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THE COUNCIL OF THE CITY OF NEW YORK

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Hon. Keith Powers, Chair

COMMITTEE ON CULTURAL AFFAIRS

Hon. Jimmy Van Bramer, Chair

December 18, 2018

Oversight: Department of Probation Arts Programming

I. INTRODUCTION

On Tuesday, November 18, 2018 the Committee on Criminal Justice, chaired by Council Member Keith Powers, and the Committee on Cultural Affairs, chaired by Council Members Jimmy Van Bramer, will conduct an oversight hearing on arts programming made available by the Department of Probation (the Department or DOP) and the Department of Cultural Affairs (DCLA) to people on probation. Those invited to testify include representatives from DOP and DCLA, activists, advocacy groups, members of the art and creative communities, social service providers, legal services providers, community service providers, and other interested stakeholders.

II. BACKGROUND

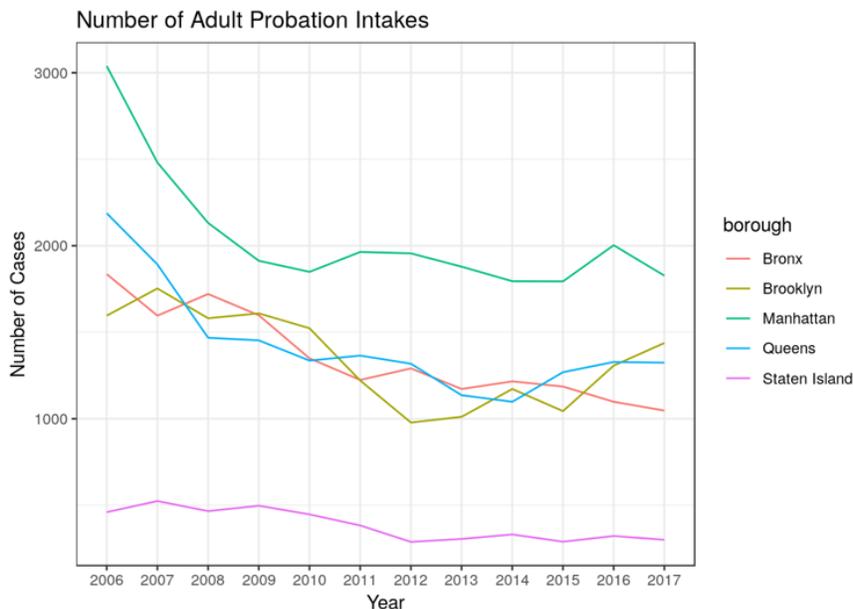
a. The Department of Probation

According to its mission statement, the Department aims to expand opportunities for individuals on probation to “move out of the criminal and juvenile justice systems through meaningful education, employment, health and behavioral health services, family engagement, and civic participation.”¹ By developing accountability measures and partnering with community based organizations, the DOP seeks to reduce collateral consequences that arise from interaction with the criminal and juvenile justice system. The Department has a total of 1,052 staff members who provide services to those individuals involved in criminal and juvenile justice systems.² This

¹ The City of New York, *Mayor’s Management Report 2018*, 1, 89 (last visited Dec. 10, 2018), available from https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2018/2018_mmr.pdf.

² *Id.* at 93.

year, the Department has supervised approximately 1,169 youth and 5,936 adults on probation, as indicated on the graph below.³



With regard to juveniles, the Department plays two roles. First, once a juvenile has entered the system, but prior to a juvenile’s first appearance in family court, probation officers interview the accused individual, his or her parents, the police, and the victim to determine whether to refer the case to formal court proceedings or to divert (also called “adjust”) the case out of the juvenile justice system.⁴ If the case proceeds to family court, DOP issues disposition recommendations to the court, which could include: discharge, probation, participation in an alternative to placement program (ATP), or placement in a correctional facility.⁵ While the Department plays no role with regard to diverting cases out of the adult criminal justice system, probation officers are involved

³³ New York City Open Data, *DOP Juvenile Supervision Intakes by Fiscal Year* (last visited Dec. 10, 2018), available at <https://data.cityofnewyork.us/City-Government/DOP-Juvenile-Supervision-Intakes-by-Fiscal-Year/xdqu-utzq>.

⁴ See Citizen’s Crime Commission of New York City, *Guide to Juvenile Justice in New York City* 1, 19-20 (May 2010), available at <http://www.nycrimecommission.org/pdfs/GuideToJuvenileJusticeInNYC.pdf>; See also NYS Family Court Act. §305.2.

