



**Testimony of Neil Hernandez
Commissioner**

Fiscal Year 2010 Executive Budget

Monday, May 18, 2009—12:00 pm
Council Chambers, City Hall

Good morning Chairs Gonzalez and Weprin and members of the Juvenile Justice and Finance Committees. Thank you for the opportunity to be heard on the executive Fiscal Year 2010 budget for the Department of Juvenile Justice. I am Neil Hernandez, Commissioner of the agency. Joining me is Judith Pincus, First Deputy Commissioner, and Jacqueline James, Deputy Commissioner for Administration and Policy.

Juvenile Justice Reform

DJJ is working diligently to support the City's reform of the Juvenile Justice system, which includes helping to ensure that low and moderate-risk youth, which comprise a large number of admissions to juvenile detention each year, are spared unnecessary or long stays in detention. By collaborating in partnership with the Mayor's Office, the Family Courts, and our sister agencies on initiatives such as the use of the Risk Assessment Instrument, the Weekend Arraignment Initiative and the Release to Parent Policy Initiative, DJJ will continue efforts to help move the City closer to this goal. Taken together, these initiatives, and others have helped to reduce the number of youth placed in State facilities. The historical rate of recidivism at the State level has been so high that these initiatives can have long-term positive implications on public safety and better outcomes for children enmeshed in the juvenile justice system. State placements were down by three percent during Fiscal 2009 July through February compared to the same period last year.

The Youth Programs Block Grant

The Governor's preliminary budget announced the Youth Services Block Grant, which would have combined the several streams that fund juvenile detention and youth services. This proposal has been defeated, after successful lobbying by the Mayor's Office of State Legislative Affairs, DJJ, the Department of Youth and Community Development, and various juvenile detention associations in New York State.

The block grant's defeat eliminated a potentially significant risk to DJJ's budget and core mission, however the Department continues to face some challenges. The State reimbursement for juvenile detention will remain at the 49-51 split implemented by the State Office of Children and Family Services in Fiscal Year 2009.

Detention Trends

Through the current Citywide Performance Reporting period, July 2008 through February 2009, the average daily population increased by less than one percent. During the same period, total admissions to detention increased by 4.6 percent, but average length of stay decreased one day. In essence, population levels have remained the same as compared to last year, and as discussed during our preliminary budget testimony on March 25th, the concentration of youth with more complex cases in secure detention has increased because of the judiciary's usage of the Risk Assessment Instrument.

FY 2010 Budget

In Fiscal Year 2010, the Department's total budget is approximately \$131 million, a reduction from Fiscal Year 2009, reflecting utilization of funding from the City Council, funding for the Collaborative Family Initiative and the last two PEG reductions. Approximately \$60 million of the Department's budget supports payments the City makes to the State for placements of City youth into State-run facilities.

Fiscal Year 2010 Challenges

The City's current fiscal reality has forced many agencies to make difficult, but critical decisions. In Fiscal Year 2009, Mayor Bloomberg announced two PEGs: a seven-percent PEG on all mayoral agencies in January, followed by a four-percent PEG in April.

Four-percent PEG reduction

The four-percent PEG represents approximately a \$1.4 million reduction in City Funds to the Department's Budget. The Executive Budget identifies the elimination of 49 vacant—25 City funded and 24 State funded—positions in various titles, including direct juvenile care positions. The elimination of these vacancies represents a five-percent reduction in DJJ's headcount, as identified in the January Financial Plan, from 961 to 912.

However, the Department will actually need to eliminate approximately 54 vacancies to achieve the savings. This is because the average salary used to determine

the \$1.4 million reduction is higher than the Department's average salary for its vacancies.

As of the January Financial Plan, the Department will have approximately 158 vacancies. The Department counts vacancies as unfilled posts. The Department has not finalized the vacancies to be eliminated, but anticipates that some of these positions will include security positions, which could impede the enhancement of security to prevent contraband and the timing of back-up responses when direct childcare staff need assistance. In addition, some of these positions will be administrative, inhibiting the Department's business processes.

As discussed during the Department's Preliminary Budget Hearing on March 25th, the Department eliminated 11 staff positions as part of its integration of Discharge Planning Services into Case Management Services. These eleven positions are separate from the 49 positions identified for reduction in this Executive Plan.

