

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUVENILE JUSTICE

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June 27, 2016

Start: 1:03 p.m.

Recess: 2:36 p.m.

HELD AT: 250 Broadway - Committee Rm.
14th Fl

B E F O R E: FERNANDO CABRERA
Chairperson

COUNCIL MEMBERS: Inez D. Barron
Rory I. Lancman
Barry S. Grodenchik
Rafael Salamanca, Jr.

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

John Dixon, Associate Commissioner
Close to Home
Administration for Children's Services

Yumari Martinez, Associate Commissioner
Office of Planning, Policy and Performance
Administration of Children's Services

Morton Wyman, Director
Juvenile Justice Training
Legal Aid Society's Juvenile Rights Practice

[sound check]

CHAIRPERSON CABRERA: Getting it ready.

We're ready. All systems are go. Well, good afternoon, everyone. I am Council Member Fernando Cabrera, Chair of the Juvenile Justice Committee, and we thank you all being here today. We are here to-- today to examine the New York City Department of Investigations Report regarding ACS oversight of the Close to Home Initiative. As we know, the Close to Home Program including a Boys Town facility in Brooklyn, where three teenagers escaped last year and raped and attempted to burglarize a woman. The Department of Investigation opened a probe after the June 1st incident and released the results of the investigation and report on April 13, 2016. The DOI investigation found security issues to be pervasive throughout the Close to Home program and across providers. This committee has always recognized the need for adequate care and effective services for youth involving the Juvenile Justice system. We take the findings in the DOI report very seriously. It failed to secure within the Close to Home programs the threat to our young people and to our communities. Close to Home is an important program

for our city. Incarceration and the removal of young people from their homes and communities could have a devastating impact on a young person's future. The Close to Home program is an opportunity to provide our city's youth with a placement experience that has the best chance of leading to rehabilitation, and with DC recid--recidivism. Close to Home allows young people to stay connected to their families and have a smoother transition back to school and work. It is in all of our best interest to see the Close to Home programs thrive. To accomplish that goal, ACS must heed the recommendations provided by DOI. We are looking forward to hearing from the Administration today about the progress that has already been made to strengthen oversight of the Close to Home program and steps that we'll be taking towards more safety and security in the future. I am optimistic that ACS will work diligently to enhance safeguards for our Close to Home program and get us back on track. We hope to have a fruitful conversation today so that future discussions surrounding Close to Home can shift from safety concerns to restorative and potential (sic) possibilities of the program. This committee has

held several hearings in the past, which focus on the city's various methods of oversight--overseeing the wellbeing of our court involved youth, as well as responding to and resolving issues with a DYFJ facility. It is--it is critical that the Council and the Administration continue our close partnership, especially during this time when a number of Juvenile Justice reform are being implemented. As such, DYFJ should afford the Council the highest level of transparency, and communication during implementation of the Close to Home program reforms, as well as solicit our input moving forward with any significant policy changes. By doing so, this will help ensure that we as a--as a collective do not jeopardize the safety and the wellbeing of our court involved youth our communities. I'm looking forward to the Administration's testimony, and learning about ACS' response to the DOI Investigation Report, and before I swear you in, I want to acknowledge our staff. Beth Golub, Legislative Counsel and William Hungatch (sp?), Senior Policy Analyst, and also we've been joined today by our esteemed colleague. [laughs]

COUNCIL MEMBER: [off mic] When you say esteemed, it sounds like I'm a little okay. (sic)

2 CHAIRPERSON CABRERA: [laughs] And with
3 that--with that being said, I would like now to have
4 the representative to give testimony, but can you
5 raise your hand--your right hand. Do you affirm to
6 tell the truth and the whole truth and nothing but
7 the truth in your testimony before this committee,
8 and to respond honestly to council member questions?

9 FELIPE FRANCO: I do.

10 CHAIRPERSON CABRERA: Thank you. You may
11 begin.

12 FELIPE FRANCO: Good afternoon, Chair
13 Cabrera and members of the Committee of Juvenile
14 Justice. I'm Felipe Franco, the Deputy Commissioner
15 for the Division of Youth and Family Justice at the
16 Administration for Children's Services. We meet
17 today with John Dixon, Associate Commissioner for
18 Close to Home, and Yumari Martinez, Associate
19 Commissioner for the Office of Planning, Policy and
20 Performance. On behalf--on behalf of Commissioner
21 Carrion, thanks for the opportunity to testify about
22 Close to Home and the important work ACS and our
23 providers are doing to promote public safety as well
24 as better outcomes for youth that we serve. As you
25 know, approximately four years ago, New York City

began Close to Home, a Juvenile Justice reform initiative that allows New York City youth who have been committed--who have committed delinquent acts to receive services in or close to their home communities. Instead of warehousing children in institutions hundreds of miles from their families, we have access to community-based services where everyone is basically by their families and community support. Close to Home keeps youth in or near their home communities so that families and communities can meaningfully support a new trajectory a working plan and needs for their success. ACS collaborates with eight local not-for-profit agencies to implement non-secure placements, and provide services to young people at 25 Simone. We source these situation programs, and even in the other five boroughs. In December 2015, ACS launched the second and final phase of Close to Home with a secure placement. Close to Home is a wealth of information to the Juvenile Justice system. New York City is the leading the national standard to promote youth from unhealthy (sic) situations to smaller community-based settings where youth receive residential treatment and support for their normalizing factors that

brought them into the Juvenile Justice system. With Close to Home New York City has a comprehensive Juvenile Justice system to provide a continuum of care for youth and produce better outcomes for youth and families. Close to Home is a step in the right direction. We successfully engage families and struggle with involving Juvenile Justice that often keep young people coming back into the system. The counseling by ACS here today we share our efforts in response to the Department of Investigations Report that stem from the horrifying incidents involving Boys Town, a former non-secure placement Close to Home provider in June of 2015. I am sure the foremost questions on everyone's mind is how to make sure that there is one incident, that this one does not happen again. And that's a priority for ACS, and our Close to Home providers. We are committed to providing robust oversight of our providers. We have taken many steps before this incident, immediately after and in the months that followed, to perform and strengthen our Juvenile Justice placement system to better serve youth, and a more meaningful incentives.

(sic)

The de Blasio Administration has made a commitment, and in July 2014, Commissioner Carrion established the Office of Planning, Policy and Performance, and immediately she created the office-- this office to bring a Juvenile Justice office perspective to the system oversight monitoring and focusing on progressive placement in Close to Home. The Office of Planning, Policy and Performance monitors and oversees of each program daily by monitoring incidents and operations. Mon--monitor with that office can be deployed immediately to inspect a provider's site if there's any concerns related to the safety or security. Additionally, monitors can do monthly calls to this--with this agency. Providers can review key safety, security and programmatic items. OPPP staff use standardized codes to conduct a thorough assessment of each site, and recommends each case on a quality basis. Monitors make two sites visits to sites with at least one of them being overnight and unannounced. The segment includes safety and security checks with your logbook entries of facility cleanliness, programming and staffing. Findings are discussed with the provider on monthly calls or area, if required, and

reform the basis of corrective action plans when needed.

When we learned of the terrifying incident that involved Boys Town, a former Close to Home non-secure placement provider in the year 2015, ACS took immediate action that day. We closed the site where the incidents occurred. After assessing the safety and security of their other facilities, ACS and Boys Town agreed that Boys Town should cease all non-secure placement operations in July of 2015. Between June and August of 2015, ACS conducted site visits to all 27 non-secure placement sites to ensure that each was in compliance with ACS security and safety regulations. As a result of these visits, no program was found to have safety or security concerns necessitating elevation to formal monitoring staffing, private monitoring staffing or corrective action plans. In addition, we also made overnight visits to all the non-secure placement sites to ensure compliance with ACS directives. Even prior to the incident, ACS policy required providers to submit real time notification of any incidents that occurred at an ACS and check sites. (sic) However, in December 2015, ACS added a new position,

the Director of Incident Review. The Director, who conducts a daily incident review meetings, coordinates a team consistent with senior staff members to address any issues related to youth care and safety, and determined were elementary required side work and then assigned to fax each item receiving updates and maintaining all and restored each on the daily agenda onto these appropriate-- properly resolutions. In the wake of no incident, ACS identified a need for additional staff to support the work and overseeing the Close to Home providers.

In January 2016, ACS received four million additional dollars for us--us to hire 35 new positions at ACS to oversee our providers and conduct robust quality assurance. Eight of the new positions are within the Office of Planning, Policy and Performance, which is critical to monitor the safety of youth in our care. Within O--within OPPP, ACS hired an Assistant Commissioner for Quality Assurance who will enhance and oversee a structured monitoring for all Juvenile Justice programs. The Assistant Commissioner Leslie Groban (sic), who joined us today leads the team, but is working to strengthen our existing quality assurance standard and practices

that will guide the work of our Close to Home providers. She brings her knowledge from more than 15 years of experience in New York City government working in quality assurance across a range of programs with systems and social issues including homelessness, transition programs and juvenile mental health services. ACS has also added an Executive Director to focus on contract manage--management to ensure providers are in compliance with the required standards. The three new offices and monitors have also joined the team this June.

