

TESTIMONY OF:

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Presented before the New York City Council

Committee on Children and Youth

Oversight Hearing- Evaluating the Crisis Management System Under DYCD

June 17, 2025

My name is Jacqueline Gosdigian and I am a senior supervising policy attorney 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. We are grateful to the Committee Children and Youth, and Chair Althea Stevens, for inviting us to testify about the crisis management system.

For nearly 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. BDS represents approximately 23,000 people each year who are accused of a crime, facing the removal of their children, or challenging deportation. Our Adolescent Representation Team works to eliminate contact and involvement within the criminal legal system for court-involved young people. Our specialized attorneys, social workers, and youth advocates provide legal representation, advocacy, and social services in youth proceedings in Brooklyn's criminal court, Supreme Court and family court, 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.

Black and Brown Youth Are Disproportionately Impacted by New York's Juvenile Legal and Family Policing Systems

BDS commends this Council for recognizing the importance of community investment and crisis management as part of the solution to prevent and reduce violence. The Crisis Management System (CMS) serves to prevent violence through the use of trusted, credible messengers. We

have witnessed the power of credible messengers—who are trusted, community leaders—to build rapport, meet young people where they are, and de-escalate conflict. When it works best, the young people who interface with CMS credible messengers or violence interrupters do not need our services, because they are able to avoid contact with the NYPD and the legal system.

Too often, in low-income communities of color, young people and their families seeking assistance or navigating conflict find that NYPD or ACS are the only resources. Involvement by these state surveillance agencies is harmful and traumatizing. Young people do not get the support they need and Black and Latine young people face disproportionately harsh outcomes. In New York, Black children make up 40% of the children in the foster system yet make up only 15% of the children in the state.¹ Black children also fare far worse in the foster system and have much longer stays in placements.² The trauma and instability of family separation caused by the family policing system puts youth at a greater risk for criminal legal system involvement. In the criminal legal system, the same racially disparate outcomes continue. Black and brown youth are more likely than their white peers to be charged with a crime, face pretrial detention, be tried as adults, and face harsher sentences.

The City Must Invest in More Violence Interrupter Programs, Community Resources, and Post-Arrest Programming, Not Surveillance

For too long, New York City has relied on policing, surveillance, and separation for public safety. Instead of strengthening communities or addressing root causes of conflict or violence, this system has created a revolving door of arrest and incarceration, further destabilizing communities. Investments in education, housing, and employment are critical components to a holistic public safety plan. In order to meaningfully address violence, the city must continue to invest in evidence-informed strategies and programming to reduce violence.

In 2012, the city launched a Cure Violence initiative, but prevention and intervention efforts that could be effectively implemented to curtail gang violence are 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. Community-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

¹<https://ocfs.ny.gov/main/reports/maps/counties/New%20York%20State.pdf>, page 7.

²<https://www.gao.gov/new.items/d07816.pdf>, page 4.

strong relationships with young adults, community leaders, and service providers.³ Violence interrupters work to stop conflicts before they happen, and outreach workers redirect the highest-risk youth away from the criminal system. Crisis Management Service providers are critical partners in the city's effort to increase public safety and we urge the Council to invest in expanding these programs. Currently, the catchment areas for CMS are narrow. We recognize that one of the strengths of these programs is that providers are known, trusted members of the community, however many of the young people we serve live outside of these zones and therefore do not benefit from the services. Bringing additional leaders and neighborhoods into the CMS system would help prevent violence and system involvement. Criminal legal system involvement results in lifelong, collateral consequences and we urge the city to invest in services and programming that contribute to safety without channeling young people into courts and jails.

NYPD's Surveillance of Youth is Harmful and Counterproductive

New York City's reliance on policing to address quality of life issues has extended into a technological dragnet. The current system surveils entire communities and neighborhoods with no impact on reducing violence and creating safety. The NYPD's "criminal group database," or gang database, is an extension of this failed approach, one that has not worked and will not work better simply because it has been digitized. True safety does not come from criminalizing young people or stockpiling data on their lives—it comes from investing in their well-being. We must radically shift our priorities away from surveillance-driven policing and towards sustainable solutions that strengthen community ties, provide real opportunities, and give young people resources, hope, and dignity.

The NYPD has already spent over \$3 billion in funding for surveillance technology in just over a decade, yet this investment has failed to prevent violence or promote safety. Instead of criminalizing young people through flawed databases, the city should redirect more resources towards Cure Violence and credible messenger initiatives, which have successfully reduced violence without criminalization. The city must also expand access to after-school programs, job training, mental health support, and conflict mediation to provide real alternatives to gang involvement. Additionally, post-arrest diversion programs must be prioritized so that young people are not funneled into the criminal legal system but instead receive effective alternatives to incarceration that provide support, not surveillance.

