



IN THE PAST DECADE, New York City has transformed its treatment of children and young adults who get in trouble with the law. The city has cut the number of kids it sends to juvenile lockups by two-thirds, investing in a system of alternative programs that provide supervision in young people's homes and neighborhoods.

For older teens and young adults, criminal justice agencies have launched a continuum of services that includes job training, mentorship and education assistance, designed to get probationers and parolees connected to community-based support systems. The goal is to move young people out of the criminal justice system more quickly, divert them away from jails and prisons, and keep communities whole.

This issue of *Child Welfare Watch* looks at what has changed and what hasn't. As the city enters its final year under the administration of Mayor Michael Bloomberg, we consider the progress of reforms and the places where they've been stymied. And we look at the impact on communities that have long been destabilized by cycles of crime, police scrutiny, arrest and incarceration.

Ironically, the site of least reform is at the criminal justice system's front door. For most of the last 20 years, the New York Police Department has relied on a strategy of

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Issue Highlights: Facts and Figures

New York's policy of trying 16- and 17-year-old nonviolent offenders as adults in criminal court reduces each teen's lifetime earnings potential by more than \$60,000.

The state loses at least \$50 million in foregone wages for each annual cohort that passes through the adult courts—and unknown millions in lost tax revenues. (See “The High Cost of Convicting Teens as Adults,” p.23.)

Last year, the NYPD conducted more than 151,000 patrols in NYCHA buildings, or more than 400 per day. Public housing residents make up about 5 percent of the city's population, but from 2006 through 2009, roughly half of all NYPD trespassing stops in the entire city took place in public housing. (See “To Protect and Serve?” p.11.)

Following a year-long negotiation that included tenant leaders and police, trespassing stops in public housing dropped by almost 60 percent.

There's no evidence that cutting back on trespass stops tied the NYPD's hands when it came to making other arrests.

The number of arrested teens aged 15 and under whose cases have been diverted from court—or adjusted—and closed by the city's probation department increased 47 percent between 2009 and last year. This number has more than doubled since 2006. (See “Case Closed,” p.6.)

In the coming months, ACS plans to spend \$22 million to provide short-term, evidence-based therapies to work with about 3,000 families.

This is a targeted effort to reduce the number of children 12 years old and older placed in foster care. (See “Social Workers at the Kitchen Table,” p.29.)

aggressively cracking down on low-level crimes, concentrating most heavily in the city's lowest income black and Latino neighborhoods. In that time, the city has seen a massive drop in rates of violent crime. It has also seen growing furor over tactics like stop-and-frisk, which—as a result of advocacy in minority communities—promises to be a major issue in the 2013 mayoral and City Council elections. In this issue, *Child Welfare Watch* investigates relationships between the police and residents of the city's public housing, who experience a vastly outsized share of both violent crime and police surveillance. We look at the impact of these broken relationships on young New Yorkers—and at an example of what change could look like, if it were forged from collaboration between the police and the people most directly impacted by the practices of the NYPD.

After an arrest, young people usually end up in the hands of the city's Department of Probation, which has made a remarkable turnaround. In just six years, the department has doubled the number of juveniles it diverts away from court, sending them into short-term community programs instead. This year, it opened neighborhood-based offices in the places where most probationers live and promised to collaborate with local organizations to make communities stronger. In this issue, we look at these new initiatives and at the questions that remain: Can the probation department share power in meaningful ways with neighborhood residents? Will communities accept a criminal

justice agency as a partner?

This fall, the Bloomberg administration began pulling children out of state-run juvenile justice facilities, developing instead a city-run network of lockups that promise to be smaller and more therapeutic. Regardless of where they are housed, incarcerated kids are particularly vulnerable to abuse. Families and young people have yet to see how the city's programs will avoid the pitfalls of the state system, with its notoriously high recidivism rates and history of scandal.

The past year has also seen new momentum in the effort to raise New York's age of criminal responsibility. Currently, the state is one of only two in the U.S. that automatically treat 16- and 17-year-olds as adults in the criminal justice system, sending them through adult courts and, potentially, saddling them with permanent criminal records. We look at the consequences, and at the potential—and limitations—of the most current reform plans.

Finally, we consider a new intersection of juvenile justice and child welfare: In all its criminal justice reforms, the city has placed a premium on control-tested, evidence-based models of service. Now, the child welfare system itself has begun to borrow from those practices, adapting programs that have shown promise for young law breakers to serve teens at risk of being placed in foster care. As with all of the city's new reforms, the big-picture question is: Will it work? ❖

ON JANUARY 1, 2014, New York City will inaugurate its next mayor. The new administration will take office following 12 years of relatively consistent and, at times, progressive policy innovation in public agencies that influence the lives of low-income and working class families.

In this issue of the *Watch* we report on large steps taken by the Bloomberg administration in juvenile justice, probation and children's services, among others. We also look at the New York Police Department, one of the largest city agencies—and one that advocates a vision radically different from most others in city government, holding tightly to its aggressive strategy of high-intensity control, surveillance and street stops in the city's poorest communities.

Following are recommendations and solutions proposed by the *Child Welfare Watch* advisory board for initiatives that may still need adjustment, as well as suggestions for dramatic change in the methods and philosophy of the NYPD.

CITY HALL AND THE NYPD SHOULD INVEST SIGNIFICANT RESOURCES INTO REPAIRING RELATIONSHIPS WITH COMMUNITIES THAT EXPERIENCE AGGRESSIVE POLICING.

People need the police to help keep their neighborhoods safe. They want police to be their partners, not a force of occupation of which every young man must beware. The city's public housing developments experience a drastically disproportionate rate of police surveillance. Aggressive policing has bred resentment, anger and mistrust of the police.

The city needs to recalibrate the balance between aggressive crime deterrence and efforts to partner with communities, investing in work that builds positive relationships with residents of the neighborhoods that experience high levels of both crime and police surveillance. Police should sharply reduce the use of stop-and-frisk, which makes communities feel targeted and mistrustful. The mayor's office and the NYPD should seriously consider policing strategies that have proved effective elsewhere at involving community members in the fight against crime, and preventing violence by targeting the small number of people in any community who engage in dangerous behavior.

In local precincts, valuable efforts are frequently made to develop positive relationships between police and community leaders. For example,

commanders meet with public housing residents to discuss emerging crime patterns and police activity; officers participate in youth programs and violence prevention programs; Community Affairs officers work with residents when serious crimes take place.

But these efforts take far too low a priority in the department's operations. The NYPD spends just \$12.8 million per year on its Community Affairs Bureau—a tiny fraction of the department's total \$4.5 billion budget. Repairing the damage of overly aggressive patrol tactics can't be the project of a marginalized bureau. It will require buy-in and support from the top ranks of the Police Department and City Hall.

Ironically, public housing provides a hopeful example: In 2009, the New York City Housing Authority called together a task force on safety and security made up of high-level officials and elected tenant representatives. In response to residents' complaints about police harassment, the task force negotiated changes to the way police are trained, emphasizing the need for reasonable suspicion to make a police stop. In the two years that followed, trespassing stops on public housing grounds dropped by almost 60 percent. There's no evidence that cutting down on trespass stops tied the NYPD's hands when it came to enforcement: Even as the number of trespass stops

fell sharply between 2010 and 2011, the total number of arrests on public housing properties remained nearly identical.

These changes by no means solved the problems of distrust and alienation between police and public housing residents. But they do suggest that, in an area negotiated between the NYPD and residents most impacted by police policies—and where department leadership sat down to hear residents' concerns and collaborate on resolving them—there was meaningful change.

THE DEPARTMENT OF PROBATION SHOULD MAKE GOOD ON ITS COMMITMENT TO WORK WITH COMMUNITIES, CREATING INFRASTRUCTURE FOR SHARED DECISION-MAKING AND PARTNERSHIP.

The Department of Probation has engaged in a large-scale effort to integrate its programs into the neighborhoods where most probationers live, working with community organizations to provide services and supervision that allow both juvenile and adult offenders to stay in their homes, rather than being incarcerated.

Working in partnership with communities is a challenging task, particularly for a criminal justice agency that has traditionally focused on supervision and compliance. The DOP must continue to demonstrate that it is genuinely willing to share decision-making capacities with community residents, and to work with neighborhood organizations that do not conform readily to traditional models of criminal justice. For example, the DOP must carry out its commitment to create resident advisory boards for its new, neighborhood-based probation offices, where community members can have a say in the restorative work that probationers do.

In the past year, the DOP has hired dozens of service organizations to work with juvenile and young adult probationers, providing everything from job training to intensive daily supervision. The DOP must ensure that some of those opportunities are available to the local, neighborhood-based organizations that help keep communities strong—not just the large service agencies that have more experience winning city contracts. The city should make some

money available for technical assistance, aiding small organizations that may need administrative help to apply for and maintain government grants.

THE STATE LEGISLATURE SHOULD PASS, AND GOVERNOR CUOMO SHOULD SIGN, A BILL THAT WOULD TRANSFORM THE TREATMENT OF 16- AND 17-YEAR-OLDS IN CRIMINAL COURT.

The bill that is widely considered to have a chance of passing will be based on 2012 legislation submitted at the request of Chief Judge Jonathan Lippman. This bill would create a new system for handling young alleged lawbreakers who are currently treated as adults in the criminal courts. If it passes, the law would apply only to young people charged with nonviolent crimes, limiting the overall impact. Nonetheless, it would be a large step forward. First, the bill would allow local probation departments to adjust the case of any 16- or 17-year-old charged with a nonviolent crime, as they already often do for younger teens. The young person may agree to take part in an alternative program or participate in community service. If probation can't—or won't—adjust the case, the alleged offender would be prosecuted by the local district attorney in a new "youth division" to be set up in the criminal part of the state court. Following a guilty plea or conviction, the judge would have the same options she now has for all delinquents, including placement in a residential program, an alternative program run by probation, or some other combination of services and oversight. Regardless of how the case is resolved in the court, a teen prosecuted in the youth division would end up with no criminal record and her arrest record would be sealed.

Once this process is successfully established, advocates, courts and the legislature must press forward to incorporate 16- and 17-year-olds charged with more serious crimes. No 16- or 17-year-old should be automatically, summarily treated as an adult criminal.

PROSECUTORS SHOULD MAKE FULL USE OF THE PILOT DIVERSION COURT PROGRAMS IN CRIMINAL COURT.

Even without the legislation described above, many counties in New York State have

already established versions of these pilot adolescent-diversion court programs for 16 and 17-year-olds charged with nonviolent crimes. These programs give young people the chance to avoid permanent criminal records and receive age-appropriate services that can help prevent future crimes. There is a great disparity among the counties in the percentage of eligible young people who participate in these courts. In Nassau, for instance, about 81 percent of all eligible young people take part. In Queens, that number was only 9 percent as of June 30, 2012. Each county's court officials, district attorneys, and defense attorneys set their own policies around who the courts will and will not see, and district attorneys frequently act as gatekeepers, deciding which young people they will agree to send to these courts. We recommend that all eligible young people be sent to these courts.

AS ACS EXPANDS EVIDENCE-BASED PREVENTIVE SERVICES, IT MUST CONTINUE TO INVEST IN PROMISING PRACTICES AND SUPPORT PROGRAM DESIGN AND RESEARCH.

"Evidence-based" models are a valuable element of the ACS preventive services system and investment in such programs makes good sense. Yet they should not crowd out other innovative or potentially effective but inadequately researched programs. Research in this field is far too scarce for ACS to not also be looking for and investing in innovation. Ideas for effective preventive services emerge from practice and innovation, and there must be room for such ideas to flourish. What's more, most of the evidence for Multisystemic Therapy, Functional Family Therapy and related models is based on their use in juvenile justice systems, not child welfare, and it is not assured they will succeed in achieving the goals of the child welfare system, including child safety, permanency, and well being. Even the evidence for such programs in juvenile justice is mixed; they must be studied closely in their use in child welfare. Meanwhile, longstanding case management programs may or may not be cost effective—we don't know for sure. More attention must be paid to defining the most promising practices of these programs—and developing evidence of their effectiveness.

CITY HALL AND THE CITY COUNCIL SHOULD ENSURE THAT EVIDENCE-BASED PREVENTIVE SERVICES ARE AVAILABLE TO FAMILIES NOT INVOLVED WITH CHILD PROTECTIVE SERVICES.

When services are reserved only for families who have already been investigated by child protective services (CPS), then parents are more likely to see the preventive service systems as punitive and as an extension of the foster care system, and less likely to see them as a valuable source of help. The availability of preventive services should be driven by community need, not only by the rate of CPS referrals. By making these services available to families who are encountering difficulties, but who have not come to the attention of CPS, they can help fulfill preventive service's most lofty mission—to serve and protect families before they are on the brink of extreme crisis. This may require a greater investment—but it is an investment of the sort that government should value highly, given the fact we know these programs can make a difference.

CITY HALL MUST INVEST MORE HEAVILY IN COMMUNITY SUPPORTS.

The evidence-based programs ACS is adopting for child welfare are primarily clinical, short-term interventions that work with individual families who fit a specific profile, such as families with teens who have a substance abuse issue. As we invest in these services, we must also invest more heavily in the core infrastructure of community supports including afterschool programs, child care, and educational and housing supports. These are the services that persist when a family has completed a clinical evidence-based intervention, or when a young person returns home from foster care or a juvenile justice facility. They are the supports that are critical to the success of the new juvenile justice homes that have recently opened in New York City, and to those young people who have been diverted from the criminal justice system altogether. Investing in supports that strengthen and are rooted in communities acknowledges the critical role played by our families' natural support systems in helping young people grow up healthy and safe. Without this infrastructure, more time-limited interventions may be futile.

Community Alternatives to the Lockup

The city is partnering with communities to keep young people out of trouble—and out of the criminal justice system.

Over the past decade, New York City has invested in a massive project of de-incarceration, slashing the number of people it sends to jails and prisons and building programs that instead provide supervision and services in offenders' homes and neighborhoods. In just seven years, the city has cut the number of children it sends to juvenile lockups by two-thirds—a figure that could drop further as the city moves young people from state-run facilities to its own, newly designed programs for juvenile lawbreakers.

There has not been a corresponding drop in the number of young people arrested by the New York Police Department, a critical point that is covered in the feature article about police and New York City Housing Authority tenants that begins on page 10.

However, after an arrest, young people usually end up in the hands of the city's Department of Probation, and that agency has embarked on several efforts to move offenders out of the criminal justice system. The department is attempting to integrate its services with the neighborhoods where people are most frequently arrested, partnering with—and funding—neighborhood-based service organizations that work with young people in order to keep them on-track and out of trouble. The goal is not only to help young people who are in danger of getting caught up in the criminal justice system, but to strengthen resources in the neighborhoods where these young people live. It remains to be seen whether the communities most impacted by the criminal justice system will fully accept a criminal justice agency as a partner—but the articles that follow here profile two key strategies that are beginning to shape young New Yorkers' lives.

Case Closed

New York City's probation department is diverting thousands more teens away from juvenile court.

BY ALEC HAMILTON

EACH YEAR, MORE than 10,000 teens aged 15 and younger are arrested by police. They begin their journey into the criminal justice system with a visit to an intake officer at the Department of Probation. Increasingly, the trip stops there. In a remarkable turnaround, the probation department has become an off-ramp for thousands of teens each year, diverting them away from court, and into short-term community programs.

The number of teens aged 15 and under whose cases have been “adjusted” and closed by the probation department increased 47 percent between 2009 and last year, and has more than doubled since 2006. In 2011, 4,564 teens under age 16 arrested in New York City—38 percent of the total—had their cases closed through adjustment, up from 3,107 two years earlier. Today, the city funds nearly 30 community-based adjustment programs, serving just over 800 young people as of June.

The terms of an adjustment can include restitution for victims and the completion of one of these special programs, which involve community service or other projects. Adjustment periods typically last 60 days, though they can be extended to four months with a judge’s approval. If a young person meets the terms, he or she walks away from the case with no need to go deeper into the justice system.

And that’s exactly the point: Especially for low-level offenders, explains Deputy Commissioner of Probation Ana Bermudez, involvement with the justice system often does more harm than good. “There is significant research that youth outcomes actually deteriorate with court processing, particularly when you’re looking at low-risk youth,” she says. “You interfere with those supports that were making them low-risk in the first place.”

Studies indicate that young people who are arrested and taken to court—even a juvenile or family court—are somewhat more likely to increase, rather than decrease, problem behavior, compared to those who aren’t put through the system. One meta-analysis of 29 random-assignment stud-

ies, covering more than three decades of research, found that court system involvement not only failed to deter future criminal activity, but often increased its likelihood.

So far, the probation department says its adjustment programs are getting positive results. Ninety percent of diverted youth make it through their assigned program, say officials. Of those, 86 percent are not rearrested within the following six months, during which their cases are tracked.

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In a room on the 11th floor of the Family Court building in Brooklyn, former graffiti artist Ralph “Tatu” Perez is struggling to connect with the students in his Paint Straight program. There are just four of them—all teenage boys who’ve recently been arrested for graffiti or vandalism.

Short and spry, Perez leans back in his chair. “Y’all know what karma is?” he asks.

All but the two youngest kids nod their heads. A 13- and 14-year-old, recently arrived from Yemen, they are struggling to understand the language.

“You see these scars?” Perez asks, pointing to his own face. “I did a lot of bad things. Ever notice my nose? See how part of it is missing? I was attacked by two pit bulls.”

The kids lean forward, peering at his nose. Perez nods. “They chewed my face up. I went into a coma because I lost so much blood. Here I was, living life, thinking I was okay, then out of nowhere come these dogs.” He rolls his chair closer to the thirteen-year-old, who is wide-eyed. “You see?”

“You still have the dog?” asks the boy, only partially understanding.

“No man.” Perez laughs. “It wasn’t my dogs.” Then he goes back to his point. “You do bad things, it’s going to come back to you and haunt you.”

Perez’s Paint Straight program is one of several new programs funded by the probation department to work with kids who get in trouble with the law. According to Perez, in the two years he’s been running his classes, only one participant out of 60 was subsequently rearrested.

The program runs in six-week sessions during which arrestees meet in small groups with Perez, who talks with them about vandalism laws, addictive and compulsive behavior, and respecting their communities. He also gives them some art history, starting, he says, with how the human urge to draw on walls has existed “for as long as man stood up straight.” The goal is to teach respect for laws and community while still encouraging kids to express themselves artistically.

At the start of the first class, Perez checks in with the kids. He asks a 15-year-old about his involvement in gangs, but the youth shakes his head and says he is no longer involved.

Perez is pleased. “You left the gang? Why?”

The boy shrugs. “Because my girl.”

Perez nods. “That’s good. My mother says always listen to the women.”

The 13-year-old clicks his pen on and off, smiling brightly when Perez scowls at him.

It's hard to gauge how the class is being received by its participants. The two youngest boys—the Yemeni immigrants—are clearly having trouble following what's going on. Perez says the boys weren't familiar enough with U.S. customs to know that what they were doing was a crime. The younger of the two smiles winningly at everyone. The older one sits beside him, politely alert, but clearly left out of the conversation.

Another boy, the oldest in the group, is visibly frustrated to be there. He leans back in his chair, sullen, and sighs angrily when Perez questions him.

