

## Overview

New York City has long shown a commitment to juvenile justice reform and innovation. For the past 12 years, local leaders have dedicated themselves to improving responses to young people who have committed a crime (known as a delinquency offense) and are facing a sentence (known as a court disposition). Guided by research indicating that community-based alternatives are often more effective and less expensive and stigmatizing than out-of-home placements in institutional facilities, the city has worked hard to reduce over-reliance on such dispositions, equivalent to prison in the adult context, and to ensure that those youth that may be placed are in a facility near their communities to foster familial and educational connections.

Most recently, in 2012, New York City implemented a series of related and ambitious strategies under the Close to Home initiative, including (1) the launch of a structured decision-making process to ensure that dispositional recommendations are fair and balanced; (2) the introduction of three new alternatives to out-of-home placement for youth that do not pose a substantial threat to public safety; and, in direct response to new Close to Home legislation, (3) the realignment of the system so that youth are placed in residential facilities near home, in local (versus state) care and custody, and receive the necessary support to safely and successfully transition home.

The New York City Center for Economic Opportunity (CEO) contracted with the Vera Institute of Justice (Vera) to document these policy changes, all of which fall under juvenile placement reform and, specifically, the Close to Home initiative. This report begins by describing the impetus and context for the work and then provides detailed information on each of the reform areas and the improvements seen to date, followed by a discussion of challenges and next steps.

## Methods

This policy brief is not a formal evaluation of New York City's placement reform efforts. Rather, it offers an overview of such efforts based upon the perspectives of key local stakeholders, a review of documents and available data, as well as Vera's own historical knowledge of, and participation in, some of the efforts.

*Interviews:* Vera staff interviewed 24 stakeholders, including representatives from the Administration for Children's Services; Department of Probation; Mayor's Office; Law Department (prosecuting agency); judiciary; Legal Aid (defense counsel); State Office of Children and Family Services; alternative-to-placement programs; juvenile non-secure placement providers; and advocates.

*Document Reviews:* To inform the questions we asked of interviewees, as well as provide a general backdrop for the policy changes, Vera reviewed documents such as procedural and operational manuals, vision statements, and planning materials from the city's Administration for Children's Services (ACS) and Department of Probation (DOP).

*Data Analysis:* Vera reviewed and incorporated available data into the brief where appropriate and approved by the city agency that owns it.

## Context

In 2002, with annual out-of-home placements for city youth exceeding 1,300, the city's Department of Probation (DOP) launched the first local alternative-to-placement program, Esperanza/Hope.<sup>1</sup> Providing short-term, in-home crisis management and therapeutic services, Esperanza was designed to work with young people who otherwise would have been placed in an institutional facility. Five years later, in 2007, the city's Administration for Children's Services (ACS) expanded alternative options to include the Juvenile Justice Initiative (JJI), an array of evidence-based, family-focused interventions. The combined use of these alternative options, in addition to other reform efforts underway in the city, coincided with a 55 percent decrease in juvenile placements for youth between 2003 and 2011 and a drop in juvenile felony arrests.<sup>2</sup>

In spite of these positive trends, there were challenges. While the admissions and daily population of youth placed in residential facilities had plummeted, the overall cost of out-of-home placements (which, at the time, fell under the care and custody of the State Office of Children and Family Services [OCFS]) had remained fairly consistent. This meant that the cost per youth had increased significantly. In addition, young people—the majority of whom are young people of color—were often sent to upstate facilities, far from their homes and families, receiving little to no academic credit for in-facility educational work upon their return to the city.<sup>3</sup> Finally, there were grave concerns about the conditions of confinement for placed youth and the outcomes following their release. In mid-2009, with four of the state's placement facilities under scrutiny by the U.S. Department of Justice (DOJ) for having conditions that were in violation of residents' constitutional rights, research showing remarkably high rates of re-offending, and an OCFS commissioner leading the charge for system reform, a task force convened by then-Governor David Paterson released a report outlining a comprehensive set of recommendations for juvenile justice in New York State. The recommendations advocated for further reduction in the use of residential placement; expansion of alternative opportunities to serve youth within their communities; and improvement in the way that placed youth are treated, with a focus on keeping them closer to home with seamless transitions to community schools and services.

In late 2010, several things happened simultaneously that were important precursors to the passage of the Close to Home initiative. Governor Andrew Cuomo and Mayor Michael Bloomberg took separate, highly-publicized trips to empty or near-empty state placement facilities, decrying them as a waste of public resources. Soon after, Mayor Bloomberg advocated for the complete transfer of all New York City youth in state facilities to city care. In response to the Mayor's announcement, local officials launched the Dispositional Reform Steering Committee (DRSC), and the city and state began working closely to make the transfer a reality.<sup>4</sup>

An example of inter-agency collaboration and public/private partnerships, the DRSC set out to create a locally-operated system that would enable the city's adjudicated youth to remain near home and participate in meaningful interventions following a court disposition. Simultaneously, the state continued to successfully close or downsize under-utilized upstate placement facilities. By 2012, the committee's planning efforts and the ongoing conversations between local and state leaders bore fruit. Governor Cuomo signed Close to Home legislation into law in April 2012, formally shifting the care and custody of New York City youth in placement from the state to the city. The change began with the least restrictive setting, known as non-secure placement, in 2012, and will broaden to include limited-secure placement in early 2014, more than 400 beds in total—272 non-secure and 150 limited secure.<sup>5</sup> In addition, the legislation called for the use of an evidence-based assessment instrument to guide recommendations to the court regarding an appropriate disposition.

