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**Testimony before the New York City Council  
Committee on Fire and Criminal Justice Services**

**By Ana Bermudez**

**May 4, 2016 – 10am**

**INTRODUCTION**

Good morning, Chair Crowley and members of the Fire and Criminal Justice Services Committee. I am Ana Bermudez, Commissioner of the New York City Department of Probation (DOP). I am joined today by Deputy Commissioners Sharun Goodwin and Michael Forte and General Counsel Wayne McKenzie. Thank you for your continued interest in the work of the NYC Department of Probation, as demonstrated by the introduction of proposed legislation requiring the Department to report annually on probation statistics and program utilization.

As you may recall from my Budget Hearing testimony in March, I spoke at length about Probation's unique role in the middle of the continuum of agencies that promote community safety. That is because both accountability measures and support opportunities are needed to be truly comprehensive and smart about crime. Probation is the entity that effectively leverages both: we help to create meaningful and lasting behavior change through an intentional and carefully-calibrated balance of structure and support.

The Department holds people on probation accountable by monitoring them at a level of intensity that is proportional to their risk level and by consistently requiring them to take responsibility for their decisions and actions. But we also provide support, by ensuring access to services and "off-ramps" out of the justice system. This balanced approach creates the best opportunity for sustainable behavior change – which is, by all accounts, one of the strongest indicators of progress in the community corrections field.



Though there are often structural barriers that people on probation have in common – issues such as poverty, lack of employment options in their communities, and disconnectedness from school -- no two people on probation are exactly alike, and thus their time with us must be tailored specifically to their individual needs. We utilize a “one-size-fits-one” approach to determining the best combination of interventions, or “dosage,” needed for each case.

This is why we train our staff to adhere to the risk-needs-responsivity principle, so we can target the correct type and intensity of resources to each individual – a critical component to lasting behavior change. We also use validated risk assessment instruments to gauge an individual’s risk of reoffending, determine individual needs in the areas which present the highest risk, and provide culturally appropriate responses to those needs based on individual readiness and motivation. In working to meet these needs, we are endeavoring to achieve measurable outcomes while also ensuring that the services provided and resources used are effective. As you can imagine, our programs are critical to this endeavor.

Today I would like to discuss with you Intros 1142 and 1026 within the context of how we use data and information management in order to continually improve our practices.

### **Intro 1142**

I would first like to discuss Intro 1142 – a proposal that would require the Department of Probation to report on recidivism and related statistics. The Department shares and appreciates the Council’s interest in transparency and accountability through regular and consistent collection, analysis, and reporting of data and statistics applicable to our work.

As an agency committed to Evidence-Based Practices (EBP), the objective, balanced, and responsible use of current research is at the core of our work. Instead of relying on tradition, gut reaction, or single observations to make decisions, we use the best available data to guide our policies and practices, so that we target the right resources to the right people at the right time, and to ensure that outcomes for those on probation are improved. The Department’s new Adolescent and Young Adult Supervision model, about which I testified at great length during our March Budget Hearing, came about as a result of on-going data analysis and reflects our continued implementation and expansion of Evidence-Based



**Department of  
Probation**

practices. We recognized that 16-24 year olds accounted for a disproportionate amount of re-arrests among our overall population, and therefore we needed to re-examine our practices and start to work with our young people in a different manner.

The integration of a new Cognitive Behavioral Therapy (CBT) intervention into targeted Family Court caseloads also resulted from on-going examination and analysis of data. This practice, known as Interactive Journaling, requires young people to self-reflect about the consequences of their actions, and it helps them to think through positive decision-making strategies moving forward.

Data also tells us that mentoring is a very effective intervention for our youngest people on probation. Expanding mentoring capacity for this group, to ensure that they do not “graduate into” adult probation supervision, is an initiative with which we would like to partner with the Council.

Our expansion of girls-specific programming, such as the Garden of Roses event, Fairy Godmother Initiative, and borough-based Girl’s groups also resulted from data. Although girls remain a small percentage of our population, the challenges they face are often unique and require different types of interventions in accordance with the responsivity principle. These issues were discussed as part of our participation in the Young Women’s Initiative, and I want to commend the Council for making this population a priority.

A final example pertains to education. From looking at our numbers, we saw an alarming trend: over 500 of our high school age youth on probation had earned fewer than 10 credits towards the 44 needed for a high school diploma, meaning they are at serious risk of not graduating before adulthood. By identifying this early indicator, we are now in the process of working collaboratively with the Department of Education (DOE) to identify best practices in assisting these young people get connected to individually appropriate educational and career pathways, with a host of additional supports.

