CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUVENILE JUSTICE

----- X

September 20, 2017 Start: 10:04 a.m. Recess: 11:50 a.m.

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
Bill Perkins

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

Felipe Franco
Deputy Commissioner of Youth and Family Justice
at ACS

Stephanie Prussack Associate Commissioner at ACS

James Davis Senior Consultant with Missouri Youth Services Initiative

Christopher Branson NYU School of Medicine

Christine Bella Legal Aid Society

Nancy Ginsburg Legal Aid Society

2	CHAIRPERSON CABRERA: Good morning. I am					
3	Council Member Fernando Cabrera of District 14 in t					
4	Bronx, proud Chair of the Juvenile Justice Committee					
5	Thank you for being here today to discuss the					
6	important topic of violence in New York City's					
7	detention facilities. Before I begin my opening					
8	statement, I would like to thank the Committee Staff					
9	who helped put this hearing together, Committee					
10	Counsel Josh Kinsley, Committee Analyst William					
11	Hongach, and the Committee Analyst Daniel Crue [sp?]					
12	Stated today hearing as stated, today's hearing					
13	will focus on violence in New York City's detention					
14	facilities. The Committee has always recognized the					
15	need for adequate care and comprehensive services for					
16	youth involved in the juvenile justice system.					
17	Therefore, we will seek to learn how the Department					
18	personnel are appropriately screened, trained and					
19	supervised properly oversee the City's detained					
20	juvenile population. The Committee plans to also					
21	examine how the Department investigates allegations					
22	or reports of violence within he secured detention					
23	facilities. This is for all forms of violence					
24	including incidents involving youth on staff. We are					

in all agreement that detained youth should be

1	COMMITTEE ON JUVENILE JUSTICE 5					
2	provided with the proper attention and safeguards					
3	that help prevent violence within the Department's					
4	facility. We are here today to learn what					
5	appropriate measures have been and/or will be					
6	implemented by the Department to further reduce					
7	violence within its facilities. It is paramount tha					
8	youth are provided with the safest environment while					
9	awaiting adjudication as well as staff being afforded					
10	a secure work environment. I would now like to ask					
11	representatives of the Department to please state					
12	their name for the record and for the Committee					
13	Counsel to administer the oath.					
14	COMMITTEE COUNSEL: Can you please state					
15	your names?					
16	DEPUTY COMMISSIONER FRANCO: Felipe					
17	Franco, Deputy Commissioner for the Division of Youth					
18	and Family Justice.					
19	ASSOCIATE COMMISSIONER PRUSSACK:					
20	Stephanie Prussack, Associate Commissioner for					
21	Detention.					
22	COMMITTEE COUNSEL: Do you each swear to					
23	tell the truth before this Committee and to respond					
24	honestly to Council Member questions?					

DEPUTY COMMISSIONER FRANCO: Yes.

1	COMMITTEE ON JUVENILE JUSTICE 6
2	ASSOCIATE COMMISSIONER PRUSSACK: Yes.
3	CHAIRPERSON CABRERA: Go ahead.
4	DEPUTY COMMISSIONER FRANCO: Good
5	morning. Good morning, Chair Cabrera and members of
6	the Committee on Juvenile Justice. I'm Felipe
7	Franco, Deputy Commissioner for the Division of Yout
8	and Family Justice within the Administration for
9	Children's Services. Thank you for the opportunity
LO	to testify this morning. The safety and security of
L1	our young people and of our staff are of paramount
L2	importance. It's only when staff and youth feel safe
L3	that we can achieve that there are perfect [sic]
L 4	outcomes we want on behalf of the youth we serve. I
L5	look forward to sharing with you efforts of the
L 6	Division of Youth and Family Justice has made to
L7	prevent violence and promote safety within our secure
L8	detention facilities. The Division of Youth and
L 9	Family Justice oversees services and programs for
20	youth at every stage of the juvenile justice process
21	Our continuum includes community-based preventive and
22	alternative services for youth who are at risk of
23	delinquency and their families, and we provide
24	detention services to youth who are arrested and

awaiting court resolution. Since 2012, we have been

providing residential services for all youth placed
with New York City as adjudicated delinquents, as
well as foster care services and supervision of their
return to the community. ACS provides secure and
non-secure detention services for youth have been
arrested and are waiting for judges to hear their
cases in court. The Division of Youth and Family
Justice oversees seven not-for-profit provider agency
operated non-secure detention group homes across the
City, and directly operates two secure detention
facilities, Crossroads in Brooklyn and Horizons in
the Bronx. Secure detention has the most
restrictive security fixtures and is typically
reserved for youth who pose the highest risk or has
been accused of committing serious offenses. Our
non-secure detention residences solely serve juvenile
delinquents while our two secure detention centers
serve both juvenile delinquents and juvenile
offenders. The number of young people admitted to
detention has continued to decline over the last
several years due to the smart policing practices
leading to decline in juvenile arrests in New York
City as well as the increased number of community-
based alternatives designed to safely divert juvenile

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

delinquents from the juvenile justice system. 2010, not that long ago, 5,084 young people were admitted to detention for the calendar year. Since then, the admission to detention has decreased significantly, dropping to just 2,126 total admissions in Fiscal Year 2017, which represent a 32 percent decrease from Fiscal Year 2014. ACS values transparency and reporting outcomes for doing this work including detention outcomes which are included in the Mayor's Management Report, MMR, that was released earlier this week. As a result of our historic low detention census, which continues to decrease, it is important to note that the rates reports in the number of areas of the MMR appear elevated in comparison to actual numbers. example, while the child abuse and/or neglect allegation rate reported on the MMR rose from 0.11 per 100 average daily population in Fiscal Year 2016 to 0.14 in Fiscal Year 2017, the actual number of allegations decreased from 65 in Fiscal Year 2016 to 61 in Fiscal Year 2017. The MMR also reflects a small increase of 0.04 percent for Fiscal Year 2016 to Fiscal Year 2017 in the youth on staff assault with injury rate which translates to only two

additional incidents in Fiscal Year 2017 from the
previous year 2016. While this is a very small
increase, we take all incidents in our facilities
seriously and recognize that there's always room for
improvement. We're continuing the efforts to procure
an on-site intervention programs such as Cure
Violence embedded within our secure detention at both
secure detention sites. We also working to hire
additional frontline staff and improve staff training
to emphasize the development of skills necessary to
work with the high risk population which you will
hear more about in the testimony. While youth crime
in New York City has declined and the number of youth
remanded to detention has decreased substantially
over the last four years. The youth who are placed
in detention are now the highest need youth in the
City and present extremely challenging behaviors.
Many have experienced significant trauma or abuse and
have families with extensive child abuse or neglect
histories. The vast majority, as high as 90 percent
of the young people in the juvenile justice system
regardless of gender have experienced some sort of
trauma. To address this trauma, we strive to have a
system that is both informed and responsive.

1 2 Meaningful support for the youth through targeted 3 [inaudible] programming, cultural services and 4 comprehensive educational programming helps to address their trauma, keep youth engaged, help prevent risky behavior, and keep our facilities safe. 6 We are proud of our partnership with the Bellevue Hospital, NYU Langone Medical Center and others to 8 create and implement trauma-informed screening and care in our secure detention facilities making us one 10 11 of the first secure detention systems in the country 12 to implement trauma-informed practices and training. 13 Our work in detention is focused on helping youth we 14 serve develop the skills to control and manage their 15 emotions and behavior. We also recognize that the 16 conditions of care in secure detention are strongly 17 driven by the relationship between the youth and our 18 staff, and we're committed to providing our staff the 19 training and supports they need to work effectively 20 with our youth and maintain safety in our secure 21 facilities. We have contracted recently with the New York Society for Prevention of Cruelty to Children to 2.2 2.3 provide stress reduction secondary trauma workshops to our secure detention staff, as well as resiliency 24

interventions after eight critical incidents

2 happened. That begun in October -- that will beginning in October 1<sup>st</sup>, 2017. In partnership with 3 4 the ACS James Satterwhite Training Academy and with 5 the support of the ACS Workforce Institute. We have improved and expanded our pre-service training that 6 we offer to all juvenile counselors at the start of their employment with ACS. Now, more time is devoted 8 to training staff on safe crisis management, a highly-regarded crisis intervention model used across 10 11 the country. We're partnering with external [sic] 12 subject matters experts like Bellevue Hospital to provide new training on mental health and trauma and 13 14 their impact on the youth behavior with practical 15 guidelines to our staff for how to work with youth who have mental health needs. Behavior management 16 17 theory in practice and on-the-job training 18 experienced alongside more senior juvenile 19 counselors, mentors, and JSA trainers to help the new 20 staff learn the job while they're still in training. 21 We are partnering with the John Jay College to provide six-weeks of Peace Officer training to all 2.2 special officers who work in our detention 2.3 facilities. I have partnered with the CUNY public 24 sector economy [sic] for specialized training for our 25

