



New York City
Department of
Juvenile Justice

**Testimony of Neil Hernandez
Commissioner
New York City Department of Juvenile Justice**

Before the

**New York City Council's
Youth Services and Juvenile Justice Committees**

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Committee Room
City Hall
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**Oversight—Preventing Youth Homelessness: Examining the Link
between runaway and homeless youth and their experiences with the
Juvenile Justice System**

Good morning Chairs Fidler and Gonzalez, and members of the committees. I am Neil Hernandez, Commissioner of the Department of Juvenile Justice. Joining me today is Judith Pincus, First Deputy Commissioner. Thank you for the opportunity to testify on this important topic.

According to the National Alliance to End Homelessness, the factors that contribute to youth homelessness are similar to those that lead to homelessness in adults—poverty, lack of affordable housing, low education levels, unemployment, mental health issues, and substance abuse. Institutionalization can also lead to homelessness in adults and youth because prolonged periods in detention can lead to a deeper disconnection from families and communities. Without a connection to their families and their communities, youth may turn to delinquency. Other youth, particularly those that identify as Lesbian, Gay, Bisexual, Transgender and Queer/Questioning (LGBTQ), may become homeless because of a lack of support at home, and be sexually exploited on the streets. Parents of delinquent youth are also more prone to force them to leave home.

One of the goals of the Bloomberg Administration's various juvenile reform efforts is to decrease institutionalization and focus on community-based programming. These efforts include the restructured Alternatives to Detention (ATD) programs and the use of the Risk Assessment Instrument (RAI) by the

Family Courts. At DJJ, programs such as the Collaborative Family Initiative (CFI) and the Release to Parent (RTP) Initiative, have led to a 4.5 percent decrease in overall detention usage between July 2007 and April 2008 as compared to the year before. At the same time, we've noted less usage in non-secure detention as these reforms have translated into more options for Family Court Judges.

The results of these reforms on detention usage in the City have been positive. In Fiscal Year 2008, total admissions to detention decreased to 4,486 from 4,848 between July 1, 2007 and April 30, 2008. Average length of stay in secure and non-secure detention was 28 days, which is day more compared to the same period last year. Average daily population was 421, which is a decrease from 441 during the same period last year.

Placement of youth into state facilities decreased by 9 percent compared to last year, and in fact, the City's placements of youth into state-run facilities have dropped by 30 percent since 2002.

On average, youth in DJJ custody are between 13 and 15-years-old and the top charges for these youth are robbery and assault. The majority of youth in detention are juvenile delinquents—those who have committed less serious offenses. Juvenile offenders—youth that have committed serious crimes represent eight percent of admissions to detention.

Identifying Homeless Youth

As part of the intake process for admitted youth, the Department inquires whether youth have been away from their homes, run away or been homeless to coordinate social services in detention. Recognizing that preparing youth for their eventual release from detention is important for their reentry back to their communities, the Department implemented discharge planning services as part of overall case management efforts. Focusing on reentry is critical to preventing youth delinquency but there is little advanced by research on best practice for juveniles. The literature largely focuses on adults coming out of State placements. Among the few things we do know is that certain program attributes, such as tailoring programming to a youth's specific needs, family engagement and community-based aftercare may be more successful in aiding in reentry for youth.

One of the Department's challenges to obtaining information from youth and families for case management and discharge planning efforts is that it takes time for clients to build trust in the detention system. It is also equally difficult for clients to build relationships with new service providers. Families are also generally resistant to continued contact with the agency for fear of being stigmatized.

Some youth may become homeless several months or years after a stay in detention. To better understand the population of homeless youth with some involvement in the juvenile justice system, the Department completed a data match with the Department of Youth and Community Development (DYCD). DYCD runs drop-in centers, shelters and transitional independent living residences for youth through its Runaway and Homeless Youth (RHY) system and produced a list of 1,500 youth that entered the RHY system in Fiscal Year 2007. Analysis of the data found that 98 individuals, or seven percent, of these youth had been at DJJ.

