

Moving Beyond

YOUTH
PRISONS



**Lessons from New York City's
Implementation of Close to Home**

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COLUMBIA UNIVERSITY | JUSTICE LAB

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Executive Summary

In the mid-1990s, New York's youth prison system reflected the dominant paradigm across the country – a heavy reliance on incarceration for young people caught up in the juvenile justice system. During this time, roughly 3,800 youth convicted of crimes annually were sent to large facilities, operated either by the New York State Office of Children and Family Services (OCFS) or by private providers contracted by OCFS. These facilities were largely located in upstate New York, far from youths' homes and communities, particularly for youth from New York City (Sickmund et al., 2017; New York State (NYS) Office of the State Comptroller, 2001). Upon returning home from these placements, youth often felt disconnected, resulting in poor outcomes. A 2009 study indicated that by age 28, 71 percent of boys released from New York State's juvenile placement system spent some time in an adult jail or prison (Coleman, Do Han Kim & Therese, 2009).

Fast forward twenty years, and things in New York looked dramatically different. By 2016, New York City no longer sent any youth from its Family Court to state-operated youth prisons.² Today, only around 100 New York City youth are placed from Family Court into any kind of residential facility, about a dozen of whom are in a locked facility.³ Not only are there dramatically fewer youth in residential placements, but those who do get placed now go to smaller, more home-like settings that attend to public safety without mirroring the punitive, correctional approaches embodied by previous youth prisons.

This case study outlines what happened in the intervening years to achieve these remarkable results. By sharing New York City's story, we offer a roadmap for other jurisdictions looking to realign their juvenile justice systems, adapting the lessons learned about what worked and what did not to meet their specific circumstances.

Close to Home (C2H), the initiative that transferred the care and custody of all New York City youth adjudicated as juvenile delinquents from the State to the City, was embedded in a set of reforms that involved policing, detention, and developments in science and evidence-based interventions. While the astronomical costs of the system played an important role, the

commitment by key stakeholders to create a developmentally-appropriate system without sacrificing public safety and adhering to a shared set of principles and values were key to the system's transformation.

This case study describes the development of the Close to Home (C2H) initiative, beginning with a review of what the system looked like before its creation, through the planning and implementation phases of this transformation. It reviews the challenges faced, particularly during C2H's initial implementation, how these were addressed, and the ongoing efforts to adapt the initiative to new and evolving circumstances. Finally, it shares data showing outcomes to date and highlights the role of key stakeholders, including elected officials, policymakers, advocates, and directly-impacted communities that combined to make the C2H reform successful.

Methods used to conduct this study include: interviews with key stakeholders involved in implementing C2H, as well as advocates and C2H providers; reviews of juvenile justice data and documents, and information pertinent to the planning and implementation of Close to Home; and a scan of the literature on juvenile justice reform efforts.

² Certain youth in New York are classified as Juvenile Offenders (JOs), which refer to youth under the age of 16 who are processed in the adult criminal justice system because they committed a felony under a statute that excludes them from the Family Court. When these youth are convicted in criminal court and sentenced to serve time, they go to secure facilities operated by the NYS Office of Children and Family Services (OCFS). They may remain in an OCFS facility until they turn 21; if they have time remaining on their sentence they are transferred to a state prison operated by the NYS Department of Corrections and Community Supervision. As of 2016, there were 36 youth convicted as Juvenile Offenders from New York City placed with OCFS (NYS OCFS, 2017).

³ These numbers were based on data received from ACS for a one-day count in mid-February 2019.



BACKGROUND

C2H represents the most recent step in the evolution of New York’s juvenile justice system. New York, the site of the country’s first youth prison, generally mirrored many of the trends happening nationally in the 19th century, which responded to the attitudes and concerns of the day – namely, poverty, immigration, and child neglect or abandonment – by placing youth in institutions. Following the Supreme Court’s *In re Gault* decision requiring that juveniles accused of crimes be afforded many of the due process rights granted to adults, the principle guiding juvenile court remained what was in the “best interest of the child.”