Local officials added to this ambitious agenda the development of a wider and more comprehensive array of community-based alternative-to-placement options, and grouped all of these watershed reform efforts under the New York City Close to Home initiative. To help oversee the implementation of Close to Home, the DRSC was renamed the Juvenile Justice Advisory Committee (JJAC) and remains active under the joint leadership of the commissioners of DOP and ACS, with continued oversight by the office of the Deputy Mayor and the Criminal Justice Coordinator's Office.

## Policy Responses

Below are detailed descriptions of the three main policy and practice changes that New York City designed and implemented as part of Close to Home:

- Improved pre-dispositional (or pre-sentencing) recommendation process;
- Expansion and reconfiguration of placement alternatives; and
- The shift, or realignment, to local residential care and custody and the creation of more expansive educational options for youth while in care.

### ***Pre-Dispositional Recommendation Process***

Probation officers play an important role in the pre-dispositional process, which takes place following a finding of guilt and prior to the judge rendering a sentence. Officers are required to offer informed recommendations to the court as to whether youth should be removed from home or remain home with support and supervision. Prior to 2012, New York City used the Probation Assessment Tool (PAT) to guide dispositional recommendations. While the tool was helpful in many respects, stakeholders were worried about its ongoing value for two main reasons. First, DOP testing revealed that the PAT did not seem to predict risk as accurately as some other instruments in the field. Second, the PAT automatically scored males higher than females, which raised concerns of equity. In addition, local officials recognized that it was important to consider not only the assessed level of risk (of re-offense) but also the severity of the current offense when making dispositional recommendations to the court.

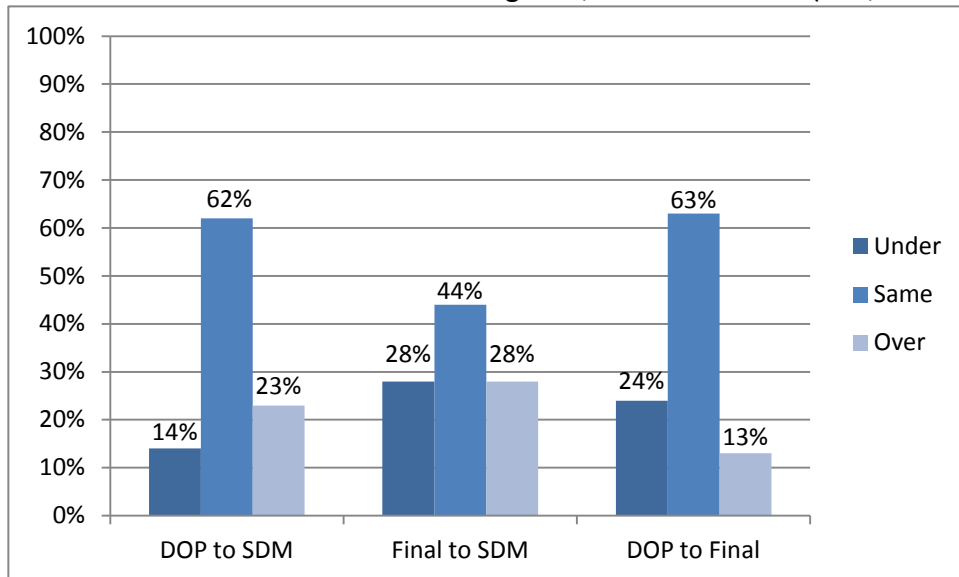
With this in mind, in early 2012, the Community-Based Interventions (CBI) subcommittee of the DRSC, led by the DOP's Deputy Commissioner of Juvenile Operations, helped to introduce two new and related instruments into probation's juvenile practice:

- *The Youth Level of Service/Case Management Inventory (YLS/CMI)*. New York City's choice to implement the YLS is an example of the city's commitment to programs and policies supported by research. An instrument designed to assess a young person's criminogenic needs<sup>6</sup> and overall risk of reoffending, the YLS has been studied in a number of settings, with research demonstrating its ability to predict outcomes that are important at this stage of juvenile justice system processing—mainly, long-term recidivism.
- *A Structured Decision-Making (SDM) Grid*. While the use of validated risk assessment tools is becoming increasingly common nationally, few instruments provide a process for making recommendations that are driven by risk to public safety *and* charge severity. The city's SDM grid, developed by the CBI subcommittee, allows probation officers to select the most appropriate sentencing option for a young person based on both the assessed risk of reoffending (the YLS score) and the current offense.<sup>7</sup>

By January 2013, the YLS and SDM grid were in use citywide. During interviews, stakeholders widely hailed both tools for providing the parties in a young person’s case with more detailed information regarding his or her circumstances and background (e.g., legal history, family arrangements, peer relationships, and educational conduct and attainment). They expressed that this information has allowed for fairer, better informed, and more consistent recommendations regarding the suitability of placement or community-based services while also narrowing the scope of out-of-home placement to high-risk youth that have been charged with a serious felony.

Interviewees also commented favorably on DOP’s active use of data to monitor the early implementation of the SDM grid and to understand how it may be affecting dispositional recommendations on the ground. In particular, the city has tracked adherence rates—the rate at which there is agreement between what the SDM grid shows, what DOP recommends, and what the judge ultimately decides. During the planning phase, DOP set its benchmark for adherence at 75 percent. At monthly meetings of the JJAC, the city shares and discusses adherence rates across the five boroughs in an effort to identify any concerns and troubleshoot as needed. Specifically, the group examines the rate at which the DOP recommendation or judge’s disposition are less restrictive than what the SDM grid recommended (an “underride”), more restrictive than what the SDM grid recommended (“override”), or the same as what the SDM grid recommended.

