

COMMITTEE ON JUVENILE JUSTICE

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUVENILE JUSTICE

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February 28, 2018

Start: 1:14 p.m.

Recess: 3:51 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: Andy King

COUNCIL MEMBERS: Inez Barron

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

Andy King,  
Juvenile Justice Committee  
New York City Council

Felipe Franco, Commissioner  
Division of Youth and Family Justice, DYFJ

John Dickson, Associate Commissioner  
Close to Home  
Luis Padilla, Youth Leader  
Youth Speakers Institute

Beth Powers, Director of Youth Justice

COMMITTEE ON JUVENILE JUSTICE

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Children's Defense Fund  
New York

Kate Rubin,  
Director of Policy at Youth Represented

Anthony Wells,  
President of the Social Services Employees Union  
Local 371

Giselle Castro,  
Executive Director of Exalt Youth

Lisa Freeman, Director of the Juvenile Rights  
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Julie Peterson, Senior Program Officer  
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Co-chair New York Youth Justice Initiative

Karen Thor-Lesser,  
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Alissa Perone, Staff Attorney  
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Lizette Nayavez, Deputy Director of Programs  
Community Connections for Youth

Gabrielle Prisco, Executive Director  
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Janette Boganegra, Director of Family Engagement  
Community Connections for Youth

CHAIRPERSON ANDY KING: Good evening everyone. Good afternoon. I'm New York City Council Member Andy King. I represent the 12<sup>th</sup> District. I want to welcome everyone to the first Juvenile Justice Committee that I'm chairing. I'm honored and pleased to have the opportunity to lead this sessions conversation when it comes to juvenile justice as a member and a Case Worker for the City of New York, ACS worker, I understand the challenges that families go through each and every day in maintaining their youth and the City has taken on the mantle of being partners with our families in the City of New York to provide safety, development, and as some have, rehabilitation to some of our young people who are in need of help. As I said, this committee is very responsible, very important and responsible in making sure that young people are involved and that the justices are treated in a manner that will give them the best opportunity to move forward in a positive path. This is our first meeting of the new legislative session and will be a general conversation about what the juvenile system is, what it's responsibility is, and just getting a flavor of what we do and how we do and when we do and

1  
2 when we do it right we applaud and when we do it  
3 wrong, we figure out solutions to correct it. So I'm  
4 looking forward to those conversations. We do  
5 understand that there are a number of strengths and  
6 weaknesses in the system and that's the conversation  
7 we're looking forward to engage and encounter. I  
8 believe that by the time a young person encounters  
9 the justice system, they've already dealt with a host  
10 of challenges in life and today I'm hoping to learn  
11 more about the programs being offered and the efforts  
12 that are being made to encourage positive development  
13 amongst young people who come before you. Today's  
14 conversation is especially important as we prepare  
15 for the implementation of Raise the Age and as we  
16 move forward in this new phase of juvenile justice  
17 system, I'm looking forward to the opportunity that  
18 we'll have to learn from the wisdom of past mistakes  
19 but as this new population comes in from (inaudible)  
20 age, I know it's going to bring a set of new  
21 challenges for us all and I don't want us to rush  
22 into anything that we cannot sustain because Albany  
23 passed these rules down on us. I want us to make sure  
24 that whatever we do in the City makes sense and is  
25 stable to making sure that our young people will

1  
2 enter into the system and at the end of the day when  
3 they walk out of the system, they can be positive,  
4 productive adults. So we have a lot to talk about  
5 and I'm encouraged by all of us who are here today  
6 and who are going to testify and drop their expertise  
7 onto the record so we can figure out how we continue  
8 to be partners, not just adversaries, but being  
9 partners in developing a system that's designed to  
10 provide quality service to our young people who are  
11 in need. So, again I want to thank each and every  
12 one of you who are here; administration as well as  
13 the public and our union brothers and sisters who sit  
14 before us and all the advocates. I want to say I'm  
15 joined today by my colleague, and I want to thank  
16 him, Counsel Member Mark Levine from Manhattan, for  
17 joining me today as well as committee counsel Beth, I  
18 want to say thank you for her and everyone I've met  
19 in order to organize and prepare for today's  
20 conversation and how we want to look at moving  
21 forward throughout this whole session. So as I said  
22 to Beth, and I want us to make sure that as we  
23 continue to move forward today that we move from day  
24 one to understanding the system and build a path of  
25 where we want to see ourselves end up by the end of

1  
2 the conversation. So again I want to thank each and  
3 every one of you here today and we're going to look  
4 forward to hearing from the administration right now.  
5 So, if Counsel may swear in.

6 COUNSEL MAYS: Please raise your right  
7 hand. Do you affirm to tell the truth, the whole  
8 truth, and nothing but the truth in your testimony  
9 today and answer honestly to Counsel Member  
10 questions? You may begin.

11 COMMISSIONER FRANCO: Good afternoon  
12 Chair King, Mr. Levine, and members of the Committee  
13 of Juvenile Justice. I am Felipe Franco, Deputy  
14 Commissioner of Division of Youth and Family Justice,  
15 DYFJ, within the Administration for Children's  
16 Services. With me today I have Sara Hemider(?),  
17 Associate Commissioner for Community Based  
18 Alternatives, Stephanie Prusack(?), Associate  
19 Commissioner for Detention Services, and John  
20 Dickson, Associate commissioner for Close to Home.  
21 On behalf of David Hanson, I would like to thank  
22 Chairman King for joining us on our visit to the  
23 Close to Home (inaudible) in the Bronx area this  
24 month. We look forward to hosting more visits for  
25 you and the entire juvenile justice committee. Thank

1  
2 you for the opportunity to testify today regarding  
3 ACS continuing of juvenile justice services and  
4 programming. The Division of Youth and Family  
5 Justice oversees services of programs for youth at  
6 every stage of the juvenile justice process and works  
7 to promote public safety and improve the life of  
8 young people, communities, and families by providing  
9 treatment, safe and secure custodial care, responsive  
10 healthcare, effective reentry services, and promoting  
11 educational achievement. Our continuum includes  
12 community based preventive services for youth who are  
13 at risk of delinquency as well as their families. In  
14 addition, we provide detention services to youth who  
15 are arrested and waiting for court resolution. Since  
16 2012 we cover the (inaudible) enactment of Close to  
17 Home, we have been providing residential services for  
18 all youth placed with New York City as adjudicated  
19 juvenile delinquents. As well as after care services  
20 upon return to their communities. First and  
21 foremost, we aim to divert youth from the juvenile  
22 justice system. As a city, it is imperative that we  
23 all work to arm our youth with the tools and support  
24 that they need to become successful adults. The  
25 number of young people entering the juvenile justice

1  
2 systems has continued to decline over the last  
3 several years. In 2010, 5,084 young people were  
4 admitted to detention for the current year.

5 Admissions to detention have decreased significantly  
6 year after year; to just 1,979 total admissions in  
7 the calendar year 2017. We think this is  
8 attributable to smart policing, lower juvenile  
9 arrests across the city, and intensive preventive  
10 services that ACS and other partner agencies provide  
11 to prevent young people from ever entering the system  
12 in the first place. Community based alternatives, we  
13 know that the best way to intervene in the lives of  
14 young people is to treat the whole family. ACS  
15 family assessment program is available to families  
16 with youth up to age 18 and supports parents and  
17 guardians who are struggling to address difficult  
18 teenage behaviors. Fact, offers intensive in-home  
19 therapeutic services that are designed to improve  
20 family functioning and avoid delinquency. ACS also  
21 runs the juvenile justice initiative, a partnership  
22 with the Department of Probation, which is the  
23 largest alternative placement program in the city.

24 JJI serves youth who have been adjudicated in family  
25 court and provides intensive services to these youth



1  
2 to keep them in their communities and with their  
3 families. Both FACT and JJI help parents develop  
4 skills to support their children and enforce limits  
5 that steer them to positive activities. The vast  
6 majority of young people in the juvenile justice  
7 system, as high as 90%, regardless of gender, have  
8 experienced some sort of trauma. We know that there  
9 is a close correlation between child (inaudible) and  
10 delinquency. So we have partnered with multiple  
11 stakeholders to support children who have experienced  
12 abuse and neglect. We (inaudible) to prevent entry  
13 into the juvenile justice system. In addition to  
14 expanding and strengthening programs to reduce the  
15 number of young people entering the foster care and  
16 juvenile justice systems, ACS is also committed to  
17 investing in work that focuses specifically on dually  
18 involved youth. The cross-over youth practice model  
19 which was developed by the juvenile justice center  
20 for reform at Georgetown University. The term cross-  
21 over youth describes a young person who enters the  
22 justice system while involved in the child welfare  
23 system. These young people essentially cross over  
24 from the child welfare system into the juvenile  
25 justice system. ACS offers a broad range of services

1 to help prevent children with child welfare  
2 involvement from entering the juvenile and criminal  
3 justice system. The crossover youth practice model  
4 CYPM is a multi-agency approach that seeks to improve  
5 outcomes for young people who are involved in both  
6 systems. ACS provides secure and non-secure  
7 detention. Services for youth who have been arrested  
8 and are awaiting judges to hear their case in court.  
9 The Division of Youth and Family Justice currently  
10 operates two secured detention facilities.  
11 Crossroads in Brooklyn and Horizons in the Bronx and  
12 over 68 non-profit provider agency operated non-  
13 secure detention agency group homes across New York  
14 City. Secure detention has the most restrictive  
15 security features and is typically reserved for youth  
16 who pose the highest risk or have been accused of  
17 committing serious offenses. Young people have, in  
18 our detention facilities, receive on site health,  
19 mental health, dental services, recreational  
20 activities, and case management. A location is  
21 provided on site through the Department of Education,  
22 District 79, Passages Academy. Youth in NSD receive  
23 health, mental health, recreational and case  
24 management services in a less restricted residential  
25

1  
2 setting than the secured detention sites. In non-  
3 secured detention, those young people are able to  
4 leave the residences on their street, staff  
5 supervision to attend school, recreational  
6 activities, and appointments. The Department of  
7 Education provides instruction for all non-secure  
8 detention youth at two Passages Academy sites;  
9 Benmore in Brooklyn and Bronx Hope in the Bronx. We  
10 also contract and partner with the New York City  
11 Health and Hospitals Bellevue Hospital to provide  
12 psychiatric and psychological services to further  
13 support the mental health needs of youth in  
14 detention. Throughout this partnership, the Division  
15 of Youth and Family Justice has implemented  
16 (inaudible) family screening and care in our secure  
17 detention facilities making us one of the first  
18 secure detention systems in the country to implement  
19 (inaudible) services. Bellevue has trained all  
20 secured staff in terms of trauma that impact youth in  
21 our care which increases the staff's ability to  
22 identify trauma exposure and work with traumatized  
23 youth on secondary issues with staff. With ACS and  
24 other home based communities before Close to Home,  
25 New York City children were placed in large

1  
2 institutions located upstate, hundreds of miles away  
3 from their families and home communities. The  
4 distance to these facilities often hindered families  
5 from visiting and prevented meaningful family  
6 engagement. School credits earned while in placement  
7 at the upstate facilities were not transferred to the  
8 DOE school system so young people returned to their  
9 home schools significantly behind in credits, needed  
10 for academic advancement and created a disincentive  
11 for many youth to continue attending school after  
12 their release. Close to Home affords young people  
13 and their family's opportunities to participate in  
14 meaningful treatment together. Young people in Close  
15 to Home receive a location from the New York City  
16 Department of Education and continue to accrue  
17 credits for academic achievement while in placement.  
18 Since it's beginning in 2012, the administration  
19 operation of Close to Home has steadily improved and  
20 has positioned the city as a national model for  
21 juvenile justice reform. Close to Home has succeeded  
22 in improving outcomes for youth. Data in our  
23 recently issued Close to Home report for the fiscal  
24 year 2016-2017, which has been shared with you  
25 today, showed that young people are going to school,

1  
2 getting good grades, passing reading exams, in many  
3 cases more young people are engaged in school while  
4 in Close to Home than they were previously. In  
5 addition, they are receiving counseling and support  
6 services to help them manage underlying trauma and  
7 issues that contributed to their involvement in the  
8 juvenile justice system in the first place. A recent  
9 independent report on Close to Home release by the  
10 Center for Children (inaudible) policy, with support  
11 from the (inaudible) foundation, found similar  
12 improvement in sites Close to Home as a national  
13 reform model from which other jurisdictions across  
14 the country can learn. Involvement in Close to Home  
15 includes both state and residential placement and a  
16 term of supervised aftercare as youth transition from  
17 placement back into their home communities. ACS  
18 currently partners with seven not-for-profit agencies  
19 to deliver strong placement programs in 24 non-secure  
20 placement residents (NSP) located in or near New York  
21 City. All seven programs (inaudible) by serving the  
22 juvenile justice populations and this program offers  
23 structured residential care in a small supervised  
24 home-like environment. All non-secured programs  
25 require scales that are designed to ensure

1 participation in programs while preserving the safety  
2 and security of youth, the staff, and the surrounding  
3 community. In secured placement, there are three  
4 supervisors who are able to leave the residences to  
5 attend school or medical appointments and may earn  
6 the privilege to attend certain outside recreational  
7 activities. Limited secure placement which opened in  
8 the summer of 2015 currently has programs operating  
9 at four sites. One in the Bronx, two in Docks Farey,  
10 and one in Queens. Unlike NSP, all programming and  
11 services are provided to young people on site  
12 including medical, dental, psychiatric, and  
13 education. In the secure placement residences, also  
14 feature additional security features such as social  
15 perimeter fencing, closed security television  
16 monitoring and door locking mechanisms. Most of our  
17 young people return to their home communities on  
18 aftercare following the Close to Home residential  
19 placement. Families and youth receive intensive  
20 support and accountability from their assigned ACS  
21 worker and after care resources. Planning for  
22 reentry into the community begins while the youth is  
23 in residential treatment in order to put in place the  
24 supports necessary to meet the needs of youth and  
25

1  
2 their families and reduce the risk of reoffending.  
3 (inaudible) opportunity to discuss ACS juvenile  
4 justice services and programming for youth in New  
5 York City. The Division of Youth and Family Justice  
6 provide age and developmentally appropriate services  
7 that are tailored to the youth's specific needs and  
8 risk as well as the support families need to assist  
9 in their children's needs and prevent further  
10 juvenile system involvement. The importance of this  
11 developmental approach is underscored as the city  
12 works to implement raise no age(?) and prepares to  
13 receive 16 and 17 year olds in the juvenile justice  
14 system. Given the remarkable success of Close to  
15 Home since the beginning in 2012, and the surge of  
16 young people who would need to be placed in Close to  
17 Home (inaudible) implemented. The state should  
18 expand its commitment to Close to Home this year.  
19 Instead, it is against this backdrop that Governor  
20 Acomo proposes to eliminate all state funding for  
21 Close to Home. I respectfully ask you and everyone  
22 in this room to join us in urging the state to  
23 properly fund Close to Home and not to abandon these  
24 life changing juvenile justice reform efforts. As  
25 you are aware, extensive planning is on the way to

1  
2 prepare for an implementation for the new  
3 requirements by October 1, 2018. The citywide  
4 steering committee chaired by the Mayor's office of  
5 Criminal Justice and ACS and PD, the Department of  
6 Education, Department of Corrections, the Law  
7 Department and the State of (inaudible)  
8 administration have been working to guide the overall  
9 citywide planning effort. We have embraced the  
10 opportunity to conceptualize alternatives to  
11 detention and placement that are age appropriate and  
12 gender responsive and that closes the current gap for  
13 current youth with a permanency resource. We have  
14 also been working closely with our partners in other  
15 departments and locations to plan for enhanced career  
16 and technical education programming for youth in  
17 detention and Close to Home and in the community.  
18 While all of these extensive plans are underway the  
19 Division of Youth and Family Justice continues to  
20 operate a safe and secure juvenile justice system for  
21 New York City's youth. We view raise the age as a  
22 way to strengthen the foundations of our existing  
23 system and continue to improve our practice, support  
24 our staff, and fortify safety across the entire  
25 continuum. With Raise the Age we would need to



1  
2 further adapt our services and our program within our  
3 community, detention, and placement programs to meet  
4 the needs of an older youth population. The city  
5 projects the cost of Raise the Age to be  
6 approximately \$200 million dollars, costs which the  
7 governor's budget does not cover. As you might  
8 imagine, this is a significant undertaking. The  
9 Division of Youth and Family Justice had a long and  
10 transparent relationship with the juvenile justice  
11 community of the city council and we intend to  
12 maintain that transparency throughout this planning  
13 process as well as the phases of the Raise the Age  
14 implementation. Given the very aggressive timeline  
15 for implementation of this important legislation, we  
16 need to be prepared for the individual challenges we  
17 will encounter as we move forward to expand our  
18 juvenile justice system to include these new youth.  
19 We will continue to seek your guidance and support as  
20 we move ahead. At this time, my colleagues and I are  
21 happy to take your questions.

