

**NYC<sup>TM</sup>**  
**Administration for  
Children's Services**



**The New York City Council,  
Committee on Juvenile Justice  
January 30, 2015**

***"Oversight- Overview of the Division of Youth and Family Justice's Services  
and Programs for Remanded Youth"***

**Testimony by  
New York City Administration for Children's Services  
Jackie Sherman, Associate Commissioner of Planning, Policy and Performance  
Division of Youth and Family Justice**

Good morning Chair Cabrera and members of the Committee on Juvenile Justice. I am Jackie Sherman, Associate Commissioner of Juvenile Justice Planning, Policy and Performance. With me are Jennifer Romelien, Executive Director of Detention Program Services and Sarah Bass, Executive Director of Residential Placement. Thank you for the opportunity to discuss the programs and services that ACS and our partners provide to youth in our juvenile justice residences.

### **Overview of Juvenile Justice Programs**

The Administration for Children's Services' Division of Youth and Family Justice (DYFJ) oversees a continuum of services and programs for youth at every stage of the juvenile justice process. DYFJ promotes public safety and improves the lives of youth, families, and communities by providing child-centered and family-focused services, including therapeutic treatment, safe and secure custodial care, responsive health care, effective re-entry services, and educational opportunities. We, and our contracted partners, provide these services to youth in secure and non-secure detention facilities, non-secure placement residences, and community-based alternative programs.

Each year, the Division provides secure and non-secure detention services to young people awaiting the conclusion of their criminal or family court case. In 2014, DYFJ served approximately 2,000 youth in our 13 non-secure and two secure detention facilities.

Approximately two years ago, New York City launched Close to Home, a juvenile justice reform initiative that allows New York City youth who are found by a Family Court judge to have committed a delinquent act to receive services in or close to their home communities. ACS collaborates with nine local non-profit agencies to implement Non-Secure Placement (NSP) and provide services to young people at one of approximately 30 small, resource-rich residential programs in or near the five boroughs. In March of this year, ACS will launch Limited Secure

Placement; three providers will operate facilities at six sites in and near New York City, serving young people in need of a higher level of care and structure.

While out-of-home placement is a critical component of our system, it should be our last option. ACS offers two community-based alternative programs, which allow youth to receive services while remaining at home with their families. The Juvenile Justice Initiative (JJI) links young people and families with intensive, evidence-based therapeutic interventions aimed at diverting youth from residential placement. The Family Assessment Program (FAP) serves families seeking to file PINS (Person In Need of Supervision) petitions in the New York City Family Courts. Through FAP, ACS works to address the concerns that brought the young people to our attention.

### **Stories of Justice-Involved Youth in ACS' Care**

The mission of detention is to ensure on time court appearances. While young people are in detention, we strive to expose them to positive programming and services to encourage them to get on the right path upon discharge from residential care. In contrast to detention, ACS and our provider partners are able to provide more intensive and therapeutic programming to youth in placement, as young people are in our care for a longer period of time. As such, we actively connect placed youth to programming that can be continued in the community while they are on aftercare. In order to vividly illustrate the type of programs and services that youth receive in our juvenile justice residential programs, we would like to share two examples of a typical day for the youth in our care. We will first share the story of a young person in a secure detention setting. The second story describes a youth's experience in one of our non-secure residential settings.

### **Secure Residential Settings**

It's Tuesday at 6:00am at Crossroads Juvenile Center. J., a 14 year old from Brooklyn who is awaiting adjudication of an allegation of robbery, wakes up to prepare for school. Had he been

required to appear in court that day, he would have woken up at 5:30am. Breakfast begins at 6:15am and J. gets ready quickly so that he can walk downstairs to the cafeteria with the other members of his hall. The group of 10 young men is escorted to the cafeteria by their assigned Juvenile Counselor. Juvenile Counselors, also known as JCs, are direct care staff that assist, coach and engage young people in every aspect of their day. After breakfast, a JC escorts J. and his hall mates back to their rooms to freshen up after eating breakfast. They gather in the common area so that they can be escorted upstairs to the school floor. Classes begin at 8:00am and end at 3:00pm. Each class is comprised of eight students who share similar levels of academic need; each period lasts 45 minutes. The school day consists of eight periods including lunch. During their time in detention, J. and his peers receive a standard Department of Education (DOE) curriculum that includes English language arts, mathematics, science and social studies. J. and his peers also have access to laptops while in the classroom. As the school day comes to a close, J. requests a math tutor because he struggled with the day's lesson. In addition to tutors, DOE teachers work with high school students to help them prepare for Regents and English Language Arts examinations.

When J. returns to his hall at 3:10pm, he has the option to participate in several programs, including working with a DOE teacher to take credit recovery courses; visiting the library to check out a book; playing a group sport such as basketball, football, or baseball; or participating in movie night, bingo games or spades tournaments. Each program is designed to teach youth specific skills such as leadership, sportsmanship, self-esteem building, and engagement in positive activities with their peers. As the evening approaches, J. has dinner with his hall mates and then starts prepare for bedtime. Showers are taken and youth are able to quietly read, watch tv or play games until it's time for lights out at 9:30pm.

### **Non-Secure Residential Settings**

It's Thursday morning at a row house in the Bronx. To the average passerby, the home looks like all of the others on the block, however the community knows that six justice-involved young women reside in the home. S, a 15 year old resident, was found by a Family Court Judge to have committed an act of assault. She's been at the residence for three months and expects to be there for three more. S. wakes up at 6:45am to prepare for school and joins her house mates for breakfast in the home's dining room. The overnight staff have prepared breakfast and the youth and staff eat at the table together, family style. After breakfast, the group heads to the living room for a "circle up" exercise, in which staff lead the group in a discussion that encourages youth to acknowledge how they are feeling and what their expectations are for the day. These exercises are key components of the Missouri Approach, a highly regarded rehabilitative and therapeutic approach to addressing juvenile justice-involved youth. Many of our providers use this approach which is designed to challenge young people and help them make lasting behavioral changes that will prepare them for successful transitions back to the community. The approach stresses constant, close supervision of youth and features a group treatment process in which each member is held accountable for his or her actions by the other members of the peer group.

After the circle up, the girls board the residence's van and are transported to Bronx Hope, one of two standalone DOE schools that exclusively serve justice-involved youth. The group circles up before classes begin at 8:20am to set expectations for the school day. Throughout the school day, S. and her house mates transition together among eight classes taught by DOE teachers. Provider agency direct care staff remains with the youth throughout the day and provide support in the classroom. At the end of the school day, the group boards the van and is transported back to their residence. Upon arrival at 3:30pm, S. and her house mates head to the living room for another circle up to debrief about their day. The residence's morning and evening staff participate in the exercise

so that all staff are aware of the triumphs and challenges residents experienced that day. The girls then change out of their school clothes, eat snacks at the dining room table and complete their homework until 5:00pm. Afterwards, the girls participate in a 45- minute group therapy session.

S. and her house mates are looking forward to their evening programming, which is geared toward building self-esteem, encouraging community engagement and most of all, strengthening family ties. Through positive activities and strong role models, we hope to develop the skills young people need to redirect their lives in a positive direction when they leave our care. Today, Carnegie Hall artists are coming to the residence to work with S. and her house mates on a songwriting project that will conclude with the group performing for their families and staff. This program structure is important because it allows the youth to apply coping and social skills to every-day situations, just as they will need to when their time with us concludes.

At 7:00pm, S. and her house mates meet in the dining room for dinner. The residence's cook has prepared dinner for the group and the youth and staff eat together family-style. After dinner the youth complete their chores which include cleaning the dinner table, mopping the floors, emptying the trash and making sure that the recycling is in the correct bin.

After all of the girls have completed their chores, they are able to participate spiritual services, or read in the living room. At 9pm, S. and her house mates move upstairs to take showers, call their family members and get ready for bed.

### **Services and Programs for Young People in Juvenile Justice Residences**

ACS and our partners provide a number of services throughout the juvenile justice continuum, including education, health, and mental health services. Through our partnership with the Department of Education (DOE), all justice- involved youth in residential settings attend classes taught by DOE teachers or receive transferable DOE credits while attending a State Approved Non-Public School. ACS meets the range of mental health needs of our youth, either by offering mental

and behavioral health services onsite or establishing referral and treatment arrangements with community-based mental health providers.

We have found that young people thrive when expressing themselves through the arts and humanities. To that end, we have partnered with numerous organizations such as Voices Unbroken, which provides writing-based creative workshops and builds literacy skills. We also work with Healing Arts from Montefiore Medical Center to bring together artists and youth to design and paint murals and artwork. Through our partnership with High Five/Art Connection we bring young people in non-secure residential settings to theater and productions as well as museums and other art programs. Our collaboration with Carnegie Hall brings professional musicians to work with youth to compose and produce music, culminating in a concert.

To build life skills and empower youth to reach their potential, we partner with the Mayor's Office to Combat Domestic Violence, NYU, New York Cares, and Day One, to educate young people about intimate partner violence, various forms of abuse, healthy relationships, and sexual health. We also work with the Girl Scouts Council of Greater New York, which provides financial literacy, leadership development, career exploration, and college preparation workshops. Columbia University's Literacy Advocacy Program also provides tutoring and develops problem-solving and critical reasoning skills.

Recreational activities are also a critical component of programming for young people. In addition to a range of arts and humanities programs, ACS works with Yoga for Yoga and the Lineage Project to offer weekly yoga sessions. We also partner with Row New York, a unique summer program that introduces youth to rowing and provides academic success programming.

Organizations such as Exalt Youth offer structured classes, individualized support, and paid internships while youth are in placement, as well as a supportive alumni network to help prevent further justice system involvement. Additionally, ACS is collaborating with the Kings County

District Attorney's Office to implement the Gender-Responsive Re-entry Assistance and Support Program (GRASP), an evidence-informed, re-entry program that focuses on transitioning young women from residential placement back to the community. GRASP social workers work with young women in residential care to provide gender responsive skill-building groups, individual team and group mentoring, educational advocacy and tutoring, job placement, job readiness training, and paid internships.

### **Investment in Our Staff**

ACS is committed to supporting our juvenile justice staff. We expect our staff, as well as the staff of our provider agencies, to be examples to the young people in our care. These staff serve as mentors, dinner companions, motivators, mediators, referees, role models, and guides on the journey away from the actions that brought young people to our attention. Whether assisting youth with their homework or de-escalating problematic behavior, staff use every opportunity to teach positive behavior and encourage growth. In order to accomplish this, intensive training is provided to staff on a regular basis.

Since 2013, ACS has partnered with Bellevue Hospital Center and the NYU Langone Medical Center to train all secure detention staff in dealing with the various types of trauma that up to 90% of young people in the juvenile justice system have experienced. The intensive four week training increases staff's ability to identify trauma exposure and work with traumatized youth and reduces secondary trauma issues among staff.

Staff participate in numerous additional training opportunities, addressing topics such as LGBTQ awareness, sexual abuse, commercial sexual exploitation, adolescent development, safe crisis management, safety and security, building relationships, conflict resolution, problem solving and decision making, mental health, and gang awareness.



## **Closing**

Thank you for the opportunity to share the important work we are doing to address the needs of young people in our juvenile justice programs. We appreciate the Council's ongoing support as we continue to strive toward improving services for the City's most vulnerable youth. Our colleague Sonia Galarza, Director of In-Kind Contributions and Pro-Bono Resources, will now present several programs that we provided to justice-involved youth in 2014. We are happy to take your questions at the conclusion of Sonia's presentation.