By the mid-1970s, states gradually adopted a tough-on-crime stance, leading to significant statutory changes that transformed the treatment of youth in conflict with the law. New York passed the first and one of the harshest of such laws, the Juvenile Offender (JO) Law, in 1978. The JO law allowed youth as young as 13 to be tried as adults if charged with certain violent felony offenses (Schwartz, 1980). Nationally, between 1975 and 1995, the number of youths who were incarcerated rose by 45 percent (Annie E. Casey Foundation, 2013; Smith, 1999). Inside juvenile institutions, harsh conditions were becoming the norm. In New York, allegations of civil rights violations by the State Division for Youth (DFY), which oversaw the state’s youth prisons, surfaced.

By the mid-1990s and through the early 2000s, resistance to the punitive approach to youth in custody had grown. Bolstered by research on the science of adolescent brain development (Steinberg, 2009) and support from the philanthropic community,⁴ increasing numbers of advocates, directly-impacted youth and families, and creative government leaders in New York City and elsewhere began pushing for reforms in conditions of confinement and deinstitutionalization. Various reports by advocates and task forces underscored the inhumane conditions in New York State OCFS juvenile facilities.

The tragic death of a 15-year old Bronx boy held in one of these facilities prompted a US Department of Justice Civil Rights Division investigation of conditions in OCFS facilities. These critical reports, along with the news of the boy’s death while in custody, served as the backdrop for the C2H reform.

⁴ Examples include the Annie E. Casey Foundation’s work on juvenile detention and the MacArthur Foundation’s Models for Change initiative, which supported policy and practice reforms and research and evaluation work.

Criticisms and tragic events were not the only triggers for C2H's creation. In **Chapter 1: Build the Foundation for Change**, this report examines reforms and changes at both the state and city level that paved the way for C2H. These include the development and use of assessment tools that reduced the use of placement and detention, expanded the use of evidence-based alternatives to placement (the Juvenile Justice Initiative), and a public campaign to close expensive state-run OCFS facilities, among others. The lessons learned from these foundational efforts are:

- *Use incremental reforms to set the stage for watershed reforms*
- *Seize crises as opportunities for change*
- *Include advocates to push for reform*

Chapter 2: Leverage Local and State Context to Push for Legislation describes the factors that encouraged the C2H initiative. Of critical importance was the declining crime rate for both youth and adults. The combination of fewer youth entering the system and the decline in violent crime made it possible for a more nuanced discussion of how to address delinquent behavior. Ironically, while the numbers of youth sent to OCFS facilities declined, the cost per youth rose immensely, as near-empty youth prisons remained open and fully staffed. Finally, and of great import, Governor Andrew Cuomo and Mayor Michael Bloomberg both expressed criticism of the current state of affairs and called for significant changes to New York's juvenile justice system. This political will was buttressed by committed agency leaders, who began designing a new system that would better serve youth without jeopardizing public safety. In 2012, the Close to Home legislation passed and was signed into law by Governor Cuomo, giving the City control over young people in its juvenile justice system. Key elements for consideration by other jurisdictions in achieving similar results are:

- *Make the cost and current state of youth prisons visible to key political leaders*
- *Establish a blueprint for change*
- *Identify clear champions to navigate the legislative process*
- *Work with advocates to press forward the legislative process*
- *Construct policy to assure permanent support for the new system*

C2H's passage was the first step in what was a massive system reorganization that required a herculean level of planning and collaboration to execute. **Chapter 3: Design a New System** details the planning and design of C2H. New York City was expected to open non-secure placement residences just five months after the law passed. To meet this ambitious deadline, the City involved a broad group of stakeholders, some of whom began working on key tools and interventions months before the C2H legislation passed. These stakeholders included judges, commissioners, defense attorneys, prosecutors, the Administration for Children's Services (ACS), the Department of Probation (DOP), educators, child welfare providers, advocates, and directly-impacted youth. To guide this effort, stakeholders visited different sites with innovative approaches to juvenile justice, including Wayne County (Detroit), Michigan, Missouri, and South Florida, which helped clarify the vision for what C2H would become: namely, a system driven by the notion of supporting youth and families in their own homes and communities.

