

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

JOINT COMMITTEES ON GENERAL WELFARE

And JUVENILE JUSTICE

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November 12, 2010  
Start: 1:30pm  
Recess:

HELD AT: Council Chambers  
City Hall

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

ANNABEL PALMA  
Chairperson

COUNCIL MEMBERS:  
Gale A. Brewer  
Daniel Dromm  
Helen D. Foster  
Brad Lander  
Stephen Levin  
Ydanis A. Rodriguez  
James Sanders, Jr.

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

John Mattingly  
Commissioner  
New York City Administration for Children Service

Laurence Busching  
Executive Deputy Commissioner  
Division of Youth and Family Justice

Faye Moore  
President  
Social Service Employees Union, Local 371

Avery Irons  
Director of Youth Justice Programs  
Children's Defense Fund

Danielle Marshion  
Citizens Committee for Children

2 CO-CHAIRPERSON GONZALEZ: Before we  
3 proceed with today's business I would just like to  
4 take a moment to recall and a moment of silence  
5 for our Sergeant of Arms, Frank Vale who has  
6 passed. Thank you. [pause]

7 May he rest in peace. Good morning  
8 ladies and gentlemen. I am Sara Gonzalez and  
9 today is November 12, 2010. Welcome to today's  
10 joint Juvenile Justice and General Welfare  
11 committee hearing. Beside me is Council Member  
12 Annabel Palma, or actually one seat away. I would  
13 like to thank her for holding this joint hearing  
14 today. I would also like to thank all of you for  
15 being here today and would like to introduce the  
16 members when they arrive of the Juvenile Justice  
17 Committee. Of course next to me here is our  
18 Council Member Helen. I would also like to  
19 certainly not last but most importantly I would  
20 like to thank Speaker Quinn for her leadership.

21 Before I start discussing Intro  
22 195-A, which is the focus of today's hearing, I  
23 would like to take a moment to discuss the  
24 Committee of Juvenile Justice accomplishments over  
25 the past several years. Nearly five years ago the

1  
2 Juvenile Justice Committee became a standing  
3 committee overseeing the Department of Juvenile  
4 Justice. During the past several years the  
5 Committee has been an integral part of the  
6 formulation of new policies and a partner in the  
7 development of new programs set forth by  
8 Department of Juvenile Justice.

9           Since this standing Committee's  
10 inception, the Department of Juvenile Justice has  
11 implemented various policies that have assisted  
12 many of those in the detained juvenile population.  
13 While chairing this Committee, Department of  
14 Juvenile Justice and during that period has  
15 increased their focus on alternatives to detention  
16 programs. We've implemented a family  
17 collaborative with Department of Juvenile Justice,  
18 of course, in the lead with our support. We've  
19 also sponsored a lot of legislation or several  
20 pieces of legislation pertaining to this direct  
21 juvenile justice population. I have chaired many  
22 hearings pertaining to the needs of this  
23 population in the hopes and the interests of  
24 rehabilitation.

25           The City Council has provided

1  
2 funded for most of these programs. These are just  
3 a few areas that the Committee has covered over  
4 several years. I'm proud to be a part of such  
5 accomplishments.

6 As I stated earlier, the focus of  
7 today's hearing is on proposed introduction 197-A,  
8 which is a local law to amend a New York City  
9 charter and the administrative code of the City of  
10 New York in relation to merging the Department of  
11 Juvenile Justice and the Administration for  
12 Children Services. Since the Mayor first  
13 announced the plan to integrate these two agencies  
14 in his 2010 state of the city address, the Council  
15 has taken a proactive approach in overseeing that  
16 services and programs offered to juveniles in  
17 detention by Department of Juvenile Justice were  
18 not interrupted. In doing so, the Committee has  
19 held a joint oversight hearing earlier this year  
20 on the merger of Department of Juvenile Justice  
21 and Agency for Child Services, which provided the  
22 public with a better insight to the process.

23 From our meetings with the  
24 administration to discussions with advocates to  
25 legislative hearings on the merger, we have

1 remained vigilant in overseeing this transition.

2 I would like to thank my colleagues who have  
3 participated in the countless oversight hearings  
4 on issues that affected our city's most important  
5 population. Also, our success would not have been  
6 possible without the contributions. Let me say a  
7 word about our staff as well. They contribute  
8 greatly to this Committee's success and we thank  
9 you all, and you know who you are, for your  
10 committeemen.  
11

12 Finally, I would like to thank  
13 Commissioner Mattingly for his hard work during  
14 this integration process as I would also like to  
15 thank Deputy Assistant Commissioner Larry Busching  
16 for his dedicated services to the City of New York  
17 and for his commitment for bettering the lives of  
18 our city's detained youth. I would now like to  
19 turn the floor over to Chairwoman Palma for her  
20 opening comments. Thank you.

21 CO-CHAIRPERSON PALMA: Good  
22 morning. I'm Council Member Annabel Palma. I'm  
23 chair of the General Welfare Committee and I want  
24 to thank my colleague, Council Member Sara  
25 Gonzalez for holding the hearings we've had on

1  
2 proposed intro 195A, which formally effectuates  
3 the merger of the Department of Juvenile Justice  
4 and the Administration for Children Services. I'd  
5 also like to thank the staff who brought this  
6 hearing together. I know that Council Member Sara  
7 Gonzalez mentioned but I also would be remiss if I  
8 didn't mention them, Gasette Camillo, counsel to  
9 both committees and Matt Hickey and Wyndiam  
10 Hanjash from the Juvenile Justice Committee. I  
11 would also like to thank all the interested  
12 parties who are here with us today, including the  
13 representatives of Local 371.

14 In his state of the city address  
15 this past January, mayor Bloomberg announced the  
16 integration of the Administration for Children  
17 Services and Department of Juvenile Justice. The  
18 goals of the merger are laudable; to decrease  
19 rates of recidivism among youth involved in the  
20 juvenile justice system. To help identify  
21 successful long term plans for all of our youth  
22 and to achieve cost savings and reduce  
23 inefficiencies. Yet, I was extremely concerned  
24 when I first heard about the merger particular ACS  
25 has a significant responsibility and a critical

2 mandate.

3 The agency investigates an average  
4 of 55,000 reports of abuse and neglect each year  
5 and administers the provision of foster care and  
6 preventive services in the city. The agency is  
7 also responsible for managing subsidized child  
8 care for approximately 80,000 children throughout  
9 the city. For years the General Welfare has  
10 expressed its concerns about ACS' struggles to  
11 adequately fulfill these responsibilities,  
12 particularly in recent years when the agency has  
13 faces significant budget cuts.

14 In order to address concerns about  
15 the merger, the General Welfare Committee and the  
16 Juvenile Justice Committee held numerous hearings  
17 that have examined the Mayor's plan to merge the  
18 DJJ into ACS. Both Council Member Gonzalez and I  
19 have carefully and deliberately examined the  
20 merger and how it will affect our city's at risk  
21 youth.

22 We are optimistic that the merger  
23 will lead to improvement in the city's juvenile  
24 justice system, specifically we expect a reduction  
25 in the city's use of detention and an increase in



1  
2 availability of alternatives to detention  
3 programs. However, while we were hopeful about  
4 the expected improvements. Our committees will  
5 continue to use our oversight capabilities to make  
6 sure that ACS adequately fulfills all the vital  
7 mandates.

8 I want to thank Commissioner  
9 Mattingly for his leadership and his commitment in  
10 making sure that our city's youth and especially  
11 our at risk youth get the services they need.  
12 Executive Deputy Commissioner Laurence Busching  
13 for all his work and the staff who is at our  
14 disposal whenever we have any questions, concerns  
15 or just want to get some information. I'd like to  
16 welcome Council Member Helen Foster who is part of  
17 the General Welfare Committee and Council Member  
18 Jimmy Van Bramer and Council Member Danny Dromm  
19 who sits on the Juvenile Justice Committee. And I  
20 look forward to your testimony today,  
21 Commissioner.

