

NYCTM
**Administration for
Children's Services**



**The New York City Council,
Committee on Juvenile Justice
Committee on Courts and Legal Services
February 28, 2018**

“Oversight – Examining the Continuum of NYC’s Juvenile Justice System”

**Testimony by
New York City Administration for Children’s Services
Felipe Franco, Deputy Commissioner
Division of Youth and Family Justice**

Good afternoon Chair King and members of the Committee on Juvenile Justice. I am Felipe Franco, Deputy Commissioner of the Division of Youth and Family Justice (DYFJ) within the Administration for Children's Services (ACS). With me today are Sara Hemmeter, Associate Commissioner for Community Based Alternatives, Stephanie Prussack, Associate Commissioner for Detention Services, and John Dixon, Associate Commissioner for the Close to Home Initiative. On behalf of Commissioner David Hansell, I would like to thank Chair King for joining us on our visit to a Close to Home residence in the Bronx earlier this month. We look forward to hosting more visits for you and the entire Juvenile Justice Committee. Thank you for the opportunity to testify today regarding ACS' continuum of juvenile justice services and programming.

DYFJ Overview

The Division of Youth and Family Justice oversees services and programs for youth at every stage of the juvenile justice process and works to promote public safety and improve the lives of young people, families, and communities by providing treatment, safe and secure custodial care, responsive health care, effective re-entry services, and promoting educational achievement. Our continuum includes community-based preventive services for youth who are at risk of delinquency, as well as their families. In addition, we provide detention services to youth who are arrested and awaiting court resolution. Since 2012 with Governor Cuomo's enactment of Close to Home, we have been providing rehabilitative residential services for all youth placed with New York City as adjudicated juvenile delinquents, as well as aftercare services upon their return to the community.

First and foremost, we aim to divert youth from the justice system. As a City it is imperative that we all work to arm our youth with the tools and the supports they need to become successful adults. The number of young people entering the juvenile justice system has continued to decline over the last several years. In 2010, 5,084 young people were admitted to detention for

the calendar year. Admissions to detention have decreased significantly year after year, dropping to just 1,979 total admissions in calendar year 2017. We think this is attributable to smart policing, lower juvenile arrests across the City, and the intensive preventive services that ACS and its partners provide to help prevent young people from ever entering the system in the first place.

Community-Based Alternatives

We know that the best way to intervene in the lives of young people is to treat the whole family. ACS' Family Assessment Program (FAP) is available to families with youth up to age 18 and supports parents and guardians who are struggling to address difficult teenage behaviors. FAP offers intensive in-home therapeutic services that are designed to improve family functioning and avoid delinquency. ACS also runs the Juvenile Justice Initiative (JJI), which is the largest alternative to placement program in the City. JJI serves youth who have been adjudicated in Family Court and provides intensive services to these youth to keep them in their communities and with their families. Both FAP and JJI help parents develop skills to support their children, enforce limits, and steer them towards positive activities.

Crossover Youth Practice Model

The vast majority of young people in the juvenile justice system—as high as 90%, regardless of gender—have experienced some sort of trauma. We know that there is a close correlation between child maltreatment and future delinquency, and so we have partnered with multiple stakeholders to support children who have experienced abuse and neglect with the goal of preventing their entry into the justice system. In addition to expanding and strengthening programs to reduce the number of young people entering foster care and juvenile justice, ACS is also committed to investing in work that focuses specifically on dually involved youth, such as the

Crossover Youth Practice Model, which was developed by the Center for Juvenile Justice Reform at Georgetown University.

The term “Crossover Youth” describes a young person who enters the justice system while involved in the child welfare system. These young people essentially “cross-over” from the child welfare system into the juvenile justice system. ACS offers a broad range of services to help prevent children with child welfare involvement from entering the juvenile and criminal justice systems. The Crossover Youth Practice Model (CYPM) is a multi-agency approach that seeks to improve outcomes for young people who are involved in both systems.

Detention

ACS provides secure and non-secure detention (NSD) services for youth who have been arrested and are waiting for judges to hear their case in court. DYFJ currently operates two secure detention facilities—Crossroads in Brooklyn and Horizon in the Bronx—and oversees eight not-for-profit provider agency-operated NSD group homes across the City.

Secure detention has the most restrictive security features and is typically reserved for youth who pose the highest risk or have been accused of committing serious offenses. Young people housed in our secure detention facilities receive on-site health, mental health and dental services, recreational activities, and case management. Education is provided onsite through the DOE’s District 79 Passages Academy schools.

Youth in NSD receive health, mental health, recreational and case management services in a less restrictive residential setting than secure detention. In non-secure detention young people are able to leave the residence under strict staff supervision to attend school, recreational activities and appointments. The DOE provides instruction for NSD youth at two Passages Academy sites: Belmont in Brooklyn and Bronx Hope in the Bronx.

We also contract with NYC Health and Hospitals (H+H) Bellevue to provide psychiatric and psychological services to further support the mental health needs of youth in detention. Through this partnership, DYFJ has implemented trauma-informed screening and care in our secure detention facilities, making us one of the first secure detention systems in the country to implement trauma-informed practices. Bellevue has trained all secure detention staff in dealing with the various types of trauma that impact the youth in our care, which increases staff's ability to identify trauma exposure and work with traumatized youth, and reduces secondary trauma issues among staff.

Close to Home

Close to Home is a juvenile justice reform that has allowed New York City youth who have been adjudicated juvenile delinquents to be placed in residential care with ACS near their home communities. Before Close to Home, NYC children were placed in large institution-like settings located upstate, hundreds of miles away from their families and home communities. The distance of these facilities often hindered families from visiting and prevented meaningful family engagement. School credits earned while in placement upstate were not transferable to the DOE school system, so young people returned to their home schools significantly behind in credits needed for academic advancement and created a disincentive for many youth to continue attending school after their release.

Close to Home affords young people and their families the ability to participate meaningfully in treatment together. Young people in Close to Home receive education from the NYC DOE and continue to accrue credits towards academic advancement while in placement.

Since its launch in 2012, the administration and operation of Close to Home has steadily improved and has positioned the City as a national model for juvenile justice reform. Close to Home has succeeded in improving outcomes for youth. Data in our recently issued Close to Home

Report for 2016-2017, which we have shared with you today, shows that young people are going to school, getting good grades, and passing Regents exams. In many cases, young people are more engaged in school while in Close to Home placement than they were previously. In addition, they are receiving counseling and supportive services to help them manage underlying trauma and issues that contributed to their involvement in the juvenile justice system in the first place. A recent independent report on Close to Home released by the Center for Children's Law and Policy with support from the Annie E. Casey foundation found similar improvements and cites Close to Home as a national reform model from which other jurisdictions across the country can learn.

Residential Placement

Involvement with Close to Home includes both a stay in residential placement and a term of supervised aftercare as youth transition from placement back to their homes and communities. ACS currently partners with seven non-profit agencies to deliver strengths-based placement programs in 24 non-secure placement residences (NSP) located in and near New York City. All seven providers have experience in serving juvenile justice populations, and each program offers structured residential care in a small, supervised, and home-like environment. All NSP programs require schedules that are designed to ensure participation in the program while preserving the safety and security of youth, staff, and the surrounding community. Young people in NSP, while under strict staff supervision, are also able to leave the residence to attend school and medical appointments, and may earn the privilege to attend certain outside recreational activities.

Limited Secure Placement (LSP), which opened in December 2015, currently has programs operating at four sites: one in the Bronx, two in Dobbs Ferry, and one in Queens. Unlike NSP, all programming and services are provided to young people on site, including medical, dental, psychiatric, and education. LSP residences also feature additional security features, such as perimeter fencing, closed-circuit TV monitoring, and door locking mechanisms.

Aftercare

Most of our young people return to their home communities on aftercare following their Close to Home residential placement. Families and youth receive intensive support and accountability from the assigned ACS worker and aftercare resources. Planning for reentry to the community begins while the youth is in residential placement in order to put in place the supports necessary to meet the needs of the youth and their family and to reduce the risk of reoffending.

Closing

Thank you for the opportunity to discuss ACS' continuum of juvenile justice services and programming for youth in New York City. DYFJ provides age and developmentally appropriate services that are tailored to youths' specific needs and risks as well as the supports families need to assist in their children's progress and prevent further justice system involvement. The importance of this developmental approach is underscored as the City works to implement the Raise the Age legislation and prepares to receive 16 and 17 year olds in the juvenile justice system. Given the remarkable success of Close to Home since its launch in 2012 and the surge of young people who will need to be placed in Close to Home once Raise the Age is implemented, the State should be expanding its commitment to Close to Home this year. Instead, it is against this backdrop that Governor Cuomo proposes to eliminate all State funding for Close to Home. I respectfully ask you to join us in urging the state to appropriately fund Close to Home and not abandon this life-changing juvenile justice reform effort.

As you are aware, extensive planning is underway to prepare for the implementation of the initial requirements of the Raise the Age legislation by October 1, 2018. A citywide Steering Committee, chaired by the Mayor's Office of Criminal Justice and including representatives from multiple city agencies including ACS, the NYPD, DOE, Department of Corrections, Department of

Probation, Department of Design and Construction, Office of Management and Budget, the Law Department and the State Office of Court Administration, has been working to guide the overall city-wide planning effort. We have embraced the opportunity to conceptualize alternatives to detention and placement that are age appropriate and gender responsive and that address the current gap for youth without a permanency resource. We have also been working closely with our partners at the Department of Education to plan for enhanced career and technical education programming for youth in detention and Close to Home.

While all of this extensive planning is underway, DYFJ continues to operate a safe and secure juvenile justice system for New York City's youth. We view Raise the Age as an opportunity to strengthen the foundations of our existing system and continue to improve our practice, support our staff, and fortify safety across the entire continuum. With Raise the Age, we will need to further adapt our services and programming within our community, detention and placement programs to meet the needs of an older youth population. The City projects costs of Raise the Age to be approximately \$200 million, costs which the Governor's budget does not cover.

As you might imagine, this is a significant undertaking. DYFJ has had a long and transparent relationship with the Juvenile Justice Committee of the City Council and we intend to maintain that transparency throughout this planning process as well as the phases of Raise the Age implementation. Given the very aggressive timeline for implementation of this important legislation, we all need to be prepared for the inevitable challenges that we will very likely encounter as we move to expand our juvenile justice system to include these new youth. We will continue to seek your guidance and support as we move ahead with these efforts.

Thank you again for your time. My colleagues and I are happy to take any questions.

Close to Home Annual Report 2016-2017



EXECUTIVE SUMMARY

New York City and New York State are in the middle of a historic transformation in youth justice.

Five years ago, the City and State launched Close to Home, an innovative juvenile justice program that shifts away from sending New York City youth to large, geographically isolated institutions far from New York City and instead places them in residences near their home communities where they receive rehabilitation programs that include education and counseling. In contrast to traditional detention halls and placement facilities, Close to Home residences have been intentionally designed to ensure participation in programming while preserving the safety and security of youth, staff, and the surrounding community.

As Close to Home expanded and became a model for jurisdictions across the country, New York State passed a new law last year, known as “Raise the Age,” which requires that 16- and 17-year-olds be treated as minors in the justice system. Prior to the legislation passing, New York was one of only two states that treated these minors as adults in the justice system. Raise the Age is about to be implemented, with newly-arrested

16-year-olds scheduled to transition to the juvenile justice system by October 2018, and 17-year-olds by October 2019. In addition, all 16- and 17-year-olds are to leave Riker's Island by October 2018.

Taken together, these two reforms represent a sea change on juvenile justice in New York. They are also inextricably linked. Most 16- and 17-year-olds who would have gone through the adult criminal justice system will instead be treated as juveniles – and many will be placed in Close to Home residences. The State estimates that the number of young people in Close to Home placements will more than double once Raise the Age is implemented.

In this context, the success of Close to Home is particularly important this year – and this report shows that Close to Home is running well and working.

Since it was launched in 2012, the administration and operation of Close to Home has been improved and refined. It is operating efficiently and effectively. Close to Home is also succeeding in improving outcomes for youth through services and education that can help youth who have been involved with the juvenile justice system rehabilitate and transition to productive adulthood.

NOTABLE ACHIEVEMENTS IN THE LAST YEAR INCLUDE:

A 41% DECREASE IN AWOLs:

From calendar year 2015 to 2016, there was a 41% drop in AWOL incidents at Non-Secure Placement sites (NSPs). AWOLs are now lower than they were when the State managed voluntary placements.

A 38% DECREASE IN PHYSICAL INCIDENTS:

From 2015 to 2016, there was a 38% drop in assaults and altercations at NSPs.

A SUBSTANTIAL INCREASE IN OVERSIGHT AND MONITORING:

ACS expanded Close to Home oversight and monitoring activities, increasing the total number of site inspections from 81 in 2015 to 348 in 2016.

A SIGNIFICANT INCREASE IN THE NUMBER OF SCHOOL CREDITS EARNED:

Close to Home youth attending the NYC Department of Education Passages Academy earned an average of 9.3 credits during the 2016-2017 school year – up from 6.4 the previous year.

A SIGNIFICANT INCREASE IN THE NUMBER OF YOUTH PASSING CLASSES AT SCHOOL:

Close to Home youth attending Passages passed 91% of their classes during the 2016-2017 school year – up from 77% three years ago.

A 93% ACADEMIC ADVANCEMENT RATE AMONG THE YOUNGEST STUDENTS:

At the end of the 2016-2017 school year, 93% of Close to Home youth enrolled in Passages for middle school were promoted at least one grade level.

A SUBSTANTIAL NUMBER OF YOUTH PASSING REGENTS EXAMS:

Of the Close to Home youth enrolled at Passages who took New York State Regents exams, almost half passed. Additionally, 80% of the Close to Home youth with a disability enrolled at Passages who took a Regents exam passed.

A 91% PARTICIPATION RATE IN COMMUNITY-BASED SUPERVISION:

Among the 222 Close to Home youth who transitioned out of placement in 2016, 91% were enrolled with one of five community-based supervision programs. Among those, 67% completed the program during the same calendar year, and the others remained enrolled.

In calendar year (CY) 2016, the NYC Administration for Children's Services (ACS) continued to invest in intensive services to prevent young people from entering or re-entering the juvenile justice system, while strengthening citywide implementation of practice models to meet the intensive needs of system-involved youth. This includes continuously working to improve and expand programs that foster social and cognitive skill development, provide individualized educational or vocational support, and address the immediate needs of youth to avert community violence and cyclical justice system involvement. ACS also solidified previous commitments to placement stability, family engagement, and community reintegration.

2016 was a critical year for Close to Home. While ACS has been able to prevent a substantial number of justice-involved youth from being placed in a residential setting through community-based services, those who enter and remain in placement are representative of New York City's highest-needs youth. Compared to the population admitted to Close to Home in 2015, the young people served in 2016 were more likely to be involved in the foster care system at both admission and release, further amplifying the service needs of youth in Close to Home.

Against the backdrop of these efforts, a number of notable year-over-year improvements were achieved in 2016. Close to Home youth enrolled in the New York City Department of Education Passages school earned more credits and passed more classes, on average. The number of transfers between Close to Home programs and upward modifications to a higher level of residential care continued to decrease significantly. Permanent deployment of additional staff to reduce critical incidents and streamline incident reporting led to additional safety and security improvements. In addition, ACS expanded Close to Home oversight, monitoring, and technical assistance, with a particular emphasis on a four-fold increase in residential site inspections. Across-the-board decreases in all indicators of safety and security reflect a system that is increasingly safer, transparent, and more conducive to improving outcomes for youth.

Finally, it is important to note that this report comes at a time of fiscal uncertainty, with the initial budget proposal from the State eliminating all State funding for Close to Home and dramatically reducing funding for child welfare in New York City. It is not clear if the Governor or the State Legislature will allow these drastic cuts to be enacted. What is clear is that reduced funding would have a significant adverse impact on the Close to Home Initiative and, by extension, on implementation of Raise the Age, as well as on a range of services that families in New York City count on today.

INTRODUCTION

CLOSE TO HOME IN CONTEXT

As in most other jurisdictions, prior to the advent of the Close to Home Initiative, young people adjudicated as juvenile delinquents in New York City Family Court were typically placed in facilities far from their families and home communities. Although many received academic credits, they encountered considerable difficulties when attempting to transfer credits to local New York City schools, exacerbating already significant barriers to school enrollment and graduation.

Close to Home implementation began in September 2012, as the New York City Administration for Children's Services (ACS) assumed responsibility for New York City youth who are adjudicated juvenile delinquents and determined by a Family Court Judge to be in need of Non-Secure Placement (NSP) services. In December 2015, implementation was completed with the launch of Limited-Secure Placement (LSP), with LSP in full operation for the entirety of CY 2016. Under Close to Home, youth are matched to small, resource-rich residential programs located in or near the five boroughs, affording young people the opportunity to attend New York City Department of Education (DOE) schools and accumulate academic credits towards a high school diploma or promotion into or from middle school while providing access to community-based resources that support safe reintegration upon release.

CORE PRINCIPLES:

While developing Close to Home, ACS engaged national leaders so that evidence-based models, contemporary research findings, and best practices were woven into the program design. All efforts to improve outcomes for youth are grounded in the following principles:

PUBLIC SAFETY:

Consistent with the Family Court's determination that each youth requires supervision and treatment within the least restrictive setting possible, intensive supervision and monitoring is provided by well-staffed residential and community-based aftercare programs.

ACCOUNTABILITY:

Data are used to drive programmatic decisions and to ensure that Close to Home is effective, efficient and responsive.

EVIDENCED-BASED/EVIDENCE-INFORMED TREATMENT:

Close to Home operates along a trauma informed continuum of care that empowers and supports youth by responding to individual treatment needs and skills gained with services that have a proven track record of achieving positive outcomes.

EDUCATIONAL CONTINUITY AND ACHIEVEMENT:

Individualized educational services through the NYC Department of Education allow youth to earn transferrable academic credits, while an assigned Educational Transition Specialists ensure academic continuity upon return to community schools.

COMMUNITY REINTEGRATION:

Youth connect and remain connected to positive adults, peers, and community supports embedded in their neighborhoods well past Close to Home placement.

FAMILY ENGAGEMENT AND COLLABORATION:

Family support and contact are essential to each youth's well-being; Close to Home minimizes dislocation in order to nurture frequent and meaningful opportunities to participate in treatment and engage with families.

PERMANENCY:

Close to Home is structured to develop, support and maintain permanent connections for youth and families.

OVERVIEW

Starting with a description of the Close to Home residential placement system and followed by demographic data of youth served in 2016, this report reviews system-wide efforts to facilitate permanency and family engagement, NSP incident data for CY 2014 through 2016, and baseline LSP incident data for CY 2016. The report then describes Close to Home educational services, aftercare and community reintegration, discusses system-wide efforts to sustain and foster emotional and physical safety, and the oversight and corrective action process for Close to Home providers. Lastly, the report concludes with a narrative highlighting community engagement and ACS support of youth beyond Close to Home.

Residential Placement

Close to Home facilities are small, supportive neighborhood-based programs where youth in need of intensive intervention to effectuate long-term behavior change learn new skills designed to address their unique needs and criminogenic risk factors. In CY 2016, ACS partnered with eight local non-profit agencies contracted to implement Close to Home residential services at 27 NSP residences and five LSP residences.

Multiple layers of oversight and quality assurance mechanisms promote public safety and high-quality services for young people in placement. ACS works closely with the New York State Office of Children and Family Services (OCFS) Office of Close to Home Oversight and System Improvement, which is responsible for programmatic licensure and compliance with New York State regulations, and oversees and monitors the work of ACS.

NON-SECURE PLACEMENT

In CY 2016, eight nonprofit Provider Agencies operated a total of 28 Close to Home NSP residences located in New York City and Dobbs Ferry (Westchester County). Each Provider, with previous juvenile justice experience, offers structured residential care in a supervised and home-like environment of varying capacity (13 bed maximum). In addition, NSP residences are further distinguished by program type (general versus specialized). **See tables 1 and 2** for a breakdown of NSP Provider Agencies by program model, program type, and capacity.

[See next page for Table 1 and 2]



Table 1. CY 2016 NSP Provider Agencies – General Beds

Provider Agency	Sex	Program Model	Capacity
Good Shepherd Services	M	Missouri Approach / Sanctuary	12
Good Shepherd Services	F	Missouri Approach / Sanctuary	12
Leake & Watts Services	M	Missouri Approach	12
Leake & Watts Services	M	Missouri Approach	13
Martin De Porres Group Homes	M	Lasallian Culture of Care	6
Martin De Porres Group Homes	M	Lasallian Culture of Care	6
Martin De Porres Group Homes	M	Lasallian Culture of Care	6
SCO Family of Services	M	Missouri Approach	6
SCO Family of Services	M	Missouri Approach	6
SCO Family of Services	M	Missouri Approach	6
SCO Family of Services	F	Missouri Approach	6
Sheltering Arms Children and Family Services	F	Missouri Approach	12
Sheltering Arms Children and Family Services	M	Missouri Approach	12
Sheltering Arms Children and Family Services	M	Missouri Approach	12
Sheltering Arms Children and Family Services	M	Missouri Approach	13
St. John's Residence for Boys	M	Missouri Approach	12
St. John's Residence for Boys	M	Missouri Approach	12

Table 2. CY 2016 NSP Provider Agencies – Specialized Beds

Provider Agency	Sex	Program Model	Program Type	Capacity
Jewish Child Care Association ¹	F	Sanctuary	Specialized – Commercial/Sexually Exploited Children (CSEC)	6
SCO Family of Services	M	Missouri Approach	Specialized – Developmental Disabilities	6
SCO Family of Services	M	Missouri Approach	Specialized – Developmental Disabilities	6
The Children's Village	M	Integrated Treatment Model	Specialized – Fire Setting Behavior	9
The Children's Village	M	Integrated Treatment Model	Specialized – Problematic Sexual Behaviors	6
The Children's Village	M	Integrated Treatment Model	Specialized – Problematic Sexual Behaviors	9
The Children's Village	F	Integrated Treatment Model	Specialized – Serious Emotional Disturbance	10
The Children's Village	F	Integrated Treatment Model	Specialized – Serious Emotional Disturbance	10
The Children's Village	M	Integrated Treatment Model	Specialized – Substance Abuse and Addiction/Serious Emotional Disturbance	9
The Children's Village ²	M	Integrated Treatment Model	Specialized – Substance Abuse and Addiction	9

LIMITED-SECURE PLACEMENT

LSP and NSP share common goals and anticipated outcomes, while LSP facilities are designed for young people who have been deemed to require more restrictive supervision than youth entering NSP. In CY 2016, LSP sites ranged from six to 18 beds, maintained a lower youth-to-staff ratio than NSP sites, and operated with additional security features throughout the facility (most notably 24/7 control rooms, sally port entrances, and interior door hardware with electronic locking mechanisms). Youth placed in LSP sites attend school and participate in a majority of services on-site. [See Table 3](#) for a breakdown of LSP Provider Agencies by program model, program type, and capacity.

[See next page for Table 3]



1 JCCA Gateways closed in July of 2016

2 CV Bradish closed and contracted services were merged with CV Collins in February of 2016

Table 3. CY 2016 LSP Provider Agencies – General and Specialized Beds

Provider Agency	Sex	Program Model	Program Type	Capacity
The Children's Village	M	Integrated Treatment Model	Specialized	6
The Children's Village	M	Integrated Treatment Model	Specialized	6
Sheltering Arms Children and Family Services	M	Integrated Treatment Model	Specialized	18
Sheltering Arms Children and Family Services ³	M	Integrated Treatment Model	General	10
Sheltering Arms Children and Family Services	M/F	Integrated Treatment Model	Intensive Support	8
Leake & Watts Services	F	Person-Centered, Relational Organizational Milieu aimed at Increasing Self-Efficacy	General / Specialized	16

YOUTH ADMISSIONS

In CY 2016, a total of 252 young people were newly admitted into a Close to Home residential placement facility on a NYC Family Court dispositional placement order or as custodial transfers from OCFS. Young people admitted on a dispositional placement order receive either an NSP, LSP, or Unspecified placement dispositional order⁴. Depending on presenting needs and risk factors, youth with Unspecified placement designations may be admitted to either NSP or LSP facilities, at the discretion of ACS. The below sections describe new admissions to NSP and LSP. Transfers and modifications are discussed in a later section.

NON-SECURE PLACEMENT

Two hundred twenty-two young people were newly admitted into NSP in CY 2016. Similar to admissions in CY 2015, most youth were male (78 percent or 173), Black (60 percent, or 134), and 16 years of age (34 percent, or 76) at the time when Close to Home placement was ordered by the court (Family Court disposition). Brooklyn and the Bronx were the top two boroughs of origin for admissions to NSP in 2016 at 28 percent (or 62) and 27 percent (or 60), respectively. In a slight increase from the previous year, 19 percent (or 43) of young people admitted to NSP were foster care youth.

³ Bruner Avenue General and Intensive Support program closed in January 2017

⁴ Youth admitted by custodial transfer from OCFS have existing dispositional placement designations

Figure 1. CY 2016 NSP Admissions by Sex

N=222

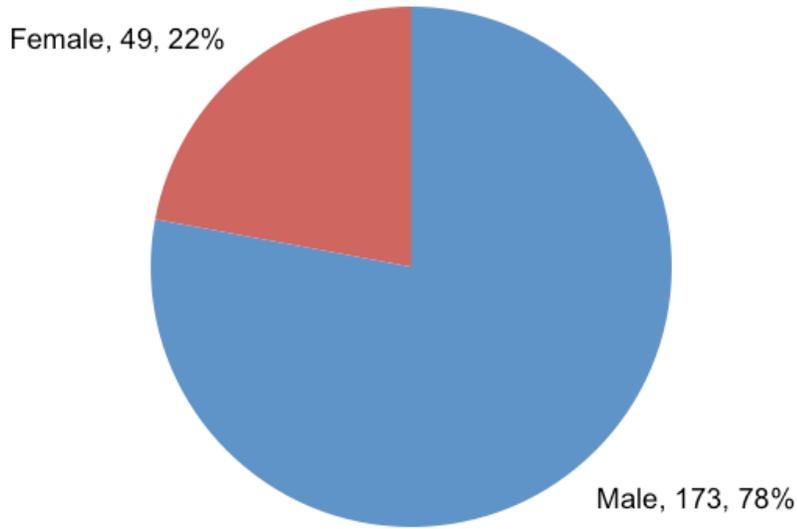


Figure 2. CY 2016 NSP Admissions by Race

N=222

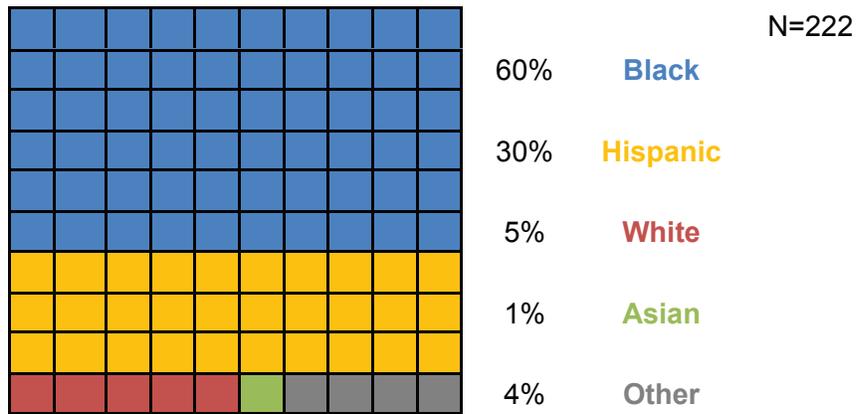


Figure 3. CY 2016 NSP Admissions by Age

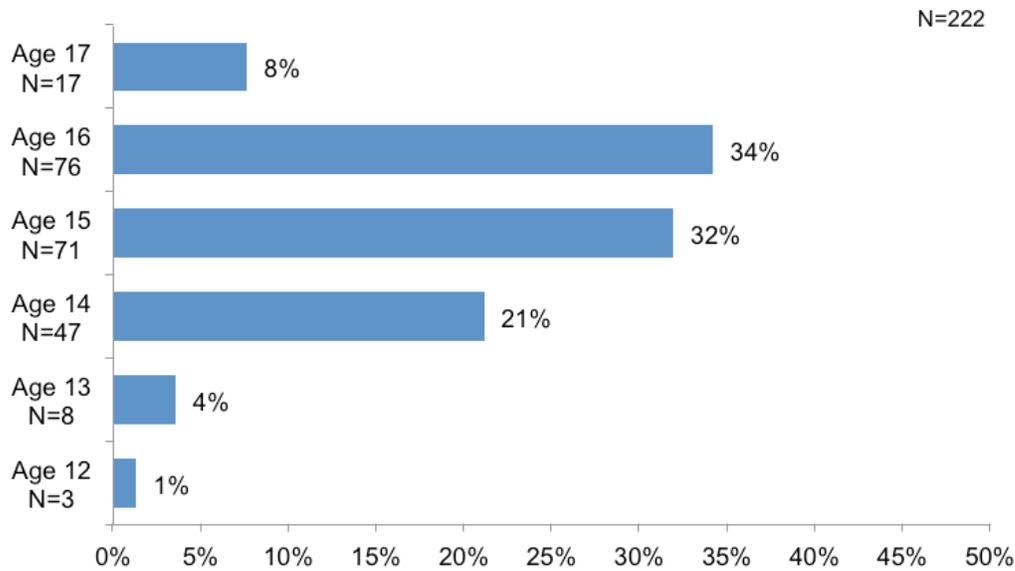
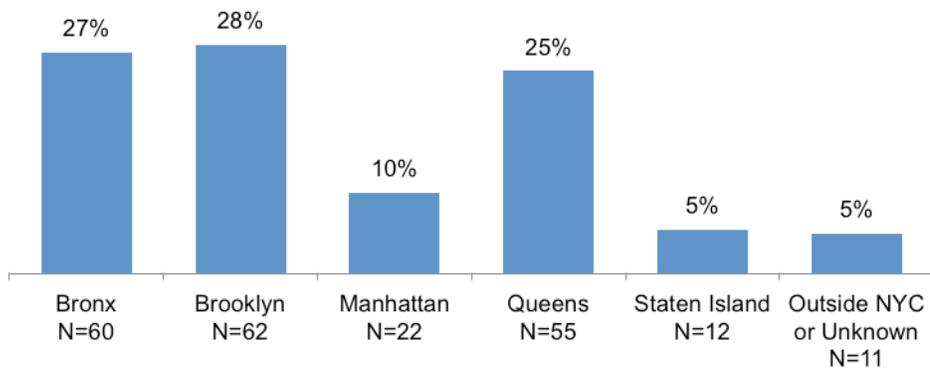


Figure 4. CY 2016 NSP Admissions by Home Borough



LIMITED-SECURE PLACEMENT

In CY 2016, 30 young people were newly admitted into LSP. Again, new admissions to LSP include youth who received an LSP or Unspecified placement designation, or were custodial transfers from OCFS. Compared to placement admissions in NSP, there was a higher percentage of boys (90 percent, or 27) and a greater presence of Black youth (67 percent, or 20). Similar to NSP admissions, most youth entering LSP were ages 15 and 16, though there is a higher percentage of 15-year-olds entering LSP. The top borough of origin for LSP admissions was Queens at 33 percent (or 10), followed by Brooklyn at 17 percent (or 5). Ten percent (or 3) of LSP youth admitted came from the foster care system.