⁵ *Id.*

in preparing pre-sentencing reports and monitoring adults who are sentenced to probation.⁶ Further, once individuals are sentenced to probation, they are required to attend regular “check ins” with probation officers (“POs”), who monitor compliance.⁷

b. The Department of Cultural Affairs

The New York City Department of Cultural Affairs (DCLA) is responsible for supporting the city’s cultural life. The agency works to ensure adequate public funding for, represents, and serves non-profit cultural organizations involved in the visual, literary, and performing arts,⁸ as well as promotes and advocates for quality arts programming throughout the five boroughs.⁹ DCLA is the largest cultural funding agency in the nation, with a budget larger than the National Foundation of the Arts,¹⁰ extends support to the cultural community in three major ways: through funding for specific cultural organizations in exchange for cultural services offered to the citizens of New York City (NYC), through direct subsidies to 33 City-owned Cultural Institutions (CIGs),¹¹ and through capital spending for construction and renovation at designated institutions.¹²

From an administrative perspective, the agency itself is divided into three funding divisions: the Program Services Unit, the Cultural Institutions Unit, and the Capital Projects Unit.¹³

⁶ See New York State Criminal Procedure Law § 390.20; § 65.00.

⁷ NYC Department of Probation, *Frequently Asked Questions* (last visited Dec. 10, 2018), available at <http://www.nyc.gov/html/prob/html/adult/faq.shtml#report>.

⁸ See New York City Department of Cultural Affairs, *City Announces Grants Totaling \$43.9 million for Cultural Programming* (Oct. 23, 2018), available at <https://www1.nyc.gov/site/dcla/about/pressrelease/PR-2018-10-23-DCLA-Budget-CDF-Funding.page>.

⁹ New York City Department of Cultural Affairs, *About Cultural Affairs* (last visited Dec. 7, 2018), available at <https://www1.nyc.gov/site/dcla/about/about-cultural-affairs.page>.

¹⁰ New York City Department of Cultural Affairs, *Funding for Cultural Organizations* (last visited Dec. 7, 2018), available at <http://home2.nyc.gov/html/dcla/html/funding/funding.shtml>.

¹¹ New York City Department of Cultural Affairs, *City-Owned Institutions* (last visited Dec. 7, 2018), available at <http://home2.nyc.gov/html/dcla/html/funding/funding.shtml>.

¹² New York City Department of Cultural Affairs, *Funding for Cultural Organizations* (last visited Dec. 7, 2018), available at <http://home2.nyc.gov/html/dcla/html/funding/funding.shtml>.

¹³ *Id.*

The Program Services unit is responsible for administering funding for organizations which provide cultural experiences for residents and visitors.¹⁴ The Cultural Institutions unit provides “operational support for major cultural institutions occupying City-owned buildings or land” (e.g., the CIGs, such as Carnegie Hall, The Metropolitan Museum of Art, the botanic gardens, and MoMa), while the Capital Projects Unit provides “design, construction, and equipment funds” for institutions and cultural groups in both City and non-City owned facilities.¹⁵

II. ARTS PROGRAMMING

According to a recent study conducted by the University of Pennsylvania, engaging with art is associated with positive criminal justice outcomes and public safety has been shown to significantly increase in neighborhoods having had access to arts programming.¹⁶ For example, in one study, individuals who participated in some form of arts programming observed a 14 percent decrease in cases of child abuse and neglect, an 18 percent increase in English and math scores among school aged individuals, and an 18 percent decrease in serious crime in contrast to their counterparts who did not have the same involvement with arts over the course of two years.¹⁷ Further, engaging in activities such as writing and public speaking have also been proven to contribute to assist with developing social and critical thinking skills; skills that promote self-control and empathy for others’ points of view.¹⁸ Accordingly, the Department has implemented

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ University of Pennsylvania Social Impact of the Arts Project, *Cultural and Social Wellbeing in New York City: Highlights of a Two-Year Research Project*, retrieved from https://repository.upenn.edu/cgi/viewcontent.cgi?article=1000&context=siap_culture_nyc

¹⁷ New York City, *NeON Arts: A Path to Work* (last visited Dec. 10, 2018), available at <https://www1.nyc.gov/site/neon/programs/neon-arts.page>.

¹⁸ Michelle Chen, *Prison Education Reduces Recidivism by Over 40 Percent. Why Aren't We Funding More of It?*, THE NATION (Aug. 17, 2015), available at <https://www.thenation.com/article/prison-education-reduces-recidivism-by-over-40-percent-why-arent-we-funding-more-of-it/>.

various programs which use art as a tool to increase public safety, including the Neighborhood Opportunity Networks (NeON) Program.