The Department had hoped to work with these staff to find new positions within the agency from among the vacancies available. There is a chance that some positions suitable for these staff may be eliminated as part of this PEG reduction. The Department will need to work within its remaining vacancies to assist these staff with finding new placements within DJJ, but the Department does not plan to lay anyone off.

Programming

The support the Department receives from the Juvenile Justice Committee has been instrumental in helping to strengthen in-detention programming. To date, the Department has earmarked the Fiscal Year 2009 allocation of \$640,000 to fund 13 programs. Of these programs, nine contracts have been registered through the Comptroller's Office and the organizations heading these programs have begun providing their unique services to youth. The Department expects for the remaining contracts to be registered shortly and thanks the Juvenile Justice Committee and Chair Gonzalez for her continued support of in-detention programming.

Conclusion

While the additional PEG reduction is a challenge, the Department will continue to do its part to help the City continue its reform of the Juvenile Justice System. Early signs show that the City is moving in a positive direction—fewer youth are spending extended periods in detention thanks to the Weekend Arraignment. At the same time, the judiciary is making more informative decisions about detention settings for youth who need to be in detention through its usage of the Risk Assessment Instrument. Moving forward along this trajectory will surely increase positive outcomes for youth, as reliance on detention will be further minimized while programs that will help to meet the many needs of court-involved youth and their families are strengthened.

The Department looks forward to continuing our partnership with the Juvenile Justice Committee to bring much needed programs and services to youth in detention

and appreciate the Mayor and Deputy Mayor for Health and Human Service's support of DJJ's strategic initiatives.

Testimony of Josefina Bastidas, Deputy Director
Center for Community Alternatives (CCA)
before the
New York City Council
May 18, 2009

First, let me thank you for giving me the opportunity to address the Council on behalf of the City's alternative-to-incarceration community. My name is Josefina Bastidas and I am the Deputy Director of the Center for Community Alternatives, also known as CCA. CCA is an organization that provides ATI services to people in New York's juvenile and criminal justice systems. I am testifying here not only on behalf of CCA, but for the coalition of ATI organizations across New York City - CASES, EAC, the Fortune Society, the Legal Action Center, the Osborne Association, the Women's Prison Association. The City stands as a national model in terms of the quality and array of its ATI programs and the Council has played a critical role in this achievement.

I would like to thank the Council for its ongoing support of ATI programs and particularly programs that serve youth in the juvenile justice system. Because of your support, CCA has been able to provide alternative-to-detention and placement services to youth charged as juvenile delinquents through our Family Court Client Specific Planning Program. We want to thank you for sustaining the support to juvenile justice programs even in these very difficult financial times.

New York City's alternative programs have made an enormous difference for the juvenile justice system as a whole, and most importantly, for the children who we serve. Data from the Office of Children and Family Services shows that since 2000, the number of admissions to OCFS custody has decreased by 33.3 percent. We believe that New York City's ATI programs

have been a significant contributor to this decrease.

Through the Council's valued support, the ATI programs for young people have provided enhanced community supervision and support and have helped young people address key areas in their lives - school, family and peer relationships. We know that graduating from high school is a key predictor of future earnings, improved health and a significant factor in reducing incarceration. Bruce Western's research shows that young black men who drop out of school have about a 65 percent chance of winding up in prison. ATI programs help to prevent this from happening.

The need for these ATI services cannot be overstated. Last year, CCA's Youth Programs exceeded its intake goals by roughly 40 percent. Seventy percent of youth successfully graduated from the program. A one-year post-program followup showed a year after graduating the program, only 13 percent of youth had been rearrested and only 5% had been reconvicted. Other important outcomes are school-related: although 60 percent of youth in our program are truant at time of intake, by the time they complete the program, they are enrolled in and attending school.

We also see improvement in their academic achievement - 85 percent of youth in our programs increase their academic capabilities as measure by pre and post testing. Finally, all of the youth in our program were promoted to the next grade at the end of the school year.

CCA's successes are not unique: 78 percent of the young people who had internship placements while in CASES youth program received a diploma or were working one year after graduating that program.

The cost-savings of these programs are enormous. ATI programs save detention costs estimated at over \$200,000 a year per youth and placement costs which OCFS estimates at approximately \$150,000 per year per youth. In contrast, ATI programs costs between \$7,000 and

\$10,000 per year per youth.

