

NYCTM
**Administration for
Children's Services**



**The New York City Council,
Committee on Juvenile Justice
October 26, 2017**

***“Oversight – Reentry Programs for Formerly Incarcerated
Youth”***

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

Good morning Chair Cabrera and members of the Committee on Juvenile Justice. I am Felipe Franco, Deputy Commissioner for the Division of Youth and Family Justice (DYFJ) within the Administration for Children's Services (ACS). With me today is John Dixon, Associate Commissioner for the ACS Close to Home Initiative. Thank you for the opportunity to testify this morning. We look forward to discussing with you the services and supports that DYFJ provides for youth as they transition back to their home communities from juvenile justice placement.

DYFJ Overview

As you know, DYFJ oversees services and programs for youth at every stage of the juvenile justice process. Our continuum includes community-based preventive and alternative services for youth who are at risk of delinquency and their families, and we provide detention services to youth who are arrested and awaiting court resolution. Since 2012, we have been providing residential services for New York City youth placed with ACS as adjudicated juvenile delinquents by the Family Court. This placement includes oversight of youth re-entry and aftercare services, as well as supervision upon their return to the community.

Juvenile Justice Continuum in NYC

Typically, youth first encounter the justice system as the result of an arrest or due to a warrant. Currently, a young person between the ages of 7-15 who commits a crime is considered a "juvenile delinquent" and his or her case is heard in the Family Court. Depending on the time of day that the arrest occurs, the youth will immediately be taken to court or to a secure detention facility until court is in session. In court the judge assesses the allegations, the likelihood the youth will commit another offense and the likelihood that the youth will return to court on the next scheduled adjourn date, and based on that assessment determines whether to release the young person or remand the youth to detention. When a young person is remanded to detention the judge re-assesses the need for detention each time the youth appears in court. Because of this and the

faster pace of Family Court proceedings, detention length of stay for juvenile delinquents is relatively short - an average 33 days¹, with most youth leaving detention within ten days.

Dispositions on Family Court delinquency cases may include treatment, probation, restitution, conditional discharge, or placement. For NYC children, placement is with ACS in Close to Home.²

Close to Home

A Family Court judge may order a youth to be placed in a residential placement program if the judge finds that the youth committed an offense and is in need of rehabilitative services. The Family Court generally places youth in Close to Home for 12 or 18 month periods. Youth are initially placed in small group home style residences (6-18 beds) at sites throughout the City, which are run by seven non-profit provider agencies. There they receive approximately six to nine months of intensive and therapeutic programming, based on their length of placement as ordered by the Family Court and their individualized needs, before returning to the community on aftercare. Youth's behavior, level of participation, and personal growth while in placement are key factors in determining a date for their release to aftercare. In addition, youth participate in community passes and home visits while in residential placement, allowing DYFJ and provider staff to observe and assess the youth's and their family's readiness for reunification.

Planning for re-entry begins on the very first day of a young person's placement in Close to Home and continues for the entire duration of the youth's residential placement and as they transition to aftercare in the community. Once the Family Court places a young person in Close to Home, a DYFJ Placement and Permanency Specialist (PPS) is immediately assigned to the youth and continues to work with that youth and their family throughout their time in Close to Home. The

¹ As of August 31, 2017

² A child who is 13, 14 and 15 years old and commits a more serious or violent act – such as murder, manslaughter, assault, sexual assault, attempted murder, burglary, arson, or kidnapping- may be treated as an adult and is considered a “Juvenile Offender”. These cases are typically heard in the Criminal Term of the Supreme Court. Youth adjudicated Juvenile Offenders are subject to more serious penalties than a juvenile delinquent, the most severe being placement with OCFS in a secure facility upstate.

PPS ensures that the youth's needs are being addressed through appropriate services and maintains regular contact with the youth while they are in residential placement. Subsequent aftercare supervision by PPS allows the workers to help and encourage young people to practice and enhance the skills they learned while in placement, so that youth may successfully remain home with their families.

Close to Home uses the ACS practice of Family Team Conferencing as a means to effectively plan for youth and to ensure that ACS and contractor providers respond appropriately to youth behaviors and circumstances. Conference Facilitation Specialists (CFS) convene Planning and Support Meetings at six critical transition points for youth and ensure that the youth, their family and all other relevant stakeholders are present. CFS also convene Emergent Team Conferences when youth are non-compliant with expectations and ensure that all necessary parties are involved to determine the appropriate next steps.

Aftercare Services and Community Support

After residential placement, most young people return to their home communities on aftercare where youth and their families continue to receive intensive support from the assigned PPS, as well as individually-determined aftercare resources for the remainder of the placement period. The goal of Close to Home aftercare is to build on the skills youth acquire while in placement and help develop a network of support that will allow them to succeed in the community. All of our young people and their families are considered for intensive evidence based in-home services, such as Functional Family Therapy (FFT) or Multi-Systemic Therapy (MST). These services begin while the youth is still in residential placement and are designed to support the family during the youth's transition home. Clinical staff work with families and youth to facilitate joint understanding of issues and work to ensure that positive ongoing patterns of communication are established and maintained. In addition, youth participate in employment programs in

partnership with the NYC Department for Youth and Community Development (DYCD), as well as targeted gang prevention services through the Cure Violence initiative, made possible through funding from the New York City Council.