After the incident, ACS immediately identified a need for stronger quality assurance in terms of key performance indicators. ACS retained a national recognized expert in quality assurance for the Juvenile Justice programs with Director Kelly Dolan (sic) , who is working with us to implement comprehensive quality assurance systems for the Close to Home, and among other things help to implement the Performance Base Standards. Performance Based Standards is an evidence-based formalized evaluation process for the residents and providers. PBS is already implemented nearly 200 plus programs across various space to ensure sound practice in Juvenile

Justice settings to add to our strengthening, the Quality Assurance Standards for our provider agencies through the focus in public spaces.

In the Spring of 2016, ACS coordinated with New York City for the Department Transportation Offices unit to inspect all of the NYC sites in order to assess safety and security as well as provide enhancements and recommendations. Now, that their invaluable assessments are complete, we will implement the recommendations with improved adjustments to common placements, enhancement to alarms, providing assistance where needed and access prevention measures.

In April 2016, the Department of Investigation issued a report on the June 2015 incident. As part of the investigation, DOI looked into specific concerns with supervision of youth who have been placed at Boys Town, state governing sites, which again have been immediately closed by ACS in June of 2015, as some of the statements security loss--losses came to light. DOI also reviewed the security and ACS oversight of all of the agency locations, and made several systemic recommendations to improve security, management, accountability, and

many of these were already on their way, and all of which ACS has inspected and implemented. At the Sixth Avenue site as well as all the Boys Town NYC sites, the Department of Investigations noted concerns that overnight staff may force local entities to quantify or--and pay to conduct a significant portion of the bed checks required by policy. The report also noted that the Sixth Avenue site most vulnerable youth with no constant alarm system, a lack of staff knowledge with how to help with the alarm system, and the requirements of the Department of Enforcement through their ACS Movement, Control and Communication Unit. We received notification of all Juvenile Justice related incidents. Many years at the Boys Town site has on their youth the review of the year students as a management tool, a measure to enhance security. Finally, DOI recommended that ACS lacks oversight of the provider agency, and clear organizational, structural and comprehensive policy. We thank the-- we thank the Department of Investigations for their analysis and feedback. We show our agent among the lessons learned, the internal review, circumventing our support of the Close to Home system. At present

ACS has addressed and continues to monitor other recommendations that impact on the safety of the youth in care and department.

Effective May 2016, ACS significantly increased the requirements for provider agencies to report their census count from once per day to six times per day. We still have the counts occurring on the overnight shift. Every census is now submitted to the ACS Movement, Control and Communication Unit, and if the permission is received, MCCU contacts the site director, and elevates to the provider executive level leadership is needed. This commissions as such are reporting to ACS, ensures that the provider staff on site had built in the required set of youth into ACS during the issue. Our trained directors come to the DOI recommendation. ACS now requires agency providers to conduct a weekly review of facilities busiest totals both on both day and overnight shifts and submit the written report of findings to ACS. The provider--providers supervise proper--supervise their staff, and must also conduct monthly unannounced site visits and record any findings. The Director of Internal Review and the OPPP monitor would independently review the review the previous

stories (sic) and what a facility does this to ensure proper incident recommendations and to verify unannounced visits took place as reported by the provider. All the Close to Home facilities are equipped with 24--with 24-hour visits of them, and the--and as the DOI recommendations ACS is ensuring that agency provides comprehensive training on the treatment and best practices related to previous surveillance. (sic) ACS policies require the provider agencies to capture and recommend all activities in these facilities when these produce normal incidents and record our information in the facility logbook. Providers are also required to immediately report any incidents to the centralized ACS MCCU. We also have a data policy for our providers to clarify, and enhance requirements around safety and security for officers (sic) within the Close to Home buildings. For example, providers are required to conduct weekly visit reviews and to set logbook entries for proper incident implementation. OPPP monitors randomly all these providers' logbooks, and prepares them to the students and MCC--MCCU incident report, and will address any discrepancies with providers informally. [pause]

I want to emphasize that various points of oversight I have so described are meaningful expectation, and that all levels of programmatic oversight, and supervision are increased if providers place and a heightened monitor or correction action plans. Corrective action plans include specific guidelines for providers to show improvement and meet expectations. In addition, if there are individuals staff issues we continue to expect our providers to pursue disciplinary action including termination when needed. By extending our programmatic oversight, Close to Home remains focused on safe and secure control of care, that includes therapeutic services for youth that are family focused. Each youth that is taken Close to Home is assigned a dedicated staff called and Permanency Replacement and Permanency Specialist or PPS, who guides all new aspects of treatment, risk assessment, relief planning, aftercare programming, and safe integration into the community. PPS is meeting face-to-face with the youth on a monthly basis--monthly basis by visiting the youth of the Close to Home site and school. And we check with the youth by phone and face-to-face if any incidents in those interviews is reported. And

we're going to hear the leader of our new data trends.

JOHN DIXON: ACS is proud of the hard work we've done over the past seven years in collaboration with many city agencies and provider partners to improve Juvenile Justice system. Although there is more to be done, our data tells us that we are moving in the right direction to benefit youth and communities. In 2013, ACS implemented citywide changes to decrease AWOL incidents in which young people leave or fail to return to the Close to Home program without permission. We also issued new requirements for our providers around report AWOLs, monitoring youth and enhancing security measures. Significantly, we have seen a 69% decrease in the number of AWOLs. This success is due in large part to ACS dedicating training and additional staff to address this issue. The population of youth involved in Juvenile Justice has declined dramatically. Nearly 10,000 youth were arrested in 2012, which is the same year Close to Home system launched. By contrast, in calendar year 2015, the number of arrests has decreased by 41% as diversion programs to service youth otherwise have taken hold. In that

same period from 2012 to 2015 we have seen a 46% reduction in intake into the Close to Home. We assigned six investigative consultants, former NYPD detectives who now are employed by ACS to work with providers and the NYPD to locate AWOL youth.

New Initiatives and Collaborations: The safety and security of the community and our young people is of paramount important to ACS. The Boys Town incident highlighted the need for upgrading our monitoring of our provider agencies, but we can also not forget the importance of targeting programming for young people in care to keep them engaged in developing new pro-social skills connecting them to positive adults and peers to prevent risky behaviors. That is why the work we do with young people in our resident facilities is so important. Young people in Close to Home receive individualized services that are shaped by evidence-based models, which integrates psychosocial education, cognitive behavior curricula, peer mentoring, interpersonal processing and life skills development. Research clearly shows that school engagement and educational improvements have the most impact on helping a youth succeed and reducing juvenile recidivism. Close to Home focuses

on education by collaborating with the New York City Department of Education to provide educational continuity through detention, Close to Home placement, and upon return to the community with targeted after care services. Young people in non-secure and limited secure placements receive individualized education services that are accredited by the New York City Department of Education. This allows academic credits earned in placement to count towards a high school diploma. After school tutoring is also available to young people in non-secure placement through DOE, and they participate in a wide range of school recreational activities through Schools Out in New York City, the SONYC Program and Summer Youth Employment Program. Both offered through partnership with New York City Department of Youth and Community Development. In summer 2016, more Close to Home youth than ever will participate in SYEP with 119 already accepted. We thank the Council for its continued and expanded support of this opportunity for our youth. As a way to help engage the community and foster meaningful relationships with surrounding neighborhoods, our partner agencies also work with outside service

providers and community partners to provide recreational services to young people in our placement residences. Some of the most effective programs came through art and music therapy, and we are seeing a real clinical impact from this programming. Individual sites have also been engaged--have also engaged charitable foundations, professional sports teams, service oriented opportunities and mentoring organizations to supplement the recreational programs offered to young people in placement. Non-secure placement providers have partnered with organizations such as the Sadie Nash Leadership Project, the New York Red Bulls Soccer Team, and Warriors Mentoring Programs to provide services, and also utilize local parks for recreational activities. Youth in Close to Home are not just serving their placement in the community. They are also our neighbors in the community. Youth have had positive interactions with community residents near their sites through numerous service activities. To name just a few, youth have been involved with the snow removal; bringing holiday gifts to hospitals and senior facilities; instructing and delivery flower pots for residents at senior

facilities; assembling and delivery hygiene products, shoes and socks to local shelters; collaborating with the 47th Precinct on a Thanksgiving turkey drive that brought over 1,000 turkeys to community members; and hosting a community breakfast for seniors. Youth have participated in Breast Cancer Aware--Awareness Month by wearing pink school uniform shirts; the Martin Luther King, Jr. Days of Service by painting a local recreation center; and as meal packers and food distributors to terminally ill homebound residents in Manhattan and Brooklyn. The young men and women in our programs are not just Close to Home, but they are a vital part and an asset to their home communities. Partnerships like the Council's--partnership with the Council like the Cure Violence Initiative will support youth in Close to Home as they reintegrate back to the community. We appreciate the Council's support for our youth through this initiative. ACS strives to provide robust services for youth in Close to Home, but it's equally important that our young people return home connected to services and support to minimize the possibility of their returning to our care. We look forward to our continued partnership with the Council to discuss ways to expand the Cure

Violence Initiative. We also applaud the Council's Young Women's Initiative as it is targeting a vulnerable segment of our population with histories of trauma and victimization where new and innovative intervention is needed to prevent further abuse and entering in to the Criminal Justice system.

