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Presented before

New York City Council

Committees on Criminal Justice

Oversight – The Department of Probation's Organizational Strategy

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My name is Lisa Salvatore and I am the Attorney-in-Charge of the Adolescent Representation Team 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 29 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 Criminal Justice and Chair Nurse for the opportunity to address the Council about the Department of Probation's organizational strategy.

BDS represents thousands of people each year who are accused of a crime, facing the removal of their children, or deportation. Our criminal defense practices represent people charged with crimes in Brooklyn and Queens. We also have specialized 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. Our interdisciplinary Adolescent Team also works to address the collateral issues that impact youth with system involvement, collaborating across BDS's 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.

Youth Incarceration Does Not Lead to Public Safety

Incarceration, even short stays in detention, is extraordinarily harmful and does not address the complex issues that lead to violence and legal system involvement. Indeed, it contributes to

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higher rates of recidivism. Placing youth in locked detention centers pending their court dates leads to worse public safety and youth development outcomes.¹ This is because incarceration causes substantial long-term harm, including decreasing a young person's ability to succeed in education and employment. Incarceration reduces the likelihood of high school graduation and leads to poorer health in adulthood.

Additionally, the conditions within youth detention facilities itself are increasingly harmful. There are currently over 250 lawsuits over claims of child sex abuse in our city's juvenile jails. Sex abuse has been an issue across youth facilities nationwide, and NYC is no exception. The NYC youth detention facilities are extremely overcrowded, with reports of children sleeping on the floor and in common areas. 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.

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

Like the criminal legal system, race and poverty are defining characteristics of the foster system. In NYC, Black and Latine children are 13 times more likely than a white child to be placed in foster care. In New York, Black children make up 40% of the children in foster care yet make up only 15% of the children in the state, whereas white children make up 25% of the children in foster care and 48% of the children across the state.

Termed the *foster system-to-prison pipeline* because the data is so strong regarding the connection, children who are removed from their families are at significantly greater risk if they enter the foster system, and the longer the family separation, the higher the risk.

The average stay in the foster system in New York City is nearly two years. Studies have shown the long-term effects of parent-child separation: children endure prolonged and severe toxic stress which interrupts the brain's architecture at a critical time of development which can lead to delayed development in reason, learning and emotional development. Studies have also shown that frequent foster placement changes increase a young person's likelihood of incarceration. Nationally, [one in four](#) youth leaving the foster system will get arrested.

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.

Youth who have been separated by the foster system are further traumatized by contact with the juvenile legal system. In fact, over half of youth in foster care will have an encounter with the juvenile legal system by the age of 17.² Findings released by the final Raise the Age Commission in 2020 found that in New York City nearly all youth prosecuted as adults in the youth parts in New York City's criminal courts were Black and Latine. The Raise the Age Commission reported that:

“More than 90 percent of admissions to specialized secure detention involved Black and Hispanic youth, and all [adolescents] sentenced in New York City to incarceration in a [Department of Corrections and Community Supervision] DOCCS adolescent offender facility were Black.... In New York City, white youth with delinquency cases were much more likely than Black or Hispanic youth to be adjusted by the probation department, regardless of whether the youth was charged with a misdemeanor or felony offense.... Black and Hispanic youth were similarly over-represented in all types of youth confinement settings. In New York City, more than 90 percent of admissions to juvenile detention and placements into residential treatment facilities involved Black and Hispanic youth.”

In 2023, Black and Hispanic youth made up 68.2% and 25.4% of all NYC detention admissions respectively. Together, that's about 94% of all detention admissions. Additionally, justice system responses on a national level for youth referred to court on weapons possession charges have grown increasingly punitive over the past decade, especially for Black youth.³

Role of the Department of Probation in Youth Cases

The Department of Probation (DOP) plays an outsize role in the family court system and the youth parts in criminal court, as DOP oversees programs and services for young people accused of crimes. BDS is concerned with the changes in DOP practices under the current mayoral administration, which is more punitive for the young people we serve.

In youth cases in family court, DOP has the ability to recommend programs, adjustments (where a case is resolved without formal charges being filed), or oversee alternatives to detention and programming for young people. We have witnessed an increased unwillingness by DOP to offer adjustments or programs in many cases. This has been coupled with harsh enforcement of status offenses, such as missing school.

² Emma Ruth, Prison Policy Initiative, 2024. Force multipliers: How the criminal legal and child welfare systems cooperate to punish families <https://www.prisonpolicy.org/blog/2024/01/08/punishingfamilies/>

³ Puzzanchera, C., Sladky, A., and Kang, W. (2023). Easy Access to Juvenile Court Statistics: 1985-2021. National Center for Juvenile Justice.



Additionally, DOP has cut mentorship, ATD, and ATI programs. Currently there are only two ATD programs in family court in Brooklyn, one is run by probation (Intensive Case Management “ICM”), and the other is run by Good Shepard. In Brooklyn, until recently, there had not been any available space in these programs. There needs to be more ATD programming available in family court, which is why we recommend the council increase this funding. Previously there had not been any available space in these programs, until recently, but we are concerned that space could become unavailable again, that is why we recommend more ATD programming in family court.

