

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON JUVENILE JUSTICE

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May 21, 2013
Start: 2:53 p.m.
Recess: 3:01 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
SARA M. GONZALEZ
Chairperson

COUNCIL MEMBERS:

- Council Member Maria del Carmen Arroyo
- Council Member Fernando Cabrera
- Council Member Daniel Dromm
- Council Member Donovan Richards
- Council Member Deborah L. Rose

CHAIRPERSON GONZALEZ: Committee on Juvenile Justice, May 21, 2013. Good afternoon, my name is Sara M. Gonzalez, and I am Chairperson to the Committee on Juvenile Justice. I would first like to thank the Committee Members who are here: Council Member Richards, Council Member Maria del Carmen Arroyo, thank you so much. And thank you, Council Member Debbie Rose, whose bill we will be hopefully voting on today. At today's hearing, we'll be voting on Proposed Intro 981-A, which was introduced by Council Member Debbie Rose. I would also like to state that I am a cosponsor of the bill. Proposed Intro 981-A is a local law to amend the Administrative Code to require the Administration for Children's Services to public demographic data and incident reports for youth held in its detention and placement facilities. The Committee previously held a hearing in February on Intro 981 and heard testimony from the Administration and the Public. In 2010, the City Council passed two Local Laws to require ACS to publish demographic data for youth held in ACS's detention facilities, as well as data concerning the staff's use of physical and

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2 mechanical restraints and room confinement
3 injuries to children and allegations and findings
4 of child abuse and neglect. Proposed Intro 981-A
5 would essentially require ACS to report the same
6 information for youth who are or will be placed in
7 its non-secure and limited secure placement
8 facilities pursuant to Governor Cuomo's Close to
9 Home Initiative. Prior to Close to Home, children
10 who were adjudicated to be juvenile delinquents
11 were placed in facilities across the state, often
12 far away from their families. Close to Home
13 authorized the City to operate non-secure and
14 limited secure placement facilities so that
15 children could be placed closer to their families
16 and communities. Under this program, ACS began
17 operating non-secure placement facilities in
18 September 2012. ACS is currently developing a
19 plan to operate limited secure placement
20 facilities which are expected to begin to provide
21 services this fall. Since our hearing in
22 February, the bill has been amended to incorporate
23 some of the advocates' recommendations. The
24 amended bill includes two new reporting metrics
25 for youth remanded to ACS's detention or placement

1 facilities. These two additional reporting
2 requirements are: 1) quarterly incident reports
3 on the total number of bias based incidents that
4 arose due to a child's perceived or actual sexual
5 orientation, gender expression or gender identity,
6 if it is voluntarily reported by the child; and
7 the second part would be annual reports on the
8 number of youth who have been transferred to a
9 different facility because the detention or
10 placement has been stepped up or stepped down.
11 This bill would become effectively immediately,
12 effectively. Immediately, however, there would be
13 different timeframes as to when certain initial
14 reports would be due. As well as when certain
15 interim reports would be due as ACS implements
16 limited secure placement facilities. In
17 conclusion, we will move with the conclusion, as
18 we let our sponsor of the bill, Council Member
19 Debbie Rose, present, thank you.

21 COUNCIL MEMBER ROSE: Thank you,
22 Chair Gonzalez. I am proud to sponsor Intro 981-A
23 which will bring transparency to the continued
24 implementation and development of the State's
25 Close to Home Initiative, by requiring data

1 reporting from the Administration for Children's
2 Services, ACS, similar to that required from the
3 Department of Juvenile Justice, for facilities
4 that it oversees. In order to help troubled
5 youth, one needs to have information about the
6 youth. Information regarding his or her situation
7 in terms of detainment, can provide the reasons
8 behind one's actions, which in turn may assist in
9 structuring programs to help young people progress
10 in being reintroduced into their communities in
11 terms of education and employment. By monitoring
12 data related to age, gender and race, we will
13 better learn the demographics of the populations
14 in the Close to Home Initiative, and also better
15 measure the effectiveness of this initiative by
16 seeing which aspects of it are working and which
17 are not. This data can also assist in the
18 development of youth driven programming aimed at
19 reducing recidivism, by helping ACS to pinpoint
20 groups that need additional guidance and
21 assistance. This bill will also address issues
22 surrounding LGBTQ youth in the youth criminal
23 justice system. Research has also shown that
24 LGBTQ youth are disproportionately represented in
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2 the youth justice system. They suffer routine and
3 systemic mistreatment in detention and placement
4 as a result of their perceived or actual sexual
5 orientation, gender expression or gender identity.
6 15 percent of incarcerated youth are LGBTQ. Intro
7 981-A will help Close to Home better address the
8 needs of this population by mandating reporting of
9 the number of bias based incidents that arise
10 based upon sexual orientation, gender expression
11 or gender identity. By collecting data on LGBTQ
12 issues of violence, mistreatment, discrimination
13 and inadequate services when incarcerated, these
14 issues can be also identified and resolved. And I
15 appeal to all of the Committee Members to vote in
16 the affirmative for Intro 981-A. Thank you.

