

1. Meeting Minutes

Documents:

[PUBLIC SAFETY COMMITTEE, 04-29-21.PDF](#)

2. Public Notice 4/29/21

Documents:

[4-29-21 PUBLIC SAFETY PUBLIC NOTICE.PDF](#)

3. Agenda Hearing 4/29/21

Documents:

[4.29.21 - AGENDA - HEARING.PDF](#)

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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO, Presiding Officer

PUBLIC SAFETY COMMITTEE

**HEARING ON THE HOUSING OF ADOLESCENT
OFFENDERS, JUVENILE OFFENDERS
AND JUVENILE DELINQUENTS**

LEGISLATOR DENISE FORD, Chairwoman

Theodore Roosevelt Building
1550 Franklin Avenue
Mineola, New York

April 29, 2021

11:20 A.M.

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A P P E A R A N C E S :

- LEGISLATOR DENISE FORD, Chair
- LEGISLATOR STEVEN RHOADS, Vice Chair
- LEGISLATOR VINCENT MUSCARELLA
- LEGISLATOR JOHN FERRETTI
- LEGISLATOR DELIA DERIGGI-WHITTON,
- Ranking member
- LEGISLATOR SIELA BYNOE
- LEGISLATOR DEBRA MULE

MICHAEL PULITZER
 Clerk of the Legislature

- ALSO PRESENT:
- LEGISLATOR ROSE WALKER
 - LEGISLATOR ELLEN BIRNBAUM
 - KATIE HORST

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LIST OF SPEAKERS

JOHN PLAKIS, Director,
Nassau County Department of Probations
ARIANNE REYER, Special Counsel,
Juvenile and Adolescent Justice
BRIAN SULLIVAN
CAPTIAN MICHAEL GOLIO

1 Public Safety Hearing/4-29-21

2 CHAIRWOMAN FORD: At this time
3 I'm calling the Public Safety Committee to
4 order and I'm sorry for the delay. I will
5 ask Legislator Bynoe to lead us in the
6 Pledge of Allegiance.

7 (The Pledge of Allegiance was
8 recited.)

9 CHAIRWOMAN FORD: Good morning.
10 We are going to start the hearing, the
11 Public Safety Committee, regarding the
12 housing of adolescent juvenile offenders and
13 juvenile delinquents.

14 I guess I will ask our clerk to
15 take a roll call.

16 CLERK PULITZER: Thank you,
17 ma'am. Public Safety Committee roll call.
18 Legislator Debra Mule?

19 LEGISLATOR MULE: Here.

20 CLERK PULITZER: Legislator Siela
21 Bynoe?

22 LEGISLATOR BYNOE: Here.

23 CLERK PULITZER: Ranking Member
24 Delia DeRiggi-Whitton?

25 LEGISLATOR DERIGGI-WHITTON: Here.

1 Public Safety Hearing/4-29-21

2 CLERK PULITZER: Legislator John
3 Ferretti?

4 LEGISLATOR FERRETTI: Here.

5 CLERK PULITZER: Legislator
6 Vincent Muscarella?

7 LEGISLATOR MUSCARELLA: Here.

8 CLERK PULITZER: Vice Chairman
9 Steven Rhoads?

10 LEGISLATOR RHOADS: Present.

11 CLERK PULITZER: Chairwoman
12 Denise Ford?

13 CHAIRWOMAN FORD: Here.

14 CLERK PULITZER: We have a
15 quorum, ma'am.

16 CHAIRWOMAN FORD: Thank you. And
17 today we have Rose Walker who thought it was
18 open to everybody and showed up so we'll
19 welcome her since she made the trip over
20 here. Sorry about the confusion.

21 Just to let you know that
22 normally we live stream these meetings but
23 because it seems the server is down we're
24 not able to do that. But we are recording
25 this meeting.

1 Public Safety Hearing/4-29-21

2 So, as there are no votes that
3 will be taken and there will be no decisions
4 made at this hearing, we will continue with
5 it to go on to get the information that we'd
6 like to get.

7 For people who want to see this,
8 you can't see it now, unfortunately you're
9 going to have to wait until it's over, then
10 it will be up for anyone who wants to access
11 it and view this hearing and listen to
12 whatever comments were made.

13 So, we'll start I guess, who from
14 the administration is here to be able to
15 come up to talk to us about this issue?

16 MR. PLAKIS: Good morning.

17 CHAIRWOMAN FORD: Thank you very
18 much for coming. This was something that I
19 guess out of one of the standard Public
20 Safety hearings, an issue, an item that we
21 were to vote on, I guess in regard to an
22 alternate site in the upstate area I think
23 it was Westchester -- Albany, thank you, to
24 be able to put our adolescent offenders.

25 I guess some issues arose out of

1 Public Safety Hearing/4-29-21
2 that in regard to housing them, transporting
3 them and so forth. So we would like to try
4 to get a more in depth understanding of the
5 issue of this.

6 MR. PLAKIS: Good morning. Just
7 to restart, I am Probation Director John
8 Plakis. With me is our special counsel
9 Arianne Reyer.

10 Chairwoman Ford and the members
11 of the Public Safety Committee, thank you
12 for having us here today. We look forward
13 to answering all your questions about
14 Raising the Age and legislation and your
15 concerns.

16 To start, I'm going to turn it
17 over to Arianne Reyer who has prepared a
18 narrative that will, I'm hoping, that will
19 answer a lot of your questions. But
20 afterwards, we will be available to continue
21 answering any questions you have.

22 MS. REYER: Good morning,
23 Chairwoman Ford, members of the Public
24 Safety Committee. Again, thank you for
25 having us here to discuss Raise the Age

1 Public Safety Hearing/4-29-21
2 legislation passed by New York State, the
3 creation of a new class of offenders
4 statewide called adolescent offenders and
5 the efforts put forth by Nassau County to
6 house them.

7 My name, again, is Arianne Reyer
8 and I'm special counsel for Adolescent and
9 Juvenile Justice for the Nassau County
10 Department of Probation.

11 As you are all well aware, New
12 York State passed and approved Raise the Age
13 legislation as part of the 2017 budget.

14 The legislation was to be
15 implemented for 16 years old on October 1st
16 of 2018 and 17 year olds in 2019.

17 As part of the Raise the Age
18 legislation, a new form of offenders called
19 adolescent offenders or AOs were created.
20 Adolescent offenders are 16 or 17 year olds
21 charged with felony offenses.

22 The legislation also created a
23 specialized part in the court for these
24 cases to be heard. That's called the youth
25 part of the superior court.

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2 As part of the change in the law,
3 CPL, criminal procedure law, section 510-15,
4 was amended to require that 16 and 17 year
5 olds charged with felonies and heard before
6 the youth part could only be detained and
7 housed in a facility certified by the New
8 York State Office of Children and Family
9 Services in conjunction with the New York
10 State Commission of Corrections as a
11 specialized secured detention facility for
12 older youth.

13 There are only six specialized
14 secured detention facilities across the
15 state. Westchester, Capital District or
16 Albany, Monroe, Erie, Onondaga and New York
17 City. New York City does not accept out of
18 city offenders truly only leaving five
19 options.

20 When the state initially listed
21 its proposed and anticipated specialized
22 secured detention housing sites, it included
23 Nassau County as it was always Nassau's plan
24 to renovate our juvenile detention centers
25 to accommodate adolescent offenders.

1 Public Safety Hearing/4-29-21

2 It is important to note that over
3 the past four years since the passage of
4 Raise the Age there have been approximately
5 320 adolescent offenders heard in the youth
6 part in Nassau County and a very small
7 fraction of them have been detained and
8 referred to specialized secure detention
9 facilities.

10 Although these are adolescents,
11 each offender who has been detained is
12 charged with a serious and violent crime
13 such as murder, attempted murder, possession
14 of a loaded handgun, sex abuse and gang
15 assault.

16 The implementation of bail reform
17 legislation in 2020 further restricted the
18 charges that would qualify for bail or
19 remand across all ages. So please know that
20 we are not talking about young men and women
21 who are charged with robbing a 7-11 or
22 stealing an iPhone. These are teenagers
23 charged with serious and violent crimes.

24 Currently we have five adolescent
25 housed in specialized secure detention

1 Public Safety Hearing/4-29-21

2 facilities across the state.

3 These five adolescent offenders
4 are charged with murder, attempted murder or
5 criminal sexual abuse of a child under the
6 age of 11.

7 As Director Plakis can further
8 detail for you, Nassau County started making
9 plans to house our adolescent offenders at
10 the juvenile detention center here in
11 Westbury prior to the passage of Raise the
12 Age as soon as the legislation made clear
13 that we would need specialized secure
14 detention facilities.

15 Our juvenile detention center is
16 a secure detention facility which under the
17 law can only house juvenile delinquents and
18 juvenile offenders.

19 In order to house adolescent
20 offenders at the juvenile detention center,
21 the facility needs to be remodeled to
22 qualify as specialized secured detention.
23 The facility is outdated and geared solely
24 to housing youth so it does not meet the
25 standard of state corrections. Those

1 Public Safety Hearing/4-29-21
2 standards be required for the housing of
3 adolescents.

4 Currently our JDC, which is at
5 capacity, houses youths from Nassau and
6 Suffolk County as well as for the state as
7 needed.

8 As part of the planned remodeling
9 and as part of the Raise the Age
10 legislation, we immediately vacated office
11 space that the probation office utilized at
12 the juvenile detention center.

13 We made arrangements with the
14 court to place our probation staff elsewhere
15 and began moving files and furniture to
16 allow for the renovation of the space to
17 begin.

18 In 2018, before the Raise the Age
19 legislation was implemented, Nassau County
20 Department of Probation with the help of the
21 Department of Public Works submitted a
22 detailed plan and budget to the Office of
23 Children and Family Services for their
24 approval.

25 We tried and continue to push New

1 Public Safety Hearing/4-29-21

2 York State for approval to house our
3 adolescent offenders closer to home.

4 The plan to renovate the juvenile
5 detention center requires both the Office of
6 Children and Family Services and state
7 correction approval to proceed.

8 We had several on-site
9 walk-throughs at the JDC with the Office of
10 Children and Family Services and corrections
11 along with DPW to go over the plans with
12 them directly.

13 We made every requested revision,
14 approximately 14 different plans and
15 submitted multiple amended proposals in 2018
16 and 2019. These plans to date remain
17 unapproved.

18 Even though we continue to talk
19 and meet and discuss, although the county is
20 ready to move forward, we cannot act on our
21 plans until they are approved by the Office
22 of Children and Family Services and the
23 State Commission of Corrections.

24 With or without state approval of
25 our plan, the county understood we needed

1 Public Safety Hearing/4-29-21
2 temporary options to house our adolescent
3 offenders closer to home.

4 New York State was originally was
5 pushing for Westchester County to expand
6 their facility to accommodate Nassau's youth
7 but that never materialized. The facility
8 suffered a fire and on upon information and
9 belief, the trailers they have begun to use
10 as an alternative to house adolescent
11 offenders were destroyed by the youth that
12 were detained there.

13 Back before the COVID-19
14 pandemic, Nassau and Suffolk teams met with
15 the Office of Children and Family Services
16 and state corrections to explore a
17 specialized secured detention facility
18 on-site at the Suffolk County Correctional
19 Facility. The space already exists, is not
20 used, and met the requirements that
21 adolescent offenders would be separated by
22 sight and sound from the adult population.

23 The state was contemplating this
24 option at the time but the discussions came
25 to a halt due to COVID.

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2 These discussions have just
3 recently resumed with all parties back at
4 the table.

5 During the pandemic, the state
6 also suggested that Suffolk County purchase
7 a building in Brentwood that is currently an
8 OCFS, Office of Children and Family
9 Services, detention facility for girls that
10 the state was shutting down.

11 A walk-through was done by the
12 county and beginning conversations were held
13 on what needed to be done to make the space
14 acceptable for Nassau and Suffolk's use.

15 However, shortly after the state
16 decided not to shut the facility and as a
17 result that option was just taken off the
18 table last month.

19 Currently we are back to working
20 out the details of the Suffolk Correctional
21 Center as a viable option.

22 Suffolk County has budgeted for
23 the needed work in their capital budget
24 plan. Nassau, Suffolk, the Office of
25 Children and Family Services and state

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2 corrections continue to have biweekly calls
3 to discuss the Suffolk option which will
4 still require approval from the Office of
5 Children and Family Services and state
6 corrections.

