

NYCTM
**Administration for
Children's Services**



**The New York City Council,
Committees on Juvenile Justice and General Welfare
Wednesday, October 23, 2013**

“Oversight: Implementation of Close to Home for Non-Secure Placement”

Testimony by Ronald E. Richter, Commissioner

New York City Administration for Children's Services

Good morning Chairs Gonzalez and Palma and to all of the members of the Juvenile Justice and General Welfare Committees. I am honored to be here to testify regarding New York City's implementation of the first phase of Close to Home, an extraordinary juvenile justice reform unique in the City and State's history. This morning, I will share with you our accomplishments over the past year, as well as some of the lessons that we have learned during the first year of Close to Home.

Close to Home Overview

One of the goals of Close to Home is to keep young people who are placed by the New York City Family Court near their families and home communities. Previously, young people who had been adjudicated as juvenile delinquents were placed in facilities hundreds of miles away, where it was difficult for them to visit with their families, remain connected to their communities, or earn school credits. New York City is committed to providing these young people with a comprehensive rehabilitative program, while remaining attentive and committed to maintaining public safety. Under Close to Home, young people are placed in or near the five boroughs, and close to resources that can support their treatment and safe re-integration into their local communities.

New York City is implementing Close to Home in two phases. In Phase I, ACS assumed responsibility for non-secure placement residences and in Phase II, ACS will assume responsibility for limited-secure placement residences. The focus of my testimony this morning will be on Phase I, but I will provide a brief overview of our progress related to Limited Secure Placement as well.

Non-Secure Placement

For the past year, ACS has been collaborating with nine local non-profit agencies – many of which are represented here today – to implement Non-Secure Placement. Since September 2012, ACS and our partner agencies have provided NSP services at thirty small residential sites, to over 560 young people. Close to 200 youth have successfully completed their dispositional order, meaning that they have complied with the Family Court Judge's requirements regarding

residential rehabilitation and aftercare services. Those remaining in the program are in residential care or are receiving aftercare services and supervision.

The vast majority of Close to Home youth have met or exceeded program expectations – building insights, learning new skills, and striving toward individualized treatment goals. They have accomplished all this while respecting the rules of their NSP residences, participating in recreational, cultural, and group activities, and attending school.

We are proud to report the following educational achievements:

- 98% of eligible young people in NSP are earning New York City Department of Education (DOE) credits;
- 91% of the young people who have completed Close to Home have transitioned into DOE schools, which they are attending more regularly now than they did prior to being placed by the Family Court; and
- Half of the eligible Close to Home youth in high school earned at least one semester’s worth of credits during the 2012-2013 school year.

Given the multiple challenges that these young people face, we consider these educational achievements especially noteworthy.

One of the cornerstones of Close to Home is that each youth in placement is assigned to an ACS Permanency and Placement Specialist (PPS), whose job includes working with the youth throughout their time in residential placement to identify all of their needs and concerns, working closely with family to ensure a smooth transition home, and building a comprehensive after care plan. One of the unexpected benefits we have seen this past year is that agencies have been hiring staff members from local communities where the youth are from. Youth feel a connection to the staff and are able to open up and work with staff members.

Aftercare

For young people who are placed in non-secure placement, planning for their return to their community begins shortly after they are placed with us. Integration planning into the community is overseen by an ACS case coordinator – the Placement and Permanency Specialist (“PPS”) – who collaborates extensively with the provider, family members, and community

supports to develop a comprehensive integration plan for every youth. ACS Community Support Specialists (“CSS”), who assume primary responsibility when young people return to the community, start working with young people and their families approximately two months prior to discharge from residential care.

ACS has contracted with five non-profit agencies to provide general and specialized aftercare services in every borough for young people being discharged from non-secure placement. These agencies include Boys Town, Jewish Board of Family and Children’s Services, Children’s Aid Society, New Alternatives for Children, and Children’s Village. The aftercare system has the capacity to serve 142 youth at any given time, or 426 youth annually. The length of service in all programs is approximately 3-5 months. While the providers use individual approaches, all focus on family engagement and are home-based, meaning that a majority of services take place in a family’s home. Caseworkers make frequent contacts with the families and carry small caseloads between 4 – 10 families per worker.

ACS takes our responsibility to promote public safety through ongoing monitoring of youth in the community very seriously. Youth who present higher risk of re-offending are more closely supervised than youth who present lower risks. Closer supervision means more frequent face-to-face check-ins and telephone contacts. Youth who consistently violate conditions of release risk having aftercare status revoked and being returned to residential care.

Juvenile Justice Oversight Board

I would also like to update you on the ways that we are safeguarding the rights and monitoring the quality of life for young people in placement. As we testified in January, before Close to Home, ACS convened a Resident Advocacy Program Committee (RAP-C), which worked with Ombudspeople in our detention facilities, as well as Executive Directors and ACS staff to advocate for the rights of detained youth, enhance accountability, and strengthen services. With the advent of Close to Home, ACS launched the Juvenile Justice Oversight Board or JJOB – to oversee both our juvenile detention and placement systems.

The JJOB is an independent Board comprised of individuals from a range of backgrounds who are knowledgeable about juvenile justice, and are committed to improved outcomes for young people, families, and communities. After conducting broad outreach to recruit diverse and highly qualified individuals, 14 members have been appointed to the Board. Board members are

knowledgeable about youth in the juvenile justice system, residential care, and the issues they face, with individual expertise in the education, mental health, and/or juvenile justice operations fields. Board representation includes an individual from the Legal Aid Society, former juvenile justice-involved youth, and the parent of a child who has been in the juvenile justice system. Additionally, three of the current Board members served on the Resident Advocacy Program Committee (RAP-C). Board members will have access to these sites to assess the quality and adequacy of services, monitor operational issues of concern, receive analysis of system indicators, and meet with agency officials to discuss findings, recommendations, and resolutions.

The JJOB kickoff meeting was held on September 23rd and it was a success –with the diverse group of board members sharing insightful thoughts and ideas with ACS staff. Moving forward, Board members will meet on a quarterly basis.

Decrease in AWOL Rates

A small subset of Close to Home youth have had difficulty complying with their NSP program requirements and have left their residences without permission. ACS has been working closely with provider agencies, the Office of Court Administration, as well as with our other City and State partners, to address this issue. Our redoubled efforts – including establishing AWOL notification process which has led to significant progress and collaborating in a working group with NYPD to discuss additional efforts to locate young people who have left the facility. During the past six months, the number of young people leaving placement for more than 24 hours without permission has declined significantly. In May, the rate of young people leaving was 27% and by September, it had dropped to 10%, representing a 57% decrease in just three months.

Juvenile Arrests

Even as New York City implements unprecedented juvenile justice reforms, arrests of young people continue to decline. In the first six months of 2013, the number of juvenile arrests in the City dropped 30% compared with the same period in 2012. Between 2006 and 2012, juvenile arrests for major felonies decreased by 27%, showing a significant downward trend over an extended period of time.

Phase II, Limited-Secure Placement

Planning for Limited Secure Placement (LSP), which is Phase II of Close to Home, is underway. Key aspects of LSP include providing youth a full range of supports to include education, health and mental health services. Most services, including school, will be provided on site and all limited secure providers will also be required to utilize structured, evidence-informed program models that promote therapeutic rehabilitation. LSP residences will have more restrictive features to ensure the safety of residents, program staff, and local communities, given the higher-level of offenses committed by these young people.

We anticipate that there will be up to nine LSP residential sites citywide, with each site serving twelve to twenty-four youth, for a total projected census of approximately 140 young people. These residences will be operated by non-profit providers, each of whom have prior juvenile justice experience. ACS is leasing three sites from the State Office of Children and Family Services – one in the Bronx, Brooklyn and Staten Island and each of which were used by state to provide juvenile placement services. New York City expects to begin accepting youth into limited-secure placement in early 2014.

Throughout the implementation of Non-Secure placement New York City Council Juvenile Justice Committee Chair Sara M. Gonzalez and General Welfare Committee Chair Annabel Palma, as well as other Councilmembers have offered their support, guidance, and constructive feedback. Both chairs were recently able to tour an NSP site in their home boroughs and we were thrilled to show you some of the excellent work that our agencies are doing. We are grateful for your leadership and commitment and look forward to continuing to work closely with both Committees to further advance our juvenile justice reform efforts. I am happy to answer any questions you may have.