**Figure 1**  
Adherence to the Structured Decision-Making Grid, First 18 Months (n=1,038 JD Cases)



*Source: Vera Institute of Justice via DOP’s data collection tool (April 2012-October 2013)*

As illustrated in *Figure 1*, in the first 18 months of the work, DOP made recommendations that agreed with the SDM grid 62 percent of the time. In 23 percent of cases, probation officers recommended an override and in 14 percent of cases, an underride. When comparing the SDM grid to final disposition, adherence drops to 44 percent, with equal rates of underrides and overrides. Finally, the DOP recommendation and the final disposition are the same in 63 percent of cases.

The preliminary data suggests that the city is not meeting its adherence goal. However, knowing that the initial stages of a reform process of this scope inevitably entail growing pains, many interviewees felt that these early

rates are actually quite favorable. For example, some stakeholders spoke about the steep learning curve for staff and surmised that higher levels of adherence will likely develop over time and with repeated trainings. Others mentioned that staff and stakeholder buy-in will take time. Others said that the grid may not be as applicable or as easy to follow when it comes to certain youth populations, such as those that commit new offenses while on probation or in out-of-home placement. These young people may fall into a less restrictive option on the grid, but may be overridden due to their current position in the system.

In the end, and perhaps most importantly, stakeholders said that the process of tracking and carefully monitoring—relatively close to real time—the changes in policy and practice is an important new step for the city.

### ***Expanding the Continuum of Placement Alternatives***

While New York City had done an impressive job of creating community-based alternatives and decreasing the use of out-of-home placement, stakeholders were nonetheless grappling with gaps in the local continuum of programs. It was clear that some young people who did not pose a significant risk to public safety were placed in residential facilities because they either didn't fit eligibility criteria of some local alternatives or they had needs that might be better met through different approaches. In particular, some of those interviewed were concerned that the options up until that point were focused exclusively on intensive family therapy. Esperanza, started in 2003, and JJI, started in 2007, both include family-focused and therapeutic interventions. JJI, in particular, draws from evidence-based models such as Multi-Systemic Therapy (MST), Functional Family Therapy, and Multidimensional Treatment Foster Care.<sup>8</sup> While all stakeholders acknowledged that these programs and services are needed, there was a desire to create a more diverse continuum that included a broader and tailored spectrum of approaches.<sup>9</sup> The CBI subcommittee took the lead in developing that expanded continuum, which now includes:

- *Advocate, Intervene, Mentor (AIM)*: Launched in Brooklyn and Queens in July 2012 and later that same year in Staten Island and Manhattan, AIM adds diversity to the continuum through its focus on advocacy and mentoring. Based on principles found in research to be effective in working with high-risk young people, an advocate/mentor from within the young person's own community engages him or her for at least seven hours over the course of a week. In addition, case planning is conducted via family team conferences. A probation officer is part of this team and continues to work with the youth and family after the advocacy/mentoring phase is completed. The average duration of the program is six months, with a total of 50 slots.
- *Every Child Has an Opportunity to Excel and Succeed (ECHOES)*: Also launched in July 2012, ECHOES is an intensive level of probation with meetings four times per week, including Saturdays. Participants work with specialized probation officers (POs) and a nonprofit community-based organization to develop the skills they need to successfully transition to adulthood. There are three goals: to create a positive personal relationship with an adult (the PO) in a life coaching model; to increase social and emotional competencies; and to gain employment skills. The PO facilitates individual counseling, group sessions, and connections to outreach services, while the CBO provides employment opportunities and externships, including stipends, and wraparound services, as needed. Average program duration is one year, with a total of 40 slots.
- *Pathways to Excellence, Achievement, and Knowledge (PEAK)*: The newest of the alternative to placement (ATP) programs, initiated in August 2013, PEAK is a day or evening school-based program targeting youth that have been physically disconnected from school or disruptive while in school.

Programming focuses on education and is followed by a level of probation that is determined prior to completion. The average duration of the program is six months, with a total of 24-36 slots.

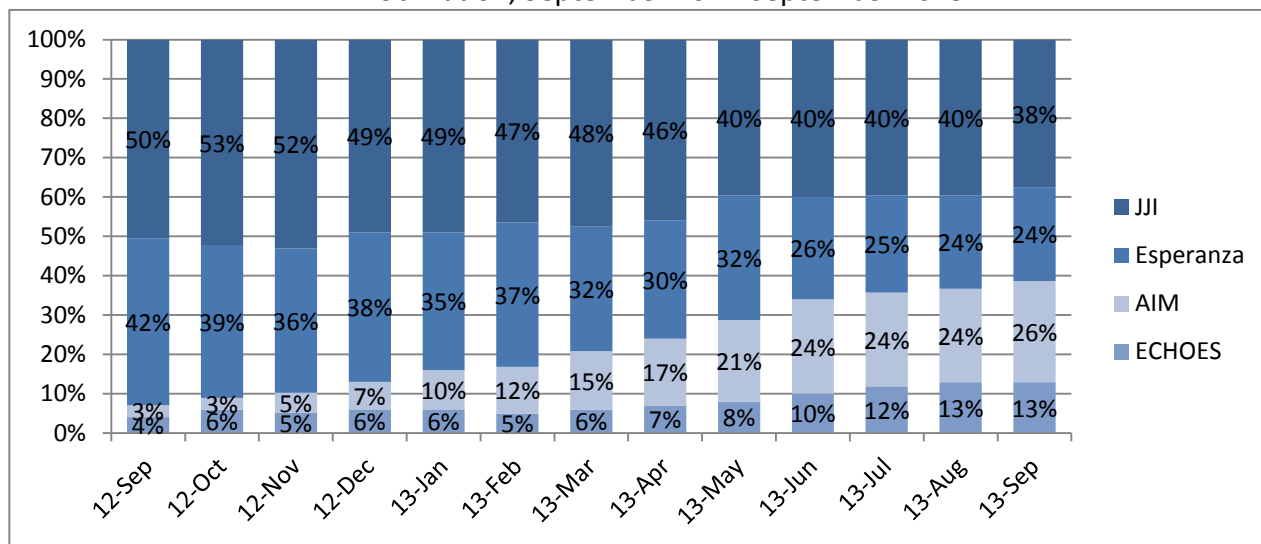
All of these programs are managed by DOP. Interviewed stakeholders reported that the expanded continuum greatly improves the city’s ability to meet the complex needs of local young people in their communities. Several also praised the city for relying on programs that incorporate evidence-informed components.

