

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES
JOINTLY WITH THE COMMITTEE ON JUVENILE JUSTICE
AND THE COMMITTEE ON EDUCATION

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November 30, 2016
Start: 10:09 a.m.
Recess: 1:43 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: ELIZABETH S. CROWLEY
Chairperson

FERNANDO CABRERA
Chairperson

DANIEL DROMM
Chairperson

COUNCIL MEMBERS: Mathieu Eugene
Rory I. Lancman
Paul A. Vallone
Inez D. Barron
Rory I. Lancman
Barry S. Grodenchik
Rafael Salamanca, Jr.
Vincent J. Gentile
Daniel R. Garodnick
Margaret S. Chin
Stephen T. Levin
Deborah L. Rose

Ben Kallos
Andy L. King
Chaim M. Deutsch
Mark Levine
Alan N. Maisel
Antonio Reynoso
Ydanis A. Rodriguez
Helen K. Rosenthal
Mark Treyger

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

Dr. Laura Feijoo, Senior Supervising Superintendent
Office of School Support
New York City Department of Education

Dr. Timothy Lisante, Superintendent
District 79 Alternative Schools and Programs
New York City Department of Education

Francis Torres, Assistant Commissioner
Education and Youth Advocacy Services
Department of Correction, DOC

Felipe Franco, Deputy Commissioner
Division of Youth and Family Justice
Administration for Children's Services

Alicia Perrone, Attorney
School Justice Project
Advocates for Children of New York

Stephen Shore Staff attorney
Prisoner's Right's Project
Legal Aid Society

Karen Farkas, Education Unit
Brooklyn Defender Services

Charlotte Pope, Youth Justice Policy Associate
Children's Defense Fund New York

Sterling Roberson
United Federation of Teachers

Suzanne Ribeiro, ELA Special Education Teacher
UST Chairperson, Rikers Island

Patricia Christino
Alternative Schools for New York City

Rob De Leon, Associate Director
Youth Programs at CASES

Laurel Rinaldi
Center for Community Alternatives

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6 [sound check, pause]

7 SERGEANT-AT-ARMS: Ladies and gentlemen,
8 at this time, please have your seat, we're about to--
9 we're about to start. So I'm asking please your seat
10 at this time. Thank you. [pause]

11 CHAIRPERSON DROMM: Good morning and
12 welcome to today's oversight hearing on Educational
13 services for New York City's Detained, Placed and
14 Incarcerated Adolescents and Young Adults jointly
15 sponsored by the Education, Juvenile Justice and Fire
16 and Criminal Services Committees. We will also hear
17 testimony on Intro 1148, which I sponsored. I'll
18 talk more about Intro 1148 shortly after some opening
19 remarks, and then we'll move on to hear from my co-
20 chairs. Inmates in prisons and jails are most edu-
21 are the most educationally disadvantaged population
22 in the United States. Nationally, only about 50% of
23 incarcerated individuals have completed high school
24 or a GED program. Additionally, 30 to 50% of
25 incarcerated youth have disabilities compared to
roughly 10% of the general population. These
national trends are reflected in New York City's
jails and detention facilities. It's estimated that
as many as 80% of those entering Rikers Island are

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without a high school diploma or GED. Research shows that providing education to youth in the Justice system has positive effects. According to a 2013 Rand's Corporation study for example, education in Juvenile Justice facilities is among the more efficient crime prevention techniques available. The Report found a 43% reduction in recidivism for those inmates who participated in correctional education programs. New York State Education Law grants educational services to incarcerated individuals under the age of 21 who do not have a high school diploma, and it is the responsibility of the school district that the youth facility is in to provide such educational services. In New York City—in the New York City—the New York City Department of Education provides educational services to detained, placed or incarcerated youth through District 79's alternative schools and programs. Specifically, educational services are provided at East River Academy for adolescents and young adults ages 16 to 21 who were detained or sentenced to the New York City Department of Correction on Rikers Island, and at Passages Academy for juveniles ages 9 to 16 who are in the Division of Youth and Family Justice

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1 detention or placement facilities. Unfortunately,
2 there is very little information about educational
3 programs for detained, placed and incarcerated youth
4 on DOE's website. Worse, there is no data available
5 about student academic performance in these programs,
6 or about what happens to youth that transition out of
7 detention or incarceration. Further, while a large
8 population of detained, placed and incarcerated youth
9 have disabilities, we currently have no information
10 about how many of these students are receiving their
11 mandated services. Thanks to the Special Education
12 Reporting Bill passed by the Council last year, we
13 now know that only about 60% of students in DOE
14 schools citywide are fully receiving the services
15 they are entitled to. We hope to find out today how
16 many youth with disabilities at Passages Academy and
17 East River Academy are receiving their mandated
18 special education services. At today's hearing, the
19 committee will review the Administration's current
20 programs and policies it plans for and progress
21 towards meeting the academic needs of these placed,
22 detained and incarcerated students as well as their
23 challenges. The Committee also looks forward to
24 hearing testimony from parents, educators, advocates,
25

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1 unions and other members of the public about their
2 concerns and recommendations to place detailed and
3 incarcerated students. As I stated earlier, we will
4 also hear testimony on Intro 1148 today. Intro 1148
5 would required the Department of Corrections to
6 report on educational programming for adolescents and
7 young adults. I decided to introduce this bill after
8 visiting East River Academy on Rikers Island twice,
9 and seeing some of the issues that I wanted to
10 explorer further such as the use of force in
11 classrooms there. As I've already noted, there's
12 very little information publicly available about East
13 River Academy, not even basic data like enrollment
14 numbers and measures of student performance. This
15 lack of basic information and data just reinforces
16 the notion that these are the forgotten children, but
17 in truth, they're all our children, and we need to
18 know how they're being treated and what kind of
19 education they are receiving. Are they regularly
20 subjected to use of force that can result in injury?
21 Are they receiving the special education and support
22 services they are entitled to? Are they making
23 progress towards graduation or a high school
24 equivalency diploma? Are they offered vocational
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1 education programs to truly prepare them for
2 meaningful work opportunities? In short, are they
3 being prepared for an independent and productive life
4 or for a return to the prison population? The
5 questions—the answers to these questions affect us
6 all, and hopefully, this bill will get us some of the
7 answers we need. I'd like to remind everyone who
8 wishes to testify today that you must fill out a
9 witness slip, which is located on the desk of the
10 sergeant-at-arms near the entrance of this room. If
11 you wish to testify on Intro 1148, please indicate on
12 the witness slip whether you are here to testify in
13 favor or in opposition to the bill. I also want to
14 point out that there will not a vote on Intro 1148
15 today, as this is just the first hearing. Please
16 note that all witnesses will be sworn in before
17 testifying. To allow as many people as possible to
18 testify, testimony will be limited to three minutes
19 person. I'm also going to ask my colleagues to limit
20 their questions and comment to three minutes in the
21 first round since we have three committees and
22 multiple agencies here today. Now, I'd like to turn
23 the floor over to my co-chair Fernando Cabrera for
24 his remarks followed by Co-Chair Elizabeth Crowley.
25

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CHAIRPERSON CABRERA: Thank you so much.

Good morning. I am Council Member Fernando Cabrera District 14 in the Bronx, and the proud chair of the Juvenile Justice Committee. Thank you for being here today. Thank you to my co-chairs, Council Member Dromm and Council Member Crowley for holding this important hearing, and thank—I want to thank my staff who have worked on this hearing today. Today we are examining education for youth in placement and detention facilities, and hearing a bill related to education for incarcerated adolescents and young adults. Many young people--[coughs] excuse me—many young people who enter the—the justice system have learning disabilities, and other personal struggles and the contribute to their alleged destructive behaviors or may keep them from succeeding on a traditional path. When youth are under the supervision of ACS and put into classrooms of about eight students, there is an opportunity to begin to address some of these—of their special needs. In addition to providing conditions for learning, we should be encouraging the necessary behavioral and social support services that address the individual needs of each young person including those with

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1 disability and English learners. We must work to
2 ensure smooth transitions for re-entry into the
3 community. ACS Division of Youth and Family Justice
4 work with—with DOE to provide educational services
5 for young people in the Juvenile Justice system
6 including tutoring and preparation for Regents
7 Examinations. I hope to hear today how DYFJ and DOE
8 work together to identify strengths and deficiencies
9 in their educational services, and programs available
10 to remanded youth as well as any trends of analysis
11 they may predict a young person's success before or
12 after detention. As I've often said, I—I believe it
13 is necessary to have transparency in the services
14 administered to young people under DYFJ custody in
15 order to learn how we can improve the provisions of
16 services for youth in detention. The issues we
17 discuss today will help in form all stakeholders
18 including the Council in future budget and policy
19 recommendation. I look forward to the testimony
20 we're about to hear from the representatives of DOE,
21 ACS and DOC as well as the testimony of advocates who
22 work so hard to protect these children. I know we
23 have a lot to get—to get to today. So with that,
24 I'll turn it back to my co-chair.
25

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CHAIRPERSON DROMM: Thank you very much,
Chair Crowley.

CHAIRPERSON CROWLEY: Thank you, Chair
Dromm, and good morning to everybody. I'm Elizabeth
Crowley. I'm the Chair of the Fire and Criminal
Justice Services Committee here at the Council. I
would like to thank both of the chairs, my co-chairs
today, Council Member Dromm and Council Member
Cabrera, and all you who are here in the audience.
My co-chairs have discussed the breadth of the
hearing today, and I would like to briefly touch upon
the Corrections component as the Department of
Correction or the DOC falls under my committee
jurisdiction. The overwhelmingly majority of
adolescent and young adult inmates in DOC's custody
are there as pre-trial detainees, and the vast
majority of those detainees will not be sent to an
Upstate prison and instead be released back into our
community. Access to education services for
incarcerated individuals is vital for successful
reintegration back into their school's curriculum
upon release. To reintegrate into society more
generally, and to avoid recidivism, the impact of
education for those incarcerated at Rikers Island is,

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1 therefore, a public safety issue, and as Education
2 Programs play a role in lowing—lowering rates of
3 recidivism, rearrests and re-incarceration compared
4 to incarcerated individuals who do not participate in
5 educational programs. Whether an inmate is receiving
6 formal education or learning a trade, it is essential
7 incarcerated individuals at Rikers Island are working
8 toward building a foundation to become better
9 contributors to society upon release. On top of
10 that, as the DOC has stated, educational programs can
11 help reduce violence in our jails by reducing idle
12 time. I look forward to discussing the efforts that
13 both the Department of Correction and the Department
14 of Education are doing to address these issues. My
15 committee will also be hearing Intro 1148, which
16 requires reporting in the area of education in our
17 city jails. This committee has already passed 12
18 bills requiring transparency for the Department of
19 Corrections in this session, and this bill is part of
20 the Committee's and the Council's continuing effort
21 to shine a public light on our city jails. Intro
22 1148 requires both the DOC and the Department of
23 Education to provide a comprehensive report on the
24 status of education services in our city jails
25

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1 including the rates of violence and the use of force
2 during education programs as well as numerous other
3 important indicators. I support this bill, and I
4 thank Council Member Dromm for introducing it and for
5 his advocacy, and now, I would like to turn the
6 hearing back to Council Member and Chair Dromm.
7

8 CHAIRPERSON DROMM: Thank you very much,
9 Council Member Crowley. I'd like to say that we've
10 been joined by Council Member Chaim Deutsch, Council
11 Member Paul Vallone. I think we got everybody so
12 far, and with that I want to introduce our first
13 group of witnesses. Laura Feijoo from the New York
14 City Department of Education; Timothy Lisante from
15 the New York City Department of Education; Felipe
16 Franco, Deputy Commissioner of the New York City
17 Administration for Children Services; and Frances
18 Torres from the Department of Correction as well. So
19 with that, I would like to swear you all in, and
20 would you please raise your right hand. Do you
21 solemnly swear or affirm to tell the truth, the whole
22 truth and nothing but the truth and to answer Council
23 Member questions honestly?

24 DR. LAURA FEIJOO: I do.
25

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1 CHAIRPERSON DROMM: Okay. Who would like
2 to begin? Very good.

3 DR. LAURA FEIJOO: Good morning, Chair
4 Crowley--

5 CHAIRPERSON DROMM: [interposing] Just
6 turn that mic on. I think it's--

7 DR. LAURA FEIJOO: I think it's on.

8 CHAIRPERSON DROMM: Definitely, yeah, now
9 we got you. Yes.

10 DR. LAURA FEIJOO: Okay. Good morning,
11 Chairs Dromm, Cabrera, Crowley and the members of the
12 Committees on Education, Juvenile Justice and fire
13 and Criminal Justice Services here today. My name is
14 Dr. Laura Feijoo. I am the Senior Supervising
15 Superintendent in the Office of School Support in the
16 New York City Department of Education, and I'm joined
17 her by Dr. Timothy Lisante, Superintendent for
18 District 79, the DOE's District for Alternative
19 Schools and Programs. Tim is an extraordinary
20 educator who has dedicated nearly 40 years to the
21 city's students serving as a teacher and principal of
22 the school located on Rikers Island with time at
23 Crossroads Juvenile Detention Center and other sites
24 and programs under District 79's umbrella. We are
25

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1 pleased to be here today to discuss our work and to
2 provide educational programming to court involved
3 youth. Under this administration we have implemented
4 several new initiatives and made targeted investments
5 to improve instruction, and to help students develop
6 a successful transition plan. One of District 79's
7 central missions is to provide high quality
8 educational programs in residential and correctional
9 facilities serving New York City students. To this
10 end, District 79 operates two schools: Passages
11 Academy in partnership with New York City
12 Administration of Children's Services and East River
13 Academy in collaboration with the New York City
14 Department of Correction. DOE provides placed and
15 detained students with access to the same course and
16 many similar extracurricular activities as their
17 peers in traditional schools. Passages Academy is a
18 multi-site school that provides middle and high
19 school academic instruction and supports for students
20 who were arrested prior to age 16. Students receive
21 instruction from certified New York State teachers at
22 a facility or attend a Passages Academy site
23 depending on their type of placement: Secure, limited
24 secure or non-secure. Last school year Passages
25

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enrolled 1,058 students across all sites with an average daily enrollment of 270 students. All Passages Academy sites provide a full day of classes using a trimester system. Passages Academy provides licensed subject area and special education teachers, counselors, school leaders to meet the educational needs of these students. The coursework, as at any high school in the city is Common Core aligned and provides college ready supports and follows the New York State High School Graduation requirements. Teachers are held to the same standards as their colleagues in district schools. In the model that is unique nationally, students placed in a non-secure residential facility after their legal case has been decided are transported to one of two Passage Academy sites: Belmont School or Bronx Hope depending on the location of their group home. These schools follow the same instructional requirements as District schools. Students take—students take safe—math and English language arts exams, and sit for state regents examinations as required or appropriate. Additionally, students have access to after school programs focusing on sports, the arts, leadership through a partnership with the Department of Youth

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and Community Development. All Passages students
regardless of placement have the opportunity to
participate in enrichment programs such as the visual
arts, dram, chorus, and numerous physical activities.
In addition, Passages has a longstanding relationship
with Carnegie Hall and CUNY Colleges that have
provided opportunities for students to perform at
Carnegie Hall, and receive tutoring from Bronx
Community College and Medgar Evers College students.
A recent state initiative, Close to Home, ensures
that students in limited secure placement are newly
assigned or continue to reside in group homes located
in or near their community. There are two of these
facilities in the Bronx, one in Queens and one in
Dobbs Ferry at Westchester at Children's Village
campus. Previously, many of these students would
have been sent to facilities located Upstate. This
initiative allows these students—our students to
continue to be served by Passages' staff embedded at
their residential facility. This also means the
students never leave the city's public school system
creating continuity and curriculum, and credit
accumulation. In Passages at the end of each of
trimester, credits are added to the student's

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1 official transcript, which upon re-entry to high
2 school is electronically accessed by home-by the home
3 school. Prior to Close to Home, students were sent
4 to Upstate facilities administered by the State
5 Office of Children and Family Services, which
6 separated them from families and their school. This
7 new initiative has resulted in students earning and
8 receiving more high school credits than in the
9 previous system, which places them more firmly on the
10 path to achieving a high school diploma. DOE works
11 closely with ACS, and we are particularly proud of
12 our efforts to row-to regularly share relevant
13 student feedback as we work together to improve
14 student outcomes. In partnership with ACS, Passages
15 students are now able to use the Internet while they
16 are in school. This allows teachers to not only
17 differentiate instructions for students, but give-
18 give our students the same opportunities to access
19 technology as their peers in district schools. For
20 example, this summer, students in all Passages sites
21 were able to take computer science courses as a part
22 of our Computer Science for All Initiative using
23 Google program. Parents, of course, are key partners
24 in this work like all district schools. Passages has
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2 two full-time parent coordinators and one full-time
3 Family and Community Engagement Liaison. There are
4 regular family days, and parent-teacher conferences.
5 DOE counselors are present with parents, ACS staff,
6 and community based organization staff at many of our
7 discharge planning meetings that occur as students
8 are being released from placement. Last year we
9 started a new Transition Specialist Initiative to
10 better support students in their transition back to
11 the community. Under this initiative Transition
12 Specialists typically social workers and counselors
13 develop transition plans with students while they are
14 Passages. This includes short-term goals, and most
15 importantly their immediate next step after leaving
16 Passages. The Specialist engage the students and
17 their families about the key decisions to either
18 return to their previously selected school or
19 transfer to a different school. These Specialists
20 continue to follow up with the former Passages
21 students for the first six months after their
22 transition back in the community. We are pleased to
23 report that this important initiative is showing
24 strong signs of progress. The percentages of
25 students who increase their attendance by 10% or more

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1 was increased by 14% this first year of the
2
3 initiative. Students regularly attend school once
4 they have transitioned out of Passages more often
5 than they had before placement. This means fewer
6 students are at risk of becoming disconnected and
7 more have an opportunity to achieve a high school
8 diploma and career skills.

9 I would like to now turn to East River
10 Academy, which is operated by the DOE in partnership
11 with the Department of Correction. ERA is a DOE
12 program and overseen by one principal and fully
13 staffed by 65 certified New York State teachers, and
14 59 other staff including counselors, administrators
15 and support staff. ERA serves students between the
16 ages of 16 and 21 who are detained on Rikers Island.
17 Educational services on Rikers Island are mandated
18 for students under the age of 18, but young adults
19 from 18 to 21 can opt to attend school. During the
20 2015-2016 school year, ER-ERA enrolled 1,710
21 students. This is down from 2,516 students in the
22 2013-2014 school year. On an average day in 2015-16,
23 506 students were enrolled. Students attend class
24 for a full school day, and we should be proud of the
25 city's efforts to provide far more than three hours

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of educational instruction required in jails per
State Education Law. To improve students outcomes,
we are collaborating with the DOC to develop a system
to identify the educational needs of young persons
upon admission as part of their orientation, and to
have their educational goals and needs factored into
their housing placement. All students enrolled in
ERA pursue either a high school or a High School
Equivalency pathway depending on their age,
accumulated credits and preference. Students on a
high school pathway take high school courses, earn
credits and take Regents Examinations. Student on a
High School Equivalency pathway, focus on preparing
for the Test Assessing Secondary completion, the TASC
exam. This exam is the exam needed to secure a High
School Equivalency program in New York State. The
TASC is administered monthly on Rikers Island, and
students with disabilities receive the testing
accommodations to which they are entitled. It is
important to know, however, that more than 95% of the
16 and 17-year-olds at ERA are awaiting trial. In
fact, New York is the only state other than North
Carolina that detains children who are 16 years old
in adult correction facilities. The City has urged

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state lawmakers to pass legislation that would treat those under the age of 18 as juveniles, but unfortunately, the proposal has been stalled in Albany. As part of this administration's commitment to equity and excellence for all students, ERA has recently embarked on several new initiatives including in signing a master principal to support the leadership development of the current principal and assistant principals, the master principal also facilitates inter visitation within traditional schools to observe best practices in both supervision and instruction. They've adopted a core curriculum—a Common Core Aligned ELA Curriculum, and increased professional development opportunities for educators by partnering with Teachers College around literacy instruction and the Institute for Student Achievement for math training, and begin monthly learning walks (sic) with the central DOE staff to assess the implementation of professional development and improve plans for ERA. They've created classroom libraries with social justice titles and in engaging students more in reading. They've purchased Tablets with limited Internet access that allows students to participate in reading intervention, and other

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1 educational programs. Teachers were also able to use
2 the Tablets to supplement their instruction. This
3 year we have expanded career and technical education
4 offerings with the support of the DOC by hiring
5 carpentry, computer, culinary arts and electrical
6 teachers at GNDC the facility for 18 to 20-year-old
7 male detained students. This program was designed by
8 DOC in collaboration with District 79 School of
9 Cooperative Technical Education, Coop Tech. Each of
10 these courses are designed to be continued in the
11 community if the students choose to do so. The CTE
12 programs greatly expand opportunities for students
13 and provide an added incentive for 18 to 21-year-olds
14 who are required to attend school, to enroll in
15 school and participate in these programs. ERA staff
16 engages family support in a number of ways. The
17 school hold parent-teacher conferences regularly just
18 as other DOE schools do. ERA also holds a monthly
19 parent support group at La Guardia Community College
20 where parents of current and former students gather
21 under the facilitation of a clinical social worker to
22 help manage the complex issues of having a child who
23 is incarcerated. Students can also attend the
24 support group with their families after they are
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1 released. Similar to Passages, we also started the
2 Transition Specialist Initiative at ERA. Unlike
3 other jurisdictions in New York State, students on
4 Rikers Island were made a part of the New York City
5 School system, and have the automatic right to return
6 to their home school upon their release. Currently,
7 about one-third of the students who leave ERA each
8 year are discharged to state prison. The remaining
9 two-thirds return to the community where they have
10 several options. If they were enrolled in a school
11 when they were arrested, they can return to that
12 school, or they can seek a transfer to a different
13 school. Transition Specialists provide support with
14 either of these decisions. If the student was not
15 connected to a school when they were arrested,
16 usually because they had dropped out, a Transition
17 Specialists will support their return to a high
18 school, or if and when appropriate to a High School
19 Equivalency program. We are pleased to report that
20 the percentage of students who increased their
21 attendance by 10% or more after leaving ERA and
22 returning to their home school increased by nearly
23 20% in the first year of his initiative. Preliminary
24 data from this school year showed that this number
25

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1 continues to increase. Educational programming and
2 transition planning is particularly important for
3 this student group. Students come into these
4 programs disconnected and often disengaged from
5 education. Our goal is to help students re-engage in
6 their education while at Passages and ERA. We have
7 made—while we have made tremendous progress and far
8 ahead of the curve nationally, when it comes to
9 serving students in detention, we know there's always
10 a lot of work to be done to ensure our students are
11 on track to college and career readiness.
12

13 Last, with respect to Intro 1148, we
14 support the City Council's goal for increased
15 transparency regarding court involved students. We
16 work like t work with the City Council to ensure that
17 the reporting requirements align with the information
18 we currently capture and the frequency of that
19 information. We look forward to the City Council's
20 ongoing support and advocacy on behalf of New York
21 City students, and before we turn it over to DOC, Tim
22 Lisante will share some data with you from Passages
23 and ERA, and thank you again for allowing us to
24 participate in this hearing.
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1 DR. TIMOTHY LISANTE: [off mic] My name
2 is Tim Lisante and I-(sic)

3 CHAIRPERSON DROMM: [interposing] I don't
4 know that you're mic--

5 DR. TIMOTHY LISANTE: [interposing] -will
6 explain what Laura just described. Passages Academy
7 is the first slide. It shows the map here of the
8 nine sites that we have. Three's one principal,
9 right. Assistant principals run the bigger sites,
10 and there's 137 total staff throughout Passages
11 Academy throughout New York City, and again this is
12 all done in collaboration with our partners at ACS
13 and the Division of Youth and Family Justice. And on
14 the left there are the numbers of each site, Bronx
15 Hope and Belmont being the biggest sites. East River
16 Academy map is on the next slide. [coughs] Again,
17 it's not one school. It's nine sites. This is a
18 network of-of school sites under one principal and
19 five assistant principals, and they're embedded into
20 the different jails, seven different jails throughout
21 Rikers Island. And again, there are the numbers,
22 about 400 students are enrolled everyday if you add
23 up all the different sites, and this is a little bit
24 of demographic information background on the
25

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1 students. You could take a look at this, the things
2 that jump out. As the—the Chairman mentioned in the
3 very beginning, if you look at the Students With
4 Disabilities, SWD, [coughs] Passages Academy bottom
5 left, 64%. We've been able to identify 64% of the
6 students with an IEP as they come in, which is three
7 times the city's average [coughs] and then the Rikers
8 Island and East River Academy it's the same—it's very
9 similar, very high, 60–53% of the students with
10 disabilities. So one of the things that we've made a
11 conscious effort is having small class sizes,
12 paraprofessionals in the classrooms, mandated
13 counseling. And each student gets a special ed plan
14 that we have 30 days to write once we get to know the
15 students, and that's the plan that they follow while
16 they're with us, and when they go back to their
17 school, their old IEP kicks in. The other thing that
18 we have is advisory classes we work on everyday. We
19 work on social-emotional learning, and that's done—
20 it's facilitated by a teacher and the—and the
21 counselor. So we have several different strategies
22 to support the students with disabilities including
23 literacy specialists. The next one has some
24 outcomes. We compared the last two years, school
25

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1 year '14 and school year '16. The students do take
2 the Regents, and we're very proud that there's been a
3 percentage gained each year, the last three years,
4 13% of Passages, 4% at East River, and we're really
5 proud of the second one there that students with
6 disabilities there's a 21 percentage point increase
7 in passing the Regents at Passages over the last two
8 years. Again, we ensure that they get the
9 accommodations that they are entitled to. And the
10 third bullet is really a big one because again,
11 students are earning 10 or more credits while in
12 Passages. Ten credits really is a school year. So
13 students can come in and—and get moved up a grade. So
14 the whole purpose of our program really is to keep
15 kids on track, get them back on track as far as
16 credits. New York State is one of the most difficult
17 places to get a high school diploma. You may know
18 you need 44 credits and five state exams. We visited
19 Chicago this summer. We went to the jails there and
20 the Juvenile Justice Education program. There's no
21 state exams in—in Illinois. So all the students have
22 to do is pass their courses where here in New York we
23 have to pass five state Regents exams. And the last
24 one again we're very proud of is through our
25

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1 initiative of Transition Specialists working with the
2 students while they're with us, and also while
3 they're in the community and following them for six
4 months in the community, there's been a huge increase
5 of students whose post-attendance is much higher, 10%
6 higher than before they were arrested. And the last
7 slide we have are some of our major initiatives. I
8 mentioned the court involved youth and the social-
9 emotional learning. One of the most difficult things
10 about teaching here is the state of the students when
11 they in. They've been through being-being arrested
12 through the court system, through Central Booking
13 [coughs] and it's very hard to jump in and take a
14 math and reading test day one. So we do a lot of
15 work. We restored the practices and counseling
16 individual and group counseling, enhance mental
17 health services, improve out-of-school time including
18 Saturday academies, which were we're tutoring right
19 now. We have tutors from Manhattan College and Bronx
20 Community, and Medgar Evers, and from the Petey
21 Greene Foundation, helping the kids' intensive
22 preparation for the Regents in January, and as
23 mentioned before in the testimony, we've expanded
24 career and technical education and internship
25

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1 opportunities, and we work closely with somebody—with
2 a group called the New York Re-Entry Network made up
3 of people from like the Fortune Society, The Osborne
4 Association, et cetera, and we're active members in
5 that network, and the last thing that I want to point
6 out is that we have—every student has a plan, a web
7 based plan, a computerized plan with a password as to
8 their next steps. And this is something that's going
9 to be in the new Every Student Succeeds Act. It's
10 going to be mandated that students in correctional
11 settings have this plan. We've had it for several
12 years, and I—and again I want to highlight the Family
13 Support Group that we have both at Passages and
14 Rikers Island. The last one I went to there were
15 parents of current students. There were parents of
16 student were Upstate, and there parents of students
17 who already came home. They come for the support.
18 So these are some of the initiatives that we've
19 enacted over the last several years.