The Cure Violence adaptation for Close to Home currently consists of only one provider per borough³. Cure Violence providers connect with youth who have a history of gun possession or gang participation. They engage youth in residential placement through workshops and individual meetings, and support youth as they re-enter the community. Cure Violence staff challenge youths' thinking and serve as positive, credible role models, providing youth with an alternative to a violent and/or gang involved life.

Aftercare Enhancements

In the five years since Close to Home's launch, we have seen that that the success of a young person's reintegration into the community rests largely on the strength of the supports they receive while on aftercare. With this in mind, we are focusing on a number of enhancements to our aftercare program to improve outcomes for justice-involved youth and bolster public safety. These enhancements focus on improving youth monitoring and accountability, enhancing oversight of staff and providers, and increasing inter-agency partnerships.

Close to Home recently implemented a new graduated response protocol for youth in aftercare, which was developed in partnership with the Center for Children's Law and Policy. This protocol uses a series of accountability-based incentives and sanctions to encourage better decision making and compliance with aftercare requirements. And to promote continuity of care, create a tighter network of supervision and ensure that youth are held accountable for their actions, Close to Home NSP providers will build upon already established positive relationships with youth and

³ Bronx: Bronx Rises Against Gun Violence (BRAG); Brooklyn: Gangtas Making Astronomical Community Changes (GMACC); Manhattan: Getting Out and Staying Out (GOSO); Queens: Life Camp; and Staten Island: True 2 Life.

retain responsibility for youth as they transition from placement to aftercare – an effective practice already in place for youth in LSP.

Based on juvenile justice best practice, Close to Home is implementing a Risk-Needs-Responsivity (RNR) Framework with support from two nationally recognized experts in the field – Dr. Gina Vincent and Dr. Debra Koetzle. As part of this implementation, Close to Home is partnering with the NYC Department of Probation (DOP)—using their assessment tool—to align case practice for jointly-served youth and families. RNR uses a validated risk and needs assessment to drive case planning and ensure that services are based on youths’ assessed needs. The result of this effort will be that youth will receive individually designed service plans which target behaviors that are likely to result in subsequent criminal activity. For example, youth with negative peer relationships or who struggle to appropriately structure their leisure time will be connected to community based organizations such as YMCAs and Boys and Girls Clubs, where they can participate in constructive youth development activities with positive peers. Similarly, youth with family relationship or parenting needs will be connected to evidenced based services like MST or FFT, and youth with educational or vocational needs will receive services specifically tailored to support their success in school or work.

DYFJ recognizes the importance of collaborating with families and that is why Close to Home is expanding Family Team Conferencing to ensure collaborative planning is in place for all youth and families at all critical program transitions, and when youth are not following established expectations.

New York City’s juvenile justice system encompasses multiple city agencies, including DOP, DYCD, the New York Police Department, the Law Department and the Department of Education. Improving communication and consistency of practice across these agencies is critical to creating a citywide juvenile justice continuum for court involved youth. We are actively working

with our sister city agencies to enhance information sharing; improve family engagement; strengthen case planning and management; create new training opportunities to elevate competencies, skills and knowledge among staff; and bolster educational supports for youth as they return to their community schools.

Closing

Thank you for the opportunity to discuss DYFJ's aftercare services, as well as the supports that we, our provider partners and our sister city agencies provide for youth and their families in the community. We constantly strive to improve outcomes for justice involved youth, and we are confident that the enhancements we have set in motion for our aftercare program will yield positive results as the City enters a new phase of juvenile justice with the implementation of Raise the Age. As always, we are happy to work with the Committee in our continuing efforts to improve the system and services for the city's justice-involved youth. We are happy to take your questions.



**The New York City Council
Committee on Juvenile Justice
CHAIR, COUNCIL MEMBER CABRERA**

Oversight: Reentry Programs for Formerly Incarcerated Youth.

October 26th, 2017

**Testimony of
Tina M. Schleicher, LMFT
Multisystemic Therapy Expert/Consultant: Family Integrated Transitions(MST-FIT),
The Children's Village**

My name is Tina Schleicher, and I am an MST-FIT Expert working for the Children's Village. I have worked in evidenced based treatment for nearly 17 years treating families with young people who have engaged in delinquent behavior often resulting in incarceration or other forms of removal. Family Integrated Transitions is designed for youth leaving the residential setting and returning to their natural ecology.

Young people placed in a facility are 38% more likely to incur an adult record¹. Preventing further recidivism and offsetting this path is essential for the children to thrive into adulthood.

Family Integrated Transitions addresses the core needs in the family, ecology and the individual to more sufficiently impact the factors that lead to recidivism. Without necessary factors changing, the impact of skills gained in residential often deteriorate when faced with the elements that contributed to their behavior prior to placement.

We focus on engagement of multiple systems involved in supporting youth's successful transition. Youth and family are assessed to determine unique needs and services are individualized. Treatment focuses on family

¹ Gatt, U., R.E. Tremblay, & F. Vitaro, (2009). "Iatrogenic Effect of Juvenile Justice" *Journal of Child Psychology and Psychiatry*. 50, no.8.

strengths, and on goals set by the family. Discharge planning is designed to support the family's ability to meet future challenges and changing circumstance.

In 2016, 34 youth in the Closer to Home initiative completed MST-FIT. 71% of young people were living at home at the time of treatment termination and incurred no new charges during their time on aftercare.

Let me conclude with three recommendations that are firmly based in our frontline experience.