Intro 1142 reflects our mutual desire to ensure that the Department is creating and fostering positive behavior change in individuals while simultaneously protecting community safety. As reporting builds accountability and maintains integrity, two components at the core of the Department’s mission, we need to ensure two things: one, that we are actually able to capture and collect the specific data points



**Department of  
Probation**

that would be required by any legislation; and two, that we can all have confidence that any reported indicators have meaning in the context of other data. There are a number of considerations and challenges that we will need to face together in this regard. These include:

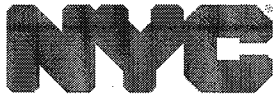
- Data collection and reporting limitations related to requests for disaggregated data that do not align with the Department's current organizational structure for probation supervision;
- Limitations with regard to tracking individual-level data over different points in time;
- Challenges in the aggregation of certain case-level data points; and
- Limitations of recidivism as a measure of effectiveness

Despite these issues, we welcome the opportunity to work with the Council to identify the most appropriate data points that are aligned with best practices and standards in community corrections as well as the most useful for examining our work.

**Intro 1026**

This brings me to the other bill, Intro 1026, which would require the Department of Probation to report on our programs. As I've noted with respect to Intro 1142, the monitoring of program utilization and effectiveness is critical to our work. We regularly make determinations about program structure, capacity, and the reallocation of program resources based on data. That is because regularly assessing our programs not only allows us to discover and address what is not working, but helps us focus on, strengthen, and expand what *is*. For many of our highest risk young people, mentoring by credible messengers, interactive journaling, and participating in arts programming in their own communities has had positive effects. And as we all know, young people "vote with their feet," so if they're coming, and in many cases bringing their family and friends, something *is* working.

As with Intro 1142, we welcome the opportunity to work with the Council on providing appropriate information regarding program utilization and effectiveness.



Department of  
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### Probation Effectiveness in the Context of an Evolving National Dialogue

Our efforts and challenges with regard to tracking and measuring progress are not unique. There are multiple ongoing national efforts around best practices in measuring the effectiveness of community corrections and youth-serving work among academics, researchers, practitioners, and policy-makers. To help us in this endeavor, the Department was recently selected as one of five jurisdictions across the country to receive technical assistance and participate in the YouthThrive Learning Community. Created by the Center for the Study of Social Policy, the YouthThrive model provides a positive youth development-based, overarching framework for agency policies and practices. Technical assistance from the Center will help us operationalize, on a day-to-day basis, what research tells us about how to most effectively engage with young people. One very important tenet of this model is the notion that to be “problem-free” is not the same as being prepared for life. All of us in the community corrections and youth development fields need to think about preparedness and well-being at the same time as we think about eliminating problems, barriers, and challenges so that our young people not only get out of the justice system, but thrive in all parts of their lives.

YouthThrive provides a common language and scaffolding on which to build our policies and practices that can inform all levels of our work, from how our front-line staff interact with youth, to how we collaborate with service providers and community partners to ensure they adhere to a shared vision for enhancing youth well-being, to what we consider critical to address within our inter-agency partnerships. Critical to today’s conversation, the YouthThrive model will also inform our development of indicators and data collection practices as we learn from experts and other jurisdictions engaged in this work.

As I have said before, Probation does not and cannot do its work in a vacuum. Our effectiveness and impact depends on our staff, our partnerships, and on targeting funding to programs that work.

Our staff is our greatest agency resource, and we have invested heavily in expanded training to ensure their mastery of community corrections “best practices.” The extensive training for the officers staffing our new Adolescent and Young Adult model is but one recent example of that commitment.



That is because research shows that the quality of the relationship between the Probation Officer and the person on probation is one of the key ingredients for promoting lasting behavior change, as young people do everything through relationships. Simply put, the research shows that it is sometimes less about *what* services are offered that makes the difference, and more about *who* offers them and *how*. Our officers are being recognized for *who* they are, *how* they do the work, and what impact they have on individuals and communities. Just last month, Probation Officer Sheree Goode received the Marjorie Garvin Community Service Award from your colleague, Council Member Debi Rose, and was also the subject of a feature article in the *Staten Island Advance* for her work as a Probation Officer and the impact she has had on individuals in that community.

Our agency also partners with non-profit entities to provide needed supports for those on probation. Our NeON Nutrition Kitchens are a partnership with the Mayor's Fund to Advance New York City and the Food Bank of New York to provide food to those on probation and other community members, as well as cooking classes, healthy recipes, enrollment in SNAP benefits, and even tax preparation assistance. Since I last testified in March, we've provided food to another **14,000** people, totaling **over 47,000** New Yorkers serviced since the kitchens opened last summer.