22 CHAIRMAN KING: Well, I want to thank you  
23 Deputy Commissioner for your testimony today and  
24 we've been joined by my colleague Council Member Mark  
25 Gini(?) of Boogey Down Bronx and I thank you for, in

1  
2 the last part of your testimony, in the past that the  
3 system, ACS, the juvenile system has always had a  
4 good relationship with the city council and we look  
5 forward to continuing that and I say that with all  
6 sincerity and I'm hoping that our conversations will  
7 always be spirited. They will always be real and if  
8 we can't get it right then we try to correct it to  
9 get it right. One of the things I would like to add  
10 and then I'll let my colleague share whatever he  
11 wants to share and have a question, so is that while  
12 your testimony gives us a breakdown and an outline of  
13 the great things that the system is looking to do and  
14 has done and wants to build on, sometimes we don't  
15 get to the meat and potatoes of what are the  
16 struggles and challenges that you're facing each and  
17 every day and I think that that's what these hearings  
18 are allowing us to open up and review so we can  
19 figure out solutions to help you manage and deliver  
20 for our children in New York. So that's going to be  
21 pretty much my first question to kick off to you. Is  
22 that right now with all the things that you've  
23 accomplished, what are some of the greatest strengths  
24 you think you have in your system right now and then  
25

1  
2 from there, what are some of the weaknesses that need  
3 to be improved on?

4 COMMISSIONER FRANCO: Thank you Chair. I  
5 mean, as you heard before, we in New York City are  
6 lucky to have a continuum of service as it actually  
7 responds to the needs of our communities and the  
8 youth that we serve. We may take it for granted but  
9 that's not the case across the nation. Many, many,  
10 many other systems, and actually this system not that  
11 long ago, before 2012, was a disjointed system where  
12 the locality had really little say in the outcomes of  
13 young people from our neighborhoods and communities.  
14 Close to Home is one of the few efforts nationally  
15 that actually has a showcase that actually,  
16 localities, or cities, or counties can actually do  
17 juvenile justice system better. When it's actually  
18 in the hands of those who know the community and the  
19 youth best instead of being run by distance state run  
20 systems. And in that context, one of our biggest  
21 challenges is the realization that actually even  
22 though the state acknowledges that Close to Home is  
23 working although we know from the most recent report  
24 that I'm sharing with you guys from the (inaudible)  
25 foundation is the way that many of the jurisdictions

1  
2 are trying to implement their juvenile justice system  
3 continuum. It's a challenge that we are not getting  
4 funded again. The fact that actually New York City  
5 did what no other county did in New York State when  
6 it was willing to step up and say that these are our  
7 young people and we want to take care of them on our  
8 own and we want to step up the resources of the  
9 Department of Education, we want to step up the  
10 resources of the Administration for Children's  
11 Services, we want to step up the resources for the  
12 Department of Probation, and we are all coming  
13 together to take ownership of the young people in our  
14 neighborhoods is incredible to actually believe that  
15 now we are not having the funding to support such a  
16 program. So that's actually one of our biggest  
17 challenges right now. On top of that, we are  
18 actually being mandated to enact the Raise the Age  
19 Legislation which the city and many of you have  
20 advocated for years and we are not given any support  
21 to do that kind of work in New York City.

22 CHAIRMAN KING: Okay. I do want to get  
23 into both of those conversations when it comes to  
24 Close to Home and Raise the Age. I don't want to  
25 jump into it because that's going to be a

1  
2 conversation that's going to engulf the room more  
3 than 30 minutes of conversation than we have time for  
4 right now but I think we talked at one of our  
5 meetings specifically for that. Want to touch base  
6 on that but want to dedicate a hearing strictly on  
7 what that should look like and what it's going to  
8 need. I want to go back to some of the questions I  
9 tried to formulate before you got into the room. It's  
10 about, you have funding challenges with Close to Home  
11 and it's about making sure that we work with you and  
12 work with the Governor to advocate for getting that  
13 funding. Other than the Close to Home and trying to  
14 figure out the Close to Home, what are the other  
15 things that ACS is doing to set a positive stage for  
16 our young people as soon as they come into your doors  
17 or they come through the system?

18 COMMISSIONER FRANCO: One of the things  
19 we are very proud of and I alluded to it in the  
20 testimony is that actually our juvenile justice  
21 system is not premised on custody. As you heard  
22 before, a number of young people in detention  
23 continue to decrease and actually has continued to  
24 decrease significantly for the past ten years. The  
25 number of young people in placement continues to

1  
2 decrease. It wasn't that long ago when maybe, five  
3 or six years ago there were 1,000 young people or  
4 more from New York City in the custody of (inaudible)  
5 affairs. How many do we have in Close to Home today  
6 John?

7 John: 231.

8 COMMISSIONER FRANCO: We only have 231 of  
9 those young people. That's a testimony to the  
10 efforts of the Department of Probation, ACS, and  
11 others to support young people before they have to  
12 get into custody and one of the things that we're  
13 struggling with is the background that actually  
14 again, the state is imposing a cap and our ability to  
15 get reimbursement for preventive services. One of  
16 the things we do really, really well is the ability  
17 to allow a family, a parent, a teacher, a police  
18 officer to refer a young person to our family  
19 assessment program which actually is available  
20 through employee services before the young person has  
21 to enter the juvenile justice system. We serve  
22 almost 6,000 families a year and we believe that we  
23 should be expanding our services in that continuum so  
24 that young people don't even have to get into Close  
25 to Home or detention.

1  
2 CHAIRMAN KING: Good. An ounce of  
3 prevention is always better than a pound of cure and  
4 I think that's the way we should always continue to  
5 operate when it comes to helping our children out. I  
6 want to jump into something regarding the condition,  
7 the mental health conditions of some of our young  
8 people who are in need of re-educating themselves so  
9 they can be productive adults. So now how the  
10 Department of Health connects with you all when they  
11 come up for services. I know there are some doctor's  
12 on site. Are there. . . How do you deal with that  
13 young person that comes in and has really strong  
14 mental health issues?

15 COMMISSIONER FRANCO: Our continuum  
16 actually has one of the best comprehensive mental  
17 health systems in the nation. We are lucky to have a  
18 very deep and productive policy with Bellevue  
19 Hospital under the health and computer operations.  
20 Under Health and Hospital, Stephanie Bruhaw(?) can  
21 talk a little about the specifics in detention but  
22 the young person who comes through our door in  
23 detention gets screened and assessed for health and  
24 mental health needs and based on their needs we  
25

1  
2 continue to do deeper evaluations through  
3 psychological and psychiatric assessments.

4           STEPHANIE BRUHAW(?): We also have MSW  
5 level clinicians with a separate organization called  
6 Start who are available seven days a week. We also  
7 have at night, we have an on-call service. Our  
8 clinicians provide therapeutic services individually  
9 and they also conduct groups several times a week on  
10 our living areas and they also have their offices on  
11 our youth living areas in detention.

12           COMMISSIONER FRANCO: One thing I don't  
13 want to neglect is that I was hoping that we have  
14 learned in the work with Belleview and others which  
15 actually I think we're becoming an actual example for  
16 others, is that the first line of intervention for  
17 the young people that we work with are not just the  
18 clinicians, it's actually the frontline staff. So  
19 for the last five years, we have intentionally  
20 invested a significant amount of resources and  
21 training, particularly in detention, to help our  
22 juvenile counselors to acquire skills to actually run  
23 evidence based trauma formed groups but we have  
24 learned that many of the young people that we serve  
25 tend to gravitate to our juvenile counselors as the



1  
2 first person, sometimes in their life that they can  
3 connect to and can learn to regulate their emotions  
4 and behaviors. We need clinicians to support them  
5 but I don't want to minimize the importance of caring  
6 adults in the lives of these kids 24/7.

7 CHAIRMAN KING: And the kids can connect  
8 with and when we speak with the kids and maybe  
9 struggling mentally, does the staff or how do they. .  
10 . Do they find themselves overwhelmed because if  
11 your ratio of adult staff to young people can be  
12 overwhelming, how do you manage that if you have an  
13 overwhelming population of people in one environment  
14 who are having mental issue challenges?

15 COMMISSIONER FRANCO: I agree. The young  
16 people that we serve, as I mentioned before, we have  
17 less young people in detention than ever before by  
18 design which is a good thing. The young people who  
19 come to us tend to be those who actually have the  
20 highest needs. You're right, they need more  
21 attention than ever before and it's one of those  
22 things that we are carefully looking at Raise the  
23 Age, one of the state mandates is to reduce our case  
24 loads. They are currently eight to one and they have  
25 to be reduced to at least six to one.

1  
2           CHAIRMAN KING: Okay, so while you're  
3 reducing case loads, and you said that the case  
4 numbers have gone down, but do you find that it's  
5 some form of resinovism(?) that might kick in with  
6 these young people when they leave? Do you find in  
7 your numbers that some of these same individuals with  
8 mental health issues are returning back to you or  
9 you've been able to put them on the right path that  
10 they don't return back into the system?

11           COMMISSIONER FRANCO: So that's two parts  
12 of your question. I think one of them has to do with  
13 how well are we meeting the needs of young people  
14 when they are under our custody and I think  
15 additional staff and the support of the staff that  
16 we've been able to build recently with Belleview, I  
17 know it's actually paying off. It's allowing our  
18 front end staff, it's allowing the young people, it's  
19 allowing their families to learn new coping  
20 mechanisms to be able to regulate their emotions and  
21 behavior and that actually shows up in better  
22 behavior in the people we serve. How you said that  
23 we struggle continually to make sure when young  
24 people leave our fantastic care in detention and in  
25

1  
2 Close to Home, that those resources are available in  
3 the community.

4 CHAIRMAN KING: I just want to put on the  
5 record we've been the colleague from the big island  
6 of Brooklyn, Council Member Inez Barron. So thank  
7 you being a strong advocate in higher education and  
8 since we've just mentioned education, I would like to  
9 talk a little bit about education right now. That  
10 when young people come into the system, what plans do  
11 you have that are incorporated right now because I  
12 heard you mention in your testimony that when  
13 students were upstate that they were not getting  
14 credits when they came back downstate. First  
15 question is this, is that still happening because we  
16 still have young people who are not totally  
17 transitioned from upstate and what is the education  
18 plans that you have currently right now to ensure  
19 that children stay on track and then when they are  
20 released that they are able to move forward and  
21 follow paths of higher education?

22 COMMISSIONER FRANCO: First no court  
23 adjudications are in upstate New York any more.

24 CHAIRMAN KING: Good to hear that.  
25

1  
2                   COMMISSIONER FRANCO: All New York City  
3 kids will go through the family court or the State of  
4 New York City. In terms of how we manage their  
5 education transition throughout placement to  
6 aftercare, I think Jenn is the best person to talk  
7 about that.

8                   JOHN: Thank you. We have a really close  
9 partnership with the Department of Education. The  
10 Department of Education and teachers are the folks  
11 who teach our kids but going all the way back when a  
12 kid is placed by the family court in Close to Home by  
13 the time that child leaves detention, more often than  
14 not we have all of their educational records at our  
15 disposal. I think that's one of the true benefits of  
16 Close to Home, the continuity that exists right at  
17 the time of intake and the Department of Education  
18 has education transition specialists who are embedded  
19 within schools in Close to Home and they're  
20 responsible for overseeing the plan for that child to  
21 return to the community so that every moment in the  
22 child's schooling while they're in Close to Home  
23 translates into when they leave. There is a lot of  
24 oversight on DOE's part. We have case managers who  
25 partner with DOE to ensure that the right school is

1  
2 chosen for when kids do return home because some of  
3 our kids obviously need to go to either a different  
4 school or we really at least need to closely evaluate  
5 their home school to make sure that it provides them  
6 with the greatest opportunity for success and we've  
7 been very successful at doing that.

8 CHAIRMAN KING: How long before, and I  
9 call them students because even though they're in the  
10 system they're still learning and that's what it's  
11 doing in there is learning. So when they go into the  
12 system, when is the timeframe that they actually  
13 start that education piece of academics?

14 COMMISSIONER FRANCO: So if a young  
15 person is actually arrested in New York City and a  
16 juvenile delinquent is actually brought into the  
17 doors of our facility, Horizons, within two days at  
18 the most they are actually in a classroom.  
19 (inaudible) Department of Education. That person,  
20 that student is actually immediately educated while  
21 they're waiting for their trial to be completed and  
22 if that young person as John mentioned before, is  
23 adjudicated we immediately start working with the  
24 Department of Education, exactly the same district  
25 that runs the school in detention runs the schools in

1  
2 Close to Home. So we actually can have a meaningful  
3 transition that involves the parents, the provider  
4 agency, our ACS staff, our (inaudible) placement  
5 specialists, an educational assistance advisement  
6 counselor, a detention and someone from the receiving  
7 school within district 79 and all of these folks  
8 actually meet together for what we call a  
9 transitional meeting where we talk about them moving  
10 out of detention to the next phase in placement.  
11 This happens immediately. There's no gap where kids  
12 are not getting education. And that's a big change.  
13 Not to age myself, but it wasn't that long ago when  
14 you would talk to kids and they would say well I'm  
15 coming back from (inaudible) facilities and I'm  
16 watching Ricky Lake for weeks before I get into the  
17 right school.

18 CHAIRMAN KING: Yeah.

19 JOHN: If I could just add two pieces of  
20 data that I think support the good work that we are  
21 doing with the Department of Education. 93% of our  
22 middle students increase at least one grade level  
23 while they're in placement in Close to Home. So  
24 we're talking about roughly a seven month stay so  
25 that's a substantial and these are typically kids

1  
2 that are substantially behind when they came into  
3 Close to Home so the fact that they're improving by  
4 at least a grade level is rather amazing. And the  
5 other piece to it is in the school year 2016 we  
6 increased the number of credits kids earned while in  
7 placement by 31%. While kids were in placement they  
8 were earning 9.3 credits.

9 CHAIRMAN KING: Thank you for that  
10 answer. Before I turn it over to my colleagues who  
11 may have a question or two, placement, when students  
12 are getting their education inside a facility or in a  
13 detention center and then they're transitioned out,  
14 how do you work with the DOE, and I'm talking about  
15 out of the system all together, how do you work with  
16 them and their families to remove the stigma that  
17 I've failed or something was wrong with me. I'm bad.  
18 I messed up. I'm a bad person because that's a part  
19 of self-esteem and how I get myself back together and  
20 help assimilate myself back into society. How do you  
21 work with these students and helping them on the  
22 right path?

23 COMMISSIONER FRANCO: I think you're  
24 talking about one of the biggest challenges in the  
25 juvenile justice system. If you were to look at the

1  
2 data of the young people that we serve, you'd look at  
3 their attendance record before getting to the  
4 juvenile justice system and it's really, really low.  
5 It's kind of sad that they have to get to us to  
6 immediately get perfect attendance for a while and  
7 then our data shows that once there their attendance  
8 is actually better than it used to be. Having said  
9 that, we struggle consistently with how to get  
10 schools in the community to engage our young people  
11 and we can talk about the dynamics of how we do that  
12 through family conference and (inaudible).

13 **JOHN:** As Deputy Commissioner Franco was  
14 saying that certainly as you asked about challenges,  
15 continued good attendance in school is certainly a  
16 challenge. To address that we're working with DOE  
17 and their education transition specialists longer  
18 after kids leave placement but in addition to that,  
19 if we have kids coming out there attending school  
20 well but then their attendance declines we use a  
21 model called family team conferencing where we pull  
22 together everyone who's involved in that youths'  
23 life, including that youth, their caregiver, the  
24 educational staff, any provider staff who are  
25 involved, our staff, and we have a team conference



1  
2 which then really looks at what's behind the story.  
3 Why isn't this child attending school as frequently  
4 as we would like to have them attend and then we take  
5 what we consider the next best step in terms of  
6 addressing that behavior. Sometimes it's a kid who's  
7 afraid to go to school because they have  
8 relationships with other peers there where they don't  
9 feel safe. Other times there might be other draws  
10 that might keep them from attending school. So we  
11 want to understand what those are so then we can come  
12 up with the right plan for the right kid.

13 CHAIRMAN KING: I thank you for those  
14 answers. And you mentioned that we are going to  
15 probably have one of our hearings with the DOE and  
16 juvenile justice to make sure that we are in synch  
17 because I do understand that DOE has their own  
18 protocols and their own rules and while on paper we  
19 are committed when it's time to tell a human to  
20 implement some activity that's going to help a child  
21 some bureaucracy gets in the way or scheduling gets  
22 in the way or I'm just not feeling it today and at  
23 the end of the day our student's suffer from that.  
24 So I want to make sure that everyone is committed to  
25 helping that young person live up to that commitment.

1  
2 Before I turn it over to the council members, you  
3 mentioned something about reducing case loads. What  
4 would you say is a reasonable case load that a  
5 staffer can manage?

6 COMMISSIONER FRANCO: To clarify, I think  
7 I used the wrong term when I mentioned case loads. I  
8 was mentioning the youth to staff ration in detention  
9 which is actually by regulation for security  
10 detention is eight to one, with the new Raise the Age  
11 regulation it's six to one, and that's actually what  
12 we strive for every youth in every facility and I  
13 think that would be the amount of young people that  
14 we serve. As you mentioned so well before, we have  
15 less kids but they have many, many, many more needs  
16 and we have to be attentive to them.