22 CO-CHAIRPERSON GONZALEZ: Before we  
23 move on, Commissioner, I just want to also state  
24 that both the Council staff and our attorneys have  
25 had multiple meetings and myself and discussions

1  
2 with our partners in labor to address protecting  
3 the workers and their rights during this  
4 transition process, which is very significant.

5 You may proceed. Thank you.

6 JOHN MATTINGLY: Good morning,  
7 Chair Gonzalez, Chair Palma, members of the  
8 Juvenile Justice and General Welfare Committees.  
9 I am John Mattingly, Commissioner of the New York  
10 City Administration for Children Services.

11 Joining me today is Laurence Busching, Executive  
12 Deputy Commissioner for the Division of Youth and  
13 Family Justice. I'd like to thank the Committees  
14 for providing us with the opportunity today to  
15 discuss this merger and to reiterate our support  
16 for the merger legislation that was introduced by  
17 Chairs Gonzalez and Palma in April.

18 Through this merger, ACS and DJJ,  
19 we believe New York City has the unique  
20 opportunity to build upon our juvenile justice  
21 reform efforts to date and to leverage our  
22 expertise in both juvenile justice and child  
23 welfare systems to strengthen the results we are  
24 achieving for court involved youth. Our primary  
25 goals are to maintain public safety while reducing

1  
2 recidivism and to provide the best care possible  
3 for court involved youth while helping them to  
4 succeed in their education, personal lives and  
5 careers.

6           Through this merger, the city also  
7 aims to reduce the use of detention by developing  
8 more family and community based options aimed at  
9 strengthening family relationships and better  
10 addressing the behavior that leads to court  
11 involvement. Since January, DJJ and ACS have been  
12 operating as two separate agencies under my  
13 leadership and in July the administrative  
14 operations of these two agencies were integrated  
15 in order to create efficiencies and to begin  
16 working toward a more aligned system.

17           In order to fully bring the two  
18 agencies together we are relying on City Council  
19 to pass legislation that will make DJJ a part of  
20 ACS under the city charter and administrative code  
21 and to integrate the agency's budgets. We are  
22 eager to see this legislation enacted for several  
23 reasons.

24           First, there are a number of ways  
25 that the merger will help us to enhance the care

1 provided to young people in detention,  
2 particularly for youth who are also involved with  
3 the child welfare system. More than 60% of young  
4 people admitted to detention have had some contact  
5 or their family has had some contact with ACS.  
6 Experts in this field refer to these young people  
7 as crossover youth. By aligning the work of ACS  
8 and DJJ we will be able, we think, to streamline  
9 case work, permanency planning for foster care  
10 youth in detention.  
11

12 WE will also be better equipped to  
13 ensure that detention staff who work with youth  
14 served by ACS' child welfare programs know about  
15 the prior work with the family and the individual  
16 needs of the young person.

17 Second there are several  
18 administrative efficiencies that will be achieved  
19 by the merger including several that will help to  
20 streamline some of the most basic functions of  
21 operating detention. For example, the processes  
22 for purchasing clothing and food for youth in  
23 detention and for standard repairs and maintenance  
24 of our facilities will be aligned with the overall  
25 agency administrative processes.

1  
2           The merger will also facilitate  
3 efforts to synthesize detention administrative  
4 policies and procedures within those of ACS. For  
5 example, it will help us in our efforts to make  
6 our disciplinary system more uniform, timely and  
7 effective. The merger will also help us to ensure  
8 that the most effective financial systems are in  
9 place so that we are making the best use of our  
10 resources and ensuring timely payments to  
11 contractors.

12           In sum, the merger will help us to  
13 make the operations of our detention sites more  
14 efficient and will remove unnecessary obstacles to  
15 providing the high quality of care that we seek to  
16 provide in all of our facilities.

17           Now since January DJJ and ACS  
18 together with our partners have made significant  
19 progress in achieving our goals of reforming the  
20 use of detention, of improving the quality of the  
21 experience for young people in detention, of  
22 addressing the needs of youth and families  
23 involved in multiple service systems and finally  
24 in increasing information sharing and  
25 collaboration with stakeholders.

1  
2 We addressed our vision for these  
3 in other areas in the strategic plan that we  
4 released in June. We have been updating the  
5 Council on our progress on an ongoing basis. In  
6 addition, we have also shared the city's detention  
7 reform plan with Council and with all of our  
8 stakeholders. The plan lays out a series of  
9 strategies for building on the city's successful  
10 efforts at detention reform over the past several  
11 years. These efforts have succeeded both in  
12 reducing detention usage and in recidivism.

13 In moving these efforts forward,  
14 the detention reform plan lays out eight specific  
15 strategies that will better target our use of  
16 detention, secure detention, will better enhance  
17 our options for non secure detention, will  
18 coordinate our efforts on behalf of crossover  
19 youth and will maximize use of effective  
20 alternatives to detention.

21 Many of these strategies are  
22 beginning to being implemented and others will be  
23 taking effect shortly. We believe that these  
24 strategies will enable us to close Bridges, our  
25 outdated facility in the Bronx. We're well on our

1  
2 way to completing the necessary work in our other  
3 two secure facilities to enable us to safely close  
4 Bridges and maintain sufficient capacity within  
5 Crossroads and Horizon for all youth remanded to  
6 secure detention. The closure will not only be  
7 better for youth in care, it will also allow us to  
8 better use our staff and the other two more modern  
9 facilities.

10 In carrying out these ambition  
11 reforms, ACS will benefit from the leadership of  
12 our new Associate Commissioner for Detention and  
13 the Division of Youth and Family Justice, Mr.  
14 Oliver Pew Folks, who has joined us here this  
15 morning.

16 In this role he will be responsible  
17 for overall management and supervision of  
18 detention in New York City. Mr. Pew Folks brings  
19 a wealth of experience to the position. Most  
20 recently he served at the First Deputy Sheriff and  
21 Assistant Commissioner within the Sheriff's Office  
22 at the Department of Finance. Previously, from  
23 2002 to 2006, Mr. Pew Folks served the Department  
24 of Juvenile Justice as Assistant Commissioner of  
25 Operations and Detention. In this position he

1  
2       oversaw the operations of secure detention. Among  
3       the key initiatives that were developed under Mr.  
4       Pew Folks' leadership were our resident behavior  
5       management program known as Aspire and the  
6       creation of special support dormitories to provide  
7       for youth with mental health needs.

8               In conclusion we hope that through  
9       today's testimony and our discussions in this  
10       hearing and in previous hearings, we have or will  
11       convey to the Council the promising work that has  
12       taken place since the announcement of the  
13       integration between ACS and DJJ. At the same  
14       time, the operational challenges of running two  
15       non-merged agencies are significant and we are  
16       therefore eager to see the enactment of this  
17       merger legislation so that we can dedicate our  
18       full energy toward further improvements in the  
19       ways that we serve court involved youth and we  
20       enhance public safety.

21               We are grateful for the support and  
22       advocacy that Chair Gonzalez and Chair Palma have  
23       provided throughout this process, and particularly  
24       for their introduction of the merger legislation.  
25       In the months since the Mayor announced the



1 merger, we have been maintaining open  
2 communication about our plans with Juvenile  
3 Justice and Child Welfare stakeholders. We  
4 established an advisory board of community  
5 leaders, advocates, service providers, labor,  
6 members of law enforcement, city agencies and  
7 representatives of the judiciary. WE have met  
8 with counsel and testified on a monthly basis. WE  
9 have appeared in many public forums and led tours  
10 of our facilities. We have posted our plans on  
11 our websites and incorporated feedback throughout.  
12 In all these settings we have received  
13 overwhelmingly positive feedback on our plans and  
14 support for the merger.  
15

16 WE are confident that the merger  
17 will allow us to leverage new and existing  
18 resources. This will better enable us to continue  
19 working with our partner agencies across the city  
20 and all of our stakeholders to strengthen our  
21 system's capacity to assess risk and provide  
22 appropriate interventions for court involved  
23 youth. Together, we can maintain public safety  
24 while minimizing system involvement with these  
25 young people. We can strengthen our youth and

families through evidence based cost effective alternatives to detention or through quality residential care where that is appropriate.

