

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUVENILE JUSTICE

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February 13, 2017  
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HELD AT: 250 Broadway - Committee Rm.  
14<sup>th</sup> 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, DYFJ

Charles Barrios, Associate Commissioner and  
Executive Director of Juvenile Programming  
Division of Youth and Family Justice, DYFJ

Rebecca Kinsella, Youth Social Worker  
Brooklyn Defender Services

Reverend Windy Calderon-Payne, Executive Director  
Community Based Programs  
Bronx Connects



2 [sound check, pause] [gavel]

3 CHAIRPERSON CABRERA: Good afternoon. I  
4 am Council Member Fernanda Cabrera, Chairperson of  
5 the Juvenile Justice Committee. I would like to  
6 thank you all for coming for today's hearing and  
7 several informed pieces of legislation, Intro 1237,  
8 Intro 1451, Intro 1452, Intro 1453 and Reso No. 1025.  
9 Thank you to the staff who have worked to put this  
10 hearing together, our Committee Counsel Beth Golub  
11 and Senior Policy Analyst Will Honkatch (sp?). I  
12 would also like to acknowledge the committee members  
13 who have joined us today. Actually, we don't have  
14 any right now. They are on their way. There's a lot  
15 of traffic out there. When young people enter the  
16 Juvenile Justice system, their primary goal is  
17 rehabilitation. The administration ACS, the  
18 Department of Probation, and others have done great  
19 work to provide a range of therapeutic options for  
20 our young people to meet both the safety needs of the  
21 public and the treatment needs of the youth.  
22 However, there is work to be done to make sure when a  
23 young people lands in detention, they are able to  
24 hear, and are not further derailed for a stable life.  
25 That is why I am proud to sponsor the four bills and

2 one resolution we hear—we are hearing today. Let me  
3 get my glasses on. Together, this legislation will  
4 work to keep the emphasis on saving our young people  
5 and not punishing them by making sure youth in  
6 detention receive the best possible healthcare, to  
7 stay connected to their community.

8 Intro 1237 will require ACS to maintain  
9 electronic health records for youth in detention, and  
10 electronic health records are necessary in order to  
11 provide consistent and appropriate care so that  
12 doctors treating these young people can assess their  
13 medical history, and not disrupted diagnosis,  
14 prescription and treatment plans. Also, in 2016 DYFJ  
15 did not obtain electronic health records for youth in  
16 detention facilities.

17 Intro 1451 will require ACS to allow  
18 youth in detention facilities to designate visitors  
19 outside of their family including a coach, teacher,  
20 clergy person or other adults who has a positive  
21 relationship with a young—with a young person. Often  
22 times, young people in detention has strained parent-  
23 child relationships, or they have other people who  
24 help them feel including beyond the parent or  
25 caretaker. Young people should define their own

2 families, and families should be defined as broadly  
3 as possible.

4 Intro 1452 will require ACS to allow  
5 young people in detention to video conference with  
6 family and any other approved facility. (sic) The  
7 fact is it's not as always easy to make in-person  
8 visits. We must make every effort to encourage  
9 family and parent engagement as early and as often as  
10 possible.

11 Intro 1453 will require ACS to allow  
12 young people in detention to request privacy during  
13 visits and phone calls. Visiting rooms are large and  
14 parents meet with their children without any privacy,  
15 which prohibits private conversation and discourages  
16 open conversations. DYFJ should allow youth and  
17 their parents private opportunity to speak, to  
18 discuss their cases and other confidential concern.

19 Finally, resolution 1025 calls upon the  
20 State to amend the Civil Practice Law and rules to  
21 prohibit juvenile admissions and statements against  
22 penal interests made during court ordered mental  
23 health screening and treatment from being admitted  
24 into evidence in subsequent criminal proceedings. I  
25 look forward to hearing more about how DYFJ will work

2 with us to tackle the issues identified in these  
3 bills. I also look forward to hearing from advocates  
4 on how we can make this bill as strong and as  
5 beneficial as possible. I would now like to ask  
6 members of the Administration before us here today to  
7 state their name for the record. We will now swear  
8 you in, and then ask you—for you to proceed with your  
9 testimony. You ready?

10 DEPUTY COMMISSIONER FRANCO: Yes.

11 CHAIRPERSON CABRERA: So, do you affirm to  
12 tell the truth, the whole truth, and nothing but the  
13 truth in your testimony before this committee, and to  
14 respond honestly to Council Member questions?

