



**TESTIMONY OF MARSHA WEISSMAN, EXECUTIVE DIRECTOR
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NEW YORK CITY COUNCIL
COMMITTEE ON JUVENILE JUSTICE
COMMITTEE ON GENERAL WELFARE
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Chairperson Gonzalez, Chairperson Palma and Members of the Council:

Thank you for giving me the opportunity to address the Council on behalf of the City's Alternative-to-Incarceration (ATI)/Reentry Coalition. The members of the Coalition are CASES, the Center for Employment Opportunities, the Fortune Society, EAC/TASC, the Legal Action Center, the Osborne Association, the Women's Prison Association, and the Center for Community Alternatives, of which I am the Executive Director.

We deeply appreciate the Council's longstanding support of ATI and Reentry programs, including CCA's Family Court Client Specific Planning Project.

I am speaking here in support of the Mayor's proposal to assume responsibility for the care and custody of youth in the juvenile justice system. As you know, there has been a great deal of attention to New York State's juvenile justice system over the past two years that call into question its current operation. The Task Force on Transforming Juvenile Justice (of which I was a member) criticized the out-of-home placement of youth who do not present a threat public safety (noting that 53 percent of youth placed are adjudicated for misdemeanor offenses). Even more significant was the Task Force's findings with respect to outcomes for youth placed in OCFS facilities evidenced by

astonishingly high rearrest, reconviction and replacement rates. By the time they reach age 28, 89 percent of the boys and 81 percent of girls have been rearrested.

Simultaneous to the Task Force's work, the U.S. Department of Justice issued its report on conditions of confinement in OCFS facilities. It documented numerous cases of the use of excessive force against children in OCFS care as well as the State's failure to provide adequate mental health services to young people in need of these services.

The Task Force made several key recommendations based upon "best practice" and successful reforms in other states. Chief among these recommendations are the expansion in the use of community-based services, limiting of out-of-home placements to those youth who posed serious threats to community safety, and, for those youth who are placed, keeping them in facilities close to their families and home communities.

In sum, recent studies of New York's juvenile justice system finds it to be a system out of sync with best practice research on what works in reducing juvenile crime, to have high recidivism rates, and, in some cases, to inflict harm on the vulnerable young people placed in its care. Moreover, the system is inefficient and extraordinarily costly. Right now there are less than 600 young people in OCFS facilities, about 400 of whom are from New York City. The majority of these youth are held in facilities that are located hours away from their homes and families. There are almost 380 vacant beds in State OCFS facilities. Despite the drop in the number of young people from New York City in OCFS placement, the City pays \$272,166 per youth per year, in part because the State charge includes costs of maintaining and staffing empty and underutilized facilities.

With the Council's leadership and support, New York City has implemented a variety of alternative-to-incarceration programs (ATIs) and innovative initiatives that produce better results at considerably lower costs. For example, CCA and CASES are part of the City's Alternative-to-Detention (ATD) initiative which has safely reduced the detention of juveniles. In the approximately three years since the ATD initiative was introduced, more than 3,000 youth who would have otherwise been held in detention were released to community-based and special probation programs. Seventy two percent (72%) of those young people have been successful and only 11 percent were rearrested during their time in their ATD program. As the research shows that being released during the pendency of a case reduces the likelihood of a custodial sentence, we have no doubt that ATD initiative has contributed to the decline in the numbers of New York City youth who are sent to OCFS placement. ATD programs give the youth a chance to redirect their lives and develop a track record to encourage an alternative-to-placement if they are adjudicated juvenile delinquents.

The Mayor, with the support of key Commissioners, has proposed that the care and custody of adjudicated juveniles become the responsibility of local government. The ATI/Reentry Coalition endorses this proposal for the following reasons:

1. A locally operated system will ensure that young people are kept close to their families and communities;
2. A locally operated system would likely be more accountable to the New York City taxpayers, community members and youth in the juvenile justice system and their parents;

3. New York City has a strong foundation of ATI programs and other juvenile justice services to build upon; and

4. A locally operated system will save money, of critical importance given the financial crises facing the City and State.