### COMMITTEE ON JUVENILE JUSTICE

1

2

3

4

5

6

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

special officers and front-end security, both facilities to improve practice, meaning less incidents, and reduce contraband coming into our facilities. Keeping our facilities safe is our top priority, and we have invested more resources than ever toward reducing contraband and implementing best practices to increase safety and security. While there's no single solution to prevent contraband, our current security protocols and investments in new technology are all meant to reduce the [inaudible] and prohibited items into our facilities. Security staff at each facility serves everyone who enters, staff, visitors alike using magnetometers, wands, cell phone, and other wireless detective equipment, and we have increased random resident and facility searches. Our staff uniforms were altered to prevent staff from bringing contraband into the facility and we added staff lockers to provide more storage for personal items. Our special officer management team and our tour commanders carry cell phone detective equipment as they walk throughout the facility, and we have upgraded this equipment to reflect the most technologically advanced equipment for detecting cell phones even when they're shut off or batteries are

2

3

4

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

removed. The Division of Youth and Family Justice is working aggressively to implement a team staffing model of care adaptive from the Missouri Youth Services Institute, MYSI Model, within our secured juvenile detention system. MYSI is a nationally recognized therapeutic approach for working with young people involved in the juvenile justice system. Facilitated small groups interactions and processes and the promotion of healthy productive relationships and interactions are at the core of the MYSI group These approaches will be administered by process. caring, skilled and well-trained staff who worked in multi-disciplinary teams that include juvenile counselors, case management and clinicians. These teams of staff working together are the key to helping youth make better decisions and monitor the negative behaviors of thinking. We continue to partner with the Missouri Youth Services Institute to train all juvenile counselors and supervisors on the MYSI model. One week of MYSI training has been recently incorporated into our preservice training program for juvenile counselors, and MYSI consultants provide onsite consultations to our detention staff year-round to improve their implementation of this

Τ	COMMITTEE ON JUVENILE JUSTICE 14
2	model within our secure detention facilities.
3	Division of Youth and Family Justice has employed
4	Safe Crisis Management, SCM, as our crisis
5	intervention methodology since 2012. SCM was elected
6	over other tools largely because of intensive focus
7	on helping staff learn how to understand youth
8	development and behavior as well as prevention and
9	the de-escalation strategies that can be used to
LO	safely influence youth behavior in lieu or prior to
11	the need of physical interventions. We created and
L2	will implement this year and enhanced Safe Crisis
L3	Management training plan for secure detention and
L4	have contracted with the developer SCM to provide
L5	quarterly onsite training consultations to improve
L6	staff practice of SCM. Through our partnership with
L7	NYU Bellevue, all secure detention staff receives
L8	training in working effectively with traumatized
L9	youth and strategies for preventing or mitigating
20	precarious [sic] trauma. The Division on Youth and
21	Family Justice is pleased to continue our
22	collaboration with NYU Bellevue to expand trauma-
23	informed care within detention through the use of
24	evidence-based training for staff and skill

development for residents. We're now in the initial

phase of implementing Trauma Affect Regulation Guide 2 3 for Education and Treatment, better known as TARGET. 4 TARGET is a comprehensive trauma intervention specifically designed for use in juvenile justice settings. This effort is supported by a five-year 6 7 grant from the Substance Abuse Mental Health Services 8 Administration and is designed to increase staff understanding of trauma and its impact on the youth and staff, reduced institutional violence and 10 11 includes youth and staff members' sense of safety and 12 provide for my staff with the proven skill for 13 managing the behavior of youth with trauma-related 14 problems as well as [inaudible] stress reactions. 15 Thanks for the opportunity to share with you targeted 16 actions of the Division of Youth and Family Justice 17 has taken to fortify safety and security in our 18 secure detention facilities. New York City has a 19 safe, secure detention system where youth go to 20 school every day, where their medical and dental and 21 more than ever their mental health needs are being 2.2 met. Only the highest risk youth now reside in our 2.3 facilities, and to maintain safety we need to continue to invest in our staff and in proven 24 25 practice such as MYSI, SCM, and trauma responsive

3

1

4

6

7

8

10

11

12 13

14

15

16

17

18 19

20

21

2.2

2.3

24

25

therapies. The investment we are making now to improve our practice, support our staff and bolster safety at our facilities will strengthen the foundation of our system as the City enters into a new phase of juvenile justice with the implementation of the Raise the Wage. As always, we're happy to work with the Committee in our continued effort to improve the system and provide services for City juvenile justice involved youth. We're happy now to take your questions.

CHAIRPERSON CABRERA: Thank you so much, Commissioner. First, let me acknowledge that we've been joined by Council Members Perkins and Grodenchik. I will-- Commissioner, let me just start by stating that I don't know anybody who will not attest that in the last three and a half years we have seen a tremendous improvement under your leadership with you and your staff and all the work that has been done. So I wanted to start by commending you and all your staff that work day in and day out and all your work. It is a better place. I do have a few questions here that I want to address regarding the issue before us. And the first one is, according to the recently released Mayor's Management

the change between 48 to 50 from 2016 to 2017 is two

too many, and as I mentioned before, we're committed

24

### COMMITTEE ON JUVENILE JUSTICE

2.2

2.3

to do everything that we can to maintain safe facilities, and we believe the best way to achieve that, which is what we're willing to do more than ever is by investing in the staff that makes the difference in the life of those kids.

CHAIRPERSON CABRERA: But what do you-what do you-- what's the impetus? What's usually the
catalyst for this youth-on-staff assault? Is there
like a under-occurring that you--

DEPUTY COMMISSIONER FRANCO: [interposing]

I mean, keep in mind as--

CHAIRPERSON CABRERA: have been able to assess?

Member, as I open up, you know, the city has done an amazing job of the reducing the number of kids who come to detention by more than 32 percent. As I also mentioned before, 90 percent of the youth that we serve have actually been victims of neglect and abuse. We're working with a population that actually violence has been engrained in their day-to-day living. The job of our youth [sic] counselors and our clinicians and everyone else is helping young people that actually have seen violence as a way of

2.2

2.3

communicating to learn new skills. It's by the nature of who we are, we're working with challenging youth that actually— and our job is to help them learn new ways of relating to others.

CHAIRPERSON CABRERA: What are repercussions whenever youth assault a staff?

DEPUTY COMMISSIONER FRANCO: We take that seriously, and we immediately take care of the staff, and I think Stephanie Prussack can talk about our procedures in more detail.

CHAIRPERSON CABRERA: Okay.

ASSOCIATE COMMISSIONER PRUSSACK: Well, we immediately assure that the staff is okay. We offer them any medical care if they need medical care. Sometimes they feel they can stay. Sometimes they feel they need to leave and seek outside medical care. If it's an incident in which the staff feels okay and wants to try to debrief with the youth, and the youth and staff are amenable, we do bring both together to try to find out why the incident occurred, and it often winds up with youth apologizing to the staff member.

## COMMITTEE ON JUVENILE JUSTICE

2.2

2.3

2	DEPUTY COMMISSIONER FRANCO: I also want
3	to emphasize, I mean, there's consequences to any
4	inappropriate behavior

CHAIRPERSON CABRERA: [interposing] Okay, that's what I was going to ask.

 $$\operatorname{\textsc{DEPUTY}}$$  COMMISSIONER FRANCO: for what they did.

ASSOCIATE COMMISSIONER PRUSSACK: Oh.

DEPUTY COMMISSIONER FRANCO: Yeah. And, you know, we take that seriously. I mean, there's actually ways of creating consequences within our Behavior Management System in detention. And keep in mind that all the youth in detention actually have court cases going on through the Family Court or Criminal Court, and whenever one of these things happen, this is communicated to the court and has an impact in their case.

CHAIRPERSON CABRERA: So, that's the biggest consequence? Is there any other concrete consequences take place within the facility?

DEPUTY COMMISSIONER FRANCO: Yeah, I mean, again, within their behavior every case is individualized. Within the Behavior Management System there's actually consequences and privileges

that are lost, but I think more important, which is what we want to strive for, we actually use the opportunity to understand why the youth behave the way they behave.

