



**Jess Dannhauser, Commissioner**  
**Testimony to the New York City Council**  
**Committee on General Welfare and Committee on Finance**  
**June 15, 2022**

**“Oversight: Juvenile Detention in NYC”**

Good morning Chair Ayala and members of the General Welfare Committee. I am Jess Dannhauser, the Commissioner of the New York City Administration for Children's Services (ACS). With me today from ACS are Nancy Ginsburg, the Deputy Commissioner for the Division of Youth and Family Justice (DYFJ) and Charles Barrios, Associate Commissioner of Juvenile Justice Programs and Services in DYFJ. We are pleased to be here today to provide an overview of our juvenile justice continuum, focused on detention, and to discuss the bills also being heard today.

ACS appreciates the Committee's interest in the young people served throughout our juvenile justice continuum. Thank you, Chair Ayala for prioritizing the young people in detention, and for taking the time to visit Horizon to tour the facility and meet with our staff. Your interest, compassion and commitment were palpable and greatly appreciated by our staff.

As I hope you will see from my testimony today, we have worked hard to weave the principles, programs and services of child welfare into our youth justice programs, so we can empower youth with the tools they need to succeed. ACS oversees services and programs at every stage of the juvenile justice continuum, which includes community-based alternatives for young people and their families. In addition, we provide secure detention services and oversee nonsecure detention and the Close to Home juvenile justice placement facilities.

The past decade has seen two major progressive reforms in juvenile justice in New York City and New York State. Since 2012, with the enactment of Close to Home, NYC youth who are adjudicated in Family Court receive services in or close to the communities where they live, rather than hundreds of miles upstate. These young

people are placed into the custody of ACS and receive rehabilitative and therapeutic services at a small home-like, residential setting operated by ACS-contracted provider agencies in or near the five boroughs, as well as aftercare services upon their return to the community.

Second, and long overdue, New York State has finally caught up to the rest of the country and raised the age of criminal responsibility. In New York City, no 16- or 17-year old youth has been held at Riker's Island since October 2018; if they are ordered to be detained, they are now detained at one of ACS's juvenile detention programs.

We 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 families and communities, and by connecting youth and families with the individualized supports needed to help them succeed. To do so, we collaborate with numerous City partners including the Department of Probation (DOP), the Department of Education (DOE), Department of Youth and Community Development (DYCD), and the Mayor's Office of Criminal Justice (MOCJ), as well as the City Council, advocates and providers.

Despite the many challenges the COVID-19 pandemic has presented, we have worked closely with our provider community to adapt our entire continuum of juvenile justice programs to meet the needs of youth and their families while conforming and adapting to the public health demands. Our community-based alternative programs have continuously provided prevention and diversion services to safely keep youth out of the justice system and supported in their homes and with their families. Our

detention facilities and Close to Home residential placements have effectively adopted public health protocols.

Before focusing on detention, I will provide you with an overview of our juvenile justice continuum, the young people and families that we serve, and the ways that we are continuing to strengthen our programs.

### **The Juvenile Justice System: An Overview**

Young people can be charged as Juvenile Delinquents (JDs), Juvenile Offenders (JOs) or Adolescent Offenders (AOs). Youth ages 7-17, are charged as JDs in Family Court. These types of cases include all misdemeanors, most violations for 16-17- year olds and most felonies for youth under 16. Effective December 2022, children under the age of 12 will no longer be prosecuted in Family Court except for the most serious offenses. If a judge orders a JD to be detained, the youth can be in either secure detention or nonsecure detention; only JDs can be detained in nonsecure detention. ACS also has a number of community-based alternatives to court involvement and detention for young people, including programs and services centering youth development and strengthening family relationships, with the goal of enabling youth to remain safely with their families in their communities.

Judges can order youth to be in detention while their cases are pending or for sentences out of the Youth Parts of one year or less. ACS operates two secure detention facilities, and we contract with non-profit providers who operate 7 nonsecure detention facilities. At the disposition of a family court case, the court can order that the

youth be placed in non-secure or limited secure Close to Home facilities, which ACS administers.

