

# Secure Detention Beds and Mental Health Services, or Lack Thereof

Claire Pulver, Esq.  
Robert Fisher, Esq.



# SECURE BEDS

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## OVERVIEW

- Placements for Juvenile Delinquents
- OCFS placement statistics – first quarter 2024
- OCFS – second quarter 2024



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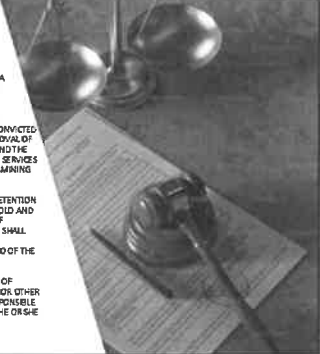
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### FCA 304.1: DETENTION



1. A FACILITY CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AS A JUVENILE DETENTION FACILITY MUST BE OPERATED IN CONFORMITY WITH THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.
2. NO CHILD TO WHOM THE PROVISIONS OF THIS ARTICLE MAY APPLY SHALL BE DETAINED IN ANY PRISON, JAIL, LOCKUP, OR OTHER PLACE USED FOR ADULTS CONVICTED OF CRIME OR UNDER ARREST AND CHARGED WITH CRIME WITHOUT THE APPROVAL OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IN THE CASE OF EACH CHILD AND THE STATEMENT OF ITS REASONS THEREFOR. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROMULGATE AND PUBLISH THE RULES WHICH IT SHALL APPLY IN DETERMINING WHETHER APPROVAL SHOULD BE GRANTED PURSUANT TO THIS SUBDIVISION.
3. THE DETENTION OF A CHILD UNDER THIRTEEN YEARS OF AGE IN A SECURE DETENTION FACILITY SHALL NOT BE DIRECTED, UNLESS SUCH CHILD IS AT LEAST TEN YEARS OLD AND IS CONSIDERED A JUVENILE DELINQUENT PURSUANT TO SUBPARAGRAPH (H) OF PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 304.3 OF THIS ARTICLE, NOR SHALL THE DETENTION OF A CHILD ADJUDICATED SOLELY FOR AN ACT THAT WOULD CONSTITUTE A VIOLATION AS DEFINED IN SUBDIVISION THREE OF SECTION 10.00 OF THE PENAL LAW, BE DIRECTED UNDER ANY OF THE PROVISIONS OF THIS ARTICLE.
4. A DETENTION FACILITY WHICH RECEIVES A CHILD UNDER SUBDIVISION FOUR OF SECTION 305.2 OF THIS PART SHALL IMMEDIATELY NOTIFY THE CHILD'S PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR HIS OR HER CARE OR, IF SUCH LEGALLY RESPONSIBLE PERSON IS UNAVAILABLE THE PERSON WITH WHOM THE CHILD RESIDES, THAT HE OR SHE HAS BEEN PLACED IN DETENTION.

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**FCA § 320.5. THE INITIAL APPEARANCE; RELEASE OR DETENTION**

1. At the initial appearance, the court in its discretion may release the respondent or direct his detention.

2. Rules of court shall define permissible terms and conditions of release. The court may in its discretion release the respondent upon such terms and conditions as it deems appropriate. The respondent shall be given a written copy of any such terms and conditions. The court may modify or enlarge such terms and conditions at any time prior to the expiration of the respondent's release.

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**FCA § 320.5. THE INITIAL APPEARANCE; RELEASE OR DETENTION (CONT)**

3. (a) The court shall not direct detention unless available alternatives to detention, including conditional release, would not be appropriate, and the court finds that unless the respondent is detained:

(i) there is a substantial probability that he or she will not appear in court on the return date; or

(ii) there is a serious risk that he or she may before the return date commit an act which if committed by an adult would constitute a crime.

(b) Any finding directing detention pursuant to paragraph (a) of this subdivision made by the court shall state the facts, the level of risk the youth was assessed pursuant to a detention risk assessment instrument approved by the office of children and family services, and the reasons for such finding including, if a determination is made to place a youth in detention who was assessed at a low or medium risk on such a risk assessment instrument, the particular reasons why detention was determined to be necessary.