CHAIRPERSON CABRERA: Yeah. What I'm concerned is, is there a demoralizing point for the staff where they don't feel safe or they feel like there's no real consequences that took place, just like there's consequences in families at home. You know, in essence you have a family at a detention center. What does that do to the morale? Have you done surveys on staff, and what was the outcome of those surveys regarding morale on youth-on-staff assaults?

mean, we conduct a survey as a part of a performance based standards which we are part of in New York City. The survey's results tend to indicate if staff feels safe. Having said that, more and more of our attention is in developing the right amount of skills for our staff, and consistently we hear from staff that they need further support, particularly more from their peers. We need more staff to serve the young people that we serve now.

## COMMITTEE ON JUVENILE JUSTICE

2	CHAIRPERSON CABRERA: Do the staff get,
3	and you mentioned it briefly, do the staff get
4	debriefed by a professional whenever an incident
5	takes place?

ASSOCIATE COMMISSIONER PRUSSACK: You mean like a therapist, or?

CHAIRPERSON CABRERA: Yes.

ASSOCIATE COMMISSIONER PRUSSACK: Not necessarily at the moment. We have--

DEPUTY COMMISSIONER FRANCO: [interposing]
Although--

ASSOCIATE COMMISSIONER PRUSSACK:
supervisors and managers on staff. We do have
clinicians that they can go and speak with if they so
choose, especially our psychologists, our Bellevue
staff that offered that service. Most folks, we have
employee assistance program as well, and I believe
the union also offers supportive counseling. In
addition, through our new grant we will be offering
support to staff from— to teach them about their own
trauma and the impacts, to recognize it, and we're
contracting with, as I believe in the testimony, we
took— what is it, the— [off mic]

2.2

2.3

CHAIRPERSON CABRERA: So, this is a new program you're about to--

DEPUTY COMMISSIONER FRANCO: The New York
Society for the Prevention of Cruelty of Children
which actually have a team that have been available
before to our DCP workers help in traumatic events.
That will be now available to our staff in detention.

CHAIRPERSON CABRERA: IS that part of the culture? I mean, like, do you have data that shows how many do go and get degrees through staff?

Because you know, this becomes a critical incident in their lives, and it can spill over to other, you know, young person or another staff. And so I'm curious as to see how many of them avail themselves, actually take opportunity.

DEPUTY COMMISSIONER FRANCO: As you're going to hear later from Doctor Branson [sp?] and others from Bellevue, many of these things have actually been put in place as we speak, and they're actually going to be focused on actually helping staff deal with the trauma of incidents, but the trauma of just working with kids who have been victimized before.

really not that expensive to be able-- I imagining

1	COMMITTEE ON JUVENILE JUSTICE 2					
2	these cameras only record when there's movement. So,					
3	therefore, they shouldn't take a whole lot of space.					
4	And probably, you probably have it in SD rather than					
5	HD, but even if you have it in HD it's worth for					
6	either for the youth or for the staff. This is, you					
7	know, it will mark them for the rest of their					
8	lives. So, is there a plan in place for us to					
9	archive this let's say for five years, or?					
10	DEPUTY COMMISSIONER FRANCO: Yeah, we					
11	couldn't agree more. I mean, in terms of protecting					
12	the youth, but particularly protecting our staff,					
13	video recording will help, and that's why we have					
14	engaged the City Department of Design and					
15	Construction to do a thorough evaluation of our					
16	equipment and come up with recommendations and					
17	actually copy that plan to improve on that.					
18	CHAIRPERSON CABRERA: Okay, thank you.					
19	Council Member?					
20	COUNCIL MEMBER GRODENCHIK: Thank you,					
21	Mr. Chair. Good morning. I want to follow up on the					
22	staffers. Do we keep records on how many people have					
23	been assaulted and need medical help outside of the					

facility? Is that-- do we know about that?

ASSOCIATE COMMISSIONER PRUSSACK: We keep record on staff who report that they were injured during an assault.

that information, okay. One of the things that I didn't hear in the testimony this morning, and unfortunately, and I know Thrive New York, the City has been trying very much to meet it [sic] on the mental illness crisis. The children that, or the young people that are under your care, so to speak, are they given mental health evaluations when they come in, and can you tell me what percentage of these young people have mental health issues? Ballpark?

mean, we have two different ways of looking at it.

About 70 percent of the young people that we serve when evaluated by the Bellevue team have mental health diagnosis, and as I mentioned before, when we look at post-traumatic stress disorder we have actually found numbers as high as 90 percent of the young people that we serve. So, as the City continues to do well in just keeping in secure detention those kids who need it the most we actually

about violence in their day-to-day conditions as a

### COMMITTEE ON JUVENILE JUSTICE

part of what you understand is what's happening.

Give me an idea of what those conditions are that

you're talking about, specifically that make the

difference.

DEPUTY COMMISSIONER FRANCO: Sure,

Council Member. I think the way I talked about it

was that actually we, New York City, have safe

facilities where actually young people are going to

school on a daily basis in a very small classroom

where actually their educational needs are being met.

They actually have state-of-the-art mental health

services that we just talked about, and they actually

have comprehensive afterschool youth development

programming, actually provided by DYCD, the same

folks who do this across New York City in our

schools. The typical schedule of a kid who, you

know, his every minute is accounted for in meaningful

opportunities to grow and learn.

to-day conditions are not the conditions at the detention place, or the conditions in their community? What did you mean when you mentioned that?

2.2

2.3

percent of the kids?

DEPUTY COMMISSIONER FRANCO: By tomorrow.

No, this is -- I'm giving you another total number.

with Safe Crisis Management.

J

risky population that you're encountering today than in the past. So, give me the differences to some extent that you can account— that you can identify between the riskiest of today versus the less risky of another period. What's happening that's different that makes them riskier?

DEPUTY COMMISSIONER FRANCO: I mean, the likelihood of a young person making it to detention is less than before, as I opened up before. I mean, for example, a good way of thinking about this, not that long ago 50 percent of the young people in detention, secure detention, were juvenile delinquents. Today, 71 percent of the youth in secure detention are juvenile offenders. By the nature of their placement they come to the Criminal Court and they are placed with us because of serious prevalence [sic].

COUNCIL MEMBER PERKINS: So, can you-- do you have like a sort of demographic profile of the neighborhood and the family and schools.

DEPUTY COMMISSIONER FRANCO: We have information that we will make to you available by tomorrow.

mention codes that I--

## COMMITTEE ON JUVENILE JUSTICE

2	ASSOC	IATE C	COMMISSIONER	PRUSSACK:

3 [interposing] I'm sorry.

2.2

2.3

CHAIRPERSON CABRERA: that I'm confused about. So, if you could explain to me the levels and BCR.

ASSOCIATE COMMISSIONER PRUSSACK: Right, unlike OCFS used to investigate child abuse allegation for the state. Now, a new-- the Justice Center does that. Their registry is called the Vulnerable Child Protection Registry, Vulnerable Person Child Registry, VPCR. And that's like the-- what used to be the state's central registry, SCR. So, they investigate all of incidents of child abuse called in.

CHAIRPERSON CABRERA: Can you account why are we getting more false allegations than before?

DEPUTY COMMISSIONER FRANCO: I think it's the other way around.

CHAIRPERSON CABRERA: Oh, the other way around. So, it's--

DEPUTY COMMISSIONER FRANCO: [interposing]

Yeah, we're getting, and again I think this is change
in practice. I mean, historically it used to be
review and investigate by OCFS. The state created

happened when?

## COMMITTEE ON JUVENILE JUSTICE

2.2

2.3

DEPUTY COMMISSIONER FRANCO:	2013, we
believe, but I will double check. The	Justice Center
was created by the Governor Cuomo.	

CHAIRPERSON CABRERA: Okay, so the last four years then has been pretty steady. So, that still wouldn't account why the numbers have changed within the last four years.

DEPUTY COMMISSIONER FRANCO: And again, the rate of substantiation has changed. I don't know if we have change in any significant way. So, when we look at the numbers, I mean, that difference between 26 percent to 30 percent, that actually translate between 17 cases that were substantiated the previous fiscal year to 18 cases that were substantiated this year.

CHAIRPERSON CABRERA: One more.

DEPUTY COMMISSIONER FRANCO: So we're talking about one more case.

CHAIRPERSON CABRERA: Okay, got you.

Alright, last question I have unless my colleagues have another question is related to the progress.

