



New York City Council

Christine C. Quinn, Speaker

Finance Division

Preston Niblack, Director

Jeffrey Rodus, First Deputy Director

Hearing on the Mayor's Fiscal Year 2011 Executive Budget

Department of Juvenile Justice

May 17, 2010

Committee on Finance

Hon. Domenic M. Recchia, Jr., Chair

Committee on Juvenile Justice

Hon. Sara M. Gonzalez, Chair

Andy Grossman, Deputy Director, Finance Division

Eisha Wright, Supervising Legislative Financial Analyst

Summary and Highlights

The Executive Plan proposes to transfer almost all of the Department of Juvenile Justice's (DJJ) funding into the Administration for Children's Services (ACS) budget in accordance with the Administration's plan to merge the two agencies. The only funding remaining in DJJ's budget would be approximately \$2.8 million in Personal Services funding, sufficient to cover costs associated with the July payroll. This transfer of funds and the merger of the two agencies has not yet been approved by the City Council. As such, this Budget document will endeavor to present DJJ's budget as it was proposed in the January Plan as well as outline the Juvenile Justice component of ACS's proposed Executive Plan budget.

Department of Juvenile Justice Financial Summary as presented in the January Financial Plan

Dollars in Thousands

	2008 Actual	2009 Actual	2010 Adopted	2010 Jan. Plan	2011 Preliminary	Difference, 2010 – 2011*
Personal Services	\$42,616	\$44,244	\$42,794	\$43,084	\$33,117	(\$9,676)
Other Than Personal Services	88,368	90,263	88,700	89,076	90,085	1,385
Table Total	\$130,984	\$134,506	\$131,493	\$132,159	\$123,202	(\$8,292)

* Difference refers to the variance between the Fiscal 2010 Adopted Budget and the Fiscal 2011 Preliminary Budget

Department of Juvenile Justice Financial Summary as presented in the Executive Financial Plan

Dollars in Thousands

	2008 Actual	2009 Actual	2010 Adopted	2010 Exec. Plan	2011 Exec. Plan	Difference, 2010 – 2011*
Personal Services	\$42,616	\$44,244	\$42,794	\$42,794	\$2,752	(\$40,041)
Other Than Personal Services	88,368	90,263	88,700	88,700	0	(88,700)
Table Total	\$130,984	\$134,506	\$131,493	\$131,493	\$2,752	(\$128,741)

* Difference refers to the variance between the Fiscal 2010 Adopted Budget and the Fiscal 2011 Executive Budget

- **Department of Juvenile Justice (DJJ)/Administration for Children's Services (ACS) Merger** - In January 2010, the Mayor proposed merging DJJ with ACS, and ACS Commissioner John B. Mattingly was named the Commissioner of the combined entity. Programmatic and budgetary details were to have been worked out over the next several months. This merger was featured prominently in the Mayor's State of the City Address (see page 8).
- **Reduce the Use of Detention/Reinvestment in Alternative-to-Detention (ATD) Programs** - The January Plan included two actions associated with reducing the use of detention and reinvesting in ATD programs. The January Plan removed approximately \$5 million per year from DJJ's Secure Detention budget, while reinvesting \$1.8 million annually in alternative-to-detention programs. It was DJJ's belief that the \$1.8-million investment in City tax-levy funds would reap almost twice as much in matching funds from the State (see page 8).
- **New York City "Paying for Empty Beds"** - The Mayor has recently denounced the State's inability to lower detention costs for NYC despite the fact that the City itself has undertaken numerous initiatives to decrease the number of children in juvenile facilities (see page 10).
- **Office of Children and Family Services (OCFS) Placement Reduction** - The Executive Budget includes savings of approximately \$3 million in Fiscal 2010 associated with the diversion of 40 youth from State placement and into family-focused treatment programs. (see page 11).

- **OCFS Capacity Reduction** – The Executive budget includes savings of approximately \$1 million in Fiscal 2011 and the outyears associated with OCFS's proposal to rightsize three residential facilities, which will result in the elimination of 180 beds (see page 11).

