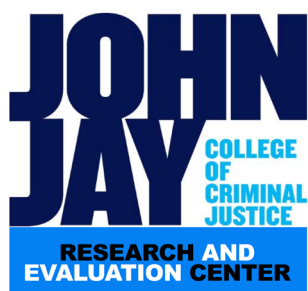


MARCH 2015

STAYING CONNECTED

Keeping Justice-Involved Youth “Close to Home” in New York City



RECOMMENDED CITATION

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CONTACT

Research & Evaluation Center, 524 W. 59th Street, Suite BMW605, New York, NY 10019 (212) 237-8302

AUTHORS

Jeffrey A. Butts
Laura Negredo
Evan Elkin

With assistance from Kathy Tomberg,
Rhoda Ramdeen, Marissa Mandala,
Poppy Begum, and Hannah Adler

www.JohnJayREC.nyc

Preface

When justice-involved youth are supervised by local agencies and placed with locally operated programs rather than being sent away to state facilities, they are better able to maintain community ties. They stay connected with their families and they are more likely to remain in local schools. Policy reforms that localize the justice system are often called “realignment.” New York’s “Close to Home” (or C2H) initiative is a prominent example of youth justice realignment. Launched in 2012, it is the latest chapter in a decade-long commitment by New York State and New York City to improve the justice system for young offenders by investing in programs and interventions that allow youth to stay close to their homes and families.

With primary support from the **Robert Sterling Clark Foundation** and additional funds from the **Pinkerton Foundation**, the Research & Evaluation Center at John Jay College of Criminal Justice reviewed the design and implementation of New York’s C2H initiative. Researchers collected data and other information about the reforms, interviewed many of the officials who designed and implemented them, and talked with staff from private provider agencies and advocacy organizations.

The study included at least one detailed interview with each of the following people (***affiliations at the time of each interview***):

Ronald Richter	ACS, Commissioner
John Mattingly	Annie E. Casey Foundation
Gladys Carrion	OCFS, Commissioner
Felipe Franco	OCFS, Deputy Commissioner
Ana Bermudez	DOP, Deputy Commissioner
Vinny Schiraldi	DOP, Commissioner
Mishi Faruquee	ACLU, director of juvenile justice projects
Gabrielle Horowitz-Prisco	Correctional Association, Juvenile Justice Project
Jeremy Kohomban	Children’s Village, President and CEO
Nina Aledort	OCFS, Associate Commissioner
Tim Roche	OCFS, Associate Commissioner
Jacquelyn Greene	DCJS, Director of Juvenile Justice Policy and Counsel to the Governor’s Deputy Secretary for Public Safety
Gail Nayowith	St. Christopher Otilie Family of Services, Executive Director
Sara Hemeter	ACS, Associate Commissioner
Michele Sviridoff	Office of the Criminal Justice Coordinator
Renee Petrucelli	NYC Department of Education, Passages Academy
Timothy Lisante	NYC Department of Education, Superintendent of District 79
Laurence Busching	Office of the Criminal Justice Coordinator

The policymakers, advocates and practitioners interviewed for this report provided the authors with valuable insights and information about the C2H initiative and the research team is very grateful for their participation and candor. Any opinions in the report other than those directly attributed to an interviewee are those of the authors alone.

A draft of this report was posted on the internet in May 2014 and discussed at the Spring **Pinkerton Youth Justice Symposium** at John Jay College of Criminal Justice in New York City. After the Symposium, readers of the draft report were invited to comment on the report and to suggest material that should be added. All comments were reviewed and incorporated into the text as appropriate.

Glossary of Acronyms

- *ACD*: Adjournment in Contemplation of Dismissal
 - *ACS*: New York City Administration for Children’s Services
 - *APT*: Adolescent Portable Therapy
 - *ATD*: Alternative to Detention
 - *ATI*: Alternative to Incarceration
 - *ATP*: Alternative to Placement
 - *B4B*: Brooklyn for Brooklyn
 - *C2H*: Close to Home
 - *CD*: Conditional Discharge
 - *DJJ*: Department of Juvenile Justice (former New York City agency)
 - *DOP*: New York City Department of Probation
 - *DCJS*: New York State Division of Criminal Justice Services
 - *IAP*: Intensive Aftercare Program
 - *JD*: Juvenile Delinquent
 - *JJI*: Juvenile Justice Initiative
 - *JO*: Juvenile Offender
 - *LSP*: Limited-secure Placement
 - *MST*: Multi-systemic Therapy
 - *NSP*: Non-secure Placement
 - *NYC*: New York City
 - *OCFS*: New York State Office of Children and Family Services
 - *RAI*: Risk Assessment Instrument
 - *SDM*: Structured Decision Making
 - *SP*: Secure Placement
 - *YO*: Youth Offender
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Summary

State and local governments across the United States are implementing measures to reduce youth incarceration and invest more in programs that allow young people to stay connected to their homes and families. Policymakers have recognized that, by itself, incarceration is not an effective strategy for improving offender outcomes, reducing recidivism, and promoting public safety. Incarceration does not reduce and may actually increase the risk of reoffending— especially for young offenders who are sent far away from home and separated from their families for extended periods of time (**Fabelo et al. 2015**). Increasingly, public officials are reforming youth justice systems by relocating the bulk of their intervention resources at the local level. Many states are investing in community-based alternatives and some are closing down traditionally rural, state-operated youth correctional facilities.

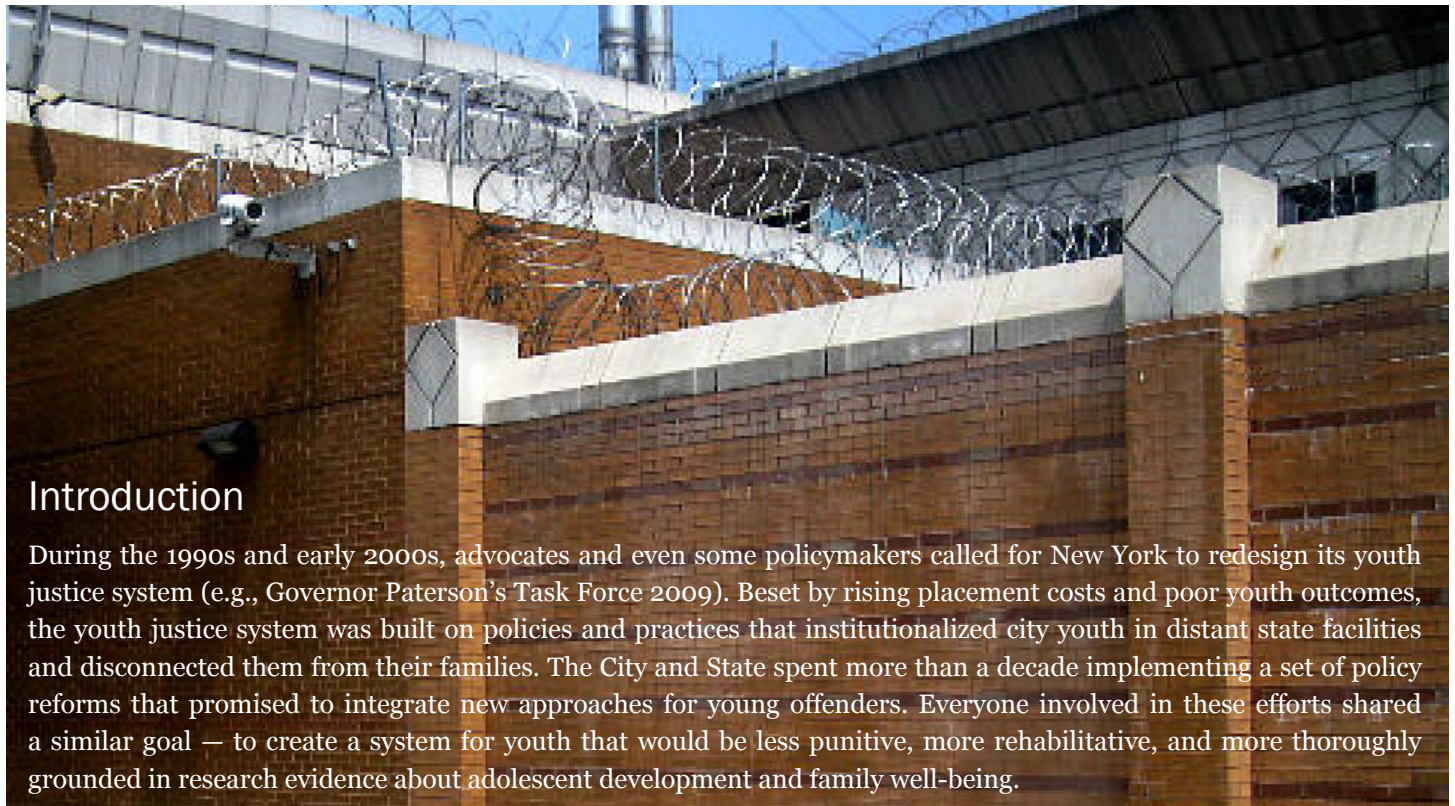
In New York State during the 1990s and early 2000s, advocates and even some policymakers called for the State to redesign its youth justice system (e.g., **Governor Paterson’s Task Force 2009**). Lawmakers spent more than a decade implementing a set of policy reforms that promised to expand the use of community-based alternatives for young offenders. Everyone involved in these efforts shared a common goal — to create a system for justice-involved youth that would be less punitive, more rehabilitative, and more thoroughly grounded in research evidence and best practices.

In 2012, New York began a realignment effort known as *Close to Home* (or **C2H**). Two years later, many of the officials and practitioners involved in C2H still described it as “promising” or “encouraging.” Few were ready to call it completely successful. Everyone interviewed for this study, however, supported the general goals of C2H and the strategies being pursued by City and State agencies. It was not clear how to judge the long-term success of the initiative, but *Close to Home* appeared to be a sound investment for New York State and New York City.

Key Findings

1. According to the interviews conducted for this study, the *Close to Home* initiative was widely perceived to be an effective reform strategy for youth justice in New York. After two years of implementation, the initiative retained strong support from State officials, City officials, youth justice practitioners, and advocates.
2. The success of C2H cannot be assessed simply by tracking changes in placement numbers. The sharp decline in New York’s rate of residential placements after C2H may suggest to some that the initiative is an effective strategy, but the downward trend in placements began many years before C2H.
3. Opinions still vary as to the fundamental purposes of C2H. Was it intended to reduce the overall use of residential placements, or was it an effort to localize the residential system and replace state placements with local placements?

4. Some professionals involved in the design of C2H argue that it was never simply about geography (i.e. the location of placements). It was intended to establish a better and more cost-effective balance of resources across the full dispositional continuum, including the wider use of community-based, non-residential alternatives.
5. For many officials, present day costs are not the most critical indicator of C2H’s success. They believe that C2H should eventually make the youth justice system more cost-effective by generating better youth outcomes and lowering crime rates.
6. More than two years into the C2H initiative, New York City operates more (and perhaps better) placement facilities, but advocates worry that the full array of community alternatives remains under-utilized.
7. Some advocates interviewed for this study are worried that if new C2H-funded placement facilities are of higher quality and produce better outcomes than the State’s now-closed facilities, New York City judges might be inspired to use placement more often than before.
8. Other stakeholders fear that C2H may have even hindered the momentum that was building for keeping justice-involved youth safely in the community. Instead, the youth justice system in New York City may have become more preoccupied with expanding youth placements — albeit the locally-operated placements everyone prefers.
9. Advocates ask a key question: “Was it ever reasonable to assume that the C2H initiative could build a high-quality placement system **and** simultaneously work to keep youth out of that system?”
10. Nearly all stakeholders interviewed for this study agree that the planning and implementation of C2H was rushed, but they also agree that rushing was probably necessary. The C2H initiative would have likely “died on the vine” had it not moved so quickly.
11. After nearly three years of experience, including a transition to a new Mayor and City administration, the Close to Home initiative appears to be established policy. All stakeholders are eager to maintain the effort, although criticisms and debates about particular strategies continue.
12. It is too early to tell whether the changes introduced by C2H have truly reformed New York City’s justice system or improved public safety, but key youth justice trends in New York City are actually more positive than in other areas of New York State. On balance, Close to Home seems to be a solid investment.



Introduction

During the 1990s and early 2000s, advocates and even some policymakers called for New York to redesign its youth justice system (e.g., Governor Paterson’s Task Force 2009). Beset by rising placement costs and poor youth outcomes, the youth justice system was built on policies and practices that institutionalized city youth in distant state facilities and disconnected them from their families. The City and State spent more than a decade implementing a set of policy reforms that promised to integrate new approaches for young offenders. Everyone involved in these efforts shared a similar goal — to create a system for youth that would be less punitive, more rehabilitative, and more thoroughly grounded in research evidence about adolescent development and family well-being.

In 2012, the youth justice field watched closely as New York began an ambitious realignment effort: Close to Home (or C2H). The initiative was inspired by youth justice realignment efforts in other states ([Butts and Evans 2011](#)) and policymakers hoped that it would provide effective interventions for youth in their own communities. Close to Home shifted the custody of all but the most severe youthful offenders from New York State to New York City. It increased the number of youth receiving services in their home communities and it sustained the trend toward less frequent use of state-sponsored placements.

C2H was a multi-organizational effort. Agencies from both the State and City collaborated closely. State efforts were led by the Office of Children and Family Services (OCFS) and the Division of Criminal Justice Services (DCJS), while the leading City agencies were the Department of Probation (DOP) and Administration for Children’s Services (ACS). The driving assumption behind C2H was that keeping youth close to their families and communities would enable parents and guardians to be more involved in their child’s supervision and rehabilitation and to establish better relationships with educational and treatment supports. Youth could forge stronger connections with local resources during and after placement and the school credits they earned during placement could count towards their academic progress.

Close to Home was designed to unfold in two phases beginning with the lowest risk youth in the least restrictive settings. During Phase 1, the City created a residential system for the lowest risk youth — those typically held in the “non-secure” facilities operated by the State’s OCFS. From September



click to watch



[Close to Home is designed] to make sure kids have the right programs at the right time, that those who pose a danger are in locked facilities with appropriate services, and those who are not [dangerous] are close to families, schools, and communities that can help them to become law-abiding citizens.