What progress has been made to retrofit detention facilities to allow for transfer for adolescents to Rikers Island to ACS-managed facilities?

1	COMMITTEE ON JUVENILE JUSTICE 39
2	DEPUTY COMMISSIONER FRANCO: So, as I
3	mentioned before, we're working closely on a daily
4	basis with the Department of Design and Construction.
5	Actually, design has actually taken place for
6	Horizons, and I believe that actually some of the
7	repairs have actually begun at Horizons, and they're
8	also going to start at Crossroads.
9	CHAIRPERSON CABRERA: And anticipated day
10	of completion will be?
11	DEPUTY COMMISSIONER FRANCO: We need to
12	get everything done that we need to get done by
13	October 2018.
14	CHAIRPERSON CABRERA: And you believe
15	that we'll be able to finish?
16	DEPUTY COMMISSIONER FRANCO: We're
17	working hard at it.
18	CHAIRPERSON CABRERA: Okay, fantastic.
19	Well, thank you so much. Again, thank you for all
20	that you do and for taking care of our youth in our
21	detention center, and with that we'll have our next

Eric Lemos, Comptroller's Office, if you're here you

Office, Eric Lemos [sp?]. Did I say that right? Mr.

could come. Not here. Oh, you're Eric Lemos? Okay, 25

panel. And I'll ask from the City Comptroller's

22

23

what's best for the young people of New York City.

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

After 35 years working with juveniles in the State of Missouri I retired, and most thankful for the youth and the staff that acted as my mentors, especially my early years. The kids taught me more than anything. So, I always enjoyed working with them. So, after Mark Stewart who is the Director of MYSI invited me to be part of the division -- he was the Director of the Division of Youth Services for 17 years. He's always been a youth advocate, and he invited me to join MYSI to provide consultation and training for systemic changes of the states. So, we've been in several states. We just happen to be in New York now. I don't work for ACS. I work for MYSI. I'm a contractor, so I'm not an ACS staff. So, when Mark offered me that opportunity it was a dream come true for me to come to New York City and be a part of this process. It's a wonderful experience. I joined MYSI in 2008 after my retirement and became involved in New York City's Close to Home Project in 2012. That's when we were establishing a program with OCFS called Brooklyn. This was the transition period for Close to Home as young offenders were moving from Upstate secure facilities to Close to Home facilities in the City. I was putting them closer with their

2	families which was the major part of it in smaller
3	units. My role was and still is coordinating a team
4	of six MYSI consultants who were training and
5	coaching Close to Home private provider network.
6	Over the past two years my responsibilities expanded
7	to include training of all staff within ACS' two
8	secure facilities, Crossroads and Horizons, on the
9	Missouri Model. We're not trying to bring a model to
10	New York. We're trying to bring the best practices
11	of the Missouri Model to New York, and so those
12	practices are what we're out there training and
13	coaching in. Before I describe the work that I've
14	been doing in detention, I'd like to provide a brief
15	description of MYSI model itself. MYSI's goal is to
16	provide a safe, secure environment to facilitate
17	therapeutic change, and this is accomplished through
18	the work in four areas. The first area is leadership
19	in their organizational structure, safety,
20	supervision and structure, group work, and
21	facilitation skills in facility environment. These
22	basic pillars form the foundation of the MYSI
23	approach, and they're interconnected to establish and
24	maintain a safe environment for growth and change.
25	Polationshins are always the key to the approach when

2

3

4

5

6

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

staff and youth see the same faces every day and they build a community to get to know each other, which is at the root of it. We all know that these youth have some difficulties managing relationships, and so you remember when he showed up with substitute teachers, what happened. So, we want the same staff, same faces working with the same youth all the time. started the training and we trained the teams as a So we started training rounds of training and each team, complete team, was in there, the staff, frontline staff, the therapist. Everybody was in the training, and so we had one team and one vision. That continues through weekly unit team meetings, and when new staff are assigned we make every effort to make them-- schedule them consistently in the same unit. This consistency offers stability and provides opportunity for relation building. Youth are supervised 24/7 by staff utilizing eyes-on supervision and therapeutic positioning. combination supervision structure and engagement places staff in the best position for early intervention and relationship building. We want them structured and engaged with eyes-on supervision at all times. The peer group is also an essential and

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

acts as a change agent for safety, and change, we believe safety is everybody's role and responsibility. When 10 or 12 youth live together, a peer group will inevitably emerge as an influential component. A recognition of the peer influence and the intentional development of the positive culture of the group influences another peer group-- other peers in the group to maintain a safe environment. Throughout the day, we facilitate check-ins, which is an assessment of the group atmosphere, the environment, significant issues, and the tone of the youth in their group. Their peer group is essential. When an issue arises, circle-ups are used. We pull the group together for a circle-up to resolve conflicts, organize activities, movements while recognizing strengths and progress. Each night there's a 60 to 90 minute group meeting facilitated by a trained staff. During that meeting youth in the group have -- and they address issues more thoroughly and go deeper in to develop skillsets and core competencies. For example, most of the youth have challenges with managing their anger and how to channel that. The group will explore origins of the anger, identify a safety plan, and then strategies

2

3

4

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

for de-escalation, and then make a commitment about how they'll help that person with those skill sets. During these two years in the working with Crossroads and Horizons we provided follow-up coaching and implementation for sustainability. This included the leadership training as well as training resulting in increased teen cohesion, improved definition of roles, therapeutic planning use the line of movement, which is basically how to-- what's under the behavior. It's what's causing the kids, the youth to act the way they're acting. Regular staff facilitate check-ins, circle-ups, and rap sessions, as well as unique group activities. We believe staff must be safe in order for youth to be safe. We have a saying, "If one's not safe, no one's safe." So, that's our motto. Safety for staff looks more like security. Enhancing staff security requires supervision and feedback on performance and a sense that their colleagues are concerned about everyone's wellbeing. Reporting to the same teach each day with the same youth provides added security, because staff get to know the youth, their triggers and what coping skills to keep the unit safe. Lastly, security means going home at the end of the shift to their families

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

having made a difference with the youth's life. Thev all signed up to make a difference with, you know, people's lives. Staff safety from my perspective is not an incident-driven set of events. safety is a 24/7 process. You have to know program to know safety in that context. How do staff treat the How do they greet the youth? How well do team members interact and work together? Does the unit feel tense like something might happen? How do staff position themselves when staff enter the unit? How do young people introduce themselves? Does the living area look clean, neat, organized? language respectful? Are youth engaged? Does the group know and understand the schedule so they can prepare? Do youth help each other? Does it seem that staff are engaged, ready to move as needed, but not on edge waiting for an incident? What is the conversation between youth and staff? Do frontline staff believe they are a change agent or they're just there to observe and report? So, they need to have meaningful involvement in the role. MYSI helps to develop all these components in juvenile justice settings to create a safe and secure space for youth and staff. We look forward to continuing our work

1

3

4

5

6

7

8

10

11

12

1314

15

16

17

18

19

20

21

22

23

24

25

with ACS and with partners at Bellevue and JKM to improve best practices within the secured detention setting in New York City. Once again, I thank you for your time and the opportunity to discuss the best interest of youth in New York City. Are you ready?

CHRISTOPHER BRANSON: Good morning. good morning, members of the Committee and the rest of y'all. It's a real pleasure to be here. My name is Doctor Christopher Branson. I'm a Child Psychologist and Assistant Professor at New York University School of Medicine, and I'm going to be talking about the trauma-informed care work we're going to be doing in detention with a particular emphasis on what we're going to be doing for staff. So, real quick, I won't bore you with my background. But I myself am a former juvenile offender. It's the whole reason I became a psychologist so I can tell you that safe facilities are very important to me. You know, I was -- I think ACS brought me on because I have expertise in juvenile justice trauma-informed care. Over the past five years I've been a consultant or investigator on 13 trauma-informed care projects in eight different states. So, over the past five years here in New York City I've done work