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

Juvenile Justice Reform in New York City
Close to Home (CTH), Non-secure Placement

October 23, 2013
New York, New York

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Good morning. I am Jackie Deane, Director of Juvenile Justice Training at the Juvenile Rights Practice of the Legal Aid Society. I submit this testimony on behalf of the Legal Aid Society, and thank the Committee on Juvenile Justice and the Committee on General Welfare for inviting the Legal Aid Society to speak 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. Legal Aid's Juvenile Rights Practice provides comprehensive legal representation to children who appear before the New York City Family Courts in all five boroughs, in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our Juvenile Rights staff represented some 34,000 children, including approximately 4000 in juvenile delinquency proceedings. At the same time, the Criminal Defense Practice represented clients in nearly 240,000 trial and post-conviction cases in the last year, many of whom are aged 14-21. Our Criminal Defense staff includes a special team of lawyers, social workers and investigators devoted to the unique needs of adolescents charged in adult court with certain enumerated crimes -- the Adolescent Intervention and Diversion Project. Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, schools, and State and

City agencies, including the Police Department, Department of Probation, Administration for Children's Services, the Division of Youth and Family Justice (formerly DJJ) and New York State Office of Children and Family Services. In addition to representing many thousands of children each year in trial and appellate courts, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

As I am confident that the City has provided the Council members present with a detailed analysis of the data indicating the successes of Close to Home, I will not reiterate those positive aspects of the reform. I will instead focus on what we at LAS know best, the day to day issues affecting our clients and the workings of the juvenile justice system. It should be noted that I am also a member of the New York City Juvenile Justice Advisory Council which has been implementing and discussing the mechanics of Close to Home.

It is irrefutable that the children placed with the Office of Children and Family Services (OCFS) on delinquency petitions have not been well-served by their time in State facilities. Not only have these facilities or prisons failed these children in every basic way: by allowing endemic abuse, both physical and emotional, failing to provide them with the most basic of necessary mental health services and providing a sub-standard education, they have also

failed wholly in that an astonishing 81% of boys re-offended post-release. In no other segment of society would we allow a practice to continue that maintained a success rate of less than 20%: in other words, an abject social failure. But year in and year out, children are placed with OCFS when it has been determined by the court that they are unable to be treated or supervised within their own communities.

It is no surprise to anyone who works within the juvenile justice system that the vast majority of the children prosecuted and placed are children of color, from the poorest communities in New York City: children whose families are overstressed, underserved and in need of social service assistance to meet their most basic needs. This creates an added obligation to ensure that their placement is beneficial, not harmful.

What Our Clients Experience

Most of the children that pass through the Family Court system have been arrested for allegedly committing low level crimes such as shoplifting, trespass, marijuana possession, simple assaults, graffiti and the like. In the communities where our clients live a school fight quickly turns into a police matter, an argument among family members morphs into a matter for State intervention and children observed in front of a building or on a corner are

perceived as sinister and results in resisting arrest charges with no underlying crime. It is important in any conversation regarding the juvenile justice system to recognize the abomination when normative adolescent teen behavior becomes criminalized and more importantly, when children are jailed more readily than adults for exactly the same crimes.

Once the decision is made to arrest and process the juvenile, a door has opened that is difficult to close. Starting with the Probation Department, that child's life is poked and prodded in an astonishing manner. In making the decision whether to adjust a case or not, the Probation Department, does not just look at the crime the child is alleged to have committed, it also looks at the child's school attendance and behavior, the caretaker's assessment of the child for better or worse, and the complainant's willingness to allow adjustment to occur. Whether the child committed a misdemeanor trespass or a burglary, this initial assessment will determine whether or not a case is referred for prosecution. So much riding on so little. As the case progresses and the child falls deeper and deeper into the system, every facet of that child's life becomes relevant, almost to the point of making the arresting event irrelevant. Social issues become of paramount importance, and all the issues that surround this child---a school that has failed to address learning issues, a waitlist for services that has lasted for months, a family that is frustrated and looking for

support---all fall to the wayside as the juvenile justice system places the blame squarely on the shoulders of the 14 year old. It is as if this child has developed and grown in a vacuum with no accountability placed on any system or adult that has neglected to provide the appropriate care and education.

In the end, it seems clear that the juvenile justice system prior to the CTH reforms which was put in place to rehabilitate children who truly needed rehabilitation had not only failed, it had become completely unfocused, expensive and dangerous to children. The negative impacts of traditional correction confinement are too obvious to ignore: it increases recidivism, it does not meet the mental health and developmental needs of youth, it leaves youth educationally bereft and with fewer future employment opportunities, therefore robbing them of a productive adulthood, and it sanctions the disproportionate number of minority youth that are taken from their communities and families. And as if there were not enough negative effects to warrant a shift in the manner in which we treat children who are charged with committing a crime, the cost of incarceration in no way correlates with success. In fact, we have spent an inordinate amount of funding to produce such negative results.

Thankfully, it appears the winds of change are now blowing steadily in juvenile justice. This wave of reform is a growing force based in two realities, both equally significant. First, there is a growing recognition that OCFS confinement is not getting the job done when it comes to achieving positive results for young people, and second, there is a growing body of evidence that a fundamentally different approach produces far better results, by favoring cost-effective, community-based youth development programming and, only when absolutely necessary, smaller, more child-friendly facilities for confinement only of children deemed a true public safety risk, a significantly smaller number than currently incarcerated.

LAS Supports the City's Reform Efforts

While reform was and is clearly necessary, and while LAS supports the City's plan for continuing to realign the system, three controlling questions must always be answered when evaluating any juvenile justice system whether run by the State or by the City. One, do children need to be prosecuted or can the issues that arise from an arrest be addressed utilizing a non-court, family friendly, non-punitive method that employs youth-development informed thinking? Two, when children are prosecuted, do they need government intervention or can their issues be addressed within their communities, outside

of the juvenile justice system, utilizing instead the child welfare, social service and educational systems? Three, if children require confinement, what should these facilities look like, both physically, in terms of services provided and in terms of length of stay? As the City planning process continues it will be important to always keep the following in mind in order to effectuate and maintain meaningful reform.

Reducing Confinement by Supporting Children and Families :

Alternatives to Prosecution, Detention and Placement

While New York City has greatly improved its Probation adjustment numbers, what seems clear to LAS, which represents these children, is that many of the cases that end up being prosecuted, and not adjusted, could be handled in a variety of different ways. First and foremost, alternatives to arrest should always be expanded and explored to determine whether other programming could alleviate the issues giving rise to the troubling behavior. The police hold the key to whether a child is arrested and referred to court, and their decisions are discretionary and not subject to any external review. In any continued reform effort there needs to be a system in place that monitors and measures the reasons why a child is arrested, processed and referred instead of being released. A child whose parents simply refuse to retrieve the child from the

precinct should not be referred to Family Court absent any other reason for the referral. There should also be a mechanism in place whereby families that are struggling with adolescent behavior can access assistance when it seems an arrest or referral to Family Court is imminent. In the same vein police decision-making during this process should be transparent to permit analysis of the issues that led to a Family Court referral so they can be alleviated through programming or other community options. One option that has gained some traction are the Youth Courts currently in place. These courts use peer involvement and decision-making as the tool for addressing negative behavior, and remove the matter from the realm of the juvenile justice system. It appears that this type of intervention has had a positive impact.

Once a child is referred to Family Court, he is then subjected to the Probation Department's adjustment process. For this process to be successful, it must be completely freed from the required consent of institutional complainants—many of the crimes for which children are arrested depend solely on police complainants or large retail shops like Macy's. Complainants such as these should rely on the Probation assessment rather than maintain control as to whether a child is prosecuted. A robust Probation adjustment process, or another assessment process, would best determine whether a child should be offered a chance to avoid prosecution. And while New York City utilizes the

Probation Department to effectuate such assessments, they are not as valuable as they could be since they involve a trip to the courthouse for the youth and his family, when a community-based assessment should be possible and would be more effective. If the purpose of adjustment is to determine whether a pre-prosecution alternative can be utilized, a community-based organization would be in the best position to effectuate a successful plan with both the family and the young person. Additionally, since most of the crimes committed by the juveniles arrested occur in their own communities, this process would be better placed within the communities where mediation or restorative justice practices would be best administered.

The majority of cases that are adjusted are done so successfully, illustrating the fact that prosecution has no added value, and that counseling or restorative action could or would be all that would be required to resolve the issue. Every child who enters into the system, regardless of the crime allegedly committed, should have an opportunity to be part of a true "adjustment" assessment that would result in a less punitive, quicker and more service-focused resolution. In the end, a successful "adjustment" process is far better not just for the young person charged, but for the victims as well. It would provide a speedy resolution in which court appearances would be unnecessary and could provide the type of accountability that is important to victims.