JOs and AOs have their cases heard in the Youth Part in Supreme Court. JOs are youth ages 13-15 charged with violent felonies. AOs is the new category created by the Raise the Age law, for 16- and 17- year olds facing felony charges in the adult court system. The most serious cases are retained in the Youth Parts by law, while others can be removed to Family Court by the Youth Part judge or on consent of the prosecutor. If JOs or AOs are sentenced to a period of incarceration longer than a year, they serve that time in facilities administered by the New York State Office of Children and Family Services until the age of 21.

### **Strengthening the Juvenile Justice Continuum**

The implementation of Raise the Age is historic and has required ACS to continue to transform our system, as the youth we are serving are now older and stay in our care for longer periods of time due to the serious nature of the charges.

We are currently taking a close look at our entire continuum to meet the needs of an older age group, and in April, we brought on a new Deputy Commissioner of the Division of Youth and Family Justice, Nancy Ginsburg, who will be leading this effort. Prior to coming to ACS, Nancy spent the past 30 years at the Legal Aid Society of New York City where she was most recently the Director of Adolescent Intervention and Diversion Project, and worked directly with the youth who are in ACS's juvenile justice programs. Her wealth of professional experience will help us to strengthen our programs, ensure our staff and providers have the tools and supports they need, and

support young people and their families so they can develop to meet their full potential.

We are in the process of expanding the Fair Futures program to our juvenile justice continuum. Since 2018, Fair Futures has been providing coaching, tutoring and other supports to youth ages 11-21 who are in foster care. With the Mayor's commitment of \$30.7 million baselined in ACS's budget, we can now not only expand to youth ages 21-26 from the foster care system, but we will extend the critical mentorship, educational and vocational opportunities to the juvenile justice system. We have seen the positive results of Fair Futures, and so we are excited to add these supports to court-involved young people.

### **Community-Based Alternatives**

Our goal is to keep young people out of the court system whenever that is safely possible, through community-based services. We know that the best way to intervene positively in the lives of young people is to engage with the whole family.

Our Family Assessment Program (FAP) is a diversion program available to families of youth up to age 18, to help avoid involvement in the juvenile justice or child welfare systems by providing therapeutic services, and it is grounded in a child welfare framework. Our voluntary services support families to address difficult teenage behaviors such as skipping school, using drugs, running away from home and/or struggling with mental illness. To minimize court involvement, families in NYC must first participate in FAP services before a Persons in Need of Supervision (PINS) petition can be filed.

ACS also administers the Juvenile Justice Initiative (JJI), which serves youth adjudicated as juvenile delinquents who are under probation supervision, as an alternative to placement. Specifically, JJI provides intensive services to youth in their communities rather than through placement in a custodial setting. JJI helps parents develop skills to support their children, enforce limits, and steer them towards positive peers and activities.

FAP and JJI use home-based interventions, drawing on skilled clinicians to work closely with parents and youth in their homes and communities while engaging schools, after school programs and other professionals to support the family. These services, which range from community-based supports such as mediation, respite and mentoring programs, to ACS-funded intensive, therapeutic evidence-based models such as Multisystemic Therapy (MST), Functional Family Therapy (FFT) and Brief Strategic Family Therapy (BSFT). In 2021, we served nearly 1,000 youth in these programs.

Currently, MOCJ administers the City's Alternative to Detention (ATD) programs, which are the services that youth charged as JDs can participate in so that they can remain in the community and get the support they need to address their needs. As you may know, ACS recently released a concept paper and will soon issue an RFP for ATD programs, which will be administered by ACS when the new contracts begin in July 2023. This move will enable ACS to administer the full continuum of juvenile justice programming in NYC.

## **Close to Home**

In 2012, the State and the City partnered to create Close to Home, New York City's juvenile justice placement system in which 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 28 sites throughout the City and in Dobbs Ferry. They are run by seven nonprofit provider agencies. Close to Home is grounded in a youth and family development framework, and all of our providers are deeply experienced in serving the complex needs of the youth in our care.