20
21 CHAIRPERSON DROMM: Okay, I think ACS is
22 next. No? Department of Correction? Oh, okay.

23 ASSISTANT COMMISSIONER TORRES: [off mic]
24 Good morning. [on mic] Good morning Speaker Mark-
25 Viverito, Chairs Dromm, Crowley, and Cabrera, and

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members of the City Council Committees on Education,
Fire and Criminal Justice Services, and Juvenile
Justice. I am Francis Torres, Assistant Commissioner
of Education and Youth Advocacy Services for the
Department of Correction, DOC. DOC is responsible
for the care, custody and control of all people aged
16 and older who are issued bail or remanded to
custody while awaiting trial in New York City as well
as a small population of individuals who are
sentenced to a year or less. In New York, 16 and 17-
year-olds are considered adults in the Criminal
Justice System. So any 16 and 17-year-old who is
arrested in New York City regardless of their charge
is proceed through the adult system and may come to
DOC custody. As the Council is aware, a major focus
of the department in the last few years has been
manage young people according to their unique needs.
This includes providing access to age-appropriate
education services to adolescents 16 and 17-year-
olds, and young adults 18 through 21-year-olds.
These education services are provided by the New York
City Department of Education. The Department of
Education operates East River Academy, ERA, in eight
DOC facilities. Under District 79, ERA provides high

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school instruction and educational services for students ages 16 through 21. All adolescents must go to school. School is optional for young adults, but DOC strongly encourages that young adults attend school if they have not graduated from high school already. In addition to the services provided by the DOE, DOC partners with several organizations to provide educational services to youth including Inside-Out programs designed after Temple University's Inside-Out prison model, this program is available for individuals who are 18 years or older, and have a high school diploma or equivalency. Undergraduate students from the partner college or university, and an equal number of selected inside students take the class at Rikers Island. Upon completion, inside students who meet the class requirements are admitted to the college upon release.

College and Community Fellowship, CCF: A college transition counselor from CCF meets monthly with participants. The CCF counselor provides general information on the college application process, and provides a workshop on financial literacy. Once released, CCF guides participants to

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1
2 the college application process and provides support
3 throughout their college life. Once accepted to
4 college, students are given an academic stipend upon
5 completion of 12 credits, and a 2.5 GPA.

6 College Ways: Volunteer educators
7 provide a college readiness class on key components
8 of successful college life, college admissions tests
9 and college mathematics. Professors enact the
10 lecturers from various institutions provide lecturers
11 in mathematics, baselines (sic) and other subjects.

12 Career and Technical Education, CTE: For
13 may years the DOC has supported the DOE's barbering,
14 culinary arts and OSHA training program. Since 1986,
15 the department has sponsored horticulture therapy to
16 the sentenced population. This year, the program has
17 been expanded to include adolescents and young
18 adults. Moreover, we have a workforce development
19 initiative offers a comprehensive portfolio of CTE
20 programming, and community based support.

21 Petey Greene Mentoring Program: Petey
22 Greene supplements educational programming in
23 correctional institutions by providing individualized
24 tutoring. He works to promote academic achievement
25 in jail classrooms to support the future success of

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1 individuals in jail and to be build strong
2 communities. Trained volunteer tutors are partnered
3 with specific staff, and then work one on one or in
4 small groups with students in different areas.
5

6 Skills Developments: Through various
7 partnerships and volunteers, we facilitate creative
8 arts through CUNY Creative Art Team and NYU's Lyrics
9 on Lockdown, YMM (sic) Theater Workshop through
10 Stella Adler and a film editing class through Tribeca
11 Film Institute. This is to name a few. I would like
12 to comment on Introduction 1148, which would require
13 DOC to report on the education system for
14 incarcerated adolescents and young adults. DOC
15 echoes DOE's support of transparency around the
16 adolescents in our custody, and will work with this
17 Council to ensure their report meets this goal.

18 Thank you for the opportunity to testify today. I am
19 happy to answer any questions you may have.

20 CHAIRPERSON DROMM: Thank you very much.

21 ACS.

22 DEPUTY COMMISSIONER FRANCO: [off mic]

23 Thank you. [on mic] Good morning Chair Crowley,
24 Chair Cabrera and Chair Dromm, and members of the
25 Committees on Fire and Criminal Justice Services,

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Juvenile Justice and Education. I'm Felipe Franco,
Deputy Commissioner for the Division of Youth and
Family Justice within the Administration for
Children's Services. I would like to thank you for
the opportunity to offer testimony about the
educational programs and services that are provided
to children in our secure and non-secure detention
facilities, and our non-secure and limited secure
placement residences. I'm going to begin with an
overview of the process on how young people come to
us. Before I discuss educational service with the
Division of Youth and Family Justice, I would like to
give you an overview of how young people come to the
attention of the Juvenile Justice System. Typically
a youth person comes to the justice—the justice
system as a result of an arrest or due to a warrant.
Depending on the time of the day, the arrest—that the
arrest occurs, the youth will immediately be taken to
court, or to a secure detention facility until the
court is in session the next day. In court, the
judge assesses the nature and severity of
allegations, and while as the likely that the youth
will be—will appear in court at the next judgment
date, depending on that assessment, the judge will

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1 either release the youth person or remand the youth
2 to detention under ACS. A young person between the
3 ages of 7 and 15 who commits a crime is considered a
4 juvenile delinquent, and his or her case is heard
5 within the Family Court. Disposition on Family Court
6 delinquency cases may include treatment, probation,
7 restitution, conditional discharge or placement with
8 ACS. A child who is 13, 14 or 15 and commits a more
9 serious or violent act such as murder, manslaughter,
10 assault, sexual assault, attempted murder, burglary
11 or arson or cannot be—may be pleaded as what is
12 considered a juvenile offender. These cases are
13 typically heard in the convening court, term of the
14 Supreme Court, but may sometimes be offered (sic)
15 through the family court. If a judge determines that
16 counseling will be in the best interest of justice.
17 A ruthless(sic) adjudicated juvenile offender is
18 subject to more serious penalties than a juvenile
19 delinquent. Due to—due to the nature of those—of
20 those charges, juvenile offenders in New York City
21 are solely remanded to secure detention facilities
22 run by ACS. During our court process of juvenile
23 offenders, cases are heard in the special parts, by
24 the—by one dedicated judge—judge within each borough.
25

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2 After completion of the proceedings, the court can
3 review the case, follow up with young offenders to a
4 community based therapy program, or send the young
5 person to the—a residential juvenile placement
6 facility operated by the New York State Office of
7 Juvenile Offender Services. Juvenile offenders with
8 their consequences is a sentence of an Updates secure
9 placement facility. In the rare event that the
10 juvenile offender turns 18 when in the secure
11 detention under ACS, he will be transitioned to
12 Rikers Island to await completion of the preliminary
13 court case. Over the Division of Youth and—the
14 Division of Youth and Family Justice Residential
15 Care, the Division of Youth and Family Justice with
16 assist with a continuum of services and programs for
17 youth at every stage of the Juvenile Justice process.
18 We're a strong nation to improve our program people
19 who—who come into our care. We strive to accomplish
20 this goal by partnering with contracted provider
21 agencies to support youth and families in community
22 based therapy programs, secure and non-secure
23 detention facilities and non-secure and even for
24 secure residences. Division of Youth and Family
25 Justice already operates two secure facilities,

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1 Horizon in the Bronx and Crossroads in Brooklyn. The
2 Division of Youth and Family Justice also oversees 11
3 not-for-profit provider agencies operated in non-
4 secure detention homes across the city. The general
5 detention length of stay for a juvenile delinquent is
6 about 24 days. When a juvenile offender—juvenile
7 offender's length of stay tends to be longer with an
8 average of 149 days. Given the relative—relatively
9 short length of stay for most young people in
10 detention, the mission for this population is to
11 ensure on time court appearances, and expose young
12 people to positive programming and services to
13 encourage them to get on the right path or can be
14 sheltered in residential care. New York City
15 Juvenile Justice placement system, Close to Home
16 allows—allows New York City youth who are adjudicated
17 juvenile delinquents by the Family Court to be placed
18 in a residential program closer to the families and
19 their home communities. A judge may order a youth to
20 be placed in a residential placement program if the
21 judge finds that the youth committed an offense and
22 is youth rehabilitation services. The Family Court
23 generally places youth in Close to Home for 12 to 18
24 thus our not-for-profit partners offers a lengthier
25

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time than the intensive-intensive and therapeutic programming for youth in placement including after care services. On the Close to Home, young people receive therapeutic services at small group homes in or near one of the five boroughs where they are close to resources that could support their treatment and transition back to their communities and families.

Current-currently, ACS contracts with seven not-for-profit partners who operate 24 non-secure placement residences, and five units of secured residences.

ACS works closely with the New York City Department of Education to provide a location of programs and services to all youth in the Juvenile Justice system.

Care through DOE Passages Academy, ACS, DOE and the New York City Department of Youth and Community Development, and our contracted providers work hard to create normalizing experiences as much as possible for young people attending schools in detention and in placement. Families are invited to our Ambitious Nights, and they are provided the report cards.

They're actually allowed the opportunity to discuss with their children's educational career goals as well as for promotional ceremonies for youth. Our youth participate in sports tournaments such as the

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2 Olympics and basketball competitions, both at the
3 facilities or at city parks, and they routinely
4 perform their—lead and music concerts attended by
5 families, teachers and staff. DOE Educational
6 Transition Counselors work with youth in detention
7 and in placement to develop educational transitional
8 plans, identify appropriate school for youth to
9 return or be released to the community, and have
10 young people attending vocational related services
11 needed to support the location and engagement. The
12 counselors continue to work with youth for six months
13 after release from detention or placement. ACS—ACS'
14 staff and contracted providers collaborate—
15 collaborate with educational and vocational
16 counselors to implement payment plans, and to
17 coordinate a vocational related plan and support
18 while in placement and in after care. Passages—
19 Passages Academy sites are embedded within each one
20 of our secure detention facilities. DOE school
21 teachers execute a standard curriculum that includes
22 English language arts, mathematics, science and
23 social studies and enables young people to earn
24 credits through worker elevation. Each class has—
25 classes are small and comprise—comprised of

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approximately eight students. The school day consists of eight periods including lunch. Each period—each period lasts 45 minutes. In addition to providing tutoring sessions, DOE teachers work with high school students to invite them to prepare for Regents, and English Language Art examinations. We are pleased to share that the DOE has launched computer technology programs for youth in detention through our Blended Learning Initiative to supplement classroom instruction, and maximize content learning, program recommendation and development of—development of academic classes.(sic) Through this innovation and intellectual model location are able to work with youth on the Blended Learning Program during the school day and during after school—after school hours to ensure that youth remains on pace with their peers at their community schools. Additionally, ACS case managers and juvenile counselors direct care staff that assist and closer engage young people at every aspect of their day, work with youth to provide encouragement and support that young people need while in detention so that there is no lapse in their education. Non-secure detention offers a less routine (sic) to residential setting than secure

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2 detention. So young people are able to leave NSD
3 residences under strict staff supervision and attend
4 school. NSD residents and secure detention residents
5 gather to one of the stand-alone Passages Academy
6 community sites serve Juvenile Justice involved
7 youth, Belmont in Brooklyn and Bronx Hope in the
8 Bronx. Daily transportation to and from the school
9 is provided by the non-secure detention provider with
10 their peers in secure detention. As—as with the Non-
11 Secure Detention, the young—youth in NSD received—
12 received full academic instruction and accumulate DOE
13 credits towards graduation. As with NSD and with the
14 Non-Secure Detention, young people in Non-Secure
15 placement are able to leave the residents on the
16 steps of Probation and attend school and attend
17 classes at either Belmont or Bronx Hope.

18 Transportation from school is provided by the
19 placement provider. In contrast, with the secure
20 placement residents, a self-contained environment
21 that features enhanced security and offer them
22 services including education that's provided for
23 young people on site. Young people in NSP, Non-
24 Secure Placement, and NSD, Non-Secure Placement
25 received supervised allocation of services that are

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accredited by the DOE. This allows academic credits earned in placement to count toward high school diploma, and efforts for relocating on the stuff available to young people in Non-Secure Placement, NSP. Young people in placement participating in a wide after school education (sic) activities throughout the school year with support of SONYC from the Department of Youth and Community Development.

An important aspect of our work is that DOE mentioned post-attendance. So the goal of Close to Home after care is to build on the skills of young-youth acquired while in placement to help them develop a network of support that will allow them to succeed in the community. We work with an extensive network of evidence-based that lead to programs (sic) which provide necessary support for youth and families such as those providers through the Center for Court Innovations. In addition, our youth participating youth in government programs in partnership with the Department of Youth and Community Development, and target the Gun Prevention Services to Cure Violence made possible through from the New York-New York City Council. This effort to develop the emotional and primitive skills of our youth, to

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2 develop them more to the-to the-for our youth to help
3 them move away from negative figures (sic) and always
4 sustainable within the context of providing support
5 to the educational environment for our young people.
6 All of these partners are critical in helping our
7 families and our youth to succeed in educational
8 while in Passages and beyond. Thanks for the
9 opportunity to disclose our educational services of
10 young people in ACS. We will address the residential
11 care. Educational continuity is a key component to
12 the success of all young people in transition from
13 Juvenile Justice back to their communities, and we
14 are proud of our partnership with the Department of
15 Education, which enables this important work to
16 happen. We appreciate the Council's ongoing support
17 to continue to strive for our brief (sic) services to
18 the city's most vulnerable youth, and as well as the
19 other city agencies represented today. I'm happy to
20 take your questions.

21 CHAIRPERSON DROMM: Well, thank you very
22 much and thank you all for your testimony. Before we
23 get into questions, let me just say that we've been
24 joined by Council Members Grodenchik, Kallos,
25 Treyger, Reynoso, Levine, Lancman, Chin and Eugene as

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1 well, and thank you all for--for attending this
2 hearing. Let me start off I guess because you've
3 given us a lot of information, there are a lot of
4 questions as well, but let me start off with asking I
5 guess about the difference between an IEP and an SEP,
6 and is the SEP based on the IEP, and do teachers have
7 access to both?
8

9 DR. TIMOTHY LISANTE: Yes. [coughs] The
10 good thing now is through the CISA system we can pull
11 up the IEP once a student enrolls in--in our school in
12 the facilities, and then we have 30 days, like I said
13 before, to base the SEP on the IEP based on what we
14 can do with the students while they're with us, and
15 those IEPs are in a central location that are
16 accessible to all staff members.

17 CHAIRPERSON DROMM: And who's responsible
18 for writing the SET? Is that the teacher or--

19 DR. TIMOTHY LISANTE: [interposing] Yes,
20 the school psychologist really coordinates that team.
21 They get input from special ed teachers, general ed
22 teachers in--in completing that, and then like I said,
23 they share it with the parent at the end of 30 days.

24 CHAIRPERSON DROMM: I--I think in your
25 testimony you said that students who are older than

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1 the age of 18 I believe have the option of whether or
2 not--
3

4 DR. TIMOTHY LISANTE: [interposing] Yes.

5 CHAIRPERSON DROMM: --to come to school.
6 How many choose not to take that option?

7 DR. TIMOTHY LISANTE: Yeah, I don't know
8 what the percentage is, but it's--it's low I would
9 say--

10 CHAIRPERSON DROMM: [interposing] Right.

11 DR. TIMOTHY LISANTE: --you know, based
12 on my experience of students that don't have a high
13 school diploma or a High School Equivalency who opt
14 to come in. I don't know what the percentage is
15 exactly.

16 DR. LAURA FEIJOO: Could--could I just add
17 also that that there's still ongoing recruitment to
18 get students to come either to a High School
19 Equivalency program or come to class. It's not a
20 sort of one-time decision. They have the option at
21 any time to change their mind. I think often times
22 they're preoccupied when they first arrive, and
23 there's ongoing recruitment by all of the extra staff
24 that you already have in order to encourage students
25 to come at some point to the CTE program that we

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1
2 talked about in regards to Coop Tech, or to a High
3 School Equivalency program or even if they have
4 enough credits to come back to classes.

5 CHAIRPERSON DROMM: Who makes the
6 determination as to whether or not a child should be
7 put on track for a Regents program--

8 DR. TIMOTHY LISANTE: [interposing] Uh-
9 huh.

10 CHAIRPERSON DROMM: --versus a--a GED
11 program?

12 DR. TIMOTHY LISANTE: Yeah, again, one of
13 the advances we have access to all transcripts
14 citywide. It's the first thing we pull up, and the
15 Council goes--reviews that with the student, and
16 looks at the number of credits they have, and the
17 Regents they have passed, and their age. Those are
18 the two big factors, achievement and age. Then they
19 make a decision based on--we usually use a guideline
20 of 1717 meaning that if you're 17 years old and you
21 have less than 17 credits, usually we'll say a High
22 School Equivalency is probably the better way to go,
23 but the decision is based on the student and the
24 parent. We have to involve the parent in--in the
25 selection as well. So, that's how that operates.

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2 CHAIRPERSON DROMM: So, I think you also
3 mentioned about 24 days or 25 days I think you said
4 after the student arrives they get the SEP. What is
5 the average stay for a student, though?

6 DR. TIMOTHY LISANTE: Yeah, it's in here
7 somewhere.

8 CHAIRPERSON DROMM: Does the DOC have
9 that?

10 DR. TIMOTHY LISANTE: Yeah, the length of
11 school days, the average length of school days in ERA
12 was 45, and Passages is 31.

13 CHAIRPERSON DROMM: Okay, so--so--so that
14 you would looking closely at those students after the
15 25th day, and they still have another 25--

16 DR. TIMOTHY LISANTE: [interposing] Yeah.

17 CHAIRPERSON DROMM: --or so days on
18 average--

19 DR. TIMOTHY LISANTE: [interposing] Yeah.

20 CHAIRPERSON DROMM: --that they would be
21 spending in detention. I also just want to reiterate
22 as well something that Council Member or Chair
23 Crowley had said, which is that the overwhelming
24 majority of students in the system are detainees and
25 not inmates--

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DR. TIMOTHY LISANTE: Yes.

CHAIRPERSON DROMM: --number one, and
that the reason why the majority of them are there is
because they can't afford bail--

DR. TIMOTHY LISANTE: Right.

CHAIRPERSON DROMM: --and I think that's
a really important point to--to point out there, and
that's why the--the issue of their education is so
vitally important because they've been convicted of
nothing, and I think ultimately the percentage who
were actually convicted is--is--is minimal as well
compared to the number of--of those who are detained
at Rikers Island. So I'm having some reports about
some increased violence in the classrooms. Can you
address that question? That may be maybe for Mr.
Lisante or for the DOC as well. Have we seen an
increase in use of force in the classrooms? [pause]

ASSISTANT COMMISSIONER TORRES: I think
it is important that we contextualize that question,
if you will allow me. We have eliminated purely the
segregation for the adolescent and the you adult
population for adolescents in December 2016 for young
adults 18 year-old in June 2016 for 19 to 21 in
October of 2016. When we look at those kids, those

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1 are kids that had previously exceeded the challenging
2 behaviors and would have indeed been subjected to
3 punitive segregation. In eliminating it, we
4 basically now have them in our main school floors,
5 and so we, too, have seen an increase. We know that
6 with all of the programming as well as the
7 partnerships that we have with the DOE. I know that
8 providers we will continue to strive to reduce that,
9 and they are different ways that we're working on it.
10 Those kids that used to be in punitive segregation,
11 what we need to establish is have we seen sales study
12 instruction packages, and not necessarily one-on-one
13 instruction. By eliminating punitive segregation, of
14 course, we have them now in our classrooms, and as
15 such, we're still trying to tweak how best to keep
16 them safe as well as keep everybody else safe.

18 CHAIRPERSON DROMM: Well, I do want to
19 congratulate you on those efforts. What I did see
20 when I visited were adolescents who were in solitary
21 confinement or punitive segregation as it's sometimes
22 called who for their school work were given a Xeroxed
23 sheet of paper, and that was it for the whole day.
24 So I think with this effort to get them out of that
25 type of punitive segregation, and into the general

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2 population is a good move. I am concerned, though,
3 again about the use of force and particularly on the
4 young people themselves. So one of the questions
5 that I have teachers must abide by New York State and
6 New York City codes of discipline. How are
7 corrections officers—under—how—how do they respond to
8 that? Do they—are they required to also abide by the
9 New York City Department of Education's Discipline
10 Code? When does a correction officer decide to use
11 force in the classroom?

12 DR. LAURA FEIJOO: So I would say that
13 the Department of Education's Discipline Code is
14 followed, but there's a collaboration at either ERA
15 or Passages with ACS in determining what that level
16 of discipline going in, and I think the officers in
17 the classroom have conversations with the teacher,
18 and the situation there, there's a certain number of
19 adults to students in order to make those decisions
20 on the sites.

21 CHAIRPERSON DROMM: So if a teacher were
22 to hit a child, for example, they would be brought
23 on—I mean in a regular—in a district school--

24 DR. LAURA FEIJOO: [interposing] That's
25 right.

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2 CHAIRPERSON DROMM: --as I will say,
3 would be brought up on discipline charges. Is that
4 the same thing for a corrections officer?

5 DR. LAURA FEIJOO: If a teacher would hit
6 a child, they would out of control. (sic)

7 CHAIRPERSON DROMM: But-but-but I'm
8 asking for a corrections officer. See, there's--to me
9 there's a--a moral and ethical question here about how
10 these students are treated, and who makes the
11 decision to intervene when a situation, a violent
12 situation might occur in a classroom?