First, successful reentry requires that we begin the work while incarcerated. This mean that it is critical that we actively encourage family engagement during incarceration and in doing so, define family broadly to include any extended family and adults who are concerned and willing to participate in planning for the incarcerated youth. These engagement efforts must start the earliest opportunity with efforts persisting throughout the youth involvement in services.

Second, every young person needs an opportunity to experience and grow within their natural ecology. While it is difficult to pinpoint youth or family "readiness" the reality is that skills must be used and practiced where they are needed in order for both families and young people to adapt to real world challenges only then will they experience success and develop the competencies that are needed.

Families often doubt themselves and the longer a youth is incarcerated the easier it is for bonds to fray. When individual and community safety can be assured, reentry plans should pursue every reasonable option to have youth home through visitation and timely reunification planning. In our experience, this type of planning with the youth and family and pre-release visitation is both possible and successful.

Third and finally, we must have families involved in decision making. We have a responsibility to protect the integrity of the family's decision making process and they must be empowered to develop and support the goals, values, and beliefs they believe is essential to develop their child. Success during post release is most possible only when we respect this fundamental principal of collaboration with families.

Thank you for the opportunity to testify on this important issue.



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TESTIMONY

New York City Council Committee on Juvenile Justice

RE: Oversight: Re-entry Planning for Youth in Detention and Placement

October 26, 2017
New York, New York

The Legal Aid Society
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Prepared by:
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We submit this testimony on behalf of The Legal Aid Society, and thank Chairperson Cabrera and all of the committee members for inviting our input and for continuing to address the important subject of aftercare and reentry for juvenile justice involved youth.

The Legal Aid Society's Experience and Perspective

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of the City. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States.

The Legal Aid Society's Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our staff represented some 34,000 children, including approximately 1,500 in juvenile delinquency proceedings. In addition to representing many thousands of children, youth, and adults each year in trial and appellate courts, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

The Need For Comprehensive Reentry Planning

In keeping with the ideals of the Close to Home Initiative, reentry planning should begin on day one of admission to out of home care. Quite obviously, detention and out-of-home placements disrupt the natural life course of young people. Incarcerated youth are physically removed from family, school, and the wider community. Family and community supports are greatly interrupted yet are critical to re-entry and reintegration post placement.¹ Youth living in institutional settings miss out on experiences that facilitate normal adolescent development. Incarceration can deprive youth of individualized educational, mental health or other therapeutic service. It can deprive youth of the opportunity to develop job-related skills and experiences, and essential pro-social skills that are crucial for fostering healthy relationships.²

One measure of the success of re-entry programming is the rate of recidivism. Likely due to the underlying difficulties incarcerated youth face, nationally measured re-arrest rates for youth leaving juvenile justice placements are generally high. According to the Council of State Governments Justice Center's 2014 white paper on reducing recidivism, as many as 75 percent of returning youth may be re-arrested within three years of returning home.³ National data also indicates that two thirds of youth leaving secure facilities across the country do not return to school, and many struggle to access Medicaid

¹ James, Chrissy, Geert Jan J.M. Stams, Jessica J. Asscher, Anne Katrien De Roo, and Peter H. van der Laan. 2013. "Aftercare Programs for Reducing Recidivism Among Juvenile and Young Adult Offenders: A Meta-Analytic Review." *Clinical Psychology Review* 33: 263-74.

² National Research Council, *Reforming Juvenile Justice: A Developmental Approach* (Washington, DC: The National Academies Press, 2013): 181-2. See also Daniel P. Mears and Jeremy Travis, "The Dimensions, Pathways, and Consequences of Youth Reentry" (Washington, DC: The Urban Institute, 2004), <http://urbn.is/1ugXxRK>.

³ Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014).

and other health services.⁴ Juvenile reentry programs must work to overcome these challenges by offering youth and their families: (a) individualized, targeted services and supports, including education services; (b) help to secure stable and safe housing; (c) access to health insurance coverage, and (d) access to employment and additional community supports. Studies indicate that appropriate reentry services can significantly reduce recidivism and increase the likelihood of youth attending school and going to work.⁵

Reentry Best Practices

The Models for Change Initiative and other studies indicate that best practices are those that comprehensively address education, health, housing and family support. Similarly, a 2013 study analyzing the efficacy of juvenile reentry programs on recidivism identified three key factors: the type of offense, the type of treatment, and the point at which success was measured.⁶ Aftercare was most effective for high-risk offenders and juveniles who had committed violent crimes. With regard to treatment characteristics, whether the treatment was directed at the individual or the system or both had an impact on the effectiveness of aftercare programs. Aftercare focusing solely on the individual had the greatest effect on recidivism, while systemic treatment had a slightly smaller effect; treatments that had both an individual and systemic focus did not reduce recidivism. Lastly the analysis revealed that, the length of follow-up time when recidivism was measured influenced results; aftercare services had the largest impact when recidivism was measured before 12 months, rather than when recidivism was measured 1 year or later, following

⁴ Ibid.

⁵ Edward P. Mulvey, "Highlights from Pathways to Desistance Study: A Longitudinal Study of Serious Adolescent Offenders" (U.S. Dept. of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, March 2011).

⁶ James, Chrissy, Geert Jan J.M. Stams, Jessica J. Asscher, Anne Katrien De Roo, and Peter H. van der Laan. 2013. "Aftercare Programs for Reducing Recidivism Among Juvenile and Young Adult Offenders: A Meta-Analytic Review." *Clinical Psychology Review* 33: 263–74.

release. This suggests that the impact of aftercare may fade over time. Models for Change, a national endeavor funded by the John D. and Catherine T. MacArthur Foundation, offers recommendations for reentry best practices., . The Models for Change best practices are those that comprehensively address education, health care, housing, family support and supervision.

