



**The New York City Council,
Committee on Juvenile Justice
September 20, 2018**

“Oversight – Update on NYC’s Implementation of Raising the Age of Criminal Responsibility”

**Testimony by
New York City Administration for Children’s Services
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Good afternoon Chair King and members of the Committee on Juvenile Justice. I am Felipe Franco, Deputy Commissioner of the Division of Youth and Family Justice (DYFJ) within the Administration for Children's Services (ACS). Thank you for the opportunity to update the Committee on the work the City has done to prepare for Raise the Age implementation.

We are on the cusp of one of the most monumental juvenile justice reforms that we have seen in decades. Under Raise the Age, New York State's justice system will now acknowledge what volumes of research in adolescent brain science has shown us: treating children *as* children produces better outcomes for justice involved youth.

After more than a century of treating 16- and 17-year-olds as adults in the criminal justice system, the passage of Raise the Age last year created an entirely new system for older adolescents that was to be implemented in just 18 months. Unique to New York City, the law also mandates within the same timeframe the transfer of all 16- and 17-year-olds currently housed on Rikers Island to a non-Rikers facility to be jointly administered by ACS and the Department of Correction (DOC). Raise the Age is an opportunity to build on the tremendous work that has already been done to transform the juvenile justice system in New York City, which has made the City a national leader in juvenile justice reform. The City has done an enormous amount of work over the past year to create this new system for older youth and to establish the infrastructure to support it. I am pleased to update you now on ACS's contribution to this massive effort.

ACS RTA Preparations

ACS's Division of Youth and Family Justice oversees services and programs for youth at every stage of the juvenile justice process. Our continuum includes community-based preventive services and diversion programs for youth who are at risk of delinquency, detention services for

youth who are arrested and awaiting court resolution, and residential services for adjudicated placed with New York City, as well as aftercare services upon their return to the community.

Community Based Alternatives

As you know, overall admissions to juvenile detention and Close to Home have decreased significantly year over year, and this is due in major part to the intensive preventive services that ACS, the Department of Probation and our partners provide to help prevent young people from ever entering the system. Research overwhelmingly shows that young people do better when they are able to remain at home with their families and with connections to their community, and so we have expanded our continuum of evidence-based programs, which now also include interventions that promote permanency for justice-involved youth who do not have family resources.

ACS's Family Assessment Program (FAP) is available to families of youth up to age 18 to help youth avoid delinquency and involvement in the juvenile justice system by providing therapeutic services that address difficult teenage behaviors. ACS also runs the Juvenile Justice Initiative (JJI)—the largest alternative to placement program in the City—in partnership with the Department of Probation. JJI serves youth who have been adjudicated in Family Court and provides intensive services to these youth to keep them in their communities and with their families. As part of our preparations for Raise the Age, DYFJ will be adding new programs to our JJI continuum to help us further meet the needs of older youth.

With substantial input from local communities and providers, DYFJ issued a Request for Proposals (RFP) earlier this year for the Mentoring and Advocacy Program (MAAP). MAAP is a new community-based program that is designed to support youth by providing them with mentors and advocates, with a focus on school engagement, education and workforce assistance. Contract awards were announced in July 2018, with services to begin on November 1, 2018. The four

providers selected for awards have strong community ties and significant community relationships, and are located in Brooklyn, Manhattan, Queens and the Bronx.

We also continue our close collaboration with our partners at the Mayor’s Office of Criminal Justice, the Department of Probation, and the courts to increase the use of Alternative to Detention (ATD) and Alternative to Placement (ATP) programs to keep young people who do not need to be confined safely in the community with necessary services and supports.

ACS has also been working with the Vera Institute of Justice, partner agencies, national experts and advocates on a Girls Task Force to reduce girls’ involvement in detention and Close to Home. The Task Force’s work is ongoing, and we are currently working to develop a concept paper for bringing gender specific programming to the juvenile justice system continuum.

