

City Council Hearing
Juvenile Justice and General Welfare Committees
Testimony by Commissioner John B. Mattingly
New York City Administration for Children's Services
February 16, 2010

Good morning Chair Gonzalez, Chair Palma and members of the Juvenile Justice and General Welfare Committees. I am John Mattingly and I have recently been appointed to serve as Commissioner of the City's Department of Juvenile Justice, effective January 20. I will also continue to serve as Commissioner of the New York City Administration for Children's Services, which is the position I have held for the past five and a half years. This new appointment is the first step in the integration of our City's juvenile justice and child welfare systems, which will take place over the next year and a half.

I would like to thank you for the opportunity to speak with you today about the process that we will undertake to integrate the work of these two agencies, whose missions are each truly critical to the outcomes of our City's youth. I want to say from the onset that we know that there are many questions among the Council and within the community about where we are headed in the coming months.

We expect this to be the beginning of our discussions with the Council on this effort to bring our juvenile justice system to the next level and we look forward to receiving input at every step of our process.

I would also like to take this opportunity to thank Chair Gonzalez for her support of juvenile justice programming and her efforts to illustrate the importance of juvenile justice reform in New York City. We are fortunate to have such a dedicated advocate for young people working with us as we move forward in our work to strengthen our City's juvenile justice system. We all look forward to continuing to have a positive working relationship with the Committee on this important work.

As the City's child welfare agency, Children's Services investigates reports of abuse and neglect, oversees the care and custody of children in foster care, provides supportive (or preventive) services to families, and manages a network of child care programs. The Department of Juvenile Justice (DJJ) provides custody and care to youth under the age of 16 who are involved with the City's juvenile justice system as juvenile delinquents and juvenile offenders. The Department provides this care through a network of three large-capacity secure detention facilities and 16 non-secure group homes.

NYC's Juvenile Justice Reform

Throughout the past several years, New York City has been working to implement a comprehensive and coordinated continuum of reforms in our juvenile justice system. I know that the Council is very familiar with our efforts in this area and has been a great partner in this work. The goals of our efforts have been 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.

These programmatic initiatives have produced a dramatic increase in the rate that youth are diverted from the Court system by the Department of Probation. Rather than face prosecution for minor offenses, these youth are provided services and monitoring instead. For youth involved in juvenile delinquency cases in Family Court, the City has also developed and implemented a continuum of alternative to detention programs, as well as an evidence-based "Risk Assessment Instrument" (RAI) which provides judges with consistent information and helps them to make better detention and release decisions.

During this time of reform, DJJ has taken on a number of initiatives to bring supportive programming into detention, many of which were

funded by the Council's Juvenile Justice Committee, to maintain the quality of care, increase safety for youth in these facilities, and assist with re-entry into the community. I know that the Committee is very familiar with our Collaborative Family Initiative (CFI), which is funded by the Council. This program meets a critical need for youth leaving our detention facilities, providing mental health services to formerly detained youth and their families upon re-entry. Another example is the Release to Parent initiative, which allows for youth who are brought to Bridges Juvenile Center upon arrest to be assessed for eligibility for release to their parents or legal guardians so that, when possible, they are not detained while awaiting their court appearance.

Similarly, Children's Services put into place our Juvenile Justice Initiative (JJI) in 2007, which we testified about before the Council several months ago. JJI is the City's largest alternative to placement program and the only program to support the re-entry of delinquent youth placed in privately operated placement facilities, such as Lincoln Hall and Children's Village. JJI provides evidence-based services, designed to reduce recidivism by supporting the family's monitoring and supervision of the youth. We have been working closely with the State Office of Children and Family Services (OCFS) as part of Governor Paterson's Task Force to Transform the Juvenile Justice System to provide oversight of placements with the goal of

shortening lengths of stay. Our collaborative efforts have helped us to significantly reduce the number of youth sent to OCFS and private placements.

Why Integrate?

With the integration of ACS and DJJ, the City enters into the next phase of our juvenile justice reform. We will continue to work with our sister agencies to move our system forward with the goals of maintaining public safety and reducing recidivism, while providing the best care possible for court-involved youth in the least restrictive setting possible. By pulling together all our resources, we will build upon our existing system to develop a more comprehensive continuum of supports, supervision and guidance for juvenile offenders and juvenile delinquents. We will better equip our system to begin long-term planning for young people and their families from the very start of their involvement with us. We will leverage our experience with the child welfare system's family engagement model to develop a focused strategy for each young person to place him on the path toward school, work and successful adulthood.

Throughout our work over the past several years, we have been in conversations with national experts, leaders at every level of government and local stakeholders. We have rigorously studied evidence-based models that produce consistently better results.

Research clearly shows that the elements of an effective program include an emphasis on family interactions, where youth and family are served in their own community, and therapy is provided to all family members in the home. These treatments focus on strengthening the parent or caretaker's ability to provide structure and guidance for youth and improve problem solving of family members. On the other hand, research overwhelmingly shows that reliance on the use of punishment, scare-tactics and holding a young person away from his family and community for extended periods of time in large facilities does not produce results.

Children's Services has been working since 2004 to reduce New York City's child welfare system's reliance on residential care and strengthening outcomes for young people in foster care by relying more on family-centered interventions. We have experienced an almost 50 percent reduction in our residential care census. Children's Services also offers a well-developed continuum of support services for youth and their families, and working with our partners we will leverage State and Federal funding to expand the services available for court-involved youth.

