



Testimony of

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Citizens' Committee for Children

*The Juvenile Justice Initiative (JJI)*

Before the  
New York City Council  
General Welfare and Juvenile Justice Committees

December 17, 2009

Good afternoon. I am Danielle Marchione, the Director of Communications and Government Relations at Citizens' Committee for Children of New York, Inc. (CCC). CCC is a 66-year old independent child advocacy organization dedicated to ensuring that every New York City child is healthy, housed, educated and safe.

I would like to thank the Chairs de Blasio and Gonzalez and Members of the General Welfare and Juvenile Justice Committees for holding this hearing today to take a closer look at ACS's Juvenile Justice Initiative (JJI). CCC commends the City Council for drawing attention to this alternative to placement initiative that should produce both better outcomes for youth and cost-savings for the City.

In 2008, 5,905 youth had charges brought against them in New York City Family Court. Family Court Judges issued orders that resulted in 547 youth being placed in OCFS facilities, 461 youth being placed in private, non-profit residential facilities, and 278 city youth in JJI.<sup>1</sup> All of these youth, whose cases are heard in Family Court, are between the ages of 7 and 16, and have been found to have committed an act that would be constituted a crime if they were an adult. About half of these youth are found to have committed misdemeanor offenses, ranging from shoplifting to marijuana possession.<sup>2</sup>

The State Office of Children and Family Services (OCFS) operates 23 facilities, most of which are upstate. In 2008, 1,632 youth were admitted to these facilities.<sup>3</sup> For city youth in OCFS facilities, the city and state equally share the placement costs, which average \$140,000-\$200,000 per child per year. This very expensive system has produced very poor outcomes for the youth and society overall. Recent reports by the federal Department of Justice, Citizens' Committee for Children, and the Governor's Task Force document the poor conditions of care for youth in these facilities, who are not receiving the rehabilitative services they need. Not surprisingly then, the youth are re-offending—OCFS has found that approximately 80% of the youth released from their facilities are re-arrested.<sup>4</sup>

While the placement of youth adjudicated to be juvenile delinquents (JD) into OCFS facilities has declined over time, more JD youth are being placed in private, non-profit residential treatment centers. These facilities tend to be closer to the communities the youth come from, less institutional, and employ less of a corrections-based approach; yet, the children in residential facilities have longer lengths of stay. When youth are placed in these private placements, the state share is no longer equal because the state portion comes from the inadequately funded foster care block grant. Thus, these types of placements are much more costly for the city—and thus, the city has expended considerable effort to divert youth from these placements through the use of JJI.

In August 2009 (the most recent month ACS data is publicly available), JJI was serving 210 youth.<sup>5</sup> These youth, who have been adjudicated Juvenile Delinquents in the Family Court, were recommended for placement at their dispositional hearing, but receive the services of JJI as “an

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<sup>1</sup> Child Welfare Watch. *A Need for Correction: Reforming New York's Juvenile Justice System*. Fall 2009.

<sup>2</sup> Citizens' Committee for Children. *Inside Out: Youth Experiences Inside New York's Juvenile Placement System*. December 2009.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Administration for Children's Services. *ACS Monthly Update. August 2009*. [http://www.nyc.gov/html/acs/downloads/pdf/stats\\_monthly\\_update.pdf](http://www.nyc.gov/html/acs/downloads/pdf/stats_monthly_update.pdf)

alternative to placement.” These youth are then placed on probation and a condition of their probation is that they participate in JJI. At this time, JJI is only offered as an alternative to placement for youth who otherwise would be placed in a private facility (and not for youth who would otherwise be placed in an OCFS facility). JJI is also provided to some youth as an aftercare service, after they are leaving placement.

JJI is thus a preventive service, preventing youth from being placed in a private facility and/or helping to expedite their return to the community. The city is spending about \$9-\$11 million on this program and has applied to the Robin Hood Foundation for an additional \$1.3 million.<sup>6</sup> JJI employs three models, Functional Family Therapy (FFT), Multi-systemic Therapy (MST), and Multidimensional Treatment Foster Care (MTFC). All of these models are evidence-based and at their core, provide services and therapy to the whole family (not just the youth). The cost per child for JJI is \$17,000<sup>7</sup> (compared to the \$140,000-\$200,000 price tag for facility care.)

CCC commends ACS for developing this innovative approach to helping youth remain in their homes and communities, receive the services they need, and produce better youth outcomes in a cost-effective manner.

Given the success to date, CCC offers the following recommendations to strengthen JJI, as well as the city’s larger core of services available to city youth.

- **Evaluation:**  
Given the high stakes involved in using this model for children adjudicated Juvenile Delinquents, CCC urges the city to seek the services of an outside consultant to conduct a vigorous evaluation of JJI, as well as the three different models (FFT, MST and MTFC).
- **Expansion for JDs:**  
CCC appreciates and understands the decision to reserve JJI for children at risk of placement in private facilities. CCC supports the recommendation that payment for both types of placements (OCFS facilities and voluntary residential facilities) be equally shared by the state and localities. Additionally, as the state looks to increase its alternative to detention and alternative to placement resources and funding, CCC urges the state to consider funding JJI and program approaches like JJI.
- **The City and the State must maintain and enhance its resources for JJI and other alternative to detention, alternative to placement and alternative to incarceration programs.**  
As the City has demonstrated, targeting resources to these alternative programs, produces both cost-savings and better outcomes for youth. As the number of children in the state’s facilities decreases, the state must close their under-utilized facilities and reinvest the savings into improving facility care and into these types of ATD and ATP programs. Similarly, the City should assess whether its juvenile detention system has more capacity than necessary, and if so, reinvest the savings into these types of programs.
- **Even in this budget crisis, the State and the City must maintain its commitment to the normative youth service programs, such as after school programs and Summer Youth Employment, which provide youth with positive experiences in which to**

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<sup>6</sup> Child Welfare Watch. *A Need for Correction: Reforming New York’s Juvenile Justice System*. Fall 2009.

<sup>7</sup> Id.

**engage, thereby preventing them from coming into contact with the juvenile justice system.**

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**Center for Court Innovation Testimony  
New York City Council  
General Welfare and Juvenile Justice Committees  
December 17, 2009**

My name is Carol Fisler, and I am the Director of Mental Health Court Programs at the Center for Court Innovation. Thank you for this opportunity to speak.

**About the Center for Court Innovation**

The winner of the 2009 Peter F. Drucker Award for Non-Profit Innovation, the Center for Court Innovation is a unique public-private partnership established to promote new thinking about how the justice system can respond more effectively to difficult problems like addiction, delinquency, child neglect, domestic violence, and truancy. In addition to its work in New York, the Center provides technical assistance to jurisdictions around the nation and the world, helping courts, justice system policy-makers and practitioners launch their own problem-solving experiments.

Over the past several years, the Center has created more than a dozen demonstration projects, including QUEST, that serve as alternatives to detention, placement, or incarceration. Other projects include:

- ◆ Bronx Community Solutions, an alternative to incarceration program, serving nearly 15,000 misdemeanor offenders in Bronx Criminal Court;
- ◆ Brooklyn Mental Health Court and Brooklyn Treatment Court, alternatives to incarceration for offenders whose behavior is driven by diagnosable mental health conditions or substance abuse, respectively;
- ◆ Midtown Community Court, a criminal court that combines punishment and help for quality-of-life offenders in midtown Manhattan;
- ◆ Red Hook Community Justice Center, a multi-jurisdictional court which provides alternative sanctions for adult offenders and delinquents in Southwest Brooklyn;

- ◆ Harlem Community Justice Center, which includes both family and administrative courts offering delinquents community-based supervision and services in lieu of detention and placement.
- ◆ Project READY, an alternative to detention for juvenile offenders with pending court cases in Richmond County that offers both community monitoring and after-school supervision.

