

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON JUVENILE JUSTICE

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April 21, 2010  
Start: 10:03 am  
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HELD AT: Council Chambers  
City Hall

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

COUNCIL MEMBERS:  
Maria del Carmen Arroyo

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

Laurence Busching  
Executive Deputy Commissioner  
Division of Youth and Family Justice  
Administration for Children's Services

Chris Fisher  
Assistant Commissioner of Strategic Planning  
Department of Juvenile Justice

DeAvery Irons  
Acting Director  
Correctional Association of New York

Jennifer Marino Rojas  
Deputy Director  
Children's Defense Fund - New York

Stephanie Gendell  
Associate Executive Director  
Citizens' Committee for Children

Charisa Smith  
Coordinator  
NYC Task Force on Racial Disparity

SERGEANT-AT-ARMS: Quiet, please.

CHAIRPERSON GONZALEZ: [Off mic].

Good morning. This is a Juvenile Justice Committee hearing and today it's April 21st, 2010. Good morning ladies and gentlemen, welcome to today's Juvenile Justice Committee hearing. My name is Sara M. Gonzalez and I am the Chair of the Juvenile Justice Committee. I would like to thank all of you for being here today.

Today we will be considering three pieces of legislation that I am sponsoring. The first is Introduction 37, a Local Law to amend the Administrative Code in relation to requiring the Commissioner of the Department of Juvenile Justice to report on census data in order to have a better understanding about the youth that are detained in the city's detention facilities. Intro number 37 requires Department of Juvenile Justice to annually report on a number of specific indicators. The bill requires DJJ to post a report on the Department's website containing the total number of admissions in the previous fiscal year, that's a great--I'm sorry, I have [off mic], okay--by the following indicators: Age, gender,

1  
2 race, ethnicity, and zip code of residence,  
3 precinct of arrests, and charged offense. All of  
4 the data is required to be further desigrated--  
5 this is spelled, I don't know if it's spelled  
6 wrong.

7 FEMALE VOICE: Disaggregated.

8 CHAIRPERSON GONZALEZ:

9 Disaggregated, excuse me, by secure detention  
10 facilities and non-secure detention facilities.

11 The second bill is Introduction 153  
12 of 2010, a Local Law to amend the Administrative  
13 Code of City of New York in relation to requiring  
14 the Commissioner of Department of Juvenile Justice  
15 to regularly report data concerning department's  
16 use of physical restraint, mechanical restraint,  
17 and room confinement, injuries to children,  
18 allegations of child abuse and neglect.

19 The committee is concerned with the  
20 safety and well-being of the youth placed in  
21 Department of Juvenile Justice detention  
22 facilities. In an effort to provide better  
23 oversight of the facilities, Intro number 153  
24 requires Department of Juvenile Justice to report  
25 on a quarterly basis information concerning safety

1  
2 indicators for each Department of Juvenile Justice  
3 detention facility. Specifically, Intro number  
4 153 requires that DJJ report on its website  
5 information concerning the use of physical  
6 restraint by the Department of--

7 [background noise]

8 CHAIRPERSON GONZALEZ: --of  
9 children, physical injuries or impairment to  
10 children as a result of the use of physical  
11 restraint, use of mechanical restraint by staff on  
12 children, physical injuries or impairment to  
13 children as a result of the use of mechanical  
14 restraint, fights and altercations between  
15 children, physical injuries or impairment to  
16 children as a result of fights with other  
17 children, physical injuries or impairment to  
18 children resulting from any other means not  
19 previously mentioned, and the number of children  
20 ordered into room confinement. In addition to the  
21 indicators I mentioned, Intro number 153 also  
22 requires Department of Juvenile Justice to post  
23 information concerning the number of allegations  
24 of abuse and neglect.

25 The third piece of legislation is a

1  
2 Preconsidered resolution cosponsored by Council  
3 Member Brad Lander, I'd like to thank him for  
4 that. The Preconsidered resolution calls upon the  
5 New York State legislature and Governor Paterson  
6 to develop a more equitable method of billing New  
7 York City for placement of its youth in state-run  
8 facilities in order to allow the City to reinvest  
9 monies into alternative-to-placement programs.

10 In recent years, there has been a  
11 sharp decline in the number of city youth placed  
12 in Office of Children and Family Services-run  
13 facilities. However, despite this drastic  
14 decline, New York City's annual payments to New  
15 York State have continued to rise. The state  
16 ought to develop a more equitable means of billing  
17 New York City so that we can reinvest the savings  
18 in alternative-to-placement programs which have  
19 numerous advantages over Office of Children and  
20 Family Service facilities.

21 Alternative-to-placement programs  
22 are shown to have a lower rate of recidivism than  
23 those youth who are placed in state placement,  
24 provide youth with better access to treatment and  
25 rehabilitative services, allow youth to remain in

1  
2 the communities while they are receiving  
3 rehabilitative treatment, and costs much less than  
4 placing a youth in Office of Children and Family  
5 Services.

6 As children are still developing,  
7 they have a tendency to deviate from their  
8 characters and at times make poor choices that  
9 often result in their involvement in the juvenile  
10 justice system. I am committed to making sure  
11 that while they are detained they are kept safe  
12 and treated well. The bills that we consider  
13 today make it easier for us to know what is going  
14 on with Department of Juvenile Justice.

15 I'd like to welcome Laurence  
16 Busching, Executive Deputy Commissioner for the  
17 Division of Youth and Family Justice, welcome,  
18 from ACS.

19 LAURENCE BUSCHING: Good morning,  
20 Chair Gonzalez.

21 CHAIRPERSON GONZALEZ: Good  
22 morning, and we also have with us Chris Fisher of  
23 the Department of Juvenile Justice [off mic].

24 CHRIS FISHER: Good morning.

25 CHAIRPERSON GONZALEZ: Okay. What

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2 do I got--yes.

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LAURENCE BUSCHING: Good morning, Chair Gonzalez and Members of the Juvenile Justice Committee. As the Chair noted, I am Laurence Busching, Executive Deputy Commissioner of the Division of Youth and Family Justice at the Administration for Children's Services. Joining me is Christopher Fisher, Assistant Commissioner of Strategic Planning at the Department of Juvenile Justice. We thank you for this opportunity to speak about the proposed bills on juvenile justice data reporting.

First I would like to say thank you to the Committee and particularly you, Chair Gonzalez, for the warm welcome you have given me. I have been at Children's Services for six weeks now and we've made a lot of progress. We continue to believe that the merger of DJJ and ACS presents a unique opportunity for the young people and families we serve, as well as our stakeholders, communities, and our staff. We will make every effort to keep the Committee informed of our plans, and will seek to partner with the Committee whenever possible to ensure that this transition

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proceeds as smoothly as possible.

Currently, information about the care of juveniles is published annually in the Preliminary Mayor's Management Report and the Mayor's Management Report, otherwise known as the MMR. An extended set of indicators is published monthly and quarterly in the web-based Citywide Performance Reporting System. Each of these reports is available to the public.

