



**The New York City Council,  
Committee on Juvenile Justice  
January 16, 2019**

***“Oversight – Evaluating Programs that Aim to Reduce Recidivism Among Justice Involved Youth”***

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

Good morning Chair King and members of the Committee on Juvenile Justice. I am Felipe Franco, Deputy Commissioner for the Division of Youth and Family Justice (DYFJ) within the Administration for Children's Services (ACS). With me today is Sara Hemmeter, Associate Commissioner for Community Based Alternatives and Close to Home. Thank you for the opportunity to testify this morning. We appreciate the City Council's interest in the young people we serve and in ensuring the programs and services we provide produce positive youth outcomes.

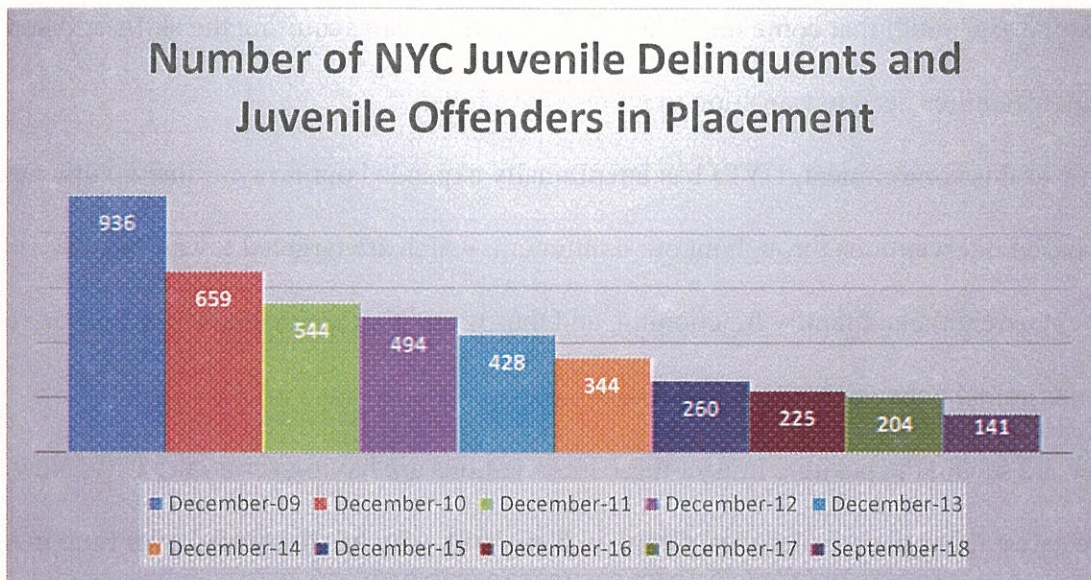
### **DYFJ Overview**

As you know, DYFJ administers a continuum of juvenile justice services, which includes community-based services for youth and their families, detention services for youth who are arrested and awaiting court resolution, and residential placement services and aftercare through Close to Home for youth who are adjudicated by the Family Court.

### **Evaluating Juvenile Justice Interventions**

In DYFJ, we strive to improve the lives of children involved in the juvenile justice system, reduce their likelihood of further justice system involvement, and advance public safety. Preventing future re-offending, protecting public safety, and enhancing youth and family well-being are our top priorities. To do this we have made substantial investments throughout our continuum in practices that have been proven effective in producing these positive youth outcomes.

Our interventions are clearly working. From 2008 to 2017, the number of juvenile arrests decreased 70%, from 13,564 to 4,080. Prior to Raise the Age, overall admissions to juvenile detention decreased significantly year over year, dropping 64% from Fiscal Year 2007—when nearly 6,000 youth were detained—to 2,126 in Fiscal Year 2017. Likewise, the number of youth in placement has decreased by almost 80% from 2009 to 2017. The number of young people entering Close to Home placement declined 40 percent just from Fiscal Year 2017 to Fiscal Year 2018.



A recent study by the Research and Evaluation Center at John Jay College of Criminal Justice<sup>1</sup> tells us that measuring the success of justice interventions involves more than just an analysis of recidivism data alone—it requires a greater focus on positive outcomes. In the study, Dr. Jeffrey Butts notes that, when given proper reinforcement and the right supports, youth learn over time to refrain from anti-social behavior that might otherwise result in further justice system involvement<sup>2</sup>.

The New York City Juvenile Justice system focuses on ensuring youth success in school, at home and in the community, not just on their failures. We know that fewer youth are being arrested than ever before in New York City, and fewer youth are being admitted to detention, fewer youth are being adjudicated and fewer young adults are entering the criminal justice system, but that is not enough. We cannot become complacent with our success in reducing delinquency. We need to

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

<sup>2</sup> Butts et al. 2018

ensure that the few youth that come in contact with the system are acquiring the skills and supports they and their families need to transition to productive adults.

Due to this commitment, DYFJ has intentionally expanded our array of therapeutic and evidence-based interventions throughout our continuum, which are targeted toward positive youth development, strengthened family functioning, and thus promoting a new trajectory for our youth away from criminal behavior to adult success.

We are seeing the positive impact these interventions are having across the City: New York City is the safest it has been in decades. Crime in New York City has decreased over time in both the adult and juvenile systems. Thousands of families continue to receive community-based juvenile justice prevention services through DYFJ's contracted providers each year, while the number of youth entering Detention and Close to Home has declined dramatically over the past several years.

I will now discuss some of the interventions employed throughout our continuum, and the evidence behind them.

### **Community-Based Alternatives**

We know that for most young people, the best way to promote positive youth outcomes is to support youth within their families and community. Along with our partners at the Department of Probation and the Mayor's Office of Criminal Justice, we work to engage youth in programs and services in their homes and communities whenever possible.

The most effective interventions not only engage the young person but also treat the whole family. DYFJ's Family Assessment Program (FAP) is available to families with youth up to age 18 to help avoid involvement in the juvenile justice system by providing services. The Family Assessment Program services help families address difficult teenage behaviors such as truancy, using drugs, running away from home, and/or struggles with mental illness. FAP services offer

parents the skills they need to support their children, enforce limits, and steer them towards positive activities.

ACS also administers the Juvenile Justice Initiative (JJI), which serves youth under supervision by the NYC Department of Probation (DOP). Specifically, JJI is a program for youth who have been adjudicated in Family Court and it provides intensive services to keep youth with their families in their communities while under probation supervision.

The Family Assessment Program (FAP) and the Juvenile Justice Initiative (JJI) use home-based interventions. Functional Family Therapy (FFT) has decades of empirical research demonstrating that FFT reduces recidivism and/or the onset of offending between 25 and 60 percent more effectively than other programs<sup>3</sup> and significantly reduces potential new offending for siblings of treated adolescents<sup>4</sup>. Similarly, MultiSystemic Therapy (MST) is an intensive family- and community-based treatment program that focuses on addressing factors that impact chronic and violent juvenile offenders and has been proven effective in reducing recidivism and out-of-home placements and improving family and peer relations.<sup>5</sup>

With Raise the Age, we have expanded our array of preventive programs to meet the needs of older youth, and we have invested in new evidence-based programs such as Multi-Systemic Therapy: MST-Psychiatry for youth with high mental health needs; MST PSB for youth with problematic sexual behaviors; and MST-EA for emerging adults who don't have a family resource and need help to achieve independence.

---

<sup>3</sup> Alexander, J.F., Sexton, T.L., and Robbins, M.S. 2000. The developmental status of family therapy in family psychology intervention science. In *Family Psychology Intervention Science*, edited by H. Liddle, D. Santisteban, R. Leavant, and J. Bray. Washington, DC: American Psychological Association.

*See also*, Alexander, J.F., Pugh, C., Parsons, B.V., and Sexton, T.L. 2000. Functional family therapy. In *Blueprints for Violence Prevention (Book 3)*, 2d ed., edited by D.S. Elliott. Boulder, CO: Center for the Study and Prevention of Violence, Institute of Behavioral Science, University of Colorado

<sup>4</sup> Klein, N.C., Alexander, J.F., and Parsons, B.V. 1977. Impact of family systems intervention on recidivism and sibling delinquency: A model of primary prevention and program evaluation. *Journal of Consulting and Clinical Psychology* 45(3):469-474.

<sup>5</sup> Henggeler, S. W., Melton, G. B., & Smith, L. A. (1992). Family preservation using multisystemic therapy: An effective alternative to incarcerating serious juvenile offenders. *Journal of Consulting and Clinical Psychology*, 60, 953-961.

## **Detention**

ACS provides secure and non-secure detention services for youth 16 and under who have been arrested and detained while waiting for judges to hear their case in court, as well as specialized secure detention for 16-year old adolescent offenders. As you know, the Raise the Age legislation also required NYC to move all 16- and 17-year-olds off Rikers Island to a facility that needed to be certified as a Specialized Juvenile Detention facility and jointly operated with the NYC Department of Corrections. Horizon in the Bronx has been licensed as our Specialized Juvenile Detention Center and houses young people transferred from Rikers Island, as well as newly arrested 17-year-olds.<sup>6</sup>

The youth who are placed in detention are often among the highest needs youth in the City and have experienced various traumas within their communities. DYFJ utilizes the NYC Model within our secure detention system. Adapted from the nationally recognized Missouri Youth Services Institute (MYSI) model, the NYC Model is a therapeutic approach for working with youth in the juvenile justice system. Facilitated small group interactions are at the core of this group process model and include components of positive youth development and cognitive behavioral therapy to help youth make positive and long-lasting changes in their thinking and behavior. These therapeutic components are delivered to youth in a fully integrated treatment approach where social-emotional competencies are learned and practiced, and are administered by caring, skilled and well-trained staff who work together, as a team, to help youth make better decisions and manage negative behavior and thinking.

With Raise the Age, New York City is working to have re-entry specialists in detention who will work with each youth, the youth's case manager, and the young person's family to connect the youth and their family with services in the community for continued support after discharge.

---

<sup>6</sup> The Raise the Age law does not take effect for 17-year-olds until October 1, 2019. Until that date, youth who are 17 years of age continue to be charged and processed in the adult criminal court system.

## **Close to Home**

It has been well documented that positive engagement of the family and the community leads to improved outcomes in juvenile delinquency. Grounded in this knowledge, New York State and New York City established Close to Home in 2012. In only a few years Close to Home has been identified as a promising practice that jurisdictions such as New Jersey, Florida, Philadelphia, Milwaukee and others are looking to replicate to reduce recidivism and improve public safety. Close to Home allows for work to occur simultaneously with the youth, the family and the community to ensure that factors that led to delinquency in the first place are addressed before the youth returns to the community. In partnership with the Department of Probation we at ACS have adopted a Risk-Need-Responsivity (RNR) framework and an evidence-based assessment tool—the Youth Level of Services (YLS)—to guide our intervention and ensure we reduce youth likelihood to recidivate.

As I stated before, reducing delinquency in New York City is not enough. We have made education a priority and have worked in partnership with the New York City Department of Education District 79 in this effort. In the 2016-2017 school year, there were 177 Close to Home youth enrolled in Passages Academy and the average young person passed 91% of their courses and earned an average of 9.3 credits. Of the Close to Home youth who took New York State Regents Exams, almost half passed. Parent and family engagement is a critical component of our work: for the youth leaving Close to Home in 2016 (222 youth) 81% were released to their parent or other family member.

### **Continued Commitment to Assessing Recidivism and Positive Youth Outcomes**

As you have heard today New York City has become a national model in juvenile justice reform, as many jurisdictions across the nation and the world visit our program in an effort to

understand how we have achieved such decreases in juvenile arrests and improved outcomes for youth.

In March of 2018 the Columbia University Justice Lab published “Does Keeping Youth Close To Home Really Matter? A Case Study,”<sup>7</sup> and a full report will be published in 2019. In April of 2018 the Federal Department of Education conducted a webinar<sup>8</sup> to highlight the positive educational outcomes achieved by Close to Home. In February of 2018 The Center for Children’s Law and Policy, funded by the Annie E. Casey Foundation, published the “Implementation of New York’s Close to Home Initiative: A New Model for Youth Justice”<sup>9</sup>. All these studies and reports by independent entities have reaffirmed that New York City is doing what is right. We at ACS believe that we should take a closer look at the impacts of our work and do more to further research on recidivism and positive youth outcomes in Close to Home. Recidivism is an important metric that we and New York State will be examining in the near future, and we will continue to expand the ways in which we examine youth outcomes and how we can reduce juvenile delinquency in New York City.