Figure 5. CY 2016 LSP Admissions by Sex

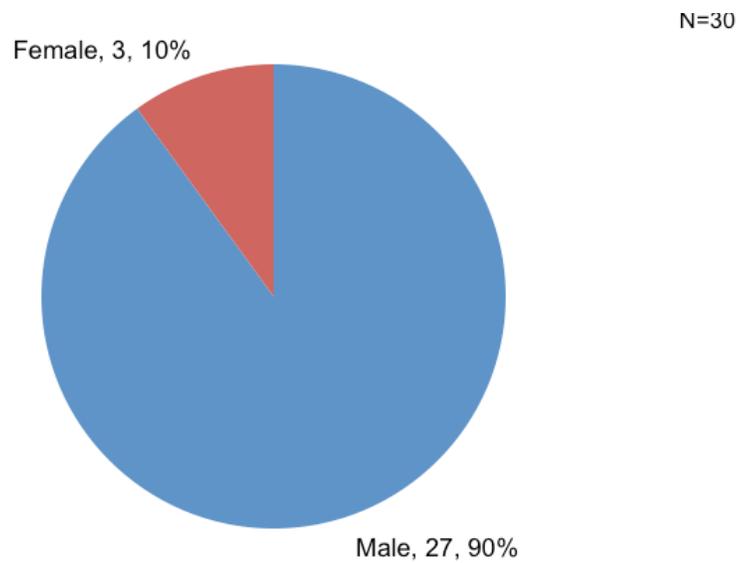


Figure 6. CY 2016 LSP Admissions by Race / Ethnicity

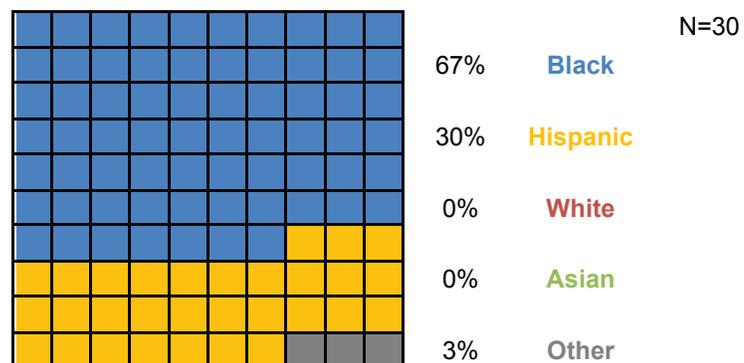


Figure 7. CY 2016 LSP Admissions by Age

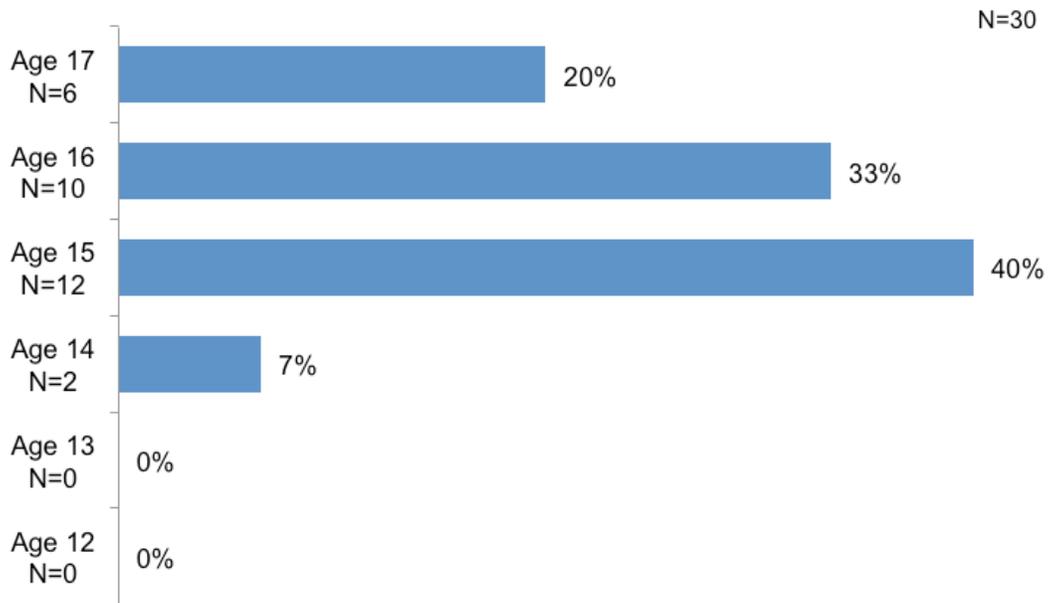
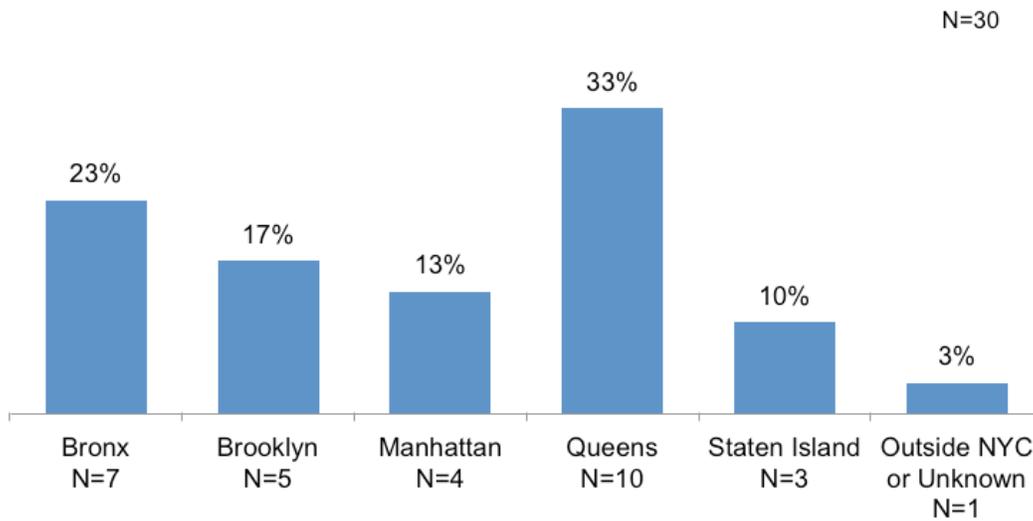


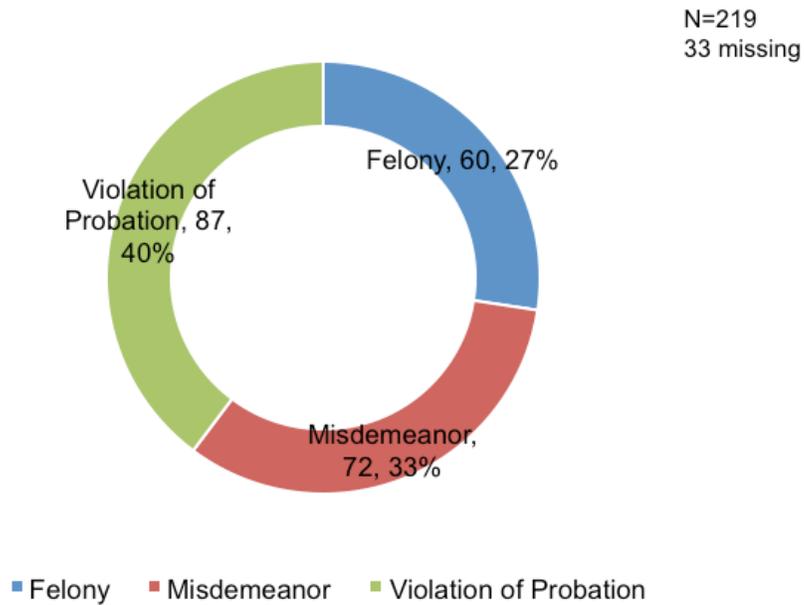
Figure 8. CY 2016 LSP Admissions by Home Borough



JUSTICE SYSTEM INVOLVEMENT

Of the 252 Close to Home admissions in CY 2016, fourteen percent (or N=36) of young people (NSP and LSP combined) had a previous Close to Home placement. Out of the 219 Close to Home admissions with adjudication type information⁵, a plurality of youth coming into Close to Home were placed on a Violation of Probation (40 percent, or 87). As shown in Figure 9, 33 percent of youth (or 72) were placed on a misdemeanor and 27 percent (or 60) were placed on a felony.

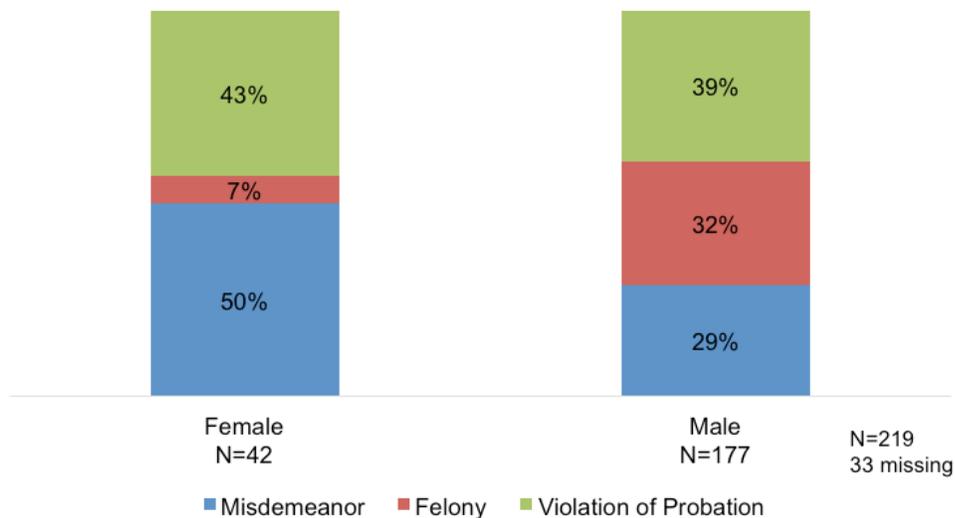
Figure 9. CY 2016 Close to Home Admissions by Top Charge Type



⁵ 33 youth were excluded from this analysis due to missing adjudication type data

When broken out by gender, we find that youth who identify as male are most likely to come to Close to Home as a result of a Violation of Probation (39 percent) and least likely to enter on a misdemeanor charge (29 percent). Youth who identify as female, on the other hand, are entering Close to Home half the time (50 percent) due to a misdemeanor, followed by a Violation of Probation (43 percent); only seven percent of girls are entering Close to Home on a felony charge.

Figure 10. CY 2016 Close to Home Admissions by Gender and Adjudication Type



The top three charges, after Violation of Probation, that resulted in adjudication in CY 2016 were:

1. Grand larceny in the 4th degree
2. Petit larceny
3. Criminal mischief with intent to damage property

PERMANENCY AND FAMILY ENGAGEMENT

Close to Home manages the assessment, treatment and care of each youth by planning, coordinating and utilizing appropriate interventions of varying intensity and restriction. Central to the Close to Home Case Management model is the Placement and Permanency Specialist (PPS), who serves as each youth’s primary case manager, guide, and liaison to family members and service providers. PPS assignments remain the same for the entirety of each youth’s Close to Home placement and Aftercare supervision. This provides continuity, consistency, and a caring and trusting adult for the duration of their dispositional placement. These specialists also connect youth to social supports and resources whenever necessary.

Working in geographically designated units under the guidance of a Close to Home (CTH) Director of Placement and Permanency, PPS staff assess risk and needs, facilitate goal identification and development, and coordinate services with providers and caring adults involved in the youth's treatment. The PPS oversees the provision of services and partners with ACS Family Court Legal Services, residential and Aftercare service providers, DOE staff, foster care agency case planners, and other community resources.

Family Team Conferences

The Family Team Conferencing (FTC) model is used across ACS to facilitate effective service interventions for young people and to engage families and relevant stakeholders in the planning process. As appropriate, youth, parents, relatives, foster parents, adoptive parents, family friends, service providers, community representatives, ACS and Provider Agency staff are invited to attend each FTC. These conferences review family strengths and needs to develop a service plan, propose options for maintaining individual and public safety, and assess progress towards achieving positive outcomes. FTCs represent a process for engaging family, supportive resources, foster parents and relative caregivers in critical decisions related to community and individual safety, placement preservation, well-being and permanence.

In May 2016, Close to Home rolled out FTCs as an additional level of support to augment the work of the PPS and to align with agency-wide practice. In Close to Home, FTCs engage participants in an honest, open discussion about the core principles of child safety, placement stability and permanency, and family and child well-being. All service plan decisions are made in collaboration with the young person's family, members of their support circle, and service providers. As a result, youth and families are provided with a comprehensive continuum of support. Weaving together familial expertise and the knowledge of professionals fosters a collaborative effort to design effective and informed service plans.

Close to Home deploys a team of Family Engagement Conference Facilitators (FECF) to facilitate planning and support meetings that occur for the duration of the youth's dispositional placement order. Each FECF is assigned to specific Close to Home facilities to foster and build strong working relationships with youth, families, and Close to Home provider agency treatment teams. In addition to facilitating conferences at critical decision points during a youth's placement, the FECF's convene a meeting with the youth, family, PPS and service providers following a critical incident (such as an AWOL) to discuss presenting challenges and work with the group to create a plan of action.

INNOVATION

Recognizing that public safety is best achieved through the development of social and cognitive skills, Close to Home has continued to dedicate significant resources to system-wide integration of two leading innovations in the juvenile justice field. The first, known as the Risk-Needs-Responsivity Framework, is a series of structured, validated and responsive risk assessments that effectively matches each youth to the appropriate, least restrictive intervention and reduces

criminogenic risk by seeking out and targeting contributing factors. The second, broadly referred to as Positive Youth Development, is grounded in research that suggests youth are more likely to achieve positive outcomes when they are offered meaningful engagement in prosocial activities and develop supportive, trusting, and caring relationships with adults and peers.

Risk-Needs-Responsivity Framework

In a continuation of efforts beginning in CY 2015, ACS partnered with nationally recognized leaders in youth justice and Close to Home stakeholders to prepare for full implementation of a Risk, Needs, and Responsivity (RNR) framework for Close to Home. The primary principles of the RNR framework are:

- **Risk** – Program intensity is matched to the level of risk posed by the individual; Needs – Interventions target dynamic or changeable criminogenic risk factors;
- **Responsivity** – Strategic service delivery adapted to individual development level and learning capacity;
- **Professional Discretion** – Decisions are not made solely on the basis of “scores” and are weighed alongside legal, ethical, humanitarian, and service availability factors

This framework utilizes the Youth Level of Service Inventory (YLSI), a validated Risk Assessment Instrument used to identify criminogenic risk factors among young offenders, as the foundation for case management, service planning, and service delivery for youth. In New York City, the YLSI is initially administered by the Department of Probation (DOP) for all youth appearing in Family Court on a delinquency matter. This is a primary component of the decision-making process for judges and administrators in the juvenile justice system, and is well-suited to the Close to Home workforce, as the assessment can be administered by non-clinicians once fully trained and certified.

In CY 2016, ACS worked closely with DOP to develop a formal procedure for streamlining existing YLSI data from DOP the moment youth enter Close to Home. In addition to this initial assessment, the YLSI will be administered at critical moments in each youth’s placement to tailor services and inform the intensity or level of supervision each youth will receive upon release to Aftercare. The YLSI assesses youth service needs in the following domains:

- Prior and Current Offenses/Dispositions
- Family Circumstances
- Education/Employment
- Peer Relations
- Substance Abuse
- Leisure/Recreation
- Personality/Behavior
- Attitudes/Orientation

Due to an inherent emphasis on risk and needs, these types of assessments can be interpreted as relying solely on individual youth deficits. Through continued collaboration with Close to Home stakeholders, ACS is in the final stages of developing an RNR framework that both empowers youth to play a central role in their behavior change process and is compatible with positive youth development and strengths-based service delivery. ACS anticipates full implementation of the RNR framework by 2018.

Positive Youth Development

In CY 2016, ACS built upon the advancements of the previous year by further expanding and developing the profile of Close to Home services that align with positive youth development. These programs focus on offering youth and families an opportunity to engage in services that promote prosocial, vocational and academic engagement, creative arts, and positive adult and peer mentoring.

Creative Arts and Vocational Services

Carnegie Hall Music Connections is a collaboration with the Weill Music Institute, started in 2015, which offers workshops, musical training, and public performances for family members and peers to celebrate participants' achievements. This partnership affords youth the opportunity to earn elective course credit toward high school graduation while inspiring creativity and encouraging artistic growth. Close to Home has also continued to develop pathways for youth to access vocational programs, such as paid internships and job readiness workshops offered through the New York City Department of Youth and Community Development's Summer Youth Employment Program, which promote career exploration, financial literacy, and social growth.

Cure Violence

In 2015, Close to Home partnered with Cure Violence, an evidence-informed public health model that identifies and engages youth at highest risk of gun violence by employing Credible Messengers⁶ to diffuse street disputes, offer emergency crisis intervention, mediation, mentorship, and counseling. Cure Violence serves youth who reside within specific catchment areas, and provides linkages to neighborhood-based pro-social activities to prepare youth for return home. In line with national best practice, Credible Messengers use an asset-based approach to engage youth and facilitate conflict mediation sessions in residential and school-based settings.

This proactive response to the rise of gang affiliation among Close to Home youth was maximized in 2016, as ACS made significant operational changes to incorporate Cure Violence services at each point in the case management process. Close to Home began piloting the YLSI to identify and refer youth to Cure Violence while in residential placement, invited Cure Violence staff to participate in critical service plan meetings, and built upon the strengths of each Cure Violence Provider to tailor services for specific populations, such as gender-responsive

6 Credible Messengers have high street credibility, are connected to the community, and can relate to and engage high risk youth.

programming. By enhancing these existing partnerships and reserving services that emphasize continuing engagement, youth are afforded the opportunity to leverage positive experiences and achievements to participate in programming during residential placement, through aftercare, and well beyond their dispositional placement order. See Table 4 below for the community expertise of each Cure Violence Provider.

Table 4. Cure Violence Providers and Community Expertise

Cure Violence Providers	Community Expertise
Good Shepherd Services - Bronx Rises Against Guns (BRAG)	Bronx
Gangstas Making Astronomical Community Changes (GMACC)	Brooklyn
Getting Out and Staying Out (GOSO)	Manhattan
Life Camp	Queens
True 2 Life	Staten Island

Education

Since the start of Close to Home, education has been fundamental to the successful rehabilitation of young people in residential placement. According to the NYC DOE, “more than 90 percent of students enrolled in Passages Academy read at least one grade level below the national norm for students in their grade level”⁷. While acknowledging this difficult baseline, ACS Close to Home Providers work each day across a variety of school environments to ensure that the youth they supervise receive quality education and instruction. A majority of youth in Close to Home are educated in special schools run by the NYC DOE’s Passages Academy. NSP youth who are placed at Children’s Village Dobbs Ferry Campus attend the Greenburgh Eleven Unified School District (G-11). The campus has a capacity to serve 33 NSP youth. Similarly, NSP youth who are placed at St. John’s Residence for Boys attend NYC DOE’s District 75. In all circumstances, credits earned in placement transfer back to NYC DOE upon the young person’s return to school.

The 2016-2017 school year (SY) consists of data from the Fall semester of 2016 and the Spring semester of 2017. Because data are captured this way, it should be noted that the following data also reflect young people who were not admitted during CY 2016.

NYC DOE District 79 / Passages Academy

2016-2017 SY

- There were 177 Close to Home youth enrolled in Passages during the 2016-2017 school year.
- The average young person passed 91 percent of their courses.
- In comparison to previous school years, youth attending Passages earned more credits and passed more of their courses.

⁷ Mayor’s Office of Criminal Justice and NYC Department of Education, *Maintaining the Momentum: A Plan for Safety and Fairness in Schools*, 11.

Table 5. Credits Earned and Courses Passed SY 13-14 to SY 16-17

	13-14 SY	14-15 SY	15-16 SY	16-17 SY
Average credits earned	6.3	6.9	6.4	9.3
Course pass rate (Percentage)	77.3	85.4	88.5	91.4
Passed 70% of Courses (Percentage)	68.1	83.8	88.7	94.1
Passed 80% of Courses (Percentage)	52.1	74.4	84.5	84.3
Passed 90% of Courses (Percentage)	27.2	53.4	61.3	66.7

- Among the 50 enrolled students who took one or more New York State Regents exams, 46 percent (23) passed one or more Regents at the Regents level (a score of 65 or higher).
- Among the 30 enrolled students with a disability who took one or more Regents exams, 80 percent (or 24) passed at the Local level (a score of 55 or higher).
- Among middle school students eligible for promotion at the end of the school year, 93 percent of youth were promoted at least one grade level.

NYC DOE District 75 / ST John's Residence for Boys

2016-2017 School Year

- During the 2016-2017 SY, there were 32 youth enrollments in D-75.
- The average student in St. John's NSP had an attendance rate of 96 percent.
- Among youth with course completion and credit accumulation data, the average student completed 10 courses (N=27) and earned 9 credits (N=26) during their time of enrollment.
- During this time period, 14 young people took a NYS Regents exam; six passed at the local level and nine passed at the Regents level.

Greenburgh Eleven Unified School District

2016-2017 School Year

- Fifty-two Close to Home NSP youth enrolled in G-11 during the 2016-2017 SY.
- Among the 12 youth with data on the number of credits accrued during enrollment, the average youth earned 3.52 credits.
- Forty-three youth had data on courses taken and the average young person took 7 courses.
- Among the 29 youth with data on courses completed, the average student completed 2 courses.
- According to G-11 data, 13 students were able to take a NYS Regents exam during the school year. Eight youth were able to pass the Regents at the local level and four youth passed at the Regents level.

TRANSFERS AND MODIFICATIONS

ACS is committed to providing the appropriate level of care for all Close to Home youth. Transfers and modifications are only considered when all efforts to prevent such action have been exhausted. This includes using interventions established during FTC meetings to address recurring problematic behaviors. In a limited number of circumstances, Close to Home stakeholders may determine that a youth in residential placement requires either a different residential setting of the same security level (transfer) or a more restrictive level of residential care (modification).

[See Table 6 below for the number of transfers and modifications in Calendar Year 2016]

Table 6. Transfers and Modifications CY 2015-2016

Movement Type	CY 2015	CY 2016
NSP to NSP Transfers	112	66
LSP to LSP Transfers	0 ⁸	11
NSP to LSP Transfers ⁹	0	5
NSP to LSP Modifications	10	6
LSP to OCFS Modifications	0 ¹⁰	0

Community Reintegration

Release planning begins immediately upon admission into placement, and ACS is committed to appropriately matching youth and families to Aftercare services upon release. In line with the philosophy of applying the least restrictive environment in meeting a young person's rehabilitative needs, Close to Home aims to release all youth as soon as practicable, with consideration to public safety, individual progress in residential care, enrollment in a community-based school, and the development of a comprehensive Aftercare service plan.

Among NSP youth released in 2016 (N=210), the median length of stay in residential placement was 229 days, or approximately 7.6 months. For LSP youth released in 2016 (N=12), the median length of stay was 191 days, or approximately 6.3 months.

Aftercare

Aftercare is a critical component of successful community reintegration, and ACS has procured and developed a network of contracted service providers to support youth upon their initial return home. Although initial release from residential care is conditional and can be revoked,

⁸ Note: LSP began in December of 2015.

⁹ While NSP to LSP transfers are an increase in security level traditionally referred to as modifications, youth with an unspecified placement designation who begin in NSP and are moved to LSP are counted as transfers. A formal modification for youth with NSP or LSP designations requires legal court order.

¹⁰ Note: LSP began in December of 2015.

Aftercare supervision enables youth to successfully return home by practicing and enhancing the skills they acquired in placement. Placement and Permanency Specialists (PPS) serve as the legal authority for youth on Aftercare. PPS are responsible for identifying potential public safety risks by conducting routine assessments and facilitating appropriate responses to negative behaviors or actions, including extensions of placement, modifications and revocations.

In CY 2016, five contracted nonprofit agencies provided Aftercare services for NSP youth using one of the following evidence-based models (EBM): Functional Family Therapy (FFT), Multi-Systemic Therapy-Family Integrated Transitions (MST-FIT), the Boys Town Model, or an evidence-informed Positive Youth Development (prosocial) model. In addition, all LSP programs are contracted to provide MST-FIT or FFT aftercare services to youth seamlessly upon transition to the community. In CY 2016, a total of 222 youth transitioning out of Close to Home residential placement were released to the community. 203 youth (or 91 percent of releases) were enrolled with one of five Aftercare Providers, 137 of whom completed the full aftercare service program during the same calendar year. The remaining 66 youth were active on aftercare status at the close of the reporting period, with an anticipated completion of aftercare services in 2017. The chart below details the five provider agencies and the populations served:

Table 7. CY 2016 Close to Home Aftercare Providers

Agency	Population Served	1Model	Enrolled
Boys Town New York	General NSP - Youth citywide	Boys Town Model	39
Children's Aid Society	General NSP - Youth returning to Brooklyn, Queens, and Staten Island	FFT	15
The Children's Village	Specialized NSP - Youth with sexually abusive behaviors	MST-FIT	36
The Children's Village	Specialized NSP - Youth with severe emotional disturbance or fire-setting behaviors		
Jewish Board of Family and Children's Services	General NSP - Youth returning to Manhattan and the Bronx	FFT	15
Fund for the City of New York	General NSP - Youth returning to Brownsville, Jamaica, Harlem, and Staten Island catchment areas	Evidence-Informed Positive Youth Development (Pro-Social)	98

Revocations

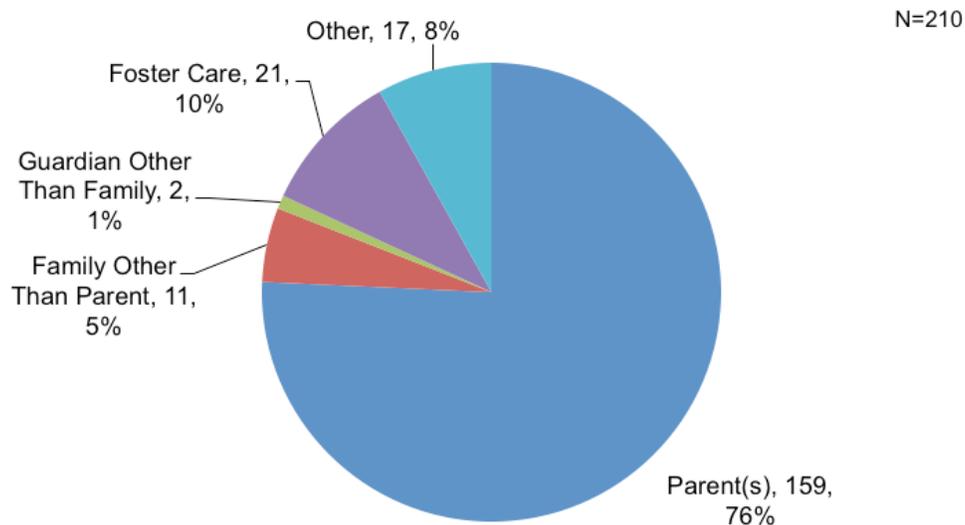
Youth on Aftercare status may be revoked¹¹ to residential placement at any time during their time on Aftercare. Although revocation is an option when young people violate their conditions of release, it is only considered after interventions of increasing intensity are exhausted while on Aftercare. A total of 21 youth were revoked from Aftercare to residential placement in 2016, a decrease from the previous year.

PERMANENCY UPON RELEASE

As shown previously, there were 222 releases from Close to Home residential placement in CY 2016. Among all releases from an NSP residence (N=210), 76 percent of youth were released to a parent, 10 percent were released to a foster care agency, and five percent were released to a family member other than a parent. The remaining nine percent of youth were released to a permanent resource other than a family member, hospitals, adoptive families, independent living and, in some limited circumstances, juvenile or adult detention facilities. In addition, there were 11 NSP youth with a permanency goal of Another Planned Permanent Living Arrangement (APPLA) in 2016.

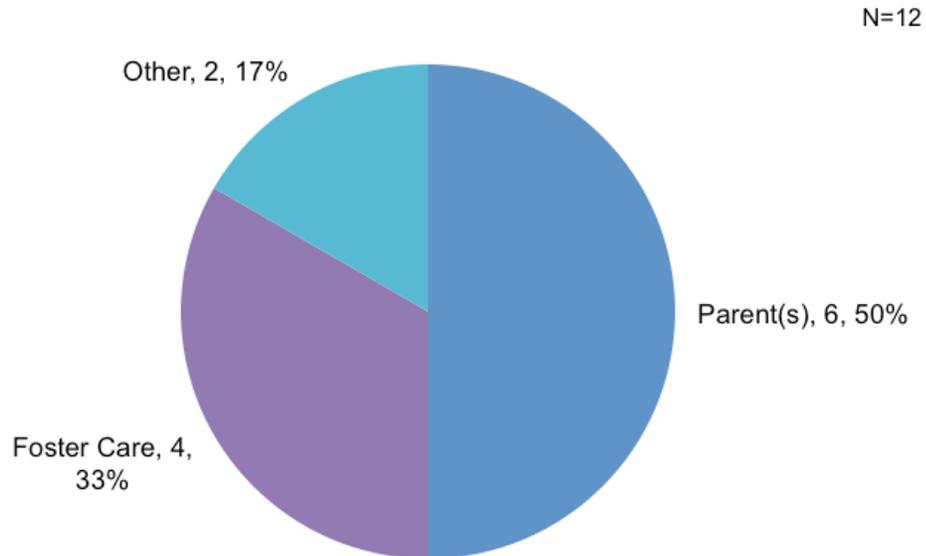
For LSP releases (N=12), 50 percent were released to a parent and 33 percent were released to a foster care agency. The remaining 17 percent were released to hospitals, adoptive families, independent living, or a juvenile/adult detention facility.

Figure 11. CY 2016 NSP Releases by Receiving Resource



¹¹ Prior to a release, each youth reviews and signs their “conditions of release”, acknowledging ACS’ expectations with respect to the youth’s continued compliance and engagement with aftercare services. As per ACS policy, a youth may be revoked from aftercare status upon violation of one or more “conditions of release”.

Figure 12. CY 2016 LSP Releases by Receiving Resource



SAFETY

Emotional and physical safety is vital to providing youth with a supportive atmosphere to change problem behaviors, build positive peer and adult relationships, and nurture association and attachment to their home communities. In addition to program models that encourage positive development and celebrate youth achievements, all program staff members are trained in crisis intervention and attend recurring trainings to refresh and build upon existing skills.

Incidents in Close to Home are defined as events which affect the health, safety, and/or security of youth, staff, or the community or which affects a facility, the agency, or agency property. All incidents involving youth, staff, or residences require appropriate attention and timely reporting by provider agency staff to the ACS Movement Control and Communications Unit (MCCU) and, where applicable, to the NYS Justice Center's Vulnerable Person's Central Register (VPCR). ACS requires provider agencies to report incidents accurately, thoroughly, and timely.

INCIDENT TRENDS

Incident reporting is necessary to identify service needs, discover gaps in training, and develop technical assistance resource deployment strategies. A better understanding of where and how often incidents occur allows ACS staff to assist Provider Agencies with reducing incidents. In CY 2016, the incident trends analyzed include:

- Youth Absent Without Leave (AWOL)
- Youth on Youth Assaults and Altercations
- Youth on Staff Assaults
- Physical Restraints
- VPCR Substantiated Cases
- Contraband

Building on the emotional and physical safety improvements of the previous year, Close to Home realized a continued decrease in each indicator of safety and security in CY 2016. Improved adherence to incident reporting protocol and the implementation of additional oversight mechanisms to monitor emergency physical interventions led to an increase in the number of VPCR substantiated cases in CY 2016. See Table 8 for NSP three-year comparison data and Tables 9 and 10 for AWOL Incidents by De-identified Provider and Site.

Table 8. NSP Safety Incidents CY 2014-2016

Incident Category	2014	2015	2016	Percent Change (2015-2016)
AWOL Incidents	363	232	136	-41.4%
Youth that AWOL'ed	171	134	86	-35.8%
Total Assaults and Altercations	615	450	280	-37.8%
Youth on Youth	460	302	186	-38.4%
Youth on Staff	155	148	94	-36.5%
VPCR Substantiated Cases	25	33	45	36.4%
Restraints	728	608	405	-33.4%
Contraband	276	186	152	-18.3%

Table 9. NSP AWOL Incidents by De-Identified Provider and Site

PROVIDER	SITE	TOTAL NUMBER OF AWOL INCIDENTS
A	1	5
	2	7
B	1	2
C	1	13
	2	0
D	1	2
	2	5
	3	5
E	1	1
	2	1
	3	3
	4	5
	5	7
	6	7
F	1	1
	2	1
	3	7
	4	2
G	1	0
	2	1
H	1	8
	2	0
	3	0
	4	13
	5	5
	6	1
I	SCHOOLS	17
J	1	4
K	1	1
L	1	2
M	3	10
TOTAL		136

Table 10. LSP AWOL Incidents by De-identified Provider and Site

PROVIDER	SITE	TOTAL NUMBER OF AWOL INCIDENTS
A	1	0
	2	0
B	1	0
C	1	3
	2	0
TOTAL		3

Oversight, Monitoring, and Technical Assistance

Within the Division of Youth and Family Justice, the Office of Planning, Policy, and Performance (OPPP) is responsible for monitoring, providing technical assistance, and evaluating performance of Close to Home programs. OPPP monitoring, technical assistance and evaluation activities operate within a quality assurance framework that uses data and perpetual oversight to drive continuous system improvement. These activities are centered on a foundation of data-driven performance management and best practices in quality improvement.

The office is charged with:

- Conducting programmatic reviews and site inspections using standardized tools;
- Analyzing, interpreting, and responding to real-time data and data trends to guide quality improvement;
- Developing improvement plans to address program deficiencies;
- Communicating regularly with programs and providing targeted technical assistance;

Collaboration with Close to Home Providers is essential to improving practice, preventing critical incidents, and uncovering trends. OPPP maintains frequent communication with Close to Home Providers regarding specific individual incidents or an uptick in concerning trends. This communication is informed by routine oversight activities and observations or feedback from Close to Home partners.

In CY 2016, OPPP began conducting regular unannounced safety and security checks during the overnight shift at all Close to Home facilities, an additional oversight mechanism to monitor provider agency compliance with 24/7 operational requirements. As a result, OPPP increased the number of site inspections from a total of 81 in 2015 to a total of 348 in 2016. This total included 256 routine site inspections and 92 unannounced safety and security checks.

Technical Assistance

Data review and analysis help identify successes, potential areas of improvement, trends indicating a serious programmatic concern, and/or indicate whether the Close to Home provider is out of compliance with the DYFJ Quality Assurance Standards and related ACS policies. In CY 2016, practice areas of focus for data review and routine oversight activities include, but were not limited to, the following domains¹² :

- Organizational/Program Structure and Staffing Ratio
- Staff Permanency, Retention, and Recruitment
- Staff Support, Supervision, and Accountability
- Training and Professional Development
- Incident Reporting and Documentation
- Required Log Books and Paper Files
- Maintenance, Upkeep, and Environmental Safety
- Youth, Staff, and Public Safety and Security
- Therapeutic Programming and Daily Activities
- Evidence-Based Model/Approach Fidelity
- School Engagement, Attendance, and Academic Transition Planning
- Recreational and gender responsive programming
- Youth Treatment, Case Management, and Transition Planning

As system-wide safety improvements inherent to an evolving system are realized, ACS will continue to work closely with national experts and developers of therapeutic treatment models utilized in Close to Home to integrate measures of model fidelity into ongoing monitoring and quality assurance.

12 Data Infrastructure to support domains is under development with full implementation targeted for 2018

Heightened Monitoring and Corrective Action

In the event technical assistance does not sufficiently address programmatic concerns, OPPP may elevate the Close to Home Provider or individual program to formal monitoring status. Placement on formal monitoring status occurs when routine oversight activities find persistent negative trends in multiple practice domains or following an egregious act or incident that seriously jeopardizes youth safety and/or overall risk to the program.

Elevation to a formal monitoring status indicates that a Close to Home Provider or individual program lacks stability and has challenges providing youth with the supportive, strengths-based services necessary to succeed while in residential placement. Formal monitoring status involves an increased level of support, targeted technical assistance in a series of practice domains, and increased contact with the Close to Home provider through formal meetings and monthly site inspections. OPPP utilizes two formal monitoring status levels: Heightened Monitoring Status (HMS) and Corrective Action Status (CAS).

While placed on Heightened Monitoring, OPPP increases the frequency of monitoring activities, particularly site inspections, in-person meetings, and conference calls. This increase in direct contact is both supportive and collaborative with a dual focus on short-term triage and long-term sustainability, and often involves Field Operations, OCFS, and other Close to Home stakeholders. A Provider or program may be elevated from HMS to CAS following failure to complete HMS deliverables within the agreed upon target completion dates or, during HMS, a serious safety risk or concern is identified or reported which indicates a need for intensive focus and additional monitoring activities. A provider may also be immediately elevated to Corrective Action following an egregious and/or negligent event or incident.

Although each program placed on Heightened Monitoring and Corrective Action in 2016 encountered unique challenges, all faced a combination of safety and security concerns and broader programmatic issues. The nature and outcome of each status/plan is listed in the following chart:

Table 11. Heightened Monitoring (HMS) and Corrective Action (CAS) Status, CY 2016

Program	Status	Reasons for Status	Start Date	End Date	Outcome
A	CAS	Hiring, Training, and Supervision of Staff Behavior Management and Youth Supervision Documentation Accuracy and Incident Reporting	Dec 2015	May 2016	Stepped-Down to Heightened Monitoring Status
A	HMS	Hiring, Training, and Supervision of Staff Behavior Management and Youth Supervision Documentation Accuracy and Incident Reporting	May 2016	June 2016	Program returned to regular monitoring status
B	HMS	Program Leadership and Staff Supervision Behavior Management and Youth Supervision Treatment Planning and Case Management Program Model Implementation and Fidelity School Engagement and Educational Transition Planning Treatment Planning and Case Management	Jan 2016	July 2016	Program closed, contract terminated
C	HMS	Program Leadership and Staff Supervision Program Model Implementation and Fidelity Staff Training and Professional Development Documentation Accuracy and Incident Reporting Behavior Management and Youth Engagement	Mar 2016	Dec 2016	Program returned to regular monitoring status
D	CAS	Staff Training and Supervision Safety and Security Behavior Management and Youth Supervision	Apr 2016	June 2016	Program Stepped-Down to Heightened Monitoring Status

D	HMS	Staff Training and Supervision Safety and Security Behavior Management and Youth Supervision	June 2016	July 2016	Program returned to regular monitoring status
A	HMS	Staff Training and Supervision Safety and Security Behavior Management and Youth Supervision	Sept 2016	Dec 2016	Program returned to regular monitoring status
E	HMS	Staff Training and Supervision Safety and Security Behavior Management and Youth Supervision	Oct 2016	Jan 2017	Program returned to regular monitoring status
A	HMS	Staff Training and Supervision Safety and Security Behavior Management and Youth Supervision	Nov 2016	Mar 2017	Program elevated to Corrective Action Status
A	HMS	Staff Training and Supervision Safety and Security Behavior Management and Youth Supervision	Nov 2016	Mar 2017	Program returned to regular monitoring status

COMMUNITY ENGAGEMENT

An important measure of community engagement is the number of Community Advisory Board (CAB) meetings each Close to Home Provider holds each year. As part of the quality assurance process, ACS monitors the engagement of each Close to Home Provider Agency with the surrounding community. Similar to last year, ACS surveyed Close to Home Provider Agencies on CAB meetings, existing relationship with the police/community, and the type of programs young people were offered during their time in residential placement. For the purpose of this report, JCCA Gateways was excluded from the analysis due to program closure.