Several significant indicators are outlined each year in the MMR, such as total admissions to detention, average daily population in secure and non-secure detention, and average length of stay in detention. There is also important information about incidents in detention. For example, the MMR includes indicators on youth on youth assaults and altercations with injury in detention, youth on staff assaults and altercations with injury in detention, and child abuse and neglect rates.

Detention data is reviewed continuously and thoroughly at DJJ. At monthly GOALS meetings, DJJ senior staff from the secure detention facilities and non-secure detention

1 facilities operated by DJJ review performance data  
2 and discuss emerging trends. Similarly,  
3 Children's Services reviews child welfare data and  
4 active cases at weekly ChildStat meetings. As we  
5 merge the juvenile justice and child welfare  
6 systems, these meetings will help us to closely  
7 monitor practice and discern where we can do  
8 better for the children and families we serve.  
9

10 Children's Services fully supports  
11 the public dissemination of information that will  
12 illustrate the quality of care that youth in the  
13 City's juvenile detention centers receive. We are  
14 happy to provide juvenile detention performance  
15 data to the Committee, as DJJ has done in the  
16 past. We also support the intent of both pieces  
17 of legislation being discussed today, as we  
18 believe that it is important to make information  
19 available to the public on the youth who are in  
20 detention and the quality of care that they  
21 receive. It is important to note, however, that  
22 as we move forward with the integration of DJJ and  
23 ACS, we will be revisiting all policies and  
24 procedures that govern DJJ performance data and  
25 will modify or enhance these policies as needed.

1  
2 As we do so, we hope to receive the input from the  
3 Committee and other stakeholders on what  
4 information is most critical to help us ensure  
5 that we meet our juvenile justice reform goals.

6 One of these review processes  
7 includes a look at the Department's protocols for  
8 reporting abuse and neglect allegations to the  
9 State Central Registry. As you may know, direct  
10 child care staff in the City's secure and non-  
11 secure juvenile detention facilities are mandated  
12 reporters and they are required to report  
13 instances of abuse and neglect whenever they see  
14 it, whether it is a one-time occurrence or  
15 ongoing. As part of a preliminary review of this  
16 process, we have determined that a more thorough  
17 review has to be undertaken to create a process  
18 that ensures that instances of abuse and neglect  
19 are immediately reported to the SCR and that  
20 issues that require the attention of agency  
21 executives are highlighted and addressed. We also  
22 need to ensure that the process is a fair one in  
23 keeping with the terms and intent of the statute  
24 and the need to run orderly and stable operations  
25 in facilities.

1  
2           Once we have reviewed the abuse and  
3 neglect reporting process, I believe we will be in  
4 a better position to provide more useful  
5 information about child abuse and neglect rates in  
6 the City's detention facilities. This does not  
7 mean that the rate of substantiated reports is  
8 high, in fact, it currently stands around 8%. We  
9 simply believe that a second look at this process  
10 can highlight ways to improve the quality of care  
11 that youth receive and at the same time present a  
12 clearer picture of the presence of abuse and  
13 neglect in juvenile detention.

14           We are also working on developing a  
15 new data system that will centralize how juvenile  
16 justice data is recorded and produced. The  
17 implementation of this system will greatly affect  
18 our ability to provide detailed, validated  
19 information about the functioning of the City's  
20 juvenile detention system. Our goal moving  
21 forward is to make juvenile justice statistics  
22 available as part of ACS's publicly distributed  
23 performance data reports.

24           At the Department's Preliminary  
25 Budget Hearing on March 9th, 2010, we told the

1  
2 committee that the functional review of DJJ  
3 divisions has been completed. We are now working  
4 to fully begin integrating the administrative  
5 functions of DJJ and will meet our June 30th,  
6 2010, deadline.

7           On April 16th, we held the first  
8 meeting of our Advisory Board. The board is made  
9 up of almost 40 prominent representatives from  
10 leading national juvenile justice reform  
11 organizations, labor, advocates, government  
12 agencies, the City Council, and the community.  
13 The board heard presentations and reviewed  
14 statistics on the work of the division and offered  
15 bold and constructive suggestions on how we can  
16 best advance our work. I would like to thank  
17 Chair Gonzalez for agreeing to participate on the  
18 board as well.

19           In addition, we are developing a  
20 workgroup made up of staff throughout the Division  
21 of Youth and Family Justice to help us formally  
22 shape and define our mission, values, and vision.  
23 Input from the external advisory board and the  
24 internal workgroup will help us to develop our  
25 strategic plan and help us move forward in our

1  
2 efforts to integrate the City's juvenile justice  
3 and child welfare systems with the goal of  
4 strengthening outcomes for court-involved youth.

5 I would like to close by saying  
6 that it is through partnerships with all of our  
7 stakeholders that we will succeed in building upon  
8 our juvenile justice system--

9 CHAIRPERSON GONZALEZ: It's okay.

10 LAURENCE BUSCHING: --and  
11 strengthening our work to decrease recidivism and  
12 provide the best possible care for court-involved  
13 youth. We have received a tremendous amount of  
14 support from our partners and this makes the  
15 challenges ahead more manageable. The Council's  
16 Juvenile Justice Committee continues to be a  
17 critical partner, as well.

18 I would like to take this  
19 opportunity to thank Chair Gonzalez and the rest  
20 of the Committee for passing a resolution urging  
21 the state to create a more equitable funding  
22 structure for detention. By reducing the amount  
23 of money that New York City spends on  
24 underutilized juvenile placements, we will be able  
25 to invest more in community-based alternatives

1  
2 here in New York City. I believe that with the  
3 continued support of the Committee and all of our  
4 stakeholders we will enhance the care and  
5 treatment the young people involved in the  
6 juvenile justice receive. I'm happy to take your  
7 questions at this time.

8 CHAIRPERSON GONZALEZ: Thank you,  
9 Deputy Commissioner. Before I move on, I just  
10 want to bank to my right, Lisette Camilo, she's  
11 our legal counsel to the Committee, and also to  
12 her right is Esha Wright [phonetic], who is the  
13 Finance and Budget Person who we can't do without.  
14 And to my left is William Hongach who's the Policy  
15 Analyst. I would like to thank them for all the  
16 work they do.

17 Okay. I have a few questions.  
18 First of all, I do want to thank you, because I  
19 know that, though this is so fairly new this  
20 merger and as we move along, change is difficult  
21 and I know that partnering is the way to move even  
22 though sometimes we may not always agree on  
23 everything, okay? So does the department  
24 presently record indicators outlined in Intro 37  
25 on a computerized database?

1  
2 LAURENCE BUSCHING: Yes, many of  
3 the indicators that are in the bill currently are  
4 kept by the department, they're in the MMR and  
5 they're also in the CPR, and so we think many of  
6 those indicators are the exact type of indicators  
7 we think are important as well. We've been  
8 working closely with your staff to identify which  
9 areas are the most critical for the City Council's  
10 oversight and for our operations, and I think  
11 we're very close to having almost complete  
12 agreement on those indicators.

13 CHAIRPERSON GONZALEZ: Okay. Does  
14 the department have the appropriate staffing level  
15 to comply with the recording requirements in Intro  
16 37?