Detention

Non-Secure Detention

Non-Secure Detention (NSD) is a smaller, less restrictive residential setting for youth who are remanded to detention by the Family Courts during the pendency of their court case. Each NSD residence houses up to 12 youth and offers young people a supportive, family-like environment and close supervision. To help accommodate the 16- and 17-year-olds who will be entering the juvenile justice system under Raise the Age, ACS issued a RFP in fall 2017 to increase our existing NSD capacity. Contracts were awarded in April 2018 and will allow us to expand NSD residential care to 131 beds.

Secure Detention

Facilities Updates

As you know, ACS currently operates two secure detention facilities—Horizon in the South Bronx and Crossroads in Brooklyn. Under the initial phase of Raise the Age implementation,

Crossroads will house Juvenile Delinquents, Juvenile Offenders, and Adolescent Offenders, and will be staffed primarily by ACS, with DOC serving in an advisory capacity conducting security audits and recommendations. Horizon will house the adult-charged 16- and 17-year-olds who are currently on Rikers, as well as newly arrested 17-year-olds who will continue to be charged as adults until October 1, 2019. Horizon will be jointly operated by both ACS and DOC. Applications to certify Crossroads as a Specialized Secure Detention (SSD) facility and Horizon as a Specialized Juvenile Detention (SJD) facility have been submitted to the NYS Office of Children and Family Services (OCFS) and the NYS Commission of Correction and are expected to be finalized within the coming days.

Since the enactment of Raise the Age one short year ago, the City has been working nonstop to ensure that these facilities safe to serve older youth. Extensive renovations have been ongoing at both sites over the past year. The total budget for long-term renovations at both facilities is \$329 million—with an authorized budget of \$128 million—and nearly \$112 million committed in contracts through the Department of Design and Construction. These contracts have funded the immediate health and safety renovations. Construction at both sites include:

- Renovations of the medical unit and dormitory halls,
- Wall hardening throughout the facilities,
- Upgraded program areas and classroom spaces,
- New plumbing and HVAC systems,
- Updated staff and transportation areas, and
- Enhanced security

Staffing Updates

The work of our frontline staff in detention is critical for creating positive outcomes in the lives of the young people that pass through our doors. It is not an easy job, but it is an extremely

important one, and is why ACS is proud to have joined with SSEU, Local 371 of DC 37 and our partner city agencies (DCAS, OLR, OMB) to create the new Youth Development Specialist (YDS) civil service title for our frontline staff. The YDS title replaced the previous Juvenile Counselor civil service title series. Not only does it offer a more appealing salary and range than the previous title, it better reflects the developmentally appropriate supervision and care we require of our frontline staff and the important role that staff play in helping youth learn new skills.

We are on track to hire 175 new YDS staff by October 1st, which are necessary to meet the staffing ratio required by state regulation to safely manage youth who will be housed at Crossroads, and we have an ongoing campaign to hire more than 400 people to fill YDS positions over the next two years. As new classes of ACS recruits are hired and trained, DOC staff will transition out from their role at Horizon. We are on our way to meeting our hiring goal, but we need the Council's help in identifying a pool of committed people in your communities who want to be a force for change in the lives of youth. Information about the title and the position has been shared with you today.

Program Updates

Essential to operating a safe and effective facility is having a unified program approach and theory of change to guide all the staff interactions and interventions on behalf of youth. ACS has been working with local and national experts from the Missouri Youth Services Institute, the developers of Safe Crisis Management, and NYU-Bellevue to develop a system of care that uses a multidisciplinary team who work together consistently with the same group of youth to reinforce positive behaviors. The multi-disciplinary team staff will use a wide array of de-escalation techniques to manage and redirect youth behavior. Essential to the model's success is teaching both youth and staff trauma responsive skills to help youth regulate emotion and behavior. The vast majority—as high as 90% of young people in the juvenile system—have experienced some sort of

trauma, and the City's juvenile detention centers better address those unique needs by employing evidence-based models.

