

**2010 Coalition for Juvenile Justice
National Disproportionate Minority Contact Conference**

**Transcript of Keynote Address:
The Impact of Large-Scale Juvenile Justice Reform on DMC
October 24, 2010, Hyatt Regency Jersey City, NJ**

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Children and Family Services**

Good Afternoon everyone and I want to thank the Coalition for Juvenile Justice for the invitation to join you today and for the opportunity to share with you our efforts to transform the juvenile justice system in NYS.

You are an awesome and somewhat intimidating audience. All of you are committed to change, reform and transformation. You have labored for many years in your respective communities and settings to improve the life chances for young people who are captured by our juvenile justice system. I have learned from your work and hope that our experiences in New York will serve as a catalyst for change in your community.

Before I share with you what we are doing in NY, let me tell you a little bit about who I am and what drives me to do this work. I bring to my position, and continue to have after almost 4 years, a tremendous sense of urgency to make a difference; to bring about systemic and sustainable change in the juvenile justice system.

What fuels that in part, has been the diversity of personal and professional experiences which allows me to view my juvenile justice system through a different prism. The fact that I am the mother of two children keeps me grounded and helps me to understand that what I want for my children is what I want for the children in my care. The standard is the same.

My experiences as a legal services lawyer, a city commissioner for community development, an executive director of a child abuse prevention agency, an executive director of a foster care agency serving pregnant and parenting homeless teens and as a grant maker all have informed my work.

But what sustains my passion and advocacy and never allows me to give up are the children and families who come in contact with our systems. I share many of their experiences growing up in the South Bronx as a female child of color, growing up in the same communities, attending the same poorly resourced and violent public schools. My parents, who lived at the margins of the larger society their entire life, struggled to provide for me and my brother. In many ways we were like the families who come in contact with my system every day--families with no voice, invisible and not valued.

Now that I have voice I have the opportunity to insure that they do too. As Commissioner, I am an advocate with a bigger stage and the power that comes with my position.

As the Commissioner of the New York State Office of Children and Families, I am charged with the responsibility of administrating the State's Juvenile Justice System. I also have regulatory and funding responsibility for the child welfare system. Across the country, both of these systems are fractured and many would say broken. In NYS our juvenile justice system has been broken for many years.

While I am here to speak about our juvenile justice, it is important to note that the child welfare system for far too many of our children has been the gateway into the juvenile justice system. A recent study by my agency revealed that at least 65% of the young people in our juvenile facilities had prior child welfare involvement. It is a fact that requires our attention.

Let me start the New York story, by telling you some of our results but let me caution you that there is so much more to do. Also, if all I do is close facilities, I have failed. But these are the statistics that get the most attention:

- Since 2007, we have downsized our system by closing 18 facilities and group homes eliminating 559 beds. We have eliminated 662 permanent positions and we have saved over \$65 million dollars.
- The current number of youth placed with the State is 681. In 2001 there were 2313 youth in State custody.
- Utilization of the existing beds has decreased to 66% from a high in 2001 of 98.5% --- which means I can close more facilities.

This has been possible because we worked hard to forge a consensus in NY that we must transform our system. A year into our reforms, the Department of Justice initiated an investigation that helped to focus more attention on the failures of the system.

But until recently, we did not have that leadership and political will to transform our juvenile justice system. There has been a failure to implement what works and to recognize that we promote public safety by doing what works better rather than continuing with our failed policies.

We know that incarcerating a young person is not in their best interest. How can it be when the outcomes are so dismal for the young person, their families and communities?

Let me share with you what the long term impact looks like at the age of 28 for a 1000 young people who exited a juvenile justice placement in my system in the early 90's.

- 89% boys, 81% girls were rearrested for a felony;
- 85% boys, 69% girls were convicted
- 71% boys, 32% girls were incarcerated;
- 65% of the youth had prior child welfare involvement;
- 17% of the boys, 64% girls named as alleged perpetrators of child maltreatment;
- 9% boys and 42% girls named as confirmed perpetrators of child maltreatment;

- 89% boys, 90% girls migrate into adult criminal justice or child welfare system by age 28;
- Over half of the sample girls 53% became clients of both criminal justice and child welfare in early adulthood;
- By the way, 85% of the youth in confinement are children of color.

As we exposed the failures of the system, we quantified the cost of failing in dollar terms, few could justify continuing to do business as usual. As Justice John Paul Stevens recently wrote in *Graham v Florida*, “Knowledge accumulates. We learn, sometimes from our mistakes.”

In NY we have learned that:

1. We must continue to close facilities we no longer need and refuse to continue to export NYC children of color to upstate communities that are 5 to 7 hours or more from the child’s community of origin;
2. We declared early on that we no longer subscribed to a correctional model of custody and control and would implement a trauma informed therapeutic model. We inherited a system grounded in punishment and behavioral compliance that relies on restraints and use of excess force to impose order. We adopted the Sanctuary Model to support the change to a therapeutic environment and in the last 3 ½ years we provided 33,234 hours of Sanctuary training to our staff. In addition, we have provided 3,046 juvenile justice staff with 376,179 hours of overall training and retraining for an average of 123.5 hours per person. And more is planned.
3. We developed a new restraint policy that limited the instances when restraints could be administered and made it clear that the use of excessive force is prohibited and will result in termination. We created a computer database to track restraints that generates weekly reports for agency managers and instituted post restraint reviews.
4. We installed video cameras in facilities to record employee interactions with children. We reconstituted the Office of the Ombudsman and hired 10 lawyers with the statutory right to conduct unannounced and unrestricted visits to facilities and with complete access to the residents. In 2009, they made 276 visits. We enrolled all residential facilities in the Performance Based Standards program –a national initiative to identify, monitor and improve conditions using national standards and outcome measures.
5. We developed a new LGBTQ policy and practice guidance to enhance and expand the umbrella of non-discrimination policies to protect the rights of LGBTQ youth in residential care.
6. Developed a system of care for children in residential placement that requires that their strengths and assets be identified, that the children and their family be

involved in the development of the plan, that trauma inform the approach and progress is positively reinforced. Implemented evidenced based cognitive and dialectical behavior therapies to treat children and work within a youth development framework. We instituted monitoring protocols for the use of psychotropic drugs.

