

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUVENILE JUSTICE JOINTLY WITH THE
COMMITTEE ON JUSTICE SYSTEM

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April 18, 2018
Start: 1:10 p.m.
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HELD AT: Council Chambers -City Hall

B E F O R E: ANDY L. KING
Chairperson

RORY I. LANCOUNCIL MEMBERAN
Co-chair

COUNCIL MEMBERS:

INEZ D. BARRON
ANDREW COHEN
MARK GJONAJ
ROBERT F. HOLDEN
MARK LEVINE
ALAN N. MAISEL
BILL PERKINS
DEBORAH L. ROSE
ERIC A. ULRICH
JUMAANE D. WILLIAMS

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

Tianesha Drayton
Fellow at Brooklyn Community Foundation, Alumni
With Exalt Youth

Isrus Groves
Youth Leader with the Youth Represent

Edwina G. Mendelson
Deputy Chief Administrative Judge for Justice
Initiatives for the New York State Judiciary

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

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

Winette Saunders
Deputy Commissioner for Youthful Offender
Programming for the New York City Department of
Correction

Gineen Gray
Deputy Commissioner for New York City Department
Of probation

Elias Husamudeen
President of the Correction Officers' Benevolent
association

Anthony Wells
President of the Social Service Employees Union
Local 371

Dalvanie K. Powell
President of the United Probation Officers
Association, UPOA

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

Harry Greenberg
Counsel for the United Probation Officers
Association

Gabrielle Prisco
Executive Director of Lineage Project

Charles Nunez
Community Advocate at Youth Represent

Beth Powers
Director of Youth Justice at the Children's
Defense Fund

Dawn Mitchell
Attorney in Charge of the Legal Aid Society's
Juvenile Rights Practice

Ronna Gordon-Galchus
Family and Criminal Defense Attorney at Galchus
And Gordon

Sarah Tirgary
President of the Assigned Counsel Association of
Queens Family Court

Robyn Goldberg
Staff Attorney with the Adolescent Defense
Project at the Bronx Defenders

Amy Albert
Attorney at Brooklyn Defender Services

Sergio De La Pava
Supervising Attorney at New York County Defender
Services

Rob De Leon
Representing Fortune Society

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

Grant Cowles
Senior Policy Associate for Citizens' Committee
For Children, COMMITTEE CLERK

Roy Benton
Executive and Artistic Director of Theatre of the
Oppressed NYC, Criminal Judge Delegate

Annie Minguez
Director of Government and Community Relations
For Good Shepherd Services

Chris Norwood
Executive Director of Health People

Kevin Holmes
Mentor at Health People, Arches

Celia Green
Parent and Family and Education Advocate
Representing Citywide Council on High Schools

Artie Pearson
Department of Housing Preservation and
Development

Nicole Triplett
Member of the American Civil Liberties Union

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2 [gavel]

3 CHAIRPERSON KING: Good afternoon
4 everyone. It's on, one, two, one, two, microphone
5 check, one, two. Good afternoon everyone, again I'm
6 New York City Council Member Andy King of the 12th
7 district of the Bronx, Chair of the Juvenile Justice
8 Committee. I want to thank everyone who came out
9 today and I want to thank Council Member Lancman for
10 Co-Chairing this very important hearing today. Also,
11 I want to thank the members of the committees who are
12 here today; Council Member Perkins, Council Member
13 Maisel, Council Member Levine and Council Member
14 Rose. We're here today to discuss the city's
15 preparedness to raise the age of criminal
16 responsibility. As we all know the significant
17 undertaking for New York City's juvenile justice...
18 juvenile justice infrastructure and when the law is
19 fully implemented we hope there will be significant
20 benefits to the lives of the justice involved youth.
21 This committee has been discussing the implementation
22 of this law with the administration however since our
23 last conversation the state budget was finalized, and
24 it included drastic cuts to New York City's Juvenile
25 Justice Services. I expect we will hear today that

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2 the issues we have been discussing are even further,
3 further from resolution and there may be challenges
4 in the areas that were not previously discussed. It
5 is quite frankly... it is quite frankly irresponsible
6 of the state to neglect to follow up on passing of
7 this legislation with the resources necessary for
8 implementation. We at the local level should be joint
9 partners with the state and we should be working
10 together as allies. To that end the council's
11 preliminary budget response incorporates the funding
12 for Juvenile Justice Services that we did not receive
13 from the state but by enacting this law our
14 representatives on the state level are accountable
15 for the following wellbeing of our city's youth
16 people just as we are. I hope that we can move
17 forward together in good faith and then... and that we
18 will indeed gain state support either through
19 resources or the use of appropriate facilities or
20 otherwise. As it stands we cannot hold out for more
21 support from the state before we ensure the
22 implementation of raise the age legislation is done
23 right. We must move forward with plan B and make sure
24 that the young people who are in need to benefit from
25 this law are not forsaken. I look forward to hearing

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2 from the administration on what plans is now... that is
3 now... and now... and that we know what the landscape of
4 what the operating, operating will look like. The
5 Juvenile Justice Committee is also hearing Resolution
6 Number 283 today sponsored by Council Member Powers
7 calling upon the Governor to coordinate a review of
8 cases involving persons convicted of a crime at the
9 age of 16 or 17 years of age before raise the age
10 legislation went into effect who are currently
11 incarcerated or were sentenced in criminal court to
12 ensure those sentences were equitable and just. It
13 should not be the case that a young person who
14 encountered the justice system before this law took
15 effect are left at a languish in the adult system.
16 The raise the age legislation is an acknowledgment
17 that we owe our young people more and that it's the
18 responsibility that we can uphold so that we can up,
19 uphold selectively. I want to thank again Council
20 Member Powers for his leadership on this issue, we
21 have a lot to talk about today. So, I thank you all
22 for being here and I will turn it over to my Co-
23 Chair, Council Member Lancman and Council Member
24 Lancman.

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2 COUNCIL MEMBER LANCMAN: Thank you
3 Council Member King, good afternoon everyone. I'm
4 Council Member Rory Lancman, Chair of the Committee
5 on the Justice System. In 2017 more than 11,000 16
6 and 17-year olds were arrested and charged as adults
7 in the five boroughs, 66 percent of them for
8 misdemeanors. In 2016 more than 800 of those arrested
9 were sentenced to some sort of jail or prison time
10 and more than 600 were sentenced to time served.
11 Those are arrests and convictions that go on their
12 criminal records, ones that could prevent them from
13 getting a job, go into college or qualifying for
14 housing all before they are legally allowed to vote,
15 buy cigarettes or join the military. If we want kids
16 who make mistakes even sometimes very serious ones to
17 change and take a different path in life we must make
18 that a possibility for them. Studies have found that
19 youth transferred to the adult criminal justice
20 system are 34 percent more likely to be re-arrested
21 than those kept in family court. This is the right
22 move for our children and for public safety. Trying a
23 high school sophomore or junior in the adult criminal
24 court system without regard to the severity of the
25 offense or the potential for rehabilitation or

2 putting them in a place like Rikers is a recipe for
3 mistreatment and abuse that will irreparably shape
4 the kind of person these youth will become and not
5 for the better. These juveniles might think they are
6 adults, but they are far from grown up. The good news
7 is that the passage of raise the age legislation at
8 the state level last year we can finally begin to
9 move forward but passing the law is just the first
10 step, now it must be implemented by the police, the
11 district attorneys, the public defenders, the city
12 law department, the courts, and the entire juvenile
13 justice system. Police will be responsible for
14 notifying a youth's parent or guardian on arrest,
15 interrogations must be limited to age appropriate
16 settings with parental consent, based on the charge
17 police will have a significant role on deciding which
18 court system 16 and 17-year olds will start out in.
19 For the courts, new mechanisms and procedures must be
20 created and judges trained to employ them. All
21 felonies and a few misdemeanors will start their
22 journey in a new youth part in adult criminal court.
23 Non-violent felonies will be transferred to family
24 court, absent a motion by the district attorney
25 showing extraordinary circumstances. Even many

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2 violent felonies will be eligible for transfer.
3 District attorneys will have to develop procedures
4 for when they will object to family court taking over
5 these cases and the city will have to monitor whether
6 transfer rates are roughly consistent across the
7 boroughs. The system of transfers may create
8 difficulties for public defenders who have different
9 attorneys representing adults and juvenile offenders.
10 Continuity of representation as youth move through
11 the system will be a challenge. Moving a case from
12 criminal court to family court will also shift... shift
13 it from the district attorneys to the city's law
14 department, with the influx of new cases we must
15 ensure that the law department has sufficient
16 staffing and training to handle these new older
17 youth. One of the most important aspects of the
18 implementation of raise the age will be detention,
19 both pre-trial and post adjudication. Even adolescent
20 offenders who are tried in adult criminal court will
21 no longer be allowed to be sentenced to or detained
22 in facilities that also house adults. By October 1st
23 no one under the age of 18, no matter which court
24 heard their case may be held on Rikers Island and 16
25 and 17-year olds must be supervised by administration

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2 for children services staff trained and equipped to
3 oversee teenagers, not by corrections officers
4 trained and equipped to oversee adults. Funding is
5 essential, the city has estimated that it needs 200
6 million dollars for the implementation of raise the
7 age, money that was nowhere to be found in the city's
8 preliminary budget. The Mayor's executive budget due
9 in the next two weeks must reflect that reality. So,
10 are we ready, I have to say that I am concerned that
11 just yesterday the city sent a letter to the
12 Governor's Office blaming the Governor's Office for
13 what sounds like the city's unpreparedness for
14 implementing raise the age. We will get into the
15 details of that exchange, but the timing of the
16 letter and the substance of the letter suggests that
17 the city might be more interested in setting up a
18 scapegoat or an excuse for its failure to be ready
19 than to being ready. So, I look forward to hearing
20 testimony today from the Office of Court
21 Administration, the Mayor's Office of Criminal
22 Justice, staff who serve in our Juvenile Detention
23 facilities, legal services providers and assigned
24 counsel, advocates and others on implementation

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2 efforts and what we still must do to be ready to
3 raise the age.

4 CHAIRPERSON KING: Thank you Mr. Chair,
5 before we have the administration come up and testify
6 we have a couple of young folks who have gone through
7 the system who are here to share their thoughts,
8 their suggestions and their experience with us,
9 Tianesha Drayton and Isrus Groves. And we've also
10 been joined by Council Member Cohen from the Bronx.

11 TIANESHA DRAYTON: Hello. Oh, hi. Good
12 afternoon everyone, my name is Tianesha Drayton and I
13 am 23. Thank you Chairperson Lancman, Chairperson
14 King, the Justice Systems Committee and the Juvenile
15 Justice System Committee for the opportunity to
16 testify. Before beginning I'd like to share a few
17 things about myself, I am currently a full-time
18 student working part time as a Fellow with the
19 Brooklyn Community Foundation and active alumni with
20 Exalt Youth, a recent graduate of Youth Speakers
21 Institute and a mother to a five-year-old boy whose
22 life's aim seems to be keeping me on my toes. You'll
23 hear why all of that was important in a moment. At
24 the age of 14 I was charged with a felony and spent
25 about six months between Spofford, Crossroads and

2 Horizons ultimately, I was sent upstate to a non-
3 secured residential facility called Cayuga Home for
4 Children for about a year and a half. I have recent..
5 I have experienced firsthand how taking careful
6 consideration of where a youth is placed while in the
7 juvenile justice system plays such a major role in
8 transforming their lives for either the better or the
9 worst. Because of what my charge was DJJ counselors
10 at the time were under the impression that I would be
11 sent to Tryon Boys and Girls Center, a limited
12 secured facility that has since closed because of its
13 horrific reputation for brutality.. for brutality and
14 violence. However, Judge Alex Calabrese of Red Hook
15 Community Justice Center made a diligent effort to
16 place me somewhere he believed I would grow
17 academically, mature emotionally, and be encouraged
18 to return back into society with a sense of hope and
19 direction. This place that he sent me to Cayuga Home
20 for Children, there I was able to advance my
21 education and address some root issues that continued
22 my spiraling down in the direction that I was going
23 in. This altered my experience tremendously
24 especially when I compare it to those other youth who
25 I personally know what their experience was like at

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2 Rikers Island. Because Judge Calabrese considered my
3 background as an individual and not only according to
4 my charges I believe that is why I am living a more
5 productive life and, and am able to talk about all of
6 the things that I'm currently doing since I've
7 returned home almost eight years ago. Since then I've
8 wondered how much of a difference we'd see in our
9 youth who are also court involved if they were also
10 placed in youth centered facilities. For this reason,
11 New York City must make sure they remove all 16 and
12 17-year olds from Rikers Island by October 2018. In
13 addition to a shift in those responsible for
14 overseeing the futures of our youth who will get into
15 some trouble I also know that there's a sting of
16 hopelessness that follows a young person who knows
17 that there arrest records are accessible to the
18 public. The stigma that comes along with court
19 involvement leaves a residue of negativity because of
20 this I also believe that our judges must allow as
21 many young people to go into the family court system
22 and that we must get again all of the 16 and 17-year
23 olds off of Rikers Island by October 2018. Thank you.

24 ISRUS GROVES: Good afternoon everyone.

25 My name is Isrus, I'm a Youth Leader with the Youth

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2 Represent, Youth Speakers Institute and I'm also a
3 mentor in training with Exodus. I'd like to thank
4 Council Member Lancman and also Council... Chairperson
5 Council Member, Member King for hosting this
6 oversight hearing and it's my chance to testify. My
7 testimony will focus on why New York City must ensure
8 the removal of all 16 and 17-year olds from Rikers
9 Island by October and I'll provide examples and what
10 alternatives to what incarceration can look like. Not
11 too long ago I myself was incarcerated as a young
12 adult that was one of the most worst experiences I've
13 ever experienced. The violence in the facility was
14 hard to, to endure but what made it even worse was
15 how correction officers treated me and others
16 detained in the facility. On various occasions
17 correctional officers refused to let people receive
18 medical assistance. One incidence that remained with
19 me was when an elderly guy was really sick, and he
20 was requesting medical assistance and for the time
21 they had no correctional officer, every shift nobody
22 showed him any type of assistance or any type... any
23 type of help until he began vomiting and having a
24 seizure. That experience along with many others
25 showed me that correctional officers they don't care

2 about those that are detained in their custody or
3 those that are... in their... in their shifts. Due to the
4 inhumane treatment youth receive in these facilities
5 and the culture of violence to these youth they need
6 to be removed from Rikers ASAP. Along with removing
7 all 16 and 17-year olds out of Rikers in New York
8 City they need to use non-confinement alternatives.
9 When I was 15 years old I was arrested on felony
10 charges in Long Island instead of automatically
11 holding me in a detention center the Judge spoke with
12 me and my mom and ordered me to probation and
13 eventually I was released to my mother but also with
14 me being released to my mother I was served with
15 probation and I had a year of community service that
16 I had to serve in a pet shelter cleaning up poop,
17 cleaning up after cats and dogs and different types
18 of animals and taking care of pets and giving people
19 tours of that animal shelter which not only helped me
20 grow individually but it helped me grow with aspects
21 that incarceration doesn't let... that strips youth of
22 their... of their growth. Long story short, there's
23 many ways to hold a young person accountable and
24 cultivate their growth and incarceration is not one
25 of them. So, New York City needs to remove all 16 and

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2 17-year olds out of Rikers Island immediately and
3 start utilizing more alternatives to incarceration
4 for these young people. Thank you once again.

5 CHAIRPERSON KING: I want to say thank
6 you to the panel, you young folks for sharing your
7 story, the goal is being able to hear what some of
8 our people are going through and sometimes if you've
9 never walked the road or been in the shoes of someone
10 you can't really identify what they've gone through
11 so we want to thank you for your strength, your
12 tenacity and more importantly your redevelopment and
13 reeducation to be productive adults in today's
14 society so thank you again for your testimony. Thank
15 you.

16 TIANESHA DRAYTON: Thank you.

17 CHAIRPERSON KING: We're going to ask
18 right now if Judge Edwina G. Mendelson please come
19 up, your honor. We've also been joined by Council
20 Member Barron and Council Member Ulrich. Okay, it's
21 our understanding that MOCJ you want to test, testify
22 separately from the Judge, you want to go together,
23 come on down. Before we swear you in as the last
24 member of your team has a seat I just want to put for
25 the record that today's conversation is figuring out

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2 where we are in this legislation that we have that's
3 deliverable... we have to deliver for our children but
4 I, I want to say I guess thank you to each and every
5 one of you who showed up today who worked every day
6 to help improve the lives of these young people and
7 while we're going to have some challenges of putting
8 this system together I want us to all to be the
9 adults that are going to figure out whatever
10 challenges that we have that we're still committed to
11 working together, exposing whatever those flaws are
12 but coming up with solutions as opposed to as I say
13 throw rocks at each other and we don't get anything
14 done because there's some 16 and 17 year olds who are
15 counting on us to deliver a system that's going to
16 save their lives. So, with that being said if counsel
17 could you please administer the oath for..

18 COMMITTEE CLERK: Please raise your right
19 hand. Do you swear to tell the truth, the whole truth
20 and nothing but the truth in your testimony and to
21 answer honestly to Council Member questions? You may
22 begin.

23 CHAIRPERSON KING: Judge if you would
24 begin.

25

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2 EDWINA G. MENDELSON: Good afternoon
3 everyone, thank you so much for offering me this
4 opportunity to address you today. I am Deputy Chief
5 Administrative Judge for Justice Initiatives for the
6 New York State Judiciary. The Office for Justice
7 Initiatives was established last year to lead the New
8 York State Judiciary's access to justice program. We
9 also lead other justice-based initiatives that
10 involve child well... child welfare issues and juvenile
11 justice issues. One of the court, court-based
12 initiatives is implementation of this new law,
13 raising the age of criminal responsibility in New
14 York State. We do all of this in our court system in
15 accordance with our Chief Judges excellence
16 initiative where we are seeking operational and
17 decisional excellence in all we do. I've been a judge
18 since 2003, I was appointed to the family court bench
19 and I served in that court as a trial court judge in
20 Queens County, I was supervising judge of Queens
21 County Family Court and then I was elevated to serve
22 as Administrative Judge in charge of all of the
23 family courts in New York City. I have been a parent
24 advocate and a children's advocate as a lawyer before
25 becoming a judge representing parents and children as

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2 an assigned counsel attorney in New York City. I also
3 hold a doctorate degree in criminal justice. More
4 recently from January of 2016 until earlier this year
5 I presided over Manhattan's youth part where I
6 presided over all of the juvenile offender cases,
7 those are the cases involving young person's age 13
8 to 15 who are charged as adults because of the
9 serious nature of their alleged offending and I also
10 represented the older youth who were charged as
11 adults and who are youthful offender eligible. So,
12 basically all young people under the age of 19 who
13 are charged with felonies and charged as adults in
14 the adult criminal justice system for the last few
15 years I've been presiding over their cases in what we
16 now call the youth part. And then I recently received
17 this position where I am a statewide Deputy Chief
18 Administrative Judge but still heavily and deeply
19 involved in juvenile justice issues in particular as
20 we implement this new legislation that we are here to
21 talk about today. The New York State Judiciary has
22 long supported efforts to raise the age of criminal
23 responsibility. Indeed, it was last January 2017 that
24 I appeared before this very council when raise the
25 age was not legislation, but it was an idea and I

2 told.. was talking to you as a trial judge and
3 providing you with my experiences and my desires and
4 we are here fast forward to today where we are
5 actually actively engaged in the implementation
6 process of this very, very important in ground
7 breaking law. New York City has established a New
8 York City raise the age task force and I'm going to
9 focus, although my responsibilities are statewide,
10 and we are doing similar implementation in every
11 single county in New York State of course for today's
12 purposes I'd like to talk to you about the very busy
13 work that we have been engaged in in New York City.
14 In September of last year, the Mayor's Office of
15 Criminal Justice established the New York City task
16 force on raise the age. We have four very busy
17 interdisciplinary working groups as well as a
18 steering committee of task force chairs, the groups
19 are focusing on the court processes, programing and
20 diversion, data analytics and risk assessment and
21 facilities. I Chair the court processes work group
22 and we are planning how the New York City courts will
23 operate from the point of arrest to ultimate case
24 disposition. Our efforts to implement this new raise
25 the age law in New York City have been truly

2 collaborative, the court processes work group that
3 I'm talking to you about today includes
4 representatives and leaders from all five district
5 attorney's offices, the New York City corporation
6 council, the law department responsible for
7 presenting juvenile delinquency matters in family
8 courts, members of the defense bar including the
9 family court attorney for the child programs,
10 criminal and family court assigned counsel programs
11 and the very many adult institutional defender
12 organizations who are involved in representing young
13 people and adults in the criminal courts. Various New
14 York City government agencies including the
15 administration for children's services, the
16 Department of Corrections, the Department of
17 Education, the Department of Probation, and the New
18 York Police Department have been involved in these
19 meetings. When I chair our court processes work group
20 meetings we begin every meeting by stating what our
21 core values are, we need to keep reminded of why we
22 are about this work. First, fairness, our justice
23 system outcomes should actually improve for 16 and
24 17-year olds after this law is implemented. There
25 should not be an increase in detention and in

2 incarceration after we have raised this age of
3 criminal responsibility. The second core value that
4 we focus upon is safety, when we're talking about
5 safety we're talking about safety of the young people
6 who are accused and we're also talking about our
7 community's safety ultimately, they are intertwined.
8 Continuity, as has already been mentioned in your
9 opening remarks wherever possible and appropriate we
10 wish to ensure continuity of defense counsel, the
11 court of record and prosecutorial agency. Speed, we
12 all have heard justice delayed is justice denied. The
13 raise the age law does have mechanisms where cases
14 will be moving from court to court, so our goal is to
15 transfer these cases from the criminal courts during
16 off hours when they are heard in criminal courts to
17 the youth parts and appropriate cases many, many
18 cases from the youth parts to the family courts in a
19 swift and timely manner. I must tell you that I've
20 been personally gratified to work with such dedicated
21 and hardworking professionals as we have struggled to
22 answer these very, very difficult questions that have
23 arisen as we are planning for implementation on the
24 ground, October 1st, 2018. We are creating an
25 entirely new adolescent justice system and we are

2 taking this mandate quite seriously, it's a
3 complicated law. The New youth parts that we will be
4 establishing will be unlike any existing court even
5 the youth part that I have been presiding over for
6 the last number of years. This new youth court is
7 going to be different and we hope it's... we expect it
8 will be better. Family courts will have vastly
9 expanded caseloads and resource needs, criminal
10 courts will as I mentioned have after hours
11 operations that need to be expanded to appropriately
12 address the new adolescent offender arraignments and
13 the new populations of juvenile delinquency matters
14 which will be appearing for first appearances during
15 off hours as well. We are addressing a multitude of
16 operational and facilities issues in the courts,
17 we're formulating plans to ensure that the efficient
18 and safe transfer of the custody of children from the
19 time of arrest to arraignment, we're implementing in
20 the court system an entirely new case management
21 system for these cases to make sure that the
22 information that is necessary between the various
23 courts gets delivered in an appropriate manner and
24 that we keep track of what we are doing as a court
25 system as we are implementing this new law. We have

2 conducted comprehensive tours of our court houses
3 throughout the city, we want to make sure as court
4 leaders that when we select the appropriate courtroom
5 facility for each and every youth part and as we
6 expand our family court operations in New York City
7 that we're thinking of the young people that we are
8 called upon to serve and also considering the
9 concerns of every impacted stakeholder. We're laser
10 focused on ensuring that our court system is in the
11 best possible posture for this historic change in the
12 law which, which is coming, fast coming, someone said
13 166 days, October 1st, 2018 and beyond but we have
14 not lost sight of the principles that underly this
15 very, very important law. We want to provide
16 sustainable, positive outcomes for the young people
17 who our justice system involves and we also want to
18 and will improve community safety. Our operations
19 can't remain status quo and that's why we're spending
20 so much time and attention on this, we cannot operate
21 in the comfort of our habits from times past when 16
22 and 17-year olds were considered adults. From the
23 very first point of justice system contacts through
24 every step that we take until we reach the final
25 outcome in these cases all of the entities that are

2 involved in this process must follow the spirit as
3 well as the letter of the law. We believe young
4 people and our communities deserve a qualitatively
5 improved justice system; common sense, social science
6 and now the law dictates this so our court system,
7 the New York State Judiciary is committed to ensuring
8 that youth age 16 and 17 will receive a court process
9 that considers rehabilitation as a means both of
10 protecting the local communities and also redirecting
11 the lives of the court involved youth. I don't want
12 to take up too much more of your time because I know
13 there are a lot of things to address but I've
14 provided written testimony and I will be available
15 for any questions you may have, what I would like to
16 tell you is that please come visit us in youth parts
17 current and youth parts future because we're... as I
18 said you don't often get to create an entirely new
19 justice system, we're being very deliberate about how
20 we are performing and we're being very thoughtful and
21 we're listening to everyone. Thank you so much.

