Brooklyn Defenders

Brooklyn Defender Services
177 Livingston St, 7th Fl
Brooklyn, NY 11201

Tel (718) 254-0700
Fax (347) 457-5194
info@bds.org

TESTIMONY OF:

Jackie Gosdigian, Senior Supervising Policy Counsel

BROOKLYN DEFENDER SERVICES

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Committees on Children and Youth

Oversight Secure Detention Conditions and Youth Incarceration Policies in New York City

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My name is Jackie Gosdigian and I am Senior Supervising Policy Counsel at Brooklyn Defender Services (BDS). BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For 30 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. I want to thank the Committee on Children and Youth and Chair Stevens for the opportunity to address the Council about the youth incarceration policies and the conditions in secure youth detention facilities.

BDS represents thousands of people each year who are accused of a crime, facing the removal of their children, or challenging deportation. Our criminal defense practices represent people charged with crimes in Brooklyn and Queens. Our specialized Adolescent Representation Team is composed of attorneys, social workers, and youth advocates who provide representation and other services to young people aged 12-21 in criminal court, supreme court, and family court. This interdisciplinary team also works to address the collateral issues that impact youth with system involvement, collaborating across BDS' practices to provide comprehensive support to the youth we represent in court as well as support and guidance to their families as they help their children navigate these complex and frightening legal systems.

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Incarcerating Youth Does Not Lead to Public Safety

Incarceration, even short stays in detention, is extraordinarily harmful for young people and does not address the complex issues that lead to violence and legal system involvement. Research indicates that placing youth in locked detention centers pending their court dates leads to worse public safety and youth development outcomes and higher rates of recidivism.[1] This is because incarceration causes substantial long-term harm, including decreasing a young person's ability to succeed in education, graduate from high school, and obtain employment.

BDS is grateful for steps this Council and the Mayor have taken to address the crisis in the youth detention facilities. We are proud members of the Youth Justice Working Group convened by the administration and appreciate the opportunity to work in partnership with other stakeholders to reduce the population of young people in the criminal legal system. We are pleased to hear that programs such as Families Rising and Exalt have been able to increase their programs to serve more youth and that there will be more opportunities for alternative to detention programming for intensive community monitoring. It is critical that trusted, community-based programs be adequately funded and staffed. The programs that work best, maintain the highest success rates, and the lowest recidivism rates are run by community members and credible messengers, not the court system or the district attorneys' offices.

The longer a young person is detained pre-trial, the more likely that their case will be resolved with a sentence of incarceration. Prosecutors are less likely to make program plea offers to someone who has been incarcerated for a lengthy amount of time pre-trial. Youth court judges often want young people to "earn" a program disposition by demonstrating they can be in the community, engage positively, and stay out of trouble. In detention, young people have limited access to programming and education. Even if they engage in every available service, they do not have the same opportunities to demonstrate to the court that they are valued members of the community.

Many young people who are eligible for, and could thrive in, programming are waiting in secure detention pretrial, simply because there is insufficient capacity in community-based programs. In Brooklyn, programs are frequently restricted to specific catchment areas or zip codes, meaning young people who live outside of those areas have few options. Others simply do not have the necessary capacity: many young people in Brooklyn are referred to Good Shepherd for alternative-to-detention programming, but it is often full.

It is important to note that even if space in community-based programming for youth is increased, entry into these programs is not automatic or guaranteed. For access to an alternative

[1] Mendel, R. (2025). From Punishment to Prevention: A Better Approach to Addressing Youth Gun Possession. The Sentencing Project.; See also, Mendel, R. (2023). Why youth incarceration fails: An updated review of the evidence. The Sentencing Project.

to detention program in the Youth Part, a judge must either release the youth on their own recognizance so they can voluntarily enter into a program, or the judge must choose to order participation in an ATD program as a condition of the youth's release as opposed to setting bail. Consent by the prosecution would go a long way towards judges exercising their discretion to order these release options. For alternative to incarceration (ATI) programming as part of sentencing, consent of the prosecution is required by law in most youth part cases where there are statutory mandatory minimum prison sentences. Judges in the youth part typically cannot unilaterally sentence a young person to complete an ATI program, instead of a prison sentence, without the consent of the prosecution. We urge the council to consider who the gatekeepers are in determining youth access to programming both pre-trial and at the resolution of their court case, because this is an important element of reducing the youth detention population.

Address Overcrowding and Poor Conditions of Confinement

New York City still continues to incarcerate young people at a rate that exceeds the capacity of secure juvenile detention facilities. These facilities are extremely overcrowded. The young people we represent report sleeping in classrooms, hallways, and common areas. Young people arrested on evenings or weekends report that they are often forced to wait in intake, and sleep on a bench, until they are produced to see a judge. Young people who are not housed in bedrooms report limited access to bathroom facilities, which means they may go days without showers or be forced to urinate in bottles. Overcrowding, coupled with the stress of navigating the criminal legal system and being removed from the community and their family, often leads to tension and stress. Given ACS's continued staffing and management challenges, the potential for harm in facilities must be front of mind as we focus our efforts on minimizing young people's entry into detention.

In order to decrease the population of incarcerated youth and break the cycle of re-arrest it is imperative that we focus on alternatives to detention and keep our young people in the community with their families, while providing them with the supportive services they need.

Ensure Right to Educational Services in Juvenile Detention

Students who attend Passages Academy at Crossroads Juvenile Center and Horizon Juvenile Center have long struggled to access high-quality educational services and have sometimes been unable to access educational services at all. Young people have reported to us occasions in which individual students—and sometimes even entire units—have been prevented from attending school for disciplinary reasons, due to staff shortages, and sleeping accommodations. When students have been unable to go to school, they have not received adequate alternative instruction, as required by law.

