

**The New York City Administration for Children's Services
Commissioner Gladys Carrión
Testimony to the New York City Council
Committee on Juvenile Justice
December 2, 2014**

“Oversight – Examining DYFJ's Juvenile Justice Oversight Board”

Good afternoon Chair Cabrera and members of the Juvenile Justice Committee. I am Gladys Carrión, Commissioner of the Administration for Children's Services. Joining me today is Felipe Franco, Deputy Commissioner of the Division of Youth and Family Justice. I would like to thank the Council for the opportunity to update you on the Juvenile Justice Oversight Board. But, before I do, I would like to provide an overview of our system, as well as background on the Board, and then discuss the changes I have made recently.

Overview of Juvenile Justice Programs

The Administration for Children's Services offers a continuum of services and programs for justice-involved youth. Our Division of Youth and Family Justice (DYFJ) works to promote public safety and improve the lives of youth, families, and communities by providing services that are child-centered and family-focused. Services include therapeutic treatment, safe and secure custodial care, responsive health care, re-entry services, and promotion of educational achievement. Together with our contracted partners, ACS provides these services to youth in community-based programs, as well as in secure and non-secure detention facilities and non-secure placement residences.

Over and over, we see that when young people who have gotten into trouble are allowed to remain in the community and receive intensive services, they achieve better outcomes than those sent to out-of-home placements. And so, whenever possible, ACS advocates for young people to remain at home in their communities, while addressing the concerns that brought them to the attention of the juvenile justice system.

We oversee two community-based programs with this goal in mind. The Juvenile Justice Initiative (JJI) works to reduce recidivism, improve youth and family functioning and reduce the number of youth in residential facilities. These young people must comply with the program as a condition of probation and treatment is provided to help them stay out of the justice system. JJI currently serves approximately 180 youth. The second program, called the Family Assessment Program (FAP), serves families seeking to file Person In Need of Supervision (PINS) petitions in the

New York City Family Courts. PINS are young people under the age of 18 who are charged with offenses unique to their status as juveniles, such as not going to school or running away from home. In 2013, FAP served more than 6,700 youth and the program is on track to serve the same number of families in 2014.

Where treatment and services in the community is not an option, young people may also be served in our secure or non-secure detention facilities while their cases are pending adjudication. While in detention, residents receive a number of services—education, health services including mental health, recreation, and case management. In 2013, DYFJ served approximately 3,300 youth in our 13 non-secure and two secure detention facilities. As of October 2014, approximately 99 youth were in secure detention and 73 youth were in the 13 non-secure detention residences.

On September 1, 2012, New York City launched Close to Home, a juvenile justice reform initiative that allows New York City youth who need residential rehabilitation to receive services in or close to the communities where they are from, rather than hundreds of miles upstate. Under Close to Home, young people are placed in the custody of ACS and receive rehabilitative and therapeutic services at one of 30 small, resource-rich residential programs in or near the five boroughs. In partnership with the New York State Office of Children and Family Services (OCFS), ACS has collaborated with nine local non-profit agencies to implement Non-Secure Placement (NSP), Phase I of Close to Home. Approximately 180 young people are currently receiving residential services and another 100 have transitioned back to their families and are receiving aftercare services. In March of 2015, ACS will launch Limited Secure Placement; three providers will operate facilities at six sites in and near New York City, serving approximately 120 young people in need of a higher level of care and structure.

Oversight of ACS' Juvenile Justice Programs

Multiple layers of oversight and quality assurance mechanisms promote public safety and high quality services for young people in our juvenile justice programs. OCFS sets and enforces regulations for all detention and placement related services for youth in New York State and City. OCFS has a total of 13 state employees responsible for the oversight of NYC detention facilities; at least 5 of those employees are stationed in New York City and they have an office within each of our secure facilities. In addition to oversight of New York City's detention programs, OCFS also created an Office of Close to Home Oversight and System Improvement, an entire unit of 21 state

employees dedicated to limited and non-secure placement planning, implementation and operations in New York City. Oversight activities include a minimum of quarterly official inspections of all 30 placement residences to review safety, security, procedures, and programs. This office works in partnership with the OCFS regional child welfare office that oversees the child welfare agencies that are operating non-secure Close to Home facilities. There is a constant exchange between OCFS and ACS including frequent meetings and the sharing of information to address any concerns or issues that arise.