17 LAURENCE BUSCHING: I believe we  
18 do, and if we don't, we'll be able to do it I  
19 think fine. There are certain things in there  
20 that we think are more onerous and that maybe we  
21 could find a better way of getting at it, but, as  
22 I said, I'm optimistic we'll be in a place where  
23 we can do it relatively easily. There may be some  
24 changes to current operations, but I don't think  
25 it's going to be particularly onerous.

1  
2 CHAIRPERSON GONZALEZ: Okay, thank  
3 you. Deputy Commissioner, can juveniles be placed  
4 in non-secure detention without being processed  
5 through Bridges detention center? If so, please  
6 explain.

7 [Off mic]

8 LAURENCE BUSCHING: Okay. So  
9 currently juveniles come into our custody through  
10 a couple of different means. One is through  
11 police admits to Bridges before going to court;  
12 the second is coming through court. So the court  
13 can specify either that they would like the child  
14 to be held in secure detention, non-secure  
15 detention, or open, which means they would like us  
16 to do an assessment of which setting is most  
17 appropriate. So for youth to be placed directly  
18 in the non-secure setting, that would happen when  
19 a court order occurs for the child to be placed in  
20 non-secure detention.

21 I should add that often there's a  
22 considerable amount of movement that sometimes  
23 occurs, so for example, if we have an open remand,  
24 we will do an assessment and move the child to a  
25 non-secure setting after the completion of that

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2 assessment, but we also find that judges sometimes  
3 use step downs or step ups between the two  
4 settings to reward or provide accountability for  
5 behavior in one or the other of those settings.

6 CHAIRPERSON GONZALEZ: Okay. I  
7 just want to understand, though, is it necessary I  
8 guess or can they be placed in non-secure without  
9 being processed through Bridges, that's the  
10 question.

11 LAURENCE BUSCHING: Through the  
12 court--

13 CHAIRPERSON GONZALEZ:  
14 [Interposing] Without, without--

15 LAURENCE BUSCHING: Yeah.

16 CHAIRPERSON GONZALEZ: --going to  
17 Bridges detention center.

18 LAURENCE BUSCHING: Well many of  
19 the youth come directly--some youth are brought by  
20 the police to Bridges and some youth are given  
21 Family Court appearance tickets so they go right  
22 to court. So if a judge remands a youth to non-  
23 secure detention from court, they go directly to  
24 non-secure detention. So the answer is yes.

25 CHAIRPERSON GONZALEZ: Yes, okay,

1  
2 thank you. Okay. We're going to move on to Intro  
3 153 and I'd just like to know if possibly you  
4 have--or what is the number of physical restraint  
5 incidents in FY 209 performed by the department,  
6 you have those numbers.

7 LAURENCE BUSCHING: Do you have  
8 that?

9 CHRIS FISHER: I don't have for  
10 fiscal year 2009, but I can give you a general  
11 sense. For fiscal year 2009 July through March  
12 there were a total of 1,400 physical restraints  
13 which can include anything from separating youth  
14 if they're about to have a fight to using an  
15 actual handle with care technique to physically  
16 restrain the youth. And there were 402 mechanical  
17 restraints, which means the use of handcuffs in  
18 some form, if there was an incident that needed  
19 further control to protect the youth or other...

20 CHAIRPERSON GONZALEZ: You're  
21 saying from July--

22 [Crosstalk]

23 CHRIS FISHER: [Interposing] From  
24 the July through March 31st of fiscal year '09, I  
25 don't have the full fiscal year with me, I can

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get--

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CHAIRPERSON GONZALEZ:

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[Interposing] In your expertise, would you say

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that--1,400 you said?

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CHRIS FISHER: There were 1,412

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reported physical restraints, again, ranging

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anything from just placing the hand--we have a

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pretty broad reporting requirement that if you are

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using--

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CHAIRPERSON GONZALEZ:

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[Interposing] So everything is documented.

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CHRIS FISHER: --any sort of force

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to restrict a youth, be it step back, those can be

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reported to actually fully engaging the youth

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using the nonviolent restraint techniques that are

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provided through OCFS and their training

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consultants.

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CHAIRPERSON GONZALEZ: Yeah, it

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just sounds like a lot, but in other words,

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everything is documented.

22

CHRIS FISHER: Yes.

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CHAIRPERSON GONZALEZ: Okay. Thank

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you. Maybe if we could get the numbers for--

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CHRIS FISHER: Of course.

1  
2 CHAIRPERSON GONZALEZ: --the whole  
3 year, that will be great, thank you. Maybe we  
4 could--

5 [Off mic]

6 CHAIRPERSON GONZALEZ: Okay. What  
7 kind of training or how is staff trained to  
8 administer physical restraint, and are all DJJ  
9 staffers trained? Would they all be at all times  
10 no matter who's there able to restrain?

11 CHRIS FISHER: Yeah, all direct  
12 child care staff have to take the handle with care  
13 training technique, and this includes both verbal  
14 de-escalation techniques to hopefully prevent  
15 having to get physically involved at all. If a  
16 youth is starting to elevate their level of  
17 aggression, they are taught how to maybe talk the  
18 youth down. They're then also taught through  
19 certified trainers, as I mentioned earlier, the  
20 handle with care technique, which is, I believe,  
21 it's a trademark non-violent restraint technique,  
22 it uses martial arts sort of, I guess, theory  
23 would be the word, to use their force against them  
24 so you don't have to push against them, you're  
25 sort of using their movement to keep them in

1  
2 place. All it is is a restraint, there's no  
3 hitting, there's no shoving, it's all about  
4 gaining control of the youth so they don't hurt  
5 themselves or someone else. But all direct child  
6 care staff are mandated to receive it so anyone in  
7 the facility--management staff often choose to do  
8 it so they understand what it is that's going on  
9 in facilities. Management staff at central  
10 office, they're not required, but most management  
11 staff do choose to take it so they understand  
12 what's going on too.

13 CHAIRPERSON GONZALEZ: Who does the  
14 training?

15 CHRIS FISHER: I don't have the  
16 name, there's a company, a security consultant who  
17 trains our trainers, so it's sort of a training of  
18 the trainers. We can get you who that is who  
19 provides this--

20 [Crosstalk]

21 CHAIRPERSON GONZALEZ:  
22 [Interposing] No, it's not even part of my  
23 questioning, I just--

24 CHRIS FISHER: It's okay.

25 CHAIRPERSON GONZALEZ: --was

1  
2 curious about that. Okay. And how common, and  
3 this kind of goes back to the question for fiscal  
4 year 209 where you stated that there were 1,412  
5 restraints, how common is the use of physical  
6 restraint? Because in nine months you had a  
7 1,412, plus others I think you stated, so how  
8 common--

9                   CHRIS FISHER: [Interposing] We've  
10 done some other analyses looking into this as  
11 we've been--as Commissioner Busching mentioned,  
12 this is one of the policies we're also re-  
13 examining is when and where and how youth if they  
14 need to be restrained should be restrained, and as  
15 part of that analyses we've seen that primarily  
16 most youth are never restrained. There are a fair  
17 number of youth who tend to be the more aggressive  
18 youth who act up more often and get into fights  
19 and those youth might get restrained several times  
20 during a long stay, if they're with us for a  
21 couple weeks or months, they might be restrained  
22 three or four times during that. But there are a  
23 large segment of youth who are never restrained,  
24 one, they're not with us long enough, two, they're  
25 never involved in a physically aggressive or

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2 threatening incident.