"This is stupid," he says during a break. "How are you gonna tell us that graffiti is bad and then turn around and tell us how to do graffiti?"



Administrators at the Department of Probation set the goal of increasing adjustment rates several years ago as one more step in their work to keep kids at home rather than sending them to juvenile lockups. So far, the changes have been achieved not through a legal overhaul of the department, but rather through a series of small yet significant tweaks to procedural policy. Officials are giving probation staff more training on intake procedures, and teaching them to tailor their recommendations to the risk level that the youth presents.

After a young person's arrest, a probation officer reviews the charges and talks to the people involved to try to get a sense of the severity of the situation, the youth's home and school life, and any other relevant factors. Probation officers use a tool known as an RAI, or Risk Assessment Instrument, to evaluate the risk of allowing the youth to leave rather than placing them in detention.

Bermudez says that some kids deemed low-risk by the RAI are still sent to detention for what she characterizes as "system barriers"—situations where there's no other safe and supervised place for a young person to go—but the goal is to keep as many low-risk youth as possible out of institutions. In 2011, the department adjusted 68 percent of youth deemed low-risk on the RAI.

In order for an intake officer to refer a young person for adjustment, probation officials must get the consent of the victim of the offense. Bermudez says the department has sought to increase the willingness of common complainants, beginning with major department stores like Macy's and H&M, which now consent to adjustment for young people who've been arrested for stealing merchandise as long as they complete the department's online anti-shoplifting program. Between January and July of 2011, shoplifting offenses accounted for a full 16 percent of all youth arrests, officials say.

Other changes have been achieved simply by retraining intake officers, says Bermudez. In the past, if a young person already on probation was arrested on a new charge, officers

automatically denied adjustment. Now however, if there is no public safety threat, staff are instructed to consider whether the underlying issues causing the young person's behavior are already being addressed through their probation. If appropriate, probation can continue or enhance those services, rather than send the youth to court.

Unofficial policy also used to dictate that if a complainant couldn't be reached by 3 p.m. on the day of an arrest, a young person could not be adjusted. Now, officers are instructed to wait at least 24 hours before making their decision.

Delores Hunter, a supervising probation officer in the Bronx Family Court Intake Services Unit, says that while initially there were some reservations among intake staff, most of her colleagues now believe the changes are for the better. "It is refreshing to be able to stand up and say that we, the Department of Probation, are trying to offer children an opportunity to stay out of the system, and really mean it," says Hunter. She maintains that parents, too, seem happier with the new methods.

"We often meet parents who are either frustrated with their child for being arrested, or frustrated with a system that they feel arrested their child for no reason. But when they hear that we empathize with them and are able, when appropriate, to offer them adjustment services that will allow their child to get the help they need with minimal disruption, the parents leave more grateful than angry."



At Paint Straight, the class is almost over. Soon Perez will tell the kids he's taking them for pizza down the block, as he does at the end of every class. They'll gather up backpacks and jackets and Perez will remind them to be on time next Tuesday. "If you don't come next week, everyone takes a turn throwing their schoolbooks at you," he jokes.

Perez has talked to the kids for over an hour about graffiti, crime and community, and asked them about their families, their relationships, and their plans. An hour or so into the class, another young person joined the group—a former Paint Straight student, now returned as a mentor to others in the program.

But for now, Perez is still working to imprint the lessons he learned from his own life. Long ago, in the 1980s and early 90s, his DROID graffiti tag was notorious, peppered across the city. He says he long since decided that tagging and vandalism are not the way to make it as an artist, or in life.

"When you do good, it comes back to you," he says to the teens, building on the karma theme.

He looks intently at each of the kids, one by one. "That's what I believe. Maybe it's God, maybe Allah, maybe the universe. When you do good, good things come back to you." ✖

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Where People Live

Probation goes back to the neighborhood.

BY ABIGAIL KRAMER

THE MOST IMMEDIATELY remarkable thing about the waiting room of New York City's first neighborhood-based probation office, opened last December in Brownsville, Brooklyn, is the lack of waiting that takes place there. On a recent Tuesday morning, just one probationer sat with her back to the wall. The toddler on her lap had barely begun to squirm before the woman's officer appeared, took the baby in her arms and led her client to an office. Two teenaged boys came next, their fitted caps matching their hightops. One filled out paperwork while the other checked Facebook on a computer at the side of the room. During their 20 minutes in the office, three staff members stopped to ask if they were okay.

The Brownsville office is one of five community-based sites that the Department of Probation (DOP) opened in the past year, each located in a neighborhood with exceptionally high rates of criminal justice involvement. The others are in Harlem, Jamaica, Queens, South Bronx and Staten Island.

The sites, which the department calls Neighborhood Opportunity Networks, or NeONs, carry smaller caseloads than the agency's traditional model of a single, centralized office in each borough. The offices are co-located with community-based organizations and city-run service agencies (the Brooklyn office sits in the Brownsville Multiservice Center, which houses a mix of public agencies and nonprofits), making it easier for probation officers to connect their clients to services that might help them get on their feet.

So far, only the Harlem office works with teens younger than age 16, although that is in the plan for the others. A core focus in all of the NeON offices is men between ages 16 and 24, many of whom participate in mentoring, internship and education programs related to City Hall's Young Men's Initiative.

Neighborhood offices present logistical advantages to probationers: Reporting close to home means saving travel money, and makes it easier to organize appointments around jobs and families. But city officials say the NeONs are part of something bigger than convenience—they're one piece of an effort to re-imagine probation's role in people's lives.

"In the past, too much focus has been put on compliance," says Probation Commissioner Vincent Schiraldi. "We're looking at ways we can change that, focus more on clients' needs and connect them to resources that will continue to benefit them after we're out of their lives."

Getting people engaged in community organizations is ultimately good for public safety, says Schiraldi. "Our clients tend to hang out with people who are bad influences. We've got plenty of evidence to tell us that people who are involved

with their communities in positive ways bust fewer windows and steal fewer cars."



The vision for the NeONs rests on two propositions: First, that rehabilitation is in part a collective process, because probationers tend to build more stable lives if they have connections with social service programs, religious congregations, and other community-centered institutions. And second, that in doing its job as a rehabilitative agency, the DOP has both the responsibility and the capacity to integrate itself into the communities that send the most people into the justice system.

This can be a complicated proposition in a neighborhood like Brownsville, which is infamous both for its high crime rates and for its residents' sometimes contentious relationship with police. One of the most fraught questions facing DOP as it attempts to settle in: Can a criminal justice agency be perceived as a partner, and not just another surveillance arm of a system that many community members regard with deep mistrust?

"Communities have traditionally been the recipients of justice services," says Clinton Lacey, DOP's deputy commissioner for adult services. "We're pushing to find opportunities for communities to be a partner, to play a role in deciding what this looks like. It's something we want to do with communities; not to them."

Lacey says he hopes to recruit a community advisory board of Brownsville residents and business owners. Once that's established, the plan is that groups of probationers will design their own service projects, then present their ideas to the board for input and approval—coming up with projects, as a result, that bring meaningful benefit to the communities where probationers live.

"We're doing everything we can to be open and transparent to the community," says Karen Armstrong, who directs the department's adult operations in Brooklyn. "That's one of the challenges, is getting the community to trust us. It takes time to build relationships."

When the office held its opening last winter, a group of protestors stood outside, led by Brownsville's City Councilmember Darlene Mealy. "They should be putting a youth center here," Mealy told *Politicker* on the day of the opening. "Give us something of hope not despair."

Mealy has since agreed to collaborate with the agency on educational forums for neighborhood residents, but other community activists still question the DOP's ability to be a beneficial force. "Having a probation office move in, it rein-

forces negative images of our young black males and females,” says Julius Wilson, the director of People for Political and Economic Empowerment, which works with people transitioning out of the criminal justice system. “That space should be utilized to provide educational opportunities, job development programs, things that would facilitate positive change.”

DOP is working with researchers at John Jay College of Criminal Justice and Rutgers University to study the NeONs’ impact on staff, clients and the community. The results of that study will help determine how big the NeON initiative ultimately grows, says department spokesperson Ryan Dodge. So far, the project’s operational costs have come from shifting resources around within the department’s existing \$83 million budget. “As we expand the initiative, we expect any cost differentials to be offset by improved client outcomes,” says Dodge.



It would be hard to imagine a more compelling argument for a rehabilitative approach to probation than Sean Turner. He’s 23 years old with a perpetual, gap-toothed smile and relentless charm—the kind of young person who holds doors for old ladies and helps mothers with their strollers.

Turner lives with his family in the Brownsville Houses, a 27-building public housing development that has occupied two square blocks of the neighborhood since the late 1940s (and just one of 18 public housing developments in Brownsville). His mother sent him to live with an aunt in New Jersey for most of high school, in the hope that he’d stay out of the trouble that, he says, is readily available in the neighborhood. “There’s not a lot of positive things around here,” he says. “No afterschool programs or anything. The easiest thing to fall into is gangs.”

After graduating, Turner moved back to Brownsville and was working at Duane Reade when he was arrested for allegedly conspiring with a customer to use a stolen credit card. His judge put him on what’s known as “interim probation,” charging the DOP to monitor him for a year. If he stays out of trouble and gets a new job, his grand larceny charge—a potential felony—will be reduced to a violation. If he messes up, he could face jail time and a conviction that will stay on his record for the rest of his life.

Turner started probation at the DOP’s main borough office, making the trip to downtown Brooklyn every two weeks. Between the commute, the security line and the wait, each check-in took most of a day, he says. His probation officer, Jason Jones, gave him the names of some career placement agencies, but he was on his own in his mission to get a job.

Then Jones transferred to the newly opened Brownsville site, taking Turner’s case with him. At the NeON, Turner was able to enroll in a neighborhood-based job training program funded by DOP under the mayor’s Young Men’s Initiative. The program, called Community Justice, will eventually operate in each of the neighborhoods where DOP runs a NeON

office, providing a mix of one-on-one case management and group education to youth aged 16-24 who’ve been involved in the justice system. The program pays participants a stipend to complete an internship that corresponds with their interests.

Turner says he likes the program, and the fact that it’s co-located with DOP makes for a useful multi-task: When he stops by to fill out internship applications, he runs into Jones, who says he can squeeze him in for his mandatory reporting session. After a routine address and arrest check, they talk for a few minutes about Turner’s grandmother, who died a few weeks ago, and about his prospects for an internship. “Sean has risen above a lot of things,” says Jones. “The main thing is helping him stay on track, reinforce his positive decisions and make sure he doesn’t lose that light.”

Can a criminal justice agency be perceived as a partner, and not just another surveillance arm of a system that many community members regard with deep mistrust?

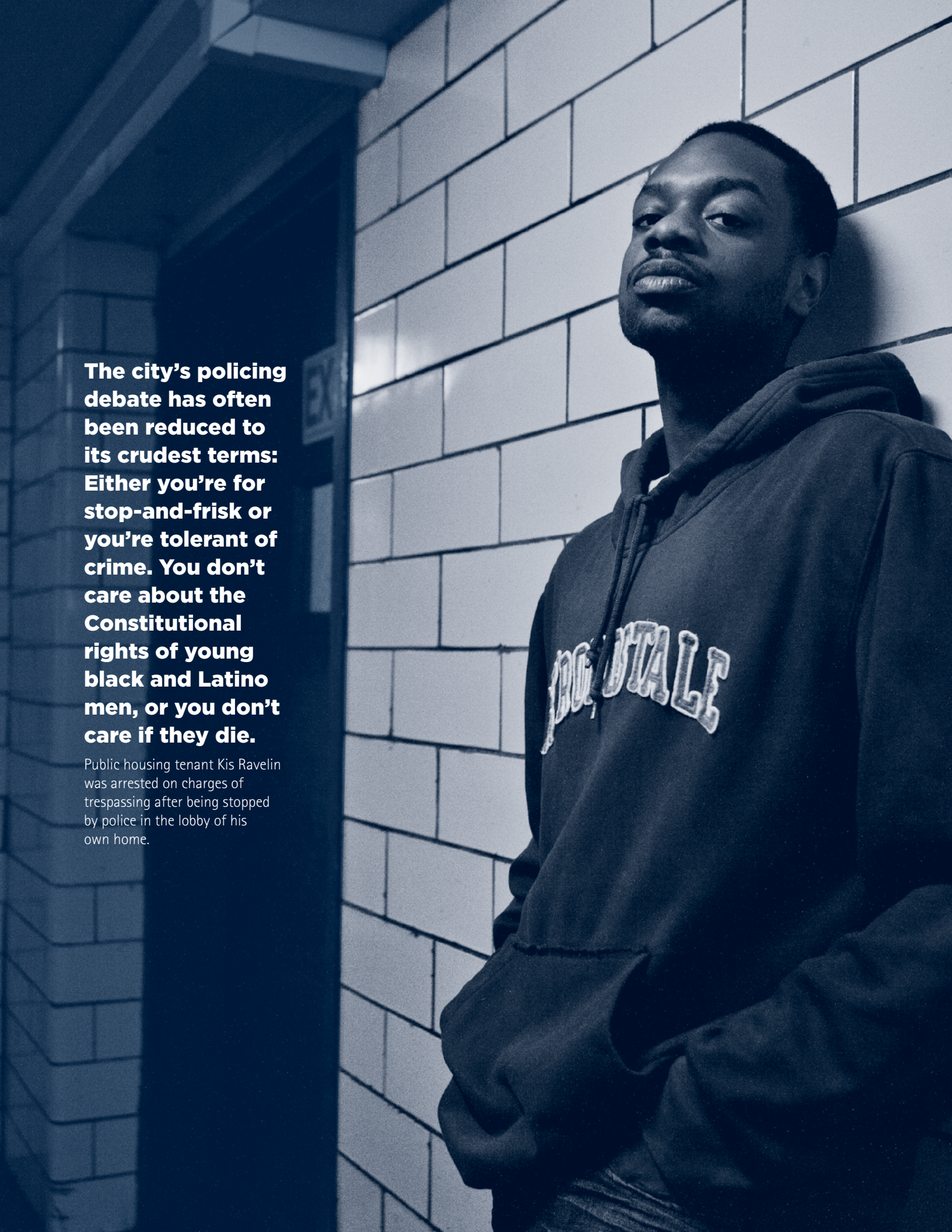
The last time they met, Turner had been hoping to work at a car repair shop. Now, he says, he’s applying to a training program at the Bronx Zoo. Jones raises his eyebrows. “The zoo? Where did that come from?”

“Animals. That’s my other passion,” says Turner.

“Any animals?” asks Jones.

“Snakes, lizards, dogs, bears, ostriches, you name it.”

Jones laughs and gives Turner good news: He’s received his third consecutive good report on Turner’s participation in the Community Justice job training program, and he’s decided to recommend that Turner be let off probation early. Turner gives Jones a hug and thanks him for his help. “I see the system way different than before,” he says. “Before, it was just something I needed to get through. Now I see it as something to get me help for the long run. Everybody falls down sometimes; they’re the type to help you get back up.” ✨



The city's policing debate has often been reduced to its crudest terms: Either you're for stop-and-frisk or you're tolerant of crime. You don't care about the Constitutional rights of young black and Latino men, or you don't care if they die.

Public housing tenant Kis Ravelin was arrested on charges of trespassing after being stopped by police in the lobby of his own home.

To Protect and Serve?

Public housing residents experience both crime and police surveillance at rates far higher than most of the city. Can the relationship between police and the people be restored?

BY ABIGAIL KRAMER

THE STAIRWELL OF KIS (pronounced “kiss”) Ravelin’s building in the Washington Houses, a two-block cluster of New York City Housing Authority (NYCHA) developments in East Harlem, could double for that of almost any public housing high rise in the city: Mustard-yellow walls rise up from a run of concrete steps, seeping a faint smell of SpaghettiOs and disinfectant. At the bottom, a dim lobby opens onto glass and steel security doors with a broken lock and defunct intercom system. Visitors are greeted by a sign announcing: “NYCHA Premises Are For The Use Of Residents, Invited Guests, And Persons With Legitimate Business Only. NO TRESPASSING.”

Ravelin, who’s 23 years old and generally found wearing a skeptical expression and an immaculate pair of hightops, lives at the top of the first flight of stairs in an apartment he shares with his parents and a 2-year-old terrier named Rex. He’s been in the building since he was 14 but spends much of his time at St. Thomas Aquinas College in Sparkill, New York, where he’s halfway through a degree in business management. A few evenings each week, he practices bass in the band at the church he’s attended most weekends of his life. The neighbors call him Quiet Boy.

Which is why they were surprised—“bedazzled,” says a silver-haired lady who lives down the hall—one afternoon three years ago to see him with his hands against the lobby wall, legs spread while two police officers turned out his pockets and searched his pants and socks. Finding them empty except for a few dollars, a set of house keys and no ID, the officers cuffed him and put him in the back of a squad car. The charge was trespassing—in the entryway of his own building.

New York City has spent much of the past year embroiled in a loud, often volatile debate over how it polices its lowest-income residents. At the heart of the controversy is the New York Police Department’s strategy of targeted, “zero tol-

erance” policing: First, identify the places where crime is happening most. Second, flood those places with police officers, instructed to crack down on low-level offenses in the hopes of preventing more serious crime. Central to the strategy—and the furor it inspires—is the practice of “stop, question and frisk,” whereby patrol officers detain and sometimes search people on the street, in theory because an officer has reason to believe that a person has been, is, or will be engaged in committing a crime.

Defenders of longtime NYPD Commissioner Ray Kelly point to a decade of plummeting murder rates, crediting the department’s use of aggressive, targeted policing with taking guns off the streets and saving the lives of thousands of young black and Latino men. Critics counter that the city has done away with the presumption of innocence, placing young men of color under wholesale suspicion and threat of arrest.

Within the neighborhoods that have become notorious as hotspots for aggressive policing, public housing developments are the melting points. Residents live out the city’s policing debate at its extremes, victimized by violent crime at nearly double the rate of the rest of the city—and subject to far more intensive police surveillance. Many older tenants say they’re afraid to leave their apartments for fear of crime. Younger residents often say they’re more afraid of the police—that being stopped, searched and sometimes arrested is a defining part of adolescence as a NYCHA tenant. In 2009, the Citywide Council of Presidents, an elected body of tenant representatives, delivered a letter to Commissioner Kelly that described policing in their developments as “dehumanizing” and compared their homes to penal colonies.

Earlier this year, the NYPD pulled back on the number of street stops by just over a third—a move that quieted some criticism, although officers continue to conduct more than 44,000 stops per month according to the most recent data. Mayor Michael Bloomberg and Commissioner Kelly have dismissed calls for any formal policy change and defend the use of high-volume stop-and-frisk as New Yorkers’ best defense against violent crime.

It’s a refusal that puts the NYPD out of step, in many ways, with the city’s other criminal justice agencies. In the last decade, New York has slashed the rate at which it sends people to jail and prison, investing millions of dollars into courts and programs that monitor offenders in the neighborhoods where they live. The city has created neighborhood services for teen lawbreakers designed to keep them with their families and out of jail; ramped up court diversion programs; and, among other things, improved educational opportunities and job supports for people on probation. One explicit goal has been to rebuild relationships between the criminal justice system, and the communities thrown into chaos by previous decades incarceration booms. Another is to focus attention on the tiny number of people in any neighborhood who commit the most serious crimes. Criminal justice reforms are among the

defining social policies of Mayor Bloomberg's three terms in office, yet they have failed to reach the system's front door.