15 DEPUTY COMMISSIONER FRANCO: Yes. Good  
16 morning. Good morning Chair Cabrera and members of  
17 the Juvenile Justice Committee. I'm Felipe Franco  
18 Deputy Commissioner for the Division of Youth and  
19 Family Justice at the New York City Administration  
20 for Children's Services. I'm joined today by  
21 Associate Commissioner Charles Barrios and Executive  
22 Director of Juvenile Programming. Thanks for the  
23 opportunity to offer testimony about the Council  
24 bills on the agenda today. I'm proud to share with  
25 you the work of the Division of Youth and Family

2 Justice as already undertaken in these areas as well  
3 as some of the efforts that are currently underway.  
4 In Bill 1237, Introduction 1237 will mandate ACS to  
5 require any healthcare provider to maintain health  
6 records for the young people in Juvenile Detention in  
7 an electronic format, and to retain the records for  
8 the period of ten years. As the Council may know,  
9 ACS contracted a floating hospital to provide medical  
10 and dental care for youth in detention with Bellevue  
11 Hospital to provide psychiatric and psychological  
12 services, and the START Treatment and Recovery Center  
13 to provide mental health services. So, ACS contracts  
14 with these excellent organizations to provide these  
15 services, but electronic healthcare records remained  
16 the property of ACS. Thus, it's ACS' responsibility  
17 to maintain the records, and other contracted  
18 healthcare providers. We respectfully request that  
19 the language for the bill be revised to reflect that  
20 the duty to remain records remains that of ACS.

21 Intro 1237 speaks to an initiative that  
22 ACS has undertaken—had made great strides to well  
23 implementing. In fact, we could provide you an update  
24 on our progress. In March of 2015, first under New  
25 York State Regulations, ACS integrated E-prescribing



2 software for the youth in secure and non-secure  
3 detention and in the placement operations, emergency  
4 child welfare continues. The software enables that a  
5 deployment for both controlled and non-controlled  
6 software, and enhances the WTL (sic), the Division at  
7 the Division of Youth and Family Justice to ensure  
8 continuity of care with respect to medications for  
9 youth as they transfer from ACS detention facilities  
10 to Close to Home placement to Child Welfare, foster  
11 care placement or to alternative placement programs  
12 in the community. This technology can improve and  
13 has not only bolstered ACS coordination of the unique  
14 (sic) mental health treatment for youth in ACS care,  
15 but will also serve as a platform for the agency  
16 procurement of the new electronic healthcare record  
17 system and the new application.

18 In October 2016, ACS issued a request for  
19 information to help develop a scope of requirement  
20 for the new electronic healthcare records system, and  
21 to inform a future request for proposal, RFP. The  
22 RFI has closed, and the responses received are being  
23 used to operate the business requirements, identify a  
24 cost estimate, and inform the development of the RFP,  
25 which we expect to issue in spring of 2017. The

2 effort to start an electronic healthcare record  
3 system is currently underway. However, we are  
4 concerned that a new and effective date for this  
5 legislation does not provide sufficient time for ACS  
6 to complete the procurement process needed to put the  
7 justice (sic) system in place.

8           Family Engagement. Family engagement is  
9 critical for—ensuring families are continually  
10 involved throughout the young person's time in  
11 detention. We make sure that young people in  
12 detention and the staff who work with them remain  
13 accessible to families for the duration of the young  
14 person's stay.

15           And Intros 1451, 1452 and 1453 they speak  
16 to the work that we do to promote family engagement  
17 through our visitation and correspondence.

18           Intro 1451. Intro 1451 endeavors to  
19 broaden the definition of family from a deeper  
20 meaning to visit youth in detention facilities except  
21 when determining—determining that such spaces are  
22 detrimental to the youth or to the visitors or the  
23 visitors refuses to comply with visitation rules. We  
24 applaud the Council for recognizing that potential  
25 youth maintaining meaningful contact with the

2 significant—with significant people in their lives.

3 While preserving the Division of Youth and Family

4 Justice duty to ensure its safety. As you know, ACS

5 detention operations are overseen by the New York

6 State Office of Children and Family Services, or

7 OCFS. The State Executive Law requires all OCFS to

8 reach a regulation, which confirms detention

9 operations throughout the state, and includes rules

10 of visitation in detention facilities. ACS is

11 required to abide by those regulations, and under the

12 State Social Service Law, any rules ACS issues in the

13 regard and will approved by OCFS. The State

14 Regulation has established a minimum standard for

15 visitation, which the Division of Youth and Family

16 Justice exceeds in practice. For we are the Division

17 of Youth and Family Justice at ACS have used an

18 expanded definition of family that includes parents,

19 grandparents, siblings, siblings of youth, also the

20 guardian caretakers, permanency resources and other

21 positive influences, and we encourage families to

22 visit frequently and often. We start to ensure that

23 youth have contacted only positive adults and peer-

24 peers. So we'll start work with parents and

25 guardians at intake to identify a list of appropriate

2 visitors for the youth. Each must be approved by the  
3 parent or guardian of the youth, and our secure  
4 facilities offer visiting hours four days a week  
5 including weekdays, evenings and weekends, at our  
6 non-secure detention group homes scheduled visit by  
7 appointment and are required to offer an opportunity  
8 at least twice a week. Youth in detention are also  
9 able to enjoy with families doing special events at  
10 the facilities such as our monthly family days with  
11 official approved other activities for families as  
12 well as our special events for family members who are  
13 able to participate in activities, social culture  
14 drives (sic) and our presentation by the two events  
15 and performances.

