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Division of Youth and Family Justice**

**Testimony to the New York City Council  
Committees on:  
Justice System and Criminal Justice  
December 3, 2019**

***Oversight:  
"Implementation and Expansion of Raise the Age"***

Good afternoon Chairs Lancman and Powers and members of the Committees on the Justice System and Criminal Justice. I am Sara Hemmeter, the Acting Deputy Commissioner of the Division of Youth and Family Justice (DYFJ) at the New York City Administration for Children's Services (ACS). I am joined today by Charles Parkins, Deputy Associate Commissioner for Detention.

I am very pleased to be testifying before you today about ACS and our implementation of Raise the Age (RTA). While long overdue, as of October 1<sup>st</sup> of this year, we have officially raised the age of criminal responsibility to 18-years old. All newly arrested 16- and 17-year-olds are now treated as juveniles in the justice system. It has been an honor to be at ACS, working collaboratively with so many partners, during the planning and implementation of Raise the Age. ACS and DYFJ have made significant strides to improve the lives of children and families involved in the juvenile justice system, with a special focus on keeping young people strongly connected to their communities. Through our collaboration with numerous City partners including NYPD, Probation, the Department of Education, the Department of Correction and the Mayor's Office of Criminal Justice (MOCJ), as well as the City Council, advocates and providers, we have improved the prospects of justice-involved youth while enhancing public safety outcomes for everyone.

### **ACS Detention**

ACS, along with our partner agencies and City Hall, engaged in extensive planning and implementation efforts to be ready for both the first phase of RTA implementation (16-year-olds) and the second phase of RTA implementation (17-year-

olds). In anticipation of RTA implementation, ACS completed renovations to our detention facilities, while adding extensive programming, educational and vocational options for older youth. We also ensured that we would have the necessary capacity for JDs, JOs and AOs, and created a new job title, Youth Development Specialist (YDS). ACS was ready for RTA implementation.

Horizon Juvenile Detention Center has been certified as a specialized juvenile detention center, which has housed the 16- and 17-year-old youth who transferred from Riker's Island on October 1, 2018, and any 17-year-old youth charged with crimes between October 1, 2018 and September 30, 2019 who were ordered to be detained. Our state oversight agency, the Office of Children and Family Services (OCFS), refers to these youth as pre-RTA youth, because while they are housed in a juvenile facility, they are still being prosecuted as adults in the court system.

As required by the law, ACS and the Department of Correction have been collaboratively operating Horizon. Prior to the October 1, 2018 effective date, 93 youth transferred from Riker's Island to Horizon. Since last October, no juvenile has been detained at Riker's Island. Newly arrested 17-year-olds, who were still prosecuted as adults for the past year, have also been detained at Horizon. ACS has housed 419 unique pre-RTA youth at Horizon this past year. As of October 31, 2019, there were 40 pre-RTA youth at Horizon, only two of whom were part of the original 93 youth.

To ensure proper staffing of both Crossroads and Horizon, ACS has been aggressively recruiting, hiring and training multiple classes of YDS. To date, ACS has hired over 600 YDS. ACS worked with DOC and the unions to develop a phased plan

to introduce YDS to Horizon over a period of six months. Starting April 2019, we began by bringing YDS supervisors to Horizon to observe operations. We intentionally assumed responsibility for direct care in multiple stages, so that the transition would be seamless and orderly for both the youth and the staff. As of today, there are 170 ACS YDS at Horizon, managing all ten halls. ACS assumed full management of the final hall on November 15, 2019. ACS is on track to assume primary operational control of Horizon by January 2020.

Some of the Rikers youth and pre-RTA (gap year) youth, can still be detained at Horizon until October 1, 2020. Until all of those youth leave the facility, or turn 18 years old, DOC will need to remain on-site in some capacity as required by the State. As a result, after January 2020, there will be a small contingent of DOC Officers on-site performing limited functions related to safety and security.

As of October 1, 2019, 17-year-olds are also now treated as juveniles in the justice system. This means that if they are arrested and brought to court, their cases are handled either in Family Court or the Youth Part of Supreme Court. If they are detained as a juvenile delinquent, they are now housed at Crossroads. For now, any newly charged and detained juvenile delinquent, juvenile offender, or adolescent offender is detained at Crossroads.

While the population of pre-RTA youth at Horizon is rapidly decreasing, we anticipate that the population at Crossroads will continue to increase for the foreseeable future, as it is the only secure detention or specialized secure detention facility for newly detained youth. In preparation, ACS is in the process of having some halls at Horizon

certified by the State to be specialized secure detention (SSD) and thus able to house adolescent offenders (AOs). The halls we are seeking to have certified as SSD will be separate from where the pre-RTA youth are housed. Ultimately, once all of the pre-RTA youth leave Horizon in the coming months, we will have more flexibility to house detained youth closer to their homes and communities in the two secure detention facilities, given that one facility is in the Bronx and the other is in Brooklyn. This will also give us greater flexibility with regard to population separation for safety purposes.

Youth at Horizon and Crossroads attend school on-site at DOE Passages Academy, and they have access to extensive offerings of vocational training and ACS's large array of contracted programming, as well as on-site health and mental health services, all of which is intended to provide the therapeutic and educational interventions that improve the young person's well-being and life outcomes. This past summer, youth at Crossroads and Horizon participated in the Department of Youth and Community Development's (DYCD) Summer Youth Employment Program (SYEP), which enabled them to work, earning \$15 per hour, during the summer for up to 25 hours per week in their facilities and then in the community, post-release.