**FOR THE RECORD**

**TESTIMONY**

**Oversight: Division of Youth and Family Justice's Services and  
Programs for Remanded Youth**

The Council of the City of New York

Committee on Juvenile Justice  
Fernando Cabrera, Chair

January 30, 2015  
New York, New York

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

The Legal Aid Society thanks the Committee on Juvenile Justice and Chairperson Cabrera 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. Last year, our staff represented some 34,000 children, including approximately 4,000 who were charged in Family Court with juvenile delinquency, some of whom spent time in facilities under the aegis of the NYC Administration for Children's Services' (ACS) Division for Youth and Family Justice (DYFJ). During the last year, our Criminal Practice handled nearly 230,000 trial, appellate, and post-conviction cases for clients accused of criminal conduct. 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—some of whom spend lengthy periods of time in DYFJ secure detention pending trial.

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, State and City agencies, including DYFJ, and the NYS Office of Children and Family Services (OCFS).

## **Recent Changes to the Juvenile Justice System**

The Legal Aid Society is pleased with the significant reforms which have been adopted by the juvenile justice system in New York State in recent years, including the implementation of a continuum of alternatives to detention leading to an overall reduction in the number of youth detained and placed by the Family Courts; the increased use of diversion services by the NYC Department of Probation; the 2010 merger of the former Department of Juvenile Justice with ACS; as well as the landmark 2012 Close to Home initiative providing that all New York City youth placed by the Family Court as juvenile delinquents be placed in facilities within the City under the aegis of ACS. As you know, NYC youth sentenced to non-secure placement are now placed with ACS, and NYC youth placed limited secure will be placed with ACS beginning in the spring. As a result, these youth will benefit from being close to their families, communities, and lawyers, which will enable them to transition back into their communities more successfully. In light of this reformed system, it is an opportune time to ensure that we provide programs and services to youth detained and placed in ACS facilities to both reduce recidivism and improve life outcomes for impacted youth.

## **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.

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 Latino, and live in under-resourced neighborhoods with low-performing schools and high rates of child abuse, neglect, substance abuse and mental illness.

A recent study published by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, reported the results of the National Survey of Children's Exposure to Violence, a national study that is large and comprehensive in its assessment of victimization and delinquency. Its findings of most relevance to today's inquiry are as follows:

- Boys with histories of delinquency and victimization are considerably more likely to be further victimized than the boys who were victims but who are not delinquent. These boys had particularly greater percentages of sexual victimization (40% for delinquent-victim boys vs. 13% for primarily victim boys), and witnessing family violence (26% for delinquent-victim boys vs. 12% for primarily victim boys).
- Girls with histories of both delinquency and victimization were more victimized than those girls who were victims, but who were not delinquent. The girls in the delinquent-victim category had higher victimization rates, particularly for sexual victimization, than the primarily victim girls. The rate of sexual victimization

---

<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)

among delinquent-victim girls (58%) was more than twice that among the primarily victim girls (27%).

- Among both boys and girls, delinquent-victims tended to experience more life adversities and mental health symptoms than other groups. They also received less social support. The girls experienced higher rates of inconsistent/harsh parenting.
- Importantly, there were few significant differences among the primarily delinquent, primarily victim and delinquent-victim groups on features such as socioeconomic status, ethnicity, family structure, disability status, school performance or physical features.<sup>2</sup>

These national figures are consistent with our local findings. 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.

The Legal Aid Society encourages the redirection of some percentage of funds dedicated to traditional law enforcement to preventive services and services and programs for youth in detention and placement. In recent years, this City has seen significant reduction in the number of people incarcerated, while crime rates have remained low. The cost savings from the reduced use of incarceration should be dedicated to programs and services for youth, including mental health services,

---

<sup>2</sup> Cuevas, C.A., Finkelhor, D., Shattuck, A., Turner, H., Hamby, S., October 2013. Children's Exposure to Violence and the Intersection Between Delinquency and Victimization. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin.

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

supportive of safer, healthier, more productive communities.<sup>4</sup> This redirection would potentially divert children and adolescents from entry into the court system.

### **Mental Health Services in Detention**

Not surprisingly, the mental health needs of the youth in detention and placement in ACS facilities are significant. Indeed, according to ACS's data in Fiscal Year 2013, 58% of youth in detention and placement were referred for and received mental health services.<sup>5</sup> Studies show that nearly seven in ten youth involved with the justice system are experiencing a mental illness, and one in four of these youth exhibit severe functional impairment.<sup>6</sup>

While a greater percentage of youth in the Family Courts have been diverted to community-based, alternative to detention and alternative to placement programs, the needs of the population of youth in detention has intensified. Just a few years ago, 90% of youth in secure detention were charged with offenses in Family Court, and only 10% were charged in Supreme Court as juvenile offenders.<sup>7</sup> Currently, secure detention<sup>8</sup> holds an almost equal split of juvenile delinquents and juvenile offenders. A recent tally of the average length of stay of juvenile offenders in secure detention was 143.2 days<sup>9</sup>, significantly longer than the average stay of children detained from Family Court. Often,

---

<sup>4</sup> Austin, J., Jacobson, M., How New York City Reduced Mass Incarceration: A Model for Change?, January 2013. available at <http://www.vera.org/sites/default/files/resources/downloads/how-nyc-reduced-mass-incarceration.pdf>.

<sup>5</sup> <http://www.nyc.gov/html/ops/downloads/pdf/pmmr2014/acs.pdf>

<sup>6</sup> *Report on Juvenile Justice, Mental Health & Family Engagement*, p. 4, October 2013; [https://www.mhanys.org/MH\\_update/wp-content/uploads/2013/11/MHANYS\\_Juvenile-Justice-Report-2013\\_Final.pdf/d](https://www.mhanys.org/MH_update/wp-content/uploads/2013/11/MHANYS_Juvenile-Justice-Report-2013_Final.pdf/d).

<sup>7</sup> Juvenile delinquents are children over 7 and less than 16 years of age who are charged in Family Court with the commission of acts that would constitute a crime if committed by an adult. FCA §301.2(1). Juvenile offenders are youth aged 13-15 who are automatically charged in the adult criminal court system for an enumerated list of violent felonies. PL §10(18).

<sup>8</sup> There are two secure detention facilities in New York City: Crossroads in Brooklyn and Horizon in the Bronx.

<sup>9</sup> Profile of Juvenile Offenders in Detention, NYC ACS, DYFJ, January 2014.

youth who are held the longest have the most serious set of needs. For those youth with serious mentally illness who are awaiting placement in a residential mental health facility, where beds are scarce, the wait while detained can be as long as 8 months.

In October, 2014, ACS and the New York City Health and Hospitals Corporation (HHC) entered into a contract providing that Bellevue Hospital Center would provide psychiatric and psychological care to youth in secure and non-secure detention. In the two years prior to entering this contract, Bellevue Hospital in conjunction with ACS provided trauma-informed training to the staff and adolescents in the secure detention centers in Brooklyn and the Bronx. This initial training set the necessary groundwork for the collaborative work we have seen since October in the provision of mental health services to our clients in detention.

Since so many of our clients in detention enter with depression and trauma histories, this initial trauma screening is critical to quickly identifying who requires mental health attention from the outset. We are encouraged by the proficiency and dedication of the doctors and clinicians providing these services. Additionally, the clinical services provided by START appear to have improved and there is much needed communication between the START and Bellevue clinicians. We have advocated for enhanced mental health services for many years and we are pleased to report that the implementation has been impressive. We have met with the clinical teams at both secure facilities and are energized about the level of care that is now available to our clients, many of whom present great need.



### **Mental Health Services in Placement**

With regard to youth with significant mental illness placed with ACS, ACS staff should refer such youth for treatment and placement with the NYS Office of Mental Health (OMH) rather than attempt to maintain these youth in ill-equipped placement facilities. For example, August Aichorn is the only OMH residential treatment facility with beds dedicated for youth in the juvenile justice system placed with the Office of Children and Family Services. These beds are few relative to the need and only available to youth who have been placed with OCFS, not to youth placed with ACS through Close to Home. ACS should collaborate with OMH to ensure that RTF beds are made available to New York City youth.

### **Youth Safety, Restraints and Room Confinement**

The Legal Aid Society remains deeply concerned regarding ACS' use of physical restraints and room confinement of youth in detention. In particular we are greatly concerned that some DYFJ staff use physical restraints as a behavioral tool, and that in the course of being restrained by multiple adult staff, youth are sometimes injured.

Indeed, in 2012 OCFS placed ACS DYFJ on a Corrective Action Plan to reduce its high rate of restraints and room confinement. It is undisputed that "all forms of physical restraint come with inherent risk due to the hazardous circumstances in which restraints are applied."<sup>10</sup> It cannot be emphasized enough, "[t]he use of restraints [must be] an intervention of last resort."<sup>11</sup> Such risks to children during the restraint process may include exposure to trauma and serious physical injury or death. Exposure to

---

<sup>10</sup> "Behavior and Management: Coordinated Standards for Children's Systems of Care," Final Report to the Governor September 2007, developed by the Committee on Restraint and Crisis Intervention Techniques p. 11.

<sup>11</sup> *Id.* at 19.

trauma for a population with a documented high rate of trauma prior to detention is particularly troubling. Additionally, the detrimental effects of isolation on youth are well documented. Isolation is particularly harmful to youth with mental health needs and can exacerbate mental health conditions. As previously stated, quality mental health treatment is essential not only to addressing the needs of young people in ACS custody but also to preventing problematic behavior that may lead to physical restraints and room confinement.

Apart from school, we have been consistently informed that there is essentially no ACS funding for programming in DYFJ detention facilities. This is true even though it is well-accepted that keeping youth actively engaged is not only educational, but it is key to reducing violence and re-offending. Indeed, in the aforementioned 2012 Corrective Action Plan, OCFS directed DYFJ to “expand the availability of programming . . . and increas[e] the assortment of recreational activities, social and cultural programming, educational and vocational programming etc. . . . *thereby reducing the idle time that appears to contribute to restraints.*” We are encouraged that ACS has made strides in expanding programming for detained youth and hope that these efforts are realized. Such programming can be very meaningful, providing needed self-esteem and opportunities for positive feedback, family engagement and personal growth.

### **Services for Young Women**

As the Council is aware from recent testimony, the number of girls entering juvenile detention and placement has been on the rise. In Fiscal Year 1997 girls were 15% of the detention population; by Fiscal Year 2013 girls were approximately 25% of

that population (23% of secure detention, 25% of non-secure detention).<sup>12</sup> In Fiscal Year 2013 girls in non-secure placement comprised 28 percent of the overall ACS non secure placement population.<sup>13</sup> Many of the young women detained or placed with ACS have shown clear signs of abuse and maltreatment. They suffer from complex, overlapping needs, and end up in the Family and Criminal Courts simply because the other systems have failed them. Standard intervention strategies employed in restrictive settings, including the use of physical restraints and isolation, frequently have the unintended effect of causing increased stress and re-traumatization, thereby escalating self-destructive and self-harming behavior for girls.<sup>14</sup>

We urge ACS to emphasize services and programming to address the particular and specialized needs of girls. Treatment should include “strength based” approaches rather than “deficit based or punitive models.”<sup>15</sup> One such promising model is the use of Dialectical Behavior Therapy.<sup>16</sup> ACS detention and placement sites for girls should be small and provide trauma-informed care aimed at preventing their re-entry into the system and future victimization. Such placements must also provide them with programs and services to enable them to break free of their abusive pasts, to become independent and self-sufficient. Many girls need a safe place to live as alternative to detention and placement or upon release—consequently there is a pressing need for supportive housing specifically dedicated to guiding these young women in making the transition to independent living.