In addition to expanding the alternative options, the city revamped the process by which young people are considered for an alternative program. In the past, in order for an ATP to be considered by the court, DOP had to first recommend placement and, thus, trigger what was known as an Exploration of Placement (EOP). During the EOP, the available ATPs would consider the suitability of the case. With the implementation of the SDM grid, the need to recommend placement to trigger a review of alternatives is no longer necessary. Now, if a probation officer, based on the SDM grid, recommends that a young person be considered for a placement alternative, or if the judge makes that determination regardless of DOP’s recommendation, an Exploration of Alternatives (EOA) begins. The EOA process is designed to identify the most appropriate program from the continuum outlined above, drawing upon the youth’s individual needs and circumstances. Stakeholders said that this new process has increased the amount and quality of information that is shared between programs and enhanced the ability of alternative programs to adequately serve clients and families.

Sixteen percent of sentenced youth were enrolled in ATPs in 2011—nearly triple that of 2006. While the rate has dipped a bit since then as juvenile arrests have declined and DOP court diversions (known as “adjustments”) have increased, it remained high in 2012 at 14 percent—accounting for a total of 382 ATP admissions. With the new alternative programs having been implemented only very recently, it is too soon to know the impact of the new continuum on placement admissions—whether they have further decreased due to more robust options— or case outcomes. However, as discussed in the next section, the city is working diligently to ensure a system for long-term tracking and analyses across the various areas of Close to Home. By September 2013, the two newest ATPs, AIM and ECHOES, comprised a growing share of the placement alternative population—39 percent, combined, as illustrated in Figure 2.

**Figure 2**

ATP Utilization, September 2012-September 2013



Source: Criminal Justice Coordinator’s Office, Office of the Mayor, NYC JJ Bi-Monthly Update

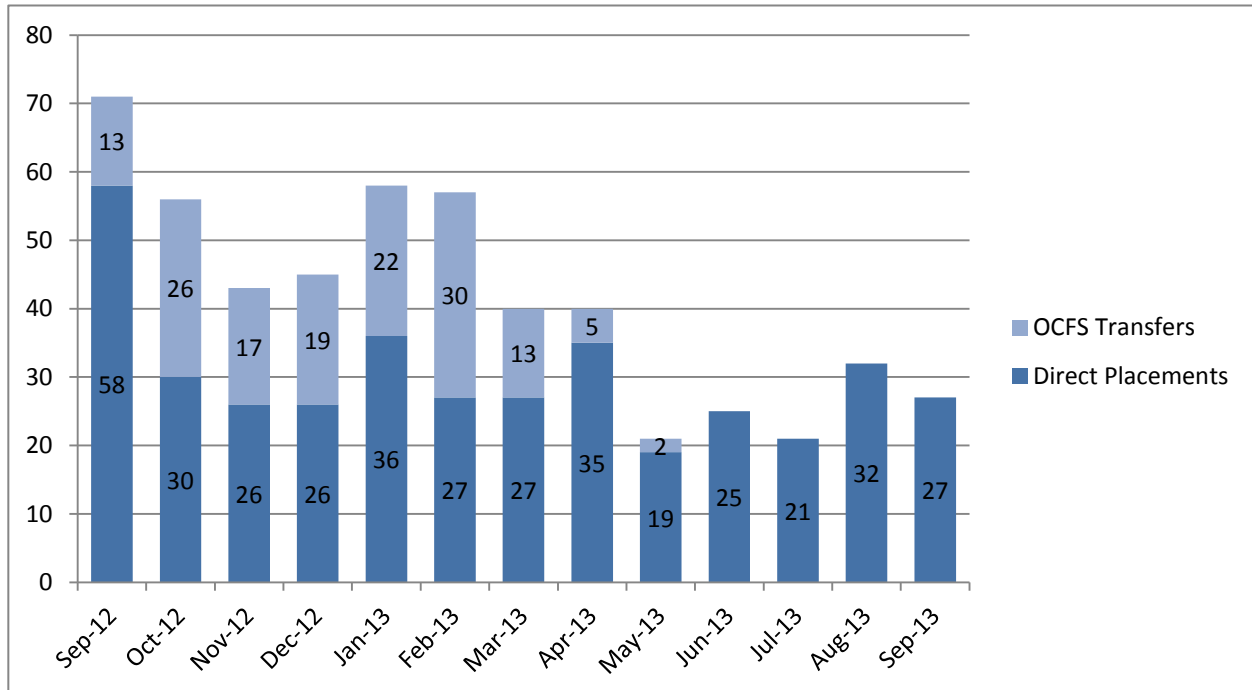
### Out-of-home Placement

Under the Close to Home legislation, ACS is now responsible for providing residential services to youth who have received a placement disposition. In September 2012, following an inter-agency planning process, the city implemented phase I of this component of the initiative, taking custody of young people who have dispositions of non-secure placement (NSP).<sup>10</sup> Phase II, transfer of custody of youth who have dispositions of limited-secure placement, the next highest security level, is anticipated to occur in early 2014. This section documents the work to date.