(c) If the court makes a finding that detention is necessary pursuant to subparagraphs (i) and (ii) of paragraph (a) of this subdivision, the court may consider, where applicable, as a condition of release, electronic monitoring of the respondent, if such electronic monitoring would significantly reduce the substantial probability that the respondent would not return to court on the return date, or the serious risk that the respondent may before the return date commit an act that if committed by an adult would constitute a crime.

(d) If the respondent may be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may direct the respondent to an available short-term safe house as a condition of release.

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**FCA § 320.5. THE INITIAL APPEARANCE; RELEASE OR DETENTION (CONT)**

4. At the initial appearance the presentment agency may introduce the respondent's previous delinquency findings entered by a family court. If the respondent has been fingerprinted for the current charge pursuant to section 306.1, the presentment agency may also introduce the fingerprint records maintained by the division of criminal justice services. The clerk of court and the probation service shall cooperate with the presentment agency in making available the appropriate records. At the conclusion of the initial appearance such fingerprint records shall be returned to the presentment agency and shall not be made a part of the court record.

5. Upon a finding of facts and reasons which support a detention order pursuant to subdivision three of this section, the court shall also determine and state in any order directing detention:

(a) whether the continuation of the respondent in the respondent's home would be contrary to the best interests of the respondent based upon, and limited to, the facts and circumstances available to the court at the time of the initial appearance; and

(b) where appropriate and consistent with the need for protection of the community, whether reasonable efforts were made prior to the date of the court appearance that resulted in the detention order issued in accordance with this section to prevent or eliminate the need for removal of the respondent from his or her home or, if the respondent had been removed from his or her home prior to the initial appearance, where appropriate and consistent with the need for protection of the community, whether reasonable efforts were made to make it possible for the respondent to safely return home.

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**SECTION 325.1  
THE PROBABLE-CAUSE HEARING; TIME**

1. At the initial appearance, if the respondent denies a charge contained in the petition and the court determines that the respondent shall be detained for more than three days pending a fact-finding hearing, the court shall schedule a probable-cause hearing to determine the issues specified in section 325.3 of this part.
2. Such probable-cause hearing shall be held within three days following the initial appearance or within four days following the filing of a petition, whichever occurs sooner.
3. For good cause shown, the court may adjourn the hearing for no more than an additional three court days.

4. The respondent may waive the probable-cause hearing, but the fact that the respondent is not ready for a fact-finding hearing shall not be deemed such a waiver.
5. Where the petition consists of an order of removal pursuant to article seven hundred twenty-five of the criminal procedure law, unless the removal was pursuant to subdivision three of section 725.05 of such law and the respondent was not afforded a probable-cause hearing pursuant to subdivision three of section 722.20 of such law, the petition shall be deemed to be based upon a determination that probable cause exists to believe the respondent is a juvenile delinquent and the respondent shall not be entitled to any further inquiry on the subject of whether probable cause exists. After the filing of any such petition the court must, however, exercise independently, de novo discretion with respect to release or detention as set forth in section 320.5 of this part.

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**FCA § 340.1: TIMING OF FACT-FINDING**

• Other subsections omitted for clarity

1. If the respondent is in detention and the highest count in the petition charges the commission of a class A, B, or C felony, the fact-finding hearing shall commence not more than fourteen days after the conclusion of the initial appearance except as provided in subdivision four. If the respondent is in detention and the highest count in such petition is less than a class C felony the fact-finding hearing shall commence no more than three days after the conclusion of the initial appearance except as provided in subdivision four.
2. If the respondent is not in detention the fact-finding hearing shall commence not more than sixty days after the conclusion of the initial appearance except as provided in subdivision four.
4. The court may adjourn a fact-finding hearing: (a) on its own motion or on motion of the presentment agency for good cause shown for not more than three days if the respondent is in detention and not more than thirty days if the respondent is not in detention; provided, however, that if there is probable cause to believe the respondent committed a homicide or a crime which resulted in a person being incapacitated from attending court, the court may adjourn the hearing for a reasonable length of time