Of the 28 Close to Home programs with available CAB meeting data, 93 percent held at least one CAB meeting in CY 2016, with an average of three to four CAB meetings each. Nearly 80 percent of Close to Home sites expressed a positive and consistent relationship with their local police precinct. For many sites, police and other community members regularly show up to CAB meetings. This data further highlights a systemic shift in focus from “start-up” operations to building and enhancing durable community partnerships.

In an effort to connect young people to community programs and events, the vast majority of Close to Home programs engaged in community-based programming. These programs and services allow

youth the opportunity to engage in positive prosocial activities and foster strong community bonds during their stay in residential placement. Activities include, but are not limited to:

- Carnegie Hall Music Connections and similar music-oriented arts programs
- Community-based cultural events, such as celebrations of Black History Month and Hispanic Heritage Month
- Drama therapy, creative writing, and other self-expression art programs
- Broadway shows and sporting events
- Volunteer efforts to help New York City's homeless
- Food drives and food pantry volunteering
- Environmental and sustainability programming
- Department of Youth and Community Development (DYCD) Summer Youth Employment Program (SYEP)
- Anti-violence mentoring and gang prevention programming

Conclusion

The majority of Close to Home youth met or exceeded program expectations in 2016. They developed insights and learned new skills to reach individualized treatment goals, participated in recreational, cultural, and group activities, and received educational instruction in credit-bearing public schools. The passage of landmark "Raise the Age" legislation in April 2017 has necessitated significant collaboration with stakeholders once on the periphery of the juvenile justice system. With consideration to the operational achievements and innovations described in this report, ACS and our Close to Home partners are uniquely situated to shepherd the arrival of a new era in youth justice while continuing to procure and expand programs that improve public safety outcomes and well-being at each point in the service continuum.



Testimony by

Grant Cowles
Senior Policy and Advocacy Associate for Youth Justice
Citizens' Committee for Children

Before the
New York City Council
Committee on Juvenile Justice

*Oversight:
Examining the Continuum of NYC's Juvenile Justice System*

February 28, 2018

Good afternoon. My name is Grant Cowles and I am the Senior Policy and Advocacy Associate for Youth Justice at Citizens' Committee for Children of New York (CCC). CCC is an independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated, and safe.

I would first like to congratulate Council Member Andy King on his appointment as the new Chair of the Juvenile Justice Committee. CCC looks forward to working with you in your new role. We also thank you and the members of the Juvenile Justice Committee for holding today's oversight hearing to examining the continuum of New York City's juvenile justice system.

There have been major reforms and new initiatives in recent years that have fundamentally improved the juvenile justice system, both by decreasing its size and enhancing the quantity and quality of services available to youth in their communities and in facilities.

CCC is particularly excited that the next step in juvenile justice reform is raising the age of criminal responsibility so that 16 and 17 year olds will soon be part of the juvenile justice system rather than the adult justice system.

A well-resourced and holistic continuum will be necessary to fulfill the promise of improved outcomes for 16 and 17 year olds while continuing to provide quality services and care to younger youth and their families. CCC looks forward to continuing to partner with this Committee, the City Council, and the Administration in these efforts.

POSTIVE TRENDS IN NYC's JUVENILE JUSTICE SYSTEM

New York City has made tremendous progress in reducing the number of youth who become involved in the juvenile justice system by decreasing arrests, providing more community-based programming, engaging families, addressing trauma, diverting many youth out of the justice system as early as possible, enhancing detention services like health, mental health, therapeutic programs, and recreation, and serving most youth placed by the Family Court in the Close to Home program.

The decline in the number of youth involved in the juvenile justice system is extraordinary and cannot be overstated as a success story for New York City. The declines have been experienced at all levels, including arrest, detention, and placement. The City's investments in programs that support child well-being across areas such as health, education, housing, and youth services, as well as in juvenile justice services, are all part of creating a system that helps keep youth from committing delinquent acts and helps youth who do make a mistake to receive the support they need to get back on track. Yet even with these great improvements, there is still much work to be done, especially as the juvenile justice system continues to be a system that is dramatically disproportionate for Black youth.

From 2010 to 2016, New York City's juvenile justice numbers for youth under 16 have dropped remarkably.¹ Juvenile arrests have dropped 64% (from 12,744 to 4,615). Juvenile detention admissions have dropped 54% (from 5,084 to 2,338). Juvenile placement admissions have dropped 73% (from 680 to 183). There have been similar declines for 16 and 17 year olds from 2010 to 2016, including a 49% decline in arrests (from 28,435 to 14,500).

The youth who are involved with the City's juvenile justice system, however, continue to be overwhelming children and youth of color. Only 5% of the youth in the justice system are White.² Black youth represent only 26% of youth in New York City, but represent 61% of youth arrests, 67% of detention admissions, and 58% of placements.³

JUVENILE JUSTICE CONTINUUM – SERVICES AND PROGRAMS

While the adult justice system is premised on punishment, the juvenile justice system is intentionally not about punishment; rather, its two main goals are community safety and rehabilitation. It is a recognition that youth are different from adults. This recognition is in line with the brain science research, which shows that the brain is not fully developed until a person is in their mid-twenties. Science tells us that the frontal lobe of the brain is last part to develop, and adolescents are thus both more likely to make impulsive decisions and more likely to be receptive to services.

The key components of the juvenile justice experience that makes it different – and more effective – than the adult justice experience are the many types of programs that provide youth with support to address their behavior. ACS supervises and administers many of these programs, including detention, placement and aftercare.

1. Diversion

A vital element of the juvenile justice continuum is the opportunity for diversion by keeping youth in their homes and communities with services, rather than detaining or placing them in facilities. There are several times in the life of a case when youth can be diverted, including probation adjustment before a case is filed in court, alternatives to detention before a youth is detained pre-trial, and alternatives to placement before a youth would be placed in a facility post-trial.

After a youth is arrested, the Department of Probation is responsible for pre-trial assessment, adjustment, and pre-trial supervision. Probation is also sometimes given responsibility to supervise youth after a Family Court adjudication if the Family Court believes additional probation supervision is in the best interest of the youth and public

¹ "New York City Juvenile Justice Profile – 2017." New York State Division of Criminal Justice Services. September 1, 2017. Available at <http://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/newyorkcity.pdf>. "New York State Arrests Among 16-17 Year Olds – New York City." New York State Division of Criminal Justice Services. February 17, 2017. Available at <http://www.criminaljustice.ny.gov/crimnet/ojsa/youth-arrests/nyc.pdf>. <http://dcjs.ny.gov/crimnet/ojsa/jj-reports/JJAG-Presentation-June-2016.pdf>

² "New York City Juvenile Justice Profile – 2017." New York State Division of Criminal Justice Services. September 1, 2017. Available at <http://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/newyorkcity.pdf>.

³ Id.

safety. Probation often works in concert with ACS and the cadre of youth-serving providers.

A unique component of the juvenile justice system is the opportunity for adjustment. The adjustment process enables youth to receive services without the need to go to court. Probation can require eligible arrested youth to participate in programs or services and to abide by other requirements, such as attending school and meeting curfew. If the youth is successful, his or her case can be closed without any further action or need for court intervention. This adjustment period is typically two months long with an additional two months available upon court approval. Twenty-seven percent of NYC youth who are arrested currently have their cases successfully closed through adjustment.⁴

Adjustment is often the best solution for arrested youth. Many youth's behavior and poor decisions are best addressed with pro-social programs that can support the underlying thinking and needs of a youth, such as by using tutoring, counseling or substance abuse services. Conversely, a youth's decision-making and life opportunities can be made worse if they are subjected to long court proceedings, incarceration-like settings, or correctional-type responses.

Alternatives to detention are programs and services for youth who otherwise might be eligible for detention, but who can instead be supervised while they live in the community. The City has partnered with many community-based organizations to develop a continuum of alternative-to-detention programs. These programs allow youth to live at home or in safe community residences and can proactively address the underlying issues that got a youth entangled in the justice system.

CCC is pleased with the City's effective work to decrease the use of detention by using alternative-to-detention programs. CCC recommends that the City continue to invest in and support these programs.

There unfortunately continues to be a fair number of youth who are in detention for very short stays and who are often released upon the first review of the case by a judge. For instance, in 2016, 52% of youth who were sent to secure detention stayed three days or less.⁵ CCC believes that many of these youths likely did not need to be detained.

Alternative-to-placement programs are similar to alternative-to-detention programs, but provide community-based supervision and services for youth after a court adjudication. Alternative-to-placement programs can be vastly more advantageous for youth and provide for massive cost savings for the public. Using alternatives to placement as much as appropriately possible is a key objective for a well-functioning juvenile justice system.

⁴ Id.

⁵ "New York City Juvenile Justice Profile – 2016." New York State Division of Criminal Justice Services. September 1, 2017. Available at <http://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/newyorkcity.pdf>.

2. Detention

ACS administers secure detention and contracts with providers for non-secure detention. As mandated by the Family Court Act, detention should be used only when there is a substantial probability that the youth will not appear in court on the return date or there is a serious risk that the youth commit a delinquent act.⁶

Placing a youth in detention has a large impact on a youth's life. Research shows that, even when controlling for all other variables, the experience of being detained has negative impacts on young people's mental and physical well-being, education, and employment.⁷ Several studies have also found that detention leads to a higher likelihood of future delinquent behavior and higher likelihood of recidivism.⁸ Detention removes a youth from school, from the home, from family supports, and from their community. Detention instead puts the youth into an incarcerated setting, which includes clustering the young person with other youth who also may struggle with antisocial behaviors. The isolation from natural supports and positive opportunities, combined with negative peer associations and incarceration settings, can reinforce a youth's self-association with criminal identity.

Since the Department of Juvenile Justice (DJJ) merged with ACS in 2010, ACS has been able to strengthen the services provided to the youth, improve youth outcomes, and better serve those youth with cases in both the child welfare and juvenile justice system (known as crossover youth). In addition to the alternative-to-detention programs, the City has expanded probation supervision programs, developed a system to engage parents, assists parents with any needed transportation to the detention facilities, and works with foster care agencies and foster parents to reduce the number of foster children needlessly detained. ACS has also been able to share best practices for working with youth across the juvenile justice and child welfare systems. The results have been successful, with an average daily population in detention of under 80 youth in 2017 when it was nearly 300 just 3 years ago.⁹ This success enabled the City to permanently close the notorious Spofford (Bridges) Juvenile Detention Center in 2011.

ACS has also improved the experience and supports for the youth who are detained. All youth are provided a comprehensive medical and mental health assessment when they first enter secure detention. ACS works with Bellevue Hospital to provide full-time psychiatric psychological care. Through a SAMHSA grant, ACS has also partnered with Bellevue for a juvenile justice project that includes trauma screenings and training for staff on identifying and working with youth who have experienced trauma. ACS has also implemented Think Trauma into its secure detention facilities. This national model enables juvenile justice staff to create a trauma-informed environment for the youth.

⁶ NYS Family Court Act. Section 320.5(3).

⁷ See http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf (Conducting a literature review to find detention leads to negative outcomes for youth's mental and physical well-being, education and employment.)

⁸ Id. (Citing studies in Wisconsin, Arkansas, and Oregon that found higher correlations for recidivism and detention.)

⁹ "Flash Monthly Indicator Report – January 2018." NYC Administration for Children's Services. January 2018. Available at <http://www1.nyc.gov/assets/acs/pdf/data-analysis/flashReports/2018/01.pdf>.

ACS has also worked with many non-profit providers and community partners to bring recreational and clinical programs to the detention facilities. These include partnerships with Carnegie Hall, Voices Unbroken, Columbia University, NYU, Lineage Project for yoga, and the Center for Community Alternatives. Partnerships with faith-based institutions provide spiritual services within the facilities. ACS has expanded opportunities for families to visit youth to encourage family engagement. Detention staff work to proactively support family-youth relationships.

Youth are provided schooling within the detention facility by New York City Department of Education teachers. Each school day consists of eight periods, classroom sizes are kept small to provide personalized attention, individualized tutoring is available for all students, and students are supported to take Regents exams. ACS has made strides in improving the conditions to make this education an opportunity for youth to stay educationally connected and to even make academic advances that youth struggled to achieve before detention.

ACS also created policies in 2012 to proactively support LGBTQ youth who are in detention.¹⁰ ACS has greatly improved training staff in best practices to support LGBTQ youth and has improved the access to appropriate medical care for LGBTQ youth.

All of the reform work done by ACS to improve the detention experience is informed by a recognition that detention is inherently a disruptive experience, but that there are ways to minimize that disruption and help youth turn their lives around.

3. Close to Home

If at the disposition of a case, a Family Court Judge deems a youth in need of supervision through an out-of-home placement, the Judge will place the youth in the custody of ACS for the youth to be placed in non-secure or limited-secure placement.¹¹

Prior to 2012, youth needing non-secure or limited-secure placement were placed in OCFS-supervised facilities that were located across the state, most of which were far from New York City. The experience and outcomes for most of the youth in these facilities were dire, as these facilities were marked by education credits seldom transferring, violence within the facilities, little family engagement, and high recidivism upon release.¹² Advocates, providers, and many other reform-minded organizations

¹⁰ "Promoting a Safe and Respectful Environment for Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth and their Families Involves in the Child Welfare, Detention and Juvenile Justice System." NYC Administration for Children's Services. Policy # 2012/01. November 21, 2012. Available at https://www1.nyc.gov/assets/acs/pdf/lgbtq/LGBTQ_Policy.pdf.

¹¹ A very small number of youth who the Family Court deems to need secure placement are given to the custody of the State Office of Children and Family Services who operate the secure detention facilities.

¹² U.S. Department of Justice, Civil Rights Division, Loretta S. King. "Investigation of the Lansing Residential Center, Louis Gosset, Jr. Residential Center, Tryon Residential Center, and Tryon Girls Center." Letter. August 14, 2009. Available at https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/NY_juvenile_facilities_findlet_08-14-2009.pdf. Citizens' Committee for Children. Inside Out: youth experiences inside New York's Juvenile

joined together to address this situation, and in 2012, the Close to Home program was enacted in state legislation. Close to Home provides for New York City youth to be given to ACS' custody for supervision in non-secure and limited-secure placement.

ACS works with local child-serving providers to use small, residential facilities within or near to New York City that provide an array of evidence-based services while keeping most youth enrolled within the New York City Department of Education. Close to Home facilities have partnered with a remarkable number of programs to bring services into the facility and to provide supervised visits with pro-social programs located outside of the facility. The facilities themselves all utilize research-based models of supervision that support youth needs, teach youth positive behavior skills, and provide safe environments where youth can stabilize and begin the process of successful rehabilitation and reentry back to the community.

The Close to Home initiative has steadily improved their operations and services since its inception, and youth and families have greatly benefited from this locally-run, holistic program. CCC strongly supports the Close to Home model and will continue to advocate for it to be adequately funded by both the State and the City.

4. Aftercare

When a youth is sentenced to a period of out-of-home placement, ACS supervises an aftercare reentry period where a youth is still in the custody of ACS but is permitted to live in the community with various stipulations and with ongoing services and programs mandated by aftercare providers. The aftercare transition is a vital step in helping a youth successfully transition back to their home, school, and community in a way that reinforces the positive lessons from their placement period and their supportive programs, while allowing the youth to more fully practice these skills and reengage with the community.

CCC appreciates the City's efforts to continue to better coordinate aftercare services with the rest of the juvenile justice continuum, especially in situations where the aftercare provider is different than the placement provider.

THREATS TO THE JUVENILE JUSTICE CONTINUUM IN STATE BUDGET

The Governor's Executive Budget, currently being negotiated and due to be adopted by April 1st, eliminates all State funding for Close to Home and appears to fail to provide the City with any new resources to implement Raise the Age.

Close to Home sunsets March 31, 2018. The State Executive Budget proposes to reauthorize Close to Home for another 5 years, but also proposes to eliminate all state funding. Since Close to Home's inception in 2012, the State has been authorized to provide ACS with up to \$41.4 million annually for Close to Home. The City has drawn down approximately \$30.5 million in the most recent year.

Placement System. December 2009. Available at <https://www.cccnewyork.org/wp-content/publications/CCCReport.JuvenileJustice.Dec2009.pdf>.

New York City needs state support for Close to Home to serve the *current* juvenile justice population, but the number of youth in Close to Home is due to more than triple with the implementation of Raise the Age. New York City is estimating that the total cost to implement Raise the Age will be \$200 million.

While the State Executive Budget includes \$100 million for counties' expenses to implement Raise the Age, it seems that the City will not be able to access these funds because the law requires counties to either stay under the 2% property tax cap or demonstrate financial hardship.

Finally, the State Executive Budget is also proposing to cap and cut the child welfare services funding stream. ACS and Probation rely on this 62% state reimbursement for child welfare services, as well as services that keep youth of the juvenile justice system, such as alternatives to detention and placement and aftercare programs. ACS has estimated that this cut is \$129 million in FY19 for services already planned and does not even include the need to expand these juvenile justice services to 16 and 17 year olds.

CCC urges the City Council to weigh in with the State before it is too late. **Please urge your State counterparts and the Governor to ensure Close to Home and Raise the Age are appropriately funded in New York City and that there is no cap or cut to the child welfare services funding stream.**

NEW YORK CITY'S IMPLEMENTATION OF RAISE THE AGE

The passage of legislation to Raise the Age was a shared success among many partners across the state, including the City Council and the de Blasio administration. Now that the legislation is finally the law, it needs to be implemented, and implemented well. The de Blasio administration and ACS have been working very hard and collaborating with many partners, including CCC, on the implementation of this very comprehensive law. We are grateful to the City for all of this effort.

That said, we are deeply concerned with the City's plan to use Department of Corrections (DOC) staff to supervise some 16 and 17 year olds in ACS detention facilities for approximately two years.

While CCC appreciates that the plan will be for ACS to have case-planning responsibilities and that ACS and DOC are to jointly create a vision for the operation of the facility with the intent of a youth-centered model, these measures cannot mitigate the risks of using DOC staff to oversee 16 and 17 year olds. CCC is concerned that even if ACS transitions to primary staffing after 24 months, the negative culture that dominates at Rikers will be replicated in the new facilities, a damage that will be extremely difficult to undo and which risks negatively impacting the culture at ACS and the youth they serve, including the younger children.

While DOC leadership has undertaken noble efforts to address the extremely negative experience of people within Rikers, much of the culture within DOC has not changed. The risk of this culture spreading into juvenile facilities by using DOC staff in juvenile

facilities is unacceptably high. DOC has been mandated by the Court in *Nunez v. City of New York* to address the serious maltreatment of 16 to 18 year olds in Rikers since 2015.¹³ Despite a court order, sincere commitment from many in DOC leadership, and new policies over the past two years, the culture of abuse, mistreatment, and confrontation remains. The most recent independent court-appointed monitor for *Nunez vs. City of New York*, published in October 2017, found continued mistreatment for youth at the hands of DOC staff, including the observation that “serious and problematic issues involving Staff use of force continue in an unabated fashion.”¹⁴ The monitor report notes that “[t]he cultural dynamic that permeates so many encounters between Staff and inmates in DOC is quite simply a consequence of Staff actions and behaviors that too often engender, nurture, and encourage confrontation.”¹⁵ This type of wide-spread culture cannot be allowed into juvenile facilities.

One of the core purposes of Raise the Age was to give youth the benefit of age-appropriate juvenile justice services instead of the adult correctional model. All of the great work ACS has done in its detention facilities, as discussed earlier in this testimony, is exactly why it is so concerning to bring DOC staff to ACS detention facilities. Removing youth from Rikers Island but failing to remove youth from the direct control of DOC staff (many from Rikers) would be a terrible misstep. In short, we do not want to simply move Rikers to Horizons.

CCC appreciates the need for urgency in planning for the implementation of Raise the Age and we understand the enormous challenge of hiring and training sufficient staff to handle the increased capacity in youth facilities. **CCC urges the City nonetheless in the strongest terms to reconsider its decision to have DOC staff in juvenile detention facilities.**

CCC believes that if the City wants to ensure that ACS has juvenile justice counselors employed by ACS by the October deadline, hiring this staff is possible if it is a priority. The City was able to find and train staff in an expedited manner for its dramatic expansion of prekindergarten classes. In this instance, perhaps the City could put out an emergency civil service test or contract out the services to a juvenile justice provider with this type of experience.¹⁶

In the event that DOC staff are nonetheless used, CCC strongly recommends that every precaution is taken to ameliorate the threats that DOC staff might have on the juveniles in a specialized secure detention facility. CCC recommends that no DOC staff be permitted to come into contact with youth under 16 or any non-DOC-supervised youth under any

¹³ *Fourth Report of the Nunez Independent Monitor, January 1, 2017 through June 30, 2017*. The Nunez Monitoring Team. October 10, 2017. Available at <https://assets.documentcloud.org/documents/4173501/Fourth-Monitor-Report-as-Filed-Nunez.pdf>.

¹⁴ *Fourth Report of the Nunez Independent Monitor, January 1, 2017 through June 30, 2017*. The Nunez Monitoring Team. October 10, 2017. Available at <https://assets.documentcloud.org/documents/4173501/Fourth-Monitor-Report-as-Filed-Nunez.pdf>.

¹⁵ *Id.*

¹⁶ For example, Westchester County contracts out secure detention to Leake and Watts (and soon Children’s Village).

circumstances. CCC recommends that a selection process be used that identifies DOC staff that have a true interest and ability to work with youth, and the selection process does not only consider seniority. CCC recommends that the selection process needs to begin immediately so that the staff coming to Horizons could receive extensive training. These staff would need to learn new ways to interact with youth. For example, DOC staff would need to learn juvenile-appropriate practices to deescalate situations without using pepper spray or handcuffing youth to desks which are currently allowed in Rikers but not in juvenile facilities. DOC staff would also need to be trained in entire philosophy and background of adolescent development and juvenile justice best practices, including topics such as trauma-informed care.

CCC urges the City Council to strongly oppose the City staffing ACS detention facilities with DOC staff and to take steps to prevent the administration from proceeding in this manner.

CCC remains firmly committed to working with the State and the City to ensure they both maintain their commitment to supporting and enhancing the juvenile justice continuum in New York City. This importantly includes working together to address the alarming cuts facing New York City's juvenile justice system from the State budget and finding a solution for staffing the new specialized secure detention facilities for 16 and 17 year olds that does not use DOC staff.

Thank you for the opportunity to testify.



Advocates for Children of New York
Protecting every child's right to learn

**Testimony to be delivered to the New York City Council Committee
on Juvenile Justice**

**RE: Oversight - Examining the Continuum of
NYC's Juvenile Justice System**

**Alyssa Perrone, Staff Attorney, School Justice Project
Advocates for Children of New York
February 28, 2018**

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Thank you for the opportunity to speak with you today. My name is Alyssa Perrone and I am an attorney with the School Justice Project at Advocates for Children of New York where I provide education advocacy and legal representation for youth involved, or at risk of being involved, with the juvenile or criminal justice systems. My testimony today focuses on the educational needs of New York City's court-involved youth while in juvenile detention and placement, and after their release from these settings.

Court-involved youth are an extremely vulnerable population of students in New York City and nationally. Many court-involved students have complex educational and mental health needs that have been inadequately addressed prior to their arrest. Over half of all court-involved youth are students with disabilities, and many are over-age, under-credited, and performing far below grade level. According to assessments conducted by the New York City Department of Education, 94% of



youth in juvenile detention are reading below grade level, with 40% of youth reading below a fourth grade level.

This data clearly demonstrates the need, in all settings – including juvenile placement and detention facilities – for high-quality education and social-emotional supports, individually tailored to address the unique and complex needs of the students they serve. With that goal, we make the following recommendations derived from the Mayor’s Leadership Team on School Climate and Discipline, comprised of diverse stakeholders ranging from the City Council and city agencies to researchers, unions, school staff, students, parents, and advocates.¹

First, we strongly recommend that all facilities serving court-involved youth provide a safe, supportive environment that prioritizes education and provides the necessary academic and behavioral supports to address the individual needs of all students, including those with disabilities, and allow them to make meaningful academic progress. In order to be conducive to learning, facilities must create a safe climate where students feel free from physical and emotional harms or threats, both in the classroom and the facility as a whole, by fostering an environment where students can establish trusting relationships with peers and adults. Towards that end, we strongly recommend that juvenile facilities be staffed by the Administration for Children’s Services, rather than the Department of Corrections, and that all staff

¹ The Mayor’s Leadership Team on School Climate and Discipline, “Maintaining the Momentum: A Plan for Safety and Fairness In Schools, Phase Two Recommendations” (July 2016), http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf.



working with youth be trained in therapeutic crisis intervention and other evidence-based techniques to enable them to safely and appropriately address the behavioral needs of students in their care, many of whom have experienced numerous incidents of trauma.

Second, because most court-involved youth enter juvenile justice facilities performing well below grade level, we strongly recommend that these facilities provide intensive, research-based remediation services in reading and math and extend schooling to twelve months to help these students catch up academically. To this end, we support Resolution No. 107 calling on the Administration for Children's Services Division of Youth and Family Justice to require all juveniles detained in New York City facilities during summer months to attend school.

The data and AFC's experiences also reflect the continued need to improve educational transition planning for students leaving juvenile detention and placement to ensure that youth stay engaged in education and reduce the likelihood of recidivism. Comprehensive, coordinated, and advance educational planning before discharging youth from juvenile facilities is critical. We strongly recommend that ACS, DOE, and provider staff collaborate with the family well in advance of the student's discharge from the juvenile facility to determine an appropriate educational setting and supports upon release and then follow up for several months to ensure that the student receives the appropriate academic and social-emotional supports and services in the educational setting.



Fourth, since court-involved youth often have long histories of disengagement from school, it is imperative that schools educating a disproportionate number of court-involved students receive systemic supports to meet the high needs of these schools. We call on the City Council to urge the Mayor to include the following funding in the FY 2019 Executive Budget:

(1) \$2.875 million per year for direct mental health supports and services for students, using a medical model, with meaningful coordination between schools and mental health providers as an evidence-based alternative to disciplinary action in 20 high-needs schools in Brooklyn and the Bronx;² and

(2) \$1 million per year for whole-school training and support for school staff in high-needs schools using the evidence-based model of Collaborative Problem Solving to help students with significant behavioral challenges and the staff that support them resolve problems in a skill-building, collaborative way.³

We look forward to working with you to ensure that court-involved students are provided quality education in court-ordered settings and upon their return to the community. Thank you.

² *Id.* at 21-25 (Recommendation #2).

³ In New York City, the NYPD's School Safety Division's use of Collaborative Problem Solving has resulted in a significant decrease in school-based arrests and summonses over the past five years. *Id.* at 39.



LINEAGE PROJECT

Mindfulness Practices

For Vulnerable Youth



Committee on Juvenile Justice
Hearing: Examining the Continuum of NYC's Juvenile Justice System
February 28, 2018

Testimony of Lineage Project
Presented by Gabrielle Prisco, Esq., M.A.
Executive Director



LINEAGE PROJECT

Mindfulness Practices
For Vulnerable Youth



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I want to begin by reading a poem by a young man named Juan. It was written while he was detained at Horizon Juvenile Center.

Karma

Karma always knocks on your door
Kill him today and you close in the door
They curse their birth for fabrication
I make a line of separation
You care for clothes?
I walk in Horizon rags in
desperation
It sickened me their brain is mold
A younger body, mind of gold
Prepare for the future 'Juv'
Untold.

- by Juan, written in a SONYC DreamYard poetry workshop at Horizon Juvenile Center

My name is Gabrielle Prisco, and I am the Executive Director of Lineage Project. I want to thank the committee and its leadership for this opportunity to testify.

Lineage Project brings mindfulness programs to incarcerated, homeless, and academically vulnerable youth to help them manage stress, build inner strength, and cultivate compassion. We also train youth-serving staff and organizations in the development of mindful and trauma-conscious cultures and practices. Founded in 1999, Lineage Project's first programs were volunteer-led meditation classes for detained youth in the former NYC Department of Juvenile Justice, and for adolescents on Rikers Island. Lineage currently works throughout New York City, including in detention and incarceration centers, Alternative Learning Centers for youth in long-term suspension, high-needs public schools, and a family homeless shelter.

Lineage Project also leads SONYC Horizon, a groundbreaking arts and mindfulness after-school program for youth in secure detention at Horizon Juvenile Center in the Bronx funded by the New York City Department of Youth and Community Development (DYCD). Under this contract, we provide 12+ hours of weekly programming, serving approximately 300 youth each year. We annually subcontract with 10 or more organizations/consultants to provide arts and mentorship programs, and we provide our own mindfulness classes. In a remarkable shift for the culture of detention, Lineage's Program Director has an office on site in the detention center.

SONYC Horizon provides justice-involved youth with a wide range of opportunities to express themselves, tell their stories, question their identity, and discover their talents. In Drama Club, students developed improvised characters and scenes, culminating in performances for siblings and caregivers. The "credible messenger" mentoring program, taught by formerly justice-involved mentors through Community Connections for Youth, encouraged youth to question peer norms of toughness and aggression. One young man in this program, who initially acted out and appeared disinterested, showed a dramatic shift in engagement and told his mentors that



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he wanted to end the violence in his community. Young people produced electronic music with Building Beats. They wrote and recorded songs on themes like Black Lives Matter, in Music with Bridget. In puppet-making workshops with Shadow Box Theatre, students designed twin puppets representing one healthy and one unhealthy impulse. In Tribeca Film Institute's film lab, youth studied storytelling, video production, and digital editing, and had the opportunity to create a short film about their life, which was screened at Family Day. One young man's visual poetry project about his life journey—growing up in Harlem, his arrest and detention, and his future goal of becoming a nurse—was screened at a Tribeca Film Festival showing. This was a powerful opportunity for the voice of a detained youth to be heard outside, and given platform by the film community.

We also deliver our Lineage Model of meditation, group dialogue, and mindful movement to youth at Horizon. Lineage teacher Bart van Melik has noticed deep reflection and progress among participants. Speaking about a Lineage student, Bart commented, "He is totally engaged in the practice, which is quite remarkable as his behavior was very challenging in my first class with him on J Hall. He was ridiculing the practice, and now he says it makes him 'more focused, relaxed, and stress-free.'"

One young woman who participated in approximately 15 Lineage mindfulness program hours while at Horizon gave the following answers on a program feedback survey:

Q: Please list at least one skill you developed in this activity.

A: Patience.

Q: Describe one impact this activity has had on your life.

A: I will use it every day because it is a way to cope.

With support from Carnegie Hall, Lineage also piloted an unprecedented initiative to foster continuity of services for youth released from secure detention, through the creation of individualized Program Passports. The Program Passport is a physical document that exhibits the talents, achievements, and interests of youth, based on their SONYC program involvement. Program Passports follow youth as they leave secure detention, offering caseworkers, transition specialists, and others in charge of their transition and release or placement, with a more holistic and strength-based characterization of the young person in their care, along with recommendations for their continued development. In addition to potentially supporting positive court outcomes and connections to community services, creation of the Program Passport provided a unique opportunity to collaborate directly with youth in creating their Passport document, developing their self-confidence and self-advocacy as they prepared for a stressful transition that was largely outside their control. Lineage is currently seeking funding to take this project beyond the pilot stage.

I am here today because I am very concerned that, to the best of my knowledge, the city has not increased funding for programs for youth in the youth justice system, despite the fact that the population in this system is set to exponentially increase on October 1, 2018. Given the Raise the Age legislation and the mandate that the city move 16- and 17-year-olds off of Rikers Island, it is our understanding that by/on October 1, 2018, Horizon

Juvenile Center will be at capacity (roughly 106 young people), which represents an approximate 341% change from a very rough approximate current census of 24.

In addition to the dramatic increase in the sheer number of youth, there will be a critically important need to expand programming in order to meet the diverse needs of the new populations. The changes resulting from the

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Mindfulness Practices
For Vulnerable Youth

Raise the Age legislation and the Rikers mandate mean that the city's secure youth detention centers will now be serving a wider range of populations including young people charged as Adolescent Offenders, young people charged with Juvenile Offenses, young people charged with Juvenile Delinquencies, and young people coming off of Rikers. It is critical that providers have the funding to tailor programming to the developmental, literacy, and social-emotional needs of these various populations.

Furthermore, NYS regulations (whose details have not, to the best of our knowledge, been publicly released) will impact which groups of young people may be housed and programmed together, and will likely result in the need for increased programming hours in order to serve the population of youth in detention while maintaining regulatory compliance.

Despite these planned changes, New York City has not increased the SONYC contracts for Horizon and Crossroads detention centers, and to the best of our knowledge, no new Requests for Proposals (RFPs) have been issued for programming to serve the new population of young people.

Programming provides a myriad of critical educational, social, and psychological benefits to youth in detention. In addition, programming greatly reduces idle time, which is well established as a contributor to incidents in youth-serving institutions. Finally, one of the things we have observed in our on-the-ground work is that incidents can arise if young people feel they are being unfairly denied programming that their peers can access.

As New York City prepares to engage in this historical transformation, it is essential that:

- 1) programming be a central part of the city's planning process;
- 2) the local community-based organizations that provide these essential services are invited to the planning table to help design programs to serve our young people;
- 3) robust funds are allocated to programs for all youth in the justice system;
- 4) meaningful and effective programming is tailored to the unique needs of the various populations within the city's justice system; and
- 5) programming is offered with enough frequency so that all eligible young people can routinely participate.

Thank you for your consideration of this testimony.

The Prospect Hill Foundation

Statement to New York City Council, Committee on Juvenile Justice

February 28, 2018

[INTRODUCTION] Good afternoon. My name is Penny Fujiko Willgerodt, and I am here representing The Prospect Hill Foundation.