In an effort to ensure a nimble system, the city has contracted with 10 nonprofit residential providers operating 31 sites to care for, serve, and supervise up to 272 youth in non-secure placement at any given time.<sup>11</sup> Each of the 31 city-wide sites is designed to look and feel like a home environment. Five of the providers are currently implementing what is known as the Missouri approach, an esteemed therapeutic model featuring a group treatment process.<sup>12</sup> Others are employing an array of therapeutic and rehabilitative models. Ten of the sites have the ability to serve youth with highly specialized needs that require additional support and attention, including serious emotional disturbance, developmental and intellectual disabilities, fire-setting behaviors, problematic sexual behavior, a history of sexual exploitation, and substance abuse and co-occurring disorders.

A year into Close to Home, 536 young people (including OCFS transfers and direct admissions from NYC Family Court) had been placed in NSP facilities throughout the city, as seen in Figure 3.

**Figure 3**  
ACS NSP Intakes September 2012 - September 2013



Source: The Administration for Children's Services, Close to Home Update, October 2013

The goal is for young people to remain in residential care for an average of seven months, after which they receive aftercare support and services. ACS has contracted with several nonprofit providers across the city to

assist in the transition of young people from NSP back to their homes and families.<sup>13</sup> City officials said that the contracted aftercare, or reentry, services are all informed or based on research and evidence of what works; are provided in the family's home or locations in the community in which the youth and family resides; and are directed at reducing recidivism, improving school attendance and achievement, and improving family functioning and relationships. The length of time in aftercare averages between four and six months. By September 30, 2013, there were 190 discharges from NSP to aftercare services.

While housing youth in facilities so close to their neighborhoods has not been without its challenges (see page 10), many stakeholders expressed that there are clear benefits to young people continuing to live and engage in activities in their communities. In particular, stakeholders identified family engagement as the number one strength of Close to Home. Many spoke about how parents now have the opportunity to work closely with residential providers from the very beginning of the placement, and can have a voice in the development of their child's treatment and educational plan. Because parents can now more easily visit their children, families are able to maintain their bonds and work through issues that may have contributed to the young person's behavioral challenges. For many youth, family ties are a crucial resource, and proximity and access to family are critically important in promoting a successful treatment and reentry plan. In addition, several stakeholders commented on the importance of having line staff in the facilities that are more familiar with New York City communities and the youth that come from them.

Educational reforms were also identified as a high priority by stakeholders since, historically, youth placed in state custody had not received credits that were useful or transferrable once they transitioned back to their home communities and schools. Under Close to Home, all youth are housed in facilities with accredited schools. Furthermore, with the exception of sites that operate their own schools<sup>14</sup>, youth in NSP are educated in licensed settings operated by the City's Department of Education's (DOE) Passages Academy. Students at Passages go to school and earn credits just like any other student going through the city's public school system. Tutoring and other supportive services are available after the end of the school day. To date, the vast majority of youth currently in placement are earning credit toward their diplomas. The DOE is hoping to expand the credit-bearing programs that are available for students, with options like after-school and evening courses and summer school programs.

In general, interviewees praised the education component of Close to Home, stating that the approach the city is taking in this area is innovative and has been thoughtfully implemented. Some commented that many youth are more engaged in school than they were prior to their placement. According to DOE data from the 2012/2013 school year, 98 percent of the 166 students attempting credits in NSP earned those credits while 21 percent earned 10 credits or more.<sup>15</sup>

Finally, stakeholders discussed the role that data and research on best practices have played in the residential reforms. A data subcommittee of the JJAC, chaired by the Mayor's Office of the Criminal Justice Coordinator (CJC) and including members from ACS, the City's Office of Management and Budget, and DOP, has been responsible for analyzing placement and alternative-to-placement utilization and caseloads and projecting the impact of each potential policy change as it was developed. This group also strategizes on how best to collect data and monitor the implementation process and long-term outcomes. Additionally, ACS funded the expansion of the Juvenile Justice Database (JJDB), a database maintained by Vera that tracks the juvenile delinquency population through the court system.<sup>16</sup> The expanded funding will allow the city to include in the database measures of long-term recidivism outcomes for youth who go through the system under Close to Home, as well as those entering ATPs and those entering residential care.



As noted earlier, it is still too early to evaluate the impact of Close to Home on placement numbers. However, there have been some continued declines in placement since its implementation. Data compiled by the New York State Division of Criminal Justice Services (DCJS) found that the placement rate for city youth decreased from 15 percent of dispositions during the first six months of 2012 (just prior to many of the local Close to Home reform efforts) to 10 percent of dispositions during the first six months of 2013.

## **Challenges**

Close to Home represents an ambitious and comprehensive reform effort. In it, the nation's largest city took over the care and custody of youth in the deepest end of the juvenile justice system, representing the reversal of an historical flow of young people, the majority of whom are youth of color, from urban cities to rural correctional facilities.

While widely described as promising and positive, there have been some challenges and concerns, as would be expected with an effort of this scope. Some of these are described below.

### ***Overrides of the SDM grid***

As noted earlier, adherence to the SDM grid is lower than the city had hoped. While nearly everyone we interviewed said that the adherence rates are still quite favorable so early in the reform process, some expressed concern that a relatively high proportion of cases are receiving a disposition that is more restrictive than what is recommended by the grid. Some interviewees did note that the overwhelming majority of the overrides (73 percent) are to more stringent levels of probation or programs, rather than to confinement. Furthermore, as noted previously, some suggested that many of the overrides are driven by the fact that a youth is already in placement or on probation when arrested and therefore the decision is simply to return them to their original disposition. Finally, the data suggests that risk level is more a factor in the overrides than charge severity.

