*	10128	*	11373	*				
10463	*	11205	*	11213	*	10301	*	11375	*				
10472	*	11217	*	11226	*	10309	*	11377	*				

Youth Who Spent Time in Both Secure and Non-Secure Detention

Age of Youth at Time of Admission		
Age	Number	%
< = 10 yrs old	0	0.0%
11 yrs old	1	0.2%
12 yrs old	2	0.4%
13 yrs old	47	8.6%
14 yrs old	102	18.6%
15 yrs old	181	33.0%
16 yrs old	98	17.9%
> = 17 yrs old	117	21.4%
Total	548	

Gender of Admitted Youth		
Gender	Number	%
Male	501	91%
Female	47	9%
Total	548	

Race/Ethnicity of Admitted Youth		
Race/Ethnicity	Number	%
Black	322	58.8%
Hispanic	187	34.1%
White	27	4.9%
Unknown	0	0.0%
Asian/Pacific Islander	11	2.0%
American Indian	0	0.0%
Other	1	0.2%
Total	548	

Total Direct Court Admissions to Detention by Judicial Order and Top Arrest Charge					
Charge	Number	%	Charge	Number	%
ROBBERY	32	28%	WARRANT	2	2%
ASSAULT	15	13%	ARSON	1	1%
PRE-PETITION	15	13%	CRIMINAL MISCHIEF	1	1%
WEAPONS CHARGE	12	10%	MENACING	1	1%
GRAND LARCENY	9	8%	RECKLESS ENDANGERMENT	1	1%
UNKNOWN	8	7%	Total	116	
PETIT LARCENY	4	3%			
ATTEMPT MURDER	3	3%			
PROBATION VIOLATION	3	3%			
SEX OFFENSE	3	3%			
BURGLARY	2	2%			
CRIM POSS OF STOLN PROP	2	2%			
DRUG CHARGE	2	2%			

Total Youth Admitted to Detention by NYPD Officers by Top Arrest Charge Level		
Charge	Number	%
Felony	221	52%
Misdemeanor	204	48%
Other	2	0%
Total	427	

Youth Who Spent Their Detention Time in Both Secure and Non-Secure Detention by Reported Zipcode of Youth's Primary Residence

Detention Demographic Data

Fiscal Year 2023

Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number	Zip Code	Number
11212	17	11226	6	10303	*	11417	*	11418	*		
11207	16	10002	*	10304	*	11422	*	11420	*		
10460	15	10030	*	10306	*	11436	*	11421	*		
10455	14	10035	*	11210	*	21225	*	11427	*		
10473	14	10310	*	11231	*	4210	*	11428	*		
11236	14	10454	*	11239	*	6450	*	11432	*		
11233	13	10458	*	11355	*	7112	*	11572	*		
11206	12	10462	*	11413	*	7305	*	11692	*		
10452	11	11419	*	11435	*	7849	*	11693	*		
10456	11	11434	*	11691	*	7885	*	11704	*		
10459	11	10128	*	11694	*	10023	*	11717	*		
11368	10	10463	*	10011	*	10025	*	27616	*		
10016	9	10465	*	10031	*	10033	*	Total	548		
10029	9	11106	*	10032	*	10040	*				
10301	9	11203	*	10308	*	10307	*				
10467	9	11215	*	10309	*	10471	*				
10472	9	11217	*	10314	*	10705	*				
11208	9	11225	*	10470	*	11101	*				
11213	9	11354	*	10474	*	11104	*				
11221	9	11373	*	10550	*	11205	*				
10027	8	11385	*	10710	*	11209	*				
10451	8	11412	*	11201	*	11211	*				
10453	8	11423	*	11223	*	11220	*				
10468	8	11429	*	11228	*	11230	*				
11216	8	11433	*	11229	*	11358	*				
11234	8	10009	*	11232	*	11360	*				
10466	7	10034	*	11365	*	11361	*				
10469	7	10038	*	11367	*	11362	*				
11224	7	10039	*	11375	*	11370	*				
10457	6	10302	*	11416	*	11411	*				

Youth Who Transferred from a Non-Secure Detention Facility to a Secure Detention Facility

Age of Youth at Time of Admission		
Age	Number	%
< = 10 yrs old	0	0.0%
11 yrs old	0	0.0%
12 yrs old	0	0.0%
13 yrs old	0	0.0%
14 yrs old	1	8.3%
15 yrs old	3	25.0%
16 yrs old	4	33.3%
> = 17 yrs old	4	33.3%
Total	12	

Gender of Youth Transferred		
Gender	Number	%
Male	9	75%
Female	3	25%
Total	12	

Race/Ethnicity of Youth Transferred		
Race/Ethnicity	Number	%
Black	10	83%
White	0	0%
Hispanic	2	17%
Asian/Pacific Islander	0	0%
American Indian	0	0%
Other	0	0%
Unknown	0	0%
Total	12	

Youth Who Transferred from a Secure Detention Facility to a Non-Secure Detention Facility

Age of Youth at Time of Admission		
Age	Number	%
< = 10 yrs old	0	0.0%
11 yrs old	1	0.2%
12 yrs old	2	0.4%
13 yrs old	47	8.8%
14 yrs old	101	18.8%
15 yrs old	178	33.2%
16 yrs old	94	17.5%
> = 17 yrs old	113	21.1%
Total	536	

Gender of Youth Transferred		
Gender	Number	%
Male	492	92%
Female	44	8%
Total	536	

Race/Ethnicity of Youth Transferred		
Race/Ethnicity	Number	%
Black	312	58%
Hispanic	185	35%
White	27	5%
Unknown	0	0%
Asian/Pacific Islander	11	2%
American Indian	0	0%
Other	1	0%
Total	536	

New York City Youth Detention

Background

Raise the Age

In 2017, NY State passed the Raise the Age legislation (RTA). Prior to RTA, New York was one of two remaining states to always hold 16 year-olds criminally responsible— meaning that, prior to RTA, all cases of 16 and 17-year-olds were handled in the adult system and held in adult facilities, including Rikers. RTA allows for 16- and 17-year-olds' cases to be handled in the juvenile system (in Family Court) and made it so that they can only be held in juvenile facilities. RTA was implemented over two years (16-year-olds in 2018 and 17-year-olds in 2019). Under RTA, cases of young people aged 16 and 17 are handled in the following ways:

- **If they are charged with a misdemeanor:** They are considered a Juvenile Delinquent (JD) and their cases are decided in Family Court.
- **If they are charged with a felony:** Their case starts out in the Youth Part of the Supreme Court as an Adolescent Offender (AO), and the court decides whether to remove the case to Family Court. AOs whose cases are removed to Family Court will then be considered Juvenile Delinquents.
 - Roughly 85% of cases that start in the Youth Part end up being removed to Family Court.

Case Types

Juvenile Delinquent (JD) – Young people under the age of 18 whose cases are heard in Family Court.

Juvenile Offender (JO) – Young people up to and including the age of 15 who are charged with certain serious charges and whose case has been moved up to the adult system. These cases are decided in the Youth Part of the Supreme Court.

Adolescent Offender (AO) – Young people ages 16 or 17 with felony charges whose cases remain in the Youth Part of Supreme Court, meaning that the case was not removed to Family Court.

Some Important Notes

ACS runs all NYC facilities, including secure detention and Close to Home facilities (which includes non-secure detention and limited- and non-secure placement). These facilities are licensed by the NY State Office of Youth and Family Services (OCFS). **OCFS runs all state juvenile facilities outside of NYC.**

AOs and JOs can only be detained in secure detention—so either in the Horizons (Bronx) or Crossroads (Brooklyn) facilities. **AOs and JOs can serve their sentence in secure detention (up to one year) and/or in a state OCFS facility.** Of the 267 available secure detention beds in the city, only 8 are for girls (all at Crossroads).