We hope that the Council will consider the progress that has been made and the tremendous amount of work that we have under way and support our continuing efforts by passing this legislation. We are pleased now to take the Council's questions.

CO-CHAIRPERSON GONZALEZ: Thank you, Commissioner. Since the Mayor's announcement of the merger in January of this year you began to implement some changes like the creation of the Division of Youth and Family Justice and you've consolidated the administrative areas of both agencies in order to streamline efficiencies. Besides merging the budgets, are there any more structural changes you plan to implement after this bill becomes enacted?

MR. MATTINGLY: We believe the structural changes are largely already accomplished.

CO-CHAIRPERSON GONZALEZ: Thank you. You have had since January to perform

1  
2 reviews and evaluations. Are there any areas  
3 within the agencies that still need to be  
4 evaluated?

5 MR. MATTINGLY: No, we have  
6 completed our initial evaluations. It's going to  
7 take more time to complete everything that we  
8 would like to know but we've completed our initial  
9 evaluations and made some preliminary judgments  
10 about what has worked and what needs help.

11 CO-CHAIRPERSON GONZALEZ: Thank  
12 you. When the merger was announced, it was a  
13 projected savings of over \$2 million. Has that  
14 figure changed?

15 MR. MATTINGLY: No.

16 CO-CHAIRPERSON GONZALEZ: At  
17 previous hearings you testified that \$1.8 million  
18 of the savings resulting from the merger would be  
19 reinvested in expanding alternative to detention  
20 programs. Have you begun such expansions?

21 MR. MATTINGLY: We have had to put  
22 the majority of those expansions on hold as we  
23 began to develop options related to the budget  
24 issues that we faced in DJJ alone.

25 CO-CHAIRPERSON GONZALEZ: So what

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you're saying is that it's on hold?

LAURENCE BUSCHING: Well, we've had a bunch of alternatives that we've been developing that are underway. We have particularly focused on crossover youth so young people who are involved in both Child Welfare and Juvenile Justice. A lot of that can be done without additional funding. But because we faced budget cuts, that \$1.8 million may be in jeopardy in order to meet our PEGS. How much of that will - - ? You don't know at this point.

CO-CHAIRPERSON GONZALEZ: You're saying that's what the budget issue is, the possibility of cuts so you're sort of planning ahead?

MR. BUSCHING: Yes, exactly.

MR. MATTINGLY: Better to use revenue than cut expenses.

CO-CHAIRPERSON GONZALEZ: In FY2010 there was a decline in the number of youth remitted to detention from FY2009, are we on track to have fewer youth in detention this fiscal year?

MR. BUSCHING: We've maintained a steady 15% or so reduction over the previous year.

2 CO-CHAIRPERSON GONZALEZ: Many  
3 advocates, though supportive of the merger, have  
4 raised concerns over ACS's ability to absorb yet  
5 another large system as it is already responsible  
6 for administering two complicated systems, the  
7 child welfare and child care system. As Agency  
8 for Child Services commissioner, how do you  
9 anticipate that the merger will affect ACS'  
10 provision of child welfare and child care  
11 services?

12 MR. MATTINGLY: I think that the  
13 only possible result is for us to do a better job  
14 for those families and youth who are caught up in  
15 both systems. For example, we have approximately  
16 600 delinquent youth who are in our foster care  
17 homes now. We think with better sharing of  
18 information, we'll be able to serve them better so  
19 I think overall it's a way to both be more  
20 efficient and more effective.

21 For example, we found the secure  
22 programs were all individually purchasing such  
23 items as their food. We've centralized that and  
24 we have brought it under a single budget and we've  
25 been able to get high quality food for less money

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2 because we're purchasing all of our food including  
3 that for the children center, for example, from  
4 one vendor at a reasonable cost. So there are  
5 efficiencies to be made but that takes time and  
6 effort on the part, for example, of our  
7 procurement and budgeting staff. But we have  
8 integrated members of that staff from DJJ as well  
9 as taking on those additional responsibilities.

10 CO-CHAIRPERSON GONZALEZ: I was  
11 just wondering in respect to the specific question  
12 that I asked because there's a real fine line  
13 between the two populations. Also, the expertise,  
14 the leadership of the folks that you have put on  
15 board, that is what's going to alleviate or is  
16 going to be able to work for this population, the  
17 fact that you for example are executive deputy  
18 commissioner, Busching. Because you already have  
19 X amount of responsibility with the two other  
20 areas, so is it with leadership and expertise for  
21 this particular area?

22 MR. BUSCHING: Thank you. Yes,  
23 that's basically what we have been able to do,  
24 especially with our hiring of our new very  
25 experienced Assistant Commissioner. We will have

1  
2 essentially the strong leadership team that we  
3 need over the new division. By integrating the  
4 juvenile justice initiative, which we started at  
5 ACS and integrating the new PINS program using  
6 evidence based programs. By integrating them into  
7 the new division, the new division will be even  
8 stronger.

9 CO-CHAIRPERSON GONZALEZ: Okay,  
10 well I'm going to defer to Council Member Palma  
11 now. Thank you.

12 CO-CHAIRPERSON PALMA: Thank you  
13 Council Member. Commissioner, as always I'm  
14 always concerned about the budget cuts that ACS  
15 faces on a yearly basis and my concern  
16 particularly being on either the child protective  
17 services or the preventive services. I'm just  
18 curious to know will any of the ACS PEGS, what  
19 kind of result it will have in the reduction of  
20 juvenile justice service programming under the  
21 continuum of services if we have to get ready for  
22 another round of budget cuts.

23 MR. MATTINGLY: We already have  
24 been, unfortunately. In my judgment there will be  
25 minimal or no impact from any cuts made in ACS'

1  
2 somewhat larger or dramatically larger budget that  
3 will affect the DJJ operations - none.

4 CO-CHAIRPERSON PALMA: Even while  
5 the budgets merge.

6 MR. MATTINGLY: That's right.

7 CO-CHAIRPERSON PALMA: Because I  
8 know I'm not on the budget staff but what we do  
9 the budget bill.

10 MR. MATTINGLY: There won't be any  
11 impact. Now, DJJ has and will continue to have  
12 its own PEGS. We'll still have to struggle with  
13 those but we won't--I wish that there were huge  
14 savings I could find in the DJJ budget but I  
15 guarantee you there were not. So that we will not  
16 be making any impact except supportive on the DJJ  
17 budget.

18 CO-CHAIRPERSON PALMA: I wish that  
19 we can say that for your budget overall.

20 MR. MATTINGLY: Yes, me too.

21 CO-CHAIRPERSON PALMA: Is there  
22 going to be any change in the manner in which ACS  
23 handles their cases now with youth also have the  
24 juvenile justice history. As a result of this  
25 merger, whether they had a juvenile justice



1  
2 history or they receiving preventive services, how  
3 is ACS going to handle those cases?

4 MR. BUSCHING: Very good question.  
5 The PINS program was in the process of being  
6 overhauled prior to this proposed merger. And  
7 that overhaul involved bringing in leadership who  
8 have experienced a juvenile justice issues and in  
9 recalibrating the entire way in which we assess  
10 families who are caught up in, who have runaways,  
11 truants, incorrigible young people that they are  
12 trying to serve who are not going through the  
13 family court system. The assessments will be  
14 briefer and more targeted but we will maintain the  
15 same level of staff that we've had, at least in  
16 the last six months to provide those assessments.

17 What we have changed quite  
18 dramatically is the kind of preventive service  
19 that those families will be accessing. All of the  
20 preventive services will now be those specialized  
21 evidence based programs that have been so  
22 successful in the juvenile justice initiative.  
23 Too many times in my judgment we went through an  
24 extensive assessment process and then essentially  
25 referred the family to a general preventive

1  
2 program. We started some specialized and they  
3 have gotten underway but we felt like we needed to  
4 strengthen those services and that's what we've  
5 done in the new plan.