### **Today's hearing**

This week, we have all had the opportunity to read the report of Governor David Paterson's Task Force on Transforming Juvenile Justice, including its recommendations that placement should be "reserved only for those who pose such a serious threat that no other solution would protect public safety."<sup>1</sup> The Task Force specifically noted that "too many young people are placed in institutions not because they are dangerous, but because they have social service and/or mental health needs that have not been met in their communities."<sup>2</sup> The Task Force found in their stakeholder interviews that judges regularly choose institutional placement over community-based dispositions for young people with mental health needs, in the belief that juvenile correctional facilities are the only place where they can be sure that these young people will get the services they need. Yet the Task Force also echoed the finding of the United States Department of Justice in its August 2009 report: that youth in the custody of the New York State Office of Children and Family Services routinely fail to receive necessary mental health services, getting instead inadequate evaluations, misdiagnoses and poorly-administered treatment.

I am here today to describe a new program model that can serve as an alternative to placement for young people with mental health needs, helping to connect youth and families to community-based services and assisting in their supervision. Let me start by noting the importance of the Juvenile Justice Initiative (JJI) in offering Family Court judges a dispositional option that helps young people and their families develop skills and make positive changes in their behavior to break the cycle of juvenile offending. The success of JJI in reducing recidivism for young people who would otherwise be in placement facilities is truly laudable, and I urge the City Council to support an expansion of JJI.

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<sup>1</sup> Governor David Paterson's Task Force on Transforming Juvenile Justice, *Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State*, December 2009 (hereafter, "Task Force Report"), page 11.

<sup>2</sup> Task Force Report, page 26.

Young people with mental health disorders are, unfortunately, currently excluded from JJI. Mental disorders are all too prevalent among justice-involved youth. The Department of Juvenile Justice reports that 43 percent of detained youth were referred for mental health services in 2009,<sup>3</sup> and OCFS reports that nearly half of youth screened at intake to their facilities have mental health needs.<sup>4</sup> Yet at the moment, there are extremely few options for judges making dispositional decisions about young people whose offenses and previous history indicate minimal public safety risks yet who have identifiable needs for mental health services.

Since October 2008, the Center for Court Innovation has been operating an alternative-to-detention program in Queens, which we call QUEST Futures, for pre-adjudicated youth with mental health problems. This program operates in close coordination with the QUEST (Queens Engagement Strategies for Teens) ATD program funded by the City as part of the continuum of supervision options put into place in the last two-and-a-half years. This fall, following the release of DOJ's report on conditions in four OCFS facilities and OCFS Commissioner Gladys Carrion's request that Family Court judges restrict their use of placement as much as possible, the New York State Office of Court Administration (OCA) asked the Center for Court Innovation to help it develop a pilot alternative-to-placement program for youth with mental disorders. OCA has now agreed to fund an expansion of QUEST Futures to provide a community-based disposition alternative for youth in Queens who would otherwise be placement-bound. I would like to give a brief description of the QUEST Futures ATD program as it has been operating for the last year and provide a preview of the alternative-to-placement program that we expect to launch in February 2010.

### **How It Works**

QUEST Futures seeks to provide a comprehensive, coordinated response to young people with mental illness in the juvenile justice system in Queens, New York, establishing a clinical team that serves as a resource to all players in the juvenile justice system and as a bridge between the juvenile justice and mental health systems. The QUEST Futures alternative-to-detention

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<sup>3</sup> Mayor's Management Report, Fiscal Year 2009

<sup>4</sup> Task Force Report, page 59.

program works with young people who have mental health disorders beginning at the earliest stages of the delinquency process and remains involved with them and their families throughout the life of their cases. The program facilitates mental health screening, assessments, treatment planning, service coordination, case management, and supervision. The alternative-to-placement program expansion will provide the same services to young people who are referred at a later stage of the delinquency process.

#### Target population and referrals

Initially, QUEST Futures received referrals exclusively from QUEST ATD, using a nationally validated mental health screening instrument, the Diagnostic Predictive Scales (DPS), to flag any QUEST ATD participants who might benefit from a more complete mental health assessment. Once flagged, project staff, with parental and youth consent, conduct a comprehensive mental health assessment, discuss treatment plan options with the young person and parent, and invite them to participate voluntarily in QUEST Futures. Over the first several months of 2009, QUEST Futures began accepting referrals from other sources: (1) the Department of Probation's Intensive Community Monitoring program, a program in New York City's alternative-to-detention continuum that provides supervision to young people requiring field monitoring by Probation officers; (2) Family Court judges, who use the program as another alternative-to-detention option, ordering young people with mental health issues to participate as a condition of keeping them in the community; and (3) law guardians, who might seek the release of their clients with mental health problems from detention facilities on the condition that they participate in community-based services.

The expanded QUEST Futures ATP program will serve adjudicated youth in Queens. At the dispositional stage, upon the request of a judge, QUEST Futures will perform a preliminary mental health screening with the DPS, followed by a comprehensive mental health assessment, and will discuss treatment plan options with the young person and his or her parent or guardian. QUEST Futures staff will provide a written psychosocial assessment, including treatment plan recommendations, to the judge, who judge may order that a respondent participate in QUEST Futures ATP as a condition of probation. The program will also function as a court-monitored alternative to violation for juvenile probationers at risk of revocation where non-compliance is



driven by mental health concerns. (Approximately one-third of young people in placement are there due to probation violations.)

For both the ATD and ATP programs, young people are eligible to participate if they (a) have a designated mental health disorder (including psychotic, mood, anxiety, and disruptive disorders); (b) have experienced impairment in functioning in self-care, family life, social relationships, self-direction, self-control, and/or learning ability; (c) do not present a foreseeable risk to public safety; and (d) have a family member or other responsible adult who will provide support.

*Clinical team.* The core program element of QUEST Futures is its clinical team, which is led by an experienced social worker and, after program expansion, will include three master's level case managers. For adjudicated youth, the clinical team will coordinate its activities and services with the Queens Family Court Mental Health Services (MHS) Clinic, which is usually ordered to conduct a diagnostic assessment of a youth if placement is being considered. MHS, however, is not charged with, nor does it currently have the capacity for, developing individualized treatment plans, conducting a broader assessment of the service needs of the family, or assisting young people and their families with accessing community-based services. QUEST Futures thus expands both (1) the information available to judges at the dispositional stage on the mental health needs of respondents, supplementing the MHS report with specific recommendations on the components of an appropriate treatment plan and (2) the capacity of Family Court to link delinquent youth to community-based services.

*Treatment plans and services.* In formulating treatment plans, QUEST Futures gives full consideration to all domains of participants' lives – individual, family, school, peers, and community. Individualized treatment plans typically include links to community-based mental health services, including individual therapy, cognitive behavioral therapies, intensive case management services, home-based crisis intervention, family education and support services, and school-based mental health services. Participants are also linked to substance abuse treatment and other services that will help them develop skills and engage in pro-social activities, such as recreation, tutoring and employment services. Program staff work closely with families and

providers to secure appropriate school placements to maximize engagement and success in school.