Department of Juvenile Justice

The Department of Juvenile Justice (DJJ) provides detention, aftercare and preventive services to juveniles, ages 7 through 15, in New York City. Youth detained in the Department's facilities include alleged juvenile delinquents, juvenile offenders whose cases are pending, and those whose cases have been adjudicated and are awaiting transfer to State Office of Children and Family Services (OCFS) facilities. The Department operates three secure detention and 16 non-secure detention facilities located throughout the City that admit more than 5,000 youth each year

Key Public Services Areas

- Provide custody and care of youth in secure and safe detention facilities.
- Provide services to prevent youth from returning to the juvenile justice system.

Critical Objectives

- Maintain security and safety in detention facilities.
- Assure quality health care for detainees.
- Maximize the effectiveness of prevention and aftercare services.

SOURCE: Mayor's Management Report

Department of Juvenile Justice Financial Summary by Program Area as presented in the January Financial Plan

Dollars in Thousands

	2008 Actual	2009 Actual	2010 Adopted	2010 Jan. Plan	2011 Preliminary	Difference, 2010 – 2011*
Budget by Program Area						
Administration	\$63,972	\$67,731	\$65,402	\$65,483	\$64,599	(\$804)
Secure Detention	33,289	34,434	35,453	36,064	28,026	(7,427)
Non-Secure Detention	19,511	17,943	18,750	18,950	19,095	345
Health Services	2,284	5,958	6,433	6,484	6,638	205
Resident Movement	9,598	6,257	4,806	4,529	4,835	29
Re-Entry Support	1,396	2,098	647	647	7	(640)
In-Detention Program	934	87	3	3	3	0
TOTAL	\$130,984	\$134,506	\$131,493	\$132,159	\$123,202	(\$8,292)
Funding						
City Funds			\$94,116	\$94,455	\$91,379	(\$2,737)
Memo: Council Funds			640			(640)
Federal – Other			688	688	688	0
State			36,690	37,016	31,135	(5,555)
TOTAL			\$131,493	\$132,159	\$123,202	(\$8,292)

Department of Juvenile Justice Headcount Summary

	2008 Actual	2009 Actual	2010 Adopted	2010 Jan. Plan	2011 Preliminary	Difference, 2010 – 2011*
Positions						
Full-Time Positions	755	761	912	912	710	(202)

As the chart above shows, the January Plan document presented the agency's budget by program area. These seven distinct programs allowed for a better understanding of the manner in which the Department of Juvenile Justice is composed. By contrast, the Fiscal 2011 Executive Budget for ACS places all of the Department of Juvenile Justice's funding in but a single program area.

FY 2010 Council Changes at Adoption by Program Area*Dollars in Thousands***Discharge Planning*****Collaborative Family Initiative***

Subtotal	\$640
TOTAL	\$640

Collaborative Family Initiative (CFI)

In the Fiscal 2010 Adopted Budget, the City Council appropriated \$640,000 for the Collaborative Family Initiative. This Initiative provides family-orientated discharge-planning services to youth with mental health issues. CFI is discussed fully in the Detention Services portion of the document.

Population of Juveniles in the Custody of the Department of Juvenile Justice

The Department of Juvenile Justice operates three secure detention facilities: Bridges, Crossroads and Horizon. In addition, DJJ has 16 non-secure detention facilities, of which two are directly operated by DJJ and the other 14 are operated through contracts with private social service organizations.

When remanded into the custody of DJJ, youth are given a comprehensive mental and medical health evaluation to determine their medical history. As a result of these evaluations, DJJ has concluded that juveniles with significant mental health issues represent a majority of its population. In an effort to prevent recidivism, and to address the need to provide services to these youth, DJJ commenced providing discharge-planning services. Prior to being released from custody, youth are linked with a variety of community-based organizations to assist them post-detention. Through these organizations, youth received assistance with their medical, mental, and social services needs. In addition to the drafting of discharge plans, "the Department brings community-based organizations into detention settings to educate youngsters about issues like gang violence awareness, anger management, conflict mediation, parenting responsibilities and life skills development."

Detention Population Overview

<i>Population of Juveniles in Secure Detention</i>				
Fiscal Year	2006	2007	2008	2009
Average Daily Population	303	292	290	279
Average Length of Stay (days)	21	20	21	20

Secure detention facilities are structured such that they not only have locks and hardware on the doors, but are also designed to restrict the movement of the juveniles. According to DJJ's website, the programmatic objective of secure detention is to "give youth the chance to make positive changes in their lives. Detention is viewed as a time to provide education, medical, mental health, case management and other much-needed services."