This preparatory work enabled stakeholders to introduce new tools and programs that are now central to C2H. Of particular importance in this process was the effort taken by the City to understand and discuss its current juvenile justice population and agree on how best to serve these youth. By carefully reviewing the data on who in the system was entering placement, stakeholders were able to develop a common understanding of the issues at play and to discuss how to build a system that would first and foremost be focused on supporting youth in communities. To that end, C2H included a strong focus on establishing a robust new array of alternative-to-placement programs to fill gaps in the existing inventory of community-based services, rather than solely emphasizing new residential capacity. New processes and tools to guide dispositional decision-making were also adopted, with the intent of ensuring that youth deemed suitable for community-based programming would not be placed in a residential facility, even a C2H residence.

For the small number of youth who might require an out-of-home placement for some period of time, C2H outlined a set of principles to guide operation of residential facilities, which emphasized family engagement, education, and aftercare and release planning. ACS, the City's lead juvenile justice agency, also used a more expeditious procurement process to tap into existing providers and engaged them in training and peer learning as the system was brought online. Finally, the design of the new system benefitted from hearings held in communities, particularly the neighborhoods where the C2H facilities would be sited. The key takeaways from the design process are:

- *Have a clear vision of what you want your future system to look like*
- *Consider which agency(ies) should house and oversee key parts of the system*
- *Learn from other jurisdictions*
- *Involve advocates and other entities in the planning and implementation of reforms*
- *Listen to the numbers*
- *Include key constituencies in reform discussions*

Even with all of the planning that went into putting Close to Home in place, the real test came with implementation.

Chapter 4: Implement and Monitor the New System

describes what it took to get C2H "off the ground" focusing on the key areas of training, roll-out and monitoring, and measuring success.

Staff training included internal training of ACS and DOP staff in new tools and approaches and external training of staff of provider agencies in evidence-based approaches, policies, and procedures. To assure some consistency in their approach, ACS convened the providers on a regular basis to both get their input on various policies, practices, and regulations, as well as to exchange information about how they were setting up their facilities. In addition, several facilities were operating with the Missouri Model, and received training and coaching from the Missouri Youth Services Institute to ensure consistency and fidelity to the approach. Despite these efforts, there were problems with provider readiness since many of the procured providers were more child welfare-focused and had little experience with juvenile justice, especially placement. Given that the Limited Secure Placement (LSP) sites were not scheduled to open until the following year, the Non-Secure Placement (NSP) providers had no options for transferring youth to sites that were more secure. The result was a high rate of youth who went absent without leave (AWOL) during the initial months of implementation.

Instead of finger-pointing during these start-up challenges, ACS and providers redoubled their efforts to address problems. One provider created a more secure facility for youth who needed more structure; ACS strengthened its oversight and monitoring procedures; additional training took place; some staff were let go and new staff hired; and ACS ended two contractual arrangements. By the end of the first year, AWOLs were significantly reduced.

The lessons learned from the early days of implementation that could prove useful to jurisdictions engaging in realignment reform are:

- *Combine a sense of urgency with taking time to implement things the right way*
- *Be transparent about challenges and make adjustments*
- *Give reforms time to work*

With any reform initiative, it is imperative to collect and analyze data to determine if it is working as intended and to identify problems that must be addressed. While Close to Home did not have one overarching set of indicators to guide implementation, the following data points offer some insights about its impact in different areas.

