



**Testimony of Jerome Davis**  
**Deputy Commissioner of Operations and Detention**

Oversight: Safety and Security Protocols at DJJ Facilities

Tuesday, April 21, 2009—10:00 am  
Hearing Room, 250 Broadway, 14<sup>th</sup> floor

Good morning Chair Gonzalez and members of the Juvenile Justice Committee. Thank you for the opportunity to testify about safety and security protocols at Department of Juvenile Justice (DJJ) facilities. My name is Jerome Davis, and I am the Deputy Commissioner of Operations and Detention. Joining me are Herman Dawson, Deputy Commissioner and General Counsel, Stephanie Prussack, Assistant Commissioner of Non-Secure Detention and Christopher Fisher, Assistant Commissioner of Strategic Planning.

I have spent nearly twenty-nine years in corrections in New York City, first with the Department of Corrections, where I moved up the ranks to become a Deputy Warden in Command, before joining the Department of Juvenile Justice in 2007. At DJJ, I am responsible for overseeing the operations of the City's three secure detention facilities—Bridges, Crossroads and Horizon Juvenile Centers, and the City's 16 non-secure group homes. During my tenure at DJJ, several successful initiatives have been implemented that have helped to keep youth safe and secure.

### **Juvenile Justice Reform**

One of the City's goals is to ensure that low-risk youth, which comprise a large number of admissions to detention each year, are spared unnecessary or long stays in detention. Through several initiatives, the Department has been able to move closer to this goal in partnership with the Family Courts and our sister agencies. In Fiscal Year 2009, the judiciary increased its usage of the Risk

Assessment Instrument (RAI), and as a result, the Department noticed more usage of non-secure detention, the less restrictive setting for youth who need to be in detention. The Bloomberg Administration implemented the Weekend Arraignment Initiative, which ensures that youth admitted to detention on weekends and holidays have their cases processed within a day of their admission.

Any youth not processed through the Department's Release to Parent Initiative (RTP) screening is processed through the Weekend Arraignment Initiative. The Department implemented RTP to ease the flow of police admits to detention on nights, weekends and holidays by issuing Family Court Appearance Tickets (FCAT) and releasing them to their parents if they met certain criteria, including being a low-risk to public safety. Taken together, increased usage of the RAI, the Weekend Arraignment Initiative and RTP have helped to support the diversion of moderate and low-risk youth to supervision in their communities, and have increased the concentration of higher-risk youth in detention.

### **Census snapshot**

During the first four months of Fiscal Year 2009, the Department's average daily population was approximately 402 and average length of stay was approximately 30 days. In addition, during the first four months of Fiscal Year 2009, on a given day, 76 percent of youth in detention were juvenile

delinquents—youth between the ages of 7 and 15 that have been accused of committing various crimes. During the same period, on a given day, 22 percent of youth in detention were juvenile offenders—youth between the ages of 13 and 15 that have been accused of committing any of a number of very serious crimes as outlined by the Family Court Act. Juvenile offenders are more likely to have complex cases and tend to spend longer periods in detention. Currently, 47.5 percent of youth in detention had previous admissions prior to July 2008.

### **Admissions**

Typically, youth entering secure detention are brought to the City's intake center, the Bridges Juvenile Center, by the police or directly from the Family Courts. Processing occurs in several steps: if a youth is brought to detention by the NYPD, admissions staff first check to make sure that the youth has not sustained injuries while in the custody of the NYPD. If they have, medical clearance must be obtained by the NYPD before the youth can be admitted to detention.

Youth admitted to detention from the Family Courts are first searched thoroughly for contraband, and issued agency-approved clothing. During this process, admissions staff check to ensure that youth are admissible by age and charge. At orientation, admissions counselors inform youth of behavioral

expectations and repercussions for bad behavior. While being processed, youth are provided with calls to speak to their family members.

Next, new admits are sent to medical for clearance to ensure that they do not have medical issues that require immediate medical attention. Afterwards, youth are provided with a meal. Once the meal is completed, youth are escorted to their living units.

### **Incidents in detention**

Overall, youth in secure and non-secure detention are kept safe from harm. However, the Department considers the safety of residents one of its top priorities and employs as many of its resources as possible to ensure a safe and secure environment for youth in secure and non-secure detention. The average daily rate of youth on youth assaults with injury in detention decreased during the first four months of Fiscal year 2009 as compared to the same period in Fiscal Year 2008. DJJ categorizes injury as any event that results in medical treatment of any kind.

Every youth in detention involved in an assault or altercation is seen and cleared by medical staff before being returned to their living units. In most cases, these injuries are not major—they are typically minor cuts and bruises, which are treated immediately by medical staff. Every incident in detention is included in the Department's 24-hour report and reviewed by the agency's

management staff and its oversight agencies including the State Office of Children and Family Services.