The Prospect Hill Foundation is a New York-based philanthropy founded by the Beinecke Family more than fifty years ago. Since 2009, recognizing the unique opportunity in NY State for systems transformation, we invested in the movements to establish Close to Home, to raise the age of criminal responsibility, and to promote community-based models that present non-incarceration strategies. We promote the leadership of formerly incarcerated youth and their families and a concept of justice that advances rehabilitation.

In December, we spoke at the Committee's last hearing on Raise the Age (RTA). Since that time, we have become increasingly concerned about two main issues related to implementation of RTA.

First, it is important to remember that 16- and 17-year-olds are *children* and should be treated as such. Juvenile facilities must be staffed exclusively by individuals focused on a rehabilitative approach. The United States government and the general public accept that children's continued socio-emotional development necessitates differential treatment with regards to things like smoking, enlisting in the military, and voting. We should also recognize that children require differential treatment by detention and prison staff. Therefore we strongly object to having the staff of the NYC Department of Correction inside New York detention facilities for 16- and 17-year-olds. While the mission of ACS is to serve children, the

mission of DOC is custody and control. The presence of DOC staff will bring the same harmful practices and abusive culture from the adult facilities on Rikers into Ella McQueen, Horizon and Crossroads. Young adults who spent time on Rikers also attest to the stark differences between their treatment by DOC staff and the more understanding treatment they received from ACS staff.

Second, in keeping with the spirit of RTA, we strongly urge the City to expand funding for programs for 16- and 17-year-olds. The Prospect Hill Foundation is fully committed to supporting the City's efforts to implement RTA. We will continue to fund advocacy efforts and community-based alternatives, but the City must also do its part to make *new funds available through ACS, DOE and DYCD to expand programs for youth.* Empirical and anecdotal evidence from formerly incarcerated youth shows there are many excellent, cost-effective, community-based programs in NYC such as exalt youth, Community Connections for Youth, Lineage Project, Drama Club, Young New Yorkers, Youth Speakers Institute, and Center for NuLeadership on Urban Solutions that can reduce recidivism while supporting youth in education and employment. However, it is simply impossible for these programs to serve substantially more people without a commensurate increase in funding. These organizations must receive expanded contracts and funding as part of the City's commitment to improving the way youth are served while they are detained and incarcerated.

Thank you.



Testimony of

Gisele Castro
Executive Director

**Oversight –Examining the Continuum of NYC’s Juvenile Justice Systems and Public
Safety**

Before the
New York City Council
Committee on Juvenile Justice

February 28, 2018

Testimony before the Committee on Juvenile Justice, New York City Council

Chair King, Council Members, Council Member Levin, and staff, thank you for the opportunity to speak to the Juvenile Justice Committee regarding the Examination of the Continuum of NYC's Juvenile Justice Systems especially at this critical juncture when we have the opportunity to offer youth affected by the system safe and meaningful opportunities. I am Gisele Castro, the Executive Director of Exalt Youth (*exalt*), a non-profit organization in New York that engages court-involved youth ages 15-19 on a voluntary bases, rather than compliance, by offering life changing opportunities through our proprietary curriculum, individualized planning, and paid internship placements.

On December 6th, I gave testimony on implementation of Raise the Age legislation, and efforts of creating a comprehensive approaches and supportive youth programming to this legislation.

Services for Youth In the Juvenile Justice System

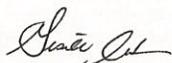
At *exalt*, we recognize that there are multi-faceted challenges to change that affect our youth. Our model has shown how safe, open, validating spaces and processes can change the trajectory of a young person's life, and in turn reduce criminal activity among teenagers. In the last fiscal year, over 65% of youth served by *exalt* faced serious, life-altering charges, including felonies and class A misdemeanors. The intersection of justice-involvement and education are always intertwined, more than 75% of those young people who come through our doors are neither in school or on track to graduate high school. After participating in our model, less than 5% of our young people are reconvicted of a crime and more than 95% remain enrolled in high school and stay on track to graduate. Over the last decade, our model has resonated with the courts, where over 70% of *exalt* youth with eligible cases are given sentence reductions. Our outcomes show that when young people are given the individual agency to participate in their future and choose their path toward success, there are both short term and long-term benefits for the community, including safer schools.

Addressing Change

It is important for the Committee to continue to review policies affecting our young people, and provide appropriate investments in supportive programs and opportunities. It is even more critical to have a safe environment for people who are detained throughout their detention experience, and appropriate methods of engagement while detained.

I want to once again thank Chair King and the committee for holding this hearing, and I look forward to continuing to work with our colleagues, the City Council, and city agencies, to ensure that our youth have the access to comprehensive services to prevent further system-involvement to keep our communities safe and elevate our young people toward lifelong success.

Respectfully submitted,



Gisele Castro
Executive Director

TESTIMONY

The Council of the City of New York
Committee on Juvenile Justice

Oversight: Examining the Continuum of New York City's Juvenile Justice

February 28, 2018

The Legal Aid Society
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Presented by:
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The Legal Aid Society welcomes the opportunity to testify before the Committee on Juvenile Justice regarding oversight of New York City's juvenile justice system and thanks Chair King for holding this important and timely hearing.

The Legal Aid Society is the nation's oldest and largest not-for-profit legal services organization. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of the City. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States.

The Legal Aid Society's Juvenile Rights Practice represents children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our staff represented some 34,000 children, including approximately 1,500 who were arrested and charged in Family Court with juvenile delinquency. The Society's Criminal Practice handled nearly 230,000 trial, appellate, and post-conviction cases for clients accused of criminal conduct. The Criminal Practice has a dedicated team of lawyers, social workers and investigators devoted to the unique needs of adolescents charged in adult court--the Adolescent Intervention and Diversion Project.¹ In addition to

¹ The Society represents both Juvenile Delinquents - children aged 7-16 who are charged in Family Court with the commission of acts that would constitute a crime if committed by an adult (FCA §301.2(1)) – and Juvenile Offenders - youth aged 13-15 who are automatically charged in the adult criminal court system for an enumerated list of violent felonies (PL §10(18)). Juvenile offenders can be detained only in secure detention facilities; juvenile delinquents can be held in secure detention but are eligible for less secure settings and Close to Home.

representing many thousands of children, youth, and adults each year in trial and appellate courts, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

Our testimony highlights key aspects of the juvenile justice system that the City has strived to fortify as well as areas in need of further reform. Over the last decade, New York City has undertaken major reforms in its juvenile justice system, serving in many ways as a model for other states. These reforms include: (1) the increased use of adjustment services by the New York City Department of Probation (NYC DOP) to divert youth from prosecution; (2) the creation of a continuum of alternative to detention and alternative to placement services, which has led to an overall reduction in the number of youth detained and placed by the Family Courts; (3) the implementation of age-appropriate, evidence-based and trauma-informed programming and services for detained and placed youth; (4) the landmark 2012 Close to Home initiative, which provides that all New York City youth sentenced by the Family Court to placement are held in smaller facilities closer to their families and communities under the aegis of the Administration for Children's Services ("ACS"); and (5) most recently, the passage of New York State's Raise the Age legislation. As Raise the Age implementation nears, we urge the City to continue to build upon these ground-breaking reforms to further divert youth from justice involvement and to enhance the services provided to youth at every stage: in the community; in alternatives to incarceration, in incarcerative settings, and in re-entry services.

I. Demographics of Juvenile Justice Involved Youth

Day in and day out, we at The Legal Aid Society zealously advocate for marginalized, disenfranchised and oppressed individuals and communities. We know that racial inequities permeate the juvenile justice system. For decades, black and Hispanic youth in New York have been unfairly and vastly overrepresented in this system. These disparities are widespread and

disproportionately pronounced in New York City as compared to the rest of the New York State.² According to ACS's Detention Demographic Data, 94.8% of all New York City youth admitted to secure detention facilities in 2017 self-identified as Black or Hispanic (65.7% self-reported as Black and 29.1% identified as Hispanic); similarly, 90.2% of all New York City youth admitted to non-secure detention identified as Black and Hispanic (60.3% identified as Black and 29.9% as Hispanic).³ Notably, 100% of youth placed by New York City Family Court judges in Close to Home limited secure placement in fiscal year 2017 were Black and Hispanic (52.4% identified as Black and 47.6% as Hispanic).⁴ The vast majority of youth admitted to secure detention, Crossroads and Horizon, come from the following New York City communities: Brownsville, Bedford-Stuyvesant, East New York, Harlem, the South Bronx and Far Rockaway. These communities face racial inequities and share significant problems of poverty, inadequate services to meet the high needs of its residents, low performing schools, higher than average prevalence of health and mental health issues and substandard housing stock.

Lesbian, gay, bisexual, transgender, non-binary, queer/questioning and intersex (LGBTNBQI+) and runaway and homeless youth in NYC are also disproportionately vulnerable to arrest and disproportionately represented in the juvenile justice system. A national survey found that 40% of youth placed in girls facilities identified as LGBTNBQI+ and almost 14% of youth in boys facilities identified as LGBTNBQI+.⁵ Additionally, LGBTNBQI+ youth make up 40% of the runaway and homeless youth population.⁶ Simply by spending more time on the

² https://ocfs.ny.gov/main/bcm/DMR_Section%20Seven%20of%20Grant%20RFP_2015.pdf

³ <https://www1.nyc.gov/assets/acs/pdf/data-analysis/2017/AnnualDemographicDataReportForDetentionFY2017.pdf>

⁴ <https://www1.nyc.gov/assets/acs/pdf/data-analysis/2017/AnnualDemographicDataForNSPAndLimitedSecurePlacementFY2017.pdf>

⁵ Irvine, Angela, and Canfield, Aisha, 2017, "Reflections on New National Data on LGBQ/GNCT Youth In the Justice System," LGBTQ Policy Journal at the Harvard Kennedy School, Volume VII.

⁶ <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf>

street and in public places, often lacking family support, these youth have more contact with police officers. They often lack government-issued identification that match their gender identity and their affirming names, which can make interaction with law enforcement more complicated.⁷ Many homeless youth find the need to engage in sex work to secure a place to sleep or to earn income, which makes them vulnerable to sex trafficking-related arrests. Transgender young adults are often targeted by NYPD police operations for loitering and other prostitution related offenses.⁸

The mental health and educational needs of juvenile justice involved youth are far greater than those of youth in the general population. According to ACS's data in Fiscal Year 2017, 46% of youth in detention were referred for and received mental health services.⁹ Studies show that nearly seven in ten youth involved with the justice system are experiencing a mental illness, and at least one in four of these youth exhibit severe functional impairment.¹⁰ The national figures are consistent with local findings. Indeed, "approximately 85% of young people assessed in secure detention intake reported at least one traumatic event, including sexual and physical abuse, and domestic or intimate partner violence."¹¹

Girls in detention in particular, suffer from complex, overlapping needs. Oftentimes, having suffered more intense and prolonged trauma than the boys, girls present with higher rates of mental illness. Standard physical intervention strategies employed in restrictive settings such

⁷ Youth Justice Board, "A Report on Homeless Youth and the Justice System in New York City," June 2017, at <https://www.courtinnovation.org/publications/homeless-not-hopeless-report-homeless-youth-and-justice-system-new-york-city>

⁸ Id.

⁹ <http://www.nyc.gov/html/ops/downloads/pdf/pmmr2014/acs.pdf>.

¹⁰ Mental Health Association in New York State, Inc., "Report on Juvenile Justice, Mental Health & Family Engagement", October 2013, at: https://www.mhanys.org/MH_update/wp-content/uploads/2013/11/MHANYYS_Juvenile-Justice-Report-2013_Final.pdf.

¹¹ <http://www1.nyc.gov/assets/opportunity/pdf/policybriefs/detention-brief.pdf>.

as secure detention, including the use of physical restraints or isolation, frequently have the unintended effect of causing increased stress and re-traumatization, escalating self-destructive and self-harming behavior for girls.¹² Similarly, many commercially sexually exploited youth¹³ report experiencing repeated physical and/or sexual abuse by family members, as well as their pimps and johns. These youth require immediate crisis intervention services and intensive, ongoing counseling with specially trained therapists.

II. Diversion from Arrest and Prosecution

A. Policing of Youth

The juvenile justice continuum starts with the policing of youth whether in their schools or in the community. Since the Student Safety Act was passed by the City Council and signed into law by Mayor Bloomberg and thereafter, when Mayor de Blasio convened the Mayor's Leadership Team on School Climate and Discipline in 2015, significant strides have been made by the New York City Department of Education (NYC DOE) and the NYPD to reduce the historically high rates of suspensions and arrests. The school safety division of the NYPD has dedicated a significant portion of its training budget to teach Collaborative Problem Solving (CPS) to the 5000 school safety agents over the last few years. Unlike traditional models of discipline, CPS avoids the use of power, control and motivational procedures and instead focuses on the development of communication skills by the adults and students in order to reduce conflict. We have observed a significant impact of this training—there has been a drastic reduction of conflict between students and school safety agents—both verbal and physical. As

¹² *Improving Policy and Practice for Adolescent Girls with Co-Occurring Disorders in the Juvenile Justice System*, pp. 7-8. GAINS Center.

¹³ A sexually exploited child is anyone under 18 who has been subject to sexual exploitation because he or she is the victim of the crime of sex trafficking; engages in any act of prostitution; is the victim of the crime of compelling prostitution; participates in sexual performance; or loiters for the purpose of engaging in a prostitution offense. See Social Services Law §447-a; Penal Law §§ 230.34, 230.00, 230.33 and §240.37; and Article 263 of the Penal Law.

the agents began to shift the way they interpreted student misbehavior, they developed the skills to redirect students towards positive behavior while reducing conflict-laden responses.

While we are heartened to see the decline in the number of youth arrested city-wide, we remain gravely concerned that NYPD policing overwhelmingly targets youth of color. We would like to see an increase in the quality and reach of NYPD's initiatives to improve policing and reduce Disproportionate Minority Contact (DMC). Other police departments have worked with experts and non-profit organizations to improve police – youth interactions, reduce the number of confrontations, increase support by community members, and reduce the number of arrests.

The NYPD could benefit from specialized trainings and resources to address youth policing, including: (1) developing programs and practices to divert youth from court-involvement; (2) decreasing DMC; (3) increasing police officer knowledge of adolescent behavior and strategies for interacting with youth safely and effectively; (4) improving police attitudes toward young people of color; (5) improving youth and community members attitudes toward police; and (6) improving police and youth interactions to include effective de-escalation and reduce the use of force. Additionally, despite changes to the NYPD patrol guide which require officers to be more affirming in their interactions with the LGBTNBQI+ communities, NYPD should enhance the minimal training provided to officers about this community and proactively audit or supervise to determine officers' biases. The NYPD should also increase its officers' education about runaway and homeless youth and LGBTNBQI+ youth and create better accountability and communication with these communities.

By fostering trust between youth, the community and police officers, in schools and in the community, we can create a robust off-ramp that steers kids from further engagement in the juvenile justice system, and ultimately the criminal justice system.

B. Diversion Programs

As previously mentioned, we are encouraged that in recent years the NYC DOP has greatly increased the number of juvenile delinquency cases it has diverted from prosecution in Family Court. We urge the NYC DOP to expand its efforts to divert many of the arrests of 16 and 17 year olds following the implementation of Raise the Age.

Recently, New York City has implemented a number of diversion programs shortly after arrest or filing of a case in criminal court which should serve as diversion models to be expanded throughout the City for adolescents and young adults. One of these programs that merits serious consideration for expansion is Project Reset. Created in collaboration with the NYPD and the District Attorneys of Manhattan and Brooklyn, Project Reset is a diversion program for teens and adults arrested for the first time for selected offenses. Police screen for eligibility at the point of arrest and if the client elects to participate, they are assigned to complete restorative programming provided by the Center for Court Innovation. Upon successful completion, the prosecutor declines to prosecute the case, the participant does not have to go to court, and does not receive a criminal record. Since 2015, the program for 16- and 17-year olds has helped more than 500 teens avoid criminal court and the collateral consequences of a criminal conviction. The program has a 99 percent completion rate.¹⁴

Another diversion program available prior to the filing of a case for those struggling with opioid and heroin addiction who are arrested for low-level drug offenses is the Heroin Overdose Prevention & Education (HOPE) program on Staten Island. Those eligible are given a desk appearance ticket and connected to a peer coach and treatment services. If the participant receives an assessment prior to their scheduled court date, they do not have to appear in court

¹⁴ Center for court Innovation, "Project Reset," 2017, at <https://www.courtinnovation.org/node/20117/more-info>.

and if they meaningfully engage in treatment for a short period following the arrest, the district attorney's office declines to prosecute their case.¹⁵ The Bronx just began a similar diversion program, Overdose Avoidance and Recovery (OAR), which is available after the filing of a case in criminal court, but prior to the entry of a plea to allow individuals to engage in treatment. Successful completion will result in the dismissal and sealing of the criminal case.¹⁶

III. Alternatives to Incarceration

The decision to detain a youth is one of great consequence and comes at high social and financial cost. Should a youth be referred for prosecution following an arrest, the benefits of providing alternative to detention (ATD) and alternative to placement (ATP) services are enormous. National research demonstrates that, in general, detention does not deter crime. Studies show rather that detaining a child *increases* the likelihood that the child will re-offend in the future, even when controlling for offense and prior history.¹⁷

Not surprisingly, children fare poorly in detention for several reasons, namely: exposure to physical restraints,¹⁸ staff-on-youth violence or force,¹⁹ youth-on-youth violence, solitary confinement, also known as room confinement,²⁰ and sex abuse by staff or other youth.²¹

¹⁵ <http://nypdnews.com/2017/02/groundbreaking-heroin-overdose-prevention-education-hope-program-announced-on-staten-island/>

¹⁶ https://www.nycourts.gov/press/PDFs/PR18_01.pdf

¹⁷ Justice Policy Institute, "The Dangers of Detention," at http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf.

¹⁸ America's incarceration of juveniles subjects them to "intolerable levels of violence, abuse and other forms of maltreatment." Richard Mendel, Annie. E. Casey Foundation, No Place for Kids, The Case for Reducing Juvenile Incarceration, p. 5.

¹⁹ *Id.*, p. 5 -8.

²⁰ Ian Kysel, Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States, at <http://www.aclu.org/files/assets/us1012webwcover.pdf>. Nationally, over half of the youth who committed suicide while in a correctional facility were in solitary confinement and 62% had a history of being placed in solitary confinement. Research shows that individuals forced into solitary confinement had much higher rates of recidivism and mental illness. Attorney General's National Task Force on Children Exposed to Violence, December 12, 2012 at <https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>

²¹ Allen J. Beck & Timothy A. Hughes, Bureau of Justice Statistics, Sexual Violence Reported By Correctional Authorities, 2004 (2005) (the rate of reported sexual violence was nearly ten times higher in juvenile facilities than adult prisons) at <http://www.bjs.gov/content/pub/pdf/svrc04.pdf>. See also Prison Rape Elimination Act.

Incarcerated youth are more likely to engage in self-harming and suicidal behavior.²²

Furthermore, studies show that locking up at-risk youth with other at-risk youth increases negative behaviors.²³ All of these harms have a negative impact both on youth and on our communities. Additionally, the financial justification for the use of ATDs and ATPs, in lieu of incarceration, is substantial.²⁴ We strongly support the strengthening and expansion of ATDs and ATPs, as these programs benefit youth, save the City money and make the City safer.

ACS and the Mayor's Office of Criminal Justice should evaluate all of its ATD programs to ensure each is providing services that are affirming of LGBTNBQI+ youth. Transgender, non-binary and intersex youth should have a voice in which program they attend to ensure they are affirmed in their gender identity. Additionally, runaway and homeless youth should not be turned away from ATDs or detained because of a lack of family support.

We are very concerned that Governor Cuomo in his Executive Budget proposes a cap on the reimbursement²⁵ funding stream for preventive services in New York City, which helps to support juvenile justice after care and alternative to detention/placement services. Continued funding of these services is critical to maintaining reduced incarceration rates of adolescents and successful implementation of Raise the Age.

²² The Justice Policy Institute Report, The Dangers of Detention: Impact of Incarcerating Youth in Detention and Other Secure Facilities, at http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_ji.pdf ("The Justice Policy Report"). Eleven thousand youth engage in more than 17,000 acts of suicidal behavior in the juvenile justice system annually. Parent et al., *Conditions of Confinement: Juvenile Detention and Corrections Facilities*, Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (1994).

²³ The Justice Policy Report.

²⁴ *Id.*, at p. 10-11 (documenting the high fiscal costs of detention for youth in comparison to ATDs and noting that in NYC one day in detention is 15 times more costly than a detention alternative).

²⁵ The state share for preventive services is currently 62%.

III. Incarcerative Settings

A. Detention

As laid out above, research confirms that the practice of detaining juveniles is ineffective and detrimental to both youth and public safety.²⁶ Many youth enter detention with depression, trauma histories and other mental health needs of clinical significance. Often, youth who present as angry and oppositional have undiagnosed and/or untreated mental health issues. Without appropriate identification and treatment, these young people are often further punished as aggressive and non-compliant without ever addressing the underlying causes of their presenting behavior. For those youth who are detained, particularly for long periods of time, appropriate and meaningful treatment must be an imperative.

Independent oversight of detention facilities is also critical to ensuring youth are safely and appropriately cared for. In 2012, the N.Y.S. Office of Children and Families (“OCFS”) placed ACS Division for Youth and Family Justice (“DYFJ”) on a Corrective Action Plan which lasted several years to reduce its high rate of restraints and room confinement in its two secure detention facilities. It is well recognized that “physical restraints come with inherent risk due to the hazardous circumstances in which restraints are applied.”²⁷ Such risks to youth during restraints, include exposure to trauma and the risk of serious physical injury or death.²⁸

Exposure to trauma for a population with a documented history of trauma is particularly harmful.

²⁶ Hobbs, Wulf-Ludden and Strawhun, Assessing Youth Early in the Youth Justice System, OJJDP Journal of Youth Justice (citing Frazier & Cochran, 1986; Holman & Ziedenberg, 2006; Kenny, Lennings, and Munn, 2008).

²⁷ “Behavior and Management: Coordinated Standards for Children’s Systems of Care,” Final Report to the Governor September 2007, developed by the Committee on Restraint and Crisis Intervention Techniques p. 11.

²⁸ Physical restraints should be “an intervention of last resort” due to the high risk outcomes associated with it, including trauma, injury and even death. Nunno, M.A., Holden, M.J., & Tollar, A., Learning from Tragedy: A Survey of Child and Adolescent fatalities. Child Abuse & Neglect, 30:1333-1342 (2006). Researchers note the stress of being placed in a restraint along with the effects of medication can place children at risk. Mohr W.K. & Mohr, B.D., Mechanisms of Injury and Death Proximal to Restraint Use. Archives Psychiatric Nursing, 44(6):285-295 (2000).

Staff must be able to de-escalate situations and the use of restraints must be an intervention of last resort to prevent imminent harm.²⁹ We are pleased that the ACS DYFJ restraint policy echoes this sentiment, however, ACS must ensure that staff comply with this policy. We do receive reports that some DYFJ staff use physical restraints in an abusive manner in an effort to intimidate or punish youth.

While ACS is subject to oversight of other governmental agencies such as OCFS, the Justice Center and of course, the City Council, the mandates and resources of these oversight entities are limited and are subject to political pressures and changes. An independent monitor drives performance by providing facility administrators with leverage to secure resources and programming. External oversight enhances public trust by increasing transparency and accountability.

Finally, ACS has made strides in both policy and training as it relates to serving the LGBTNBQI+ population in DYFJ. ACS's policy follows the Prison Rape Elimination Act standards (PREA) which require ACS to ensure all youth receive individualized safety assessments and are placed in the most affirming environment, free from the risk of sexual violence. We are hopeful that ACS follows its policy, however, ACS lacks a process for reporting on how well it is caring for LGBTNBQI+ youth in their care. ACS should increase its reporting requirements of contract agencies and provide more transparency to this Council and to the public on how well these youth are being cared for in both ACS and contracted facilities and programs.

B. Close to Home Placement

The landmark Close to Home reform has transformed New York City's juvenile justice

²⁹ "Behavior and Management: Coordinated Standards for Children's Systems of Care" at 19.

system. It offers New York City youth who are prosecuted in Family Court, age appropriate, evidence-based programming, in small therapeutic facilities that model best practices in juvenile justice. Youth reside near families and communities allowing for robust family engagement and access to community resources. Aftercare planning for Close to Home youth begins on day one and can be tailored to the individual youth's (and family's) strengths and needs. In addition to the individualized aftercare plan, each young person is enrolled in a community-based program to encourage youth development and pro social activities.

Several of our young clients have had success in reuniting with their families and communities and forging connections with other supportive adults through Close to Home. They are contributing to their communities in positive ways. For example, one youth with a number of arrests actively engaged in therapy and school while in her Close to Home Limited Secure Placement. She worked with staff to create a comprehensive plan for her release that included schooling, employment and various tactics for how to stay out of trouble. This youth was viewed as a leader in her Close to Home placement and has since successfully transitioned to aftercare.

In another case, Close to Home staff worked diligently with a father who had previously voluntarily placed his son into foster care. Staff facilitated meaningful family therapy, and helped the young man's father find housing. The young man was released to his father on aftercare and, because our client and his father were doing so well, all involved agencies agreed shortly thereafter to our client's final discharge to his father from foster care.

In addition, as discussed more fully below, the Close to Home program has conferred remarkable educational benefits to youth.³⁰ We know well that solid academic footing is key to success, particularly for those youth re-entering the community from institutional settings. The

³⁰ ACS's Close to Home Annual Report 2016-2017, released on February 6, 2018, p. 3 (hereinafter ACS Close to Home Annual Report).

Close to Home reform in New York City has proven to be a success and according to ACS serves as “a national and international model” to other jurisdictions seeking to improve juvenile justice treatment and outcomes.³¹

We are pleased that the Governor has reauthorized Close to Home in his Executive Budget, however, the program cannot function successfully without State assistance. Just recently, the Governor’s Executive budget slashed 40% of Close to Home’s current budget. This cut, in addition to cuts to preventive services proposed by the Governor, will deprive the City of essential funds for Close to Home programs and aftercare services, among other things. This drastic funding cut is particularly harmful given ACS’ report that it will likely double the number of youth served by the Close to Home program once Raise the Age is fully implemented. We are working with the City to call on the Governor and state legislators to restore funding for this effective and innovative residential juvenile justice reform. Close to Home is better for New York City children and families than the previous state placement program, as it truly works towards the rehabilitation of youth, which is the sole goal of the juvenile justice system.³²

1. Educational Services at Passages Academy

The majority of youth who are detained or placed through Family Court receive educational services through Passages Academy, which is operated by the NYC DOE’s District 79. These youth present with challenging academic profiles: many are significantly below grade level in reading and mathematics; and a disproportionate number have disabilities and are overage for their grade.

Passages Academy has conferred significant educational benefits on many of the youth

³¹ *Id.*

³² *Id.*

who are enrolled there.³³ Indeed, ACS reports that youth attending Passages in Close to Home facilities passed 91% of their classes.³⁴ Almost half of youth who took the Regents passed those exams, including an impressive 80% of those youth with disabilities.³⁵ Ninety-three percent of youth enrolled in Passages Academy for middle school were promoted at least one grade level. These statistics are significant, especially for a group of young people who often have long been disengaged from school.

In recent years, Passages has employed a number of “Transition Specialists” who assist youth with transitioning back to their community schools when they exit detention and placement. The Transition Specialists attempt to set up “welcome” meetings at the receiving schools, try to ensure that students are matched to a school that will meet their needs, attempt to facilitate credit transfers and course selections upon the youth’s return, and monitor attendance for a period of time after re-entry. The Transitions Specialists have become a valuable resource for transitioning students and should be maintained.

Despite these significant achievements, we still note room for improvement at Passages. Many of the students at Passages require extensive remedial instruction. Although Passages employs two full-time reading specialists, they lack funding for staff dedicated to remedial math instruction. Additionally, for students with identified disabilities, Passages does not, in all cases, faithfully comply with students’ Individualized Education Programs. Instead, students with disabilities who enter Passages are given a Special Education Program (SEP) that reflects some, but not necessarily all, of the special education services they are entitled to receive.

³³ *Id. at p. 3.*

³⁴ *Id.*

³⁵ *Id.*

2. Educational Services for Students at JCCA and Children's Village

Youth who are prosecuted in Family Court and are placed in the non-secure placement sites operated by JCCA and Children's Village attend the on-site schools located at those agencies' campuses in Westchester, rather than at a NYC DOE Passages Academy. Difficulties with school re-entry for youth who are exiting those placements persist. Although some efforts have been made to improve the process, such as the creation of a DOE e-mail box for those children's records to be collected and delivered to the appropriate receiving school, we continue to hear that re-enrollment, credit transfer and assimilation all continue to be difficult for these youth. There is no comparable "Transition Specialist" who assists these youth in re-enrolling and making a smooth transition back to the New York City school system. We ask that the City hold these contracted agencies responsible for ensuring a better transition home for the youth they serve.

IV. Raise the Age

Raise the Age legislation provides yet another watershed moment for juvenile justice in New York. Once Raise the Age is fully implemented, the majority of 16 and 17 year olds arrested will be addressed through the juvenile justice system rather than the adult criminal justice system. Raising the age of criminal responsibility ensures that most youth are treated with a rehabilitative, age-appropriate approach and promises to provide greater protections for both youth and communities at large.³⁶ Specifically, the prohibition on placing 16 and 17 year olds in adult jails and prisons is a great step forward in this regard.³⁷ Youth sentenced as adults and housed in adult facilities face significantly greater challenges and risks than youth sentenced

³⁶ Raising the Bar: State Trends In Keeping Youth Out of Adult Courts (2015-2017)
http://www.campaignforyouthjustice.org/images/StateTrends_Report_FINAL.pdf p. 9.

³⁷ *Id.*

as juveniles. Namely, youth sentenced as adults are 36 times more likely to commit suicide;³⁸ are at greater risk of physical and sexual assault; are five times as likely to be sexually assaulted;³⁹ and are twice as likely to report being “beaten up” by staff.⁴⁰ Further, the lifelong collateral consequences that attach to youth treated by the courts as adults (even if they never re-offend) are significant and can irreparably impair their futures. A criminal conviction can permanently foreclose access to education, employment, housing and lending. The public additionally can lose the economic contribution and civic engagement of youth convicted as adults.

A. Specialized Secure Detention Facilities

The Raise the Age legislation expressly calls for the creation of Specialized Secure Detention Facilities (“SSDs”) to house 16 and 17 year olds who are prosecuted in adult court. These youth will be known as adolescent offenders (“AOs”).⁴¹ The legislation does not clearly delineate the role ACS DYFJ will take in the creation and administration of the new SSDs, but rather mandates it work in conjunction with the New York City Department of Correction (“DOC”). Although the term “in conjunction” is not defined by statute, the Administration’s current position is that the DOC will have custodial responsibility for the 16 and 17 year old adolescent offenders, prosecuted in adult court and detained in the SSDs.⁴² The law does not require that DOC staff must be present in the SSDs. We believe the spirit and intent of Raise of the Age – to protect 16 and 17 year olds from exposure to the characteristics of adult jail – would

³⁸ Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America”, Campaign for Youth Justice, November 2007.

³⁹ National Prison Rape Elimination Commission, Report 18, June 2009, at <https://www.ncjrs.gov/pdffiles1/226680.pdf>.

⁴⁰ The Risks Juveniles Face When They Are Incarcerated With Adults, JUSTICE POLICY INSTITUTE, http://www.justicepolicy.org/images/upload/97-02_rep_riskjuvenilesface_jj.pdf.

⁴¹ AOs are 16 and 17 years olds charged with felonies and prosecuted in the Youth Part in Criminal Court.

⁴² The Mayor’s Office of Criminal Justice and ACS announced at a City Council juvenile justice committee hearing on December 6, 2017 that DOC would have custodial responsibility for 16 and 17 year olds prosecuted in the adult courts and detained in the SSDs.

be violated if DOC staff are allowed to be present in these facilities. As a result, we strongly protest this plan.

Regardless of who is in charge of security in the SSDs, time is of the essence. With just seven months to go, the City must develop an SSD model to accommodate 16 and 17 years being moved off Rikers Island,⁴³ as well as new admissions. In addition, the SSDs must house AOs sentenced to a definite sentence of one year or less. At the same time, ACS must expand its capacity and reach to provide care and custody for juvenile delinquents. This includes youth aged 16 and 17 charged as juvenile delinquents (JDs) in pretrial detention and 16 and 17 year old JDs placed after an adjudication, in secure and non-secure placement facilities. We urge the Juvenile Justice Committee join with the Committee on Criminal Justice in the oversight of the SSD facilities to ensure that all adolescents held in custody in New York City receive age appropriate, safe degree of care they deserve and to which they are entitled. Further, we urge the Council to ensure that ACS DYFJ has the funding and the tools necessary to extend its capacity and reach to address the requirements of Raise the Age.

1. Classification

It is essential that an appropriate classification rubric for the SSDs be developed. This rubric must not rely solely on age or alleged offense, but rather on service need and safety. We strongly suggest that all 16 and 17 year olds be subject to the same security classification system. Sixteen and 17 year olds are currently held together by DOC on Rikers Island and are also housed together by ACS in juvenile detention.⁴⁴ We strenuously object to any classification system which creates a false distinction between 16 and 17 year olds whose charges were filed before the removal of youth from Rikers pursuant to Correction Law §500-p, or the full

⁴³ N.Y. Corr. Law §500-p.

⁴⁴ ACS currently holds 16 and 17 year olds who were arrested before they turned 16.

implementation of Raise the Age, and those who enter custody as AOs after October 1, 2018. Such distinctions will only add to the administrative burden of providing services to this needy population, likely resulting in a diminishment of services. The purpose of the Raise the Age statute was to treat both 16 and 17 year olds as adolescents, and not as adults. Maintaining false distinctions between these groups would be counterproductive and would likely limit access to programs and services.

2. ACS DYFJ Policies

The City's current plan calls for ACS to assume responsibility for the delivery of medical and case management services, as well as recreational programming within the SSDs. However, for the next 2 years at least, the City plans to give DOC primary responsibility for managing the SSDs.⁴⁵ During this two year period, the City plans to develop ACS' staffing capacity to take over supervision and security of the SSDs.⁴⁶ At that point, DOC will reportedly transition to play "an advisory role with the option to retain some operational responsibilities," the parameters and the specifics of which are unclear.⁴⁷

We believe that the City's plan to move youth from Rikers Island to another DOC-operated facility would result in continued harm to youth and would fail to accomplish the very goal of Raise the Age. Raise the Age was passed to ensure that youth are treated in a developmentally appropriate manner within a rehabilitative setting. Particularly in light of DOC's troubled history of abuse and brutality, it is clear that ACS DYFJ policies and procedures relating to security, staffing and supervision should apply. Only ACS DYFJ policies and procedures are consistent with both the spirit and the intent of the Raise the Age legislation. This

⁴⁵ Mayor's Office of Criminal Justice Testimony before the City Council, Juvenile Justice Committee, December 6, 2017.