With the coming of a new administration, that's unlikely to last. Under the pressure of snowballing lawsuits and public protests, New York City is being forced to face questions about the complicated nexus of public safety and civil rights—and about what change could look like: Can the NYPD become more legitimate in the eyes of people who live in the communities most vulnerable to crime? How can police repair relationships with the people who need them most?

Ironically, some of the answers might be found here, at the epicenter of both violent crime and police crackdown: New York City's public housing.



Public housing residents in New York City live with far more than their share of crime, and the problem is getting worse. The overall rate of reported crime is 30 percent higher in NYCHA developments than in the rest of the city. Rates of violent crime are nearly twice as high, and drug crime rates are four times higher. Over the past two years, the number of major felonies—murder, rape, robbery, felonious assault and so on—has gone up by 14 percent on NYCHA properties, while the same crimes have risen just 5 percent citywide.

Public housing residents also see considerably more than their share of the police. NYCHA complexes are patrolled by a special NYPD Housing Bureau, made up of more than 1,800 officers. They are also covered by local police precincts, and many fall into the NYPD's Impact Zones, targeted for intensive roving patrols. The Housing Bureau operates its own Impact Response Team, which it deploys to developments in response to jumps in criminal activity. Altogether, in 2011, the NYPD conducted over 151,000 patrols in NYCHA buildings. That breaks down to more than 400 per day.

In 2010, a group of public housing residents filed a class action lawsuit against New York City, claiming they had been wrongfully arrested for trespassing either in their own buildings or in other NYCHA developments. Their arrests, the lawsuit charged, were the result of a culture of discriminatory policing: Residents and their guests are stopped by police so often, the plaintiffs argued, that the NYPD effectively manages pedestrian checkpoints on public housing properties, violating the Constitutional rights of tenants, who are mostly black and Latino.

This summer, the plaintiffs obtained data that had never before been available to the public: eight years of detailed numbers on crime and policing in and around public housing residences. The data confirm that intensive police presence corresponds to an outsized rate of stops: Public housing residents make up about 5 percent of the city's population, but in each of the past seven years, NYCHA properties accounted for between 11 and 15 percent of all documented police stops.

The plaintiffs hired Columbia University Law School Professor Jeffrey Fagan to analyze the policing numbers. Even while controlling for higher crime rates, Fagan found that people on public housing property are close to twice as likely to be stopped by police than people in surrounding neighborhoods.

The disparities are even bigger when it comes to stops made only on suspicion of trespassing. From 2006 through 2009, public housing accounted for roughly half of all trespass stops in the entire city.

In order to stop a person on public housing property or anywhere else, police are required by law to have a specific, explainable reason for why they believe this person has committed or is about to commit a crime. Defense attorneys point out that this is an improbable standard to meet when the potential offense amounts to standing in a lobby. "It's very difficult for a cop who isn't regularly on the beat, especially a rookie, to establish probable cause for trespassing unless the person they confront admits, 'I don't know anybody here, I'm just loitering,'" says Chris Fabricant, a professor at Pace University whose legal clinic frequently represents trespassing defendants.

Residents and civil rights advocates say that what happens, in practice, is that police run sweeps of NYCHA buildings and their grounds, stopping most anyone they see. "If someone cannot immediately provide a name and apartment number for the police to then verify they are in fact visiting, an arrest is made," said Christian Lassiter, an attorney from the Bronx Defenders, in testimony to the City Council. "If someone visits a 'sister' building in the same NYCHA development in which he or she lives and in many cases, grew up in, that person is arrested... If someone has an outdated identification, showing a different address than his or her current residence, that person is arrested. Frankly, if someone looks or dresses the wrong way, he is stopped and searched and frequently arrested."

On the few occasions that its officials have spoken publicly on the issue, the NYPD defends trespass arrests with the arguments at the heart of zero-tolerance policing: The ability to pick people up for low-level crimes not only maintains order for law-abiding residents, but deters criminals who would otherwise go on to do far worse things. Chief Joanne Jaffe, who heads the NYPD's Housing Bureau, told the City Council back in 2006 that "The nexus between quality of life offenses and violence is very clear. ... As a result of summoning [low-level offenders] or arresting them for those summonses, we are able to deter certain crimes."

Peter Vallone, Jr., the chair of the Council's Public Safety Committee, sought to clarify: "So basically, what you're saying is, by grabbing someone for trespassing, you're preventing... a potential robbery or something of that nature before it occurs."

"Absolutely," said Jaffe, who then listed the results of quality-of-life stops made by Housing Bureau police in

Brooklyn during the fall of the previous year: “In September, stopped a male for acting disorderly. The male was wanted for a shooting in [precinct] 79. September, stopped a male for riding a bicycle on the sidewalk. Male was wanted for a shooting in the 88... Stopped male for smoking in lobby of development in the 81 precinct. Male was armed with a loaded 32 caliber gun...”

Kis Ravelin, the 23-year-old from the Washington Houses, says he’s not unsympathetic to the logic of enforcing low-level crimes. He’s got as much reason as anyone to want loiterers and drug dealers removed from his building, he says. “We want the police here to protect and serve. The problem is when you start to feel like a prisoner in your own home.” Ravelin says he sees officers in his building about three times a week. Often, they’re looking at pictures of suspects on their phones, checking his face for a match. “It makes you feel like an experiment gone rogue,” he says. “Like they’re waiting for you to go haywire.”

Ravelin’s arrest for trespassing happened in the summer of 2009, when he was 20. He had gone to the store on his corner, he says, and returned home to find two officers in his lobby. One asked his name and where he lived. When he answered, she said she wanted to come upstairs and watch him open his door. “I told her I’d go get my ID and bring it down for them,” says Ravelin. “I didn’t see a need for them to follow me. I’m in my own home. I felt like my word should be enough.” In a misdemeanor complaint filed with the Criminal Court of the City of New York, the arresting officer—a member of the Housing Bureau’s Impact Response Team—says that Ravelin told her, “I don’t have to do anything and I don’t have to go upstairs to show you I live here.”

That’s when the officer told him he was giving her “too much lip,” Ravelin says, and ordered him to put his hands on the wall. She brought him to Central Booking, where his fingerprints and a retinal scan were taken. He was held in a cell for about 20 hours, he says, before he went in front of a judge, who looked at his address and dismissed the case.

It’s when the charges stick, say defense attorneys, that arrestees face a complicated decision: Trespassing defendants are typically charged with up to three misdemeanors and given the option of pleading down to a violation. Even when a person is innocent, it can be far simpler to plead guilty to the violation and walk away than to fight the charge. Contested cases can drag on for months, requiring defendants to show up at court as many as seven or eight times, missing school or work to sit around the courthouse for much of the day.

For the 40 percent of trespass arrestees with no criminal record, accepting a violation is unlikely to have a drastic impact on their lives. Fighting a case, on the other hand, means risking a permanent misdemeanor conviction and its attendant barriers to employment, housing and financial aid. “It’s incredibly frustrating and sad when you have a client that wants to fight their case but really can’t afford to do it,” says

Chris Fabricant, the lawyer from Pace University. “You tell them, ‘Next week we could have a trial.’ The majority have done nothing wrong. They would take that option. But when they’re informed about what it would mean to fight the case, they can’t do it.”

For Kis Ravelin, the process was an infuriating waste of time. “What was the point?” he asks. “Is that all? You’re gonna frisk me? Go through my pockets? Violate me? Lock me in a cell? And then it’s just done? I wasn’t gonna let it slide.” A few months after the arrest, he filed a civil suit that’s still pending against the city, seeking \$15,000 in compensation.



In a corner building of the Abraham Lincoln Houses in East Harlem, two blocks south of the Madison Avenue Bridge and several blocks northeast of gentrification, Aida Melendez and Diane Hull sit at a card table in the lobby of the high rise in which they’ve lived for a cumulative 88 years. Melendez has been here since she was born, 61 years ago next month. Hull married into the development nearly three decades ago. Since January, they’ve served as co-captains of the building’s Resident Watch, sitting at the door from 4 p.m. to 8 p.m. nearly every weekday, armed with a house phone, matching NYCHA-issued windbreakers and an oversized book of word-finds.

Melendez, who wears her Resident Watch cap low over a graying buzz cut and oversized Buddy Holly glasses, says that between them, she and Hull know everyone who lives here. Conversations during their shift are punctuated by calls of “How you doing, sweetie?” “How are those girls of yours?” and, most frequently, “Pardon my French.” (There is a lot of swearing at the Lincoln Houses Resident Watch.) Melendez keeps a bag of candy under the table for kids who’ve been good at school.

NYCHA’s Resident Watch program has existed under various names since the 1960s, with evolving levels of connection to the police. In the current incarnation, active Watch sitters are registered with local Housing Bureau precincts. At the beginning of each shift, Hull and Melendez call over to Police Service Area 5, the station that covers public housing developments for most of Harlem. Before they leave, a pair of officers comes to check in and patrol the building. In between, Hull and Melendez keep a log for visitors to sign. If there’s any trouble, they phone the Watch supervisor, who puts in a more urgent call to PSA 5.

So far, says Melendez, there haven’t been any problems during a shift—but not because of the police. “You don’t see my bodyguards?” she asks, pointing to a row of middle-aged men sitting on benches outside the door: Richie, Bingo, Nardo, Coven, Isaiah and Bigfoot. “We grew up together here, we look out for each other,” she says. When Melendez got her retirement payout a few years back, Coven volunteered to be her personal escort, walking her around the neighbor-

hood while she spent cash on gifts for her nephews. Richie, she says, will take any excuse for a fight. “God forbid he gets three drinks in him. Your ass is grass.” Nardo looks somewhat less reliable, eyes closing as he droops forward over a copy of the *Daily News*. “He’s a druggie, but he’s a good lookout

From 2006
through 2009,
public housing
accounted for
roughly half of all
trespass stops in
the entire city.

too,” says Melendez. She watches him nod out for a moment. “When he comes back up he can tell you every word he read.”

In 2010, NYCHA revamped and renamed the Watch program which, in addition to keeping members in card tables and windbreakers, pays supervisors at each development a monthly salary of about \$500 to recruit and oversee volunteers. Keith Massey is the Watch supervisor at Lincoln Houses, where recruitment is not booming: Of the 20 buildings in the development, only three operate Watches. The total volunteer roster is 18, the sitters’ median age about 61.

At a recent recruitment drive in the lobby of his own building, Massey taped flyers to the wall, advertising the opportunity to “make your community a better, safer place to live.” Massey, 60 years old with owlish eyes and a stringy, five-and-a-half foot-frame, leaned against a bank of mailboxes for the duration of the appointed hour, greeting residents on their way home from work. No one stopped for information about the Watch.

“People fear for their lives,” says Massey. “We have a major crime problem here.” As soon as the sun goes down, Massey and other members of the Watch say, drug dealers wait in front of the buildings and in the lobbies, selling crack and marijuana to buyers who use it in the stairwells and on the roofs. Groups of young men hang out on the grounds through the day and night, shooting dice, smoking weed and riding motor scooters through the courtyards where little kids play.

Things get especially tense in the summer, when residents say they hear gunshots at least three times a week. “If you don’t know how to tuck and roll, you better not be outside,” says Melendez. “Iraq? That’s not shit compared to Lincoln.”

Two years ago, NYCHA mailed a survey to 10,000 resident households, seeking opinions about safety and policing in their buildings. Of the 1,100 people who responded, nearly 80 percent said they were somewhat or very fearful of crime in their developments. Asked whether fear made them change their behavior in their homes, half said they avoid teens and 55 percent said they sometimes choose not to leave their apartments. The survey didn’t show overwhelming discontent with the NYPD: Seventy-three percent of respondents agreed or strongly agreed that officers have treated them and their visitors with courtesy, professionalism and respect. Twenty-seven percent disagreed or strongly disagreed.

What was notable about the survey (though it wasn’t particularly noted in the press releases put out by NYCHA) was that 83 percent of respondents were over age 40. The largest group by far—nearly 40 percent—were age 62 and older. In a subsequent report, NYCHA said it planned to conduct a separate survey for young residents, but that hasn’t happened.

Older residents often describe the crime problems in their buildings as generational. “Young guys now have no respect for older adults,” says Charles Myers, age 64, who’s lived in his building for 40 years and does a Watch shift every evening. He says he’s been threatened by teenagers who call him a snitch, trying to warn him off the Watch. “I put my table up like I do every other night,” says Myers. And it works—the loiterers clear out long enough for residents to come home and get their kids inside for the evening, Myers says. “Then I leave and they come right back.”

Back at the height of New York City’s crime and drug epidemics, low-income residents often complained that the police ignored crime in their neighborhoods—that they couldn’t even get a response to a 911 call. When the city launched its zero-tolerance strategy, many older NYCHA residents saw it as a vast improvement on what had come before. “I thought the patrols were good because they dealt with the loitering,” says Keith Massey, the Lincoln Watch supervisor. “But then I saw it go too far.” Just a few weeks ago, Massey says, he watched a police officer approach a young resident in front of the building and reach into his pocket. “That boy wasn’t doing anything wrong,” says Massey. “There’s no reason to treat him like that. It starts to make you think, ‘Are you under the assumption that I’m a criminal because I live in public housing? Because of the color of my skin?’”

Another longtime resident, who asked to remain anonymous because she worked for the NYPD for 26 years, described a similar evolution of thought. “I didn’t used to think the police were being too aggressive,” she said. “I’ve always said there should be more police presence in the developments. But it seems like the police in our neighborhoods, they’re not from here. They’re from Long Island, upstate. They don’t realize they’re talking to people who need respect just like everyone else. Everyone here is not a perp, there’s a lot of good people here just like in their communities...

“You have to be willing to work with people who are also going to hold you accountable when you’re wrong.”

Longtime NYCHA residents Aida Melendez and Diane Hull serve on their building’s Resident Watch.



Their motto is courtesy, professionalism and respect, but they don't do that in our neighborhood.”



Residents' concerns come down to a simple duality, says Erik Crawford, who's served as the Resident Association president of the Davidson Houses in the South Bronx for the past 14 years: People want police presence around their homes in order to feel safe from crime. And they want to go about their lives without being harassed or treated like suspects.

Crawford was first elected president of the Davidson association when he was just 18. It was the late-1990s, and nearly two decades of the city's violent crime and crack-cocaine epidemics had left the building with a deep-running fracture: Older residents who lived in the senior section were suspicious of teenagers on the family side, says Crawford. Crawford's peers felt bombarded by the aggressive tactics that had come to dominate the city's policing strategy.

Crawford campaigned as bridge builder. His mother had deep roots in the building and friends on the senior side, who'd watched Crawford grow up and thought he was a good kid. Young people saw him as one of their own. He promised to improve the development's infrastructure and to fund activities to help keep kids out of trouble—and he made good on those promises. Soon after becoming president, he lobbied NYCHA for close to a million dollars to fix the building's chronic heat and hot water problems, plus \$175,000 to turn an abandoned parking lot next door into a basketball court. More recently, he got a million-dollar grant from the Bronx borough president to refit Davidson's community center kitchen for cooking classes, and worked with a nonprofit tech company to install closed-circuit TV cameras in the main lobby of the building.

But a significant piece of his role, says Crawford, is dedicated to brokering relationships between young people who feel victimized by the police, older residents who still live in fear of crime, and the officers who regularly patrol the building from the Housing Bureau's PSA 7 and the 42nd precinct.

Davidson sits within six blocks of five junior-high and high schools. At dismissal time, dozens of teenagers walk across the building's grounds. Some live there; some use it as a way to get to the bus on Prospect Avenue, which runs parallel to Davidson's front wall. When the weather's nice, groups of kids stand outside the building or in front of the corner store across the street. “They want to hang out for a minute, say goodbye to their friends,” says Crawford.

Most afternoons, they are met by a police van or squad car that parks on the street between Davidson and the store. Between two and five officers get out to ask them where they live or tell them they can't congregate in front of the store, Crawford says. Sometimes, officers stand at Davidson's main entrance, asking kids for ID as they walk through.

In many ways, says Crawford, young people take this

routine for granted. This is a generation of kids who've grown up with zero-tolerance policing. When they were little, they watched older siblings and cousins get stopped and searched by officers on their streets. When they reached adolescence, it started happening to them. They learned that this is what happens to people who live and look like them in New York City. “Being black or Hispanic, plus living in public housing, you have to face the fact that you're gonna be targeted,” says Crawford. “It's a double-whammy.”

Interactions get heated when young people feel they're being treated disrespectfully. “Some of [the officers] will just walk up and tell them to get against the wall,” says Crawford. “Some of the young people have a lot of anger for the police. They don't want to be humiliated in front of their friends. Maybe they'll mouth off to the officers, start cursing, and it escalates from there.”

Crawford's fear, over the long-term, is that when kids feel targeted, it turns them against cops and by extension the law. “When they're 16 years old and they deal with this every day, they'll never have respect for the police,” he says. “The consequence is you're more likely to end up behind bars because all these negative interactions cause you to violate authority.”

Crawford says he's seen relationships between police and young people get steadily worse over his time as Davidson's association president, but he's also seen one thing with the power to disrupt that process: face-to-face conversations between police officers and young people who feel aggrieved. Part of Crawford's job is to maintain relationships with the higher-ups at PSA 7, where he attends monthly community meetings, usually accompanied by a group of older residents who want to see more police around the building. Until recently, there was an inspector at the PSA who would arrange meetings with individual patrol officers after residents—or Crawford, on their behalf—complained of a negative interaction. The meetings didn't solve the larger problems, Crawford says, but he saw them as a suggestion that it's possible to build a different kind of relationship between officers and young people who often treat each other like enemies. “It teaches young people to solve problems in a positive way,” he says.



Over the past three decades, policing in New York City has been pulled between two competing theories, each defined by its approach to a single, built-in tension: Policing is an inherently authoritarian act. But police authority is most effective when it's considered legitimate by the people being policed. In a review of 13 studies on attitudes toward the police, conducted over a span of eight years, researchers at the John Jay College of Criminal Justice found a consistent conclusion that spanned age, race and neighborhood: People are more likely to obey the law when they think law enforcers are legitimate. And the primary determinate of legitimacy is not success in fighting crime, but whether or not people think the

A Few Steps Forward

New York inches toward raising the age of criminal responsibility to 18.

In recent years, advocates for young people in New York have campaigned to raise the age at which young people are treated as adults in the criminal justice system. Currently, this is one of only two states in the nation that automatically sends 16-year-olds through adult courts, even for low-level offenses like vandalism.

Early this year, the state established a pilot series of special youth courts for 16- and 17-year olds accused of nonviolent crimes. The courts operate in the adult system, but they are presided over by judges with special training in adolescent behavior and they give young lawbreakers (and suspected lawbreakers) access to the same kinds of services that are typically offered to juveniles in Family Court. In its coming session, the state legislature will consider a bill drafted by New York's chief judge, Jonathan Lippman, that would make a variation of these pilot courts permanent and help ensure that teens who go through them do not end up with permanent criminal records.