17 CHAIRPERSON GONZALEZ: Thank you,
18 Council Member Rose. Congratulations for your
19 leadership and all the work you've done on this
20 bill.

21 COUNCIL MEMBER ROSE: [off mic]
22 Thank you.

23 CHAIRPERSON GONZALEZ: I'd like to
24 introduce Council Member Dromm who's just joined
25 us. Thank you. In conclusion, Proposed Intro

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2 981-A's intent is to better assist the City's
3 oversight process by increasing the transparency
4 around the youth who are placed in ACS's new Close
5 to Home facilities. With that being said, I urge
6 my colleagues to vote in the affirmative, and
7 would not like to call the Clerk to take the roll.

8 CLERK: William Martin, Committee
9 Clerk--

10 CHAIRPERSON GONZALEZ: Excuse me.
11 Okay, Council Member Dromm, please?

12 COUNCIL MEMBER DROMM: Thank you
13 very much, Chair Gonzalez, and Chair Rose, I do
14 want to just make a compliment, to compliment you
15 on the inclusion of the LGBT provisions within the
16 legislation, as well. It's something that was
17 brought up in the hearing, and there was complete
18 follow through on it, and I think that you're
19 going to affect the lives of many young, LGBTQ
20 people. And especially in light of the attacks,
21 by the way, there were two more attacks overnight,
22 one in Rosie's district and one in SoHo. Again.
23 And to provide these types of protections for our
24 youth means that this Council and this Committee,
25 or these Committees, I should say, are sending the

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2 right message that we're not going to tolerate
3 that in the Departments that the City runs, or in
4 this Committee. And so I just want to compliment
5 you and thank you for making sure that that was
6 included in the legislation. Thank you.

7 COUNCIL MEMBER ROSE: Thank you.

8 CHAIRPERSON GONZALEZ: Thank you.

9 CLERK: William Martin, Committee
10 Clerk, roll call vote, Committee on Juvenile
11 Justice, Introduction 981-A, Council Member
12 Gonzalez.

13 CHAIRPERSON GONZALEZ: Aye.

14 CLERK: Arroyo.

15 COUNCIL MEMBER ARROYO: [off mic]
16 Aye.

17 CLERK: Dromm.

18 COUNCIL MEMBER DROMM: Aye.

19 CLERK: Richards.

20 COUNCIL MEMBER RICHARDS: [off mic]
21 Aye.

22 CLERK: By a vote of four in the
23 affirmative, zero in the negative and no
24 abstention, item is adopted. Members please sign
25 the Committee Report. Thank you.

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2 CHAIRPERSON GONZALEZ: We're going
3 to be leaving it, the roll call open for 15
4 minutes. 15 minutes?

5 CLERK: Okay, whatever you like.

6 CHAIRPERSON GONZALEZ: Okay. Thank
7 you.

8 [pause, background noise]

9 CHAIRPERSON GONZALEZ: Okay. We're
10 going to leave the vote open and meeting
11 adjourned. [gavel]

12 [pause]

13 CLERK: Council Member Cabrera.

14 COUNCIL MEMBER CABRERA: Aye.

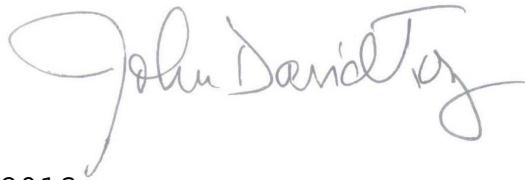
15 CLERK: Final vote in the Committee
16 on Juvenile Justice is now five in the
17 affirmative, zero in the negative, and no
18 abstentions. Thank you.

19 COUNCIL MEMBER CABRERA: Thank you,
20 guys, for holding it. I'm really grateful.

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in black ink and is positioned to the right of the printed word "Signature".

Date June 6, 2013