FELIPE FRANCO: [off mic] And I'll talk about [on mic] I'll take the opportunity to talk about Close to Home. We also thank you for the opportunity to share with you all the ongoing efforts that ACS has taken to fortify safety and security in Close to Home so that we can prevent services like Close to Home--incidents from ever happening again. We have to get security right so that we can continue to challenge our young people to do better. As always, we're happy to work with the committee in our continuing effort to improve the system and to provide services to the--the New York City Justice involved youth. We're happy to take your questions and share other--other experiences.

CHAIRPERSON CABRERA: Commissioner, thank you for that extensive informative testimony. Before I start with a few questions, I want to recognized we have been joined by Council Member Grodenchik,

Salamanca, Barron and Lancman. I'm going to ask just a few questions. However, I'd like to engage my colleagues. So I'm just going to answer a couple of questions first and then I'll pass it along to my colleagues, and then I'll come back with some questions. I want to--first, I want to commend you for the hiring of a new Assistant Commissioner for Quality Assurance. Has there been any specific recommendations as a result of--of--any steps or that she has recommended in terms of what we should do, or are you--or it's still a work in progress?

FELIPE FRANCO: Yes, she fairly new, but I think--I think it's something that we alluded in the testimony is that before the very point that--was taken our commendations by DOI, we actually had embarked in looking for maximum expertise. So I think some things actually had been in place as we were poised to get our new leadership in place. [off mic] But, Yumari, do you want talk about this now?

YUMARI MARTINEZ: Yeah, we are excited to have this new position available to us. We expect that through her on-boarding, which happened about two weeks ago [laughs]--

CHAIRPERSON CABRERA: [interposing] Okay.

YUMARI MARTINEZ: --that we will have the opportunity to do an analysis and look to strengthen our practices, but we already have a plan put together as Commissioner Franco was alluding to with Dr. Dolan who has made the recommendation to us to improve our practices.

CHAIRPERSON CABRERA: When did you first see that a report will be ready, your recommendations?

FELIPE FRANCO: We--we actually have a preliminary report that Dr. Kelly Dolan actually on improving enforcement of the system, which we could make available. She's actually moving forward with her--the reports. I mean I think it's important to state, but again besides the Kelly Dolan who wrote the New York of Correction chapter. It's quite extreme and improvement of Juvenile Justice. We have serious accounting of all the folks that actually have been offering their support. I mean Close to Home is what everyone wants to do. And for example when we needed help from Kelly immediately Annie E. Casey Foundation paid for her to come here to New York City and help us out. There's actually a lot of incidents by everyone who wants to get it right. We

are not shy of taking advice, too, whenever we need to get it.

CHAIRPERSON CABRERA: That's good. That's good. Talk to me about what does the department in implementing safeguards to ensure that the residents cannot tamper with security in their commitment?

FELIPE FRANCO: I think I'm going to specifics. What--what happened at Boys Town was a complete failure of the basic requirement across the board. You know, Close to Home was apparent in one thing that actually has a significant amount of staff who make these facilities not just safe and the community safer, but actually will make them rich in terms of improvement of our young people. The City made the right commitment and the right investment of having the amount of staff that they needed. The staff wasn't doing what they needed to do, which was actually maintaining either ER zones to produce employment for 700 young people in their custody. But we have created a set of redundant controls to kind of inspect what is suspected to make sure that we check that folks are doing what they need to do.

CHAIRPERSON CABRERA: So how do you--how do you know if the--how--how do you check to make sure that all of the security mechanism are actually working, and is--is what you have put in place is it best practices around the nation, and where are we with this best practices?

JOHN DIXON: Yes, and so as--as the Commissioner was just stating we've done some of the series of approaches to strengthen our monitoring as they currently exist I think one is making sure that all of our sites are fully staffed and train. So reviewing that on a constant basis with each of our programs, checking to make sure that if there are any staffing vacancies, they are quickly filled, and that the proper security measures are in place at that particular site. Our monitors whenever they are out to the facilities themselves, and we've increased the amount of visits in which they are at the actual sites. They inspect both the--all security items whether it be alarms, the doors, the windows, and we now do the random video reviews that we spoke about, which was highlighted in the DOI report.

CHAIRPERSON CABRERA: So how is the difference from before in terms of checking those alarm systems or whatever you have set up?

JOHN DIXON: The--the main difference right now is the frequency in which we are there at the sites themselves and, you know, now with the increase in the monitor that we have we can deploy at a moment's notice. If there's any issue or inkling that there might be some discrepancies of the--the security and safety of that particular site, and we have staff now that can be deployed overnight as well.

CHAIRPERSON CABRERA: Is there any way to put a wider--I don't if this is a good suggestion, but is there any way to put some kind of a sensor in the outside that if somebody were to jump out of the windows, and God forbid the alarm system is not working properly or has been tampered with, that somehow it will send some kind of an alert to the staff that--that is there--

JOHN DIXON: [interposing] So--

CHAIRPERSON CABRERA: --watching the kids.

JOHN DIXON: Yeah, and I appreciate the-- the suggestion. It's something that we're now doing an analysis as the Commissioner had said with NYPD having walked through, and we also got the pilot consultants to walk through to the sites, and we're now digesting what they came up with, and figuring out what would be the best mechanisms to ensure that kind of safety and security. And so did perimeter checks and walk through seeing where the vulnerabilities were on the site, and what we could do to strengthen it. So I don't know exactly the possibility of implementing something as you have stated, but it is something that we can--we can look into as we're looking at the system as a whole.

FELIPE FRANCO: And one--one aspect that actually the Department of Investigations highlighted is that boys don't actually have some sort of secret technology where they actually have to consistently report, you know, on a number throughout the night that actually checks on them, and that actually phased. I think I want to be cautious, but I think technology is going to be important. But I do know today I think it came out of this incident it's sort of making people accountable. So one of the things

that I think we highlighted in the testimony is that now when it used to be once a day, we require a report six times a day. So we actually are requiring that at the station by the staff. So they actually have actually to look and check on the kids six times throughout the day.

CHAIRPERSON CABRERA: My thought is we're--and--and, of course, there's no substitute for, you know, new men watching, you know, staff watching over the kids, but I, you know, it's out there like they did last time. We don't want a part 2. How do we have, you know, a second level of security that would alert the staff because youth are very innovative, and creative and they study their surroundings. And so where there's a way, they will find a way if--if there's a possible way. So, those, you know, it's something to think about I think--

JOHN DIXON: We will work on it.

CHAIRPERSON CABRERA: --it's something to explore. I want to--I want to pass it to my colleagues. I--I got a lot of questions, but I want to recognize our Council Member Grodenchik followed by Council Member Salamanca, Council Member Barron, and Lancman.

COUNCIL MEMBER GRODENCHIK: Thank you, Mr. Chairman. Good--good afternoon. Can you tell me how many young people are in this--in the Close to Home system?

JOHN DIXON: Currently in our non-secure placement, the census today is 159.

COUNCIL MEMBER GRODENCHIK: And how many sites is that?

FELIPE FRANCO: [off mic] We have seven sites. (sic)

COUNCIL MEMBER GRODENCHIK: [off mic] It's about six--it's maybe 30% (sic). Is this--is this--is this--is Close to Home more expensive? Is it less expensive. Is the state paying? Who pays for this other than us?

FELIPE FRANCO: Well, actually Close to Home in the non-secure placement site is--the system makes up for it and the federal government, the state and they'll take it from tax levy funds. You know, the present non-secure placements they are actually qualified for foster care. In reference to the program from the state and the state created a--in Brooklyn I think they had a different term. Base on the former costs of keeping kids under the state

foster care. It will allow New York City to actually keep that from happening. (sic) I think your question is regarding costs. The state system is really, really, really expensive.

COUNCIL MEMBER GRODENCHIK: It's got to be more expensive if it's a--if it's--to fill it this way.

FELIPE FRANCO: Yes.

COUNCIL MEMBER GRODENCHIK: What's happening?