7 It is important to note that
8 Nassau County would be happy to move forward
9 with our plan to renovate the juvenile
10 detention center if it was approved, but it
11 seems that the state has moved away from
12 this option and is now focused on a Suffolk
13 County site for the region.

14 Currently, with no specialized
15 secure facility close to home, the Nassau
16 County Department of Probation has the
17 arduous task of trying to locate specialized
18 secure detention facilities for our
19 adolescent offenders since, again, the
20 capital improvements have not met state
21 approval.

22 We join in the County Executive's
23 frustration that adolescent offenders
24 charged with violent offenses must be
25 transported so far from home.

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2 Currently the law limits our
3 ability to do much else.

4 Requiring that all adolescent
5 offenders must be held in specialized secure
6 detentions without first making sure that
7 sufficient housing can be certified was not
8 a well thought out part of this legislation
9 and leaves counties like Nassau and Suffolk
10 County scrambling each time an adolescent
11 offender is detained.

12 Every time that an adolescent
13 offender is detained, our first step is to
14 review the police paperwork as well as
15 interview the youth and their parent or
16 guardian. This information helps the court
17 decide on bail and helps the Department of
18 Probation get a better understanding of
19 whether bail is likely to be set by the
20 judge at arraignment.

21 Again, in cases where an
22 adolescent is charged with crimes such as
23 murder, attempted murder or criminal
24 possession of a loaded handgun, there is a
25 high likelihood that bail will be set.

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2 For many of the other adolescent
3 offenders charged with nonviolent or less
4 violent crimes where bail is not set by the
5 court, the probation department has GPS
6 electronic monitoring, pretrial supervision
7 and voluntary case planning and management
8 services available to these adolescents and
9 their families if the court finds that they
10 can remain safely in their community.

11 For those charged with the most
12 violent felonies and with the likelihood of
13 bail, our department immediately starts
14 reaching out to each specialized secured
15 detention facility to inquire about the
16 availability of new intakes.

17 Our officers always start by
18 reaching out to Westchester County as it is
19 the closest facility to Nassau County.

20 At each facility we are asked a
21 series of questions in order for
22 administrators to make a determination as to
23 whether or not they are able to accept the
24 adolescent offender.

25 Onondaga has a four page intake

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2 and Erie County has a 13 page intake that
3 we must complete and they must review before
4 they will even consider a new admission.

5 This process alone can take
6 several hours as we wait for a determination
7 from each facility's administrators and
8 directors.

9 In the mean time, if bail is set
10 and the adolescent parent or guardian are
11 unable or unwilling to pay, the probation
12 department must obtain a copy of the
13 securing order which is the order issued by
14 the court detailing bail and stating that
15 the adolescent must be detained.

16 Probation must then notify the
17 Sheriff's Department that an adolescent
18 offender has been placed in their custody.

19 The deputies then take the
20 adolescent offender to the Nassau University
21 Medical Center for a determination if he or
22 she is fit for confinement and have a COVID
23 screening. This process can take an
24 additional few hours and deputies must
25 remain with the adolescent at all times.

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2 The easiest case scenario right
3 now is that one of the specialized secured
4 detention facility is able to accept this
5 new admit, and then the adolescent offender
6 can be immediately transported to that
7 facility upon release from the hospital.

8 If accepted, transportation can
9 take six to eight hours. That's the easiest
10 case scenario. But in most instances,
11 finding specialized secure detention housing
12 has not been that simple. The deputies
13 transport the adolescent offender to the
14 juvenile room at either the First or Third
15 Precinct and await further instructions.

16 In the few instances where no
17 specialized secure detention bed was
18 available and the state offered no overnight
19 alternative, the adolescent offender had to
20 be housed at the juvenile room in the
21 precinct overnight. This juvenile room is
22 not intended for overnight detention.

23 A cot and meals were brought in
24 to accommodate the offender and make the
25 adolescent comfortable.

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2 Deputies are required to stay at
3 the precinct at all times, 24 hours, so the
4 adolescent offender is monitored and
5 appropriately supervised.

6 It's important to note that the
7 legislation states that if an adolescent
8 offender is not arraigned before the youth
9 part that the adolescent must be seen at the
10 youth part the next day that court is in
11 session.

12 So, prior to the COVID pandemic,
13 where appearances were in person and not
14 virtual, there were instances where an
15 adolescent offender would be transported
16 upstate only to have to return the next day
17 for their court appearance. No one believes
18 that that is in the best interest of the
19 adolescent offender or the safety of our
20 deputies.

21 This alone strengthens our belief
22 that adolescent offenders should be housed
23 within a reasonable distance. In instances
24 where there has been absolutely no
25 alternative specialized secure detention

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2 housing, the Office of Children and Family
3 Services has granted permission for an
4 adolescent offender who is now 18 but
5 committed their crimes back when they were
6 17 to be housed at the jail.

7 Criminal procedure law 510.15
8 requires that no offender under the legally
9 specified age, which is 16 or 17, shall be
10 detained in a jail.

11 Therefore, in a situation where
12 an adolescent offender is over the age of 17
13 and has needs that cannot be met in
14 specialized secured detention or in
15 instances where there are no specialized
16 secured detention beds available, the Office
17 of Children and Family Services has stated
18 that nothing explicitly prohibits the court
19 from issuing a securing order to commit that
20 youth to the county jail.

21 However, to get such approval for
22 a jail placement, the probation department
23 must ask the Office of Children and Family
24 services to consult with state corrections
25 and the two agencies must together approve

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2 that placement. Only with that joint
3 approval can probation go back to the court
4 and request a new securing order be issued
5 to place the offender at the jail.

6 Unfortunately, due to the
7 limitation of specialized secured detention
8 beds across the state, coupled with the
9 COVID infection rate, and staff shortages at
10 some facilities, we have been placed in the
11 position where we have no choice but to seek
12 approval for such a placement of an 18 year
13 old violent offender.

14 We continue to work towards a
15 better solution. We continue to meet with
16 OCFS and SCOC to find a better plan and have
17 it approved. We continue to work within the
18 complex restrictions of the Raise the Age
19 law and continue to seek to get an approval
20 to plan to house our adolescent offenders
21 here on Long Island.

22 We thank the County Executive and
23 her staff for their support in helping us
24 try to get a resolution to this ongoing and
25 complex issue.

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2 We welcome any support from this
3 body with our continued effort to gain state
4 approval to plan to house our Nassau County
5 adolescent offenders closer to home. Thank
6 you.

7 LEGISLATOR FORD: Stunning. I
8 have to say God bless you in dealing with
9 this.

10 MS. REYER: It has been quite the
11 process.

12 CHAIRWOMAN FORD: It's
13 unbelievable.

14 MR. PLAKIS: So every time an AO
15 is arrested, we have to conference 24 hours
16 a day and work out a plan that the state
17 will approve.

18 CHAIRWOMAN FORD: Without any
19 help basically from what I see from the
20 state at all to keep -- it seems like they
21 throw up these road blocks.

22 Prior to Raise the Age, these
23 adolescents, 16 and 17, because juveniles
24 are up to the age of 16, correct?

25 MS. REYER: Correct.

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2 CHAIRWOMAN FORD: They were
3 housed?

4 MS. REYER: At the jail. They
5 were just treated as any other criminal
6 defendant.

7 CHAIRWOMAN FORD: So when they
8 raised the age, I guess for 17 year olds,
9 you said in 2018, and 18 year olds in 2019?

10 MS. REYER: The other way. In
11 2018 it was the 16 year olds, and then in
12 2019 the 17 year olds.

13 CHAIRWOMAN FORD: So they were
14 there.

15 MS. REYER: And they had been
16 there and they had been in general
17 population.

18 The irony of the situation is
19 that there are juvenile delinquents who are
20 housed in our juvenile detention centers who
21 are older than.

22 We have one offender in our
23 juvenile detention center right now who is
24 20 but his offense happened when he was
25 younger. He is there on a violation of a

1 Public Safety Hearing/4-29-21
2 probation for an offense that happened when
3 he was a juvenile.

4 But that 20 year old is allowed
5 to mix with the juveniles. But we had a 17
6 who couldn't because of the restrictions of
7 the law.

8 CHAIRWOMAN FORD: Is it also
9 because of the severity of the crimes they
10 committed?

11 MS. REYER: It is not. It
12 doesn't have to do with the severity of the
13 crime. The placement doesn't have to do
14 with the placement of the crime.

15 Whether or not bail can be set
16 because of bail reform legislation does play
17 a role in it. But where they can be placed
18 has nothing to do with it.

19 We have juvenile offenders
20 currently at our juvenile detention center
21 charged with multiple counts of murder.

22 CHAIRWOMAN FORD: So we only have
23 basically five. Why is New York City not
24 taking any of the out of city adolescent
25 offenders? Do they have room or don't have

1 Public Safety Hearing/4-29-21

2 room?

3 MS. REYER: That is a very
4 interesting question and I wish I could give
5 you a good answer but I don't know one at
6 this time.

7 All I know is any time we have
8 tried they have not been willing to accept
9 out of city offenders.

10 CHAIRWOMAN FORD: I have to hand
11 it to you both with trying with the juvenile
12 detention center, and knowing that this
13 legislation was coming down. I mean, this
14 was years ago that you knew to jump on, to
15 jump start basically making changes so that
16 we're able to accommodate our adolescent
17 offenders in I guess a humane way so to
18 speak.

19 Why did the state tell you that
20 they would not accept the adolescent
21 offenders going, if we renovated and
22 complied with whatever the standards were to
23 house them, did they give a reason why they
24 said no?

25 MS. REYER: I will tell that we

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2 submitted 14 different proposals. So there
3 were 14 different reasons each time we
4 submitted a new proposal.

5 Although I really don't really
6 feel comfortable speaking for the state.
7 The reasons as we understood them was one as
8 I know you know Legislator Bynoe that the
9 juvenile detention is in need of
10 modernization and updating and because it is
11 a joint venture with the Office of Children
12 and Family Services and state corrections,
13 it was really the corrections part that felt
14 that the JDC needed to be hardened for lack
15 of a better word to accommodate this older
16 population.

17 CHAIRWOMAN FORD: Were we
18 prepared to do so?

19 MS. REYER: We were. There was
20 also a shortage of materials. So we spent
21 hours talking about doors and windows and
22 construction items that were back ordered or
23 unavailable for us to move forward with the
24 renovation. So although we were prepared to
25 go forward with those items and therefore

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2 that approval, we hit a state road block and
3 that kind of caused us to pivot as they
4 tabled that proposal and look at alternative
5 sites.

6 CHAIRWOMAN FORD: When they put
7 this kabosh on it, so to speak, were you
8 prepared at that time, and I'm sort of going
9 off topic, but were you prepared at that
10 time when you were going to expand to
11 accommodate adolescents, were you then going
12 to renovate the juvenile detention center at
13 the same time?

14 MS. REYER: I believe so. Was it
15 the plan to renovate the entire --

16 MR. PLAKIS: Well, DPW put in a
17 plan to renovate at a cost of over \$5
18 million but like Arianne Reyer just said, it
19 was tabled and it was never approved.

20 CHAIRWOMAN FORD: We need to look
21 at that again definitely.

22 So now we're looking at Suffolk
23 County. They have an available building I
24 guess where they can go but it's on the
25 property.

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2 with the law?

3 MS. REYER: Correct. They want a
4 separate entrance. The want the visitors
5 not to see each other. They want it to be
6 as if it was a standard alone location but
7 because of issues of space, the Office of
8 Children and Family Services and corrections
9 has been willing to contemplate the building
10 on the jail campus.

11 CHAIRWOMAN FORD: So now we then
12 have to look for other places. What happens
13 when all of a sudden like there is no space,
14 none whatsoever, like we have a crime wave
15 across New York State, just say adolescents
16 go crazy. So every facility is filled to
17 capacity. What do you do? Do we then send
18 them out of state?

19 MS. REYER: I fear that on a
20 regular basis. Because say five adolescent
21 offenders were arrested today, and each one
22 of them were charged with murder, we would
23 be put in a very difficult position.

24 We would have to turn to the
25 Office of Children and Family Services and

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2 state corrections to collaborate with them
3 and find an alternative option.

4 They have made clear to me that
5 under no circumstances will the 16 year olds
6 be allowed to be detained at the jail.