13 ASSISTANT COMMISSIONER TORRES: So I
14 think it is safe to say that force is not a
15 discipline. It's technically in response to a
16 violent act. Our officers have been tried--trained
17 and make every effort in de-escalating the situation
18 that is at hand. Our main goal is to basically not
19 resort to it.

20 CHAIRPERSON DROMM: So a corrections
21 officer would have ultimate authority over whether--
22 over a teacher? In other words, a teacher might not
23 feel the situation is violent, but a--a corrections
24 officers could say that it is, and then they could
25 intervene?

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2 ASSISTANT COMMISSIONER TORRES: Actually,
3 we've moved away from that. We basically work in
4 directly collaboration with the Department of
5 Education, you know, in-in order to establish that.
6 The only time that we-we resort to that is if there
7 is a safety issue.

8 CHAIRPERSON DROMM: So when I-when I-what
9 I've been hearing is that there are a number of
10 reports now coming out on the use of pepper spray in
11 the classrooms. How often are kids gassed? [pause]

12 ASSISTANT COMMISSIONER TORRES: To
13 actually add a number to that would be disrespectful
14 of me to do so. We try to--

15 CHAIRPERSON DROMM: [interposing] To-to
16 put a number to it?

17 ASSISTANT COMMISSIONER TORRES: I know
18 that when we have looked at this present school year,
19 we've had 16 incidents in which we've had staff use
20 OC.

21 CHAIRPERSON DROMM: Use what?

22 ASSISTANT COMMISSIONER TORRES: A pepper
23 spray.

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2 CHAIRPERSON DROMM: Pepper spray, a gas
3 and what constitutes or what—under what circumstances
4 are corrections officers allowed to use the gas?

5 ASSISTANT COMMISSIONER TORRES: When the
6 young adult or the adolescent represents a serious
7 threat.

8 CHAIRPERSON DROMM: Now is the DOE in
9 agreement with the use of the pepper spray or does
10 that violate the DOE's education or discipline
11 policy? Because remember these are 16 to 18-year-
12 olds some of up to 21, and I'm trying to get to the
13 different standards here for different youth and—and-
14 and who makes that determination that pepper spray or
15 gas should be used on students?

16 DR. LAURA FEIJOO: Well, I want to just
17 back up one second before I get to that question.

18 CHAIRPERSON DROMM: Uh-huh.

19 DR. LAURA FEIJOO: I think one of the
20 things that's important to say is there's been a lot
21 of joint training. This is not a usual circumstance.
22 I know Education maybe made a lot of comparisons to
23 the educational programming, and I think they are
24 equivalent. I think that there's been a lot of joint
25 training so that everyone understands everyone's

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1 role. And because this is a unique situation to get
2 to your question in terms of the DOC and the DOE, we
3 do have certain policies that we follow. We do try
4 to ensure that our ladder of referral in terms of
5 discipline is followed, but because of the unique
6 nature of the situation, this is not a typical
7 classroom incidents that would happen. And so, when
8 it comes to a violent aggressive behavior, we want to
9 make sure—we want to make sure everyone is safe. The
10 offender right because they may be out of control,
11 upset as well as the teacher, as well as the officers
12 or the other students in the classroom. So that
13 atypical classroom situation does escalate into the
14 realm of what the officers in the classroom have to--

16 CHAIRPERSON DROMM: [interposing] What
17 concerns me, though, about the use of gas in a
18 classroom is that it not only affects those who might
19 be interacting violently, but it affects all of the
20 students and the staff in that classroom. How was
21 that dealt with when—when it—how many—how many kids
22 are in a classroom? What's the average class size?

23 DR. TIMOTHY LISANTE: It's about ten.

24 CHAIRPERSON DROMM: Ten?

25 DR. TIMOTHY LISANTE: Uh-huh.

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2 CHAIRPERSON DROMM: So then two kids get
3 in a fight, and—and also I—I have another question
4 regarding gang affiliation.

5 DR. TIMOTHY LISANTE: Uh-huh.

6 CHAIRPERSON DROMM: Are classrooms
7 decided upon gang affiliation?

8 DR. LAURA FEIJOO: By housing. They are
9 in classrooms by their housing.

10 CHAIRPERSON DROMM: But the housing is—is
11 also determined by gang affiliation.

12 ASSISTANT COMMISSIONER TORRES: That's
13 right. Well, we have good news for you. We have
14 actually been working—we have traditionally used our
15 classification system to turn around and place kids
16 in specific housing areas, and when we produce the
17 kids to school, we actually assign them based on
18 housing areas. And we've worked with the Department
19 of Education on that. In knowing that we needed to
20 do things completely different to support our
21 efforts, and our reform on education, we worked very
22 closely with the Department of Education and on
23 November 18, we did what is internally known as
24 restart for Newark (sic) Nations at least at RNDC
25 where we're piloting it. We chased Newark Nations

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2 house we now have integrated the DOE staff as well as
3 another partner, and all of the assessments relevant
4 to educational services re done through our admission
5 process. In doing so, in working closely with the
6 DOE, we now get the DOE's input based on their
7 assessment after they have, of course, done a
8 thorough orientation, have looked at the kids'
9 transcripts, have done an assessment on—in terms of
10 their educational needs. Once the assessment in
11 completed the results are given to us with their
12 recommendations as to what whether they should go
13 into a high school track or a High School
14 Equivalency. Once we get those results from the DOE,
15 we actually turn around and plays (sic) the kid based
16 on low, medium and high, but what drives their
17 assignment to the housing areas is actually their
18 high school track.

19 CHAIRPERSON DROMM: So, in a classroom,
20 I—I—I want to go back to the gases since you brought
21 up this as well.

22 ASSISTANT COMMISSIONER TORRES: Sure.

23 CHAIRPERSON DROMM: In one classroom you
24 could have kids with varying degrees of reading

25

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1 levels, for example. From second grade level up to
2 maybe college level or whatever.

3
4 ASSISTANT COMMISSIONER TORRES: Oh, so we
5 conclude what we are trying to work on with the
6 Department of Education. Up to now yes.

7 CHAIRPERSON DROMM: Okay. So let's just
8 go back to the--to the gassing situation. So, when is
9 it decided and who decides to gas a classroom?

10 ASSISTANT COMMISSIONER TORRES: Well--so I
11 think it is safe to say that the concern that you're
12 sharing with us, it is--it is a concern that has been
13 expressed to us, and we have been working very
14 closely with the Department of Education to address
15 their needs specifically the needs of the UST, and
16 that we have been able to implement new protocols
17 regarding the--the discretion of OC. I don't know if
18 you know that the DOE staff members are afforded
19 masks.

20 CHAIRPERSON DROMM: They're afforded gas
21 masks? The teachers have gas masks?

22 ASSISTANT COMMISSIONER TORRES: They have
23 been afforded masks that--

24 CHAIRPERSON DROMM: [interposing] So
25 every teacher in East River Academy has a gas mask?

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2 ASSISTANT COMMISSIONER TORRES: They
3 have--yeah, do you want to comment on that?

4 DR. LAURA FEIJOO: [interposing] Yeah, I
5 just, you know, I just want to go back to one step.
6 I'm sorry, I keep doing this, but I think it's
7 important to just have for the record stated that no
8 one thinks any of these things are a great idea. We
9 don't want to suspend students. We don't want to
10 use, you know, disperse the gas, and we don't want to
11 do anything that escalates beyond the solid
12 educational program, and use every minute we can for
13 the classroom. Unfortunately, sometimes things
14 escalate and it disbursed. You know, it is something
15 we're working on. We're collaborating on, but there
16 is--there is gas masks that teachers can sign out.

17 CHAIRPERSON DROMM: [interposing] Right,
18 but what I'm getting to here is that in my opinion--

19 DR. LAURA FEIJOO: Uh-huh.

20 CHAIRPERSON DROMM: --use of gas in a
21 classroom seems very excessive to me especially when
22 you're talking about ten young people in a room.
23 Now, I understand some of them can be--be big and--and--
24 and violent or whatever, but I think ultimately what
25 we need to do is find another solution rather than

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1 using gas. I mean gassing kids? I mean I have to
2 ask you ethically do you think that that's okay?

3
4 DR. LAURA FEIJOO: It is not ideal, and
5 it is not the usual, and it's not the first order,
6 and it is not preferred, and all of the things I
7 won't sit here and disagree with you. It is
8 something we're working on in terms of what we do
9 and—and how we work with students to de-escalate
10 situations, and a lot of things have been de-
11 escalated and we've turned to a lot of other
12 alternatives to support students.

13 CHAIRPERSON DROMM: So let me—let me also
14 say what happens after a classroom is gassed? Do the
15 students—the—the—the offenders are removed I would
16 imagine.

17 DR. LAURA FEIJOO: Uh-huh.

18 CHAIRPERSON DROMM: Do the other
19 detainees have an opportunity to take a shower to
20 remove the gas?

21 DR. LAURA FEIJOO: So there's
22 ventilation, there is the signing out of the—the
23 masks, there is appropriate cleaning done in the--

24 CHAIRPERSON DROMM: [interposing] Well,
25 what about to—to the—to the people themselves?

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2 DR. LAURA FEIJOO: Sometimes the room is—
3 everyone leaves the room

4 DR. TIMOTHY LISANTE: They're taken back
5 to their housing unit.

6 CHAIRPERSON DROMM: And what about the
7 teachers?

8 DR. LAURA FEIJOO: They're allowed to
9 depending on the circumstance and they come to the
10 level sometimes people have left, sometimes people
11 have stayed, but they—everyone does exit the
12 classroom after the disbursement.

13 CHAIRPERSON DROMM: Well, look, I—I would
14 really urge all the departments that are involved
15 here to get on top of this issue because gassing
16 students does not seem right to me, and I think we
17 really need to look at that deeply. I was very, very
18 disturbed to hear that and to hear it being confirmed
19 is that it continues to be disturbing to me. I think
20 we need to find another way to deal with that issue.
21 So, and I—and I think we also need to be clear about
22 when corrections officers are allowed to use that
23 type of violent intervention because certainly that
24 definitely violates the DOE Discipline Code as well,
25 and these are students and students who have not been

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1 convicted of anything, and I just want to reiterate
2 that. What about lunch and snacks in--in--in the East
3 River Academy, how is that dealt with? [pause]

4 DR. TIMOTHY LISANTE: Yes, the students
5 eat lunch in the classroom.

6 CHAIRPERSON DROMM: Do they get any type
7 of a snack or because they're there what for 6-1/2
8 hours?

9 DR. TIMOTHY LISANTE: Yeah, they come in--
10 in at 8:30 and they have lunch around 11:30 or so.

11 CHAIRPERSON DROMM: And if they were in
12 their cell, would they get any type of a snack or
13 anything?

14 DR. TIMOTHY LISANTE: I don't know.

15 ASSISTANT COMMISSIONER TORRES:
16 Adolescents are afforded snacks between meals.

17 CHAIRPERSON DROMM: The adolescents are?

18 ASSISTANT COMMISSIONER TORRES: Yes.

19 CHAIRPERSON DROMM: Okay, so--and--and so
20 do they get that in school?

21 ASSISTANT COMMISSIONER TORRES: Actually
22 we just launched a new incentive this Monday as a
23 matter of fact, and they are afforded snacks as they
24 enter the school.
25

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2 CHAIRPERSON DROMM: Okay, you know, I
3 have a lot more questions, too, but I want to give
4 my-my co-chairs an opportunity to ask questions and
5 stuff as well, but I'm also wondering about
6 transitioning. So, what type of support services are
7 offered? I mean I know that you mentioned that there
8 are services, but what type of support services are
9 offered to make that transition from leaving Rikers?
10 And-and sometimes I know you don't even know that
11 they're leaving until they go to court, and then
12 they're gone, but what type of transition services
13 are you offering?

14 DR. TIMOTHY LISANTE: Yeah, I think the
15 biggest one is what we call Transition Specialists.
16 Those are guidance counselors, social workers who
17 split their time between working on Rikers and
18 following up with the students in the community, and-
19 and they're in-they are instructed to follow up with
20 the students for six months. And generally what we
21 look at is the next-the first report card the student
22 gets back in his home school, and if the student is
23 doing well, I think we can hand that case off to the
24 school guidance counselor. So these Transition
25 Specialists has really helped. We-we started this

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two years ago. We went to the second year of doing this, and the data shows students are attending at a better rate than--than prior to this initiative.

CHAIRPERSON DROMM: And just before I--the last question I promise before I turn it over to my chairs. Does ACS use gas in any of your secure facilities?

DEPUTY COMMISSIONER FRANCO: [coughs]
No. I mean it's also important to clarify that actually young people under the care of ACS are under state law considered children and actually fall under the New York State Justice Center Mandates. So there is actually a complete set of regulations and reporting instruments that, you know, doesn't allow us to use any gases. (sic)

CHAIRPERSON DROMM: So it's--it--it--it just seems to me very unfair. You could be 15 and not gassed, 16 and gassed, and, you know, there's not much of a difference in the age group there, but thank you for that answer. I'm going to turn it over to Council Member--Oh--[background comments] Okay, we've been joined by the Brooklyn Academy for Science and the Environment. Are they up there in the balcony? Thank you. Give us one of these. Thank

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2 you for—for this hearing. I hope you find it
3 interesting. Okay, Council Member -excuse—excuse me.
4 Chair Crowley.

5 CHAIRPERSON CROWLEY: Thank you, Chair
6 Dromm. Good morning.

7 PANEL MEMBERS: Good morning.

8 CLERK: I want to ask about technology,
9 and how it's used. I'll start with the East River
10 Academy. Now, from the testimony, one could assume
11 that the—each of these students have access to a
12 tablet or some type of technology in their learning
13 environment?

14 DR. TIMOTHY LISANTE: Not everybody. We
15 have a pilot that we started last year. So the
16 Tablets have limited access. It's sort of like
17 you're full and you have to have to have different
18 programs on it that—that they can get to. The
19 connectivity is not that good. So right now students
20 nor staff have web based access to resources on the
21 Internet.

22 CHAIRPERSON CROWLEY: But—but how large
23 is the pilot program?

24 DR. TIMOTHY LISANTE: What's that?
25 Excuse me?

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2 CHAIRPERSON CROWLEY: Is it a real pilot
3 program or I mean like--?

4 DR. TIMOTHY LISANTE: Yeah.

5 CHAIRPERSON CROWLEY: So how many
6 students are using the Tablets? What subject matter
7 are--

8 DR. TIMOTHY LISANTE: 108 and what we're
9 doing right now is we—we're focusing on the—the
10 students that are in the Regents level classes, and
11 the teachers are using those students, and our goal
12 is to have it—them using it at night to do homework
13 and to do credit recovery, and activities like that.

14 DR. LAURA FEIJOO: And there's also
15 Tablets in the housing units.

16 CHAIRPERSON CROWLEY: So they're allowed
17 to bring the Tablets back to their cell or the dorm
18 depending on what type of housing there is?

19 ASSISTANT COMMISSIONER TORRES: No, I
20 don't think we should mislead you on that. The DOE
21 has its own pilot component in terms of education.
22 When it comes to the DOC, we do have Tablets as well,
23 but they are part of an incentive component, and
24 those Tablets are given to the kids when they are in
25 the housing areas. The beauty is that all--

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CHAIRPERSON CROWLEY: [interposing]

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Sorry, I'm a little confused. I'm just looking at

4

East River Academy. So on just the--

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ASSISTANT COMMISSIONER TORRES: Those are

6

school classes.

7

CHAIRPERSON CROWLEY: The seven different

8

schools on Rikers Island?

9

ASSISTANT COMMISSIONER TORRES: Uh-huh.

10

CHAIRPERSON CROWLEY: So, the question is

11

the Tablets, do inmates have them when they're not in

12

a school classroom setting? Do they have them when

13

they're in their dorm or cell depending on where

14

they're sleeping?

15

DR. LAURA FEIJOO: Let me just comment on

16

that. So, there's a--there's a pilot program at the

17

school with 108 Tablets being utilized

18

instructionally.

19

CHAIRPERSON CROWLEY: Okay.

20

DR. LAURA FEIJOO: They do not leave the

21

school?

22

CHAIRPERSON CROWLEY: So they do not

23

leave the school?

24

DR. LAURA FEIJOO: Different Tablets

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being utilized as an incentive with the DOC.

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CHAIRPERSON CROWLEY: And what subjects
are they taking on the Tablets in the pilot program?

DR. TIMOTHY LISANTE: Yeah, again, it can
get loaded to all different subjects, ninth grade and
tenth grade, and also High School Equivalency work.

CHAIRPERSON CROWLEY: And is that focused
on just the high school age, 16 and 17 or are they—is
this program offered to the other--

DR. TIMOTHY LISANTE: [interposing] Right
now, it's just we're looking at the high school age
only 16 and 17.

CHAIRPERSON CROWLEY: So, it's more in
the RNDC area?

DR. TIMOTHY LISANTE: Exactly.

CHAIRPERSON CROWLEY: So, in giving us
all these statistics as to how students fare after
taking programming whether it be on Rikers Island or
through the Passage Academy, which is off Rikers
Island, what could each agency say to this committee
today, what could you do to—to improve the
statistics? What—what tools can this administration
give you to have better outcomes for the students? I
mean if each agency could answer that question
honestly, that would be good.

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2 DEPUTY COMMISSIONER FRANCO: From the
3 perspective of ACS, I mean and I think the
4 Superintendent also thinks himself (sic) could
5 mention it. I think we have understood that there's
6 curve that young people who come to us actually have
7 a history of failure and lack of engagement in
8 schools. They do well when in placement, and they
9 are doing better than before when they come back to
10 the community, but there's more work that could be
11 done at that moment. So I think we're focusing
12 significantly on our efforts. We're looking at the
13 creation of long lasting support relationships not
14 just for young people but to their families. So
15 we're--

16 CHAIRPERSON CROWLEY: [interposing]
17 Right, and how long is the average stay at the
18 Passages Academy?

19 DEPUTY COMMISSIONER FRANCO: It's all-if
20 you're talking about retention for a juvenile
21 delinquent I think I mentioned it before it's about
22 30 something days for a juvenile offender. It used
23 to be a little longer. I remember that actually in
24 ACS we don't just run detention, we are also run
25 placement. So those young people who actually are

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1 placed under the custody of ACS tend to spend about
2
3 six or seven months while in the residential care
4 with six or seven months of active care to provide to
5 the ACS. So we have—we have two different universe.
6 I mean your short length of staying in detention
7 where actually the data the team and I look at,
8 consistently shows more a decrease in attainments,
9 weaker when they come back home. But that's changes
10 when we look at Close to Home because that be up of
11 after care when you have someone working to also be
12 with the family for up to six months. It seems to be
13 paying off better, but as I said before, I think
14 that's where we need to put our effort on the support
15 to the families and write their needs (sic) and their
16 case number.

17 CHAIRPERSON CROWLEY: Right, and when you
18 refer to detention, are you—is it just Horizon and
19 Crossroads?

20 DEPUTY COMMISSIONER FRANCO: Yes, and the
21 11, you know, secure detention sites.

22 CHAIRPERSON CROWLEY: And so for the
23 average stay in Horizon an Crossroads it's shorter
24 than the average stay in the other of your—your—in
25 comparison. As you said that—that—that is--

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DEPUTY COMMISSIONER FRANCO:

[interposing] Yes, yes.

CHAIRPERSON CROWLEY: --a few months is--
isn't--

DEPUTY COMMISSIONER FRANCO: [interposing]

Yeah, I think it's important to clarify that young
person can be--be in detention as a juvenile
delinquent with an average length of stay of 39 days,
and it could be found, adjudicated and placed under
the custody of ACS, and then it would be usually for
12 to 18 months of my--of my work. Yeah, so it could
be the same young person who moves through the system
from detention to placement.

CHAIRPERSON CROWLEY: And so what was
the--the tool or the program that could help give you
better outcomes for those?

DEPUTY COMMISSIONER FRANCO: So I think
the investments by DOE, the creation of Transitional
Guidance Counselors, and our intent to support
families through preventive services would pay off in
terms of increasing the likelihood of young people
continuing to go to school when they get home.

CHAIRPERSON CROWLEY: And right now, how
many guidance counselors do you have helping the

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1 transition of the students, the population is 300
2 and--? No, that's Rikers. Where Passages Academy is
3 225. So how many guidance counselors do you have
4 working with that population?
5

6 DR. TIMOTHY LISANTE: Yeah, and Passages
7 Academy on this first, second--first line it says 12
8 counselors throughout Passages Academy for 225
9 students.

10 CHAIRPERSON CROWLEY: And do you have
11 medical psychologists and psychiatrists?

12 DR. TIMOTHY LISANTE: Yes. Yes, we have
13 psychologists. We have two psychologists on East
14 River Academy, and one in Passages Academy.

15 DEPUTY COMMISSIONER FRANCO: Well, and we
16 also have a significant partnership with Bellevue
17 Hospital at Detention. So we actually have the team
18 of two psychiatrists and four psychologists within
19 the Passages Academy.

20 CHAIRPERSON CROWLEY: Now, that raises a
21 question, and a Council Member drew attention to it
22 just in a brief conversation we had. Now there are
23 two different types of psychiatrists and
24 psychologists, and those--one that's specializes in in
25 child behavior we hope are the ones that are working

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1 within the Passage system. So are they—is your
2 psychiatrist a juvenile psychiatrist?
3

4 DEPUTY COMMISSIONER FRANCO: If you're
5 asking to us about Passages—

6 CHAIRPERSON CROWLEY: Yes.

7 DEPUTY COMMISSIONER FRANCO: --all of our
8 psychiatrists and psychologists are actually board
9 certified child psychiatrists.

10 CHAIRPERSON CROWLEY: Good. Now, as for
11 the Department of Correction, when you have classes
12 taking place and violence first happens, is there any
13 counselors around or any psychiatrists on hand to
14 help deescalate the situation before it gets violent?

15 ASSISTANT COMMISSIONER TORRES: So we
16 work very closely with the Department of Education
17 and often times we ask their assistance when it comes
18 to any challenges that we see, and they are—they
19 provide us with either one of their psychologists or
20 counseling staff members.

21 CHAIRPERSON CROWLEY: So when you have
22 your 399 participants in education programs that are
23 active, right, this is a school day. They're in
24 various different classrooms. Education is underway.
25 There is somebody, one person, two people. How many

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1 people are on staff trained as either guidance
2 counselors, psychiatrists or-or psychologists that
3 are available and professionally trained to work with
4 that age group, that are-that are there on Rikers in
5 this building?
6

7 ASSISTANT COMMISSIONER TORRES: I'm going
8 to pass that to Dr. Lisante.

9 DR. TIMOTHY LISANTE: [interposing] Yes,
10 so we have 15 social workers, psychologists and
11 guidance counselors on East River Academy for an
12 average of 399 students.

13 DR. LAURA FEIJOO: And they're all New
14 York State certified.

15 DR. TIMOTHY LISANTE: Yeah, but they're
16 school psychologists.

17 DR. LAURA FEIJOO: In order for that. So
18 during the school day, we are required like any other
19 school to make sure that all of our staff are New
20 York State certified counselors, teachers. It's
21 required as a part of the school program.

22 CHAIRPERSON CROWLEY: Do you have a
23 school psychiatrist?
24
25

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2 DR. TIMOTHY LISANTE: No, but we have a
3 school psychologist, two school psychologists on
4 Rikers Island, but no psychiatrists.

5 CHAIRPERSON CROWLEY: But you don't have
6 a psychiatrist. Okay, so you have—I heard the number
7 15.

8 DR. TIMOTHY LISANTE: Fifteen. That's
9 guidance counselors, social workers, and two school
10 psychologists.

11 CHAIRPERSON CROWLEY: Two school
12 psychologists?

13 DR. TIMOTHY LISANTE: Yes.

14 CHAIRPERSON CROWLEY: And now, since ACS
15 answered the question that I posed earlier, what
16 could the administration give to you so you have more
17 tools to have better outcomes?

18 DR. TIMOTHY LISANTE: I think, you know
19 again--

20 CHAIRPERSON CROWLEY: [interposing] A
21 tool.

22 DR. TIMOTHY LISANTE: --the Tablets are
23 very limited. We really need web-based access for
24 students and staff, the faculty. It's the only
25 school in my district probably in New York City that

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1 doesn't have web-based access to students. Something
2 like contact.
3

4 CHAIRPERSON CROWLEY: [interposing] I
5 don't want to interrupt, but just are you--you're
6 speaking to Rikers Island as well?

7 DR. TIMOTHY LISANTE: Rikers Island. We
8 have it in ACS.

9 CHAIRPERSON CROWLEY: [interposing] And
10 you said there's connectability issues? Is it
11 because of the physical structure?

12 DR. TIMOTHY LISANTE: No, it's because of
13 security issues as well. We have it in ACS. It's in
14 most correctional education programs that I've
15 visited. Con Academy, for example, has a math
16 platform that's totally free. It goes from addition
17 to calculus, and we can't access that because we
18 don't have access to the Internet. So it just makes
19 sense, and it's a lot cheaper if we just get what
20 they fax us.