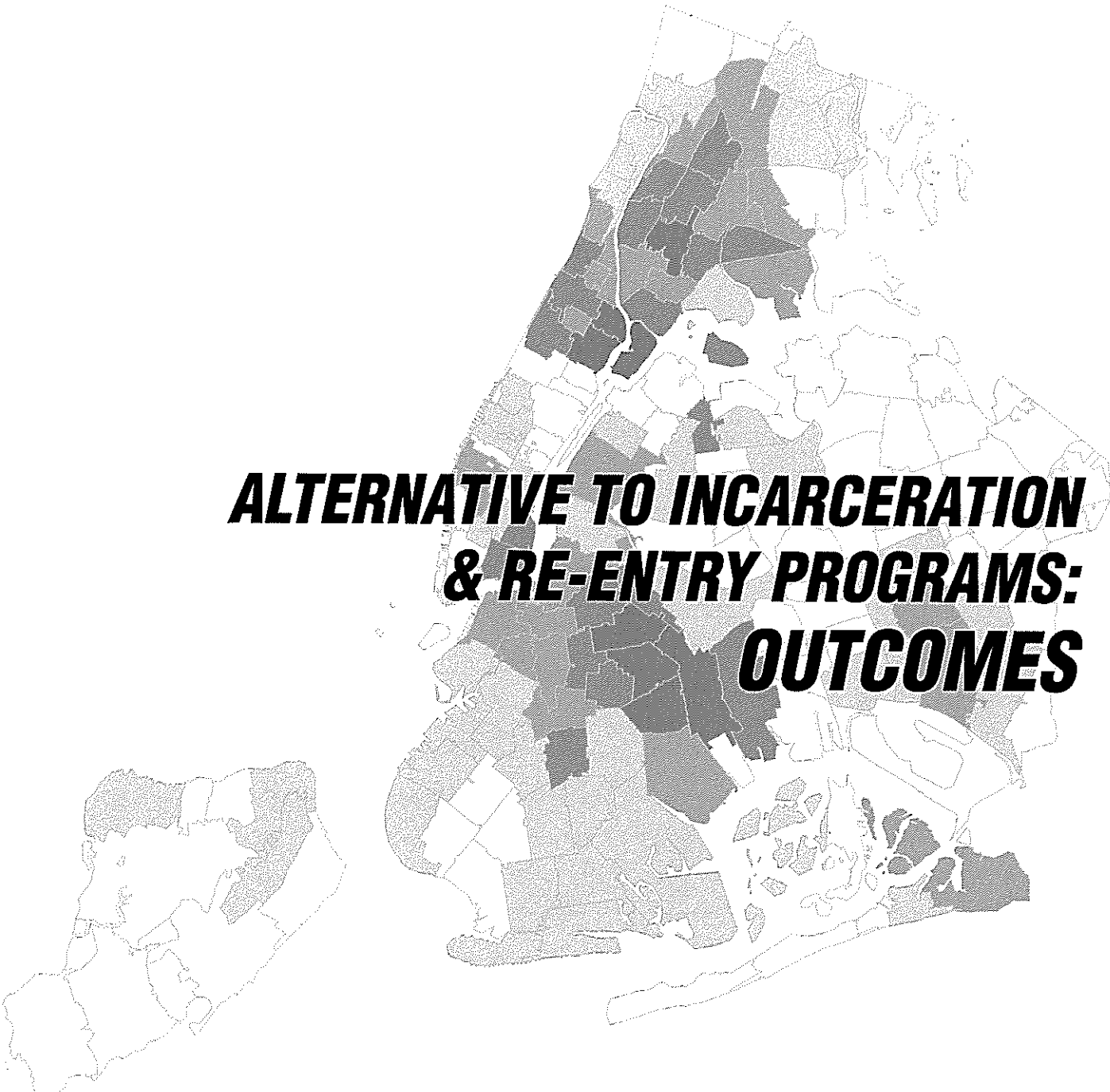
Last year, our ATI programs, like many other programs, saw a significant reduction in funding. Our council-supported programs were cut 38 percent. We understand that - we understand the difficult economic conditions and the very difficult choices that the Council was forced to make. We understand that these challenges remain this year as well. Today, we are requesting a renewal of the funding that was provided last year. We are not asking for any restorations, but only that our programs not have to sustain further cuts.

