



**The New York City Council,
Committee on Juvenile Justice
April 14, 2016**

***“INT 949: Requiring ACS to Report on Programs and Services Provided to Youth in Placement
and Detention Facilities”***

**Testimony by
New York City Administration for Children's Services
Felipe Franco, Deputy Commissioner
Division of Youth and Family Justice**

Good morning Chair Cabrera and members of the Committee on Juvenile Justice. I am Felipe Franco, Deputy Commissioner for the Division of Youth and Family Justice at the New York City Administration for Children's Services. With me today is Jill Krauss, Deputy Commissioner for Communications and Community Affairs and Yumari Martinez, Associate Commissioner for the Office of Planning, Policy and Performance. On behalf of Commissioner Carrión, I would like to thank you for the opportunity to offer testimony about Introduction 949, and about the health, education, and recreation programs and services that are provided to young people in our secure and non-secure detention facilities, and in our non-secure and limited secure placement residences.

ACS and our contracted partners work to promote public safety and improve the lives of youth, families, and communities by providing safe and secure custodial care. As the Committee knows, our most recent innovation, Close to Home, is a radical transformation of the way New York City handles juvenile justice. Instead of warehousing children in institutions hundreds of miles from their families, Close to Home keeps them in or near their home communities, so that families can participate in their rehabilitation.

But there is more we need to do to make this program safe for youth AND communities. Yesterday the Department of Investigation issued a report on a terrible incident that involved a former Close to Home non-secure placement provider in June 2015. We thank DOI for its work and would like to take a moment to share with the Council more information about our focus on safety and security and the additional work we are doing in this area. ACS is committed to providing robust oversight of our providers to ensure that an incident like this does not happen again. We have taken major steps – before this incident occurred, immediately after, and in the aftermath – to transform and strengthen our juvenile placement system

In 2013, ACS implemented system-wide changes to decrease AWOL incidents (in which young people leave or fail to return to their Close to Home program without permission). As a result of these changes, the number of AWOLs decreased by 69% between 2013 and 2015. This success is due in large part to ACS dedicating additional training and additional staff to address the issue. We assigned six Investigative Consultants—former NYPD detectives who now are employed by ACS – to work with providers and the NYPD to locate AWOL youth. We also issued new requirements to our providers around reporting AWOLs, monitoring youth, and enhancing security measures.

Despite these significant efforts, on June 1, 2015, three youth escaped from a Boys Town facility and perpetrated a horrifying assault. When we learned of the incident, ACS took immediate action: we closed the site where the incident occurred that very day, and, after assessing the safety and security of their other facilities, ACS and Boys Town agreed that Boy Town would cease all Non Secure Placement operations in July 2015. Between June and August 2015, ACS conducted site visits to all 27 of the NSP sites to ensure compliance with ACS’ security and safety regulations. ACS also retained a nationally recognized expert in quality assurance for juvenile justice programs, Dr. Kelly Dedel, who is working with us to implement a comprehensive quality assurance system for Close to Home.

In 2016, ACS is also initiating longer-term strategies towards improving our system. We are increasing the number of visits to each of our sites to, at a minimum, eight per year. This will include one overnight unannounced visit to each site every quarter. NYPD crime prevention officers are visiting every Close to Home site to assess safety and security and recommend changes where necessary. In addition, in order to appropriately oversee our providers and conduct robust quality assurance, the de Blasio administration is adding \$4 million to ACS’ Close to Home budget which will allow ACS to hire for 35 new positions across ACS. Eight of these positions are dedicated to monitoring the provider agency staff. The additional staff will improve our ability to respond to

critical incidents, continue the steep downward trend of AWOL incidents, and develop a data-driven approach to inspecting and evaluating program. We are also updating policies for our providers and enhancing requirements around security protocols within Close to Home residences.

This summer ACS will begin implementing Performance Based Standards (PbS), an established program that works with nearly 200 programs in over 30 states across the country to ensure strong practice in juvenile justice settings. We will also promulgate strengthened revised Quality Assurance Standards for our provider agencies.

Overview of DYFJ Residential Care

The safety and security of the community and of our young people is of paramount importance to ACS. The Boys Town incident highlighted the need for vigilant monitoring of our provider agencies, but it also highlights the importance of targeted programming for our young people in care to keep them engaged, to address their trauma, and to prevent risky behaviors. This is why the work we do with young people in our residential facilities is ever so important and why I am grateful for the opportunity to talk to you today about the services and programs DYFJ and our partners provide in residential care.