If a case is not adjusted and it proceeds in Family Court, the juvenile faces the possibility of detention while the case is going forward. Over the past few years with input from all stakeholders in the system, including LAS, the City has developed both an evidence-based Risk Assessment Instrument and a continuum of alternatives to detention in an effort to provide a mechanism to maintain young people in the community as well as provide them with services or supervision that match their risk level. Continued reform in this area would require an even more robust system of services, a constant and critical examination of the youth that are still being detained and the engagement of Judges who determine the status of youth at arraignment and are not bound by the RAI score. While the majority of children score low risk on the current instrument, thereby indicating they are not a risk for re-offense or flight (the two remand prongs of the Family Court Act) there is still a significant number of low risk children maintained in detention pending a trial. In an effort to address this issue, the Division of Youth and Family Justice created an additional screening instrument that would move children from secure detention to non-secure detention. While this type of screening will allow for the movement of children within the detention system, the goal of the system should always be to ensure that no low risk child spends time in detention.

In some cases low risk children are consigned to detention when a parent is unwilling to take a child home as expressed to Probation during the initial questioning or to the Court at arraignment. While this is of serious concern, no child, particularly a child who would not otherwise be detained, should be jailed simply because a parent is overwhelmed or has decided to relinquish the responsibility of parenting that youth. A more robust alternatives system that works not only with the youth but with their families would be critical in deterring this type of detention. Moreover, the creation and use of non-juvenile justice respite (short-term) placement should be considered when no other alternative exists. Additionally, while the RAI measures risk utilizing an evidence-based protocol, low risk children are still dispatched to detention when Judges are concerned with the severity of the crime, the young person's truancy or other reported information, even if those factors do not contribute to the risk score as presented. Any true system of reform would have to ensure that children that are deemed low risk for the statutory remand determination are not detained, but are released with or without an alternative program.

Building on the success of pre-trial alternatives to detention, one area that continues to be addressed by the New York City JJAC is the area of alternatives to placement, which has discussed and chosen a validated risk assessment instrument and developed a continuum of dispositional or

sentencing alternatives for children post-adjudication. This is a critical piece of reform prevents youth from further penetrating the juvenile justice system and maintain them close to their communities and homes. The plan includes a graduated response system, that provides meaningful assessments that encourage behavior change. Critical in this type of reform is a “success” mindset that focuses on family and youth strengths instead of the current weakness-based assessments. In any supervision or monitoring the agency responsible must be held accountable for youth failures, and must constantly reassess how and why youth are not succeeding. Only a model which focuses on success and not violations, and which takes into account all facets of the youth’s life including family support, financial hardships, educational obstacles, and adolescent brain development should be utilized.

Home Is Where the Help Is

One of the most disturbing aspects of our prior juvenile justice system is the complete lack of family and community partnerships when working with children. Children placed in facilities hundreds of miles away from home had and still have very little family or community contact, yet are expected to adjust smoothly when released home. Oftentimes, many of the issues that caused the placement to occur have not been resolved, leaving the child and

family vulnerable to continued state or city intervention. If the goal of every placed child is to return to a home or family environment it is essential that families remain involved in the child's life and committed to his rehabilitation. Models that currently succeed in integrating family into a juvenile's treatment plan have been most successful at ensuring re-offense does not occur. It makes perfect sense. Ultimately children are the responsibility of their families and any system that purports to help children should ensure that family involvement is paramount. As soon as a young person is placed in a facility, whether temporarily or more long term, the family or a responsible adult connected to the child should be engaged. All treatment and services provided should be provided to both the young person and his family, and families and their children should be encouraged to take ownership of the issues and problems as active participants and not bystanders.

Families or other significant adults in the young person's life should also be involved in community based programs. No child is an island, or should be an island, and any good programming should include the adults that are going to take responsibility for a child's success long after the programming is completed. Oftentimes, it is the family members themselves that need treatment and/or services, and community programming should recognize this fact as well. ACS' Juvenile Justice Initiative as well as the Blue Sky program

and many of the programs in the Alternative to Placement continuum treat the entire family unit, recognizing the importance of helping the family to create a supportive environment for the youth to grow.

Moreover, one of the most beneficial aspects of the reformed system that maintains children close to their communities would be the involvement of the citizens, businesses, colleges or universities and community organizations within those communities to assist in a positive trajectory for these children. Placements away from home, even within the confines of New York City such as in Close to Home, should be short and release-focused and these connections will be invaluable to youth and their families in helping to create opportunities for youth during and after confinement and to help youth see their value in the larger society. A good relationship between the facility personnel and the community partners will benefit both the youth and the communities, as each assumes responsibility for the other. If successful, these partnerships can help youth view themselves more positively and help them develop confidence about their future.

Education

It must be said that one of the biggest issues for youth involved in the juvenile justice system is education. Almost all the youth in the New York City system

come from the City's lowest-income communities and some of the most ineffective middle and high schools. Many of the youth that end up in court have significant educational delays or other educational needs that have not been met. Many have given up on the idea of earning a degree and have not been encouraged to remain in school; the tension between these adolescents who are having difficulties and the schools themselves has reached a fever pitch.

Illustrative of this fact is the way in which these schools utilize the police to resolve issues and provide discipline, and the manner in which the school safety agents interact negatively with youth in these schools. Critical to Close to Home is not only educational advocacy but the efforts of the school staff, rather than the police, to positively engage students who have difficulties and may require creative strategies. The education system has truly become a pipeline to the juvenile justice system. Simply placing these children in a class where they are unable to perform, a class where they are overage or a class where every student is suffering from similar issues is ineffective and irresponsible. To hold the education system accountable for young people, especially those embroiled in the juvenile justice system, is not only key to youth success, but key to creating a population of young people who are able to succeed as adults.

While the school system continues to struggle to provide appropriate services to the youth who are not placed or detained, those children that are still placed upstate away from home actually fare even worse. As OCFS is not an accredited school district, and a young person's educational credits are often not transferable to their home school, there is little lasting value in an OCFS education. Children in placement deserve an education specific to their needs while in placement and a re-entry plan that allows for the smooth transfer of both school records and credits. The failure to provide both increases the odds that children will not attend, fail to graduate and narrow their options for their future considerably.

Close to Home offers the benefit of maintaining children in the New York City school systems, allowing them to earn transferable credits, take regents exams, and move more seamlessly into their community schools. The educational plan for each child is determined upon placement, monitored and modified, if necessary, during placement, and shared with the re-entry educational setting so that proper services and supports can be in place. While the smooth transfer back to the community schools remains challenging, the education provided to students during their placement and their academic success during their placement is significantly improved for Close to Home youth.

The Problem with Public Safety

While the call for confinement is often couched in terms of public safety, a true look at the types of crimes with which these young people are charged does not suggest a real threat. By defining these young people in this way, we are not only doing them a disservice, but we also are not being honest with the general public. A significant number of children prosecuted in Family Court are charged with low level crimes that do not truly put the public at risk. These children are, in large part, no different than their more affluent, white counterparts. They make the same mistakes, suffer from faulty adolescent decision-making and take risks that result in unintended consequences. The reality is that these children are just like any other children: they love their families, play sports, like to dance, write poetry, are filled with hope and promise, and want a chance to succeed.

The difference is we paint their transgressions with the broad brush of public safety and imply that these children are much more dangerous group of children than they actually are, and arrest and prosecute them for behaviors that are only charged as crimes when committed by an adolescent of color.

Why is it that Black and Latino youth are held accountable for poor adolescent behavior through the juvenile justice system, while white youth are held

accountable in a more age appropriate, more-just and less prosecutorial ways?

This discrepancy cannot be alleviated by simply not placing these children, this inherent discrimination must be addressed at the very front of this system, in other words, we must begin to judge low-income children of color by the same standards with which all children are judged.

Adding fuel to the fire is this notion that children in confinement are there because they are dangerous. A good number of the children confined are placed due to social issues: families that feel they are not in position to support the child at home, or are unable to support the child at home due to their own unresolved issues, truancy when schools fail to properly place, educate and encourage children to succeed, and a social services system that is overwhelmed with the myriad of issues that face these children and their families and only begins to scratch the surface of what needs to be addressed. When all these systems fail, and the child ends up at the courthouse door, somehow we see the child in need of placement as opposed to their support systems in need of reform or emergency care. The Family Court system is based on the recognition that a child who is getting in trouble requires a different kind of intervention than an adult because children do not live in a vacuum and do not create their own environments. Accordingly we should treat these cases as civil entities with the understanding that adolescents take

risks, and need the support and guidance of adults to learn to better assess those risks, and that these children should not be subject to the adult correctional model which is punishment based. While public safety is an important consideration, it has been grossly overstated.