Indicator 1:

Changes in the Use of Placement and Community Programs

Declines in placement pre-dated C2H, due in part to declining crime and detention reform. Placements continued to decline after the introduction of C2H. Between 2012 and 2016, the number of youth from New York City who were placed out of home declined by 68 percent,⁵ compared to a 20 percent reduction for the rest of the state. By 2016, no New York City Family Court JD placements went to state-operated secure facilities.⁶

Indicator 2:

Changes in Facility Experience and Practices

The initial challenges of implementation notwithstanding, ACS' oversight and monitoring of C2H residences showed improvements in facility operation and environment. The number of AWOLs continued to decline, falling from a high of more than 1,000 Incidents in Year 1 to 136 in 2016 (NYC ACS, 2017).⁷

Indicator 3:

Focus on Youth Development, Family Engagement, and Education

Supporting positive youth development is a core goal of C2H. Key youth development indicators include education and family reunification. The findings for these metrics are encouraging: 91 percent of C2H youth passed their academic classes (2016-2017 School Year), 82 percent of youth transitioned from C2H to a parent, other family member, or guardian (2016), and 91 percent of youth who transitioned from C2H enrolled with community-based programs (2016).

Indicator 4:

Impact on Public Safety

To date, there are no longitudinal data showing recidivism rates of youth in C2H.⁸ However, initial measures suggest that the initiative has not jeopardized public safety. Since C2H began, juvenile arrest rates have declined at an accelerated rate. In the four years preceding C2H (2008-2012), juvenile arrests in New York City declined by 24 percent, while in the four years since C2H implementation began (2012-2016), they declined by 52 percent. Moreover, between 2012 and 2016, youth arrests in New York City decreased by 28.5 percent more than in the rest of the State during this same period (52 percent versus 41 percent, which did not pursue C2H). Finally, readmissions to C2H and violations of aftercare conditions have been limited. Of the 836 young people released from C2H placement between 2014 and 2016, 64 (or 7.6 percent) had their aftercare revoked for violations of the terms of their release, such as a new arrest (Szanyi & Soler, 2018).

⁵ Following a recent request on data regarding placement declines, ACS officials noted that the City's placement population decreased even further between 2013 and 2018, from 494 to 141 youth (a 71 percent decline).

⁶ There were 51 youth from NYC placed in secure OCFS facilities by New York City criminal courts: the majority (47) were tried as adults and convicted as juvenile offenders and four were placed as a result of parole violations after having been convicted in adult court (NYS OCFS, 2017).

⁷ Incidents are distinct from the number of youth: some youth went AWOL more than once.

⁸ It is challenging to develop longitudinal data on recidivism in the juvenile justice system because of rules of confidentiality and data of interest spans both the juvenile justice system and the [adult] criminal justice system.

Indicator 5: Impact on Racial Disparities

Reducing racial disparities remains elusive for the C2H initiative. ACS' most recent annual report showed that 90 percent of C2H alternative-to-placement and residential admissions were youth of color (60 percent black and 30 percent Latino) compared to their overall representation in the NYC population of roughly 40 percent. Further, all youth placed into limited secure C2H facilities in 2018 were African American or Latino youth (NYC ACS, 2018 (b)).

The C2H experience shows the need for other jurisdictions to:

- *Create an overarching set of measures to track progress toward achieving the reform vision*
- *Collect data to capture and report all outcomes by race, gender, LGBTQ, and other special needs characteristics, and develop specific strategies to reduce disproportionate confinement of youth of color*
- *Report data publicly to promote accountability*

Nearly seven years after its passage, C2H has become an accepted and appreciated part of New York City's juvenile justice system, one that other jurisdictions are now looking to emulate. **Chapter 5: Adapting the System to Meet New Challenges** describes the new opportunities and challenges C2H faces moving forward. Chief among these are the loss of state funding, and the challenge of incorporating older youth in C2H, following changes in state law that place most 16- and 17-year old youth in the juvenile justice system. New approaches in educational programming should also be explored to help youth maintain the gains made while in a C2H educational setting in his or her community school. C2H will also need to build more robust data collection and evaluation and research capacity to capture long-term outcomes for youth who go through C2H. Research and evaluation should be both quantitative and qualitative. Evaluation of C2H effectiveness is more than just collecting information about these data points: it requires a framework that looks at the effectiveness of this (or any other justice) intervention within the context of social and economic structural conditions.