ACS provides secure and non-secure detention (NSD) services for Juvenile Delinquents and Juvenile Offenders whose cases are pending in Family or Criminal Court. DYFJ directly operates two secure facilities (Horizon Juvenile Center in the Bronx and Crossroads Juvenile Center in Brooklyn). DYFJ also oversees 11 not-for-profit provider agency-operated NSD group homes across the City. Given the relatively short length of stay for most young people in detention, the mission for this population is to ensure on time court appearances and expose young people to positive programming and services to encourage them to get on the right path upon discharge from residential care.

As you know, New York City's placement system, Close to Home, allows New York City youth who are adjudicated Juvenile Delinquents by the Family Court to be placed in residential programs closer to their families and home communities. A judge may order a youth to be placed in a residential placement program if the judge finds that the youth committed an offense and is in need of rehabilitative services.

Under Close to Home, young people receive therapeutic services at small group homes in or near the five boroughs where they are close to resources that can support their treatment and transition back into their communities. Currently, ACS' non-profit partners operate 25 non-secure placement residences and five limited secure placement residences. In contrast to detention, Close to Home placements last a longer period of time, thus the facilities are able to provide a lengthier timeline of intensive and therapeutic programming to youth in placement, including aftercare services. As such, we actively connect placed youth to programming that can be continued in the community while they are on aftercare.

Programming in Detention

Youth in our secure detention facilities receive education, health care, mental health services, dental care, recreational activities, and case management onsite. Within 72 hours of admission our young people receive a comprehensive medical evaluation, including a complete health exam and mental health assessment. To further support the mental health needs of youth in detention, ACS contracted with NYU /Bellevue Hospital to provide psychiatric and psychological services. Each secure detention site now has a full time psychiatrist and psychologist and youth are systematically screened for trauma exposure. Other services available to youth include assessment, evaluation and medication management.

Youth in secure detention attend the Passages Academy, a full time educational program that is operated by the NYC Department of Education (DOE) within both secure facilities. DOE schoolteachers execute a standard curriculum that includes English language arts, mathematics, science and social studies, and enables youth to earn credits toward graduation. Each class is currently comprised of approximately eight students who share similar levels of academic need. The school day consists of eight periods, including lunch, and each period lasts 44 minutes. In addition to providing tutoring sessions, DOE teachers work with middle and high school students to help them prepare for Regents and English Language Arts examinations.

DYFJ partners with not-for-profit provider agencies to operate non-secure detention residences throughout the City. Non-secure detention offers a less restrictive residential setting than secure detention, so young people are able to leave the residence under staff supervision to attend school, medical appointments, and certain recreational activities. Youth in non-secure detention also receive health, mental health, recreational and case management services similar to those offered in secure detention.

Non-secure detention residents travel to one of two stand-alone community schools that solely serve juvenile justice-involved youth. The DOE provides instruction for NSD youth at two Passages Academy sites: Belmont in Brooklyn and Bronx Hope in the Bronx. As with their peers in secure detention, youth in NSD receive full academic instruction and accumulate DOE credits towards graduation.

DYFJ and our partners provide a range of recreational programs and services to justice-involved youth in secure and non-secure detention facilities. Through positive activities and strong role models, we hope to develop the skills young people need to redirect their lives in a positive direction when they leave our care. Within our residences, we and our providers partner with groups such as Carnegie Hall, Voices Unbroken, Columbia University, NYU, Lineage Project, and the

Center for Community Alternatives. We also partner with faith-based institutions to provide spiritual services. We are constantly reviewing our programs, including our arts and enrichment programs and are always looking to expand our portfolio of programming and services.

Close to Home

Young people in Close to Home receive individualized clinical services that are shaped by evidence-based models, which integrate psycho-education, cognitive-behavioral curricula, peer mentoring, interpersonal processing, and life skills development.

ACS has partnered with eight non-profit agencies to deliver strengths-based placement program models in 25 non-secure placement residences located in and near New York City. All eight providers have experience in serving juvenile justice populations, and each program offers structured residential care for six to twelve youth in a small, supervised, and home-like environment. In contrast to traditionally larger juvenile detention halls and placement facilities, all NSP programs have been intentionally designed to ensure participation in program while preserving the safety and security of youth, staff, and the surrounding community. Young people in NSP, while under strict staff supervision, are able to leave the residence to attend school, medical appointments, and certain recreational activities.

Limited Secure Placement, which opened in December 2015, currently has programs operating at four sites: two in the Bronx, one in Dobbs Ferry and one in Queens. In contrast to NSP, all programming and services are provided to young people on site, including medical, dental, psychiatric, and education. LSP residences also feature additional security features, such as perimeter fencing, closed-circuit TV monitoring, and door locking mechanisms.