In addition to programmatic oversight from the State, OCFS also has an Office of the Ombudsman that advocates on behalf of youth in residential care. That Office, which reports directly to the OCFS Commissioner, ensures that the rights of residents of juvenile justice residences are protected and the concerns of the young people are addressed. OCFS has designated 3 staff members to conduct visits to Close to Home residences during the late afternoon, evening and weekend hours when youth are most available and are not typically participating in school and other programs. Since April 2013, the NYC OCFS Ombudspersons have conducted 499 visits to the 30 residential settings operated by the nine non-secure placement providers. OCFS ombudspersons also monitor a 24-hour youth hotline, seven days a week. Every visit generates a report that is part of the OCFS oversight review. Their regular visits and engagement with youth and provider agencies allow the OCFS ombudspersons unfettered insight into any areas of concern, which they share with the OCFS' Close to Home Oversight and System Improvement Office and, ultimately, with ACS. Once a week, ACS and the State Office of Children and Family Services discuss the OCFS ombudsman's findings for the previous week to determine the needs of the youth in ACS' care and any issues they have encountered with the provider agencies' delivery of services.

Monitoring the juvenile justice system is both a local and state responsibility. As the licensing agency for the provider agencies, OCFS retains oversight responsibility over the Close to Home provider agencies. ACS also oversees the individual programs and agencies that make up the Close to Home system of care. The shared oversight responsibility ensures a robust system of accountability.

ACS also maintains an ombudsman program, the Resident Advocacy Program (RAP), to advocate for the rights of detained youth, enhance accountability, and strengthen services while monitoring the living conditions within the City's juvenile detention facilities. The Resident Advocacy Program achieves its mission through ombudspersons operating in our secure and non-

secure detention facilities. The ACS ombudspersons ensure that all youth understand their right to report and pursue a grievance and the process for doing so. ACS ombudspersons preserve the confidentiality of all young people's identities while investigating and working to resolve and address the concern. Ombudspersons respond promptly to the youth, acknowledge receipt of their complaint, and initiate an investigation within 24 hours of speaking with the youth. As per the Resident Advocacy Program directive, residents, parents, legal guardians, and other relevant parties may contact the facility ombudsperson to request services.

Over the years, ACS has broadened the role of the ombudspersons, encouraging them not only to address the concerns raised by others but also to take a proactive approach to youth advocacy. In addition to fielding concerns, ombudspersons themselves also investigate and assess the quality of services and living conditions. Ombudspersons attend the Group Oriented Analysis of Leadership Strategy (GOALS), which is the Division of Youth and Family Justice's monthly performance management meeting, to better understand issues that may impact our ability to serve youth. Attending GOALS provides yet another route to advocate for youth, and offers an opportunity to meet with senior leadership, enabling ombudspersons to provide input on broader ACS policies.

To enhance the independence of the Resident Advocacy Program, I recently changed the reporting structure and transferred the reporting, supervision and support of the Ombudspersons to my First Executive Deputy Commissioner; formerly they reported to the executive directors of the secure detention facilities. In addition, we hired two Residential Care Advocates who had prior justice system involvement, to work both in our detention and Close to Home sites and liaise with the NYC OCFS ombudspersons. The Residential Care Advocates also report to the First Deputy Commissioner and are responsible for ensuring that ACS is being responsive to the concerns expressed by the youth in care. They are out visiting programs, conducting workshops and engaging with the youth. They recently organized a youth speak out for me and some members of my senior staff, COFCCA and other partners to hear directly from youth about their experiences in both the foster care and juvenile justice systems.

There are several other external NYC oversight entities such as the NYC Comptroller's Office, who is currently conducting an audit of the Close to Home initiative, and the NYC Office of the Inspector General who has oversight responsibility of all city agencies including ACS and has staff dedicated to ACS oversight. The Public Advocate has an ombudsman function that provides

oversight over city agencies. The five NYC District Attorneys have the authority to investigate city agencies when they suspect wrong doing and empanel grand juries to investigate and issue their findings. And most importantly, the City Council has oversight responsibilities over the work of city agencies and regularly conducts oversight hearings such as this one.

