

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUVENILE JUSTICE

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September 25, 2015

Start: 10:00 a.m.

Recess: 11:22 a.m.

HELD AT: 250 Broadway - Committee Room
14th Floor

B E F O R E:
FERNANDO CABRERA
Chairperson

COUNCIL MEMBERS:
Maria Del Carmen Arroyo
James Vacca
Inez D. Barron
Rory I. Lancman

A P P E A R A N C E S (CONTINUED)

Felipe Franco
Deputy Commissioner
Division of Youth and Family Justice
Administration for Children's Services

Stephanie Prussack
Associate Commissioner of Detention Services
Division of Youth and Family Services
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Jennifer Romelien
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Division of Youth and Family Services
Administration for Children's Services

Nancy Ginsburg
Adolescent Practice and the Criminal Practice
Legal Aid Society

Amy Albert
Brooklyn Defender Services

[sound check, pause]

[gavel]

SERGEANT-AT-ARMS: Quiet, please.

CHAIRPERSON CABRERA: Good morning everyone and welcome to today's Oversight Hearing: Examining the New York City Administration for Children's Servanance--Services Juvenile Offender Population. I am Council Member Fernando Cabrera, Chair to the Juvenile Justice Committee. I would like to thank you all for being here this morning. I would like to acknowledge that members of the Juvenile Justice Committee, which will soon be here, but especially I'm very grateful that our Public Advocate Letitia James has joined us today.

Young people in New York City and throughout the country--and throughout the country face many challenges while growing up in their communities. At times, these challenges can lead youth to deviant--deviate to potentially subjecting themselves to the Juvenile Justice System. At today's hearing, we will take a closer look at how DYFJ manages the Juvenile Offender population. For those in this room and those who are watching right now who do not know the definition of a juvenile

offender or JO, the population includes youth between ages 13 to 15 who are tried and charged for committing serious--serious or violent crimes.

Unlike juvenile delinquents, JOs are generally detained longer than juvenile delinquents and present the City Juvenile Justice System with unique logistical challenges. Today, the Committee looks forward to hearing testimony from the Administration and how DYFJ oversees and provides services and programs to the city jails population that are housed in detention and placement facilities. We are also going to take a closer look at enhanced services such as mental health care that are provided to the JOs population to better improve the outcomes of justice involved youth. Furthermore, the committee would like to learn what types of aftercare services are provided to JOs upon release especially to help prevent recidivism. I believe that we have the responsibility for providing court involved youth with the highest level of services possible and promoting the best interests for our youth, and the public at large. Again, thank you for being here today, and before we swear everybody in we have an

opening statement by our Public Advocate Letitia James.

PUBLIC ADVOCATE JAMES: So, I just really want to thank the Committee chair and my friend Committee Chair Fernando Cabrera for holding this important hearing on the city's juvenile offender population. As most of you know, as a former member of the City Council, I introduced a bill passed by the Council to increase transparency in city jails mandating that the Department of Corrections report on the use of force against youth at city jails and violence against and among--amongst youth. In addition to that, I'm very much concerned about the healthcare being offered to juvenile offenders, those individuals age 13 to 15. I want to talk a little bit about any LGBTQ youth, and want to know more about the educational facilities at some of the facilities operated by OCFS and how our children are being educated. So I thank you for this opportunity, look forward to the testimony, and--and good morning.

CHAIRPERSON CABRERA: Well, thank you so much, Public Advocate, and I just wanted to say before we saw your email this morning and so glad that the Pope is in town, and some of us will be

looking forward to seeing him and hearing your message. Well, will you raise you--the Administration I'm going to ask you to raise your right hand. I'm required to do this. Do you affirm to tell the truth, the whole truth, and nothing but the truth in your testimony before this committee, and to respond honestly to Council Member questions?

PANEL MEMBERS: [off mic] Yes.

CHAIRPERSON CABRERA: You may begin.

[pause]

DEPUTY COMMISSIONER FRANCO: Now? Okay.

Good morning. Good morning Chair Cabrera, good morning Public Advocate Letitia James and members of the Committee for Juvenile Justice. I am Felipe Franco, Deputy Commissioner of the Division--Division of Youth and Family Justice. With me are Stephanie Prussack, Associate Commissioner for Detention Services; and Jennifer Romelien, Executive Director for Program Services. Thank you for the opportunity to discuss the program and services that the New York City Administration for Children's Services, ACS, and our partners provide to youth in security detention facilities. Also, on behalf of Commissioner Carrion, and everyone here and our staff, I would like to

thank Chair Cabrera and the committee for recognizing 25 of our hardworking and deserving committed Horizon Juvenile staff members last week. Thank you. As the committee is aware, the ACS, Division of Youth and Family Justice oversees a continuum of services and programs for youth at every stage of the Juvenile Justice process with a strong mission to provide outcomes for young people who come in--who come into our care. We strive to accomplish this goal by partnering with our contracted providers, families and communities, and agencies to support youth in community based alternative programs when appropriate and secure and no security detention facilities and no secure placement in residences. [sic]

ASSOCIATE COMMISSIONER PRUSSACK: Before I discuss ACS' experience [off mic] with juvenile offenders, I would like give the committee [pause] Okay. Um, typically youths first encounter the Justice System as a result of an arrest or due to a warrant. Depending on the time of day that the arrest occurs, the youth will immediately be taken to court or to a secured detention facility until court is in session. After appearing before the court, the judge will assess the nature and severity of the

allegations as well as the youth's likelihood of appearing in court on the next court date. Depending on that assessment, the judge will either release the young person or remand the youth to detention. A young person between the ages of 7 to 15 who commits a crime is considered a juvenile delinquent and his or her case is heard in the Family Court.

Dispositions on Family Court delinquency cases may include treatment, probation, restitution, conditional discharge or placement. A child who is 13, 14 and 15 years old and commits a more serious or violent act such as murder, manslaughter, assault, sexual assault, attempted murder, burglary, arson or kidnapping may be treated as an adult and is considered a juvenile offender. These cases are typically heard in the Criminal Term of the Supreme Court, but may sometimes be transferred to the Family Court if a judge determines the transfer to be in the interest of justice. Youth adjudicated juvenile offenders are subject to more serious penalties than a juvenile delinquent. Due to the nature of their charges, juvenile offenders in New York City are solely remanded to secure detention facilities.

Criminal Courts processes juvenile offender cases in

special parts heard by one dedicated judge within the borough. Upon conclusion of the proceedings, the court can dismiss the case, parole the young person to a community based alternative program or send the young person to a residential juvenile placement facility operated by the New York State Office of Children and Family Services. For juvenile offenders, the most severe consequence is a sentence to an Upstate secure placement facility. In the rare event that a juvenile offender turns 18 years old while in secure detention, they will transition to Rikers Island to await the conclusion of their Criminal Court case.

DYFJ provides secure and non-secure detention services to pre-adjudicated young people awaiting the conclusion of their family or criminal court case. Our 13 non-secure detention residences solely serve juvenile delinquents while our two secure detention centers, Horizon Juvenile Center in the Bronx and Crossroads Juvenile Center in Brooklyn serve both juvenile delinquents and juvenile offenders. In 2014, DYFJ served approximately 1,850 youth in our secure detention facilities. Overall, the average daily population for secure detention has

decreased from 210.3 in Fiscal Year 11 to 94.7 in Fiscal Year 15. The number of youth admitted to detention continues to decline due to a decreasing number of juvenile arrests as well as the increased number of community based alternative programs designed to divert juvenile delinquents from the Justice System. Since 2011, the number of juvenile arrests in the city continues to decline for both juvenile offenders and juvenile delinquents. As the overall population in secure detention continues to decline, the juvenile offender population does as well. In Fiscal 14 the average daily juvenile offender population was 59.5. In Fiscal Year 15 the average daily population decreased to 48.2.

In addition to declining secure detention and juvenile offender populations, we have also experienced a decrease in the time that juvenile offenders remain in our care. The current length of stay of juvenile offenders as of July 2015 was 123.6 days with the majority of youth spending one to three months in the facility. This represents a decrease from the 131.7 day length of stay that occurred one year prior.

Juvenile offenders typically experience a longer length of stay compared to juvenile delinquents due to the prolonged criminal court process. Additionally, although there are several community based programs that enable juvenile delinquents to remain in the community with services and supports as they await the conclusion of their court case, very few alternative program exist to divert juvenile offenders from detention. Since 2011, ACS has participated in PATH, Positive Alternatives Towards Home, a pilot program that uses electronic monitoring to help juvenile offenders reenter the community with their families as they await final adjudication. Judge Eduardo Padro is the only Supreme Court Judge in New York City who uses the program, and there is concern that the program will end when Judge Padro retires this year. ACS supports the continuation of this program as well as other community based alternative programs that divert juvenile offenders from residential care.