3 CHAIRPERSON GONZALEZ: So--

4 CHRIS FISHER: Most kids, given  
5 that we admit over 5,500 a year, most kids are not  
6 physically restrained during their stay in DJJ.

7 CHAIRPERSON GONZALEZ: Okay. How  
8 many children were reported to be injured due to  
9 the use of physical restraint? Is that something  
10 that you have documented as well?

11 CHRIS FISHER: Right, and for  
12 today, I have it again through that July through  
13 March of fiscal year '09, we can give you full  
14 year--

15 [Crosstalk]

16 CHAIRPERSON GONZALEZ:

17 [Interposing] We can get, yes--

18 [Crosstalk]

19 CHRIS FISHER: --in the future,  
20 but--

21 CHAIRPERSON GONZALEZ: --appreciate  
22 that. What are your numbers for that?

23 CHRIS FISHER: For physical  
24 restraint with injury for this July through March  
25 time period in 2009, there were 237. And part of

1  
2 this, you know, just to make sure we're clear, our  
3 current definition of injury is something we're  
4 working with our medical provider and medical  
5 experts to talk about. We include anything as an  
6 injury, it could be a slight red mark on the--  
7 anything that requires medical treatment from  
8 Bacitracin to ice to an ibuprofen, all the way up  
9 to a severe injury is counted as an event with an  
10 injury. We don't distinguish at the moment  
11 severity of injury, we're working to come up with  
12 a scale so we can more meaningfully report how  
13 often are youth severely injured versus minorly  
14 injured, but right now this is just any sort of  
15 event that happens as a result of that restraint  
16 gets categorized as an injury. So it is a rather  
17 broad definition at the moment.

18 CHAIRPERSON GONZALEZ: I would  
19 think that it would be significant to get that  
20 scale.

21 CHRIS FISHER: Yes, we're working  
22 on it.

23 CHAIRPERSON GONZALEZ: Rather than  
24 have it all, you know, regardless of whether it's  
25 just a little nick--

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CHRIS FISHER: Exactly.

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CHAIRPERSON GONZALEZ: --to some kind of severe injury. That's very important.

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How many juveniles were ordered to room confinement in FY 2009?

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CHRIS FISHER: I don't have--

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[Crosstalk]

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CHAIRPERSON GONZALEZ: Is that the numbers for nine months as well?

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CHRIS FISHER: --I don't have that with, I don't have that with--

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CHAIRPERSON GONZALEZ: You don't have that?

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CHRIS FISHER: --me, it's very low.

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I know that generally, and this is not for a specific--we'll give you the specific data, but at the most it's a youth a month generally. There might be a month where there's one or two more, but we'll give you the specific figures.

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CHAIRPERSON GONZALEZ: And now with respect to this room confinement, I just want to ask you a question that I think is really significant for me. The rooms are very small and I wonder if there's sometimes children could be

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1  
2 claustrophobic or it could create some kind of  
3 mental situation for that child, trauma, is that  
4 something that you look at and take notice of?

5           CHRIS FISHER: While a youth is  
6 under room confinement, they have to be visited  
7 routinely, at least hourly by a supervisor, by the  
8 medical provider, and by the mental health  
9 provider and all three of those people have to  
10 visit, assess the youth. The supervisor, meaning  
11 the sort of detention supervisor, assesses whether  
12 they still need to be in room confinement, are  
13 they still an active danger to themselves or  
14 others and still out of control. If that decision  
15 is made that they need to continue 'til the next  
16 assessment period to be in, the medical and mental  
17 health provider are going to make sure that  
18 they're okay. If the medical or mental health  
19 provider feels that something is not right, they  
20 would be able to have the youth taken to the  
21 medical area in the facility if they thought that  
22 the youth was in distress from being in their  
23 room, it's all logged.

24           CHAIRPERSON GONZALEZ: Yeah, I was  
25 just wondering, for example, if they get anxiety

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2 from it or whatever, and I mean, we understand  
3 that confine, it's punishment, it's a detention  
4 unit, but I mean, if it's going to cause other  
5 severe situations, would there be a possibility of  
6 placing that child in confinement in a larger  
7 room?

8 CHRIS FISHER: First I would say  
9 it's not punishment--

10 CHAIRPERSON GONZALEZ:

11 [Interposing] That happen?

12 CHRIS FISHER: --it's only if  
13 they're at risk to themselves at that moment, it's  
14 never used for punishment per se in the sense of  
15 go to your room you've been bad, it's right now,  
16 you're going to hurt yourself or someone else  
17 'cause of how violent you are at the moment.

18 CHAIRPERSON GONZALEZ:

19 [Interposing] Right, they're at risk to hurt  
20 someone--

21 CHRIS FISHER: Right.

22 CHAIRPERSON GONZALEZ: --exactly,  
23 that's what I'm saying.

24 CHRIS FISHER: But we could assess,  
25 I think it's something to look at about whether

1

2 it's another space--

3

CHAIRPERSON GONZALEZ:

4

[Interposing] Yeah, 'cause I visited, I've been to

5

all the detention centers and the rooms are very

6

small--

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LAURENCE BUSCHING: They are.

8

CHAIRPERSON GONZALEZ: --and the

9

windows are--I don't know that that would be very

10

positive for confinement if it's someone that may

11

have issues with claustrophobia or anxiety, and I

12

just think that's important, we need to look at

13

that. Thank you.

14

CHRIS FISHER: We will.

15

LAURENCE BUSCHING: I would just

16

add, Chair, that this is--these types of issues--

17

use of restraints and use of room confinement,

18

etc.--are issues we're going to be looking at

19

going forward in terms of one of our main goals is

20

going to be looking at how do we improve the

21

conditions of confinement and make the facilities

22

consistent with our mission of care and custody,

23

providing a safe environment for the children and

24

for the staff, but also recognizing that these are

25

juveniles as well. And so all this is going to be

1  
2 part of the ongoing analysis and changes that  
3 occur as part of the merger. So--

4 CHAIRPERSON GONZALEZ: Is that--

5 LAURENCE BUSCHING: --we're going  
6 to be looking at these issues closely.

7 CHAIRPERSON GONZALEZ: Yeah, I just  
8 remembered one time that I went in and I said to  
9 the Commissioner, these are somebody's children,  
10 so it is so important that we look at that and  
11 hopefully that child won't ever return there and  
12 he'll be the most productive person. So that's  
13 why these things are so important.

14 Does the department use  
15 psychopharmacological restraints to sedate a  
16 youth, is that utilized at all?

17 LAURENCE BUSCHING: No.

18 CHAIRPERSON GONZALEZ: No? At a  
19 previous juvenile justice hearing, a  
20 representative discussed the use of enhanced  
21 supervision dorms quote unquote. Are these dorms  
22 still being used?