---

<sup>12</sup> [http://www.nyc.gov/html/acs/downloads/pdf/statistics/FY\\_13\\_Demographic\\_Report\\_Detention.pdf](http://www.nyc.gov/html/acs/downloads/pdf/statistics/FY_13_Demographic_Report_Detention.pdf) pg. 1.  
[http://www.nyc.gov/html/acs/downloads/pdf/statistics/FY\\_13\\_Demographic\\_Report\\_Detention.pdf](http://www.nyc.gov/html/acs/downloads/pdf/statistics/FY_13_Demographic_Report_Detention.pdf) pg. 3.

<sup>13</sup> [http://www.nyc.gov/html/acs/downloads/pdf/statistics/FY\\_13\\_Demographic\\_report\\_Non\\_Secure\\_Placement.pdf](http://www.nyc.gov/html/acs/downloads/pdf/statistics/FY_13_Demographic_report_Non_Secure_Placement.pdf) pg. 1.

<sup>14</sup> *Improving Policy and Practice for Adolescent Girls with Co-Occurring Disorders in the Juvenile Justice System*, pp. 7-8. GAINS Center.

<sup>15</sup> *Id.*

<sup>16</sup> [http://www.cdcr.ca.gov/Reports\\_Research/docs/DBT\\_Evidence\\_Draft\\_04\\_06\\_2011.pdf](http://www.cdcr.ca.gov/Reports_Research/docs/DBT_Evidence_Draft_04_06_2011.pdf)

Additionally, commercially sexually exploited girls face many challenges in detention and placement.<sup>17</sup> Many commercially sexually exploited girls have experienced repeated physical and sexual abuse at the hands of family members, as well as their pimps and johns. Commercially sexually exploited youth need immediate crisis intervention services, and intensive, ongoing counseling by therapists who have been specially trained to work with this vulnerable population and particularized discharge planning unique to the challenges they face.

### **Educational Services**

We encourage DYFJ to improve collaboration with the N.Y.C. Department of Education ("DOE") to improve educational programming for youth in detention and placement. First, all schools serving youth in detention and placement must provide students with 12-month schooling. This does not always happen. It is inexcusable that the DOE would fail to guarantee annual summer school services for students who have fallen behind and need additional time to regain lost ground. Second, DYFJ must demand that the DOE expand opportunities for court-involved youth to engage in career and technical education. Many youth in detention and placement who do not thrive in traditional classroom environments, show great interest in and need for vocational education. Third, DYFJ must demand that the DOE ensure that all students with disabilities are provided with *all* of the special education supports and services mandated by their Individualized Education Programs. Presently, these students are

---

<sup>17</sup> The term sexually exploited child is defined as any person under the age of eighteen who has been subject to sexual exploitation because he or she is the victim of the crime of sex trafficking; engages in any act of prostitution; is the victim of the crime of compelling prostitution; participates in sexual performance; or loiters for the purpose of engaging in a prostitution offense. See Social Services Law §447-a, Penal Law §230.34, Penal Law §230.00, Penal Law §230.33, Article 263 of the Penal Law; and Penal Law §240.37.

often provided with only a subset of their mandated services. This is a violation of the Individuals with Disabilities Education Act and should not be tolerated. Students with disabilities do not lose the right to a free, appropriate, public education when they have been remanded or placed on a juvenile case.

We also urge DYFJ to take additional steps to ensure the successful transition of youth in secure detention and non-secure placement back to community schools. All youth in secure detention and most youth in non-secure Close to Home placement go to school at Passages Academy, which is a school run by the DOE. As a result, the DOE has access to their school records during their time at Passages Academy, and is able to ensure that high school students receive credit for school work completed there. Middle school students still face challenges however, when returning to their home schools from Passages Academy, as the receiving community schools often refuse to acknowledge work completed by the student at Passages. DYFJ and the DOE must work together to devise a clear policy to ensure that middle school students are not penalized academically for time spent in detention or placement. Youth in certain non-secure Close to Home placements that attend non-DOE schools also experience problems with credit transfer, resulting in youth who are already at risk of dropping out being further discouraged from continuing school. Further, non-secure placements with non-DOE schools fail to ensure that records reflecting special needs are timely shared upon transition back to DOE community schools. This reentry process is the subject of a lawsuit brought by The Legal Aid Society and Advocates for Children known as J.G. v. Mills, against the NYC DOE, which has been settled and is currently in monitoring.

However, while the core responsibilities lie with the DOE, DYFJ has a role to play in ensuring that complete records are timely provided to the DOE upon discharge.

### **After-Care Services for Youth**

Transition back to community schools needs to be improved for youth coming from both Passages Academy and non-Passages schools. 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. DYFJ can encourage and help to facilitate this re-assessment by working with the youth, the DOE and the youth's family to ensure a smooth transition back to community schools. Each youth should be assigned a single education transition specialist to oversee educational transition planning and support across all settings and during aftercare. DYFJ should demand that the DOE amend its regulations to allow for more liberal school transfers for students who are court-involved and would benefit from an opportunity to resume their education in a different, more supportive setting. In addition, the DOE must expand opportunities for court-involved youth to engage in career and technical education, and must ensure adequate programming options for middle school and high school students who are significantly over-age and under-credited.

Mental services and programming options should be provided to youth upon discharge. Transitions home should be coordinated and supportive and allow youth to continue to benefit from the services and programs they were provided while in custody.

Proven and promising models of treatment exist, both here and in other parts of the country, that are cost-effective and evidence based, and that also reduce the likelihood of recidivism. Other effective models include the use of Multisystemic Therapy and Multidimensional Treatment Foster Care.<sup>18</sup>

Our cases highlight the need for more alternatives to abusive and neglectful home situations upon discharge from ACS detention and placement facilities. Such housing alternatives include foster care placements, residential treatment facility (RTF)<sup>19</sup> placement (through the Office of Mental Health), substance abuse treatment programs, mother child placements and supportive independent living housing programs.

### **Needs of LGBTQ Youth in DYFJ**

Over the past year or so, in accordance with its 2012 updated LGBT policy, ACS has made strides in training its contract agencies on LGBT cultural competency with the expectation that all of its Close to Home placements be able to provide a safe and affirming environment for LGBT youth. Unfortunately, the only LGBT specific Close to Home program closed in 2014. A new program will open in 2015 that will not serve LGBT youth exclusively but will have a strong emphasis on best practices working with these populations. Despite ACS's efforts, LGBT youth still struggle to be affirmed in DYFJ placements including receiving gender affirming health care when they seek it. As such, ACS must do more to measure how programs are serving LGBT youth and to hold those programs not meeting the best practices standard accountable for their

---

<sup>18</sup> [http://www.ncmhjj.com/wp-content/uploads/2013/07/2007\\_Blueprint-for-Change-Full-Report.pdf](http://www.ncmhjj.com/wp-content/uploads/2013/07/2007_Blueprint-for-Change-Full-Report.pdf)

<sup>19</sup> A residential treatment facility providing long-term intensive treatment for children and adolescents operated by the NYS Office of Mental Health.

failings. Finally, the Prison Rape Elimination Act (PREA) requires that protections and support also be extended to the intersex community. ACS needs to do more to educate its staff and its contract staff on issues facing the intersex youth community and ensure that these youth are equally supported and affirmed in their gender identity.

### **Conclusion**

Thank you for the opportunity to testify about this important topic. We urge the Council to continue its oversight to ensure effective services and programming for youth in DYFJ detention and placement settings for our youth.

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

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



Hans Menos  
Center For Community Alternatives  
Testimony : DYFJ- Services and Programs for Remanded Youth  
January 30, 2014

Good morning. My name is Hans Menos and I am the Director of Youth Services at the Center for Community Alternatives (CCA). Thank you for the opportunity to testify today regarding the oversight of programming for youth served by ACS's Division of Youth and Family Justice.

The Center for Community Alternatives has more than 30 years of experience working in the field of community-based alternatives to incarceration. Our mission is to promote re-integrative justice and a reduced reliance on incarceration through advocacy, services and public policy development in pursuit of civil and human rights.

Our Youth Services programs primarily serve young people who have been involved in the juvenile justice system. Youth participate in CCA programs either as an alternative to detention or an alternative to incarceration. Most of the young people with who we work are facing the typical challenges of adolescence, i.e., the development of an adult identity, made difficult by the challenges of poverty and racism. CCA endeavors to address the issues these youth present by emphasizing personal empowerment, self-respect and concern for one's community.

Moreover, our programming intentionally focuses on building skills and awareness among youth. Specifically, we offer psychoeducational programming, gender-specific programming, athletic programming, and arts-based programs, such as art and poetry that stimulate multiple levels of intelligence. These programs challenge and enrich the young people we serve. These development-focused programs allow us to make other programming, such as anger management or drug treatment more engaging.

In addition to our community-based work, we offer programming inside secure and non-secure facilities through our CAPP (Comprehensive Adolescent and Pregnancy Prevention Program.) This program builds awareness on HIV and AIDs, teen pregnancy and healthy relationships.

As mentioned, CCA has experience working with court-involved youth in the community and in various facilities. We have observed a marked improvement regarding the services now available to young people and find that young people who return to us from facilities express satisfaction about the services they received. We would like to complement the new administration for offering recreation and creative arts as well as allowing youth some less structured "down time" where they can decompress. However, we recommend some additions and changes be made to the delivery of services and of the services provided.

However, we also recommend some additions and changes be made to the delivery of services and of the services provided.

First, I will focus on what services do not seem to exist or are not sufficiently available. Then, I will discuss some changes which might be helpful in making the service delivery more purposeful and engaging.

Currently, it seems as if gender-specific programming and approaches are lacking. Of course, the young people in the facilities are segregated by their biological sex. However, there seems to be the need for greater attention to the unique challenges of young men of color or young women of color. At CCA, we have found that our young people value workshops or programs, which discuss issues specific to their race and gender. Moreover, these foci help our young people to contextualize their frustrations and concerns within the community they hope to return to. Therefore, programming for young people in the facilities should include conversations and group work, which are uniquely based on their gender.

Further, the notion of gender should also be unpacked for all of our young people and especially for the transgender population in all facilities. Currently, it seems that any non-conforming youth are do not receive adequate group or individual services and support that will help normalize what is otherwise defined as their non-conformity. To this end, we would recommend additional services for transgender youth.

The issue of mental health services are also especially salient. Currently, young people are screened for psychiatric or severe emotional health needs at intake. However, programming for emotional support or a history of trauma seems to be lacking. At CCA we have made efforts to become a fully trauma-informed agency. We provide specific groups for youth who are screened to have experienced trauma. Since studies show that over 90% of youth in the justice system have had traumatic experiences, it seems that trauma-focused services should be available for all youth who have these issues. This programming should include education for young people to help them define and identify trauma and understand physiological changes that occur when they react to trauma. This strategy can help young people to understand any dysfunctional responses to stress and help them feel safer both inside facilities and once they are released back to their communities. We therefore recommend group programming and individual support for youth who have been exposed to trauma.

As mentioned, CCA focuses youth with multiple levels of intelligence. Of course, contractors in the facilities include art and poetry. In our experience, creative arts not only stimulates many young people, they are especially useful as a therapeutic tool to reach young people who do not or are not yet ready to express themselves verbally. Currently, I am unaware of any program funded by the city or staffed by city worker's which utilizes creative arts to stimulate self expression and healing. We would recommend funding to provide these sorts of services as well as training for existing staff on the importance of these methods.