JENNIFER ROMELIEN: ACS strives to expose young people in detention to positive programming and services to encourage them to get on the right path while in our care. Services provided to youth in

secure detention are not only distinguished by a young person's court status, all youth receive the same programming and educational opportunities based on their needs. We do, however, recognize the distinct opportunity to provide unique programming to juvenile offenders. Juvenile offenders tend to remain in our care longer and, therefore, have the potential to develop leadership skills and become role models for their peers. ACS takes this potential into consideration as we select youth for longer-term programs. Additionally, due to their longer lengths of stay, juvenile offenders have opportunities for school credit recovery and access to mental health services that may address some of the reasons that they entered our care. While in secure detention residents receive a number of services, education, mental health services, and recreation. ACS works closely with the Department of Education's DOE District 79 to provide educational programs and services within each of the secure detention facilities. DOE school teachers exude a standard curriculum that includes English, language arts, mathematics, science and social studies, and enables the youths to earn credits towards

graduation. Each class is comprised of eight students who share similar levels of academic need. Each period lasts 45 minutes. The school day consists of eight periods including lunch. In addition to providing tutoring sessions, DOE teachers work with high school students to help them prepare for Regents and English Language Arts Examinations. We pleased to share that DOE has launched computer technology programs for youth in detention through blended learning initiatives to supplement classroom instruction and maximize content learning, credit accumulation and development of academic skills. Through this innovative model, teachers will be able to work with youth on the blended learning programs during the school day and during after school hours to ensure that the youth remain on pace with their peers at their community school. Additionally, ACS case managers and juvenile counselors direct care staff that assist, coach and engage young people in every aspect of their day, work with youth to provide the encouragement and support that young people need while in detention so that there is no lapse in their education. While education is a critical service for youth in our care, we also have an equally important

responsibility to address underlying issues that many of our youth struggle with such as peer pressure, and abusive unhealthy relationships. ACS recognizes that the vast majority, as high as 90% of young people in the Juvenile Justice System regardless of gender have experienced some sort of trauma. To address this trauma, we strive to have a system that is both informed and responsive. ACS is proud of our partnership with Bellevue Hospital and NYU Langone Medical Center to create and implement trauma informed screening and care in our secure detention facilities, making us one of the first secure detention systems in the country to implement trauma informed practices and training. This partnership is complementary to the work that we are doing to create an integrative intake process for detention and support--and establish a supportive environment to provide targeted reentry and treatment recommendations for youth as they transition into placement.

Since 2013, Bellevue Hospital Center and the NYU Langone Medical Center have trained all secure detention staff in dealing with the various types of trauma that impact youth in our care. The

intensive four-week training increases staff's ability to identify trauma exposure and work with traumatized youth and reduce secondary trauma issues among staff. To further support the mental health needs of youth in detention, ACS contracted with NYU and Bellevue Hospital last fall to provide psychiatric and psychological services. Each secure detention site now has a full-time psychiatrist and psychologist and youth are systematically screened for trauma exposure. Other services available to youth include assessment, evaluation and medication management. Recreation activities are also a critical component of our programming for young people in detention. In addition to a range of arts and humanities programs such as drama workshops, dance classes, poetry readings and Yoga sessions that teach youth mindfulness, we are excited to embark on a new collaboration with the New York City Department of Youth and Community Development, DYCD, under the leadership of Commissioner Chong to further increase programming opportunities for youth in our care.

As part of Mayor Bill de Blasio's initiative to expand after school programming for middle school students, ACS via an RFP with DYCD will

be able to provide a host of new activities in areas such as arts, STEM, Science, Technology, Engineering and Math, leadership development, career and college exploration and physical fitness. While we are pleased with our growing portfolio of programs for youth, we remain committed to providing as many diverse services as possible for our young people. We invite the committee to continue to share suggestions regarding programs that may be appropriate for youth in our care.

DEPUTY COMMISSIONER FRANCO: Thank you for the opportunity to share with you the important work we are doing to address the needs of young people in Juvenile Justice programs, particularly the needs of juvenile offenders in our care. We're grateful for the Council's support, and greatly appreciate the funding provided by Chair Cabrera to develop a mentorship program in the Bronx of Horizon facility, and with funding allocated by Council Member Arroyo to provide cultural services to youth at Horizon's Juvenile Center. We look forward to updating the committee as both of these of these programs, the mentoring and arts programs move

forward. I'm happy to take any questions you may have.

CHAIRPERSON CABRERA: Well, Commissioner, I want to first take a moment to thank you, and Commissioner Carrion for the level of collaboration that I literally feel every time that I've been able to work with you, and with your staff. You have wonderful staff that have a high level of expertise, and the programs that you have implemented in working with this very needy and investing in the need of youth. And so I want to commend you publicly. We are very lucky to have you and the staff that you have. With that, I just have a couple of questions, and I'm going to turn it over to the Public Advocate, and then I'll come back with more questions. But I wanted to know this--I want to start with an overall question. How do you measure success in working with juvenile offenders?

DEPUTY COMMISSIONER FRANCO: I mean juvenile offenders are in our custody while they're going through the court process, as you heard before. A significant number of them actually are sentenced and move onto the custody of OCFS. Usually for a lesser stay about a year and a half, and I know that

well because I used to run the system a year and a half ago. I think our role in detention is a very specific one, which is to provide public safety and support to those young people when they are in our care. But our real intent should be about helping them change their behavior patterns and more importantly provide the right kind of assessments. So actually, when they move on to either a community program, or to OCFS, they have a clear understanding of what their needs are. I think one of the things we really care about is about their safety while being--while in detention. So one of the things that we really do pay attention is actually are they getting the services. We look at credit accumulation. We look at passing rates, and more importantly I mean how well are understanding their needs, and kind of getting them in the right trajectory when they get served by someone else.

CHAIRPERSON CABRERA: [off mic] Do you happen to--[on mic] I'm sorry. Do you happen to have--you mentioned indications. So what are the main variables that you look at? Educational, behavior and do you have anything [coughs] excuse me--

- that you could compare to let's say from last year to this year, um, that we could look at?

DEPUTY COMMISSIONER FRANCO: Yeah, I think--I think we--I believe we have--we could get to you, um, credit accumulation, which is something that we really care about whenever these young people are behind. At the moment they come to us so we could actually look at how well are we helping them accumulate the credits they need to graduate. We are actually tracking reading [sic] passing rates. I don't have the numbers with me, but I mean they're doing really well compared to last year. And actually, we're beginning to track literacy levels. So we're actually through some of the services that DOE performs, we can get a sense of where they were at--they were at, at the moment they came to us. And what level of literacy they have passed when they leave.

CHAIRPERSON CABRERA: Do you happen to know the average literacy level that they're coming in?

DEPUTY COMMISSIONER FRANCO: I don't--I don't have it right now. I mean historically it's

about--it's low. It's about a 5th or 6th grade level for most of our young people.

CHAIRPERSON CABRERA: Wow.

DEPUTY COMMISSIONER FRANCO: One of the challenges that we have always encountered in the field is that actually young people who are very bright, intelligent and actually really interested in actually pursuing technical careers are challenged by the low literacy levels.

CHAIRPERSON CABRERA: Hm. I'm going to turn it over to our Public Advocate, and I'll come back to you with some questions.

PUBLIC ADVOCATE JAMES: Thank you, um, Commissioner in your testimony you indicated that there are 1,850 youth in your secure detention facilities. How many are in the 13 non-secure detention residences?

DEPUTY COMMISSIONER FRANCO: To be--to be clear, at any one moment we have about 98 kids in our secure facilities. Um, the 1,000 number is all the kids that we serve within a year.

PUBLIC ADVOCATE JAMES: So that's both-- so that's both in your secure and non-secure?

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2 DEPUTY COMMISSIONER FRANCO: Exactly, but
3 it's actually throughout--through a full year.

4 ASSOCIATE COMMISSIONER PRUSSACK: We have
5 143-bed system in non-secure detention.

6 PUBLIC ADVOCATE JAMES: Uh-huh.

7 ASSOCIATE COMMISSIONER PRUSSACK: Um, the
8 numbers are currently down. So today's population is
9 58 youth in non-secure detention?

10 ASSOCIATE COMMISSIONER PRUSSACK: 58 in
11 non-secure?

12 ASSOCIATE COMMISSIONER PRUSSACK: Uh-huh.

13 DEPUTY COMMISSIONER FRANCO: And how many
14 do we have in secure? Do you know?

15 ASSOCIATE COMMISSIONER PRUSSACK: Um, 92
16 in--between both secure detention facilities.

17 PUBLIC ADVOCATE JAMES: Do you have any
18 PINS, Persons in Need of Supervision--

19 DEPUTY COMMISSIONER FRANCO:
20 [interposing] No.

21 PUBLIC ADVOCATE JAMES: --in any of these
22 facilities--

23 DEPUTY COMMISSIONER FRANCO:
24 [interposing] No.

25

PUBLIC ADVOCATE JAMES: --at all. They are primarily once they're, um, once they're entered into the system, they are released back to their parents or how do you handle PINS?