17 CHAIRMAN KING: Okay, thank you. I do  
18 not want to be the only voice in the room. That's  
19 why it's a committee, since Counsel Member Joe and I  
20 came in from. . . Counsel Member Barron who is a  
21 staunch advocate for education of our children, take  
22 it away.

23 COUNCIL MEMBER BARRON: Thank you Mr.  
24 Chair. Welcome, new committee for you and also to  
25 the panel thank you for coming. We've had some

1  
2 interaction before because I've been on this  
3 committee. So in the family assessment program, so  
4 you have this chart which talks about structure, you  
5 have community, you have detention, and you have  
6 placement. In the family assessment program which is  
7 listed in the community part where children are not  
8 held and they're not in detention, who are the  
9 personnel that are involved in the administering of  
10 that program? Who are the people going to the home?  
11 What do they do? What are their titles? What are  
12 their positions? What are their responsibilities?

13 COMMISSIONER FRANCO: Since I'm the  
14 Commissioner I can answer these better. I think it's  
15 important for us to represent that it's one of our  
16 best preventive programs and has a long history of  
17 being effective at reducing the number of youth that  
18 come to the juvenile justice system. On the front  
19 end, it's definitely our staff. We have a  
20 significant amount of staff and we think that  
21 (inaudible) officers that are actually the  
22 gatekeepers and engage with the families when they  
23 come through the front door.

24 UNKNOWN FEMALE: Right, so as Deputy  
25 Commissioner Franco mentioned, the FAP staff or ACS

1  
2 staff, the families walk through our front door  
3 either they hear about it and they walk in or they're  
4 referred by the schools or the NYPD and so that's the  
5 bulk of our referrals are from the NYPD and the  
6 schools, that's how the families hear about the  
7 family assessment program. The FAP staff are the  
8 first people who see the youth and the parents and  
9 they are MSW's, licensed MSW's and they conduct an  
10 assessment of the youth and the family and they  
11 determine what level of service along with the youth  
12 and family that would serve the needs of that family.  
13 And then they're referred out to sometimes our  
14 contracted providers or to a community based  
15 provider. The contracted services that we have are  
16 mostly evidence based practices, they're therapeutic  
17 in nature where the therapist from the agency is  
18 going out to the home, working with the family and  
19 the youth in the community and trying to resolve  
20 whatever the issues are that are presented.

21 COUNCIL MEMBER BARRON: And do you have  
22 any data as to the number of children who are in  
23 foster care who are participants in any of the levels  
24 of your programs? Not just with that but all three  
25 levels.

1  
2 UNIDENTIFIED FEMALE: So, are you talking  
3 about the cross-over youth? The young people who are  
4 involved in foster care and cross-over to the  
5 juvenile justice system?

6 COUNCIL MEMBER BARRON: Well, that as  
7 well as children who remain in foster care but have  
8 some contact with your system.

9 UNIDENTIFIED FEMALE: Right, so we have a  
10 unit in the community based alternative division that  
11 is called the confirmed unit that tracks or  
12 identifies the young people that are crossing over  
13 from child welfare to juvenile justice and we do have  
14 some data on the number of youth who've been  
15 identified either in foster care or another child  
16 welfare preventive or some other child welfare  
17 involvement who have gotten arrested which I can  
18 share with you if that's what you're asking for.

19 COUNCIL MEMBER BARRON: Well, in part.  
20 So what is a child who is cross-over child?

21 UNIDENTIFIED FEMALE: A young person who  
22 is involved either in our foster care system  
23 receiving preventive services or under the  
24 supervision of our division of child protection and  
25 get arrested.

1  
2 COUNCIL MEMBER BARRON: Okay, and does  
3 that child have the opportunity to go back to the  
4 foster home or not?

5 UNIDENTIFIED FEMALE: Yes.

6 COUNCIL MEMBER BARRON: Because when you  
7 said crossover I thought it meant okay that's it.

8 UNIDENTIFIED FEMALE: No, and actually  
9 that's one of the things with the work that we're  
10 doing with crossover youth is trying to get the two  
11 systems to talk to each other because before we  
12 started this work the systems were very siloed and  
13 didn't know what the other was doing with the child.  
14 So what the crossover youth model that we've  
15 implemented with many stakeholders across the city is  
16 to get the child welfare side and the juvenile  
17 justice side to come together to create a plan so  
18 that they do not further enter the juvenile justice  
19 system.

20 COUNCIL MEMBER BARRON: So how do you  
21 measure the success of your community program? How  
22 do you measure the success that you achieve? What  
23 are your benchmarks? What are your indicators that  
24 you can point to? I imagine it's kind of difficult  
25

1  
2 to say but what are your benchmarks or indicators of  
3 success?

4 COMMISSIONER FRANCO: (inaudible) it's  
5 just that we have less kids in the system than ever  
6 before and the reality is that for those kids that  
7 have actually been arrested that actually are in the  
8 process of being adjudicated, not that long ago, most  
9 of the kids were placed in a bed, they actually were  
10 removed from their homes and they would be sent away  
11 to a facility like OCFS. The fact that the city, the  
12 Department of Probation, and others began what we  
13 call an (inaudible) placement program. JJI has  
14 actually resulted in any number of kids in any one  
15 year that are actually being supervised by the  
16 Department of Probation, receiving services such as  
17 the ones that we provide with JJI or mentorship  
18 programs that have actually shown particular success  
19 especially recently that actually are allowing young  
20 people to be kept in the community with the right  
21 supports and the right accountability. That's the  
22 story behind why the numbers are so low.

23 COUNCIL MEMBER BARRON: So do you have a  
24 specific dedicated mentorship program or is it a part  
25 of the services that goes on?

1  
2                   COMMISSIONER FRANCO: It is something  
3 that some folks here know better than I do but when  
4 the city decided that we wanted to ensure that only  
5 those kids that needed to be removed from their homes  
6 needed to go to Close to Home, the city created an  
7 array of opportunity placement programs. They  
8 include the biggest one is JJI which is run by ACS  
9 which are programs that are focused on the family and  
10 intervention where we go to the home and sign up for  
11 one of those programs. The Department of Probation,  
12 very wisely, also set up programs that are more  
13 focused on peer networks at least short term and  
14 created an alternative to placement that are based on  
15 credible messengers and mentorship. They are one of  
16 the things that are doing very well in New York City.

17                   COUNCIL MEMBER BARRON: So in which  
18 programs or how many children who are in the programs  
19 have mentors? I'm glad for the peer to peer but  
20 there's another interaction that comes with a mentor  
21 who is perhaps a little older a little more  
22 experienced, someone who may have gone through that  
23 same type of social conditions and has some type of  
24 insight to share. So how many children actually get  
25 a mentor?



1  
2           COMMISSIONER FRANCO: Again, I know how  
3 successful the program is, it's run by our partners  
4 at the Department of Probation and I would be more  
5 than willing to work with them to get you the answers  
6 that you need. But it's one of the great stories of  
7 New York City, it's working really well.

8           COUNCIL MEMBER BARRON: Okay. I was very  
9 pleased to hear about the students that are coming to  
10 the facility and are able to gain significant credits  
11 and to increase their reading competency. I think  
12 that's so important and the question that I have is  
13 how long, what's the average length of stay that a  
14 student has in your facility, the two. . . in  
15 detention, what's the average placement? Detention I  
16 would imagine is much shorter.

17           COMMISSIONER FRANCO: Yes and I think it  
18 should be better to think about youth in detention in  
19 three cohorts at least that's the way I try to think  
20 about it. We have a significant number of young  
21 people who come to us for a very short amount of  
22 time. They may spend one to four days with us. They  
23 go through the court process again partnering with  
24 Probation and may do an adjustment and they go home  
25 safely with supervision. There's a group of kids

1  
2 that actually are through the family court and some  
3 of them, 20% of them get placed in Close to Home.  
4 That length of stay tends to be about 27 to 29 days  
5 and again those are the young people where John  
6 talked about we have a meeting and we create  
7 meaningful transition to placement and then we have  
8 juvenile offenders that actually account for the  
9 majority of kids in detention. So these are young  
10 people who've committed some serious crimes and  
11 actually their case is being heard in the criminal  
12 court. Their length of stay tends to be 90 days or  
13 more.

14 COUNCIL MEMBER BARRON: And the students  
15 who might come to you who have IEP's, who I might  
16 imagine be quite a large number, are there  
17 specifically special ed teachers that assist these  
18 children with their learning activities or are they  
19 sensitized dedicated teachers doing the best they  
20 can?

21 COMMISSIONER FRANCO: Again, with our  
22 partners at the Department of Education reassess  
23 every youth when they come to detention and placement  
24 and I think they would be better than I would to  
25

1  
2 explain the resources that they have available to  
3 them.

4 COUNCIL MEMBER BARRON: Okay. And what  
5 are the actual staff title positions in the placement  
6 facility or the detention, what are the titles of the  
7 people working in that location?

8 UNIDENTIFIED FEMALE: So in detention, we  
9 have juvenile counselors, juvenile counselor series.  
10 They are our frontline staff that work directly with  
11 the children. We also have associate juvenile  
12 counselors and what we call tour commanders which is  
13 a mid-level supervisory position. We have operations  
14 managers. We have case managers. And we have a  
15 whole range of supportive staff; we have clinicians  
16 but they're contracted.

17 COUNCIL MEMBER BARRON: Do you have any  
18 medical staff?

19 UNIDENTIFIED FEMALE: Yes, we have  
20 floating hospital is a non-profit organization that  
21 provides all of our medical care.

22 COUNCIL MEMBER BARRON: And they're on  
23 site?

24

25

1  
2 UNIDENTIFIED FEMALE: They're on site  
3 24/7. We have medical doctors and physician's  
4 assistant's.

5 COUNCIL MEMBER BARRON: Okay, I think  
6 that's it. Thank you Mr. Chair.

7 CHAIRMAN KING: You're quite welcome  
8 Council Member Barron and you're always welcome to  
9 chime in again as well as Council Member Joni(?) at  
10 any given time but I do want to just follow up on  
11 something that Council Member Joni(?) and you were  
12 discussing. You were discussing health services and  
13 on-call doctors and 24 hour services. So when a  
14 student is discharged after all is said and done, who  
15 is the one who monitors their health records and do  
16 they have access to their health records when they  
17 leave? How does the system operate when a child is  
18 leaving the system?

19 UNIDENTIFIED FEMALE: If the youth has an  
20 ongoing medical issue, our medical doctors contact  
21 their doctors in the community for continuity of  
22 care.

23 COMMISSIONER FRANCO: I think one of the  
24 things that is unique and something that other folks  
25 are looking at is that we provide the care for

1  
2 detention and placement in New York City. We  
3 actually have the ability to do what Associate  
4 Commissioner Prusak(?) talked about. Our doctors  
5 have on many occasions made appointments for young  
6 people in their own primary doctor to ensure  
7 continuity when necessary.

8 CHAIRMAN KING: I'm going to back up on  
9 the health question again because I would like to  
10 know in the population, if you have a young person  
11 who is sick or has a transmittable disease, how do  
12 you manage that into your population?

13 UNIDENTIFIED FEMALE: Most of our youth  
14 don't have that but if we cannot treat a youth within  
15 our own we would bring them to a hospital or  
16 emergency room. But we do have isolation rooms but  
17 we, other than with the flu, we don't have that much  
18 of an issue with things that are long-term  
19 communicable diseases.

20 COMMISSIONER FRANCO: I was at Horizons  
21 two weeks ago and there was a young person with the  
22 flu. Our medical clinic has dedicated beds so that  
23 kids can get care in the facility.

24

25

1  
2 CHAIRMAN KING: Okay because I know that  
3 can be a real issue if one gets sick, another one  
4 gets sick or if another one has a disease.

5 UNIDENTIFIED FEMALE: We have experienced  
6 that with chicken pox and flu in the past. I should  
7 knock on wood somewhere. We've been very fortunate  
8 this year so far we haven't had any major outbreaks.

9 CHAIRMAN KING: I want to just jump over  
10 into another couple of questions and follow on  
11 something you said about crossover youth. How many  
12 of them, do you have a number of how many crossover  
13 youth of how many of our young people in the system  
14 were receiving services and they broke the law and  
15 then all of a sudden they had to be crossed over and  
16 when you've identified that number, whatever happens  
17 to that person. Do they end up staying in that new  
18 system for them or do they transition back after  
19 assessment is done? How does that play out?

20 COMMISSIONER FRANCO: Before we get into  
21 the specifics I think we open up talking about a  
22 known fact now that young people who actually go  
23 through abuse and neglect sadly are likely to end up  
24 in the juvenile justice system. So it's actually a  
25 testament to the commitment to our youth and child

1  
2 welfare at ACS that we made an investment in  
3 crossover youth practice. Commissioner Hanson and  
4 all of us truly believe that we want the best welfare  
5 for the youth in the child welfare system and we  
6 truly believe that the juvenile justice system is not  
7 a good outcome for any of them. So we work really  
8 hard to ensure, there are people who struggle. There  
9 are young people in foster care who struggle with  
10 behavior challenges that they aren't penalizing them  
11 or victimizing them and that's what the crossover  
12 youth system does.

13 UNIDENTIFIED FEMALE: So in terms of  
14 numbers, as I mentioned the Confirm Unit sends out  
15 notifications of young people who are in foster care  
16 who are receiving preventive services or who are  
17 under the supervision of the Division of Child  
18 Protection, we send out notifications to certain  
19 parties when that happens and in 2016 there were 744  
20 notifications sent about crossover youth and of those  
21 several youth had been arrested more than once so  
22 multiple notifications went out. So of the 744  
23 notifications, there were 430 individual youth. So  
24 430 youth individuals arrested 744 times. And I can  
25 give you the breakdown of the child welfare category

1  
2 if you want that but there were 144 youth that were  
3 receiving supervision by Division of Child  
4 Protection, 211 youth in foster care, 337 who were  
5 involved in our preventive services, and 52 youth who  
6 were being served by the family assessment program.

7 CHAIRMAN KING: I would like to get that  
8 report after to see how those numbers [cross-talk]  
9 because I like to know those kids, the 400 plus have  
10 they made their ways back over to the other side and  
11 are they stable again or is there a point in time  
12 that the system says okay, this is your third arrest,  
13 no you're not coming back over, we're moving you into  
14 something more secure.

15 UNIDENTIFIED FEMALE: Right, so once a  
16 young person is in our child welfare system, they  
17 don't leave. So even if they go to detention or  
18 Close to Home, the foster care agency, if the youth  
19 is in foster care, still has to maintain contact with  
20 that young person and plan for that young person if  
21 they were to leave detention or Close to Home. So  
22 they cannot, and that is part of this model, is  
23 saying you just can't just drop this child because  
24 they've been arrested and are in one of our other  
25 facilities.



1  
2           CHAIRMAN KING: I guess the question I'm  
3 trying to ask, even if I've been in the system for a  
4 year and I haven't done anything, going through my  
5 counseling and I'm getting my. . . and I get  
6 arrested and then I come back and then I get arrested  
7 again, and I come back and I get arrested again, is  
8 there ever a point in the system that says no you  
9 just can't come back to the group home but we're  
10 going to put you in one of our secure facilities  
11 because your court case is pending and you no longer  
12 come back to this group home? I'm just trying to  
13 find out is that how we're operating?

14           UNIDENTIFIED FEMALE: So the foster care  
15 agency cannot say that. That would be a  
16 determination up to the family court Judge whether to  
17 place them in detention at that point or not.

18           CHAIRMAN KING: Alright, that's good to  
19 hear, good to know. Talking about the kids who are  
20 in the system. I want to know as you educate them  
21 because not every child is struggling because they  
22 are just bad people and they're broken souls. Not  
23 every child is a broken soul and there's some  
24 discipline and they're just young people making  
25 mistakes and it puts them in certain places. So for

1  
2 that child that has. . . How do you maintain  
3 whatever culture that they are growing up in or  
4 environment or any religious beliefs or anything that  
5 was a part of their makeup. How is the system able  
6 to have some continuity for that child?

7 COMMISSIONER FRANCO: So we pay  
8 particular attention to access to the faith based  
9 community throughout the continuum. Stephanie can  
10 talk about what we do in detention and then we can  
11 talk about Close to Home.

12 STEPHANIE: So as Commissioner Franco  
13 said, we do have a lot of faith based folks that come  
14 in. We try to have a lot of family engagement  
15 activities with our families. We have visiting four  
16 times a week and we have family days once a month  
17 where we put on performances and we invite everybody  
18 in; siblings, cousins, all sorts of family members to  
19 engage with the kids and see what they've doing, look  
20 at their artwork. We celebrated every month, we have  
21 different cultural events that we celebrate. We just  
22 went through black history month. This month, next  
23 month is women's history month. We engage a whole  
24 group of providers to provide activities for the  
25 youth to increase their skills. We have DYCD that

1  
2 comes in and that provides sonic which is an after  
3 school program and we have all sorts of providers  
4 coming in providing music and dance and all sorts of  
5 cultural activities for the youth.