JDs can be held in secure or non-secure detention. Non-secure detention facilities, which are part of the Close to Home continuum, are designed like smaller group homes.

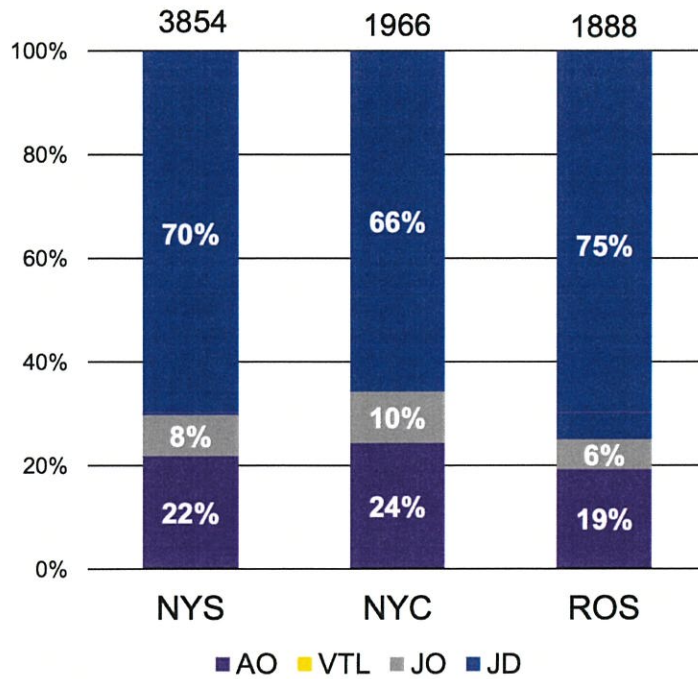
AOs make up a small proportion of detention admissions but, because they tend to stay in detention for so long, they make up the largest proportion of youth in detention. AOs tend to stay in detention for long periods of time (sometimes years) for a few reasons: 1) long court processing times, and 2) if found guilty, AOs can serve up to 1 year of their sentence in secure detention before going to a state OCFS facility to finish their sentence.

- In 2023, the average length of stay for JDs was 14 days, 83 days for JOs, and 103 days for AOs.

Unlike Family Court, the Youth Part sets bail. If the young person's alleged offense is "bail eligible," which not every felony is, the judge will listen to the arguments of the attorney from the District Attorney's office and the defense attorney and determine whether to set bail and if so, in what amount. If bail is set, the youth will go to secure detention, either Horizon in the Bronx or Crossroads in Brooklyn.

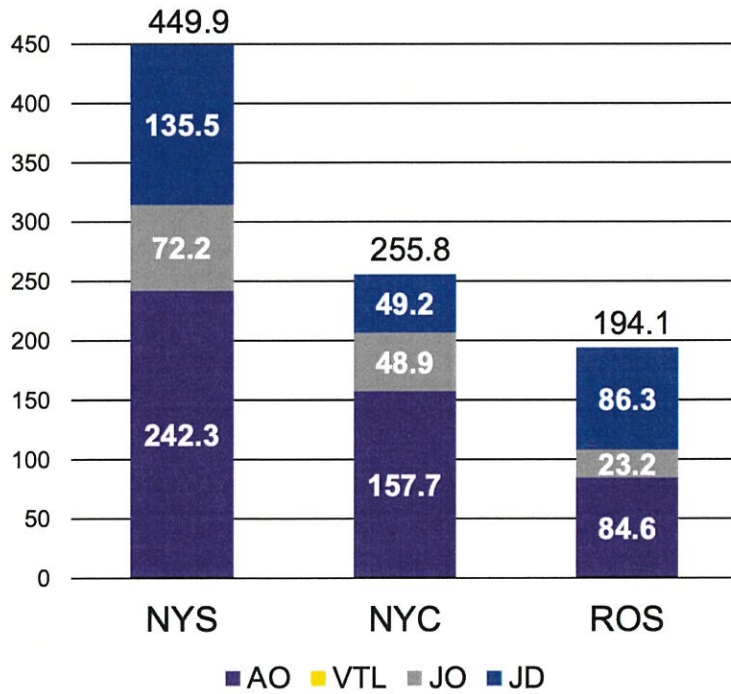
The figures on the following pages are from OCFS's 2023 Juvenile Justice Monitoring Report:

► **Figure 1. Admissions by Case Type**



* Notes: ROS = "rest of state" and VTL= vehicle traffic law misdemeanants

► **Figure 3. ADP by Case Type**



* Note: ADP = average daily population

Op-Ed

Op-Ed | Transformation of juvenile detention in NYC: Creating facilities to meet the needs of a young adult population

By Nancy Ginsburg

Posted on February 6, 2024



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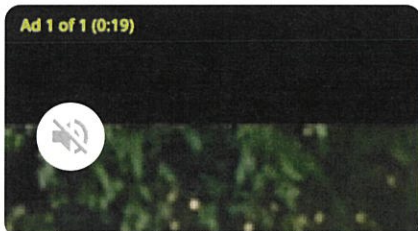
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The system for court-involved youth in New York City has improved significantly in recent years. New York City no longer holds young people charged with minor offenses — like turnstile jumping and shoplifting — in secure detention centers.



Additionally, young people who are charged with crimes before their 18th birthday are now held in age-appropriate youth settings rather than adult jail. As the youth justice system in New York City evolves, the NYC



THINGS TO DO IN THE BRONX

+ POST AN EVENT



Tomorrow, 10 am

our facilities better meet the needs of the young adults in custody.

ACS manages the city’s two secure youth detention facilities: Crossroads Juvenile Center (Brooklyn) and Horizon Juvenile Center (the Bronx). Upon opening 25 years ago, they served youth who were, on average, 14 and 15 years old. The vast majority of those young people were remanded for less than 60 days on family court charges.



Tomorrow, 8:30 pm

Arthur Avenue Comedy show: Stand-Up Wednesday Nights in the Bronx

📍 Clinton Hall Bronx



Tomorrow, 9 pm

Movies Under The Stars: Elemental

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June 27, 3:30 pm

Wildlife Superheroes presented by New Canaan Nature Center

📍 Baychester Library

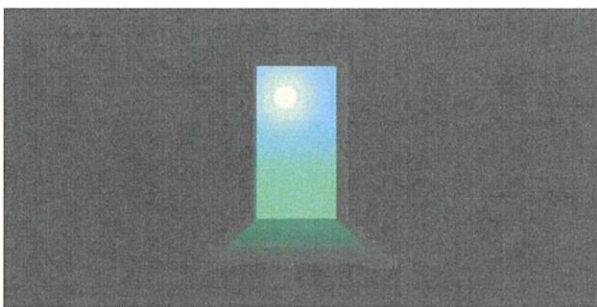
ADVERTISING



Things changed in 2018

all but the most serious cases filed against 16- and 17-year-olds to be processed in family court. Raise the Age also required that 16- and 17-year-olds charged with felonies in Supreme Court and detained by court order are to be held in juvenile facilities instead of adult jails, and these young people can remain in ACS facilities until they turn 21 years of age.