DEPUTY COMMISSIONER FRANCO: The PINS-- PINS kids don't come to the detention center--

PUBLIC ADVOCATE JAMES: [interposing] They don't come to the detention.

DEPUTY COMMISSIONER FRANCO: --in New York City.

PUBLIC ADVOCATE JAMES: Okay.

DEPUTY COMMISSIONER FRANCO: They do-- they do in other parts of the state but not in New York City.

PUBLIC ADVOCATE JAMES: Not in New York? Um, there was an article that I read in I guess in City Limits, um, and it indicated that the attorneys who are advocates for children indicated that, um, most of the young--young teens that were being released from OCFS placement, their high school credits that they received while they were in placement were being rejected.

DEPUTY COMMISSIONER FRANCO: Again, we are ACS. We are not OCFS, but having left the system not that long ago, that's actually factual.

PUBLIC ADVOCATE JAMES: It is factual?

DEPUTY COMMISSIONER FRANCO: Yeah. I mean young people who are under the custody of OCFS are going to schools that are run by OCFS and there's plenty of strategies trying to create a parity between the credits they accumulate Upstate when company exceeded. [sic] New York City very wisely integrate a part of the location assistance. We actually opened our doors to New York City DOE so that in that way they have ownership of those kids throughout the continuum in detention and in close to home placement. So the young people when they return back to New York City DOE schools, they go from one DOE school to another DOE school.

PUBLIC ADVOCATE JAMES: Do you know if there's any coordination or communication between OCFS and DOE to correct this?

DEPUTY COMMISSIONER FRANCO: I believe it is--

PUBLIC ADVOCATE JAMES: [interposing]
Okay.

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2 DEPUTY COMMISSIONER FRANCO: --happening
3 but--

4 PUBLIC ADVOCATE JAMES: [interposing]
5 Okay.

6 DEPUTY COMMISSIONER FRANCO: --I'm not
7 there any more.

8 PUBLIC ADVOCATE JAMES: Okay. [laughs]
9 You also indicated there was one psychologist and one
10 psychiatrist to deal with the mental health needs of
11 the--the young people. And so my question is, is
12 that a sufficient number of professionals to address
13 the--the challenging needs of these--of this
14 population?

15 DEPUTY COMMISSIONER FRANCO: We have more
16 than that?

17 PUBLIC ADVOCATE JAMES: You have more
18 than that?

19 JENNIFER ROMELIEN: Yes, we actually have
20 a full time at this point. We have three full-time
21 psychiatrists, which we'll take throughout the
22 system, and we have three full-time psychologists.

23 PUBLIC ADVOCATE JAMES: Now, when you say
24 will--will take throughout the system--

25

JENNIFER ROMELIEN: [interposing] Through both secure sites.

DEPUTY COMMISSIONER FRANCO:
[interposing] So the two--?

PUBLIC ADVOCATE JAMES: So there's two secure and then what--and who handles the 13 non-secure?

JENNIFER ROMELIEN: the 13 non-secure kids come to the secure sites for their psychological and psychiatric services. For their mental health services they're seen at the school that they attend.

PUBLIC ADVOCATE JAMES: And are--and I--are you seeing--I'm seeing, um, throughout New York City a lot of gang activity. To what extent are we identifying gang activity in the secure or non-secure facilities, and what are we doing to address that?

DEPUTY COMMISSIONER FRANCO: Yeah, I think we--we are challenged by it.

PUBLIC ADVOCATE JAMES: [interposing] yeah.

DEPUTY COMMISSIONER FRANCO: It's not just the issue of more gang activity. I mean gangs are a little bit more, um, entrepreneur than ever before.

PUBLIC ADVOCATE JAMES: Um.

DEPUTY COMMISSIONER FRANCO: So, um, we are beginning to find a way with the City Council Initiative Cure Violence. So we are conversations with the Mayor's Office of Criminal Justice to bring that expertise into our security facilities on placement. As of yesterday, we were meeting with one of the Cure Violence sites with Council Member Cabrera to kind of bring that level of intervention that you guys so wisely have developed in New York City of having credible messengers--

PUBLIC ADVOCATE JAMES: [interposing]
Right.

DEPUTY COMMISSIONER FRANCO: --in the communities where gun violence is happening. We want to bring that--those interrupters--

PUBLIC ADVOCATE JAMES: [interposing]
yes.

DEPUTY COMMISSIONER FRANCO: --into our facility.

PUBLIC ADVOCATE JAMES: And so, um, obviously I believe in the gang interrupters and also getting information from a number of these

individuals on what is actually happening on our streets. And is that part of the discussion?

DEPUTY COMMISSIONER FRANCO: Yes.

PUBLIC ADVOCATE JAMES: Okay.

DEPUTY COMMISSIONER FRANCO: We're are released I guess, [sic] but I think it's the right-- the right approach.

PUBLIC ADVOCATE JAMES: Excellent. My other question has to do with close to home. I'm--I have a difficult time understanding the relationship between what you're actually doing close to home. Are they interconnected or is there--

DEPUTY COMMISSIONER FRANCO: Yeah. I mean we have the oversight of detention, which is pre-placement, as we discussed today for the older youth juvenile offenders, juvenile delinquents. Juvenile delinquents who are adjudicated by the court. As of 2013, many of the are not going tot he custody of the state. They are staying in the custody of ACS New York, and those are the cases we're placing close to home.

PUBLIC ADVOCATE JAMES: And so this program, PATH, why are you concerned that it may end upon the retirement of this one particular judge.

Why is it tied to a judge as opposed to a--an initiative, which is tied to the courts?

DEPUTY COMMISSIONER FRANCO: I mean, I think--

ASSOCIATE COMMISSIONER PRUSSACK: That's PATH. That--that--that's--that has nothing to do with, um--

DEPUTY COMMISSIONER FRANCO: Close to Home.

PUBLIC ADVOCATE JAMES: Yeah. No, I'm know it's separate.

ASSOCIATE COMMISSIONER PRUSSACK: Oh, okay.

DEPUTY COMMISSIONER FRANCO: Yeah, yeah, I mean, you know, I mean very wisely I think the city has done an amazing job in creating a very robust series of community alternative for juvenile delinquents, and they reflect it in our low numbers. I mean only have 92 kids today.

PUBLIC ADVOCATE JAMES: Right.

DEPUTY COMMISSIONER FRANCO: I think just number one I wasn't here when it was developed. They had the leadership and the wherewithal to kind of

drive this new pilot. As anything, it's actually really led--being led by a history [sic] issue.

PUBLIC ADVOCATE JAMES: Um.

DEPUTY COMMISSIONER FRANCO: We don't know whoever is the next judge or actually any other judges because the city will be open to try this new initiative.

PUBLIC ADVOCATE JAMES: And have you spoken tot the administrative judge?

DEPUTY COMMISSIONER FRANCO: We haven't.

PUBLIC ADVOCATE JAMES: Okay, and my very last question is since your numbers are down, and you're so low, are you considering closing any sites?

DEPUTY COMMISSIONER FRANCO: Not right now, but eventually and possibly we will.

PUBLIC ADVOCATE JAMES: Okay, eventually like what's eventually? Timeframe?

DEPUTY COMMISSIONER FRANCO: I mean one-- one thing to take into account is that, um, even thought those numbers are very low, we have a commitment to the value of keeping kids close to their families, and communities. So I mean it's a tradeoff. I mean if we were to run the one system

facility--the one facility system, it would make it harder--

PUBLIC ADVOCATE JAMES: [interposing]

Sure.

DEPUTY COMMISSIONER FRANCO:--a second group of families. And it's not unusual. I mean it's happening and for the last years I feel it in particular happening in New Jersey that I feel has the number of kids nationally. There's consolidation, but it has an impact in the ability to connect with families.

PUBLIC ADVOCATE JAMES: Thank you.

CHAIRPERSON CABRERA: Thank you so much, Public Advocate. I also want to acknowledge we've been joined by Council Member Vacca from the Bronx from the east side of the Bronx. Um, I wanted--um, I wanted to--actually let me just follow up with some of the questions that I were just mentioned. If--if Raise the Age were to happen in the state, you will need more space. Is that correct? And--and if so, how much more space would you need?

DEPUTY COMMISSIONER FRANCO: Yeah. I mean it all depends. I mean Raise the Age was proposed by Governor Cuomo last time created a series of

additional exit rooms. So we had the ability to other court process to actually reverse more and more cases from placement. So the impact wouldn't be as-- an immediate impact of one by one, but yet we will possibly need a different capacity. I mean you're talking about older young youth and a different set of needs. It's hard to predict unless you have a clear sense of what the legislation would entail.