— Elizabeth Glazer, 2012 (to NBC New York)

2012 to May 2013, City youth housed at these State facilities were transferred to new programs in New York City. After September 2012, as low-risk youth were newly adjudicated by family courts in the City, they were to be placed in the new locally-operated programs.

Phase 2 of C2H would add new placement facilities for youth in the next highest risk category—those held in the State’s “limited-secure” facilities. City youth already housed at State-sponsored limited-secure facilities would be transferred to the new local system and newly adjudicated limited-secure cases were to be placed directly in the new City-based system.

Phase 2 was originally projected to launch in early 2013. By the end of 2014, however, it was two years behind schedule and City officials announced that it would launch in March 2015. Some officials acknowledged that the original plan for the limited-secure phase of the initiative was probably never feasible. According to some City leaders, the initial plan for how and when to move forward with the limited-secure phase of the C2H initiative was always seen as tentative by those most involved in its design and implementation.

The 2014 change in New York City’s mayoral administration introduced many changes in city government. Some central players in the design of C2H changed jobs, including some leaders from the very state agencies that helped to conceptualize C2H. Several key State agency leaders took new positions with the City. Most stakeholders interviewed for this report remained optimistic about the new appointments and the C2H initiative.

Key Questions

Beginning with the earliest conversations about C2H, the initiative was widely perceived as a promising reform, but how well would the new concepts and practices be implemented? How confident could the public be that this new approach to youth justice in New York would lead to better outcomes? Answers to these questions were only starting to emerge three years into the initiative.

Close to Home was obviously a complex initiative that involved the cooperation and coordination of a variety of government and community agencies. The goal of this report is to examine the initial phases of C2H implementation and to highlight varying points of view expressed by key stakeholders.



The real challenge with the future of Close to Home is to create structures – incentives and disincentives – that will keep this going if the political winds shift again. To institutionalize these reforms going forward, we need a clear road map for the reinvestment of resources to fund and sustain the continuum of community based alternatives to incarceration that we built so that the reforms outlive the personalities involved and the conditions that came together to make this happen.

— Ana Bermudez, 2013

The report addresses questions such as:

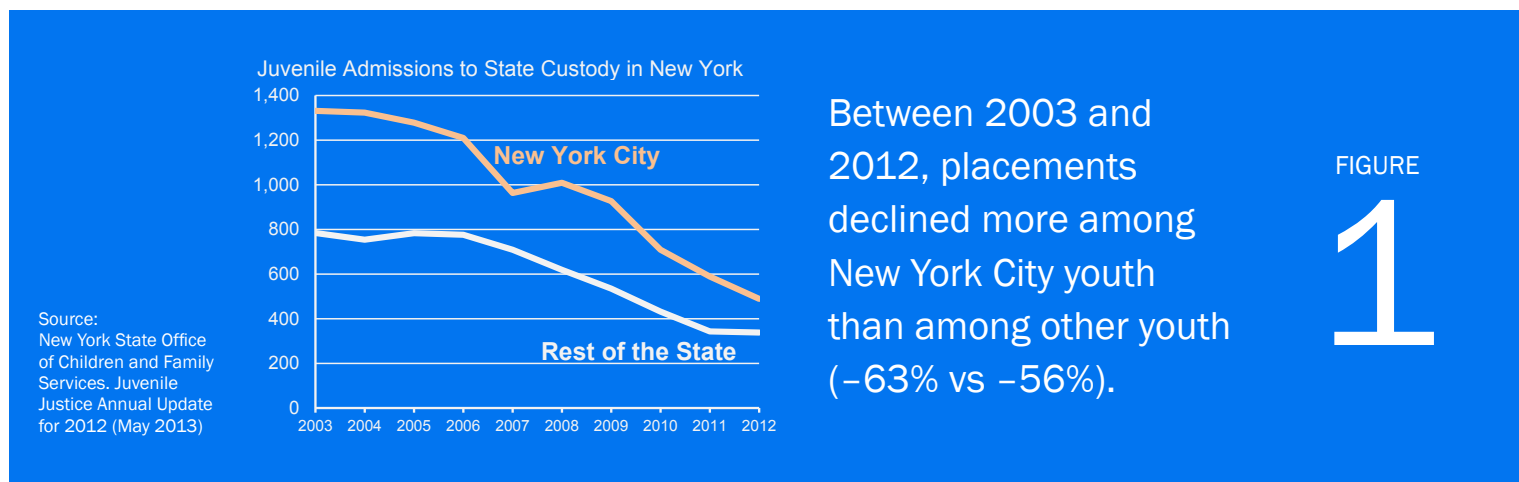
- Who were the key individuals and agencies that made C2H happen?
- What issues affected the negotiation and planning phase?
- What issues affected implementation?
- Did C2H lead to significant reductions in out-of-home placements?
- Would C2H eventually save taxpayer dollars or was it simply replacing one expensive system with another?
- What lessons were learned during Phase 1 of C2H that could help State and City officials ensure the success of Phase 2?

Before the Reforms

Close to Home was part of a decade-long effort to correct budgetary incentives, improve services, and achieve positive outcomes for youth and families involved with New York’s justice system. The need for reform was apparent years before C2H. The costs of youth justice, for example, increased considerably through the 1990s and early 2000s. Total costs rose 24 percent in one five-year period, from \$202 million in 2003 to \$251 million in 2008 (New York City Independent Budget Office 2008), and this was during a time of falling crime rates, declining placements, and growing reliance on less-expensive community alternatives (Figure 1).

System-wide costs remained high at least in part because State policies required OCFS to keep residential facilities open and fully staffed even as the number of youth requiring placement dropped along with the rate of serious youth crime. Placement costs per youth exploded as a result. Youth outcomes, however, were not improving. One OCFS analysis found that 66 percent of youth released from State placement facilities were re-arrested within two years (NYS OCFS 2011).

Policymakers and practitioners were frustrated by the continued problems. By 2010, OCFS facilities were under review by federal investigators and New York City had filed a lawsuit contending that the State was overcharging for placement services. The State and City eventually agreed on a set of reforms,



including downsizing of under-utilized facilities and some of the policy changes that would eventually become known as Close to Home. The State agreed to transfer most young offenders from New York City to local custody. Suddenly, New York City had gotten what it was asking for — the City’s youth would not be going upstate in large numbers following their adjudication as “juvenile delinquents” (JDs) or “juvenile offenders” (JOs). They- would be staying closer to the City. Now what?

City Reforms

The reforms associated with C2H did not happen overnight. New York City’s juvenile detention and placement practices were under intense scrutiny long before 2012. In 2003, the New York City Department of Probation (DOP) launched “Project Zero,” an effort to reduce the City’s over-reliance on detention and out-of-home placement. The DOP increased the use of “adjustments” (or, diverting cases from the formal process) in order to expand the use of community-based services. Successful adjustments increased as a result. At one point, successful adjustments grew 12 percent in just two years (Division of Criminal Justice Services 2013).

In 2006, responding to skyrocketing detention costs and poor recidivism outcomes, City officials initiated a series of reforms designed to reduce over-reliance on detention and expand community alternatives. The efforts were twofold: 1) City agencies pledged to use more data in making case-specific detention decisions; and 2) the City administration promised to build a broader array of community-based alternatives.

The City also commissioned New York’s Vera Institute of Justice to assist in the development of a formal **risk assessment instrument** (RAI). The RAI provided added information for structured decision-making to clarify the risks of recidivism posed by individual youth and to ensure that pre-court detention was used only for high-risk youth.

Some advocates interviewed for this study expressed concern about the potential misuses of the RAI and the structured decision-making model. Once justice

agencies become accustomed to viewing youth through the lens of risk scores, **experts warn** that decision-makers may lose sight of the epistemic origins of risk measures. Risk assessment scores are heavily weighted on a youth’s prior record of justice involvement (i.e. previous arrests, offenses, and adjudications). Thus, risk scores are at least partly, if not largely, composed of the previous decisions made by police, prosecutors, and judges. Measured risk is essentially a composite of how other justice officials have viewed a young offender in the past. To the extent that their views were tarnished by bias or hostility, this collective animus is inherently bound up in a youth’s current risk assessment score.

Still, most officials agreed that the adoption of the RAI signaled a major paradigm shift in the City’s youth justice system. No longer would judges, prosecutors, and defense attorneys be expected to rely on “gut instincts” or unfounded assumptions about the risks young people pose to public safety. City officials now had a common metric and standard vocabulary for discussing policy options and the factors thought to be predictive of risk and recidivism.

As the RAI was being developed and piloted, NYC officials also designed a wider continuum of “alternative to detention” (ATD) programs and the City solicited proposals for programs that would be consistent with the new regime of structured decision-making. In addition to improving the rational basis of detention utilization, the structured decision-making approach allowed the City to triage resources for low, medium, and high-risk youth across the full range of community-based services.

Before C2H, the DOP and ACS agreed to expand the availability of existing community-based “alternative to placement” (ATP) programs as well, which included the Vera Institute’s Esperanza program and ACS’ own Juvenile Justice Initiative (JJI). These programs served delinquent youth who may otherwise be placed out of their homes, including some at risk for secure settings. Esperanza was a comprehensive community program that provided family counseling, intensive supervision and resources to the juvenile justice population and their families. JJI employed an array of evidence based, family focused interventions that included multidimensional treatment foster care, functional family therapy, and multi-systemic therapy (ACS 2012).

In 2008, New York City implemented a Weekend/Holiday Arraignment Initiative. This initiative expanded the processing of juvenile cases from weekdays only to include weekends and holidays as well, thus reducing time in custody for defendants awaiting court processing. In 2010, the City also restructured the management of the detention system. The former Department of Juvenile Justice (DJJ) became part of the city’s child welfare agency, ACS. With the merger, ACS began to operate a full array of non-secure and secure detention facilities in the City (Cannon, Aborn and Bennet 2010).

Categories of Young Offenders Under New York Law

During the development of Close to Home, New York’s youth justice system designated three types of young offenders:

- *Juvenile Delinquents*: at least age 7 but less than age 16, and referred to family court for an act of delinquency that would constitute a crime if committed by an adult;
 - *Juvenile Offenders*: ages 13, 14, or 15 and charged with a relatively serious crime in (adult) criminal court; and
 - *Youthful Offenders*: ages 16 to 18 and automatically handled in criminal court.
-

Together, these new approaches had begun to create a culture shift in New York City’s juvenile justice system well before the launch of C2H. Judges and prosecutors became accustomed to a more rehabilitative climate, had a broader array of options at their disposal and began to send more youth to community-based programs. As NYC youth justice practice came increasingly under the control of child welfare policy makers at ACS, and as the youth crime rate continued to fall across New York and the entire country, the population of youth in upstate placement facilities was shrinking rapidly (Figure 2). According to State officials and NYC practitioners, however, the youth who remained in placement represented a higher-risk cohort.

State Reforms

The C2H initiative was preceded by several critical developments at the State level as well. In particular, Gladys Carrión’s 2007 appointment as Commissioner of OCFS set in motion a series of reforms. Almost immediately upon assuming the leadership of OCFS, she began to press for down-sizing, or “right-sizing” the youth justice system, which meant drastically reducing the capacity of the upstate youth facilities that swelled during the youth crime scares of the 1980s and 1990s.

Carrión implemented several reforms to facilitate change. For example, OCFS began to address longstanding concerns about lengths of stay in its youth facilities. In 2007, the mean length of stay for youth in State-operated facilities was 11 months, while the mean length of stay for youth placed with private agencies was 13 months (NYS OCFS 2009). The agency sought to reduce lengths of stay by contracting with New York City’s Children’s Aid Society and others to provide aftercare supports for youth returning from State-run facilities and by establishing an Intensive Aftercare Program (IAP) for youth released from private facilities. With more aftercare options, OCFS was able to shorten the mean length of stay for youth in State-operated facilities to 9 months; private agency stays fell to 11 months on average (NYS OCFS 2009).

The IAP program included electronic monitoring, day placement programs, evening reporting centers, and evidence-informed community therapy programs like Adolescent Portable Therapy (APT) and Multi-systemic Therapy (MST). OCFS collaborated with ACS to create the JJI Intensive Preventive Aftercare Services (IPAS), a Functional Family Therapy-based program that provided aftercare services for youth and their families. Facility populations began to fall dramatically, partly due to these reforms but aided by the steep drop in youth crime that occurred in New York and the **nation** as a whole after the 1990s.

These reforms were not welcomed by everyone. Some officials interviewed for this study acknowledged that New York’s private residential providers were becoming concerned at this time about the trend toward less residential utilization. The survival of private agencies obviously depends on a steady flow

The Juvenile Justice Process in New York City

After an alleged “juvenile delinquent” is arrested in New York City, the Department of Probation (DOP) is responsible for determining if the case should be dismissed, adjusted (i.e. diverted) or referred to the prosecutor for formal processing. If referred, the city’s Law Department may reconsider adjustment, release the youth, or prosecute.