⁴⁶ *Id.*

⁴⁷ *Id.*

is particularly important for transgender and intersex youth, as under ACS policy these youth have a right to assert whether they feel safer being placed based on gender identity rather than sex assigned at birth. DOC does not provide the same right to those detained at Rikers.

Youth have faced dangerous conditions and poor outcomes in DOC custody at Rikers Island due to an entrenched culture of violence and incompetence for far too long. The settlement arising from the Legal Aid Society and U.S. Department of Justice lawsuit *Nunez v. City of New York*,⁴⁸ is beginning to improve conditions, however enormous work remains to be done. The Fourth Report of the *Nunez* Independent Monitor (overseeing conditions at Rikers Island), dated October 10, 2017, (“Monitor Report”) cogently demonstrates that despite reforms, public attention and resources, the culture of incompetence and violence persists in DOC. Key findings from the Monitor Report related to the treatment of adolescents by DOC staff at Rikers Island include:

- A “disturbing” number of DOC Captains were “frequently and repeatedly involved in problematic UOF [use of force] incidents.” “That these Captains are often left in a position to engage in subsequent misconduct is one of the clearest examples of the lack of accountability in the DOC.” Instead of being disciplined, these Captains were often “rewarded” and “incentivized to continue behaving in this manner.” (Monitor Report at 9-10).
- DOC determined that 22% of UOFs caught on video were “avoidable,” 1/3 because of “unprofessional Staff behavior,” and 1/4 because of staff’s lack of de-escalation skills. (*Id.* at 37-38).
- Since November 2015, 40 incarcerated 16-18 year-olds have reported they were sexually abused or harassed. The City failed to complete investigations into any within the required 60

⁴⁸ *Nunez v. City of New York*, 11 Civ. 5845 (LTS) (S.D.N.Y.).

day limit. (*Id.* at 227).

- In 1/3 of audited cases, no disciplinary charges were brought when staff failed to report unnecessary UOFs by other staff, outright failed to report UOFs at all, lied to try to justify the force, and failed to report chokeholds and blows to the head. (*Id.* at 56).

Only in the very recent past, driven in large part by the *Nunez* litigation, the U.S. Department of Justice findings and a concerted advocacy campaign to close Rikers, has the City begun to increase its youth programming, significantly increase staffing for youth, and provide enhanced training for staff working with youth. Programming now available to youth in DOC custody reportedly includes extensive, practical vocational programs, such as Cosmetology, Building Trades, Barista Training, Food Preparation, OSHA Construction and maintenance, Flagging and Scaffolding, CPR and Simulated Driving Programs.⁴⁹ The City has invested considerable money to implement these programs for youth on Rikers. As the City takes steps to move youth off Rikers to the SSDs, it should earmark funding for vocational services such as these and ensure that the funding and services follow the youth to the SSDs.

As DOC has struggled to improve conditions for youth at Rikers, ACS DYFJ has made progress in providing age-appropriate and trauma-informed policies and care to youth in its secure detention facilities. ACS and the New York City Health and Hospitals Corporation have a contract requiring Bellevue Hospital Center to provide psychiatric and psychological care to youth in secure and non-secure detention. In the two years preceding the contract, Bellevue Hospital in conjunction with ACS provided trauma-informed training to the staff and adolescents in the secure detention centers. We are encouraged by the proficiency and dedication of the doctors and clinicians to trauma-informed screening and services, as well as the overall improved

⁴⁹ *Nunez v. City of New York*, The Fourth Report of the *Nunez* Independent Monitor, dated October 10, 2017, at 216.

mental health services in detention. As the Council knows, we have advocated for enhanced mental health services for youth for many years, and we are pleased to report that the implementation has been impressive. These services should be extended to youth in the SSDs.

Further, ACS DYFJ has increased programming to youth in its secure facilities, including inviting in several CURE Violence agencies. The CURE Violence approach is evidence-based; utilizes “credible messengers” to reach youth with an anti-violence message;⁵⁰ and enables youth to remain engaged with the CURE Violence partners upon discharge. CURE Violence programming should be expanded to the SSDs. Additionally, ACS DYFJ has strengthened its Family Engagement and Visitation policies, and these policies among others should be extended to the SSDs.

Other ACS DYFJ policies relating to security, including its Physical Restraints, Mechanical Restraints and Room Confinement policies for secure detention, have been strengthened in the recent past, in part in response to a lengthy corrective action process by OCFS. ACS DYFJ’s Physical Restraint policy requires training for staff to de-escalate situations to avoid restraints and provides that restraints must be an intervention of last resort to prevent imminent harm.⁵¹ ACS DYFJ policy permits the use of room confinement as a short term intervention and “only in response to situations when youth constitute a serious and evident danger to themselves or others, and only when other measures have been exhausted, are inappropriate or have been or are likely to be ineffective.”⁵² The use of room confinement is closely regulated and requires approval of the facility director or his or her designee in the first

⁵⁰ http://www.nyc.gov/html/ceo/html/initiatives/yvi_violence.shtml.

⁵¹ ACS DYFJ Safe Intervention Policy for Secure and Non Secure Detention, Policy And Procedure 2014/10, dated November 7, 2014.

⁵² ACS DYFJ Room Confinement Policy for Secure Detention, Policy and Procedure 2017/07, dated August 30, 2017.

instance. Neither restraints nor room confinement can be used as punitive measures in ACS DYFJ.

In its Close to Home placements, ACS DYFJ, in conjunction with its contract providers, endeavor to provide youth with developmentally appropriate programming in smaller facilities that model the best practices in juvenile justice. We urge ACS DYFJ to develop its placement policies for older youth in the new SSD for sentenced youth consistent with its Close to Home model. Not only are the ACS DYFJ placement policies intended to provide a therapeutic milieu, they also emphasize family engagement and early and holistic reentry planning. Specifically, ACS requires that family engagement and discharge planning begin on day one. The City must be prepared to enhance its placement and reentry services to meet the needs of AOs who may not have significant family involvement, or who have suffered from family rejection and need housing, educational and employment services. Similarly, ACS programs and services should be made available to AOs for discharge planning and reentry, including educational, employment, access to independent living and supportive housing services. In the recent past, ACS has dedicated significant resources to improve its adolescent discharge and reentry practices. ACS has the expertise and access to community resources for adolescents up to and beyond age 21, across its child welfare and juvenile justice practices.

The City should require that the policies and procedures of ACS DYFJ, rather than of DOC, be implemented in the SSDs. At a minimum, the ACS DYFJ policies should serve as the appropriate benchmark for working with justice-involved youth. Given the potential for oversight of multiple agencies, we urge the Juvenile Justice Committee to partner with the Committee on Criminal Justice to monitor the City's Raise the Age plan and the SSDs practices and policies.

3. Educational Services for Youth in Specialized Secure Detention

As New York City builds capacity to serve older youth who will be transitioning from the adult criminal justice system through Raise the Age, its plan must include adequate educational programming. At a minimum, the City must provide these youth with:

- full day schooling
- access to summer school
- access to remedial reading and mathematics instruction
- for students with disabilities, access to the full range of special education services provided on their IEPs
- for English Language Learners, access to English as a New Language (ENL) instruction
- Transition Specialists to assist with re-entry into the community

V. Re-entry

A. Re-Entry Recommendations from the Mayor's Leadership Team on School Climate and Discipline

In July 2016, the Mayor's Leadership Team on School Climate and Discipline published extensive recommendations, including suggestions to improve school reengagement for students returning from court-ordered settings. Several of those recommendations have been implemented and have helped eliminate barriers to reentry. Specifically, the Department of Education amended Chancellor's Regulations A-101 and A-449 to adjust the requirements for obtaining a safety transfer and to permit a new category of school transfer requests, now called "Guidance Transfers," which can be used to help students obtain a fresh start at a new school, and to distance themselves from negative peer influences and from staff members who may have developed a negative view of the student. Second, as mentioned previously, the DOE's District 79 created Transition Specialist positions. Those Transition Specialists have helped many youth achieve a smooth re-entry into school. Despite these positive changes, many of the remaining

recommendations relating to school re-entry for court-involved youth have not yet been implemented.

B. Credit Transfers

The entry and exit points for students in court-ordered settings rarely coincide with the beginning or end of a semester or school year. Consequently, students have difficulty earning full credit for the work they do while incarcerated. The Mayor's Leadership Team suggested that the DOE create citywide guidelines on credit accumulation for mid-year transfers so that students receive credit for the work they do in various settings. The Team suggested that the DOE support high schools in creating flexible curriculum models, including blended learning options (teacher-supported on-line courses), which would better support mid-year transfers. And the Team recommended that, if appropriate, students be offered the option to finish the semester at the school program they attended while in the court-ordered setting, so as to maximize completion of coursework and accumulation of credits.

C. Middle School Promotion

Many court-involved youth are middle school students who are significantly overage for their grade. When they are expected to return to a middle school environment that is socially inappropriate for their age range and has failed to provide them with an opportunity to accelerate their progress toward high school, they routinely fail to re-engage in school. To remedy this, the Leadership Team suggested that the DOE establish citywide guidelines on mid-year promotions and provide resources and technical support to help schools implement support services and mid-year promotions for over-age middle school students.

D. Special Education Issues

A disproportionate percentage of court-involved students have special education needs. Many students would benefit from a different constellation of special education services upon release from detention or placement. To that end, the Leadership Team recommended that the District 79 Education Transition Specialist convene a meeting 60-75 days prior to the anticipated release date to determine whether new evaluations or a new Individualized Education Program (IEP) are needed. This would give families and DOE staff members sufficient lead time to develop a more appropriate special education plan for the student prior to release. Additional recommendations relating to special education issues include: providing students with new school offers at least ten days prior to release; eliminating the DOE's requirement that all students classified as "Emotionally Disturbed" have a new psychiatric evaluation as a pre-condition for placement in a non-public school; and providing expedited psychiatric evaluations for students who are being considered for placement in a school or day treatment program that requires a psychiatric evaluation as part of its admission procedure.

E. School Re-Enrollment Options

Students returning from court-ordered settings are overrepresented at a small number of under-resourced schools. Students are often unable to gain admission to programs that might better re-engage them, including Re-Start schools, Transfer Schools and schools that offer Career and Technical Education (CTE). Principals in these schools are often reluctant to take a risk on these students, as they are assessed the same as principals whose student populations present fewer risks for factors that affect school's attendance or graduation rates. The Mayor's Leadership Team recommended that that DOE create a pilot to support 10 schools that traditionally receive the greatest number of youth from incarceratory settings, and 10 schools that

express interest in building capacity and expertise to work with court-involved youth. The schools would be provided with additional resources to support the students. The pilot would reduce the risk to participating schools by keeping the student on the register at District 79 for one full semester, until a decision is made to place the student on the school's register or transfer the student to a more appropriate placement. In addition to the proposed pilot program, the Leadership Team recommended that the DOE expand Re-Start sites for overage, under-credited middle school and high school students; expand CTE options for all students; create vocational programs for over-age middle school students; permit students to enroll in a High School Equivalency Degree program at age 17; and ensure that students placed outside NYC are able to participate in the high school selection process.

F. Systemic Supports for Schools

The Mayor's Leadership Team made several broad suggestions to improve the DOE's capacity to work with youth returning from court-ordered placements. The Team recommended creation of a working group to develop and disseminate best practices, and creation of a guidance document that would provide principals with instructions about data sharing, record transfer procedures, strategies for scheduling course work for highly mobile students, scheduling youth for exams, and criteria for awarding transfer credit. The Team also suggested that schools be permitted to make mid-year budget adjustments to accommodate students re-entering from incarceratory settings, and that the DOE develop an accountability metric for schools and principals that accounts for the additional challenges of working with court-involved youth. Additionally, the Mayor's Leadership Team made detailed recommendations supporting a continuum of mental health services supporting schools with high rates of students who are court

involved. To date, none of the mental health recommendations have been implemented by the Department of Education.

The Legal Aid Society strongly supports full implementation of the re-entry and mental health recommendations set forth in the July 2016 Report of the Mayor's Leadership Team on School Climate and Discipline. The recommendations were carefully considered and were drafted by a diverse set of stakeholders who understand the complexities and challenges of working with court-involved youth.

* * *

The Legal Aid Society remains available to assist the City with developing and sustaining improved outcomes for juvenile justice involved youth and the implementation of Raise the Age. We again thank the Committee for providing the opportunity to offer testimony regarding this important issue. We are happy to answer any questions you may have.

**Written Comments of Luis Padilla, Youth Speakers' Institute
New York City Council
Committee on Juvenile Justice
Oversight: Oversight - Examining the Continuum of NYC's Juvenile Justice System
February 28, 2018**

Good afternoon everyone, my Name is Luis, and I am a Youth Leader with the Youth Speakers' Institute. First off, I'll like to thank Chairperson Council Member King, for hosting this oversight hearing and for the chance to testify. Today, I'll focus my testimony on why the NYC Department of Corrections (DOC) Correctional Officers should not supervise children in ACS facilities. I'm going to focus on one specific reason based on my own experience: DOC Correctional Officers have militarized training, while Juvenile Facilities staff are trained to deescalate, and promote positive youth development.

NYC DOC Militarized Training

When I was 16 years old I spent several weeks in Rikers Island. I remember one time when an inmate flooded his cell by clogging up his toilet, a few correctional officers entered his cell with turtles (the Emergency Service Unit and the Rapid Response Team) – who are equipped with shields, tactical gear, batons, and pepper spray. The ESU and RRT units beat him in his cell and took him out like an animal by his feet and arms. I felt sad for him, and was scared for my own safety as well. It's sad to see a child whose mind is not even fully developed, and who is literally crying out for attention get beaten and dragged out his cell, by adult men. Where's the youth development training in that?

I was scared at Rikers because I knew I could easily get misunderstood, and beaten by the correctional officers with no way to hold them accountable. Furthermore, whenever there were fights correctional officers would call the turtles and the turtles would beat kids with their shields and sticks to stop the fight, and to subdue the rest of the housing unit. After that, the kids fighting would be sent to the box – solitary confinement.

Now, in Juvenile Detention centers fights are addressed completely different.

Juvenile Detention Centers – Youth Development Training

When there was a fight in Crossroad we would get restrained, but not with shields and batons. Also, after a fight we were not sent to solitary confinement. We were sent to speak with counselors who were trained youth professionals, and who cared to understand what was going on with us, and why we were acting that way.

While in Crossroads I was in many fights and I was always counseled. During that period, no one was visiting me; no one was there for me -- but my counselor. My counselor understood that I was acting out because I was seeking attention, and that my mind could not grasp all of my family dynamics at the moment. She provided me with coping techniques, and ways to address some of my anxiety.

Conclusion

Rikers was like a hell with no way out. I got lucky, but others suffered abuses and scars that they will never be able to recover from. We cannot have our kids in juvenile facilities open to this kind of abuse; the militarized training of the DOC will just create a new Rikers in Horizons. We need fresh staff trained to deescalate, and promote positive youth development.

**Written Comments of Kate Rubin, Youth Represent
New York City Council
Committee on Juvenile Justice
Oversight: Oversight - Examining the Continuum of NYC's Juvenile Justice System
February 28, 2018**

Youth Represent provides holistic re-entry legal services for court-involved youth 24 years old and younger. Since we opened our doors in 2007, Youth Represent has advocated for 16 and 17 year olds to be treated as children in the justice system. We played a pivotal role in the passage of Raise the Age legislation and we appreciate the Council's long-term partnership and support for Raise the Age. While the enacted Raise the Age legislation leaves significant work to be done, we are thrilled that New York has taken this crucial first step. We thank the Committee on Juvenile Justice and Chairperson King for the opportunity to provide testimony.

Our comments today address the Continuum of NYC's Juvenile Justice System as it relates to implementation of Raise the Age. We wish to focus on three essential elements of Raise the Age implementation.

- 1) **Specialized Secure Detention (SSD).** We have serious concerns about the City's plan to remove 16 and 17 year olds from Rikers Island only to have them supervised by DOC staff in "Specialized Secure Detention". We implore the Council to work with the City to develop alternatives that will ensure the safety of teenagers and of our juvenile detention facilities.
- 2) **Monitoring of Outcomes for Youth.** The City must monitor, analyze, and report on the intake and outcomes for all 16 and 17 year olds who enter the justice system, whether they are ultimately categorized as Juvenile Delinquents or Adolescent Offenders.
- 3) **Allocation of Funds for Necessary Programming.** The City must ensure high quality programming for 16 and 17 year olds in juvenile detention facilities, including Specialized Secure Detention, and to older youth who remain on Rikers Island.

Specialized Secure Detention

Among the most important achievements of Raise the Age legislation is the promise of finally ending adult incarceration of 16 and 17 year olds in New York. Removing these teenagers from Rikers Island, only to have them supervised by DOC Correction Officers in juvenile detention, undermines the spirit and the intent of Raise the Age. It risks not only transferring the violent culture of Rikers Island to Specialized Secure Detention, but allowing that culture to permeate juvenile detention facilities and effect younger children.

The violent culture of Rikers Island is longstanding and well-documented. In 1969 the Bronx District Attorney launched an investigation to "look into the suicides, beatings, sexual abuse and

drug trafficking taking place on Rikers Island”.¹ Over four decades later, the same issues persist. Most notably, the worst abuses are often at the hands of Correction Officers and even supervisors. In 2014 the United States Department of Justice released an investigation report on Rikers Island, concluding:

*[T]he New York City Department of Correction systematically has failed to protect adolescent inmates from harm... This harm is the result of the repeated use of excessive and unnecessary force by correction officers against adolescent inmates [16, 17, and 18 year-old detainees], as well as high levels of inmate-on-inmate violence.*²

The Department of Justice investigation report, along with the *Nunez v. City of New York* Consent Judgment, commenced sweeping reforms governing how Correction Officers interact with 16 and 17 year olds. These reforms included: periodic independent investigations of Correction Officers’ use of force, prohibition on the use of solitary confinement for 16 and 17 old detainees, and the requirement to utilize “Enhanced Supervision Housing” instead of solitary confinement, along with more mental health resources.³ In spite of these and other reforms, the culture of violence at Rikers Island continues. The Fourth Report of the Nunez Independent Monitor, which covers January - June of 2017, found:

*While the Department has made significant gains in safely managing the Young Inmate population, described in more detail below, serious and problematic issues involving Staff use of force continue in an unabated fashion. The Department has a deeply entrenched culture of managing troublesome and/or potentially dangerous inmates with an iron fist. This ingrained propensity of Staff to immediately default to force to manage any level of inmate threat or resistance continues to produce high monthly incident numbers, especially in the absence of timely accountability for such misconduct. The cultural dynamic that permeates so many encounters between Staff and inmates in DOC is quite simply a consequence of Staff actions and behaviors that too often engender, nurture, and encourage confrontation.*⁴

Jails are notoriously violent places. But the levels of violence at Rikers Island are put into stark perspective when Rikers is compared to other county jails in New York State. The New York State Commission on Corrections recently released a report finding that

¹ Rikers Island Timeline: jail’s origins and controversies. (2017, March 18). *New York Daily News*. Retrieved November 30, 2017, from <http://www.nydailynews.com/news/crime/rikers-island-timeline-jail-origins-controversies-article-1.3001976>

² Bharara, P., Samuels, J., Powell, J. K., & Daughtry, E. E. (2014). *CRIPA Investigation of the New York City Department of Correction Jails on Rikers Island*(pp. 1-79, Rep.). New York City, NY: U.S. Department of Justice. doi:<https://www.justice.gov/sites/default/files/usao-sdny/legacy/2015/03/25/SDNY%20Rikers%20Report.pdf>

³ United States District Court Southern District of New York . *Nunez v. City of New York – Consent Judgment*. 1 July 2015, [sites.ed.gov/underservedyouth/files/2017/01/Rikers-Consent-Judgment.pdf](https://www.uscourts.gov/underservedyouth/files/2017/01/Rikers-Consent-Judgment.pdf).

⁴ The Nunez Monitoring Team. *Fourth Report of the Nunez Independent Monitor*. The Nunez Monitoring Team, 2017, *Fourth Report of the Nunez Independent Monitor*, assets.documentcloud.org/documents/4173501/Fourth-Monitor-Report-as-Filed-Nunez.pdf.

from January 2016 - November 2017, Rikers Island personnel assaulted over 500 detainees, while correctional personnel in all other county jails combined reportedly assaulted 3 individuals.⁵ Based on this statistic alone we should ensure that DOC staff are not in the same building with children between the ages of 13 and 17, let alone supervising any of them.

To their credit, the City and the Department of Correction have implemented admirable and progressive reforms at Rikers Island, particularly related to the youngest detainees. These reforms have included significant investments in programming and training. Youth Represent currently partners with the City, as part of the Youth Reentry Network, to provide legal services to youth at Rikers. But these reforms have been limited in their power to curb conflict, escalation, and physical abuse by staff of young people. Based on the experience at Rikers over the past five years it is clear that even with the best of intentions, utilizing DOC Correction Officers in juvenile detention will import the culture of DOC into ACS facilities, and that culture will be impossible roll back.

Raise the Age legislation requires creation of “specialized secure detention” for 16 and 17 year olds who are being tried as adults, operated by ACS “in conjunction with” the DOC. The Raise the Age legislation does not mandate the presence of New York City Department of Corrections staff, nor does any legislative history or directive suggest that this is a requirement. The provision to remove youth from Rikers Island in the state legislation specifically states:

Prohibition on the custody of youth in Rikers Island facilities. Notwithstanding any other provision of law, no youth under the age of eighteen shall be placed or held in Rikers Island correctional facility or any facility located on Rikers Island located in the City of New York ... in no event after October First, Two Thousand Eighteen and such youth shall be taken to and lodged in places certified by the Office of Children and Family Services in conjunction with the Commission of Correction and operated by the New York City Administration for Children's Services in conjunction with the New York City Department of Corrections as a Specialized Juvenile Detention facility for that purpose.⁶

At the most fundamental level, the mission of the Department of Correction is to maintain custody and control of adults. The mission of the Administration for Children's Services is to “protect and promote safety and well-being of New York City's children and families.” Teenagers belong in a youth justice system developed to meet their needs, staffed by people trained in that system. The City has the power to ensure that this is the case, and to end adult incarceration of 16 and 17 year olds. We urge the Council to provide funding and support necessary to realize this goal whether through an expedited hiring process to increase ACS staffing, a short-term contract with a non-profit to provide interim staffing during the ACS hiring process, or another creative solution.

⁵ New York State Commission of Corrections . “Report: The Most Problematic Local Correctional Facilities of New York State .” *Report: The Most Problematic Local Correctional Facilities of New York State* , New York State Commission of Corrections , Feb. 2018. www.scoc.ny.gov/pdffdocs/Problematic-Jails-Report-2-2018.pdf.

⁶ United States, New York State Senate, et al. “S2009-C.” *S2009-C*, New York State, 2017, pp. 210–253.

Monitoring of Outcomes for Youth

Over the last ten years, several states have raised the age of criminal responsibility, including Connecticut (2007), Illinois (2010), Mississippi (2010), Massachusetts (2013), New Hampshire (2014), Louisiana (2016), South Carolina (2016).⁷ Thus far there have been direct correlations between raising the age of criminal responsibility and a decrease in both arrests and incarceration of 16 and 17 year olds.⁸ That said, policy changes often create unintended consequences, and given the complexity of New York's Raise the Age legislation, actual outcomes for youth are difficult to predict.

New York's Raise the Age legislation requires the creation of a "Raise the Age implementation taskforce" tasked with monitoring the effectiveness of Raise the Age on the state level.⁹ In 2016 more 16 and 17 year olds were arrested in New York City alone (14,500), than in the rest the state combined (10,125).¹⁰ Therefore, we strongly recommend that the City implement a similar monitoring body, comprised of researchers, advocates, service providers, and directly impacted youth and families, to analyze and monitor the impacts of Raise the Age with an analysis keen on New York City.

As advocates for our communities, we want to work with the City to ensure that New York follows the national trend of decreased confinement and decreased arrest rates for youth after raising the age of adult prosecution. To this end, we need New York City to prioritize the monitoring and reporting on demographics and outcomes of 16 and 17 year olds who come in contact with the justice system. This will allow for the identification of any changes needed to better serve the young people in their custody, or to better manage or allocate funding to particular sectors of the juvenile justice system. Most importantly, creating a monitoring and reporting system will inform both the City and the public if there is any increase in detention as an unintentional consequence of Raise the Age.

The data monitored, analyzed and published, should include:

1. Compiled data from the New York City Police Department and the Office of Court Administration.
 - a. Demographics of 16 and 17 year olds arrested: age, race, ethnicity, gender, housing status, county and location of arrest, and county of residents
 - b. Offense/criminal charges at arrest and at arraignment

⁷ The Justice Policy Institute. *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*. The Justice Policy Institute, 2017, pp. 4, *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*.

⁸ The Justice Policy Institute. *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*. The Justice Policy Institute, 2017, pp. 1–14, *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*.

⁹ United States, New York State Senate, et al. "S2009-C." *S2009-C*, New York State, 2017, pp. 210–253.

¹⁰ United States, Criminal Justice Statistics, and NYS DCJS.

"www.criminaljustice.ny.gov." *www.criminaljustice.ny.gov*, New York State Division of Criminal Justice Services, 17 Feb. 2017. www.criminaljustice.ny.gov/crimnet/ojsa/youth-arrests/allcounties.pdf.

- c. For felony offenses, rates of transfer to family court, broken down by demographics
 - d. Disposition of case and sentence requirements
2. Complied data from Department of Probation.
 - a. Detailed data on DOP risk assessment evaluation, disaggregated by age, race, ethnicity, gender, housing status, county of residents, and classification (e.g. Juvenile Delinquent, or Adolescent Offender)
 - b. Rates of successful adjustment
 - c. Number of youth who violate Probation
 - d. Number of youth who complete Probation
 3. Complied data from the Administration for Children Services.
 - a. Duration of pretrial incarceration
 - b. Duration of sentenced incarceration
 - c. Use of force by staff
 - d. Programming provided, including but not limited to: mental health, re-entry, legal, and aftercare services
 - e. All above data disaggregated by age, gender, classification (e.g. Juvenile Delinquent, or Adolescent Offender), and Probation risk assessment classification

Our proposed monitoring body would not only review and analyze relevant data but would solicit input from youth and families directly impacted by Raise the Age, for instance through surveys and focus groups. Based on data and input, it would assess overall and demographic trends in arrests, charging, transfers to family court, pre-trial detention, utilization of diversion and alternatives to incarceration, dismissals, incarceration, conditions of confinement, and access to programming. Without this monitoring, New York City will not be able to innovatively, effectively, and humanely implement Raise the Age.

The state of Illinois provides an illustrative case study. Illinois took a gradual approach towards altering their juvenile justice system.¹¹ After passing initial legislation, it took “further steps to refine its juvenile justice approach by passing laws to reduce the use of confinement and narrow other legal pathways allowing transfer of youth to the adult system.”¹² Illinois was able to alter their juvenile justice approach after passage of their first Raise the Age legislation due to the monitoring requirement included in the legislation.¹³ We strongly urge New York City to create a robust monitoring body that can assess real outcomes of Raise the Age legislation for youth and make recommendations for necessary changes in both the administrative and legislative arenas.

¹¹ The Justice Policy Institute. *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*. The Justice Policy Institute, 2017, pp. 1–14, *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*.

¹² The Justice Policy Institute. *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*. The Justice Policy Institute, 2017, pp. 1–14, *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*.

¹³ United States, Illinois State Senate, and Illinois General Assembly. “Public Act 095-1031.” *Public Act 095-1031*, Illinois General Assembly, 2009.

Allocation of Funds for Necessary Programming

Finally, we must emphasize the importance of funding and creative partnerships to provide incarcerated youth with high quality programming for youth development, mental health, re-entry, and legal services. In fiscal year 2018 the Administration of Children Services (ACS) had a budget of approximately 154 million to detain and supervise children in Secured Detention and OCFS residential placements.¹⁴ Given that NYC is required to remove 16 and 17 years olds from Rikers Island, the funding that has been used to house and provide programming for 16 and 17 year olds in Rikers Island in the past must be transferred with the youth.

That said, it is important that youth moved to ACS also have access to existing programming at ACS that was designed in the context of a youth justice system. Even when groups of youth are kept separate, it can cause tension in facilities when there are real or perceived differences in access to programming.

In addition, it is equally critical that funding continue at DOC for programs for older youth. Neurological research suggests that the brains of 19 and 20 year olds are more similar to those of 15 and 16 year olds than they are to a 25 year old. Moreover, comprehensive programming is a best practice for a person of any age who is incarcerated. As important as it is to fully implement Raise the Age, it is equally important to ensure that Raise the Age does not undercut programs and opportunities for older youth who remain at Rikers.

Looking Ahead

Raising the age of automatic adult prosecution in New York State was an important step towards creating a youth justice system that is truly built on principles of fairness, justice, and youth development. But the work doesn't end here. Now we must build on the Raise the Age momentum and implement the legislation effectively and humanely. It's our duty as New Yorkers to ensure that New York City youth receive trauma-informed care in a rehabilitative environment, and that they are provided the tools they need for successful reintegration after arrest and incarceration. Other states such as New Jersey, Connecticut, and Wisconsin, have gone as far as committing to close all or most of their youth prisons; at the very least New York can ensure the safety of youth in the justice system by keeping DOC staff out of SSD facilities, monitoring and analyzing the juvenile justice system, and by allocating the necessary funds needed to support all youth in custody.¹⁵

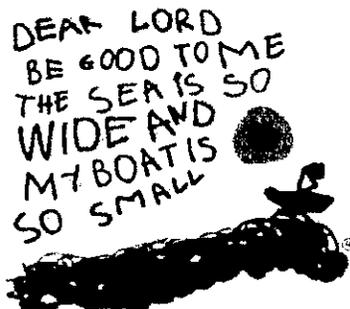
¹⁴ United States, Administration for Children's Services, and The Council of the City of New York. "Report of the Finance Division on the Fiscal 2018 Preliminary Budget and the Fiscal 2017 Preliminary Mayor's Management Report for the Administration for Children's Services." *Report of the Finance Division on the Fiscal 2018 Preliminary Budget and the Fiscal 2017 Preliminary Mayor's Management Report for the Administration for Children's Services*, The Council of the City of New York, 2017, pp. 3–29.

¹⁵ "Progress in Closing Youth Prisons." [Http://www.publicwelfare.org](http://www.publicwelfare.org), Public Welfare Foundation, 10 Jan. 2018, www.publicwelfare.org/progress-in-closing-youth-prisons/.

**Testimony of the Children's Defense Fund – New York
Before the New York City Council Committee on Juvenile Justice**

*Oversight - Examining the Continuum of NYC's Juvenile
Justice System*

February 28, 2018



**Children's Defense Fund
NEW YORK**

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The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective and independent voice for all the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities. CDF – New York's unique approach to improving conditions for children combines research, public education, policy development, community organizing and advocacy activities, making us an innovative leader for New York's children, particularly in the areas of health, education, early childhood and juvenile justice.

Thank you Chair King and members of the City Council Committee on Juvenile Justice for this opportunity to testify on this oversight hearing examining the continuum of New York City's Juvenile Justice System.

New York City's juvenile justice system has undergone significant change over the past several years. The City has developed a continuum of services that allow for intervention at multiple points along the justice continuum, prioritizing alternatives to confinement. CDF-NY recognizes that youth are best served in their communities and with the least restrictive type of intervention possible. Ideally, such services should be available within communities prior to youth ever entering the justice system.

Community Based Alternatives

In New York's juvenile delinquency system, prior to seeing a judge in Family Court, youth meet first with the Department of Probation who have the opportunity to divert the case through the adjustment process. This process acts as a last off ramp to divert the youth from entering the court system and possibly a restrictive setting such as detention or eventually placement. We are supportive of all opportunities to safely divert youth from the court system and encourage the City to continue to develop robust opportunities for diversion from the courts.

Not all youth who enter the Family Court system are detained outside of their home. We are supportive of alternative to detention programming that allows youth to remain home and receive supportive services during the pendency of their case. Some youth are placed in detention, either non-secure or secure. Many youth stay in detention for only a short period of time, sometimes only one night or just a few days. While this period of time is short, research shows that even a short stay in detention can negatively impact a young person. Detention can increase recidivism, increasing the chances of youth going deeper in the justice system, and can negatively effect mental health outcomes¹. Community based alternatives offer a more cost effective solution with better outcomes for youth. We applaud New York City for the significant reductions in detention and encourage continued investment into alternatives and exploration into reasons for and solutions to short term stays that can be avoided.

New York City currently faces significant potential financial cuts as proposed in the Governor's Proposed Executive Budget. The cuts to New York City include a proposed cap on reimbursement for preventative and protective services offered to children and families by the Administration for Children's Services (ACS). While the largest segment impacted by this cap is child welfare services, this funding stream also includes

¹ Holman, B and Ziedenberg, J. The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. Retrieved from: http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf

prevention for juvenile justice system involvement such as the alternative to placement program, Juvenile Justice Initiative (JJI). We encourage the city to continue to prioritize alternatives to placement and detention in this challenging fiscal environment.

Close to Home

Youth who are adjudicated delinquent by the Family Court may be placed outside of home by the Judge. Youth placed outside of the home in New York City at the non-secure placement and limited-secure placement levels enter Close to Home. Close to Home represents a significant positive shift in the way young people are treated in New York's juvenile justice system. Prior to Close to Home, youth adjudicated delinquent were sent to upstate facilities that were often geographically challenging for families to visit. Such distance impacted the ability to work holistically with a family. Youth attended school however the credits were often not recognized by the Department of Education upon the child's return to New York City, putting them at a further educational disadvantage. Additionally, there was a documented history of mistreatment in the facilities².

A new vision for juvenile justice which addressed these barriers to success came in 2012 with State legislation authorizing Close to Home. Close to Home allows youth from New York City to remain in and near their homes instead of sent to large upstate facilities. Youth are placed in small group home settings within communities in and near New York City that are operated by child serving agencies. The providers all utilize evidence based models within the facilities. They additionally provide clinical services and therapeutic interventions as necessary for youth. The physical proximity allows providers to work with families throughout the placement process and once the youth returns home.

Of significant importance are the educational gains of youth in Close to Home. Youth attend Department of Education schools, earn educational credits, take Regents exams, and some graduate while in placement. Continuity of education is critical to success and Close to Home providers work with youth who are behind in credits through credit recovery. Youth also participate in Summer Youth Employment jobs and other volunteer opportunities within the community.

Once a young person completes their placement, ACS continues to provide support through aftercare. Aftercare is tailored to the individual youth and may include in-home clinical supports such as Multi-Systemic Therapy, educational support to ensure smooth transition to a home school, or a variety of other supportive services. Funding for aftercare services are among the services impacted by the proposed State Budget cuts.