New York City has made enormous progress in reducing the use of incarceration for both youth and adults. We see fewer children and adults in detention, in placement, in jail and in prison. As we see New York's crime rate continuing to decline, we also see that public safety is not only preserved, but enhanced, with increased use of ATI programs. Every day, we see our youth people become stronger, healthier, safer and smarter - become the future that we want and need them to be. Now more than ever, it is critical to at least sustain the foundation of ATI work so that when our economy recovers we will be in a position to do more, not start over.

On behalf of the City's ATI community, I want to thank you again for your time today. We hope that you will be able to provide continued support for our work on behalf of the City's children.

the ati coalition

Serving New York City



ALTERNATIVE TO INCARCERATION & RE-ENTRY PROGRAMS: OUTCOMES

Cutting Crime and Costs • Strengthening Families and Communities

Protects Public Safety

Recidivism analyses show that **less than 20%** of program graduates have a new criminal conviction within two years.

An independent, random-assignment evaluation shows CEO participation significantly decreases recidivism including a **40% reduction** in re-incarceration for a new crime through two years of follow-up.

Creates Cost Savings

ATI/re-entry programs save City and State correctional systems **over \$100 million** and also create savings through reduced reliance on hospitals, emergency rooms and homeless shelters. Clients who are employed pay taxes on their earnings and make child support payments.

Helps Youth Achieve Their Potential

Participants in CEO's Young Adult program are **1.4 times** more likely to be placed in a job and are **34%** more likely to keep a job for a year than young adults at CEO who do not join the program.

60% of CCA youth were truant from school at intake, none were truant at program graduation; **100%** were promoted to the next grade level.

78% of the young people who had internship placements while at CASES received a diploma or were working one year after graduating the program.

74% of the students registered at the CASES-Department of Education High School earned high school credits.

91% of the young people graduating from CASES were employed, in school and/or receiving services in their communities.

Strengthens Families

Over **200** young fathers enroll in CEO's voluntary Responsible Fatherhood Program each year and attend classes on effective parenting, learn how to find and reconnect to their children and get help meeting their child support obligations. CEO has collected **over \$1 million** in child support payments.

100% of the fathers who took Osborne's parenting course at Rikers Island showed improvement in their attitudes toward parenting.

Addresses the Problem of Substance Abuse

65% of the men and women enrolled in Osborne's drug treatment program stopped using drugs; **100%** of Osborne graduates had Medicaid or private health insurance; **75%** had improved employment or educational status.

88% of clients enrolled in The Fortune Society's substance abuse treatment services were substance free twelve months later.

Provides Relevant and Appropriate Services for Women

Among the predominantly homeless women participating in WPA's Hopper Home, **78%** enrolled in an employment program, **92%** improved their housing situation post-completion, **85%** obtained health care coverage, and **68%** strengthened family relationships by either regaining custody of their children or improving parenting skills.

75% of women in CCA's Crossroads program in need of family reunification services were reunited with their children and **100%** were linked to health care.

WPA's Law Project helped **76** women and their families address family visitation and custodial concerns while helping to reduce Family Court system costs by expediting or eliminating the need for court proceedings in **68%** of the cases.

88% of the clients receiving case management from WPA's Community Linkage Unit obtained identification necessary to obtain employment, housing, or benefits and **62%** improved their housing situation.

Supports the Needs of the Mentally Ill

92% of clients were homeless at intake into CASES' mental health program for individuals with serious and persistent mental illness; after one year all are in safe and secure housing and **61%** of those are in long-term permanent housing.

CASES' mental health program reduced psychiatric hospitalizations by **56%** during program participation.

At admission none of the clients admitted to CASES' mental health program were engaged in employment or education; during program participation **over 30%** became engaged in employment or education.

Connects People to Stable Employment

CEO made **1,226** placements in permanent jobs in 2008. Wages averaged \$9/hour.

45% of the women in CCA's Crossroads program—all of whom were unemployed at intake—held jobs at program completion.

In 2007, **473** clients completed Fortune Society's job readiness program; clients who were placed into employment averaged salaries of over \$9/hour and were enrolled in two years of job retention services.

In 2008, the Legal Action Center helped **397** individuals overcome **443** legal problems related to their criminal records and surmount barriers to employment, including errors on rap sheets, inaccurate answers to job application questions about past criminal convictions and illegal discrimination by employers.

