



**Testimony of Neil Hernandez
Commissioner**

Fiscal Year 2010 Preliminary Budget and Mayor's Fiscal Year 2010 Preliminary
Management Report

Wednesday, March 25, 2009—10:00 am
Council Chambers, City Hall

Good morning Chair Gonzalez and members of the Juvenile Justice Committee. Thank you for the opportunity to be heard on the preliminary Fiscal Year 2010 budget for the Department of Juvenile Justice. I am Neil Hernandez, Commissioner of the agency. Joining me is Judith Pincus, First Deputy Commissioner, Jacqueline James, Deputy Commissioner for Administration and Policy and Nina Aledort, Assistant Commissioner for Program Services.

Juvenile Justice Reform

One of the City's goals is to ensure that low and moderate-risk youth, which comprise a large number of admissions each year, are spared unnecessary or long stays in detention. Through several initiatives, the Department has been able to move closer to this goal in partnership with the Mayor's Office, the Family Courts, and our sister agencies.

In Fiscal Year 2009, the judiciary increased its usage of the Risk Assessment Instrument (RAI), and as a result, the Department noticed more usage of non-secure detention, the less restrictive setting for youth who need to be in detention.

In Fiscal Year 2008, the Department implemented the Release to Parent Initiative (RTP). Through RTP, the Department has helped to ease the flow of police admits into detention on nights, weekends and holidays by issuing youth Family Court Appearance Tickets (FCAT) and releasing them to their parents if they met certain criteria, including not being a risk to public safety.

Any youth not processed through the RTP is processed through the Weekend Arraignment Initiative. The Mayor's Office launched the Weekend Arraignment Initiative to ensure that youth admitted to detention on weekends and holidays have their cases processed within a day of their admission.

Taken together, increased usage of the RAI, RTP, and the Weekend Arraignment Initiative have helped to support the diversion of moderate and low-risk youth to supervision in their communities, and has increased the concentration of higher-risk youth in detention.

During the first four months of this fiscal year, the Department's average daily population increased by 1.1 percent, from 397.6 to 401.8 and total admissions to detention increased by 2.2 percent from 1746 to 1786 during the first four months of Fiscal Year 2009. The average length of stay in detention increased by three days, when compared to the same period in Fiscal Year 2008, but this is primarily attributed to an increase in youth with complex cases that were more likely to stay in detention longer.

FY 2010 Budget

In Fiscal Year 2010, the Department's total budget is \$133.2 million, a reduction from Fiscal Year 2009, reflecting utilization of funding from the City Council, funding for the Collaborative Family Initiative (CFI) and the seven-percent Program to Eliminate the Gap (PEG). Approximately \$60 million of the

Department's budget supports payments the City makes to the State for placements of City youth into State-run facilities.

Fiscal Year 2010 Budget Challenges

The City's current fiscal reality has forced many agencies to make difficult, but critical decisions. In Fiscal Year 2009, Mayor Bloomberg announced a seven-percent PEG on all mayoral agencies. To reach the PEG, the Department will take several budgetary measures in Fiscal Year 2010.

The Department will make dental services youth receive consistent with National Commission on Correctional Health Care (NCCHC) standards which require that oral examinations are performed within 60 days of admission. Currently, oral examinations are performed in detention within 20 days.

The Department will cease the use of administrative temporary workers at its headquarters. These individuals have been notified in order to allow them to plan for the future.

The Department will reduce certified capacity at Bridges Juvenile Center, the agency's reception and departure center, from 95 to 71 beds. As a result, the Department will relinquish 15 Juvenile Counselor vacancies as capacity is reduced. This move relies on the assumption of reducing the Office of Children and Family Services' (OCFS) reliance on DJJ, for example, by ensuring the timely transfers of state-ready youth and reducing admissions of other youth admitted to the City's detention system for the State.

Also, in Fiscal Year 2010, City payments to OCFS will be re-estimated due to the reduction in City usage of State placements.

Finally, the Department will integrate its discharge planning services into its case management services, and eliminate the Discharge Planning Unit. This change will reduce the Department's budget by approximately \$513,000 in Fiscal Year 2010, and 11 staff members will be affected. The Department is working with DC 37, Local 371 to identify vacancies within the agency for which these staff qualify. As part of these efforts, the Department hosted a job fair on March 12, 2009, for these staff in conjunction with Union Local 371.

Youth in detention will continue to receive discharge planning through the Department's Case Management Services. This will ensure that discharge planning services become more universal in detention. As you may know, OCFS, which provides oversight to the Department, mandates that case management services are available to youth in detention. However, discharge planning is not a mandated service. The Department provided discharge planning services despite its OCFS mandates, believing that they enhanced Case Management Services, and helped to make the transition home for youth in detention more seamless.

The Department has enhanced its Case Management Services to include supervisors and a new director and believes that these services will become even more robust with the addition of discharge planning services. The Department thanks the Chair and Committee for making discharge planning services a priority.