23 LAURENCE BUSCHING: They are, it  
24 was an approach that was put in place in the prior  
25 administration, we've been examining that as part

1  
2 of this ongoing analysis. I don't have a  
3 conclusion yet, it's still pretty early, but we're  
4 looking to see if they're safe, if they're  
5 effective, and if there are other approaches that  
6 we might want to use going forward.

7 CHAIRPERSON GONZALEZ: How is that  
8 assessment made? Is that something that the upper  
9 management, the critical people, who makes that  
10 assessment as to...?

11 CHRIS FISHER: About who gets  
12 placed on a--

13 [Crosstalk]

14 CHAIRPERSON GONZALEZ:  
15 [Interposing] No, no, I mean, for example, if  
16 you're going to place them in separate dorms, how  
17 is that--

18 CHRIS FISHER: [Interposing] That's  
19 primarily, it's a team approach, the facility  
20 team, they're going to consult with medical and  
21 mental health--

22 CHAIRPERSON GONZALEZ: Okay.

23 CHRIS FISHER: --a lot of it's  
24 based on--

25 CHAIRPERSON GONZALEZ: Right.

1  
2 CHRIS FISHER: --size, you don't  
3 want to put big kids with little kids, but they're  
4 also...

5 CHAIRPERSON GONZALEZ: Okay.  
6 Please describe for the Committee the use of  
7 mechanical restraint, and I think you did a little  
8 bit before, but if you could just clarify.

9 CHRIS FISHER: So the handcuffs  
10 that are going to be used primarily when there's  
11 an aggressive incident and if the youth is out of  
12 control and the physical restraint can't get them  
13 under control, a supervisor or one of our special  
14 officers who is a peace officer are the only  
15 people who have access, regular juvenile  
16 counselors generally do not have access to  
17 handcuff someone else, brings them who is  
18 specifically trained on how to use handcuffs. So  
19 that's for that, to gain control in the facility  
20 if something's gone wrong.

21 For transportation of secure youth,  
22 youth in secure detention, from secure detention  
23 to court or have some other court ordered  
24 appointment, depending on that particular youth,  
25 most youth in that situation coming from secure

1  
2 are going to be handcuffed and have the handcuffs  
3 attached to a waist belt, this is 'cause we don't  
4 want them to be able to hit each other in the van.  
5 It's a tight, small space, there are no cages like  
6 in the DOC van, our DOC bus, so they are right  
7 next to each other. So that's mostly for each  
8 others' safety, so there's no fights in the van.  
9 If a youth has maybe tried to run away before or  
10 is particularly violent during a transport, maybe  
11 they're starting to act up, they can be also leg  
12 shackled to further restrict the movement for the  
13 transportation. Once they get to court and in the  
14 detention room, that's removed, once they get back  
15 to secure detention, that's removed, that level of  
16 mechanical restraint is really only for the  
17 transportation depending on the specific  
18 identified need.

19 CHAIRPERSON GONZALEZ: And then I  
20 just wanted to ask you if you have a peace officer  
21 or a person on staff that is consistently  
22 utilizing restraint, is that something that you  
23 document? I mean, I'm talking about if that  
24 person restraints all the time, is that something  
25 that you take notice of?

1  
2           CHRIS FISHER: In our current data  
3 system, it's not always exactly clear. We're  
4 implementing a new data incident reporting system  
5 that will make it much more easy to identify who  
6 is doing what in an incident and in aggregate form  
7 so we can see. Right now, we sort of have to do  
8 that manually. In the analysis that I spoke of  
9 earlier, we did look at, it was only a sample so  
10 it just wasn't fully representative, but we were  
11 looking at are certain staff always involved. But  
12 if mechanical restraints are used in a facility,  
13 there are a limited number of special officers at  
14 each facility so anytime it's going to be used,  
15 it's going to be one of them and it's really going  
16 to be dependent on what shift they work. If  
17 you're the night shift, most likely you're  
18 probably never using them, 'cause the kids are  
19 asleep, but if you're--

20           CHAIRPERSON GONZALEZ:

21 [Interposing] So you know there's more incidents  
22 at certain times of the day--

23           CHRIS FISHER: Correct.

24           CHAIRPERSON GONZALEZ: --so it's  
25 expected, but--

1  
2                   CHRIS FISHER: The morning, the  
3 a.m. shift, that peace officer is probably going  
4 to have an increased likelihood of having to be  
5 called to use them when there's a lot of movement-  
6 -going to court, going to school, going to  
7 breakfast and stuff in the morning, there's more  
8 activity than at night.

9                   CHAIRPERSON GONZALEZ: And I was  
10 also wondering in respect to the peace officers  
11 and the staff, are there times when the team that  
12 conferences the commissions and the administration  
13 all that of the DJJ, do you at any time meet with  
14 these peace officers or do they have a time to  
15 sort of say, sort of vent or sort of...?

16                   CHRIS FISHER: The facilities have  
17 daily roll calls between each tour where the  
18 previous tour briefs the oncoming tour and  
19 everyone gets to talk about what's going on and  
20 what information needs to be shared and what  
21 they're seeing, but the facility management also  
22 has facility-wide management meetings. There are  
23 regular special officers and senior special  
24 officers who are the supervisors for the special  
25 officers so they're going to be part of that

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facility management staff meeting to discuss  
issues related to the specific facility.

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CHAIRPERSON GONZALEZ: So if you  
had a staff person, a peace officer, I'm not  
saying that is the case, but who maybe has gotten  
out of hand in respect to the treatment and  
restraint of our detainees, would the senior team  
know about this at some point?

CHRIS FISHER: They would know

immediately if--

CHAIRPERSON GONZALEZ: Okay.

CHRIS FISHER: --I mean, they keep  
an eye on that stuff, if anything--

CHAIRPERSON GONZALEZ:

[Interposing] So it's reported up.

CHRIS FISHER: --if it gets  
reported up at some point, then office of our  
discipline--

CHAIRPERSON GONZALEZ: If it gets  
reported up?

CHRIS FISHER: No, I'm saying when  
it gets reported up it's going to involve--if it  
gets that high, our discipline office--if it's  
something that could be a child abuse it's going

1

2 to be reported to the state, so it gets--depending  
3 on the level, it's going to interact with higher  
4 levels as it goes up.

5

CHAIRPERSON GONZALEZ: All right,  
6 thank you. What is the number of incidents of  
7 fights, altercations among juveniles in secure  
8 detention facilities? And again, this goes back  
9 to FY 209 and were there any incidents reported  
10 for non-secure detention facilities; if so, how  
11 many? And if you don't have them, if the  
12 Committee could get those numbers, I would  
13 appreciate it.

14

CHRIS FISHER: I don't have the  
15 number, I have the rate, we report a rate, I can  
16 get you the number.

17

CHAIRPERSON GONZALEZ: Okay.