Provides a Home in the Community

Since 2002, The Fortune Society's phased permanent housing has helped **382** individuals find stable housing.

85% of homeless women entering CCA's Crossroads program were living in stable housing at time of program completion.

the ati coalition

*Alternative to incarceration (ATI)
& re-entry programs save money,
reduce crime, strengthen families,
& bring hope and real opportunity
to some of the City's most
troubled communities.*

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Please visit us at www.atiny.org
or contact our individual members.

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My name is Jai Nanda and I am the founder and Executive Director of Urban Dove. Urban Dove is a non-profit organization serving nearly 1,000 at-risk youth each year throughout New York City. Urban Dove's mission is to use exciting, innovative programs to help Energize, Educate and Empower today's youth, and provide them the academic and life-skills they need to become successful adults. For the past 10 years, Urban Dove has helped thousands of children, ages 8-18, build the skills they need to be successful. Our model has proved extremely effective, with 98% of our teenagers graduating from high school, and over 90% going on to college.

One of our most successful programs is HiRisers, an out-of-school-day program that combines sports and recreation with academic and life-skills building activities. Currently in 9 elementary and middle schools throughout the city, HiRisers uses sports and recreation not only energize the kids, but also as vehicles for teaching the life-skills such as communication, teamwork and leadership.

Since June, 2007, Urban Dove has been using the HiRisers curriculum to engage youth at Crossroads, Horizons, Bridges, and 15 Non-Secure facilities throughout the city. Each week, residents at each facility get a one hour workshop, one hour of sports instruction in basketball, soccer and volleyball, and two hours of game time. The workshops are run by Urban Dove staff and focus on life-skills such as communication, conflict resolution and teamwork. Workshops use interactive, physical activities to teach skills and demonstrate how they can be used in the real world. We choose skills that will benefit the residents both in the facilities, and more importantly in their lives once they get out. Workshops are specifically designed to break down barriers and to force kids to relate positively to each other. We develop critical social skills by challenging the residents to think and act in ways that are often out of their comfort zone - whether it is putting their arms around each other for a three-legged race, or trusting the voice of their partner during a blindfolded obstacle course.

Facility staff have repeatedly noted improvement in the behavior of the residents both before and after the Urban Dove sessions - residents get along better, there is less conflict, better communication, and genuine enthusiasm for the activities. And because good behavior is a requirement of playing on the team, residents are being more thoughtful in their actions. Being on a team and working with others toward a common goal also builds camaraderie and gives the residents a sense of pride and accomplishment - two of the most important things we can give these young people. Social skills are important, but only when they are combined with self-esteem and leadership skills can they truly be put to use. Playing team sports provides the opportunity to make those connections and because we visit the

facilities several times each week, we are able to consistently give this message to the residents, and over time, have a longstanding impact.

Last summer Urban Dove held an Open House for teenagers interested in being a part of our Summer Program. One of the young men who came to sign up was in Urban Dove while detained at Crossroads. Now that he was out, he wanted to stay a part of the Urban Dove family because he had such a positive experience with it. That is what programs like ours can do – they can engage kids who are most in need of re-connecting to their communities and help them find something positive to which they can belong.

It is our hope that we can continue this program so that we can help even more residents re-connect upon their release. As so much evidence has shown, it is critical for residents to engage in positive, productive activities upon release, so that they do not repeat their mistakes, and end up back in the Justice System. If we are able to engage them while they are in detention – allow them to be a part of something that makes them feel good about themselves, then we are confident that they will seek that out when they are released. But to engage them in detention, we must have access to them on a consistent basis so that we can build real trust and make meaningful connections.

Urban Dove's program, and others like it, can have a major impact on these young people at a time when many are at a crossroads. It is critical that we make every effort to engage them so that they may take the more productive and positive path. Resources spent now will be paid back tenfold if we keep them out of detention, out of jail and out of trouble, and direct their energies and attention toward building a positive future for themselves.

I would like to thank all the members of the Council for their support of New York City's youth, both in and out of detention, and I thank you for the time have given me here today.

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 5/18/09

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Address: 2090 7TH AV., SUITE 200, NY, NY 10027

I represent: CORRECTIONAL ASSOCIATION

Address: _____

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