While Close to Home has not been without challenges, it represents a significant improvement in the way New York City responds to justice involved youth. Both State and City leadership have expressed continued support for Close to Home. Governor Cuomo included reauthorization language in his Executive Budget

² U.S. Department of Justice, Civil Rights Division, Loretta S. King. "Investigation of the Lansing Residential Center, Louis Gosset, Jr. Residential Center, Tryon Residential Center, and Tryon Girls Center." Letter. August 14, 2009. Available at https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/NY_juvenile_facilities_findlet_08-14-2009.pdf.

Proposal and the Commissioner of ACS has publicly supported reauthorization of the program³. Despite this support, the State Proposed Budget proposes to cut all State support for Close to Home, currently up to \$41.4 million annually. We are alarmed at the prospect of significant loss of funding both due to the implications for current justice impacted youth as well as the anticipated increase in need for Close to Home services for youth soon to be served by the juvenile justice system due to the implementation of Raise the Age.

Raise the Age

CDF-NY co-leads the Raise the Age – New York Campaign, a public education campaign which helped to bring awareness to the need to raise the age in New York State resulting in the successful passage of legislation in April of 2017. We continue to advocate to ensure the law is successfully implemented including through appropriate planning and allocation of funding to ensure all jurisdictions around the state are able to competently implement changes. Raising the age of criminal responsibility in New York was a long overdue change necessary to increase New York's ability to treat young people who come in contact with the justice system in an age appropriate way. Implementation of raise the age will significantly alter New York's juvenile justice system, and thus now is a critical time to examine the system in place and anticipated shifts in the upcoming years.

Implementation of raise the age is an opportunity to examine New York's juvenile justice system and ensure the front end community based solutions are prioritized and deep end confinement based settings are used as a last resort. Raise the age will impact all stages of justice system involvement including but not limited to community based alternatives, probation, courts, detention, placement and aftercare. All of these aspects will require appropriate funding to increase services as well as to train staff.

The raise the age legislation will take effect over the next two years with the age raising from 16 to 17 in October of 2018 and from 17 to 18 in October of 2019. Notably, the legislation includes an accelerated timeline for the removal of youth from Rikers Island. All 16 and 17 year olds must be removed from Rikers by October of 2018 despite the age having only been raised from 16 to 17 at that point in time. Once raise the age is in effect, all 16 and 17 year olds charged with misdemeanors will be processed under juvenile delinquency proceedings in Family Court. These young people will follow the same process as youth 15 and under charged with juvenile delinquency follow currently. As such, the role of DYFJ will expand to serve this slightly older population. Youth charged with non-violent felonies will have their cases originate in newly developed Youth Parts of the adult criminal court, however these cases will have a presumption of removal to Family Court unless the District Attorney proves extraordinary circumstances justifying why the case should remain in the adult court. Thus, many 16 and 17 year olds charged with non-violent felonies are also anticipated to have cases in Family Court, further expanding the population of youth served by DYFJ. Finally, youth charged with serious felonies will have their cases heard in the new Youth Part and will remain in the Youth Part for the entirety of their case unless certain criteria⁴ are met

³ Hansell, D. (2018). Cuomo's juvenile justice mistake: Proposing to defund Close to Home. Retrieved from: <http://www.nydailynews.com/opinion/cuomo-jvenile-justice-mistake-article-1.3810914>

⁴ Transfer from Youth Part to Family Court for violent felonies is depended on the absence of three criteria: 1. display of a firearm, shotgun, rifle, or deadly weapon; 2. Certain criminal sexual conduct; 3. Significant physical injury. See

and the District Attorney does not show extraordinary circumstances. The young people who remain in the Youth Part will be referred to as Adolescent Offenders (AOs). AOs who are detained pre-trial or sentenced to less than one year will be housed in new specialized secure detention facility jointly operated by the Administration for Children Services (ACS) and the Department of Correction (DOC), adding another component to the expanded role of DYFJ.

New Specialized Secure Detention for Older Adolescents

Raise the age legislation requires the creation of new specialized secure detention (SSD) for older adolescents to serve as facilities where youth charged as AOs will be detained. The legislation dictates that these new facilities are to be jointly operated by the ACS and DOC. It is critical for the success of raise the age to be seen that these facilities are designed and operated as youth facilities under a youth justice model and not as 16 and 17 year olds are currently detained by DOC, in facilities segregated for youth under an adult correctional model with adult correctional officers.

We are alarmed at the City's current plan to staff these facilities with DOC staff. The Mayor's Office of Criminal Justice presented a plan at the December 6, 2017 City Council Juvenile Justice Committee Hearing the City's plan for how ACS and DOC will jointly operate facilities. We understand that the City plans this as a temporary measure for the first 24 months of operation. We are however concerned that staffing these youth facilities with DOC Officers will import an adult correctional culture that will not be easily, if at all, removed after 24 months. We appreciate that ACS will offer case management and programming responsibility for youth, however this measure cannot negate use of DOC staff to provide security for youth.

We acknowledge that DOC has made strides to address the treatment of youth in their care. Notably, the elimination of punitive segregation for youth age 16-21, a detrimental practice that caused irreparable harm to youth for many years. DOC has also made strides to increase positive programming for adolescents. The city should make efforts to ensure that all programming offered to adolescents now is available in the new settings to avoid any unintentional loss of access to programming.

Despite this progress, DOC is not in the best position to respond to youth and should not be tasked with overseeing 16 and 17 year olds in the new youth facilities. In addition to DOC representing an adult focused approach to corrections, they also have a history of mistreatment of youth which is well documented. The most recent Independent Court Appointed Monitor Report for Nunez vs. City of New York from October 2017 reports serious concerns with DOC treatment of youth. They note "serious and problematic issues involving Staff use of force continue in an unabated fashion⁵." The monitor report additionally notes that "[t]he cultural dynamic that permeates so many encounters between Staff and inmates in DOC is quite simply a consequence of Staff actions and behaviors that too often engender,

New York State's Raise the Age Overview and Implementation Presentation:
<https://www.ny.gov/sites/ny.gov/files/atoms/files/RTAWebsitePresentation.pdf>

⁵ The Nunez Monitoring Team (October 10, 2017). Fourth Report of the Nunez Independent Monitor, Fourth Monitoring Period January 1, 2017 through June 30, 2017. Retrieved from:
<https://apps.npr.org/documents/document.html?id=4173501-Fourth-Monitor-Report-as-Filed-Nunez>

nurture, and encourage confrontation". Such encounters involved leadership noting a "disturbing" number of captains who were involved "frequently" and "repeatedly" in concerning use of force incidents.

It is critical that all policies and practices in the new facility mirror those currently used for youth and not adult correctional practices. An example of a tool utilized by DOC that is inappropriate for youth and should not be replicated in any new facility, is the use of chemical agents (pepper spray, or gas). In November 2016 the New York City Council Committee on Juvenile Justice, Committee on Fire and Criminal Justice and Committee on Education heard testimony from ACS, DOC and the Department of Education (DOE)⁶ in which it was publicly discussed that "gas" is a tool utilized by corrections officers at Rikers against adolescents. It was stated that the "gas" is used in classrooms and that teachers are allowed the use of gas masks – though students are not provided any protection. It was noted in testimony by a Special Education Teacher on Rikers that some areas do not have proper ventilation and students become ill and have vomited from exposure to the "gas".

It is critical that the City make every effort possible to ensure the culture of violence that proliferates at Rikers is not allowed to be adopted in the new youth facilities. The newly developed facilities must utilize behavior management tools that are the least restrictive possible and which reflect best practices for youth to protect young people from harm. Raise the age is an opportunity to genuinely change the culture that has perpetuated in DOC and transform the experiences of detained youth. It is critical that policy and practice are clearly constructed to reflect best practices in youth justice. It is not appropriate for adult correctional staff to oversee youth in the new youth facility and in doing so the City cannot expect different results than currently achieved. Staff selected to work in the new facilities should be deemed appropriate to work with youth from those with expertise in serving youth under a youth justice model and any staff with histories of working in adult corrections should be vetted and trained to understand the drastically different practices, policies, and culture that is expected in the new youth facility.

In addition to ensuring that the new facilities are designed, operated and regulated as youth justice facilities and not adult corrections, ACS must make strides to ensure that the experiences of youth currently in their care is not negatively impacted as raise the age is implemented. The current population of youth in secure detention is at an historic low. ACS must take steps to ensure that if space currently occupied by youth awaiting juvenile delinquency and juvenile offender cases is utilized to house the youth charged as AOs, that this increase in population and decrease in free space does not in any way negatively impact youth currently in facilities. This includes ensuring that any elements of adult corrections introduced through the new jointly run facilities do not in any way expose youth awaiting juvenile delinquency or juvenile offender cases to adult correctional practices. These considerations should take into account the number of structural repairs that the city determined both secure detention facilities to be in need of prior to raise the age legislation passage⁷. The timeline required by raise the age legislation is significantly

⁶ New York City Council, Oversight - Educational Services for New York City's Detained, Placed, and Incarcerated Youth, Adolescents, and Young Adults, November 30, 2016. Retrieved from: <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2864769&GUID=CDFD5A0E-E41D-4DFD-809E-3990064BE692&Options=&Search>

⁷ Goldman Copeland Consulting Engineers Urbahn Architects PLLC Pulitzer/Bogard & Associates, LLC (January 11, 2017). Secure Detention for Juveniles Feasibility Study - ACS Volume 1 - Executive Summary Prepared for the NYC

shorter than the time predicted to be needed to make all repairs, thus ACS must prioritize and make all feasible repairs both in anticipation of the new population of youth as well as to ensure currently detained youth are housed in safe and appropriate settings.

We appreciate the need for urgency in planning for the implementation of raise the age and we understand the enormous challenge of hiring and training sufficient staff to handle expanded capacity in youth facilities. However we urge the Council to ensure that the statutory benefits intended by removing youth from Rikers is not lost by allowing DOC to staff and other adult correctional practices into the new youth detention facilities.

LGBTQ Youth

Of particular concern in facilities jointly operated by ACS and DOC are the conditions for LGBTQ youth. ACS has in place model policies and best practice guidance for the treatment of LGBTQ youth in its care. Of particular consideration when constructing gender segregated facilities are practices surrounding transgender and non-binary youth. ACS makes its expectations of treatment of youth clear in its publication "Safe and Respected: Policy, Best Practices, & Guidance for Serving Transgender, Gender Expansive, & Non-Binary Children and Youth Involved in the Child Welfare, Detention, and Juvenile Justice Systems". This guide outlines ACS policy⁸ with additional guidance⁹ and best practices for practitioners working with youth.

Emphasis is placed by ACS in its policies regarding LGBTQ youth on respecting youth and ensuring that when placed out of home they are in affirming placements. Of particular note are housing practices for placement of transgender youth. Below are a few examples of model practices of ACS that must be utilized in any facilities for youth, including the new specialized secure facility jointly operated by ACS and DOC:

- "It is ACS policy that all transgender and non-binary children and youth shall be in homes and congregate facilities that are affirming of their gender identities and gender expressions. This applies to all Children's Services and contracted provider agency staff involved in any way with custodial or community-based services provided by Children's Services or in contract with Children's Services."
- "Generally, it is most appropriate to house transgender and non-binary children and youth in Children's Services custodial care based on their gender identity. Transgender and non-binary children and youth must not automatically be housed according to their sex assigned at birth."

Administration for Children's Services and the NYC Department of Design and Construction. Retrieved from: <https://ddcrfpdocuments.nyc.gov/rfpweb/docs/add/1023.pdf>

⁸ The City of New York Administration for Children Services. (November 21, 2012). "Promoting a Safe and Respectful Environment for LGBTQ Youth and their Families Involved in the Child Welfare, Detention and Juvenile Justice System". Retrieved from: https://www1.nyc.gov/assets/acs/pdf/lgbtq/LGBTQ_Policy.pdf

⁹ Perry, J.R. & Green, E.R. (2017) "Safe and Respected: Policy, Best Practices, & Guidance for Serving Transgender, Gender Expansive, & Non-Binary Children and Youth Involved in the Child Welfare, Detention, and Juvenile Justice Systems" Retrieved from: <https://www1.nyc.gov/assets/acs/pdf/lgbtq/SAFEAndRespectedUpdate061417.pdf>

- “Decisions on bedrooms for transgender and non-binary children and youth in foster boarding homes must be based on the youth’s individual needs, and must prioritize the youth’s emotional and physical safety.”
- “It is critical to include transgender and non-binary children and youth in the decision-making process.”

The above highlighted ACS policy and guidance are in stark contrast to the experiences of transgender youth at Rikers Island. While DOC has made some strides to improve protections for transgender people in their custody, they fall short, particularly when addressing the needs of youth. DOC lacks clear policy and practice of placing individuals based on their gender identity, which places transgender people at elevated risk of abuse. While DOC has created a transgender housing unit that is available to some adult women this option is not available to transgender youth due to the sight and sound separation of youth from adults, and in fact fails to fully meet the needs of transgender youth. The difference in placement practices between ACS and DOC is extreme. For example, a transgender girl placed in Close to Home by ACS may be placed in a placement facility for girls if that is deemed most appropriate (following the above guidance), however it is highly likely that the same girl if detained by DOC would be housed in a male unit and not at Rose M. Singer, the women’s jail. Recent testimony before the Board of Correction by the Sylvia Rivera Law Project, an organization dedicated to advocacy on behalf of transgender, gender non-conforming, and intersex people, noted that in their experience they are “unaware of any time in which the DOC knowingly housed a transgender woman at the Rose M. Singer Center”¹⁰. Such practices are demeaning and dangerous and go against best practices for youth.

Meeting the needs of older youth

The majority of 16 and 17 year olds arrested in New York City are charged with misdemeanors¹¹. These young people will now be treated through juvenile delinquency proceedings, increasing the number of youth in ACS’s care and also shifting the age demographic. While ACS currently serves youth age 16 and up, they will experience an increase in older youth once raise the age is in effect. ACS needs to ensure it is prepared to meet the needs of older youth.

Such accommodations must include all steps along the justice continuum. This includes preparing to serve an older population in JJI and respite front end services. Detention and Close to Home placement facilities need to be prepared to address needs of older youth as well. Of consideration should be family dynamics – both with the families of youth and for parenting youth, educational needs, vocational needs, as well as health and mental health needs. Aftercare services will need to be additionally tailored. Of consideration should be the housing needs of older youth, consideration for youth lacking secure family resources, and options or for youth not wishing to return to family.

¹⁰ Kinkead, M. (October 6, 2017). Sylvia Rivera Law Project comments to the NYC Board of Correction. *Retrieved from:* <http://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2017/Oct-10-2017/SRLP%20submission%2010.6.2017.pdf>

¹¹ Nearly 70% of arrests of 16 and 17 years olds in New York City in 2016 were for misdemeanors. See <http://www.criminaljustice.ny.gov/crimnet/ojsa/youth-arrests/nyc.pdf>

Conclusion

CDF-NY is enthused that New York has finally raised the age of criminal responsibility and the progress this change represents for the entire juvenile justice system. We encourage the Council to continue oversight to ensure the law is implemented as intended to ensure the full benefits of the legislative change are attained. If you have any questions or you would like further information, please contact Beth Powers, Director of Youth Justice, 212-697-0882, epowers@childrensdefense.org.

Social Service Employees Union Local 371

AFSCME, AFL-CIO



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Testimony of Anthony Wells, President SSEU Local 371

on

DYFJ's Efforts in the Implementation of Raising the Age of Criminal Responsibility

February 28, 2018

Good Afternoon:

My name is Anthony Wells and as President of Social Service Employees Union Local 371, I represent 19,000 members, that include: Juvenile Counselors, Caseworkers and Institutional Aides employed by the New York City Administration of Children's Services (ACS) juvenile detention facilities, as well as DOC titles assigned to Rikers Island.

Firstly, I want to commend Mayor De Blasio, Governor Cuomo and the City Council for the passing of Raise the Age legislation in New York City. The bill is a first step toward needed criminal justice reform and a commitment to the rehabilitation of adolescent offenders. Our more than 19,000 members stand with you.

I wish to express concerns on behalf of our members that the timeline to transfer the 16- and 17-year-olds from Rikers Island by October 1st, 2018

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is unrealistic. Implementation of *Raise the Age* requires careful and detailed planning if we are to maintain the safety of these children and the staff who will be supporting and transferring them from Rikers Island to the age-appropriate facilities.

First and foremost, we want to assure you that we fully support *Raise the Age* and the decriminalization of our youth population. Our youth deserve a fighting chance for a better life during their most vulnerable years. New York State's *Raise the Age* law assures they get that chance. However, we are concerned that despite the City and State's best efforts, they are not prepared to implement the first phase of the legislation, which will be to move 16- and 17-year-olds out of Rikers Island on October 1st. We want to work with the City and the State to make sure that we have the ability & means to meet the needs of *Raise the Age* children.

We are concerned that appropriate steps have not been taken to handle the influx of 16- and 17-year-olds currently awaiting transfer. The need for new age-appropriate facilities to be retrofitted and updated to

facilitate this population of youth cannot be emphasized enough. Further, the City has yet to determine which titles ought to be selected and/or created to help transition the youth into said facilities, not to mention the training process for these new titles that could takes months, at a minimum. October 1st may seem to be sufficiently in the future, but I assure you that without any level of certainty or direction from the City, we are already behind schedule.

Without proper preparation and planning, the safety of our youth and staff will be jeopardized. We are eager to work with the city to transfer the youth off of Riker's Island and into the new age-appropriate facilities and believe we can help ensure the success of *Raise the Age* implementation. We urge the City & State to engage in full and frank discussions with our union at the earliest possible time, so that there can be a maximum level of cooperation between us.

Thank you. I look forward to assisting you, and our city.

City Council Testimony
Wednesday, February 28, 2018

Good afternoon. My name is Julie Peterson. I am a senior program officer at the Pinkerton Foundation. I also co-chair the New York Youth Justice Initiative, a group of funders concerned about youth justice in New York City. I had the privilege of testifying before the City Council on these issues on December 6, 2017.

The Pinkerton Foundation funds after-school programs for young people in New York City with an additional focus on programs for young people involved in the justice and child welfare systems.

I applaud New York's efforts to raise the age of criminal court jurisdiction. And I am thrilled that 16 and 17-year-olds will be moved off Rikers Island by October 2018. I bring my voice to bear today on two important issues.

The first is the importance of supportive youth programming for all youth up to age 24. It is imperative as the age is raised to support transformative programming for young adults both within and outside incarcerative settings. Youth need programs and people around them that believe in them and inspire hope for their future.

In the last few years, ACS, DOC, DOP, and DYCD have made efforts to improve programming for justice-involved young people. The Pinkerton Foundation supports many of these programs. As the age of criminal court jurisdiction is raised, the City must support increased programming for 16- and 17-year-olds at ACS facilities and support robust programming for 18 to 24-year-olds in DOC and DOP custody.

The second issue I wish to address concerns the Administration's plans to use DOC staff at ACS juvenile facilities. On February 6, 2018, 35 foundations signed a letter to the Administration urging them to reconsider these plans. I speak today on behalf of these funders when I say that we believe these plans are misguided and dangerous for young people.

There is a clear and well-documented history of children being subjected to unacceptable abusive conditions on Rikers Island, frequently at the hands of DOC staff. Using DOC staff at ACS facilities for even two years leaves young people in harm's way. It also has the real potential to import the well-documented culture of violence and corruption at Rikers Island to the City's youth facilities.

The legislature did not mandate 16 and 17-year olds off Rikers Island because of the condition of the facilities. Rather, they acted precisely because of the culture of violence that exists there. We urge the City Council to stand with us and act to prevent the use of DOC staff in ACS facilities. I speak for the funder community when I say that we are eager to partner with the City to help find alternatives.

Thank you.

NYC City Council
Committee on Juvenile Justice

CASES Testimony: Family Court Programs

February 28, 2018

Introduction

Good Afternoon. My name is Sophia Morel and I am the Senior Director of Education, Career & Enrichment Services at the Center for Alternative Sentencing and Employment Services, better known as CASES. I hold a Master's in Education from Bank Street College of Education and have worked with young people in various capacities over my 14-year tenure with CASES.

I am here today to talk to you about CASES' Family Court Programs—Choices and PEAK—and the additional family therapy and mental health support services CASES offers to its young people who have experienced contact with the Juvenile Justice system in New York City. These programs engage young people in Family Court with the goal of achieving a favorable disposition and avoiding detention across the continuum of the juvenile justice system—both pre- and post-disposition, and have demonstrated positive outcomes for their participants. AV is a girl engaged in our Choices programming in the Bronx, and her story serves to highlight CASES' successful engagement of young people in the juvenile justice system.

When AV first came to Choices at CASES, she was hesitant to engage with our programming. Having been denied access to her home because of her charges, she was staying with her grandmother and had very little to call her own. CASES staff stepped in, assisting AV's grandmother to purchase some clothes and other basic essentials for AV. Slowly, AV began to open up. She started engaging in workshops and other program activities, showing leadership skills in discussions and interactions with her fellow participants. AV helped plan recreational excursions for the cohort and developed a keen interest in art, decorating the pillars in our office with yarn and photos of participants. AV's school attendance and performance also improved with our support, and her increased motivation and consistent attendance continue. As a result of her success, AV was offered and successfully completed an Adjournment in Contemplation of Dismissal (ACD). In court at the dismissal of her charges, AV requested to continue to participate in Choices programming voluntarily. AV completed her court obligations more than eight months ago and continues to come to Choices at least twice a week to participate in workshops and engage with our SYEP opportunities. AV has returned home to live, and continues to stay out of trouble.

CASES

CASES increases public safety through innovative services that reduce crime and incarceration, improve behavioral health, promote recovery and rehabilitation, and create opportunities for success in the community. For more than 50 years, CASES has been providing alternatives to incarceration for youth in New York City, and has expanded its



services over the years to serve all ages across the criminal justice system continuum. Today, CASES serves nearly 6,000 youth and adults across New York City in 25 interventions at the intersection of alternatives to incarceration and behavioral health services, education, housing, and more. These interventions reach across the spectrum of potential involvement in the criminal justice system: from the community to the post-arrest/pre-charge stage, to alternatives-to-detention and incarceration, and re-entry services.

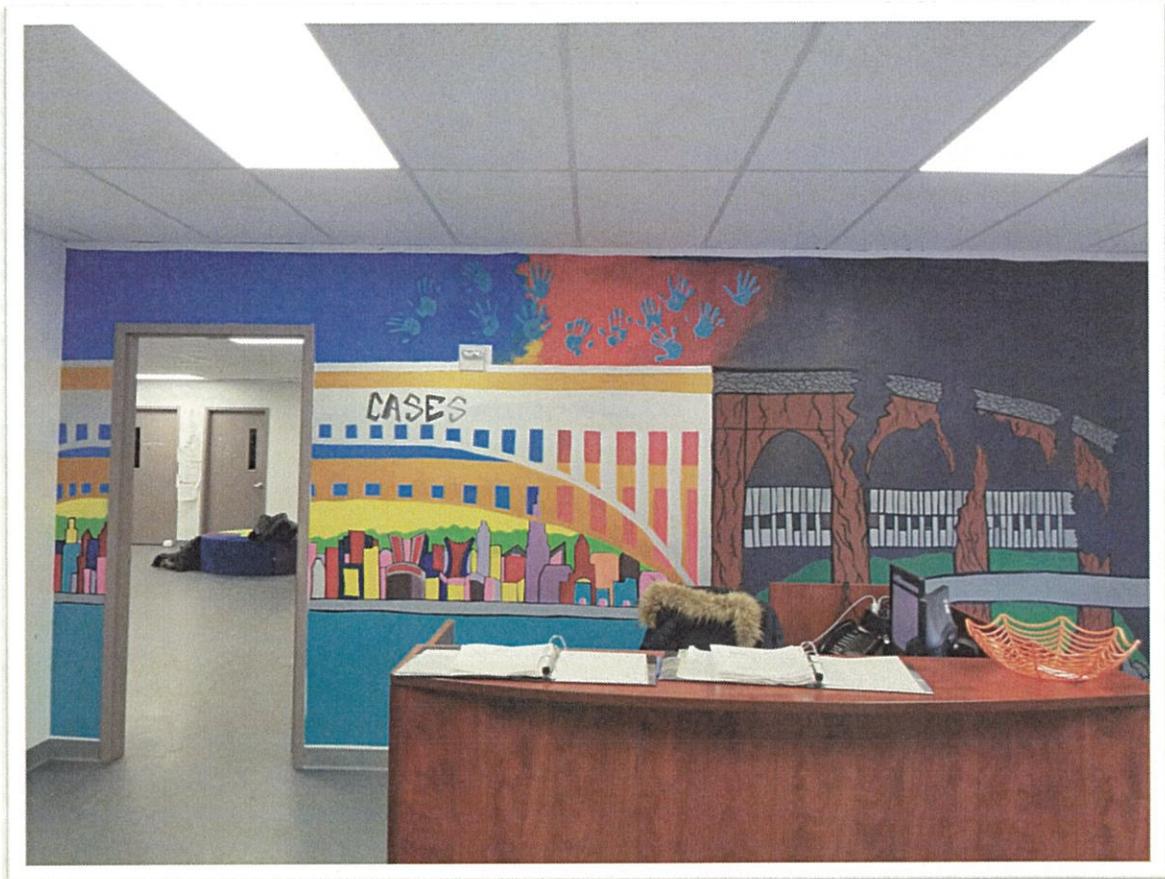
CASES is also a member of the ATI/Reentry Coalition. The Coalition's mission is to reduce crime, strengthen families, and bring hope and opportunity to New York City communities with complex needs and issues by providing a full spectrum of services for individuals involved in the criminal justice system. The 11-member coalition provides holistic services, including substance abuse services, legal services, housing services, and mental health services across all five boroughs for tens of thousands of individuals each year.

CASES Family Court Programs

In keeping with CASES' mission to create opportunities for the people we serve to succeed in the community, our Family Court programs, Choices and PEAK, engage young people in Family Court with the goal of achieving a favorable disposition and avoiding detention across the continuum of the juvenile justice system—both pre- and post-disposition.

Since opening its doors in 2008, Choices Alternative to Detention—funded by the Mayor's Office of Criminal Justice—has enabled youth age 15 and younger facing charges in Family Court in Manhattan and the Bronx to avoid detention and remain at home with their families and in their schools and communities during the duration of their Family Court matter. Choices provides community monitoring, in-home services, and a wide-range of academic support and after-school programming designed to meet participants' educational, employment, and recreational needs.

Choices has partnered with a range of organizations to provide engaging workshops for its participants, including Opportunities and Change, which has run filmmaking and collaging workshops; Kho'ana Kitchen, offering healthy cooking classes; and Re-imagining Futures Digital Arts & Literacy Project, an organization that works with youth to weave together traditional and media literacy skills. We have also worked closely with Artists Striving to End Poverty (ASTEP) throughout the years. Most recently, youth worked with an artist through ASTEP to bring their concept and design for a mural to life at our office in the Bronx (photo included below). As participants explain, the dark, crumbling bridge on the right side of the mural depicts the way participants feel about their lives prior to arrive at Choices—difficult and dark. But, once they arrive at CASES and progress through the Choices program, the bridge, and their lives, get smoother and more colorful. This mural stands out as a constant reminder of our impact on youth, and its vision is supported by our successful completion rates. From 2015-2017, 78% of Manhattan Choices participants and 70% of Bronx Choices participants successfully completed the program.



Mural at CASES' Bronx Office: Conceived of by Choices participants, executed with help from ASTEP volunteer artist.

Pathways to Education Achievement and Knowledge (PEAK)—funded by the Department of Probation—serves Brooklyn and Bronx Family Court-involved youth age 18 and under who are on probation. CASES and Probation work together closely to support PEAK participants. PEAK promotes positive community connections, educational progress, and enhanced life-skills through a mix of individual and group activities, including workshops, community-benefit projects, school liaison services, recreational excursions, and home visits. PEAK is a youth-driven, goal-oriented program, and services are tailored to each individual participant's unique needs. Staff work with our young participants during their four months in the program to establish and achieve specific and attainable goals.

CASES also offers additional support to our participants and their families in the form of family therapy and other mental health services. Choices and PEAK participants and their families have access to Adolescent Portable Therapy (APT) and CASES' State-licensed Nathaniel Clinic. APT is a flexible in-home family therapy model designed to identify, reinforce, and leverage a family's existing strengths and assets to create buy-in and willingness to learn new relational skills and address challenges, including the participating young person's problem behaviors. APT is a short-term intervention (lasting four-six months) that includes cognitive-behavioral therapy (CBT) techniques. Of all

CASES

youth who exited APT at CASES by the end of FY16, 88% experienced improved family functioning; 81% had reduced symptoms of mental illness; 62% had improved rates of educational engagement; and 88% avoided remand and/or placement in a correctional facility. CASES' Nathaniel Clinic offers a range of mental health services, including counseling/therapy; integrated substance use treatment; complex care management; and crisis intervention. Since opening its doors in October 2014, the Nathaniel Clinic has promoted a significant reduction in depression scores amongst patients and has achieved high rates of client satisfaction.

Conclusion

As we look toward the pending implementation of the "Raise the Age" legislation, CASES looks forward to serving the expanded cohort of 16- and 17-year-olds whose cases will be diverted to Family Court. With more than 50 years of experience serving young people of this age through programs like the Court Employment Project, an alternative to incarceration for youth and young people facing felony convictions in the Bronx, Brooklyn, Manhattan and Queens, CASES feels well prepared to modify the services we provide to ensure they are developmentally appropriate for this age-group's unique set of needs.

Thank you for taking the time to hear about CASES and the programs we offer young people involved in the juvenile justice system.

CASES 

Brooklyn & Bronx
PEAK

Pathways to Education
Achievement and Knowledge

Brooklyn & Bronx PEAK serve Family Court-involved youth age 18 and under who are on probation. PEAK provides youth and their families with a safe, secure after-school environment that includes services to promote positive connections with the community, educational progress, and increased life skills through a mix of individual and group activities including recreational services.

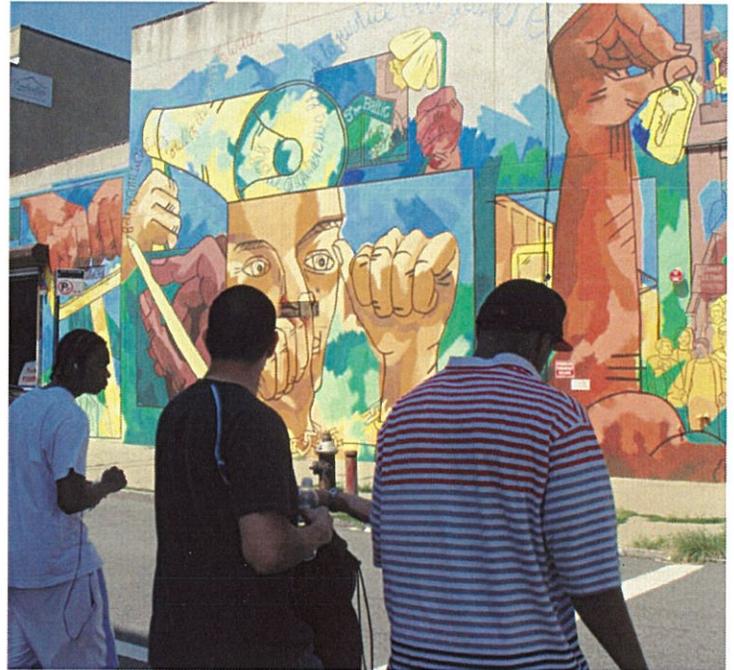
OUR SERVICES

School Liaison Services PEAK staff conduct regular checks by phone of participants' school attendance and engage youth around education goals including addressing truancy. If a meeting at a participant's school is needed as an intervention, PEAK staff—accompanied by the young person's parent or guardian if possible—conduct school visits or refer participants to **Advocates for Children** or **Youth Represent** for suspension hearings. Additionally, PEAK assists with school transfers to ensure young people learn in an environment best suited to their individual needs.

Education, Career, and Enrichment Programming PEAK provides participants with a range of programming individually designed to meet their educational, employment, and recreational needs. Activities include homework support, life skills workshops, job-readiness training, dance/music workshops, poetry classes, and Community Benefit Projects. Example Community Benefit Projects include gardening at local farms, volunteering at food pantries, and painting murals at community centers. PEAK staff also take participants on cultural and recreational excursions including museum visits and camping trips and provide linkages to community partners for activities not provided at CASES.

Family Counseling and Support PEAK provides ongoing family counseling and support including phone calls to families following a young person's initial intake appointment. In the event of non-attendance/disengagement, PEAK staff provide home visits as a means of reengaging the young person. Additionally, PEAK hosts periodic **Family Game Nights** and monthly **Caretaker Forums**, offering family members a chance to interact with staff, recognize the achievements of participants through awards, and celebrate participants' accomplishments in PEAK programming.

Mental Health Services All PEAK participants and their families have access to CASES' State-licensed **Nathaniel Clinic**. Services include counseling/therapy, integrated treatment for substance use, complex care management, and crisis intervention. Additionally, CASES has established an extensive citywide network of referral partners, allowing staff to make appropriate referrals within a young person's community.



CASES wraparound services Youth in PEAK have access to CASES' "in-house" youth program services including:

- **Adolescent Portable Therapy (APT):** in-home family therapy lasting four to six months that includes weekly home visits and frequent phone contact with the young person and family.
- **Job for America's Graduates New York (JAG NY):** six-month workforce program for out-of-school young people offering high school equivalency classes and job-readiness training
- **Summer Youth Employment:** six-week paid summer employment placements

REFERRAL INFORMATION

CASES accepts referrals for Brooklyn & Bronx PEAK from the NYC Department of Probation on a continuous basis and conducts intakes on Wednesdays. For more information, please contact:

Ana Dopazo
(212) 553-6632
adopazo@cases.org

FAMILY SERVICES

Parent support workshops Held every month at Choices offices in Central Harlem, parent support workshops help participants and their families develop interpersonal skills and foster healthy relationships at home. Workshop topics are determined monthly based on the unique needs of active group members and include crisis de-escalation, navigating the education and juvenile justice systems, and family communication.

Caretaker forums Choices' caretaker forums are designed to connect families with supportive services provided by CASES' community partners. The bi-monthly meetings feature representatives from other local agencies and focus on the needs of both the individual young person and the other members of their household, including linkages to housing, career development, family therapy, and substance use services.

Family nights To help strengthen ties between young people and their guardians, Choices staff will periodically hold recreational "family nights" for its participants. Attendees are served dinner and given opportunities to participate in a number of recreational activities, including games, raffles, and holiday-themed celebrations.

POST-PROGRAM SERVICES

Upon completion of the program, Choices participants can continue to address their needs and develop their skills through CASES "wraparound" services and linkages.

High school equivalency (HSE) classes CASES offers youth participants and graduates access to its on-site HSE classes, TASC readiness exams, and TASC exams.

Jobs for America's Graduates New York (JAG NY) JAG NY is a six-month workforce development program for out-of-school young people offering high school equivalency classes and job-readiness training.

Summer Youth Employment CASES is an annual participant in NYC's Summer Youth Employment Program. All Choices participants are eligible to apply for a six-week paid summer employment placement.