18

CHRIS FISHER: But the rate for  
19 fiscal year '09 reported in the MMR for youth on  
20 youth assaults, an altercation with an injury was  
21 .33, so for every 100 youth who were on average in  
22 care a day, there was about one in every three of  
23 those youth. So it's a very--it's not very  
24 frequent, we'll get you the specific numbers  
25 'cause I know that the rate can be sort of

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confusing to understand, but we'll give you the specific numbers.

CHAIRPERSON GONZALEZ: Okay. Well we certainly would like to have those numbers, thank you. And what is the protocol among staff for when a fight or altercation happens between juveniles? And I think you mentioned that again earlier, but if you could just elaborate on that.

And I just want to say Council Member Maria del Carmen Arroyo today, I'm like, thank you, thank you for being here. I haven't had coffee.

CHRIS FISHER: So in respect to what's the protocol for if there is a fight, hopefully it doesn't just spring out of nowhere and staff have been paying enough attention to notice something building and they can try to verbally deescalate, use conflict resolution skills and work with the youth to solve what the problem is. If it goes past that or it's sort of one of those out of the blue, kids just start fighting and there really weren't any warning signs, the first order is going to be using the technique that they're trained in. One of the

1  
2 various types of separation techniques or  
3 restraint techniques is to separate the two youth  
4 so that they don't further injure each other or  
5 anyone else. And then to make sure using the  
6 restraint technique, the physical, the handle with  
7 care that they're calming down before they release  
8 them. If the kids' still struggling, you don't  
9 want to release them both, they might go right  
10 back it, so they're probably going to escort them  
11 away from each other and counsel them. If any  
12 time there's a fight or any sort of incident like  
13 that, they have to then, once the situation is for  
14 the moment calmed down, they're going to have to  
15 go see medical to be evaluated by the contracted  
16 medical provider to make sure there were no  
17 injuries. That incident's reported to our  
18 incident database, our 24 hours database to make  
19 sure all details are recorded. Everyone who was  
20 involved has to fill out an incident reporting  
21 form about what went on, the youth involved get to  
22 provide statements about what went on, and then  
23 management staff are going to, from those incident  
24 reports, going to assess if any further action  
25 needs to happen as a result of that incident.

1  
2 CHAIRPERSON GONZALEZ: Okay. And  
3 then sort of at the end of this part here, are the  
4 parents notified?

5 CHRIS FISHER: If there is an  
6 injury, the parent would definitely be notified.  
7 If there was just a fight and nothing happened, if  
8 one person just managed to punch the other person  
9 on the arm and there was no injury or anything or  
10 no need for treatment, I don't know, I'm not  
11 personally involved in this, I don't know if they  
12 would necessarily always be notified in those  
13 cases. If a kid was injured, the parent would  
14 definitely be notified.

15 CHAIRPERSON GONZALEZ: Well I guess  
16 it may come if there's a visit or something at  
17 that point, if it's not--but I would think that  
18 if--I don't know, I have to sort of think this  
19 through, but--

20 CHRIS FISHER: [Interposing] They  
21 may be, that's something we'll check on--

22 CHAIRPERSON GONZALEZ: Yeah, that's  
23 what--

24 CHRIS FISHER: --to let you know.

25 CHAIRPERSON GONZALEZ: Exactly.

1

2

CHRIS FISHER: They might all--

3

CHAIRPERSON GONZALEZ: Thank you.

4

CHRIS FISHER: --be notified.

5

CHAIRPERSON GONZALEZ: Thank you.

6

Well, Council Member, do you have any questions?

7

Okay. Well I just at this point want to thank you

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for all your responses. And I want to say that as

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we move along we're going to continue to look at

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how we can make Department of Juvenile Justice

11

better and better. Though we don't want to detain

12

anyone, we want to ensure that our children are

13

safe. And so I say to you, we continue to

14

partner, and again if we differ in opinion, we'll

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work at it, but this is really important. We

16

expect these bills to make it through the Council

17

and become bills that we're going to respect and

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work with so your opinion is important, if there's

19

anything, our attorneys are available. So we'll

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continue to talk and thank you, and thank you--

21

[Crosstalk]

22

LAURENCE BUSCHING: [Interposing]

23

Thank you for your support, and thank you--

24

CHAIRPERSON GONZALEZ: I hope

25

someone will stay.

1  
2 LAURENCE BUSCHING: --for your  
3 willingness. Yes.

4 CHAIRPERSON GONZALEZ: I hope  
5 someone will stay. Thank you, thank you, Deputy  
6 Commissioner, thank you. [Off mic]

7 FEMALE VOICE: DeAvery Irons.

8 CHAIRPERSON GONZALEZ: DeAvery?  
9 DeAvery Irons, Correction Association of New York;  
10 Jennifer Marino Rojas, Children's Defense Fund;  
11 Stephanie--

12 FEMALE VOICE: Gendell.

13 CHAIRPERSON GONZALEZ: --Gendell  
14 from Citizens' Committee for Children. Four of  
15 them at once?

16 FEMALE VOICE: Charisa Smith.

17 CHAIRPERSON GONZALEZ: Charisa  
18 Smith from New York City Task Force on Racial  
19 Disparities. Please join us at the table, state  
20 your name for the record, thank you.

21 [Off mic]

22 CHAIRPERSON GONZALEZ: Are we  
23 ready? Please state your name for the record and  
24 you may begin when you're ready. Thank you.

25 DEEVERY IRONS: Is it on? All

1  
2 right. Good morning, I'm DeAvery Irons, I'm the  
3 Acting Director of the Juvenile Justice Project at  
4 the Correctional Association. Thank you for the  
5 opportunity to testify on these resolutions. My  
6 remarks are fairly brief.

7           The Correctional Association  
8 supports the two pieces of legislation and the  
9 resolution that the City Council Committee is  
10 putting forward. We just have a few  
11 recommendations aimed at strengthening the  
12 language and the effectiveness of the bills.

13           So in regard to the census data  
14 bill, Introduction number 37, we would recommend  
15 that the bill require that the Department of  
16 Juvenile Justice actually post the data on its  
17 website monthly. This will allow the advocacy  
18 community, committee members [off mic] to track  
19 their trends as they're developing. I don't know,  
20 the number that the Deputy Commissioner just  
21 listed or Mr. Fisher just listed as 1,400 over a  
22 nine-month period is alarming and it's one thing  
23 to learn about that at the end of the year or  
24 after 12 months, we can have much more of an  
25 impact if we know what's going on throughout the

1  
2 year, which facilities continue to have high rates  
3 of restraint or injuries. So I would strongly  
4 recommend that that be revisited and the language  
5 changed.

6 Also, I know it's not completely  
7 within the power of this Committee itself, but  
8 there are many other players relevant to juvenile  
9 justice in the city and we would encourage the  
10 City Council to look at requiring this kind of  
11 transparency among all agencies, including the New  
12 York Department of Education, Probation, and NYPD.  
13 If you can get NYPD to do it, that would be  
14 fantastic.