Another way to improve juvenile reentry outcomes is to reduce the collateral consequences of a delinquency arrest and adjudication through confidentiality, sealing and expungement laws, policies and practices. Allowing for the sealing and expunging of delinquency findings and related records can help youth to avoid the stigma of contact with the juvenile justice system and allow them to pursue educational opportunities, find employment, and secure citizenship, among other things.

ACS DYFJ Aftercare

In recent years, ACS has dedicated significant resources to improve its discharge and reentry practices. As anticipated, through Close to Home, ACS has addressed some of the major obstacles to successful reentry. As the Council is well aware, “Close to Home” is fully implemented and constitutes a major and much needed transformation in juvenile justice practices in New York City. In part, it directs that rather than being sent to distant, larger, costly facilities located in upstate New York, New York City youth adjudicated delinquent and deemed in need of placement by Family Court judges, now remain closer to their families, communities, other supports, and in schools where they can receive educational credits.

Close to Home supplanted a dysfunctional state system where youth were deprived of essential contact with families, denied educational credit for work completed, and

subjected to abusive and dangerous restraint practices. Close to Home endeavors to enroll teens in appropriate programming, houses them in facilities that model the best practices in juvenile justice, allows for school credit that is transferable to their home schools, and timely re-integrates youth back into their families and communities after their period of incarceration whenever feasible.

We are encouraged by aspects of ACS' aftercare services as they are consistent with best practices. In particular, we agree that reentry planning must begin on day one and we strongly agree that aftercare treatment must be holistic, addressing the needs of the youth and the family. However, we see the need for improvements in the following aspects of ACS' aftercare programming:

(1) We are concerned that referrals for critical aftercare services are not timely. In one case for example a young man and his mother were told by his ACS Permanency Placement Specialist and his Close to Home provider that he would receive Bridges to Health (B2H) services upon discharge. B2H services aim to "improve the health and well-being of . . . children [and] avoid, delay, or prevent . . . institutional care."⁷ However, B2H did not contact the family until one month following the young man's release. Some two months following the young man's release and just prior to the expiration of his placement order, B2H services had yet to begin as the youth's B2H service plan had not yet been finalized or approved. Ideally, B2H applications should be submitted 90 days prior to

⁷ The Bridges to Health (B2H) Home and Community-based Medicaid services waiver program is designed to provide children in foster care who have significant mental health or developmental disabilities, or other health care needs, with services to help them live in a home or community-based setting.

<http://ocfs.ny.gov/main/b2h/>

release home. In practice, this rarely occurs, leaving young people and their families without critical supports and services upon discharge.

In another instance, the young person returned home on aftercare with a plan of B2H, tutoring and job placement, but the services were greatly delayed. Months later when ACS revoked the young man's aftercare, bringing him back into custody, and attempted to extend his placement, there was still no B2H, no tutoring, and no job placement services.

(2) Relatedly, problems also arise when the initial referral(s) is not a good fit for the youth and/or family. Ideally, young people should begin attending outpatient mental health services and recreational programs a few weeks prior to their release from placement. This way if the youth or his family have concerns about a particular service provider or program, an alternative can be arranged. It is not unusual for young people to be released with intake appointments scheduled 1 to 4 weeks post-release. If for any reason the appointment needs to be rescheduled, the wait can be many more weeks. By that time, the young person may have run out of medication or lost interest in continuing with therapy or the pro-social programs. Providers must have meaningful discussions with youth and their parents or guardians well in advance of discharge to ensure the youth and their parents or guardians are amenable to the type(s) of programs their children will be participating in, as well as the hours of the programs and the distance their children will have to travel to attend.

Educational Services

Educational services for youth leaving detention and placement have improved dramatically over the last decade due in part to litigation brought by The Legal Aid Society, Advocates for Children, and Dewey Ballantine LLP, and due to the Close to Home as well. The lawsuit required the NYC Department of Education ("DOE") to improve the services

students—particularly those with special needs—receive while in custody, as well as the process of re-enrollment into their community school upon release.

Further, in July 2016, the Mayor’s Leadership Team on School Climate and Discipline published extensive recommendations, including those to improve school reengagement for students returning from court-ordered settings. Several of the Leadership Team’s recommendations have been implemented, and have helped eliminate barriers to reentry. Specifically, the Department of Education amended Chancellor’s Regulations A-101 and A-449 to adjust the requirements for obtaining a safety transfer and to permit a new category of school transfer requests, now called “Guidance Transfers.” Guidance Transfers are available to students who are not performing well academically or socially, and would do better in a new placement. Many students returning home from court-ordered placements benefit from Guidance Transfers in order to obtain a fresh start at a new school, and to distance themselves from negative influences and from staff members who may have developed a negative view of them. Second, the DOE’s District 79, which provides educational services to most of the student who are in detention or placement, created Transition Specialist positions. These Transition Specialists work with each student to achieve a smooth re-entry into school. They set up re-entry meetings with the receiving school, ensure that records and credits are transferred, make sure the student is enrolled in appropriate coursework, introduce the student to supportive resources in the school, and, if necessary, encourage the school to engage in restorative practices to repair any relationships that may have been harmed.