FELIPE FRANCO: Well, I mean I think you have a tradeoff. I mean so what used to be an expense and put out for the moving kids, that--that was a way. Now, maybe his parents didn't have any support for him. So he needed to support himself. (sic)

COUNCIL MEMBER GRODENCHIK: And of the children that are in these programs, and I do know one and not in my district, but into, what percentage of the young people who are in the Juvenile Justice system are in Close to Home facilities as opposed to young people who might be somewhere else?

FELIPE FRANCO: That's an--that's an interesting question. I mean New York City has done

an incredible job of actually, first of all I think you mentioned with a certain number of young people who got arrested. But actually the number of young people who got to have--got arrested and the number of them that actually make it to the deep end in the Juvenile Justice system to Close to Home is our numbers are shrinking now. So more and more it's getting down around to have been created in at the moment contact with the police. They actually made an effort to provide escorts in our vehicles to allow them the freedom to come on their own to court, and then actually once in court, the Department of Probation requirement that they're going to make some jobs and create a community baseboard, and accountability programs. We have to have a serious academically replacement program that are run by ACS that allows young people that are deemed able to stay in the community to play the high levels of accountability of community support. They are having to come in placement, and there is actually one of those kids within the family court that the judge prepared me that needs to be placement, and they making a support for him.

COUNCIL MEMBER GRODENCHIK: So the judge gives the final decisions on who those were?

FELIPE FRANCO: They do the--

COUNCIL MEMBER GRODENCHIK: [interposing] They're Family Court judges generally or--?

FELIPE FRANCO: Yes, yes, Family Court.

COUNCIL MEMBER GRODENCHIK: And have we had--has this program been in place long enough to determine the recidivism rate regarding whether Close to Home is better or a more traditional?

FELIPE FRANCO: We just hope that in this situation we will now finally have a self-contained system that young people can be placed--all of them will be placed in New York City. So we would have the capacity to move to NSC (sic) or LSC if needed. I think this summer actually is 36 months from now that we have a proved system, and maybe six months from now we could be able to make it a residency. Oh, there's 30 residences.

COUNCIL MEMBER GRODENCHIK: I'll yield the rest of my time to my two younger colleagues to my right. Than you, Mr. Chairman.

COUNCIL MEMBER SALAMANCA: Good afternoon. How are you, Deputy Commissioner. A few

questions about the--so you mentioned you have 25 sites in the city of New York for Close to Home. How many--broken down into boroughs, how many are there in every borough?

FELIPE FRANCO: [pause] We've got some numbers here. [background comments, pause] We have a child in each county.

COUNCIL MEMBER SALAMANCA: All right. So are they--are they--are they calculated? Boys Town, they lost their contract at this particular site. Did they lose all their contracts?

FELIPE FRANCO: They lost all the non-secure placement contracts.

COUNCIL MEMBER SALAMANCA: Okay, all right, good, good. And you mention here that in your report in your statement I was--I was hearing you mention in terms of youth going AWOL. How--how many you call AWOL, about? [pause]

FELIPE FRANCO: I will turn to the Associate Commissioner here, but many--many teens--how many kids do we have AWOL today?

JOHN DIXON: [off mic] Today we have nine kids who are AWOL from non-secure placement.

2 COUNCIL MEMBER SALAMANCA: So, how--how
3 does that work? They just walk out?

4 JOHN DIXON: No, the--the--part of the
5 Close to Home Initiative kids as--as they--part of
6 their transitions after care services that they out
7 on home passes. So a number of those AWOLs were from
8 home passes. Other AWOLs or other frequency of AWOLs
9 comes into play--takes places during transition while
10 they're either transitioning from school or in the
11 community for other reasons.

12 COUNCIL MEMBER SALAMANCA: So--and can
13 you explain to me exactly what classifies a youth as
14 being AWOL? How many hours are they missing? What--
15 what exactly? How do you say hey, they're AWOL?

16 JOHN DIXON: For non-secure placement
17 it's from the moment they--either they left statute
18 probation or they haven't noted to be not be where
19 they're supposed to be.

20 COUNCIL MEMBER SALAMANCA: All right. My
21 other question is in terms of what are the mechanisms
22 that ACS--ACS has to ensure compliance in terms of
23 these providers ensuring that they are actually
24 physically checking to see that these youths are in
25 their beds?

JOHN DIXON: [pause] So as--as Felipe and--and Commissioner if I could mention, and as stated in the testimony we increased the auditing mechanisms that we have both increasing the responsibility of our partners in the provider community, and also our oversight function in making sure they're compliant with it. So the increase has been both in making sure that they--there's a census that is submitted, which explains the variances of over night during the periods of time where we felt there was the most vulnerability. And simultaneously we've increased sort of the video review expectations. So using that video that is constant and 24/7 in all of the sites, not only our work in there, but the provider looking over that and us looking at what they see to make sure that they're catching the same incidents that we might catch upon review. And working with them to develop improvement plans if we do see any discrepancies in their practice. We are out there with a comprehensive tool to each of those sites twice a quarter. One of those is over night, and the hours between like 1:00 and 5:00 a.m., and are reviewing to make sure that all of this occurring. Every time that we're on the site w

are looking at the logbook, which is a running narrative of all the activities within that particular site. I'm honored that they're looking at that log--at the logbook, and then spot checking that with video review as well to make sure whether it's instituted, and that logbook is actually seen in that video. And if there's a discrepancy there, we're immediately contacting the site supervision, and our directorship to address any discrepancies that we see at that moment. And so those are some of the ways that we've begun to strengthen. We also strengthen and have right now under public review our logbook policy, which clearly states the expectation that bed checks will be done at least every 30 minutes if not more over night. And so we are checking to make sure that that--all of our providers are confined with that.

FELIPE FRANCO: Yeah, and I mean I think some things also that are important [pause] that come out of the DOI Report is actually the role of the provider in terms of quality assurance and the performance and the staff. So we require providers now managers to actually do unannounced visits.

COUNCIL MEMBER SALAMANCA: Wait, before you get there, I just have another question.

FELIPE FRANCO: Okay.

COUNCIL MEMBER SALAMANCA: I'm sorry because the time is going to run out. How many providers do you have?

FELIPE FRANCO: [off mic] Eight. Now, there's approximately eight.

COUNCIL MEMBER SALAMANCA: Yes.

FELIPE FRANCO: Eight.

COUNCIL MEMBER SALAMANCA: Eight providers?

FELIPE FRANCO: Uh-huh.

COUNCIL MEMBER SALAMANCA: And is there a mechanism in which you--you audit them and you grade them, you know, ABC or, you know, or a number--a percentage?

JOHN DIXON: So currently we don't have-- give a grade to our providers, but as Commissioner Franco was speaking in the testimony, we are instituting these national base standards, which give a comparative analysis of the their function, and the operation. And so we'll be instituting that come the fall. Right now we are in the developing phase in

coordination, and that will assist us in being able to do I think some of what you're alluding to, although it doesn't give an actual grade to them.

COUNCIL MEMBER SALAMANCA: All right, and my final question are the numbers? Did you get them?

FELIPE FRANCO: Yes, I did.

COUNCIL MEMBER SALAMANCA: Per borough?

FELIPE FRANCO: So we have seven NFP providers in Brooklyn, eleven in Queens, 6 in the Bronx, one in Fresh Meadows. (sic)

COUNCIL MEMBER SALAMANCA: None in Manhattan?

FELIPE FRANCO: None in Manhattan.

[pause] One of--one of the challenges I'm being reminded by the folks is that none of the programs were able to find space in Manhattan with enough outdoor space as required by the ACS and the Special Regulations. I think that's important to know that the number and the number of youth centers, that's the number of kids in this borough because for example I'm just thinking about Queens where one of the providers think you have their homes of about six kids or less, and they bring some of the providers

and have those system kids. (sic) But none of them is actually illegally in here.

COUNCIL MEMBER SALAMANCA: All right, thank you, Mr. Chairman.

CHAIRPERSON CABRERA: Council Member Lancman.

COUNCIL MEMBER LANCMAN: [coughs] Oh, sorry. Only six in the Bronx, huh? How many does that include?

FELIPE FRANCO: Eleven.

COUNCIL MEMBER LANCMAN: Major. [laughter] So good afternoon, and I feel like this is our second conversation on this topic because we could use the opportunity when we had you a victim (sic). But I want to focus on your response to the report, and as I read your testimony and heard your testimony, there--there are three things. You're definitely increasing the requirements for provider agencies to report their census counts from once per day to six times per day, including two on the overnight shifts. That seems simple enough, but the other two responses you--you have I just want to ask if I'm understanding this. The second is ACS now requires agency providers to conduct a weekly review

of facilities for footage pulled from both day and overnight shifts and submit a written reporting of the finding or findings to ACS. What footage--what--what is that video footage supposed to--to show? What are requirements for what might must be videotaped in the facility, and are you saying that the agency providers have to conduct--once they conduct a weekly review of facility video footage, that means all the footage? Like--like someone's got to sit there. I'm sure it's fast forward like--like what are the details of this?