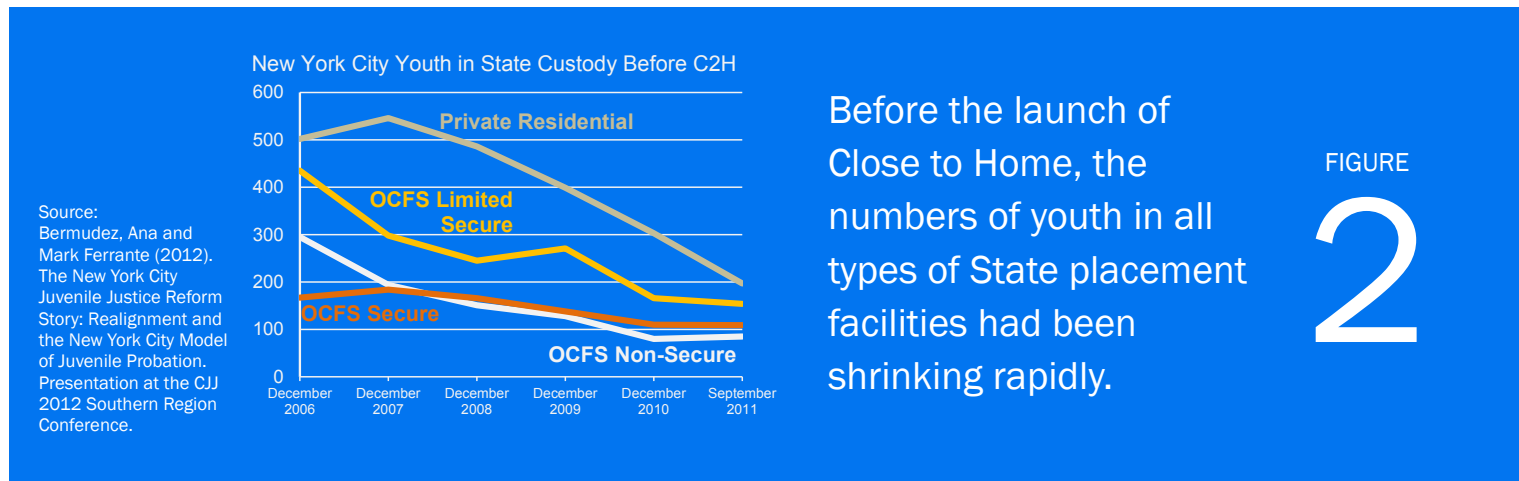
The DOP conducts an intake process with youth referred for prosecution and a probation officer assesses the youth’s risk either for “failure to appear” in court, or for re-offending during the course of the court process.

Based on its assessment, the DOP recommends one of three detention actions: 1) release the youth, 2) refer the youth to an alternative to detention (or, ATD) program, or 3) hold the youth in detention (secure or “non-secure”).

A delinquency petition is filed and reviewed in a fact-finding hearing, where a judge may again decide to release, adjourn, or postpone the case, or the court may adjudicate the youth as a delinquent.

When a youth is adjudicated, the DOP forwards a disposition recommendation to the court. Options include dismissal, “adjournment in contemplation of dismissal” (ACD), conditional discharge (CD), probation supervision, placement in an alternative (ATP) program, or another placement.

Before the C2H initiative, NYC juvenile delinquents could be placed with a local department of social services or be held under OCFS (state) custody, which included public facilities and private agencies contracted by OCFS. Most of the OCFS and private facilities were located upstate, sometimes hours away from New York City.



of clients. According to several observers, the State’s larger private agencies began to lobby the courts to send an increasing proportion of placement-bound youth to them. If this is true, the effort appeared to succeed. By 2011, 921 juvenile delinquents were placed in private agency settings statewide while only 268 were placed in public facilities, reversing a long-standing pattern from earlier years (NYS Division of Criminal Justice Services 2012).

The shift toward private placements was an eye-opener for City and State officials, both in terms of program quality and fiscal policy. Youth placed with private agencies were in State (OCFS) custody, but local governments were expected to pay 100 percent of the bill for private placements, compared with a 50-50 split for placements in State-operated facilities. In other words, just as the State was working to shorten its residential lengths of stay and to improve the quality of aftercare services, private placement agencies — where shorter lengths of stay and extended aftercare were essentially bad for business — began to capture a larger share of the declining number of placements. In New York City, the statewide shift from OCFS-operated facilities to private placements billed at 100 percent increased the urgency for reforming the placement system. Some officials involved in C2H described this development as the “final straw” that forced the City to act.

State officials also saw a need for action. Under the leadership of Commissioner Carrión, a broad State-level reform agenda had already begun to take hold. OCFS was working to enhance the role of families and communities in the rehabilitation of the youth throughout the services spectrum. New staff training initiatives were bringing agency practices in line with the best, evidence-informed principles, particularly around positive youth development approaches and services for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) youth (ACS 2013a).



Other precursors to C2H included the **Brooklyn for Brooklyn** initiative (or, B4B), a pilot program designed to work with young offenders closer to their families and to improve the overall quality of services for City youth. The B4B initiative promoted a therapeutic, community-based model focused on positive youth development (Vera Institute of Justice 2013). A number of people interviewed for this study saw B4B as a working laboratory for C2H. State officials continued their support for B4B until 2013, when the State sold the residential facility to the City so it could become part of the C2H initiative. The early success of B4B and the obvious need for such a model may have helped to inspire the development of C2H.

A System in Turmoil

City and State reforms were yielding positive and encouraging results even before the launch of Close to Home — aided by the national decline in youth crime. Rates of serious youth crime today are half what they were in the mid-1990s (Butts and Evans 2014). There were many competing explanations. Youth growing up in the 1980s and 90s may have begun to reject the lifestyle they came to associate with drug use and criminal activity as they observed older siblings and friends getting arrested. The declining size of the youth population may have contributed to the reduction, or perhaps the many changes associated with digital communications and social media led youth to pursue fewer illegal activities. One always-popular explanation is that growth in the use of incarceration after 1980 increased the deterrent effect of the justice system overall. Most careful research, however, suggests that rising incarceration alone explains only a small portion of the crime decline.

Regardless of the causes, however, the falling rate of serious youth crime was associated with a declining demand for placements. The number of New York City youth coming into the justice system dropped sharply in the years leading up to C2H. Between 2006 and 2012, juvenile arrests for major felonies in New York City dipped 27 percent (ACS 2013a) and the average daily population in detention dropped 29 percent (City of New York 2010; 2012). From 2006 to 2011, the number of youth placed in OCFS custody statewide plummeted 47 percent (Division of Criminal Justice Services 2012). New York City placements dropped by two-thirds from 2005 to 2012, beginning seven years before the launch of the C2H initiative (ACS 2013a).

These trends encouraged the dramatic changes at OCFS. Within a year of being appointed OCFS Commissioner, Gladys Carrión shifted resources away from the State’s residential facilities and into community alternatives. From October 2007 to September 2013, the State closed 23 youth facilities and reduced capacity in others. Overall, OCFS reduced its residential capacity by more than 1,000 beds.

Yet, **problems continued** to plague the youth justice system. In 2007, the Civil Rights Division of the U.S. Department of Justice launched an investigation into conditions in several of the State’s residential facilities for young offenders.

Levels of Placement

During the development of the C2H initiative, state-operated facilities in New York had three security levels: secure placement (SP), limited secure placement (LSP) and non-secure placement (NSP).

Non-secure placement (NSP) facilities generally housed 22 to 50 youth and did not have perimeter fencing.

Limited secure placement (LSP) facilities usually housed between 25 to 183 youth and some were surrounded by a barbed wire.

Secure placement (SP) facilities were the most restrictive residential programs, surrounded by barbed wire with other secure hardware. They housed 30 to 180 youth (see Task Force on Transforming Juvenile Justice 2009).



This is just a bad model. It was established in the 1800s by people who wanted to get Irish kids out of inner cities, and have them breathe fresh air and slop pigs — assuming that would rehabilitate them — and then send them back to the city to be good little boys and girls. The model never made much sense. People were complaining about it almost immediately. We’re still complaining about it today. It’s like using leeches to cure cancer.

— Vincent Schiraldi, 2013

The findings of the investigation were delivered to the Governor’s office in August 2009. The DOJ charged that treatment services for youth in State-run facilities were inadequate and that conditions were often abusive.

According to the DOJ **findings letter** sent to the Governor, the federal investigation found that:

1) staff resort quickly to a high degree of force that is disproportionate to the level of the youth’s infraction; and 2) the technique employed to restrain a youth results in an excessive number of injuries. We also found that investigations into uses of force and restraints were inadequate and that, in many instances, OCFS failed to hold staff accountable for gross violations of OCFS policy on the use of force and restraints.

According to DOJ,

[The] staff at the facilities routinely used uncontrolled, unsafe applications of force, departing both from generally accepted standards and OCFS policy. Anything from sneaking an extra cookie to initiating a fist fight may result in a full prone restraint with handcuffs. This one-size-fits-all control approach has not surprisingly led to an alarming number of serious injuries to youth, including concussions, broken or knocked-out teeth, and spiral fractures.

After the release of the DOJ report, Commissioner Carrión met with New York’s family court judges and recommended that they refrain from sending any more youths to OCFS unless the youth posed significant risks to public safety. In October 2009, court administrators sent a similar memorandum to judges encouraging them to refer youth to community resources instead of sending them to placement (Storey 2010).

Meanwhile, then-Governor David Paterson launched the Task Force on Transforming Juvenile Justice. The task force released its **report** in December 2009. The report recommended further drastic decreases in the use of residential placements for youth, as well as the creation of a comprehensive menu of alternatives to placement and stronger reentry programs.





[J]uvenile crime, continued to go down as we were closing facilities, as we were reducing the number of kids coming into care... [W]e showed that kids could be safely in the community, and that we could do a different model and approach, move from a correctional model to more of a rehabilitative [and] developmental approach in dealing with young people.

— Gladys Carrión, 2013

The State also faced civil litigation. In December 2009, the non-profit Legal Aid Society filed a class action suit against OCFS. The suit alleged ongoing civil rights violations and argued that OCFS facilities deprived youth of essential mental health services and that staff used unconstitutional and excessive force to control youth (Storey 2010). The lawsuit was eventually settled with OCFS consenting to significant policy changes. More than a dozen individual plaintiffs received substantial settlements and the **lawyers** who brought the case claimed \$1 million in fees.

The pressures continued to mount. In 2010, newly elected Governor Andrew Cuomo **visited** OCFS’s Tryon Residential Center, a limited secure facility that OCFS had scheduled for closure. The Governor saw a fully staffed but empty campus, as OCFS was legislatively required to continue staffing the facility during the closure process. The visit was covered heavily by statewide media as a symbol of fiscal waste and negligence in the State system. The following year, the State agreed to a \$3.5 million settlement in a five-year-old lawsuit centering on the **negligent death** of a 15-year-old at Tryon.

Meanwhile, the number of City youth placed with OCFS dropped 62 percent between 2002 and 2011, causing daily costs per youth to swell 150 percent (Bermudez and Ferrante 2012). With the public increasingly aware of the staggering price tag associated with the State’s faltering system of residential facilities, New York City officials were emboldened to act. The logical next step was for the City to assume full responsibility for its own youth and to keep them out of expensive facilities located hours away from their homes and families.

In January 2011, Laurence Busching, then Executive Commissioner of the Division of Youth and Family Justice at ACS, and Vincent Schiraldi, then Commissioner of DOP testified before the New York City Council on the need for City officials to act. They pointed out that under the existing policy structure, New York City paid \$17 million more in 2010 than it did in 2002 for its share of an increasingly unnecessary State custody system. The financial drain would only worsen and render the City unable to invest in creating a new and much-needed system to serve its own youth.

Vincent Schiraldi (2010)
“Bad outcomes flow freely out of these places.”



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Our system... is black kids and brown kids. ... They're coming from a few neighborhoods that have been historically segregated. Our work is about social "injustice." ... We work in a system that is inherently unjust. ... We [need to] remind ourselves everyday that this is a system that's black and brown. It's not white and it's not Asian.

— Jeremy Kohomban, 2014

Youth advocacy groups were another critical part of the story. Groups like the Correctional Association of New York warned that current practices disconnected youth from their families and returned them to their home communities worse than they were before placement. The advocates placed special emphasis on the harm of educational disruptions during placement. While youth always had the opportunity to earn credits during placement, the credits did not always count toward their academic progress when they came home, causing at-risk and disconnected youth to fall behind or to withdraw entirely from school (Bloomberg 2012).

In short, an array of factors combined to create the perfect conditions for reform. The State faced serious fiscal, administrative, and legal pressures. Upstate secure facilities were seen to be a waste of resources that sometimes caused serious harm to young people. The juvenile defense bar and youth advocacy community were making frequent calls for fundamental reform. Meanwhile, the national youth crime decline was lowering the temperature on all crime policy debates.

The City had been tinkering with procedural and structural reforms for more than a decade. By 2012 it seemed that lawmakers might be able to do the right thing. In this case, the right thing was to dismantle a system that relied on expensive facilities in upstate New York and to create a locally operated system with better access to alternative programs and — in cases where youth did have to be removed from their homes — placements that were closer to their families and neighborhoods in New York City.

Negotiating Reform

Practitioners strongly supported the principles behind Close to Home, but a number of obstacles complicated efforts to build broader support among State and City officials. Youth justice had become less of a priority for elected officials after the violent crime scares of the 1990s subsided. Political issues associated with youth crime seemed less urgent. Young people also made up a relatively small portion of the overall justice system. Whatever political energy remained to deal with ongoing problems of crime and violence tended to focus

on adults, which in New York State included all offenders age 16 and older. In addition, the economic problems that began with the recession of 2008-2009 continued to affect government. Officials in 2012 likely viewed dramatic policy changes more skeptically than they would have before 2008.

A systematic reform effort of the magnitude of C2H required significant political support from multiple parties and constituencies, and it was sometimes difficult to identify the right champions for change. Designing and implementing any change process can be arduous. The planning process for Close to Home was no exception. City and State agencies had to collaborate to design an entirely new residential system for New York City’s juvenile delinquents. The effort to resolve conflicts of interest and to sort out the differing perspectives of various groups was expected to take many months. In the end, even those closely involved in the planning for C2H were surprised at just how complicated it became.

Two years after the launch of C2H, the key players still did not agree entirely about the factors that led City and State leaders to pursue the reforms. State officials credited OCFS with changing the mindset of lawmakers about youth justice because the agency shifted from a correctional model to a developmental approach and expanded the focus on positive outcomes. The State closed more than 1,000 beds after 2007 and worked hard to free up the resources that would allow community programs to serve more youth.

OCFS officials believed they contributed to New York’s receptiveness to C2H by openly addressing the challenges the new system would likely face as it tried to keep youth closer to their families. The agency also used language supportive of the initiative long before the initiative itself. Some officials pointed out that the phrase, “close to home,” was already part of a media campaign sponsored by the State to ease the closure of facilities outside of New York City. Some materials in that campaign asserted that correctional space in Upstate New York was no longer needed because OCFS wanted to keep youth “closer to home.” Similar ideas were expressed in the report of Governor Paterson’s Task Force in 2009.