<i>Population of Juveniles in Non-Secure Detention</i>				
Fiscal Year	2006	2007	2008	2009
Average Daily Population	146	149	137	151
Average Length of Stay (days)	31	33	33	32

Non-secure detention facilities are structured and have less restrictive settings than secure facilities. "Non-secure detention offers juveniles a supportive, family-like environment and close supervision during their time in detention."

Performance Measures

	FY 07	FY 08	FY 09	4-Month Actual FY09	4-Month Actual FY10	Target FY11
Total Admissions	5,886	5,489	5,833	1,786	1,736	*
Average Length of Stay	27	28	26	30	30	*
Average Daily Population (ADP)	440.5	426.4	429.6	401.8	386.7	*
Average Daily Cost per Youth per Day	\$520	\$588	\$620	NA	NA	*
Youth on Youth Assaults and Altercations with Injury Rate (per 100 Total ADP)	0.35	.037	0.33	0.30	0.30	*
Youth on Staff Assaults and Altercations with Injury Rate (per 100 Total ADP)	0.03	0.03	0.03	0.01	0.02	*
Searches	142,507	208,793	236,859	93,721	48,802	*
Weapon Recovery Rate (Average per 100 Total ADP)	0.08	0.06	0.04	0.04	0.02	*
Narcotics Recovery Rate (Average per 100 Total ADP)	0.04	0.05	0.04	0.03	0.03	*
Child Abuse and/or Neglect Allegation Rate (Internal) (Average per 100 Total ADP)	0.09	0.08	0.13	0.11	0.10	*
Youth with Previous Admission(s) to Detention (%)	45.9%	47.5%	49.4%	NA	NA	*

Relevant Preliminary Mayor's Management Report (PMMR) Indicators

According to the PMMR, total admissions to detention decreased by 3 percent, and the average daily population decreased by 4 percent during the first four months of Fiscal 2010 compared to the same period last year. These reductions in the use of detention are attributable to the City's commitment to ensuring that youth are provided services in the most appropriate and least restrictive settings. The City's juvenile justice agencies and other stakeholders continue to support the use of community-based alternatives, guided by the Risk Assessment Instrument. The Department has continued to implement policies to limit the use of local detention for youth who are under the supervision of the NYS Office of Children and Family Services (OCFS), which also contributed to this reduction.

Throughout the first four months of Fiscal 2010, the Department continued its focus on monitoring behavior and intervening in aggressive incidents to prevent youth from injuring one another. The rate of assaults with injury between residents was unchanged compared to the same period in Fiscal 2009. The rate of assaults of youth on staff increased compared to the same period in Fiscal 2009, reflecting four additional incidents. The increase is partially attributable to youth reacting to staff intervening in youth-on-youth incidents.

The number of searches decreased by 48 percent compared to the same period in Fiscal 2009, as the Department refined its methodology for counting and tracking searches, which now focuses on the count of search events rather than separate counts for each area searched during an event. During the reporting period the weapon recovery rate decreased 50 percent and the narcotic recovery rate was unchanged.

Capital Program

The January 2010 Capital Commitment Plan included \$10.3 million in Fiscal 2010-2013 for the Department of Juvenile Justice (including City and Non-City funds). This represented 0.26 percent of the City's total \$39.14 billion January Plan for Fiscal 2010-2013. The agency's January Commitment Plan for Fiscal 2010 - 2013 remained unchanged when compared to the September Commitment Plan.

Over the past five years the Department of Juvenile Justice has only committed an average of 22.5 percent of its annual Capital plan. Therefore, it was assumed that a large portion of the agency's Fiscal 2010 Capital plan would be rolled into Fiscal 2011, thus greatly increasing the size of the Fiscal 2011-2014 Capital plan. Since Adoption last June, the Capital Commitment Plan for Fiscal 2010 decreased from \$7.27 million to \$4.13 million, a reduction of \$3.14 million, or 43.2 percent.

In January, the Department of Juvenile Justice's appropriations totaled \$15.25 million in City-funds for Fiscal 2010. These appropriations were to be used to finance the agency's \$3.86 million City-funded Fiscal 2010 Capital Commitment Program. The agency had \$11.39 million, or 3 times more funding than it needed to meet its entire Capital Commitment Program for the current fiscal year.

