

Testimony of the Children's Defense Fund – New York
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Oversight Hearing on the Merger of the Administration for
Children's Services and the Department of Juvenile Justice

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Good morning. My name is Jennifer Marino Rojas and I am the Deputy Director at the Children's Defense Fund – New York.

The Children's Defense Fund (CDF) Leave No Child Behind® mission is to ensure every child a *Healthy Start, a Head Start, a Fair Start, a Safe Start* and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective voice for all the children of America who cannot vote, lobby or speak for themselves. CDF educates the nation about the needs of children and encourages preventive investments before they get sick, into trouble, drop out of school or suffer family breakdown. As part of our advocacy efforts, we launched the CDF Cradle to Prison Pipeline® Campaign, a national call to action to stop the funneling of thousands of children, especially poor children and children of color, down life paths that often lead to arrest, conviction, incarceration and even death. In New York, we are working to transform the state's and city's juvenile justice systems and advocate for up-front investments in early intervention and community-based prevention and family support programs that keep children out of the pipeline. We are at an urgent moment of need and opportunity in New York, and right now our leaders have the ability to change the outcomes for thousands of New York's youth.

CDF-NY is very encouraged about the merger of the Administration for Children's Services (ACS) and the Department of Juvenile Justice (DJJ). The goal of this merger as outlined by the Mayor – to safely support youth in their home communities and reduce the number of youth that are detained and sent to upstate youth prisons – is one that CDF, and many organizations and community members, have been advocating for a long time. We are pleased that the Mayor recognizes the value in creating a more humane and youth-centered approach to juvenile justice.

CDF's ultimate vision for the juvenile justice system is one that is locally based and where community-based preventive intervention and treatment programs are so prevalent that society considers these community programs to be the norm rather than an "alternative" for young people who come in conflict with the law. For the first time we feel that there is real momentum to make this a reality. The release of the Governor's Task Force report and the disturbing findings of the U.S. Department of Justice about the abusive conditions at state youth prisons are providing a new sense of urgency and helping key leaders generate the support they need to take action.

Background on detention in New York City

New York City's juvenile justice system has historically focused on detaining and incarcerating young people rather than providing them with the support and services they desperately need. Despite the existence of community-based alternatives and a drop in juvenile felony arrests, detention admissions increased nearly 5 percent last year. Between 2003 and 2008, the city increased its spending on detention nearly 42 percent to \$84 million a year while spending only \$2.5 million on alternative-to-detention (ATD) programs.ⁱ The merger of ACS and DJJ along with the proposals in the Mayor's Preliminary Budget that would decrease detention spending by \$5 million and reinvest \$1.8 million in alternative-to-detention programs demonstrates the city's

understanding of the effectiveness of community-based alternatives. Unfortunately, the state is not offering this same support and the Governor has proposed a massive cut to ATD and other youth programs.

To truly achieve a transformation of the juvenile justice system, ACS must be supported. The New York Police Department (NYPD), the courts, the Department of Probation and the State Office of Children and Family Services (OCFS) all play critical roles in the treatment of youth in the system. While the city has made efforts to reduce detention in the past, there are several reasons why they have not succeeded:

- The state funding structure provides a 50 percent reimbursement rate for detention while not providing the same for alternative-to-detention programs. This ensures that there will always be state funding for detention but ATD programs are only funded in small amounts with no guarantee the funding will continue. This is clearly exemplified in the current state budget proposal released by the Governor last month which increases detention funding, but reduces available ATD funding by almost \$16 million.
- Judges are not adhering to the risk assessment instrument and still remand many low and mid-risk youth to detention instead of paroling them home or placing them in the alternative-to-detention programs.
- The city has not made progress in reducing the high number of “police admissions” to detention. More than half the youth admitted to detention are “police admissions” — children who the police bring directly to Bridges (aka Spofford) when they cannot contact a parent or guardian to pick up the child from the precinct. Nearly two-thirds of police admissions are low-risk children who are released from court the next day. Just 15 police precincts are responsible for almost half the number of police admissions to detention.ⁱⁱ
- The city has not been able to reduce the readmission rate to detention. In Fiscal Year 2009 almost 50 percent of the youth entering detention had at least one previous admission to detention.

Transforming the City’s Juvenile Justice System

The city’s new plan to reduce the use of detention, stop sending young people to upstate juvenile prisons and to safely keep more youth in their home communities creates many new opportunities. But, ACS must be provided with the appropriate resources in order to achieve these goals. Our state and city have created a false need for the detention and incarceration of young people by failing to invest, support and appropriately utilize effective alternative-to-detention programs. If high-quality community resources are not made available and properly utilized by the courts and city agencies, there will continue to be an artificial need to squander millions on detention. Without this upfront investment in community resources, the goal of keeping youth safely in their communities will fail, just like past efforts to reduce the use of detention.

With the city facing serious budget challenges, it must maximize all funding within the current juvenile justice system. To do this, the city should immediately take steps to close Bridges. Bridges serves as an intake facility for juveniles (ages 15 and younger) who are awaiting trial or who are awaiting placement in a long-term detention facility. The city has made many commitments in the past to permanently close this facility but has failed to follow through. This detention center has a history of poor conditions and brutality against children. Even after opening two new facilities in 1998, the city continues to operate Bridges and even invested in capital improvements at the facility. Despite these improvements the building still does not provide appropriate space for educational programs and other needed services for young people. In addition, Bridges' location makes it difficult for family members to visit their children confined at the facility.

It is estimated that the city could save \$14 million by closing Bridges. If even a portion of this savings was invested in community-based programs aimed at keeping youth safely in their home communities, the city could significantly reduce the overall detention population and prevent the need for young people to be sent to the ineffective and often abusive upstate youth prisons.

