

**New York City Administration for Children's Services
Testimony to the New York City Council
Committees on Juvenile Justice and General Welfare
January 26, 2011**

Good morning Chair Gonzalez, Chair Palma and members of the Juvenile Justice and General Welfare Committees. I am Laurence Busching, Executive Deputy Commissioner of the Division of Youth and Family Justice at the New York City Administration for Children's Services.

Thank you for giving me and my colleague, Commissioner Vincent Schiraldi from the City's Department of Probation, the opportunity to talk about the City's plan to realign juvenile justice services from the State to the City. I will discuss the City's recent successes in juvenile justice reform, and Commissioner Schiraldi will speak about how realignment will allow us to go much further in realizing our vision of an integrated system of services and care for at-risk youth that protects communities, strengthens families and promotes rehabilitation.

We want to note at the outset that the Council has been an invaluable partner in reforming the city's services for at-risk youth. We are fortunate to have such dedicated advocates for young people as Chairs Gonzalez and Palma. With the Council's support we have been able to take critical steps forward in juvenile justice reform, including most recently, the merger of ACS and DJJ, which was passed by Council in November 2010 and signed by the Mayor last month. We know that there are many questions among Council and within the community about what a locally operated Juvenile Justice system would look like, and we expect to work closely with the Council as we further develop our plans for this overhaul, which at this point is still in its initial planning stages. We believe that the Council will enthusiastically support the development of a full continuum of City-based interventions for at-risk youth, ranging from effective diversion for

low level offenders to secure residential placements for youth who present the highest risks. We hope that the Council agrees that the City's at-risk youth should be served locally where they can further their education and remain connected to their families and communities. Furthermore, we expect that Council will agree that a City-run system will be more accountable to our communities and the Council's oversight will play an important role. We look forward to working together with the Council, community members, providers and advocates in successfully implementing this new direction for our youth and communities.

The City's vision for a realigned system draws on lessons learned through our own reforms in the detention and juvenile justice systems over the past few years. We have had the opportunity to speak to the Council at length about each of these initiatives, but it bears repeating here that they include: the creation of a risk assessment instrument, which gives stakeholders scientifically validated information about the risk level of individual youth to inform detention decisions; the launch of the Weekend/Holiday arraignment Initiative, which grants juveniles the opportunity to have their cases assessed for release by the Probation and Law Departments or presented to a judge every day of the year; and, the implementation of several well-regarded community-based alternatives –to-detention and alternatives to placement for juveniles. This work paved the way for the release of the City's detention reform plan in June 2010, which focused on more targeted use of detention and expansion of alternatives to detention. This plan was developed in collaboration with our partners at the Department of Probation and the Criminal Justice Coordinator's Office, and with assistance from the Vera Institute of Justice.

The City has already benefited from our efforts to assess risk and provide appropriate interventions for court involved youth, to maintain public safety while minimizing system involvement, and to strengthen youth and families through evidence-based, cost-effective alternatives to detention or residential placement where appropriate. From 2006 to 2008, New York City achieved a 22% reduction in detention at arraignment as well as a 35% reduction in recidivism. Since 2008, we have continued to make further gains in reducing our detention census. In Fiscal Year 2010, detention admissions were reduced by 8% and the average daily population in detention was reduced by 10%.

We are optimistic that with the additional programming currently being added to the City's continuum of detention alternatives, there will be even more options for youth who do not pose a serious risk to public safety but need services and intervention. I have spoken with the Council about two such new programs— Way Home and Ready Respite. Way Home, run by New York Foundling, serves families in the Bronx and Manhattan and has the capacity to serve 12 families at any one time with intensive evidence based services. Ready Respite, a small program also being implemented by the Foundling and by the Center for Court Innovation on Staten Island, allows youth to live with specially trained foster families while their cases are pending. These foster families supervise and support the youth until their cases are resolved or the court determines they are ready to go back home. This option helps to keep the community safe while also helping youth gain the skills and supports necessary to lead law-abiding lives, all while avoiding the negatives consequences that can be associated with detention. Further, after testifying here today, I will be meeting with Brooklyn judges and system stakeholders to introduce them to another alternative we are about to launch. The Boys Town stepdown program

targets youth who judges have previously released into the community on probation or to an alternative to detention. If youth violate the terms of their release, judges will continue to be able to remand them to detention, but will have the option of ordering an assessment and supervision plan to be prepared by Boys Town New York. If, after an assessment using validated assessment tools, youth are deemed eligible by Boys Town, they will inform the court of how they can support and supervise the youth in the community, using their nationally recognized programming.

On the preventive side, the City has also launched an innovative new model for its Family Assessment Program, which serves youth and families for whom a PINS (Persons in Need of Supervision) petition may be filed. Every year, over 6,000 families come to NYC Family Court seeking the Court's intervention with youth who are considered truant, runaway, incorrigible or otherwise beyond the control of their parents or guardians. Often these issues are precursors to delinquency. In 2009, we released a Request for Proposals (RFP) designed to enhance the continuum of therapeutic interventions available to adolescents and their families. We also developed an assessment instrument that allows us to match youth and family risk and needs with appropriate evidence-based interventions and therapies. After intense planning and work with the selected providers, program services were rolled out in November 2010 and referrals are being made to all the different intervention levels. FAP will continue to monitor the progress of these new programs to ensure that we are reducing PINS placements in foster care, reducing contact with the juvenile and criminal justice systems, improving school attendance and performance and improving family functioning. FAP is the only program in the country that is using this array of evidence-based programs for youth who are often referred to as "status

offenders” and using a tool to assist in making referral determinations. In the coming year, FAP will be evaluating the Screening and Assessment Tool to ensure that referrals are being made to appropriate service levels.

