

City Council Preliminary Budget Hearing: Juvenile Justice
Testimony by Commissioner John B. Mattingly
New York City Administration for Children's Services
March 24, 2011, 3:30 pm

Good afternoon Chair Palma, Chair Gonzalez, Chair Recchia, and members of the General Welfare, Juvenile Justice, and Finance committees. I am John B. Mattingly, Commissioner of the New York City Administration for Children's Services. Joining me today is Laurence Busching, Executive Deputy Commissioner of the Division of Youth and Family Justice at the Administration for Children's Services. Thank you for the opportunity to brief you on the preliminary budget and on our ongoing work to reform Juvenile Justice in New York City.

Earlier this afternoon we spoke about our FY12 preliminary budget in child welfare and child care. As the Council knows, Children's Services and Juvenile Justice have been operating as one agency for many months now, and our merger was made official by Council and Mayor Bloomberg this past December. The support of Chairs Gonzalez and Palma was instrumental in bringing the merger to fruition. We are lucky to have such strong advocates for young people as these Council Members, and we appreciate the ongoing partnership of the Council as a whole in our joint work to improve our City's Juvenile Justice system.

The Fiscal Year 2012 preliminary budget for Children's Services is \$2.7 Billion. This is reflective of the merger with the Department of Juvenile Justice. We last testified on our budget just a few months ago, when we spoke about the City's November Financial Plan for Fiscal Year 2011 and updated four-year financial plan. At that time, we discussed some budget reductions that were proposed in our Division of Youth and Family Justice as part of our responsibility to the City to reduce spending. Through these cost saving initiatives, Children's Services Department of Youth and Family Justice will achieve savings of \$1.2 million in City Tax Levy in FY 2012.

Anticipated Closure of Bridges

While our budget reductions are challenging, we also have positive news to share today. We are proud to announce that we are on track to fulfill our commitment to close Bridges, our outdated facility in the Bronx by the end of the month. We will be able to reach this significant milestone because of our collaboration with the City's juvenile justice stakeholders on a series of reforms. Through this important work, we have developed a risk assessment instrument and a continuum of community-based alternatives for youth entering the juvenile justice system. As a result, between 2006, when the reforms started and today, we have reduced the average daily population of detention by 31%, while also reducing recidivism.

Since the merger of Children's Services and the Department of Juvenile Justice, we have been building on our successful citywide reforms with a series of strategic initiatives to help us to better target the use of detention and safely reduce the number of youth in secure care. Our collective efforts, and the Council's support, have helped us to now safely and strategically take this important next step in closing this secure detention facility.

We have previously discussed with Council in detail each of the reform initiatives that have brought us to this important milestone, but in brief, 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 Weekend and Holiday arraignment, 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, including weekends; and, the implementation of a continuum of 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 action plan in June 2010, which takes these reforms to the next level. The action 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.

I will highlight here today just two of our most recent developments in detention reform. The first is Open Remand Screening. While judges often specify whether a youth should be held in

secure or non-secure detention pending adjudication of their case, many youth are detained with Children's Services on an "open remand" status by a judge. This authorizes us to decide whether to detain youth in secure or non-secure detention. Previously, the City held the young person under observation at Bridges for three days before making the determination whether to place the youth in secure or non-secure detention. However, as part of our detention reform plan we created a tool that allowed us to sharpen our focus on risk of violence or flight so that we can safely direct more youth to non-secure detention and make that assessment immediately upon their remand to our custody. As a result of this new tool, which we began using this past December, we have seen a substantial increase in open –remand youth who are able to be served in non-secure detention – in fact, the percentage jumped from about 8% of open remand youth being served in non-secure detention to over 30%. We have been monitoring our non-secure population closely have found no ill-effects as a result and the youth report a strong preference for the group home style settings to our secure settings.

Alternative to Detention Programming

The other initiative I want to briefly highlight today involves our Alternative to Detention programming. We have been continuously building options for youth who do not pose a serious risk to public safety but need services and intervention. Our newest program is the result of a partnership with one of our best NSD providers, Boys Town. The Boys Town step down program targets youth who judges have previously released into the community on probation or to an alternative to detention program. If youth violate the terms of their release, judges will continue to be able to remand them to detention, if they feel it is appropriate, but will have the option of ordering an assessment and supervision plan that will 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. The program has just started, but we look forward to updating Council on the progress of this innovate option for New York City youth.

Regardless of the reforms that we put in place to reduce the use of detention, there will always be some youth who need to be in custody, and we take very seriously our responsibility to provide

services in a safe and structured manner. In the coming year we will continue our commitment to offer educational and cultural enrichment activities so that time in detention can be as productive as possible. This past year, youth in detention had the opportunity to participate in a unique partnership with Carnegie Hall through their Musical Connections program. On January 27th at Horizon Juvenile Center and March 3rd at Crossroads Juvenile Center, our residents performed musical works that they had developed with professional musicians from Carnegie Hall. These concerts were the culmination of a months' long collaboration that included lyric development, songwriting, track recording, track mixing, and song rehearsal. The Carnegie Hall musicians are now continuing to work with youth in multiple secure and non secure sites. We have seen a great benefit from these programs, as facilities have reported a positive change in “tone and temperature” around the times these programs take place. Our residents get to showcase their talents, or discover new ones, and gain exposure to positive activities they can become involved in after their release.