Programs such as the Youth Justice Network, Exalt, and Community Justice Innovation are effective and trusted programs that are becoming less accessible due to divestment in community-based programs. Esperanza, a long trusted alternative to incarceration programs for young people, closed its doors due to funding cuts. Impacted communities need the support of programs that work within the community not supervising it. Community members in crisis need

³<https://bds.org/latest/bds-testifies-before-the-nyc-council-on-nypds-gang-takedown-efforts>

to have their voices lifted up, and those who have found success need to be able to return to their communities if they want to, by providing jobs with living wages and support for smaller community organizations.

It is time for this city to acknowledge the roots of community violence and how poverty and lack of access to employment, education and adequate health care exacerbate these issues, and stop rebranding and putting forth failed policies. To create public safety and help youth build strong futures without the lifelong impact of criminalization, we respectfully offer the following suggestions:

1. Eliminate NYPD's Gang Database

Brooklyn Defender Services strongly urges the City Council to pass Int. 798 to permanently abolish the NYPD's Gang Database. Since its creation, this database has been a tool of mass surveillance and racialized policing that disproportionately targets Black and Latine youth, criminalizes association rather than conduct, and operates without transparency, accountability, or due process. It has failed to enhance public safety and instead facilitates unconstitutional policing practices that harm the very communities the NYPD claims to protect.

The harms of the gang database are not theoretical—they are borne by real young people whose lives are shaped by relentless police surveillance and harassment. The transition from widespread stop-and-frisk to expansive data policing has not reduced racial disparities; it has only made them more insidious. Our clients experience persistent police scrutiny, unjustified stops, and coercive interrogations simply because they live in over-policed communities. The gang database also causes Black and Latine immigrants to be more susceptible to immigration detention and deportation based on little more than where they live and who they are friends with; this risk of separation from their families and communities is particularly acute after the recent designation of certain gangs as terrorist organizations.⁴ Moreover, young people who are seeking asylum after fleeing violence from gangs in their home countries are often themselves erroneously labeled as gang members.⁵ Through the gang database, the NYPD has taken the worst elements of racial profiling and rebranded them as intelligence gathering. This is not a move toward justice but a deepening of surveillance-based policing that treats Black and Latine youth as suspects before they even have a chance to grow up.

2. Stop Surveilling Communications Between Incarcerated New Yorkers and their Families

BDS strongly urges the council to pass Int. 963, the End Correctional Community Surveillance

⁴ [Terrorist Designations of International Cartels - United States Department of State, https://www.state.gov/terrorist-designations-of-international-cartels/.](https://www.state.gov/terrorist-designations-of-international-cartels/)

⁵ See Jonathan Blitzer, "How Gang Victims Are Labeled As Gang Suspects," The New Yorker, January 23, 2018, <https://www.newyorker.com/news/news-desk/how-gang-victims-are-labelled-as-gang-suspects>.

Act. Under the guise of a simple phone system, the New York City Department of Correction (DOC) and its jail telecom vendor, Securus, constructed a vast, high-tech spying network that primarily targets Black and brown New Yorkers. Without court oversight or a warrant, DOC records every call and collects biometric, financial, and other personal information from all participants, including the roughly 20,000 people admitted to NYC jails each year, as well as their family and friends.

Securus conducts network analyses on this data and packages it to sell to other law enforcement agencies, meaning that the personal data of impacted New Yorkers can circulate forever. Under Securus' surveillance apparatus, being denied or unable to afford bail means that a detained New Yorker, and their entire community, has fewer rights, less privacy, and diminished dignity.

In particular, this surveillance on both incarcerated youth, and youth in the community calling incarcerated family members, has resulted in increased contact with law enforcement and has added these young people to criminal group databases ("Gang database") and other databases within NYPD's Domain Awareness System.

3. Expand Exits from the Criminal Legal System with Pre and Post-Arrest Supports for Young People

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 actually gets 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, that even with CMS, arrests are still happening, and what happens to these New Yorkers, often young people, has been overlooked to an extent. There has been a lot of discussion in New York City about different approaches to preventing violence, but there continues to be a lack of programming and alternatives to incarceration for young people who are arrested and face criminal charges.

BDS is fortunate to have great relationships with several ATI programs that provide many of our adolescent clients with holistic services. For our clients facing charges of alleged gun possession, however, harsh mandatory minimum sentencing guidelines make resolving a young person's criminal case with an ATI largely dependent on the consent of the district attorney's office. There is really no clear criteria used to determine eligibility for ATI programming and the process for acceptance is almost unilaterally controlled by the DA. 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. 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.