If a youth has been involved in a serious incident, the Department may provide the Family Court with a 'Court Information' report, which provides details regarding a specific incident. DJJ case managers also contact parents to inform them of problems youth may be having in detention and to request meetings to develop care plans.

### **DJJ Safety and Security Initiatives in Secure Detention**

Keeping youth safe in detention is a 24-hours a day, seven days a week operation. Over the past year, various initiatives and measures have been introduced to enhance security in secure detention, and the Department has noticed positive outcomes as a result.

#### *Surveillance*

In Fiscal Year 2008, the Department upgraded the camera systems in Horizon and Crossroads facilities, focusing on areas where residents congregate. The new cameras are more sophisticated and record more footage and have led to an increase in the agency's usage of cameras in these two facilities.

#### *Searches*

To prevent the introduction of contraband into the secure facilities, there has been an increase in the number of searches performed on staff

entering the facility, residents, residents' living quarters and common areas. Housing areas in secure detention are searched twice a day. The Department's theory on searches is that they serve as a proactive means of deterring and preventing the introduction of contraband into the facilities. The more frequently searches are performed, the less likely staff or youth in detention will possess contraband. As a result of these searches, recovery of contraband, such as narcotics and weapons, are at low levels.

### *Staffing*

Periodically, direct child care staff receive training from the Department's Staff Education and Training Academy in a number of areas that are crucial to the security and safety of youth in detention. Training topics include:

- Primary restraint techniques;
- Interpersonal skills;
- Conflict resolution; and
- Child abuse.

Efforts are continuously undertaken to train direct child care staff to be more proactive than reactive while supervising residents. In an attempt to develop a positive relationship with residents, a new initiative has been implemented which assigns 'steady staff' to the same dormitory each time they

come to work. Direct child care staff in DJJ's secure detention facilities work in shifts or 'tours', and this sometimes means that staff are not assigned to the dorm or hall each day. By assigning staff to the same dorms or halls, direct child care staff are being given the opportunity to build relationships with youth, which is useful in problem solving, helping youth adjust to detention and helping youth to transition out of detention.

To increase security, direct child care staff are assigned to specific posts in a measure called 'Span of Control'. This initiative has effectively helped to define an area of responsibility for direct child care staff assigned to dorms or halls, increasing staff accountability. Ensuring that staff are properly trained and implementing initiatives like Span of Control and Steady Dorms has helped the Department to provide residents with a safer environment and to effectively evaluate safety and security initiatives, particularly monthly, at GOALS management performance meetings.

GOALS is the Department's version of the Police Department's CompSTAT. At GOALS meetings, senior managers at the Department review a number of performance measures at each secure facility and the non-secure detention group homes over the past month. Issues that come to light in GOALS are often taken back and revised into policies and procedures. Facilities or managers identified as needing support are provided with

additional resources to assist the facility managers with operating their facilities in a safe and effective manner.

Operations has also begun to identify and work with supervisory staff that have failed to manage their staff appropriately. This was accomplished by designing an 'incident tracking report', which is used to track the number of incidents that occurred in a dorm or hall monthly. Once a supervisor with challenges has been identified, the Executive Director of their facility schedules a meeting to review incidents with the supervisor to determine if any of the incidents could have been prevented or if staff assigned to the area failed to perform their duties. The Executive Director will continue to monitor the staff's and supervisor's progress and offer support to help them to decrease incidents in the area.

#### *Youth security measures*

In order to ensure that all youth in the Department's care are safe and free from violence, Operations has implemented a measure to place youth involved in a high number of incidents into smaller, more supervised settings called 'Enhanced Supervision Dorms'. Youth who have problems adjusting are provided with mental health counseling and care plans are generated when necessary.

The Department also learned that a number of incidents happened while youth were in transit with Court Services and while they were waiting to be

seen by a judge in Family Court detention rooms. As a result, Court Services staff was provided additional targeted training on how to properly restrain youth and keep them separate from peers they have issues with. An assessment was also conducted to discern where to strategically place staff to ensure that youth are properly supervised in Family Court detention rooms, and how to intervene proactively and properly in the event of incidents. We expect that these tactics will help to reduce incidents in Court Services.

The Department's experience dictates that youth are less likely to get into altercations when they are kept busy. With the support of the Juvenile Justice Committee, Operations has been able to continue a steady stream of unique programming for youth in detention. In Fiscal Year 2009, the Department has partnered with community-based organizations to bring a mentoring program, arts and creative expression workshops and a number of recreational activities to youth in detention.

