

Department of Probation
Statement to the New York City Council
Committees on Finance and Fire and Criminal Justice Services
By Martin F. Horn
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Good afternoon Chairmen Weprin and Martinez and Council members. Thank you for the opportunity to testify before you.

As of the January FY '09 Financial Plan, Probation's operating budget is \$82.3 million. This represents a \$1.8 million reduction from FY '08. The Department has been able to achieve this savings primarily as a result of efficiencies realized from the implementation of our Reusable Case Management System, future attrition and the reduction of vacancies.

Each year, we seek to perform our mission more efficiently and effectively. As you know, since 2003, the Department has been working to reduce the juvenile justice system's wasteful and destructive over-reliance on detention and placement. I have previously testified before the Council about our initiative, which we call Project Zero, which has expanded options for young people who have been arrested, and improved the outcomes they experience.

Allow me to provide a few updates on the successes of Project Zero. We continue to increase the number of juvenile delinquency cases diverted from court through adjustment, which provides youth and families with effective non-judicial sanctions

while enabling the courts to focus on more serious cases. In Fiscal Year 2007 alone, we diverted almost 2,800 young people from family court. We are now diverting more than 30% of all juvenile cases; since 2002 we have almost tripled our diversion rate.

Esperanza, launched in 2003 as the first alternative-to-placement program for NYC Family Court judges to use in adjudication, continues to experience great success. To date, Esperanza has served over 630 young people, with a 65% completion rate and a re-arrest rate dramatically lower (26%) than comparable youth placed with OCFS.

Enhanced Supervision Probation (ESP) continues to provide a second alternative-to-placement option for moderate and high-risk juveniles who are in need of extra attention and support. In FY 2007, 988 juvenile probationers were under Enhanced Supervision Probation, with approximately 60% successfully completing probation.

What I have described is in addition to our role in the City's ambitious alternatives to detention initiative. As you know, we are using a rational objective tool to determine risk level of arrested juveniles, utilizing three levels of alternative-to-detention programs to address moderate-risk youth.

As a result of Project Zero-driven changes, the number of New York City youth placed in OCFS facilities has dropped dramatically, despite increased juvenile arrests. From 2002 to 2007, the number of NYC youth placed in congregate facilities as a result of a juvenile delinquency case decreased by 11% despite a 33% increase in the number of

juvenile arrests over this same period. Since 2006, the trend is even greater, as 27% fewer youth were incarcerated in the first five months of 2007 than during the first five months of 2006.

The Commissioner of OCFS, Gladys Carrion, credits these and other local efforts as paving the way for their proposed transformation of the State's juvenile justice system, which includes closing six facilities and creating community-based programs as alternatives to incarceration.

Unfortunately, at the same time we reduced the number of youth placed in congregate care, the State increased the cost per day per child. From 2002 to 2006, the number of juvenile delinquents placed in state-run or contracted facilities declined 11%, yet over this same time period the annual cost to the city **increased** from \$110.1 million to \$113.7 million, and the average per diem cost increased by over 60% from \$98/care day to \$158/care day. But for the fact that the state increased the per diem rates, the City would have saved tens of millions of dollars.

Sadly, despite the benefits the State derives from our efforts, the State makes little contribution to Probation's juvenile justice reform efforts, reimbursing only the cost of probation officers at a historically low rate of 17.8% in calendar year 2007. That's down from a high of 46.5% from 1983 through 1989. The City has urged the State to create a broader fiscal partnership with New York City to provide reimbursement for ATD,

Alternative To Placement and community based post-release services. We are hopeful that we will be successful and welcome your support.

Thank you for the opportunity to testify. I would be happy to answer any questions you may have.