Despite raising the age of criminal responsibility, ACS has seen a decline in the Close to Home census. In the past five years, ACS has seen admissions to Close to Home decrease 77%, in large part due to the community-based alternatives available through FAP and JJI. Prior to Close to Home, 540 NYC youth were placed in upstate juvenile placement settings run by New York State. In 2021, there were 59 youth placed in Close to Home. Currently there are 63 youth in Close to Home placements and 20 on aftercare.

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

Close to Home allows for engagement to occur simultaneously with the youth, the family and the community to ensure that factors leading to juvenile justice system



involvement are addressed before the youth returns to the community. 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.

Close to Home allows youth to be placed close to their families and home communities which has made it easier to include the youth's family at every level of intervention. Youth in Close to Home participate in DOE's Passages Academy, with youth in Non-secure Placement (NSP) attending either Belmont or Bronx Hope and youth in Limited Secure Placement (LSP) attending school on-site.

Youth returning to the community receive 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. Residential providers build on their relationships with youth during aftercare, also leveraging broader agency resources and relationships with community-based organizations, to supervise youth in the community with support from ACS, to ensure each youth's needs are being met.

As you may know, in early May, ACS released a concept paper for the Close to Home juvenile placement and aftercare system. Given the census trends, the concept paper envisions a smaller, more robust system of care with a capacity of 172 beds, as

compared to the current system of 289 beds (after the FY23 PEG is implemented.) The concept paper also envisions smaller facility sizes (maximum of 8 beds rather than 12 beds), increased salaries for provider agency staff, adding Master's level licensed mental health clinicians and CASACs at all programs, and additional enhanced staffing such as an educational/vocational specialist, additional case planner, a recreational specialist and peer counselors/mentors for youth on aftercare. ACS very much looks forward to receiving the comments on this concept paper by June 24, 2022, releasing the RFP at the end of summer, and entering new contracts in July 2023.

### **Detention**

While there are many “off-ramps” in place, including the community-based alternatives I described earlier, judges in both the Family Court and Supreme Court’s Youth Part may order a youth detained.

### **Non-Secure Detention**

Non-Secure Detention (NSD) is a smaller, less restrictive residential setting for youth who are remanded to detention by the Family Courts during the pendency of their court case. ACS contracts with 5 providers, currently operating 7 NSD sites. Each NSD residence houses up to 12 youth and offers young people a supportive, family-like environment and close supervision. There are currently 34 youth in NSD. Youth attend school through Passages Academy and receive the full support of DOE services, including opportunities to engage in after-school activities and access to tutoring.

## **ACS Secure Detention**

ACS operates two secure detention sites, Crossroads Juvenile Center in Brooklyn and Horizon Juvenile Center in the Bronx. Crossroads houses young people held on securing orders from Family Court and Supreme Court while Horizon houses only youth with securing orders from Supreme Court.

In CY 2021 861 young people were served in secure detention. The overwhelming majority of the youth are youth of color: 89% identified as male; 67% were African American and 26% were Hispanic/Latinx. On any given day, nearly 90% of the youth in secure detention are 16 or older. Assault, robbery, criminal possession of a weapon and murder were the most common top charges, accounting for 60% of the youth in detention.

To prepare for the implementation of Raise the Age and ensure proper staffing of both Crossroads and Horizon, ACS created a new job and title, Youth Development Specialist (YDS). The YDS title represents an updated approach to juvenile justice that stresses the importance of establishing credibility with youth, connecting with them, and effectively de-escalating situations when necessary. ACS works hard to recruit YDS from across the City by doing extensive outreach in the neighborhoods and communities where our youth and families live to find qualified people committed to working with youth.

All new YDS undergo an intensive six-week training program that includes two weeks of on-the-job training at the detention facility. The James Satterwhite Training Academy provides pre-service training on fundamental skills, such as: understanding youth development and relationships; maintaining safety, and security; providing

effective supervision of young people; managing challenging behaviors; supporting mental health care; and facilitating groups. All of our Youth Development Specialists have received training in trauma-based approaches to working with teens and on de-escalation of conflict and anger. Their skills are reinforced through intensive Safe Crisis Management training, with a focus on verbal de-escalation techniques as much as possible and physical restraint only when necessary. We also offer Core Supervisory training to all mid-level managers and supervisors in secure detention to provide them with the skills they need to properly manage and coach staff and create stable, safe environments for everyone.