### **Closing**

Thank you for the opportunity to discuss the supports DYFJ provides for youth in our juvenile justice continuum to promote positive youth development and improve youth outcomes. We have made deliberate efforts to connect young people throughout our juvenile justice continuum with the services and interventions they need to address their unique issues, thrive in their

---

<sup>7</sup> Weissman, M. (2018). Does Keeping Youth Close to Home Really Matter? Unpublished case study, Columbia University, New York, NY.

<sup>8</sup> Franco, F., Lisante, T.F., & Marinacci, N. (2018). Quality Educational Programming in NYC ACS Close to Home Programs [Webinar]. Retrieved from <https://neglected-delinquent.ed.gov/events/quality-educational-programming-nyc-accs-close-home-programs>

<sup>9</sup> Jason Szanyi and Mark Soler, Implementation of New York’s Close To Home Initiative: A New Model For Youth Justice, Center for Children's Law and Policy (February 2018).

community, and further reduce their involvement in the justice system. We know that there is still more work to be done, nevertheless we should be proud of having a juvenile justice system focus on youth outcomes and the safest city in the nation. We are happy to take your questions.

## TESTIMONY

### **Oversight: Evaluating Programs that Aim to Reduce Recidivism Among Justice Involved Youth**

The Council of the City of New York

Committee on Juvenile Justice  
Andy King, Chair

January 16, 2019  
New York, New York

The Legal Aid Society  
199 Water Street  
New York, NY 10038

Presented by Nancy Ginsburg, Esq.  
Director, Adolescent Intervention and Diversion Project  
The Legal Aid Society, Criminal Practice  
(212) 298-5190; [nginsburg@legal-aid.org](mailto:nginsburg@legal-aid.org)

Christine L. Bella  
Staff Attorney, Special Litigation and Law Reform Unit  
The Legal Aid Society, Juvenile Rights Practice  
(212) 577-3349, [clbella@legal-aid.org](mailto:clbella@legal-aid.org)

The Legal Aid Society thanks the Committee on Juvenile Justice and Chairperson King for inviting us to provide testimony about this important topic. The Legal Aid Society is the nation's largest and oldest provider of legal services to low income families and individuals. The Society's Juvenile Rights Practice provides comprehensive legal representation to children who appear before the Family Courts in all five boroughs, in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. The Criminal Practice's Adolescent Intervention and Diversion Project has a dedicated team of lawyers, social workers and investigators devoted to the unique needs of adolescents charged in adult court. Young people in both the adult and juvenile systems utilize a full menu of programming designed to provide individual and family-based supports.

Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, community based organizations, as well as State and City agencies.

### **Characteristics of Court-Involved Youth**

Stabilizing the lives of adolescents charged with committing offenses is a crucial component to effective representation and to successful outcomes. All of our young clients are low-income, and many have experienced trauma and at least one significant social issue beyond poverty that causes instability in their lives. We strongly believe that with enhanced access to effective programs and services, including mental health services, many fewer young people would enter the court system.

The vast majority of individuals processed through the juvenile and adult courts come from five New York City communities: Harlem, Bedford-Stuyvesant, Brownsville,

East New York and the South Bronx.<sup>1</sup> South Jamaica and the Rockaways also have high representation in this category. These neighborhoods also share significant problems of poverty, inadequate services to meet the high needs, low performing schools, higher than average prevalence of health and mental health issues and substandard housing stock.<sup>2</sup>

The needs of detained and placed youth are far greater than those of youth in the general population. Children and teenagers in New York City jails are almost exclusively poor, African-American or Latinx, and live in under-resourced neighborhoods with low-performing schools and high rates of child abuse, neglect, substance abuse and mental illness. Indeed, “approximately 85 percent 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. Furthermore, one in three young people screened positive for Post-Traumatic Stress Disorder (PTSD) and/or depression.”<sup>3</sup> Exposure to trauma can also lead to substance abuse, mental illness and other self-harming behaviors.

### **Program Evaluation Factors**

Because the service needs of this population are so broad, measuring the efficacy of programming requires the examination of a number of factors. Historically, however, recidivism has been the primary measure of success of programs providing services to court involved adolescents to the exclusion of other factors. This approach is misguided as it overlooks other key indicators of success.

---

<sup>1</sup> [http://gothamist.com/2013/05/01/these\\_interactive\\_charts\\_show\\_you\\_w.php](http://gothamist.com/2013/05/01/these_interactive_charts_show_you_w.php). This data is confirmed and amplified by a recent map of adolescents and young adults released from DOC custody, see Exhibit A.

<sup>2</sup> See Exhibit B, Chart of Risk factors, Citizens Committee for Children, 2016. Note that there is almost complete overlap between the most affected neighborhoods in each map.

<sup>3</sup> <http://www.vera.org/sites/default/files/transition-brief-juvenile-detention-reform.pdf> at 12.

Recidivism, at least as it is often understood, should not be the primary factor in assessing the efficacy of programming. First, recidivism is not uniformly defined. Some studies include any arrest or conviction as evidence of recidivism, regardless of how minor the event. Others include arrests even if they are not prosecuted or are eventually dismissed. Second, because most court-involved youth live in neighborhoods with significant police presence, the odds of re-entry to the court system is much higher for these young people. Behavior that in other neighborhoods would either be viewed as normal adolescent boundary testing or be identified as a need for mental health services in these neighborhoods often triggers a law enforcement response followed by court involvement. The neighborhoods with greater law enforcement presence are also overwhelmingly black and brown. This creates a cycle where the odds are much greater that black and brown young people will initially enter the system and then re-enter and be labeled as recidivists.

Meaningful evaluation of programs serving court-involved youth must assess the criteria that are most closely related to a successful transition to adulthood. High rates of youth (and sometimes family members) with learning disabilities, mental health diagnoses, inconsistent school attendance and performance, and family instability are all characteristics that are overrepresented among court-involved young people. Effective programming focuses on these issues and guides the youth toward a path to address and manage them. Success is rarely a straight line for adolescents. As with any skill taught to young people, there are often periods of achievement interspersed with struggle. A true measure of success must examine the long term trajectory of connection and adherence to services and pro-social behaviors.

A large percentage of court-involved youth cycle in and out of homelessness or periods of moving from place to place. This sequence can be destabilizing for any young person and can trigger re-entry into the court system. Such re-entry can also be prompted by a traumatic event, a downward spiral of a mental health condition or a substance abuse relapse. Examination of the circumstances leading to a young person's re-entry into the system is critical to developing a meaningful understanding of the best approach to address how a system re-entry occurred and how to prevent it in the future.

Any examination of the efficacy of programming should assess factors indicative of a young person's progress. Connection to pro-social services and development of a network of people who can provide support are some of the most protective factors that ensure a young person's future success. Improving attendance at school, improving academic performance, progress towards graduation or a high school equivalency exam, connection to vocational services, obtaining and maintaining employment, adherence to a mental health or substance abuse treatment plan are all substantial aspects of a young person's development which are the most important predictors of future success.

Below we address some of the services that have resulted in the best outcomes for court-involved youth and make a few recommendations for improvement. We encourage the Council to learn more about these programs and the work that makes them successful.

### **Friends of Island Academy Youth Reentry Network<sup>4</sup>**

In August, 2016 New York City invested in an historic initiative to provide neighborhood based pre- and post-release support for adolescents leaving Rikers custody. Friends of Island staff work with young people ages 16-21. When the 16 and 17 year olds were moved from Rikers Island to the Horizon Juvenile Center, Friends of Island staff moved with them. Staff starts working with the youth for discharge upon entry to detention. Through a combination of work with the young person, outreach to his or her family, attorney and community support system, a plan for discharge is developed. Friends of Island staff help connect young people to community based services and to develop plans to support release.

Upon release, teams of Friends' Youth Advocates work with youth in their neighborhoods, connecting them to community and public resources, helping with scheduling, accompanying them to appointments, activities and court dates, facilitating adjustment to school, reconnections with family, local resources and community life.

The relationships between Friends of Island staff and our clients have provided necessary support where some of them have little upon release. And even where our clients have a supportive parent or guardian, additional support for the most vulnerable young people is always welcome, particularly for working parents or those managing competing needs of their other children. Many of our clients look to the support provided by Friends of Island staff as critical to their re-entry success. We encourage the Council to learn more about this program and ensure that funding continues for vital services.

---

<sup>4</sup> <http://www.friendsny.org/home-grey-revised/youth-reentry-network/>

### **Intensive in-home family based counseling services**

There are a number of effective intensive in-home family and individual counseling programs for court-involved youth including New York Foundling's Families Rising, Esperanza, and the family court Juvenile Justice Initiative which serve as an alternative to placement. These programs serve the important function of providing counseling to youth and their families, including siblings, providing educational advocacy, substance abuse treatment, and connection to community services. We have seen many of our clients and their families greatly benefit from such services.

### **Traditional community-based alternative to detention, placement and incarceration programs**

Programs such as Cases, Center for Community Alternatives, Exalt, Getting Out Staying Out, Bronx Connect and the Fortune Society provide after school programming in the form of counseling, group work, education advocacy, connection to vocational services, internships and jobs. Many clients reconnect to school and work through these programs as well as develop long lasting positive relationships with adults. In addition, the Department of Probation's Advocate, Intervene, Mentor Program (AIM) has met with significant success both as reported by our clients and a recent review.<sup>5</sup>

### **Mental Health Transitional Planning**

Another service that transferred with the sixteen and seventeen year olds moving from Rikers Island to the Horizon Juvenile Center is mental health discharge planning. As the result of a class action lawsuit filed in the 1990s, Brad H., et al. v. The City of New York, et al., the City has been required to provide discharge planning services to

---

<sup>5</sup> Evaluation Report on New York City's Advocate, Intervene, Mentor Program, October 2018, by The Urban Institute available at [https://www.urban.org/research/publication/evaluation-report-nycs-advocate-intervene-mentor-program/view/full\\_report](https://www.urban.org/research/publication/evaluation-report-nycs-advocate-intervene-mentor-program/view/full_report).

individuals with mental health diagnoses held in the custody of the Department of Correction since 2003. Now, young people with identified mental health services in Horizon are entitled to comprehensive discharge planning.

As part of implementation planning for Raise the Age, Bellevue Hospital Center, which provides quality mental health services for our clients in Horizon, hired a social worker specifically to engage in discharge planning for young people with identified mental health diagnoses. While it is too early to assess these services, we are optimistic that the addition of discharge planning will provide much needed connections to ongoing mental health services in the community upon release. If successful, we hope that mental health discharge planning services would be expanded for all young people transitioning from custodial settings.

### **Educational Transition Services**

All youth in detention and in Close to Home placements go to schools run by the NYC DOE. The fact that a youth is system-involved is a potential indicator that such youth is at high risk of dropping out of school and that his or her needs were not being adequately addressed in their prior educational setting. As a result, detention or placement of a particular youth presents as an opportunity for re-assessment of their educational needs and the appropriateness of their school placement.

One of the most effective services that have been put in place for students in detention and placement is the DOE transition counselor program. The model relies on guidance counselors who get to know the young people while in the detention or placement schools. Upon release, these same counselors work with the youth and their families to ensure re-enrollment in appropriate community schools or

educational/vocational programs. The counselors provide support and encouragement as young people make what can be a difficult transition. The counselors also act as liaison between the detention schools, a setting with small classrooms and a high adult to student ratio, and community schools which present much larger environments. Transition counselors share information about what methods have been successful with students and work with the community schools to set up appropriate supports for returning students. Transition counselors often meet with community schools with the student and family to develop a program and schedule that meets the student's needs. Transition counselors provide ongoing support and encouragement to students which have seen them through to graduation or acquisition of their high school equivalency in the community. We encourage you to review some of the incredible success stories of these transition counselors and the youth they serve at <https://sites.google.com/d-79.com/d79ysn/recent-success-stories>.

We believe it is critically important that funding for the transition counselor program continues in order to support the smooth transition of our clients to community schools and educational and vocational programs upon their release.