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**SECURE FACILITIES**

County	Address	PL 2-2006a Number/Director	Area	Capacity	Maximum	Minimum
Albany	County Center Bldg. Deland Corral Inc 130 W 3rd St Albany NY 12210	130 W 3rd St, Rm 234 (518) 862-3100	Albany County Jail	24	24	0
Albany	130 W 3rd St Albany NY 12210	Director: Suzanne Pyle 518-862-3100	Albany County Jail	24	24	0
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### NON SECURE DETENTION OUTSIDE OF NYC

ROS Non-Secure Facility	Director	Director Phone #	Director Email
Berkshire Summit MCO <i>(Director's Name at Working Session)</i> Berkshire County MCO	Alisa Alvarez	518-529-8122	alvarez@summitmco.org
Children's Village FOAP Cayuga County MCO	Rosalee Brennan	914-355-3967	rosalee@childrensvillage.org
Brookline Children MCO	Erica Dwyer	607-329-2368	edwyer@brookline.org
Hope for Youth MCO	Cara Clarke	614-792-8762	carac@hopefor.org
Nancy First MCO	Jennifer Mack	617-752-2556	jennifer@nancyfirst.org
House of Good Shepherd	Heidi Blair	215-21-14447	heidi@houseofgood.org

Are any of you using non-secure beds for JD detention?  
If so, how often?  
Do you experience issues at the QTRP hearing?

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### LOCAL SOLUTIONS

"Family House" of Kingston, Local to us

Pros: Oftentimes able to work with us on providing a bed

Pro-social and enrichment activities offered to residents

Residents able to attend school locally

Cons: Non-secure type of facility, only accept juveniles willing to stay there voluntarily, many group activities provide opportunities to abscond

How many of your counties have a emergency youth shelter?

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### DETENTION NUMBERS 2024

Excerpt from Juvenile Justice Detention Monitoring Report – from the first quarter of 2024, published by OCFS

In New York State (NYS), youth can be detained in relation to Adolescent Offender (AO), Vehicle and Traffic Law (VTL) Misdemeanor, Juvenile Offender (JO), and Juvenile Delinquency (JD) cases. Statewide, admissions on JD matters were most common (73%), followed by AO (18%), JO (8%), and VTL (0%) related events. This pattern was consistent for both NYC and ROS (see Figure 1).

In Q1 2024 (January 1, 2024 - March 31, 2024), a total of 959 detention admissions occurred across the state. As shown in Table 1, New York City (NYC) accounted for 54% (527) of those admissions, while the 57 non-NYC counties—which this report refers to as Rest of State (ROS)—accounted for 46% (442).

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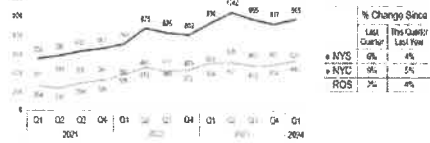


### DETENTION NUMBERS Q1 2024

Excerpt from Juvenile Justice Detention Monitoring Report – from the first quarter of 2024, published by OCFS

Admissions increased (4%) when compared to Q1 last year. Statewide, admissions increased from 930 in Q1 2023 to 969 in Q1 2024. NYC (5%) and ROS (4%) both contributed to this increase

Figure 4. Admission Trends by Region



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### DETENTION NUMBERS Q2 2024

- Detentions up 13% from Q1 Statewide.
- Growth happened throughout the state, particularly outside NYC

Figure 4. Admission Trends by Region



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### FINDING DETENTION BEDS

Rest of State

County	Admitted	Committed	Released	Admitted
Albany	1	1	1	1
Columbia	1	1	1	1
Delaware	1	1	1	1
Dutchess	1	1	1	1
Hamilton	1	1	1	1
Montgomery	1	1	1	1
Orange	1	1	1	1
Saratoga	1	1	1	1
Schenectady	1	1	1	1
Warren	1	1	1	1
Westchester	1	1	1	1
<b>Total</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>

Isn't this the joy we all feel when finding a detention bed?



