



**TESTIMONY OF
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FOR THE COMMITTEE ON JUVENILE JUSTICE

Andy L. King, Chair

***Members: Inez D. Barron, Mark Gjonaj, Robert F. Holden, Mark Levine,
Bill Perkins and Jumaane D. Williams***

Oversight Hearing - Evaluating Programs that Aim to Reduce Recidivism Among Justice
Involved Youth

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The Children's Defense Fund's (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 and independent voice for all the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities.

In New York, we are dedicated to improving conditions for children across the State, based on research, public education, policy development, organizing and advocacy activities. Our priorities are health, education, early childhood, child welfare and juvenile justice. We co-lead the Raise the Age-New York coalition, and sit on the Governor's Raise the Age Implementation Taskforce, with the purpose of ensuring that the law is implemented with fidelity to its principles. We also continue to work with State-wide stakeholders to push for further reform, including strengthening the continuum of services and supports for youth at-risk for, or who have contact with, the justice system.

We appreciate the opportunity to submit written testimony on the need for programs aimed at serving justice-involved youth in New York City.

The Limitations of “Recidivism” in Determining Whether We Are Meeting the Needs of Justice-Involved Youth

Before discussing some of the specific needs facing youth in New York, I want to address the title of today’s hearing, and urge the Committee to think broadly about the purpose of programming in juvenile justice.

Recidivism is generally understood to be a new arrest, prosecution or conviction, following contact with the system. Relying exclusively on these measures to determine whether a program is effective not only underestimates the purpose and positive impact of interventions on young people’s lives, but also reinforces institutional racism within the justice system.¹ This is because recidivism is too narrow a metric for determining whether or not young people are making progress with regard to their health and well-being, and whether they are developing core competencies to be successful in the future.

Recidivism rates also fail to account for the systematic surveillance, over-policing and prosecution of black and brown youth in our justice system. According to former NYC Commissioner of Probation Vinny Schiraldi, “[r]ecidivism is at least in part a gauge of police activity and enforcement emphasis and, because of differential policing practices in minority communities, using recidivism as a key measurement may disadvantage communities of color.”²

Effectively Engaging Our Youth and Measuring Impact

While public safety is one goal, it cannot be the only goal for our work. Court-involved adolescents are just like other teenagers, who are developing physically, psychologically and socially. Our City must maintain a continuous system of coordinated services that support their development and limit their contact with the justice system.

Best practice in juvenile justice embraces a Positive Youth Development framework, which includes a focus on, and measures of, educational engagement and progress, employment, social connectedness, health and well-being.³ Within this framework, we shift our view of youth from the risk they pose to our communities, to viewing them as people with strengths, who can develop skills, and who need opportunities to develop healthy relationships, decision-making and self-determination.

Our juvenile justice work should measure its success by enquiring whether our youth are connected to people and environments where they can thrive by providing opportunities to learn, develop positive self-image, obtain physical and behavioral health services they may need, and deepen their connections to family, school, peers and their community.⁴

¹ Butts, Jeffrey A. and Vincent Schiraldi. *Recidivism Reconsidered: Preserving the Community Justice Mission of Community Corrections. Program in Criminal Justice Policy and Management, Harvard Kennedy School*, March 2018. Available at: https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/recidivism_reconsidered.pdf.

² *Id.*

³ Council of Juvenile Correctional Administrators. (2017). *A Toolkit for Positive Youth Development*. Available at: <http://cjca.net/wp-content/uploads/2018/02/CJCA-Toolkit-final-doc-Aug-9-2017.pdf>.

⁴ See generally *id.*; Harper Browne, C. (2014, September). *Youth Thrive: Advancing healthy adolescent development and well-being*. Washington, DC: Center for the Study of Social Policy. Available at: https://cssp.org/wp-content/uploads/2018/09/Youth-Thrive_Advancing-Healthy-Adolescent-Development-and-Well-Being.pdf.

While programs and services across the continuum impact outcomes in youth justice, including prevention, early intervention, alternatives to detention and placement, and aftercare/re-entry services, my testimony will focus on the services available to youth in the juvenile justice facilities that are essential to the success of Raise the Age in new York City: Horizon, Crossroads and Close to Home.

The Need for Continuity in Juvenile Justice Programming for the Success of Raise the Age

Generally, all youth entering, living in, and returning home from detention and placement, require stable, continuous and coordinated care. Programming and services within facilities must identify young people's individualized strengths and vulnerabilities, help mitigate children's trauma, promote safety and security for youth and staff inside, and help ease the transition home. This commitment to consistent engagement with youth, through age-appropriate supports is at the heart of Raise the Age, which demands that our system treat young people like the youth they are.

Horizon

As a result of Raise the Age, the City removed all 16 and 17-year olds from Rikers Island, relocating them to Horizon Juvenile Detention Center in the Bronx. Horizon is home to not only the youth formerly held on Rikers Island, but also all newly arrested and remanded 17 year olds (so called "gap 17s" whose cases are not adjudicated under Raise the Age until October 2019).