22 DANA KAPLAN: Good afternoon Chairs King
23 and Lancman and members of the Committees on Juvenile
24 Justice and the Justice System. My name is Dana
25 Kaplan and I'm the Executive Director of Youth and

2 Strategic Initiatives at the Mayor's Office of
3 Criminal Justice. Thank you for the opportunity to
4 testify today. I'm joined by the administration for
5 Children's Services Deputy Commissioner Felipe
6 Franco, Deputy Commissioner Winette Saunders of the
7 Department of Correction and many others from the
8 administration in the audience to assist with
9 answering questions. Before I begin I want to thank
10 Judge Mendelson for what's been her great leadership
11 in this planning process to date, I want to thank the
12 young people who spoke earlier to open this hearing
13 with the important perspectives that they offer in
14 this and certainly want to just acknowledge that
15 there are so many people in the room from the staff
16 of the facilities to advocates, other agency partners
17 that are all just so involved in this work and that
18 is obviously why we had to move to a larger room for
19 this important, important discussion. The Mayor's
20 Office of Criminal Justice advises the Mayor on
21 public safety strategy and together with partners
22 inside and outside of government develops and
23 implements policies that promote safety and fairness
24 and reduce unnecessary incarceration. The topic to
25 today's hearing, the city's preparedness to raise the

2 age must be seen in the larger context. In the last
3 four years in New York City we have seen an
4 acceleration of the trends that have defined the
5 public safety landscape in the city over the last
6 three decades and made this the safest big city in
7 the country. While jail and prison populations around
8 the country increased New York City's jail population
9 has fallen by half since 1990 and in the last four
10 years the jail population dropped by 22 percent
11 giving us the lowest incarceration rate of any big
12 city and the steepest four-year decline in the size
13 of the jail population since 1998. Since 2014 the
14 number of 16 and 17-year olds in custody in
15 particular has dropped approximately 48 percent and
16 the number of children in secured juvenile detention
17 has dropped approximately 64 percent even as our
18 crime rate has continued its downward trend.
19 Meanwhile last year was the safest year in CompStat
20 history and low-level enforcement has also been
21 reduced dramatically. This is unique proof that
22 jurisdictions can have more safety and smaller jails
23 and something that we as a city should be very proud
24 of. Mayor De Blasio and the Commissioners of our
25 Administration for Children Services, the New York

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2 City Police Department, Department of Correction,
3 Department of Probation, Department of Education and
4 the Law Department have repeatedly affirmed the
5 city's support for raising the age of criminal
6 responsibility prior to its passage. Liz Glazer, the
7 Director of my office participated in the Governor's
8 Commission and was integral in developing the initial
9 proposal for raise the age in 2014... in 2015. New York
10 City has long been a supporter of treating 16 and 17-
11 year olds more appropriately within a juvenile
12 justice system and we applauded the state for it's
13 passage of raise the age in April of last year. Since
14 then we have been working tirelessly to prepare for
15 its implementation including the removal of all
16 adolescents from Rikers Island by October 1st, 2018,
17 on a timeline shorter than any other jurisdiction in
18 New York State but we have been very, very focused on
19 this challenge. New York City has been aggressively
20 focused on preparing for the opportunity that raise
21 the age presents to build on our past reforms and
22 successes and develop a best in class juvenile
23 justice system while continuing to deliver better
24 outcomes for youth and public safety. As Judge
25 Mendelson mentioned the Mayor's Office of Criminal

2 Justice is leading a planning process with the
3 participation of the relevant city agencies, the
4 courts, district attorneys, public defenders and non-
5 profit providers. We are planning for the significant
6 increase of these young people into the family court
7 system, the development of adolescent offender parts,
8 a full continuum of diversion opportunities and
9 community-based programs and the identification and
10 preparation of juvenile justice facilities to house
11 this expanded population. Since passage in April 2017
12 of raise the age we have formed as also mentioned
13 working groups focused on court processing,
14 programming and diversion, data analytics and
15 facilities. We are engaging with city agencies as
16 well as our non-profit partners and have brought in
17 local and national technical assistance providers to
18 our sister... to our sister efforts and want to make
19 sure that we are doing this and using every
20 opportunity to, to make sure that we can both build
21 on past reforms and do this as a national model. So,
22 as court processes chaired, chaired by Judge
23 Mendelson has established a set of shared core values
24 to inform the city's implementation of raise the age.
25 This group has spearheaded a number of critical

2 analysis and established protocols that will anchor
3 implementation citywide. As she mentioned the group
4 has examined the expected flow of cases in both
5 family court in the youth parts following the law
6 change. When the law is fully implemented all
7 juveniles under 18 years old arrested for a
8 misdemeanor will be treated as juvenile delinquents
9 and processed in the family court. As a result, the
10 most profound resource implications of raise the age
11 will fall upon the family court where the number of
12 cases processed is projected to triple. Many felony
13 cases will be eligible for transfer to family court
14 following arraignment in the youth part of the
15 supreme court. The working group has determined that
16 decisions regarding transfer from the youth part to
17 the family court should be made expeditiously.
18 Although the statute contemplates a period of 30 days
19 to resolve issues pertaining to transfer wherever
20 possible we will aim to litigate contested transfer
21 arguments within six days if the child is detained
22 and 14 days if the child is released. The group has
23 also recommended that where practicable children
24 whose cases originate in the youth part should be
25 represented by the same defense agency throughout the

2 duration of their case including following
3 effectuation of a transfer to family court. We are in
4 discussions with OCA about how to reflect that
5 principle through our respective contracts.
6 Importantly raise the age requires that young people
7 are processed with sight and sound separation from
8 adults being processed including throughout the
9 process of booking and awaiting appearance in, in
10 court. Compliance with this requirement will, will
11 require different accommodations in each county
12 depending on existing court facilities. Borough level
13 teams are currently working to confirm appropriate
14 facility and practice changes required to comply with
15 the sight and sound regulations. On or before June
16 30th we will release citywide protocols to guide
17 practice changes under raise the age and each county
18 will produce a local implementation plan to underpin
19 citywide training efforts. In terms of the data
20 analytics and risk assessment working group, the
21 group recommends that the existing family court risk
22 instrument continue to be used for 16 and 17-year
23 olds following raise the age. Using information
24 maintained by the criminal justice agency to estimate
25 the risk profiles of older teens, we expect the

2 instrument to accurately predict the likelihood of
3 older teens to one, fail to appear as required in
4 court and two, be re-arrested during the pendency of
5 the case. The group has also made recommendations for
6 expanded data collection to begin October 1st when
7 raise the age takes effect which we will use to
8 enhance the predictive accuracy of the risk
9 assessment instrument as it... as it is revised in the
10 future. It should be noted that the working groups
11 recommendations are also aligned with the state's
12 position on assessing risk for juveniles under raise
13 the age. The New York State Office of Children and
14 Family Services does not plan to adjust the statewide
15 risk assessment instrument in the first year of raise
16 the age and agrees that gathering additional data on
17 16-year olds during the first year following
18 implementation will be helpful in developing a more
19 predictive instrument for future use. The programming
20 and diversion working group is share... is chaired by
21 the Administration for Children's Services and the
22 Department of Probation both of whom are here... who...
23 and can offer additional information. Based on
24 assessments of risk alternative to detention programs
25 make it possible for young people with pending court

2 cases to receive supervision in the community in lieu
3 of detention. The current family court continuum of,
4 of alternatives to detention was introduced in 2006
5 and the focus of this working group has been to
6 ensure that this continuum has the capacity and age
7 appropriate resources to effectively supervise mid
8 and high risk older teens in the community while
9 their case is pending and that there are sufficient
10 and appropriate dispositional alternatives in family
11 court and in the youth, parts following raise the
12 age. The city has also been focused on the
13 development of age appropriate facilities to house
14 the expanded population of young people in detention
15 following raise the age with leadership from ACS, the
16 Department of Corrections and project management
17 support by the Mayor's Office of Operations. As we
18 testified to the council in December New York City
19 has made clear the assistance that we require from
20 the state to ensure successful implementation of this
21 law. We are concerned that the state has not been
22 able to provide the support thus imperiling the
23 city's ability to meet the obligations of raise the
24 age in a manner that we believe is the most safe and
25 appropriate for young people in detention. We are

2 concerned with the overly restrictive comingling
3 restrictions that amount to a policy of segregation
4 for certain kids, the delay in the issuance of
5 regulations and the failure to provide the city with
6 the use of the virtually empty state facility Ella
7 Mcqueen. We believe that it is unacceptable that the
8 state would mandate that young people be moved off
9 Rikers Island on an accelerated time line but deny
10 the city the existing... the one existing juvenile
11 detention facility that is currently operating
12 virtually empty and with sufficient, sufficient bed
13 space to accommodate the city's impending needs. The
14 Ella Mcqueen OCFS reception center does not currently
15 serve young people from New York City and only serves
16 a very small number of young people far away from
17 their families and communities statewide at any given
18 time. It is also the only facility identified out of
19 more than 70 sites reviewed by New York City that is
20 both appropriate to house juveniles and available for
21 use by October 28th... by October 2018 unlike other
22 sites not currently used for comparable purpose that
23 are unavailable because of zoning restrictions. Since
24 the summer of 2017 the city has repeatedly requested
25 the use of this facility through both written and

2 verbal requests. The state has denied the city a site
3 that is apparently not necessary for the states own
4 use but would make a measurable difference in New
5 York City's ability to house all the young people in
6 detention following raise the age and we would still
7 like the use of this facility. However, the city is
8 proceeding full steam ahead with our plans to
9 renovate the two existing ACS facilities, Crossroads
10 and Horizon to maximize their operational capacity in
11 anticipation of these two facilities being the only
12 available for New York City's use in implementing
13 raise the age. The current renovations underway will
14 enhance programmatic recreation, recreational and
15 educational space and ensure needed health and safety
16 improvements are made to the facilities. At this
17 juncture let me be very clear, we believe that the
18 city can and will meet the ambitious deadline for
19 moving juveniles off of Rikers Island, meeting that
20 deadline and the laws objectives will require though
21 that the comingling restrictions within housing,
22 education, recreation and programming be determined
23 by the city's classification system rather than just
24 court status. Current regulations mandate an
25 effective policy of segregation in which young people

2 that are at RNDC on October 1st, 2018 and any
3 incoming 17-year-olds until a year later regardless
4 of their charge must be completely separated from all
5 other adolescents within housing, education,
6 programming and education. We believe that this is in
7 direct conflict with the principle of raise the age,
8 that these young people are juveniles as was said by
9 the young woman earlier that there should be an
10 ability to treat them as individuals and that while
11 classification systems are critical to address these
12 individual needs and security concerns a blanket
13 segregation policy of young people based solely on
14 the date that raise the age court processes take
15 effect is wrong. The city's classification systems
16 are currently in development for finalization by the
17 raise the age implementation deadline and we continue
18 to maintain that this tool will be a more appropriate
19 system for classification particularly between
20 adolescent offenders, the young people who are
21 incarcerated at RNDC on October 30th and the 17-year
22 olds who are considered adults by the courts for one
23 year. To be clear flexibility means that we will
24 comingle youth only based on a targeted assessment of
25 individualized needs and risks, we will prioritize

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2 safety for young people and staff and the ability to
3 deliver effective programming and we will take into
4 considerations age and other security factors but
5 right now what regulations say is that a 16 year old
6 who is in Rikers Island on September 30th cannot be
7 in the same classroom as a 16 year old arrested for
8 the exact same charge one week later and we believe
9 that this is unjustifiable. Finally, the city is
10 doing everything in our power to continue to safely
11 reduce the number of adolescents in, in custody by
12 rolling out a range of new strategies because we also
13 believe that one... when young people can be served in
14 the community that is a better outcome for all of us.
15 As stated earlier in the last four years the number
16 of 16 and 17-year olds in city custody has fallen by
17 nearly 50 percent now as the city works to move 16
18 and 17-year olds off of Rikers Island and into the
19 more developmentally appropriate juvenile justice
20 system we are doubling down on the commitment to keep
21 as many young people as safely possible out of
22 detention and in high quality programs that addresses
23 some of the underlying issues in their lives. We have
24 just made a new annual investment of three million
25 dollars per year over a, a few additional strategies

2 including implementing an alternative to jail program
3 that provides treatment and therapy to young people
4 and their families helping the family to support
5 young people in building productive futures,
6 implementing an evidence driven jail diversion
7 program that features intensive mentorship connection
8 to supportive services in employment for young people
9 and expanding a program for detained young people
10 helping them to secure release more quickly by making
11 bail, being released to a program or resolving their
12 case. Together we believe that these strategies can
13 reduce the number of 16 and 17-year olds in city
14 custody by an additional 20 percent over the next
15 five years. Finally, I'd like to talk about the
16 staffing plan, the foundational principle guiding the
17 city's implementation of the raise the age is that we
18 ensure our criminal justice system is age appropriate
19 and responsive to the needs of the youth who enter
20 the criminal justice system. The raise the age
21 legislation is clear that the newly created
22 specialized secure detention facilities must be
23 jointly administered by Department of Correction and
24 the Administration for Children's Services. While the
25 legislation does not clearly define the role of each

2 agency within an SSD the city has been working
3 towards ACS as the primary operator recognizing that
4 a juvenile services agency is ultimately the most
5 appropriate lead agency for a juvenile facility. The
6 city is also equally focused on ensuring that the
7 transition to new facilities can occur safely and
8 with an appropriate level of well trained staff. With
9 these goals in mind we have some challenges to
10 address including the ambitious time line for raise
11 the age implementation which unique to New York City
12 demands the immediate removal of all youth in, in
13 adult jails. As we've said in the past the first 24
14 months of implementation will require a phased
15 staffing support from the Department of Correction
16 while ACS builds the internal capacity to safely
17 manage a significantly larger population of older
18 juveniles than they currently serve. ACS is creating
19 a new civil service title to increase the pay for
20 employees to improve recruitment and retention and
21 will implement an aggressive plan to hire 170 new
22 employees by September 2018 and 50 new employees
23 every month thereafter until June, June 20... June 2020
24 I believe for a total of 680 new staff. As new
25 classes of ACS recruits are hired, and trained DOC

2 staff will transition out from their role in the
3 facilities. During this transitional period DOC staff
4 selected to work in the juvenile facilities will be
5 chosen for their experience and interest in working
6 with adolescents. There will be a particular focus on
7 the individuals who have demonstrated the greatest
8 leadership in and commitment to the many reforms that
9 are underway currently at RNDC, the adolescent unit
10 on Rikers. ACS and DOC have been working together
11 diligently to develop one operational set of
12 standards and practices to ensure that the law and
13 spirit of raise the age is implemented effectively
14 while adhering to the regulations outlined by OCFS
15 and SCOC. The city is very clear on the core value of
16 raise the age, that juveniles should be treated as
17 juveniles and every part of the planning process has
18 been guided this... by this principle. As we've shared
19 in the past there is currently 300 million in capital
20 funding allocated to ACS for the facility needs of
21 raise the age and 104 million dollars of work is
22 currently underway at Crossroads and Horizon. City
23 agencies including ACS, probation, law and DO... DOC
24 and NYPD as well as Correctional Health Services and
25 DOE have been working closely with OMB to determine

2 the appropriate level of funding to ensure that New
3 York City meets its obligations to successfully
4 implement raise the age. In closing New York City has
5 long supported reforms that treat 16 and 17-year olds
6 as juveniles in order to produce the best possible
7 outcomes for young people, their families and for
8 public safety. We are very optimistic about the
9 implementation of raise the age and we believe that
10 we are well poised to build on the significant
11 progress that we have made to date in New York City's
12 juvenile and young adult justice systems yet we
13 acknowledge that successful implementation of this
14 important reform requires a great deal of effort and
15 coordination between city agencies, the courts,
16 prosecutors, defense attorneys, community and
17 neighborhood providers as well as collaboration
18 between the state and local government. We are
19 hopeful that with corporation between the city and
20 state and all stakeholders we can jointly realize the
21 goals of raise the age on the timeline set forth by
22 the law. Thank you for the opportunity to testify
23 here today and I will now turn to my colleague,
24 Deputy Commissioner Franco to provide further detail

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2 on implementation on... by ACS and then we can answer
3 all questions.

4 FELIPE FRANCO: Thank you everyone. Good
5 afternoon Chair King and Chair Lancman and members of
6 the Committee for Juvenile Justice and Justice
7 Systems. First, I wanted to acknowledge Chair King
8 focus on youth and family voices since he took over,
9 he actually went to visit a facility within a couple
10 of weeks and made a priority that young people and
11 families actually always have a voice, thank you. I'm
12 Felipe Franco, Deputy Commissioner for the Division
13 of Youth and Family Justice within the Administration
14 for Children's Services. Raise the age implementation
15 is a multisystem across agency effort and I thank you
16 for the opportunity to speak with you today about the
17 many ways ACS and our city and state partners are
18 working together to prepare for raise the age. ACS
19 believes that all young people... [cross-talk]

20 CHAIRPERSON KING: Excuse me Deputy could
21 you speak a little louder, we're having... [cross-talk]

22 FELIPE FRANCO: Sure ACS... [cross-talk]

23 CHAIRPERSON KING: ...more challenges
24 understanding... [cross-talk]

25

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2 FELIPE FRANCO: ...believes that all young
3 people belong in age and developmentally appropriate
4 settings that are tailored to meet their specific
5 needs and maximize their potential as productive
6 adults. Raise the age is an opportunity for us to
7 strengthen our existing systems and continue to
8 improve our practice, support our staff and providers
9 and fortify safety across the continuum. We have been
10 working very hard to further to adapt our services
11 and programming within our community-based
12 alternatives, detention and placement programs to
13 meet the needs of an older youth population and we
14 look forward to working with our partners to expand
15 our quality programming and services for 16 and 17-
16 year olds. When possible, we support youth and
17 families through our network of community-based
18 programs, such alternatives to detention and
19 placement to keep youth accountable in the community.
20 We also plan to expand our youth of evidence-based
21 models and treatment within detention and placement
22 that meet the developmental needs of older
23 adolescents. Raise the age is an opportunity to
24 better serve all youth safely in the least
25 restrictive setting and that's our intention. The

2 Division of Youth and Family Justices oversee
3 services and programs for youth at every stage of the
4 Juvenile Justice process. Our continuum includes
5 community-based preventive services for youth who are
6 at risk of delinquency as well as their families. In
7 addition, we provide detention services for youth who
8 are arrested and awaiting court resolution and since
9 2012 with the enacted of close to home, we have been
10 providing rehabilitative services and residential
11 services for all youth placed with New York City as
12 adjudicated juvenile delinquents, as well as
13 aftercare services upon, upon their return to their
14 community. We are proud to say that fewer young,
15 young people are, are being arrested and fewer young
16 people are entering our juvenile justice system than
17 ever before. Overall admissions to a juvenile
18 detention have decreased significantly year after
19 year dropping to 32 percent from fiscal year 2014 to
20 fiscal year 2017. I'm proud to say that we only have
21 36 youth in secure detention today being the largest
22 city in the nation. We think this is attributable to
23 the smart policing, lower juvenile arrests across the
24 city and the intensive preventive services that ACS,
25 the Department of Probation, our partners at MOCJ and

2 others do to prevent people from ever entering the
3 juvenile justice system. We know that the best way to
4 intervene in the life of young people is to treat the
5 whole family within the context of the community. An
6 ACS family assessment program is available to
7 families and youth up to age 18 to help youth avoid
8 delinquency and involvement in the juvenile justice
9 system by providing therapeutic services that address
10 difficult teenage behaviors. ACS also runs the
11 juvenile justice initiative in partnership with the
12 Department of Probation which is the largest
13 alternative to placement program in New York City.
14 JJI serves youth who have been adjudicated in family
15 court and provides intensive services to these youth
16 to keep them in their communities and with their
17 families. JJI helps parents develop the skills and
18 support they need for their children and enforce
19 limits to steer them towards positive peers and
20 activities. With raise the age we have embraced the
21 opportunity to develop alternatives to detention and
22 placement that are age appropriate and gender... and
23 gender responsive to meet the needs of all youth in
24 the juvenile justice system. As part of the citywide
25 programming and diversion work that ACS is doing with

2 the Department of Probation we have identified new
3 practices and enhanced services that would better
4 meet the unique needs of older youth. Research
5 overwhelmingly shows that young people do better when
6 they are able to remain at home with their families
7 and with a connection to their community and
8 accountability. We are planning to expand our
9 continuum of evidence-based programs to include
10 interventions that promote permanency for youth
11 involved, involved youth without a family. In a few
12 months, we will be announcing our selection decisions
13 for our Mentoring and Advocacy Program, a new
14 community-based program designed to support youth by
15 providing them with mentors and advocates with a
16 focus on school engagement, education and workforce
17 assistance. And, although they make up a very small
18 percentage of our population, ACS has been working
19 with the Vera Institute of Justice and many other
20 partners here and national experts and advocates on a
21 Girls Task Force to reduce girls' involvement in
22 detention and placement. ACS provides secure and non-
23 secure detention services for youth who have been
24 arrested and are waiting for judges to hear their
25 cases in court. The Division of Youth and Family

2 Justice currently operates two secure detention
3 facilities—Crossroads in Brooklyn and Horizons in the
4 Bronx—and oversees eight non-secure detention group
5 homes across the City, operated by not-for-profit
6 provider partners. Secure detention has been the most
7 restrictive... secure detention has the most
8 restrictive security features and is typically
9 reserved for youth who pose the highest risk and have
10 been accused of committing serious offenses. The vast
11 majority—as high as 90% of young people in the
12 juvenile justice system, regardless of gender—have
13 experienced some sort of trauma. To address this... to
14 address this trauma and to help youth develop the
15 coping skills they need to safely manage their
16 behaviors, we have expanded our psychological and
17 psychiatric services in detention in partnership with
18 Bellevue Hospital, NYU. Safety in our facilities is a
19 top priority, and we have worked very hard to create
20 a system of care within our secure detention system
21 that is grounded in best practices and designed to
22 promote safety, secure environments for youth and
23 staff. Primary to safety in youth institutions is
24 having a sufficient and skilled work, work, workforce
25 able to respond to youth needs and create a

2 predictable and safe environment. Our current staff,
3 our juvenile counselors do a great job of meeting
4 youths' needs and guiding them to learn new
5 behaviors, while maintaining a structure and safety
6 in facilities. The work our staff does on a daily
7 basis contributes to the dramatic drops in detention
8 admissions and juvenile crime that we have seen in
9 New York City and I would... I would like to
10 acknowledge our current juvenile counselors for the
11 significant impact they have on the lives of young
12 people and their families. After finally receiving
13 the State's draft Raise the Age regulations on the
14 requirements on staff education and experience in
15 December of 2017, we at ACS has embarked on the
16 development of a new civil service title the youth
17 development specialists that will represent the
18 professionalism and dedication of our staff. We
19 continue to work with our City and labor partners to
20 finalize an attractive title that will enable the
21 City to recruit and retain hundreds of staff we will
22 need to meet the mandates of Raise the Age. In the
23 meantime, ACS has been working with the local and
24 national experts among them the Missouri Youth
25 Services Institute, the folks who develop the, the

2 Safe Crisis Management and NYU Bellevue to develop a
3 system of care grounded in strategies that use a team
4 approach so staff consistently work together with the
5 same group of youth to reinforce positive behaviors
6 and safety; employ a wide array of crisis prevention
7 and de-escalation techniques and manage and redirect
8 youth behavior when necessary; and teach both youth
9 and staff the skills necessary to regulate their
10 emotions and behavior. We are proud to, to show,
11 showcase and describe our New York City model, the
12 Division of Youth and Family Justice used as the New
13 York City model within our secure detention system
14 again adapted from the nationally recognized Missouri
15 Youth Services Institute model, the New York City
16 Model is a therapeutic approach for working with
17 youth in the juvenile justice system. Facilitated by
18 group interactions and the promotion of healthy,
19 productive relationships are at the core of this
20 model. All of our incoming direct care staff receives
21 one... week... a one week-long training on this model as
22 part of their pre-service training, and all current
23 staff in both of our secure detention facilities have
24 been extensively trained in this new approach. In
25 addition, a consultant is working with both

2 facilities to support the team leaders and the staff
3 to ensure fidelity implementation. The Division of
4 Youth and Family Justice has employed Safe Crisis
5 Management as our work crisis intervention method
6 since 2012. SCOUNCIL MEMBER is an evidence-based
7 behavior management system that focuses on helping
8 staff learn and understand youth development and
9 behavior, as well as prevention and de-escalation
10 strategies that can be used to safely influence youth
11 behavior in lieu of or prior to the need for physical
12 intervention. If physical intervention is warranted,
13 SCOUNCIL MEMBER includes Emergency Safe Physical
14 Interventions which are appropriate for use with
15 young people. Safe... staff participates in four days
16 of SCOUNCIL MEMBER training during their pre-service
17 training and receive an annual two-day SCOUNCIL
18 MEMBER refresher, and quarterly, on-site training and
19 consultations to improve staff practice. In addition,
20 our training academy is providing on-site, monthly
21 boosters of SCOUNCIL MEMBER and workshops for staff
22 in both facilities. Through our partnership with
23 NYU/Bellevue all secure detention staff receive
24 training in working effectively with traumatized
25 youth and a strategy, strategies for preventing or

2 mitigating vicarious trauma. We are in now in the
3 initial phase of implementing the Trauma Affect
4 Regulation Guide for Education & Treatment, TARGET.
5 TARGET is a comprehensive trauma intervention
6 specifically designed for use in juvenile justice
7 settings. This effort is designed to increase staff's
8 sense of safety and provide front-line staff with
9 proven skills to manage the behavior of youth with
10 trauma related issues as well as their own
11 challenges. As I mentioned before since 2012 New York
12 City has been responsible for close to home. Close to
13 home is a juvenile justice reform that allow New York
14 City youth who have... who have been adjudicated
15 juvenile delinquents to be placed in the residential
16 care of ACS near their homes and communities. Prior
17 to the close to home thousands of New York City's
18 children were placed in large institution, prison
19 like settings located upstate, hundreds of miles away
20 from their families and their homes. Now, youth many
21 of whom are 16 and older, can participate... can
22 participate in meaningful services and treatment
23 while furthering their education with the New York
24 City Department of Education in placement, allowing
25 them to continue to accrue, accrue, accrue credits

2 and work closely with their families. Involvement in
3 Close to Home includes both a stay in residential
4 placement and a term of supervised aftercare as youth
5 transition from placement back to their homes and
6 communities. ACS currently partners with seven non-
7 profit agencies to deliver strengths-based placement
8 programs in 24 non-secure placement residences
9 located near or in New York City. All seven providers
10 have experience in serving juvenile justice
11 populations, and each program offers structured
12 residential care in a small, supervised home-like
13 settings. Limited Secure Placement, LSP, which opened
14 in December of 2015, currently has programs operating
15 at four sites: one, one in the Bronx, two in Dobbs
16 Ferry, and one in Queens. As I noted earlier in my
17 testimony, admissions to detention have decreased
18 enormously over the last several years, and we have
19 also seen a successfully lower census in Close to
20 Home. Residential placements have been reduced by 20
21 percent from fiscal year 2014 to fiscal year 2017.
22 Given the low census in Close to Home, we are working
23 with our current Close to Home placement providers to
24 right-size existing capacity to absorb some of the
25 youth that will enter into our system beginning

2 October 1st as part of raise the age. We are using
3 this planning process as an opportunity to think
4 about... expansively about programming for older youth
5 with an emphasis, emphasis in vocational training,
6 apprenticeships, and employment programs. Further, we
7 have instituted a number of enhancements to Close to
8 Home initiative that focus on improving youth
9 monitoring and accountability, increasing interagency
10 partnerships and significantly enhancing the
11 oversight of the staff and the providers. ACS has
12 built a robust quality assurance capacity to monitor
13 outcomes for Close to Home including on-going reviews
14 and assessments of provider performance and since
15 2015, the, the Division of Youth and Family Justice
16 has tripled the number of site inspections and
17 unannounced safety and security checks on our Close
18 to Home providers to ensure that conditions of care
19 are in line with ACS requirements and that our
20 providers are resolving identified issues in a timely
21 manner. Most of our young people return to their home
22 communities on aftercare following their Close to
23 Home residential placement. Families and youth
24 receive intensive support and accountability from the
25 assigned ACS case worker and aftercare resources.

2 Since Close to Home's initial opening, we have seen
3 that the success of young people, reintegration into
4 the community rests largely on the strength of the
5 supports they receive. With this in mind, we have
6 initiated a set of enhancements to after, aftercare
7 programs to improve continuity for justice-involved
8 youth and bolster public safety. Throughout these
9 reforms, ACS is in, in... has improved the transition
10 from residential placement to aftercare and have
11 strengthened the supervision to ensure that young
12 people attend school, participate in important
13 programming, and follow up aggressively in the rare
14 instances where public safety issues arise. As you
15 have heard today, extensive planning is underway
16 across the City to implement the initial requirements
17 of Raise the Age in October 1, 2018, and I thank you
18 for the opportunity to discuss some of ACS's work
19 with... in this significant undertaking. The Division
20 of Youth and Family Justice maintains our transparent
21 relationship with the City Council and we will
22 continue to seek your guidance and support as we move
23 forward in implementing these commended efforts.