Not only is it good news that young people are housed in age-appropriate settings, today, there is one-half the number of 16- and 17-year-olds in custody than there were in 2016, and one-third that of 2013. In January 2013, there were over 300 16- and 17-year-olds held on Rikers Island. In 2016, there were 200, and in 2018, there were 125. We now have just over one



June 27, 6 pm

Long Island Press Power List

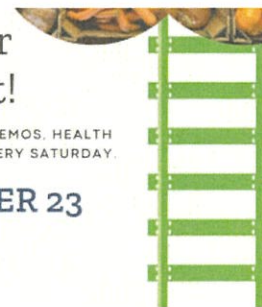
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this progress can be attributed to the historical

investments New York City has made in community-based programs, which serve as effective alternatives to detention. Significantly, New York City's juvenile detention population is smaller than other large American cities. Chicago, which is three times smaller than NYC, holds more than 65% of NYC's secure census. Philadelphia, which is five times smaller than NYC, has almost the same number of young people in secure detention.

As a result of this older population of youth, and longer lengths of stay, it is of the utmost importance that we transform our detention centers to comprehensively meet their needs and capacity for growth and change. To better serve young people



at Horizon Juvenile Center. The annex, which will be constructed within the current perimeter of Horizon, will include larger classrooms, including specialized arts/science classrooms and trade workshops to allow us to offer new, innovative vocational and programming; an industrial kitchen with an expanded serving area and additional dining halls; 8-bed residential units; another medical/mental health clinic; and improved spaces for outdoor recreation. Moreover, modern design will engender a developmentally appropriate, trauma-responsive environment that promotes wellness, healing and equity. These enhancements will help us meet the unique needs of



Prior to serving as Deputy

Commissioner of the

Division for Youth and

Family Justice, I spent

thirty years as a lawyer

advocating for the rights of

young people and their

families to improve the

availability of services that

foster individual and

collective growth,

opportunity and safety.

The creation of age-

appropriate physical

spaces for young people in

custody is the next step to

realizing the rehabilitative

goals of Raise the Age. The

incorporation of improved

design principles

demonstrated to meet the

mental health, educational

and vocational needs of

our young people will

allow for a safer

environment and will

provide our young people

with the tools they need to

successfully return to their

communities. The Horizon



justice system that provides opportunity for our young people to thrive.

Nancy Ginsburg is deputy commissioner of the Administration for Children's Services Division of Youth and Family Justice

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NEWS > CRIME AND PUBLIC SAFETY

Hundreds of former juvenile detainees sue NYC for child sexual abuse at detention centers



Jerome Block announces a lawsuit for rampant abuse at New York City juvenile detention centers at Brooklyn Borough Hall in Brooklyn, New York on Thursday, June 13, 2024. (Barry Williams for New York Daily News)

By [CAYLA BAMBERGER](#) | cbamberger@nydailynews.com | New York Daily News

PUBLISHED: June 13, 2024 at 7:26 p.m. | UPDATED: June 14, 2024 at 11:37 a.m.

More than 250 [former juvenile detainees](#) have filed lawsuits against New York City — including 100 people just this week — alleging sexual abuse as children by staff and other detainees at [four past and present detention centers](#).

The allegations, which span from the 1970s to 2022, were made against guards, counselors and others who were supposed to watch out for young people in their custody. Instead, the plaintiffs say staff bribed and groomed them. Special privileges and contraband — [such as cigarettes, drugs and alcohol](#) — were exchanged for sexual favors, according to the complaints.

Most of the former detainees were younger than 16 during the alleged abuse at the two current juvenile facilities — Crossroads and Horizon — Rikers Island and the former Spofford Juvenile Detention Center, their lawyer said at a press conference Thursday at Brooklyn Borough Hall to announce the lawsuits.



Horizon Juvenile Center in the Bronx. (Gregg Vigliotti for New York Daily News)

“Many of our clients were detained for minor infractions,” said Jerome Block, a partner at Levy Konigsberg LLP, a law firm that specializes in childhood sexual abuse and exploitation cases. “Sometimes, these juvenile charges were even later dismissed. Some were in these juvenile facilities for a matter of weeks or months, and they were sexually abused during that short time period.”



Nijere Stewart, 14, was locked up for less than half of a year in 2018 at Crossroads in Brooklyn. He was [detained for a nearby gun](#) on criminal charges that were later thrown out, his lawyer said, but not before he faced sexual abuse.

“I went from an innocent kid with straight A’s, loved to play with my brothers, walk stilts in Crown Heights,” Stewart said, “to traumatized and ashamed as a teenager because of the nightmare I had to go to live every night from [adults who were supposed to protect me.](#)”



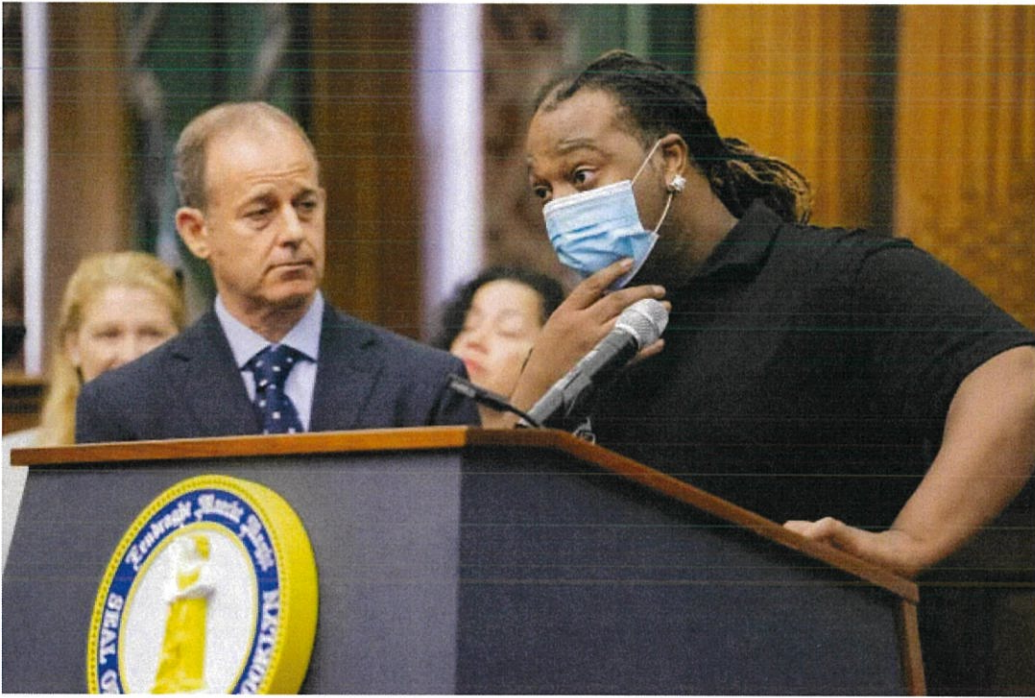


Alleged sexual abuse survivor Nijere Stewart at a press conference announcing a lawsuit for rampant abuse at New York City juvenile detention centers at Brooklyn Borough Hall in Brooklyn, New York on Thursday, June 13, 2024. (Barry Williams for New York Daily News)

When he first arrived at the juvenile center, Stewart alleges a male staff member would grab his buttocks when he passed him in the hallway, according to his complaint. From there, the allegations intensified. The staffer fondled his genitals, sometimes under his clothes, about three times per week, according to court documents, and he was forced to perform oral sex and raped in two separate incidents.

Stewart reported the staff member to a counselor and his mother, who reported it to Crossroads, but the abuse continued after coming forward, the complaint said.

Just a few years earlier, Clyde Wiggins was detained at the same jail for over a year, after his advocate said the then-16-year-old was in a car with adults who robbed a grocery store and took the blame for it as a minor. More than half-way through his time, Crossroads hired a female tutor who during sessions in the dorm area performed oral sex on him, according to a separate complaint.



