

TESTIMONY OF DJJ COMMISSIONER NEIL HERNANDEZ
BEFORE THE NEW YORK CITY COUNCIL'S
JUVENILE JUSTICE COMMITTEE

Good morning Chair Gonzalez and members of the Juvenile Justice Committee. I am Neil Hernandez, Commissioner of the Department of Juvenile Justice, and I appreciate the opportunity to be heard on the Department's Fiscal Year 2008 Preliminary Budget and Fiscal Year 2007 Preliminary Mayor's Management Report. Joining me today are First Deputy Commissioner Judith Pincus and Deputy Commissioner for Administration and Policy, Carlos Serrano.

The Department's budget for Fiscal Year 2008 continues to support the enhancement of childcare services, the bolstering of the Department's administrative functions that sustain Agency operations, and promotes the restructuring of the juvenile justice system the Mayor outlined in his State of the City Address.

Next year, the Department's \$70.0 million operating budget reflects an increase of \$2.0 million allocated primarily to fund collective bargaining increases. This will benefit our direct childcare staff, which represents approximately 76% of DJJ's workforce. The budget also supports the temporary relocation of the Department's headquarters into a bullpen style layout at 110 William Street.

The remainder of the Department's budget supports payments the City makes to the State. This figure however, has increased by \$11.6 million, a significant rise that is due to an increase in the Office of Children and Family Services' per diem rate for youth ordered to State custody. This administrative change financially offsets the downward trend of youth being ordered to State placement between fiscal years 2002 through 2006. Like other cost-shifting measures by the State of New York, the impact to the City is that there are fewer locally available resources.

During the first four months of this fiscal year, the Department's average daily population increased from 415 to 461 compared to the same period last year. This 11% rise was driven by a one-day increase in the court processing time for youth in detention, from 30 to 31, and an increase in police admissions when the family court was closed, from 707 to 866, during the same period.

While there was an 8% increase in overall admissions to detention, there was a 3% decrease in the admissions for girls during the first four months of this year compared to the last.

When looking further, the overall one-day increase in the time it took for a youth's case to be processed in the courts was significantly influenced by a seven-day rise in the length of stay for youth in non-secure detention, from 31 to 38 days. The opposite was the case for youth in secure detention, primarily because the adult courts processed their cases faster. Youth charged as juvenile offenders with cases in the Supreme and Criminal Courts, for instance, had their length of stay drop from 24 to 21 days on average during the period.

As part of its strategic response to this issue, the Department implemented a "Days in Detention Report" on Monday, March 5th, which is generated daily for each resident appearing before the Family Court Judiciary to highlight the time a youth has spent in detention.

Given the judicial reliance on non-secure detention, on Sunday, March 25th, the Department is scheduled to implement a reduction of the workday of childcare staff assigned to the Agency's three directly operated group homes. This is a direct result of the graduation of a new class of 14 congregate care specialists that will take place on Friday, March 23rd. While additional budgeted vacancies remain to be filled, the workday reduction will positively impact the dedicated staff that care for residents given the judicial interest in using non-secure detention.

It is also worth noting that nine members of this graduating class were voluntarily re-deployed from the Administration for Children's Services pursuant to an executed Memorandum of Understanding between Local 371 of DC 37, the Mayor's Office of Labor Relations, ACS and DJJ. These public servants might otherwise have been displaced from employment as a result of the ACS transition away from direct provision of congregate care services in the foster care system.

Last fiscal year, the Department identified that 68% of admitted youth, have mental health needs. When we take an even closer look at the length of stay for these youth, we find that juveniles with mental health needs, upon being discharged from detention, had spent more than twice as much time at DJJ

facilities than had other youth. These youth spent 68 days on average in detention, as compared to the overall average of 27 days in fiscal year 2006.

The first four months of the current year has seen 67% of admitted youth identified with a mental health need.

These local trends mirror national patterns, as a large proportion of youth with mental health issues, along with their families, find themselves enmeshed in juvenile justice and child welfare systems.

As part of its strategic response, the Department implemented the Collaborative Family Initiative in partnership with the John Jay College of Criminal Justice and several Citywide community-based organizations. CFI is a family-focused reentry program for youth with mental health needs who are returning to the community from detention. CBOs involved with CFI provide immediate psychiatric and mental health treatment as well as supportive services.

Let me take a moment to share some recent success stories of youth recently released from detention through CFI:

- Evan is receiving continued care for his impulse control disorder with Full Circle Health, and his family is fully engaged in supporting his treatment. Evan, charged as a juvenile delinquent with a robbery case in The Bronx Family Court, had been in custody for 35 days before his release on February 16th.
- Laquan is receiving follow-up services for his adjustment disorder with Good Shepherd Services, and his family is also engaged in supporting his treatment. Laquan, charged as a juvenile offender with an assault case in Queens Supreme Court, had been in custody for 164 days before his release on February 27th.
- McCaraey is receiving continued care for his anger management with Good Shepherd Services, and his family is also engaged in his treatment. McCaraey, charged as a juvenile delinquent with a petit larceny case in Kings Family Court, had been in custody for 25 days before his release on March 7th.
- Decoyah is receiving continued care for her bipolar disorder with Full Circle Health, and her mother is also engaged in her treatment. Decoyah, charged as a juvenile delinquent with an assault case in the

Kings Family Court, had been in custody for 110 days before her release on March 12th.

These youth, who otherwise may have remained in detention, are presently being served by CFI, which is supported by half of the \$1.279 million allocated by the Council to the Department. CFI's goal is to enroll 100 juveniles, and John Jay will be providing an evaluation of these vital efforts to contribute to the knowledge base of what works programmatically to facilitate the successful reentry to the community for youth with mental health needs exiting detention.

The Department is also strategically supporting the Juvenile Justice Initiative operated by ACS, which seeks the home placement of youth by the Family Courts, rather than costly State placement. DJJ has executed a Memorandum of Understanding with ACS and, so far, approximately 33 detained youth have successfully been released home with family-focused services rather than being detained in upstate facilities.

Next year, the Department plans to invest \$527,250 in a Workforce Life Skills pilot project that introduces youth in detention to opportunities, skills and resources, intended to reconnect vulnerable youth to the educational and workforce mainstream. The initiative is part of Mayor Bloomberg's vision to reduce poverty through the Center for Economic Opportunity, and also seeks to potentially reduce risk factors faced by juvenile delinquents by assisting them in becoming self-sufficient by gaining an appreciation for educational attainment and career opportunities.

Funding allocated for the initiative supports two positions for the development of a program model with an eye toward implementation next fiscal year. The Department has held three focus groups with youth, both inside and outside of detention, to listen to what they consider beneficial to help them connect to the education and workforce mainstream.

Another strategic response by the Department to support its various detention management strategies is its reimbursement legislative proposal, as part of the Bloomberg Administration's 2007 State Legislative Agenda, that seeks to mandate that the State share half the cost of programs administered by DJJ, including for diversion. The bill's passage into law would create a funding stream that potentially doubles available local resources for detained youth.

As part of actively furthering its detention management strategies, DJJ has also been an integral stakeholder in the development and imminent implementation by the Bloomberg Administration of an objective, data-based risk assessment tool for judges to make decisions about ordering a youth to detention, and an expanded array of community-based alternatives to detention and placement programs to safely support youth at home in their communities.

The Department looks forward to hearing from the Juvenile Justice Committee as we look ahead to the next fiscal year.

I will take your questions now.