Now I want to turn my attention to the important issue of placement. This refers to youth at the deepest end of the continuum. Placements are facilities youth are ordered to live in for a period of time as the resolution for their cases. This gets to the heart of the rationale for realignment. As most acknowledge, even with a rich array of community-based services in place, there remain some youth who present too great a risk to public safety to permit them to be immediately released to the community. An important part of the City’s work these past several years has been developing a continuum of alternatives to placement so that whenever possible, youth who can be safely maintained in the community are diverted from costly, ineffective state placements. Through much collaboration and innovation, the City has been able to reduce state placements by 62% during the past ten years, while public safety has continued to improve. As the Council knows, the City has created therapeutic alternatives for placement bound youth so that Family Court Judges have viable options for these youth. We have had the opportunity to speak before about the Administration for Children’s Services’ Juvenile Justice Initiative (JJI) and the Department of Probation’s Esperanza Program. Both of these are therapeutic alternatives for youth that would otherwise be sent to state facilities. Together these programs have been providing about 1,000 youths with intensive in-home services or after-care programs. These programs also offer transitional and re-entry therapeutic services and are called “evidence-based” because the models upon which they are based have demonstrated decreases in developing youth competencies and reducing recidivism.

The Department of Probation's Esperanza program was the City's first home-based alternative placement for juveniles. Since the program's inception in 2003, more than 600 youth have successfully completed the program. Esperanza provides home based counseling through an intensive program that usually lasts four to six months. Esperanza's field counselors work in a complementary fashion with the youth's probation officer. Esperanza's services help youth and their family to communicate and solve problems using a variety of therapeutic approaches.

In 2007, ACS' launched its Juvenile Justice Initiative (JJI). As the City's largest alternative to placement program, JJI has played a key role in reducing the city's use of residential placements on juvenile delinquency cases. From the program's inception in 2007 to 2009, placements fell 12% and an even further reduction of 25% was achieved in 2010. Youth who participate in JJI's alternative-to-placement program, and their families, are provided with intensive counseling, services and supervision in their homes and linked to positive resources in their communities. These youth are also able to continue their schooling in City schools, rather than risk not receiving credits for school work they did in out-of-community placements, upon their return home.

The reductions in placements have been closely linked to public safety. When comparing placement rates with risk levels and charge severity, we have seen the reductions in placement have occurred across the board, with one notable exception—for the small number of youth who present with the highest risk and highest charge severity, we have actually increased placement rates, thus making sure the most dangerous youth are removed from the community. For the vast

majority of youth who do not present as serious threats to public safety youth, working with them using evidence-based interventions, and separating them from the most serious offenders, not only saves valuable resources, but promotes public safety by building up positive supports and supervision and limiting negative influences..

These programs were funded under the rationale that by serving youth in the community, rather than sending them to costly placements, the City would not only reduce recidivism, but would also save enough money to pay for the programs. And we have reduced placements—by 62% over the past ten years. The City, through our agency, pays half the cost of extremely expensive OCFS placements, at an average cost of more than \$200,000, and only 38% of the more cost effective community-based services, which cost an average of \$18,000. Yet, instead of paying less to the state as a result of sending much fewer youth to their facilities, we actually saw our costs increase due to the state’s inability to close unused facilities and insistence on including the costs of maintaining its vacant facilities in setting the rates we pay. As unbelievable as it sounds, we paid about \$17 million more last year than in 2002 for our share of the costs of state custody. So, because we are billed for keeping underused state facilities open, we are limited in our ability to expand our alternatives to serve more youth here. In 2010 alone, for example, JJI was unable to assess more than 150 youth for our program since we lacked capacity to accept them. This means we are turning away youth who might be served in a more effective, community based program – one that costs an average of \$18,000 per youth-- because the vast majority of our resources are being funneled into the state system, where placements cost over \$200,000. Because the state placement system consumes so much of our resources, we are limited in our ability to build on the success we have achieved in the past several years.

We have learned a tremendous amount about creating and managing effective alternatives to detention and placement, and how to target interventions to youth depending on their risk profile. We have demonstrated our ability to operate cost-effective and therapeutic alternatives, but until we are able to realign the system to rein in costs and operate locally, we are constrained in how dramatic and effective these reforms can be. Our youth, and our communities, suffer as a result.

I will now turn this testimony over to my colleague Commissioner Schiraldi, who will speak about our vision and plans for realignment and how a more rational system will be more accountable for both public safety and youth development. I thank you for the opportunity to speak today, and I want to reiterate our appreciation for the Council's support and advocacy in changing our juvenile justice system for the better. I look forward to taking your questions after Commissioner Schiraldi has completed his testimony.