QUEST Futures staff engages participants in frequent one-on-one counseling sessions while treatment placements are pending and in periodic case management meetings after linkages are in place. Given the central role of families, staff works closely with the children's parents or guardians to provide support. This includes helping parents and guardians to enroll in entitlement and health insurance programs, providing linkages to community-based services (such as mental health and substance abuse treatment and job training referrals) for the adults, and running a parents' support group. In all cases, QUEST Futures serves an overarching case management role, helping the youth and family maintain connections to community-based services for as long as the young person remains involved in the juvenile justice system and seeking to ensure that linkages to services remain in place after the youth completes probation.

*Monitoring.* QUEST Futures, with appropriate consents and releases from parents and guardians, monitors the provision of services by maintaining regular contact with providers and schools. For mandated participants, project staff provides regular reports to the court and Probation. Keeping close tabs on participants' progress in treatment facilitates a quick response if a young person is doing poorly or is not complying with court mandates. QUEST Futures staff advises court players and service providers on the use of clinically appropriate consequences, such as changes in curfew times, community service requirements, or intensified treatment, in response to both positive progress and non-compliance.

*System coordination.* Courts cannot act on their own to solve the multi-faceted problems facing young people, nor should courts seek to duplicate services that already exist. QUEST Futures relies on an advisory committee which includes judges, attorneys, and City and State agencies involved in juvenile justice and mental health. At a client level, QUEST Futures convenes periodic case review meetings to coordinate efforts on individual program participants, achieve continuity of care, and be of maximum assistance in helping young people achieve stability and law-abiding behavior.

Program evaluation. The Center for Court Innovation is conducting a process and impact evaluation of QUEST Futures, using participants in an alternative-to-detention program in Brooklyn as a comparison group. The Center is seeking funding to conduct a comparable impact evaluation of the ATP expansion, using juvenile probationers in Brooklyn who have been violated or are at risk of violation as a comparison group. The Center is also conducting a process evaluation of QUEST Futures, including a comparison of its pre-adjudication and post-disposition program components.

### **Outcomes**

The overarching goals of QUEST Futures are to reduce the use of detention and placement and reduce repeat offending by young people with mental illness. The combined target of QUEST Futures, after full program implementation, is to enroll 120 to 150 youths in Queens per year, both before adjudication and after disposition.

QUEST Futures is on its way to meeting program goals. In its start-up year, QUEST Futures provided case management and family support services to 62 young people with a wide variety of mental health disorders. Approximately 20 percent of the program participants were mandated to QUEST Futures by delinquency judges; all of these participants have remained in compliance with their judicial mandates. Among the voluntary participants, we have seen a high degree of engagement in the program and community-based services, with half of all program participants choosing to remain in the program voluntarily after receiving a disposition of probation. Interestingly, the families of two participants who were placed in OCFS facilities have asked to remain involved in the program. QUEST Futures staff is continuing to provide family support services and will help the two young people and their families with re-entry when they leave OCFS placement.

The intensive case management and family support model offered by QUEST Futures is highly cost effective. Program costs are estimated to be \$6,000 per youth served per year, compared to \$210,000 per year for each young person placed in a state facility.

### **Funding**

To date, all funding for the QUEST Futures ATD program has been provided by federal and private foundation grants, most of which will expire by the end of 2010. We urge the City Council to provide funding to sustain QUEST Futures over the long run and to support its replication in other boroughs.

### **Conclusion**

My primary purpose in testifying today is to describe a promising alternative-to-placement program model for young people with mental health problems who would otherwise be facing time in a juvenile placement facility. But I would also like to highlight the findings of the Task Force on Transforming Juvenile Justice that youth who spend time in detention before adjudication are far more likely than non-detained youth to enter a placement facility after disposition. Today, far too many young people with mental health disorders in the juvenile justice are being placed in facilities that neither provide effective mental health treatment nor reduce re-offending. QUEST Futures presents an opportunity to break the pattern of incarceration and re-offending at both the pre-adjudication and the dispositional stage. The Center for Court Innovation urges the City Council to support long-term funding for QUEST Futures and the replication of the program in all boroughs.

Joint Hearing of the Committee of General Welfare and the Committee for Juvenile Justice

Oversight—ACS' Juvenile Justice Initiative

December 17, 2009

Thank you council members Bill Deblasio and Sarah Gonzales for hosting this meeting. I'm Kendra Hurley, one of the authors of a new report called "A Need for Correction: Reforming New York's Juvenile Justice System," published by the Center for New York City Affairs at the New School.

As others have said today, over the last few years, city officials have dramatically reduced the number of juvenile delinquents sent to institutions through cheaper and more humane alternatives-to-incarceration, like the Juvenile Justice Initiative (JJI).

Our report looks closely at these programs. We and most everyone we spoke with is optimistic about these programs, and it's clear they have been very successful in keeping more than two-thirds of the children they serve out of institutional placements, at least for the period in which they are enrolled in the program.

And recidivism rates for children who have been incarcerated are so high that nearly everyone involved is eager to try these alternatives.

But it can be hard for family court judges to recommend alternatives to placement without reservation when they do not know how effective these programs are at preventing violence and criminal behavior. Many of the alternative programs in place today in New York City, including JJI, are adaptations of proven national models to prevent violence. These national models have been the subject of rigorous research in other states; however, these "evidence-based models" have been changed and adapted for application in New York City, and the research published in other states may not be applicable.

There have been no studies that provide information about outcomes—including long-term recidivism and re-arrest rates—that is comparable across various programs. To ensure the effectiveness and longevity of these programs, we recommend that the state Office of Children and Family Services together with private philanthropy sponsor rigorous, long-term research on the effectiveness of these programs, looking at recidivism and rearrest rates. Family Court Judges need to be able to compare how well young people do in the various alternative programs with how well they do when sent to institutions.

Our report also found that programs like JJI should save the city money, because institutions are so expensive. But we found the city's costs have actually increased in recent years, even though admissions to institutions are way down. That's because of flukes in the formulas that divide costs between the city and state.

If a judge sends a youth to a state-run facility, the cost is shared by the city and the state. However, if a judge sends a youth to a residential treatment center run by a non-profit organization, like Children's Village, the city pays the entire cost. While the number of children

going to state facilities has decreased, the number sent to private placements has been increasing. Today, 50 percent of the juvenile delinquents in residential placement are in state-run juvenile correctional facilities and 50 percent are in nonprofit residential treatment centers. This is a radical departure from just eight years ago when about 75 percent of incarcerated youth were in OCFS care, and only 25 percent were in the private facilities. That means the costs to the city are up.

The Juvenile Justice Initiative (JJI) was expected to save the city money by reducing the number of young people placed in any facility. Though the program has succeeded at keeping more youth out of placement, it has not saved the city money. With nearly \$11 million of city money invested in the community-based JJI each year, the city nonetheless continues to spend the same amount on housing young people in private facilities.

We recommend that the governor and state budget officials change the funding scheme for juvenile delinquents placed in nonprofit-run residential and alternative-to-placement programs, so that teenagers will benefit from whatever services they need, and so that nonprofit and alternative programs are not subject to the vagaries of exclusively local funding.

More recommendations are in the report which I will hand out. Thank you for your time and interest in this important issue.



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## TESTIMONY

The Council of the City of New York  
Committee on General Welfare  
Bill de Blasio, Chair  
Committee on Juvenile Justice  
Sara Gonzalez, Chair

Oversight Hearing: The Administration for Children's Services'  
Juvenile Justice Initiative

December 17, 2009  
New York, New York

The Legal Aid Society  
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The Legal Aid Society submits this testimony to the Council, and we thank the Committees on General Welfare and Juvenile Justice, and Chairs de Blasio and Gonzalez, for inviting us to share our thoughts on the Juvenile Justice Initiative of the New York City Administration for Children's Services.