Youth in our secure facilities receive education, health care, mental health services (including psychiatric and psychological care), dental care, recreational activities, and case management onsite. Youth in secure detention attend the NYC Department of Education's (DOE) District 79 Passages Academy, a full time educational program that is operated by DOE across our entire juvenile justice residential continuum. DOE teachers execute a standard curriculum that includes English language arts, mathematics, science, social studies, and regents prep, and enables youth to earn credits toward graduation. In addition to the comprehensive educational services provided through the Passages Academy schools, we have worked with the DOE to establish high school equivalency programs in detention and Close to Home as an alternative for some older youth, and have developed internships, new career certificate programs and better access to vocational schools. DOE has also invested in educational transitional counselors at both Horizon and Crossroads who assist youth in their transition back to their community school upon their release.

Earlier this year, ACS announced that we've entered into a partnership with Health + Hospitals, who will help manage the contracted health care providers currently working at Crossroads and Horizon. This will ensure that young people in detention continue to receive high-quality health care – and it's also a first step toward ensuring continuity of care for young people throughout the juvenile justice system, from detention through placement and aftercare, and continuing as needed after they are released.

DYFJ and the Department of Youth and Community Development collaborate with an extensive array of partners to provide a range of recreational programs and services to justice-involved youth in our facilities. Through positive activities and strong role models, we hope to

develop the skills young people need to redirect their lives in a positive direction when they leave our care. We have vastly expanded our portfolio of programming and services, including our arts and enrichment programs, to better address the interests of all youth in our system, including the older adolescents who will be entering our facilities under Rise the Age.

Close to Home

Close to Home is a juvenile justice reform that has allowed New York City youth who have been adjudicated juvenile delinquents to be placed in residential care with ACS near their home communities, and also attend DOE Passages Academy schools. Close to Home launched only five years ago, but in that time has dramatically changed the way we approach services and programming for justice involved youth and has positioned New York City as a national model for juvenile justice reform. ACS currently partners with seven non-profit agencies to deliver strengths-based placement programs in 24 non-secure placement residences (NSP) and four limited secure placement (LSP) sites located in and near New York City. All of our Close to Home providers have experience in serving juvenile justice populations, and each program offers structured residential care in a smaller, supervised, and home-like environment.

We estimate that court orders directing Close to Home placement will increase once Raise the Age is fully implemented. We are working with our current Close to Home providers to maximize existing capacity to accommodate immediate increases in Close to Home placements under Raise the Age and to assess future capacity needs. We fully intend to work with the City Council on the development of any new Close to Home residential sites.

As you know, despite the overwhelming evidence of the success and effectiveness of Close to Home and the expected census increase under Raise the Age, New York State chose to eliminate every dollar of funding for Close to Home in the State FY 2019 budget. While we are deeply

disappointed that the State budget does not continue the shared State fiscal responsibility for juvenile justice in New York City, which has always existed previously, and which continues in the rest of the state, we remain committed to the innovative and successful Close to Home program.

Closing

Raise the Age has been a massive undertaking for New York City and across the state, and we are overjoyed that this monumental system reform is now a reality. We would not have made it to this point without the City Council's advocacy, and I sincerely thank each and every member for your effort and supportive voice. The story doesn't end on October 1st. Raise the Age implementation will continue over the next several years as 17-year-olds transition into the juvenile justice system in 2019 and pre-Raise the Age youth exit our care. We will need the Council's partnership and support to make sure this enormous system reform is a success for all youth. We need your advocacy to help restore funding for Close to Home so that children in New York City will receive the same support from the State that children in all other NY counties receive, and we need your voice to help us forge partnerships with organizations that can provide the supportive services our youth and their families need to thrive. Thank you for the opportunity to discuss the work ACS has done in collaboration with our provider partners, our partners in Labor, and our sister City agencies to prepare for Raise the Age implementation. My colleagues and I are happy to take your questions.