21 CHAIRPERSON CROWLEY: And inmates in
22 other secure facilities have this type of access?

23 DR. TIMOTHY LISANTE: Yes, including
24 right here at the Metropolitan Correctional Center
25 next to us and the federal level.

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2 CHAIRPERSON CROWLEY: That's good and
3 what about DOC? If you could answer the question
4 what—who-can the administration give that better
5 outcome for the students in the program?

6 ASSISTANT COMMISSIONER TORRES: Well, we
7 are working with the Department of Education to
8 actually explore how best to provide web-based access
9 that they have requested because we do believe that
10 our kids or adolescents and young adults need to be
11 at the same standard of education as anyone in our
12 community. So that is our goal for next year.

13 CHAIRPERSON CROWLEY: Okay. So you both
14 agree that it's web access?

15 ASSISTANT COMMISSIONER TORRES: Uh-huh.

16 CHAIRPERSON CROWLEY: And I—and I imagine
17 that the web access is available for Passages
18 Academy, and that's part—part of the web that has not
19 come up.

20 DR. TIMOTHY LISANTE: Yes, it is.

21 CHAIRPERSON CROWLEY: Okay. Alright, I'm
22 going to defer back to the Chair.

23 CHAIRPERSON DROMM: Well, thank you very
24 much. Chair Cabrera.

25 CHAIRPERSON CABRERA: Thank you.

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2 CHAIRPERSON DROMM: [interposing] And
3 we've been joined—excuse me—by Council Member Levin
4 and Council Member Salamanca, who also has a
5 question.

6 CHAIRPERSON CABRERA: Thank you so much.
7 I'm curious. You mentioned something in regards to
8 the Department of Corrections working alongside with
9 DOE, and helping de-escalate a situation. Are
10 teachers encouraged or advised of told to get in
11 between students, try to stop the fight> Because I
12 know when I used to work in the DOE, we were told
13 that if we got involved, we get hurt, we're not
14 covered. Do we have a different set of rules or—

15 DR. LAURA FEIJOO: We don't advise the
16 teacher staff from the Department of Education to get
17 involved in any physical confrontation. We actually
18 have—if we take a look at RNDC, we have officers
19 assigned inside the classrooms to ensure the safety
20 of everybody. The DOE is allowed to do their
21 classroom management, and to do what would be done in
22 any school outside the—in the community. However, if
23 it escalates, and the instructional staff as well as
24 our officers have attempted to de-escalate the
25 situation, and there is that potential for violence,

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1 the teachers at any given time are allowed to leave
2 the classroom.

3
4 CHAIRPERSON CABRERA: So just returning
5 for that situation, there's a fight that begins in
6 the classroom. A person so they're out—are fighting
7 and on top of each other. What does the teacher do
8 at that moment?

9 DR. LAURA FEIJOO: Exit.

10 CHAIRPERSON CABRERA: Exit, and advise
11 who to come in or you stay? How—how are the officers
12 alerted that there is a fight?

13 DR. LAURA FEIJOO: Officers are in the
14 classroom.

15 CHAIRPERSON CABRERA: They're—

16 DR. LAURA FEIJOO: [interposing] Teachers
17 are always in any school not encouraged to insert
18 themselves into a fight because students can get
19 hurt. The teacher is not trained in that kind of
20 situation, and so just to back up one step in terms
21 of the de-escalation training that's done jointly
22 between the officers and the teachers, that's the
23 priority for us to make sure we de-escalate those
24 situations, and you can see them escalate, right? It

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1 starts like you said a couple of words here and
2 there--
3

4 CHAIRPERSON CABRERA: Right.

5 DR. LAURA FEIJOO: --and that de-
6 escalation is important. If it's unable to be de-
7 escalated the teacher could leave the classroom or
8 enter the classroom, but the officers are there to
9 deal with the matter and the teacher, of course,
10 would report, as in any school, to their
11 administration.

12 CHAIRPERSON CABRERA: You said officers
13 or one officer is per class?

14 DR. LAURA FEIJOO: Officers plural.

15 CHAIRPERSON CABRERA: How many officers?

16 DR. LAURA FEIJOO: It would be depending
17 on the population that we have in any given
18 classroom.

19 CHAIRPERSON CABRERA: Okay.

20 DR. LAURA FEIJOO: But I think that,
21 just--

22 CHAIRPERSON CABRERA: [interposing] But
23 let me--let me stop you right there.

24 DR. LAURA FEIJOO: Sure.
25

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2 CHAIRPERSON CABRERA: So if in a
3 situation when you only have one officer, and you got
4 two, and I don't--they're bigger than kids. [laughs]
5 Why don't you state that?

6 DR. LAURA FEIJOO: I'm sorry.

7 CHAIRPERSON CABRERA: Yeah, they--they
8 will reach. (sic) Right, you got two big young
9 adults going and they will fight? Is that correction
10 officer--what is he trying to do, split the fight, or
11 is he trying to get help, or how does he alert
12 everybody else--everybody come in and help out because
13 usually one is not enough to stop.

14 DR. LAURA FEIJOO: And you have a point.
15 So let me just address it very clearly. The teacher
16 exits. There are officers stationed in the hallway--

17 CHAIRPERSON CABRERA: [interposing] Got
18 it.

19 DR. LAURA FEIJOO: --that are additional
20 staff. There is also a captain. The DOE has its own
21 supervisors. The teacher exits, and we already know
22 that something else is happening in the classroom,
23 and any officer that is stationed in the corridors
24 actually goes into assist the staff assigned to the
25 classroom.

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2 CHAIRPERSON CABRERA: And so how many do
3 usually come into a classroom to help out and split
4 a--a fight? How many officers?

5 DR. LAURA FEIJOO: Approximately three to
6 four.

7 CHAIRPERSON CABRERA: Three or four. Is
8 three or four enough to split the fight?

9 DR. LAURA FEIJOO: Yes.

10 CHAIRPERSON CABRERA: Okay, if it is
11 enough, then here's my big question.

12 DR. LAURA FEIJOO: Uh-huh.

13 CHAIRPERSON CABRERA: Why do we need
14 pepper spray?

15 DR. LAURA FEIJOO: It is always an
16 interesting question. It also depends on the
17 severity of it. When we are breaking a fight, there
18 is always that potential that OC may not be used.
19 However, if there is anything else that is deemed
20 extremely violent that cannot be stopped immediately,
21 that's when the officers follow the directive and do
22 use DOC.

23 CHAIRPERSON CABRERA: And--and I'm trying
24 to be very understanding because I know it's not easy
25 splitting up fights. Yeah, I've been involved in

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1 those, but what is that situation where it will
2 require it? What's the criteria? I'm sure that the
3 officers receive a training, and what is that
4 situation where this--? First, you told me that they
5 could split them, but now I guess there's a special
6 situation, and we have 16 of them where it required
7 pepper spray. What is that situation where they are
8 not able to split them and to stop from escalating
9 for a dangerous situation?
10

11 DR. LAURA FEIJOO: So, I think it is safe
12 to say anything that may be through impression that
13 any of the young adults have something that could
14 hurt another peer.

15 CHAIRPERSON CABRERA: So like a weapon?
16 Is that--is that--?

17 DR. LAURA FEIJOO: Uh-huh.

18 CHAIRPERSON CABRERA: So, are--are you
19 telling me that in the 16 situations there were
20 weapons involved?

21 DR. LAURA FEIJOO: No, I can't respond to
22 that. We would actually have to go back and provide
23 you with that.

24 CHAIRPERSON CABRERA: So--so that--that
25 situation has not happened thank God. So what is

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1 that—I'm still trying to figure out what is it that
2 prompted the use of pepper spray since there were no
3 weapons, and yet you're able to split them before
4 guards.

6 DR. LAURA FEIJOO: It is the—the
7 aggression. It is the that potential of a serious
8 infliction--

9 CHAIRPERSON CABRERA: [interposing] Okay.

10 DR. LAURA FEIJOO: --of harm to whether
11 it be another peer or whether it be another staff
12 member.

13 CHAIRPERSON CABRERA: Okay. So I'm going
14 to go—Commissioner, you worked at the state level,
15 and I am sure on the Commissioner Carrion and
16 yourself, you—did—did you come up with the policies
17 regarding those fitting in the law not to use pepper
18 spray? What did those policies come from?

19 DEPUTY COMMISSIONER FRANCO: Again, you
20 know, we do think something that's important to keep
21 in mind is that we have a significant number of 16-
22 year-olds and 17-year-olds in care in any one day.
23 But again, we have to abide by the complete different
24 set of regulations. So not just the Justice Center,
25 but also the Federal Regulations who are set up--

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2 CHAIRPERSON CABRERA: [interposing] But
3 who set up those?

4 DEPUTY COMMISSIONER FRANCO: They have
5 been historically been around. I mean I think we--

6 CHAIRPERSON CABRERA: [interposing] And
7 why? Why were they set up?

8 DEPUTY COMMISSIONER FRANCO: It's a
9 different framework. I mean the Office of Juvenile
10 Family Services regulates the treatment of children.
11 I mean in our case up to age 16. The Commission of
12 Corrections for the State of New York I mean it has a
13 complete different set of criteria.

14 CHAIRPERSON CABRERA: But you have 16 and
15 17-year-olds, correct--

16 DEPUTY COMMISSIONER FRANCO: Sure.

17 CHAIRPERSON CABRERA: --from the facility
18 and you have been able to deal with that, and not
19 have to use pepper spray in every single instance,
20 right successfully?

21 DEPUTY COMMISSIONER FRANCO: We do--I
22 mean we have--we have challenges like everyone else.
23 I mean we have young people who are violent, and they
24 actually had a long history that our partners
25 mentioned of the failure in the schools. We just

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1 don't have the tools. So we have to come up with
2 other things. I mean we—as you know well, we have
3 invested a lot in the development of contact agencies
4 (sic) in the young people so they actually can help
5 themselves regulate their emotions and behavior. We
6 have invested a lot in the staff to safeguard certain
7 management, but again, on many, many, many occasions
8 we actually have to restrain young people because
9 they have fights, and we want to protect them from
10 harm.
11

12 CHAIRPERSON CABRERA: Alright. Getting
13 back to DOC, I believe—let me backtrack. I—I believe
14 the job of an officer is probably one of the most
15 difficult jobs in all of the city. I—I can't think
16 of a more difficult job than working in Rikers
17 Island. I really came that close to, you know, a
18 police officer, and so I'm very—first I want to tell
19 you this, it's very simple (sic) to say. But I—I—I
20 believe your first answer. I believe that with four
21 officers and it could be five, whatever it requires
22 to pull the apart is very doable unless, I agree with
23 you, there's a weapon involved. Then it becomes a
24 dangerous situation for everybody out there including
25 the rest of the students. So, you know, that's—

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1 that's my humble opinion, and I'm looking from the
2 outside, and maybe that could be some policy should
3 be established because you mentioned that if a weapon
4 is involved--

6 DR. LAURA FEIJOO: Uh-huh.

7 CHAIRPERSON CABRERA: --that that will be
8 the obvious. I-I don't see clearly on the other
9 situations unless somebody is choking somebody to
10 death, and we're talking about maybe permanent
11 injury, which, you know, unless you have a Karate
12 master there, student Black Belt. You--you know what
13 I'm saying, and I'm--and I'm-- Let me ask you
14 regarding the teachers. Teachers are what--did they
15 receive specialized training above and beyond, and
16 who provides the training?

17 DR. TIMOTHY LISANTE: Yeah, again, we
18 talked about before there's joint training between
19 the teachers and the officers on Rikers because it's
20 a very, like you said, a very specialized population.

21 CHAIRPERSON CABRERA: But in terms of
22 educational training, do they--did they receive
23 specialized training?

24 DR. TIMOTHY LISANTE: Oh, the officer--the
25 officer?

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CHAIRPERSON CABRERA: No, no, no, the teachers, Do they get—I'm just dealing—

DR. LAURA FEIJOO: [interposing] In regard to their training. (sic)

CHAIRPERSON CABRERA: --with the correctional piece, but we're dealing with the fact that all of these kids—if not all of them, most of them dealing with trauma. Do they get more intensive training?

DR. TIMOTHY LISANTE: Yeah, and you mentioned trauma. We have a whole initiative on trauma informed wellness, and it's been very enlightening for our—our faculty I think to—to hear some of the reasons behind some of these--

CHAIRPERSON CABRERA: [interposing] And the teachers get trained in that?

DR. TIMOTHY LISANTE: Yeah.

CHAIRPERSON CABRERA: Not just the support staff?

DR. TIMOTHY LISANTE: Yes, the teachers, too. Yeah, we wanted to make sure it got into the classroom as well.

CHAIRPERSON CABRERA: How did it---

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DR. TIMOTHY LISANTE: [interposing] But--

3

but the--we want the counselors--the counselors get it

4

first, and they are supposed to turnkey it with the--

5

CHAIRPERSON CABRERA: [interposing] How

6

do teachers get hired? What's the process of getting

7

hired? What's the criteria?

8

DR. TIMOTHY LISANTE: The same way in

9

most schools, right? The principal is in charge of

10

hiring for her particular school.

11

CHAIRPERSON CABRERA: So she--she or he

12

has complete discretion--

13

DR. TIMOTHY LISANTE: [interposing] Yes.

14

CHAIRPERSON CABRERA: --with these?

15

DR. TIMOTHY LISANTE: She does.

16

CHAIRPERSON CABRERA: Okay. So she has

17

complete discretion as to who--who to hire. It's not

18

like you have excess teachers from some place else--

19

DR. TIMOTHY LISANTE: [interposing] No.

20

CHAIRPERSON CABRERA: --and, you know,

21

then she has to accept them?

22

DR. TIMOTHY LISANTE: And she was a

23

teacher there and an assistant principal before she

24

came here.

25

CHAIRPERSON CABRERA: That is very good.

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2 DR. TIMOTHY LISANTE: She has a lot of
3 experience.

4 CHAIRPERSON CABRERA: But that experience
5 goes far. What do you do in situations that you
6 specialize help such as speech service--

7 DR. TIMOTHY LISANTE: [interposing] No,
8 we have it.

9 CHAIRPERSON CABRERA: -- you have done on
10 site. Do we contract that out? How do we--?

11 DR. TIMOTHY LISANTE: [interposing] No,
12 we have a licensed speech therapist on--on Rikers and
13 in Passages, and also a literacy specialist as you
14 mentioned before because there's a--a whole group of
15 students that are reading way below grade level, and
16 that we've seen some big gains there. Basically,
17 with small groups and individual instruction.

18 CHAIRPERSON CABRERA: In terms of--of
19 students, do--do--do you track the students in terms of
20 once they leave Passages, and they go to a regular
21 high school, do you--

22 DR. TIMOTHY LISANTE: [interposing] Yeah.

23 CHAIRPERSON CABRERA: --track them?

24 DR. TIMOTHY LISANTE: I'm sorry, we may
25 (sic).

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2 CHAIRPERSON CABRERA: Okay, and then
3 what's the high--remind me, what's the graduation rate
4 for them?

5 DR. TIMOTHY LISANTE: It's--it's not
6 really graduation rate. Nobody graduates from our
7 schools. It's just--

8 CHAIRPERSON CABRERA: [interposing] Yes,
9 but so--but once they leave that's--that's what I
10 meant. Once they leave, they go to a high school and
11 then---

12 DR. TIMOTHY LISANTE: [interposing] No,
13 we track them. We basically track for six months,
14 and to see if they're successfully going to school.
15 If not, we keep them longer. One of the good things
16 is the High School Equivalency is part of our
17 district as well. So we--we can transfer kids into
18 that if they need to re-engage, but we only follow
19 students for six months.

20 CHAIRPERSON CABRERA: Why only six
21 months?

22 DR. TIMOTHY LISANTE: I think we have
23 limited resources. Again, it is, as we all know,
24 these are detainees. So there's a lot of kids coming
25 through. I think a thousand came through Passages

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1 last year. I don't know how many through East River
2 Academy, but we're following them.

3
4 CHAIRPERSON CABRERA: Yeah, but it's not—
5 it's not that hard to punch with today's technology,
6 to—to punch it in a thousand students and see how
7 many took how long to graduate, and how many
8 graduated? I mean it's not that difficult.

9 DR. LAURA FEIJOO: So we do track—I just
10 want to say I'm not disagreeing, but we do track the
11 number of credits they accumulate, Regents that they
12 take, and outcomes for kids while they are there, and
13 some of it to the degree we can we track afterwards.
14 We have a very successful High School Equivalency
15 track record. While that's not the optimal, kids
16 that are coming in overaged, under-credited for their
17 graduation as Tim pointed out every year, and he's
18 very proud of the graduation of all the students, and
19 they make a very big deal about all the students that
20 get to—get a High School Equivalency. But tracking
21 it back to schools over time with cohorts, I'm not
22 saying it's been possible, but it would be
23 investigating each student's track record each year.
24 So it's not just a thousand, right because one may be
25 a Sophomore so you'd be tracking that person for four

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1 years. It is more difficult than just looking at
2 thousand kids because of the cohort.
3

4 CHAIRPERSON CABRERA: But-but that's in-
5 that's in the system, right? That's in the software
6 system that you use citywide, and so regardless of
7 where they're at, you just--

8 DR. LAURA FEIJOO: Because it's not a
9 school—I'm not making an excuse.

10 CHAIRPERSON CABRERA: [interposing] Oh,
11 no, no.

12 DR. LAURA FEIJOO: I'm just saying it
13 would be great data to have, and it would be amazing
14 to know how well we do with tracking kids over time.
15 So I'm not disagreeing, but it would be punching up
16 each of those, a thousand each year to track each
17 cohort of kids to see their graduation rates. So
18 it's not like we've tagged the kids for having been--
19 which would be inappropriate--tagging the kids for
20 having been incarcerated. They are just a student in
21 the system. So you'd literally have to call up each
22 student based on--

23 CHAIRPERSON CABRERA: [interposing]
24 Because you can't—you can't—I hate to use the word
25 tag, but I—in—in terms of computer system, you could

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1 tag those students, and then yearly the system will--
2
3 will output the results. So it automatically will
4 come to you. I mean that's--

5 DR. LAURA FEIJOO: [interposing] I would
6 have to come--

7 CHAIRPERSON CABRERA: --your IT people
8 could do that.

9 DR. LAURA FEIJOO: You know, I'm not--that
10 would not be the concern. The concern would be
11 whether we can tag students, or whether that's
12 appropriate to tag students who have been
13 incarcerated on their record where to follow them in
14 the system. It would be more of a legal issue I
15 think than--

16 CHAIRPERSON CABRERA: I-I would encourage
17 for you to check it out in the legal forum (sic)
18 because the intent and that would--could be put in a
19 secure where only you would know that, and not the
20 rest of anybody else who's looking into DOT-DOE's
21 database, but only you would know that and that
22 information would come to you. I'm going to give it
23 back to the Chair because I know you have more
24 questions, and I have three more questions left for
25 them.

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2 CHAIRPERSON DROMM: So actually, we're
3 going to turn it over to Council Member Salamanca who
4 has questions.

5 COUNCIL MEMBER SALAMANCA: Thank you very
6 much, Mr. Chair. Good morning. So I covered the
7 South Bronx, Horizon Detention Center. It is in my
8 Council District. I'm aware that the--there's been a
9 push from the administration to raise the age in the
10 state. I don't think that that's going to happen any
11 time soon, and there's been conversations with the
12 administration and my office in terms of moving the
13 16 and 17-year-olds out of Rikers, and bringing them
14 to our Juvenile Detention Center, and I know that
15 they're looking at Horizons, and I know that they
16 have multiple ULURP process. In talking to some of
17 my local elected officials and some members of my
18 community, you know, we have issues, we have
19 concerns, a concern being that Horizon is going to
20 become a jail. Because in essence until the State
21 raises the age, 16 and 17-year-olds are--it's--it's a
22 jail that they--they will be in. What I'm--now, what
23 I'm curious to knowing is how is the Department of--
24 if--should this move happen, how is the Department of
25 Corrections, and--and ACS going to work together to

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1 ensure that these 16 and 17-year-olds are getting the
2 services that these adolescents that are currently
3 there are getting such as education, support
4 services, so on and so forth.
5

6 ASSISTANT COMMISSIONER TORRES: So I'm
7 glad that you are bringing that question. I know
8 that for almost a year we have been meeting with
9 MOCJ, ACS as well as the DOE in terms of how best to
10 move a 16 to 17-year-old off Rikers Island into
11 possibly Horizon Academy. We have even been engaged
12 in conversation and planning to the Design
13 Department. I'm taking it a step further. I have-
14 they said it's all the jurisdictions where we have
15 taken members from both agencies, ACS as well as the
16 DOE to look at not only best practices, but also
17 their physical layout to ensure a different school
18 structure as well as the continuation of services.
19 But I think that in-in sharing this with you, I need
20 to establish that when it comes to these 16 to 17-
21 year-olds, aside from educational services, they are
22 provided all of the other mandated services. So when
23 we look at Horizon, what we envision, and I would
24 allow the DOE and ACS to add their comments to it, is
25

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and it has what Horizon is right now to offer that state of the art location for the 16 to 17-year-olds.

COUNCIL MEMBER SALAMANCA: You know, my other--my other question is in being in conversations with--with your agency and the administration, this move would cost \$300--about \$300 million in terms of retrofitting Horizon and retrofitting the other juvenile detention center that's in Brooklyn.

ASSISTANT COMMISSIONER TORRES: Uh-huh.

COUNCIL MEMBER SALAMANCA: So I was asked a question why not take that \$300 million and just build a new facility on Rikers, and move the 16 and 17-year-olds into a brand new facility there?

ASSISTANT COMMISSIONER TORRES: [pause] I really don't know how to deal with that response because there is that information, and open statements that the public, as many others, which the primary goal is to move the 16 to 17-year-olds off Rikers Island. And so, in listening to what has been addressed and brought to our attention that's the reason we've engaged in exploring other venues.

COUNCIL MEMBER SALAMANCA: Okay. My other question for ACS you mentioned that your psychiatrists are board certified--

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DEPUTY COMMISSIONER FRANCO: [interposing]

Yes.

COUNCIL MEMBER SALAMANCA: --which I-I
respect highly being a healthcare administrator in my
prior life. Now, my question is in terms of peer
review. Are you psychiatrists—are peer reviews
currently being done to ensure that quality care is
being given to—

DEPUTY COMMISSIONER FRANCO: Uh-huh.

COUNCIL MEMBER SALAMANCA: --to-to their
patients, and if so, how often?

DEPUTY COMMISSIONER FRANCO: Yeah, I mean
Council Member Salamanca, I mean to kind of take on a
little about the conversation about the
possibilities, I think it's important to know, and
Council Member Cabrera knows this well, some of those
investments is essential repairs to facilities is-is
one that actually has to be done anyway. I mean more
facilities and, you know, they need help even if we
were going to keep them in our cities. So we've
actually been looking to at capital investments
anyway. I think one of the things that I think is
important to keep in mind is that conversations that
actually we've been having has been happening between

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1 DOC, DOE, and many others, it's actually we're
2 thinking about a unified approach on how we serve 16
3 and 17-year-olds in the best way. And I think one of
4 the things that permeates that conversation is that
5 actually we know, in particular we know in in New
6 York City because we are the proponents of Close to
7 Home. I know that the divisions are copying it now
8 like Closer to Home in Texas, but actually being
9 close to the families in their community, those are—
10 it does have an impact in the ability of young people
11 to do better. So I think that is important to keep
12 that in mind. I meant that—that said, richness,
13 which you have seen when you to our facility Horizon,
14 that families can come in two, three or four times a
15 week, and siblings and brothers and sisters. And
16 that is only assumable when they are close to those
17 families and the community. Regarding our
18 psychiatry, our—our psychiatric services is actually
19 provided through Bellevue Hospital and NYU Langone,
20 and actually there are faculty members of the
21 university that followed the fellowship of our public
22 service, psychiatry fellowship. And very
23 interesting, one is actually a sought out the
24 fellowship. So young people who actually tend to
25

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1 specialize in psychiatry are knocking at our door to
2 practice in Close Vision (sic) Horizon.

3
4 COUNCIL MEMBER SALAMANCA: Yeah, and I
5 understanding that, but how is ACS ensuring that—that
6 peer reviews are being done where another physician
7 another psychiatrist is reviewing their medical
8 records to ensuring that they're giving—they're
9 providing quality care?

10 DEPUTY COMMISSIONER FRANCO: Yes.

11 COUNCIL MEMBER SALAMANCA: How is ACS
12 ensuring that?

13 DEPUTY COMMISSIONER FRANCO: Yes. We—we—
14 we depend on actually the oversights of NYU and HHC
15 and Bellevue, and I could get back to you and tell
16 you how it works out. (sic)

17 COUNCIL MEMBER SALAMANCA: Alright, thank
18 you, Mr. Chair.

19 CHAIRPERSON DROMM: Thank you very much.
20 We have a few more questions, and some of it will be
21 a little bit enlightening around our questions, but I
22 wanted to know when an incident happens on Rikers
23 whether it's violent or not, is an OARRS Report
24 generated?