7 So it would be a scrambling
8 process for lack of a better word. I don't
9 know if they would have the authority to let
10 us go out of state but on an almost weekly
11 basis when it's a singular adolescent
12 offender, I go through the complex procedure
13 that I described for you just to find one
14 bed.

15 So I fear that scenario where
16 that will happen. But we do have an ongoing
17 continuing conversation with the Office of
18 Children and Family Services. I speak to
19 them constantly and we have joint
20 conversations with state corrections in
21 hopes that we will be able to work together
22 that if that issue ever arises we will be
23 able to place them one here, one there,
24 where ever we can.

25 CHAIRWOMAN FORD: I'm tempted to

1 Public Safety Hearing/4-29-21
2 get their contact information from you
3 because I think I would like to reach out to
4 them as Legislators and say, hey, what's
5 going on here?

6 You're doing a fantastic job in
7 trying to do this. I can only imagine the
8 stress that you are under because of this.
9 Honestly, I'm sincere.

10 MS. REYER: I appreciate it.

11 CHAIRWOMAN FORD: And I think
12 about this and, listen, they commit murder
13 or whatever, but, still, we're trying to
14 have a system where despite the actions of
15 people maybe try to treat them with respect
16 or humanly. We don't want to go down into
17 you know whatever it is.

18 For me, they still are 16 and 17
19 year olds. So like they then get separated
20 from their families. Mothers love their
21 children no matter what. If they're far
22 away and can't talk or see them, I can only
23 imagine, a mother's heartbreak.

24 But I'm wondering, is there ever
25 a time then where you might have a 16 year

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2 old that has to go, you're scrambling, and
3 maybe up in Plattsburg or Erie county, you
4 have an 18 year old up there that is from
5 Erie County, is there ever a time that you
6 find you are going to transport that 18 year
7 old down to our jail and then put the 16
8 year old up there or swap people around?

9 MS. REYER: We have done that on
10 several occasions, swapped people from one
11 facility to another facility. Either
12 because maybe there is a gang issue in the
13 facility and they want these two separated
14 or suddenly there's a kid who lives closer
15 to Westchester and a bed is available in
16 Westchester so they want that that youth
17 moved to Westchester and then we move
18 another one.

19 That becomes a responsibility of
20 our sheriff's department because they are
21 still in the custody of the sheriff.

22 Even for those transportations
23 from one facility to another, our deputies
24 have to go to Syracuse, get the offender,
25 bring them to Westchester and do that swap.

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2 So we have done it on several
3 occasions.

4 CHAIRWOMAN FORD: So the deputies
5 go up, they bring them up, do they stay with
6 them up there or do they come home?

7 MS. REYER: They generally,
8 again, just speaking from my understanding
9 of procedure and protocol at the Sheriff's
10 Department they transport the adolescent
11 offenders up there, have the adolescent
12 offender detained. The deputies stay
13 overnight for their own safety because
14 they're now dropping them off at 3 o'clock
15 in the morning and then they return home.

16 CHAIRWOMAN FORD: So they don't
17 have to stay up there with them, they are
18 basically transporting them until they are
19 in a secure facility and they come home?

20 MS. REYER: Correct.

21 CHAIRWOMAN FORD: I mean, it must
22 be rather expensive doing something like
23 this because I know that at the jail,
24 sometimes they could be short staffed, so I
25 would think that if there is a situation

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2 where you have to transport to adolescent
3 offenders, they don't get transported
4 together even if they're going to same
5 place?

6 MS. REYER: Correct.

7 CHAIRWOMAN FORD: They have to
8 each be in their own car, correct?

9 MS. REYER: I believe so.

10 CHAIRWOMAN FORD: So that means
11 that's four deputies would then transport,
12 so like even if they're short staffed at the
13 jail, do think take preference? Do the
14 adolescent offenders who have to be
15 transported, do they take preference over
16 requiring that the deputies must take them
17 up to the jail or up to where they have to
18 go or do they have to wait until there are
19 deputies available?

20 MS. REYER: I wouldn't be able to
21 answer that question without conferring with
22 the Sheriff's Department. There has never
23 been an instance where they were short
24 staffed that I'm aware of. They've been
25 incredibly accommodating with any requests

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2 that we have for transportation.

3 So, to the best of my knowledge,
4 that hasn't been an issue.

5 CHAIRWOMAN FORD: I'm going to
6 hand it over to -- I think Legislator Bynoe
7 had some. I'll keep on going though.

8 MS. REYER: Thank you. We
9 appreciate your time.

10 LEGISLATOR BYNOE: Hi. Good
11 morning. Thank you for your presentation
12 and, more importantly, for explaining to us
13 the laborious task that you have to
14 undertake to find beds. It sounds
15 horrendous and it has to be incredibly
16 anxiety producing for you.

17 MS. REYER: And it's always on a
18 Friday afternoon.

19 LEGISLATOR BYNOE: So you're in
20 essence on call almost 24/7 doing this kind
21 of work. So we appreciate you. We really
22 do.

23 So, I want to get into the nuts
24 and bolts of what's happening in the state
25 and the 14 different plans that were

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2 presented.

3 MS. REYER: Yes.

4 LEGISLATOR BYNOE: And it sounded
5 like there was a plan that was accepted but
6 because of the difficulty of being able to
7 procure and acquire building materials that
8 particular plan fell through.

9 MS. REYER: Well, the plan was
10 never accepted. The plan was still an
11 ongoing process. The budget for the plan
12 was never approved because in part those
13 materials were not able to be obtained. So
14 the plan was ultimately tabled so it was
15 never fully accepted.

16 LEGISLATOR BYNOE: So out of the
17 14 there was not one that was fully
18 accepted?

19 MS. REYER: Not for the budget
20 part of the plan, not for the actual capital
21 improvement budget.

22 LEGISLATOR BYNOE: So there is no
23 opportunity to go back and breathe life?

24 MS. REYER: I would hesitate to
25 say that because I'm always hopeful that we

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2 can return to a plan to bring our adolescent
3 offenders to Nassau County, and in
4 discussions with the Office of Children and
5 Family Services they have said that the plan
6 is tabled. So they have not said that it is
7 rejected, they have just said that it is
8 tabled while we explore these other sites.

9 So, if for some reason once again
10 at sight in Yaphank fell through, we would
11 again encourage them to look back to our
12 juvenile detention center as an alternative.

13 LEGISLATOR BYNOE: Do you know
14 what the capacity for that Yaphank facility
15 would be?

16 MS. REYER: I believe it's still
17 under discussion with the Office of Children
18 and Family Services and corrections because
19 the question would be would it house the
20 juvenile delinquents and juvenile offenders
21 as well or would it just be limited to just
22 the adolescent offenders.

23 So as it stands currently, I
24 don't know what the capacity could be. I
25 could obviously look into that and get back

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2 to you.

3 But there is discussion as to
4 whether it would be acceptable to hold our
5 current population at the juvenile detention
6 center as well as those adolescent
7 offenders.

8 LEGISLATOR BYNOE: So with the 14
9 plans that we submitted, what was the
10 maximum capacity for AOs and juveniles?

11 MR. PLAKIS: We did a capacity
12 for Nassau and Suffolk County between 30 and
13 40 youth. So I would advocate for a 40 bed
14 capacity.

15 LEGISLATOR BYNOE: 40 bed
16 capacity for the specialized?

17 MR. PLAKIS: Yes. Right now we
18 are certified for 16 for JDs and JOs, so if
19 we up it to at least 30 that would be enough
20 for Nassau and Suffolk County.

21 LEGISLATOR BYNOE: So when I look
22 at, I was able to get some data from OCFS
23 bureau of research and performance
24 analytics, and it indicates that in '19 we
25 had 33 individuals that were admitted.

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2 MS. REYER: To specialized secure
3 detention facilities. That sounds accurate
4 to me.

5 LEGISLATOR BYNOE: Then in 2020,
6 it went down to 20. I guess that has to do
7 with the bail reform piece.

8 MS. REYER: Yes. I would imagine
9 so.

10 LEGISLATOR BYNOE: Then it looks
11 like Suffolk was coming in at 22 in '19 and
12 13 in '20. So your number Mr. Plakis sounds
13 right if this trend continues in a downward
14 from '19 or stays steady from '21.

15 MS. REYER: And as you stated
16 with bail reform that should accurately
17 reflect current numbers. Of course the
18 COVID pandemic does play a role in all of
19 that for 2020 numbers or 2021 numbers, but I
20 would say that's a fair number.

21 LEGISLATOR BYNOE: Tell me about
22 how COVID played a role.

23 MS. REYER: I think the number of
24 arrests for adolescent offenders was slower
25 during the COVID pandemic.

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2 LEGISLATOR BYNOE: So, when we
3 talk about these deputies having to travel
4 and, in some cases, given the distance
5 they're traveling and overnighting and the
6 like and then the fees associated with
7 paying the other counties for providing this
8 stay for our young people, have we come to a
9 number? What did it cost us in 2019 and
10 what did it cost us in 2020?

11 MR. PLAKIS: All these fees are
12 paid for by the state. We prepare a chart,
13 a repayment chart. We get repaid for these.

14 MS. REYER: We get reimbursed.
15 For any out of county placement, the state
16 reimburses at a rate of 100 percent.

17 LEGISLATOR BYNOE: How do they
18 deal with the expense if it is in the
19 county?

20 MR. PLAKIS: In the county, our
21 JDC, we get 100 percent for all out of
22 county youth and they reimburse us 49
23 percent for Nassau County.

24 LEGISLATOR BYNOE: Would that be
25 the same for the AOs if we were to house

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2 them here?

3 MR. PLAKIS: With the Raise the
4 Age legislation, it was determined to be 100
5 percent as part of that. It was like to
6 encourage everybody to follow along they are
7 doing 100 percent. I don't know if they're
8 going to keep that up forever but that's
9 what it is right now.

10 LEGISLATOR BYNOE: What was your
11 understanding for the capital improvements
12 or the capital investments that Nassau or
13 Suffolk would undertake, that would be 100
14 percent as well for the capital needs?

15 MR. PLAKIS: Yes. If we come to
16 an approved plan that has to be approved by
17 OCFS, the state corrections, and the
18 division of budget, so three entities, then
19 yes it would be covered 100 hundred percent.

20 I think I stated this before,
21 they want us to pay the bill and then submit
22 and they will pay the monthly payments, the
23 debt services of that bill.

24 LEGISLATOR BYNOE: We would need
25 to bond, would they be paying 100 percent of

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2 the expenses even some of the administrative
3 costs for that; do you know?

4 MR. PLAKIS: I can't answer that
5 if it would be 100 percent but it would be a
6 large amount of that.

7 LEGISLATOR BYNOE: All right.
8 Let me do this first before we go to Arianne
9 doing some further explaining. Can you tell
10 me what was the date of the first submission
11 to the state on those 14 plans?

12 MR. PLAKIS: Yes. Our first
13 submission was dated 11-13-2018. And the
14 14th submission was dated January 31st,
15 2020.

16 LEGISLATOR BYNOE: Based on what
17 you said that you believe that the Yaphank
18 location is what they're setting their
19 sights on in the immediate and so is that
20 why we haven't submitted anything or
21 communicated with them on any plan since
22 January 2020?

23 MS. REYER: We have been
24 communicating with them regularly.

25 As I stated, there is biweekly

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2 meetings to discuss the plans going forward
3 with both OCFS and SCOC, but because the
4 plan is at a Suffolk site and they have
5 included the plan in the budget and in their
6 capital plan, it's been incumbent upon them
7 I believe to submit an updated plan.

8 LEGISLATOR BYNOE: They have
9 submitted a plan. Do we know the date on
10 that plan?

11 MS. REYER: I do not.

12 LEGISLATOR BYNOE: I think we
13 need to know since we are going to be
14 relying on Suffolk, we need to know when
15 they submit that particular plan.

16 I agree with Legislator Ford that
17 we need to put some pressure on the state to
18 get them to move on one of these plans
19 because they can't keep us in this space.
20 It's not healthy for our young people to be
21 this far away. It's not healthy, as you
22 said, we've been putting our deputies at
23 additional risk for having to do the travel
24 back and forth and its also putting a strain
25 on you folks.

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2 So I implore Nassau County
3 Executive Laura Curran and Suffolk County
4 Executive Steve Bellone to also get in the
5 fight and have some real deliberate actions
6 to move the state. We have to move the
7 state.