24 Thank you.

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2 WINETTE SAUNDERS: I'm here to answer
3 questions.

4 CHAIRPERSON KING: Okay, we're going to
5 questions right but I want to say thank you all for
6 your... all three of you for your testimony and your
7 conversation with us. I started out saying earlier
8 that the goal of today's hearing is to bring minds
9 together to figure out how do we implement raise the
10 age, where we are as a city to deliver on this
11 October 1st mandate and I said we were not going to
12 throw any rocks at each other today but I'm going to
13 take a little page in our... my colleague here, Mr.
14 Chair Lancman mentioned about the letter that went
15 out today that almost gave the impression that there
16 may not be no preparation or almost ready when that
17 letter went out to the state calling on the
18 challenges that we're having so I started saying
19 before I asked about it because I was little
20 disappointed on the testimony that I heard because
21 even though I explained programs and didn't talk
22 about anything about what was happening with the
23 implementation of what your plans were for delivering
24 on the state mandate so I just want to put that on
25 the record because this was a whole bunch of nothing

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2 for me but let's go into some questioning right now
3 because I do want to know at this stage what is ACS...
4 what are we doing in the city, where are we as far as
5 meeting the October 1st deadline and if not, if
6 you're not ready for October 1st what is your
7 estimated plan... time plan to, to meet the mandates on
8 raise the age?

9 FELIPE FRANCO: Hi sir. So, I think I
10 actually mentioned in the testimony but if you want
11 to go into specifics we have done a significant
12 amount of planning to increase and adapt our array of
13 community-based alternatives to allow more exits and
14 prevent... and continue to reduce the number of young
15 people who will come to detention and placement. We
16 also are planning as you heard in my testimony for
17 the development of a new civil service title, the
18 juvenile counselor title has been around for more
19 than four years and now that we have guidance from
20 the state in terms of the education and, and
21 experience requirements we're working very, very
22 closely with our partners in labor and elsewhere to
23 develop a new title that actually will attract the
24 kind of stuff that we need to implement raise, raise
25 the age, I think we also talked to you about the

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2 amount of work that is happening in both facilities
3 and we mentioned this to you before in a previous
4 hearing in terms of improving the facilities to meet
5 the health and safety standards that are required as
6 part of raise the age and we are working with our
7 close to home providers to adapt the existing
8 capacity to make sure to meet the needs of the 16 and
9 17 year olds that would come to us as part of raise
10 the age.

11 CHAIRPERSON KING: Okay, let's double
12 back to the letter that was sent out asking whether
13 it was Ella Mcqueen you was talking about for being
14 able to intake folks in out, out... removing our young
15 people off of Rikers, I want to get an idea of if, if
16 that facility is not available what is your plan
17 because it was part of your plan before so if that's
18 not available what do you plan on doing, how many...
19 how many young people are, are you able to move off
20 of Rikers by October 1st and if you're not able to
21 move them off by October 1st again what will be an
22 honest dead... timeline that you can clear our young
23 people off of Rikers?

24 DANA KAPLAN: So, I can... I can speak to
25 this. We believe that the, the use of Ella Mcqueen

2 would provide us the best possible plan to meet the
3 obligations of raise the age and it would provide a
4 dedicated intake center and reception center that we
5 believe would be appropriate because it could
6 particularly assist in the approximately 50 percent
7 of young people who spend a very short period of time
8 in detention that they would never have to go to
9 Crossroads or to Horizon. So, we still believe that
10 Ella Mcqueen would be the best possible
11 implementation strategy for raise the age. Without
12 Ella Mcqueen we are still planning to meet the
13 October 1st timeline and the renovations that are
14 currently underway at Crossroads and Horizon on
15 towards that end to make sure that we have sufficient
16 operational space, programming, educational,
17 recreational capacity to serve all of those young
18 people. So, we believe that we will meet the
19 deadline. Now as we said in the letter we still
20 believe it there is value in the use of Ella Mcqueen,
21 we do ask the state for flexibility in these
22 comingling restrictions which we believe are
23 arbitrary segregation and that is an important part
24 of us mating... making this timeline in as safe and
25 appropriate a way as possible but we are focused on

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2 the October 1st timeline and we are optimistic that
3 we are on track.

4 CHAIRPERSON KING: Okay, so I'm going to
5 see if I got this right...

6 DANA KAPLAN: Uh-huh...

7 CHAIRPERSON KING: If Ella Mcqueen is not
8 available you're going to use Crossroads and Horizon
9 to do the work?

10 DANA KAPLAN: Correct.

11 CHAIRPERSON KING: Okay, so that's your
12 plan B?

13 DANA KAPLAN: That is our plan.

14 CHAIRPERSON KING: Okay, so that's what I
15 need... we, we want to hear... [cross-talk]

16 DANA KAPLAN: Yes... [cross-talk]

17 CHAIRPERSON KING: ...for the record...

18 [cross-talk]

19 DANA KAPLAN: Absolutely... [cross-talk]

20 CHAIRPERSON KING: ...what is your plan A
21 laying it out from... [cross-talk]

22 DANA KAPLAN: Uh-huh... [cross-talk]

23 CHAIRPERSON KING: ...day one where we are
24 right now to October 1st that's what we want to hear,
25 there's a lot of stuff that's being thrown out there

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2 but it's not giving us the clear picture of your plan
3 of walking through to get us to the first... [cross-
4 talk]

5 DANA KAPLAN: Uh-huh... [cross-talk]

6 CHAIRPERSON KING: ...other than you are
7 saying we're confident we're going to meet... [cross-
8 talk]

9 DANA KAPLAN: Yes... [cross-talk]

10 CHAIRPERSON KING: ...those mandates.

11 DANA KAPLAN: We are making additional
12 city investments as I mentioned the three million
13 dollars that we've just allocated towards making sure
14 that the reductions in the number of young people in
15 detention not only continue but that we see them
16 continue to decline so we are focused on safely
17 reducing the number of young people in detention
18 that's a focus of what we can do with our agencies
19 and also a focus of the working groups. We are
20 renovating Crossroads and Horizon so that those two
21 facilities will be able to have sufficient capacity
22 to house the entire population that will need...
23 require secure detention or specialized secure
24 detention following October 1st. We contemplate that
25 Horizon will be where there is additional staffing

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2 support from the Department of Corrections and that
3 Crossroads will be primarily for juvenile delinquents
4 and juvenile offenders, that is the city's plan.

5 CHAIRPERSON KING: Okay... [cross-talk]

6 FELIPE FRANCO: I think... something to,
7 to... [cross-talk]

8 CHAIRPERSON KING: Okay... [cross-talk]

9 FELIPE FRANCO: ...your point Council
10 Member, in my testimony I may have focused so much on
11 the secure detention side which are Crossroads and
12 Horizons that I may have... even though I talked about
13 it I didn't go into the specifics, I mean the city
14 also has the capacity and the ability, over 104 non-
15 secure detention beds and it has actually been the
16 trend that actually has been happening for the last
17 five years that the majority of juvenile delinquents
18 are actually placed in non-secure detention sites
19 which makes sense because this is a... kind of small
20 group homes like the ones that you visited where kids
21 can begin in pre-adjudication and then move
22 afterwards to a close to home site so we also have
23 the capacity of actually continuing to move more and
24 more of our juvenile delinquents which are going to
25 be very few of them, there's about 36 kids only in

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2 detention today into the non-secure continuum that
3 will allow further efficiencies of our secure beds.

4 CHAIRPERSON KING: Okay, I want to double
5 back, thank you for that answer. I want to double
6 back on the three million that was announced today
7 that you are putting in for additional services, is
8 that on top of the 200 million that was already
9 necessarily needed to implement raise the age or is
10 that three million parts of that 200 million or... and
11 where is that three million... who's going to manage
12 that three million that you've... off... that the Mayor's
13 offered today?

14 DANA KAPLAN: So, that three million
15 dollars is funding that the Mayor's Office of
16 Criminal Justice has reallocated within our existing
17 budget looking at contracts, working with the
18 providers that were being underutilized and that we
19 felt that that funding could be better spent in this
20 priority moment for adolescence and, and young adults
21 so that is the three million dollars and that's
22 through the Mayor's Office of Criminal Justice. The...
23 at least 200 million dollars that we've stated is the
24 full operating cost at full implementation of raise
25 the age for all of the agencies.

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2 CHAIRPERSON KING: And as... if I
3 understand that 200 million is what's being asked
4 plus it was 30.5 million I believe for the close to
5 home to make sure that funding is intact to continue
6 with the close to home project, project as well so
7 we're adding another three million to all that so
8 we're looking at 200... 230... or actually 233.5 million?

9 FELIPE FRANCO: Yeah, I mean Council
10 Member the five million dollars that you are
11 referring to... [cross-talk]

12 CHAIRPERSON KING: Say that for me again?

13 FELIPE FRANCO: I mean the, the, the
14 money that you are referring to regarding close to
15 home which is the state contribution within the 75
16 million dollars of the program cost a year, the 41
17 million dollars that we then get from the state that
18 actually was just for to sustain the close to home
19 program as is now, it doesn't take into account the
20 200 million dollars that we're talking as a baseline
21 to take on the new 16 and 17 year olds.

22 CHAIRPERSON KING: Okay, do we know what
23 that numbers going to escalate, what it looks like
24 now as we take on more?

25

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2 FELIPE FRANCO: It would be more, but I
3 don't have the number.

4 CHAIRPERSON KING: Okay. Okay. I got
5 about two more questions and then I'm going to ask my
6 colleagues to jump in and ask, ask questions. Oh, yes
7 and we've been joined by Council Member Holden, thank
8 you and then I'm going to turn it over to the Chair
9 to ask his questions as well. I'd just like to know
10 how is the coordination going between all the
11 agencies that are responsible right now; ACS, MOCJ,
12 Department of Corrections, advocates have had some
13 concerns about what that transition is going to look
14 like for our staffing, making sure that we have
15 unions but making sure that we have trained,
16 qualified individuals, I know in your testimony that
17 you're looking to have Department of Correction to be
18 a part of this transition, how can we ensure if
19 possible that we have the best correctional officers
20 if they have to be part of this process which I
21 believe they need to be part of the process but we
22 don't transition one culture over to the new system
23 that we created?

24 FELIPE FRANCO: I think we are going to
25 open up with the framework that actually the

2 Department of Corrections and ACS has been working on
3 besides thinking about the new folks that would be
4 working for a short amount of time or for some time
5 at Horizons what we have done as a city... as a city is
6 develop a framework and I think I alluded a little
7 bit to our therapeutic approach but as part of raise
8 the age we have to develop a whole set of specialized
9 secure detention policies which actually are in
10 alignment with the requirements of the state that
11 actually are grounded in juvenile justice practice
12 and those policies that we're working on will guide
13 the behavior of our staff in the specialized secure
14 detentions and the staff of the Department of
15 Correction.

16 WINETTE SAUNDERS: So, good afternoon
17 everyone...

18 CHAIRPERSON KING: Good afternoon.

19 WINETTE SAUNDERS: So, if I may add DOC
20 has experienced a number of successful outcomes as it
21 relates to working with young people and with the
22 staff who are assigned to them. In general, over the
23 last four years we've seen tremendous increases in
24 programming and violence reduction with this
25 population. If I may I would also like to point out a

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2 number of different historic milestones that were
3 made; so, one is the elimination of punitive seg and
4 the use of juvenile justice practices to guide our
5 work in addition to the implementation and
6 development of the Department's first reentry program
7 to really support youth who are currently
8 incarcerated but also upon discharge and returning
9 back home. So, there are a number of different things
10 I think DOC can draw upon and I feel that we are in a
11 uniquely position... we are uniquely positioned to
12 assist and support the transition at this time.

13 CHAIRPERSON KING: Okay, thank you for
14 your answer, can you announce yourself for the
15 record?

16 WINETTE SAUNDERS: Sure, my name is
17 Winette Saunders and I'm serving as the Deputy
18 Commissioner for Youthful Offender Programming for
19 the New York City Department of Correction.

20 CHAIRPERSON KING: Thank you, thank you.
21 I do have some more questions, but I want to turn it
22 over to my Co-Chair for today's Chair Council Member
23 Lancman.

24 COUNCIL MEMBER LANCMAN: Thank you
25 Council Member. So, I, I want to get into the, the

2 details but I just have to say as, as I think you
3 could tell from Council Member King's questions and,
4 and, and my comments in my, my opening remarks, the
5 letter that the city sent yesterday to the state set
6 off alarm bells because it seemed to be establishing
7 a rationale for blaming the state for not being ready,
8 this letter that was sent the day before we're having
9 this hearing that addresses or purports to address
10 issues that while each of them are questionable and
11 we're going to talk about that in a second are not
12 new so I want to put the administration on notice
13 that at hearings in this chamber on a wide range of
14 issues whether it's the MTA or homelessness or we can
15 go on and on, too often this administration is
16 blaming the state, the federal government, Mike
17 Bloomberg for things that at least I believe the city
18 should be doing itself. Let's take a look at this
19 letter, I, I do not understand why the city has a...
20 has a... has this expectation to the point of
21 entitlement that it should be able to use the Ella
22 McQueen facility, as a city resident I can't disagree
23 that it would be great if the, the state let the city
24 use that facility but to taking it to the point of an
25 expectation where if the state does not let the city

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2 use this, this facility that the state is operating
3 and there are, you know questions about is it at full
4 capacity, is, is it... is it barely used at all, it... I
5 think Council Member King made it clear, whatever is
6 going on with that we do not expect that to be an
7 excuse for not being ready on October 1st. The issue
8 of the regulations or what, what, what the city
9 refers to as the regulations and, and the separation
10 of youths who are on Rikers and youths who are not on
11 Rikers our reading of the law, the Governor's Office,
12 the Governor's states reading of the law which they
13 laid out in a letter responding to the city's letter
14 yesterday is that those rules, those requirements are
15 in the statute or in the state's statutes, they are
16 not the subject of, of a regulation that OCFS or
17 anyone else at the state level is promulgating to
18 interpret the law or force the city to do something
19 that the city doesn't think makes sense and arguably
20 may not make the most sense, it's in the state's
21 statutes, raise the age was passed over a year ago so
22 I don't understand the city's representation that the
23 state is promulgating regulations or imposing
24 regulations that it has the authority and the ability
25 to impose or, or, or change in, in some way, the city

1
2 has to live under the state law and then the third
3 issue having to do with delaying the issuance of
4 regulations. The state letter... the state today is
5 representing to, to us and to, to, to everyone else
6 that the regulations that are not yet final are not
7 going to be dramatically or drastically different
8 from the draft regulations that were put out some
9 months ago, are there any wildly different changes
10 that you're expecting in these... in these regulations
11 that would alter the city's ability to comply with
12 raise the age by October 1st, what, what changes in
13 the regulations are you... are you anticipating or
14 expecting or, or that are still up in the air that,
15 that leave you paralyzed and, and unable to act?

16 DANA KAPLAN: So, Council Member I think
17 one thing that we are in complete agreement on is
18 that the issues that the city raised in our letter
19 and our communication to the state were not new so
20 these are issues and discussions that we have brought
21 to the state for many, many months now and in
22 conversation, in meetings, in a letter that we sent
23 to the state in December outlining what we believed
24 as the city we would require to implement raise the
25 age in the manner that is the best and most

2 appropriate and safest for young people in New York
3 City. So, we believe that it is important for us to
4 continue to advocate and request the partnership that
5 we need from the state in doing this as well as we
6 can possibly do this. We looked at 70 different
7 facilities across New York City when we were trying
8 to understand what facilities could possibly be
9 available for us to house young people by October 1st
10 to become in... to come into compliance with raise the
11 age, we looked at 70 facilities out of those 70
12 facilities the only ones that would allow us to meet
13 the timeline were those that were currently in use or
14 had a comparable use as a detention center, we don't
15 believe that it is appropriate for us to say that the
16 best facility would be a DOC off island facility
17 because we don't believe that that is actually
18 aligned with the purpose and spirit of raise the age
19 to house juveniles in juvenile settings and that is
20 why we did look at Ella Mcqueen and we did come to
21 the conclusion that Ella Mcqueen would be the only
22 additional available facility that would allow us to
23 meet raise the age as effectively as possible and
24 that is what we've asked the state for. I haven't had

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2 a chance to review the, the letter in terms of the,
3 the state's response... [cross-talk]

4 COUNCIL MEMBER LANCMAN: No, that's,
5 that's... [cross-talk]

6 DANA KAPLAN: ...but what I... [cross-talk]

7 COUNCIL MEMBER LANCMAN: ...what happens
8 when letters start flying back and forth... [cross-
9 talk]

10 DANA KAPLAN: ...but... excuse me... [cross-
11 talk]

12 COUNCIL MEMBER LANCMAN: ...the day before
13 a hearing... [cross-talk]

14 DANA KAPLAN: ...but what I can say is that
15 as it relates to the issue of comingling our law
16 department has taken a look as well at the state law
17 obviously and it is not our belief that there is any
18 conflict in the state law that means that those young
19 people that are on Rikers Island at RNDC effective
20 October 1st and the 17 year olds that are entering
21 the system for that next year cannot be housed or
22 comingled with other young people particularly
23 adolescent offenders and so we do believe that this
24 is a, a choice of the regulations not something
25 mandated by the law and that is part of our concern

2 with this issue in addition to the fact that we
3 believe as, as I've said that this is arbitrary
4 segregation and has real operational issues in terms
5 of... as I said earlier a 16 year old girl on Rikers
6 Island on September 30th cannot be in the same
7 classroom as a 16 year old girl arrested a week later
8 for the same charge... [cross-talk]

9 COUNCIL MEMBER LANCMAN: No, no, no I...
10 [cross-talk]

11 DANA KAPLAN: ...under these regulations...
12 [cross-talk]

13 COUNCIL MEMBER LANCMAN: ...listen I, I, I...
14 [cross-talk]

15 DANA KAPLAN: ...so... and we don't believe
16 that... [cross-talk]

17 COUNCIL MEMBER LANCMAN: ...I may agree
18 with you that, that... [cross-talk]

19 DANA KAPLAN: ... is the law... [cross-talk]

20 COUNCIL MEMBER LANCMAN: ...that the law
21 is... [cross-talk]

22 DANA KAPLAN: Uh-huh... [cross-talk]

23 COUNCIL MEMBER LANCMAN: ...should be a
24 better law, it should be different... [cross-talk]

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2 DANA KAPLAN: Right and we believe...

3 [cross-talk]

4 COUNCIL MEMBER LANCMAN: ...but to
5 characterize it as something that the, the, the state
6 is, is doing to the city that the, the, the
7 Governor's administration is, is imposing on the city
8 as, as though there's... though it's not rooted in, in
9 what they... the state law says I think is, is
10 ingenious and in the context of sending this letter
11 the day before the hearing you, you, you hear the,
12 the, the alarms that have been expressed by, by two
13 different council members?

14 DANA KAPLAN: Uh-huh, I... I'll... you know I
15 can allow the agencies to speak to some of the issues
16 in terms of the regulations what I want to just, you
17 know make as my I guess final point on that is that
18 we are doing everything that we can to implement
19 raise the age and we are on track to make the October
20 1st deadline. This is something that is very
21 important to the city of New York and to this
22 administration, we will continue to ask for the
23 state's partnership and assistance in doing this in
24 the manner that we believe is going to have the best
25 outcomes for young people in New York City and we'll

2 continue to have those discussions in every form with
3 the state because we believe that that's the right
4 thing to do.

5 COUNCIL MEMBER LANCMAN: So, so let me
6 ask you and, and here I'm trying to be constructive,
7 the city in its letter and I... and I think in your
8 testimony separate and apart from the comingling
9 issue... [cross-talk]

10 DANA KAPLAN: Uh-huh... [cross-talk]

11 COUNCIL MEMBER LANCMAN: ...said that the
12 draft regulations, the regulations are not finalized,
13 there was a draft I think a first draft in December
14 and maybe a second draft in March or maybe two
15 different drafts, I'd love to help you... [cross-talk]

16 DANA KAPLAN: Uh-huh... [cross-talk]

17 COUNCIL MEMBER LANCMAN: ...what are the
18 regulations that are not finalized that are
19 inhibiting the city's ability from making this
20 decision or that decision so it's ready on, on
21 October 1st and then... and then I'll go to the state
22 and say listen they don't... there's ambiguity they
23 don't know what you're doing here, you got to
24 finalize it, there could be some big change and
25 they're not... they don't know what to do?

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2 FELIPE FRANCO: That's... thank you for,
3 for the support, so again we got the draft
4 regulations in December 2017 and I think I want to be
5 completely clear since we got those that actually was
6 the first time that we at ACS had a clear
7 understanding of the requirements of the staff that
8 would be working in those facilities, we immediately
9 began working on the new title and we are actually
10 very hopeful they will be established the youth
11 development... the youth development specialist that
12 will meet the requirements in terms of education and
13 experience that the state clearly articulates in
14 their draft regulations but as a... you're right, I
15 mean why should we wait for the final ones, we
16 haven't, I mean we actually have been working very
17 diligently in the development of policies for
18 specialized secure detention that are based on the
19 draft regulations and I will tell you that actually
20 because we go OCFS and go to meetings with them and
21 all of my counterparts across the state we are
22 actually ahead of the curve than any other
23 jurisdiction in New York State so by the moment
24 October comes we are very plan fully going to be
25 ready to have a set of about 20... how many... so, we're

2 going to have the four specialized secure detention
3 policies not just done by the city but actually
4 approved by the state and we will be... do that
5 possibly before anyone else... [cross-talk]

6 COUNCIL MEMBER LANCMAN: So... got it, so
7 just to be clear so contrary to the letter that was
8 sent by Director Glazer and Zack Corridor yesterday
9 there's no outstanding ambiguity in the draft
10 regulations that, that's preventing you from moving
11 forward and, and making this happen on October 1st,
12 you are going to be ready to go?

13 FELIPE FRANCO: We're... in terms of the
14 structure on the development of policies we're going
15 to be ready to go.

16 COUNCIL MEMBER LANCMAN: Alright, thank
17 you. Judge. First let me... let me thank you for, for,
18 for being here, you know whenever OCA attends,
19 whenever the judiciary attends we're very mindful
20 that, that you are certainly doing so even more
21 voluntarily than, than they are so we really do
22 appreciate it. I want to ask you about capacity and
23 then I want to ask you about standards. So, there's
24 going to be new youth parts, there's going to be... I,
25 I believe in your testimony the, the number of

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2 juvenile cases are going to... or the case load is, is
3 going to potentially double or, or at least double,
4 do you have the court space, where are you going to
5 get the judges from, are judges going to be assigned
6 and, and you're going to be... system is even more than
7 it has to now robbing Peter to pay Paul, could you
8 just explain the capacity for the courts to, to
9 implement this?

10 EDWINA G. MENDELSON: So, thank you for
11 asking me that question, we are going to have new
12 youth parts in each of the counties of the state that
13 is required by law, our youth parts because of the
14 way this raise the age legislation has been drafted
15 must be presided over by family court judges. In New
16 York City our family court judges are appointed by
17 the Mayor however even to address the current
18 caseloads that we have in our family courts in New
19 York City we do utilize judges from other courts;
20 criminal court judges will... can be trained and
21 designated to serve in family courts as can civil
22 court judges and we take great advantage of that to
23 support the critically important work of the family
24 court. Where there will be a doubling of caseloads in
25 the New York City family courts that are expected

2 there is also going to be a reduction in the work in
3 some of the other courts in New York City that
4 results from this raise the age legislation. What we
5 are doing is taking a very close look at our
6 resources particularly our judicial resources, there
7 are many judges who are eager to be part of this
8 historic change in the law, we are developing a very,
9 very comprehensive training program for all judges
10 who are impacted by raise the... raise the age, we're
11 going to be having judicial training, non-judicial
12 training, clerical training and we're going to have
13 the interdisciplinary training that involves all of
14 the impacted stakeholders separate from the training
15 that we're planning. The law requires that our family
16 court judges will be serving in the youth part as
17 well as our accessible magistrates those are going to
18 be the criminal court judges that address these cases
19 for first appearance arraignment type proceedings
20 nights, weekends and holidays have very specific
21 training, the training is required in juvenile
22 justice, adolescent development, custody in care of
23 youth, effective treatment methods for reducing
24 unlawful conduct by youth. In addition to what's
25 being mandated by the statute we are developing

2 enhanced training because we think we need to learn
3 more, we're going to be talking about racial and
4 ethnic disparities in arrest and at decision making
5 points so judges are aware of implicit bias and other
6 things that may impact our decision making, we are
7 going to cross train so our criminal court judges
8 learn about the family court and the family court
9 process and the family court judges who are assigned
10 to the youth part will be conducting jury trials for
11 these very serious felony cases will be equipped to
12 do that. In terms of space, I mentioned that we did..
13 we performed court tours, we are going to be.. the
14 highest volume impact as you know will be in the
15 family courts, we are going to be redistributing
16 space in the variety of courts that we have in.. for
17 instance Bronx family court we're going to be taking
18 some areas in one place to give family court the
19 capacity to have more courtrooms, our youth parts
20 will for the most part be in the adult supreme
21 criminal courts which are in different buildings and
22 we've identified plan A and plan B and in some
23 jurisdictions plan C and we're making final
24 determinations as to which courtrooms will best serve
25 raise the age. So, we've been actively planning for

2 that and we're going to expand the family court where
3 we need to, excuse me and we're going to be taking
4 the space from the areas that have the space for us
5 and we're going to be making very, very careful
6 determinations as to which judges will be serving in
7 all of these capacities.

8 COUNCIL MEMBER LANCMAN: I don't recall
9 as part of raise the age was there an increase in the
10 number of family court judges?

11 EDWINA G. MENDELSON: There was not.

12 COUNCIL MEMBER LANCMAN: Okay, so are,
13 are you confident that when, when this gets
14 implemented the moving and shifting around is there
15 going to be a noticeable impact on, on civil court
16 because those judges are going to be assigned to
17 family court or, or in criminal court or, or do you
18 think when, when all the shuffling gets done
19 everything is going to be okay?

20 EDWINA G. MENDELSON: That... I like your
21 final answer, I, I strongly believe that when all of
22 the shifting is done everything is going to be okay
23 from the court system's point of view. We've been
24 thinking about this for a long time even before the
25 raise the age legislation passed.

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2 COUNCIL MEMBER LANCMAN: Alright, so my
3 last question and, and whoever whether MOCJ or, or
4 judge whoever... you can answer, the, the role of the
5 DA's they're important in, in this process, I
6 understand that they're, they are part of the, the
7 task force...

8 EDWINA G. MENDELSON: Yes, they are.

9 COUNCIL MEMBER LANCMAN: Oh, let me ask
10 you are any of the, the unions... this is for MOCJ,
11 have any of the unions that represent the, the, the
12 workforce whether it's the ACS staff or the court
13 clerks or you name it are they part of the task
14 force, are they invited to be there and offer their,
15 their input?