2

3

4

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

with Rikers Island. I'm the lead on the first NIHfunded study of trauma-informed care ever, and it involves the New York City Department of Probation, two diversion programs at Drug Treatment Court. I recently finished training every single probation staff in Brooklyn in the skills that we're going to be bringing to detention with a plan to spread it to the other four boroughs. And next week, I'll be going up to Albany and the State Capitol to talk about taking the model we're developing here in New York City and spreading it throughout the entire state juvenile justice system. I've also done work in several other states. It's in the slide, so I won't read through that. So, before I get into the specific plans, I just want to provide some context. You know, the challenges we're talking about here in New York City are not unique to our city. This is the same challenges facing leaders of detention correctional systems across the country. I know that from working with them personally. I just completed a survey of juvenile correction administrators; got some sponsors from 37 states, and I know the research data inside and out. So, according to statistics from the US Department of Justice, correctional

officers experience the second-most work-place 2 3 violence of any profession in this country behind officers. They also get -- you know, so that's 4 getting assaulted, witnessing violence, hearing about traumatic incidents, hearing about traumas in the 6 7 lives of the kids that they serve, and all of that, 8 you know, makes them very vulnerable, and as a result there's extensive research showing that 25 to 60 percent of frontline correctional staff will develop 10 11 significant symptoms of post-traumatic stress 12 disorder. So, to give you context, if you look at 13 the US adult population, only seven percent will ever 14 develop PTSD in their lifetime. So, the rates of 15 PTSD among staff are similar to those of the kids in these facilities as well as military veterans 16 17 returning from Afghanistan and Iraq. And if we don't do something about it, it can have a major toll on 18 19 their mental and physical health, their job 20 performance, their personal lives, their quality of life, and when you have a lot of traumatized people 21 2.2 in one building, kids and staff, it's bound to be 2.3 combustible. But there's good news. We can do something about it. Research shows that staff who 24 feel supported by their organizations, who have 25

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

adequate training, who work in an organization where they do something to address these issues are less likely to develop these negative outcomes. still going to be exposed to trauma. I doubt we're ever going to see a day where there's zero violence or incidents in these kinds of facilities, but it doesn't have to inflict lasting damage on the important people who run these facilities. So, trauma-informed care is a movement that's taken hold nationwide since about 2000, and it's really-- it goes beyond just providing treatment for kids who have trauma-related issues, but it's changing the whole way that, you know, organizations operate, the way they provide services, their policies, how they manage behavior. We need everyone in these facilities to be knowledgeable about trauma, have specific skills for responding to it, and we need to make sure that nothing that we're doing adds new trauma to the lives of kids or staff or exacerbates existing trauma. So, this is a, you know, a significant shift in organizational culture and practice for most facilities across the country, and it's a process. So, the key elements of a traumainformed justice system are listed here, and again,

the one I'm really going to focus on today is number
four, staff safety and traumatic stress prevention.
And after second what my colleague said, you know,
the research shows and my experience have come to
believe that staff safety is the foundation of a
trauma-informed and safe agency. It's kind of like
when you get on airplane and they're giving emergency
instructions. The oxygen mask falls, "Parents, put
yours on first before you put it on the kid." It's
the same thing. Staff have to feel safe and
supported in order to create a safe environment for
you. So, just so you don't think this is something I
made up in my ivory tower office, this is a list of
stakeholders at the National and local level who
support trauma-informed care. It's pretty much a
who's who. Alright, so let's get to the details, the
plan. So, Commissioner Franco spoke about this. I'm
going to give you some more details. One of the thing
is really want to highlight is, you know,
consultation with leadership of these facilities on
developing organizational strategies to promote staff
wellness and increased safety , and I'm going to give
you really specific examples in a minute. Also,
TARGET. So. TARGET's the treatment for kids who have

2 symptoms of traumatic stress, but then the great 3 thing is the developer of TARGET created T4, which is designed specifically for people who aren't 4 therapists, frontline staff in juvenile justice, and we're also going to be doing target groups for 6 7 families. So, TARGET is the only trauma-informed model that's included in the US Office of Juvenile 8 Justice Delinquency Preventions Model Program Guide. It's the reason that I chose to start implementing 10 11 this when I started doing this work back in 2012, and 12 based on my experience in New York City, I still think that it's the best model available in terms of 13 14 trauma-informed care. So, these are the four steps 15 So, staff are taught, and we're going to 16 teach every staff member who interacts with kids or 17 interacts with other staff members in these facilities in these skills, and this is what I've 18 19 already trained over 500 professionals in New York 20 City in these skills. So, skills for recognizing 21 when a kid is having a trauma reaction. What are the 2.2 early warning signs? You know, it's easy to 2.3 recognize when a kid starts throwing punches, but it's a little late to intervene and de-escalate at 24 25 that point. So, we want them to catch it even

3

4

5

6

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

earlier before it even turns into violence. them very specific skills. So, this is how you deescalate. This is how you engage the youth. This is how you get them to cope. And the great thing about it is they're also skills to help staff manage their own stress reactions. You know, imagine running into a unit and seeing some, you know, big incident, you know, a big fight. Imagine your heart pumping, the adrenaline, you know, going through your veins. you're not at your A game and thinking clearly at that moment, you might run in and escalate it, unintentionally do something that makes it worse. So, these skills help staff manage down [sic] reactions so they're not reacting out of fear or anger, but reacting with best practices. And beyond the data which I'm going to share a little bit of with you in a minute, the reason I believe in this, because correctional officers at Rikers Island tell me it works. Probation officers tell me it works. Staff I've trained in other states tell me that they've been able to prevent potential riots and fights and get kids to apologize and feel safer and more effective in their jobs. And again, because we're going to be doing TARGET groups with kids.

they're going to learn these skills. Then they're
going to go out into the unit where every single
staff member knows the same skills can help remind
children about, kids about the skills and help them
practice, but then we're doing groups with parents so
that when kids return to their homes, their parents
can continue reinforcing these skills and the parents
can use them themselves. Many of these parents have
trauma histories of their own. Managing a teenager
in general is challenging, but if your kid has PTSD
it's even more so. So, the evidence. So, they
implemented TARGET plus T4 statewide in Connecticut's
juvenile detention system and found significant
reductions and used disciplinary infractions,
reduction in the use of isolations. They didn't have
to fall back on those harsh traditional punishments,
and statewide recidivism went down. When they did
this in Ohio, youth on staff aggression went down,
use of physical restraint, use of isolation,
improvements in youth mental health services,
satisfaction services received. And I want to point
out that in both of those projects they only did T4
and TARGET. They didn't do any of the extra
organizational strategies to address staff trauma

that we're going to be doing here. Now, for my own
ongoing project in New York City, preliminary data
shows that our model has led to a significant
increase in staff ratings of perceived safety within
the organization and perceived support from
leadership, which I think is exactly what we're all
talking about. And this is just a graph from the
Ohio study. So, the line on top is the unit that
didn't do trauma-informed care. They just kept doing
what they usually do. The line on the bottom is the
unit that implemented trauma-informed care. So, you
see big reductions. So, let's get real specific.
So, there are a number of potential strategies that
we can implement, and I'll detail them in a second,
but we are not our approach is never one-size-fits-
all, because every site is different. And so we
start by doing a baseline organizational assessment.
So, we're going to anonymously survey every single
staff member in the facility, using a measure that
I've developed and validated, getting ready to
publish, and it includes questions about do they feel
safe? Do they feel supported? Is their leadership
doing enough to prevent secondary trauma? There's
also place for just open comments, feedback, and

we're doing it anonymously so that, you know, people
don't have to fear retribution for giving honest
opinion. And I can tell you from past experience,
when you do that staff will be honest with you.
You'll get some real feedback, and based on those
results, we're going to figure out work with
leadership and the frontline staff to figure out
what's the best plan. So, some of the possibilities.
One that we're definitely going to do is protocol for
staff debriefing. So, when there is a violent
incident, a critical incident on site, that has the
potential to inflict lasting harm on staff and kids.
It's not just going to be about, you know, incident
reports or the justice center investigation or, you
know, liability. It's going to be, "Is everyone
okay?" We're going to check in with each other.
We're not going to be pointing figures, "Who's fault
is this?" because these incidents happen, but it's
going to be coming together to make sure staff have
the support that they need. We're also you know,
another possibility is implementing staff forums.
So, giving a regular space for the frontline staff to
share their concerns, security issues, other ideas
for making the facility better. Because I'll tell

2	you, I've talk to hundreds of frontline staff across
3	the country. They have brilliant ideas about what
4	needs to change, and we need to give them a voice.
5	And when, you know, one of the tenants of trauma-
6	informed care is voice and choice, not just for the
7	kids. Staff need to feel like they have voice and
8	choice and influencing how the environment they work
9	in is shaped. We also can train supervisors to
10	address staff stress and wellness in team meetings or
11	supervision. You know, I'm a psychologist and we
12	talk about our feelings all the time. It's normal for
13	us, but in the justice system it's not the norm to
14	get into your stressors and things like that in
15	supervision, but it's needed because it's one of the
16	most difficult jobs there is. On-site peer support
17	groups is another possibility, something I've done
18	with agencies I've worked with. Also, continuing ed.
19	workshops, you know, teaching additional skills and
20	supports, staff wellness, their ability to manage
21	stress with stress management, mindfulness,
22	meditation, yoga, training on, you know, working with
23	youth with mental health issues. But then those
24	are a lot of those things are preventative, but
25	there are going to be staff who go on to develop