The agency's Ten-Year Capital Strategy totaled \$15.8 million, which included \$14.9 million for renovations and improvements at its secure detention facilities in Brooklyn and the Bronx (Bridges, Horizon, and Crossroads); \$732,000 to replace secure passenger van vehicles; and \$245,000 for renovations and improvements at agency-operated non-secure detention facilities.

FY 2010 Adopted Capital Commitment Plan

<i>Dollars in Thousands</i>	2010	2011	2012	2013	2014- 2019
Construction – Non Secure Facilities	\$32				
Construction of Secure Facilities	\$3,744	\$317	\$556	\$873	
Reconstruction – Non Secure Facilities	\$213				
Reconstruction of Secure Facilities	\$3,178	\$1,283			\$4,949
Vehicles	\$101				\$631
TOTAL	\$7,268	\$1,600	\$556	\$873	\$5580

Merger-Related Budget Actions

- Administration for Children's Services/Department of Juvenile Justice Integration.** Upon release of the January Plan, the Administration indicated that for the next six months ACS would work to assess all functions and programs of ACS and DJJ, seeking efficiencies and cost savings wherever possible. An analysis would then be made about how to best move forward. The overarching goal was to decrease the rate of recidivism for youth, a rate that has been traditionally higher among juvenile offenders than adult criminals. The integration was anticipated to realize cost savings and operational efficiencies by combining two separate agencies that otherwise serve overlapping constituencies. The January Plan projected integration savings totaling approximately \$2.4 million in Fiscal 2011 increasing to approximately \$2.7 million in Fiscal 2014. These savings included both reductions in Personal Services and Other Than Personal Services, including lease costs. When non-City funding is taken into account,

the ACS/DJJ integration would reduce DJJ's budget by approximately \$4.7 million in Fiscal 2011 increasing to \$5.2 million in Fiscal 2014.

- **Administration for Children's Services/Department of Juvenile Justice Merger – Funding Transfer.** The Executive Plan proposes to transfer funding of approximately \$122 million in Fiscal 2011 and \$128 million in Fiscal 2012 and the outyears from DJJ's budget to ACS's budget in accordance with the Administration's plan to merge the two agencies. For Fiscal 2011, the only funding remaining in DJJ's budget would be approximately \$2.8 million, sufficient to cover cost associated with the July payroll. Although the Financial Plan has removed funding from the Department's budget for Fiscal 2011 and the outyears, the transfer of funds and the merger of the two agencies has not yet been approved by the City Council.
- **DJJ Intra-City Takedown.** The Executive Plan includes a technical adjustment associated with the merger of DJJ and ACS. According to the Financial Plan, funding of approximately \$1.9 million in Fiscal 2011 and the outyears will be removed from DJJ's budget.

Detention Services Budget Actions

- **Reduce the Use of Detention/Reinvestment in Alternative-to-Detention (ATD).** The January Plan showed savings associated with reducing the use of detention. This action was in keeping with recent DJJ policy and with the Administration's desire to link families and children with services as an alternative to detention. Such links with service providers are already utilized by ACS and are important since 32 percent of those admitted to DJJ custody are known to ACS.

The January Plan removed approximately \$5 million per year from its Secure Detention budget, while reinvesting \$1.8 million annually in alternative-to-detention programs. DJJ believes that the \$1.8 million investment in City tax-levy funds would reap almost twice as much in matching funds for the State.

DJJ's secure-detention capacity consists of 79 beds at the Bridges facility (formerly known as Spofford) and 129 beds each at two newer facilities, Crossroads and Horizon. Since the construction of the new facilities, Bridges has primarily been used for intake and medical screening. As all three facilities have significant vacancies, DJJ plans to derive savings by eventually closing Bridges and decentralizing intake. The reduction in detention, when implemented, would liberate 81 positions that would be reassigned to other facilities.