These articles lay out the cost of the current law and describe the limits and opportunities posed by changes working their way through the state legislature and judiciary.

Criminal Records: Roadblocks to the Future

THE NEW YORK STATE legislature is considering a bill that would transform the way in which criminal courts handle cases of 16- and 17-year-olds charged with nonviolent crimes. If the bill passes, those who are convicted will no longer have a permanent criminal record weighing them down for the rest of their lives. This matters, because carrying a criminal record into adult life can have severe consequences, limiting prospects for education, finding a place to live, getting and keeping a job and earning a livable wage.

The bill would not affect the thousands of 16- and 17-year olds charged each year with committing violent felonies. Following are some of the lifelong consequences of felony records:

Employment

By state and federal law, employers cannot maintain blanket policies against hiring people with criminal records. Last year, Mayor Michael Bloomberg issued an executive order prohibiting New York City agencies from asking about criminal records on job applications. But even under this new policy, agencies can ask job applicants about their criminal backgrounds after the first interview. Many other employers continue to seek this information early on in the hiring process, and criminal background checks of applicants are an increasingly common practice, with about 80 percent of large businesses conducting these checks, says Glenn Martin, Vice President of Development and Public Affairs at the Fortune Society.

Sometimes even arrests that did not end in conviction appear on background checks due to bureaucratic errors. Even if the job applicant can prove the error, says Martin, “employers will tend to make decisions based on that information.”

Though hiring discrimination against people with criminal records is often subtle and under-reported, making reliable data hard to collect, a 2005 experiment by Princeton sociology professors Bruce Western and Devah Pager found a way to test for it. Teams of black, white, and Latino testers were matched on the basis of age and appearance and sent out to apply for entry-level jobs in New York City. Their resumés described similar levels of experience and education, but some also indicated 18 months of incarceration for a drug felony. The testers switched roles throughout the experiments to control for other factors.

Not surprisingly, testers without felonies were more likely to get job offers than those with criminal records. African Americans were most likely to be turned down.

Income

A 2006 study by Professor Western found that adult men with prison records accrue far less wage growth between the ages of 25 and 35 than men without, even after controlling for factors such as age, education and drug use.

Using data from the National Longitudinal Survey of Youth, Western was able to demonstrate that white and Hispanic men with criminal records experienced no wage growth over the decade, while white and Hispanic men without a record saw wage growth of 20 percent. African-American men with criminal records experienced growth of only 5 percent, while African American men without a record experienced a 15 percent wage increase.

Re-Order in the Court?

The “Raise the Age” bill won’t raise the age of criminal responsibility—but it would substantially change criminal court for some older teens.

BY ALEC HAMILTON

AT THE BROOKLYN Criminal Court, a young man plucks at the bottom of his jacket, shuffling from foot to foot as the judge squints at him. The 17-year-old’s case is one of the first to be called this afternoon, and Judge Joseph Gubbay summons the youth’s father to come stand beside him. Father and son assume identical poses, heads bowed, hands clasped behind their backs.

“Does your dad know about this case?” the judge asks. Father and son nod. “A hundred percent?” They both nod again.

This is the young man’s first encounter with the criminal justice system. He’s charged with possession of a small

amount of marijuana. Instead of convicting him of a crime, the judge orders him to complete two days of services at the Red Hook Community Justice Center, which could help him return to the high school he hasn’t been attending. “It will facilitate you getting back in school,” Gubbay tells the boy. “You know what facilitate means? It’s like another way to say, ‘Make it happen.’”

Son and father nod again. If the teenager completes those two days, the judge tells them, “the case is effectively over.” But the judge is very clear: “If there’s a problem, what will happen?”

“Warrant?” ventures the young person.

In an analysis of the costs and benefits of changing juvenile justice policy in North Carolina, the Vera Institute of Justice found that over a span of 35 years, the earning differential between people with a record and those without totaled \$61,691 per person.

People with criminal records are also vulnerable to other financial repercussions. Even low-level nonviolent felony convictions frequently carry fines and fees that can have a lasting impact. Failure to pay may result in a lien, and the debts can become civil liabilities that damage a credit score. In addition to criminal record checks, prospective employers often run credit checks on applicants.

Immigration

For non-citizens involved in the criminal justice system—including juveniles—convictions and guilty pleas can lead to detention and deportation. This is true regardless of how long an individual has lived in the United States, his or her immigration status, or whether he or she has immediate family who are citizens. Even many low-level nonviolent offenses can lead to deportation.

Detention can come at any phase of a criminal justice proceeding, including during a police stop or when an arrestee is held in jail before trial. An arrest that leads to jail, whether there is a conviction or not, greatly increases the risk of deportation for immigrants.

Housing

No law prohibits private landlords from refusing to lease apartments to people with criminal records. Many landlords routinely screen out anyone whose record shows up on a criminal background check, says Martin of the Fortune Society.

The New York City Housing Authority (NYCHA) checks the criminal history of everyone 16 and older in a household applying for public housing and can deny housing to families with a member who has been convicted of any criminal offense. NYCHA will not house people subject to the Lifetime Sex Offender Registration or who've been convicted of methamphetamine production.

Before becoming eligible for public housing, people in New York City with criminal convictions must complete their sentences, including parole and paying any fines, and then wait between two and six years, depending on the severity of their crime or violation.

NYCHA can evict existing tenants who are convicted of any criminal offense. An arrest for a violent or drug related criminal activity—even without a conviction—is grounds for eviction. NYCHA residents are held responsible for their guests' behavior, and even a drug arrest of someone sharing or visiting a New York City Housing Authority household can result in eviction for the leaseholder.

Education

According to a 2010 survey by the Center for Community Alternatives, which promotes and manages alternatives to incarceration, about 66 percent of the 273 colleges surveyed collected information about applicants' criminal histories, although not all of them use it for admissions decisions. The State University of New York asks applicants if they have ever been convicted of a felony, and requires those that say "Yes" to explain why they are not a threat to public safety.

A student who is convicted of a drug crime while in school may be disqualified for federal financial aid or may have to wait up to two years before receiving financial aid, depending on the severity of the crime and the number of times they have been convicted.

"Warrant," intones Gubbay, scowling. "And the cops will drag you back here in handcuffs."

Gubbay's courtroom is part of a pilot project to change the way 16- and 17-year olds are treated by New York's criminal justice system. Wednesday afternoons, his room in Brooklyn Criminal Court is reserved solely for teens of this age. Many avoid convictions and criminal records by agreeing to participate in services including counseling, drug treatment and job training. By blending elements of the state's criminal court system with practices more commonly used in Family Court—which handles juvenile delinquency cases for kids 15 years old and younger—pilot courts like this increase participation in social services for young people charged with misdemeanors and, in some cases, felonies, while decreasing jail time. Court reformers are seeking to divert teenagers away from future crime by avoiding some of the long-term damage of an adult criminal conviction. It is part of a larger effort to keep teens out of the standard adult criminal court process and to prevent

them from picking up permanent criminal records.

Currently, 16- and 17- year olds prosecuted in New York State are sent automatically to adult criminal court even for low-level offenses such as vandalism and shoplifting. A bill under consideration by the state legislature, based on a proposal by the state's chief judge, Jonathan Lippman, would create a special division for adolescents within the criminal court system, statewide.

"There is a recognition that adolescents should be segregated from the older adult population," says Alfred Siegel, deputy director of the Center for Court Innovation, which guides research and demonstration projects for the state court system. "The goal is to identify young people and get a sense of the issues driving their behavior," he explains. "It's to provide linkages to age-appropriate services that result in a legal outcome which is the least restrictive and that will leave the young person no criminal record."

Chief Judge Lippman says he would like, ideally, to raise the age of criminal responsibility to 18 for all but those accused

of the most serious violent offenses. Such a move would send 16- and 17-year-olds directly through Family Court and the juvenile justice system where teenagers are more likely to take part in support services, stay in school and receive vocational training. Lippman's current proposal, now in a bill before the legislature, is less ambitious, but would achieve many of the same goals.

In keeping 16- and 17-year olds in criminal court rather than shifting many of them into Family Court, officials say, they avoid overwhelming the already overburdened Family Court and juvenile justice systems with thousands of new cases. Some defense attorneys say this strategy has another advantage: Criminal cases don't normally involve probing into noncriminal issues such as a teen's skipping school or fighting with siblings. By contrast, Family Court proceedings can be intensely intrusive.

New York's court system has been operating the pilot courts, known in the field as ADPs—short for Adolescent Diversion Part—since January 2012. They launched statewide in nine counties, including all five boroughs of New York City.

Like Family Court, judges in the pilot courts favor a rehabilitative rather than punitive approach. They connect teens to services tailored for adolescents. In many cases, so long as the teens complete these services, judges dismiss the charges or downgrade them to noncriminal violations, which carry no permanent record. Though technically all criminal court judges have the legal authority to make these same decisions and referrals in a regular courtroom, most do not have ready access to the pilot courts' broad range of services and programs.

In 2010, more than 37,000 16- and 17-year-olds in New York State were arrested on misdemeanor or nonviolent felony charges such as the ones which would make them eligible for the pilot courts, and were processed through the criminal justice system. About 1,220 of these teens, including 440 from New York City, ended up with a misdemeanor or felony conviction on their permanent record. By all accounts, the large majority were young people of color.

Proponents of the legislation to establish the criminal court youth division in courts statewide say that sheltering children from the lifelong impact of a criminal record is an urgent reform. A criminal record imposes "a lifetime of barriers to obtaining the most basic rights such as employment, public housing and higher education, things that are essential for future success," points out Laurie Parise, the director of Youth Represent, which provides legal services to teenaged defendants. (See "Criminal Records: Roadblocks to the Future," page 18.)

Each county's current pilot court varies slightly and has different criteria for eligibility, but no young person can be seen there without the local district attorney's approval. This may explain the vast difference in the numbers of young people seen in the adolescent courts among the various counties. For instance, in Nassau County, as of June 30, 2012,

about 81 percent of eligible cases were heard in the adolescent courts. In Queens, only about 9 percent of eligible cases were heard in the adolescent courts.

None of these courts accept violent felony cases, a policy that some youth advocates disagree with, pointing out that most young people accused of nonviolent crimes are already shielded from receiving a permanent criminal record. The large majority of teens charged with nonviolent crimes either have their cases dismissed, end up pleading down to non-criminal violations, or are granted youthful offender status, an option for many 16- to 18-year olds who come through criminal court, and which does not impose a permanent criminal record. (See "Left Out By Reform," page 21.)

As of the end of June, the pilot courts had served more 1,500 young people. In New York City alone, as many as 8,500 cases could be eligible for the pilot courts in the coming year. While they will likely handle only a portion of that number, the program inevitably increases the need for intake, screenings and social services.

Judges in the adolescent courts can refer teens only to certain designated service providers, including a mix of non-profits and state and local agencies. The pilot does not include an increase in funding for these providers, however, and some fear they may end up with more referrals than they are equipped to handle.

"We are still getting a sense of the volume, the types of cases, and the resources required to sustain operations in the short-run," says Julian Adler, a project director at the Red Hook Community Justice Center. So far, the Red Hook Center has been able to handle the caseload, says Adler, though the court system and the Center for Court Innovation are steadily recruiting more service providers.



Back in Judge Gubbay's courtroom, Gubbay and the prosecuting attorney lament that there is no appropriate anger management class for one 16-year-old girl who has appeared in the court room. The Center for Court Innovation used to offer a free class on conflict resolution for teens, but they don't any longer and the only available class costs participants over \$100. Even a reduced fee of \$75 poses a challenge for this young woman.

By the end of the afternoon, Judge Gubbay is looking a little weary. He's fighting a head cold, and this is the biggest day the ADP pilot has had in its five weeks so far, with 45 cases in a single afternoon. He perks up as a young woman tells him she has decided to plead guilty to her charges and do a youth assessment at Red Hook. It's a change from her original plan to go back to criminal court, where she hoped charges would be dropped.

"That's great," he tells her, sounding genuine. "You would have missed out on this opportunity to work on yourself." He gives her a warm look as she watches him warily. "That's a great thing," he says. "I'm very proud of you." ❀

Left Out By Reform

The state's plan for treating teens compassionately in adult court won't change much for those accused of violent crimes.

BY ALEC HAMILTON

ASHLEY BERNARD (not her real name) exudes a calm professionalism when she speaks. Twenty-four and soft-spoken, she flashes a smile, sighs, and begins her story.

When Bernard was 16, she had an argument with another girl, they fought, and police came to Bernard's home looking for her. Scared, she turned herself in the next day.

Prosecutors charged Bernard with assault. A private lawyer hired by her family told her that if she went to trial she could face jail time, and urged her to plead guilty. Bernard—young, newly pregnant and frightened at the thought of jail—followed his advice. She cried when she heard the ruling: guilty of a class-four violent felony.

"I felt like my life was over," she says. "Like I would never amount to anything."

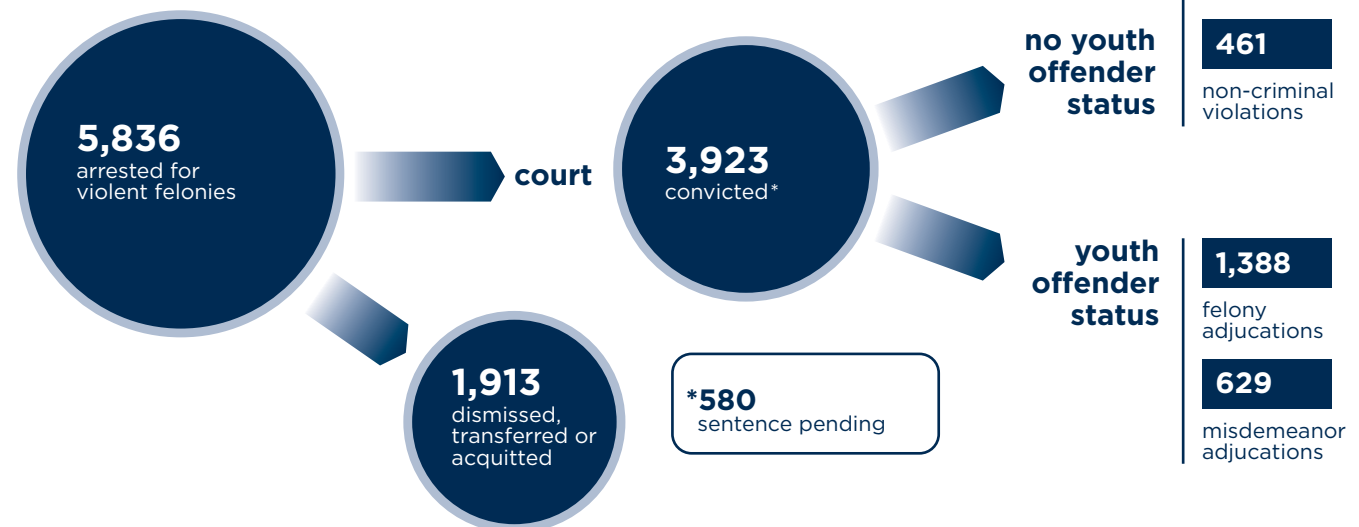
At first, however, the consequences weren't so bad. Instead of sending her to prison, the judge ordered Bernard to complete a six-month class at the Center for Alternative Sentencing (CASES). There, she entered a career development program for excelling youth and secured an internship. CASES offered her a second internship working for them, and for a time she did both.

As a one-time offender, Bernard should have been eligible for a status known as "youthful offender," which would not be considered a criminal conviction. But she says her lawyer never mentioned the option and she never knew to ask. Instead, she was saddled with a permanent felony conviction.

Soon after the birth of her daughter, her criminal record began to cause her problems. She wanted to move with her baby into an apartment of her own, but the Section 8 program,

Outcomes of Violent-Felony Arrests of 16- and 17-Year-Olds in New York State, 2011

New York State has tools for diverting most—but not all—young people arrested on violent felonies away from a permanent criminal record. There were 3,923 convictions of 16- and 17-year-olds who had been charged with violent felonies in New York State in 2011. In more than half, the court granted youthful offender (YO) status—which means the young person did not end up with a criminal record. Of the remainder, 461 were convicted of a non-criminal violation, which is often accompanied with a fine but no criminal record. Ultimately, a total of 853 felony and misdemeanor convictions resulted in a permanent criminal record.



Source: NYS Division of Criminal Justice Services

which provides federal rent assistance to low-income families, rejected her application automatically because of rules that make anyone convicted of a violent felony ineligible for five or more years from the completion of their probation or parole.

Soon, her record also began to interfere with her prospects for employment. While attending community college and raising her daughter, Bernard was also trying to get a job. She applied to work at an agency caring for disabled adults but was denied after she disclosed her felony conviction. A second agency denied her on the same grounds but told her she could reapply if she got a New York State Certificate of Relief, which gives people convicted of a single felony relief from barriers to certain types of employment or housing. She appealed to her judge for the certificate, but her request was denied. A store manager hired her to do customer service work and gave her a start date, only to call back and retract the offer because of her conviction, she says.

At one point she was offered a work-study job at a city agency. Shortly after an initial meeting with her new boss, however, she got a call informing her that her felony record made her ineligible.

By that time, Bernard imagined she might never get on her feet. “I expected it to be a long time of frustration and disappointment,” she says. “I thought I would be a nobody.”



New York is one of just two states in the country that automatically processes 16- and 17-year-olds in the adult criminal justice system. The state is in the midst of a conversation about raising its age of criminal responsibility—an effort that has moved forward with the support of New York’s chief judge, Jonathan Lippman. The legislature is currently considering a bill, backed by Lippman, that would create a special youth division in criminal court for 16- and 17-year-olds accused of nonviolent crimes. If it passes, the law would give these teens greater access to service-based alternatives currently only available to juveniles. And even if they were convicted of a crime, their records would be permanently sealed—protecting them from the long-term consequences of an adult criminal record. (See “Re-Order in the Court,” page 18.)

The legislation would likely reduce the number of young people incarcerated in the adult system, sending more of them into juvenile delinquent placements and others into alternative programs. It would also create new opportunities for pre-court adjustment of their cases by probation officials.

But none of this would apply to young people like Bernard, charged with a violent felony. It is an exclusion some advocates worry will shut out teens who need it most.

Justine Olderman, a managing attorney at The Bronx Defenders, supports many aspects of the court plan. “It takes the best of both worlds,” she says, by incorporating due-process rights from adult courts along with Family Court-style services and supports. Yet she remains concerned that the legislation

may not go far enough, because it won’t change anything for the majority of 16- and 17-year-olds who now end up with criminal records: those charged with violent crimes.

“These are the cases where our young clients suffer the most” once they have paid for their crimes and tried to move on with their lives, says Olderman. “They represent the real tragedy of the political decision to punish young people as adults.”

Data from the courts underline Olderman’s point: The vast majority of 16- and 17-year-olds processed through the criminal courts in New York City have their cases dismissed or pled down to noncriminal violations. Of the remainder, most of those convicted and sentenced ask for and receive youthful offender status and have no criminal record. But those arrested on violent felonies are about twice as likely to end up with a criminal record as those arrested for nonviolent felonies.