16 Intro 1452 would require the Division of  
17 Youth and Family Justice to establish a video  
18 conferencing program, which enables youth in  
19 detention to communicate with any of the youth  
20 approved visitors in addition to in-person visits.  
21 Before I address the bill for this, I am pleased to  
22 share that the Division of Youth and Family Justice  
23 has made substantial progress while implementing—  
24 implementation of the video conferencing in our  
25 secure detention facilities to enhance family

2 participation in youth mental health treatment. The  
3 Division of Youth and Family Justice has secured an  
4 agreement for video conferencing and is right—and is  
5 wiring—and is unwiring within the mental health  
6 suites in the detention facilities and is scheduled  
7 to begin shortly. This capability will enable our  
8 mental health team to actively engage youth and their  
9 families in more frequent in-depth collaborative  
10 discussion about the youth mental health needs and  
11 treatment plans. We respectfully interrupt (sic)  
12 1452. We understand the Council decided to establish  
13 a video conferencing program for family visiting and  
14 detention as a corrective way of expanding visitation  
15 opportunities. Video conference as with any other  
16 conference requires us to ensure the contact does not  
17 place the youth or all of us in harm or danger. So  
18 with in-person this is and telephone calls, video  
19 conference will be carefully coordinated and  
20 supported by our staff. We also request clarity in  
21 whether the Council intends for video conferencing to  
22 be established in every detention facility in the  
23 city including all secure detention and residences.  
24 In addition to the two secure detention facilities  
25 with Division of Youth and Family Justice—Justice run

2 directly, we also contacted not-for-profit  
3 organizations to provide non-secure detention  
4 services at 11 sites in Brooklyn, Queens, and  
5 Manhattan and the Bronx. Our NSP residences are  
6 located within the community in homelike settings  
7 that are accessible to families. Because of the wide  
8 accessibility of our NSP residences, and the strong  
9 length of stay in non-secure detention, the security  
10 of video conferencing in these setting would be  
11 meaningless. (sic) The logistics and exact cost of  
12 establishing video conferencing capabilities for  
13 visitation across the entire detention continuum  
14 isn't clear at this time, but is certain to be a  
15 significant consideration for the city. We welcome  
16 the opportunity to partner with the Council and the  
17 advocate community to discuss ways in which we can  
18 make—we can make further improvements to visitation  
19 for youth in detention that meets family needs while  
20 preserving safety in our facilities and the  
21 community.

22 Intro 1453 would mandate detention  
23 facility directors to permit private visits and phone  
24 calls at the youth's request. The Division of Youth  
25 and Family Justice grants privacy to the previous—

2 previous conversation between young people and their  
3 attorneys including attorneys such as work staff. We  
4 also do not use recording or listening devices while  
5 youth are speaking to their families and/or support  
6 network, but it is imperative that staff remains  
7 present and available at all times during family  
8 visits and phone calls. As many of you have seen  
9 during your visits at a secure detention facility,  
10 family visits occurring in an open visitation room  
11 would separate tables and chairs for each family  
12 group. In our modern non-secure residences family  
13 groups typically occur in common spaces such as  
14 living rooms and recreation areas. In both, secure  
15 detention and NSP to establish persons in the  
16 visiting areas, but they do not call over our  
17 families—our families, and families are able to speak  
18 privately within the space. In cases where families  
19 wish for these committed (sic) matters, we can  
20 arrange for a special visits procured in a smaller  
21 room through a staff positioned nearby.

22 Youth in Secure Detention are also able  
23 to call their families at a minimum of once a week.  
24 Additional calls can be earned based on the youth  
25 level aspired at a behavioral modification program.

2 In Non-Secure Detention, Youth are able to make or  
3 receive calls twice per week, and additional calls  
4 can be earned based on their level of the NSP  
5 referenced behavioral management system.