JOHN DIXON: I don't have the pol--the policy in front of me, but I'd be happy to share it, but the sort of summary of--of what's required when they do it is one if there was any incidents prior to that week, we want them to be doing the video itself to make sure that it's not only the quality assurance aspect of compliance, but also making sure that practice is improved. Right, and so there is an approach to reviewing the video to make sure that if there are incidents that occurred, there's a way to highlight what those incidents were. If--but it's also a mechanism in which to be able to look at practice during that week. And so it is spot

checking. It's not looking at every day of that week. It's four instances that week that they are looking at.

COUNCIL MEMBER LANCMAN: So, now I'm guilty of asking a compound question so I apologize for that. [laughter] Let me break it down.

JOHN DIXON: Uh-huh.

COUNCIL MEMBER LANCMAN: You started at the--the back end first. Let's go to the front end, what is required to be videotaped in this proposal? Each room? The common areas? What?

FELIPE FRANCO: Yeah, I mean potentially it's all of them actually cameras in all the common areas. It's the bathroom and I think they actually have an arm where two videos are looking through the entrance of the rooms and other things. So actually, all these facilities have enough cameras to be able to check on everything except privacy aspects.

COUNCIL MEMBER LANCMAN: Well, that's significant, and I don't know how you strike that--that balance. Look, I was in Albany, as I mentioned, when we moved this forward, and we want this to be successful. We want these young people to be close to home, but if I'm not mistaken, a camera covering

the common areas would have not caught these young people slipping out the bedroom window. So, are we expanding cameras to include their bedroom? I don't know how it's set about that, but are we? Are we expanding cameras to include the exterior of the building? And I don't know how practical that is, but I'm concerned when the response to a problem or incident that occurred would not have prevented that or that incident. That's not the only response, but--so and then it begs the question do you have anywhere where you have written rules or guidance or requirements for what must be videotaped? In reviewing the videotapes in the presence of that would is it--is one of your--your central responses to the new program. (sic)

FELIPE FRANCO: Yeah. So I mean I think to those--to answer your question, we talked a lot about important let's extreme measures and putting it basically-- So, you know, that's what the alliance should have done, and we'll be doing in the future. We also engage with NYPD because we're the sole assessment of diversity within each one of these houses. So it may be that actually part of the recommendations in front of the houses could not do

a--it's like Yumari mentioned some sort of perimeter capacity. You know, someone actually leaving the premises, and they may be cameras outside the facility. We're looking into it.

COUNCIL MEMBER LANCMAN: Yeah, okay. So the--but the way you describe it is not--is not without rationale and reason, but it does seem very ad hoc meaning you'll check out each place in the NYPD's class range. You know, then maybe you'll come up with those with a plan for each place. But in your agreements with the--with the providers, do you intend to establish some kind of minimum requirements for what should be videotaped at each location. Or, for example, that each location should be subject to a review with the following stakeholders involved, NYPD or whatever, and each location must have a--a video policy that is tailored to each location. Like I--video recording seems to be really important to your response for DOI that the DOI found, and I would like to see that--that response be memorialized in some policy or procedure with some uniformity to it, and--and so, you know, we have good answers.

FELIPE FRANCO: Okay. [pause]

2 COUNCIL MEMBER LANCMAN: This is the part
3 where you tell me how--how that makes you feel.

4 FELIPE FRANCO: [laughs] This is the
5 part of the paper that we're going to get you a copy
6 of our policy around media performance. I mean I
7 think we need to balance, you know, the--the
8 migration and like the privacy with the
9 recommendation for policy--postpone (sic), you know,
10 the policy.

11 COUNCIL MEMBER LANCMAN: Great. All
12 right, well like I said, I'd like that to be reduced
13 to some kind of policy that--that has uniform
14 applicability. Then the third thing is the Director
15 of Incident Review and OPPP monitors will
16 independently review video footage. How often will
17 they do that? What is the--what is the plan for that
18 because one of the things from the DOI report is that
19 the folks on site were supposed to do some things,
20 and they didn't do those things, and nobody caught it
21 until something happened. Too late. So how often
22 will these Director of Incident Review and OPPP
23 monitors independently review video footage? Weekly?
24 Monthly?

YUMARI MARTINEZ: So the--the Director of Incident Review reviews weekly video footage, and the OPPP monitors at a minimum review every time they go to the site, and that's twice quarterly, but they--in certain instances it could be more based on incidents that occur in which we will review them then daily. As for if an incident had occurred that deals with security and safety we'll request the video, and the video is reviewed as soon as we get it, and a discussion is had with the provider agency about corrective action if applicable.

COUNCIL MEMBER LANCMAN: All right. So that gets to where you had started your--your answer to--to my compound question, which is that above the level of the--the facility itself where someone presumably is watching some video in real time maybe.

FELIPE FRANCO: Uh-huh.

COUNCIL MEMBER LANCMAN: But at the supervisory level that it's the provider or ACS' people. The only review of the video will be after an incident has occurred. If--if I'm hearing you right, as opposed to, you know, some period of time that's reasonable based on the research that you got, someone will just sit and--and watch some amount of

video just to see that that procedures are being followed. So--so--so for the supervisor--at the supervisory level both for the providers and ACS is the reviewing of--of video completely incident driven?

YUMARI MARTINEZ: No, no, there--it's a combination of incident driven. So Security would tape the incident and random review of it.

COUNCIL MEMBER LANCMAN: I see.

YUMARI MARTINEZ: So, as--as I was stating when the monitors go out, are they looking at the logbook for any discrepancies, but they're also just asking to look at particular timeframes, ten-minute segments to and spot check whether or that's a position where they should be. Whether or not protocols are being followed and that is in addition to review of the video.

COUNCIL MEMBER LANCMAN: Got it so even if--

FELIPE FRANCO: [interposing] But I--I think you're referring--you're also talking about the review--the review by the provider and manager. It's actually one of those things that we tried out, you know, in the DOI Report. For many of the providers

during the long night, many of the providers actually have the ability to have videotape to 24/7 to their facilities. And many of them actually have practiced with employees where they review on a daily basis-- those are even more than daily performance and they're actually just in their facility.

YUMARI MARTINEZ: Within the week they'll look at one random video review during the morning and evening shifts and a minimum of two random video reviews on overnight shifts.

COUNCIL MEMBER LANCMAN: And that's in some policy that you've promulgated?

FELIPE FRANCO: Right, it's initial right. Yes. (sic)

COUNCIL MEMBER LANCMAN: Yes, we'd like to see that.

FELIPE FRANCO: Okay.

COUNCIL MEMBER LANCMAN: All right, Chairman, thanks, Mr. Chairman.

COUNCIL MEMBER GRODENCHIK: Just to follow up on Councilman Lancman's question, would it be easier if we just had ankle bracelets or does that have to be ordered by the court or is it--I mean there are lots and lots of people in this country

that, you know, are monitored that way. Have you thought about this or--?

FELIPE FRANCO: I mean I think, you know, we--we had our extensive youth of--and its running monitoring in the state, and it's just a fantastic tool for young people who actually don't need to be put in position of needing a facility. It could be a great way of doing day placement programs such as the one New York State. I think particularly it was using an island. It could be a great tool for after care, which I continue to use that analytic position. It would be--it's not the typical use that we have. Are we looking to it? I mean usually it used as an alternative to placement, and then people providing placement. I think it would be odd. So they should look into it. I mean--

COUNCIL MEMBER GRODENCHIK: [interposing]
It would. If you're worried about all these questions that Councilman Lancman raised, I think he raised them properly. Maybe that would be a lot cheaper way to go about it simply--it would be more efficient. We're not hurting the young people obviously. You know, many, many people have them. We want to be supportive of these programs and we

need to know that they're secure especially in light of what happened in Brooklyn last year.

FELIPE FRANCO: Yes.

COUNCIL MEMBER GRODENCHIK: Thank you, Mr. Chairman.

CHAIRPERSON CABRERA: Thank you. Let me--let me follow up with that suggestion. Is there any studies that have been done to assess is there--I hate to use the word trauma because that gets pushed a round a lot, in this a lot, but any emotional markings in the psyche of this--of the young person if they're wearing ankle bracelets in studies that have been done that you're aware of?

FELIPE FRANCO: Yeah, I mean what I do know is that actually using electronic monitoring just to make sure where you are meant to be doesn't have the best welcome. Using the electronic monitor and those powers they have greater response throughout the call where you actually are using that capacity to ensure that young people are where they need to be. Actually, they have more better outcomes. That--that is a better one. And then again, you know, it's something that we could look into. We--we're spending overtime on enforcement,

and you can talk about this, and how we think about those early responses, and how we think about this type of thing and people want their children moved. But I think we're making sure that this is what they need to do with all the communication and all that stuff. And--and maybe there could a role to consider GPS and extended monitoring as part of the transition group community.