16 DANA KAPLAN: So, we have been doing some
17 particular dedicated meetings with the unions, I want
18 to publicly thank Local 371 in particular who have
19 been just the A, ACS workers who have been just
20 incredibly productive partners in helping us think
21 through how to do this planning most effectively and
22 I know are obviously working closely with ACS right
23 now in terms of these new titles so that's certainly
24 been in particular a, a very valuable relationship
25 and we obviously recognize that their job is an

2 incredibly important one critical to the success,
3 it's one of the reasons that we believe that it is
4 appropriate that we, you know recognize that this is
5 a new title and, you know our... will continue to work
6 with them closely on that.

7 COUNCIL MEMBER LANCMAN: Got it, so my
8 real last question, is there any effort or
9 conversation about some kind of standards or, or, or
10 protocols or... have some, some uniformity amongst the
11 five DAs as to how they exercise their discretion or
12 is it just going to be they're independent elected
13 officials and just as now each of them has their own
14 policies on how to charge and... etcetera, is there
15 any... in this task force, is there any conversation
16 about trying to have some, some best practices, some
17 standards?

18 DANA KAPLAN: Yeah, I mean... go ahead, it...
19 [cross-talk]

20 EDWINA G. MENDELSON: One... in terms of
21 the core processes work group one of the things we
22 discuss in each of the five district attorneys agree
23 that although they have 30 days to make an objection
24 to a nonviolent felony being transferred to family
25 court each of the district attorney's offices has

2 committed to making that determination at the
3 earliest possible point and well in advance at a
4 maximum of a... at the two week mark instead of waiting
5 the 30 days that they statutorily have to make those
6 decisions so they have been in the room and we have
7 very rich and you can imagine those robust
8 conversations that we have considering everyone's
9 perspectives in this but that's just an example of
10 one of the areas where there is discretion and, and
11 I'm a judge, I stay in my lane but we do have very
12 robust conversations about things of that nature.

13 COUNCIL MEMBER LANCMAN: Right and
14 obviously judicial discretion is very much involved
15 here and... [cross-talk]

16 EDWINA G. MENDELSON: Very much... [cross-
17 talk]

18 COUNCIL MEMBER LANCMAN: ...I'm guessing in
19 part of the training that your... you were talking
20 about for the judges there's an effort to try to have
21 people operate within, within a lane subject to the
22 fact that they too are independently elected and
23 appointed and... [cross-talk]

24 EDWINA G. MENDELSON: Absolutely... [cross-
25 talk]

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2 COUNCIL MEMBER LANCMAN: ...there to
3 exercise their judgement.

4 EDWINA G. MENDELSON: Absolutely.

5 COUNCIL MEMBER LANCMAN: Yeah, okay,
6 great, yes...

7 DANA KAPLAN: I... and I know Council
8 Member you... we're done with questions but just one
9 final response to your earlier question just... [cross-
10 talk]

11 COUNCIL MEMBER LANCMAN: I reserve the...
12 [cross-talk]

13 DANA KAPLAN: ...in terms of... [cross-talk]

14 COUNCIL MEMBER LANCMAN: ...right to still
15 reply...

16 DANA KAPLAN: I, I, I would expect that,
17 just as it relates to what we still require of the
18 regulations, there still are regulations that we are
19 pending from the state commission of corrections, we
20 do have the draft regulations from OCFS and then we
21 also need the actual licensure process and
22 application and so certainly because historically
23 licensure has taken quite some time what we are
24 hoping for is that that will be something that we can
25 expect soon and also that there will be an expedited

2 process by which these facilities could actually
3 become licensed for specialized secure detention
4 facilities so really those are the things pending on
5 a broad level.

6 COUNCIL MEMBER LANCMAN: Well I, I would
7 just suggest going forward if there are things that
8 you're not getting in a timely manner or there's... is
9 ambiguity perhaps you can contact your local
10 neighborhood friendly council members rather than
11 blasting out a letter that sets in motion a certain
12 dynamic that has evolved in, in the city over the
13 last few years..

14 DANA KAPLAN: We would welcome the
15 council's participation and support of this
16 implementation effort and we will certainly take you
17 up on that offer.

18 COUNCIL MEMBER LANCMAN: Okay, thank you.

19 CHAIRPERSON KING: Thank you Mr. Chair.
20 Before we go to our colleagues I want to say judge,
21 your honor I want to thank you for being precise,
22 concise with plan A, B, and even if there's a C and
23 that's what we want to hear from you as my colleagues
24 ask questions we really need to keep.. get real direct
25 concise, concise answers of a plan because the.. even

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2 though the letter stated that you have some
3 challenges you made a commitment here today that you
4 believe that on October 1st you'll be ready, your
5 doors will be opening. I know there are some people
6 in the room who don't agree with that so I'm hoping
7 that this testimony that you've given today is
8 accurate and that you're talking with the same people
9 or same law with your partners in this were saying
10 that's going to be a challenge because I don't want..
11 again we're... the 17 year olds and the 16 year olds
12 are relying on us to get it right so I don't want us
13 to give testimony because it saves our hide, we've
14 got to save the hides of those 17 and 16 year olds
15 who need our help. So, with that being... all being
16 said if the state does not give you everything that
17 you asked for you're still going to be able to
18 deliver and I refer it to our children if someone
19 comes home without their homework book doesn't mean
20 they don't do their homework so are you still going
21 to be able to do your homework even if the state
22 gives you nothing that you asked for?

23 DANA KAPLAN: We... I, I agree with you
24 it's a challenge and we are rising to that challenge

25

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2 and we are doing everything we can, and we will meet
3 that challenge.

4 CHAIRPERSON KING: Okay, you said it,
5 you're going to meet it. Alright, I want to turn it
6 over to our, our colleagues here, first Council
7 Member Holden then Council Member Rose and we were
8 joined by Council Member Williams who... [cross-talk]

9 COUNCIL MEMBER HOLDEN: Thank you all for
10 your testimony. Certainly, we can do... we can
11 implement raise the age better if we had state
12 support and that goes without saying and, and we
13 understand that. I just want to talk about, you know
14 visiting Rikers I, I saw that they had mandatory
15 schooling for 16 and 17 year olds and it seemed like
16 a very, very good classroom setting, many dedicated
17 students, it looked like a very, very good program is
18 that going to be able to be replicated in the smaller
19 centers, the juvenile... because you, you have a class
20 of 12 sometimes 15 students you might get three or
21 four in, in the detention centers, the smaller...

22 FELIPE FRANCO: I mean I think that's...
23 you know Dana Kaplan talked about, we're actually
24 working on enhancing our programmatic futures in the
25 facilities and anyway, you know our facilities

2 actually have the classroom space to serve 100 kids
3 as they're intended to do and our classroom spaces
4 are actually... dedicated classroom is beautiful, maybe
5 the classrooms are a little bit smaller than yours
6 but they accommodate every one of the kids, we have
7 beautiful outdoor recreation space, indoor recreation
8 space and beautiful programming that actually happens
9 in partnership with our staff at the Division of
10 Youth and community development.

11 COUNCIL MEMBER HOLDEN: And, and I missed
12 your... I missed your answer to the correction officers
13 in... their role in the... with the 16 and 17-year olds
14 when they do move to the smaller centers, the... are we
15 going to have the staff... because they tend to be by
16 the way just in historically the most violent when...
17 you know because obviously they're younger, they...
18 [cross-talk]

19 FELIPE FRANCO: Uh-huh... [cross-talk]

20 COUNCIL MEMBER HOLDEN: ...they sometimes
21 are more impulsive so how... what security will be used
22 in the facility, the smaller facilities, who will
23 staff the... will it be correction officers because... I
24 didn't quite understand... I didn't quite get it...
25 [cross-talk]

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2 FELIPE FRANCO: Yeah, actually only for a
3 temporary phase until we can actually acquire the
4 staff that we need and actually transitioning with
5 the young people who are in Rikers today or that will
6 be in Rikers in October the Department of Corrections
7 is going to assist by bringing their stuff to one of
8 our facilities, Horizons. That's temporary, they will
9 actually abide by the, the standards of those
10 specialized secure detention facilities, they
11 actually were working together and in joint training
12 abiding by what I described before in terms of the
13 New York City Detention model and they will be there
14 working with the, the kids who are actually
15 currently, currently in Rikers.

16 COUNCIL MEMBER HOLDEN: So, let...
17 scenario, well let's say there's a violent incident
18 inside that facility, what happens depend... I, I
19 understand it depends on the severity but what... where
20 do they go, what happens there to them?

21 FELIPE FRANCO: Yeah, I mean we... [cross-
22 talk]

23 COUNCIL MEMBER HOLDEN: Do they get
24 separated, are gang members put with fellow gang
25 members, I mean what... tell me that... [cross-talk]

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2 FELIPE FRANCO: No, no, I think... I think
3 DOC can reply to this better than I, but we have...
4 we're going to have a classification system, I mean
5 the way that you shift safety in a facility is by
6 doing two things; by actually having folks be
7 assigned to housing units based on their needs and
8 based on their risk and you just mentioned one of the
9 factors that is very important which is actually gang
10 affiliation.

11 WINETTE SAUNDERS: So, good afternoon
12 Council Member Holden. I wanted to piggy back on my
13 colleague's response to educational services first.
14 So, one is that the Department of Education district
15 79 oversees all of the schools on Rikers Island as
16 well as in Horizons and Crossroads so we're ahead of
17 the game as it relates to educators who know what we
18 are looking for and what we expect and have the
19 experience to do so. As a matter of fact, the
20 assistant principal who presided over East River
21 Academy, the site that you visited is now the
22 principal over in one of the school sites, it... within
23 ACS so we're in a very good position to continue what
24 we've been doing. In addition to that just to talk a
25 little bit about your classification... the

2 classification discussion that we just started is
3 that DOC has done some work on its classification
4 tool however we just recently distributed an intent
5 to procure additional expertise so that we can
6 further modify our classification tool. As you are
7 aware we modified our classification tool to include
8 educational levels, but we also want to include other
9 needs and other things to make sure that we're making
10 choices when we're... making the right choices when
11 we're housing young people.

12 COUNCIL MEMBER HOLDEN: Just in... just,
13 just another question on, on... I'd like to address the
14 18 to 21-year olds at Rikers, did... is, is CUNY
15 involved because I think they used to be or they,
16 they stopped for a while, there's... are they still
17 involved?

18 WINETTE SAUNDERS: So, right now we have
19 a, a few higher education institutions that are
20 working with 18 to 21-year olds; one... we have
21 Columbia University, we have St. John's University,
22 we have Manhattan College and we do, do have CUNY
23 next steps working primarily with our 22 and above.

24 COUNCIL MEMBER HOLDEN: Just a, a
25 question on punitive segregation, I know that doesn't

2 exist for actually 16 to 21-year olds now, right, is
3 that correct but isn't it true that when let's say an
4 attack on a corrections officer or another inmate,
5 the, the inmate or, or, or the, the person attacking
6 is sent to a state facility that has segregation,
7 isn't that true?

8 WINETTE SAUNDERS: Depending on the
9 severity of the issue, the chief of security and the
10 chief of the department will make the decision on
11 whether to assign someone to another state... I mean
12 another jurisdiction or maintain the person in
13 custody in a different facility or in different
14 housing areas.

15 COUNCIL MEMBER HOLDEN: So, let's say I...
16 somebody slashes another inmate, cuts they are... then
17 they are... instead of being put in punitive
18 segregation at Rikers they're put in punitive
19 segregation upstate, is that... is there... is that a... is
20 that like a shell game... [cross-talk]

21 WINETTE SAUNDERS: Well no, that's,
22 that's not... truly not accurate sir, right now...
23 [cross-talk]

24 COUNCIL MEMBER HOLDEN: That, that hasn't
25 happened?

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2 WINETTE SAUNDERS: No, what, what, what...
3 the scenario that you just mentioned with regard to
4 someone might slash one of their peers they are
5 actually placed in a restrictive housing unit named
6 enhanced supervision housing unit.

7 COUNCIL MEMBER HOLDEN: Yes, within,
8 within Rikers.

9 WINETTE SAUNDERS: Within Rikers... [cross-
10 talk]

11 COUNCIL MEMBER HOLDEN: So... okay, let's,
12 let's do another one, let's say... [cross-talk]

13 CHAIRPERSON KING: We're going... we're
14 going have to wrap... [cross-talk]

15 COUNCIL MEMBER HOLDEN: ...I slash... [cross-
16 talk]

17 CHAIRPERSON KING: ...this question up soon
18 colleagues got next...

19 COUNCIL MEMBER HOLDEN: I'm sorry?

20 CHAIRPERSON KING: Said we're going to
21 wrap this question up soon because Council Member
22 Rose is next, and we have a round two.

23 COUNCIL MEMBER HOLDEN: Okay, okay, I'm
24 cut off.

25 WINETTE SAUNDERS: Okay.

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2 CHAIRPERSON KING: Council, Councilwoman
3 Rose.

4 COUNCIL MEMBER ROSE: Wow, that was
5 rough, thank you. Thank you. Good afternoon, I'd like
6 to know does the city plan on comingling the
7 adolescent offenders, the juvenile delinquents and
8 the juvenile offenders together in one place and if
9 so what does that... what will that setting be?

10 DANA KAPLAN: So, the, the current
11 regulations say that girls, the juvenile delinquent,
12 juvenile offender and adolescent offender girls can
13 be comingled that there can be no comingling between
14 the adolescent offender, young boys with juvenile
15 delinquent and juvenile offender boys unless there is
16 basically permission from the state.

17 COUNCIL MEMBER ROSE: So, in that... in
18 that particular case will you have all three levels
19 of, of offenders... will, will the Department of
20 Corrections have oversight over that, will they come
21 in contact with the juvenile delinquents and the
22 juvenile offenders?

23 DANA KAPLAN: So, the city's commitment
24 is that we will not have DOC staffing, the juvenile
25

2 delinquent or juvenile offender facilities or
3 housing.

4 COUNCIL MEMBER ROSE: Okay and so if, if
5 that is so will they handle the security for the
6 adolescent offenders?

7 DANA KAPLAN: So, we... [cross-talk]

8 COUNCIL MEMBER ROSE: ...DOC?

9 DANA KAPLAN: So, we anticipate that
10 Horizon will be where there are primarily the
11 adolescent offenders as well as the young people who
12 are considered adults by court processes but must be...
13 you know but are... must be off Rikers Island per the
14 law.

15 COUNCIL MEMBER ROSE: So, who will have
16 jurisdictional I guess priority if there... if DOC and
17 ACS is in the same facility?

18 FELIPE FRANCO: I mean I think to clarify
19 your question and, and to reframe what Dana said,
20 again juvenile delinquents and juvenile offenders are
21 served by ACS today, they will continue to be served
22 by ACS in October 2018, October 2019, new juvenile
23 delinquents, new juvenile offenders after raise the
24 age will continue to be served by ACS, those youth
25 who actually are now in RNDC that are moving to

1
2 Horizons will be managed transitionally by the
3 Department of Corrections. The data... the data shows
4 that actually as raise the age gets implemented the
5 majority of those youth and I think you heard this
6 from the judge are going to be juvenile delinquents
7 so there will be a moment in possibly 2019 that
8 juvenile delinquents will be so many that we will
9 have to start having juvenile delinquents in Horizons
10 and our commitment would be to stop those leaving
11 units as we always have done. And at... and at that
12 moment remember the number of kids who are in Rikers
13 as you heard before they kind of leave quickly, most
14 of them are going to be out of the facility allowing
15 us to move into Horizons.

16 COUNCIL MEMBER ROSE: Can you... can you
17 provide a definite timeframe for ACS to take full
18 responsibility for the care of the AOs in detention?

19 FELIPE FRANCO: Yeah, I mean the best way
20 to describe that, we... our really aggressive
21 recruitment effort and with our expectation is that
22 if we can actually get to the 680 staff that we need
23 we can take over that by 2020.

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2 COUNCIL MEMBER ROSE: There's weekend and
3 holiday intake arraignments for JDs but not at night,
4 is there a plan for weeknight intake for JDs?

5 FELIPE FRANCO: I think that news that
6 the judge could give.

7 EDWINA G. MENDELSON: Were you listening
8 to our earlier meeting at ten o'clock this morning
9 where we were discussing implementing to be compliant
10 with the raise the age legislation implementing daily
11 nighttime ability for juvenile delinquent pre-
12 petition hearings to be done in New York City, we are
13 actively planning for that.

14 COUNCIL MEMBER ROSE: Thank you and with
15 those weeknight intakes will they take place in say
16 all of the boroughs so that if a, a young person is
17 released that they're families will be able to get
18 custody of them?

19 EDWINA G. MENDELSON: So, Council Member
20 I know you weren't in that room but someone who was
21 in that room have spoken with you, we are in plans
22 for that and recognize that right now weekend
23 arraignments happen because the numbers are so low,
24 and the resources are so intense to make a weekend
25 arraignment happen, pre-petition for juvenile

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2 delinquency matter, we do it for all five boroughs..

3 [cross-talk]

4 COUNCIL MEMBER ROSE: Okay.. [cross-talk]

5 EDWINA G. MENDELSON: ...it... at 100 Center
6 Street, it's centralized. The problem.. [cross-talk]

7 COUNCIL MEMBER ROSE: So.. [cross-talk]

8 EDWINA G. MENDELSON: ...with... and let me
9 explain to you why that is..

10 COUNCIL MEMBER ROSE: Okay..

11 EDWINA G. MENDELSON: ...because I myself
12 have presided over the weekend arraignments, there's
13 a lot of work that the city does, the department of
14 Probation interviews the young people and for
15 juvenile delinquency cases a lot of work is done to
16 make sure none of those young people have to even see
17 a judge and you will start off with perhaps five,
18 six, seven arrests for a situation... for a court shift
19 and then because of the active work of the
20 participants who are interviewing the young people,
21 coming up with a plan, meeting with the parents that
22 young person never has to go through the court
23 process and is released to a parent. The number... the
24 volume is very, very small at this time, what we plan
25 to do is to at the beginning have the process

2 continue to be at 100 Center Street where we've had
3 success with it centralized, look at the volume if
4 there are numbers that really compel us to take a
5 second look we're going to do what we've been doing
6 and expand it to every night which is brand new, it's
7 not done anywhere in this state and we're going to do
8 that effective October 1st and we're planning for
9 that and we're going to look very, very carefully at
10 what we are doing to think about expanding to make
11 sure it's in all five boroughs because we recognize
12 that it impacts the families who are picking up their
13 young people and having to get to this one central
14 location in Manhattan.

15 COUNCIL MEMBER ROSE: So, and I'm, I'm
16 glad to hear that, you know as is the same case with
17 weeknight arraignments, right?

18 EDWINA G. MENDELSON: Yes...

19 COUNCIL MEMBER ROSE: So, what number or,
20 or what level of volume are you looking for that
21 would justify it being, you know in place in all of
22 the five boroughs because for Staten Islanders, you
23 know it's a hardship to have to travel into Manhattan
24 at night to, you know... [cross-talk]

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2 EDWINA G. MENDELSON: Absolutely
3 understood... [cross-talk]

4 COUNCIL MEMBER ROSE: ...pick up their
5 young person.

6 EDWINA G. MENDELSON: We can't give an
7 answer to that because we have to really think about
8 it and I don't want to give you a premature answer to
9 address this situation just because you're asking me
10 that, I want to be respectful of the situation and
11 think about it, meet with all of the impacted
12 advocates and know that this is a valid concern.

13 COUNCIL MEMBER ROSE: And so what
14 timeframe do you think you'll, you'll consider before
15 you'll reconsider looking into expanding it?

16 EDWINA G. MENDELSON: We're going to be
17 looking from day one, if on day one we expect to be
18 able to do this well in one county centrally at 100
19 Center Street and we find out that we were mistaken
20 we're going to have to come up with something else
21 for day two so in terms of the timeframe it's
22 immediate in terms of looking at what our operations
23 are and being respectful and responsive to the needs
24 of our community.

25

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1 COMMITTEE ON JUVENILE JUSTICE 102

2 COUNCIL MEMBER ROSE: Thank you so much
3 judge.

4 EDWINA G. MENDELSON: You're welcome.

5 COUNCIL MEMBER ROSE: And then I just
6 wanted to... but I think the Chair asked this question
7 whether or not ACS and DOC will allow other
8 stakeholders to assist in the developing of, you know
9 the criteria regarding how in transition the
10 comingling of the different groups.

11 FELIPE FRANCO: I, I think you know as
12 Deputy Commissioner Saunders mentioned we're actually
13 working with experts... national experts to develop the
14 new set of classification tools, I think one thing
15 that actually came up from Council Member Holden's
16 question is that imperative to both agencies is that
17 we have learned the importance of housing kids or
18 actually in particular allowing kids to be together
19 based on educational level is something that we have
20 done very successfully in our detention sites and
21 very successfully in our close to home sites, it pays
22 off when young people are kind of going together to
23 go to similar classrooms with similar educational
24 material and is something that is going to be an
25 important value of our classification system.

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1 COMMITTEE ON JUVENILE JUSTICE 103

2 EDWINA G. MENDELSON: Well said. No,
3 okay.

4 COUNCIL MEMBER ROSE: No, well said.
5 Alright, thank you. Thank you.

6 COUNCIL MEMBER LANCMAN: Thank you Chair.

7 CHAIRPERSON KING: Thank you.

8 COUNCIL MEMBER LANCMAN: So, just to
9 clarify because I want to make sure that all the
10 stakeholders are involved in, in formulating the best
11 policy, the best implementation. Can you just give
12 me, have, have the correction officers been invited
13 to be part of the conversation, has the
14 administration met with the correctional officers,
15 there are representatives from the probation officers
16 here, can you just give me... tell me who's who of who
17 has been in, included in these... in these
18 conversations?

19 DANA KAPLAN: So, I, I think that there's
20 the citywide conversations and also a number of
21 different conversations that are happening with
22 agencies and so I don't... I don't think I... you know
23 I'd let some of the agencies speak to that, I know
24 that there is... [cross-talk]

25

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2 COUNCIL MEMBER LANCMAN: Well let, let's
3 start at the macro level.

4 DANA KAPLAN: At the macro level, sure...
5 [cross-talk]

6 COUNCIL MEMBER LANCMAN: At the citywide
7 level, right.

8 DANA KAPLAN: At the citywide level...
9 [cross-talk]

10 COUNCIL MEMBER LANCMAN: Have any of the
11 unions been brought in, I know you mentioned the, the
12 ACS workers... [cross-talk]

13 DANA KAPLAN: Uh-huh... [cross-talk]

14 COUNCIL MEMBER LANCMAN: Any others,
15 correction officers, probation?

16 DANA KAPLAN: So, I believe that it has
17 been discussed with the correctional officers, I know
18 we have a follow up meeting on... this week actually
19 with the... with COBA where this will be a topic of
20 discussion and... Friday... [cross-talk]

21 COUNCIL MEMBER LANCMAN: Okay... [cross-
22 talk]

23 DANA KAPLAN: Friday, my colleagues note
24 and so I think to answer that in terms of the other
25 people who have been formerly involved in the working

2 groups to date it has been all of the city agencies,
3 all of the public defender and organizations both as
4 the judge said 18B, Family court, criminal court, all
5 of the district attorney's offices, a number of
6 meetings with nonprofit providers who currently
7 provide programming and services both in family court
8 and also in criminal court that serve 16 and 17-year
9 olds that's been the range of participation that's
10 happened in the working groups.

11 COUNCIL MEMBER LANCMAN: Probation
12 officers?

13 DANA KAPLAN: So, and does probation want
14 to speak to this? Is probation...

15 COUNCIL MEMBER LANCMAN: Sorry, is the
16 Department of Probation going to testify?

17 DANA KAPLAN: The Department of... yeah,
18 the Department... [cross-talk]

19 COUNCIL MEMBER LANCMAN: No, are they
20 going to testify separately next?

21 DANA KAPLAN: No.

22 COUNCIL MEMBER LANCMAN: No, they're,
23 they're not.

24 DANA KAPLAN: They're here to answer...
25 they're available to answer questions... [cross-talk]

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2 COUNCIL MEMBER LANCMAN: They're available
3 to answer questions... [cross-talk]

4 DANA KAPLAN: ...which is why I thought
5 that it might be most appropriate for... [cross-talk]

6 COUNCIL MEMBER LANCMAN: Sure, come on
7 down... [cross-talk]

8 DANA KAPLAN: ...Department of Probation to
9 speak to that particular question.

10 GINEEN GRAY: Good afternoon all and I'm...
11 [cross-talk]

12 DANA KAPLAN: Deputy Commissioner...
13 [cross-talk]

14 COUNCIL MEMBER LANCMAN: Sorry, so it's
15 just... one of the conventions is we need to swear you
16 in.

17 GINEEN GRAY: Sure... [cross-talk]

18 COUNCIL MEMBER LANCMAN: Did you swear or
19 affirm the testimony you're about to give is the
20 truth, the whole truth and nothing but the truth?

21 GINEEN GRAY: Correct, yes.

22 COUNCIL MEMBER LANCMAN: Thank you, if
23 you could just state your name for the record and...
24 [cross-talk]

25

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2 GINEEN GRAY: Gineen Gray, Deputy
3 Commissioner for New York City Department of
4 Probation and good afternoon all.

5 COUNCIL MEMBER LANCMAN: Good afternoon.

6 GINEEN GRAY: And just to answer your
7 question, I am a part of the diversion co-chair with
8 Felipe and we do have some probation officers that
9 are... attend that as well as I do have internal
10 meetings with my staff just to figure out what we
11 need at each stage of our programming to make sure we
12 have the best outcomes of our children and make sure
13 our young people thrive so there are some
14 conversations.

15 COUNCIL MEMBER LANCMAN: Okay. Alright,
16 well thank you. There's a long list of unions that...
17 who's workers are represented in this whole machinery
18 of, of juvenile justice, is there any one that you...
19 else you can think of has been consulted and brought
20 into, into the process?

21 DANA KAPLAN: So, I... if I'm... if I'm
22 forgetting someone at this point I, I might be
23 omitting I will say that the role of the unions in
24 this implementation and the role of the unions in our
25 current juvenile and criminal justice system is of

1
2 paramount importance in value and so we certainly
3 plan to be continuing and increasing our engagement
4 with labor on this issue and recognize that that is
5 going to be a critical and vital port... part of us
6 implementing this effectively and if... and would
7 welcome further meetings with any entity that wants
8 to give more input than they currently have.

9 COUNCIL MEMBER LANCMAN: Okay and then my
10 last second round of question like I hope. The... you
11 know young people are capable of being violent also
12 at... if you... if you... given detail on this in your
13 testimony or questions I apologize for repeating...
14 making you repeat yourself but, but how do you plan
15 and what kind of special training because trained
16 correction officers have struggled to deal with
17 violent inmates how will you deal with violent 16 and
18 17-year-old residents...