6 COMMISSIONER FRANCO: The advantage of  
7 Close to Home compared to what it used to be is that  
8 people are close to their families and their  
9 communities.

10 JOHN: If I can just go back. I would  
11 agree with you. I would say though 100% of our kids  
12 have made mistakes. They are not hardened criminals.  
13 They're not destined to a life in adult corrections  
14 and as a result of that we want to look at what are  
15 those needs that do correlate with predicting future  
16 criminal behavior for each kid and make sure we  
17 address those individualized needs. For our kids,  
18 it's family circumstances and parenting. It's  
19 education. It's how they use their leisure. It's  
20 who are they hanging out with. Who are their peers  
21 and what are they doing when they're with their  
22 peers? It's about substance abuse. So for Close to  
23 Home we want to make sure we address those needs. We  
24 assess and address those needs very specifically and  
25 then there's the other side of that child where we

1  
2 want to make sure that they're connected to those  
3 positive youth development activities that are built  
4 on their strengths, built on their interests and as a  
5 result of an individualized plan we then want to  
6 identify all those things and make sure that while  
7 the kid is in placement with us and as we think about  
8 them transitioning back to the community on aftercare  
9 that we are connecting kids to services in their  
10 communities that they're going to not just attend  
11 while they're on aftercare and under our supervision  
12 but hopefully long after that so that they're able to  
13 develop and sustain long-term relationship with the  
14 faith based community with other cultural centers and  
15 activities that exist for them. So they have an  
16 opportunity while in placement to experience those  
17 and hopefully stay involved once they're out.

18 CHAIRMAN KING: Thank you for that answer  
19 and I have two more questions. I just want to put it  
20 down that I'm joined by another one of my colleagues  
21 from the Boogey Down Bronx, Council Member Richie  
22 Torres. Thank you for joining us today. When we  
23 start talking about this whole discharge and family  
24 planning and involvement, could you give us an idea  
25 of the percentage of families who stay engaged with

1  
2 their children as they reeducate, not just the child  
3 being reeducated but the family be reeducated at the  
4 same time they're dealing with the scenario that  
5 they're dealing with?

6           JOHN: So this is a good story and then  
7 it'll speak to one of the other challenges in terms  
8 of Close to Home. Most of our kids, the vast  
9 majority of our kids return home to their families.  
10 I can give you the specific number, we can send that  
11 as a followup but the vast majority, while they're in  
12 placement, stay connected to their families. We have  
13 services while they're in placement that address  
14 family issues through counseling. We rely on  
15 aftercare services as you heard from Associate  
16 Commissioner Hemider that go out into the home and  
17 work with the families to make sure communication is  
18 effective and it's addressing the needs of that  
19 family. So we're very proud of that. Unlike any  
20 other system I've seen, families are engaged and when  
21 families are reluctant, we're partnering with our  
22 community agencies where the kids are living and  
23 we're making sure that we're doing everything we can  
24 to keep them engaged. That said, as our population's  
25 gotten smaller the needs of that population have gone

1  
2 up as a whole and unfortunately then the number of  
3 kids who are placed in other than family residences  
4 have gone up in Close to Home over the past few  
5 years. Sometimes they come in as crossover youth so  
6 they're already involved with the foster care system  
7 but we still then want to reach out and try to do  
8 everything we can to reconnect those kids to their  
9 parents and/or extended families. But then we also  
10 see because these kids have presented such challenges  
11 to their families over a long period of time, we see  
12 families that are then while that child is out of  
13 their home parent and attend to the needs of their  
14 other children. Reset in a way and so what we've  
15 seen is an increase in the number of families that  
16 then stop participating over time and so that's  
17 something that we're working hard to address.

18 CHAIRMAN KING: And one final question as  
19 we start wrapping up, I'm going to pass it off to my  
20 colleagues. I would like to get an idea of the  
21 ethnic breakdown of these young people that are in  
22 the system because I got some disturbing news and I  
23 just want to hear from you all what is the ethnic  
24 breakdown of our young people in the system?

1  
2           COMMISSIONER FRANCO: We talk about that  
3 when you came to Ryder and you immediately pointed  
4 out that everyone of the young women that you've met  
5 were either African-American or Latino. So I want to  
6 get you the right numbers. So African-American youth  
7 comprise 64% of the youth in detention and 61% of the  
8 youth in Close to Home. Hispanic youth comprise 30%  
9 of the youth in detention and 30% of the kids in  
10 Close to Home. So to your question, the reality is  
11 is that our system serves mainly African-American and  
12 Latino kids.

13           CHAIRMAN KING: Right and I have a  
14 problem with that is that 13 year olds are 13 year  
15 olds, it doesn't make a difference if you're black,  
16 Puerto Rican, white, yellow, green, whatever they  
17 want to call it. You know 13 year olds do the same  
18 dumb things on any given day. So I'm trying to  
19 understand how come that if young black males make up  
20 5% of New York City's population, how can they make  
21 up over half of the population in a system that can  
22 lead them to incarceration? Do you have an answer  
23 for that? Is that an NYPD issue? Where are we with  
24 this?

1  
2                   COMMISSIONER FRANCO: I can answer with  
3 what we're doing at ACS and I think we open up  
4 talking about the significant reduction in the number  
5 of young people in the juvenile justice system.  
6 Again, there are so fewer of them are in the system  
7 is a good thing that we should celebrate. I think  
8 it's about young people that come from certain  
9 neighborhoods and from certain any backgrounds are  
10 going to be in the juvenile justice system what kind  
11 of juvenile justice system should that be? And to  
12 this I can speak with some authority because having  
13 run the state system, the fact that mainly 1,000  
14 young people from New York City, not that long ago,  
15 were placed in facilities far from home where they  
16 were being managed and supervised by folks who have  
17 maybe never been in New York City and it's not what  
18 we want. The fact that young people now are in Close  
19 to Home sites where their guidance and counseling and  
20 supervision is coming from folks that come from the  
21 same communities that can talk with some credibility  
22 about this is how I made it. This is how I was able  
23 to focus on school. This is how I was able to  
24 graduate. That has a big value and that continues to  
25 decrease the number of young people that are coming



1  
2 into the system. We have a system now where if you  
3 go to your facility which you've been too and I hope  
4 every one of you to come, the folks who are actually  
5 guiding our young people are folks who made it out of  
6 the same neighborhoods and the same community. They  
7 made it like you and I did and they can talk with  
8 that credibility about you can make and I'm a proof  
9 that you can make it. That's not the case across the  
10 nation. Most young people in the juvenile justice  
11 systems elsewhere are placed far away from home and  
12 managed and supervised by people who have no  
13 relationship or connection to their neighborhoods.

14 CHAIRMAN KING: Well, I thank you for  
15 that answer. I'm going to come back to this  
16 conversation but I want to turn the mic over to  
17 Boogey Down Bronx Council Member Reggie Torres.

18 COUNCIL MEMBER TORRES: Thank you Mr.  
19 Chairman. If I ask questions that have been posed, I  
20 apologize but it's been said that in politics  
21 everything that has been said might have been said  
22 but not everyone has said it. So I will. . .  
23 Obviously there's a state law that requires the  
24 transfer of 16 and 17 year olds from Reikers(?)  
25 Island by October of 2018. There's a recognition

1  
2 that Reikers(?) is a criminogenic environment, is a  
3 culture of violence, the dock officers at Reikers(?)  
4 are ill-equipped to supervise 16 and 17 year olds.  
5 That would seem to be the recognition and the logic  
6 behind that law. I have concerns about the plans to  
7 have dock officers to supervise 16 and 17 year olds  
8 in the new detention centers. That would seem to  
9 undermine the purpose and logic of the state's law.  
10 So can you reconcile that for me? I worry that we  
11 run the risk of effectively exporting the culture of  
12 violence that this law was intended to end.

13 COMMISSIONER FRANCO: The law as created  
14 by the state, requires a partnership between the  
15 Sherriff's Department and the juvenile justice system  
16 across the state of New York. In our case, the  
17 Sherriff's Department is the Department of  
18 Corrections so the law was enacted with an  
19 intentionality to have a partnership between DOC and  
20 ACS in our case in New York City. Having said that,  
21 I would agree with you.

22 COUNCIL MEMBER TORRES: The law does not  
23 require the transfer of dock officers to these ACS  
24 facilities.

25 COMMISSIONER FRANCO: No it doesn't.

1  
2 COUNCIL MEMBER TORRES: So why couldn't  
3 we have ACS officials who are specially trained to  
4 interact with 16 and 17 year olds?

5 COMMISSIONER FRANCO: The city is in the  
6 phase of figuring out the transfer. There's two  
7 things to the Raise the Age Law. One is actually the  
8 servicing of the Raise the Age Law issue of the first  
9 group of youth coming to us in October 2018 and then  
10 the second group coming in 2019. There's also a  
11 unique mandate to New York City that doesn't happen  
12 across the state of us moving the kids out of the  
13 jail, in our case Reikers(?). We are doing  
14 everything we can to figure out how to do that and  
15 the intent of the city is to sustain the spirit of  
16 the juvenile justice system. The regulations are  
17 very clear. They require most of the practices, most  
18 of the staff was at the training to abide by juvenile  
19 justice standards.

20 COUNCIL MEMBER TORRES: Yeah, but  
21 standards on paper on one thing right? Culture is  
22 something else. In theory, there should be no  
23 culture in violence. There's no law that legitimizes  
24 the culture of violence at Reikers(?) Island but  
25 there's a disconnect between what the law requires

1  
2 and what is actually unfolding in real life and I  
3 worry that we're replicating the dynamic at these  
4 detention centers. My understanding, when did you  
5 find out that these specialized secure detention  
6 centers could be collocated with or what's the  
7 juvenile detention centers?

8 COMMISSIONER FRANCO: That's two  
9 different licensing processes so the facility is  
10 licensed as a secure detention facility will have to  
11 go through a different process to be licensed as a  
12 specialized secured detention facility. One  
13 licensing process which is the one that we have now  
14 is under the jurisdiction of OCFS. The other one is  
15 under the jurisdiction of OCFS and state commission.  
16 . . .

17 COUNCIL MEMBER TORRES: But the law  
18 allows you to, for existing juvenile detention  
19 centers to function as SSD's right?

20 COMMISSIONER FRANCO: Once you make some  
21 modifications to them, yes.

22 COUNCIL MEMBER TORRES: And so when did  
23 you find out that that was going to be the case?

24 COMMISSIONER FRANCO: When was it that  
25 regulations came out?

1  
2 UNIDENTIFIED FEMALE: Last year at some  
3 point.

4 COMMISSIONER FRANCO: Some moment in  
5 December. If I remember correctly, December.

6 COUNCIL MEMBER TORRES: Because I have  
7 apparently there was a memo from OCFS to secure  
8 detention administrators dated September 11, 2017  
9 which is more than a year from October 2018. So I  
10 would think within the span of a year, we could hire  
11 and train officials who are professionally equipped  
12 to supervise 16 and 17 year olds right? If we can  
13 implement the largest pre-K program across multiple  
14 agencies within a matter of months, why can't we hire  
15 100 ACS officials who are specially trained to deal  
16 with 16 and 17 year olds? It seems like we're New  
17 York City.

18 COMMISSIONER FRANCO: We intend to hire  
19 as many amazing juvenile justice counselors or some  
20 new titles as we can.

21 COUNCIL MEMBER TORRES: But I guess, why  
22 are we transferring dock officers when we can  
23 actually get it. . .

24 COMMISSIONER FRANCO: You mean  
25 transferring dock officers where?

1

2

COUNCIL MEMBER TORRES: To these SSD's.

3

4

5

6

7

COMMISSIONER FRANCO: The city hasn't determined which facility will be the special secure facility and in that facility they will have to be in partnership with the Department of Corrections and ACS.

8

9

10

11

COUNCIL MEMBER TORRES: And I'm all for partnerships [cross-talk]. But can you guarantee us that there will be no dock officers supervising 16 and 17 year olds?

12

COMMISSIONER FRANCO: No I can't.

13

14

COUNCIL MEMBER TORRES: And why can't you guarantee that?

15

16

17

18

COMMISSIONER FRANCO: Our (inaudible) is as amazing as our staff is right now we don't have enough of them to manage our operations and our main focus is to [cross-talk]

19

20

21

COUNCIL MEMBER TORRES: So why can't we hire new staff to meet the need? What is the barrier?

22

23

24

25

COMMISSIONER FRANCO: Right now we have significant challenges in terms of attracting and retaining staff within the current (inaudible).

1

2

COUNCIL MEMBER TORRES: So you feel like you're not able to hire. . . How many officials would you need to hire to supervise the 16 and 17 year olds in these SSD's?

6

7

COMMISSIONER FRANCO: The number projections mean that we need to have in place around 120.

9

10

COUNCIL MEMBER TORRES: So you can't find 120 people in a city of eight million people?

11

12

COMMISSIONER FRANCO: Not in the current (inaudible) service.

13

14

15

16

17

18

19

COUNCIL MEMBER TORRES: I just refuse to accept that. That's unacceptable. Within the span of a year, we are the most well-oiled municipal machine in the country and we cannot find and train 120 people to supervise 16 and 17 year olds in SSD's? That strikes me as implausible. And if we can't do it within a year then at what point can we do it?

20

21

22

23

24

25

COMMISSIONER FRANCO: We're working very closely with our partners across the city to figure out a way to bringing on board the right staff that gets to do the work that we want them to do in the juvenile justice system.

1  
2 COUNCIL MEMBER TORRES: Look, I feel like  
3 it's unacceptable. We should be able to hire proper  
4 officials within a year and even if you're  
5 technically complying with the letter of the law I  
6 think we're failing to honor the spirit of what this  
7 reform was intended to achieve. So with that said,  
8 that's the extent of my questioning.

9 CHAIRMAN KING: Thank you Council Member  
10 Torres and I thank you for leading us into the  
11 conversation. You didn't say anything no one asked  
12 because we actually waited for that part for you and  
13 Council Member Williams to get in so we can jump  
14 right in too. So right on time. Yes, the whole  
15 Raise the Age is going to cause some new activity for  
16 a lot of us in a way of thinking and one of the  
17 things that Councilman Torres hits on and I wanted to  
18 bring that up, I propose how do we create a new staff  
19 because it is kind of almost unacceptable to bring a  
20 corrections officer where the child sees that person  
21 as someone who helps me engage or manage a certain  
22 behavior and that might not be what I need if I'm  
23 going into a new facility where I'm supposed to be  
24 reeducating myself when I have the disciplinarian not  
25 the educator that's before me. So as I know we have



1 union brothers in the room and sisters in the room.  
2 Maybe we can look at creating a new environment of  
3 worker who can help facilitate this Raise the Age and  
4 that means open it up to ACS workers, open it up to  
5 the corrections officer to come in and say we have a  
6 new position that we're looking to create and pay a  
7 comparable salary so this way the correction officer  
8 who happens to be a correction officer because they  
9 have social worker degree, they've been a case worker  
10 but corrections may have paid better than doing some  
11 other work, so I went to corrections but in my heart,  
12 I'm still looking to help redevelop a person, than  
13 the ACS worker who's already made the commitment.  
14 Put something there so you don't have the union  
15 problem of someone trying to take a correction  
16 officer because they're going over to a city worker  
17 job and you avoid that union issue that might arise  
18 when you just create something new and different. So  
19 I think that might be your best way to get the best  
20 qualified people who are committed who want to do  
21 that while creating a salary and a new workforce  
22 that's going to handle this because we have to come  
23 up with something to maintain this new population  
24 that we're going to have to accommodate in October  
25

1  
2 and again, as we talked earlier, how do we make sure  
3 we put a system in that's going to be stable. Not  
4 rushing into something and not having the pieces of  
5 the puzzle together. So thank you Council Member  
6 Torres for starting this conversation and we've been  
7 joined by the Island of Brooklyn again, Council  
8 Member Jomani Williams is in the house. Peace out.  
9 City of Brooklyn. Make it do what it do then. Do  
10 you have a couple words, comments you'd like to share  
11 at this moment?

12 COUNCIL MEMBER WILLIAMS: I guess I don't  
13 know what questions to ask.

14 CHAIRMAN KING: Go for what you know  
15 brother.

16 COUNCIL MEMBER WILLIAMS: Thank you. I  
17 just had some of the back and forth. One, I think  
18 the state could have gone a little further but I was  
19 happy with what they did. I wasn't surprised to  
20 learn that something that had Como's name on it had  
21 mirrors on it to make it look a little bit better.  
22 So I wasn't shocked to find out that there wasn't  
23 funding to it. So I'm very disturbed about that and  
24 I think someone said the city is putting \$200  
25 million, is that correct?

1  
2           COMMISSIONER FRANCO: We estimate that  
3 the cost will be at least \$200 million dollars.

