

## TESTIMONY OF:

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**BROOKLYN DEFENDER SERVICES**

**Presented before**

**New York City Council**

**Committee on Public Safety**

**Oversight Hearing on Supporting Providers Serving the City's Crisis Management System**

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My name is Jackie Gosdigian and I am a Senior Policy Counsel at Brooklyn Defender Services (BDS). Brooklyn Defender Services is a public defense office, representing approximately 22,000 people each year who are accused of a crime, facing the removal of their children, or deportation. We thank the Committee on Public Safety and Chair Hanks for the opportunity to address the Council about public safety and the city's crisis management system.

For over 25 years, BDS has worked in and out of court to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. Our staff consists of specialized attorneys, social workers, investigators, paralegals and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

BDS commends this Council for recognizing the importance of community-based responses and crisis management as crucial components of violence prevention. We urge the council to remember that community accountability and healing *coupled with* investment in education, housing, and employment are key elements of a holistic approach to preventing violence, particularly gun violence. The City Council can and should exercise its authority to divert funding from the NYPD and invest in proven solutions. The NYPD is an omnipresent force in

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certain NYC neighborhoods, yet it is abundantly clear that they do not offer a solution to violence. The Brooklyn communities with the highest rates of violence are already the most surveilled by NYPD. We call on the City Council to meaningfully investing in both pre- and post-arrest programming that addresses gun and other violence as a public health issue as well as addressing the harm of police profiling and surveillance in low-income, Black and Latine, and immigrant communities. In order to meaningfully address violence, the city must continue to invest in evidence-based programming to reduce violence.

## Recommendations

### I. Increase funding for organizations using the Cure Violence model

BDS appreciates this Council and Mayor Adams' support of a public health-focused approach to reducing gun violence. The Crisis Management System serves to prevent violence through the use of trusted, credible messengers. Instead of investing in surveillance, a better plan for the future of this City and its people relies on true investment in its people—in housing, education, and medical and mental health care—and in proven solutions, not the failed policing visions of the mass incarceration era.

In 2012, the city launched a Cure Violence initiative, and has come a long way with the implementation of the Crisis Management System, but prevention and intervention efforts that could be effectively implemented to curtail gang violence are still underutilized and underfunded. While certain programs that are used may reinforce marginalization through partnerships with the NYPD, others have proven to be successful in strengthening community-based safety and security. At its most effective, the strategy leverages the experiences of young men of color, many of whom are former gang members, to act as “credible messengers” of an anti-violence message and “violence interrupters” to prevent and reduce gun and gang violence. Notably, this model does not require the use of the NYPD’s criminal group database—or other methods of government surveillance—to successfully build rapport with people who are gang involved.<sup>1</sup> Community-

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<sup>1</sup> The NYPD maintains a secretive, internal list called the Criminal Group Database—also known as the Gang Database—in which the Department labels almost exclusively young Black and Latinx New Yorkers as gang members. Over 99% of the people on the database are non-white. There is no independent oversight of who is placed in this database, individuals do not need to be convicted of any crime to be placed on it, and there is no way to challenge gang designations. Criteria for designation include “living in a known gang area” and “association with gang members.” Even in instances where the database correctly identifies someone as a gang member, police cataloging of young people does not enhance community safety. The NYPD surveils children and young adults, sometimes for years, without alerting parents that their children are in trouble or providing meaningful interventions. Mass surveillance, such as through the Domain Awareness System and these types of covert gang operations, commands enormous budgetary expenses without measurable improvements in safety. Identified gang members are targeted for harassment and abuse by police. They are charged with inchoate crimes and crime by association, rather than the commission of specific acts, and warehoused for complex prosecutions. Massive NYPD resources are spent building cases in back rooms instead of improving the lives of young people and their communities. Gang policing criminalizes affiliation with friends, relatives, and neighbors without achieving community safety. This practice is

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based organizations working under the Cure Violence model employ “violence interrupters” and outreach workers from the community who have themselves experienced violence and also have strong relationships with young adults, community leaders, and service providers.<sup>2</sup> Violence interrupters stop conflicts before they happen, and outreach workers redirect the highest-risk youth away from life on the streets and the criminal system. All of this is done by unarmed community members, who value every person’s right to security and protection from harm.

