



Testimony of

Stephanie Gendell
Associate Executive Director
Citizens' Committee for Children

Juvenile Justice Bills

Before the
New York City Council
Juvenile Justice Committee

April 21, 2010

Good morning. I am Stephanie Gendell, the Associate Executive Director for Policy and Public Affairs at Citizens' Committee for Children of New York, Inc. (CCC). CCC is a 66-year old independent child advocacy organization dedicated to ensuring that every New York City child is healthy, housed, educated and safe.

I would like to thank Chair Gonzalez and Members of the Juvenile Justice Committees for holding this hearing today regarding pending City Council bills related to the city's juvenile justice system. Like the City Council, CCC believes that transparency and accountability are critical for ensuring the safety and well-being of the city's children in this system.

Today's hearing is specifically about two bills and a pre-considered resolution. First, Int. 37 amends the administrative code to require the Department of Juvenile Justice (which is now part of the Administration for Children's Services) to report certain census on their web site regarding the populations in secure and non-secure detention (specifically age, gender, race and ethnicity, zip code of residence, precinct of arrest and charged offense.) The second, Int. 153, would require the Department of Juvenile Justice (i.e. ACS) to issue quarterly incident reports on their web site regarding the total number of incidents in the prior quarter involving physical restraints; injuries as a result of physical restraints; use of mechanical restraints; injuries as a result of mechanical restraints; fights and altercations between children; physical injuries to children as a result of fights with other children; additional physical injuries to children; children ordered into room confinement (and for those children the number of times ordered into room confinement and for how long); and allegations of abuse or neglect in a detention facility (unsubstantiated and substantiated and by facility for the ones that are substantiated). Lastly, the pre-considered resolution calls on the state to develop a more equitable method of billing New York City for placement of its youth in state run facilities in order to allow the city to reinvest monies into alternative-to-placement programs.

Int 37 and Int. 153:

CCC greatly appreciates the recognition these proposed bills give to the importance of ensuring that elected officials, advocates and the public have access to critical information regarding how youth are treated in the city's detention facilities. Ensuring safe and quality care for these young people is a critical priority for CCC.

Notably, for many years DJJ benefited from an independent Ombudsman Review Board (ORB) as a means to monitor the welfare of children in DJJ's secure facilities. When the ORB was in existence, there was a staff ombudsperson in each of the city's three secure facilities who served as an advocate for the residents, responded to individual youth complaints, and helped mediate conflicts between staff and youth. The ombudspeople reported directly to the Ombudsman Review Board (ORB). The ORB consisted of independently appointed community members and experts in the field, who would review data on population trends, complaints and incident reports, and would meet with DJJ agency representatives on a regular basis. The ORB members also had the authority to visit the facilities and speak to residents and staff.

When DJJ overhauled the ORB and replaced it with the Resident Grievance Program (RAP), CCC urged DJJ to ensure that the new oversight body would maintain its independence from the agency. Specifically, we expressed our concern that the ombudspeople in DJJ secure facilities would report directly to the Commissioner and to members of the RAP Committee who were also appointed by the Commissioner. We were concerned, in the absence of a truly independent board, that there might be a chilling effect on reporting, discussions, and recommendations, with regard to individual complaints or systemic issues raised by the ombuds staff.. At that time, we

also urged DJJ to track various data elements so that they could ensure that the systemic issues raised through the RAP process were captured and could be adequately addressed. And finally, we asked that data and findings be made publicly available. To date, since the establishment of the RAP little to no data on the conditions of care of youth in DJJ facilities has been released publicly.

Thus, CCC supports the Council's efforts to ensure that DJJ, now ACS, track critical information on the conditions of care in secure detention facilities and make that information publicly available. CCC looks forward to beginning to work with ACS on these issues now that DJJ is part of this larger child-serving agency.

As ACS has historically been very open with regard to child welfare and child care/Head Start data, and provides a great deal of critical information on its website, it is possible that legislation might not be necessary to ensure that ACS track and public report information about the secure detention facility census and critical incidents. We encourage the Council to work with ACS to determine whether the agency has access to all of the data and information requested in these bills before they are enacted. For example, Int. 153 requires DJJ to report the number of "fights" between children per quarter. Yet, the term "fight" is very broad and seems to include verbal arguments. Unless an incident is reported, it is very possible that DJJ/ACS facility staff may not know about all "fights". Similarly, Int. 37 would require DJJ to report the precinct of arrest and the charged offense and it is uncertain that DJJ/ACS has this information for all of the young people in their facilities.

CCC asks that the City Council, ACS and other advocates work together on a plan to ensure that ACS is tracking and reporting publicly the critical data about young people in detention—including census data and critical incidents.

The Pre-Considered Resolution:

CCC is especially grateful to Council Members Gonzalez and Council Member Lander for sponsoring the pre-considered resolution calling on the New York State Legislature and Governor Paterson to develop a more equitable method of billing New York City for placement of its youth in state run facilities in order to allow the city to reinvest funds into alternative-to-placement programs.

The State has consistently failed to make a significant investment into alternative to detention, incarceration and placement programs even though all partners agree that these services produce better outcomes for youth and communities. On the other hand, New York City has been investing in developing and supporting community based alternatives as well as a risk assessment instrument to better identify the youth who should remain in their communities. With these efforts and investments, New York City was able to reduce the number of City youth sent to OCFS operated facilities from 1,100 in 2005 to approximately 650 youth in 2009. Meanwhile, however, the City's bill for OCFS placements has increased from \$47 million in 2005 to \$59 million. Thus, while the City is investing in programs that should be cost-effective, the City is not saving any funds, and in fact expends more money by creating what should be cost-effective alternatives.

CCC stands by the Council Resolution that calls on the State to more justly bill the City so that in this time of budget shortfalls the City can invest its limited funds into the programs that have more success at lowering recidivism and treating youth's underlying needs—community based alternatives.

Thank you for this opportunity to testify.