



**The New York City Council, Committee on General Welfare**

**Thursday, January 24, 2013**

**“Oversight: Re-examining ACS' Resident Advocacy Program”**

**Testimony by**

**Raye Barbieri, Deputy Commissioner  
New York City Administration for Children's Services**

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Good afternoon Chair Gonzalez and members of the Juvenile Justice Committee. My name is Raye Barbieri and I am the Deputy Commissioner of the Division of Youth and Family Justice at the Administration for Children's Services. Joining me today is Stephanie Prussack, Associate Commissioner for Detention Services. I'd like to thank the Council for the opportunity to update you on ACS' Resident Advocacy Program.

As the Council knows, since the merger of Children's Services and the Department of Juvenile Justice, ACS has been building on successful city-wide reforms to help us better target the use of detention and safely reduce the number of youth in secure facilities. ACS takes the responsibility to provide safe and structured services to youth in detention very seriously. In addition to our detention reform work, in March 2012, Governor Cuomo signed the “Close to Home” legislation, allowing NYC youth who have committed low-level offenses to be placed in or near New York City to receive rehabilitative, therapeutic and educational services. With the significant strides we have made in detention reform and the Close to Home implementation underway, it is an important time to ensure that we have a direct line of communication with our youth and their families. We are committed to building a system that is responsive to their needs and concerns and incorporates their feedback into our operations. The Resident Advocacy

Program is instrumental in helping ACS to obtain greater insight into what works and what we can improve in our Juvenile Justice residential facilities.

## **Resident Advocacy Program Overview**

The Resident Advocacy Program was established at the Department of Juvenile Justice on July 1, 2008 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 primarily through active ombudspersons operating in our secure and non-secure detention facilities. Prior to the DJJ/ACS merger, each of the City's three secure facilities: Bridges Juvenile Center, Horizon Juvenile Center and Crossroads Juvenile Center had their own ombudsperson. When ACS closed the Bronx-based Bridges Juvenile Center in May 2011, we relocated the third ombudsperson to monitor our thirteen non-secure detention group homes. The Ombudspersons in secure detention report to the Executive Director of their respective facilities and the non-secure detention Ombudsperson reports to the Executive Director of Non-Secure Detention.

The role of the ombudsperson is to ensure that all youth understand their right to report and pursue a grievance and the process for doing so. Ombudspersons preserve the confidentiality of all young people's identities while investigating and working to resolve and address the concern. The RAP process requires ombudspersons to promptly respond 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.

At Orientation, youth meet their ombudsperson and receive the “Ombudsman Request Form.” They are also notified of where to get additional forms. The form includes the youth’s name, the type of complaint, and asks whether the youth would like their parent or legal guardian notified about their request. Youth may verbally request to meet with an ombudsperson or fill out the “Ombudsman Request Form” and place it in the “drop box” in their communal areas. Parents of youth can also reach out to ombudspersons to address any concerns they may have.

Complaints from youth run the gamut from concerns about the building temperature to requests for clothing, personal supplies and programming. In one instance, a number of youth complained to staff about the quality of soap in a facility. ACS was able to respond to their concerns by providing higher quality soap. In another case, youth were not satisfied with the food and snack choices that were provided. ACS was able to consult with a dietitian to review and revise the menu to provide more healthy “kid friendly” meal and snack options such as baked chips and apples.

Despite the availability of the ombudspersons, youth in detention do not always feel empowered to advocate for themselves. Thus, over the years, we have broadened the role of the ombudspersons, encouraging them to not only address the concerns raised by others but also to take a proactive approach to youth advocacy. Therefore, in addition to fielding concerns, ombudspersons themselves also investigate and assess the quality of services and living conditions. Ombudspersons also 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, as it is an occasion to meet with senior leadership and allows for ombudspersons to provide input on broader ACS policies.

### **Resident Advocacy Program Committee**

In addition to ombudspersons who field youth concerns and advocate for youth, ACS also established the Resident Advocacy Program Committee (RAPC). The RAPC replaced the New York City Department of Juvenile Justice's (DJJ) Ombudsperson Review Board (ORB), which had been in place since 1975. The RAPC is a committee, comprised of five non-ACS advocates who met monthly to hear, review and advise on matters that directly impacted the quality of life of detention residents. The RAPC worked in conjunction with the Executive Directors and Executive Division Staff of each detention facility and the ombudspersons.

RAPC meetings were used to review recurring themes in complaints and grievances, discuss program and agency updates, review newly developed protocols and policies, and analyze data. Ombudspersons also brought specific concerns to the committee members.