In 2020, the Center for Court Innovation released a groundbreaking report titled “Gotta Make Your Own Heaven,” detailing the experiences of 330 young New Yorkers with guns, violence, safety, and the police.<sup>3</sup> This remarkable study provides a unique, firsthand perspective into the lives of young people and the challenges they face in NYC. Strikingly, the hundreds of young people interviewed consistently identified threats from police as a reason to carry a gun or seek protection within a gang. They identified “violent victimization by police,” “police harassment for small infractions but lack of responsiveness for serious crime,” and “fear of being shot by a police officer” as major contributors to lack of their neighborhood’s safety. Most of the young people interviewed described “an overall sense that the police were a negative force in their communities” and “sens[ed] a lack of care for people in the community.” They also drew a direct connection between the way they were treated as “less than human” and their race.

City Council should consider reallocating more resources away from punitive responses to alleged gang membership toward interventions that have proven effective in reducing violence and other unlawful activity. Specifically, we advocate for an increase in funding for community centers, high-quality and engaging programming, and organizations using the Cure Violence Model. The city should also shift resources away from policing alleged gang or crew members and toward providing the support that individuals, families, and communities need to thrive. This strategy should focus on the root causes of social marginalization and any violent or otherwise problematic behavior.

## **II. Provide Alternative to Incarceration and pre-plea diversion programming**

While the Crisis Management System and the Cure Violence Model are a critical part of ending violence in this city, the city must also focus on what happens if someone is arrested. We cannot assume that because the city is increasing the number of credible messengers and enhancing CMS, that this reaches every member of the community. The fact is, even with CMS, arrests are still happening, and what happens to these New Yorkers—often young people—has been overlooked. There has been quite a bit of discussion in the city around different approaches to preventing violence, however, once a person is arrested for an alleged violent crime, there is a serious lack of programming, alternatives to incarceration, or other diversions from criminal

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costly in both human and fiscal terms and has no impact on public safety. The City Council should move to eliminate the Gang Database and to rein in horrifically abusive and violative NYPD gang policing practices.

<sup>2</sup> For more information, visit [cureviolence.org](http://cureviolence.org)

<sup>3</sup> The Center for Court Innovation, “Gotta Make Your Own Heaven: Guns, Safety, and the Edge of Adulthood in New York City,” available at:

[https://www.courtinnovation.org/sites/default/files/media/document/2020/Report\\_GunControlStudy\\_08052020.pdf](https://www.courtinnovation.org/sites/default/files/media/document/2020/Report_GunControlStudy_08052020.pdf)

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legal system involvement. The Brooklyn District Attorney, Eric Gonzalez recently announced that he plans to launch a restorative justice program to stop shootings. But even this “first of its kind” program is not an “alternative to incarceration,” and participants “will be those without pending matters before his office.”<sup>4</sup>

BDS is fortunate to have great relationships with several alternative to incarceration programs that provide many of our adolescent clients with holistic services. For our clients facing charges of alleged gun possession, however, there are only two available alternative to incarceration programs: Youth and Congregations in Partnership (YCP) and Project Redirect. Both are run by the Brooklyn District Attorney’s (DA) office and require the consent of the DA’s office for admission. There is really no clear criteria used to determine eligibility for these programs and the process for acceptance is unilateral and highly secretive. Once a young person is fortunate enough to be found eligible, that person usually faces prison time and a permanent felony record if they are unsuccessful in the program. However, these programs usually allow for defendants to get their cases dismissed and sealed upon completion. YCP is the preferable option for our clients, because it is more specifically tailored to meet the needs of the participant. This program requires young people to participate in weekly meetings with DA staff, attend school or work, and abide a curfew for a year. However, in our experience, adolescents who are alleged to be gang members are never offered this program, and instead are pushed to Project Redirect. Often times our clients are not involved in gangs but are erroneously flagged by NYPD and the DA’s office for being “gang involved” for no specific reason other than living in a certain neighborhood or housing project.