25 DR. TIMOTHY LISANTE: Yes.

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2 CHAIRPERSON DROMM: So the principal does
3 that?

4 DR. TIMOTHY LISANTE: Yes.

5 CHAIRPERSON DROMM: Okay, and then when
6 you do this. Well, I don't want to go back to gas
7 too much, but when there's a gassing, does that
8 require an OARRS report?

9 DR. TIMOTHY LISANTE: Yes, again,
10 anything that's in the classroom, gets reported into
11 OARRS, and they--they ask that--

12 CHAIRPERSON DROMM: [interposing] So you
13 would know that just by looking at the current OARRS
14 report?

15 DR. TIMOTHY LISANTE: Yep.

16 CHAIRPERSON DROMM: What's in there?
17 Okay. Good. What data does DOE use to evaluate
18 Passages, and I think from some of the statistics you
19 provided, I guess that's how you would evaluate East
20 River Academy, but--

21 DR. TIMOTHY LISANTE: [interposing] Yes.

22 CHAIRPERSON DROMM: --am I correct on
23 that?

24 DR. TIMOTHY LISANTE: Yes.
25

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2 CHAIRPERSON DROMM: And what about the
3 Passages? What data are we using?

4 DR. TIMOTHY LISANTE: The same thing.
5 It's the Regents requirements, the courses passed,
6 and it's transitional post-attendance.

7 CHAIRPERSON DROMM: Does DOE conduct
8 quality reviews for the school?

9 DR. TIMOTHY LISANTE: Not the official
10 ones that are done with the rest of the system, but I
11 do—we do learning walks and we do PPOs of-of
12 principal performance observations as well.

13 CHAIRPERSON DROMM: Are—are they assigned
14 a—are they in a network of any sort?

15 DR. LAURA FEIJOO: [off mic] There are no
16 networks in there.

17 CHAIRPERSON DROMM: No, my—but is there
18 any associated educational organizations that provide
19 support to the--

20 DR. TIMOTHY LISANTE: [interposing] Yes.

21 CHAIRPERSON DROMM: --principal? And
22 what is that?

23 DR. TIMOTHY LISANTE: Our district has a
24 field support center.

25

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1 CHAIRPERSON DROMM: Okay, good. Okay,
2
3 and—and why isn't any of this information, your
4 information, on the DOE website? Because they post
5 most of the other stuff for all the others.

6 DR. TIMOTHY LISANTE: Yeah, I think we
7 can. I think we have to go through the—the lawyers
8 and make sure we can put it up from there, but we--

9 CHAIRPERSON DROMM: [interposing] Again,
10 I think that would be something that would be very
11 helpful for us.

12 DR. LAURA FEIJOO: [off mic] Well,
13 typically—[on mic] I—I think we typically post
14 school information because this is a program. There
15 is—Tim has a whole web page of services and programs,
16 and information about it, but the data is not
17 connected to it because it probably wouldn't be
18 reported in the same way not disagreeing, but just
19 philosophically.

20 CHAIRPERSON DROMM: [interposing] And I
21 have to say to be honest with you, some of your
22 statistics looked—looked very good, and I think it's
23 something you should have up there for people to see.
24 And—and even from, you know, anecdotal information
25 and the times that I visited the classrooms on

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1 Rikers, I have seen improvements particularly with
2 this administration. So let me give credit where
3 credit is due, but I think that's something we'd
4 definitely like to see up on the website. What's the
5 teacher turnover rate in Rikers and Passages?
6

7 DR. TIMOTHY LISANTE: It's very similar
8 to the rest of the city.

9 CHAIRPERSON DROMM: So--?

10 DR. TIMOTHY LISANTE: Not-not extremely
11 different the last time we--

12 CHAIRPERSON DROMM: Well, do-do you have--
13 how-how long is it? Is that what, about 50 something
14 teachers would you say?

15 DR. TIMOTHY LISANTE: Yeah.

16 DR. LAURA FEIJOO: We already have 65
17 teachers and 81 at Passages.

18 CHAIRPERSON DROMM: And--

19 DR. TIMOTHY LISANTE: [interposing] I've
20 got it here.

21 CHAIRPERSON DROMM: Do new teachers leave
22 at about 50%?

23 DR. TIMOTHY LISANTE: I have 87% of the
24 teachers return the following year at Passages and
25

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1 88% of the teachers return the following year at East
2 River Academy.
3

4 CHAIRPERSON DROMM: Well, look and I
5 think it takes a special commitment--

6 DR. TIMOTHY LISANTE: Yeah.

7 CHAIRPERSON DROMM: --to want to work on
8 Rikers as well.

9 DR. TIMOTHY LISANTE: But I'm--I'm
10 concerned about this--this gas mask. Now we have to
11 tell people when they come in you--you might be in a
12 situation we're going to shoot a chemical agent into
13 your class, and you--I think it's going to hurt
14 recruiting to tell you the truth, and I don't blame--I
15 don't--I don't blame--

16 CHAIRPERSON DROMM: To be honest with
17 you, that's--that's my concern as well--

18 DR. TIMOTHY LISANTE: [interposing] Yeah.

19 CHAIRPERSON DROMM: --and, you know, I
20 was a teacher for 25 years, and as a teacher--

21 DR. TIMOTHY LISANTE: Yeah.

22 CHAIRPERSON DROMM: --you know, to be in
23 that type of situation and--and I know DOC gave a
24 little bit of a contradictory statement in the sense
25 they said the teacher leaves the room, but I don't

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1 know they leave the room, and--and also the fact that
2 the students remain in the room. You know, usually
3 when I see some type of a spray or a gas used, in--in
4 crowd control let's say, you have the option of
5 running, right--

7 DR. TIMOTHY LISANTE: Uh-huh.

8 CHAIRPERSON DROMM: and--and--and if you're
9 in a classroom I think you're stuck in there, you
10 know, and I don't think it's fair to ask teachers to
11 bring gas masks to work.

12 DR. TIMOTHY LISANTE: No.

13 CHAIRPERSON DROMM: I mean I don't--I
14 don't want the whole hearing to be about gas masks,
15 but because there are some other educational concerns
16 that we have as well. What about the--the average
17 reading levels at Passages and East River--

18 DR. TIMOTHY LISANTE: [interposing] Yeah,
19 yeah.

20 CHAIRPERSON DROMM: --what--what do we
21 have to do about that? (sic)

22 DR. TIMOTHY LISANTE: It's about 20% are
23 real--on grade level, about 20% are really far from
24 grade level like on the fifth grade, and about 50 or
25

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2 60% are kind of in the middle fifth, sixth, seventh
3 grade.

4 CHAIRPERSON DROMM: And most of these
5 should be at 10th, 11th, 12th grade?

6 DR. TIMOTHY LISANTE: Yeah. So we've got
7 some students that are--

8 CHAIRPERSON DROMM: [interposing] Those
9 are way far behind?

10 DR. TIMOTHY LISANTE: Yeah. Now, this is
11 all based on the assessment that we give, and--and
12 sometimes it's not given under the best
13 circumstances. Like I said before, students are just
14 coming in, but it's based on the data that we get
15 upon intake.

16 CHAIRPERSON DROMM: And Mr. Lisante, the
17 Mayor's Leadership Team on School Climate and
18 Discipline made extensive recommendations regarding
19 educational services for incarcerated youth. Do the
20 DOE and ACS intend to act those recommendations?
21 Have you seen those recommendations, and if so, which
22 ones, what would you implement?

23 DR. TIMOTHY LISANTE: Yeah, well the big
24 one was about the transitional services again,
25 putting putt a lot of--more resources into the

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1 students when re-enter school on the back end. So
2
3 we've--we're already initiated those procedures.

4 CHAIRPERSON DROMM: Council Member
5 Cabrera.

6 COUNCIL MEMBER CABRERA: Yes. I just
7 have a couple more questions. What happens if a
8 student does not want to go to class?

9 DR. LAURA FEIJOO: If they're 16 and 17--

10 COUNCIL MEMBER CABRERA: Yes.

11 DR. LAURA FEIJOO: --and it's mandated
12 education. So they go to class.

13 COUNCIL MEMBER CABRERA: No, but let's
14 say--

15 DR. LAURA FEIJOO: [interposing] There's
16 not one student--

17 COUNCIL MEMBER CABRERA: --okay, I want
18 to tell my students who says, you know, I don't want
19 to go to class. I'm not going. I'm staying.

20 DR. LAURA FEIJOO: So--

21 COUNCIL MEMBER CABRERA: So what happens?

22 DR. LAURA FEIJOO: They go to class.

23 COUNCIL MEMBER CABRERA: I mean you can't
24 call mommy there. [laughs]

25

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2 DR. LAURA FEIJOO: No, they go to class.
3 It's—I mean they are mandated to go to class. They
4 arrive at class.

5 COUNCIL MEMBER CABRERA: But if—if I
6 don't want to go, what happens?

7 DR. LAURA FEIJOO: If you're sick, if
8 you're ill?

9 COUNCIL MEMBER CABRERA: No, no, no, I
10 just have a bad attitude or I don't want to go to
11 class.

12 DR. LAURA FEIJOO: I think Corrections'
13 active parents would and they make their students go
14 to school. I don't think, you know, unless you put
15 them in--

16 COUNCIL MEMBER CABRERA: [interposing] So
17 you have a—a 100% attendance rate?

18 DR. LAURA FEIJOO: For it's—for it's
19 mandated students if they're not sick. I wouldn't
20 say 100% because that would mean no one is sick. No
21 one at court. They do have to, you know, attend
22 court or they attend hearings or attend other
23 matters. So 100% wouldn't be accurate. But in
24 answer that I don't want to go. I don't feel like

25

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1 going, if you're mandated to go, would not be
2 acceptable to a parent or to ACS or DOC?

3
4 COUNCIL MEMBER CABRERA: No, I-I
5 understand your-your role. I'm just dealing with
6 realities of how kids are sometimes, and just like
7 they would do it at home: I don't want to go today.
8 You're not going to make me.

9 DR. LAURA FEIJOO: [interposing] And we'd
10 make our students go to school.

11 COUNCIL MEMBER CABRERA: Does that happen
12 in your situation? I mean-

13 DEPUTY COMMISSIONER FRANCO: I mean we-
14 we-we-it's actually something that we encounter
15 everyday. I mean in detention it's actually a little
16 easier because the just walk down to the school
17 floor, but we know we have situations where our
18 children, young people are difficult, and need to be
19 motivated, and there's a lot of talking and-and
20 convincing, and actually there are probably
21 incentives that actually will encourage young people
22 to go to school. In Close to Home, I mean it's big.
23 It's not unusual that actually a typical morning
24 begins in trying to get young people to-to brush
25 their teeth and do what they need to do and get in

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1 the van to go to school. I mean some of the schools
2 actually you may know may be actually 45 minutes an
3 hour away. So in a way, intentionally yeah. Maybe
4 the design a team or something and others. We want
5 to go to NSD and Close to Home experience to be
6 similar to what they're going to have to do every
7 morning when they have to go to high school on their
8 own, and--and it's a challenge.

10 COUNCIL MEMBER CABRERA: Do we have--

11 DEPUTY COMMISSIONER FRANCO:

12 [interposing] We keep track of it daily, and
13 attendants who actually look at the provider in terms
14 of attendance and timeliness and seat time. So we
15 use that to tell how well are they doing.

16 COUNCIL MEMBER CABRERA: Do you have
17 incentives for perfect attendance?

18 DEPUTY COMMISSIONER FRANCO: Sure.

19 COUNCIL MEMBER CABRERA: What--what do
20 you give them?

21 DEPUTY COMMISSIONER FRANCO: You know, we
22 have a whole aspire set of incentives, which in
23 detention. So, it could be like particular--particular
24 snacks or actually time on the computer.

25

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2 COUNCIL MEMBER CABRERA: Well, the snacks
3 are like candy or--? Because I know that the
4 previous administration there was a total shutdown on
5 Snickers bar, or other fun stuff that most of the
6 people in this room are like non-nutritional-non-
7 nutritional goodies. Is that still in place?

8 DEPUTY COMMISSIONER FRANCO: Yeah, we
9 still abide by higher standards of nutrition in
10 school.

11 COUNCIL MEMBER CABRERA: And any thoughts
12 of using, you know, given the using it as an
13 incentive?

14 DEPUTY COMMISSIONER FRANCO: I mean, I-
15 you know, I think we have learned that actually
16 attention, time, independence, actually are very,
17 very good incentives at least in the population that
18 I serve. So I think that tends to work, and then,
19 you know, to-to be privy to DOE I mean we actually
20 created this year an internship program within
21 Passages. So we actually have young people
22 particularly, you know, offenders who are reaching
23 (sic) for that number and amount of time, but
24 actually are being hired by the Department of
25 Education.

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2 COUNCIL MEMBER CABRERA: That's great.

3 DR. TIMOTHY LISANTE: And the neat thing
4 about that is the—with working with ACS we were able
5 to open bank accounts for the students. So we paid
6 them and it went right into the bank account.

7 COUNCIL MEMBER CABRERA: The—the support
8 groups that you mentioned La Guardia—

9 DR. TIMOTHY LISANTE: Yeah.

10 COUNCIL MEMBER CABRERA: Alright, I was
11 kind of interested in the data. I think this is a—
12 it's a really way to—really to look into the future,
13 too, because a lot of these young people are going to
14 return back home, and so you could do a lot of good
15 work. But my question was it is only in La Guardia.
16 So what do you do when parents have to track down all
17 the way from Staten Island? It's not really
18 practical for them to come all that way.

19 DR. TIMOTHY LISANTE: Yeah, it's a big.
20 The challenge with having the citywide program is—is
21 there's no real central location for anybody. But
22 one of the good things about the family group, she
23 brings back former students that are successful now,
24 and it's very inspirational to the current parents
25 that—that are there.

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2 COUNCIL MEMBER CABRERA: Could you--can
3 you do--

4 DR. TIMOTHY LISANTE: This is--

5 COUNCIL MEMBER CABRERA: Oh, I'm sorry.

6 I--I was going to suggest can you do video
7 conferencing to those who are--

8 DR. TIMOTHY LISANTE: [interposing] Yeah.

9 COUNCIL MEMBER CABRERA: --far away, and
10 realistically can't make it.

11 DR. TIMOTHY LISANTE: Yeah.

12 COUNCIL MEMBER CABRERA: I mean, if
13 you're coming from way--

14 DR. TIMOTHY LISANTE: [interposing] Yeah.

15 COUNCIL MEMBER CABRERA: --in the corners
16 of New York City.

17 DR. TIMOTHY LISANTE: I know and--and we
18 rotated boroughs, but then again, somebody is always
19 in these things. But distance learning is--is a good
20 idea. We should look--we'll look into that.

21 COUNCIL MEMBER CABRERA: Okay, that would
22 be great. Thank you so much and thank you for all
23 you do. I know what you all do is really hard, but
24 meaningful work. Thank you.

25

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2 CHAIRPERSON DROMM: Okay, and we're
3 almost there. This has been kind of in stages of
4 that--

5 DR. LAURA FEIJOO: Yep.

6 CHAIRPERSON DROMM: --thing, right? I'm
7 sorry if I--

8 DR. LAURA FEIJOO: It's Feijoo, but--

9 CHAIRPERSON DROMM: Feijoo. I'm sorry.
10 You mentioned in your testimony that the East River
11 Academy enrolled 1,710 students last year I think and
12 for 2015-16, it's down from 2516. What would you
13 attribute to the decrease in attendance?

14 DR. LAURA FEIJOO: So I think that the
15 way that students are arrested and use--utilizing the
16 courts, utilizing Close to Home and some other
17 alternatives rather than sending students Rikers, I
18 would guess is the enrollment numbers decreasing.
19 Tim is probably a better expert with this than--

20 DR. TIMOTHY LISANTE: Yeah, and New York
21 should be very proud of this because the numbers have
22 gone down, you know, significantly each year for the
23 last several years, and I think it's because of the
24 Diversion programs. There's some great Diversion
25

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1 programs now that didn't exist not too long ago to
2 keep kids out of ever getting into lockup.

3
4 CHAIRPERSON DROMM: Maybe this is good
5 thing.

6 DR. TIMOTHY LISANTE: Yeah, it's a great
7 thing.

8 CHAIRPERSON DROMM: And finally, on CTE
9 programs.

10 DR. TIMOTHY LISANTE: Uh-huh.

11 CHAIRPERSON DROMM: I saw that you had an
12 interest in choice. I think it was in your
13 testimony.

14 DR. TIMOTHY LISANTE: Yeah.

15 DR. LAURA FEIJOO: Coop Tech?

16 CHAIRPERSON DROMM: Uh-huh, yeah, it's--

17 DR. LAURA FEIJOO: Culinary--

18 CHAIRPERSON DROMM: Yeah, exactly. I
19 think it's--

20 DR. LAURA FEIJOO: Culinary, Barber--

21 DR. TIMOTHY LISANTE: Like to in relation
22 to--

23 CHAIRPERSON DROMM: [interposing] And so
24 that--but I did have a question about that barber.

25 DR. LAURA FEIJOO: Uh-huh.

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2 CHAIRPERSON DROMM: Now, I think for
3 being a barber you have to be licensed. There's a
4 conviction that prevents you from entering any of
5 these fields that you're offering the CTE education
6 at. I think that there's a clause in state law that
7 says you have to be of good moral character.

8 DR. TIMOTHY LISANTE: Yeah.

9 CHAIRPERSON DROMM: I'm wondering. I'm
10 just hoping that I—I, you know, I'll be preparing
11 students for a career that they could actually get
12 into once they leave.

13 DR. TIMOTHY LISANTE: Well, the experts
14 really on this are people like I mentioned before
15 Fortune and Osborne. So we work with them because
16 again it—the barbering one at one time they couldn't
17 get a barbering license if you had a felony. I don't
18 know if that's still the case, but there's some ways
19 to appeal that. So we—we rely on our CBO partners
20 in—in the community. We do this for a living
21 basically. We get employment for our—our students
22 because those change a lot. But those are trades
23 that a growth—the role of growth, the electrical
24 installation and trying to get kids in the union.
25 And the thing is it's—it's connected to our program

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1 in the city because we don't want anybody to start
2 something on Rikers that they can't immediately
3 continue once they go home.
4

5 CHAIRPERSON DROMM: And the limited use
6 to Internet access.

7 DR. TIMOTHY LISANTE: Yeah.

8 CHAIRPERSON DROMM: Does that limit you
9 in terms of to follow (sic) the education?

10 DR. TIMOTHY LISANTE: Yeah.

11 CHAIRPERSON DROMM: So is there any way
12 around that?

13 DR. TIMOTHY LISANTE: Yeah, that's what
14 we're working on now with the DOC trying to get it in
15 every school area for every student and every faculty
16 member.

17 CHAIRPERSON DROMM: And I think in your
18 testimony the superintendent had mentioned that they
19 have limited access at this point.

20 DR. TIMOTHY LISANTE: Yeah.

21 CHAIRPERSON DROMM: What does limited
22 access mean?

23 DR. TIMOTHY LISANTE: It means that on
24 the Tablets you can only get on certain websites and
25 as you go around the different jails, and we've been

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2 there, they connectivity is not always great as far
3 as wireless connections.

4 CHAIRPERSON DROMM: So it's-it's-you're
5 limited-it's a limited mix that you can call, but
6 that is more limited than what you would find in a
7 typical public school? Because I know in some ways
8 you can't get onto certain sites even just at any
9 public school?

10 DR. LAURA FEIJOO: It's like parent
11 controls on the phone or parent controls on the TV.
12 There are more restrictive controls on what there's
13 access to at ERA than in a typical school that has
14 different levels of, you know, those parent controls.

15 CHAIRPERSON DROMM: And who limits that?
16 Do you--does the DOE limit that or does the DOC or is
17 there any state law on that?

18 DR. TIMOTHY LISANTE: No, right now we're
19 working with the DOC to see how we can--

20 DR. LAURA FEIJOO: [interposing] Continue
21 to enter that. (sic)

22 CHAIRPERSON DROMM: So it's the DOE's
23 regs basically that you need to--?

24 DR. TIMOTHY LISANTE: We--we followed up
25 on all the DOC regs that of--of visual citizenship

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1 that any students would have to follow in New York
2 City.
3

4 CHAIRPERSON DROMM: So can DOC just
5 address that from the—

6 ASSISTANT COMMISSIONER TORRES:
7 [interposing] So we are working with the DOE on our
8 own ITS as well as the DOE to actually—that's one of
9 our goals for next year how best to meet them in
10 text. (sic)

11 CHAIRPERSON DROMM: Because I—I would
12 imagine and especially for detainees that there's not
13 like a-- I know sometimes when people come out on
14 parole, for example, they're not allowed to use
15 Internet or whatever. That—is that not—this does not
16 hold for detainees I don't believe, right? So this
17 is more of an internal control by DOC?

18 ASSISTANT COMMISSIONER TORRES: That's
19 correct, and we want to—our goal is to actually do
20 it, but do it comprehensively.

21 CHAIRPERSON DROMM: Uh-huh, and, you
22 know, I'm—and one of the things that the Education
23 Committee has been pressing for is for access to
24 iPads and more technology in the classroom because we
25 see it work particularly well with special education

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1 students, and I've seen something of what I think is
2 it 54%, if I'm not mistaken, of your students do have
3 IEPs or SEPs. I think that these devices would be
4 particularly useful through them while they're Rikers
5 Island, and actually may cut down on the violence as
6 well. So I think when they're engaged, you're not
7 going to see as many violent incidents on Rikers.
8 So, I think that that is about it, if I'm not
9 mistaken. Okay, well, we—we thank you very much for
10 coming in, and just sharing all the information that
11 you've given us. It's a lot, and we look forward to
12 continue to work together with you particularly on
13 this legislation. Thank you very much. [pause]
14 Okay, we're going to have our next panel. Alicia
15 Perrone, Advocates for Children; Stephan Shore, Legal
16 Aid Society; Karen Farkas with Brooklyn Defender
17 Services; and Charlotte Pope, Children's Defense
18 Fund. [pause] Could we have our fourth panelist?
19 [pause] Alright, I need to swear you in. So if
20 you'd raise your right hand please. Do you solemnly—
21 do you solemnly swear or affirm to tell the truth,
22 the whole truth and nothing but the truth and to
23 answer Council Member questions honestly?
24

25 PANEL MEMBERS: [off mic] Yes.

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2 CHAIRPERSON DROMM: Okay, very good. Who
3 would like to start? Over here. I—I think the mic—
4 yeah, the light.

5 ALICIA PERRONE: Oh, there we go.

6 CHAIRPERSON DROMM: There you go.

7 ALICIA PERRONE: Alright. Thank you for
8 the opportunity to speak with you today. My name is
9 Alicia Perrone, and I'm an attorney with the School
10 Justice Project at Advocates for Children of New York
11 where I provide education advocacy and legal
12 representation for youth involved or at risk of being
13 involved with the Juvenile or Criminal Justice
14 System. My testimony today focuses on the
15 educational needs of New York City's court involved
16 youth while in detention, placement, and
17 incarceration and after they're released from the
18 setting. Local and national data clearly
19 demonstrates the need in all settings including
20 juvenile and adult correctional facilities for high
21 quality educational services, individually tailored
22 to address the needs of the students they serve. We
23 strongly recommend that leaders working in the
24 Department of Correction, the Administration of
25 Children's Services, the Department of Education, and

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1 the Department of Health and Mental Hygiene give
2 serious consideration to the local and federal
3 guidance materials referenced in our written
4 testimony, and use them to improve the quality of
5 education for youth in and returning from these
6 facilities. Our written testimony also includes
7 additional and more detailed information about some
8 of the specific recommendations that I'll discuss
9 today. First, we recommend that all facilities
10 serving court involved youth provide a safe
11 environment that prioritizes education and provides
12 the necessary supports to address the individual
13 needs of all students including those with
14 disabilities. Additionally, because most court
15 involved youth entered the Juvenile and Criminal
16 Justice facilities performing well below grade level,
17 we strong-strongly recommend that these facilities
18 provide intensive remediation services and extend
19 schooling to 12 months to help students catch up
20 academically. The data as to these experiences also
21 reflect the continued need for better transition
22 planning and more viable educational options for
23 students leaving court ordered facilities to ensure
24 continuity in education and reduce the likelihood of
25

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1 recidivism. The Department of Education's Transition
2 Specialists in Passages and at East River Academy
3 that we heard about before, are part of a promising
4 initiative that aims to do more than merely help
5 students leaving facilities enroll in school, and we
6 strongly recommend that the city increase funding to
7 support and expand this initiative. Additionally,
8 although many students leaving court ordered seven
9 would benefit from alternative programs such as
10 transfer schools, restart academies, and career and
11 technical education programs, many are unable to
12 obtain admission. As such, we recommend that
13 transfer schools be moved under a single
14 superintendency such as District 79, and that the
15 city commit to funding and expanding these programs
16 for overage and under-credited students. We look
17 forward to working with the City Council, city
18 agencies, affect youth and families, and other
19 stakeholder to ensure that court involved students
20 are provided quality education in court ordered
21 settings and upon their return to the community.
22 Thank you.

