



Legislation Text

File #: Res 1177-2011, **Version:** *

Res. No. 1177

Resolution calling on the Governor and the New York State Legislature to enact legislation establishing specific protections for children affected by the State's transfer of authority to New York City for its own juvenile justice system (realignment), and for the Bloomberg Administration to release a detailed plan for implementing realignment and to ensure there is an adequate and transparent public comment process that allows public input to be incorporated into any final implementation plan.

By Council Members Vann, Palma, Dickens, Fidler, James, Mealy, Rose, Williams and Rodriguez

Whereas, The New York State Office of Children & Family Services is responsible for housing youth between the ages of 11 and 21 who are remanded or "placed" in their facilities by the courts; and

Whereas, The Administration for Children's Services' ("ACS") Division of Youth and Family Justice is charged with detaining and providing juvenile justice services to New York City's court involved juveniles; and

Whereas, The overarching goal of New York's juvenile justice system is to rehabilitate young people who commit offenses by providing them with appropriate services to address their special needs; and

Whereas, According to national studies, detaining and placing youth closer to their communities and providing alternative-to-detention and alternative-to-placement services help decrease recidivism and allow for suitable services to be administered to those youth in the juvenile justice system; and

Whereas, On December 21, 2010, in an effort to improve public safety, reduce recidivism rates, and save taxpayers money, Mayor Michael R. Bloomberg proposed an overhaul of the New York State juvenile justice system by calling on the State to grant New York City the authority to operate its own placement facilities; and

Whereas, Under the Mayor's proposal, ACS would administer all juvenile detention and placement facilities and, in conjunction with the New York City Department of Probation ("DOP"), administer alternative-

to-detention, alternative-to-placement and community-based programs for court involved youth; and

Whereas, Advocates in favor of reforming New York's juvenile justice system have made a series of recommendations to address what they perceive to be the lack of protections afforded to court involved juveniles under the Mayor's current juvenile justice realignment plan; and

Whereas, These recommendations include: (i) releasing a detailed juvenile justice realignment plan to elected officials and the public; (ii) establishing a set of detailed conditions for the transfer of power from the State to the City; (iii) creating a mechanism for public transparency and strong independent external oversight of the system; (iv) establishing adequate public review of the proposed realignment plan and creating a mechanism for the review and incorporation of public comments into the plan prior to its implementation; (v) reinvesting savings into communities most impacted by the juvenile justice system; (vi) addressing ethnic and racial disparities within the juvenile justice system; (vii) ensuring detained and placed youth have meaningful and frequent access to their families; (viii) ensuring that information about any injuries to youth that occur in a juvenile justice facility operated by the City or under City contract are made available to the City Council, the public and the aforementioned independent oversight entity on a monthly basis; (ix) explicitly prohibiting the operation of juvenile justice facilities by for-profit providers; and (x) reviewing the potential effects of realignment on all youth of New York State within the juvenile justice system and ensuring that youth from outside of New York City within the system are not adversely affected by the removal of New York City youth from the State system.

Whereas, In order to implement the Mayor's realignment plan, New York State must enact legislation giving New York City the authority to operate juvenile justice facilities for placement of adjudicated juvenile delinquents and offenders from New York City; and

Whereas, Governor Cuomo has recognized the need to reform New York State's juvenile justice system and provide greater use of community-based programs, alternative-to-detention and alternative-to-placement services to generate better outcomes for children and families while delivering significant savings to the State;

and

Whereas, A.7795, introduced in the New York State Assembly on May 17, 2011, seeks to amend New York State law by giving New York City and other counties the latitude to run their own secure, limited secure, and non-secure juvenile facilities for adjudicated juvenile delinquents and juvenile offenders; and

Whereas, A.7795 promotes keeping juveniles closer to their families and communities but fails to fully address advocates' recommendations to afford increased protections to court involved juveniles; and

Whereas, Such reform will only be meaningful if Governor Cuomo or the New York State Legislature introduce juvenile justice reform legislation that not only grants New York City the authority to run its own facilities for adjudicated juveniles but also includes the aforementioned recommendations supported by advocates; and

Whereas, In early 2011, The Bloomberg Administration formed The New York City Dispositional Reform Steering Committee, which is chaired by the Commissioner of DOP and is comprised of stakeholders who are seeking to strategically develop a comprehensive plan for a realigned juvenile justice system; and

Whereas, The findings of the Steering Committee and the realignment implementation plan should be made accessible to the public and sent to the Council as they become available so that interested parties can examine how the plan will impact the City's justice involved youth as well as the City's administrative landscape; and

Whereas, an appropriate and adequate public comment period of no less than 60 days should be established upon the plan's initial release, and the City should designate a member or members of the Steering Committee who shall be responsible for addressing the public commentary, establishing its relevance for the realignment plan, and releasing responses to public comments within 30 days of the end of the public comment period; and

Whereas, Should changes to the publicly released plan be made at any point after its release, the Council shall be notified and the revised plan shall be made available to the public within 10 days; and

Whereas, Presenting a detailed plan to overhaul the State's juvenile justice system would provide the public with meaningful insight, which in turn will enable them to make an informed decision regarding the efficacy of the Mayor's plan and whether it ensures safeguards are in place to better serve New York's court involved youth; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor and the New York State Legislature to enact legislation establishing specific protections for children affected by the State's transfer of authority to New York City for its own juvenile justice system (realignment), and for the Bloomberg Administration to release a detailed plan for implementing realignment and to ensure there is an adequate and transparent public comment process that allows public input to be incorporated into any final implementation plan.

WJH/PC
LS 2956
12/13/11