The Legal Aid Society is the nation's largest and oldest provider of legal services to poor families and individuals, providing legal representation in more than 300,000 legal matters for clients each year. Legal Aid's Juvenile Rights Practice provides comprehensive legal representation to children who appear before the New York City Family Courts in all five boroughs, in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our Juvenile Rights staff represented some 34,000 children. Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, and State and City agencies. In addition to representing many thousands of children each year in trial and appellate courts, Legal Aid also pursues impact litigation and other law reform initiatives on behalf of our clients.

The New York City Administration for Children's Services began its Juvenile Justice Initiative (JJI) in 2007. Combining an alternative to placement program with aftercare services, JJI has proven to be an effective community-based option for hundreds of our clients whom judges would have otherwise sentenced to OCFS facility placements far from home. JJI's model, like other such community-based alternatives, provides intensive services to youth and their families. The goals of these programs are to keep children in their communities, assist the children and their families with underlying issues, and by doing so reduce delinquent behavior and recidivism, and increase appropriate



parental response to adolescent issues. JJI and similar programs are highly effective but in short supply. We urge the City to greatly increase the availability of alternative programs like JJI and Esperanza, so that Family Court judges will truly have a range of dispositional options available to them when children are found delinquent.

### **The Juvenile Justice System and the Need for Alternatives**

As outlined in the recently released report by the Governor's Task Force on Transforming Juvenile Justice, New York has created a juvenile justice system in which primarily low-income children of color are arrested and prosecuted often to the fullest extent in Family Court for what often amounts to normative teen behavior or in legal terms, misdemeanors<sup>1</sup>. Graffiti, talking back to an officer, and minor school fights are not dealt with through counseling, mediation, and the engagement of families, as they are for middle and upper class families. Instead, minor incidents are blown out of proportion and when combined with some family dysfunction can result in children being removed from their homes and finding themselves in jumpsuits, shackles, and barbed wire for months or even years. This is not the picture of a juvenile justice system that is rehabilitative rather than punitive.

When this type of treatment becomes a normal expectation of childhood for so many of our children, they lose their dignity, humanity and self-respect. These children deserve far better from our schools, the police and all of the health and human services agencies whose mission it is to help children and families. Providing true rehabilitative

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<sup>1</sup>Although the New York City Department of Juvenile Justice no longer posts statistics related to race on its website, almost the entire detention population consistently has been composed of youth of color -- approximately 60% of those detained pre-trial are African-American and 37% are Latino.

services to children and their families also requires vigilant oversight, both from within the system and outside it. Hearings such as this one serve that essential function.

The development and maintenance of community-based alternative to detention and alternative to placement programs are a vital part of allowing children charged with delinquency to be treated as we would want our own children to be treated. For years, Legal Aid and other children's advocates have repeated the importance and success of community-based alternatives. The recent condemnation of our current system of incarceration for children by the U.S. Department of Justice only begins to discuss the serious problems with relying on a system of imprisonment for children. We at Legal Aid have observed these problems for years – placements in OCFS facilities expose young people to physical and psychological harm, abuse, and a woeful lack of education and mental health treatment, and result in stunningly high recidivism rates. While we are pleased that the City is now engaged in creating a continuum of community-based alternative to detention (pre-trial) programs, which are, in many cases, keeping children out of detention who can safely remain at home, a robust system needs to be in place for children at risk of placement.

Alternative to placement (after a finding a delinquency has been made) programs such as JJI and Esperanza are proven successful methods of keeping children in their communities while providing the treatment and services necessary to ensure a lower recidivism rate. We fully support the use of these programs for children who otherwise would have been removed from their families and imprisoned in the State's Office of Children and Family Services (OCFS) juvenile prisons.

## **The Human and Financial Costs of Detention**

Too many children are placed in OCFS facilities through court proceedings, partly because the City lacks community-based alternatives. The large majority of young people detained by the Family Courts, for example, are accused of delinquent behavior involving nonviolent, misdemeanor offenses. Similarly, many young people who are placed with OCFS have been found guilty of no violent offense. Those placed at the OCFS juvenile prisons, however, are significantly more likely to be rearrested than those who remain in the community following adjudication of their delinquency case. In March 2009, the results of a long-range research study of youth released from OCFS custody were released. The research report, submitted to the United States Department of Justice, used a research sample of 999 youth released from OCFS custody, and found that by age 28, 89% of boys and 81% of girls were rearrested; 83% of boys and 63% of girls were rearrested on felony level charges; 85% of boys and 68% of girls were convicted; and 71% of boys and 32% of girls spent time in an adult jail or prison.<sup>2</sup> Community-based alternatives, in contrast, which provide intensive services to children and their families while they remain at home and in school, have much lower recidivism rates and cost far less in dollars than incarceration. It is hard to imagine supporting a system with a 20% success rate. In no other forum would this be acceptable.

The Administration for Children's Services has recognized the importance of keeping young people at home in creating its Juvenile Justice Initiative, serving young people in their communities who otherwise were bound for post-dispositional placement.

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<sup>2</sup> Colman, Kim, Mitchell-Herzfeld and Shady, OCFS, *FINAL REPORT: Long-Term Consequences of Delinquency: Child Maltreatment and Crime in Early Adulthood*, March 31, 2009.

Alternative to placement programs are not only cost-effective but more humane. They avoid the additional trauma of breaking children apart from their families, serve children better than incarceration, and serve our City as well.

A 2006 policy brief released by the national Justice Policy Institute (JPI) showed the harm caused by the unnecessary over-incarceration of children, and called on practitioners and policymakers to reduce the number of youth needlessly or inappropriately detained. Seventy percent of youth in detention are in detention for non-violent offenses. The study concluded that incarcerating youth is not cost-effective and does not lead to safer communities, and found that community-based settings are proven to reduce recidivism and crime in a cost-effective manner.

Showing the dangers of detention and incarceration, the JPI study found that detention does not deter most children from criminal behavior; congregating youth together for treatment in a group setting produces a higher recidivism rate and poorer outcomes; and youth who are incarcerated are more likely to reoffend than youth who are supervised in a community-based setting. The JPI study confirms, again, that detained youth often fail to return to school and have reduced success in the labor market. The brief calls on policymakers to stop wasting tax dollars on a failing and harmful system when there are proven alternatives that are more cost-efficient and do not jeopardize public safety.<sup>3</sup>

### **The JJI Program**

The JJI program's own description summarizes the effectiveness of similar models: "Research with juvenile delinquents has demonstrated conclusively that youth who remain

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<sup>3</sup>Justice Policy Institute (Holman & Ziedenberg), *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and other Secure Facilities*, November 2006.

in the community and receive intensive therapeutic services achieve better outcomes than those sent to out-of-home placements. In numerous randomized trials in other jurisdictions, the therapeutic interventions utilized by JJI have resulted in a 30-70% decrease in recidivism, numbers that hold great promise for New York's court-involved youth, their families, and the public safety of the community at-large, at a fraction of the cost of residential placement." (ACS website, [www.nyc.gov](http://www.nyc.gov))

Functional Family Therapy (FFT) Multisystemic Therapy (MST), and Multidimensional Treatment Foster Care (MTFC) are all parts of the JJI program. Both FFT and MST are centered around therapy that is provided to the entire family in the home. MTFC combines a young person's stay with a highly trained foster family with therapy and work with the youth's own family in preparation for the return home. Each of these programs has been proven to be far more effective in reducing the rate of re-offending than imprisonment in juvenile facilities.