Regardless of the reasons, however, the overrides warrant attention. The frequency of them has suggested to some city stakeholders, specifically DOP, that the dispositional options currently incorporated into the grid may need to be revised (e.g., some of the options in the boxes of the grid may need to be restructured) for youth that fall within particular risk and charge categorizations. The city is currently examining the data more closely to continue to identify possible reasons for the discrepancies, and to explore how override rates might change with new options added.

### ***Local validity of the YLS***

While the YLS has demonstrated predictive validity in several jurisdictions, the study samples had slightly different characteristics than the city's delinquency population. Most importantly, youth involved in the city's delinquency system are younger than in most other jurisdictions. While the maximum age for delinquency in New York City is 15, most other jurisdictions studied have a cap of 17. This is an important distinction since the YLS counts risk of re-offense based on having had at least three prior convictions—a threshold a 17-year-old is more likely to meet than a 15-year-old. With this in mind, DOP plans to conduct a validation study on New York City youth in 2015, when there has been adequate follow-up time to measure recidivism.

### ***Reliance on arrest charge in the SDM grid***

When a youth's case is resolved via an admission of guilt, the SDM grid uses the youth's top arrest charge, and not their adjudication or conviction charge, as one of the two data points that guide the dispositional

recommendation. This decision was a complicated and contentious one, discussed at length in various stakeholder meetings. Tension revolved around the fact that often the top arrest charge is more severe than the adjudicated charge (due, in part, to plea bargains). In contrast, for cases that go to trial, the SDM requires decision-makers to use the highest level adjudication charge. Currently, the city is examining data to determine what differences would have occurred in dispositional recommendations had adjudication charge been used in lieu of the arrest charge in all cases.

### ***No similar pre-dispositional process for youth who violate conditions of probation***

There is not any similar pre-dispositional process for youth involved in probation violation proceedings. The YLS, while sensitive to measuring changes in risk over time, is not currently re-administered to youth brought back to court on violation of probation petitions. Many stakeholders felt a need for greater guidance and consistency in this area and that the court needed a mechanism by which to assess a youth's level of risk of re-offending at the time a violation is rendered. This is an important next step that the CBI subcommittee has identified to focus their efforts over the coming year given that approximately half of probation violations resulted in placement in fiscal year 2013.<sup>17</sup>

### ***Possible impact on case processing times***

Some stakeholders expressed a concern that the EOA process will delay case processing times by creating multiple adjournments in court, when the court processing time is already considered too long by many. This could add undue burden to young people and families who often anxiously await the resolution of a case. It could also expand the time under which young people are under pre-dispositional supervision, thus increasing their time at risk of violating their conditions of release, or their length of stay in detention.

### ***Continued gaps in services***

Some youth falling into one of the five boxes on the SDM grid that recommend ATP as an option are still being placed out of the home due to certain exclusionary criteria of the existing ATP programs or a lack of family resources, leaving judges with no other options. Preliminary estimates show that only 45 percent of youth who go through the EOA process are actually enrolled in a program, leaving more than half of that population essentially "matchless." In particular, stakeholders noted gaps in programming within the following areas: the lack of viable family resource (e.g., parent or guardian unable or unwilling to accept youth back into home or refuses program), services for girls (both in ATPs and placement, specifically for commercially and sexually exploited children who refuse other services), enhanced mental health services that include trauma-informed approaches, and wraparound services—tailored and youth-specific—for youth who exhibit high social service needs but are not a high risk to public safety.<sup>18</sup> The CBI subcommittee has discussed the needs of these populations at length.

In addition, while the improvements to educational services provided to youth in custody are notable, there are widely acknowledged challenges faced by young people who leave placement and try to re-enroll in their home schools, where they may have a record of bad behavior and truancy, and are now known to be justice-system involved. DOE is working with the JJAC to address the educational challenges that are faced by youth transitioning from Passages Academy. In addition, the city recognizes the need for increased educational programming for youth in the evenings and summer months.

### ***Non-secure placement implementation challenges***

Given the relatively short time—roughly six months—that ACS had to plan and implement phase I of Close to Home, it is not surprising to hear many stakeholders say the provider agencies could have used more time to

prepare to work with the population of placed youth, who often have a high level of needs. Many of the providers had experience running foster homes but were new to working heavily with a delinquency population. Some stakeholders felt that these growing pains, and the fact that youth had to do little more than get on a bus or subway to go visit their friends and families, contributed to higher than expected AWOL rates (defined as youth leaving the facility without permission) in the early months of the initiative. The city continues to provide support and guidance to providers in this area. In fact, with increased staff training and city and state oversight, AWOL rates decreased closer to the end of the first year of implementation, from 23 percent in May 2013 to 10 percent by September, 2013.

### ***Disruptions for youth transferred from state to local custody***

Beginning in September 2012, the majority of New York City youth who were then in the care of OCFS' state-run NSP facilities were brought back to court and transferred to one of ACS' contracted facilities. For some youth, this may not have been the first time they were transferred, as movement from one state facility to another (based on behavior, needs, or changes in security level) was not uncommon. Research shows that transfers from one juvenile justice facility to another can be disruptive, frustrating, and disorienting for young people. While the transfers under Close to Home are unavoidable, some stakeholders said that the NSP transfer process provided some lessons about how to streamline the practice when it comes to youth in limited-secure placement and make it as least disruptive as possible for youth and their families.

## **Looking Ahead**

While New York City has made impressive progress under Close to Home, work remains to be done. The transfer of youth to the custody of the city is still mid-course, with youth in limited-secure placement entering local custody in early 2014; thus, the completion of that component of the initiative is the first and most obvious next step for the city.