All our staff are all trained on de-escalation techniques, which is critical to safely run detention centers. Prone restraints, which can be dangerous, are prohibited in our facilities. Instead, our staff are trained to employ Safe Crisis Management (SCM) and we have SCM coaches embedded in both of our facilities. As you may know, ACS entered into a voluntary agreement to receive technical assistance and expertise from the Nunez Monitors. In their most recent report, they wrote, “[Detention] staff appear to use physical restraint safely and proportionately and do not rely on the use of room isolation to manage youth behavior, both of which are important hallmarks of facilities that strive to promote positive relationships among youth and staff.”

While the Department of Correction (DOC) staffed Horizon for a time after implementation of Raise the Age, ACS resumed full operational control of Horizon in January 2020. For the past four years, we have been aggressively recruiting, hiring and training multiple classes of YDS. Like all City hiring, ACS’s hiring of YDS was impacted by the citywide hiring freeze at the beginning of the pandemic. However, since August

2020, ACS has been onboarding new classes regularly, the most recent of which started on April 25, 2022 and graduated from the Academy earlier this week. We look forward to our next cohort beginning on June 27<sup>th</sup> and graduating on August 12<sup>th</sup>.

These classes are helping ACS increase the available staff in our detention facilities as we work collaboratively with the union and OLR to safely return from 12-hour shifts implemented during the pandemic, back to 8-hour shifts.

### **Medical and Mental Health Services**

We have a full array of on-site medical and mental health care serving the youth at Crossroads and Horizon. ACS contracts with The Floating Hospital to provide health services (collectively, medical and dental services) and Bellevue Hospital Center to provide mental health services. Since 2012, ACS has been working closely with Health + Hospitals / Bellevue Hospital Center to provide trauma-informed screening and care, and comprehensive mental health services to young people in secure detention (as well as in our non-secure detention continuum). Through its team of psychiatrists, psychologists, social workers and mental health clinicians, Bellevue works closely with Youth Development Specialists, Case Managers, Program Counselors, and our contracted medical services staff to provide comprehensive care for all our youth.

Bellevue Juvenile Justice Mental Health Services provides mental health, psychological and psychiatric services on-site at Horizon and Crossroads, as well as to each of the DOE District 79 Passages Academy schools and to youth in non-secure detention. There is coverage 24-7. It is important to note that all Mental Health services provided in the secure and non-secure detention facilities are voluntary and approximately 95% of the youth are engaged in mental health services.

## **Education and Programming**

The NYC Department of Education's District 79 program, Passages Academy, provides educational instruction, counseling, and transition services to youth in detention. Like many students across the city, our young people reacquainted themselves with full-time in-person instruction after engaging remotely and through various hybrid modalities. We have experienced some challenges in supporting youth through this transition, but we are taking steps to prepare for the summer and for the fall. We are working closely with our NYC Department of Education partner to monitor daily attendance, addressing daily barriers to engagement in real-time; we are meeting weekly to collaboratively plan and problem-solve around systemic issues; we are focusing staffing resources to support the timely execution of morning routines and to support coaching of youth; and we are implementing incentive programs to recognize academic engagement and achievement.

We are currently planning for the summer, which includes both summer school through Passages Academy, Freedom School and Summer Youth Employment. Freedom School is a summer literacy and enrichment program. ACS looks forward to welcoming interested Council Members to "Harambee," the morning opener for Freedom School. "Harambee" joins staff, youth, and invited guests in dance, music, mindfulness, and close readings of culturally responsive texts. In addition, this summer, we will expand our post-secondary offerings to include career exploration courses in partnership with Kingsborough Community College's Office of Workforce Development, Continuing Education & Strategic Partnerships, as well as a credit-bearing course for high school and/or high school equivalency graduates in partnership with Manhattan

College. We will also continue to offer individual and small group tutoring throughout the summer. We know that engaging youth in these types of work and learning experiences lays the foundation for their successful transition to adulthood.