8 MS. REYER: It is on ongoing and
9 continuing process.

10 LEGISLATOR BYNOE: I know you
11 guys are meeting once a week, biweekly, but
12 at this point -- and I hear you we
13 appreciate all that you're doing based on
14 what you shared with us this morning, but I
15 do think as Legislator Ford said, we need to
16 get in the mix and I think the county
17 executives have to get in the mix. The
18 strain has been on their residents and their
19 staff and I think they can tell a very
20 compelling story about why there is an
21 urgency and why this should be prioritized.

22 MS. REYER: Again, I know that
23 Deputy County Executive Fox along with
24 Suffolk County Chief Executive Lisa Black
25 are part of the biweekly calls in order to

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2 encourage the state to move forward with the
3 approval for the plan, so they are part of
4 the conversation and any support of this
5 body of this body could always be
6 appreciated.

7 LEGISLATOR BYNOE: Again, the
8 influence is going to be important. The
9 most influential people I think are going to
10 be with roles with the CE at the beginning
11 of the title so they got to get involved in
12 a very prominent way. That's the only way
13 we're going to solve it.

14 I want to go back. You mentioned
15 during your presentation the ability for the
16 young people to have access to counsel and
17 their families. Could you just go back over
18 that point for me again?

19 MS. REYER: Well, I think it's
20 part of our concern that the adolescent
21 offenders are being transported so far from
22 home that it really restricts family and
23 counsel from being able to meet with the
24 adolescent offenders.

25 LEGISLATOR BYNOE: What kind of

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2 accommodations are being made?

3 MS. REYER: The only
4 accommodations that are being made are
5 virtual.

6 So there are regular conferences
7 on zoom I believe it is, or some virtual
8 platform that allows the parents and counsel
9 to meet with them. I just set up a virtual
10 meeting yesterday between an adolescent
11 offender and his counsel. So the facilities
12 have been very accommodating as far as that
13 goes.

14 Even at home there are
15 limitations at our juvenile detention center
16 and at the jail for outsiders to come in
17 during the pandemic.

18 So that is all that I can think
19 of that's currently in place other than
20 prior to a court date if counsel wants to
21 meet with their client just before the case
22 is heard, the court has been accommodating
23 to find a space to do that but it does again
24 require deputy supervision.

25 LEGISLATOR BYNOE: So we don't

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2 have the largest numbers, New York City is
3 obviously leading the charges with the
4 number of AOs, but given the numbers I have
5 for across the state or counties, we're like
6 number four or five in there.

7 MS. REYER: It's startling when
8 Raise the Age law came into place, I don't
9 think that even I who has been doing this
10 work for a long time had any concept of the
11 number of adolescents seriously charged with
12 seriously violent crimes so it has been an
13 awakening.

14 LEGISLATOR BYNOE: Definitely the
15 numbers were much higher than I would have
16 thought.

17 MS. REYER: Again, those
18 adolescent offenders who are being detained
19 are only those charged with those serious
20 violent crimes. We have over approximately
21 320 adolescent offenders over the course of
22 the youth part, and they for the most part
23 are released with pretrial supervision or
24 electronic monitoring or just referrals to
25 service agencies within our communities. So

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2 it is again a very small fraction of the
3 general population that we are talking
4 about.

5 Director Plakis was asking me at
6 number of adolescent offenders who are
7 initially heard in the youth part and then
8 ultimately removed to family court because
9 they can make a determination in the youth
10 part that the case should not remain there
11 as an adolescent offender and remove the
12 case to the family court. I don't have that
13 number but it is a high percentage.

14 So unless an adolescent offender
15 meets the restrictive definition of an
16 adolescent offender, the district attorney's
17 office can consent to them being removed to
18 family court. And, anecdotally, I would
19 tell you that that was about 80 percent.

20 LEGISLATOR BYNOE: Thank you for
21 your answers. I appreciate it.

22 MS. REYER: Thank you.

23 CHAIRWOMAN FORD: I have a
24 question. What if an adolescent offender is
25 homeless, like just say they ran away from

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2 home, and here they are in Nassau County and
3 they commit this crime, they murder
4 somebody, and there is -- or maybe they
5 didn't murder somebody or maybe they
6 committed a crime that didn't require them
7 to be jailed, like you would send them home
8 with a bracelet or something.

9 What if it was kid that did
10 something really bad, like shoplifting or
11 something, and there is no place to send
12 them home to be on probation or be with a
13 bracelet or whatever, who do you do with
14 them?

15 MS. REYER: We have a probation
16 officer assigned to the youth part who works
17 in conjunction with the court whose title is
18 resource coordinator. They work together to
19 do an assessment of the young person. It's
20 called the youth assessment screening
21 instrument. And that instrument brings to
22 life whatever risk factors exists for the
23 youth as well as any protected factors that
24 may be in place and it helps create a case
25 plan for that youth.

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2 So in the instance of someone
3 that is homeless, it might be a referral to
4 a respite for that young person, or
5 obviously it would be contact with
6 Department of Social Services, Nassau Haven
7 is the name of the respite that I was
8 speaking of. We would put into place
9 services for that young person assuming they
10 were out in the community.

11 So we have a great partnership
12 with the court where we're regularly making
13 referrals to community based organizations
14 especially those that do evidence based
15 practices.

16 CHAIRWOMAN FORD: So never would
17 you have to deal with trying to send them up
18 to Albany because of you have no place to
19 put them, they would never be part of this
20 population of having to go to an adolescent
21 offender detention center.

22 MS. REYER: Well, ultimately that
23 determination is made by the court. If they
24 set bail, then we need to follow what the
25 court order is, but I would hope that there

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2 would never be an adolescent offender who
3 was remanded because of a homeless
4 situation.

5 CHAIRWOMAN FORD: Thank you.
6 Legislator Mule.

7 LEGISLATOR MULE: Thank you,
8 Madam Chair. I'm going to backtrack a
9 little bit and make sure I'm completely
10 understand the terms you are using.

11 MS. REYER: It's complex, I'm
12 sorry. I tried to define it as well as I
13 could.

14 LEGISLATOR MULE: You did a good
15 job but for my understanding I want to make
16 sure I'm understanding.

17 So, as a result of Raise the Age,
18 this new category of AO was formed; is that
19 correct?

20 MS. REYER: Yes.

21 LEGISLATOR MULE: How is that
22 different from JD or JO? What determines
23 that?

24 MS. REYER: That's a great
25 question and thank you for clarifying.

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2 Juvenile delinquents prior to Raise the Age
3 was any juvenile aged 7 to 15 who committed
4 any offense. So a 16 or 17 year old who
5 committed an offense no matter what it was
6 considered an adult. So Raise the Age
7 changed that.

8 Now 16 and 17 year olds who are
9 charged with misdemeanor crimes are
10 considered juvenile delinquents. They were
11 never referred to family court before.
12 Juvenile delinquency cases are heard in
13 family court and not in criminal court and
14 not in the youth part.

15 Now the definition of a juvenile
16 delinquent is anyone 17 through 15 charged
17 with any crime or 16 and 17 olds charged
18 with misdemeanors.

19 LEGISLATOR MULE: If you're
20 younger than that what are you?

21 MS. REYER: If you're younger
22 than seven?

23 LEGISLATOR MULE: Can you say it
24 again?

25 MS. REYER: Did I say it wrong?

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2 Seven through 15 with any crime at all is a
3 juvenile delinquent. With Raise the Age,
4 any 16 or 17 year old who is charged with a
5 misdemeanor offense is now considered also a
6 juvenile delinquent and those cases go to
7 family court.

8 The 16 and 17 year olds charged
9 with felonies are considered adolescent
10 offenders and they go to the youth part of
11 the superior court. That never existed
12 prior to Raise the Age. They were just
13 adults.

14 LEGISLATOR MULE: So a juvenile
15 offender, that's a non existing category?

16 MS. REYER: That still exists.
17 They're a subsection. They are young people
18 ages 13 through 15 who are charged with a
19 list of crimes that are detailed in the
20 criminal procedure law, but they are the
21 most serious violent crimes, things like
22 murder two, kidnaping, robbery with a
23 weapon. It's the most serious violent
24 crimes.

25 So those 13 through 15 year olds

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2 charged with that list of crimes are
3 juvenile offenders and the law remained
4 unchanged in regards to them other than
5 their cases are now heard in the youth part
6 and not in the criminal court. Sorry, I
7 know it complicated.

8 LEGISLATOR MULE: Thank you.
9 That was very helpful. JDs and JOs both go,
10 if they are remanded, they go to the JDC?

11 MS. REYER: Yes, you got it.

12 LEGISLATOR MULE: Now, so if an
13 AO is determined to then go to family court
14 instead of the youth court, are they still
15 AOs?

16 MS. REYER: They then become a
17 JD.

18 LEGISLATOR MULE: Thank you.
19 That's very interesting.

20 MS. REYER: So for the majority
21 of cases in the youth part, if it is a
22 nonviolent felony, unless the District
23 Attorney can show that there are
24 extraordinary circumstances to keep the
25 offender in the youth part, those cases all

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2 go to family court.

3 So if it's a nonviolent felony
4 and there is no extraordinary circumstances
5 they all go to family court. So that's why
6 I said anecdotally I anticipated it was
7 about 80 percent.

8 For the violent felonies, those
9 cases can also go to family court but the
10 District Attorney can make a motion to have
11 them stay in the youth part if it is a sex
12 offense, if there was substantial physical
13 injury, or if there was a deadly weapon
14 used.

15 LEGISLATOR MULE: So the people
16 who we're talking about who are going out of
17 county, are they all AOs?

18 MS. REYER: Yes.

19 LEGISLATOR MULE: So our JDs and
20 JOs are staying in county at the JDC?

21 MS. REYER: Correct. Again,
22 those adolescent offenders, AOs, going to
23 SSDCs, specialized secured detention
24 centers, are only those that the District
25 Attorney and the court have decided shall

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2 remain in the youth part.

3 When a case is removed from the
4 youth part to the family court, they can
5 then go to the juvenile detention center.

6 LEGISLATOR MULE: Right. Now,
7 you said currently we have about five AOs?

8 MS. REYER: Correct. Who are
9 detained. There are more who are in the
10 community.

11 LEGISLATOR MULE: They are now
12 all out of county?

13 MS. REYER: Correct, because we
14 do not have a facility in county.

15 LEGISLATOR MULE: Have there been
16 any lawsuits regarding this? Has anyone
17 said, hey, we've had enough and we need to
18 make something happen?

19 MS. REYER: Not that I'm aware
20 of. We are following the law. Even if
21 there was a lawsuit, and, again, I'm not
22 aware of anything, we are working within the
23 structure of the Raise the Age legislation
24 to meet our responsibilities to house these
25 youths.

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2 So I don't believe that there has
3 been any but the law as it stands really
4 restricts our options.

5 LEGISLATOR MULE: Right. Well,
6 I'm wondering if the county has considered a
7 lawsuit.

8 MS. REYER: I don't have any
9 information to that regard.

10 LEGISLATOR MULE: I want to make
11 sure I asked everything.

12 This is important. You mentioned
13 about the \$5 million plan that the DPW had
14 to renovate the JDC. Is that still moving
15 forward?

16 MS. REYER: That has been tabled.
17 So that's the plan that has been tabled as
18 we look towards the Yaphank facility.

19 LEGISLATOR MULE: Then would we
20 close the Nassau County facility if the
21 Yaphank center opened up?

22 MS. REYER: As it stands right
23 now, we would continue to house our JDs and
24 JOs at the Nassau County detention center.

25 However, there has been

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2 discussion that if the facility in Yaphank
3 is modernized and can accommodate Nassau and
4 Suffolk County JDs, JOs, and AOs, that that
5 might be a viable option.

6 Currently our juvenile detention
7 center houses Nassau County juveniles and
8 Suffolk County juveniles.

9 So if we were able to create one
10 facility that could house everybody, it may
11 be an option but that decision hasn't been
12 made yet.

13 Currently as the plan stands, our
14 JDs and JOs would stay at the juvenile
15 detention center, to the best of my
16 understanding.

17 LEGISLATOR MULE: But we all know
18 that that facility is in need of renovation.
19 Would that move forward in terms of -- if it
20 was determined that our Nassau kids would
21 stay in Nassau, do we know that?