19 FELIPE FRANCO: Yeah, I mean as you may
20 know, I mean I know you have been told about secure
21 detention facilities, I mean the majority of young
22 people that we serve now in secure detention are 16
23 or older and we have a significant number of young
24 people that actually... the majority of them actually
25 are juvenile offenders who come through the

2 specialized... so it's not like the kids... the few kids
3 that are left in secure detention today are actually
4 low-level kind of kids. We have seen... actually we
5 have seen success in actually being able to reduce
6 the number of incidents... with things we have actually
7 been able to acquire the tools for our staff to do a
8 few things; one of them have very predictable
9 structured programs where actually we don't allow
10 kids to be lingering and idle at all and we do that
11 in partnership with our staff and multiple providers
12 some of them here in the audience and actually
13 providing our staff the tools to help young people
14 regulate their emotions and behavior and I think more
15 important we just... is really paying off is teaching
16 young people how to regulate their emotions and
17 behavior. At the end of the day we see our vision in
18 just helping them behave well when they're in
19 detention but actually behave well afterwards and
20 actually that's actually working out really well and
21 we plan to do more of that and we're looking at some
22 of the things that actually have worked our really
23 well at the Department of Corrections around
24 programming and counselors and we've going to

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2 continue to do so. If you look at incidents in our
3 secure detention facilities they're going down.

4 COUNCIL MEMBER LANCMAN: Well today
5 there's a new report that's out today that relates to
6 the adult correctional facilities, we want to create
7 a, a different paradigm. Alright, thank you.

8 DANA KAPLAN: To Chair King and Chair
9 Lancman we thank you for having this hearing, it's a
10 very important topic obviously that is why there's so
11 many people here. We don't want to be agnostic or,
12 you know hide from what the challenges are over the
13 next few months and so we will continue to
14 communicate with them... to them, to you directly, we
15 appreciate your offer of assistance and partnership
16 in this and obviously the best thing that we can do
17 for young people as you said Councilman King is, you
18 know keep the... our eyes on the prize that this is
19 about those 16 and 17 year olds and we all have to
20 work together to do this as well as we can.

21 COUNCIL MEMBER LANCMAN: And, and we will
22 see you I know MOCJ before my committee in the
23 executive budget hearings and hopefully we will see
24 some meat on the, the bones from... [cross-talk]

25 DANA KAPLAN: Yeah... [cross-talk]

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2 COUNCIL MEMBER LANCMAN: ...from where we
3 were in the preliminary budget.

4 DANA KAPLAN: Great, thank you.

5 CHAIRPERSON KING: Thank you Mr. Chair.
6 As we ask you to continue to move and deliver for
7 our, our teens, I would like to know is it possible
8 all... everyone who's, who's making this happen maybe
9 we're in the month of April, I don't know if this
10 happens in September or if it happens in August, I'd
11 like to actually see your completed plan of where
12 you're try... how you're going to get to where you need
13 to get to because she has a plan, you have a plan,
14 you have a plan, how is that one plan coming together
15 that everyone can take a look at and see it and
16 everyone knows what, what their deliverables are on
17 that plan... [cross-talk]

18 DANA KAPLAN: Uh-huh... [cross-talk]

19 CHAIRPERSON KING: ...how is that pen get
20 to the paper that everyone knows what we're doing...
21 [cross-talk]

22 DANA KAPLAN: Uh-huh... [cross-talk]

23 CHAIRPERSON KING: ...because I can ask you
24 a question you'll give me your piece and you may not
25 know what she's doing and he's trying to figure out

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2 what you're saying and who's supposed to give the
3 money over here and if the states not showing up what
4 are we still doing because we still have a plan laid
5 out, you have committed to October 1st deadline,
6 you've committed to that but what does that look like
7 on paper and who's responsible for what so I'm hoping
8 that we can see something like that so we can
9 actually hold each other accountable and if we can
10 help out and deliver on something on that piece of
11 paper that only you guys have been talking about with
12 the unions and all the other stakeholders we'd be
13 glad to do so, hopefully we can get that sometime in
14 the future, alright?

15 DANA KAPLAN: Yep..

16 CHAIRPERSON KING: Thank you again for
17 your... [cross-talk]

18 DANA KAPLAN: Thank you... [cores-talk]

19 CHAIRPERSON KING: ...time and your
20 testimony... [cross-talk]

21 EDWINA G. MENDELSON: Thank you... [cross-
22 talk]

23 CHAIRPERSON KING: ...today, thank you. Our
24 next panel President Anthony Wells, Local 371; DC37,
25 District Council I believe it says Savion Garner, I

2 hope I said that right; she... you know she should be
3 on here... Elias Husamudeen, Corrections Officer, I'm
4 sorry it's the writing on here forgive me, blame it
5 to my... blame it on my eyes not my heart. Okay,
6 Danielle... Dalvanie Powell, Probation Officers
7 Association and Harry Greenberg.

8 [off-mic dialogue]

9 CHAIRPERSON KING: Okay, whoever wants to
10 go first please just identify yourself for the
11 record, thank you.

12 ELIAS HUSAMUDEEN: Good afternoon and
13 thank you for inviting us here to participate. Before
14 I read my testimony, I'd like to state a couple of
15 things; one, it's very important that everyone in
16 this room understand that the COBA that represent
17 correction officers have never been in any meeting to
18 discuss anything about raise the age so when she said
19 here even though she was under oath she lied. There
20 is no follow up meeting because there hasn't been a
21 first meeting, that is one thing. The other thing is,
22 is that I... one fact and then I'll just go to my
23 testimony, from January 1st of this year to today,
24 there have been more than 150 uses of forces with the
25 16 to 17-year olds; inmate fights, assault on staff,

2 from January 1st to today, to this minute, more than
3 150. I'm not sure what their plans are to deal with
4 this particular population, I... we do a fantastic job
5 of dealing with them but those are facts that you
6 should know, and I wish I could sit up there to ask
7 the questions while they sit here because I know
8 which questions to ask. Again, my name is Elias
9 Husamudeen, good afternoon Chairman Lancman, Chairman
10 King and the distinguished Council Members of your
11 committee. My name is Elias Husamudeen and I am the
12 President of the Correction Offices Benevolence
13 Association, second largest law enforcement union in
14 the city of New York. Our members as you know provide
15 care, custody and control of over 9,000 inmates daily
16 and over 55,000 inmates in just the last year alone.
17 I greatly appreciate the opportunity to testify about
18 an issue that is of great importance to New York City
19 correction officers. The Correction Officers'
20 Benevolent Association applauds the decision of the
21 New York State legislator to raise the age of
22 criminal responsibility in New York State to 18 years
23 of age. This common-sense amendment places juveniles
24 where they should be in facilities specifically
25 designed to meet their developmental and educational

2 needs and staffed by employees specifically trained
3 to meet those needs. However, my union members are
4 being selected for out of title work. New York City
5 Municipal Unions currently represent workers whose
6 job titles would be violated by assigning correction
7 officers to the vague function of safety, escort and
8 transportation. Correction officers serve as law
9 enforcement officers providing care, custody and
10 control for inmates in correctional facilities.
11 Correction officers training and the expectations are
12 consistent with this intention. This intention
13 moreover is expressed by the city itself when it
14 issue notices of examination emphasizing that the job
15 of correction officers is to be performed within New
16 York City correctional facilities. Correctional
17 officers are not trained to be social workers or
18 educators and the raise the age reform we hope would
19 cure a situation where our officers were being asked
20 to work well outside of their expertise with respect
21 to juveniles has only made matters worse, something
22 pointed out by many stakeholders who speak for the
23 youth at this issue. On January 19th, 2018 the
24 Department of Correction posted hundreds of fliers
25 throughout the jail stating that DOC staff will work

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2 in joint with ACS slash DOC facilities after raise
3 the age begins. This was wholly inappropriate, vague
4 and highly misleading. It is inappropriate in that it
5 was issued without prior discussion with or notice to
6 the correction officers' union, it is vague in that
7 it does not specify what staff, uniform or nonuniform
8 will be assigned to the joint ACS DOC facilities and
9 it is misleading in that assuming staff to include
10 correction officers or uniformed staff. The raise the
11 age statute among other things added a section, 500P
12 to the correctional law, 500P mandates that starting
13 April 1st, 2018 no youth under the age of 18 may be
14 held at Rikers to the extent tractable and that
15 starting October 1st, 2018 this prohibition will
16 become an absolute bar. Such youth ought to be housed
17 in a facility, one certified by New York State Office
18 of Children and Family Services and the New York
19 State Commission of Correction as a specialized
20 juvenile detention facility operated by a New York
21 City Administration for Children Services in
22 conjunction with DOC, I'm just about finished. The in
23 conjunction with requirement is not further
24 elaborated upon in the statute. As Ana Bermudez, the
25 Commissioner of the Department of Probation testified

2 before this body on March 15th, this change to the
3 law includes specialized secure detention are
4 supervised by staff selected and trained to serve
5 youth, it also includes monitoring, implementation of
6 raise the age and meaningfully investing in reentry
7 legal services for youth, nowhere are correction
8 officers mentioned. Indeed, as pointed out by
9 Commissioner Bermudez, the raise the age legislation
10 does not mandate the present of New York City of
11 correction staff, nor does any legislative history or
12 directive suggest that this is a requirement. It is
13 presumptuous to conclude that this requirement means
14 a blurring of the now separate duties between
15 correction officers and those existing bargaining
16 units like Tony was... like President Wells sitting
17 here next to me responsible for maintaining order in
18 ACS facilities. In fact, the statute only requires
19 joint operation, the statute does not micromanage the
20 assignment of employees to these facilities thus the
21 current state of affairs demand recognition that some
22 facilities are DOC facilities and some facilities are
23 ACS facilities. Under New York Administrative code 9-
24 101 the Commissioner of Correction may designate an
25 institution for the safe keeping of persons committed

2 to the Department of Correction, the raise the age
3 law specifically will... withholds adolescents from the
4 Departments sole jurisdiction. Similarly, similarly
5 the city charter at section 623 specifically we...
6 withholds from DOC jurisdiction and the
7 commissioner's authority such places for the
8 detention of prisoners or persons charged with crime
9 as are by law placed under the charge of some other
10 agency. Neither raise the age, the administrative
11 code nor any other provision of law mandate that a
12 facility jointly operated by a DOC with another
13 agency be deemed a facility of the DOC rather than
14 that of other agency thus we are faced with a hybrid
15 situation which does not present the foregone
16 conclusion stated in the Department's flyer
17 pertaining to the raise the age. The flyer moreover
18 runs afoul of numerous provisions of the New York
19 State civil service law as notice above the training
20 and expertise of correction officers grows out of the
21 understanding that it is a correction facility for
22 which they will be responsible and altering the
23 duties by changing correctional facilities to joint
24 ACS slash DOC facilities the city retroactively
25 destroys the adequacy of the notice of job duties

2 provided in the exam in essence creates a civil
3 service version of bait and switch, it does so
4 without proper and legal re-classification and
5 without input by the many commissions and agency who
6 must review any re-classification. Such a change of
7 the rules in the middle of the provoke... proverbial
8 gain is inconsistent with the letter and spirit of
9 these civic service and personnel rule provisions.
10 The selection of officers for this task is puzzling.
11 Moreover, in light of the departments recent, recent
12 experience, correction officers have been vilified by
13 the media and advocacy groups and subjected to court
14 appointed monitor primary, primarily in response to
15 the dealing with this population. Politicians cannot
16 accuse correction officers of using too much physical
17 force against this population and then turn around
18 and demand that correction officers be responsible
19 for this same population. If Commissioner Bermudez is
20 reflecting the administration's point of view
21 removing these teenagers from Rikers Island only to
22 have them supervised by DOC correction officers in a
23 juvenile detention undermines the spirit and the
24 intent of raise the age. Correction officers are
25 expected to be able to police adolescents in a non-

2 correctional environment clearly the city's message
3 is inconsistent and hypocritical. The city cannot
4 logically state that on the one hand correction
5 officers pose a threat to adolescent while on the
6 other hand state that correction officers are the
7 best equipped and qualified to serve... to, to secure
8 this population. In closing with or without the
9 Department of Correction the city of New York is
10 seriously unprepared to meet the October 1st deadline
11 to safely transfer all inmates... all adolescents off
12 of Rikers Island and into these juvenile detention
13 centers and therefore the city should push the date
14 back for at least six months. Pushing the date back
15 is not only the responsible thing to do it is the
16 morally correct thing to do in order to ensure
17 juvenile detainees and the correctional officers
18 charged with escorting them are as safe as possible.
19 I thank you again for providing COBA with this
20 opportunity to present our position before your
21 committee, with that I'm happy to answer any
22 questions you may have.

23 CHAIRPERSON KING: I think you spoke for
24 everybody. Well I'm going to... I'm going to... I'm going
25 to ask you all, we do have five other panels so we,

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2 we're giving everyone five minutes to share their
3 piece if you can kind of... you just utilize that, that
4 would be nice, thank you.

5 ANTHONY WELLS: Good afternoon, my name
6 is Anthony Wells, I'm the President of the Social
7 Service Employees Union Local 371 represented of
8 19,000 members... workers in the city of New York
9 including juvenile counselors, case workers,
10 institutional aids who are employed by the Department
11 of, what do they call their selves now, Division of
12 Family Youth and Justice, there you go. I'm not going
13 read my testimony, you can read it... you all can read
14 it all yourself. A couple of things have been said, I
15 think... my colleague here said it quick... the city's
16 not going to be ready October 1st, I think the
17 Commissioner told you... they're not going to tell you
18 publicly they're not going to be ready, they can't
19 say it publicly, okay. They're doing everything... and
20 I think on account... first of all thank you Congress...
21 not... Council, Councilman, Council Chairs. This is not
22 about what the city did not do over the last year,
23 this... you're, you're framing it in the wrong context.
24 This is a program that's inflexed, she said that she
25 can... they're going to be ready but it won't be the

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2 best that it can be and that's the key here, you must
3 have it the best that it can be, you must have
4 training adequately done, you must have security
5 issues taken care of, you must have this relationship
6 between DOC and ACS thought out, planned out and put
7 on paper otherwise you're creating a, a mini Rikers.
8 If you're going to have DOC do the facility the only
9 difference is it's not on Rikers Island, same
10 policies same place, okay, issues of equipment,
11 issues of, of plans changing. Before today this plan
12 that they told you about putting all the YOs in one
13 place was not the plan, was not... was not the plan but
14 because things are inflexed they had to make changes
15 and part of it is because of the legislation... of the
16 regulations. First of all, it's a regulation that two
17 17-year olds can't be in the same place because one
18 came from Rikers and one didn't, now this is
19 ridiculous, okay, just totally ridiculous. The idea
20 to separate by the age that made sense. So, here's
21 the problem, they're going to have to create two meal
22 times, two court times because you cannot... in the
23 same building... [cross-talk]

24 CHAIRPERSON KING: Uh-huh... [cross-talk]

25

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2 ANTHONY WELLS: ...so, they're going to
3 have to have one group go at one time, one group... eat
4 at one time, one group go to school at one time, they
5 can't be in the same... or separate medical place, they
6 can be together in the doctor's office, okay and,
7 and, and the females can be together, okay but for
8 the males they're going to have to have two different
9 systems and guess what, in the family court system
10 for holding pens there's only one run by ACS so what
11 are they going to be... how they going to do that? So,
12 there are real issues here around the October 1st.
13 The, the unfair regulation on New York City that
14 someone at Rikers must be moved but someone in... was
15 just... could stay, the, the nonfunded and, and the
16 answer from the state is well you have a surplus so
17 use your money to do a state regulation is, is
18 unfair. The fact that people are playing politics and
19 I have no, no use for it at all. I'm not interested
20 between the governor and the mayor, you can ask
21 anybody else I really don't care because this is
22 about these young people and about the staff that
23 works with them, you must have plans in place, you
24 must have adequate training, you can't rush through
25 training, you have to have wages retained, you have...

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2 we've had two conversations on an establishment of
3 the new title because we plan on working with them to
4 establish it as quickly as we can and I agree with my
5 colleague, they need at least six months and you... it
6 could happen because legislature who created this law
7 can also create an amendment to change the date for
8 New York City too. It's, it's not impossible if
9 there's a will to get it done but as long as you
10 play... pointing fingers I really don't care who's
11 fault it is, it's not about fault, it's about are we
12 going to be in the best position to make this plan
13 happen the way it's intended, the intent was to
14 decriminalize 16 and 17 year olds and, and treat them
15 as young people with a future, I happened to been in
16 spar for 1980, this law was created in 1979, 78, okay
17 we've been... I've seen the beginning of it and I see
18 the end of and it should end but it should end not
19 like it was begun, it was begun haphazardly, it was
20 begun reactively, it occurred because all the sudden
21 young people are out of control like... unlike the
22 1950's when they were out of control with rock and
23 roll, all the sudden we're all out of control and we
24 throw them all in jail as adults, that's how... that's
25 how this came about. We don't make the same mistake

2 on the other end, if you're going to change it then
3 do it right and like all the stakeholders have not
4 been at the table, okay, we are... we have insisted on
5 being on the table so we're at the table now, but
6 they can't do some of the stuff. As, as, as my
7 colleague said some of the stuff has to be
8 negotiated, they can plan all they want but you know
9 what they have to talk to these unions, they have to
10 the, the other stakeholders in the private sector and
11 do this as a group because everyone's effected so if
12 you want to play this game about this and now
13 pointing fingers and, and this upstate, the people
14 that are going to get hurt first are the young people
15 you're trying to help and two the members that we
16 represent and I think if we want to get it done right
17 someone needs to sit down and say listen have a talk
18 and lets move this date back to give the city enough
19 time to do what they're being forced to do and what
20 they want to do. I beat the buzzer how about that,
21 like a game show.

22 DALVANIE K. POWELL: First time... my first
23 time, okay. Good afternoon Councilman Lancman, King
24 and other Council Members. My name is Dalvanie K.
25 Powell, President of the United Probation Officers

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2 Association, which I will refer to as the UPOA but
3 before I begin can you please to refer to page three,
4 I need to make a correction.

5 CHAIRPERSON KING: We'll, we'll refer to
6 page three, I'm going to ask... [cross-talk]

7 DALVANIE K. POWELL: On my... [cross-talk]

8 CHAIRPERSON KING: ...A... I'm going to ask
9 the ACS Deputy Commissioner please not to leave, give
10 us ten more minutes if you can please.

11 DALVANIE K. POWELL: I have numbers that
12 incorrect, it should be four and five when I was
13 making my points, do you follow me, do you
14 understand? Page three, four... it should be four and
15 five, it says one, two, and three, should be four and
16 five, okay? So, just follow me. Okay, thank you. I
17 represent more than 700 probation officers in
18 supervise and probation offices employed by the New
19 York City Department of Probation and more than 400
20 retirees. I want to thank this committee for
21 permitting me to testify regarding the oversight of
22 New York's preparedness to raise the age. As I am
23 sure you are aware the Governor's Commission on Youth
24 Public Safety and Justice has recommended raising the
25 minimum age of delinquency from seven to 12 years

2 old... years of age and to raise the age... maximum age
3 from 16 to 18. This commission also recommends the
4 creation of a youth court of the supreme court in
5 each county of the state. These changes will result
6 in additional clients in the new delinquency ages
7 groups to access resources in a family court. These
8 resources include probation services such as intake
9 diversion, risk and needs assessment, investigations
10 and probation supervision. I come here today to
11 address these committees to speak of the impact these
12 changes will have on the New York City Department of
13 Probation and my members. Let me begin by stating
14 that the qualifications to become a New York City
15 Department of Probation officer is in part requires a
16 graduate degree in certain disciplines such as social
17 work, education, law as well as other disciplines
18 also or a bachelor's degree with two years of
19 experience in case work or counseling in a recognized
20 social work, counseling or related field. Part of our
21 duties and responsibilities encompasses balancing the
22 scales of justice by enforcing court orders,
23 providing services and guidance to clients who have
24 been convicted of a criminal offense. In addition to
25 supervision the probation department is also

2 responsible to conduct investigations for family
3 court and various criminal courts. Aside from
4 assisting the courts and making the, the most
5 appropriate dispositions, pre-sentence and pre-
6 disposition, investigations also address the concerns
7 of the victims. You should know that the community...
8 you should know that community, community's safety is
9 our primary concern. The New York City Department and
10 members will be responsible for conducting most if
11 not all the aforementioned services. For instance,
12 the pre-trial service will be additional duties for
13 the existing, exist, existing staff. I am informed
14 the probation department's preparing to hire and
15 train additional staff to be able to provide the
16 above-mentioned services. This will take in order...
17 this will take time in order to comply with the civil
18 service law. Additional staff is required to ensure
19 that the case load will be maintained at a reasonable
20 and manageable, manageable level and not to
21 compromise public safety. In order to perform our
22 current and new duties and responsibilities we will
23 need more office space in part for current and
24 additional... and... for current and additional staff,
25 equipment such as computers, vehicles, etcetera to

2 provide services as well as to document who receives
3 these services, what services and when the services
4 are being provided. While the New York City
5 Department of Probation is preparing to implement
6 changes to effectuate the services that will be
7 needed we must ensure that the additional use that we
8 will now need... the additional use that we'll now need
9 our services are maintained in safe environments and
10 will give services that they need to be successful in
11 changing their lives. To that end I would like... I
12 would ask that... these committees to consider the
13 following preliminary recommendations I received from
14 my members who have the experience of working with
15 these clients; one, implement a program that has
16 worked in other places that has a positive effect on
17 youthful clients such as attendance in groups so they
18 can express themselves, do self-examination, hold
19 each other accountable for their actions, this will
20 help these young clients think through their conduct
21 resulting in making better life choices. My members
22 will be able to interact with these clients in a
23 setting of then a probation officer one on one
24 setting. In order to be... two, in order to be
25 successful, we recommend in addition to hiring new

2 probation officers and providing office space,
3 equipment as indicated before, district units need,
4 need expansion especially day and evening intake
5 units and weekend arraignment units, this will
6 expedite moving these young, young clients through
7 the criminal justice system and reunite them with
8 their families sooner rather than later. Three,
9 electronic monitoring options, right now when
10 preparing our investigation reports we recommend
11 either jail or probation. Since the clients have
12 curfews we believe that their option of elect,
13 electronic monitoring is viable and a cost savings,
14 electronic monitoring is less, less expensive than
15 incarceration. Of course, when recommending these
16 options, we could... we would have to consider the
17 related factors regarding the client. I am informed
18 that electronic monitoring has reduced recidivism at
19 the federal and state levels that the client
20 movements and... are monitored in real time that they
21 can remain with the families and remain in the
22 community building positive relationships, receive
23 services, pursue education and sustain or prepare for
24 employment. Four, electronic monitoring and the
25 continuing of intensive community monitoring which

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2 closely monitors our clients who would have otherwise
3 remained in placement or incarceration while awaiting
4 disposition. When the victim is... when there... when
5 there is a victim the electronic monitoring will act
6 as a deterrent for the client to comply with an order
7 of protection and it can also in real time help
8 determine if an order of protection has been violated
9 or if a new arrest occurs electronic monitoring can
10 help collaborate alibis. Five, our clients in need of
11 education, we meet our clients that have not
12 completed enough credits to graduate or to go to the
13 next grade. These clients become frustrated and drop
14 out of school and make bad, bad life choices. Through
15 many members... though... through my member's experience
16 we believe it is imperative that education... that we
17 encourage education, completion of high school and
18 hopefully set these clients on a path to college or
19 learn to... a trade that will make them a viable member
20 of the community. In conclusion... [clears throat]
21 excuse me... we have no choice but to be successful, my
22 members, probation officers and supervisor probation
23 officers are not only the ages of change, but we plan
24 to seize in which to nurture our clients to be a
25 positive part of our community as evidence by the

2 work that we do. When this program is implemented we
3 need the tools to make it successful, we believe
4 recidivism will be reduced and our clients will be
5 given a better life. The UPOA and our members stand
6 ready to do our part and be... and be helpful in this
7 endeavor and in the event this committee needs
8 additional information please do not hesitate to
9 contact me. Thank you for this opportunity.

10 HARRY GREENSBERG: So, my name is Harry
11 Greenberg and I want to thank the committee for this
12 opportunity. I'm counsel to the UPOA and one, one of
13 the things I do for the UPOA is negotiate contracts.
14 I could tell you nobody from the city of New York has
15 contacted this union on any level regarding this,
16 none. Having said that we stand ready to work with
17 them, we think this is an important program and we
18 need to negotiate certain things, I'm not going to
19 get into that here, but the law is clear on what
20 needs to be negotiated and you can't negotiate with
21 yourself, that's the first thing. The second thing is
22 we're 100 and... 193 days away from this being
23 implemented, you've heard everybody else on, on this
24 panel speak, I'm not going to repeat it, its' clear
25 that whatever is going to happen in the next 193 days

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2 it, it... this could be... I'm looking for a really good
3 word, a legal word... what I'm thinking of, it's a
4 good... it's a mess, that's the nicest thing I can say
5 today, right and, and, and the fact is it could be
6 fixed but I don't know if it's going to be fixed in
7 six months or in nine months and we're talking about
8 the future, these kids are the future and we could
9 fix them but not this way.

10 CHAIRPERSON KING: We don't have any
11 questions for the panel, I think you laid it out
12 clear, but I ask the Deputy Commissioner to stick
13 around because you are the city's partner in
14 delivering there's not going to be one commissioner
15 that's going to be in a juvenile justice detention
16 center at all dealing with children so as you, your
17 members are the ones that are responsible so I say to
18 ACS when you go back and speak with the team there
19 and the Mayor and everyone else, you know someone's
20 not telling the truth here. For them to stand up and
21 say no one's ever had a conversation with them was
22 ingenuine for the first panel to come in and said
23 they're talking and working with everyone. I said
24 earlier the goal is for us to unite around this
25 legislation to figure out how do we help the children

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2 who need our help so I'm asking you to take it back
3 and organize a meeting including them at the table as
4 well as Lancman... Councilman Lancman and myself so we
5 can all work together. A... if a 100 and... how many days
6 we have, 100 and...

7 ANTHONY WELLS: 90... [cross-talk]

8 ELIAS HUSAMUDEEN: 193...

9 CHAIRPERSON KING: 193 days, if 193 is
10 not enough time to get it done then we have to
11 formulate the next plan, so we can get it done so
12 please, thank you for all, all your time and thank
13 you for your conversations today... [cross-talk]

14 DALVANIE K. POWELL: Thank you... [cross-
15 talk]

16 CHAIRPERSON KING: Thank you. The next
17 panel Dwayne Mitchell, Legal Aid Society; Beth
18 Powers, Powers, Children's Defense Fund; Charles
19 Nunez, Youth Present and Gabrielle Prisco, Executive,
20 Executive Director of a Project.

21 [off mic dialogue]

22 CHAIRPERSON KING: Alright, good
23 afternoon. Let's swear you in and get started. Could
24 you raise your right hand please, do you swear or
25 affirm the testimony you're about to give is the

2 truth, the whole truth and nothing but the truth?