We believe that programming is essential to enhance the therapeutic environment in detention, while helping youth build self-esteem, take part in positive activities, reduce idle time, connect with role models and credible messengers, and develop skills to redirect their lives in a positive direction.

Since late August 2020, all programming in detention returned to in-person, with strict safety guidelines in place. Youth receive programming daily, either facilitated by an ACS-contracted vendor or by an ACS program counselor. We work closely with a variety of program vendors, such as the Center for Community Alternatives, Sprout by Design, Audio Pictures, The Kite, and Carnegie Hall, so that we can offer a range of social enrichment, recreation, and prosocial activities every day. Program vendors are available to offer programming in designated spaces throughout the facility as well as on the halls, and work in concert with ACS program counselors to engage youth and expose them to a variety of activities.

ACS offers a variety of programming opportunities to youth, including: arts & crafts, games, financial literacy workshops, and theme-based (monthly) offerings related to or in recognition of significant events and achievements throughout history.

We also believe in the value of partnering with credible messengers. As partners with the Mayor's Office of Criminal Justice to offer Cure Violence programming to youths across our detention and Close-to-Home continuum. Through our partnership with select Cure Violence organizations, credible messengers are regularly in the

facilities providing violence interrupter services, conducting workshops for youth as well as doing conflict mediation when requested. At Horizon, ACS partners with SAVE, which is under the umbrella of Getting Out and Staying Out (GOSO), and at Crossroads we partner with Man Up! Youth can also work with the violence interrupters through paid internship opportunities where they become Junior Violence Interrupters. The dedicated and engaged staff from both SAVE & Man Up provide services on the halls to with youth, which includes peer mediation and conflict resolution,

We are also releasing a new Workforce Development RFP, which we expect to release this summer. While ACS has offered vocational programming to court-involved youth on a small scale, this will enable us to expand to a broader workforce development program to connect a higher volume of pre- and post-adjudicated/sentenced to a variety of structured activities and vocational programming including career readiness, work readiness, vocational education, access to occupational skills training, employment opportunities in emerging job sectors, and links to resources that can help youth address personal obstacles to long-term employment and employment-related skills gains.

It will include a Fair Futures component and provide year-round support services (e.g. career readiness, work readiness, career pathways, vocational education and training, labor market readiness, and life skills) to youth ages 14-23 in detention and Close-to-Home. The Workforce Development program will help justice-involved young people prepare for, obtain, and maintain employment. These programs will introduce youth to a variety of career exploration, readiness, vocational, education, and



employment opportunities as they prepare for their future beyond detention or placement.

Strong family engagement is another essential part of our model of care, and we have adapted to make sure youth remain connected. Our Case Management staff connect with parents by phone at intake, and they call parents to provide weekly progress updates. Since February 2022, on-site visiting has returned to our secure detention facilities, with measures in place to address health and safety issues caused by the pandemic. Specifically, family visitors need to either show proof of vaccination or a negative COVID test to attend in-person visits, and we have rapid tests available for those who need them. Throughout the pandemic, ACS case management staff maintained frequent contact with the youth's parents or guardians. ACS also facilitated additional parent support services including parent coaching and assistance with systems navigations through partner community-based organizations at Crossroads and Horizon.

While we have more work to do to continue to strengthen our work in detention, we have made significant progress in transforming our system and implementing Raise the Age. In the most recent report this past April, the Nunez team acknowledges that while the COVID-19 pandemic has had an extraordinary emotional and operational impact on the youth and staff in detention, ACS has made progress "in all areas" during the monitoring period. They also applauded ACS's advocacy to implement incentive bonuses for attendance for the YDS and the continued efforts to recruit and train YDS, which led to a significant increase in the number of staff in this reporting period compared to the last.

### **Int. 139-2022**

According to the Citizens' Committee for Children, 4,730 NYC children under age 18 lost a primary caregiver to COVID-19 from March 2020 through December 2021. Clearly, the trauma and tragedy of COVID has impacted us all, particularly children. As a City we must do what we can to address the needs of the children and families continuing to struggle with the impact of the pandemic.