Despite these positive changes, many of the remaining recommendations relating to school re-entry for court-involved youth have not yet been implemented. They are as

follows:

Credit Transfers

The entry and exit points for students in court-ordered settings rarely coincide with the beginning or end of a semester or school year. Consequently, students have difficulty earning full credit for the work they do while incarcerated. The Mayor's Leadership Team suggested that the DOE create citywide guidelines on credit accumulation for mid-year transfers so that students receive credit for the work they do in various settings. The Team suggested that the DOE support high schools in creating flexible curriculum models, including blended learning options (teacher-supported on-line courses), which would better support mid-year transfers. And the Team recommended that, if appropriate, students be offered the option to finish the semester at the school program they attended while in the court-ordered setting, so as to maximize completion of coursework and accumulation of credits.

Middle School Promotion

Many court-involved youth are middle school students who are significantly overage for their grade. When they are expected to return to a middle school environment that is socially inappropriate for their age range and has failed to provide them with an opportunity to accelerate their progress toward high school, they routinely fail to re-engage in school. To remedy this, the Leadership Team suggested that the DOE establish citywide guidelines on mid-year promotions and provide resources and technical support to help schools implement support services and mid-year promotions for over-age middle school students.

Special Education Issues

A disproportionate percentage of court-involved students have special education needs. Many students would benefit from a different constellation of special education services upon release from detention or placement. To that end, the Leadership Team recommended that the District 79 Education Transition Specialist convene a meeting 60-75 days prior to the anticipated release date to determine whether new evaluations or a new Individualized Education Program (IEP) are needed. This would give families and DOE staff members sufficient lead time to develop a more appropriate special education plan for the student prior to release. Additional recommendations relating to special education issues include: providing students with new school offers at least ten days prior to release; eliminating the DOE's requirement that all students classified as "Emotionally Disturbed" have a new psychiatric evaluation as a pre-condition for placement in a non-public school; and providing expedited psychiatric evaluations for students who are being considered for placement in a school or day treatment program that requires a psychiatric evaluation as part of its admission procedure.

School Re-Enrollment Options

Students returning from court-ordered settings are overrepresented at a small number of under-resourced schools. Students are often unable to gain admission to programs that might better re-engage them, including Re-Start schools, Transfer Schools and schools that offer Career and Technical Education (CTE). Principals in these schools are often reluctant to take a risk on these students, for fear that they will negatively impact the school's attendance or graduation rates. The Mayor's Leadership Team recommended that that the DOE create a pilot to support 10 schools that traditionally receive the greatest

number of youth from incarceratory settings, and 10 schools that express interest in building capacity and expertise to work with court-involved youth. The schools would be provided with additional resources to support the students. The pilot would reduce the risk to participating schools by keeping the student on the register at District 79 for one full semester, until a decision is made to place the student on the school's register or transfer the student to a more appropriate placement. In addition to the proposed pilot program, the Leadership Team recommended that the DOE expand Re-Start sites for overage, under-credited middle school and high school students; expand CTE options for all students; create vocational programs for over-age middle school students; permit students to enroll in a High School Equivalency Degree program at age 17 and ensure that students placed outside NYC are able to participate in the high school selection process.

Systemic Supports for Schools

The Mayor's Leadership Team made several broad suggestions to improve the DOE's capacity to work with youth returning from court-ordered placements. The Team recommended the creation of a working group to develop and disseminate best practices, and the creation of a guidance document that would provide principals with instructions about data sharing, record transfer procedures, strategies for scheduling course work for highly mobile students, scheduling youth for exams, and criteria for awarding transfer credit. The Team also suggested that schools be permitted to make mid-year budget adjustments to accommodate students re-entering from incarceratory settings, and that the DOE develop an accountability metric for schools and principals that accounts for the additional challenges of working with court-involved youth.

The Legal Aid Society strongly supports full implementation of the re-entry

recommendations set forth in the July 2016 Report of the Mayor's Leadership Team on School Climate and Discipline. These recommendations were carefully considered and were drafted by a diverse set of stakeholders who understand the complexities and challenges of working with both the DOE and court-involved youth.

Re-entry Services for LGBTQ Youth

Statistics show that lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth are disproportionately represented in higher numbers in both the juvenile justice and runaway and homeless youth systems. Although LGBTQ youth should not be labeled or seen as "different" than other youth, their experiences and family dynamics require cultural competency on the part of services providers. Because systems cannot determine which youth identify as LGBTQ unless youth openly state their identities, ACS and its contract provider's placement and permanency specialists must be well versed in ACS' and OCFS' LGBTQ policies, including the use of appropriate language and best practices in serving LGBTQ youth. LGBTQ youth leaving custody have somewhat unique needs. LGBTQ youth face a heightened risk of family rejection, homelessness and sexual exploitation. Transgender youth may need assistance with ensuring that their medical needs are met. Additionally, reentry planning should include LGBTQ treatment providers that demonstrate cultural competency when engaging both youth and their families in therapeutic services and pro-social services.

Once again, we thank you for the opportunity to testify and we remain available to assist the City in improving re-entry outcomes for the youth we represent.



Good morning Chairperson Cabrera and members of the committee. My name is Keito Gray and I am the Manager of Youth Services at the Center for Employment Opportunities (CEO). CEO is a nonprofit organization helping formerly incarcerated men and women develop the skills and confidence necessary to succeed in the workforce and lead fulfilling lives. Since its inception as an independent nonprofit organization, CEO has served nearly 16,000 participants under age 26 in New York City. Today, nearly 50% of the men and women we serve in NYC are young adults between the ages of 18 -25.