The Neighborhood Opportunity Networks Program

The NeON program is a partnership of the Department and a network of community organizations, government agencies, local businesses, and community residents focused on connecting probation clients who live in the target neighborhoods to opportunities, resources, and services.¹⁹ The program is administratively housed and administered through DOP. NeON Arts has partnered with 38 community arts organizations, awarded 93 grants to 44 unique recipients, and held community events reaching over 7,000 people citywide.²⁰ The programs that NeON runs are voluntary, although DOP encourages individuals on probation to participate in such programs by including fliers in waiting areas and encouraging POs to direct individuals towards such programs during check-ins.²¹ In addition, the NeON Arts program—in partnership with Carnegie Hall’s Weill Music Institute—integrates arts programming within seven NeON community based probation centers throughout NYC to provide strength-based artistic activities that will support educational and employment opportunities for formally incarcerated individuals.²² An independent research of NeON conducted by Westat and Metis Associates revealed that particularly for youth, the program succeeded in identifying untapped talents, building relationships, and increasing participant confidence in expressing thoughts and emotions.²³

¹⁹ New York City Department of Probation, *Neighborhood Opportunity Network (NeON)* (last visited Dec. 10, 2018), available at <http://www.nyc.gov/html/prob/html/neon/neon.shtml>.

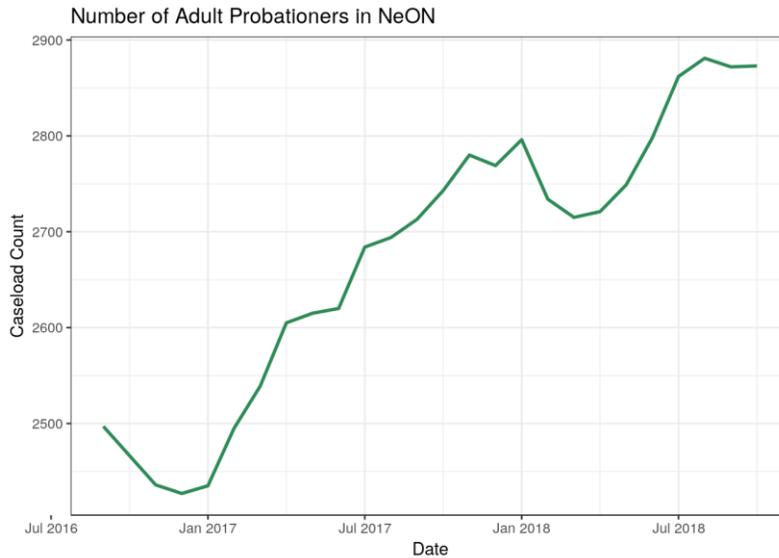
²⁰ New York City Council, Department of Probation’s Fiscal 2019 Preliminary Budget Hearing Testimony (Mar. 15, 2018)

²¹ Conversation with Kate Spaulding, Department of Probation (Dec. 9, 2018).

²² *Id.*

²³ Westat and Metis Associates, *Evaluation of the Neighborhood Opportunity Network (NeON) Arts Program* (last visited December 13, 2018), available at <https://www1.nyc.gov/assets/probation/pdf/press/neon-arts-evaluation-report-december-2018.pdf>

DOP’s Fiscal 2019 Adopted Budget included \$500,000 for NeON Arts and in the past year alone, approximately 2,900 adults participated in NeON arts programs.²⁴



There are a wide variety of programs available under the NeON umbrella. Free Verse is the poetry workshop component of NeON that invites community members, professional writers and probation staff to explore their creativity by reading, writing, singing and showcasing their creations through open mic performance. Participants write, edit and publish the annual magazine featuring a collection of work by individuals who are “determined to keep life moving forward—despite the odds.”²⁵ For individuals interested in expressing themselves by way of visual storytelling, the free NeON Photography workshops prepare participants for work as professional photographers. In addition to professional training designed to introduce participants to the history, technical skills and the art of photography, work-readiness training links NeON Photography graduates to paid opportunities as event photographers with organizations including the NYC

²⁴ <https://data.cityofnewyork.us/City-Government/>.

²⁵ The City of New York, *NeON Free Verse* (last visited Dec. 10, 2018), available at https://www1.nyc.gov/site/neon/programs/free-verse.page_

Mayor's Office, the Department, Carnegie Hall events, NeON Sports and Park Avenue Pianos among others.²⁶

NeON also developed the Made in NY Animation project, in conjunction with the Mayor's Office of Media and Entertainment (MOME) and the Animation Project ("TAP"). This project offers NYC youth the opportunity to engage in storytelling, gain technical skills in 3D computer animation, and qualify for paid internships in the field. The program is an initiative of Mayor's Office of Media and Entertainment in partnership with DOP's NeON and The Animation Project. It provides 3D animation classes to 1,800 NYC youth ages 12 to 24 across the five boroughs in DOP NeONs and participating schools near those centers.²⁷