6 At intake the youth assigned case manager  
7 received a list of people that the youth is  
8 authorized to call. At the time of the call, the case  
9 manager directs the telephone numbers, waits for the  
10 person to pick up, verifies the identify of the  
11 person on the line, and then hands the phone to the  
12 youth. Staff—staff has no ability to control what  
13 appears at the other end of the line once the phone  
14 is handed to the youth. So the case manager remains  
15 nearby for the duration of the call to make sure the  
16 conversation remains appropriate, to de-escalate  
17 conflicts as they arise and to take actions when an  
18 unauthorized person joins the call. These calls have  
19 served as welcomed opportunities for parents and  
20 families to engage in group discussion with the case  
21 managers, and the youth about the youth progress in  
22 detention, and progress any issues that the youth—the  
23 youth and family wish to discuss. Youth are  
24 permitted contact—contact—who contact direct things  
25 (sic) via telephone as requested. And attorney calls



2 do not—and attorney calls do not subtract from the  
3 time—do not subtract from the time allotted to youth  
4 for family phone calls. As the family calls, the  
5 case manager and ensures the call to the youth's  
6 attorney, and verifies the identity of the person on  
7 the—on the line. But the case manager does not  
8 remain in the room when a young person is speaking to  
9 their attorney. As you know, the Division of Youth  
10 and Family Justice's mission is to improve outcomes  
11 for young people who come into our care, and that  
12 they receive services and programming we provide in  
13 detention our aim and meeting that objective. But in  
14 doing so, we must recognize the importance of  
15 perfecting the victims on the outside as well as  
16 protecting other residents from the—the victimization  
17 that incites. But I also make—maintaining a safe  
18 work environment for our staff. But other visitation  
19 and phone calls remove staff ability to ensure the  
20 conversations remain appropriate, that contraband is  
21 not being introduce, that victims are not being  
22 contacted directly but through third parties, and to  
23 diffuse the physical and verbal conflicts among those  
24 concerns. Thanks for the opportunity to comment on  
25 these bills, and to discuss the important work we are

2 already doing to modernize and will help with the  
3 system to enhance family engagement, participation  
4 and improved correspondence, and we represent the  
5 Council's growing support as we continue to promote  
6 safety, and the fact that we're strengthening  
7 connections between youth and families. I'm happy to  
8 take your questions.

9 CHAIRPERSON CABRERA: Thank you so much,  
10 Commissioner, and let me just acknowledge that we've  
11 been joined by Council Member Lancman and Grodenchik,  
12 which I'm sure you will probably have questions.

13 COUNCIL MEMBER GRODENCHIK: [off mic]

14 CHAIRPERSON CABRERA: Great. So,  
15 Commissioner, I want to take a moment to first thank  
16 you, and all of your wonderful—I mean the staff for  
17 all the work that you have done, and also your level  
18 of openness in working with advocates in our  
19 community and, of course with this Council, and it's  
20 demonstrated in your level of effectiveness. Thank  
21 you for your testimony, and I'd like to just go one  
22 bill at a time if we can here. With Intro 1237, you  
23 request that the language of the bill revised to  
24 reflect that the ability to maintain the records  
25 remains that of ACS and obviously opened—more than

2 open. I think it makes sense to do so. So we will  
3 definitely work on that language, and then let's see  
4 Bill--also--also you mention regarding in Bill 1237  
5 that the date that this---the leg--legislation does  
6 not permit a sufficient timeframe for ACS to complete  
7 a procurement process needed to put such a system in  
8 place. We are more than willing to work with a  
9 modified date, if you could give us a date or any  
10 date that will make sense.

11 DEPUTY COMMISSIONER FRANCO: [off mic]  
12 We're working that now.

13 CHAIRPERSON CABRERA: That would give  
14 ample time, and--

15 DEPUTY COMMISSIONER FRANCO: [on mic]  
16 [interposing] We have been working on this since  
17 2015, and as you heard we have a request for  
18 information. We're getting ready to do an RFP. It's  
19 our hope that we will have an RFP done and submission  
20 by 2017, and they would take based on experience by  
21 HSC and others a year more to implement a system.

22 CHAIRPERSON CABRERA: Okay, so you're  
23 looking for there at 2019?

24 DEPUTY COMMISSIONER FRANCO: Let me get  
25 back to you with a set date?

2 CHAIRPERSON CABRERA: Okay.

3 DEPUTY COMMISSIONER FRANCO: I need to  
4 talk to the assistants.

5 CHAIRPERSON CABRERA: Okay, do that also.  
6 Intro 1451, I-I wasn't too clear from--from this end  
7 was it that you support 1451. I don't know or--I was  
8 looking for a statement that will say yes, no, maybe,  
9 perhaps or to work on this.

10 DEPUTY COMMISSIONER FRANCO: I mean I  
11 think that our--our position has been, and I mean  
12 there's two parts. One of them that actually  
13 whatever change to visitation policy that we enact in  
14 New York City will have to be approved by OCFS. So  
15 that's a point of clarification. The second is  
16 around we could not only, but actually we want to be  
17 able to discuss with parents. I mean these are  
18 minors usually 15, 16 years old and that, who should  
19 be in the approved list of extended family and so  
20 forth.

21 CHAIRPERSON CABRERA: So help me  
22 understand. [laughs] I'm so--

23 DEPUTY COMMISSIONER FRANCO: So, I-I-

24

25

2 CHAIRPERSON CABRERA: [interposing] So  
3 what do you--what do you need a green light from the  
4 State?

5 DEPUTY COMMISSIONER FRANCO: We need--we  
6 need a green light from the State if we wanted to  
7 make any change to our policies.