CEO HISTORY

The Center for Employment Opportunities (CEO) began in New York City as a demonstration project of the Vera Institute for Justice in the 1970s and became an independent nonprofit in 1996. In 2009, the organization began to replicate its program model, and it now serves 18 cities in six states across the US. Working exclusively on one issue with one population for several decades has enabled CEO to hone an expertise that is unmatched among peer organizations. Annually, the organization serves over 4,500 men and women returning home from jail or prison. Since its inception, CEO has made nearly 25,000 job placements for formerly incarcerated individuals into full-time, unsubsidized employment across the country. Through a proven and effective model (implemented with fidelity across each location), CEO breaks the cycle of recidivism and helps participants regain the skills and confidence needed for successful transitions to stable, productive lives.

THE CHALLENGE

CEO's serves justice-involved men and women reentering or residing in New York City following a period of incarceration targeting individuals at the highest risk of recidivating. In NYC, almost 93% of participants are male and about 67% around African-American. Last year, only half of participants had a high school diploma or GED and 56% had no prior work experience. Only 11% had completed education beyond secondary school or a GED. Nearly 45% of participants are 18-25.

Young adults of color, ages 16-25, carry especially high risk for recidivating. Young men represent 91% of all admissions to NYC correctional facilities¹. They have become disconnected from their communities as they struggle with access to education, employment, safe housing, healthy living, and a sense of belonging. More than 20% of all young adult participants served across the organization have been parents, and less than 40% of young adult participants in NYC to date have completed their diploma, GED, or post-secondary education.

Young adults also face a wide variety of barriers in seeking and obtaining employment. Most young adults arrive at CEO without much work experience, and when they do find a job, other obligations can make maintaining employment a challenge. On average the under-25 unemployment rate is 2.7 times higher than the rate for older adults, and this delayed labor market participation by young adults leads to reduced lifetime earnings². Despite these unique needs, there are few research-based interventions targeted specifically for this population. One study found that approximately 76% of people who were under the age of 25 when released from prison were rearrested within three years, and 84% were rearrested within five years³.

CEO'S INTERVENTION

CEO has increased our focus on young adults over the past decade to address the significant risks young adults face especially here in NYC. CEO's transitional work model helps address many of the barriers and challenges young adults face. After completing the introductory Pathway to Employment course they can begin a transitional job where they earn a daily paycheck and receive regular feedback on their performance. They also are supervised by site supervisors at a 1:5 ratio who are predominantly men of color some of which have experienced incarceration themselves. Young adults work three to four days a week on their transitional job and meet weekly with a job coach individually to prepare them for placement.

To best serve the young adult population in NYC CEO has made many investments. In addition to enrolling young adults referred to us directly from parole and probation CEO is also partnering with other community based organizations (CBOs) to serve young adults who are at risk of becoming justice involved but have not yet been convicted. CEO's New York office serves close to 400 young adults each year who are referred to us by organizations such as the NYC Department of Probation, The Center for Alternative Sentencing and Employment Services (CASES), and the Brownsville Community Justice Center. Our partnerships with these

¹ Banks, David, and Ana Oliveira, *Young Men's Initiative: Report to The Mayor From the Chairs*, NYC, 2011

²Youth Unemployment is a Problem for Social Mobility. See:

<https://www.brookings.edu/blog/social-mobility-memos/2014/03/05/youth-unemployment-is-a-problem-for-social-mobility/>

³Matthew R. Durose, Alexia D. Cooper, and Howard N. Snyder, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2014).

organizations form an essential network that helps us work with young adults who are at risk of eventually committing crime - our intervention can help lower these risks.

Second, we are increasing the number of staff focused exclusively on young adults. I joined CEO in 2009 and lead CEO's young adult program. I previously served as the young adult coach for parents ages 18-24 in CEO's Young Parents Demonstration Program with the United States Department of Labor. My colleague Dorothy Smith serves as CEO's Youth Services Specialist. In this role, she acts as the CBO/Probation liaison, maintaining positive relationships with community groups, including accepting eligible referrals and keeping referring agencies (like probation) up to date on the status of their clients progress at CEO. Dorothy also serves as a Young Adult Advocate, addressing the concerns of young adult participants (particularly CEO's non-parole population).

CEO is also investing in improvements to our young adult services. CEO's program innovation team undertook a significant amount of research to identify promising characteristics of youth-serving workforce programs. The promising characteristics included opportunities for paid work and use of financial incentives; strong links between education, training, and the job market; support to address the developmental needs of youth; support services to mitigate life challenges; and continuation of supports for participants after they are placed in jobs. CEO has recently contracted with the Youth Development Institute (YDI) to help support CEO staff training in providing comprehensive young adult programmings. YDI advances the positive development of young people by promoting the principles and practices that enable them to thrive.

CEO's program innovation team is now working with front line staff in New York City to develop and implement a number of strategies to integrate these characteristics into our program to better serve young adults. We are also developing and utilizing paid credible messenger mentors for young adults. These mentors, trained by CEO and a team of youth services professionals, would supplement CEO's vocational staff. Mentors will engage participants outside of business hours to ensure that they attend appointments and avoid situations that might lead to further justice system involvement. Further, by offering peer groups and other youth development activities designed for young adults, CEO's Youth Services staff aims to deepen young adult commitment to CEO's program and to their personal goals.