In order to safely reduce the detention population so that Bridges can be closed in the near future, the city should take the following actions:

- ***The city must reduce the number of police admissions.*** By creating partnerships and relationships with existing organizations and creating new community-based options, the NYPD will have options for releasing a youth to an adult in the community and reduce the need to take young people to detention when the family court is closed.
- ***Fewer low- and mid-risk youth should be detained.*** There are three critical junctures where the city can immediately begin to reduce the number of low- and mid-risk youth who are detained.
 - First, judges must reduce the number of low- and mid-risk youth they are sending to detention when there are appropriate options available in the community. This will involve developing more appropriate programs in the communities and working with the courts and judges to help educate them about the effectiveness and safety of these programs.
 - Secondly, upon admission to detention the Risk Assessment Instrument should be conducted to determine if the youth can be released to the parent or guardian immediately. A "Release to Parent Program" was initiated by DJJ but has not resulted in a significant decrease in the number of youth spending the night at Bridges. In fact, the number of youth spending only one night in detention increased from 29 to 38 percent in FY 2009 — indicating that many juveniles do not need to be in detention at all.

- And lastly, the city can immediately assess the current youth in the detention system and step-down those low- and mid-risk youth who can be safely returned to their families and communities.
- ***Discharge planning and after-care services should be expanded to prevent youth from re-entering the juvenile justice system.*** Almost half of the youth in the system have had at least one prior contact with the detention system. By providing more appropriate and effective after-care services this number can be decreased significantly.
- ***Continue to expand and support alternative-to-detention programs.*** To achieve a true reduction in detention, maintain public safety and improve outcomes for young people, there must be appropriate community options available. The city has already made a commitment to reinvest some of the savings from reducing detention costs into ATD programs, but more will be needed to achieve the vision set forth by the Mayor. It is much more cost effective to provide these services in the community. High-quality ATD and other community-based options cost between \$2,500 and \$15,000 a year, while detention costs almost \$600 a day — more than \$200,000 annually.

By taking these steps to reduce the need for detention and closing Bridges, the city will not only save money and improve the lives of young people, but it will also enhance public safety by decreasing the likelihood that low-risk children are inappropriately detained in secure detention where they may be forced to join a gang or become entrenched in negative behavior. Research in New York City, and nationally, has shown that community-based programs are much more effective than incarceration in addressing youth crime and recidivism. More than 47 percent of children released from DJJ facilities come back to detention.ⁱⁱⁱ In contrast, alternative-to-detention programs have recidivism rates less than 20 percent. Notably, other cities, such as Chicago and Portland, have significantly reduced their juvenile detention populations – by using effective alternative-to-detention programs and successfully addressing the disproportionate confinement of children of color – and simultaneously have reduced their rates of juvenile crime.

Concerns about merger

By merging DJJ and ACS, the city is recognizing the need for a more family focused intervention for many of the youth who come into contact with the juvenile justice system. The goals of providing more supports to families and keeping youth in their communities without risking public safety are ones that we strongly support. Nevertheless, we are extremely concerned about the resources that ACS will be provided in order to achieve these goals.

Starting on the state level, the Governor has proposed a \$16 million reduction for alternative-to-detention programs, plus significant reductions for the Summer Youth Employment Program and after-school funding — programs that help keep youth out of the juvenile justice system as well as help them when they re-enter the community after being incarcerated.

While the Mayor has proposed a \$1.8 million increase in ATD funding on the city level, it is not clear that this will be sufficient to meet the needs of the youth currently in the system — especially in light of the proposed state cuts. In addition, the Mayor’s Preliminary Budget included a \$3.6 million reduction for preventive services, which will result in the elimination of more than 300 general preventive slots and 100 family treatment slots, the elimination of a new program for sexually abusive youth and reduced rates for some preventive providers. These actions just further decrease the availability of community-based programs that are needed to support youth and their families.

There must be more of an investment in ATD and other community-based services including mental health, substance abuse and other positive youth development programs in order to truly change the system. This investment cannot solely be made by the public agencies that oversee the system. There must be immediate capacity-building efforts that are supported by private philanthropic organizations. Many communities and grass-roots organizations are willing to take on these new responsibilities but will need support to develop the necessary capacity to effectively provide these types of supports and services. CDF-NY has already embarked on an effort to encourage public-private partnerships that are focused on a long-term and sustainable transformation of the juvenile justice system on the state and city levels.

CDF-NY will also closely monitor the interaction between the juvenile justice and child protective arms of ACS. While many of the families of the young people in the juvenile justice system are in need of supportive services, there must be a clear understanding of the appropriate role of family support services versus child protective investigations. We hope that ACS will focus on providing the families of young people in the juvenile justice system with appropriate and critical supports that will prevent the need for a child protective investigation and more intrusive interventions.

Conclusion

The resolution of the state and city budgets and their impact on current ATD and other preventive programs in New York City will need to be closely monitored in order to truly assess how the city will be able to transform its system. CDF-NY will support the city in its efforts to reduce detention and provide youth with the services they need in their home communities. We hope that the city’s decision to merge these two agencies signals a true commitment to providing more family and youth centered interventions, and that New York City will no longer rely on the expensive and ineffective response of incarcerating young people as their primary reaction to youth in trouble.

Thank you.

ⁱ New York City Independent Budget Office, *The Rising Cost of the City’s Juvenile Justice System*, January 2008 (Revised; originally issued December 2007).

ⁱⁱ Data provided by the New York City Department of Juvenile Justice.

ⁱⁱⁱ Mayor’s Management Report.