Similar considerations should exist for the use of athletic programming. While we support the use of athletics for physical fitness, it seems that more consideration should be given to the skills building in organized sports. Elements of team work such as the importance of rules and respect are consistently taught to young men who are involved in organized sports. At CCA, we have

focused on the physiological benefits of exercise as well as the important life skills that are embedded in these activities. We recommend the delivery of athletic activities that promote social learning as well as physical fitness.

Many other programs including life skills, leadership skills, sexual health, and nutrition should also be considered. However, as the Council members are aware, the programs mentioned can be costly to provide. Currently, many service providers receive funding via private grants and donations. Increased funding for outside agencies and increased funding for staffing and training within the facilities is needed to provide a holistic and supportive environment for these young people.

Finally, I would like to discuss the issue of data collection as it relates to programming. Due to the fragmented nature of programming, it is difficult to understand which programs are most impactful and which need more consideration. Some effort to collect data on what specific issues, if any, the youth arrive with and what issues are ameliorated by programming. Moreover, it may be helpful simply to understand what programming the youth enjoy or do not enjoy.

Thank you very much for the opportunity to speak with you all today and for your attention on our youth.

New York City Council Oversight Hearing:  
Testimony of Gabrielle Horowitz-Prisco, M.A., Esq.  
Director, Juvenile Justice Project  
The Correctional Association of New York

Re: Oversight: Overview of the Division of Youth and Family Justice's  
Services and Programs for Remanded Youth

Submitted to the  
Juvenile Justice Committee  
January 30, 2015

The Correctional Association of New York

Re: Oversight: Overview of the Division of Youth and Family Justice's Services and Programs for Remanded Youth

January 30, 2015

My name is Gabrielle Horowitz-Prisco. I am the Director of the Juvenile Justice Project of the Correctional Association of New York and an attorney who has previously represented children in New York City's Family Court. The Correctional Association of New York is an independent, non-profit organization founded by concerned citizens in 1844 and granted unique authority by the New York State Legislature to inspect prisons and report its findings and recommendations to the legislature, the public and the press. The Juvenile Justice Project works to reduce incarceration of children and youth, and create a safe, publicly transparent and accountable youth justice system. Through advocacy, coalition building, youth leadership development, and public education, we promote child centered policies and practices that protect the dignity, safety and human rights of youth who come into contact with the law. As a private citizen, I serve as the volunteer Chair of the Board of Directors of Drama Club, a non-profit providing theater programming to incarcerated youth in New York City (including youth in ACS detention) as a means of developing empathy, promoting academic growth and empowering the individual through self-expression. I testify here today solely in my capacity as the Director of the Juvenile Justice Project at the Correctional Association.

Thank you to the Juvenile Justice Committee Chair Fernando Cabrera and members of the committee for the opportunity to testify.

The Correctional Association recognizes and applauds the Administration for Children's Services (ACS) focus on expanding programs and services for youth in custody, and their strong commitment to improving outcomes for youth. We are particularly pleased with the work ACS is doing to infuse an awareness of trauma and trauma-related emotional and behavioral health issues into their secure detention facilities. Bellevue Hospital, in partnership with ACS, was awarded a very large four-year SAMSHA grant in 2012 to focus on these areas. This work focuses on: enhanced mental health screening for all youth who enter detention and remain for a minimum of five days; trauma-informed training for detention staff; and youth skills groups.<sup>1</sup> This focus on trauma-informed care is impressive, and worthy of both note and replication in other settings beyond secure detention. We also note that ACS has or is currently working (or plans to work) with a number of community partners to provide programming to youth, including Sprout by Design, NYC Food Bank, NYU- Skills for Life, Summer Reading Challenge, Phoenix House,<sup>2</sup> Drama Club, Voices UnBroken, and Carnegie Hall. We also are extremely pleased to learn that the Department of Youth and Community Development has agreed to commit significant funding to a pilot program funding after school activities throughout New York City, including at four Division of Youth and Family

---

<sup>1</sup> ACS Division of Youth and Family Justice handout, *Mental Health, Trauma and Planned Enhanced Services*.

<sup>2</sup> ACS Division of Youth and Family Justice handout, *New Program Initiatives*.

The Correctional Association of New York

Re: Oversight: Overview of the Division of Youth and Family Justice's Services and Programs for Remanded Youth

January 30, 2015

Justice sites: Bronx Hope and Belmont for youth in NSD and NSP and Horizon and Crossroads Secure Detention Centers.<sup>3</sup>

We cannot overstate the importance of programs and services and their ability to change kids lives for the better, and improve public safety and public health. We believe that New York City and ACS can build upon already existing work in this area to achieve even better results. My testimony will focus on the following recommendations to improve programs and services for youth in both detention (pre-trial) and placement (post-trial):

1. **Programming within facilities should be funded, in order to increase its reach and efficacy;**
2. **ACS and this Council should undertake an analysis to determine the precise scope and reach of all programs, and where the gaps exist. Focused efforts can then be made to address those gaps and programming should be expanded to ensure that funding is available for all youth in custody to receive robust programs and services.**
3. **ACS should increase its public transparency over the day-to-day operations of youth justice facilities, including programs and services;**
4. **Programs should be coordinated and managed to minimize idle time for youth in custody, thereby reducing the likelihood of restraints and fights;**
5. **New York City and ACS should build upon ACS's impressive work with LGBTQ youth to a) ensure adequate funding and capacity for staff training and coaching; b) fully fund the Family Intervention Therapy Pilot; and c) partner with community stakeholders to provide commercially sexually exploited youth of all sexual orientations, gender identities, and ages with culturally competent care;**
6. **ACS should further evaluate how to effectively work with girls in the system;**
7. **The City Council should increase funding for arts-based programming for youth in custody, including poetry and writing, music, theatre, and the visual arts.**
8. **The City Council should assist ACS in securing funding to create spaces dedicated to programming within facilities, particularly detention;**
9. **ACS should support program evaluation to assess what works and help programs achieve funding;**

---

<sup>3</sup> *Ibid.* (New Program Initiatives) and Department of Youth and Community Development Concept Paper, [http://www.nyc.gov/html/dycd/downloads/pdf/concept\\_papers/SONYC\\_PROGRAMS\\_FOR\\_DHS\\_AND\\_DISTRICT\\_79\\_SITES-Concept\\_Paper.pdf](http://www.nyc.gov/html/dycd/downloads/pdf/concept_papers/SONYC_PROGRAMS_FOR_DHS_AND_DISTRICT_79_SITES-Concept_Paper.pdf).

The Correctional Association of New York

Re: Oversight: Overview of the Division of Youth and Family Justice's Services and Programs for Remanded Youth

January 30, 2015

10. Programs should be seen as medicine; and

11. ACS should work to link youth in custody to community programs post-release.

**Background: the provision of programs and services in youth justice facilities is necessary for positive youth outcomes and effective rehabilitation**

Providing comprehensive and effective programs and services to young people in ACS detention and placement facilities is important for young people's well-being and growth, and has been shown to both reduce recidivism and increase long-term positive outcomes. Research shows that programs focused specifically on promoting youth's positive development are the most effective interventions and have the potential to reduce recidivism rates by up to forty percent.<sup>4</sup>

Additionally, a high number of young people entering the justice system—between seventy-five to ninety-three percent nationally—have experienced trauma and/or suffer from mental illness.<sup>5</sup> Effective mental health programs can reduce recidivism by up to eighty percent, but since involvement in the system and specific interactions can also further traumatize youth, thoughtful and systematic programming is crucial.<sup>6</sup> Research shows that the best programs place an emphasis on behavior change, decision-making, and the development of social skills among different groups.<sup>7</sup>

And children in the justice system are still children. Like all children, youth in facilities thrive when programs are offered that stimulate their imagination, creativity and sense of possibility in the world. It is critical that programming and services for youth provide not only therapeutic options, but also places and spaces to safely play, explore, and grow.

1. Programming within facilities should be funded, in order to increase its reach and efficacy.

ACS detention and placement facilities provide a growing array of programs and services, but many, if not the vast majority (the Bellevue program in secure detention aside), are run by volunteers from non-profit organizations that do not receive funding from ACS. Many of the programs also appear to be short-term in nature. They are, thereby limited in both scope and efficacy. This lack of dedicated funding limits the capacity of great programs to reach all youth in need, evaluate outcomes, hire staff, secure outside philanthropic funding (as a result of a lack of evaluation outcomes and other data), and provide consistent programming over the long-term.

---

<sup>4</sup> ELIZABETH SEIGLE, NASTASSIA WALSH & JOSH WEBER, CORE PRINCIPLES FOR REDUCING RECIDIVISM AND IMPROVING OTHER OUTCOMES FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM 19 (2014).

<sup>5</sup> JUSTICE POLICY INSTITUTE, HEALING INVISIBLE WOUNDS: WHY INVESTING IN TRAUMA-INFORMED CARE FOR CHILDREN MAKES SENSE 1, 10 (2010).

<sup>6</sup> Paul Gendreau & Claire Goggin, *The Principles of Effective Intervention with Offenders*, in CHOOSING CORRECTIONAL OPTIONS THAT WORK (1996).

<sup>7</sup> JUSTICE POLICY INSTITUTE, HEALING INVISIBLE WOUNDS: WHY INVESTING IN TRAUMA-INFORMED CARE FOR CHILDREN MAKES SENSE 1, 10 (2010).

The Correctional Association of New York

Re: Oversight: Overview of the Division of Youth and Family Justice's Services and Programs for Remanded Youth

January 30, 2015

According to the Mayor's Management Report for FY 2014, the average daily cost per child per day in detention is \$773.<sup>8</sup> The annualized rate of detention per child is \$282,145.<sup>9</sup> It is unclear how much, if any, of this extremely large figure is allocated to programs and services

Similarly, according to a document issued by ACS as part of the Negotiated Acquisition process for Non-Secure Placements, contract agencies are paid a basic rate of \$400 per youth per day (for youth in general and non-specialized placements, rates go up for specialized placements and some funds are available for some extra items).<sup>10</sup> As per ACS, the annual funding for this program is fifty six million and seven hundred and sixty thousand dollars.<sup>11</sup> It is similarly unclear how many, if any, of these Close to Home dollars are allocated to the provision of programs and services.

Some programs are beneficial solely because they offer young people in the justice system necessary recreational and creative outlets that they otherwise lack.<sup>12</sup> Other programs are specifically aimed at rehabilitation and reducing recidivism rates. ACS does not, to the best of our knowledge, currently capture and analyze all of the data necessary to provide a complete picture of program and overall system effectiveness. However, if ACS funding was responsible for all programs and services, ACS could better track the data and ensure that tax dollars were being spent on the most effective and meaningful programs.

Additionally, the fact that most or the majority of providers are operating without payment limits the scope and reach of programs. For example, it is our understanding that youth in facilities are often separated from one another due to gang rivalries and other tensions between youth. It is also our understanding that since many programs are volunteer in nature, they lack the staff and capacity to provide multiple sessions of the same program. So some youth are not able to participate in certain programs because they are being separated from another youth enrolled in that program. Were providers funded for their work, ACS could mandate that they offer multiple sessions in a day, providing the same lesson plan to different groups of kids. Also, with funding, programs could generally hire more staff, offer more sessions, and reach more kids.