CHAIRPERSON CABRERA: So let's suppose-- I'm just thinking here out of the box. Let's suppose you will have an extra 100 youth, but they would be older. Would they be--they will be put together with the kids that are there? You will have a different unit for them? How--how would that work?

DEPUTY COMMISSIONER FRANCO: I mean, if you look at our youth operation, which we are focusing to day I mean of them are 17 and 18-year-olds. So even if you look at close to our numbers, we servicing a number of 17 plus kids already. Again, they--they do require a different set of, um, services. Um, and I think we're trying to focus on their learning and other interests with DOE and thinking about technical and vocational training and how to prepare for that future.

CHAIRPERSON CABRERA: Beautiful. I also want to follow up with questions regarding treatment. How many youth, um, require in detention mental health services in the last fiscal year?

DEPUTY COMMISSIONER FRANCO: I mean I think it's important to keep in mind that we have done a detention. It's kind of really focused what the prophet [sic] called the milieu. So the understanding that actually the best impact in mental health for kids is not what is accomplished in a session with a therapist in an office. The traditional L shaped way that people sit. It's actually by empowering in particular our JCs and our case managers and everyone that actually interfaces with their kids to have the tools they need to enforce the self-regulation skills that our young people need. So in a traditional way it could be that JC is actually helping a young person understand how to stop, and think and actually tap belief in the moment so they can clearly control his behavior and emotional deregulation as well as clinician or a psychiatrist is doing. [off mic] Jennifer, will talk about youth. [sic]

JENNIFER ROMELIEN: So the essence of youth that were served that required mental health needs in 2013 was 87%. And January through September of 2014 it as 86%.

CHAIRPERSON CABRERA: Wow, that's quite a bit. Um, and how many of those received some type of medication?

JENNIFER ROMELIEN: I don't have the specific numbers of youth that are on medication. I would say that it is a significant number of kids that are on medication. Um, and our new partnership with Bellevue has enabled us to really look at what medications youth are on, and try to ensure that they're on the most appropriate medication.

CHAIRPERSON CABRERA: Commissioner, can you talk a little bit more in detail regarding reentry. I know we had a meeting yesterday. We're having some meetings just for the sake of the public, and the direction that we're moving, and how to make-how to help so that we don't have a higher level of recidivism with our children.

DEPUTY COMMISSIONER FRANCO: Uh-huh. So I mean in detention we're not set up, you know, by statute to focus on reentry. And the juvenile

offenders population like the one we're focusing on today, a significant number of them go to OCFS. Actually, when they come back to the community, reentry services and supervision is done by the New York State Department of Parole. Actually the Department of Corrections and Community Supervision. So, juvenile offenders are when we meet in detention that are placed with OCFS and returned eventually to New York City, their aftercare is actually managed by Department of Corrections and Community Supervision by the State. Um, young people that actually are placed with us like we were talking about before in Close to Home, those young people actually we are, um, the entity that looks out for the continuum services between placement and the community. In aftercare, ACS will actually focus on a series of evidence based or evidence based informed programs. Particularly, most of them are working with the family. So more function of family therapy and some of those really well known and proven programs that actually go to the home and work with the family and the kids to change behavior and support. That's the most--it's mainly what we do now. It's actually working as you know to actually complement those

family therapy programs with more site based, neighborhood based programs. We are really focused on our Commissioner to think about not just our children and our families, but also other communities we serve. In fact, even on the Juvenile Justice side we actually can see that most of our kids from seven neighborhood is pertinent for us to do that.

CHAIRPERSON CABRERA: The--the program, that um--I don't even know what to call it. Well, it is a program that is used by Judge Padro. Um, the--the PATH Program. Um, is--is--who's fronting that?

ASSOCIATE COMMISSIONER PRUSSACK: We are.

DEPUTY COMMISSIONER FRANCO: We are.

CHAIRPERSON CABRERA: You are?

ASSOCIATE COMMISSIONER PRUSSACK: Yes. It's--it's a small pilot.

CHAIRPERSON CABRERA: Okay. So--so you--

ASSOCIATE COMMISSIONER PRUSSACK: [interposing] Basically, right now it's the cost of the electronic monitoring.

CHAIRPERSON CABRERA: I see, I--

ASSOCIATE COMMISSIONER PRUSSACK: [interposing] And there's also some follow-up--you

know, I may be incorrect because I don't think we're paying the community based organization.

DEPUTY COMMISSIONER FRANCO: No, we're not

ASSOCIATE COMMISSIONER PRUSSACK: We're not. So I'm not sure where that funding comes from, but I know we fund the electronic monitoring part of it.

CHAIRPERSON CABRERA: And this program started because the judge had the vision or you had the vision, you introduced the vision?

ASSOCIATE COMMISSIONER PRUSSACK: I think it was a collaboration between our former Deputy Commissioner Larry Bushing some years back.

CHAIRPERSON CABRERA: [interposing] Okay.

ASSOCIATE COMMISSIONER PRUSSACK: The program started in 2011, and Judge Padro was the judge that was interested in taking--taking it up, and trying it out.

CHAIRPERSON CABRERA: I wonder if this is something we could legislate to make sure that it stays on. This sounds like an excellent program. I mean what--what's the levels of success that you have seen?

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2 ASSOCIATE COMMISSIONER PRUSSACK: Well, I
3 mean again, um, it's all--it's electronic monitoring.
4 It's been approximately--it's a real small number.
5 There's only been I think 35 kids that have been on
6 it. Approximately half of them were successfully
7 able to, um, stay in the community at home with their
8 families.

9 CHAIRPERSON CABRERA: Well, I mean in
10 light of the numbers that we have now days--

11 ASSOCIATE COMMISSIONER PRUSSACK:
12 [interposing] Right.

13 CHAIRPERSON CABRERA: --that's a large
14 number.

15 ASSOCIATE COMMISSIONER PRUSSACK:
16 [interposing] Yes.

17 CHAIRPERSON CABRERA: I mean I--I would
18 say that's about--you know is it 20% of the kids, um--
19 -

20 ASSOCIATE COMMISSIONER PRUSSACK:
21 [interposing] No this was like 50--

22 CHAIRPERSON CABRERA: --that are paying
23 for--

24 ASSOCIATE COMMISSIONER PRUSSACK: --50%
25 of the kids were successful that were on it?

2 CHAIRPERSON CABRERA: Right.

3 ASSOCIATE COMMISSIONER PRUSSACK: I mean
4 he did limit it, you know, to certain types of cases--
5 -

6 CHAIRPERSON CABRERA: [interposing]
7 Right.

8 ASSOCIATE COMMISSIONER PRUSSACK: --I
9 think that were appearing before him, um, but--

10 CHAIRPERSON CABRERA: [interposing]
11 Well, I'm talking about the overall number--

12 ASSOCIATE COMMISSIONER PRUSSACK:
13 [interposing] Oh.

14 CHAIRPERSON CABRERA: --of JOs--

15 ASSOCIATE COMMISSIONER PRUSSACK: --
16 [interposing] --that potentially could be served?

17 CHAIRPERSON CABRERA: Yeah, they could
18 and, and as a matter of fact, it's--it's a savings.
19 It's a cost savings. Second of all, you know, the
20 judge I'm sure he's making a determination of all the
21 variables--

22 ASSOCIATE COMMISSIONER PRUSSACK: Uh-huh.

23 CHAIRPERSON CABRERA: --the circumstances,
24 family and so forth that it will probably best serve
25 the child to have stayed home. Um, it--I'm just

wondering, you know, how we could be an instrument in making sure that this can--this PATH Program continues because this is--for me it's 30 kids is a lot of kids. I mean when you're talking about the overall number of youth, and, um, and then 50% being successful. To me, 50% is a high number. Dealing with this population I mean you're not talking about the average kid.

DEPUTY COMMISSIONER FRANCO: No, I think it's--it's pertinent for us to, um, set up a meeting with Judge Padro before he retires. Set with the pertinent stakeholders like the DA and Legal Aid and other and just take a look at it. We're--we're willing to step up and face this. (sic)

CHAIRPERSON CABRERA: Commissioner, you talked about some programs that have been effective in the detention center. Can you talk about that, and can you mention some of them, identify some of them and why you think they have been effective?

40:01

DEPUTY COMMISSIONER FRANCO: I mean I think I'm going to let Jennifer talk. I mean I think what we have actually been the most successful is actually implementing the trial mind form (sic)

approach to how we work and that it's beginning to pay off.