CHAIRPERSON CABRERA: Is there--let me get back to the video--reviewing of the video. It doesn't make sense--at least it doesn't to me that these videos are fast forward, you know, times eight or whatever speed for the evening ones, which it would seem to me that would be the most likely scenario or likely so in Boys Town where we had the various threat that they are fast forward for the whole evening and to see that the staff actually did their proper check. Does--does that make sense? Is that something you guys discuss?

YUMARI MARTINEZ: So we're giving--Yeah, I--I mean that's--that's part of what we're doing now in terms of the weekly video review. It's not every night in which you're doing it and--

CHAIRPERSON CABRERA: [interposing] And that's what I meant.

YUMARI MARTINEZ: Yeah.

CHAIRPERSON CABRERA: That it's done-- that it's done for every--I mean how long would that take? I mean it--it shouldn't take that long, right? You--if you put it in fast forward and, you know, it--everything else stays constant, which is nothing. Nothing is moving. At the moment you see moving--being moving, you know, staff moving, then you could stop it and see what time it took place.

YUMARI MARTINEZ: Yeah, in--in terms of the conversations we've had with the National Rights Group they've ruled with us for auditing aspects into taking random moments, and looking at the practice. It's not something that we implement in terms of requiring that we look at a video over night for the length of the overnight position. It's multiple cameras also, but I--I understand what you're saying Councilman.

FELIPE FRANCO: And I think as a member I think you're--you're getting into those theories of shrinking practice. I mean since the report and the meat of the report as we began into the National

Standards Practices, there has been change in structure. People don't ever end it. I mean and-- and we're looking, you know, I mean the provider and the supervisor that--that like I mentioned before a lot of those sites, but there have been consequences. I mean we have--we have found--we have found that's impractical that we are--we need it, and they have actually that, you know, mission, and I think the word is out that some are looking. I we always have high expectations. I think the amount of the inspection that we are doing now is going to change the process. I mean we are in the moment of achievement, and some folks don't realize it, but, you know, they get what we're going to do, which makes them objective. But this--this is some stuff we're looking to, and again, as comfortable thing to have any other ways that we can ensure that young people are where they need to be. That's what we want because we want to serve them, and we want them to go home, and at the end of the day Boys Town is not just about, you know, there--there were incidents and there were victims, and among them pretty young people that actually are in our vision, and we don't want that story to happen again.

CHAIRPERSON CABRERA: Is--is--is--is--I was wondering is that why when you gave the two-month check in all of your sites, you saw no--there was--there was no report of anybody breaking the policies and the procedures and so forth? Have you gone back before other Boys Town--Boys Town incident and checked if--if we found that this same pattern happens, you know, it happened in other places? Yeah, our finding--to be honest with you it's kind of intriguing that and interesting that only place this--you know, only one place this took place, and--and I agree with you, you know. We want people's respect, and then, you know, people's expectations is higher in terms of--of the world. So, was there any monitoring that took place or reviews before that in sites?

YUMARI MARTINEZ: So it's--it's actually looking forward not--not backwards. We've and we've increased of the oversight that we've done. We have found discrepancies of those things, and we have called for--to work with agencies to use restraining to discipline that and to maybe even remove that based on what we see in the video review. So I don't want the Council to get the impression that we

haven't uncovered discrepancies in terms of practice that we have addressed head on in that particular timeframe that we went the safety and security features that we were reviewing were in place. Yes, I think it was shock to the system in terms of the incident that happened, and I think everybody adjusted to that, but there is a continual adjustment that's occurring and part of our role is to make sure that we have the best folks work with our providers. And I think there is really no supplement to having great workers working with our young people and implementing a model that is successful in helping youth develop and look towards positive goals within--in that trajectory.

CHAIRPERSON CABRERA: I'm--I'm curious to the--is it seven or nine that you mentioned earlier that went AWOL today? Not today, no.

JOHN DIXON: No, that's the total count--

CHAIRPERSON CABRERA: [interposing] Up to today?

FELIPE FRANCO: --of kids that are AWOL as of today.

CHAIRPERSON CABRERA: As of today since--
?

FELIPE FRANCO: The beginning of the program.

CHAIRPERSON CABRERA: Awesome to be in this program.

FELIPE FRANCO: 60,000 plus.

CHAIRPERSON CABRERA: Are there any [bell] AWOL right now.

JOHN DIXON: There are some.

CHAIRPERSON CABRERA: Oh, they are AWOL right now.

JOHN DIXON: There's nine.

YUMARI MARTINEZ: Those are active AWOL.

CHAIRPERSON CABRERA: Active. So how many do you have altogether AWOL since the beginning of the program?

FELIPE FRANCO: [off mic] Oh, I mean, as--as you [on mic] went home, I mean, early on at the beginning of the program we hadn't submitted the number the number of people who are AWOL. I mean I think the practice of--of scandalized and I think--I think talking to--to--what John was describing I mean when they told you would think about a name--more of a kind running away from the home in the middle of the night. Both actually hardly ever happen.

Probably it happened some--in one moment at Boys Town, and the people didn't even know that they were out of facility. They just assumed they were in room. Most of--most of those circumstances they're actually not enforced throughout their homes. We see--we kind of take it as normalization to those populations.

CHAIRPERSON CABRERA: What do we count it for instance? Do you--what do we count that? Where are you now.

JOHN DIXON: It's a--there's a variety of consequences. One is their time is called. So they really have an extended period of time for whatever time they missed, but if I could back for one second. For--for the nine who are out there, we go to great efforts to try to find these kids, and I think that that should be recognized in terms of we have our investigative consultants that are notified in very short order that these kids are missing, and then, you know, they--they dig in and are able to partner with sheriffs and--and--and really do a good job of finding where these kids are. Our provider agencies are responsible for looking. Our--our placement permanency staff are responsible for looking, and

we've also gotten much better in terms of gathering information at intake about social media, how kids use social media, and that's one of the ways we've been able to track kids because, you know, they'll post something, they'll be somewhere. A girlfriend might say something about, you know, nice to have Johnny home and, you know, so with that we're able to dig in and--and do a much better job of working with the whole landscape of where kids may be so that we can find them in a much quicker timeframe. And I think that's when the other thing that's occurred, it's--it's decreased the AWOLs is that the kids are aware of it.

CHAIRPERSON CABRERA: And how--how long is usually the span between moments like this or AWOL when performing their time with you?

[background comments]

YUMARI MARTINEZ: [off mic] On--on average, it's less than two weeks. We can look and find the information and get back to you.

CHAIRPERSON CABRERA: Let me pass it on to Council Member Grodenchik.

COUNCIL MEMBER GRODENCHIK: Thank you.
Thank you, Mr. Chairman. Are you telling us that

2 there are nine out of the 159 apparently AWOL? Is
3 that what I'm hearing you correctly? So that's
4 almost 6%, which is the--a huge number statistically.

5 JOHN DIXON: That is so--

6 COUNCIL MEMBER GRODENCHIK: I'm married
7 to a math professor. So I know.

8 JOHN DIXON: Just--just if I--if I--if I
9 could go back a little bit, too. That's--that's and
10 one is too great number. We--we obviously--

11 COUNCIL MEMBER GRODENCHIK: [interposing]
12 Obviously, one is too great.

13 JOHN DIXON: We--we really are.

14 COUNCIL MEMBER GRODENCHIK: That means 9
15 is 9 times too great.

16 JOHN DIXON: We're going back to some of
17 those that have been AWOL for--well, we have one that
18 was AWOL from almost the beginning of the program.
19 We have others that are AWOL in excess of 100 days.
20 So, the recent AWOL probably--probably the total
21 number is down to like four or five kids that travel
22 back more recently.

23 COUNCIL MEMBER GRODENCHIK: Do--do you
24 have an obligation to the court? So how does this--
25 does the judge that sentenced this child to be in

your custody know about this? [pause] I'll take and answer from anybody. This--this is a serious matter because you're asking us to--to be upfront with our constituents, but when people hear that 6% of the young people in this program are missing, that is an awful lot of people. If we had a school in my district or in Councilman Lancman's district or Councilman Cabrera's district where 6% of the children were missing, that school would be closed or the principal would be fired. This is a serious matter as far as I'm concerned. I'm not saying that these kids are going to get into more trouble, but we have a responsibility to--to a court to the Family Court and the City. Does the judge get informed when these kids are missing?

FELIPE FRANCO: I'm sure they get informed as far as we assure--

COUNCIL MEMBER GRODENCHIK: [interposing]
You're positive?

