

Submitted



**Testimony on 2012-13 Executive Budget Proposal
Human Services**

Submitted to:

**New York State Senate Finance Committee
Chair, Senator John DeFrancisco**

&

**New York State Assembly Ways and Means Committee
Chair, Assemblyman Herman D. Farrell, Jr.**

**Monday, February 13, 2012
Legislative Office Building
Albany, NY**

**Testimony submitted by
Francine Turner
Director, Legislative and Political Action Department**

Thank you for allowing us to submit testimony for today's hearing. As you may know, CSEA represents approximately 2,000 employees at the Office of Children and Family Services (OCFS). Of this number, the vast majority work within juvenile detention facilities throughout the state and generally have a title of Youth Division Aide. CSEA members comprise the bulk of the workforce that has daily and direct contact with youths in state facilities. These employees take great pride in the important work that they do. However, recent policy changes have made employees look like the problem rather than part of the solution. These changes have led to drastic increases in the number of staff injuries caused by youths as well as the plummeting of morale amongst employees. In short, the policies of OCFS leadership are counteracting the good that OCFS can do.

The proposal in the budget known as the '*Juvenile Justice Services Close to Home Initiative*' would create major public safety issues. The plan would shift the responsibility of rehabilitating New York City youths, who are in or would be placed in non-secure and limited-secure OCFS facilities, from the State to New York City based not-for-profit programs. The community based programs within New York City are ill equipped to handle juvenile detention for the youths who have committed violent crimes. The youths who would be placed in the voluntary agencies within New York City are more prone to violence than the youths traditionally placed in community based programs. These community providers do not have the trained staff or resources to properly treat clients who pose a direct danger to staff as well as the community at-large. While some community-based programs exist now, they were not meant for youths with violent tendencies. In fact, many of the youths who would be released into this program have already gone through all available alternatives to detention options in their community, but these programs have determined that they can not provide the required resources for these youths.

Youths placed in limited-secure and non-secure facilities are not there for 'minor crimes' such a petty theft. According to the 2009 annual report, "Youths Placed in OCFS Custody" youths who have been adjudicated of crimes such as armed robbery, assault, arson, possession of a firearm, and sex offenses are in these facilities. These are crimes that, if but only for their age, would have sent them to state prison. Further, we know that

many times youths are sent to a facility for crimes that are less severe than the ones that they actually committed. However, under this proposal, they will still be eligible to be released under this proposal regardless of the actual crime they committed. Lastly, many of the youths in state facilities have issues beyond criminal activities. Many have substance abuse issues or other issues that would not be able to be properly addressed in a community based facility.

OCFS was criticized by the Task Force on Juvenile Justice appointed by Governor Paterson concerning its lack of oversight of voluntary programs. According to the report, the number of youth being placed in private institutions has increased over the last 10 years but the standards of care between a state operated program and a voluntary program are very different. OCFS does not have performance measures for voluntaries to make sure they are quality run programs with appropriate supervision. These criticisms of community-based facilities have been all too real over the past few years. Several years ago an employee of a Western New York voluntary group home was murdered by two youths in the house. These youths had been transferred from a more secure OCFS facility. A second incident involved a youth who ran away from a not-for-profit group home shoot a Rochester police officer. It is clear that these community-based facilities are not up for the task of rehabilitating violent youths and we should not place the safety of our communities at risk in order to test this experiment in juvenile justice.

While advocates of this proposal will say that extremely violent youths will not be released into the community, we question the judgment of the Commissioner on this front. In January, a former resident of an OCFS facility, Luis "Baby" Ortiz, allegedly shot a police officer in the back of his head in a Brooklyn housing project. At the time of that shooting Luis Ortiz was also wanted for the New Year's Day murder of 34-year-old Shannon McKinney in front of a Brooklyn supermarket. Prior to these alleged incidents, Luis Ortiz was serving time in the Orange County Jail for brutally assaulting an employee at the Goshen Secure Center. While in county jail, his sentence in the OCFS facility expired and Commissioner Carrion decided to not extend his sentence even though she legally could have. While we have asked why his sentence was not extended for brutally attacking an OCFS employee we have yet to receive answers. We fear that this pattern of

bad decision-making will continue under this proposal and the lives of those in the community, as well as employees at community facilities, will be placed at risk.