### **Conclusion**

The City's move to expand the availability of effective alternative to placement programs for children adjudicated delinquent is long-awaited but welcome. Thank you for the opportunity to speak on this important topic.

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**City Council Committees on General Welfare and Juvenile Justice Hearing**

**Testimony by Gilbert Taylor**

**Deputy Commissioner for Family Court Legal Services**

**New York City Administration for Children's Services**

**December 17, 2009**

Good Afternoon Chair de Blasio and Chair Gonzalez and members of the General Welfare and Juvenile Justice Committees. My name is Gilbert Taylor and I am the Deputy Commissioner for Family Court Legal Services at the Administration for Children's Services. I appear before you today with Leslie Abbey, Executive Director for Children's Services' Juvenile Justice Initiative (JJI). We would like to take this opportunity to provide an overview of the Juvenile Justice Initiative administered by Children's Services.

**Why the Juvenile Justice Initiative is an Important Part of Children's Services**

As the Council is aware, Children's Services is the City's child welfare agency, responsible for protecting children and strengthening families. We aim to fulfill this mission by providing a range of services to vulnerable families, including child protection, foster care, preventive services, and subsidized child care and Head Start. In New York State, and in the country, there is significant overlap between the child welfare system and the juvenile justice system. In fact, 80 percent of the families served by our Juvenile Justice Initiative have an active Children's Services case at the time of enrollment in this program or have a history with the child welfare system. Many of these families struggle with concrete service needs that must be addressed before meaningful clinical treatment can begin.

The Juvenile Justice Initiative provides services to youth who have been adjudicated a juvenile delinquent in Family Court. Juvenile delinquents, commonly referred to as "JDs," are youth under the age of 16 who have been arrested for committing criminal acts and who are prosecuted in the Family Court. Once a young person has been adjudicated a juvenile delinquent in Family Court, he or she faces a range of "dispositional" options, including a term of probation, supervision, or placement outside his or her home. When youth are placed, they are most often placed into the custody of the New York State Office of Children and Family Services (OCFS), either in a state-run facility or a privately operated facility.

Research with juvenile delinquents demonstrates that youth who remain in the community and receive intensive therapeutic services achieve better outcomes than those sent to out-of-home placements. In 2006, Children's Services recognized a need for a preventive program within the City's child welfare system to address the myriad needs of families whose lives are touched by both the child welfare and juvenile justice systems. Children's Services developed the Juvenile Justice Initiative to support the statewide reduction of the number of delinquent youth being placed into residential facilities; shorten lengths of stay for those youth who are placed in residential care; reduce recidivism; and improve individual and family functioning. As a result, JJI services not only impact a young person's juvenile justice involvement, they also address the child welfare challenges that often drive a youth's delinquent behaviors.

JJI is part of Children's Services' ongoing commitment to reduce reliance on institutionalized care, while protecting and empowering youth and families in times of crisis. With JJI, young people who have committed delinquent acts receive the supervision and support they need to change their life trajectories.

The therapeutic interventions utilized by JJI are also considerably less expensive than out-of-home placements. JJI costs on average \$17,000 per youth, 37 percent of which is paid for by the City and 63 percent by the State. Placements in privately operated facilities cost approximately \$140,000 per youth, fully paid for by the City. Placements in the state-run OCFS facilities cost as much as \$210,000 per youth, which is split evenly between the City and the State.

### **Overview of the Juvenile Justice Initiative**

The Juvenile Justice Initiative consists of two components. First is JJI's Alternative-to-Placement (ATP) program. The ATP provides intensive, evidence-based alternatives to placement for young people who have been adjudicated juvenile delinquents. Second are JJI's aftercare services, called the "Intensive Preventive Aftercare Services" or "IPAS." IPAS provides evidence-based re-entry services for youth returning from the privately operated juvenile placement facilities, as well as intensive oversight of each individual placement with the goal of shortening lengths of stay to an average of seven months.

On an annual basis, JJI serves approximately 300 youth and their families across all five boroughs in its ATP program. The pool of youth considered for the ATP program are those for whom the court has directed that an "Exploration of Placement" be completed to assess whether the young person should be placed outside of his or her home in private placement facilities. Children's Services' JJI staff located in each borough assess youth for acceptance into the program based on a number of criteria, including the willingness and ability of the young person and his or her family to participate in treatment. Children's Services' JJI staff also testify in court about the appropriateness of JJI services as an alternative to placement for a



particular young person. All youth involved with JJI have been recommended for placement, but receive a term of probation instead. The condition of probation is to comply with JJI services. Thus, all youth in JJI would have been placed into a facility if JJI were not available.

JJI's ATP program utilizes two therapeutic modalities: Multisystemic Therapy (MST) and Blue Sky. Both address the known causes of antisocial behavior comprehensively - at youth, family, peer, school, and community levels. With MST treatment is relatively short-term and in most cases lasting approximately six months. This treatment intervention takes place in the home, school and neighborhood of the young person and his or her family. Central to the treatment are intensive weekly therapy sessions in the home with the parent(s) and young person. With MST, caregivers are critical to achieving favorable outcomes for their adolescents. Therefore, MST focuses on empowering caregivers and utilizing or changing the natural environment of the young person - including family, peers, and other systems in which the youth comes into contact - to change the young person's behavior. The therapy works with families to gain self-sufficiency so that they can better handle problems and delinquent behaviors once treatment is concluded. Children's Services contracts with four providers for these services, Jewish Board of Family and Children Services, SCO Family of Services, Little Flower Children's Services, and The Child Center of New York.

In addition, Children's Services is currently administering a pilot of the Blue Sky model which is operated by New York Foundling and utilizes the MST model just described, as well as Functional Family Therapy (FFT), and Multidimensional Treatment Foster Care (MTFC). The three models are provided as an integrated continuum of services. Families start in one model, but if behavior modification is

not working or safety issues arise, may switch to a different model. FFT takes place over an intensive three to five month period and includes up to 30 one-hour therapeutic sessions. FFT has three phases, which it implements sequentially. These phases are: first, engaging and motivating youth and their families; second, developing and implementing long-term behavior plans for each family member; and finally, strengthening families' capacities to utilize community resources.

Through Multidimensional Treatment Foster Care (MTFC), a young person who has been adjudicated a juvenile delinquent is placed with a specially trained foster family which becomes, alongside a family therapist, part of the young person's therapeutic treatment team. For six to nine months, MTFC parents, who have 24 hours per day/7 days per week access to program support, carry out an individualized program that sets clear rules, expectations, and limits to manage behavior. The foster parents provide a daily report which relays information about the youth's behavior to the treatment team and ensures that the MTFC program is being implemented correctly. Simultaneously, the youth's family receives intensive therapy and parenting skills designed to teach them how to provide consistent discipline, supervision, and encouragement. The goal is to prepare parents for their child's return home while increasing positive relationships in the family. Upon return, the family then receives MST until the family and youth are able to show sufficient progress.

The founders and developers of MST, FFT, and MTFC chose JJI and New York City to be the first ever site for piloting the Blue Sky therapeutic modality. Now that the model has proved to be viable on the ground, Children's Services is planning with the New York Foundling to conduct a four-year-long randomized clinical trial of the modality. The Blue Sky developers will not permit this innovative program to

be disseminated to any other jurisdiction before the pilot is completed and demonstrates its long-term effectiveness.