4           COUNCIL MEMBER WILLIAMS: Are we doing  
5 it? Is that what's happening?

6           COMMISSIONER FRANCO: We have to do it.

7           COUNCIL MEMBER WILLIAMS: Okay, what  
8 would be the cost if it was a clean raised age? If  
9 it was all 16 and 17 year olds would be processed  
10 through the family court without exception?

11          COMMISSIONER FRANCO: I don't know what  
12 would be the differential.

13          COUNCIL MEMBER WILLIAMS: I know that  
14 it's not all. . . What's the current law right now  
15 in the state? What does the current state law say?

16          COMMISSIONER FRANCO: So anyone who  
17 commits an offense below the age of 16, based on the  
18 offense could either be seen through the family court  
19 or if it's a serious felony, could be seen through  
20 the juvenile offenders part in the criminal court.  
21 So there's actually that distinction in New York  
22 State as it is. So in our detention facilities that  
23 we serve now we have juvenile delinquents which we  
24 talked about before and we have juvenile offenders  
25

1  
2 that are young people who are awaiting through trial  
3 in the criminal court juvenile part.

4 COUNCIL MEMBER WILLIAMS: So this is 16  
5 and 17 years olds?

6 COMMISSIONER FRANCO: That's the current  
7 state of affairs.

8 COUNCIL MEMBER WILLIAMS: 16 and below.  
9 What if we want to include 16 and 17 year olds?

10 COMMISSIONER FRANCO: The law enacted by  
11 the state again maybe to use in your term is not a  
12 clean Raise the Age law. It is not that you move  
13 every 16 and 17 year old to go through the family  
14 court. We actually created a (inaudible) between  
15 juvenile delinquents that are going to go through  
16 family court who are 16 and 17 and this new category  
17 called adolescent offenders that would go through the  
18 criminal court based on their cases.

19 COUNCIL MEMBER WILLIAMS: My question is  
20 you're saying the cost now is \$200 million correct?  
21 What would the cost be, do we know, if it was a clean  
22 version?

23 COMMISSIONER FRANCO: You mean to have  
24 this new category?  
25

1  
2 COUNCIL MEMBER WILLIAMS: Yes, if 16 and  
3 17 year olds going through family court.

4 COMMISSIONER FRANCO: I don't know the  
5 difference but it might be significantly costly  
6 anyway. When you think about the processes of the  
7 services that we're going to provide to youth and  
8 families and those are going to be the same no matter  
9 what door you go through. You go through the  
10 criminal court or you go through the family court.

11 COUNCIL MEMBER WILLIAMS: I just want to  
12 know if the cost would be significantly more or is  
13 there. . .

14 COMMISSIONER FRANCO: I don't know.

15 COUNCIL MEMBER WILLIAMS: Okay. The DA's  
16 may file motions showing extraordinary circumstances  
17 to keep a youth accused of a non-violent felony.  
18 What are some of the circumstances that would have a  
19 required extraordinary to keep non-violent youth in  
20 the court?

21 UNIDENTIFIED FEMALE: So there's a  
22 subcommittee that's working on this, the court  
23 processing subcommittee and no one really knows yet  
24 what extraordinary circumstances is going to look  
25 like. The DA's are going to have to answer that

1  
2 question because they are the ones that are going to  
3 be making that application.

4 COUNCIL MEMBER WILLIAMS: Yikes. So we  
5 don't know and I guess it can be different from  
6 borough to borough which means Queens and  
7 particularly Staten Island are going to be in bad  
8 shape. That's not good. I caught the tailend of my  
9 colleague. I just wanted to. . . Are you trying to  
10 get ACS workers to post to the corrections officers  
11 that were at Reikers(?) to cover the SSD's or what's  
12 the plan?

13 COMMISSIONER FRANCO: Yes we are. We are  
14 committed to hire more staff. We're committed to  
15 hire more staff now. We were committed to hire more  
16 staff yesterday. We are short staffed in detention.  
17 As low as the numbers are, we had a significant  
18 conversation before about the high needs of the young  
19 people that we serve. Their individualized needs and  
20 how they have to be met and the best way to do that  
21 is by having frontline staff. We have an amazing  
22 staff in detention now. They play a very difficult  
23 role of providing guidance and supervision, structure  
24 and discipline at the same time they try to connect  
25 to kids and teach them new ways of doing the work.

1  
2 We have struggled in attracting the staff and keeping  
3 the staff.

4 COUNCIL MEMBER WILLIAMS: Joe, is it you  
5 need money to hire or is it bureaucracy that's  
6 preventing you?

7 COMMISSIONER FRANCO: We're working  
8 really hard to figure out a way to hire the staff  
9 that we need.

10 COUNCIL MEMBER WILLIAMS: Alright, I  
11 think I asked a different question. Is it money that  
12 you need or is bureaucracy preventing you from  
13 hiring?

14 COMMISSIONER FRANCO: We're doing  
15 everything that we can to figure out a way to attract  
16 and keep the staff that need. We're hoping that. . .

17 COUNCIL MEMBER WILLIAMS: Let me break it  
18 up. Do you have enough money to hire the new staff  
19 that you need?

20 COMMISSIONER FRANCO: We actually have a  
21 request to the OMB and to the state to get the  
22 funding necessary to attract the right staff.

23 COUNCIL MEMBER WILLIAMS: So you  
24 currently don't think you have enough money to hire  
25 enough staff?

1  
2           COMMISSIONER FRANCO: Yeah, as I said  
3 before Raise the Age is going to cost at least \$200  
4 million dollars. A significant part of that  
5 investment is going to be in frontline staff.

6           COUNCIL MEMBER WILLIAMS: So if you get  
7 the \$200 million dollars you'll be able to hire the  
8 additional ACS staff that you need?

9           COMMISSIONER FRANCO: If we have the  
10 resources to attract the staff then we will work with  
11 our partners in labor and others to figure out a way  
12 of attracting the right staff.

13          COUNCIL MEMBER WILLIAMS: Okay, you need  
14 additional funding to hire adequate staff? We clear  
15 on that one?

16          COMMISSIONER FRANCO: Yeah.

17          COUNCIL MEMBER WILLIAMS: You're saying  
18 \$200 million dollars is the correct amount of money?

19          COMMISSIONER FRANCO: \$200 million  
20 dollars is the estimate that New York City has to do  
21 the full implementation of Raise the Age that goes  
22 beyond just staffing detention.

23          COUNCIL MEMBER WILLIAMS: Does that  
24 include staffing that includes ACS?

25          COMMISSIONER FRANCO: Yes.



1  
2 COUNCIL MEMBER WILLIAMS: Okay, so based  
3 on that, if you have \$200 million dollars you should  
4 be able to staff up at a quick rate so that it's not  
5 just the same folks who were there before but ACS  
6 workers who have more experience dealing with it as  
7 well as I think different connections to social  
8 services that might be needed, correct?

9 COMMISSIONER FRANCO: Yes.

10 COUNCIL MEMBER WILLIAMS: Okay, I'm not  
11 sure why it took that long to get to yes but I want  
12 to make sure that hopefully we have that. I'm not  
13 expecting to get any additional funding from Andrew  
14 Como. I hope that state reps, particularly Senator  
15 Mehacy(?) will push really hard to push that in the  
16 state but like you said, it has to get done. So I  
17 just want to thank you for this opportunity. Thank  
18 you Mr. Chair. I'm glad that we're moving in right  
19 directions in how we're dealing with our young  
20 people, how we're dealing with criminal justice to  
21 begin with. I would say that people say we have to  
22 reform the system. I think it's operating the way it  
23 was designed to operate so we just have to completely  
24 change, uproot the system and put another one in  
25

1  
2 place. That's a difficult thing to do but hopefully  
3 we can get there. Thank you.

4 CHAIRMAN KING: Thank you Council Member  
5 Williams and as we wrap up with this panel. I think  
6 we go the jest of a little bit of about what you all  
7 do in the juvenile justice system from the time of a  
8 young person enters into your doors that you have  
9 secure, non-secure. You have family services,  
10 treatment, counseling, foster care homes, and you  
11 have a staff that's responsible for making sure they  
12 deliver on all this and the challenges are not just  
13 financial but from limited staffing or just policies  
14 and Council Member Williams said it best and I  
15 believe that the system today is doing what it is  
16 designed to do. We do need to make some corrections  
17 and all when it comes to justice, not just juvenile  
18 but the criminal system altogether needs some shaking  
19 up in order for it to deliver on what it needs to  
20 deliver and when you change the policies, the money  
21 tends to follow. The policies that are in place, the  
22 money is there for the policies that they want to  
23 deliver on whether it trips us up or whether it  
24 serves us up. So at the end of the day I want to say  
25 thank you for educating us on this first conversation

1  
2 that we're having today in regards to what the  
3 juvenile justice system looks like in the city of New  
4 York. Of course, there's going to be more  
5 conversations we're going to have and I'm going to be  
6 calling on Julie Burley who is from the Mayor's  
7 office administrative side for the follow ups on all  
8 the outlines and data that we've asked for in this  
9 hearing and I definitely want and look forward to  
10 seeing the material that you send in regards to the  
11 successes that you've had in your system. We can  
12 understand what the successful numbers look like then  
13 we can figure out where we need to improve as well.  
14 So I want to thank you all for today's testimony and  
15 I'm going to ask you if you can stick around for just  
16 a minute because the next person that's coming is a  
17 young person that I want you to hear from so we all  
18 can understand what his conversation is going to look  
19 like. I just got a question that was asked of me to  
20 ask of you.

21 COMMISSIONER FRANCO: Is that through  
22 Twitter?

23 CHAIRMAN KING: Yeah, good one. But it's  
24 asking is there a plan to have separate facilities  
25 and if not how long will you manage cominglin?

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COMMISSIONER FRANCO: Regarding what?

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CHAIRMAN KING: Are there separate facilities for the older and the younger? Will there be any comingling coming in?

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COMMISSIONER FRANCO: Our intent is to look at, we have two facilities, both of them are certified and are secure juvenile delinquent facilities. We are looking at certifying one of them as a specialized secured detention facility and we're looking at having more than those two facilities which I think some of you have heard about where we asked the state to make (inaudible) available as another specialized secure detention facility to be able to meet the demands of Raise the Age.

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CHAIRMAN KING: Okay, and. . .

COUNCIL MEMBER BARRON: So the question

is will there be comingling because I asked that question when you came before. So what is the answer?

21

22

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COMMISSIONER FRANCO: They may be comingling when we feel that it is developmentally appropriate and safe to do so.

24

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COUNCIL MEMBER BARRON: I don't think that's the answer you gave me before but I'm glad

1  
2 that we're hearing that now because I think that  
3 that's very important.

4 COMMISSIONER FRANCO: You know, we hear  
5 loud and clear from everyone. I think we did answer  
6 that way. I think I heard particularly from you the  
7 importance to have developmentally appropriate  
8 placements with in housing units and we believe that.  
9 We do that now. We have housing units where we have  
10 young people who actually in middle school. We have  
11 housing units where young people are in high school  
12 and detention facilities. We know that's important.

13 COUNCIL MEMBER BARRON: Okay.

14 COMMISSIONER FRANCO: We do the same for  
15 Close to Home.

16 CHAIRMAN KING: I want to thank you again  
17 and I think what's going to need to happen is we're  
18 going to have to have the conversation on Raise the  
19 Age hearing and when you return, you all being able  
20 to express your plan so we can get a real idea of how  
21 your handling what's been imposed on us by the state  
22 and if there's any real deficits on delivering then  
23 we need to know that at that hearing so we can figure  
24 out how to plug those holes up.

1  
2                   COMMISSIONER FRANCO: One thing that I  
3 want to implore from the council and others here is  
4 that Raise the Age is not just about the beds in  
5 detention, it's not just about Close to Home. It  
6 would be an opportunity for New York City not to take  
7 advantage of Raise the Age to kind of be a juvenile  
8 justice system that does what we actually have been  
9 doing very well so far that is based on education,  
10 based on family supports, on neighborhood  
11 interventions to keep young people out of the  
12 juvenile justice system. Sometimes we're so focused  
13 on just the kids who are moving out from one bed to  
14 another that we forget that what we need to do is  
15 invest in families and communities. Thank you.

16                   CHAIRMAN KING: Thank you for recognizing  
17 that. Thank you. Our next panel up, Beth Powers,  
18 Kate Rubin, Anthony Wells, Luis Padilla, those four  
19 there. So I want to thank you all for your  
20 commitment to serve our children and our young people  
21 who are in need of reeducation, redevelopment, and  
22 just some genuine love to help them become productive  
23 adults. So thank you all for coming to today's  
24 hearing and testifying. So before, everyone is going  
25 to get four minutes. I ask you to respect the bell.

1  
2 I understand that if you're in the middle of an  
3 important statement we won't pull Sam in and Sims out  
4 here and we won't snatch you off the stage but we  
5 want to just ask you to stay in respect of the  
6 timeframe somewhat. We are here talking about a  
7 system that's catered to handle and manage and  
8 educate our young people. So I would like to start  
9 with Luis Padilla, our young brother that's here  
10 today to have a conversation with us. So Mr.  
11 Padilla, it's on you.

12 MR. PADILLA: Good afternoon everyone. My  
13 name is Luis and I'm a youth leader with Youth  
14 Speakers Institute. First off I'd like to thank  
15 Chairperson and Councilmember King for hosting this  
16 oversight hearing and for the chance to testify.  
17 Today I'll focus my testimony on why the New York  
18 City Department of Corrections and corrections  
19 officers should not supervise children in ACS  
20 facilities. I'm going to focus on one specific  
21 reason based on my own experience. DOC correctional  
22 officers have militarized training while juvenile  
23 facility staffs are trained to deescalate and promote  
24 positive youth development. When I was 16 years old  
25 I spent several weeks in Reikers(?) Island. I

1  
2 remember one time when an inmate flooded his cell by  
3 clogging his toilet. A few correctional officers  
4 entered his cell with turtles, their emergency  
5 service unit and the rapid response team who are  
6 equipped with shields, tactical gear, batons, and  
7 pepper spray. The ESU and RO2 units beat him in his  
8 cell and took him out like an animal by his arms and  
9 feet. I felt sad for him and was scared for my own  
10 safety as well. It's sad to see a child whose mind  
11 is not fully developed and who is literally crying  
12 out for attention get beaten and dragged out of his  
13 cell by adult men. Now where's the youth  
14 development training in that? I was scared at  
15 Reikers(?) because I knew I could be easily  
16 misunderstood and beaten by the correctional officers  
17 with no way to hold them accountable. Furthermore,  
18 whenever there were fights, correctional officers  
19 would go to turtles and the turtles would beat kids  
20 with their shields and sticks to stop the fights and  
21 to subdue the rest of the housing unit. After that  
22 the kids fighting would be sent to the box solitary  
23 confinement. Now, in juvenile detention centers  
24 fights are addressed completely different. When  
25 there was a fight in Crossroads, we would get



1  
2 restrained but not with shields and batons. Also  
3 after a fight we were not sent to solitary  
4 confinement. We were sent to speak with counselors  
5 who were trained youth professionals and who cared to  
6 understand what was going on with us and why we were  
7 acting the way we were. While in Crossroads, I was  
8 in many fights. I was always counseled. During that  
9 period, no one was visiting me. No one was there for  
10 me but my counselor. My counselor understood that I  
11 was acting out because I was seeking attention and  
12 that my mind could not grasp all of my family  
13 dynamics at that moment. She provided me with coping  
14 techniques and ways to address some of my anxiety.  
15 Reikers(?) was like a hell with no way out. I got  
16 lucky but others suffered abuse and scars that they  
17 will never be able to recover from. We cannot have  
18 our kids in juvenile facilities open to this kind of  
19 abuse. The militarized training of the DOC would  
20 just create a new Reikers(?) in Horizons. We need  
21 fresh staff trained to deescalate and promote  
22 positive youth development.

23 CHAIRMAN KING: Thank you. Thank you.  
24 Good job.

25 MR. PADILLA: Thank you. Thank you.

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CHAIRMAN KING: Next.

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MS. RUBIN: Yeah, I'm happy to follow Luis and just say thank you for the opportunity to testify and for holding the hearing. I submitted longer written comments so I will just summarize them briefly and say we also focused on the continuum of New York's juvenile justice system as it relates to three essential elements of Raise the Age implementation. The first is specialized secure detention.

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CHAIRMAN KING: Yeah, I'm sorry to interrupt you but we still don't know who is speaking on the microphone right now.