DJJ direct child care staff and case managers have weekly group counseling sessions with youth in secure detention where they can speak to youth about their goals and aspirations. The Residency Advocacy Program also gives youth in secure detention another outlet for their issues and concerns. At each of the secure facilities, an Ombudsman is available to advocate on behalf of youth's needs. They also interface with the Department's Office of Disciplinary Affairs on child abuse cases.

## *Child Abuse Policy*

All staff at the Department are mandated reporters of child abuse. All instances of alleged child abuse are reported immediately to the State Central Registry (SCR). Managers and supervisors are mandated to allow staff to report instances of abuse without fear of repercussion or reprisal.

In January, a revision to New York State Social Service Law section 323 broadened the definition of child abuse to include: threats that could cause a youth to perceive pain or injury, educational neglect where a youth is denied educational instruction; and circumstances where a youth is subject to the risk of a reasonable and foreseeable injury due to neglect or the failure to follow a delineated plan of action.

As a result, the Department amended its policy directive #01/09: Reporting/Processing Child Abuse and Maltreatment, to reflect the new definitions and to require that staff are relieved from their posts to directly file a child abuse report with the SCR when they witness or suspect child abuse.

### **Non-Secure Detention**

The Department operates 16 non-secure group homes throughout New York City, and operates three of them directly. Youth in non-secure detention are in a less restrictive environment than youth in secure detention. In an effort to keep youth connected to their communities, and to test how well youth

adjust to less restrictive detention settings, the judiciary may remand youth to non-secure group homes.

Youth in non-secure detention are allowed to wear their personal clothing, and are allowed to leave their facility on supervised trips. When going to and from appointments and other outings, youth in non-secure detention are not handcuffed or shackled. However, this does not mean that NSD is without security challenges.

### ***Safety and Security Measures in Non-Secure Detention***

Much like in secure detention, assaults and altercations in non-secure detention are rare. To maintain this situation, Operations has undertaken several measures to enhance safety and security in non-secure detention.

There are two non-secure detention intake facilities. During orientation in non-secure detention, staff are mandated to discuss the Department's policies on assaults, altercations, and absconds. Intake staff also discuss the repercussions for engaging in such activities. DJJ can transfer a resident from non-secure detention to secure detention if a resident assaults another resident, commits a serious violation of residency rules or consistently refuses to follow staff directives. Residents who are 'NSD specific', meaning a Family Court judge directs a youth to be housed in a NSD group home, requires a change in remand status in order for them to be transferred to a secure facility.

*Reviewing incidents and staff training*

As in secure detention, incidents in non-secure detention are examined by facility directors and staff involved in the incident. At weekly and monthly meetings, these staff evaluate what went wrong and develop corrective action plans. Operations also compares rates of incidents among the non-secure facilities and have developed a reward system. Outstanding facilities are acknowledged on a monthly basis. This move has inspired our non-secure facilities to produce positive outcomes.

Also, non-secure detention staff have received training in conflict resolution and other problem-solving measures. Facilities have developed post assignments for staff to ensure that residents are always in full view.

### **Absconds**

Sometimes youth in non-secure detention run away. To deter youth from absconding, Operations has implemented several measures. They include:

- A security plan for every non-secure detention group home.
- Residents in non-secure group homes wear slip resistant socks as opposed to sneakers and shoes. This prevents youth from running away.
- Signage was increased in all non-secure group homes about the repercussions of absconding and the potential for re-arrest.
- Staff maintain communications logs and observation reports to share information on tour activities.
- Unannounced visits at any time are conducted of the group homes to ensure they are continuously following security protocols.

### *Outside Activities*

In addition to court and medical appointments, youth in non-secure detention are allowed to participate in supervised activities outside of their group homes. To ensure that youth are safe during these outings, several measures are undertaken:

- Staff are required to train facility directors and staff on how to escort residents to and from appointments and on trips. Transportation to and from court appointments require two childcare workers.
- All group homes are required to submit security plans for outside activities. DJJ staff are required to review the plans and conduct a security assessment of the area to ensure it is safe. Depending on the activity, management staff at the activity are sometimes advised in advance of DJJ's population so that an adequate security plan can be generated to accommodate the resident.
- Outings require additional staff.

### **Conclusion**

The Department is currently dealing with a secure detention population that is more complex; but this can be attributed to an increased usage of the Risk Assessment Instrument by the Judiciary. This is a good thing, because it reinforces the notion that secure detention should only be utilized for youth

that truly need to be in that setting. No matter the setting, the Department's commitment to the safety and security of youth in its care is unwavering.

Having a detention system that is safe and sound is a priority because it helps youth improve their behavior and increases the likelihood that they will respond to programming, and later on, successfully transition home to their communities. In collaboration with community-based partners and stakeholders, DJJ is striving to provide the best services available to youth in detention and looks forward to continuing our partnership with the Juvenile Justice Committee. I am happy to answer your questions at this time.