Although the current reforms efforts outlined above have decreased both the number of children placed and the length of their placement, there still needs to be much work done to address the problem outlined above: namely the inappropriate arrest and prosecution of poor children of color for low level crimes and normative adolescent behavior.

Homes not Prisons: Creating Community

Although it is clear that community-based programming more successfully assists children and families and is more economically feasible, Close to Home follows three important principles:

1. Any institution for children should be small, with a home-like environment. Large, impersonal institutions such as those that were utilized upstate are inappropriate for children no matter what their issues may be. These facilities must be close to home to encourage and allow meaningful

family involvement. Caretakers should be seen and treated as partners in the process. As Close to Home mandates, from the moment a youth enters a facility, staff and parents or caretakers should be working together to facilitate a seamless reentry to the community. In order to ensure this occurs, any placement facility must be close to the home and community of the youth.

2. There must be a mandate that isolation and a correctional approach and hardware (i.e., handcuffs, razor wire, etc.) will not be used but that safety will be maintained through the use of relationship building and effective supervision of both staff and children. Children should receive extensive counseling when necessary and meaningful educational and/or vocational skills. There is no better way to teach children appropriate behaviors and decision-making than by example. Close to Home agencies utilize practice illustrated to be effective from programs like the Missouri Model--a youth development focused, relationship building, strength-based model which relies heavily on community and family support as well as positive peer and counselor relationships.

3. Staff all facilities for children with youth development specialists who are culturally competent and specifically trained to work with children who share the range of issues that children in confinement may manifest. A

facility for children should not use a correctional model of supervision.

Children in confinement should be free from physical abuse, but should also be free from humiliation and emotional abuse. Youth cannot meaningfully change if they are fearful of physical or sexual abuse, excessive use of force and isolation, teased, humiliated or ostracized by other youth. Paramount to the issue of safety is the abolishment of the use of prone restraints which have caused the death of youth and should be deemed completely unacceptable.

Close to Home was developed to provide confinement that meets the criteria above, and while not doing so 100% of the time as yet, certainly is moving in the direction of rehabilitation vs. correction and in recognizing the importance of family and community involvement in serving these children.

It is also clear that if we want smaller and more effective facilities, we need to reduce the number of children who are detained pending trial or ordered to be placed at disposition. It has been proven in New York City that the rich continuum of effective alternatives has been successful in dealing with the issues that children present when involved in a delinquency matters.

Moreover, incarceration should be used sparingly, and only for those children who are deemed to be dangerous, not for children whose only transgression is a failure to go to school or attend a counseling program.

The More Eyes the Better

In order to ensure the safety of the children in the care of any system, a robust structure of an independent oversight must be developed. It is not enough to trust in the rhetoric of reform as an antidote to the abuse and failures of the current system. While it certainly appears that the City has developed a more child-friendly system, one with a focus on rehabilitation, certainly no system is immune from problems, no matter how well-intentioned.

Certainly, placing young people close to home is critical to any meaningful oversight. There is, very simply, nothing more chilling to possible abusers than the knowledge that family members or the youth's attorneys have access to youth on a regular basis and, at times, with short notice. While LAS sent and still sends teams of attorneys and social workers to visit with and interview confined youth upstate the distance is significant and affects our ability to do so. In the same vein, many families of youth cannot travel the long distances to visit them, resulting in many issues that affect rehabilitation and also their ability to be watchful of their own children.

Additionally, even with the oversight being close to home will provide, and acknowledging that internal oversights are critical, there needs to be an objective, independent and comprehensive formal oversight system in place that allows for regular review of the policies and practices of the facilities to ensure the safety of these youth. The City's JJAC meets monthly and acts as an partial oversight and planning body and includes many advocates, defense counsel and community participants. The City has also developed the Juvenile Justice Oversight Board which is comprised of experts who will have the ability to visit facilities, speak with residents and staff, view data and meet with City officials as a semi-independent entity but still under the auspices of City control. While both of these bodies can assist the city in moving forward with the implementation and maintenance of Close to Home, what is still missing is a completely independent body that is outside City control and influence. Moreover, as New York moves forward with this continuing reform effort, all practices, policies and data related to these facilities and to the alternative programs should be available to the public for review and comment, including the various stakeholder groups who can provide a wealth of experience and knowledge.

Conclusion

Juvenile justice reform is long overdue, and the City's plan, while still being fully implemented and assessed clearly addresses the majority of concerns long held by the Society as well as other advocates. As the plan moves forward towards completion, the following must be considered strongly. First, the arrest and prosecution process should be further scrutinized to address the issue if children should be served initially, if at all possible, and certainly in almost every instance, by a robust continuum of community programming that adjusts accordingly to meet their needs and the needs of their families, there is no "one size fits all" remedy. The large majority of children in this system can be served and supervised by this type of programming, and do not require prosecution. Of primary importance is the engagement of the educational system in a meaningful and positive way. Second, if determined that a child should be confined, it should only be for a short period of time with the focus being substantive service provision and return to their community with supports in place. Once confined it must be made clear that abuse of any kind will not be tolerated. Third, there must be acceptance by every stakeholder that is involved in the juvenile justice system that a robust continuum of community programming will be the disposition of choice and that we will allow children to fail sometimes while they mature without revoking their freedom. Fourth, there must be a recognition that public safety concerns, while

important, should not control the decision-making. And last but not least, there must be an recognized and discussed understanding that when normative adolescent development is criminalized, children of color will be held to a different standard than their white counterparts and will be arrested, prosecuted and imprisoned at an unacceptable rate.

The truth about the City's Close to Home reform, which was supported and developed by experts both local and national, is that it works. The majority of children served by this well-thought out evidence based reform have successfully completed the program, returning to their families with services in place that will assist both the child and family to continue their positive trajectory toward adulthood. But more importantly for these young children being close to home means family visits, maintaining school credits and connections, and knowing that we have not thrown them away, we have invested in their futures and have hopes for their success. For children in trouble, just believing they can succeed can be the difference between a life lost and a life saved, Close to Home was carefully and expertly created to be that lifeline.



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

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

**Re: Oversight: Implementation of Close to Home for Non-Secured
Placement.**

**Amy Breglio, Staff Attorney, School Justice Project
Advocates for Children of New York
October 23, 2013**

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Thank you for the opportunity to speak with you today. My name is Amy Breglio and I am an attorney with the School Justice Project at Advocates for Children of New York where I provide educational advocacy and legal representation for court-involved youth. For over 40 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. My testimony today focuses on the educational needs of students in the custody of the Administration for Children's Services ("ACS") in Non-secure Placement through Close to Home.

I would like to begin by stating that we are encouraged by the positive educational outcomes we have begun to see with the implementation of the first phase of Close to Home. For example, we are encouraged that, according to data recently released by the Department of Education ("DOE"), students who are being educated through Passages Academy in District 79 under Close to Home are accumulating credits and passing Regents exams while in placement.

We are also generally supportive of the Passages Academy model of education for students in placement, which allows students to attend school at the Belmont or Bronx Hope campus while in placement. This model allows students to receive education from teachers with content area specialty, which is often not the



case when teachers are embedded within specific placement facilities due to their smaller size. It is also our understanding that the DOE is looking to introduce school-based mental health resources to Passages and we look forward to the implementation of these services.

However, we continue to have concerns about the quality and consistency of education across all of the non-secure placement facilities. The DOE's and ACS's public release of only minimal education-related Close to Home data has compounded these concerns. In particular, we are very troubled that no educational data has been released for students in non-secure Close to Home placements who are receiving education outside of Passages Academy. Specifically, no data has been released for students who are receiving education directly from provider agencies and students who are receiving education from DOE teachers embedded in specific non-secure placement facilities. We would also like to see more in-depth data on the educational outcomes for students at Passages that is disaggregated by school site. We recommend that information about these educational programs be made public, including, but not limited to, information on curriculum, class profiles, availability and provision of Special Education Services, credit accumulation, Regents passage rates, and promotion rates. We suggest that this data be disaggregated by site so that facilities with positive educational outcomes could serve as models and those that may be struggling could be targeted for extra support or intervention.