Clyde Wiggins, former juvenile detention center detainee, at a press conference announcing a lawsuit for child sexual abuse at New York City detention centers at Brooklyn Borough Hall, June 13, 2024. (Barry Williams for New York Daily News)

Wiggins was bribed with alcohol and food from outside Crossroads, the filings read, but later reported the staff member and was [transferred to Horizon](#). Since getting out almost two decades ago, he's tried to get back into music, which he said was his passion before he was detained. But it hasn't been easy.

"Afterward, when I came home and stuff like all that, that passion was gone," Wiggins said. "I'm trying to find it back as an adult through my kid, but you know, it's hard to."

The hundreds of lawsuits, which [have all been brought since April](#), were filed under a city gender-based violence law that in 2022 lifted the statute of limitations on civil lawsuits for a two-year, look-back window. The temporary measure was lauded by advocates, who said it can take time for young people to come forward.

"The trauma of sexual abuse — especially abuse that occurs at such a young age — takes years to process before many are able to begin to even think about coming forward and reporting," said Emily Miles, director of the New York City Alliance Against Sexual Assault. "For those who face the compound trauma of abuse while incarcerated, the process of recording can take even longer."



Sexual abuse survivors Clyde Wiggins, left, and Nijere Stewart are pictured after a press conference announcing a lawsuit for rampant abuse at New York City juvenile detention centers at Brooklyn Borough Hall in Brooklyn, New York on Thursday, June 13, 2024. (Barry Williams for New York Daily News)

Rikers no longer detains young teens after the state enacted a law known as “Raise the Age,” and Spofford, later renamed Bridges, permanently closed in 2011. Crossroads and Horizon detain an average of 260 young people each day, a 31% increase since last year, the Daily News previously reported.

Horizon is currently [expanding with a new annex](#) that will include dozens of new beds.

A spokesman for the Administration for Children’s Services, which now oversees the juvenile detention centers, said it is in compliance with federal law to deter the sexual assault of prisoners, and updated its sexual misconduct policies and practices earlier this year.



Spofford Juvenile Detention Center in the Bronx is pictured in 1997. (Michael Schwartz for New York Daily News)

There is a compliance manager with the law at each facility, and other staff have to conduct at least one unannounced inspection during each shift, according to the agency. All uniformed staff who work with detainees have to complete an initial sexual misconduct training and biannual “refreshers.” Those found to break policy may be referred to law enforcement.

“ACS has a zero-tolerance policy concerning sexual abuse and sexual harassment of youth in detention, and we are committed to the prevention and elimination of sexual abuse and harassment,” the statement read. “We will review all filed lawsuits.”

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(212) 577-7982
LAFreeman@legal-aid.org*

**New York City Council
Joint Hearing
Committee on Children and Youth
Committee on Criminal Justice
June 26, 2024**

**Hearing on Oversight:
Coordinating the Administration's Youth Decarceration Plan**

Testimony of The Legal Aid Society

199 Water Street
New York, NY 10038
(212) 577-3300

Prepared by:
Lisa Freeman
Emma-Lee Clinger

The Legal Aid Society thanks Chairs Stevens and Nurse, and the respective members of the Committee on Children and Youth and the Committee on Criminal Justice for holding this oversight hearing on Coordinating the Administration’s Youth Decarceration Plan.

We strongly urge the City to develop a youth decarceration plan. The title of this hearing belies the lack of such a plan. We further urge City Council to continue to exercise its oversight powers to ensure that the City provides adequate and effective services for youth at risk of and involved with the legal system rather than relying on carceral systems of detention and placement. We additionally support Int 0977-2024, requiring the NYC Department of Probation to report on technical violations, and support, with amendments, Int 0087-2024, which would increase data transparency around the juvenile legal system.

The Family Court Act’s intent is clear; efforts toward rehabilitation for young people charged with crimes in New York State must be paramount to punitive punishment.¹ Cutting needed services and failing to ensure a comprehensive array of services defaults to a carceral system rather than endorsing this rehabilitative goal. Further, almost all young people currently detained in New York City detention and placement facilities are Black and Latinx youth from under-resourced neighborhoods. It seems apparent that the needs of these young people are undervalued and disregarded because their voices are not heard and valued. New York City must do better.

¹ The Court of Appeals has recognized that rehabilitation rather than punishment is the overarching legislative goal that animates the statutory scheme regarding juvenile delinquency cases. See Matter of Benjamin L., 92 N.Y.2d 660, 670 (1999) (noting that “rehabilitation of the juvenile through prompt intervention and treatment” is “the central goal of any juvenile proceeding”).

The City's Administration is moving in the wrong direction on youth decarceration. It has no coherent plan. Instead, the Department of Probation has reduced alternative and preventative programming while the Administration for Children's Services plans to expand secure detention space by adding nearly 50 beds. Further, MOCJ has proposed no solution to the programming deficit experienced in the Youth Part, where our most high-need clients' cases are heard. We urge the City to increase funding for community and school based preventive services, including mental health services and violence interruptor and credible messenger programs, targeted to communities experiencing the highest youth arrest rates. We additionally call for the City to conduct a comprehensive needs assessment of alternatives to detention, placement and incarceration programming to identify the many gaps and undue limitations on available programs in order to decrease the number of young people needlessly incarcerated in New York City.

The Legal Aid Society

The Legal Aid Society represents the majority of young people prosecuted in New York City's Family Courts and Criminal Courts. We have dedicated teams of lawyers, social workers, paralegals and investigators devoted to serving the unique needs of children and youth, including those charged as juvenile delinquents, juvenile offenders and adolescent offenders. The Legal Aid Society's Juvenile Rights Practice represents the majority of youth prosecuted in Family Court in New York City. The Legal Aid Society's Criminal Defense Practice represents the majority of indigent defendants prosecuted in Criminal Court in New York City. The Juvenile Rights Practice and the Criminal Defense Practice's Adolescent Intervention and Diversion (AID) Unit has adopted

an integrated representation model to ensure seamless and comprehensive representation of 16- and 17-year-old youths who first appear in the Youth Part, the majority of whose cases are removed to Family Court. The AID Unit provides wraparound services, including social work and investigation, to ensure each Youth Part client has continuity of representation regardless of whether it is retained in the Youth Part or removed to Family Court. In addition to representing our clients in trial and appellate courts, we also pursue impact litigation and other law reform initiatives.

New York City's Juvenile Legal System

Youth between the ages of 12 and 18 can be charged as juvenile delinquents (JDs) and prosecuted in Family Court.² Children ages 13-15 who are charged with specific, more serious crimes may be prosecuted as juvenile offenders (JOs) in the Youth Part of Criminal Court. Youth charged with felonious crimes at age 16 or 17 may be prosecuted as adolescent offenders (AOs) in the Youth Part of Criminal Court or may have their cases removed to Family Court.

If detained, children and youth are remanded to the custody of the Administration for Children's Services (ACS). ACS's Division of Youth and Family Justice (DYFJ) is responsible for the pre-trial detention of all youth in New York City. ACS DYFJ operates two secure detention facilities: Crossroads Juvenile Center in Brooklyn and Horizon Juvenile Center in the Bronx. Each of these facilities is also a specialized secure detention facility and thereby authorized to hold JDs, JOs, and AOs.

² Children ages 7-12 can also be arrested and charged as juvenile delinquents but only for charges of homicide, other than negligent homicide.

ACS contracts with nonprofit organizations for the operation of nonsecure detention facilities (NSDs). Only youth charged as JDs can be remanded to NSDs, which, while designated as “non-secure” are nonetheless locked facilities. Each facility has the capacity to house twelve detained youth. Children in NSDs leave the facility to attend school at one of two schools run by the NYC Department of Education.