22 MR. PLAKIS: I just know that the
23 state would like a regional facility.

24 LEGISLATOR MULE: So really the
25 state is it sounds like is pushing for

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2 either a Nassau or Suffolk and you put
3 everybody there, is that what I'm hearing
4 you say?

5 MR. PLAKIS: Yes.

6 LEGISLATOR MULE: And the two
7 options, although the one that now seems to
8 have the momentum behind it is the Yaphank
9 Center, but the other one, if that didn't
10 come to pass, could potentially be the
11 current JDC with major renovation?

12 MS. REYER: We would like to
13 believe so, yes. There was the other option
14 in Brentwood that if the state changes its
15 mind and decides now to close that facility
16 we would go back to looking at that.

17 We are open to any option that
18 would allow us to remedy this situation.

19 So we would of course like it to
20 remodel our juvenile detention center, but
21 if it's going to be in Suffolk then we would
22 like to move forward in that direction.

23 LEGISLATOR MULE: Thank you.

24 CHAIRWOMAN FORD: It seems that
25 we do require like the juvenile detention

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2 center needs to be upgraded and as a result
3 of the state not making any decisions, even
4 these juvenile offenders are living in
5 conditions that are really not optimal
6 basically, am I correct?

7 So as we wait for them to decide
8 if they're going to pick Suffolk or whatever
9 they're going to do, they're holding up even
10 any renovations for what, \$5 million, which
11 doesn't make sense to me at all.

12 But I'm going to let Legislator
13 DeRiggi-Whitton take over.

14 LEGISLATOR DERIGGI-WHITTON: Thank
15 you for your presentation because I have to
16 admit it's always been a little vague to me
17 but I feel I have a little bit more of a
18 clearer understanding.

19 My question is, at what point of
20 this process would we do a type of physical
21 examination on these kids? Are they vetted
22 as far as their medical conditions or
23 anything else before they're put in --

24 MS. REYER: We decided very early
25 on that before we transported any adolescent

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2 offender out of county that they would go to
3 the hospital and make a determination they
4 were fit for confinement. I don't know
5 exactly what that examination looks like to
6 tell you the truth but I know they are seen
7 at the hospital.

8 They also do a COVID screening at
9 the hospital and the detention facilities
10 each have a medical screening form as well
11 as like a suicide risk form and mental
12 health checklist that they do at each
13 facility. That's part of the large packet
14 that you heard me describe earlier.

15 LEGISLATOR DERIGGI-WHITTON:
16 Right. I know that you addressed that.

17 MR. PLAKIS: And just to update
18 that, the JDC has a nurse practitioner on
19 staff and also have contracts with the
20 Nassau University Medical Center to provide
21 medical assistance when needed.

22 LEGISLATOR DERIGGI-WHITTON: I'm
23 assuming at this type of examination you
24 would pick up on any type of addiction at
25 that time, opioid or otherwise?

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2 MS. REYER: I know they do a
3 questioning of that. They do discuss use of
4 drugs. I cannot tell you exactly what the
5 screening itself looks like. It's a medical
6 screening, but if there was a sign of detox
7 or something like that, that would play a
8 determination into whether or not an
9 adolescent offender was fit for confinement
10 I would think.

11 LEGISLATOR DERIGGI-WHITTON:
12 Good. That's one of the things I was
13 thinking about.

14 If there is any medication that
15 they're on at that point you would know to
16 transport with you, the fact that it's going
17 to Albany.

18 MS. REYER: Albany is close. So
19 in a good day we are going to Albany. But
20 our probation officers also speak to the
21 offender and their parents prior to even
22 being seen in court so they ask those types
23 of questions, are you currently on my
24 medication, have you thought of hurting
25 yourself, have you used recreational drugs.

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2 They ask those type of questions before the
3 offender is even seen in court so that we
4 can make a better informed decision.

5 LEGISLATOR DERIGGI-WHITTON: And
6 if you did come to the conclusion that there
7 was an addition such as opioid or something,
8 would you then request a transfer to a more
9 treatment center?

10 MS. REYER: That's beyond our
11 control because the judge would make a
12 determination as to whether or not the youth
13 would have to be detained. We would bring
14 that information to the judge to say, it was
15 brought to probation's attention that this
16 young person suffers from an addition to
17 heroin or whatever the issue might be. That
18 may alter the judge's decision as to where
19 the offender was ultimately placed and we
20 would assist the judge and resource
21 coordinator in finding an appropriate
22 placement.

23 But if the judge says detention
24 in a specialized secured detention facility
25 then that's what we do.

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2 LEGISLATOR DERIGGI-WHITTON: Well,
3 I concur with my colleagues that something
4 has to be done and I appreciate your time
5 coming here.

6 MS. REYER: We appreciate your
7 support.

8 LEGISLATOR DERIGGI-WHITTON: We
9 find sometimes that when we have hearings
10 such as this, I appreciate and thank our
11 leader for calling this hearing, that that's
12 part of our job is to sort of bring
13 attention to certain situations.

14 Honestly, I would have to say
15 before I was a Legislator, even when I was a
16 councilwoman, I wasn't even aware we had a
17 jail in Nassau County. I knew -- my father
18 was a judge, I knew we had certain things,
19 but I think most people aren't aware, and
20 having that is our responsibility, a huge
21 responsibility. Especially when it's
22 dealing with youth. It's something we have
23 to be very careful with and anything that we
24 can do to help draw attention and hopefully
25 come up with a good solution, I'm happy to

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2 be part of.

3 MS. REYER: Thank you. We
4 appreciate that.

5 MR. PLAKIS: Thank you.

6 CHAIRWOMAN FORD: You couldn't
7 see us during the first public hearing.

8 MS. REYER: No. I know, you
9 couldn't see me.

10 CHAIRWOMAN FORD: We heard your
11 voice but we couldn't see you. It's nice to
12 see you in public.

13 But in all honesty, when you were
14 testifying, all of a sudden I got that look
15 from Legislator Bynoe, she looked over, and
16 I knew that we needed to have a follow-up
17 hearing on this so that we could get more
18 information. So this is all really
19 Legislator Bynoe's doing. I just want you
20 to know. Thank you.

21 LEGISLATOR BYNOE: Blame me.

22 CHAIRWOMAN FORD: I happily blame
23 you on this one. This has been an eye
24 opener. Just unbelievable.

25 MS. REYER: And the Raise the Age

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2 law is still relatively new and so
3 unnecessarily complex so that any support
4 that this body can give to our efforts to
5 address these issues is incredibly
6 appreciated and we appreciate your time and
7 your support in this matter.

8 CHAIRWOMAN FORD: We have other
9 legislators but I just want you to know that
10 the commitment will be that we will work
11 with our County Executive where we have to,
12 especially in New York State, because we
13 need to get this thing moving and we need to
14 get this settled as soon as possible because
15 there are young people that are involved in
16 this. I feel for them.

17 So, Legislator Rhoads, I know
18 you're somewhere out there.

19 LEGISLATOR RHOADS: Thank you so
20 much, Madam Chairman, thank you, Mr. Plakis,
21 and Ms. Reyer, and I certainly concur, it's
22 been incredibly eye opening and informative
23 for us and I appreciate the fact that you
24 have been here to brief us on issues that I
25 don't think we even fully understood as

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2 Legislators. It helping us do our job so we
3 very much appreciate that.

4 Just a quick couple of questions
5 for you. Obviously the juvenile detention
6 center that's located in Westbury, and I
7 believe you indicated there was a \$5 million
8 plan that's now been tabled to renovate that
9 facility in order to be able to comply with
10 the plan was in order to be able to comply
11 with Raise the Age.

12 Now that the family court
13 building eventually will be moving, are
14 there any longer term plans because I assume
15 that the juvenile detention facility's
16 placement Westbury and proximity to the
17 existing family court is purposeful, are
18 there any longer term plans to seek to move
19 that facility entirely?

20 MS. REYER: That's a very good
21 question and I believe that a huge part of
22 the reason that the focus has been on the
23 Yaphank facility in Suffolk as opposed to
24 the juvenile detention center and inquiring
25 whether or not that facility would

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2 ultimately be able to expand to accommodate
3 our juvenile delinquents and juvenile
4 offenders is in part for that very reason.
5 Because there is a construction of a new
6 building and hopes that the family court
7 will ultimately move and then the issue will
8 remain, will the juvenile detention center
9 stay where it is.

10 Again I can't speak for the state
11 but that may play a role in their hesitancy
12 of going forward with a major renovation of
13 a facility that will then not be in close
14 proximity to the courthouse.

15 LEGISLATOR RHOADS: I imagine
16 that, and, first of all, we don't know
17 exactly when the family court building is
18 going to be completed. I think we all
19 expressed our frustration with respect to
20 that.

21 MS. REYER: I share those
22 frustrations as well.

23 LEGISLATOR RHOADS: It seems as
24 though, I think the pyramids were actually
25 built in a shorter period of time than this

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2 family court building.

3 Assuming that that actually does
4 take place, I know that there was discussion
5 with regard to whether there was any
6 existing room over at the Nassau County
7 correctional center, and I believe you
8 indicated, Ms. Reyer, that if there were an
9 independent building that existed at the
10 jail that that could be used to house
11 youthful offenders under Raise the Age, is
12 that accurate?

13 MS. REYER: Yes, that is accurate
14 in that I have raised that exact idea with
15 the Office of Children and Family Services
16 only because if they are considering a site
17 on the campus of the Suffolk County
18 Correctional Facility, I was hopeful that
19 they would also consider a building on the
20 site of the Nassau County Correctional
21 Center as an alternative.

22 As it stands, because of spacing
23 and limitations on keeping the two
24 populations separated, it appeared that the
25 Yaphank facility was a better option, a more

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2 viable option than what was currently
3 available at the Nassau County site.

4 LEGISLATOR RHOADS: I think part
5 of the issue and this may not be something
6 you can speak to, I know that we actually
7 have Brian Sullivan on the line as well, who
8 is the COBA president, and one of the issues
9 that we have been considering on a regular
10 basis is the fact that the jails themselves
11 are in desperate need of renovation and one
12 of the reasons why you have vacant wings
13 within those buildings is because they are
14 simply not fit for inmate habitation of any
15 and if that there was an investment to be
16 made, making an investment in the jails
17 might create the opportunity at the same
18 time for us to be able to house youthful
19 offenders there, which may solve the
20 transportation problem in the sense that
21 part of the logistical challenge is going to
22 be getting those youthful offenders from
23 where ever they're housed to the new family
24 court facility in Mineola, it would seem
25 that if we had them all at the location at

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2 the correctional center, it would make it
3 easier to transport from that one location
4 to the courts which we are already doing
5 since the family court building will be
6 right next to the county court building
7 where most of those inmates are transported
8 on a regular basis.

9 Have there been or are you aware
10 of any plans, and, again, it's really not a
11 fair question for you but it's something
12 that we have been dealing with on a regular
13 basis, do you or anyone from the
14 administration know what the status of the
15 plans are for any of the renovations for the
16 jail itself?

17 MS. REYER: I'm not aware of any
18 of the plans regarding renovation for the
19 jail. I know that we work very closely with
20 the Sheriff's Department and I know they are
21 of course interested in renovating the jail
22 for their current population, but the status
23 of those plans I'm not familiar with.

24 LEGISLATOR RHOADS: Madam
25 Chairwoman, would it be inappropriate at

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2 this time or appropriate at this time to,
3 since he's on the line, to ask Mr. Sullivan
4 if he's aware?

5 CHAIRWOMAN FORD: We can but we
6 have another Legislator that was going to
7 ask a question and I indicated to President
8 Sullivan that once we were finished we would
9 then have him speak and ask a question if
10 that's all right?

11 LEGISLATOR RHOADS: Not a
12 problem. So I will just finish with my
13 questions for Ms. Reyer and Mr. Plakis then.

14 Who is actually in charge of the
15 approval process for the \$5 million
16 renovation plan that is now tabled?

17 MR. PLAKIS: As I stated before,
18 the state is in charge of the final
19 determination and it's a three agency
20 process. It has to be approved by the
21 Office of Children and Family Services, the
22 State Commission of Corrections and then the
23 State Division of Budget. All three have to
24 sign off on any project that the state
25 approves.

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2 LEGISLATOR RHOADS: Now, of those
3 three agencies have any of the three signed
4 off on the plan?

5 MS. REYER: I believe it has to
6 be a joint venture. I don't believe that
7 one can sign off and not the other. It's a
8 joint requirement.