City leaders, however, pointed out that some State officials actually opposed C2H in its earliest phases because legislators in Albany didn’t want State voters to see youth justice reform as a City initiative. Practitioners in the City often attributed the origins of C2H to practices developed by ACS workers who were trying to improve their services for teenagers caught in the child welfare and juvenile delinquency systems. They pointed to the similarities of C2H to systemic reforms undertaken by ACS in the early 2000s to integrate the child welfare and youth justice systems.

The City’s Department of Probation would point out that its staff had been working to establish more community alternatives long before the emergence of C2H. The DOP had created an array of Alternatives to Placement (ATP)





If Close to Home is just the devolution of care from the state agency to kids being in private agencies, then it was not a success. But if Close to Home becomes an opportunity to really realign resources and invest in communities and families so that fewer kids have to be removed from their homes, then it will be a good thing.

— Felipe Franco, 2014

programs to provide youth with community services and to limit the use of residential programs. Even some State officials acknowledged that C2H was consistent with reforms already being pursued by DOP.

Valid arguments are found on all sides. For many officials, it is not even important to assign the credit for Close to Home. Most officials interviewed for this study agreed that three key forces drove the implementation of Close to Home:

- 1) declining rates of serious youth crime in the City, the State, and the entire country;
- 2) ongoing fiscal pressures remaining from the 2008-2009 recession;
- and
- 3) a sincere desire among all officials to develop better programs to serve youth effectively and to reduce recidivism.

State and City leaders were equally determined to abandon the old punitive model and to invest in a more rehabilitative and community-centered approach.

Early Moves

In October 2010, City Commissioners Vincent Schiraldi (DOP) and John Mattingly (ACS) assembled an inter-agency group called the Dispositional Reform Steering Committee, subsequently known as the NYC Juvenile Justice Advisory Committee (JJAC). The JJAC included representatives from youth-related agencies as well as members of the advocacy community. The Commissioners asked the group to consider any and all strategies for reforming the NYC youth justice system.

Based on these discussions, Schiraldi and then ACS Deputy Commissioner Laurence Busching presented an ambitious C2H reform proposal to State officials. Governor Paterson’s Administration did not support the proposal at first, although State officials agreed on the need for a new approach for NYC youth. Commissioner Carrión (then at OCFS) worried the bill was put together

very quickly and that a comprehensive plan required more time. In addition, some leading advocacy groups, including the Children’s Defense Fund, the Correctional Association, and Community Connections for Youth in the Bronx, did not support the bill at first. Some insiders suspected that the advocacy community was hesitant to back a proposal coming from the same City administration then supporting controversial policies such as stop-and-frisk and the closing of public schools in poor neighborhoods.

Resistance to the idea of C2H began to subside with the November 2010 election of Governor Andrew Cuomo and his selection of Elizabeth Glazer to be Deputy Secretary for Public Safety (the top public safety position in New York State government). Glazer had been chair of the State’s Juvenile Justice Advisory Group under Governor Paterson. Her presence, combined with the essential support of John Feinblatt, Mayor Bloomberg’s Chief Advisor on criminal justice issues, helped to inspire the emerging consensus between City and State officials. Officials interviewed for this study also frequently noted the efforts of Tamara Steckler from Legal Aid in New York City as a key factor in facilitating productive conversations between the City and the State during the early phases of C2H.

Negotiations between the State and the City began in earnest approximately one year after the earliest conversations about C2H. Elizabeth Glazer represented State leadership and then-Deputy Mayor Linda Gibbs took the leading role for the City. Many of the details surrounding the initiative were managed by Jacquelyn Greene, Counsel to the Governor’s Deputy Secretary for Public Safety and a senior staff member at New York’s Division of Criminal Justice Services (DCJS). Several officials from OCFS, including Executive Deputy Commissioner William Gettman and a few staff members from the Division of Budget also played key roles. The City team included representatives from ACS, DOP, and the Criminal Justice Coordinator’s Office (later renamed the Mayor’s Office of Criminal Justice). Judge Ronald Richter joined the negotiations after Mayor Bloomberg named him as the Commissioner of ACS in September 2011.

Everyone involved in designing the C2H process knew that the first in implementing the strategy would be transitioning youth already in custody from State to City responsibility. A significant number of agencies would have to collaborate to make transfers happen, including the courts, Probation, ACS, OCFS and the Department of Education.

Some officials argued, quite logically, that instead of transferring youths from State to City facilities, it would be more convenient to allow youth already in placement to remain until their release, and then to build out the new City-based system more slowly, as judges ordered newly adjudicated youth to City placements. Budget conscious officials, however, pointed out that this would mean running two systems concurrently for months or even years. The

costs involved in a dual system approach would be onerous — especially with State placement costs already rising rapidly. City and State officials eventually agreed that it would be impossible to finance both the old and new systems at the same time.

Once the negotiation team agreed to transfer already-placed youth to the City’s custody, the timing of transfers became a key discussion point. State leaders proposed a transition period of at least seven or eight months, as they believed the City would need time to create new structures for handling a large influx of youth. Neither ACS nor its contracted providers had much experience running programs for delinquent youth. City officials, however, pushed for a transition period of just four months because of budget concerns. Ultimately, the four-month timeline was adopted.

Some advocates argued that a longer timeframe would allow the City to create a better, more comprehensive system of services and supports. When advocates raised these concerns, however, City officials resisted. They argued that having an extended dialogue might prevent C2H from happening altogether. Several State officials concurred, telling researchers after the fact that if the initiative had been slowed down to allow for a more deliberate process, it was likely that State leaders would have balked at the scope of the reforms.

Agency officials also debated the levels of residential care that should be included in C2H reforms. State and City officials agreed that the State should continue to manage the most serious offenders — i.e. youth placed in the OCFS-designated level, “secure placement.” They were never considered for transfer. Officials debated, however, whether to include both of the next two categories: “non-secure” and “limited-secure” placements. Eventually, the negotiation team decided to include both levels. Youth in non-secure placements would be transferred to City programs first. One year later, according to the original plan, youth in limited-secure residential placements would be moved to City facilities. Nobody at the time predicted that it would actually take more than two years to change placement practices for the limited-secure population.

Some officials involved in the negotiations for C2H remained concerned about how family court judges in New York City would react. When the reforms were launched, what would happen if judges did not trust the new approach? If courts no longer had ready access the State’s non-secure placements, would judges begin to send even more youth to limited-secure facilities? Would they try to use City detention beds as a placement resource? Everyone worried about unintended consequences.

It’s Always Partly About the Money

Funding was a constant concern. The C2H initiative posed financial risks for both the City and the State. Officials from State agencies worried that most economic resources for youth placements were being shifted to the



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City. What if, at some future time a larger number of youth were sent for placement at the most secure level? Would the State have enough resources to manage the entire population? City officials were equally concerned. What if the shift of resources from the State did not generate enough funding to create a truly effective residential system for City youth? Were they taking on too much?

The State wanted to fund City operations with a C2H block grant that would cover half of all placement costs. State agencies calculated the total costs for an intensive system of care for every City youth projected to require services, including drug and alcohol treatments, mental health care and educational supports. City leaders worried about the State’s block grant approach. What if the amount of the block grant remained flat and did not provide additional funds if and when demand for placement resources increased? State officials believed that a block grant approach was better than an open-ended funding stream that could create incentives for placement.

Linda Gibbs and Elizabeth Glazer were instrumental in making the numbers work for both parties. Eventually, both sides agreed to include a caveat in the legislation that provided for adjustment of the block grant formula if future changes in the legitimate demand for placement resources exceeded supply. The compromise involved using probation intake numbers to calculate changes in C2H allocations.

Designing a New System

State and City officials sometimes had different visions for how the new youth justice system should begin working with the Close to Home population in New York City. State officials were concerned about the inexperience of ACS — the agency in charge of new programs and facilities — and the ACS-affiliated providers that would have to serve a new type of client.

Prior to the 2010 **merger** of ACS with the former New York City Department of Juvenile Justice, ACS was a child welfare and family services agency. Providers working under contract to ACS were accustomed to overseeing services and placements for neglected and abused children. When those agencies assumed responsibility for delinquent youth under C2H, they would face a new set of challenges. They would need to emphasize community safety and accountability in addition to youth development and family support.

City officials argued that many of the organizations involved in the C2H expansion were already part of the “alternatives to detention” system and ACS had been managing that system successfully for more than a year. In addition, they pointed out, their existing provider organizations had few incidences of youth absconding from facilities and they were obtaining positive outcomes, according to ACS data. The City believed that the existing community of ACS providers would be able to serve C2H youth safely and effectively.



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City and State officials needed to agree on the particular service models that ACS providers would follow in working with youth. All parties agreed that the system should be rooted in evidence-based models whenever possible, but plans were less firm for the considerable number of young offenders for whom evidence-based models do not often exist (i.e. youth with some delinquent history, but without alcohol and drug addictions, mental health disorders, or social and emotional pathologies). In other words, what were the service models for the run-of-the-mill, justice-involved youth without serious deficits? During an interview with one high-ranking City official, the research team asked about the service plan for these youth. The official answered, “They aren’t in the system.” Yet, service providers would point out that these exist, and they are the very youth who are often ill-served by justice systems that pathologize disadvantaged and impoverished communities.

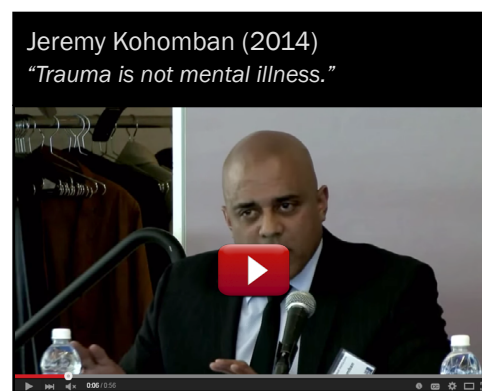
Officials reviewed the most well-known youth justice approaches, including the Boys Town model, the Missouri model and the Sanctuary model. They eventually decided to establish flexible standards for providers to select whatever models best fit their needs. Some officials interviewed for this study noted that discussions about service models occasionally lacked cohesion. The majority of officials and providers agreed that juvenile interventions cannot be one-size-fits-all, but unless they had an evidence-based model at the ready, the agency partners did not always know where to turn.

Legislation

The law-making process used to launch Close to Home was somewhat unusual. In most executive initiatives, the Governor’s office may draft a general proposal without involving too many outsiders. The legislative process then follows, involving a range of different groups and constituencies. In other words, the final proposal is adapted through legislative negotiations. For Close to Home, the City and State agreed upon many details before the proposal was even presented to the legislature. When the bill did go to the legislature, there appeared to be little need for additional discussion. The details that traditionally delay the process had already been worked out.

Advocates still played an important role during legislative negotiations. Organizations such as the Correctional Association of New York and the Children’s Defense Fund analyzed early versions of the legislation and found that it did not include sufficient provisions for community engagement and oversight. Later, the State and City hosted a series of public hearings and these issues were addressed.

Advocacy organizations worried that C2H was largely focused on placement, and they believed that any form of residential care introduces the risk of abuse. The advocates wanted to dispel the notion that youth would be inherently less likely to be abused in smaller facilities. While small facilities were better on balance, youth in placement would not be safer just because they were closer to home and in smaller facilities run by the City rather than the State. With the strong support of advocates, the Close to Home legislation



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eventually gave the State (i.e. OCFS) continuing responsibility for oversight. City youth would be placed with City agencies, but the State would continue to review their safety and well-being.

The advocates did not achieve one of their most important goals. They asked the State to require City agencies to release regular performance measures about youth services. The final legislation required the City and State to provide data about performance outcomes to the State Senate and Assembly, but it did not include a mandate for public transparency.

The lack of meaningful community and family engagement in the development of C2H was always a major concern for advocates. The legislation merely required the City to respond in writing to public comments about the plans for Close to Home. The City was required to explain any public recommendations they chose to disregard, and the reasons behind the decision, but the advocacy organizations believed that families and communities should have been involved in the crafting of C2H. On the other hand, the advocates were able to increase the number of community hearings held throughout New York City, and they played an important role in translating the legal language of Close to Home to something understandable for the larger community.

Governor Cuomo signed Close to Home into law on March 30, 2012. The pre-legislative work performed by the City and State partners proved very helpful when the Governor’s office finally released the legislation. It seemed futile for any institution to argue against Close to Home when Governor Cuomo and Mayor Bloomberg had both signed off on it.

The Non-Residential Component

The C2H initiative included two key components: 1) local placement facilities for low and medium-risk youth; and 2) an expanded continuum of community-based alternatives. The placement component received the most attention during public debate and virtually all of the new funds transferred from the State to the City were for out-of-home placements. The availability of non-residential alternatives, however, was critical to the overall effectiveness of C2H. After a youth is adjudicated as a juvenile delinquent, the Department of Probation recommends a disposition to the court. With the launch of Close to Home, DOP needed more dispositional options.

The DOP oversees youth sent to the City’s “alternative-to-placement” programs (ATPs). Probation’s mission includes the provision of services for these youth, including education, employment, health services, family engagement and civic participation. In the years leading up to C2H, the agency had already increased the number of community-based programs that were available for low and medium-risk young offenders. As part of C2H, it needed to expand the full continuum of services and to create a new set of comprehensive programs.

The Department of Probation also redesigned its decision-making process. Before C2H, DOP based its disposition recommendations on a risk assessment



The rhetoric and the promise [of Close to Home] was about moving kids into community-based services as much as possible because that gets better outcomes. The research shows that it reduces recidivism and it saves taxpayers an incredible amount of money because it's \$20,000 a year versus \$266,000.

— Gabrielle Horowitz-Prisco, 2013

tool that emphasized treatment needs. As a result, placements were often recommended for youth who had committed low-level offenses but were considered high risk for re-arrest due to treatment needs. To correct that situation, the C2H legislation mandated that DOP create a new pre-dispositional risk protocol (with OCFS approval).