8 CHAIRPERSON CABRERA: Okay.

9 DEPUTY COMMISSIONER FRANCO: In terms of  
10 the language of the bill--as I understand it. I may  
11 get this wrong--we are allowing for the minor to  
12 define Family Support Network, our current practice,  
13 and I think it's important to state that, is that we  
14 actually have a conversation with the youth and their  
15 guardian to determine who's fairly--the family and the  
16 Improvement of visitors. And--and we feel that a  
17 particular authorization that we were working with as  
18 the number young people continue to reduce in the  
19 system, we encounter more and more young people who  
20 have been victimized, and we take very seriously our  
21 mandate to ensure that they actually are not exposed  
22 to someone who could further victimize them.

23 CHAIRPERSON CABRERA: Absolutely. I'm  
24 sure we could work on the language that we could  
25 finally codify it. My--my fear is there's always

2 going to be in your administration. We're—we're  
3 seeing that at the federal level, right as somebody  
4 could come let's say they get an order, or a  
5 different policy, and then we change our  
6 administrations, and sometimes, you know, policies  
7 that are changed that really don't—does not make  
8 sense to advocates, to the present administration, to  
9 the Council. So I would love to codify it, and—and  
10 to make it as permanent as we can.

11 DEPUTY COMMISSIONER FRANCO: Uh-huh.

12 CHAIRPERSON CABRERA: So, I'm—I'm looking  
13 forward to seeing how we could work in that language,  
14 and—and listening to the advocate as well and—and  
15 come with a—with a middle ground. 1452 you mentioned  
16 that you want to ensure, of course, that the contact  
17 does not place--in page 4 in your earlier testimony--  
18 does not place the youth or others in conference  
19 (sic) being your kid. Can you explain to us and—and  
20 the committee what are the possible client endangers  
21 in—when it comes to video conferencing?

22 DEPUTY COMMISSIONER FRANCO: I don't—I  
23 don't—we don't see any harm in that, you know, we can  
24 just acknowledge itself. Again, we want to make also  
25 with the previous bid that we are actually to ensure

2 that young people are contacting those that are  
3 positive-positive influences in their lives. So as  
4 we've done—we've done with previous policy, we want  
5 to make sure that our case managers and our staff can  
6 work with the youth, and their families to determine  
7 who should be a contact.

8 CHAIRPERSON CABRERA: And so, you—your—  
9 your open to the idea of—of—of in this bill focusing  
10 on secure facilities?

11 DEPUTY COMMISSIONER FRANCO: Yes, and we  
12 actually have acquired technology. We actually doing  
13 the installation of the technology as we speak, and  
14 soon we will be able to allow families to come and be  
15 part of conference (sic) convening for young people  
16 in secure detention.

17 CHAIRPERSON CABRERA: The—the challenge  
18 is non-secure?

19 DEPUTY COMMISSIONER FRANCO: I mean—I  
20 mean more than a challenge. I mean non-secure sites—  
21 there is one size that tends to be used for the lower  
22 risky kids who have to be detained by the nature of  
23 the—the way they're set up. Families actually come  
24 often to see their kids. They actually participate  
25 in outside the facility at CDC so families and

2 friends can be part of that. I don't think the  
3 social needs that are primarily in those settings.

4 CHAIRPERSON CABRERA: I mean part of this  
5 is--one of my concerns is we're getting to ready to  
6 close down one of the detention centers. [bell] A  
7 lot of the kids from one borough are going to be  
8 transferred to the other side of the city, and so  
9 it's going to make it harder--

10 DEPUTY COMMISSIONER FRANCO:  
11 [interposing] Uh-huh.

12 CHAIRPERSON CABRERA: --for some of the  
13 parents to come out and--and it's track, you know.

14 DEPUTY COMMISSIONER FRANCO: I-I-I think  
15 this is, you know, we are--we are--we're actually we're  
16 working on it.

17 CHAIRPERSON CABRERA: And so-[pause].  
18 Tell me how wide for the mental health suite already,  
19 and is it going to be done for the full facility at  
20 one point, or is it just going to be--?

21 DEPUTY COMMISSIONER FRANCO: I believe  
22 our intent is to have spaces where we are certainly  
23 going to have significant, you know, improvements  
24 with video conferences that are beside more calls



2 where actually a family and the kids can actually  
3 interface.

4 CHAIRPERSON CABRERA: But is-is it just  
5 going to be in the Mental Health?

6 DEPUTY COMMISSIONER FRANCO: So we—we are  
7 beginning with the Mental Health suite--

8 CHAIRPERSON CABRERA: [interposing]  
9 Right.

10 DEPUTY COMMISSIONER FRANCO: --because we  
11 want to focus on it being the first, and then we want  
12 to advocate it for being in other—different areas.