In 2010, nearly 2,000 16- and 17-year-olds charged with a violent felony were convicted and sentenced after a trial or plea agreement. Almost one-fourth of them—466 teenagers—ended up with a criminal record, according to court data. (Most of the rest were convicted and received youthful offender status.)

By comparison, just 207 of those originally arrested on lesser felonies—or one-in-eight of those who were convicted and sentenced—ended up with a criminal record. Nearly half got off with only a noncriminal violation.

For teens going to adult court on misdemeanor charges, ending up with a permanent record is extremely unlikely. Of more than 19,000 misdemeanor cases involving 16- and 17-year-olds in 2010 that made it through the justice system in New York City to a disposition, only 233 ended up with a criminal record.

David Bookstaver, a spokesperson for the Office of Court Administration, which drafted the current legislation, described the decision to exclude violent felony cases as a strategic choice. “The reality is that we were looking for broad consensus and support as we were drafting this legislation,” he told *Child Welfare Watch* last spring when the legislation was introduced. “And the most effective way to garner support is to develop a bill that is likely to succeed. Right now we think the best way to do that is to address the issue of nonviolent offenses.”

Part of the political difficulty may stem from popular misconceptions about the sort of actions that can bring about a violent felony charge. While some are very serious, such as murder, rape and aggravated assault, young people are also charged with violent felonies for far less serious actions.

Olderman says that under New York’s sentencing scheme, youth can be charged with violent felonies for relatively minor acts such as two kids ganging up to take another kid’s coat. “People think of these kids as being a danger to society,” she says. “But the reality is that the legislative definition of violent crime is so broad that it scoops up a lot of kids who aren’t a threat to anyone.”

Proponents of efforts to raise the age of criminal responsibility, including Judge Lippman, cite recent research on ad-

olescent brain development, which indicates that adolescents are not necessarily capable of understanding the consequences of their actions in the same way as an adult—and that they are probably more capable than older people of changing antisocial behaviors before settling into lifelong patterns.

Studies from the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice found that while intellectual ability tends to increase dramatically between ages 12 and 18, psychosocial maturity—the skills to navigate different situations and environments appropriately—lags significantly, showing almost no increase until the 18 to 21 age range, and then increasing slowly through age 25. The researchers concluded that adolescents are responsible for their behavior, but not as responsible as adults.

“If you’re making a statement about how the human mind works at 16, I don’t think you should differentiate between violent and nonviolent offenses,” says Glenn Martin, vice president of the Fortune Society, a nonprofit organization that advocates for alternatives to incarceration.

• • •

Things began to look up for Ashley Bernard after CASES introduced her to Youth Represent, an organization that

helps young people overcome legal barriers following a conviction. With their help, the city agency that initially denied Bernard’s work-study position eventually found a way to hire her. When her work-study program ended, the agency hired her as a regular employee. Bernard went on to work there for three years, until a round of layoffs early in 2011.

At age 21, Bernard again enlisted the help of Youth Represent for a third appeal to the court for a certificate of relief, and then again to represent her when she was denied another application for Section 8 housing assistance. Bernard was successful in both cases.

Last November, Bernard was able to find work again. After half a year of unemployment—part of which she spent talking about her situation with law students—a position opened at CASES and she was hired as a program assistant.

Now, Bernard dreams of being a nurse. She began class at Long Island University’s Brooklyn nursing program this fall. “I’m very excited,” she said. “It’s like a domino effect. Everything is falling into place, back to back to back.”

It may all be for nothing: A felony conviction can be grounds for denying a nursing license. But Bernard is determined. “I’ve always had that drive,” she says. “I’m not worried about getting denied. It’s just a matter of getting there.” ❀

The High Cost of Convicting Teens as Adults

THE POLICY OF trying 16- and 17-year-old nonviolent offenders as adults in criminal court has a damaging effect on the lifetime earnings potential of nearly 1,000 teenaged New Yorkers each year—costing them an estimated, cumulative total of between \$50 million and \$60 million in lost income over the course of their lives.

Child Welfare Watch reached this estimate using a method similar to that applied by researchers at the Vera Institute of Justice when they performed a 2011 cost-benefit analysis for a North Carolina state legislature task force. At the time, North Carolina was considering a legislative change that would have shifted cases of 16- and 17-year-olds charged with nonviolent crime to the state’s juvenile system.

Child Welfare Watch did not attempt an analysis that approaches the full scope of the North Carolina study. Instead, we adapted one particular component—the cost of the current policy in lost earnings potential for young people tried in adult court who end up with a permanent criminal record.

The authors of the North Carolina analysis calculated the loss in wages over a lifetime, finding that the average net present value of the earning differential between people with a record and those without totals \$61,691 per person.

In New York State in 2010, there were a total of 2,063 young men and women aged 16 and 17 who ended up with a permanent criminal record following the disposition of a felony or misdemeanor in criminal court. About 40 percent of these, or 837 cases, were originally brought into the system on violent felony charges. We can subtract those 837 cases from our analysis, because under the legislation currently proposed by Chief Judge Jonathan Lippman, they would not be handled any differently than they are today.

New York Law, Teens and the Courts

THE NEW YORK STATE movement to raise the age of criminal responsibility from 16 to 18 is a late bloomer. Every other state that formerly treated 16- and 17-year-olds as adults in their courts and prisons has already made the change in one fashion or another, except North Carolina.

The legislation that has the best chance of winning sufficient support in the state Assembly and Senate, and of being signed by Governor Andrew Cuomo, will most likely be based on a bill submitted at the request of Chief Judge Jonathan Lippman. The bill applies only to young people charged with nonviolent crimes. It is currently designated as Senate Bill 7384, sponsored by Stephen Saland, a Republican from Poughkeepsie, and Assembly Bill 10257, sponsored by Democrat Joseph Lentol of northern Brooklyn. It would authorize the following changes to state criminal procedure:

Local probation departments would be allowed to "adjust" the cases of 16- and 17-year-olds charged with nonviolent crimes, as they already often do for younger teens. This sometimes means a young person agrees to take part in an alternative program, or participates in community service, or simply stays out of trouble. Her case does not go to court, she would have no criminal record, her fingerprints would be destroyed, and the arrest record would be sealed.

If probation can't adjust the case, the alleged offender would be prosecuted by the local district attorney in a new Youth Division to be set up in the criminal part of the state court. "In such case, prosecution against him or her will proceed as it would in any other adult criminal prosecution," reads the legislative bill summary. "All provisions of the Criminal Procedure Law that would regularly apply to such a prosecution will apply. At this stage of the proceedings, the teen offender will stand in the shoes of any other adult accused of crime."

If the teen pleads guilty or is found guilty after a trial, a disposition hearing would be held similar to that held currently in Family Court for younger juvenile delinquents. The hearing judge would have the same options she now has for all delinquents, including placement in a residential program, an alternative program run by probation, or some other combination of services and oversight.

Perhaps most important in the long run would be the lasting result: "Whatever disposition the Youth Division decides upon," reads the summary, "the affected teenager will not have a criminal record and the records of his or her offense(s) will be sealed from public view."

This leaves 1,226 cases of 16- and 17-year-olds in New York State who ended up with a permanent criminal record following charges of a nonviolent felony or a misdemeanor. Based on historical state data, we can make an educated guess that between one-fifth and one-third of these young people will eventually end up with a new criminal conviction at some point in their adult lives. We subtract them from the analysis as well.

As a result, an estimated 818 to 981 young people in New York State are added each year to the long list of men and women who would never have had a permanent criminal record if New York State treated 16- and 17-year-olds the same way nearly every other state does. If the initiative currently before the state legislature becomes law, young people in their position in the future will have their criminal records cleared or sealed.

The analysis demonstrates that the policy of trying 16- and 17-year-old nonviolent felony and misdemeanor offenders in adult criminal court has a high cost for New York State, totaling at least \$50 million in foregone wages for each annual cohort of 16- and 17-year-olds that passes through the adult criminal courts, and unknown millions in lost taxes that would have been paid to the state government.

While for the purpose of this analysis people likely to re-offend are not included, it is worth noting that the recidivism rate is influenced by factors such as employment. If having a conviction record makes it more difficult to get a job, we can predict that the difficulty of gaining employment will be associated with an increase in recidivism.

The Vera Institute authors of the North Carolina study made other valuable points as well. For example, in a reformed system, 16- and 17-year-olds would be more likely to receive mental health treatment and vocational programs that would help them succeed in the job market and in life more generally. Based on a survey of recent literature from the federal Centers for Disease Control and other sources, the authors judged that handling young nonviolent 16- and 17-year-olds in the juvenile courts rather than the adult criminal system would lead to a 10 percent reduction in recidivism.

A caveat: Our analysis is intended simply to give some sense of concrete scale to the problem. We have not attempted anything like a comprehensive cost-benefit analysis. And the wage estimate is based on national data, not state-specific or city-specific numbers. As a result, it is entirely possible that we are vastly *underestimating* the lifetime wages that may be lost as a result of current policy. ✖

Christian Henrichson and Valerie Levshin's paper for the Vera Institute of Justice, titled "Cost-Benefit Analysis of Raising the Age of Juvenile Jurisdiction in North Carolina," can be found at www.vera.org

Home in the City

After years of preparation, the city is beginning to house most boys and girls convicted of juvenile delinquency in homes within the five boroughs, instead of upstate.

BY KENDRA HURLEY

DOZENS OF TEENAGERS who committed crimes in New York City and were confined upstate have moved into newly created group homes in the five boroughs, as part of the first wave of placements under the Bloomberg administration's long awaited multi-million dollar Close To Home juvenile justice reform. Under legislation passed earlier this year, Albany is transferring responsibility for all but the most severe of the city's young lawbreakers from the state to the city.

The move follows on several years of sharp reductions in the number of city teenagers sent upstate, and is the culmination of a series of dramatic changes in the city's juvenile justice system. Eleven nonprofit providers are running more than 30 new homes for New Yorkers aged 15 and under, with funding and oversight from the Administration for Children's Services (ACS). Each home houses from 6 to 24 young people, making room for as many as 280 juvenile delinquents. Foster parents specially trained and supported to work with young lawbreakers have room to house an additional 20 people. The budget for these new homes totals about \$68,392,000.

Until recently, hundreds of teenage delinquents each year were sent by Family Court judges to live in upstate lockups or on private campuses outside of the city. "This is as significant a shift as I have seen in my 30 years in the business, and a most welcome one," says Bill Baccaglioni, executive director of New York Foundling, which is running one of the new facilities.

The new residences are funded to provide not only supervision but also counseling and social services. Although they are labeled "nonsecure," the city residences are in fact locked and staffed around the clock. The city and state have imposed certain safety requirements, including video surveillance in common areas and windows that activate alarms when opened too far.

Among the nonprofit organizations' first challenges in opening the homes was finding affordable sites in the city. Some have converted properties they already owned or leased, while others rented new sites. Former convents and homes that once housed priests proved especially popular. "They're more spacious and in less congested neighborhoods and have more yard space," says Philip Rofrano, executive director of Martin De Porres Group Homes, which opened a new home in a former convent in Ozone Park.

Officials say that keeping teen offenders close to their families, communities and lawyers, and in city-run schools, should help smooth their transitions home and reduce the likelihood that they will commit new crimes. It will also allow them to continue working toward a high school degree while serving their sentences.

Though most of the new sites are within the city limits, a few specialized residential programs, such as those for fire starters and girls who have been exploited as prostitutes, are located on campuses in Westchester and Long Island. Officials say they expect some of these specialized programs to move into the city within two years.

The new homes have been designed to be more homelike and therapeutic than the state-run facilities they are replacing, in an attempt to strike a balance between keeping young delinquents out of trouble while also creating welcoming environments that resemble family life. City officials say they are making an effort to place teens in the borough where they lived before entering the system, and program directors say they want to encourage visits from parents and other family members. The programs also plan to give young people increasing degrees of autonomy as they prove themselves worthy of trust—including chances to make excursions outside the facilities without a chaperone.

"As soon as it is deemed safe and appropriate, the child will be going on home visits," says Elizabeth McCarthy, executive director of Episcopal Social Services of New York.

Alan Mucatel, executive director of Leake & Watts, says it will be critical to find ways to work with neighbors and link the young people and their families to local supports, as soon as possible. To help with that, ACS has asked all providers to form local advisory boards for each neighborhood where their new homes are located.

"The success of these programs is going to count on community engagement and family engagement," says Mucatel. "That's the whole point. That's what will give these young people a sense of feeling rooted in their neighborhoods, and propel them to making choices that will keep them out of the criminal and juvenile justice system."

Girls and boys are being housed separately, and most middle-schoolers are housed apart from high-schoolers. The young men and women are likely to live in the new facilities an average of seven months, officials say, and most attend one of two schools that were hurriedly created in the Bronx

and in the East New York neighborhood of Brooklyn by the Department of Education. Under the current plan, many are expected to return to their former public schools as they get close to returning home, in order to help make the transition less abrupt. They will also continue to receive services and supports for a period of time after returning home. For now, ACS has contracted with Good Shepherd Services to provide those supports and services to children in agencies without the capacity to provide it themselves.

Leake & Watts opened a 12-bed home in the Bronx in a building that used to be a group home for mothers in foster care and their children. When renovating the site, the agency removed nooks where young people can hide from view and “that can lead to something unsafe and inappropriate,” says Mucatel. Instead, the house now has large, open common spaces and bedrooms all on one floor.

All of the providers have experience working with young people who have committed crimes, most commonly as an offshoot of residential foster care or as an operator of detention centers for young people awaiting trial. But Cynthia Armijo, executive director of Boys Town, New York, which runs both non-secure detention centers and placement facilities, notes that operating placements is different because teens live there much longer than at detention centers, and don’t necessarily have the same incentive to behave well in order to impress the court. “The risk is necessarily higher because these kids have been convicted of a crime.”

In fact, many of the young men and women in upstate lockups were originally placed on nonprofit campuses and, after clashes there, ended up in state facilities. Under the former juvenile correctional system, Family Court judges could sentence teens to the campuses of organizations such as Children’s Village, Leake & Watts, and the Jewish Child Care Association.

The city requires these and the other nonprofit agencies participating in the city’s Close to Home Program to accept all of the young people ACS sends their way, and that young people be “modified”—or moved—to a more secure level of placement only as a last resort. Until the city builds its own more secure facilities, young people who need more secure settings will be transferred to OCFS facilities, officials say.

Jim Purcell, chief executive officer of the Council of Family and Child-Caring Agencies, cautions that ACS and the agencies shouldn’t necessarily try to avoid having any teens “modified” into more secure placements. “The way you have no modifications is to always place kids at the highest level of care,” he says. “You aren’t going to make every first decision right no matter how good the assessments are.... Zero [modifications] suggests you aren’t taking any prudent risks.”

But some youth advocates worry there are not adequate safeguards to prevent kids from failing out of the new homes and being sent elsewhere. “We must ensure that youth who struggle in their current placement receive a robust set of

age-appropriate services, in the least restrictive setting possible,” says Soffiyah Elijah, executive director of the Correctional Association. “Simply defaulting youngsters to more secure settings or to the adult criminal system would be a wrong-headed approach.”

Providers and ACS point out that the new homes will have a higher ratio of staff to young people than the campuses did, and staff in the facilities have received training in crisis management. This includes how to de-escalate volatile situations by calming young people, while avoiding the restraints and excessive force that a 2009 federal Department of Justice investigation found routine at juvenile correctional facilities upstate.

The administration has also asked the facilities to choose therapeutic models that have been shown to have positive results. Most of the providers have adopted elements of the Missouri Model, a reform effort that began in Missouri but has been attributed to reducing recidivism among juvenile delinquents in other states as well. The model relies on small groups, minimal use of force, and strong relationships between staff and young people. Staff are trained to be supportive rather than custodial. New York Foundling is the only provider of the new facilities who already has experience with the Missouri Model. The others had only a few summer months to learn the model and begin using it.



Boys Town New York, the local arm of a national youth services organization, has long run two homes in the city for teens convicted of crimes. One is a small group home in a brownstone on a tree-lined street of Park Slope. It offers an idyllic glimpse into what the future of juvenile justice in New York City could look like.

A married couple, Kenneth and Sarai Ortiz, run the house, which they share with six young men. Inside, it is spacious and clean, with hardwood floors, a wide open living room and a long table where the young men who live there eat dinner each night, family style.

On one wall is a chore schedule and a calendar with activities scheduled in—movie night on Fridays, a YMCA trip on Tuesdays. Bedrooms, for two young men each, are roomy and brightly painted, each with its own bathroom.

This environment is about as different as it can be from the upstate placements where Omar (not his real name), skinny and soft-spoken with brown hair and braces, has previously lived. Upstate, Omar says, the boys had two big dorm rooms with beds lined up prison-style, and everyone had to shower together, something he particularly hated. He often felt isolated and scared for his safety.

Omar knew things would be different the first time he met Kenneth Ortiz, when he escorted him from detention to the house. Normally, they hold your arms behind your back when you go outside, Omar explains, which he finds “mad

Among the nonprofit organizations' first challenges was finding affordable sites in the city. Former convents and homes that once housed priests proved especially popular.

Martin de Porres opened a new home in a former convent in Ozone Park.



embarrassing.” But Ortiz simply kept an eye on him.

This turned out to be the Ortiz’s style at home, too. It’s what Boys Town staff call managing with “caring and parenting” rather than force, helping boys learn concrete skills like how to clean, cook and do laundry, as they also work on more elusive issues such as how to control emotions. Boys Town staff teach the young men’s parents and guardians how to continue reinforcing these new skills at home.

Like all the boys at Boys Town, Omar carries a tiny card

in his pocket where he keeps track of how many “points” he has earned for good behavior. The points add up to privileges, like getting to stay up an extra hour to watch TV.

Upstate, Omar says, it felt like both the staff and the young people were just doing time. But in the Park Slope house, he says, “We’re like brothers. We work together and do chores. I consider them family.” After looking carefully around the living room at his surrogate brothers sitting on a couch, he breaks into a grin, adding, “Most of the time.” ❖

They all start with the assumption that people are fundamentally good, that kids are not bad or cruel by design, that parents are not sadistic or abusive or neglectful by nature, that parents are wired to love their kids and their kids are wired to love them back.

Marta Anderson-Winchell supervises a team of Family Functional Therapy Child Welfare therapists at New York Foundling.



Social Workers at the Kitchen Table

New York aims to keep teens out of foster care by adapting model therapies that have their roots—and evidence of success—in juvenile justice. Can they keep kids safe in cases of suspected abuse and neglect?

BY KENDRA HURLEY

PATRICE BOYCE IS one of the New York Foundling's newest therapists and she is struggling. A neatly dressed young woman with wavy hair and a thoughtful manner, she is having trouble staying sympathetic toward a mother on her caseload. Patrice's job is to keep this woman's children out of foster care by using a specialized form of in-home family therapy—without taking sides between family members. That's proving difficult.

"Some sessions it's hard for the mom to sit down. She asked me to just talk to the kids, 'Fix the kids, just deal with the kids. I don't want to be a part of this,'" Patrice tells her supervisor and another therapist in a windowless room of the nonprofit New York Foundling. She looks shell-shocked. "I feel like she doesn't even want to sit with the kids."