### **Close to Home After Care**

Youth are discharged from Close to Home Placement to After Care. The Administration for Children's Services (ACS) After Care program is intended to help youth successfully transition back to their communities. This transition can be a difficult one, especially for high needs youth who may be expected to not only transition back to living at home, but also transition to a community school, and continue with substance abuse treatment and mental health counseling. ACS has been working to improve the provision

of After Care recently. In our experience, there is more work to be done. In some instances, the required programming is so intensive that even the most motivated youth is unlikely to successfully manage these expectations. Care must be taken to ensure that unreasonable requirements are not placed upon these youth. Even when the programming is necessary, the youth often could benefit from further support from his or her After Care worker to effectively comply. Additional training for After Care workers to ensure they have the skills necessary to assist throughout this important transition would be beneficial.

### **Conclusion**

Thank you for the opportunity to testify about this important topic. We urge the Council to use the broadest set of factors to assess success for our court involved young people who participate in community programming.

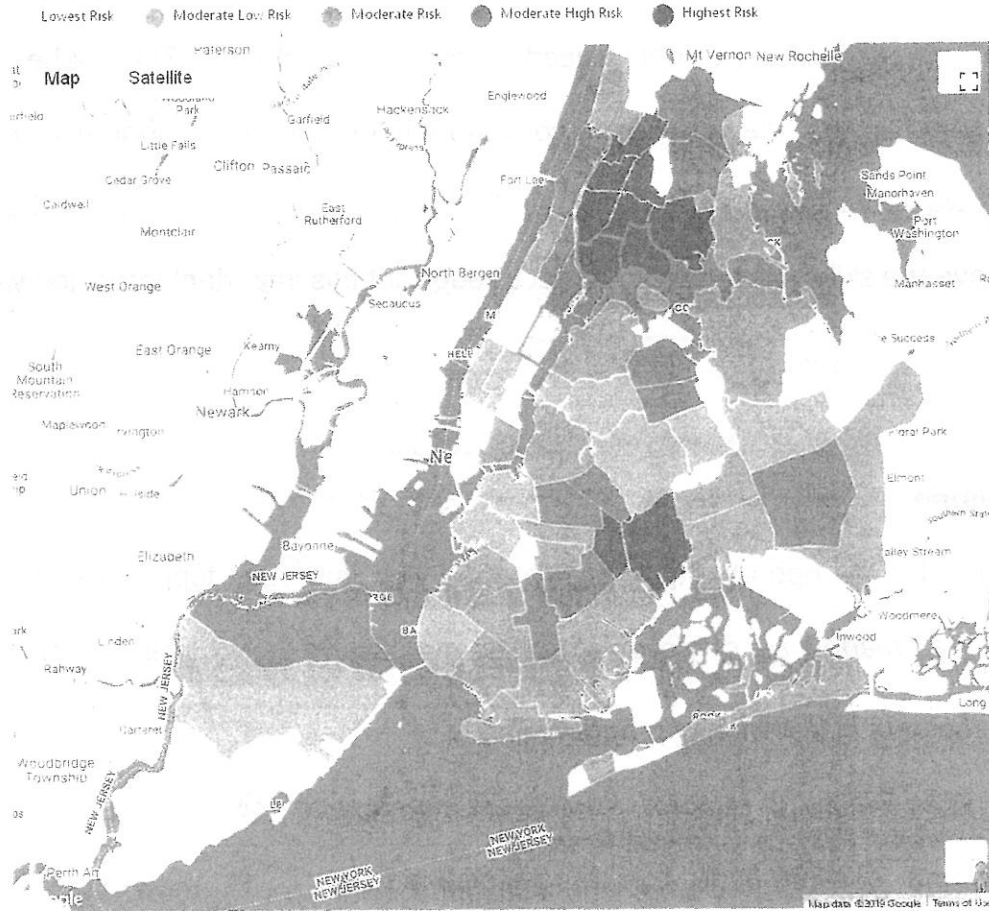
Contact: Nancy Ginsburg, Director, Adolescent Intervention and  
Diversion Project, Criminal Practice  
Phone: 212-298-5190; [nginsburg@legal-aid.org](mailto:nginsburg@legal-aid.org)

Lisa Freeman, Director, Special Litigation and Law Reform Unit  
Juvenile Rights Practice  
Phone: 212-577-7982; [lafreeman@legal-aid.org](mailto:lafreeman@legal-aid.org)

## Overall Risk Ranking

Level of Risk, 2016

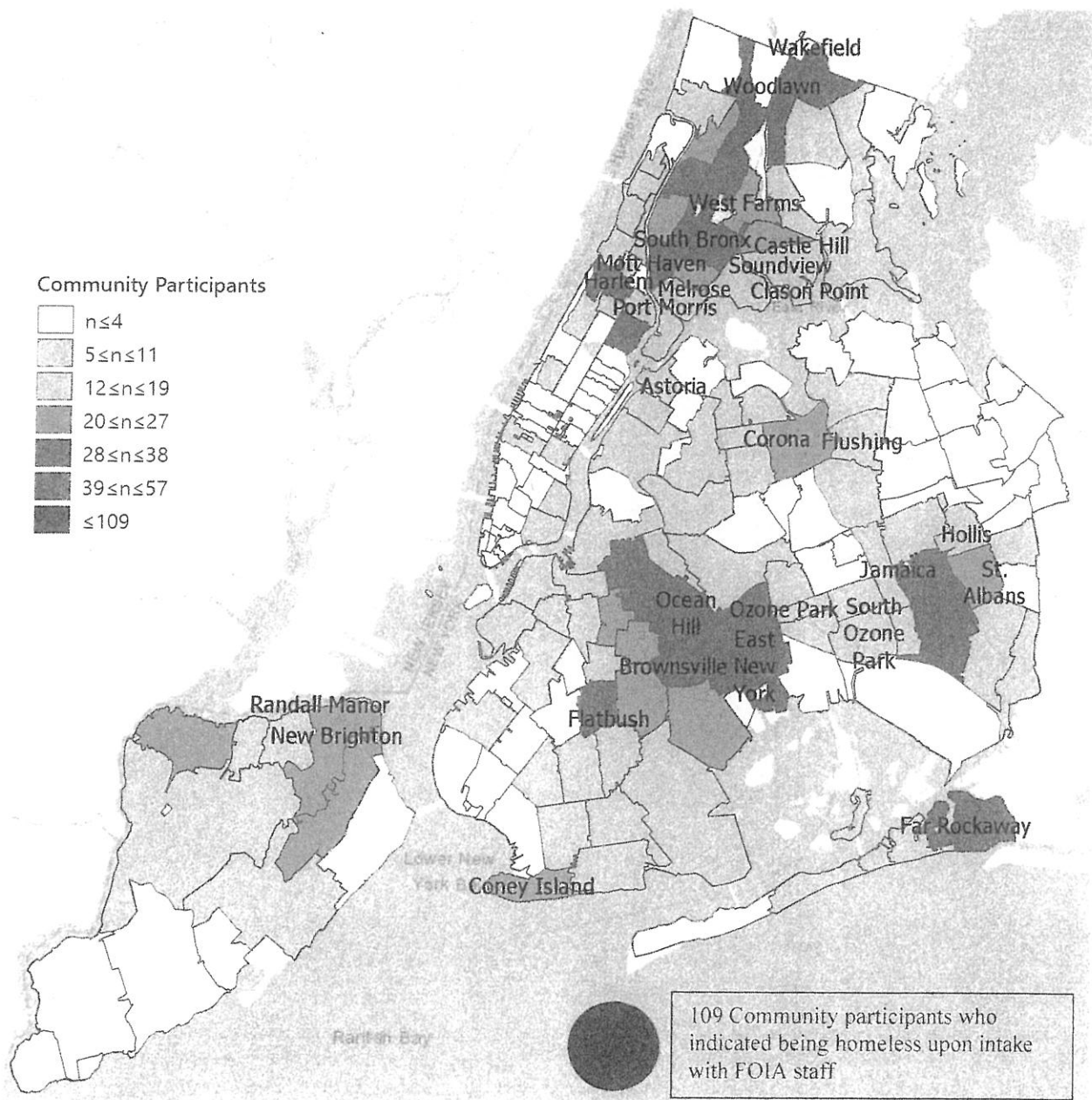
### LEVEL OF RISK



Citizens' Committee for Children  
OF NEW YORK

Data provided by [data.ccnnyork.com](http://data.ccnnyork.com)

Map of where YRN Participants have Returned Home to upon Leaving  
Rikers Island November 1<sup>st</sup> 2016 through December 31<sup>st</sup> 2018



**Written Comments of Kate Rubin, Youth Represent  
New York City Council  
Committee on Juvenile Justice  
Oversight - Evaluating Programs that Aim to Reduce Recidivism Among Justice  
Involved Youth  
January 16, 2019**

Youth Represent is a holistic youth defense and advocacy organization. Our mission is to ensure that young people affected by the criminal justice system are afforded every opportunity to reclaim lives of dignity, self-fulfillment, and engagement in their communities. We provide criminal and civil reentry legal representation to young people age 24 and under who are involved in the criminal justice system or who are experiencing legal problems because of past involvement in the criminal justice system. Our interdisciplinary approach allows us to understand the full extent of our clients' legal and practical challenges so we can effectively represent them as they make the journey from courtroom to community. We thank Chair King and the Committee on Juvenile Justice for the opportunity to provide testimony.

As this committee knows, any involvement with the criminal or juvenile justice system—from a summons to a placement or sentence of incarceration—threatens a young person's stability and opportunity.

Justice involvement disrupts education by triggering school suspension, missed days of school to attend court dates, or simply reduced achievement due to the stress of a criminal or family court case. Justice involvement can also impact housing in both the short and long term: current landlords may start eviction proceedings because of an arrest, and future landlords may run criminal background checks. Later, justice involvement undermines employment and earning opportunities. According to a report by Center for American Progress, "having any arrest during one's life decreases employment opportunities more than any other employment-related stigma, such as long-term unemployment, receipt of public assistance, or having a GED instead of a high school diploma."

Together, these laws and practices erect barriers to successful reentry for even the most hardworking individuals leaving the criminal justice system, especially for youth who inherently have less work experience than older New Yorkers and who have had little time to build strong education or credit backgrounds, let alone professional networks.

Youth Represent has developed a model for helping young people overcome these barriers and positioning them for lasting success. We serve as "in-house counsel" for youth-serving organizations, providing Know Your Rights workshops and comprehensive legal services to their participants. Every week, our lawyers travel to job training programs, schools, settlement houses, health centers, and jails to meet our clients where they are. And we incorporate youth development principles like motivational interviewing, strengths-focus, and meaningful participation into the legal services we provide to ensure that we get real results for youth.

## *Beyond Recidivism: Evaluating Program Impact and Outcomes*

While keeping youth out of the criminal and juvenile justice systems is at the core of our mission at Youth Represent, we do not rely on recidivism as the most important metric for program evaluation. When young people have been incarcerated for any amount of time, they far too often return to circumstances similar to those that led to their court involvement in the first place—under-resourced schools, unstable housing, and a lack of consistent and culturally competent services. Compounding these problems are the significant disruption of arrest and incarceration and, if the young person was tried as an adult, the stigma of a criminal record.

Because youth of color are policed and arrested at highly disproportionate rates, including for minor offenses and crimes of poverty, recidivism is an imperfect measure of a young person's success. In *Recidivism Reconsidered: Preserving the Community Justice Mission of Community Corrections*, Professor Jeffrey A. Butts and former New York City Probation Commissioner Vinny Schiraldi write, "Recidivism is at least in part a gauge of police activity and enforcement emphasis and, because of differential policing practices in minority communities, using recidivism as a key measurement may disadvantage communities of color. Relying on recidivism defines the mission of community corrections in law enforcement terms, relieving agencies of their responsibility for other outcomes such as employment, education, and housing."<sup>1</sup>

At Youth Represent we have represented countless young people who are doing well in school, participating in activities, sustaining employment and maintaining strong family relationships who nonetheless get arrested for turnstile jumping, trespassing on private property, drug possession, and other minor offenses. And because teenagers and young adults are by nature impulsive, risk taking, and susceptible to peer pressure, even arrests for more serious offenses can be aberrations from overall positive behavior. On the other hand, merely the fact that a young person has *not* been re-arrested doesn't tell us much about that young person's overall circumstances—only that they have avoided arrest.