Project Redirect is a deeply problematic and secretive program. Much of what we know about it is reported by clients who have participated, as defense attorneys are generally prohibited from accompanying them in discussions about the program with prosecutors, with the occasional exception of a preliminary briefing. Project Redirect is extremely difficult, if not impossible, to complete for most targeted participants. It lasts between eighteen months and two years and requires defendants to abide by a deeply regimented schedule of school, work, and meetings with the DA’s office, with deviations for tasks like purchasing milk for the family at a local bodega permitted only with prior approval, often via text messaging. In our experience, very few clients are able to complete this program, which results in a mandatory minimum sentence in upstate prisons.

More funding is needed for new, evidence-informed programming and alternatives to incarceration for New Yorkers that have been arrested. But, these alternatives will not be successful without buy-in from District Attorneys, because, as discussed below, harsh mandatory minimum sentences make non-jail options useless without DA consent.

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<sup>4</sup> Ben Brachfield, Brooklyn DA to launch ‘restorative justice’ program bringing rival gang members together to stop shootings, *Brooklyn Paper*, June 22, 2022, Available at <https://www.brooklynpaper.com/exclusive-brooklyn-da-to-launch-restorative-justice-program/>



### **III. Pass a resolution in support of the End Mandatory Minimums Act and Youth Justice and Opportunities Act**

There are available legislative solutions in New York that can work in tandem with community investment and crisis management. Harsh mandatory minimum prison sentences in New York make it difficult for communities to regroup and reunite after a tragedy. Sending someone, especially a young person, to prison has a devastating effect, not only on that person's individual ability to re-enter society with stable housing and employment, but it has a widespread effect on the community fabric, tearing apart families, neighbors, and communities. Even with available alternatives to incarceration, judges across the city and the state of New York are bound by mandatory sentencing guidelines set forth in the Penal Code. We must end mandatory minimum sentencing and we ask the council to support and pass a resolution urging the enactment of the End Mandatory Minimums Act (Myre S.7871/Meeks A.9166).

In addition to mandatory incarceration, having a criminal record has lifelong insurmountable consequences for a person. Youth and Young Adults in the communities we serve are particularly vulnerable to police interaction, especially when they are still continuing to grow and mature into their mid twenties and grappling with peer pressure and decision-making skills. We ask the council to support and pass a resolution urging the enactment of the Youth Justice and Opportunities Act (YJ&O) (Myrie S749A/O'Donnell A3536A). This legislation gives New York the chance to lead the nation by expanding its laws to protect the futures of young people under the age of 26, enhance community well-being, and provide emerging adults the opportunity to move forward in their lives without the barrier of a criminal conviction. The Act would also reduce State and local spending on youth incarceration—money that should be invested in communities to alleviate poverty and homelessness, ensure quality education, and fund other needed resources. In turn, this bill would help stabilize communities, promote community health, and increase public safety for all.

### **Conclusion**

In an effort to be “tough on crime” and “crack down on guns,” the city has given up on its citizens once they are involved the criminal legal system, especially young people and those accused of possessing a firearm. We are not willing to give up on the people and communities we serve. The answer is not to round up New Yorkers from low-income communities, lock them up in a cages, and throw away the keys. It is clear, based upon decades of research, that this pro-incarceration model is not only unsuccessful in preventing violence, it destroys communities by causing irreparable harm to families and future generations. As an alternative, BDS welcomes the opportunity to work with the city, in cooperation with the District Attorneys, to create opportunities for people who have been arrested, particularly those charged with gun crimes, to participate in pre-plea programming. We thank the city for continuing to see the importance of the Crisis Management System, credible messengers, and the cure violence model. We urge the city to go further, to consider those that may not have benefited from these community interventions, and invest in its citizens even after they have had contact with law enforcement or the criminal system.



Thank you for the opportunity to testify today. If you have any questions, please feel free to contact me at [jgosdigian@bds.org](mailto:jgosdigian@bds.org).