15 And also just in response to one of  
16 the things the Deputy Commissioner said, some of  
17 this information is on the MMR, I haven't looked  
18 at the CPR in a long time, I don't know if my  
19 colleagues can speak to that, but it's not broken  
20 down quite as it is required in the Introduction.  
21 There is no data on race, ethnicity, so that would  
22 be key. I mean, everybody always says we know  
23 that all the kids in DJJ are black and Latino but  
24 that should be recorded in [off mic] so that we  
25 could address it.

1  
2 As for the incident reports, the  
3 Correctional Association would also recommend that  
4 the legislation be changed to list what happens  
5 after there are substantiated allegations of  
6 abuse, what are the disciplinary, are there  
7 remedial actions that the agency is taking. One  
8 of the things that we've learned from the state  
9 level last year, a lot of things came out in the  
10 Department of Justice report pointing to serious  
11 staff abuses and staff acting with almost  
12 impunity. So if there are facilities that there  
13 are staff members that are continually involved,  
14 or even not continually involved, once involved,  
15 there should be some type of publicized  
16 disciplinary response by the agency so that  
17 advocates and community members can be sure that  
18 these issues are being addressed and then staff  
19 are being held accountable.

20 As for the billing resolution into  
21 OCFS, we support that as well, we would just  
22 encourage strengthening the language. Right now  
23 there are many, many very serious state cuts that  
24 have the potential to drastically affect programs  
25 and services in New York City. The state is

1  
2 cutting \$16 million for alternatives to detention  
3 and placement, that's statewide so it's affecting  
4 everyone. But I think additional language in the  
5 resolution acknowledging that these cuts that the  
6 state over the past few years has said that  
7 they're committed to alternative programs to  
8 keeping young people safer and closer to their  
9 communities, that there be language added to  
10 expand it just beyond just equitable billing. I  
11 think it's great if the City Council could pass  
12 such a resolution regarding equitable billing, but  
13 there's an opportunity to do so much more and,  
14 given what's going on in the state right now, I  
15 think any guidance they can get would be much  
16 appreciated.

17 So I'm happy to take questions at  
18 any point. Thank you.

19 JENNIFER MARINO ROJAS: Good  
20 morning, thank you for holding this hearing today.  
21 I want to apologize if I'm out of breath, I'm just  
22 having trouble today catching my breath.

23 My name is Jennifer Marino Rojas,  
24 I'm with the Children's Defense Fund - New York,  
25 and we support these two bills and the resolution.

1  
2 I just want to echo what DeAvery Irons said, that  
3 we really hope that these type of public data  
4 measures can be applied to the other agencies that  
5 affect young people in the juvenile justice  
6 system, specifically the NYPD and the Department  
7 of Education.

8           With regard to Intro number 37, we  
9 also would urge you to include language that would  
10 require the reporting more frequently, we  
11 suggested quarterly, we'd be thrilled with monthly  
12 reporting. And I just also with the inclusion of  
13 race, the precinct, and the zip code, we think  
14 that's critical to help really identify what's  
15 going on and to link the communities that are  
16 losing their youth to the system to give them more  
17 ammunition to be able to--that's a terrible word,  
18 I'm sorry--to give them more information to be  
19 able to address the problems that are going on in  
20 their community.

21           With regard to Intro number 153,  
22 our suggestions are regarding the reporting of  
23 physical and mechanical restraints, I think it  
24 would be helpful to see the number of unique  
25 children that were actually restrained in addition

1  
2 to the overall number of restraints, as well as  
3 what the reason was for each restraint. I think  
4 it would be helpful to understand if they're using  
5 restraints in the most serious situations or in  
6 less serious situations that could be resolved  
7 without any physical intervention.

8           And we would also urge that they  
9 include any follow-up on substantiated reports as  
10 well.

11           And with regard to the resolution,  
12 we also support that, and we think that there's an  
13 incredible issue going on in the state with how  
14 they're billing New York City and there does need  
15 to be a more equitable process, but the issue is  
16 also much bigger. The state needs to take further  
17 action to close more facilities and to reduce the  
18 actual cost per youth in their system and to  
19 invest more money and support the localities and  
20 investing money in alternatives to keep youth out  
21 of the system. So we would love to see a  
22 resolution that really addressed the larger  
23 issues, not just the billing, but the bigger  
24 problem that's leading to the fact that they have  
25 to change their billing and that each youth is

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costing more and more money.

3

So those are our suggestions.

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Again, we're very happy to see these bills and

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support it, and look forward to working with you.

6

Thank you.

7

STEPHANIE GENDELL: Good afternoon,

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I'm Stephanie Gendell, I'm the Associate Executive

9

Director at Citizens' Committee for Children. And

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so as not to be repetitive, I'll just start off by

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saying I agree with what my colleagues have

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stated.

13

In our experience working with ACS

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on the child welfare and child care side, they do

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a fairly good job compared to other city agencies

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that I won't name that we work with about

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providing data on their website monthly. And so

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we've been hopeful that ACS would soon be able to

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report some of their DJJ data in the same way.

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And so really appreciate the Council bringing this

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issue up and we feel actually more confident than

22

we would at other hearings that ACS will actually

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make their DJJ data public and we appreciate that

24

on both sides.

25

We had, prior to ACS taking over

1  
2 DJJ, we really believed in the Ombudsman Review  
3 Board, and at the time when DJJ dissolved the ORB  
4 and replaced it with the Resident Grievance  
5 Program, we asked DJJ to ensure that the new body  
6 would try to maintain its independence, even  
7 though it no longer was independent, and still  
8 serve as a place where we could get the kind of  
9 data that you're talking about. And we asked them  
10 to try to please track the data that the RAP was  
11 receiving and to-date we haven't received any of  
12 that, and we are actually concerned about how the  
13 RAP functions, we don't have that much information  
14 on it. And it was concerning to hear about that  
15 number 1,400 earlier. And so we'd urge ACS and  
16 the Council in its oversight role to look closely  
17 at the RAP and what kind of data we can get out of  
18 that and whether we need some other independent  
19 oversight and monitoring of DJJ.

20           Lastly, on the Preconsidered  
21 resolution, we are extremely grateful for the  
22 resolution, we support the resolution, and we're  
23 willing to tell the state that we feel that way  
24 too, and we'll continue to advocate for the city  
25 to get the funding it needs for juvenile justice.

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Thank you.

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CHARISA SMITH: Hi, good morning, my name is Charisa Smith, and I'm with the New York City Task Force on Racial Disparities in the Juvenile Justice System. We're a group of community leaders working to hold stakeholders in the system accountable for their decisions and to make them more equitable racially. I agree with my colleagues wholeheartedly and just to state again, the fact that DJJ reports that about 97% or more of youth in custody are African-American and Latino. This is really a crisis and it's an exclusive system at this point and it's quite scary, so the census data is crucial.

Regarding the bill on incident reporting, my suggestion is that recommendation be in terms room confinement, that there be the reason for placement in room confinement, including the relevant rule or violation number and the particular code of conduct being followed. As you may know, two-thirds of youth in detention have scored medium or low risk on the risk assessment and they pose little risk of actually fleeing or of public safety harm. Youth are more

1  
2 likely to get assaulted in jail, to join a gang,  
3 and really it's about \$214,000 per year per youth  
4 at this point reported by DJJ and you know, the  
5 recidivism rate in '08 was about 47.5%. So it's  
6 really unfortunate, and we really have to do  
7 better.