In January 2017, CEO and NYC Probation launched a new project, funded by the NYS Division of Criminal Justice Services, to provide 120 high-risk young adult probationers with life skills education and job coaching that incorporate cognitive behavioral intervention, transitional work

and job placement and retention services. This partnership serves as a model for the types of partnerships we want to create and expand within NYC to increase the number of young adults we can serve.

If we are going to meet the challenge of reducing mass incarceration, and especially its effects on young adults of color and their communities, we need to adopt new paradigms and strategies that balance what works and innovation. We need major corporations and industries that don't traditionally hire persons with a criminal conviction to become fair chance employers. To these ends, CEO is working to expand an innovative pilot apprenticeship program it developed with Vice Media in Brooklyn. The effort provided a six month paid training and development opportunity for 4 CEO young adults. They were exposed to unique career opportunities as part of Vice's production teams and finance departments that matched their interest. Three of the apprentices were recently hired by Vice. Other major corporations have reached out to CEO to replicate the program.



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

Rebecca Kinsella– Social Worker, Brooklyn Adolescent Representation Team

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council Committee on Juvenile Justice

Hearing on Reentry Programs for Formerly Incarcerated Youth

October 26, 2017

Introduction

My name is Rebecca Kinsella and I am a youth social worker for Brooklyn Defender Services (BDS). BDS provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 35,000 clients in Brooklyn every year. I thank the City Council Committee on Juvenile Justice and Chair Fernando Cabrera for the opportunity to testify today about the many ways that the City Council can augment, improve, and support reentry programs for formerly incarcerated youth.

Brooklyn Defender Services' has a specialized adolescent unit, called the Brooklyn Adolescent Representation Team, or BART. Our team represents over two thousand adolescents ages 13-21 annually. My caseload includes adolescents detained at Crossroads and Horizons, ACS detention facilities in Brooklyn and the Bronx, as well as young people detained on Rikers Island.

Background

Incarceration is particularly harmful for children and adolescents and should be avoided at all costs.¹ That being said, in our experience, young people who are incarcerated in local detention facilities are better able to access reentry programs and support than those who are sent upstate.

Recently, Marcus, an 18-year-old client of mine, was released from Rikers Island after serving a sentence of one year. Marcus graduated high school before being sentenced, and did not want his time in jail to keep him from his aspirations of higher education. We knew, based on ample experience, that it was crucial for Marcus to apply to colleges while at Rikers to ensure that he would re-engage education in a timely manner. With our ongoing advocacy and support of Marcus during his incarceration, he left Rikers and entered into college courses.

Marcus's case is an exception. Joaquin, a young client of mine was released from a juvenile detention facility upstate, put on a train to the City and told that his mom would be waiting for him on the other side. With no critical supports put in place by the upstate facility to help him reenter his community upon his return, Joaquin was shortly rearrested just two months later. Having been disengaged from his family for almost 2 years, Joaquin and his family struggled with re-unification and the necessary restructuring of his life for a successful re-entry. With in-home family counseling and a more structured educational and vocational plan, I believe that Joaquin could have avoided the behaviors and circumstances that ultimately led to his arrest.

Incarcerated youth do better when they can remain close to their homes and communities, where they have better access to familial support and programs to help them acclimate to normal life. According to the NYS Office of Children and Family Services website:

“Keeping youths closer to their families is a core principle of New York State's juvenile justice program. The importance of locating youth in placement close to where they are from cannot be understated. Not only does this allow families to more easily visit, but it gives them the ability to participate in the youth's rehabilitation program which increases the likelihood of success for youth once they are released.”²

While visiting Rikers is consistently demeaning and dehumanizing for our clients' families, and requires long hours of travel by public transit, visiting at an upstate facility is often impossible for them. It is no surprise, then, that youth suffer greater reentry difficulties when they return from upstate facilities when their connections with their families and communities are more likely to have been strained or severed.

¹ Barry Holman & Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, Justice Policy Institute (2006).

² NYS Office of Children and Family Services, *Close to Home Initiative*, available at http://ocfs.ny.gov/main/rehab/close_to_home/.

There is much the City can do to improve reentry services for all youth, including youth who are never sent upstate. First, the Council should advocate with city agencies and actors in the court system, including prosecutors and judges for alternative to incarceration programs to always be prioritized in cases involving adolescents. In cases where courts require detention, the City should support efforts to keep city youth close to their communities. Finally, it is crucial that formerly incarcerated youth returning to their communities are met with free and accessible resources to help them return to their families, schools, and neighborhoods.

Recommendations

1. The City should improve access and increase funding to community-based programs for formerly incarcerated youth.

BDS has great relationships with several programs that provide many of our adolescent clients with reentry services. For example, Exalt, the Brownsville Community Justice Center, Families Rising, The Door, and Fortune Society all have proven track records of working diligently with our clients to help them achieve their own personal goals.

BDS urges the Council to provide more funding for any such organization that bridges the gaps for kids returning home to their communities and wants to increase capacity. Such programs are crucial to meeting young peoples' needs and providing services to this vulnerable population.

In our experience, youth mentoring programs are extremely effective. These programs involve mentoring of court-involved youth by individuals who themselves have been through the system. It is critical that these programs be properly funded, including adequate compensation for the crucial advocacy mentors provide.³

BDS has also found great success for our clients who have enrolled in programs that engage teenagers along with their families, like Families Rising:

“Families Rising is a collaborative initiative between the New York Center for Juvenile Justice and the New York Foundling to provide evidence-based therapeutic services to teenagers who come into contact with New York’s adult criminal courts. These services provide families and caregivers with essential rehabilitative tools to comprehensively address the complex behavioral and mental health issues that may have initially led to the child’s involvement with the criminal justice system.”⁴

Though there are many great resources for our clients and other formerly incarcerated youth, there are many holes in services that are essential for our adolescent clients.