6 CO-CHAIRPERSON PALMA: In previous  
7 hearings you mentioned the working group and now  
8 you mentioned it in your testimony. Through that  
9 working group were there any recommendations made,  
10 can you share with us what was the process of that  
11 working group and any recommendations that they  
12 have made that led to any changes that you  
13 originally thought you were implementing but then  
14 decided.

15 MR. MATTINGLY: WE have an advisory  
16 board that's made up with representatives from a  
17 wide array of experienced agencies, advocates, the  
18 judiciary, Chair Gonzalez and others. We meet  
19 quarterly and we present to them some of our  
20 plans. We went over with them, for example, our  
21 detention reform action plan and received a lot of  
22 specific feedback on some of the items there.

23 One of the things that they pointed  
24 out was as we embark on all of these reforms, one  
25 of the things that's going to be really key is

1  
2 shrinking the system and looking at things like  
3 case processing times so that if you just move  
4 cases faster, you can reduce detention that way.  
5 And it's a fairly--you don't have to have new  
6 programs, you just have to be more efficient so  
7 we're looking for ways to do that. That's just  
8 one example.

9 CO-CHAIRPERSON PALMA: I know  
10 Commissioner you mentioned also in your testimony  
11 and I would be remiss if I didn't ask about the  
12 closing of Bridges. You mentioned you're a step  
13 closer to making sure the facility is closed.  
14 What's a step closer in terms of a timeline?

15 MR. MATTINGLY: The Executive  
16 Deputy may not want me to say this but we expect  
17 to be closed by the end of this year. We're very  
18 close. It may be that we had some problems  
19 intervene in the two newer facilities that had to  
20 be cleaned up. We had to close some units while  
21 we did that but we didn't want to close Bridges at  
22 the same time but we're very close.

23 CO-CHAIRPERSON PALMA: And you know  
24 that I have been, as Council Member Gonzalez has  
25 been, committed to making sure that we're working

1  
2 together and having this merger be a success. My  
3 last question is just after the merger is  
4 complete, what you foresee being one of your  
5 biggest challenges moving forward, if you foresee  
6 any?

7 MR. MATTINGLY: There's plenty. We  
8 have had to take a fresh look at the disciplinary  
9 process that was used. We had far too many  
10 disciplinary cases on hold and lasting for long  
11 periods of time before you took action. We're in  
12 the midst of trying to clean that up, with the  
13 help of the union at the same time. At all three  
14 facilities, we have an overtime problem that is  
15 remarkable, I'll just put it that way.

16 CO-CHAIRPERSON PALMA: You  
17 mentioned disciplinary cases.

18 MR. MATTINGLY: Staff.

19 CO-CHAIRPERSON PALMA: Staff  
20 disciplinary cases, okay.

21 MR. MATTINGLY: We have an overtime  
22 issue that is remarkable in my experience.  
23 Although all correctional programs tend to have  
24 this for various reasons not worth getting into at  
25 this point but with the merger and with the

1 closing of Bridges, we anticipate dramatic cuts in  
 2 the need for overtime. That will mean that we  
 3 won't have so many staff working double and triple  
 4 shifts and then being off for a long period of  
 5 time, which leaves the coverage in particular  
 6 units very spotty and also harm the development of  
 7 solid relationships and understanding between the  
 8 youth and the staff that they work with.  
 9

10 So that's a big challenge and can't  
 11 be easily addressed or simply addressed but  
 12 there's no question that once we are able to bring  
 13 that number down, we will have a much more solid  
 14 group of staff working with the young people.  
 15 There are a series of those kinds of challenges  
 16 there that we think have to be addressed, that  
 17 have been un-addressed for some time.

18 CO-CHAIRPERSON PALMA: Will this  
 19 result in layoffs or reduction in staff or simply  
 20 putting in a structure where you have the staff  
 21 working the adequate hours not overtime.

22 MR. MATTINGLY: We do not  
 23 anticipate any further layoffs involved in this  
 24 merger whatsoever. That doesn't mean that we  
 25 won't face PEGS as we go into the future and we'll

1  
2 have to figure out step by step what we're going  
3 to do with them. But the merger anticipates  
4 dramatic savings in overtime by making full use of  
5 the juvenile counsel that is coming out of the  
6 Bridges facility.

7 CO-CHAIRPERSON PALMA: Thank you,  
8 Commissioner. Thank you, Council Member Gonzalez.

9 CO-CHAIRPERSON GONZALEZ: Before we  
10 move on, are there any questions from...? I'll  
11 defer to Brad on this.

12 COUNCIL MEMBER LANDER: Thank you  
13 Madam Chairs, both. Thank you for being here  
14 today and for the work you've done to make this  
15 merger work and move forward. I'm very pleased to  
16 hear this last piece in particular both about the  
17 closing of Bridges and hopefully the overtime  
18 savings that we'll achieve. There are a few of  
19 us, as we spoke out at our last hearing, I think  
20 Council Member Levin suggested who really feel  
21 strongly that the child protective service pieces  
22 of the agency and now, I guess I will call them  
23 DJJ pieces of the agency are really uniform  
24 service like and should be treated from that point  
25 of view, like an uniform service agency. That

1  
2 doesn't necessarily go for the entire agency and I  
3 think we're going to keep pushing that.

4 I just want to make it a habit of  
5 asking when you come and step to us to asking how  
6 we're doing with the state. That's a grim thing  
7 to ask these day, to be sure and when such  
8 uncertain times but I don't want us to lose sight.  
9 I assume you're not losing track and I don't want  
10 us to lose track of the fact that we have to push  
11 the state to stop giving you incentives to send  
12 people upstate rather than to have the resources  
13 for the kinds of programs you want to do more of.  
14 I wonder if you can give us any quick update on  
15 what that's going.

16 MR. MATTINGLY: We've gotten a  
17 couple of new bills that go back from the state,  
18 charges going back to 2005, increasing our rates  
19 expo facto for the payment of the 50% charge for  
20 detention. In addition, with the fact that we've  
21 been able to so deeply cut into the number of kids  
22 that we have sent to OCFS they have been able to  
23 bring their numbers of youth in care down  
24 dramatically.

25 Unfortunately, OCFS has been

1  
2 limited to what it can do by legislation requiring  
3 that they give staff one year notice before they  
4 close a facility. So we now are facing situations  
5 where there are no children in a facility but  
6 there are staff. And at the same time, the state  
7 instead of cutting back its expenses, has too  
8 frequently simply raised the daily rate per child  
9 so that while we have approximately 600 fewer  
10 children per year sent to the state than we did in  
11 2005 our bills are \$20 million more than they were  
12 in 2005.

13 We're in the midst of discussions  
14 and there may be some dramatic action in this  
15 regard. But it is a situation that just can not  
16 continue, we think our budgets are being hit  
17 instead of the state dealing with the cuts they  
18 need to make.

19 COUNCIL MEMBER LANDER: I did  
20 notice that the governor elect has already visited  
21 correctional facility and has certainly talked  
22 about the need for reforms of the kind that you're  
23 speaking of today so maybe we can reinforce to him  
24 how important this is.

25 MR. MATTINGLY: He even mentioned



one of the facilities we're talking about,  
Triumph, yeah.

COUNCIL MEMBER LANDER: Thank you.

CO-CHAIRPERSON GONZALEZ: I'd like  
to acknowledge Council Member Sanders from the  
Juvenile Justice Committee. Commissioner, you  
testified that the expansion of alternatives to  
detention programs has not been possible due to a  
PEG but the merger yielded \$2.4 million in  
administrative efficiencies. Also there are  
anticipated savings in the overall reduction in  
detention. Given those savings do you anticipate  
expanding the alternative detention programs at  
all or are you planning maybe to wait until the  
economy gets better or when PEGS are no longer  
needed.