We also encourage ACS to continue to improve the initial placement process by ensuring that the educational needs of youth are given due consideration prior to placement in non-secure facilities. It is our understanding that youth and their families participate in a placement conference with ACS staff to consider any specialized needs that may affect the youth's placement, including special education. Unfortunately, we have not always seen this to be true in practice. For example, last May, Advocates for Children worked with a student who was remanded to ACS custody in the course of our representation. We reached out to ACS in advance of the



placement conference to provide additional information on the student's educational needs. ACS was not aware that the student has a disability that entitles him to receive special education services and supports, including specialized behavioral services. We urge ACS and DOE to increase information sharing to ensure that ACS has a full picture of the youth's educational needs prior to placement. With the new amendment to the Family Education Rights and Privacy Act (FERPA), many of the barriers to interagency information sharing have now been lifted. We also encourage ACS to reach out to advocates and other community based service providers involved with the youth and family to get a full picture of the students' educational needs during the placement process.

Additionally, we recommend that to the extent possible, a student's grade and age be taken into account during the placement process. The limited data we have seen from DOE has shown that a quarter of youth in non-secure placement are middle school students. This is problematic in respect to planning and executing appropriate educational curriculum for middle school students in placement who are either receiving education directly from provider agencies or from DOE teachers embedded at placement sites. Because the middle school curriculum is significantly different from the high school curriculum, when middle school students are placed in facilities where the majority of youth are high school-aged, it is difficult to provide these students with appropriate education. While we understand that numerous factors must be considered during the placement process, we encourage ACS and DOE to work collaboratively to place students with similar grade and academic functioning levels together to the greatest extent possible, particularly in placement facilities where youth do not receive education at Passages Academy.

Finally, it is also our understanding that ACS is working with the DOE to coordinate educational discharge planning from the time youth enter non-secure placement facilities. We believe that supportive Aftercare services, including helping youth feel welcomed back to, and supported in, their community schools, are



essential to creating positive educational outcomes for youth coming out of placement. We recommend that Aftercare teams focus not only on helping youth reenroll in community schools, but also work closely with DOE staff at all levels to ensure that students receive the educational supports and services they need to stay in school and succeed. Towards that end, we look forward to seeing data on the implementation of these Aftercare services.

We are eager to continue to work with the City Council, the DOE, ACS, affected youth and families, and other stakeholders to ensure students' access to quality education while in placement and success upon their return to the community.

Thank you. I would be happy to answer any questions you may have.

Testimony of the Children's Defense Fund – New York

Beth Powers

Sr. Juvenile Justice Policy Associate

Oversight: Implementation of Close to Home for Non-Secured Placement

New York City Council

Committee on Juvenile Justice

Committee on General Welfare

October 23, 2013

Children's Defense Fund – New York

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Good morning. My name is Beth Powers and I am the Senior Juvenile Justice Policy Associate at the Children's Defense Fund- New York (CDF-NY). Thank you Juvenile Justice and General Welfare Committee Members for the opportunity to testify today regarding the implementation of Close to Home for Non-Secure Placement.

The Children's Defense Fund (CDF) Leave No Child Behind® mission is to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective voice for all the children of America who cannot vote, lobby or speak for themselves. CDF educates the nation about the needs of children and encourages preventive investments before they get sick, into trouble, drop out of school or suffer family breakdown. As part of our advocacy efforts, we launched the CDF Cradle to Prison Pipeline® Campaign, a national call to action to stop the funneling of thousands of children, especially poor children and children of color, down life paths that often lead to arrest, conviction, incarceration and even death.

As a national organization, The Children's Defense Fund is currently examining the culture of mass incarceration that has sentenced one in three Black males born in 2001 and one in six Hispanic males born that same year to a likely prison experience at some point in their lives. Here in New York, we are a member of the New York City Juvenile Justice Coalition, New York City Juvenile Justice Advisory Committee, New York State Strategic Planning Action Committee (SPAC) Regional Youth Justice Team, as well as a member of Raise the Age – NY, a public awareness campaign committed to raising the ages (both minimum and maximum) of juvenile jurisdiction so that New York's children will no longer suffer from our state's infamous position of being only one of two states that consider children to be adult as of their sixteenth birthday. We work closely with a number of community-based organizations as well as with faith leaders, youth groups, and parent groups to ensure that our advocacy is shaped by the everyday realities of our most vulnerable New Yorkers – children and their families.

Close to Home represents a dramatic improvement in the treatment of young people in the juvenile justice system in New York. Significant barriers to success have been removed by moving youth within their home communities into small therapeutic settings where they can maintain family and community connections and earn educational credits. A monumental step in improving outcomes for youth has been taken and we fully support this initiative. As the Administration for Children's Services (ACS) embarks on the next phase of Close to Home, limited-secure placements, we believe that the agency should continue to build upon and strengthen its policies in the following areas.

1. AWOLs from Placement

One expected consequence of placing youth in facilities within New York City was the elevated risk of youth leaving the confines of the facility without permission. We are very pleased to learn that AWOLs have continuously dropped since May of 2013, going from a peak AWOL rate of over 20% in May 2013 to just around 10% in September 2013.

We understand that ACS has implored a number of tactics to aggressively address the issue of AWOL. We applaud the use of internal expertise in addressing this issue such as better gathering information on

youth to be able to better predict where they may go upon AWOL as well as predicting which youth may be more likely to AWOL. We also understand that ACS has identified facilities that are experiencing the issue of AWOL to a greater degree and put such facilities on heightened monitoring.

Another potential contributing factor to the decrease in AWOL rate is that NSP facilities have undergone some physical changes since opening, including the ability to lock doors and the addition of bars to windows. While these were apparently put in place for the safety of youth within facilities it is within reason to assume that they have influenced the decrease in AWOL in that it is more difficult for youth to now leave facilities. With the understanding that instances of AWOL pose a safety risk to youth and interfere with programming deemed necessary for youth, it is important that making it physically more difficult to leave not be the predominant way in which AWOLS are addressed.

In addition to improving ways to locate youth and making it physically harder to leave facilities, it is important that ACS address the root of the problem by examining why youth AWOL within program. We strongly encourage ACS to continue to assess what tactics have been successful in addressing this issue and what other approaches need to be considered.

2. Educational discharge planning

One of the greatest benefits of Close to Home is the ability of youth to attain educational credits. Before Close to Home, youth returning from upstate facilities faced numerous barriers to re-entry, one of the greatest being denial of credit for work done while upstate. Not only do statistics support the poor prognosis of graduation for youth held behind in school, the denial of credit for work done was discouraging and unfair. We are very pleased to learn that 161 youth took Regents tests this past year, up from 69 youth two years prior.

Many youth who come into placement are disengaged from school. It is encouraging that the rates of school attendance are higher post discharge from NSP than when youth come into placement. Despite this, youth tracked for 2 months post-discharge from placement still have attendance rates in need of improvement. Department of Education (DOE) and ACS staff need to ensure that appropriate supports are in place for youth and families, including appropriate school placements, that best ensure youth will continue the educational progress begun in placement.

Many youth in placement are under credited for their age. Transfer schools offer an opportunity for credit recovery which many youth continue to need post discharge. Transfer schools often have many criteria and complex enrollment steps and DOE enrollment staff are not able to directly place youth into transfer schools. ACS and DOE should ensure that part of aftercare planning includes exploring transfer school options for youth who are unlikely to attend their home school early on in the discharge planning process. Early planning is also vital for youth for who transfer schools are not most appropriate, particularly for overage middle schools students who represent 21% of the NSP population.

3. Community Engagement

Community engagement is critical to the success of Close to Home. One of the benefits of having youth placed within the community is the wide spectrum of opportunities for community engagement ranging from participation in Community Advisory Boards to community based organizations directly providing services to youth.

The Children's Defense Fund - NY has been actively engaging community around Close to Home. Most recently we co-hosted a community forum with the Bronx Clergy Criminal Justice Roundtable in which we brought together around 100 community members and NSP providers in the Bronx. Community members were eager and willing to support youth in a variety of ways such as through internship opportunities, volunteer opportunities, mentoring, religious/spiritual support, and a variety of supports to families. Our conversations with providers citywide have produced equally enthusiastic interest in making deep community connections. We are currently in the process of replicating this model in the other boroughs, helping providers to make necessary connections to firmly establish residences within supportive communities.

We have found that community-based organizations and others within the community are eager to connect with providers and firmly root Close to Home in their communities. They also provide valuable feedback and a perspective on the implementation of Close to Home that ACS has been very receptive to receiving and acting upon. We recommend that ACS continue to engage in deep community conversations and dialogues hosted by groups such as CDF-NY and its partners, especially given the implementation of Limited Secure Placements.

Conclusion

We are fully supportive of the Close to Home Initiative. As outlined above, there are areas that need to be addressed to ensure continued success. Our hope is that as Limited Secure Placements roll out, ASC builds upon the lessons learned from this first year of Non-Secure Placement and takes necessary measures to ensure these issues are addressed.