For all of these reasons, holistic measures of youth success are essential at every point in the criminal and juvenile justice systems, and especially at the point of reentry. In *Recidivism Reconsidered*, Schiraldi and Butts propose a model of Positive Youth Justice where activities and outcomes are measured in the areas of work, education, relationships, community, health, and creativity.<sup>2</sup> In our experience, the theme that reaches across these elements is youth *engagement*. Programs and program staff that develop strong relationships with young people and keep them engaged even through times of crisis are critical to successful outcomes in all areas. The Youth Represent community lawyering model relies on close partnerships with youth-serving organizations that orient towards success for youth in all of the areas outlined by Schiraldi and Butts, and that have developed effective strategies for engaging youth through high quality programs, continuous and wrap-around services, and staff who build trusting, enduring relationships with young participants.<sup>3</sup>

---

<sup>1</sup> Butts, Jeffrey A. and Vincent Schiraldi. *Recidivism Reconsidered: Preserving the Community Justice Mission of Community Corrections*. Program in Criminal Justice Policy and Management, Harvard Kennedy School, March 2018, p. 1.

<sup>2</sup> *Ibid.*, p. 11

<sup>3</sup> Youth Represent partners with Friends of Island Academy, CASES, Getting Out and Staying Out, Henry Street Settlement, Mt. Sinai Adolescent Health Center, STRIVE, and over a dozen other organizations citywide.

## *Program Evaluation at Youth Represent*

At Youth Represent, our focus is on delivering the highest quality legal services to court involved youth. With a goal of identifying robust measures for evaluating our own program, Youth Represent has engaged in three evaluation projects over the past five years. All of these evaluations have focused on the impact of our legal interventions on the lives of the young clients we serve and their families.

The first evaluation effort was funded by the New York City Center for Economic Opportunity and conducted by Metis Associations in 2014. It focused on the effectiveness of our Know Your Rights trainings and on the success rates of our legal cases. The evaluation found that in post-workshop surveys, 97% of respondents indicated that they knew more about their own rights in the criminal justice system because of the workshop they had completed. It also found that Youth Represent resolved 4 out of 5 legal cases successfully, with the highest success rates in the areas of school suspension cases (93% success rate) and correction of criminal record errors (87% success rate). Staff at our partner organizations—such as social workers, job placement specialists, and case managers—described their organizational relationships with Youth Represent as “extremely valuable” (80%) and indicated that Youth Represent supported their organizational efforts in serving youth to a large extent (83%).

From 2016 – 2018, we worked with The Rensselaerville Institute (TRI) to improve our internal evaluation processes by better capturing the *results* of our legal work. Through our work with TRI we identified the key results we aim to achieve through our legal services, such as ensuring that every young person we serve understands their criminal record, if they have one, and can share and speak to their record accurately and effectively when applying for jobs, school, and housing. We then made changes to our data collection and case management system to ensure that we were capturing the results we had identified as most important. Through this process we found that 43% of youth we served did not know what was on their criminal record before they met us. We are currently in the process of adding fields to our case management system to better track the benefits to clients of our interventions. Examples include legal benefits such as a reversed school suspension or the maintenance of stable housing and financial benefits such as monetary settlements and reduced fines.

Finally, we wanted to go one step further to explore the potential longer-term impact of our services on clients’ lives. To do this, we contracted with a doctoral student at the Harvard T.H. Chan School of Public Health to evaluate the economic impact of our criminal record review services, which form the core of our direct legal services at Youth Represent. After a preliminary review of Youth Represent services, outcomes data, and the available literature, we agreed to focus the analysis on one portion of our impact: cases in which error correction left clients with no criminal record visible to prospective employers (“criminal record clearance”).

Based on a review of Youth Represent records, this most recent analysis estimated that 218 clients experienced record clearance because of our intervention between January 2011 and September 2017. The analysis then applied existing academic research to make predictions about employment prospects for Youth Represent clients with and without record clearance. The conclusion found that while clearing a person’s criminal record only slightly increases their

chance of finding some form of employment, **it significantly increases their chance of finding regular, full-time, and higher paid employment.** The income difference generated by record clearance was so significant that the report estimated that over a four-year timespan, Youth Represent's record clearance services produced \$3,654,687 in employment-related economic benefits for our clients.

Record clearance is only a small portion of our services at Youth Represent. In the same time period from 2011 – 2017, we reviewed rap sheets for thousands of clients and corrected errors for nearly 900. We believe that there are positive employment and ancillary outcomes for clients who receive rap sheet review services that help them understand their rap sheets, including what information is sealed and what must be disclosed, and speak confidently about their records when required. However, because of a lack of existing research in this area, it was not possible to make a similar set of financial projections for these services. In the future, we hope to see more research on the economic effect of not just record clearance but effective rap sheet review and counseling.

Through these evaluation processes, Youth Represent has developed tools for tracking how our interventions can improve a young person's position and increase their knowledge. We find these nuanced measures to be more useful for examining the effectiveness of reentry services than recidivism rates, which can hinge more on a client's race and zip code than on their actual well-being.

#### *Raise the Age Implementation and Continuity of Services*

We appreciate the Council's commitment to understanding and ensuring the effectiveness of programs serving court involved youth in New York City, and wish to emphasize the importance of continuous and coordinated services at every point in the system, especially as the City implements Raise the Age legislation. **Our legal services at Youth Represent are only successful because they exist in the context of other critical services provided by partner organizations, including preventative services, mental health and substance abuse treatment, counseling, criminal and juvenile defense, mitigation, credible messenger mentoring, career development, and reentry services that follow young people from incarceration into the community.**

Ongoing investment in this thick network of positive youth development programs has been particularly critical to Raise the Age implementation, especially for youth detained Crossroads and Horizon Juvenile Centers and for older youth who are still detained at Rikers Island. Success for these young people depends on access to robust services that start during incarceration and follow youth home to provide continuous support upon reentry. Working together, and with ongoing support from the Council as well as the Mayor, our organizations can meet the unique needs of each young person we serve across the domains of work, education, relationships, community, health and creativity.



**BROOKLYN  
DEFENDER  
SERVICES**

**TESTIMONY OF:**

**Rebecca Kinsella – Senior Social Worker, Adolescent Representation Team**

**Presented before:**

**The New York City Council  
Committee on Juvenile Justice**

**Evaluating Programs that Aim to Reduce Recidivism Among Justice-Involved Youth**

**January 16, 2019**

My name is Rebecca Kinsella and I am a senior social worker in the Adolescent Representation Team at Brooklyn Defender Services (BDS). BDS provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 35,000 clients in Brooklyn every year. I thank the City Council Committee on Juvenile Justice and Chair Andy King for the opportunity to testify today about our young people's experience with programs aimed at reducing interaction with the criminal legal system.

Brooklyn Defender Services has a specialized adolescent unit, called the Adolescent Representation Team, comprised of 12 committed attorneys, nine adolescent social workers, and two youth advocates dedicated to providing legal representation, advocacy and social services to court-involved adolescents age 21 and under. Our team represents over two thousand adolescents ages 13-21 annually. My caseload includes adolescents detained at Crossroads and Horizons, ACS detention facilities in Brooklyn and the Bronx, respectively, as well as young people detained on Rikers Island. Our continued goal is to eliminate or reduce any and all interaction young people have with the criminal legal system. We do that through utilizing alternative-to-incarceration programs; advocating for additional social workers in youth detention centers; connecting young people to holistic reentry programs; legislative advocacy to eliminate or reduce harsh punishments for youth and free up resources for more supportive programming; and providing a support system for young people as their lives are unfortunately disrupted by the system.

**RECOMMENDATIONS**

BDS is fortunate to have great relationships with several programs that provide many of our adolescent clients with holistic services and are aware of the reality young people live in. For example, Exalt, the Brownsville Community Justice Center, Families Rising, The Door, and Esperanza all have proven track records of working diligently with our youth to help them achieve their own personal goals. Though we are fortunate to work with such great partners, we need to understand that recidivism programs cannot be the ultimate solution. A three to six month or one-year program cannot undo generational trauma and address internal and external factors that lead people into problematic behavior, nor can they displace the vastly overly inclusive penal laws and racially biased enforcement that often ensnare them. Placing that expectation on these programs is unrealistic and takes responsibility away from the other agencies and institutions that need to transform if we are truly trying to address violence and build safer communities. That being said, here are our recommendations for the Council:

**1. The City should improve access and increase funding to community-based programs that are led by formerly incarcerated people.**

Such programs are crucial to meeting young people's needs and providing services to this vulnerable population. In our experience, youth mentoring programs are extremely effective. These programs involve mentoring of court-involved youth by individuals who themselves have been through the system. It is critical that these programs be properly funded, including adequate compensation for the crucial advocacy on behalf of young people mentors provide and stipends for young people.

BDS has also found great success for our clients who have enrolled in programs that engage teenagers along with their families, like Families Rising. According to its website, "Families Rising is a collaborative initiative between the New York Center for Juvenile Justice and the New York Foundling to provide evidence-based therapeutic services to teenagers who come into contact with New York's adult criminal courts. These services provide families and caregivers with essential rehabilitative tools to comprehensively address the complex behavioral and mental health issues that may have initially led to the child's involvement with the criminal justice system."

Harm committed by youth is a product of generational trauma and experiencing poverty. Often times the most accessible "resource" for family members is to call the police when a young person is acting up and that usually results in a protective order that prevents the young person from returning home. Having programs such as Families Rising helps to address the cycle of abuse through a more restorative and transformative approach.

**2. The City should expand funding for adolescent social work services for public defender offices.**

Adolescent social workers in public defender offices go beyond the traditional role of social work at public defense offices, often maintaining contact with our clients during and after their incarceration. Our social work fills in the gaps that are not met by other service providers. Each BDS client under the age of 21 is guaranteed to receive social work intervention. Currently, each of our Adolescent Representation Team social workers has an individual caseload of 45-55 clients. Our social workers provide direct advocacy, advice, and referrals for clients in the community and those in pretrial detention. By keeping in touch with our clients from the point of

arraignment through the end of their incarceration and sometimes beyond, we have a better chance of ensuring they feel supported. BDS' adolescent social workers help our clients re-enroll in school, apply for college, find work, secure housing, and connect with services they need following their release. Increased capacity for specialized adolescent social work in defender offices could prevent more youth from slipping through the cracks of society and into the criminal legal system.

Michael, a young client of mine, was awaiting disposition of his case while detained on Rikers Island. As his social worker, I was able to identify an appropriate alternative to incarceration program that a judge ultimately found suitable to serve as a resolution to Michael's case. Following Michael's release, I was able to assist him in locating an appropriate education setting as well as connecting him to necessary mental health treatment that he was not receiving while incarcerated. Without this support, it is unlikely Michael would have made a smooth transition back to the community. Michael successfully completed his alternative to incarceration program after more than one year of participation, resulting in no criminal record and having acquired important skills to accelerate his growth and development.

### **3. The City must provide safer shelter space and respite centers for homeless and formerly incarcerated youth in their communities.**

One key to successful reentry for formerly incarcerated youth is having a safe space to return to in their communities.

Public defenders in Brooklyn serve around 500 homeless 16- and 17-year-olds every year, the vast majority of whom are not being served by Runaway Homeless Youth (RHY) service providers because of the lack of beds in Brooklyn. About half of the youth are *made homeless* by the criminal legal system because the court has issued an order of protection against the youth for a certain amount of days, sometimes months, after a criminal allegation involving a domestic disturbance, making it illegal for the young person to return home.

The City and State should provide more safe shelter space and respite centers for RHY youth in Brooklyn. The vast majority of runaway and homeless youth must seek crisis shelter beds in Manhattan where they are too often turned away for lack of beds. Runaway and homeless youth have been made homeless by failures of the education system, juvenile and adult criminal legal systems, the family court and foster care systems, and adults who have been unable to properly care for them. The City can and must address the youth homelessness crisis by opening youth crisis shelters in Brooklyn, the Bronx, Staten Island, and Queens.