- **Non-Secure Detention Home Contracts.** The January Plan added funding to DJJ's baseline budget to cover contract costs related to a new agreement between DJJ and two of its providers. The January Plan added \$124,677 (\$63,585 City and \$61,092 State) in Fiscal 2010 and \$336,292 (\$171,509 City and \$164,783 State) annually beginning in Fiscal 2011. For Fiscal 2010 the amount of funding represented partial-year costs.
- **Additional OCFS Revenue – Fringe Benefits.** The January Plan included a technical adjustment to reflect a more accurate fringe benefit rate to be used in determining State reimbursement. Whereas past claims had been paid based on a 28-percent rate, the adjustment reflected the accurate rate of 51-percent. The Plan assumed that the rate adjustment would yield additional reimbursement totaling approximately \$6 million in Fiscal 2010 increasing to approximately \$6.3 million by Fiscal 2014.
- **Mental Health Services.** According to the January Plan, the Department would receive funding to support additional contract costs related to the provision of mental health services for detained youth. The increase in the contract costs would provide additional counseling sessions and psychotropic medications to youth with mental health needs.

The January Plan added \$51,000 (\$26,010 City and \$24,990 State) in Fiscal 2010 and \$205,000 (\$104,550 City and \$100,450 State) annually beginning in Fiscal 2011. For Fiscal 2010 the amount of funding represented partial-year costs.

Collaborative Family Initiative (CFI)

In the Fiscal 2007 Adopted Budget, the City Council appropriated funding in the amount of \$1.279 million to the Department of Juvenile Justice for its Discharge Planning program. Of this amount, the Department utilized \$669,321 to let contracts with John Jay College of Criminal Justice and seven community based organizations to fund the CFI project.

The Collaborative Family Initiative is comprised of two components: 1) direct mental health services by community-based organizations to youth who are released from the Department's care and returning home and 2) comprehensive evaluations on how to engage youth and their families to continue with services, and what impact the services have on positive behavior for youth. A subset of the evaluation focuses specifically on girls leaving detention. For Fiscal 2007, \$500,000 was earmarked for the seven community-based organizations to provide direct services to youth and \$169,321 was provided to John Jay College of Criminal Justice for the evaluation component.

Both the Fiscal 2008 and Fiscal 2009 Executive Budgets added funding in the amount of \$1.339 million to continue the CFI Initiative. Funding for this initiative allowed John Jay College of Criminal Justice to continue collecting and analyzing data for youth involved in the juvenile justice system and to demonstrate the success of the CFI program. In addition, the funding allowed for the provision of direct care services to youths by community based organizations.

For Fiscal 2010, funding for the CFI Initiative was not proposed by the Administration. However, at the time of Adoption, the City Council added \$640,000 for the continuation of this initiative. Of this amount, \$228,000 will fund the Research Foundation of the City of New York and \$412,000 will support direct services by the Coalition for Hispanic Family Services.

Mayor's Commission on Economic Opportunity (CEO)

- **Life Skills Program.** Since Fiscal 2007, the Department of Juvenile Justice has included one-time funding each year to support the Life Skills program for youth within its custody. The program provides detained youth with comprehensive financial literacy workshops and life skills training. The Department of Juvenile Justice hired two staff members and contracted with Good Sheppard Services and the Center for Community Alternatives to provide weekly seminars in its detention facilities. Seminars are held during the evenings for one to two hours.

The Fiscal 2011 Preliminary Budget included City tax-levy funding of \$295,173 (PS \$126,720 and OTPS \$168,453) to support the continuation of the program for Fiscal 2011. It was anticipated that the Executive Budget would include additional City and State funds for this initiative's full fiscal year value.

As part of the City-wide reduction of all CEO initiatives, the Executive Budget now removes the anticipated funding of \$295,173 for this initiative in Fiscal 2011.

NYC Center for Economic Opportunity

Learning Independence for Empowerment (LIFE) Transitions Program Performance to Date

Performance Measures	FY09	FY10 ¹
Number of Program Participants in Detention (duplicated) ²	2259	798
Number of New Enrollees	1184	389
Program Participation in the Community		
Number of New Enrollees in the Community	122	62
Number of Participants reached 30-Day Milestone	115	45
Number of Participants reached 60-Day Milestone	84	34
Number of Participants reached 90-Day Milestone	78	30
School Re-Enrollment		
Number Re-enrolled in School	110	-
Number of Participants reached 30-Day Milestone	106	27
Number of Participants reached 60-Day Milestone	86	8
Number of Participants reached 90-Day Milestone	78	3

Notes:

¹ Data is as of FY10 Quarter 2

² Participants may have been in DJJ's custody more than once

State Office of Children and Family Services (OCFS) Budget Actions

The City makes payments to the Office of Children and Family Services for City juveniles who are placed in State facilities. In recent years, the number of juveniles that the Department transferred to OCFS declined, allowing the City to reduce its annual payments. Please see the chart below for the annual number of youth released to OCFS custody and the cost to the City for these placements.