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Testimony of
Good Shepherd Services
Presented by Miles Jackson
Division Director of Residential and Community Based Programs
Before the New York City Council
Committees on General Welfare and Juvenile Justice
October 23, 2013

RE: Oversight - Implementation of Close to Home for Non-Secure Placement

Thank you, Chairs Palma and Gonzalez, and the members of the General Welfare and Juvenile Justice committees for holding this hearing today on the implementation of the Close to Home initiative for Non-Secure Placement. I am Miles Jackson, Division Director of Residential and Community Based Programs, and I am happy to be here today to talk about the experiences of Good Shepherd Services' programs as we have implemented two Non-Secure Placement (or NSP) programs in Brooklyn.

Good Shepherd Services leads in the development of innovative programs for youth and families in New York City. Our work consists of comprehensive, integrated community and school-based prevention and intervention programs which focus on positive family and youth development, including after-school programs, school-community partnerships for off-track students, preventive services, and a number of out-of-home and residential programs including foster care, juvenile justice, and transitional/independent-living residences.

As I mentioned, Good Shepherd Services (GSS) has been operating two NSP sites in Brooklyn since Close to Home was implemented in the fall of 2012. We operate the Shirley Chisholm residence for girls in East New York, and the Barbara Blum residence for boys in Park Slope. Each residence serves up to 12 young people at any time. As the Division Director overseeing both of these programs, I would like to talk about the successes and challenges we have faced throughout this first year of implementation of NSP. I would also like to tell you about the experiences of two particular young people with whom we have worked in our programs.

You are aware of the kinds of services that are offered to young people and their families through the new NSP programs, so I won't reiterate that here. I would like to mention that through NSP programs, GSS has been delighted to have the opportunity to bring youths' families into the process of recovery, treatment, and successful reentry into the community, which we are not able to do through our Non-Secure Detention programs that we also operate. The ability to engage families in this process is what we would consider to be the most successful aspect of the program. Families regularly visit with the young people in our facilities. We offer structured activities, parent evenings, and social events to make the visiting experience comfortable and enjoyable. We have the opportunity to get to know families when they come to visit us, and when we visit them in their homes to discuss transitional planning. Interestingly, we are

Testimony of Good Shepherd Services, October 23, 2013

finding that it is easier to engage the boys' families than it is to engage the girls'. We suspect that this may be because the girls placed with us tend to have suffered more sexual and emotional trauma than the boys, and as a result, seem to have more conflicted and contentious relationships with their families. It also may likely be due to our girls' residence being in a community that is more difficult to access than Park Slope, particularly since we have some families living in boroughs other than Brooklyn. We work to overcome this through outreach by telephone and helping to facilitate transportation to the facility.

Other successes we have experienced includes the work that our social workers and other mental health specialists are able to do with the young people in our programs. The ability to provide counseling and mental health services directly in the residences is critical to successful treatment. In addition, GSS employs the Sanctuary model of trauma informed care with our staff in all of our residential programs that stresses a non-violent, emotionally supportive approach to addressing trauma. We have chosen the Missouri model of group care to employ in our NSP programs and are finding that, while it is a comprehensive treatment/care model to learn, our staff continue develop their skills as we work with the Missouri Youth Services coaching team. We have found that it is a natural and positive complement to the Sanctuary model with which are staff are familiar. The two models support each other.

In addition, we have had some success in enrolling youth in the Summer Youth Employment Program (SYEP) and, while we would be grateful for additional slots for more of our young people, those that were able to participate in the program this past summer had positive, enriching experiences. We were able to place some of our youth in the Exalt program that provides intensive classes offered in preparation for internships that can become paid internships. A number of our youth completed the classes and benefit from the experience of actual internships.

I would also like to mention that we have experienced a positive working relationship with ACS during the implementation process. While there have been initial implementation challenges, primarily due to the pace with which the system change occurred and new programs were brought on line, we think that ACS has made good faith efforts to provide information, provide technical assistance, and work with OCFS and providers to address issues that have arisen. One of the initial challenges was the lack of information given to providers upon transfer of youth from upstate facilities. That situation has been rectified and we now receive a more comprehensive placement package when youth are placed with us. In addition, because NSP facilities came on line piecemeal, some initial placements were made into facilities that were not in the same borough as the youth's home, nor necessarily the appropriate placements. As the system has grown to capacity, placements seem to be better planned for a more suitable match.

There are two other challenges that I would like to mention: educational placements and AWOLs. Initially, the Department of Education (DOE) chose to educate youth in NSP and NSD facilities together (though on different floors in the Brooklyn facility) in fairly large facilities that were often far from the placement facility. Proximity to other youth at varying stages of juvenile justice involvement and use of different youth development models by different providers led to overstimulation for many youth so as to compromise their learning environment. Many youth are now able to be schooled in smaller learning settings nearer or in the NSP facilities. For example, thanks to both DOE and ACS, GSS is now able to operate a small school next to our Chisholm facility in East New York for youth in both of our facilities. It has proven to be a much more controlled, focused, and successful learning environment for the youth we serve. Youth have

been able to successfully transfer into community schools when they return home, and we are delighted that they are now able to accumulate credits while in NSP, and have those credits transfer to their community school. We work with the DOE to assist them to identify the best school setting for each youth. We would like for there to be more resources available to remediate the educational needs with which most of the youth we serve present. Youth placed in NSP are typically over-aged and under-credited. Many youth come to us with special education needs and we would be pleased if the DOE were able to deepen the special education services available to our youth.

AWOLs have posed a significant challenge for the NSP programs. GSS has had fewer AWOLs than the system as a whole, and many have occurred while youth were out of the residence, for example visiting their families, but it is a problem that we certainly face. While there is no way to completely prevent AWOLs from occurring in placement residences that are non-secure, and the NSP model of progressive reintegration with family and community presents distinct opportunities for going AWOL, we feel that ACS and each provider is addressing the problem and there has been marked improvement. AWOLs have been declining, and they have tended to be shorter term.

Lastly, I would like to tell you about the experiences of two young people in our NSP programs. The first, whom I will call Calvin, came to our Barbara Blum facility extremely distrustful of the juvenile justice system. The only person more distrustful was his mother. Calvin's mom was particularly insistent that she did not want any help with the program because she didn't feel that there was anything the program could do to help her or her son. After a few short weeks of being in the program, Calvin's dad was in a very bad motorcycle accident leaving his condition uncertain. The staff developed a plan on how to support Calvin and his mom during their time of need.

Initially a special visit was arranged so mom could tell Calvin about his father's accident. Even though Calvin's mom was unwilling to discuss family details or provide us with much information, we ensured that clinical staff were available in the event the Calvin went into crisis and the staff increased their individual contact with mom and her son to ensure they felt supported. Transportation was arranged for trips to the hospital and the staff helped Calvin process his feelings after each visit. Soon his mom became more appreciative of the assistance and eventually became more trusting of the staff. Sadly, after two weeks of treatment, Calvin's father passed away. His mom had become comfortable coming to the program for support and sought help from us on how to tell Calvin the news and how to support him. Had it not been for Close to Home, Calvin would have lost his father without the opportunity to visit with him during his last days, be with his mother at this difficult time, and find the support to deal with the loss.

We have many other success stories, but one other that I would like to briefly mention is our work with young woman struggling with sexual identity issues whose caretaker is her adoptive mother. As our staff worked with Alice, she began to discuss her struggles and revealed that she never felt comfortable as a girl, and as a preteen, she began to dress in boys' clothes and hang out with other boys. She revealed that her biggest concern that was holding her back from progressing in life was the ongoing battle of acceptance by her mother who was raised in a very strict, religious home and had no tolerance for homosexuality. During her time at our Chisholm residence, the social workers worked intensively with Alice and her family around this issue to the point where she was able to gather the strength to tell her mother that she identifies as a

lesbian. With a loving voice, her mother told her she loved her and she will also support her no matter how she identifies. It took many sessions prior to this breakthrough to prepare Alice and her mother to feel confident enough to practice open communication and be able to accept one another.

These are just some of the stories of success that we have experienced in just one year. While there remain challenges, like the ones I described above, we are confident that we can continue to improve the NSP program and help lead youth involved in the juvenile justice system to successfully return to their families and communities.

Thank you for considering our perspective and our experiences in implementing our NSP program under Close to Home. As always, Good Shepherd Services would be happy to meet with any of the members on these committees to further discuss our experiences.