ACS DYFJ is also responsible for the post-dispositional placement of youth adjudicated as juvenile delinquents and found to need placement out of the community through the program known as Close to Home. (CTH). ACS DYFJ contracts with nonprofit agencies who operate these congregate residential placement facilities, which include both non-secure placement (NSP) and limited secure placement (LSP). Youth in Close to Home placement are required to participate in After Care services following their release.

Alternatives to Detention (ATD) and Alternatives to Placement (ATP) are programs intended to prevent a youth subject to Family Court jurisdiction from being incarcerated in either detention or placement facilities. Alternatives to Incarceration (ATI) are available to those under criminal court jurisdiction, including JOs and AOs. However, as discussed more fully below, these programs are severely underfunded or not available for justice-involved youth at all.

Racial Disproportionality in New York City Detention Centers

The decarceration of youth is a matter of race equity. The harms of incarceration compound the trauma many young people of color already experience, especially those youth who are multi-system involved. Appalling and longstanding racial disparities exist in New York City’s juvenile

legal system as court-involved children and adolescents are almost exclusively Black or Latinx and from the City’s most marginalized neighborhoods.³ According to the ACS Detention Demographic Report for Fiscal Year 2023, 64 percent of youth admitted to secure detention identified themselves as Black; 29 percent, Hispanic.⁴ Together, these two demographics account for 93 percent of the secure detention population. The racial disparity for youth of color is also striking for youth “placed” (the juvenile equivalent of a post-disposition sentence to incarceration) pursuant to their Family Court case. According to ACS data for Fiscal Year 2023, approximately 95% of youth placed were youth of color.⁵ These injustices are rooted in racial inequities that permeate the juvenile and adult legal system.

Increased Census at Secure Detention Centers in New York City

Juvenile detention facilities have experienced a dramatic increase in population since the implementation of Raise the Age legislation. The increase in secure detention, particularly, is a direct and coordinated result of the planned decision to move young people now charged as AOs from Rikers Island to specialized juvenile facilities.

According to the Mayor’s Management Report for Fiscal Year 2023 (MMR) the average daily population in juvenile detention has risen from 45 in 2019 to 198 in Fiscal 2023.⁶ The MMR

³ The Mayor’s office notes that “[t]he six neighborhoods with the highest rate of gun violence in the City reflect the historic disinvestment and quality of life challenges. Preliminary Fiscal 2024 Mayor’s Management Report at p. 17. Available at https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/2024_pmmr.pdf

⁴ The Administration for Children’s Services Detention Demographics Report Fiscal Year 2023 at p. 1. Available at <https://www.nyc.gov/assets/acs/pdf/data-analysis/2023/DetentionDemographicReportFY23.pdf>

⁵ Available at <https://www.nyc.gov/assets/acs/pdf/data-analysis/2023/NSPLSPDemographicsReportFY23.pdf>

⁶ Mayor’s Management Report for Fiscal Year 2023 at p. 232. Available at https://donbuqm3ub5fw.cloudfront.net/files/2023_mmr_ce1a8ea8b.pdf

attributes the increased census to the fact that the “majority of young people in detention are now older Adolescent Offenders with pending cases in the adult criminal court system, which is a lengthier process than Family Court.”⁷

Although the change in population is certainly a factor driving the increased census, there are also currently insufficient programs available to serve justice-involved youth, resulting in unnecessary remands of Family Court and Youth Part clients, where both the individual youth and the community would be better served by intensive, community-based services. Further, at a time when ACS secure detention is over capacity, resulting in the unacceptable “housing” of youth in classrooms and deprivation of personal space,⁸ the need for alternative to detention, placement and incarceration programs is even more urgent. As explained below, it is a matter of public safety and intelligent policy to avoid unnecessary detention. Detention exposes youth to potential trauma, exacerbates mental health issues, increases the likelihood of further system involvement, and has a long term negative impact on youth.⁹ With this increased census it is particularly essential to examine and address the dearth of appropriate Alternative Programs. We urge the City to take all reasonable steps to address this important issue.

⁷ Id.

⁸ <https://gothamist.com/news/teens-in-nyc-detention-centers-are-sleeping-on-the-ground-due-to-overcrowding-staff-say>

⁹ Raposa, Rhodes, Stams, et al. The Effects of Youth Mentoring Programs: A Meta-analysis of Outcome Studies. *Journal of Youth and Adolescence* 48, 423 –443 (2019) Support that mentoring interventions can have positive outcomes for youth. Available at, <https://doi.org/10.1007/s10964-019-00982-8>

Current Plan for Horizon Annex

ACS's decision to invest millions of dollars in incarceration rather than community-based interventions certainly will not move New York City towards reducing the incarceration of youth. Nor will it promote the well-being of young people, families, and the community.

The negative impacts of incarceration are undisputed and well documented. Studies have established that rather than improving public safety, incarcerating youth increases recidivism rates as compared to community-based programming.¹⁰ A 2023 report from the Sentencing Project found that not only do large cuts to youth incarceration *not* result in increased youth crime, but the initial decision to confine a young person in secure detention pending trial substantially increases the odds that the youth will become further involved in the justice system.¹¹ In addition, young people are likely to be experience trauma as a result of their incarceration. The U.S. Office of Juvenile Justice and Delinquency Prevention reported:

[R]esearch has demonstrated that detention and confinement facilities negatively affect a child's mental state, academic aptitude, and employment prospects. Placing a juvenile in secure facilities hinders the juvenile's developmental process, leads to depression, and increases the risk of suicide or other self-harm. Placed in detention or a confinement facility, the juvenile is cut off from conventional opportunities for growth, and any positive ties he or she may have had in the community are severed. ... Finally, as a result of their period of incarceration, detained juveniles typically receive lower

¹⁰ Sarah Cusworth Warker and Jerald Herting. The Impact of Pretrial Juvenile Detention on 12 Month Recidivism: A Matched Comparison Study, Crime & Delinquency Vol. 66 (13-14), 1865 –1887, 1881. Available at <https://journals.sagepub.com/doi/pdf/10.1177/001128720926115>

¹¹ Richard Mendel. Why Youth Incarceration Fails: An Updated Review of the Evidence, The Sentencing Project. Available at <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/#part-1>

wages and experience greater difficulty finding employment compared with their peers.¹² (internal citations omitted)

Given the detriment to public safety and the harm inflicted upon individual youth, incarceration of youth should be used as a last resort.¹³

Moreover, expanding detention's capacity will likely repeat the significant staffing shortages at secure facilities that ACS has only recently improved. It is unclear how ACS plans to staff an additional 50 beds when the agency has had such difficulty effectively staffing existing facilities. Moreover, the ongoing and long-term cost of staffing and maintaining additional facility space will far exceed the \$340 million estimated to build the Horizon Annex. Further, the effect of the construction on the lives of youth detained in both Horizon and Crossroads will likely be significant, reducing access to programming and increasing the already challenging experience of overcrowding. These dollars would be better used invested in community-based preventive and alternative to detention, placement and incarceration services.