13 CHAIRPERSON CABRERA: Okay, beautiful,  
14 beautiful, and—and so look, I'm—I'm—I'm open to the  
15 discussion regarding secure and non-secure  
16 facilities. So, in Intro 1453, can-can you define—  
17 can you define for us privacy, a privacy setting that  
18 maintains safety at the same time?

19 DEPUTY COMMISSIONER FRANCO: Yes. I mean  
20 I think the worst time that is maintain eyes on  
21 supervision and the youth people that we serve and  
22 they haven't visited with anyone else. So then it's  
23 several of them meeting with their counsel, which I  
24 feel you have full privacy on the phone or face to  
25 face. We actually are required to have our staff

2 nearby and available. Again, the best way to  
3 describe that is that families are needed in the  
4 video (sic), and we may be by that wall whenever  
5 something needs to happen or we need to intervene.  
6 We are not like, you know, like any other  
7 correctional setting. You can name additional  
8 devices or actually hovering on top of their families  
9 when they're actually having contact with the-with  
10 their loved ones. We are also, you know, for  
11 physical contact with displays. We are trying to  
12 encourage that to happen, and as you heard, we  
13 actually allow parents and students to come in and  
14 spend time with their-with the family, but we-we have  
15 to be available. [pause]

16 CHAIRPERSON CABRERA: You-you-is ACS  
17 looking to replicate the model of DOC's video  
18 conferencing at Rikers where families can-there's  
19 live ways to access these services?

20 DEPUTY COMMISSIONER FRANCO: We have been  
21 looking for it. That sounds promising.

22 CHAIRPERSON CABRERA: Okay, great. If  
23 you'll see me and I'll stay on that. (sic)

24 DEPUTY COMMISSIONER FRANCO:  
25 [interposing] Sure, with our cases.

2 CHAIRPERSON CABRERA: I love that.

3 [background comments, pause] Well, Commissioner, I  
4 think this is one of the quickest, fastest probably  
5 hearing I've ever had [laughs] with you, and that  
6 sounds like a good sign. Again, I want to thank you.  
7 I'm looking forward to our continued discussion  
8 regarding these bills. We're—we're looking forward  
9 to moving this forward, and I would love for us to  
10 have a meeting of the minds just have another day.  
11 It's what benefits our children, and to make sure  
12 that they have the best possible track in their  
13 future. And again, I want to thank you, and all your  
14 wonderful staff for all that you do.

15 DEPUTY COMMISSIONER FRANCO: Thank you.

16 CHAIRPERSON CABRERA: Thank you so much,  
17 and with that, we're going to have the next panel.

18 Reverend Windy Calderon from Bronx Connect and  
19 Rebecca Kinsella (sp?) from Brooklyn Defender  
20 Services [pause]

21 Good morning. My name is Rebecca  
22 Kinsella and I am a Youth Social Worker for Brooklyn  
23 Defender Services. I want to start by thanking the  
24 committee and Chair Cabrera for the opportunity to  
25 testify today. As a youth social worker, my caseload

2 include adolescents detained at Crossroads, Horizons  
3 and also at Rikers Island. Therefore, I have seen  
4 first hand how important and critical family  
5 engagement is during detention for youth to just  
6 really to ensure smooth reentry post detention. The  
7 bills before the committee today are an important  
8 first step in promoting family engagement for  
9 detained youth, and we are grateful to the Council  
10 for seeking to eliminate and prevent the barriers  
11 that separate detained youth and their families.  
12 With the bills being introduced, and we want to also  
13 thank you for the bills introduced, and for  
14 considering our recommendations from our testimony in  
15 September. We support the Council's efforts to  
16 require ACS to maintain electronic health records for  
17 Justice involved youth with Intro No. 1237. We  
18 support the Council's efforts to expand the category  
19 of people who are able to visit detained youth in  
20 Intro No. 1451. We also support the Council's  
21 efforts to provide video conferencing in detention  
22 facilities with Intro No. 1452 and we would, however,  
23 respectfully ask the Council to amend the language to  
24 make clear that any video conferencing should be free  
25 for parties on the call. We support Intro No. 1453

2 that will allow youth to request privacy during phone  
3 calls, and I just want to once again thank you, Chair  
4 Cabrera, and the committee for the opportunity to  
5 testify and show our gratitude for the proposal  
6 today.