FOR THE RECORD

**WRITTEN TESTIMONY OF
HON. EDWINA G. RICHARDSON-MENDELSON
ADMINISTRATIVE JUDGE, NEW YORK CITY FAMILY COURT
OCTOBER 22, 2013**

**TO NEW YORK CITY COUNCIL COMMITTEES ON JUVENILE JUSTICE AND GENERAL WELFARE
HEARING ON THE IMPLEMENTATION OF CLOSE TO HOME FOR NON-SECURE PLACEMENT**

My name is Edwina Richardson-Mendelson and I proudly serve as the Administrative Judge of New York City Family Court. Thank you to the New York City Council Committees on Juvenile Justice and General Welfare for the invitation and opportunity to provide written comments concerning the New York City Administration for Children's Services implementation of the Close to Home juvenile justice reform initiative for the non-secure placement of youth.

The mission of the New York City Family Court is to provide the highest standard of justice, to decide cases as quickly as practicable, to treat court users with courtesy and professionalism, to offer information and assistance, to provide service that is responsive and helpful, and to protect the rights of all litigants appearing in our courts, including those who cannot afford legal representation.

I strongly agree with and support the goal of the Close to Home initiative, to keep young people who are adjudicated as juvenile delinquents and placed by the New York City Family Court near their families and home communities. The concept of Close to Home is vitally important to the youth we serve. The program goals allow for youth to obtain quality rehabilitative services with the support of family. Family engagement will aid in the youth's success while in placement, and the transition back to home. Additionally, because youth will be connected with community based resources, ongoing services can be offered following their

release from placement. More importantly, through the Close to Home initiative youth are able to attend New York City Department of Education schools and obtain educational credits towards a high school diploma.

While I am encouraged by the greater opportunities afforded to our young people through the Close to Home program, on behalf of the judges who address these matters daily I can report several concerns. The first concern is the reported number of youth who leave their placement facility without permission. Judges have also expressed concern with new delinquency and criminal cases filed against youth under supervision for committing offenses within the community and their placement facility. These reports have resulted in an additional concern regarding the training of staff that supervise and work with the young people in the Close to Home placement facilities. There is also concern about the adequacy of services for youth with mental health needs.

Despite these reports, I strongly believe that the Close to Home initiative for non-secure placement reflects sound policy for best servicing our juvenile justice involved youth. It is the hope of our judiciary that as time passes the initiative will be strengthened through adequate resources devoted to ensure the program's success.

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New York City Council Committee on Juvenile Justice and General Welfare

Wednesday, October 23, 2013, 10:00 AM.
250 Broadway, 14th Floor Committee Room

**NEW YORK CITY COUNCIL OVERSIGHT:
"THE IMPLEMENTATION OF CLOSE TO HOME FOR NON-SECURE
PLACEMENT"**

Testimony of

**Jeremy C. Kohomban, PhD
President and CEO, The Children's Village
President, Harlem Dowling Westside Center**

Good Morning. I am Dina Carreres, Chief of Staff at The Children's Village. I am representing Dr. Jeremy Kohomban, President and CEO of The Children's Village and President of Harlem Dowling. As I speak now, he is testifying in Washington DC on Child Welfare financing and apologizes for his absence.

The Children's Village and Harlem Dowling have served children and families in New York City since the early 1800's. Together, we serve over 15,000 children and families annually. Our services range from community centers and food pantries to community shelters, preventive services, out-of-home foster care, short-term residential care, high-end residential interventions for adjudicated juvenile offenders, and services for undocumented children in the custody of Federal authorities.

At the heart of our charitable missions is a simple premise: children need to belong to someone. One willing and appropriate adult is the key to a child's long-term success. We also recognize that children are best served within their own families and communities, and we know that the best solutions for children often come from within the family, not from external sources.

Thank you for this invitation to testify on the implementation of Close to Home phase for non-secure placement.

The Children's Village provides Close to Home slots for 48 boys and girls and provides ninety-five percent of the slots for teens who need specialized care such as those with problematic sexual behavior, substance abuse and serious emotional disorders.

We are extremely pleased with the first year's success. It was not easy, and despite our long expertise in providing residential care for teens, the learning-curve was steep. However, as we ended our first year of operations under the Close to Home legislation, we are pleased to report that the results experienced by children and are not simply encouraging, the results are life changing.

For the children who would have otherwise languished in an upstate facility, far from home and family, the opportunity to be connected to family and community while receiving the support they needed has led to dramatic outcomes. Consistent with the goal of Close to Home, our most dramatic outcomes have been around family engagement. For example, of the 15 girls in our Queens program, 8 are now having weekly family sessions (2 have no family) and 5 are going home every weekend. The girls who are going home have safety plans and are engaging in therapeutic activities.

On the academic front, our girls are severely challenged academically because of their pain and loss, and many life disruptions. However, they are all enrolled in school, we give them homework help, and we continually look for creative ways to help them succeed. One of our girls who is quite bright just started at a charter school, another is participating in the Exalt work preparation program every day after school, and a third is enrolled in a community art program every Saturday. The Close to Home program mandates that residential staff remain with the students during the school day. We have found this to be of tremendous help not only in assisting the school staff with behavioral issues, but more importantly, in providing an important link between school and cottage life. We are also fortunate to have a large group of volunteers who enrich the life of the students with books, cultural events, trips, and much more. When possible we engage the teens in the cultural life of New York City through our volunteers and our relationships with organizations that provide tickets and special opportunities. We've even taken the teens kayaking on the Hudson and will be introducing some of them to snowboarding in the winter. All of this is possible because the teens remain in the New York community.

Let me share a few examples.

JM is a 17 year old male dealing with a long-term substance addiction. He is no stranger to our system either. We struggled with his inability to stay focused in-program. The breakthrough finally came when our team persuaded his family that they were the key to his recovery. It was a slow educational process, but in time the family understood that they had enabled some of JM's behaviors and that their support was crucial to the treatment team.

Today, JM is fully engaged in the treatment process. He still has a long road ahead of him, recovery won't be easy, but he is certainly committed. JM's mother has been the catalyst to his motivation. She is fully engaged with the treatment team. She comes to most meetings in-person, joins conference calls and, when she needs assistance, she is honest with her personal struggles. Her own life is complicated by gang affiliation, substance abuse and violence and, although speaking

about her own life is difficult, her engagement and openness is allowing JM to begin his own journey toward healing. We are extremely hopeful for JM and his family.

MD is 17. Her early days in program are most remembered for her refusal to engage in treatment, her defiance and non-compliance, and her exceedingly difficult relationship with her mother. We worked with her and her mother for six months, often it was one step forward and two steps back, but today she is home, attending community school, engaged in numerous positive activities, and willingly participating in our aftercare services.

SB is 15. SB spent her first couple months being belligerent and placing herself and others at risk. When asked to introduce herself, she would introduce herself as “nobody”. She was violently opposed to any treatment. Today, SB has almost reached our highest safety phase. She goes home for periods of time, and she has been incident-free for more than 30 days.

MB is 16. She entered our facility ready for a fight. She was outspoken in her unwillingness to accommodate even the simplest request. She was determined to not stay in the program either. She, too, had a very difficult and violent relationship with her mother. Today, she is slated for an early release, and our biggest hurdle today is finding time for her therapy. She is in school and doing well. Despite her initial anxiety about independent travel, she now travels independently from school to her Exalt work program daily, and she returns to our home around 8pm. She is our role model!

Finally, there is DW. DW is 16. She has a number of developmental delays and has been victimized by many, including the system. She came to us with no relationship with her mother or family and she has no desire to ever live with her mother. We began by focusing our attention on the mother and for the first time, we were able to successfully engage mom in DW’s treatment. Seeing her mother making an effort has been key to DW’s change of heart. DW has stabilized in our program; she has stabilized to the best of her ability. She participates in weekly family sessions, and both DW and her mother have shown interest in working on their relationship. DW is working towards a visit to her mother’s home. There are numerous hurdles that DW needs to overcome, including navigating complicated legal issues. We are helping her understand that success will take time, she is showing clear signs of understanding her current situation, and she is beginning to plan for a different future.

In Conclusion, these initial outcomes are already beginning to prove that by keeping children closer to home, coupled with responsive therapeutic interventions, families are being empowered to plan for their children, rather than relying solely on the system for their success.



Testimony of

Stephanie Gendell
Associate Executive Director
Policy and Government Relations

*Oversight: Implementation of Close to Home Non-Secure Placement
City Council Juvenile Justice and General Welfare Committees*

October 23, 2013

Good morning. My name is Stephanie Gendell and I am the Associate Executive Director for Policy and Public Affairs at Citizens' Committee for Children of New York, Inc. (CCC). CCC is a 70-year old multi-issue, independent child advocacy organization dedicated to ensuring that every child in New York is healthy, housed, educated and safe.