The last formal meeting of the RAPC was held in the Spring of 2012. The Commissioner met with RAPC members to discuss the implementation of Close to Home and the need for a larger, more comprehensive board to oversee all of the city's residential juvenile justice facilities. The Commissioner sought input from members as to the composition and responsibilities of this new Board so that ACS could both incorporate feedback from a broader group of individuals and institute greater transparency in the process.

## **Moving Forward – The Juvenile Justice Oversight Board and Residential Care Advocacy Program**

With the Close to Home initiative currently underway, ACS has recognized the need for a more robust oversight mechanism to adequately address young people's needs and to continuously monitor and improve the safety and strength of our programs, in both detention and placement. After reviewing similar oversight boards across the country and receiving input from various advocacy groups, ACS decided to reconstruct the RAPC into a new Juvenile Justice Oversight Board that will oversee both secure and non-secure detention, as well as non-secure and limited-secure placement. The Board will oversee secure and non-secure detention and placement facilities operated by ACS and those operated under contract with ACS. The Board will meet at least quarterly with senior ACS staff responsible for the operations of detention and placement facilities. The aim of the Board is to safeguard the rights of all adjudicated youth in ACS' care and custody, and to involve members of the community in monitoring the Agency's performance of its duties. Ombudspersons will continue to track, monitor and follow-up on allegations and determinations to share with the Board.

Juvenile Justice Oversight Board members will oversee the rights, safety and well-being of youth in ACS detention and placement sites. Board tasks will include: visiting facilities to assess the quality of services, monitoring operational issues, analyzing data on key system indicators, and discussing their findings with agency officials. The Board will make recommendations and develop resolutions based on their findings. Each year, the Board will issue a public summary. The Juvenile Justice Oversight Board will add a local layer of oversight to the State monitoring conducted by the New York State Office of Children and Family Services (OCFS). OCFS, who already oversee our detention facilities, plans to increase their

team of people who oversee our Close to Home placement facilities to thirty plus staff members. These individuals are dedicated to monitoring ACS – they will conduct site visits, develop performance indicators for both ACS and our contracted providers, and review cases. In addition, ACS will continue to provide incident reports, census reports, and other necessary program and youth updates to OCFS on a daily basis.

The Juvenile Justice Oversight Board will be comprised of approximately ten to fifteen people and current RAPC committee members who apply will be offered a position on the Board. For those interested in becoming members of the Board, ACS is currently reviewing applications and the application may be found on ACS' website. The Juvenile Justice Oversight Board will include at least one parent of a juvenile justice-involved youth, one young person with personal experience in the Juvenile Justice system, and one member of the Legal Aid Society. We also plan to include members with substantial experience in the fields of education, mental health and juvenile justice systems operations. Applications for membership on the Board are due by February 28, 2013, after which they will be reviewed by an internal committee at ACS. We encourage the City Council to direct any potential board applicants to our website and we have applications with us here today to handout to any interested candidates.

In addition to reconstructing the RAPC into the new Juvenile Justice Oversight Board, ACS will be hiring two additional ombudspersons to augment our existing RAP team and the expanded team will be renamed the Resident Care Advocacy Program (RCAP). To encourage independent oversight over the Division of Youth and Family Justice, we are moving the Resident Care Advocacy Program into the Office of Advocacy, which is ACS' portal to the public, working to make sure that parents, foster parents and youth are aware of their right to due process. While the ombudspersons will now report to the Director of the Office of Advocacy,

their role will remain the same. As mentioned earlier, we expect that the ombudspersons will inform the work of the Board by participating in meetings and raising issues with the Board. In addition, Ombudspersons will continue to meet regularly with DYFJ leadership on specific issues, concerns and trends and will act as a neutral oversight body.

Monitoring the conditions within the New York City's new placement facilities under Close to Home will involve both the two new ombudspersons, as well as a number of other oversight lawyers. In addition to the state oversight we discussed earlier, ACS has also hired Placement and Permanency Specialists who play a critical role in ensuring the success of the youth's placement, including the coordination and monitoring of youth while in placement. Each youth in placement is assigned one Specialist who will monitor and coordinate services tailored to the individual needs of the youth for the duration of the youth's placement and through aftercare services. The Specialists' role is to ensure quality case practice and adherence to release conditions and is another person for youth to contact if they have any concerns while in the custody of ACS.

I appreciate the opportunity to update you on the work that Children's Services is doing to engage community leaders, family members and youth themselves to address the needs of youth while they are in detention and placement. We have a unique opportunity to leverage existing and new resources and partnerships to assess and, where needed, improve the conditions of our detention and placement facilities. We will continue to update the Council as we move forward with recruiting and implementing this new Juvenile Justice Oversight Board.

I am now happy to answer any questions.