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MS. RUBIN: I'm so sorry. Thank you. My name is Kate Rubin and I'm the Director of Policy at Youth Represented. Thanks so much. So the first is specialized secure detention for older youth which Luis just spoke to and I'll just say a couple more things about that at the end. The second is the need for a robust monitoring body that includes youth, families, and community members directly impacted by Raise the Age to ensure that the implementation of the legislation meets the goal of reducing youth incarceration and arrest. I know there is a very

1  
2 robust task force that the city has and that they'er  
3 doing fantastic work. I don't know how many members  
4 of the community, how many young people, how many  
5 family members are part of that task force. We go  
6 into some recommendations we have both about the  
7 makeup of it and what an implementation task force  
8 for the city could look like and what kind of data we  
9 think is really important to collect, both from  
10 agencies and from young people themselves. And then  
11 the third, which has been talked about a lot but the  
12 need for funds for comprehensive programming both for  
13 adolescent offenders, the 16 and 17 year olds in  
14 secure detention but also for older youth who will  
15 still be at Reikers(?), the 18 to 24 year olds who  
16 still are really in need of programming and we hope  
17 that they don't lose out as part of Raise the Age.  
18 Just to add a few more points on specialized secure  
19 detention to what has already been said. The thing I  
20 really want to emphasize is that in the past five  
21 years, the city has made tremendous efforts to  
22 improve the conditions and reduce violence at  
23 Reikers(?) especially for youth. They've brought in  
24 some of the best progressive corrections  
25 professionals from around the country to provide

1  
2 technical assistance and leadership. They've put in  
3 place first rate training. They've funded expansions  
4 in programming and legal services. They've reduced  
5 ratios of staff to youth, in some cases even to  
6 levels below required by lawsuits and settlements and  
7 it's not enough. None of it has been enough. It  
8 hasn't changed the culture. I mean, and if that  
9 experience isn't enough to teach us that with  
10 tremendous effort, money, intentions, all of the best  
11 ideas we can't change the culture at Reikers(?)  
12 Island and there are so many examples of  
13 documentation of the limitations on that progress  
14 both from young people themselves and I really  
15 encourage everybody to read the Forth Nunez  
16 Monitoring Report that came out last fall. I won't  
17 read from it. I think my colleagues from Legal Aide  
18 might read a little bit from it and I included some  
19 excerpts in our testimony but it really makes clear  
20 that the problems with staff continue unabated, is  
21 the word that they use. That the problems are not  
22 just with line staff but also with supervisors and  
23 that all of the efforts that have been made aren't  
24 enough and I mean just listening to Deputy  
25 Commissioner Franco's testimony about all of the

1  
2 really incredible things that have been put in place  
3 and the much better culture in our ACS facilities, I  
4 understand that there are significant operational  
5 barriers that make hiring and training ACS staff in  
6 time for an October deadline extremely difficult but  
7 that will not be as difficult as uprooting the  
8 culture of DOC once it establishes itself in our  
9 youth facilities.

10 CHAIRMAN KING: Correct.

11 MS. RUBIN: We are eager to support the  
12 council and the city in any way that can to develop  
13 alternatives. Thank you.

14 CHAIRMAN KING: Thank you. And if anyone  
15 gets happy and they want to clap, this is how we do  
16 it. Thank you Kate. Thank you.

17 MS. POWERS: Hello. I'm Beth Powers.  
18 I'm the Director of Youth Justice at the Children's  
19 Defense Fund New York. Thank you so much for the  
20 opportunity to provide comments today. I've also  
21 submitted longer testimony. I'm just going to hit a  
22 few talking points today. Also, thank you Luis for  
23 sharing your experience. So the Children's Defense  
24 Fund provides an independent voice for all children  
25 who cannot vote, lobby, or speak for themselves and

1  
2 we pay particular attention to the needs of poor  
3 children, children of color, and those with  
4 disabilities. We also co-lead the Raise the Age New  
5 York campaign, a statewide advocacy effort that  
6 helped to bring attention to the need to raise the  
7 age of criminal responsibility in New York and we  
8 continue to advocate to ensure that the law is  
9 implemented and funded in a way that ensures best  
10 outcomes for the young people who will be impacted by  
11 the law. One of the most significant changes to New  
12 York City's juvenile justice system occurred with the  
13 passage of Close to Home in 2012 of which we heard  
14 extensively the benefits of today compared to the  
15 previous system. I'm going to skip over that and  
16 head straight into some of the Raise the Age  
17 implementation concerns. So, as you know, in April  
18 of 2017, legislation passed to raise the age and it  
19 is truly an opportunity to examine New York's  
20 juvenile justice system and ensure that front end  
21 community based solutions are prioritized and that  
22 deep end confinement based settings are used as a  
23 last resort. Raise the Age requires the creation of  
24 new specialized secure detention which we've heard  
25 about extensively today for adolescent offenders and

1  
2 these facilities are to be jointly operated by ACS  
3 and DOC. One of the main points I want to make today  
4 is how alarmed we are at the city's current plan to  
5 staff these facilities with DOC staff for the first  
6 24 months. We're concerned that staffing these  
7 facilities with DOC officers will import an adult  
8 correctional culture that will not be easily, if at  
9 all removed after 24 months. We appreciate that ACS  
10 will offer case management and programming  
11 responsibility for youth. We heard extensively today  
12 their expertise with young people and the success  
13 they've had in decreasing detention populations and  
14 evidence based practices and trauma informed care.  
15 However, this measure cannot negate the use of DOC  
16 staff to provide security for youth. We acknowledge  
17 that DOC has made strides to address the treatment of  
18 youth in their care such as the elimination of  
19 punitive segregation for 16 to 21 year olds, an  
20 increase in positive programming for adolescents but  
21 despite this progress, DOC is not in the best  
22 position to respond to youth and should not be tasked  
23 with overseeing 16 and 17 year olds in the new youth  
24 facilities. In addition to DOC representing an adult  
25 focused approach to corrections, they have a history

1  
2 of mistreatment of youth which is well documented and  
3 which we just heard from Luis just now. Raise the  
4 Age is an opportunity to genuinely change the culture  
5 that has been perpetuated in DOC and transform the  
6 experiences of youth who are detained in New York.  
7 We urge the council to ensure that the benefits  
8 intended by removing youth from Reikers(?) are not  
9 lost by allowing DOC staff and other adult  
10 correctional practices into the new youth detention  
11 facilities. This is critical for the youth being  
12 removed from Reikers(?) as well as the younger  
13 children in secure detention who have the potential  
14 of being exposed to this new structure. Finally, we  
15 recognize that New York City faces significant  
16 potential financial cuts proposed in the governor's  
17 executive budget, particularly ACS, particularly the  
18 most vulnerable children and families in New York  
19 City. Most notably the risk of loss of state funding  
20 for Close to Home, a cap on child welfare  
21 preventative and protective funding which includes  
22 juvenile justice preventative programs and aftercare  
23 and the risk of not receiving funding at all from the  
24 state to implement Raise the Age. We encourage the  
25 city to continue to prioritize alternatives to



1  
2 placement and detention as well as other innovative  
3 approaches to youth justice through Close to Home and  
4 the implementation of Raise the Age in this  
5 challenging fiscal environment. Thank you so much  
6 for the opportunity to testify.

7 CHAIRMAN KING: Thank you. Yes sir.

8 MR. WELLS: Good afternoon Chair and  
9 thank you and Council Woman Barron for the  
10 opportunity to testify. My name is Anthony Wells and  
11 I'm the President of the Social Services Employees  
12 Union Local 371 representing juvenile counselors,  
13 case workers, and social services staff both at  
14 Reikers(?) and at juvenile justice. Let me also  
15 compliment Commissioner Franco on his presentation  
16 and where they've come from. Mr. Pruzak(?) and  
17 myself, we're probably the only ones in the room that  
18 were in the Department of Juvenile Justice in 1979,  
19 1980. We actually saw the creation of this and now  
20 we see the termination of it and know how this has  
21 evolved. Let me just tell you the point. And we all  
22 have different issues on (inaudible). Especially the  
23 correctional officers speak for themselves. They  
24 don't want to be a part of this. Their President has  
25 made it very clear to the City of New York they do

1  
2 not want to be a part of the transition. It is the  
3 city who is insistent that there be a transition  
4 period. Let me be clear. I thank you for the  
5 compliment for my staff. Two of them in the room,  
6 Alex Parker and Doug Robinson who are both at  
7 Crossroads and Horizons and so we're glad to hear  
8 that our people make a difference which is our  
9 argument in the first place. We went to the city and  
10 said you need to create a title of people who want to  
11 be in this program. First of all they were given a  
12 test. A year is not enough. My friend Jomani said  
13 what they've been doing. They've been working OCFS  
14 had to put out their policies, their communications  
15 could be better and it's improving but beyond that  
16 this is about the kids and you need a program that's  
17 going to be in place October 1, and I submit to you  
18 that it will not have one. The issue of even  
19 comingling where OCFS said that these populations can  
20 be comingling, we don't agree with that. They should  
21 not be comingling. But that has not been determined  
22 as of yet. So we're trying to meet with the city.  
23 There's also some upstate downstate mayor governor  
24 stuff going on here and it's getting in the way quite  
25 frankly. I testified in many places and we need to

1  
2 talk about having a program. We have addressed to  
3 the governor and to the leaders up in Albany they  
4 need to move the October 1 date back. If we're  
5 talking about the security of these young people and  
6 the security of the staff that are servicing them  
7 then we must give it appropriate time. (inaudible)  
8 that he wants to use in Brooklyn, what's it called  
9 Commissioner?

10 COMMISSIONER FRANCO: Ella McCray.

11 MR. WELLS: Ella McCray. They don't even  
12 have the authority yet to use that as an intake  
13 center. Once again, comingling, they're going to  
14 have to have a separate staff to take one population  
15 to court and another. Maybe they have to be in court  
16 at the same time. They're going to have to have two  
17 lunch periods. They're going to have two different  
18 activity periods and the same for Sylvia(?) they  
19 comingle does not make any logistical sense or  
20 security sense. But there's one place where they can  
21 comingle and that's in the medical office. Not every  
22 young person is in a gang but if you don't think  
23 there's gang activity you need to open your eyes up.  
24 There is gang activity and guess what, gang activity,  
25 they know how to talk to each other. You're not

1  
2 going to convince me that a 17 year old gang member  
3 is not going to be able to get to a 13 year old gang  
4 member and meet in the medical office and talk right  
5 in front of our eyes and we don't have a clue what  
6 they're talking about. So there are serious security  
7 exchanges. The state has put money in, you're  
8 talking about a course. There's \$100 million dollars  
9 that the city is not eligible for based on some  
10 public tax structure, they don't even get it. Also,  
11 only New York City has to remove their youth out of  
12 jails on October 1. If you were incarcerated in Val  
13 Hallow you don't have to be moved October 1. People  
14 don't know that. So, though they're doing their best  
15 efforts, I'm not here to praise Cesar or bury Cesar,  
16 but I'm here to tell you honestly that there are  
17 serious concerns that will not allow this to be  
18 implemented in the proper form. I know I have three  
19 seconds but I'm going to take five.

20 CHAIRMAN KING: You got three more.

21 MR. WELLS: I got three more, I  
22 appreciate it. In terms of staffing, I think the  
23 agency agrees with us you need social service staff  
24 to provide most of these services but there's also  
25 adequate training. Now, we can also not close our

1  
2 eyes, I'm not blaming the COO's or the residents for  
3 the culture that's there but the culture exists. A  
4 lot of the balance in Reikers(?) is putting this  
5 population and so we have change the culture too.  
6 They're not going to change because you put them in  
7 another building. It's not going to be overnight.  
8 That's fantasy land and Luis can attest to that. But  
9 you want to get to somewhere you've got to start off  
10 on a plan that's going to promote your ability to be  
11 successful and to be successful is to change the  
12 culture, provide adequate security, provide real  
13 programs, real training programs. You know, bring  
14 shops back into. . . I know people doing it. One  
15 kid may not want to do the books but he can put  
16 together an engine. He could put together a  
17 computer. So we need more time and we need more time  
18 for us to be involved in all these other stakeholders  
19 to be involved and you need to tell both of these  
20 legislatures, you guys and the state, cut it out.  
21 Let's sit down and have a real idea about how to get  
22 this done for the safety of these kids and the safety  
23 of this staff that's going to be in these facilities.  
24 Thank you for the opportunity. You can read my  
25 testimony. I never read it anyway.

1  
2 CHAIRMAN KING: Thank you President Wells  
3 and I want to thank the panel for testifying. All of  
4 you added something to the conversation that  
5 definitely brought it back to reality. I'm glad  
6 Deputy Commissioner that you're still here to hear  
7 the conversation. I do ask when you do return back  
8 to the other side of the building that we need the  
9 adults to be in the room on this one. You know,  
10 politics tend to get in the way of delivering true  
11 services for the New Yorker's. So whatever you're  
12 hearing here, I'm asking you to figure out how do we  
13 take it back and put together a real strategy and  
14 again I'm shocked to hear that the City of New York  
15 is the only city responsible with an October 1 date  
16 and we're being pressured and rushed to deliver  
17 something that might require a little bit more time  
18 and commitment to putting together a structure that's  
19 stable. We don't want to get it done just to say we  
20 got it done. We want to get it done because it will  
21 last long because we got it done the right way. So  
22 whoever you're talking with on the mayor's side,  
23 let's do this the right way and yes, we will as a  
24 council and as a committee will reach out to the  
25 speaker of the state assembly as well as the

1  
2 governor's office and say hey listen, let's just do  
3 this the right way and I think we do it the right  
4 way. You know, you have new staff and you have new  
5 trained staff and you won't have a corrections  
6 officer. I end with this. People have bad thinking,  
7 misconception, when you call NYPD to your house  
8 because your child and you are fighting, they're not  
9 coming in to be a social worker, they're coming to  
10 diffuse the situation and shut it down and we have a  
11 bad habit of thinking when you call the police you're  
12 going to get an ACS worker. No you're not. You're  
13 going to get a police officer. So that's what we  
14 have here and we have to make sure that in this  
15 transition that we have people sensitive enough and  
16 trained enough to manage the scenario as opposed to  
17 coming and implementing law enforcement. So I want  
18 to thank you all for your testimony. You wanted to  
19 add something sir?

20 MR. PADILLA: So basically like we  
21 working so hard to change the whole system for the  
22 youth. So if we sit there and take the DOC staff and  
23 we move Reikers(?) Island to Horizons we working so  
24 hard for nothing. We going to turn Horizons into a  
25 mini-Reikers(?) Island and all we doing, we basically

1  
2 saying we raise the age but we still condone  
3 Reikers(?) Island at Horizons so I feel like just  
4 stop it there. Let's train the right people for it.

5 CHAIRMAN KING: Thank you young man. I  
6 appreciate it. Thank you again everyone. Our next  
7 panel up we have Grant Cowells, Lisa Freeman, Julie  
8 Peterson, Giselle Castro. Okay, next panel please  
9 organize whoever wants to go first is fine. Just  
10 introduce yourselves and. . .

11 MS. FREEMAN: Good afternoon. Thank you  
12 so much Chairman King for giving us the opportunity  
13 to testify. My name is Lisa Freeman. I'm from the  
14 Legal Aide Society. I'm the Director of the Juvenile  
15 Rights Special Litigation Unit. The Legal Aid  
16 Society, as I imagine you're aware, represents the  
17 vast majority of children in the family court system  
18 both those charged as juvenile delinquents as well as  
19 those whose parents are charged with abuse or neglect  
20 or otherwise involved with the family court. We  
21 represented approximately 34,000 children last year  
22 in the family court system and approximately 1,500  
23 children who were arrested as juvenile delinquents.  
24 In addition to our juvenile rights practice we also  
25 have the criminal defense practice and as part of



1  
2 that criminal defense practice we have an adolescent  
3 intervention and diversion practice. The head of  
4 which is Nancy Ginsberg who is sitting with me here  
5 which handles the cases that were discussed earlier  
6 of juvenile offenders who are young people ages 13 to  
7 15 generally who are charged as adults in the  
8 criminal court system and that will not change with  
9 Raise the Age the juvenile offender laws were not  
10 altered in any way by the Raise the Age legislation.  
11 So first I want to recognize the comment that you  
12 made earlier that we have to be very cognizant of who  
13 the population is that we're talking about and that  
14 the vast majority of children in the juvenile justice  
15 system are black, brown, minority children and that  
16 that's completely inappropriate and really an  
17 intrusion upon those communities in the vast majority  
18 of the time there are completely over-represented in  
19 our system. There are also disproportionately  
20 numbers of the LGBTQ community also that are over  
21 policed and runaway and homeless youth in New York  
22 City are also disproportionately represented in the  
23 system. We commend the city for the incredible  
24 reforms that have taken place in the last several  
25 years and Commissioner Franco spoke to many of them

1  
2 and one of the points I would like to make at the  
3 outset is a point that he made at the very end of his  
4 testimony which is that we should not only be focused  
5 on youth who are in detention and in placement and  
6 that the juvenile justice system provides a whole  
7 host of benefits and that that's the goal of Raise  
8 the Age is to offer those benefits to an older  
9 population who frankly should have been included in  
10 the juvenile justice system long ago. So I'm very  
11 concerned at the suggestion that we should somehow  
12 delay implementation of Raise the Age or delay taking  
13 16 and 17 year olds off Reikers(?) Island. New York  
14 State was one of only two states in the country that  
15 continued to treat all 16 year olds as adults in the  
16 fact that we finally got that legislation passed I  
17 think is way overdue and that we should absolutely  
18 not delay that implementation and that we should  
19 rather accelerate and focus our efforts on making  
20 sure that it's implemented effectively. But by no  
21 means should we consider delaying that  
22 implementation. I also think that the concerns that  
23 have been expressed about the DOC and their role in  
24 the SSD's is deeply, deeply troubling. The Legal  
25 Aide Society has brought the lawsuits, the Nunez

1  
2 litigation on Reikers(?) Island and while we  
3 absolutely think it has brought some improvement to  
4 Reikers(?) Island, it by no means has brought the  
5 kind of improvement that we would hope and certainly  
6 has not provided the kind of change in attitude  
7 towards that population that we would then want to  
8 bring over to the juvenile justice system. I also  
9 would just add that the educational benefits of Close  
10 to Home have been enormous but that there is still  
11 room for improvement that the mayor had a task force  
12 that issued a series of recommendations to address  
13 this population because the problem of the school to  
14 prison pipeline is a real one and that those  
15 recommendations needs to implemented.