Bed census often is inaccurate, DSS and our office need to call each facility, most will not commit a bed until they have an order. Our judges will not sign an order until they have a facility with a bed

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## CASE STUDY – BRENDA S.

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### BACKGROUND

Brenda S. was known to Ulster County DSS for several years. As the result of a neglect case, she was placed with DSS in a residential placement.

- Brenda frequently absconded from her placement, and it was suspected (and later confirmed) that she was returning to her mother
- Brenda was accused of bringing illegal substances to her residence, and soliciting others to engage in sexual behaviors and substance use
- Brenda was accused of assaulting local police and staff at her residence
- Brenda had also been given extensive therapeutic services in the community
- Brenda had worked with Coordinated Children's Services in Ulster prior to placement

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### INCIDENT

- Brenda was found by local law enforcement in the presence of her mother, who was "squatting" in an unrelated man's home
- PD contacted Brenda's RTC, and staff arrived to pick her up and transport her approximately 1 hour back to the RTC
- As staff was driving the vehicle through town, Brenda reached into the front of the vehicle, then climbed into the front of the moving vehicle and attempted to turn off the vehicle's ignition (it was a push-to-start vehicle)
- Staff also alleged that Brenda attempted to grab the wheel
- Brenda also attempted to press other buttons near the wheel, seemingly in an attempt to stop the vehicle
- Brenda then jumped out of the vehicle and into traffic, as staff attempted to follow
- Brenda ended up back at the same local police department, who contacted our office

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## OPTIONS

### Immediate pre-petition detention in Secure Detention

- Clearly a non-secure facility would be unable to hold Brenda, RTF not able to curtail AWOL behavior
- Could meet the criteria from FCA § 320.5(3)(a)(i): "there is a substantial probability that he or she will not appear in court on the return date"
- Staff would need to be available for probable cause hearing within 3 days, which could be arranged
- BUT our office and DSS called all secure facilities in the state, and no beds were available

### Return to RTF

- RTF sent 15-day notice to DSS to find an alternate placement for Brenda
- File petition soon thereafter and attempt to find a placement as a disposition
- DSS would have to find alternate non-secure facility in the meantime
- DSS placements would not accept Brenda because of AWOL risk, unsafe behaviors, assaults on staff
- Any local options were either impossible or posed risk for Brenda (could not be returned to mom, no family nearby who could care for her, any facilities would not be able to address AWOL risk)

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## SOLUTION FOR NOW

- During the pendency of the case, Brenda was brought to Westchester Medical Center, RTC refused to accept her back after release from WMC
- Brenda went from WMC to Family House (emergency youth shelter) but then absconded within 10 days, assaulted staff, and caused significant property damage
- Letter requesting that Judge issue a warrant in light of AWOL and risk to herself and others, reiterates that there are no appropriate placements available
- Judge declines to issue a warrant, Brenda called Family House and was told information regarding court appearance, and appeared at court for the next appearance with her mother
- Judge scheduled a conference. Brenda ran away before the conference date, and Judge issued a warrant. Judge directed that if Brenda were to be picked up on the weekend, that she be brought to Children's Village

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## BRENDA PICKED UP ON THE WARRANT

- Brought before judge, DSS requested additional time to find a secure bed
- Children's Village was no longer an option for Brenda
- DSS and our office are calling around for detention beds before the case has its second call
- Woodfield Detention Center in Valhalla has a bed available and the judge signs an order directing detention

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### BRENDA'S HEARING – 3 DAYS LATER

- 2 workers were in the van, but one is unavailable (moved states, left no forwarding address, changed her phone number)
- We subpoena other worker, Trisha, as a witness. Trisha testifies to working at RTF, that she was assigned to transport Brenda on the day in question, and that Brenda attempted to grab the steering wheel and press ignition button
- Judge makes a finding against Respondent for Reckless Endangerment 2<sup>nd</sup>, and disposition is scheduled for later the same week
- Woodfield does not accept Brenda back, and she is sent to Family House for 3 days – and makes efforts to enroll in school and find a job