OUR PARTNERS

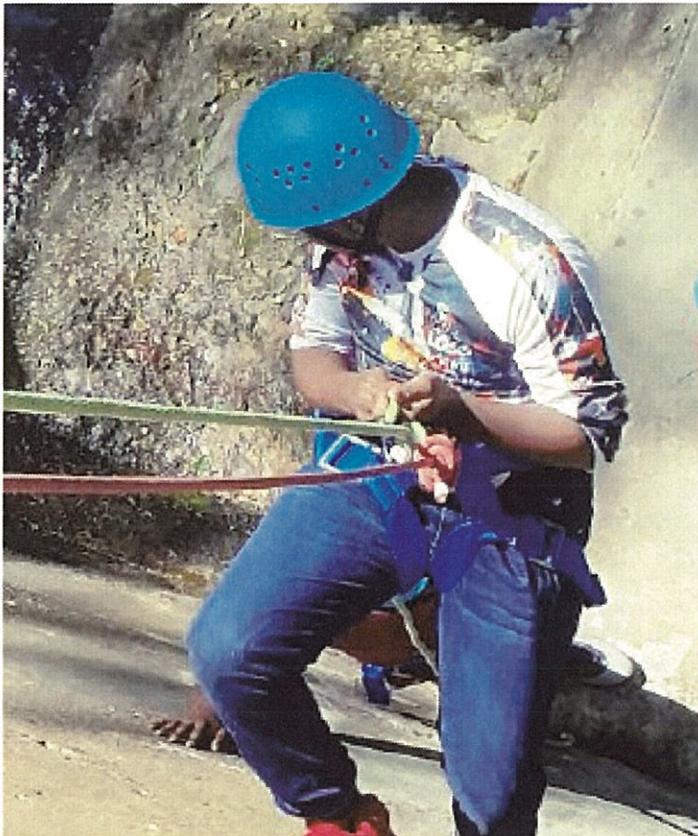
The Choices ATD program model is designed to meet the needs of young people assessed as medium- or high-risk and may not be appropriate for all youth involved in the Family Court. Additionally, some young people may have needs that are not adequately addressed by Choices programming alone. For these youth, CASES may provide referrals to one of its other services or link them to an appropriate community partner, including:

- Big Brothers Big Sisters
- The Boys and Girls Club
- The Door
- Education Alliance
- Exalt
- Harlem's Children Zone
- Northside Center for Child Development
- Odyssey House
- The Police Athletic League (PAL)
- Realization Center
- ROSES
- SCAN New York
- Union Settlement
- YMCA

REFERRAL INFORMATION

CASES accepts referrals for the Choices ATD program from Bronx and Manhattan Family Court judges on a continuous basis. For more information please contact the Choices ATD Program Director, Ana Dopazo:

(212) 553-6390 or adopazo@cases.org



Every year, Choices offers participants an opportunity to attend a two-day experiential learning camp at the Princeton-Blairstown Center. Activities include canoeing, hiking, rope course, and reflection sessions.

CASES



FOR THE RECORD

Choices Alternative to Detention

CASES' Choices Alternative to Detention (ATD) serves youth facing charges in the Bronx and Manhattan Family Courts. Choices ATD enables youth to avoid detention and remain at home with their families and in their schools and communities during the pendency of the Family Court matter.

Since opening its doors in 2008, Choices ATD has established itself as a vibrant hub of learning and youth development for some of New York's most at-risk young people. Choices helps young people and their families build positive relationships and access resources in their communities.



PROGRAM SERVICES

In-home services Choices staff conduct home visits to ensure busy families are informed of their child's progress in the program and receive needed supports. Families who need longer-term support can access **Adolescent Portable Therapy**, an evidence-based family service created by the Vera Institute of Justice and now operated by CASES. For families in need of respite care, Choices provides referrals while offering ongoing support.

School liaison services and legal assistance In order to help students and families connect to in-school resources, Choices staff conduct regular school visits and accompany caretakers to parent-teacher conferences. The program's case coordinators have been trained by **Include NYC** to offer guidance to parents navigating educational challenges such as acquiring updated Individualized Education Plans (IEPs) and accessing appropriate services.

Choices ATD has partnered with **Youth Represent** and **Advocates for Children** to provide participants with a number of legal services, including representation in superintendent suspension hearings, IEP evaluation meetings, and housing court.

Community projects Choices has partnered with neighborhood groups, including **God's Helping Hands**, **NYC New Beginning Animal Rescue**, and **Rescuing Leftover Cuisine** to provide participants with opportunities to volunteer in their communities.

After-school programming Choices ATD provides participants with a range of after-school programming designed to meet their educational, employment, and recreational needs. Choices uses evidence-based curriculums—including **Success Highways** and **CAPP PREP**—to help participants cultivate crucial life skills. Through Success Highways workshops, young people develop their resiliency in order to improve academic performance and learn healthy coping mechanisms. CAPP PREP educates adolescents on issues of sexual health, including reproductive health, pregnancy prevention, and fostering healthy relationships.

Other after-school activities include homework support, life and basic job skills workshops, healthy cooking classes, art lessons, basketball, dance, film-making, boxing lessons, and poetry classes. CASES staff also take participants on cultural and recreation excursions including museum visits, sporting events, community projects, and camping trips.

Mental health services All Choices ATD participants and their families have access to CASES' on-site **Nathaniel Clinic**. Services include counseling/therapy, integrated treatment for substance use, complex care management, and crisis intervention. The Nathaniel Clinic is licensed by the New York State Office of Mental Health and overseen by the New York City Department of Health and Mental Hygiene. CASES also provides external treatment referrals as needed.

IMPLEMENTATION OF NEW YORK'S CLOSE TO HOME INITIATIVE: A NEW MODEL FOR YOUTH JUSTICE



February 2018

The Center for Children's Law and Policy

CENTER FOR
Children's
Law and Policy

FOREWORD

In 2010, the Annie E. Casey Foundation was approached by the Commissioners of the New York City Administration for Children's Services (ACS) and the Department of Probation (DOP) to assist the City as it sought to cement and further advance reforms to its juvenile justice system. Over the next few years, we had a front row seat as ACS, DOP, and other City agencies and community stakeholders pushed for passage of the Close to Home legislation and began to plan for its implementation. As such, we are pleased to be able to support the Center for Children's Law and Policy's report on the implementation of Close to Home by ACS.

While the circumstances that drove the push for Close to Home's passage were unique to New York, the City's efforts to reduce the use of out-of-home placement, expand its continuum of community-based alternatives, and introduce an array of residential placements that were small and near the homes of its youth, had significance well beyond the Empire State. New York City has been at the forefront of what we should all hope is a new wave of youth justice transformation. Virtually every state has reduced its use of confinement since the turn of the century, but Close to Home aspired for more. It sought to ensure that virtually all young people – even those who were deemed to require non-secure or limited secure placement – would be cared for near their home communities in smaller facilities that serve as a direct contrast to the prison-like facilities that were housing youth hundreds of miles from New York City.

From the outset, it was clear that successful implementation of Close to Home would require a tremendous lift from ACS, which would be reinventing itself on the fly and at a rapid pace. Having experienced the early days of Close to Home planning and implementation up close, it is hard to understate how big of a challenge this was, given the timeline that was set under the Close to Home agreement. That ACS' efforts have come so far in such a short period of time is a testament to the vision and persistence of the agency's leadership and staff. While there is surely still a long way to go, we hope that other jurisdictions will learn from New York City's experience - that bold ideas like Close to Home, ideas that raise expectations for how the juvenile justice system works with *all* youth – are worth pursuing.

Nate Balis
Director, Juvenile Justice Strategy Group
Annie E. Casey Foundation

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Cover photo credit: Leake & Watts Services, Inc.

INTRODUCTION

In 2012, the New York State Legislature and Governor Andrew Cuomo authorized a landmark initiative known as “Close to Home,” which was designed to align New York State and New York City’s juvenile justice system with research and nationally-recognized approaches to working with young people charged with crimes. In five years, the Close to Home Initiative has transformed the experience of youth who come into contact with the justice system in New York City. By shifting focus away from incarcerating youth in large, dangerous, geographically remote institutions, Close to Home has sent an important message: it is far wiser to keep youth in their communities and near their families, since those connections hold the greatest potential to help youth build new skills and stay out of trouble in the long term.

Methodology

This is a report on why and how Close to Home began, the challenges it faced, the principles on which it is based, and what it has accomplished.

The Center for Children’s Law and Policy (CCLP) prepared this report, which was written by Executive Director Mark Soler and Deputy Director Jason Szanyi, at the request of the New York City Administration for Children’s Services (ACS). CCLP is a nonprofit national public interest law and policy organization focused on reform of juvenile justice and other systems impacting troubled and at-risk youth. CCLP has assisted jurisdictions in over 30 states with efforts to improve their youth justice systems, and CCLP staff have conducted dozens of assessments of policies and practices in juvenile justice systems throughout the country.

This report is an assessment of ACS’s implementation of Close to Home. It is not an assessment of implementation by the state Office of Children and Family Services or by city agencies such as the Department of Probation and Department of Education, although it certainly reflects their efforts. The report also is not a formal scientific evaluation of the Close to Home initiative. Instead, the report focuses on implementation of Close to Home as envisioned by the implementing legislation and ACS’s proposed plans.

CCLP drew upon four primary sources of information when preparing this report:

Document review: CCLP reviewed a variety of documents to obtain context for the development of Close to Home and to frame interviews with stakeholders. These documents included planning documents prepared by ACS, ACS policies and procedure manuals, reports produced by other partner agencies, and other publications and news coverage related to the implementation of Close to Home.

Interviews: CCLP conducted in-person and telephone interviews with over 40 stakeholders, including current and former ACS staff members and officials at the Department of Probation, the Department of Education, the Law Department, the Legal Aid Society, the Children’s Defense Fund, and Close to Home service providers.

Site Visits: CCLP staff made on-site visits to one Non-Secure Placement program, one Limited-Secure Placement program, and one New York City Department of Education school that youth from Non-Secure Placement facilities attend.

Data: CCLP reviewed data provided by ACS and other partner agencies and incorporated that data where appropriate to provide additional context for the report and recommendations.

The Annie E. Casey Foundation provided funding for this report. The Foundation is familiar with Close to Home: several Foundation staff prepared data analyses and projections during the planning and early stages of Close to Home, and Foundation staff assisted with some of the reform efforts described below that preceded Close to Home. CCLP is also familiar with ACS and Close to Home. CCLP has provided technical assistance to ACS on its implementation of the Prison Rape Elimination Act and other aspects of its juvenile justice work, including some of the initial Close to Home plans and standards.

THE NEED FOR CLOSE TO HOME: A FAILED JUVENILE JUSTICE MODEL IN NEW YORK

Close to Home was a transformative response to a well-documented problem. In September 2008, after years of concern about the treatment of youth in state custody, then-Governor David Paterson created a 32-member Task Force on Transforming Juvenile Justice to evaluate the effectiveness of New York State's juvenile justice system – particularly the use of incarceration and out-of-home placement for youth who were adjudicated for acts of delinquency. The Task Force, staffed by the Vera Institute of Justice, consulted with more than 200 individuals from agencies and organizations around the state and across the country, in addition to reviewing data and other information from the New York State Office of Children and Family Services (OCFS) on the state's private and state-run facilities.

The following year, the Task Force released its findings and recommendations. The Task Force report began with the following statement:

New York State's juvenile justice system has two primary responsibilities: to keep the public safe and to care for and rehabilitate young people. Since the 1980s, this system has relied on a punitive, corrections-based model to meet these responsibilities. On both counts this model has failed.¹

The Task Force found that New York State's existing approach to juvenile justice was failing in many critical ways. The system:

- **Invested millions of dollars in state-run institutions that did not protect public safety.** The Task Force found that New York taxpayers spent over \$200,000 each year per youth in out-of-home

placement. That money was largely ineffective in terms of public safety, with 75% of youth re-arrested within three years, and 89% of boys and 81% of girls re-arrested by age 28.

- **Exposed youth to dangerous and abusive conditions.** In 2009, the U.S. Department of Justice concluded an investigation of four of the state's juvenile facilities. The Department found that youth in the facilities were subjected to excessive force, inappropriate use of physical restraints, inadequate investigation of use of force incidents, inadequate mental health care, inappropriate and dangerous use of psychotropic medications, and inadequate substance abuse programming. The Task Force noted that many youth were physically brutalized for typical adolescent behavior such as slamming a door or refusing to get dressed. Staff often pushed a pin on their radios, known as "pin pushing," to summon a response team when youth didn't follow directions. As a result, many youth suffered serious injuries including broken bones and concussions.
- **Separated youth from family members who could be instrumental in helping youth avoid future contact with the justice system.** Nearly 75% of youth in institutional placements came from the New York City metropolitan area, yet many of those youth were placed in facilities hundreds of miles away from their families, making visits difficult if not impossible. For example, the Louis Gossett Jr. facility was more than 200 miles away from the City, and the two Tryon facilities (one for boys and one for girls) were 190 miles away.
- **Imposed barriers to achieving an education.** The credits youth earned in school at upstate facilities often did not transfer to the New York City Department of Education. This meant that youth returned home even further behind in their school work than they had been when they were sent away to placement.
- **Focused on custody and control instead of building skills that adolescents need to develop to be successful.** Many of the state's juvenile facilities were more like adult prisons than programs designed to work effectively with troubled youth. Facility staff focused on compliance with basic facility rules that had little applicability outside the walls, such as always walking in a single-file line with hands behind one's back. Programs spent far less time providing meaningful therapeutic interventions, measuring youth's progress toward treatment goals, and building key competencies such as strengthening commitment to learning and enhancing decision-making skills that would help youth re-enter their communities and become productive members of society.

In addition to the high costs, poor outcomes, and other problems outlined above, the Task Force found that many youth in juvenile justice facilities posed no significant risk to public safety. Instead of considering how to identify or create the community-based supports that were needed for youth to be successful, the system defaulted to a one-size-fits-all correctional approach.

The Task Force recommended a comprehensive set of reforms that would help New York State move away from a system that was "harming its children, wasting money, and endangering its public."² Recommendations included developing and using community-based alternatives to placement, limiting the use of institutional placement to a last resort, replacing large institutional facilities with smaller programs

that were rich with rehabilitative services and close to youth's homes, and identifying ways of supporting young people after they returned home from placement through effective aftercare services.

LAYING THE GROUNDWORK FOR CLOSE TO HOME IN NEW YORK

The Close to Home initiative followed an important series of reforms, community-based partnerships, and programs that demonstrated better outcomes for public safety and youth in New York City.³ These included:

- The launch of the first local alternative-to-placement program, Esperanza, by the New York City Department of Probation (DOP) in 2002, with the assistance of the Vera Institute of Justice. Esperanza offered a range of therapeutic programming, including programming for families.
- New York City's adoption of a detention Risk Assessment Instrument (RAI) in 2006, which helped guide decisions about which youth should be securely detained and which youth could be safely supervised in the community pending resolution of their case. The RAI helped New York City significantly reduce the number of youth in secure detention.
- The development of a range of community-based alternatives to detention for youth who the RAI determined could be safely supervised in the community, such as community monitoring and after-school programming and supervision.
- An expansion of evidence-based and community-based alternatives to placement through ACS's Juvenile Justice Initiative (JJI). Launched in 2007, JJI offered services, including family-based interventions such as Multisystemic Therapy and Functional Family Therapy, to support youth and caregivers without resorting to out-of-home placement.
- The merger of the city's former Department of Juvenile Justice with ACS in 2010. The merger created the Division of Youth and Family Justice (DYFJ) at ACS, which allowed DYFJ to draw upon approaches, services, and relationships that ACS had cultivated through its delivery of child welfare services.
- The creation of a multi-agency collaborative led by ACS and DOP, the Dispositional Reform Steering Committee (DRSC), which received support from the Annie E. Casey Foundation to identify reforms that would allow New York City to keep adjudicated youth close to their homes. One of the DRSC's most significant reforms was the adoption of a nationally-recognized evidence-based tool for youth on probation, the Youth Level of Service/Case Management Inventory (YLS). The YLS is designed to assess a young person's individual criminogenic needs and risk of reoffending. A second major reform was the adoption of an objective decision-making matrix to guide decisions for adjudicated youth, which matched a youth's assigned risk score and the severity of their offense to the most appropriate programs and interventions. Together, the

YLS and the decision-making matrix helped New York City officials better direct the most intensive interventions to those youth who needed them the most while diverting other youth to community-based services that could meet their needs.

- DOP's adoption of an "Exploration of Alternatives" process in 2013, which was designed to allow DOP to propose alternatives to placement to the court and other parties in the form of a plan for community-based services and supports. Previously, DOP had been required to recommend a youth for placement before exploring possible alternatives, which many thought unnecessarily incentivized referrals to placement.
- In 2010, the pilot of the Brooklyn for Brooklyn (B4B) Initiative.⁴ B4B was a partnership between OCFS, the Vera Institute, and the Missouri Youth Services Institute to develop regional models for placement that focused on working with youth in small therapeutic settings close to their homes. The successful pilot of B4B played a vital role in demonstrating that smaller local programs could, in fact, serve New York City's youth more effectively than large, remote institutions.

These reforms and others provided a strong foundation for Close to Home. The New York City reforms demonstrated that New York City youth could be better served by community-based services and supports when officials made the investment in those programs. In addition, during this period, arrests of youth in New York City declined significantly, including a 26% decrease in misdemeanor arrests and a 14% decrease in felony arrests from 2008 to 2012.⁵ All of this meant that far fewer New York City youth were sent to state custody. From 2008 to 2012, New York City cut the number of youth admitted to OCFS custody by 52% to just 489 youth.⁶ This smaller population made it feasible to create the continuum of care envisioned in the Close to Home initiative.

However, these reductions also dramatically increased the City's costs for the smaller number of youth ending up in state placements. How? State policy provided that local jurisdictions and the state should share the costs of youth placed in state-operated facilities equally. When the population of youth in OCFS facilities began to decline, in large part because of New York City's reforms, OCFS began raising its per diem rate to cover the costs of operating the same system that had existed prior to the reductions in placements. In fact, New York City ended up paying \$17 million more in 2012 than it had in 2010, even though there were far fewer New York City youth placed in state facilities.⁷ Moreover, ACS was bearing the ballooning costs of placement while also trying to fund the new array of community-based alternatives. The exploding placement costs were drawing resources away from the effort to invest in more effective alternatives to placement.

Moreover, at the state level, the appointment of Gladys Carrión as Commissioner of OCFS in 2007 signaled a determined effort to reduce institutional placements and shift to community-based programs and services. Commissioner Carrión and her leadership team, which included Felipe Franco as the Associate Commissioner for OCFS's Division of Juvenile Justice and Opportunities for Youth, eventually closed 23 state facilities. However, New York state law required OCFS to keep facilities fully staffed for a period of time, even though the number of youth in the facilities dropped dramatically. Since the total cost of operating the facilities stayed the same, the cost per youth increased enormously. The issue came to a head in 2010, when newly-elected Governor Cuomo visited the Tryon facility, which was scheduled

to close, with OCFS Commissioner Carrión. They found 30 staff members on the campus, but no young people. “It is ridiculous,” said Governor-elect Cuomo. “With a \$9 billion deficit, we're paying 30 staff people to baby-sit an empty building.” The visit was widely covered by the press as an example of state fiscal irresponsibility.

For Governor Cuomo and New York City Mayor Michael Bloomberg, it cemented their resolve to reform a fundamentally flawed system.

THE NATIONAL CONTEXT FOR CLOSE TO HOME

Reforms in New York State did not occur in a vacuum. At the time of Close to Home's passage, a growing national consensus had emerged that the nation's reliance on large institutions to house youth in the juvenile justice system was failing on numerous counts. In 2011, the Annie E. Casey Foundation released a landmark report, *No Place for Kids: The Case for Reducing Juvenile Incarceration*.⁸ The publication noted that the reliance on youth prisons and correctional training schools could be “neatly summarized in six words: dangerous, ineffective, unnecessary, obsolete, wasteful, and inadequate.”⁹

In addition to demonstrating the systemic problems with the traditional youth corrections model throughout the country, the report outlined a path forward for ending the reliance on large out-of-home placements. Indeed, as the report noted, jurisdictions were already taking such steps:

The idea of shuttering youth corrections facilities and substantially shrinking the number of youth in confinement may sound radical. But the reality is that in large swaths of the nation . . . it's already happening. Often prompted by lawsuits and revelations of abuse, or by mounting budget pressures, or by studies showing high recidivism, many states have slashed their juvenile corrections populations in recent years – causing no observable increase in juvenile crime rates.

Several states had led the way in closing large facilities and developing smaller programs in the community. During the early 1970s, Massachusetts closed its large and sometimes brutal state facilities and created the nation's first statewide network of small, community-based programs. Missouri closed its two “training schools” in the 1980s and in the 1990s developed a continuum of small, intensive programs, none with more than 40 beds, situated regionally in the state so that youth were always within driving distance of their families.¹⁰ The Missouri Model features individualized treatment plans, highly-trained staff, and an emphasis on preparing youth for re-entry to the community from the very first day of placement. By 2008, 85% of youth in state placements were involved in school, college, or employment at the time of their discharge from placement.¹¹

Other states showed that effective local incentives could significantly reduce reliance on state commitments. In 1993, Ohio instituted a program, called RECLAIM Ohio, which provided financial incentives to counties to keep youth in their communities rather than committing them to state placements.

Commitment rates dropped by 36%.¹² In 2004, Illinois began a similar program, called Redeploy Illinois. In the first three years, commitment rates in the four pilot counties fell by 55%.¹³

In 1996, Wayne County, Michigan, took over responsibility for youth in the juvenile justice system from the Michigan Department of Human Services. The county developed a long-term strategy to provide a continuum of services options based on a youth's needs and risks, locate services close to youth's families, reinvest savings in community-based services and provide incentives for local responsibility, and create a contract-based, privatized service network focused on adaptability and resiliency. By 2014, the county had reduced the daily number of youth in detention from more than 500 to approximately 100, diverted an estimated 5,000 youth from the juvenile justice system altogether, reduced the number of youth in state commitment facilities from 700 to 2, reduced recidivism from 56% to 16%, and decreased residential care costs from \$115 million per year to approximately \$45 million.¹⁴

More broadly, in 1992 the Annie E. Casey Foundation started the Juvenile Detention Alternatives Initiative (JDAI) to demonstrate that many youth incarcerated in local pre-adjudication detention facilities could be effectively supervised at home or in non-residential community-based programs without jeopardizing public safety. JDAI emphasized regular collection and analysis of data on detained youth, use of objective risk screening tools to control detention admissions, and development of community-based programs as alternatives to secure detention. JDAI is now in more than 250 jurisdictions in 39 states and the District of Columbia. JDAI sites have reduced the number of youth in detention by an average of 43%.¹⁵

Additionally, in 2004, the John D. and Catherine T. MacArthur Foundation launched its Models for Change juvenile justice reform initiative. Over the course of ten years, Models for Change developed a set of basic principles for a fair, effective, and developmentally appropriate juvenile justice system, and supported reform efforts in four "core" states, twelve "action network" states, and a dozen other "replication" states around the country.

Close to Home was able to draw upon the strategies used and lessons learned from these earlier reform initiatives, and the reform efforts in New York City and New York State were on the leading edge of this emerging national trend. Indeed, just four years after the passage of Close to Home, the U.S. Department of Justice's National Institute of Justice highlighted New York State as one of seven jurisdictions from across the United States that had embraced a new and more effective model of youth justice.¹⁶ To date, ACS has hosted international visitors from Australia, Singapore, England, South Korea, Norway, and Guam, as well as numerous juvenile justice officials from states throughout the U.S. who have wanted to learn from reforms, including Close to Home.

PHILOSOPHY AND CORE PRINCIPLES OF CLOSE TO HOME

ACS has taken the leading role in launching and developing the Close to Home Initiative, in partnership with many city and state agencies and organizations. It is difficult to understate the enormity of the task

that ACS and its partners faced in 2012, which included the re-integration of hundreds of youth who had formerly been incarcerated in facilities throughout the state and the creation of a brand new city-wide network of Non-Secure Placements, Limited Secure Placements, and community-based service providers to support these youth.

Non-Secure Placements (NSPs) are small (8-13 bed) home-like facilities that house youth who judges determine are in need of out-of-home placement. Many programs are operated in retrofitted homes and brownstones throughout New York City's five boroughs.

Limited-Secure Placements (LSPs) are small (6-20 bed) placement facilities that have more restrictive security features than NSPs and are generally reserved for youth who are determined to be higher risk than those youth in NSPs.

Close to Home's City-State Cost-Sharing Partnership

Close to Home's funding structure provides for a state block grant to New York City. The block grant is designed to cover half of the total costs of the services for youth expected to be served by the initiative. New York City covers the other half of the costs for Close to Home's services.¹⁷ This funding structure mirrors the long-standing funding arrangement for youth placed in state-operated facilities. Under this arrangement, New York State and local jurisdictions share the costs associated with youth in state-operated placements equally, recognizing that youth in placement are the shared responsibility of state and local jurisdictions.

Overarching Framework for Implementation of Close to Home

In ACS's work to implement the vision of Close to Home, agency officials have adopted two overarching frameworks for work with young people and families.

Risk-Needs-Responsivity

The Risk-Needs-Responsivity (RNR) framework is a nationally-accepted approach to providing services and supportive resources to youth and families in contact with the justice system. It is designed to maximize the chance for positive outcomes. The three core elements of the RNR framework are:

Risk: The intensity of programs is matched to the level of risk posed by the individual, with youth deemed to be at higher risk of reoffending receiving more intensive services than youth deemed to be low or medium-risk.

Needs: Interventions target specific criminogenic risk factors and needs identified by objective, research-based instruments.

Responsivity: Services are tailored to individual youth based on their developmental needs as adolescents and are grounded in evidence-based and evidence-informed models that have been shown to reduce recidivism and provide effective services for youth and their families.

Positive Youth Development

The Positive Youth Development (PYD)¹⁸ framework focuses on offering youth and families an opportunity to engage in services that promote pro-social, vocational, and academic engagement; creative expression; and positive adult and peer mentoring. PYD is grounded in research and evidence from youth justice systems that suggests that youth are more likely to achieve positive outcomes when offered meaningful opportunities to build skills and capitalize on their strengths, as opposed to focusing on punishing youth for their shortcomings.

The PYD framework also recognizes that “[m]easuring positive outcomes in youth justice requires a shift away from recidivism as the sole indicator of program effectiveness.” Simple measures of recidivism fail to capture the range of positive outcomes that officials hope to see in young people – for example, the formation of positive and supportive relationships with other youth and adults, increased labor market readiness, and improved educational achievement.¹⁹ Measuring outcomes according to a PYD framework “is more consistent with developmental science and offers a more suitable and comprehensive framework for measuring the effectiveness of youth justice services and systems.”²⁰

Core Principles of Close to Home

Within these two overarching frameworks, ACS has articulated seven core principles of the Close to Home Initiative, which appear on the following page.

1. Public Safety

- Intensive supervision of youth in well-staffed placements, as well as ongoing supervision and monitoring of youth on aftercare following their release, promotes public safety.

2. Accountability

- Officials strategically use data to inform policy and programming decisions and to assess the effectiveness and efficiency of the initiative.

3. Evidence-Based and Evidence-Informed Treatment

- Youth and families receive services that are targeted to individual risk factors and needs and that have a proven track record of achieving positive outcomes for public safety, youth, and families.

4. Educational Continuity and Achievement

- Educational achievement is a strong protective factor against future justice system involvement, so services support youth's educational engagement and progress while in placement, as well as a successful transition back to community schools.

5. Community Reintegration

- Youth develop ongoing relationships and connections with positive adults, peers, and community supports that are embedded in their own neighborhoods.

6. Family Engagement and Collaboration

- Services emphasize family support and engagement, as families play a vital short and long-term role in youth's treatment and rehabilitation.

7. Permanency

- Services are structured to develop, support, and maintain connections between youth and family members, as youth will ultimately return home after any time in placement.

CHALLENGES IN IMPLEMENTING CLOSE TO HOME

At the time of Close to Home's passage in 2012, ACS and its partners faced a monumental undertaking: creating a new continuum of juvenile justice placements and services in New York City that would allow for the return of hundreds of youth who were in state custody at that time. Additionally, the legislation set a very aggressive timetable for reform. ACS was required to ensure that the first set of placements for youth were open just five months after Close to Home was signed into law. By contrast, it had taken decades for New York State to create a juvenile justice system that had earned the labels of "ineffective," "inefficient," and "counterproductive."

Moreover, juvenile justice itself was a new endeavor for ACS. ACS was a child welfare agency that had only recently assumed responsibility for juvenile justice services in New York City following the merger of ACS and the New York City Department of Juvenile Justice (DJJ) two years prior in 2010.

This meant that at the time of Close to Home's passage, ACS was still acclimating to its responsibilities in the juvenile justice system. For example, ACS had almost no experience running residential facilities for young people in the justice system prior to Close to Home. Prior to the merger with DJJ, ACS operated just one 24-hour facility for children – a relatively small child welfare facility. Upon merging with DJJ in 2010, ACS assumed responsibility for operating three secure juvenile detention facilities and overseeing a network of non-secure detention facilities. While ACS was in the process of learning how to operate and oversee those facilities, ACS had to begin adding oversight of 30 brand new Close to Home placement facilities throughout the New York City area.

All stakeholders interviewed for this report agreed that Close to Home represented a better and more informed approach to working with youth and families in contact with the justice system. Not a single person expressed a desire to return to practices prior to the initiative.

The rapid timeline for the rollout of Close to Home, coupled with the inherent difficulties involved in a reform initiative of this scope, meant that there have been major challenges during the implementation of the initiative. This was particularly true in the early years of implementation, when ACS and its provider agencies were just beginning to serve in these new roles. Additionally, an initiative such as Close to Home, which is focused on serving youth in the least restrictive setting consistent with public safety, involves understanding and assuming the risk that some youth will continue to get in trouble despite the best efforts of all involved. This is especially true given the years of work that had been focused on limiting system involvement to those youth with the most serious needs and challenges.

All stakeholders interviewed for this report agreed that Close to Home represented a better and more informed approach to working with youth and families in contact with the justice system. Not a single person expressed a desire to return to practices prior to the initiative. Indeed, all of those interviewed offered suggestions for how to further enhance Close to Home moving forward.

The challenges facing Close to Home during the last five years have been significant, including:

- Overcoming initial resistance by OCFS facility staff and upstate communities over the impending loss of local jobs, and resistance by local communities in New York City to having new programs for justice-involved youth in their neighborhoods.
- Meeting the legislative requirement to develop a plan in five months that included how ACS would provide a continuum of evidence-informed, high quality community-based and residential programming; establish availability of all needed resources, including location of services and availability of providers; provide necessary and appropriate staffing; monitor quality of services; seek and receive ongoing community and stakeholder input; ensure staff working directly with youth received appropriate training; monitor the use of restraints, particularly mechanical restraints; ensure youth would receive educational, behavioral, mental health, and substance abuse services; develop gender-specific programs and policies to meet the needs of lesbian, gay, bisexual, and transgender youth; develop programs that were culturally responsive; reduce the disproportionate placement of youth of color in residential programs; reduce the number of youth who were absent without leave from placement; engage in permanency and discharge planning for youth who leave placements, including access to adequate housing, health insurance, education, and employment; develop comprehensive aftercare services; and develop plans to reduce recidivism.
- Soliciting and responding in detail to public opinions on the proposed plan for implementation of Close to Home through a comment period and a series of public forums held in all five New York City boroughs.
- Identifying the risk level and needs of hundreds of youth; determining whether currently-available programs met the risk and needs, and, if not, what kind of new programs were needed; and projecting the capacity necessary for each type of program.
- Managing the legal transfer of custody of hundreds of youth from state to city custody through negotiations with OCFS and hundreds of court hearings.
- Creating the staffing and infrastructure within ACS to manage the various aspects of implementation of Close to Home.
- Launching the first set of Non-Secure Placement facilities within just five months of Close to Home being signed into law, when the law required youth to begin returning from state custody.
- Opening over 30 Non-Secure and Limited Secure Placement facilities in the New York City area during the last five years, including negotiating contracts with many different providers; identifying and buying suitable buildings; retrofitting and renovating the buildings to meet city, state, and federal standards and codes; and managing delays under enormous time pressure.

- Recruiting and contracting with over a dozen community-based service providers, many of whom had little experience with youth in the justice system, to operate general and specialized placement facilities that offered a comprehensive continuum of medical, mental health, and other evidence-based and evidence-informed services and supports. This included working with a diverse group of providers to develop common expectations and standards about the quality of care and culture of the placements. In programs that required new staff, interviewing potential employees under tremendous time pressure to open programs was “like speed dating” according to some stakeholders interviewed for this report.
- Addressing the immediate needs of young people who had just spent many months in secure correctional environments, including identifying the youth’s treatment and supervision needs based on files and records provided during the youth’s transfer and initial assessments completed by ACS and Close to Home service providers.
- Developing a comprehensive set of policies, plans, standards, and performance measures to govern the two types of placement facilities that were created by Close to Home, as well as a structure and process for monitoring and supporting programs within ACS. There was a need for model service plans, monitoring instruments and schedules, quality assurance standards, and a set of policies and procedures to govern ACS and provider responsibilities under Close to Home.
- Coordinating with the New York City Department of Education to create community-based schools for youth in Non-Secure Placement, in addition to arranging for on-site educational services for youth in Limited-Secure Placement.²¹
- Developing a system of aftercare for youth who remained under supervision of ACS and the Family Court following their release from placement, in order to promote a successful transition back to families and communities.

The tasks above would have presented a daunting challenge for any city or state juvenile justice agency in this country. However, over the course of the last five years, ACS and its partners have positioned New York City and New York State as a national model for youth justice through the implementation of Close to Home.

CLOSE TO HOME’S ACHIEVEMENTS

The achievements of Close to Home fall into three categories: fulfilling the vision of Close to Home, meeting the challenges presented by implementation of the initiative, and implementing the seven Core Principles of Close to Home.

Fulfilling the Vision

Close to Home has clearly achieved its two fundamental goals:

1. Removing New York City youth from large, dangerous, expensive, and ineffective facilities far from youth's homes; and
2. Bringing the great majority of New York City youth home to New York City or the immediate area.

In addition, Close to Home has accomplished what is perhaps most critical to its success: achieving consensus among all stakeholders on the core vision and basic principles of the initiative and maintaining their support throughout the implementation process.

Meeting the Challenges

Close to Home was able to meet the challenges outlined above in large part due to dedicated leadership at ACS and the support of numerous state and local partners. At the state level, this includes administrators at OCFS and the support of the judiciary, including former New York Court of Appeals Chief Judge Jonathan Lippman and the Family Court's leadership team, among many others.

Within ACS, sustained support at the Commissioner level was critical, beginning with Commissioner John Mattingly, who supported many of the reforms that made Close to Home possible, and Commissioners Ronald Richter and Gladys Carrión, who managed the launch and early years of the initiative. It also includes the dedication and leadership of current ACS Commissioner David Hansell, who is working to strengthen and build upon Close to Home's early successes as the initiative matures.