8           Room confinement is also a  
9 microcosm of various ills in the detention system,  
10 so it narrows movement, educational opportunities,  
11 and development, even more than the general  
12 population. In terms of getting young people to  
13 in the least restrictive environment, room  
14 confinement should be looked at really closely and  
15 examined and hopefully eliminated.

16           In terms of the census though, the  
17 suggestion is that the idea of putting a score on  
18 the Risk Assessment Instrument be added to this  
19 bill. As I said, two-thirds of the young people  
20 are low and medium risk and the Risk Assessment  
21 Instrument was scientifically validated, but if  
22 we're still detaining young people that are not  
23 posing a risk, it's time to take a good look at it  
24 again. So RAI scores are crucial, and to date  
25 there hasn't been this collection of data by the

1  
2 city, and also judges weren't really considered  
3 when taking in account the RAI. So getting to the  
4 heart of the decision-making process is going to  
5 be a crucial step in the merger of DJJ and ACS and  
6 really reforming our system.

7 Then lastly on the resolution  
8 regarding funding streams, I think it's really a  
9 positive step and a leadership opportunity on  
10 behalf of the City Council. I'd like to draw your  
11 attention to a bill that you might've heard of  
12 before, which is ReDIRECT New York, which the New  
13 York Juvenile Justice Coalition and others have  
14 put forth trying to get a 65% and 35% split of  
15 funding streams for alternative programs and  
16 community-based programs versus the 50/50 for  
17 detention. And so I hope that that initiative  
18 will be actually mentioned in this resolution and  
19 that it be put forward to the good of the state.

20 Thank you so much and I'm very  
21 happy to take questions.

22 CHAIRPERSON GONZALEZ: Yes [off  
23 mic], del Carmen Arroyo, Council Member.

24 [Off mic]

25 COUNCIL MEMBER ARROYO: Thank you,

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2 Madam Chair. Good morning, good morning, I don't  
3 know which of you said good afternoon, but please,  
4 we need every hour we get. Thank you all for your  
5 testimony. Just one simple question, I know that  
6 our chair is working really aggressively to try to  
7 get these pieces of legislation out of the Council  
8 in quick order. Absent the amendments that you  
9 are suggesting, would you still support the  
10 legislation as presented?

11 [Pause]

12 DEAVERY IRONS: I can't speak for  
13 everybody, I mean, the Correctional Association  
14 would still, I think it's just a question of the  
15 effectiveness, especially around the census data.  
16 Once a year, I mean, we can get some of those  
17 numbers once a year already either on the DJJ  
18 website, like the gender breakdown and it all  
19 comes out at the fiscal year, but to really make  
20 it effective as a tool, I think we would be able  
21 to have to have information that's information  
22 much, much more often.

23 COUNCIL MEMBER ARROYO: Now there's  
24 a disparity between how often amongst the  
25 panelists here and I'm understanding that the

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frequency that you would like to see the

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information reported that may pose a challenge for

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us with the administration. Are you willing to

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meet halfway and/or agree that if not monthly,

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then quarterly is an appropriate thing?

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DEAVERY IRONS: That's fine with

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the Correctional Association.

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STEPHANIE GENDELL: Yeah, I don't

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want to speak for anyone else, but on behalf of

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Citizen's Committee for Children, we really

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understand the budget problems that ACS, as well

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as other agencies, are facing and so if they don't

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have the capacity to do it monthly, but could do

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it quarterly, we'd definitely accept that--

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COUNCIL MEMBER ARROYO: Okay.

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STEPHANIE GENDELL: --as a positive

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development.

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JENNIFER MARINO ROJAS: I do want

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to echo, however, that once a year does not seem

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to really address the issue that we're trying to

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get at here, so I think quarterly would be the

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minimum that would be helpful to really see what's

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going on in the system.

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COUNCIL MEMBER ARROYO: Okay.

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2 CHARISA SMITH: I can't speak for  
3 the Task Force personally, but I really feel that  
4 if we have an opportunity to share this data, it's  
5 crucial to make it as frequent as possible and as  
6 comprehensive as possible because there are so  
7 many issues at hand, especially the racial  
8 disparity issue, which is at the heart of all  
9 these decision-making processes. So to really get  
10 a census of exactly from, like they were saying  
11 precinct and zip code, why not if we're going  
12 forward with the sunlight and the transparency. I  
13 mean it's really a whole complicated system and  
14 it's not enough to just have bits and pieces.  
15 This is like a big legislative opportunity so  
16 might as well think big while we have the  
17 motivation and the political will.

18 COUNCIL MEMBER ARROYO: Thank you,  
19 thank you. Thank you, Madam Chair.

20 CHAIRPERSON GONZALEZ: Thank you.  
21 I just want to say to the entire panel that your  
22 commitment to the city and to our children is  
23 incredible and I want to thank you for that. And  
24 we certainly need the accountability because this  
25 is not a perfect situation or a perfect world and

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2 we expect that we're going to continue to make a  
3 difference as we go along. Sometimes it seems  
4 small, but as we move along, we're going to  
5 continue to improve and I hear all your  
6 recommendations, we're certainly going to look at  
7 it. We are hopeful that these bills will be  
8 completed and you can reach out to our attorneys  
9 and our folks here in the Council as well and  
10 myself if you have any further recommendations.

11 But I just want to also say to  
12 everyone that's here today, many years ago when I  
13 started this venture with juvenile justice, I  
14 would say, there were a lot of things that weren't  
15 in place, and though Department of Juvenile  
16 Justice has continued to do their job as well as  
17 possible, there were a lot of things that we  
18 worked on, such as family collaborative discharge  
19 planning, we were able to work on different  
20 protocols within the department, so there were a  
21 lot of things internal that needed to be dealt  
22 with. And I have to thank my members and I have  
23 to thank the Speaker because she's been a real  
24 leader in this and has been very instrumental in  
25 respect to moving along in the right direction,

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but we have done an incredible job with the department that is detaining children and that though there are still a lot of flaws that we need to work on, we're going to continue to do that.

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But I want to say that in moving along today, we're doing legislation that hopefully will bring about outcomes that will bring about crucial data that is necessary for future programs within the department, but also that these children and these disparities that are in there, that we're going to be able to see them and catch them so that they don't continue to be disparities. So I think we're moving in the right direction, I am incredibly hopeful, I want to stay really steady with you guys and I want to thank you.

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But I want to say to Department of Juvenile Justice, also to ACS, this merger we're looking at it, we're watching it closely, we're trying to hopefully reap the benefits of it, and you have a partner in me, but we also need you guys. And I want to say that the children are going to be better if we continue to work together, and I'm very proud of the work of this

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committee and also of the staff that's here today.

So with that, in closing, I want to say thank you, and thank you to my colleagues, and thank you to all of you for attending. Thank you.

[Off mic].

C E R T I F I C A T E

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

Signature Tammy Wittman

Date April 29, 2010