I would like to thank Chairs Sara Gonzalez and Annabel Palma and the members of the Juvenile Justice and General Welfare Committees for holding today's hearing on the implementation of Close to Home for non-secure placement facilities. CCC is grateful to the City Council and the Administration for all of their efforts to implement Close to Home non-secure placement this past year.

Almost precisely one year ago today, we moved from a state administered system for non-secure placement to a NYC administered system. Since September 2012, youth found to be juvenile delinquents by the Family Court and then placed in non-secure placement facilities, were no longer sent to facilities upstate, far from their families, homes, communities, lawyers and schools. In addition, NYC youth in the state Office of Children and Family Services (OCFS) system were able to be transferred to the City's system. The implementation of Close to Home is a true transformation of the juvenile justice system for New York City's children. CCC remains steadfast in our support for Close to Home and in our belief that children, families and communities benefit from the new system.

Prior to the implementation of Close to Home, New York City's youth who were placed into non-secure facilities were typically placed upstate, at a cost of \$240,000 per youth, yet producing a recidivism rate of close to 90%. Thus, this model was both expensive and ineffective at rehabilitating youth people and keeping communities safe from future crimes.

Close to Home enables New York City's youth to be served in New York City, regardless of whether they receive community-based services or need to be placed in a non-secure facility (and soon a limited secure facility.) ACS's Close to Home plan ensures that New York City's youth can reside in a facility that is close to their homes, when placement is needed, and gives the City the opportunity to reach a greater number of youth through proven alternatives to placement programs.

For those children placed into non-secure facilities, Close to Home has enabled the youth to be treated and placed in their own communities. This has ensured that the youth can benefit from visits and engagement with their family members, have more regular in-person contact with their attorneys, and that their educational credits they earn in placement will transfer upon discharge. Furthermore, placement close to home has allowed for more seamless re-entry when youth are discharged from facility care.

To date, ACS and its contracted providers have opened 244 non-secure beds for boys and girls, which include general non-secure placement, Multi-dimensional Treatment Foster Care, and specialized non-secure placement for youth with substance abuse issues, serious emotional disturbance, developmental disabilities, and sexually abusive behaviors, as well as beds for fire starters and sexually exploited youth.

Since September 2012, a total of 427 youth ages 13-20 have either been transferred from state OCFS placements (144) or directly placed (282) in to the City's new Close to Home facilities. As of October 2013, 180 youth are in ACS non-secure placement, 39 youth are AWOL, and 95 youth are in the after-care programs created as part of Close to Home.

The transformation of the juvenile justice placement system, to one administered by the State to one administered by the City, has been an incredible amount of work and change in a short amount of time. It has required non-profit provider agencies to find and open new facilities, hire and train new staff, and begin implementation of a new model for caring for young people. To date, there have been both growing pains and many successes.

Notably, the early implementation of Close to Home for non-secure placements has included far too many AWOLs than ACS, the City Council, CCC and the communities would have wanted. That said, CCC does not have comparison data from OCFS non-secure placement sites, but even if we did an increase would be understandable given that the youth are now placed in communities they are familiar with. It is also important to understand that not all AWOLs are the same—some youth leave briefly to see their families or for other reasons that are not dangerous to public safety. We therefore are pleased that ACS has modified its intake process to learn more about the youth's family and friends so they will have more information should they need to locate the child. Furthermore, AWOLs are inherent for non-secure placements and why youth perceived to be more at-risk of causing harm to the community are placed in limited secure facilities.

Most importantly, CCC has seen how seriously ACS and its provider agencies have taken the issue of AWOLs and it is clearly reflected in ACS's data. While as of October 10, 2013 there were 39 outstanding AWOL warrants, there has been a significant reduction in the AWOL rate from nearly 25% in May 2013 to approximately 10% in September 2013.

The early stages of Close to Home have also seen significant successes. Approximately 180 youth have been discharged from ACS NSP to aftercare. During the 2012-2013 school year, 302 Close to Home NSP youth were enrolled in Passages Academy, a DOE District 70 program serving students at 6 sites. Unlike the youth placed before them who typically lost their credits or struggled to be able to transfer them, these youth will not have these difficulties. Approximately 30 Close to Home youth passed at least one Regents exam during the 2012-2013 school year. Preliminary data also showed that approximately 157 Close to Home youth earned more than six high school credits at passages and nearly 22% of Close to Home youth earned 10 or more credits.

And notably, juvenile crime has once again continued to decrease this past year—whether looking at arrests (for misdemeanors or felonies), admissions to detention and/or filings in family court.

While there has been much progress this past year, Close to Home remains a new model that will continue to require oversight by the state, child advocates, the City Council and the next Mayoral Administration. We are also poised to begin the second phase of Close to Home, limited secure facilities in New York City. Continued assessment of resource needs and policy modifications

based on lessons learned from implementation will remain critical to the success of Close to Home.

As the City moves forward in implementing Close to Home, CCC respectfully submits the following recommendations to further improve on the current system:

- ChildStat: To date, ChildStat has been very successful for ACS with regard to child protective services, preventive services and foster care services. ChildStat is a process whereby high level ACS staff review data and individual cases to identify various systemic and caseworker level issues that need to be addressed. CCC suggests that ACS consider developing a ChildStat model for detention, non-secure placement and limited secure placement.
- Resources for ACS and Provider Agencies: CCC believes that it is critical that the next Administration maintain its commitment to transforming the juvenile justice system. We believe that this will require maintaining and expanding a commitment to alternatives to detention/placement that keep young people out of facilities. In addition, the models and reimbursement developed by ACS for the negotiated acquisition regarding non-secure placement (and limited secure) were developed prior to the implementation of these models in New York City. While the City's requirements and providers' plans were all developed in good faith, we believe that now that the system is in place, ACS should assess with its provider agencies whether the rates are sufficient for the requirements (including staffing) and work with OMB and the Mayor's Office to address them accordingly.
- Assess Policies, Procedures and Staffing Ratios and Revise as Needed: Again, given the relative newness of Close to Home, we believe that the next administration should work with ACS, Probation, advocates and providers to assess the current policies, procedures and staffing ratios and then address any that need changes or enhancements. For example, ACS's initial assessment of youth/admission screening to determine the most appropriate placement, the sharing of information between ACS and its providers, and staffing ratios are all critical to successful implementation. We think the time is ripe to spend some time assessing how these types of system components are working and make any needed adjustments.
- Prevention:
The best way to address juvenile crime is to prevent it from happening in the first place. CCC urges both the current administration and the future administration to baseline funding and expand the programs proven to keep youth people from getting into trouble in the first place- early childhood education and after-school programs. It is widely known that youth are at greatest risk of delinquency between the hours of 3-6 PM. Furthermore, research has shown that preschool programs reduce crime.¹ Any cuts to child care and after-school slots flies in the face of the laudable goals of Close to Home.

¹ http://www.rollcall.com/news/investment_in_early_childhood_education_will_cut_crime_and_save_money-228463-1.html

In conclusion, CCC is grateful to the State and the City for their commitment to improving the care of children touched by the juvenile justice system. We remain eagerly available to assist and look forward to working with the current and future administration on both non-secure and limited secure placements in New York City.

Thank you for this opportunity to testify.

**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: 10/23/2013

(PLEASE PRINT)

Name: DINA Carreras

Address: 1 Echo Hills Pkwy Ferry NY

I represent: The Children's Village

Address: 26 McDougal Drive W. Plains NY
10603

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Name: MILES JACKSON

Address: 305 7TH AVE, NYC, NY 10001

I represent: GOOD SHEPHERD SERVICES

Address: 305 7TH AVE, NYC, NY 10001

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Date: October 22, 2013

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Name: Amy Breglio

Address: 151 W 30th St. 5th Fl. NY, NY

I represent: Advocates for Children

Address: see above

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Name: Beth Powers

Address: 15 Maiden Lane New York NY 10037

I represent: Children's Defense Fund - New York

Address: 15 Maiden Lane NY NY 10037

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Name: Raye Barber Dep CMMK

Address: 150 William St

I represent: NYC Children's Services

Address: _____

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Name: Ronald Richter (MR.)

Address: 150 William St.

I represent: NYACS

Address: _____

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Date: 10/23/13

(PLEASE PRINT)

Name: JACKIE DEANE

Address: 199 WATER ST

I represent: The Legal Aid Society - Juvenile

Address: 199 Water St RIGHTS

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