Other points of interest in our data match:

- 61 percent of youth in the sample with some DJJ history left detention to transition to a State Office of Children and Family Services (OCFS) placement immediately following their last DJJ admission before their DYCD intake.
- The average number of days that passed from DJJ release to DYCD RHY admission was 1,192 days or more than three years.
- 51 percent of youth with some DJJ history were female, and 49 percent were male.
- 65 percent of youth with some DJJ history were African-American.

- 36 percent of youth with some DJJ history were from the Bronx, 21 percent were from Brooklyn, 19 percent were from Manhattan, 14 percent were from Queens, and 9 percent were from Staten Island or somewhere outside the City.
- The average age of youth in the sample was 15-years-old.
- 50 percent of youth with a prior detention involvement had one previous admission to detention at DJJ, while 21 percent had two admissions and 16 percent had three admissions.
- Youth with an admission to detention had an overall average stay of 35 days during those admissions.

The significance of our match is that it mirrors many of the patterns of detention. A disproportionate number of youth that enter detention come from Brooklyn and the Bronx, and they are overwhelmingly minority. They were also more likely to have had a previous admission to detention. Many youth leave detention for OCFS placements, where they stay for longer periods and are often released after those stays to their communities. The match did highlight a significantly larger portion of girls, but this is not common in detention, where girls represent about 18 percent of total admissions to detention.

Now that this baseline data has been established, DJJ will assess the impact of the City's efforts to prevent and reduce detention usage, reduce length of

stay of youth in detention, enhance family engagement and promote the reentry of youth. The Department will continue to work with DYCD and OCFS since they are the lead agencies on the City and State levels on RHY consistent with the NYS RHY Act.

LGBTQ Youth

The Empire State Coalition Preliminary study noted that many homeless youth are or may be LBGTQ. We agree that these youth are especially prone to homelessness and are sometimes forced to leave home because of disapproving families. However, inside detention, it is hard to identify or categorize these youth because they do not readily identify themselves out of privacy concerns, or for fear of ridicule. However, the Department is committed to fostering an environment that is safe and tolerant of these young people. The Department has a policy prohibiting discrimination against LGBTQ youth, and has been hosting LGBTQ workshops through the Correctional Association of New York, to teach and encourage tolerance. In addition, the Department will be attending the monthly DYCD RHY meetings to ensure that our discharge planners are aware of these services and can readily educate all youth about services at DYCD if they need these services anytime after they've been discharged.

The Release Process

Youth may enter and leave detention in several ways. They can be released directly from DJJ and OCFS, but the vast majority are released by Family Court judges.

Last year, the Department launched the Release to Parent (RTP) initiative. As part of RTP, youth arrested by the police on nights, weekends and holidays are released to their guardian with a Family Court Appearance Ticket (FCAT), consistent with the constraints specified within the Family Court Act and State OCFS regulations.

Since October 30, 2007, youth arrested by the police on nights, weekends and holidays are brought to DJJ for intake assessment including release. To determine whether a youth is eligible for release, Department staff reviews a youth's charges and prior court involvement. If it is deemed eligible for release with an FCAT, staff contact the youth's parent/guardian to arrange for them to pickup their son or daughter from DJJ. To date, the Department has released six percent of youth eligible through RTP. The Department is working to incorporate the Risk Assessment Instrument, designed by the Vera Institute of Justice and currently used by the Family Courts, to make the Department's release decisions even more objective.

As noted in prior appearances before the Council, police admits are a large percentage of the total youth admitted to detention each year. Between July 2007 and April 2008, police admits accounted for 56 percent of total admissions to detention. The Department's analysis of the DYCD data match found that 37% of youth in the sample were arrested by police proceeding their intake to DYCD, which shows that the RTP efforts are vital. The City has also committed itself to ensuring speedy court processing for arrested youth with the City-State joint weekend arraignment initiative, which began on May 31, 2008.

The Family Courts can also order a youth home from detention. To discern whether a youth should go home, Family Court judges apply the RAI, a tool which helps them to weigh several factors that would contribute to a youth's likelihood to re-offend or fail to appear in court, such as a youth's delinquency history, attendance in school, and family involvement.