Local Law 21 of 2024 requires New York City Public Schools (NYCPS) and ACS to report on access to education for young people in detention on October 1 of each year. The 2024-2025 report released in October of last year indicated that students had missed hundreds of days of school each month because ACS failed to bring them to the classroom.[2] As of this hearing the annual report has not yet been released. Live instruction is often replaced by packets, which often are not an appropriate continuation for school students are receiving in the community and put kids behind their peers when they return home. High school equivalency test prep classes are not always offered, so young people who had been studying prior to incarceration are again set behind.

The missed instructional time for students at Passages Academy is particularly alarming considering the significant academic remediation and support that many of the students in detention require. The data obtained through the 2024-2025 Local Law 21 report indicated that the average functional level of students at Passages Academy is in the bottom twentieth percentile, and at least one third of the students entering Passages Academy receive special education services.[3] During the time we have been working with students at Passages Academy, we have seen a number of students with disabilities fail to receive the special education services to which they are entitled. The Special Education Programs (SEPs) that are created for students are nearly identical to one another, and students rarely have their Individualized Education Programs (IEPs) updated annually as required by federal and state law.

Int. 629

BDS appreciates the intention of Int. 629, which seeks to implement population review teams to support decarceration of the youth detention facilities. Secure detention facilities are in crisis and decarceration must be urgently prioritized. As written, we have concerns about the legislation, including the role of ACS in coordinating advocacy for release, the lack of representation for young people, and insufficient protections for young people's confidentiality. We welcome the opportunity to work with Council Member Restler, other public defenders, and stakeholders to ensure the creation of population review teams is intentional, actionable, and upholds the due process rights of young people in custody.

Res. 274-2026 - Support New York State Raise the Age Program Funding

Despite making up half of the state's youth justice system population, New York City is currently excluded from accessing Raise the Age funding because the city exceeds the tax cap prescribed by state law. This means that the city and community-based organizations must fund

[2] New York City Public Schools, "Educational Programming for New York City Juvenile Delinquents, Juvenile Offenders, and Adolescent Offenders – Local Law 21 of 2024" (Sep. 30, 2025), at 13. https://a860-gpp.nyc.gov/concern/parent/2514nr040/file_sets/0k225h04q
[3] Id. at 3-4

all of the programming and services that are successful in diverting young people out of the criminal legal system, without state support. It is critical to invest in programs and organizations that are serving our communities through youth development, violence-prevention services, and other alternatives to incarceration to prevent the necessity of further investment in the carceral system. BDS supports Res. 274, which calls on the state legislature to pass, and the Governor to sign, legislation to entitle New York City to participate in New York State Raise the Age program funding. This funding will help the city to fund and expand programming for 16- and 17-year-olds.

Additionally, we urge the Council to pass a resolution in support of the Youth Justice Innovation Fund, A767 (Solages) /S643 (Cleare), which would direct $50 million to community-based organizations to provide a continuum of services from prevention, early intervention, to alternatives to detention, placement and incarceration for youth aged 12 through 25. The Youth Justice Innovation Fund is broader and more flexible than the Raise the Age funding. Together, access to both of these funding streams will allow the City to fully fund and build out preventive and responsive programming for children, youth, and emerging adults.

City Council Int. 447

BDS supports Int. 447, which would require the city to publish and distribute a guide on programming available to young people with criminal legal system involvement. Through the development of this guide, the city will have an opportunity to conduct a census of available programs and identify gaps–in programs, catchment areas, cultural competence or language access, and other barriers to involvement. We urge the council to include young people, providers, defenders, and other stakeholders in the process. The youth we represent report positive experiences in programs where they receive mentorship, gain transferable skills or job training, and are connected to ongoing employment opportunities.

Expanding Access to Programming for Emerging Adults

We must also look at how emerging adults are being treated within the criminal legal system. We now know that while an 18-year-old may be a legal adult, their brain is not fully developed until their mid-twenties. Even if a young person at age 16 or 17 has access to programming and services in family court as a result of New York's Raise the Age law, once they turn 18 they are subjected to harsh mandatory minimum sentencing if they become involved in the criminal legal system. And the science shows us that emerging adults, like younger adolescents, are remarkably malleable and still developing impulse control and the ability to anticipate consequences of choices. Brain development during this period means that individuals have significant capacity to make positive changes but are also especially vulnerable to trauma.

The criminal legal system needs to work in tandem with the juvenile system and streamline services for system-involved adolescents and emerging adults alike. Young people 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. Nationally and in New York, young people aged 18 to 25 make up only 10% of the population, but over 20% of all arrests. Nearly three quarters of those arrests in New York are of youth of color. A recent Sentencing Project report found that across the country, Black youth are five times more likely to be incarcerated than their white peers.[4]

Because this disproportionality is so stark among emerging adults, reforms focused on this group are especially urgent. We ask the council to support and pass a resolution urging the enactment of the Youth Justice and Opportunities Act (YJ&O), A.5293 (AM Walker) /S.4330-A (Sen. Myrie). The Youth Justice & Opportunities Act would expand opportunities for programs and other alternatives to incarceration and immediate record sealing for young people up to age 25. By passing YJ&O, New York has the chance to lead the nation by protecting the futures of young people up to age 25, enhancing community well-being, and providing emerging adults with 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

We are grateful to the City Council for holding this important hearing today on Conditions in Youth Detention Facilities and look forward to continuing to work with the council to reduce the number of youth who are incarcerated.

If you have any questions, please feel free to reach out to contact Jackie Gosdigian, Senior Supervising Policy Counsel, at jgosdigian@bds.org.

[4] Joshua Rovner, Black Disparities in Youth Incarceration, *The Sentencing Project,* August 12, 2025, https://www.sentencingproject.org/fact-sheet/black-disparities-in-youth-incarceration/