MR. BUSCHING: The good news is  
that there's been multiple sources of funding for  
alternatives to detention so we have not stopped  
in this area and in fact are continuing that \$1.8  
million additional. We're hopeful of preserving  
as much of that as we possibly can to continue  
with additional programming. But some of the  
programs have recently come online are high

1  
2 quality or look to be at this point from what we  
3 can tell thus far, high quality alternatives that  
4 are currently being funded, one of which is Way  
5 Home which I previously testified about, which  
6 provides a brief strategic family therapy to  
7 families where young people would otherwise would  
8 have been remanded to detention largely as a  
9 result of family issues.

10 The second one Ready Respite, which  
11 is providing essentially therapeutic foster care  
12 boarding homes for young people for up to 21 days  
13 while services are being put in place for the  
14 family. We're also in our detention reform action  
15 plan, we're looking to pilot a new model of non-  
16 secure detention would be a step down service that  
17 would provide community based supervision and  
18 would largely be directed towards Brooklyn and  
19 Queens.

20 So we're still going. We don't  
21 have all the funding we would like but we're  
22 pushing forward with everything we can possibly  
23 get going.

24 CO-CHAIRPERSON GONZALEZ: Thank  
25 you. Commissioner, I just want to sort of maybe

1  
2 if you could elaborate a little bit more. This  
3 has always been a concern that I have. When you  
4 spoke you spoke about also better equipped to  
5 ensure the detention staff who work with youth  
6 served by child welfare programs know about the  
7 prior work with the family and the individual  
8 needs of the young person. That is so significant  
9 in order for a young person to be able to  
10 rehabilitate. I just would like to ensure that  
11 you sort of reconfirm that this is something that  
12 this merger will continue and strengthen. Of  
13 course, moving forward in whatever the model be or  
14 the style, it doesn't mean it has to be the same  
15 it means it just needs to be there. So would you  
16 be able to?

17 MR. MATTINGLY: It's still our  
18 intention that once the legalities are dealt with  
19 to set up systems of sharing of information that  
20 are streamlined if not automatic. We want to be  
21 careful about the rights of families that are  
22 caught up in the delinquency system. But on the  
23 other hand, and we want to make sure that the  
24 confidentiality arrangements as part of child  
25 welfare are dealt with.

2 But this is, to us, these two  
3 agencies are complementary service divisions so  
4 there's no reason why we can not carefully  
5 automatically share information between us. Some  
6 of that is already happening. Too much of it is  
7 dependent upon staff having to make the decision  
8 to call other staff. At least now other staff are  
9 not refusing to provide information but that's not  
10 a good way to set up something that we can rely on  
11 with every family.

12 [Pause]

13 CO-CHAIRPERSON GONZALEZ: Council  
14 Member Palma.

15 CO-CHAIRPERSON PALMA: Thank you.  
16 Commissioner, before we let you go I was just  
17 thinking about the RFP and the preventive services  
18 RFP. I was just a concern on how is that going to  
19 affect any of the DJJ, if it will affect any of  
20 the services at all with the struggles and  
21 concerns that some of the preventive services  
22 agencies that have lost their contracts or didn't  
23 get the RFP.

24 MR. MATTINGLY: A very few of those  
25 agencies that we know of are serving DJJ related

1  
2 youth and the new programs we're bringing on board  
3 sooner rather than later will be more targeted  
4 toward families with young people having problems.  
5 So the RFP process and the delays that we've  
6 experience with the new contracts, while they will  
7 lead to some long term cuts in preventive should  
8 not affect this side of the house very  
9 dramatically.

10 CO-CHAIRPERSON PALMA: Okay, thank  
11 you. I want to acknowledge we've been joined by  
12 Council Member Gale Brewer.

13 CO-CHAIRPERSON GONZALEZ: Do you  
14 have any questions? I want to say, Commissioner  
15 and I just want to make a statement. I know  
16 you'll probably be leaving and maybe a member will  
17 stay but I want to say to you that for me as the  
18 Chair of this Committee I certainly have gone back  
19 and forth with the idea of something new. New is  
20 always difficult, change is always difficult but I  
21 see that you have brought on board expertise. I  
22 dealt with them for months. I want to say to  
23 Executive Deputy Commissioner Busching that your  
24 expertise is evident and I see that your ideas are  
25 new and you seem to know what you're doing and I

1 appreciate that.

2  
3 But we are, and I say this for me I  
4 can't say it for the rest of my Committee though I  
5 know they are also very, very concerned. We are  
6 sort of changing something that's going to impact  
7 the children that are detained. Children that are  
8 detained are children that can strengthen,  
9 rehabilitate and become productive citizens. I  
10 strongly believe that if we do the right thing. I  
11 say to you today moving into this merger and  
12 moving forward I believe it's the right thing but  
13 please stay assured that we will be vigilant.

14 Because this is a population that  
15 you know in your expertise Commissioner and Deputy  
16 Commissioner, if you can not think that children  
17 are the future and a lot of those children that  
18 are detained can certainly be leaders. So it's  
19 really up to us and I want to say moving forward  
20 that I believe in you so let's work at it.

21 Then the other thing I would like  
22 to say before you leave that I do want to thank  
23 Speaker Quinn for all her support. It's taking a  
24 little time because we do process things here. We  
25 don't do things impulsively. We know it's a

1  
2 population that's very significant and everything  
3 that's done has to have thought. So I want to  
4 thank her.

5 I'd like to thank our staff but  
6 more than anything before you leave also, I wanted  
7 to thank some of the staff that are on the board  
8 with you, as soon as I can get their names. It's  
9 Jasette Nelson Dubo, Assistant Commissioner for  
10 Operations and Detention, Nina Alidart, Assistant  
11 Commissioner for Program Services, Stephanie  
12 Pusack, Assistant Commissioner Non Secure  
13 Detention and Christopher Fisher, Assistant  
14 Commissioner Research Planning and Management  
15 Analysis.

16 I also want to say that those folks  
17 whose name I did not mention who work for  
18 Department of Juvenile Justice, which will now  
19 have a different name of some sort. But that  
20 their commitment to our children is so significant  
21 and I want to say on record that I thank them. It  
22 takes a lot of tolerance and patience to be able  
23 to leave your home and your responsibilities and  
24 have to deal with children who have other  
25 problems. So I want to say to them that I salute

1  
2 them for all their work, to continue that.

3           Again, the staff that is on board,  
4 I want to say that before you leave, Lisa Camillo,  
5 who continues to do a tremendous job, our counsel  
6 and William Hondaj, Keisha Moore and Andy Roseman  
7 who so willingly help with all these numbers so we  
8 can make things really wonderful and possible.

9           Also, I just want to recognize Faye  
10 Morris here, she's from Local 371 who has been  
11 incredibly instrumental in respect to finding the  
12 balance. Because we were all concerned not just  
13 about the program services, which are very  
14 significant in moving with the merger but also the  
15 lives of people who depend on the livelihood of  
16 working and having a job. So today I thank you  
17 and I look forward to our partnership. Thank you.

18           MR. MATTINGLY: Chair Gonzalez,  
19 sorry to have the last word but I would be remiss  
20 if I didn't say that our working with both  
21 committees and with you for the first time over  
22 the last course of the nine months, in the  
23 hearing, everything that we have heard from those  
24 people and others at DJJ, it was your leadership I  
25 think that led us to do many of the new things



1  
2 that got done and to build the strength that's in  
3 there now in the new division. So we all want to  
4 thank you as well.

5 CO-CHAIRPERSON GONZALEZ: Well,  
6 thank you. That means a lot to me. Is there any  
7 more questions before we close? No, we're not  
8 closing; we still have a hearing. But also I just  
9 want to just remind you of our closing that's so  
10 important to us of that facility so we're looking  
11 forward to that very, very soon I hope, right?

12 MR. MATTINGLY: Yup.

13 CO-CHAIRPERSON GONZALEZ: Thank  
14 you. Thank you, Commissioner. Please step to the  
15 table Faye Moore, Local 371.