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### DISPOSITION

#### First attempt:

- Contacted OCFS to notify them of the date but due to new personnel and miscommunication, nobody from OCFS showed up for disposition date
- Our office told the judge and he reluctantly scheduled a new dispositional appearance
- Detention bed at Woodfield is still not available
- Brenda returns to Family House and allegedly is on her best behavior

#### Second hearing date:

- OCFS is present
- We call DSS deputy director and probation officer as witnesses, PO recommends placement in secure detention
- Judge makes findings that child requires confinement and OCFS is the least restrictive alternative for Brenda
- Brenda is taken from the courthouse to OCFS
- Side note: at one of these appearances, Brenda's mother brought a dog into the courtroom in her purse

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### ANOTHER CASE FOR BRENDA

- Following the second disposition date, Brenda was being transported when she asked to use the bathroom and the van stopped at a supermarket
- Brenda punched a former classmate in the head
- Our office filed the case and moved forward with the new charges, while Brenda was still placed with OCFS (case filed approximately 30 days after disposition hearing)
- Eventually, she made an admission and Probation recommended a 1-year conditional discharge with the added condition that she follow the terms and conditions of OCFS placement or any other residence
- At the time of disposition, Brenda was on partial community release and living with a relative, receiving OCFS services

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**OTHER ISSUES: 2 EXAMPLES**

- Another juvenile, "Miranda" was placed by her school in RTF, then had assaultive behaviors and AWOLs
- During AWOL, Coordinated Children's Services director issued a "pick-up order" under MHL 9.45 (no detention beds, acute psychiatric symptoms)
- Issue where the judge believed he was the one who would have to sign such an order
- Brought to MidHudson Regional Hospital, plan was for her to be admitted to RCPC
- After release, AWOL, Judge ordered that she stay with family friend and issued Order setting certain conditions for her release (i.e. keeping her phone charged)

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- "Charles" had an ACD, and violated terms while living with grandmother, but she was reluctant to testify
- Initial recommendation from Review Committee was to place him with DSS, but no facilities would accept him due to finding of sexual abuse, assaultive behaviors in the community
- Probation recommended DSS placement, DSS said they could not place him and could not arrange for QRTP, judge rejected request for new PDI
- Disagreement over whether to request placement with OCFS, ultimately Charles was placed on Probation

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**ISSUES RAISED BY OTHER COUNTIES**

- Unable to find a bed for Juvenile so Juvenile held in interview room or in a hotel room with deputies supervising
- Issues for DSS finding RTC for juvenile, so only options are placement with OCFS or return to community where needs are not met and risk of harm is greater
- If child is under 12 years old, unable to place in secure detention even if criminal act is serious (such as stabbing mother's boyfriend)
- Difficult to find placements for juveniles with risky behaviors in the community, also unable to find beds for 30-day diagnostics

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- Other counties and our county have issues trying to find a mental health bed for youth who is in crisis, even where there should be grounds under MHL 9.41 or 9.45
- Many cases where Respondent is residing in the same house with their victim
- Parents often raise issues related to the safety of their other (younger) children when Respondents are absconding at different hours, violent with their siblings, or sneaking strangers into the home
- Adjourning disposition hearings because no beds are available to accept Respondent

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**OCFS CONTACT INFORMATION: DOWNSTATE**

Aziz Baker, Detention Specialist  
Office of Children & Family Services  
Adam Clayton Powell, Jr. State Office Building  
163 West 125th Street, 14th Floor  
New York, NY 10027  
Phone: 212-961-8460

Taniquaa Foye, Detention Specialist  
Office of Children & Family Services  
Adam Clayton Powell, Jr. State Office Building  
163 West 125th Street, 14th Floor  
New York, NY 10027  
Phone: 212-961-1656  
Judith Hartman-Giles, Detention Assistant:  
718-401-2660  
Stephanie Fields, Detention Assistant:  
212-961-4077