2. **ACS and this Council should undertake an analysis to determine the precise scope and reach of all programs, and where the gaps exist. Focused efforts can then be made to address those gaps and programming should be expanded to ensure that funding is available for all youth in custody to receive robust programs and services.**

Given the dearth of publicly available data on the youth justice system, including a lack of data on programming, we are unsure how many youth are receiving programs and services, and at what levels. It appears, based on that information we have been able to gather anecdotally and through

---

<sup>8</sup> Mayor's Management Report, Fiscal Year 2014, at page 165, <http://www.nyc.gov/html/ops/html/data/mmr.shtml>.

<sup>9</sup> Calculated by taking a per diem rate of \$773 and multiplying it by 365 days.

<sup>10</sup> Administration for Children's Services, Addendum #3 Negotiated Acquisition: Operation of Non-Secure Delinquency Placement Services, February 8, 2012.

<sup>11</sup> *Ibid.* (Addendum #3).

<sup>12</sup> Jason Bocarro, P. Brian Greenwood & Karla A. Henderson, *An Integrated Review of Development Research in Selected United States Recreation Journals*, JOURNAL OF PARK AND RECREATION ADMINISTRATION (2008).



The Correctional Association of New York

Re: Oversight: Overview of the Division of Youth and Family Justice's Services and Programs for Remanded Youth

January 30, 2015

limited public information (in this case the Department of Youth and Community Development Concept Paper) that there are not currently enough programs for all youth. In addition to the points raised above, we are concerned that robust programming may not be available for all youth in custody. We raise the following questions: how much programming (in hours) is provided in each detention (Secure and Non-Secure Detention) and Close to Home Non-Secure Placement facility? how much programming (in hours) is planned for each Close to Home Limited Secure Placement facility (scheduled to open in March 2015)? are all youth in custody receiving programs and services? how many hours of programming/services are each unique youth (with data de-identified to protect confidentiality) receiving? which programs are currently in operation, and what are the start and end dates for each program? has Phoenix House's in-depth substance abuse assessment and intervention for youth at both Non-Secure Detention and Non-Secure Placement school site begun (this had been tentatively scheduled for a September 2014 start date)<sup>13</sup> and, if not, when is it scheduled to begin?

We are extremely pleased that the Department of Youth and Community Development (DYCD) has announced plans to issue a Request for Proposals (RFP) for afterschool programming for youth in the youth justice system. It is our understanding that these new programs will take place at Crossroads and Horizon (for youth in secure detention) and Belmont and Bronx Hope (for youth in Non-Secure Detention and Non-Secure Placement). A concept paper has been issued as a precursor to the RFP.<sup>14</sup> It is our hope that these contracts, once in place, will ameliorate the financial challenges for some of the providers who are currently providing programs for free. It is worth noting, however, that the need for programs and services inside both detention and all Close to Home facilities is greater than these contracts alone can cover. For example, as outlined in the DYCD concept paper, programming in secure detention facilities would be for only 15 hours a week and would cover only 30 slots in each of the four sites. These 30 slots per site do not cover anywhere near all youth in ACS custody. For example, while there will be 30 slots at Bronx Hope and Belmont for youth in school while in Non-Secure Detention or Non-Secure Placement, the average daily population in FY 2014 was 103 for Non-Secure Detention and 202 for Non-Secure Placement.<sup>15</sup> This means that 60 slots will be available for a total average daily population of 305 youth. Similarly, there are 30 slots planned for Horizon and 30 slots for Crossroads (both are secure detention facilities), whereas the average daily population in secure detention is 130.<sup>16</sup>

While the planned funding from DYCD is significant and should be loudly applauded, it is also critical to highlight the many children who will likely remain in need of these important services.

It is also important to note that every child in ACS custody, whether detention or placement, deserves and will benefit from programming. Public safety and the public coffers will also benefit

---

<sup>13</sup> ACS Division of Youth and Family Justice handout, *New Program Initiatives*.

<sup>14</sup> [http://www.nyc.gov/html/dycd/downloads/pdf/concept\\_papers/SONYC\\_PROGRAMS\\_FOR\\_DHS\\_AND\\_DISTRICT\\_79\\_SITES-Concept\\_Paper.pdf](http://www.nyc.gov/html/dycd/downloads/pdf/concept_papers/SONYC_PROGRAMS_FOR_DHS_AND_DISTRICT_79_SITES-Concept_Paper.pdf)

<sup>15</sup> ACS detention and placement demographic reports including average daily population rates available at: [http://www.nyc.gov/html/acs/downloads/pdf/statistics/FY14\\_Demographic\\_report\\_Non\\_Secure\\_Placement.pdf](http://www.nyc.gov/html/acs/downloads/pdf/statistics/FY14_Demographic_report_Non_Secure_Placement.pdf) and [http://www.nyc.gov/html/acs/downloads/pdf/statistics/FY14\\_Demographic\\_report\\_Detention.pdf](http://www.nyc.gov/html/acs/downloads/pdf/statistics/FY14_Demographic_report_Detention.pdf).

<sup>16</sup> *Ibid.* (ACS demographic reports)

The Correctional Association of New York

Re: Oversight: Overview of the Division of Youth and Family Justice's Services and Programs for Remanded Youth

January 30, 2015

from programming to youth in custody. ACS and this Council should undertake an analysis to determine the precise scope and reach of all programs, and where the gaps exist. Focused efforts can then be made to address those gaps.

This Council should prioritize the allocation of funding for programs and services for youth in ACS custody, and should ensure that ACS can adequately capacitate and sustain them. It is worth noting that although an investment of dollars may be needed from New York City, the return on investment will be significant- both to the lives of youth and families, and to taxpayers.

**3. ACS should increase its public transparency over the day-to-day operations of youth justice facilities, including programs and services.**

The lack of publicly available information about which programs are available at what times to which sets of kids (de-identified to protect their confidentiality) point to a larger systemic problem- that it is hard for policymakers including members of this Council, community and family members, and advocates such as myself to fully understand and analyze the provision of programs and services without greater public transparency.

I often compare the rights and expectations of the average parent of a child in private school with that of a child in a locked facility. It seems like my sister has the right and ability to call her daughter's private school to inquire about the most quotidian of matters such as what is being served for lunch that day. Yet when children are placed in government custody, there seems to be a working presumption that information about their activities need not be publicly shared (again, I am not talking about identifying information regarding specific children being shared with the public). Why is it that there is no publicly available information about: the average daily schedule for children in detention or placement; how many hours of programs and services they receive? what kinds of services are provided at what times? are services and programs available to all kids? how many dollars out of the \$282,145 per child/per year in detention costs are being spent on programs and services?

Parents, caregivers, community members, advocates, and members of this and other legislative bodies have a right to know what is happening to and for kids inside locked facilities, including how tax dollars are being spent, and what those dollars are buying in terms of outcomes.

As stated previously, the Correctional Association fully supports increased funding for youth programs and services, and urges the City Council to be a champion for this funding. At the same time, we are mindful of the need for a greater understanding of how current funding is currently used, including an analyses that would allow policymakers and agency administrators to determine if dollars can be shifted from less-effective expenses to programming and services.

**4. Programs should be coordinated and managed to minimize idle time for youth in custody, thereby reducing the likelihood of restraints and fights.**

January 30, 2015

In its October 2012 Secure Detention Focused Review, the New York State Office of Children and Family Services (OCFS) found an alarming use of restraints and room confinement in ACS secure detention, and placed ACS under a Corrective Action Plan. ACS currently remains under corrective action. According to data available to the public under City Council law, the use of room confinement has undergone vast reductions, such that there were zero reported uses in the last quarter for which data is publicly available.<sup>17</sup> The use of restraints remains very concerning, despite ACS's work to implement the Corrective Action Plan. For example, there were 264 physical and 88 mechanical restraints in the last reported quarter in detention alone.<sup>18</sup> In their Secure Detention Focused Review, OCFS specifically stated that ACS should increase the availability of programming for youth during the day and evening. OCFS also stated that increasing the assortment of activities, including recreational, social and cultural programming, and educational and vocational programming, would contribute to enriching the day to day environment in detention and would engage youth in a healthier way. OCFS specifically noted that increasing programming in this way would reduce the idle time that appears to contribute to the use of restraints.

Given the relationship between programs and youth and staff safety, it is critical that ACS ensures that programs are well scheduled and coordinated, and offered for many hours afterschool and weekends. We urge ACS to increase already existing efforts to ensure that robust programming is available for all youth during non-school hours.

5. **New York City and ACS should build upon ACS's impressive work with LGBTQ youth to a) ensure adequate funding and capacity for staff training and coaching; b) fully fund the Family Intervention Therapy Pilot; and c) partner with community stakeholders to provide commercially sexually exploited youth of all sexual orientations, gender identities, and ages with culturally competent care.**

ACS displays true leadership in their work with lesbian, gay, bi-sexual, transgender, and questioning (LGBTQ) youth. ACS has an Office of LGBTQ Policy and Practice, with a Director and Deputy Director. ACS is working closely with advocates and service providers, including the Correctional Association of New York, to improve their work with LGBTQ youth, including through its LGBTQ Advocates Council (which the Correctional Association serves on). ACS has also implemented a nationally recognized landmark policy on working effectively with LGBTQ youth and families in the child welfare and youth justice systems.

The Correctional Association and the Juvenile Justice Coalition (coordinated by the Correctional Association) has been working with ACS for years toward a shared goal of LGBTQ culturally competent programming and services throughout the agency. LGBTQ youth have been found to be disproportionately represented in the justice system and at heightened risk of abuse within it. We believe ACS's work in this area can serve as a model for the city, state, and nation.

---

<sup>17</sup> [http://www.nyc.gov/html/acs/downloads/pdf/statistics/Detention\\_1Q\\_2015\\_Incident\\_reports.pdf](http://www.nyc.gov/html/acs/downloads/pdf/statistics/Detention_1Q_2015_Incident_reports.pdf)

<sup>18</sup> *Ibid.* (ACS Incident Reports, FY 2015 1Q).

January 30, 2015

We encourage the Council and ACS to build off this important work in the following ways:

- a. **New York City should ensure that ACS has the funding and capacity to train and coach staff in their comprehensive LGBTQ policies and guidelines to ensure youth of all sexual orientations and gender identities receive culturally competent care.**
- b. **New York City/ACS should fully fund the Family Therapy Intervention Pilot (FTIP).** FTIP is based on Caitlin Ryan's Family Acceptance therapy model, and addresses conflict between LGBTQ youth and their parents/caregivers around sexual orientation and gender identity issues. Its goal is to increase acceptance of LGBTQ youth within families and to decrease the family rejection of LGBTQ youth that leads to LGBTQ youth homelessness, foster care involvement, and justice system involvement. The Mayor's Fund initially funded a pilot of this program, with funds administered through the Department of Youth and Community Development. The pilot ended, and the program is now unfunded. Family rejection is at the heart of so many LGBTQ young people's involvement in the justice system and/or their recidivism. Providing family acceptance therapy to LGBTQ youth and families while young people are in care – and incorporating an assessment of family rejection issues at the time a youth enters a program – could help youth succeed, prevent deeper system involvement, and reduce recidivism. Given the over-representation of LGBTQ youth in the justice system and the pipelines that funnel LGBTQ youth into this system, it is particularly important that the justice system have the capacity to work with families and youth in this way.
- c. **Support and funding should be provided to ACS to ensure they can partner with community stakeholders to provide commercially sexually exploited youth of all sexual orientations, gender identities, and ages with culturally competent care.** New research by Dr. Meredith Dank of the Urban Institute (with a report scheduled for publication in February 2015) shows that youth who fall into the Commercial Sexual Exploitation of Children (CSEC) category include LGBTQ youth, and that there are particular needs, risks, and challenges that such LGBTQ youth face that are not currently addressed in CSEC programs. ACS has begun to examine this issue through the CSEC Subcommittee of the ACS LGBTQ Advocates Council. We recognize and applaud ACS's work on this issue. Support and funding should be provided to ensure ACS can partner with diverse community stakeholders to provide commercially sexually exploited youth of all ages and sexual orientations and gender identities with culturally competent care.