16 CHAIRMAN KING: Thank you.

17 MS. PETERSON: Hello. Thank you very  
18 much for the opportunity to testify today. My name  
19 is Julie Peterson. I am a senior program officer at  
20 the Pinkerton Foundation and I also co-chair the New  
21 York Youth Justice Initiative which is a group of  
22 funders concerned about youth justice in New York  
23 City. I had the privilege of testifying before the  
24 City Council on these issues in December. I want to  
25 say that Pinkerton funds after school programs for

1  
2 young people in New York City and it also focuses on  
3 programs for young people involved in the criminal  
4 justice and child welfare systems. We applaud New  
5 York's efforts to Raise the Age of criminal court  
6 jurisdiction and we would absolutely speak against  
7 any delay in moving 16 and 17 year olds off of  
8 Reikers(?) Island. As my colleague said, we have  
9 waited long enough for the age to be raised in New  
10 York. Today I bring my voice to bear on two  
11 important issues. The first is the importance of  
12 supportive youth programming for all youth in the  
13 juvenile and criminal systems. It's imperative as  
14 the age is raised to support transformational  
15 programming based on positive youth development for  
16 young adults both within and without incarcerative  
17 settings. Youth need programs and people around them  
18 that believe in them and inspire hope for their  
19 future. In the last few years, the Administration  
20 for Children's Services, the DOC and Probation and  
21 the DYCS have made efforts to improve programming for  
22 justice involved youth and Pinkerton supports many of  
23 these programs. As the age of criminal court  
24 jurisdiction is raised, the city must support  
25 increased programming for the 16 and 17 year olds in

1  
2 ACS facilities as well as robust programming for the  
3 18 to 24 year olds that will remain on Reikers(?)  
4 Island. The second issue I wish to address concerns  
5 the administration's plans to use DOC staff at ACS  
6 juvenile facilities. On February 6 of this year, 35  
7 foundations signed a letter to the administration  
8 urging them to reconsider these plans. I speak today  
9 on behalf of these funders when I say that we believe  
10 these plans are misguided and dangerous for young  
11 people. There's a clear and well-documented history  
12 of children being subjected to unacceptable abusive  
13 conditions on Reikers(?) Island. We've heard a lot  
14 of testimony to that today. Using DOC staff at ACS  
15 facilities for even two years leaves young people in  
16 harms way. It also has the real potential to import  
17 the well-documented culture of violence and  
18 corruption at Reikers(?) to the city's youth  
19 facilities. The legislature did not mandate 16 and  
20 17 year olds off Reikers(?) Island because of the  
21 condition of the facilities. Rather, they acted  
22 precisely because of the culture of violence that  
23 exists there. We urge the city council to stand with  
24 us and act to prevent the use of DOC staff in ACS  
25 facilities. I speak for the funder community when I

1  
2 say that we are eager to partner with the city to  
3 help find alternatives. Thank you.

4 CHAIRMAN KING: Thank you.

5 MR. COLES: Good afternoon. My name is  
6 Grant Coles. I'm the senior policy and advocacy  
7 associate for Youth Justice at Citizen's Committee  
8 for Children (CCC) as an independent multi-issue  
9 child advocacy organization dedicated to ensuring  
10 every New York child is healthy, housed, educated,  
11 and safe. CCC does not accept government funds or  
12 provide services, we just advocate on behalf of kids.  
13 Thanks for holding today's hearing and there are just  
14 two. . . Our full testimony provides a lot more  
15 remarks but I'll summarize for two points. The first  
16 being the DOC issue in ACS facilities and the second  
17 being the state budget cuts. So CCC agrees with the  
18 consensus in the room it seems like to urge the city  
19 council to strongly oppose the city's plan to staff  
20 ACS secure detention facilities with DOC staff. As  
21 mentioned, there's been a lot of evidence about the  
22 culture of violence and how sticky that culture is  
23 and how moving buildings cannot adequately address  
24 that. We absolutely want to emphasize and commend  
25 ACS for the major reforms and new initiatives that

1  
2 have fundamentally improved the juvenile justice  
3 system as mentioned today. The great programs and  
4 services that have benefited the kids that are in the  
5 secure detention facilities are a tremendous  
6 improvements and it's precisely because of those  
7 improvements and that beneficial treatment that's  
8 taken root there that we don't want to see that  
9 taking a step backwards with the introduction of  
10 adult correctional staff. So, though we absolutely  
11 want to see this addressed and no DOC staff used in  
12 juvenile detention facilities, in the event that if  
13 they are used nonetheless, we have some  
14 recommendations. First, that CCC strongly recommends  
15 that every precaution is taken to ameliorate the  
16 threats that DOC staff might have on the juveniles.  
17 We recommend that no DOC staff be permitted to come  
18 into contact with youth under 16 or any non-DOC  
19 supervised youth under any circumstances. So  
20 essentially the comingling. We also recommend that a  
21 selection process be used that identifies DOC staff  
22 that have a true interest and ability to work with  
23 youth and the selection process does not only  
24 consider seniority. CCC recommends that the  
25 selection process needs to begin immediately so that

1 the staff coming to Horizons can receive that  
2 extensive training. The staff need to learn ways to  
3 interact with youth that doesn't include Reikers(?)  
4 type tactics such as using pepper spray or  
5 handcuffing youth to desks. We encourage them to  
6 learn about the entire philosophy and background of  
7 adolescent development and juvenile justice best  
8 practices including things such as trauma informed  
9 care. Finally, turning to the second point about the  
10 state budget cuts. As mentioned in the prior panel,  
11 these are serious financial cuts being threatened to  
12 the juvenile justice continuum in New York City.  
13 There's kind of three big ones; the access to Raise  
14 the Age funding, that's \$100 million dollars that New  
15 York City is not going to have any access too. The  
16 second one is the Close to Home funding cuts. The  
17 state budget proposes reauthorizing Close to Home  
18 initiative but cuts all \$41.4 million dollars of  
19 state funding. The Close to Home is going to be  
20 needed for the existing youth and now it's going to  
21 also be for the new youth, the 16 and 17 year olds in  
22 this population. It seems entirely counter intuitive  
23 to be cutting the program that's now needing to grow.  
24 And the third as mentioned is the Child Welfare and  
25



1  
2 Services cut. These programs provide preventative  
3 services such as alternative detention, alternative  
4 placement programs. Talking about the importance of  
5 the juvenile system as being those set of services  
6 and programs beyond just simply the facilities of  
7 detention and placement facilities but it's this  
8 whole continuum of programs. Many of them are funded  
9 by the Child Welfare Services funding and so this cut  
10 which is expected to be \$67 million dollars in the  
11 first year is going to be really traumatic for this  
12 juvenile justice continuum.

13 CHAIRMAN KING: Thank you.

14 MS. CASTRO: Good afternoon. My name is  
15 Giselle Castro. I'm the executive director of  
16 Exalt(?) Youth. Thank you Chair for having us this  
17 afternoon to speak on a very important issue. We  
18 work with young people who are court involved in New  
19 York City, ages 15 to 19 and we do understand that  
20 young people who are released from Reikers(?) Island  
21 or sometimes even a detention facility they come in  
22 with added trauma and we agree that DOC should not be  
23 having any oversight or creating or perpetuating a  
24 system that we're trying so hard to change. At our  
25 organizations, one of our biggest principals and

1  
2 philosophies is to humanize and to validate and to  
3 inspire our youth. We do this through a structure  
4 that is an educational internship model but with a  
5 curriculum that is culturally relevant and one of our  
6 biggest strengths is our ability to collaborate with  
7 so many people who have been really fighting the good  
8 fight for so many years. We get referrals from the  
9 Department of Probation, from ACS, we work with Legal  
10 Aide. We work with Brooklyn Defenders. You name the  
11 person, I think that we are involved. It is one of  
12 the most critical times I think in our era and the  
13 last thing that I want to say because we testified as  
14 well in December, it's a real opportunity and at  
15 Exalt(?) we have been able to serve many young  
16 people. Our data is really encouraging. We have 15,  
17 16, and 17 year old youth who are in school. We have  
18 been able to, particularly in Brooklyn, have the DA's  
19 office reduce sentences and this to me is really  
20 important and critical because we then have our youth  
21 gaining the opportunities to go to college. It  
22 really is an opportunity to give them access to life.  
23 I want to close out, you know once again, by thanking  
24 all of you. Thanking you for listening to all of  
25 use, our concerns and Exalt is hopefully one of the

1  
2 group of people or partners that will be able to help  
3 in this critical time. So thank you very much.

4 CHAIRMAN KING: Thank you. I do have a  
5 question too. So the first one is to Ms. Giselle  
6 Castro from Exalt(?). You said you help and you get  
7 referrals, what is the capacity and number of people  
8 that your program can handle?

9 MS. CASTRO: That's an excellent  
10 question. Currently we serve 180 young people brand  
11 new to the organization. We just endorsed a scaling  
12 plan to serve more young people. We know there's a  
13 big need in terms of young people being referred to  
14 us. Our capacity at this point is limited. It is  
15 because of funding which is our inherent challenge  
16 for every single non-profit organization. And our  
17 goal is to serve more young people.

18 CHAIRMAN KING: What is the success rate  
19 of the students that come into your program and go  
20 out and never return back to the system?

21 MS. CASTRO: Sure. That's a great  
22 question as well. At this point it's a 68% success  
23 rate. Currently for two years out, less than 5% of  
24 our kids are reconvicted of a crime. We will say  
25 that a lot of the great work is in our partnership.

1  
2 For instance, we have one of our internship partners  
3 that Children's Defense funds, we are very careful  
4 and thoughtful with who we partner our youth and  
5 ensuring that they have a plan. There's a lot of  
6 rigor to this and accountability and a lot of  
7 thought. I would say that the other aspect in terms  
8 of what makes our organization or the experience that  
9 we give our kids significant to them is that we give  
10 language to their experience. Week one in the  
11 curriculum is a school to prison pipeline, mass  
12 incarceration, the challenges on raising this country  
13 and all of this really helps a young person begin to  
14 take. . . What we always want them to do which is  
15 ownership which is a big challenge I think even for  
16 adults.

17 CHAIRMAN KING: Well, I thank you for  
18 that answer. Now Grant or Lisa, either one, right  
19 now do you know what is the number of 16 and 17 year  
20 olds on Reiker(?) that October 1 goes as well as. . .  
21 I know. . . what that number will look like that  
22 will transition out of Reikers(?) into the New York  
23 City system?

24 MS. FREEMAN: I think we think it's about  
25 135.

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CHAIRMAN KING: 135.

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concern.

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CHAIRMAN KING: I thank you for that and

I do understand the difference of comingling in the

positive sense so someone can be amended and someone

who is comingling to organize disaster and I think

that's where President Wells was going because if you

1  
2 are a gang member and you're not in the business of  
3 empowering the 13 year old, you're empowering him to  
4 destruction then no, we've got to manage that  
5 conversation and we've got to realize what that  
6 population looks like when you get them in the room.  
7 Of course you can get a 17 year old whose got it  
8 together whose been there like you say you should  
9 turn who might have been in the system for a while  
10 whose turned stuff around and then yeah, that's a  
11 person that you can comingle but if you're whole  
12 population where you've not been able to identify  
13 their strengths and weaknesses then you might create  
14 more chaos in that environment than protecting the  
15 environment.

16 UNIDENTIFIED FEMALE: Right, absolutely.  
17 But I think the question that they're addressing is  
18 whether the 16 and 17 year olds that are coming in as  
19 adolescent offenders can be comingled with comparable  
20 16 and 17 year olds in ACS custody with JD's and JO's  
21 in their custody. So it's not necessarily, I think  
22 they already separate out by age based on their  
23 classification system.

24 CHAIRMAN KING: Well, this conversation  
25 shall be continued and we will look forward to

1  
2 helping our young people be greater young people. So  
3 thank you panel for being here and for your  
4 information today. Our next panel up is Alissa  
5 Perone, Karen Thor, and Sophia Morrell. Okay, so we  
6 have Thor and Perone. What's the first name? Alissa.  
7 Alright, so we have room for two more. So if Lizette  
8 Nayevez and Gabrielle Pienzo. Did I say it right.  
9 Oh Prisco, it must be the ink, somebody ran out of  
10 ink on the paper. Well, at any given moment the four  
11 of you do your thing.

12 MS. PERONE: Thank you for the  
13 opportunity to speak with you today. My name is  
14 Alissa Perone. I'm a staff attorney with the School  
15 Justice Project at Advocates for Children of New York  
16 where I provide educational advocacy and legal  
17 representation for youth who are involved or at risk  
18 of being involved with the juvenile or criminal  
19 justice systems. My testimony focuses on the  
20 educational needs as you had brought up earlier of  
21 New York City's court involved youth while they're in  
22 juvenile detention and placement and while they  
23 return from those settings. So as you probably know,  
24 court involved youth are an extremely vulnerable  
25 population of student's in New York City and

1  
2 nationally many of our court involved students have  
3 complex educational and mental health needs that have  
4 been inadequately addressed prior to their arrest.  
5 Over half of all court involved youth are students  
6 with disabilities and many are over age and under  
7 credited and performing far below grade level. In  
8 fact, 94% of youth in juvenile detention are reading  
9 below grade level and 40% of youth are reading below  
10 a fourth grade reading level. So this data clearly  
11 demonstrates the need in all settings for high  
12 quality education and social and emotional supports  
13 that are individually tailored to address the unique  
14 and complex needs of the students that they serve.  
15 So with that goal we make some recommendations,  
16 longer in the written testimony from the mayor's  
17 leadership team on school climate and discipline for  
18 these youth. So first we strongly recommend that all  
19 facilities serving court involved youth provide a  
20 safe and supportive environment. And towards that  
21 end, we strongly recommend that juvenile facilities  
22 be staffed by ACS as we've heard here today rather  
23 than the DOC and that all staff working with youth be  
24 trained in therapeutic crisis intervention and other  
25 evidence based techniques to enable them to safely



1  
2 and appropriately address the behavioral needs of  
3 students in their care. Second, because most court  
4 involved youth enter the facilities performing well  
5 below grade level, we strongly recommend facilities  
6 provide intensive research based remediation services  
7 and extend schooling to 12 months to help students  
8 catch up academically. And the data and our  
9 experience also reflect the continued need to improve  
10 educational transition planning for students leaving  
11 juvenile detention and placement to ensure that youth  
12 stay engaged in education and to reduce the  
13 likelihood of recidivism. So we strongly recommend  
14 that ACS, the DOE, and provider staff collaborate  
15 with the family well in advance of the students  
16 release from the facility to determine an appropriate  
17 educational setting and supports upon their release  
18 and then to follow up for several months afterwards.  
19 Fourth, since court involved youth often have long  
20 histories of disengagement from school, it's  
21 imperative that schools educating a disproportionate  
22 number of court involved students receive systemic  
23 supports to meet the high needs of those schools. So  
24 we call on the city council to urge the mayor to  
25 include the following funding in the fiscal year 2019

1  
2 executive budget; \$2.875 million per year for direct  
3 mental health supports and services for students  
4 using a medical model with coordination between  
5 schools and mental health providers as an evidence  
6 based alternative to disciplinary action in 20 high  
7 need schools in Brooklyn and the Bronx and a million  
8 per year for whole school training and support for  
9 school staff in high needs schools using the evidence  
10 based model of collaborative problem solving to help  
11 students with significant behavioral challenges and  
12 the staff that support them to resolve those problems  
13 in a skill building and collaborative way. So we  
14 look forward to working with you to ensure that court  
15 involved students are provided quality education in  
16 court ordered settings and upon their release. Thank  
17 you.

