Department of
Juvenile Justice

Testimony of Nicole Halsey
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Before the New York City Council's Juvenile Justice Committee

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Oversight—The Resident Advocacy Program

Good morning Chair Gonzalez and members of the Juvenile Justice Committee. My name is Nicole Halsey, and I am Director of Intergovernmental Affairs at the Department of Juvenile Justice. Joining me is Russell Steinberg, Deputy General Counsel. We thank you for this opportunity to speak about the Resident Advocacy program.

Nationally, many juvenile justice systems have advocacy programs, or a program or committee that advocates for conditions for youth in juvenile detention facilities. These programs generally help to ensure that youth receive the basic services that they are entitled to while they're in detention, and that administrators follow established protocols and procedures overseeing the care of youth in detention. States such as Maryland, Virginia and Florida have these kinds of programs.

The Resident Advocacy Program (RAP) began on July 1, 2008 and when fully implemented, will lead to increased accountability and efficiency for the quality of childcare at the City's secure juvenile detention facilities. RAP has enhanced the Department's Office of the Ombudsman, by strengthening the ability of the Department's three Ombudspersons to investigate complaints made by youth in the secure facilities, and by standardizing the processes they use to collect and report about grievances made by youth in the secure facilities.

The Department's Ombudspersons advocate for the rights of detained youth by monitoring the overall living conditions in the secure facilities, and

ensure that the quality of care that youth receive in detention is in accordance with State regulations and the Department's policies and procedures. They are also some of the most seasoned professionals at the agency. Ralph Simmons, the Ombudsperson at Bridges Juvenile Facility, has worked at the Department for almost twenty years, and has served as a juvenile counselor and social worker before becoming an Ombudsperson. Wanda Osorio, the Ombudsperson at Horizon Juvenile Facility, has worked for the Department for almost 15 years and was a discharge planner before becoming an Ombudsperson. Tanisha Calderon, the Ombudsperson at Crossroads Juvenile Facility, has worked in her capacity for nine years.

Recognizing the importance of the Ombudspersons in the facilities, and the critical and sensitive nature of the information they are privy to, their reporting structure has been changed. On July 1, 2008, the Department's Ombudspersons began a dual reporting structure with Commissioner Hernandez, and the Executive Director of the facility in which they work.

As part of RAP, the Resident Advocacy Board Committee (RAPC) replaced the Department's Ombudsman Review Board (ORB) which had been in place since 1975. At the Department, the office of the Ombudsman and subsequently, the ORB, have their roots in the 1972 Martarella v. Kelley class action suit. This case was brought against the City on behalf of a group of juveniles classified as Persons in Need of Supervision (PINS), who were held in

the City's juvenile facilities. PINS are defined by section 712(a) of the Family Court Act as persons less than 18 years of age who do not attend school and who are incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of a parent or guardian. At the time of this lawsuit, the City's juvenile detention facilities accepted PINS. Martarella v. Kelley was decided in 1973 with an order directing several reforms in the way PINS were treated while in detention. One such reform was the creation of an ombudsman program in the City's juvenile detention facilities. The parties to the litigation reached an agreement in 1975 regarding how the ombudsman program was to be implemented. This included the creation of an ombudsman review board.

In 1979 when the Department was formed through an amendment to the City Charter, youth charged with PINS petitions were no longer eligible to be held in the City's juvenile detention facilities. While this change essentially eliminated the need specified in the Martarella case to maintain an ombudsman and ombudsman review board, the Department recognized the value of a group of independent advocates for children in the City's juvenile detention facilities, and kept the program.

Over the years, the Department's ORB members have included well-respected professionals such as academics, child welfare advocates, and members of the clergy. In July, the Department restructured the program into the RAP and promulgated a new policy (Directive #07/08) institutionalizing it

as an agency program. The new RAPC will improve on the ORB by using monthly meetings with the Commissioner and the Executive Directors of the facilities to analyze system trends to determine additional service needs and improve the delivery of services to youth in detention.