There is also a significant overlap in the populations of youth served by the juvenile justice and child welfare system. A recent data match conducted by DJJ and ACS shows that up to one-third of detained

youth in New York City have had foster care involvement. In addition, many of the young people served by DJJ and their families have had previous involvement with Children's Services, either as the subject of an abuse or neglect report or because the family has received preventive services.

Children's Services will work with its foster care providers to strengthen the continuum of care for young people who are in foster care and become involved with the juvenile justice system. We will look to develop specialized foster care resources so that these young people in the City's custody can receive treatment and support in the community, with connected families when possible. We will also work with our contracted foster care providers to develop service plans for young people in foster care who get into trouble with the law. These services and supports will start from the time of their arrest and continue throughout their involvement with the juvenile justice system.

In recent years, data has shown that a significant percentage of youth coming into detention suffer from serious mental health issues. These young people often experience increased trouble with the law and are frequently detained longer than their peers. In addition, when young people do not have continuous support addressing psychiatric needs they often return – not surprisingly – to detention soon after

discharge. For this reason we will look to expand alternative to detention options for young people with mental health needs and to provide community-based mental health services to these young people and their families, when possible.

We will expand our use of risk-assessment instruments and other data-driven tools to better inform decision making at different stages of the detention and judicial process. Existing program models will be revisited and new programs will be developed that draw on the experience of our City's system and other jurisdictions using evidence-based models and positive youth development approaches.

Our goal is to gradually reduce the use of detention and upstate placements and develop more family and community-based options aimed at better outcomes and increased public safety. That is not to say that detention and residential treatment are not necessary for young people in some situations for short periods of time. We remain equally focused on ensuring that our detention facilities are equipped to support youth as they progress through their cases – naturally, a very difficult time in their and their families' lives. We will look at programming within the facilities to assess whether it makes the best use of the short time we have with them. We want to ensure that youth are receiving appropriate educational, mental

health and recreational services, and that we are working with them and their families to prepare for their re-entry into the community.

How Will ACS/DJJ Integrate?

Two weeks ago, Mayor Bloomberg and I announced the appointment of Laurence Busching to serve as Executive Deputy Commissioner for our new Division of Youth and Family Justice within the Administration for Children's Services. This division will be made up of the programs brought over from DJJ, as well as JJI and the ACS-operated Persons in Need of Supervision (PINS) program, currently called the "Family Assessment Program" or "FAP," through which we provide diversion services for youth under 18 who are beyond the lawful control of a parent. As Executive Deputy Commissioner, Mr. Busching will report directly to me and play the critical role of leading Children's Services through the juvenile justice integration and reform efforts.

Mr. Busching currently serves as Chief of the Family Court Division for the New York City Law Department and will begin in his new role on March 1. I know that many of us in this room have worked with Mr. Busching in his current role and we are all looking forward to collaborating with him as he joins ACS. His expertise in balancing community safety while enabling court-involved youth to receive fair and rehabilitative treatment makes him the natural leader for this

integration, and I have every confidence that he will help us bring our system to the next level.

Our first step in integrating DJJ into Children's Services is to merge the administrative and executive functions of the agencies. We are currently undertaking a thorough functional analysis of the administrative functions at DJJ. Last year, we conducted a similar analysis of all of ACS's divisions. We will use this analysis to determine how to create efficiencies and best support the work of our new, integrated system. The second step of the integration will be to develop a comprehensive plan for the operations within the Division of Youth and Family Justice. By the end of June, it is our goal to have one administrative arm for both agencies reporting directly to me and a detailed reform plan that will guide us in our juvenile justice reform efforts. As we move forward, we will keep the Council and our various stakeholders abreast of our progress and will solicit their input at every step of our integration process.

In developing this strategic reform plan, we will work in close consultation with our sister agencies. Our key partners include the City's Law Department, the Department of Corrections, the Department of Probation, the Criminal Justice Coordinator's Office, the Department of Health and Mental Hygiene, the Department of Education, the Office of the Deputy Mayor for Health and Human

Services and the Family Courts. We will be asking representatives from certain partnering agencies and key stakeholders to serve on an advisory board throughout this process. We will also work with Deputy Mayor for Health and Human Services Linda Gibbs to develop a comprehensive list of outcomes and indicators to monitor the progress of our reform efforts. We expect that implementation of the operational plan will take place over the following 12 months.

Conclusion

I would like to thank the City Council Committees on Juvenile Justice and General Welfare, again, for allowing me to discuss our plans to integrate the juvenile justice and child welfare systems with you today. This is an exciting time for all of us who have been working to transform our system over the past several years. Our progress to date makes me optimistic that we have the systems in place in New York City to take this next step. And conversations are underway at all levels of government to make sure that we have the focus and resources necessary to bring our juvenile justice system to the next level.

As we have worked together in our efforts to examine and reform the juvenile justice system in New York City and in the State, it has become abundantly clear that we all share the same goal – to provide better care and treatment to young people involved with our juvenile

justice system, to strengthen outcomes for these young people and to reduce recidivism.

I look forward to increased collaboration with our partners in the City and State as we work together to find new ways to maintain public safety and at the same time strengthen outcomes for young people involved with our juvenile justice system. I also look forward to continuing the strong partnership that the administration has had with the Council in this area. I believe that together we can truly make a difference in the lives of our City's most vulnerable young people and their families.