FELIPE FRANCO: I'm positive this is not immediate, but I mean one of the things that we talk a little bit more is that one of the things that we look into besides because calling time is that we've been able to jump start actually meet more of an

intervention that could be exercised because of the waiver of time. For the kids young people could be expanded into eight months, and the timing and do actually more time throughout the process--

COUNCIL MEMBER GRODENCHIK: [interposing]

I appreciate all of that, and I appreciate the discretion and--and you going before a judge to ask that based upon your professional opinion and the professional opinion of the people who are operating these homes, but you're telling me right now that there are nine young people who are not where they should be, and while that may not be the worst crisis ever to face this city, it's a serious one in my eyes. And I think that we certainly should be reporting this to the court as a matter of circumstance because I don't know why we wouldn't. We could--the City could be held in contempt. I don't know. I'm not a lawyer, but it would seem to me that--that the court should be informed, and actually I'll swear to them. (sic)

FELIPE FRANCO: We've got our own

experience there.

COUNCIL MEMBER GRODENCHIK: [interposing]

That's just crazy. [background comments] I--I would

1 appreciate hearing back, a report back to the
2 committee on exactly what is done. I would be happy
3 to hear it now, but I don't know that you're ready to
4 tell me now.

5
6 FELIPE FRANCO: We'll get back to you.

7 COUNCIL MEMBER GRODENCHIK: My counsel is
8 sitting here. I would appreciate if somebody would
9 talk to him off--off to the side now so that he would
10 know who to talk to. Thank you. Thank you, Mr.
11 Chairman.

12 CHAIRPERSON CABRERA: Thank you. So,
13 ultimately who's responsible in finding them? Is it
14 the Sheriff's Office, NYPD? Who often gets engaged
15 in finding the AWOL youth?

16 FELIPE FRANCO: So we actually--I think
17 that you ought to know that we--we do have it. I
18 mean the--the providers actually have a mandate to
19 solve the conflict in. They have the time when young
20 people are AWOL. ACS created a unit of calling NYPD
21 and many of them are investigators, detectives, who
22 actually help find these young people. Incredibly
23 many times actually families, they're actually with
24 their asset themselves. You know, it's not unusual
25 to get a back. We've got the numbers on that, and we

use all of them. I mean, including the Sheriff's Department.

CHAIRPERSON CABRERA: Let me shift attention to if you could talk to us how ACS is trying the lessons of NSP programs to the rollout of the Limited Secure Placement facilities?

FELIPE FRANCO: I mean I think the first take is that actually early of Commissioner Carrion's tenure she decided to wait and take time. It actually was almost two years to report it open and limits to Kiva (sic). That allowed us to do a couple of things, and then provided robust things of training for staff before they come on board to actually really think through about the movement of kids, and mostly the first through ACS. In particular, think about safety and security measures with NPS providers. So we--we--we took time to, you know, from what may have been from maybe took with these.

CHAIRPERSON CABRERA: Can--can you share briefly in terms of facilities what--what this one facility has that the other one doesn't in terms of being secure with the non-secure placements.

FELIPE FRANCO: Yes, I mean, our--our federal role could also be NPS, and a particular placement is actually based on the premise that young people should be able to engage in activities in the community. I mean they go to school out of their homes. They're--they're in the community run legal aids that allocate. (sic) They could actually go to school in the community like any other community kid. They actually participate in other community programs. Being in the secure is completely confining them. It's self-contained environment where we actually believe that reasons of safety, but I think for reasons of programs young people should have anything available using the same building. So that means. It means their education they are meant to have programming situations, family engagement, all of this happens in a self-contained environment in the facility. We believe that these young people need that kind of rapture and permissibility and an integral role within the--a lot less civilized I guess is what I'm going to say, before they're ready to leave into their communities. This is actually a modification that we didn't have, and now we set that up. (sic)

YUMARI MARTINEZ: [off mic] Yeah, so in our LPS facility one of the big distinctions is that we have a control room. So there's somebody monitoring the big deals 24/7 that are south wards or the entrance is young people enter the facility and out of the facility. In terms of a setting and transportation there's extra ability to use mechanical restraints upon transportation where they're going to go. So those are some of the elements that distinguish in terms of security and safety.

CHAIRPERSON CABRERA: I'm going pose to you this last question, a subjective question for you. Would you be shocked if we were to have a part 2 of Boys Town?

FELIPE FRANCO: I--I think, you know--

CHAIRPERSON CABRERA: [interposing] Based on all the--

FELIPE FRANCO: [interposing] Yeah, I know.

CHAIRPERSON CABRERA: --implementations of DOI, the foundations could happen again.

FELIPE FRANCO: [interposing] I know.

2 CHAIRPERSON CABRERA: You know, the
3 writing will be--

4 FELIPE FRANCO: [interposing] Council
5 Member I think you and the Council have opened up
6 that transparency is important. I mean we know that
7 everyone is looking at us, and again, moving around
8 here to New York State, we need to get it right. We
9 are not--we don't believe that we have all the
10 answers. We have actually, you know, have to go and
11 get help in California, and North Dakota if we need
12 it. Why do we only get it from New York City?
13 Because--

14 CHAIRPERSON CABRERA: [interposing] Sure.
15 One more question.

16 COUNCIL MEMBER GRODENCHIK: Perhaps the
17 last question. Speaking of getting it right, are you
18 planning on expanding the program at all in the near
19 future or is there any plans?

20 FELIPE FRANCO: No, I think we--we
21 mentioned in the data that actually New York City has
22 done an amazing job of youth and juvenile crime. And
23 actually, as we are, we have plenty of capacity to
24 serve the young people that in the courts in New
25 York.

2 COUNCIL MEMBER GRODENCHIK: Thank you.
3 Thank you, Mr. Chairman. Thank you.

4 CHAIRPERSON CABRERA: Thank you so much.
5 Commissioner, I thank you for your speedy
6 implementations of the DOI recommendations. I know
7 this is the work in progress. We're looking to
8 forward to you getting back to us with some of the
9 information that requested, and our staff will follow
10 up indeed. I'm looking forward to hearing our
11 success in the future. Thank you so much, and with
12 that I think we only have one more group. Morton
13 Wyman from Legal Aid Society, Juvenile Just--Justice
14 Practice. [pause] You may begin when you're ready.
15 [pause]

16 MORTON WYMAN: Is that any better? Yes.
17 I will begin by thanking you for the opportunity to
18 speak today. I--I probably am not going to tell you
19 anything that you don't already know particularly in
20 light of, you know, the questioning and--and the--the
21 report that was already prepared by ACS and your
22 responses and your questions. But we did feel that
23 it was really critical for you to hear our
24 perspective or our take on what's going on. I am the
25 Director of Juvenile Justice Training at the Legal

Aid Society's Juvenile Rights practice. As you probably know, we are the primary provider of representation services for all youth in New York City charged with--as juvenile delinquents and as such, we represent the overwhelming number of youth in New York City who are in placement, in Close to Home placements. I want to just to for a moment, and again, I'm--I'm sure that you realize this, but I think it's a critical consideration and perspective prior to Close to Home, all of these youth were placed at facilities upstate and--and I think that we all recognize what a nightmare and what an outrage those places turned out to be. With a huge financial cost much greater than the cost of Close to Home for a variety of reasons. These kids were placed far from home, which also meant that families didn't have an opportunity to get involved in their treatment on an ongoing basis, which undermines the prospects for an effective treatment approach. The services they were provided were minimal. There were literally abuses that were taking place at these facilities. Educational credits that they were earning up there weren't being applied and they were returned to New York City, and the recidivism rates were off the

charts. They were like 89% I think three years out. It will be interesting to see obviously what the rate are for Close to Home. That system at least for New York City purposes essentially ended and--and ended as a result of both the Department of Justice. The United States Department of Justice investigation and the lawsuit against OCFS for the way that those facilities were being run, and the lawsuit by the Legal Aid Society's Juvenile Rights Practice on three parts that how those facilities were being run. These were, you know, and if you will excuse my vernacular, these were our kids, and we were terribly concerned about how our kids were being treated. And never, never remain silent when we had any concern about how our kids are being treated. So that's the--that's what gave birth to Close to Home, and I think it's important to emphasize, not to minimize the concern by any stretch of the imagination that Close to Home has--exists and was given birth to as an alternative to that. And we feel very strongly that Close to Home is a dramatic improvement over what was happening with these kids in the Upstate OCFS facilities. Not that there aren't problems, not that there aren't growing pains, and I have to emphasize,

and again you know this. Close to Home is a huge shift to see change in policies, to see change in how services are being provided to this population, and this trouble. This problematic population. Kids would--that come into--to this system with a tremendous amount of needs, and it's to be expected that there are going to be problems any time you shift into this kind of a system serving this kind of a population. That doesn't mean that you excuse or you ignore any of the problems or just let them slide, and obviously you're not going to do that. Nor is ACS going to do that, but it is our position that ACS with Close to Home has already made a tremendous difference in the services and the range of services they're providing to these kids, and the opportunity to have families because these facilities are all either in the--in New York City or in the vicinity of New York City. The opportunity for families to be involved on an ongoing basis with the treatment that these kids are getting while they're in placement, and for the opportunity for there to be a continuity of services, right. So, you're not just talking to--you're not talking about in the past kids who were Upstate in OCFS facilities, and spending