### **4. Young people surveilled for an assumed gang affiliation should instead be connected to a social worker and provided additional rehabilitative services.**

Black and Latinx New Yorkers are being surveilled and added to a gang database even if they have not committed a crime and for those who have been accused of a crime they are provided no viable alternative to incarceration options or rehabilitative programs while incarcerated. Though we firmly believe that we should abolish the gang database because it does not address violence, it only monitors and escalates violence, we recognize the sensitivity of the topic. Gangs and the gang database continue to be a contentious topic in New York City and is often avoided when gang related violence occurs. However, through our work with justice-involved youth, we

know that young people can be better served if they are connected with social-services aimed at improving their social, economic and emotional well-being before they become justice-involved. Another effective intervention, is credible messengers and cure violence programs. Credible messengers are formerly incarcerated men and women, some who are former gang members and now work to address the root causes of gang violence in our neighborhoods. Increasing the funding to these services and allowing credible messengers to intervene before violence happens, is more effective than monitoring and criminalizing young people.

## BACKGROUND

Our reliance on the racist punishment paradigm and a violent carceral system has proven to be an extremely destructive method of social control and isolation rather than an effective means to address abuse and violence. Incarceration is harmful; it is systemized abuse designed to violate, harm, exploit, and perpetuate violence. It has always been this way, and as we continue to make incremental reforms, it has become a system that is increasingly detrimental to Black and Latinx people, young people, people with mental illness, and people who are queer, disabled, immigrants, and/or living in communities where resources have been siphoned and invested in policing rather than social and economic resources.<sup>1</sup> For this hearing on programs that aim to reduce recidivism among justice involved young people, it is important to make it clear that incarceration is harmful and counterproductive for young people because the harm that they cause does not happen in a vacuum; they are a product of generational poverty and communities that have been disproportionately provided resources in the form of jails, prisons and police.<sup>2</sup> For the sake of our youth, I am thankful for Chair Andy King and the Committee on Juvenile Justice for having this hearing to ensure that programs are providing the best services to our young people. I hope we continue to allocate resources towards comprehensive services but also advance legislative reforms to change the criminal laws, policies, and practices that treat our young children, particularly those who are Black and Latinx, as “superpredators”.<sup>3</sup>

### *Programs' benchmarks should be individualized*

As advocates, it is our duty to push the legal system to consider our clients' individual and nuanced experiences. While the criminal legal system can view people as two-dimensional based predominately on their criminal history, we use our unique clinical relationship with our clients to push judges and prosecutors to look at them as whole people whose essential rights and dignity must be protected, even if they have made mistakes or caused serious harm. The benchmarks of alternative to incarceration and reentry programs for youth should also offer a nuanced view of success.

Recidivism is a difficult concept to measure; this can result in programs creating a rigid standard of success that needs to be achieved within a specific timeline. In our experience, using the concept of recidivism, meaning interaction with the criminal system or being rearrested, is not an effective measurement of success of rehabilitation or individual transformation. Many of our

<sup>1</sup> Hari Ziyad, *What do we do with abusers like R. Kelly if we abolish prisons?*, January 8, 2019, Black Youth Project, available at: <https://blackyouthproject.com/what-do-we-do-with-abusers-like-r-kelly-if-we-abolish/>.

<sup>2</sup> Adam Schaffer, *New report documents urgent need to replace youth prisons with rehabilitation-focused alternatives*, October 21, 2016, The Harvard Gazette, available at: <https://news.harvard.edu/gazette/story/2016/10/youth-justice-study-finds-prison-counterproductive/>.

<sup>3</sup> Krista Larson and Hernan Carvente, *Juvenile Justice System Still Grappling with Legacy of the “Superpredators,”* January 24, 2017, Vera Institute of Justice, available at: <https://www.vera.org/blog/juvenile-justice-systems-still-grappling-with-legacy-of-the-superpredator-myth>.

young people live in heavily policed neighborhoods, go to schools with a large police presence, and are often stopped and frisked by police on a regular basis. This reality may lead to re-arrest for engaging in typical adolescent behavior that is not monitored in higher income areas. Youth who are rearrested should be granted the presumption of innocence, not labeled as recidivists, noncompliant, or failing programs.

Aside from the looming threat of re-arrest, research shows that experiencing poverty makes a person more likely to interact with the criminal legal system<sup>4</sup>. Black and Latinx young queer, disabled and/or immigrant populations are particularly targeted due to homelessness, hanging out with a group of friends and being criminalized and labeled a gang, and/or them finding underground means of survival.<sup>5</sup>

The existing programs for youth with criminal legal system involvement are not designed to meet the diverse needs of all participants. I have a client who has an intellectual disability and an IQ of 50. The ATI programs available to him are not designed for young people with intellectual or developmental disabilities. For my client, social interactions look different, his job and educational prospects are limited, and success for him will not look the same. However, the strict benchmarks of the program hold him to the same standard as young people without cognitive delays. With growing frustration he is more likely to quit the program.

Each young person that I work with requires different support from me, so appropriate intervention is always individualized to the needs of the youth. Recidivism programs should be individualized and cognizant of the day-to-day realities that Black and Latinx young people are living.

### *Eligibility restrictions for young people assumed to have gang affiliations*

Currently, there are very limited and generally not viable alternatives to incarceration for young people given a gang classification by NYPD even if the young person denies any gang affiliation. For young New Yorkers facing charges of alleged gun possession or, in some cases, robbery in Brooklyn, there are only two available alternatives to incarceration programs: Youth and Congregations in Partnership (YCP) and Project Redirect. Both are run by the Brooklyn District Attorney's (DA) office, require upfront guilty pleas with severe suspended sentences, and allow for defendants to get their cases dismissed and sealed upon completion. YCP is the preferable option for our clients, as it is more productive and has better outcomes. This program requires young people to participate in weekly meetings with DA staff, attend school or work, and abide a curfew for a year. However, in our experience, adolescents who are alleged to be gang members are never offered this program, and instead are pushed to Project Redirect. We have serious concerns about the philosophy of this program, which often results in shaming our clients rather than modeling positive behavior.<sup>6</sup> All of our clients need and deserve viable and rewarding ATIs, regardless of the accusations against them.

<sup>4</sup> See for example Lauren Nichol Gase, et al., Understanding racial and ethnic disparities in arrest: the role of individual, home, school, and community characteristics. *Race and social problems*, 8(4), 296-312. (2016).

<sup>5</sup> *Being African American & LGBTQ: An Introduction*, available at: <https://www.hrc.org/resources/being-african-american-lgbtq-an-introduction>.

<sup>6</sup> See Rebecca Kinsella Testimony before the New York City Council Committee on Public Safety, June 13, 2018, available at: <http://bds.org/wp-content/uploads/2018.6.13-BDS-testimony-on-gang-policing-NYCC-SUBMITTED-1.pdf>.

We thank the City Council for your consideration of this important issue and hope you consider BDS a resource as we continue to have this conversation.

If you have any question about this testimony, please contact Saye Joseph at [scjoseph@bds.org](mailto:scjoseph@bds.org) or (718) 254-0700 Ext 206.

Committee on Juvenile Justice

Evaluation Oversight Hearings

January 16, 2019

Testimony by Chris Norwood, Executive Director, Health People

Health People has been, from the beginning, one of the community groups which has had the pleasure of implementing Arches. As you have heard, it is an extraordinarily successful program---and the Department of Probation deserves a lot of credit both for developing it---and for making it their first program contracted to community groups as an inherent part of the strategy. It is a group and individual mentoring program where older men who have been in the criminal justice system are mentors for young men age 16 to 24 on probation. The use of “credible messengers” has been critical to the success of Arches just as has been the Department’s innovation of contracting this program to credible community groups, firmly rooting it in communities. Intensive evaluation has shown that Arches is achieving extraordinary results---young men in this program have at least 60% fewer re-arrests than similar young men not in Arches.

I would like to, if I may, consider evaluation in a wider scope---which is how to go forward with success.

The first point is to continue the success of Arches. Its only natural within organizations and city agencies that there new challenges rather constantly. When there is turnover of probation officers, for example, new probation officers don’t always know the importance of making referrals to Arches so programs won’t be at full capacity even though hundreds of young men could benefit. For all of us in this field, constant staff training and interactions with each other are vital. We, and I am sure, other community groups, really want to work more closely with the Department of Probation to restore referrals and enrollment in Arches to what it was at the beginning.

The Department has also, obviously, been under great pressure to implement Raise the Age. For Arches, Raise the Age meant that 16 and 17 year olds could no longer go to the established Arches groups, which originally were for 16 to 24 year olds, even though evaluation clearly showed that 16 to 17 year olds were doing particularly well in the original Arches groups!

(Please see other side)

The thrust of city policy of Raise the Age unfortunately has been to “place” all jailed youth 16 to 17 in the Bronx---and then Brooklyn. We’ve all seen the results. Programming is key to Raise the Age. Unfortunately, at this time, it does not appear that the Department of Probation has sufficient funds to expand Arches as it should be expanded for Raise the Age. The Department’s proposed Arches programming for 16 and 17 year olds which would only have capacity for about 32 younger men in each borough.

So, by policy, the Bronx and Brooklyn have to take the brunt of the serious problems and challenges with Raise the Age----but let me evaluate where money goes in NYC

As often happens in our city, there is a huge discrepancy between who has funds and where they are needed. Most of these youth are in the Bronx and Brooklyn---indeed ALL of those who are still jailed will be placed in the Bronx and Brooklyn no matter where they actually live.

The Manhattan District Attorney’s Office had a reported \$734 million\* in asset forfeiture funds as of June 30<sup>th</sup>. This money was gained by enforcement of federal laws---which, while it is federal money, the key location of the Manhattan District Attorney gives that office an incredible advantage in claiming these funds. By contrast, the Bronx had about \$3million in asset seizures.

The Manhattan District Attorney, amazingly, gets to singlehandedly decide where this money goes.

I have not been able to find that he has donated any funds whatsoever to youth and justice programs in the Bronx and Brooklyn---- although he has actually used some of this money for OUT OF STATE programming in a national rape kit initiative.

I realize the City Council does not provide oversight of the District Attorneys---but I think we all need to ask---how can it be proper for this amount of federally-derived money not be fairly used for the city---allocated to where the needs are unquestionably highest---and especially, since it derived from crime, not be used for programming so well shown to keep our highest need youth from further crime!

\* Source: <https://nypost.com/2018/02/14/manhattan-da-is-flush-with-asset-forfeitures/>

FOR THE RECORD

**Testimony at the City Council Oversight Committee on Juvenile Justice  
Evaluating Programs that Aim to Reduce Recidivism Among Justice Involved  
Youth**

**January 16, 2019**

**Chantla Stokes**

**Youth Development Specialist**

**Harlem FamilyWorks Program**

**The Osborne Association**

**[cstokes@osborneny.org](mailto:cstokes@osborneny.org)**

Thank you for this opportunity to speak about such a critically important issue as evaluating the quality of juvenile justice program for youth. My name is Chantla Stokes and I am the Youth Development Specialist of Osborne's soon to launch Harlem FamilyWorks, providing support and leadership development to youth who have experienced the incarceration of a parent. My testimony focuses on evaluating the quality juvenile justice programs.

The Osborne Association provides services to many justice involved youth through our Arches, Next Steps and Justice Community programs in the South Bronx. We provide transformative mentoring, cognitive behavioral interventions, paid internships and transitional employment, and employment training and permanent job placement, access to high school, college and vocational services, as well as connection to medical and mental health care. Perhaps most importantly, we provide safety. We provide safe spaces that belong to the youth and where the youth feel they belong.

Recidivism is an important and traditional indicator for programs focused on justice involved youth. We urge that recidivism for this age groups (and all populations) be defined by reconviction and not as re-arrest. However, recidivism alone does not tell the story of the transformation, growth, maturity or well-being that we all wish for all the children in our own lives and for the youth we serve and work in partnership with.

Evaluation must include outcomes and data as well tangible content of the program. Do the programs use youth development principles and evidence based practices? It is important to consider the difference between (1) services (those things that are done to or for young people—like mental health, rehabilitation, substance abuse, education, employment services), (2) opportunities (activities, roles, responsibilities taken on and done by the young person) and (3) supports (those things done with the young person). Services are essential, but not enough.