Moving forward, C2H is taking up new opportunities and approaches to develop programming. In particular, these efforts have been working to engage youth and families in a way that involves them as active decision-makers in C2H policy and practices. On the community-based side, C2H programs are increasingly embracing the notion of "credible messengers" as mentors for youth. Credible messengers are individuals who were once justice-involved and, with training and supervision, become trusted and valued pro-social guides for youth in the juvenile justice system (Austria & Peterson, 2017).

As other jurisdictions consider the long-term implications of adapting a model like C2H, it is important to consider the following takeaway:

- *Evolve the system to meet new challenges and integrate promising practices over time*

C2H represents the culmination of a years-long process to undo the punitive youth prison model in New York and instead, create an approach that centers youth, families, and communities. Rather than be hampered by crisis, state and local officials created an inclusive process that involved many stakeholders – including advocates, providers, litigants, youth, and families – to establish a bold new vision of the system that they wanted to see for young people. This combination of both "insider" and "outsider" voices propelled a seismic shift in policies, programs, and practices across the system, from the introduction of new tools to make more objective disposition decisions to creating new community-based programs that were well-received by youth and families. The City has also continued to see significant declines in its juvenile arrest rates over time. As a result, the nation's largest city has largely abandoned youth prisons for youth who come into Family Court.

Ultimately, Close to Home serves as an important example of how vision, leadership, collaboration, and strategy can drive change. By sharing how that change occurred, it is our hope that other jurisdictions will be able to utilize this information to press their own deinstitutionalization agendas.

REFERENCES

- The Annie E. Casey Foundation. (2013). "Youth Incarceration Rates in the United States." Retrieved from: <https://www.aecf.org/resources/youth-incarceration-in-the-united-states>
- Austria, R., & Peterson, J. (2017). *Credible Messenger Mentoring for Justice-Involved Youth*. Retrieved from: <http://www.thepinkertonfoundation.org/wp-content/uploads/2017/02/Pinkerton-Papers-credible-messenger-monitoring.pdf>
- Coleman, R., Do Han Kim, S. M. H., & Therese, A. S. (2009). *Long-term consequences of delinquency: Child maltreatment and crime in early adulthood*. Rensselaer, NY: New York State Office of Children and Family Services.
- New York City Administration for Children's Services. (2018 a). *Close to Home Annual Report 2016-2017*. New York.
- New York City Administration for Children's Services. (2018 b). *Non-Secure Placement Demographics Report to City Council Fiscal Year 2017*. Retrieved from: <https://www1.nyc.gov/site/acs/about/data-analysis.page#Juvenile%20Justice>
- New York City Administration for Children's Services. (2017 a). *Close to Home Annual Report 2015-2016*. New York.
- New York State Office of Children and Family Services, Division of Juvenile Justice and Opportunities for Youth. (2017). *Youth in Care 2016 Annual Report, Table I*. Rensselaer, NY.
- New York State Office of the State Controller. (2001). *Office of Children and Family Services Short-Term Residential Programs*. Albany: Division of Management Audit and State Financial Services.
- Schwartz, A. L. (1980). *The Juvenile Offender Laws of New York*. Alb. L. Rev., 45, 436.
- Smith, B. (1999). "Children in custody: 20-year trends in juvenile detention, correctional, and shelter facilities." *Crime and Delinquency*, 44 (4), 526-543.
- Steinberg, L. (2009). *Should the science of adolescent brain development inform public policy?* *American Psychologist*, 64(8), 739.
- Sickmund, M., Sladky, T.J., Kang, W., and Puzzanchera, C. (2017). "Easy Access to the Census of Juveniles in Residential Placement." Retrieved from: <http://www.ojjdp.gov/ojstatbb/ezacjrp/>
- Szanyi, J. and Soler, M. (2018). *Implementation of New York's Close to Home Initiative: A New Model for Youth Justice*. Washington, D.C.: Center for Children's Law and Policy.