All three of the treatment models used by the Juvenile Justice Initiative - Multi-Systemic Therapy, Functional Family Therapy, and Multidimensional Treatment Foster Care - have been cited as "model" programs for delinquency prevention by the U.S. Surgeon General and the Office of Juvenile Justice and Delinquency Prevention, and they are utilized in 400 jurisdictions throughout the world.

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The second component of the JJI program is the Intensive Preventive Aftercare Services (IPAS). IPAS includes evidence-based therapeutic treatment services to young people returning from private delinquency placement, and a reduction of length of stay for youth to seven months. ACS contracts with Catholic Guardian Society and Home Bureau which provides FFT services. Currently, these aftercare services are being provided to 75 young people and their families in the Bronx and Manhattan, and we have plans to expand citywide to a total of 200 slots in 2010.

A critical element of JJI's aftercare program is our collaborative work with our partner agencies: OCFS, Catholic Guardian, our preventive providers, and the private placement agencies. This cross-system collaboration represents one of the largest juvenile justice service reforms in New York City history, and a unique effort by Children's Services to bring together the multiple systems involved in serving youth in the juvenile justice system to address the family dysfunction that is one of the root causes of delinquent behaviors. Beginning on day one of a young person's placement, ACS, OCFS, Catholic Guardian and the private placement agency communicate on a regular basis to thoughtfully plan for the young person's

release and to address any barriers that would prevent the release and cause the youth to languish in an institution.

The therapeutic modality provided to young people involved in JJI's after care program is the same FFT model that I described earlier as part of JJI's ATP services.

### **Progress Report on the Juvenile Justice Initiative**

In its first three years of operation, JJI's outcomes in various domains have either stayed steady or improved. Thanks to our joint efforts with OCFS to set targets on admissions of JD's in private facilities, the number of private placements has declined as both the juvenile justice system and the child welfare system look to community based therapeutic intervention alternatives like JJI for these young people. Therefore, enrollments in JJI's ATP program have steadily increased, and 2009 looks to be our highest utilization yet. For all cohorts of ATP youth examined, there has been a roughly 35 percent re-arrest rate during treatment, with more than one-third of the re-arrests being for low level offenses such as Metrocard bending, graffiti and trespass.

JJI's IPAS program has been steadily growing as well. In 2008, 75 youth were enrolled in FFT for aftercare. Of these, ten were re-arrested at some point during treatment but only two were re-incarcerated, resulting in a 2.5 percent reincarceration rate during treatment. The overall completion rate for FFT aftercare is approximately 70 percent, which is on target with FFT national's goals.

### **Conclusion**

Through Children's Services' Juvenile Justice Initiative, we are working collaboratively across the child welfare and juvenile justice systems in New York

State to provide quality services to our juvenile delinquency population and to avoid placement whenever possible. As the Council may be aware, JJI is one example of efforts that are underway throughout the City and State to strengthen outcomes for young people involved with the juvenile justice system.

Children's Services, in close collaboration with the City Department of Juvenile Justice, has been working closely with the New York State Office of Children and Family Services as part of Governor Patterson's Task Force on Transforming the New York State Juvenile Justice System to assess the quality of the State's juvenile justice system. Earlier this week, the Task Force issued a report offering a wide array of recommendations for reducing the use of institutional placements and expanding alternatives for juvenile delinquents, as well as ways to improve the supports and services provided to young people in state custody and upon release. We believe that expanding the JJI approach offers the State the opportunity to dramatically reduce juvenile placement rates.

New York City's overarching efforts to reform the juvenile justice system over the past four years have involved a myriad of partners working collaboratively to unpack and re-envision a system. Our work has focused on increasing public safety, reducing recidivism and saving money. New York City's smart and collaborative method has allowed us to keep more young people in their own communities through alternative to detention and placement programs. Bringing our tested and proven local approach to youth in state facilities offers the chance to cut juvenile placement rates in half - just as we've done in New York City. We look forward to working with our State partners to implement the Task Force recommendations.

I would like thank the Council for the opportunity to speak with you today about Children's Services' Juvenile Justice Initiative. We are very proud of the innovative and groundbreaking work that we have underway in the City and the State to address the underlying issues that lead our City's young people toward delinquent behavior, and we look forward to receiving the Council's input on this important work.

We will now take your questions. Thank you.

Testimony Before the General Welfare and Juvenile  
Justice Committees of the City Council

December 17, 2009

Good afternoon. Chair Gonzalez, Chair deBlasio, members of the committees, thank you for inviting me to testify today. My name is Alfred Siegel and I am the Deputy Director of the Center for Court Innovation, a non-profit organization that works in partnership with the courts, government and communities to promote public safety, aid victims and encourage public confidence in justice. We do this by designing and testing problem solving strategies that address issues like substance abuse, domestic violence, mental illness, homelessness and juvenile delinquency, that fuel high court caseloads and negatively affect quality of life in our city's neighborhoods.

The Center has had the distinct pleasure of working closely with many of you over the years on many important issues. Today I come before you, however, not in my capacity as the Center's Deputy Director, but as a member of the Governor's Task Force on Transforming Juvenile Justice. Working under Jeremy Travis, the Task Force's chair, I served as the chair of the sub-

committee on Reentry and Alternatives to Placement . As you undoubtedly know, the Task Force's report, "Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State", was released this week.

The Task Force report issues a clarion call for wholesale reform. To their dismay, the Task Force members found that New York, although a leader in driving many ground-breaking changes in the justice system's response to crime over the past two decades, has been woefully late to the game when it comes to enlightened juvenile justice reform. Unlike many states, New York has continued to pursue a policy that has resulted in the removal of too many young people from their homes, their families, their schools and their communities for reasons unrelated to public safety. The state's network of placement facilities - a combination of juvenile prisons and private group homes - has become, over time, the justice system's default solution to challenges posed by children with social service needs. Rather than addressing these needs in their communities, New York has locked children up, shipped them to remote locations around the state, failed to provide the needed services and then released them back to their communities wholly unprepared



to resume life on the outside.

Just this past August, the U.S. Department of Justice issued a scathing report documenting abuses in four state-run placement facilities. The report confirmed what many people feared was the case, but were hoping was not so. The DOJ report documents wide-scale physical abuses of inmates. Moreover, DOJ found there to be a shocking failure to provide needed services to the young people housed in those facilities. That failure was all the more profound because, as the report noted, many young people had been assigned to these facilities because judges believed that these facilities would make services, particularly mental health services, available. The state agency responsible for operating those facilities, the Office of Children and Family Services, has chosen not to contest the DOJ's findings and, under the exceptional and inspiring leadership of its Commissioner, Gladys Carrion, has adopted the DOJ recommendations for reform, as well as the recommendations of the governor's Task Force.

The DOJ report, coupled with the Task Force's findings, point to a crisis in the state's juvenile justice system that must be confronted. While the cost of placement is obscene - upwards of

\$210,000 per child annually - the most damning figure is not the cost. It is that we are paying so much to fail so miserably. The overwhelming majority of children returning from placement find themselves back in the justice system within a few years. The most comprehensive recidivism study of youths coming out of placement was completed ten years ago. What that study found is that 75% of those released are rearrested within three years. A recent longitudinal study of those same young people found that by age 28, 89% of the boys and 81% of the girls had been rearrested. Quite simply, we are paying an inordinate amount of money to fail so remarkably.