Youth will always try to meet their needs for: safety and structure, belonging and membership, self worth and ability to contribute, self awareness and the ability to reflect and assess, independence and control over one's life, closeness with at least one lasting relationship with an adult, competency and mastery.

Resiliency research and evaluation of successful prevention programs have identified the following core components of settings which promote development and enable young people to meet their needs: opportunities for contribution, caring and trusting relationships, high expectations, engaging activities, factors that promote continuity for youth in the program, supportive organizational structure and welcoming environment.<sup>1</sup>

---

<sup>1</sup> Credited to the Youth Development Institute's Training for Youth Workers, which Osborne has engaged in.

Quality programs are able to authentically engage youth. This means the staff is culturally competent and experienced working with youth. It's important to balance credentials with experience when building a staff for youth development programs. Being able to authentically engage youth also means including staff with lived experience, as credible messengers. Osborne engages credible messenger mentors and other staff with lived experience in all of our youth programs. We utilize a transformative mentoring model. Evaluators should look for indicators of engagement, re-engagement, and trust between the youth and the staff. Program must have structure, but also be flexible. This is a balance between high expectation and support.

Programs for justice involved youth must provide safety. Safety, choice and a measure of control are required for healing from trauma. Program spaces must be responsive to the youth. Evaluators should expect to see the youth represented in the space with artwork and writing by youth visible in the area, as well as pictures of events and outings. Programs must offer choice and some opportunity for the youth to direct and control what happens in the program. While young people may be mandated to programs intending to reduce their return to incarceration, we can still provide choices to youth. We can create curriculum content and activities that are responsive to youth's interests as well as their needs. We can create opportunities for youth lead activities and projects within the contexts of our program.

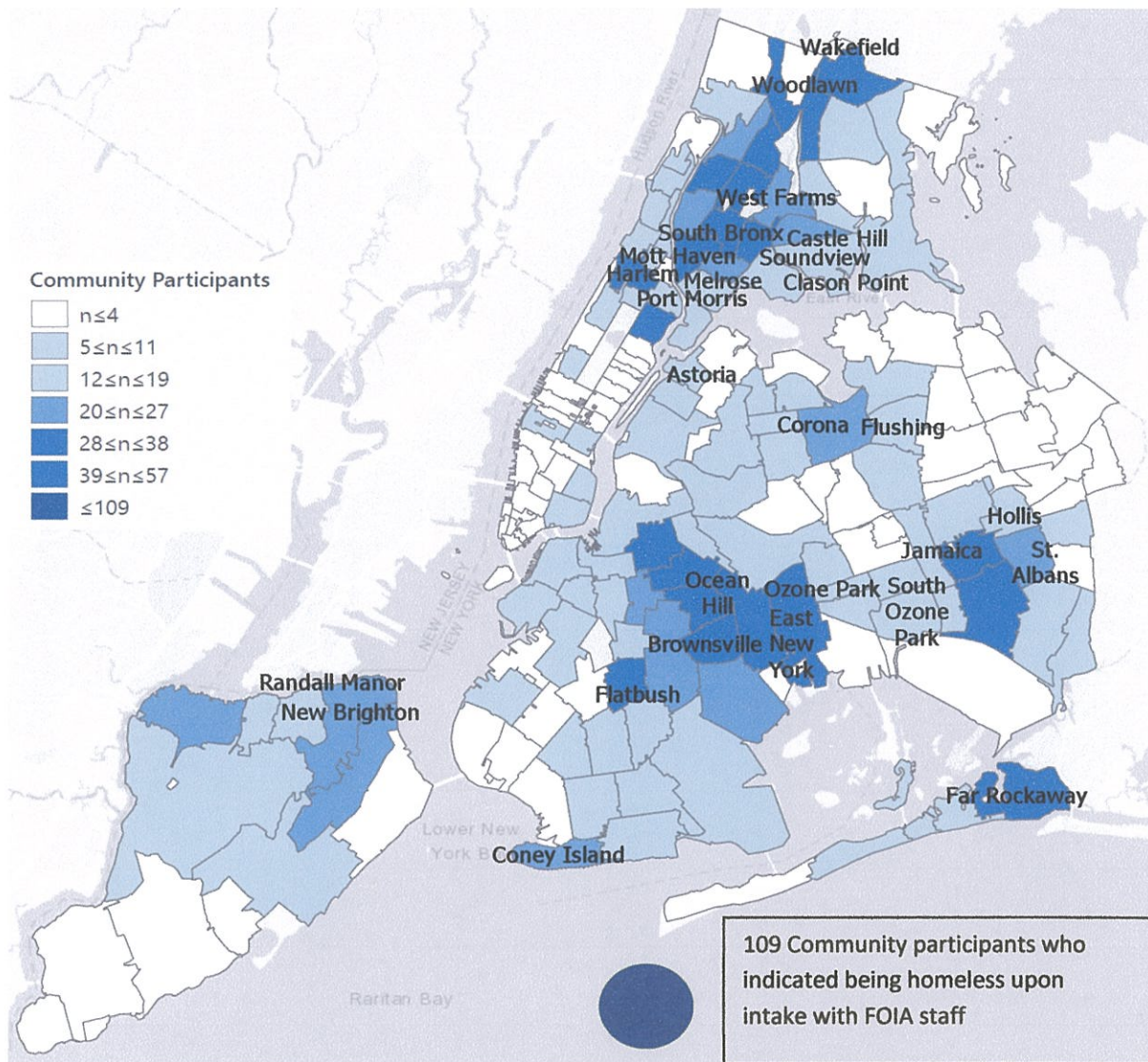
Evaluators should also be concerned with whether youth in a program experience a sense of community within the program. Are they building supportive relationships with their peers. Are the curricula and staff intentionally including community building opportunities among the youth in the the program and between the youth and the larger community? This can be done though regularly community building exercises and service projects. Leadership and advocacy training also support a sense of community and highlight each individual's responsibility to the whole. Osborne trains youth in advocacy and they develop platforms, campaigns, and advocate for change to elected officials that are important to them and their community. These experiences connect the dots for youth between our actions and decisions and the consequences and impacts they have on us as well as how they ripple through our communities and impact others. This connection, leadership, and self-efficacy creates a diminished likelihood of recidivism.

One indicator we rely on to measure our success is whether alumni of our programs stay connected with us and return to support the youth who have come in behind them. We have alumni as facilitators, guest speakers, keynote speakers at our graduations, and mentors.

We thank the Council again for your interest in youth programming and for investing in the future.

**Testimony of**  
**FRIENDS OF ISLAND ACADEMY**  
Before the City Council Committee on Juvenile Justice  
January 16, 2019

***Evaluating Programs that Aim to Reduce Recidivism among Justice Involved Youth***



**Over a two-year period ending December 31, 2018,  
2828 young people ages 16 to 21 met with Friends' Youth Advocates on Rikers Island  
within 48 hours of their admission.**

**Of these, 2219 were discharged to communities across New York City.**

**Of these, 1262 youth engaged with their Advocates in their neighborhoods after release.**

**This map reflects neighborhoods where the 1262 youth returned.**

***Chairman Cabrera and Members of the Committee on Juvenile Justice:***

On behalf of Friends of Island Academy, I thank the Committee on Juvenile Justice for the opportunity to address you. My name is Christine Pahigian and I serve as Executive Director of Friends of Island Academy. Friends is a non profit organization which was founded in 1990 on the school floors of Rikers Island.<sup>1</sup> I am here to talk with you about an innovative and large scale model we piloted at Rikers Island over the past 3 years which has had significant impact on the lives of youth admitted to Rikers and shows real potential to reduce readmission.

From the late 1980s through the mid-1990s, juvenile violence—and community violence in general — reached historic levels. Against this backdrop, our organization became a pioneer in “adolescent reentry” and was borne out of the cycles of recidivism which at that time hovered around 70% among students of color attending high school in jail. For the last 29 years, we have sought to leverage the promise and resilience of our youth by promoting their achievements beginning in custody and following them post-release. Today we operate the Youth Reentry Network, a Career Services Center, Parent Support programs in the Manhattan Family Court, targeted cognitive behavioral and credible messenger programs, and we offer two school sites for justice-involved youth in collaboration with the Department of Education.

In 2016, as part of this Administration’s juvenile and criminal justice reform agenda, the City invested in a 3-year Demonstration pilot through the Department of Correction for Friends of Island Academy to take our core services to scale. Known as the Youth Reentry Network, the

---

<sup>1</sup> The New York City Board of Education opened alternative high schools on Rikers Island during the 1980’s. Formally known as the Austin McCormack Alternative High School, the schools on Rikers were called Island Academy. In 2010, a restructuring of the schools by the NYC DOE resulted in a new name, East River Academy.

goals were clear: 1) reduce readmission; 2) reduce lengths of stay; 3) mitigate tension and trauma in custody; and 4) promote positive youth outcomes.

**In an article in Politico on October 4, 2016, Colby Hamilton wrote the following:** “ *A new program at Rikers Island is intended to bridge a gap in juvenile justice services for incarcerated teenagers to help ensure that 16 and 17 year olds coming off the island jail are connected with community-based programming upon release. The three-year, \$3 million per year pilot program, set to launch by year’s end, aims to provide what youthful offenders in other states often take for granted: dedicated staff members who connect with teenage inmates upon entry into the system and are there when they get out, regardless of whether it’s overnight or over months, to make sure they have access to resources in their communities when they come home.*”<sup>2</sup>

Mr. Hamilton was referencing our agency’s Youth Reentry Network, which launched a month later in November 2016. The Network is a comprehensive system of admission-based case expediting, discharge planning and re-entry support, all triggered by a youth’s first moments in custody. Today, the Network operates in three facilities on Rikers Island and now at Horizon. Through the Network, young people meet a Youth Advocate upon their admission to Rikers Island. This same Youth Advocate provides both pre-release reentry planning support and post-release, neighborhood-based support tailored to the young person’s individualized needs.

This individualized and continuous spectrum targets different points along the justice system continuum, with the goal of reducing readmission while promoting positive youth outcomes. Through repeated visits and family outreach, Youth Advocates build trusting

---

<sup>2</sup> Hamilton, Colby, POLITICO, Rikers Youth Reentry Program Attempts to fill Juvenile Justice Gap

relationships with young people while they are in custody. It's like cantilevering a floor to build a balcony outside: the longer and deeper the span under the floor, the stronger the structure once outside.

The map on the cover page of my testimony is a visual depiction of where our youth members returned after custody. Since the Network's inception, Friends' Youth Advocates have engaged 2828 young people ages 16 to 21 in custody. Of those we engaged in custody, 2219 young people have been released. As of December 31, 2018 youth advocates had connected to and worked in NYC neighborhoods with 1262 young people (about 57%) whom they first met in custody. [see table]

When youth leaving jails have no plans or assistance for discharge and reintegration, personal development and public safety are both compromised. Readmission, rearrest, reconviction, 1 year, 3 year, 5 year; assessment of risk and score levels. These are all well honed, well understood metrics. But when working with high risk adolescents and teenagers, other metrics are also key.

Young people thrive when two key elements are in place: learning/doing and attaching/belonging.<sup>3</sup> We integrate these elements, serving as a mobile safety net to 1) prepare and support families for a youth's reentry/transition home; 2) support and facilitate youth enrollment in school or educational/vocational advancement, High School Equivalency instruction, tutoring and homework help; 3) prepare young people for the world of work through job readiness, placement and retention; 4) provide on-site youth leadership training, opportunities for civic engagement and arts-based programming; 5) address and navigate system-

---

<sup>3</sup> Butts, Bazemore, Positive Youth Justice.

related barriers on behalf of youth and families; and 6) facilitate relationships with family and peers, formal and informal neighborhood leaders, local vendors, faith-based organizations, and third-party resources/mentors for youth in the neighborhood.