23
24 CHAIRPERSON DROMM: Thank you. Next
25 please.

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2 STEPHEN SHORE: Good morning. First of
3 all, thank you very much for the opportunity to speak
4 today. My name is Stephan Shore. I am staff
5 attorney with the Legal Aid Society Prisoner's
6 Right's Project. I'm here to voice our support for
7 Intro No. 1148. Prisoner's Rights Project serves as
8 class counsel in *Handberry v. Thompson*, which is a
9 class action filed in 1996 to remediate DOE and DOC's
10 failure to provide legally mandated education on
11 Rikers Island. We do believe that some progress has
12 been made as a result of that litigation, but we
13 believe that that process is intermittent and
14 fragile, and as a result of that progress being
15 intermittent and fragile, we believe that proper
16 oversight and proper transparency is crucial to the
17 continued improvement of the education programs on
18 Rikers Island. Currently, there is a court appointed
19 monitor in the *Hanberry* case that's assessing the
20 city's compliance with the remedial order in that
21 case, and that monitor has identified that there is a
22 culture on Rikers Island that does not prioritize the
23 provision of education services. And that culture,
24 obviously manifests in several policies and practices
25 of the department that dissuade or prevent young

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1 adults from accessing education and adolescents from
2 benefitting from education services. We go into
3 great detail about some of those policies and
4 practices in our written material, but obviously we
5 heard today about the state of flux on Rikers Island,
6 and we heard about some of the major concerns with
7 regard to security, with regard to the use of pepper
8 spray, which we think is very dangerous and
9 deleterious to the education progress of students on
10 Rikers Island. We also discuss in our written
11 material some of the restricted movement policies on
12 Rikers Island, and the fact that it is often hard for
13 students to get escorts to the education setting. We
14 discuss some of the scheduling conflicts with paid
15 jobs versus education that deters some young
16 adolescents and young adults from going to the
17 education setting. And a lot of those policies and
18 practices continue to hurt the people that we serve
19 and continues to prevent them from accessing
20 education. Now, in our written materials, we suggest
21 some recommended amendments to the Intro No. 1148.
22 We think that some of those recommended amendments
23 will make it easier for the Department to call and
24 release data and information, and we believe that
25

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1 some of those amendments will also make it—make some
2 of the data and information that's disclosed sort of
3 more reflective of what's going on on the island. We
4 would like to increase the utility of the data and
5 information that is disclosed as a result of Intro
6 1148, and we think that some of the amendments that
7 we've recommended will do so. I think overall what
8 really needs to be taken away from this that
9 oversight is crucial and that despite the fact that
10 some improvements have been made to the education
11 program on Rikers Island, without the proper
12 oversight, we will continue to see a state of flux.
13 We think that's also reflected in the fact that while
14 restrictive housing and punitive segregation have
15 been rolled back for some of these populations, we
16 don't know how our education is really being provided
17 on the ground in some of the new restricted housing
18 settings that have been developed for 16 to 21 or 18
19 to 21. And obviously, we will never know without the
20 proper oversight how it's being provided. So, we
21 applaud the introduction of Intro No. 1148, and we
22 look forward to working with you to include it.

24 CHAIRPERSON EUGENE: Thank you very much.

25 Next please. [bell]

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KAREN FARKAS: [off mic] Good morning.

CHAIRPERSON DROMM: Just hit that red-the
red button.

KAREN FARKAS: Good afternoon. My name
is Karen Farkas. I am the head of Brooklyn Defender
Services Education Unit. We provide legal
representation and informal advocacy to BDS' youth
and young adult clients impacted by Child Welfare and
Criminal Justice systems, including youth detained at
Rikers, Horizons and Crossroads. As a legal and
social work team, we work to improve our clients'
access to education, and a significant portion of our
advocacy relates to school discipline, school entry,
school education—special education and re-entry.
Thank you for the opportunity to testify today about
the quality of educational services at Rikers Island
as well as Introduction 1148 that we believe will
bring much needed transparency to hopefully improve
educational services and outcomes for our detained
clients. First, I want to emphasize that we
continuously find the DOE staff at East River to
treat our clients with respect and strive to do the
best they can despite the challenges of educating
young people in the jail environment. We are also

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1 encouraged by the various improvements at East River—
2 East River Academy over the past year including great
3 access to vocational education, and targeted
4 resources to address school re-entry. My written
5 remarks identify several areas of concern and
6 solutions regarding education access for our clients
7 at East River Academy. I want to focus on a couple
8 right now. First, we echo the stated concerns about
9 the use of pepper spray, We hear from many clients
10 about this use. We hear how it lingers in the
11 classroom following its use, and we know that there
12 must be another way to respond to any issues that
13 arise in the classroom such as enhanced resources,
14 training and staff around de-escalation. Secondly,
15 we have concerns about the low enrollment and
16 attendance rate among 18 to 21-year-olds specifically
17 at GMDC. We frequently hear from this client
18 population about concerns of violence that even
19 though they want to attend school, they choose not to
20 attend school because they're so concerned for their
21 physical safety and transport or at the school site.
22 Additionally, we hear about Department of
23 Corrections' staff, correction officers, interfering
24 with school access, not taking students to school,
25

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1 taking students to school late, and frequent
2 lockdown. But sometimes are multiple days long, and
3 because there is not transparency around the
4 frequency of these lockdowns we don't know how much
5 school hours our clients are losing, but it's
6 substantial. Lastly, the Enhanced Supervision Units
7 right now. Going to school is deducted from out of-
8 out of unit time. So the-the students have to make
9 the choice between going to school or other maybe
10 more fun activities. So just in the rec room.
11
12 Second, at OBCC we still have some 18 to 21-year-old
13 youth who want to attend school, and although they
14 can get handouts, they can't access classroom
15 instruction. [bell] May I continue for a few? They
16 can't access classroom instruction unless they
17 transfer to for instance GNDC, but because of
18 concerns of violence, they choose not to. So we ask
19 that this be addressed, and assume that OBCC who are
20 doing well there can have classroom instruction. As
21 ASC stated, reading and math skills are often far
22 below or behind grade level for our clients. So we
23 support any added funding and resources for reading
24 specialists and research based intensive
25 interventions to-because East River Academy can be a

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1 turning point sometimes for our clients if they are—
2 are getting the right interventions. So we hope that
3 funding can be given to East River to really target
4 reading and math needs. Lastly, we--historically,
5 students have attended East River for even
6 substantial periods of time, but because East River
7 runs on a different system, the New York City system
8 runs on semesters, and historically East River was
9 run on quarters, now on trimesters. Based on when a
10 student arrives and leaves, East River even if
11 they've accrued a substantial amount of speed (sic)
12 time we might not get a credit at all because they
13 didn't complete enough of that unit. So our clients
14 sometimes leave very discouraged. They wonder where
15 their credits are. They feel like they made
16 progress. They get all these certificates, and they
17 leave with nothing. So we ask that that DOE work to
18 give these clients some kind of mid-year or partial
19 credit or work with the community school system to
20 hook up so that this time towards their education is
21 not lost. I have several suggestions in my written
22 testimony regarding the data specifically--well, the
23 one I'll highlight today is just more specificity
24 around special education. Right now it only asks for
25

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1 I believe the rate of IEPs. We think that more
2 specificity about the services on those—on the stats,
3 the services that were on the IEP, and additionally
4 on the teacher to student ratio we ask that there
5 also be data about the rate of special education
6 certified teachers related service providers,
7 paraprofessionals. Because of the significant amount
8 of students with disabilities at East River. The
9 rest you can read in my written comments. Thank you
10 for the additional time.
11

12 CHARLOTTE POPE: My name is Charlotte
13 Pope and I'm the Youth Justice Policy Associate with
14 the Children's Defense Fund New York. Thank you for
15 the opportunity to comment. Over the past year, CDF
16 New York has monitored the rollout of the
17 Department's Young Adult Plan, and management
18 strategy coordinated alongside the elimination of
19 punitive segregation for young adults, and we
20 participate in the department's Adolescent and Young
21 Adult Advisory Board. We are concerned about the
22 continuing use of restrictive housing for adolescents
23 and young adults on Rikers Island, and we encourage
24 the Council to take into account the changing
25 landscape and diversity of restrictive settings, and

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1 how these developments have limited access to
2 education. We support Intro 1148 and this effort to
3 bring transparency to educational programming. East
4 River Academy serves students in multiple locations,
5 and some of these classrooms are located within
6 restrictive housing units or otherwise outside of the
7 main school. We encourage Intro 1148 to disaggregate
8 data by location, and bring light to the relationship
9 between restrictive housing and the many context
10 specific educational indicators to be collected such
11 as use of force and teachers in ratio. Further,
12 Intro 1148 has the potential to fully consider all
13 forms of exclusionary discipline including with the
14 DOE Student Code of Conduct with enable a classroom
15 removal, suspension and exclusion in addition to DOC
16 removals in response to department infractions.
17 Considering all forms of exclusionary discipline
18 would ensure that removal and suspensions are fully
19 captured even if employed under a different name.
20 With this data, we could better explore barriers to
21 attendance and the conditions under which people are
22 denied, removed from or not brought to school. It is
23 also our understanding that the frequency of re-
24 arrest while incarcerated is a concern among he
25

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1 adolescent and young adult population, and as we have
2 seen with the impact of the Student Safety Act, the
3 data transparency motivates reform. I want to also
4 briefly mention the lack of consistent attendance in
5 schools for those young adults housed in restrictive
6 units, including Second Chance Housing with the Peer
7 (sic) Unit and Supervision Housing in the west
8 facilities. We encourage the Council to exercise
9 oversight to ensure that placement in alternatives to
10 punitive segregation does not affect the schooling of
11 those who are still completing their high school
12 education. Thank you.

14 CHAIRPERSON DROMM: Thank you very much,
15 and everybody was on time. The bell didn't even
16 ring, you know. It was great. [laughs] But my big
17 question and I really never got to it with the—with
18 the first panel, with the administration was what is
19 preventing the correction officers from getting
20 students to class? What—what is the typical excuse?
21 Tell me more about that. I—I want to know about
22 that.

23 ALICIA PERRONE: What we hear from
24 clients is that they are not called in the morning,
25 and that—I understand what the arrangement is that

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2 the corrections officers goes to a housing unit at
3 the beginning of the school day and transports—
4 transports all the students that are enrolled in that
5 unit to school, but they call for individual clients,
6 or individual students. So if they're not called,
7 they don't go. So we hear that they're not called at
8 all sometimes despite expressed interest or
9 enrollment, or that they're called very late in the
10 school day.

11 CHAIRPERSON DROMM: [interposing] And why
12 are they not being called? Is it because—is there—is
13 it that they're not—their name is not on the list?

14 ALICIA PERRONE: That's—that's a—that's
15 an explanation provided sometimes, but it's—we don't—
16 we're not sure that's accurate all the time. I think
17 other times we've heard from our clients that it's
18 intentional because of an interest in separating
19 different housing units, and not having them be in
20 the same hallway or be on the school floor together
21 because of their concerns of violence between two
22 different housing units.

23 STEPHEN SHORE: Right and I just want to
24 echo that. I mean we received several complaints
25 from Hanberry class members that despite their

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1 interest in attending education programming for young
2 adults, despite their interest in attending, the
3 officers simply don't call them and, you know,
4 there's often back and forth about refusals versus
5 the fact that a young adult actually does request
6 access to the education setting, and for whatever
7 reason, an officer doesn't escort them down. So
8 that's a thread that been running throughout
9 Hanberry. Since 1996, we've received complaints of
10 that nature.
11

12 CHAIRPERSON DROMM: Who would be
13 responsible to ensure that those who want to attend
14 actually have the opportunity to attend? Would it be
15 a captain on the floor or how does that work?

16 ALICIA PERRONE: What we've done is we
17 actually contact each East River Academy staff, and
18 sometimes the guidance counselors are willing to go
19 down or speak directly with the corrections officers,
20 and we find that that actually fixes it short term.

21 STEPHEN SHORE: But I will say that we've
22 received the complaints from a past member that, you
23 know, he continued to ask for access to education
24 from DOE staff and from DOC staff, and that he still
25 couldn't get access. So, it's unclear whether or not

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1 there's a communication gap or what have you, but
2
3 even when a guidance counselor is involved sometimes,
4 we still receive complaints from class members that
5 they're not able to access education.

6 CHAIRPERSON DROMM: You know, it seems to
7 me somewhat similar to other issues that we've dealt
8 with on Rikers regarding medication, and seeing the
9 nurse, et cetera, so forth and so on. It seems to be
10 that there's something systematic happening there
11 that communication is not happening. If-if, in fact,
12 that is their grief, but it's one of the questions
13 that I really want to get at. I think it's something
14 we're aiming for in the legislation as well is-and
15 not even necessarily the-the level of instruction per
16 se, but just that they get to class because that's
17 what I've heard is the issues that they're not
18 actually getting there.

19 STEPHEN SHORE: Right and I think that's
20 characteristic. That's a characteristic that
21 pervades Rikers Island. I mean when our monitor says
22 that there is a problem culturally, right, that there
23 is no prioritization of education on Rikers Island.
24 I think it speaks to that, and-and certainly we've
25 heard today DOE and DOC pushed back on the pepper

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1 spray issue, right, that there's this conflict
2
3 between education and security, and this is a problem
4 that speaks to that concept.

5 CHAIRPERSON DROMM: And certainly use of
6 pepper spray would violate the DOE regulations, and
7 it's--it's just amazing, you know, how-- I mean we're
8 going to continue to push forward on that issue in
9 particular with the view that, you know, we're going
10 to do something outside of the--of--of this hearing,
11 but that is very disturbing, very, very disturbing to
12 me to have heard that testimony today. Anybody have
13 questions? Yes, Council Member Cabrera?

14 COUNCIL MEMBER CABRERA: Well, I'm a
15 little confused. Help me. I--I thought I just heard
16 the Administration say that they have almost perfect
17 attendance. Are you telling me otherwise?

18 ALICIA PERRONE: It's a different story
19 with RNDC that it is with 18 to 21-year-olds. So I
20 think that the issues I'm referring to regarding
21 transports is about 18 to 21-year-olds. There are
22 complaints of lockdown drills with--are RNDC. So--so
23 that does happen. We don't know exactly with what
24 frequency, but the issue of transport is specifically
25 SUND.

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2 COUNCIL MEMBER CABRERA: And you also
3 mentioned that--that the 18 and above we're concerned
4 about the violence. The 18 to 21-year-olds are
5 concerned about the violence of the 16 to 17-year-
6 olds because they--from a--are they--are they put
7 together or separate schools?

8 ALICIA PERRONE: So over the last several
9 years, 16 to 17-year--16 to 17 year-olds are all at
10 RNDC--

11 COUNCIL MEMBER CABRERA: Okay.

12 ALICIA PERRONE: --and 18 to 21-year-olds
13 I think the plan was to move all to DNCC, but they're
14 still dispersed through several housing units.

15 COUNCIL MEMBER CABRERA: You don't have
16 any data on the age of school ones?

17 ALICIA PERRONE: I don't have that data,
18 but I know amongst my clients there's a lot of
19 concern.

20 STEPHEN SHORE: There is some data in our
21 Special Master Report on the *Hanberry* litigation that
22 we reference pretty heavily in our written statement.
23 I'm not entirely sure what the percentage is, but
24 certainly you could check that. It's not very high.
25 They--our--our monitor has been very forthright about

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1 the fact that 18 to 21-year-olds don't attend school
2 very readily. The percentage is very low.

3
4 COUNCIL MEMBER CABRERA: And you think
5 it's mainly because they're concerned about the
6 violence?

7 ALICIA PERRONE: I mean yes and
8 additionally, we've had clients who began their time
9 at Rikers at RNDC, and did attend, and were even
10 doing well, and then turned 18 and with GNDC and they
11 stopped attending.

12 COUNCIL MEMBER CABRERA: Are—are they more
13 likely--

14 ALICIA PERRONE: [interposing] The—the
15 cultural—I think there's a cultural thing as well
16 that may be happening at GMDC.

17 COUNCIL MEMBER CABRERA: I'm just
18 wondering part of our culture is—is there more of a
19 culture of fighting in the classroom than there is in
20 the general population? Are there more occurrences?

21 STEPHEN SHORE: I—I don't know that it's
22 necessarily about violence in the classroom. I think
23 our complaints demonstrate to us that it's about lack
24 of escorts or it's about scheduling conflicts.

25 COUNCIL MEMBER CABRERA: Okay.

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1 STEPHEN SHORE: Sometimes that are paid
2 jobs that directly conflict with education time. We
3 receive complaints about recreation of the commissary
4 conflicting with education time. So I think violence
5 is certainly an issue, but the culture at Rikers
6 Island just dissuades individuals from actually
7 requesting to attend because of various conflicts
8 and--and various cultures in their.

9
10 ALICIA PERRONE: I agree with that.

11 COUNCIL MEMBER CABRERA: That piece I
12 really get. The violence one I'm not entirely sure
13 because it just seems safer to me to be in a
14 classroom setting than to be in the general
15 population, which I'm pretty sure the numbers. This
16 is essentially what I just mentioned, but thank you
17 for all you do. Wonderful work.

18 CHAIRPERSON DROMM: And just to clarify
19 for me. So students could be excluded from class
20 when they're suspended, is that correct? So is there
21 a suspension process that's like similar to what the
22 DOE does?

23 ALICIA PERRONE: Suspensions at East
24 River Academy or--?

25 CHAIRPERSON DROMM: Yeah.

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2 ALICIA PERRONE: I'm—I was there. I'm
3 not sure—I'm not familiar with that—

4 STEPHEN SHORE: [interposing] I'm not
5 familiar either. I think that's one of the things
6 that may be added to the legislation whether there's
7 a suspension or expulsion process, how it works and
8 maybe disclosing those numbers.

9 CHAIRPERSON DROMM: So is there any—so is
10 there a—can corrections officers threaten to exclude
11 them from class as a disciplinary measure without
12 even like a formal suspension hearing or anything
13 like that?

14 STEPHEN SHORE: I'm sure they could. I
15 mean again we haven't received some things of that
16 nature, but I wouldn't put it past the realm of
17 possibility.

18 CHAIRPERSON DROMM: Okay, alright. Go
19 ahead.

20 COUNCIL MEMBER CABRERA: You mentioned
21 something about you recommend being transfer schools
22 to be more moved under a single superintendency such
23 as District 79. So if you believe that under
24 District 79 we will have a better scenario?

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2 ALICIA PERRONE: That was particularly
3 with respect to transfer schools because right now
4 there's—for two reasons there's a lack of
5 availability for students to get into schools and we
6 think that one of those problems is the fact that
7 many transfer school admissions process are done by
8 school—school to school, and they really lack
9 transparency. So moving transfer schools under one
10 superintendency would give more oversight and
11 transparency particularly in the admissions process
12 to allow more students returning from detention or
13 placement to get into those programs.

14 COUNCIL MEMBER CABRERA: That makes
15 sense. Thank you so much.

16 CHAIRPERSON DROMM: Alright, thank you to
17 this panel. We look forward to working with you.
18 Our next panel is Sterling Roberson from the United
19 Federation of Teachers; Suzanne Ribeiro—Ribeiro
20 Chapter Leader at Rikers and Patricia Christino,
21 Alternative High Schools in New York State. [pause]

22 CHAIRPERSON DROMM: Alright, let's—I need
23 to swear you in. So can I ask you to raise your
24 right hand, please? Do you solemnly swear or affirm
25 to tell the truth, the whole truth and nothing but

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1 the truth and to answer Council Member questions
2
3 honestly? Okay, Mr. Roberson.

4 STERLING ROBERSON: [off mic] Good
5 afternoon. I just want to- Well, let me just say
6 that obviously we are—are happy to be here. We want
7 to thank the committee members for allowing here to
8 testify, and I think it's noteworthy to say that, you
9 know, these are important topics for us to discuss
10 and—and we are thankful for your leadership in
11 supporting and having this testimony. So with that
12 being said, let me start off. I'm not going to read
13 the testimony. obviously, it's several pages. I'm
14 going to highlight some of the things that we have in
15 it. I know we made approximately about 18 or so
16 recommendations. I'm going to cover just a few, and
17 then we can—we can sort of shift over because I would
18 like to make sure that my colleagues here, Suzanne
19 who actually works on it. I am trying to ensure that
20 she has an opportunity to talk about her experience.
21 So with that being said, let me just from the outset
22 talk about very quickly our educators who work on the
23 Island. We'll get to the—the other issues, but first
24 and foremost let me just say that the educators that
25 primarily work on Island Academy does a fantastic

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1 job. They can work anywhere in the city, but the
2 idea that they are committed to ensuring that
3 students on Island Academy want to have the quality
4 education that everyone of our students deserve, it's
5 important to note that those 65 educators are doing
6 an incredible job. And if you ask them, just an
7 important note, we ask them why do they engage in
8 this work, and they said because many of those
9 students need it the most. So I would be remiss in
10 my responsibility to without acknowledging their—that
11 particular groups work in that as educators. Moving
12 forward just to say that the United Federation of
13 Teachers has been engaged in conversations with the
14 Department of Corrections and the Department of
15 Education to improve the quality of the education,
16 and—and the educational conditions for the students
17 as well. [coughs] Excuse me. As the working
18 conditions of educators. So we have been in that
19 conversation robustly, and some of the work that we
20 have done just on the side many—we have a social
21 worker that has been for years provide like a support
22 group for families that have been incarcerated. So
23 that work is very important. Now, understanding that
24 there's a lot of work that has been done, there's a
25

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1 lot of work to be done. We've heard the Department
2 of Education's testimony, and DOC, but one of the
3 things that I want to talk about is specifically just
4 a couple of recommendations that we have in terms of
5 being able to improve the quality of the experiences
6 for the students there.
7

8 One opportunity is movement. How do we
9 ensure that the students—because they spend about
10 eight hours closely at a desk outside of a bathroom
11 break. Those of us in the education space know that
12 that is a lot of time where a student is just sitting
13 without any movement whatsoever. So we would hope
14 that obviously that's an important for kids that kids
15 that access to having lunch somewhere else, and—and
16 work out many of those logistical things that allow
17 students to actually have movement. Coupled with
18 that obviously exercise. We know educating a well
19 rounded student is important that exercise is a part
20 of that. We think about the academic side of things,
21 but it's important that students get up, they're
22 active, and understanding that we know the challenges
23 as it relates to safety and security, but we also
24 understand that exercise is very important for our
25 young people.

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2 with respect to the length of stay? A couple more,
3 and then I will say one more in the interest of time,
4 and I'll pass it to Suzanne, is also mental health
5 services. When we think about in the education space
6 we talk about English language learners, students
7 with disabilities. We know supporting the whole
8 child, the upper body then with the search—the—the
9 mental health services, as well as all other services
10 that they need makes the experience for the child not
11 just unique but important in particular to that
12 individual child. Obviously we know that our goal as
13 educators is to ensure that every student whether
14 they have fell off track, is to provide them with the
15 opportunity to have a well rounded experience that
16 puts them back on track to become productive members
17 of society. So with that being said, as I said
18 before in my opening, we've made several
19 recommendations with respect to the Intro 11—the
20 Intro of the legislation, and we believe that some of
21 those things are going to be things that we need to
22 address, and I mean Intro 1148. So with that being
23 said, let me just turn it over to Suzanne who is an
24 educator on the Island for a few comments, and then
25

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1 we can answer any questions that the committee might
2 have.
3

4 SUZANNE RIBEIRO: Good afternoon. My
5 name is Suzanne Ribeiro, and I am an ELA Special
6 Education teacher and the USP Chairperson on Rikers
7 Island. I have taught for six years at Rikers and I
8 currently work in the Rose M. Singer Center with the
9 young women. Working on Rikers Island was a choice I
10 made because its population of students is often
11 overlooked and I wanted to work with the underserved
12 population. I am here today to advocate for my
13 students and for the educators I work with. Rikers
14 made a necessary change when it eliminated solitary
15 confinement. That was a good decision. However,
16 when the DOC ended that practice, they did not create
17 anew system to hold students accountable for bad
18 behavior or to incentivize good behavior. It created
19 a vacuum that still exists today. These are
20 teenagers, and they are smart. When they realized
21 there were no repercussions when they misbehave or
22 act out, it created a very changed dynamic on the
23 school floor. Previously when students knew that
24 there were repercussions for extreme behavior, i.e.,
25 possible potential solitary time, situations did not

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2 escalate into—in the classroom. Now it's much harder
3 to de-escalate bad behavior in the classroom because
4 they know for the most part they will be right back
5 in the same house or classroom later that same day.
6 The limited incentive systems that do exist in the
7 jail leave a void for the educational part of their
8 day where teachers could have an input and currently
9 do not. As Sterling mentioned previously, we are
10 advocating for students to be able to leave the
11 school for—for lunch and gym. That process no longer
12 exists and students are in their one classroom from
13 approximately 8:00 a.m. to 3:00 p.m. with no movement
14 except for scheduled bathroom break. We are trying
15 to make school meaningful for them so they can get
16 their lives back on track. That is hard for anyone
17 who is confined to a small classroom for an entire
18 day. We need to be creative and find ways to make
19 kids care so they see the value of behaving and
20 getting something out of their time in school.
21 Teachers, counselors, officers, always stress how
22 important getting their education is, but it's not
23 enough. The DOC needs to come up with alternative
24 consequences to bad behavior both in the housing
25 units, and with DOE UST input in the school setting

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1 as well as incentives to reward the good behavior.