We are also enthusiastically partnering with the Department of Education to promote reading and literacy among our youth. Assessments conducted by the Department of Education have shown that 94% of our residents read below grade level and that 40% read at or below a fourth grade level. This winter, we collaborated with DOE to use a library cart to bring library services to the dormitories after school hours. Two DOE librarians visit the dorms so that while one is checking books in and out and the other is sharing the joy of reading with our youth. Since the program in December, they have checked out a total of 861 books. And earlier this week, we opened a new library at Crossroads. Now, for the first time, residents will be able to check out in Crossroads books at any time and read them throughout the building. Our librarians report a brisk business and our principal proudly reports seeing youth reading all around the building—even in the gym. As you can see, while we continue to develop resources to keep youth safely in the community, we are also working to make youth's experience in detention as constructive as possible.

Realignment

I now wish to turn to Realignment – the Mayor's proposal for reforming the Juvenile Justice system so that youth from our communities are served safely, effectively, and locally. Our alternative to placement programs, Probation's Esperanza program and ACS' Juvenile Justice

Initiative, were funded under the rationale that by serving youth in the community, rather than sending them to costly facilities, the City would not only reduce recidivism, but would also save enough money to pay for the programs. And we have reduced placements—by 38% over the past ten years. The City, through our agency, pays half the cost of extremely expensive New York State Office of Children and Family Services (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 are billed by the State the same amount now that we were in 2007, despite having reduced the population of youth we send to them by 62%. 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.

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. We are very grateful to have the Council’s support on our realignment efforts and we want to take this opportunity to thank you again for your letter to the State endorsing realignment. The Council’s endorsement demonstrates our unity as a City—that we want the responsibility for the development of our youth and safety of our communities and that the State cannot continue to divert our precious human and fiscal resources to fund what Governor Cuomo has referred to as an upstate jobs program.

State Budget

This year’s State Budget holds the potential for either advancing or slowing the pace of reform here in New York City. The New York State 2011-2012 executive budget raises concerns for us in our juvenile justice work in a number of areas and we welcome the Council’s partnership and advocacy in helping us ensure that our juvenile justice work is adequately funded and supported.

The proposed State budget would cut detention funding by approximately \$15 million, devastating our budget at a time when we have spent the past five years responsibly and safely reducing detention usage. And, while it would increase funding for alternatives, these alternatives would require a 38% match from city funds. So, while we would like to see our juvenile justice reform work continue, we need to maintain the flexibility to allocate these funds in way that permits us to do so responsibly and in response to local conditions. Flexible funding that incentivizes alternatives will allow us to achieve these results and there's reason to hope that we will see that in the final budget. The Council's assistance in making that point to our representatives in Albany will help us further move us in that direction.

A second major concern involves the state-run placement facilities. As a reminder, these are the facilities where youth can be sent as part of the disposition of their case. This is different from city-run detention, where youth can be held while their cases are pending. While the Executive Budget expedites the closure of costly unused facilities, it actually adds costly additional staff to the remaining facilities. The net result is our costs will continue to increase, even with fewer facilities in use. And while this additional staff may have some marginal effect in improving the conditions in the upstate facilities, the fundamental issues with these facilities remain. They remove youth from their home communities and place them in facilities hundreds of miles away. Family and community connections cannot be maintained or developed. The schools in the facilities remain unaccredited. And youth who return from these facilities, where the average length of stay is approximately 9 months, to our community, return without the necessary tools and resources to succeed. The historical 81% recidivism rate for boys then is hardly surprising. The fundamental belief behind realignment is the idea that we can do better—in maintaining public safety, in being fiscally responsible and in developing the potential of our youth. The State budget negotiations have presented an interesting opportunity for us to take a step in this direction. The Senate budget takes the state out of the business of running nonsecure placement facilities and vests that authority with the localities. This would allow us to better direct where youth should go, monitor quality control, contain costs and hold providers accountable. It is not the entire realignment we are seeking, but it could be an important first step. We have spoken to members of the Assembly, who also have been voicing support. We urge you to contact the legislative leadership to take advantage of this rare opportunity for our City and our youth.

Conclusion

I hope that my testimony today conveyed our commitment to meeting our mission of maintaining public safety while reducing recidivism and providing the best care possible for court-involved youth while at the same time helping them succeed in their education, personal lives and careers.

I would like to thank the Council for your continued support of juvenile justice work in New York City, and we look forward to partnering with you as we move forward in our efforts. Executive Deputy Commissioner Busching and I will now take your questions.