Resiliency research investigates the characteristics shared by adolescents who were able to successfully overcome multiple risk factors. This body of work has found that it is the presence of protective factors which serve to counterbalance risk and which correlates short and medium term outcomes in educational connection and retention, employability and work, health/mental health supports, connection to a caring adult) with long term reductions in recidivism. Evaluations of youth development programming found positive impacts, such as reduced risk behaviors, educational achievements, and improved pro-social skills, especially in programs focused on community engagement and length of stay.<sup>4</sup>

Over the last 26 months, the Youth Reentry Network has developed into a comprehensive system of aftercare dedicated to adolescents and young adults on Rikers, ages 16 to 21, with many moving parts and multi-system collaboration. On October 1 of this year, Friends' staff transferred a team of staff to Horizon while the majority of the team remains at Rikers today, focused on young adults 18 to 21. In partnership with numerous youth-focused community partners, we provide programming during the days at Horizon as well as housing areas at Rikers which hold young adults. The Network comprises a partnership with 40 youth- organizations which provide programming support to help minimize idle time and mitigate tensions/trauma, using time in custody to enrich and build skills among young people

---

<sup>4</sup> Community-based positive youth development is an OJJDP recognized program model for justice system involved youth.

Every day we see evidence on an individual human level of the impact of having a small army of Advocates in neighborhoods who are consistently and unconditionally available to their youth. As to the broader Network, an independent evaluation is being conducted by Crime Lab and is expected by June. From preliminary indicators thus far, we believe we are seeing a statistically significant reduction in readmission one year post-release.

Thank you for the opportunity to address you.

Respectfully submitted:

Christine Pahigian  
Executive Director  
Friends of Island Academy  
127 W. 127<sup>th</sup> Street, Suite 127  
New York, NY 10027  
212-760-0755  
[cpahigian@friendsny.org](mailto:cpahigian@friendsny.org)

**Table 1**  
**Unduplicated Youth Engagement in Custody and Discharged**  
**(as of Dec 31, 2018)**

Facility	Youth Intakes in Custody			Youth Discharged to Community			Youth Engaged in Community
	Dec 2018	YTD FY 19	Cumulative Since inception	Dec 2018	YTD FY19	Cumulative since inception	Cumulative since inception
<b>HOJC (Horizon)</b>	5	35	40	8	39	39	22 (56.4%)
<b>RNDC</b>	11	208	1166	54	395	947	573 (60.5%)
<b>RMSC</b>	8	72	419	15	105	334	137 (41.0%)
<b>GMDC</b>			644			450	279 (62.0%)
<b>EMTC</b>	17	128	559	33	152	449	251 (55.9%)
<b>Total</b>	<b>41</b>	<b>443</b>	<b>2828</b>	<b>110</b>	<b>691</b>	<b>2219</b>	<b>1262 (56.9%)</b>



**TESTIMONY OF  
JULIA L. DAVIS, ESQ.  
DIRECTOR OF YOUTH JUSTICE AND CHILD WELFARE**

**FOR THE COMMITTEE ON JUVENILE JUSTICE**

***Andy L. King, Chair***

***Members: Inez D. Barron, Mark Gjonaj, Robert F. Holden, Mark Levine,  
Bill Perkins and Jumaane D. Williams***

Oversight Hearing - Evaluating Programs that Aim to Reduce Recidivism Among Justice  
Involved Youth

January 16, 2019

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.

In New York, we are dedicated to improving conditions for children across the State, based on research, public education, policy development, organizing and advocacy activities. Our priorities are health, education, early childhood, child welfare and juvenile justice. We co-lead the Raise the Age-New York coalition, and sit on the Governor's Raise the Age Implementation Taskforce, with the purpose of ensuring that the law is implemented with fidelity to its principles. We also continue to work with State-wide stakeholders to push for further reform, including strengthening the continuum of services and supports for youth at-risk for, or who have contact with, the justice system.

We appreciate the opportunity to submit written testimony on the need for programs aimed at serving justice-involved youth in New York City.

## **The Limitations of “Recidivism” in Determining Whether We Are Meeting the Needs of Justice-Involved Youth**

Before discussing some of the specific needs facing youth in New York, I want to address the title of today’s hearing, and urge the Committee to think broadly about the purpose of programming in juvenile justice.

Recidivism is generally understood to be a new arrest, prosecution or conviction, following contact with the system. Relying exclusively on these measures to determine whether a program is effective not only underestimates the purpose and positive impact of interventions on young people’s lives, but also reinforces institutional racism within the justice system.<sup>1</sup> This is because recidivism is too narrow a metric for determining whether or not young people are making progress with regard to their health and well-being, and whether they are developing core competencies to be successful in the future.

Recidivism rates also fail to account for the systematic surveillance, over-policing and prosecution of black and brown youth in our justice system. According to former NYC Commissioner of Probation Vinny Schiraldi, “[r]ecidivism is at least in part a gauge of police activity and enforcement emphasis and, because of differential policing practices in minority communities, using recidivism as a key measurement may disadvantage communities of color.”<sup>2</sup>

## **Effectively Engaging Our Youth and Measuring Impact**

While public safety is one goal, it cannot be the only goal for our work. Court-involved adolescents are just like other teenagers, who are developing physically, psychologically and socially. Our City must maintain a continuous system of coordinated services that support their development and limit their contact with the justice system.

Best practice in juvenile justice embraces a Positive Youth Development framework, which includes a focus on, and measures of, educational engagement and progress, employment, social connectedness, health and well-being.<sup>3</sup> Within this framework, we shift our view of youth from the risk they pose to our communities, to viewing them as people with strengths, who can develop skills, and who need opportunities to develop healthy relationships, decision-making and self-determination.

Our juvenile justice work should measure its success by enquiring whether our youth are connected to people and environments where they can thrive by providing opportunities to learn, develop positive self-image, obtain physical and behavioral health services they may need, and deepen their connections to family, school, peers and their community.<sup>4</sup>

<sup>1</sup> Butts, Jeffrey A. and Vincent Schiraldi. *Recidivism Reconsidered: Preserving the Community Justice Mission of Community Corrections. Program in Criminal Justice Policy and Management, Harvard Kennedy School*, March 2018. Available at: [https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/recidivism\\_reconsidered.pdf](https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/recidivism_reconsidered.pdf).

<sup>2</sup> *Id.*

<sup>3</sup> Council of Juvenile Correctional Administrators. (2017). *A Toolkit for Positive Youth Development*. Available at: <http://cjca.net/wp-content/uploads/2018/02/CJCA-Toolkit-final-doc-Aug.-9-2017.pdf>.

<sup>4</sup> See generally *id.*; Harper Browne, C. (2014, September). *Youth Thrive: Advancing healthy adolescent development and well-being*. Washington, DC: Center for the Study of Social Policy. Available at: <https://cssp.org/wp-content/uploads/2018/09/Youth-Thrive-Advancing-Healthy-Adolescent-Development-and-Well-Being.pdf>.

While programs and services across the continuum impact outcomes in youth justice, including prevention, early intervention, alternatives to detention and placement, and aftercare/re-entry services, my testimony will focus on the services available to youth in the juvenile justice facilities that are essential to the success of Raise the Age in New York City: Horizon, Crossroads and Close to Home.

### **The Need for Continuity in Juvenile Justice Programming for the Success of Raise the Age**

Generally, all youth entering, living in, and returning home from detention and placement, require stable, continuous and coordinated care. Programming and services within facilities must identify young people's individualized strengths and vulnerabilities, help mitigate children's trauma, promote safety and security for youth and staff, and help ease the transition home. This commitment to consistent engagement with youth, through age-appropriate supports is at the heart of Raise the Age, which demands that our system treat young people like the youth they are.

#### Horizon

As a result of Raise the Age, the City removed all 16 and 17-year olds from Rikers Island, relocating them to Horizon Juvenile Detention Center in the Bronx. Horizon is home to not only the youth formerly held on Rikers Island, but also all newly arrested and remanded 17 year olds (so called "gap 17s" whose cases are not adjudicated under Raise the Age until October 2019).

Nowhere was the need for consistent, stable youth engagement and programming more necessary than during the first month of the transition of youth off of Rikers Island. Horizon's administrators implemented 180 hours of programming per week, working closely with Friends of Island Academy. The continuity of these relationships--begun with youth while they were still on Rikers--helped smooth the transition. After an adjustment period in the first two weeks, incidents at Horizon decreased significantly, as did injuries to staff<sup>5</sup> and youth.<sup>6</sup> Rates of use of force against youth dropped 50%.<sup>7</sup> This was achieved, in part, through this programming and service delivery, and without the use of pepper spray.

<sup>5</sup> During the first two weeks of October, COBA reported "more than 40 staff had been injured", and that a total of 42 Horizon correction officers were out of work because they had been injured on the job. See *Prayer Vigil to Demand Change*, News 12, Oct. 9, 2018, available at: <http://bronx.news12.com/story/39259130/horizon-corrections-officers-hold-prayer-vigil-to-demand-change>; *Teen inmates went ballistic on corrections officers over do-rags*, Sara Dorn, New York Post, Oct. 13, 2018, available at: [https://nypost.com/2018/10/13/teen-inmates-went-ballistic-on-corrections-officers-over-do-rags/?utm\\_campaign=iosapp&utm\\_source=twitter\\_app](https://nypost.com/2018/10/13/teen-inmates-went-ballistic-on-corrections-officers-over-do-rags/?utm_campaign=iosapp&utm_source=twitter_app). COBA reports that 53 staff were injured over the first 42 days. This means that only 11 staff were injured in the following month between 10/12 and 11/11. This is a significant reduction in injuries to correction staff. <https://www.cobanyc.org/sites/default/files/press-release-11-29-18.pdf> at 2.

<sup>6</sup> The federal court monitor reported that 40 youth injured during the first 28 days of October. See *Letter from Office of the Nunez Monitor*, Oct. 31, 2018. Electronically filed with the Court (SDNY) Case 1:11-cv-05845-LTS-JCF, Doc 319. COBA states the same number -- 40 "inmates" -- were injured over the first 42 days. See <https://www.cobanyc.org/sites/default/files/press-release-11-29-18.pdf> at 2. Thus, there were no reported youth injuries over the following 2 weeks.

<sup>7</sup> See *Letter from Office of the Nunez Monitor*, Dec. 4, 2018. Electronically filed with the Court (SDNY) Case 1:11-cv-05845-LTS-JCF, Doc 320.

The Friends of Island Academy and other community based partners were essential to reducing the violence and creating a safer facility. Their continued work, and that of other service providers, is critical to the continued progress of Horizon.

### Crossroads

At Crossroads Juvenile Center in Brooklyn, where children charged as juvenile delinquents (JDs), juvenile offenders (JOs), and Adolescent Offenders (AOs) are held, providers including Friends of Island Academy and the Center for Community Alternatives, work with youth in the facility, and follow young people back into their communities after their release. These ties, built within the facility, and continuing after young people return home, help youth navigate school re-enrollment and engagement with necessary services and supports.

In addition, Children's Defense Fund-NY works with the Administration for Children's Services to operate a Freedom School at Crossroads, which is a literacy-based summer program for youth. The program aligns with positive youth development principles, encouraging youth engagement in academics, promoting healthy social development, civic engagement and social action, intergenerational servant leadership, and nutrition, health and mental health.<sup>8</sup>

### Close to Home

The Administration for Children's Services operates the Close to Home program, which allows youth placed outside of their home as the result of juvenile delinquency proceedings to remain in small home-like environments in and near New York City. Close to Home providers utilize evidence-based models, work collaboratively with youth and their families, engage youth in pro-social community activities, and allow youth to earn education credits attending Department of Education schools. Close to Home providers also manage youth's return home after placement, through aftercare services that maintain continuity between case planners and services providers as youth go back to their families and their neighborhoods.

A 2018 evaluation of Close to Home found a number of key indicators of positive youth development and public safety improvements since the program began, including:

- 37% decline in youth detention 2012-2016 (vs. -31% in the rest of the state)
- 41% reduction in the number of youth absconding from C2H facilities
- 91% of youth passed their academic classes (2016-2017 School Year)
- 82% of youth transitioned to a parent, other family member or guardian (2016)
- 91% of youth were enrolled with community-based programs (2016)<sup>9</sup>

In prior years before State funding was cut in 2018, the City received more than \$30M in State matching dollars to operate a network of local residences and aftercare supports

<sup>8</sup> See generally, <https://www.childrendefense.org/programs/cdf-freedom-schools/>.

<sup>9</sup> [http://justicelab.iserp.columbia.edu/img/forum\\_handout\\_final\\_3.12.18.pdf](http://justicelab.iserp.columbia.edu/img/forum_handout_final_3.12.18.pdf)

for youth in the juvenile justice system. Today, the City must shoulder these costs without State support.