After reviews of several draft instruments, OCFS approved the agency's new Structured Decision Making (SDM) matrix (Figure 3). The matrix combines information about a young person's re-offense risk level (measured by the Youth Level of Service/Case Management Inventory, or YLS-CMI) along with the seriousness of the most recent offense. This information is used to shape DOP's disposition recommendation. Dispositions range from dismissal to out-of-home placement. Probation officers may also recommend options that are more or less restrictive than what the matrix provides (i.e. “over-rides” or “under-rides”).

With the introduction of the SDM matrix, treatment needs would no longer drive dispositional decision-making, but they would still be considered during post-disposition service planning. Youth with high treatment needs but low risk profiles would be referred to community services instead of going under formal supervision or being placed. The SDM provided better information about dispositional recommendations and about the level of supervision each youth should receive. It also increased consistency across courtrooms and helped to avoid racial and gender bias (NYC Department of Probation 2012).

Probation officials told researchers that the SDM was also intended to prevent the “net-widening” effect that can occur when a new array of services becomes available for young offenders. In other words, low-risk youth who would have been handled less strictly before the availability of the new alternatives are sometimes moved into more restrictive dispositions simply because new programs exist.

DOP officials were determined to prevent net-widening. Even the new alternatives to placement were not to be available for low-risk youth. Agency leaders hoped that the SDM would restrict access to the new programs and reserve them for youth with serious charges or youth with moderate arrest charges and

NYC Structured Decision Making (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	BOX 1 Out of Home Placement ¹	BOX 2 Out of Placement or Alternative to Placement	BOX 3 Alternative to Placement or Probation (to be Specified)
CLASS II: Non-violent C felonies, violent D felonies	BOX 4 Out of Placement or Alternative to Placement	BOX 5 Alternative to Placement or ESP (Level 3 Probation)	BOX 6 Level 1 or 2 Probation
CLASS III: Non-violent D, all E felonies, misdemeanor assault & misdemeanor weapon possession	BOX 7 Alternative to Placement or ESP (Level 3 Probation)	BOX 8 Level 1 or 2 Probation	BOX 9 Level 1 Probation or CD (“Conditional Discharge”)
CLASS IV: A misdemeanors except assault and weapons and all B misdemeanors ²	BOX 10 Level 1 or 2 Probation	BOX 11 CD or ACD (“Adjournment in Contemplation of Dismissal”)	BOX 12 ACD or short-term 1-time consequence or Dismissal
MANDATORY CONSIDERATIONS: 1. Must consider “Conditional Discharge” (CD) or “Adjournment in Contemplation of Dismissal” (ACD) for youth with no unsealed priors (“unsealed” records lack the legal protection of “sealing” and are discoverable in court proceedings and available to employers, landlords, etc.). Decisions related to CD and ACD are based on the circumstances of each case. 2. If case goes to trial, use the “finding offense” (i.e. an offense established by a court proceeding). DISCRETIONARY OVERRIDES: Probation Officers 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 or Borough Director.			

1. All placement-related processes are handled by the New York City Administration for Children’s Services (ACS).

2. Many of these cases should be adjusted at intake.

Note: Shaded boxes represent youth who are eligible for Alternative to Placement (ATP) programs operated by the Department of Probation (DOP) and the Administration for Children’s Services (ACS).

Source: New York City Department of Probation. Some features adapted by the Research & Evaluation Center, John Jay College of Criminal Justice.

FIGURE

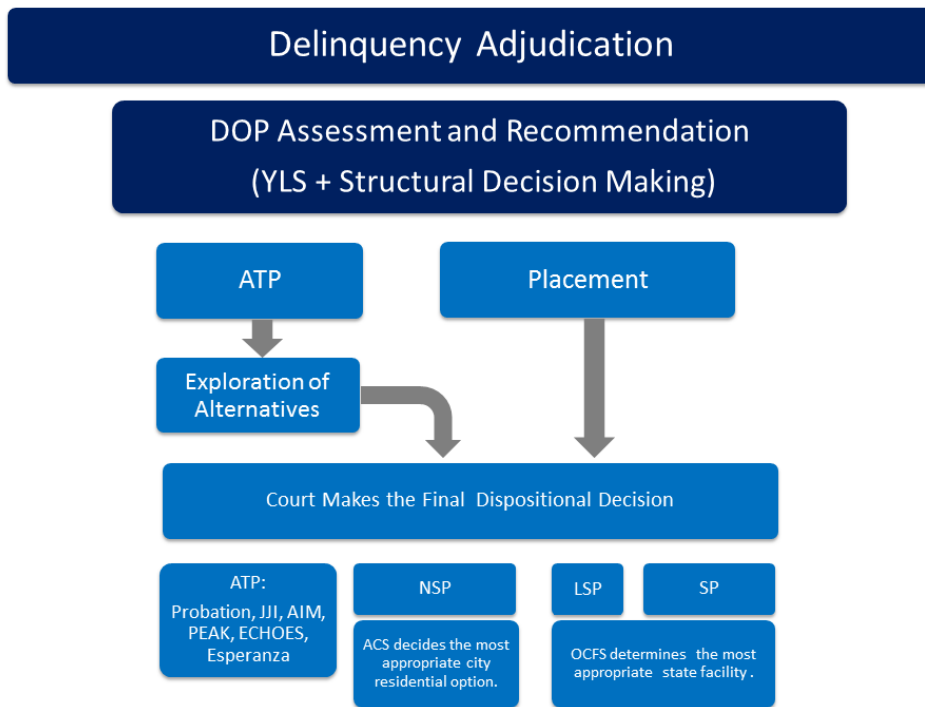
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a high likelihood of re-arrest. The Department expected that the new system would lead to an increase in the number of adjournments and conditional discharge recommendations for low risk youth and an increase in ATP recommendations for higher severity offenses. They believed the new system would enable placement recommendations overall to go down, especially for low-level offenders.

The probation department modified the process it used to make disposition recommendations as well (Figure 4). Before January 2013, judges could send a youth to an ATP only after DOP first recommended placement. This recommendation triggered an Exploration of Placement (EOP) process in which DOP sent a youth’s information to placement and ATP providers. After this process, the judge would then decide whether to place the youth at a state facility or to send him/her to an ATP. The rationale behind requiring the EOP was to prevent the overuse of the most expensive alternatives to placement. The process was designed to encourage judges to send only youth who really needed such services to the ATPs, but it may have created incentives for placement.

Under C2H and the new SDM matrix, Probation would no longer have to recommend placement in order for a youth to gain access to placement alternatives. The Probation officer could directly recommend an ATP, followed by an Exploration of Alternatives (EOA) process to examine which programs

New York City Disposition Process



FIGURE

4

might best address that youth’s particular needs. When DOP recommended placement, the court directly managed the case. If the court decided that a youth should be placed at a non-secure site, ACS would conduct an assessment to decide the most appropriate provider for that individual youth. State officials at OCFS, however, would continue to manage placement decisions for youth referred to limited-secure and secure placements — at least until limited-secure placements were included in the C2H reforms and transferred to City responsibility (NYC Department of Probation 2012).

Under the C2H reforms, the City increased the number and diversity of **community programs** for youth. Judges could assign delinquents to varying levels of supervision and services without relying on residential placement. The decision-making process allocated cases to one of three-levels of supervision, according to the intensity of contact required for each youth and the recommended duration of the program (usually from one to two years). The level of supervision could be adjusted to fit each youth’s progress. Levels 1 and 2 were designed to last up to one year, while youth on Level 3 would be under DOP supervision between one and two years. Level 3 was also known as the **Enhanced Supervision Program (ESP)**. Probation officers would conduct individual and group work with youth on ESP and involve the family more extensively in the process (ACS 2013a). Caseloads were balanced so that probation officers working with higher-risk/severity youth had smaller caseloads (NYC Department of Probation 2012).



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DOP instituted three new alternatives to placement that differed in intensity and the extent of supervision. The goal was to have a fair distribution of program slots available for youth in all NYC boroughs and to provide youth with whatever approach best met their needs. The highest level of intensity in an alternative program would be provided by **Every Child Has an Opportunity to Excel and Succeed** (ECHOES). It was designed to last 12 months and would be based on life coaching and restorative justice principles. Eligible youth would work with probation officers and staff at community-based organizations five times a week to develop educational and personal skills to achieve literacy, become employed, and to maintain positive relationships (NYC Department of Probation 2012).

The **Advocate, Intervene, Mentor** program (or, AIM) was to provide intensive mentoring and advocacy for youth who were severely disconnected from their families and communities. The **concept** of AIM was to provide an advocate/mentor who would guide the youth and his/her family towards the community services and resources they needed to succeed. Each mentor had a caseload of no more than four youths and families, and they would work with each client from 7 to 30 hours per week, depending on the youth and family’s need.

Pathways to Excellence, Achievement and Knowledge (or, PEAK) would be a six-month intervention that combined educational, behavior modification and therapeutic elements into a full-day curriculum. AIM and PEAK were to last six months, followed by Level 3 probation after a transitional phase prior to completion of the programs (NYC Department of Probation 2012). The DOP launched AIM and ECHOES in the summer of 2012, with PEAK opening the following year.

These new programs were designed to build on the previous ATP continuum, which included the Juvenile Justice Initiative (JJI) and Esperanza. JJI would continue, whereas DOP planned to shift Esperanza over for Juvenile Offenders and Youth Offenders (i.e., not “delinquents” under New York State parlance). By the time Close to Home was launched, the City was planning to increase the array of ATP programs by 65 slots with further adjustments as necessary (ACS 2013a).

Implementation

The C2H initiative represented a major shift in organizational culture for public youth justice agencies and private providers. Implementing the reforms required many decisions and consensus was not always easy to achieve. More than two years into the initiative, officials still differed in their views of Close to Home. Some strongly supported it, but others remained concerned about its effectiveness and long-term sustainability.



State officials were sometimes skeptical about the decision to expand ACS’s child welfare mission to include work with young offenders. City officials acknowledged that ACS lacked experience in the juvenile justice arena at first, but they were confident that staff members were developing the necessary expertise. In some ways, ACS was well positioned to assume responsibility for the expanded youth justice placements. Caseworkers experienced in foster care and group home placements might be especially capable of recommending the right mix of placements and services for individual youth, whether they required juvenile justice or child welfare services.

For OCFS, Close to Home was a departure from business as usual. The agency operated a largely institution-based system for decades, and those facilities were important employers in the local economies of several upstate communities. The C2H initiative would likely mean the loss of OCFS jobs. It was no small task for OCFS leadership to manage the associated stress and conflict. OCFS held a series of negotiations with unions to explain the new policies and to seek their buy-in and support. Although agency officials worked hard to retain employees and move them into different positions, layoffs were unavoidable. State officials told researchers that more than 1,200 positions were lost after OCFS began to downsize facilities in 2007. The C2H initiative would likely accelerate the process.

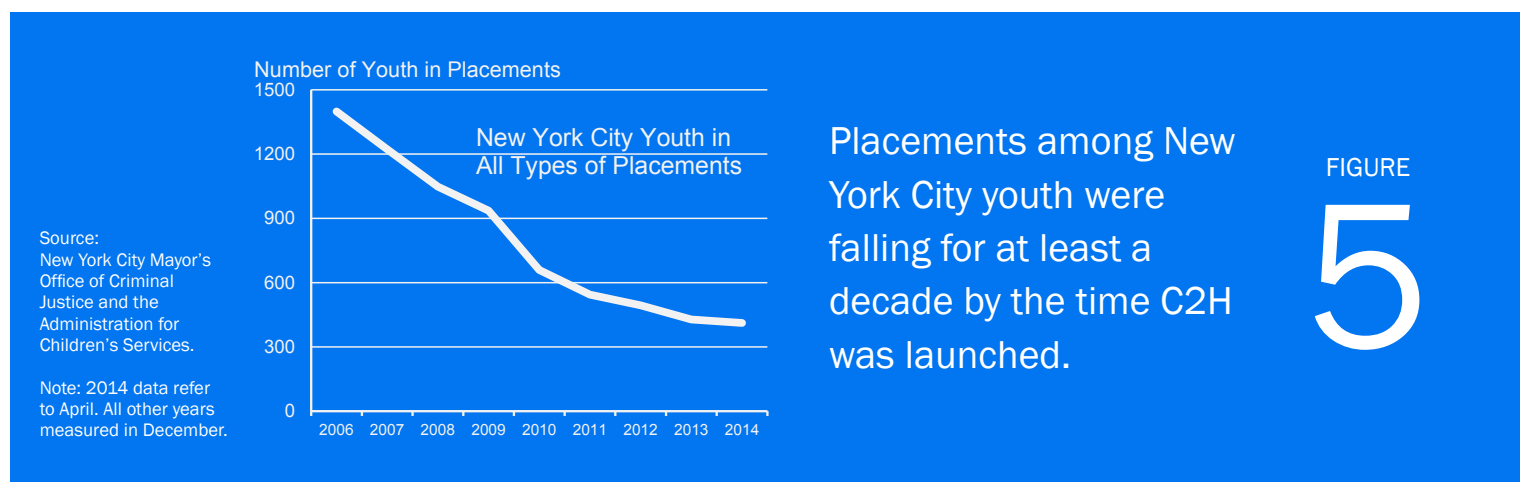
When judged by the stated goals of the C2H initiative, however, it was clear that the reforms were working. During the first year of implementation, youth from New York City who once would have been sent hours away to upstate New York placements were now staying in the City and staying in contact with their families, neighborhoods, and schools. The youth justice system was changing, at least for the young people who otherwise would have been in OCFS’s non-secure placements.

Phase 1

Phase 1 of C2H (the transfer of youth in “non-secure placements”) began a few months after the enabling C2H legislation passed in 2012. Some new educational and service-delivery programs were open in four months. Transfers of placements began within six to seven months.

Everyone involved in C2H was aware that the shift in placements occurred during a time of generally declining youth crime and a falling rate of placement overall. Among New York City youth, placements were falling for at least a decade by the time C2H was launched. Between 2006 and early 2014, the total number of New York City youth in some form of placement due to law violations dropped from nearly 1,400 at any given time to slightly more than 400 (Figure 5).