In addition, however, there are other steps that are relevant to the sustainability and success of the initiative as a whole. They fall into one of three categories: practices that were institutionalized during the first phase of Close to Home and should be monitored and sustained throughout the completion of the initiative, remaining service gaps, and areas warranting further research.

### ***Monitor and Sustain Recent Reform Efforts***

It is critical that the city continue to collect and actively use data to assess and improve the work on the ground. In particular, local leaders need to be able to identify and share the impact that the reform efforts are having on youth and community wellbeing over the long-term. In addition, many stakeholders identified inter-agency collaboration as one of the most important aspects of Close to Home and something that needs to be maintained and fostered. Not only did city stakeholders from multiple agencies convene to plan, solve problems, and learn from each other, but the state was also a valuable partner and resource. In fact, the JJAC was recently expanded to include representation from state agencies. This partnership should continue in the future.

### ***Fill Service and Process Gaps***

The city will need to be diligent about responding to the service gaps outlined previously—for youth with mental health needs and prior trauma, those returning to their community school following placement, those who exhibit high social service needs but are not a high risk to public safety, those whose families may not be inclined to welcome them back home, those who have violated their conditions of probation, and girls who

have been sexually exploited. To begin to respond to these needs, the city is expanding services to sexually-exploited girls and youth struggling with mental illness and planning to release two Requests for Proposals—one for the development of a wraparound program for high needs, low- to moderate-risk young people who often find themselves in placement as a last resort, and the other for expanded respite care for delinquent youth. In addition, Vera is working with local leaders to conduct a gap analysis of services for girls.

To further substantiate DOP’s commitment to evidence-based practices and programs, the city should consider adopting tools similar to the YLS and SDM for youth that return to the court for a violation of probation and conduct a deeper analysis of probation violators to assess whether tailored services and responses are needed. Finally, it is critical that the city standardize and centralize data around the EOA process to better and more rigorously identify service needs and gaps and understand the full extent to which youth who should not be placed are nonetheless removed from their homes due to those service needs and gaps.

### **Conduct Further Research**

Because New York City’s delinquency population is unique in a variety of ways, it’s important that the validation study of the YLS is completed, even if the state age of juvenile jurisdiction is changed during the process. In addition, New York City is now in a unique position to begin generating its own evidence on whether its ATP programs and residential services are effective for this population. A randomized-control study of JJI is already underway, and the city has been vocal in its desire to build evidence for other promising practices. As juvenile justice practitioners begin to move away from relying solely on the “gold star” evidence-based practice models (FFT, MST, and MTFC), New York City—with its wide continuum of both alternative and residential options—is well-suited to add to the body of knowledge around what works, helping inform practices in juvenile justice systems across the country. This includes collecting a robust set of performance measures and conducting rigorous recidivism analyses for youth that are released from Close to Home placement facilities, as well as all ATP programs.<sup>19</sup>

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### **Endnotes**

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<sup>1</sup> Esperanza was launched as part of “Project Zero,” the DOP’s effort to eliminate placements to upstate juvenile correctional facilities. The program began as a demonstration project of the Vera Institute of Justice.

<sup>2</sup> Juvenile placement data provided in monthly reports to ACS from the New York State Office of Children and Family Services. Crime data provided in the New York City Mayor’s Management Report: Fiscal year 2012, September 2012, available at [www.nyc.gov/html/downloads/pdf/mmr0912/0912\\_mmr.pdf](http://www.nyc.gov/html/downloads/pdf/mmr0912/0912_mmr.pdf). Between Fiscal Year 2003 and 2011, juvenile arrests for major felonies in NYC dropped by 12 percent.

<sup>3</sup> Governor David Paterson’s Task Force on Transforming Juvenile Justice, *Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State*, December 2009.

<sup>4</sup> Under leadership from the Mayor’s Office of Health and Human Services, the DRSC included representatives from the judiciary, DOP, ACS, Legal Aid, Law Department, Criminal Justice Coordinator’s Office, City Council, Department of Education, Police

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Department, the NYC Health and Hospitals Corporation, the Citizens Committee for Children, Justice for Families Alliance, Boys Town, New York Foundling, Graham Windham, and Good Shepherd Services. The Annie E. Casey Foundation with assistance from the Vera Institute of Justice, provided in-depth technical assistance and support.

<sup>5</sup> Non-secure facilities, sometimes known as staff-secure, tend to be smaller facilities. Doors on most NSP residences under Close to Home are locked. This is a change that has been made over time since the initial implementation of NSP. Current policy requires providers to obtain a waiver if they do not want to lock doors. Limited-secure facilities are more restrictive, with perimeter fencing, locked doors, and controlled movement. Youth in secure facilities will remain under the custody of OCFS. These facilities provide the most controlled and restrictive residential programs and are generally reserved for Juvenile Offenders (JOs)—youth who committed a crime while under the age of 16 and have been tried and convicted in the criminal court, rather than the family court, due to the severity of the offense; JDs with the most serious felony cases, known as designated felonies; or JDs “stepped up” from a limited-secure facility.

<sup>6</sup> Needs that are highly correlated or have a relationship with crime.

<sup>7</sup> Probation officers also have retained a limited level of discretion in their dispositional recommendations as they are able to over- or underwrite the instrument with justification and approval by a supervisor.