In the remainder of my comments, I will briefly address each point.

At the outset however, I wish to make clear that our support for local operation of the juvenile justice system is not a judgment on state capacity. We applaud Commissioner Carrion's efforts to improve the State system. Under her leadership, some underutilized facilities have closed and she has been working diligently to address the concerns identified in the Department of Justice report. Nevertheless, we do believe that there are affirmative reasons that locally operated systems can do better with young people.

Keeping Young People Close to Home

Keeping young people close to home simply makes good sense. Community-based services, even those that include some out-of-home placement, are the only way to involve parents and other family members in services. For those young people who are placed out-of-home, keeping them in facilities in or near their neighborhoods will be allow families to be able to visit and will help staff plan for the return of the youth to his or her home. Even if a youth is in placement, keeping placement in or near home community's means that community-based after care services can begin to make connections to the youth and family even prior to release.

Increasing Accountability and Oversight

It is well understood that local government is the level of government most accessible to its citizens. Citizens typically have more opportunity and ability to connect with local government and come to expect local government to be the “first responder” to their needs and concerns. Local control would allow for more flexibility in developing responses to juvenile crime - the ability to expand ATI and other community-based services that research shows are more effective in addressing delinquency. Local government - the Council and the Mayor- are concerned with the well-being of their citizenry, and the condition of youth in their care. They do not face competing interests of representation from jurisdictions that have no real connection to juvenile justice-involved children from New York City.

There are a number of states that have already taken such steps with early evidence indicating improved outcomes for kids and lower costs for taxpayers. Wayne County Michigan, home to Detroit, assumed most of the control over their juvenile justice population. The number of youth sent to State facilities dropped from 800 in 1998 to about 40 now for a savings of \$50 million a year. Instead of paying their State for an ineffective system, the savings were reinvested in a comprehensive network of locally operated community based programs. This approach not only saved money, it improved community safety - evidenced by an 18 percent reconviction rate after two years, and helped young people possibly avert a lifetime of incarceration.

That said, local control alone does not guarantee accountability. It is for this reason that the ATI/Reentry Coalition also supports strong, independent oversight mechanisms to ensure that the juvenile justice system is transparent and accountable to elected officials and the public. We view oversight not as a “gotcha” mechanism but

rather a preventive tool that can identify problems before they become crises and work to resolve issues in a proactive manner.

Building on New York City's Successful ATI and Juvenile Justice Programs

With the leadership and support of the Council, the City's ATI programs for juveniles are nationally recognized and admired. New York City has pioneered ATI programs that include services from community-based organizations such as CCA's programs that date back to 1987 as well as more city wide initiatives that include the Alternative-to-Detention Initiative and the Juvenile Justice Initiative. The programs and efforts are producing better outcomes for juvenile justice youth and their families. As I mentioned, the ATD have served 3,000 youth, with only 11% rearrest while in the ATD program. The Juvenile Justice Initiative works with youth as both an alternative-to-placement and as after care. It has been successful in averting placement for about 65 percent of the youth and families it works with.

Saving Money

The results of ATI and other community-based programming are also very cost-effective. Last year, CCA's Council-supported Family Court Client Specific Planning program which serves as an alternative-to-placement for youth adjudicated as juvenile delinquents costs just under \$10,000 per year per child. Last year, 77 percent of the youth served by CCA's program successfully completed its requirements. The Blue Sky program, part of the Juvenile Justice Initiative has maintained nearly 70% rate of participants in their homes instead of placement. The savings to the City are estimated to be about \$100,000 per youth per year.

Conclusion

New York City - the Council, the Mayor, and community partners- have made tremendous strides in improving the City's juvenile justice system. We have come a long way in our treatment of young people in who come into conflict with the law and now base our approach on research and evidence that combines accountability with family-focused, youth development approaches. We have made our communities safer and have allowed these very vulnerable young people a chance to get their lives back on track. On behalf of the City's ATI/Reentry Coalition, I want to thank you again for leadership and offer our continued commitment to work with you and City agencies to continue our progress.