Preventative Services for At-Risk Youth

There is a great need for voluntary preventative services in our schools and communities to deter youth involvement in the juvenile legal system. Science has established that young people are especially susceptible to pro-social interventional services, as the adolescent brain has yet to fully

¹² 2 The U.S. Office of Juvenile Justice and Delinquency Prevention's Literature Review regarding "Alternatives to Detention and Confinement." Available at https://ojjdp.ojp.gov/model-programs-guide/literaturereviews/alternatives_to_detection_and_confinement.pdf

¹³ The American Academy of Pediatrics. Protect Children, Reform the Juvenile Justice System. Available at <https://www.aap.org/en/advocacy/juvenile-justice/protect-children-reform-the-juvenile-justice-system/>

develop.¹⁴ Moreover, most arrests in New York City come from a handful of neighborhoods. We therefore have an opportunity to target services necessary prevent legal system involvement, including programming and mental health care, to specific communities. Neighborhood schools are an obvious avenue for providing some of these services

Cure Violence is proven to be successful at deterring the most serious offense that lead our clients to the Youth Part in criminal court. A study by John Jay College found sharp declines of gun violence and shootings in areas with Cure Violence programs, which includes access to violence interruptors, credible messengers, and outreach workers – all of whom are from the local community and many of whom have been formerly incarcerated.¹⁵ The programs are in the community, by the community, and for the community. This is a driving force contributing to the model’s success. The City must expand these programs, rather than aggressively cut their budgets. Indeed, The Legal Aid Society’s Community Justice Unit (CJU) stands out as a unique and indispensable component, providing comprehensive legal services to underserved communities, particularly at-risk youth and adults. The demand for CJU's wrap-around legal services has significantly increased, highlighting its indispensable role in violence interruption, prevention, and public safety initiatives. However, the City has slated CJU for a \$1.5 million cut at this critical time. This is simply bad policy.

¹⁴ The Promise of Adolescence: Realizing Opportunity for All Youth. The National Academies of Sciences, Engineering, and Medicine 2019. The National Academies Press. Available at https://www.ncbi.nlm.nih.gov/books/NBK545481/pdf/Bookshelf_NBK545481.pdf at 18.

¹⁵ Sheyla A. Delgado, Laula Alsbahi, Kevin Wolff, Nicole Alexander, Patricia Cobar, and Jeffrey A. Butts. Denormalizing Violence: A Series of Reports From the John Jay College Evaluation of Cure Violence Programs in New York City. Available at <https://johnjayrec.nyc/2017/10/02/cvinsobronxeastny/>

In addition, there are too few counselors and mental health supports available to youth in the City’s schools and communities.¹⁶ Youth diagnosed with mental health disorders continue to be disproportionately represented in the juvenile legal system.¹⁷ Indeed, system-involved youth “have significant behavior health concerns . . . , adverse childhood experiences, and mental health problems compared with the general youth population.”¹⁸ This is due, in large part, to the lack of access to appropriate mental health services in the community to address underlying issues with which a young person may be struggling. More preventative services and programs with a mental health component are critically needed to prevent entanglement in the legal system.

Alternatives for Justice-Involved Youth

It is well established that community-based alternatives to detention, incarceration, and placement work.¹⁹ ATDs/ATPs/ATIs and in-community monitoring provide individuals with the tools necessary to address the root causes of recidivism and behaviors leading to arrests. These programs improve public safety when appropriately funded and supported. However, defense attorneys and social workers often struggle to find suitable and available programs. Limitations

¹⁶ The Healing-Centered Schools Task Force Report, July 2021. Available at p. 20-21
<https://advocate.nyc.gov/static/assets/HCSSTF%20Recommendations%20Report.pdf>

¹⁷ Intersection between Mental Health and the Juvenile Justice System, Literature Review: A Product of the Model Programs Guide, Office of Juvenile Justice & Delinquency Prevention (July 2017). Available at
https://ojjdp.ojp.gov/modelprograms-guide/literaturereviews/intsection_between_mental_health_and_the_juvenile_justice_system.pdf

¹⁸ Gail A. Wasserman, Ph.D. et. al., The Missing Link(age): Multilevel Contributors to Service Uptake Failure Among Youths on Community Justice Supervision, 72 *Psychiatric Serv.* 5, at 548 (Mar. 26, 2021). Available at
<https://ps.psychiatryonline.org/doi/epdf/10.1176/appi.ps.202000163>

¹⁹ Mayor’s Management Report for Fiscal Year 2023 at p. 232

include age restrictions, capacity issues and long waitlists, program duration, and charge-specific constraints.

ACS, the Department of Probation (DOP), and the Mayor's Office for Criminal Justice (MOCJ) have deprioritized alternative services. These agencies have cut funding for and closed a number of ATD, ATP, and ATI programs that had been crucial to preventing the remand or set bail for young people. For example, the closing of the effective Esperanza program, which served both as an ATP in Family Court and an ATI in the Youth Part, has been a tremendous loss. The program provided intensive, community-based and trauma-informed therapeutic services. The contract for its proposed replacement, CASES IMPACT, was cancelled with no substitution provided. According to the Preliminary Fiscal 2024 Mayor's Management Report, there has been a 23 percent decrease in DOP-managed programs since last fiscal year. The decline in enrollment is attributed to the loss of contracted program providers.²⁰

Judges, prosecutors, and defenders regularly call for more programming to prevent young people's entry into detention. This issue is especially dire in the context of Youth Part. Because AOs account for the majority of secure detention admits, the lack of alternatives directly correlates with the rise in secure detention population.

Even the most serious of offenses can and should benefit from alternative services. AOs and JOs fall victim to a drought in programming. AO and JOs are frequently ineligible for both criminal court programming, due to age-restrictions, and Family Court services, due to funding structures or

²⁰ Preliminary Fiscal 2024 Mayor's Management Report at p. 85.

charge-related restrictions. Currently, In-Community Monitoring (ICM) by DOP remains one of the only options to divert Youth Part cases away from detention, yet defenders report that ICM regularly denies referrals due to capacity caps. In most instances, even when a program is identified and the young person is actively engaged in services, if the case is removed from the Youth Part to Family Court, the program must be terminated due to funding constraints. The benefit of removals should not risk service continuity.

Int 0087-2024:

We support this bill, with certain needed amendments. This bill would improve data transparency around New York City’s juvenile legal system. We are not aware of any current mechanism to get a current or recent snapshot of detention populations, what charges they face, and what neighborhoods they come from. This bill must be amended to remove the requirement that agencies report on youth’s prior contact with ACS or DOP, as indicated in Section 1.a.(g) and 1.a.(h); Section 2(g) and 2(h) and other sections. These provisions violate privacy rights of young people by inquiring into potentially sealed records and other protected information. Further, “prior contact,” as written, is overbroad, as virtually every youth is required to have “contact” with DOP prior to disposition of his or her case.

Int 0977-2024:

We support this bill which would require the Department of Probation to report on technical probation violations and all programming offered by the Department. This information would be valuable to the public and to the Council in conducting oversight of the Department of Probation’s practices.

Conclusion

New York City youth who face potential or actual system involvement must be prioritized. We know where these youth live and must target services to them. Community-based programs, including family therapy providers and anti-violence credible messengers, address the social and economic challenges that contribute to cycles of system involvement. Schools offer an opportunity to target services as well.

In addition, there should be a comprehensive plan evaluating the needs of the different populations of youth potentially eligible for ATD/ATP/ATI services and then identifying and addressing areas of unmet need. Instead, there is a scattershod approach, with multiple agencies responsible for addressing different pieces of services. In this age of high technology, coordinated planning and action should be an easy lift. New York City must prioritize this population and make it happen.

In addition, prior to expanding an already failing carceral system – as planned at Horizon, capacity must be added to the preexisting programs that are trusted by courts and proven to support at-risk young people, like DOP-ICM or community-based preventative and alternative programming. Funding increased secure beds at a cost of millions of dollars is not the right path forward.