The Task Force met over a period of 15 months. Our charge was to look at the back end of the system, from the point after a young person has been found responsible for delinquency and the court is considering the disposition in the case. We did not examine police arrest practice, probation intake policies, presentment agency prosecution determinations, the court's adjudication process, or the utilization and availability of alternatives to detention, although each of those elements factor mightily into the course of events that bring young people to the point of disposition. Our work culminated in the formulation of 20 recommendations, which, taken as a

whole, offer a comprehensive prescription for the system's transformation. The recommendations fall into five categories: the fundamentals of reform; shifting to a system that relies on community-based services; rethinking institutional placement; ensuring successful reentry; and, creating an accountable and transparent system. I will briefly summarize some of our most prominent recommendations and then be delighted to take your questions.

The first section of the report is comprised of three overarching recommendations. These concepts drive and apply to every aspect of reformed system that we contemplate. The Task Force recommends that New York reduce the use of institutionalized placement; that it commit itself to reducing the disproportionate representation of youth of color in placement, and that it ensure that the system operate as a unified and cohesive network, whether young people are in private or state-operated facilities.

A key component of the Task Force's blueprint for change is that institutional placement be reserved only for those youths who pose a significant public safety risk, and that no child be

placed simply because of social service needs that a judge believes cannot be met in the community. The Task Force recommends that this risk-based approach be embodied in a legislative change to the state's Family Court Act that specifically reserves placement for children who pose public safety risks and for whom no community-based alternative exists to adequately mitigate that risk. We recommend that the state and its counties develop and expand alternatives to placement such as the outstanding models we already have in New York City - JJI, ACS's Juvenile Justice Initiative, and Esperanza. Most significantly, we recommend that the state close unneeded facilities - a process that Commissioner Carrion has already begun - and redirect cost savings to neighborhoods that are home to the highest number of young people in the system. Increasing the options available to judges in family court presupposes that there be effective, evidence-based models to draw upon. There must be a commitment to invest in community-based alternative programming and to supporting research and testing to develop new models for use in addressing the many issues affecting young people and their families.

Regarding institutional placement, the report calls for adoption and adaptation of models that are

being used successfully around the country, notably in Missouri, which has been a leader in enlightened placement reform. We visited the facilities in and around St. Louis and Kansas City and came away with an immense admiration for what they have accomplished.

Young people, if they must be placed, should be placed close to home, in smaller, nurturing environments. The location of a placement should be tied to the young person's risks and needs after the completion of a comprehensive assessment. Services within facilities, including educational instruction, must be dramatically upgraded. Foremost, staff in facilities should be culturally competent, highly-trained and appropriately compensated.

The Task Force spent considerable time and attention examining the reentry process. Given the woeful recidivism rates cited earlier, it should come as no surprise that we found that the reintegration process is hardly a process at all. More than half of the children placed from New York City go into private, contracted group homes. Most of those children, but for some enrolled in a pilot initiated by JJI, receive no aftercare services. Those coming out of the state-operated

facilities nominally receive such services, but they are wholly inadequate. Aftercare must be a priority and it must be available to all returning young people. Regarding reentry, the Task Force recommends that time in placement be limited, in most instances to no more than six months.

The research in the field has consistently concluded that time in placement hurts a young person's chances of successfully returning, and the problems are exacerbated the longer children are away from home. We recommend that planning for reentry start immediately at the time of disposition and that such planning actively engage different stakeholders, especially the family.

Reentry plans should be individualized, with special care given to coordination with local schools. To ensure that young people receive the academic credits they have earned in placement, we recommend that the state's Department of Education accredit OCFS facilities as their own school district.

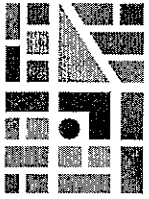
Lastly, the Task Force recommends that the system commit itself to collecting and analyzing data relative to the conditions of confinement and to the results of placement for individual youths; that each facility, be it a private or state-operated facility, adhere to established performance

measures and contract requirements. To ensure that the juvenile correctional system functions in a manner consistent with the highest standards, that it offers safe haven and supportive services to young people and that promotes healthy youth development, the Task Force recommends the establishment of an independent, external oversight body that will monitor and report upon OCFS's policies and practices.

Both the DOJ and Task Force reports underscore the urgent need for reform. Both reports shine a laser- like focus on a system that is long overdue for a complete overhaul. Importantly, despite all I have said today, we should not lose sight of the many positive developments that have taken place over the past few years and that augur well for the future. Among those, many of which have been actively supported by the Council, are the establishment of the city's risk-based Alternative To Detention program, the Department of Juvenile Justice's Collaborative Family Initiative, the alternative placement programs, JJI and Esperanza, and a new one you will be hearing about later, QUEST Futures, and several upstate programs that have helped to dramatically reduce reliance on placement in those communities. We must seize upon the

momentum generated by these initiatives and the two recently-issued reports. We believe that the Task Force lays out a comprehensive outline going forward, and that, if implemented, the proposed reforms will propel New York to the forefront of the nation's jurisdictions in the establishment of thoughtful, effective and safe juvenile justice policies. Thank you . I'd be happy now to take your questions.





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**FOR THE RECORD**

**TESTIMONY**

The Council of the City of New York  
Committee on General Welfare  
Bill de Blasio, Chair  
Committee on Juvenile Justice  
Sara Gonzalez, Chair

Oversight Hearing: The Administration for Children's Services'  
Juvenile Justice Initiative

December 17, 2009  
New York, New York

The Legal Aid Society  
Juvenile Rights Practice  
Tamara A. Steckler  
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199 Water Street, 3<sup>rd</sup> floor  
New York, NY 10038

The Legal Aid Society submits this testimony to the Council, and we thank the Committees on General Welfare and Juvenile Justice, and Chairs de Blasio and Gonzalez, for inviting us to share our thoughts on the Juvenile Justice Initiative of the New York City Administration for Children's Services.

The Legal Aid Society is the nation's largest and oldest provider of legal services to poor families and individuals, providing legal representation in more than 300,000 legal matters for clients each year. Legal Aid's Juvenile Rights Practice provides comprehensive legal representation to children who appear before the New York City Family Courts in all five boroughs, in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our Juvenile Rights staff represented some 34,000 children. Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, and State and City agencies. In addition to representing many thousands of children each year in trial and appellate courts, Legal Aid also pursues impact litigation and other law reform initiatives on behalf of our clients.

The New York City Administration for Children's Services began its Juvenile Justice Initiative (JJI) in 2007. Combining an alternative to placement program with aftercare services, JJI has proven to be an effective community-based option for hundreds of our clients whom judges would have otherwise sentenced to OCFS facility placements far from home. JJI's model, like other such community-based alternatives, provides intensive services to youth and their families. The goals of these programs are to keep children in their communities, assist the children and their families with underlying issues, and by doing so reduce delinquent behavior and recidivism, and increase appropriate

parental response to adolescent issues. JJI and similar programs are highly effective but in short supply. We urge the City to greatly increase the availability of alternative programs like JJI and Esperanza, so that Family Court judges will truly have a range of dispositional options available to them when children are found delinquent.

### **The Juvenile Justice System and the Need for Alternatives**

As outlined in the recently released report by the Governor's Task Force on Transforming Juvenile Justice, New York has created a juvenile justice system in which primarily low-income children of color are arrested and prosecuted often to the fullest extent in Family Court for what often amounts to normative teen behavior or in legal terms, misdemeanors<sup>1</sup>. Graffiti, talking back to an officer, and minor school fights are not dealt with through counseling, mediation, and the engagement of families, as they are for middle and upper class families. Instead, minor incidents are blown out of proportion and when combined with some family dysfunction can result in children being removed from their homes and finding themselves in jumpsuits, shackles, and barbed wire for months or even years. This is not the picture of a juvenile justice system that is rehabilitative rather than punitive.