Just before the launch of C2H, New York City had dozens of youth in State-run non-secure facilities. Once those placements began to be transferred to the City’s responsibility, the change process moved very quickly. Phase 1 resulted



in 52 new City-based placements within the first month. By the end of 2012, the non-secure facility population had climbed to 157, and the total population reached a peak of 213 four months later in April 2013 (Figure 6).

The relatively fast start of transfers did not mean that the entire process would go smoothly. City officials admitted to researchers that they were often frustrated by how long it took contractors to prepare new facilities and programs. Providers often felt rushed. Some had never operated a youth justice facility before, and they had just four months to hire qualified staff and to open up new program sites. The youth in these placements had complex service needs, often including serious trauma. The City planned to build its array of new services and placements around principles from the “[Missouri Model](#),” and most of the new providers had insufficient experience with that approach. Naturally, providers were not always able to open as quickly as they had hoped.

Handling the mix of case types in the new system introduced other complexities. Some providers were unprepared to serve females. Bed capacity became an issue immediately as City facilities received more girls than anticipated during the early discussions about C2H. Eventually, ACS had to change the

designation of some programs from male to female in order to compensate for the miscalculation. It took longer than expected to build the gender-specific programming required to serve female offenders with mental health treatment needs and histories of trauma.

Even when the new agencies were ready to accept them, the process for completing transfers of custody to the City posed other challenges. The C2H legislation required that OCFS review each case individually to determine who was eligible for transfer. The agency could not simply transfer an entire class of youth. Separate petitions and court proceedings were required, and the process took longer than expected. In order to expedite it, attorneys for many juveniles agreed to waive their client’s right to attend every court appearance. Some judges opposed this shortcut, however, and their cases involved full hearings on each petition.

Confidentiality and information sharing further complicated and slowed the transfer process. To provide youth with an appropriate mix of services, the State required OCFS to inform the City’s ACS about the service needs of each youth in some detail. First, however, OCFS had to obtain information releases and consents from parents and families. Obtaining these releases was time consuming and it slowed down the process of matching each youth with appropriate programs and facilities.

Despite the complications and delays, City officials interviewed for this study were encouraged by the performance of the ACS contractors. Once the early obstacles were overcome, it was clear that youth from New York City were gaining access to a broader array of services and supports. The expanded investments in localized services appeared to be paying off for youth and families.

Some glitches were unexpected. Delays in the opening of new placement facilities forced state-level providers to transfer many youth from OCFS residential care directly to City aftercare services rather than first sending them to residential care in the City. This pathway was not anticipated during the initial planning of C2H. Local providers were not always ready to provide proper supervision for youth in aftercare status, and State officials believed that ACS did not have sufficient staff to oversee the sudden increase in aftercare youth. In the first months of C2H, according to OCFS records, it took an average of 21 days to connect a newly released youth to City-sponsored aftercare services. The delays triggered a spike in violations (sanctions for youth who violated the terms and conditions of aftercare) and some youth were returned to custody as a result.

Safety and security turned out to be challenging in the early days of C2H. The programs contracted to serve youthful offenders during the first year of C2H experienced an unexpected number of AWOLs (“away without leave” or youth who leave a program site without permission). By mid-August 2013, there had

been 662 AWOL incidents lasting at least 24 hours. After the first year, AWOL incidents declined steadily, and by the end of 2013 the AWOL level in City facilities was below the State average. The early AWOLs, however, suggested that at least some of the City’s new facilities may have been rushed into service before they were fully prepared.

Other delays occurred because new providers had difficulty obtaining the appropriate licensure. All told, the transfer process took five months longer than expected. Despite everyone’s best intentions, there were two youth justice systems working at the same time during the initial months of implementation — the old State system managed entirely by OCFS and the newly designed City system authorized by the Close to Home legislation.

The number of youth actually transferred from State placements was only half the original estimate. About 300 youth from New York City were housed in non-secure State facilities when C2H was launched, but due to implementation delays, half of them completed their placements in upstate facilities. Once all non-secure placements had been moved to City programs, State and City officials agreed that the new arrangements were operating successfully. Eventually, Phase 1 changed how New York City responded to low-risk juvenile offenders. All newly adjudicated cases disposed to non-secure placement were placed with the City’s new system.

Ongoing Coordination

OCFS approved and continued to oversee the plan that ACS developed for managing the new localized placement system. ACS and OCFS wanted to ensure that all service sectors were well-coordinated before moving into Phase 2 of C2H. One of the most critical components was education. The NYC Department of Education’s District 79 Superintendent, Tim Lisante, was engaged early in the planning process. District 79’s Passages Academy provided educational services to most NSP youth with 11 sites located throughout the City. These sites also served non-secure detention (NSD) youth, but NSD and NSP youth were educated in separate classrooms. Two providers operated their own schools (ACS 2013b).

Delays in implementation affected educational goals as well as treatment goals. In the initial plan for C2H, officials intended to transfer as many youth as possible in September 2012 in order to avoid interrupting their schooling in the middle of an academic year. However, transfers were just beginning in September and continued through the Fall, which complicated the transition process for many youth.

Establishing effective student discipline strategies for C2H youth in the school setting was another immediate challenge. The two City schools designated for the non-secure placement population served the City’s juvenile detention system as well. Schools were not fully prepared for the integration of both populations.

Officials were generally pleased with the educational component once the early bugs were worked out. Unlike the pre-C2H system, youth placed in care under C2H remained in the City’s Department of Education system without interruption and credits earned during placement counted toward their educational record when they returned to the community. Previously, the credits that youth earned during State placements were not easily transferred because the State and the City used different educational credit systems. When youth were released and returned to City schools, each school Principal had the legal authority to deny the transfer of credits. Under the new system, all schools serving youth during placement were licensed and accredited by the City.

Other measures were implemented to ensure continuity between facility-based schools and community schools, including an online education and reentry planning tool called “Plan to Succeed NYC.” Students, families, and community schools could access the system for planning and simple communication. The City school system also created a new counselor position to assist families and to prepare youth for their return to a community school after placement.

These practices were a dramatic improvement compared with the previous era when justice-involved youth were routinely denied access to their former schools after placement. After the launch of C2H Phase 1, the City Department of Education reported a significant spike in credits earned by placed youth, as well as higher percentages of youth taking and passing the State Regents exams.

Disciplinary Practices

The planning process included a focus on disciplinary protocols, as these varied widely across the City’s youth facilities and led to inconsistent practices and confusion for youth who moved between the school setting and the residential setting. Officials from the City’s Department of Education reported that behavioral incidents in the residential setting often carried over into the classroom, sometimes leading to violent clashes between students. New protocols had to be created, and educational staff were forced to improvise until the new procedures were put in place. The lack of advance planning was described by some officials as detrimental to the early success of C2H. The Department of Education reported increasing rates of fights and runaways during the 2012-2013 school year. Residential providers and educators had to work quickly to solve a new set of problems.

Youth advocates had been concerned about disciplinary practices given OCFS’ track record and ACS’ own history of problematic practices in the City’s detention facilities. Data from ACS’ own monitoring efforts had shown that during the fourth quarter of FY 2012 and the first quarter of FY 2013 combined, over 1,500 physical or mechanical restraints of children occurred with 125 reported injuries to children. In the same period, two ACS-run detention facilities had over 150 instances of room isolation.

For Phase 1 of Close to Home, ACS designed a set of discipline policies that providers were required to follow. To prevent abusive restraint practices, ACS required each NSP provider to adopt a positive behavioral management approach like the Safe Crisis Management System (SCM) – which focuses on de-escalating crisis situations. When youth presented acute physical behavior – i.e. risk of physical injury, danger to the facility, or intent to escape – ACS required providers to follow the SCM to deal with the behavior while avoiding the use of force and physical restraint. The use of room isolation was only permitted in NSP facilities that housed 13 or more youth and only after other de-escalation measures were ineffective. ACS also crafted a specific set of procedures that providers were required to follow after successful escapes (ACS 2012; 2013a).

Reentry and Aftercare

The end of placement and a youth’s return to the community are always critical moments for justice systems. During C2H implementation, ACS made reentry planning a high priority. Planning for each youth’s transition to the community was to begin while the youth was still placed. ACS specialists and placement staff developed a specific plan for every youth and worked closely with the family in order to address any potential difficulties that were likely to occur during the transition phase.

In the early stages of C2H, ACS relied on its existing providers for aftercare services. Many youth returning from non-secure placements received services from the Juvenile Justice Initiative’s (JJI) intensive aftercare program – a four-month program based on Functional Family Therapy. As C2H expanded, ACS planned to evolve its aftercare practices and to replace the JJI model with a new approach tailored for Close to Home. The goal was for local community-based organizations to play a central role in reentry and continuing care and support by providing specialized services for youth, such as mentoring, recreation and tutoring (ACS 2012).

The design of an effective and well-serviced aftercare program for C2H youth was one of the main concerns of State officials during negotiations leading up to the launch of C2H. The State considered the City’s initial plans to be weak. State officials pushed for the creation of a more comprehensive approach for aftercare. Although the State later agreed that ACS had improved its aftercare services, the need for well-structured aftercare programs remained an area of concern for OCFS.

System Oversight

Long before C2H, youth advocates had been critical of the oversight and accountability mechanisms in New York’s residential placement system. Many factors, including the distance between the State facilities and New York City, prevented families and lawyers from properly monitoring the system’s behavior. With the development of C2H, ACS provided more support



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for the independent Juvenile Justice Oversight Board, whose members were not ACS staff. Board members were empowered to visit facilities, to make recommendations for system performance, and to issue annual reports.

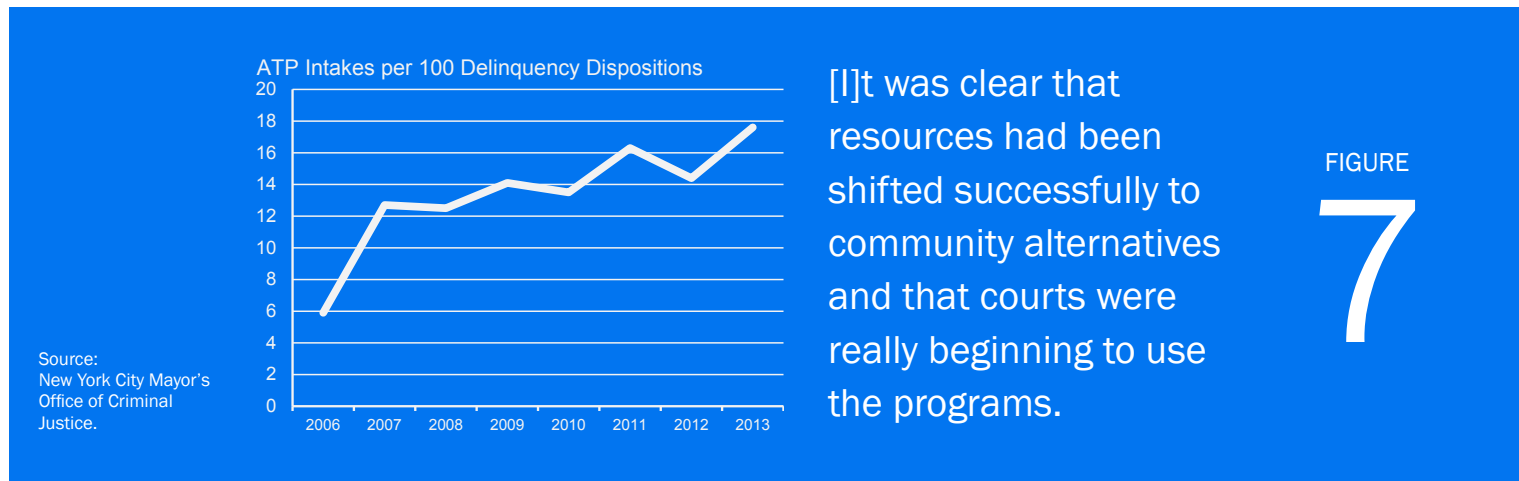
Existing accountability measures were still subject to criticism. Gabrielle Horowitz-Prisco, director of the Juvenile Justice Project at the Correctional Association of New York, questioned the independence and transparency of the Board. In testimony at a City Council hearing in January 2013, she pointed out the lack of clear oversight and cited the need for standard practices like unannounced visits to providers and confidential interviews with youth.

The C2H legislation included a series of external oversight mechanisms designed to ensure high quality execution of the plan. OCFS was designated to oversee the implementation of the initiative, ACS’ case management and aftercare, and the licensing and functioning of the providers. OCFS also created a Close to Home Oversight and System Improvement unit (CTHO) to monitor the new City-based residential system (ACS 2012). The oversight unit organized site visits with staff and youth in provider agencies. It also planned to interview youth’s family members to gain a more complete understanding of the complexity of the reintegration issues facing youth and their families. The CTHO provided technical assistance and support to providers regarding ACS policies and regulations, AWOL protocols, gender-specific programming, and transition planning. According to one OCFS official, the core mission of the OCFS oversight team was to maintain the momentum of the State’s own juvenile justice reform efforts and to remain involved in shaping the quality of the City system under Close to Home.

The C2H legislation granted the State a significant oversight role and allowed OCFS to require corrective action if the City was ever out of compliance with the approved process. If problems persist, OCFS was authorized to use fiscal penalties and, ultimately, to terminate ACS’ authority to operate the juvenile justice services specified under Close to Home. As a City agency, ACS was also overseen by the New York City Council and the City’s Public Advocates’ office. The Close to Home legislation did not require ACS to release performance measures to the public, but with support from the advocacy community the City Council passed legislation in June 2013 that mandated publication of key demographic data and incident reports on youth detained and placed in City-run facilities.

Support for Alternative Programs

Finally, many of the State and City officials involved in Close to Home believed that its success would rest largely on how well the youth justice system was able to expand and use alternatives to placement. The City’s Department of Probation, for instance, was deeply involved in developing and funding a wider array of alternative programs for young offenders.



Within the first year of implementation, it was clear that resources had been shifted successfully to community alternatives and that judges were beginning to utilize the programs (Figure 7). The probation department reported that as of February 2014 the AIM and ECHOES programs were operating at near capacity.