Further, this proposal lacks critical details. Besides the fact that New York City youths will be sent back to their homes for community based rehabilitation, the Governor does not present any details regarding what the plan will entail. This proposal fails to adequately address who will provide the services, what those services will be, or how they will benefit youths. We believe that one reason the proposal is so vague is due to the fact that there are currently not enough voluntary providers in the City able to provide the services needed. In fact, we question if there will ever be enough capacity in New York City for this experiment to actually operate effectively and safely.

This proposal also fails to address what the status of current OCFS employees will be. The people who currently work with the youth on a daily basis are simply an afterthought in this whole process. They are not given any consideration regarding the affect this proposal will have on them, their families, or their communities. In regards to employees, we do know that the community-based providers who will assume jurisdiction for these services do not pay anywhere close to what state jobs pay. The employees of these voluntary agencies are paid less, offered less comprehensive health benefits, and no pension. The turnover rate is extremely high at these facilities and that will hamper their ability to provide the services that this legislation assumes they can provide. We foresee severe problems with maintaining enough community-based providers for this reason.

CSEA truly thought that we were approaching a more stable period for the state workforce. After years of closures and downsizing of state-run facilities, layoffs and after state employees ratified a contract that increased health insurance costs, implemented furlough days, and held wages stagnate for several years, we thought the worst had passed for the state workforce. However, after reviewing the Governor's budget we saw that it is just more of the same. The policies in this budget will lead to the loss of jobs, the closure of more state-run facilities and the privatization of public safety programs. This budget does not create the stability that we expected or that was promised to us.

This budget continues on the path of privatizing juvenile justice programs and transferring them to ill-prepared community based programs. This action will result in the elimination of at least 324 beds in OCFS facilities and will inevitably lead to the closure of an unknown number of facilities. This proposal will directly result in the layoffs of at least 126 OCFS employees. This budget gives no hints as to what OCFS facilities will be closed or downsized due to this proposal. In fact, the Governor suspends the one-year closure notification law for any closures that happen due to this proposal, making it impossible for employees to look for a new job, or the facility's host community to prepare for the sudden economic impact, prior to the facility being closed.

What is the plan for the remaining OCFS facilities? Will we continue to go through this yearly battle where two or three facilities close annually until all services are privatized or will you declare that the services provided within OCFS facilities are critical for the youths? New York has long neglected its juvenile justice system. Investments have never been made, staff has never been hired, and OCFS leaders have intentionally allowed facilities to deteriorate beyond repair. New York must not give up on these young people in need even if some want us to. CSEA believes that we should have a system of juvenile justice that focuses on helping the young people turn their lives around and become productive members of society. We fully recognize this is no small challenge. Meaningful reform must be backed by coordinated and adequate resources. You must, however, recognize the reality of the individuals in the system and provide appropriate levels of security and other attention to their needs for the well being of all involved, no matter what the setting. The State cannot simply move these youths out of the OCFS system just to ignore them.

The Legislature cannot in good conscience pass this legislation without obtaining more details first. The rehabilitation of youths is far too important for you to simply trust that youths will be properly served. These are real kids with real problems and any change must be done with a complete and detailed understanding of what the proposal actually is and with the knowledge that there are enough services in New York City to support the goal of this proposal. At this time we do not believe that enough details have been presented for you to act favorably on this proposal.

CSEA wants to work cooperatively to create a juvenile justice system that will serve everyone better but CSEA will not stand by idly while proposals that will compromise public safety and put youths and staff in OCFS facilities at risk are discussed. We need a commitment to provide the leadership and resources necessary to ensure the safety and well being of youths, staff and the community.

Thank you.