2 If we can do this, then everybody wins.

3
4 CHAIRPERSON DROMM: Pat, are you saying
5 anything? Okay, very good. Well, thank you. Thank
6 you for your testimony. Thank you for your
7 suggestions many of which are very, very good. I
8 just went through them. I did not know that they are
9 required to be in their seats most of that eight-hour
10 time during the day, and I agree that nobody--I could
11 not do that myself--be in a seat for long a period of
12 time. So just I'll just go back if I may Suzanne, to
13 the--the issue with the solitary and the consequences.
14 Do you communicate with DOC about alternative--
15 alternatives to solitary or a graduated punishment
16 system or something like that for those who choose to
17 act out or--and if you don't or even if you do, what
18 suggestions would you have for that type of control?

19 SUZANNE RIBEIRO: We haven't really
20 formally sat down--

21 CHAIRPERSON DROMM: [interposing] Put
22 that mic on if you can.

23 SUZANNE RIBEIRO: It is.

24 CHAIRPERSON DROMM: Okay.

25

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2 SUZANNE RIBEIRO: We have—we haven't
3 formally sat down. Discussions have been made. We
4 did have a good meeting last time with, you know, DOC
5 is—is at the table. We need a lot of teacher input
6 as well. We're so limited as to what we're able to
7 do even from a teacher perspective because they're
8 kept in their rooms. You know, in their—in their
9 classrooms, but we have come up with, you know, some
10 suggestions even if it's affecting, you know, they
11 get a stipend every week, and a portion of that is
12 supposed to be for the education part, but we have no
13 input into whether or not they received that
14 incentive, and a lot of times they just automatically
15 get it. And it's just like extra, you know, money
16 for commissary, but we've said how about an extended
17 visit. Let them have a visit with the family an hour
18 longer. Like that would be a good incentive. We
19 wanted to do like a movie, and provide them with some
20 popcorn because popcorn is a luxury, you know,
21 because commissaries are healthy. And even—even if
22 we could offer some addition commissary dollars. I
23 mean there were—we were trying to get a little bit
24 creative, things that actually mean—mean something to

25

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1 the students because they need something tangible to
2 work towards.

3
4 CHAIRPERSON DROMM: So I'm very
5 interested, and part of the--what I wanted to see is
6 an outcome of this hearing, and the legislation as
7 well is that there's more communication between the
8 actual people who are doing the teaching in the
9 schools and the Department of Correction because I
10 think some of your suggestions just right now are
11 excellent suggestions that I think the DOC should
12 really begin to take a look at and--and being to
13 implement. Now I was a chapter leader proudly, UST
14 Chapter leader for many years for most of my career,
15 and I used to have monthly chapter leader meetings
16 with the principal. Do you have those there?

17 SUZANNE RIBEIRO: Yes, we do.

18 CHAIRPERSON DROMM: So those are occur--

19 SUZANNE RIBEIRO: Uh-huh.

20 CHAIRPERSON DROMM: --but there's not
21 that much communication with you as the chapter
22 leader and the DOC?

23 SUZANNE RIBEIRO: No.

24 CHAIRPERSON DROMM: I think that really
25 needs to happen as well, and I know that when we had

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1 school leadership team, for example, there was a
2 requirement for myself, the past association, the
3 main stakeholders to be involved in those
4 discussions. So I'd like to on record encourage that
5 as well, but they do reach out to the chapter leader
6 in the building for other teachers and staff in the
7 buildings to elicit- elicit suggestions from them as
8 to how to improve the disciplines. Because, you
9 know, I was one of the big fighters to eliminate
10 solitary confinement in Rikers in particular, but in
11 general I found it to be cruel and torturous
12 treatment especially for young people whose minds are
13 being formed, and I would like to see some
14 alternative means to be able to discipline them. As
15 a teacher, as I said, you have to have discipline in
16 your classroom or you're not effective. So I'd like
17 to support you in that. Pat.

19 PAT CHRISTINO: We--from having all of
20 these MK9 incidences there was a meeting arranged and
21 I'm sorry--

22 CHAIRPERSON DROMM: Did you say a K9?

23 PAT CHRISTINO: That's the pepper spray.
24 I'm sorry, and that meeting included, and I might be
25 forgetting people, DOC, DOE, City Hall, UST, and that

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1 was productive. What you're now mentioning, Danny, I
2 wish that the chapter leader and myself could meet
3 with DOE and DOC to have a productive meeting to
4 bring up issues. When I first got this position six
5 years ago Passages is also under my caseload, and the
6 staff there were able to make recommendations to the
7 court good or bad on a child's behavior. That no
8 longer happens, and that was productive and it was--
9 and I did say good or bad. So if the child behaves
10 in school a teacher was able to give a report to
11 their court judge that could help them. By the same
12 token--

14 CHAIRPERSON DROMM: [interposing] To the
15 judge?

16 PAT CHRISTINO: To the judge. On the
17 same token the students knew if I did something wrong
18 in Miss Christino's class she could report that to
19 the judge, too, and my sty might be extended. So,
20 you know.

21 CHAIRPERSON DROMM: And when was that
22 eliminated?

23 PAT CHRISTINO: I'm--I'm going to say
24 three, four--three or four or five years ago, and I
25

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1 don't know if ever existed on-on East River Academy.

2 It did in Passages.

3
4 CHAIRPERSON DROMM: And when would you
5 say that the pepper—I'm sorry, Mr. Roberson.

6 STERLING ROBERSON: So, what I—I think
7 when—when—based on—on Patty's comments, I think a lot
8 of it is more around the operational side of things,
9 right. Obviously when you think about the Department
10 of Corrections and their responsibility in terms of
11 maintaining order and safety and issues, and
12 obviously on the other side of the things where we
13 think about the educational side of things, how do we
14 work together to figure out what's going to be in the
15 best interest of all, and obviously the students that
16 are—are in the Academy, which—which actually becomes
17 important when we think about the dialogue as we just
18 talked about, and how do we get to resolve the issues
19 so that the folks on the ground get to have the
20 regular conversations, and similar to what Suzanne
21 said, make some of the kinds of common sense
22 recommendations that can be instituted and
23 implemented, but that—that is something that we all
24 should ultimately strive for. So, the comment or the
25 legitimacy of the comment is what—

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2 CHAIRPERSON DROMM: [interposing] I
3 couldn't agree more. I mean, you know, who knows
4 better what happens in the classroom than the teacher
5 in the room, right? So I—I'm really going to
6 encourage that and if—if we have to set it up, we'll
7 try to set that up with you as well. I'm willing to
8 work with you on that. I want to go back to the
9 issue of solitary again if I can, and in the use of
10 gas. Have you noticed an increase in the—was—was gas
11 used when they had solitary or did—have we seen an
12 increase in the gassing since solitary was
13 eliminated?

14 SUZANNE RIBEIRO: There was an increase
15 in the incident use of gas, but the elimination of
16 solitary.

17 CHAIRPERSON DROMM: Did you see gas used
18 with solitary?

19 SUZANNE RIBEIRO: Not that I can recall
20 no.

21 CHAIRPERSON DROMM: Who makes the
22 decision to gas the kids?

23 SUZANNE RIBEIRO: DOC.

24 CHAIRPERSON DROMM: So the teacher has no
25 say?

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SUZANNE RIBEIRO: No.

CHAIRPERSON DROMM: Did teachers ever try to intervene?

SUZANNE RIBEIRO: No, we conduct our normal classroom management. We try to de-escalate the situation, but once it reaches the level where there's a physical fight, we—we step back.

CHAIRPERSON DROMM: Do they—does a—does a teacher—can a teacher leave a classroom at any time?

SUZANNE RIBEIRO: A teacher can leave a classroom at any time, but there are instances where they are caught in the classroom. For safety reasons they're not—are not allowed out.

CHAIRPERSON DROMM: So if there's a lockdown of some sort?

SUZANNE RIBEIRO: Or if there's a fight that's kind of close to the--

CHAIRPERSON DROMM: [interposing] In the hallway?

SUZANNE RIBEIRO: --that prevents access to the door, or if there's a fight in the hallway, then that would be a reason.

CHAIRPERSON DROMM: The door is locked?

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2 SUZANNE RIBEIRO: They are locked from
3 the outside.

4 CHAIRPERSON DROMM: From the outside, and
5 there's a guard inside with you?

6 SUZANNE RIBEIRO: Yes, the guard--there is
7 an officer that is inside with us. There are some
8 classrooms that lock from both the inside and the
9 outside of some facilities.

10 CHAIRPERSON DROMM: What form of--how does
11 the gassing work?

12 SUZANNE RIBEIRO: The--it's a canister.
13 They open the door because it's usually the officers
14 in the hallway that have it. They open the door and
15 spray it in.

16 CHAIRPERSON DROMM: So everybody in there
17 including the teacher would be gassed?

18 SUZANNE RIBEIRO: That's correct, if the
19 teacher was unable to get out, which just happened
20 before.

21 CHAIRPERSON DROMM: If the teacher is
22 unable to get out?

23 SUZANNE RIBEIRO: Right, and they try to
24 get out, but it's a--

25

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1 CHAIRPERSON DROMM: [interposing] Now,
2 that contradicts what the DOE said or the DOC says.
3 DOC said the teacher could leave.
4

5 SUZANNE RIBEIRO: They can leave if—if we
6 can get to a door and leave.

7 CHAIRPERSON DROMM: If you can get to a
8 door?

9 SUZANNE RIBEIRO: Then we can leave, but
10 usually the conflict is happening there because
11 generally students are trying to get into the hallway
12 to fight with somebody else.

13 CHAIRPERSON DROMM: And—and so the other
14 students who are in the room when—when they—when they
15 gas them, they all suffer as well?

16 SUZANNE RIBEIRO: Yes, some actually get
17 physically ill and throw up.

18 CHAIRPERSON DROMM: And the gas I guess
19 windows are—are windows open? They said there was
20 ventilation. I don't even remember there being
21 windows in one of the classrooms I visited.

22 SUZANNE RIBEIRO: Not all the facilities
23 have adequate ventilation. There is one facility,
24 which they refer to as RNDC Annex. Essentially it's
25 with the trailers. There's virtually no ventilation

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1 there. So when they spray, it spreads throughout the
2 entire school floor. Staff had to be evacuated last
3 week, and classes could not resume because it was
4 that bad.

5
6 CHAIRPERSON DROMM: When are you handed
7 your gas mask?

8 SUZANNE RIBEIRO: You are—you can sign it
9 out in the morning every morning, and then you have
10 to return it at the end of the day.

11 CHAIRPERSON DROMM: And when did that
12 start?

13 SUZANNE RIBEIRO: Two months ago.

14 CHAIRPERSON DROMM: Two months ago. How
15 did teachers feel about having a gas mask?

16 SUZANNE RIBEIRO: Some, you know, some do
17 sign it out. Some do not. Some are not able to use
18 a mask so--

19 CHAIRPERSON DROMM: What I know of the
20 teachers that I've met that work Rikers, they're
21 very, very dedicated and very committed and I—my—my
22 sentiment—my initial thinking is that they probably
23 don't like the idea that they have to use a gas mask
24 or even consider taking one to class with them, but
25 some are—are afraid that if they don't they'll get

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2 gassed, and that may be the reason why they're taking
3 it with them.

4 SUZANNE RIBEIRO: Some do—I mean some do
5 take it. Some don't want to take it the risk
6 because--

7 CHAIRPERSON DROMM: [interposing] Right.

8 SUZANNE RIBEIRO: --the students know
9 that it's on them and students they try and grab it
10 from the--

11 CHAIRPERSON DROMM: Students do try grab
12 it?

13 SUZANNE RIBEIRO: Yes, I've seen that
14 happen.

15 CHAIRPERSON DROMM: Has that been an
16 issue?

17 SUZANNE RIBEIRO: With students trying to
18 take it?

19 CHAIRPERSON DROMM: [interposing] With
20 students trying to grab it?

21 SUZANNE RIBEIRO: The actual mask not
22 that I have heard of.

23 CHAIRPERSON DROMM: Okay, okay. Anybody
24 else? I'm sorry, Council Member Barron has a

25

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1 question. We've been joined by Council Member Barron
2 and Council Member Ydanis Rodriguez as well.
3

4 COUNCIL MEMBER BARRON: Thank you to the
5 Chairs for holding this important hearing. I just
6 have one question, and it's actually about the
7 educational instruction that goes on. I did visit
8 Crossroads in Brooklyn. One of my colleagues
9 arranged for that tour, and it was very informative,
10 and we did visit a classroom. What's the size of the
11 classrooms where we're now finding out that students
12 over there are confined all day to one space. So
13 what's the size of that classroom, how many adults,
14 what's the average number of students, and is there a
15 corrections officer inside the room itself?

16 SUZANNE RIBEIRO: The average number of
17 students is approximately ten. The classrooms can
18 hold up to 15. There is a one--there's one teacher,
19 and then there's one corrections officer.

20 CHAIRPERSON DROMM: You don't have an
21 assistant with you, to have a session?

22 SUZANNE RIBEIRO: No not all the time no.

23 COUNCIL MEMBER BARRON: So it's your
24 responsibility to provide all of the subject areas
25 even though it may be a junior high school level,

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2 which has different requirements for math. It's one
3 to two--do you know what the qualifications are for
4 the teachers?

5 SUZANNE RIBEIRO: We're all--we're all New
6 York City certified in, you know, our subject areas.
7 So math teachers will go in and teach math.

8 COUNCIL MEMBER BARRON: Oh, okay. So it's
9 not one teacher, it's a rotation of teachers?

10 SUZANNE RIBEIRO: Right, it's for--

11 COUNCIL MEMBER BARRON: [interposing] But
12 it's a one teacher ratio.

13 SUZANNE RIBEIRO: The teachers rotate in--
14 --

15 COUNCIL MEMBER BARRON: Okay.

16 SUZANNE RIBEIRO: --and students are not
17 allowed to move.

18 COUNCIL MEMBER BARRON: And what type of
19 instructional supports in terms of computers and
20 science equipment? What exists that helps to create
21 excitement about learning? What are those kinds of
22 equipment that you have?

23 SUZANNE RIBEIRO: The only technology we
24 really have available to us is the Smart Board. So a
25 lot of times if we want to download a video to go

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1 along with a lesson or to, you know, to give a visual
2
3 to—to what we're teaching, we have to download it
4 and—and bring it in to play it on the Smart Board.

5 COUNCIL MEMBER BARRON: You don't have a
6 computer?

7 SUZANNE RIBEIRO: We have laptops, but
8 they do not have Internet access. So--

9 COUNCIL MEMBER BARRON: [interposing] Oh.

10 SUZANNE RIBEIRO: --anything that we
11 would want to do or show or anything interactive we
12 don't have that capability. So as far as technology--
13 technology, that's the only thing we have. For--for
14 like science, you try in like for labs get a little
15 creative. When you're doing skill system, you can,
16 you know, do--make Play-Doh, and they can construct
17 something. We're very limited in what we're allowed
18 to bring in. So it does prohibit us from doing a lot
19 of what may be done in a traditional school just
20 because there's certain items that you're not allowed
21 to bring into the facility because it is a jail
22 setting, and they would have to be approved by DOC.

23 COUNCIL MEMBER BARRON: Thank you to the
24 Chair.

25 CHAIRPERSON DROMM: Chair Crowley.

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2 CHAIRPERSON CROWLEY: Thank you. First,
3 I want to thank the teachers who are here for the
4 service that you provide there. I know it has to be
5 a calling. It is for all teachers, but it takes even
6 special teachers to go out to teach on Rikers Island,
7 or the difficulties they're involved with working
8 with the population there, and the number of
9 incidents that happen daily. And that's really what
10 I want to get out, the number of incidents and how
11 they interrupt class? Because I hear that all too
12 often, it's almost everyday that there is a lockdown,
13 and that—and I think it's more outside of Rose M.
14 Singer and more in the male facilities, but the kids
15 are not able to get to their class or it ends early
16 or, you know. So aside from a fight that could break
17 out within the classroom, how often is the level of
18 education or the delivery of it just not happening
19 because of disruption of violence that have happened,
20 you know, through the night or before the teacher or
21 the class is even supposed to begin, and then it just
22 doesn't wind up to be the—the six-hour day of
23 instruction.

24 SUZANNE RIBEIRO: For the 16 and 17-year-
25 olds because they are mandated, they always get to

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2 school on time, and there may be a slight delay, but
3 generally speaking because the whole house comes
4 down. They're escorted so they can be escorted if
5 they, you know, if it's—if it's not a bad alarm or,
6 you know, they don't need to be coming down a hall
7 when they come down. So the 16 and 17-year-olds
8 predominantly make it down all the time, and once
9 they're on the school floor, there's not disruption
10 to their education unless there's an incident in the
11 classroom, and they try to litigate that very
12 quickly, and try to move, you know, try to get back
13 to the instruction at hand. They try not to affect
14 the—the neighboring classrooms, but if pepper spray
15 is used, then that does involve affecting other
16 classrooms because the spray spreads. So in the
17 affected classroom those students are removed and
18 then they're usually brought back up a couple hours
19 late.

20 CHAIRPERSON CROWLEY: A clarification
21 because I hear pepper spray continuously, and I
22 understand that it's actually much more of a chemical
23 agent that's used.

24 SUZANNE RIBEIRO: That they're squirting
25 ton them.

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2 CHAIRPERSON CROWLEY: It's dangerous when
3 it's introduced.

4 SUZANNE RIBEIRO: Oh, yeah, it's not the
5 teachers and the OC spray. It's a much stronger
6 spray that they use. It's called MK9.

7 CHAIRPERSON CROWLEY: And so I imagine
8 when a teacher gets a dose of that type of spray that
9 you may not have a change of clothing with you or,
10 you know, it's—it's supposed to burn and stay on your
11 skin and your—your clothing as well.

12 SUZANNE RIBEIRO: It does. It burns your
13 eyes, it burns your throat. Some people get a little
14 bit of rapid heart rate increase. It does remain on
15 your clothes. You may not realize it's on your
16 clothes, but people around you will be like, you and
17 your pepper—you and your pepper—you got pepper
18 sprayed, and you and your pepper spray. The thing is
19 you don't have to be in the classroom to be affected.
20 I was affected just from being in a hallway that was
21 around the corner from when the pepper spray was
22 actually used because it floats in the air. You
23 know, the—the main facilities and all the facilities.
24 So they—they can't shut down the ventilation system.
25 So it goes up and travels.

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2 CHAIRPERSON CROWLEY: Yeah, no, no, the
3 Department is using it much more frequently because
4 of the pressure to reduce the amount of force. That
5 force is looked at as not as-of course not a Level A
6 where you would have bodily injury or-or B. So-so
7 does that-that-that's unfortunate. I don't know-I
8 don't know what the answer is. I don't know whether
9 that you use-whether you're using a different level
10 of violence to the-to the one creating the incident
11 would stop it more so than having everyone have to
12 suffer the-the chemical exposure. So-so that's
13 something that's just happening more frequently be-
14 because of the mandate that the Department used by
15 force.

16 SUZANNE RIBEIRO: Right.

17 CHAIRPERSON CROWLEY: So-so better
18 training needs to happen, and-and less-less of this
19 pepper spray/chemical spray must also go with that.
20 But-but I'm glad to hear that you're saying that 99
21 out of 100 hours are-are happening because they're
22 not really getting the disrupted. Really the 16 to
23 17-year-olds that we're focusing on mainly right now?

24 SUZANNE RIBEIRO: Right, yeah. They-
25 they're-they have the least interruptions through

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1 their school day. The only time they would is if
2 there's a, you know, a bad event on the actual school
3 floor.
4

5 CHAIRPERSON CROWLEY: And I've also
6 visited when there was an Algebra class going on, and
7 I've asked some of the kids like did you take Algebra
8 already, are you up to Geometry, and I-I got the
9 impression from the inmates that they had some of
10 them in already. So I just--the other question is
11 the--are there enough teachers to teach the level of
12 classroom that is really needed to the level where
13 students are at?

14 SUZANNE RIBEIRO: The problem and DOC is
15 already addressing this with the DOE is that students
16 are not broken out by education level. So you can
17 have students in a classroom that really below grade
18 level slightly and at. So, it is quite challenging
19 to meet everybody's individual needs in that
20 classroom as the--the sole teacher.

21 CHAIRPERSON DROMM: I mean there is
22 heterogeneous grouping as well, you know, but, you
23 know, you may have middle level kids, a little bit
24 lower level kids, but not the full range of which it
25 seems to be happening now in terms of grouping of

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1 students. And just to comment a little bit on what
2 Chair Crowley mentioned as well, is this increased
3 use of pepper spray. It seems to have occurred after
4 the reduction in the use of solitary confinement.
5 But from your testimony I would assume that the
6 students did respond to a different type of
7 disciplinary process not necessarily even using gas
8 in the past so that if there was some other way to
9 discipline the students rather than using gas, they
10 probably would respond a little bit better than—than
11 they are. I don't understand why gas has to be used,
12 but anyway, I've heard so much about gas but I'm just
13 finding gas to be so shocking. I know Council Member
14 Ydanis Rodriguez has some questions.

15
16 COUNCIL MEMBER RODRIGUEZ: Thanks Chair,
17 and I'm sorry for being late. You know, one of my
18 nephews he used to be—he used to teach at Rikers
19 Island for a while, and I know that he was the person
20 with a lot of passion for sure, and I know that
21 everyone who choose to go and teach at Rikers Island
22 has to be someone that makes it the way of how they
23 want to leave their legacy in life. Because we're
24 working with a population of New Yorkers that
25 unfortunately we have to payout (sic) to them because

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1 most of them they are the students with disabilities
2 that most of the time they did not have any services
3 when they were growing. They were the students that
4 they didn't have any early child education, and now--
5 so they were the student also who when they got into
6 the jail system unfortunately that was like the end
7 to many of them. And, of course, this is like a
8 national vetting (sic) that we have because we didn't
9 do, as everyone know, we as a nation made five to
10 seven percent of the population worldwide. We also
11 have 20% of the population of people in jail
12 worldwide. So this will continue being a demand that
13 we will have as a city as a society for many
14 centuries. My concern is (1) How much money do we
15 spend per student that the average \$13,000 per
16 student that we invest in the regular traditional DOE
17 set, or is there a different number of amount of
18 dollars that we invest in students?

20 SUZANNE RIBEIRO: I don't—I don't have
21 those numbers. You know, that would be the
22 Department of Education.

23 COUNCIL MEMBER RODRIGUEZ: But do you as
24 a teacher assume that it's like the same or do you
25 think that it's more than \$13,000 per student?

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2 SUZANNE RIBEIRO: I—I don't—I don't know.
3 I really couldn't answer, you know.

4 COUNCIL MEMBER RODRIGUEZ: Okay, and
5 probably the system should look at the DOE and see
6 and see if there is some clarity, to see how much
7 money that is.

8 CHAIRPERSON DROMM: We'll definitely be
9 doing a lot of follow up on this hearing. I think
10 it's been a very interesting hearing, and an eye
11 opening hearing for me to hear, you know, exactly
12 what's going on. It's something I've been wanting to
13 do for a long period of time, and it's been
14 particularly interesting to hear from our teachers as
15 well. So I want to continue to encourage that in
16 everything that we do including moving forward in the
17 legislation as well so that we can get this right,
18 and—and the new—get a real feel for what exactly is
19 going on, and as—and as Council Member—and as Chair
20 Crowley has said as well, that, you know, that we
21 look at all sides of the issue here also. So I think
22 that [pause]

23 CHAIRPERSON DROMM: Yeah, and I just—I
24 just wanted to just comment that Helen Rosenthal as
25 well.

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2 COUNCIL MEMBER RODRIGUEZ: And if you
3 don't mind a second question--

4 CHAIRPERSON DROMM: Yes.

5 COUNCIL MEMBER RODRIGUEZ: --is on at
6 CUNY we know that CUNY has a program ASAP that as a
7 former teacher, you know, that I was in the public
8 school because as the Chair we know that students
9 have proven that when that program ASAP is applied to
10 those students who are in disadvantages, it makes a
11 big difference of those students who graduate at the
12 college level. Have you as a teacher have any
13 conversation with the middle school that, you know,
14 has the findings on additional programs that you
15 think that it will make a difference for a number of
16 students to graduate in higher number?