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

symptoms of post-traumatic stress, and we can't just let them flounder. We have to do something about it. SO, you know, my team has been pulling together. We've been vetting every New York City mental health center that we can to find out who are the people who really have expertise in treating PTSD. We don't want to just give staff a long list of numbers of random therapists. We want to send them to the best of the best because they deserve it. And last, you know, this may sound like a small thing, but recognizing staff successes, because staff in these centers, they only get publicized when there's something in the New York Post or on the night news. No one ever talks about the kid who sends them a wedding invitation years later because that staff meant so much to them. It's one of the reason-- and staff, they care about these kids and they beat themselves up when something bad happens. I can tell you personally. So, we need to recognize them for the good work that they do. We need to support them because I got to tell you, I'm a former juvenile offender. I didn't get into this business to help juvenile justice staff, but they longer I do this work, the more I truly believe unless we do right by

them, we're never going to do right by our kids.

3

1

Thank you very much.

4

and I'm glad that you ended with staff successes

CHAIRPERSON CABRERA: Thank you so much,

5

because last year we had the opportunity to honor in 6

7

both detention centers the staff, and it was really

over the top. The accolades and the presentation,

8

when I walked in I was really, really pleased, and we

10

have citations to all of the staff, and I agree with

11

you. Who don't-- who does not want to be affirmed?

12

That what you're doing makes a difference.

13

at the end of the day we all want to feel like we're

14

making a difference. I have a quick question

15

regarding two things. Your graph, the tick [sic]

increases safety in juvenile justice facility.

16 17

noticed when you see the graph, they were both going

18

up. You introduced the trauma-informed tick program

19

and then it went down, but I noticed the control

20

group started going down as well, and then both

21

started going up at the same time. Was there an

2.2

incident in the facility that contributed to that?

2.3

Though, it's a success to be able to say you have

24

seven versus, already mentioned, 18. So how do you

25

control for that?

1

2 CHRISTOPHER BRANSON: So, this was an 3 Ohio study. It wasn't one that I was involved in, 4 but I know the investigator very well. She's a close 5 colleague of mine. So, my understanding is number one, when they decided -- the reason they actually 6 7 implemented this was because the state was being sued because a child unfortunately died in one of their 8 facilities, and they were facing a challenge of an increasingly complex population. So, Commissioner 10 11 Franco was talking about that. It's something we see in juvenile and adult prisons across the country, 12 13 more and more mental health issues compared to the 14 past partially because our system, mental health 15 system, is not adequate. And so, you know, at the 16 time they implemented this they were starting to get a more complex population, but the actual, the uptick 17 18 in the beginning for, you know, trauma-informed 19 doesn't surprise me, because it's, you know-- there's 20 a steep learning curve, and it's a big shift, and not 21 everyone buys in right away. You know, I can tell 2.2 you when I went to Rikers Island, you know, I 2.3 wouldn't say the majority were buying what I was selling the first time I spoke to them, but when they 24

saw some of their coworkers used it and it worked,

That's reasonable in any organization. My other

1

\_

3

4

5

6

7

8

5

10

11 12

13

14

15

16

17

18 19

20

21

22

23

24

25

question was related to you mentioned that you do an organization assessment, which I think is brilliant, but is there an ongoing— and that's why I was looking at that graph, that a year later is there a need to do another organization assessment because things do change. Staff change. Leadership changes. So, if you do that, and how do you go about doing that?

CHRISTOPHER BRANSON: Absolutely. with all the work that I do, you know, we collect data to evaluate the outcomes because I need to know that this works. I don't want to do it because it sounds good to me, but if it doesn't actually improve the lives of these kids and these staff, then I don't want to waste any more time. So, we're going to be-as part of the grant that funds this project, we had to write a detailed evaluation plan. We're going to be collecting data at multiple points. We are going to re-administer the organizational assessment surveys. We're also going to be looking at facility data, PBS data, measuring youth symptoms. So we have multiple indicators. Absolutely, because for me this has to stick, you know? And you can't just train everyone and then leave and hope for the best.

when 9/11. I was involved with Flight 587.

2

3

4

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

biggest lesson I learned, 587 when it went down-- I was there for 12 hours dealing with the families. I remember getting to my car with my wife, and my wife asked me, "How did it go?" And I was getting ready to say something, and I just started crying, just uncontrollably. And the next day, you know, I talked to my colleagues and to the supervisor and the Red Cross. He goes, "Oh, we forgot to do something." I said, "What was that?" And he goes, "We forgot to de-brief and talk about our experience." That was an invaluable lesson for me. The next day we were at the Javis [sic] Center. We went through the process. I walked out, and I remember saying, "I'm okay." And imagine all the staff that are there literally every single day dealing with, you know, critical incidents that are-- we think is in a kind of controlled environment, but it's, you know, the anxieties, the fear factor that we're dealing with. So, I'm very, very happy to hear. Now, question for both of you, and I'll close with this for this panel, is what do you see as the most important step that we need to take moving forward at this point?

JAMES DAVIS: With this, I think we're just going to do ongoing team meetings, team unit

2.2

management where the units stay together and cut down
on movements of kids, keeping kids in the same unit,
keeping staff together. I think that will carry it
forward, and part of the team meeting, to have a
weekly team meeting, part of that is the de-briefing
and taking care of each other and talking about what
happened, how did that how was that incident
handled. And not just the ones that we handled
wrong, the ones we handled well, because there's too
much focus on just the ones we don't handle, but the
ones we handled well, and we'll talk about those.
Some people say, "Well, that's the practice [sic]
we're looking for."

CHAIRPERSON CABRERA: Very good.

CHRISTOPHER BRANSON: And for my part,

I'd actually say I think the organizational

assessment, because I can't-- you know, again, I'm an

outsider, and the staff, I need them to tell me what

they need, how they[re doing, what kind of supports

are working, what's not working. You know, otherwise,

I'd just be offering an educated guess, and I really

believe you have to listen before you act.

CHAIRPERSON CABRERA: Very good. Thank you both of you for your service and for the impact

## COMMITTEE ON JUVENILE JUSTICE

2.2

2.3

2 that you're making, and you will be making. Thank
3 you so much.

CHRISTOPHER BRANSON: Thanks for the opportunity.

CHAIRPERSON CABRERA: With that we have our next panel: Christine Bella and Nancy Ginsburg from the Legal Aid Society. Welcome, ladies. You may begin as soon as you're ready. I think the microphone is off. No, it's off. Try it now.

CHRISTINE BELLA: How about now?

CHAIRPERSON CABRERA: There you go.

CHRISTINE BELLA: Yeah, I can hear the difference. Thanks. So, good morning. My name is Christine Bella. I'm an attorney with the Legal Aid Society's Juvenile Rights Practice, and I'm here with Nancy Ginsburg who is the Director of the Adolescent Intervention and Diversion Project in the Criminal Defense Practice of the Legal Aid Society. So, we thank you, Chair Cabrera and the Committee for holding this hearing about the important topic of violence in the secure detention facilities and the need for greater oversight. So, this is especially important now and emergent because of in light of the City's plans to remove all the 16 and 17-year-olds

2

3

4

6

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

from Rikers Island as well as the state's eminent plans to raise the age of criminal responsibility for some 16 and 17-year-olds in New York City. So, we must address the problems with violence in the secure facilities now. Our testimony is informed by daily contacts that we have with detained youth, our clients, their families, ACS, DYFJ officials, and staff at the facilities. In our testimony today, you have our written testimony, but we'd like to speak about and emphasize the root causes that may be driving the violent incidents that you've heard about in secure detention both by youth and by staff. violence in secure facilities presents in many different ways to youth. So, we have to also consider what youth tell us. So, youth complain of physical and mechanical restraints. characterize incidents that could be described as excessive force by staff and assaults by staff. also describe assaults by other youth. So, we have to look at violent incidents across many different measures. So, our clients also report that even when staff are aware of a threat by youth, say another youth, they sometimes fail to intercede, and that would lead to further conflict. We have heard from