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**OCFS REST OF STATE CONTACT INFORMATION**

- **Donte Blackwell**, Director, Bureau of Detention Services Adam Clayton Powell, Jr. State Office Building
  - 163 West 125th Street, 18th Floor New York, NY 1002
  - Phone: 212-383-7261
  - Mobile: 347-306-0156
- **Christine Anderson**, Program Coordinator and Technical Assistance: 518-408-3269
- **Daniel Smith**, Detention Specialist (Buffalo & Rochester Region): 518-469-5490
- **Jennifer Mims**, Detention Specialist (Capital District & Central Region): 518-473-3660

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**THANK YOU**

**Robert J. Fisher**  
845-750-3932  
[rfis@co.ulster.ny.us](mailto:rfis@co.ulster.ny.us)

**Claire L. Pulver**  
845-750-3125  
[cpu@co.ulster.ny.us](mailto:cpu@co.ulster.ny.us)

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County	Address	24-7 Phone Number/Director Contact	Secure Detention Bed Capacity M/F	Specialized Secure Bed Capacity M/F
Albany	Capital District Youth Detention Center, Inc. (CDYCI)838 Albany Shaker Rd Loudonville, NY 12211	24/7 intake number: 518-456-9399, ext. 234  Director: Raymond Wilcox <a href="mailto:RWilcox@berkshirefarm.org">RWilcox@berkshirefarm.org</a>	24 Male/Female (SD/SSD)	24 Male/ Female (SD/SSD)
Erie	Erie County Juvenile Detention  810 E. Ferry St. Buffalo NY 14211	24/7 intake number: 716-923-4062  Director: Kenneth Simmons <a href="mailto:Kenneth.Simmons@erie.gov">Kenneth.Simmons@erie.gov</a>	46 Male/Female (SD/SSD)	46 Male/Female (SD/SSD)
Monroe	Monroe County Juvenile Detention  400 Rush- Scottsville Rd. Rush, NY 14543	24/7 intake number: 585-753-5940  Director: Kenneth Urbanik <a href="mailto:Kenneth.Urbanik@dfa.state.ny.us">Kenneth.Urbanik@dfa.state.ny.us</a>	38 male/female (SD/SSD)	38 Male/Female (SD/SSD)
Nassau	Nassau Juvenile Detention  61 Carman Ave Westbury, NY 11590	24/7 intake number 516-571-9260  Director: LaQuetta Robbins-Kennedy <a href="mailto:lrobbins@nassaucountyny.gov">lrobbins@nassaucountyny.gov</a>	16 male/female (SD)	N/A
NYC	Crossroads  17 Bristol St. Brooklyn, NY 11212	24/7 intake number: 212 442-7100  Director: Aisha Shannon <a href="mailto:Aisha.Shannon@acs.nyc.gov">Aisha.Shannon@acs.nyc.gov</a>	119 Male/Female (SD/SSD)	119 Male/Female (SD/SSD)
NYC	Horizon  560 Brook Ave Bronx, NY 10038	24/7 intake number: 718-292-0065  Director: Aiyanna Allman-Wooten	121 Male/Female (SD/SSD)	121 Male/Female (SD/SSD)

		<a href="mailto:Aiyana.allman-wooten@acs.nyc.gov">Aiyana.allman-wooten@acs.nyc.gov</a>		
Onondaga	Hillbrook Juvenile Detention  4949 Velasko Rd. Syracuse, NY 13215	24/7 intake number: 315-435-1421  Director: Omar Osbourne <a href="mailto:OmarOsbourne@ongov.net">OmarOsbourne@ongov.net</a>	51 Male/Female (SD/SSD)	51 Male/Female (SD/SSD)
Westchester	Woodfield Juvenile Detention  20 Hammond House Rd Valhalla, NY 10595	24/7 intake number 914-231-1103  Director: Dean DeKranis  <a href="mailto:ddekranis@childrensvillage.org">ddekranis@childrensvillage.org</a>	24 Male/Female (SD/SSD)	24 Male/Female (SD/SSD)