16 [Pause]

17 CO-CHAIRPERSON GONZALEZ: Please  
18 state your name and you may proceed. Thank you.

19 FAYE MOORE: Good morning. My name  
20 is Faye Moore and I am the President of the Social  
21 Service Employees Union, Local 371. We thank the  
22 City Council and the Chair of the General Welfare  
23 Committee, Council Member Palma and the Chair of  
24 the Juvenile Justice Committee, Council Member  
25 Gonzalez for the opportunity to weigh in on Intro

195A.

Local 371 represents 17,000 social service professionals working for the City of New York. In December of 2009, Local 371 merged with Local 1457 now along with such titles as child welfare specialist, child protective specialist and case workers, we represent juvenile counselors and associate juvenile counselors that staff the city's secure detention facilities.

SSCU Local 371 regards this merger with caution. While we acknowledge that there is considerable overlap among the families receiving services among the Administration for Children Services and the Department of Juvenile Justice, the missions of the two entities remain different: ACS protects children, DJJ detains children. Different skill sets and areas of expertise are required to capably serve the two populations.

As the representatives that serve both populations, Local 371 stands ready to work with the new agency to ensure that our members' committeemen to all these children is appropriately enhanced with training, reasonable policies and procedures. Since the merger was

1  
2 announced, the union has met on or began  
3 conversations with ACS on a variety of DJJ issues  
4 that the Commissioner quite frankly has already  
5 mentioned, such as staffing levels, the overtime  
6 issue and the disciplinary process as this staff  
7 gets integrated into ACS. These talks are  
8 ongoing.

9           One thing that we have already  
10 suggested to ACS is that they consider opening  
11 more city run non secure detention group homes.  
12 We currently run two. If the city is moving to  
13 reduce the population in secure detention, there  
14 must be an expansion in the next level of care.  
15 We have not received a response to this  
16 suggestion.

17           Local 371 worked very hard with  
18 Council staff, the agency and representatives from  
19 the Mayor's Office to include the work of  
20 protection language. Should this merger move  
21 forward, it is the Local's obligation and intent  
22 to ensure that the dedicated workers of DJJ are  
23 not harmed in this transition and are not used as  
24 convenient pawns in a budget exercise.

25           The agreed upon language is

1  
2 included and should accomplish this. We thank all  
3 the stakeholders for agreeing to come to the table  
4 and hammering out this language. Before we close,  
5 Local 371 would like to go on the record objecting  
6 to the characterization of juvenile crime as a  
7 problem exclusive to Black and Latino males. This  
8 depiction does not move us forward to a solution  
9 and continues to stereotype that many of us live  
10 with every day. We're now available to answer  
11 questions.

12 CO-CHAIRPERSON GONZALEZ: First of  
13 all I'd like to say thank you for your statement  
14 and yes, I do believe that in order and the right  
15 thing to do was to sit and ensure that everyone  
16 that is involved understand moving forward that  
17 there are different things that we're going to be  
18 looking at and in fairness there has to be  
19 balance. And of course that there should be no  
20 displacement of employment; we certainly  
21 understand that.

22 I want to thank you and I just want  
23 to let you know that my office is available and  
24 I'm available if you ever need to speak to me in  
25 respect to anything, I will be there thank you.

MS. MOORE: Thank you so much.

CO-CHAIRPERSON GONZALEZ: Thank you. Council Member Brewer.

COUNCIL MEMBER BREWER: Thank you for all your leadership. Is there additional training that is possible or that you want? Is there something else in addition to obviously mandated? We would all want job protection but is there any other aspect of the merger that would be beneficial to your workers?

MS. MOORE: WE actually spoke to Executive Deputy Commissioner Busching because in ACS they have this wonderful institution, the Saddlewide Academy where all kinds of enhanced training is available to all staff. There's actually a curriculum of advanced training and that was never available to the workers that were in the Department of Juvenile Justice, just by function of the way the agency was run. We would like to see those kinds of trainings be more specific to their needs and have an opportunity to enhance their skills in dealing with this population.

COUNCIL MEMBER BREWER: So you're

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having ongoing discussions about it?

MS. MOORE: Yes.

COUNCIL MEMBER BREWER: Thank you very much.

CO-CHAIRPERSON GONZALEZ: Faye, I have a question. I know that the Commissioner had testified they took the advisory board together and are those discussions happening at that level or is the union having separate discussions as well.

MS. MOORE: We're having separate discussions on the labor management issues. But we do sit on the advisory board and we do participate but that's more of the overall direction of the agency. It wouldn't be fair to the rest of the members of these advisory board to deal with labor management issues in that forum.

CO-CHAIRPERSON GONZALEZ: Council Member Sanders.

COUNCIL MEMBER SANDERS: Thank you Madam Chair, thank you Madam President. I just want to pick up on just the last statement of your testimony. You spoke against a stereotype and a depiction. Who made this depiction?

1  
2 MS. MOORE: In announcement of the  
3 merger the Mayor made the statement about the  
4 population of children in detention being almost  
5 all Black and Latino male. And in the publicity,  
6 not in the moving away from the Mayor and the  
7 publicity in the discussion about this merger, the  
8 issue keeps coming up as if juvenile crime is  
9 property of Black and Latino males. I don't think  
10 it gets any of us any further in trying to get  
11 these children what they need.

12 COUNCIL MEMBER SANDERS: That's  
13 useful to me. I've done some study in this area  
14 also and I discovered that the populations, all of  
15 the youth populations if you wish sadly getting  
16 trouble at the same, it's what happens in the  
17 court systems that other populations are taken  
18 out. That they are taken out of and don't end up  
19 in juvenile facilities. So to mislabel it as just  
20 a Black and Latino problem one needs to study it a  
21 little bit more before one should say those  
22 things.

23 MS. MOORE: There's actually two  
24 points. First of all it's not fair to  
25 characterize, stereotype groups as criminals. It

1  
2 also ignores the needs of other children that may  
3 be in the system if you just program toward two  
4 specific ethnic groups, it ignores other children  
5 in the system. The other thing is if we're all  
6 here to make sure that these children do not end  
7 up in the adult prison system, it doesn't matter  
8 what color they are, let's just do it.

9 COUNCIL MEMBER SANDERS: Well put.  
10 Thank you very much Madam Chair.

11 CO-CHAIRPERSON GONZALEZ: Council  
12 Member Dromm.

13 COUNCIL MEMBER DROMM: Thank you  
14 very much Ms. Moore for being here. I just want  
15 to follow up a little bit on that statement that  
16 you made about suggestions to the ACS about  
17 increasing the population of group homes. Can you  
18 just elaborate on that a little bit more? I don't  
19 know if the Commissioner had said anything about  
20 that.

21 MS. MOORE: He did mention the non  
22 secured group homes but not in this context. When  
23 we met in the very beginning we suggested that  
24 they open up more publicly run, non secure  
25 detention group homes where the children have a



1  
2 little more freedom, that it's more of a  
3 congregate setting and not so much of a detention  
4 setting. That it's set up more like a household  
5 and less like an institution. Children seem to do  
6 better in those settings and it's easier to insert  
7 programs in those kinds of settings than it would  
8 be in an institutional setting.

9 COUNCIL MEMBER DROMM: So if we're  
10 moving away from the institutional setting and  
11 we're moving towards, what has ACS done in terms  
12 of providing those types of places for children to  
13 be?

14 MS. MOORE: Again, we do run two.  
15 There are a number of them that are contracted out  
16 but the city does run two. We just think that if  
17 they're moving away from secured detention that  
18 they should expand on the two that they already  
19 run.

20 COUNCIL MEMBER DROMM: Thank you.

21 CO-CHAIRPERSON GONZALEZ: I thank  
22 you. If there's any other further comment.  
23 Again, as I said, my office is available and I'm  
24 available and it's been great working with you  
25 because I certainly appreciated everything you

1  
2 said. It really makes a difference, thank you.