Contact: Lisa Freeman
lafreeman@legal-aid.org



**UNITED
NEIGHBORHOOD
HOUSES**

45 Broadway, 22nd Floor, New York, NY 10006
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**Testimony of United Neighborhood Houses
To the New York City Council Committees on Children & Youth and Criminal Justice**

**Council Member Althea Stevens, Chair, Children & Youth
Council Member Sandy Nurse, Chair, Criminal Justice**

Oversight - Coordinating the Administration's Youth Decarceration Plan

**Submitted by Nora Moran, Director of Policy & Advocacy
June 26, 2024**

Thank you, Chair Stevens, Chair Nurse, and members of the New York City Council, for the opportunity to testify. My name is Nora Moran, and I am the Director of Policy & Advocacy at United Neighborhood Houses (UNH). UNH is a policy and social change organization representing neighborhood settlement houses that reach 800,000 New Yorkers from all walks of life each year.

A progressive leader for more than 100 years, UNH is stewarding a new era for New York's settlement house movement. We mobilize our members and their communities to advocate for good public policies and promote strong organizations and practices that keep neighborhoods resilient and thriving for all New Yorkers. UNH leads advocacy and partners with our members on a broad range of issues including civic and community engagement, neighborhood affordability, healthy aging, early childhood education, adult literacy, and youth development. We also provide customized professional development and peer learning to build the skills and leadership capabilities of settlement house staff at all levels.

Settlement houses serve the very population of young people most at risk of being swept up in the criminal justice system. With the knowledge of decades of experience in youth development and empowerment, it is clear that the interventions that work are compassionate, not punitive. We must protect and support our young people and offer them the opportunity to seek a path forward without the creation of nearly insurmountable barriers.

Last fall marked five years since Raise the Age was first implemented across New York State, ending a shameful chapter in our history of prosecuting 16- and 17-year olds as adults regardless of the offense. Prior to the passing of this legislation, thousands of 16- and 17-year-olds were held in dangerous conditions on Rikers Island and other adult jails across the state. Moreover, these youth were systematically locked-out of age-appropriate services in family court programs designed to meet the needs of adolescents and avoid the barriers of an adult criminal record.

Youth crime has consistently decreased since Raise the Age implementation in 2018. In New York City alone, since 2013 there has been a 48% decrease in adolescent arrests for serious offenses. Evidence from implementation across the State clearly shows how the law has improved community safety and youth well-being.

Despite making up half of the state's youth justice system population, New York City is currently excluded from accessing the Raise the Age funding because the City exceeds the tax cap prescribed by state law. However, it is possible to access this funding by submitting a waiver of hardship, indicating that our City and our programs need the resources that are available through the Raise the Age law. Again, New York City accounts for half of the state's youth justice system population and therefore should be able to access more funding. However, Mayor Adams has yet to apply for the waiver of hardship, despite the administration's claim that the current fiscal cliff necessitates drastic cuts to many of the supportive services and programs that are vital to New York City's youth and families. These cuts include:

- \$3.3 million to the IMPACT program, designed to keep youth under 18 years of age who have been charged as an adult out of detention
- \$1.6 million to the Arches program, which connects high-risk young adults to mentors with similar life experience
- \$6.9 million in after school programming
- \$2.6 million for the Next STEPS Mentoring Program
- \$12 million for restorative justice programs
- \$14 million for Community Schools, which provide young people and families with wrap-around supports
- \$5.4 million for the Office of Neighborhood Safety

It is critical to invest in programs and organizations that are serving our communities through youth development, violence-prevention services, and other alternatives to incarceration to prevent the necessity of further investment in the carceral system. **We therefore urge the Council to pressure the Adams Administration to submit a letter with the waiver of hardship to the New York State Office of Children and Families to allow New York City to be considered for the funding.** This would be beneficial for young people and community-based organizations offering these services alike.

Thank you for your time. For any follow up questions, I can be contacted at nmoran@unhny.org.

New York City Council
Committees on Youth Services and Criminal Justice
Oversight - Coordinating the Administration's Youth Decarceration Plan
Written Comments of Youth Represent
June 26, 2024

Youth Represent is dedicated to improving the lives and futures of young people impacted by the criminal legal system. When the legal system creates barriers to success for youth, we use the law to help them leave the stigma of a criminal record behind. We provide criminal and civil reentry legal representation to young people age 16-26, assisting them with everything from rap sheet review to school suspensions to employment discrimination and any other legal needs they identify. We also engage in policy advocacy and youth leadership development through our City Dreamers Advocacy Camp and Youth Justice & Opportunities Act campaign.

Thank you to Chair Stevens, Chair Nurse, Committee members, and staff for identifying the need for a coordinated youth decarceration plan for New York City and for considering testimony on this topic.

Key concerns about the Administration's Approach to Youth Decarceration

We join with partner organizations including Children's Defense Fund-NY, Center for NuLeadership on Human Justice and Healing, The Legal Aid Society, Brooklyn Defenders Services, the New York Youth Justice Initiative, Community Connection for Youth, Justice4Families, Youth Justice Network and Catalyze Justice to express substantial concerns about the administration's approach to youth decarceration:

1. Contrary to the goal of advancing youth decarceration, the Department of Probation (DOP) has cut funding and ended contracts for alternative to detention/incarceration (ATD/ATI) services and programs crucial to preventing young people's entry into detention.
 - The contract for the IMPACT program run by CASES, which relied on a model of home-based family therapy and wrap-around services, was ended before services even began. The IMPACT model was successfully used by Esperanza in New York City for a decade to support youth charged with serious offenses in the community, preventing detention and incarceration. The City currently has no plan to replace this critical program.
 - The administration has also cut tens of millions of dollars to other programs that are crucial to preventing youth incarceration, including ARCHES and Next Steps credible messenger mentoring programs.
 - Without fully resourced, trusted, comprehensive community-based programs, judges routinely remand adolescents to secure detention.
 - The lack of ATIs leaves DOP's Intensive Community Monitoring (ICM) program as the only remaining option. Despite statements to the contrary from DOP, public defenders in the Bronx, Staten Island, and Brooklyn report that **ICM consistently denies referral due to a severe lack of resources and capacity.**

2. New York City lacks a robust network of community-based services for 16- and 17-year-olds charged as “Adolescent Offenders” in the Youth Parts of Supreme Court across the five boroughs. At the March 20th Preliminary Budget Hearing on Public Safety before this Council, Bronx District Attorney Darcel Clark testified, “The lack of resources for youth & mental health are driving violence, subway crime & retail theft. I cannot prosecute my way out of this ... We must invest in communities.”
3. The City’s decision to invest \$340 million to expand the Horizon secure detention facility in the Bronx and build 48 additional beds while cutting funding to community-based services, alternatives to incarceration, and credible messenger mentoring makes clear that this administration is not aligned with a vision of promoting youth, family, and community well-being.

We thank the Council for your ongoing attention to this issue and urge you to continue to push the administration to fully fund a continuum of services for New York City youth with the goal of preventing criminal legal system contact, diverting youth who have been arrested, reducing reliance on detention, and supporting successful reentry of young people post-arrest.

The Administration Has Failed to Take Steps to Access Critical Raise the Age Funds from New York State

Last fall marked five years since Raise the Age was first implemented across New York State, ending a shameful chapter in our history of prosecuting 16- and 17-year olds as adults regardless of the offense. Prior to the passing of this legislation, thousands of 16- and 17-year-olds were held in dangerous conditions on Rikers Island and other adult jails across the state. Moreover, these youth were systematically locked-out of age-appropriate services in family court programs designed to meet the needs of adolescents and avoid the barriers of an adult criminal record.

Youth crime has consistently decreased since Raise the Age implementation in 2018. In New York City alone, since 2013 there has been a 48% decrease in adolescent arrests for serious offenses. Evidence from implementation across the State clearly shows how the law has improved community safety and youth well-being.