I. Elimination of Court Liaison Officers Under Current DOP Administration

In family court and the youth parts in criminal court, the Department of Probation employed Court Liaison Officers (“CLOs”) to help streamline access to services for youth and their families. Recently, DOP eliminated these roles in court leaving youth and their families without an important resource inside the court system. CLOs played an important role in court helping youth and their families navigate the process of scheduling appointments with DOP. When the CLOs were in the courtroom, they would immediately talk to the family after the case was called about scheduling an interview for services. If possible, the young person and their family was directed to go to probation that same day for the interview. If there was not a probation officer available to talk with the youth and family, the CLO would confirm contact information and either set up a date or inform the family that DOP will be reaching out.

In the Youth Part in criminal court, young people are instructed to speak with probation when their case is sent to family court and court mandated services are an option or when (2) the young person is released with intensive case monitoring (ICM) by DOP. In both cases, the young person must meet with DOP to find out about available services and programming.

Without the CLOs, the judge tells the youth and family to go to Probation. In Brooklyn, this is accessible by an elevator bank to an adjacent building and BDS staff is able to accompany our clients to help with the process. (In other boroughs, where probation is in another physical location, this may add another level of anxiety/confusion for young people and their families.) In the past, the CLO would act as a liaison with the person who was interviewing the youth and would know if someone was available to meet with the youth and family. Now, Probation has no advance notice about a youth being directed to check in with them which has resulted in long delays, often over an hour. Families are often informed, after waiting, that no one is able to complete an interview that day. This delays the engagement in services, which does not typically benefit our youth clients. In family court there is an emphasis on trying to avoid delay because kids lose the connection between actions and consequences for those actions when access to services is delayed. Immediate contact with programming leads to better engagement.

There have been similar issues in family court. When the CLOs were in the family courtroom and either intensive case management or a probation report for sentencing were ordered, the

CLO would walk the youth and family to probation and ensure that next steps were set up. This engagement allowed DOP to explain the process to the youth and family, and collect contact information. It also sped up the service and program referral process, which led to more immediate engagement, and helped to avoid a delay in program enrollment or even a failure to engage in services at all.

DOP has become less focused on individualized needs of youth and more system-oriented and law-enforcement focused. We believe that a return to the former, more social-work driven focus of the DOP will better serve our city's youth.

Successful Preventive Programming

Current advances in research and neuroscience shows us that understanding adolescent brain development and behavior is a key part of providing youth with the tools and support they need to succeed. For example, making mistakes, often multiple times, and taking certain risks is part of the adolescent experience and learning process. “The brain development of this age group means that the pleasure of experimenting with certain risky behaviors prevents a proper assessment of their consequences.”⁴ Additionally, many of the young people we serve are often struggling with mental health, behavioral and educational issues, as well as family and community stresses with limited access to supportive resources and services. For under-resourced communities who do not have access to the resources that wealthier communities have, it can be difficult to navigate available options for services or programs when a crisis occurs, such as an arrest.

Successful preventive programs and alternatives to detention and incarceration should provide the resources needed to give youth in crisis 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 resourced and marginalized communities is the ability to make mistakes. Making mistakes without being monitored by ACS, its agencies or the police. Making mistakes and being given the grace for a school to deal with the issue in school and not calling the police. Making mistakes and learning how to problem solve. Making mistakes and having access to restorative justice rather than punitive and harmful systems. These are the differences between communities whose children are not criminalized in adolescence and those who are.

⁴ Carmen Viejo and Noemí Toledano Fernández, 2022. Teenage brains: What is happening and why it leads to more risky behaviors, <https://medicalxpress.com/news/2022-10-teenage-brains-risky-behaviors.html>



New York's Raise the Age Law Have Successfully Diverted Youth into Appropriate Interventions

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.

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 intensive 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.

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 than in the community 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's), 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 – many of which are rooted in staff recruitment, training, ratios, and retention.

Furthermore, 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. 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 justice 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 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.

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.

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 S3426/O'Donnell A4238). 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.



City Legislation

Res. 272-2024

Brooklyn Defender Services strongly supports the New York State GIRDS Act and is grateful to the Council for introducing this resolution in support of the bill. We encourage the Council to pass this resolution in support of GIRDS *and* to take meaningful action at the city level by passing Int. 625 to ensure transgender, gender non-conforming, non-binary and intersex people are presumptively placed in gender-aligned units in City jails.

Res. 734-2025

BDS is grateful to the CM Brewer for her continued support for transparency and oversight in prisons and jails. We are grateful that the omnibus prison transparency bill package named for Robert Brooks was passed this legislative session. We will continue to call on the state to pass meaningful criminal legal system reforms focused on decarceration, reducing the prison population, and supporting community members as they return home.

Conclusion

We are grateful to the City Council for holding this important hearing today on DOP's organizational strategy and the opportunity to shine a light on the experiences of young people with court involvement.

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