The mother has four children, but only the two youngest, a girl and a boy, still live at home. The boy is 10, the girl just shy of 13. Each spent two years in foster care and both are hungry for attention. The oldest especially likes to follow Patrice around the apartment showing her things, like the dress she wants to wear to a party.

The Administration for Children's Services (ACS) brought in New York Foundling to help this family after the agency received complaints that the mother had left the two children alone at night while she went out drinking. Recently, hostilities escalated. The 12-year-old threatened to kill ev-

eryone in the house, Patrice says. The mother attacked her, scratching her eye. ACS workers, who are still investigating the family, called an emergency conference. At the conference, Patrice found it difficult to see the girl with her eye damaged and to hear the mother repeatedly call her daughter a bitch. It was especially painful to watch the young girl react: She slouched and stared into the distance, eventually falling asleep right there at the table.

"What do you think that's about for Mom?" asks Marta Anderson-Winchell, her supervisor, who has been practicing this particular method of therapy for over two years. Like Patrice, Marta is not long out of social work school and still in her twenties.

Patrice stays silent, so Marta offers a suggestion: "The two youngest were in foster care. The two oldest didn't make it to 18 before they're out of the house. What I'm hearing is the system telling her, 'You are a bad mother.' The kids are saying, 'I don't want to be here.' That's a lot of guilt and anger for the mom."

"If I could see more positive it would help me work with her better," says Patrice. "The youngest kid is on SSI. The mom doesn't want that kid going anywhere because she says that's her money. I feel like on some level that's a major motivator for her to have the kids around."

"If we think about a parent who only wants money, who wants the kids because of the paycheck, that's negative," says Marta. "How to reframe that? Even if you don't believe it, try to find the noble intent."

Patrice is quiet a long time before answering. "I'm having a hard time with that," she finally says.

Patrice and Marta are therapists in a new pilot project that aims to keep teenagers out of foster care and safe at home by using what ACS loosely calls "evidence-based" services—forms of therapy that have been studied and deemed effective in the juvenile justice world, where most originated, but are in fact relatively new to child welfare, where ACS plans to now use them.

Most are a form of hurried-up family therapy with a focus on changing family members' behavior and helping them to communicate better with one another. Where many therapies require parents to drag their kids to a remote office for an indefinite number of visits, these sessions unfold in the home for intense, short-term interventions. Children's Services Commissioner Ron Richter has described them as getting a knock at the door "from a social worker who is in your face, at the kitchen table, being part of your life...they come in like a tornado...and they help the parent to learn how to get control, and they make it very clear to the teen that their parent is the parent."

This pilot is part of the Administration for Children's Services' larger plan to rely more heavily on practices that have been shown to reap results. In the coming months alone, ACS plans to spend \$22 million to provide short-term thera-

pies to work with 3,000 families each year, in a targeted effort to reduce the number of children 12 years old and older placed in foster care. These older boys and girls account for more than one-third of all cases investigated by child protective services, and more than one-third of the young people placed in the city's foster care system each year.

Many of these young people eventually "age out" of foster care to life on their own—something that is associated with high rates of homelessness, unemployment, and incarceration. Over the years, ACS has tried many approaches to help better prepare teens for life after care—from teaching classes geared toward preparing them for life on their own to encouraging families to adopt teenagers. Now, officials are trying a more direct approach: keeping teens out of foster care in the first place.

"We believe that by making this financial commitment to families and teenagers... we will empower parents to take care of their teenagers," says Richter.

Richter points out that, in the city's juvenile justice system, these therapies have helped about 1,000 young lawbreakers stay at home with their families instead of being sent to juvenile correctional facilities. A smattering of foster care agencies in New York City have already begun using such programs in their child welfare work. But strictly defined, the therapy models in which ACS is investing are not truly evidence-based when used with children on the brink of entering foster care. Using these services on a large scale with families involved in the foster care system is a largely uncharted terrain, one that is only beginning to be evaluated in a systematic way. It's not yet clear how effective they will be at ensuring child welfare's main goal—keeping kids safe.

Nonetheless, using services that have been studied is the next wave of child welfare, and many in the field are cautiously enthusiastic. "In the world of government [funding], everything is tied to outcomes," says Citizens' Committee for Children's Executive Director Jennifer March-Joly, who notes that if family support programs are challenged to demonstrate their effectiveness, that will only strengthen their case for funding and potentially attract more money to the field.

"We have a responsibility as a field to provide our young people and families with interventions that work. If there is a better way of providing services, I think that we need to be open to exploring that," says Sister Paulette LoMonaco, executive director of Good Shepherd Services.

For child welfare workers willing to give them a try, these models offer something entirely new, and valuable: a systematic, finite, and supported way of approaching, thinking, and talking about their work with families. It's one with concrete and measurable goals, clearly defined strategies to reach those goals, and tons of support. Evidence-based interventions demand a lot of their caseworkers, requiring them to view all of the individuals on their caseloads in the most positive light possible, and, when things aren't going well, to consider

themselves, not just the families they work with, responsible. Ultimately, they can provide professionals in child welfare a greater sense of control and efficacy. In the murky, hard-to-assess, high-turnover business of helping families in crisis, this is no small feat.



At its most crude, the world of evidence-based practice is a big business steeped in its own particular jargon and philosophy, beginning with the term "evidence-based" itself and all its scientific associations. Indeed, "evidence-based" is the social science field's shorthand for a model has been demonstrated, through high-quality, quantitative evaluation research, both effective and replicable.

The models ACS plans to use were developed and researched at universities and research institutes, and their marketing and dissemination is overseen by academically trained teams at "national purveyor organizations," as they are called in the business. Most are for-profit corporations, many of them doing millions of dollars in business each year.

Purchasing one of these models carries a steep price tag. FFT Inc., the firm that created and owns the Family Functional Therapy model, charges about \$61,000 to train and oversee a team of therapists capable of serving 50 families at a time—and that does not include the cost of travel to or from Seattle for training with consultants.

In New York, ACS has created model budgets that estimate that between 9 and 13 percent of the total cost of these programs will be spent on fees paid to the purveyor organizations, rather than in direct services. That cost includes training, manuals, technical assistance and copious staff oversight conducted by consultants.

For most of these therapies, the first year an organization uses them is the most expensive. As an organization becomes more proficient and needs less support, the costs go down. The model developers continue providing oversight and charging a fee for as long as an organization uses the model, something the developers say is vital to using their models with "fidelity" to a proven approach. "There is consistent quality assurance built into the model, so you don't just have the family and the provider working together. You also have a layer of integrity from the model developer that you pay for, which makes these models cost more," explains Commissioner Richter.

The models have what some in the business call a "big bang" effect. Most are short, intensive treatments targeted for families and children who meet a specific profile—say, law-breaking teenagers with substance abuse issues, or the parents of children with medical issues. They move families in and out of their programs as quickly as possible, following a philosophy that they not make families dependent on services. For organizations like ACS, this is appealing not just for its ideological stance: Evidence-based programs have the potential to serve

At its most crude, the world of evidence-based practice is a big business steeped in its own particular jargon and philosophy, beginning with the term “evidence-based” itself and all its scientific associations.

more families each year than traditional social services.

Last winter, at an ACS-hosted, acronym-heavy “evidence-based open house,” directors of dozens of the city’s child welfare nonprofits learned about various evidence-based models from salesmen and women who had PhDs, Power Point presentations and a flair for public speaking. The experts had traveled from distant cities to ACS’ Children’s Center on Manhattan’s east side to take turns endorsing their particular flavor of a scientifically studied program. Richter compared the daylong conference to a dental convention where attendees chose their “particular brand of toothpaste.”

“In every family that’s in trouble there’s a sense of negativity and hopelessness,” Joan Muir of the University of Miami told the crowded auditorium. “How do you get motivation? How do you get that shift?” she asked—and then she explained how the model she represented—Brief Strategic Family Therapy—does exactly that.

As the panelists presented their programs, and as therapists and caseworkers shared their experiences using the models, and as ACS leaders outlined plans to begin converting “unproven” programs to ones that had been tested, deemed effective, and driven by what Lisa Shankweiler of New York Foundling called “data points” as opposed to what “feels right,” there was, among many, a sense of possibility. It may have been similar to what those in the juvenile justice world felt in the late 1990s when they first heard there were therapies proven to help lawbreaking teenagers get back on track.

“It was a really exciting time,” remembers Clay Yeager, who then headed Pennsylvania’s juvenile justice system. “I came out of a 20-year history in juvenile justice where we were all just led to believe that there was nothing we could do, that nothing worked, and that juvenile justice systems especially were stuck in this role of managing kids and counting the days until kids turned 18, because we didn’t believe there was much to do to change them. For me, it was a godsend that there were science and data to say we could do this stuff differently.”

Yeager has since built his career around evidence-based services as a former head of Nurse Family Partnership and now as a consultant at Evidence Based Associates, which helps organizations and jurisdictions use these interventions.

The models most prominent when Yeager worked in juvenile justice are among those ACS hopes can now stop thousands of teenagers from entering foster care, including Family Functional Therapy (FFT) and Multisystemic Therapy (MST). Both emerged from what Keller Strother, president of MST Services, calls a knowledge base of decades of research around delinquency and drug use, starting with the recognition that children are part of an ecology, with many influences affecting them, including their families, peers, and communities, all of which need to be addressed when working with young people who have committed crimes.

Many forms of therapy build from the premise that there are deep, psychological issues affecting behavior that must be explored before they will resolve, but these evidence-based models focus on action. They use a system of rewards and consequences to teach parents and children skills that can improve family dynamics and change behavior in measurable ways. “The youth is not seen fundamentally as the problem, their behavior is the problem. But it’s not something that is intractable and unchangeable,” says Strother. “Progress is grounded in what people do.”

They all start with the assumption that people are fundamentally good, and have good intentions—that kids are not bad or cruel by design, that parents are not sadistic or abusive or neglectful by nature, that parents are wired to love their kids and their kids are wired to love them back. “Parents don’t intend to raise criminals, even if a parent himself is a criminal,” says Strother. Even a mother like the one on Patrice’s caseload, who claims she wants her son for the disability money the boy brings in, wants deep down what all good parents want—the best for her children, to protect them from harm. It is this premise that makes the models particularly powerful for families that have already burned through a plethora of services and parenting classes and therapists and caseworkers before arriving at a place where they no longer believe anything can change. It is also what makes them particularly appealing for the therapists who use them.

“It feels like actual casework,” Katie Stoehr, senior vice president for performance, strategy, and advocacy at Graham

Windham, told the audience at ACS' open house. "It's the reason we all went into this field."



Soft-spoken, intense, and often spotted wearing motorcycle boots, Dr. Sylvia Rowlands is a true believer in the power of evidence-based services. Through her eyes, just about any major problem a family might face is ripe for therapy. Take a mom who can't afford daycare, so she leaves her kids home alone while she works. This mother's problem is not about just money, Rowlands insists. It's about how she makes decisions about what is and isn't safe, and how she nurtures or neglects relationships with relatives or even systems that could help her out. "There are all these decisions and all these relationships that have or have not deteriorated over time, that you have to check and fix," she says.

Rowlands is assistant executive director of evidence-based community programs at New York Foundling, which has the city's largest, most dizzying array of evidence-based programs. She's one of the visionaries who first imagined using home-based therapeutic services designed for young delinquents to keep children out of foster care instead. To some, it might not seem an obvious fit: Kids who may have been abused or neglected are, for the most part, not committing crimes. But more than 80 percent of the teens that New York Foundling worked with in its evidence-based program for young delinquents also had some sort of involvement with foster care, and Rowlands has seen how these services have allowed many of them to stay at home and out of trouble.

About seven years ago, Rowlands and her colleagues at Foundling worked with a researcher to adapt the evidence-based Family Functional Therapy (FFT) program, designed for the families of young delinquents, to prevent foster care placement in families stretched to the breaking point. The FFT model had been used successfully in child welfare in Europe, where the juvenile justice and child welfare system coexist, and they hoped they could make it work in New York City as well.

Most caseworkers who provide family support services follow no single model as they counsel parents and cobble together services. But these workers must complete specific tasks and meet regulations set by the state, such as visiting with each family twice each month, with at least one visit happening in the home while caseworkers make sure all the children are safe. Sometimes these "general preventive" caseworkers, as the city calls them, work with families for as long as a year and a half, although over the past few years ACS officials have pressured them to close cases within a year.

Foundling's new preventive model—which FFT, Inc. clunkily named Functional Family Therapy Child Welfare, or FFT-CW—takes a radically different approach. Supervisors push caseworkers to close cases in six months or less. "Everything is quicker and more intense because you do it in half the time or a third of the time," says Rowlands, who

calls it "cute" when asked about caseworkers who want to spend more time working with a family. "We have some of those people who find it really hard to close a family in four months. They'll say, 'I want to extend, it isn't perfect yet.'" Rowland's firm response? "No, no, no. Close it."

When they are assigned a new family, therapists must meet with them three times in 10 days. For system-wary parents who have already seen more than their fair share of caseworkers, Rowlands says, this fast, concentrated pace sets a tone right from the start that the program will be unlike anything they've experienced before.

Therapists prime families to believe things can and will improve. Some families have primarily concrete needs—they are facing eviction, for example, or struggling with mounting debts—and the therapists can help address them. For families with more complex needs, like domestic violence, therapists begin what they call the "behavior change" phase, where they work with family members around specific skills, like showing a mother who nags her teenage daughter how to keep requests short and concise, so the daughter doesn't tune her out, and teaching the daughter to echo back what her mother says, so the mom feels heard.

Eventually the therapists help families prepare for situations where they might relapse, like a fast-approaching date in Family Court.

Therapists work in teams that meet with each other every week for over three hours. Together, they discuss their work, update each other on how their families are doing, congratulate each other on their successes, share ideas and brainstorm how to, say, encourage a teenage girl to go to school. If the often-introspective, searching tone of these meetings feels a little like group therapy itself, it is by design. "These models are built around the team working through these problems. Everything is in the context of the group. That's what the model is," says Rowlands.

"It's not my genius. It's a 30-year-old genius that has been proven to work everywhere," she says. "That's what the model does. That's what the research says it does. That's what it's designed to do."



Marta is young, has no children of her own, and, unlike most of the families she works with, white. Just over two years ago, when she was a general preventive caseworker at New York Foundling, most of her days involved trying to get the 10 to 12 families on her caseload to participate in services—to go to therapy, for example, or take parenting classes. When parents refused, Marta was at a loss.

Now a supervisor of FFT-CW, where therapists work with about the same number of families as other city preventive workers, Marta says the model gives her a clear approach and a lot of support—two things she previously craved. "This is focused and purposeful and incredibly

highly supervised, and I have a lot more accountability,” she says.

Rather than label families who won’t participate in the program as “resistant”—a term commonly used by child welfare caseworkers—she must now look at what she could do differently herself.

“FFT has a philosophy that we can help families make these changes. Our job is to keep these families together, and the therapist is held responsible for that,” says Marta.

Parts of the model are like nothing Marta learned in social work school. Asking lots of questions, for instance—a key tenet of good social work practice—is not part of the FFT-CW repertoire. Instead, therapists describe things for

parents had been married for 13 years and had chosen to stick together no matter what, no matter that they had lost a child. “They liked that theme,” Patrice told Marta.

Marta has seen how this type of “reframing,” as FFT calls it—the identifying of good intentions behind troublesome behavior—gives even those families who have been told over and over what they are doing wrong a chance to see things differently. This is powerful stuff, says Marta. It motivates family members to do the hard work necessary to, say, start counting drinks each night. It also motivates the therapists who work with them.

Marta’s team has fought to take cases from ACS that would have otherwise been shifted to the foster care docket—



The pressure to close cases is nearly palpable in Marta’s team meetings.

their clients. Patrice, who Marta supervises, explained to one family that the father’s drinking is how he copes with the unexplained death of his 2-month-old son. The mother and two children had gone to therapy to help them deal with the infant’s death, but the father had not. As his drinking increased, so did his remoteness and anger. Now he and his wife rarely interacted. Patrice pointed out the specific sadness behind his drinking. She also helped the family see themselves in a more hopeful light, identifying an important strength of theirs: the

in one case a teenage boy slept in the same bed as his mother and a caseworker thought they were too physically affectionate. But despite working in highly volatile family situations, Marta, when interviewed last spring, could not recall a single time when she or one of the therapists she supervises has made a report to the state of suspected abuse or neglect. And neither Marta nor Rowlands could remember a time when an FFT-CW therapist thought a child should be placed in foster care. “It’s not that we won’t do it,” said Rowlands. “It’s just

that in several years in northern Manhattan we haven't had an occasion where we've said 'You need to remove those kids.' We don't believe that that's a good thing to do to kids, so at all cost we're going to try to keep that kid in the community."

Sometimes this means finding relatives willing to informally take children in. "We may build supports where a kid will move out of Mom's house for a minute and we will work with Mom," says Rowlands.

In one case where they suspected a boy was being sexually abused in his home, instead of recommending he move to a foster home, therapists sent him to live with his grandmother while they figured out what was going on and kept ACS informed of their findings. Ultimately, says Rowlands, they "removed the risk"—meaning they removed the parent who was abusing him—"and the kid came back home."

If this seems like a lot to accomplish in six months or less, Rowlands insists "the families walk away doing beautifully."

Rowlands says that an internal evaluation of FFT-CW outcomes was so promising it prompted Foundling to begin training all of its preventive caseworkers to use the model. Two researchers are now studying the program systematically. A sampling of data from ACS provides evidence that FFT-CW is indeed closing cases at a quick pace while also keeping children out of foster care: Citywide, about 80 percent of all general preventive cases opened between April and September 2010 received more than six months of services, but for Foundling's FFT-CW team, 64 percent of its cases received six months or fewer of services. Equally significant, 78 percent of their cases that closed during a three-month evaluation period did so because the family had progressed toward their goals. Citywide, only about 45 percent were closed for this reason. None of Foundling's families went into foster care during that time.

The numbers also suggest the program is effective at getting families involved right from the start: Citywide, about 44 percent of families offered preventive services refused to participate, while only 29 percent of families offered FFT-CW rejected the therapy.

It can feel almost like a personal shortcoming when a case slips through one of the therapist's hands, like the teen who returned home after spending three years in a juvenile correction center only to be kicked out by his mother.

"The kid is staying with his girlfriend, then Covenant House, and most likely foster care. The mom is not letting him back in the house," Marta told her team of therapists. Marta believes she botched things when she indulged the mother's wishes to focus only on the future and the positive. If she could turn back time, Marta says, she would insist that the mother and son look closely at the problems they'd been having before his arrest. Then, maybe they'd be better prepared to handle the argument that caused the son to storm out of their apartment, leaving the front door open with his younger brother still home, and the mother to vow that she

would never let him live there again.

"What I missed was that was a honeymoon phase," Marta says. "I let sessions stay on service, but I didn't pull out the negativity and blame, so I set up the family to have a relapse."

"He's a sweet kid and Mom just kind of turned on him," she adds. "I tried. I just didn't try hard enough. It hurts to lose one. God knows where he's going to end up without a family."