Despite making up half of the state’s youth justice system population, New York City is currently excluded from accessing the Raise the Age funding because the City exceeds the tax cap prescribed by state law. However, it is possible to access this funding by submitting a waiver of hardship, indicating that our city and our programs need the resources that are available through the Raise the Age law. New York City accounts for half of the state’s youth justice system population and should be able to access more funding. However, Mayor Adams has yet to apply for the waiver of hardship, despite the administration’s claim that the current fiscal cliff necessitates drastic cuts to many of the supportive services and programs that are vital to New York City’s youth and families. These cuts include:

- \$3.3 million to the IMPACT program, designed to keep youth under 18 years of age who have been charged as an adult out of detention
- \$1.6 million to the Arches program, which connects high-risk young adults to mentors with similar life experience
- \$6.9 million in after school programming

- \$2.6 million for the Next STEPS Mentoring Program¹
- \$12 million for restorative justice programs²
- \$14 million for Community Schools, which provide young people and families with wrap-around supports
- \$5.4 million for the Office of Neighborhood Safety

It is critical to invest in programs and organizations that are serving our communities through youth development, violence-prevention services, and other alternatives to incarceration to prevent the necessity of further investment in the carceral system. We therefore urge the Council to pressure the Mayor and the administration to submit a letter with the waiver of hardship to allow NYC to be considered for the funding. This would be beneficial for young people and community-based organizations offering these services alike.

Intro 0087 of 2024 (Salamanca) - Requiring the administration for children’s services and the department of probation to report on juvenile justice statistics.

Youth Represent supports legislation that would improve public data about NYC’s youth justice system.

- The Detention Demographic Report which ACS must publish pursuant to Local Law 44 covers the prior fiscal year, so it is currently impossible to get a current or even recent snapshot of how many young people are in detention, what kinds of charges they are facing, and what neighborhoods they are coming from.
- We support legislation that would make the detention demographic report quarterly, with a requirement to post data within 30 days after the end of each quarter.

Youth Represent opposes legislation requiring reporting of prior contact with ACS or Department of Probation, as is indicated in Section 1.a.(g) and 1.a.(h); Section 2(g) and 2(h) and other sections.

- These reporting provisions would violate the privacy rights of young people in detention, as they would include inquiries into sealed records and other confidential information.
- There is no public policy benefit of reporting this information because “prior contact” is so broad it would be meaningless.

Some of the reporting provisions in the bill are out of date: “Specialized juvenile detention” was the term used for facilities that young people were moved to from Rikers Island when Raise the Age went into effect in 2018.

Finally, some provisions of the bill would create administrative reporting burdens without a public policy benefit. These include reporting on underlying charges in the context of Probation adjustment decisions and incidents at facilitates broken down by the young person’s status under the criminal procedure law (e.g., “Juvenile Offender,” “Adolescent Offender,” etc.).

¹ This program, cut in November 2023, provided mentoring and supportive services to youth “involved in serious violent activity, gang-affiliated, or domestic violence” living in NYCHA developments.

² Although the Mayor has committed to including \$6 million in the final budget for restorative justice, this still leaves the program with a \$6 million funding gap.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Christian Lu

Address: Bronx Community Justice Center

I represent: _____

Address: _____

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in favor in opposition

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(PLEASE PRINT)

Name: Shawn R. Corley SOS

Address: _____

I represent: _____

Address: _____

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(PLEASE PRINT)

Name: Aartiyah Gullory Nickens

Address: 11 Park Pl Suite 1512

I represent: _____

Address: _____

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in favor in opposition

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(PLEASE PRINT)

Name: Jason Alleyne

Address: 17 Battery Place Suite 305

I represent: Exalt

Address: same as above

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Appearance Card

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I intend to appear and speak on Int. No. ^{Int 87} Int 977 Res. No. _____

in favor in opposition

Date: 6/26/24

(PLEASE PRINT)

Name: Audrey Wilson, Senior Director of Programs

Address: for juvenile operations

I represent: DOP

Address: _____

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Appearance Card

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in favor in opposition

Date: 6/26/24

(PLEASE PRINT)

Name: Jean Gardner, Deputy Commissioner

Address: Juvenile Operations

I represent: DOP

Address: _____



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in favor in opposition

Date: 6/26/24

(PLEASE PRINT)

Name: 1 Daryl Rattray

Address: 2 Lafayette St, NY

I represent: DYCD

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/26/24

(PLEASE PRINT)

Name: KARINA CHRISTIANSEN

Address: 25 NEWEL ST #2 BROOKLYN NY 11222

I represent: DYCD

Address: 2 LAFAYETTE ST NY, NY 10007

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in favor in opposition

Date: 6/26/24

(PLEASE PRINT)

Name: Nora Daniel, Chief of Staff

Address: _____

I represent: MOCJ

Address: _____

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in favor in opposition

Date: 6/26/24

(PLEASE PRINT)

Name: Nancy Ginsberg, Deputy Commissioner

Address: Division of Youth & Family Services

I represent: ACS

Address: _____

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ray Toomer, Associate Commissioner Community

Address: _____ Based

I represent: ACS Attornies

Address: _____

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in favor in opposition

Date: 6/26/24

(PLEASE PRINT)

Name: Darryl Rattray, Dep. Commissioner of Youth

Address: _____ Services

I represent: DYCD

Address: _____

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Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nose Donie / Chief of Staff

Address: 1 Centre

I represent: Mayor's Office of Criminal Justice

Address: 1 Centre

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Appearance Card

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I intend to appear and speak on Int. No. N/A Res. No. N/A

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sarah Cassel

Address: 1 Centre St.

I represent: Mayor's office of criminal Justice

Address: _____

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Appearance Card

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in favor in opposition

Date: 06/26/24

(PLEASE PRINT)

Name: Crystalie Romero-Smith

Address: _____

I represent: Community Connections for Youth.

Address: 369 E 149th Street Bronx, NY.



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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kyung-Ji Rhee

Address: 7 MARCUS GARVEY BLVD 405

I represent: Center for Nuleadership on Human Justice

Address: _____ Hoehop

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Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nadia Chait

Address: 4 West 125th

I represent: CASES

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8/26/24

(PLEASE PRINT)

Name: Rashaan Brown

Address: 55 Washington St

I represent: We build the block

Address: 55 Washington St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Christopher Jeffers

Address: [REDACTED]

I represent: Bronx Connect

Address: 432 E 149th Street Bronx, NY 10455

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jeanette Bocanegra

Address: 2090 Honeywell Ave

I represent: Families, Youth, Communities

Address: Justice for Families

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0087 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Chaplain Dr. Victoria A. Phillip

Address: _____

I represent: Visionary V Ministries / Sails Action Coalition

Address: 99 Wall St. Ste 813, NY NY 10005

Mental Health Project

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 06/26/24

(PLEASE PRINT)

Name: Jose Perez

Address: _____

I represent: YouthNPower at The Childrens Defense Fund-NY

Address: 815 Second Avenue; M, NY. 10017

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/26/24

(PLEASE PRINT)

Name: Cecilia Techer

Address: _____

I represent: Bronx Connect

Address: 432 E 149th St, The Bronx, NY 10455

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/26/24

(PLEASE PRINT)

Name: Darren Mack

Address: 40 Rector St

I represent: Freedom Agenda

Address: 40 Rector St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/26/24

(PLEASE PRINT)

Name: Emman Lee Clinger

Address: 49 Thomas St

I represent: Legal Aid Society

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jackie Gosdigian

Address: _____

I represent: BROOKLYN DEFENDER SERVICES

Address: 177 Livingston St BK, NY 11201

Please complete this card and return to the Sergeant-at-Arms