2 youth sometimes that staff may instigate conflicts 3 which leads to violence. So, all of-- we say all of 4 that because we really need to look across the board, 5 not just at the youth who I understand may be responsible for some of the violence in the 6 7 facilities, but really let's look at the root causes. Let's look at what is driving the incidents and let's 8 look at what we can do for both you and staff in the facilities. The prior panel really, I think, echoed 10 11 what we believe is critically important, is providing this trauma-informed care, and that trauma-informed 12 13 care must be presented to both youth and staff as 14 well. So, we know that effective training and 15 supervision and trauma-informed care are necessary tools for the successful management of these 16 17 facilities, and we urge ACS to continue its efforts 18 in that regard. We want to see staff better able to 19 de-escalate conflicts and violent incidents. We want 20 to see staff better able to respond with behavioral 21 interventions and modifications, and we also want to 2.2 see collaborative responses with mental health, and 2.3 we want to see restorative practices and interventions. We prefer that to having our clients, 24 young people arrested in facilities which often may 25

2	be a consequence of some of the incidents that you've
3	heard about. So, in addition to reports from youth
4	and staff, the scope of violence can also be measured
5	by the data. You heard a lot about the data today, so
6	we won't go on about that, but the data can help
7	identify trends that occur at the facilities, such as
8	evaluating where and when violent incidents occur and
9	which staff are involved and which youth are
10	involved, and sort of drilling down on the data.
11	These trends can allow management to discern among
12	other things a need to re-evaluate the level of
13	staffing. Do they need an increase in staffing? We
14	suggest they do. Do they need increase in
15	supervision and programming? We suggest they do, and
16	all that in an effort to provide youth with a safer
17	environment and also to keep youth occupied during
18	their detention. So, a lot of what we talked about
19	earlier really focused on the consequences for
20	violent incidents as they pertain to youth. But we,
21	again, want to talk about the root causes. So,
22	restraints. Mechanical and physical restraints do
23	occur in detention, and it's well-recognized that
24	these restraints come with inherent risks, risks such
25	as exposure to trauma, physical injury and even death

70

We

2 in facilities. So, it's important that we look at the needs of the youth that are exposed to this 3 4 violence. We find now that the needs of detained 5 youth are greater than those in the general public. We've heard about that extensively again from the 6 7 Commissioner, Deputy Commissioner this morning. know that mental health needs of youth in detention 8 are significant. What we also know is that these socalled aggressive kids do not present with just oen 10 11 single need, but research tells us that these youth are dealing with a host of other problems which 12 13 include mental health needs and educational needs and 14 exposure to trauma. We also acknowledge that the 15 staff, as we heard from Doctor Branson, also come to the job with similar needs. They come to the job 16 17 from similar communities. The communities that we 18 know that drive admissions to detention such as 19 Bedford-Stuyvesant, East New York, Harlem, the South 20 Bronx, and the Rockaway. These neighborhoods share 21 significant problems of poverty, inadequate services, to meet the high needs of its resident's low-2.2 2.3 performing schools at times and higher than average rates of health, mental health issues and violence, 24

and that instability also exposes you to trauma.

2 also want to emphasize the need for oversight. 3 while it's important that ACS provide training, increased its staff, increased its programming, and 4 provide supports for both its staff and the youth in 5 the facilities, we see a need for oversight in the 6 7 facilities, and independent oversight. The City has 8 developed a more therapeutic approach, certainly, and we are very encouraged by that, but no system no matter how well intentioned is immune from problems. 10 11 So, what we would like to see is independent 12 oversight that would shine a light on the serious 13 problems, but also give a voice to youth and staff. 14 As Doctor Branson said, give both staff and youth a 15 voice and choice in the governance within the 16 facilities, and independent oversight would provide that opportunity. Incarcerated youth are often 17 18 socially isolated and unaware of their rights and 19 unable to effectively assert them. We know that from 20 our experience that they don't tend to report abuses, 21 and often accept abusive treatment as a norm in a 2.2 particular facility. They live under rigidly 2.3 controlled environments that allow only limited and highly supervised contact with the outside world, 24 thus leading to further reluctance for them to 25

1 2 They do not utilize the Resident Advocate 3 Program we know, which is one avenue for them to 4 report abuses within the facilities, as the resident advocates are a staff of ACS DYFJ, and are embedded in the facilities, and in the view of youth, too 6 close to other staff. So, while ACS is subject to 8 oversight from certain governmental agencies including the Council and OCFS as well as the Justice Center, we think independent oversight would provide 10 11 sort of more broader look at the problems within the 12 facilities, and also more transparency. Effective 13 oversight would include as essential elements the 14 following: independence, unfettered and confidential 15 access to staffing and resources, additional staffing, the power and the duty to support findings 16 17 and recommendations for the public, so not just being 18 able to evaluate the problem which many of these 19 internal governmental agencies do, but also to report 20 out for transparency purposes to the public. And we think a multifaceted approach to evaluating the 21 2.2 treatment of youth would provide for better outcomes 2.3 for safer and more humane conditions. So, just a few recommendations that we want to call from the 24

testimony that we've provided you the written

would like to see the development and implementation

of a multi-disciplinary oversight body. Nancy has

3 more to add.

1

4

5

6

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

NANCY GINSBURG: I'd just like to-- [of I'd just like to address the address the micl. issues that came up earlier about the increase and the percentage of juvenile offenders, and I would like to emphasize that despite the fact that those kids are charged by definition with more serious crimes, they are not necessarily violent in the facilities. And what we-- what we do see is that the juvenile offenders, the youth, the four-- mostly 14 and 15-year-olds who are charged with violent felonies in Supreme Court, their cases last much longer, and they spend much longer periods of time in secure detention waiting for their cases to win through the court system. And this can be very, very stressful for these kids and for their families, and often what happens is that they will receive family visits and their family will dump their anxiety on the child, and then the child walks back into the facility with that increased anxiety, and mostly what we see is when the kids act out behaviorally it masks tremendous sadness, depression, and anxiety that they do not have the tools to

25

2 manage, and I could not really agree with Dr. Branson 3 more that it is very difficult to manage a group of 4 kids trying to manage this kind of, this set of issues without the tools to do that when you as the adult do not have the tools to help those kids. 6 so we do credit ACS. We-- since Bellevue has gone 8 into the facilities we have seen a tremendous uptick in true identification of the kids' mental health diagnoses and true treatment, and we believe that 10 that has contributed to a much better environment. 11 There's much more coordination of treatment between 12 13 the treatment providers and the frontline staff, but 14 I could also not agree with Doctor Branson more that 15 this is an incredibly stressful environment, both for 16 the teenagers in that building and the adults, and 17 the adults need a lot of support, and they need not 18 to be working double shifts constantly. You can't be 19 exhausted when you're going into those facilities. 20 They usually go home to their own children and have 21 to deal with the problems and the issues that their 2.2 own families have, and then they come back and all of 2.3 the trauma from their own life comes in and it gets compounded in that building. And we have seen staff 24 really, really work for our kids, really, advocate

2

3

4

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

for our kids, try to help them manage the issues that they're dealing with. We have also seen staff struggle, and there needs to be supports for those staff who are struggling to try to raise their level of competency so that they can address the needs of those kids. As far as what Doctor Branson was talking about about the Rikers reform, I can say I sit on the Adolescent Reform Advisory Board, and we have seen, I would have to say, remarkable advancements in the adolescent building on Rikers Island, and it is true that there was a lot of resistance in the beginning, but ACS actually has taken part in that process and DOC has adopted many of the practices that they are using in secure detention to the staff benefit and to the youth's benefit. And so this is a very complicated area where I think many, many jurisdictiosn are struggling with this because of the level of need among these populatiosn and within the neighborhood that feed the court system, and so until we can really address the percentage of neglect and abuse that these kids are exposed to, the violence in their neighborhoods, the violence in their homes, the issues of lack of services and lack of identification of their issues prior to detention, we're never going

•

to make real progress, and I think that we are certainly getting there, but there's a lot of work to be done. There's a lot of work to be done in their communities so that they can be connected with services prior to arrest, hopefully preventing arrest, and hopefully at some point we will see fewer and fewer kids end up in detention, and the kids who do end up there will come in as a healthier group overall.

much and thank you so much for what you do for young people. I have a few questions. You mentioned too that we need more staff, but what I hear from the other side is that since the population has greatly decreased that we have more than enough staff. So, how do-- since we have less kids now, the ratio between staff and student has become smaller and become more manageable. Did you mean to say that we have a need-- rather than more staff, but better trained staff?