As many of you are aware, the New York State Justice Center has investigatory oversight over both detention and Close to Home facilities. They investigate all allegations of abuse, monitor outcomes of significant incident reviews and corrective action plans undertaken by providers and perform post audit activities regarding the implementation of corrective action plans by facilities and providers. In addition, the New York State Comptroller's Office also has the authority to investigate and audit city programs funded with state dollars. As you can see, there are many layers of oversight.

Juvenile Justice Oversight Board

The Juvenile Justice Oversight Board (JJOB) was established in the Close To Home Non-Secure Plan approved by OCFS. In the plan, ACS indicated it would "... develop an Independent Oversight Board, comprised of individuals from a range of backgrounds who are knowledgeable in the issues facing young people in residential care in connection with juvenile delinquency proceedings and committed to improved outcomes for youth, families, and communities. The Independent Oversight Board will be responsible for reviewing and reporting on conditions throughout the residential placement system". There is no other reference to the Juvenile Justice Oversight Board in the Plan. The prior administration appointed most of the members and had convened one meeting in September 2013. I first met with the Board on March 31, 2014. At that time, I shared my vision for our juvenile justice system and discussed the role that would be most helpful to me in advancing our work. Additionally, I informed them that I would be reviewing the Board composition and the role of the Board to better serve the priorities of this administration.

Given the robust oversight from the state and the structure for advocacy on behalf of youth at both the state and city levels, I began to examine the function and objectives of the Board and to better define the scope of responsibilities of a board comprised of individuals independent of ACS but who function in an advisory role to the Commissioner.

The welfare of justice involved young people will be better served by a Juvenile Justice Independent Oversight Board that will review and advise on the entire spectrum of the juvenile

justice in New York City, including alternatives to placement, respite care, secure and non-secure detention and non-secure and limited secure placement. This expands the Board's ability to look at the functioning of the entire system. Specifically, the Board will undertake the following roles:

- Review operations and services offered of ACS-run and ACS-contracted facilities;
- Review and analyze data, provide feedback and recommendation;
- Assist with non-secure placement program advisory boards, community outreach and stakeholder-messaging;
- Advise the Commissioner on policy and program challenges and changes, new projects and future goals;
- Provide juvenile justice specific content expertise; and
- Assist in the identification and brokering of resources.

The Board will meet quarterly at juvenile justice detention and placement residences throughout the City and in collaboration with ACS will issue an annual report that summarizes its work, the system challenges and accomplishments to serve our justice involved youth and their families. Also, the membership requirements will change slightly, to ensure city wide representation in the composition and experiences of Board members. Juvenile justice-involved youth are best served by engaged members who are active in the juvenile justice field and vested in our communities. Therefore, community connection is a central attribute of board membership. As such, I have modified the Board's membership criteria to solely allow residents of New York City to participate and feel strongly that all five boroughs must be represented. Unfortunately, this new residency requirement will preclude three current members from serving on the Board. We sincerely thank them for their commitment to youth and hope to engage them in other aspects of our work.

In addition to requiring New York City residency for Board members, going forward, the Board will include at least one parent of a justice-involved youth, an adult who was justice-involved as a young person, as well as representative from the fields of education and mental health, members of the judiciary and legal community and a member of the philanthropic community. The vision is that stakeholder interests are adequately represented, particularly with respect to community connections and investment. Members are expected to attend all Board meetings as well as engage

with and advise our other juvenile justice groups, specifically the community advisory boards that each of our NSP providers are required to convene.

Ultimately, the full Board will have between nine and fifteen members, including a Chair that I will appoint. I invite the Council to recommend qualified candidates for consideration. I shared this new, expanded vision for the Board during our second meeting on October 28th. The Board will hold its next meeting on January 28th at an ACS juvenile justice residence.

Closing

Thank you for the opportunity to share with you the important work we are doing to address the needs of youth in our juvenile justice programs. We are grateful for all of the support of the Council as we continue to strive to improve services for the City's most vulnerable young people. I am happy to take any questions you may have.