9 LEGISLATOR RHOADS: At this point
10 in time because of the concerns that we have
11 with respect to the long term plans for the
12 juvenile detention center itself, is this
13 something that we're continuing? I know you
14 said it's tabled, was it tabled by them or
15 tabled by us?

16 MS. REYER: It was tabled by the
17 state.

18 LEGISLATOR RHOADS: I guess the
19 larger question is, if we were to become
20 involved in the process in addition to the
21 County Executive to try to advocate for this
22 to move forward, is there one person, one
23 individual whom we should be contacting in
24 each of these agencies? Who should we be
25 actually reaching out to?

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2 MS. REYER: I would assume that
3 would be the directors of the Office of
4 Children and Family Services and the State
5 Commissions of Corrections.

6 LEGISLATOR RHOADS: Okay. You
7 can certainly if we ask you can provide that
8 information to us?

9 MS. REYER: Yes.

10 LEGISLATOR RHOADS: Great. Now,
11 one of the interesting things, the many
12 interesting things that came up during your
13 testimony, is the example you gave with
14 respect to a I guess youthful offender that
15 is now 20 years of age who is being housed
16 with these teenage offenders because of the
17 provisions of Raise the Age.

18 Can you go into a little detail
19 of that? What exactly is requiring that
20 situation to occur? It sounds as though
21 something that we should be trying to avoid
22 at all costs.

23 MS. REYER: I will add that the
24 administration for the juvenile detention
25 center and the Department of Probation is

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2 incredibly frustrated by the situation. It
3 is a young man who is charged with a serious
4 violent felony. I believe there was a
5 violation pending and due in part to the
6 court's slow down of the pandemic, that case
7 has not moved forward as expeditiously as it
8 should and, as a result, he celebrated his
9 20th birthday at the juvenile detention
10 center.

11 So for all of these offenses,
12 juvenile offenders, adolescent offenders,
13 everyone that you heard me speak of, the
14 controlling date is the date that the
15 offense was committed.

16 So if you commit an offense when
17 you were 16 but you're not picked up by the
18 police department for a year later, you're
19 still considered a 16 year old for
20 determination as to whether you are an
21 adolescent offender or juvenile delinquent.

22 So, in some instances, if you
23 committed an offense the day before your
24 17th birthday, but you're not arrested and
25 charged for a year, you could be over the

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2 age of 18, but still be considered an
3 adolescent offender or a juvenile offender
4 for the purposes of the Raise the Age law.
5 So the date that controls is not the date of
6 the arrest but the date that the offense
7 happened.

8 So when there are those delays
9 between the offense and the arrest and
10 ultimately the arraignment and disposition
11 of the court matter, those younger people
12 can age as the process moves forward.

13 LEGISLATOR RHOADS: So that would
14 require an amendment to the actual Raise the
15 Age legislation up in Albany?

16 MS. REYER: It would, not only
17 the Raise the Age legislation but also just
18 the Family Court Act or the Criminal
19 Procedure Law and the detention regulations.

20 LEGISLATOR RHOADS: And what
21 would be the appropriate, in your opinion,
22 what would be the appropriate admin to
23 address that?

24 MS. REYER: Again, solely my
25 opinion based upon the guidance that I have

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2 received from the Office of Children and
3 Family Services and state corrections, that
4 once a young person turns 18 there is
5 nothing that explicitly prohibits that young
6 person from being housed in the jail absent
7 the requirements of detention regulations
8 and the law.

9 So in such instances we have had
10 an instance where an adolescent offender was
11 in a specialized secured detention facility
12 bed and then turned 18, and because there
13 was a lack of beds they moved that 18 year
14 old to the jail to accommodate a younger
15 person in that specialized secured detention
16 facility. So I don't think a scenario such
17 as that should be applicable to the scenario
18 that you are discussing if that makes sense.

19 LEGISLATOR RHOADS: No. I do
20 understand. Again, this is purely your
21 opinion, and this is I guess a discussion in
22 theory.

23 Would it be preferable -- I mean,
24 are there situations where you believe that
25 a youthful offender should remain after they

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2 turn the age of 18 should remain housed in
3 juvenile detention as opposed to being
4 transported to the jail? In other words,
5 should there be some level of judicial
6 review?

7 MS. REYER: Well, that's a
8 difficult question, and I'm going to be just
9 be mindful that youthful offender means
10 something completely different under the
11 law, so when we talk about YOs that is a
12 whole separate category that I'm not going
13 to even go to because it will make things
14 more complicated.

15 LEGISLATOR RHOADS: I should be
16 talking about adolescent offenders.

17 MS. REYER: But for the
18 adolescent offenders, and prior to Raise the
19 Age, these 16, 17, 18 year olds were all
20 housed in the general population, they were
21 all part of the jail. I appreciate and I
22 understand the spirit of the Raise the Age
23 legislation, and I understand the governor's
24 desire to take those young people out of
25 Rikers and correctional settings.

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2 But, in order to accomplish that
3 in a meaningful way, there needs to be
4 sufficient specialized secure detention
5 facility housing.

6 So, when I spoke in my
7 presentation how that portion of the
8 legislation was not well thought out, these
9 facilities should have been certified and
10 put into place prior to the legislation's
11 requirement that we needed to house them
12 there.

13 So I believe that the answer is
14 really in creating more specialized secured
15 detention facilities. I think every county
16 should have one. The same way that every
17 county needs to have a youth part so that
18 those young people should be able to remain
19 close to home and see their families and
20 their attorneys, but you're asking me my
21 opinion.

22 LEGISLATOR RHOADS: Right. I
23 think it's an opinion we probably share and
24 it seems to be what's happening up in Albany
25 on a regular basis at this point is that

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2 they have these grand ideas which they pass
3 and leave it to local government to try and
4 work out the details and cleanup the mess
5 they create.

6 MS. REYER: I have no comment on
7 that.

8 LEGISLATOR RHOADS: By not
9 properly planning, just look at marijuana
10 legislation, for example, again, you don't
11 have to voice your opinion on that.

12 So, if you can, you did raise one
13 other point, and I'm finishing up, I know
14 other legislators want to ask questions.
15 You mentioned that prior to Raise the Age
16 that juvenile offenders were housed --
17 adolescent offenders were housed in general
18 population at the Nassau County Jail.

19 My understanding was that that
20 wasn't the case. It may be the case in
21 other jurisdictions I guess throughout the
22 state, but within the Nassau County Jail I
23 thought they were always kept separate.

24 MS. REYER: I may have misspoken
25 slightly. I believe they are part of the

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2 general population but they are kept in a
3 separate wing.

4 So it wasn't like currently when
5 there is an adolescent offender and we get
6 jail placement, they are completely
7 separated from the general population on a
8 one on one scenario.

9 Prior to Raise the Age they were
10 kept in a separate unit. But it was still
11 considered -- again, I'm not a jail
12 administrator so I may not be speaking
13 exactly correctly but what changed is that
14 when there is an adolescent offender
15 currently at the jail and it is a
16 requirement from SCOC that they remain
17 separated by sight and sound, they are
18 completely removed from the general
19 population. So I may have confused you, I
20 apologize for that.

21 LEGISLATOR RHOADS: Not a
22 problem. And with respect to the jail
23 facility, would it be a separate building or
24 separate wing they would have to be housed
25 in under Raise the Age?

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2 Family Services and State Corrections. So
3 the Office of Children and Family Services
4 is tasked with housing youths and obviously
5 the corrections department is tasked with
6 housing adults.

7 So they are working together to
8 try to find a middle ground to house these
9 adolescent offenders so things that I have
10 heard discussed are doors and locks and
11 plexiglass.

12 So, again, I don't have the exact
13 information but I know that the intent was
14 to find a middle ground between the two
15 departments.

16 LEGISLATOR RHOADS: Okay. That's
17 it on the questions, I appreciate it. I
18 know, Madam Chairwoman, you indicated that
19 Brian Sullivan is on the line and have a
20 chance to address the jail condition issues
21 and the possibility of Westbury being
22 modified to house the adolescent offenders
23 as well.

24 So I will I defer at this point
25 but I may have some follows-ups for

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2 Mr. Sullivan. Thank you, Ms. Reyer, and Mr.
3 Plakis, I appreciate your testimony.

4 MS. REYER: Thank you for your
5 time.

6 MR. PLAKIS: Thank you.

7 CHAIRWOMAN FORD: Thank you,
8 Legislator Rhoads. Before we go to
9 Legislator Walker, aside from Brian
10 Sullivan, we also have Captain Golio from
11 the jail facility who also maybe will be
12 able to provide some insight and some
13 updates and some information on that.

14 MS. REYER: Absolutely. Captain
15 Golio has been incredibly accommodating with
16 us in all of our efforts to make sure that
17 our adolescent offenders receive appropriate
18 treatment and housing. He's been wonderful.

19 CHAIRWOMAN FORD: Legislator
20 Walker.

21 LEGISLATOR WALKER: Thank you,
22 Legislator Ford, and I know I don't serve on
23 this Public Safety Committee, but I thought
24 we were all able to speak today and thank
25 you for allowing me to.

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2 I want to thank you Ms. Reyer and
3 Mr. Plakis for your presentation. It was
4 very, very informative.

5 I did know there is a jail in our
6 county. I actually live, although I live in
7 Hicksville, I live very close to our
8 correctional facility. I remember when it
9 started as this little building and grew and
10 grew and grew. I live very close to the
11 detention center.

12 I did have some questions too
13 regarding consolidation possibly at our jail
14 and when Mr. Sullivan comes on hopefully he
15 can answer some of these questions and what
16 we might have done if anything to improve
17 conditions over in that jail.

18 I did have a question. You
19 presented your first plan November 13 of
20 2018. The 14th plan January 31st of 2020.
21 It just feels like from the get go, God
22 bless you all for your patience and
23 everything, because I always ask when I'm
24 dealing with any of our departments, can you
25 give us a list, tell us what people need,

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2 let's give it to them all at once and they
3 can move forward.

4 Instead you presented plan one.
5 Rejected. They told what you needed. You
6 presented plan two. Now you have to throw
7 more things. Then three, four, five, six,
8 up to 14.

9 I mean, what I see here is they
10 never want you to do it in the first place
11 and they didn't really have to bother you
12 with 14 plans to get you to the point where
13 we're in the throws of COVID and we can't
14 get materials so that's now the new excuse.
15 Can't get materials, so we can't move
16 forward.

17 I really do look forward and hope
18 that our County Executive and certainly our
19 County Executive in Suffolk as well as all
20 our state officials that represent our
21 county and Suffolk County, all of us
22 together, that we work together to do
23 something to bring our children closer to
24 home where at least families can see them
25 when they're allowed to see them due to

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2 COVID.

3 But the distances is an awful
4 situation and like you said puts an even
5 heavier burden on us here and in Suffolk to
6 have to transport and possibly bring them
7 home the next day or two days later or
8 whatever.

9 We could have our deputies riding
10 back and forth continuously depending on
11 what the situation is. You also stated that
12 in Westchester I guess they were going to
13 use trailers but then the trailers were
14 destroyed.

15 Do they look at possibly doing
16 trailers? Is from a possibility that
17 trailers could be placed here somewhere in
18 Nassau County or they just feel like that
19 whole situation didn't work out so maybe
20 that's not a direction to ever even go?

21 MS. REYER: There was a time when
22 we were discussing the possibility of
23 bringing trailers to Westbury over by where
24 the juvenile detention center is. There
25 wasn't necessary an appropriate space for at

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2 trailers so that was one issue.

3 And then I believe after what
4 happened in Westchester, that conversation
5 kind of ceased, but we have explored a
6 multitude of avenues; trailers being one of
7 them.

8 I think the actual grounding for
9 the trailers was an issue even before the
10 issues in Westchester arose.

11 LEGISLATOR WALKER: I mean I
12 cannot thank you enough for everything that
13 you have done. I feel like you literally
14 racked your brains to try to come up with a
15 solution for here.

16 You did mention, at times, I
17 don't know if it was recently, I don't
18 remember when you said it was, where we had
19 to house someone in a precinct in a cell and
20 bring them food and whatever.