Successful preventive programs and alternatives to detention and incarceration should provide resources that level the playing field and give young people a fighting chance. Whether it is the

internet to access educational opportunities or therapy, or safe places to participate in free and accessible prosocial activities, young people should be able to live and thrive as adolescents whose brain development is on-going and should have access to programming which acknowledges this. One of the greatest differences between well resources and marginalized communities is the ability to make mistakes without life long consequences. For low-income youth, and youth of color, making a mistake may mean being monitored by ACS, its agencies or the police. Too often, mistakes made in school lead to police involvement rather than allowing the school to handle these issues.

4. Continue to speak out in support of New York’s successful Raise the Age Law

Raise the Age is responsible for a consistent decrease in youth crime since its implementation in 2018. In New York City alone, since 2013, there has been a 48% decrease in adolescent arrests for serious offenses. Evidence from implementation across the State clearly shows how the law has improved community safety and youth well-being. Additionally, in New York City, a lower percentage of cases were removed from Supreme Court to family court in 2022 than in 2019-2021.⁶

The current law has built in methods to address different types of cases and circumstances. Though cases are presumptively removable to family court, in certain serious circumstances, supreme court may choose to maintain jurisdiction over a young person whether through an initial hearing or an extraordinary circumstances motion. It is important to understand that family court is not a get out of jail free card. The juvenile legal system was created to rehabilitate youth who have committed illegal acts and ensure community safety. While sentences are shorter, services are more robust and created specifically with the needs and brain development of an adolescent in mind. There is simply no correlation between rehabilitation and lengthy prison stays. In fact, incarceration and placement in juvenile detention facilities is more likely to lead to more legal system involvement and more serious crime in the future.⁷

The family court model, and the work that New York has done to treat young people as the adolescents they are is incredibly important work. Holding young people accountable while recognizing that children are not smaller adults is crucial for more positive outcomes and greater public safety. Looking at behavior that actually needs to be addressed by the court system rather

⁶NYS Division of Criminal Justice Services, https://www.criminaljustice.ny.gov/crimnet/ojsa/juv_off/index.htm; https://www.google.com/url?q=https://view.officeapps.live.com/op/view.aspx?src%3Dhttps%253A%252F%252Fwww.criminaljustice.ny.gov%252Fcrimnet%252Ffojsa%252Fjuv_off%252F2022%252Ffiles%252FAODispsNYC.xls%26wdOrigin%3DBROWSELINK&sa=D&source=docs&ust=1702571003275022&usg=AOvVaw2NOrSUN40dQhXdX_ChX_79

⁷Richard Mendel, Why youth incarceration fails: And updated review of the evidence, The Sentencing Project, (2022), Available at <https://www.sentencingproject.org/app/uploads/2023/03/Why-Youth-Incarceration-Fails.pdf>.

than community system is crucial. Keeping families together while providing individualized help that families are asking for, is the only way to truly keep communities safe.

Additionally we must truly invest in programming to support these reforms. For example, the Youth Parts in supreme court are severely lacking the resources needed to effectively divert youth from incarceration. Judges are willing to resolve cases with Alternatives to Incarceration (ATI), but the programming is limited in each borough, and there are significant gaps, as probation has disinvested in important diversion programming. And while ATI and ATD programming is cut and reduced, ACS plans to invest \$340 million in secure detention. Adding new beds does not address many of the conditions-related challenges that exist in secure detention – much of which are rooted in staff recruitment, training, ratios, and retention. In fact, it is unclear how ACS plans to effectively staff additional beds when the agency has been unable to safely and effectively staff their existing facilities.

Furthermore, despite making up half of the state’s youth legal 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. However, it is possible to access this funding by submitting a waiver of hardship, indicating that our city and our programs need the resources that are available through the Raise the Age law. New York City accounts for half of the state’s youth legal system population and should be able to access more funding. 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. We therefore urge the council to pressure the Mayor and the administration to submit a letter with the waiver of hardship to allow New York City to be considered for the funding.

5. Call on your colleagues in the NYS Legislature to Expand 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.⁸ 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 19 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

⁸National Institute of Mental Health, *The Teen Brain: 7 Things to Know*; <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know#:~:text=The%20brain%20finishes%20developing%20and,prioritizing%2C%20and%20making%20good%20decisions.>

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.⁹

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) (Myrie 4330/Walker A5293). 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 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

Thank you to this Committee for holding this important hearing today and your commitment to violence prevention through community investment. We urge the city to invest in real prevention by investing in young people and their families, schools, and communities and to expand access to programming for court involved youth.

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

⁹Joshua Rovner, Racial Disparities in Youth Incarceration Persist, February 2021. Available online at: <https://www.sentencingproject.org/fact-sheet/racial-disparities-in-youth-incarceration-persist/>