<sup>8</sup> In Multi-systemic Therapy (MST), trained counselors help parents respond to the behavior of their adolescents by providing intensive therapy and crisis intervention, typically lasting from six to 12 months. In Functional Family Therapy (FFT), individual therapists work with a family in the home to improve problem solving, increase emotional connections, and strengthen parents’ abilities to provide structure, guidance, and limits for their children, typically lasting from three to five months. In Multi-dimensional Treatment Foster Care (MTFC), specially trained foster families work alongside a family therapist to care for youth in their homes. Simultaneously, the youth’s family receives intensive therapy and training to help them provide consistent discipline, supervision, and support, typically lasting from six to nine months. [http://www.nyc.gov/html/acs/html/support\\_families/juvenile\\_justice.shtml](http://www.nyc.gov/html/acs/html/support_families/juvenile_justice.shtml).

<sup>9</sup> Esperanza has recently changed direction in terms of the type of young people they serve. Currently, Esperanza’s capacity is split between delinquency cases and Juvenile Offender (JO) cases.

<sup>10</sup> A subcommittee of the DRSC was responsible for guiding the planning and implementation process for the residential custody transfer. The group was co-chaired by two high-ranking ACS officials and included members from DOP, the Law Department, Legal Aid, the City Council, a service provider, and the Mayor’s Office. During interviews, several stakeholders commented on the important role that this collaborative body played.

<sup>11</sup> NSP providers include: Boys Town New York, Inc; Episcopal Social Services of New York; Good Shepherd Services; Leake and Watts, Inc; Martin De Porres Group Homes; New York Foundling; St. John’s Residence for Boys; SCO Family of Services; Children’s Village; Jewish Child Care Association of New York. Twenty of the 272 beds are held for Multi-dimensional Treatment Foster Care.

<sup>12</sup> The Missouri Model promotes placing youth closer to home; actively engaging youth in the creation of treatment plans which incorporate principles of positive youth development (strengths over deficits); administering group-based treatment modalities; and creating a warm and home-like environment inside the facility that uses physical restraint as a last resort. In 2011, OCFS piloted in Brooklyn a new regional approach to working with youth in placement based on the Missouri Model, called the Brooklyn for Brooklyn Initiative.

<sup>13</sup> ACS contracts for aftercare services went to Boys Town, the Jewish Board of Family and Children’s Services, the Children’s Aid Society, New Alternatives for Children, and Children’s Village.

<sup>14</sup> Children’s Village operates its own school for boys placed in all 5 sites on their campus; Jewish Child Care Association (JCCA) operates its own school for girls placed on their campus; St. John’s Residence for Boys works with DOE District 75 to operate a school for youth placed with them; and Boys Town, SCO and Good Shepherd have all worked with DOE District 79 to operate satellite District 79 schools.

<sup>15</sup> Credits at Passages are awarded in 35-day units and students must be enrolled at least 23 days in order to be eligible to earn credits in a unit.

<sup>16</sup> The JJDB was initially designed with funding from OCFS, DCJS (through CJC), and the Prospect Hill Foundation. CJC continues to provide ongoing support for the existing functions of the database, while ACS funding has supported the additional elements that will be ready for use in early 2014.

<sup>17</sup> Data-source: estimates provided by DOP’s Assistant Commissioner for Research and Planning at December 2, 2013 JJAC meeting. VOP revocations were used as a proxy for placement.

<sup>18</sup> Wraparound models involve a continuum of social services that are provided to the most at-risk youth in the justice system. Services are tailored towards strength building, promotion of success, safety, and permanency in home, school, and in the community.

<sup>19</sup> For this reason, the JJDB is being expanded to include both juvenile and adult recidivism for this population. Recidivism measures will include new arrests, petitions, convictions, and incarcerations through the 25<sup>th</sup> birthday.

## APPENDIX: SDM Matrix

### SDM MATRIX

MOST SERIOUS CURRENT ARREST CHARGE	LIKELIHOOD OF RE-ARREST (PER YLS ASSESSMENT)		
	HIGH OR VERY HIGH	MODERATE	LOW
CLASS I: A, B felonies (violent & non-violent), violent C felonies	<b>BOX #1</b> Out of Home Placement <sup>1</sup>	<b>BOX #2</b> Out of Home Placement or Alternative to Placement	<b>BOX #3</b> Alternative to Placement or Probation (To Be Specified)
CLASS II: Non-violent C felonies, violent D felonies	<b>BOX #4</b> Out of Home Placement or Alternative to Placement	<b>BOX #5</b> Alternative to Placement or ESP (Level 3 Probation)	<b>BOX #6</b> Level 1 or 2 Probation
CLASS III: Non violent D, All E felonies, misd assault and misd weapons possession	<b>BOX #7</b> Alternative to Placement or ESP (Level 3 Probation)	<b>BOX #8</b> Level 1 or 2 Probation	<b>BOX #9</b> Level 1 Probation or CD
CLASS IV: A misdemeanors except assault and weapons and all B misdemeanors <sup>2</sup>	<b>BOX #10</b> Level 1 or 2 Probation	<b>BOX #11</b> CD or ACD	<b>BOX #12</b> ACD or short term one time consequence or Dismissal
<p><b>MANDATORY CONSIDERATIONS:</b></p> <ol style="list-style-type: none"> <li>1. Must consider CD or ACD for youth with no unsealed priors. Decision is based on the circumstances of the case.</li> <li>2. If case goes to trial, use finding offense</li> </ol> <p><b>DISCRETIONARY OVERRIDES:</b></p> <p>POs have discretion to recommend either a more or less restrictive option than the grid provides. However, all overrides - up or down - must be submitted with justification for approval to the PO's supervisor and Borough Director</p>			

<sup>1</sup> All placement related processes will be handled by ACS

<sup>2</sup> Many of these cases should be adjusted at intake

Shaded boxes represent youth who are eligible for DOP's and ACS's ATP programs