21 Now supposed that happened and
22 you couldn't get a bed for a longer period
23 of time, you can't just stay there?

24 MS. REYER: Just for
25 clarification purposes, when they're at the

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2 precinct they are not in a cell, they're in
3 an office room pretty much, it's called the
4 juvenile room at specific precincts. There
5 was one occasion that I can think of where
6 there was no available bed and the youth was
7 16. So we couldn't seek that jail placement
8 and it was really starting to look like on a
9 Friday afternoon that that juvenile was
10 going to have to stay in the juvenile aid
11 room for multiple nights.

12 We did what Legislator Ford was
13 speaking about earlier around we started
14 shifting people across the state. We
15 started moving people. Again, OCFS assisted
16 us in that instance of finding a place for
17 that young person so we wouldn't be stuck in
18 that position.

19 So it requires a lot of moving
20 pieces but everybody agrees that that is not
21 an optimal solution and we would take
22 whatever steps we could to avoid that
23 situation.

24 LEGISLATOR WALKER: At least you
25 were able to do that, but that could also be

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2 a circumstance where you're not able to do
3 that. And then there is someone in this
4 juvenile room for however long.

5 Also, if someone, as Legislator
6 Rhoads was saying, and you were stating,
7 that their age is considered as to when the
8 crimes took place, I think that's something
9 we also have to really focus on. I don't
10 see that it's a good situation to have a 20
11 year old, depending on how things transpire,
12 I mean that person could still be there as a
13 21 year old, 22 year old, in a facility that
14 houses young people, very young people.

15 Again, I think whatever we can
16 do. I'm interested to hear what Brian
17 Sullivan has to say. But we have to do
18 everything as humanly possible. I know you
19 have done that but we have to get everybody
20 on board towards coming up with a better
21 solution.

22 This was established and you know
23 a decision made by the state but the
24 consequences fall on the local
25 municipalities, as a county, to have to deal

1 Public Safety Hearing/4-29-21
2 with this, with really no place to go.

3 We don't know how long Suffolk
4 might take. So this isn't going to be
5 remedied in the very near future.

6 MS. REYER: It wouldn't be
7 remedied tomorrow, that's for sure. Every
8 day that we get notification that a new
9 adolescent offender is arrested, it becomes
10 a situation.

11 LEGISLATOR WALKER: I know it was
12 stated the other day when we had our
13 legislative meeting and we were discussing
14 the capital region facility that at present
15 that facility was full, so even if we did
16 have someone we needed to send, we could not
17 send them there. It wasn't even an option.
18 We were already looking at sending them
19 further away, if someone further away had a
20 placement.

21 MS. REYER: Absolutely. It is a
22 continued conversation as I stated.

23 Nassau continues to be
24 communication with the Office of Children
25 and Family Services in an effort to come up

1 Public Safety Hearing/4-29-21
2 with some way to approve a plan as quickly
3 as possible.

4 Any plan as you stated is going
5 to take time. Nothing is going to be ready
6 tomorrow.

7 LEGISLATOR WALKER: Again, I
8 thank you very much for your presentation
9 and look forward to what Brian is going to
10 say.

11 CHAIRWOMAN FORD: I just want to
12 note that aside from our regular public
13 safety members, we are also joined by
14 Legislator Ellen Birnbaum who has been
15 listening in on this whole discussion.

16 LEGISLATOR BIRNBAUM: Yes, I
17 have.

18 CHAIRWOMAN FORD: Thank you. I
19 noticed you were there. I didn't know if
20 you had any questions or anything?

21 LEGISLATOR BIRNBAUM: No, I
22 don't. Thank you. It's been very
23 informative.

24 CHAIRWOMAN FORD: Thank you,
25 Ellen, for taking the time. We will hear

1 Public Safety Hearing/4-29-21
2 from Brian Sullivan and then we can wrap it
3 up with Captain Golio, how's that?

4 MS. REYER: Thank you.

5 CHAIRWOMAN FORD: I'm sure the
6 captain can probably clear up a lot of
7 things. I think his title is correct, it's
8 Captain Golio?

9 MS. REYER: Yes, but he can much
10 better speak to jail accommodations than I
11 can.

12 CHAIRWOMAN FORD: I just have one
13 question before we go to them. When we talk
14 about if somebody was sent to Erie County
15 and all of a sudden they have a severe
16 medical emergency, and has to go to a
17 hospital, who takes them?

18 MS. REYER: If it is a medical
19 emergency, the facility will arrange
20 transport. If it's an emergency, they're
21 calling an ambulance, there is no question.

22 However, if it is a nonemergency
23 situation but still a situation that
24 requires medical attention, it is still
25 incumbent upon our deputies to transport

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2 that young person to their medical
3 appointment.

4 Recently we had a young man, I
5 want to say he was in Erie, not sure -- he
6 was in Monroe. He lost an adult tooth. Our
7 deputies had to drive, get him back to
8 Nassau so he can see his own orthodontist,
9 specialist, and then bring him back.

10 We were able to arrange it so it
11 coincided with a court appearance so that he
12 could see his attorney but it still was
13 incumbent upon our deputies to transport
14 him, stay with him while he had the dental
15 work done, and then ultimately transport him
16 back afterwards.

17 MR. PLAKIS: So you're bringing
18 up a great point. If somebody got hurt and
19 was in an extended time staying at the
20 hospital, yes, we would have to send two
21 deputies up there to stay with him and then
22 they would have to rotate them around.

23 CHAIRWOMAN FORD: They wouldn't
24 have to stay at the hospital with them?

25 MR. PLAKIS: Stay outside his

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2 room. They make arrangements. Our county
3 is responsible for that.

4 CHAIRWOMAN FORD: So like if they
5 were transported by ambulance, they would
6 probably be followed by the sheriffs of
7 whatever facility they're in, right?

8 MR. PLAKIS: It would take us 24
9 hours to arrange that so it wouldn't happen
10 right away. It's never happened to date and
11 hopefully never will.

12 MS. REYER: And our deputies have
13 been incredibly accommodating and
14 transported these young people to these
15 appointments and made sure whatever their
16 responsibilities are that they're met
17 immediately.

18 CHAIRWOMAN FORD: Now that I've
19 brought it up I feel we've changed things,
20 now we got to get this working.

21 Brian Sullivan, can you hear us?
22 Are you able to hear us?

23 MR. SULLIVAN: I'm here. Can you
24 hear me?

25 CHAIRWOMAN FORD: Yes.

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2 MR. SULLIVAN: Very good. Good
3 afternoon everybody. How are you doing?

4 MS. REYER: Good. Thank you.

5 CHAIRWOMAN FORD: I don't know if
6 you had any comments or anyone had any
7 questions.

8 MR. SULLIVAN: The only comment I
9 have is as I was watching the proceedings
10 earlier and it was answered by the counselor
11 sitting there about the 16 and 17 year olds
12 that were held in our facility that they
13 were held in the general population of our
14 jail and that's not correct. They are held
15 in some of the same buildings but they're
16 held in completely separate areas, they're
17 not allow to mix with the adult population
18 for obvious reasons.

19 Because of Raise the Age, part of
20 the issue with the Raise the Age was that
21 they wanted to remove 16 and 17 year olds
22 from the correctional setting. They didn't
23 want them held in the correctional
24 facilities anymore, and I'm actually still
25 embroiled in a little bit of litigation

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2 right now about who is responsible for the
3 transportation of these adolescent youth
4 offenders because it's in the county charter
5 and in our contract that correction officers
6 are supposed to transport anybody who has
7 been arraigned in a criminal court and even
8 though the adolescent offenders, most of
9 them are diverted to the youth part, it's a
10 whole thing, probably not germane to your
11 proceedings here today, but the one thing
12 that did stick out in my mind is that if
13 we're talking about coming up with a plan to
14 house -- because it's been my knowledge that
15 they have been going back a couple of years
16 now. They're talking about redoing the
17 juvenile detention center in Westbury and
18 they had to farm these adolescent offenders
19 all over the state, and it was my thought
20 that they were supposed to redo it.

21 There is plenty of room at the
22 correctional facility to house adolescent
23 offenders, we just have to be careful about
24 what the language of the Raise the Age
25 states because they're not supposed to be

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2 housed in correctional settings but things
3 can certainly be modified.

4 If we're talking about
5 refurbishing areas of the Nassau County
6 Correctional Facility, I joke about it all
7 the time. I think we are in our 20th year
8 or 25th year of the six year master plan at
9 jail to refurbish things at the jail.

10 I'm still involved in
11 refurbishing roofs in our A-32 building and
12 the B building. There is a lot of
13 renovation that needs to be done. We have a
14 lot of plumbing issues, roof issues, windows
15 issues; things like that.

16 If we can put these two issues
17 together and because you need a place to
18 house the adolescent offenders and we can
19 possibly incorporate that into the master
20 plan of infrastructure at the jail, I'm all
21 for it. Obviously if they're going to be
22 two separate areas that these adolescent
23 offenders have to be held separate, but if
24 we're talking about possibly in the same
25 building, our A building is completely empty

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2 now. There is an area known as the addicts.
3 There were several trailers back there.
4 They were all demolished when Sheriff
5 Sposato was here, so there's a whole area
6 back there that anything can be built on.

7 So I'm all on board if any of
8 that wants to come to fruition, if anybody
9 has any questions other than that, I missed
10 some of the beginning of this hearing, I
11 apologize, I came in late, but as far as
12 anything that's going to benefit us here to
13 possibly fix the infrastructure at the jail
14 I'm on board 100 percent.

15 MS. REYER: Thank you.

16 CHAIRWOMAN FORD: Thank you,
17 Brian. And before the capital plan we will
18 definitely have a hearing regarding the
19 jail. I have some questions. That would be
20 something separate other than our adolescent
21 offenders. So thank you, sir.

22 Captain Golio, can you hear us?

23 CAPTAIN GOLIO: I can.

24 CHAIRWOMAN FORD: Maybe you can
25 enlighten us in regard to the adolescent

1 Public Safety Hearing/4-29-21
2 offenders and basically where they stay and
3 if we have any possibility of any room
4 within the jail to be able to house them.

5 CAPTAIN GOLIO: So, as the
6 regulations stand currently, the SCOC and
7 OCFS have both interpreted those to mean
8 that adolescent offenders can't be housed in
9 any building that houses adult prisoners.
10 They can't be in areas that are used for
11 adult prison housing, they can't come in
12 contact with any security staff,
13 correctional staff that are involved in
14 adult correctional housing.

15 Essentially what Suffolk is
16 contemplating by building a completely
17 separate building, is really the way under
18 the current interpretation of the
19 regulations that you would have to go.

20 CHAIRWOMAN FORD: When you talk
21 about the separation, you know, with the
22 adolescent offenders, do they then have the
23 same correctional personnel that watch over
24 the adult offenders, are they the same
25 people that would then watch over adolescent

1 Public Safety Hearing/4-29-21
2 offenders or is that a completely different
3 job title?

4 CAPTAIN GOLIO: Completely
5 different job title, completely different
6 set of regulations, completely different
7 protocols.

8 MS. REYER: The staff that works
9 at the juvenile detention center carries the
10 title youth case worker. Those are the
11 titles that OCFS envisions supervising
12 adolescent offenders.

13 When they speak about staff at
14 the Yaphank facility, they speak not of
15 correction officers coming in and
16 supervising, because was an issue in the
17 city in that regard, but rather training
18 those officers to be in youth care worker
19 status.

20 CHAIRWOMAN FORD: So are they
21 actually peace officers?

22 MR. PLAKIS: No, they're not.
23 It's a separate civil service title called
24 youth worker.

25 CHAIRWOMAN FORD: Then a youth

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2 worker can work can also work with an
3 adolescent?

4 MR. PLAKIS: Yes.

5 CHAIRWOMAN FORD: As well as the
6 youth.

7 But, Captain Golio, Brian
8 Sullivan mentioned that there may be some
9 building or some property available at the
10 jail on that property that we would be able
11 to isolate these adolescent offenders, maybe
12 set it up, renovate the building so that we
13 could keep them, I guess it would be their
14 own cafeteria, their own entrance, visitors,
15 and whatever. Do we have anything like
16 that?

17 CAPTAIN GOLIO: We did discuss
18 this early on with the plans that Ms. Reyer
19 was referring to years ago.

20 It doesn't appear that OCFS or
21 the SCOC would agree to renovations of any
22 of the existing buildings because the
23 buildings are connected. There's some empty
24 property but it needs to be totally
25 segregated from the correctional center.

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2 There are requirements that the youths can't
3 see certain things, can't see uniformed
4 officers, so there has to be some sight
5 barriers and things of that nature.