DOP Funding for NeON Arts Programs

From a financial perspective, DOP's Fiscal 2019 Budget includes \$1.7 million to support the NeON Arts program. Of the total, \$500,000 is baselined to support the NeON Arts program, and \$1.2 million is for the Made in NY Animation Project. Part of the funding for the Made in NY Animation is supported by MOME at \$700,000, and DOP self-funds the remaining \$500,000 for Fiscal 2019. To note, MOME's support for the Made in NY Animation project comes in one year at a time, because the funding comes through a yearly agreement with the Mayor's Office. Since Fiscal 2013, the Department has invested over \$1.4 million for the NeON Arts program to provide arts and cultural programming in underserved neighborhoods. NeON Arts has partnered with 38 community arts organizations, awarded 93 grants to 44 unique recipients, and held community events reaching over 7,000 people citywide.²⁸

²⁶ The City of New York, *NeON Photography* (last visited Dec. 10, 2018), available at <https://www1.nyc.gov/site/neon/programs/neon-photography.page>.

²⁷ New York City Media and Entertainment, *Made in NY Animation Project* (last visited Dec. 10, 2018), available at <https://www1.nyc.gov/site/mome/initiatives/animation-project.page>.

²⁸ Department of Probation's Fiscal 2019 Preliminary Budget Hearing Testimony (March 15, 2018)

Young New Yorkers

In conjunction with Brooklyn Defender Services, the Center for Court Innovation, the Brooklyn Task Force, the American Bar Association’s Racial Justice Improvement Project, Kings Criminal Court, Kings County District Attorney, and the Legal Aid Society, DOP has also played an integral part in forming Young New Yorkers (“YNY”), a multi-agency organization which implements arts based diversion programs.²⁹ YNY allows young people who have incurred a Desk Appearance Ticket (DAT) to have their cases dismissed and sealed upon completion of an arts-based workshop. Young New Yorkers also provides a court-mandated 8-week arts diversion program, where 16-17 year olds complete weekly, three-hour arts-based workshops in exchange for having their criminal charges sealed.³⁰ The organization was founded by Rachel Barnard, who now serves as the Public Artist in Residence (PAIR) for the DOP.³¹

Other Art-Related Programs and Initiatives

a. Public Artists in Residence

In addition to those programs run by DOP, DCLA has developed a municipal residency program which places artists in governmental agencies to develop creative solutions to government challenges. Agencies such as the Department of Correction (DOC), DOP, the Mayor’s Office to End Domestic and Gender Based Violence, and the NYC Commission on Human Rights now all have an assigned Public Artist in Residence (PAIR).³² In January 2018,

²⁹ Young New Yorkers, *Programs* (last visited Dec. 10, 2018), available at <http://www.youngnewyorkers.org/about>

³⁰ Young New Yorkers, *Programs* (last visited Dec. 10, 2018), available at <http://www.youngnewyorkers.org/programs>.

³¹ New York City Department of Cultural Affairs, *NYC Department of Cultural Affairs Announces Four New Public Artists in Residence* (Jan. 23, 2018), available at https://www1.nyc.gov/site/dcla/about/pressrelease/PR_2018-01-23_PAIRAnnouncement.page.

³² New York City Department of Cultural Affairs, *Public Artists in Residence Program (PAIR)* (Jan. 23, 2018), available at <https://www1.nyc.gov/site/dcla/about/about-cultural-affairs.page>

DCLA appointed Rachel Barnard, founder of Young New Yorkers as the PAIR at the DOP, and artist Onyedika Chuke as the PAIR for the DOC. For their first year in residency, PAIRs are tasked with researching operations and initiatives “while also introducing the artist’s practice and process to agency staff.”³³ In Fiscal 2016, DCLA’s budget for the PAIR program was \$80,000, and the budget for Fiscal 2018 was \$90,000. For Fiscal 2018, DCLA made artist appointments at the DOC, DOP, Mayor’s Office to Combat Domestic Violence, and the NYC Commission on Human Rights. DCLA does not distribute funds to the agencies, but contracts with the artists directly for development of their project, and the partner agency then works with the artist on implementation of the project.

V. CONCLUSION

At the hearing, the Committees will seek an overview of and update on the current artistic and creative programs and initiatives available to those who are currently in probation, including but not limited to the NeON and Artist in Residence programs. The Committees would also like to learn about other programs providing services and cultural resources at the nexus of probation and the arts and feedback on both successes and challenges within these programs. Finally, the Committee is interested in learning more about the work that the DOP and DCLA have done to improve the lives of justice-involved populations through the arts and is interested in hearing about how it can support that work.

³³ *Id.*