17 SUZANNE RIBEIRO: When they--when they
18 leave?

19 COUNCIL MEMBER RODRIGUEZ: During the
20 time that they are--

21 SUZANNE RIBEIRO: During their time that
22 they're--they're here, we--we try to get them to focus
23 on their path, whether high school or class, and then
24 we prepare them for either of those--those tests.
25 Because the angle--our angle is for them to be able to

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2 either earn the high school credits, work towards a
3 diploma or earn their—their TASC degree, and if they
4 leave us before they do that, then we do have
5 programs that are our counselors our transition
6 counselors make available to them, and we'll follow
7 up to make sure that they get placed so they can
8 continue those educational goals.

9 STERLING ROBERSON: Also, the DOE also
10 testified regarding the collaboration around career
11 and technical education. I think one of the
12 interesting parts of the idea of providing a career
13 pathway by giving kids a skill not just the
14 academics, but a—that integration of vocational and
15 the academics. By default, once those programs are
16 actually put into a real—a real sort of like a
17 structured approach and then moving toward that, it
18 lends itself for students to have an understanding of
19 what types of educational decisions and career
20 pathways they want to go when they go back and—on
21 track once they leave. So to your point, that also
22 means what does that look like in terms of them being
23 productive and going directly into workforce, or to
24 some post-secondary institution whether it's higher
25 ed or some other pathway. But where it's sort of like

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1 the infancy stage, but those discussions have
2 happened, and folks are sort of like of like
3 mindedness when it comes to that approach to
4 providing more opportunities. Okay.

6 CHAIRPERSON DROMM: Alright, so I think
7 that's it. We want to thank you very much for coming
8 in and for sharing your thoughts on this. We look
9 forward to continuing to work with you on this.
10 Alright, so now we have our last panel coming up, and
11 that is Rob De Leon, ATI Re-Entry Coalition and
12 Cases, and Laurel Rinaldi from the Center for
13 Community Alternatives as well, and I don't know if
14 there's anybody else who did want to speak. If you
15 did, you need to just give your information on paper
16 to the sergeant-at-arms. [pause] Okay, I need to
17 swear you in. So if you'd raise your right hand.
18 You can pour water first. [laughs] Alright, I'll
19 just swear you in. Do you solemnly swear or affirm
20 to tell the truth, the whole truth and nothing but
21 the truth and to answer Council Member questions
22 honestly? Okay. Would you like to start and she can
23 pour water. [laughs] [pause] And hit that mic.
24 The red button should be on.

25 ROB DE LEON: There we go.

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CHAIRPERSON DROMM: There you go.

ROB DE LEON: Again, good afternoon. My name is Robe De Leon. I'm the Associate Director of Youth Programs at CASES, and I'm also a formerly incarcerated individual. I spent about nine months on Rikers Island from age 17 to 18, and the subsequently in State Corrections, and I'm here today to testify on behalf of the ATI Re-Entry Coalition, which is comprised of the following ten New York City based non-profit service organizations, CASES, the Center for Community Alternatives, CCA; the Center for Employment Opportunities, CEO; EAC TASC; Fortune Society; the Greenburger Center For Social and Criminal Justice; the Legal Action Center; the Osborne Association; Urban Youth Alliance International, which is also referred to as Bronx Connect; and the Women's Prison Association, WPA. So thank you to the committee chairs, Cabrera, Dromm and Crowley, and to the entire New York City Council for the opportunity to speak with you about the Coalition's work and specifically to share and overview of some of the transformative educational programs, the Coalition office, the Criminal Justice involved youth living in all five boroughs, and we're

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1 working with the young people that we've been
2 discussing all day today on the back end. At least
3 most of these organizations in the Coalition are when
4 they're released from facilities. So all of the
5 programs I'll speak about today are made possible in
6 part thanks to the Council's support for the
7 Coalition Services through the FY17 ATI Initiative.
8 The Coalition Services play a critical role in
9 supporting program participants of all age—all ages.
10 However, ATI Re-Entry programs can be particularly
11 important for engaging young people who experience
12 early involvement in the Criminal Justice system.
13 These young people often cycle in and out of prison
14 during much of their 20s and early 30s, a period when
15 their peers are finishing college, accumulating job
16 experience, and beginning families and reaching other
17 traditional markers of the transition to responsible
18 adulthood. Incarceration disrupts the course of
19 youth and young adult development. The incarceration
20 of a young person significantly decreases his or her
21 likelihood of graduating high school, and
22 significantly—significantly increases the likelihood
23 of further—of future incarceration for violent
24 crimes. On the other hand, providing access to
25

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1 resources, services and opportunities in the early
2 stages of a young person's Criminal Justice
3 involvement can have a transformative effect on
4 individual participants, their families and their
5 communities. Recognizing this opportunity the
6 members of the Coalition provide a wide range of
7 education and engagement programs tailored to meet
8 the diverse needs of our city's high risk young
9 people including a few examples outlined below. Can
10 I have a few more minutes? So at CASES, our court
11 appointed project provides a 6 to 12-month ATI
12 program for 16 to 24-year-olds that would otherwise
13 face jail or prison as the result of felony
14 convictions. The program operates in the Bronx,
15 Brooklyn, Manhattan and Queens Supreme Courts, and
16 annually serves up to 275 young people throughout our
17 youth programs and cases we server, you know, upwards
18 of maybe 850 young people annually throughout the
19 city. 89% of CEP graduates have no new convictions
20 within two years of completing the program. CEP helps
21 participants to build their academic and work
22 readiness skills while addressing their unique risks
23 and needs including as related to behavioral health.
24 Within CEP City Council funding specifically supports
25

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2 education and employment services including on-site
3 HSC exam preparation and testing along with job
4 readiness and job placement services. CEO provides
5 re-entry employment services to individuals involved
6 in the Criminal Justice system who face the highest
7 risk of continued involvement and incarceration, and
8 have the greatest need for employment assistances.

9 Approx—approximately 43% of those served by CEO's
10 programs are young adults age 18 to 25, and like all
11 CEO participants these young people are unemployed,
12 and in need of immediate income to regain stability
13 for themselves and in may cases their families.

14 Their program model provides job readiness training
15 and coaching and educational services, and then the
16 Greenburger Center for Social and Criminal Justice,
17 also GCSCJ, has developed the first of its kind

18 Secure Voluntary Alternatives to Incarceration model
19 for young adults between 18 and 35 years of age with
20 serious mental illness and co-occurring substance
21 abuse facing a multi-year sentence to a New York
22 State prison, and not eligible for any currently
23 existing ATI program. Finally, Bronx Connect was
24 founded in 2000, and to date has served 1,900 plus
25 youth and young adults in the Bronx based—faith based

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1 and community based alternative to incarceration, and
2 alternative to detention programs for court involved
3 high risk youth, and they serve, you know, our youth
4 and, you know, similarly—provide similar services,
5 case management services and—and other wraparound
6 services we give to young people generally at the ATI
7 programs. So thank you again for this opportunity to
8 testify on behalf of the ATI Re-Entry Coalition
9 today, and to share a brief overview of just some of
10 the youth services offered by the Coalition member
11 organizations. We're grateful for the Council's
12 continued support of work, and we look forward to
13 continuing to partner with you, and to ensure that
14 New York City's communities have access to these
15 critical and life changing programs. Thank you.

17 CHAIRPERSON DROMM: Thank you very much,
18 and before we go to our next speaker, I want to say
19 we've been joined by Council Member Alan Maisel.
20 Thank you.

21 LAUREL RINALDI: Good afternoon now.
22 [laughs] My name is Laurel Rinaldi. I represent
23 Community Alternatives. I have a written testimony
24 [bell] that I'm going to share, but I want to make
25 sure that I address some of the conversation that

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1 we've had around conflicts with those active at
2 schools. We—we are, you know, an ATI organization.
3 We do community supervision of youth, the
4 alternatives to detention, and also working with
5 youth on probation, but now we are running two pilot
6 programs in Crossroads Detention facilities, their
7 after school SONYC program and Belmont Passages. So
8 we are on e community-based organization I believe
9 the first to have keys and access to Crossroads in a
10 way that we really haven't before. So, one
11 concerning practice that I think might be the latest
12 with some of this pepper spray discussion is a
13 practice of using, you know, the threat of moving
14 youth to Rikers when there is a conflict or
15 disciplinary issue, and I've seen this practice
16 lately. It happened before young men. (sic) So
17 these are young people that were 15 in Family Court,
18 now are at Crossroads or were at Crossroads, then
19 lead to a situation, charged with assault, and now
20 are facing adult criminal charges and are at Rikers
21 at 16. This is I think unfortunately a practice that
22 because pepper spray is not an option, because, you
23 know, all of the junior counselors are wary of
24 putting any hands on youth at all, that this has
25

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1 become, you know, a practice. So, I just want to
2 raise that as a concern, and the other piece of this
3 is that I think these in students 95% of the time
4 what we've seen is (1) It's because it is not being
5 engaged in the classroom or after school activities,
6 or (2) That you get triggered by a staff member, and
7 in the case that I was referring to, this was
8 actually a contracted security person who I am
9 certain does not have trauma informed skills. And
10 I've seen trigger youth, and I know that incident,
11 and I felt would not have happened in front of our
12 staff and with most of the junior counselors who are
13 much better trained. So that is something that I
14 think needs to be reviewed. Also, in terms of access
15 to school, often youth are not going to school. The
16 reasons cited are (1) refusal, (2) safety. You know,
17 when these secrets are used there's a third, which is
18 that it is a—it is used a punishment actually.
19 [bell] So, youth are—it actually is—youth actually
20 want to go to school. They don't want to be in the
21 halls all day long at Crossroads in particular. And
22 so, this can be a form of control where aren't other
23 forms such as solitary in order to get to some of
24 these. (sic) So, the youth are then not allowed to
25

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1 go to school, and then they—if they don't go to
2 school, they also are not allowed [bell] to go to
3 after school. So, those are main points. The other
4 piece is you can—you can read in my testimony.
5

6 CHAIRPERSON DROMM: Okay. Let me just—
7 Mr. De Leon, may I ask were you at Rikers.

8 ROB DE LEON: Yes, I was.

9 CHAIRPERSON DROMM: How—and you said you
10 were there what for five months?

11 ROB DE LEON: I was there for nine
12 months.

13 CHAIRPERSON DROMM: For nine months.

14 ROB DE LEON: From age 17 to 18.

15 CHAIRPERSON DROMM: Did you go to the
16 school?

17 ROB DE LEON: So when I was on Rikers
18 Island this was over 20 years ago. This was in 1993
19 or in 1994, and I know that some things have changed,
20 but there were certain housing units that were school
21 units, and then the rest of the units just they
22 didn't attend school. They were the general
23 population. There were specified units that went to
24 school.
25

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2 CHAIRPERSON DROMM: So what do you mean
3 by there were special there were just school units?

4 ROB DE LEON: They--they were referred to
5 us, by the--by the youth that were there as the
6 program houses--

7 CHAIRPERSON DROMM: Uh-huh.

8 ROB DE LEON: --and the rest of houses
9 were jail.

10 CHAIRPERSON DROMM: So I have heard
11 stories about drug programs as well on Rikers that
12 are totally open to everyone, and sometimes they're
13 even court mandated by a judge, but because they
14 don't have enough room in those programs, they often
15 times don't get into the program and so, therefore,
16 they're put into a general population environment,
17 and then the service isn't really provided. Is it
18 similar to that that they're--

19 ROB DE LEON: [interposing] Yes.

20 CHAIRPERSON DROMM: --that they're not
21 put into a school unit and then, therefore, they
22 don't get the chance to go to school?

23 ROB DE LEON: Yes. So the unit that--

24 CHAIRPERSON DROMM: [interposing] Do you
25 know if that's still a-- I'm sorry.

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2 ROB DE LEON: I'm sorry. I-I was going
3 to say that this was the practice then. Now, a lot
4 has changed--

5 CHAIRPERSON DROMM: Okay.

6 ROB DE LEON: --with mandates that the
7 young people be in school. So as far as I'm aware
8 there are, you know, more young people attending
9 school, but there are those issues that were
10 discussed here today including officers taking it
11 personally when there was a previous--a previous
12 incident, and then preventing a young person from
13 going to school the next day because of a grudge.
14 Whereas--

15 CHAIRPERSON DROMM: [interposing] How do
16 they prevent them from going?

17 ROB DE LEON: Not--not escorting them.

18 CHAIRPERSON DROMM: Just not picking them
19 up.

20 ROB DE LEON: Right.

21 CHAIRPERSON DROMM: And is there a
22 supervisor that would know that they weren't picked
23 up, or would they report to the supervisor that the
24 student refused or how does that go down?

25

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2 ROB DE LEON: To my knowledge, so there
3 are supervisors, of course. There are sergeants on
4 all of the floors, but to my knowledge the--the
5 officers had the discretion in making these kinds of
6 decisions and, you know, I assume that it is
7 supported by the supervisors for whatever
8 justification was used.

9 CHAIRPERSON DROMM: And would you see
10 that more with the older, the 18, 19, 20, 21-year-
11 olds rather than the 16 and 17-year-olds?

12 ROB DE LEON: Are you talking about from
13 my experience or--?

14 CHAIRPERSON DROMM: [interposing] Yeah,
15 from what you hear from your involvement in the re-
16 entry field.

17 ROB DE LEON: Oh, so in the re-entry
18 field it is more often a--an issue with the escorting
19 for the young people who are 18 to 21 at the time,
20 you know, from my experience. You know, again there
21 were--there were certain housing units that were
22 escorted daily to--to the school floor, and there were
23 others that just--they didn't have the access because
24 you want them in that housing unit.

25

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2 CHAIRPERSON DROMM: Was--was--was gas ever
3 used when you were there?

4 ROB DE LEON: No.

5 CHAIRPERSON DROMM: I think there was gas
6 being used?

7 ROB DE LEON: Not at that time. I didn't
8 experience that.

9 CHAIRPERSON DROMM: And so you've heard
10 about it now?

11 ROB DE LEON: Yes, absolutely.

12 CHAIRPERSON DROMM: It's becoming more
13 frequent?

14 ROB DE LEON: Yes. So the young people--
15 the--the--the complaints that you guys hear of, when
16 they're--they're being released from Rikers Island
17 they give them to us. They give to us then.

18 CHAIRPERSON DROMM: [interposing] Is it
19 better that they're using gas masks?

20 ROB DE LEON: Excuse me?

21 CHAIRPERSON DROMM: Is it better that
22 they're using gas masks?

23 ROB DE LEON: Absolutely not.

24 CHAIRPERSON DROMM: Uh-huh.

25

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2 ROB DE LEON: Absolutely not. I-I just
3 think that that's—that's a horrific means of-of
4 discipline.

5 CHAIRPERSON DROMM: Do you feel that an
6 incentive program for behavior, some suggestions have
7 been made about the letter to the judge graduated
8 discipline procedures about taking commissary away
9 such as things like that, adding extra dollars to the
10 commissary. Would that work?

11 ROB DE LEON: So, with the—with the—with
12 the young people who are Rikers Island, I would be
13 cautious of using, you know, letters to the judge as
14 a means of disciplining them because they're—they're
15 there for a legal matter. They're charged as an
16 adult. You know, if we ever do have the—the age of
17 criminal responsibility raised, I'm sure we should
18 revisit that, but I wouldn't want those factors used
19 against a young person when there are specific legal
20 issue to address, and that's what they're—they're on
21 Rikers Island for. But at all of our programs at
22 CASES and—and—and throughout the ATI Coalition, we do
23 use incentives. We do incentivize programming for
24 young people, and it's very successful means of-of
25 motivating the young people, but it's also about the

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1 cultural competence. It's about individuals working
2 with the young people really caring about them, this-
3 this culture of-of law enforcement versus having
4 caring individuals working with kids is really, you
5 know, what the problem will-will continue to be on
6 Rikers Island because they're just security
7 conscious, and the young people come. These-these
8 same young people are coming to us at our programs,
9 and we're not using gas, and we're not having, you
10 know, issues erupt everyday because we have a
11 different approach to young people.
12

13 CHAIRPERSON DROMM: Uh-huh. Thank you.
14 It's really important to hear your point of view.

15 ROB DE LEON: Thank you.

16 CHAIRPERSON DROMM: Chair Cabrera.

17 CHAIRPERSON CABRERA: Yes, I have a
18 question. What-what rewards and discipline
19 suggestions do you have for both of you. [background
20 comments]

21 LAUREL RINALDI: From our perspective at
22 CCA, youth are not motivated by too many measures. I
23 mean that why I used our perspective as research to
24 set that, and particularly these views, and
25 particularly I think the views I see at Crossroads

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1 that are having the most disciplinary issues are the
2 smartest, and some of them have been through the
3 school to prison pipeline because they actually don't
4 want to be in a situation, or they don't respond well
5 to punitive, you know, disciplinary measures. And so
6 we have found in the ATI world that saying oh, we're
7 going to write a negative letter to the judge and
8 what we see, but that does not work, (1) because it's
9 punitive, (2) because adolescents brains aren't
10 necessarily thinking three weeks ahead to the court
11 date. They're thinking about right now, and so we
12 focus on motivating these dates on what they identify
13 as their goals and what did they want out of this,
14 giving the control back to them, and then 99% of the
15 time it's I want a job. I want a part-time job and
16 we say, okay, you do this. You come here and meet
17 this mandate, we will help you get there.

19 CHAIRPERSON CABRERA: But that's a little
20 different.

21 LAUREL RINALDI: Yes.

22 CHAIRPERSON CABRERA: Because they are—
23 the—we have different variables is what I hear.

24 LAUREL RINALDI: Uh-huh.

25

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2 CHAIRPERSON CABRERA: They're
3 incarcerated.

4 LAUREL RINALDI: Uh-huh.

5 CHAIRPERSON CABRERA: When they come to
6 you, they have a certain amount of freedom, right--

7 LAUREL RINALDI: Yes.

8 CHAIRPERSON CABRERA: --and also the job
9 situation. So I wish we had a scenario where they
10 could be productive. I think people have an innate
11 desire to make a difference and productivity relates
12 to that but--but the punitive aspect the recent (sic)
13 also show that--and I think what it is it's used to
14 the wrong thing. Punitive is to get somebody to stop
15 doing something. Rewards is to start--is to get them
16 to do something, and I think sometimes we're trying
17 to do punitive--use punitive actions to get them to do
18 something when it's the wrong strategy. But just
19 like you have in a situation, it's like when I had my
20 kids as teenagers--they're grown up now--but you--you
21 got to have both, right. I mean you--you got to have
22 the reward system, and also you got to have the
23 punitive, you know, aspect whatever that is. And so
24 I'm just curious. Like for example the first thing
25 that would come to mind is are there movies that are

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1 shown, and do they have like a movie theater? You do
2 well, you know, in school. You messed up this week,
3 you know, that's part of your reward system, and—and
4 actually it teaches them that if you do well, you are
5 rewarded. I mean we all go to work because we get
6 rewarded, right? So it's teacher really life's—real
7 life experiences. So I'm curious if you have any
8 ideas that are very practical related to that?
9

10 LAUREL RINALDI: And, you know, and I
11 think used also are practical in that sometimes those
12 types of rewards for a kid has been through a lot,
13 sometimes aren't as respected. I mean at times yes,
14 but again, I think kids want very practical
15 opportunities. So that's one of the reasons they
16 think there are incidents at school and, you know,
17 and in our after school programs we have very, very
18 few incidents because it's focused more on building
19 skills that they're identifying and that they're
20 interested in. And so I think it's hard to have a
21 conversation about, you know, this is about thinking
22 about how to restructure schooling for kids in
23 detention facilities because it's just not
24 interesting to them. And that's part of the reason
25

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1 why they're there in the first place because school
2 wasn't interesting.
3

4 CHAIRPERSON CABRERA: But I guarantee
5 you--

6 LAUREL RINALDI: Uh-huh.

7 CHAIRPERSON CABRERA: --that if you had a
8 system where you have--they have access to video
9 games, you know, Friday night for a couple of hours,
10 you do well, there would--I mean that's a reward, and
11 all those little things begin to add up, you know.
12 And so, I think you could--can you couple that also
13 that if you do well, you get to go the after school
14 programs, and if you don't do well, that's taken away
15 from you.

16 LAUREL RINALDI: So that's one--and--and
17 that's actually I mean I--I have suspected that
18 because often times after school is used as a
19 punishment and not--alright, if you--if you don't go to
20 school, you don't get to go to after school, and, you
21 know, we feel that really after school should be a
22 right particularly for kids who have not responded to
23 a traditional school setting and particularly for
24 kids who have special needs that are not being
25 addressed in the classroom. But, that we need to

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1 address through more dynamic ways of, you know,
2 learning.

3
4 CHAIRPERSON CABRERA: I'm just trying to
5 figure out what is dynamic ways because, you know,
6 it--

7 LAUREL RINALDI: [interposing] It's just--
8 it's practical. You know, it's like vocational
9 training. You know, the point I wanted to make is
10 yes there's vocational training opportunities at
11 Rikers, and the ability to choose a path towards
12 their TASC, you know, a test. That is not offered
13 for--for the younger youth. There is no even just
14 getting on that path, and testing that out as an
15 alternative.

16 CHAIRPERSON CABRERA: But let's suppose
17 we have that in place, right? I hate to prolong
18 this, but I am trying to develop a point here or
19 maybe understand the point. But let's say you have
20 that vocational training. The student does not do
21 well. Now what are you saying to them, you know?
22 At--at one point, it's just like every--it's like a
23 family. In families, you know, my kids, if they
24 didn't do well, you know, I'll take the stuff away.
25 Youi do well, I give you stuff. I mean it's just--we--

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1 we do that in our families, and I'm just wondering
2 why wouldn't that be the same situation. You're like
3 the pseudo family there. You're the pseudo parents.
4 Why wouldn't that--the same principles that apply to
5 regular families, to the average family--

7 LAUREL RINALDI: Uh-huh.

8 CHAIRPERSON CABRERA: --wouldn't apply
9 also to the students, for young people.

10 LAUREL RINALDI: So it--it comes under
11 relationships. Our kids say it, right?

12 CHAIRPERSON CABRERA: And I agree. I
13 agree what you mentioned. Relationship is
14 everything. Transformation happens in relationship.
15 That's how people change, but part of that
16 relationship there is a--there is an innate reward
17 within that relationship as well, and with the
18 parents there--there is leverage, you know. And I--and
19 I would think that some of the things that we should
20 maybe consider--I don't think that we have enough
21 goodies, so to speak, for our young people to say,
22 you know what, that's worth it.

23 ROB DE LEON: Right. If--if I might add, I
24 agree completely with my colleague on, you know, the
25 approach to young people and, you know, the punitive

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1 approach not being very effective. I also would want
2 us all to differentiate between, you know, a young
3 person who's on Rikers Island where there's this-
4 this-this looming cultural violence that's been
5 cultivated over time, not just by the-the folks who
6 are there against their will. And so, you know,
7 where you have a young person in private school USA
8 who is told they can't, you know, they're going to be
9 benched this week and not be able to play on the team
10 versus, you know, a young person getting a bit more
11 freedom in this incarcerative (sic) setting I think
12 is a world of difference that we should consider.
13 And then I ultimately wanted to add that, you know,
14 we-we-we-all of the adults we always get together and
15 we want to come up with the solutions for the young
16 people and, you know, at CASES and, you know, at-you
17 know, our partners with the Coalition. We believe in
18 raising the voices of the young people, and we think
19 that we need within reason, of course, begin to
20 include their voices in the solutions on how we serve
21 them educationally and-and otherwise.

22
23 CHAIRPERSON CABRERA: And I agree with
24 you, and maybe that's the starting point. That's
25 what I used to do with my own kids. What-what is it

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1 that you want? Okay, so that's the leverage right
2 there, and maybe that's where we should begin, and
3 find out what that leverage is to reward them, and
4 they're being—they will feel proud. Hey, you know,
5 I—I did right thing, and look at what I earned, and
6 that was getting back to goals, and that was part of
7 the goals. You know, it's—it's the old practical way
8 of—of dealing with them. Thank you so much. Thank
9 you for all the work that you guys do.

11 CHAIRPERSON DROMM: Okay, thank you to
12 this panel for coming in. We look forward to
13 continuing to work with you as well.

14 ROB DE LEON: Thank you.

15 CHAIRPERSON DROMM: And now I'd like to
16 thank my co-chairs, Council Member Cabrera and
17 Council Member Crowley and all the members of various
18 committees that were here today as well, and with
19 that, I will say that this meeting is adjourned at
20 1:40 in the afternoon. Thank you everybody. [gavel]

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C E R T I F I C A T E

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



Date December 28, 2016