In January 2012, as part of its pilot project, ACS began sending teenagers on the verge of entering foster care to Foundling's Manhattan FFT-CW therapists as well as a Bronx program run by the nonprofit Children's Village for the families of teens with substance abuse issues. If not for these programs, a number of these teens would have gone to foster homes instead, says Rowlands. ACS officials hope to eventually send thousands more families with adolescents to similar evidence-based therapies. But of the five models ACS proposes to use for this expansion, not one is evidence-based for use in child welfare, and only two have been formally adapted for families involved with the foster care system—FFT-CW being one of them. Of those two, only one has published any findings about its effectiveness. Whether or not this is a problem depends on who you ask.

Richard Barth, a researcher at the University of Maryland School of Social Work, has found that most urban teenagers enter foster care not because they are suspected of being abused or neglected, but because of their own behavior, like running away, skipping school, or selling drugs. In his opinion, this makes them a good match for programs designed to help juvenile delinquents. "The idea of child welfare is to help kids when parents are inadequate, but many parents of adolescents can't figure out how to parent them," explains Barth.

But others say that filling programs designed for kids who have been found guilty of committing crimes with teenagers who have come to the attention of child protective workers is a lot like using a medication proven to help with heart disease for headaches. It might not work.

"This is an example of really good programs that could very well fail because we made a broad leap that because they were successful with juvenile justice kids that they will be equally successful with teenage child welfare kids," says Yeager of Evidence Based Associates. "Until the research plays it out, I would be very reluctant to support widespread adoption of these programs."

Strother of MST Services agrees. "If you are going to use one of these therapies in a way they haven't been used before, the attitude needs to be one of skepticism. Our advice is that that just fundamentally won't work," he told *Child Welfare Watch* last spring.

Juvenile justice focuses on ensuring public safety and getting lawbreaking teenagers on more hope-filled life paths. Child welfare, on the other hand, is all about the safety of

children. Strother believes these differing goals make programs designed for juvenile delinquents an essential “mismatch” for child welfare.

With keeping teenagers out of foster care comes an urgency to address something the evidence-based programs for juvenile delinquents are not built for—ensuring the safety not only of teens, but of the teens’ siblings, as well. It is not yet known how well these programs can do that.

“These models are [designed] to create behavior change in a single identified youth. It’s not clear from a model perspective how a safety plan for a younger sibling would emerge out of a treatment targeted to addressing substance abuse issues,” says Strother.

Those already using the evidence-based models in child welfare insist they have found ample ways to account for children’s safety. Rowlands points out that therapists in all of these models are in the families’ homes far more frequently than the state and city require of general preventive workers, which presumably puts them in a better position to determine how children are faring. “We’re not there twice a month, we’re there all the time,” she says.

When a case is still open with ACS, the FFT-CW therapist and an ACS child protective worker are in frequent contact. Once a case is closed, if the therapist becomes concerned that a child may be in danger, she’ll call a conference with ACS workers and the family to discuss safety. “We’re talking risk all the time,” says Rowlands, who recalls one particularly challenging case where her therapists reached out to ACS 50 times.

But these are critical changes to the tested therapies these programs are built from. And in the evidence-based world, every change matters.

Strother thinks that if ACS workers are able to target only those teens at risk of entering foster care due to their own behavior, then the city would be wise to remove some of the child safety requirements now expected of its therapists. That way the programs can be used the way they’ve been demonstrated to work.

But Keith Hefner, publisher of *Represent*, a magazine written by and for teenagers in foster care, says that child safety should indeed be a real concern for these caseworkers, pointing out that behind the types of behaviors leading teens to foster care are often significant family problems that can take time to unravel. He praises ACS for providing more families with therapy. “Even if it weren’t evidence-based, I’d generally be in favor of this approach,” he says, but practitioners need to recognize the risks.

“There’s a real difference between a family breakdown, and where a parent is abusive,” Hefner says, noting that caseworkers in a home need to distinguish between the two—something that can be very difficult to do. “These are complicated cases.”

Some *Represent* writers who entered foster care as teens say they endured years of abuse that no one acknowledged.

One young woman whose father repeatedly beat her was placed in foster care as a teen not because of her father’s abuse, but because she had become a chronic runaway to escape home. “She was going to therapy and it was along the lines of, ‘Why are you being a bad girl? You should listen to your father,’” says Virginia Vitzhum, editor of *Represent*. Vitzhum says this young woman felt she should have been placed in foster care sooner.

“Until the research plays it out, I would be very reluctant to support widespread adoption of these programs.”

Hefner points out that, while studies have documented the poor life outcomes of young people who grow up in foster care, there is little data comparing them to those who have stuck it out in a “toxic” home. He says preventive workers need to be open to the possibility that foster care might be a better option for some teens and their siblings. While a young woman can run away from an abusive home, he adds, her younger siblings generally don’t have that option.

If these agencies are taking cases from ACS’s child protective staff and not once recommending a foster care placement, Hefner asks, is that because they have identified exactly the right families for their programs—or are the therapists overly biased against foster care? He and Vitzhum are among those who worry that the pressure to move cases quickly coupled with a philosophy to avoid foster care could leave some young people vulnerable to abuse.



The pressure to close cases fast is nearly palpable in Marta’s team meetings. At one, Jen, the team’s Spanish-speaking therapist, shared details of a case she is particularly proud of: A 14-year-old young woman who assaulted her teacher and other school staff in what the girl refers to as “attempted murder” got sent to Bellevue’s psychiatric hospital. After her release, child welfare workers wanted to send her to foster care in order to make sure she received mental health services. But Foundling’s FFT-CW workers pushed to keep her home. Since then, the teen and her family have done well, Jen says. In her most recent session with the family, Jen taught the girl’s

adoptive mother how to recognize signs that her daughter was about to have an outburst and explained how she could make sure her daughter took her psychiatric medication—something the young woman had avoided by hiding her pills. Jen also connected the family with people they could turn to when trouble hit, including the psychiatrist who agreed to meet with the young woman at her day program so she wouldn't miss a session.

“If we don't find a way to work with her, these kids aren't going to remain with her.”

“Mom is very used to having services and help. She said to me, ‘Help me!’” Jen said. “I pushed back to let her know she had the skills to do this. She could link up with providers herself.”

Marta murmured her approval. But when Jen said she wanted to give the family extra time to check in, Marta urged her to move on.

“Clinically we're done,” Marta said. “We don't do monitoring. We can't have a case where all that's pending is these resources. You've done a lot of great work for them. What are you going to do with them for another month? You are our only Spanish-speaking therapist.”

Jen smiled. “You must have gotten a new Spanish speaking case,” she said.

“Yes, and I don't know what to do with it,” Marta said, laughing.

In contrast, when it comes to Patrice's case involving the mother who says she wants her youngest child at home for the disability money he brings in, Marta does not push Patrice to move the family any faster. She focuses on helping Patrice find ways to engage the mother, to make her believe that this time, with this program, things can turn out differently. That means Patrice needs to come up with a more hope-filled way to regard the mother.

Jen offers her idea of what the mother's noble intent might be. “It's the livelihood,” she says. “Mom wants so badly to take care of the kids, she needs that money.”

Marta nods. “This money is so important to the family that if you lose it, you lose the other kids,” she says. “We reframe around things we don't fully buy.”

Patrice looks slightly skeptical. “She calls her a bitch throughout the whole meeting with ACS there. There was a fight and mom scratched the kid in the eye. Mom kept saying she fucked the kid up and she didn't care and she'd do it again.”

“If we don't find a way to work with her, these kids aren't going to remain with her and we know that foster care—in most cases—is not a better option,” Marta says, sounding firm and urgent.

“Mom's homophobic,” Patrice continues, but Marta purposefully interrupts.

“What is causing the most reaction for you?” she asks. “The physical stuff? The way she talks to the kid?”

It takes Patrice a long time to answer. “Seeing her face scratched,” she says quietly. “That was not OK.”

“We aren't saying it's OK, but if we can't find the noble intent, we can't motivate the mom. Physical abuse we don't reframe. We don't want to tell these kids that it's ok she's hitting. But one reframe is, this is a mom who isn't going to hide it. Kids are going to know when she's upset... You could say, ‘You are going to be real with your kids. The problem is that you are so upset that you're hitting them and you are talking about fucking them up.’”

Jen chimes in. “Sometimes before, I've said, ‘You care so much about your kids that you are trying to protect them. There are all these people in your house telling you what to do that you do the first thing that comes to your mind.’ I say that for the kids, not so they accept it, but maybe to put a different spin on it.”

“Maybe you are doing it because your parents did it, that's how they showed love.’ I know you don't buy it, but can you say it?” Marta asks.

Patrice considers this. “I think I can say some of that.” She adds that she is worried that if the mom goes on vacation with the younger child and leaves the 12-year-old with family, the girl will run away. “That will cause more fights,” she says.

Marta gives the mother the benefit of the doubt. “Mom is willing to take this kid on vacation to protect him. That shows she really wants to protect him.”

“Yes,” says Patrice. “I guess she really does care. The way it comes out is just so messed up, but I guess she really does care, somewhere in there.”

“Yeah,” says Marta. “We just have to tap into that noble intent.”

For a while the three young women discuss how Patrice could have handled the emergency conference differently, and how she can respond if the mother starts calling her daughter names again. Patrice notes that when the mother walks away and takes a lot of breaks from her children, it is, in a kind of heartbreaking, roundabout way, her way of protecting her children from herself, from her anger and frustration. Pointing that out to the mom, Patrice notes, might help her build more of an alliance with her.

“You do such a nice job of bringing up strengths,” Marta tells Patrice, who looks more assured than when she first began talking. “This is a mom who has not heard a lot of positive things about her family. You are doing a nice job with this family.” ❀

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police are fair. John Jay Professor David Kennedy, the author of *Don't Shoot: One Man, a Street Fellowship, and the End of Violence in Inner-City America*, puts it like this: "When the face of the law is ugly, the law's ugly. When the law's ugly, the things the law stands for are undercut... When the law's ugly, people don't go to the law when they need help. People handle things on their own."

Police can prevent and solve a certain percentage of crimes simply by cracking down—by being present on the street in overwhelming numbers and by searching members of the demographics groups most likely to be carrying guns. But to do much of their work, officers need the help of residents who know where crime is taking place and who's committing it. "Good police work involves building relationships with people in communities," says Paul Butler, a Georgetown University professor and former prosecutor for the Department of Justice. "You gather intelligence by talking to people in the neighborhood... Stop-and-frisk makes people not want to cooperate with the police."

"If you're a grandmother, you don't like the dope boys on the corner. You want them gone. But you also hear your grandson talk about how he can't walk home without being pushed against a wall," Butler adds. "The police need friends. They're making enemies."

The NYPD began its formal engagement with the concept of community partnerships in the 1980s, after what had been a disastrous decade for policing in the city. A series of major corruption scandals had left the department discredited and divided, serious crime had spiked by 40 percent and a municipal fiscal crisis had gutted the force of more than a third of its personnel. When the money came to rehire that personnel (12,000 new officers between 1980 and 1984), the city commissioned the Vera Institute of Justice to assess how the expanded force could best be deployed. The collaboration led the NYPD to a theory known broadly as Community Policing, which would grow, for a short time, to define the predominant philosophy of the department leadership.

Its premise was that police work is more effective when it includes community residents and institutions in both identifying and solving a neighborhood's most pressing problems. Under the city's Community Patrol Officer Program, officers were assigned to neighborhood beats long-term, with the primary tasks of building relationships and addressing quality-of-life concerns. As part of an evaluation of the pilot version of the program, one officer described the difference between his new assignment and his old one: "Normally if you were in a store for half an hour talking to somebody, you're goofing off. Now if you're in a store for half an hour, it's considered a positive aspect of the job. You met the owner, you were talking to some of the people who work there. When someone

comes out of there at the end of the day drinking beers and you walk up to him and call him by name, and say, 'Listen José, no cerveza on the street,' the guy now says 'Okay, okay,' and shakes my hand."

Until the mid-1990s, NYCHA properties were policed according to similar principles—not by the NYPD but by a separate force operated by the Housing Authority. Officers were stationed at particular developments for years, sometimes decades—with the result, residents say, that they were integrated into communities in ways that would be inconceivable now. Joseph Garber, who's lived in NYCHA housing since 1957, remembered that his building's police unit kept a record room with the names of residents on index cards. If someone was locked out of their apartment, says Garber, they could go to the record room, show ID and an officer would open their apartment door. Erik Crawford says that when he was growing up, the officers assigned to Davidson played basketball with kids at the development's community center once a week. "They'd stop in and see how you're doing, show interest in someone's homework," he says. "We didn't know it was part of their job."

But the years of New York City's experiment with Community Policing were also characterized by a massive spike in violent crime, largely due to the drug trade, and endemic corruption throughout the ranks of the NYPD, which continued to be plagued by misconduct scandals. In the early 1990s, the department went through another major reorganization when newly elected Mayor Rudy Giuliani named Bill Bratton as its commissioner.

Bratton brought "Broken Windows" policing to New York City, implementing a strategy that would help define law enforcement for the next two decades. The idea was that acts of disorder—what have come to be known as quality of life offenses—have a contagious effect on communities, leading to social destabilization and more serious crime. Curb disorder, the theory goes, and you can make a significant dent in problems like drug dealing and violence.

In a 2002 essay on policing and youth violence, Jeffrey Fagan (the same professor who analyzed data in the current trespass arrest lawsuit) makes the point that Broken Windows originated as a Community Policing practice. In its original iteration, Broken Windows suggests that police should work intensively with law-abiding citizens to identify disorder and bring stability back to public places. That work depends on goodwill—something police can't maintain if too many people in a community experience them as draconian or unjust.

In New York City, Fagan argues, the premise of Broken Windows was distorted by Giuliani's signature zero-tolerance policies, which required patrol officers to crack down on low-level crimes, arresting and detaining tens of thousands of people each year for infractions as minor as graffiti and fare beating.

More than ever before, those arrests were concentrated in particular areas of the city: In the mid-1990s, the NYPD developed its CompStat system for mapping crime statistics, and for using near-real-time data to target police resources to “hotspot” locations—which were mostly low-income, black and Latino neighborhoods. Guided by CompStat, the NYPD sent large numbers of officers to aggressively enforce the law, often through the practice of stop-and-frisk. Arrests went way up (23 percent between 1993 and 1996, including a 40 percent jump in misdemeanor arrests), as did citizen complaints against the police (60 percent between 1992 and 1996). At the same time, crack use diminished, the drug trade moved largely indoors and murders and robberies went way down, with numbers nose-diving through the 1990s and 2000s.

All of which leaves New York City with the questions at the heart of its current ideology and policy wars: Did zero-tolerance policing cause the city’s drop in crime, saving thousands of lives, or was the decrease a return to normalcy after the devastating crime waves, drug epidemics and economic turmoil of the seventies and eighties? To the extent that strategies like stop-and-frisk are effective in preventing violence, do they nullify themselves by alienating communities from the police, ensuring that law-abiding residents won’t work with the NYPD? What is the cost to black and Latino children subject to the routine humiliation of aggressive, prevention-oriented policing—and its attendant message that their liberties are valued less than those of other people? What is the cost to the rest of us?



David Kennedy, the strategist behind violence reduction tactics credited with slashing gun crime in cities like Boston and Washington, D.C., writes that zero-tolerance is “a bumper sticker, not a strategy. New York police officers still exercised a great deal of discretion; no department could arrest everybody for every crime they were committing, or it would grind to a halt within an hour of hitting the streets.”

The reality is that the NYPD continues to invest resources into programs that fall under the rubric of Community Policing. Officers in the Housing Bureau participate in carnivals, bowling trips and toy drives organized by NYCHA community centers, as well as sports and afterschool programs. Last year, NYCHA held four overnight campouts for young residents, led in part by housing police. The NYPD’s Juvenile Robbery Intervention Program sends officers to the homes of young public housing residents who’ve previously been arrested for robbery, connecting them (and their family members) to services like drug treatment and job training.

The purpose of those efforts is to build relationships. Ideally, residents of the city’s hardest-hit, highest-crime neighborhoods should be able to help the police target the small number of people who cause most of the real damage, says the Reverend Ruben Austria, executive director of Com-

munity Connections for Youth. Austria’s program partners with the city’s probation department to work with kids in the Bronx who’ve been arrested and are at risk of sinking deeper into the juvenile justice system.

“What if we got to a place of trust where community residents could point to a crew and say [to police], ‘You’re focusing on what the kids in that crew are doing, but there’s a couple of older guys driving all the action, putting guns in their hands, and we’re sick of them?’” asks Austria. “If the police were to go in and bust that person, the community would probably celebrate.”

In many neighborhoods, the foundations of those relationships already exist, says Austria. But they happen locally, where they’ve been negotiated between activists who work with young people on the street and their local precinct commanders—not because they are a priority of the NYPD or the city. “Working relationships happen at the community level a lot,” he says. “It may not be Al Sharpton or Jesse Jackson. There’s a whole other set of community leaders who are working hard, but nobody’s talking to them at the [NYPD’s] administrative level. Precincts don’t have the support of their own leadership for having real partnerships with community leaders.”

The city’s annual policing budget attests to Austria’s argument: The NYPD’s Community Affairs Bureau—the sole division responsible for fostering positive relationships—is allocated \$12.8 million per year. That’s a somewhat bigger budget than the mounted division’s (\$8.2 million), but just two-thirds that of the property clerk’s division (\$18 million), and smaller than nearly every individual precinct. It’s less than half of one percent of the total \$4.5 billion police department budget.

The Reverend Vernon Williams is a pastor whose Perfect Peace Ministry works with young people in Harlem. Williams, who spent much of his own youth selling heroin and serving time in prison, intervenes in conflicts between street crews, sometimes by walking the street and inserting himself physically into altercations.

Williams says he doesn’t have a simple, blanket policy against stop-and-frisk. “If someone had searched the boy who shot Lloyd Morgan,” he says, referring to the four-year-old who was killed in the playground of a Bronx public housing complex in July, “he’d be alive today.” In August, an NYPD officer was shot in the legs when he confronted an armed 23-year-old in Queens. “Let’s say a police officer didn’t intervene with that young man,” says Williams. “Would there be another Lloyd this morning?”

Williams is in frequent contact with the precinct commands in his neighborhood, sometimes to negotiate the release of a young person whom he believes shouldn’t have been arrested, sometimes to mediate a particularly contentious situation between young people and the police. He describes a meeting between one Harlem street crew and the NYPD’s 32nd precinct. Members of the crew had been complaining that the police were harassing them; police said the crew was getting out

of control, bringing heat on itself. No formal agreement came out of the meeting, but Williams says it cooled things off to let young people and the police communicate face-to-face, away from the super-charged environment of the streets.

Iesha Sekou, the director of another small organization that works intensively with young people in Harlem, says those kinds of interactions are crucial for young men and women who are inclined to see police as their enemy. Sekou's program, Street Corner Resources, invites African-American and Latino police officers to speak at workshops with young people from the neighborhood. "They tell stories about times when they—even as police officers—have been stopped or searched by other officers," says Sekou. "It gives the young people an opportunity to relate to the officers, which is important. We need to have relationships with the police. We need to be able to call them when we need help."