eight months, a year, 18 months in one of those facilities, and all of a sudden being shifted back into New York with a complete turnover in resources and facilities and--and providers of the--of rather the treatment services that they need. Now with kids in Close to Home there's a opportunity for continuity of services for those kids that are in placement. We have been very impressed with ACS' responsiveness to the concerns that were given light to or articulated by the DOI, critical concerns obviously, and concerns that the Council, the committee also shares and is addressing it. And we have been struck by the manner in which ACS is responding to these. I can share with you that as the primary provider of representation for this population of youth, we are in constant contact with ACS. We are at the table with ACS, on the phone with ACS on a daily, weekly, monthly--I probably should have done that in reverse order. The bottom line is we have regularly scheduled meetings with ACS to discuss kids in their care, and we are if necessary in contact with ACS on a daily basis or multiple times during the course of the day for any particular kid that we have a concern about with regards to what's happening with that

youth. Our staff go to these Close to Home facilities to see our kids and to look at the facility, and to look at and confirm the kind of programming, the kind of supervision and services that they're getting me. And--and we are--we're pretty comfortable with the--with the kind of and the level of services and level of supervision that's taking place there. We stand ready to help out in anyway we can with making--making suggestions to ACS with regards to what ought to be happening going--going forward, what out to be happening. We couldn't agree more that oversight is critical. We're impressed with the enhanced level of oversight that ACS is articulating that they're instituting. We also believe that extra oversight is also critical. In fact, we feel strongly that's one of the--by the very nature and function of our roles representing the youth that we represent. We feel very strongly about our role as a party that is providing oversight to the services that ACS is providing in these Close to Home facilities, and are prepared to--to continue to do so. [pause] I--I think that pretty much sums it up. You know, I just wanted to share the Legal Aid's perspective that while there are definitely

issues, there are definitely growing pains, and I don't mean to minimize the nature of--of those issues by referring to them as growing pains. They need to be addressed. They are being addressed. We nevertheless feel that this is just a huge shift, and we're very, very impressed with the positive strides that ACS is making at Close to Home to address all of these areas of concern. Than you.

CHAIRPERSON CABRERA: Well, thank you so much. I meant to ask you just the concern with Thrive that have sending kids who are able, but right it's 6%--nine of the kids. It just increased, nine kids. In your front--where you're sitting you're working with these kids--

MORTON WYMAN: [interposing] Yes.

CHAIRPERSON CABRERA: --nearly everyday representing them. Do you find that to be a high number, or due to all the variables of having Close to Home literally Close to Home and all of the court and implementations that they're--do you find that to be--I hate to call it the norm or is--or are these--these numbers are too high? What--what is your expectation?

MORTON WYMAN: You know, I--I--I would echo what Mr. Dixon said, which is to say that obviously any number. You know, once you have one it's higher than it ought to be, and the goal should be 100% compliance, which is to say zero AWOL. Having said that and, you know, is it too high? Is it the norm? Obviously these are subjective terms, and we--this program hasn't even been around long enough to sort make a judgment from a statistical standpoint is to, you know, is that a normal number or too high or too low a number? So I share the concern that there are AWOLs at all. I do think it's important to emphasize and it would have been interesting to get a breakdown on actually each of the nine, and to get additional information about those that aren't AWOL now, but perhaps AWOL in the past because AWOL covers a broad group. It's--it's a large--what I mean by that is AWOL covers a--a large range of behavior. One can be AWOL for an hour, one can be AWOL for three years. That is since you were placed in--in the Close to Home three years ago. And there's dramatic differences, dramatic--dramatically different implications I think in those two extremely different situations and I don't know what all of the

statistics are for all of the kids who have been AWOL at all. The fact that there are nine right now, you know, is it--any number isn't an alarming number. Am I--am I shocked by that number? You know, given the fact that we're talking about facilities that are in the community that kids come from given the nature of the population that we're dealing with, given the nature of the struggles of the families that these kids are coming from, and struggle with. It's--it's not a shocking number to me, but any number is a number that I think is significant and--and has to be addressed.

CHAIRPERSON CABRERA: Is there any recommendations that you think DOI missed that should have been added?

MORTON WYMAN: No, nothing that I can comment on off hand, or I can think of off the top of my head. I think that the DOI report was extensive and--and very helpful.

CHAIRPERSON CABRERA: Council Member Grodenchik.

COUNCIL MEMBER GRODENCHIK: Thank you, Mr. Chairman. Do you think that the fact that these child--children are AWOL should be reported to the

court? I would assume that if--if I were the judge, I'd want to know that somebody that I had, you know, placed in the responsibility. So, I--I understand what you're saying, and we're learning together, and we prefer to have the children in the community under the proper supervision, of course, but in your many years of--of legal expertise--I'm not saying that because, you know, like me you're getting clean up here, but--

MORTON WYMAN: Thirty years with Legal Aid.

COUNCIL MEMBER GRODENCHIK: Okay, 30 years. Okay, so would you say and all other things being equal that--that it should be reported to the court?

MORTON WYMAN: Let me put it this way, and I'm--and I really don't mean this evasively.

COUNCIL MEMBER GRODENCHIK: [interposing]
No, I know--

MORTON WYMAN: There's certainly no reason for the court not to know it. I--I think that in making a decision about that what you need to do is you could decide what is it that you're trying to accomplish? And if you simply want the court to have

that information for general purposes, well sure. I would be concerned particularly if you provide that information and nothing but that information and completely out of context with anything else. I would be concerned that--that--that might influence the judge's decision with regards to some other youth who is deserving of that opportunity to be placed in a non-secure placement facility, but as to whom a judge might be apprehensive about in light of some other statistics that are being provided. I think that--I can't remember who it was that said from ACS before me. I--I think that as a practical matter the judges do find out because there is--

COUNCIL MEMBER GRODENCHIK: [interposing]
I would assume they would, but they didn't tell me that.

MORTON WYMAN: As a--there's--there's a number--

COUNCIL MEMBER GRODENCHIK: [interposing]
And I'm not suggesting that they be sent to the secure facility. That's for the judge to decide.

MORTON WYMAN: Right.

COUNCIL MEMBER GRODENCHIK: I just think that, you know, I certainly if I were a judge, I'd probably want to know that, you know.

MORTON WYMAN: Well, you probably, I mean, yeah, I mean it would be--if nothing else, it would be something that you might be curious about. I think as a practical matter, when a kid is AWOL, ACS without going back to the judge necessarily, ACS is already in a position to be able to bring all of the resources necessary to bear to be able to try and find that child and to relocated that child, to bring that child back. There is no service at that point in time for the judge to apply with regards to that specific child that will make a difference in terms of changing his status from AWOL to back at the facility, and there is-- Unless it's a--a--well, ACS in most circumstances, you know, has the authority to either on their own or come back to the court. If that child is returned to the facility to come back to the back court and say this is what's happened recently with this child. We're seeking a higher level of care. So for all practical purposes I think that all of the reasons why you want to make sure that a judge would know about it, that everything is

2 really pretty much all being taken care of and can
3 all be taken care of before the judge ever does find
4 out about it. And given, applications for extension
5 of placement or for permanency hearings, for reports
6 of courts--progress reports that the court might
7 order on any particular child. More often than not,
8 if not all the time, that information is eventually
9 making its way back to the judge that issue he
10 originally placed on.

11 COUNCIL MEMBER GRODENCHIK: [off mic]

12 Thank you.

13 MORTON WYMAN: [off mic] You're welcome,
14 uh-huh.

15 CHAIRPERSON CABRERA: This sounds to me
16 this--the practicality of the purpose, you know, that
17 really nothing is going to change if he goes back to
18 the judge.

19 MORTON WYMAN: Yes.

20 CHAIRPERSON CABRERA: Because ACS has the
21 ultimate right and authority to--to tap into all the
22 services and agencies and empowerment.

23 MORTON WYMAN: Yes, there's nothing the
24 judge can do at that point in time that ACS can't do
25 on its own already to try and secure that child, and

locate that child and bring the child back, and having brought the child back to address whatever needs there are in whatever way they see most fit once they do have the child back in care.

CHAIRPERSON CABRERA: That's very helpful. Thank you. Thank you for all you do--

MORTON WYMAN: [interposing] Thank you very much.

CHAIRPERSON CABRERA: --and for all that Legal Aid does. I mean the--your representation I know that they get it for more. We really appreciate.

MORTON WYMAN: Thank you very much.

CHAIRPERSON CABRERA: Thank you so much, and with this we conclude today's hearing. Thank you everyone. Have a great day. [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 July 13, 2016