**6. ACS should further evaluate how to effectively work with girls in the system.**

Girls make up a growing percentage of the youth justice population nationwide, but their needs are often not met by a youth justice system that was primarily designed for males.<sup>19</sup> Detention and placement settings are not designed to address some problems that may be specific to or more prevalent among girls, including trauma and sexual abuse (issues that boys also face), certain physical health problems, and the needs of pregnant and parenting girls.<sup>20</sup> There is a need for more gender responsive programming—programs that are comprehensive, safe, empowering, community and family focused, and relational.<sup>21</sup> At the same time, it is critical that gender-responsive programs do not fall into stereotypes about girls (such as focusing solely on feelings and not providing opportunities for girls to learn concrete skills, such as mechanics). It is also crucial for staff and program providers to understand and work with gender in a nuanced way, including the fact that not all young people who are identified as female at birth identify as female or as girls. The interplay between gender-responsive programming, avoiding gender stereotypes, and ensuring that youth of all sexual orientations and gender identities are served in a culturally competent matter is complex, and is an area that the larger youth justice field has done little to explore.

It is our understanding that ACS is currently providing programs to girls, and would also benefit from a deeper evaluation and assessment of how to effectively work with girls. We are heartened by recent communications with Commissioner Carrión, and her staff about this topic in which the agency expressed a commitment to furthering their work with girls in a concrete way. We look forward to partnering in these efforts, and use this opportunity to emphasize the need for and importance of this work.

**7. The City Council should increase funding for arts-based programming for youth in custody, including poetry and writing, music, theatre, and the visual arts.**

Arts-based programming is particularly needed and important. It is well known that youth in general, and particularly youth in the justice system (many of whom are disconnected from school and other traditional educational and therapeutic activities) thrive when provided outlets for creative expression. ACS has previously or is currently successfully partnered with arts-based programs such as Doing Art Together, Carnegie Hall, Drama Club, and Voices UnBroken. I have personally attended a moving theatre performance inside ACS detention, read a powerful youth anthology of work written by detained/incarcerated youth, and have viewed visually stunning paintings created by youth in detention. Each time I was blown away by the power of art to reach youth and to give expression to their hopes, dreams, despair and sense of self.

---

<sup>19</sup> LIZ WATSON & PETER EDELMAN, *THE JUVENILE JUSTICE SYSTEM FOR GIRLS: LESSONS FROM THE STATES* ii (2012).

<sup>20</sup> VANESSA PATINO ET AL., *A RALLYING CRY FOR CHANGE: CHARTING A NEW DIRECTION IN THE STATE OF FLORIDA'S RESPONSE TO GIRLS IN THE JUVENILE JUSTICE SYSTEM* 35, 41-42 (2006); *see also* ERICA J. ADAMS, *HEALING INVISIBLE WOUNDS: WHY INVESTING IN TRAUMA-INFORMED CARE FOR CHILDREN MAKES SENSE* 6 (2010).

<sup>21</sup> FRANCINE T. SHERMAN, *PATHWAYS TO JUVENILE DETENTION REFORM: DETENTION REFORM AND GIRLS, CHALLENGES AND SOLUTIONS* 53 (2005).

The Correctional Association of New York

Re: Oversight: Overview of the Division of Youth and Family Justice's Services and Programs for Remanded Youth

January 30, 2015

Youth in the justice system are often offered many traditional therapeutic interventions, and less emphasis is sometimes placed on creative expression, which can also serve therapeutic and rehabilitative ends (in addition to being valuable for its own sake).

The City Council should increase funding for arts-based programming for youth in custody, including poetry and writing, music, theatre, and the visual arts.

**8. The City Council should assist ACS in securing funding to create spaces dedicated to programming within facilities, particularly detention.**

To the best of our knowledge, there is currently no dedicated and properly resourced space within the city's detention facilities to offer programs. We do not have robust information about the kinds of spaces available for programming within Non-Secure Placements nor what is planned for Limited-Secure Placements. We were pleased to learn that, as part of its work under the Corrective Action Plan, ACS detention program staff were working with an architect, engineer, and the ACS Administrative Division on designing discreet play areas in each secure detention yard to substantially expand recreational opportunities for youth. We were also pleased to learn that similar design prep work was conducted on interior recreational spaces in secure detention facilities, called Multi-Purpose Rooms. We encourage the City Council to assist ACS in securing funding to create dedicated and well-equipped program spaces, particularly in the city's two detention facilities.

Although the Correctional Association is not a design expert, some preliminary ideas on how this space could look suggest that an ideal dedicated space for programming would have frosted windows to provide privacy for the program, and ensure that distraction of youth is minimized (in youth facilities, there are often distractions from other youth who are being moved or are otherwise outside of a given space). The room would be large enough for youth to engage in an activity, dance, or perform with ease. There would be moveable chairs (not school desks). The room would be square or circular in shape with sound absorbers and have a built-in media system. There would be locked storage for instruments, art supplies, props and writing supplies, for which the program facilitators and facility staff could have keys.

Having such a dedicated space would signal the importance of programming for both residents and staff. This seemingly small shift could have larger repercussions as a safe, effective space dedicated to learning and expression- separate from school spaces- could further shift the culture towards one of rehabilitation and skill building. It would also have practical implications for the youth and staff engaged in programming, making it easier for youth and staff to engage, move, and perform.

The Correctional Association of New York

Re: Oversight: Overview of the Division of Youth and Family Justice's Services and Programs for Remanded Youth

January 30, 2015

**9. ACS should support program evaluation to assess what works and help programs achieve funding**

As briefly mentioned above, it is our understanding (again noting that publicly available data is scant, so we may not have all available information) that ACS is not currently engaged in the regular evaluation of its programs. This makes it difficult for policymakers, including the Council, and other stakeholders to evaluate the effectiveness of what is being done.

It is also our understanding that many challenges and barriers exist to outside non-profits trying to collect the data they need in order to get outside philanthropic dollars, which are often predicated on demonstrating positive results. For example, it is our understanding that ACS does not provide programs (or the general public) with aggregate data about youth behavior, incidents, etc. (beyond the limited data this Council mandates ACS to release, available on ACS's website), making it difficult for organizations to evaluate the impact of their work beyond whatever happens in their particular workshop. This is also the kind of data funders ask for, and on which funding can depend.

Program evaluation is an important way to highlight good work, and ensure that successful programs can both continue and expand. As stated elsewhere, the Correctional Association feels strongly that ACS should dedicate a significant portion of the massive amount of funds spent on detention and placement to programs. Given the current lack of such a financial investment, it is particularly challenging that volunteer programs seem to be struggling to gather the data they need to most effectively leverage outside dollars.

**10. Programs should be seen as medicine**

We are concerned that, when youth engage in incidents or act out, their punishment may, to the best of our understanding, include loss of programming. Young people involved in the justice system express that they feel and act better when they participate in programs. Programs have been known to reduce violence and aggression, and may be understood as a kind of medicine. It seems that punishing a kid for violence/anger episodes by taking away an outlet for that anger is counter-intuitive and perhaps sets up a downward spiral. We recognize that this issue is a complex one, and that there are legitimate times it is necessary for young people to be separated from other youth. We also understand that there are often many difficult behavioral issues for staff working within youth justice facilities. We encourage ACS to consider ways to safely sustain and perhaps even intensify programming for youth who are demonstrating the highest need, and to work to severely curtail the times when programs are withheld. We believe this approach would ultimately lead to more peaceful facilities.

**11. ACS should work to link youth in custody to community programs post-release**

ACS's work to expose youth in custody to art, gardening and theatre is important and potentially life changing. Most of the youth in the justice system have been raised in poor communities, attended poorly resourced schools, and may have suffered from a lack of access to programs and resources.

The Correctional Association of New York

Re: Oversight: Overview of the Division of Youth and Family Justice's Services and Programs for Remanded Youth

January 30, 2015

Although a young person's exposure to a new skill or passion while in custody is an important step, true transformation requires connecting youth to programs in their home communities. If a young person is being released, how can ACS best identify and connect them to programs that can sustain and build upon a newly found connection to cooking or drama or caring for chickens? It is critical that ACS invest in partnerships with community-based programs, and engages in community re-entry work with youth beginning on their first day in custody.

### **Conclusion**

ACS has made important progress in providing programs and services for youth in custody. ACS's work to provide trauma informed care, in partnership with Bellevue, is particularly notable and impressive.

Concerns simultaneously exist around the 11 areas noted above, including the short-term nature of programming, the lack of dedicated funding and space for programs, the need for more programmatic supports for LGBTQ youth, deficiencies in program evaluation, the lack of connection between programs inside and outside of facilities, and a lack of public transparency about operations and funding, including for programming, within facilities.

In order to fundamentally change the culture of facilities and improve outcomes for youth and public safety, New York City must invest in long-term programs that can be evaluated for positive outcomes. New York City should ensure that providers are paid, that a robust array of programs and services are offered afterschool and on weekends and school vacations for all youth in custody, and that arts-based programming is expanded. ACS should deepen its already impressive work with LGBTQ youth to expand program options, particularly around family rejection and commercially sexually exploited LGBTQ youth. ACS should also increase its focus on identifying ways to effectively engage girls in programming. The City Council and ACS should undertake an analysis to determine the scope and reach of all programs, and where gaps exist, with goal of targeting dollars to meet unaddressed needs. ACS should also publicly release a detailed breakdown of how all detention and placement dollars are spent, including a breakdown of spending on programs and services. ACS should also publicly release additional information about the programs for youth inside facilities. The City Council should increase its funding and support for ACS as the agency works to improve programs and services for justice-involved youth. These youth are some of the most neglected and vulnerable youth in our community, and they desperately need our help, attention, and support in order to grow and thrive.

The Correctional Association believes ACS and this Council has a strong foundation on which to build, and we will enthusiastically continue our work with both bodies to improve outcomes for the city's youth and public safety.



January 30, 2015

**TESTIMONY OF DAREK ROBINSON VICE PRESIDENT OF GRIEVANCES**  
**AND LEGAL SERVICES SOCIAL SERVICES EMPLOYEES UNION LOCAL 371**

Good morning, my name is Darek Robinson and I am the Vice President of Grievances and Legal Services for Social Service Employees Union Local 371. On behalf of our President, Anthony Wells, we would like to thank the Chair, Councilman Fernando Cabrera and the Committee on Juvenile Justice for the opportunity to give testimony.

SSEU Local 371 represents juvenile counselors, children's counselors and congregate care specialists who staff secure and non-secure detention as well as the ACS Children's Center. These workers have uniquely difficult jobs.

Caring for youth in these programs is a very challenging job that must be done 24 hours a day, 7 days a week, 365 days a year. I, myself, did this work for 20 years. Our members all signed up to make a difference

in the lives of at risk youth; however **we did not sign up** to be **assaulted by kids whose special needs and challenges are typically kept from us, nor to be suspended and charged** with bogus **child abuse allegations** by overzealous operational managers who don't understand our work. And above all, we did not sign up to be **arrested** and **prosecuted** by the New York State Justice Center on frequently flimsy and suspect allegations.