Many programs have eligibility restrictions that exclude some clients who need their services the most. For example, my aforementioned client, Joaquin, was found ineligible

³ See Urban Matters, “Life Lessons: The Difference Credible Messengers Make”

<http://www.centernyc.org/itm-credible-messengers>.

⁴ New York Center for Juvenile Justice, Families Rising, <http://www.nycjj.org/families-rising/>.

for crucial therapeutic services when he was first released from jail because he had no pending case. With expanded eligibility and funding, programs could better serve recently incarcerated youth at this most critical point and keep them from re-entering the criminal legal system.

For example, many incarcerated youth struggle with pursuing their education following release, particularly in re-enrollment and adjusting into the school environment. Some formerly incarcerated youth have aspirations of college but need assistance in determining their eligibility and applying for financial aid. The Council could provide funding to groups that do educational advocacy, including public defender offices.

In addition to programs serving youth's educational needs, we see significant gaps in vocational services serving adolescents. The youth with whom we work are motivated to work and contribute monetarily to their homes. Unfortunately, very few have the experience necessary to find and secure stable work. Investment in vocational programs that offer adolescents paid internships and job readiness skills not only prepare youth for the future, but provide safe afterschool activities in the community.

Finally, with the diversion of more youth aged 16-17 accused of misdemeanors to Family Court following the passage of Raise the Age, the City should ensure that successful programs that are offered in adult criminal court are also made available in family court. For example, after New York State failed to raise the age of criminal responsibility in prior years, New York City court administrators began to provide innovative alternative-to-incarceration programming for youth in criminal court. In Brooklyn, Brooklyn Justice Initiatives connects young people in our adolescent courts with programming through groups like Young New Yorkers, an art-based diversion and leadership program. We hope that innovative programming like this one will continue to be available to Brooklyn youth in family court.

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

Adolescent social workers in public defender offices go beyond the traditional role of social work at public defense offices, often maintaining contact with our clients during and after their incarceration. Our social work fills in the gaps that are not met by other service providers. By keeping in touch with our clients from the point of arraignment through the end of their incarceration and sometimes beyond, we have a better chance of ensuring they feel they have the support they need when they return. BDS' adolescent social workers help our clients re-enroll in school, apply for college, find work, secure housing, and connect with services they need following their release. Increased capacity for specialized adolescent social work in defender offices could prevent more youth from slipping through the cracks.

Michael, a young client of mine, was awaiting disposition of his case while detained on Rikers Island. Due to my role as his social worker, I was able to identify an appropriate alternative to incarceration program that a judge ultimately found suitable to serve as a

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

3. The City must provide more safe shelter space and respite centers for homeless and formerly incarcerated youth in their communities.

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

Public defenders in Brooklyn serve around 500 homeless 16- and 17-year-olds every year, the vast majority of whom are not being served by Runaway Homeless Youth (RHY) service providers because of the lack of beds in Brooklyn. About half of the youth are made homeless by the criminal legal system when the court issues an order of protection against the youth for 90 days after a criminal allegation involving a domestic disturbance, making it illegal for the young person to return home.

BDS submitted testimony in support of Intro. 1700-2017, Intro. 1699-2017, Intro. 1705-2017, and Intro. 1706-2017, which will expand shelter access, expand the length of stay, streamline, and raise the age for all runaway and homeless youth.⁵ BDS reaffirms its support for the passage of these bills, and urges the council to improve access to housing for homeless and formerly incarcerated youth by expanding the number of RHY beds in Brooklyn, the Bronx and other boroughs outside Manhattan.

We thank the City Council for your consideration of this important issue.

Questions?

If you have any questions, please feel free to reach out to Andrea Nieves, BDS Policy Team, 718-254-0700 ext. 387 or anieves@bds.org.

⁵ A copy of our testimony is available on our website at <http://bds.org/wp-content/uploads/2017.09.28-BDS-testimony-on-RHY-bills-FINAL.pdf>.

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I represent: Grad Student

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Name: Christine Bella

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I represent: The Legal Aid Society

Address: 199 Water St, NY

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I represent: NYC DOE - District 79

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Name: Felipe Franco, Deputy Commissioner

Address: 150 William St, NY, NY 10038

I represent: NYC Administration for Children's Services

Address: 150 William St, NY, NY 10038

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Name: John Dixon, Associate Commissioner

Address: 150 William St, NY, NY 10038

I represent: NYC Administration for Children's Services

Address: 150 William St, NY, NY 10038

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Name: Keito A GRAY

Address: 50 BROADWAY 18th Floor 10004

I represent: Center for Employment Opportunities

Address: 50 BROADWAY 18th Floor 10004

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Date: 10/26/17

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Name: Rebecca Kinsella

Address: _____

I represent: Brooklyn Defender Services

Address: 177 Livingston St Brooklyn NY

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Name: Tina Schleider

Address: _____

I represent: Children's Village

Address: _____

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Date: _____

(PLEASE PRINT)

Name: Rev Wendy Calderon-Payne

Address: Bronx Connect

I represent: 432 E. 149th. 10455

Address: BX