18 CHAIRMAN KING: Thank you.

19 MS. THOR-LESSER: Thank you. Good  
20 afternoon. My name is Karen Thor-Lesser and I'm here  
21 representing the Prospect Hill Foundation. The  
22 Prospect Hill Foundation is a New York based  
23 philanthropy founded by the Bineky(?) family more  
24 than 50 years ago. We promote the leadership of  
25 former incarcerated youth and their families and a

1  
2 concept of justice that advances rehabilitation. In  
3 December we spoke at the committee's last hearing on  
4 Raise the Age. Since that time we've become  
5 increasingly concerned about two main issues related  
6 to the implementation of Raise the Age. First it is  
7 important to remember that 16 and 17 year olds are  
8 children and should be treated as such. Juvenile  
9 facilities must be staffed exclusively by individuals  
10 focused on a rehabilitative approach. The United  
11 States government and the general public accept that  
12 children require different treatment with regards to  
13 things like smoking, enlisting in the military, and  
14 voting. We should also recognize that children  
15 require different treatment by detention and prison  
16 staff. Therefore, like Councilman Torres and  
17 virtually everyone in this room, we strongly object  
18 to having the staff of the New York City DOC inside  
19 New York Detention facilities for 16 and 17 year  
20 olds. While the mission of ACS is to serve children,  
21 the mission of DOC is custody and control. The  
22 presence of DOC staff will bring the same harmful  
23 practices and abusive culture from the adult  
24 facilities on Reikers(?) into Ella McCann, Horizons,  
25 and Crossroads. Young adults who have spent time on

1  
2 Reikers(?) also attest to the stark differences  
3 between their treatment by DOC staff and the more  
4 understanding treatment they receive from ACS staff  
5 like Luis. Second, in keeping with the spirit of  
6 Raise the Age, we strongly urge the city to expand  
7 funding for programs for 16 and 17 year olds. The  
8 Prospect Hill Foundation is fully committed to  
9 supporting the city's efforts to implement Raise the  
10 Age. We will continue to fund advocacy efforts and  
11 community based alternatives but the city must also  
12 do its part to make new funds available through ACS,  
13 DOE, and DYCD to expand programs for youth.  
14 Empirical and anecdotal evidence from formerly  
15 incarcerated youth shows there are many excellent  
16 cost effective community based programs in New York  
17 City such as the ones here today like Community  
18 Connections for Youth, Lineage Project, Exalt Youth,  
19 and Youth Speakers Institute. And those programs can  
20 reduce recidivism while supporting youth in education  
21 and employment. However, it is simply impossible for  
22 these programs to serve substantially more people  
23 without a commensurate increase in funding. These  
24 organizations much receive expanded contracts and  
25 funding as part of the city's commitment to improving

1  
2 the way youth are served while they are detained and  
3 incarcerated. Thank you.

4 CHAIRMAN KING: Thank you.

5 MS. NAYAVEZ: Good afternoon. My name is  
6 Lizette Nayavez(?). I'm the Deputy Director of  
7 Programs at Community Connections for Youth. We are  
8 an organization whose mission is to empower grass  
9 roots faith and neighborhood organizations to develop  
10 effective community driven alternatives to  
11 incarceration for youth and while we are grateful for  
12 the Raise the Age legislation, let's be clear that  
13 our stance as an organization is that we believe in  
14 no kids in cages. The United States  
15 disproportionately incarcerates children at a  
16 capacity that is just ridiculous. We've had interns  
17 that come from Germany and Belgium and a young person  
18 who commits a crime at the age of 14 is not  
19 incarcerated, they're provided with services, imagine  
20 that. As a different reality but within the confines  
21 of Raise the Age, we are vehemently opposed to having  
22 DOC staff transplanted from Reikers(?) to Horizons.  
23 We are transplanting a culture that exists at  
24 Reikers(?). It's real. It's been documented and we  
25 have worked very closely with ACS to partner with the

1 facility to transform the culture. We are in the  
2 intake unit when young people come in and these are  
3 not hardened criminals. We have 12 year olds, 13  
4 year olds, 14 year olds who come in crying because  
5 they don't want to be jail. So it doesn't  
6 automatically change when they turn 16, 17. Like our  
7 previous panelists said, they are still children. We  
8 are vehemently opposed and there shouldn't be. . . I  
9 think one of the council members was alluding to the  
10 fact that there is bureaucracy that's getting in the  
11 way of this transition and they're not focusing on  
12 who they need to focus on, the children. So it is  
13 clear that DOC staff are not equipped to work with  
14 children. So we are vehemently opposed to that and  
15 the other point that I want to address is that there  
16 needs to be more community involvement in this  
17 discussion. There needs to be community members.  
18 There needs to be young people, families, that are  
19 impacted by the justice system who are on every task  
20 force. There need to be conversations and CCFY is  
21 committed to facilitating those conversations where  
22 we have the stakeholders and the representatives, the  
23 judges, the city council people, the ACS workers,  
24 everyone who's involved in making these changes to  
25

1  
2 involve the community to hear our concerns. I think  
3 this hearing is a good first step but there needs to  
4 be more community conversations where the people who  
5 are impacted at the frontline, who are our young  
6 people, our families, need to be part of this  
7 conversation.

8 CHAIRMAN KING: I agree. Thank you.

9 MS. PRISCO: Hi. My name is Gabrielle  
10 Prisco. I'm the executive director of Lineage  
11 Project. I want to thank the committee and its  
12 leadership for this opportunity to testify. I want  
13 to begin by reading a poem by a young man named Juan.  
14 It was written while he was detained at Horizon  
15 Juvenile Center. It's called Karma.

16 "Karma always knocks on your door. Kill  
17 him today and you close in the door. They curse  
18 their birth for fabrication. I make a line of  
19 separation. You care for clothes. I walk in Horizon  
20 rags in desperation. It sickened me their brain is  
21 mold. A younger body, mind of gold. Prepare for the  
22 future juv untold."

23 Lineage Project brings mindfulness  
24 programs to incarcerated, homeless, and academically  
25 vulnerable youth to help them manage stress, build

1  
2 inner strength, and cultivate compassion. We also  
3 work with the frontline staff of youth serving  
4 organizations. We also lead Sonic Horizon which is a  
5 ground breaking arts and mindfulness after school  
6 program for young people detained at Horizon. It's  
7 funded by DYCD. Under this contract we provide 12  
8 plus hours of weekly programming serving about 300  
9 youth a year and we subcontract with ten or more  
10 community based organizations in consulting to  
11 provide arts and mentorship like from Community  
12 Connections from Youth and we provide our own  
13 mindfulness classes. We bring kids drama, poetry,  
14 beat making, film making, and a whole range of  
15 beautiful and life changing programs that you can  
16 read more about in our testimony. I'm here today  
17 because as you've heard from other panelists to the  
18 best of our knowledge, the city has not increased  
19 funding for programs for youth in the justice system  
20 despite the fact that the population is set to  
21 exponentially increase on October 1. Given the Raise  
22 the Age legislation and the mandate of moving kids  
23 off Reikers(?), it's our understanding that by about  
24 October 1, Horizon will be at capacity which is  
25 roughly 106 young people which is an approximate 341%



1  
2 change from the current approximate rough census of  
3 24. The census varies at any time. I just want to  
4 repeat that. It's an approximate 341% change yet our  
5 contract for example, and those of other providers  
6 have not been set to increase. In addition to the  
7 dramatic increase just in the number of youth, the  
8 341% increase, the programming must expand to meet  
9 the diverse needs of the new populations. Because of  
10 the legislative changes as you know the young people  
11 being charged as adolescent offenders, young people  
12 charged with juvenile offenses, young people charged  
13 with juvenile delinquencies, young people coming off  
14 of Reikers(?), kids of very different ages and  
15 experience and socio-emotional learning literacy  
16 levels, developmental stages and it's critical that  
17 providers have funding to tailor programming to all  
18 of these needs. In addition, and we've also heard  
19 about the New York State regulations which are going  
20 to set limits on which kids can and cannot be  
21 programmed together, and that too will require that  
22 there be an expansive amount of programming to stay  
23 within compliance of the regulations. It's just  
24 incredibly concerning that programming, which really  
25 should be central to the creation of a system, not an

1  
2 afterthought, again, to the best of my knowledge,  
3 there have been no contracts released to offer  
4 programming to the young people once they come into  
5 place. The contracts that are in place, to the best  
6 of my knowledge, have not been increased and  
7 programming provides a myriad of critical  
8 educational, social, psychological benefits. It may  
9 reduce recidivism and also programming reduces idle  
10 time which is a well-established contributor to  
11 incidents in youth serving institutions. As the city  
12 prepares to engage in what is a historical  
13 transformation and one that many of us in this room  
14 have fought for many years to have these things  
15 happen so I really want to be clear that we support  
16 this transformation but it must be done in a planful  
17 way with regard to thinking about young people's  
18 needs about their development, about the programmatic  
19 needs beyond that of just containment and custody.  
20 So I have five recommendations that I'm going to say  
21 very quickly because I heard the bell. The first is  
22 that programming be a central part of the city's  
23 planning process. The second is that the local  
24 community based organizations that provide these  
25 essential services be at the planning table to help

1  
2 design programs to serve young people along with the  
3 families and community stakeholders that Lizette  
4 spoke about. The third is that robust funds are  
5 allocated to programs for all youth in the justice  
6 system, including the kids moving off of Reikers(?)  
7 and the 16 and 17 year olds. The fourth is that  
8 meaningful and effective programming be tailored to  
9 the unique needs of the populations within the city's  
10 justice system and we don't have a one size fits all  
11 approach. And the fifth is that programming is  
12 offered with enough frequency so that all eligible  
13 young people can routinely participate and I can tell  
14 you right now that when we have incidents inside the  
15 facility it can be because young people feel that  
16 they're unfairly being denied programming that their  
17 peers have access too. In conclusion, I just also  
18 want to echo my colleagues concerns around not  
19 delaying the process of moving kids off Reikers(?)  
20 and on the DOC staffing, all of the very serious  
21 concerns that have been raised around the DOC culture  
22 and institution and the real brutal torture that has  
23 happened on Reikers(?) Island and ensuring that that  
24 isn't replicated in the youth justice system. Thank  
25 you.

1  
2 CHAIRMAN KING: I thank you all for your  
3 testimony. I do have a comment/question and as I'm  
4 hearing normal(?) folks saying about we need to make  
5 sure whatever we put in place is stable. I'm also  
6 hearing that we can't delay. I'm not sure if  
7 delaying is the answer but if we're going to be doing  
8 this and we're going to be, as a matter of fact, we  
9 will be the first, biggest, largest city to do this,  
10 then we have to be an example of getting it right.  
11 So I'm saying to each and all of us who are saying  
12 don't delay, don't delay. Like I say, I'm not  
13 advocating delay but I want to make sure whatever we  
14 establish that it makes sense because we talking  
15 about five months out and you just brought to the  
16 table that there are questions about programming that  
17 hasn't even been brought to the table. They're still  
18 trying to figure out how they're going to staff this.  
19 They're still trying to figure out rules. They're  
20 still trying to figure out locations in five months,  
21 that's a lot of work to get done and I'm just saying  
22 you know sometimes we can put pen to paper and say  
23 let's do it, let's do it but how realistic can we do  
24 something in the amount of time that's given.  
25 Whatever they've done in the last year or haven't

1  
2 done is having an impact and is going to have an  
3 impact on the next five months. So while we're here  
4 advocating for get it done, get it done, we just got  
5 to make sure that when it does get done that those  
6 young people that walk into the door don't get so  
7 discouraged that they go into another frenzy and then  
8 we have a whole host of new issues that we have to  
9 deal with because we didn't have the system stable  
10 enough when they walked in the door. Now they see a  
11 brighter light than from the darkness that they just  
12 came out of. So I wanted to give you that because  
13 I'm hearing what you're saying and I want you to be a  
14 part helping us continue to help the city figure this  
15 out and when we do have the conversations,  
16 specifically on Raise the Age, I'm looking forward to  
17 seeing all of your faces again and many, many, many,  
18 many, many, many, many, many, many, many, many,  
19 many, many, many more. So thank you for your  
20 testimony today. And the last of the Mohicans is  
21 Janette Boganegra(?). How are you? Good to see you.

22 MS. BOGANEGRA: I feel like I need more  
23 than four minutes so I'm going to sit in each chair.

24 CHAIRMAN KING: I'll tell you what, I'll  
25 give you seven.

1  
2 MS. BOGANEGRA: Thank you. I didn't want  
3 to speak today. I think I spoke enough since 2010  
4 when my youngest son introduced me to the system. So  
5 I had to bring the voice of a parent. I'm here also  
6 as a director of family engagement for Community  
7 Connections for Youth and if you look at our website,  
8 we were able to create a strong family engagement  
9 portfolio for the families that have been impacted by  
10 the juvenile justice system, the criminal justice  
11 system, the child welfare system. I came in as a  
12 lost parent. Not understanding the language even  
13 though I did much community work for a non-profit  
14 organization working with families in the public  
15 school. I was able to help parents, train parents,  
16 parent coordinators, members of a school leadership  
17 team, help parents understand IEPs. I understood  
18 that but when my youngest son, out of six, introduced  
19 me to the system, the first thing I was embarrassed.  
20 I was embarrassed because it was not something in my  
21 home. But I was hungry to learn while sitting at  
22 Horizon, who is working with families understand  
23 these systems. If I speak two languages and I'm  
24 lost, I could just imagine a parent that only speaks  
25 Spanish or a parent from Africa that doesn't speak

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2 English. So I decided to make this my passion. To  
3 work with families. Children don't need to be locked  
4 up. Opportunities and we heard questions about  
5 what's going on with education. We're not funding  
6 public schools properly. I heard about mental  
7 health, the wellness of a young person, there's no  
8 consistency when a young person returns from  
9 placement to follow up. Reikers(?) became a  
10 nightmare when I had to step my foot into Reikers(?).  
11 I felt like I committed a crime and speaking about  
12 closing facilities upstate which Close to Home came  
13 very strong. I was part of Close to Home. Raising  
14 the Age I spoke about the things that were happening  
15 to young people in the custody of adults that are  
16 supposed to care for them. But if I do those things  
17 that are being done to these kids in Reikers(?) I'll  
18 be arrested for child abuse. When going upstate to  
19 talk about Raise the Age, I heard folks that profit  
20 from the prison system and their jobs are keeping our  
21 kids locked up, let's keep it real. The kids that  
22 are being locked up are the kids that look like us.  
23 Children across borders commit the same mistakes but  
24 they don't treat those kids the same way as they  
25 treat our kids. So let's be real. Racism exists.

1  
2 And I heard those folks say well are we going to put  
3 the sharks with the guppies and I said you didn't  
4 think about putting the guppies with the sharks when  
5 you sent our kids to the adult system and the more  
6 families that I work with and the more young people  
7 that I support and even visit in facilities, they  
8 have no business in there. I think I've been very  
9 fortunate that at one point I got to work with  
10 everyone that spoke in all these groups. Gabrielle,  
11 what you're doing is amazing. Continue doing the  
12 work, don't give up on our kids. Beth, like I could  
13 go on and go on like everyone here I want to thank  
14 you for embracing me and learning about this work and  
15 it became a passion for me. Councilman King, it is  
16 your responsibility to make sure that our kids are  
17 better today than they were yesterday. Council  
18 Member Jamal spoke about the system is doing what it  
19 was created to do. So we need to demolish this  
20 [beep]. The system is doing exactly what it was  
21 created to do and I learned that it's a modern day  
22 slavery because they take away so many rights from  
23 our young people and families. Families care about  
24 their kids but families feel also like there's so  
25 many systems that aren't really supporting them. We



1  
2 need to build stronger communities, support families,  
3 and it's really about the money, invest in our  
4 communities. Every time I walk out the door all I  
5 see is the deli, the chicken spot, the beauty salon,  
6 the nail salon, the check cashing place, the liquor  
7 store. You walk another block it's the same  
8 business. I want to see yoga programs in my  
9 community. I want to see art centers in my  
10 community. I want to see youth groups in my  
11 community. I want to see some of your young people  
12 coming and mentoring our young people. This can be  
13 done but it's also about the money. Put some of that  
14 money back in the community. Invest in our kids and  
15 our families. I always say you can't help the kid  
16 unless you support the family. You can't support the  
17 family unless you're embracing the kid. So I think  
18 I'm saying the blank, thank you for not cutting me  
19 off but we also have families here that have been  
20 impacted by the criminal justice system and their  
21 kids have no business being locked up. They need to  
22 be in a school, learning a trade or ready to go to  
23 college. Thank you.

24 CHAIRMAN KING: Well, what a way to close  
25 out our first hearing on juvenile justice committee

1  
2 for 2018. I want to thank everyone who came out  
3 today to educate each other and educate the public  
4 and those who were watching on TV of what we're  
5 talking about, how we're going to improve the lives,  
6 more importantly correct the system that does have a  
7 lot of flaws and we need to make sure that we hold  
8 them to the fire and let them know that we won't  
9 tolerate the missteps and the mishaps but stand  
10 together united to correct those mishaps to save a  
11 life, to save a family. You have a commitment from  
12 this committee that we will do all that we can to  
13 have the right conversations and the real  
14 conversations as difficult as it might be and  
15 uncomfortable for some of us but in order for us to  
16 recover we have to uncover it first. So I thank you  
17 all for coming out today and this adjourns our first  
18 committee meeting on juvenile justice. Thank you.

C E R T I F I C A T E

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



Date March 21, 2018