Workplace violence is epidemic in our field; both violence by youth on youth and youth on staff aggression. What is a Juvenile Counselor to do to protect these kids from each other and us from them? The current sanctioned Physical Restraint Model SCM (Safe Crisis Management) does not work. It solely addresses "one on one" youth and staff interactions when multi-party brawls are commonplace. Safe Crisis Management focuses on the use of de-escalation techniques as a primary strategy for managing youth who are not only violent but, because mired in the criminal justice system, carry tremendous anger

and often approach the world as if they have nothing to lose. When de-escalation techniques fail to control a situation, when there is simply no time to de-escalate a violent and aggressively acting out kid, what is a juvenile counselor to do? SCM fails to provide workers with guidance on how to handle multiple physical aggressors, such as several youth attacking one youth, riots, and coordinated attacks on staff. Without adequate training- again, we ask, "What is a Juvenile Counselor to do?"

We cannot stress enough the constant potential for violent attack inherent in a daily tour within secure detention. Most recently, several residents from various gangs exited their prospective classrooms and attacked each other. As a result, the Juvenile Counselors who physically intervened sustained multiple injuries the most serious being a concussion. Another more recent incident, a Juvenile Counselor was punched with such force that his cheek was torn open by his own tooth. And a Special Officer, responding to aid one of our members

who was under attack, himself was rendered comatose after being assaulted by a group of residents.

ACS fails its front-line workforce by ignoring guidelines within the Safe Crisis Management model that would enable Juvenile Counselors to do their jobs more effectively. Specifically, SCM training materials presume and expect that staff is cognizant of a residents' mental health diagnoses that may impact behavior. Similarly, any prior history of conflict is critically important for us to know as well. SCM correctly espouses that the key to successfully managing residents understand the nature of their diagnosis, recognizing triggers and responding humanely and appropriately. Residents in secure juvenile detention often have mental health diagnoses and violent histories known to ACS; but, Juvenile Counselors are not advised of this nor counselled on how best to approach such residents. While SCM training materials caution and encourage staff to understand how a resident's diagnosis may impact behavior and how to respond appropriately, ACS declines to

give staff these tools. Instead, Juvenile Counselors are deliberately left in the dark. ACS restricts access to the very information that SCM instructs that we need to have to do our jobs and keep juvenile facilities safe and for staff and residents alike. Our mental health training is minimal and does little good when ACS refuses to let us know how and when a resident's mental health may be an important and critical factor in controlling their outbursts.

Recently, our members have faced the revamping of New York State's system of Child Abuse oversight. The newly formed New York State Justice Center has swooped in without any opposition or constructive response from ACS. The Justice Center has launched repeated attacks on workers who have already been victimized at work, harshly criticizing and seeking to criminalize events we are helpless to foresee and too often unable to control. The Justice Center minimizes its commitments of the men and women who have signed up for this

most challenging career, threatening their livelihoods instead of working with us to improve the system for all of its participants.

ACS's Employment Law Unit has repeatedly taken a position of Monday morning quarter backing as it pertains to its review of "significant Incidents" which is always biased toward blame and disciplinary action and never directed toward developing better techniques and procedures for the safety and well-being of all concerned. In practice, when an incident occurs in Secure Detention or at the Children's Centers, the video footage is reviewed and every involved Juvenile Counselor, Associate Juvenile Counselor, Children's Counselor or Congregate Care Specialist is then investigated and charged. This is an outrage, particularly since ACS leadership, whether at the Facility or Executive level, has not presented any solutions nor engaged the Union in any constructive dialogue. We are not the enemy, but we are treated that way. And to make matters worse, ACS has approved a Behavior Modification Program (ASPIRE) that assures youth

there will be no consequence for disruptive behavior thus encouraging more misbehavior. The failure to re-arrest youth in detention after the destruction of City Property, Youth on Youth assault, Youth on Staff assault or many forms of aggressive misbehavior like spitting on staff is blamed on the five District Attorney's Offices that ACS does little to nothing to engage. So, again and again, we ask, "What is a Juvenile Counselor to do?"

AS you can imagine, morale is low, the retention rate of staff is low, and more and more senior personnel are questioning this career choice.

Social Service Employees Union Local 371 is committed to the mission of providing a safe, secure, caring, and controlled environment all participants in Non-Secure Programs, Non-Secure Detention, the Children's Center as well as Secure Detention. We need ACS to join us in that mission and to entertain the pleas and concerns of veteran and experienced workers as partners not adversaries.

Thank you for the opportunity to give this testimony. I would be happy to respond to any questions.



NY City Council hearing: *Oversight-Overview of the Division of Youth and Family Justice's Services and Programs for Remanded Youth.*

January 30, 2015

Testimony by Episcopal Social Services, delivered by Dr. John Shaw, Mental Health Administrator, Adolescent Residential Care

Contact: Mohan Sivaloganathan | [sivaloganathanm@e-s-s.org](mailto:sivaloganathanm@e-s-s.org) | 212-886-5604

## **1. About ESS**

Episcopal Social Services (ESS) is a nonsectarian organization that positively impacts the lives of nearly 5,000 New Yorkers in low-income, high-need communities per year. Our work helps underprivileged youth gain academic skills, strong moral character, and pathways to future success, while also strengthening the well being of families and low-income communities. Our clients lack access to high-quality education, health services, and other basic tools that are commonplace for more affluent families in the New York metro region. ESS addresses this issue with programs that impact families from “birth to adulthood”. We work to close the achievement gap before it begins with high-quality education; partner with families to improve their mental and physical health; and work with teens in foster care to make sure they can graduate high school, succeed in college, and pursue ambitious careers.

Our programs are located in the Bronx, Manhattan, Queens, and Brooklyn. Beginning in 2006, ESS opened its first Non Secure Detention (NSD) facility, adding to its then four group homes for adolescents. Since then three additional NSD's have been added in recognition of the high level of performance and skill providing quality care to youth consistent with the objectives of juvenile justice reform efforts. We refer to our work as “reform” in that we provide an innovative approach and model for at-risk teens. In 2012 the Administration for Children's Services (ACS) awarded contracts for three Non Secure Placement (NSP) contracts to ESS, initiating the Close to Home initiative in NYC. In September of 2012 ESS opened the first NSP in NYC, and by January 2013 had opened an additional two; two facilities are for male youth, one for female. Currently we are in a pre-service training phase for three LSP programs scheduled to receive youth in March 2015. These programs include, in the Bronx, a 12 General LSP for females and an 8 bed Intensive Support Program, which is available through ACS for all youth in LSP care with provider agencies, and in Queens, an 18 bed specialized program for Seriously Emotionally Disturbed (SED) males.

The tenacity, perseverance, and strong team work that is the hallmark of Adolescent Residential Care in ESS have seen us through the considerable growing pains of breaking the new grounds of the Close to Home initiative, and we continue to see extremely positive results in the responses of the youth and their families to our attempts to heal and renew family ties, and to reintegrate the youth to their communities prior to discharge home. ESS has been clearly recognized as providing the capacity to reach benchmarks and be responsive to program goals at

a level unmatched among provider agencies. We firmly believe that our eight years of experience providing non-secure detention programs, and applying the basic core principles and values of establishing a secure, therapeutic, and consistent environment for the youth in our NSPs has been key to our success in the Close to Home initiative.

Our main objective in ESS NSP is to provide a secure, safe, and supportive environment wherein each youth's positive potential can be identified and enhanced in order to provide them with life skills necessary for personal, academic, and professional success. Meeting this goal benefits communities as a whole as individual success equates to prevention of re-entry. A key component of the program that provides service not only to the youth and families, but adds needed balance to our model for juvenile justice reform, is our mental health treatment service array, all provided under ESS administration and supervision.

## **2. Background**

The mental health needs of the population in Non Secure Placement are striking, both in frequency of psychiatric diagnosis by comparison with the average inner city adolescent population, and in kind. The numbers of youth reporting histories of exposure to extreme violence and loss of friends or family members to violence is very high (84%), and the incidence of major failures in successful adaptation to school is reported in over 90% of their histories. Post Traumatic Stress Disorder is often under diagnosed, but still higher than the expectable average, with the clinical, educational, and juvenile justice system emphasis having been on attention deficit and disruptive behavior disorders, dominating the youth's mental health history. Treatment of these disorders alone falls short of successfully accessing and engaging the positive energies that are part of their negative and rebellious adaptations, because it often fails to recognize and treat the significant trauma and sudden and multiple catastrophic losses that many of the youth have experienced. The rage that covers and compensates for the loss, and the youth's entrapment in a cycle of increasingly negative attempts to assert themselves and their will to live and survive, is too often lost in the predominate focus on behavior disorders alone, and not recognized as hidden fonts of strength and resilience.

We as a society are living with the effects of failing to address the mental health needs of this population, and the Close to Home initiative is a bold and productive attempt to broaden the thinking and approaches to reducing recidivism without sacrificing the core values of detention and placement: A contained and secure environment in which safety and positive learning can occur, making possible the meaningful delivery of core mental health and social work services whose aims are strengthening families and community bonds.

## **3. Juvenile justice reform at ESS**

To deliver transformative outcomes for our NSP population, we chose to implement the nationally recognized Missouri Model as our service delivery method. The Missouri Model has

delivered impressive success in Missouri for a wide range of juvenile offenders, which makes it a logical choice of service delivery as we embark on a new age of youth rehabilitation.

Our work relies heavily on a combination of our traditional interdisciplinary team – with emphasis on team and team work—and the group process principles of the Missouri Model. Our mental health services, which include clinical social work psychotherapists on each team in addition to ESS clinical psychology and psychiatry services, serve as a support to the fundamental relationships our residents have with the youth specialist staff, who provide the ongoing support of daily living relationships analogous to family life, as well as their fellow youth in the residence. In addition, the therapists provide an individualized availability as a balancing need to the group work emphasis of the Missouri Model, and work carefully within that model to support it. The therapists, in addition to individual psychotherapy services, are the link to mental health issues that are relevant to school performance, daily behaviors, and the social-emotional development of each youth, as well as the additional services such as ongoing psychiatric care, substance abuse, and creative arts therapy.

In my opinion, the role of mental health care in any setting outside of the traditional clinic or psychiatric hospital is to provide therapy that is shaped by the planning goals of the system of care providing services and intervention to the youth, as it is the failure at the point of intervention of the customary service models that leads to the extraordinary intervention of placement. The goal of the system of care is to identify those family and individual issues relevant to the failure of community services to achieve a positive enough effect that placement would not be necessary; in the case of mental health services, to identify and focus on those mental health issues relevant to why the youth is placed. Mental health services delivered without regard to the context of the program and its goals are often either off the mark, inconsistent with the larger treatment models of the program, or can even produce issues and considerations that might prolong stays; and while legitimate as issues, they are not central to why the efforts of the public system failed. In addition, the role of mental health therapists on the team is to help identify and promote positive modes of group process between the various members of the team, and to redirect the group process of the staff according to the same principles of the Missouri Model that are applied to the youth.

#### **4. Success and innovation**

We have been using the Missouri Model in our NSPs for only two and a half years, and we continue to see dramatic improvement among the youths we serve. With respect to rehabilitation, we've made steady and significant progress in helping residents stay on track to release. While it is too early for recidivism data, the majority of the youths we've discharged have demonstrated significant positive changes in behavior and maturity. Additionally, with all of our youths attending Bronx Hope (a District 79 school), we've seen improvement in academic attendance

and performance among our residents. Finally, bringing youth close to home and adding a clinical therapeutic approach has resulted in a near elimination of critical incidents and a dramatic change in resident behavior. The comprehensive nature of our work has created an environment that is conducive to positive change among youths, leading to strong signs of success after just a year.