Implementation of Raise the Age has made Close to Home even more essential than before, as it expands to serve additional youth through the Family Court. This includes current plans to increase the total number of Close to Home beds by as much as 85%. The lack of State funding means that the City must direct its resources to program operation and expansion, which is critical to supporting the continuum of services in the juvenile justice system.

## **Conclusion**

The continuity of services for justice-involved youth is essential to the City's progress in youth justice and success with Raise the Age implementation. I hope that the Committee will learn more about the programs that serve our youth, and the varied ways they promote Positive Youth Development outcomes and public safety. Disrupting these services would do enormous harm to youth; the City's continued support and engagement with the City's network of community based providers is more critical than ever before.

Thank you for the opportunity to testify before the Committee. If you have any questions or you would like further information, please contact: Julia L. Davis, Director of Youth Justice and Child Welfare, Tel. 212-697-0882, [jdavis@childrensdefense.org](mailto:jdavis@childrensdefense.org).



Stanislao A. Germán, Executive Director  
Carolyn P. Wilson, Director

## 01/16/2019 CITY COUNCIL HEARING

T2019-3529

### Oversight - Evaluating Programs that Aim to Reduce Recidivism Among Justice Involved Youth.

#### *TESTIMONY OF NEW YORK COUNTY DEFENDER SERVICES*

Good morning Chair King and members of the Committee on Juvenile Justice. My name is Nikki Woods and I am a staff attorney in the Juvenile Defense Unit at New York County Defender Services. Thank you for the opportunity to be heard today as the Committee considers the effectiveness of programs that aim to reduce recidivism among justice-involved youth. We testify to offer a public defender's perspective of the youth-centered programs that currently exist and how those programs address the issue of recidivism. I will focus on two issues – the effectiveness of therapeutic counseling programs and the educational requirements that exist for participation in most court-involved youth programs.

Intervening with court-involved youth to prevent future offenses is not a straightforward task. When considering ways to reduce recidivism among court-involved youth, we must also consider what we know about adolescent brain development. Research is clear that a child's brain continues to develop beyond adolescence and may not be fully formed until an individual reaches their mid-twenties. Many children re-offend because they have poor-impulse control and succumb to peer influence. Court-involved youth are not the only children with poor impulse control – all children lack mature decision-making capabilities because their brains are still developing. The difference between children who become court-involved and those that don't often lies in their familial structure, environmental stressors, and exposure to trauma.

Our juvenile clients have participated in programs such as Esperanza and Families Rising that provide services such as family counseling, individual counseling, and peer counseling. Our clients who have at least a somewhat intact familial structure benefit the most from these programs because they provide the child and their family with the ability to discuss their feelings, gain insights into their behaviors, and build their capacity to express their thoughts and emotions clearly, calmly, and respectfully – even when they are upset or angry. When these programs are successful and familial ties are reinstated, the child may be less likely

to reoffend because they are aware of how their conduct affects not only themselves, but also their family and their community.

These programs are less effective when the child has no familial structure, or when the child is involved in the child welfare system. It is no surprise that up to two-thirds of juvenile offenders are also involved in the child welfare system. These children are more likely to re-offend. In our experience, programs that are focused only on individual, peer, and family counseling are less effective for court-involved youth who are also involved in the child welfare system. When a child's familial ties are broken beyond repair, the child shuts down. They are not able to express their thoughts, feelings, and emotions about their offense, their trauma, or their behavior. For these cases, there is clearly a need for more programming that involves a focus not only on traditional talk therapy, but also on play therapy. Play is the primary language of children. When we hear play therapy, it conjures images of preschool children. But for developing adolescents, play or recreational therapy can be an excellent way to address the challenges that court-involved youth face on a daily basis that may cause them to re-offend.

Many of our juvenile clients experiences multiple stressors in their life from parental neglect or abuse, exposure to community violence and mental health issues, not to mention age-appropriate hormonal changes. It can sometimes be difficult for them to sit in a room and just talk about the choices they made that led them to court. For these children, talk therapy can be threatening, intimidating and intrusive. This renders it ineffective. Providing them with an outlet through the arts or sports, however, arms them with another way to express their feelings and process their stressors. This engagement also aids in reducing the risk they will re-offend.

Recently I represented a 16 year old client whose case was removed to family court and deemed suitable for adjustment services. He was compliant with probation, but he did not openly engage during the traditional talk therapy they offered. I later learned from him that he had been expelled from his private school because of his arrest and he was no longer on a basketball team. This was a great source of stress for him. Luckily, I was able to connect him with a New York City-based non-profit called WE W.I.L.L. Thru Sports. This program was founded by two therapeutic recreation therapists, one of whom is my sister-in-law. The mission of WE W.I.L.L. is to provide high-quality sports programs that serve underserved and at-risk youth while creating and promoting connection, unity and empowerment for young males and females through sports. My client not only

participated in the winter basketball workout, but he also began to open up to his coaches about the choices he made that led to his arrest, the consequences of his decisions, and how they affected not only his educational opportunities, but also his love of playing basketball. Our clients need better access to programs like WE W.I.L.L. that engage them in recreational therapy because these programs aid in reducing recidivism and promote teamwork, leadership, and the rebuilding of self-worth in these vulnerable children.

Many of the court sponsored programs that are offered to court-involved youth require that the child not only engage in multi-disciplinary counseling sessions, but that they also regularly attend school in order to complete the program successfully. This is also a requirement for family court probation, supervised release, and intensive community monitoring. The intention behind the program's monitoring of a child's school attendance is clear – if a child is in school they are not only being educated, but they are also engaged and are, thus, less likely to re-offend. A child who participates in or is mandated to one of these programs and does not regularly attend school could be detained, dramatically increasing the likelihood that they will re-offend.

Every child who is of compulsory age must attend school, however, just as with therapy, one size does not fit all. Allowances must be made for children who are engaged in these programs but are not enrolled in the appropriate academic setting. Many of our juvenile clients are not on a path to receiving a Regents diploma, but a great many of them are interested in vocational programming. New York City has more than 400 high schools across all five boroughs with over 50 Career and Technical Education (“CTE”) designated High Schools and close to 90 schools that offer CTE programs of study as part of their schools’ offering. But these programs are not readily accessible to our clients because they are often not even aware of their existence. A direct partnership with programs for court-involved youth and NYC’s CTE programs would aid in this effort. Engaging in these programs would teach our clients a trade that will drastically reduce recidivism and lead to life-long employment opportunities. What is required is an expansion into these alternate conceptions of success that may not perfectly fit our standard emphasis on academics. The results could be transformative for our most vulnerable youth. Thank you.

Nikki Woods  
Staff Attorney, Juvenile Defense Unit  
New York County Defender Services



[www.childrensvillage.org](http://www.childrensvillage.org)

**Jeremy Christopher Kohomban, Ph.D.**  
**President and CEO**

**Mona Swanson, LCSW**  
**Chief Operating Officer**

1/15/19

Dear Chair King and Council members;

Over the last 17 years The Children's Village has partnered with New York City in the effort to increase youth success, and reduce recidivism through preventive, alternative to detention and aftercare type programs that include Evidence Based Models. The child welfare and juvenile justice systems in New York remains deeply impacted by disproportionality; predominantly black and brown, with black children and families often entering the system faster and staying longer. Disproportionality by race and by place is a fact in New York. But the good news is that in New York City, we have begun to impact the problem of social injustice, disproportionate impact and life-long system dependency through our thoughtful investments in protective, preventive and aftercare programs and through our choice of intervention treatment models.

Today, rather than the painful and costly separation from family with teens languishing in our juvenile justice system, most children remain safe, with family, and with the right mix of preventive support and Teens returning home with evidence-based services like the Integrated Treatment Model (ITM) provided by The Children's Village. ITM provides Dialectical Behavior Therapy (DBT) treatment while teens are in residential care. DBT treatment helps teens find the balance between acceptance and change, by learning the skills of Mindfulness, Emotional Regulation, Distress Tolerance and Interpersonal Effectiveness. An extension of this model is provided to teens who return home in the form of Multi-Systemic Therapy-Family Integrated Transitions (MST-FIT). MST-FIT is an evidence-based protocol that provides intensive, short-term family therapy and support, that focuses on family reunification because children are strongest when their families are given the skills and support they need to be successful as care givers.

While progressive, there remain great challenges and pervasive social-justice antecedents that continue to influence our work and disproportionately hurt the poor and children of color. There remains a lack of funding for community organizations that offer youth an alternative to being idle, there is deficiency of resources and supports for hardworking parents who remain in poverty and don't have the means or time to adequately supervise their youth. Family/adult involvement in the lives of youth is a huge factor to youth success. Even with seeing great progress in our programming with an average of 22% recidivism and 85% of youth not rearrested, there remain systems in place that continue to arrest black and brown children at a disproportionate rate. In the

past, youth officers have been instrumental in guiding and supporting youth without arresting.

Given societal changes in which violence has become the new normal, it is imperative in the fight for social justice that programming and resources that invest in early intervention such as MBK, family cohesion and connection, community safety such as Youth/Police Initiatives, prosocial programming. Funding for these programs offer exposure to successful opportunities; give families the confidence in their power to help set structure while allowing the time to devote to active parenting and increasing family bond; and that use and implement with fidelity well researched evidence based models, trauma informed programs aimed at family functioning. While this is the focus of treatment as we work to reunify youth with their family and reintegrate youth into their community, assisting and supporting the youth and family through earlier interventions and community initiatives can result in more effective outcomes long term.

Respectfully submitted,

Daphne Torres-Douglas, LCSW-R  
Assistant Vice President for Evidence Based Services  
The Children's Village

*Providing services in N.Y.C., Long Island and Lower Hudson Valley.*

**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: 1/16/19

(PLEASE PRINT)

Name: Dawn Rowe

Address: Seneca Jackson

I represent: 611 W. 101 St

Address: 509 Willis Ave Bronx 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: 1/16/19

(PLEASE PRINT)

Name: Dawn Rowe

Address: 509 Willis Ave Bronx NY

I represent: 509 Willis Ave

Address: 509 Willis Ave

**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: Christine Pagnan

Address: 127 W. 127<sup>th</sup> Street - #125

I represent: Friends of Island Academy

Address: 127 W. 127<sup>th</sup> Street - #125

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: JAN 16, 2019

(PLEASE PRINT)

Name: JULIA DAVIS

Address: 815 2nd Ave NY NY

I represent: CHILDRENS DEFENSE FUND

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: 1/16/19

(PLEASE PRINT)

Name: Nikki woods

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

I represent: New York County Defenders Services

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: 1-16-19

(PLEASE PRINT)

Name: Felipe Franco, Deputy Commissioner

Address: 150 William Street, NY, NY

I represent: NYC Administration for Children's Services

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: 1/16

(PLEASE PRINT)

Name: Sara Hemmeter, Associate Commissioner

Address: 150 William Street Department of Health

I represent: NYC Admin for Children's & Family Justice, NYC ACS

Address: 150 William St

**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: 1/16/18

(PLEASE PRINT)

Name: Nancy Ginsburg + Christine Bella

Address: 199 Water St NY NY

I represent: Legal Aid Society

Address: 199 Water St

**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: 1/16/19

(PLEASE PRINT)

Name: Rebecca Kinsella

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

I represent: Brooklyn Defender Services

Address: 177 Livingston Street, 7th floor

**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: 1/16/19

(PLEASE PRINT)

Name: Daphne Torres

Address: 11

I represent: The Children's Village

Address: 1 Echo Hills, Dobbs Ferry, NY 10522

**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: 1-16-19

(PLEASE PRINT)

Name: Chantla Stokes

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

I represent: Osborne Association

Address: 809 Westchester Ave Bronx NY

2090 Adam Clayton Powell Jr. Blvd 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: 1/16/19

(PLEASE PRINT)

Name: Kate Rubin

Address: 727 E. 10<sup>th</sup> St Brooklyn, NY 11230

I represent: YOUTH REPRESENT

Address: 11 Park Place Suite 1512 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: 01-16-19

(PLEASE PRINT)

Name: Kevin Holmes

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

I represent: Health People

Address: Bronx

▶ 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: 01-16-19

(PLEASE PRINT)

Name: Chris Norwood

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

I represent: Health People

Address: Bronx

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