7 REVEREND CALDERON-PAYNE: [off mic]

8 Hello. Can you hear me? Yes? [on mic] Now you can  
9 hear me. I speak loud anyway but good morning  
10 Chairperson Cabrera and all the members of the  
11 Juvenile Justice Committee, City Council Committee.  
12 I am Reverend Windy Calderon-Payne. I'm the Director  
13 over Bronx Connects. Bronx Connects is a faith based  
14 community based program that offers alternative  
15 detention and incarceration to connect court involved  
16 youth with positive resources in their local  
17 communities through mentoring relationships. We  
18 prevent recidivism and address youth initiated goals  
19 and education and employment. Bronx Connects was  
20 actually the first ATD and ATI programs serving our  
21 Bronx community. Most people had to be sent out of  
22 borough. We began in 2000—in the year 2000. We've  
23 also been serving in the City's Crisis Management  
24 Intro Violence System in the last I'd say about three  
25 years. Thank you for allowing me to testify today.

2 I testified as the Executive Director of Community  
3 Based Programs. We are staffed by members of the  
4 community. We have been hiring ex-offenders since  
5 before Bloomberg told us we had to, and we are all  
6 people of color. We have served over 2,000 children  
7 and young people over the last 17 years, and we hold  
8 the lowest ATV arrest rate and failure to appear rate  
9 among the city's ATV programs. We fully support the  
10 recent activity of the City Council to improve and  
11 support family bonds during a time a child's time in  
12 detention, and the successful community based agency.  
13 Family is a powerful tool to turn a child's life  
14 around, and I'm going to say I'm calling them  
15 children because they're children. If they're—if  
16 they're juveniles, they're children in my heart and  
17 legally. Unfortunately, many times parents are seen  
18 as part of the problem and not an active member of  
19 the team whose responsibility it is to help the child  
20 make decersions—decisions that will help them succeed  
21 in life. So I'm going to quote some research by two  
22 people: Grant Dude (sp?) and Valerie Carr. They  
23 studied the effects of prison visitation on  
24 recidivism among 16,420 offenders released from  
25 Minnesota's prison between 2003 and 2007 using

2 multiple measures of visitation, any visit, total  
3 number of visits. Was it for months? The time of  
4 the visits and the number of individual visits and-  
5 and recidivism, new offense conviction and technical  
6 violation revocation. They found that visits-  
7 visitation significantly decreased the risk of  
8 recidivism, which is really wonderful, and I'm going  
9 to say-I'm going to say that as a community person, I  
10 tell parents do not forget the influence you have on  
11 a child. If you don't want certain activity, speak  
12 up, say it loud, say it clear. I actually had a  
13 young man come back and say the only reason he left  
14 the gang life because when he was in Rikers the only  
15 person who visited him was his daughter and his  
16 mother. That was it and it was his mother, and he  
17 said it was for my daughter and my mom I left the  
18 gang life. There was nobody else visiting him. The  
19 findings suggest that revising prison visitation  
20 policies to make them more visitor friendly, to yield  
21 public safety benefits by helping offenders establish  
22 a continuum of social support that from the prison to  
23 the community. Their study I actually cited in the  
24 paper if you want to look at it further.

25 Unfortunately, they also found that 39% of their

2 sample were deemed unvisited inmates. Give the  
3 evidence that visitation has positive effect on  
4 recidivism, I would encourage the City Council to  
5 contract with community based agencies that actually  
6 can build to find out why young people aren't getting  
7 visits and why and how to reconcile that. And also  
8 if by any chance they really have no outside support  
9 to begin building that outside support within the  
10 community. Detention and incarceration upsets the  
11 family unit and plans for their future. By expanding  
12 the definition of-of family you increase the pool of  
13 those who can offer support and love to a child all  
14 the same. In addition, add-adding privacy can  
15 strengthen the family's ability to maintain bonds  
16 that encourage a positive behavior when the child  
17 returned home. I would say that the-that the  
18 guardian needs to help define who the family is  
19 because we have a lot of children who are trafficked  
20 and abused and in abusive relationships that they  
21 think are positive and they're not. Video  
22 conferencing has had great success with adults  
23 detained and incarcerated-and incarcerated  
24 populations in New York City and should be  
25 implemented for those detained in juvenile



2 facilities. In addition, it seems obvious that if  
3 rehabilitation and support the changed behavior is  
4 our motive with detained youth, that health records  
5 would be kept electronically so that they can move  
6 with a child as they leave. Finally, mental health  
7 counseling should not be restrained by those who want  
8 to build a criminal case, and that which is discussed  
9 in counseling. Resolution 1025 is instrumental to  
10 allowing children to take full opportunity of the  
11 Council offered while in detention. Thank you for  
12 these very common sense changes, and thank you for  
13 community leaders who are pointing out ways we can  
14 improve these changes. We fully believe that  
15 community alternatives are best, but for those who  
16 are detained, a full spectrum of family funding  
17 support should be provided. Thank you.

18 CHAIRPERSON CABRERA: Thank you so much,  
19 can I want to acknowledge that we've been joined by  
20 Council Member Salamanca. I want to just take a  
21 moment to thank the advocates because as a matter of  
22 fact I received correspondence from Media Outlet  
23 asking me where did you get all these ideas from, and  
24 I have to say it is the advocates. So thank you and  
25 we take very serious your testimony. We review them.