JENNIFER ROMELIEN: Some of the programs that I think have been really effective with the young people are programs such as drama club, Voices Unbroken, Carnegie Hall, Flex Dance. You know, there's a lot of programs that come in and work with our young people. And with this partnership with DYCD we've opened that door up to many other programs that we didn't have the ability to do so in the past. Linear (sic) Youth program is another program that comes in on a regular basis and works with our young people. We're always looking for what we can--what else we can do. What more programs can we, you know, expose these young people to.

CHAIRPERSON CABRERA: Is it a funding issue to have more programs or is it, you know, another variable that we're looking at?

DEPUTY COMMISSIONER FRANCO: Yeah, I mean I think it used to be. I mean I think the first time I testified in front of the City Council we didn't have that set of funding to provide those programs but now we do. I mean the--I mean maybe because of you encouragement and highlighting the issue, our

Commissioner, you know, and the Commissioner from DYCD have dedicated funding to creating kind of state-of-the-art facility program (sic) into our juvenile justice system. What you make of doing it this way is that actually this have providers who actually have roots in the community. The intention is actually we kind of connect to kids activities that they want to do. The provider we try to figure out a similar activity in the community they're returning to.

CHAIRPERSON CABRERA: Fantastic.

DEPUTY COMMISSIONER FRANCO: But this is just beginning so--

CHAIRPERSON CABRERA: Um, let me turn it over again to our wonderful Public Advocate.

PUBLIC ADVOCATE JAMES: Um, do you have any data on the number of caseworkers assigned to juvenile offenders? What is the percentage? The ratio, I should say.

DEPUTY COMMISSIONER FRANCO: What do you mean--what do you mean by caseworkers? Do you mean our juvenile counselors who--

PUBLIC ADVOCATE JAMES: [interposing]
Yeah, your counselors.

DEPUTY COMMISSIONER FRANCO: --who work there today. (sic)?

PUBLIC ADVOCATE JAMES: Yeah.

DEPUTY COMMISSIONER FRANCO: Okay. I mean our budgeted ratio is 8 to 1.

PUBLIC ADVOCATE JAMES: Uh-huh.

DEPUTY COMMISSIONER FRANCO: We're doing better than that because our numbers are lower.

PUBLIC ADVOCATE JAMES: Yes.

DEPUTY COMMISSIONER FRANCO: And are really grateful and looking forward to actually having our first class of unified (sic) counselors in a long time beginning Monday.

PUBLIC ADVOCATE JAMES: Monday.

PUBLIC ADVOCATE JAMES: So we have 20--

ASSOCIATE COMMISSIONER PRUSSACK: Two.

DEPUTY COMMISSIONER FRANCO: 22 juvenile counselors coming in.

PUBLIC ADVOCATE JAMES: So tell me a little bit about the staff. So you have caseworkers. We talked about psychiatrists, psychologists.

DEPUTY COMMISSIONER FRANCO: Uh-huh.

PUBLIC ADVOCATE JAMES: What other employees do you have at some of these facilities?

2 DEPUTY COMMISSIONER FRANCO: So we our--
3 our array of direct staff, ACS staff and an array of
4 contracted providers and people at DOE. I think
5 Stephanie can give you more.

6 ASSOCIATE COMMISSIONER PRUSSACK: So,
7 our--our, um, the main staff that work with our
8 children are our juvenile counselors--

9 PUBLIC ADVOCATE JAMES: [interposing] Uh-
10 huh.

11 ASSOCIATE COMMISSIONER PRUSSACK: --and,
12 um, and there's a series of juvenile counselors and
13 then there's supervisory and, um, additional
14 supervisory and we also have operation managers. We
15 form teams at our facilities to, um--around our
16 living units, and included in the team are all the
17 direct care staff, the juvenile counselors that work
18 on that particular unit from, um, morning 'til early
19 morning or night. Um, we have, un, our case managers
20 assigned to each living unit. We have, um--

21 DEPUTY COMMISSIONER FRANCO:
22 [interposing] Clinicians.

23 DEPUTY COMMISSIONER FRANCO: --we hope to
24 have clinicians assigned to each unit. It's, um,
25 that's our intention and we've been working to place

clinicians on each unit. Um, but a clinician is always part, the psychiatrist is always part of the team meeting. Um, we have--who am I leaving out. Um, sometimes if there are medical issues with particular children on that, um, living unit then they will--will also. We meet once a week. Each team meets once a week, and we discuss, um, the individual kids during that time and--and what's working and what's not working.

PUBLIC ADVOCATE JAMES: And so because your numbers are down, I would imagine that all of these individuals have more, um, time individual time with each of the young people.

ASSOCIATE COMMISSIONER PRUSSACK: Right. Our average group right now in detention is somewhere between 8 and 12 in each living unit.

DEPUTY COMMISSIONER FRANCO: Which--which is ideal

ASSOCIATE COMMISSIONER PRUSSACK: Right, it is.

DEPUTY COMMISSIONER FRANCO: I mean if you look at National Best Practices you don't want to have a unit or a cottage that is more than 14 kids.

PUBLIC ADVOCATE JAMES: Right and all of these individuals are employees of ACS?

DEPUTY COMMISSIONER FRANCO: No.

ASSOCIATE COMMISSIONER PRUSSACK: Um, the medical and mental health staff are not employees of ACS. They're contracted.

PUBLIC ADVOCATE JAMES: They're contracted out?

ASSOCIATE COMMISSIONER PRUSSACK: Yes.

PUBLIC ADVOCATE JAMES: What others services that are contracted out? I guess the programming that was mentioned earlier the arts and the culture?

ASSOCIATE COMMISSIONER PRUSSACK: Yes.

PUBLIC ADVOCATE JAMES: Okay, anything else contracted out?

ASSOCIATE COMMISSIONER PRUSSACK: No.

PUBLIC ADVOCATE JAMES: Okay.

ASSOCIATE COMMISSIONER PRUSSACK: We have the partnership with DOE, but that's not a contract.

PUBLIC ADVOCATE JAMES: Um, so there was another article that I read somewhere about the use of restraints. Um, my understanding that the use of restraints both physical and mechanical, um, by ACS

2 has dropped. Um, but the question is has it dropped
3 as--as quick--as quickly as the average daily
4 population. Um, so can you tell me a little bit
5 about whether or not ACS still uses restraints on,
6 um, the young people. Um, and has the use of
7 restraints been removed or reduced?

8 ASSOCIATE COMMISSIONER PRUSSACK: Well,
9 ACS still does, unfortunately, have to use
10 restraints. I mean it's not our first option. Um,
11 we--we train our staff to, um, to be proactive. We
12 train our staff to employ, um, de-escalation skills,
13 um, through our Safe Crisis Management, um, system of
14 crisis intervention. However, sometimes restraints
15 when all over methods have failed sometimes we do
16 have to restrain youth especially--well, only when
17 they're a danger to themselves or others. As we
18 mentioned earlier, we do have some, um, gang issues.
19 So, um--

20 PUBLIC ADVOCATE JAMES: Is there any data
21 on how often you use restraints, and whether or not
22 you isolate the young people?

23 ASSOCIATE COMMISSIONER PRUSSACK: We do
24 not isolate them.

25 PUBLIC ADVOCATE JAMES: No isolation.

ASSOCIATE COMMISSIONER PRUSSACK: No.

PUBLIC ADVOCATE JAMES: Okay, any data

on, um--

ASSOCIATE COMMISSIONER PRUSSACK: Yes, we

have data. Um, compared to, um, last year our

overall, um--I'm sorry. I'm looking at the wrong

data. Um, use of restraints. Our overall

restraints, um, taken in account the major drop in

our population, um, was down for the year 16%. Um,

our, um, mechanical restraints were down 32%.

PUBLIC ADVOCATE JAMES: Do you have

actual numbers?

ASSOCIATE COMMISSIONER PRUSSACK: Um, I

do. Um, um, we had, um, a total of 895, um,

restraints in Fiscal Year 15. Now, that sounds like

a lot.

PUBLIC ADVOCATE JAMES: Uh-huh.

ASSOCIATE COMMISSIONER PRUSSACK:

However, um, most of our restraints are of a standing

up nature where we make--we would, you know--

DEPUTY COMMISSIONER FRANCO: A scope.

PUBLIC ADVOCATE JAMES: --hold the youth

and where we scope the youth from behind. You know,

the overwhelming majority of those restraints are not

what you would typically seemed to think if you, you know, watched TV or, you know, seen someone restrained. You know, there's very specific holds that are used and escorts to--to move--to move you.

DEPUTY COMMISSIONER FRANCO: Yeah, and we're beginning to, um, capture data on restraints and the two types of restraints. I mean, I think we were looking for--

ASSOCIATE COMMISSIONER PRUSSACK:
[interposing] We have high level and low level restraints. I don't have those numbers with me, but we can get them to you.