Many of those who were interviewed emphasized the particular value of having former administrators from OCFS in leadership roles at ACS, including Commissioner Carrión and Felipe Franco, Deputy Commissioner of the Division of Youth and Family Justice. The initiative's success has clearly depended upon many individuals who have served as administrators and managers within ACS during the planning, launch, and evolution of Close to Home. However, many of those interviewed noted in particular the importance of continued and sustained leadership from Deputy Commissioner Franco over some of the most critical years of implementation of Close to Home.

As noted above, the initial challenges facing ACS and its partners were numerous and complex, and meeting them was a process that several people described as "building a plane while flying it." Yet the initiative has persevered, grown, learned from its mistakes, and provided many important benefits to children and families. As part of Close to Home, ACS and its partners:

- Submitted a 143-page plan for approval by OCFS just 10 weeks after the Close to Home legislation was signed.
- Responded in detail to public comments on the plan and held public forums in every borough of New York City.

- Determined the risk level and needs of all returning youth, and matched youth as closely as possible to appropriate programs.
- Managed the legal transfer of custody of hundreds of youth from state custody to city care.
- Created new divisions, new responsibilities, new training, and new policies and procedures within ACS to manage the implementation of Close to Home.
- Launched the first set of Non-Secure Placement facilities by the start-up date for the initiative, just five months after the law was passed and signed by the Governor.
- Contracted with more than a dozen community-based service providers to open more than thirty Non-Secure and Limited Secure Placement facilities in New York City, including programs that specialize in helping youth who have developmental disabilities, youth who engage in fire-setting behaviors, youth with problematic sexual behaviors, youth with serious emotional disturbances, and youth who have substance abuse and addiction problems.
- Weathered an initial spate of AWOLs by returning youth, which was sharply reduced in the second year of the initiative and which has continued to decline in succeeding years of the initiative.
- Developed a comprehensive set of policies, plans, standards, and performance measures to govern the two types of placement facilities that were created by Close to Home, as well as a process for monitoring providers and maintaining quality assurance.
- Partnered with the New York City Department of Education to establish two new community-based school programs for youth in Non-Secure Placement, in addition to providing on-site educational services for youth in Limited-Secure Placement.
- Created an aftercare process for youth who remained under supervision of ACS and the Family Court following their release from placement.

Implementing the Seven Core Principles of Close to Home

Many of the most significant improvements fall within the seven Core Principles of Close to Home, as articulated by ACS.

1. Public Safety

Close to Home depends on the supervision of youth in well-staffed and secure placements. As mentioned in the Challenges section above, Close to Home required the launch of the first set of Non-Secure Placements for youth returning from state custody within just five months of Close to Home being signed into law. ACS and its providers saw a high number of youth AWOL from placement in the first year of Close to Home's implementation. This is not surprising, given that most youth were transitioning from

Year-over-year improvements in safety measures indicate that ACS and its provider agencies have become more experienced and skilled at managing the youth population.

locked correctional facilities hundreds of miles from their homes to staff-secure but unlocked placements in New York City, most of which were near public transportation. Moreover, as also noted above, some Close to Home providers had little to no significant experience with youth in the justice system.

AWOLS have, however, fallen dramatically, with an 82% decline of AWOLs from youth in Non-Secure Placements from 2013 to 2016. Year-over-year improvements in safety measures indicate that ACS and its provider agencies have become more experienced and skilled at managing the youth population.

Close to Home also depends on high-quality supervision and monitoring of youth on aftercare following their release from placement. In recent years, ACS has relied on agency Permanency and Placement Specialists (PPS) and a group of aftercare providers that use evidence-based family therapy programs to support youths' transition home. As described below, ACS has plans to strengthen and streamline the provision of aftercare services by ensuring that youth are supervised by the same providers that worked with them while in placement, as opposed to having a separate set of aftercare providers who work with youth following their release. This continuity should strengthen connections with youth as they transition back to the community. Nevertheless, ACS released 836 young people onto aftercare from 2014 to 2016, and during that same time period, just 64 youth had their aftercare revoked for violations of terms of release, such as a new arrest.

Additionally, in 2015, ACS partnered with Cure Violence, an evidence-informed public health model that identifies and engages youth at highest risk of gun and gang violence. Cure Violence employs "Credible Messengers" to defuse street disputes and offer emergency crisis intervention, mediation, mentorship, and counseling. Cure Violence serves youth who reside within specific neighborhoods, and provides linkages to community-based pro-social activities to prepare youth for return home. In line with national best practice, Credible Messengers use an asset-based approach to engage youth and facilitate conflict mediation sessions in residential and school-based settings.

Close to Home is a relatively new initiative. Indeed, the program's Limited Secure Placements had their first full year of operation in 2016. Efforts to measure recidivism through re-arrest, re-adjudication, or involvement with the adult criminal justice system often take years to establish baseline data and coordinate and link data sets. As described below, now that ACS and its providers are operating the full continuum of programs envisioned by Close to Home, officials can pursue a meaningful research agenda designed to look at recidivism as a public safety outcome, along with other indicators of program success.

ACS released 836 young people onto aftercare from 2014 to 2016. During that same time period, only 64 youth had their aftercare revoked for violations of terms of release, such as a new arrest.

2. Accountability

The complexity and scope of the tasks needed to create a new array of community-based placements and services for New York City youth cannot be understated. As a new initiative, Close to Home began with several mechanisms in place to provide for accountability of the initiative to the public, as well as the accountability of providers to ACS. These accountability measures included annual public reports by ACS on a series of key metrics related to Close to Home's implementation, regular on-site visits and reviews by the New York State Office of Children and Family Services, and ACS's development of comprehensive plans for implementation of services following extensive review of and response to public comment.

Over the last five years, ACS has also built its internal capacity to monitor outcomes from the Close to Home initiative, including through regular reviews and assessments of provider performance. At the beginning of the initiative, ACS's limited staffing resources were focused primarily on getting facilities up and running and putting services in place for youth and families. This was necessary in view of the tight timetable for youth returning from state custody. However, this also meant that certain aspects of oversight, including contract monitoring and the capacity for routine on-site visits, were not fully developed in the early years of the initiative. This contributed to incidents such as AWOLs and assaults, incidents that led to investigations and recommendations from agencies including the New York City Comptroller and the New York City Department of Investigation.

Today, ACS has more than 20 staff who have part-time or full-time responsibility for oversight of providers and other services offered as part of the Close to Home – staffing that was made possible in part because of additional state and city funds dedicated to increasing oversight. This investment in oversight is reflected in data demonstrating an over three-fold increase in ACS staff visits to providers from 2015 to 2016, as well as the across-the-board increases in safety measures described above.

Nearly 80 percent of Close to Home sites expressed a positive and consistent relationship with their local police precinct.

ACS's implementation plan for Close to Home also provided for accountability to the communities in which Close to Home placements would be located. Stakeholders generally agreed that more outreach could have helped ease early tensions with community members who resisted placement of facilities within their neighborhoods. All ACS Close to Home sites do, however, have Community Advisory Boards (CABs) that include representatives of the surrounding neighborhood. In 2016, 93 percent of Close to Home sites held at least one CAB meeting, with an average of three to four CAB meetings each. Moreover, nearly 80 percent of Close to Home sites expressed a positive and consistent relationship with their local police precinct.

Additionally, all Close to Home providers now participate in the nationally recognized Performance-based Standards (PbS) program, which requires regular reporting of data on key indicators of facility operations, youth perceptions of safety and support while in placement, and family member satisfaction with services. Participation in PbS will allow ACS and its Close to Home providers to compare their

performance to benchmarks established by other placement facilities around the country, providing an additional measure of accountability.

Too much oversight can be counter-productive. As described in more detail below, there was consensus among stakeholders that, while oversight of Close to Home providers is necessary, the number of oversight entities and the evolution of oversight and monitoring practices has led to inefficiencies and a focus on process (as opposed to measures of performance and youth-focused outcomes). The “Sustaining and Strengthening” section below outlines recommendations to address those concerns.

3. Evidence-Based and Evidence-Informed Treatment

Close to Home's long-term success depends on youth and families receiving services that are targeted to individual risk factors and that have a proven track record of achieving positive outcomes for public safety, youth, and families. ACS has been able to promote this principle in several ways. First, providers that are operating placement facilities are using widely recognized models for working with young people in custody. Many Close to Home providers are implementing the pillars of the Missouri Model, a nationally recognized approach that is one of the most-replicated in juvenile justice reform efforts in the U.S. The Missouri Model is grounded in working with youth in small, home-like settings that provide intensive support to youth. Programs focus attention on youth's individual treatment needs and progress toward treatment goals – something that is not possible in large youth corrections facilities. ACS worked closely with national experts to adapt the core pillars of the Missouri Model for use in Close to Home.

Close to Home has also allowed ACS to contract for specialized placements that target youth with specific risk factors and service needs. For example, Close to Home providers operate programs that focus on youth who have been diagnosed with developmental disabilities and serious emotional disturbance, youth who have demonstrated problematic sexual behaviors, youth with substance abuse and addiction needs, and youth who have engaged in fire-setting behaviors. ACS can also adjust contracts with providers to respond to changing trends in referrals to Family Court. This specialization and flexibility was not possible for New York City's youth prior to Close to Home.

Finally, as mentioned in the introduction, ACS is integrating the use of a nationally-recognized tool, the Youth Level of Service/Case Management Inventory (YLS), to help guide treatment and service plans for youth as part of Close to Home. The Department of Probation has used the YLS to make recommendations for Family Court judges for many years. ACS is planning for full implementation of the YLS by March of 2018, which will help ACS further tailor services and supports for youth as part of Close to Home.

Many Close to Home providers are implementing the pillars of the Missouri Model, a nationally recognized approach that is one of the most widely-replicated in juvenile justice reform efforts in the U.S.

4. Educational Continuity and Achievement

Because educational achievement is one of the strongest protective factors against future involvement with the justice system, Close to Home's programs are designed to support youth's educational engagement and progress while in placement, as well as a successful transition back to community schools following release from placement. Through a partnership with New York City's Department of Education (DOE), ACS has ensured that, except for a small number of youth who are in placements just outside of New York City, all youth are receiving fully transferable credits while in placement. This did not happen when youth were in OCFS placements prior to Close to Home. Additionally, youth are engaged in DOE-approved curricula, making it more likely that youth can successfully transition back to a community school following their release.

Many youth entering Close to Home arrive with a history of disengagement from school, and many arrive with profound educational deficits and special education needs. As mentioned above, the juvenile justice system prior to Close to Home exacerbated this problem, as youth's credits in placements often did not transfer, leaving them even further behind than they had been before. As part of Close to Home, however, ACS and DOE have demonstrated progress in re-engaging students and making educational gains. Most youth in Close to Home placements attend one of two community-based schools operated by DOE's District 79, collectively referred to as Passages Academy. Of the 177 youth enrolled in Passages Academy during the 2016-2017 school year, youth earned an average of 9.3 credits (up from 6.3 during the 2013-2014 school year) and passed 91% of their courses (up from 68% during the 2013-2014 school year). Additionally, among middle school students eligible for promotion at the end of the school year, 93 percent of youth were promoted at least one grade level.

Most youth in Close to Home placements attend Passages Academy, operated by the New York City Department of Education. During the 2016-2017 school year, youth earned an average of 9.3 credits and passed 91% of their classes, continuing year-over-year improvements in both areas.

Close to Home has generated many other benefits that are not as easy to quantify but that certainly promote a positive educational experience. For example, youth attending Passages Academy attend a community-based school designed to look and feel like a New York City public school. Youth must get into the routine of preparing for a regular school day, including traveling to and from school and completing homework. By contrast, many youth in juvenile facilities attend school in a highly artificial and structured setting that is far from what they would encounter in a community-based school. By working to normalize the educational experience and put educational services at the center of youth's day, Close to Home has taken new steps to promote a successful transition back to the youth's home school or another appropriate community-based school.

As mentioned below, ACS, DOE, and Close to Home provider agencies are continuing to partner to identify opportunities to further enhance the educational services provided to youth while in placement and beyond. These efforts also include identification of opportunities to promote a successful transition to a community-based school during aftercare and after the end of a youth's supervision. Measuring the effectiveness of these efforts may yield additional insights about the educational services provided to youth through Close to Home.

5. Community Reintegration

Young people have the best chance of avoiding contact with the justice system if they have ongoing relationships and connections with positive adults, peers, and community supports that are embedded in their own neighborhoods. As implemented by ACS, Close to home has prioritized placing youth in neighborhoods close to or within easy traveling distance of their home, transitioning youth back home as soon as practicable (consistent with public safety), and connecting youth to pro-social activities and opportunities that they can continue to access following their time under Close to Home supervision.

The development of small, community-based programs throughout New York City has made it much more common for youth to receive services from a provider within traveling distance to a youth's home. Even for those youth not assigned a placement in or adjacent to their home borough, stakeholders noted that Close to Home providers were much more familiar with city-wide and locally-available resources in a youth's own community than staff in upstate facilities had been prior to Close to Home.

Over 150 youth in Close to Home participated in the 2017 New York City Summer Youth Employment Program (SYEP). Three NSP facilities became SYEP worksites.

Additionally, the ability to identify and connect youth with community-based supports, including a youth's own network of family members and other supportive adults, has meant that youth can be released from placements in shorter periods of time than if they were assigned to fixed periods of incarceration, irrespective of their progress in placement or the strength of their aftercare plan. For example, the median length of stay for youth in Non-Secure Placement facilities is about seven and a half months, and the median length of stay for youth in Limited Secure Placements just over six months. Close to Home has allowed youth to return home as soon as practicable, consistent with public safety, with a plan for ongoing community-based supports.

Finally, the fact that youth in Close to Home placements are in facilities that are located within and immediately around New York City means that ACS, provider agencies, and youth can capitalize upon programs and services available in their communities. For example, over 150 youth in Close to Home placements participated in the 2017 New York City Summer Youth Employment Program (SYEP). Three NSP facilities even became SYEP worksites, including special placements with New York City Department of Design and Construction and a local salon with a nationally recognized stylist. SYEP has allowed youth to gain valuable work experience in New York City, which holds the potential to translate into longer-

term employment opportunities. Such partnerships simply were not possible when youth were in facilities hundreds of miles away from their own neighborhoods.

6. Family Engagement and Collaboration

There is no question that Close to Home's efforts to bring youth closer to their families has yielded more opportunities for parents, caregivers, and other relatives to stay connected to their children, observe their progress while in placement, and partner in treatment and programming activities. For example, regular visitation simply was not an option for many family members prior to Close to Home. Research has indicated that increased family contact is correlated with fewer behavioral problems and improved academic performance of youth while in placement.²² Close to Home aligns with this research, as well as the core value of putting family members at the center of youth's rehabilitation and treatment. No matter where family members within New York City are traveling to visit with their child, there are many more opportunities for interaction thanks to Close to Home.

Families play a vital short and long-term role in youth's treatment and rehabilitation. Close to Home has made it much easier for ACS and its providers to engage in evidence-based family therapy models, such as Multi-Systemic Therapy and Functional Family Therapy, which help stabilize the youth's home environment prior to and upon their return. These evidence-based treatment models are widely used throughout the country because of their documented long-term effects on improved family dynamics, reduced recidivism, and long-term cost savings for the justice system.

Additionally, in 2016, ACS developed a new cadre of Family Engagement Conference Facilitators to help promote Family Team Conferencing at critical decision points within a youth's supervision under Close to Home. Family Team Conferencing can be very effective in developing service plans while youth are in placement and responding to incidents such as re-arrest or missed curfews. The Family Team Conferencing model is a nationally-recognized approach that prioritizes decision making in collaboration with the youth's family, his or her support circle, and service providers. Research shows that youth and family members are more likely to engage with services and programs when they feel they have had a meaningful voice in the planning process.

In 2016, 79% of youth in Close to Home placements successfully transitioned home to a parent or family member.

7. Permanency

As implemented by ACS, Close to Home focuses on structuring services to develop, support, and maintain connections between youth and family members, recognizing that youth will ultimately return home after their time in placement. One major achievement of Close to Home is the simple fact that almost all youth in Non-Secure Placements and Limited Secure Placements are just a subway or bus ride from family members. Even if youth are not placed in a facility in their neighborhood or home borough, family members have greater opportunity to visit their child in placement, participate in family activities and

programming, see their child make progress with their treatment goals, and meaningfully contribute to a plan for the youth's discharge.

All of these are important to achieving the ultimate goal of reuniting youth with their families following their time in placement. In 2016, 74% of youth were successfully transitioned from placement to their parents, and an additional 5% of youth were successfully transitioned to a family member other than a parent or legal guardian.

SUSTAINING AND STRENGTHENING CLOSE TO HOME IN THE FUTURE

All stakeholders interviewed for this report offered insights and recommendations for improving the effectiveness of Close to Home in the coming years. The common themes among these recommendations are outlined below, along with stakeholders' insights about lessons learned during the implementation of Close to Home to help guide reform efforts in other jurisdictions.

Opportunities for Improvement

As noted earlier in this report, although all of those interviewed offered recommendations for strengthening Close to Home moving forward, not a single person expressed a desire to return to the system that existed prior to Close to Home. That said, the following emerged as areas of potential improvement.

- **Strengthening aftercare.** The time following a youth's release from placement is critical, as it is the period in which youth transition from a highly-structured daily program to a time when youth must apply new skills, strategies, and insights in their own communities. All stakeholders agreed that this is an important time for young people and families in Close to Home. Many expressed concerns with the way aftercare had been structured in previous years of the Close to Home initiative. Criticisms included the fact that some youth transitioned to a different service provider for aftercare services following release from a facility, which did not take advantage of trust the youth had built with program staff while in placement. The transition required transfer of the information about a youth's case to yet another new person in the youth's life. Others expressed concern about potential overlap and confusion about roles and responsibilities between ACS's own Permanency and Placement Specialists versus the contracted aftercare providers. ACS has already arranged to allow the same LSP provider to provide aftercare services following a youth's release, which responds to many of these concerns. ACS is also exploring replication of this approach for youth in NSPs.
- **Re-enrollment and re-engagement with community schools.** As described above, youth entering Close to Home often enter the program with a history of unmet special education needs and a history of poor attendance. While many youth in Close to Home placements are accumulating credits, passing courses, and advancing grade levels, many stakeholders expressed a desire to strengthen the supports available to ensure that youth will re-enroll and

attend school following release from placement. For some, this meant focusing more on having youth attend courses according to their ability and grade level while in placement (as opposed to attending classes by facility), which would better prepare youth for the educational experience they are likely to encounter when re-enrolled at their home school. Others recommended re-enrolling youth in their home schools while they are in placement to help increase the likelihood of a successful transition. ACS has plans to pilot both of these recommendations in the coming months.

- **Using evidence-based tools to further individualize case planning.** As mentioned above, the New York City Department of Probation and ACS use a nationally recognized risk and needs assessment, the YLS, to determine the risk level assigned to youth, as well as particular treatment needs. Although the YLS is in place, many stakeholders believed that the tool was not being used to its fullest extent to tailor service plans to youth's individualized treatment and rehabilitation needs. ACS is in the process of re-training its Permanency and Placement Specialists on implementation and use of the YLS, and officials will be conducting audits of the YLS's implementation later this year.
- **Improving community-based services for girls.** Although females represent a relatively small number of youth entering Close to Home placements, many recognized that girls often struggle in the small number of placements available to them. Stakeholders believed that more could be done to meet girls' needs in the community, particularly since girls' offense histories generally reflect minor charges more often than boys who end up in placement. There was consensus on the need to study the population of girls entering Close to Home (and the juvenile justice system more generally) with an eye toward meeting needs earlier and before contact with the justice system.
- **Identifying and tracking additional indicators of the effectiveness and impact of Close to Home's services.** As discussed above, Close to Home and ACS have developed a series of oversight and accountability measures, including annual reports that provide routine information about the operation of Close to Home facilities and other youth outcomes. Most stakeholders requested additional and more regular information on outcomes associated with Close to Home, including improvements to reading and math skills, avoidance of future contact with the justice system, and successful employment or pursuit of post-secondary education opportunities.
- **Streamlining and Focusing Oversight of Close to Home Programs and Services.** Stakeholders recognized the importance of transparency and accountability to taxpayers and community members for outcomes associated with the Close to Home program. However, many expressed concern that the multiple agencies and entities that are engaged in oversight activities bring unnecessary redundancy. Moreover, the time spent preparing for reviews by one agency or another has limited the ability of providers to focus on enhancing services as opposed to simply reporting on current practices. Other stakeholders expressed a desire to streamline process measures (e.g., length of stay of youth in placements, number of youth

enrolled in courses) and move toward meaningful outcome measures that capture the deeper impact of Close to Home. These measures might include improved relationships with family members and increased connections with positive adults and peers in their community.

- **Obtaining qualitative information from youth and families about the strengths and shortcomings of the Close to Home program.** Many of those interviewed expressed an interest in obtaining insights from youth and family members who had participated in and received services, to better understand what youth and family members valued about the program and where they experienced the need for improvements or additional supports. Through participation in the Performance-based Standards program referenced above, providers have begun to collect some data on youth and family member satisfaction. ACS also plans to convene focus groups with youth, family members, and providers later this year.

Lessons for Other Jurisdictions

Close to Home has been cited by researchers, juvenile justice professionals, advocates, and public officials as a model for realigning the juvenile justice system with research and nationally-recognized best practices. As the call for more efficient and effective youth justice systems continues to grow throughout the country, six themes from the implementation of Close to Home emerged that should inform efforts to replicate the initiative.

- **Investments in reforms to divert youth away the justice system and to provide pathways out of the system made Close to Home possible.** Close to Home represents the latest in a line of innovations in how New York City and New York State have approached youth in trouble with the law. Those interviewed for the report made it clear that the work that had been done to dramatically reduce the number of youth in out-of-home placements and increase alternatives to involvement with Family Court made it possible for ACS to implement Close to Home. Jurisdictions considering their own Close to Home efforts should build on similar reforms to downsize their systems and make them more efficient and effective.
- **Visionary and dedicated leadership was necessary at all levels of government and at all levels of the initiative.** Close to Home was an enormous undertaking for New York State and New York City, particularly for ACS and its network of providers. Stakeholders interviewed made it clear that the vision and commitment of city and state leaders, and leaders within ACS and its partners, was crucial for Close to Home to weather the initial challenges and to improve year after year. Jurisdictions considering their own Close to Home reforms should ensure that their leaders are well-informed and onboard for the long haul.
- **More planning time could have avoided many initial problems.** Politics is the art of the possible, and Close to Home was enacted when the stars aligned at the state and city levels for vision, leadership, resources, and commitment. But ACS had only assumed any responsibility for juvenile justice services two years prior, and the agency had just five months from the date Close to Home was signed into law to the date that the first programs received youth returning from state custody. The initiative paid a price for the short preparation period. In hindsight, the timeline

was unrealistic, particularly given the need to negotiate contracts with providers to operate multiple placements and the need to identify, renovate, and permit buildings to house youth. Many stakeholders said that an additional six to nine months of planning time would have helped anticipate and reduce some of the problems that emerged early on in the initiative's implementation. However, stakeholders also noted that the legislation created an urgency behind dramatic structural changes to the youth justice system – changes that might have been slowed or stalled by political considerations had the timeline not been as aggressive as it was. Others noted that it took the lived experience of running a new set of placement facilities to enable ACS to craft policies and procedures that would reflect real-life operations. Jurisdictions considering their own Close to Home reform effort should provide an extensive period of planning and preparation in order to avoid some of the initial pitfalls that New York encountered.

- **Close to Home had to rely on relationships with some providers that had little or no experience with juvenile justice – a fact that presented short-term challenges but offered longer-term benefits.** As ACS recruited providers to operate the array of Non-Secure and Limited Secure Placements, many agencies responding to the agency's request had deep histories of working with at-risk and troubled youth, especially youth in the child welfare system. However, many did not have much or any direct experience with youth involved with the justice system, let alone working with youth in a secure residential setting. Stakeholders interviewed acknowledged that some providers' relative unfamiliarity with the youth population, coupled with a lack of time for adequate recruiting and training, led to initial problems such as altercations and AWOLs. However, most stakeholders stated that having providers that were focused on non-punitive, non-correctional therapeutic approaches to working with youth was an overall benefit in the long term, particularly given the poor outcomes associated with traditional youth correctional models. Stakeholders also emphasized the importance of requiring partnerships with non-profit providers (as opposed to for-profit entities) so as to avoid creating improper financial incentives for the placement of youth and retention of youth in placement longer than necessary.
- **Although the Close to Home legislation provided for community input in the form of public forums and the opportunity to comment on proposed plans, more outreach was needed to community members in advance of siting and opening placements.** ACS and its partner agencies invested significant amounts of time and energy in hosting forums for community members to provide input about the proposed plans for Close to Home. Public hearings occurred in every borough in New York City, and ACS responded in detail to public comments received by the public, advocacy organizations, and public officials. Nevertheless, stakeholders interviewed acknowledged that more work was needed to engage communities in which ACS and its provider agencies were planning to open Non-Secure and Limited Secure Placement facilities. Although provider agencies are required to convene Community Advisory Boards for all Close to Home sites, those interviewed for this report acknowledged that more on-the-ground conversation, education, and alliance-building would have helped counter the “not in my backyard” sentiment that existed among residents in many neighborhoods.

CONCLUSION

In five years, the Close to Home Initiative has transformed the experience of youth who come into contact with the justice system in New York City. By prioritizing investments in programs and resources within and around the neighborhoods in which youth live, Close to Home has begun to realign New York State's youth justice system with research and nationally-recognized best practices that give youth the best chance of becoming productive and law-abiding members of society.

As is expected with implementation of any initiative on the scale of Close to Home, ACS and its partners agencies have faced challenges over the past five years. However, the efforts described in this report to implement Close to Home and overcome those challenges have made New York City and New York State national models for reform. The work done to date has created a solid foundation upon which officials can continue to build a more effective, efficient, and equitable youth justice system for all New Yorkers.

¹ Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State, December 2009 (a report of Governor David Paterson's Task force on Transforming Juvenile Justice).

² *Id.* at 10.

³ Jennifer J. Ferone, Annie Salsich, and Jennifer Fratello, *The Close to Home Initiative and Related Reforms in Juvenile Justice*, January 2014 (Vera Institute of Justice). This report contains more detailed information about reforms in New York City that occurred prior to implementation of Close to Home.

⁴ Reagan Daly and Ben Estep, *Current Thinking: Brooklyn for Brooklyn Initiative*, October 2011 (Vera Institute of Justice), <https://archive.vera.org/blog/brooklyn-brooklyn-initiative>.

⁵ Division of Criminal Justice Services, Office of Justice Research and Performance, *Juvenile Justice Annual Update for 2012*, May 2013, <http://www.criminaljustice.ny.gov/ofpa/ij/docs/JJAG-5-21-2013.pdf>.

⁶ *Id.*

⁷ Jeffrey A. Butts, Laura Negredo, & Evan Elkin, *Keeping Justice-Involved Youth "Close to Home" in New York City*, John Jay College of Criminal Justice Research and Evaluation Center (March 2015), <https://johnjayrec.nyc/2015/03/16/stayingconnected>.

⁸ Richard A. Mendel, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, October 2011 (Annie E. Casey Foundation).

⁹ *Id.* at 5.

¹⁰ Richard A. Mendel, *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders*, 2010 (Annie E. Casey Foundation).

¹¹ *Id.* at 11.

¹² *Id.* at 31.

¹³ *Id.*

¹⁴ National Association of Counties, *County Leadership in Juvenile Justice Reform: Wayne County, Michigan* (December 2014).

¹⁵ Annie E. Casey Foundation, *JDAI at 25: Insights from the Annual Results Reports, 2017* (Annie E. Casey Foundation).

¹⁶ Patrick McCarthy, Vincent Schiraldi, and Miriam Shark, *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. *New Thinking in Community Corrections Bulletin*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142.

¹⁷ The legislation provides an avenue to adjust the block grant formula if increased demand for Close to Home's services exceeded the initial estimates, based on probation intake numbers.

¹⁸ Jeffrey A. Butts, Gordon Bazemore, and Aundra Saa Meroe, *Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development*, 2010 (Coalition for Juvenile Justice).

¹⁹ Jeffrey A. Butts, Emily Pelletier, and Lila Kazemian (2018). *Positive Outcomes: Strategies for Assessing the Progress of Youth Involved in the Justice System 1*. New York, NY: Research and Evaluation Center, John Jay College of Criminal Justice, City University of New York.

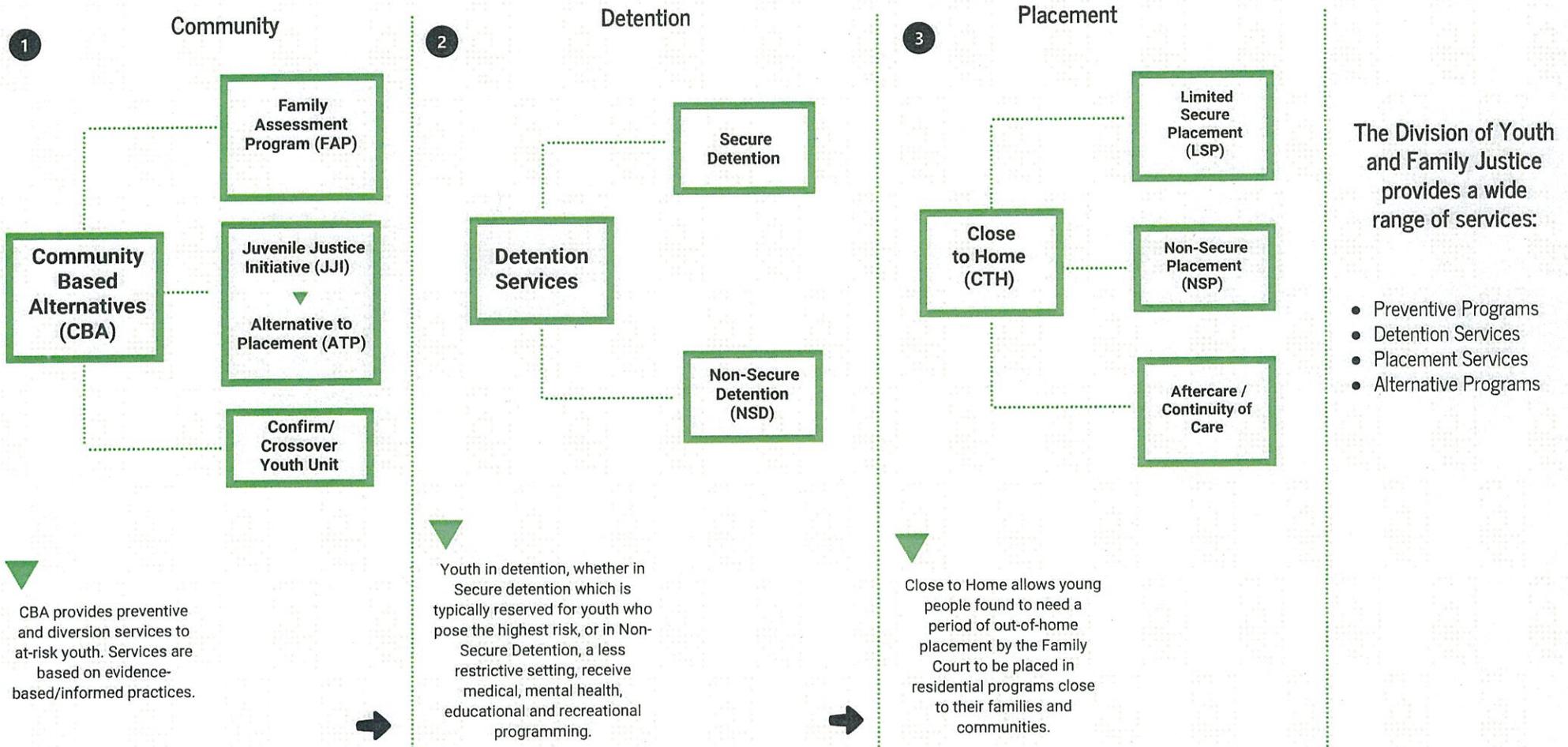
²⁰ *Id.* at 15.

²¹ ACS has also coordinated with two other school districts, Greenburgh Eleven Unified School District and Mount Pleasant Cottage School Unified School District, for youth in placements just outside of New York City.

²² Sandra Villalobos Aguledo, *The Impact of Family Visitation on Incarcerated Youth's Behavior and School Performance: Findings from the Families as Partners Project*, April 2013 (Vera Institute of Justice).

Division of Youth and Family Justice

Continuum of Juvenile Justice Services



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I represent: Community Connections for Youth

Address: NY

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Name: Jabrielle Pansio

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I represent: Lineage Project

Address: 195 Montague Street Brooklyn NY 11238

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Name: Lisette Nieves

Address: 369 E. 149th St, Hthk, Bx, NY 10455

I represent: Community Connections for Youth

Address: 369 E. 149th St, Bx, NY 10455

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Name: Anthony Wells

Address: 817 Broadway NY NY

I represent: President, L371 SSEU, DC37

Address: _____

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Name: Sophia Morel

Address: ~~_____~~

I represent: CASES

Address: _____

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Name: Caryn Thor Lesser

Address: 99 Park Ave New York NY

I represent: The Prospect Hill Foundation

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Name: Gisela Castro

Address: 175 Hamden Street, Brooklyn, NY

I represent: Exalt Youth

Address: _____

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Name: Alyssa Penone

Address: _____

I represent: Advocates For Children of New York

Address: _____

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Name: Stephanie Prussack, Associate Commissioner

Address: 150 William Street, NY, NY

I represent: NYC Admin for Children's Services

Address: _____

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Name: Felipe Franco, Deputy Commissioner

Address: 150 William Street

I represent: NYC Administration for Children's Services

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Name: Sara Hemmeter, Associate Commissioner

Address: 150 William Street, NY, NY

I represent: NYC Admin. for Children's Services

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Name: John Dixon, Associate Commissioner

Address: NYC Admin. for Children's Services

I represent: _____
↓

Address: 150 William St., NY, NY

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Name: JULIE PETERSON

Address: _____

I represent: THE PINKERTON FOUNDATION

Address: _____

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Name: Louis Padilla

Address: 1806 7th Ave APT 9E NY NY
10128

I represent: Youth Speakers Institute

Address: 11 Park Place NY NY
15th Fl

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Name: Kate Rubin

Address: 727 E. 10th Street, Brooklyn NY 11230

I represent: Youth Represent

Address: 11 Park Place, 15th Fl, NY, NY

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Name: USA Freeman

Address: 199 Water St

I represent: Legal Aid

Address: 199 Water St

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Name: Beth Powers

Address: 815 2nd Ave

I represent: Children's Defense Fund - New York

Address: 815 2nd Ave

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Name: Grant Childs

Address: Northwest Bronx Community

I represent: Citizens' Coalition for Children

Address: _____