DJJ Placements in OCFS Facilities				
	Fiscal 2006	Fiscal 2007	Fiscal 2008	Fiscal 2009
Placements	1,888	1,557	1,436	N/A
Reimbursement to OCFS*	\$37,191,845	\$57,041,845	\$56,238,903	\$59,489,789

* Payments to OCFS increased greatly in Fiscal 2007 as a historical payment rate was altered to properly reflect amounts due.

- **New York City “Paying for Empty Beds.”** The Mayor has recently denounced the State’s inability to lower detention costs for NYC despite the fact that the City itself has undertaken numerous initiatives to decrease the number of children in juvenile facilities.

The January Plan contained the following language regarding this matter.

“Court-placed youth are sent to State juvenile facilities run by the Office of Children and Family Services (OCFS) or private residential facilities under contract with the State. Since 2002, the City has sent nearly 60 percent fewer youth to state placement, yet the per diem costs to the City for these young people have increased 180 percent. The United States Department of Justice and the State’s Task Force on Transforming Juvenile Justice have documented the problems of these facilities in safety and services that reinforce the research demonstrating very high recidivism rates. While the State has made efforts to reduce capacity in their OCFS facilities, the City has not received its proportional share of those savings and continues to be charged for empty beds. The City is paying too much for a system which fails our young people and their communities.

The City has invested substantial resources in community-based alternative programs to reduce the reliance on these facilities. However, the City continues to pay the full cost associated with private placements, where the outcomes are often no better than the state-run facilities. There is a strong need to restructure this fiscal partnership between the City and State to ensure that the savings from capacity reduction are shared fairly with localities, and reinvested in alternatives to detention and incarceration. The estimated savings range from \$15 million to \$30 million per year.”

- **OCFS Payments.** Due to the miscalculation of payments, DJJ was required to provide the State with reimbursement of its most recent OCFS expenses. Therefore, the 2007 January Plan added funding to DJJ’s baseline budget in the amount of \$16.6 million for Fiscal 2007 and \$11.6 million for Fiscal 2008 and the outyears. It was understood by DJJ that they might still be liable for reimbursement for several past years, a liability not covered under the 2007 January Plan action.

The January 2008 Plan recognized the need to fund additional retroactive payments and added new need funding to DJJ’s baseline budget in the amount of \$5.2 million for Fiscal 2008, \$8.4 million for Fiscal 2009, \$10.9 million for Fiscal 2010, \$12.6 million for Fiscal 2011, and \$16.5 million for \$2012.

The Fiscal 2011 Executive Budget now adds additional new need funding in the amount of \$3.2 million for Fiscal 2010 to cover costs associated with the projected per-diem rate increase.

- **OCFS Placement Reduction.** The Executive Budget includes savings of approximately \$3 million in Fiscal 2010 associated with ACS’s diversion of 40 youth from State placement and into family focused treatment programs.
- **OCFS Capacity Reduction.** The Executive budget includes savings of approximately \$1 million in Fiscal 2011 and the outyears associated with OCFS’s proposal to right size three residential facilities, which will result in the elimination of 180 beds.
- **Increased Staffing at OCFS Facilities.** The Executive Budget includes funding in the amount of \$4.3 million in Fiscal 2011 and the outyears to support the City’s share of costs for increased staffing at OCFS Facilities.
- **Debt Service Reimbursement.** DJJ is entitled to 50-percent reimbursement from OCFS for the capital construction costs it incurs relating to the construction of two secure detention facilities that were completed about twelve years ago (Crossroads in Brooklyn and Horizon in the Bronx), and the renovation of the Bridges Detention Center in the Bronx (formerly known as Spofford) that was completed at about the same time.

The Executive Budget shows the receipt of revenue from the State in the amount of approximately \$3.2 million for Fiscal 2010 to fund the City's debt service costs associated with these facilities. For the purpose of the Executive Plan, this action is shown as an other adjustment for DJJ. The actual savings will be credited to the City's Debt Service Budget (Agency 099).