Young people in NSP and LSP receive individualized educational services that are accredited by the NYC DOE. This allows academic credits earned in placement to count towards a

high school diploma. After school tutoring is also available to young people in NSP through the DOE, and they participate in a wide range of after school recreational activities through the School's Out in New York City (SONYC) program, which is offered through partnership with the NYC Department of Youth & Community Development.

As a way to help engage the community and foster meaningful relationships with the surrounding neighborhood, our partner agencies also work with outside service providers and community partners to provide recreational services to young people in our placement residences. Some of the most popular programming options in Close to Home include art and music therapy programs. Individual sites have also engaged charitable foundations, professional sports teams, service learning opportunities, and mentoring organizations to supplement the recreational programs offered to young people in placement. NSP providers have partnered with organizations such as Sadie Nash Leadership Project, and Warriors Mentoring Program to provide services, and also utilize local parks for recreational activities.

Current Reporting

ACS currently reports information regarding several aspects of our juvenile justice system, all of which is accessible via our agency's website. Information regarding children who receive ACS services at juvenile justice facilities is available, and ACS' monthly flash reports include statistics such as DYFJ's total monthly admissions to detention, monthly average daily population, and Close to Home intakes. Local Law 44 of 2013 requires ACS to post quarterly reports regarding incidents, annual reports regarding demographic data, as well as annual reports of child abuse allegations for detention and non-secure placement.

DYFJ's primary goals are to assure that our facilities are safe and secure, to provide youth in detention and placement with appropriate health and mental health services, and to provide services

to prevent youth from returning to the juvenile justice system. As reflected in the Preliminary Mayor's Management Report for Fiscal Year 2016, we are doing a better job at linking our young people to mental health services as we have seen an increase in referrals from 50% during the first four months of Fiscal 2015 to 54% during the first four months of the current Fiscal Year. The percentage of young people who received mental health services rose from 46% to 56% during that same time period.

New York State Social Services Law section 404 requires ACS to submit an annual Close to Home report to the Office of Children and Family Services, the Senate President and the Assembly Speaker. Our Annual Close to Home report contains outcomes data, as well as detailed information on aftercare services, educational advancement, and community engagement.

Introduction 949

ACS is committed to maintaining transparency in the work that we do, and we are happy to share information about the programs and services we provide throughout our juvenile justice continuum with the City Council. We support the City Council's interest in learning more about the programming our youth receive while in care and share the Council's dedication to enhancing and maintaining positive programmatic approaches for justice-involved youth. Together we can work to define the parameters of this bill so that ACS is better able to provide the information the Council needs in a way that will most effectively suit the purpose of this legislation.

To better understand the requirements of the bill, we would like to work with the Council to clarify the meaning of "services and programs." The term can refer to the array of well-being services that we are required to provide for young people in our care, such as medical care, mental health services, education and recreational activities. The term can include different types of intensive evidence-based therapeutic programming that help young people change their behavior

and improve their outcomes, and it can also refer to the variety of “extracurricular” enrichment opportunities which we and our contract agencies partner with organizations in the community to provide for our young people. Without clarity and specificity in the definition of “services and programs” we are unable to determine whether ACS has the capacity to aggregate the required data, nor are we able to conceive of the form in which a report under this bill would take.

The daily schedule of services and programs throughout DYFJ’s continuum of residential settings varies from residence to residence, and are offered to young people based on their individualized needs. Because of this variation (and depending on the definition of “service or program”) it would be difficult to report the average number of hours per month that each “service or program” is provided, as well as the monthly percentage of young people who participate. Intro 949 would also require ACS to supply the daily schedule for each NSD residence, secure facility, NSP residence, and LSP residence- this would amount to the submission of 365 schedules multiplied by a total of 43 residences, for a total of 15,695 schedules per report.

We appreciate and applaud the interest this Committee has shown in the needs of justice-involved youth and always welcome opportunities to partner with the Council to address the interests of young people in residential care. We are concerned that Intro 949 does not capture this goal in its current form, however we wish to continue the cooperative relationship we have enjoyed with the Council and are glad to work with you to help achieve it.

Closing

Thank you for the opportunity to discuss Intro 949 this afternoon. We also thank you for the opportunity to share with you the targeted actions ACS has taken to fortify safety and security in Close to Home so that we can prevent tragedies like the Boys Town incident from happening again. We have to get security right so we can continue to do the therapeutic work that we know benefits

youth and the community. As always, we are happy to work with the Committee in our continuing efforts to improve the system and to provide services for the City's justice-involved youth. We are happy to take your questions.