The second area that I am very happy to once more enthusiastically present to the council is the extraordinary success we are having utilizing creative arts as a form of psychotherapy that is adjunctive both to the Missouri Model and traditional psychotherapy. I can attest based on my decades of providing psychotherapy to adolescents in care as a clinical psychologist that the degree of successful engagement with the teens is stunning, as they voluntarily provide - through their song lyrics, poems, writings, and drawings – details of their lives it would take me months to access at the peak of my skills as a therapist using verbal engagement alone. The process of writing, learning singing and performance skills, recording, performing, the effort and discipline involved, and fueled by the youth's desire to express and be heard, all open multiple avenues of skill building, reflection and expression of severe trauma, positive new bridges to connect to community and family, and capacity for receiving positive public acclaim and recognition that most of our youth have never experienced.

What I am describing is not something that any trained Licensed Creative Arts Therapist does not know first hand, but in our case, by coupling the extremely positive energy and motivation that the youth have for expression, with the goals of the program to provide positive alternatives to violence and rage, we have seen remarkable improvements in motivation and behavior change at the facilities, at school, and in the eyes of their families. In addition, the entire community of those who work in our NSPs are bound together through the youth's excitement in learning, and hearing them perform together, in a lasting and positive way that creates positive cohesion and recognition of what the youth can achieve, across all professional lines and boundaries, providing a common core of appreciation of what positive creations and productions are youth are indeed capable of providing.

We have begun to further expand and sharpen our treatment model by combining Creative Arts Treatment with Dialectical Behavioral Therapy (DBT), a form of treatment recognized by national leaders in juvenile justice residential care as effective and durable. Since my last report to the council ESS, with the generous assistance of foundation grants, has hired a full time Coordinator of Creative Arts Therapy. The responsibility of the coordinator is to assure a continuing and meaningful flow of creative arts as an enriching experience by bringing in teaching artists in fields relevant to our youth to perform and teach, and to internally develop Creative Arts Therapy as a mental health intervention to assist youth towards positive goals by learning positive skills, as they pursue their passions for the art form they favor.

We also continue to develop Creative Arts Therapy through integrating it with Dialectical Behavior Therapy (DBT) by providing intensive DBT training to clinical and management staff by an internationally known DBT trainer, and consulting with her as to the effective integration of the two modalities consistent with the greater program model and goals. By combining the two we anticipate forging a treatment form that is highly engaging of the youth, that utilizes their desire for recognition and having an impact, and by leading them through the steps necessary to a positive experience of significance and public acclaim. Through the imbedded DBT in the Creative Arts Treatment process youth are learning a self care treatment method shown to improve emotional regulation, mindfulness, and interpersonal effectiveness; not surprisingly, all requirements of productively impacting others using the arts as a medium of engagement. In short, user-friendly psychotherapy for teens in trouble. And we have waiting lists.

We have taken our long history of interdisciplinary team work and communication into account as we develop new treatment forms, so that both internally (Youth Specialist, Case Planners, other support services), and externally (family and school) are involved in taking in what is learned and gained in treatment and expanded into the youths life outside of treatment, and receiving information that can be used positively alongside the creative arts to expand skills. Finally, we have also begun to collect data through DBT effectiveness instruments, and after our first round of assessments, we found that 89% of youth in Creative Arts Therapy improved on the Taking Responsibility subscale and 79% of youth improved on the Emotional Regulation subscale.

## **5. Success stories**

Greg

Greg was arrested and given a one year sentence due to a violation of probation on a prior charge of Petit Larceny, and charges of Criminal Possession Stolen Property 5th and Criminal Possession of Weapon 4th Intent to Use. He was living with his maternal grandmother and brother at the time.

Greg came in to music therapy with a bright affect - eager to learn how to play guitar once he learned it was possible by entering music therapy, and having successfully petitioned and being granted his new phase in the program. He also showed what he and others recognized: a very low tolerance for frustration and ability to sustain effort on tasks, despite being bright, and very angry outbursts, sometimes physical, if redirected. His academic skills were adequate, but he rarely could complete assignments, even in class, and was losing credits the first year of high school.

Greg not only was interested in learning guitar – which was his first experience with a musical instrument – but he also was skilled at improvisational rap, and one of his first tasks with his therapist was to commit them to writing. His eyes glowed when he first held a guitar, and he was

astonished that he could take the guitar back to the facility with him to practice! He was receptive to learning and was able to practice in between sessions – a little in the beginning, then more as he improved. He then asked staff with the encouragement of his therapist if he could practice when he began to feel uptight and angry, usually when feeling his loss of freedom, the confinement, and missing home, family and friends. He was receptive to negotiating the increased use as a privilege alongside maintaining increased performance in school, and continued progress in the program, and was allowed to practice directly as a means of regaining emotional regulation, which he began to do very readily.

His therapy sessions focused on his low frustration tolerance in general, and using his slowly building skills and accomplishments as evidence of the benefits of sitting with, and building a tolerance for his distress while doing something he loved, and then challenged to do the same when he had to do something he would rather not. He would often express feeling that he would not be able to play. At times he would not practice - but he never gave up.

After two months of music therapy Greg came into a session requesting to learn more information about a song he had heard in a movie – “Hurt”. This song was presented in the movie as a karaoke skit sung by a character in the film. The therapist was familiar with the original song, and a cover by Johnny Cash a decade later. Greg and his therapist viewed the video of the Johnny Cash version, and he became deeply overwhelmed with emotion after seeing and hearing this song and video. He expressed his sadness very directly and without self-consciousness; he also became very curious about Johnny Cash’s life. Greg clearly identified with Johnny Cash on many, many levels. What affected him most was the death of June Carter Cash shortly after the filming of the video, and Cash’s death 3 months later. Greg wondered if Cash was making the video because somehow he knew he was about to lose her, after all of the previous losses Cash had in his life. An excerpt from the therapist’s note: “I really felt that Greg identified with Johnny Cash - as a person who was left alone with all these feelings - stuffing them down - “Killing them away”. I experienced him as a troubled youth, who had a racing mind, and lots of energy to burn in order to push the thoughts away. I feel that this was the first time Greg was able to see that he was not alone in his suffering.”

Greg requested that he and the therapist learn and perform the song at an upcoming agency function, and dedicated more than a month’s worth of time and sessions to learning how to both play and sing this song. His frustration tolerance increased dramatically, he became focused not only on this task, but also increasingly talked about his family, those he had offended, those he had lost, including his mother who had died a few years ago, and those he still had in his life, his grandmother, and his brother, who also was in detention. He memorized the lyrics, and performed this song with his therapist and a band to the entire ESS community of staff, residents, and their families, his among them. He was confident, and radiant in his performance. Upon leaving ESS he was given a choice of a new guitar or the one he had been using to take with him

- requested the one he was using, smiling and saying "I've made this mine, it won't play for anyone else!"

As coincidence would have it, Greg came into the office while I was writing this, almost two months after discharge home. He looked well, upbeat, and confident. When I asked him what he remembered most about the music therapy, his therapist, and what he took with him that remains, he said his therapist "Stuck with me and stuck with me till she found the right way that worked for me, not her way, or *the* way, but the way that worked for me." He is attending High School, after regaining his credits while with us lost to poor performance and truancy prior to placement, staying out of trouble, and yes, continues to write and play, and has enrolled in music class in his school to play guitar and take it further.

#### Jamyra

Jamyra entered foster care at age 12, 3 years before being arrested for violating her PINS and for selling marijuana. Her story is one of a consistent, and insistent, desire to be back with her mother, and that her many AWOLs from various foster homes, and previous NSP placements, as well as selling weed to make money, were in service of her wish to be home with her mother, who was chronically ill, and to help care for her.

Jamyra initially came into creative arts therapy wanting to turn some of her writing and poetry into rap songs. It quickly became clear, however, that she identified more as a poet than a rapper. Within a few short sessions Jamyra began to read her poems to her therapist. Together they entered into her world of words, tying them to her real life experiences. She filled notebooks with words, and over time her words became more and more bold, as she found her voice supported for what it was: Strong, assertive, full of wit, sometimes scathing, sometimes whimsical, but always engaging; here she found a source of courage upon which she built her blossoming into the world in a new and dramatically positive way.

In her poems she wrestled with inequality, gender roles, sexism, rape, betrayal, love, abandonment, addiction, and deep loneliness. Her poems were a direct portal to her experiences, her feelings, her imagination and her strength. Once she received encouragement from her peers, her teachers, her therapists she could not stop sharing, and began a spontaneous networking around her creativity that was infectious to anyone she shared her work with. As she shared who and what she was, the various adults she engaged began to communicate across lines, teacher to staff to therapist to parent and family. She began to perform her poems at all of ESS' events. With the help of a teacher at school she published a book of her poems, and placed it online for purchase.

After her discharge, again back to foster care, Jamyra returned to ESS and was a guest lecturer for a number of classes in our Creative Arts workshop during our summer school program. There

she was able to relate to her fellow youth on a deeper level for all. She brought in lyrics to songs that felt to her like poetry, and led discussions with the other youth. She brought in writing directives she had learned from her teachers and assigned lessons. She shared her own poems. She inspired our youth to engage, many of whom were new to the program and she did not know, and when they wanted to do anything but engage. And she succeeded.

With her awakened and reinforced spirit of self-advocacy that she fed through all of her interactions with adults through her poems, Jamyra defied the odds, and engineered a discharge to her mother this past fall. Her deepest wish, running against the grain of the system for years, had come true. Her biggest gain, confidence and perseverance through her passion, will last a lifetime. She continues to write.



**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: 10/30/15

(PLEASE PRINT)

Name: Victoria Sammartino

Address: 1380 Virginia Avenue Bronx NY 10462

I represent: Voices UnBroken

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: GABRIELLE HOROWITZ-PRISCO

Address: Director, Juvenile Justice Project

I represent: Correctional Association of NY

Address: 2090 Adam C Powell, Suite 200  
NY, NY 10027

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 1/31/15

(PLEASE PRINT)

Name: Hans Menos

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

I represent: The Center for Community Alternating

Address: 25 Chapel, 701, Brooklyn NY

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Jackie Sherman

Address: 152 William St

I represent: 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: \_\_\_\_\_

(PLEASE PRINT)

Name: Jennifer Kanelin

Address: 150 William St

I represent: 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: \_\_\_\_\_

(PLEASE PRINT)

Name: Sarah Bass

Address: 156 William St.

I represent: ACS

Address: 150 William St.

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Schira Galarza

Address: 150 William St.

I represent: 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: 01/30/2015

(PLEASE PRINT)

Name: DAREK ROBINSON

Address: 817 BROADWAY 14TH FLOOR

I represent: Social Service Employees Union

Address: Local 371

**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: 1/26/15

(PLEASE PRINT)

Name: Frank Todorovich, MD

Address: 150 William St. NY NY

I represent: ACS Bellevue Hospital - outst

Address: 150 William St. NY NY

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: \_\_\_\_\_

Name: Dr. John Shaw (PLEASE PRINT)

Address: EPISCOPAL SOCIAL SERVICES

I represent: 430 E 149th St Bronx NY

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

Date: 1/30/15

Name: Jennifer Komelien (PLEASE PRINT)

Address: 150 William St. ny, ny

I represent: \_\_\_\_\_

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: 1/30/15

Name: SONIA GALANZA (PLEASE PRINT)

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

I represent: DYFI

Address: 150 WILLIAM ST

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