

City Council Hearing on the Fiscal Year 2012 Executive Budget

New York City Administration for Children's Services

Juvenile Justice

Testimony by Commissioner John B. Mattingly

May 31, 2011

Good afternoon Chair Recchia, Chair Gonzalez, and Chair Palma, and members of the Finance, Juvenile Justice, and General Welfare 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, and Jose Mercado, Assistant Commissioner for Financial Services.

Thank you for the opportunity to brief you on the Fiscal Year 2012 Executive Budget and on our ongoing work to reform Juvenile Justice in New York City.

Earlier this afternoon we spoke about our FY12 Executive 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 the City 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 Executive Budget for Children's Services is \$2.8 Billion. This is reflective of the merger with the Department of Juvenile Justice. As we explained during our Preliminary Budget hearing in March, there are some budget reductions that the Division of Youth and Family Justice must take as part of our responsibility to the City to reduce spending. These are primarily staffing reductions throughout the Division of Youth and Family Justice and across staff levels, with every effort made to not impact direct services to youth. We are currently working with Office of Labor Relations,

DCAS, and the various Unions affected to see if we can mitigate these reductions by moving impacted staff to other parts of the agency or other agencies that have outstanding needs. We will keep the Council updated as this process progresses.

Closure of Bridges Juvenile Center

While we continue to address our budget issues, we also have many positive accomplishments to discuss today. Most notably, on March 30th, Chair Gonzalez and Council Member Arroyo joined us to announce the closure of Bridges Juvenile Center. We were also joined by Family Court Administrative Judge Edwina Richardson-Mendelson, and many of our partners who helped to make the closure possible, including Corporation Counsel Michael Cardozo, Probation Commissioner Vincent Schiraldi, juvenile justice advocates and members of the community, who had asked for the closure for many years. Bridges, formerly known as Spofford, was the outdated secure detention facility for young people awaiting adjudication in the Family Court. For many, it was a symbol of a correctional approach to housing youth that was both inhumane and ineffective. Our staff, who work hard to make the time youth spend in detention as productive as possible, labored under difficult conditions at Bridges and now have been reassigned to our two, more modern facilities. This will allow us to improve our focus on better serving these youth, their families and our communities as we move forward in continued juvenile justice reform. It is important to recognize this important milestone in the City's juvenile justice reform efforts.

These reforms have included strengthening assessments for court-involved youth according to their level of risk to public safety, and developing evidence-based, cost-effective alternatives to detention. The City has also worked throughout the past five years to develop a continuum of alternative programs for delinquent youth who are currently being sent to distant, costly, and ineffective state institutions. The Council has been a critical partner in our juvenile detention and placement reform efforts thus far, and we owe a debt of gratitude to Chair Gonzalez and our other partners in City Council for their efforts throughout the years promoting and supporting juvenile justice initiatives.

Between 2006 – when the City’s work to develop a risk assessment instrument and a continuum of community-based alternatives for youth began – and today, we have reduced the average daily population of detention by 31%, while also reducing recidivism and staying focused on maintaining public safety. It is through this work that we were able to close Bridges. Each of the reform initiatives has played a critical role in allowing us to reach this juncture. These initiatives included 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. When we testified before you in March, we described one of our most recent reform efforts: 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 and have found no ill-effects as a result of this initiative and the youth report a strong preference for the group home style settings to our secure settings. Last week, we encouraged judges to use this option more often in order to allow more youth to be safely served in the less restrictive non-secure detention whenever possible, and to give us more flexibility in managing youth behavior.

With the success of our detention reform initiatives thus far, we are confident that we will be able to continue to keep our detention census manageable while maintaining public safety. Our focus in the coming Fiscal Year is three-fold: first, we will continue to target the use of detention to appropriate youth and strengthen our continuum of community based alternatives; second, we will further develop our programming for those youth who do need to be in detention so that their time there can be as safe, constructive and educationally enriching as possible; and third, we will work with our City partners to push for the realignment of the Juvenile Justice system so that youth from our communities are served safely, effectively, and locally.

On realignment, we continue to work towards passing the Mayor's full proposal in Albany. 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 five 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 substantially reduced the number of youth we have sent to them.

We have learned a tremendous amount about creating and managing effective alternatives to detention and placement, and how to target interventions to youth based 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 upstate.

Conclusion

I hope that my testimony today conveys our commitment to meeting our mission: maintaining public safety while reducing recidivism and providing the best care possible for court-involved youth.

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