Within the NYPD's housing police, precincts still rely on resident input to identify quality-of-life problems on NYCHA properties. At a recent Community Council meeting in Harlem, Captain Chris Morello, the amiable, clean-cut commanding officer of Police Service Area 5, spent an hour going over crime trends and police activity with an audience of about 50 residents from the neighborhood's public housing developments. When Morello announced the promotion of one community affairs officer, the room gave her a standing ovation. Later, residents reported particular nuisances: An elderly woman complained about a group of young men who drink and smoke weed in the courtyard outside her apartment. Another reported that people were throwing bottles and cans out of a window in her complex. Morello asked them both to stay so he could get more information.

True to the original theory of Broken Windows, housing police capitalize on their relationships with residents to investigate and fight bigger crimes. Just a week before the meeting, PSA 5 had worked with the NYPD's narcotics bureau to take out a ring of drug dealers operating in the Lincoln Houses, arresting 17 people during a nighttime raid. Even in the heat of a conversation with a reporter about what they saw as police harassment of young men from the development, residents talked about the bust as a legitimate and welcome police operation. "It should clear things up for a while and give us a break," said Keith Massey, the Resident Watch supervisor.

But no one expects that break to last for long. One young resident, a dean's list college student and youth mentor, said he knows of another drug ring operating out of his neighbor's apartment upstairs. He'd like to make a report, he says. "But I don't trust the police. They're like an invading force. If you live in Iraq, do you report to Blackwater?"

The problem, says Chris Watler, who directs the Harlem Community Justice Center, a neighborhood-based court that also runs programs for high-risk youth, is not that the police department's work to build community relationships is insignificant or doesn't matter; it's that those efforts are dwarfed,

in too many people's daily experience, by the patrol strategies they meet on the street. And as long as that's true, the police will undermine their chances at building goodwill with the people who experience crime most.

"When there's a shooting, community affairs officers often really do have a plug-in to leaders in the community. They can be a real force for calm and discussion, and that's important," says Watler. "But that's very separate from what happens on patrol, which is very alienating. It makes you feel as if your government doesn't work for you. It works against you."

Dominick Walters, a 21-year-old from the Bronx who's been arrested twice for trespassing—once in the building next door to the one he's lived in since he was 5—put it like this: "You just make everybody turn against you. It's supposed to be the cops and the regular people against the criminals. Instead you got everybody against the cops."



In its most public iterations, the city's policing debate has often been reduced to its crudest terms: Either you're for stop-and-frisk or you're tolerant of crime. You don't care about the Constitutional rights of young black and Latino men, or you don't care if they die. This summer, Commissioner Kelly provoked an irate response from community activists when he accused them of being passive on killings in minority neighborhoods. "Many of them will speak out about stop-and-frisk" but are "shockingly silent when it comes to the level of violence right in their own communities," he said. "Ninety-six percent of our shooting victims are people of color, yet these community leaders are not speaking out about that... I'd like to see some political outcry."

Brooklyn City Council member Jumaane Williams responded the next day: "I am outraged at the presumptuous and patently false comments of Commissioner Kelly, which directly insult communities like mine, which are grieving for our lost and trying to save our young people every day," he said. "Maybe he'd like to come with me when I go to the families of the victims just hours after they've lost a son and see just how silent I am."

It's the needs of those families, says Ruben Austria of Community Connections for Youth, that get ignored when the city engages in reductive arguments over policing. It is possible to be aggressive on crime while respecting the rights of people in high-crime places, Austria argues—but that balance requires real partnerships with communities. Collaboration can't be a precinct-by-precinct project; it needs buy-in and commitment from the city and the NYPD at their upper levels of administration.

Over the past three years, one example of collaboration has been happening in an unlikely place: Not long before the lawsuit on trespassing arrests was filed, NYCHA called together a task force on safety and policing in its developments, made up of high-level officials from the housing authority

and the NYPD, and tenant representatives from the Citywide Council of Presidents.

The task force met regularly for more than a year to discuss problems and potential solutions, many of them in direct response to tenants' complaints about their treatment at the hands of the police. Brian Clarke, a vice-president of operations at NYCHA, says that the process was unprecedented.

It is possible to be aggressive on crime while respecting the rights of people in high-crime places.

"The number one thing was getting all the folks together: Duly elected resident leadership, representing their fellow residents, meeting with the NYPD and telling us what we needed to improve on," he says. "I've been here 16 years and I haven't seen anything like this happen."

The task force negotiated two changes to the NYPD's policy on trespass arrests, based on tenants' charges of harassment and disrespect: First, new language in the NYPD's Patrol Guide clarified that an officer must have reasonable suspicion to stop a suspected trespasser—in other words, officers do not have the right to question anyone they encounter during a patrol. Second, if an officer decides that a person doesn't belong in the building, he or she may tell the person to leave, rather than issuing a summons or making an arrest.

The city brought the Patrol Guide revisions to court, as part of its defense against the trespass lawsuit. The plaintiffs' attorneys dismissed the changes as meaningless, saying that not only were they ignored in everyday practice, but that they weren't nearly good enough to bring the NYPD into compliance with the law. Since the guide still fails to specify what counts as reasonable suspicion, the lawyers argued, it leaves far too much discretion to individual officers, who can't possibly know the difference between a trespasser and a legitimate resident or visitor on sight. The judge was persuaded and the city's argument was dismissed.

But some of the policing numbers turned over by the city suggest at least the possibility of a different story: Between 2009 and 2011—the period after the Patrol Guide was revised and police were trained on the changes—trespassing stops in public housing dropped by almost 60 percent. Last year, public housing accounted for just under a third of the city's total trespassing stops—still an outsized proportion, but a significant drop from the 50 percent they had represented in preceding years.

There's no evidence that cutting down on trespass stops tied the police department's hands when it came to enforcement. During the same period, there was a much smaller drop in stops made for other reasons—and yet, the total number of arrests on public housing properties barely declined at all.

Policing is too complicated to draw a straight line of cause-and-effect from training policies to stop rates—and in any case, NYCHA residents were still subject to significantly disproportionate rates of police enforcement. The big-picture problems, as defined by residents like Kis Ravelin and Erik Crawford, were not solved. But in the area that had been negotiated between NYCHA tenants and the police—where department leadership had sat down to hear residents' concerns and collaborate on resolving them—the data indicates that there may have been meaningful change. In the polarized context of New York City policing, that's no small thing to say.

Reginald Bowman is a long-time tenant activist, the current president of the Citywide Council of Presidents, and the person responsible for delivering the 2009 letter to Ray Kelly comparing public housing to penal colonies. To Bowman, the task force represents hope for a way forward.

"Is the problem solved?" he asks. "No, it's not. But effort is being made to solve it, and I think the community would be better served if law enforcement personnel, victims, litigants, would all come to the table and spend the time, energy and resources they have in solving the problem... Sometimes you don't need a whole bunch of publicity and noise to solve a problem. You need to roll up your sleeves and sit down at the table and work out the problem. It doesn't have to be news. There doesn't have to be a press conference."

In all likelihood, as New York gets closer to its next round of mayoral and City Council elections, there will be many press conferences about policing strategies. The city is currently entangled in three class-action lawsuits challenging its use both of stop-and-frisk on the street and of trespass arrests in residential buildings. The issue is trickling down to individual cases, as well: In two high-profile decisions this summer, Manhattan appeals court judges overturned the weapons convictions of teenagers who'd been stopped and searched without legally sufficient cause. The City Council is currently considering bills that would not only constrain police use of stop-and-frisk, but set up a new, independent monitor for the police department.

Whatever the views of the next mayor and police commissioner, their administration will have little choice but to change its policies on stops. How much that change means, will depend on whether they also reinvest in partnerships with the people their policies impact most.

"The NYPD can't only work with people who say 'all police are heroes,'" says Austria. "You have to be willing to work with people who are also going to hold you accountable when you're wrong. That makes for a challenging partnership, but that's what real partnership is." ✨

New Options for Young Lawbreakers

AS PART OF its effort to keep young people out of juvenile lockups and jails, the city has developed a new continuum of programs for kids who get in trouble with the law.

In the past, teens aged 15 and under were often sent to detention centers or state-run lockups not because they had committed serious offenses, but because judges believed they didn't have enough supervision at home and there appeared to be no alternative. By providing young people with support in their communities, the new programs aim to minimize young people's contact with the justice system, and to provide options that are appropriate to the behaviors that get them in trouble in the first place: Kids who commit minor offenses are connected to community groups and moved out of the system, while kids at greater risk take part in intensive services and supervision. Following are short descriptions of these programs and interventions.

Court Diversion

Over the past six years, the city has more than doubled the number of juveniles it diverts out of the court system, often sending them instead to community programs that provide case management, counseling and other services (see “Case Closed,” page 6). If a young person successfully completes the terms of diversion, his or her case is dismissed without any deeper involvement in the justice system—a process known as “adjustment.” In 2011, more than 4,500 juveniles aged 15 and under had their cases closed through adjustment. The cost of these programs varies, as the terms of an adjustment can range from check-ins with a probation officer to completion of an online course to participation in a brick-and-mortar community program.

Alternative-to-Detention Programs

To reduce the number of youths sent to juvenile detention, the city's Office of the Criminal Justice Coordinator contracts with a nonprofit in each borough to provide alternative-to-detention (ATD) services for young people with a pending delinquency case in family court. There are three tiers of ATD programs. The first two tiers include community supervision, which involves making sure a young person attends school and meets curfew, and afterschool supervision and activities five days a week. Programs providing these levels of supervision typically cost approximately \$2,500 to \$3,000 per child and serve about 100 to 200 young people per borough each year. The third tier, for young people who need more supervision, is provided by the Department of Probation (DOP).

Many of the ATD programs provide services such as tutoring, mental health assessments and referrals, classes in life skills and anger management, and recreational activities like visits to parks and dance workshops. While some have the capacity to work with young people who are considered at high risk of breaking the law or who have mental illness, a handful of organizations offer independent ATD programs for these and other specialized groups, including children whose families are unable or unwilling to have the youth remain at home as they await their hearing in family court. These specialized programs generally cost more per child than typical ATD programs. For instance, Boys Town has a program that takes in 140 young people each year who have violated probation or struggled in other ATD programs; it costs a little over \$4,000 per year per child, and is funded by the Administration for Children's Services.

Tiered Probation

Every day, close to 2,000 juveniles (aged 11 to 15) and about 7,000 young adults (aged 16 to 24) are on probation in New York City—numbers the DOP cites when describing itself as the city's largest alternative-to-incarceration program. Probation has always offered a certain amount of flexibility: Probationers check in with varying frequency and intensity, according to judges' orders and probation officers' discretion. Under the department's recent reorganization, probationers are assigned to one of three tiers, depending on the severity of their offences and their risk of breaking the law again. “Level 1” probationers meet with their probation officers just once per month, while those on “Level 3” have 14 contacts per month. These services are funded through DOP's operating budget.

General Supports

Under the umbrella of Mayor Bloomberg's Young Men's Initiative, which aims to improve life outcomes for black and Latino boys, the Department of Probation is launching a series of education, job training and mentoring programs for young people in the five neighborhoods where the greatest number of probationers live. While some of these programs can serve as alternative-to-placements that prevent their participants from going to youth lockups and jails, young people with any kind of criminal justice involvement can participate in many of them—including young people on probation as well as those who have been arrested but not brought to court. Under contract with the DOP, service organizations provide case management, internship placement and financial incentives for 16 to 24-year-olds involved in the justice system.

- *Young Adult Justice Scholars* provides educational services, career exploration and case management to court involved youth. The program plans to serve 272 young people annually, at a cost to the taxpayer of \$7,500 per participant.
- *Young Adult Justice Community* provides job training and support as well as internship placements to court involved youth. The program aims to serve 252 young people annually, at \$7,500 per participant.
- *Arches: A Transformative Mentoring Program* connects probationers to adult mentors and supportive peer groups. The program will serve 840 young people annually, at \$5,000 per participant.
- *Community Education Pathways to Success (CEPS)* provides educational support to youth who are on probation, and will target approximately 146 young adults annually, at \$6,000 per participant.

Alternative-to-Placement Programs

The city currently operates three formal alternative-to-placement programs, which serve young people in their communities who would otherwise be sent to out-of-home lockups.

- *Enhanced Supervision Program (ESP)* provides intensive supervision to juvenile probation clients who would otherwise be placed in a residential facility. ESP probation officers visit young people at home and school, and work with probationers' families. Probationers in the program attend behavior modification groups and perform community service. In fiscal year 2012, the program served 1,158 young people, at \$1,750 per participant.
- *Esperanza* is a community organization under contract with the DOP. Juvenile probation clients who would otherwise be sent to lockup participate in a six-month program that provides intensive supervision and in-home family counseling. In 2012, the program enrolled 161 young people, at \$15,000 per participant.
- *Juvenile Justice Initiative (JJI)* provides short-term, therapeutic, evidence-based treatment programs for young people who have gotten in trouble with the law and who would otherwise be placed in juvenile justice facilities. The Administration for Children's Services contracts with nonprofits to provide young people with therapists who meet with them and their families in their homes several times a week with the hopes of reestablishing parents as authority figures and preventing young people from reoffending. Specialized programs in Queens, Brooklyn, and Staten Island provide treatment for young people with substance abuse issues and psychiatric issues. JJI serves 368 children per year, at an average cost of \$17,975 per family.

The probation department is in the process of establishing three new alternative-to-placement programs, which will be run by community agencies and will serve an additional 215 young people per year:

- *Advocate, Intervene, Mentor (AIM)* is a new program administered by the DOP, designed for youth who are determined by Family Court to need an alternative-to-placement program, or who are already on probation but have been rearrested for a serious felony. Participants are paired with a paid mentor, who connects them to community organizations and is available to the young person and his or her family 24 hours a day. The program has a total capacity of 100 participants per year, at a cost of \$18,850 per client.
- *Pathways to Excellence, Achievement and Knowledge (PEAK)* will operate as a full-day program for youth who are at risk of being placed in an out-of-home lockup. It will be run by a single community-based organization, under contract with the Department of Probation, and will combine education and behavior modification services with therapy and after-hours crisis intervention. The program will serve about 90 young people per year, and its cost per participant is not yet available.
- *Every Child Has an Opportunity to Excel and Succeed (ECHOES)* will combine two components: intensive case management provided directly by specially trained DOP probation officers, and an after-school job preparation and employability program provided by a nonprofit under contract with the DOP. It will serve 70 youth on probation annually throughout the five boroughs, at a cost of about \$13,000 per youth. ✖

A six-year statistical survey monitoring New York City's child welfare system

WATCHING THE NUMBERS

PROTECTIVE SERVICES

	FY 07	FY 08	FY 09	FY10	FY11	FY12
REPORTS OF ABUSE AND NEGLECT:	64,190	64,572	64,748	65,114	65,761	63,521
Hotline reports increased sharply in 2006 and have remained high ever since.						
PERCENTAGE OF REPORTS SUBSTANTIATED:	40.0	39.9	42.0	41.9	40.1	39.6
Child protective workers found reason to suspect abuse or neglect in two-fifths of all reports.						
PENDING RATE:	6.0	5.4	4.8	4.5	4.8	3.9
The monthly average of new cases per child protective worker was at a record low last year.						
AVERAGE CHILD PROTECTIVE CASELOAD:	14.9	11.0	9.3	9.1	9.4	8.7
Caseloads in the child protection workforce remained near record lows.						
ACS SUPERVISION ORDERED BY FAMILY COURT (PREVIOUS CALENDAR YEAR)	5,598	6,177	5,556	5,822	4,913	5,180
This is the total number of court-ordered supervision cases as an outcome of Article 10 filings.						
CHILD FATALITIES IN CASES KNOWN TO ACS (PREVIOUS CALENDAR YEAR):	44	41	49	39	46	43

PREVENTIVE SERVICES

FAMILIES RECEIVING ACS-CONTRACTED PREVENTIVE SERVICES (ANNUAL, CUMULATIVE):	22,912	23,809	24,788	23,063	21,535	19,172
The number of families in preventive programs continued to decline.						
NUMBER OF CHILDREN IN PREVENTIVE CASES (ACTIVE, JUNE):	30,358	33,022	31,584	27,532	23,294	NA
The number of children and families in support services was at a longtime low in June 2011.						
PERCENT OF PREVENTIVE CASES REFERRED BY ACS:	68	76	68	64	71	72
Nearly three-fourths of new cases referred to general preventive agencies came from ACS.						

FOSTER CARE SERVICES

NUMBER OF CHILDREN ADMITTED TO FOSTER CARE:	7,072	7,401	7,406	7,108	6,356	5,698
There has been a 23 percent decline in placements since 2009.						
NUMBER OF CHILDREN DISCHARGED FROM FOSTER CARE:	7,219	7,587	7,557	7,181	7,055	6,453
Discharges continued to outpace admissions last year.						
TOTAL FOSTER CARE POPULATION (ANNUAL AVERAGE):	16,854	16,701	16,439	15,896	14,843	14,013
The number of children in foster care declined for the fifth straight year.						
MEDIAN LENGTH OF STAY FOR CHILDREN BEFORE RETURN TO PARENTS (MONTHS):	11.5	9.3	8.3	5.3	6.4	5.5
Children entering foster care for the first time returned home about one month sooner.						
PERCENTAGE OF CHILDREN WITH REUNIFICATION GOAL (PREVIOUS CALENDAR YEAR):	55.3	51.3	51.6	51.1	51.5	55.5
The city expected more than half of the children in foster care in December 2011 to eventually return home.						
PERCENTAGE OF SEPARATED SIBLINGS (PREVIOUS CALENDAR YEAR):	47	48.3	44.2	48.1	47.4	44.4
Fewer than half of siblings in foster care were living apart from one another in 2011.						
RECIDIVISM RATE (%) (PREVIOUS CALENDAR YEAR):	9.1	10.0	12.3	11.3	12.6	12.9
This is the percentage of children returning to foster care within two years of discharge.						
PERCENTAGE OF FOSTER CHILDREN IN KINSHIP CARE:	28.3	32.3	33.9	35.0	34.9	34.6
Kinship care is now stable at one-third of the system.						
PERCENTAGE OF FOSTER BOARDING HOME PLACEMENTS IN BOROUGH OF ORIGIN:	65.7	54.0	57.8	58.8	60.4	57.9
Placements outside the borough of origin include kinship homes.						
PERCENTAGE OF FOSTER BOARDING HOME PLACEMENTS IN COMMUNITY DISTRICT:	13.5	11.2	11.2	10.5	13.7	12.0
This is no longer an official ACS target for placement. Today the city aims to place children in contiguous districts.						

ADOPTION SERVICES

PERCENTAGE OF CHILDREN WITH ADOPTION AS A GOAL (PREVIOUS CALENDAR YEAR):	31.0	29.2	28.0	30.3	31.1	27.1
Fewer foster children were moving toward adoption in 2011.						
NUMBER OF FINALIZED ADOPTIONS:	1,562	1,472	1,344	1,156	1,186	1,295
Finalized adoptions increased as a proportion of the number of children in foster care.						
AVERAGE TIME TO COMPLETE ADOPTIONS (YEARS):	3.4	3.4	3.2	3.2	3.0	3.1
The pace of adoptions has been consistent in recent years.						

All numbers above reported in NYC fiscal years unless otherwise indicated. Sources: NYC Mayor's Management Report, NY State Office of Children and Family Services Monitoring and Analysis Profiles, NYC Administration for Children's Services Monthly Flash and data requests.

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