DEPUTY COMMISSIONER FRANCO: [interposing]
But soon we will be able to report the number.

PUBLIC ADVOCATE JAMES: Okay. Yeah, if you could report back to my office on the use of restraints and the difference between high level, low level--

DEPUTY COMMISSIONER FRANCO: [interposing]
Uh-huh.

PUBLIC ADVOCATE JAMES: --and the circumstance under which one utilizes restraints, that would be greatly appreciated as well as de-

escalation tactics. That would be greatly appreciated.

DEPUTY COMMISSIONER FRANCO: I mean our JCs do an amazing job of, um, intervening within the context so that things that are prevented. And if anything in particular happen, our young people learn the skills to regulate their emotions and behavior.

PUBLIC ADVOCATE JAMES: Well, I'm--

DEPUTY COMMISSIONER FRANCO: This is what we think.

PUBLIC ADVOCATE JAMES: But I'm concerned about the use of constraints--restraints particularly as it relates to the fact that you have a significant number of young people with mental health challenges.

DEPUTY COMMISSIONER FRANCO: [interposing]
Uh-huh.

PUBLIC ADVOCATE JAMES: And so the question is that obviously in my mind there's a correlation, and I don't know whether or not physical restraints, um, aggravates the situation.

DEPUTY COMMISSIONER FRANCO: [interposing]
Uh-huh.

PUBLIC ADVOCATE JAMES: So, um, I'd like to look into that further. Um, what was my other

question? Um, I think I covered all of my questions.
Um, yeah, I covered all my questions. Thank you. I
appreciate it.

CHAIRPERSON CABRERA: Thank you so much.
Um, Madam Public Advocate. Um, I just have, a couple
more questions. Do you see a difference in behavior
or need of mental health services between JDs and
JOs?

DEPUTY COMMISSIONER FRANCO: No, I mean
no. This actually historically, and again this is
national trends the difference in terms of either
their needs from a JD and a JO. Actually, there is
not a difference in terms of their likelihood of
violence between a JD and a JO. Actually, um, if you
look research in California and working with OCFS,
the likelihood of a juvenile offender being violent
actually it could be lower than it is between the two
settings.

CHAIRPERSON CABRERA: Interesting. My
last question is what do you see in the future and
how will it get better?

DEPUTY COMMISSIONER FRANCO: I mean I--I
think the fact that actually the City Council is
paying attention to juvenile offenders is--is a good

thing. I think we need to do the same. As numbers keep on getting smaller in JDs and JOs, JOs are a higher percentage of the population that we serve. Just by the nature that they are with us for three months or more, I think provides challenges and opportunities to ACS to do preferential programming. We're working with DOE as we speak for then the learning, but actually start thinking about how we integrate certificate programs in our facilities. So that would be the focus of next year. (sic)

CHAIRPERSON CABRERA: So thank you so much, Commissioner. I want to thank you for being so open to connecting the dots and creating the bridges between existing programs that we already have in the city. More specifically now with Cure Violence and all the mentoring programs that we're looking at in the near future to implement, to make sure that the young people--one thing that you pointed out to me is that the research data showed that youth that get the least amount of visits are the most likely to act out. And we talked about implementing a mentoring program that will be right from the onset, and to continue afterwards. I think that that's--I'm looking forward to seeing implementation, the outcome

2 and continuing this collaboration. Again, thank you
3 and to your staff. Thank you so much.

4 DEPUTY COMMISSIONER FRANCO: Thank you.

5 CHAIRPERSON CABRERA: At this moment I'm
6 going to ask for Amy Albert from Brooklyn Defender
7 Services and Nancy Ginsberg from Legal Aid Society.
8 Would you come and if anyone else is interested in
9 testifying make sure you see the sergeant-of-arms.
10 Hi, how are you. Welcome.

11 [background comments]

12 CHAIRPERSON CABRERA: Please identify
13 yourself and you can begin. Thank you.

14 NANCY GINSBURG: [off mic] Nancy
15 Ginsberg. No. [on mic] It isn't--not as easy as the
16 old ones. Um, Nancy Ginsburg, the Legal Aid Society.
17 I oversee the Adolescent Practice and the Criminal
18 Practice of Legal Aid. I apologize, but I need to
19 leave to go to court. So I'm going to testify and
20 the exit. Um, first I'd like--I'm not going to read
21 my testimony. I'd like to address some of the
22 questions that were asked earlier and just--I will
23 briefly outline my testimony. Thank you very much
24 for allowing us to testify. We have been
25 representing juvenile offenders in a dedicated unit

with lawyers and social workers, um, since 1997. Um, we have a dedicated lawyer and social worker in every county except for Staten Island, um, working with the juvenile offender population. Um, first I'd like to address the OCFS education credit question. I think the article you read was concerning our lawsuit against the Department of Education *JG v. Mills*. The issue that you are addressing is actually--has actually been, um, addressed OCFS worked with the New York State Education Department to pass a regulation which went into effect I believe in the--last fall. I believe it was last fall, but I can get that regulation to you. It's a state ed regulation. Because the schools in OCFS are not considered schools, they're considered programs, um, the awarding of credits was considered discretionary by the Department of Education. The City Department of Education is now recognizing the credits as allowed by this regulation as awarded by OCFS. So we are hopeful that that will address many of the issues where we're still watching in case there are problems. There are certainly issues about the, um, the breadth of education that's available to youth who are Upstate and we are working on those issues

both with State and the Office of Children and Family Services. Um, as to your question about gang activity, I would just issue a caution because the kids who are held in secure detention are all represented by counsel, and they are awaiting disposition of their case. And so, I would caution any encouragement of questioning those youth because anything that they say can be used as an admission against them. Um, I certainly applaud ACS' interest in working with Cure Violence programs, and to bringing interrupters. Certainly gang activity is an issue in New York City. Many of our kids go--enter street gangs because they don't have family support. Um, we are hopeful that ACS is going to continue to treat this problem as a trauma issue, which is the basis of the Cure Violence model. And so, we are hopeful that our youth will get services while addressing the problems to the extent that they exist in the facilities.

We do support the PATH Program. We worked very closely with Judge Padro to--to implement that program. We do believe that we have clients who have been released in that program who would not have been released without the electronic bracelet. We

would just caution that if it is expanded into the other counties that it remain--the criteria remain as narrow as they are in--in New York County. All of the kids who are eligible for those programs are incarcerated, and they are already indicted. And so that has, um, significantly limited the possibility of net widening, and so we would just like the Council to be aware that risks do--there are many risks in expanding that program in--in just anyway. Did work with the New York County District Attorney's Office, and we all agreed on those terms and I think that having agreement ahead of time between the Prosecutors Office and the Defenders and the judge who is implementing it is critical to the success of the program. We are great fans of the new mental health programs in the secure facilities. The addition of Bellevue has been incredible for our kids. There is tremendous interaction between our staff and the Bellevue staff and the mental health--all of the mental health providers. Um, we do appreciate the training that has been provided to the staff. We encourage as always ACS to provide more training. This is a--this is a highly traumatized population. It is very tough to work with these kids

day in and ay out. Lots of the staff come from exactly the same neighborhoods as the kids and have their own issues with trauma. We did hear consistently that many of the staff members felt that the training did help them deal with their own issues, and it's very important to be mentally healthy when you're working with this population. And so we would encourage increased training and more to the extent that it's possible. And discharge planning is obviously a very important issue. There was a period of time when ACS funded what they called bridge services, and so they had relationships with mental health providers in the counties. So that they could--the kids would not have to sit on waiting lists, particularly the kids with mental health issues. You should be aware that the JOs who end up in secure facilities are a minority of the teenagers who are prosecuted as juvenile offenders in New York City. Most juvenile offenders are released or are out on bail, and are participating in community based services, and often the teenagers who are in the facilities are the kids with the most severe problems, and spend a lot of time in those facilities while they're waiting for the availability of

residential beds. And so, it's incredibly important if those kids are to be released that they have access to programs and services in the communities. The other issue--two issues that we are advocating for today is increased calorie intake. Our kids are hungry. During the Bloomberg Administration they reduced the calorie allowance for our kids. We have some big boys in those facilities who are pretty active who could use more food. I do believe that ACS is working on this. We are supporting them in their journey to try to get more calories available for the kids. And we are asking that our kids be allowed increased telephone access to their families. Right now the way it's set up is they request telephone access through their case managers, and for the most part they get it. But there are times when their behavior is not so good. Sometimes they lose phone calls. We would ask that in the discipline scheme that phone calls are not one of the things that they would lose. For some of our kids it's very important that they have consistent access to their parents particularly on the younger side, our 14-year-olds who are incarcerated as juvenile offenders who have healthy relationships with their families.

It's important for them to have that constant contact. So thank you for your time.