3 MS. MOORE: Thank you.

4 CO-CHAIRPERSON PALMA: I want to  
5 welcome Council Member Steve Levin who has joined  
6 us.

7 CO-CHAIRPERSON GONZALEZ: Avery  
8 Irons and Denise McKenzie, Citizens Committee for  
9 Children.

10 [Pause]

11 State your name for the record and  
12 you may begin. Welcome.

13 AVERY IRONS: Good morning, my name  
14 is Avery Irons. I work at the Children's Defense  
15 Fund and I'm the Director of Youth Justice  
16 Programs there. The Children's Defense Fund's  
17 mission is to encourage and ensure every child has  
18 a healthy start, a head start, a fair start, a  
19 safe start and a normal start in life and a  
20 successful path to adulthood with caring families  
21 and communities. I'd like to thank Chairs  
22 Gonzalez and Chair Palma for calling this hearing  
23 today and continuing further in this discussion  
24 about the merger.

25 I'll just summarize my comments.

1  
2 CDFNY is encouraged by the merger. We're very  
3 open to the idea of providing more therapeutic  
4 interventions and really changing how New York  
5 City does juvenile justice and moving away from a  
6 punitive or attributive model that involves large  
7 secure detention facilities that we feel  
8 dehumanize children and does not in any better  
9 their outcomes in life. Towards a system that is  
10 able to provide families and communities services  
11 that will actually produce better outcomes for  
12 young people.

13           There are, however, several steps  
14 that we think need to be taken and things that we  
15 encourage the City Council and other advocates and  
16 really everyone to really be vigilant about. The  
17 first is continuing to reduce the use of detention  
18 in New York City. I think one of the key things  
19 that's missing at this table and in this  
20 discussion about juvenile justice reform is the  
21 NYPD. If we're talking about decreasing the  
22 admissions to detention, we're talking about  
23 decreasing the reasons or changing the reasons why  
24 kids are brought to detention. We really need to  
25 be involving in NYPD in this processes and look at

1  
2 how their policing the young people and how  
3 they're policing communities.

4 I'd also like to take this  
5 opportunity to kind of weigh in on the race  
6 discussion we just had. I think if we're going to  
7 talk about disproportionate minority contact and  
8 race and ethnic disparities, it's a really, really  
9 important conversation to be having. I don't  
10 think if you have that conversation you're  
11 necessarily insinuating that Black and Latino  
12 children commit or are predisposed to committing  
13 crimes. I think it's actually looking at policing  
14 processes, looking at decision making points and  
15 every point along the system, realizing how  
16 certain children, white children have been pulled  
17 out of the system while Black and Latino children  
18 are being pushed further into the system. I think  
19 we actually have to look at that head on and look  
20 at what our system is doing and why it's  
21 predisposing some children to move further in as  
22 opposed to some being pulled out. I just wanted  
23 to weigh in on that.

24 We also think that the city and  
25 especially the Division of Youth and Family

1  
2 Justice needs to be looking at detaining fewer low  
3 and mid risk youth. The common philosophy in the  
4 field right now in juvenile justice around the  
5 country is that children should not be removed  
6 from their communities unless they're a threat to  
7 public safety. There are far too many children  
8 who are in DJJ custody right now who are not a  
9 threat to public safety and with appropriate  
10 intervention can be kept safely in their  
11 communities or kept in secure detention  
12 facilities.

13 There's need to be additional  
14 discharge - - and after care services because the  
15 recidivism rate actually went up last year. They  
16 were 49% last year, they're now 53% for kids  
17 coming out of DJJ custody so I think we're clearly  
18 doing something wrong within the facilities but  
19 also when kids are coming back to their  
20 communities we're not supplying them with the  
21 supports necessary to remain successful.

22 And then I will combine my last two  
23 points or two of my last points about the need to  
24 expand and support alternative to detention  
25 programs. That's one of the key concerns that

1  
2 CDFNY has had about the merger. This is a  
3 horrible fiscal climate. ACS is facing all kinds  
4 of budget cuts, DJJ was having similar issues as  
5 well. If we're combining these agencies how are  
6 we going to ensure that ACS is actually able to  
7 supply the services that children and their  
8 families need. If you're not having quality  
9 programs, if you're not expanding the options  
10 available to children and families and probation  
11 and Corporation Counsel incentive programs then  
12 you're essentially setting kids up and you're not  
13 supporting them in the communities and they're  
14 going to wind up back in the system. It's  
15 happened before historically, it's not an unknown  
16 phenomenon that if you decrease facilities and you  
17 then pull out services, there are limited outcomes  
18 and limited options for children.

19 This also ties into my, well  
20 there's lots of people that will agree with me on  
21 this one but my personal campaign a closing for  
22 juvenile detention facility, currently known as  
23 Bridges. We're encouraged, as always, to hear  
24 Commissioner Mattingly speak publicly about  
25 closing the facility. However, history just

1  
2 reminds us that the facility was closed once  
3 before in 1998 and reopened months later. We know  
4 the city is weighing many plans with its stated  
5 ambitions to bring young people back home. We  
6 just want to ensure that there's no future use for  
7 Spocward [phonetic] at all in the city's plans.

8 The only way to do that is to re-purpose the  
9 facility. Whether that means raising the facility  
10 and turning it into a park or gutting it or  
11 turning it into schools. But as long as it stands  
12 as a jail, someone whether it's not the Bloomberg  
13 administration there will be another  
14 administration that will come in and put children  
15 back in that facility. I really, really encourage  
16 members of the City Council, especially the Bronx  
17 delegation to take the city head on, on this.

18 There's conversations going on in communities  
19 right now in the South Bronx communities about  
20 what needs to be done with this facility. But we  
21 can't do it by ourselves.

22 CO-CHAIRPERSON PALMA: Avery, I  
23 know that Council Member Arroyo who is the  
24 district Bridges is really committed to making  
25 sure that that is not used as a detention facility

1  
2 again. She has the support of the Bronx  
3 delegation, as many of our colleagues in the City  
4 Council. So we will continue to work with the  
5 community to be innovative and bring you a  
6 facility there that reflects the needs of a  
7 community and not just to be used as a detention  
8 center.

9 MS. IRONS: Thank you, I appreciate  
10 that. I think that about--

11 CO-CHAIRPERSON GONZALEZ:  
12 [interposing] I just want to jump in and say that  
13 I'm from Brooklyn...

14 MS. IRONS: Me, too.

15 CO-CHAIRPERSON GONZALEZ: ...and  
16 quite honestly we're going to keep our eyes on  
17 that building because there needs to be something  
18 there that is something that's going to assist  
19 children, be there for a community, whatever, at  
20 that capacity. I certainly support my Bronx  
21 colleagues.

22 MS. IRONS: Excellent. I represent  
23 BedSty and I support the south Bronx as well.  
24 Just to wrap up, again, one of our concerns is  
25 about the funding. And then we also--the



1 Commissioner talked about information sharing.  
2 One of the things that first alarmed me when I  
3 heard about the merger was are you going to be  
4 opening up all these children's homes to ACS  
5 possible intervention. We just want to ensure  
6 that if ACS is going to be coming in and working  
7 on providing services for families for kids who  
8 are in the juvenile justice system that doesn't  
9 automatically lead them into the child welfare  
10 system as well. I think that if it's done with  
11 thoughtfulness, ACS will avoid that. I just want  
12 to share. It's something that is being considered  
13 as they're planning and the City Council is  
14 conducting its oversight. Thank you.

16 DANIELLE MARSHION: Good morning.  
17 My name is Danielle Marshion. I'm here from  
18 Citizens Committee for Children, CCC. CCC is a 67  
19 year old multi-issue child advocacy organization.  
20 Our mission is to ensure that every New York City  
21 child is healthy, housed, educated and safe. I  
22 would like to thank Chairwoman Gonzalez and  
23 Chairwoman Palma and the members of the Juvenile  
24 Justice and General Welfare Committees for holding  
25 this hearing today.