Nowhere was the need for consistent, stable youth engagement and programming more necessary than during the first month of the transition of youth off of Rikers Island. Horizon's administrators implemented 180 hours of programming per week, working closely with Friends of Island Academy. The continuity of these relationships--begun with youth while they were still on Rikers--helped smooth the transition. After an adjustment period in the first two weeks, incidents at Horizon decreased significantly, as did injuries to staff⁵ and youth.⁶ Rates of use of force against youth dropped 50%.⁷ This was achieved, in part, through this undisrupted programming and service delivery, and without the use of pepper spray.

⁵ During the first two weeks of October, COBA reported "more than 40 staff had been injured", and that a total of 42 Horizon correction officers were out of work because they had been injured on the job. See *Prayer Vigil to Demand Change*, News 12, Oct. 9, 2018, available at: <http://bronx.news12.com/story/39259130/horizon-corrections-officers-hold-prayer-vigil-to-demand-change>;

Teen inmates went ballistic on corrections officers over do-rags, Sara Dorn, New York Post, Oct. 13, 2018, available at: https://nypost.com/2018/10/13/teen-inmates-went-ballistic-on-corrections-officers-over-do-rags/?utm_campaign=iosapp&utm_source=twitter_app.

COBA reports that 53 staff were injured over the first 42 days. This means that only 11 staff were injured in the following month between 10/12 and 11/11. This is a significant reduction in injuries to correction staff. <https://www.cobanyc.org/sites/default/files/press-release-11-29-18.pdf> at 2.

⁶ The federal court monitor reported that 40 youth injured during the first 28 days of October. See *Letter from Office of the Nunez Monitor*, Oct. 31, 2018. Electronically filed with the Court (SDNY) Case 1:11-cv-05845-LTS-JCF, Doc 319. COBA states the same number -- 40 "inmates" -- were injured over the first 42 days. See <https://www.cobanyc.org/sites/default/files/press-release-11-29-18.pdf> at 2. Thus, there were no reported youth injuries over the following 2 weeks.

⁷ See *Letter from Office of the Nunez Monitor*, Dec. 4, 2018. Electronically filed with the Court (SDNY) Case 1:11-cv-05845-LTS-JCF, Doc 320.

The Friends of Island Academy and other community based partners were essential to reducing the violence and creating a safer facility. Their continued work, and that of other service providers, is critical to the continued progress of Horizon.

Crossroads

At Crossroads Juvenile Center in Brooklyn, where children charged as juvenile delinquents (JDs), juvenile offenders (JOs), and Adolescent Offenders (AOs) are held, providers including Friends of Island Academy and the Center for Community Alternatives, work with youth in the facility, and follow young people back into their communities after their release. These ties, built within the facility, and continuing after young people return home, help youth navigate school re-enrollment and engagement with necessary services and supports.

In addition, Children's Defense Fund-NY works with the Administration for Children's Services to operate a Freedom School at Crossroads, which is a literacy-based summer program for youth. The program aligns with positive youth development principles, encouraging youth engagement in academics, promoting healthy social development, civic engagement and social action, intergenerational servant leadership development, and nutrition, health and mental health.⁸

Close to Home

The Administration for Children's Services operates the Close to Home program, which allows youth placed outside of their home as the result of juvenile delinquency proceedings to remain in small home-like environments in and near New York City. Close to Home providers utilize evidence-based models, work collaboratively with youth and their families, engage youth in pro-social community activities, and allow youth to earn education credits attending Department of Education schools. Close to Home providers also manage youth's return home after placement, through aftercare services that maintain continuity between case planners and services providers as youth go back to their families and their neighborhoods.

A 2018 evaluation of Close to Home found a number of key indicators of positive youth development and public safety improvements since the program began, including:

- 37% decline in youth detention 2012-2016 (vs. -31% in the rest of the state)
- 41% reduction in the number of youth absconding from C2H facilities
- 91% of youth passed their academic classes (2016-2017 School Year)
- 82% of youth transitioned to a parent, other family member or guardian (2016)
- 91% of youth were enrolled with community-based programs (2016)⁹

In prior years before State funding was cut in 2018, the City received more than \$30M in State matching dollars to operate a network of local residences and aftercare supports

⁸ See generally, <https://www.childrensdefense.org/programs/cdf-freedom-schools/>.

⁹ http://justicelab.iserp.columbia.edu/img/forum_handout_final_3.12.18.pdf

for youth in the juvenile justice system. Today, the City must shoulder these costs without State support.

Implementation of Raise the Age has made Close to Home even more essential than before, as it expands to serve additional youth through the Family Court. This includes current plans to increase the total number of Close to Home beds by as much as 85%. The lack of State funding means that the City must direct its resources to program operation and expansion, which is critical to supporting the continuum of services in the juvenile justice system.

Conclusion

The continuity of services for justice-involved youth is essential to the City's progress in youth justice and success with Raise the Age implementation. I hope that the Committee will learn more about the programs that serve our youth, the varied ways they promote Positive Youth Development outcomes and public safety. Disrupting these services would do enormous harm to youth; the City's continued support and engagement with the City's network of community based providers is more critical than ever before.

Thank you for the opportunity to testify before the Committee. If you have any questions or you would like further information, please contact: Julia L. Davis, Director of Youth Justice and Child Welfare, Tel. 212-697-0882, jdavis@childrensdefense.org.