Before launching RAP, the Department gave members of the ORB an opportunity to weigh in on the new policy. Many of their comments and suggestions were incorporated into the policy, and their feedback and opinions were solicited at several meetings held before the rollout of the program. In addition, the Department provided a briefing to the Citizen's Committee for Children of New York (CCC) on RAP and its program components as CCC formerly hosted the monthly ORB meetings at its headquarters. The Department incorporated several of CCC's suggestions into the new policy. Staff was made aware of the new program at briefings at each of the secure facilities, and a presentation has been incorporated into the training for the Department's new staff.

The ORB's service to the Department formally concluded on July 1, 2008, and the Department has begun to configure the new RAPC. The new committee includes two members of the former ORB—Annie Bovian, the Executive Director of the Women's Prison Ministry, and Father Mark Hallinan, of the New York Province of the Society of Jesus. The Department has identified three new members as well—Victoria Sammartino, the Executive

Director of Voices Unbroken, Dr. Divine Pryor, the Executive Director of the Center for NuLeadership on Urban Solutions at Medgar Evers University, and Elizabeth Glazer, an associate professor of Law at Hofstra University. These new members will convene at their first meeting as members of the RAPC at a meeting later this month.

RAP is intended to advocate for the rights of detained youth. It also seeks to protect resident confidentiality, enhance accountability and effectiveness in the secure facilities, and improve data quality and trend responsiveness. To enhance effectiveness, the RAP program has simplified access to the Ombudsman. To submit complaints, youth in detention have a new tool, the 'Resident Request for Ombudsman Services' form, which is child-friendly. And, youth can also continue to make complaints verbally to their Ombudsperson.

The 'Resident Request for Ombudsman Services' form does not require youth to provide details of a complaint, allowing for such information to be delivered personally to the Ombudsman. Youth are also allowed to deliver the form themselves to several centrally located boxes away from their dorms or halls in the secure facilities. In the past, youth were required to ask to see their Ombudsperson with complaints. Under the new policy, residents may request that their name be withheld when filing a complaint unless the received information is of an emergency or critical nature, at which point a name may be

forwarded to the facility's Executive Director. This process formalizes the grievance process and allows for the tracking of complaints in a uniform way.

In addition, the roles of the Ombudspersons in the facilities have been expanded. They have the authority to convene ad hoc meetings with the Executive Director and facility level staff to seek resolutions to complaints. To foster open and seamless communication at the facilities, the Ombudspersons meet bi-weekly with their Executive Directors to review, discuss and resolve resident complaints. And, the Ombudspersons will meet with the Department's Office of Disciplinary Affairs to follow-up on child abuse allegations.

To improve accountability, RAP has formalized a review process for resident complaints. Each month at RAPC meetings, Commissioner Hernandez, the Executive Directors of the secure facilities, and the Ombudspersons meet with the RAPC and are updated on facility grievance issues which are compiled in the 'Ombudsman Investigative Report'. This process ensures that complaints have a system for timely action, response and conclusion.

An important feature of the implementation of RAP will be its effect on the quality of data the Department uses to track trends in the secure facilities. Each month, the Department's Ombudspersons will forward information on the various types of complaints they receive to the Department's Office of

Strategic Planning for review, analysis and validation. Strategic Planning will then produce monthly reports to be used at RAPC meetings.

This process will help the Department to be responsive to trends in detention, by using data to spot trends and deliver services where they are most needed. In July, the Department's three Ombudspersons received 135 complaints. The majority of these complaints were about clothing, personal supplies, and housekeeping issues. Most of these issues were resolved in July.

The Resident Advocacy Program is another example of the Department's commitment to youth in the City's juvenile detention facilities. RAP provides youth with an outlet for complaints, and supports a system that will respond to their issues in a timely and informed manner. We are happy to take your questions at this time.