ACS has a wide variety of programming available for youth in detention. This includes Cure Violence credible messenger programs, Carnegie Hall music, and various art programs. ACS has a chaplain at both detention facilities and all youth can participate in religious services and individual ministry. One of our newest offerings is Sprout by Design, an urban farming program at both Horizon and Crossroads (as well

as some of our Close to Home placement programs.) At the detention sites, youth have gardens and learn how to make healthy snacks using fresh produce from the garden.

Providing youth in detention with daily opportunities for large muscle exercise and space for recreation is essential. All youth at both facilities have the opportunity for outdoor activities. The outdoor space at Crossroads is complete, and includes basketball courts, grassy areas, sprinklers for hot days, and space for other outdoor recreation activities. As has always been the case, youth at Horizon are able to access the interior courtyard and the patios in the housing units. In April, a temporary outdoor basketball court was completed, and in August a permanent full-size basketball court was completed. There is a large grassy area now available at Horizon, which the youth at Horizon were able to use for the “Turkey Bowl,” a flag football tournament on Thanksgiving.

The youth who are placed in detention are often among the highest needs youth in the City and have experienced various traumas prior to detention. Through our partnership with NYC Health + Hospitals, youth receive comprehensive psychiatric, psychological and behavioral health services delivered by skilled clinicians from Bellevue Hospital and Correctional Health Services.

DYFJ utilizes the NYC Model within our secure detention system. Adapted from the nationally recognized Missouri Youth Services Institute (MYSI) model, the NYC Model is a therapeutic approach for working with youth in the juvenile justice system. Facilitated small group interactions are at the core of this group process model and include components of positive youth development and cognitive behavioral therapy to

help youth make positive and long-lasting changes in their thinking and behavior. In addition, we continue to train our staff on Safe Crisis Management (SCM) and have expanded our contract with the developer to include monthly on-site trainings for staff to practice and apply de-escalation skills to safely manage conflict.

### **Close to Home**

In 2012, the State and the City partnered to create Close to Home, New York City's juvenile justice placement system where adjudicated juvenile delinquents are placed in residential programs near their homes, schools and communities. Our Close to Home non-secure and limited-secure placement residences are located at 30 sites throughout the City and in Dobbs Ferry and are run by seven nonprofit provider agencies. Close to Home is grounded within a child welfare framework, and all of our providers are deeply experienced in serving the complex needs of our youth.

Despite raising the age of criminal responsibility for 16-year-olds last October, ACS has seen a decline in the Close to Home census: Close to Home placements declined 43% in the first 9 months of RTA. As of November 25, 2019, there were 101 youth in Close to Home placement (with 40 additional youth on aftercare where they continue to be supervised by ACS and the provider but are at home in the community). ACS currently contracts for 294 beds in Close to Home. With 17-year-olds adjudicated as Juvenile Delinquents now eligible for Close to Home, we expect to see the census start to increase. We are working with MOCJ to monitor this situation closely, and ensure we have sufficient capacity.

All Close to Home programs offer structured residential care for youth in a small, supervised, and home-like environment. In contrast to traditionally larger juvenile placement facilities, Close to Home programs have been intentionally designed to ensure participation in program while preserving the safety and security of youth, staff, and the community.

Close to Home allows for work to occur simultaneously with the youth, the family and the community to ensure that factors that led to juvenile justice system involvement are addressed before the youth returns to the community. In partnership with the Department of Probation, ACS has adopted a Risk-Need-Responsivity (RNR) framework and an evidence-based assessment tool—the Youth Level of Services (YLS)—to guide our intervention and ensure we reduce youth likelihood to recidivate.

Each Close to Home program is required to implement an evidence-based therapeutic program model that serves as the primary mechanism of behavioral support. Through the chosen program framework, youth address their interpersonal relationships, communication skills, and emotional regulation.

Having youth close to their families allows the inclusion of the youth's family at every level of intervention. In Close to Home, we use family team conferencing as we believe it is critical to engage the youth's family in all decisions and challenges the youth may be facing. Before youth are discharged home they and their family must have demonstrated readiness for reunification. Youth returning to the community receive at aftercare supervision from their Close to Home provider.



The goal of Close to Home aftercare is to build on the skills youth acquire while in placement and help develop a network of support that will allow them to succeed in the community. While in placement, youth form positive, trusting relationships with caring adults. These relationships are critical to facilitate each youth's growth, skill development, and progress as they learn new ways of thinking and changing their behaviors. On aftercare, residential providers build on these existing relationships with youth, along with their broader agency resources and relationships with community-based organizations, to supervise youth in the community with support from ACS, to ensure that a youth's needs are being met.

#### **Int. 1628-2019**

Intro 1628-2019 amends the current Juvenile Justice quarterly and annual data reports for detention and Close to Home to include additional components, many of which are related to Raise the Age.

ACS appreciates the City Council's interest in amending the data report to include data points specifically related to raising the age of criminal responsibility. The proposed legislation includes some data elements ACS does not have access to, would change the reporting requirement to be monthly which would be incredibly onerous for ACS, and also includes some disaggregation requirements that are too small for ACS to be able to report on (due to confidentiality). In addition, the proposed bill includes data reporting requirements for the Department of Probation and MOCJ, which ACS cannot speak to. However, ACS is committed to maximum transparency with the Council and

the public about our juvenile justice programs, and we look forward to discussing the proposed legislation more thoroughly with the bill sponsors so that we can update the current reports to include Raise the Age in a meaningful and helpful manner.

### **Conclusion**

Thank you for the opportunity to discuss ACS's efforts to implement Raise the Age. ACS is looking forward to continuing to work with City agencies, the City Council, the providers, the advocates, the state, and most importantly youth and their families to both strengthen the juvenile justice system and reduce the number justice-involved youth. We are happy to answer your questions.