7. Aftercare now starts day one. We created a new Bureau of Entry services to coordinate detention, courts and intake before adjudication to simplify the process towards diversion. We developed and implemented a Family Assessment tool for staff to engage families in planning for their child's return to the community.
8. We started the race equity and cultural competence conversation and produced and analyzed data showing the disproportionate representation of minority youth at critical decision points in the juvenile justice system and have provided funding and technical assistance to counties to begin to look at and address the issue. We have formed a close working relationship with the JJAG and the judiciary to work in partnership on reducing racial disparity.

We understood early on that success required narrowing the front door and reducing the number of children in out of home placement.

Toward that end:

- We financed the reform work on status offenders; we no longer have any status offenders in our system;
- We invested in Alternatives to Detention and Placement;
- We retained Vera Institute to provide counties with technical assistance to reduce reliance on detention; reduced detention beds; to work with counties to develop Risk Assessment Instruments;
- We encouraged the counties use of preventive dollars to support alternatives to diversion and placement;
- We support the use of home based interventions and evidenced based therapeutic interventions in the community;
- We invested in building capacity to better serve youth and families in communities that are feeders into my system. Our funding is targeted to have the greatest impact;
- We introduced legislation to limited state placement to youth who commit serious dangerous felonies;
- We support Independent Oversight and greater transparency; and
- We work with the philanthropic sector to increase funding for juvenile justice programs, advocacy and to align our vision and priorities and leverage our resources.

Key to helping us to forge a change agenda was my willingness to operate with greater transparency as we shared information and data; and opened our facilities to the media

and advocates. We acknowledged our challenges, brought in national experts to identify effective strategies and successful models. We moved to implement change quickly and sought to engage as many partners as possible in the effort. We briefed legislators and their staff and identified those champions in the legislature that would advocate for our children and families and support the transformation.

We identified all the major stakeholders within government – Criminal Justice, JJAG, judiciary, child welfare, probation, detention, developmentally delayed agency, education, higher education, mental health, and substance abuse, health, housing and worked to engage them to understand that these are our children and we have a shared responsibility to serve their needs and that they have an obligation to help me fix the system.

In addition, at my urging, the Governor's Children's Cabinet focused its efforts and coordinated the work of the state agencies on addressing the needs of children in juvenile justice, children aging out of foster care and the children of incarcerated parents which further enhanced the transformation effort.

Another source of support has been the NYS JJAG and it deserves special attention. Liz Glazer, our chair has done, with the help of Jacqui Green our JJAG director, an incredible job of revitalizing the JJAG, of bringing into the JJAG an amazing group of stakeholders with experience, expertise and passion. She has transformed the JJAG and developed an agenda that supports and drives the transformation across the continuum of the juvenile justice system in NY. She has been a partner and I have tremendous respect for her. She has demonstrated that leadership matters and because of her leadership we are better today.

As we anticipated, the forces that benefited from the status quo reared their ugly head to challenge our reform efforts. In response and as a way to help sustain the work, Governor Paterson appointed a task force charged with developing a blueprint for the transformation of the juvenile justice system. The Task Force, chaired by President Jeremy Travis of John Jay College, issued its report after a year of deliberations. The report acknowledged and applauded the steps we have made to right size the system, move from a punitive correctional model and to create an effective system for community re-entry. It has provided us with a blueprint for greater change and focus on narrowing the front door. The report was well received and will serve to keep us on course.

We are moving with all deliberate speed to implement the Task Force recommendations and have announced a new initiative called Brooklyn for Brooklyn designed to keep children closer to home, provide a continuum of placement options that includes day placement, residential care in the community grounded on the Missouri model's pillars of good practice, re-entry that is articulated with community based services and engage parents and community in addressing the needs of children.

As the Task Force was finalizing its report, the Department of Justice issued its findings and while praising our efforts to implement change, found that the system's practices grounded in the punitive correctional model violated the constitutional rights of children in our care. It cited the State for failing to protect them from harm and lack of appropriate

mental health services. We have settled with DOJ and have submitted a remediation plan that is aligned with our transformation work and is pending approval.

More recently, The Legal Aid Society has filed a class action suit raising many of the same DOJ issues and we are in settlement discussions.

And I'm still standing! We have accomplished much and I am confident that there is no turning back.

We are working to institutionalize and sustain the changes. With our JJAG leading the charge, inspired by Connecticut, we have embarked on a statewide strategic planning process to create across the juvenile justice continuum a coherent system that is aligned and has a shared vision for justice for children that informs and directs how we do our work together.

We need a juvenile justice system that values young people and doesn't write them off as throw away kids and believe that young people have the capacity to change their behavior and mature with the appropriate supports and services into young adulthood as successful members of society.

Every day that we do nothing, that we delay doing what works, we are writing off a generation of children and we are doing so at our peril. With the support of the governor's taskforce, the JJAG, judiciary, advocates, community partners, and the legislature and with a little help from the Department of Justice and Legal Aid we will continue to transform the juvenile justice system in NY.