



New York State
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OPPOSE

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The New York State Public Employees Federation, representing 58,000 Professional, Scientific, and Technical workers of New York State, opposes this legislation.

This bill, which is a Governor's Program Bill (#273), proposes a major overhaul of the juvenile justice system. The bill would create a new oversight body with jurisdiction over the juvenile justice system and would limit placements in facilities operated by the Office of Children and Family Services (OCFS) to youth who have committed violent crimes or sexual offenses or who otherwise pose a significant threat to public safety.

With regards to the new oversight body, the Independent Office of the Juvenile Justice Advocate in the Division of Criminal Justice Services, this bill only adds another layer to the complex patchwork of oversight of OCFS services without providing significant new benefit. The Office of the Ombudsman in OCFS, which was created by Chapter 57 of the Laws of 2007, is already charged with some of the duties of the proposed office. In addition, OCFS regulations require the Office of the Ombudsman to report to an Independent Review Board. Further, the Council on Children and Families is charged with examining service systems of covered agencies, which includes OCFS. If these controls are not performing, keep in mind that the superintendent at every facility is also advised by an outside Board of Visitors appointed by the Governor with access to all operations. In the current fiscal climate, the state simply does not have money to spend on redundant entities that only diffuse accountability.

In terms of limiting OCFS placements, this bill disrupts the delicate balance of rational juvenile justice policy. At the outset, the plan is ill conceived as it limits placements based on the crime of adjudication, not crime of offense, so youth who have committed violent crimes and pleaded down to a lesser offense will be on the streets. In addition, The Family Court Act already specifies that "the court shall order the least restrictive available alternative...which is consistent with the best interest of the respondent and the need for protection of the community." Adding more rigid language only serves to tie the hands of Family Court judges. The respondents and communities alike are better served when

judges can exercise discretion taking all relevant facts into account while still honoring the spirit of the law when deciding a disposition. For example, this new language would prevent a youth, who a judge may otherwise determine would best be served by an OCFS facility from benefiting from the comprehensive services only available in residential placements.

Restricting placements is merely another ploy to close facilities based on the faulty assumption that community based services are preferable to residential placements in nearly all cases. New York does not have the infrastructure of alternative community based programs that are capable of handling youth with the complex problems that typically result in residential placements. It's simply not in the best interest of either the youth or the community.

It should also be noted that this bill reflects only some of the recommendations from the Governor's Task Force on Juvenile Justice Reform. The Task Force also recommended investing in state operated facilities and enhancing education and mental health services. It also observed that little information is available about privately operated programs which may be inappropriate and unsafe but are allowed under this legislation. Unfortunately, this bill like the Task Force itself has been tainted by the ideological bias of the OCFS Commissioner, whose focus is closing facilities.

Finally, it's inappropriate for an outgoing administration with less than six months remaining in office to propose radical policy changes which will shortly be the purview of a new Governor. The problems in OCFS are largely the result of mismanagement by the highest levels of the agency. Rather than creating a new state entity or unwisely diverting youth who would benefit from the services provided in state facilities, many of the problems in OCFS could be remedied by installing leadership that actually understands and values the services and mission of the agency.

For these reasons, the Public Employees Federation urges you to oppose this legislation.

For more information, please contact:

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