3 Good, thank you, we're going to do three minutes on
4 the clock and unless you have a preference why don't
5 we just go from your right to, to left, how about
6 that?

7 GABRIELLE PRISCO: Hello, my name is
8 Gabrielle Prisco, I'm the Executive Director of
9 Lineage Project. Thank you to the committee for this
10 opportunity to testify. Founded in 1999 Lineage
11 brings mindfulness programs to incarcerated, homeless
12 and academically vulnerable young people. Most
13 relevant to this hearing today we work inside Horizon
14 where we operate a contract funded by the New York
15 City Department of Youth and Community Development to
16 provide mindfulness arts and leadership activities
17 for young people who are detained at Horizon in the
18 South Bronx. We annually subcontract with ten plus
19 community-based organizations to provide these
20 services to young people inside Horizon. Based on our
21 experience working very closely within the system and
22 inside Horizon in a day to day manner we respectfully
23 make the following three recommendations. The first
24 is that robust and meaningful developmentally
25 appropriate programing should be a central part of

2 the city's raise the age planning process. We stand
3 at the drawing board, before us is the opportunity to
4 develop a blueprint for a new youth justice system.
5 Meaningful and developmentally appropriate
6 programming must be imbedded in that program. The
7 program plan for any youth serving system must be as
8 clear and detailed as the housing plan or the
9 security plan, I cannot emphasize enough the
10 importance of programming to the educational, social,
11 psychological benefits to young people in the justice
12 system. Programming is also essential to the security
13 of facilities, there were questions earlier about
14 security and safety within the facilities,
15 programming is a known deterrent to incidents inside
16 facilities and in addition program participation
17 offers staff and young people meaningful
18 opportunities to understand themselves in
19 multidimensional ways, to get to know each other, to
20 form better and more meaningful relationships that
21 contribute to positive cultures within facilities and
22 to a more secure and safe environment. It is really
23 important to notice that due to age and experiential
24 and developmental differences the populations of
25 young people who will be coming into these facilities

2 as have already been expressed quite extensively
3 earlier today are different than many of those kids
4 who are already there. It's not enough to take the
5 same programs that are already happening and just
6 extend them to the new populations. Programs have to
7 be developed that are tailored and nuanced in
8 response to the populations who will be coming into
9 the system. To that end my second recommendation is
10 that directly impacted young people and family
11 members along with the community-based organizations
12 that serve them should be invited to the city's
13 planning table to help design programs to best serve
14 our young people. Earlier Representative King and
15 Representative Lancman just spoke about having a
16 meeting with the representatives of the union and
17 ACS, I would encourage you to do the same with the
18 city's community-based providers. We're on the ground
19 working with the young people and the staff day in
20 and day out and we have not been and, you know
21 brought into the planning to date and I think it
22 would be really important to have a joint meeting
23 where program providers are at the table talking
24 about how programs are going to look. This is...
25 programs are not an afterthought, in the youth

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2 justice world there's a saying that reentry begins on
3 day one, the same is true for programming, it's not
4 an afterthought... [cross-talk]

5 LANCOUNCIL MEMBERAN: Let me... I, I, I get
6 it and I agree with you completely, let, let me ask
7 you... [cross-talk]

8 GABRIELLE PRISCO: Sure... [cross-talk]

9 COUNCIL MEMBER LANCMAN: ...and I see the
10 three recommendations and they're I think to us
11 obvious. So, let me ask you a, a question... [cross-
12 talk]

13 GABRIELLE PRISCO: But well written,
14 right?

15 COUNCIL MEMBER LANCMAN: What's that?

16 GABRIELLE PRISCO: I said but well
17 written, right not just like obvious, I'm just making
18 a joke, sorry.

19 COUNCIL MEMBER LANCMAN: Yes, yes, yes...

20 GABRIELLE PRISCO: It was just a joke,
21 sorry.

22 COUNCIL MEMBER LANCMAN: Although, in
23 future testimony I just wanted to... you know you don't
24 get paid by the word so... you just... to the point but
25 the points you're making are, are very good and very

2 clear. So, let me just ask all of you before you all
3 do your testimony, have, have any of you been invited
4 into a meeting with MOCJ or any of the... any of the
5 planning meetings for implementing this program, you
6 made the excellent point that just as we're expecting
7 and, and believe that it would be good way to make
8 policy and to implement raise the age that the unions
9 be brought into these conversations and these
10 planning sessions, have, have, have you all been,
11 been, been brought in, have... just yes or no and then
12 we get into your testimony?

13 GABRIELLE PRISCO: Yes.

14 HARRY GREENSBERG: Yes.

15 CHARLES NUNEZ: Yeah.

16 COUNCIL MEMBER LANCMAN: Yes, okay. You
17 have not been?

18 GABRIELLE PRISCO: We have meetings
19 regularly with ACS because we run programs within
20 Horizon and in those meetings conversations about
21 what will change have been discussed but I would not
22 say that we've been invited to a planning meeting..

23 [cross-talk]

24 CHARLES NUNEZ: And also... [cross-talk]

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2 COUNCIL MEMBER LANCMAN: Okay... [cross-
3 talk]

4 CHARLES NUNEZ: ...at the planning, you
5 know... [cross-talk]

6 COUNCIL MEMBER LANCMAN: Okay, you got to
7 hit the red light over there.

8 CHARLES NUNEZ: Also, at, at the planning
9 meetings that I've attended has just been on silos,
10 has been specifically with one agency and it hasn't
11 been like overall with regards to planning but more
12 addressing one particular issue so it hasn't been
13 like planning in general...

14 COUNCIL MEMBER LANCMAN: We're, we're
15 going to give each... [cross-talk]

16 CHARLES NUNEZ: ...with the process...
17 [cross-talk]

18 COUNCIL MEMBER LANCMAN: ...of you your,
19 your, your three minutes, I don't want you to feel
20 cheated...

21 CHARLES NUNEZ: Yeah...

22 COUNCIL MEMBER LANCMAN: But, but just
23 tell me what, what your experience has been, go down
24 the line with being invited and, and having your

25

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2 views solicited on, on, you know your aspect of, of
3 what you can contribute to the implementation?

4 DAWN MITCHELL: So, we are not part of
5 the city's formal implementation planning, but we
6 have met with MOCJ and with ACS.

7 COUNCIL MEMBER LANCMAN: Okay.

8 DAWN MITCHELL: Yes, the Legal Aid
9 Society has... [cross-talk]

10 COUNCIL MEMBER LANCMAN: Just, just...
11 yeah.

12 DAWN MITCHELL: I'm sorry. The Legal Aid
13 Society has been an active participant in many of the
14 meetings citywide, borough, court administration
15 meetings, we're an active participant in the
16 implementation, planning and discussions.

17 COUNCIL MEMBER LANCMAN: Okay.

18 HARRY GREENSBERG: I'm legal aid also
19 and, and I have in fact been one of the people who
20 has been to countless meetings and had an ample
21 opportunity to have a lot of... [cross-talk]

22 COUNCIL MEMBER LANCMAN: Right... [cross-
23 talk]

24 HARRY GREENSBERG: ...input into the
25 process.

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2 COUNCIL MEMBER LANCMAN: Okay, so let me
3 just say if your organization either now or at some
4 point feels as if you don't have the ear of the
5 powers that be who are implementing raise the age you
6 let us know and one of the things that I'm sure we
7 can do is get you in the right room with the right
8 people at least to have that, that, that input. So,
9 with that let's resume sir.

10 CHARLES NUNEZ: So, good afternoon. Thank
11 you Chairperson Lancman, Lancman and Chairperson
12 King. First of all, I'd like to say thank you for
13 giving advocates the opportunity to provide testimony
14 in the frontend prior to the administration, totally
15 appreciate that, it was really profound to give young
16 people the voices and also let administrations hear
17 what's going on, on the ground level. And today... my...
18 well by the way my name is Charles Nunez and I'll be
19 providing testimony on behalf of one of our other
20 youth leaders who wanted to be here today, but he
21 can't testify so I'll testify on his behalf. So, he
22 wrote his testimony in first person. Today I'll focus
23 my testimony on why the New York City Department of
24 Corrections, Corrections correctional officers should
25 not supervise children in ACS facilities. I'm going

2 to focus on one specific reason based on my own
3 experience. DOC correctional officers have
4 militarized training while juvenile facilities have
5 staff... juvenile facility staff are trained to
6 deescalate and promote positive youth development.
7 When I was 16 years old I spent several weeks in
8 Rikers Island, I remember one time when an inmate
9 flooded his cell by clogging up his toilet, a
10 correctional officer entered his cell with turtles,
11 the emergency service unit and the rapid response
12 unit. You are equipped with shields... these officers
13 are equipped with shields, tactical gear, buttons...
14 batons and pepper spray. The ESU and the RRT units
15 beat him in his cell and took him out like an animal
16 by his feet and arms, I felt sad for him and was
17 scared for my own safety as well. It's sad to see a
18 child whose mind is not even fully developed and who
19 is literally crying out for attention get beaten and
20 dragged out of his cell by adult men. Where's the
21 youth development training in that? I was scared at
22 Rikers because I knew I could easily get
23 misunderstood and beaten by the correctional officers
24 with no way to hold them accountable. Furthermore,
25 whenever there were fights correctional officers

2 would call the turtles and the turtles would beat
3 kids with their shields and sticks to stop the fight
4 and to subdue the rest of the housing unit after that
5 the kids fighting would be sent to the box, solitary
6 confinement. Now in juvenile detention centers fights
7 are addressed completely different, when there was
8 fight in Crossroads we would get restrained by not
9 with shields and batons also after a fight we were
10 not sent to solitary confinement, we were sent to
11 speak with counselors and were trained... who were
12 trained youth professionals and who cared to
13 understand what was going on with us and why we were
14 acting that way. While in Horizon I, I was in many
15 fights and I was always counseled, during that period
16 no one was visiting me, no one was there for me but
17 my counselor. My counselor understood that I was
18 acting out because I was seeking attention and that
19 my mind could not grasp all of my family dynamics at
20 the moment. She provided me with coping techniques
21 and ways to address some of my anxiety. Rikers was
22 like a hell... like a hell with no way out, I got
23 lucky, but others suffered abuses and scars that they
24 will never be able to recover from. We cannot have
25 our kids in juvenile facilities open to the kind of

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2 abuse, the militarized training of the DOC will just
3 create a new Rikers in Horizons.

4 COUNCIL MEMBER LANCMAN: So, the essence
5 of... I don't mean to interrupt but we got to go on,
6 but the essence of your testimony is if I may... if I
7 may characterize it, we're trying to create a
8 separate system for young people, for juveniles and
9 it would be a terrible mistake to have those
10 juveniles overseen, supervised etcetera by
11 corrections officers.

12 CHARLES NUNEZ: Correct.

13 CHAIRPERSON KING: Coming from Rikers,
14 got it, thank you. Yes.

15 BETH POWERS: Hello, my name is Beth
16 Powers, I'm the Director of Youth Justice at the
17 Children's Defense Fund in New York. Thank you
18 Chairman Lancman and King and members of the council
19 for being here today. The Children's Defense Fund of
20 New York co-leads the raise the age New York
21 campaign, a statewide advocacy effort that help bring
22 attention to the need to raise the age of criminal
23 responsibility in New York and we continue to
24 advocate to ensure the law is implemented,
25 implemented and funded in a way that ensures best

2 outcomes for young people impacted by the law.
3 Implementation is an opportunity to examine New
4 York's justice system and ensure that frontend
5 community-based solutions are prioritized, and deep
6 end confinement-based settings are used as a last
7 resort for youth. Raise the age requires the creation
8 of new specialized secure detention which we've heard
9 a lot about today. We are alarmed at the city's
10 current plan to staff these facilities with
11 Department of Correction staff for the first 24
12 months of operation. We're concerned that staffing
13 these, these youth facilities with DOC officers will
14 import an adult correctional culture that will not be
15 easily if at all removed after the officers are
16 removed after 24 months. We appreciate that ACS will
17 offer case management and programming responsibility
18 for youth however this measure will not negate the
19 use of DOC staff to provide security for youth. We
20 acknowledge that DOC has made strides to address the
21 treatment of youth in their care notably the
22 elimination of punitive segregation for 16 and 21-
23 year olds and an increase in positive programming for
24 adolescents. Despite this progress DOC is not in the
25 best position to respond to youth and should not be

2 tasked with overseeing 16 and 17-year olds in youth
3 facilities. In addition to DOC representing an adult
4 focused approach to corrections they also have a
5 history of mistreatment of youth which is well
6 documented. Raise the age is an opportunity to
7 genuinely change the culture that has perpetuated in
8 DOC and transform the experiences of detained youth.
9 We urge the council to ensure that the statutory
10 benefits intended by removing youth from Rikers is
11 not lost. This, this is critical for youth being
12 removed from Rikers as well as the younger children
13 in secure detention as young as ten years old who
14 have potential of being exposed in this model. The
15 majority of 16 and 17-year olds arrested in New York
16 City are charged with misdemeanors, in 2017 nearly 66
17 percent of arrested 16 and 17-year olds were for
18 misdemeanors and an additional 17 percent were for
19 non-violent felonies. Thus, the majority of 16 and
20 17-year olds will be processed in family court with
21 all misdemeanors automatically going to family court
22 and the possibility of many nonviolent felonies as
23 well. This will increase the number of youth in the
24 juvenile justice system and shift the age demographic
25 of youth currently served. Sixteen and 17-year olds

2 now charged with juvenile delinquency will benefit
3 from the possibility of adjustment by the Department
4 of Probation which offers an off ramp potentially
5 diverting youth from court all together. To handle
6 this increase in youth resources, resources will be
7 critical for the Department of Probation, the
8 community-based providers they contract with for
9 adjustment services and all family court
10 stakeholders. We recognize the loss of state funding
11 to support close to home as well as the likelihood
12 that New York City will not receive state funding to
13 implement raise the age however we urge the city to
14 continue to prioritize alternatives to placement and
15 detention as well as other innovative approaches to
16 youth justice through close to home and the
17 implementation of raise the age. Thank you for the
18 opportunity to testify.

19 CHAIRPERSON KING: Top marks.

20 DAWN MITCHELL: Good afternoon, my name
21 is Dawn Mitchell, I'm the Attorney in Charge of the
22 Legal Aid society's Juvenile Rights Practice. We
23 thank you for this opportunity to testify before you
24 today, we thank you Chairman King and Chairman
25 Lancman for holding this important and timely

2 hearing. The Juvenile Rights Practice currently
3 serves up to 34,000 children each year who are
4 children who appear before the family court in abuse,
5 neglect, juvenile delinquency and other... and other
6 proceedings. We want to focus our conversation today
7 on the issues relating to detention. JDs and JOs are
8 housed in juvenile secure detention facilities under
9 the caring control of ACS and DYJ. Raise the age law
10 requires the creation of specialized secure detention
11 facilities to house the 16 and 17-year-old youth who
12 have been prosecuted in adult court. However, the law
13 does not clearly delineate the role of ACS, DYFJ in
14 the creation of the administration and administration
15 of the SSDs but rather it mandates that the agency
16 work in conjunction with New York City DOC. We
17 believe the city's plan to move the youth from Rikers
18 Island is another... to another DOC operated facility
19 will undermine the goals of raise the age and it will
20 not ensure that youth are treated in a
21 developmentally appropriate manner and in a
22 rehabilitative setting. We don't agree that there
23 should be a delay in getting 16 and 17-year olds off
24 of Rikers Island, we don't agree that DOC staff
25 should be the staff providing services to that

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2 population and if DOC is working with ACS to provide
3 the services we don't believe that they should have
4 any contact with children under... 15 and under. We
5 don't believe that they have the skill set, we don't
6 believe that they have the necessary training and we
7 heard today from their union members that they have
8 not even been in conversations with the leadership in
9 preparing for this. Sorry. Time is of the essence, in
10 just five months the city must identify facilities to
11 develop a model to accommodate 16 and 17-year olds
12 being moved off of Rikers Island. There has been a
13 steady census over the last few years of about 130 16
14 and 17-year olds held on Rikers Island and we believe
15 that there are not enough beds currently in the ACS
16 facilities to provide for these youth. We also
17 believe that there should be a classification rubric
18 for these youth, the rubric must not rely solely on
19 age or alleged offenses but rather on service needs
20 and safety. We strongly suggest that all 16 and 17-
21 year olds be subject to the same security
22 classification systems within SSDs. Sixteen and 17-
23 year olds are currently held together by DOC on
24 Rikers Island and are also housed together by ACS in
25 juvenile detention settings. We strenuously object to

2 any classification system which creates a false
3 distinction between 16 and 17-year olds who are
4 charged and removed from Rikers Island. I'll stop
5 here because my time is up and take any questions.

6 COUNCIL MEMBER LANCMAN: Thank you.

7 CHAIRPERSON KING: Thank, thank you.

8 HARRY GREENSBERG: One comment that I
9 want to make which is in response to a question that
10 you raised earlier on councilman Lancman, you asked a
11 question I think of the first panel about charging,
12 district attorney's involvement in charging of these
13 cases going forward, the, the AOs and this is
14 something to keep an eye on during the initial
15 implementation of raise the age. The way the statute
16 is written the... historically what's happened is
17 district attorney's offices when an arrest has been
18 made and the cases come to their ECAB, early case
19 assessment bureau they've looked at the cases that
20 are charged that... or the arrest charges or felonies
21 and they've exercised their discretion to decide
22 whether or not to charge it as a felony or whether
23 possibly to reduce it to a misdemeanor and arraign
24 the youth for a misdemeanor in criminal court and,
25 and dispose of it accordingly. The way the statute is

2 written they no longer have the authority, the
3 jurisdiction to be able to reduce it to a misdemeanor
4 and charge that youth with a misdemeanor, in a case
5 where they feel based on their discretion that there
6 is no benefit and no point to charging and, and that
7 they have no intention of charging the youth and
8 prosecuting the youth for a felony what is supposed
9 to happen under raise the age is that they are
10 supposed to give that case back to the police before
11 ever bringing the youth to court and have the police
12 process the case as a family court case at which
13 point in time the top charge against the youth it
14 could be filed by corporation council's office would
15 be a misdemeanor. What should be happening consistent
16 with what Judge... with what Judge Mendelson said in
17 the very beginning is consistent with the... with one
18 of the top values which is continuity in making sure
19 that youth don't go through different locations
20 unnecessarily. If the district attorney's office
21 evaluates the case at ECAB and applies the same
22 judgement that they've applied in the past to that
23 case and decide that they have no intention of
24 prosecuting it as a felony then instead of drawing up
25 a felony complaint having the youth arraigned in

2 criminal court on a felony, having a provider
3 appointed to represent the youth, having the adult
4 system get involved with the youth, having the
5 district attorney's office arraign the youth only to
6 have the district attorney's office announce at the
7 first possible opportunity we consent to transferring
8 it to family court. What should be happening is the
9 district attorney's office shouldn't be filing those
10 felony complaints in criminal court at all, they
11 should be deferring prosecution and having the case
12 go to the... to family court. The concern is that there
13 may be an informal understanding between the district
14 attorney's offices and corporation council's office
15 not to do that, to arraign the cases as felonies to
16 preserve corporation council's option of charging the
17 case as a felony once it gets to family court. I can
18 appreciate the motivation behind doing that but it's
19 not consistent with the principles of raise the age,
20 it's sort of doing an end around the way the statute
21 was written and there's nothing that I know of to
22 prevent that from happening but I would urge the
23 council to keep a very close eye on that, keep a
24 close eye on how many times is a 16 or 17 year old on
25 the first possible occasion when arraigned on a

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2 felony complaint in criminal court the youth part,
3 how many times is a district attorney's office at the
4 earliest possible time say we consent to having that
5 transferred and ask yourself well why was that here
6 in the first place, why did we waste our time..

7 [cross-talk]

8 COUNCIL MEMBER LANCMAN: And so, you're
9 saying... [cross-talk]

10 HARRY GREENSBERG: ...on that case... [cross-
11 talk]

12 COUNCIL MEMBER LANCMAN: ...that that
13 should be addressed as soon as the police bring the,
14 the, the young person to the attention of the DA's
15 office and the complaint is being drafted?

16 HARRY GREENSBERG: Yes, what I'm... [cross-
17 talk]

18 COUNCIL MEMBER LANCMAN: Is that what
19 you're saying... [cross-talk]

20 HARRY GREENSBERG: ...saying is that in
21 that... in the ECAB unit when the district attorney's
22 office is evaluating the case and they make a
23 judgement... [cross-talk]

24 COUNCIL MEMBER LANCMAN: So, I get it.
25 So, let me ask you because you did say that you're...

2 you have been involved in the processes as one would
3 expect in an institution like we relate it to be,
4 have you... have you raised this issue with the... in
5 the... in the meetings with the DAs and the... and the
6 law department and, and, and to judges who are there
7 and what do they say?

8 HARRY GREENSBERG: Over and over again..

9 COUNCIL MEMBER LANCMAN: And what do they
10 say?

11 HARRY GREENSBERG: The... there have been
12 statements by the district attorneys, some of the
13 representatives in the district attorney's offices
14 that they feel that they don't have a right to make a
15 preliminary judgment that will tie the hands on
16 corporation council's office with regards to what
17 they can charge although the statute clearly
18 contemplates them being able to do that and all
19 they'd be doing is exercising the same discretion
20 that they've always exercised with... [cross-talk]

21 COUNCIL MEMBER LANCMAN: So, then...
22 [cross-talk]

23 HARRY GREENSBERG: ...regards to... [cross-
24 talk]

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2 COUNCIL MEMBER LANCMAN: ...it sounds like
3 it's the law department saying we want to make this
4 decision, don't short circuit our opportunity to
5 charge a felony in the criminal arraignment process,
6 get it to us and, and then we'll sort it out.

7 HARRY GREENSBERG: I, I, I do believe
8 based on comments that have been made in our... in our
9 citywide meetings that that is the position of the
10 law department...

11 COUNCIL MEMBER LANCMAN: Just, just tell
12 me what's wrong with that?

13 HARRY GREENSBERG: What's wrong with that
14 is that those youth are now going to be prosecuted
15 for felonies. First of all, those youth are not going
16 to be... are not going to benefit from continuity, they
17 are going to be brought into criminal court, they're
18 going to be arraigned in criminal court. By OCA's
19 perspective the initial appearance in criminal court
20 may not be able to result in a transfer to family
21 court because I know it's OCA's perspective not
22 necessarily ours that only the youth part judge can
23 transfer the case so there's going to be at least one
24 if not two or more appearances in a jurisdiction
25 where nobody has any intention of prosecuting that

1
2 youth in the first place, it's going to delay
3 everything that needs to be done with regards to what
4 that youth needs and getting that youth to family
5 court, it means taking away the jurisdiction of the
6 district attorney... the... rather the discretion of the
7 district attorney's office which they've always
8 applied in the past in which the statute contemplates
9 them continuing to apply just so that the corporation
10 council's office has the opportunity to levy the top
11 charges possible against the youth in family court.

12 COUNCIL MEMBER LANCMAN: Isn't, isn't
13 the... does the... does, does the transfer from criminal
14 court to family court require the, the, the reduction
15 in the charge from... to be from a felony to a
16 misdemeanor?

17 HARRY GREENSBERG: I'm not sure if I
18 entirely understand the question but the cases that...
19 AO's that are arraigned in criminal court the
20 nonviolent felonies are technically transferred to
21 family court and have access to the adjustment
22 process, the violent felonies are technically removed
23 to family court if they're going to be... [cross-talk]

24 COUNCIL MEMBER LANCMAN: So, then just so
25 I... [cross-talk]

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2 HARRY GREENSBERG: ...sent to family court...

3 [cross-talk]

4 COUNCIL MEMBER LANCMAN: ...understand the
5 transfer to family court does not involve a reduction
6 in charges so, so why, why does the corporation
7 counsel... if I understand it, it sounds like the
8 corporation counsel's concern is they're going to
9 lose the opportunity to, to try... to, to, to charge
10 the top counsel... to charge the felony count, how do
11 they lose that by the... by, by the DA's saying we
12 don't want this case, we don't... we don't need it in
13 criminal court.

14 HARRY GREENSBERG: It... the way the law is
15 written corporation council's office and family court
16 in general does not have jurisdiction to file an
17 original petition against a 16 or 17-year-old under
18 the family court... under raise the age legislation for
19 felony charges the only way a 16 or 17-year-old can
20 be prosecuted for a felony is if that is a felony
21 matter that has been sent to family court from
22 criminal court.

23 COUNCIL MEMBER LANCMAN: Okay, I get it.
24 Regarding the issue of, of ACS staff verses
25 correction officers, supervisor... I mean we've been

1
2 pounding the administration on that for as long as
3 we've been aware of that problem which has been some
4 time, we're just curious what responses have you
5 gotten on that issue in your conversations with MOCJ
6 or whoever you're interacting with, I mean from our
7 perspective it is just a total and complete failure
8 of government that a year plus since the law was,
9 was, was signed into law... raise the age was signed
10 into law in April of 2017, you know the city has
11 ramped up a UPK program for 50,000 kids without this
12 same kind of drama and, and, and difficulty so we're
13 just curious, we know what they say to us, what do
14 they say to you?

15 CHARLES NUNEZ: Pretty similar... pretty
16 similar to what was said today with regard to... well
17 I've only been in meetings with ACS and it's been the
18 issue with like being able to hire... well one, alter
19 the current title that ACS workers are currently
20 under in the city and then being able to staff ACS
21 facilities under that title so..

22 BETH POWERS: Yeah, same and... okay, I
23 agree even today hearing the testimony of ACS we
24 appreciate that they're creating a new title and
25 absolutely agree that staff should be appropriately

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2 compensated in, in everything they had to say but the
3 law passed a year ago and that is what we're hearing
4 as well that there's not enough staffing.

5 DAWN MITCHELL: And we're also being told
6 that it... that the reclassification of, of a position
7 may not be completed within the two-year period.