The Department only releases a youth to a parent or guardian as part of RTP. If there is no parent or guardian available to take custody of a young person, he or she will remain in detention. The Department typically makes this decision at nights or on weekends. The same is true for the Family Courts. If a parent or guardian is not willing or unable to step forward and take a youth

returning home from detention, the youth will remain in detention until a responsible adult can be found.

One of the Department's newest programs, the Reentry Supports Program (RSP), would help support released youth and their families, as well as other youth with short stays in detention, by developing tools to help parents better understand and navigate the Family Court. These tools will include various guides, multimedia tools and a curriculum for working with youth and residents, using funds appropriated to the Department by the Juvenile Justice Committee.

RSP also has the potential to bring about more positive outcomes for court involved youth and their families. In fact, other localities have had success with similar initiatives, such as Santa Cruz, California, which experienced a drop in its detention population after implementing an analogous program.

Prevention

The Department works to ensure that the needs of youth in detention are met to ease their transition back to their communities by linking youth and their families to community-based organizations for continued services. As such, an array of services are provided to youth during their stay, including medical, mental health and psychiatric services. The Department of Education

operates schools inside detention, which youth attend during the day, as if they were attending school in their communities. In addition, the Department has partnered with several community-based organizations, utilizing critical allocations from the Juvenile Justice Committee, to develop pro-social skills in youth.

Through the leadership of Mayor Bloomberg and with the support of the Juvenile Justice Committee, the Department has developed a cotillion of programs that will help to ensure that appropriate resources are in place for youth post-detention. Many of these programs can also aid in preventing homelessness among the City's youth.

Many studies of homelessness note that mental health issues are a factor that can lead to homelessness in adults. Many youth enter detention with undiagnosed mental health issues. In fact, the number of youth receiving mental health and psychiatric services in detention grew to 82 percent between July 1, 2007 and March 31, 2008. Analysis of Department data shows that these youth typically have longer stays in detention as well. However, CFI has helped to significantly reduce the length of stay among these youth by enrolling them and their families in services at organizations that will provide them and their families with services needed to support them in their communities. Part of CFI's success is its focus on engaging parents to become involved with the

community-based program that their child will be receiving services from in the community while the youth is in detention. This has helped to strengthen families and foster a supportive environment for youth when they are released.

The Department's LIFE Transitions program, which is part of the Mayor's Center for Economic Opportunity, is aimed at helping youth in detention overcome the cycles of poverty, educational disconnection, and delinquent behavior. It began on March 22, 2008 at two of the agency's secure detention facilities and community sites are also open in Brooklyn and the Bronx. The goal of the program is to create and/or increase attachment to school and the community. DJJ is partnering with two organizations, the Center for Community Alternatives in Brooklyn and Good Shepherd Services in the Bronx.

This program is critical as youth in secure detention are the ones likely to transition to State placement and so, their reentry is inevitable. This LIFE Transitions program also includes juvenile offenders, whose cases are decided before the adult courts; while this cadre of youth make up a smaller portion of the secure detention population, they also need to be invested in.

Conclusion

Youth homelessness is a concern as a portion of the City's currently homeless youth may have had a history of interaction with the Juvenile Justice

system. However, figuring out an exact point in time when they became homeless is equally as important because it may illuminate a gap in services that could have helped them to stay at home, or in other cases, housed. The Department of Juvenile Justice will continue working collaboratively with the City and State partner agencies to support reform of the Juvenile Justice system in the City to increase positive outcomes for youth. Chairs Fidler and Gonzalez, you each deserve credit for tackling tough social problems like delinquency and homelessness.

We can always do more to ensure that youth are released from detention to the best situations possible. The Family Court should adopt the full usage of the RAI and expand the use of CFI, and together we should seek equitable funding from the State to help to sustain the programs that are having an effect on outcomes for youth in detention, but which are not mandated. These steps and others would certainly make the provision of services to homeless youth easier, and more fluid as well.

I am happy to take your questions at this time.