2 We come back with some idea. So really, this is the  
3 fruit of your labor, of your direct contact that you  
4 have with the young people because you know best  
5 what's happening in their lives. I want to thank you  
6 also for the suggestion of making the video  
7 conferencing for free. When you think about that, I  
8 think that that is something should be provided. We  
9 don't want the lack of resources to prohibit the  
10 young people to be able, and their family to be able  
11 to have contact. I-I did have one question. It was  
12 in regards to the way everyone-in the-you know, you  
13 mentioned this in your testimony. With the  
14 Commissioners-have they come about a different  
15 issuing(sic) of family, and if I heard right, it's in  
16 consultation with the young person and with the  
17 guardian and--

18 REVEREND CALDERON-PAYNE: Well, I to be  
19 honest I've not even-I-I wasn't here for the initial.  
20 I don't know how they're defining family, but I know  
21 for our families there are times that a big sister  
22 will just play the role or a brother-in-law might  
23 play the role, or an uncle may play the role and  
24 really, you know, sometimes people work in jobs where  
25 they can't just take off, or they have to watch kids,

2 and I know that in-in Horizons you can't bring little  
3 children with you as-as far as I understand it, there  
4 has been a problem with who watches my-my youngest  
5 when I visit my teen-ager? So, I think there should  
6 be a definition of rules, but having worked with  
7 girls who are trafficked, and even men, boys who can  
8 be in abusive relationships, you don't want someone  
9 to defining that as my uncle who's not really my  
10 uncle.

11 CHAIRPERSON CABRERA: Right.

12 REVEREND CALDERON-PAYNE: Do you  
13 understand? So-so I-I would agree that there has to  
14 be some sort of control, but if we could put more  
15 positive people in the child's life who can access to  
16 visit them, even a minister like a minister or a-a  
17 community leader, I'd say let's go for that.

18 CHAIRPERSON CABRERA: And that was  
19 mentioned actually in-in my opening statement  
20 regarding clergy and others, but the ultimate  
21 criteria has to be fined as somebody--

22 REVEREND CALDERON-PAYNE: [interposing]  
23 Right.

24 CHAIRPERSON CABRERA: --and if I heard  
25 the Commissioner right, they-they spoke about the

2 idea of again the young person, the guardian and  
3 working alongside with-with his staff. So is this-  
4 is-is this along the same lines that the advocates  
5 are looking to do so we could codify this?

6 REVEREND CALDERON-PAYNE: Yes. I think,  
7 you know, even in public school you're allowed to say  
8 if somebody doesn't have-cannot have access to you.  
9 So let's say you codified that uncles are allowed to  
10 visit, but I think in public you're actually allowed  
11 to say this person does not-is not allowed to have  
12 access to my child. So, you-I think that would be a  
13 way of saying if a-if a mom is or that uncle is  
14 abusive, I think maybe that uncle abused her. So  
15 even though uncles are allowed, I'm saying this  
16 person does-cannot have access to her, or this  
17 boyfriend is, you know-I don't know the way how they  
18 do that, but, you know, I think someone should be  
19 able to say this is an abusive person. I don't want  
20 them to have access.

21 CHAIRPERSON CABRERA: Just wanted to have  
22 to Council Member Grodenchik. He has question.

23 COUNCIL MEMBER GRODENCHIK: Thank you.  
24 I'll talk loud, too. Can you tell me-I was happy to  
25 hear that-that your rates for recidivism of the

2 arrest rates are—are lower? Can you tell me what  
3 those rates are?

4 REVEREND CALDERON-PAYNE: So when we ran  
5 our ATV program we had a failure to appear rate. So  
6 the whole program, the ATV program was so that kids  
7 did not have to go to Horizon. They stayed in the  
8 community, and if they didn't come to court, they got  
9 a failure to appear warrant. So over I think a  
10 thousand kids in eight years or seven years we had a  
11 5% failure to appear rate. The City was requiring a  
12 7% failure to appear rate. Our re-arrest rates for  
13 that ATV population the city required a 10% re-arrest  
14 rate and we had an 8% re-arrest rate. A thousand  
15 children over eight years.

16 COUNCIL MEMBER GRODENCHIK: Thank you  
17 very much. Thank you, Mr. Chair. Thank you for your  
18 work.

19 CHAIRPERSON CABRERA: Thank you so much  
20 and with that we conclude. Again, I want to thank  
21 all the advocates for all the great work that you're  
22 doing, and again for being a catalyst for these  
23 pieces of legislation, and with that, we conclude  
24 today.

25 REVEREND CALDERON-PAYNE: Thank you.

2 CHAIRPERSON CABRERA: Have a wonderful  
3 day, everyone. [gavel]

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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 February 15, 2017