1  
2           The health, care and well being of  
3 the city's youth who come into the detention  
4 system are of the utmost importance to CCC and we  
5 appreciate the City Council's continued interest  
6 in these young people. CCC thanks Council Members  
7 Gonzalez, Palma, Comrie, Dromm and Nelson for  
8 introducing Local Law 195A to formerly merge the  
9 agencies and urge the city Council Members to vote  
10 in favor of this bill.

11           While there is much work that  
12 remains to be done to continue to improve the  
13 services New York City's court involved youth  
14 receives, CCC believes that ACS' progress to date  
15 shows the merger is moving the system in the right  
16 direction. In January 2010 the Mayor announced  
17 his plans to integrate and merge these two child  
18 serving agencies. Since that time CCC has already  
19 seen systemic improvements demonstrated both in  
20 the data and in policy and programming for youth.

21           In addition to these changes,  
22 according to the Mayor's management report the  
23 total number of admissions, the average length of  
24 stay, the average daily population and the number  
25 of searches are all less in fiscal year 2010 than

1  
2 in fiscal year 2009. In addition to these changes  
3 seen in the data we are pleased with many of the  
4 policy, procedural and programmatic changes that  
5 have been implemented since the Mayor's  
6 announcement.

7 Notably we're pleased that ACS  
8 plans to better target the use of detention to the  
9 highest risk youth by developing more family and  
10 community based interventions that strengthen  
11 family relationships and enable youth to remain in  
12 their communities while also promoting public  
13 safety. CCC believes that ACS detention reform  
14 plan, Building on Success, Making Steps in New  
15 York City Detention Reform is a critical component  
16 to improving the in detention services. ACS'  
17 detailed analysis of how to better target  
18 detention and expand alternatives to detention so  
19 that fewer children are detained. Those who are  
20 detained have shorter lengths of stay in the least  
21 restrictive environment. And eventually reduce  
22 the use of detention so that Bridges can be closed  
23 as a testament to the benefits of merging DJJ and  
24 ACS.

25 Finally, the new initiatives being

1  
2 implemented including Way Home for New York  
3 family, the step down program operated by Boys  
4 Town, the use of ACS transportation to enable  
5 youth - - to be brought home when their families  
6 can not pick them up. The cross systems  
7 information sharing work group and the short term  
8 foster placement for New York Families in Staten  
9 Island are exciting opportunities to reduce the  
10 use of detention. Thank you for this opportunity  
11 to testify.

12 CO-CHAIRPERSON GONZALEZ: Council  
13 Member Brewer.

14 COUNCIL MEMBER BREWER: Thank you  
15 very much. I have three quick questions. One is  
16 did you have input on the strategic plan, that was  
17 question number one. And then second you  
18 mentioned recidivism. We're all trying to stop it  
19 and then because I have this wonderful iPad I can  
20 find everybody's testimony from the past. So that  
21 wonderful Deputy Commissioner said in the past on  
22 October 28th that only those who are appropriate  
23 to intervention the merger would assist in making  
24 sure that obviously young people who don't need to  
25 go to detention won't. My question is how would

1  
2 you suggest on one end stopping the recidivism and  
3 the other end trying to stop those who shouldn't  
4 go in, in the first place? How would the merger  
5 help that?

6 And then finally I should have  
7 asked this of Ms. Moore but the technology. Do  
8 you know if technology usage is something that is  
9 available to the workers and to the staff? Those  
10 are my three questions.

11 MS. IRONS: I'll start with the  
12 third, I don't know about technology. I wouldn't  
13 even go there. As far as input to the strategic  
14 plan, CDFNY. I used to work at the Correctional  
15 Association of New York before I went to CDFNY.  
16 We've been a part of the Division of Youth and  
17 Family Services advisory board. We've been able  
18 to do that where we've been able to provide  
19 feedback on the strategic plan but we were not, as  
20 far as I know, at the table for when those  
21 decisions were made which we would love to be.  
22 But we were not.

23 As far as recidivism and stopping  
24 recidivism, I think in some ways your question  
25 actually answers itself for all to of kids they

1  
2 don't need to be in the system in the first place  
3 and if you don't put them in the system, that will  
4 greatly decrease the likelihood of their being  
5 arrested or involved in the system. I think  
6 there's a risk assessment instrument that I think  
7 could use some retooling and refining but to get  
8 at making sure that only kids that are affecting  
9 public safety would be removed from their homes.

10 I think it's also about the culture  
11 and what's going on. Two things, it's about the  
12 culture and what's going on in DJJ. If you go  
13 into the secure detention facilities they're  
14 essentially jails for children. If you put  
15 children in a correctional model facility, you're  
16 damaging them, you're traumatizing them. There  
17 are places around the country that have learned  
18 how to do this better. But I think it's some of  
19 the things that ACS wants to do out of this merger  
20 but that requires money and time and a commitment  
21 to ensuring that children are put in smaller  
22 facilities, more group home like facilities as  
23 opposed to places with bars and keys that clank  
24 and all these things that we know actually make  
25 children worse.

1  
2 Then I would say to reduce  
3 recidivism also one of the things we're really  
4 looking at, at CDFNY is building community  
5 infrastructures. And you can have a perfect  
6 juvenile justice system but that's not going to  
7 keep kids out of the system. You need to have  
8 programs, services in their communities, whether  
9 that's after school programs, mental health  
10 services, substance abuse services that look at  
11 the underlying reasons why a child is doing what  
12 they're doing actually opposed to having  
13 everything coming through the juvenile justice  
14 system. So once they're already in there and they  
15 have a substance abuse problem and they fail to  
16 comply, well they're overcoming a substance abuse  
17 problem. We all recognize that that doesn't work  
18 but if they're children and they're involved in  
19 the DJJ system or the criminal justice system that  
20 just means that they end up doing more time.

21 So I think it's about really  
22 looking at what safety nets we're putting in  
23 place, what networks and resources we're putting  
24 in place to stop them from going in. And if they  
25 do get involved with the system then helping them

1  
2 out without necessarily having to incarcerate or  
3 detain them.

4 MS. MARSHION: I'm going to consult  
5 with my colleagues at CCC.

6 CO-CHAIRPERSON GONZALEZ: Okay.  
7 Well, I thank you very much. Finally I just want  
8 to say, of course there's going to be another  
9 meeting next week I believe sometime in respect to  
10 this merger. But I do want to say to kind of  
11 welcome as well as entrust and also assist in  
12 Commissioner Pew Folks is here. We are entrusting  
13 Commissioner Mattingly, we're entrusting all the  
14 folks over there especially their new  
15 commissioner, Busching.

16 I want to say today and I say this  
17 with all honesty, it's not a love fest. What it  
18 really is, is understanding that there is  
19 expertise, there's sensitivity in moving forward  
20 with this merger and understanding the problems  
21 and the commitment that we have to this  
22 population. We will stay vigilant and I want to  
23 thank the advocates who have been a very important  
24 part of this incredible process. We'll continue  
25 to need you as always. And we stay committed to




1  
2 moving forward and also that Bridges will be  
3 closing and that we can, as a body and as a  
4 Council, support the Bronx with respect to moving  
5 forward and building something that's really  
6 incredible there so that there would be prevention  
7 there and nothing else for these children in our  
8 City of New York.

9 I also want to thank President Faye  
10 Moore, again, who is here from Local 371 and  
11 understanding the concerns of labor and  
12 employment. I think when we can come together and  
13 meet the needs and understand that we're going to  
14 all stay vigilant because this is something that  
15 is not just an impact on the children which are  
16 most important. But it's an impact on people who  
17 depend on these jobs so I just want to leave DJJ  
18 or ACS, should I say, with that big  
19 responsibility. So I thank you all and I want to  
20 thank all my colleagues and all the staff that  
21 have been here.

22 Council Member Rodriguez has joined  
23 us from General Welfare. Welcome. I don't know  
24 if you have any questions but okay. This is the  
25 end. Thank you.

C E R T I F I C A T E

I, Amber Gibson, 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  \_\_\_\_\_

Date November 29, 2010