8 COUNCIL MEMBER LANCMAN: Look, you were
9 sitting here also, I mean they, they, they've got
10 things they have to work out with the unions, it's
11 not a... you know some of it's a collective bargaining
12 agreement, it's not as simple as saying okay now you
13 guys were doing this but you're going to do something
14 else, well that's... you know that's not as simple as
15 that so... alright, terrific, I appreciate it, if any
16 of you, I'm looking at you, have any difficulties in
17 getting a meeting with someone in the administration
18 or, or anyone who's supposed to be responsible for
19 implementing raise the age you let us... you let us
20 know... [cross-talk]

21 GABRIELLE PRISCO: I think I... [cross-
22 talk]

23 CHAIRPERSON KING: ...you... something you
24 want to say... you want... [cross-talk]

25

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2 GABRIELLE PRISCO: ...I want to... [cross-
3 talk]

4 CHAIRPERSON KING: ...to say... [cross-talk]

5 GABRIELLE PRISCO: ...clarify, I mean we
6 work closely with ACS and I have direct lines of
7 communication to them, I think the issue is more
8 around specifically around programming and that
9 programming and... has not to the best of my
10 understanding really been an essential or integral
11 part of those conversations so I mean I communicate
12 very regularly with Deputy Commissioner, Commissioner
13 Franco and others at high levels of the
14 administration, I appreciate the offer but that's
15 not... very much appreciate it but that's... [cross-talk]

16 COUNCIL MEMBER LANCMAN: You're just not...
17 you're not satisfied with the result?

18 GABRIELLE PRISCO: And I think that also
19 there's a lot of community-based organizations that
20 are smaller that are... I mean I've... you know that
21 I've, I've worked with all the folks at these tables,
22 I was an advocate for many years, I think there's a
23 distinction between some of the sort of larger... large
24 scale institutional players and the community based
25 organizations who are in the facilities providing the

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2 day to day on the ground services not just my own
3 organization but many of them and I don't think those
4 folks have really been brought in to sort of say what
5 are we doing around programming and also the issue of
6 funding. So, we have a contract from DYCD that's
7 180,000 dollars a year to operate an after school
8 program inside Horizon, we're contracted to serve 30
9 kids, the population of Horizon is expected to go up
10 523 percent on October 1st and our contract hasn't
11 changed so there's a 523 percent increase in the
12 population of the facility and there's zero funding
13 dollar change and we were told that we only have to
14 continue to serve 30 youth inside the facility but I
15 don't understand how we can ethically and morally
16 serve only 30 kids out of 106 kids in a facility and
17 expect that to be, you know programmatically sound
18 and in the best interest of kids... [cross-talk]

19 COUNCIL MEMBER LANCMAN: Alright, well
20 that's, that's very helpful to know so you might have
21 caught that I had said to MOCJ we look forward to
22 seeing them at our executive budget hearing, right so
23 you know the process the Mayor comes out with his
24 budget, we have the preliminary budget, we had a
25 hearing in March there was nothing in the

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2 preliminary, preliminary budget towards... specifically
3 towards implementing raise the age, maybe they're
4 waiting to see what the state was going to do
5 regardless we did let MOCJ know when we do our
6 executive... when the Mayor's comes out with his
7 executive budget at the end of this month then we
8 have our executive budget hearings in May we expect
9 to see them as I put it, you know put meat on the
10 bones. So, what I would like you to do is to very
11 specifically identify the funding that you think is
12 necessary as it relates to your area of operations
13 and if you could get your, your other organizations
14 together and give us that specific information and we
15 will have MOCJ at that budget hearing and we will say
16 to them along the lines of there's a program serving
17 30 kids, there are now going to be 150 kids where's
18 the increase in the funding to provide this service
19 or, or what is it you're going to do.

20 GABRIELLE PRISCO: That's fantastic,
21 thank you so much... [cross-talk]

22 COUNCIL MEMBER LANCMAN: That's, that's...
23 [cross-talk]

24 GABRIELLE PRISCO: ...Councilman... [cross-
25 talk]

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2 COUNCIL MEMBER LANCMAN: ...what we do,
3 great.

4 GABRIELLE PRISCO: Thank you very much.

5 COUNCIL MEMBER LANCMAN: Uh-huh.

6 BETH POWERS: Thank you.

7 COUNCIL MEMBER LANCMAN: Good?

8 CHARLES NUNEZ: thank you...

9 COUNCIL MEMBER LANCMAN: Good, thank you.

10 DAWN MITCHELL: Thank you.

11 COUNCIL MEMBER LANCMAN: Who's next?

12 Okay, well... there you go... may I... sorry, I took the
13 wrong one, thanks. Okay, our friends from Brooklyn
14 Defenders, Bronx Defenders, and our... and the assigned
15 council 18B; I have Sarah Tirgary; Ronna Gordon
16 Galchus and Andrea Ogle. I don't... I don't know if all
17 of you are testifying on 18B or... one of you? Sergio,
18 come on down. So, let's get seated, sort out if all
19 of the 18B folks are going speak or, or, or one of
20 you, you've waited a long time, so I don't want to
21 short circuit anyone. What's that? Two panel
22 attorneys, okay. Got it. Great. Raise your right
23 hand, do you swear or affirm the testimony you're
24 about to give is the truth, the whole truth and
25 nothing but the truth?

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2 [panel affirms]

3 COUNCIL MEMBER LANCMAN: Good, so unless
4 you've got some prearranged plan we're going to start
5 at that end and work our way down. I'd hit the, the
6 red button. You're doing three minutes and trust,
7 trust me you'll want to hit the bullet points, the
8 highlights... [cross-talk]

9 RONNA GORDON-GALCHUS: Absolutely...
10 [cross-talk]

11 CHAIRPERSON KING: ...and get in some, some
12 questions and get going.

13 RONNA GORDON-GALCHUS: Thank you. Good
14 afternoon, my name is Ronna Gordon-Galchus and I'm an
15 attorney and I'm here to give a brief statement on
16 behalf of the assigned council plan of Queens family
17 court. I'd like to inform the council of our ability
18 and strength to represent youths when raise the age
19 goes into effect in October of 2018. Our panel of
20 attorneys currently represent children in delinquency
21 cases whether we handle misdemeanors, felonies or
22 designated felonies our attorneys are thoroughly
23 knowledgeable about Article 3 of the family court
24 act, the law which governs juvenile delinquency
25 proceedings. Many of our attorneys including myself

2 also practice in adult criminal court so we're also
3 know... knowledgeable about the criminal procedure law
4 and the similarities and distinctions between the
5 family court act and the CPO. Prior to joining the
6 family court panel, I was an attorney on the felony
7 panel of the assigned council plan and also on the
8 criminal appeals panel. It's the intention of some of
9 our attorneys in family court to also reactivate
10 their status on the assigned council plan of criminal
11 court which is now open and accepting applications.
12 So, our, our attorneys are in the unique position
13 where we have this cross training and once raise the
14 age is implemented all misdemeanors with the
15 exceptions of the vehicle and traffic law will be
16 litigated in family court, we are ready to take on
17 these additional cases which will be brought in by
18 raise the age. We expect that many of the lower level
19 offenses will be adjusted by the Department of
20 Probation so many of these cases may not even require
21 the assistance of counsel. All of the nonviolent
22 felony cases will start off in the designated youth
23 part in adult criminal court with the expectation
24 that they'll be transferred to family court unless
25 extraordinary circumstances could be shown. It's our

2 intention to have attorneys appear in the youth court
3 to act as an anchor who will represent the client
4 from day one and continue representing the client
5 once the case gets sent to family court.
6 Specifically, in Queens, Queens is a little different
7 geographically because the Queens family court is
8 quite a distance from a criminal court however we
9 will have attorneys from family court anchoring that
10 criminal court proceeding so if a youth.. if a, a
11 youth is brought into criminal court that attorney
12 will be present and then will continue with the
13 representation once it gets transferred over to
14 family court. I think Queens is, is.. has that
15 distinction from the other boroughs. Attorneys in
16 family court will be able to advise their clients on
17 many of the different therapeutic and preventative
18 services which are available to the youths and also
19 the different alternatives from being removed from
20 their homes. Just, just a few more seconds please. I
21 recently wrote an article that was first published
22 this past week in the Queens Bar Bulletin on raise
23 the age, it outlines an analysis.. and gives an
24 analysis of the law and I've made that article a part
25 of the summary which I've submitted. Our panel will

2 continue to have CLE training on raise the age, offer
3 seminars in delinquency criminal law and the new
4 Article 722 of the criminal procedure law and the
5 goal is for our clients to receive services which
6 reduce the rates of rearrests while also vigorously
7 advocating and protecting their constitutional
8 rights. Thank you.

9 COUNCIL MEMBER LANCMAN: Thank you.

10 SARAH TIRGARY: Thank you, my name is
11 Sarah Tirgary and I'm President of the Assigned
12 Counsel Association of Queens family court, I also
13 sit on a New York City Association where all panels
14 of the New York City are actively participating. The
15 panel in Queens has been actively preparing for the
16 raise the age implementation, we've been active on
17 the raise the age advisory committee and as such have
18 been kept apprised of the implementation issues,
19 concerns and proposals. The panel along with ACS,
20 Legal Aid Society, Mayor's Office, DA's Office,
21 Corporation Counsel's Office, NYPD, Probation, New
22 York City Corrections and core personnel have
23 expressed our respective concerns and have bounced
24 ideas off of one another. The most recent meeting
25 involved a presentation by the Vera Institute of

2 criminal justice where we shared our, our ideas and
3 our concerns. Implementation is our primary concern
4 and the panel has already taken some major strides to
5 make sure we're ready. Our goal is to be able to
6 guarantee complete coverage of children in both
7 criminal and family courts as well as guarantee
8 continuity of representation. In preparation for the
9 October deadline the panel has been preparing to
10 dedicate as many attorneys necessary to ensure that
11 all delinquency cases are handled. Between legal aid
12 and the 18B panel we're confident that you will not
13 see one child unrepresented. We're prepared to have
14 at least one full time attorney sitting in criminal
15 court and more on standby so that if there are any..
16 are more than two in concert we're ready to, to take
17 over and to represent that child. The panel is in
18 further... in furtherance of being prepared for October
19 have taken the following steps; one, we are
20 interviewing additional applicants to the panel so
21 that we have at least 15 primary... five primaries on
22 intake in family court at every day. This will allow
23 us to dedicate qualified attorneys to the criminal
24 court so that they can stay in criminal court to
25 cover arraignments in the youth part. We've already

2 identified over 15 attorneys currently on the panel
3 who have either worked for the DA's Office,
4 Corporation Counsel's Office, Legal Aid Society or
5 have been on the criminal court 18B panel. All of our
6 attorneys are well versed in Article 3, many of our
7 attorneys have taken steps to reactivate the criminal
8 court 18B panel certification so that on days when
9 things are slow they can be more productive in
10 helping out in other ways. Mind you all of our
11 attorneys are certified to do delinquencies, this is
12 a mandate to be certified on the 18B panel. Our
13 attorneys... number two is our attorneys recognize the
14 need for one attorney to be assigned to a child and
15 remain on that case from beginning to end. We
16 understand that changing attorneys can be traumatic
17 to a child in and of itself leaving room for error
18 and misinformation therefor we're working hard to
19 ensure that whatever attorney picks up a child on
20 intake in the youth part keeps that case even if it's
21 transferred to family court. We're asking attorneys
22 with strong criminal law backgrounds to reactivate or
23 activate their certification in criminal court on
24 the... on the criminal court panel. When the criminal
25 panel was essentially disbanded we saw a large influx

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2 of highly qualified attorneys apply to the Queens
3 family court 18B panel, those attorneys are currently
4 including Miss Gordon-Galchus are currently on the
5 panel in Queens family court are... and very excited
6 about the anticipated influx. We've implemented...
7 [cross-talk]

8 COUNCIL MEMBER LANCMAN: Yep... [cross-
9 talk]

10 SARAH TIRGARY: I'm sorry.

11 COUNCIL MEMBER LANCMAN: The bell.

12 SARAH TIRGARY: Okay, quickly.

13 COUNCIL MEMBER LANCMAN: You're ready, is
14 what you were saying.

15 SARAH TIRGARY: Okay, so we're ready but
16 it's come to our attention that an RFP was recently
17 announced by the state seeking out bids from
18 institutional providers to provide legal
19 representation to juveniles in both criminal and
20 family court. We the 18B panel feel that this is a
21 huge mistake, without knowing what kind of case,
22 caseload increase we're looking at, contracting with
23 an institutional provider is a huge financial
24 commitment that can easily be avoided by simply
25 entrusting the panel to take on these additional

2 cases. Let me tell you why our attorneys, briefly,
3 our attorneys are the best attorneys available to
4 represent children in delinquency proceedings..

5 [cross-talk]

6 COUNCIL MEMBER LANCMAN: This, this is a,
7 a city RFP or a state RFP?

8 SARAH TIRGARY: State. Our attorneys are
9 in of themselves institutional providers, we do not
10 have to worry about a conflict of interest in
11 multiple responding cases, that's number one. Number
12 two, you're guaranteed accountability when it comes
13 to quality legal representation, our attorneys on the
14 panel are the only attorneys in the courthouse who
15 are evaluated by the jurors on an annual basis for
16 their professionalism and expertise. Three, our
17 attorneys are highly qualified.. [cross-talk]

18 COUNCIL MEMBER LANCMAN: Okay.. [cross-
19 talk]

20 SARAH TIRGARY: ...many of which have gone
21 on to become jurists themselves including Judge
22 Mendelson. Imagine a staff of private practitioners
23 who have qualifications equivalent to that of a
24 supervisor for an institutional provider, that's what
25 you get when you get an 18B attorney assigned to a

2 litigant. In the same vein our attorneys are
3 exceptional and possess qualifications and experience
4 which are comparable in some cases exceed the
5 qualifications of agency supervising attorneys and
6 institutional... [cross-talk]

7 COUNCIL MEMBER LANCMAN: I... [cross-talk]

8 SARAH TIRGARY: ...provider supervisors...
9 [cross-talk]

10 COUNCIL MEMBER LANCMAN: Alright, I'm
11 going to... I'm just going to interrupt and it's not...
12 because what you're saying isn't important... [cross-
13 talk]

14 SARAH TIRGARY: Uh-huh... [cross-talk]

15 COUNCIL MEMBER LANCMAN: ...the 18B versus
16 institutional provider debate manifests itself in
17 many ways and I think the committee's familiar with
18 it and... [cross-talk]

19 SARAH TIRGARY: Right... [cross-talk]

20 COUNCIL MEMBER LANCMAN: ...we got it.

21 SARAH TIRGARY: Okay...

22 COUNCIL MEMBER LANCMAN: Is that okay?

23 SARAH TIRGARY: That's fine.

24 COUNCIL MEMBER LANCMAN: We do, okay. So...
25 [cross-talk]

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2 SARAH TIRGARY: So... [cross-talk]

3 COUNCIL MEMBER LANCMAN: Well... [cross-
4 talk]

5 SARAH TIRGARY: To wrap it up you're...
6 [cross-talk]

7 COUNCIL MEMBER LANCMAN: In conclusion...

8 SARAH TIRGARY: In conclusion, we ask
9 that the city council be mindful of the fact that
10 you're getting more bang for your buck for lack of a
11 better term by entrusting the 18B panel in working
12 with the Legal Aid Society to cover the incoming
13 influx, the anticipated influx of juvenile
14 delinquency cases in both criminal and family court.

15 COUNCIL MEMBER LANCMAN: I, I would like
16 to meet with you offline, the association, the panel.
17 I've heard this a lot, we're not resolving the, the
18 big debate and... [cross-talk]

19 SARAH TIRGARY: Uh-huh... [cross-talk]

20 COUNCIL MEMBER LANCMAN: ...it's going in
21 the certain direction and that's what it is, but I
22 would like to meet with you and, and I understand
23 the, the challenges that the 18B community is, is
24 having and I, I would like to meet with you so let's,
25 let's set that up.

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2 SARAH TIRGARY: Thank you, I, I will...

3 [cross-talk]

4 COUNCIL MEMBER LANCMAN: ...be good...

5 [cross-talk]

6 SARAH TIRGARY: ...definitely contact...

7 COUNCIL MEMBER LANCMAN: Got it. You're
8 up.

9 ROBYN GOLDBERG: My name is... [cross-talk]

10 COUNCIL MEMBER LANCMAN: Three minutes
11 and not a second more.

12 ROBYN GOLDBERG: I'll try my best. My
13 name is Robyn Goldberg and I'm a Staff Attorney with
14 the Adolescent Defense Project at the Bronx
15 Defenders. The Adolescent Defense Project represents
16 our most vulnerable clients... sorry.

17 COUNCIL MEMBER LANCMAN: I didn't even
18 realize it because you project so, so naturally.

19 ROBYN GOLDBERG: Thank you.

20 COUNCIL MEMBER LANCMAN: Give her... give
21 her another three minutes.

22 ROBYN GOLDBERG: My name is Robyn
23 Goldberg and I'm a staff attorney with the Adolescent
24 Defense Project at the Bronx Defenders. The
25 Adolescent Defense Project represents our most

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2 vulnerable clients; 14, 15, and 16-year-old children
3 who are prosecuted as adults in the criminal court. I
4 provided a very lengthy written testimony, I'm going
5 to summarize it down to two main, main points. Number
6 one, children don't belong in Rikers and Rikers
7 shouldn't go with children. Number two, we need
8 continuous vertical representation between the
9 criminal court and the family court. As to the Rikers
10 staff I found myself in the odd position of agreeing
11 with the COBA representative that DOC staff do not
12 belong in ACS facilities, they do not belong in these
13 juvenile facilities... [cross-talk]

14 COUNCIL MEMBER LANCMAN: We, we get that
15 part and we agree with you, could you just talk...
16 [cross-talk]

17 ROBYN GOLDBERG: Awesome... [cross-talk]

18 COUNCIL MEMBER LANCMAN: ...about the other
19 part because that's a little more nuanced and, and
20 maybe we can have some part two, vertical
21 representation.

22 ROBYN GOLDBERG: Yes... [cross-talk]

23 COUNCIL MEMBER LANCMAN: And, and what
24 are the choices that are being made and how can we
25 change them?

2 ROBYN GOLDBERG: So, every child should
3 have the same lawyer from beginning to end, a lot of
4 these cases are going to transfer buildings, they're
5 going to transfer from criminal court to family
6 court, but the allegations are going to be the same
7 and the clients are going to be the same and therefor
8 the lawyer should also be the same. Anytime a case is
9 transferred from one lawyer to another knowledge is
10 lost, one lawyer can give the next lawyer a DVD but
11 can't accurately communicate their impression of a
12 witnesses' body language or credibility, cannot,
13 cannot give over the trust of the client's family and
14 most of all can't give over a report that is already
15 built with the client. So, anytime a case transfers
16 from one lawyer to another there are losses, those
17 losses hurt the case, those losses hurt the client.
18 In particular teens are slow to trust adults they
19 don't know, this is what I do almost exclusively and
20 I know that there's no way I can get a teen to trust
21 me if I tell that teen that I'm going to disappear
22 out of their lives after two weeks or a month but
23 those two weeks or a month could be the most critical
24 part of their case that is when witnesses minds are
25 fresh, that is when surveillance footage has not yet

2 been erased and so if I can't get a client to tell me
3 who I need to talk to and what I need to find they
4 may lose their case.

5 COUNCIL MEMBER LANCMAN: Got it, you, you
6 persuaded us on the importance of that, what choices
7 should the city be making or should be made in this
8 process that you're concerned are not being made?

9 ROBYN GOLDBERG: Well for, for us to be
10 able to transfer when, when we arraign clients in the
11 criminal court for us to be able to transfer with
12 them to the family court there does need to be a new
13 contract, new funding and so we would like to the
14 city council to support that.

15 COUNCIL MEMBER LANCMAN: Have you
16 discussed that with... I don't... I, I'm sitting here, I
17 don't want to form an opinion on that and our friends
18 might have different points of view... [cross-talk]

19 ROBYN GOLDBERG: Certainly... [cross-talk]

20 COUNCIL MEMBER LANCMAN: So, let me know
21 the state of play, have, have you discussed that with
22 MOCJ and, and what do they... what's their thinking on
23 this?

24 ROBYN GOLDBERG: So, I know that... I think
25 it's been a slightly more informal RFP has gone out

2 and we are responding to it, I'm... I personally am
3 unclear on MOCJ's opinion, on how favorably they're
4 going to look on this.

5 COUNCIL MEMBER LANCMAN: Okay, thank you,
6 good?

7 ROBYN GOLDBERG: Very briefly, I would
8 like to touch on the adjustment process when, when
9 children are diverted into programming instead of the
10 case being filed hopefully in family court that
11 attorneys are needed during that time as well because
12 teens they may be confused, they may be lost, they
13 may have difficulty in completing those requirements,
14 they can't confide in probation officers no matter
15 how nice they are because those probation officers
16 are the ones who are responsible for reporting
17 noncompliance which will result in a petition being
18 filed in family court...

19 COUNCIL MEMBER LANCMAN: And, and that
20 interaction is before counsels been assigned?

21 RONNA GORDON-GALCHUS: That's right.

22 ROBYN GOLDBERG: When cases start in
23 family court that happens before counsels assigned
24 when they're arraigned in the youth part in criminal
25 court and then they go to family court adjustment

2 will be right in the middle there and so they may
3 already have counsel and that's... if it's the same
4 counsel between criminal court and family court then
5 we've already got that counsel during the adjustment
6 process.

7 COUNCIL MEMBER LANCMAN: But if it's
8 different counsel it'd still be counsel?

9 ROBYN GOLDBERG: It, it ought to be
10 counsel, it should be the same counsel but at any
11 rate, yes... [cross-talk]

12 COUNCIL MEMBER LANCMAN: Okay... [cross-
13 talk]

14 ROBYN GOLDBERG: ...there should
15 absolutely... [cross-talk]

16 COUNCIL MEMBER LANCMAN: But that, that...
17 [cross-talk]

18 ROBYN GOLDBERG: ...be counsel... [cross-
19 talk]

20 COUNCIL MEMBER LANCMAN: ...that adjustment
21 process that's not different than, then the way
22 things are now it's just there's going to be a lot
23 more of it, right?

24 ROBYN GOLDBERG: Adjustment currently
25 exists so it's, it's always a precursor to family

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2 court because currently we don't have the transfer of
3 criminal to family but it's my understanding that
4 attorneys are not always assigned at that point.

5 COUNCIL MEMBER LANCMAN: Got it, okay,
6 good, good?

7 ROBYN GOLDBERG: Good.

8 COUNCIL MEMBER LANCMAN: Yes, please.

9 AMY ALBERT: Hi, I'm Amy Albert, I work
10 at Brooklyn Defender Services, I started my career
11 with... at the Juvenile Rights Project representing
12 kids in delinquencies and now I represent
13 predominantly the kids in our adolescent diversion
14 part in Brooklyn and unlike most of the people who
15 are here today I really wanted to talk to you about
16 what's happening with our kids who are out and
17 particularly the kids in misdemeanor cases. I'm very
18 concerned about the net widening and also the
19 possibility that our young people 16 and 17 years old
20 who are charged with things like marijuana possession
21 like popping a turnstile, like larceny are going to
22 end up in positions where they're not getting the
23 immediate proportional consequences of alleged
24 criminal behavior with short sentences that we're
25 currently doing in APY and... [cross-talk]

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2 COUNCIL MEMBER LANCMAN: So, just... what I
3 understand I've heard this that for, for a lot of
4 these young people... [cross-talk]

5 AMY ALBERT: Uh-huh... [cross-talk]

6 COUNCIL MEMBER LANCMAN: ...and, and
7 correct me if I'm wrong and, and maybe I'm saying it
8 in the wrong way they're... it's better for them to be
9 in criminal court than in family court?

10 AMY ALBERT: Well it... [cross-talk]

11 COUNCIL MEMBER LANCMAN: Is that the...
12 [cross-talk]

13 AMY ALBERT: ...depends... [cross-talk]

14 COUNCIL MEMBER LANCMAN: ...essence of it?

15 AMY ALBERT: So, there's the adjustment
16 process and we don't get the adjustment process in
17 criminal court so there are a number of these kids
18 who will have their cases adjusted and that's the
19 best of all situations because they're not being
20 touched by the court process at all however currently
21 in criminal court for those... we have 16 and 17 year
22 olds who are getting very limited sentences sometimes
23 at arraignments, almost always without a criminal
24 record when it's misdemeanors, very, very few of our
25 kids go to jail. I represent a, a caseload of more

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2 than 100 misdemeanants in, in criminal court right
3 now, I have not a single kid in jail or who is
4 planning on going there. So, it, it's also true that...
5 it's also true that... [cross-talk]

6 COUNCIL MEMBER LANCMAN: You were just
7 telling me how much you enjoyed being your intern...
8 [cross-talk]

9 AMY ALBERT: Oh, yeah, thank you... [cross-
10 talk]

11 COUNCIL MEMBER LANCMAN: By the way
12 everyone Brian... this is Brian Crose, this is his last
13 hearing.

14 AMY ALBERT: Hi Brian...

15 COUNCIL MEMBER LANCMAN: We, we're going
16 to miss him very much so... we're not taking this out
17 of your time but... [cross-talk]

18 AMY ALBERT: Oh, thank you.

19 [applause]

20 AMY ALBERT. So, Brian was awesome as an
21 intern.

22 COUNCIL MEMBER LANCMAN: And sincere.

23 AMY ALBERT: And I, I imagine he's good
24 there too. So, one thing I did want to tell you about
25 this is that I think city council can play a role

2 here, I, I would ask you to consider using your
3 monitoring function very carefully in comparing
4 what's happened. You could do that by asking for
5 reports that we don't always get from family court
6 because of privacy considerations and, and
7 specifically from probation, from court counsel, from
8 ACS what's happening with these misdemeanor cases? I
9 have to tell you that I have kids who I've
10 represented in... well the vast majority of the kids I
11 represented in the 15 years that I've been
12 representing adolescents are focused intensely on
13 fairness, they say it's not fair so many times during
14 the time I'm representing them I just can, can't
15 explain it and my worry about what's going to happen
16 with these misdemeanor cases is that we're going to
17 lose them, that if what happens is that they get
18 worse sentences, I was really concerned when I heard
19 MOCJ's testimony about the risk assessment instrument
20 that they're proposing that's going to create high
21 risk categories for my kids who are now having no
22 monitoring whatsoever before they make an admission
23 or are found guilty who are now going to be in
24 situations where they're getting programming,
25 intensive programming because they smoked a joint on

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2 Ebbets Field and... at 17 and, and they're going to
3 tell me that that's not fair...

4 COUNCIL MEMBER LANCMAN: And again, the
5 reason for that is they're going to family court as
6 opposed to criminal court... [cross-talk]

7 AMY ALBERT: Right... [cross-talk]

8 COUNCIL MEMBER LANCMAN: Where it would
9 probably get, you know resolved right there and..
10 [cross-talk]

11 AMY ALBERT: Where there be a marijuana
12 ACD either at arraignments or in the first session.

13 COUNCIL MEMBER LANCMAN: What I'd like to
14 do and if the... if the... we, we got a meeting we want
15 to do with the 18B folks, that's a different
16 conversation... [cross-talk]

17 AMY ALBERT: Yes... [cross-talk]

18 COUNCIL MEMBER LANCMAN: ...I, I would like
19 you to sit with my Chief of Staff... [cross-talk]

20 AMY ALBERT: Yes... [cross-talk]

21 COUNCIL MEMBER LANCMAN: ...one thing that
22 counsels good at is requiring reporting... [cross-talk]

23 AMY ALBERT: Yeah... [cross-talk]

24 COUNCIL MEMBER LANCMAN: ...of information
25 but maybe there's something that we could like bake

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2 into the data and analytics piece of the, the, the
3 over... you know task force that's, that's implementing
4 this so, let's, let's, let's do that because this is...
5 that's important stuff and... [cross-talk]

6 AMY ALBERT: Thank you... [cross-talk]

7 COUNCIL MEMBER LANCMAN: ...the things
8 you're talking about in particular is why my
9 committee was created... [cross-talk]

10 AMY ALBERT: Yes... [cross-talk]

11 COUNCIL MEMBER LANCMAN: ...so we're going
12 to do that.

13 AMY ALBERT: I want to also mention with
14 regard to the monitoring piece and then I'm done that
15 the federal law requires that kids in juvenile
16 delinquency proceedings are subject to certain kinds
17 of demographic work, there's statistics that are
18 collected in delinquency proceedings specifically on
19 disproportionate minority contact with the juveniles
20 justice system but the funding that comes with that
21 is specific to delinquency proceedings and in our
22 specific situation our adolescent offenders, the kids
23 in felony proceedings are not going to be in that
24 category so we're going to need to monitor in the
25 same way for those kids and I just ask that the

2 council look at that specifically, I'm very worried
3 about monitoring disproportionate minority contact
4 particularly for the kids who are remaining in our
5 felony situations.