The ECHOES program took some time to reach capacity, in part because the DOP sited the initial set of 70 program slots in Harlem and the program there struggled to recruit sufficient numbers of clients. Realizing that the ECHOES program may have been too large in the Harlem neighborhood, DOP reassessed the scale and location of ECHOES providers and reissued contracts, including a second site in Jamaica Queens. By early 2014, 90 percent of the ECHOES program slots were occupied. The Department's goal was to maintain an occupancy rate of 80 to 90 percent and City officials expressed confidence that they could meet this goal.

City officials also focused on the community and recreational activities available for placed youth. When ACS recruited provider agencies to serve youth in placement, they preferred agencies that endorsed a youth development approach. For example, Children's Village and SCO Family of Services were NSP providers with a long history of emphasizing positive youth development and community involvement. They worked to ensure that youth had ample opportunities to participate in service projects in the community, including activities like working in a food pantry or helping to support homeless families. Providers were also encouraged to integrate recreational activities and the arts into daily programming for youth.

By 2014, ACS had established partnerships and contracts with a variety of community-based and alternative youth programs (Sherman 2015). These programs included:

- Voices Unbroken — Writing based workshops to help young people build literacy skills.

- Healing Arts of Montefiore Medical Center — Convening artists and young people to design and paint murals and other artwork.
- High Five/Art Connection — Introducing youth in non-secure residential settings to the arts with visits to live theater and museums.
- Carnegie Hall — Connecting youth with professional musicians to compose, produce and perform their own music.
- New York City Mayor’s Office to Combat Domestic Violence — Working with young people in ACS programs to learn about the sources and effects of family and partner violence and its effects on relationships and health.
- Girl Scouts Council of Greater New York — Providing workshops on financial literacy, leadership development, career planning and college preparation.
- Yoga for Yoga — Offering weekly yoga sessions for youth in ACS programs.
- Row New York — Introducing youth to rowing and leveraging physical activity as support for academic success.
- exalt youth — Providing structured classes and individualized support related to work and labor market success, including paid internships.
- Gender-Responsive Re-entry Assistance and Support Program — An evidence-informed re-entry program for young women transitioning from placement to the community.

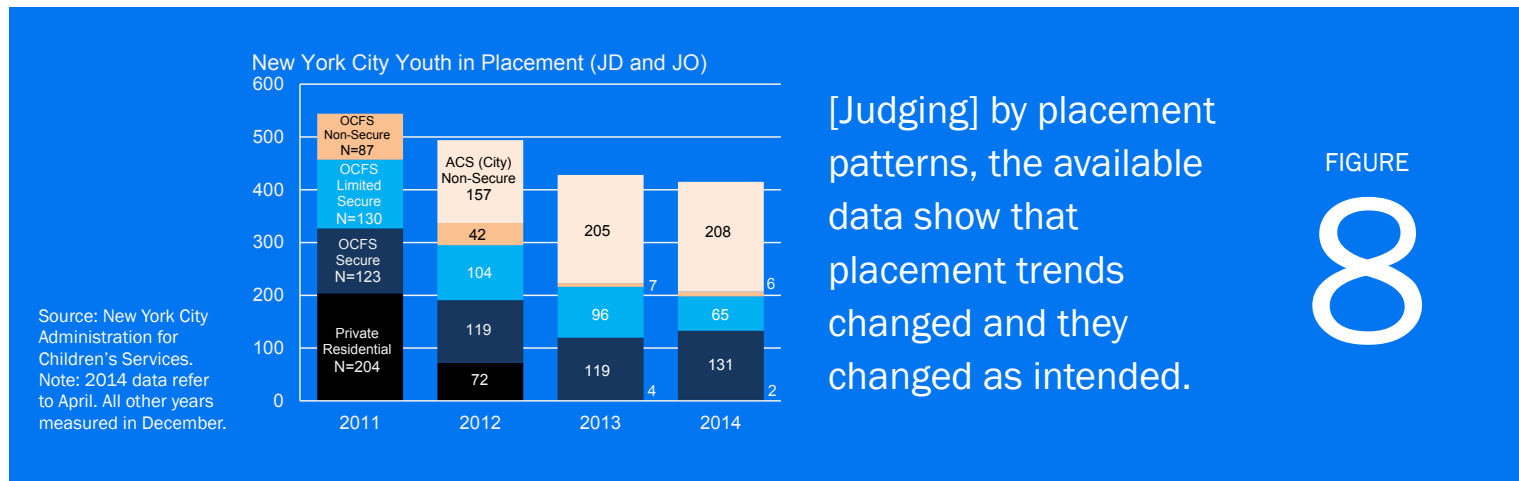
Phase 2

Close to Home was designed to include a second phase affecting limited-secure placements. Youth in LSP facilities were higher-risk offenders, although not as high risk as those in secure facilities. The original C2H plan predicted that LSP youth would be moved to City-operated programs in Spring 2013, which was eventually postponed to Fall 2013 (ACS 2013b). By the end of 2014, implementation had been postponed again and was scheduled for March 2015. During the extra year of planning, OCFS and ACS worked together to ensure that the City’s new LSP programs were ready before the launch of Phase 2.

According to ACS officials, a key reason for postponing Phase 2 was the difficulty the agency encountered in recruiting providers with appropriate resources and program space. Both ACS and OCFS agreed that it was better to delay the launch of Phase 2 rather than to rush a deadline that could result in opening programs with inadequate resources for youth. Selecting providers and determining the distribution of program slots were major decisions for ACS. In Phase 1, the agency relied on a decision-making process that matched individual youth with the most appropriate provider based on need. An ACS intake and assessment team gathered information from a variety of sources



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to learn about each youth and family. The team then accounted for any special needs of the youth and his/her educational abilities and included suitable provisions in the service plan.

For ACS officials, it was clear that the process for placing youth in LSP facilities would be at least as complicated. ACS worked with the Vera Institute of Justice to develop a classification tool designed to integrate information about youth behavior during past placements with other predictive information. The tool was still in development in 2014 and not yet fully implemented, but the agency hoped that it would supplement ACS' other assessments in helping to make final placement determinations. Such a tool would be particularly helpful in instances when the family court ordered placement for a youth, but requested further input from ACS (ACS 2012; 2013a).

The government officials and private practitioners interviewed for this study were cautiously optimistic about the launch of Phase 2. Both the State and City embraced the vision of a youth justice system in which placements would be used sparingly and family members would play a key role in the design and follow-up of treatment plans. Phase 2 would be another significant shift in policy and practice and everyone involved was anxious to see it begin.

Outcomes

More than two years after the launch of Close to Home, the obvious question is, “did it work?” The evidence is clear that the initiative was effective in changing the youth justice system in New York City (Figure 8). When the outcomes of the C2H initiative are judged by placement patterns, the available data show that placement trends changed and they changed as intended. In December 2011, the year before the launch, 544 juvenile delinquents from New York City were in some form of out-of-home placement due to law violations. Of these, 204 were in private residential facilities and 340 were in State-run facilities, including 123 in secure placements, 130 in limited-secure placements, and 87 in non-secure placements.

Of course, the number of placements from New York City was falling. The overall volume of delinquency placements declined after the launch of C2H and for the next two years. Overall, placements dropped to 494 in 2012 and 428 in 2013. By April 2014 the total number of New York City juveniles in placement was 415.

The decline in placements cannot be attributed to the C2H initiative because the trend existed before C2H and did not accelerate appreciably under C2H. The change in the configuration of placements, on the other hand, may be attributed to C2H. The number of youth in State-run non-secure facilities plummeted as intended, from 87 placed youth in 2011 to 9 youth in 2014.

As the City assumed responsibility for non-secure placements, those low-risk youth were no longer placed in State facilities. Instead they were placed with City programs administered by the Administration for Children’s Services. The ACS non-secure programs were serving 157 youth by December of 2012 and more than 200 youth at a time for the next two years.

Before the launch of C2H, advocates had worried that restricting New York City’s access to State-operated non-secure facilities would cause more youth to be reclassified as limited secure and this would lead to an expansion of those placements. This did not happen. The number of New York City youth placed in the State’s limited-secure facilities continued to fall after C2H. In 2014, there were just 65 New York City youth in limited-secure placements — half the number in those placements in 2011.

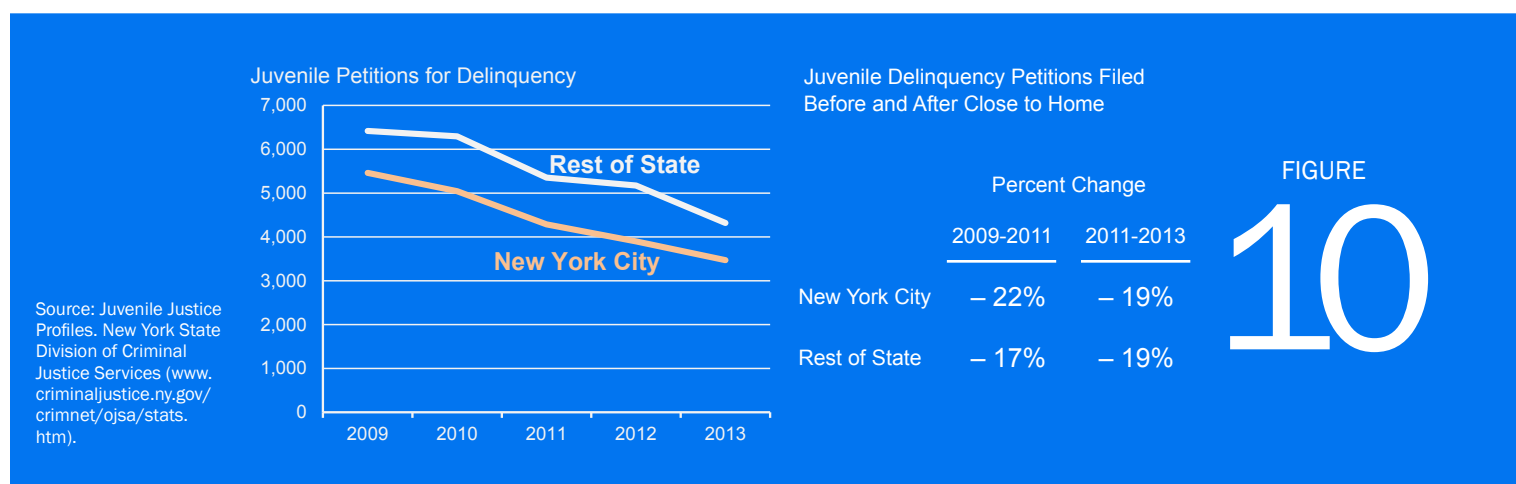
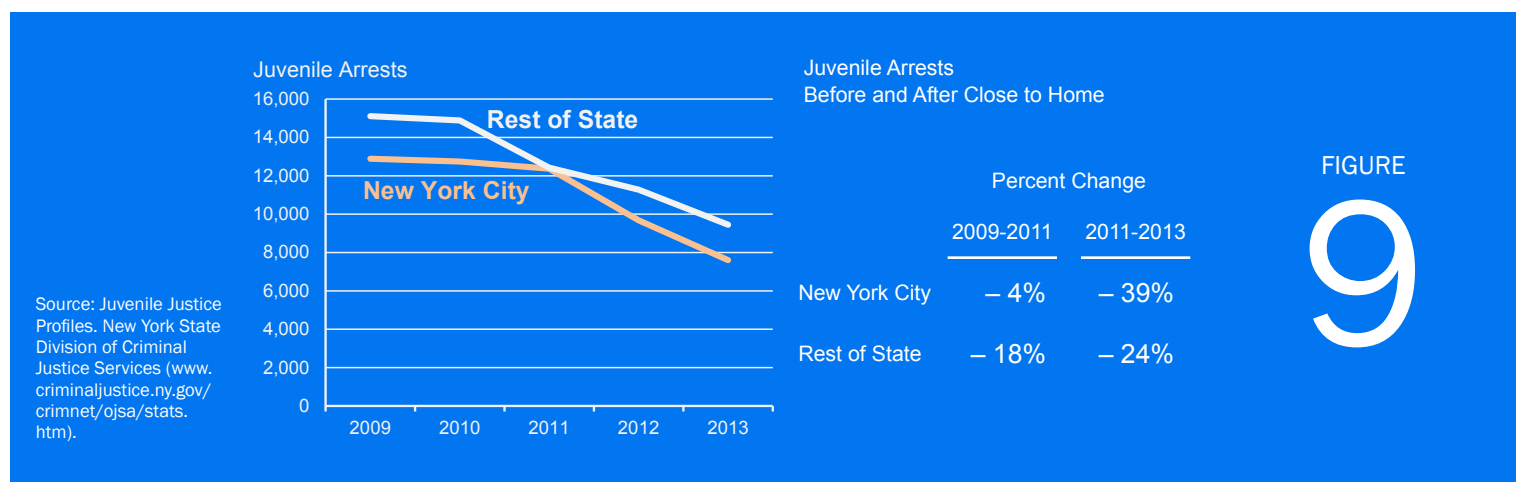
Some other dire predictions about Close to Home also failed to come true. There were concerns among youth advocates, and even some officials within the youth justice system, that the expansion of programs and placements at the City level would lead to an overall expansion of the system. As police and courts learned about the greater resources available at the local level, so goes the argument, the perceived negative consequences of taking action against a youth would be lessened. Since there would be less of a chance that a particular youth would end up hundreds of miles away in a State-operated juvenile facility, the decision to arrest and to charge would be easier to make.

However, this did not happen (Figure 9). According to data from the Division of Criminal Justice Services, juvenile arrests (JD and JO) in New York City actually dropped more after C2H compared with the rest of the State. In the years just before C2H, arrests were declining in the City and State, but the relative decline was smaller in New York City (–4% between 2009 and 2011 in New York City versus –18% in the rest of the State). After the beginning of Close to Home, the situation was reversed. Arrests in New York City fell more (–39%) than in other areas of the State (–24%).