There are several reasons why we believe this shift will be beneficial:

- The focus of the Department's Discharge Planning Unit had been helping youth with serious health and mental health needs, this move broadens the scope, and will sustain the focus on health and mental health services at the same time.
- All youth in detention receive Case Management Services, and by integrating discharge planning into case management, the Department is ensuring that more youth in detention are able to take advantage of this critical service.
- Communication with parents will be streamlined.
- Case Management Services are mandated by OCFS and the City receives reimbursement for these services.
- The move will ensure that the Department is using its limited funding as efficiently as possible.

The Collaborative Family Initiative

Addressing mental health needs among juvenile delinquents in detention remains a challenge. The number of individual youth who were referred to mental health services in detention was 44 percent during the first four months of Fiscal Year 2009, and the percentage of individual youth in detention who were referred for and received mental health services was 40 percent.

The Department remains deeply committed to enhancing services for youth with mental health needs, and has continued to advance this goal through CFI.

Overall, CFI has helped to cut in half the time youth with mental health needs spend in detention. Since the program's launch in February 2007, 116 youth referred to the program have been released to CFI. In addition, 40 percent of the families participating in CFI had at least one close family member incarcerated and 48 percent of the families had a least one family member besides the participant with a mental health diagnosis. However, CFI is not funded in Fiscal Year 2010, and the Department is currently working to secure funding to support this critical program another year.

Community Involvement

The Department recognizes the importance of community partnerships to achieving positive outcomes for court-involved youth. In Fiscal Year 2009, the Department hosted a community forum at Horizon Juvenile Center on August 1, 2008 and a parental engagement forum at St. John's University on November 10, 2008. More than 30 organizations attended. Several of these organizations have continued a dialogue on how to support children and their families upon their release to the community, and on ways to bring their unique programming to youth in detention.

Programming

One of the goals of the Department's in-detention programming is to introduce youth to activities that they can pursue once they are released to their

communities. The Department has worked diligently to ensure that these programs are gender-specific and support youth with other needs, such as LGBTQ youth.

The support the Department receives from the Juvenile Justice Committee has been instrumental in helping to strengthen in-detention programming. To date, the Department has earmarked approximately \$479,000 to fund several programs using the Juvenile Justice Committee's Fiscal Year 2009 allocation. Four additional programs: spirituality, mentoring, expressive arts and violence prevention, will utilize the remaining approximately \$161,000 in funding. The Department thanks the Juvenile Justice Committee and Chair Gonzalez for her continued support of in-detention programming.

LIFE Transitions

The Learning Independence For Empowerment (LIFE) Transitions Initiative known as LIFE Transitions, which was funded by the Mayor's Center for Economic Opportunity, addresses youth attachment to school and helps youth to explore a range of possible career and life trajectories. DJJ is partnering with two organizations, the Center for Community Alternatives in Brooklyn and Good Shepherd Services in the Bronx. The program began at Horizon and Crossroads Juvenile Centers last year and reached its one-year anniversary this month. To date, approximately 112 youth are participating in the program in the community, and the initiative has been funded through Fiscal Year 2010 at approximately \$683,000.

Early outcomes for LIFE Transitions are also promising. For example, 41 previously detained youth have successfully reached the 90-day community participation milestone. Also, 91 youth were re-enrolled in school within 10-days of release.

The Impact of the Proposed State Budget Cuts

The Governor's preliminary budget announced the Youth Services Block Grant (YPBG) which would combine the several streams that fund juvenile detention and youth services.

The YPBG proposal would essentially pit public safety against youth development. Not only will this induce localities to choose between these two vital services; it will force localities that provide these services to youth to compete against each other for even more limited funding. The Mayor testified against the state budget cuts in January, and on February 10th the Department traveled to Albany and lobbied the State Legislature with the Department of Youth and Community Development.

Adoption of the YPBG would result in changes that will reverberate throughout the City's Juvenile Justice system, which has made strides to improve services and options for court-involved youth and families. The State has capitalized on New York City's work by closing and proposing to close facilities as they have reached the lowest level of placements in years, due to New York City's efforts to reduce state placements. The block grant would reduce the City's allocation for detention services by approximately \$9.7 million or 25 percent. Meanwhile, the City

will continue to be required to reimburse the OCFS for 50 percent of its placements into State facilities. This is in addition to the two percent cut the State implemented to detention services in Fiscal Year 2009.

Ironically, the State has not provided any investment for community-based alternatives to detention and/or community reentry and aftercare services to jointly prevent detention usage. Earlier this year, the Governor convened a task force on juvenile justice, on which DJJ participates as a member. The proposed funding reductions are premature when the Task Force will not finish its work until the end of this calendar year.

Conclusion

The Department of Juvenile Justice is committed to working both inside and outside detention with community-based partners and stakeholders to provide the best services available to youth in detention. We look forward to continuing our partnership with the Juvenile Justice Committee to bring much needed programs and services to youth in detention and appreciate the support of the Mayor and Deputy Mayor for Health and Human Services of our strategic initiatives. I am happy to answer your questions at this time.