CHAIRPERSON CABRERA: Thank you so much, Nancy. Amy. [background comments] Hey, Nancy, I know that you need to get going to court. We don't want to get you in trouble with the judge. [laughter]

AMY ALBERT: That's what I used to say. I won't be insulted if Nancy would use that because I--I know the judge she's going to see.

CHAIRPERSON CABRERA: Well, Nancy, thank you for all the work. I don't think this has been publicly acknowledged all the work that you do on the Cure Violence when we worked together. I was the co-chair, still the co-chair with Council Member Jumaane Williams. Your input was amazing, and it's being felt all throughout the city. This year we're going to end up with 18 Cure Violence Programs. We started a small project and now we're talking about millions and millions of dollars being implemented. In my district alone--my district alone we have only had one--in a 10-block radius--only one gunshot incident since this started.

NANCY GINSBURG: Okay.

CHAIRPERSON CABRERA: So it's amazing. It's amazing what's taken place, and I feel like saying Hallelujah, if you'll excuse me.

PUBLIC ADVOCATE JAMES: [off mic] Right. We need it--we need it in my part of town.

NANCY GINSBURG: Oh, yes. [laughter]

CHAIRPERSON CABRERA: Thank you so much. Amy, I'm so sorry.

AMY ALBERT: Oh, no, not at all. So, I'm Amy Albert. I work for Brooklyn Defender Services, and before I talk to you about the--the very specific issue that I'm here to talk about today, I do want to echo that I support everything that Nancy has said. She--her testimony is incredibly important. She's been doing this a long time. Brooklyn Defender Services has been doing some of the same work. Um, however, we have a fairly newly formed adolescent representation team that's been around for about three years, and I'm the coordinator of that team. I also have a full caseload of young people, which is very exciting for me. And unfortunately I'm seeing an issue that I really wanted to bring to your attention, and that issue involves as Council Member Cabrera you began to talk

about reentry. Um, the issue is incredibly serious. The issue is homelessness. Um, my young people who I represent and I give an example in my written comments, but I want to outline the pattern of the problem because I'm seeing it very frequently. Um, what happens is when a young person is incarcerated even for a short period of time in our jails, they tend to be the ones who are most frequently incarcerated at early ages, they're separated from their families. When they return home they're facing both the issues that they left with, which are substantial in many cases. Um, sect involvement. I won't--I wouldn't go as far as to say most of my young people are involved in gangs, but they are involved in group activities, which don't quite rise to that level. Tensions with their families, which brought them to that point. Mental health issues, which you've heard about extensively. But then, when they return home they have new problems. Those new problems include the academic issues that we've discussed. Um, they also include tensions with their families that did not exist before. And that's because when any young person leaves their home for some period of time, there's a break in their

relationships with their family members, and this causes drama. Also, the family members are often understandably a little upset about the fact that their child has been involved in the system and the chaos that's created in the family. And finally, there are issues about reentry into the community and trying after having had the trauma and stress of being incarcerated. Because our young people by virtue of having been involved in the system are traumatized. So, what we see and what I've seen over and over again is young people return home, and they face those challenges and things don't go well with their families. They argue. Those arguments escalate, and maybe the first time mom says, Leave. Go find somewhere else to stay for the night and come back. The next time, Leave. Go find some place else to stay for the night. And the kid goes to one of only two shelters we have in the city for kids under the age of 18, those being Covenant House and Safe Horizons, which is in the Bronx. And so, for our kids in Brooklyn that means there are no facilities under the age of 18 for kids that are homeless. None at all. So, um, as I'm sure you're all aware, Covenant House is turning away 75 kids a month who

are homeless because they don't have the beds. Additionally, ACS has a very limited capacity to take care of 14 to 18-year-olds who find themselves there because of abuse or neglect. It's gotten to the point where the Children's Center the entry point is predominantly 14 to 18-year-olds and there are so many of them, we're moving our kids out to Long Island where they're away from all of the services and access that they've had before. They wait there for a really long time because it's really hard to find a foster home or a group home for a 14 to 18-year-old. They are the toughest kids to place, and I will acknowledge that. So, kids try and deal with those systems. So--and ACS workers are trained let's go talk to me and see if she'll let him back in the house, which is the right thing to do. But then what happens is mom says yes, and then things are still the same at home, and mom calls the police. And then they end up back with me again because they've gone through the system on a misdemeanor assault, and then an order of protection is issued, and that kid cannot go home. I have nowhere for those kids to go. Nowhere.

So, I--I'm proposing a couple of solutions that I'd like you to consider today. Number one, it is vital that we get more access to funding for the crisis shelter systems. Covenant House cannot exist alone for our kids, and particularly in Brooklyn we need an immediate crisis homeless shelter to kids. We can't have kids traveling to 41st Street in order to do this. We do have very limited number of beds for LGBTQ youth in Brooklyn, but that's not most of the kids that I'm representing, and I want to be clear on that. I'm not saying that those kids don't deserve homeless shelters. The issue is that our young men of color who are the predominant folks who I see in the criminal justice system have no services if they become homeless in Brooklyn whatsoever. We do have drop-in center in Brooklyn, and that's great but a drop-in center does not provide a bed overnight.

The second thing I'd like you to consider is something that the State Legislature has begun to consider and that's the funding of respite centers. This is something that we've seen in other states. We don't have a working model in New York yet, but the idea is you have a place for kids to go, which is

not ACS custody for a six-week period. They get evaluations on site. Their family gets some counseling, and they try and figure out where is this kid going to go long term. But it gives everybody a break. We do this with kids with severe mental health issues. Kings County Hospital has a facility for this. But we don't do this for kids who don't have severe mental health issues, and right now our kids coming home from incarceration are the population that need this kind of thing.

And finally, I'd ask that you increase ACS' resources to deal with these kids. I know that the Council and many other folks have done a tremendous amount of work at the transition of crossover youth, delinquency and the ACS systems. We have not done that work for kids who are involved in the criminal justice system. And we need to do that work and that includes training, but it also includes having the resources that are available so that our kids have somewhere to go short-term, and long-term that they have--that the parents have the supports to keep them at home. I have kids who the minute mom will say okay I'll take him home, it's incredibly difficult, and then on the kid's 18th birthday

they're out on the street. So, I--I know that this issue is--is one that all of you have--have heard at least once or twice before, but I'm not sure it's been mentioned in this context. And it's one that all of the folks at BDS are mentioning, and working on, on a daily basis. I have many, many kids on my caseload in this situation, and it's something that we urgently need to deal with.

CHAIRPERSON CABRERA: Well, thank you so much for that testimony. It was definitely eye opening. Before I ask you a question, I want to recognize we've been joined by Council Member Lancman. If you have any questions, feel free, but I--I wanted to ask you what percentage of your caseload that you're dealing with you see in--in the--being homeless?

AMY ALBERT: I would say it's at least 10% of my caseload.

CHAIRPERSON CABRERA: And how big is your caseload?

AMY ALBERT: [laughs] Oh, without disclosing how actually big it is, what I will say is that the numbers in--in Brooklyn of kids that we represent each year, um, who are--are involved in the

criminal justice system are around 8,000 kids, um, under the age of 21. Under the age of 18, I would say it's about 2,000. So, I would say that I'm seeing about 200 kids a year, um, that-that are homeless, and those are just the ones that were identifiable.

CHAIRPERSON CABRERA: Oh, that's a large amount of kids. Um, I have to tell you that this is--this has been dear to my heart, and I try my best to get some partners in the City Council with an initiative that deals with--deals with mentorship and working with the families. Because a lot of times we put all this time and energy and effort with the--with the young people, but the parents are still they're traumatized.

AMY ALBERT: Oh, yeah.

CHAIRPERSON CABRERA: They have to deal with loss. They have to deal with, you know, with all of the dysfunctional, you know, um, things that happens whenever you have a situation like this. Um, and I'm--I'm hopeful that maybe next year we could be successful with this, or maybe with the help of ACS we could start closing. We do know that they're young. There are mothers that go--usually it's

1 mothers and sometimes fathers--who go to ACS. If
2 someone is having a problem with his kids, we want to
3 work with those kids and do a prevention program.
4 And then you have all the way to where you're talking
5 about a situation like that, but we need people who
6 will follow up--

8 AMY ALBERT: [interposing] Uh-huh.

9 CHAIRPERSON CABRERA: --you know, and--
10 and I think that some of the things we talked about
11 with the Commissioner, we've been working on this--
12 Not to be honest with you--for over a year. So we
13 had discussions and now finally, you know, put a
14 little seed money there. But I see mobility. I see
15 that we have a pilot program. I see what it's going
16 to look like. I love your idea of the respite. Who
17 has the best practice model with the respite?