6 COUNCIL MEMBER LANCMAN: Got it, okay.
7 Sir.

8 SERGIO DE LA PAVA: Thank you, I'm Sergio
9 De La Pava from New York County Defender Services. I
10 want to focus slightly on what, what's mostly going
11 to change in... on October 1st in, in supreme and
12 criminal court of this city which is that 16-year
13 olds charged with felonies will start out in... as
14 adolescent offenders in this special courtroom and I
15 would from reading the statute I would guess that
16 probably a majority of them will then go to family
17 court. So, what essentially is going to happen
18 starting October 1st is a whole new practice area is
19 going to be created and it's going to require
20 attorneys who are capable of representing the child
21 in this AO part or this youth part and.. but then also
22 capable of following that child to family court a
23 majority of the time and that's, that's a rarity in
24 our system and if we value continuity, you've heard
25 that word a lot this afternoon we obviously value

2 continuity of legal representation for the reasons my
3 colleagues have pointed out. When you're talking
4 about our most vulnerable population you don't want
5 them meeting a new lawyer in the middle of the stress
6 of a criminal prosecution, you want that lawyer that
7 they first met, that lawyer that their family met,
8 that social worker, that investigator that they met
9 in, in Manhattan or probably be in part 73, you want
10 them to know that that's a friend for life for
11 somebody's whose going to battle for them in the
12 criminal justice system. When the case goes to family
13 court however you're talking about from my
14 perspective a completely different world just
15 different, different rules, different laws, different
16 outlooks. We as an office, as the second largest
17 public defender office in Manhattan County we prize
18 preparation and certainty, we want certainty, we want
19 to know that we're going to follow these children, we
20 want to be able to prepare for that not just through
21 training but through hiring and through facilities
22 and logistical support so what I would urge this
23 council to bear in mind is that, you know we're not
24 that far away from this date, October 1st, we blink
25 it's going to be here. the institutional defenders

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2 need certainty, they need resources to prepare for as
3 I said a creation of an entirely new practice area
4 that has not heretofore existed. Thank you.

5 COUNCIL MEMBER LANCMAN: Thank you. Good,
6 thank you all very much.

7 SERGIO DE LA PAVA: Thank you.

8 AMY ALBERT: Thank you.

9 COUNCIL MEMBER LANCMAN: You all know
10 what you need to follow up with so...

11 ROBYN GOLDBERG: Yes, thank you.

12 CHAIRPERSON KING: Thank you. Okay, next
13 panel oh lord forgive me; Five Nahalaminock [sp?],
14 did I say that right? If they're still here. Grant
15 Cowles, Coles; Rob De Leon; Nicole Tripit, are you
16 still here? Hey, Nicole's still here, is Grant still
17 here?

18 GRANT COWLES: Yes...

19 CHAIRPERSON KING: Alright, Grant's here,
20 is Rob De Leon still here? Rob, Rob is here and is
21 Five Nahalaminock... okay and going to make me say this
22 again, Nahalaminock, guess not. Five Namalimock, okay
23 not here, okay. That just, just came off, right?
24 Okay. Okay, thank you please... three of you in any
25 order you have particular go, we're going to stick

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2 within the three-minute timeline, we still have four
3 more panels to go so we're asking you please respect
4 your next panelists so... thank you, you can start if
5 you'd like, whoever wants to start... [cross-talk]

6 NICOLE TRIPLETT: Is it okay if I go,
7 okay? Hi, thank you committee for your patience and,
8 and for inviting us. I'm Nicole Triplett with the New
9 York Civil Liberties Union, ACLU of New York. I'm
10 going to make my testimony very, very quick. So,
11 NYCLU is an affiliate of, of the American Civil
12 Liberties Union, we're not for profit, nonpartisan
13 organization and our mission is to promote and
14 protect the fundamental rights, principles and values
15 embodied in the Bill of Rights and the US
16 constitution and the New York constitution as well.
17 One of our priorities is ensuring that youth who
18 enter the justice system are treated in a manner that
19 is humane, just and age appropriate. With that
20 priority we are here to discuss the... calling the city
21 to reconsider using the Department of Corrections
22 off... correction officers when guarding adolescents
23 detained on... in, in family... in ACS. So, we're, we're
24 concerned about three things; we're concerned that
25 the city's proposed plans to implement the first

2 phase of the raise the age will not accomplish the
3 law's intended goals as my colleagues have said will
4 fail to address the problems faced by youth at Rikers
5 and as COBA has mentioned there will end up
6 replicating some of the worst... some of the same
7 problems at Rikers because the corrections officers
8 are not well equipped to address the unique needs of,
9 of youth. We've seen this firsthand the unique needs
10 of the youth, we litigated a case in Onondaga county,
11 our case we... at... we sued the Onondaga County justice
12 system in Syracuse for holding 16 and 17 year olds in
13 solitary confinement for 23 hours, rejecting
14 educational and program, programing needs and we
15 were... we received a favorable ruling, the court found
16 that the, the county knew of the... of the risks to
17 their harm because of the unique needs that youth
18 need and... but yet disregarded those and, and likely
19 violated their constitutional rights. We come here
20 today knowing this and, and really just trying to
21 echo everything that's been said and the concerns
22 that have been raised about having correction,
23 correction officers guard 16 and 17 year olds when
24 we're trying to move into a phase of true juvenile
25 justice and if we're really going to try to address

1
2 the, the issues that we see right now in Rikers then
3 we have to make sure that those guarding our youth in
4 these new specialized facilities are equipped with
5 actually meeting the needs that we saw in Onondaga
6 county. Thank you.

7 ROB DE LEON: Good afternoon or, or good
8 evening. My name is Rob DeLeon, I'm testifying today
9 on behalf of the Fortune Society and let me start by
10 thanking the various members and staff of the council
11 for, for attending today's hearing, the Committee on
12 Juvenile Justice and the Committee on the Justice
13 System for hosting the joint hearing and, and
14 everyone else present today. Implementing raise the
15 age presents an opportunity for New York City to
16 demonstrate a sense of humanity towards 16 and 17-
17 year olds after, after decades of injustice, unfairly
18 treating children as adults, ensuring that New York
19 City is strategic and considerate in their actions to
20 effectuate this policy change is something I'm
21 personally passionate about... passionate about. This
22 passion comes from my professional experience
23 interacting with young people over the past 15 years,
24 an alternative to incarceration and reentry
25 programing. Young people who are treated as adults

2 and incarcerated on Rikers Island as a result. This
3 passion also comes from my personal experience having
4 been charged myself as an adult and incarcerated on
5 Rikers Island at the age of 17. Spending time on
6 Rikers Island does change people, young or old but
7 not necessarily for the better. Having spent eight
8 months there myself I know firsthand that Rikers is a
9 place where violence and anger festers, where
10 feelings of fear, rage, isolation and frustration are
11 mutually shared by the people incarcerated and the
12 officers, the difference is that officers should
13 never allow these feelings to manifest in acts of
14 violence and they should be equipped with the
15 training and professionalism required to comport
16 themselves in a way that understands or at minimum
17 acknowledges the trauma young people are experiencing
18 as a result of these conditions and I have a scar on
19 my forehead as a result of being assaulted by two
20 officers which attest to this point. While I do
21 acknowledge and appreciate the progress that has been
22 made at Rikers towards programming and training for
23 teenagers it is not a substitute for their placement
24 in the youth justice system designed specifically
25 with their needs in mind and staffed by people with

2 proper training to meet those needs. Instead in the
3 current system no clinical background is required for
4 officers working with young people, insufficient
5 training is provided, and officers work long shifts
6 with too few personnel and they carry extreme power.
7 This power not only penetrates the air on Rikers but
8 it also... it is also felt in the community via
9 powerful union with the genders and narratives
10 constantly portrayed in the media. The culmination of
11 these dynamics leaves the incarcerated young people
12 with the perception that officers are untouchable and
13 that they are undesirables. Under raise the age the
14 city must move all 16 and 17-year olds off Rikers
15 Island by October and we must not allow state funding
16 cuts or the failure to transfer the Ella McQueen
17 center to generate delay. Removing all youth under 18
18 from Rikers Island is a critical step forward that we
19 must take immediately. I'll just summarize my, my, my
20 testimony by saying that, you know I echo everyone
21 that's been up here that, that feels that, you know
22 young people shouldn't be guarded by the correction
23 officers at Rikers Island, it, it... you know and it is
24 my personal experience that the culture of violence
25 on Rikers Island isn't something that's contained to

2 the buildings there, it's something that's
3 perpetuated by the staff and you know everyone that
4 is, is responsible for the young people that are
5 there and so, you know we need to be very mindful of
6 this, we need to have clinical staff, staff that are
7 youth center... youth, youth... excuse me, development
8 center and trained to, to, to watch after our kids.

9 GRANT COWLES: Good afternoon, my name is
10 Grant Cowles, I'm the Senior Policy Associate for
11 Citizens Community for Children. COMMITTEE CLERKC is
12 a multi-issued child advocacy organization, we've
13 been long advocating for raise the age and we're
14 excited to advocate for its implementation now. Thank
15 you, Chairman King and the rest of the council
16 members and councils, for holding today's hearing. My
17 written testimony includes full comments, I'm going
18 to jump straight into a brief summary of the
19 recommendations and I'm going to organize it by the
20 city agency but first a quick adlib. COMMITTEE CLERKC
21 would not support delaying the implementation of
22 raise the age, while we acknowledge there's a lot of
23 struggle... or a lot of challenges with meeting the
24 October 1st deadline we believe that this has been
25 delayed for many, many decades too long and that

2 delaying it any further would be an injustice. So,
3 regarding the NYPD and policing we... after arresting
4 a, a 16 or 17-year-old the police must notify a
5 parent, our recommendations that they not simply call
6 but this contacting the parent must be meaningful and
7 encourage the parent to come meet and support their
8 child in the process. Second, if the police does... do
9 have challenges getting the parent to come down to...
10 or meet the child that they do not resort to the
11 convenient shortcut of using detention that that is
12 never the solution that they have, do not resort to
13 using detention if they can't get the parent or have
14 trouble getting the parent to come down they should
15 drive the child to the parent's house for instance.
16 Regarding probation, first we recommend that they do
17 increase the juvenile probation officer capacity,
18 hire more staff, second that they use services that
19 are effective for 16 and 17-year olds which may be
20 different than the services they currently use now
21 for younger children and third critically that they
22 use adjustment and use it as much as possible, that
23 is the backbone of, of, of many of the benefits of
24 the juvenile justice process. Regarding detention, we
25 agree with the... what's been said many, many times

2 that the DOC staff do not... should not be used in
3 these juvenile facilities. If DOT staff are used
4 which we hope not but we recommend that, that DOC
5 are... never come in contact with other populations of
6 youth, that DOC staff are chosen that have an
7 interest and a skill working with youth, that these
8 staff are selected and begin training very, very
9 soon, that the training is extensive and covers the
10 appropriate methods to work with youth and that ACS
11 staff are always present and supervised as DOC in
12 these facilities. And finally, regarding detention
13 that they... it was mentioned but we'd encourage them
14 to limit the unnecessary use of detention
15 particularly for the short stays, we don't believe
16 those ever should be detained in the first place.
17 Finally, regarding placement in close to home, we
18 encourage... we recommend that the capacity is
19 expanded, we recommend that the services are still
20 robustly available which is a great benefit of the
21 close to home system now and finally that they
22 improve the feedback to close to home providers about
23 the youth outcomes, six months, 18 months, three
24 years out which is not currently done. Thanks.

25 [off mic dialogue]

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2 CHAIRPERSON KING: There's a... there's a
3 disconnect between everyone who's testifying
4 according to what the administration is saying today
5 so we got to fill that gap and because if we don't
6 October 1st will not be a reality. Thank you again.

7 GRANT COWLES: Thank you.

8 CHAIRPERSON KING: Next panel; Guseli
9 [sp?] Cucastro [sp?]; Sergio De La Pava, New York
10 County Defender Service; Amy Albert, Brooklyn
11 Defender Service; Paige Pierce, Family Together, are
12 they still here? Oh, okay, that's good to know,
13 alright, let's put that over here then. Roy Benton,
14 did they give me the... Roy Benton; Carolyn Lesser;
15 Julie Peterson; Annie Minguéz, what's her name? Say
16 again? Oh, you guys are the last... yeah, ah I saved
17 the best for last. Okay, that panel again, are we
18 here, this is what we have the two of that panel,
19 okay that's Carolyn Lesser if you're here and Annie
20 Minguéz I see there; Roy Benton is there; and Julie
21 Peterson is gone for the day, okay. There's only... is
22 Chris Norwood here? That's Chris, is Kevin Holmes
23 here? and then Celia Green here? Well I'll tell you
24 what... just, just come on... come on and join us in this
25 last round, there you go. Thank you. As I was told by

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2 a wise book I read and a wise, wise woman I... that
3 taught me that you save the best for last so, so you
4 guys are the last panelists of the day so we're
5 looking forward to hearing your testimony that takes
6 us to the hump and connects all the dots of all the
7 stuff we heard today. So, you four... five can organize
8 however who wants to go first just state your name
9 for the record and we're glad to hear from you, you
10 have three minutes asking us all to stay within that
11 three minutes, if you only want to use one minute
12 that's your choice.

13 ROY BENTON: Okay. First of all, how is
14 everybody doing, I see it's empty now so it's more
15 intimate, it's more like family. Okay, first off, my
16 name is Roy Benton. Right now I'm representing
17 Theatre of the Oppressed NYC, I'm an actor as well as
18 a criminal justice delegate so basically what we do
19 at TONYC is we, we raise awareness about all the
20 criminal injustices in our communities and we
21 showcase that and we raise the awareness on the stage
22 using that as a platform to basically show people
23 what's going on in the communities and we do it
24 through acting and we also give the audience an
25 opportunity to get on the stage after they see what's

2 going on, they have an actual chance to act out maybe
3 what they would have done different in the scenario
4 so, you know right now I don't have, you know our
5 whole team with us at, at this moment but I can just
6 do a quick little monologue just to give an example
7 of what the after effect of what not... what, what
8 happens when we don't raise the age, okay. So, this
9 is it, are you serious, no you got to be joking me,
10 I, I, I did everything I was supposed to do, I came
11 on time, I'm, I'm dressed, I'm, I'm here, I'm... Mr.
12 Burns you, you can't seriously be firing me. What am
13 I going to tell my wife, what am I going to tell my
14 kids, I mean I did everything I was supposed to do, I
15 never did anything wrong, I'm... are you serious just
16 because of a felony, a crime I committed when I was a
17 teenager and to be honest between me and you I never
18 even... it doesn't even matter, of course you don't
19 believe me, right, you only believe what's on the
20 paper, just like everybody else. Sir, if there's
21 anything I can do can you please just let me keep my
22 position, I can't go back to the streets, I just
23 can't, I was young, I was locked up and the
24 correction officers they didn't treat me well, I'm
25 sorry to be getting into this right now sir but I

2 just want you to feel my pain, I've been going job
3 after job filling out application after application
4 and they can't seem to see past what's on my criminal
5 record sir, I'm just asking you better yet I'm
6 begging you please just give me a chance to show you
7 that I'm not the person that you see on this piece of
8 paper here, that's all I'm asking because if you
9 don't who will. Thank you. And that was just a brief
10 example of basically someone that obviously, you know
11 he was fired from his job and that was kind of like
12 his last straw obviously we can go more into depth
13 and detail with that but that's just an example
14 because obviously he has nowhere else to turn so
15 given the current circumstances, you know where do
16 you think he'll turn obviously he has no place out in
17 the work field so he'll probably, you know referring
18 back to the streets which will land him back, you
19 know behind bars which is the, the system continuing
20 the same injustice so... that's it, no problem.

21 ANNIE MINGUEZ: So, my name is Annie
22 Minguez, I'm the Director of Government and Community
23 Relations for Good Shepherd Services and I think for
24 a lot of... you've heard already a lot from my
25 colleagues who are a part of the raise the age

2 coalition. I want to thank you for this hearing and
3 also for ensuring that young people who are exiting
4 Rikers are treated with dignity and respect. It is
5 our hope that young people in... have an environment
6 that promotes trauma informed approaches that focuses
7 on what happened to them and not necessarily what's
8 wrong with them. I want to reiterate what you've
9 heard today, we do not believe that young people
10 should be supervised by DOC officers and recognize
11 that doing so will bring over a culture of violence
12 that goes against the spirit of the law. Just a few
13 months ago my colleague and I were before this
14 committee talking about the importance of youth and
15 family development and also trauma informed practices
16 and the importance that any new facilities have these
17 as a, a foundation. I wanted to talk with you about
18 our cure violence work, Bronx rises against gun
19 violence I... is a program of Good Shepherd Services
20 also located in Chairman King's district, they go
21 into Horizons, they're doing this work already and
22 there are several cure violence programs that are
23 doing it. So, I ask that, that, that you continue to
24 ask ACS about how they're also leveraging the cure
25 violence community and other credible messengers to

2 help in the new facilities whether it's when they're
3 doing the restructuring of the position, whether
4 they're going to be thinking about credible
5 messengers as potential individuals that they could
6 be bringing into the, the new facilities. We have
7 seen lots of great results when we have done work in
8 the community with young people in youth justice
9 programs that either they've... because they've been in
10 the juvenile justice system or because they're at
11 risk of doing it and those results include, there's a
12 reduction in recidivism which I can't... my tongue is
13 tied, it's a long day and I haven't had lunch and,
14 and also a strong... a stronger sense of belonging in
15 community and at home and just kind of like that
16 partnership that happens also with our young people
17 and our staff. We have lots of different workforce
18 development opportunities and I think that that's
19 what you've probably heard today as well is that this
20 is a population that's going to need a focus on
21 workforce development, so I look forward to kind of
22 hearing more about those kinds of programs. We also
23 work in non-secure placement facilities and at our
24 residence our, our staff are working with young
25 people, they're, you know ensuring that they're

1 education is being advanced so they're... you know I
2 look forward to continuing to be part of the
3 conversations with ACS, some of us have been in
4 meetings with them but also to talk with them through
5 kind of like what the look... what it looks like, you
6 know in practice and I think that those were some of
7 the concerns that you all brought up today, so thank
8 you so much for doing so.

10 CHRIS NORWOOD: Attention and concern of
11 the Chairs to stay here, it, it is a privilege, I'm
12 also going to talk about programs that work for our
13 youth because they are programs that support and
14 empower the community itself to help youth build
15 their lives. These kinds of programs powerfully
16 address the concerns today. My name is Chris Norwood,
17 I'm Executive Director of Health People, a pioneering
18 peer educator driven health education and disease
19 prevention organization founded in the South Bronx in
20 1990. Originally of course we worked a lot with
21 adults but we, we really wanted youth to have the
22 same opportunity to participate in improving their
23 own lives in communities, we have done this through
24 two mentoring programs. The first is Arches, the City
25 Department of Probation sponsored program in which

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2 older men with a criminal justice history mentor
3 older teens and young men on probation. The outcomes
4 for Arches are evidently the best that have ever been
5 seen in New York in the field of juvenile justice.
6 The rearrests rate of young men in this program
7 plunges by 69 percent within 12 months and actually
8 the largest impact is seen among 16 and 17-year olds.
9 Very important about this program, detailed
10 evaluation has concluded that it works so well
11 because the mentors having overcome their own
12 problems are credible to the youth and these mentors
13 are remarkably determined knowing themselves that
14 people can overcome a difficult past to see that
15 youth do too. At Health People, we have 48 Arches
16 participates in the past, past year all on probation,
17 30 were successfully put in jobs and 13 went back to
18 school. I'm just going to repeat, we also have an
19 extraordinary program called Kids Helping Kids where
20 16 and 17-year olds with difficult lives themselves
21 are mentors for the younger kids, the turnout from
22 that is also extraordinary. People have mentioned
23 here, I'm not aware that there's like an overall
24 committee looking at the programing for this
25 transition but we haven't really heard that much

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2 about programming today and it's kind of painful if,
3 if you've seen that New York City has made, you know
4 some really, really good programs and I don't see any
5 plan for bringing them forward, I mean they may
6 accidentally get in there because something has to
7 happen but I, I don't see a real plan. The Department
8 of Probation evidently will have many, many more
9 youth and hear they have this program that's in... and
10 I... you know I really give them credit, it was the
11 first time they ever contracted with community groups
12 that way, they made a decision that it should not be
13 run by the central agency and as we see the results
14 for that worked out outstandingly so I just would
15 suggest somehow we could have more overall focus on
16 not just programing but how the community is going to
17 be brought in to help build a good conclusion and
18 Kevin can introduce himself but he's a mentor in our
19 Arches so I guess it would be a nice ending to, today
20 for him to tell some of the work he's done with these
21 young people and how it's worked out.

22 KEVIN HOLMES: Good afternoon, my name is
23 Kevin Holmes, I work with Chris at Health People and
24 I've been with Arches from the start, you know I sat
25 down with the... with, with the probation officers over

2 here on Beaver Street and we came up with a plan on
3 how we can be able to serve our youth especially in
4 the Bronx because at that time the Bronx was like out
5 of control. So, what, what we did was we sat down, we
6 made a plan and I started recruiting, you know some
7 of the youth to come to my... come to our program
8 because I'll go to the... to the... to the neOn centers
9 and they get referred from their probation officer to
10 our program and I helped them with whatever, whatever
11 they need, I told them whatever you need, you know
12 let's, let's talk, you know some, some want school,
13 some want jobs, you know some, some of them they
14 just... they just need somebody to talk to, you know
15 and I, I'll be there for them, you know I... that's,
16 that's just the main thing, I'll be there for them
17 any time of day. I told them I said just don't call
18 me... if you get... if you hop the subway don't call me
19 because I ain't coming to get you. Well, well you
20 know like as far as you all were talking about
21 earlier about the raise the age I think that's a good
22 thing, raise the age, you know why because a 16 and
23 17 year old youth, he's still at that molding age,
24 you know if you got adults there in his ear, you know
25 they can... they can... they can mold this child to be

2 anything so he could even be a rocket scientist or he
3 could be a monster so, so, so to prevent that, you
4 know if you move them out of that situation you don't
5 have to worry about this child, this child might
6 could grow up to be, you know one of the... one of the
7 best ones in the neighborhood. That's all.

8 CHAIRPERSON KING: Uh-huh.

9 CELIA GREEN: Good evening. My name is
10 Celia Green and I'm representing the Citywide Council
11 on High Schools, I'm a parent and family and
12 education advocate specifically and I specialize in
13 special ed more so than anything else. I was happy to
14 hear about the raise the age because I just genuinely
15 believe in the power of redemption but I do have a
16 couple of concerns because with the city I would love
17 to know how it's going to effect the district 79
18 which is a citywide district which comes... falls under
19 high schools but they're high school specifically for
20 students who are over aged and under credit so I'm
21 assuming that a lot of youths that are coming back
22 into the school system from Rikers and other
23 facilities may end up in these D79 programs which are
24 usually very good programs and they do help kids to
25 find their way and they do provide a lot of supports

2 but I would like to know if children in... if students
3 and, and youth that are coming out are going to be
4 geared towards these programs or if they even know
5 they exist, you know in terms of trying to get their
6 lives on a better track and how... if so are they going
7 to increase the amount of district 79 programs that
8 are offered because right now we only have about 50...
9 citywide we only have about 50 D79 programs all
10 together, they usually have somewhat low enrollments
11 so maybe 200 kids at any given site is... you know is
12 high for them and they would need to be ready with
13 more services and more counselors because there are
14 counselors there but more counselors, more... you know
15 people to deal with kids that have maybe IEPs, kids
16 that don't and just have... need services in general
17 so... I'd really like to see how it's going to fit into
18 that, I have not heard and I'm sure most parent
19 members on these councils have not heard, the
20 education councils that is, have not really heard
21 about what the exact plan is. In terms of children
22 coming into the DOE that do need more services, in
23 terms of the youth that are coming in or accounting
24 for the youth that are going to be coming in and
25 where they're going to be placed and, you know them

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2 just helping them and so... because right now it's hard
3 enough, I'm a parent with three still in school,
4 three high schoolers, I am in... I have three in D75
5 right now which is as you know a special needs
6 district and even with that we have problems getting
7 service providers and, and I would hate to see
8 children come into the system that's not ready to
9 support them and no one has really talked about it
10 and I think the devil is in the details, it's, it's
11 about implementation and I don't think that there's
12 been a good... the city's been good about, you know
13 communication or at least communication in terms of
14 what the implementation is going to look like and
15 stuff because I really want students to succeed, it...
16 all students to succeed so it is a concern and I'd
17 really like to hear more details about what they're
18 going to do in terms of these kids and their
19 education and stuff because if you don't have an
20 education you're really not going to be guided in any
21 way. Thank you.

22 CHAIRPERSON KING: Well, I want to thank
23 you and thank you all for enduring the day. We
24 started out the day with community and we're ending
25 up the day with the community. There's a lot more

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2 conversations that need to be engaged in I've got to
3 say and as... I know our Chair... Co-chair we feel the
4 same way that while we have got... received some
5 information today we're disappointed in what was fed
6 to us today, I think there, there could have been
7 more information, could have been a better job and
8 really a clear cut plan should have been delivered to
9 this committee to let us know exactly what stages you
10 are at in, in implementing raise the age and touching
11 on all the factors whether it's counseling or whether
12 it's protection or whether it's housing or whether
13 it's schooling and education, I think... and, and more
14 importantly the people who are going to be delivering
15 all these services at the same time, I don't think
16 that message came clearly across other than your
17 honor who was very... Judge Mendelson was detailed in
18 her responses to help us understand. So, we're going
19 to be sending out... I know I'm going to send out... put
20 in on... I'm going to send a letter to the
21 administration about today's hearing and asking them
22 to, you know work with the individuals and everyone
23 that needs to come to the table, they need to... within
24 193 days or 197 days, it's going to be a touch
25 challenge but having the reality... a reality check on

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where we are and trying to deliver on this mandate from the state so Co-chair if you have any final remarks with, with that all being said thank you everyone for their endurance today. This meeting is adjourned.

[gavel]

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

May 15, 2018