CHRISTINE BELLA: I really think it's both. I think that there are certain kids, and we've certainly seen this on Rikers as they've moved through this reform, there are certain kids in the

from the detention facilities that people just don't

\_

clock in, and then other staff members have to cover for them. And so, it's more of a staff management, and I-- we do believe that if services are enhanced for staff and they receive more support and better training that you are less likely to see that phenomenon. It's not so much an overall number of staff that are going into these buildings. It's who actually show up and who's available for the kids and for each other as supports to the staff.

CHAIRPERSON CABRERA: Alright. I also heard about having more mental health services. Can you be a little bit more specific because right now I thought we had like the best of the best, not only in mental health but also recreational activities, I mean, the overall plethora of services that they're getting, and from the best. I mean, we-- you have Carnegie Hall from Bellevue, NYU. We have the best legal services. I mean, so I'm just curious to know what else do we need.

NANCY GINSBURG: I can just speak to programming, and one of the consistent complaints that we get is that not all programming is available to all youth. So there may be difficulties between youth on a particular unit, and so certain youth can

CHAIRPERSON CABRERA: [interposing] But they can't because--

2.2

2.3

NANCY GINSBURG: It may— it may because there is conflict between youth that needs to be addressed, and the same for even school programming, whether a kid may be brought to school or not. So, while those are— you know, there certainly are challenges in managing youth that are in conflict with each other, which is why we need sort of this collaborative approach with mental health and we need behavioral interventions and we need restorative practice to resolve that conflict. Not all programming is available to all youth to keep all youth occupied in a constructive way. So, it may not be necessarily bringing in additional programming, but making sure that all programming is available to all youth.

CHAIRPERSON CABRERA: Okay, that makes sense. We've been joined by Council Member Barron. Council Member Perkins has a question.

COUNCIL MEMBER PERKINS: So, significant in this testimony is that race matters significantly,

2.2

2.3

and but it doesn't respond to that racism that's-- it acknowledges it but it doesn't respond to it. Do you understand what I'm trying to say? We point out that the city's jails are almost exclusively poor African-American or Latino experienced in trauma, significant social issues beyond poverty and etcetera, and they-you identified the communities for the most part, Brownsville, etcetera, that they come from. So, if racism is kind of evident in this, how do we deal--how do you res-- what are you saying you should do?

NANCY GINSBURG: Well, I mean, I would suggest that racism exists, you know, across the board which is leading to and driving to the disproportionate minority contact between youth and police, youth and the courts, and then youth that are being then directed to detention. So, this is a much bigger challenge. What we're seeing is— and I think we— these numbers are significant, and each and every time we testify we try to make sure that the Council understands who we're talking about and who these youth are. They have come from the same five, ten zip codes in New York City, from the same communities. So, certainly culturally competent services are important to the training for staff, but

\_

what we want to make the point also that the staff come from the same communities. So, it's not as if we're suggesting that the staff are acting in a manner that's racist towards the youth, but there are racial factors that are certainly driving the number who is admitted to these facilities.

COUNCIL MEMBER PERKINS: I guess my concern is I consider youth the victims of something called racism, and so I'm not judging the staff, because they're just fortunately employed, and hopefully committed to the concerns that we all have, but it's sort of missing a point if you don't look at what's driving this population into prisons.

NANCY GINSBURG: Absolutely.

## COUNCIL MEMBER PERKINS:

Disproportionately almost exclusively compared to other communities. So where do we take this when we recognize that it's something bigger than the neighborhood?

NANCY GINSBURG: Well, I think that if there were anywhere close to sufficient services in the communities where they live, starting from birth, kids would be identified earlier, they would probably not develop the same trajectory of issues that they

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

develop as they age into teenage -- into their teenage So, what we see often when we, let's say, and take a 15-year-old in Supreme Court. We see a child who's been struggling in school since he entered school in Kindergarten. We see a child who is not necessarily identified appropriately with learning disabilities. They're often over identified as having emotional disturbance, and even when they're identified with emotional disturbance, they don't receive appropriate mental health care to address that emotional disturbance. There is not -- there are not enough services for children with true learning disabilities, and the children who do have true learning disabilities at a young age become more and more frustrated as they move through the grades, and they start to act out as they get older. And often what we see are kids who started as being diagnosed with learning disabilities who are now being labeled as emotionally disturbed because based on the fact that they're acting out because they failed to receive services to address their learning disabilities. They often come from families with generational histories of mental illness that has either gone unidentified or untreated. The level of

1

3

4

6

7

8

10

11 12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

mental health service in many of these neighborhoods is beyond subpar. There are long, long waiting lists for parents, for siblings and for these kids to access services. So, if you can solve that, that would be great.

CHRISTINE BELLA: Right, and you know-and certainly, you know, the backdrop to that is the youth live in more heavily policed communities. Their schools are policed. Their communities are policed. So for some normative behavior, some of the behavior we might see in Family Court less than in Supreme Court, we'll see a police or law enforcement response, consequences, consequences, not so much what's going on at home, what's going on with you. What's driving this, some of this normative adolescent acting-out behaviors? And we need to, you know, not criminalize youth.

NANCY GINSBURG: And our position really isn't that there shouldn't be consequences, because all kids need to learn that there are consequences to their behavior and they need to learn to modify that behavior, but if you don't address the reasons why they're getting into those issues, consequences never will solve the problem.

## COMMITTEE ON JUVENILE JUSTICE

2.2

2.3

COUNCIL MEMBER PERKINS: The

consequences— the easiest thing that we do is teach them consequences. We put them in jail for life, or we might as well put them in jail for life, because once they go, they're crippled for life in many respects. But they're not the— the consequences should not— they should not be the ones to bear the consequences. It should be those who create—

NANCY GINSBURG: [interposing]
Circumstances.

COUNCIL MEMBER PERKINS: the circumstances, the environmental circumstances, the lifestyle circumstances. So, we're blaming the victim is what I'm saying, I guess, and we need to face that and recognize where do we get beyond them and get to what we're doing wrong systemically, racially, but our prejudices that subject them to this inevitable consequence.

CHRISTINE BELLA: Right, and what you're talking, largely-- you know, when you're talking about creating preventive measures, preventive measures that keep young people from coming into contact with what we perceive to be racist institutions where they're disproportionately

to eight neighborhoods feed the system is a

Thank you, Mr.

2

3

4

5

6

7

8

10

11

12

1314

15

16

17

1819

20

21

22

23

24

25

demonstration that children in other neighborhoods that are better resourced are being prevented.

COUNCIL MEMBER BARRON:

Chair, and thank you for the panel coming and sharing their thoughts on this matter. I just wanted to briefly echo the comments made by my colleague, Council Member Perkins, and that it's a system which is a manifestation of the racism that's embedded and the policies that continue to feed into a system where our children are incarcerated and in a perpetual motion of being in the system and providing that for the system, and until we address the conditions in the neighborhoods before children get into that, we've got to look to see what we're going to do in the system. the Chair did arrange for some tours, and I did go to Crossroads and Horizon and had a chance to talk with children, and my first love and my first profession is as a teacher, and until we address the educational inadequacies that the system has forced on children and puts them in the situation where they're not at all prepared to read on a basic level or to comprehend and to dialogue and to debate and discuss, and until we give them the opportunities that will allow them to function either in a standard

## COMMITTEE ON JUVENILE JUSTICE

2.2

2.3

business or in their own entrepreneurial pursuits, we're going to continue to see this. So, I think it's more than just the education piece. It's a compilation of all of those measures that have to come together and perhaps we need to assign a definitive number of hours of education and a definitive number of counseling and make sure that our students who are in the system get those services that they need so that they—once they get out of the system they don't come back, because the recidivism rate is very high. So, I just want to thank you for coming in for your presentation.

NANCY GINSBURG: Thank you.

CHRISTINE BELLA: Thank you for your work.

COUNCIL MEMBER BARRON: Thank you, Mr. Chair.

CHAIRPERSON CABRERA: I want to thank my colleagues for staying all the way to the end, and I want to thank you for coming and for all the other panelists. I thought today was very informative and very helpful, and we're going to take appropriate next steps forward. Thank you so much. Have a wonderful day.

1	COMMI	TTEE ON JUVEN	ILE JUSTICE		89
2	CHRI	ISTINE BELLA:	Thank you.	You, too	
3	[gav	vel]			
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					

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



Date October 4, 2017