6 But certainly there is property
7 at the jail and that was one of the things
8 that was discussed years ago as the
9 potential.

10 CHAIRWOMAN FORD: Who transports
11 the youth offenders and the adolescent
12 offenders, that would still be our sheriff,
13 right?

14 CAPTAIN GOLIO: The deputy
15 sheriffs in the enforcement division, not
16 correction officers.

17 CHAIRWOMAN FORD: Okay. The
18 deputy sheriffs would take them. Are there
19 any other questions?

20 LEGISLATOR RHOADS: I had one.
21 Captain Golio, Brian Sullivan had mentioned
22 the A building is being a completely
23 separate building.

24 Has anyone at the county looked
25 at the A building, not just for the

1 Public Safety Hearing/4-29-21
2 possibility of housing AOs but for the
3 possibility of renovating that building
4 itself? Are there any designs or plans?

5 CAPTAIN GOLIO: So the A building
6 is the oldest building on the grounds. It
7 was built in the 1950s. There were some
8 plans to renovate it years ago and possibly
9 house inmates in here. It's very expensive.
10 It all has to be retrofitted, and there are
11 portion of the A building other than those
12 portions that are used to house inmates that
13 are still in use. There's office space in
14 use in that building. There's one of our
15 control desks in that building. So there
16 are still parts of that building being used,
17 for example, the main kitchen is still in
18 that building, but the inmate housing
19 portion of that building is not being used.

20 LEGISLATOR RHOADS: Is it
21 suitable if it were renovated, is it
22 suitable as a solution to move the juvenile
23 detention center there?

24 CAPTAIN GOLIO: I don't believe
25 that SCOC and OCFS would agree to that

1 Public Safety Hearing/4-29-21
2 because there's no way to isolate it
3 completely since the building is connected
4 and there are portions of that building that
5 would need to be used on a continuous basis
6 so I don't believe that we would get
7 approval for that.

8 MS. REYER: I will join in that
9 statement, both OCFS and SCOC have been very
10 reluctant to consider any attached space and
11 Captain Golio was a huge part of our
12 planning committee and we have not seen any
13 movement from OCFS or SCOC in that regard.

14 LEGISLATOR RHOADS: But there is
15 land for the construction of a separate
16 building on the jail property, right,
17 captain?

18 CAPTAIN GOLIO: There is land.
19 Again, it would require OCFS and SCOC
20 approval. It would need to be put in an
21 area so it could be in their view completely
22 segregated so that the youths couldn't see
23 things going on at the jail and also vice
24 versa.

25 LEGISLATOR RHOADS: I apologize,

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2 Ms. Reyer, for getting your name wrong
3 during the questioning. Sorry about that.
4 I wish you had corrected me. I apologize.

5 MS. REYER: I'm used to it.

6 LEGISLATOR RHOADS: My
7 understanding is that the capacity of the
8 juvenile detention center would be about 40
9 beds?

10 MS. REYER: That would be our
11 hope capacity. Right now our capacity is 16
12 I believe. So if we were to also house
13 adolescent offenders from both Nassau and
14 Suffolk, we would propose a capacity of that
15 number.

16 LEGISLATOR RHOADS: I appreciate
17 it. Thank you.

18 CHAIRWOMAN FORD: Thank you, and
19 then Legislator Rose Walker has the last
20 question.

21 LEGISLATOR WALKER: Could you
22 just explain again -- actually, correction
23 officers don't watch over or guard, it's
24 called youthful --

25 MR. PLAKIS: The title is called

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2 youth worker.

3 LEGISLATOR WALKER: Okay. So
4 what do these youth workers have? Are they
5 an officer?

6 MR. PLAKIS: No, the
7 requirements are high school diploma and
8 experience in watching youth at detention
9 centers.

10 MS. REYER: It's a civil service
11 title.

12 MR. PLAKIS: I would have to
13 bring them over and show them to you.

14 LEGISLATOR WALKER: But yet at
15 the same time some of these offenders have
16 committed serious serious crimes and you
17 have people kind of watching over them that
18 really don't have expertise in that?

19 MR. PLAKIS: The state training
20 now is hands off, no touching.

21 So we are heading towards a point
22 we're not going to be laying lands on youth
23 and there's going to be other ways to
24 deescalate using words, punishments,
25 demerits, positive reinforcement stuff like

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2 that. That's where the state is headed
3 towards all of this.

4 MS. REYER: But the
5 administration at the juvenile detention
6 center and the senior staff who have been
7 there for years and years are highly
8 experienced in de-escalation and security
9 and making sure that the safety of the youth
10 that is there is maintained at all times.

11 Although it is a civil service
12 title that doesn't have that same kind of
13 corrections requirement, they have ongoing
14 training from the state and the juvenile
15 detention staff director to make sure that
16 they are not put in a position of harm.

17 MR. PLAKIS: Also, at the JDC,
18 all the youth are staying in their own room.
19 So it's easier to separate them, put them in
20 their room, and that's how punishments tend
21 to work out. They get privileges.

22 Again, you guys are welcome to
23 set up tours of the JDC. It's more set up
24 like a school than it is a jail and you will
25 see that there's a lot of differences.

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2 MS. REYER: We welcomed
3 Legislator Bynoe when she did a walk through
4 of our juvenile detention center and just to
5 clarify, all of the juvenile delinquents and
6 juvenile offenders have their own rooms but
7 are not restricted to their rooms. There is
8 a library, a school setting, cafeteria
9 areas, but Director Plakis was speaking of,
10 if somebody needs to be separated they
11 always have a separate room that they can go
12 to.

13 LEGISLATOR WALKER: Because
14 obviously you have to educate these young
15 people at the same time, they're not just
16 hanging out?

17 MS. REYER: Absolutely. They
18 receive their education while they're at the
19 juvenile detention center so we have an
20 educational provider who comes in and does
21 specific programing for each youth and we
22 actually recently had an amazing program
23 where a theater professor from Suffolk
24 County Community College did a virtual
25 program because the young people had shown

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2 an interest in reading Romeo and Juliet, so
3 we contracted with Suffolk Community College
4 for them to do personal monologues and
5 theatre programs, and we're hoping that that
6 will culminate in a presentation of some
7 sort that I would love to share with all of
8 you when it happens.

9 CHAIRWOMAN FORD: Let us know. I
10 am going to come for a tour. I went a long
11 long time ago. I would really love to see
12 it.

13 MS. REYER: It is eye opening, so
14 I would encourage you to do that. Yes.
15 Happy to help you set it up.

16 LEGISLATOR WALKER: Just to back
17 up, when you were putting in your 14 plans,
18 that was in an area in the building, so it
19 wasn't a separate building?

20 MS. REYER: No, but that was our
21 juvenile detention center building.

22 LEGISLATOR WALKER: So it's not
23 considered the same as being in a correction
24 facility, it didn't necessarily have to be
25 the same requirements?

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2 MS. REYER: Exactly right.

3 MR. PLAKIS: If you look up all
4 the specialized secured detention
5 facilities, they are all online, and the one
6 thing you'll notice is they're not on jail
7 grounds. They're all separate buildings
8 with separate areas.

9 They have a lot more land upstate
10 than we have and these are the only five
11 facilities that are separated from
12 everything else.

13 CHAIRWOMAN FORD: In a way that's
14 good because I think that these young kids,
15 regardless of the crimes they commit, may be
16 a way if you can educate and help them, and
17 maybe help them get on to a better path when
18 they leave so they don't have to go back.
19 Maybe they'll do something better with their
20 lives than living in jail.

21 I do support something like that.
22 Not every child can follow the model.

23 And for me with our high schools,
24 we have a Nike high school, which is an
25 alternative high school, and I love it

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2 because it's helped a lot of students get
3 their high school diploma in a very
4 unconventional way. But I'm thrilled with
5 this high school, this school, I think we
6 have to try to work with our young people in
7 the best we can.

8 MS. REYER: Again, that is the
9 spirit of the Raise the Age legislation and
10 the requirement that these detention
11 facilities not be correctional, that they be
12 more restorative, and if there were
13 available beds that would be wonderful, but
14 because of the limitations on these beds and
15 these facilities, it really kind of
16 interrupts the intention of the legislation.

17 CHAIRWOMAN FORD: We are going to
18 work with you on it and, if you could let us
19 know, you can even give it to Katie if it's
20 easier for you, I'm volunteering you, to
21 give us the contact information of the
22 people in the state and the child services
23 so that it would make it easier for us to
24 reach out to them.

25 I think we are really determined

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2 to follow suit and work with our County
3 Executive on this. I'm sure that she
4 probably may be even listening as well and
5 probably interested in it. I'm sure she's
6 not happy with what's going on either. I'm
7 not speaking for her, but I can almost sense
8 it. Yes, Katie.

9 MS. HORST: You are correct,
10 Legislator Ford, I was going to say I'm
11 happy to coordinate a tour for the Public
12 Safety Committee or any other member of the
13 Legislature that would like to visit.

14 CHAIRWOMAN FORD: Thank you very
15 much. We took a lot of your time today and
16 I really appreciate that you stayed with us
17 and came with such good information.

18 As I said, I think we all agree,
19 that was an eye opener, we learned a lot.
20 We really want to be a partner of yours
21 because I know I can only imagine how
22 frustrating it is for you. So you're not
23 alone. We are here with you and we will
24 walk every step of the way with you. That
25 is a promise that I can we can make.

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2 MS. REYER: Thank you.

3 MR. PLAKIS: We need all the
4 collaboration we can get.

5 CHAIRWOMAN FORD: Thank you very
6 much. We will be in touch and will be
7 taking our tours. Thank you. And thank you
8 Brian and Captain Golio as well. This
9 hearing is over. Thank you legislators.

10 (Whereupon, the Public Safety
11 Hearing adjourned at 1:15 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby stated:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of May, 2021.

FRANK GRAY



PUBLIC NOTICE

PLEASE TAKE NOTICE THAT

THE NASSAU COUNTY LEGISLATURE WILL HOLD

A HEARING OF THE PUBLIC SAFETY COMMITTEE

**REGARDING THE HOUSING OF ADOLESCENT
OFFENDERS, JUVENILE OFFENDERS AND JUVENILE
DELINQUENTS**

ON

THURSDAY, APRIL 29, 2021 AT 11:00 A.M.

IN

**THE PETER J. SCHMITT MEMORIAL LEGISLATIVE CHAMBER
THEODORE ROOSEVELT EXECUTIVE AND LEGISLATIVE BUILDING
1550 FRANKLIN AVENUE, MINEOLA, NEW YORK 11501**

Please be advised that due to health and safety concerns associated with the COVID-19 virus, the Peter J. Schmitt Memorial Legislative Chamber will be open to a maximum of thirty-five members of the public. Further, this meeting will be available for viewing online at <http://www.nassaucountyny.gov/agencies/Legis/index.html>

Public comment on any item may be emailed to the Clerk of the Legislature at LegPublicComment@nassaucountyny.gov and will be made part of the formal record of this Legislative meeting.

While Chamber capacity is limited, the Nassau County Legislature is committed to making its public hearings accessible to individuals with disabilities. If, due to a disability, you need an accommodation or assistance to participate in the public hearing or to obtain a copy of the transcript of the public hearing in an alternative format in accordance with the provisions of the Americans with Disabilities Act, please contact the Office of the Clerk of the Legislature at 571-4252, or the Nassau County Office of the Physically Challenged at 227-7101 or TDD telephone No. 227-8989.

**DATED: April 22, 2021
Mineola, NY**

**MICHAEL C. PULITZER
Clerk of the Legislature
Nassau County, New York**

Theodore Roosevelt Executive and Legislative Building
1550 Franklin Avenue, Mineola, New York 11501

PUBLIC SAFETY COMMITTEE
Nassau County Legislature

**HEARING ON THE HOUSING OF ADOLESCENT
OFFENDERS, JUVENILE OFFENDERS AND JUVENILE
DELINQUENTS**

Committee Membership

Denise Ford - Chair
Steve Rhoads – Vice Chair
Vincent Muscarella
John Ferretti

Delia-DeRiggi-Whitton – Ranking
Siela Bynoe
Debra Mulé

AGENDA

April 29, 2021
11:00 AM

John Plakis, Director, Nassau County Department of Probation
Arianne Reyer, Special Counsel, Juvenile and Adolescent Justice

PUBLIC COMMENT