A different pattern was evident in the number of delinquency petitions filed in family courts across New York, but there was still no evidence that C2H increased the volume of court petitions (Figure 10). Before the



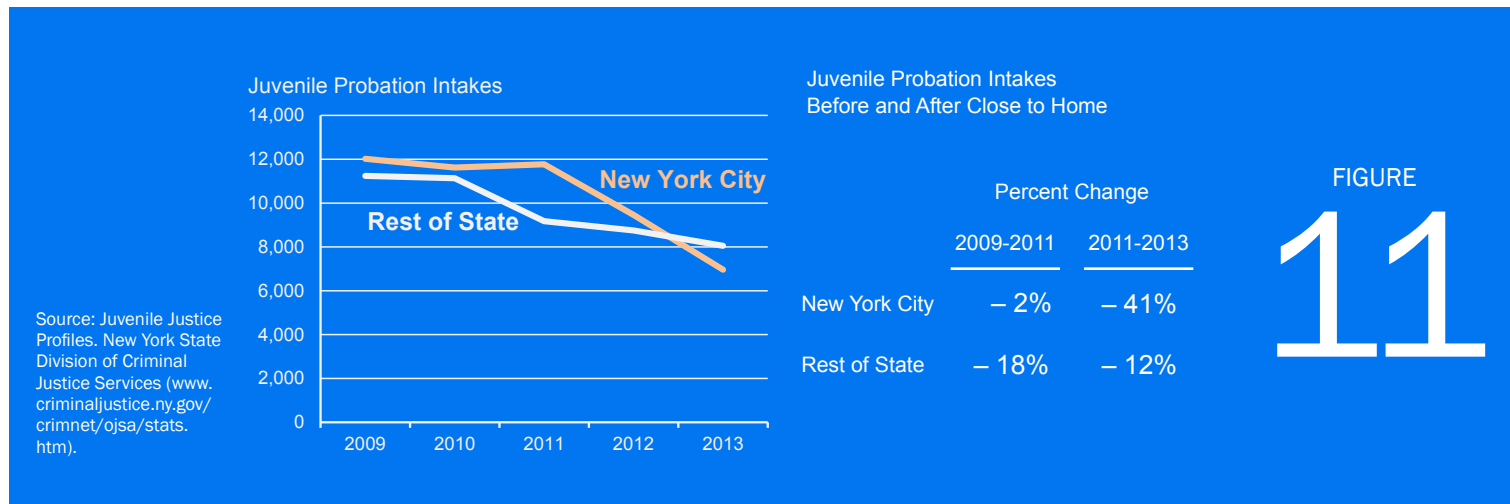
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implementation of C2H, the number of delinquency petitions in New York City courts declined somewhat more than did petitions outside of the City (–22% versus –17% between 2009 and 2011). After C2H began in 2012, the gap closed. The number of delinquency petitions fell 19 percent in both City courts and courts in other areas of the State.

The reversal pattern seen in arrests was also apparent in the number of intakes to probation departments before and after Close to Home (Figure 11). Juvenile delinquency probation intakes actually declined more in New York City than the rest of the state after the implementation of Close to Home. In the two years just before C2H, intakes dropped two percent in New York City, but fell 18 percent in the rest of the State. After the beginning of Close to Home, the decrease in intakes by New York City probation (–41%) was three times the size of other New York communities (–12%).

Another unintended consequence that did not occur was the potential shift toward using detention beds. Restricting out-of-home placements could have led to greater demand for detention bed space in the City. In principle, detention space is for pre-adjudicatory and pre-dispositional confinement of

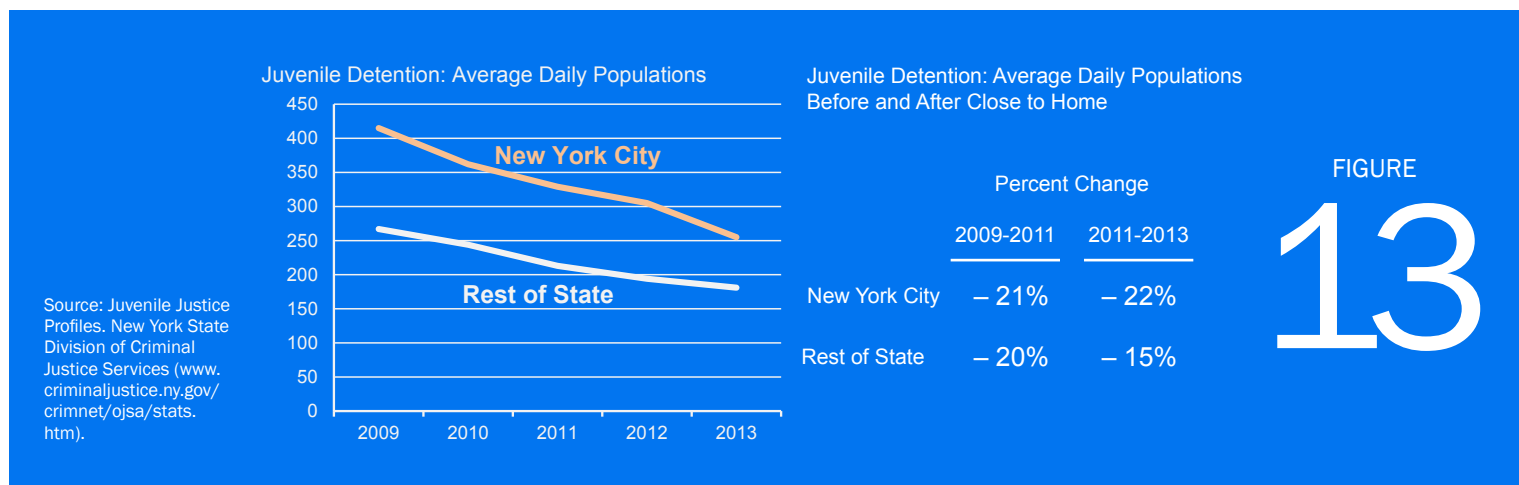
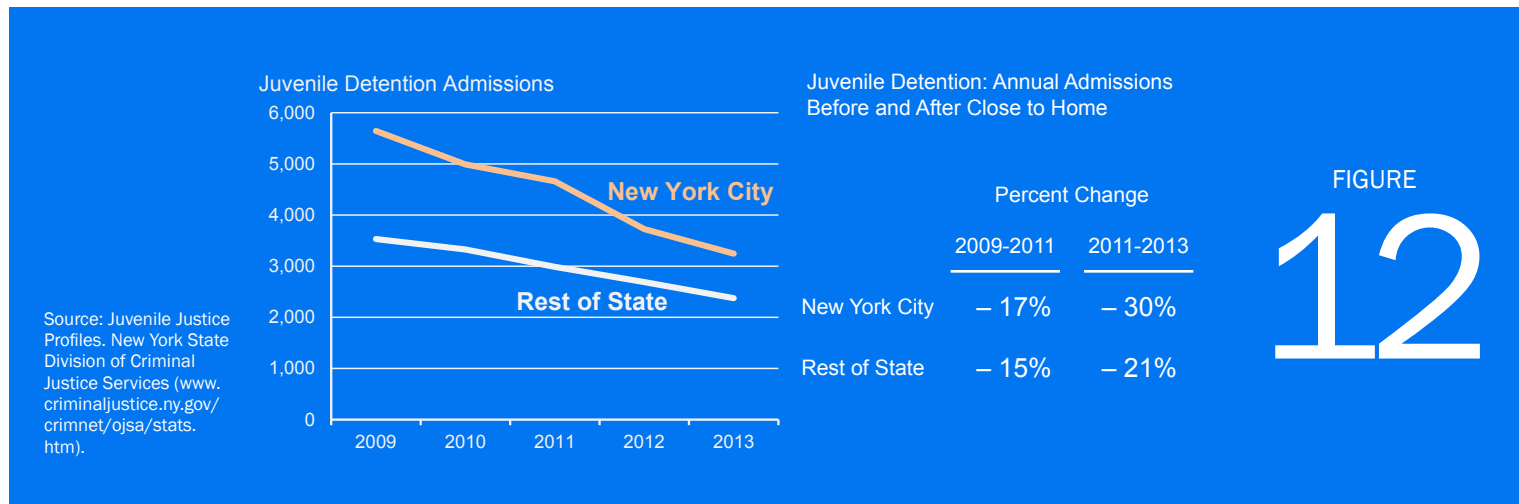


high-risk youth. In other words, detention beds and out-of-home placement slots are not supposed to be inter-changeable. When a court system cannot access placements in sufficient numbers, however, judges could have started to draw upon available detention beds as a form of substitute placement.

In fact, however, the launch of C2H was associated with an even larger decline in detention in New York City (Figure 12). Before C2H, the number of juvenile detention admissions in New York City declined at a pace that was slightly greater than the rest of New York State. Between 2009 and 2011, detention admissions in New York City fell 17 percent while admissions in other areas of New York State dipped 15 percent. After C2H, admissions in New York City decreased even more relative to the rest of the state (–30% versus –21%).

The same pattern was seen in average daily detention population (Figure 13). Before C2H, the detention population in New York City fell slightly more than the rest of the state (–21% compared with –20%). After the launch of C2H, the decline in the City’s detention populations outpaced that of the rest of the state (–22% versus –15%).

The available data suggest that New York’s Close to Home initiative succeeded in nearly eliminating placements of New York City youth in State non-secure facilities within the first year. The initiative also expanded the use of alternative placements and non-residential programs for youth who may have otherwise been placed in State facilities. Critics of the Close to Home reform once warned that making these changes could widen the net of justice intervention and even increase the use of placement and detention space at the local level, but these predictions did not materialize. It will take several more years before additional research will be able to assess whether Close to Home protected the public safety and accomplished other important goals related to treatment and behavior change among young offenders. In the first two years of the initiative, however, the effort was implemented as promised and it succeeded in meeting its stated goals without unanticipated negative consequences.



Conclusions

All of the officials and practitioners interviewed for this study believed the Close to Home initiative improved the youth justice system in New York. Most interviewees believed that Phase 2 would go even further and perhaps create a truly rehabilitative approach to youth justice. In everyone’s opinion, New York was moving in the right direction.

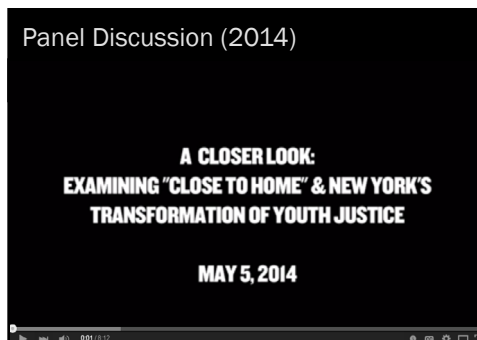
The first phase of Close to Home clearly helped those youth who were once held in the State’s remote, non-secure facilities. Beginning in 2012, those youth were being served in community-based programs closer to their own neighborhoods. Even those who were still in residential placements had more opportunities for family visits and they were able to maintain positive connections to their communities.

Close to Home also improved educational supports for justice-involved youth. School officials in New York City reported that the youth affected by C2H were taking and passing their Regents Exams at higher rates than before, and they were more often returning to their neighborhood schools following placement. According to one official: “they don’t leave the NYC [school] system when they get placed now, and this continuity is critical to helping them succeed when they get home.”

The stronger emphasis on contract oversight under Close to Home was also an improvement over the pre-C2H era. Providers told researchers that both ACS and OCFS played an active oversight role during the first phase of the C2H initiative. ACS and OCFS staff members were visiting facilities more often and were more familiar with program staff and clients.

As the City and State move into Phase 2 of C2H in 2015, a couple of key questions should be asked. Namely, what strategies were effective in advancing the C2H agenda, and what mistakes should be avoided? Several answers emerged during interviews for this report:

- Providers need time to prepare for new clients and new caseloads. The planning process for Close to Home should allow for reasonable start-up time, and the City and State should collaborate to support the costs of contractors during the start-up phase.
- More effort should be made to minimize the number of youth who are transferred from one setting to another in the midst of a residential stay. New placement facilities should grow with new admissions rather than transferring youth from old facilities.
- Building high-quality programs and placements is essential, but it is also important to build in controls over access to those programs and placements. Net-widening is an ever-present risk.
- The C2H initiative benefitted from the effective division of labor between City and State officials — i.e. the City assumed primary responsibility for managing and contracting for programs while the State provided oversight and regulatory review.
- Residential work in the youth justice system is difficult and challenging. Youth justice systems must recruit staff carefully and provide employees with ongoing training and professional development to ensure quality of care and to minimize turnover.
- While youth justice agencies should rely on evidence-based or evidence-informed service models whenever possible, such models do not exist for every youth and family factor that leads to crime and delinquency. Youth justice systems should include other interventions suggested by adolescent development science and preventive principles (e.g., job supports, educational mentoring, participation in the arts, sports and physical activity, and an array of other skill-based interventions).



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As a reform strategy, Close to Home is not yet complete. During interviews for this study, agency officials from both the City and the State agreed with advocates that more investments were needed in community-based, non-residential alternatives. They also agreed that placement decisions would require ongoing scrutiny — even after the launch of Phase 2.

The officials most involved in C2H were clear that recent reforms were not simply about moving placements and programs from one agency to another. Transferring placements from OCFS to ACS would accomplish nothing unless the quality of youth justice improved. As Commissioner Gladys Carrión stated in 2014: “Either one of us [ACS or OCFS] is quite capable of running a really poor system. It’s not about who runs it.”

Close to Home was also not a privatization initiative. If the principal outcome of C2H was simply that private agencies began to play a larger role in youth justice, the initiative should not be considered a success.

Finally, while the officials interviewed for this study sometimes differed about the importance of budgetary concerns in the long-term, none believed the success of C2H should be judged simply in terms of short-term costs. In their view, the goal of Close to Home was to build a more effective youth justice system that provides high-quality services for youth and families in order to ensure safer communities.

Perhaps in a few years, as more outcome data become available, New Yorkers will learn that the Close to Home initiative brought real and lasting benefits to justice-involved and their communities. As of now, however, while nobody is ready to call the initiative a complete success, the general consensus is that Close to Home is a promising reform that has already improved the quality of youth justice in New York City and New York State.

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