I have previously spoken to you about our Certificate of Relief from Disabilities (COR) drive, the most recent of which took place in Brooklyn on April 21st at Borough Hall. The COR drives are a partnership between Probation, the Judiciary, elected officials, City and State agencies, and employers with the goal of connecting eligible people on probation with job opportunities. Chief Administrative Judge Matthew D'Emic signed over 400 CORs for some 200 justice-involved participants. Your City Council colleagues Robert Cornegy, Mathieu Eugene, Antonio Reynoso, and Rafael Espinal co-sponsored the event along with State Senators Jesse Hamilton and Roxanne Persuad, and Assembly Members Diana Richardson, Annette Robinson, and Latrice Walker. And of course, I would be remiss if I did not mention and thank our host, Brooklyn Borough President Eric Adams, for opening up his incredible community space to us in order to provide this important opportunity to Brooklyn residents. As you already know, we are planning to hold the next drive in Queens, so I look forward to working with you and your colleagues to ensure that drive is as impactful as the ones before it.



**Department of  
Probation**

Finally, a signature program that truly exemplifies the power of public/private partnerships is NeON Arts. With 44 projects and over 7,000 New Yorkers having participated, the impact of NeON Arts is significant not only for the underserved communities in which it operates, but for the individuals who participate.

I am sure you remember Tahara (mentioned in my Budget Hearing testimony): she's an active participant in Free Verse, one of the NeON Arts offerings selected by the South Bronx NeON and community. Tahara worked hard and overcame adversity by having to take the High School Equivalency (HSE) exam *five times* before finally passing. She was chosen as Class Speaker for last year's Bronx HSE graduation and moved the audience to tears as she accepted her hard-earned certificate in front of her husband and young children. Your colleague, Council Member Ritchie Torres, spoke with Tahara at length and found her to be "truly an inspiration."

Tahara continually *volunteers* her time to speak to others about the impact that both Probation and NeON Arts has had on her life. Because of the changes we've made to our programs and practices, people have begun to see Probation as an opportunity to transform their lives, by what we like to call "creating their New Now." Tahara is no longer under Probation supervision and therefore she is not obligated to stay engaged with us. Yet she does, and continually gives back to the Department and to others on probation in new ways, such as applying to be an Arches mentor and agreeing to serve on the Advisory Council for our new Adolescent & Young Adult Supervision Model.

**CONCLUSION**

I want to thank you for the opportunity to testify about the important work of the Department of Probation in the context of Intros 1142 and 1026. I have talked a lot this morning about measuring effectiveness and now want to take a moment to talk about resourcing effective probation supervision and programs.

As I mentioned at the Budget hearing, State funding which at one time reimbursed nearly *50 percent* of local probation costs and now provides *less than 14 percent*, once again remains flat for this Fiscal Year. Data has told us that NeON Arts and mentoring opportunities are two interventions that have



**Department of  
Probation**

positive impacts on our most vulnerable. Based on enthusiasm from the Council about NeON Arts, we have made several discretionary funding requests in order to give local Council Members the opportunity to have a stake in this important community program operating in their districts, and would also welcome the opportunity to partner around expanded mentoring opportunities.

As I already mentioned, measuring effectiveness is the subject of ongoing exploration, discussion, and evolution within the field of community corrections. It is also a topic that will be the subject of much discussion at next year's American Probation and Parole Association's (APPA) 2017 National Training Institute Conference. I am proud to say that New York City was recently selected to be the host city for APPA 2017, and I look forward to showing off our work in the field of community corrections to professionals from all across the country and around the world.

Thank you again for the opportunity to testify. I will now answer any questions you may have.



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Appearance Card

I intend to appear and speak on Int. No. 1026 1142 Res. No. 5/4/16

in favor  in opposition

Name: Sharon Goodwin Date: 5/4/16  
(PLEASE PRINT) 23rd Floor

Address: 33 Beaver Street, 23rd Floor

I represent: NYC DOP

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

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Address: 33 Beaver Street, 23rd Floor

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in favor  in opposition

Date: 5/4/16

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 in favor  in opposition

Date: 5/4/2016

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Name: MICHAEL FORTÉ

Address: 33 BEAUCH ST

I represent: DEPT OF PROBATION

Address: 33 BEAUCH ST

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 in favor  in opposition

Date: May 4, 2016

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Address: 215 E. 121st St NYC, 10035

I represent: Bronx Connect

Address: 432 E. 149th St Bronx, NY  
10455

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