When this type of treatment becomes a normal expectation of childhood for so many of our children, they lose their dignity, humanity and self-respect. These children deserve far better from our schools, the police and all of the health and human services agencies whose mission it is to help children and families. Providing true rehabilitative

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<sup>1</sup>Although the New York City Department of Juvenile Justice no longer posts statistics related to race on its website, almost the entire detention population consistently has been composed of youth of color -- approximately 60% of those detained pre-trial are African-American and 37% are Latino.

services to children and their families also requires vigilant oversight, both from within the system and outside it. Hearings such as this one serve that essential function.

The development and maintenance of community-based alternative to detention and alternative to placement programs are a vital part of allowing children charged with delinquency to be treated as we would want our own children to be treated. For years, Legal Aid and other children's advocates have repeated the importance and success of community-based alternatives. The recent condemnation of our current system of incarceration for children by the U.S. Department of Justice only begins to discuss the serious problems with relying on a system of imprisonment for children. We at Legal Aid have observed these problems for years – placements in OCFS facilities expose young people to physical and psychological harm, abuse, and a woeful lack of education and mental health treatment, and result in stunningly high recidivism rates. While we are pleased that the City is now engaged in creating a continuum of community-based alternative to detention (pre-trial) programs, which are, in many cases, keeping children out of detention who can safely remain at home, a robust system needs to be in place for children at risk of placement.

Alternative to placement (after a finding a delinquency has been made) programs such as JJI and Esperanza are proven successful methods of keeping children in their communities while providing the treatment and services necessary to ensure a lower recidivism rate. We fully support the use of these programs for children who otherwise would have been removed from their families and imprisoned in the State's Office of Children and Family Services (OCFS) juvenile prisons.

### **The Human and Financial Costs of Detention**

Too many children are placed in OCFS facilities through court proceedings, partly because the City lacks community-based alternatives. The large majority of young people detained by the Family Courts, for example, are accused of delinquent behavior involving nonviolent, misdemeanor offenses. Similarly, many young people who are placed with OCFS have been found guilty of no violent offense. Those placed at the OCFS juvenile prisons, however, are significantly more likely to be rearrested than those who remain in the community following adjudication of their delinquency case. In March 2009, the results of a long-range research study of youth released from OCFS custody were released. The research report, submitted to the United States Department of Justice, used a research sample of 999 youth released from OCFS custody, and found that by age 28, 89% of boys and 81% of girls were rearrested; 83% of boys and 63% of girls were rearrested on felony level charges; 85% of boys and 68% of girls were convicted; and 71% of boys and 32% of girls spent time in an adult jail or prison.<sup>2</sup> Community-based alternatives, in contrast, which provide intensive services to children and their families while they remain at home and in school, have much lower recidivism rates and cost far less in dollars than incarceration. It is hard to imagine supporting a system with a 20% success rate. In no other forum would this be acceptable.

The Administration for Children's Services has recognized the importance of keeping young people at home in creating its Juvenile Justice Initiative, serving young people in their communities who otherwise were bound for post-dispositional placement.

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<sup>2</sup> Colman, Kim, Mitchell-Herzfeld and Shady, OCFS, *FINAL REPORT: Long-Term Consequences of Delinquency: Child Maltreatment and Crime in Early Adulthood*, March 31, 2009.

Alternative to placement programs are not only cost-effective but more humane. They avoid the additional trauma of breaking children apart from their families, serve children better than incarceration, and serve our City as well.

A 2006 policy brief released by the national Justice Policy Institute (JPI) showed the harm caused by the unnecessary over-incarceration of children, and called on practitioners and policymakers to reduce the number of youth needlessly or inappropriately detained. Seventy percent of youth in detention are in detention for non-violent offenses. The study concluded that incarcerating youth is not cost-effective and does not lead to safer communities, and found that community-based settings are proven to reduce recidivism and crime in a cost-effective manner.

Showing the dangers of detention and incarceration, the JPI study found that detention does not deter most children from criminal behavior; congregating youth together for treatment in a group setting produces a higher recidivism rate and poorer outcomes; and youth who are incarcerated are more likely to reoffend than youth who are supervised in a community-based setting. The JPI study confirms, again, that detained youth often fail to return to school and have reduced success in the labor market. The brief calls on policymakers to stop wasting tax dollars on a failing and harmful system when there are proven alternatives that are more cost-efficient and do not jeopardize public safety.<sup>3</sup>

### **The JJI Program**

The JJI program's own description summarizes the effectiveness of similar models: "Research with juvenile delinquents has demonstrated conclusively that youth who remain

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in the community and receive intensive therapeutic services achieve better outcomes than those sent to out-of-home placements. In numerous randomized trials in other jurisdictions, the therapeutic interventions utilized by JJI have resulted in a 30-70% decrease in recidivism, numbers that hold great promise for New York's court-involved youth, their families, and the public safety of the community at-large, at a fraction of the cost of residential placement." (ACS website, [www.nyc.gov](http://www.nyc.gov))

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### **Conclusion**

The City's move to expand the availability of effective alternative to placement programs for children adjudicated delinquent is long-awaited but welcome. Thank you for the opportunity to speak on this important topic.

Contact:

Tamara A. Steckler, Attorney in Charge, Juvenile Rights Practice  
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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Danielle Marchione

Address: \_\_\_\_\_

I represent: Citizens' Committee for Children of NY

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Gilbert Taylor

Address: 150 William St 18th FL NY NY

I represent: NYC ACS JTI

Address: 150 William St 18th Fl NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/17/01

(PLEASE PRINT)

Name: Leslie Abey

Address: 150 William St., NYC, 10038

I represent: NYC Children's Services

Address: 150 William St., NYC, 10038

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: DARIENE PENDER  
Address: 226 NAPLES TERRACE BRONX NY 10463  
I represent: JJI NYF Blue Sky Program  
Address: 2090 ADAM CLAYTON BLVD NY NY 10027

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/17/09

(PLEASE PRINT)

Name: Thomas Bennett Pender  
Address: 226 Naples Terrace  
I represent: JJI NYF Blue Sky Prgm.  
Address: 2090 adam Clayton Powell blud

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/17/09

(PLEASE PRINT)

Name: Sylvia Rowlands  
Address: \_\_\_\_\_  
I represent: JJI NYF Blue Sky Prgm.  
Address: 2090 Adam Clayton Powell Blvd

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: Dec 17, 2009

(PLEASE PRINT)

Name: Naomi Greenberg  
Address: 344 West 72 St NY NY 10023  
I represent: Juvenile Justice Initiative  
Address: 2090 Adam Clayton Powell Blvd

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: CAROL FISLER  
Address: 520 Eighth Ave, NY NY  
I represent: Center for Court Innovation  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/7/09

(PLEASE PRINT)

Name: Kathryn Davidson  
Address: 214 East 51st St Apt 114, NY 10022  
I represent: Blue Sky Program / JJI  
Address: 2090 Adam Clayton Powell NY NY 10027

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/17/09

Name: Applied (PLEASE PRINT)

Address: Center for Court Innovation

I represent: Governor's Task Force

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12-17-09

Name: Kendra Hurley Hurley (PLEASE PRINT)

Address: 355 Blinton Ave Brooklyn

I represent: Center for NYC Affairs

Address: The New School 72 Fifth Ave

Please complete this card and return to the Sergeant-at-Arms