18 AMY ALBERT: Um, we've seen some models
19 in California that I've actually identified in my,
20 um, in my written testimony that have worked
21 incredibly successfully. They're small programs.
22 They get 10 to 15 kids. It's a small number, but--
23 and they're in individual neighborhoods, and I think
24 that's what works the best.

2 CHAIRPERSON CABRERA: I'm--I'm smiling
3 because I was in L.A. this summer--

4 AMY ALBERT: [interposing] Yes.

5 CHAIRPERSON CABRERA: --and I went to the
6 Tent City area. I have never seen the level of
7 homelessness.

8 AMY ALBERT: [interposing] I know.

9 CHAIRPERSON CABRERA: I was for the first
10 part of my life in L.A. I have never seen what I
11 saw. As a matter of fact, it's the fear that I have
12 for New York--

13 AMY ALBERT: [interposing] Right.

14 CHAIRPERSON CABRERA: --because I believe
15 the net is beginning to break here in New York City--

16 AMY ALBERT: [interposing] I agree.

17 CHAIRPERSON CABRERA: --and we have to do
18 a better job because it's--it's not that it's
19 breaking, it's broken.

20 AMY ALBERT: Yeah.

21 CHAIRPERSON CABRERA: Um, and even in my
22 district, I'm starting to see the homeless, street
23 homelessness levels like I have never seen since I
24 don't remember when. So this is something we need to
25 tackle, we need to tackle now. And I don't know if

the Mayor has--he's generally interested in tackling this. I'm going to turn it over to Public Advocate.

PUBLIC ADVOCATE JAMES: Thank you, Chair. I want to get back to the homeless situation, and I want to particularly thank you for identifying it. This is a major issue. The drop-in Center in Brooklyn, where is that located?

AMY ALBERT: Um, it's SEO Services. It's located, um, in Sunset Park, um--

PUBLIC ADVOCATE JAMES: Okay, go ahead, and--and tell me a little bit about a drop-in center versus a shelter?

AMY ALBERT: Okay. So a drop-in center there's three levels of funding for--that DYCD provides for different services from homeless youth. Um, they provide drop-in centers. They provide emergency crisis shelter and then they provide long-term shelter.

PUBLIC ADVOCATE JAMES: Right.

AMY ALBERT: Um, Drop-in centers are located in each borough. Some boroughs have more than one, and what they do, um, The Door is the most famous model of this and that's in Downtown Manhattan. And they do great work, but what they do

is they provide food, which is good. They provide resources, how can this kid, what can you say to this kid about where he could go? They let kids make phone calls. They'll call in an ACS report. Um, they'll do the kinds of things that are supposed to prevent kids from going into long-term homelessness. Um, they--one of the difficulties is that it's hard for kids to identify them. I have kids that I work with. I actually was in arraignments on Tuesday, and had a kid that told me that he was involved with SEO (sic) Services. So, I know that kids get there. Um, but not as frequently as we'd like. We--I moonlighted as the Youth Chair of Community Board 9 up until recently in Brooklyn, and we had a hearing on this.

PUBLIC ADVOCATE JAMES: Community Board 9 the things dysfunctional you're talking about? (sic)

AMY ALBERT: Yes, ma'am. [laughs]

PUBLIC ADVOCATE JAMES: I know it well.

AMY ALBERT: I'm--I'm no longer on Community Board 9, but what I will say and that's mostly because I moved to Jersey City. But the issue is that we identified is that instead of--well, we identified two issues. One is it's very hard to count

homeless youth, and to identify them because what they do is they sleep on people's couches. So they're not homeless the way that--you know, they're not sitting in our subway system in the way that older folks are. Um, they're often unfortunately trading sex--

PUBLIC ADVOCATE JAMES: [interposing] Uh-huh.

AMY ALBERT: --for a place to stay or they're taking care of someone's kids for a place to stay. Those are the kinds of things that we're talking about, and those kids have trouble getting to these drop-in centers.

PUBLIC ADVOCATE JAMES: So are you--so to recap, the drop-in center is not heavily utilized?

AMY ALBERT: Right.

PUBLIC ADVOCATE JAMES: Okay. So can the drop-in center be converted into a shelter?

AMY ALBERT: I don't see why not. Um, I think there are some issues with residency permits, um, that we'd have to look into, but I--I think that there are certainly--that would be helpful.

PUBLIC ADVOCATE JAMES: Okay, okay. So, I being solution-oriented--

2 AMY ALBERT: [interposing] Absolutely.

3 PUBLIC ADVOCATE JAMES: --that's what I
4 was told that the drop-in center was not being
5 utilized. Most people have no idea where it is.

6 AMY ALBERT: Right.

7 PUBLIC ADVOCATE JAMES: And so my
8 question is why can't that drop-in center be turned
9 into a youth homeless shelter?

10 AMY ALBERT: I like it.

11 PUBLIC ADVOCATE JAMES: And then we have
12 --we have a center in Brooklyn?

13 AMY ALBERT: Right.

14 PUBLIC ADVOCATE JAMES: And then the
15 other question is, again being solution oriented, to
16 what extend--you know, the Mayor announced with--and
17 I was--you know, with a lot of fanfare, and I support
18 it. With the Catholic Charities that they are going
19 to be establishing 150 beds for homeless individuals
20 in the City of New York. To what extent are we
21 having a conversation with, um, faith leaders not
22 that everyone consciousness has been raised as a
23 result of the Pope--

24 AMY ALBERT: [interposing] Yeah.

PUBLIC ADVOCATE JAMES: --what are all these other houses of faith doing to address homelessness in the City of New York?

AMY ALBERT: Well, one of the things that did come up when we were, um, talking with, um, our folks in Community Board 9 is that there were informal homeless shelters in the basements of many of our churches, temples, mosques. The issue is that it is very complicated to include kids under 18 in those.

PUBLIC ADVOCATE JAMES: Uh-huh.

AMY ALBERT: Um, there are different requirements and regulations even when you're talking about, um, you know, the Y. When the Y has kids in it, they have to have two doors rather than ones. There's just like there are things that we do to make sure youth are safe that actually keep them on the streets.

PUBLIC ADVOCATE JAMES: So working with the Chair/Reverend Cabrera--

AMY ALBERT: [interposing] Yes.

PUBLIC ADVOCATE JAMES: --hopefully we can look at some of these regulations, which don't make sense--

AMY ALBERT: [interposing] Right.

PUBLIC ADVOCATE JAMES: --try to legalize some of these informal arrangements, and try to bring more individuals of faith like this great chair--

AMY ALBERT: [interposing] Yes.

PUBLIC ADVOCATE JAMES: --into the discussion so that we can address the situation.

AMY ALBERT: That would be great.

PUBLIC ADVOCATE JAMES: He has a great-- he's humble like our Pope, but there are thousands of ministers who follow this man. I've seen it. And so I'm going to be working with him so we can address this problem. He's going to put on his other hat. So thank you.

AMY ALBERT: Thank you.

CHAIRPERSON CABRERA: Thank you, Madam Public Advocate. I can't be compared to the pope.

AMY ALBERT: [laughs]

PUBLIC ADVOCATE JAMES: [off mic] He's just a man.

AMY ALBERT: You just were. [laughs]

CHAIRPERSON CABRERA: He leads 1.2 million Catholics.

PUBLIC ADVOCATE JAMES: 200,000 isn't bad.

CHAIRPERSON CABRERA: No. But I have to say, Madam Public Advocate, that the other day we had a meeting with--with the DHS Commissioner and there's a new program that's being established called Open Doors. It's--it's in the very early stages, um, and key pastors and ministers and Imans and rabbis were invited to it. And finally, it's--it's--they're not going to be underground type of scenarios. They're going to be--they're going to be funded--

AMY ALBERT: [interposing] Right.

CHAIRPERSON CABRERA: --and they're going to have a max of 19 beds and they're given a lot of leeway. However, as you stated, it's for 18 and older.

AMY ALBERT: Right.

CHAIRPERSON CABRERA: And I think possibly I have to tell you and the Speaker said it well, you know, where my heart is at when it comes to the faith base, I think it might be because of the level of capacity of--of being able to have--to handle youth, and all the intricacies that come with that. But I think that there could be a way, and

maybe--not maybe. We'll--we'll definitely put our minds together and see how we could work together and--and open more doors. Because you're right, we just don't have enough places to be able to handle the young people. I know people personally that works in Covenant House, and--and they tell me, you know, just they're in an overflow situation. And so, we need to do more and we need to do it better. So thank you so much. We appreciate it.

AMY ALBERT: I appreciate it.

CHAIRPERSON CABRERA: Um, and with that, we conclude and thank you for everyone, and I also want to thank you--thank the staff for preparing us so well. It's always, they did a fantastic job. Have a great day and enjoy the day.

PUBLIC ADVOCATE JAMES: Yay.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 2, 2015