The loss of a parent or caregiver has a profound impact on children. At the start of the pandemic, ACS worked with our partners at H+H to ensure that hospital social workers knew how to best help families when parents/caregivers were hospitalized or tragically passed away. Together we developed this guidance <https://www1.nyc.gov/assets/acs/pdf/covid19/unaccompaniedchild.pdf> to help families identify alternate caregivers, and turn to the child welfare system as a last resort. ACS also created a new section of our website to help parents and caregivers develop plans in case they got sick: <https://www1.nyc.gov/site/acs/about/planforyourchild.page> . We hope that these resources have been helpful to families both for peace of mind and for the worst-case scenario.

While ACS does not have a way to track COVID fatalities in the State's system of record that we are required to use (CONNECTIONS), at the start of the pandemic, ACS was very concerned about the tragic loss of life we were seeing and together with our providers sought to manually track COVID fatalities. Through this effort, we believe that since March 2020, 5 families with 8 children came to the attention of ACS because a parent died from COVID. Five of the children (from three families) were placed into foster care and the other three children from two families are living with family members

(adult sibling in one instance and father in the other). All of these instances occurred early in the pandemic. The fact that just a small number of children who lost a parent to COVID came to the attention of ACS indicates to us that communities and families have come together to provide care, love and stability for New York City's children who lost a parent or caregiver to COVID.

Earlier in the pandemic, we also asked our providers to track and report to us similar information. From this reporting, for March 2020 through July 2021, there were no reports of parents receiving prevention services who died from COVID. According to the reporting from our foster care agencies, for March 2020 through March 2022, 5 children in foster care had a parent who died from COVID-19 and 22 children had a foster parent who died from COVID-19. Given that the overwhelming majority of children suffering the immeasurable loss of a parent due to COVID are in the community, we at ACS have been continuously working to ensure that families and communities have the resources and supports they need to thrive. Through a partnership with the New York Society for Prevention of Cruelty to Children (NYSPCC), ACS and our providers refer children to their Trauma Recovery Program and parents to their Crisis Grief Counseling Program.

In addition, at the start of the pandemic, we created new website pages that we continue to update: one for families ([Coping through COVID](#)) and youth ([Teens Take on COVID](#)) to provide information about how to access resources and supports needed. Our child protection staff, the Community Partnership Programs, the Family Enrichment Centers, and the prevention service agencies have spent the past two years providing families with diapers, cribs, hand sanitizer, face masks, food, formula, laundry cards and

transportation. I want to take this moment to thank them all for this incredible work and for their commitment to making sure that families had the supports they needed during this challenging time. In addition, as you know, ACS is in the process of expanding our Family Enrichment Centers from 3 to 30 over the next three years- to the communities that were identified as hardest hit by the COVID-19 pandemic. These new community resources will be available for years to come, as communities and families navigate with the lasting impacts of the pandemic.

While ACS appreciates the Council's interest in ensuring the children who have lost a parent or caregiver to COVID-19 receive the services and supports that they need, we do have some concerns with the proposed data reporting required by Int. 139. Given the thankfully small number of children who lost a parent to COVID who are placed with ACS, and the laws requiring confidentiality for ACS-involved families, we are concerned that the reporting could violate these confidentiality laws. In addition, ACS does not have a data system that records the information required, and as such we would need to manually track this information for the next 10 years. ACS looks forward to negotiating this bill with the City Council.

#### **Int. 294-2022**

Int. 294-2022 would require ACS to provide parents or guardians with a multi-lingual disclosure form during a child protective investigation, with information about the investigation, parents' rights, contact information for legal organizations and contact information for the ACS Office of Advocacy.

ACS agrees that parents and guardians should receive written information, regarding the child protective investigation and resources that can help them and their family. ACS looks forward to negotiating this bill with the City Council.

### **Conclusion**

In conclusion, I would like to thank all of the staff across the juvenile justice continuum for all their efforts to provide a safe, supportive, caring and programmatically engaging environment for youth. I know that this has been even more challenging throughout the pandemic, and this work has not gone unnoticed. I have been visiting these sites and facilities and so impressed by the dedication, commitment, thoughtfulness and creativity.

Thank you and we look forward to taking your questions.